



# CITY OF KIRKLAND

## CITY COUNCIL

Penny Sweet, Mayor • Jay Arnold, Deputy Mayor • Neal Black • Kelli Curtis  
Amy Falcone • Toby Nixon • Jon Pascal • Kurt Triplett, City Manager

### *Vision Statement*

*Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.*

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## AGENDA

### KIRKLAND CITY COUNCIL MEETING

#### City Council Chamber

#### Tuesday, March 16, 2021

#### 5:30 p.m. – Study Session

#### 7:30 p.m. – Regular Meeting

COUNCIL AGENDA materials are available on the City of Kirkland website [www.kirklandwa.gov](http://www.kirklandwa.gov). Information regarding specific agenda topics may also be obtained from the City Clerk's Office on the Friday preceding the Council meeting. You are encouraged to call the City Clerk's Office (425-587-3190) or the City Manager's Office (425-587-3001) if you have any questions concerning City Council meetings, City services, or other municipal matters. The City of Kirkland strives to accommodate people with disabilities. Please contact the City Clerk's Office at 425-587-3190. If you should experience difficulty hearing the proceedings, please bring this to the attention of the Council by raising your hand.

**PLEASE CALL 48 HOURS IN ADVANCE** (425-587-3190) if you require this content in an alternate format or if you need a sign language interpreter in attendance at this meeting.

**EXECUTIVE SESSIONS** may be held by the City Council only for the purposes specified in RCW 42.30.110. These include buying and selling real property, certain personnel issues, and litigation. The Council is permitted by law to have a closed meeting to discuss labor negotiations, including strategy discussions.

**ITEMS FROM THE AUDIENCE** provides an opportunity for members of the public to address the Council on any subject which is not of a quasi-judicial nature or scheduled for a public hearing. (Items which may not be addressed under Items from the Audience are indicated by an asterisk\*.) The Council will receive comments on other issues, whether the matter is otherwise on the agenda for the same meeting or not. Speaker's remarks will be limited to three minutes apiece. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council.

**PUBLIC HEARINGS** are held to receive public comment on important matters before the Council. You are welcome to offer your comments after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment and the Council proceeds with its deliberation and decision making.

#### 1. CALL TO ORDER

#### 2. ROLL CALL

#### 3. STUDY SESSION

- a. Sound Transit Capital Program Realignment and I-405 Stride Bus Rapid Transit

#### 4. EXECUTIVE SESSION

- a. To Discuss Potential Litigation

#### 5. HONORS AND PROCLAMATIONS

- a. Women's History Month Proclamation
- b. National Safe Place Week Proclamation

#### 6. COMMUNICATIONS

- a. Announcements
- b. Items from the Audience
- c. Petitions

#### 7. PUBLIC HEARINGS

*8. SPECIAL PRESENTATIONS*

- a. COVID-19 Update
  - (1) Virtual Service Center Update
- b. Resolution R-5434 Update

*9. CONSENT CALENDAR*

- a. *Approval of Minutes*
  - (1) March 2, 2021
- b. *Audit of Accounts*
- c. *General Correspondence*
- d. *Claims*
- e. *Award of Bids*
  - (1) NE 120<sup>th</sup> Street Water Quality Treatment Project
- f. *Acceptance of Public Improvements and Establishing Lien Period*
- g. *Approval of Agreements*
- h. *Other Items of Business*
  - (1) Resolution R-5470, Approving Amendments to the City of Kirkland City Council Policies and Procedures Including Council Goals and Authorizing the City Manager to Extend Expiring City Advisory Board and Commission Member Terms Through May 2021
  - (2) Declaration of Surplus Vehicles and Equipment
  - (3) January 2021 Financial Dashboard
  - (4) Procurement Report

**\*QUASI-JUDICIAL MATTERS** Public comments are not taken on quasi-judicial matters, where the Council acts in the role of judges. The Council is legally required to decide the issue based solely upon information contained in the public record and obtained at special public hearings before the Council. The public record for quasi-judicial matters is developed from testimony at earlier public hearings held before a Hearing Examiner, the Houghton Community Council, or a city board or commission, as well as from written correspondence submitted within certain legal time frames. There are special guidelines for these public hearings and written submittals.

**RESOLUTIONS** are adopted to express the policy of the Council, or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

**ORDINANCES** are legislative acts or local laws. They are the most permanent and binding form of Council action, and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after the ordinance is published in the City's official newspaper.

*10. BUSINESS*

- a. Interlocal Agreement with the City of Redmond Regarding the Proctor Willows Private Development
  - (1) Resolution R-5471, Approving an Interlocal Agreement with the City of Redmond to Authorize an Intertie Between the Cities' Service Areas at the



NE 124<sup>th</sup> Street and Willows Road NE Intersection, and Authorizing the City Manager to Execute Said Agreement on Behalf of the City of Kirkland

- b. 2021 State Legislative Update #5
- c. Fire Proposition 1 Implementation Plan
  - (1) Resolution R-5469, Approving the Fire and Emergency Medical Services Proposition 1 Implementation Plan to Improve Fire and Emergency Medical Services Response Times and Enhance Firefighter Health and Safety as Outlined in Ordinance O-4731
- d. Bond Ordinance Authorizing General Obligation Debt: Fire and Transportation Capital Projects
  - (1) Ordinance O-4753, Authorizing the Issuance of One or More Series of Limited Tax General Obligation Bonds in the Aggregate Principal Amount of Not to Exceed \$42,500,000 for the Purpose of Financing the Costs Related to Acquiring, Constructing, Improving, Equipping and/or Renovating City Transportation Projects and City Fire and Public Safety Facilities and Paying Costs of Issuing the Bonds; Delegating Certain Authority to Approve the Method of Sale and Final Terms of the Bonds; and Authorizing Other Related Matters
- e. 2021-2022 Budget Adjustments: Fire & EMS Proposition 1 Levy, Debt Issuance, and Operating Carryovers
  - (1) Ordinance O-4755, Amending the Biennial Budget for 2021-2022
- f. 124<sup>th</sup> Avenue NE Roadway Improvements – Authorize Condemnation
  - (1) Ordinance O-4754, Authorizing and Proving for the Acquisition of Interests in Land for the Purpose of Construction of the 124<sup>th</sup> Avenue NE Roadway Improvements Project Within the City of Kirkland; Providing for Condemnation and Taking of Temporary and Permanent Interests in Land and Real Property Rights Necessary Therefor; Providing for the Cost of Property Acquisition; Authorizing the Initiation of Appropriate Proceedings in the Manner Provided by Law for Said Condemnation
- g. Setting 2021-2022 City Council Goals and Adopting City Work Program
  - (1) Resolution R-5462, Setting Priority Goals for 2021-2022 and Adopting the City Work Program

*11. REPORTS*

- a. *City Council Regional and Committee Reports*

b. *City Manager Reports*

- (1) Legislative Requests Memoranda
- (2) Alaska Suites Livestream Concerts Funding Request
- (3) Calendar Update

*12. ITEMS FROM THE AUDIENCE*

*13. ADJOURNMENT*

**ITEMS FROM THE AUDIENCE**

Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject, however, speakers who have not yet addressed the Council will be given priority. All other limitations as to time, number of speakers, quasi-judicial matters, and public hearings discussed above shall apply.

**CITY OF KIRKLAND****Public Works Department****123 Fifth Avenue, Kirkland, WA 98033 425.587.3800****[www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Joel Pfundt, Transportation Manager  
Julie Underwood, Director of Public Works

**Date:** March 4, 2021

**Subject:** SOUND TRANSIT CAPITAL PROGRAM REALIGNMENT AND I-405 STRIDE BUS RAPID TRANSIT

**RECOMMENDATION:**

Staff recommends that the City Council receive an update from Sound Transit and the Washington State Department of Transportation (WSDOT) regarding the Sound Transit capital projects realignment process, I-405 Stride Bus Rapid Transit (BRT), and NE 85<sup>th</sup> Street Interchange and In-line Station. The study session will need to conclude by 6:30 p.m. to allow the Council to go into executive session on an unrelated topic.

**BACKGROUND DISCUSSION:**

The Council has been briefed on the I-405 Bus Rapid Transit project in the past. The most recent update concerning I-405-related projects—including I-405 Stride BRT—was provided by City staff at a study session on June 2, 2020. Prior to that, staff from both Sound Transit and WSDOT provided a presentation to City Council on I-405 Stride BRT and the I-405/NE 85<sup>th</sup> St Interchange and In-line Station at a study session on July 16, 2019.

On March 16, Sound Transit and WSDOT staff will speak to two separate but related topics.

**Capital Program Realignment**

During the first part of this study session item, Sound Transit staff will provide an update on the [capital program realignment process](#). The realignment process was initiated by the Sound Transit Board of Directors in the spring of 2020 as the potential revenue impacts to Sound Transit's capital program that stemmed from the COVID-19 pandemic began to become clearer. Then, in early 2021 Sound Transit staff provided additional information to the Sound Transit Board of Directors that the capital program was experiencing significant cost estimate increases for light rail projects that were in early planning and design.

Sound Transit staff will provide information on these two challenges, which are compounding each other and impacting Sound Transit's ability to deliver the capital program consistent with established project schedules. They also will discuss the impacts this process may have on Sound Transit

projects in Kirkland and the steps that the Sound Transit Board will take in the coming months to determine a path forward with realignment by the summer of 2021.

**I-405 Stride Bus Rapid Transit**

With the remaining time available during the study session, Sound Transit and WSDOT staff will provide an update on the [I-405 Stride BRT](#) “north” project, which will have stations in the cities of Lynnwood, Bothell, Kirkland, and Bellevue. Sound Transit and WSDOT staff will describe how the travel time improvements anticipated with the implementation of the BRT project are closely tied to WSDOT’s [I-405, SR 522 Vicinity to SR 527 Express Toll Lanes Improvement Project](#) that also is in design.

WSDOT and Sound Transit’s presentation will include a summary of the design and operation of the I-405/NE 85<sup>th</sup> Street Interchange and In-line BRT Station. This aspect of the presentation is intended to help the Council have a better understanding of how this project relates to the ongoing development of the NE 85<sup>th</sup> Street Station Area Plan.

I-405 Stride BRT, including the I-405/NE 85<sup>th</sup> Street Interchange and In-line BRT Station, currently is scheduled to begin operation in 2025. That target depends upon decisions by the Sound Transit Board of Directors related to the capital projects realignment process and the Legislature’s decisions regarding funding for the I-405, SR 522 Vicinity to SR 527 Express Toll Lanes Improvement Project.

**Attach A - Sound Transit Realignment and I-405 Bus Rapid Transit PowerPoint Presentation**

Attachment A

# ***Sound Transit and WSDOT: ST Realignment, I-405 BRT & NE 85th***

*Kirkland City Council  
3/16/21*



## ***Today's Presenters***

***Matt Sheldon***

***Sound Transit- Deputy Executive Director, PEPD***

***Paul Cornish***

***Sound Transit- Bus Rapid Transit Program Director***

***Lisa Hodgson, P.E., DBIA***

***WSDOT- I-405/SR 167 Program Administrator***

## ***What we'll cover today***

- COVID-19 impacts on construction, ST ridership and service.
- Preview new service opening between 2021-2024.
- Discuss recession's impact on revenues and project costs
- Outline the 2021 realignment process to adjust project plans and schedules.
- I-405 BRT Project Update and NE 85<sup>th</sup> Design

# ***Covid-19 Response***



# *Powering progress*



## *Powering Progress*

- All construction currently continues at full speed, with strict worker safety protocols.
- 28 light rail stations under construction throughout the region, opening in stages between 2021– 2024.



*Test trains at U District Station*

# *Currently under construction*

## *Light rail extensions*

- **Northgate** (3 stations, opening **this year**).
- **Hilltop Tacoma** (6 stations, 2022).
- **East Link** (10 stations, 2023).
- **Lynnwood** (4 stations, 2024).
- **Federal Way** (3 stations, 2024).
- **Downtown Redmond** (2 stations, 2024).

## *Other*

- **Operations & Maintenance Facility East** (2021).
- **Puyallup Station garage** (2022).



# *Ridership changes & service levels*





## ***Ridership & service changes***

- Ridership down 70-80%, particularly on commuter-heavy routes.
- Ridership and service levels are mostly stable, but operator shortages a continuing problem.
- Some express bus routes suspended until more workers return to offices.
- ST operating the longest trains possible to promote social distancing.



## *Current service levels*

- **Link** – Service every 12 minutes during weekday peak hours, 15 minutes off-peak and weekends, 30 minutes late night.
- **Sounder** – 9 Sounder South roundtrips, 2 Sounder North roundtrips.
- **Tacoma Link** – full service.
- **ST Express** – some routes running full service, some routes reduced or suspended.

# *Keeping riders safe*

## *Action Plan*

- Masks required, and compliance is high (90+%).
- Increased frequency and depth of cleaning onboard vehicles.
- Ramping up mask distribution.
- Increased passenger communications on safety and ridership.
- Increasing airflow and filtration to keep air fresh and clean.

# *Realigning expansion plans*





## ***Financial changes***

***Current 25-year capital program runs 2016-2041***

- **Lower Revenue:** Lower fare collection and sales, motor vehicle excise, and rental car taxes due to recession.
- **Higher Costs:** Construction costs remain at record levels due to continued growth in property values and hot construction market.

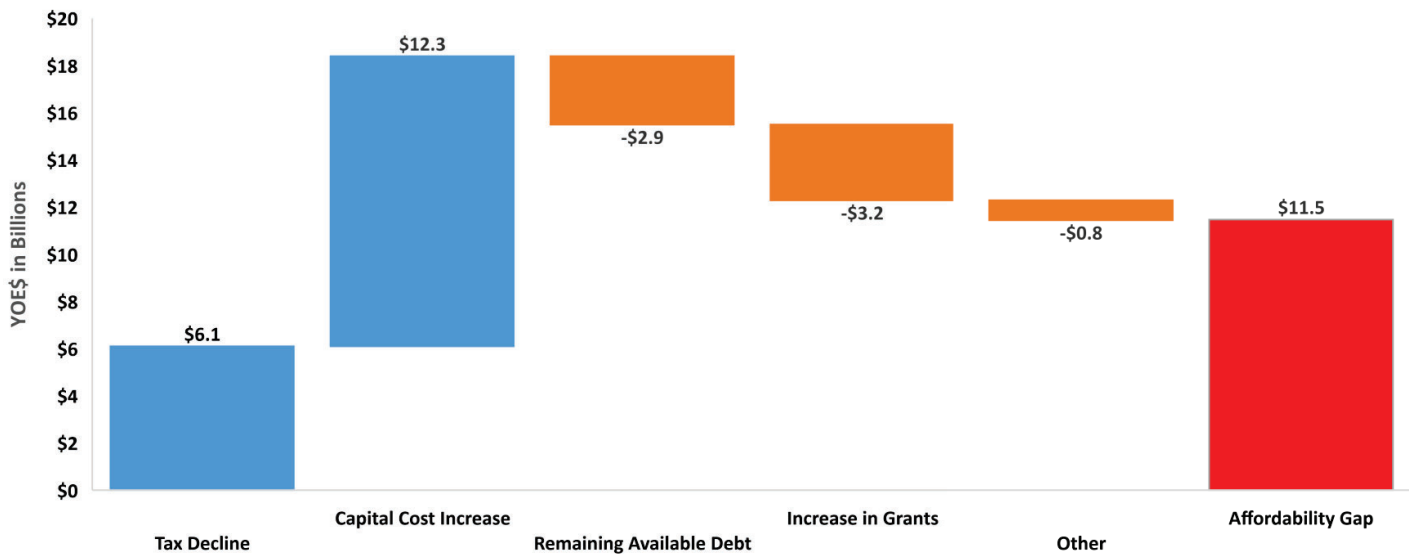
# ***Financial changes through 2041***

***Current 25-year capital program runs 2016-2041***

- **Revenue:** \$6.1 billion lower.
- **Costs:** \$12.3 billion higher. in estimate cost increases.
- **Offsets:** \$6.9 billion in new debt, higher grants and other revenue.
- **Overall:** \$11.5 billion affordability gap.

## Major update in plan assumptions

Fall 2019 vs Jan 2021  
Change 2017-2041  
(In Billions)



## ***Realignment tools available to Sound Transit***

- **Cutting costs** through reduced project scope, suspending or canceling projects, etc.
- **Raising new revenues** through issuing higher debt or seeking additional state or federal funding.
- **Delaying or phasing projects** to spread costs over time and keep total agency debt within current legal limits.

## ***Board criteria for re-evaluating projects***

| <b>Criterion</b>                                | <b>Concept</b>   |
|---|--|
| <b>Ridership potential</b>                      | How many daily riders is the project projected to serve?   |
| <b>Socio-economic equity</b>                    | How well does the project expand mobility for transit-dependent, low-income, and/or diverse populations? |
| <b>Connecting centers</b>                       | Does the project connect designated regional centers?  |
| <b>Tenure</b>                                   | How long have voters been waiting for the project?   |
| <b>Outside funding</b>                          | Are other funding sources available, secured or at risk?   |
| <b>Completing the spine</b>                     | Does the project advance development of the regional HCT spine?  |
| <b>Advancing logically beyond the spine</b>     | Is the project a 'logical next step' beyond the spine and within financial capacity?                     |
| <b>Phasing compatibility (constructability)</b> | Can the project be constructed and opened for service in increments?                                     |

## ***Next steps***

### ***Anticipated realignment work through July 2021***

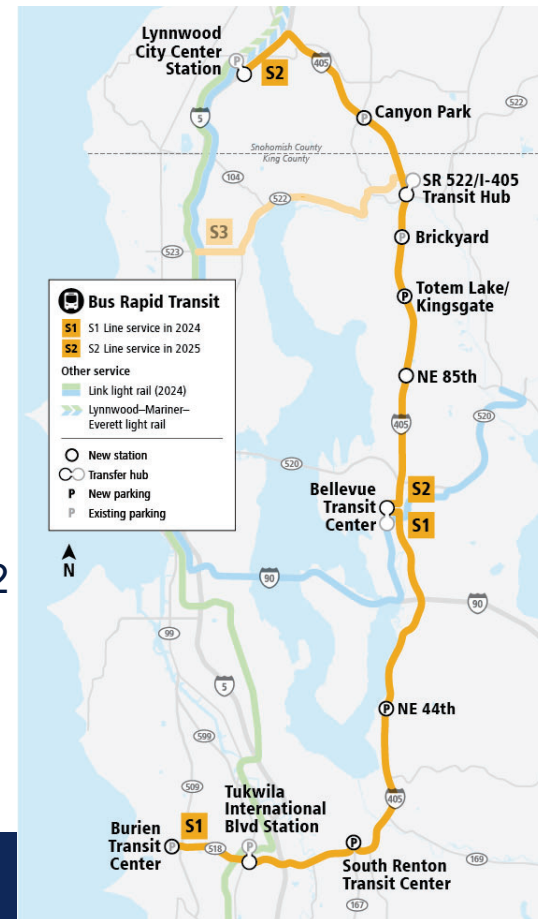
|       |   |
|-------|---|
| March | Define approaches for public engagement.              |
| April | Seek public feedback and discuss cost review results. |
| May   | Discuss public feedback and Board priorities.         |
| June  | Develop realignment plan(s).                          |
| July  | Adopt realignment plan(s).                            |

# ***I-405 Bus Rapid Transit***

# I-405 BRT Project

## Project Overview: Lynnwood to Burien

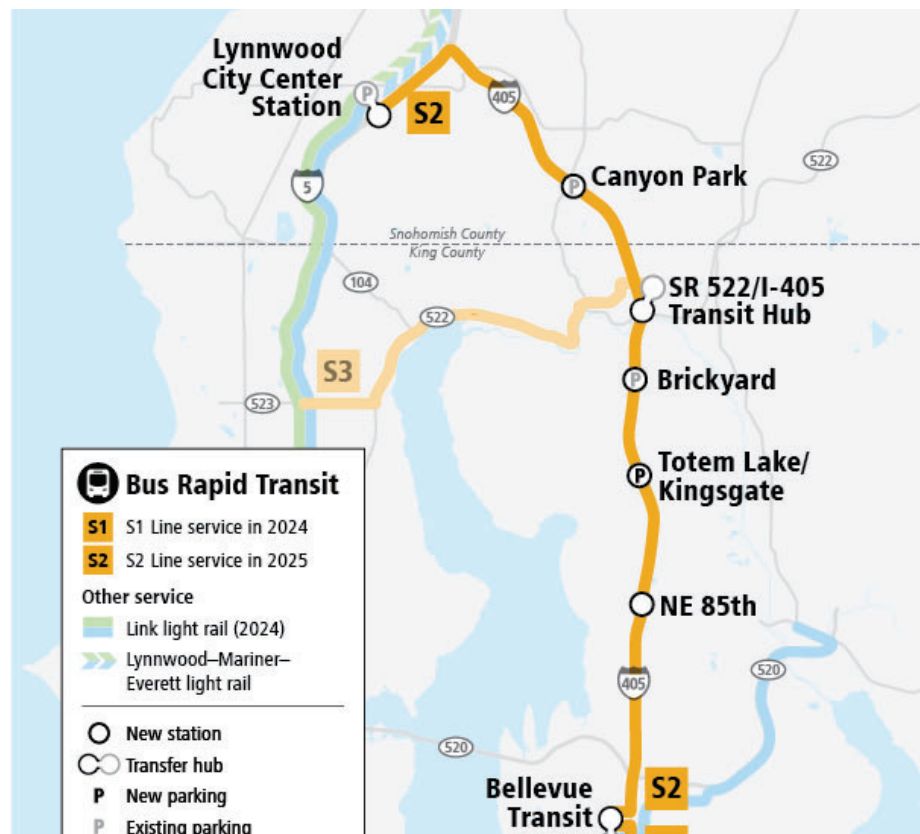
- 37-mile corridor
- 11 BRT stations across 8 cities
- Three new/expanded parking facilities
- One transit center
- Connections to Link light rail in Lynnwood, Bellevue and Tukwila
- Estimated 19,100 – 26,000 riders daily by 2042
- Two distinct lines:
  - South, Burien to Bellevue (S1)
  - North, Bellevue to Lynnwood (S2)





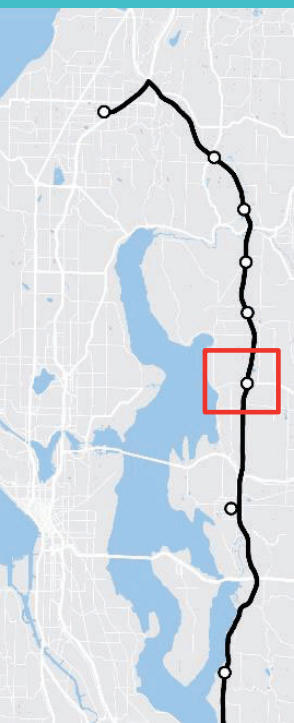
## Stride North Line: S2 Changes from Phase 1:

- In north end WSDOT ETLs
- Canyon Park, Transit Hub, and Brickyard inline
- S3 transfer: UW Bothell/ Cascadia College



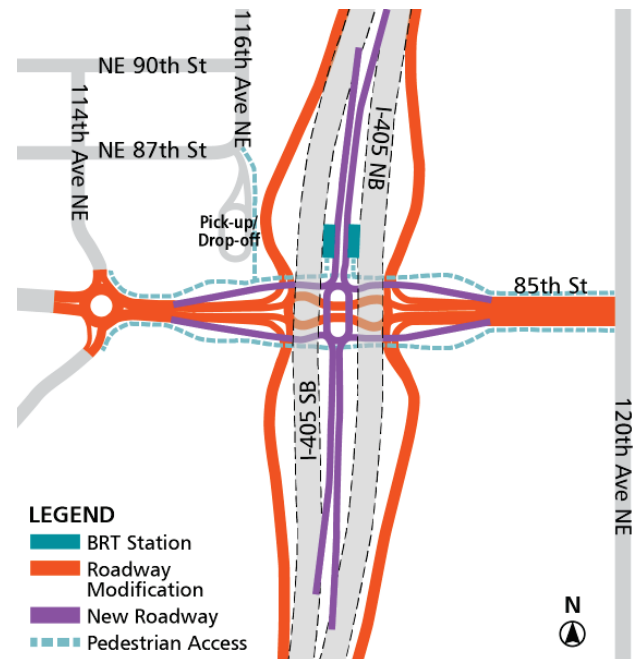


## BRT STATION



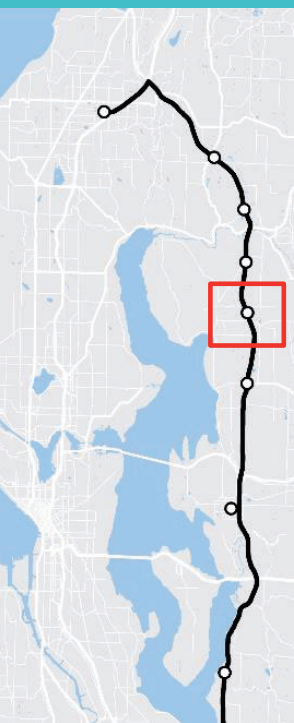
## NE 85th Street

- WSDOT and Sound Transit are partnering to build the station.
- WSDOT will build new direct access ramps from I-405 express toll lanes to support BRT service.
- Local bus stops will be located on the same level as BRT stops for easy transfers.





## BRT STATION



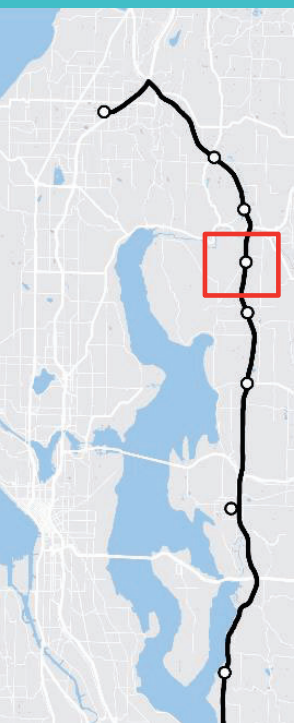
# Totem Lake/Kingsgate

- Located at existing Totem lake freeway station.
- New parking garage that will add a net 400 parking stalls at the nearby Kingsgate Park and Ride.
- Partnership between ST, WSDOT & Kirkland



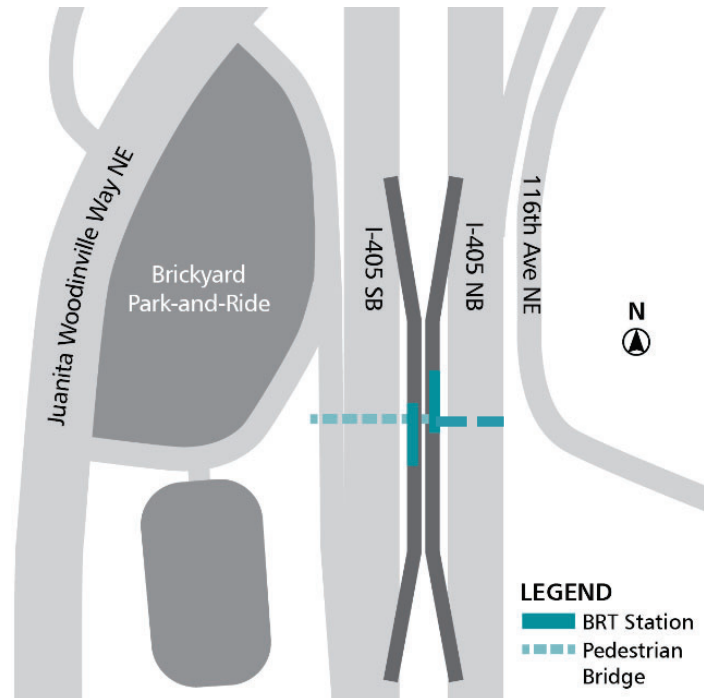


## BRT STATION



## *Brickyard In-Line*

- Will serve existing Brickyard Park and Ride.
- Inline BRT station connected to the park-and-ride by a pedestrian bridge.



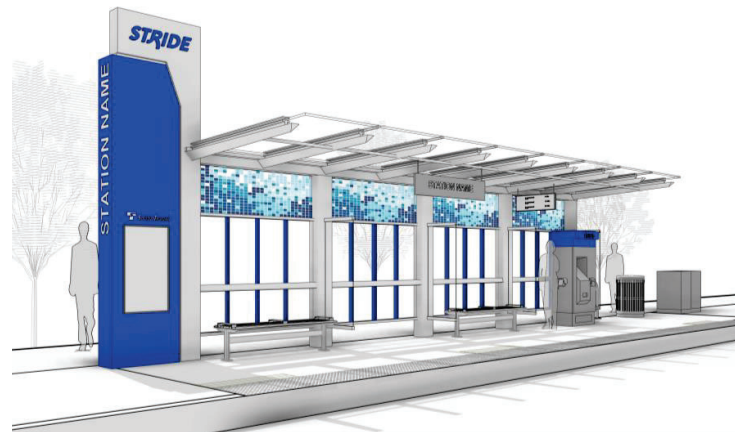
## I-405 Bus Rapid Transit

*In millions, 2019\$*

|                    | ST3     | 2019    | 2020    | Vs. 2019 |
|--------------------|---------|---------|---------|----------|
| • <b>I-405 BRT</b> | \$1,037 | \$1,088 | \$1,016 | -7%      |

### What has changed since 2019?

- Little has changed and project costs have held steady around \$1 billion.
- BRT benefits from use of existing and planned WSDOT infrastructure.
- Partnership opportunities with WSDOT at multiple station locations.



## BRT bus base

*In millions, 2019\$*

|                | ST3   | 2019  | 2020  | Vs. 2019 |
|----------------|-------|-------|-------|----------|
| • BRT bus base | \$191 | \$208 | \$238 | +14%     |

### What has changed since 2019?

- Increase due to accommodating 40 additional buses for either potential ST Express needs or future BRT growth.
- Higher property costs.





## I-405/SR 167 Corridor Program System Benefits

Delivering multimodal corridor vision built on partnership support.

- Reliable 50+ mile north/south alternative to I-5; STRAHNET – Strategic Highway Network.
- Toll revenue reinvested back into the corridor to connect urban centers, employment, and transportation nodes.
- Sound Transit BRT service connects to Regional Growth Centers and runs on ETL system.
- Dual ETLs improve speed and reliability across all lanes and move more people, more efficiently through the system.
- Opportunity to address critical fish barriers and environmental enhancements and repair infrastructure through capital improvements.

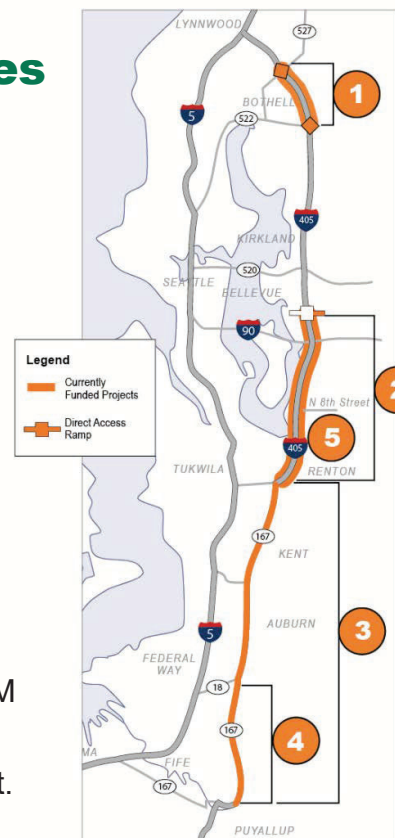
***It's not a matter of IF we deliver the system benefits, but WHEN.***



## Projects funded through bonded toll revenues 2019 ESSB 5825 (\$1.16B)

- 1 I-405, SR 522 to SR 527 Express Toll Lanes Improvement Project**  
(design and construction) - \$600M
- 2 I-405 Renton to Bellevue Widening and Express Toll Lanes Project**  
(completion) - \$215M *(Includes NE 6<sup>th</sup> Extension & I-405, Coal Creek Improvements)*
- 3 SR 167 Master Plan Update** - \$3M
- 4 SR 167 Express Toll Lanes Extension to SR 410 and SR 512** (construction) - \$100M
- 5 I-405/North 8th Street Direct Access Ramp Project in Renton** (design) - \$20M

The state has not yet bonded any toll revenue from the express toll lane account.

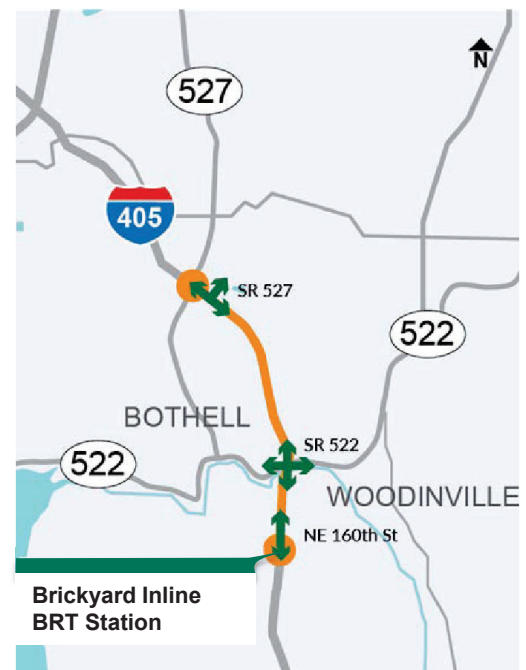




## I-405, SR 522 Vicinity to SR 527 ETL Improvement Project

### Project overview

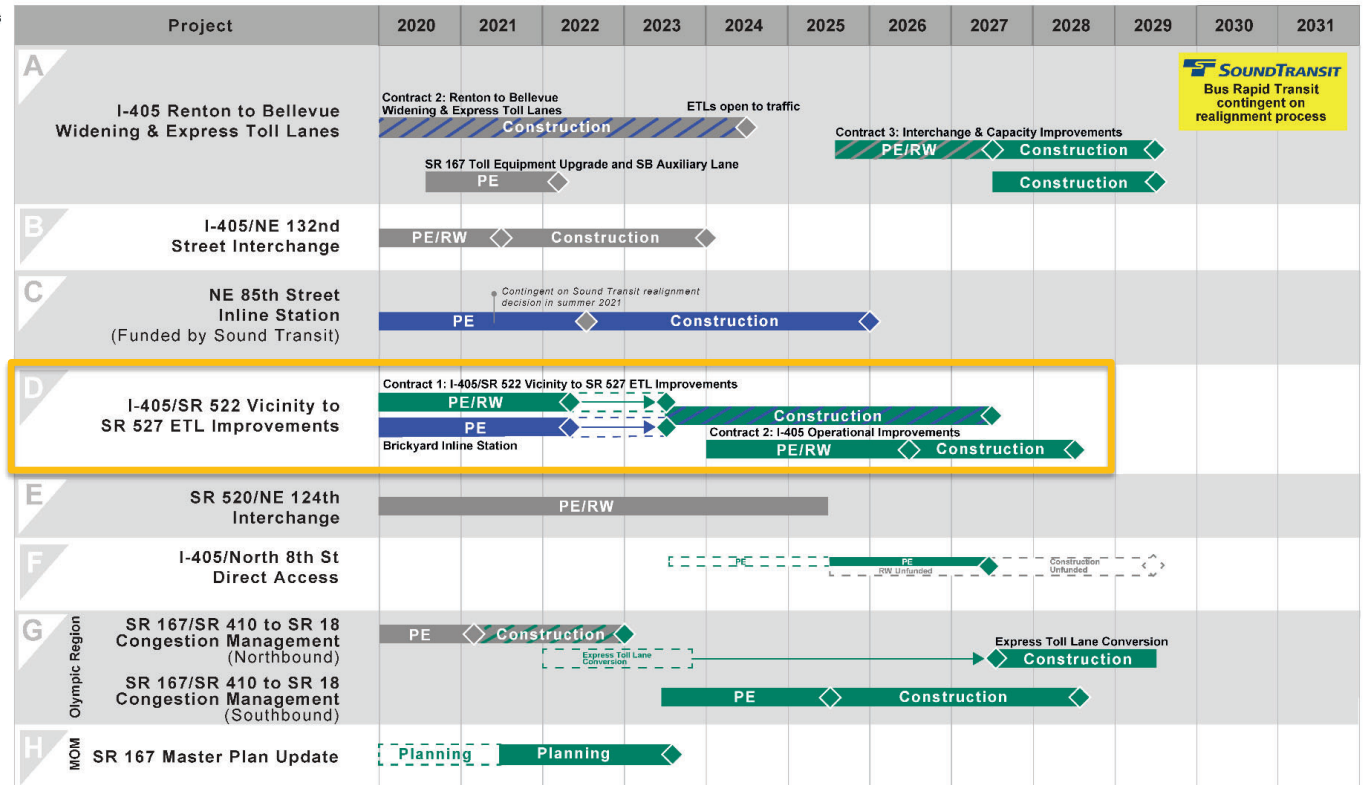
- Extends dual ETLs from SR 522 to SR 527.
- Builds direct access ramps with inline stations at SR 522 and SR 527.
- Connections to urban growth centers and transit nodes.
- Trail, ped and bike improvements.
- Addresses system preservation and resiliency.
- Environmental decision document expected in early 2021 to keep project moving towards construction readiness.



**WSDOT I-405/SR 167 Megaprogram Delivery Schedule: Governor's Proposed Budget**
**DRAFT** Winter 2021

**Funding Sources**

- CWA
- Toll Revenue
- Sound Transit


**SOUNDTRANSIT**  
 Bus Rapid Transit  
 contingent on  
 realignment process

## I-405/NE 132nd Street Interchange Project



### Project overview

- Builds a new half-diamond interchange.
- Replaces signals with roundabouts optimizing movement and reducing long-term maintenance.
- Adds ped/bike infrastructure through the interchange.
- Provides access to Totem Lake urban growth center, Evergreen Hospital and Kingsgate Park-and-Ride.
- Corrects fish barrier creating over 3000 feet of upstream habitat gain.
- Improves water quality and addresses seismic retrofit.

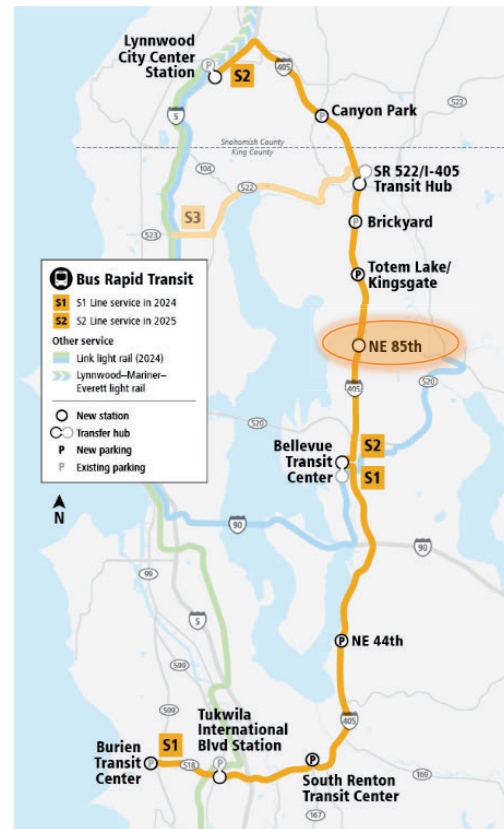
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# I-405/NE 85th Street Interchange and Inline BRT Station Project

# I-405/NE 85th Street Interchange and Inline BRT Station Project

## Project Description

- Constructs a three-level interchange with BRT station, direct access ramps, and local improvements.
- Builds an inline station to serve Sound Transit's BRT, and rebuilds local bus stops.
- Builds direct access ramps to the I-405 Express Toll Lanes (ETLs).
- Builds pedestrian and bike connections.
- Design-build project.

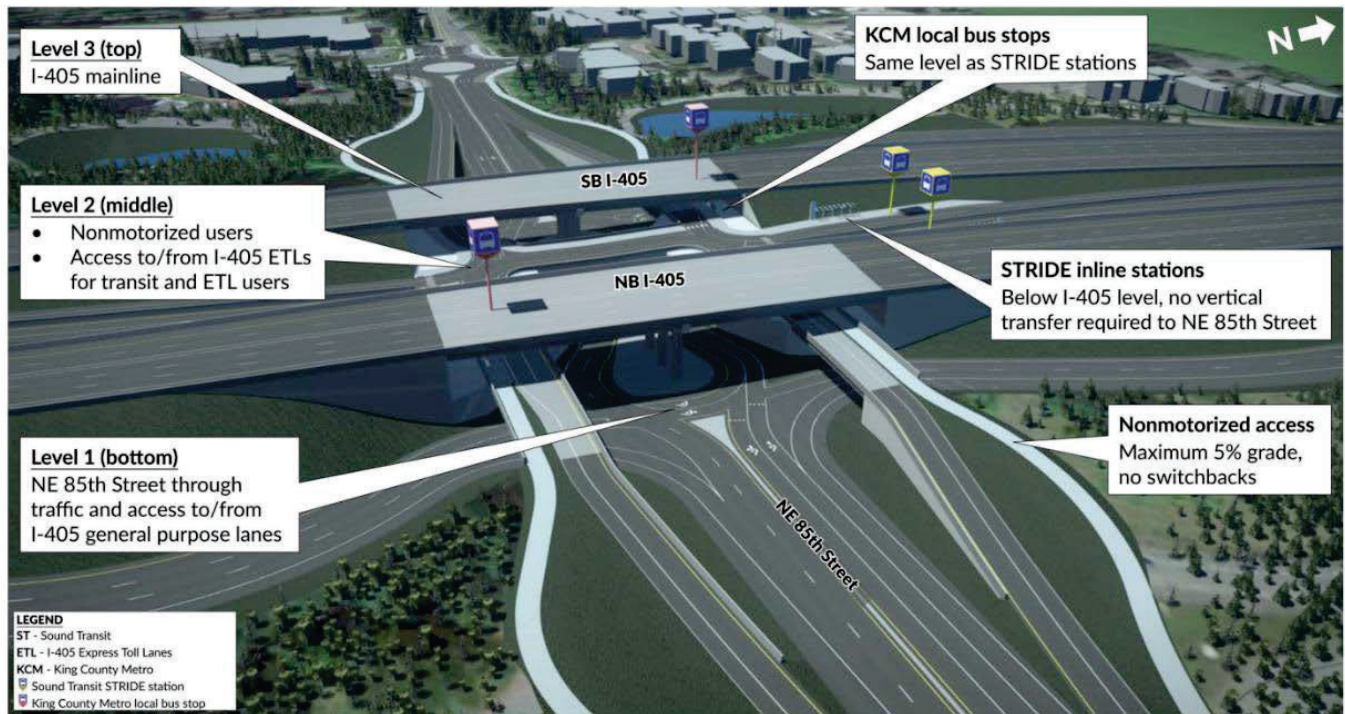




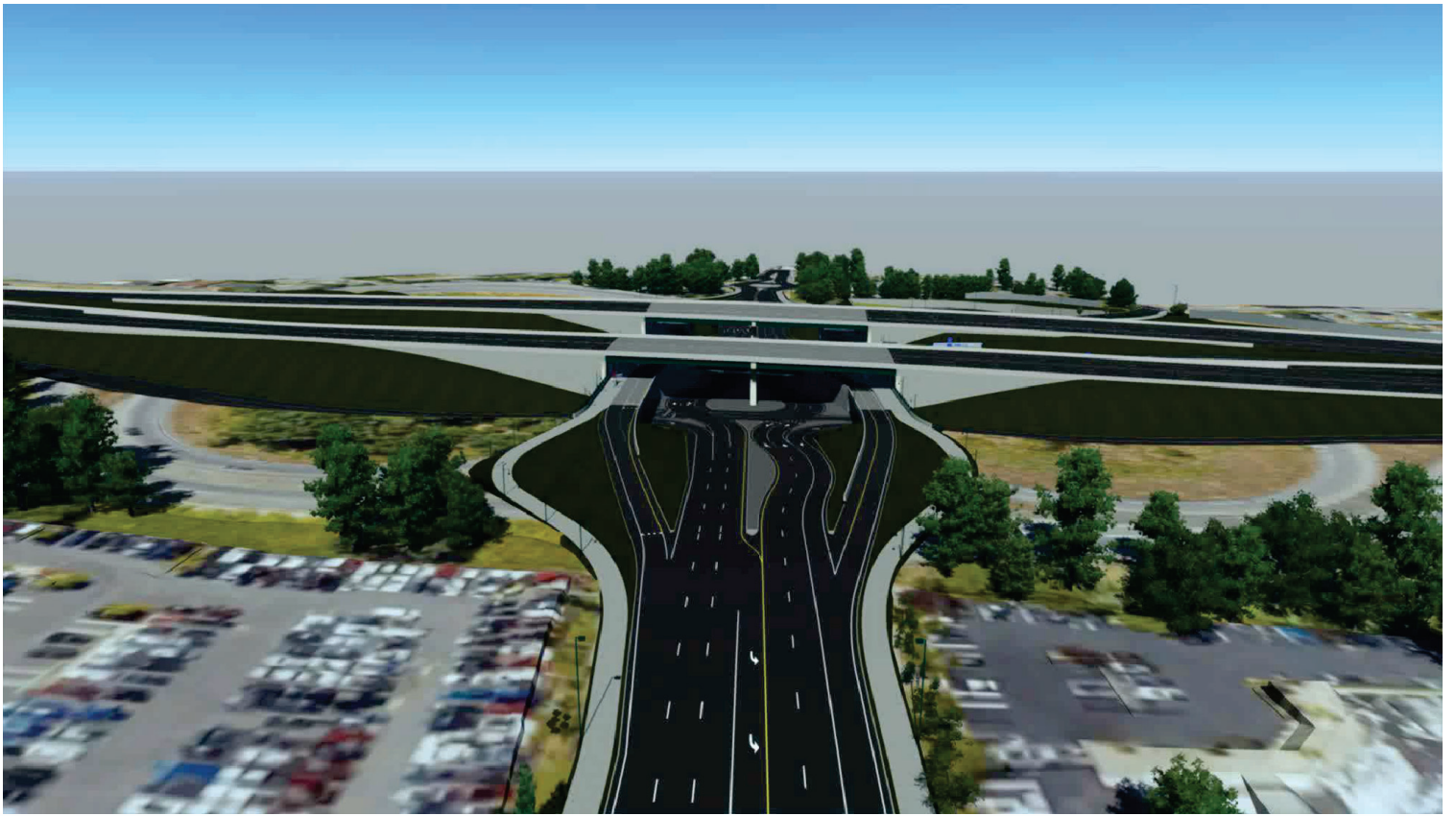
## Existing conditions: NE 85th Street vicinity



## Future interchange and station design









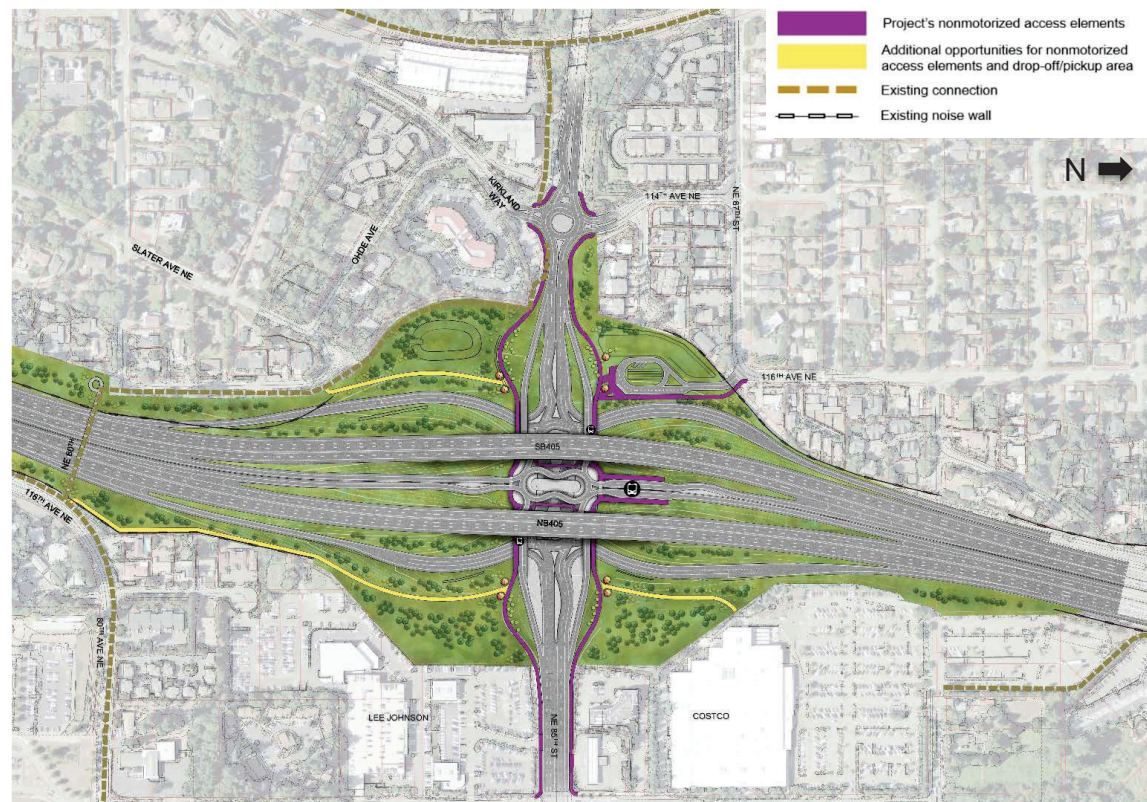
# Current Design

## Funded elements:

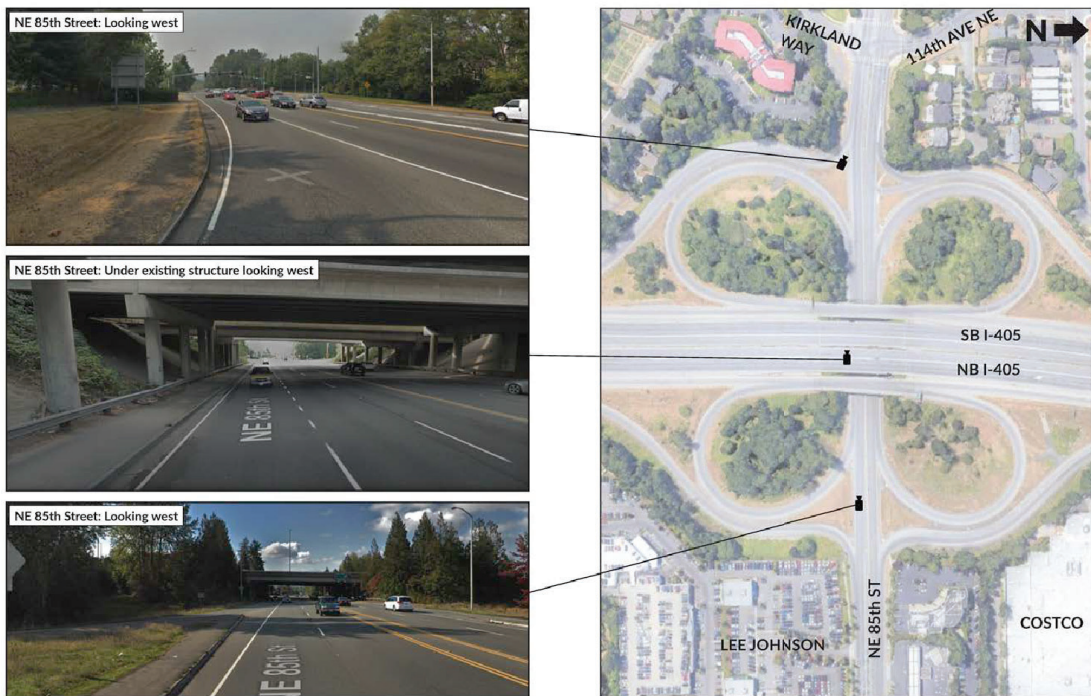
- Multimodal facility
- Three-level interchange
- BRT station/Local bus stops
- Direct access ramps
- Local improvements
  - Arterial
  - Ped/bike connections
  - 1 quadrant connection (NW)
  - 1 pickup/drop-off facility

## Unfunded elements:

- 3 quadrant connections

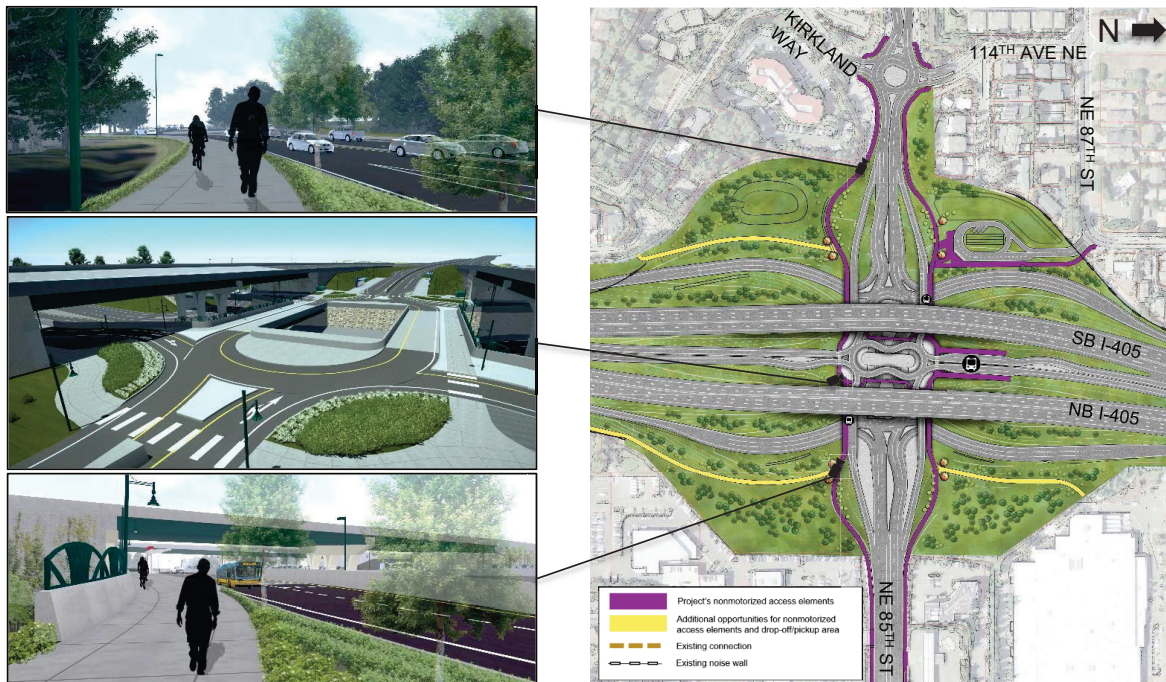


## Existing infrastructure



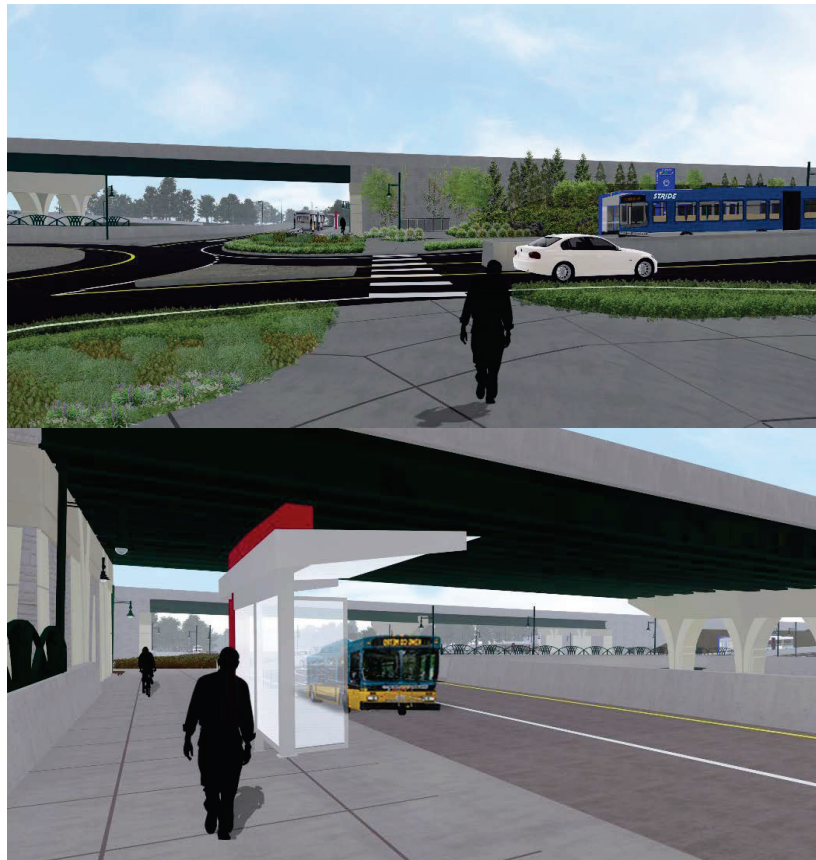
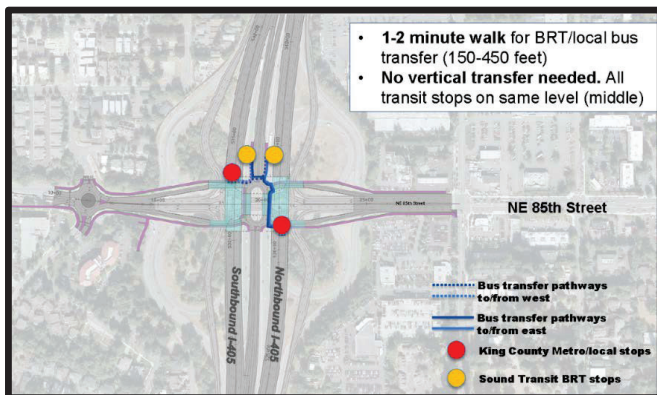


# Future non-motorized access connections

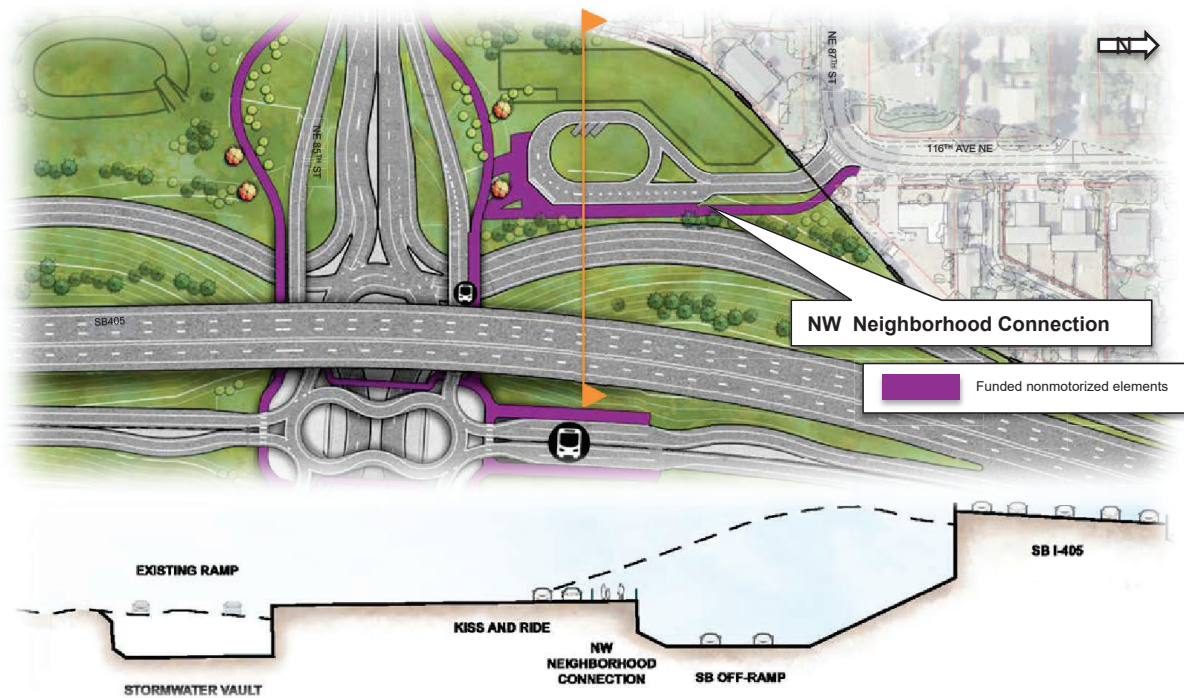


# Transit connections

- Both I-405 BRT STRIDE and local King County Metro (KCM) bus stops on same level.
- Convenient transfer environment with no vertical transfer to or from NE 85th Street.



## Northwest neighborhood connection





# Northwest quadrant



*Existing*

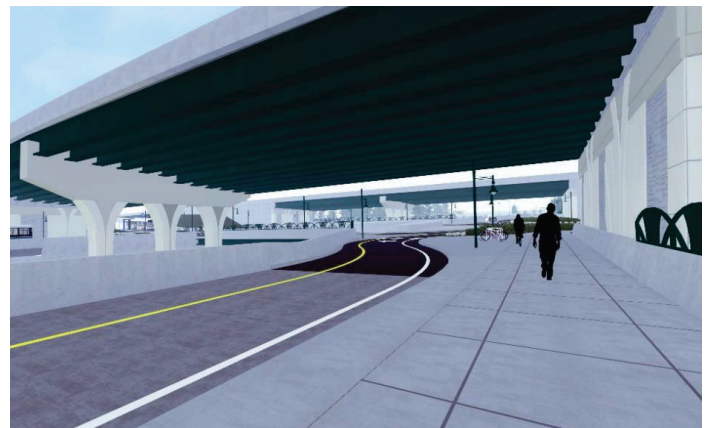


*Proposed*

# Southwest quadrant



*Existing*

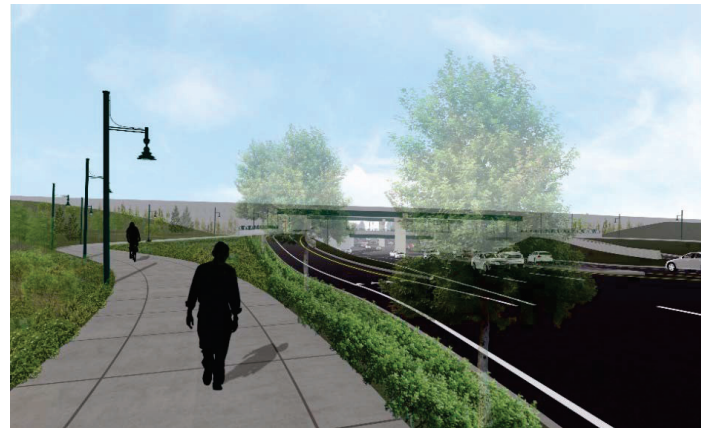


*Proposed*

# Southeast quadrant



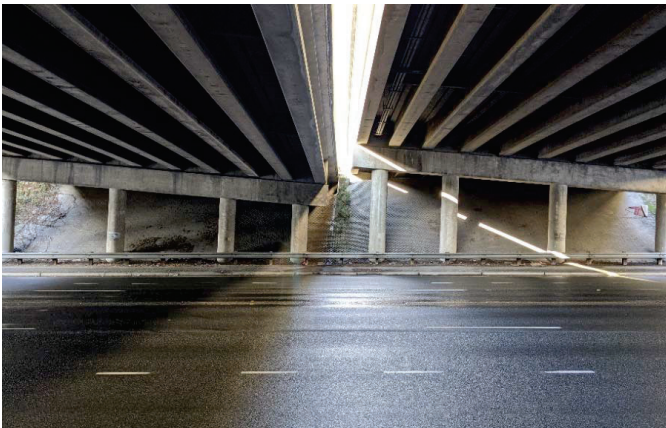
*Existing*



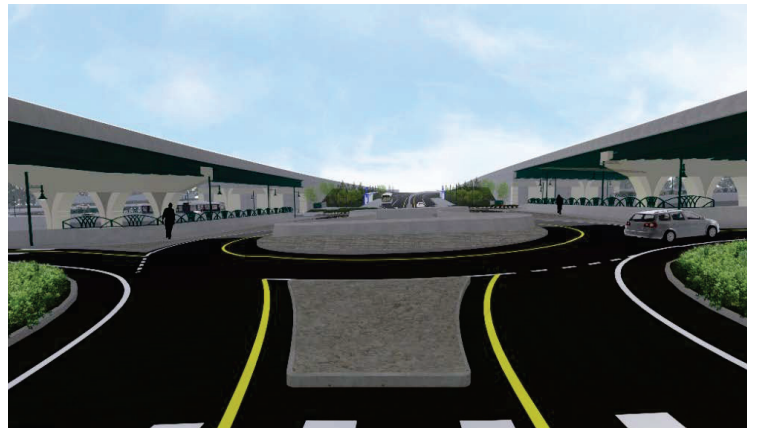
*Proposed*



# Under bridge

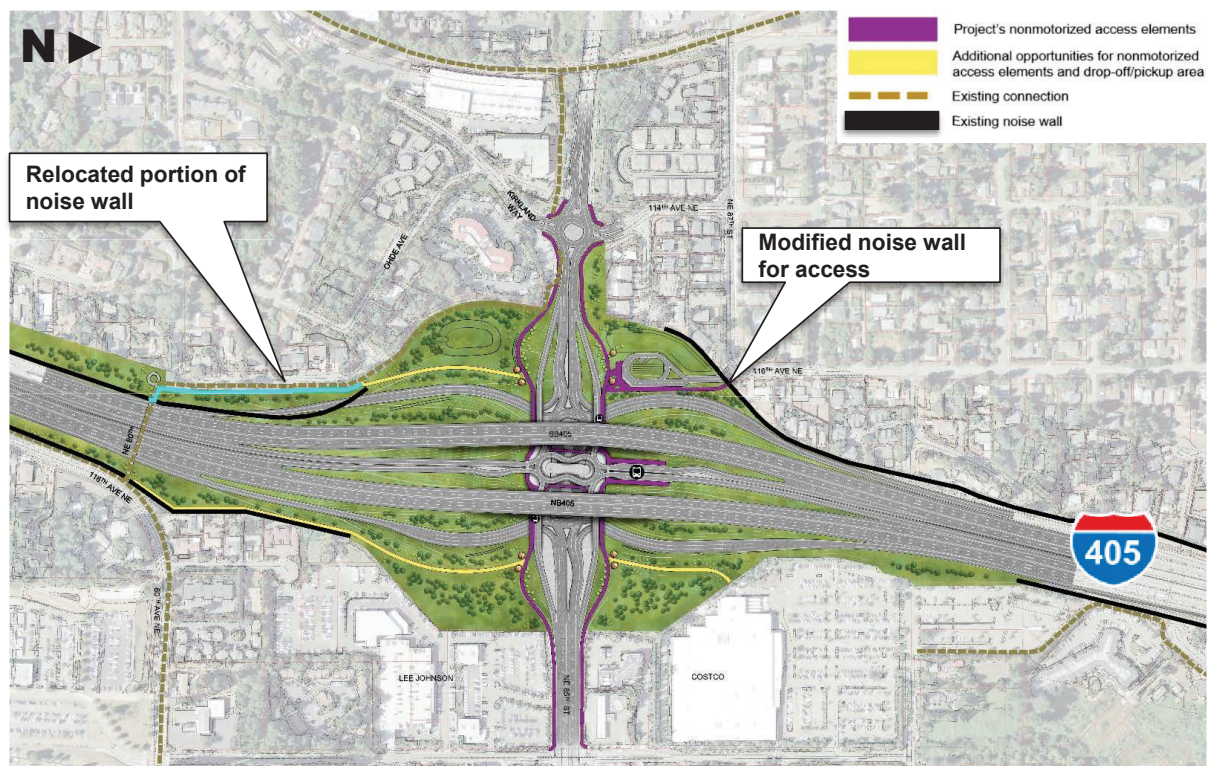


*Existing*



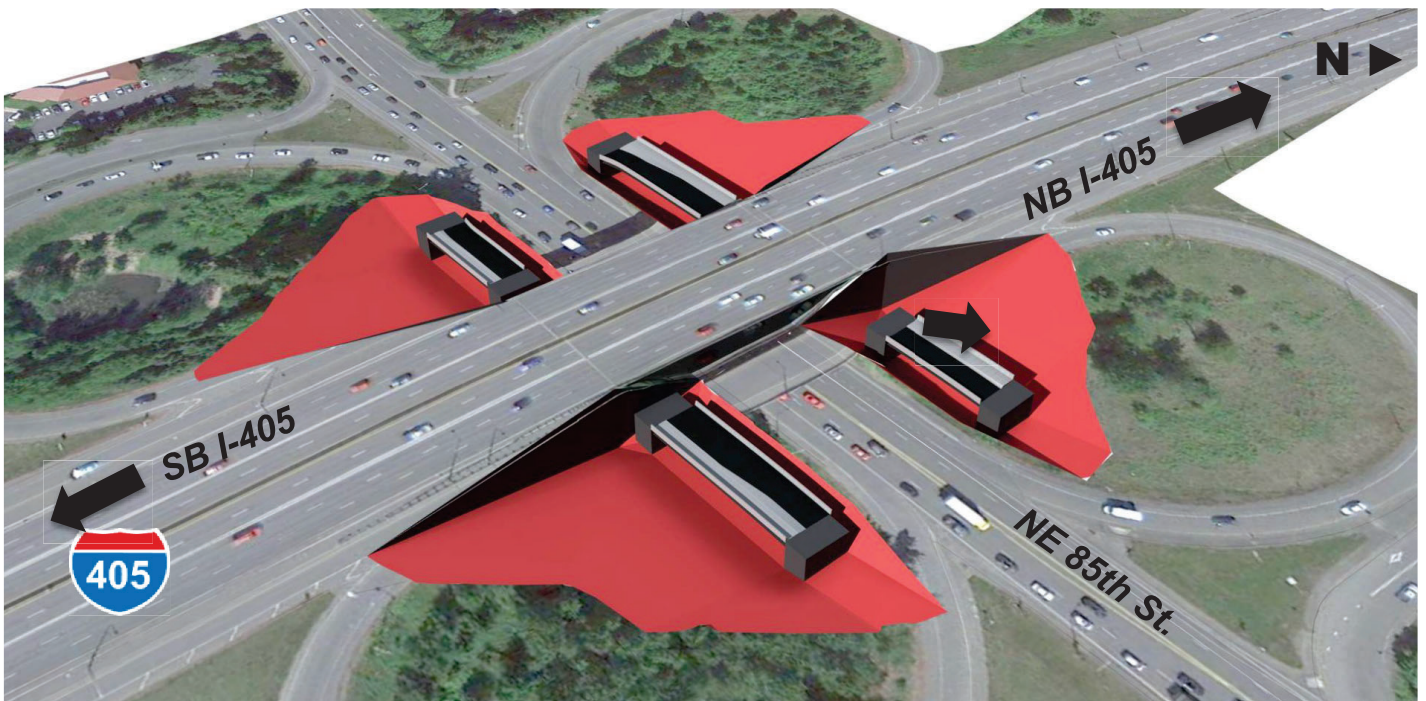
*Proposed*

# Noise walls

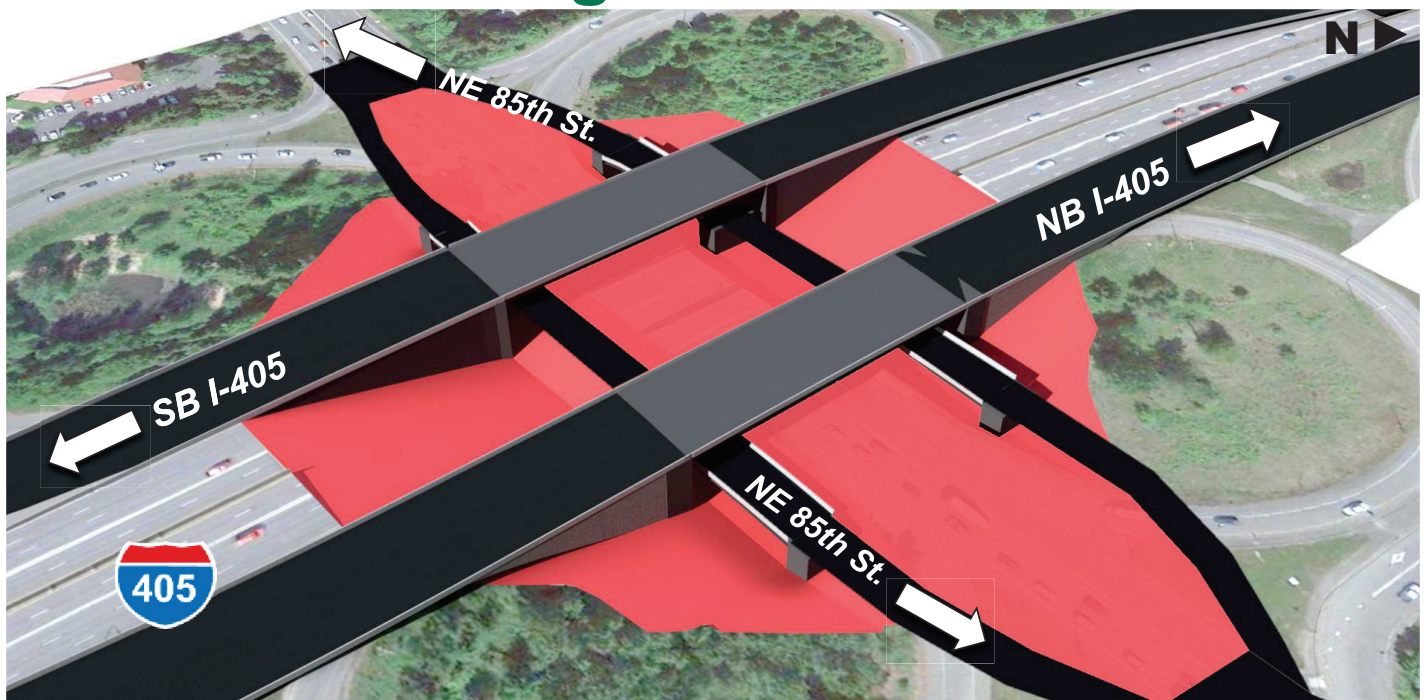




## Construction – Stage 1

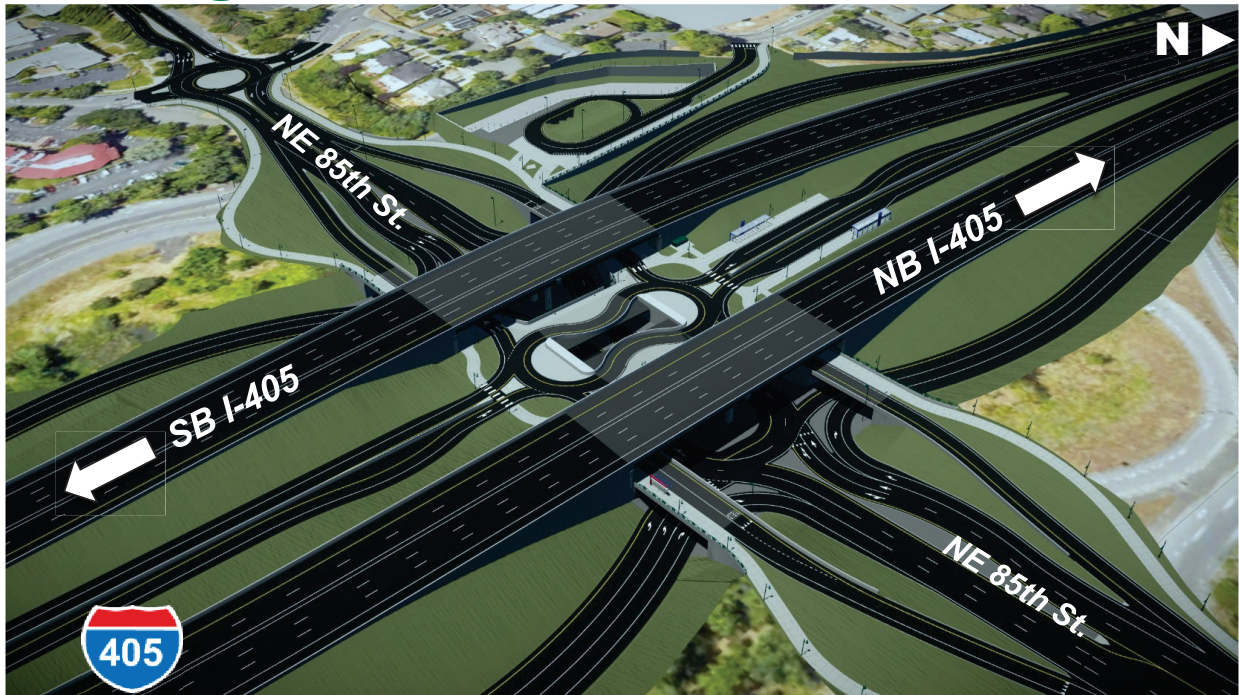


## Construction – Stage 2





## Final configuration



# Questions?

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**Lisa Hodgson, P.E., DBIA**  
**Paul Cornish, P.E.**

**WSDOT, I-405/SR 167 Program Administrator**  
**Sound Transit, Bus Rapid Transit Director**

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# Thank You

**I-405/SR 167 Corridor Program**  
I405SR167Program@wsdot.wa.gov

[www.wsdot.wa.gov/projects/i405/](http://www.wsdot.wa.gov/projects/i405/)

**CITY OF KIRKLAND****City Manager's Office****123 Fifth Avenue, Kirkland, WA 98033 425.587.3001**  
**www.kirklandwa.gov****MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Chris Hendrickson, Web and Multimedia Content Specialist

**Date:** March 9, 2021

**Subject:** Women's History Month Proclamation

**RECOMMENDATION:**

That the Mayor proclaim March 2021 as Women's History Month in the City of Kirkland.

**BACKGROUND DISCUSSION:**

The origins of Women's History Month date back to 1909 with "National Women's Day," which took place in New York City in late February. In 1911 this important commemoration of women's rights was recognized globally through "International Women's Day," which is celebrated on March 8 around the world. In 1981 a national effort to expand the recognition was ratified when the United States Congress passed a joint resolution designating the week beginning on March 7, 1982 as "Women's History Week."

In the resolution, dated August 4, 1981, Congress asked the President to issue a proclamation "calling on the people of the United States to observe such week with appropriate ceremonies and activities."

In 1987, the National Women's History Project petitioned Congress to designate the month of March 1987 as "Women's History Month." The National Women's History Project is a nonprofit organization founded in 1980 to "promote multicultural women's history awareness." The project's work to facilitate the passage of a congressional resolution to establish the month of March as "Women's History Month" was its first formal act as an organized nonprofit entity. To learn more about the National Women's History Project, now known as the National Women's History Alliance, visit the [website](#).

In March 2020, the United States celebrated 100 years of Women's suffrage. We, in Kirkland, echoed the phrase "deeds, not words," remembering the bold anthem of relentless suffragists who sought to ensure women the right to vote. Washington state's history with women's suffrage reflects the movement itself; tireless and devoted to its cause. In 1883, Washington state became one of the first places in the world where women could vote. Although the right was eventually overturned, Washington suffragists were undaunted as they continued to strive for the right to vote, taking to heart the words of Susan B. Anthony who said, "Failure is impossible!"

Women earned the right to vote in Washington state by way of a permanent amendment to the Washington State Constitution in 1910, a full decade before the rest of the country's women could vote. Learn more about the details of women's suffrage in Washington state on the Washington Secretary of State's [website](#) and [here](#).

Washington state continues to make great strides as we position women in key roles customarily held by men. In January 2020, Washington State Representative Laurie Jinkins made history as Washington state's first female and first lesbian Speaker of the House. Through deeds, not words, Representative Jinkins has stood as an advocate for women, families, and the underrepresented.

The number of women in state legislatures continues to rise steadily. Washington state is one of the top 10 states in terms of its percentage of women in the legislature, with 41.5 percent of its legislative body being women.



Kirkland's own journey with women in leadership began decades ago with Houghton resident and notable bellwether Doris Munz Cooper, who served on the Houghton City Council prior to the City's 1968 merger with the City of Kirkland. Former Mayor Cooper was elected to the Kirkland City Council in 1973, elected Kirkland mayor by her male peers in 1984, and served as mayor until 1990.

This trailblazing Kirkland icon was the only woman on the Kirkland City Council for 16 years. In 2012, the City honored her tremendous work to preserve Kirkland's lush shorelines for parklands by renaming Houghton Beach as "Doris Cooper Houghton Beach Park."

Former Mayor Cooper set the bar high, but fortunately, service-minded, passionate, and courageous Kirkland women have answered the call to serve. This year, the City celebrates its 11th consecutive year with a woman as Mayor. In the words of Mayor Penny Sweet during her 2020 State of the City address, "By deeds, not words, the votes of women have transformed America and the world. By deeds, not words, women have also transformed Kirkland."

As stated in the 2021 White House Proclamation of Women's History Month:

"Throughout American history, women and girls have made vital contributions, often in the face of discrimination and undue hardship. Courageous women marched for and won the right to vote, campaigned against injustice, shattered countless barriers, and expanded the possibilities of American life. Our history is also replete with examples of the unfailing bravery and grit of women in America, particularly in times of crisis and emergency. Women served our Nation during World War II, led organizing and litigation efforts during the Civil Rights movement, and represented the United States on the global stage in the fight for human rights, peace, and security. Far too often, their heroic efforts and their stories have gone untold — especially the millions of Black women, immigrant women, and others from diverse communities who have strengthened America across every generation."

To learn more about Women's History Month, please visit the [website](#).

By proclaiming the month of March 2021 as Women's History Month in Kirkland, all community members are invited to celebrate and reflect on the countless contributions of women to our region, our nation and the world and to learn more through the weblinks provided in this memo.

# A PROCLAMATION OF THE CITY OF KIRKLAND

## Recognizing March 2021 as Women's History Month in the City of Kirkland

**WHEREAS**, March had been federally recognized as Women's History Month, expanding from March 8 as International Women's Day, and is a global celebration of the social, economic, military, cultural and political achievements of women, and a month that invites inspired action to accelerate women's equality; and

**WHEREAS**, 2020 marked the 100 year anniversary of the ratification of the 19th Amendment to the United States Constitution, earning women the right to vote, thanks to suffragists who tirelessly and relentlessly pursued this basic human right through activism, heightened public awareness and transformation of government institutions, thereby exemplifying their motto of "deeds, not words;" and

**WHEREAS**, the state of Washington was the 35th state to ratify the 19th Amendment in 1920, but thanks to the devoted efforts of Washington suffragists our state had won statewide suffrage ten years prior, with the right for women to vote earned in 1910 and the state swearing in its first female legislators in 1913; and

**WHEREAS**, the Women's History Consortium, created by state statute (RCW 27.34.360) in 2005 as a Washington State Historical Society-led initiative, is dedicated to preserving Washington women's history and all residents of Kirkland are encouraged to visit the website at [www.washingtonhistory.org/research/whc/](http://www.washingtonhistory.org/research/whc/) to learn more about Washington's extraordinary women; and

**WHEREAS**, the City of Kirkland recognizes and celebrates the Kirkland Woman's Club, a nonprofit organization and part of the General Federation of Women's Clubs (GFWC), for its efforts to bring together likeminded women from Kirkland and surrounding areas who strive to have a positive impact on the community and beyond through charitable works, volunteerism, community service and political advocacy; and

**WHEREAS**, women have been at the forefront of standing against injustice such as Princess Angeline, the oldest daughter of Chief Seattle who remained in her home after the Duwamish Tribe was forced off their land, and;

**WHEREAS**, women have played a vital role in Washington government including women like Bertha Knight Landes who was one of the first women elected to the Seattle City Council in 1922 and the first female mayor of Seattle, elected in 1926, making her the first female mayor of a major U.S. city; and

**WHEREAS**, Washington Governor Dixy Lee Ray, elected in 1976, was the first female governor in Washington state and the fifth female governor in the United States; and

**WHEREAS**, the State of Washington is represented by women serving in the United States Congress, including United States Senator Patty Murray, elected in 1993 and Washington State's first female U.S. Senator, and United States Senator Maria Cantwell, elected in 2000 and the State's second female U.S. Senator, along with the six women representing the State of Washington in the U.S. House of Representatives; and

**WHEREAS**, in 2007, Nancy Pelosi became the first female Speaker of the House of Representatives, a position for which she was re-elected to her fourth term in 2021; and

**WHEREAS**, in 2020, Kamala D. Harris was elected Vice President of the United States and is the first female Vice President in United States history, the first Asian American, and the first African American Vice President in United States history; and

**WHEREAS**, the State of Washington currently ranks ninth in the nation in gender equity in the state legislature, in 2019 celebrating a landmark year that welcomed a female majority in the House Democratic Caucus and the State's first ever elected female House Speaker, Representative Laurie Jinkins; and

**WHEREAS**, the City of Kirkland is proud of the influential woman within its elected body, with three women Councilmembers including Mayor Penny Sweet, Kelli Curtis and Amy Falcone, and with the Kirkland City Council selecting a woman as Mayor for 11 consecutive years; and

**WHEREAS**, the City of Kirkland is a champion for women in leadership, with women holding cornerstone positions within the Kirkland City government, including Police Chief Cherie Harris, Deputy City Manager Tracey Dunlap, Public Works Director Julie Underwood, Chief Information Officer Smitha Krishnan, Human Resources Director Anh Hoang and Parks and Community Services Director Lynn Zwaagstra;

**NOW, THEREFORE, I**, Mayor Penny Sweet, on behalf of the Kirkland City Council, proclaim Monday, March 8 as International Women's Day, and the month of March as Women's History Month in the City of Kirkland. I call on all residents to celebrate the historic and current achievements of Kirkland women in the arts, culture, business, non-profit, religious and civic institutions in our City. Through the courageous "deeds, not words" of these remarkable women, Kirkland is one of the best cities in America to live, work and play.

Signed this 16th day of March 2021

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Penny Sweet, Mayor

**CITY OF KIRKLAND****City Manager's Office****123 Fifth Avenue, Kirkland, WA 98033 425.587.3001**  
**www.kirklandwa.gov****MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** David Wolbrecht, Senior Neighborhood Services Coordinator

**Date:** March 9, 2021

**Subject:** National Safe Place Week Proclamation

**RECOMMENDATION:**

That the Mayor proclaim the week of March 21 through March 27, 2021 as National Safe Place Week in the City of Kirkland.

**BACKGROUND DISCUSSION:**

National Safe Place is a nationwide youth outreach and prevention program implemented in communities across the United States to create a network of locations equipped to serve youth in need that are age 12 through 17, providing immediate help, crisis intervention, safety and emergency shelter and connections to ongoing supportive services.

Safe Place has ensured cohesion and ease of use by establishing a universal diamond-shaped black and yellow sign. The vivid, easily distinguishable emblem serves as a beacon to youth in need, affording them instant knowledge that any facility that displays the Safe Place sign is a place where they can receive help and be connected to community resources or emergency shelter.



In 2012, Friends of Youth, a nonprofit organization that strives to care for at-risk teens, homeless youth and young people in need of assistance, sought a collaborative approach to fill a critical need. Friends of Youth joined forces with Seattle-based nonprofit YouthCare to expand the King County Safe Place program to provide immediate help and safety to an increased number of King County youth in crisis. King County is home to over 2,100 Safe Place locations, each of which has participated in training to earn its designation as an official Safe Place location. Kirkland Safe Place locations include Friends of Youth, Holy Family Parish Center, Lake Washington Christian Church, North Kirkland Community Center, Peter Kirk Community Center, Eastside Foursquare Church, Evergreen Health Emergency Department, Kirkland Library, Kingsgate Library, and every King County Metro bus.

Safe Place has a safe-call system in which a youth in need can call 1-800-422-TEEN (8336) or simply text "SAFE". The system will provide instant data on the nearest Safe Place site based on the youth's current location. COVID hasn't impacted the program when youth call the hotline. However, the program is currently limiting in-person responses to daytime services only.

By proclaiming the March 21 through March 27, 2021 as National Safe Place Week in the City of Kirkland, all community members are invited to connect the youth in their lives with any resources they need to ensure their safety and respect.



# A PROCLAMATION OF THE CITY OF KIRKLAND

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## Recognizing the Week of March 21 through March 27, 2021 as National Safe Place Week in the City of Kirkland

**WHEREAS**, National Safe Place is a nationwide youth outreach and prevention program implemented in communities across the United States to create a network of locations equipped to serve youth in need that are age 12 through 17, providing immediate help, crisis intervention, safety and emergency shelter and connections to ongoing supportive services; and

**WHEREAS**, Safe Place has ensured cohesion and ease of use by establishing a universal diamond-shaped black and yellow sign, the vivid, easily distinguishable emblem serving as a beacon to youth in need, affording them instant knowledge that any facility that displays the Safe Place sign is a place where they can receive help and be connected to community resources or emergency shelter; and

**WHEREAS**, in 2012, Friends of Youth, a nonprofit organization that strives to care for at-risk teens, homeless youth and young people in need of assistance, sought a collaborative approach to fill a critical need and joined forces with Seattle-based nonprofit YouthCare to expand the King County Safe Place program and provide immediate help and safety to an increased number of King County youth in crisis; and

**WHEREAS**, King County is home to over 2,100 Safe Place locations, each of which has participated in training to earn its designation as an official Safe Place location; and

**WHEREAS**, Kirkland has several Safe Place locations, including at Friends of Youth, Holy Family Parish Center, Lake Washington Christian Church, North Kirkland Community Center, Peter Kirk Community Center, Eastside Foursquare Church, Evergreen Health Emergency Department, Kirkland Library, Kingsgate Library, and every King County Metro bus; and

**WHEREAS**, Safe Place has embraced technology implementing a safe-call system in which a youth in need can call 1-800-422-TEEN (8336) or simply text "SAFE" and a current location to receive instant data on the nearest Safe Place site; and

**WHEREAS**, Recognitions like National Safe Place Week raise important awareness of this vital program, building capacity within the existing framework by encouraging more businesses and nonprofits to become Safe Place locations, allowing the program to serve more youth in crisis; and

**NOW, THEREFORE, I**, Penny Sweet, Mayor of Kirkland, on behalf of the Kirkland City Council, do hereby proclaim the week of March 21 through March 27, 2021 as National Safe Place Week, and with this proclamation extend our sincere gratitude to Friends of Youth and the Safe Place Program, for their important work to ensure the safety of our youth.

Signed this 16th day of March 2021

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Penny Sweet, Mayor

**CITY OF KIRKLAND****City Manager's Office****123 Fifth Avenue, Kirkland, WA 98033 425-587-3000****[www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Tracey Dunlap, Deputy City Manager  
Chris Dodd, Facilities Services Manager

**Date:** March 4, 2021

**Subject:** Virtual Service Center Update

**RECOMMENDATION:**

It is recommended that the City Council evaluate the schematic design and estimated cost of a Virtual Service Center and provide direction to either: (1) move forward with design, construction documents, and bidding for a new Virtual Service Center on the City Hall campus or (2) discontinue work on the project at the end of schematic design.

**BACKGROUND DISCUSSION**

When City Hall was renovated in 2016-2017, major innovation and new ideas were introduced to provide the Community and businesses of Kirkland a safe, inclusive and welcoming design while also providing excellent customer service and transparency in government.

Since that time, development case counts increased significantly resulting in additional staffing at City Hall. In 2019, the Council budgeted \$1 million in development fees to build an addition to City Hall that would have created more Class A office space to accommodate the additional development services staffing needs. With the world reeling from a global pandemic, and many City Hall staff subsequently working from home, the City decided to pause the City Hall addition project in 2020.

For the past year during the pandemic, City staff have been creating innovative ways of continuing to provide the best customer service to the residents and business community in a safe, inclusive and welcoming manner during the City Hall closure.

At their regular City Council Meeting on November 4, 2020, City Council received a presentation from staff introducing the concept of adding a Virtual Service Center for development services, which would also provide welcoming displays and flexible meeting space. The virtual service center was proposed to be funded by development fee reserves. At that meeting, City Council authorized staff to reallocate the development services funds for the City Hall addition and reserve an additional \$1 million in development fees for the project. Council direction was to continue forward into schematic design with the goal of understanding the potential size, cost and schedule of construction before providing a final decision.

The schematic design revolved around two core values: (1) pandemic response efforts to keep staff and customers healthy while providing excellent development services to the community

and those who interact with City Hall staff during and post-pandemic and (2) create opportunities to reinforce R-5434 and the values of welcoming and belonging therein.

The schematic design exercise concluded with a 1,700 square foot addition to the North side of City Hall. The Virtual Service Center could offer virtual staff interaction kiosks, flexible meeting and event space for up to 117 occupants, exhibition space to celebrate heritage months and other commemorations, complement community celebrations, perform as a Council Chamber overflow while providing a safe, inclusive and welcoming City Hall, including a more ADA-friendly entrance. Roll up doors would provide indoor/outdoor opportunities for social distancing and open air. Additional exterior wayfinding signage would direct visitors to the Virtual Service Center. Color changing LED lights are proposed that could be programmed to complement exhibitions and celebrations during the evenings. Renderings of the concept are provided in Attachment A.

## **BUDGET**

With the City Council authorizing a beginning placeholder budget of \$2,000,000 from the Development Services Reserve Fund, initial estimates are that the entire cost of the project would require an additional \$185,000 to be fully realized. The anticipated project budget is as follows:

| <u>ITEM</u>                                     | <u>Amount</u> |
|---|---------------|
| Hard Cost/Construction (15% design contingency) | \$1,546,859   |
| Washington State Sales Tax (10.2%)              | \$157,779     |
| Design  | \$185,623     |
| Owner Contingency 8%                            | \$123,749     |
| Furniture, Fixtures and Equipment               | \$108,280     |
| Permitting/Utility Connection                   | \$61,846      |
| Total:  | \$2,184,136   |

Should the City Council like the project to move forward and remain within the initial placeholder budget of \$2,000,000, a few deductive alternatives could be considered:

| <u>ITEM</u>                    | <u>Amount*</u> |
|--------------------------------|----------------|
| Remove air conditioning        | \$182,403      |
| Remove site wayfinding signage | \$14,120       |
| Remove colored LED lighting    | \$67,493       |
| Less exterior glazing          | \$16,943       |
| Total deductive alternatives   | \$280,959      |

\*amounts include the deduction of design fees and Washington State sales tax

Should the City Council deduct all these elements, the total anticipated project budget would be reduced to \$1,903,177.

## **SCHEDULE**

Should the City Council choose to move forward, major scheduled milestones are as follows:

| <u>ITEM</u>                  | <u>Dates</u>             |
|------------------------------|--------------------------|
| Programming                  | March-April 2021         |
| Design Development Documents | April – July 2021        |
| Documentation                | July – November 2021     |
| Permit Review                | August – December 2021   |
| Bidding                      | November – December 2021 |
| Construction                 | January – July 2022      |

## **UNCERTAINTIES**

Given the ongoing COVID-19 pandemic, construction cost estimates are volatile and construction schedules given are following industry standards and best practices. It is also unknown when City Hall will reopen to the public and if so, how many residents and members of the business community would return to in-person interactions at City Hall. As COVID-19 infection rates fall and vaccinations rise, it is also reasonable to consider whether the proposed virtual services center is still relevant. However, the City's after-action plans related to COVID-19 must consider the possibility of future pandemics and how the City prepares for them. Additional space, remote service kiosks and the ability to stay socially distant will continue to be helpful in any future outbreaks.

## **NEXT STEPS**

Staff is seeking Council questions and direction. If the Council chooses to move forward with this project, City Council would potentially authorize the additional needed funding or provide guidance on potential deducts. The City would contract with ARC Architects to gather vital staff input and create the final programming elements, evaluate any potential conflicts with the City Hall Campus Master Plan, integrate permit requirements, produce construction drawings and specifications for bidding and construction, along with a final cost estimate. Staff would then return to City Council for final review and approval of the project scope, schedule and budget. If the project were to move forward from there, ARC Architects would provide ongoing construction administration support throughout construction and provide the City with close out documentation.















multi-color LED lights





## KIRKLAND CITY COUNCIL MEETING MINUTES March 2, 2021

### 1. CALL TO ORDER

Mayor Penny Sweet called the study session to order at 5:30 p.m. and called the regular meeting to order at 7:30 p.m.

### 2. ROLL CALL

Members Present: Deputy Mayor Jay Arnold, Councilmember Neal Black, Councilmember Kelli Curtis, Councilmember Amy Falcone, Councilmember Toby Nixon, Councilmember Jon Pascal, and Mayor Penny Sweet.

Members Absent: None.

### 3. STUDY SESSION

#### a. Surface Water Utility and Master Planning Process Overview

Surface Water Program Supervisor Kelli Jones and Surface Water Planner Rachel Konrady provided an overview of the Surface Water Utility program and the upcoming Surface Water Master Plan update and responded to Council questions.

#### b. Urban Forestry Six Year Work Plan

Urban Forester Deb Powers provided a briefing on the Draft Priorities: 2021-2026 Six Year Work Plan and received Council direction on citywide sustainable urban forest management priorities.

### 4. HONORS AND PROCLAMATIONS

#### a. COVID-19 Proclamation and Commemoration

Mayor Sweet asked Deputy Mayor Arnold to read the proclamation acknowledging the one-year anniversary of the COVID outbreak in Kirkland.

### 5. COMMUNICATIONS

#### a. Announcements

#### b. Items from the Audience

Shelli Craig  
Anne Rousey  
Jerry Osterman

Margaret Schwender  
Alycia Ramirez  
Ron Snell  
Vivian Weber

c. Petitions

6. PUBLIC HEARINGS

None.

7. SPECIAL PRESENTATIONS

a. COVID-19 Update

City Manager Kurt Triplett provided information on recent actions related to the COVID-19 response including recent firefighter assistance with the vaccination distribution; the City Manager and the City Council also took the opportunity to recognize Fire Chief Joe Sanford's 40 years of service with the City of Kirkland.

b. Resolution R-5434 Update

City Manager Triplett provided a brief status report on the implementation of Resolution R-5434.

c. King County Councilmember Claudia Balducci, Legislative Update

King County Councilmember Claudia Balducci shared an overview of the County Council's 2020 accomplishments and plans for 2021.

d. Regional Economic Development Partnerships: Startup 425 and the Innovation Triangle

Regional Business Partnership Manager Ellen Miller-Wolfe presented a report on regional economic development partnerships administered by the City of Kirkland; Startup 425 and the Innovation Triangle and responded to Council questions.

8. CONSENT CALENDAR

a. Approval of Minutes

(1) February 16, 2021



b. Audit of Accounts

Payroll: \$4,298,594.56  
Bills: \$4,102,731.72  
TB0217 Checks #717909-718010  
HS212A Wire #276  
HS218A Wire #278  
HS218B Wire #279-283  
HS222A Wire #284  
TB0224 Checks #718011-718181  
HS224B Wire #289  
HS224B Wire #287  
TB0225 Check #718182  
HS0226 Wire #286  
HS0226 Wire #285  
HS226B Wire #291  
P-Card  
HS031A Wire #290  
HS031B Wire #295  
HS031B Wire #296  
HS031C Wire #292  
HS031C Wire #293  
HS031C Wire #294

c. General Correspondence

d. Claims

(1) Claims for Damage

Claims received from Debi Blaskovich, Dhruv Goel and Brett Ostrum were acknowledged via approval of the consent calendar.

e. Award of Bids

f. Acceptance of Public Improvements and Establishing Lien Period

g. Approval of Agreements

h. Other Items of Business

(1) Library Board Member Resignation

Council acknowledged the resignation of Deepa Narayanan from the Kirkland Library Board and authorized the attached draft response via approval of the consent calendar.

(2) Fourth Quarter 2020 Fire Dashboard

The report was acknowledged via approval of the consent calendar.

(3) Fourth Quarter 2020 Police Dashboard

The report was acknowledged via approval of the consent calendar.

(4) January 2021 Sales Tax Report

The report was acknowledged via approval of the consent calendar.

(5) Procurement Report

The report was acknowledged via approval of the consent calendar.

Motion to Approve the consent calendar.

Moved by Councilmember Neal Black, seconded by Councilmember Jon Pascal

Vote: Motion carried 7-0

Yes: Mayor Penny Sweet, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Amy Falcone, Councilmember Kelli Curtis, Councilmember Neal Black, and Deputy Mayor Jay Arnold.

9. BUSINESS

a. Kirkland's Plaza of Champions Nomination

Deputy Director of Operations John Lloyd presented an overview of the nomination of Wes Carpenter for Kirkland's Plaza of Champions.

(1) Resolution R-5468, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND INDCUTING WES CARPENTER INTO THE KIRKLAND PLAZA OF CHAMPIONS."

Motion to Approve Resolution R-5468, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND INDCUTING WES CARPENTER INTO THE KIRKLAND PLAZA OF CHAMPIONS."

Moved by Councilmember Amy Falcone, seconded by Councilmember Kelli Curtis

Vote: Motion carried 7-0

Yes: Mayor Penny Sweet, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Amy Falcone, Councilmember Kelli Curtis, Councilmember Neal Black, and Deputy Mayor Jay Arnold.

b. Public Art for Juanita Beach Bathhouse

Senior Project Engineer Anneke Davis and Cultural Arts Commission Chair Dana Nunnally provided an overview of "Now and Then," by UrbanRock Design of Los

Angeles, California, as the selected art concept for the Juanita Beach Bathhouse Project.

Motion to Approve the selection of "Now and Then" as the "1% for the Arts" project for the Juanita Beach Bathhouse replacement.

Moved by Councilmember Kelli Curtis, seconded by Councilmember Neal Black

Vote: Motion carried 7-0

Yes: Mayor Penny Sweet, Councilmember Toby Nixon, Councilmember Jon Pascal, Councilmember Amy Falcone, Councilmember Kelli Curtis, Councilmember Neal Black, and Deputy Mayor Jay Arnold.

Council recessed for a short break.

c. 2021 State Legislative Update #4

Intergovernmental Relations and Economic Development Manager Lorrie McKay provided an update on legislative activities to date related to the City's adopted 2021 legislative priorities.

d. City Council Goals Update

City Manager Kurt Triplett presented the final revisions to the Council goals and received Council feedback.

e. City Council Policy and Procedure Draft Amendments

City Attorney Kevin Raymond presented the revised draft amendments to the City Council policies and received Council feedback.

10. REPORTS

a. City Council Regional and Committee Reports

Councilmembers shared information regarding the upcoming Sound Cities Association Public Issues Committee meeting; the King County Conservation District elections; an upcoming I-CERV (Ismaili Community Engaged in Responsible Volunteering) food drive on March 20th; a meeting with King County METRO and Eastside Mayors; the Kirkland In-Car Movie Night downtown; a Seattle Pride "Pride Speaks" event on the LGBTQIA+ community and homelessness; an upcoming meeting of the Sound Cities Association Equity and Inclusion Cabinet meeting; the Greater Kirkland Chamber of Commerce public policy committee meeting; and a meeting with a Juanita High School student political committee.

b. City Manager Reports

City Manager Kurt Triplett reported on the City's leadership team's recommendation that City facilities remain closed through June 1st; the potential

passage of the American Rescue Plan Act of 2021; and the continued evaluation of pending litigation in connection to the new hazard pay law in Seattle. City Attorney Kevin Raymond and Police Chief Harris provided a quick summary of a recent Washington Supreme Court decision ruling where the State's felony drug possession law was ruled unconstitutional.

(1) Calendar Update

Councilmembers requested that King County come to the Council to address the issue of the failure of the Wastewater Treatment Division's Kirkland pump station during a power outage causing an overflow into Lake Washington; requested that staff bring back a funding request of \$1,000 from the Council Contingency Fund to support the performance of "The Alaska Suite: a story of beauty, loss and hope"; requested a status update on the proposed noise ordinance, and proposals for Park Lane and Lake Washington Blvd in the spring and summer.

11. ITEMS FROM THE AUDIENCE

None.

12. EXECUTIVE SESSION

None.

13. ADJOURNMENT

The Kirkland City Council regular meeting of March 2, 2021 was adjourned at 10:55 p.m.

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Kathi Anderson, City Clerk

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Penny Sweet, Mayor

**CITY OF KIRKLAND****123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**  
**www.kirklandwa.gov**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Catherine Okamura, P.E., Capital Projects Engineer  
Rod Steitzer, P.E., Capital Projects Manager  
Julie Underwood, Director of Public Works

**Date:** March 4, 2021

**Subject:** NE 120<sup>th</sup> STREET WATER QUALITY TREATMENT—AWARD CONTRACT

**RECOMMENDATION:**

Staff recommends that the City Council award a construction contract for the NE 120<sup>th</sup> Street Water Quality Treatment Project (Project) to Accord Contractors of Bellevue, Washington, in the amount of \$238,210.48.

By taking action on this staff report during approval of the consent calendar, the City Council is authorizing the award of a construction contract.

**BACKGROUND DISCUSSION:**

This Project was identified as the fourth of 22 priority projects in the *Totem Lake/Juanita Creek Basin Stormwater Retrofit Conceptual Design* to improve the quality of storm water runoff and reduce sediment prior to discharging to Totem Lake, thereby improving habitat and storm water conveyance capacity. The Project provides treatment for approximately four acres that are developed with residential and commercial uses and the NE 120<sup>th</sup> Street roadway (see Attachment A, Vicinity and Area Map). These land uses are unlikely to redevelop in a way that would require contemporary stormwater controls, which makes this area an ideal location for this kind of public investment.

The Project includes the installation of six water quality structures to provide enhanced water quality treatment for approximately four acres of previously untreated basin area. The proposed water quality structures are Contech StormFilter units which are systems comprised of cartridges filled with media that trap pollutants including sediments, metals, and other common pollutants. Of the four acres, 1.87 acres of them are developed with pollution generating impervious surfaces (PGIS). Runoff treatment and volume reductions from the proposed water quality



*Typical StormFilter in Roadway*

treatment will improve dissolved oxygen levels; remove total suspended solids and metals (such as copper and zinc); and help reduce damaging peak flow conditions and durations from small storm events that contribute to erosion, sedimentation, and impacts to salmonids and other aquatic organisms. This is particularly beneficial to Juanita Creek because it is on the Washington State Department of Ecology's (DOE's) list to improve dissolved oxygen and bacteria impairments. These Project improvements will increase Benthic Index of Biotic Integrity (B-IBI) scores in Juanita Creek and improve creek health.



*Typical Canisters in StormFilter*

### **FUNDING:**

The Project is funded at \$803,000, which is comprised of a \$553,460 DOE Water Quality Grant (DOE) and \$249,487 local Surface Water Utility funds to cover ineligible expenses. Project funding and anticipated expenses are shown in Table 1, below, and in the Project Budget Report (see Attachment B).

**Table 1: Project Funding and Expenses**

|                       | <b>City</b> | <b>External</b> | <b>Total</b> |
|-----------------------|-------------|-----------------|--------------|
| <b>Funding</b>        | \$249,487   | \$553,460       | \$802,947    |
|                       |             |                 |              |
| <b>Expenses</b>       |             |                 |              |
| Design and Staff Time | (\$73,649)  | (\$135,276)     | (\$208,925)  |
| Inspection            | (\$29,600)  | (\$69,600)      | (\$99,200)   |
| Construction          | (\$59,552)  | (\$178,658)     | (\$238,210)  |
| Contingency           | (\$86,686)  | (\$169,926)     | (\$256,612)  |
| Total                 | (\$249,487) | (\$553,460)     | (\$802,947)  |
|                       |             |                 |              |
| <b>Difference</b>     | \$0         | \$0             | \$0          |

This Project originally was scoped and budgeted based upon certain preliminary assumptions. However, when City staff began to analyze options for optimizing the project and gaining efficiencies—all while staying within the original scope and maintaining DOE's approval—the City ultimately was able to achieve a design that was estimated to be less than first projected. A favorable bid climate also was a factor. The grant application was based upon the preliminary, higher estimate. Thus, it appears at this point that the Project can be achieved for quite less than originally estimated. While the bid is less than the revised engineer's estimate, and the non-contingency expenses are less than originally anticipated, staff recommends keeping the funding at the current level and does not recommend amending the Project budget at this time. There may be an opportunity in the future to revise the budget lower; however, more information and experience on how the project progresses are needed before that determination can be made.



With an engineer's estimate of \$242,355.00, the Project was first advertised for contractor bids on January 29, February 4, and then on February 11. Bids were opened on February 18, 2021, with the City receiving eight bids as shown in Table 2, below.

**Table 2: Bid Results**

| <b>Contractor</b>                 | <b>Base Bid Schedule</b> |
|-----------------------------------|--------------------------|
| <b>Accord Contractors</b>         | <b>\$238,210.48</b>      |
| <i>Engineer's Estimate</i>        | <i>\$242,355.00</i>      |
| Tastad Construction, Inc.         | \$247,123.00             |
| NPM Construction                  | \$251,944.00             |
| OMNI Construction                 | \$256,859.76             |
| Kamins Construction               | \$263,846.50             |
| Redtail                           | \$275,344.00             |
| Road Construction Northwest, Inc. | \$332,198.75             |
| Razz Contractors                  | \$447,205.00             |

During the formation of the Project, staff worked with the design consultant to address several basin needs including limiting peak flows, erosion and sedimentation controls, and containing surface water drainage within the roadway. Additionally, staff worked to address water quality needs to improving the B-IBI. The Project will address these issues. Additionally, there are special reporting and submittal requirements for the Project, including a design report with water quality benefit calculations for DOE's review. The effort for that work is reflected in the design costs, which yield a higher design line item than for a typical surface water improvement.

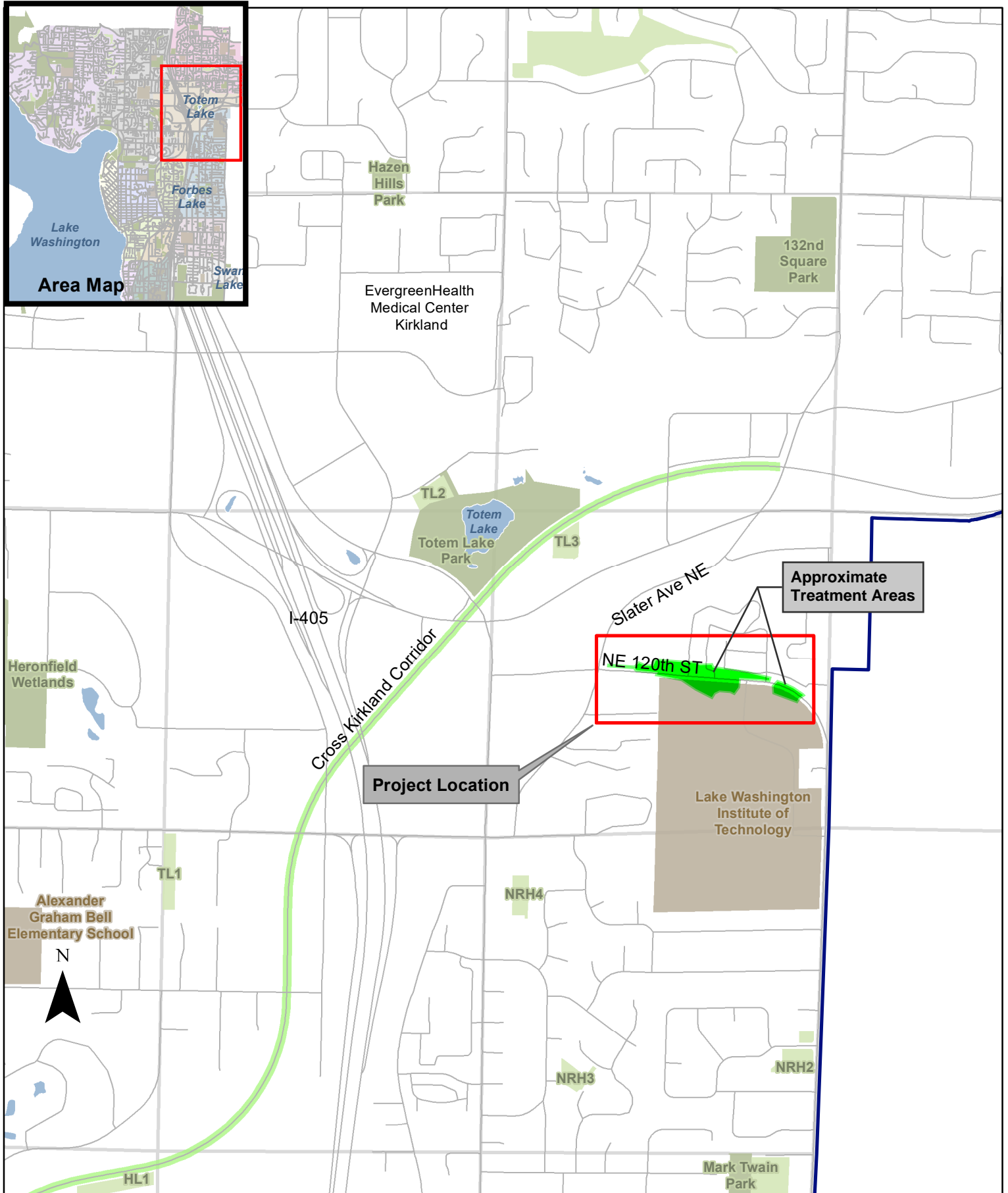
Reference checks for Accord Contractors were satisfactory, and the contractor has a history of successfully completing projects containing similar structural and utility components.

### **CONSTRUCTION PHASE:**

The Project has an estimated 45-day construction duration. Were the City Council to award this contract at its March 16 meeting, construction is anticipated to start in May 2021 with an anticipated substantial completion in July 2021.

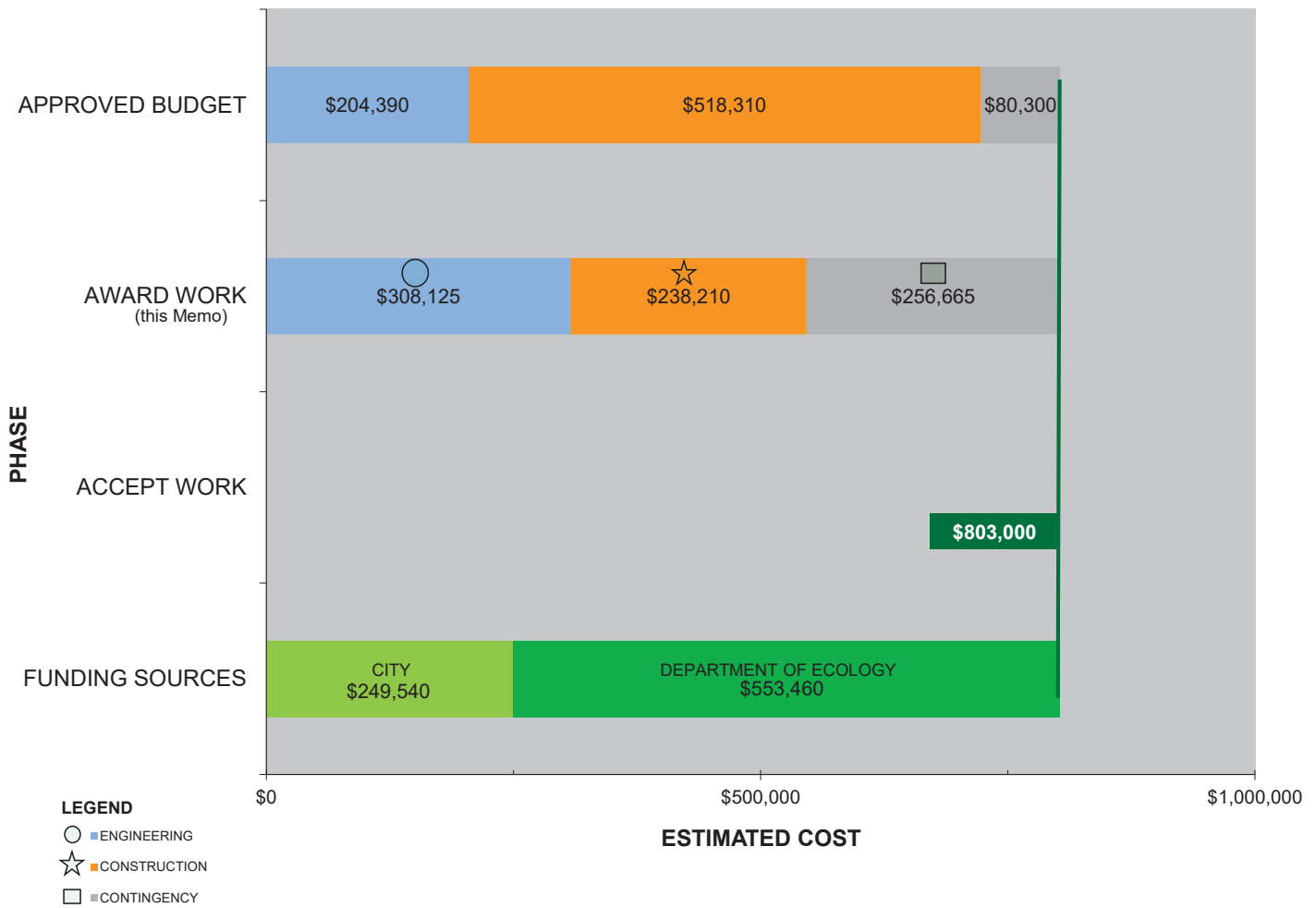
In advance of construction, staff will send a construction informational mailer directly to nearby residents providing construction timelines and pertinent contact information. In addition, staff will add the Project's information to the [Public Works Projects Website](#), including the construction timeline and staff contact information.

Attachment A: Vicinity and Area Map  
Attachment B: Project Budget Report



**Project Budget Report**  
**NE 120th St Water Quality Treatment (SDC1250000)**

**Attachment B**



**CITY OF KIRKLAND****City Attorney's Office****123 Fifth Avenue, Kirkland, WA 98033 425.587.3030****[www.kirklandwa.gov](http://www.kirklandwa.gov)****MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Kevin Raymond, City Attorney

**Date:** March 5, 2021

**Subject:** FINAL REVISED AMENDMENTS TO CITY COUNCIL POLICIES AND PROCEDURES (INCLUDING REVISED COUNCIL GOALS) BASED ON COUNCILMEMBER COMMENTS AT MARCH 2, 2021 COUNCIL MEETING AND ONE-TIME EXTENSION OF EXPIRING TERMS

**RECOMMENDATION:**

That City Council pass the attached Resolution (1) approving amendments to the Council's Policies and Procedures and (2) authorizing the City Manager to extend City advisory board and commission appointments expiring at the end of March through the end of May 2021, in order to allow more time for a recruitment and reappointment process that includes an emphasis on diversity and inclusion.

At its March 2, 2021 meeting, the Council provided City staff with additional comments related to draft amendments, including revisions to the City Council Goals in Section 1.04. Based on those comments, new redline and clean versions of the policies and procedures are attached hereto. These versions carry forward proposed changes made previously, but only those additional changes made following the March 2 Council meeting are highlighted in yellow.

Some appointments to City advisory boards expire at the end of March. The Resolution would also authorize the City Manager to extend those terms through the end of May in order to allow for a more robust and diversity-focused recruitment and reappointment process.

**BACKGROUND DISCUSSION:**

The final revisions to the Council's policies and procedures are highlighted in yellow and summarized below:

- Revisions to the Council's goals set forth in Section 1.04, including a new goal focused on an inclusive and equitable community and revised goals focused on attainable housing and a sustainable environment.
- Section 6.01(3) is amended to require Council review of new proclamations or commendations at least 10 days before a relevant Council meeting "whenever possible."
- Section 7.03 is amended to remove the subtitle heading "Legislative" and the other descriptive language for the work group is consolidated into "State and Federal Legislative Work Group" to be consistent with the other working groups.
- The first paragraph to Chapter 8 is amended to state that City advisory boards generally should consist of "up to" 7 or 8 members. This change was made by staff in recognition that some boards have fewer than 7-8 members, e.g. Library Board (5 members).

- Section 8.09, Public benefit, is amended to remove references to “geographic” and “philosophical” diversity in favor of “enhances diversity on the board, including diversity of background and perspective.” Similar language is added to 8.11 and 8.12.

Attachments:

Resolution  
Revised Draft Redlined and Clean Amendments to City Council Policies and Procedures  
(March 2021)

# CITY OF KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES



March 2021~~December 2019~~



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## CHAPTER 1: CITY COUNCIL VISION AND GOALS

1.01 Vision. Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work, and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair, and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.

1.02 Goals — Purpose. The purpose of the City Council Goals is to articulate key policy and service priorities for Kirkland. Council goals guide the allocation of resources through the budget and capital improvement program to assure that organizational work plans and projects are developed that incrementally move the community towards the stated goals. Council goals are long term in nature. The City's ability to make progress towards their achievement is based on the availability of resources at any given time. Implicit in the allocation of resources is the need to balance levels of taxation and community impacts with service demands and the achievement of goals.

1.03 Operational Values. In addition to the Council goal statements, there are operational values that guide how the City organization works toward goal achievement:

- **Regional Partnerships** – Kirkland encourages and participates in regional approaches to service delivery to the extent that a regional model produces efficiencies and cost savings, improves customer service, and furthers Kirkland's interests beyond our boundaries.
- **Efficiency** – Kirkland is committed to providing public services in the most efficient manner possible and maximizing the public's return on their investment. We believe that a culture of continuous improvement is fundamental to our responsibility as good stewards of public funds.
- **Accountability** – ~~The City of~~ Kirkland is accountable to the community for the achievement of goals. To that end, meaningful performance measures will be developed for each goal area to track our progress toward the stated goals. Performance measures will be both quantitative and qualitative, with a focus on outcomes. The City will continue to conduct a statistically valid citizen-community member survey every two years to gather quantitative qualitative data about the citizen's level of public satisfaction. An annual Performance Measure Report will be prepared for the public to report on our progress.
- **Community** – ~~The City of~~ Kirkland is one community composed of multiple neighborhoods. Achievement of Council goals will be respectful of neighborhoods identity while supporting the needs and values of the community as a whole.

The ~~City~~ Council gGoals are dynamic. They should be reviewed on an annual basis and updated or amended as needed to reflect community member citizen input as well as changes in the external environment and community demographics.

## 1.04 City Council Goals

***NEIGHBORHOODS***

**Value Statement:** ~~The community members citizens of Kirkland experience a high quality of life in their neighborhoods.~~

**Goal:** ~~Achieve active neighborhood participation and a high degree of satisfaction with neighborhood character, services, and infrastructure.~~

***PUBLIC SAFETY***

**Value Statement:** ~~Ensure that all those who live, work, and play in Kirkland are safe.~~

**Goal:** ~~Provide for public safety through a community-based approach that focuses on prevention of problems and a timely response.~~

***HUMAN SERVICES***

**Value Statement:** ~~Kirkland is a diverse and inclusive community that respects and welcomes everyone and is concerned for the welfare of all.~~

**Goal:** ~~To support a regional coordinated system of human services designed to meet the special needs of our community and remove barriers to opportunity.~~

***BALANCED TRANSPORTATION***

**Value Statement:** ~~Kirkland values an integrated multi-modal system of transportation choices.~~

**Goal:** ~~To reduce reliance on single-occupancy vehicles and improve connectivity and multi-modal mobility in Kirkland in ways that maintain and enhance travel times, safety, health, and transportation choices.~~

***PARKS, OPEN SPACES AND RECREATIONAL SERVICES***

**Value Statement:** ~~Kirkland values an exceptional park, natural areas and recreation system that provides a wide variety of opportunities aimed at promoting the community's health and enjoyment.~~

**Goal:** ~~To provide and maintain natural areas and recreational facilities and opportunities that enhance the health and well-being of the community.~~

***DI***

**Value Statement:** The City's housing stock meets the needs of a diverse community by providing a wide range of types, styles, sizes, and affordability.

**Goal:** To ensure the construction and preservation of housing stock that meet a diverse range of incomes and needs.

***FI***

**Value Statement:** Community members/citizens of Kirkland enjoy high quality services that meet the community's priorities.

**Goal:** Provide a sustainable level of core services that are funded from predictable revenues.

***EN***

**Value Statement:** We are committed to the protection of the natural environment through an integrated natural resource management system.

**Goal:** To protect and enhance our natural environment for current resident/community members and future generations.

***ED***

**Value Statement:** Kirkland has a diverse, business-friendly economy that supports the community's needs.

**Goal:** To attract, retain, and grow a diverse and stable economic base that supports City revenues, needed goods and services, and jobs for resident/community members.

***DI***

**Value Statement:** Kirkland has a well-maintained and sustainable infrastructure that meets the functional needs of the community.

**Goal:** To maintain levels of service commensurate with growing community requirements at optimum life-cycle costs.

- **Inclusive and Equitable Community:** Kirkland is a diverse and inclusive community that is concerned for the welfare of all community members and where everyone is respected, valued, and has a sense of belonging.

**Council Goal:** Protect and serve all those who live in, work in or visit Kirkland without regard for race, religion, color, national origin, gender identity, age, income or economic status, political affiliation, military status, sexual orientation, or physical, mental or sensory ability; strive for equitable access to justice and eliminate systemic barriers to equality.

- **Vibrant Neighborhoods:** Kirkland community members experience a high quality of life in their neighborhoods.

**Council Goal:** Achieve active neighborhood participation and a high degree of satisfaction with neighborhood services and infrastructure.

- **Community Safety:** Ensure that all those who live, work and play in Kirkland are safe.

**Council Goal:** Provide public safety services through a community-based approach that focuses on prevention of problems and a timely and appropriate response.

- **Supportive Human Services:** Kirkland supports a regional coordinated system of human services designed to meet the basic needs of our community and remove barriers to opportunity.

**Council Goal:** Meet basic human needs, help people through economic and personal crises, help individuals thrive, and strive to remove barriers to allow all equal opportunities to succeed.

- **Balanced Transportation:** Kirkland values an integrated multi-modal system of transportation choices.

**Council Goal:** Reduce reliance on single occupancy vehicles and improve connectivity and multi-modal mobility in Kirkland in ways that maintain and enhance travel times, safety, health and transportation choices.

- **Abundant Parks, Open Spaces, and Recreational Services:** Kirkland values an exceptional park, natural areas and recreation system that provides a wide variety of opportunities aimed at promoting the community's health and enjoyment.

**Council Goal:** Provide and maintain natural areas and recreational facilities and opportunities that enhance the health and wellbeing of the community.

- **Attainable Housing:** Kirkland's housing stock meets the need of a diverse community by providing a wide range of types, styles, sizes and affordability.

**Council Goal:** Provide access to housing and encourage the construction and preservation of housing stock that meet a diverse range of incomes and needs.

- **Financial Stability:** Kirkland community members enjoy high-quality services that meet the community's priorities.

**Council Goal:** Provide a sustainable level of core services that are funded from predictable revenue.

- **Sustainable Environment:** Kirkland is committed to the protection of the natural environment through an integrated natural resource management system.

**Council Goal:** Protect our natural environment through sustainable goals and practices to meet the needs of community members for a healthy environment and clean energy without compromising the needs of future generations.



- **Thriving Economy:** Kirkland has a diverse, business-friendly economy that supports the community's needs.

**Council Goal:** Attract, retain and grow a diverse and stable economic base that supports city revenues, needed goods and services and jobs for community members.

- **Dependable Infrastructure:** Kirkland has a well-maintained and sustainable infrastructure that meets the functional needs of the community.

**Council Goal:** Maintain levels of service commensurate with growing community requirements at optimum life-cycle costs.

**CHAPTER 2: CITY COUNCIL AND ADVISORY BOARDS CODE OF CONDUCT**

2.01 Code of Conduct for City Council and Advisory Boards and Commissions. The Code of Conduct is supplemental to the Kirkland Municipal Code and the Code of Ethics and applies to the City Council and all members of City advisory boards and commissions. The ~~c~~Code of ~~c~~Conduct describes how Kirkland officials treat each other and work together for the common good of the community. Conducting the City's business in an atmosphere of respect and civility is the underlying theme in this ~~c~~Code. City Officials are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed in the ~~c~~Code.

Implicit in the ~~c~~Code-of-Conduct is recognition of the worth of individual members and an appreciation for their individual talents, perspectives, and contributions. The ~~c~~Code will ensure an atmosphere where individual members, staff, and the public are free to express their ideas and work to their full potential.

As a City Official of the City of Kirkland, I agree to these principles of conduct:

**We consistently demonstrate the principles of professionalism, respect and civility in working for the greater good of Kirkland.**

We assure fair and equitable ~~equal~~-treatment of all people.

We conduct ourselves both personally and professionally in a manner that is above reproach.

We refrain from abusive conduct, personal charges or verbal attacks on the character or motives of Council-members, members of boards and ~~commissioners~~, staff, and the public.

We take care to avoid personal comments that could offend others.

We show no tolerance for intimidating behaviors.

We listen courteously and attentively to all public discussions and treat all people the way we wish to be treated.

We serve as a model of leadership and civility to the community.

Our actions inspire public confidence in Kirkland government.

**Keeping in mind the common good as the highest purpose, we will focus on holding efficient meetings that achieve constructive solutions for the public benefit.**

We work as a team to solve problems and render decisions that are based on the merits and substance of the matter.

We respect differences and views of other people.

**We adhere to the principles and laws governing the Council/Manager form of government and treat all staff with respect and cooperation.**

We will refrain from interfering with the administrative functions and professional duties of staff.

We will not publicly criticize individual staff but will privately communicate with the City Manager any concerns about a department or department director or staff person.

We will refrain from negotiating or making commitments without the involvement and knowledge of the City Manager.

We will work with staff in a manner that consistently demonstrates mutual respect.

We will not discuss personnel issues, undermine management direction, or give or imply direction to staff.

We will communicate directly with the City Manager, department directors, or designated staff contacts when asking for information, assistance, or follow up.

We will not knowingly blindside one another in public and will contact staff prior to a meeting with any questions or issues.

We will not attend City staff meetings unless requested by staff.

## CHAPTER 3: CITY COUNCIL MEETINGS

3.01 Rules Governing the Conduct of Meetings. The order of procedure contained in this Chapter shall govern deliberations and meetings of the Council of the City of Kirkland, Washington. *Roberts Rules of Order, Newly Revised, Latest Edition*, shall govern the deliberations of the City Council except when in conflict with any of the rules set forth in this chapter. Notice of Council meetings shall be given in accordance with chapter 42.30 RCW, the Open Public Meetings Act. Public notice is not required for events at which no action as defined by law may be taken, e.g. trainings, social and purely ceremonial events, such as ribbon-cuttings.

3.02 Submittal of Council Agenda Items. Items of business to be considered at any Council meeting shall be submitted to the City Manager no later than the Wednesday morning prior to a scheduled Council meeting. A written agenda and informational material is to be prepared and sent the Friday preceding each meeting to each Councilmember. Urgent items arising after the regular agenda has been prepared may be placed on the agenda if the Councilmember or City Manager explains the necessity and receives a majority vote of the Council on a motion to add the item.

3.03 Regular Meetings. Regular meetings of the Council shall be held as provided for by ordinance.

3.04 Quorum. At all meetings of the Council, a majority of the Councilmembers shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time to secure the attendance of absent members.

3.05 Order of Business. The order of business shall be as follows:

1. Call to Order
2. Roll Call
3. Study Session
4. Honors and Proclamations
5. Communications
  - a. Announcements
  - b. Items from the Audience (See Section 3.07 for the three-minute limitation.)
  - c. Petitions
6. Public Hearings
7. Special Presentations
8. Consent Calendar
  - a. Approval of Minutes
  - b. Audit of Accounts and Payment of Bills and Payroll
  - c. General Correspondence
  - d. Claims
  - e. Award of Bids
  - f. Acceptance of Public Improvements and Establishing Lien Periods
  - g. Approval of Agreements
  - h. Other Items of Business
9. Business
10. Reports
  - a. City Council Regional and Committee Reports
  - b. City Manager Reports

## (1) Calendar Update

11. Items from the Audience
12. Executive Session
13. Adjournment

3.06 Consent Calendar. Any matter, which because of its routine nature, would qualify for placement on the Consent Calendar pursuant to ~~S~~section 3.05, may be included on the Consent calendar, notwithstanding action on the matter may, by law or otherwise, require adoption of a resolution or ordinance.

Any item may be removed from the ~~Consent~~-calendar and moved to the regular agenda upon the request of any Councilmember. All items remaining on the ~~Consent~~-calendar shall be approved by a single motion. Whenever an ordinance is included on the ~~Consent~~-calendar, approval of the calendar shall be by roll call vote.

3.07 Public Comment. The Council believes that the following procedure for public comment during regular ~~City~~-Council meetings will best accommodate the desires and concerns of the Council and the public:

1. During the time for "Items from the Audience," speakers may not comment on matters which are scheduled for a public hearing, or quasi-judicial matters. The Council will receive comments on other issues, whether the matter is on the agenda for the same meeting or not. When possible, items on the agenda will be marked with an asterisk when the Council cannot receive comments on such matters during the time for "Items from the Audience." Comments should be directed to the Council and speakers are encouraged to follow the Council's own principles of conduct related to professionalism, respect and civility in working for the greater good of Kirkland.
2. Speakers are not allowed under state law to offer public comment for the purposes of assisting a campaign for election of any person to any office. In addition, speakers are not allowed to offer public comment in support of or in opposition to any certified ballot measure unless the Council could but has not yet taken a position with respect to such measure.
3. During the times for "Items from the Audience," whether at the beginning or end of the meeting, each speaker will be limited to three minutes. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council. Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period at the end of the meeting; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject; however, speakers who have not yet addressed the Council will be given priority. Speakers may participate remotely through telephone or internet access provided by City staff even at meetings where in person comments may also be received.
4. Signs and placards may interfere with the orderly conduct of Council business and are not allowed at Council meetings, regardless of content.

3.08. Petitions. In the event that the ~~City~~ Council is presented with a petition from a ~~citizen community member~~, the ~~City~~ Council will take a formal vote providing direction which may include any of the following options:

1. Accept the petition ~~and refer the matter to a Council Committee~~ for further study.
2. Accept the petition and refer to staff for follow-up.
3. Accept the petition and determine that no further action is needed.

Any petition referred to a Council Committee or staff will be presented at a subsequent regular meeting with an explanation of the resolution.

In order to be considered complete, a petition should include each signer's name and their city of residence.

3.09 Regional and Committee Reports. The Councilmember representative or chair of each respective regional or other committee, or the Councilmember acting for the chair in the place of the chair~~him/her in his/her place~~, shall submit or make all reports to the Council related to new or significant items or when so requested by the presiding officer or any member of the Council. The purpose of such reports is to provide other Councilmembers with information from the regional committees and meetings that may have significant financial or policy impacts to the City.

3.10 Duties of the Presiding Officer. It shall be the duty of the presiding officer of the Council to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Announce the agenda item and determine if the Council wishes to receive a staff report.
4. If, after presentation of the report or based upon the written report, action is desired, recognize a Councilmember to make a motion to propose appropriate action. Require a second to each motion~~7~~ for those motions which must be seconded.
5. Handle discussion in an orderly way:
  - a. Give every Councilmember who wishes an opportunity to speak.
  - b. Permit audience participation at appropriate times.
  - c. Keep all speakers to the rules and to the question.
  - d. Give pro and con speakers equal opportunity to speak.
  - e. Repeat motions, put motions to a vote and announce the outcome.
  - f. Suggest but not make motions for adjournment.
  - g. Appoint committees when authorized to do so.
6. Maintain order and decorum.
7. Provide direction to remove an individual or individuals from a Council meeting based on speech or conduct that has actually disrupted, disturbed~~7~~, or impeded the orderly conduct of the meeting. If a disruption has rendered the orderly conduct of a meeting unfeasible and order cannot be restored through a recess or by the removal of the individual or individuals who interrupted the meeting, the Presiding Officer, upon a majority vote of the Councilmembers present, may order the meeting room cleared and continue the session or may adjourn the meeting and reconvene in another location in accordance with the provisions of ~~Chapter 42.30 RCW~~, the Open Public Meetings Act. This subsection will be followed and enforced on a content-neutral basis.

3.11 Rules for Councilmember Conduct.



1. No Council member shall speak more than twice on the same subject without permission of the presiding officer.
2. No person, not a member of the Council, shall be allowed to address the Council while it is in session without the permission of the presiding officer.
3. All questions on order shall be decided by the presiding officer ~~of the Council~~ with the right of appeal to the Council of any Council member.
4. Motions shall be reduced to writing when required by the presiding officer of the Council or any Council member ~~of the Council~~. All resolutions and ordinances shall be in writing. The substance of Councilmember proposed amendments to resolutions and ordinances should be communicated to the City Manager whenever possible in order that City staff may reduce such amendments to writing for distribution by hard copy and ~~email~~ Email to remaining Councilmembers no later than ~~5:00~~ five p.m. on Council meeting days; provided, however, that nothing herein shall preclude amendments from being offered later, including orally during Council consideration of such resolutions and ordinances.

3.12 Voting. Each Council member present shall vote on all questions put to the Council. The duty to vote shall be excused when a Councilmember has a financial interest in the question or, in quasi-judicial matters, where a Councilmember has an appearance of fairness ~~concern~~ problem. When voting on any matter before the Council, a majority of the entire membership of the Council is required for passage of any ordinance, resolution or motion, provided that a simple majority of the Council members present shall be sufficient with respect to the following motions:

1. To adjourn, to table or continue a matter,
2. To go into or out of executive session,
3. To schedule a special meeting of the ~~City~~ Council,
4. To add or remove items on a future Council meeting agenda,
5. To approve or authorize the sending of a letter or other communication so long as the letter or communication sets forth a policy or position previously agreed to by a majority of the entire Council membership,
6. To establish the date for a public hearing, unless such hearing is required to be set by ordinance or resolution,
7. To authorize call for bids or requests for proposals, ~~and~~
8. To approve a Consent Calendar, provided that any ordinance, any grant or revocation of franchise or license, or any resolution for payment of money included on the ~~Consent~~ calendar, has first been removed, ~~and~~;
9. To authorize a Councilmember to serve as presiding officer in the event of the absence, extended unavailability or vacancies in the offices of both the Mayor and Deputy Mayor.

3.13 Tie Votes. A tie vote, on a matter requiring four affirmative votes for passage, shall not be dispositive of the matter voted upon, but shall be deemed to have tabled the matter until the next succeeding regular meeting at which all seven Councilmembers are present. At that meeting, any Council member may move to take the matter off the table.

3.14 Non-Tie Vote with Lack of Affirmative Votes. A non-tie vote which fails for a lack of four affirmative votes, as to a matter which requires at least four affirmative votes for passage, shall be deemed to defeat the matter voted upon. Any Councilmember may move to reconsider the matter at the next succeeding regular meeting at which all seven Councilmembers are present.

3.15 Motions to Reconsider. Except as provided in Section 3.14, motions to reconsider must be made by a member who votes with the majority, and at the same or next succeeding meeting of the Council.

3.16 Motions to Lay A Matter on the Table. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be put first.

3.17 Motion for Adjournment. A motion for adjournment shall always be in order.

3.18 Motions and Discussion by the Presiding Officer. The presiding officer, as a member of the Council may, at such presiding officer's ~~his or her~~ discretion, call any Council member to take the chair in order; to allow the presiding officer to make a motion, but may otherwise discuss any other matter at issue subject only to such limitations as are imposed by these rules on other Councilmembers.

3.19 Suspension of Rules. The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present; provided, that at least four affirmative votes be cast.

3.20 City Staff Attendance at Meeting. The City Manager, City Attorney, City Clerk, and such other officers and/or employees of the City ~~of Kirkland~~ shall, when requested, attend all meetings of the Council, which attendance may be either in person or remote and shall remain in the Council chamber for such length of time as the Council may direct, whether held in person or otherwise.

3.21 Minutes. The City Clerk shall keep correct minutes of all proceedings. The votes of each Councilmember on any ordinance and the ayes and nays on any other question shall be entered in the minutes. Copies of the minutes shall be made available to the members of the Council as part of the Council meeting packet prior to their next regular meeting.

3.22 Procedure for Considering Process IIA Appeals. The ~~City~~ Council shall consider a Process IIA appeal under Kirkland Zoning Code (KZC) Chapter 150 at one meeting, and shall vote on the appeal at the next or a subsequent meeting, in order for the Council to gather more information from the record and consider the appeal; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the appeal at the first meeting. The Council's vote (to affirm, modify or reverse the decision of the Hearing Examiner, or direct the Hearing Examiner to hold a rehearing) shall occur within 60 calendar days of the date on which the letter of appeal was filed, pursuant to KZC 150.125.

3.23 Procedure for Considering Process IIB Applications. The ~~City~~ Council shall consider a Process IIB application under KZC Chapter 152 at one meeting, and shall vote on the application at the next or a subsequent meeting; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the application at the first meeting. The Council shall first consider the application at a meeting held within 45 calendar days of the date of issuance of the Hearing Examiner's recommendations, pursuant to KZC 152.90.

3.24 Remote Attendance at Council Meetings. From time to time, a Council~~m~~-Member may not be able to be physically present at a Council meeting; but will want to be involved in the discussion and/or decision of all items on the agenda or only on particular agenda items. The procedure and guidelines for permitting a Council~~m~~-Member to attend a Council meeting by speakerphone or ~~other~~ audio/video equipment are as follows. Absent extraordinary circumstances such as an

emergency, ~~r~~Remote attendance should be the rare exception, not the rule, and requires the approval of the majority of the Council as provided for below.

1. Examples of situations where remote attendance would be appropriate include, but are not limited to:

- a. An emergency exists which prevents Council~~m~~-Members from attending in person and immediate action is needed.
- b. An agenda item is time sensitive~~7~~, and remote attendance is needed for a quorum.
- c. An agenda item is of very high importance to ~~a~~the Council~~m~~-Member who cannot be physically present.
- d. It is important for all Council~~m~~-Members to be involved in a decision, but one or more Council~~m~~-Members ~~s are~~is unable to be physically present.

2. Procedure and Guidelines Related to Remote Attendance of In Person Council Meetings. If a Council~~m~~-Member wishes to participate in Council meeting agenda items remotely, the Council~~m~~-Member should notify Council of the Councilmember's his or her intent at the Council meeting prior to the meeting which they wish to attend remotely. If that is not possible, the Council~~m~~-Member should notify the City Manager not later than the business day prior to the Council meeting which the Council~~m~~-Member wishes to attend remotely. With less notice, it may not be possible to make the necessary arrangements to allow remote attendance. If the Mayor attends remotely, he or she may participate in discussions, but the Deputy Mayor, if physically present at the Council meeting, ~~z~~ shall be the presiding officer.

A Council~~m~~-Member may participate in some or all of the Council meeting remotely. When the portion of the Council meeting involving remote attendance is before the Council, the presiding officer shall inform all present of the intent to initiate a remote communication.

- a. The presiding officer shall confirm and announce that all present at the meeting and in the remote location can clearly hear all other parties and (as appropriate) access visual content that may be presented.
- b. With such confirmation, Council~~m~~-Members – whether they are physically at the meeting or at a remote location - constituting a majority may approve the use of remote communication for all or any specified portion of the meeting.
- c. Unless the Council~~m~~-Member is participating remotely for the entire meeting, when the portion of the Council meeting for which remote attendance has been approved has concluded, the presiding officer shall announce the same and the attendance of the Council~~m~~-Member communicating remotely shall end. The City Clerk shall record the beginning and ending times of the remote attendance.
- d. In the event that a remote communication link is broken or significantly degraded such that it no longer meets the full requirements of this section, the presiding officer shall confirm the loss of service and announce the close of the remote attendance. The attendance of the Council~~m~~-Member communicating remotely shall end. The City Clerk shall record the time of the closure.

3. Requirements of the System. The Council~~m~~-Member attending remotely must be able to hear the discussion on the agenda item taking place in the Council Chambers~~;~~ and must be able to be heard by all present in Council Chambers.

4. For purposes of voting, remote attendance at a Council meeting shall be considered equal to being physically present at the meeting. All votes conducted with a Council~~m~~-Member attending remotely shall be conducted by roll call; provided, however, that when the Council is not meeting in person, for example during an emergency, roll call votes are required only in those instances where necessary to clarify voting in the event of a divided vote and in those instances where a roll call vote would have been required, e.g. ordinances, and had the meeting been conducted in person.

3.25 Special Meetings and Emergencies. Special meetings, including dates, times and locations for meetings conducted during emergencies, shall be held in accordance with ~~Chapter 42.30 RCW,~~ the Open Public Meetings Act. Special meetings are held at the request of the Mayor or, in the event of the extended unavailability of the Mayor, the Deputy Mayor. In the event of the extended unavailability of both the Mayor and the Deputy Mayor, special meetings are held at the request of the Council~~m~~-Member designated by the Council as presiding officer in the extended unavailability or vacancies in the offices of the Mayor and Deputy Mayor or, if no Council~~m~~-Member has been so designated, then the Presiding Officer shall be the Council~~m~~-Member present at such special meeting and selected as acting chair by motion for the duration of such meeting. When the unavailability of any Council~~m~~-Member becomes extended depends on the facts and circumstances but generally occurs when a special meeting needs to be scheduled and held on an urgent basis and such Council~~m~~-Member is not available for any reason other than vacancy. The extended unavailability of a Council~~m~~-Member does not, by itself, constitute a vacancy.

3.26 Vacancies. Vacancies on the Council created by operation of applicable state law shall be filled as follows in accordance with RCW 42.12.070:

1. Where one position is vacant, the remaining Councilmembers shall appoint a qualified person to fill the vacant position.
2. Where two or more positions are vacant and two or more Councilmembers remain in office, the remaining Councilmembers shall appoint a qualified person to fill one of the vacant positions, the remaining Councilmembers and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled, with each of the new appointees participating in each appointment that is made after ~~his or her~~the new appointee's appointment.
3. If less than two Councilmembers remain in office, the King County Council shall appoint a qualified person or persons to the Council until the Council has two Councilmembers.
4. If the Council fails to appoint a qualified person to fill a vacancy within 90 days of the occurrence of the vacancy, the authority of the Council shall cease and the King County Council shall appoint a qualified person to fill the vacancy.
5. If the King County Council fails to appoint a qualified person within 180 days of the occurrence of the vacancy, the King County Council or the Council may petition the Governor to appoint a qualified person to fill the vacancy. The Governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the Governor fills the vacancy the King County Council has not appointed a qualified person to fill the vacancy.
6. As provided for in ~~c~~Chapter 29A.24 RCW, each person who is appointed to the Council shall serve until a qualified person is elected at the next election at which a member of the Council normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

3.27 Legislative Request Memoranda. The City Manager Calendar Update is the time during the order of business of a Council meeting for a Councilmember to propose the consideration of new legislation or request staff resources be allocated to issues not included in a current adopted budget, City Work Program, or department work plan. The process by which such proposals should be made is follows:

1. The Councilmember summarizes the issue and requests the preparation of a legislative request memorandum for the proposal. In appropriate consultation with the Councilmember, the legislative request memorandum analysis will follow a structured template which identifies at a high level:
  - a. Potential impacts and benefits of the proposal.
  - b. How the proposal supports the Council vision and goals.
  - c. How the proposal impacts diversity, equity, and inclusion.
  - d. Potential stakeholders impacted.
  - e. Potential outreach needed.
  - f. Potential staff resources needed.
  - g. Potential options or alternatives that could be evaluated.
  - h. Whether current staff resources and budget authority could accommodate the request.
2. The Council must by motion approve the preparation of a legislative request memorandum in connection with a proposal. The City Manager will include any such approved memorandum as part of a City Council packet for inclusion as part of a City Manager Calendar Update within two regular City Council meetings following the approved request. As part of such update the Council may by motion authorize staff to proceed with development of the proposal. Such authorization does not mean the Council has made a legislative decision or taken an action to approve adoption of the proposal. Any such decision or action must be taken, if at all, when final proposed legislation comes before the Council. If the Council does not approve proceeding with a proposal, the legislative request will be considered closed and the memorandum will be filed with the City Clerk to maintain a record of the request.

## **CHAPTER 4: STUDY SESSIONS AND RETREATS**

4.01 Study ~~S~~essions. Study sessions shall be held as provided by Kirkland Municipal Code 3.10.020. Study sessions are used by the ~~City~~ Council to review upcoming agenda items, current and future programs or projects, to discuss, investigate, review or study matters of City business for informational purposes. No final action is taken while in study session; however, the Council may provide direction to staff by consensus or vote. Council direction shall be summarized in writing and presented to the ~~City~~-Council at a regular meeting. Final action on direction provided at a study session will be scheduled for a regular or special council meeting.

4.02 Council ~~R~~etreats. Council retreats are held annually, semi-annually or more frequently at the Council's discretion. The purpose of the retreats is to allow the Council to devote concentrated attention to single or multiple time consuming or general interest subjects. No final action is taken at retreats; however, the Council may provide direction to staff by consensus or vote. Council direction shall be summarized in writing and presented to the City Council at a regular meeting. Final action on direction provided at a Council retreat will be scheduled for a regular or special ~~C~~ouncil meeting.

## CHAPTER 5: COUNCIL COMMUNICATIONS

5.01 Written Correspondence. Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular, ~~resident~~community members of the City. The ~~City~~ Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Kirkland ~~residents~~. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. One concern of the ~~City~~ Council is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the ~~City~~ Council in a quasi-judicial or land use hearing context. Special care in the way the content of those communications letters is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section:

1. Correspondence of an Information Only Nature — Correspondence which is purely of an informational nature and which does not require a response or action should not be placed on the Council meeting agenda by the City Clerk, but rather transmitted to the Councilmembers in the normal course of daily business.

2. Routine Requests — Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be answered by staff. Routine requests and staff responses shall be transmitted to the Councilmembers in the normal course of daily business.

3. Significant Correspondence — Correspondence that requires policy decision or approval by Council shall be placed by the ~~City~~ Clerk on the regular Council agenda and shall be accompanied by staff report as are all other agenda items. Direct replies may be made by the City Manager if policy matters are not involved or the Council has previously provided policy direction. Replies shall be transmitted to the Councilmembers in the normal course of daily business.

4. Correspondence Directly Relating to Quasi-Judicial Hearing Matters — All such correspondence when so identified by the City Clerk shall not ~~then~~ be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the ~~City~~ Council for its quasi-judicial consideration, and as a part of the hearing record for that matter. The City Clerk shall also advise the sender of each such letter, that the letter will be coming to the attention of the ~~City~~ Council at the time that the subject matter of the letter comes before the Council in ordinary hearing course.

5. Prompt Acknowledgments — The City Manager or designee will promptly acknowledge the receipt of all written correspondence and inquiries and, where appropriate, advise the writer of referral to the ~~City~~ Council or a City department.

5.02 Council Communications with the Public. The ~~Kirkland City~~ Councilmembers are committed to open and progressive communications in their capacity as elected officials. Individual Councilmembers use a variety of methods to communicate with the public, stakeholders, partners



and the media. Social media platforms offer a way to deliver public information and customer service to constituents and give ~~citizens~~community members another means to interact with their government. The purpose of this policy is to provide guidelines for Council communication with the public, when Councilmembers are acting in their official capacity or commenting on City government matters, either through traditional media outlets or the use of social media platforms through personal accounts or pages.

The Council believes that the following guidelines will provide consistency in procedures and allow for use of more tools to communicate with the public.

1. The content and tenor of all public communications should model the same professional behavior displayed during Council meetings and community meetings and reflect well on the individual Councilmember, the ~~City~~ Council as a whole, and the community.
2. The following disclaimers should be included in whole or referenced with a link to the disclaimers for all communications initiated by Councilmembers in open forums.
  - a. The views expressed represent the views of the author and may not reflect the views of the City of Kirkland or the Kirkland City Council.
  - b. Responses to this communication by other Councilmembers may be limited by the provisions of the Open Public Meetings Act, under which a policy discussion or other action taken must be held in an open public meeting if a quorum of the ~~City~~ Council participates.
  - c. Comments posted in response to a Councilmember-initiated communication may be subject to public disclosure under chapter 42.56 RCW, the Public Records Act.
3. Media outlets such as newspapers, radio and television news coverage may be used as communications medium by individual Councilmembers provided that the communication clearly states that the views expressed do not represent those of the City Council or the City of Kirkland but the views of the individual Councilmember.
4. Communications Initiated by Councilmembers. Guest editorials, letters to the editor and blog posts published by Councilmembers should be provided to the full ~~City~~ Council at the same time they are delivered to the media outlet. Drafts of guest editorials, letters to the editor or blog posts which may be submitted on behalf of the Council as opposed to an individual Councilmember may not be circulated for comment ~~to~~by a quorum of the Council prior to publication as this may violate the Open Public Meetings Act.
5. Use of Social Media. Posts to social media sites (Web 2.0) such as blogs, Facebook and Twitter may be used by individual Councilmembers to communicate with the public provided the following guidelines are used:
  - a. Blog posts or other posts to social media sites should include, or reference by a link, the disclaimers listed in Section 2.
  - b. Social media sites are not to be used for the conduct of ~~City~~ Council business other than to informally communicate with the public. Public notices, items of legal or fiscal significance that have not been released to the public and discussion of quasi-judicial matters may not be included in Councilmembers social media posts. Councilmembers are encouraged to maintain social media sites with

settings that can restrict users' ability to comment in order to avoid inadvertent discussions of these items. Unsolicited public comments on quasi-judicial matters must be placed on the record by the Councilmember at the time the matter is before the ~~City~~ Council for consideration.

- c. In order to demonstrate openness and a willingness to listen to the entire community, Councilmember posts on social media sites should be made through a public-facing page or by marking individual posts as available to the public as a whole.
  - d. When commenting on a post or an article published by someone other than a Councilmember, a link to the standard disclaimers in Section 2 should be included within the thread.
6. If a Councilmember makes a factual error in a public communication, it should be corrected as soon ~~as~~ the error ~~is discovered~~~~comes to light~~. Blog posts may be corrected by amending a previous post with a note that a correction was made.
7. Retention of Council Electronic Communications and Social Media Content. All ~~email~~Email and text messages, files downloaded from outside sources and other electronic files, relating to the conduct of government or the performance of any governmental or proprietary function, are considered official City business records and are subject to the ~~Washington State~~ Public Records Act and the laws governing the retention and destruction of public records.<sup>1</sup>
- a. Email messages sent or received via City ~~email~~Email addresses are captured by the City archiving system servers. Council communications are potentially archival and will be retained in accordance with the State retention schedule.
  - b. Email messages sent or received using personal addresses should be forwarded to the Councilmember's City account ~~and, but should also be~~ maintained in their original form to preserve associated metadata. Attachments should be saved to City server drives as appropriate.
  - c. Text message records are maintained by the communications carrier/providers with varying policies and practices, and can be difficult to retrieve and to maintain in accordance with ~~s~~State law. ~~At this time,~~ Councilmembers should only use text messaging for transitory communications and not to discuss City business.
  - d. Social Media postings should be captured via screen shots which are emailed to, and retained in, the Councilmember's City ~~email~~Email account as an interim archiving method pending selection of an appropriate social media archiving technology solution.
  - e. Members should consult with the City Clerk's Office for assistance with any retention questions.
8. Use of City-owned equipment to update personal social media sites or ~~email~~Email accounts is subject to Administrative Policy 7.1 which allows for incidental use of City equipment for personal needs provided the activity does not cause the City to incur additional cost or liability or pose additional risk to security, privacy or conflict with any

<sup>1</sup> "Public record" is broadly defined in RCW 42.56.010(3) to include, ". . . any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. . . ."

other City policy. Use of City-owned equipment or ~~email~~Email accounts for campaign purposes is prohibited by RCW 42.17A.555.

## CHAPTER 6: PROCLAMATIONS ~~AND COMMENDATIONS~~

6.01 Proclamations and Commendations. A proclamation or commendation is a formatted certificate or letter, issued by the Mayor, to give recognition and support to ceremonial occasions and special events, civic achievements, or to raise awareness about concerns of interest to the community as a whole. Proclamations and commendations are symbolic; no official policy, action or legal act is imparted or intended as a result.

1. All proclamations and commendations will be issued at the discretion of the Mayor.
2. Proclamations generally can recognize international, national, state, and local events, as well as matters of historical interest, in order to bring them to the attention of Kirkland community member~~citizens~~. Commendations generally honor a group or individual for civic achievements. Proclamation and commendation content should relate to a public purpose or benefit. The City Council shall maintain and publicly display a list of recurring proclamations generally issued by the Mayor on at least an annual basis. The list of recurring proclamations shall be reviewed by the Council at least every two years (in even years) to ensure they reflect the current values and policy positions of the Council.
3. A proclamation or commendation that has not previously been issued by the Mayor ~~of Kirkland~~ shall be reviewed by the ~~Mayor and Deputy Mayor for content~~ Council whenever possible at least ten days before the Council meeting at which it is to be presented to ensure that it does not conflict with an adopted policy position of the ~~Kirkland City~~ Council.
4. The City Manager's Office will coordinate all requests for proclamations and commendations. Proclamation and commendation requests should be received no later than thirty (30) days in advance ~~two weeks prior to a City Council Meeting~~ to allow time for the proclamation or commendation to be prepared and, reviewed. Proclamations are generally, and added to the Council Meeting Agenda. Commendations are generally mailed to the recipient. Proclamation and commendation requests shall be made through the City Manager's Office on a template form that includes at least the following information: (a) target issuance date; (b) requestor's name, organization, address, telephone, and Email contact information; (c) proposed written content; and (d) brief narrative that includes a description of the event, cause or civic achievement to be recognized and the public benefits or purposes that would be served thereby.
5. Proclamations shall be presented at Council ~~m~~Meetings only if a recipient is participating in the meeting ~~present in the audience~~ or at the discretion of the Mayor. All other proclamations, like commendations, will be sent by mail to the recipient.

## CHAPTER 7: COUNCIL COMMITTEES

7.01 Purpose and Relationship to City Council. Council Committees are advisory and do not take action on behalf of the Council. The purpose of committees is to review matters in detail and to make reports to the full Council for possible Council actions. The Council does not have standing committees but may have ad hoc or intermittent committees, which are appointed for special or time-limited subjects. Ad hoc committees are disbanded when they complete their assigned task(s). Issues which are not assigned to ad hoc or intermittent committees may be addressed by the Council during study sessions and at retreats.

### 7.02 Council Committee Meetings.

Unless a quorum of the Council is in attendance, meetings of Council ~~C~~committees do not need to be posted to the City's website.

If a committee member is unable to attend the committee meeting in person, they may attend by speaker phone provided that adequate notice is provided to the Chair and the City Manager.

### 7.03 Council Intermittent Committees

| Committee/Topic Areas  | Staff   |
|--|---|
| <b>Legislative</b> <ul style="list-style-type: none"> <li><u>State and Federal Legislative Work Group</u> <del>State and Federal Legislative Agenda and Monitoring</del></li> <li><del>Liaison with State and Federal Elected Officials</del></li> <li><u>Transportation Ad Hoc Work Group</u></li> <li><u>Lake Washington School District Coordinating Committee</u></li> </ul> | Intergovernmental Relations <del>and Economic Development</del> Manager<br><br><u>Transportation Manager</u><br><u>Senior Neighborhood Services Coordinator</u> |

7.04 Council Committee Membership and Attendees. Each ad hoc or intermittent Council Committee will consist of no more than three appointed Councilmembers in order to support their advisory nature. In some limited instances, and with the prior approval of the Council by action taken at a Council meeting, additional Councilmembers may attend a committee meeting, but in such instances the committee may not vote on any matter before it. Further, each committee meeting expected to be attended by more than three Councilmembers will be noticed as a special meeting of the Council in accordance with ~~Chapter 42.30 RCW~~, the Open Public Meetings Act. Councilmembers not attending a committee meeting noticed as a special meeting of the Council and not appointed to such committee shall not be considered absent from such meeting.

## CHAPTER 8: BOARD AND COMMISSION APPOINTMENTS

City advisory boards and commissions ("City advisory boards") shall consist of up to seven (7) and eight (8) members appointed by the City Council except to the extent otherwise provided by state law; provided further, however, that the Youth and Senior Council boards will continue to make their own appointments. All board meetings shall comply with the requirements of the Open Public Meetings Act, with meetings recorded and minutes posted on the City's website.

It shall be the policy of the ~~Kirkland~~ City Council to make appointments to ~~City official~~ advisory boards ~~or commissions~~ generally in accordance with the following:

8.01 Applicability/Definition. Unless otherwise provided by statute or the Kirkland Municipal Code, for the purposes of this policy, the term City advisory board shall include the following appointed bodies:

Cultural Arts Commission  
Design Review Board  
Human Services Commission  
Park Board  
Planning Commission  
Library Board  
Tourism Development Committee (Lodging Tax Advisory Committee)  
Salary Commission  
Transportation Commission

8.02 Eligibility. Relatives, family members or domestic partners of Councilmembers will not be eligible to serve on City advisory boards. Members of the family of a City employee who works in a department, that provides staff assistance or support to a ~~n-advisory~~ board, shall not be eligible to serve on that board.

8.03 Non-Discrimination. The Council shall not discriminate on the basis of an applicant's race, ethnic background, creed, age\*, sex, marital status, sexual orientation, gender identification, or the presence of any sensory, mental, or physical disability or sensory or physical handicap in the making of appointments.

\*City Council has made age a qualification for specific seats on certain advisory bodies.

8.04 Concurrent Offices. At no time shall any person serve concurrently as a member of more than one of the above listed City advisory bBoards.

8.05 Terms. Appointments shall be made for four-year terms, unless otherwise provided by statute or Kirkland Municipal Code. Terms shall expire on the 31<sup>st</sup> of March of the applicable year. A member being appointed to fill a vacant position on a City advisory board shall be appointed to fill the vacancy for the remainder of the unexpired term. Subject to Section 8.06, and by mutual agreement, appointments may be extended by the Council for up to an additional one year in exigent circumstances and after considering the general benefits of staggered board terms.

8.06 Term Limitations. No individual shall serve more than two full four-year terms as a member of a City ~~of Kirkland appointed~~ advisory board; provided, if an individual is appointed to fill 730



days or less of an unexpired term and serves that term, the individual is eligible to apply for and serve two additional four-year terms. If an individual is appointed to fill 731 days or more of an unexpired term and serves that term, the individual would be eligible to apply for and serve for only one additional four-year term.

8.07 Attendance. Appointees shall attend 80 percent of all City advisory board meetings in any 12-month period for which there is no prearranged absence, but in any case shall attend no less than 60 percent of all meetings unless waived by the ~~City~~-Council.

8.08 Appointment/Reappointment. Pursuant to Section 2.1, all City advisory board members shall adhere to the City Council code of conduct. An open competitive process will be used to fill vacancies. ~~The~~City Council will initiate an open and competitive application process and solicit applicants for the position(s). Each such appointment and reappointment process shall include a City staff representative whose primary focus is on helping ensure diversity, equity and inclusion. All ~~advisory~~-board members completing their term who are interested in and eligible for reappointment may be reappointed by the ~~City~~-Council for a second term without an open competitive process.

8.09 Criteria for Reappointment. Information will be sought from the relevant City advisory board chair/Board/Committee Chairs, the other current members of the board, and the City Manager (or appropriate staff) when considering reappointments. Reappointments are based on the following criteria:

Minimum performance – ~~A~~attendance, incumbent reads the materials, has a basic understanding of the issues and participates in discussion.

Performance – ~~H~~has well-thought-out arguments, logically presented, and is a good advocate. Shows ability to analyze complex issues and to judge issues on substantive grounds. Understands difference between quasi-judicial and legislative matters.

Personal relations – ~~H~~has good understanding of relative roles of Council, City advisory boards, Commissioners and staff and is sensitive to staff's job. Is ~~generally~~ respectful of others' viewpoints. Is a good team player, shows willingness to compromise, work towards a solution, without sacrificing their ~~his/her~~ own principles.

Growth/improvement – ~~H~~has shown personal and/or intellectual growth in the position. Has shown improved performance, has taken advantage of continuing education opportunities or other indicia of growth or improvement.

Public benefit – ~~R~~reappointment provides a benefit to the board as a commission as a body; provides or enhances balance on the commission geographically and/or philosophically enhances diversity on the board, including diversity of background and perspective.

8.10 Reappointment Process. Prior to the beginning of the open competitive process, an ad hoc committee of the Council will be chosen, by lot, to review and recommend incumbents for a second term. The recommendations will be based upon past performance and made in consultation with the relevant City advisory board appropriate Board or Commission chair, the other members of the board, and the City Manager for presentation to the ~~City~~-Council at the next regular meeting.

8.11 Application Process. Openings for City advisory board positions shall be widely advertised in local newspapers, as well as other means available and appropriate for this purpose. Strong

efforts will be made to encourage applications from a diverse pool of candidates, including with respect to race, ethnicity, gender, sexual orientation, gender identification, the presence of any sensory, mental, or physical disability, background and perspective and status as a home owner or renter in Kirkland. Applicants shall be required to complete a City application form provided for this purpose, and to submit a completed application by the specified recruitment deadline. Late applications will not be accepted; however, the ~~City~~-Council may choose to extend an application deadline, if necessary, to obtain a sufficient number of applicants for consideration. Copies of all applications will be provided to the ~~City~~-Council.

8.12 Appointment Process. Upon receipt of applications, the ad hoc committee of the Council referenced in Section 8.10~~Council~~ will review the applications and reduce the number of applicants for interview to three applicants for each vacancy. For example, if there were one vacancy on a City advisory board~~or commission~~, the Council would reduce the pool of applicants to be considered to three. If there were two vacancies, the Council would reduce the pool of applicants to be considered to six. In cases where the number of applicants for interview require a reduction from the number that have applied, the ad hoc committee of the Council will recommend to the entire Council those to be interviewed for each board ~~or commission~~ and those recommended not to be interviewed.

Interviews of applicants shall be conducted in open session. The Council may choose to share anticipated interview questions with the applicant pools in advance of interviews. The chair~~person~~ of the relevant respective advisory board (or a representative) and a City staff representative whose primary focus is on helping ensure diversity, equity and inclusion will also be invited to attend the interviews, and may participate in the process to the degree desired by the Council. Upon completion of the interviews, the Council shall, in open session, make its reappointments of incumbents and appointments of new members and may designate alternates that could be considered for appointment in the event of a vacancy occurring within ~~six months~~ one year of the appointment through resignation or removal. The Council will seek to make appointments of qualified candidates who reflect the diversity of Kirkland, including with respect to race, ethnicity, gender, sexual orientation, gender identification, the presence of any sensory, mental, or physical disability, background and perspective and status as a home owner or renter in Kirkland. Following appointment, the appointee and alternates, as well as all other candidates, will be notified in writing of the Council's decisions.

8.13 Criteria for Removal. Failure to meet the requirements of the code of conduct set forth in Chapter 2 or continue to meet the criteria for reappointment to boards and commissions and the attendance standard set forth above are~~is~~ cause for the removal of a member of a board or commission by a majority vote of the Council.

8.14 Open Government Training Requirement. Within 90 days of assuming their positions, all members of boards and commissions appointed by the ~~City~~-Council must receive the training required by the Open Government Trainings Act regarding the Open Public Meetings Act and the City should provide information and training opportunities on Public Records Act statutes.

# CITY OF KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES



March 2021

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## CHAPTER 1: CITY COUNCIL VISION AND GOALS

1.01 Vision. Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work, and play. Civic engagement, innovation and diversity are highly valued. We are respectful, fair, and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.

1.02 Goals — Purpose. The purpose of the City Council Goals is to articulate key policy and service priorities for Kirkland. Council goals guide the allocation of resources through the budget and capital improvement program to assure that organizational work plans and projects are developed that incrementally move the community towards the stated goals. Council goals are long term in nature. The City's ability to make progress towards their achievement is based on the availability of resources at any given time. Implicit in the allocation of resources is the need to balance levels of taxation and community impacts with service demands and the achievement of goals.

1.03 Operational Values. In addition to the Council goal statements, there are operational values that guide how the City organization works toward goal achievement:

- **Regional Partnerships** – Kirkland encourages and participates in regional approaches to service delivery to the extent that a regional model produces efficiencies and cost savings, improves customer service, and furthers Kirkland's interests beyond our boundaries.
- **Efficiency** – Kirkland is committed to providing public services in the most efficient manner possible and maximizing the public's return on their investment. We believe that a culture of continuous improvement is fundamental to our responsibility as good stewards of public funds.
- **Accountability** – Kirkland is accountable to the community for the achievement of goals. To that end, meaningful performance measures will be developed for each goal area to track our progress toward the stated goals. Performance measures will be both quantitative and qualitative, with a focus on outcomes. The City will continue to conduct a statistically valid community member survey every two years to gather quantitative data about public satisfaction. An annual Performance Measure Report will be prepared for the public to report on our progress.
- **Community** – Kirkland is one community composed of multiple neighborhoods. Achievement of Council goals will be respectful of neighborhoods while supporting the needs and values of the community as a whole.

The Council goals are dynamic. They should be reviewed on an annual basis and updated or amended as needed to reflect community member input as well as changes in the external environment and community demographics.



## 1.04 City Council Goals

- **Inclusive and Equitable Community:** Kirkland is a diverse and inclusive community that is concerned for the welfare of all community members and where everyone is respected, valued, and has a sense of belonging.

**Council Goal:** Protect and serve all those who live in, work in or visit Kirkland without regard for race, religion, color, national origin, gender identity, age, income or economic status, political affiliation, military status, sexual orientation, or physical, mental or sensory ability; strive for equitable access to justice and eliminate systemic barriers to equality.

- **Vibrant Neighborhoods:** Kirkland community members experience a high quality of life in their neighborhoods.

**Council Goal:** Achieve active neighborhood participation and a high degree of satisfaction with neighborhood services and infrastructure.

- **Community Safety:** Ensure that all those who live, work and play in Kirkland are safe.

**Council Goal:** Provide public safety services through a community-based approach that focuses on prevention of problems and a timely and appropriate response.

- **Supportive Human Services:** Kirkland supports a regional coordinated system of human services designed to meet the basic needs of our community and remove barriers to opportunity.

**Council Goal:** Meet basic human needs, help people through economic and personal crises, help individuals thrive, and strive to remove barriers to allow all equal opportunities to succeed.

- **Balanced Transportation:** Kirkland values an integrated multi-modal system of transportation choices.

**Council Goal:** Reduce reliance on single occupancy vehicles and improve connectivity and multi-modal mobility in Kirkland in ways that maintain and enhance travel times, safety, health and transportation choices.

- **Abundant Parks, Open Spaces, and Recreational Services:** Kirkland values an exceptional park, natural areas and recreation system that provides a wide variety of opportunities aimed at promoting the community's health and enjoyment.

**Council Goal:** Provide and maintain natural areas and recreational facilities and opportunities that enhance the health and wellbeing of the community.

- **Attainable Housing:** Kirkland's housing stock meets the need of a diverse community by providing a wide range of types, styles, sizes and affordability.

**Council Goal:** Provide access to housing and encourage the construction and preservation of housing stock that meet a diverse range of incomes and needs.

- **Financial Stability:** Kirkland community members enjoy high-quality services that meet the community's priorities.

**Council Goal:** Provide a sustainable level of core services that are funded from predictable revenue.

- **Sustainable Environment:** Kirkland is committed to the protection of the natural environment through an integrated natural resource management system.

**Council Goal:** Protect our natural environment through sustainable goals and practices to meet the needs of community members for a healthy environment and clean energy without compromising the needs of future generations.

- **Thriving Economy:** Kirkland has a diverse, business-friendly economy that supports the community's needs.

**Council Goal:** Attract, retain and grow a diverse and stable economic base that supports city revenues, needed goods and services and jobs for community members.

- **Dependable Infrastructure:** Kirkland has a well-maintained and sustainable infrastructure that meets the functional needs of the community.

**Council Goal:** Maintain levels of service commensurate with growing community requirements at optimum life-cycle costs.

## CHAPTER 2: CITY COUNCIL AND ADVISORY BOARDS CODE OF CONDUCT

2.01 Code of Conduct for City Council and Advisory Boards and Commissions. The Code of Conduct is supplemental to the Kirkland Municipal Code and the Code of Ethics and applies to the City Council and all members of City advisory boards and commissions. The code of conduct describes how Kirkland officials treat each other and work together for the common good of the community. Conducting the City's business in an atmosphere of respect and civility is the underlying theme in this code. City Officials are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed in the code.

Implicit in the code is recognition of the worth of individual members and an appreciation for their individual talents, perspectives, and contributions. The code will ensure an atmosphere where individual members, staff, and the public are free to express their ideas and work to their full potential.

As a City Official of the City of Kirkland, I agree to these principles of conduct:

**We consistently demonstrate the principles of professionalism, respect and civility in working for the greater good of Kirkland.**

We assure fair and equitable treatment of all people.

We conduct ourselves both personally and professionally in a manner that is above reproach.

We refrain from abusive conduct, personal charges or verbal attacks on the character or motives of Councilmembers, members of boards and commissions, staff, and the public.

We take care to avoid personal comments that could offend others.

We show no tolerance for intimidating behaviors.

We listen courteously and attentively to all public discussions and treat all people the way we wish to be treated.

We serve as a model of leadership and civility to the community.

Our actions inspire public confidence in Kirkland government.

**Keeping in mind the common good as the highest purpose, we will focus on holding efficient meetings that achieve constructive solutions for the public benefit.**

We work as a team to solve problems and render decisions that are based on the merits and substance of the matter.

We respect differences and views of other people.

**We adhere to the principles and laws governing the Council/Manager form of government and treat all staff with respect and cooperation.**

We will refrain from interfering with the administrative functions and professional duties of staff.

We will not publicly criticize individual staff but will privately communicate with the City Manager any concerns about a department or department director or staff person.

We will refrain from negotiating or making commitments without the involvement and knowledge of the City Manager.

We will work with staff in a manner that consistently demonstrates mutual respect.

We will not discuss personnel issues, undermine management direction, or give or imply direction to staff.

We will communicate directly with the City Manager, department directors, or designated staff contacts when asking for information, assistance, or follow up.

We will not knowingly blindsides one another in public and will contact staff prior to a meeting with any questions or issues.

We will not attend City staff meetings unless requested by staff.

## CHAPTER 3: CITY COUNCIL MEETINGS

3.01 Rules Governing the Conduct of Meetings. The order of procedure contained in this Chapter shall govern deliberations and meetings of the Council of the City of Kirkland, Washington. *Roberts Rules of Order, Newly Revised, Latest Edition*, shall govern the deliberations of the City Council except when in conflict with any of the rules set forth in this chapter. Notice of Council meetings shall be given in accordance with chapter 42.30 RCW, the Open Public Meetings Act. Public notice is not required for events at which no action as defined by law may be taken, e.g. trainings, social and purely ceremonial events, such as ribbon-cuttings.

3.02 Submittal of Council Agenda Items. Items of business to be considered at any Council meeting shall be submitted to the City Manager no later than the Wednesday morning prior to a scheduled Council meeting. A written agenda and informational material is to be prepared and sent the Friday preceding each meeting to each Councilmember. Urgent items arising after the regular agenda has been prepared may be placed on the agenda if the Councilmember or City Manager explains the necessity and receives a majority vote of the Council on a motion to add the item.

3.03 Regular Meetings. Regular meetings of the Council shall be held as provided for by ordinance.

3.04 Quorum. At all meetings of the Council, a majority of the Councilmembers shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time to secure the attendance of absent members.

3.05 Order of Business. The order of business shall be as follows:

1. Call to Order
2. Roll Call
3. Study Session
4. Honors and Proclamations
5. Communications
  - a. Announcements
  - b. Items from the Audience (See Section 3.07 for the three-minute limitation.)
  - c. Petitions
6. Public Hearings
7. Special Presentations
8. Consent Calendar
  - a. Approval of Minutes
  - b. Audit of Accounts and Payment of Bills and Payroll
  - c. General Correspondence
  - d. Claims
  - e. Award of Bids
  - f. Acceptance of Public Improvements and Establishing Lien Periods
  - g. Approval of Agreements
  - h. Other Items of Business
9. Business
10. Reports
  - a. City Council Regional and Committee Reports

- b. City Manager Reports
  - (1) Calendar Update
- 11. Items from the Audience
- 12. Executive Session
- 13. Adjournment

3.06 Consent Calendar. Any matter, which because of its routine nature, would qualify for placement on the Consent Calendar pursuant to Section 3.05, may be included on the Consent calendar, notwithstanding action on the matter may, by law or otherwise, require adoption of a resolution or ordinance.

Any item may be removed from the calendar and moved to the regular agenda upon the request of any Councilmember. All items remaining on the calendar shall be approved by a single motion. Whenever an ordinance is included on the calendar, approval of the calendar shall be by roll call vote.

3.07 Public Comment. The Council believes that the following procedure for public comment during regular Council meetings will best accommodate the desires and concerns of the Council and the public:

1. During the time for "Items from the Audience," speakers may not comment on matters which are scheduled for a public hearing, or quasi-judicial matters. The Council will receive comments on other issues, whether the matter is on the agenda for the same meeting or not. When possible, items on the agenda will be marked with an asterisk when the Council cannot receive comments on such matters during the time for "Items from the Audience." Comments should be directed to the Council and speakers are encouraged to follow the Council's own principles of conduct related to professionalism, respect and civility in working for the greater good of Kirkland.
2. Speakers are not allowed under state law to offer public comment for the purposes of assisting a campaign for election of any person to any office. In addition, speakers are not allowed to offer public comment in support of or in opposition to any certified ballot measure unless the Council could but has not yet taken a position with respect to such measure.
3. During the times for "Items from the Audience," whether at the beginning or end of the meeting, each speaker will be limited to three minutes. No more than three speakers may address the Council on any one subject. However, if both proponents and opponents wish to speak, then up to three proponents and up to three opponents of the matter may address the Council. Unless it is 10:00 p.m. or later, speakers may continue to address the Council during an additional Items from the Audience period at the end of the meeting; provided, that the total amount of time allotted for the additional Items from the Audience period shall not exceed 15 minutes. A speaker who addressed the Council during the earlier Items from the Audience period may speak again, and on the same subject; however, speakers who have not yet addressed the Council will be given priority. Speakers may participate remotely through telephone or internet access provided by City staff even at meetings where in person comments may also be received.
4. Signs and placards may interfere with the orderly conduct of Council business and are not allowed at Council meetings, regardless of content.



3.08. Petitions. In the event that the Council is presented with a petition from a community member, the Council will take a formal vote providing direction which may include any of the following options:

1. Accept the petition for further study.
2. Accept the petition and refer to staff for follow-up.
3. Accept the petition and determine that no further action is needed.

Any petition referred to a Council Committee or staff will be presented at a subsequent regular meeting with an explanation of the resolution.

In order to be considered complete, a petition should include each signer's name and their city of residence.

3.09 Regional and Committee Reports. The Councilmember representative or chair of each respective regional or other committee, or the Councilmember acting for the chair in the place of the chair, shall submit or make all reports to the Council related to new or significant items or when so requested by the presiding officer or any member of the Council. The purpose of such reports is to provide other Councilmembers with information from the regional committees and meetings that may have significant financial or policy impacts to the City.

3.10 Duties of the Presiding Officer. It shall be the duty of the presiding officer of the Council to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Announce the agenda item and determine if the Council wishes to receive a staff report.
4. If, after presentation of the report or based upon the written report, action is desired, recognize a Councilmember to make a motion to propose appropriate action. Require a second to each motion for those motions which must be seconded.
5. Handle discussion in an orderly way:
  - a. Give every Councilmember who wishes an opportunity to speak.
  - b. Permit audience participation at appropriate times.
  - c. Keep all speakers to the rules and to the question.
  - d. Give pro and con speakers equal opportunity to speak.
  - e. Repeat motions, put motions to a vote and announce the outcome.
  - f. Suggest but not make motions for adjournment.
  - g. Appoint committees when authorized to do so.
6. Maintain order and decorum.
7. Provide direction to remove an individual or individuals from a Council meeting based on speech or conduct that has actually disrupted, disturbed, or impeded the orderly conduct of the meeting. If a disruption has rendered the orderly conduct of a meeting unfeasible and order cannot be restored through a recess or by the removal of the individual or individuals who interrupted the meeting, the Presiding Officer, upon a majority vote of the Councilmembers present, may order the meeting room cleared and continue the session or may adjourn the meeting and reconvene in another location in accordance with the provisions of the Open Public Meetings Act. This subsection will be followed and enforced on a content-neutral basis.

3.11 Rules for Councilmember Conduct.

1. No Councilmember shall speak more than twice on the same subject without permission of the presiding officer.
2. No person, not a member of the Council, shall be allowed to address the Council while it is in session without the permission of the presiding officer.
3. All questions on order shall be decided by the presiding officer with the right of appeal to the Council of any Councilmember.
4. Motions shall be reduced to writing when required by the presiding officer of the Council or any Councilmember. All resolutions and ordinances shall be in writing. The substance of Councilmember proposed amendments to resolutions and ordinances should be communicated to the City Manager whenever possible in order that City staff may reduce such amendments to writing for distribution by hard copy and Email to remaining Councilmembers no later than 5:00 p.m. on Council meeting days; provided, however, that nothing herein shall preclude amendments from being offered later, including orally during Council consideration of such resolutions and ordinances.

3.12 Voting. Each Councilmember present shall vote on all questions put to the Council. The duty to vote shall be excused when a Councilmember has a financial interest in the question or, in quasi-judicial matters, where a Councilmember has an appearance of fairness concern. When voting on any matter before the Council, a majority of the entire membership of the Council is required for passage of any ordinance, resolution or motion, provided that a simple majority of the Councilmembers present shall be sufficient with respect to the following motions:

1. To adjourn, to table or continue a matter,
2. To go into or out of executive session,
3. To schedule a special meeting of the Council,
4. To add or remove items on a future Council meeting agenda,
5. To approve or authorize the sending of a letter or other communication so long as the letter or communication sets forth a policy or position previously agreed to by a majority of the entire Council membership,
6. To establish the date for a public hearing, unless such hearing is required to be set by ordinance or resolution,
7. To authorize call for bids or requests for proposals,
8. To approve a Consent Calendar, provided that any ordinance, any grant or revocation of franchise or license, or any resolution for payment of money included on the calendar, has first been removed, and
9. To authorize a Councilmember to serve as presiding officer in the event of the absence, extended unavailability or vacancies in the offices of both the Mayor and Deputy Mayor.

3.13 Tie Votes. A tie vote, on a matter requiring four affirmative votes for passage, shall not be dispositive of the matter voted upon, but shall be deemed to have tabled the matter until the next succeeding regular meeting at which all seven Councilmembers are present. At that meeting, any Councilmember may move to take the matter off the table.

3.14 Non-Tie Vote with Lack of Affirmative Votes. A non-tie vote which fails for a lack of four affirmative votes, as to a matter which requires at least four affirmative votes for passage, shall be deemed to defeat the matter voted upon. Any Councilmember may move to reconsider the matter at the next succeeding regular meeting at which all seven Councilmembers are present.

3.15 Motions to Reconsider. Except as provided in Section 3.14, motions to reconsider must be made by a member who votes with the majority, and at the same or next succeeding meeting of the Council.

3.16 Motions to Lay A Matter on the Table. Motions to lay any matter on the table shall be first in order; and on all questions, the last amendment, the most distant day, and the largest sum shall be put first.

3.17 Motion for Adjournment. A motion for adjournment shall always be in order.

3.18 Motions and Discussion by the Presiding Officer. The presiding officer, as a member of the Council may, at such presiding officer's discretion, call any Councilmember to take the chair in order to allow the presiding officer to make a motion, but may otherwise discuss any other matter at issue subject only to such limitations as are imposed by these rules on other Councilmembers.

3.19 Suspension of Rules. The rules of the Council may be altered, amended or temporarily suspended by a vote of two-thirds of the members present; provided, that at least four affirmative votes be cast.

3.20 City Staff Attendance at Meeting. The City Manager, City Attorney, City Clerk, and such other officers and/or employees of the City shall, when requested, attend all meetings of the Council, which attendance may be either in person or remote.

3.21 Minutes. The City Clerk shall keep correct minutes of all proceedings. The votes of each Councilmember on any ordinance and the ayes and nays on any other question shall be entered in the minutes. Copies of the minutes shall be made available to the members of the Council as part of the Council meeting packet prior to their next regular meeting.

3.22 Procedure for Considering Process IIA Appeals. The Council shall consider a Process IIA appeal under Kirkland Zoning Code (KZC) Chapter 150 at one meeting, and shall vote on the appeal at the next or a subsequent meeting, in order for the Council to gather more information from the record and consider the appeal; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the appeal at the first meeting. The Council's vote (to affirm, modify or reverse the decision of the Hearing Examiner, or direct the Hearing Examiner to hold a rehearing) shall occur within 60 calendar days of the date on which the letter of appeal was filed, pursuant to KZC 150.125.

3.23 Procedure for Considering Process IIB Applications. The Council shall consider a Process IIB application under KZC Chapter 152 at one meeting, and shall vote on the application at the next or a subsequent meeting; provided, that the Council, by a vote of at least five members, may suspend this rule and consider and vote on the application at the first meeting. The Council shall first consider the application at a meeting held within 45 calendar days of the date of issuance of the Hearing Examiner's recommendations, pursuant to KZC 152.90.

3.24 Remote Attendance at Council Meetings. From time to time, a Councilmember may not be able to be physically present at a Council meeting but will want to be involved in the discussion and/or decision of all items on the agenda or only on particular agenda items. The procedure and guidelines for permitting a Councilmember to attend a Council meeting by speakerphone or audio/video equipment are as follows. Absent extraordinary circumstances such as an emergency, remote attendance should be the rare exception, not the rule, and requires the approval of the majority of the Council as provided for below.

1. Examples of situations where remote attendance would be appropriate include, but are not limited to:

- a. An emergency exists which prevents Councilmembers from attending in person and immediate action is needed.
- b. An agenda item is time sensitive and remote attendance is needed for a quorum.
- c. An agenda item is of very high importance to a Councilmember who cannot be physically present.
- d. It is important for all Councilmembers to be involved in a decision, but one or more Councilmembers are unable to be physically present.

2. Procedure and Guidelines Related to Remote Attendance of In Person Council Meetings. If a Councilmember wishes to participate in Council meeting agenda items remotely, the Councilmember should notify Council of the Councilmember's intent at the Council meeting prior to the meeting which they wish to attend remotely. If that is not possible, the Councilmember should notify the City Manager not later than the business day prior to the Council meeting which the Councilmember wishes to attend remotely. With less notice, it may not be possible to make the necessary arrangements to allow remote attendance. If the Mayor attends remotely, he or she may participate in discussions, but the Deputy Mayor, if physically present at the Council meeting, shall be the presiding officer.

A Councilmember may participate in some or all of the Council meeting remotely. When the portion of the Council meeting involving remote attendance is before the Council, the presiding officer shall inform all present of the intent to initiate a remote communication.

- a. The presiding officer shall confirm and announce that all present at the meeting and in the remote location can clearly hear all other parties and (as appropriate) access visual content that may be presented.
- b. With such confirmation, Councilmembers – whether they are physically at the meeting or at a remote location - constituting a majority may approve the use of remote communication for all or any specified portion of the meeting.
- c. Unless the Councilmember is participating remotely for the entire meeting, when the portion of the Council meeting for which remote attendance has been approved has concluded, the presiding officer shall announce the same and the attendance of the Councilmember communicating remotely shall end. The City Clerk shall record the beginning and ending times of the remote attendance.
- d. In the event that a remote communication link is broken or significantly degraded such that it no longer meets the full requirements of this section, the presiding officer shall confirm the loss of service and announce the close of the remote attendance. The attendance of the Councilmember communicating remotely shall end. The City Clerk shall record the time of the closure.

3. Requirements of the System. The Councilmember attending remotely must be able to hear the discussion on the agenda item taking place in the Council Chambers and must be able to be heard by all present in Council Chambers.

4. For purposes of voting, remote attendance at a Council meeting shall be considered equal to being physically present at the meeting. All votes conducted with a Councilmember attending remotely shall be conducted by roll call; provided, however, that when the Council is not meeting in person, for example during an emergency, roll call votes are required only in those instances where necessary to clarify voting in the event of a divided vote and in those instances where a roll call vote would have been required, e.g. ordinances, had the meeting been conducted in person.

3.25 Special Meetings and Emergencies. Special meetings, including dates, times and locations for meetings conducted during emergencies, shall be held in accordance with the Open Public Meetings Act. Special meetings are held at the request of the Mayor or, in the event of the extended unavailability of the Mayor, the Deputy Mayor. In the event of the extended unavailability of both the Mayor and the Deputy Mayor, special meetings are held at the request of the Councilmember designated by the Council as presiding officer in the extended unavailability or vacancies in the offices of the Mayor and Deputy Mayor or, if no Councilmember has been so designated, then the Presiding Officer shall be the Councilmember present at such special meeting and selected as acting chair by motion for the duration of such meeting. When the unavailability of any Councilmember becomes extended depends on the facts and circumstances but generally occurs when a special meeting needs to be scheduled and held on an urgent basis and such Councilmember is not available for any reason other than vacancy. The extended unavailability of a Councilmember does not, by itself, constitute a vacancy.

3.26 Vacancies. Vacancies on the Council created by operation of applicable state law shall be filled as follows in accordance with RCW 42.12.070:

1. Where one position is vacant, the remaining Councilmembers shall appoint a qualified person to fill the vacant position.
2. Where two or more positions are vacant and two or more Councilmembers remain in office, the remaining Councilmembers shall appoint a qualified person to fill one of the vacant positions, the remaining Councilmembers and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled, with each of the new appointees participating in each appointment that is made after the new appointee's appointment.
3. If less than two Councilmembers remain in office, the King County Council shall appoint a qualified person or persons to the Council until the Council has two Councilmembers.
4. If the Council fails to appoint a qualified person to fill a vacancy within 90 days of the occurrence of the vacancy, the authority of the Council shall cease and the King County Council shall appoint a qualified person to fill the vacancy.
5. If the King County Council fails to appoint a qualified person within 180 days of the occurrence of the vacancy, the King County Council or the Council may petition the Governor to appoint a qualified person to fill the vacancy. The Governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the Governor fills the vacancy the King County Council has not appointed a qualified person to fill the vacancy.
6. As provided for in chapter 29A.24 RCW, each person who is appointed to the Council shall serve until a qualified person is elected at the next election at which a member of the Council normally would be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

3.27 Legislative Request Memoranda. The City Manager Calendar Update is the time during the order of business of a Council meeting for a Councilmember to propose the consideration of

new legislation or request staff resources be allocated to issues not included in a current adopted budget, City Work Program, or department work plan. The process by which such proposals should be made is follows:

1. The Councilmember summarizes the issue and requests the preparation of a legislative request memorandum for the proposal. In appropriate consultation with the Councilmember, the legislative request memorandum analysis will follow a structured template which identifies at a high level:
  - a. Potential impacts and benefits of the proposal.
  - b. How the proposal supports the Council vision and goals.
  - c. How the proposal impacts diversity, equity, and inclusion.
  - d. Potential stakeholders impacted.
  - e. Potential outreach needed.
  - f. Potential staff resources needed.
  - g. Potential options or alternatives that could be evaluated.
  - h. Whether current staff resources and budget authority could accommodate the request.
2. The Council must by motion approve the preparation of a legislative request memorandum in connection with a proposal. The City Manager will include any such approved memorandum as part of a City Council packet for inclusion as part of a City Manager Calendar Update within two regular City Council meetings following the approved request. As part of such update the Council may by motion authorize staff to proceed with development of the proposal. Such authorization does not mean the Council has made a legislative decision or taken an action to approve adoption of the proposal. Any such decision or action must be taken, if at all, when final proposed legislation comes before the Council. If the Council does not approve proceeding with a proposal, the legislative request will be considered closed and the memorandum will be filed with the City Clerk to maintain a record of the request.

#### **CHAPTER 4: STUDY SESSIONS AND RETREATS**

4.01 Study Sessions. Study sessions shall be held as provided by Kirkland Municipal Code 3.10.020. Study sessions are used by the City Council to review upcoming agenda items, current and future programs or projects, to discuss, investigate, review or study matters of City business for informational purposes. No final action is taken while in study session; however, the Council may provide direction to staff by consensus or vote. Council direction shall be summarized in writing and presented to the Council at a regular meeting. Final action on direction provided at a study session will be scheduled for a regular or special council meeting.

4.02 Council Retreats. Council retreats are held annually, semi-annually or more frequently at the Council's discretion. The purpose of the retreats is to allow the Council to devote concentrated attention to single or multiple time consuming or general interest subjects. No final action is taken at retreats; however, the Council may provide direction to staff by consensus or vote. Council direction shall be summarized in writing and presented to the City Council at a regular meeting. Final action on direction provided at a Council retreat will be scheduled for a regular or special Council meeting.

## CHAPTER 5: COUNCIL COMMUNICATIONS

5.01 Written Correspondence. Access to the City Council by written correspondence is a significant right of all members of the general public, including in particular community member. The Council desires to encourage the exercise of this access right by the general public to bring to the attention of the Council, matters of concern to Kirkland. In order to do this most effectively, some orderly procedure for the handling of written correspondence is essential. One concern of the Council is application of the appearance of fairness doctrine to correspondence addressed to the Council, concerning matters which will be coming before the Council in a quasi-judicial or land use hearing context. Special care in the way the content of those communications is brought to the attention of the individual members of the Council is essential in order that an unintended violation of the appearance of fairness doctrine does not result.

The Council believes that the following procedure for handling of written correspondence addressed to the Council will best accommodate the desires and concerns of the Council as set forth in this section:

1. Correspondence of an Information Only Nature — Correspondence which is purely of an informational nature and which does not require a response or action should not be placed on the Council meeting agenda by the City Clerk, but rather transmitted to the Councilmembers in the normal course of daily business.

2. Routine Requests — Items of a routine nature (minor complaints, routine requests, referrals, etc.) shall be answered by staff. Routine requests and staff responses shall be transmitted to the Councilmembers in the normal course of daily business.

3. Significant Correspondence — Correspondence that requires policy decision or approval by Council shall be placed by the City Clerk on the regular Council agenda and shall be accompanied by staff report as are all other agenda items. Direct replies may be made by the City Manager if policy matters are not involved or the Council has previously provided policy direction. Replies shall be transmitted to the Councilmembers in the normal course of daily business.

4. Correspondence Directly Relating to Quasi-Judicial Hearing Matters — All such correspondence when so identified by the City Clerk shall not be included within the agenda materials, but shall be placed in a City Council communication holding file, or directly into the appropriate hearing file, so that they will be circulated to City Councilmembers at the time that the matter comes before the Council for its quasi-judicial consideration, and as a part of the hearing record for that matter. The City Clerk shall also advise the sender of each such letter, that the letter will be coming to the attention of the Council at the time that the subject matter of the letter comes before the Council in ordinary hearing course.

5. Prompt Acknowledgments — The City Manager or designee will promptly acknowledge the receipt of all written correspondence and inquiries and, where appropriate, advise the writer of referral to the Council or a City department.

5.02 Council Communications with the Public. The Councilmembers are committed to open and progressive communications in their capacity as elected officials. Individual Councilmembers use a variety of methods to communicate with the public, stakeholders, partners and the media. Social media platforms offer a way to deliver public information and customer service to constituents and



give community members another means to interact with their government. The purpose of this policy is to provide guidelines for Council communication with the public, when Councilmembers are acting in their official capacity or commenting on City government matters, either through traditional media outlets or the use of social media platforms through personal accounts or pages.

The Council believes that the following guidelines will provide consistency in procedures and allow for use of more tools to communicate with the public.

1. The content and tenor of all public communications should model the same professional behavior displayed during Council meetings and community meetings and reflect well on the individual Councilmember, the Council as a whole, and the community.
2. The following disclaimers should be included in whole or referenced with a link to the disclaimers for all communications initiated by Councilmembers in open forums.
  - a. The views expressed represent the views of the author and may not reflect the views of the City of Kirkland or the Kirkland City Council.
  - b. Responses to this communication by other Councilmembers may be limited by the provisions of the Open Public Meetings Act. under which a policy discussion or other action taken must be held in an open public meeting if a quorum of the Council participates.
  - c. Comments posted in response to a Councilmember-initiated communication may be subject to public disclosure under chapter 42.56 RCW, the Public Records Act.
3. Media outlets such as newspapers, radio and television news coverage may be used as communications medium by individual Councilmembers provided that the communication clearly states that the views expressed do not represent those of the City Council or the City of Kirkland but the views of the individual Councilmember.
4. Communications Initiated by Councilmembers. Guest editorials, letters to the editor and blog posts published by Councilmembers should be provided to the full Council at the same time they are delivered to the media outlet. Drafts of guest editorials, letters to the editor or blog posts which may be submitted on behalf of the Council as opposed to an individual Councilmember may not be circulated for comment to a quorum of the Council prior to publication as this may violate the Open Public Meetings Act.
5. Use of Social Media. Posts to social media sites (Web 2.0) such as blogs, Facebook and Twitter may be used by individual Councilmembers to communicate with the public provided the following guidelines are used:
  - a. Blog posts or other posts to social media sites should include, or reference by a link, the disclaimers listed in Section 2.
  - b. Social media sites are not to be used for the conduct of Council business other than to informally communicate with the public. Public notices, items of legal or fiscal significance that have not been released to the public and discussion of quasi-judicial matters may not be included in Councilmembers social media posts. Councilmembers are encouraged to maintain social media sites with settings that can restrict users' ability to comment in order to avoid inadvertent discussions of

these items. Unsolicited public comments on quasi-judicial matters must be placed on the record by the Councilmember at the time the matter is before the Council for consideration.

- c. In order to demonstrate openness and a willingness to listen to the entire community, Councilmember posts on social media sites should be made through a public-facing page or by marking individual posts as available to the public as a whole.
  - d. When commenting on a post or an article published by someone other than a Councilmember, a link to the standard disclaimers in Section 2 should be included within the thread.
6. If a Councilmember makes a factual error in a public communication, it should be corrected as soon as the error is discovered. Blog posts may be corrected by amending a previous post with a note that a correction was made.
7. Retention of Council Electronic Communications and Social Media Content. All Email and text messages, files downloaded from outside sources and other electronic files, relating to the conduct of government or the performance of any governmental or proprietary function, are considered official City business records and are subject to the Public Records Act and the laws governing the retention and destruction of public records.<sup>1</sup>
  - a. Email messages sent or received via City Email addresses are captured by the City archiving system servers. Council communications are potentially archival and will be retained in accordance with the State retention schedule.
  - b. Email messages sent or received using personal addresses should be forwarded to the Councilmember's City account and also maintained in their original form to preserve associated metadata. Attachments should be saved to City server drives as appropriate.
  - c. Text message records are maintained by the communications carrier/providers with varying policies and practices and can be difficult to retrieve and to maintain in accordance with state law. Councilmembers should only use text messaging for transitory communications and not to discuss City business.
  - d. Social Media postings should be captured via screen shots which are emailed to, and retained in, the Councilmember's City Email account as an interim archiving method pending selection of an appropriate social media archiving technology solution.
  - e. Members should consult with the City Clerk's Office for assistance with any retention questions.
8. Use of City-owned equipment to update personal social media sites or Email accounts is subject to Administrative Policy 7.1 which allows for incidental use of City equipment for personal needs provided the activity does not cause the City to incur additional cost or liability or pose additional risk to security, privacy or conflict with any other City policy.

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<sup>1</sup> "Public record" is broadly defined in RCW 42.56.010(3) to include, ". . . any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. . . ."

Use of City-owned equipment or Email accounts for campaign purposes is prohibited by RCW 42.17A.555.

## **CHAPTER 6: PROCLAMATIONS AND COMMENDATIONS**

6.01 Proclamations and Commendations. A proclamation or commendation is a formatted certificate or letter, issued by the Mayor, to give recognition and support to ceremonial occasions and special events, civic achievements, or to raise awareness about concerns of interest to the community as a whole. Proclamations and commendations are symbolic; no official policy, action or legal act is imparted or intended as a result.

1. All proclamations and commendations will be issued at the discretion of the Mayor.
2. Proclamations generally recognize international, national, state, and local events, as well as matters of historical interest, in order to bring them to the attention of Kirkland community members. Commendations generally honor a group or individual for civic achievements. Proclamation and commendation content should relate to a public purpose or benefit. The City Council shall maintain and publicly display a list of recurring proclamations generally issued by the Mayor on at least an annual basis. The list of recurring proclamations shall be reviewed by the Council at least every two years (in even years) to ensure they reflect the current values and policy positions of the Council.
3. A proclamation or commendation that has not previously been issued by the Mayor shall be reviewed by the Council whenever possible at least ten days before the Council meeting at which it is to be presented to ensure that it does not conflict with an adopted policy position of the Council.
4. The City Manager's Office will coordinate all requests for proclamations and commendations. Proclamation and commendation requests should be received no later than thirty (30) days in advance to allow time for the proclamation or commendation to be prepared and reviewed. Proclamations are generally added to a Council Meeting Agenda. Commendations are generally mailed to the recipient. Proclamation and commendation requests shall be made through the City Manager's Office on a template form that includes at least the following information: (a) target issuance date; (b) requestor's name, organization, address, telephone, and Email contact information; (c) proposed written content; and (d) brief narrative that includes a description of the event, cause or civic achievement to be recognized and the public benefits or purposes that would be served thereby.
5. Proclamations shall be presented at Council meetings only if a recipient is participating in the meeting or at the discretion of the Mayor. All other proclamations, like commendations, will be sent by mail to the recipient.

## CHAPTER 7: COUNCIL COMMITTEES

7.01 Purpose and Relationship to City Council. Council Committees are advisory and do not take action on behalf of the Council. The purpose of committees is to review matters in detail and to make reports to the full Council for possible Council actions. The Council does not have standing committees but may have ad hoc or intermittent committees, which are appointed for special or time-limited subjects. Ad hoc committees are disbanded when they complete their assigned task(s). Issues which are not assigned to ad hoc or intermittent committees may be addressed by the Council during study sessions and at retreats.

### 7.02 Council Committee Meetings.

Unless a quorum of the Council is in attendance, meetings of Council Committees do not need to be posted to the City's website.

If a committee member is unable to attend the committee meeting in person, they may attend by speaker phone provided that adequate notice is provided to the Chair and the City Manager.

### 7.03 Council Intermittent Committees

| Committee/Topic Areas  | Staff  |
|--|--|
| <ul style="list-style-type: none"> <li>State and Federal Legislative Work Group</li> <li>Transportation Ad Hoc Work Group</li> <li>Lake Washington School District Coordinating Committee</li> </ul> | <p>Intergovernmental Relations Manager</p> <p>Transportation Manager</p> <p>Senior Neighborhood Services Coordinator</p> |

7.04 Council Committee Membership and Attendees. Each ad hoc or intermittent Council Committee will consist of no more than three appointed Councilmembers in order to support their advisory nature. In some limited instances, and with the prior approval of the Council by action taken at a Council meeting, additional Councilmembers may attend a committee meeting, but in such instances the committee may not vote on any matter before it. Further, each committee meeting expected to be attended by more than three Councilmembers will be noticed as a special meeting of the Council in accordance with the Open Public Meetings Act. Councilmembers not attending a committee meeting noticed as a special meeting of the Council and not appointed to such committee shall not be considered absent from such meeting.

## **CHAPTER 8: BOARD AND COMMISSION APPOINTMENTS**

City advisory boards and commissions ("City advisory boards") shall consist of up to seven (7) and eight (8) members appointed by the City Council except to the extent otherwise provided by state law; provided further, however, that the Youth and Senior Council boards will continue to make their own appointments. All board meetings shall comply with the requirements of the Open Public Meetings Act, with meetings recorded and minutes posted on the City's website.

It shall be the policy of the City Council to make appointments to City advisory boards generally in accordance with the following:

8.01 Applicability/Definition. Unless otherwise provided by statute or the Kirkland Municipal Code, for the purposes of this policy, the term City advisory board shall include the following appointed bodies:

Cultural Arts Commission  
Design Review Board  
Human Services Commission  
Park Board  
Planning Commission  
Library Board  
Tourism Development Committee (Lodging Tax Advisory Committee)  
Salary Commission  
Transportation Commission

8.02 Eligibility. Relatives, family members or domestic partners of Councilmembers will not be eligible to serve on City advisory boards. Members of the family of a City employee who works in a department, that provides staff assistance or support to a board, shall not be eligible to serve on that board.

8.03 Non-Discrimination. The Council shall not discriminate on the basis of an applicant's race, ethnic background, creed, age\*, sex, marital status, sexual orientation, gender identification, or the presence of any sensory, mental, or physical disability in the making of appointments.

\*City Council has made age a qualification for specific seats on certain advisory bodies.

8.04 Concurrent Offices. At no time shall any person serve concurrently as a member of more than one of the above listed City advisory boards.

8.05 Terms. Appointments shall be made for four-year terms, unless otherwise provided by statute or Kirkland Municipal Code. Terms shall expire on the 31<sup>st</sup> of March of the applicable year. A member being appointed to fill a vacant position on a City advisory board shall be appointed to fill the vacancy for the remainder of the unexpired term. Subject to Section 8.06, and by mutual agreement, appointments may be extended by the Council for up to an additional one year in exigent circumstances and after considering the general benefits of staggered board terms.

8.06 Term Limitations. No individual shall serve more than two full four-year terms as a member of a City advisory board; provided, if an individual is appointed to fill 730 days or less of an unexpired term and serves that term, the individual is eligible to apply for and serve two additional

four-year terms. If an individual is appointed to fill 731 days or more of an unexpired term and serves that term, the individual would be eligible to apply for and serve for only one additional four-year term.

8.07 Attendance. Appointees shall attend 80 percent of all City advisory board meetings in any 12-month period for which there is no prearranged absence, but in any case shall attend no less than 60 percent of all meetings unless waived by the Council.

8.08 Appointment/Reappointment. Pursuant to Section 2.1, all City advisory board members shall adhere to the City Council code of conduct. An open competitive process will be used to fill vacancies. The Council will initiate an open and competitive application process and solicit applicants for the position(s). Each such appointment and reappointment process shall include a City staff representative whose primary focus is on helping ensure diversity, equity and inclusion. All board members completing their term who are interested in and eligible for reappointment may be reappointed by the Council for a second term without an open competitive process.

8.09 Criteria for Reappointment. Information will be sought from the relevant City advisory board chair, the other current members of the board, and the City Manager (or appropriate staff) when considering reappointments. Reappointments are based on the following criteria:

Minimum performance – Attendance, incumbent reads the materials, has a basic understanding of the issues and participates in discussion.

Performance – Has well-thought-out arguments, logically presented, and is a good advocate. Shows ability to analyze complex issues and to judge issues on substantive grounds. Understands difference between quasi-judicial and legislative matters.

Personal relations – Has good understanding of relative roles of Council, City advisory boards, and staff and is sensitive to staff's job. Is respectful of others' viewpoints. Is a good team player, shows willingness to compromise, work towards a solution without sacrificing their own principles.

Growth/improvement – Has shown personal and/or intellectual growth in the position. Has shown improved performance, has taken advantage of continuing education opportunities or other indicia of growth or improvement.

Public benefit – Reappointment provides a benefit to the board as a body; enhances diversity on the board, including diversity of background and perspective.

8.10 Reappointment Process. Prior to the beginning of the open competitive process, an ad hoc committee of the Council will be chosen, by lot, to review and recommend incumbents for a second term. The recommendations will be based upon past performance and made in consultation with the relevant City advisory board chair, the other members of the board, and the City Manager for presentation to the Council at the next regular meeting.

8.11 Application Process. Openings for City advisory board positions shall be widely advertised in local newspapers, as well as other means available and appropriate for this purpose. Strong efforts will be made to encourage applications from a diverse pool of candidates, including with respect to race, ethnicity, gender, sexual orientation, gender identification, the presence of any sensory, mental, or physical disability, background and perspective, and status as a home owner or renter in Kirkland. Applicants shall be required to complete a City application form provided for



this purpose, and to submit a completed application by the specified recruitment deadline. Late applications will not be accepted; however, the Council may choose to extend an application deadline, if necessary, to obtain a sufficient number of applicants for consideration. Copies of all applications will be provided to the Council.

8.12 Appointment Process. Upon receipt of applications, the ad hoc committee of the Council referenced in Section 8.10 will review the applications and reduce the number of applicants for interview to three applicants for each vacancy. For example, if there were one vacancy on a City advisory board, the Council would reduce the pool of applicants to be considered to three. If there were two vacancies, the Council would reduce the pool of applicants to be considered to six. In cases where the number of applicants for interview require a reduction from the number that have applied, the ad hoc committee of the Council will recommend to the entire Council those to be interviewed for each board and those recommended not to be interviewed.

Interviews of applicants shall be conducted in open session. The Council may choose to share anticipated interview questions with the applicant pools in advance of interviews. The chair of the relevant board (or a representative) and a City staff representative whose primary focus is on helping ensure diversity, equity and inclusion will also be invited to attend the interviews and may participate in the process to the degree desired by the Council. Upon completion of the interviews, the Council shall, in open session, make its reappointments of incumbents and appointments of new members and may designate alternates that could be considered for appointment in the event of a vacancy occurring within one year of the appointment through resignation or removal. The Council will seek to make appointments of qualified candidates who reflect the diversity of Kirkland, including with respect to race, ethnicity, gender, sexual orientation, gender identification, the presence of any sensory, mental, or physical disability, background and perspective, and status as a home owner or renter in Kirkland. Following appointment, the appointee and alternates, as well as all other candidates, will be notified in writing of the Council's decisions.

8.13 Criteria for Removal. Failure to meet the requirements of the code of conduct set forth in Chapter 2 or the attendance standard set forth above are cause for the removal of a member of a board or commission by a majority vote of the Council.

8.14 Open Government Training Requirement. Within 90 days of assuming their positions, all members of boards and commissions appointed by the Council must receive the training required by the Open Government Trainings Act regarding the Open Public Meetings and the City should provide information and training opportunities on Public Records Act statutes.

## RESOLUTION R-5470

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AMENDMENTS TO THE CITY OF KIRKLAND CITY COUNCIL POLICIES AND PROCEDURES INCLUDING COUNCIL GOALS AND AUTHORIZING THE CITY MANAGER TO EXTEND EXPIRING CITY ADVISORY BOARD AND COMMISSION MEMBER TERMS THROUGH MAY 2021.

1 WHEREAS, the City Council has discussed potential  
2 revisions to its Policies and Procedures at its Council retreat on  
3 February 5 and at its regular meetings on February 16 and March  
4 2, 2021; and

5  
6 WHEREAS, such potential revisions include the addition of  
7 a goal related to an inclusive and equitable community and  
8 amendments related to attainable housing, a sustainable  
9 environment and a thriving economy; and

10  
11 WHEREAS, such amendments also include number of  
12 additional substantive changes, included to those related to  
13 inclusive language; language which reflects evolving Council and  
14 community values and sentiments; affirmation that the  
15 requirements of the Washington Open Public Meetings Act apply  
16 to any meeting of the Council at which action may be taken and  
17 also to the meetings of the City's advisory boards and  
18 commissions; guidelines for civility during Items from the  
19 Audience and the receipt of other public testimony; continuation  
20 of opportunities for community members and City staff to  
21 participate in Council meetings remotely; elimination of the  
22 requirement of roll call votes on some action items even when  
23 Councilmembers are participating remotely, for example during  
24 the COVID-19 pandemic; a new "legislative request memoranda"  
25 process for City staff review of new issues raised by  
26 Councilmembers and prior to any formal legislative actions; the  
27 various processes by which members of City advisory boards and  
28 commissions are recruited and reappointed by the Council,  
29 including with respect to equity, diversity and inclusion; the  
30 general size of such advisory bodies and required adherence to  
31 the code of conduct; an increased emphasis on diversity (including  
32 diversity of background and perspective) on such advisory boards;  
33 and required training for such advisory boards in connection with  
34 the Washington Public Records Act in addition to the Open Public  
35 Meetings Act; and

36  
37 WHEREAS, the Council desires that City government be  
38 transparent and accountable to the public; and

39  
40 WHEREAS, the City Council seeks to govern in a manner  
41 that is responsive to the community, in collaboration with City  
42 management, and in a business-like and professional manner; and

43 WHEREAS, written principles, policies and procedures best  
44 assure an atmosphere conducive to principled, accountable, and  
45 transparent governance.

46  
47 NOW, THEREFORE, be it resolved by the City Council of the  
48 City of Kirkland as follows:

49  
50 Section 1. The amended "City of Kirkland City Council  
51 Policies and Procedures" dated March 2021, attached as Exhibit A  
52 and incorporated by this reference are approved.

53  
54 Section 2. In order to provide for a more robust and  
55 coordinated effort to recruit and reappoint City advisory board and  
56 commission members on a diverse and inclusive basis, the City  
57 Manager is authorized to extend board and commission member  
58 appointments currently expiring at the end of March through the  
59 end of May 2021.

60  
61 Passed by majority vote of the Kirkland City Council in open  
62 meeting this \_\_\_\_ day of \_\_\_\_\_, 2021.

63  
64 Signed in authentication thereof this \_\_\_\_ day of  
65 \_\_\_\_\_, 2021.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

**CITY OF KIRKLAND****Department of Public Works****123 Fifth Avenue, Kirkland, WA 98033 425.587.3800****[www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Archie Ferguson, Fleet Manager  
Ray Steiger, PE, Superintendent  
Julie Underwood, Director of Public Works

**Date:** March 4, 2021

**Subject:** DECLARATION OF SURPLUS VEHICLES AND EQUIPMENT

**RECOMMENDATION:**

It is recommended that the Council approve the declaration of surplus vehicles and equipment identified in this staff report, which will lead to their removal from the City's Equipment Rental Fund replacement schedule and to their disposal.

Approval of this item on the Consent Calendar will authorize the disposal of surplus vehicles and equipment.

**BACKGROUND DISCUSSION:**

The surplus of vehicles and equipment that have been replaced with new vehicles or equipment, or which no longer meet the needs of the City, is consistent with the City's Equipment Rental Fund replacement schedule policy. Under that policy, if a declaration of surplus is approved by City Council then vehicles and/or equipment are sold or disposed of in accordance with the *Kirkland Municipal Code*, Chapter 3.86, "Sale and Disposal of Surplus Personal Property." The only exception is concerning surplus PD Interceptors. KPD has been given permission to retain surplus Patrol Units as needed, to be used as Neighborhood Resource Officer (NRO) Vehicles.

Once a vehicle or equipment is scheduled for replacement through the budget process, Fleet Management staff utilizes specific criteria to evaluate the vehicle or equipment prior to making a final recommendation for disposing of it. Among the replacement criteria considered are:

- Wear and tear on the engine, drive train, and transmission;
- Condition of the structural body and major component parts;
- The vehicle's frequency and nature of past repairs;
- Changes in the vehicle's mission as identified by the Department that it serves;
- Changes in technology;
- Vehicle right-sizing;
- The impact of future alternative fuels usage; and/or
- Specific vehicle replacement funding accrued.

The decision to recommend replacement of a vehicle requires the consensus of the Fleet Management staff and the department that it serves. Vehicles should be replaced close to the point where major repairs and expenses are anticipated to occur in order to maximize their usefulness without sacrificing resale value. Consideration of the vehicle's established accounting life (replacement cycle) is a key factor in that evaluation.

The replacement cycle of a given vehicle or piece of equipment is its years of anticipated useful life for the City. The replacement cycle enables staff to calculate a schedule and a fee to charge the home department so that the Equipment Rental Fund has sufficient resources to purchase a similar replacement if and when a replacement is needed. The replacement cycle is a guideline; the actual longevity of specific vehicles and equipment often varies somewhat from the established cycle based on the criteria listed above.

An outcome of the 2020 Fleet Rate Study was that most of our replacement cycles have been increased slightly to better reflect the actual life experienced by Kirkland's fleet. The City's updated replacement cycles are as follows:

| <u>Vehicle description</u> | <u>Prior replacement cycle</u> | <u>Current replacement cycle</u> |
|----------------------------|--------------------------------|----------------------------------|
| Mowers/Field rakes         | 4 years                        | 6 years                          |
| Patrol police cars         | 4 years                        | 5 years                          |
| Small equip/motorcycles    | 6 years                        | 8 years                          |
| Vehicle/pick-ups           | 8 years                        | 10 years                         |
| Large equipment            | 10 years                       | 12 years                         |
| Dump trucks/vans           | 12 years                       | 14 years                         |
| Trailers                   | 15 years                       | 17 years                         |
| Fire apparatus             | 18 years                       | 18 years                         |

Based on the considerations and criteria reviewed in this staff report, the following vehicle and equipment are recommended for surplus:

| <u>Fleet #</u> | <u>Year</u> | <u>Make &amp; Model</u>     | <u>License</u> | <u>Hours/<br/>Miles</u> |
|----------------|-------------|-----------------------------|----------------|-------------------------|
| BG-7X          | 2006        | John Deere Turf Gator 4WD   |                | 3,122                   |
| BG-9           | 2009        | John Deere Turf Gator 4WD   |                | 1,141                   |
| BG-11          | 2012        | John Deere 1200A Field Rake |                | 929                     |
| BG-12          | 2012        | John Deere 1200A Field Rake |                | 779                     |
| BG-13          | 2012        | John Deere 1200A Field Rake |                | 143                     |
| Mazda 5        | 2008        | Mazda 5 Mini Van            | 67504D         |                         |
| P146           | 2015        | Ford Interceptor Sedan AWD  | 58988D         | 83,186                  |
| P148           | 2015        | Ford Interceptor SUV 4WD    | 58921D         | 60,197                  |
| P151           | 2016        | Ford Interceptor SUV 4WD    | 59718D         | 60,489                  |
| P152           | 2016        | Ford Interceptor SUV 4WD    | 59721D         | 78,044                  |
| P153           | 2016        | Ford Interceptor SUV 4WD    | 59715D         | 50,114                  |
| P156           | 2016        | Ford Interceptor SUV 4WD    | 61861D         | 45,528                  |
| P157           | 2016        | Ford Interceptor SUV 4WD    | 61861D         | 100,469                 |
| P158           | 2016        | Ford Interceptor SUV 4WD    | 61875D         | 42,468                  |
| RB-3           | 1996        | ADDCO Reader Board          | 23973D         | N/A                     |

Unit BG-7x was assigned to the Parks Department; the Unit, which is classified as a Mower/Field Rake above, has exceeded the replacement cycle of 6 years by 9 years.

Unit BG-09 was assigned to the Parks Department; the Unit, which is classified as a Mower/Field Rake above, has exceeded the replacement cycle of 6 years by 6 years.

Unit BG-11 was assigned to the Parks Department; the Unit, which is classified as a Mower/Field Rake above, has exceeded the assigned replacement cycle of 6 years by 3 years.

Unit BG-12 was assigned to the Parks Department; the Unit, which is classified as a Mower/Field Rake above, has exceeded the replacement cycle of 6 years by 3 years.

Unit BG-13 was assigned to the Parks Department; the Unit, which is classified as a Mower/Field Rake above, has exceeded the replacement cycle of 6 years by 3 years.

The Mazda 5 Mini Van was assigned to KPD from a special seized vehicle program. The vehicle is in need of a new transmission, which would be an expense that outweighs the ultimate value of the vehicle.

Unit P146 was assigned to the Police Department; the Unit, which is classified as a Police car above, has exceeded the replacement cycle of 5 years by 1 year.

Unit P148 was assigned to the Police Department; the Unit, which is classified as a Police car above, has exceeded the replacement cycle of 5 years by 1 year.

Unit P151 was assigned to the Police Department; the Unit, which is classified as a Police car above, has completed the replacement cycle of 5 years.

Unit P152 was assigned to the Police Department; the Unit, which is classified as a Police car above, has completed the replacement cycle of 5 years.

Unit P153 was assigned to the Police Department; the Unit, which is classified as a Police car above, has completed the replacement cycle of 5 years.

Unit P156 was assigned to the Police Department; the Unit, which is classified as a Police car above, has completed the replacement cycle of 5 years.

Unit P157 was assigned to the Police Department; the Unit, which is classified as a Police car above, has completed the replacement cycle of 5 years.

Unit P158 was assigned to the Police Department; the Unit, which is classified as a Police car above, has completed the replacement cycle of 5 years.

RB-03 was assigned to the Public Works Department; the Unit, which is a mobile reader board, is classified as Small Equipment above, has exceeded the replacement cycle of 8 years by seventeen years.



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**Department of Finance & Administration**  
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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager  
**From:** Michael Olson, Director of Finance and Administration  
George Dugdale, Financial Planning Manager  
Kevin Lowe Pelstring, Budget Analyst  
**Date:** March 4, 2021  
**Subject:** Monthly Financial Dashboard Report through January 31, 2021

### **RECOMMENDATION:**

It is recommended that the City Council receive the monthly Financial Dashboard for January 2021.

### **BACKGROUND DISCUSSION**

The Financial Dashboard is a high-level summary of some of the City's key revenue and expenditure indicators. It provides a budget to actual comparison for year-to-date revenues and expenditures for the general fund, as well as some other key revenues and expenditures. The report also compares this year's actual revenue and expenditure performance to the prior year. It is even more important during the current COVID-19 pandemic and associated economic impacts to closely track the City's revenues and expenditures.

We see the continued effects of COVID-19 and the Governor's 'Safe Start' restrictions reflected in this report. Total General Fund Revenues are 6.1 percent of budget, which is slightly below the 8.3 percent budget threshold just below the normal expected range. Typically, General Fund Revenues are 6.5-7.5 percent of budget due to the net effect of the City's conservative Sales Tax budgeting policy and the timing of Property Tax distributions by King County. Relative to 2020, General Fund Revenues are down 25.1 percent mostly due to significant declines in Development Fees (-56.6 percent) from unusually robust January 2020 development activity. Total Expenditures are 8.3 percent of budget to date and are right in line with the budget threshold.

The January results include Sales Tax revenues through November. Relative to 2020, Sales Tax is up 2.6 percent due to the following business sectors, which comprise about 51 percent of total revenues: Services (up \$70,386 or 26.1 percent), Other Retail (up \$58,453 or 21.2 percent), Gen Merch/Misc. Retail (up \$52,531 or 23.6 percent), Miscellaneous (up \$18,686 or 18.5 percent), and Wholesale (up \$16,028 or 19.9 percent). These gains are offset somewhat by losses in the following business sectors, which comprise about 22 percent of total revenues: Auto/Gas Retail (down \$146,589 or 27.0 percent) and Retail Eating/Drinking (down \$34,687 or 23.6 percent). These declines are in sectors heavily impacted by the COVID-19 pandemic.

Property Taxes are 0.3 percent of budget, which is well below the 8.3 percent budget threshold, as is typical. King County typically distributes Property Taxes to cities primarily in April-May and October-November, so the amount received through January 31 represents almost none of the expected property taxes for the year. Development Fees are 5.9 percent of budget, which is below the 8.3 percent budget threshold, and are down 56.6 percent Relative to 2020, primarily due to the exceptionally high level of development activity in January of last year.

Financial Planning will continue to monitor and project these and all City revenues being affected by COVID-19 throughout 2021, providing that information where needed to inform policy decisions.



March 3, 2021

- **General Fund Revenues** are 6.1 percent of budget, which is slightly below the 8.3 percent budget threshold just below the normal expected range. Typically, General Fund Revenues are 6.5-7.5 percent of budget due to the net effect of the City's conservative Sales Tax budgeting policy and the timing of Property Tax distributions by King County. Relative to 2020, General Fund Revenues are down 25.1 percent mostly due to significant declines in Development Fees (-56.6 percent) from unusually robust January 2020 development activity.

- **Sales Tax** is 9.6 percent of budget, which is slightly above the 8.3 percent budget threshold despite COVID-19 economic impacts, primarily due to the effect of the City's modified two-year sales tax lag policy. Relative to 2020, Sales Tax is up 2.6 percent due to the following business sectors, which comprise about 51 percent of total revenues: Services (up \$70,386 or 26.1 percent), Other Retail (up \$58,453 or 21.2 percent), Gen Merch/Misc. Retail (up \$52,331 or 23.6 percent), Miscellaneous (up \$18,686 or 18.5 percent), and Wholesale (up \$16,028 or 19.9 percent). These gains are offset somewhat by losses in the following business sectors, which comprise about 22 percent of total revenues: Auto/Gas Retail (down \$146,589 or 27.0 percent) and Retail Eating/Drinking (down \$34,687 or 23.6 percent). As a reminder, there is a two-month lag between when Sales Tax is generated and when it is distributed to the City (i.e., January receipts are for November retail activity).

- **Property Taxes** are 0.3 percent of budget, which is well below the 8.3 percent budget threshold, as is typical. King County typically distributes Property Taxes to cities primarily in April-May and October-November, so the amount received through January 31 represents almost none of the expected property taxes for the year.




- **Utility Taxes** are 6.9 percent of budget, which is slightly below budget. Relative to 2020, Utility Taxes are down 24.1 percent due to the net effect of a 6.9 percent increase in Electric Utility Taxes, a 74.2 percent decrease in Telephone Utility Taxes (reflecting an ongoing, double digit downward trend), a 20.3 percent decrease in Sewer Utility Taxes, and a 27.0 percent decrease in Solid Waste Utility Taxes. Because it is so early in the year, it is unclear what is driving this significant period over period reduction in utility revenue. One possible reason is that the large number of employees working from home during the pandemic may have resulted in nearly vacant office buildings that have reduced solid waste service and used significantly less water. Financial Planning will continue to monitor this trend and provide more detail in next month's report.

- **Development Fees** are 5.9 percent of budget, which is modestly below the 8.3 percent budget threshold, and are down 56.6 percent Relative to 2020, primarily due to the exceptionally high level of development activity in January 2020.

- **Business Fees** are 11.6 percent of budget, which is modestly above the 8.3 percent budget threshold. Given local businesses are dealing with substantial burdens from COVID-19 and frequently changing restrictions, revenue from Business Fees is expected to continue to fluctuate over time as businesses close, new ones open, and existing businesses may or may not renew on time.

- **General Fund Expenditures** are 8.3 percent of budget, which is in line with the 8.3 percent budget threshold, with position vacancy and other budget savings offsetting unbudgeted expenditures related to COVID-19.

- **General Fund Salaries/Benefits** are 8.5 percent of budget thru January, again in line with the budget threshold.
- **Fire Suppression Overtime** is 8.5 percent of budget, right in line with the budget threshold. Relative to 2020, Fire Suppression Overtime is down 12.2 percent but may outpace budget as wildland fire seasons start again later this summer. Some of the overtime from 2020 was directly related to the initial COVID-19 emergence in Kirkland and resulting quarantine procedures unlikely to repeat in 2021. Financial Planning will continue to monitor this throughout the year.

| City of Kirkland Financial Dashboard  |                |                             | Budget Threshold (% Complete) : 8.3% |   |                 |  |                            |        |
|---|----------------|-----------------------------|--------------------------------------|---|-----------------|--|----------------------------|--------|
| Annual Budget Status as of 1/31/2021  |                |                             |                                      |   |                 |  |                            |        |
|   | 2021<br>Budget | Year-to-Date<br>Actual 2021 | % Received/<br>% Expended            | January<br>YTD  | December<br>YTD | Year-to-Date<br>Actual 2020            | YTD Change: 20 to 21<br>\$ | %      |
| <b>General Fund</b>   |                |                             |                                      |   |                 |  |                            |        |
| Total Revenues  | 102,982,984    | 6,265,162                   | 6.1%                                 |   |                 | 8,365,826                              | (2,100,664)                | -25.1% |
| Total Expenditures  | 105,323,343    | 8,773,792                   | 8.3%                                 |   |                 | 8,616,647                              | 157,144                    | 1.8%   |
| <b>Key Indicators (All Funds)</b>   |                |                             |                                      |   |                 |  |                            |        |
| <i>Revenues</i>   |                |                             |                                      |   |                 |  |                            |        |
| Sales Tax   | 23,932,560     | 2,296,937                   | 9.6%                                 |   |                 | 2,238,348                              | 58,589                     | 2.6%   |
| Property Taxes  | 20,439,615     | 65,748                      | 0.3%                                 |   |                 | 59,755                                 | 5,993                      | 10.0%  |
| Utility Taxes   | 13,519,349     | 930,224                     | 6.9%                                 |   |                 | 1,226,025                              | (295,801)                  | -24.1% |
| Development Fees  | 10,269,805     | 609,193                     | 5.9%                                 |   |                 | 1,403,910                              | (794,717)                  | -56.6% |
| Business Fees   | 3,377,868      | 392,669                     | 11.6%                                |   |                 | 544,990                                | (152,321)                  | -27.9% |
| Gas Tax   | 2,069,037      | 110,925                     | 5.4%                                 |   |                 | 143,202                                | (32,276)                   | -22.5% |
| <i>Expenditures</i>   |                |                             |                                      |   |                 |  |                            |        |
| General Fund Salaries/Benefits  | 76,147,196     | 6,498,265                   | 8.5%                                 |   |                 | 6,373,335                              | 124,930                    | 2.0%   |
| Fire Suppression Overtime   | 965,178        | 82,444                      | 8.5%                                 |   |                 | 93,949                                 | (11,505)                   | -12.2% |
| Contract Jail Costs   | 457,306        | 8,966                       | 2.0%                                 |   |                 | 6,234                                  | 2,732                      | 43.8%  |
| Fuel Costs  | 450,000        | 14,111                      | 3.1%                                 |   |                 | 7,311                                  | 6,799                      | 93.0%  |
| <b>Status Key</b>   |                |                             |                                      |   |                 |  |                            |        |
| Revenues are higher than expected or expenditures are lower than expected             |                |                             |                                      |  |                 |  |                            |        |
| Revenues or expenditures are within expected range                                    |                |                             |                                      |  |                 |  |                            |        |
| WATCH - Revenues lower/expenditures higher than expected range or outlook is cautious |                |                             |                                      |  |                 |  |                            |        |
| <b>NOTES:</b>   |                |                             |                                      |   |                 | (1) Excludes Fire Suppression Overtime |                            |        |

**CITY OF KIRKLAND****Department of Finance & Administration****123 Fifth Avenue, Kirkland, WA 98033 425.587.3100****[www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Greg Piland, Financial Operations Manager

**Date:** March 4, 2021

**Subject:** REPORT ON PROCUREMENT ACTIVITIES FOR COUNCIL MEETING OF March 16, 2021.

This report is provided to apprise the Council of recent and upcoming procurement activities where the cost is estimated or known to be in excess of \$50,000. The "Process" column on the table indicates the process being used to determine the award of the contract.

The City's major procurement activities initiated since the last report dated February 18, 2021 are as follows:

|    | Project/Purchase                           | Process          | Estimate/Price | Status   |
|----|--|------------------|----------------|--|
| 1. | Utility bill printing and mailing services | Direct Purchase* | \$88,000.00    | Contract awarded to Databar, Inc. of Edgewood, WA. |

\*See attached waiver of the competitive process

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**To:** Kurt Triplett, City Manager

**From:** Michael Olson, Director of Finance and Administration  
Greg Piland, Financial Operations Manager  
Jay Gewin, Customer Accounts Supervisor

**Date:** February 19, 2021

**Subject:** REQUEST FOR WAIVER OF COMPETITIVE BIDDING – Utility bill printing services

**RECOMMENDATION:**

Staff recommends the waiver of a competitive process to enter into contract with a utility bill printing vendor for services.

**BACKGROUND DISCUSSION:**

On February 5, 2021, the City of Kirkland became aware of a security/data incident related to its utility billing vendor, Automatic Funds Transfer Services, Inc (AFTS). The incident halted the ability for AFTS to print and mail Kirkland's utility bills along with processing any check payments that are mailed in by community members for their utility bills. AFTS does not process any credit card payments for the City. This function is handled by another vendor.

As of February 18, 2021, AFTS has not identified when their systems would be operational again with the ability to handle this essential function for the City of Kirkland. With an average of 24,750 utility bills in all cycles, Kirkland is not setup for mass printing and mailing of utility bills.

Staff began investigating other vendors that could provide services and are recommending the waiver of the competitive process for utility bill printing services based on vendor ability to take over this process from AFTS in an expedited time frame.

For utility bill printing, staff reached out to vendors in Portland, a local company in Renton, and Databar, a vendor located in Edgewood. The Portland vendor has identified pricing similar to their proposal when the City of Kirkland conducted a request for proposals in 2019 for this service while Databar has agreed to match the pricing offered by AFTS. Databar specializes in utility bill printing for the public sector and serves 75 public sector clients. One unique aspect of Databar is the programming staff they have for utility bill preparation. They have many customers that utilize Springbrook, the utility billing software used by Kirkland. In fact, while the other companies have identified an implementation timeline from 30 to 90 days, Databar has stated they will provide a concept proof by the end of the week. This rapid implementation, security measures, and the price match with our current contract leads staff to recommend a contract with Databar.

Using the expiration date of February 28, 2022, staff also recommend a City option for a two-year extension. For the initial term, the estimated contract value with Databar would be \$88,000, including postage. If the two-year extension was utilized the total contract value would be estimated at \$176,000.00, including postage.

If approved, staff would begin working immediately with Information Technology, the City Attorney's Office, and the vendor to implement these services with the hopes of a minimal impact to the Kirkland community.

KMC 3.85.210 provides that the competitive process may be waived by the City Manager when the purchase is legitimately limited to a single source of supply. However, for purchases costing more than \$50,000, the purchase must be reported to the City Council. If you approve this purchase, this memo and the supporting documents will be included in the next Procurement Activities Report to the Council.

Please contact Greg Piland if you require additional information.

☒ Request Approved      ☐ Request Denied

 2/19/21  
Kurt Triplett, City Manager



**CITY OF KIRKLAND**  
**Public Works Department**  
123 Fifth Avenue, Kirkland, WA 98033  
[www.kirklandwa.gov](http://www.kirklandwa.gov)

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Julie Underwood, Public Works Director  
Ray Steiger, P.E., Public Works Superintendent  
Josh Pantzke, Utility Manager

**Date:** March 4, 2021

**Subject:** INTERLOCAL AGREEMENT WITH THE CITY OF REDMOND REGARDING THE PROCTOR WILLOWS PRIVATE DEVELOPMENT

## **RECOMMENDATION:**

It is recommended that the City Council adopt a resolution authorizing the City Manager to enter into an Interlocal Agreement with the City of Redmond for a domestic water system intertie between Kirkland's and Redmond's systems to facilitate the Proctor Willows private development in Redmond.

## **BACKGROUND DISCUSSION:**

Proctor Willows is a multi-family, mixed-use private development project (Development) located in the northwest corner of Redmond's corporate boundary along Willows Road (see Attachment A, Vicinity Map with Area Map Inset). This area is also within Redmond's domestic water service area.

In 1991, the cities of Kirkland, Redmond, and Bellevue (Cities) entered into an Assumption Agreement whereby the Cities assumed the assets, liabilities, and operations of the Rose Hill Water District (District) within their respective corporate boundaries.

In 1997, the Cities entered an Interlocal Operations and Maintenance Agreement (O&M Agreement), supplementing the Assumption Agreement and outlining the ownership, operation, and maintenance of the former District's water system.

In 2011, Kirkland expanded its corporate boundary through the annexation of the Juanita, Finn Hill, and Kingsgate neighborhoods. That Annexation included a portion of the former District's 285 pressure zone (285) that at that time was operated by Redmond.

In 2013, the portion of the 285 within the Kirkland annexation area was transferred from Redmond to Kirkland through the Kingsgate Annexation Agreement Regarding Water Facilities, in accordance with a term in the Assumption Agreement that contemplated annexations. The system includes a 12-inch watermain within the NE 124<sup>th</sup> Street right-of-way. The annexation-related transfer in a sense split the 285 into two separately operated water systems that function as one contiguous pressure zone. Presently, there is one connection to the 285 on the

western boundary of the proposed Development. That connection remains the property of Redmond.

In order for the Development to meet Redmond's water system flow and fire capacity requirements, Redmond is requesting a new, additional intertie between the two Cities' portions of the 285 to provide redundancy and looping. The intertie is proposed to be located within the intersection of NE 124<sup>th</sup> Street and Willows Road (within the City of Kirkland).

As of this writing, the King County Solid Waste Division (KCSWD) has identified this parcel as one of four potential sites for the new Northeast Recycling and Transfer Station. The other three sites include the existing Houghton Transfer Station, the Houghton Park-and-Ride, and one site in the City of Woodinville located at 16111 Woodinville-Redmond Road. The KCSWD has indicated that it will decide this coming April as to which potential sites will be selected as finalists to go through the EIS/SEPA review process. If this property is selected for EIS/SEPA review, such selection may preclude the developer from proceeding with construction of its proposed multifamily/mixed-use project.

Approving this agreement does not indicate the City supports or opposes including this property as one of the finalist sites in the KCSWD process. Language stating this has been included as subsection J of the Recitals in Exhibit 1, the Interlocal Agreement.

## **KEY ELEMENTS OF THE AGREEMENT**

The proposed agreement is attached as Exhibit 1 to the proposed Resolution. The key elements of the agreement are as follows.

- Kirkland grants Redmond permission to connect a 12-inch watermain via an intertie tee and control valve to Kirkland's watermain in the intersection of NE 124<sup>th</sup> Street and Willows Road. All design, permitting, construction, and inspection services shall be accomplished at the sole cost and expense to the Development. The Development must obtain any necessary permits from the Cities to make the connection and must obtain the Cities approval of plans for the connection prior to any construction.
- Redmond will complete an extension of the existing (Redmond) 12-inch watermain in Willows Road by December 31, 2026 or within three years of completion of the Development, whichever is later.
- Redmond's water system model will be used to assess water age (i.e. chlorine residual) and fire flow as a measure of water quality and availability within the 285. This modeling will be performed at the City of Redmond's cost. The model will be used to develop recommended pressure reducing value settings within the 285 as the Development completes each phase and Redmond completes its Willows Road water main extension. Redmond will coordinate with Kirkland's water model to ensure up-to-date and accurate system data for Kirkland's portion of the 285.
- Each City will continue to be the provider of water within their service area in the 285 as set forth in the Assumption Agreement and the 1997 and 2013 interlocal agreements.
- Kirkland and Redmond will jointly develop a near-term operational strategy for the 285 by July 1, 2021 including, but not limited to, water system modeling (as described above), pressure reducing valve settings, water quality testing and reporting, and emergency response.

- At a future date, the two Cities agree to discuss the possibility of transferring the assets, liabilities, and operations of all of the 285 to one of the Cities. This will allocate to one of the Cities the sole responsibility and obligations to provide for ongoing operations and maintenance of the entire 285. This discussion will occur no later than December 2023. The migration to a single 285 operator would be accomplished through an amendment to the 2013 Agreement and be presented to the respective City Councils at that time.

## **BENEFITS OF THE AGREEMENT**

- The intertie allows the Development to create a redundancy loop in Redmond's water system, water system looping is a development requirement that increases fire flow and reliability, it also reduces the likelihood of service disruption and contamination.
- The future extension of Redmond's Willows Road water main will increase fire flow capacity, water quality and operational redundancy for Kirkland's portion of the 285.
- The near-term operational strategy will help balance pressure reducing valve (PRV) operations throughout the 285 to maximize water flow rates through the zone and increase water quality. It will also coordinate staff for planned and emergency system operations, including a water contamination event where public notification is required.
- The system modeling will verify fire flow capacities and help identify PRV settings to minimize water age in the system.
- Transfer of the entire zone to one City or another (likely Redmond because the vast majority of the 285 system is within its city limits) will eliminate the need for staff coordination, allow one City to determine construction and operational standards for the zone, and make one City responsible for customer communication in the event of contamination in the zone. Having the communication process streamlined in a contamination event is paramount.

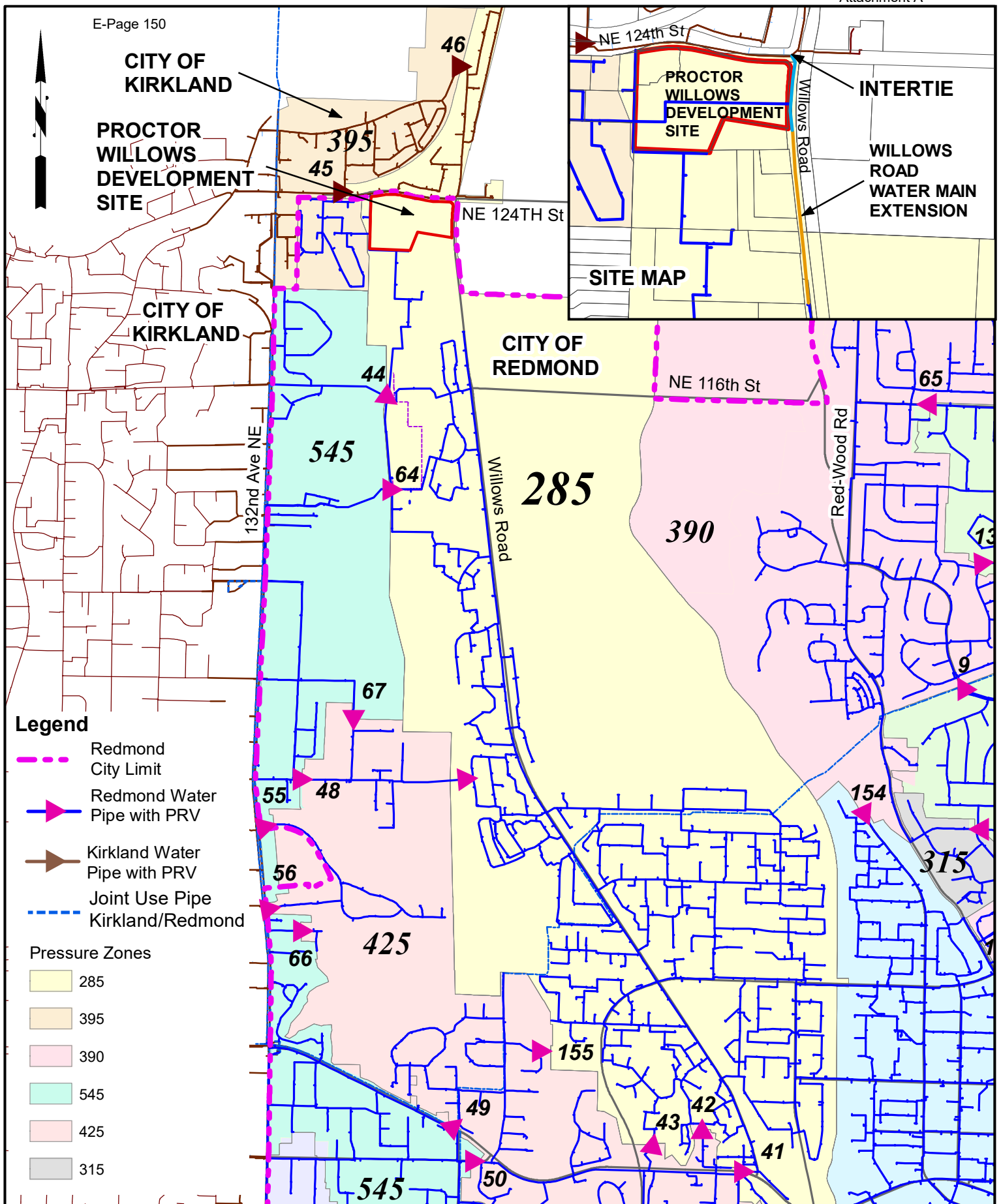
Overall, staff believes this agreement makes operational changes that will benefit water quality, increase fire flow and reliability, and improve staff responsiveness if there is an unfortunate contamination event.

Attachment A: Vicinity Map

Resolution

Exhibit 1 to Resolution: Proposed Interlocal Agreement





Disclaimer: This map is created and maintained by Water/Wastewater Engineering, of the City of Redmond, Washington, for reference purposes only. The City makes no guarantee as to the accuracy or completeness of the features shown on this map.

Exhibit A

285 Pressure Zone Map

## RESOLUTION R-5471

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF REDMOND TO AUTHORIZE AN INTERTIE BETWEEN THE CITIES' SERVICE AREAS AT NE 124<sup>TH</sup> STREET AND WILLOWS ROAD NE INTERSECTION, AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY OF KIRKLAND.

WHEREAS, the water service areas for the City of Kirkland and the City of Redmond are interconnected in a contiguous area known as the 285 Pressure Zone; and

WHEREAS, the City of Redmond desires a new intertie between the two cities' water systems at NE 124th St and Willows Road NE, to provide redundancy and reliability for a new multi-family mixed-use development known as Proctor Willows; and

WHEREAS, the City of Redmond's desired new intertie between the two cities' service areas is necessary to facilitate a looped water system, which allows for redundancy and reliability and is required for the Proctor Willows development by Redmond's design requirements; and

WHEREAS, the City of Kirkland supports this new intertie, provided the City of Redmond ensures that the water main from the intertie is extended south along Willows Road NE to complete the loop by connecting to an existing City of Redmond water main.

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The City Manager is hereby authorized and directed to execute on behalf of the City of Kirkland an Interlocal Agreement substantially similar to that attached as Exhibit 1, which is entitled "City of Redmond and City of Kirkland Interlocal Agreement for Willows Road Intertie for the Proctor Willows Development."

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2021.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

**CITY OF REDMOND AND CITY OF KIRKLAND  
INTERLOCAL AGREEMENT FOR WILLOWS ROAD INTERTIE  
FOR THE PROCTOR WILLOWS DEVELOPMENT**

THIS AGREEMENT is made and entered into by and between the City of Kirkland, a Washington municipal corporation (“Kirkland”), and the City of Redmond, a Washington municipal corporation (“Redmond”) for the purposes, hereafter mentioned.

**RECITALS**

A. The cities of Redmond, Kirkland, and the City of Bellevue (“Cities”) entered into an Assumption Agreement whereby the Cities assumed assets, liabilities, and operations of the Rose Hill Water District, a municipal corporation in King County, Washington (“District”).

B. The Cities then entered into an Interlocal Operations and Maintenance Agreement dated October 9, 1997, outlining ownership, operation, and maintenance of the District water system.

C. The Cities assumed ownership and responsibility for the District’s water supply facilities within the Cities’ respective service areas and certain District facilities are jointly owned and operated by the Cities in accordance with the terms of the Assumption Agreement.

D. After the City of Kirkland expanded the city’s corporate boundary in 2011, ownership of a portion of the District facilities was transferred from Redmond to Kirkland through the December 19, 2013 Kingsgate Annexation Agreement Regarding Water Facilities (KAA), in accordance with the terms of the Assumption Agreement.

E. The KAA divided the 285 pressure zone (Zone), a contiguous area, into two interconnected water systems within Kirkland and Redmond. The entirety of the Zone is not jointly owned by the cities. However, the Zone needs to be managed as a single system across jurisdictional boundaries to offer the greatest benefits to the Cities’ customers. The Zone includes several pressure reducing valves (“PRVs”) with some owned, operated, and maintained by Redmond and some owned, operated, and maintained by Kirkland.

F. Proctor Willows is a multi-family mixed-use development (“the Development”) proposed on property located in the northwest corner of Redmond’s corporate boundary and within the Zone. The Development is shown on Exhibit A attached to this Agreement and incorporated herein.

G. A looped water system allows for redundancy and reliability. Design requirements of both cities require such construction. A new intertie in the Zone and between the two cities’ service areas is necessary to facilitate looping and new construction as proposed by the Development. An interconnected system that crosses jurisdictional boundaries requires coordination and cooperation between the cities.

H. The City of Redmond seeks to approve a new intertie at NE 124<sup>th</sup> St and Willows Road NE, to provide redundancy and reliability around the Development. The City of Kirkland supports this new intertie, provided the water main from the intertie is extended south along Willows Road NE to complete the loop by connecting to existing City of Redmond water main.

I. It is anticipated the new intertie may be constructed before the City of Redmond completes the water main extension down Willows Road. The City of Kirkland is concerned about the impact the Development may have on the quality of water and fire flow within the system during the interim between construction of the new intertie and completion of the Willows Rd water main. This concern can be mitigated through modeling of the system as well as cooperation between the cities in operating the PRVs that distribute flow to the Zone and between the two systems.

J. The Development is proposed to be constructed on a site that King County announced on January 26, 2021 is included as one of four sites still being considered for a new recycling and transfer station in northeast King County, known as the Northeast Recycling and Transfer Station. King County expects to make a site selection decision by late 2022. Approval of this agreement by the City of Kirkland does not indicate support or opposition to the site as a potential transfer station location.

## **AGREEMENT**

NOW, THEREFORE, IN CONSIDERATION OF the terms and conditions set forth below, Redmond and Kirkland agree as follows:

1. **Purpose.** The purpose of this Agreement is to provide for a new intertie between the two cities and to ensure safe and reliable water supply to each.

2. **Willows Road Water Main Intertie.** Kirkland hereby grants Redmond permission to connect a twelve-inch (12”) water main, including an intertie tee and control valve, to Kirkland’s water main in the intersection of Willows Road and NE 124<sup>th</sup> St (“Willows Road Water Main intertie”). The new intertie tee and control valve will be owned by Kirkland; any piping downstream of the valve will be owned by Redmond. The intertie improvements will include an extension of twelve-inch (12”) water main along the Development frontage in Willows Road. All construction shall be accomplished at the Development’s sole cost and expense. The Development must obtain any necessary permits from Kirkland to make the connection and must obtain Kirkland’s approval of plans for the connection prior to any construction. The Development shall obtain any necessary permits from Redmond to construct frontage improvements in Willows Road.

3. **Willows Road Water Main Extension.** The Willows Road water main extension will connect the Willows Road Water Main intertie with City of Redmond water main south of the Development. Redmond will complete the twelve-inch (12”) Willows Road water main extension by December 31, 2026 or within three years of completion of the Willows Road Water Main intertie, whichever is later.

4. **Zone Water Quality.** Prior to issuance of permits authorizing construction of the intertie, Redmond must provide an acceptable water system model. Redmond's water system model will be used to assess "water age" and fire flow as a measure of water quality and availability within the Zone. This modeling will be performed at City of Redmond cost. The model will be used to develop recommended PRV settings within the Zone as the Development constructs each phase and Redmond completes the Willows Road Water Main Extension. Each cities' operations staff will coordinate PRV settings based upon those recommendations. Any change in the demand assumptions will require an updated water system model, to be performed at City of Redmond cost.

5. **Service Area.** Each City shall be the direct provider of water within its service area within the Zone as set forth in the Assumption Agreement and the 1997 and 2013 ILAs. For purposes of this agreement, "service area" means that portion of the cities' incorporated areas that overlays a portion of the previous District area with the Zone. See Exhibit A.

6. **Near-Term Operational Strategy.** Kirkland and Redmond will jointly develop a near-term operational strategy (Strategy) for the Zone by July 1, 2021. The Strategy for the Zone must include but not be limited to:

- Water System Modeling (as described in Paragraph 4)
- PRV settings
- Water quality testing and reporting
- Emergency response

7. **Future discussion about a single Zone operator.** Regardless of the connection granted to the Developer through this agreement between Redmond and Kirkland, the two cities agree to discuss the possibility to transfer the assets, liabilities, and operations of the Zone to one of the cities and, further, to have one of the cities own the responsibilities and obligations to provide for the ongoing operations and maintenance of the Zone. This discussion would occur no earlier than 2-years after the Strategy for the Zone is completed but no later than December 2023. The movement to a single zone operator would be accomplished through an amendment to the 2013 Agreement.

8. **Duration.** This Agreement shall take effect on the date the last party signs the same. Termination may be accomplished only by:

- A. Mutual agreement of Redmond and Kirkland; or
- B. Termination by either party upon material breach of this Agreement by the other, provided, that no such termination may be accomplished unless the terminating party notifies the breaching party of its intent to terminate and provides the breaching party with no less than thirty days to cure the breach and avoid termination.

**9. Property and Financing.** No joint property is being acquired by the parties to this Agreement. Water main in Redmond is Redmond's water main. Water main in Kirkland is Kirkland's water main. Ownership of the intertie and control valve are as stated in Paragraph 2.

**10. Administration.** This Agreement shall be jointly administered by the public works directors of Kirkland and Redmond.

**11. Northeast Recycling and Transfer Station.** In the event that King County selects the Development site for the Northeast Recycling and Transfer Station, the following shall apply:

- A. If the Willows Road Water Main intertie has not yet been constructed or is not yet operational at the time of such selection, the parties are relieved from their respective obligations under this Agreement, except the obligations stated in Section 7.
- B. If the Willows Road Water Main intertie is constructed and operational at the time of such selection, the parties agree to negotiate the timing of the Willows Road water main extension under Section 3.

**12. Notices.** Any notices required by this Agreement shall be given in writing to the parties at the following addresses:

Kirkland:  
Julie Underwood  
Public Works Director  
City of Kirkland  
123 Fifth Avenue  
Kirkland, WA 98033

[pwutilityadmin@kirklandwa.gov](mailto:pwutilityadmin@kirklandwa.gov)

Redmond  
Dave Juarez  
Public Works Director  
City of Redmond  
P.O. Box 97010  
Mail Stop 2NPW  
Redmond, WA 98073-9710  
[djuarez@redmond.gov](mailto:djuarez@redmond.gov)

**13. Severability.** If any section, sentence, clause, or phrase of this Agreement is found to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of any other section, sentence, clause, or phrase. The parties agree that in the event such invalidity or unenforceability deprives either party of any of the benefits provided herein, as determined by the party who believes they have been so deprived, a replacement provision will be negotiated to restore those benefits.

**14. Entire Agreement.** This Agreement constitutes the final and entire agreement and understanding between the parties concerning the water main intertie supersedes all prior agreements and understandings. This Agreement may be amended only by a written instrument signed by both parties.

CITY OF KIRKLAND

CITY OF REDMOND

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Tracey Dunlap, Deputy City Manager

Dated: \_\_\_\_\_

APPROVED AS TO FORM:  
OFFICE OF THE KIRKLAND CITY  
ATTORNEY:

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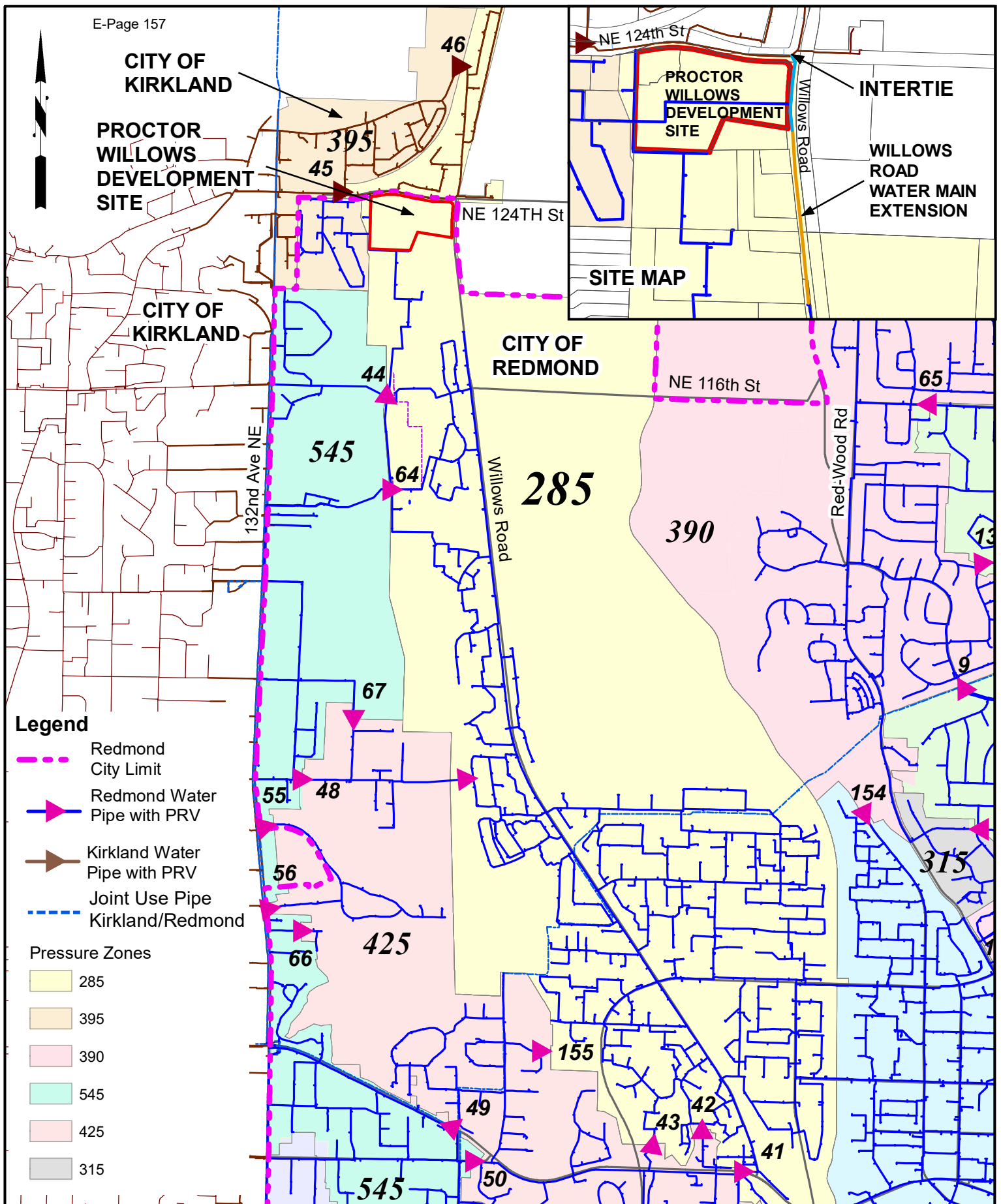
Angela Birney, Mayor

Dated: \_\_\_\_\_

APPROVED AS TO FORM:  
OFFICE OF THE REDMOND CITY  
ATTORNEY:

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Disclaimer: This map is created and maintained by Water/Wastewater Engineering, of the City of Redmond, Washington, for reference purposes only. The City makes no guarantee as to the accuracy or completeness of the features shown on this map.

Exhibit A

285 Pressure Zone Map

**CITY OF KIRKLAND****City Manager's Office****123 Fifth Avenue, Kirkland, WA 98033 425.587.3001**  
**www.kirklandwa.gov**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Lorrie McKay, Intergovernmental Relations Manager  
Andreana Campbell, Management Analyst

**Date:** March 9, 2021

**Subject:** 2021 STATE LEGISLATIVE PRIORITIES UPDATE #5

**RECOMMENDATION:**

It is recommended that the City Council receive its fifth update on the City's 2021 State Legislative Priorities (Attachment A).

**BACKGROUND DISCUSSION:**

The City Council's Legislative Workgroup, consisting of Mayor Sweet, Deputy Mayor Arnold and Councilmember Curtis is staffed by the City Manager, the Intergovernmental Relations Manager and CMO's Management Analyst, with participation from Waypoint Consulting Group, the City's contracted lobbyist. Deputy Mayor Arnold is the Chair the Legislative Workgroup, which meets weekly to track the status of the City's priorities and it provides support and oversight of strategies for achieving the priorities.

The legislature is convened for a long, 105-day session this year that will conclude on Saturday, April 25. Today, March 9 is the last day to pass bills out of the house of origin. For the bills that are passed from their house of origin, the committee process starts all over again March 10 in the opposite chamber. March 26 is the last day to pass bills out of committee from opposite house, except House fiscal committees and Senate Ways & Means and Transportation committees.

To date, city staff have reviewed and provided analysis on 209 proposed bills in the legislature, which is equal to the four-year average for city staff bill review. 58 days into the 2021 session, there have been 728 bills introduced in the House and 677 bills introduced in the Senate. At the writing of this memo, the House has passed 216 bills and the Senate has passed 200 bills.

**The State Budget:**

It is anticipated that the legislature will release its budget proposals following the mid-March revenue forecast. The Senate is expected to release its proposal first, followed shortly thereafter by the House. An additional consideration for lawmakers developing the budget is the federal American Rescue Plan Act that has been debated in the nation's capital since December. At the writing of this memo, the US Senate passed the bill on Saturday, March 6 and included \$65 billion in direct funding for local & state governments. US House Speaker, Nancy Pelosi has signaled the House will vote on the bill on Tuesday. Assuming all goes well, the bill could be on President Biden's desk for signature later this week. In any event, in Olympia we expect to see the legislature release its budget proposals sometime shortly after March 17.

### Kirkland's adopted 2021 Legislative Priorities and Status Update

The City's top legislative priorities are its direct interests and they are the primary focus for Council's Legislative Workgroup, the City Manager's Office and its contracted lobbyists during session. This session, two of the City's adopted 2021 legislative priorities, TOD at WSDOT-owned facilities and residential street maintenance were abandoned and will be considered in 2022. The remaining priorities are four capital projects for which the City is seeking funding in the capital budget. Also, funding for two transportation projects was prioritized in recent weeks.

- **Support legislative actions that facilitate Transit-Oriented Development (TOD) for the Kingsgate Park and Ride TOD Pilot project, the I-405 & NE 85th Street Station Area and future TOD projects at other WSDOT-owned properties**
  - ✓ At its January 5, Council agreed with a recommendation from its Legislative Workgroup to pull back from advancing legislation this session and continue to work with WSDOT on developing a future proposal, ideally as WSDOT agency-request legislation.
- **Allow Code Cities to complete local residential street maintenance projects in-house if no contractors enter a project bid**
  - ✓ At its February 2 meeting, Council agreed with a recommendation from its Legislative Workgroup to pull back from advancing legislation this session and continue to work with the Capital Projects Advisory Review Board (CPARB) on a recommendation for legislative consideration in 2022.
- **Capital budget funding for prioritized local infrastructure projects**
  - ✓ [SB 5083](#) (Sen Frockt) / [HB 1080](#) (Rep Tharinger) Concerning the capital budget
    - ✓ The City's delegation members have agreed to advocate for capital budget funding for the following projects. Staff have completed and submitted the member request forms for each project, which were due February 19.
      1. PKCC New Roof and Retrofitted Generator - 45<sup>th</sup> and 48<sup>th</sup> LDs
      2. Parks Maintenance and Operations Center Emergency Generator - 48<sup>th</sup> and 45<sup>th</sup> LDs
      3. Non-motorized Improvements on NE 131st Way - 1<sup>st</sup> LD
      4. Fire training prop at site of new Fire Station 24 - 1<sup>st</sup> LD
- **Transportation budget project funding**
  - ✓ [SB 5165](#) (Hobbs) / [HB 1135](#) (Fey) Making transportation appropriations for the 2021-2023 fiscal biennium
    - ✓ On Monday, February 15, the delegation members of the city's 48<sup>th</sup> legislative district agreed to advocate for modest transportation budget funding for the following projects. Staff have completed and submitted the member request forms for each project, which were due on February 17.
      1. Rapid Flashing Beacons at 7th S. & State St. - 48<sup>th</sup> LD
      2. Sidewalks at NE 117th and 75th NE. - 48<sup>th</sup> LD

### Kirkland's adopted 2021 Priority Coalition Advocacy Items

This year, council adopted three Priority Coalition Advocacy (PCA) items as a new segment to Kirkland's legislative agenda. The intention is to elevate important and timely legislative goals that are not Kirkland specific, and are best championed by organizations with whom the City is allied. The 2021 issue areas are Housing/Homelessness, Gun Safety/Responsibility, and Police Reforms. The organizational leads on these issues are the Washington Low Income Housing Alliance, the Alliance for Gun Responsibility, and the Association of Washington Cities respectively.

The City has tracked bills that each of the three lead organizations have identified as most directly associated with their legislative priorities. At council's requested, the Legislative Workgroup has brought a number of bills, related to priority coalition advocacy items, to the full council for review and discussion, giving councilmembers the opportunity to go on record with their agreement or disagreement with these legislative proposals. The bills below are PCA designated bills and have received council review and discussion. To date, council has approved elevating a number of bills to be city priorities. There are four housing related bills, a gun safety related bill and two bills related to police reforms.

The city's position on several PCA bills has stood at "monitor" at least through the February 15 cut-off and beyond that in some cases. The reason for monitoring these bills was not to diminish the city's support for the issue, but to acknowledge the sheer volume and complexity of these types of bills early in session made them difficult follow carefully. While these bills often contain elements the city supports, they also contain language that the city may not support. There is not sufficient staff capacity early in the session to review all PCA bills at a level of detail as to ascertain what the city's overall position on the bills should be. Further, there is not sufficient Council capacity to testify on the dozens of such bills initially. The "monitor" proposal is designed to recognize these limits, while allowing the city to keep a close eye on these bills.

### **Washington Low Income Housing Alliance's efforts for new local funding and policy tools to address homelessness and create more affordable housing**

**ESHB 1070** (Ryu) Modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities - **(Yes City Priority – Yes PCA Priority)** *This bill would modify what King County's Health Through Housing Initiative can do with HB 1590 funding.*

- Feb. 1 – Substitute referred to House Rules 2 review
- Feb 23 – Placed on second reading.
- Feb 25 – 1st substitute bill substituted - Floor amendment(s) adopted.  
**> House passed: 56 yeas; 42 nays**
- Mar 1 – ESHB 1070 referred to Senate Housing & Local Government.
- Mar 10 – Scheduled for public hearing in Housing & Local Government at 10:30am

Brief Summary of Engrossed Substitute House Bill 1070 – *(prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent)*

- Expands the allowable uses of a portion of revenues from the local sales and use tax for housing and related services to include acquiring affordable housing, facilities providing housing-related services, behavioral health-related facilities, or land for these purposes.
- Requires a county that seeks to acquire a facility using funds from the local sales and use tax for housing and related services to consult with the city in which the facility is located prior to acquisition and to provide an opportunity for 15 percent of the units provided in an acquired facility to be provided to those living in or near that city, or those who have ties to that community.
- Clarifies that affordable housing includes emergency, transitional, and supportive housing for purposes of the local sales and use tax for housing and related services.
- Expands the allowable uses of a portion of revenues from the state shared lodging tax to include housing and facilities for homeless youth for counties with a population of at least 1.5 million.

**SHB 1277** (Ormsby) Revenue source for eviction prevention & housing stability - (**Yes City Priority – Yes PCA Priority**) *This bill proposes a document recording fee.*

- Feb. 2 – Substitute referred to House Appropriations Committee

As of the writing of this memo, SHB 1277 is still in the Appropriations Committee. We understand that this bill is deemed to be necessary to implement the budget (NTIB).

Brief Summary of Substitute House Bill 1277 – *(prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent)*

- Establishes a \$100 surcharge on recorded documents to fund various housing services.
- Creates the Eviction Prevention Rental Assistance Program in the Department of Commerce.

**E2SSB 5160** (Kuderer) Tenant protections - (**PCA – Support**)

At its February 16 meeting, council approved (5-2) the City taking a "Support" position.

- Feb. 22 – Second substitute passed to Senate Rules for second reading
- Feb 25 – Placed on second reading by Rules Committee.
- Mar 4 – 2nd substitute bill substituted. Floor amendment(s) adopted.  
**> Senate passed: 29 yeas; 20 nays, 20**
- Mar 6 – Referred to House Committee on Housing, Human Services & Veterans.

Brief Summary of Engrossed Second Substitute Senate Bill 5160 – *(prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent)*

- Requires landlords to offer tenants a reasonable schedule for repayment of any unpaid rent accrued during the public health emergency that does not exceed monthly payments equal to one-third of the monthly rental charges during the period of accrued debt.
- Expands eligibility for claim reimbursement under the landlord mitigation program to include unpaid rent accrued during the eviction moratorium and public health emergency periods and the tenant vacated or abandoned the tenancy and any remaining unpaid rent after the tenant defaults on a repayment plan.
- Requires the court to appoint counsel for indigent tenants at the initial hearing and at trial subject to amounts appropriated. Requires the Administrative Office of the Courts to contract with dispute resolution centers to establish a two-year, statewide eviction resolution pilot program to facilitate the resolution of nonpayment of rent cases.
- Requires the Department of Commerce to authorize landlords an opportunity to apply to certain state rental assistance programs, if feasible, while establishing necessary application and eligibility and conditions on receipt of funds.
- Eliminates the optional notice for landlords to use in nonpayment of rent cases that instructs tenants to pay into the court registry the rent allegedly owed or file a statement denying rent is owed

**ESHB 1236** (Macri) Eviction protection (**PCA – "Support"**)

At its February 16 meeting, council approved (5-2) the City taking a "Support" position.

- Feb. 9 – Substitute referred to House Rules 2 review
- Mar. 1 – Placed on second reading.
- Mar. 6 – 1st substitute bill substituted. Held on second reading.
- Mar. 7 – Floor amendment(s) adopted. Placed on Third Reading.  
**> House passed; 54 yeas; 44 nays**
- Mar. 11 – Scheduled for public hearing in the Senate Committee on Housing & Local

The non-partisan legislative staff summary was not available at the writing of this memo.

[ESHB 1108](#) (Orwall) Maintaining funding and assistance for homeowners navigating the foreclosure process.

(**PCA** – Staff recommended “support” on engrossed substitute bill)

- Jan 29 – 1st substitute bill substituted. Floor amendment(s) adopted.  
    > House passed: 96 yeas; 0 nays, 0 absent, 2 excused, 2.
- Feb. 3 – Referred to Senate Committee on Business, Financial Services & Trade.
- Mar. 11 – Scheduled for public hearing in Business, Financial Services & Trade

Brief Summary of Engrossed Substitute House Bill 1108 – *(prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent)*

- Extends the mediation and certain other pre-foreclosure requirements under the Deeds of Trust Act and the Foreclosure Fairness Act (FFA) to residential real property of up to four units and removes the requirement that a property be owner-occupied.
- Modifies the mediation exemption under the FFA for the 2021 and 2022 calendar years to provide that whether or not a beneficiary must participate in mediation is determined by the number of the beneficiary's trustee sales that occurred in 2019.
- Modifies the remittance requirement under the FFA for the 2021 and 2022 calendar years to provide that whether or not a beneficiary must remit a fee is determined by the number of notices of trustee's sale that were recorded on its behalf in 2019.

**Alliance for Gun Responsibility's recommendations for gun safety measures that promote safe and responsible gun ownership and reduce gun violence.**

- **Include a Kirkland focus on amending state law as necessary, consistent with the Washington State Constitution, to prevent the visible presence of firearms from intimidating those exercising rights to assembly.**

[ESSB 5038](#) (Kuderer) Prohibiting the open carry of certain weapons at public demonstrations and the state capitol - (**Yes City Priority – Yes PCA Priority**)

- Jan. 26– Heard in Law & Justice
  - Councilmember Black submitted the City's testimony in writing
- Jan. 28– Executive action taken in Law & Justice
- Jan. 29 – Substitute referred to Senate Rules for second reading
- Feb. 23 – Placed on second reading by Rules
  - Letter signed by Mayor Sweet, sent to Senate members
- Feb. 25 – 1st substitute bill substituted. Floor amendment(s) adopted.  
    > **Senate passed: 28 yeas; 20 nays; 0 absent; 1 excused**
- Feb. 27 – Referred to Civil Rights & Judiciary.

Brief Summary of Engrossed Substitute Senate Bill 5038 – *(prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent)*

- Prohibits the open carry of a firearm or other weapons at or near public demonstrations, the west state capitol grounds, capitol grounds buildings, and other legislative locations.
- Provides an exception for federal, state, and local law enforcement officers.
- Makes violations of these prohibitions a gross misdemeanor.



[E2SHB 1320](#) (Goodman) Modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders - (**PCA** – Staff recommended “Monitor”)

- Feb. 22 – Second substitute referred to Rules 2 review
- Feb 24 – Placed on second reading.
- Mar 1 – 2nd substitute bill substituted. Floor amendment(s) adopted.  
    **> House passed: 53 yeas; 44 nays; 0 absent; 1 excused.**
- Mar 4 – Referred to Senate Committee on Law & Justice

Brief Summary of Engrossed Second Substitute House Bill 1320 – *(prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent)*

- Consolidates and harmonizes laws governing domestic violence protection orders, sexual assault protection orders, stalking protection orders, anti-harassment protection orders, vulnerable adult protection orders, and extreme risk protection orders under a new chapter governing all protection orders.
- Amends provisions of law addressing the recognition and enforcement of Canadian domestic violence protection orders.
- Revises laws governing orders to surrender and prohibit weapons, revocation of concealed pistol licenses, unlawful possession of firearms, and domestic violence no-contact orders.
- Establishes responsibilities of school districts with respect to students who are subject to protection orders.
- Repeals existing chapters and provisions governing protection orders and makes conforming and technical changes to numerous provisions of law.

[SSB 5078](#) (Lias/AG request) Addressing firearm safety measures to increase public safety - (**PCA** - Monitor)

- Jan. 29 – Substitute passed to Senate Rules for second reading

At the writing of this memo, SSB 5078 had not been placed on second reading and appears to be dead in Senate Rules.

[HB 1071](#) (Valdez) Concerning bias-based criminal offenses - (**PCA** – Staff recommend “Support”)

- Feb. 1 – Referred to Rules 2 Review
- Feb. 2 – Placed on second reading in Rules
- Feb 17 – Returned to Rules Committee for second reading

At the writing of this memo, HB 1071 had not been placed back on second reading and appears to be dead in Senate Rules.

[SHB 1283](#) (Senn) Including the open carry or display of weapons within the offense of criminal mischief - (**PCA** - Monitor)

- Feb. 12 – Referred to Rules 2 review

At the writing of this memo, SHB 1283 had not been placed on second reading and appears to be dead in Senate Rules.



## **Association of Washington Cities' (AWC) Statewide Policing Reforms priority.**

### **SSB 5066** (Dhingra) Concerning a peace officer's duty to intervene - (**Yes City Priority – Yes PCA Priority**)

At its February 16 meeting, council approved elevating SSB 5259 to a be a priority bill of the City's.

- Feb. 12 – Substitute passed to Senate Rules for second reading
- Feb. 17 – Placed on second reading by Rules
- Feb 23 – 1<sup>st</sup> substitute bill substituted. Placed on third Reading.  
**> Senate passed: 28 yeas; 21 nays**
- Feb 25 – First Referred to House Public Safety
- Mar 12 – Scheduled for public hearing in the House Committee on Public Safety

Brief Summary of First Substitute Senate Bill 5066 – *(prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent)*

- Requires a peace officer to intervene when the officer witnesses a fellow peace officer engaging in the use of excessive force.
- Requires a peace officer who observes wrongdoing by a fellow officer to report the wrongdoing to the officer's supervisor.
- Requires law enforcement agencies to adopt written policies on the duty to intervene and ensure that all law enforcement officers obtain training on the policy through the Criminal Justice Training Commission.

### **E2SSB 5259** (Nobles) Concerning law enforcement data collection - (**Yes City Priority – Yes PCA Priority**)

At its February 16 meeting, council approved elevating SSB 5259 to a be a priority bill of the City's.

- Feb. 17 – Mayor Sweet signed-in "Pro" on behalf of the City at 5259's hearing in Senate Ways & Means
- Feb. 22 – Second substitute passed to Senate Rules for second reading
- Feb. 25 – Placed on second reading.
- Mar. 1 – 2<sup>nd</sup> substitute bill substituted. Floor amendment(s) adopted.  
**> Senate passed: 46 yeas; 2 nays; 1 absent**
- Mar. 3 – Referred to House Public Safety

Brief Summary of Engrossed Second Substitute Senate Bill 5259 – *(prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent)*

- Requires the Attorney General's Office to establish an advisory group to make recommendations for implementation of a program for statewide data collection, reporting, and publication of use of force data by April 1, 2022.
- Directs the Attorney General's Office to engage in a competitive procurement process to select a Washington private or public institution of higher education to design, develop, and manage the data collection program.
- Requires all law enforcement agencies to report all instances of the use of force to the university no later than three months after the Attorney General's Office determines the contractor can accept reports.

[ESHB 1054](#) (Johnson) Establishing requirements for tactics and equipment used by peace officers - (PCA - Monitor)

- Jan. 26 – Substitute referred to Rules 2 Review
- Feb. 17 – Placed on second reading by Rules
- Feb. 27 – 1<sup>st</sup> substitute bill substituted. Floor amendment(s) adopted.  
    **> House passed: 54 yeas; 43 nays; 1 excused.**
- Mar. 2 – Referred to Senate Law & Justice.
- Mar. 11 – Scheduled for public hearing in Law & Justice

Brief Summary of Engrossed Substitute House Bill 1054 – *(prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent)*

- Prohibits peace officers from using chokeholds and neck restraints.
- Prohibits law enforcement agencies from acquiring or using certain types of military equipment.
- Establishes restrictions on the use of tear gas, vehicular pursuits, and firing upon moving vehicles.
- Prohibits a peace officer from seeking, and a court from issuing, a search or arrest warrant granting an express exception to the "knock and announce" rule.
- Requires law enforcement agencies to adopt policies and procedures to ensure that uniformed peace officers are reasonably identifiable.
- Requires the Criminal Justice Training Commission to convene a work group for the purpose of developing model policies on the use and training of canine teams.

[E2SSB 5051](#) (Pedersen) Concerning state oversight and accountability of peace officers and corrections officers - (PCA - Monitor)

- Feb. 17 – Second substitute passed to Rules for second reading
- Feb. 23 – Placed on second reading by Rules
- Feb. 25 – 2<sup>nd</sup> substitute bill substituted. Floor amendment(s) adopted  
    **> Senate passed: 26 yeas; 19 nays; 1 absent; 3 excused**
- Feb. 27 – Referred to House Public Safety
- Mar. 11 – Scheduled for public hearing in Public Safety

Brief Summary of Engrossed Second Substitute Senate Bill 5051 – *(prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent)*

- Modifies the priorities and composition of the Criminal Justice Training Commission (CJTC).
- Expands the background investigation requirements for persons applying for peace officer, reserve officer, and corrections officer positions.
- Expands the conduct for which the certification of a peace officer or a corrections officer may be revoked.
- Requires employing agencies to report all separation and disciplinary matters regarding a certified officer to the CJTC.
- Removes confidentiality of complaints, investigations, and disciplinary actions for certified officers and requires information be maintained on a publicly searchable database.

**KIRKLAND'S BILL REVIEW PROCESS:**

The City's review process involves subject-matter experts from each City Department being assigned relevant bills for review and analysis to determine potential impacts to the City. This process also includes staff making an initial assessment and recommendation on what the City's position should be on a given bill (Support/Oppose/Neutral/Monitor). Government Relations staff provide weekly reports of reviewed bills, their analysis and recommendations to Council's Legislative Workgroup (Attachment B). The Workgroup, whose activities are guided by the adopted legislative agenda's general principles, as well as the City Council's Goals, discuss, confirm or adjust staffs' recommendations.

The "Bill Status and Position Tracker" Report is also reviewed by the Legislative Workgroup at its weekly Fridays and represents a tool by which the City's lobbyists make certain the City's interests are reflected at bill hearings (Attachment C). Staff modified the Bill Tracker Report in an effort to more clearly illustrate the City's position on bills and its multi-layered relationship to certain bills that staff have reviewed. An additional column was to the right of the "City Priority" column, that has the header "PCA." If the bill is an approved city priority, then the cell in the city priority column includes a "Yes". If a bill is a PCA priority, then the cell in the PCA column will include a "Yes". If the bill is both a city priority and a PCA priority then, a "Yes" and "Yes" will show side-by-side. Where PCA designated bills have received a position recommendation of "Monitor" it indicates that the bill is being watched as it is considered in the legislature's committee process.

If, during the session, a proposed bill (of concern to the City) is determined to be beyond the scope of the legislative agenda's general principles, or not in sync with the Council Goals, then the Legislative Workgroup will bring the bill proposal before the full Council for consideration and discussion at its next regular council meeting.

Attachments: A – 3/5/21 Status update on the City's 2021 State Legislative Priorities  
B – 3/4/21 Bill Analysis & Recommendation Report (2/26 – 3/4)  
C – 3/4/21 Bill Status & Position Tracker Report

**City of Kirkland 2021 Legislative Priorities – Status**  
**Updated: March 5, 2021**

Attachment A

| 2021 Legislative Priority   | Bill #             | Prime Sponsor               | Status  |
|---|--------------------|-----------------------------|---|
| Support facilitating TOD at Kingsgate, NE 85/405 and other WSDOT-owned properties                                     |                    |                             | Re-Approach with WSDOT agency lead in 2022  |
| Support allowing Code Cities to complete local residential street maintenance projects in-house if no contractors bid |                    |                             | Re-Approach with CPARB in 2022  |
| Support capital budget funding for prioritized local infrastructure projects  | SB 5083<br>HB 1080 | Sen Frockt<br>Rep Tharinger | House & Senate Local Project Form being completed for<br>1. PKCC New Roof and Retrofitted Emergency Generator<br>2. Parks M & O Center Emergency Generator<br>3. Non-motorized Improvements on NE 131st Way<br>4. Fire training prop at site of new Fire Station 24 |
| Transportation budget project funding   | HB 1135<br>SB 5165 | Rep Fey<br>Sen Hobbs        | 1. Rapid Flashing Beacons at 7th S. & State St.<br>2. Sidewalks at NE 117th and 75th NE   |

| 2021 Priority Coalition Advocacy<br><i>evaluate support for proposed legislative agendas from the following organizations</i>   | Bill #  | Prime Sponsor   | Status  |
|---|---|---|---|
| Support WA Low Income Housing Alliance's efforts for new local funding and policy tools to address homelessness and create more affordable housing  | SHB 1070<br><br>SHB 1277<br>2SSB 5160<br><i>Support</i><br>SHB 1236<br><i>Support</i> | Rep Ryu<br><br>Rep Ormsby<br><br>Sen Kuderer<br><br>Rep Macri | <b>2/25 – Passed 56 years, 42 nays</b><br><b>3/1 – Referred to Housing &amp; Local Government</b><br><br>2/2 – Referred to Appropriations<br><br>2/25 – Placed on second reading by Rules<br><b>3/4 – Passed 29 years, 20 nays</b><br><br><b>3/1 – Placed on second reading by Rules</b>  |
| Support Alliance for Gun Responsibility's recommendations for gun safety measures that promote safe and responsible gun ownership and reduce gun violence<br><ul style="list-style-type: none"> <li>Including amending state law as necessary, consistent with the WA State Constitution, to prevent the visible presence of firearms from intimidating those exercising rights to assembly.</li> </ul> | SSB 5038  | Sen Kuderer   | <b>2/25 – Passed 28 years, 20 nays, 0 abs, 1 excused</b><br><b>2/27 – Referred to House Civil Rights &amp; Judiciary</b>  |
| Support Association of Washington Cities' Statewide Policing Reforms priority.  | SSB 5066<br><br>E2SSB 5259<br><br>HB 1054<br><i>Monitor</i>                           | Sen. Dhingra<br><br>Sen. Nobles<br><br>Rep Johnson            | <b>2/23 – Passed 28 years, 21 nays</b><br>2/25 – Referred to House Public Safety<br><b>3/12 – Scheduled for hearing in Public Safety</b><br><br><b>3/1 – Passed 46 years, 2 nays, 1 absent</b><br><b>3/3 – Referred to House Public Safety</b><br><br><b>2/27 – Passed 54 years, 43 nays, 1 excused</b><br>3/3 – Referred to Senate Law & Justice<br><b>3/11 – Scheduled for hearing in Law &amp; Justice</b> |

**City of Kirkland 2021 Legislative Priorities – Status**  
**Updated: March 5, 2021**

Attachment A

|  |                            |              |  |
|--|----------------------------|--------------|--|
|  | SSB 5051<br><i>Monitor</i> | Sen Pederson | <b>2/25 – Passed 26 yeas, 19 nays, 1 abs, 3 excused</b><br>2/27 – Referred to House Public Safety<br>3/11 – Scheduled for hearing in Public Safety |
|--|----------------------------|--------------|--|

\* No HIGHLIGHTS = No change in status from last update.

**Reviewer Analysis & Position Recommendation Report (02/25/21-03/04/21)**  
**City of Kirkland**

03/05021

| Bill #              | Short Description  | Sponsor  | Date Completed | City Priority | PCA | Summary   | Rec. Position |
|---------------------|--|----------|----------------|---------------|-----|---|---------------|
| ESHB 1054           | Establishing requirements for tactics and equipment used by peace officers.  | Johnson  | 03/02/2021     |               | Yes | KPD recommends "monitor" - Section 2 - This legislation appears to make it illegal for an Officer to defend their life or the life of another by the use of LVNR. An Officer could use any other improvised device. The law should offer an exception for a situation where deadly force would be reasonable and necessary.   | Monitor       |
| E2SHB 1069          | Concerning local government fiscal flexibility.  | Pollet   | 03/02/2021     |               |     | Finance recommends "support" - Provides more flexibility for utility liens during and right after the pandemic.   | Support       |
| ESHB 1070           | Modifying allowed uses of local tax revenue for affordable housing and related services to include the acquisition and construction of affordable housing and facilities.                                    | Ryu      | 03/02/2021     | Yes           | Yes | Finance recommends "support" - Agrees with Parks and Community Services recommendation.   | Support       |
| 2SHB 1099           | Improving the state's climate response through updates to the state's comprehensive planning framework.  | Duerr    | 03/02/2021     |               |     | Finance recommends "monitor" - Does this bill fund the fiscal impact that these requirements would place on Kirkland? There could be significant fiscal impacts in adhering to the new requirements.  | Monitor       |
| 2SHB 1152 (SB 5173) | Establishing comprehensive health services districts.  | Riccelli | 03/01/2021     |               |     | The Emergency Manager recommends "support" - The transition from local health to district health has little to no impact on Kirkland and King County meets the criteria for a stand alone district, consistent with the current structure. The legislation provides a purposeful focus on fair and equitable access to health resources for all persons across the state. | Support       |
| 2SHB 1161           | Modifying the requirements for drug take-back programs.  | Peterson | 02/24/2021     |               |     | PCS recommends "neutral" as this bill does not impact the City of Kirkland - Authorizes DOH to approve and allow multiple drug take-back programs.  | Neutral       |
| ESHB 1189 (SB 5211) | Concerning tax increment financing.  | Duerr    | 03/04/2021     |               |     | Finance - Provides for additional revenue opportunities.  | Support       |
| 2SHB 1202           | Addressing meaningful civil remedies for persons injured as a result of police misconduct, including by allowing for an award of attorney fees in addition to damages and injunctive and declaratory relief. | Thai     | 02/26/2021     |               |     | KPD recommends "monitor" - A question for WCIA, would this increase the Cities financial risk? Officers have offered serious concerns about the increased personal liability that this legislation would create. They have indicated it may be a deterrent for good people joining this profession.   | Monitor       |

|          |  |        |            |  |     |  |         |
|----------|--|--------|------------|--|-----|--|---------|
|          |  |        |            |  |     | 2/26 Workgroup recommends "Monitor"<br>- Changing the required update of Comprehensive Plans from 8 years to 10 years is beneficial and would better align with when OFM demographic/employment data is available. This bill would require that counties and cities create "an annual work program" for implementing [their] comprehensive plan." It also requires cities and counties to prepare and submit to the Department of Commerce a 5-year progress report on comprehensive plan implementation that covers a number of topics, including: adaptations to new statutory requirements, protection of critical areas, and permit processing timelines. The first requirement mirrors what Kirkland already does (i.e., the Planning Work Program), but the second requirement would create a brand new unfunded mandate that in some ways is redundant with existing State requirements (e.g., a requirement to report on permit processing timelines), or would require significant staff inputs to complete (e.g., achieving . . . reductions to meet greenhouse gas and vehicle miles traveled requirements"). |         |
| SHB 1241 | Planning under the growth management act.  | Duerr  | 02/25/2021 |  |     |  | Monitor |
| SHB 1259 | Expanding public contracting opportunities for women and minority business enterprises by increasing the regulatory oversight and accountability of the office of minority and women's business enterprises. | Santos | 02/25/2021 |  |     | It looks like the provisions directly applicable to Kirkland -- e.g. increasing ability to use small works rosters for more expensive contracts -- have been stripped out.   | Monitor |
| HB 1300  | Addressing documentation and processes governing landlords' claims for damage to residential premises.   | Thai   | 01/28/2021 |  | Yes | CAO recommends "Neutral" as this bill would have no impact to the City - This bill probably falls within the orbit of "tenant rights" since it requires landlords to provide additional documentation in support of retention of all or a portion of damage deposits, but it is not a "just cause eviction" bill or a COVID-19 related relief bill. Sounds like a good bill but does not appear to impact the City of Kirkland in the manner in which we mean that.  | Neutral |



|                      |  |         |            |  |  |  |         |
|----------------------|--|---------|------------|--|--|--|---------|
| 2SHB 1310            | Concerning permissible uses of force by law enforcement and correctional officers.                                 | Johnson | 02/25/2021 |  |  | CAO - The concern is that the bill would impose an objective "reasonable care" standard on police officer use of force.Â The current standard is generally based on the reasonable belief of the officer.Â It is challenging to impose a "reasonable person" standard on an officer who is required to make these judgments in the moment.Â  | Monitor |
| E2SHB 1320 (SB 5297) | Modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders. | Goodman | 03/02/2021 |  |  | CAO recommends "monitor" - no impact to the City - Narrowly passed by the Senate.  | Monitor |
| 2SHB 1335            | Concerning review and property owner notification of recorded documents with unlawful racial restrictions.         | Valdez  | 02/25/2021 |  |  | Planning recommends "neutral" - Getting rid of racially-restrictive covenants through property owner notification is a commendable goal, and hopefully one day these provisions will no longer exist. One minor concern is: Is this really a good use of grant funding, considering the U.S. Supreme Court long ago ruled that racially-restrictive covenants are unenforceable and null/void? Seems like such funding (albeit the very modest amount identified in the latest bill) could be more effectively used elsewhere to promote anti-racism and equity, rather than on this largely symbolic effort.Â               | Neutral |
| SHB 1391 (SB 5356)   | Concerning prime contractor bidding submission requirements on public works contracts.                             | Goehner | 03/01/2021 |  |  | Finance recommends "Neutral" - No perceived fiscal impact to Kirkland. This adjustment is simply changed the dollar amount from one million to \$1,000,000 and forty-eight to 48.Â Just a correction of prior bill that changed in 2020 with the new process for sub-contractor identification.Â Kirkland has already implemented this new process.  | Neutral |
| EHB 1471             | Concerning community preservation and development authorities.   | Santos  | 03/03/2021 |  |  | This bill, which would extend the terms of members of Community Preservation and Development Authorities, seems reasonable, but it's hard to imagine a CPDA being established in Kirkland (while we have lots of concurrent public works efforts, they are being managed to reduce adverse community impacts, and that practice should continue into the future; also, Kirkland seems to have few of the "unique" communities that are the focus of the existent CPDA's in Seattle). This bill seems to be focused on the immediate needs of the two existing CPDAs (in Seattle's Pioneer Square and the Central District).Â | Neutral |

|                      |   |          |            |     |     |  |         |
|----------------------|---|----------|------------|-----|-----|--|---------|
| ESSB 5038            | Prohibiting the open carry of certain weapons at public permitted demonstrations and the state capitol.   | Kuderer  | 03/02/2021 | Yes | Yes | KPD recommends "monitor" - Law requires a "permit" for the protest or gathering. None of the Kirkland events had permits in 2020   | Monitor |
| E2SSB 5051 (HB 1082) | Concerning state oversight and accountability of peace officers and corrections officers.   | Pedersen | 03/02/2021 |     |     | KPD recommends "monitor" - This legislation allows CJTC to "suspend" an Officers certification based on an anonymous complaint.Â The City would have to pay the Officer during that suspension. The budget for adding the complaint process should be spent on ensuring that basic and advanced training are of the highest caliber.Â  | Monitor |
| 2SSB 5160            | Addressing landlord-tenant relations by providing certain tenant protections during the public health emergency, providing for legal representation in eviction cases, establishing an eviction resolution pilot program for nonpayment of rent cases, and authorizing landlord access to certain rental assistance programs. | Kuderer  | 02/25/2021 |     | Yes |  | Support |
| ESSB 5235            | Increasing housing unit inventory by removing arbitrary limits on housing options.  | Lias     | 02/24/2021 |     |     | PCS recommends "neutral" and defers to Planning and Building (who hasn't yet submitted feedback) - Increases housing unit inventory by removing arbitrary limits on housing options that have disproportionately impacted historically and currently marginalized communities.Â This includes the use and occupancy of accessory dwelling units and the number of unrelated occupants living together. Cities are responsible for enacting or amending zoning codes. | Neutral |

|                      |  |          |            |     |     |   |         |
|----------------------|--|----------|------------|-----|-----|---|---------|
|                      |  |          |            |     |     | <p>grant program made available to local communities promote equity, economic inclusion, and a stable financial foundation for people experiencing poverty, with a particular focus on people of color and people.</p> <p>Recipients of grants must:</p> <p>Coordinate and streamline existing community resources to make them more accessible</p> <p>Develop local leadership coalition of stakeholders that must include persons of color and those experiencing homelessness</p> <p>Develop local coordination team that ensures easier access to all state and local government services, &amp; identifies staff to be care &amp; benefits navigators.</p> <p>Identify federal barriers that hinder efforts</p> <p>Include options for participant career development</p> <p>Ensure equitable access to local and state govt for people with disabilities</p> <p>Funding for the grants will come from a state-level revolving fund model.</p> <p>Updated versions do not change recommended position.</p> |         |
| 2SSB 5241            | Promoting economic inclusion.  | Dhingra  | 02/24/2021 |     |     |   | Support |
| E2SSB 5259 (HB 1092) | Concerning law enforcement data collection.  | Nobles   | 03/02/2021 | Yes | Yes | <p>CAO recommends "support" - See prior comments to this bill. This second substitute passed the House overwhelmingly.</p>  | Support |
| ESB 5356 (HB 1391)   | Concerning prime contractor bidding submission requirements on public works contracts. | Short    | 02/25/2021 |     |     | <p>CAO - See earlier comments. This bill has passed out of the Senate unanimously.</p>  | Support |
| ESSB 5408            | Concerning the homestead exemption.  | Stanford | 03/02/2021 |     |     | <p>Finance recommends "neutral" - Minimal if any fiscal impact to Kirkland.</p>   | Neutral |

**Bill Status Report - 03/04/21****City of Kirkland**

3/7/2021

| Bill #               | Abbrev. Title                | Leg. Status       | Sponsor    | Position | City Priority | PCA |
|----------------------|------------------------------|-------------------|------------|----------|---------------|-----|
| HB 1000              | Law enf. mental health       | H Approps         | Maycumber  | Support  |               |     |
| HB 1001              | Law enf. professional dev.   | S Law & Justice   | Maycumber  | Support  |               |     |
| HB 1004              | Emergency health orders/leg. | H State Govt & Tr | Klippert   | Support  |               |     |
| HB 1012              | B&O tax credit/COVID-19      | H Finance         | MacEwen    | Support  |               |     |
| HB 1013              | Emergency rule duration      | H State Govt & Tr | Klippert   | Monitor  |               |     |
| HB 1020              | Governor's emergency powers  | H State Govt & Tr | Klippert   | Support  |               |     |
| HB 1026              | Firearm rights restoration   | H Civil R & Judi  | Walen      | Support  | Yes           | Yes |
| HB 1029              | Emergency orders and rules   | H State Govt & Tr | Walsh      | Oppose   |               |     |
| HB 1035              | Rent relief & housing        | H Finance         | Kloba      | Support  | Yes           | Yes |
| HB 1038              | Firearm possession/crimes    | H Civil R & Judi  | Walen      | Support  |               |     |
| ESHB 1054            | Peace officer tactics, equip | S Law & Justice   | Johnson    | Monitor  |               | Yes |
| HB 1058              | Cultural access programs/tax | H Finance         | Bateman    | Support  |               |     |
| SHB 1059             | Fireworks prohibitions       | H Rules R         | Fitzgibbon | Support  |               |     |
| HB 1060              | Emergency proclamations      | H State Govt & Tr | Dent       | Oppose   |               |     |
| E2SHB 1069           | Local gov fiscal flexibility | S Housing & Local | Pollet     | Support  |               |     |
| ESHB 1070            | Housing/local tax revenue    | S Housing & Local | Ryu        | Support  | Yes           | Yes |
| HB 1071              | Bias-based criminal offenses | H Rules C         | Valdez     | Support  |               | Yes |
| HB 1082 (SB 5051)    | Peace & corrections officers | H Public Safety   | Goodman    | Monitor  |               | Yes |
| SHB 1084 (SB 5093)   | Building decarbonization     | H Approps         | Ramel      | Support  |               |     |
| SHB 1088 (SB 5067)   | Impeachment disclosures      | S Law & Justice   | Lovick     | Monitor  |               |     |
| E2SHB 1089 (SB 5069) | Law enforcement audits       | S Law & Justice   | Ramos      | Monitor  |               |     |
| 2SHB 1092 (SB 5259)  | Law enforcement data         | H Rules R         | Lovick     | Support  | Yes           | Yes |
| 2SHB 1099            | Comprehensive planning       | H 2nd Reading     | Duerr      | Monitor  |               |     |
| ESHB 1108            | Foreclosure assistance       | S Business, Finan | Orwall     | Support  |               | Yes |
| HB 1118 (SB 5022)    | Recycling, waste, & litter   | H Env & Energy    | Berry      | Support  |               |     |
| HB 1125              | Energy investments           | H Env & Energy    | Shewmake   | Support  |               |     |
| SHB 1128             | Housing benefit districts    | H Finance         | Ryu        | Monitor  |               |     |
| HB 1133              | Lost or stolen firearms      | H Civil R & Judi  | Berry      | Monitor  |               |     |
| HB 1135 (SB 5165)    | Transp. budget 2021-2023     | H Transportation  | Fey        | Support  | Yes           |     |
| HB 1136 (SB 5166)    | Supp. transportation budget  | H Transportation  | Fey        | Monitor  | Yes           |     |
| 2SHB 1151            | Public assistance            | H Rules R         | Leavitt    | Support  |               |     |
| 2SHB 1152 (SB 5173)  | Comp health districts        | H 2nd Reading     | Riccelli   | Support  |               |     |
| HB 1158              | Emergencies/executive branch | H State Govt & Tr | Eslick     | Oppose   |               |     |
| HB 1164 (SB 5078)    | Firearm safety               | H Civil R & Judi  | Valdez     | Monitor  |               | Yes |
| HB 1175              | Host homes/property tax      | H Finance         | Johnson    | Monitor  |               |     |
| HB 1183              | Home sharing support grants  | H 2nd Reading     | Caldier    | Support  |               |     |
| HB 1188              | B&O tax payment deferral     | H Finance         | MacEwen    | Support  |               |     |
| ESHB 1189 (SB 5211)  | Tax increment financing      | H Passed 3rd      | Duerr      | Support  |               |     |
| 2SHB 1202            | Police misconduct/civil rem. | H 2nd Reading     | Thai       | Monitor  |               |     |
| SHB 1203             | Community oversight boards   | H Rules R         | Johnson    | Monitor  |               |     |
| HB 1212              | Repair of electronics        | H ConsPro&Bus     | Gregerson  | Support  |               |     |
| SHB 1221             | Homelessness definitions     | S Human Svcs, Ree | Rule       | Support  |               |     |
| HB 1228              | Landlord-tenant/COVID-19     | H Hous, Human Sv  | Barkis     | Oppose   |               |     |

|                      |                              |                   |               |         |     |     |
|----------------------|------------------------------|-------------------|---------------|---------|-----|-----|
| HB 1229 (SB 5217)    | Assault weapons              | H Civil R & Judi  | Peterson      | Monitor |     | Yes |
| SHB 1232             | GMA/affordable housing plans | H 2nd Reading     | Barkis        | Monitor |     |     |
| HB 1234              | Weapons/government buildings | H Civil R & Judi  | Senn          | Support | Yes | Yes |
| SHB 1236             | Residential tenants          | H 2nd Reading     | Macri         | Support |     | Yes |
| SHB 1241             | Growth management act plans  | H Rules R         | Duerr         | Monitor |     |     |
| SHB 1259             | Women & minority contracting | H Passed 3rd      | Santos        | Monitor |     |     |
| HB 1262              | Officer background checks    | H 2nd Reading     | Klippert      | Support |     |     |
| SHB 1277 (SB 5279)   | Housing/revenue source       | H Approps         | Ormsby        | Support | Yes | Yes |
| SHB 1283             | Criminal mischief/weapons    | H Rules R         | Senn          | Support |     |     |
| 2SHB 1310            | Uses of force by officers    | H 2nd Reading     | Johnson       | Monitor |     |     |
| HB 1313              | Local gov firearm regulation | H Civil R & Judi  | Hackney       | Monitor |     | Yes |
| E2SHB 1320 (SB 5297) | Civil protection orders      | S Law & Justice   | Goodman       | Monitor |     |     |
| HB 1337              | Accessory dwelling units     | H Local Govt      | Gregerson     | Support |     |     |
| SHB 1340             | Pandemic task force          | H Approps         | Lovick        | Support |     |     |
| HB 1350              | Limited equity coop. housing | H Finance         | Bateman       | Monitor |     |     |
| HB 1362              | Property tax revenue growth  | H Finance         | Duerr         | Support |     |     |
| ESHB 1368 (SB 5344)  | Federal funding/COVID-19     | C 3 L 21          | Ormsby        | Support |     |     |
| SHB 1391 (SB 5356)   | Public works/bidding         | S Housing & Local | Goehner       | Support |     |     |
| HB 1398              | Housing/COVID-19             | H Hous, Human Sv  | Dufault       | Oppose  |     |     |
| HB 1414              | Marijuana licensing/zoning   | H Commerce & Gam  | Goehner       | Support |     |     |
| HB 1419              | Certificated staff/factors   | H Approps         | Dolan         | Support |     |     |
| SHB 1421             | Utility service charges      | H Rules R         | Dufault       | Oppose  |     |     |
| HB 1435              | Bicycle tour permits         | H Local Govt      | Kretz         | Monitor |     |     |
| HB 1436              | Regulations/health crises    | H State Govt & T  | Walsh         | Oppose  |     |     |
| SHB 1438             | Property tax/health expenses | H 2nd Reading     | Orcutt        | Support |     |     |
| HB 1440              | Small wireless facilities    | H Comm & Econ De  | Boehnke       | Oppose  |     |     |
| HB 1441              | Prospective tenants/COVID-19 | H 2nd Reading     | Morgan        | Monitor |     |     |
| HB 1442              | Epidemic preparedness        | H HC/Wellness     | Chase         | Oppose  |     |     |
| HB 1458              | Growth management act        | H Local Govt      | Pollet        | Support |     |     |
| HB 1479              | Fire apparatus/sales tax     | H Finance         | Sullivan      | Support |     |     |
| HB 1481              | School employees/firearms    | H Civil R & Judi  | Chase         | Monitor |     |     |
| HB 1488              | Plastic packaging materials  | H Env & Energy    | Fey           | Monitor |     |     |
| HB 1490              | Electricity and heating      | H Env & Energy    | Harris-Talley | Support |     |     |
| HB 1503              | Alt. fuel vehicle tax ex.    | H Transportation  | Wylie         | Support |     |     |
| HB 1507              | Indep. prosecutions/police   | H Public Safety   | Entenman      | Monitor |     |     |
| SHB 1512             | Lodging-related assessments  | H 2nd Reading     | Ryu           | Monitor |     |     |
| HB 1526              | Local revenue/homelessness   | H Finance         | Stokesbary    | Monitor |     |     |
| HB 1528              | Commute trip reduction       | H Transportation  | Robertson     | Oppose  |     |     |
| SSB 5012             | Affordable housing funding   | S Ways & Means    | Lovelett      | Support | Yes | Yes |
| SB 5028              | Vehicle taxes & fees         | S Transportation  | Fortunato     | Oppose  |     |     |
| SB 5032              | Alt public works contracting | H Cap Budget      | Hasegawa      | Support |     |     |
| ESSB 5038            | Open carry of weapons        | H Civil R & Judi  | Kuderer       | Monitor | Yes | Yes |
| SB 5042              | GMA actions effective date   | S 2nd Reading     | Salomon       | Support |     |     |
| SB 5043              | School employee housing      | S 2nd Reading     | Salomon       | Support |     |     |
| E2SSB 5051 (HB 1082) | Peace & corrections officers | H Public Safety   | Pedersen      | Monitor |     |     |
| SB 5054              | Impaired driving             | H Public Safety   | Padden        | Monitor |     |     |
| SSB 5055             | Law enforcement grievances   | H Labor & Workpla | Nguyen        | Monitor |     |     |
| SSB 5066             | Officer duty to intervene    | H Public Safety   | Dhingra       | Support | Yes | Yes |
| SB 5067 (HB 1088)    | Impeachment disclosures      | S Law & Justice   | Dhingra       | Monitor |     |     |

|                      |                              |                   |           |         |     |     |
|----------------------|------------------------------|-------------------|-----------|---------|-----|-----|
| SB 5069 (HB 1089)    | Law enforcement audits       | S Law & Justice   | Dhingra   | Monitor |     | Yes |
| SSB 5078 (HB 1164)   | Firearm safety               | S Rules 2         | Liias     | Support |     | Yes |
| SSB 5089             | Peace officer hiring & cert. | S 2nd Reading     | Kuderer   | Monitor |     | Yes |
| SB 5094              | Vascular neck restraints     | S Law & Justice   | Padden    | Monitor |     |     |
| SSB 5117             | Rental voucher/incarceration | S Ways & Means    | Nguyen    | Monitor |     |     |
| SB 5134              | Law enforcement              | S Labor, Comm &   | Salomon   | Monitor |     |     |
| SB 5135              | Unlawfully summoning police  | S 2nd Reading     | Das       | Monitor |     | Yes |
| SB 5138              | Financial instit./B&O tax    | S Business, Fina  | Kuderer   | Support |     |     |
| SB 5139              | Rent increases, limiting     | S Housing & Loca  | Das       | Support |     | Yes |
| SSB 5157             | Behavioral disorders/justice | H HC/Wellness     | Wagoner   | Monitor |     |     |
| 2SSB 5160            | Landlord-tenant relations    | S 2nd Reading     | Kuderer   | Support |     | Yes |
| SB 5165 (HB 1135)    | Transp. budget 2021-2023     | S Transportation  | Hobbs     | Support | Yes |     |
| SB 5166 (HB 1136)    | Supp. transportation budget  | S Transportation  | Hobbs     | Monitor | Yes |     |
| SSB 5169             | Provider PPE reimbursement   | H HC/Wellness     | Frockt    | Support |     |     |
| SB 5173 (HB 1152)    | Comp public health districts | S Health & Long   | Robinson  | Monitor |     |     |
| SB 5186              | Emerg. orders/const. rights  | S State Govt & El | Fortunato | Support |     |     |
| 2SSB 5188            | Public financial cooperative | S 2nd Reading     | Kuderer   | Monitor |     |     |
| 2SSB 5211 (HB 1189)  | Tax increment financing      | S Rules 2         | Frockt    | Support |     |     |
| SB 5212              | Sports wagering              | S Labor, Comm &   | King      | Monitor |     |     |
| SB 5217 (HB 1229)    | Assault weapons              | S Law & Justice   | Kuderer   | Support |     | Yes |
| SSB 5226             | License suspensions/traffic  | S 2nd Reading     | Salomon   | Monitor |     |     |
| SB 5232              | Toll revenue bonding         | S Rules 2         | King      | Oppose  |     |     |
| SB 5243              | Engineered plan approval     | S Housing & Loca  | Gildon    | Oppose  |     |     |
| SB 5248              | Jail standards task force    | S Ways & Means    | Darneille | Monitor |     |     |
| SB 5256 (HB 1204)    | Transp. electrification      | S Environment, E  | Liias     | Support |     |     |
| E2SSB 5259 (HB 1092) | Law enforcement data         | H Public Safety   | Nobles    | Support | Yes | Yes |
| SSB 5260             | Eviction res. pilot/reports  | S Rules 2         | Kuderer   | Monitor |     |     |
| SB 5261              | Police data collection       | S Law & Justice   | Padden    | Monitor |     |     |
| SSB 5263             | Personal injury defenses     | S 2nd Reading     | Frockt    | Monitor |     |     |
| SB 5279 (HB 1277)    | Housing/revenue source       | S Housing & Loca  | Robinson  | Support | Yes | Yes |
| SB 5297 (HB 1320)    | Civil protection orders      | S Law & Justice   | Dhingra   | Monitor |     |     |
| SB 5310              | Violence, disorder, looting  | S Law & Justice   | Holy      | Oppose  |     |     |
| SB 5314              | GMA/standing & science       | S Housing & Local | Short     | Oppose  |     |     |
| SSB 5333             | Public works contracts/COVID | S 2nd Reading     | Holy      | Monitor |     |     |
| SB 5341              | Local sales tax uses         | H Finance         | Wilson    | Support |     |     |
| SB 5344 (HB 1368)    | Federal funding/COVID-19     | S Ways & Means    | Rolfes    | Support |     |     |
| SB 5349              | Traffic LFO consolidation    | S Law & Justice   | Cleveland | Support |     |     |
| SSB 5353             | Law enf community engagement | S Rules 2         | Conway    | Monitor |     |     |
| ESB 5356 (HB 1391)   | Public works/bidding         | H Cap Budget      | Short     | Support |     |     |
| SB 5360              | Fire & smoke control systems | S Housing & Loca  | Cleveland | Monitor |     |     |
| SB 5366 (HB 1103)    | Building materials           | S State Govt & E  | Stanford  | Support |     |     |
| SB 5391              | Property tax exempt./income  | S Ways & Means    | McCune    | Monitor |     |     |
| SB 5392              | Artificial water bodies      | S Environment, E  | Wagoner   | Oppose  |     |     |
| SB 5398              | Small businesses/excise tax  | S Ways & Means    | Wellman   | Monitor |     |     |
| SB 5407              | Firearm theft                | S Law & Justice   | Wilson    | Monitor |     |     |
| SSB 5436             | Law enf. ombuds/bargaining   | S Rules 2         | Billig    | Monitor |     |     |
| SB 5455              | Law enf. camera recordings   | S Law & Justice   | Gildon    | Monitor |     |     |
| SJR 8205             | Right to possess firearms    | S Law & Justice   | Fortunato | Monitor |     |     |

\* Staff recommendations may change as issues in Olympia evolve.

NOTES: A "Yes" in the City Priority column means the bill is the City's unique priority bill.

PCA stands for Priority Coalition Advocacy. Bills with a "Support" position recommendation along with a "Yes-PCA" City Priority designation means the bill is both a priority of the City's identified Priority Coalition and is recommended for elevation to priority status for the City. Bills with only "PCA" in the City Priority column means the bill is among the priorities of the City's identified Priority Coalition organizations.

Other NOTES: Bills with an "Oppose" position recommendation - The Legislative Workgroup's approach with bills identified with "Oppose" is to check-in with AWC, and monitor while continuing to analyze and evaluate from there. In other words, the City is not taking action (not signing-in or testifying) on these bills at this time.



| Bill Status Report - 03/04/21 |                              |                   |           |         |  |     |
|-------------------------------|------------------------------|-------------------|-----------|---------|--|-----|
| SHB 1053                      | Carryout bags                | H Rules C         | Peterson  | Neutral |  |     |
| ESHB 1056                     | Public meetings/emergencies  | S State Govt & El | Pollet    | Neutral |  |     |
| HB 1106                       | Motorcycles on laned roads   | H Transportation  | MacEwen   | Neutral |  |     |
| HB 1134                       | Forfeited firearms/WSP       | H Civil R & Judi  | Berry     | Neutral |  |     |
| 2SHB 1161                     | Drug take-back programs      | H 2nd Reading     | Peterson  | Neutral |  |     |
| HB 1300                       | Landlord damage claims       | H Rules R         | Thai      | Neutral |  | Yes |
| HB 1308                       | Apprenticeship utilization   | H Cap Budget      | Riccelli  | Neutral |  |     |
| 2SHB 1335                     | Racial restrictions/review   | H 2nd Reading     | Valdez    | Neutral |  |     |
| HB 1388                       | Motor vehicle sales          | H ConsPro&Bus     | Kloba     | Neutral |  |     |
| HB 1389                       | Peer-to-peer vehicle sharing | H ConsPro&Bus     | Corry     | Neutral |  |     |
| EHB 1471                      | Community preservation auth. | S Housing & Local | Santos    | Neutral |  |     |
| SHB 1510                      | Nonemergency medical transp. | S Transportation  | Hackney   | Neutral |  |     |
| HB 1511                       | Surplus property/housing     | H Hous, Human Sv  | Bergquist | Neutral |  |     |
| HB 1523                       | Transp. benefit district tax | H 2nd Reading     | Wylie     | Neutral |  |     |
| ESSB 5024                     | Condominium construction     | H Civil R & Judi  | Padden    | Neutral |  |     |
| SSB 5033                      | Accessory dwelling units/tax | S Ways & Means    | Kuderer   | Neutral |  |     |
| SB 5039                       | Gubernatorial emergencies    | S State Govt & E  | Wilson    | Neutral |  |     |
| SSB 5059                      | Monument protection          | S 2nd Reading     | McCune    | Neutral |  |     |
| SB 5095                       | Pistol license records       | S State Govt & E  | Wagoner   | Neutral |  |     |
| SB 5106                       | Municipal financial services | H ConsPro&Bus     | Liias     | Neutral |  |     |
| SSB 5116                      | Procurement/automated system | S Ways & Means    | Hasegawa  | Neutral |  |     |
| SSB 5189                      | American dream homes         | S Ways & Means    | Fortunato | Neutral |  |     |
| SB 5225                       | Direct appeals/APA, land use | H Civil R & Judi  | Hunt      | Neutral |  |     |
| ESSB 5235                     | Housing options & limits     | H Local Govt      | Liias     | Neutral |  |     |
| 2SSB 5241                     | Economic inclusion           | H Hous, Human Svc | Dhingra   | Neutral |  |     |
| SB 5354                       | Traffic control/large cities | H Transportation  | Saldaña   | Neutral |  |     |
| SB 5365                       | Cannabis commission          | S Labor, Comm &   | Stanford  | Neutral |  |     |
| ESSB 5408                     | Homestead exemption          | H Civil R & Judi  | Stanford  | Neutral |  |     |
| SSB 5428                      | SEPA/shelters & encampments  | S 2nd Reading     | Nguyen    | Neutral |  |     |

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**CITY OF KIRKLAND**  
**City Manager's Office**  
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**[www.kirklandwa.gov](http://www.kirklandwa.gov)**

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Tracey Dunlap, Deputy City Manager  
Joe Sanford, Fire Chief  
Tim Day, Deputy Fire Chief  
Dave Van Valkenburg, Deputy Fire Chief  
Sri Krishnan, Deputy Director of Finance and Administration  
Anneke Davis, Senior Project Engineer  
Chris Dodd, Facilities Services Manager  
Andreana Campbell, Management Analyst

**Date:** March 3, 2021

**Subject:** ADOPTION OF RESOLUTION R-5469 APPROVING THE FIRE AND EMERGENCY MEDICAL SERVICES PROPOSITION 1 IMPLEMENTATION PLAN AND REQUESTING FIRE IMPACT FEE LEGISLATION

## **RECOMMENDATION:**

That the Kirkland City Council adopt Resolution R-5469 approving the Fire and Emergency Medical Services (EMS) Proposition 1 Implementation Plan and requesting that the City Manager develop Fire impact fee legislation for Council consideration by June 1, 2021.

## **BACKGROUND DISCUSSION:**

At the April 21, 2020 Council meeting, Council adopted Resolution R-5413, accepting the Community Safety Advisory Group's (ComSAG) report completed on February 26, 2020. In that report, the ComSAG recommended both capital and operating elements to be funded by two measures, an excess levy, and a permanent operating levy lid lift to be placed on the November 3, 2020 ballot. The ComSAG completed their recommendation to Council just two days prior to the first COVID-19 related death in the United States and the eruption of the pandemic in Kirkland and the nation. Because of the dramatic societal impacts of COVID-19 and the resulting economic uncertainty, Council directed the City Manager to seek further public input on whether to continue to the ballot. In May, the Council received very positive results from two surveys. The ComSAG also strongly recommended that the Council still place the measures on the ballot as fire and emergency medical services were critical to the pandemic response. Given the uncertain financial impacts of COVID-19 to the community, and to avoid potential voter confusion with multiple ballot measures, the Council directed staff to present an option of placing a single permanent levy lid lift to fund both operating and capital ballot measure elements. Ordinance O-4731 was brought to the Council and adopted on July 21, 2020, placing a \$0.23513/\$1,000 of assessed valuation (AV) levy on the November 3, 2020 ballot.

Before Council formally adopted Ordinance O-4731 in July, the City Manager convened an interdepartmental Recommendation Review Team (RRT) consisting of staff from the City Manager's Office, the Finance and Administration Department, the Fire Department, the Public Works Capital Projects Division, the City Attorney's Office (and Bond Counsel, as needed), and TCA, the architectural firm the City has worked with in the past to plan for renovation and construction of the City's fire stations. The RRT was assembled to review operating overhead and internal service charges, as well as the elements and sequencing of all capital construction and financing. The RRT met twice per month from March to July 2020. The list and chart below summarize the key operating and capital program elements outlined in Ordinance O-4731 and reviewed by the RRT. Staff updated Council as the RRT refined project costs and timelines individual elements.

*Operating Elements:*

- Acquire pandemic response equipment, including stockpiling personal protective equipment;
- Hire 20 additional full-time equivalent firefighter/emergency medical technicians (EMTs); and
- Fund additional operating, maintenance, vehicle and capital expenses to provide enhanced public safety services.

*Capital Elements:*

- Relocate and construct a new Fire Station 27 in Totem Lake;
- Renovate Fire Stations 21 in Forbes Creek, 22 in Houghton, and 26 in Rose Hill; and
- Design and construct a temporary fire station to house firefighter/EMTs while renovations of Stations 22 and 26 take place.

| Capital Expenditures     | Total                | 2021         | 2022          | 2023         | 2024         | 2025         |
|--------------------------|----------------------|--------------|---------------|--------------|--------------|--------------|
| <i>Fire Station 27</i>   | <b>\$ 28,521,821</b> | \$ 5,250,613 | \$ 18,230,643 | \$ 5,040,565 |              |              |
| <i>Fire Station 22</i>   | <b>\$ 9,617,300</b>  | \$ 834,067   | \$ 6,644,830  | \$ 2,138,404 |              |              |
| <i>Fire Station 26</i>   | <b>\$ 8,437,000</b>  |              | \$ 343,133    | \$ 746,385   | \$ 7,347,482 |              |
| <i>Fire Station 21</i>   | <b>\$ 6,023,000</b>  |              |               | \$ 252,086   | \$ 559,256   | \$ 5,211,658 |
| <i>Temporary Station</i> | <b>\$ 3,205,909</b>  | \$ 387,249   | \$ 2,818,660  |              |              |              |
| <b>Grand Total</b>       | <b>\$ 55,805,030</b> | \$ 6,471,929 | \$ 28,037,266 | \$ 8,177,439 | \$ 7,906,738 | \$ 5,211,658 |

The ballot measure passed on November 3, 2020 with 71.28% support. In October 2020, the City Manager convened a ballot measure steering team as a continuation of the Recommendation Review Team to formulate an implementation plan. The steering team is comprised of representatives from Fire, Finance and Administration, Human Resources, the City Manager's Office, Public Works, and the City Attorney's Office. This group consists of director-level decision makers and has met six times since the measure passed. Staff also convened two subgroups consisting of technical experts in the departments mentioned above, meeting twice a month to make recommendations to the steering team about the different aspects of the implementation plan. One subgroup focuses on capital elements and the other focuses on operating elements. The groups' research and recommendations inform the steering team meetings as high-level recommendations are brought to the larger group. This implementation plan is the result of those deliberations to date.

## **FUNDING GENERATED BY THE MEASURE:**

Before the Council's decision in July 2020 to place the single measure on the ballot, King County Assessor John Arthur Wilson mentioned during an address that assessed value (AV) trends were showing a slight decrease in the high value areas on the Eastside, while south King County were increasing, and that there would not be more detailed data on specific jurisdiction trends until the Fall of 2020. Since the impact of a decrease in Kirkland's 2021 AV meant the levy would not have collected the projected revenue needed to fully fund the ballot measure investments within the current timeframe expected by constituents, Council decided to add an additional \$0.01/\$1,000AV to the overall levy lid lift, for a total of \$0.23513/\$1,000AV. When actual AV results were available late in 2020, Kirkland's 2021 AV decreased slightly, but not enough that the entire additional \$0.01/\$1,000AV is needed to cover the recommended investments.

The actual levy rate is expected to generate revenue of \$7,259,770 in 2021, of which \$7,015,191 is needed to carry out the recommended implementation plan. The remainder of \$244,579 (difference between the revenue generation and the amount needed to implement the program) is being set aside for Council deliberation. One potential option would be to use these funds as part of the on-going funding source for a portion of the Community Safety Initiative Co-Responders. The table below summarizes the revenue expected to be generated by the measure and projected growth at 2% per year (the 1% optional levy and 1% in new construction) for the first five years.

| <b>APPROVED REVENUE GENERATION</b>   | <b>2021</b>         | <b>2022</b>         | <b>2023</b>         | <b>2024</b>         | <b>2025</b>         |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|
| Total Revenue from Levy  | \$ 7,259,770        | \$ 7,404,965        | \$ 7,553,065        | \$ 7,704,126        | \$ 7,858,208        |
| Less Revenue Generated by Added Increment (for Community Safety Initiative/Other Programs) | \$ (244,579)        | \$ (249,470)        | \$ (254,460)        | \$ (259,549)        | \$ (264,740)        |
| <b>Levy Revenue for Program</b>  | <b>\$ 7,015,191</b> | <b>\$ 7,155,495</b> | <b>\$ 7,298,605</b> | <b>\$ 7,444,577</b> | <b>\$ 7,593,468</b> |

Note that use of all of the revenue must also comply with the categories outlined in the enacting Ordinance O-4731 (Attachment A).

## **OPERATING IMPLEMENTATION:**

### *HIRING TIMELINE AND CONSIDERATIONS:*

Fire Proposition 1 includes hiring approximately 20 additional full-time equivalent firefighter/emergency medical technicians (EMTs). The traditional hiring timelines are no longer meeting the needs of the Fire Department, which utilizes Public Safety Testing for entry level testing. Once candidates complete the interview process, conditional job offers are extended, background checks, medical and psychological evaluations, and physical assessments are completed. Potential new hires are fitted for bunker gear, necessary personal protection equipment (PPE) and uniforms. It takes approximately four months from the time a conditional job offer is extended to the issuing of formal employment letters. The lengthy timelines necessary to hire only reinforce the need to implement the strategies outlined below.

The goal is to provide formal job offers three to four months prior to the start of the Recruit Academies as there are several advantages to this approach. First, the City would be making offers well before other agencies. This is helpful as the City is often in competition with other cities for qualified and diverse hires. Since the Fire Department is hiring a large number of new employees over the next two to four years, this allows the greatest level of anticipation and planning. Furthermore, early employment offers provide the City with flexibility to address attrition and concerns that may surface during background checks.

Below is the hiring timeline proposed by the operating subgroup. This timeline anticipates the completion of fire Stations 24, 27, and 22 when hiring five additional Firefighter/EMTs at each of the next four Recruit Academies (which encompasses all necessary Firefighter/EMT training). This allows the Fire Department to more effectively onboard and staff the fire stations as the renovations and construction are completed. The first five Proposition 1 hires will start the Academy in August 2021. The next five will enter the Academy in February of 2022. The Fire Department will continue this hiring and training cycle until all Proposition 1 vacancies are filled. In addition to the five Proposition 1 hires each cycle, the Fire Department will fill any vacancies due to retirements or attrition in the same hiring cycles. The Fire Department could have as few as five and as many as seven recruits in an Academy for the next two and a half years.

| TIMELINE                           |       | 2021                      |      |     |   | 2022  |      |     |   | 2023 |     |     |   |
|------------------------------------|-------|---------------------------|------|-----|---|-------|------|-----|---|------|-----|-----|---|
|                                    |       | 1                         | 2    | 3   | 4 | 1     | 2    | 3   | 4 | 1    | 2   | 3   | 4 |
| 5 each<br>4 academies<br>2.5 years |       | March                     |      | Aug |   | Feb   |      |     |   |      |     |     |   |
|                                    |       |                           | June |     |   | Feb   | Jun  |     |   |      |     |     |   |
|                                    |       |                           |      |     |   | March |      | Aug |   | Feb  |     |     |   |
|                                    |       |                           |      |     |   |       | June |     |   | Feb  | Jun |     |   |
|                                    |       |                           |      |     |   |       |      |     |   |      |     |     |   |
| 24                                 | Const | Oct-20                    |      | Nov |   |       |      |     |   |      |     |     |   |
| 27                                 | Const |                           |      |     |   |       | Aug  |     |   |      |     | Jul |   |
| 22                                 | Const |                           |      |     |   |       | Aug  |     |   |      | Jun |     |   |
|                                    |       | Indicates hiring timeline |      |     |   |       |      |     |   |      |     |     |   |
|                                    |       | Indicates recruit academy |      |     |   |       |      |     |   |      |     |     |   |

If these hiring plans are successful, the annual cost of these 20 positions for the next five years is summarized in the table below. Please note, the one-time PPE purchase shown at the top of the table will be discussed later in this memorandum.

| <b>OPERATING CASH FLOW</b>    | <b>FF/EMTs</b> | <b>2021</b>       | <b>2022</b>         | <b>2023</b>         | <b>2024</b>         | <b>2025</b>         |
|-------------------------------|----------------|-------------------|---------------------|---------------------|---------------------|---------------------|
| One Time Expenses             |                |                   |                     |                     |                     |                     |
| PPE Purchase                  |                | \$ 116,931        |                     |                     |                     |                     |
| <b>2021 Hires (half year)</b> | 5              |                   |                     |                     |                     |                     |
| One-time costs                |                | \$ 131,658        |                     |                     |                     |                     |
| Ongoing costs                 |                | \$ 454,556        | \$ 943,481          | \$ 979,188          | \$ 1,016,284        | \$ 1,054,824        |
| <b>2022 Hires (full year)</b> | 5              |                   |                     |                     |                     |                     |
| One-time costs                |                |                   | \$ 132,974          |                     |                     |                     |
| Ongoing costs                 |                |                   | \$ 943,481          | \$ 979,188          | \$ 1,016,284        | \$ 1,054,824        |
| <b>2022 Hires (half year)</b> | 5              |                   |                     |                     |                     |                     |
| One-time costs                |                |                   | \$ 132,974          |                     |                     |                     |
| Ongoing costs                 |                |                   | \$ 471,741          | \$ 979,188          | \$ 1,016,284        | \$ 1,054,824        |
| <b>2023 Hires (full year)</b> | 5              |                   |                     |                     |                     |                     |
| One-time costs                |                |                   |                     | \$ 134,304          |                     |                     |
| Ongoing costs                 |                |                   |                     | \$ 979,188          | \$ 1,016,284        | \$ 1,054,824        |
| <b>TOTAL ANNUAL COSTS</b>     |                | <b>\$ 703,145</b> | <b>\$ 2,624,652</b> | <b>\$ 4,051,055</b> | <b>\$ 4,065,135</b> | <b>\$ 4,219,298</b> |

The collective bargaining agreement between the City and International Association of Firefighters (IAFF) Local 2545 expired on December 31, 2020 and meetings to bargain a new agreement are underway. Fire Administration and Human Resources have identified multiple items within the contract that may influence onboarding efficiency, management, and allocation of uniformed personnel. These items include such elements as work schedules, organizational structure, leave accrual and use. The City will endeavor to work collaboratively with the union on addressing these issues through collective bargaining.

#### *DIVERSITY, EQUITY, INCLUSION, AND BELONGING INITIATIVES:*

Deputy Fire Chief Dave Van Valkenburg continues to represent the Kirkland Fire Department as a member of the King County Fire Chiefs and Washington State Fire Chiefs diversity and inclusion committees. The goal of both working groups is to increase the recruitment and retention of women and people of color into the fire service. The City's involvement in County and State-wide initiatives provides support and resources for the City's Diversity, Equity, Inclusion, and Belonging (DEIB) efforts.

Locally, the City continues to focus on three primary strategies. The first is removing roadblocks to testing. Staff have been exploring subsidizing testing fees and partnering with other agencies to allow greater test access at a lower cost to potential candidates.

The second strategy is centered on recruiting. The Fire Department is collaborating with the City's Communications team to produce short advertisement videos featuring diverse Firefighter/EMTs of the City's Fire Department. Staff is also working on creating and formatting a longer, three to five-minute general recruitment video to publish online and within Public Safety Testing's advertisements. Meanwhile, staff is participating in the "Women in Fire and EMS" workshops sponsored by King County EMS, which has since created and published the following [video](https://www.kiro7.com/news/local/firefighters-share-experiences-with-pregnancy-while-working-fire-service/RSZ52RFZNZAQ5HM34AYIP4HBYI/)<sup>1</sup> that shares what it is like to be pregnant and/or a mother while working in the

<sup>1</sup> <https://www.kiro7.com/news/local/firefighters-share-experiences-with-pregnancy-while-working-fire-service/RSZ52RFZNZAQ5HM34AYIP4HBYI/>

fire service. The City will be hosting an event in conjunction with King County EMS' "Women in Fire and EMS" program in the Fall of this year. The Human Resources Department is in the process of hiring a temporary new recruitment and hiring position to specifically help with public safety recruitment (Police and Fire) and generate additional innovative ideas.

The third strategy is to improve the interview process. Future hiring panels will include a greater cross-section of the Department's workforce. The goal is to have the Department's underrepresented groups participate in each of the three interview panels. Staff is working with Sound Solutions to create behavior-based questions and scoring criteria for use in the hiring program that reduce bias and subjectivity in the interview panels and testing criteria.

#### *PERSONAL PROTECTIVE EQUIPMENT (PPE) PURCHASE:*

Proposition 1 funds have been allocated to purchase a twelve-month reserve of PPE for a one-time cost of \$116,000. The purchase was made the first week of March and was based on the current PPE burn rate of 354 sets of masks, eye protection, gowns, and gloves (MEGG) per week.

Staff analyzes the burn rate of the N95 respirators as a gauge of the Fire Department's operational readiness. Current PPE inventories allow the City a 28-week supply of N95 respirators. Respirators and eye protection are the two most important PPE items utilized by Firefighter/EMTs. The purchase of PPE will also incorporate items received from King County EMS (KCEMS). The numbers of eye protection, gowns and N95 required for a reserve stock have been adjusted to reflect PPE obtained and purchased by King County and the State. The option recommended by staff includes supplies for the KCEMS directed "[Scout Model](#)" for COVID-19 patient assessment.<sup>2</sup> This expense will be paid for as a one-time cost in 2021 from levy revenues.

#### **CAPITAL IMPLEMENTATION:**

##### *PAY AS YOU GO CAPITAL TIMELINE CONSIDERATIONS:*

When the decision was made to place a single levy lid lift measure on the ballot, it limited the ability to issue long-term bonds secured by the levy for capital purposes. One option for carrying out the capital program is to use a pay-as-you-go (PAYG) strategy, where available revenue is saved up over time until there is enough accumulated to complete one capital project at a time. This approach means it would take longer for the City to complete the entirety of the *recommended* capital projects. However, unlike a time limited excess levy (such as a 20 or 30 year bond) this permanent levy lid lift does allow the City the possibility of completing *more* than the recommended capital projects in the future. The ongoing revenue source does not expire after the recommended projects are completed.

The table below summarizes the levy revenue available for capital projects after factoring in the cost of onboarding twenty firefighter/EMTs and purchasing PPE over the next five years.

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<sup>2</sup> <https://www.emsonline.net/assets/2020-Announcements/COVID-19-EMT-Scout-Model-Guideline-V-2-05-26-2020.pdf>

| REVENUE FOR CAPITAL                  | 2021                | 2022                | 2023                | 2024                | 2025                |
|--------------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Levy Revenue for Program             | \$ 7,015,191        | \$ 7,155,495        | \$ 7,298,605        | \$ 7,444,577        | \$ 7,593,468        |
| Less Operating Costs for 20 FF/EMTs  | \$ (703,145)        | \$ (2,624,652)      | \$ (4,051,055)      | \$ (4,065,135)      | \$ (4,219,298)      |
| <b>Remaining Revenue for Capital</b> | <b>\$ 6,312,046</b> | <b>\$ 4,530,843</b> | <b>\$ 3,247,550</b> | <b>\$ 3,379,441</b> | <b>\$ 3,374,170</b> |

In addition, the City set aside \$1 million in Ground Emergency Medical Transportation (GEMT) revenue toward fire station capital. At the June 16, 2020 Council meeting, staff proposed setting aside \$4.46 million in Real Estate Excise Tax (REET 1) to pay back the interfund loan used to purchase the new Fire Station 27 property if the levy lid lift did not pass.

In the PAYG model, each project would have sufficient funding to proceed by the dates summarized in the table that follows, recognizing that the cost growth due to inflation does not allow all the projects to be completed until 2046.

| Project Completion w/PAYG    | Funds Available in: |
|------------------------------|---------------------|
| Fire Station 27              | 2027                |
| Fire Station 22/Temp Station | 2034                |
| Fire Station 26              | 2040                |
| Fire Station 21              | 2046                |
| Annual Remainder             | after 2046          |

These dates assume the use of the GEMT and REET funds are used to accelerate the program. The REET funds are recommended to be returned to REET reserves since they were only set-aside in the event the levy lid lift was unsuccessful. In the absence of those funds, the PAYG completion dates would move even farther into the future.

Given that this timeline would not meet community expectations, the ballot measure steering team worked with the City's financial advisors and bond counsel to develop a recommendation that allows the City to complete Stations 27 in Totem Lake, 22 in Houghton, and the temporary station in the first three years of the permanent levy, and complete all the recommended capital projects by 2026, which is described in the alternative funding plan for capital below.

#### *ALTERNATIVE FUNDING PLAN FOR CAPITAL:*

Before outlining the proposed alternative funding plan for capital, it is important to recognize the flexibility granted within the enacting Ordinance O-4731:

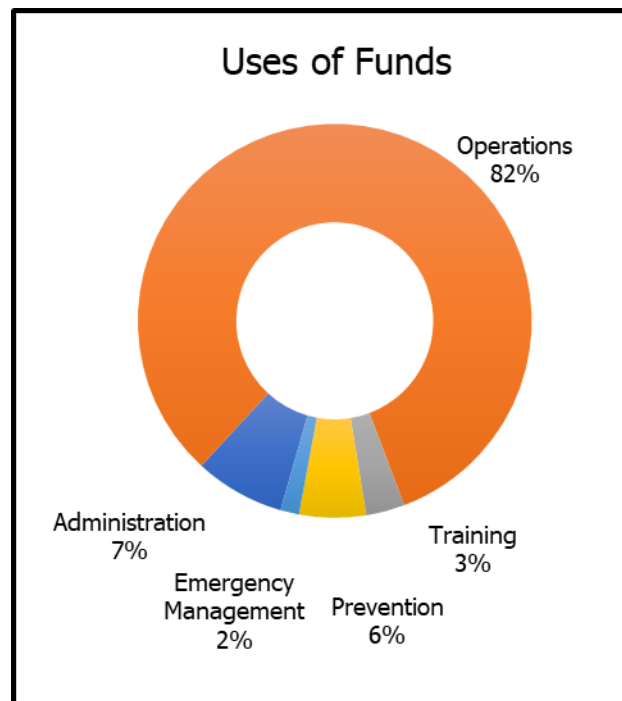
- Section 1 allows the Council to determine "the best interests of the residents of the City" related to "Fire and EMS Services," and identifies a list of items including but not limited to *"other public safety operations, maintenance, improvements, equipment and services as determined by the Council should anticipated investments become infeasible or City public safety needs significantly change."*
- The ordinance also includes language stating, *"The Council may alter, make substitutions to, and amend such components as it determines are in the best interests of the City and consistent with the general public safety descriptions provided herein."*



Within this framework, staff's proposed alternative funding plan was formulated around the goal of keeping the original capital timeline of completing the recommended projects by year 2026. A breakdown of each stations' estimated costs by year can be seen in the chart that follows.

| <b>Capital Expenditures</b> | <b>2021</b>         | <b>2022</b>         | <b>2023</b>         | <b>2024</b>         | <b>2025</b>         |
|-----------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <i>Fire Station 27</i>      |                     |                     |                     |                     |                     |
| Repay Land Interfund Loan   | \$ 3,724,000        | \$ 2,219,740        |                     |                     |                     |
| Design and Construction     | \$ 1,526,613        | \$ 16,010,903       | \$ 5,040,565        |                     |                     |
| <i>Fire Station 22</i>      |                     |                     |                     |                     |                     |
| Design and Construction     | \$ 834,067          | \$ 6,644,830        | \$ 2,138,404        |                     |                     |
| <i>Fire Station 26</i>      |                     |                     |                     |                     |                     |
| Design and Construction     |                     | \$ 343,133          | \$ 746,385          | \$ 7,347,482        |                     |
| <i>Fire Station 21</i>      |                     |                     |                     |                     |                     |
| Design and Construction     |                     |                     | \$ 252,086          | \$ 559,256          | \$ 5,211,658        |
| <i>Temporary Station</i>    |                     |                     |                     |                     |                     |
| Design and Construction     | \$ 387,249          | \$ 2,818,660        |                     |                     |                     |
| <b>Total</b>                | <b>\$ 6,471,929</b> | <b>\$28,037,266</b> | <b>\$ 8,177,439</b> | <b>\$ 7,906,738</b> | <b>\$ 5,211,658</b> |

To accomplish this program, it is necessary to issue limited tax general obligation (LTGO) bonds secured by the full faith and credit of the City, not by proceeds of this levy. In other words, debt must be supported by and payable from other General Fund revenues. To make sufficient General Fund revenues available to support the bonds, staff analyzed the current Fire department operating budget for 2021-2022 of \$49.6 million as shown below.



|                      | <b>2021-2022<br/>Budget</b> |
|----------------------|-----------------------------|
| Administration       | \$ 3,667,067                |
| Operations           | \$ 40,911,529               |
| Training             | \$ 1,576,404                |
| Prevention           | \$ 2,716,020                |
| Emergency Management | \$ 758,853                  |
| <b>TOTAL</b>         | <b>\$ 49,629,873</b>        |

The revenue sources that support the current Fire operating budget include approximately \$5.8 million in fire-specific revenues with the remainder of \$43.8 million funded by general tax revenues, as shown in the table below.

| <b>2021-2022 Biennial Revenues for the Fire Dept.</b> |                      |
|---|----------------------|
| EMS Transport Fees                                    | \$ 1,084,654         |
| BLS-EMS Levy  | \$ 2,672,767         |
| Mobile Integrated Health (MIH) - EMS Levy             | \$ 1,011,216         |
| EMTG and Zone 1 Revenue                               | \$ 132,300           |
| Redmond Fire - Paramedic Training Backfill            | \$ 118,162           |
| Review  | \$ 626,016           |
| EMPG Grant  | \$ 97,782            |
| Grants and Donations                                  | \$ 72,000            |
| General Tax Revenue                                   | \$ 43,814,976        |
| <b>Total</b>  | <b>\$ 49,629,873</b> |

Given the provisions of the ordinance cited above, the levy funds can be used to support existing on-going firefighter/EMT positions, in addition to the twenty new firefighter/EMTs hired through Proposition 1. As noted earlier, the levy funds remaining after hiring the 20 new firefighter/EMTs is summarized in the table below.

| <b>REVENUE FOR CAPITAL</b>           | 2021                | 2022                | 2023                | 2024                | 2025                |
|--------------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Levy Revenue for Program             | \$ 7,015,191        | \$ 7,155,495        | \$ 7,298,605        | \$ 7,444,577        | \$ 7,593,468        |
| Less Operating Costs for 20 FF/EMTs  | \$ (703,145)        | \$ (2,624,652)      | \$ (4,051,055)      | \$ (4,065,135)      | \$ (4,219,298)      |
| <b>Remaining Revenue for Capital</b> | <b>\$ 6,312,046</b> | <b>\$ 4,530,843</b> | <b>\$ 3,247,550</b> | <b>\$ 3,379,441</b> | <b>\$ 3,374,170</b> |

Rather than using the remaining revenue available for capital, the table below shows it being used to support a number of existing firefighter/EMT positions, thus making the general tax revenues currently supporting those positions available to support debt service.

|  | 2021                | 2022                | 2023                | 2024                | 2025                |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|
| Remaining Revenue After Operating Costs        | \$ 6,312,046        | \$ 4,530,843        | \$ 3,247,550        | \$ 3,379,441        | \$ 3,374,170        |
| Existing FFs Supported by Remaining Levy       | -                   | 24.01               | 16.58               | 16.63               | 15.99               |
| <b>General Fund Available for Debt Service</b> | <b>\$ 6,312,046</b> | <b>\$ 4,530,843</b> | <b>\$ 3,247,550</b> | <b>\$ 3,379,441</b> | <b>\$ 3,374,170</b> |

In order to meet the Council's goal of completing the recommended capital projects by 2026, staff recommends using the available General Fund revenues to issue Councilmanic LTGO debt. Using the levy to fund existing operating costs will allow the Council to accelerate delivery of the capital projects using Councilmanic bonds paid by General Fund revenues rather than the extended PAYG option. The table below shows the proposed alternate capital funding sources.

| <b>Funding Sources</b>             |                      |
|------------------------------------|----------------------|
| Cash Available from Levy in 2021   | \$ 6,312,046         |
| General Fund Cash in 2022 and 2023 | \$ 3,766,383         |
| GEMT funds for capital             | \$ 159,882           |
| Debt Proceeds                      | \$ 45,566,718        |
| <b>Total Funding Sources</b>       | <b>\$ 55,805,030</b> |
|                                    |                      |
| Debt Issue with Issuance           | \$ 46,005,599        |

Note that funds available from the levy in 2021 are due to the phased-in hiring strategy and are used to fund the initial capital costs in 2021, reducing the amount to be borrowed. The total \$1 million in GEMT funds are used for both PAYG capital and 2021 debt service. Revenues above debt service needs in 2022 and a portion in 2023 are also applied to capital costs, with the remainder of the capital costs paid through the issuance of Councilmanic LTGO bonds. The REET funds (\$4.46 million) are returned to REET reserves as intended and can be reprioritized for other capital program uses. This strategy provides for completion of the projects as follows:

| <b>Project</b>    | <b>Completion Year</b> |
|-------------------|------------------------|
| Temporary Station | 2022                   |
| Station 27        | 2023                   |
| Station 22        | 2023                   |
| Station 26        | 2024                   |
| Station 21        | 2025                   |

Currently, Stations 27 and 22 are in the early design phases. Both have had the design scope and budget established with the architect selected through a competitive process. Station 27's phase 1 environmental study was completed last month and geotechnical investigations are currently underway at Stations 22 and 27. It is important to note that the cost estimates for the projects are based on standard industry practice at the early planning and design phases of the projects. Senior Project Engineer Anneke Davis has provided a description of the cost estimating process and how contingencies are used to mitigate risk as Attachment B. Budget estimates will be refined throughout the project phases, particularly at 30/60/90% design, bid award, and 75% construction. If costs change at these milestones, the contingencies will be used to mitigate cost increases.

### **COUNCILMANIC DEBT ISSUANCE:**

Given the alternate funding strategy, the most efficient and cost-effective way to issue LTGO bonds is to look at the City's overall borrowing needs. The Transportation CIP assumes that bonds are issued in support of the projects summarized below.

| <b>Project</b>  | <b>2021</b>          | <b>2022</b>         | <b>2023</b>          | <b>Totals</b>        |
|---|----------------------|---------------------|----------------------|----------------------|
| NE 124th St/124th Ave NE Ped Bridge Design and Construction | \$ 10,000,000        | \$ -                | \$ -                 | \$ 10,000,000        |
| 100th Avenue NE Roadway Improvements (North Section)        | \$ 296,000           | \$ -                | \$ -                 | \$ 296,000           |
| 100th Avenue NE Roadway Improvements (Mid-North Section)    | \$ 571,100           | \$ -                | \$ -                 | \$ 571,100           |
| Juanita Drive Intersection and Safety Improvements          | \$ -                 | \$ -                | \$ 2,773,200         | \$ 2,773,200         |
| 124th Ave NE Roadway  | \$ -                 | \$ 1,982,000        | \$ -                 | \$ 1,982,000         |
| NE 132nd St/108th Avenue NE Intersection Improvements       | \$ 500,000           | \$ -                | \$ -                 | \$ 500,000           |
| <b>Transportation Debt Issue without Issuance Costs</b>     | <b>\$ 11,367,100</b> | <b>\$ 1,982,000</b> | <b>\$ 2,773,200</b>  | <b>\$ 16,122,300</b> |
| <b>Fire Station Debt Issue without Issuance Costs</b>       | <b>\$ 24,695,282</b> | <b>\$ -</b>         | <b>\$ 20,871,436</b> | <b>\$ 45,566,718</b> |
| <b>Total Debt Issue without Issuance Costs</b>              | <b>\$ 36,062,382</b> | <b>\$ 1,982,000</b> | <b>\$ 23,644,636</b> | <b>\$ 61,689,018</b> |

In conjunction with Bond Counsel, Finance and Administration Department staff and the City Manager's Office recommend issuing LTGO bonds in 2021 and a second issuance in 2023 to allow the capital projects to be completed on the intended timeline. The overall debt issuance strategy shown in the following table incorporates transportation debt financing needs as well.

| <b>Debt with Issuance Cost</b>                | <b>2021</b>          | <b>2023</b>          | <b>Totals</b>        |
|---|----------------------|----------------------|----------------------|
| Transportation Debt Issue with Issuance Costs | \$ 16,256,644        | \$ -                 | \$ 16,256,644        |
| Fire Station Debt Issue with Issuance Costs   | \$ 24,918,511        | \$ 21,087,089        | \$ 46,005,599        |
| <b>Total Debt Issue with Issuance Costs</b>   | <b>\$ 41,175,154</b> | <b>\$ 21,087,089</b> | <b>\$ 62,262,243</b> |

The debt service will be allocated based on each category's share of the debt issues. The Fire Department share of the debt service is shown in the chart below.

|   | 2021          | 2022         | 2023          | 2024         | 2025         | 2030         | 2041         |
|---|---------------|--------------|---------------|--------------|--------------|--------------|--------------|
| <b>Debt Issuance</b>                      | \$ 24,695,282 | \$ -         | \$ 20,871,436 | \$ -         | \$ -         | \$ -         | \$ -         |
| Debt Service on first issue               | \$ 482,992    | \$ 1,545,984 | \$ 1,546,984  | \$ 1,546,484 | \$ 1,549,484 | \$ 1,548,734 | \$ 1,548,984 |
| Debt Service on second issue              | \$ -          | \$ -         | \$ -          | \$ 1,323,000 | \$ 1,321,750 | \$ 1,320,250 | \$ 1,320,000 |
| <b>Total Debt Service supported by GF</b> | \$ 482,992    | \$ 1,545,984 | \$ 1,546,984  | \$ 2,869,484 | \$ 2,871,234 | \$ 2,868,984 | \$ 2,868,984 |
| <i>General Fund over/(short)</i>          | \$ 357,125    | \$ 2,984,859 | \$ 1,700,565  | \$ 509,957   | \$ 502,936   | \$ 429,730   | \$ (133,696) |
| <i>Use of GF over/(short)</i>             | \$ -          | \$ 3,341,984 | \$ 424,399    | \$ -         | \$ -         | \$ -         | \$ -         |
| Cumulative Total                          | \$ 357,125    | \$ -         | \$ 1,276,167  | \$ 1,786,123 | \$ 2,289,059 | \$ 4,636,796 | \$ 6,593,483 |

To the extent that not all of the General Fund revenue is needed to pay debt service, any remaining funds will be set aside as a contingency against changes in project conditions or costs. Once the capital projects are completed, these funds could then be made available for additional Fire/EMS operating and/or capital investments.

### **TEMPORARY STATION OPTIONS:**

Late in 2020, the Recommendation Review Team began evaluating potential sites for a temporary fire station to house Firefighter/EMTs while Stations 22 in Houghton and 26 in Rose Hill are renovated. To reasonably maintain response times during renovation requires that the temporary station house three Firefighter/EMTs, an engine and possibly an aid car. Building a temporary facility at the Houghton Park and Ride was the initial option pursued, with staff working through the logistics with WSDOT and King County Metro. TCA architects estimates a cost of roughly \$3.2 million to permit, build, operate, and lease the land needed for this temporary fire station. Note that this facility would need to be demolished and the pavement restored after the temporary periods.

In parallel with discussions related to the Houghton Park and Ride, the ballot measure steering team began researching more cost-effective options for a temporary station, such as purchasing or renting a house and/or leasing space in an already existing commercial building. The team is evaluating the option of leasing space within a commercial building on 85<sup>th</sup> and 128<sup>th</sup> in Rose Hill as a temporary station location. Preliminary estimates to lease the commercial building are \$1.35 million over four years. Given the distance of the property from Station 22, housing Station 22's Firefighter/EMTs at this property does impact response times to Station 22's area and would require mitigation strategies in order to maintain the current level of service. The impact to response times can be seen in Attachment C.

To mitigate the response time impacts, the Steering Team recommends stationing a twelve-hour aid car during peak call hours from 0900 to 2100 (9:00am to 9:00pm) at an available office space near to Station 22 to improve travel times while Station 22 is being renovated. Staff is currently in conversation with Northwest University and another landlord, about a short-term lease agreement during the duration of the Station 22 renovation. For the space required, the

estimated lease cost is expected to be less than \$100,000. Staff proposes staffing the twelve-hour aid car with overtime beginning March 1, 2022 for the duration of Station 22's construction, at an estimated cost of roughly \$500,000. This amount assumes the use of overtime, but the Fire Department may be able to staff the aid car with current on-duty Firefighter/EMTs, offsetting some of the use of overtime by backfilling those positions with new Proposition 1 hires. This twelve-hour aid car would be in addition to a cross-staffed aid car and fire engine and the Rose Hill temporary station. So during the renovation, the Station 22 service area will actually receive more fire and emergency medical services support that the existing station provides. The improvements in travel time with this mitigation strategy can be seen in Attachment D. Please note that the small area that still remains outside the four-minute travel time is also not within four minutes of existing Station 22 currently.

The total cost of this option is currently estimated at \$2.2 million, including a \$250,000 contingency. This is a potential savings of \$1 million. If the option above proves infeasible, staff has continued conversations with King County Metro and WSDOT to build a temporary station at the Houghton Park and Ride that would not require implementing mitigation efforts. A final decision will be made in April so that work on the selected option can begin.

### **NEXT STEPS:**

#### *MEDIC ONE:*

Staff have been in communication with Redmond's Medic One about potentially stationing the Medic One unit out of new Station 27 in Totem Lake. The terms of the agreement are still being determined. The options are to either have Medic One stay in the unused bedrooms of new Station 27 until a time at which the Fire Department needs them, or, a more long-term solution should Medic One choose to financially contribute to an expansion of the Station 27 and occupy that space over a longer term. Cost estimates for the second option are under development and a final decision is expected to be made in the next month and brought to Council.

#### *FIRE IMPACT FEES:*

Council received a briefing in September 2020 on the potential for implementing a fire impact in Kirkland to ensure new development pays its fair share toward fire capital needs. Should the Council approve the attached resolution, the City Manager will present legislation to implement a fire impact fee to the Council no later than June 1, 2021.

#### *COMMUNITY SAFETY INITIATIVE CO-RESPONDERS:*

Staff is evaluating the most beneficial approach to deploying the co-responder program approved as part of the Community Safety Initiative. Staff is continuing to research national best practices and is working with a consultant to determine how the Fire Department's Mobile Integrated Health (MIH) unit and the mental health professional resources from Police Proposition 1 can be utilized most efficiently in this model. One likely potential framework includes dedicated Firefighter/EMTs paired with social workers and/or mental health professionals. As a result, the staff recommendation is to set aside the additional revenue from the portion of the \$0.01 in the levy not needed to fund the station program as part of the on-going revenue source for the co-responder program.

*BOND AUTHORIZATION ORDINANCE AND BUDGET ADJUSTMENTS:*

The Finance and Administration Department will present the bond authorization ordinance to Council at the March 16 meeting along with budget adjustments related to implementing the Fire Proposition 1 implementation plan presented in this document.

*ANNUAL ACCOUNTABILITY REPORT:*

As outlined in Ordinance O-4731, staff will be creating and presenting an annual accountability report to Council outlining Proposition 1 related accomplishments, highlights, and next steps. The first annual accountability report will be presented in Q1 of 2022.

## RESOLUTION R-5469

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND APPROVING THE FIRE AND EMERGENCY MEDICAL SERVICES PROPOSITION 1 IMPLEMENTATION PLAN TO IMPROVE FIRE AND EMERGENCY MEDICAL SERVICES RESPONSE TIMES AND ENHANCE FIREFIGHTER HEALTH AND SAFETY AS OUTLINED IN ORDINANCE O-4731 AND REQUESTING THE CITY MANAGER TO DEVELOP FIRE IMPACT FEE LEGISLATION FOR COUNCIL CONSIDERATION BY JUNE 1, 2021.

1 WHEREAS, the City Council adopted Resolution R-5413 on  
2 April 21, 2020, accepting the February 26, 2020 recommendation  
3 of the Community Safety Advisory Group ("ComSAG") that  
4 prioritized placing two fire and emergency medical services  
5 measures on the November 3, 2020 ballot; and

6  
7 WHEREAS, the first recommended measure was a  
8 permanent levy lid lift to fund the hiring of twenty additional  
9 firefighter/EMTs by 2023 to provide a dedicated aid car at fire  
10 station 22 in Houghton, fully staff fire station 24 in Juanita, and  
11 add new firefighter/EMTs to other fire stations to improve  
12 response times throughout Kirkland; and

13  
14 WHEREAS, the second recommended measure was a 30-  
15 year excess levy to complete all recommended ComSAG capital  
16 projects by 2026, including constructing a new fire station 27 near  
17 Totem Lake, providing seismic and other renovations to fire  
18 stations 21 in Forbes Creek, 22 in Houghton, and 26 in Rose Hill  
19 to improve firefighter/EMT health and safety, and the construction  
20 of a temporary fire station to house firefighter/EMTs while  
21 renovations are underway; and

22  
23 WHEREAS, given the economic uncertainty caused by the  
24 COVID-19 pandemic, and to avoid potential voter confusion with  
25 multiple measures, the Council adopted Ordinance O-4731 on July  
26 21, 2020, placing a single \$0.23513/\$1,000 of assessed valuation  
27 permanent levy lid lift on the November 3, 2020 ballot to fund the  
28 recommended capital and operating elements; and

29  
30 WHEREAS, Kirkland voters approved the measure with  
31 71.28 percent support at such election; and

32  
33 WHEREAS, a permanent levy lid lift limits the use of levy  
34 revenues to support long-term debt and a "pay-as-you-go"  
35 ("PAYG") strategy would require more than twenty-five years to  
36 accumulate the funds necessary to build and renovate the fire  
37 stations and construct a temporary fire station; and

38  
39 WHEREAS, to complete the station investments more  
40 quickly to meet community expectations, improve fire and  
41 emergency services response times, and improve firefighter  
42 health and safety, the City Manager convened a Steering Team

43 comprised of representatives from Fire, Finance and  
44 Administration, Human Resources, the City Manager's Office,  
45 Public Works, and the City Attorney's Office to formulate a  
46 Proposition 1 implementation plan; and

47 WHEREAS, the City Manager is recommending the Steering  
48 Team's Proposition 1 Implementation Plan that outlines how to  
49 accomplish the voter-approved investments within the ComSAG  
50 intended timeline through hiring twenty additional  
51 firefighter/EMTs by 2023, and completing all fire station  
52 construction and renovations by 2026; and

53  
54 WHEREAS, the Proposition 1 Implementation Plan does not  
55 use levy proceeds to fund debt service, accomplishes the fire  
56 station capital projects by issuing limited tax general obligation  
57 (LTGO) bonds secured by the full faith and credit of the City's  
58 General Fund, and invests nearly all levy revenues in new and  
59 existing firefighter/EMTs and related operations costs, and

60  
61 WHEREAS, the fire station capital project timeline  
62 estimates from the Steering Team's Proposition 1 Implementation  
63 Plan reflect the best available information to the Steering Team at  
64 this time but are subject to change; and

65  
66 WHEREAS, the Council received a briefing in September  
67 2020 from the City's impact fee consultant on the potential for  
68 implementing a fire impact fee in Kirkland to help ensure new  
69 development pays its fair share toward fire capital facility needs;  
70 and

71  
72 WHEREAS, the Council reviewed the Proposition 1  
73 Implementation Plan at its March 16, 2021 Council meeting and  
74 now wishes to take action to adopt Resolution R-5469, approving  
75 the implementation plan.

76  
77 NOW, THEREFORE, be it resolved by the City Council of the  
78 City of Kirkland as follows:

79  
80 Section 1. The City Council approves the Proposition 1  
81 Implementation Plan as follows:

- 82  
83 a. The City Manager is hereby directed to fund existing Fire  
84 Department operating costs and the hiring of twenty  
85 additional firefighter/EMTs by 2023 using the revenues  
86 generated by the permanent levy lid lift.  
87  
88 b. The City will issue Councilmanic LTGO debt (subject to  
89 further Council approval and market conditions) in 2021 and  
90 2023 supported by General Fund revenues to build and  
91 renovate fire stations, provide a temporary fire station, and  
92 maintain the originally intended goal of completion of the fire  
93 station capital investments by 2026.  
94

95 Section 2. The City Manager shall present proposed  
96 legislation to implement a fire impact fee to the Council by June  
97 1, 2021.



98           Passed by majority vote of the Kirkland City Council in open  
99 meeting this \_\_\_\_ day of \_\_\_\_\_, 2021.

100  
101           Signed in authentication thereof this 16 day of March,  
102 2021.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

## ORDINANCE NO. O-4731

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, PROVIDING FOR THE FORM OF THE BALLOT PROPOSITION AND SPECIFYING CERTAIN OTHER DETAILS CONCERNING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD THEREIN ON NOVEMBER 3, 2020, OF A PROPOSITION AUTHORIZING THE CITY TO LIFT THE LEVY LIMIT ESTABLISHED IN RCW 84.55.010 IN ORDER TO FUND FIRE AND EMERGENCY MEDICAL SERVICES, AND TO ACQUIRE, CONSTRUCT, IMPROVE, EQUIP AND/OR RENOVATE CITY FIRE FACILITIES.

1 WHEREAS, in 2011, the City Council (the "Council") of the City  
2 of Kirkland (the "City") engaged the services of Emergency Services  
3 Consulting International ("ESCI") to conduct an organizational review of  
4 the City Fire Department; and

5  
6 WHEREAS, since 2012, Fire Department staff has worked with  
7 other City departments and the City Manager's Office to implement  
8 certain ESCI recommendations, including through the budget process;  
9 and

10  
11 WHEREAS, the Council completed a Fire Strategic Plan in 2012  
12 to identify needed investments in staffing, equipment and technology to  
13 provide for better response times for fire and Emergency Medical  
14 Services ("EMS"); and

15  
16 WHEREAS, on February 21, 2017, the Council approved  
17 Resolution R-5239 adopting the City's 2017-2018 Work Program to  
18 "explore potential ballot measures for fire station modernization and  
19 public safety operations to further the goals of Public Safety,  
20 Dependable Infrastructure, and Financial Stability"; and

21  
22 WHEREAS, on December 12, 2017, the Council adopted  
23 Resolution R-5290, revising the 2017-2018 City Work Program to defer  
24 exploration of a fire facilities and operations ballot measure to at least  
25 2020 due to public concerns about the cumulative financial impact of  
26 property tax increases due to state and regional legislation; and

27  
28 WHEREAS, the Council subsequently implemented a two-phased  
29 approach to addressing public safety needs; and

30 WHEREAS, phase one included a sales and use tax for enhanced  
31 police and public safety services, which was approved by the voters at  
32 an election held in November 2018, and phase two includes a bond  
33 and/or levy lid lift for fire station seismic renovation, capacity expansion,  
34 and additional firefighter/emergency medical technician ("EMT")  
35 staffing; and  
36

37 WHEREAS, on February 19, 2019, the Council adopted the 2019-  
38 2020 City Work Program which ranked "exploring a potential ballot  
39 measure in 2020 to fund Fire Station modernization and enhanced  
40 operations to further the goal of Public Safety" as its number one  
41 priority; and  
42

43 WHEREAS, the City continues to experience unprecedented  
44 growth and development, with new types of commercial and residential  
45 structures that need fire/EMS services; and  
46

47 WHEREAS, providing fire/EMS services that match this economic  
48 growth and redevelopment are challenged by the expiration of the  
49 annexation sales tax credit in 2021, resulting in the loss of nearly \$4  
50 million annually from the City's general fund; and  
51

52 WHEREAS, further, Washington State law limits the annual  
53 increase of a city's regular property tax levy to 1% plus an allowance  
54 for new construction, unless the voters of a city approve a levy lid lift  
55 permitting the collection of regular property taxes in a greater amount;  
56 and  
57

58 WHEREAS, to sustainably fund these potential fire/EMS  
59 investments, the City must either identify new revenues or significantly  
60 reprioritize existing general fund programs such as parks maintenance  
61 and street maintenance that also rank as high priorities with City  
62 residents; and  
63

64 WHEREAS, in 2019, the Council convened the Community Safety  
65 Advisory Group ("ComSAG") to review options to improve response  
66 times, keep Fire/EMS stations seismically sound, and improve firefighter  
67 health and safety; and  
68

69 WHEREAS, in February 2020, ComSAG recommended hiring 24  
70 new firefighter/EMTs to provide a dedicated aid car at Fire Station 22 in  
71 Houghton, fully staff Fire Station 24 in north Juanita, provide daily 12  
72 hour dedicated patient transport during peak hours, and fund five new  
73 firefighter/EMTs to improve response times throughout the City; and  
74

75 WHEREAS, to improve response times and protect firefighter  
76 health and safety, the ComSAG also recommended construction of a

new Fire Station 27 in Totem Lake, and the seismic renovation of Fire Station 22 in Houghton, Fire Station 26 in Rose Hill and Fire Station 21 at the border of Juanita and Norkirk; and

WHEREAS, since the ComSAG completed its recommendation in February 2020, the City proclaimed an emergency to combat the COVID-19 pandemic and has been grappling with the escalating social and economic impact of the virus and related public health and safety orders on the community; and

WHEREAS, the capital and operating elements in the proposed ComSAG recommendation would have significantly improved the City's response to COVID-19, and the budget challenges created by the economic impacts of the outbreak curtails the City's ability to fund any of these additional public safety investments without a voter approved revenue source; and

WHEREAS, at the May 19, 2020 Council meeting, the Council directed staff to reprioritize the capital and operating elements funded within the ballot measure(s) to be no more than the ComSAG's recommendation of \$0.22513 per \$1,000 of assessed valuation which required a deferral of some staffing and facility elements to future years; and

WHEREAS, the King County Assessor has cautioned that Eastside assessed valuations may decrease in 2021. Should that occur, the ballot measure may not generate sufficient revenue to accomplish the commitments set forth in Section 1 below on the projected timeframe expected by voters. Consistent with the City's conservative fiscal policies, the levy rate has been increased from \$0.22513/\$1,000AV to \$0.23513/\$1,000AV to offset an up to five percent drop in assessed valuations in 2021; and

WHEREAS, it is deemed necessary that the City increase its regular property tax levy rate to \$0.23513 per \$1,000 of assessed value for collection in 2021 and thereafter to use the resulting levy amount as the basis for computing the limitations for subsequent levies as allowed by chapter 84.55 RCW; and

WHEREAS, the Council deems it necessary to submit to the voters of the City the proposition of whether or not the City shall levy regular property taxes for collection in 2021 in excess of the limit factor provided for in chapter 84.55 RCW;

NOW, THEREFORE, the City Council of the City of Kirkland does ordain as follows:

Section 1. Findings. The Council hereby finds that the best interests of the residents of the City require the City to fund fire and emergency medical services and facilities, including but not limited to the following ("Fire and EMS Services"):

- Acquire pandemic response equipment, including stockpiling personal protective equipment;
- Acquire, construct, improve and equip a new Fire Station in Totem Lake, including the acquisition of land;
- Modernize, improve, expand, and/or renovate existing Fire Stations, including Fire Station 21 in Juanita, Fire Station 22 in Houghton and Fire Station 26 in Rose Hill;
- Facility seismic renovations and capacity expansion;
- Hire approximately 20 additional full-time equivalent firefighter/emergency medical technicians (EMTs) and staff;
- Modernize and upgrade technology and public safety facilities and equipment;
- Fund additional operating, maintenance, vehicle and capital expenses to provide enhanced public safety services; and
- Other public safety operations, maintenance, improvements, equipment and services as determined by the Council should anticipated investments become infeasible or City public safety needs significantly change.

The City Council shall determine the timing, order and manner of funding the Fire and EMS Services and uses of levy proceeds. The cost of all compensation, benefits, training, support services, equipment, vehicles, infrastructure, facilities, real property, and/or administrative expenses and other costs incurred in connection with the Fire and EMS Services shall be deemed a part of the costs of such Fire and EMS Services. The Council may alter, make substitutions to, and amend such components as it determines are in the best interests of the City and consistent with the general public safety descriptions provided herein. The proper officials at the City shall produce an annual accountability report documenting use of levy proceeds, actions and program status of Fire and EMS Services.

Section 2. Calling of Election Regarding the Levy of Additional Regular Property Taxes. It is hereby found and declared the best interests of the City require the submission to the qualified electors of the City of the proposition whether the City shall levy regular property taxes above the levy limitations established in RCW 84.55.005 and RCW 84.55.010 for their ratification or rejection at an election to be held on November 3, 2020. For the purpose of providing funds to pay the costs of the Fire and EMS Services, the King County Director of Records and Elections (the "Director"), as *ex officio* supervisor of elections in King County, Washington, is hereby requested to call and conduct such election to be held on such day and to submit to the qualified electors

of the City for their approval or rejection a proposition to increase the City's regular property tax levy by up to \$0.23513 per \$1,000 of assessed valuation (to a total rate not to exceed \$1.22951 per \$1,000 of assessed valuation) for collection in 2021, as allowed by chapter 84.55 RCW. The 2021 levy amount will be used as the basis to calculate subsequent levy limits.

Upon approval of the voters of the proposition hereinafter set forth, the City may use proceeds of such levy to pay the costs of the Fire and EMS Services as more particularly described in this ordinance.

Section 3. Election. The City Clerk is hereby authorized and directed to certify the following proposition to the Director, in substantially the following form. Such election shall be conducted by mail unless otherwise determined by the Director.

CITY OF KIRKLAND PROPOSITION NO. 1  
LEVY LID LIFT FOR  
FIRE AND EMERGENCY MEDICAL SERVICES AND FACILITIES

The City Council of the City of Kirkland adopted Ordinance No. O-4731 concerning funding for fire and emergency medical services and facilities. This proposition would fund public safety, including stockpiling pandemic personal protective equipment, constructing a new fire station, seismically renovating existing stations, and hiring additional firefighters/EMTs to improve response times by increasing the City's regular property tax by approximately \$0.23513/\$1,000 to a maximum rate of \$1.22951/\$1,000 assessed valuation for collection in 2021. The 2021 levy amount will be the basis to calculate subsequent levies, per RCW 84.55. Qualifying seniors, disabled veterans, and others would be exempt, per RCW 84.36.

Should this proposition be approved:

YES? ..... ☐

NO? ..... ☐

For purposes of receiving notice of the exact language of the ballot proposition required by RCW 29A.36.080, the City Council hereby

designates: (a) the City Clerk and (b) the City Attorney, as the individuals to whom such notice should be provided. The City Attorney and City Clerk are each authorized individually to approve changes to the ballot title, if any, deemed necessary by the Director.

The City Clerk is authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's or clerical errors, references, numbering, section/subsection numbers, and any reference thereto.

The proper City officials are authorized to perform such duties as are necessary or required by law to submit the question of whether the regular property tax shall be increased, as provided in this ordinance, to the electors at the November 3, 2020 election.

Section 4. Exemption. If the ballot proposition set forth herein is approved by the voters, as authorized by RCW 84.36.381, senior citizens, disabled veterans, and other people with disabilities (as defined in RCW 84.36.381) shall be exempt from the tax increase resulting from such levy lid lift.

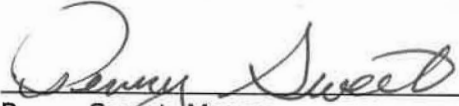
Section 5. Voters' Pamphlet. The preparation and distribution of a local voters' pamphlet providing information on the foregoing ballot measure is hereby authorized. The pamphlet shall include an explanatory statement and arguments advocating approval and disapproval of the ballot measure, if any. In accordance with RCW 29A.32.280, the arguments advocating approval and rejection of the ballot measure shall be prepared by committees appointed by the City Council. Each committee shall be composed of not more than three persons; however, a committee may seek the advice of any person or persons. The committee advocating approval shall be composed of persons known to favor the ballot measure, and the committee advocating rejection shall be composed of persons known to oppose the ballot measure.

Section 6. Severability; Ratification. If any provisions in this ordinance shall be declared by any court of competent jurisdiction to be contrary to law, then such provision shall be null and void and shall be deemed separable from the remaining provisions of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the levy or collection of the taxes authorized by this proposition. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

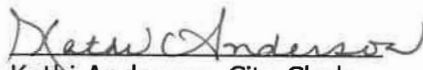
260        Section 7. Effective Date. This ordinance shall be in full force  
261 and effect five days from and after its passage by the Kirkland City  
262 Council and publication of a summary of this ordinance in accordance  
263 with Kirkland Municipal Code 1.08.017.

264  
265        Passed by majority vote of the Kirkland City Council in open  
266 meeting this 21 day of July, 2020.

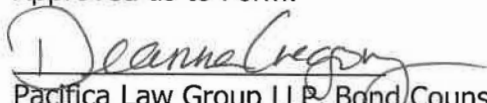
267  
268        Signed in authentication thereof this 21 day of July, 2020.

  
Penny Sweet, Mayor

Attest:

  
Kathi Anderson, City Clerk

Approved as to Form:

  
Pacifica Law Group LLP, Bond Counsel

Publication Date: 07/28/20



PUBLICATION SUMMARY  
OF ORDINANCE NO. 4731

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KIRKLAND, WASHINGTON, PROVIDING FOR THE FORM OF THE BALLOT PROPOSITION AND SPECIFYING CERTAIN OTHER DETAILS CONCERNING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY AT A SPECIAL ELECTION TO BE HELD THEREIN ON NOVEMBER 3, 2020, OF A PROPOSITION AUTHORIZING THE CITY TO LIFT THE LEVY LIMIT ESTABLISHED IN RCW 84.55.010 IN ORDER TO FUND FIRE AND EMERGENCY MEDICAL SERVICES, AND TO ACQUIRE, CONSTRUCT, IMPROVE, EQUIP AND/OR RENOVATE CITY FIRE FACILITIES.

Section 1. Sets forth findings of the Council, and authorizes the City to fund fire and emergency medical services and facilities, including but not limited to those operating and capital services set forth therein (the "Fire and EMS Services").

Section 2. Calls for the submission to the qualified electors of the City of the proposition whether the City shall levy regular property taxes above the levy limitations established in RCW 84.55.005 and RCW 84.55.010 for their ratification or rejection at an election to be held on November 3, 2020 for the purpose of providing funds for Fire and EMS Services.

Section 3. Sets forth the form of ballot proposition authorizing a levy lid lift for fire and emergency medical services and facilities.

Section 4. Provides for an exemption for qualified senior citizens, disabled veterans and other persons with disabilities from the regular property tax increase resulting from the levy lid lift.

Section 5. Authorizes the preparation and distribution of a local voters' pamphlet providing information on the levy lid lift ballot proposition.

Section 6. Provides for the severability of the Ordinance and ratifies prior actions taken in furtherance of the purposes of the Ordinance.

Section 7. States the effective date of the Ordinance.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 21 day of July, 2020.

I certify that the foregoing is a summary of Ordinance No. 4731 approved by the Kirkland City Council for summary publication.

  
Kathi Anderson, City Clerk

CERTIFICATE

I, the undersigned, City Clerk of the City of Kirkland, Washington, and keeper of the records of the City Council, DO HEREBY CERTIFY:

1. That the attached Ordinance is a true and correct copy of Ordinance No. 4731 of the City (the "Ordinance"), as finally adopted at a regular meeting of the City Council held on July 21, 2020, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that quorum of the City Council was present throughout the meeting and a legally sufficient number of members of the City Council voted in the proper manner for the adoption of said Ordinance; that all other requirements and proceedings incident to the proper adoption or passage of said Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

Dated this 21 day of July, 2020.

CITY OF KIRKLAND, WASHINGTON



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Kathi Anderson, City Clerk

# The Puget Sound ECONOMIC FORECASTER

## WHAT'S INSIDE

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As we pass the halfway mark for 2020, this is not the year any of us would have predicted. The challenge with forecasting the unknown is the very fact that at any point anything can change the underlying assumptions – and right now as a region and as nation we are questioning many underlying assumptions.

Coronavirus, recession, and the shape of the recovery have dominated our work with the Forecaster. Sprinkle in structural changes into consumer behavior, how employers may manage their employees, and the latest news from either the tech sector or Boeing and you have yourself a ballgame.

As we have spent time with the media and countless presentations to groups (all online) it comes down to this – it is bad. The numbers from Q2 will look worse than Q1 and that makes sense. The question is duration. How much of the recovery will we see by Q4 and how much will wait until 2021? In the pages ahead we answer those questions

The short answer – it looks very promising.

Looking for insightful conversations beyond economics? Consider joining us for Western Insights. Visit <https://cbe.wvu.edu/western-insights> for more information.

## Regional Outlook

### Wading Through the Uncertainty

Anyone who has prepared a forecast knows that the quality of the output depends on the quality of the inputs. They also know that data get revised. In particular, most people who rely on forecasts for guidance understand the time lags in the data and know that forecasts can change a bit as new data become available.

We use the best available data on employment, retail spending, changes in population, etc., all of which take time to collect. It's a bit old by the time we (and any other analysts) receive it. That's always been true and has never been too big of an issue because the data do not change that drastically that fast. Except when they do – like this spring.

The Bureau of Labor Statistics had a very difficult time counting the number of unemployed in March. They never had to count so many people so fast and never had to consider the unique nature of many of the people filing for unemployment benefits. Some had jobs, or at least were told they had a job waiting and just needed to apply for unemployment; some were self-employed; and some weren't who they said they were (yes, fraud was a problem). The BLS also had trouble counting people as they went back to work in May. The Payroll Protection Plan encouraged employers to rehire the workers that had just filed for unemployment. Some returned to work; some did not, finding the extra emergency benefits to be adequate; and some found they did not have a job waiting as they had hoped. One challenge was counting people who had a job but were not engaged in that job at the moment. There were all sorts of wrinkles: like how to count those who go back to work, but only part-time, and those who stop filing for benefits, but also don't go back to work.

The graphics on the following page show that the initial job loss in March was bad but similar in scale to what we saw in 2008. Then things changed rather dramatically in April. The scale is just staggering.

In the end, the situation may not have been quite as bad as it appeared when the bottom fell out of the job market in March. Some of the people filing for unemployment weren't unemployed in the way we usually think about it – like

## Summary Forecast

### Annual Percent Change

|                           | 2018 | 2019 | 2020  | 2021 |
|---------------------------|------|------|-------|------|
| <b>Puget Sound Region</b> |      |      |       |      |
| Employment                | 2.3  | 2.3  | -7.2  | 4.0  |
| Personal income (cur. \$) | 6.4  | 5.0  | -7.1  | 8.9  |
| Consumer price index      | 3.2  | 2.6  | 1.1   | 1.7  |
| Housing permits           | -5.6 | 4.1  | -23.8 | 11.0 |
| Population                | 1.4  | 1.3  | 1.4   | 1.3  |
| <b>United States*</b>     |      |      |       |      |
| GDP (\$12)                | 2.9  | 2.3  | -5.6  | 3.9  |
| Employment                | 1.6  | 1.4  | -9.3  | 10.7 |
| Personal income (cur. \$) | 5.6  | 4.4  | -3.9  | 5.2  |
| Consumer price index      | 2.4  | 1.8  | 0.9   | 1.6  |
| Housing starts            | 3.4  | 4.0  | -11.5 | 9.5  |

\*Source: Blue Chip Economic Indicators



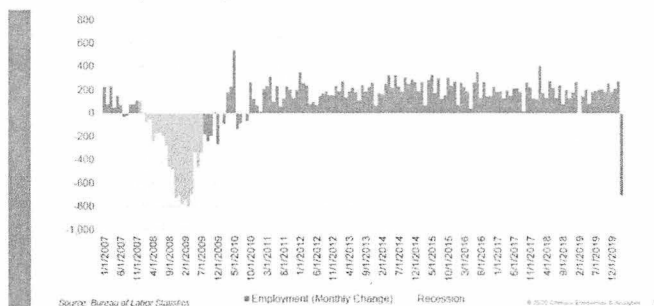
CENTER FOR ECONOMIC AND BUSINESS RESEARCH



*Regional Outlook continued...*

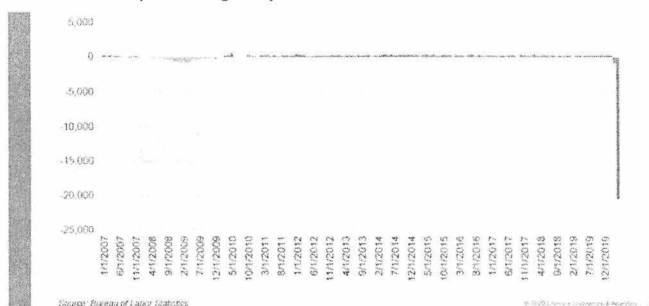
having to find a new job. But the situation was also not as positive as suggested in the first jobs report released for May. That report claimed the unemployment rate fell to 13.3%, with a surprise gain of 2.5 million jobs. Unfortunately, the BLS later noted errors in the counting process. Rather than release a correction, they will let the numbers speak for themselves in the next release.

**Employment Growth (Monthly Change in Thousands) Through March 2020**



Employment growth shown for U.S.

**Employment Growth (Monthly Change in Thousands) Through April 2020**



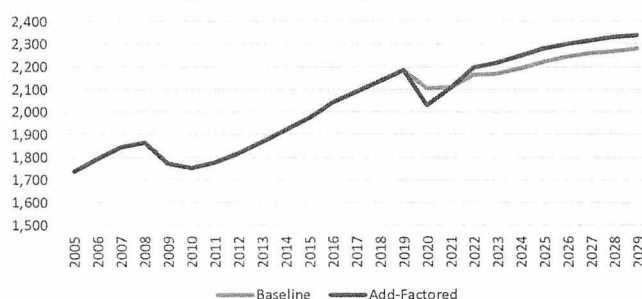
So we forecast... with the best data available.

Our approach has always been to rely on the data. But this spring we've had to play with the model, trying to guess what the data may say when it becomes available. In particular, we've tried to guess what the unemployment level might be when we get official statistics (later) that show what we are witnessing (now). We've constructed different scenarios with drops in employment and recovery rates. We've also included in the scenarios different assumptions about retail spending and income growth. We know we need to make those adjustments when firms announce pay cuts and layoffs that we won't see in the data for weeks or months.

The final graph shows our employment forecast with no adjustments. The Blue Chip forecast for US GDP and other variables drives the visible dip in employment (light blue line). With more people filing for unemployment than anticipated when the Blue Chip forecast was prepared, we made our own adjustments (dark blue line). We show a greater drop, but also faster recovery in the region,

owing to strong expectations in the information sector (e.g., Microsoft) and in the regional retail trade sector (Amazon).

**Puget Sound Employment (thous.)**



Perhaps the biggest challenge in constructing our scenarios is deciding on recovery rates. The stock market tells us the recovery rates should be large – pushing the economy back to “normal” by the end of the year or early 2021. Then again, we are not sure what to make of the stock market right now. We know of layoffs at Boeing and the public sector, and budget cuts likely in higher education. We also know that traffic at the airport, restaurants, and other places will not fully recovery for months – perhaps until there is a vaccine. Oh, that. Can someone tell us when there will be a vaccine, and maybe therapeutics? Having that information would be helpful when constructing a forecast.

The unknowns are staggering at the moment. And we have not mentioned the presidential election or lingering U.S.-China tensions.

We are watching infection rates very carefully. A possible increase in cases after so much gathering (Memorial Day celebrations and people simply getting tired of distancing, to the very important protests related to BLM and the killing of George Floyd) will be critical in preparing the next forecast. Learning more about unemployment and public sector budgets will also be critical.

Preparing a forecast is crucial in terms of the process. It makes you think carefully about what could make your forecast really miss the mark. Especially now, it is the process that is so helpful, not necessarily the numbers you generate. (It reminds us of the old adage – that budgets are not always that helpful, but budgeting is essential.)

One final note – keep an eye out for winners and losers. The economic impact of COVID-19 may end up being more concentrated in certain areas. Microsoft and Amazon may walk away relatively strong, while live events and tourism suffer. This is the nature of the disaster-based recession we are now in.

## An Economic Crisis

*But not the one you're thinking of*

As extraordinary events roil the country, from the global pandemic to Black Lives Matter protests across major U.S. cities, it is clear that America is in crisis.

These events are not unrelated; the pandemic sparked the kindling of black inequality that has been here all along. Black, Hispanic/Latinx, and Native Hawai'ian/Pacific Islander residents face higher rates of coronavirus infection than White residents. Hospitalizations for those minority groups are also higher, although deaths are only statistically higher among Hispanic/Latinx residents compared to White residents. Here in the Puget Sound, as exists elsewhere in the country, there is profound inequality along racial lines.

It is not difficult to see this in the economic data. The 2018 median black household income in King County was \$55,152; the median white household income in the same place, same year, was nearly double at \$101,247. Even accounting for margin of error – an important thing when taking averages across a large population – the difference between incomes is still \$36,500.

This is the largest difference between racial household incomes in the four-county Puget Sound region, but hardly the only one. While Asian households tend to have higher incomes on average than white households in King and Snohomish, they see large disparities in Pierce and Kitsap Counties. In fact, nearly every racial group faces inequality when compared to white households across the region.

The large difference in Asian household income across the region helps to highlight that the “average” household income of any racial category is a myth, a construct of statistics. We use these numbers for ease of

calculation but each average represents a distribution of households, some wealthy, some not. These averages help clarify if households of a certain race are distributed more towards wealth or poverty, and in using them we must keep that specific purpose in mind.

By taking the difference in income and multiplying by the number of households in each racial group, we can begin to get an idea of the scope of the inequality: between \$4-9 billion (considering margin of error). In the median scenario, there is a \$6.9 billion shortfall between what minority households would have if they took home similar income to white households and what they currently take home.

There is no economic reason for inequality to fall along racial lines; this is a simple matter of the legacy of policies that consistently denied minorities opportunities throughout this country's history. However, the toll on our economy is very real. A large part of that \$6.9 billion would be spent in our region were it to exist, creating a sizable economic impact.

Our back-of-the-envelope calculations find that in the median scenario, an increase in income of \$6.9 billion would lead to an additional 52,000 jobs in the region, with an average annual wage of \$58,000. This would create \$8.7 billion in additional economic output, over half (\$5.4 billion) of which would represent a value add to society (profit, less input costs).

Accounting for margin of error on household income, the number of jobs created would range from 32,000 in the low scenario to 68,000 in the high scenario. Total economic output could also range from \$5.3 billion to \$11.5 billion.

| Race/Ethnicity                             | Median Household Income (2018) |           |          |          |
|--|--------------------------------|-----------|----------|----------|
|  | King                           | Snohomish | Pierce   | Kitsap   |
| Black or African American                  | \$55,152                       | \$69,796  | \$59,218 | \$37,095 |
| American Indian and Alaska Native          | \$63,558                       | \$57,325  | \$73,076 | \$59,699 |
| Asian                                      | \$111,609                      | \$101,661 | \$59,358 | \$65,750 |
| Native Hawaiian and Other Pacific Islander | \$76,826                       | \$56,712  | \$72,888 | \$74,671 |
| Some other race                            | \$57,592                       | \$84,272  | \$50,781 | \$53,608 |
| Two or more races                          | \$85,337                       | \$67,056  | \$76,836 | \$73,304 |
| Hispanic or Latino origin (of any race)    | \$66,853                       | \$81,239  | \$61,418 | \$70,842 |
| White alone, not Hispanic or Latino        | \$101,247                      | \$88,847  | \$80,320 | \$80,050 |

All of these calculations were done using an income change scenario for the four-county Puget Sound region in IMPLAN, an economic impact modeling software. They do not represent definitive research on the topic, but through sharing this we hope to shed light on the way economic inequality along racial lines can hurt the overall economy, for everyone.

## Retail Sales

*Peering into the crystal ball*

As America reopens county by county, a number of reports are suggesting that changes to consumer behavior may stick around for the long run. A survey by McKinsey & Company<sup>1</sup>, a management consulting firm, found that many consumers are embracing a more digital lifestyle. This includes curbside pickup, grocery delivery, and using video services for both work and social purposes. Consumers also indicated that they were planning to reduce in-person activities like shopping and attending events, and many planned to increase their online shopping.

Not only has the pandemic changed how we shop for essentials, but non-essentials as well. In the early days of the crisis, no one was prepared. Social media was inundated with images of empty grocery store shelves, and stores struggled not only to keep shelves stocked but also to keep their online shopping sites functioning. Consumers would fill their carts only to find that there were no available delivery or pick up times or that many items were sold out.

In just a few weeks, we have seen a transformation, unlike any other by the grocery industry. Grocery giant Kroger hired more than 20,000 employees in just a few weeks and online shopping has been overhauled. The longer consumers have to adapt to this new normal, the more likely they are to form new habits and stick with them. It only takes 66 days for a habit to form, and it has now been well over 80 days since the first closures began in early March.

As stores across Washington begin opening, consumers will see a profound change to the retail landscape. Companies, both large and small, have been forced to close their doors

for good. For some, like JCPenny, the pandemic was the final blow to a company that had been on its last leg for years. For many small businesses, financial woes appeared overnight, leaving previously profitable companies unable to make their rent. Some were lucky and had understanding landlords who, in some instances, cut rent by 90<sup>2</sup> percent, but others were not so fortunate. CBS News<sup>3</sup> reported in late March that the pandemic could permanently close 15,000 stores across the country, a significant increase over last years' record closure of over 9,500 stores.

With all these closures, both permanent and temporary, many consumers are not spending their stimulus checks. The checks contributed to personal income increasing 10.5 percent, while consumption fell 13.6 percent. Combined, this lead to the savings rate soaring to an all-time high of 33 percent<sup>4</sup>.



<sup>1</sup><https://www.mckinsey.com/business-functions/marketing-and-sales>

<sup>2</sup><https://www.steeptologie.com/>

<sup>3</sup><https://www.cbsnews.com/news/coronavirus-15000-stores-close-year-2020/>

<sup>4</sup><https://www.nytimes.com/2020/05/29/business/economy>

### PUGET SOUND RETAIL SALES

|                                 | 2019   |        | 2020   |        |        | 2021   |       | Years |       |       |
|---------------------------------|--------|--------|--------|--------|--------|--------|-------|-------|-------|-------|
|                                 | 2019.4 | 2020.1 | 2020.2 | 2020.3 | 2020.4 | 2021.1 | 2018  | 2019  | 2020  | 2021  |
| Retail sales (bils. \$)         | 95.2   | 94.3   | 83.9   | 82.3   | 83.6   | 86.2   | 88.5  | 93.4  | 86.0  | 90.8  |
| Building materials              | 7.5    | 7.4    | 6.6    | 5.9    | 6.3    | 6.8    | 7.0   | 7.4   | 6.6   | 7.2   |
| Motor vehicles and parts        | 22.6   | 21.6   | 14.3   | 14.1   | 14.6   | 15.8   | 20.5  | 22.0  | 16.2  | 18.1  |
| Furniture and electronics       | 3.4    | 3.4    | 3.1    | 2.9    | 3.0    | 3.1    | 3.3   | 3.4   | 3.1   | 3.3   |
| General merchandise             | 10.1   | 10.2   | 10.3   | 10.3   | 10.4   | 10.5   | 9.6   | 10.0  | 10.3  | 10.6  |
| Food and beverage               | 12.6   | 12.6   | 12.5   | 12.3   | 12.0   | 11.8   | 11.9  | 12.4  | 12.3  | 12.3  |
| Gasoline stations               | 5.5    | 5.3    | 5.3    | 5.3    | 5.3    | 5.3    | 5.6   | 5.6   | 5.3   | 5.4   |
| Clothing and accessories        | 3.9    | 3.9    | 3.4    | 3.3    | 3.3    | 3.4    | 3.7   | 3.8   | 3.5   | 3.6   |
| Food services and drinking      | 11.7   | 11.7   | 10.2   | 9.9    | 10.2   | 10.7   | 10.9  | 11.5  | 10.5  | 11.4  |
| Other retail sales              | 17.9   | 18.2   | 18.3   | 18.4   | 18.5   | 18.6   | 16.1  | 17.3  | 18.3  | 18.9  |
| Taxable retail sales (bils. \$) | 116.0  | 114.2  | 93.9   | 94.2   | 93.2   | 95.4   | 107.4 | 113.3 | 98.8  | 105.3 |
| Retail trade                    | 46.1   | 45.8   | 40.5   | 40.4   | 39.9   | 40.7   | 43.1  | 45.4  | 41.7  | 44.1  |
| Other taxable sales             | 69.9   | 68.4   | 53.4   | 53.8   | 53.2   | 54.7   | 64.3  | 67.9  | 57.2  | 61.2  |
| Annual growth (% change)        |        |        |        |        |        |        |       |       |       |       |
| Retail sales                    | 5.0    | -3.8   | -44.2  | -7.6   | 6.1    | 12.6   | 6.3   | 5.5   | -7.9  | 5.6   |
| Taxable retail sales            | 7.0    | -6.3   | -71.1  | 1.2    | -4.3   | 9.4    | 9.7   | 5.5   | -12.8 | 6.5   |



# Construction and Real Estate

*Shelter from the Storm*

The Puget Sound region saw a jump in house prices just before the world was rocked by COVID-19. This price increase revives the too-familiar worry: is this growth sustainable? Rising prices pose an issue for buyers if the other conditions that contribute to the home-buying decision – primarily the mortgage rate and personal income – are not moving in a way that counteracts the pressure of rising prices. Let's first look at the context of the Puget Sound housing market to see how we got here.

In 2017 and early 2018, concerns about unsustainable growth dampened the glow of development and expansion. High-paying job opportunities and increasing prices put opposing pressures on Puget Sound housing demand. Our affordability index (at [economicforecaster.com](http://economicforecaster.com)) captured this shift with a sharp decrease in 2018 Q2 trailing into early 2019. A brief cooling period assuaged these worries as lower prices and a decreasing mortgage rate created a breath of fresh air for buyers in the summer of 2019.

Right before the effects of COVID-19 took root, the Puget Sound was experiencing another growth in prices – the second-highest in the nation. The average house price grew 7 percent in January 2020, and again by 4 percent in February, landing at \$630,000. The Puget Sound has not seen price growth above 7 percent since an anomalous 20 percent jump in February of 2018 and, barring this occurrence, since early 2012. While home prices in the

region are expected to dip as a result of the pandemic, Puget Sound personal income will fare far worse as one of the crucial variables that influences price-growth sustainability.

Personal income growth per capita in our region has seen tepid oscillations in the 0-2 percent range – not enough to outpace inflation – since the beginning of 2016, with a downward slide in 2019 that ended at 0.3 percent. In Q1 this year, personal income fell 9 percent – the first decline since 2015 Q4. There are further decreases projected. With no reprieve from rising prices yet, and the decline in personal income outpacing any relief from a price drop, this leaves the mortgage rate to support affordability. Thankfully, it has maintained its historic lows. It is too soon to tell, but this mix of factors could be enough for the housing market to exit this recession with only a minor contraction.

The question of market sustainability is more than just theoretical for the Puget Sound. As a home is often the largest investment the average American will make, the rapid onset of recession is worrisome. In the last recession, homes lost nearly a third of their value. While we do not expect such a large decline, home value growth is expected to stagnate in 2020 and 2021. Don't be misled by strong housing market reports in April – in the short term losses to income will curb home buying.

## PUGET SOUND CONSTRUCTION AND REAL ESTATE

|                                 | 2019.4 | 2020.1 | 2020.2 | 2020.3 | 2020.4 | 2018   | 2019   | 2020   | 2021   |
|---------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Housing permits (thous.)        | 27.6   | 26.0   | 16.2   | 18.1   | 22.6   | 26.1   | 27.2   | 20.7   | 23.0   |
| Single-family                   | 10.6   | 10.1   | 6.4    | 7.3    | 9.2    | 10.1   | 9.7    | 8.2    | 9.8    |
| Multi-family                    | 17.1   | 15.9   | 9.8    | 10.9   | 13.4   | 16.1   | 17.5   | 12.5   | 13.2   |
| Housing permits (mils. \$)      | 5941.2 | 5466.9 | 3528.4 | 4015.8 | 5086.0 | 5534.5 | 5707.5 | 4524.3 | 5395.7 |
| Single-family                   | 3397.9 | 3391.7 | 2151.7 | 2476.3 | 3168.9 | 3432.1 | 3238.2 | 2797.2 | 3438.9 |
| Multi-family                    | 2543.3 | 2075.1 | 1376.7 | 1539.5 | 1917.1 | 2102.4 | 2469.3 | 1727.1 | 1956.8 |
| Average home price (thous. \$)  | 608.4  | 627.7  | 614.9  | 608.6  | 605.7  | 568.1  | 591.8  | 614.2  | 597.0  |
| Active home listings (thous.)   | 7.0    | 6.5    | 6.7    | 7.0    | 7.4    | 8.0    | 8.6    | 6.9    | 7.5    |
| Home sales (thous.)             | 67.0   | 66.2   | 58.8   | 54.6   | 47.8   | 66.5   | 65.5   | 56.9   | 49.0   |
| Apartment vacancy rate (%)      | 5.1    | 5.0    | 5.4    | 6.0    | 6.8    | 5.1    | 5.0    | 5.8    | 7.2    |
| Average apartment rent (\$)     | 1735   | 1767   | 1755   | 1765   | 1776   | 1630   | 1725   | 1766   | 1794   |
| <b>Annual growth (% change)</b> |        |        |        |        |        |        |        |        |        |
| Housing permits (mils. \$)      | 11.5   | -31.9  | -141.8 | 55.3   | 106.6  | -9.0   | 3.1    | -20.7  | 19.3   |
| Average home price              | 17.6   | 12.7   | -8.1   | -4.2   | -1.9   | 8.9    | 4.2    | 3.8    | -2.8   |
| Average apartment rent          | -12.1  | 7.4    | -2.6   | 2.3    | 2.4    | 4.4    | 5.9    | 2.4    | 1.6    |

## Identifying and Sorting Through Income Inequality

Anneliese Vance-Sherman, Ph.D.

Regional Labor Economist, Washington Employment Security Department

At the start of 2020, the condition of the Washington state labor market was strong and overwhelmingly positive, by most conventional measures. The statewide unemployment rate reached an all-time low, with the unemployment rate in the Seattle area dipping to the low 2 percent range. Statewide, all major industry sectors had long since recovered from the Great Recession and continued to grow. (Beneath the surface, of course, questions of income inequality and uneven labor markets were present and persistent). When faced with questions about the next recession, economists (including myself) shrugged and pointed to the depth of the Great Recession as a possible explanation for the longest economic expansion on record. Of course, there could be a black swan event—there is always the lingering possibility of something nobody sees coming. At the start of 2020, a new virus was reported out of Wuhan, China, causing concern among economists about possible supply chain disruptions that could impact the American consumer in the form of increasing prices of manufactured goods.

A few weeks into the new year, a completely unexpected narrative unfolded. The first documented case of Novel Coronavirus in the United States was identified in Snohomish County on January 21, placing Washington at the North American frontier of a rapidly unfolding health and economic crisis. By early March, cases in the Puget Sound region were multiplying, and business leaders were beginning to make executive decisions to send workers home with their computers and temporarily closing buildings to facilitate deep cleaning.

By mid-March, Governor Jay Inslee issued a series of executive orders designed to slow the spread of Covid-19 in Washington state. Proclamations included limiting in-person gatherings to less than 250 persons (March 11), closing schools in King, Snohomish, and Pierce Counties (March 12), extending school closures statewide (March 13), closing dining rooms for all restaurants and bars in Washington (March 15) and halting elective surgery (March 19), and formalizing the “stay home, stay healthy order” (March 23).

This crisis unfolded differently than most economic downturns. Most large-scale economic downturns occur over a longer timeline, as businesses gather information and make decisions in response to that data. This time around, layoffs happened in nearly real-time as government directives were issued. As a result, the month or quarterly lag in many of our most reliable datasets forced economists to look to other closer-to-real-time datasets in order to make sense of the rapidly-unfolding situation.

### Unemployment Insurance Claims

The Employment Security Department collects and publishes counts of unemployment insurance claims. During the rapid downturn, the Labor Market and Economic Analysis division (LMEA) began to publish weekly unemployment insurance claims data, covering multiple angles in order to offer quick and reliable information to decision-makers throughout Washington.

As claims began to flood in, we have noticed some trends:

- Workers from a few industries were impacted to a greater extent than the others. In particular, accommodations and food services, health care and social assistance, retail trade, construction, and manufacturing; work tasks in these industries rely to a large extent on in-person interactions, which introduced a certain degree of vulnerability in terms of virus transmission and are less likely to pay family-sustaining wages. These were also industries that were explicitly called out in early executive orders.
- No industry was left untouched, although the relative number of claims in industries was lower in some of the ‘high tech’ industries such as professional services and information, which were more conducive to telecommuting arrangements.

*Continued on page 8*

## What do we read?

Take a glance over our team's shoulder by following us on your favorite social media stream. We post 4+ interesting links and articles each day.

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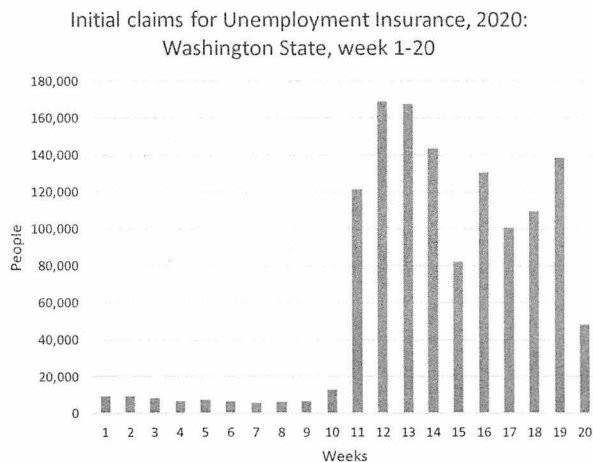
# **FORECAST DETAIL** 60 Percent Probability

|                                     | 2019.4 | 2020.1 | 2020.2 | 2020.3 | 2020.4 | 2018   | 2019   | 2020   | 2021   |
|-------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Employment (thous.)                 | 2204.7 | 2214.0 | 1907.1 | 1995.2 | 2001.4 | 2138.0 | 2186.7 | 2029.4 | 2110.9 |
| Goods producing                     | 325.4  | 328.3  | 261.5  | 263.3  | 267.7  | 314.6  | 323.0  | 280.2  | 286.7  |
| Natural resources and mining        | 1.2    | 1.2    | 1.0    | 1.0    | 1.0    | 1.2    | 1.2    | 1.0    | 1.1    |
| Construction                        | 136.5  | 139.8  | 94.6   | 100.7  | 105.5  | 131.5  | 134.2  | 110.1  | 120.7  |
| Manufacturing                       | 187.7  | 187.4  | 165.9  | 161.6  | 161.1  | 182.0  | 187.6  | 169.0  | 165.0  |
| Aerospace                           | 84.4   | 84.1   | 73.9   | 74.2   | 74.4   | 79.7   | 84.5   | 76.7   | 74.5   |
| Other durable goods                 | 69.4   | 69.4   | 60.5   | 56.8   | 55.9   | 69.2   | 69.6   | 60.7   | 58.4   |
| Nondurable goods                    | 33.9   | 33.9   | 31.5   | 30.5   | 30.8   | 33.2   | 33.5   | 31.7   | 32.1   |
| Services producing                  | 1879.3 | 1885.7 | 1645.6 | 1731.9 | 1733.8 | 1823.4 | 1863.7 | 1749.3 | 1824.1 |
| Wholesale and retail trade          | 334.9  | 334.4  | 287.4  | 306.0  | 308.7  | 326.7  | 332.8  | 309.1  | 332.4  |
| Transportation and public utilities | 79.3   | 79.5   | 70.6   | 68.2   | 69.1   | 78.4   | 79.0   | 71.9   | 74.6   |
| Information                         | 132.8  | 134.9  | 133.5  | 132.4  | 134.1  | 120.6  | 130.2  | 133.7  | 138.1  |
| Financial activities                | 107.2  | 106.1  | 104.8  | 103.3  | 100.9  | 104.9  | 106.6  | 103.8  | 99.9   |
| Professional and business services  | 313.7  | 315.8  | 283.8  | 282.0  | 277.2  | 302.7  | 310.4  | 289.7  | 299.8  |
| Other services                      | 601.4  | 600.5  | 462.2  | 538.8  | 544.9  | 579.5  | 595.5  | 536.6  | 580.1  |
| Government                          | 310.1  | 314.5  | 303.3  | 301.2  | 298.8  | 310.7  | 309.3  | 304.4  | 299.2  |
| State and local                     | 256.8  | 260.8  | 249.4  | 247.2  | 244.8  | 257.7  | 256.1  | 250.6  | 245.1  |
| Federal                             | 53.3   | 53.7   | 53.8   | 53.9   | 54.0   | 53.0   | 53.2   | 53.9   | 54.1   |
| Unemployment rate (%)               | 3.1    | 3.7    | 15.2   | 12.8   | 12.1   | 3.7    | 3.4    | 10.9   | 7.9    |
| Personal income (bils. \$09)        | 279.1  | 276.5  | 258.2  | 240.4  | 245.8  | 268.2  | 277.7  | 255.2  | 273.6  |
| Personal income (bils. \$)          | 307.8  | 306.0  | 285.5  | 266.5  | 273.6  | 290.0  | 304.6  | 282.9  | 308.1  |
| Wage and salary disbursements       | 173.6  | 170.2  | 165.3  | 146.6  | 149.3  | 163.6  | 172.2  | 157.8  | 167.2  |
| Other income                        | 134.2  | 135.8  | 120.2  | 119.9  | 124.3  | 126.4  | 132.4  | 125.1  | 140.9  |
| Per capita personal income (\$)     | 73123  | 72429  | 67318  | 62634  | 64020  | 70084  | 72671  | 66600  | 71541  |
| Consumer price index (82-84=1.000)  | 2.791  | 2.821  | 2.797  | 2.808  | 2.822  | 2.710  | 2.781  | 2.812  | 2.861  |
| Housing permits (thous.)            | 27.6   | 26.0   | 16.2   | 18.1   | 22.6   | 26.1   | 27.2   | 20.7   | 23.0   |
| Population (thous.)                 | 4209.9 | 4224.6 | 4241.5 | 4255.2 | 4273.1 | 4137.9 | 4190.8 | 4248.6 | 4305.8 |
| Net migration (thous.)              | 27.7   | 35.0   | 43.8   | 31.3   | 47.8   | 30.6   | 27.6   | 39.5   | 26.3   |
| Three-month treasury bill rate (%)  | 1.6    | 1.1    | 0.1    | 0.1    | 0.1    | 2.0    | 2.1    | 0.4    | 0.2    |
| Conventional mortgage rate (%)      | 3.7    | 3.5    | 2.9    | 3.0    | 3.1    | 4.5    | 3.9    | 3.1    | 3.1    |
| Annual growth (% change)            |        |        |        |        |        |        |        |        |        |
| Employment                          | 1.5    | 1.7    | -55.5  | 18.5   | 1.3    | 2.3    | 2.3    | -7.2   | 4.0    |
| Personal income (cur. \$)           | 2.7    | -2.4   | -26.7  | -26.6  | 10.6   | 6.4    | 5.0    | -7.1   | 8.9    |
| Consumer price index                | -1.8   | 4.4    | -3.5   | 1.7    | 2.0    | 3.2    | 2.6    | 1.1    | 1.7    |
| Housing permits                     | -20.7  | -23.9  | -150.2 | 47.1   | 97.9   | -5.6   | 4.1    | -23.8  | 11.0   |
| Population                          | 1.2    | 1.4    | 1.6    | 1.3    | 1.7    | 1.4    | 1.3    | 1.4    | 1.3    |

## Identifying and Sorting Through Income Inequality - Cont.

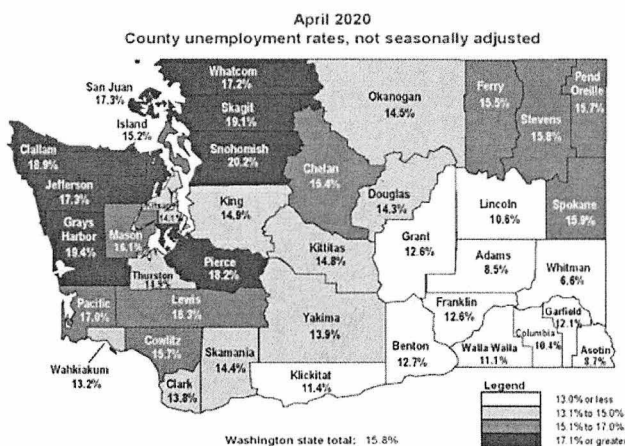
Anneliese Vance-Sherman, Ph.D.

Regional Labor Economist, Washington Employment Security Department



### Labor force and Unemployment rates

Now that the Covid-19 crisis has extended a full month beyond the original anticipated deadline, our traditional data resources have matured and begun to catch up, offering more, and better optics on the situation. The unemployment rate in April jumped from a period of record lows to a seasonally adjusted record high of 15.4%.



When we look at the spatial variation around the state, a few patterns emerge:

- Counties that touch saltwater saw the highest unemployment rates. This is because of their robust tourism-based economy. The closure of restaurants and bars, paired with canceled vacations swiftly impacted Washington's coastal areas.

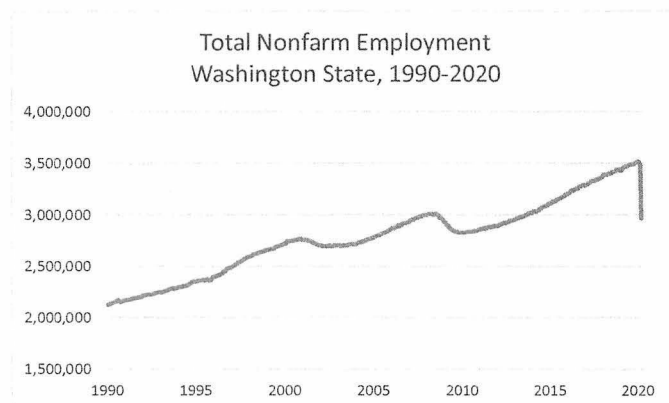
- Labor force data reflect where people live rather than where they work. Many unemployed workers in Snohomish and Pierce Counties previously had jobs based in King County.
- Snohomish County and Skagit County were also impacted by a decline in manufacturing employment.

### Payroll statistics

Monthly payroll statistics shine a mirror on data collected from the Unemployment Insurance system. In April, Washington state employers reported a loss of 527,000 jobs compared to the previous month. Leisure and hospitality suffered the deepest one-month losses (-177,700), followed by construction (-81,000) and education and health services (-66,700). All major industries reported net losses over the month.

### Moving forward

As we chart our path forward, each of these data resources will be critical in reflecting change, and will inform our understanding about who is affected by those changes. Executive orders in recent weeks have shifted toward phased opening of economic activities on a county-by-county basis. As regions and businesses re-open, we will inevitably see some shifts in the regional ecosystem. Some businesses will not return, others will operate differently. Telecommuting may gain more acceptance and work environments will likely change in order to protect businesses, workers and customers from health risks.



# Washington State Economy

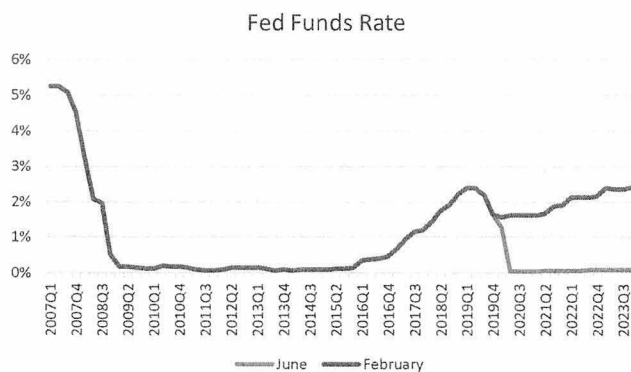
Steve Lerch

Executive Director & Chief Economist  
Washington State Economic Revenues Forecast

The Washington Economic and Revenue Forecast Council released a preliminary economic forecast on June 2nd (available on the ERFC website [erfc.wa.gov](http://erfc.wa.gov)); a final economic and revenue forecast will be released on June 17th. The COVID-19 pandemic has drastically changed the economic landscape since our February forecast. Measures to address the pandemic have led to business closures and widespread unemployment. While the Washington economy is gradually reopening, the ongoing impacts of the pandemic create a substantial degree of uncertainty in regard to this forecast.

## Interest Rates<sup>1</sup>

Since the previous (February) forecast, the Federal Reserve has reduced the federal funds rate to a range of 0% – 0.25%. The Federal Reserve has also created a number of credit facilities to make loans and purchase bonds to support the functioning of credit markets. This forecast assumes the Federal Reserve will maintain the federal funds rate in this range throughout the forecast period and that credit facilities are utilized and effective in narrowing credit spreads.

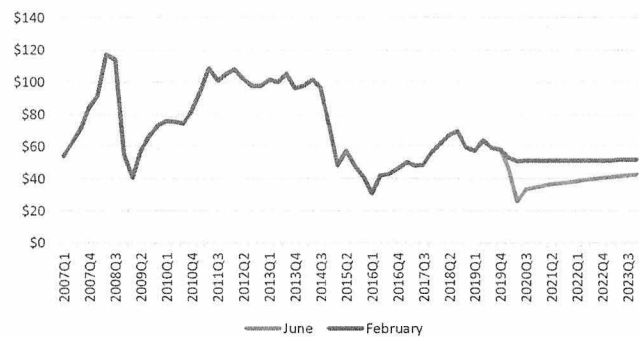


source: IHS-Markit, ERFC preliminary June 2020 forecast

## Oil

Since our last forecast, oil spot prices have decreased substantially for both West Texas Intermediate (WTI) and European benchmark Brent. For the week ending May 22nd, WTI is \$33 per barrel or about \$20 lower than at the time of the February forecast while Brent dropped by \$25 per barrel to \$34 over that period. Futures prices remain below the February forecast through 2025. Oil prices paid by refiners are expected to average \$35 per barrel this year (down from \$52 in the February forecast), gradually rising to \$46 per barrel by 2025.

Refiners' Acquisition Price - Oil

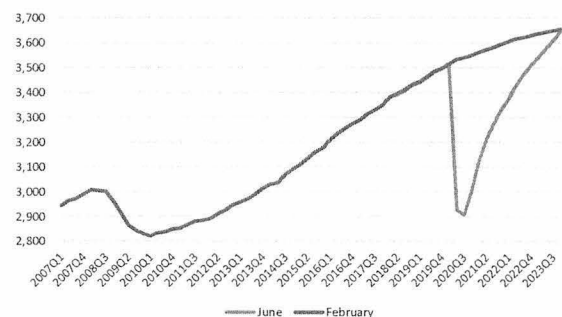


source: U.S. Dept. of Energy, IHS-Markit, ERFC preliminary June 2020 forecast

## Washington Nonfarm Employment

We have four months of new Washington employment data since the February forecast was released. The impact of the pandemic on the labor market has been unprecedented, with total nonfarm employment falling 453,000 (seasonally adjusted) in April and declining a total of 446,200 in January through April. The February forecast had expected an increase of 27,500 jobs in the January through April period. Private services-providing sectors lost 359,300 jobs in the four-month period. Construction employment declined by 47,200 jobs and manufacturing declined by 27,700 jobs, including the loss of 8,300 aerospace jobs. Government payrolls declined by 11,100 jobs in January, February, March, and April.

WA Nonfarm Employment (SAAR; thous.)



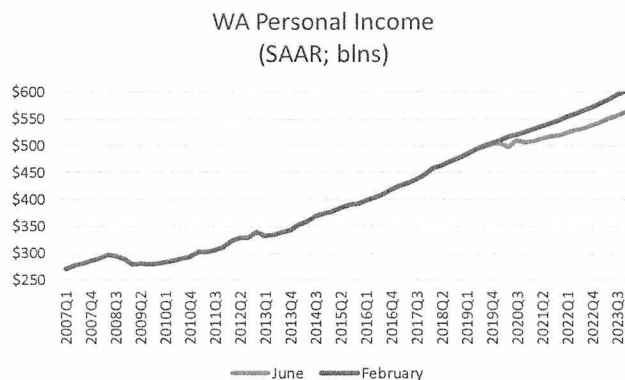
source: U.S. BLS, IHS-Markit, ERFC June 2020 prelim forecast

We expect Washington employment to decline 11.0% this year, well down from the pre-COVID 1.8% growth we had expected in the February forecast. After declining in the second and third quarters of 2020, we expect employment to increase in the fourth quarter and continue to increase through the forecast period. However, it will not reach levels expected in the February forecast until 2024.

After falling to an all-time low of 3.8% in February, Washington's unemployment rate increased to 5.1% in March and to 15.4% in April. The April unemployment rate was a new all-time high in the series that dates back to 1974. The unemployment rate is expected to average 14.9% in 2020. The unemployment rate is not expected to decline to single digits until the third quarter of 2023.

### Washington Personal Income

In March, after the previous forecast was complete, the U.S. Department of Commerce, Bureau of Economic Analysis (BEA) released state personal income estimates for the fourth quarter of 2019 and revised estimates of state personal income for the first three quarters of 2019. According to these estimates, Washington personal income rose from \$497.3 billion (SAAR) in the third quarter to \$502.1 billion in the fourth quarter. The reported 4.0% growth rate (SAAR) in Washington personal income was the 6th largest among the states and District of Columbia and exceeded the 3.0% growth rate for the U.S. as a whole. Washington personal income for all of 2019 grew by 5.7%, which also ranked 6th among the states and District of Columbia and exceeded the 4.4% growth rate for the U.S. as a whole.



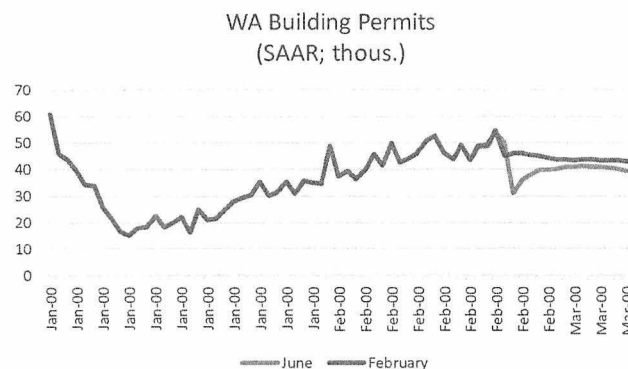
source: U.S. BEA, IHS-Markit, ERFC June 2020 preliminary forecast

First quarter 2020 personal income data, the first period in which COVID-19 impacts on personal income will be observed, are not yet available. However, our personal income forecast incorporates COVID-19 impacts and fiscal policy responses to the pandemic such as the increased unemployment benefits in the CARES Act. Personal income for 2020 is expected to be \$13.4 billion lower compared to the February forecast. After growing 2.1% this year, personal income is expected to grow by 1.9% in 2021. Personal income growth rates gradually increase, reaching 4.9% in 2025.

### Real Estate and Construction

According to the S&P/Case-Shiller Home Price Indices, seasonally adjusted Seattle home prices increased 1.1% in March compared to February and were up 6.9% over the

year. This marks eight consecutive months where Seattle-area home prices rose over the year. In comparison, the composite-20 index was up 3.9% over the year. Seattle home prices are up 102% since the December 2011 trough and exceed the May 2007 peak by 40%.



source: U.S. Census, IHS-Markit, ERFC June preliminary 2020 forecast

Total statewide real estate sales (seasonally adjusted) subject to the real estate excise tax equaled \$7.1 billion in February and \$7.6 billion in March but then declined to \$5.2 billion in April. Sales were lower both for large commercial properties and for residences.

Washington housing permits decreased from 53,700 units (SAAR) in the fourth quarter of 2019 to 49,800 units in the first quarter of 2020. First quarter permits consisted of 24,800 single-family units and 25,000 multi-family units. However, April 2020 permits appeared to be affected by the COVID-19 pandemic, dropping to 28,600 units (12,000 single family and 16,600 multi-family units). The February forecast had assumed an average rate of 44,900 units for the first quarter and 45,900 units for the second quarter of this year.

For all of 2020, we expect housing permits for 38,800 units this year compared to our February forecast of 45,500. We expect housing permits to average 40,000 units per year from 2021 through 2025, down from the average of 42,900 units in the February forecast.

Washington construction employment is expected to average 195,400 jobs this year, about 26,000 jobs fewer than in the February forecast. We expect 2021 construction employment to decline to 187,900 jobs before gradually increasing in 2022 through 2025.

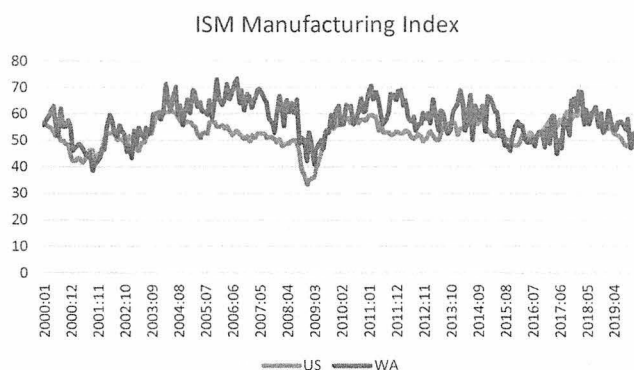
### Manufacturing

After three consecutive months above 50 (index values above 50 indicate growth while values below 50 indicate contraction) in December 2019, January and February, the Institute of Supply Management - Western Washington Index (ISM-WW) has fallen below 50 in March and April. The index, which measures conditions in the



manufacturing sector, decreased from 46.0 in March to 38.5 in April. The production, orders, employment, and inventory components all indicated contraction in April. As in March, only the deliveries components indicated expansion, however this is misleading. A slowing of deliveries is a plus for the index as it normally reflects strong demand. In the current context the slowing of vendor deliveries is due to supply disruptions.

Washington manufacturing employment is now expected to be 254,900 in 2020 or 38,100 below the 293,000 expected in February. We expect manufacturing employment to grow 3.2% in 2021 and 5.9% in 2022 before growth slows to an average of 1.4% in 2022 through 2025. Despite the growth starting next year, manufacturing employment remains below the February forecast through 2025.



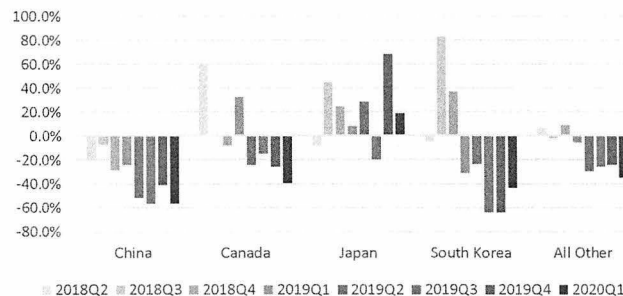
source: Institute for Supply Management, ERFC

In late April, Boeing announced a number of changes in production rates in response to the impact of COVID-19 on air travel and the demand for commercial aircraft. This included production of the 787 dropping from its current rate of 14 aircraft per month to 10 in 2020 and 7 per month in 2021; 777 production dropping from 5 per month in 2020 to 3 per month in 2021; and a gradual production increase of 31 per month for the 737 MAX (previous plans had production ramping up to 57 aircraft per month). It also announced plans to reduce jobs in its commercial aircraft division by 15%. We have incorporated these employment changes in our forecast.

Aerospace employment was 88,900 in the fourth quarter of 2019. Although employment declined by about 300 jobs in the first quarter of this year, we expect larger declines for the remainder of the year, hitting a low point of 71,700 in the fourth quarter. Aerospace employment is then expected to gradually increase to 74,000 in 2021 and 77,400 in 2022.

<sup>1</sup> Data sources: Washington Economic and Revenue Forecast Council, Washington Department of Revenue, Washington Employment Security Department, U.S. Bureau of Economic Analysis, U.S. Bureau of Labor Statistics, U.S. Department of Energy, IHS-Markit, WISERTrade, Institute for Supply Management

Year-Over-Year Growth in Export Value, Major Trading Partners



source: WiserTrade

## Exports

Washington exports declined sharply over the year for a sixth consecutive quarter. Year-over-year exports decreased 35.1% in the first quarter of 2020 following a 22.9% reduction for all of 2019. The large declines were primarily due to transportation equipment exports (mostly Boeing planes) which fell 59.2% in the first quarter of 2020 and declined 37.4% in 2019. Boeing suspended deliveries of the 737 MAX in March 2019, which clearly affected exports since the second quarter of 2019. First quarter 2020 exports of agricultural products decreased 21.3% over the year while exports of all other commodities (mostly manufactured goods) declined 5.7% over the year.

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## Leading Index

### *A Long Way Down*

Sometimes, you find out that you are looking for the wrong things. While our leading index had been faltering for the past few quarters – not quite rising, not quite falling – something was quietly lining up to land a huge blow to the global economy. That something was COVID-19, and now we begin to see its impact in the index.

The leading index fell 8.2 percent year-over-year in 2020 Q1, the largest drop since 2009. Even this is just a taste of what we expect to see next quarter, as the pandemic only picked up speed in our region at the end of Q1.

The goal of the leading index is to get ahead of the economy by monitoring a set of “leading” indicators, or ones that represent the proverbial canary in the coal mine. As we are knee-deep in another recession, this raises the question: how well did the index do at predicting this recession? Well, it’s a mixed bag.

On one hand, this is not a financial or economic recession. It is a disaster-based one. Think Hurricane Katrina. These

are generally out-of-nowhere events that cause a sharp, localized economic downturn with a decently sharp upturn, the elusive V-shaped recovery. Therefore, no element of the economy could have predicted a recession here, as this recession did not come from economic forces. The quarterly index did not find anything worrying in the economy beyond some general stagnation, and therefore did not predict this recession.

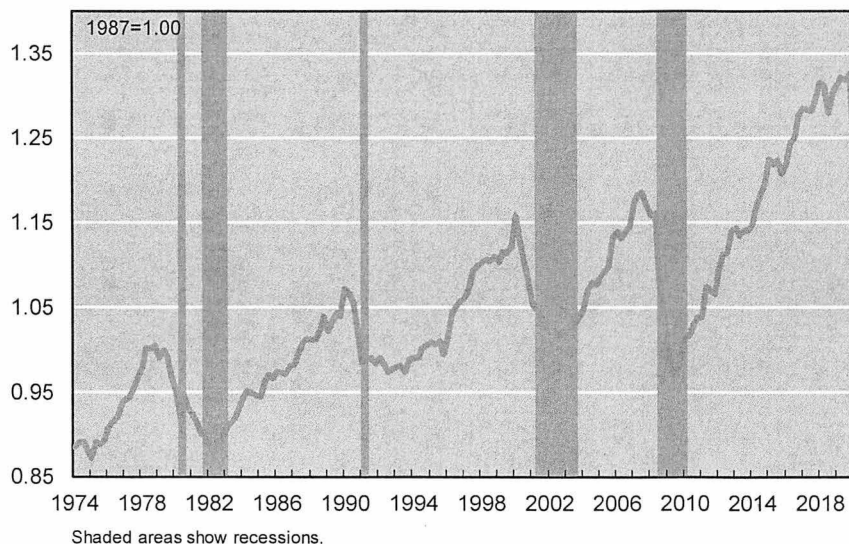
But in some ways, it did. Consumers reacted quickly to the news, lowering demand at in-person stores and restaurants before lockdowns were imposed and after they were relinquished – Atlanta stands as one example. Our monthly index began falling in mid-March. Given the very small amount of warning, the index correctly pointed to recession.

Now that we are in a recession, the index faces a similar issue with “black swan” events. While it may monitor increasing economic activity and call for expansion again, a secondary outbreak could quickly curtail any recovery. While the disaster-based recession analogy holds when your town is hit by a storm, we have few-to-no examples of a world on fire.

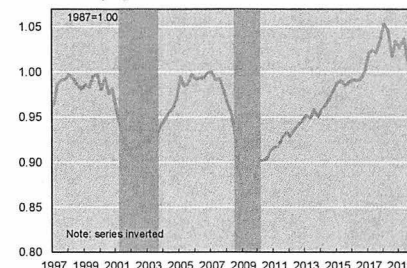
Still, it is important to look for silver linings. Puget Sound online job postings have stayed strong, even into April. The number of new unemployment claims is high while continuing unemployment claims are relatively lower – indicating some returning to work. This seems to have been supported by the May jobs report, which saw an uptick nationwide (Puget Sound numbers have not been released yet). Perhaps the labor market will bounce back stronger than expected – the stock market seems to think so.

The future is uncertain, but we’ll continue to monitor the economics and epidemiology to give you the best view of it.

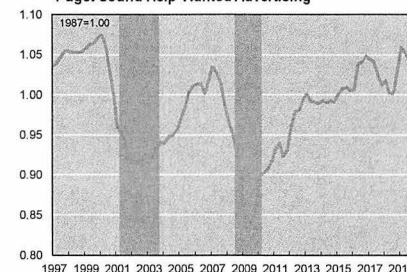
**Puget Sound Index of Leading Economic Indicators**



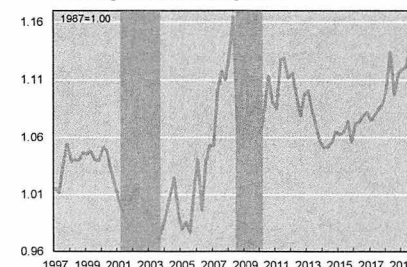
**Puget Sound Initial Claims for Unemployment Insurance**



**Puget Sound Help-Wanted Advertising**



**Washington Manufacturing Hours**



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### Discussion on Fire Station Cost Estimating 3-09-21

Cost estimating for Kirkland's Fire Station ballot measure was performed by RLB Robinson supported by TCA Architecture + Planning. Both specialize in fire facilities projects. The Fire Station project estimates are based on project scopes informed by assessments of existing facilities, the City and Fire Department's operational needs, Planning and Building Department dialog, and feasibility studies for the improvements to existing stations and a site feasibility study for the development of a new station.

Pre-funding cost estimates are the earliest and highest-level gauge of project costs based on available information at the time, an understanding of current market conditions, and professional opinions of future escalation of construction costs.

Costs for necessary and known offsite and right-of-way improvements are also included. As the earliest stage in development, unforeseen conditions and project unknowns are the greatest during pre-funding planning. Project budget contingencies are used to address risk associated with unknown conditions. These contingencies include design, escalation, and construction contingencies.

Design contingencies are employed to allow for the development of the design from conceptual through construction documents. The pre-funding estimates serve to set comprehensive project budgets based on established timelines, quality expectations, and anticipated construction costs. These budgets are confirmed by benchmark design phase cost estimates to ensure alignment with available funds. As design and due diligence efforts progress, contingencies amounts are reduced.

Escalation contingencies are utilized to accommodate anticipated yearly rise in construction costs. The escalation percentage is based on historic averages.

Construction contingencies are utilized to accommodate a degree of anticipated, but unknown, market volatility. This contingency is used in two ways, to accommodate fluctuations between the estimate and the actual bids received and to cover the cost of change orders during construction. Change orders generally result from conditions in the field being different than conditions anticipated during design.

There are limits to the amount of project risk contingencies can cover. For example, extensive sub-surface issues, exceptional market volatility or unanticipated construction cost escalation could trigger project costs beyond the capacity of budgetary contingencies. For budget planning purposes, it should be considered highly unlikely, but not impossible, that project contingencies would fail to cover unknown or unforeseen conditions outside of industry norms.

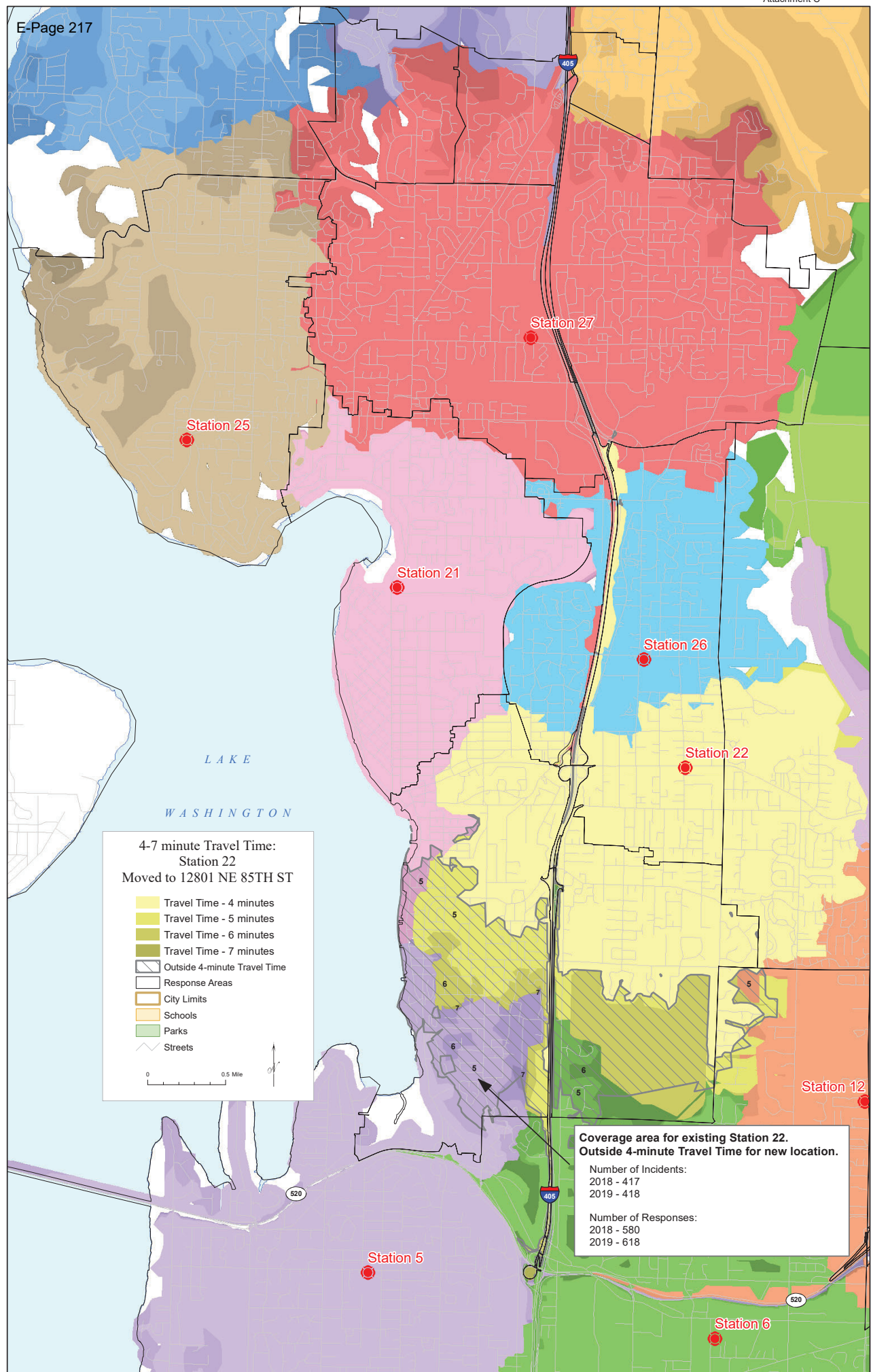
While contingencies provide "insurance" for the unknown, City staff will be diligent and responsible in guiding the project towards the target construction cost and target construction schedule. The decisions made during design will affect the ultimate cost, and therefore design decisions must be responsible and always weigh the cost, the alternatives, or any design efficiencies that can be gained.

### Assumptions in Cost Estimates

The Fire Station 27 cost estimates include costs for piling/special foundations, frontage improvements, and nearby storm system upgrades and replacements. Currently, these elements are not expected for the renovations, so are not included in estimates. Wetland/buffer mitigation is not currently anticipated in any of the projects; if a need is identified during the design process, it would be eligible for funding with the contingencies.

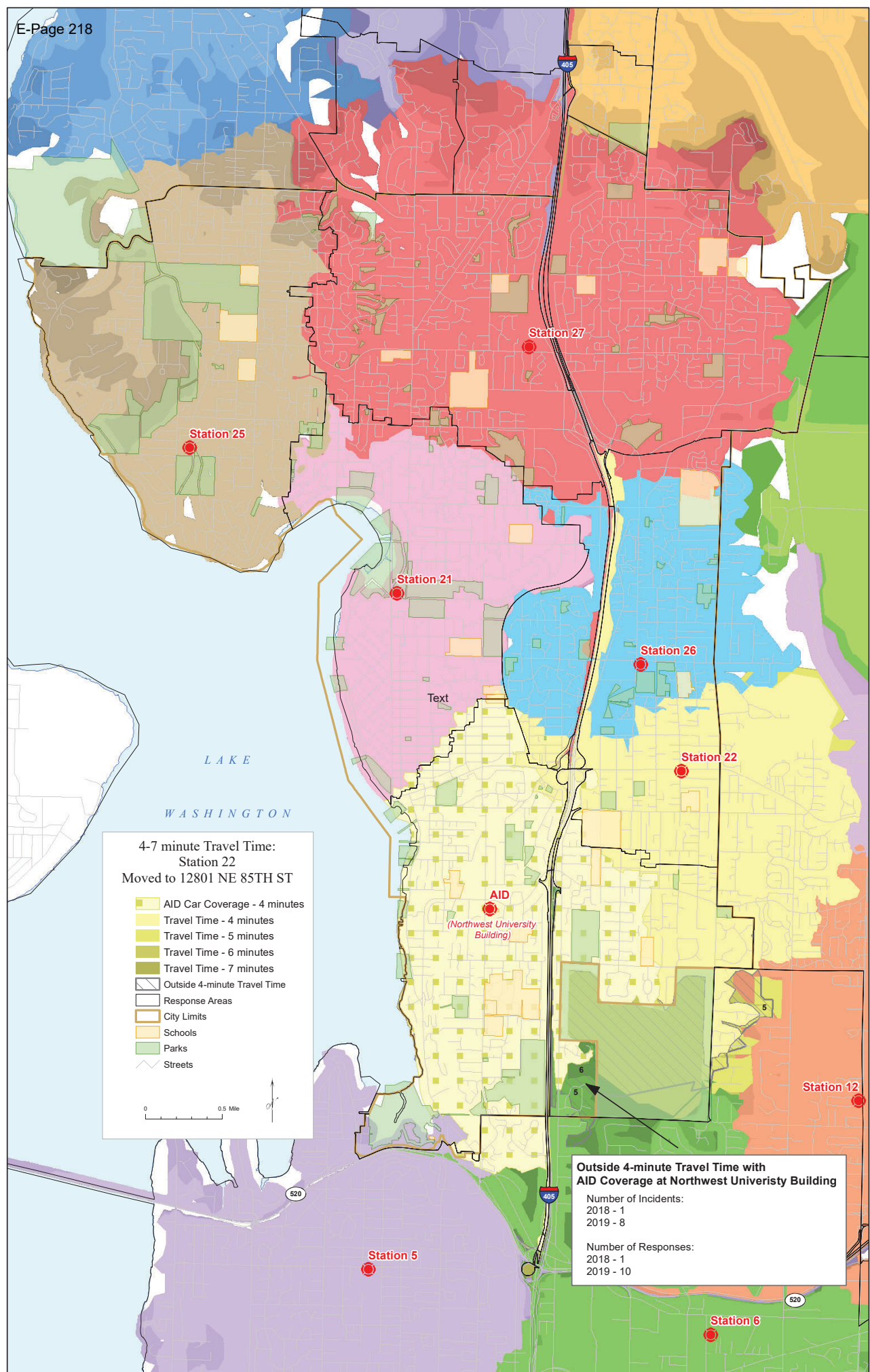


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**CITY OF KIRKLAND**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**  
**www.kirklandwa.gov**

## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Michael Olson, Director of Finance and Administration  
 Sri Krishnan, Deputy Director of Finance and Administration

**Date:** March 2, 2021

**Subject:** RECOMMENDATION ON AUTHORIZING THE ISSUANCE OF BONDS FOR  
 TRANSPORTATION AND FIRE CAPITAL PROJECTS

### **RECOMMENDATION:**

City Council approves the attached bond ordinance authorizing the issuance of Limited Tax General Obligation (LTGO) debt to fund Transportation and Fire Capital projects.

### **BACKGROUND DISCUSSION:**

Transportation capital projects approved with debt funding were included in the 2019-2024 Capital Improvement Program (CIP). The approved CIP included a total of \$20.2 million of debt funding for transportation capital projects, however, the need for debt funding has been reduced to \$16.12 million with the use of REET revenues received above budget. Council approved the use of Real Estate Excise Tax (REET) in the 2021-2022 Budget to fund the transportation debt service. The transportation projects funded with debt and the fire capital project debt funding of \$24.7 million are noted in the table below.

As discussed in the Fire Proposition 1 Implementation Plan memo, the costs of the construction of the new fire station 27 at \$28.5 million and the renovation of fire station 22 at \$9.6 million are being partially funded with \$24.7 million of this debt issuance as noted in the table below. Funding for the fire capital project debt service in 2021 is provided by the Ground Emergency Medical Transportation (GEMT) funds Kirkland has received and by the General Fund in the following years.

#### **Transportation Capital Projects Debt Funding**

|   |                     |
|---|---------------------|
| NE 124th St/124th Ave NE Ped Bridge Design and Construction | 10,000,000          |
| 100th Avenue NE Roadway Improvements (North Section)        | 296,000             |
| 100th Avenue NE Roadway Improvements (Mid-North Section)    | 571,100             |
| Juanita Drive Intersection and Safety Improvements          | 2,773,200           |
| 124th Ave NE Roadway  | 1,982,000           |
| NE 132nd St/108th Avenue NE Intersection Improvements       | 500,000             |
| <b>Total Transportation Debt Funding</b>                    | <b>\$16,122,300</b> |

|  |                     |
|--|---------------------|
| <b>Fire Station Capital Project Debt Funding</b> | <b>\$24,695,282</b> |
| <b>Total 2021 Debt Funding</b>                   | <b>\$40,817,582</b> |

The City's Financial Advisor recommends combining the debt purposes above in one debt issuance with a principal amount not to exceed \$42,500,000 to be more attractive to the current bond market. Kirkland's excellent credit rating usually results in Kirkland receiving a premium or an amount greater than the face value of the bonds. In the unlikely situation of a bid on the bonds with a discount, where the City would receive less than the face value of the bonds, the City's Financial Advisor has recommended a "not to exceed" bond amount that is set slightly higher so that funds received would be sufficient for the capital needs. In either situation, the competitive bidding for the bonds will still issue the bonds at the lowest interest cost to the City. Approval of the attached bond ordinance in Attachment B, prepared by the City's Bond Counsel, Pacifica Law Group, will allow for the issuance of debt to be accomplished at the earliest possible date. Attachment A presents a proposed schedule of events for the debt issuance process.

Attachment A: Debt Issuance Schedule

**City of Kirkland, Washington**  
**Limited Tax General Obligation Bonds, 2021**  
**Draft Schedule of Events (as of 2/18/2021)**

| FEBRUARY |    |    |    |    |    |    | MARCH |    |    |    |    |    |    | APRIL |    |    |    |    |    |    |
|----------|----|----|----|----|----|----|-------|----|----|----|----|----|----|-------|----|----|----|----|----|----|
| S        | M  | T  | W  | T  | F  | S  | S     | M  | T  | W  | T  | F  | S  | S     | M  | T  | W  | T  | F  | S  |
|          | 1  | 2  | 3  | 4  | 5  | 6  |       | 1  | 2  | 3  | 4  | 5  | 6  |       |    |    |    | 1  | 2  | 3  |
| 7        | 8  | 9  | 10 | 11 | 12 | 13 | 7     | 8  | 9  | 10 | 11 | 12 | 13 | 4     | 5  | 6  | 7  | 8  | 9  | 10 |
| 14       | 15 | 16 | 17 | 18 | 19 | 20 | 14    | 15 | 16 | 17 | 18 | 19 | 20 | 11    | 12 | 13 | 14 | 15 | 16 | 17 |
| 21       | 22 | 23 | 24 | 25 | 26 | 27 | 21    | 22 | 23 | 24 | 25 | 26 | 27 | 18    | 19 | 20 | 21 | 22 | 23 | 24 |
| 28       |    |    |    |    |    |    | 28    | 29 | 30 | 31 |    |    |    | 25    | 26 | 27 | 28 | 29 | 30 |    |

|                   |                               |         |
|-------------------|-------------------------------|---------|
| Issuer            | City of Kirkland              | City    |
| City Council      | City of Kirkland City Council | Council |
| Bond Counsel      | Pacifica Law Group            | BC      |
| Financial Advisor | PFM Financial Advisors LLC    | FA      |
| Working Group     | City/FA/BC                    | WG      |

| Day         | Date        | Event  | Responsible Party |
|-------------|-------------|--|-------------------|
| Fri         | 2/12        | • First draft Bond Ordinance distributed   | BC                |
| Mon         | 2/15        | • <i>Presidents Day</i>  |                   |
| Fri         | 2/19        | • Comments due on draft Bond Ordinance   | WG                |
| Fri         | 2/26        | • Second draft Bond Ordinance Distributed  | BC                |
| Fri         | 3/5         | • Comments due on second draft Bond Ordinance  | WG                |
| Tues        | 3/9         | • Final bond ordinance forwarded to Council  | City/BC           |
| Tues        | 3/16        | • <b>Bond Ordinance adopted</b>  | Council           |
| Wed         | 3/17        | • Send information requirements for Preliminary Official Statement (POS) to the City | BC                |
| Tues        | 4/13        | • First draft POS Circulated to Working Group  | BC                |
| Tues        | 4/20        | • Comments due on first draft POS  | WG                |
| Wed         | 4/21        | • Draft rating agency presentation distributed                                       | FA                |
| Tues        | 4/27        | • Second draft POS Circulated to Working Group                                       | BC                |
| Thurs       | 4/29        | • Rating Prep Call   | City/FA           |
| Fri         | 4/30        | • Comments due on second draft POS   | WG                |
| Mon         | 5/3         | • City to provide 2020 Financials to working group                                   | City              |
| Wk of       | 5/3         | • Rating Agency Calls  | City/FA           |
| Thurs       | 5/6         | • Final Draft POS Circulated   | BC                |
| Wk of       | 5/10        | • Due Diligence Call<br>• Final POS Signoff  | WG                |
| Fri         | 5/14        | • Rating Confirmation  | City/PFM          |
| Mon         | 5/17        | • POS Posted   | BC                |
| <b>Tues</b> | <b>5/25</b> | • <b>Bond Sale</b>   | <b>WG</b>         |
| Wed         | 5/26        | • Final OS distributed to Working Group for review                                   | BC                |
| Thurs       | 5/27        | • Comments due on Final OS<br>• Closing Memorandum Circulated                        | WG<br>FA          |
| Fri         | 5/28        | • Final OS delivered for posting   | BC                |
| Mon         | 5/31        | • <i>Memorial Day</i>  |                   |
| <b>Tues</b> | <b>6/1</b>  | • <b>Bond Closing</b>  | <b>WG</b>         |

## ORDINANCE NO. 4753

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF LIMITED TAX GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$42,500,000 FOR THE PURPOSE OF FINANCING THE COSTS RELATED TO ACQUIRING, CONSTRUCTING, IMPROVING, EQUIPPING AND/OR RENOVATING CITY TRANSPORTATION PROJECTS AND CITY FIRE AND PUBLIC SAFETY FACILITIES AND PAYING COSTS OF ISSUING THE BONDS; DELEGATING CERTAIN AUTHORITY TO APPROVE THE METHOD OF SALE AND FINAL TERMS OF THE BONDS; AND AUTHORIZING OTHER RELATED MATTERS.

1 WHEREAS, the City Council (the "Council") of the City of Kirkland,  
2 Washington (the "City"), has deemed it in the best interest of the City to acquire,  
3 design, construct, develop, improve, equip and furnish certain City transportation  
4 projects and City fire and public safety facilities (the "Project"); and  
5

6 WHEREAS, the Council deems it in the best interest of the City to issue  
7 one or more series of limited tax general obligation bonds (as further described  
8 herein, the "Bonds") for the purpose of paying and/or reimbursing the City for  
9 costs of the Project and paying costs of issuing the Bonds;  
10

11 WHEREAS, the Council wishes to delegate authority to the City Manager  
12 and the Director of Finance and Administration (each, a "Designated  
13 Representative"), for a limited time, to approve the method of sale and the  
14 interest rates, maturity dates, redemption terms and principal maturities for each  
15 series of Bonds within the parameters set by this ordinance; and  
16

17 WHEREAS, the Bonds shall be sold by negotiated or competitive public  
18 sale as set forth herein;  
19

20 NOW, THEREFORE, the City Council of the City of Kirkland do ordain as  
21 follows:  
22

23 Section 1. Definitions. As used in this ordinance, the following words  
24 and terms shall have the following meanings, unless the context or use indicates  
25 another or different meaning or intent. Unless the context indicates otherwise,  
26 words importing the singular number shall include the plural number and vice  
27 versa.  
28

29 *Beneficial Owner* means any person that has or shares the power, directly  
30 or indirectly, to make investment decisions concerning ownership of any Bonds  
31 (including persons holding Bonds through nominees, depositories or other  
32 intermediaries).  
33

34 *Bond Counsel* means Pacifica Law Group LLP or an attorney at law or a  
35 firm of attorneys, selected by the City, of nationally recognized standing in

36 matters pertaining to the tax exempt nature of interest on bonds issued by states  
37 and their political subdivisions.

38  
39 *Bond Purchase Contract* means one or more contracts, if any, for the  
40 purchase of any Bonds sold by negotiated sale to the Underwriter, executed  
41 pursuant to Section 10.

42  
43 *Bond Register* means the registration books showing the name, address  
44 and tax identification number of each Registered Owner of the Bonds,  
45 maintained for the Bonds in the manner required pursuant to Section 149(a) of  
46 the Code.

47  
48 *Bond Registrar* means, initially, the fiscal agent of the State, for the  
49 purposes of registering and authenticating the Bonds, maintaining the Bond  
50 Register, effecting transfer of ownership of the Bonds and paying interest on and  
51 principal of the Bonds.

52  
53 *Bonds* mean the limited tax general obligation bonds authorized to be  
54 issued pursuant to this ordinance.

55  
56 *Certificate of Award* means one or more certificates, if any, for the  
57 purchase of any Bonds sold by competitive sale awarding the Bonds to the  
58 successful bidder as set forth in Section 10 of this ordinance.

59  
60 *City* means the City of Kirkland, Washington, a municipal corporation duly  
61 organized and existing by virtue of the laws of the State.

62  
63 *City Attorney* means the duly appointed and acting City Attorney of the  
64 City, including anyone acting in such capacity for the position, or the successor  
65 to the duties of that office.

66  
67 *City Clerk* means the duly appointed and acting City Clerk of the City or  
68 the successor to the duties of that office.

69  
70 *City Manager* means the duly appointed and acting City Manager of the  
71 City or the successor to the duties of such office.

72  
73 *Closing* means the date of issuance and delivery of the Bonds to the  
74 Underwriter.

75  
76 *Code* means the Internal Revenue Code of 1986 as in effect on the date  
77 of issuance of the Bonds or (except as otherwise referenced herein) as it may be  
78 amended to apply to obligations issued on the date of issuance of the Bonds,  
79 together with applicable proposed, temporary and final regulations promulgated,  
80 and applicable official public guidance published, under the Code.

81  
82 *Commission* means the United States Securities and Exchange  
83 Commission.

85        *Continuing Disclosure Certificate* means one or more written undertakings  
86 for the benefit of the owners and Beneficial Owners of the Bonds as required by  
87 Section (b)(5) of the Rule.

88  
89        *Council* or *City Council* means the Kirkland City Council, the general  
90 legislative body of the City, as the same is duly and regularly constituted from  
91 time to time.

92  
93        *Debt Service Fund* means one or more funds or accounts created  
94 pursuant to this ordinance for the purpose of paying debt service on the Bonds.

95  
96        *Designated Representative* means the City Manager and the Director of  
97 Finance and Administration, or any other officer or employee of the City  
98 appointed in writing by either of them. The signature of one Designated  
99 Representative shall be sufficient to bind the City.

100  
101        *Director of Finance and Administration* means the City's Director of  
102 Finance and Administration or the successor to the duties of the office.

103  
104        *DTC* means The Depository Trust Company, New York, New York, a  
105 limited purpose trust company organized under the laws of the State of New  
106 York, as depository for the Bonds pursuant to Section 3 of this ordinance.

107  
108        *Fair Market Value* means the price at which a willing buyer would  
109 purchase an investment from a willing seller in a bona fide, arm's-length  
110 transaction, except for specified investments as described in Treasury Regulation  
111 § 1.148-5(d)(6), including United States Treasury obligations, certificates of  
112 deposit, guaranteed investment contracts, and investments for yield restricted  
113 defeasance escrows. Fair Market Value is generally determined on the date on  
114 which a contract to purchase or sell an investment becomes binding, and, to the  
115 extent required by the applicable regulations under the Code, the term  
116 "investment" will include a hedge.

117  
118        *Federal Tax Certificate* means one or more certificates executed by a  
119 Designated Representative setting forth the requirements of the Code for  
120 maintaining the tax exemption of interest on the Bonds to be dated as of the  
121 date of Closing for such Bonds, and attachments thereto.

122  
123        *Government Obligations* means those obligations now or hereafter  
124 defined as such in chapter 39.53 RCW constituting direct obligations of, or  
125 obligations the principal of and interest on which are unconditionally guaranteed  
126 by, the United States of America, as such chapter may be hereafter amended or  
127 restated.

128  
129        *Letter of Representations* means the Blanket Issuer Letter of  
130 Representations from the City to DTC.

131  
132        *Mayor* means the duly elected and acting Mayor of the City or the  
133 successor to the duties of such office.

134  
135       *MSRB* means the Municipal Securities Rulemaking Board or any  
136 successors to its functions.

137  
138       *Official Statement* means the disclosure document(s) prepared and  
139 delivered in connection with the issuance of the Bonds.

140  
141       *Project* has the meaning set forth in Section 2 of this ordinance.

142  
143       *Project Fund* means the account created pursuant to Section 7 of this  
144 ordinance.

145  
146       *Record Date* means the close of business for the Bond Registrar that is 15  
147 days preceding any interest and/or principal payment or redemption date.

148  
149       *Registered Owner* means the person named as the registered owner of a  
150 Bond in the Bond Register. For so long as the Bonds are held in book entry only  
151 form, DTC or its nominee shall be deemed to be the sole Registered Owner.

152  
153       *Rule* means the Commission's Rule 15c2-12 under the Securities  
154 Exchange Act of 1934, as the same may be amended from time to time.

155  
156       *Sale Document* means the Bond Purchase Contract or Certificate of  
157 Award, if any, executed by a Designated Representative in connection with the  
158 sale of a series of Bonds pursuant to Section 10 of this ordinance, which shall  
159 provide for the name, principal and interest payment dates and amounts,  
160 redemption/prepayment rights, and other terms to describe such Bonds as  
161 determined by a Designated Representative.

162  
163       *State* means the State of Washington.

164  
165       *Underwriter* means any underwriter, in the case of a negotiated sale, or  
166 initial purchaser, in the case of a competitive sale, for the Bonds selected  
167 pursuant to Section 10.

168  
169       Section 2. Findings; Purpose and Authorization of Bonds.

170  
171       (a) *Findings.* The City hereby finds that it is in the best interest of the  
172 City and its residents that it acquire, design, construct, develop, improve, equip  
173 and furnish certain City transportation projects and City fire and public safety  
174 facilities (the "Project"), including but not limited to the following: construction of  
175 the Totem Lake Connector bridge, construction of a new fire station 27, and  
176 renovation of fire station 22.

177  
178       The Project, as it is to be more fully described in the plans and  
179 specifications prepared by and filed with the City, is hereby approved. The cost  
180 of all necessary appraisals, negotiation, closing, architectural, engineering,  
181 financial, legal and other consulting services, inspection and testing, demolition,  
182 administrative and relocation expenses and other costs incurred in connection



with the foregoing capital projects shall be deemed a part of the capital costs of such Project. Such Project shall be complete with all necessary equipment and appurtenances. The City will determine the exact specifications for the Project, and the components thereof, as well as the timing, order and manner of completing the components of the Project. The City may alter, make substitutions to, and amend the Project as it determines are in the best interests of the City.

(b) *Purpose and Authorization of Bonds.* For the purpose of paying and/or reimbursing the City for costs of the Project and paying costs of issuance, the City is hereby authorized to issue and sell one or more series of limited tax general obligation bonds in an aggregate principal amount not to exceed \$42,500,000 (the "Bonds").

The Bonds shall be general obligations of the City, shall be designated "City of Kirkland, Washington, Limited Tax General Obligation Bonds," with the year and any series or other designation as determined by a Designated Representative. The Bonds of each series shall be dated as of the date of Closing; shall be fully registered as to both principal and interest; shall be in the denomination of \$5,000 each, or any integral multiple thereof, within a series and maturity; shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification; shall bear interest from their date payable on the dates and commencing as provided in the applicable Sale Document; and shall be subject to optional and/or mandatory redemption and mature on the dates and in the principal amounts set forth in the applicable Sale Document, as approved and executed by a Designated Representative pursuant to Section 10 of this ordinance.

### Section 3. Registration, Exchange and Payments.

(a) *Bond Registrar/Bond Register.* The City hereby specifies and adopts the system of registration approved by the Washington State Finance Committee from time to time through the appointment of a state fiscal agent. The City shall cause a bond register to be maintained by the Bond Registrar. So long as any Bonds remain outstanding, the Bond Registrar shall make all necessary provisions to permit the exchange or registration or transfer of Bonds at its designated office. The Bond Registrar may be removed at any time at the option of the Director of Finance and Administration upon prior notice to the Bond Registrar and a successor Bond Registrar appointed by the Director of Finance and Administration. No resignation or removal of the Bond Registrar shall be effective until a successor shall have been appointed and until the successor Bond Registrar shall have accepted the duties of the Bond Registrar hereunder. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of such Bonds and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance. The Bond Registrar shall be responsible for its representations contained in the certificate of authentication of the Bonds.

232  
233 (b) *Registered Ownership.* The City and the Bond Registrar, each in  
234 its discretion, may deem and treat the Registered Owner of each Bond as the  
235 absolute owner thereof for all purposes (except as otherwise provided in this  
236 ordinance or in the Continuing Disclosure Certificate), and neither the City nor  
237 the Bond Registrar shall be affected by any notice to the contrary. Payment of  
238 any such Bond shall be made only as described below, but such Bond may be  
239 transferred as provided herein. All such payments made as described below shall  
240 be valid and shall satisfy and discharge the liability of the City upon such Bond to  
241 the extent of the amount or amounts so paid.

242  
243 (c) *DTC Acceptance/Letters of Representations.* The Bonds initially  
244 shall be held in fully immobilized form by DTC acting as depository. The City has  
245 executed and delivered to DTC the Letter of Representations. Neither the City  
246 nor the Bond Registrar shall have any responsibility or obligation to DTC  
247 participants or the persons for whom they act as nominees (or any successor  
248 depository) with respect to the Bonds in respect of the accuracy of any records  
249 maintained by DTC (or any successor depository) or any DTC participant, the  
250 payment by DTC (or any successor depository) or any DTC participant of any  
251 amount in respect of the principal of or interest on Bonds, any notice which is  
252 permitted or required to be given to Registered Owners under this ordinance  
253 (except such notices as shall be required to be given by the City to the Bond  
254 Registrar or to DTC (or any successor depository)), or any consent given or other  
255 action taken by DTC (or any successor depository) as the Registered Owner. For  
256 so long as any Bonds are held by a depository, DTC or its successor depository  
257 or its nominee shall be deemed to be the Registered Owner for all purposes  
258 hereunder, and all references herein to the Registered Owners shall mean DTC  
259 (or any successor depository) or its nominee and shall not mean the owners of  
260 any beneficial interest in such Bonds.

261  
262 (d) *Use of Depository.*

263  
264 (1) The Bonds shall be registered initially in the name of  
265 "Cede & Co.", as nominee of DTC, with one Bond maturing on each of the  
266 maturity dates for the Bonds in a denomination corresponding to the total  
267 principal therein designated to mature on such date. Registered ownership of  
268 such immobilized Bonds, or any portions thereof, may not thereafter be  
269 transferred except (A) to any successor of DTC or its nominee, provided that any  
270 such successor shall be qualified under any applicable laws to provide the service  
271 proposed to be provided by it; (B) to any substitute depository appointed by the  
272 Director of Finance and Administration pursuant to subsection (2) below or such  
273 substitute depository's successor; or (C) to any person as provided in  
274 subsection (4) below.

275  
276 (2) Upon the resignation of DTC or its successor (or any  
277 substitute depository or its successor) from its functions as depository or a  
278 determination by the Director of Finance and Administration to discontinue the  
279 system of book entry transfers through DTC or its successor (or any substitute  
280 depository or its successor), the Director of Finance and Administration may

hereafter appoint a substitute depository. Any such substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it.

(3) In the case of any transfer pursuant to clause (A) or (B) of subsection (1) above, the Bond Registrar shall, upon receipt of all outstanding Bonds, together with a written request on behalf of the Director of Finance and Administration, issue a single new Bond for each maturity then outstanding, registered in the name of such successor or such substitute depository, or their nominees, as the case may be, all as specified in such written request of the Director of Finance and Administration.

(4) In the event that (A) DTC or its successor (or substitute depository or its successor) resigns from its functions as depository, and no substitute depository can be obtained, or (B) the Director of Finance and Administration determines that it is in the best interest of the Beneficial Owners of the Bonds that such owners be able to obtain physical bond certificates, the ownership of such Bonds may then be transferred to any person or entity as herein provided, and shall no longer be held by a depository. The Director of Finance and Administration shall deliver a written request to the Bond Registrar, together with a supply of physical Bonds, to issue Bonds as herein provided in any authorized denomination. Upon receipt by the Bond Registrar of all then outstanding Bonds together with a written request on behalf of the Director of Finance and Administration to the Bond Registrar, new Bonds shall be issued in the appropriate denominations and registered in the names of such persons as are requested in such written request.

(e) *Registration of Transfer of Ownership or Exchange; Change in Denominations.* The transfer of any Bond may be registered and Bonds may be exchanged, but no transfer of any such Bond shall be valid unless it is surrendered to the Bond Registrar with the assignment form appearing on such Bond duly executed by the Registered Owner or such Registered Owner's duly authorized agent in a manner satisfactory to the Bond Registrar. Upon such surrender, the Bond Registrar shall cancel the surrendered Bond and shall authenticate and deliver, without charge to the Registered Owner or transferee therefor, a new Bond(s) (or Bonds at the option of the new Registered Owner) of the same series, date, maturity and interest rate and for the same aggregate principal amount in any authorized denomination, naming as Registered Owner the person or persons listed as the assignee on the assignment form appearing on the surrendered Bond, in exchange for such surrendered and cancelled Bond. Any Bond may be surrendered to the Bond Registrar and exchanged, without charge, for an equal aggregate principal amount of Bonds of the same series, date, maturity, and interest rate, in any authorized denomination. The Bond Registrar shall not be obligated to register the transfer of or to exchange any Bond during the 15 days preceding any principal payment or redemption date.

(f) *Bond Registrar's Ownership of Bonds.* The Bond Registrar may become the Registered Owner of any Bond with the same rights it would have if it were not the Bond Registrar, and to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as a member of,

or in any other capacity with respect to, any committee formed to protect the right of the Registered Owners or Beneficial Owners of Bonds.

(g) *Place and Medium of Payment.* Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be calculated on the basis of a year of 360 days and twelve 30-day months. For so long as all Bonds are held by a depository, payments of principal thereof and interest thereon shall be made as provided in accordance with the operational arrangements of DTC referred to in the Letter of Representations. In the event that the Bonds of a series are no longer held by a depository, interest on such Bonds shall be paid by check or draft mailed to the Registered Owners at the addresses for such Registered Owners appearing on the Bond Register on the Record Date, or upon the written request of a Registered Owner of more than \$1,000,000 of such Bonds (received by the Bond Registrar at least by the Record Date), such payment shall be made by the Bond Registrar by wire transfer to the account within the United States designated by the Registered Owner. Principal of the Bonds shall be payable upon presentation and surrender of such Bonds by the Registered Owners at the designated office of the Bond Registrar.

If any Bond shall be duly presented for payment and funds have not been duly provided by the City on such applicable date, then interest shall continue to accrue thereafter on the unpaid principal thereof at the rate stated on such Bonds until it is paid.

#### Section 4. Redemption and Purchase of Bonds.

(a) *Redemption of Bonds.* The Bonds of each series shall be subject to mandatory redemption to the extent, if any, as set forth in the applicable Sale Document and as approved by a Designated Representative pursuant to Section 10. The Bonds of each series shall be subject to optional redemption and/or prepayment on the dates, at the prices and under the terms set forth in the applicable Sale Document approved by a Designated Representative pursuant to Section 10.

(b) *Purchase of Bonds.* The City reserves the right to accept an offer to purchase any of the Bonds at any time at a price deemed reasonable by a Designated Representative.

(c) *Selection of Bonds for Redemption.* If the Bonds are held in book-entry only form, the selection of particular Bonds within a series and maturity to be redeemed shall be made in accordance with the operational arrangements then in effect at DTC. If the Bonds are no longer held by a depository, the selection of such Bonds to be redeemed and the surrender and reissuance thereof, as applicable, shall be made as provided in the following provisions of this subsection (c). If the City redeems at any one time fewer than all of the Bonds of a series having the same maturity date, the particular Bonds or portions of Bonds of such series and maturity to be redeemed shall be selected by lot (or in such manner determined by the Bond Registrar) in

increments of \$5,000. In the case of a Bond of a denomination greater than \$5,000, the City and the Bond Registrar shall treat each Bond as representing such number of separate Bonds each of the denomination of \$5,000 as is obtained by dividing the actual principal amount of such Bond by \$5,000. In the event that only a portion of the principal sum of a Bond is redeemed, upon surrender of such Bond at the designated office of the Bond Registrar there shall be issued to the Registered Owner, without charge therefor, for the then unredeemed balance of the principal sum thereof, at the option of the Registered Owner, a Bond or Bonds of like maturity and interest rate in any of the denominations herein authorized.

(d) *Notice of Redemption or Prepayment.*

(1) Official Notice. For so long as the Bonds are held by a depository, notice of redemption (which notice may be conditional) shall be given in accordance with the operational arrangements of DTC as then in effect, and neither the City nor the Bond Registrar will provide any notice of redemption to any Beneficial Owners. Thereafter (if the Bonds are no longer held in uncertificated form), notice of redemption shall be given in the manner hereinafter provided. Unless waived by any owner of Bonds to be redeemed, official notice of any such redemption shall be given by the Bond Registrar on behalf of the City by mailing a copy of an official redemption notice by first class mail at least 20 days and not more than 60 days prior to the date fixed for redemption to the Registered Owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such Registered Owner to the Bond Registrar.

All official notices of redemption shall be dated and shall state:

- (A) the redemption date,
- (B) the redemption price,
- (C) if fewer than all outstanding Bonds are to be redeemed, the identification by maturity (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,
- (D) any conditions to redemption,
- (E) that (unless such notice is conditional) on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and
- (F) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the designated office of the Bond Registrar.

On or prior to any redemption date, unless any condition to such redemption has not been satisfied or waived or notice of such redemption has been rescinded, the City shall deposit with the Bond Registrar an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date. The City retains the right to rescind any redemption notice and the related optional redemption of Bonds by giving notice of rescission to the affected registered owners at any time on or prior to the scheduled redemption date. Any notice of optional redemption that is so rescinded shall be of no effect, and the Bonds for which the notice of optional redemption has been rescinded shall remain outstanding.

(2) Effect of Notice; Bonds Due. If notice of redemption has been given and not rescinded or revoked, or if the conditions set forth in a conditional notice of redemption have been satisfied or waived, the Bonds or portions of Bonds to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and, if the Bond Registrar then holds sufficient funds to pay such Bonds at the redemption price, then from and after such date such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Bond Registrar at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. All Bonds which have been redeemed shall be canceled by the Bond Registrar and shall not be reissued.

(3) Additional Notice. In addition to the foregoing notice, further notice shall be given by the City as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed. Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (A) the CUSIP numbers of all Bonds being redeemed; (B) the date of issue of the Bonds as originally issued; (C) the rate of interest borne by each Bond being redeemed; (D) the maturity date of each Bond being redeemed; and (E) any other descriptive information needed to identify accurately the Bonds being redeemed. Each further notice of redemption may be sent at least 20 days before the redemption date to each party entitled to receive notice pursuant to the Continuing Disclosure Certificate and with such additional information as the City shall deem appropriate, but such mailings shall not be a condition precedent to the redemption of such Bonds.

(4) Amendment of Notice Provisions. The foregoing notice provisions of this Section 4, including but not limited to the information to be included in redemption notices and the persons designated to receive notices, may be amended by additions, deletions and changes in order to maintain compliance with duly promulgated regulations and recommendations regarding notices of redemption of municipal securities.

Section 5. Form of Bonds. The Bonds shall be in substantially the form set forth in **Exhibit A**, which is incorporated herein by this reference.

476           Section 6.       Execution of Bonds. The Bonds shall be executed on behalf  
477 of the City with the manual or facsimile signatures of the Mayor and City Clerk of  
478 the City and the seal of the City shall be impressed, imprinted or otherwise  
479 reproduced thereon.  
480

481           In case either of the officers who shall have executed the Bonds shall  
482 cease to be an officer or officers of the City before the Bonds so signed shall  
483 have been authenticated or delivered by the Bond Registrar, or issued by the  
484 City, such Bonds may nevertheless be authenticated, delivered and issued and  
485 upon such authentication, delivery and issuance, shall be as binding upon the  
486 City as though those who signed the same had continued to be such officers of  
487 the City. Any Bond may be signed and attested on behalf of the City by such  
488 persons who at the date of the actual execution of such Bond, are the proper  
489 officers of the City, although at the original date of such Bond any such person  
490 shall not have been such officer of the City.  
491

492           Only such Bonds as shall bear thereon a Certificate of Authentication in  
493 the form set forth in **Exhibit A**, manually executed by the Bond Registrar, shall  
494 be valid or obligatory for any purpose or entitled to the benefits of this  
495 ordinance. Such Certificate of Authentication shall be conclusive evidence that  
496 the Bonds so authenticated have been duly executed, authenticated and  
497 delivered hereunder and are entitled to the benefits of this ordinance.  
498  
499

500           Section 7.       Application of Bond Proceeds; Project Fund. The Director  
501 of Finance and Administration is hereby authorized to create a fund or account  
502 (the "Project Fund"), and subaccounts therein as necessary, for the purposes set  
503 forth in this section. A portion of the proceeds of the Bonds, net of any  
504 Underwriter's discount and fees, shall be deposited in the Project Fund in the  
505 amounts specified in the closing memorandum prepared in connection with the  
506 issuance of the Bonds. Such proceeds shall be used to pay and/or reimburse the  
507 City for the costs of the Project and, unless otherwise provided by the City, to  
508 pay costs of issuance of the Bonds.  
509

510           The Director of Finance and Administration shall invest money in the  
511 Project Fund and the subaccounts contained therein in such obligations as may  
512 now or hereafter be permitted by law to cities of the State and which will mature  
513 prior to the date on which such money shall be needed, but only to the extent  
514 that the same are acquired, valued and disposed of at Fair Market Value. Any  
515 remaining Bond proceeds (including interest earnings thereon) may be used for  
516 other capital projects of the City or shall be transferred to the Debt Service Fund  
517 for the applicable series of Bonds.  
518

519           Section 8.       Tax Covenants. The City will take all actions necessary to  
520 assure the exclusion of interest on the Bonds from the gross income of the  
521 owners of the Bonds to the same extent as such interest is permitted to be  
522 excluded from gross income under the Code as in effect on the date of issuance  
523 of the Bonds, including but not limited to the following:  
524



525 (a) *Private Activity Bond Limitation.* The City will assure that the  
526 proceeds of the Bonds are not so used as to cause the Bonds to satisfy the  
527 private business tests of Section 141(b) of the Code or the private loan financing  
528 test of Section 141(c) of the Code.

529  
530 (b) *Limitations on Disposition of the Projects.* The City will not sell or  
531 otherwise transfer or dispose of (1) any personal property components of the  
532 Project financed with proceeds of the Bonds other than in the ordinary course of  
533 an established government program under Treasury Regulation § 1.141-2(d)(4)  
534 or (2) any real property components of such Project, unless it has received an  
535 opinion of nationally recognized Bond Counsel to the effect that such disposition  
536 will not adversely affect the treatment of interest on the Bonds as excludable  
537 from gross income for federal income tax purposes.

538  
539 (c) *Federal Guarantee Prohibition.* The City will not take any action or  
540 permit or suffer any action to be taken if the result of such action would be to  
541 cause any of the Bonds to be "federally guaranteed" within the meaning of  
542 Section 149(b) of the Code.

543  
544 (d) *Rebate Requirement.* The City will take any and all actions  
545 necessary to assure compliance with Section 148(f) of the Code, relating to the  
546 rebate of excess investment earnings, if any, to the federal government, to the  
547 extent that such section is applicable to the Bonds.

548  
549 (e) *No Arbitrage.* The City will not take, or permit or suffer to be  
550 taken, any action with respect to the proceeds of the Bonds which, if such action  
551 had been reasonably expected to have been taken, or had been deliberately and  
552 intentionally taken, on the date of issuance of the Bonds would have caused the  
553 Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code.

554  
555 (f) *Registration Covenant.* The City will maintain a system for  
556 recording the ownership of each Bond that complies with the provisions of  
557 Section 149 of the Code until all Bonds have been surrendered and canceled.

558  
559 (g) *Record Retention.* The City will retain its records of all accounting  
560 and monitoring it carries out with respect to the Bonds for at least three years  
561 after the Bonds mature or are redeemed (whichever is earlier); however, if the  
562 Bonds are redeemed and refunded, the City will retain its records of accounting  
563 and monitoring at least three years after the earlier of the maturity or  
564 redemption of the obligations that refunded the Bonds.

565  
566 (h) *Compliance with Federal Tax Certificate.* The City will comply with  
567 the provisions of the Federal Tax Certificate with respect to the Bonds, which are  
568 incorporated herein as if fully set forth herein.

569  
570 The covenants of this section will survive payment in full or defeasance of  
571 the Bonds. In the event of any conflict between this Section and the Federal Tax  
572 Certificate, the provisions of the Federal Tax Certificate will prevail.

573

574        Section 9.     Debt Service Fund and Provision for Non-Voted Regular  
575 Tax Levy Payments. The City hereby authorizes the creation of one or more  
576 funds, and accounts held therein, to be used for the payment of debt service on  
577 each series of Bonds, designated as the "Limited Tax General Obligation Bond  
578 Debt Service Fund" or other such designation selected by the City (the "Debt  
579 Service Fund"). No later than the date each payment of principal of or interest  
580 on the Bonds becomes due, the City shall transmit sufficient funds, from the  
581 Debt Service Fund or from other legally available sources, to the Bond Registrar  
582 for the payment of such principal or interest. Money in the Debt Service Fund  
583 may be invested in legal investments for City funds, but only to the extent that  
584 the same are acquired, valued and disposed of at Fair Market Value. Any  
585 interest or profit from the investment of such money shall be deposited in the  
586 Debt Service Fund.

587  
588        The City hereby irrevocably covenants and agrees for as long as the  
589 Bonds are outstanding and unpaid that each year it will include in its budget and  
590 levy an *ad valorem* tax upon all the property within the City subject to taxation in  
591 an amount that will be sufficient, together with other revenues and money of the  
592 City legally available for such purposes, to pay the principal of and interest on  
593 the Bonds when due.

594  
595        The City hereby irrevocably pledges that the annual tax provided for  
596 herein to be levied for the payment of such principal and interest shall be within  
597 and as a part of the tax levy permitted to cities without a vote of the people, and  
598 that a sufficient portion of each annual levy to be levied and collected by the City  
599 prior to the full payment of the principal of and interest on the Bonds will be and  
600 is hereby irrevocably set aside, pledged and appropriated for the payment of the  
601 principal of and interest on the Bonds. The full faith, credit and resources of the  
602 City are hereby irrevocably pledged for the annual levy and collection of said  
603 taxes and for the prompt payment of the principal of and interest on the Bonds  
604 when due.

605  
606        Section 10.     Sale of Bonds.

607  
608        (a)     *Bond Sale.* The Council has determined that it would be in the  
609 best interest of the City to delegate to each Designated Representative for a  
610 limited time the authority to determine the method of sale for the Bonds, to  
611 authorize the Bonds to be issued in one or more series, and to approve the final  
612 interest rates, maturity dates, redemption terms and principal maturities for each  
613 series of Bonds.

614  
615        Each Designated Representative is hereby authorized to approve the  
616 issuance of one or more series of Bonds and to approve whether the Bonds of a  
617 series shall be sold to an Underwriter through a competitive public sale or a  
618 negotiated public sale, as set forth below.

619  
620        (b)     *Negotiated Bond Sale.* If a Designated Representative determines  
621 that the Bonds of a series are to be sold by negotiated public sale, a Designated  
622 Representative shall select one or more qualified underwriting firms that is in the

best interest of the City. Such Bonds shall be sold to the Underwriter pursuant to the terms of a Bond Purchase Contract.

(c) *Competitive Sale.* If a Designated Representative determines that the Bonds of a series are to be sold at a competitive public sale, a Designated Representative shall: (1) establish the date of the public sale; (2) establish the criteria by which the successful bidder will be determined; (3) request that a good faith deposit in an amount not less than one percent of the principal amount of the offering accompany each bid; (4) cause notice of the public sale to be given; and (5) provide for such other matters pertaining to the public sale as he or she deems necessary or desirable. Such Bonds shall be sold to the Underwriter pursuant to the terms of a Certificate of Award.

(d) *Sale Parameters.* Subject to the terms and conditions set forth in this Section 10, each Designated Representative is hereby authorized to approve the method of sale and the final interest rates, aggregate principal amount, principal maturities, and redemption rights for each series of Bonds in the manner provided hereafter so long as:

(1) the aggregate principal (face) amount of all Bonds issued under this ordinance does not exceed \$42,500,000,

(2) the final maturity date for the Bonds is no later than December 1, 2041,

(3) the true interest cost for the Bonds of a series (in the aggregate) does not exceed 3.50%,

(4) the aggregate purchase price for the Bonds of a series shall not be less than 98% of the aggregate stated principal amount of such Bonds, and

(5) the Bonds of each series otherwise conform to the terms of this ordinance.

Subject to the terms and conditions set forth in this section, each Designated Representative is hereby authorized to execute the appropriate Sale Document on behalf of the City. The signature of one Designated Representative shall be sufficient to bind the City.

Following the execution of a Sale Document, a Designated Representative shall provide a report to the Council describing the final terms of the Bonds approved pursuant to the authority delegated in this section. The authority granted to each Designated Representative by this Section 10 to execute any Sale Document shall expire one year (365 days) after the effective date of this ordinance. If a Sale Document for the Bonds has not been executed by such date, the authorization for the issuance of such Bonds shall be rescinded, and such Bonds shall not be issued nor their sale approved unless such Bonds shall have been re-authorized by ordinance of the Council. The ordinance re-

authorizing the issuance and sale of such Bonds may be in the form of a new ordinance repealing this ordinance in whole or in part or may be in the form of an amendatory ordinance approving a Sale Document or establishing terms and conditions for the authority delegated under this Section 10.

(e) *Delivery of Bonds; Documentation.* The proper officials of the City, including the Designated Representatives, the Mayor and the City Clerk, are authorized and directed to undertake all action necessary for the prompt execution and delivery of the Bonds to the Underwriter and further to execute all closing certificates and documents required to effect the closing and delivery of the Bonds in accordance with the terms of the Sale Document.

Section 11. Preliminary and Final Official Statements. Each Designated Representative are hereby authorized to deem final the preliminary Official Statement(s) relating to the Bonds for the purposes of the Rule. Each Designated Representative are further authorized to approve for purposes of the Rule, on behalf of the City, the final Official Statement(s) relating to the issuance and sale of the Bonds and the distribution of the final Official Statement pursuant thereto with such changes, if any, as may be deemed to be appropriate.

Section 12. Undertaking to Provide Ongoing Disclosure. The City covenants to execute and deliver at the time of Closing of a series of Bonds a Continuing Disclosure Certificate. Each Designated Representative is hereby authorized to execute and deliver a Continuing Disclosure Certificate upon the issuance, delivery and sale of a series of Bonds with such terms and provisions as such officer shall deem appropriate and in the best interests of the City.

Section 13. Defeasance. In the event that money and/or noncallable Government Obligations, maturing at such time or times and bearing interest to be earned thereon in amounts (together with such money, if necessary) sufficient to redeem and retire part or all of the Bonds in accordance with their terms, are set aside in a special account of the City to effect such redemption and retirement, and such money and the principal of and interest on such Government Obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Debt Service Fund for the payment of the principal of and interest on the Bonds so provided for, and such Bonds shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive the money so set aside and pledged, and such Bonds shall be deemed not to be outstanding hereunder. The City shall give or cause to be given written notice of defeasance in accordance with the Continuing Disclosure Certificate.

Section 14. Lost, Stolen or Destroyed Bonds. In case any Bond or Bonds shall be lost, stolen or destroyed, the Bond Registrar may authenticate and deliver a new Bond or Bonds of like date, number and tenor to the Registered Owner thereof upon the Registered Owner's paying the expenses and charges of the City and the Bond Registrar in connection therewith and upon their filing with the City evidence satisfactory to the City that such Bond was actually lost, stolen or destroyed and of their ownership thereof, and upon

furnishing the City and/or the Bond Registrar with indemnity satisfactory to the City and the Bond Registrar.

Section 15. Severability; Ratification. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds. All acts taken pursuant to the authority granted in this ordinance but prior to its effective date are hereby ratified and confirmed.

Section 16. Corrections by Clerk. Upon approval of the City Attorney and Bond Counsel and without further action of the Council, the City Clerk is hereby authorized to make necessary corrections to this ordinance, including but not limited to the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; ordinance numbering and section/subsection numbering; and other similar necessary corrections.

Section 17. Effective Date of Ordinance. This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication of a summary of this ordinance in accordance with Kirkland Municipal Code 1.08.017.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2021.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Pacifica Law Group LLP, Bond Counsel

**Exhibit A**

Form of Bond

[DTC LANGUAGE]

UNITED STATES OF AMERICA

NO. \_\_\_\_

\$ \_\_\_\_\_

STATE OF WASHINGTON

CITY OF KIRKLAND

LIMITED TAX GENERAL OBLIGATION BOND, 20[\_\_\_\_]

INTEREST RATE:      %

MATURITY DATE:

CUSIP NO.:

REGISTERED OWNER:      CEDE &amp; Co.

PRINCIPAL AMOUNT:

The City of Kirkland, Washington (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, the Principal Amount indicated above and to pay interest thereon from \_\_\_\_\_, 20\_\_\_\_, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the Interest Rate set forth above, payable on December 1, 2021, and semiannually thereafter on the first days of each succeeding June and December. Both principal of and interest on this bond are payable in lawful money of the United States of America. The fiscal agent of the State of Washington has been appointed by the City as the authenticating agent, paying agent and registrar for the bonds of this issue (the "Bond Registrar"). For so long as the bonds of this issue are held in fully immobilized form, payments of principal thereof and interest thereon shall be made as provided in accordance with the operational arrangements of The Depository Trust Company ("DTC") referred to in the Blanket Issuer Letter of Representations (the "Letter of Representations") from the City to DTC.

The bonds of this issue are issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Washington and Ordinance No. \_\_\_\_ duly passed by the City Council on \_\_\_\_\_, 2021 (the "Bond Ordinance"). Capitalized terms used in this bond have the meanings given such terms in the Bond Ordinance.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Bond Registrar or its duly designated agent.

This bond is one of an authorized issue of bonds of like date, tenor, rate of interest and date of maturity, except as to number and amount in the aggregate principal amount of \$ \_\_\_\_\_ and is issued pursuant to the Bond Ordinance to provide a portion of the funds necessary (a) acquire, design, construct, develop, improve, equip and furnish City transportation projects and City fire and public safety facilities, and (b) to pay costs of issuance of the Bonds.

[insert description of redemption or prepayment terms]

The City hereby irrevocably covenants and agrees with the owner of this bond that it will include in its annual budget and levy ad valorem taxes annually, within and as a part of the tax levy permitted to the City without a vote of the electorate, upon all the property subject to taxation in amounts sufficient, together with other money legally available therefor, to pay the principal of and interest on this bond as the same shall become due on and after such date. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and the prompt payment of such principal and interest.

The pledge of tax levies for payment of principal of and interest on the bonds may be discharged prior to maturity of the bonds by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Washington to exist and to have happened, been done and performed precedent to and in the issuance of this bond exist and have happened, been done and performed and that the issuance of this bond and the bonds of this issue does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City may incur.

IN WITNESS WHEREOF, the City of Kirkland, Washington, has caused this bond to be executed by the manual or facsimile signatures of the Mayor and the City Clerk and the seal of the City to be imprinted, impressed or otherwise reproduced hereon as of this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[SEAL]

CITY OF KIRKLAND, WASHINGTON

By       /s/ manual or facsimile        
Mayor

ATTEST:

      /s/ manual or facsimile        
City Clerk



CERTIFICATE OF AUTHENTICATION

Date of Authentication: \_\_\_\_\_

This bond is one of the bonds described in the within-mentioned Bond Ordinance and is one of the Limited Tax General Obligation Bonds, 20\_\_\_\_, of the City of Kirkland, Washington, dated \_\_\_\_\_, 20\_\_\_\_.

WASHINGTON STATE FISCAL AGENT, as  
Bond Registrar

By \_\_\_\_\_

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4753

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF LIMITED TAX GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$42,500,000 FOR THE PURPOSE OF FINANCING THE COSTS RELATED TO ACQUIRING, CONSTRUCTING, IMPROVING, EQUIPPING AND/OR RENOVATING CITY TRANSPORTATION PROJECTS AND CITY FIRE AND PUBLIC SAFETY FACILITIES AND PAYING COSTS OF ISSUING THE BONDS; DELEGATING CERTAIN AUTHORITY TO APPROVE THE METHOD OF SALE AND FINAL TERMS OF THE BONDS; AND AUTHORIZING OTHER RELATED MATTERS.

Section 1. Defines certain capitalized terms used in the Ordinance.

Section 2. Sets forth findings of the Council, and authorizes the issuance and sale of one or more series of the City's limited tax general obligation bonds in an aggregate principal amount not to exceed \$42,500,000 (the "Bonds") for the purpose of acquiring, designing, constructing, developing, improving, equipping and furnishing City transportation projects and City fire and public safety facilities (the "Project"), and to pay costs of issuance of the Bonds.

Section 3. Adopts a system of registration and exchange for the Bonds and describes the arrangements for paying principal of and interest on the Bonds.

Section 4. Provides for the redemption of the Bonds prior to their scheduled maturities to the extent, if any, set forth in the applicable bond purchase agreement or certificate of award (the "Sale Document") pursuant to which the Bonds will be sold to an underwriter.

Section 5. Describes the form of the Bonds.

Section 6. Specifies the manner of the execution and authentication of the Bonds.

Section 7. Authorizes the application of Bond proceeds for the Project and the creation of the Project Fund.

Section 8. Covenants that the City will take all actions necessary to exclude interest on the Bonds from the gross income of the owners for federal income tax purposes.

Section 9. Provides for the payment of debt service on the Bonds from property tax levies permitted to the City without a vote of the people or from other legally available sources, and pledges the full faith, credit and resources of the City for the levy and collection of such taxes and the prompt payment of debt service on the Bonds.

Section 10. Delegates authority, for a limited time, to determine whether the Bonds will be offered through a competitive public sale or a negotiated public sale and to execute a Sale Document specifying the financial terms of the Bonds within parameters adopted by the City Council; and authorizes all actions necessary to execute and deliver each series of Bonds in accordance with the terms of the Sale Document.

Section 11. Delegates authority to approve the preliminary and final Official Statements in connection with the offering of the Bonds to the public.

Section 12. Covenants that the City will execute and deliver at closing a continuing disclosure certificate for the benefit of the owners of the Bonds.

Section 13. Sets forth conditions under which the Bonds may be defeased.

Section 14. Provides for the authentication and delivery of new Bonds as may be necessary to replace any Bonds that are lost, stolen or destroyed.

Section 15. Provides for the severability of the Ordinance and ratifies prior actions taken in furtherance of the purposes of the Ordinance.

Section 16. Authorizes the City Clerk to correct any clerical errors in the Ordinance, with approval of the City Attorney and the City's bond counsel.

Section 17. States the effective date of the Ordinance.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 2021.

I certify that the foregoing is a summary of Ordinance No. 4753 approved by the Kirkland City Council for summary publication.

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Kathi Anderson, City Clerk



**CITY OF KIRKLAND**  
**Department of Finance & Administration**  
**123 Fifth Avenue, Kirkland, WA 98033 425.587.3100**  
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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Michael Olson, Director of Finance & Administration  
Sri Krishnan, Deputy Director of Finance & Administration  
George Dugdale, Financial Planning Manager  
Robby Perkins-High, Senior Financial Analyst  
Andrea Peterman, Budget Analyst  
Kevin Lowe Pelstring, Budget Analyst

**Date:** March 16, 2021

**Subject:** **2021-2022 BUDGET ADJUSTMENT: FIRE & EMS PROPOSITION 1  
LEVY, DEBT ISSUANCE, AND OPERATING CARRYOVERS**

**RECOMMENDATION:**

The City Council receives an update on proposed adjustments to the adopted 2021-2022 budget, resulting from the implementation of Fire Prop 1, proposed 2021 debt issuance, and departmental carryover requests, and adopts the attached ordinance increasing the 2021-2022 budget appropriations for selected funds.

**BACKGROUND DISCUSSION:**

State law prohibits expenditures from exceeding the budgeted appropriation for any fund and requires the City to adjust appropriations when:

- Unanticipated revenue exists and will potentially be expended;
- New funds are established during the budget year which were not included in the original budget; or
- The City Council authorizes positions, projects, or programs not incorporated into the current year's budget.

This budget adjustment authorizes positions and programs not currently incorporated into the budget and allows for appropriation increases where it is anticipated that total expenditures may be in excess of the adopted 2021-2022 budget. The adjustments included in this proposed 2021-2022 budget amendment consist of:

1. Adjustments relating to Fire & EMS Prop 1 Levy;
2. Adjustments relating to the proposed debt issuance for transportation and fire capital projects and repayment of the interfund loan for the Fire Station 27 property; and
3. Operating carryovers resulting from unspent appropriations in 2019-2020.

The total appropriation adjustments result in a net budget increase of \$80.5 million. The majority of these appropriation adjustments are related to the recognition of the debt proceeds in the capital funds, as well as the technical appropriation to two funds to allow for the repayment of the interfund loan that was used to purchase Fire Station 27 land. The General Fund increase of \$16.6 million represents the recognition of the \$14.6 million of Fire Prop 1 funding, as well as \$1.9 million of appropriation carried forward from 2019-2020 and \$1.38 million of sales tax audit revenue received in 2020. The Budget Summary Attachments **(Attachments A & B)** show the individual adjustments that make up this overall increase.

### **Fire and EMS Levy Proposition 1 (Prop 1) Budget Adjustments**

As described in a companion staff memo on this Council agenda, the Fire and Emergency Medical Services Proposition 1 (Prop 1) ballot measure passed on November 3, 2020 and authorized a single permanent levy lid lift to fund both operating and capital ballot measure elements. The actual levy rate generates revenue that will increase Kirkland's total biennial budget for 2021-2022 and therefore must be adopted by ordinance. Budget adjustments, organized below by operating and capital implementation, will recognize the additional revenues, expenditures, and capital project transfers.

**Operating Implementation Adjustments.** The General Fund appropriation from the Prop 1 Levy will total \$14,664,735 (\$7,259,770 in 2021 and \$7,404,965 in 2022). Revenue adjustments are as follows:

- Recognize \$7,259,770 in total tax revenue from levy in 2021 and \$7,404,965 in 2022.
  - The amount needed for operating implementation is \$7,015,191 in 2021 and \$7,155,495 in 2022.
  - The remaining tax revenue of \$244,579 in 2021 and \$249,470 in 2022 will be set aside for Council deliberation on investment priorities.

The Fire Department operating expenditure budget will be adjusted to allocate the costs of hiring 15 additional full-time equivalent (FTE) firefighters/emergency medical technicians (EMTs) and to replenish the department's Personal Protective Equipment (PPE) supply in 2021. The firefighter/EMT hiring timeline requires a higher budget allocation in 2022, with five FTEs to be hired in 2021 and an additional 10 FTEs to be hired in 2022. Five firefighters/EMTs will also be hired in 2023 and funding for this addition will be included as part of the 2023-2024 Operating Budget. The expenditure adjustments to the 2021-2022 Adopted Budget are outlined below:

- Allocate \$586,214 in 2021 and \$2,624,652 in 2022 to hire 15 full-time firefighters/EMTs:
  - One-time costs for uniforms, PPE, pre-hire evaluations, and academy: \$131,658 in 2021 and \$265,948 in 2022.
  - Ongoing salary, benefit, and overhead costs: \$454,556 in 2021 and \$2,358,703 in 2022. The assumed total for overhead cost increases will be held in General Fund Working Capital until internal service rate models are revised during the 2021 mid-biennial budget update.
- Allocate \$116,931 for a one-time purchase of a twelve-month reserve of PPE in 2021.

- Allocate the remaining levy funding of \$6,312,046 in 2021 towards funding the beginning of fire station 27 and 22 capital projects, along with \$159,882 of Ground Emergency Medical Transportation (GEMT) funds.
- Allocate \$482,992 of GEMT funds in 2021 towards paying for debt service on the 2021 Limited Tax General Obligation (LTGO) bond.
- Allocate the remaining GEMT funds of \$357,125 and General Fund revenues of \$1,188,858 in 2022 to pay for debt service.
- Allocate the remaining \$4,530,843 in 2022 to support fire station capital projects (\$3,341,984), and existing Fire operations and firefighter/EMT positions (\$1,188,858), consistent with the levy adoption ordinance, thus making the general tax revenues currently supporting those costs available to support debt service.

**Fire Capital Implementation Adjustments.** Capital adjustments will be made in 2021 and 2022 as outlined by project below, totaling \$28,565,455 for the biennium. The Fire Station 21 project will not begin until the 2023-2024 biennium and is not included in these adjustments.

- Fire Station 27 in Totem Lake adjustments:
  - Design: \$1,526,613 in 2021 and \$1,443,790 in 2022.
  - Construction: \$14,567,114 in 2022.
- Fire Station 22 in Houghton adjustments:
  - Design: \$834,067 in 2021 and \$300,342 in 2022.
  - Construction: \$6,344,488 in 2022.
- Fire Station 26 in Rose Hill adjustments:
  - Design: \$343,133 in 2022.
- Adjustments related to the Temporary Station to house firefighter/EMTs during renovations of Stations 22 and 26:
  - Design: \$387,249 in 2021.
  - Construction: \$2,818,660 in 2022.

Funding for these adjustments will be a combination of General Fund revenues, debt financing, and Ground Emergency Medical Transportation (GEMT) reimbursements, as described below.

**Transportation Capital Project Budget Adjustments.** The transportation area of the City's Capital Improvement Program (CIP) also contains projects partially funded with debt. As it is more cost efficient to minimize the number of debt issuances this debt will be issued along with the fire station projects described above. The transportation capital adjustments in 2021 and 2022 are outlined by project below, and total \$16,122,300 for the biennium.

- NE 124th St/124th Ave NE Ped Bridge Design and Construction - \$10,000,000
- 100<sup>th</sup> Avenue NE Roadway Improvements (North Section) - \$296,000
- 100<sup>th</sup> Avenue NE Roadway Improvements (Mid-North Section) - \$571,000
- Juanita Drive Intersection and Safety Improvements - \$2,773,200
- 124<sup>th</sup> Ave NE Roadway - \$1,982,000
- NE 132<sup>nd</sup> St/108<sup>th</sup> Avenue NE Intersection Improvements - \$500,000

### **Proposed Debt Issuance for Capital Projects and Repayment of Interfund Loan for Fire Station 27 Property**

Using Prop 1 levy revenues to fund fire station capital projects in 2021 and 2022 and using GEMT funds to pay 2021 debt service on the issuance of the Councilmanic funds will allow the Council to accelerate delivery of the capital projects, as described in the accompanying staff memo on this Council agenda. Debt service will total \$482,992 in 2021 and \$1,545,984 in 2022. Revenue and expense changes related to the fire station projects in years 2023 through 2025 will be incorporated in future budgets.

The following funding sources (totaling \$34,509,195) will be used in the biennium to fund the renovation and construction of the fire stations. An additional \$2,028,977 will pay for the debt service on the 2021 Limited Tax General Obligation (LTGO) bond over the biennium:

- Fire Proposition 1 revenues totaling \$6,312,046 in 2021 and \$4,530,843 in 2022 will fund fire station capital projects and Fire Operations. Of which, \$3,724,000 in 2021 and \$2,219,740 in 2022 will be used to repay the Interfund Loan used to purchase the Fire Station 27 property.
- General Fund is paying \$1,188,859 for debt service in 2022 and General Fund will pay debt service in the following years.
- Ground Emergency Medical Transportation (GEMT) revenue of \$1,000,000, of which \$159,883 will pay for capital costs in 2021, \$482,992 will pay for the debt service in 2021, and \$357,125 will pay for debt service in 2022.
- Debt revenue of \$24,695,282 in 2021.

As described above, LTGO bonds (totaling \$16,122,300) will also be issued to fund Transportation projects. This debt service will be funded with Real Estate Excise Tax (REET) revenues in the amounts of \$314,625 in 2021 and \$1,009,250 in 2022. The total appropriation increase for debt in 2021, including issuance costs, across transportation and fire stations is \$41,160,185.

### **Carryovers from the 2019-2020 Operating Budget**

Carryovers relate to uncompleted projects, contracts, or purchases that were authorized but not spent in the prior biennial budget. In order to complete these items, both the funding and the expenditure authority need to be "carried over" from the 2019-2020 Budget to the 2021-2022 Budget. Accordingly, the 2021-2022 Adopted Budget needs to be amended. Funding for carryovers primarily comes from recognizing cash that was obligated but not spent in the prior biennium (i.e. Resources Forward) and from external sources such as grants. Recommended carryover requests total \$1.96 million in the General Fund and \$2.26 million in other operating funds. In addition, revenue and transfers to reserves from a 2020 sales tax audit back-payment total \$1.38 million in the General Fund. Carryover items include the following:

**Projects/programs not completed in 2019-2020.** These recommended carryovers are for projects previously funded in the 2019-2020 budget that are not yet completed. Recommended carryovers for 2019-2020 projects continuing into or being postponed until the 2021-2022 biennium total \$1,168,803 in the General Fund and \$1,038,581 in other funds, including:



### General Fund

- Safe, Inclusive and Welcoming Kirkland Funds, \$16,000
- Creation and/or replacement of deteriorating neighborhood signs, \$35,585
- Regional Economic Development – Startup 425, \$16,592
- Salary & Benefits for Special Projects Coordinator extending through May 2021, \$57,475
- Waste Management Settlement for Community Events, \$39,000
- R-5434 Early Action Funding, \$133,364
- Implicit Bias Training, \$20,000
- Synthetic Turf Strategic Plan, \$125,000
- Eastside Resource Guide for Older Adults – Senior Council, \$4,000
- Unspent Human Services Grants, \$121,765
- Goat Hill Risk Assessment, \$100,000
- Digitization Project & Records Management Service Package, \$94,443
- Police Prop 1 Gun Safety Funding, \$86,600
  - Project put on hold in May 2019 and will be rescoped to be completed in 2021.
- Fire Department Drone Service Package, \$55,000
- 405/85<sup>th</sup> Station Plan, \$263,979 (see more information below)

The City Manager recommends use of \$263,979 of resources forward to carryover the remaining original budget allocated for the I-405/85<sup>th</sup> Station Area Plan project. Because of the potential new scope for this work being considered including a broader benefit and level of service impact analysis, there will be a forthcoming memo in April, with an additional cost of between \$300,000-500,000 and funding options identified.

### Lodging Tax Fund

- Unspent Website Redesign Service Package for hosting and Search Engine Optimization, \$13,500

### Cemetery Operating Fund

- Cemetery Tree Removal & Replacement, \$22,000

### Street Operating Fund

- Sidewalk Opportunity Fund, \$127,403
- Signal Supplies, \$16,863
- Signal Inventory, \$14,116
- Signal Capital, \$40,000
- Maintenance Center Emergency Preparedness, \$51,460
- Maintenance Center Field Staff Computers, \$13,333

### Water/Sewer Operating Fund

- Upgrade to Wastewater Division's Lead Person's Truck (PU-76), \$25,000
- Wastewater Lift Station Pumps, \$60,000
- Telemetry Master Plan, \$80,000
- Maintenance Center Emergency Preparedness, \$51,460
- Maintenance Center Field Staff Computers, \$13,333
- Utility Maintenance Small Tools Replacement, \$5,435

Surface Water Management Fund

- Maintenance Center Emergency Preparedness, \$51,460
- Maintenance Center Field Staff Computers, \$13,333
- Utility Maintenance Shoring Equipment Replacement, \$5,285

Fleet Fund

- Fueling Equipment Replacement, \$220,000

Information Technology

- IFAS Sunset Support Service Package, \$40,600
- Smart City Framework Service Package, \$100,000
- Fiber Management & Funding Plan Service Package, \$50,000
- Leadership Training for IT Team, \$24,000

**2020 Invoice Payments.** Carryovers in this category reflect adjustments to the 2021-2022 Budget to acknowledge payment of invoices in the current biennium for services received in the prior biennium. This adjustment is necessary because vendors did not invoice the City in time to allow for payment from the 2020 budget. Since the implementation of Munis this category has become less significant as it is designed to use the prior year budget when these invoices are paid in the first few months of the following year. Carryovers for invoice payments in the General Fund total \$283,750 and \$105,152 in all other operating funds, including:

General Fund

- King County Election Service Invoice, \$283,750

Surface Water Management Fund

- Small Tools Equipment Charged to 2021, \$3,860

Surface Water Management Fund

- Dewatering Pump Purchase, \$101,292

**Open Contracts from 2019-2020.** These recommended carryovers are recommended to roll over budget authority for open contracts previously funded in the 2019-2020 budget to match the remaining contract balance. Recommended carryovers for 2019-2020 open contracts continuing into or being postponed until the 2021-2022 biennium total \$315,768 in the General Fund and \$532,602 in other funds, including:

General Fund

- KDA contract for Community Events, \$31,660
- Business Impact NW contract for COVID-related Business Support Services, \$12,000
- Transportation Program Advisor (Harold Taniguchi) contract, \$22,779
- Water Bearers Sculpture Repair & Restoration contract, \$20,282
- Holmes Point Study contract, \$89,710
- Goodwill Hill – OTAK contract (part of the 2019-20 Holmes Point Service Package), \$9,513
- Kirkland Green Trip, \$94,824
- CIP Consultant – Rock Consulting contract, \$35,000

Street Operating Fund

- Diamond Parking contract, \$185,814

Water/Sewer Operating Fund

- Water Model Update, \$131,555

Surface Water Management Fund

- Herrera contract for Water Quality sampling, \$8,798
- Spill Kit Program contract, \$4,094
- Pipe Capacity Work, \$50,000
- Local Source Control, \$37,325

Information Technology

- Axon PD contract, \$115,016

**Unspent Grant Revenue.** Recommended carryovers for grants receivable to the City of Kirkland from 2019-2020 total \$65,491 in the General Fund and \$517,426 in other funds:

General Fund

- FY2020 Emergency Management Performance Grant – FEMA, \$48,782
- FY2020 Emergency Management Performance Supplemental Grant – FEMA, \$16,709

Surface Water Management Fund

- Cedar Creek Stormwater Retrofit Grant – Department of Ecology, \$477,426
- Yard Smart Grant – King Conservation District, \$40,000

**Programs and projects directly impacted by COVID-19.** These program and project delays result from the restrictions and impacts of COVID-19. Recommended carryovers from COVID-19 delays from 2020 total \$110,858 in the General Fund and \$26,419 in other funds:

General Fund

- Youth & Family Behavioral Health Programming, including annually scheduled Youth Summit – Youth Services, \$20,000
- Marina Gate Repair, \$23,000
- Marina Dock Repair, \$8,900
- Additional vehicles rentals to Accommodate COVID-19 restrictions, \$11,976
- Safe Routes to School Drone contract, \$6,600
- Safe Routes to School Circulation Analysis – TOOLE contract, \$40,382

Parks Maintenance Fund

- Additional vehicles rentals to accommodate COVID-19 restrictions, \$2,262

Parks Levy Fund

- WCC Funding – Green Kirkland Partnership contracted crew, \$16,824
- Additional vehicles rentals to accommodate COVID-19 restrictions, \$7,333

**Other Carryovers.** These are recommended carryovers for other items that were approved in 2020 for use in 2021 and do not fall into the categories discussed above. These items total \$19,045 in the General Fund and \$46,000 in other funds:

General Fund

- Salary & Benefits for 2021 0.5 FTE Corrections Administrative Support Associate, \$19,045

This continuation of this position through 5/15/2021 was approved by the City Manager in 2020 via a Memorandum in Support of Position (MSP), resulting in this expense authority needing to be carried over.

Parks Maintenance Fund

- Surface Water Fine Revenue for Outreach, \$46,000

Surface Water Fine revenue is designated for outreach to reduce future fines. This \$46,000 in funding was approved in 2020 as partial funding for a service package in the 2021-2022 Operating Budget (21PW19), which funded an Education & Outreach Specialist in Parks and Community Services. Recognizing this carryover completes the funding for this already approved service package.

**Recognizing sales tax audit revenue.** A Department of Revenue audit resulted in \$1,384,690 of back payments from 2010-2016 from a Kirkland company. This revenue was received in the General Fund in November 2020 and is being recognized as Resources Forward to fund the following Council priorities:

General Fund

- Human Services Reserve, \$834,690
- 2023-2024 Deficit Reduction Reserve, \$500,000
- Parks & Community Services Scholarship Fund, \$50,000

**SUMMARY:**

**Table 1** below summarizes the total budget appropriation change of \$80.5 million:

**Table 1 – Adjustment Type Summary**

| <b>Adjustment Type</b>                           | <b>General Fund</b> | <b>Other Funds</b> | <b>Total</b>      |
|--|---------------------|--------------------|-------------------|
| Fire & EMS Prop 1 Levy and Fire Capital Projects | 8,761,640           | 30,594,432         | 39,356,072        |
| Transportation Capital Projects                  | -                   | 17,446,175         | 17,446,175        |
| Debt Issuance Costs                              | -                   | 343,233            | 343,233           |
| Interfund Loan                                   | 5,903,095           | 11,806,190         | 17,709,285        |
| Carryovers                                       | 1,963,715           | 2,266,180          | 4,229,895         |
| Sales Tax Audit Revenue                          | 1,384,690           | -                  | 1,384,690         |
| <b>Total</b>                                     | <b>18,013,140</b>   | <b>62,456,210</b>  | <b>80,469,350</b> |

**Table 2** displays the adjustments and summarizes the 2021-2022 revised budget by fund type. The Budget Summary Attachments (**Attachments A & B**) detail the budget adjustments by type and revenue source, where applicable.

**Table 2 – Fund Appropriation Change Summary**

| <b>Fund Type</b>      | <b>2021-2022<br/>Current Budget</b> | <b>Appropriation<br/>Adjustments</b> | <b>2021-2022<br/>Amended Budget</b> |
|-----------------------|-------------------------------------|--------------------------------------|-------------------------------------|
| General Government:   |                                     |                                      |                                     |
| General Fund          | 266,974,628                         | 18,013,140                           | 284,987,768                         |
| Other Operating Funds | 36,832,363                          | 510,908                              | 37,343,271                          |
| Internal Funds        | 83,284,249                          | 650,908                              | 83,935,157                          |
| Non-Operating Funds   | 232,997,282                         | 54,286,935                           | 287,284,217                         |
| Utilities Funds:      |                                     |                                      |                                     |
| Water/Sewer           | 114,394,972                         | 6,269,878                            | 120,664,850                         |
| Surface Water         | 51,455,970                          | 737,581                              | 52,193,551                          |
| Solid Waste           | 41,520,106                          | -                                    | 41,520,106                          |
| <b>Total Budget</b>   | <b>827,459,570</b>                  | <b>80,469,350</b>                    | <b>907,928,920</b>                  |

By approving the attached ordinance updating the budget, the Council will be adjusting the appropriation authority to reflect these new revenues and other changes. The next opportunity to adjust the budget is scheduled in June 2021 as part of the mid-year budget adjustment process.

City of Kirkland  
 2021-2022 Budget  
 2021 Mid-Year Budget Adjustment Summary - Prop 1 Levy & Capital Projects

| Adjustment Type                            | Dept. | Description  | Adjustments | Appropriation Adjustment | Funding Source         |                       |            |                      | Funding Source/Notes |
|--|-------|--|-------------|--------------------------|------------------------|-----------------------|------------|----------------------|----------------------|
|  |       |  |             |                          | Internal Transf./Chrg. | Reserves/Fund Balance | Debt       | External Revenue     |                      |
| General Fund (010)                         |       |  |             |                          |                        |                       |            |                      |                      |
| Council & Other                            | FD    | Replenish Personal Protective Equipment (PPE)                    | 116,931     | 116,931                  |                        |                       | 116,931    | FD Prop 1            |                      |
| Council & Other                            | FD    | New Firefighter/EMTs (one-time and ongoing costs for 15 hires)   | 3,210,865   | 3,210,865                |                        |                       | 3,210,865  | FD Prop 1            |                      |
| Council & Other                            | FD    | Fire Station Capital Projects                                    | 9,813,914   | 9,654,032                |                        | 159,882               | 9,654,032  | FD Prop 1/GEMT       |                      |
| Council & Other                            | FD    | Transfer to LTGO Debt Fund for Debt Service Payments             | 2,028,976   | 1,188,858                |                        | 840,118               | 1,188,858  | General Fund/GEMT    |                      |
| Council & Other                            | CC    | Prop 1 Levy Reserved for Other Safety Purposes                   | 494,049     | 494,049                  |                        |                       | 494,049    | FD Prop 1            |                      |
| General Fund Total                         |       |  | 15,664,735  | 14,664,735               | -                      | 1,000,000             | -          | 14,664,735           |                      |
| OTHER FUNDS                                |       |  |             |                          |                        |                       |            |                      |                      |
| LTGO Debt Fund (210)                       |       |  |             |                          |                        |                       |            |                      |                      |
| Council & Other                            | FA    | Debt Issuance Costs - Fire Projects                              | 208,889     | 208,889                  |                        |                       | 208,889    | Debt                 |                      |
| Council & Other                            | FA    | Debt Service - Fire Projects                                     | 2,028,976   | 2,028,976                | 2,028,976              |                       |            | General Fund         |                      |
| Council & Other                            | FA    | Debt Issuance Costs - Transportation Projects                    | 134,344     | 134,344                  |                        |                       | 134,344    | Debt                 |                      |
| Council & Other                            | FA    | Debt Service - Transportation Projects                           | 1,323,875   | 1,323,875                | 1,323,875              |                       |            | REET                 |                      |
| LTGO Debt Fund Total                       |       |  | 3,696,084   | 3,696,084                | 3,352,851              | -                     | 343,233    | -                    |                      |
| General Capital Projects Fund (310)        |       |  |             |                          |                        |                       |            |                      |                      |
| Council & Other                            | FA    | Fire Station 27 Interfund Loan Repayment                         | 5,903,095   | 5,903,095                | 5,903,095              |                       |            | General Fund         |                      |
| Council & Other                            | PW    | Fire Station 27 Design and Construction                          | 17,537,517  | 17,537,517               | 2,648,858              |                       | 14,888,659 | General Fund & Debt  |                      |
| Council & Other                            | PW    | Fire Station 22 Design and Construction                          | 7,478,897   | 7,478,897                | 834,067                |                       | 6,644,830  | General Fund & Debt  |                      |
| Council & Other                            | PW    | Fire Station 26 Design   | 343,133     | 343,133                  |                        |                       | 343,133    | General Fund & Debt  |                      |
| Council & Other                            | PW    | Temporary Station Design and Construction                        | 3,205,909   | 3,205,909                | 387,249                |                       | 2,818,660  | General Fund & Debt  |                      |
| General Capital Projects Fund Total        |       |  | 34,468,551  | 34,468,551               | 9,773,269              | -                     | 24,695,282 | -                    |                      |
| Transportation Capital Projects Fund (320) |       |  |             |                          |                        |                       |            |                      |                      |
| Council & Other                            | PW    | NE 124th St/124th Ave NE Ped Bridge Design and Construction      | 10,000,000  | 10,000,000               |                        |                       | 10,000,000 | Debt                 |                      |
| Council & Other                            | PW    | 100th Avenue NE Roadway Improvements (North Section)             | 296,000     | 296,000                  |                        |                       | 296,000    | Debt                 |                      |
| Council & Other                            | PW    | 100th Avenue NE Roadway Improvements (Mid-North Section)         | 571,100     | 571,100                  |                        |                       | 571,100    | Debt                 |                      |
| Council & Other                            | PW    | Juanita Drive Intersection and Safety Improvements               | 2,773,200   | 2,773,200                |                        |                       | 2,773,200  | Debt                 |                      |
| Council & Other                            | PW    | 124th Ave NE Roadway   | 1,982,000   | 1,982,000                |                        |                       | 1,982,000  | Debt                 |                      |
| Council & Other                            | PW    | NE 132nd St/108th Avenue NE Intersection Improvements            | 500,000     | 500,000                  |                        |                       | 500,000    | Debt                 |                      |
| Transportation Capital Projects Fund       |       |  | 16,122,300  | 16,122,300               | -                      | -                     | 16,122,300 | -                    |                      |
| Water/Sewer Capital Fund (413)             |       |  |             |                          |                        |                       |            |                      |                      |
| Council & Other                            | FA    | Repayment of interfund loan for Fire Station 27 land acquisition | 5,903,095   | 5,903,095                | 5,903,095              |                       |            | General Fund via 310 |                      |
| Water/Sewer Capital Fund Total             |       |  | 5,903,095   | 5,903,095                | 5,903,095              | -                     | -          | -                    |                      |
| TOTAL OTHER FUNDS                          |       |  | 60,190,030  | 60,190,030               | 19,029,215             | -                     | 41,160,815 | -                    |                      |
| TOTAL ALL FUNDS                            |       |  | 75,854,765  | 74,854,765               | 19,029,215             | 1,000,000             | 41,160,815 | 14,664,735           |                      |

**City of Kirkland**  
**2021-2022 Budget**  
**2020 Carryover Budget Adjustment Summary**

| Adjustment Type    | Dept. | Description  | Adjustments | Appropriation Adjustment | Funding Source         |                       |      |                  | Funding Source/Notes                           |
|--------------------|-------|--|-------------|--------------------------|------------------------|-----------------------|------|------------------|--|
|                    |       |  |             |                          | Internal Transf./Chrg. | Reserves/Fund Balance | Debt | External Revenue |  |
| General Fund (010) |       |  |             |                          |                        |                       |      |                  |  |
| Carryover          | CM    | Safe, Inclusive & Welcoming Kirkland Funds   | 16,000      | 16,000                   |                        | 16,000                |      |                  | Resources Forward                              |
| Carryover          | CM    | Creation/replacement of Neighborhood Signs   | 35,585      | 35,585                   |                        | 35,585                |      |                  | Resources Forward                              |
| Carryover          | CM    | Regional Economic Development - Startup 425  | 16,592      | 16,592                   |                        | 16,592                |      |                  | Resources Forward                              |
| Carryover          | CM    | Pos. 805 Special Projects Coordinator Salary   | 38,571      | 38,571                   |                        | 38,571                |      |                  | Resources Forward                              |
| Carryover          | CM    | Pos. 805 Special Projects Coordinator Benefits   | 18,904      | 18,904                   |                        | 18,904                |      |                  | Resources Forward                              |
| Carryover          | CM    | KDA Contract - Community Events  | 31,660      | 31,660                   |                        | 31,660                |      |                  | Resources Forward                              |
| Carryover          | CM    | Waste Management Community Events  | 39,000      | 39,000                   |                        | 39,000                |      |                  | Resources Forward                              |
| Carryover          | CM    | Contract with Business Impact NW for COVID related business support services           | 12,000      | 12,000                   |                        | 12,000                |      |                  | Resources Forward                              |
| Carryover          | CM    | Remaining amount in Harold Taniguchi's contract 32000027 (Harold Taniguchi's contract) | 22,779      | 22,779                   |                        | 22,779                |      |                  | Resources Forward                              |
| Carryover          | CM    | R-5434 Early Action Funding  | 133,364     | 133,364                  |                        | 133,364               |      |                  | Resources Forward                              |
| Carryover          | HR    | Implicit Bias Training   | 20,000      | 20,000                   |                        | 20,000                |      |                  | Resources Forward                              |
| Carryover          | PCS   | Synthetic Turf Strategic Plan  | 125,000     | 125,000                  |                        | 125,000               |      |                  | Resources Forward                              |
| Carryover          | PCS   | Eastside Resource Guide for Older Adults -- Senior Council                             | 4,000       | 4,000                    |                        | 4,000                 |      |                  | Resources Forward                              |
| Carryover          | PCS   | Youth & Family Behavioral Health Programming -- Youth Services                         | 20,000      | 20,000                   |                        | 20,000                |      |                  | Resources Forward                              |
| Carryover          | PCS   | Unspent Human Services Grants  | 121,765     | 121,765                  |                        | 121,765               |      |                  | Resources Forward                              |
| Carryover          | PCS   | Marina Gate Repair   | 23,000      | 23,000                   |                        | 23,000                |      |                  | Resources Forward                              |
| Carryover          | PCS   | Marina Dock Repair   | 8,900       | 8,900                    |                        | 8,900                 |      |                  | Resources Forward                              |
| Carryover          | PCS   | Operating Rental Funds for Vehicle Rentals   | 11,976      | 11,976                   |                        | 11,976                |      |                  | Resources Forward                              |
| Carryover          | PCS   | Water Bearers Sculpture Repair and Restoration -- CONTRACT 32000370                    | 20,282      | 20,282                   |                        | 20,282                |      |                  | Resources Forward                              |
| Carryover          | PW    | Holmes Point Study   | 89,710      | 89,710                   |                        | 89,710                |      |                  | Resources Forward                              |
| Carryover          | PW    | Goodwill Hill - OTAK Contract  | 9,513       | 9,513                    |                        | 9,513                 |      |                  | Resources Forward                              |
| Carryover          | PW    | Goat Hill Risk Assessment  | 100,000     | 100,000                  |                        | 100,000               |      |                  | Resources Forward                              |
| Carryover          | PW    | Kirkland Green Trip  | 94,824      | 94,824                   |                        | 94,824                |      |                  | Resources Forward                              |
| Carryover          | PW    | CIP Consultant - Rock Consulting contract  | 35,000      | 35,000                   |                        | 35,000                |      |                  | Resources Forward                              |
| Carryover          | PW    | Safe Routes to School Drone Contract   | 6,600       | 6,600                    |                        | 6,600                 |      |                  | Resources Forward                              |
| Carryover          | PW    | Safe Routes to School Circulation Analysis - TOOLE Contract                            | 40,382      | 40,382                   |                        | 40,382                |      |                  | Resources Forward                              |
| Carryover          | FA    | Election Service - IG Prof Svcs  | 283,750     | 283,750                  |                        | 283,750               |      |                  | Resources Forward                              |
| Carryover          | PB    | 405/85th Station Plan  | 263,979     | 263,979                  |                        | 263,979               |      |                  | Resources Forward                              |
| Carryover          | PB    | Digitization project & Records Mgmt SP   | 94,443      | 94,443                   |                        | 94,443                |      |                  | Resources Forward                              |
| Carryover          | PD    | .5 Corrections ASA - 2021 portion  | 11,619      | 11,619                   |                        | 11,619                |      |                  | Resources Forward                              |
| Carryover          | PD    | .5 Corrections ASA - 2021 portion  | 7,426       | 7,426                    |                        | 7,426                 |      |                  | Resources Forward                              |
| Carryover          | PD    | Prop One - Gun Safety  | 86,600      | 86,600                   |                        | 86,600                |      |                  | Resources Forward                              |
| Carryover          | FD    | Drone -19FD08  | 25,000      | 25,000                   |                        | 25,000                |      |                  | Resources Forward                              |
| Carryover          | FD    | Drone -19FD08  | 30,000      | 30,000                   |                        | 30,000                |      |                  | Resources Forward                              |
| Carryover          | FD    | FY20 EMPG Grant  | 48,782      | 48,782                   |                        | 48,782                |      |                  | Resources Forward                              |
| Carryover          | FD    | FY20 EMPG Supplemental Grant   | 16,709      | 16,709                   |                        | 16,709                |      |                  | Resources Forward                              |
| Council            | CM    | Fund 2023-2024 Deficit Reduction Reserve   | 500,000     | 500,000                  |                        | 500,000               |      |                  | 2020 Sales Tax Audit Revenue/Resources Forward |
| Council            | PK    | Transfer to Parks Scholarship Fund   | 50,000      | 50,000                   |                        | 50,000                |      |                  | 2020 Sales Tax Audit Revenue/Resources Forward |
| Council            | PK    | Fund Human Services Reserve  | 834,690     | 834,690                  |                        | 834,690               |      |                  | 2020 Sales Tax Audit Revenue/Resources Forward |
| General Fund Total |       |  | 3,348,405   | 3,348,405                | -                      | 3,348,405             | -    | -                |  |

| Adjustment Type                          | Dept. | Description                                   | Adjustments | Appropriation Adjustment | Funding Source         |                       |      | Funding Source/Notes |
|--|-------|---|-------------|--------------------------|------------------------|-----------------------|------|----------------------|
|  |       |   |             |                          | Internal Transf./Chrg. | Reserves/Fund Balance | Debt |                      |
| OTHER FUNDS                              |       |   |             |                          |                        |                       |      |                      |
| Lodging Tax Fund (112)                   |       |   |             |                          |                        |                       |      |                      |
| Carryover                                | CM    | Unspent website redesign funding via 19-20 SP | 13,500      | 13,500                   | 13,500                 |                       |      | Resources Forward    |
| Lodging Tax Fund Total                   |       |   | 13,500      | 13,500                   | -                      | 13,500                | -    | -                    |
| Street Operating Fund (117)              |       |   |             |                          |                        |                       |      |                      |
| Carryover                                | PW    | Diamond Parking                               | 185,814     | 185,814                  | 185,814                |                       |      | Resources Forward    |
| Carryover                                | PW    | Sidewalk Opportunity Fund                     | 127,403     | 127,403                  | 127,403                |                       |      | Resources Forward    |
| Carryover                                | PW    | Signal Supplies                               | 16,863      | 16,863                   | 16,863                 |                       |      | Resources Forward    |
| Carryover                                | PW    | Signal Inventory                              | 14,116      | 14,116                   | 14,116                 |                       |      | Resources Forward    |
| Carryover                                | PW    | Signal Capital                                | 40,000      | 40,000                   | 40,000                 |                       |      | Resources Forward    |
| Carryover                                | PW    | 21PW MC Emergency Preparedness                | 51,460      | 51,460                   | 51,460                 |                       |      | Resources Forward    |
| Carryover                                | PW    | 21PW MC Field Staff Computers                 | 13,333      | 13,333                   | 13,333                 |                       |      | Resources Forward    |
| Street Operating Fund Total              |       |   | 448,989     | 448,989                  | -                      | 448,989               | -    | -                    |
| Cemetery Operating Fund (122)            |       |   |             |                          |                        |                       |      |                      |
| Carryover                                | CM    | Professional Services                         | 22,000      | 22,000                   | 22,000                 |                       |      | Resources Forward    |
| Cemetery Operating Fund Total            |       |   | 22,000      | 22,000                   | -                      | 22,000                | -    | -                    |
| Parks Maintenance Fund (125)             |       |   |             |                          |                        |                       |      |                      |
| Carryover                                | PCS   | Operating Rental Funds for Vehicle Rentals    | 2,262       | 2,262                    | 2,262                  |                       |      | Resources Forward    |
| Parks Maintenance Fund Total             |       |   | 2,262       | 2,262                    | -                      | 2,262                 | -    | -                    |
| Parks Levy Fund (128)                    |       |   |             |                          |                        |                       |      |                      |
| Carryover                                | PCS   | WCC Funding - GKP contracted crew             | 16,824      | 16,824                   | 16,824                 |                       |      | Resources Forward    |
| Carryover                                | PCS   | Operating Rental Funds for Vehicle Rentals    | 7,333       | 7,333                    | 7,333                  |                       |      | Resources Forward    |
| Parks Levy Fund                          |       |   | 24,157      | 24,157                   | -                      | 24,157                | -    | -                    |
| Water/Sewer Utility Operating Fund (411) |       |   |             |                          |                        |                       |      |                      |
| Carryover                                | PW    | Water Model Update - 31900518                 | 131,555     | 131,555                  | 131,555                |                       |      | Resources Forward    |
| Carryover                                | PW    | 21PW PU-76 Upgrade                            | 25,000      | 25,000                   | 25,000                 |                       |      | Resources Forward    |
| Carryover                                | PW    | 21PW Wastewater Lift Station Pumps            | 60,000      | 60,000                   | 60,000                 |                       |      | Resources Forward    |
| Carryover                                | PW    | 21PW Telemetry Master Plan                    | 80,000      | 80,000                   | 80,000                 |                       |      | Resources Forward    |
| Carryover                                | PW    | 21PW MC Emergency Preparedness                | 51,460      | 51,460                   | 51,460                 |                       |      | Resources Forward    |
| Carryover                                | PW    | 21PW MC Field Staff Computers                 | 13,333      | 13,333                   | 13,333                 |                       |      | Resources Forward    |
| Carryover                                | PW    | Utility Maintenance Replacement Small Tools   | 5,435       | 5,435                    | 5,435                  |                       |      | Resources Forward    |
| Water/Sewer Utility Operating Fund Total |       |   | 366,783     | 366,783                  | -                      | 366,783               | -    | -                    |



| Adjustment Type                    | Dept. | Description                                      | Adjustments | Appropriation Adjustment | Funding Source         |                       |      |                  | Funding Source/Notes |
|------------------------------------|-------|--|-------------|--------------------------|------------------------|-----------------------|------|------------------|----------------------|
|                                    |       |  |             |                          | Internal Transf./Chrg. | Reserves/Fund Balance | Debt | External Revenue |                      |
| Surface Water Operating Fund (421) |       |  |             |                          |                        |                       |      |                  |                      |
| Carryover                          | PW    | Cedar Creek Stormwater Retrofit Grant - 32000340 | 477,426     | 477,426                  |                        | 477,426               |      |                  | Resources Forward    |
| Carryover                          | PW    | Herrera contract for WQ sampling - 31900574      | 8,798       | 8,798                    |                        | 8,798                 |      |                  | Resources Forward    |
| Carryover                          | PW    | Spill Kit Program - 31900512                     | 4,094       | 4,094                    |                        | 4,094                 |      |                  | Resources Forward    |
| Carryover                          | PW    | Pipe Capacity Work - 32000695                    | 50,000      | 50,000                   |                        | 50,000                |      |                  | Resources Forward    |
| Carryover                          | PW    | Local Source Control - 31900411                  | 37,325      | 37,325                   |                        | 37,325                |      |                  | Resources Forward    |
| Carryover                          | PW    | Surface Water Fines                              | 46,000      | 46,000                   |                        | 46,000                |      |                  | Resources Forward    |
| Carryover                          | PW    | 21PW MC Emergency Preparedness                   | 51,460      | 51,460                   |                        | 51,460                |      |                  | Resources Forward    |
| Carryover                          | PW    | 21PW MC Field Staff Computers                    | 13,333      | 13,333                   |                        | 13,333                |      |                  | Resources Forward    |
| Carryover                          | PW    | Yard Smart Grant                                 | 40,000      | 40,000                   |                        | 40,000                |      |                  | Resources Forward    |
| Carryover                          | PW    | Utility Maintenance Replacement                  | 5,285       | 5,285                    |                        | 5,285                 |      |                  | Resources Forward    |
| Carryover                          | PW    | Small Tools Equipment Charged to 2021            | 3,860       | 3,860                    |                        | 3,860                 |      |                  | Resources Forward    |
| Surface Water Operating Fund Total |       |  | 737,581     | 737,581                  | -                      | 737,581               | -    | -                |                      |
| Equipment Rental Fund (521)        |       |  |             |                          |                        |                       |      |                  |                      |
| Carryover                          | PW    | 21PW Fueling Equipment Replacement               | 220,000     | 220,000                  |                        | 220,000               |      |                  | Resources Forward    |
| Carryover                          | PW    | Dewatering Pump (8.4.20 FN + 19PW32)             | 101,292     | 101,292                  |                        | 101,292               |      |                  | Resources Forward    |
| Equipment Rental Fund Total        |       |  | 321,292     | 321,292                  | -                      | 321,292               | -    | -                |                      |
| Information Technology Fund (522)  |       |  |             |                          |                        |                       |      |                  |                      |
| Carryover                          | IT    | IFAS Sunset Support                              | 40,600      | 40,600                   |                        | 40,600                |      |                  | Resources Forward    |
| Carryover                          | IT    | Develop Framework for Smart City Framework       | 80,000      | 80,000                   |                        | 80,000                |      |                  | Resources Forward    |
| Carryover                          | IT    | Develop Framework for Smart City Framework       | 20,000      | 20,000                   |                        | 20,000                |      |                  | Resources Forward    |
| Carryover                          | IT    | Develop Fiber Management and Funding Plan        | 50,000      | 50,000                   |                        | 50,000                |      |                  | Resources Forward    |
| Carryover                          | IT    | Leadership Training for IT Team                  | 24,000      | 24,000                   |                        | 24,000                |      |                  | Resources Forward    |
| Carryover                          | IT    | Axon PD Contract                                 | 115,016     | 115,016                  |                        | 115,016               |      |                  | Resources Forward    |
| Information Technology Fund Total  |       |  | 329,616     | 329,616                  | -                      | 329,616               | -    | -                |                      |
| TOTAL OTHER FUNDS                  |       |  | 2,266,180   | 2,266,180                | -                      | 2,266,180             | -    | -                |                      |
| TOTAL ALL FUNDS                    |       |  | 5,614,585   | 5,614,585                | -                      | 5,614,585             | -    | -                |                      |

## ORDINANCE O-4755

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2021-2022.

WHEREAS, the City Council finds that the proposed adjustments to the Biennial Budget for 2021-2022 reflect revenues and expenditures that are intended to ensure the provision of vital municipal services at acceptable levels.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. The March 2021 adjustments to the Biennial Budget of the City of Kirkland for 2021-2022 are hereby adopted.

Section 2. In summary form, the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined are as follows:

| Funds                              | Current Budget | Adjustments | Revised Budget |
|------------------------------------|----------------|-------------|----------------|
| General                            | 266,974,628    | 18,013,140  | 284,987,768    |
| Lodging Tax                        | 835,170        | 13,500      | 848,670        |
| Street Operating                   | 23,507,400     | 448,989     | 23,956,389     |
| Cemetery Operating                 | 1,292,279      | 22,000      | 1,314,279      |
| Parks Maintenance                  | 4,026,546      | 2,262       | 4,028,808      |
| Park Levy                          | 7,170,968      | 24,157      | 7,195,125      |
| Contingency                        | 6,355,888      |             | 6,355,888      |
| Impact Fees                        | 7,735,874      |             | 7,735,874      |
| Excise Tax Capital Improvement     | 26,208,513     |             | 26,208,513     |
| Limited General Obligation Bonds   | 4,479,887      | 3,696,084   | 8,175,971      |
| Unlimited General Obligation Bonds | 1,428,739      |             | 1,428,739      |
| General Capital Projects           | 53,642,631     | 34,468,551  | 88,111,182     |
| Transportation Capital Projects    | 131,617,230    | 16,122,300  | 147,739,530    |
| Water/Sewer Operating              | 78,014,545     | 366,783     | 78,381,328     |
| Water/Sewer Debt Service           | 798,683        |             | 798,683        |
| Utility Capital Projects           | 35,581,744     | 5,903,095   | 41,484,839     |
| Surface Water Management           | 29,847,859     | 737,581     | 30,585,440     |
| Surface Water Capital Projects     | 21,608,111     |             | 21,608,111     |
| Solid Waste                        | 41,520,106     |             | 41,520,106     |
| Health Benefits                    | 22,494,581     |             | 22,494,581     |
| Equipment Rental                   | 27,078,954     | 321,292     | 27,400,246     |
| Information Technology             | 16,369,000     | 329,616     | 16,698,616     |
| Facilities Maintenance             | 17,341,714     |             | 17,341,714     |
| Firefighter's Pension              | 1,528,520      |             | 1,528,520      |
| Total All Funds                    | 827,459,570    | 80,469,350  | 907,928,920    |

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

18                    Passed by majority vote of the Kirkland City Council in open meeting  
19 this 16<sup>th</sup> day of March, 2021.

20  
21                    Signed in authentication thereof this \_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin Raymond, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4755

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING THE BIENNIAL BUDGET FOR 2021-2022.

SECTION 1. Adjust the 2021-2022 Biennial Budget of the City of Kirkland.

SECTION 2. Sets forth, in summary form, the totals of estimated revenues and appropriations for each separate fund and the aggregate totals for all such funds combined.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

I certify that the foregoing is a summary of Ordinance 4755 approved by the Kirkland City Council for summary publication.

\_\_\_\_\_  
Kathi Anderson, City Clerk

**CITY OF KIRKLAND****123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**  
**www.kirklandwa.gov**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Marius Eugenio Jr., P.E., Senior Project Engineer  
Rod Steitzer, P.E., Capital Projects Manager  
Darcey Eilers, Assistant City Attorney  
Julie Underwood, Director of Public Works

**Date:** March 4, 2021

**Subject:** 124TH AVENUE NE ROADWAY IMPROVEMENTS—AUTHORIZE  
CONDEMNATION

**RECOMMENDATION:**

It is recommended that the City Council approve the attached ordinance authorizing staff to proceed with acquisition of right-of-way and associated permanent and temporary property rights through eminent domain (condemnation) proceedings if necessary for parcels along the 124th Ave NE Roadway Improvements project (Project).

**BACKGROUND DISCUSSION:**

As part of a comprehensive and strategic vision to make Totem Lake a more walkable, vibrant, and green urban center, the Project, along with other public improvements in the area, will improve safety and enhance connectivity to the Cross Kirkland Corridor, the Village at Totem Lake, Totem Lake Park, and other local hubs.

The Project widens 124<sup>th</sup> Avenue NE between NE 116<sup>th</sup> Street and NE 124<sup>th</sup> Street from three travel lanes to five lanes, with two travel lanes in each direction and a two-way center turn lane (see Attachment A, Area and Vicinity Map). The work includes reconstruction of sidewalks, improves transit stops, adds buffered sidewalk-level bicycle lanes, signal and channelization improvements, landscape strips, and retaining walls. The typical section includes, 11-foot travel lanes, 10-foot center turn lane, up to 12-foot improvements for bikes and pedestrians, and a planter strip on both the east and west sides of the road. The improvements necessitate the acquisition of new property and property rights.

*Right-of-Way Acquisition*

Local governments regularly acquire private property needed for public projects by exercising powers of eminent domain or condemnation, which are terms that can be used interchangeably. The types of property required may range from fee simple title to an entire parcel; a partial taking of only a portion of a parcel, like a strip along the side or front yard;

lesser interests in real property, such as easements for slopes; and/or may be limited to temporary rights of access, such as a temporary construction easement. Title 8 of the Revised Code of Washington establishes the authority and procedures for condemnation of property by certain political subdivisions of the state, including cities. RCW 8.12.030 expressly grants cities and towns the authority "to condemn land and property" necessary for public uses, such as the improvements proposed for this Project. Statutory condemnation authority is granted to allow for the progress of improvements deemed in the public interest while affording property owners just compensation, meaning a fair market value for their properties.

In acquiring property through eminent domain, the City complies with state and federal right-of-way (ROW) acquisition procedures. This process includes:

1. Following preliminary design/configuration of a right-of-way capital improvement project, the City typically retains a right-of-way agent consulting firm to negotiate the necessary acquisition(s).
2. The City retains an independent, accredited appraiser to appraise the property and to prepare a report detailing the appraiser's determination of fair market value. The appraisal often involves an inspection of the property, and the owner can provide the appraiser information.
3. The City then obtains an appraisal review from another independent, accredited appraiser to ensure adequate, reliable, and reasonable data.
4. After approving the appraisal reports, the City will make a written offer to purchase the property. The offer includes, among other things, a description of the real property to be acquired and the City's proposed use of the property and the amount of the offer, which cannot be less than the appraised value. The City will pay the fair market value of the property being taken as well as compensation for any loss in value to the remaining property that is not offset by the benefits conferred by the project.
5. The property owner may hire an appraiser to evaluate the City's offer. The City provides the owner up to \$750 for this purpose, which is the amount required by statute.
6. The City and the property owner then negotiate just compensation. The City, to the greatest extent practicable, makes every reasonable effort to acquire property by negotiated purchase.
7. If negotiation efforts are unsuccessful, the City will proceed to the litigation process, which requires filing an eminent domain petition in superior court. In order to initiate formal eminent domain proceedings, the City Council must authorize condemnation by ordinance.

For the Project, both permanent and temporary property rights must be acquired from 14 parcels prior to beginning construction activity. The required acquisition from one parcel is complete, 12 are currently in negotiation, and the negotiation for one parcel is scheduled to begin March 22, 2021. A status summary of all properties is shown in Attachment B, Property Status Table. The table also provides a summary of outreach work to date.

Staff and the right-of-way consulting firm Abeyta & Associates continue to work diligently on negotiations with property owners. At the same time, Public Works staff has worked closely with the City Attorney's Office in preparing the attached condemnation ordinance (Attachment C) in order to fully comply with the requirements of the eminent domain process. Staff is

presenting this condemnation ordinance in parallel with the ongoing negotiations to ensure timely property acquisition. All property owners and/or their representatives have been notified of Council's consideration of this ordinance.

City Council approval of the condemnation ordinance now does not require that the City begin eminent domain proceedings in court; rather, it will enable the City to move more efficiently toward construction should negotiations with any property owner reach an impasse. In addition, formal adoption of a condemnation ordinance has a tax benefit for property owners, as transfers of real property to public agencies under an imminent threat of the exercise of eminent domain are not subject to the real estate excise tax. Staff is committed to exhausting all reasonable means of coordination and negotiation work prior to a decision of filing a petition in court. Our best-case scenario will be to resolve all essential right-of-way transactions without undertaking any condemnation proceedings.

### *Budget*

The Project's budget combines five CIP projects for the improvements of this vital corridor totaling \$15,210,600, See Table 1 below.

**Table 1: Project Funding vs. Anticipated Expenses**

| <b>Funding</b>                                 | <b>Total</b>        |
|--|---------------------|
| STC0591100 – 124th Ave NE Roadway Improvements | \$1,195,400         |
| STC0591200 – 124th Ave NE North Section ROW    | \$2,216,700         |
| STC0591300 – 124th Ave NE North Construction   | \$9,400,000         |
| STC1040000 – General ROW Acquisition           | \$2,000,000         |
| TRC0911100 – NE 124th/124th Ave Intersection   | \$398,500           |
|  | <b>\$15,210,600</b> |
| <b>Expenses</b>                                |                     |
| Design/Inspection/Soft Costs                   | \$2,720,000         |
| Construction                                   | \$7,510,000         |
| Right-Of-Way                                   | \$4,036,640         |
| Contingency (10%)                              | \$760,000           |
| <b>Total</b>                                   | <b>\$15,026,640</b> |
|  |                     |
| <b>Difference</b>                              | <b>\$183,960</b>    |

*Schedule*

Currently staff is on track for finalizing the design by the end of 2021, with right-of-way certification and construction federal funding obligation anticipated by June 2022, which would meet the federal granting authority's (Puget Sound Region Council) funding deadline of June 1, 2022. The construction advertisement and contract award are scheduled for mid to late 2022; the optimum bidding time of year.

The acquisition process can take up to several months thus an in-place condemnation ordinance helps in the judicial process should it be required for any single parcel. Public Works staff has worked closely with the City Attorney's Office in preparing the attached ordinance with acquisition exhibits in order to fully comply with the requirements of the eminent domain process (see Attachment C, Condemnation Ordinance with Acquisition Exhibits). Staff will continue to work with the property owners to address their concerns, to offer fair market value for the property, and to negotiate in good faith a just compensation package.

Staff plans to return to Council in the near future to consider condemnation ordinances for two other projects: Juanita Drive Intersection and Safety Improvements and 100th Avenue NE Roadway Improvements.

Attachment A: Vicinity Map with Area Map Inset

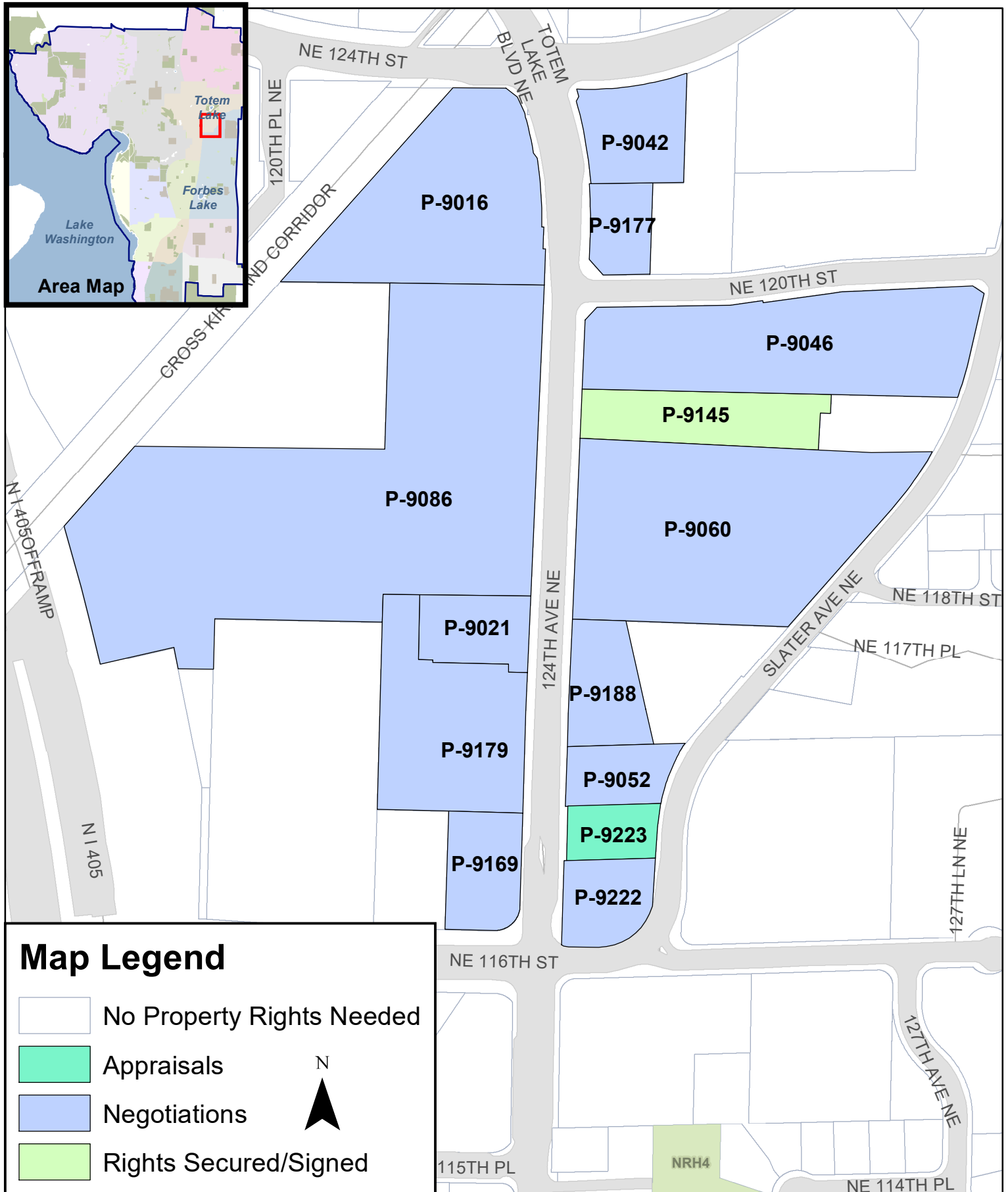
Attachment B: Property Status Table

Ordinance

Exhibit A to Ordinance: Acquisition Table

Exhibit B to Ordinance: Acquisition Exhibits





124th Avenue Northeast Improvements

ATTACHMENT B

| Tracking Parcel # | Tax Parcel # | Property Owner                           | Property Address   | Property Rights To Be Acquired     | Property Rights Documentation  | 1st Request for Reponse | 2nd Request for Reponse | 3rd Request for Reponse | Other Notes   |
|-------------------|--------------|--|--------------------|------------------------------------|--|-------------------------|-------------------------|-------------------------|---|
| 1                 | 2826059016   | P S Prop XVI Inc.                        | 12249 NE 124TH ST  | Appraisal, Appraisal Review        | Right-of-Way Acquisition (ROW), Temporary Construction Easement (TCE), Slope Easement (SE) | 9/3/2020                | 12/2/2020               |                         |   |
| 2                 | 2826059021   | WWX LIMITED LLC                          | 11727 124TH AVE NE | Appraisal, Appraisal Review        | ROW, TCE   | 9/3/2020                | 12/2/2020               |                         |   |
| 3                 | 2826059042   | 124 @ 124 LLC                            | 12409 NE 124TH ST  | Administrative Offer Summary (AOS) | ROW, TCE   | 10/9/2020               | 12/2/2020               |                         |   |
| 4                 | 2826059046   | LMJ ENTERPRISES                          | 11930 124TH AVE NE | Appraisal, Appraisal Review        | ROW, TCE   | 9/3/2020                | 12/2/2020               |                         |   |
| 5                 | 2826059052   | Kirkland Totem Real Estate Partners, LLC | 11800 124TH AVE NE | Appraisal, Appraisal Review        | ROW, TCE   | 9/2/2020                |                         |                         |   |
| 6                 | 2826059060   | Kirkland Totem Real Estate Partners, LLC | 11800 124TH AVE NE | Appraisal, Appraisal Review        | ROW, TCE, SE   | 9/2/2020                |                         |                         |   |
| 7                 | 2826059086   | Totem Square Partners                    | 11961 124TH AVE NE | Appraisal, Appraisal Review        | ROW, TCE, SE   | 9/3/2020                | 12/2/2020               |                         |   |
| 8                 | 2826059169   | Sang M. & Chun O. Kim                    | 11613 124TH AVE NE | Appraisal, Appraisal Review        | ROW, TCE, SE   | 9/2/2020                | 12/2/2020               |                         |   |
| 9                 | 2826059177   | RTL LLC                                  | 12415 NE 124TH ST  | AOS                                | TCE  | 9/3/2020                | 12/2/2020               |                         |   |
| 10                | 2826059179   | WWX LIMITED LLC                          | 11727 124TH AVE NE | Appraisal, Appraisal Review        | ROW, TCE   | 9/3/2020                | 12/2/2020               |                         |   |
| 11                | 2826059188   | CHAPMAN DAVID                            | Not addressed      | Appraisal, Appraisal Review        | ROW, TCE   | 9/3/2020                | 12/2/2020               |                         |   |
| 12                | 2826059222   | YEN YIAO JEAN                            | 11600 124TH AVE NE | Appraisal, Appraisal Review        | ROW, SE  | 10/15/2020              | 12/2/2020               |                         |   |
| 13                | 2826059223   | TACO BELL OF AMERICA LLC                 | 11624 124TH AVE NE | Appraisal, Appraisal Review        | ROW, TCE   |                         |                         |                         |   |
| 14                | 2826059145   | BUCHAN BROTHERS INVESTMENT               | 11902 124TH AVE N  | Appraisal, Appraisal Review        | ROW  | 9/3/2020                | 12/2/2021               |                         | Signed City offer on 1/22/2021. Not part of Condemnation Ordinance. |

## ORDINANCE O-4754

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION OF THE 124TH AVENUE NE ROADWAY IMPROVEMENTS PROJECT WITHIN THE CITY OF KIRKLAND; PROVIDING FOR CONDEMNATION AND TAKING OF TEMPORARY AND PERMANENT INTERESTS IN LAND AND REAL PROPERTY RIGHTS NECESSARY THEREFOR; PROVIDING FOR THE COST OF PROPERTY ACQUISITION; AUTHORIZING THE INITIATION OF APPROPRIATE PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.

1 WHEREAS, the 124th Avenue NE Roadway Improvements  
2 Project is an approved and funded project in the 2019-2024  
3 Capital Improvement Program ("CIP"), listed in multiple project  
4 numbers:

5  
6 STC0591100 – 124th Ave NE Roadway Improvements  
7 STC0591200 – 124th Ave NE North Section ROW  
8 STC0591300 – 124th Ave NE North Construction  
9 STC1040000 – General ROW Acquisition; and  
10 TRC0911100 – NE 124th/124th Ave Intersection;

11  
12 WHEREAS, the 2019-2024 CIP was approved by the  
13 Kirkland City Council on December 11, 2018, by Resolution R-  
14 5436; and

15  
16 WHEREAS, the Project improvements are necessary to  
17 provide additional traffic lanes improved pedestrian and transit  
18 facilities, and additional bicycle lanes, in order to accommodate  
19 present growth, development, and traffic needs and to improve  
20 safety and enhance connectivity; and

21  
22 WHEREAS, it is necessary for the City to acquire temporary  
23 and permeant easements and other rights from private property  
24 owners in order to complete the Project; and

25  
26 WHEREAS, the City has pursued negotiating voluntary  
27 acquisitions to acquire the necessary property rights and expects  
28 that these negotiations will be successful, but desires to ensure  
29 that property acquisitions for the Project are timely completed if  
30 such negotiations are unsuccessful; and

31  
32 WHEREAS, the City Council finds that the public health,  
33 safety, necessity, and convenience require construction of the  
34 Project and acquisition of the property described in this ordinance;  
35 and

36  
37 WHEREAS, the City has provided notice to affected  
38 property owners of this final action authorizing condemnation in

39 accordance with RCW 8.25.290, through both mailed and  
40 published notice; and

41  
42 WHEREAS, any and all interested parties had the  
43 opportunity to address the Kirkland City Council on the subject at  
44 the March 16, 2021 meeting.

45  
46 NOW, THEREFORE, the City Council of the City of Kirkland  
47 do ordain as follows:

48  
49 Section 1. Acquisition for Public Use. The public health,  
50 safety necessity, and convenience require the widening and  
51 improvement of 124th Avenue NE for the 124th Avenue NE  
52 Roadway Improvements Project ("Project") be constructed. The  
53 Project is a public use for which the City is authorized to condemn  
54 property and property interests under RCW 8.12.030.

55  
56 Section 2. Declaration of Necessity. The City Council, after  
57 hearing the report(s) of City staff, reviewing the planned Project,  
58 issuing proper notices, is familiar with the Project and hereby  
59 declares that the temporary and permanent property rights in,  
60 under, over, along, across, and upon the identified real property  
61 within the City of Kirkland, King County, Washington, are  
62 necessary for public road purposes for construction of the Project.  
63 The property from which the temporary and permanent  
64 easements are required is listed on Exhibit A attached hereto and  
65 incorporated herein by this reference as if set forth in full. The  
66 property rights to be acquired are legally described and depicted  
67 on Exhibit B attached hereto and incorporated herein by this  
68 reference as if set forth in full.

69  
70 Section 3. Condemnation. The lands and property rights  
71 described in Section 2 are hereby condemned, appropriated,  
72 taken, and damaged for public road purposes and for the purpose  
73 of constructing the Project, together with all necessary  
74 appurtenances, utilities, and related work to complete the Project  
75 in accordance with City standards. Condemnation of the lands and  
76 property rights described in Section 2 is subject to the making or  
77 paying of just compensation to the owners thereof in the manner  
78 provided by law.

79  
80 Section 4. Costs of Acquisition. The Project is fully funded  
81 and the expense of acquiring said property rights shall be paid for  
82 from the appropriate funding source within the city's portion of  
83 general current revenue for each CIP project.

84  
85 Section 5. Authority of City Attorney. The City Attorney is  
86 authorized and directed to begin and prosecute legal proceedings  
87 in the manner provided by the law to purchase, condemn, take,  
88 appropriate, and otherwise acquire the lands and other property  
89 rights and privileges necessary to carry out the purposes of this  
90 Ordinance. The City Attorney is further authorized in conducting  
91 said condemnation proceedings, and for the purpose of

92 minimizing damages, to stipulate as to the use of the property  
 93 hereby authorized to be condemned and appropriated, and as to  
 94 the reservation of any right of use of the owner or any person  
 95 entitled to possession of the property, provided that such  
 96 reservation does not interfere with the use of said property as  
 97 provided in this ordinance. The City Attorney is further authorized  
 98 to adjust the location and/or width of any portion of any of the  
 99 property so taken in order to minimize damages, provided that  
 100 said adjustments do not interfere with the use of said property by  
 101 the City as provided in this ordinance.

102  
 103 Section 6. If any provision of this ordinance or its  
 104 application to any person or circumstance is held invalid, the  
 105 remainder of the ordinance or the application of the provision to  
 106 other persons or circumstances is not affected.

107  
 108 Section 7. This ordinance shall be in force and effect five  
 109 days from and after its passage by the Kirkland City Council and  
 110 publication pursuant to Section 1.08.017, Kirkland Municipal Code  
 111 in the summary form attached to the original of this ordinance and  
 112 by this reference approved by the City Council.

113  
 114 Passed by majority vote of the Kirkland City Council in open  
 115 meeting this 16th day of March, 2021.

116  
 117 Signed in authentication thereof this \_\_\_\_\_ day of  
 118 \_\_\_\_\_, 2021.

\_\_\_\_\_  
 Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
 Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
 Kevin Raymond, City Attorney

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4754

AN ORDINANCE OF THE CITY OF KIRKLAND AUTHORIZING AND PROVIDING FOR THE ACQUISITION OF INTERESTS IN LAND FOR THE PURPOSE OF CONSTRUCTION OF THE 124TH AVENUE NE ROADWAY IMPROVEMENTS PROJECT WITHIN THE CITY OF KIRKLAND; PROVIDING FOR CONDEMNATION AND TAKING OF TEMPORARY AND PERMANENT INTERESTS IN LAND AND REAL PROPERTY RIGHTS NECESSARY THEREFOR; PROVIDING FOR THE COST OF PROPERTY ACQUISITION; AUTHORIZING THE INITIATION OF APPROPRIATE PROCEEDINGS IN THE MANNER PROVIDED BY LAW FOR SAID CONDEMNATION.

SECTION 1. Authorizes acquisition for public use of property necessary for the improvement of 124th Avenue NE for the 124th Avenue NE Roadway Improvements Project.

SECTION 2. Declares the property necessary for public road purposes.

SECTION 3. Declares the land and property rights for the project condemned.

SECTION 4. Identifies the source of revenue for the acquisition.

SECTION 5. Authorizes the City Attorney to initiate condemnation proceedings to acquire the property necessary for the public purpose.

SECTION 6. Provides a severability clause for the ordinance.

SECTION 7. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the \_\_\_\_ day of \_\_\_\_\_, 2021.

I certify that the foregoing is a summary of Ordinance 4754 approved by the Kirkland City Council for summary publication.

---

Kathi Anderson, City Clerk

| <b>Site Address</b>   | <b>Tax Parcel No.</b> |
|-----------------------|-----------------------|
| 12249 NE 124TH STREET | 282605-9016           |
| 11747 124TH AVENUE NE | 282605-9021           |
| 12409 NE 124TH STREET | 282605-9042           |
| 11930 124TH AVENUE NE | 282605-9046           |
| 11800 124TH AVENUE NE | 282605-9052           |
| 11800 124TH AVENUE NE | 282605-9060           |
| 11961 124TH AVENUE NE | 282605-9086           |
| 11613 124TH AVENUE NE | 282605-9169           |
| 12415 NE 124TH STREET | 282605-9177           |
| 11727 124TH AVENUE NE | 282605-9179           |
| NOT ADDRESSED         | 282605-9188           |
| 11600 124TH AVENUE NE | 282605-9222           |
| 11624 124TH AVENUE    | 282605-9223           |

**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: P S Prop XVI Inc.

PARCEL NO. 2826059016

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 1°43'38" EAST, ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 1,347.20 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SUBDIVISION AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 1°43'38" EAST, ALONG THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 336.80 FEET TO THE SOUTH LINE OF THE NORTH 30 ACRES OF THE NORTHEAST QUARTER OF SAID SUBDIVISION;

THENCE NORTH 89°29'32" WEST, TO THE WEST LINE OF THE EAST 75 FEET OF THE NORTHEAST QUARTER OF SAID SUBDIVISION;

THENCE NORTH 01°43'38" EAST, ALONG SAID WEST LINE TO THE SOUTHERLY MARGIN OF NORTHEAST 124TH STREET, AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 6582932;

THENCE WESTERLY ALONG SAID SOUTHERLY MARGIN TO THE SOUTHEASTERLY MARGIN OF THE NORTHERN PACIFIC RAILWAY CO. RIGHT-OF-WAY, AS CONVEYED BY DEEDS RECORDED UNDER RECORDING NUMBERS 266024 AND 268920;

THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY MARGIN TO A POINT BEING NORTH 89°19' WEST, 824.04 FEET, AND SOUTH 1°38'28", 328.85 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SUBDIVISION;

THENCE SOUTH 89°10' EAST, A DISTANCE OF 491.06 FEET;

THENCE NORTH 1°38'28" EAST, A DISTANCE OF 328.85 FEET;

THENCE SOUTH 89°19' EAST, A DISTANCE OF 332.98 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING WITHIN 124TH AVENUE NORTHEAST, AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 6582931;

AND EXCEPT THAT PORTION THEREOF DEEDED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NUMBER 20080611001939.



**EXHIBIT "B"**  
Legal Description of Right of Way Acquisition

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 1°43'38" EAST, ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 1,347.20 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SUBDIVISION AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 1°43'38" EAST, ALONG THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 336.80 FEET TO THE SOUTH LINE OF THE NORTH 30 ACRES OF THE NORTHEAST QUARTER OF SAID SUBDIVISION;  
THENCE NORTH 89°29'32" WEST, TO THE WEST LINE OF THE EAST 75 FEET OF THE NORTHEAST QUARTER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST, ALONG SAID WEST LINE TO THE SOUTHERLY MARGIN OF NORTHEAST 124TH STREET, AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 6582932;  
THENCE WESTERLY ALONG SAID SOUTHERLY MARGIN TO THE SOUTHEASTERLY MARGIN OF THE NORTHERN PACIFIC RAILWAY CO. RIGHT-OF-WAY, AS CONVEYED BY DEEDS RECORDED UNDER RECORDING NUMBERS 266024 AND 268920;  
THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY MARGIN TO A POINT BEING NORTH 89°19' WEST, 824.04 FEET, AND SOUTH 1°38'28", 328.85 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SUBDIVISION;  
THENCE SOUTH 89°10' EAST, A DISTANCE OF 491.06 FEET;  
THENCE NORTH 1°38'28" EAST, A DISTANCE OF 328.85 FEET;  
THENCE SOUTH 89°19' EAST, A DISTANCE OF 332.98 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING WITHIN 124TH AVENUE NORTHEAST, AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 6582931;

AND EXCEPT THAT PORTION THEREOF DEEDED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NUMBER 20080611001939.

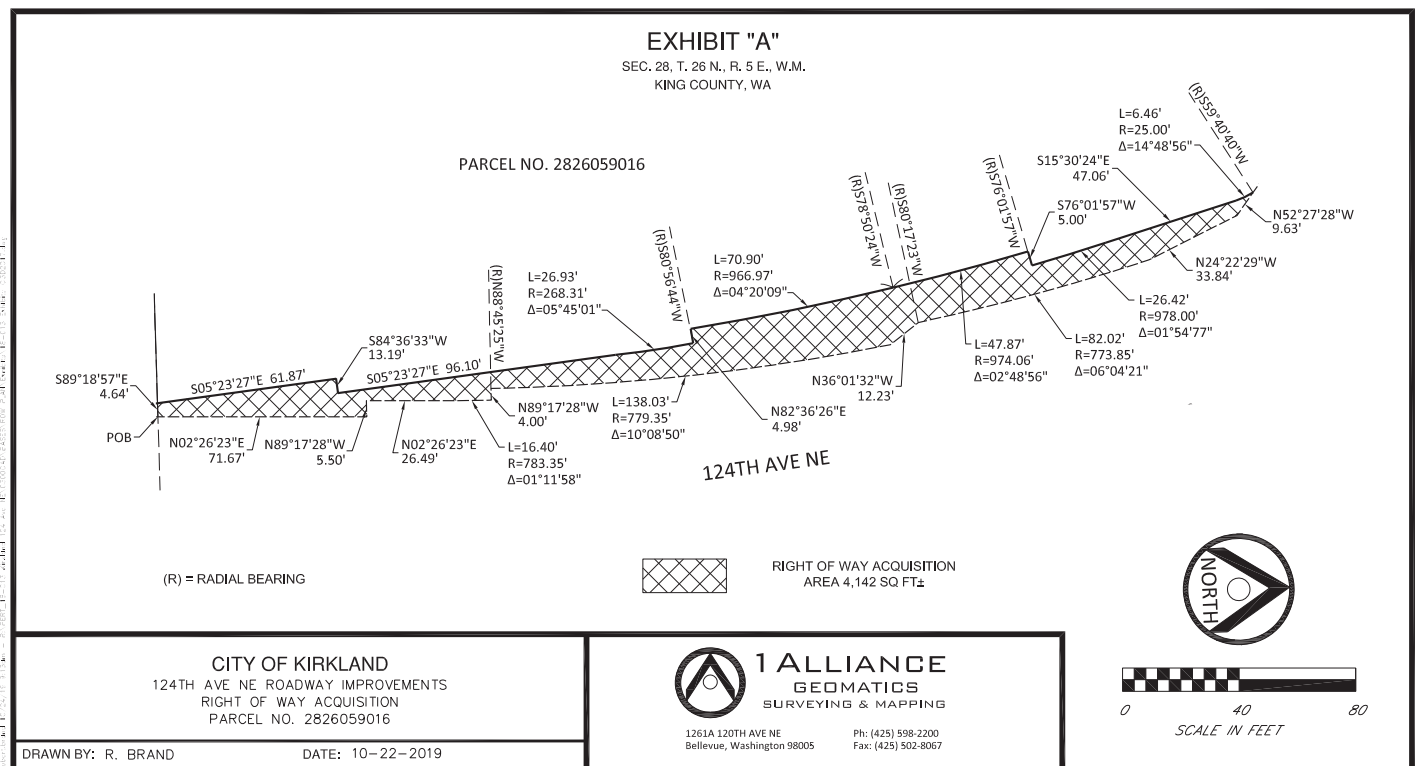
SAID ACQUISITION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL;  
THENCE NORTH 02°26'23" EAST, ALONG THE WEST RIGHT OF WAY MARGIN OF 124TH AVENUE NORTHEAST, A DISTANCE OF 71.67 FEET TO AN ANGLE POINT IN SAID MARGIN;  
THENCE NORTH 89°17'28" WEST, ALONG SAID MARGIN, A DISTANCE OF 5.50 FEET TO AN ANGLE POINT IN SAID MARGIN;  
THENCE NORTH 02°26'23" EAST, ALONG SAID MARGIN, A DISTANCE OF 26.49 FEET TO A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 783.35 FEET;  
THENCE NORTHERLY, ALONG SAID CURVE AND MARGIN, THROUGH A CENTRAL ANGLE OF 01°11'58" AND AN ARC LENGTH OF 16.40 FEET TO AN ANGLE POINT IN SAID MARGIN;

THENCE NORTH 89°17'28" WEST, ALONG SAID MARGIN, A DISTANCE OF 4.00 FEET TO AN ANGLE POINT IN SAID MARGIN AND A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 779.35 FEET, THE CENTER OF WHICH BEARS NORTH 88°45'25" WEST;  
 THENCE NORTHERLY ALONG SAID CURVE AND MARGIN, THROUGH A CENTRAL ANGLE OF 10°08'50" AND AN ARC LENGTH OF 138.03 FEET TO AN ANGLE POINT IN SAID MARGIN;  
 THENCE NORTH 36°01'32" WEST, ALONG SAID MARGIN, A DISTANCE OF 12.23 FEET TO AN ANGLE POINT IN SAID MARGIN AND A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 773.85 FEET, THE CENTER OF WHICH BEARS SOUTH 80°17'23" WEST;  
 THENCE NORTHERLY, ALONG SAID CURVE AND MARGIN, THROUGH A CENTRAL ANGLE OF 06°04'21" AND AN ARC LENGTH OF 82.02 FEET TO AN ANGLE POINT IN SAID MARGIN;  
 THENCE NORTH 24°22'29" WEST, ALONG SAID MARGIN, A DISTANCE OF 33.84 FEET TO AN ANGLE POINT IN SAID MARGIN;  
 THENCE NORTH 52°27'28" WEST, ALONG SAID MARGIN, A DISTANCE OF 9.63 FEET TO A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 25.00 FEET, THE CENTER OF WHICH BEARS SOUTH 59°40'40" WEST;  
 THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°48'56" AND AN ARC LENGTH OF 6.46 FEET;  
 THENCE SOUTH 15°30'24" EAST, A DISTANCE OF 47.06 FEET TO A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 978.00 FEET;  
 THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°54'77" AND AN ARC LENGTH OF 26.42 FEET;  
 THENCE SOUTH 76°01'57" WEST, A DISTANCE OF 5.00 FEET TO A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 974.06 FEET, THE CENTER OF WHICH BEARS SOUTH 76°01'57" WEST;  
 THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°48'56" AND AN ARC LENGTH OF 47.87 FEET TO A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 966.97 FEET, THE CENTER OF WHICH BEARS SOUTH 78°50'24" WEST;  
 THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°20'09" AND AN ARC LENGTH OF 70.90 FEET;  
 THENCE NORTH 82°36'26" EAST, A DISTANCE OF 4.98 FEET TO A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 268.31 FEET, THE CENTER OF WHICH BEARS SOUTH 80°56'44" WEST;  
 THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°45'01" AND AN ARC LENGTH OF 26.93 FEET;  
 THENCE SOUTH 05°23'27" EAST, A DISTANCE OF 96.10 FEET;  
 THENCE SOUTH 84°36'33" WEST, A DISTANCE OF 13.19 FEET;  
 THENCE SOUTH 05°23'27" EAST, A DISTANCE OF 61.87 FEET TO THE SOUTH LINE OF SAID PARCEL;  
 THENCE SOUTH 89°18'57" EAST, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 4.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,142 SQUARE FEET, MORE OR LESS.





**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: P S Prop XVI Inc.

PARCEL NO. 2826059016

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 1°43'38" EAST, ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 1,347.20 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SUBDIVISION AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 1°43'38" EAST, ALONG THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 336.80 FEET TO THE SOUTH LINE OF THE NORTH 30 ACRES OF THE NORTHEAST QUARTER OF SAID SUBDIVISION;  
THENCE NORTH 89°29'32" WEST, TO THE WEST LINE OF THE EAST 75 FEET OF THE NORTHEAST QUARTER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST, ALONG SAID WEST LINE TO THE SOUTHERLY MARGIN OF NORTHEAST 124TH STREET, AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 6582932;  
THENCE WESTERLY ALONG SAID SOUTHERLY MARGIN TO THE SOUTHEASTERLY MARGIN OF THE NORTHERN PACIFIC RAILWAY CO. RIGHT-OF-WAY, AS CONVEYED BY DEEDS RECORDED UNDER RECORDING NUMBERS 266024 AND 268920;  
THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY MARGIN TO A POINT BEING NORTH 89°19' WEST, 824.04 FEET, AND SOUTH 1°38'28", 328.85 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SUBDIVISION;  
THENCE SOUTH 89°10' EAST, A DISTANCE OF 491.06 FEET;  
THENCE NORTH 1°38'28" EAST, A DISTANCE OF 328.85 FEET;  
THENCE SOUTH 89°19' EAST, A DISTANCE OF 332.98 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING WITHIN 124TH AVENUE NORTHEAST, AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 6582931;

AND EXCEPT THAT PORTION THEREOF DEEDED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NUMBER 20080611001939.

**EXHIBIT "B"**  
Legal Description of Temporary Construction Easement

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
 THENCE NORTH 1°43'38" EAST, ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 1,347.20 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SUBDIVISION AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 1°43'38" EAST, ALONG THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 336.80 FEET TO THE SOUTH LINE OF THE NORTH 30 ACRES OF THE NORTHEAST QUARTER OF SAID SUBDIVISION;  
 THENCE NORTH 89°29'32" WEST, TO THE WEST LINE OF THE EAST 75 FEET OF THE NORTHEAST QUARTER OF SAID SUBDIVISION;  
 THENCE NORTH 01°43'38" EAST, ALONG SAID WEST LINE TO THE SOUTHERLY MARGIN OF NORTHEAST 124TH STREET, AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 6582932;  
 THENCE WESTERLY ALONG SAID SOUTHERLY MARGIN TO THE SOUTHEASTERLY MARGIN OF THE NORTHERN PACIFIC RAILWAY CO. RIGHT-OF-WAY, AS CONVEYED BY DEEDS RECORDED UNDER RECORDING NUMBERS 266024 AND 268920;  
 THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY MARGIN TO A POINT BEING NORTH 89°19' WEST, 824.04 FEET, AND SOUTH 1°38'28", 328.85 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SUBDIVISION;  
 THENCE SOUTH 89°10' EAST, A DISTANCE OF 491.06 FEET;  
 THENCE NORTH 1°38'28" EAST, A DISTANCE OF 328.85 FEET;  
 THENCE SOUTH 89°19' EAST, A DISTANCE OF 332.98 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING WITHIN 124TH AVENUE NORTHEAST, AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 6582931;

AND EXCEPT THAT PORTION THEREOF DEEDED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NUMBER 20080611001939.

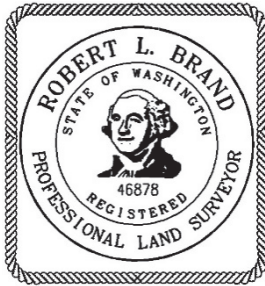
SAID EASEMENT DESCRIBED AS FOLLOWS:

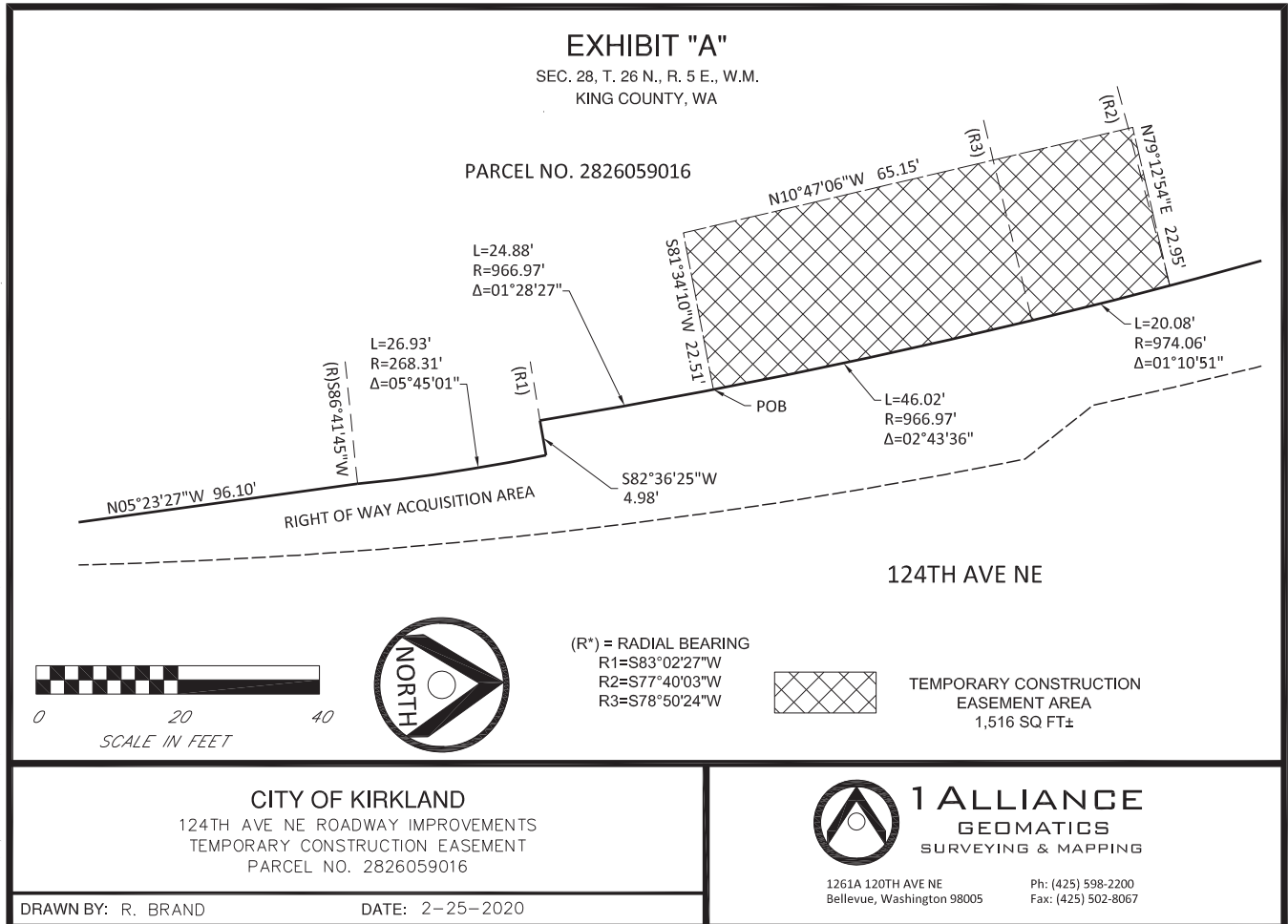
COMMENCING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL;  
 THENCE NORTH 89°18'57" WEST, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 4.64 FEET;  
 THENCE NORTH 05°23'27" WEST, A DISTANCE OF 61.87 FEET;  
 THENCE NORTH 84°36'33" EAST, A DISTANCE OF 4.98 FEET;  
 THENCE NORTH 05°23'27" WEST, A DISTANCE OF 96.10 FEET TO A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 268.31 FEET, THE CENTER OF WHICH BEARS SOUTH 86°41'45" WEST;  
 THENCE NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°45'01" AND AN ARC LENGTH OF 26.93 FEET;

THENCE SOUTH  $82^{\circ}36'25''$  WEST, A DISTANCE OF 4.98 FEET TO A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 966.97 FEET, THE CENTER OF WHICH BEARS SOUTH  $83^{\circ}02'27''$  WEST; THENCE NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $01^{\circ}28'27''$  AND AN ARC LENGTH OF 24.88 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH  $81^{\circ}34'10''$  WEST, A DISTANCE OF 22.51 FEET;  
THENCE NORTH  $10^{\circ}47'06''$  WEST, A DISTANCE OF 65.15 FEET;  
THENCE NORTH  $79^{\circ}12'54''$  EAST, A DISTANCE OF 22.95 FEET TO A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 974.06 FEET, THE CENTER OF WHICH BEARS SOUTH  $77^{\circ}40'03''$  WEST; THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $01^{\circ}10'51''$  AND AN ARC LENGTH OF 20.08 FEET TO A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 966.97 FEET, THE CENTER OF WHICH BEARS SOUTH  $78^{\circ}50'24''$  WEST;  
THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $02^{\circ}43'36''$  AND AN ARC LENGTH OF 46.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,516 SQUARE FEET, MORE OR LESS.







**EXHIBIT "A"**  
**Legal Description of Entire Property**

OWNER: P S Prop XVI Inc.

PARCEL NO. 2826059016

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 1°43'38" EAST, ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 1,347.20 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SUBDIVISION AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 1°43'38" EAST, ALONG THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 336.80 FEET TO THE SOUTH LINE OF THE NORTH 30 ACRES OF THE NORTHEAST QUARTER OF SAID SUBDIVISION;  
THENCE NORTH 89°29'32" WEST, TO THE WEST LINE OF THE EAST 75 FEET OF THE NORTHEAST QUARTER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST, ALONG SAID WEST LINE TO THE SOUTHERLY MARGIN OF NORTHEAST 124TH STREET, AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 6582932;  
THENCE WESTERLY ALONG SAID SOUTHERLY MARGIN TO THE SOUTHEASTERLY MARGIN OF THE NORTHERN PACIFIC RAILWAY CO. RIGHT-OF-WAY, AS CONVEYED BY DEEDS RECORDED UNDER RECORDING NUMBERS 266024 AND 268920;  
THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY MARGIN TO A POINT BEING NORTH 89°19' WEST, 824.04 FEET, AND SOUTH 1°38'28", 328.85 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SUBDIVISION;  
THENCE SOUTH 89°10' EAST, A DISTANCE OF 491.06 FEET;  
THENCE NORTH 1°38'28" EAST, A DISTANCE OF 328.85 FEET;  
THENCE SOUTH 89°19' EAST, A DISTANCE OF 332.98 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING WITHIN 124TH AVENUE NORTHEAST, AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 6582931;

AND EXCEPT THAT PORTION THEREOF DEEDED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NUMBER 20080611001939.



**EXHIBIT "B"**  
Legal Description of Slope Easement

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 1°43'38" EAST, ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 1,347.20 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SUBDIVISION AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 1°43'38" EAST, ALONG THE EAST LINE OF SAID SUBDIVISION A DISTANCE OF 336.80 FEET TO THE SOUTH LINE OF THE NORTH 30 ACRES OF THE NORTHEAST QUARTER OF SAID SUBDIVISION;

THENCE NORTH 89°29'32" WEST, TO THE WEST LINE OF THE EAST 75 FEET OF THE NORTHEAST QUARTER OF SAID SUBDIVISION;

THENCE NORTH 01°43'38" EAST, ALONG SAID WEST LINE TO THE SOUTHERLY MARGIN OF NORTHEAST 124TH STREET, AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 6582932;

THENCE WESTERLY ALONG SAID SOUTHERLY MARGIN TO THE SOUTHEASTERLY MARGIN OF THE NORTHERN PACIFIC RAILWAY CO. RIGHT-OF-WAY, AS CONVEYED BY DEEDS RECORDED UNDER RECORDING NUMBERS 266024 AND 268920;

THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY MARGIN TO A POINT BEING NORTH 89°19' WEST, 824.04 FEET, AND SOUTH 1°38'28", 328.85 FEET FROM THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SUBDIVISION;

THENCE SOUTH 89°10' EAST, A DISTANCE OF 491.06 FEET;

THENCE NORTH 1°38'28" EAST, A DISTANCE OF 328.85 FEET;

THENCE SOUTH 89°19' EAST, A DISTANCE OF 332.98 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING WITHIN 124TH AVENUE NORTHEAST, AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 6582931;

AND EXCEPT THAT PORTION THEREOF DEEDED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NUMBER 20080611001939.

SAID EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL;

THENCE NORTH 02°26'23" EAST, ALONG THE WEST RIGHT OF WAY MARGIN OF 124TH AVENUE NORTHEAST, A DISTANCE OF 71.67 FEET TO AN ANGLE POINT IN SAID MARGIN;

THENCE NORTH 89°17'28" WEST, ALONG SAID MARGIN, A DISTANCE OF 5.50 FEET TO AN ANGLE POINT IN SAID MARGIN;

THENCE NORTH 02°26'23" EAST, ALONG SAID MARGIN, A DISTANCE OF 26.49 FEET TO A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 783.35 FEET;

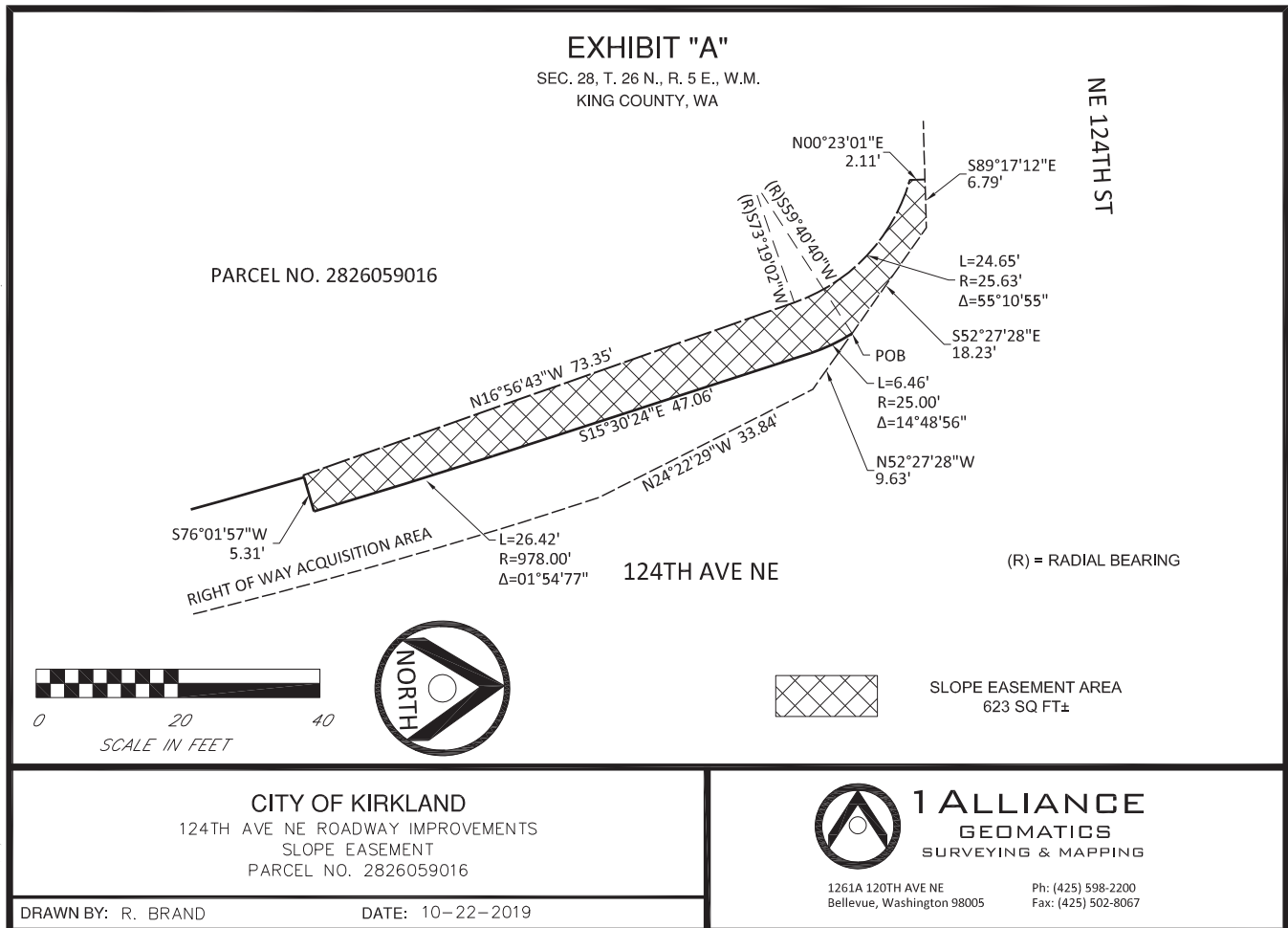
THENCE NORTHERLY, ALONG SAID CURVE AND MARGIN, THROUGH A CENTRAL ANGLE OF 01°11'58" AND AN ARC LENGTH OF 16.40 FEET TO AN ANGLE POINT IN SAID MARGIN;

THENCE NORTH 89°17'28" WEST, ALONG SAID MARGIN, A DISTANCE OF 4.00 FEET TO AN ANGLE POINT IN SAID MARGIN AND A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 779.35 FEET, THE CENTER OF WHICH BEARS NORTH 88°45'25" WEST;  
 THENCE NORTHERLY ALONG SAID CURVE AND MARGIN, THROUGH A CENTRAL ANGLE OF 10°08'50" AND AN ARC LENGTH OF 138.03 FEET TO AN ANGLE POINT IN SAID MARGIN;  
 THENCE NORTH 36°01'32" WEST, ALONG SAID MARGIN, A DISTANCE OF 12.23 FEET TO AN ANGLE POINT IN SAID MARGIN AND A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 773.85 FEET, THE CENTER OF WHICH BEARS SOUTH 80°17'23" WEST;  
 THENCE NORTHERLY, ALONG SAID CURVE AND MARGIN, THROUGH A CENTRAL ANGLE OF 06°04'21" AND AN ARC LENGTH OF 26.42 FEET TO AN ANGLE POINT IN SAID MARGIN;  
 THENCE NORTH 24°22'29" WEST, ALONG SAID MARGIN, A DISTANCE OF 33.84 FEET TO AN ANGLE POINT IN SAID MARGIN;  
 THENCE NORTH 52°27'28" WEST, ALONG SAID MARGIN, A DISTANCE OF 9.63 FEET TO A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 25.00 FEET, THE CENTER OF WHICH BEARS SOUTH 59°40'40" WEST AND THE POINT OF BEGINNING;

THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°48'56" AND AN ARC LENGTH OF 6.46 FEET;  
 THENCE SOUTH 15°30'24" EAST, A DISTANCE OF 47.06 FEET TO A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 978.00 FEET;  
 THENCE SOUTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°54'77" AND AN ARC LENGTH OF 26.42 FEET;  
 THENCE SOUTH 76°01'57" WEST, A DISTANCE OF 5.31 FEET;  
 THENCE NORTH 16°56'43" WEST, A DISTANCE OF 73.35 FEET TO A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 25.63 FEET, THE CENTER OF WHICH BEARS SOUTH 73°19'02" WEST;  
 THENCE NORTHWESTERLY, ALONG SAID CURVE THOUGH A CENTRAL ANGLE OF 55°10'55" AND AN ARC LENGTH OF 24.65 FEET;  
 THENCE NORTH 00°23'01" EAST, A DISTANCE OF 2.11 FEET TO THE SOUTH RIGHT OF WAY MARGIN OF NORTHEAST 124TH STREET;  
 THENCE SOUTH 89°17'12" EAST, ALONG SAID MARGIN, A DISTANCE OF 6.79 FEET TO AN ANGLE POINT IN SAID MARGIN;  
 THENCE SOUTH 52°27'28" EAST, ALONG SAID MARGIN, A DISTANCE OF 18.23 FEET TO THE POINT OF BEGINNING.

CONTAINING 623 SQUARE FEET, MORE OR LESS.



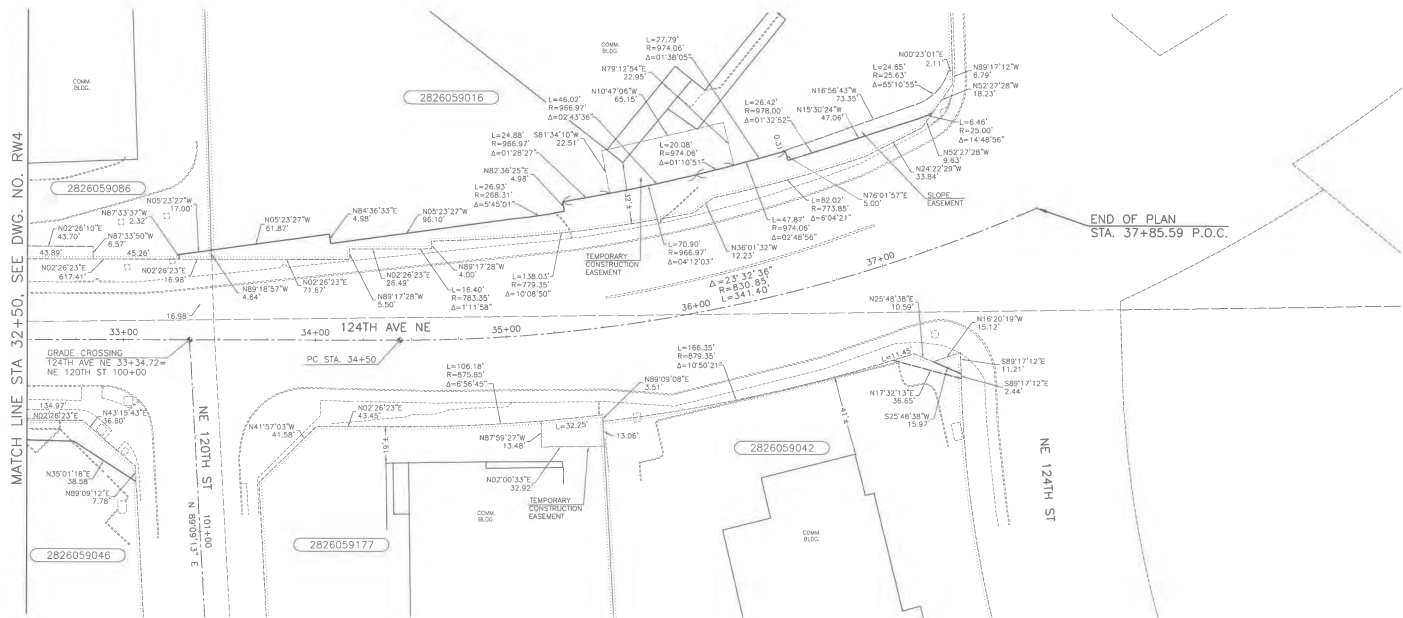


## LEGEND

|     |                                 |
|-----|---------------------------------|
| --- | SECTION LINE                    |
| --- | QUARTER SECTION LINE            |
| --- | 16TH SECTION LINE               |
| --- | CONSTRUCTION CENTERLINE         |
| --- | EXISTING RIGHT-OF-WAY           |
| --- | PROPOSED RIGHT-OF-WAY           |
| --- | PERMANENT EASEMENT              |
| --- | SLOPE EASEMENT                  |
| --- | TEMPORARY CONSTRUCTION EASEMENT |
| --- | PROPERTY LINE                   |

## 124TH AVENUE NE ROADWAY IMPROVEMENTS

A PORTION OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN  
KING COUNTY, WASHINGTON



|            |                                    |            |                          |           |                |        |
|------------|------------------------------------|------------|--------------------------|-----------|----------------|--------|
| 2826059016 | PUBLIC STORAGE PROPERTIES NW, INC. | 130,679    | 4,142                    | 128,537   | 823            | 1,518  |
| 2826059042 | TOTUM SQUARE PARTNERS              | 424,835    | 2,941                    | 401,894   | 1,383          | 12,151 |
| 2826059046 | NE 124 124 NE, LLC                 | 39,218     | 81                       | 39,137    | 142            |        |
| 2826059177 | RADPOW INVESTMENTS, LLC            | 21,660     |                          |           | 489            |        |
| 2826059048 | S & T OF WA, LLC                   | 144,543    | 1,793                    | 142,750   | 974            |        |
| PARCEL NO. | NAME                               | TOTAL AREA | RIGHT OF WAY ACQUISITION | REMAINDER | SLOPE EASEMENT | TCE    |

TOTAL AREA IS CALCULATED. OWNERSHIPS ALL AREAS ARE SHOWN IN SQUARE FEET UNLESS OTHERWISE NOTED. TCE=TEMPORARY CONSTRUCTION EASEMENT



DRAWN BY: CNI  
DESIGN BY: RLB  
CHECK BY: RLB  
PROJ MGR: RLB



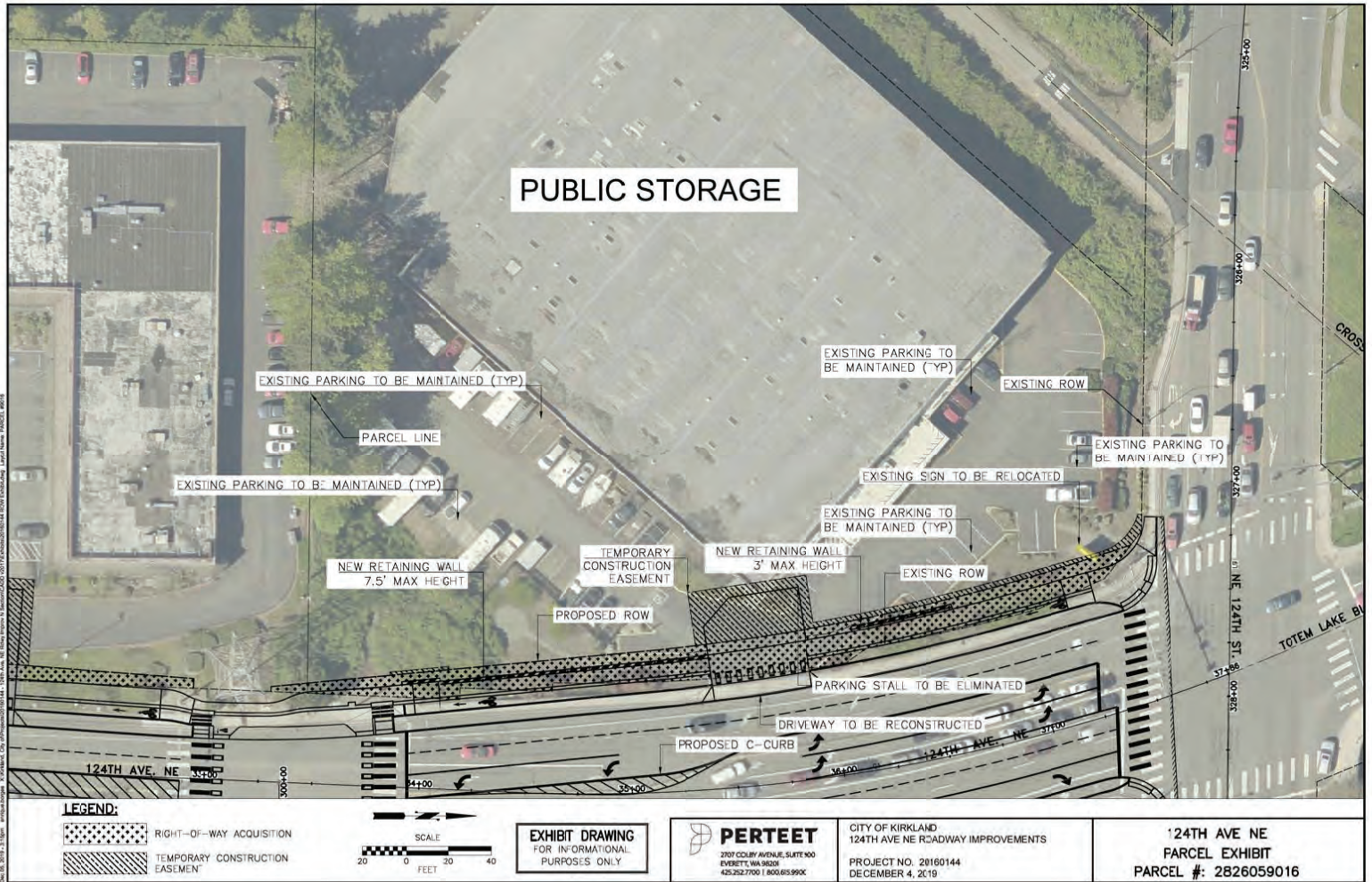
| FILE | ENGR                          | REVIEW  | SCALE  | DATE     |
|------|-------------------------------|---------|--------|----------|
| RW5  | KWA                           | 9-30-19 | SHOWN  | 5-13-19  |
| 4    | ROW ACQ. REV. PAR -9222       | RLB     | JO     | 04-27-20 |
| 3    | ACQ TO TCE/ACQ. PAR -9542     | RLB     | JO     | 03-20-20 |
| 2    | TCE EASE. REV. PER OWNER REQ. | RLB     | JO     | 02-24-20 |
| 1    | PERM EASE TO PROPOSED R/W     | RLB     | JO     | 09-28-19 |
| NO.  | REVISION                      | BY      | REVIEW | DATE     |



CITY OF KIRKLAND  
PUBLIC WORKS DEPARTMENT  
123 FIFTH AVENUE - KIRKLAND, WA 98033-6189 - (206)828-1243  
124TH AVE NE ROADWAY IMPROVEMENTS  
RIGHT-OF-WAY PLAN  
STA 32+50 - STA 37+85.59

RW5  
5  
5





**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: WWX Limited LLC

PARCEL NO. 2826059021

PARCEL 3 OF KIRKLAND LOT LINE ADJUSTMENT NUMBER LL-84-28, RECORDED UNDER  
RECORDING NUMBER 8405010750, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28,  
TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS  
FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF TO THE INTERSECTION POINT  
WITH THE NORTH LINE OF THE SOUTH 300 FEET OF SAID SUBDIVISION;  
THENCE NORTH 88°36'29" WEST ALONG SAID NORTH LINE A DISTANCE OF 42.00 FEET TO A POINT  
ON THE WESTERLY MARGIN LINE OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 01°43'38" EAST ALONG SAID WESTERLY MARGIN 200.77 FEET;  
THENCE NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 77.25 FEET TO THE TRUE POINT  
OF BEGINNING;

THENCE CONTINUING NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 151.74 FEET;  
THENCE NORTH 89°19'00" WEST 219.90 FEET;  
THENCE SOUTH 01°23'31" WEST 128.00 FEET;  
THENCE SOUTH 88°36'29" EAST 29.00 FEET;  
THENCE SOUTH 01°23'31" WEST 5.00 FEET;  
THENCE SOUTH 88°36'29" EAST 150.00 FEET;  
THENCE SOUTH 01°23'31" WEST 16.00 FEET;  
THENCE SOUTH 88°36'29" EAST 38.10 FEET TO THE TRUE POINT OF BEGINNING.

**EXHIBIT "B"**Legal Description of Temporary Construction Easement

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF TO THE INTERSECTION POINT WITH THE NORTH LINE OF THE SOUTH 300 FEET OF SAID SUBDIVISION;  
THENCE NORTH 88°36'29" WEST ALONG SAID NORTH LINE A DISTANCE OF 42.00 FEET TO A POINT ON THE WESTERLY MARGIN LINE OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 01°43'38" EAST ALONG SAID WESTERLY MARGIN 200.77 FEET;  
THENCE NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 77.25 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 151.74 FEET;  
THENCE NORTH 89°19'00" WEST 219.90 FEET;  
THENCE SOUTH 01°23'31" WEST 128.00 FEET;  
THENCE SOUTH 88°36'29" EAST 29.00 FEET;  
THENCE SOUTH 01°23'31" WEST 5.00 FEET;  
THENCE SOUTH 88°36'29" EAST 150.00 FEET;  
THENCE SOUTH 01°23'31" WEST 16.00 FEET;  
THENCE SOUTH 88°36'29" EAST 38.10 FEET TO THE TRUE POINT OF BEGINNING.

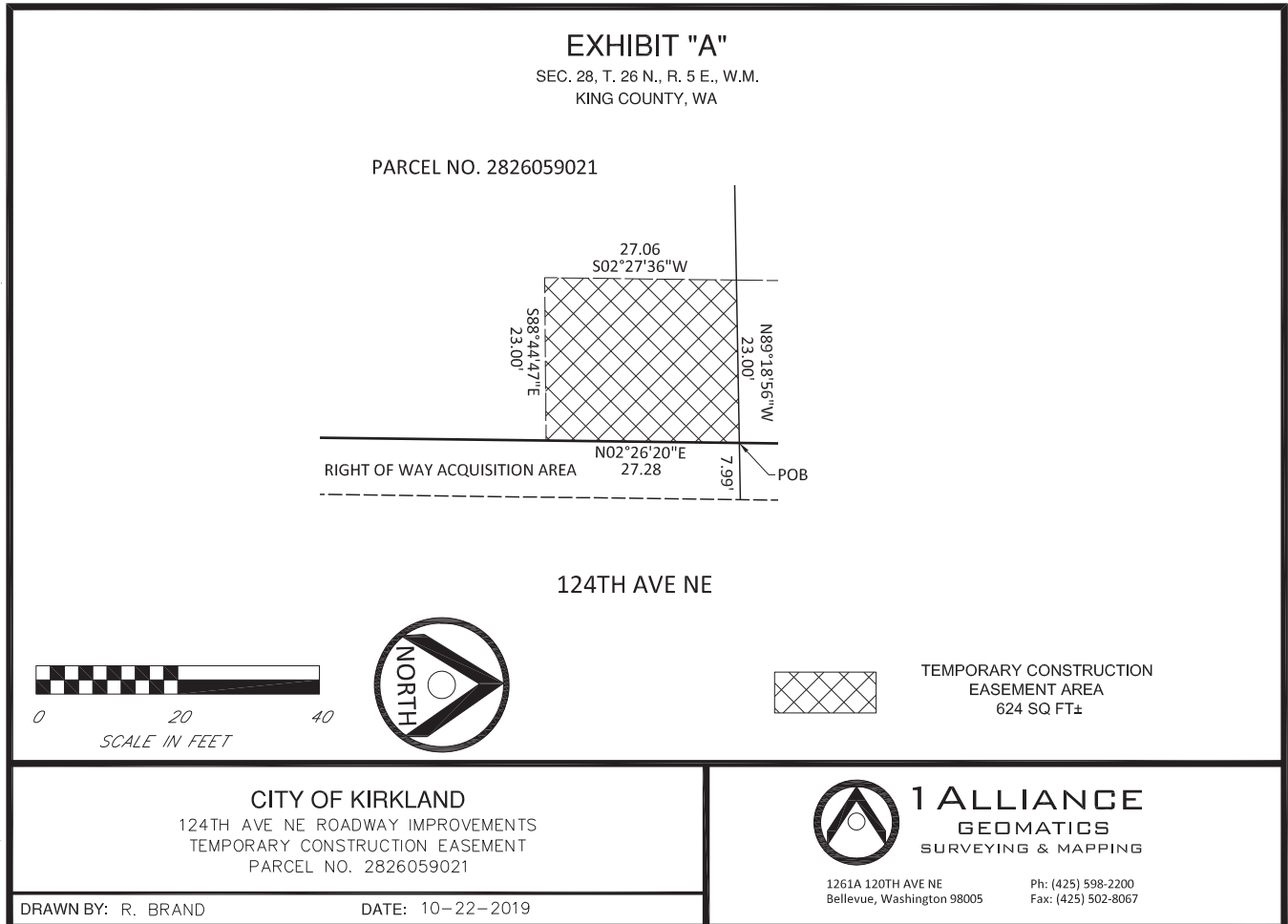
SAID EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL;  
THENCE NORTH 89°18'56" WEST, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 7.99 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°18'56" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 23.00 FEET;  
THENCE SOUTH 02°27'36" WEST, A DISTANCE OF 27.06 FEET;  
THENCE SOUTH 88°44'47" EAST, A DISTANCE OF 23.00 FEET;  
THENCE NORTH 02°26'20" EAST, A DISTANCE OF 27.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 624 SQUARE FEET, MORE OR LESS.







**EXHIBIT "A"**  
**Legal Description of Entire Property**

OWNER: WWX Limited LLC

PARCEL NO. 2826059179

PARCEL 2 OF KIRKLAND LOT LINE ADJUSTMENT NUMBER LL-84-28, RECORDED UNDER  
RECORDING NUMBER 8405010750, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28,  
TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS  
FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF TO THE INTERSECTION POINT  
WITH THE NORTH LINE OF THE SOUTH 300 FEET OF SAID SUBDIVISION;  
THENCE NORTH 88°36'29" WEST ALONG SAID NORTH LINE A DISTANCE OF 42.00 FEET TO A POINT  
ON THE WESTERLY MARGIN LINE OF 124TH AVENUE NORTHEAST AND THE TRUE POINT OF  
BEGINNING;  
THENCE NORTH 88°36'29" WEST A DISTANCE OF 289.37 FEET ALONG THE NORTH LINE OF THE  
SOUTH 300 FEET OF SAID SUBDIVISION TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE  
SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28;  
THENCE NORTH 01°38'29" EAST ALONG SAID WEST LINE A DISTANCE OF 426.10 FEET;  
THENCE SOUTH 89°19'00" EAST A DISTANCE OF 292.91 FEET TO THE WESTERLY MARGIN LINE  
124TH AVENUE NORTHEAST;  
THENCE SOUTH 02°26'36" WEST A DISTANCE OF 228.99 FEET ALONG SAID WESTERLY ROAD  
MARGIN LINE;  
THENCE CONTINUING ALONG SAID WESTERLY ROAD MARGIN LINE SOUTH 01°43'38" WEST A  
DISTANCE OF 200.77 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28,  
TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS  
FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF TO THE INTERSECTION POINT  
WITH THE NORTH LINE OF THE SOUTH 300 FEET OF SAID SUBDIVISION;  
THENCE NORTH 88°36'29" WEST ALONG SAID NORTH LINE A DISTANCE OF 42.00 FEET TO A POINT  
ON THE WESTERLY MARGIN LINE OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 01°43'38" EAST ALONG SAID WESTERLY MARGIN 200.77 FEET;  
THENCE NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 77.25 FEET TO THE TRUE POINT  
OF BEGINNING;  
THENCE CONTINUING NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 151.74 FEET;  
THENCE NORTH 89°19'00" WEST 219.90 FEET;  
THENCE SOUTH 01°23'31" WEST 128.00 FEET;

THENCE SOUTH 88°36'29" EAST 29.00 FEET;  
THENCE SOUTH 01°23'31" WEST 5.00 FEET;  
THENCE SOUTH 88°36'29" EAST 150.00 FEET;  
THENCE SOUTH 01°23'31" WEST 16.00 FEET;  
THENCE SOUTH 88°36'29" EAST 38.10 FEET TO THE TRUE POINT OF BEGINNING.

**EXHIBIT "B"**  
**Legal Description of Temporary Construction Easement**

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

PARCEL 2 OF KIRKLAND LOT LINE ADJUSTMENT NUMBER LL-84-28, RECORDED UNDER RECORDING NUMBER 8405010750, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF TO THE INTERSECTION POINT WITH THE NORTH LINE OF THE SOUTH 300 FEET OF SAID SUBDIVISION;  
THENCE NORTH 88°36'29" WEST ALONG SAID NORTH LINE A DISTANCE OF 42.00 FEET TO A POINT ON THE WESTERLY MARGIN LINE OF 124TH AVENUE NORTHEAST AND THE TRUE POINT OF BEGINNING;  
THENCE NORTH 88°36'29" WEST A DISTANCE OF 289.37 FEET ALONG THE NORTH LINE OF THE SOUTH 300 FEET OF SAID SUBDIVISION TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28;  
THENCE NORTH 01°38'29" EAST ALONG SAID WEST LINE A DISTANCE OF 426.10 FEET;  
THENCE SOUTH 89°19'00" EAST A DISTANCE OF 292.91 FEET TO THE WESTERLY MARGIN LINE 124TH AVENUE NORTHEAST;  
THENCE SOUTH 02°26'36" WEST A DISTANCE OF 228.99 FEET ALONG SAID WESTERLY ROAD MARGIN LINE;  
THENCE CONTINUING ALONG SAID WESTERLY ROAD MARGIN LINE SOUTH 01°43'38" WEST A DISTANCE OF 200.77 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF TO THE INTERSECTION POINT WITH THE NORTH LINE OF THE SOUTH 300 FEET OF SAID SUBDIVISION;  
THENCE NORTH 88°36'29" WEST ALONG SAID NORTH LINE A DISTANCE OF 42.00 FEET TO A POINT ON THE WESTERLY MARGIN LINE OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 01°43'38" EAST ALONG SAID WESTERLY MARGIN 200.77 FEET;  
THENCE NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 77.25 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 151.74 FEET;  
THENCE NORTH 89°19'00" WEST 219.90 FEET;  
THENCE SOUTH 01°23'31" WEST 128.00 FEET;  
THENCE SOUTH 88°36'29" EAST 29.00 FEET;  
THENCE SOUTH 01°23'31" WEST 5.00 FEET;

THENCE SOUTH 88°36'29" EAST 150.00 FEET;  
THENCE SOUTH 01°23'31" WEST 16.00 FEET;  
THENCE SOUTH 88°36'29" EAST 38.10 FEET TO THE TRUE POINT OF BEGINNING.

SAID EASEMENT DESCRIBED AS FOLLOWS:

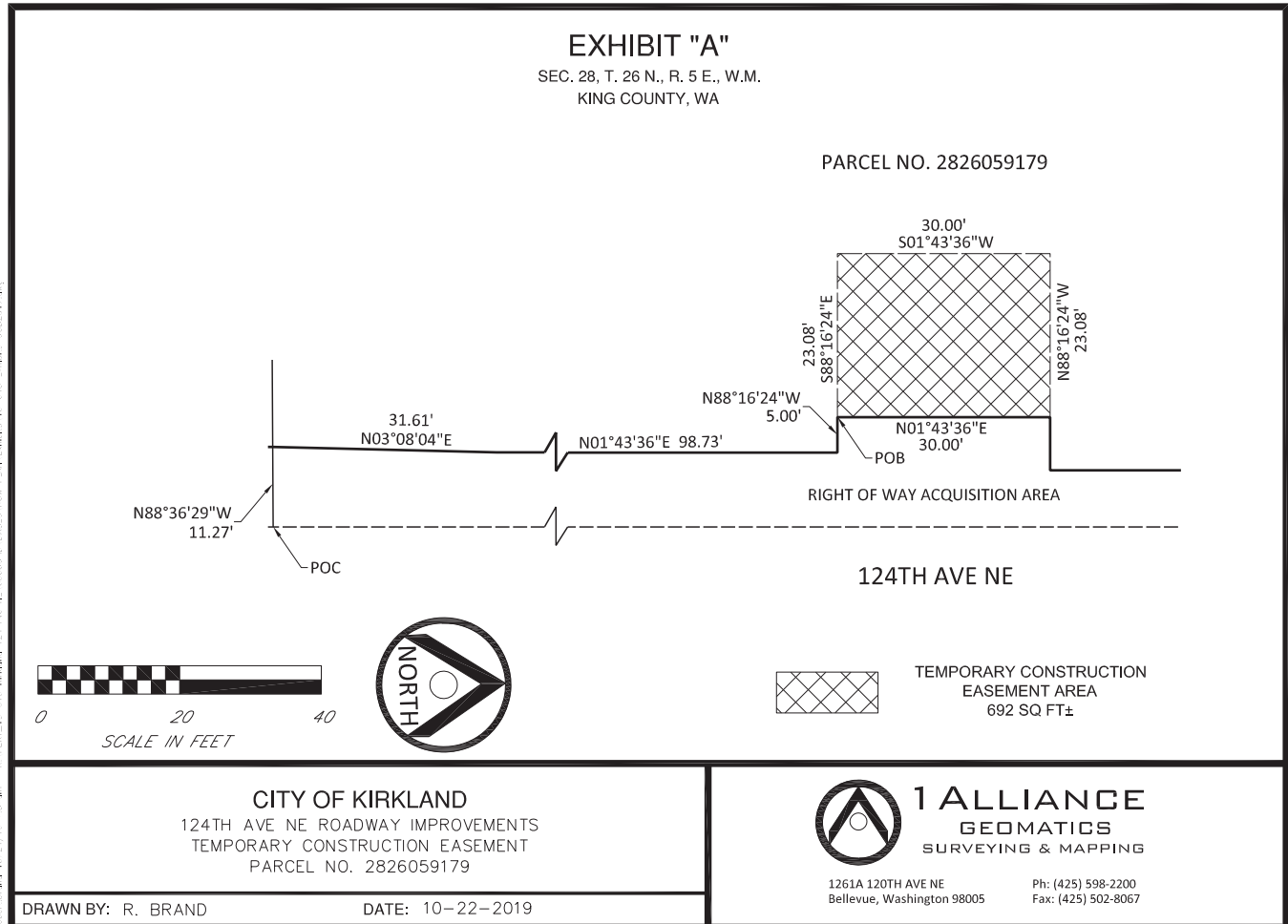
COMMENCING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL;  
THENCE NORTH 88°36'29" WEST, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 11.27 FEET;

THENCE NORTH 03°08'04" EAST, A DISTANCE OF 31.61 FEET;  
THENCE NORTH 01°43'36" EAST, A DISTANCE OF 98.73 FEET;  
THENCE NORTH 88°16'24" WEST, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 01°43'36" EAST, A DISTANCE OF 30.00 FEET;  
THENCE NORTH 88°16'24" WEST, A DISTANCE OF 23.08 FEET;  
THENCE SOUTH 01°43'36" WEST, A DISTANCE OF 30.00 FEET;  
THENCE SOUTH 88°16'24" EAST, A DISTANCE OF 23.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 692 SQUARE FEET, MORE OR LESS.





**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: WWX Limited LLC

PARCEL NO. 2826059021

PARCEL 3 OF KIRKLAND LOT LINE ADJUSTMENT NUMBER LL-84-28, RECORDED UNDER  
RECORDING NUMBER 8405010750, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28,  
TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS  
FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF TO THE INTERSECTION POINT  
WITH THE NORTH LINE OF THE SOUTH 300 FEET OF SAID SUBDIVISION;  
THENCE NORTH 88°36'29" WEST ALONG SAID NORTH LINE A DISTANCE OF 42.00 FEET TO A POINT  
ON THE WESTERLY MARGIN LINE OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 01°43'38" EAST ALONG SAID WESTERLY MARGIN 200.77 FEET;  
THENCE NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 77.25 FEET TO THE TRUE POINT  
OF BEGINNING;

THENCE CONTINUING NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 151.74 FEET;  
THENCE NORTH 89°19'00" WEST 219.90 FEET;  
THENCE SOUTH 01°23'31" WEST 128.00 FEET;  
THENCE SOUTH 88°36'29" EAST 29.00 FEET;  
THENCE SOUTH 01°23'31" WEST 5.00 FEET;  
THENCE SOUTH 88°36'29" EAST 150.00 FEET;  
THENCE SOUTH 01°23'31" WEST 16.00 FEET;  
THENCE SOUTH 88°36'29" EAST 38.10 FEET TO THE TRUE POINT OF BEGINNING.

**EXHIBIT "B"****Legal Description of Right of Way Acquisition**

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

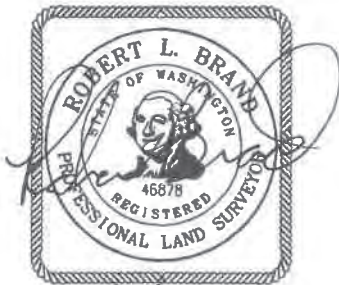
COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF TO THE INTERSECTION POINT WITH THE NORTH LINE OF THE SOUTH 300 FEET OF SAID SUBDIVISION;  
THENCE NORTH 88°36'29" WEST ALONG SAID NORTH LINE A DISTANCE OF 42.00 FEET TO A POINT ON THE WESTERLY MARGIN LINE OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 01°43'38" EAST ALONG SAID WESTERLY MARGIN 200.77 FEET;  
THENCE NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 77.25 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 151.74 FEET;  
THENCE NORTH 89°19'00" WEST 219.90 FEET;  
THENCE SOUTH 01°23'31" WEST 128.00 FEET;  
THENCE SOUTH 88°36'29" EAST 29.00 FEET;  
THENCE SOUTH 01°23'31" WEST 5.00 FEET;  
THENCE SOUTH 88°36'29" EAST 150.00 FEET;  
THENCE SOUTH 01°23'31" WEST 16.00 FEET;  
THENCE SOUTH 88°36'29" EAST 38.10 FEET TO THE TRUE POINT OF BEGINNING.

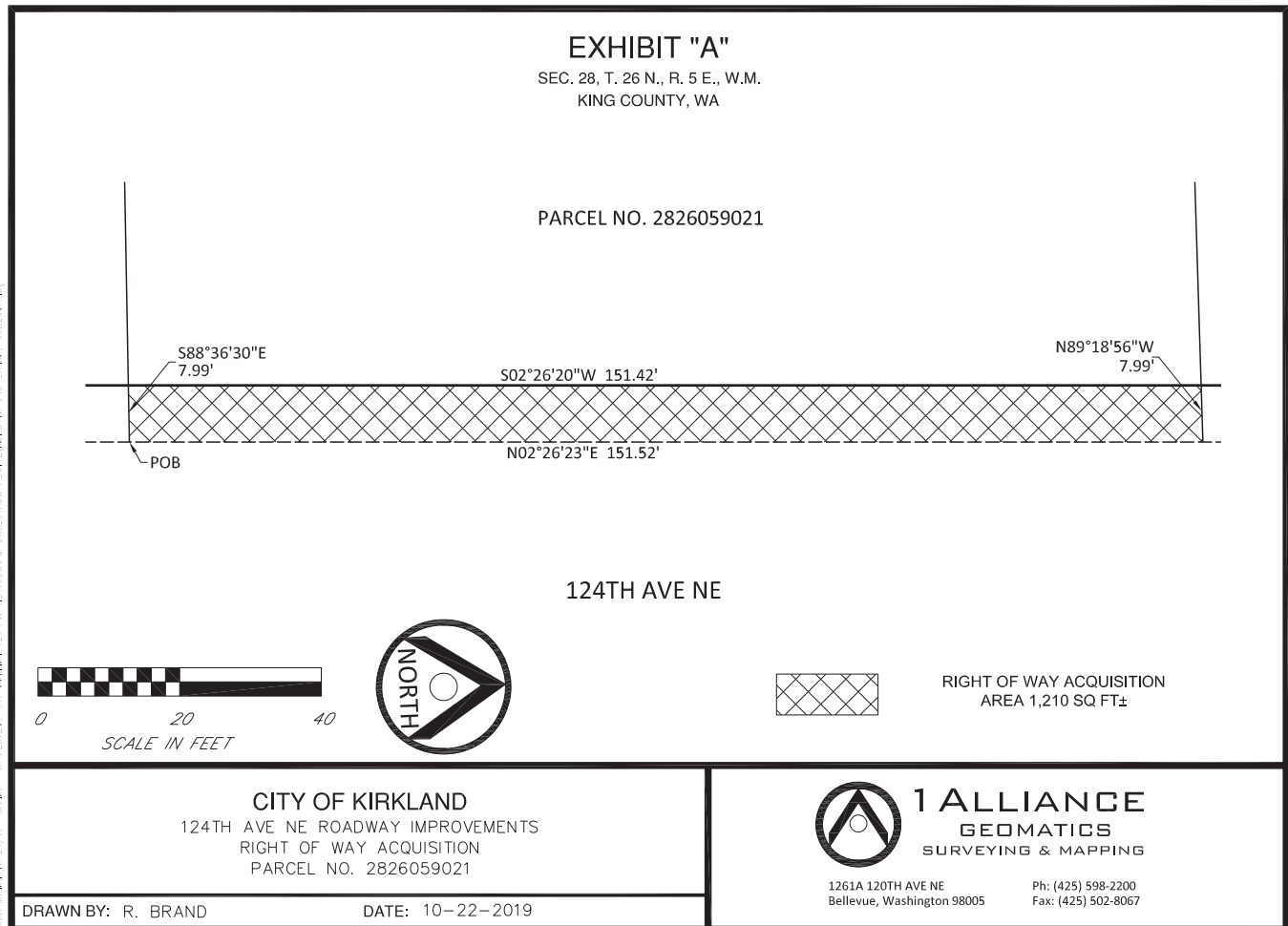
SAID ACQUISITION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL;  
THENCE NORTH 02°26'23" EAST, ALONG THE WEST MARGIN OF 124TH AVENUE NORTHEAST, A DISTANCE OF 151.52 FEET TO THE NORTHEAST CORNER OF SAID PARCEL;  
THENCE NORTH 89°18'56" WEST, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 7.99 FEET;  
THENCE SOUTH 02°26'20" WEST, A DISTANCE OF 151.42 FEET TO THE SOUTH LINE OF SAID PARCEL;  
THENCE SOUTH 88°36'30" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 7.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,210 SQUARE FEET, MORE OR LESS.



11/11/2019





**EXHIBIT "A"**  
**Legal Description of Entire Property**

OWNER: WWX Limited LLC

PARCEL NO. 2826059179

PARCEL 2 OF KIRKLAND LOT LINE ADJUSTMENT NUMBER LL-84-28, RECORDED UNDER RECORDING NUMBER 8405010750, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF TO THE INTERSECTION POINT WITH THE NORTH LINE OF THE SOUTH 300 FEET OF SAID SUBDIVISION;  
THENCE NORTH 88°36'29" WEST ALONG SAID NORTH LINE A DISTANCE OF 42.00 FEET TO A POINT ON THE WESTERLY MARGIN LINE OF 124TH AVENUE NORTHEAST AND THE TRUE POINT OF BEGINNING;  
THENCE NORTH 88°36'29" WEST A DISTANCE OF 289.37 FEET ALONG THE NORTH LINE OF THE SOUTH 300 FEET OF SAID SUBDIVISION TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28;  
THENCE NORTH 01°38'29" EAST ALONG SAID WEST LINE A DISTANCE OF 426.10 FEET;  
THENCE SOUTH 89°19'00" EAST A DISTANCE OF 292.91 FEET TO THE WESTERLY MARGIN LINE 124TH AVENUE NORTHEAST;  
THENCE SOUTH 02°26'36" WEST A DISTANCE OF 228.99 FEET ALONG SAID WESTERLY ROAD MARGIN LINE;  
THENCE CONTINUING ALONG SAID WESTERLY ROAD MARGIN LINE SOUTH 01°43'38" WEST A DISTANCE OF 200.77 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF TO THE INTERSECTION POINT WITH THE NORTH LINE OF THE SOUTH 300 FEET OF SAID SUBDIVISION;  
THENCE NORTH 88°36'29" WEST ALONG SAID NORTH LINE A DISTANCE OF 42.00 FEET TO A POINT ON THE WESTERLY MARGIN LINE OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 01°43'38" EAST ALONG SAID WESTERLY MARGIN 200.77 FEET;  
THENCE NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 77.25 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 151.74 FEET;  
THENCE NORTH 89°19'00" WEST 219.90 FEET;  
THENCE SOUTH 01°23'31" WEST 128.00 FEET;

THENCE SOUTH 88°36'29" EAST 29.00 FEET;  
THENCE SOUTH 01°23'31" WEST 5.00 FEET;  
THENCE SOUTH 88°36'29" EAST 150.00 FEET;  
THENCE SOUTH 01°23'31" WEST 16.00 FEET;  
THENCE SOUTH 88°36'29" EAST 38.10 FEET TO THE TRUE POINT OF BEGINNING.

**EXHIBIT "B"**  
**Legal Description of Right of Way Acquisition**

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

PARCEL 2 OF KIRKLAND LOT LINE ADJUSTMENT NUMBER LL-84-28, RECORDED UNDER RECORDING NUMBER 8405010750, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF TO THE INTERSECTION POINT WITH THE NORTH LINE OF THE SOUTH 300 FEET OF SAID SUBDIVISION;  
THENCE NORTH 88°36'29" WEST ALONG SAID NORTH LINE A DISTANCE OF 42.00 FEET TO A POINT ON THE WESTERLY MARGIN LINE OF 124TH AVENUE NORTHEAST AND THE TRUE POINT OF BEGINNING;  
THENCE NORTH 88°36'29" WEST A DISTANCE OF 289.37 FEET ALONG THE NORTH LINE OF THE SOUTH 300 FEET OF SAID SUBDIVISION TO A POINT ON THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28;  
THENCE NORTH 01°38'29" EAST ALONG SAID WEST LINE A DISTANCE OF 426.10 FEET;  
THENCE SOUTH 89°19'00" EAST A DISTANCE OF 292.91 FEET TO THE WESTERLY MARGIN LINE 124TH AVENUE NORTHEAST;  
THENCE SOUTH 02°26'36" WEST A DISTANCE OF 228.99 FEET ALONG SAID WESTERLY ROAD MARGIN LINE;  
THENCE CONTINUING ALONG SAID WESTERLY ROAD MARGIN LINE SOUTH 01°43'38" WEST A DISTANCE OF 200.77 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THE FOLLOWING DESCRIBED PARCEL:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

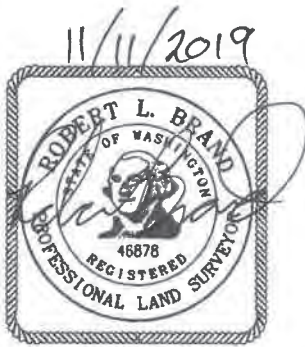
COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF TO THE INTERSECTION POINT WITH THE NORTH LINE OF THE SOUTH 300 FEET OF SAID SUBDIVISION;  
THENCE NORTH 88°36'29" WEST ALONG SAID NORTH LINE A DISTANCE OF 42.00 FEET TO A POINT ON THE WESTERLY MARGIN LINE OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 01°43'38" EAST ALONG SAID WESTERLY MARGIN 200.77 FEET;  
THENCE NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 77.25 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN 151.74 FEET;  
THENCE NORTH 89°19'00" WEST 219.90 FEET;  
THENCE SOUTH 01°23'31" WEST 128.00 FEET;  
THENCE SOUTH 88°36'29" EAST 29.00 FEET;  
THENCE SOUTH 01°23'31" WEST 5.00 FEET;

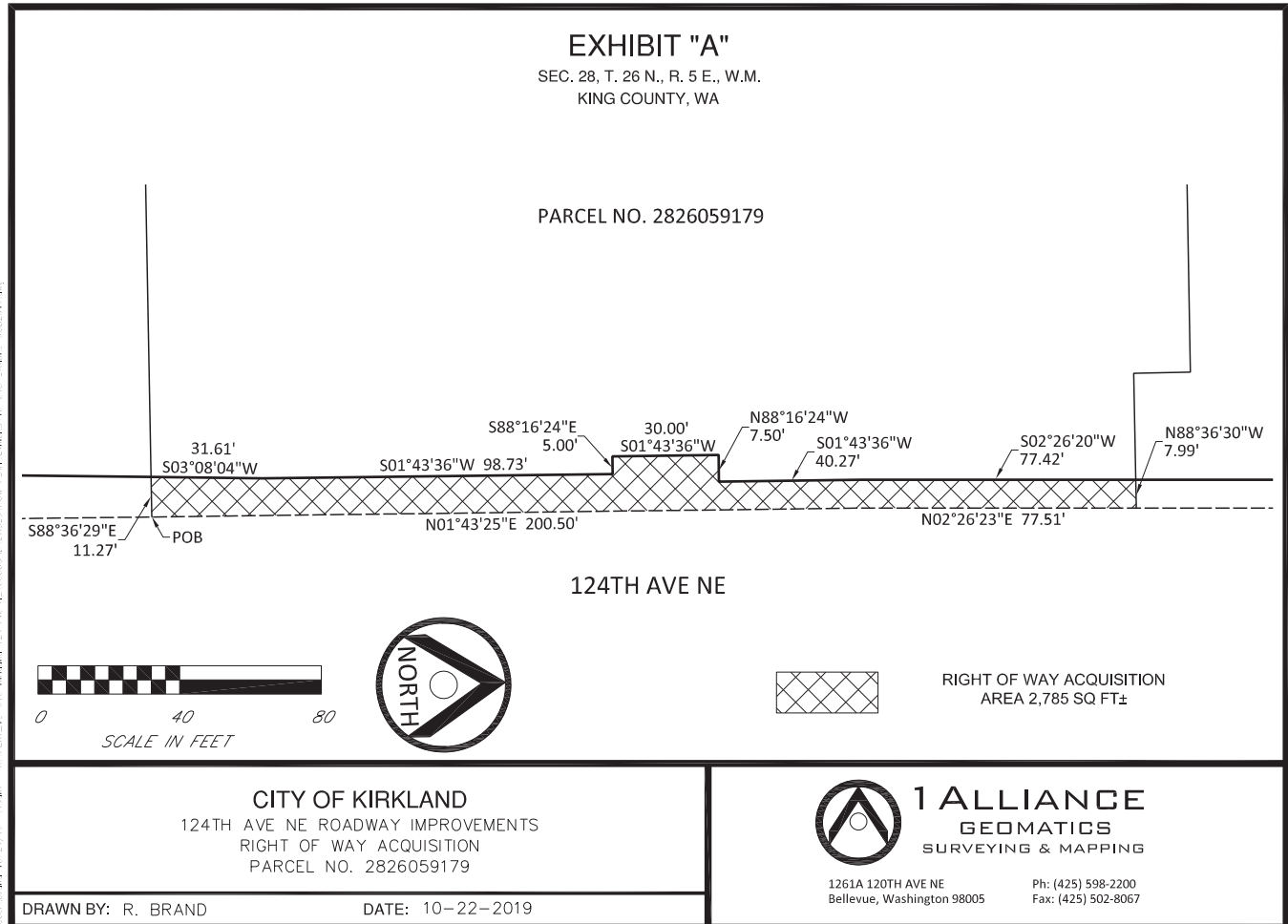
THENCE SOUTH 88°36'29" EAST 150.00 FEET;  
THENCE SOUTH 01°23'31" WEST 16.00 FEET;  
THENCE SOUTH 88°36'29" EAST 38.10 FEET TO THE TRUE POINT OF BEGINNING.

SAID ACQUISITION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL;  
THENCE NORTH 01°43'25" EAST, ALONG THE WEST RIGHT OF WAY MARGIN OF 124TH AVENUE  
NORTHEAST, A DISTANCE OF 200.50 FEET TO AN ANGLE POINT IS SAID MARGIN;  
THENCE NORTH 02°26'23" EAST, ALONG SAID MARGIN, A DISTANCE OF 77.51 FEET TO THE  
NORTHEAST CORNER OF SAID PARCEL;  
THENCE NORTH 88°36'30" WEST, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 7.99  
FEET;  
THENCE SOUTH 02°26'20" WEST, A DISTANCE OF 77.42 FEET;  
THENCE SOUTH 01°43'36" WEST, A DISTANCE OF 40.27 FEET;  
THENCE NORTH 88°16'24" WEST, A DISTANCE OF 7.50 FEET;  
THENCE SOUTH 01°43'36" WEST, A DISTANCE OF 30.00 FEET;  
THENCE SOUTH 88°16'24" EAST, A DISTANCE OF 5.00 FEET;  
THENCE SOUTH 01°43'36" WEST, A DISTANCE OF 98.73 FEET;  
THENCE SOUTH 03°08'04" WEST, A DISTANCE OF 31.61 FEET TO THE SOUTH LINE OF SAID PARCEL;  
THENCE SOUTH 88°36'29" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 11.27 FEET TO THE  
POINT OF BEGINNING.

CONTAINING 2,785 SQUARE FEET, MORE OR LESS.





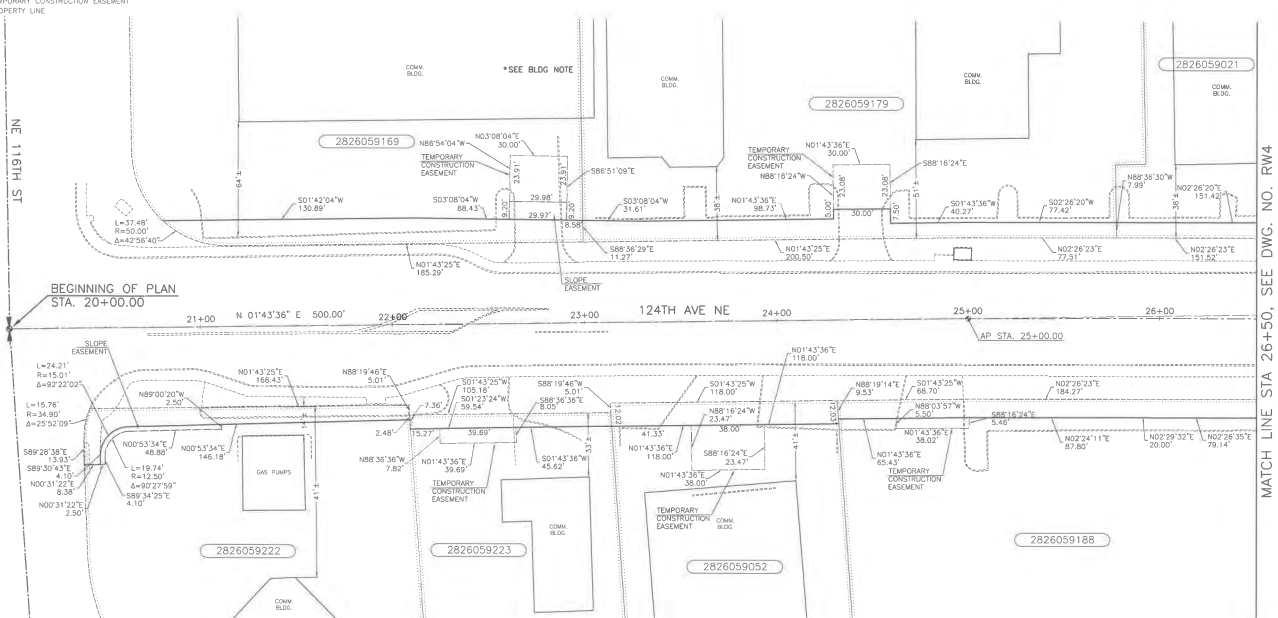
## LEGEND

SECTION LINE  
QUARTER SECTION LINE  
16TH SECTION LINE  
CONSTRUCTION CENTERLINE  
EXISTING RIGHT-OF-WAY  
PROPOSED RIGHT-OF-WAY  
PERMANENT EASEMENT  
SLOPE EASEMENT  
TEMPORARY CONSTRUCTION EASEMENT  
PROPERTY LINE

## 124TH AVENUE NE ROADWAY IMPROVEMENTS

A PORTION OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN  
KING COUNTY, WASHINGTON

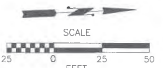
Exhibit B - Acquisition Exhibits  
Page 31 of 128



|                           |                            |            |                          |  |                |
|---------------------------|----------------------------|------------|--------------------------|--|----------------|
| 2826059001                | WAX LIMITED LLC            | 29,788     | 1,710                    | 29,578   | 624            |
| 2826059179                | WAX LIMITED LLC            | 94,425     | 2,785                    | 91,640   | 692            |
| 2826059169                | KIM SANG HATCHON O         | 34,061     | 2,707                    | 31,354   | 275            |
| 2826059188                | CHAMAY BARBARA M           | 31,808     | 2,403                    | 29,405   | 209            |
| 2826059052                | KIRKLAND TOTEM REAL ESTATE | 24,274     | 1,416                    | 22,858   | 891            |
| 2826059223                | TACO BELL OF AMERICA LLC   | 18,819     | 746                      | 18,072   | 315            |
| 2826059222                | YEN YAO JEAN               | 28,819     | 1,674                    | 27,145   | 166            |
| PARCEL NO.                | NAME                       | TOTAL AREA | RIGHT OF WAY ACQUISITION | REMAINDER  | SLOPE EASEMENT |
| TOTAL AREA IS CALCULATED. |                            | OWNERSHIPS |                          | ALL AREAS ARE SHOWN IN SQUARE FEET UNLESS OTHERWISE NOTED. |                |

\*BLDG NOTE: TRACED FROM AERIAL

TCE=TEMPORARY CONSTRUCTION EASEMENT 6/9/2020



DRAWN BY: CMU  
DESIGN BY: RLB  
CHECK BY: RLB  
PROJ MGR: RLB



| FILE | ENGR                         | REVIEW  | SCALE  | DATE     |
|------|------------------------------|---------|--------|----------|
| RW3  | KWA                          | 9-30-19 | SHOWN  | 5-13-19  |
| 4    | ROW ACQ. REV. PAR -9222      | RLB     | JS     | 04-27-20 |
| 3    | ACQ TO TCE/ACQ. PAR -9042    | RLB     | JS     | 03-20-20 |
| 2    | TCE CASE REV. PER OWNER REG. | RLB     | JS     | 02-25-20 |
| 1    | PERU CASE TO PROPOSED R/W    | RLB     | JS     | 09-26-19 |
| NO.  | REVISION                     | BY      | REVIEW | DATE     |



CITY OF KIRKLAND  
PUBLIC WORKS DEPARTMENT  
123 11TH AVENUE - KIRKLAND, WA 98033-6189 - (206)828-1243  
124TH AVE NE ROADWAY IMPROVEMENTS  
RIGHT-OF-WAY PLAN  
STA 20+00 - STA 26+50

RW3  
3  
5



**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: 124 @ 124 LLC

PARCEL NO. 2826059042

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 89°08'55" EAST ALONG THE SOUTH LINE THEREOF 338.81 FEET;  
THENCE NORTH 1°43'38" EAST PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION 468.52 FEET TO A POINT ON THE SOUTH LINE OF NORTHEAST 124TH STREET AS ESTABLISHED BY KING COUNTY SURVEY NO. 28-26-5-11, SAID LINE BEING A 614.96 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, A RADIAL AT SAID POINT BEARING NORTH 30°21'52" WEST;  
THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE AN ARC DISTANCE OF 157.05 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 11°40'00" EAST 164.14 FEET;  
THENCE SOUTH 89°08'55" WEST 192.2 FEET TO A POINT ON THE EAST LINE OF 124TH AVENUE NORTHEAST AS ESTABLISHED BY KING COUNTY SURVEY NO. 4-25-5-21, SAID EAST LINE BEING AN 872.85 FOOT RADIUS CURVE CONCAVE TO THE WEST, A RADIAL AT SAID POINT BEARING SOUTH 82°19'52" WEST;  
THENCE NORTHERLY ALONG SAID EAST LINE 143.76 FEET TO THE SAID SOUTH LINE OF NORTHEAST 124TH STREET;  
THENCE NORTH 89°17'14" EAST ALONG SAID SOUTH LINE 30.80 FEET TO THE POINT OF CURVATURE OF SAID 614.96 FOOT RADIUS CURVE;  
THENCE EASTERLY ALONG SAID CURVE 162.20 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 89°08'55" EAST ALONG THE SOUTH LINE THEREOF 338.81 FEET;  
THENCE NORTH 1°43'38" EAST PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION 468.52 FEET TO A POINT ON THE SOUTH LINE OF NORTHEAST 124TH STREET AS ESTABLISHED BY KING COUNTY SURVEY NO. 28-26-5-11, SAID LINE BEING A 614.96 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, A RADIAL AT SAID POINT BEARING NORTH 30°21'52" WEST;  
THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE AN ARC DISTANCE OF 112.20 FEET TO THE POINT OF BEGINNING;

THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE 44.85 FEET;  
THENCE SOUTH 11°40'00" EAST 164.14 FEET;  
THENCE SOUTH 89°08'55" WEST 192.2 FEET TO A POINT ON THE EAST LINE OF 124TH AVENUE NORTHEAST AS ESTABLISHED BY KING COUNTY SURVEY NO. 4-25-5-21;  
THENCE SOUTHERLY ALONG SAID EAST LINE 48.04 FEET, MORE OR LESS TO THE NORTH LINE OF THE SOUTH 200.01 FEET OF SAID SUBDIVISION (AS MEASURED ALONG THE WEST LINE THEREOF);

THENCE NORTH 89°08'55" EAST 189.99 FEET TO A POINT WHICH BEARS SOUTH 1°43'38" WEST  
FROM THE POINT OF BEGINNING;  
THENCE NORTH 1°43'38" EAST 222.38 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING  
NUMBER 7101110276;

EXCEPT THAT PORTION CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING  
NUMBER 7101110275;

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER  
RECORDING NUMBER 8304050912.



**EXHIBIT "A"**  
**Legal Description of Right of Way Acquisition**

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 89°08'55" EAST ALONG THE SOUTH LINE THEREOF 338.81 FEET;  
THENCE NORTH 1°43'38" EAST PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION 468.52 FEET TO A POINT ON THE SOUTH LINE OF NORTHEAST 124TH STREET AS ESTABLISHED BY KING COUNTY SURVEY NO. 28-26-5-11, SAID LINE BEING A 614.96 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, A RADIAL AT SAID POINT BEARING NORTH 30°21'52" WEST;  
THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE AN ARC DISTANCE OF 157.05 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 11°40'00" EAST 164.14 FEET;  
THENCE SOUTH 89°08'55" WEST 192.2 FEET TO A POINT ON THE EAST LINE OF 124TH AVENUE NORTHEAST AS ESTABLISHED BY KING COUNTY SURVEY NO. 4-25-5-21, SAID EAST LINE BEING AN 872.85 FOOT RADIUS CURVE CONCAVE TO THE WEST, A RADIAL AT SAID POINT BEARING SOUTH 82°19'52" WEST;  
THENCE NORTHERLY ALONG SAID EAST LINE 143.76 FEET TO THE SAID SOUTH LINE OF NORTHEAST 124TH STREET;  
THENCE NORTH 89°17'14" EAST ALONG SAID SOUTH LINE 30.80 FEET TO THE POINT OF CURVATURE OF SAID 614.96 FOOT RADIUS CURVE;  
THENCE EASTERLY ALONG SAID CURVE 162.20 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 89°08'55" EAST ALONG THE SOUTH LINE THEREOF 338.81 FEET;  
THENCE NORTH 1°43'38" EAST PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION 468.52 FEET TO A POINT ON THE SOUTH LINE OF NORTHEAST 124TH STREET AS ESTABLISHED BY KING COUNTY SURVEY NO. 28-26-5-11, SAID LINE BEING A 614.96 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, A RADIAL AT SAID POINT BEARING NORTH 30°21'52" WEST;  
THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE AN ARC DISTANCE OF 112.20 FEET TO THE POINT OF BEGINNING;

THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE 44.85 FEET;  
THENCE SOUTH 11°40'00" EAST 164.14 FEET;  
THENCE SOUTH 89°08'55" WEST 192.2 FEET TO A POINT ON THE EAST LINE OF 124TH AVENUE NORTHEAST AS ESTABLISHED BY KING COUNTY SURVEY NO. 4-25-5-21;  
THENCE SOUTHERLY ALONG SAID EAST LINE 48.04 FEET, MORE OR LESS TO THE NORTH LINE OF THE SOUTH 200.01 FEET OF SAID SUBDIVISION (AS MEASURED ALONG THE WEST LINE THEREOF);  
THENCE NORTH 89°08'55" EAST 189.99 FEET TO A POINT WHICH BEARS SOUTH 1°43'38" WEST FROM THE POINT OF BEGINNING;

THENCE NORTH  $1^{\circ}43'38''$  EAST 222.38 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 7101110276;

EXCEPT THAT PORTION CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 7101110275;

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NUMBER 8304050912.

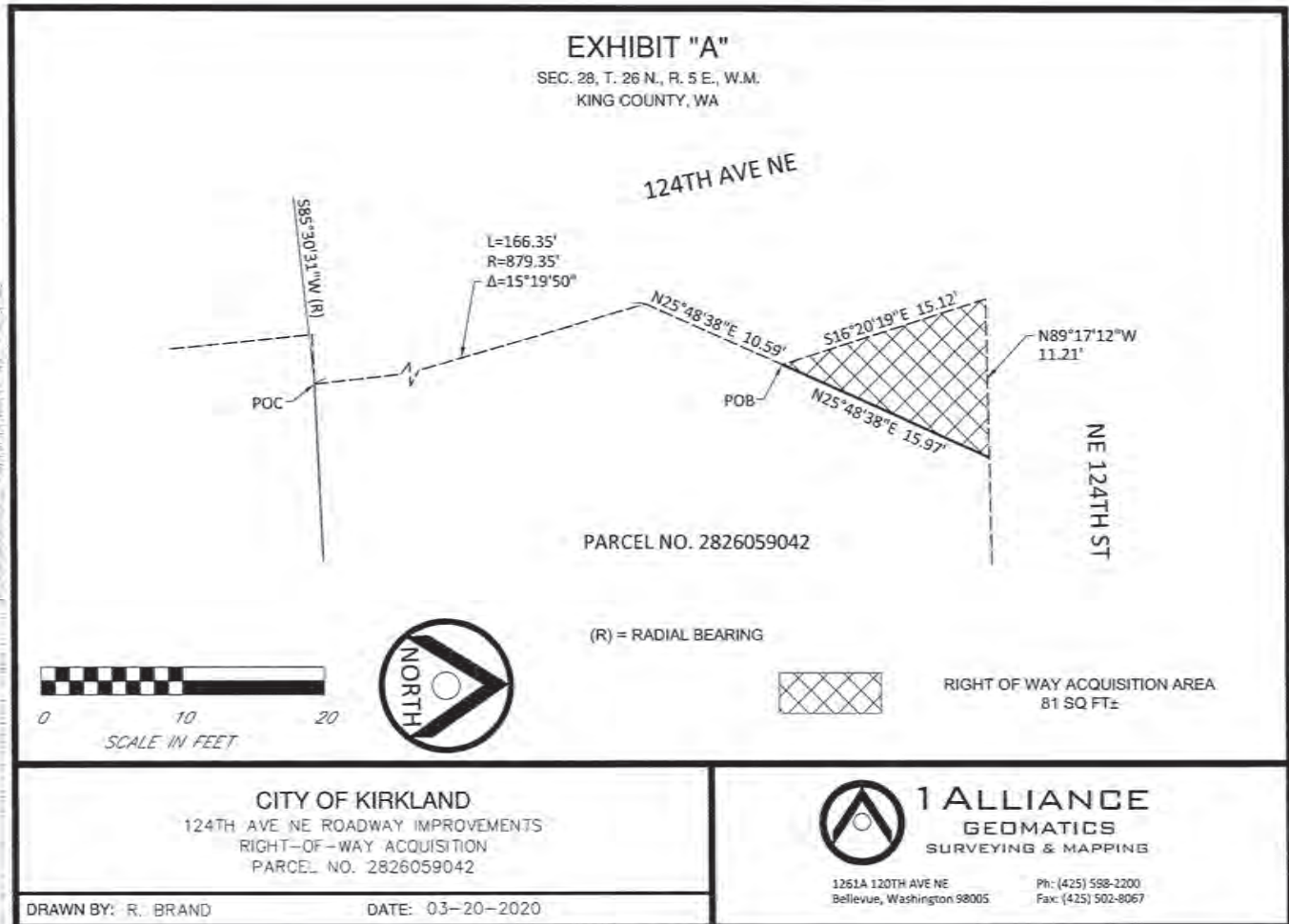
SAID ACQUISITION DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL, WITH A RADIAL BEARING OF SOUTH  $85^{\circ}30'31''$  WEST AND A RADIUS OF 879.35 FEET;  
THENCE NORTHERLY ALONG SAID CURVE AND EAST MARGIN OF 124TH AVENUE NORTHEAST, THROUGH A CENTRAL ANGLE OF  $15^{\circ}19'50''$  AND AN ARC DISTANCE OF 166.35 FEET TO AN ANGLE POINT IN THE EAST MARGIN;  
THENCE NORTH  $25^{\circ}48'38''$  EAST, ALONG SAID EAST MARGIN, A DISTANCE OF 10.59 FEET TO AN ANGLE POINT IN SAID EAST MARGIN AND THE POINT OF BEGINNING;  
THENCE CONTINUING NORTH  $25^{\circ}48'38''$  EAST, A DISTANCE OF 15.97 FEET TO THE SOUTH MARGIN OF NORTHEAST 124<sup>TH</sup> STREET;  
THENCE NORTH  $89^{\circ}17'12''$  WEST, ALONG SAID SOUTH MARGIN, A DISTANCE OF 11.21 FEET TO AN INTERSECTION WITH THE EAST MARGIN OF 124<sup>TH</sup> AVENUE NORTHEAST;  
THENCE SOUTH  $16^{\circ}20'19''$  EAST, ALONG SAID EAST MARGIN, A DISTANCE OF 15.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 81 SQUARE FEET, MORE OR LESS.







**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: 124 @ 124 LLC

PARCEL NO. 2826059042

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 89°08'55" EAST ALONG THE SOUTH LINE THEREOF 338.81 FEET;  
THENCE NORTH 1°43'38" EAST PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION 468.52 FEET TO A POINT ON THE SOUTH LINE OF NORTHEAST 124TH STREET AS ESTABLISHED BY KING COUNTY SURVEY NO. 28-26-5-11, SAID LINE BEING A 614.96 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, A RADIAL AT SAID POINT BEARING NORTH 30°21'52" WEST;  
THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE AN ARC DISTANCE OF 157.05 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 11°40'00" EAST 164.14 FEET;  
THENCE SOUTH 89°08'55" WEST 192.2 FEET TO A POINT ON THE EAST LINE OF 124TH AVENUE NORTHEAST AS ESTABLISHED BY KING COUNTY SURVEY NO. 4-25-5-21, SAID EAST LINE BEING AN 872.85 FOOT RADIUS CURVE CONCAVE TO THE WEST, A RADIAL AT SAID POINT BEARING SOUTH 82°19'52" WEST;  
THENCE NORTHERLY ALONG SAID EAST LINE 143.76 FEET TO THE SAID SOUTH LINE OF NORTHEAST 124TH STREET;  
THENCE NORTH 89°17'14" EAST ALONG SAID SOUTH LINE 30.80 FEET TO THE POINT OF CURVATURE OF SAID 614.96 FOOT RADIUS CURVE;  
THENCE EASTERLY ALONG SAID CURVE 162.20 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 89°08'55" EAST ALONG THE SOUTH LINE THEREOF 338.81 FEET;  
THENCE NORTH 1°43'38" EAST PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION 468.52 FEET TO A POINT ON THE SOUTH LINE OF NORTHEAST 124TH STREET AS ESTABLISHED BY KING COUNTY SURVEY NO. 28-26-5-11, SAID LINE BEING A 614.96 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, A RADIAL AT SAID POINT BEARING NORTH 30°21'52" WEST;  
THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE AN ARC DISTANCE OF 112.20 FEET TO THE POINT OF BEGINNING;

THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE 44.85 FEET;  
THENCE SOUTH 11°40'00" EAST 164.14 FEET;  
THENCE SOUTH 89°08'55" WEST 192.2 FEET TO A POINT ON THE EAST LINE OF 124TH AVENUE NORTHEAST AS ESTABLISHED BY KING COUNTY SURVEY NO. 4-25-5-21;  
THENCE SOUTHERLY ALONG SAID EAST LINE 48.04 FEET, MORE OR LESS TO THE NORTH LINE OF THE SOUTH 200.01 FEET OF SAID SUBDIVISION (AS MEASURED ALONG THE WEST LINE THEREOF);

THENCE NORTH 89°08'55" EAST 189.99 FEET TO A POINT WHICH BEARS SOUTH 1°43'38" WEST  
FROM THE POINT OF BEGINNING;  
THENCE NORTH 1°43'38" EAST 222.38 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING  
NUMBER 7101110276;

EXCEPT THAT PORTION CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING  
NUMBER 7101110275;

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER  
RECORDING NUMBER 8304050912.



**EXHIBIT "A"****Legal Description of Temporary Construction Easement**

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 89°08'55" EAST ALONG THE SOUTH LINE THEREOF 338.81 FEET;  
THENCE NORTH 1°43'38" EAST PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION 468.52 FEET TO A POINT ON THE SOUTH LINE OF NORTHEAST 124TH STREET AS ESTABLISHED BY KING COUNTY SURVEY NO. 28-26-5-11, SAID LINE BEING A 614.96 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, A RADIAL AT SAID POINT BEARING NORTH 30°21'52" WEST;  
THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE AN ARC DISTANCE OF 157.05 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 11°40'00" EAST 164.14 FEET;  
THENCE SOUTH 89°08'55" WEST 192.2 FEET TO A POINT ON THE EAST LINE OF 124TH AVENUE NORTHEAST AS ESTABLISHED BY KING COUNTY SURVEY NO. 4-25-5-21, SAID EAST LINE BEING AN 872.85 FOOT RADIUS CURVE CONCAVE TO THE WEST, A RADIAL AT SAID POINT BEARING SOUTH 82°19'52" WEST;  
THENCE NORTHERLY ALONG SAID EAST LINE 143.76 FEET TO THE SAID SOUTH LINE OF NORTHEAST 124TH STREET;  
THENCE NORTH 89°17'14" EAST ALONG SAID SOUTH LINE 30.80 FEET TO THE POINT OF CURVATURE OF SAID 614.96 FOOT RADIUS CURVE;  
THENCE EASTERLY ALONG SAID CURVE 162.20 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 89°08'55" EAST ALONG THE SOUTH LINE THEREOF 338.81 FEET;  
THENCE NORTH 1°43'38" EAST PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION 468.52 FEET TO A POINT ON THE SOUTH LINE OF NORTHEAST 124TH STREET AS ESTABLISHED BY KING COUNTY SURVEY NO. 28-26-5-11, SAID LINE BEING A 614.96 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, A RADIAL AT SAID POINT BEARING NORTH 30°21'52" WEST;  
THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE AN ARC DISTANCE OF 112.20 FEET TO THE POINT OF BEGINNING;

THENCE SOUTHWESTERLY ALONG SAID SOUTH LINE 44.85 FEET;  
THENCE SOUTH 11°40'00" EAST 164.14 FEET;  
THENCE SOUTH 89°08'55" WEST 192.2 FEET TO A POINT ON THE EAST LINE OF 124TH AVENUE NORTHEAST AS ESTABLISHED BY KING COUNTY SURVEY NO. 4-25-5-21;  
THENCE SOUTHERLY ALONG SAID EAST LINE 48.04 FEET, MORE OR LESS TO THE NORTH LINE OF THE SOUTH 200.01 FEET OF SAID SUBDIVISION (AS MEASURED ALONG THE WEST LINE THEREOF);  
THENCE NORTH 89°08'55" EAST 189.99 FEET TO A POINT WHICH BEARS SOUTH 1°43'38" WEST FROM THE POINT OF BEGINNING;

THENCE NORTH  $1^{\circ}43'38''$  EAST 222.38 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 7101110276;

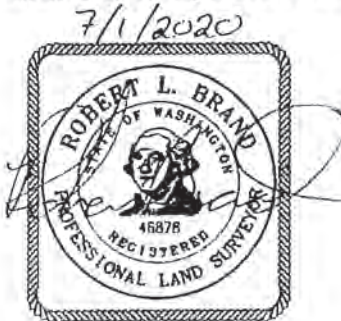
EXCEPT THAT PORTION CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 7101110275;

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NUMBER 8304050912.

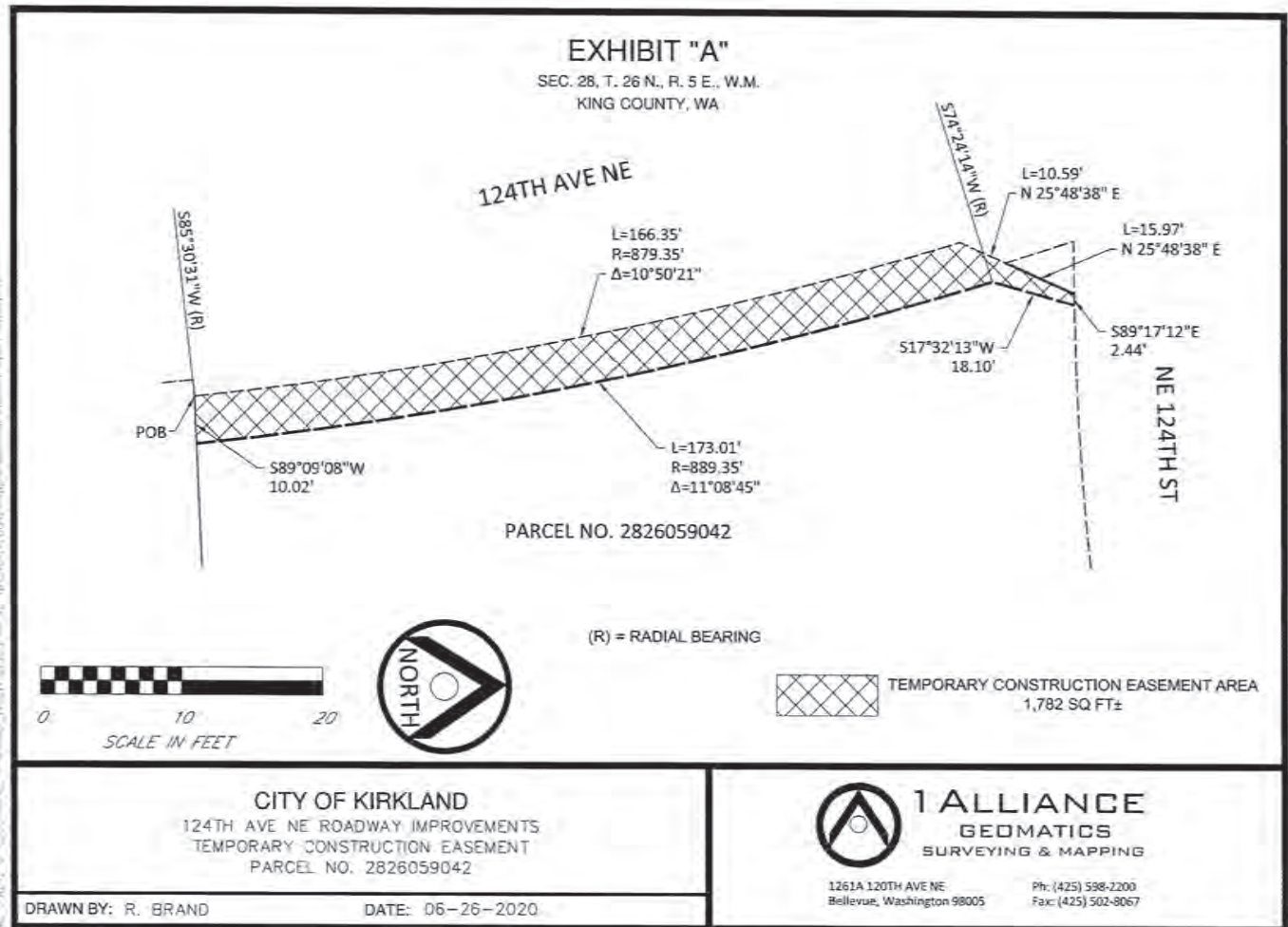
SAID EASEMENT DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PROPERTY, WITH A RADIAL BEARING OF SOUTH  $85^{\circ}30'31''$  WEST AND A RADIUS OF 879.35 FEET;  
THENCE NORTHERLY ALONG SAID CURVE CONCAVE TO THE WEST AND EAST MARGIN OF 124TH AVENUE NORTHEAST, THROUGH A CENTRAL ANGLE OF  $10^{\circ}50'21''$  AND AN ARC DISTANCE OF 166.35 FEET TO AN ANGLE POINT IN THE EAST MARGIN;  
THENCE NORTH  $25^{\circ}48'38''$  EAST, ALONG SAID EAST MARGIN, A DISTANCE OF 10.59 FEET TO AN ANGLE POINT IN SAID EAST MARGIN;  
THENCE CONTINUING NORTH  $25^{\circ}48'38''$  EAST, A DISTANCE OF 15.97 FEET TO THE SOUTH MARGIN OF NE 124TH STREET;  
THENCE SOUTH  $89^{\circ}17'12''$  EAST, ALONG SAID SOUTH MARGIN, A DISTANCE OF 2.44 FEET;  
THENCE SOUTH  $17^{\circ}32'13''$  WEST, A DISTANCE OF 18.10 FEET TO A NON-TANGENT CURVE CONCAVE TO THE WEST TO WITH A RADIUS OF 889.35 AND A RADIAL BEARING OF SOUTH  $74^{\circ}24'14''$  WEST;  
THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF  $11^{\circ}08'45''$  AND AN ARC LENGTH OF 173.01 TO THE SOUTH PROPERTY LINE;  
THENCE SOUTH  $89^{\circ}09'08''$  WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 10.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,782 SQUARE FEET, MORE OR LESS.

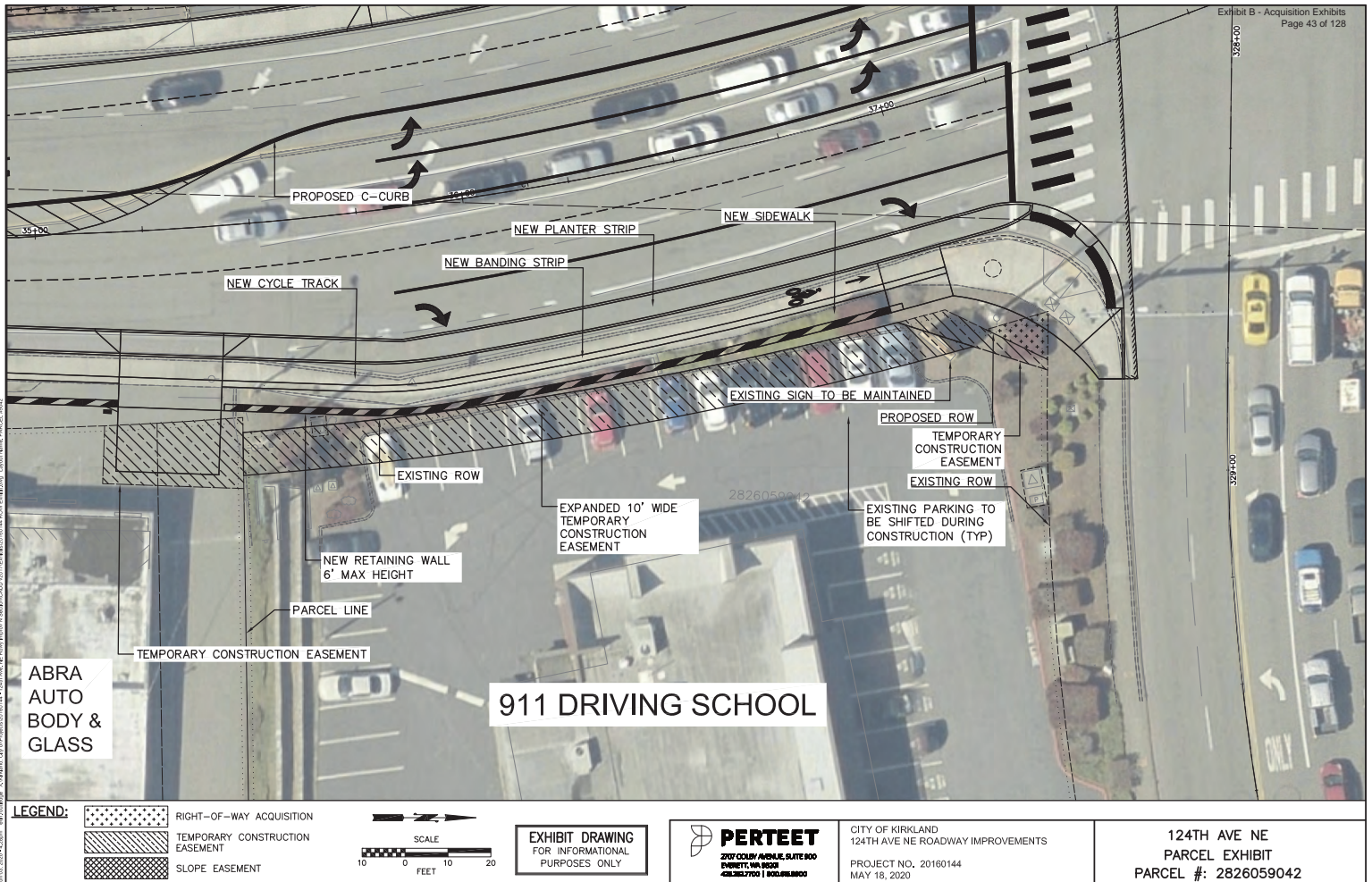












**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: S & I of WA, LLC

PARCEL NO. 2826059046

THAT PORTION OF THE NORTH 3.5 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., LYING WEST OF COUNTY ROAD NO. 970 (SLATER AVENUE NE, BEING 60 FEET IN WIDTH) IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28 DESCRIBED AS FOLLOWS;

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY MARGIN OF COUNTY ROAD NO. 970 (SLATER AVENUE NORTHEAST) AND THE SOUTH LINE OF THE NORTH 3.5 ACRES OF SAID SUBDIVISION;

THENCE SOUTH 89°05'54" WEST, ALONG THE SOUTH LINE OF SAID NORTH 3.5 ACRES TO THE WEST LINE OF SAID SUBDIVISION;

THENCE SOUTHERLY ALONG THE WEST LINE 20.7 FEET;

THENCE SOUTH 88°34'56" EAST TO THE WESTERLY MARGIN OF COUNTY ROAD NO. 970 (SLATER AVENUE NORTHEAST);

THENCE NORTHEASTERLY ALONG SAID WESTERLY MARGIN TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING WESTERLY OF THE EASTERLY BOUNDARY OF 124TH AVENUE NORTHEAST, AND ITS SOUTHERLY EXTENSION, AS CONVEYED BY DEED RECORDED UNDER RECORDING NUMBER 7101070324;

AND EXCEPT ANY PORTION THEREOF LYING SOUTHERLY OF THE BOUNDARY LINE ESTABLISHED IN KING COUNTY SUPERIOR COURT CAUSE NUMBERS 718510 AND 719479, AND AS DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 3.5 ACRES OF THAT PORTION OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28 LYING WESTERLY OF COUNTY ROAD NO. 970, AND THE WESTERLY MARGIN OF SAID COUNTY ROAD NO. 970;

THENCE WESTERLY ALONG SAID SOUTH LINE TO THE WEST LINE OF SAID SUBDIVISION;

THENCE SOUTHERLY ALONG SAID WEST LINE 20.7 FEET TO THE POINT OF BEGINNING OF SAID BOUNDARY LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 23.24 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 27.30 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 31.90 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 35.60 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;



THENCE EASTERLY 100 FEET TO A POINT WHICH IS 39.40 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;  
THENCE EASTERLY 100 FEET TO A POINT WHICH IS 43.50 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;  
THENCE EASTERLY 100 FEET TO A POINT WHICH IS 46.40 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;  
THENCE EASTERLY 59 FEET TO A POINT WHICH IS 49.10 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;  
THENCE CONTINUING ON THE SAME COURSE TO THE WESTERLY MARGIN OF SAID COUNTY ROAD NO. 970 AND THE TERMINUS OF SAID BOUNDARY LINE.

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND FOR ROAD PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 20020502002012;

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND FOR ROAD PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 20070919002477 (SAID DEED BEING A CORRECTION OF DEEDS RECORDED UNDER RECORDING NUMBERS 20070419001940 AND 20070718001655).

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND FOR ROAD PURPOSES AS RECORDED UNDER RECORDING NUMBER 20130123001745, RECORDS OF KING COUNTY, DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHWEST CORNER OF THE INFINITI PARCEL ON THE EAST MARGIN OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 02°26'52" EAST, ALONG SAID MARGIN, A DISTANCE OF 134.98 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 02°26'52" EAST, ALONG SAID MARGIN, A DISTANCE OF 36.34 FEET TO A POINT WHICH IS 35.00 FEET, WHEN MEASURED AT RIGHT ANGLES, FROM THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.;  
THENCE NORTH 89°09'12" EAST A DISTANCE OF 286.44 FEET;  
THENCE NORTH 82°00'54" EAST A DISTANCE OF 281.73 FEET;  
THENCE NORTH 89°09'12" EAST A DISTANCE OF 181.36 FEET;  
THENCE SOUTH 56°52'39" EAST, A DISTANCE OF 24.72 FEET;  
THENCE SOUTH 87°30'22" WEST A DISTANCE OF 236.88 FEET TO THE BEGINNING OF A 464.00 FOOT RADIUS TANGENT CURVE TO THE LEFT;  
THENCE WESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 5°29'28" AND AN ARC DISTANCE OF 44.47 FEET;  
THENCE SOUTH 82°00'54" WEST A DISTANCE OF 135.18 FEET;  
THENCE NORTH 07°56'06" WEST A DISTANCE OF 4.00 FEET;  
THENCE SOUTH 82°00'54" WEST A DISTANCE OF 65.56 FEET;  
THENCE SOUTH 89°09'12" WEST A DISTANCE OF 263.67 FEET;  
THENCE SOUTH 43°16'11" WEST A DISTANCE OF 36.60 FEET TO THE POINT OF BEGINNING.

**EXHIBIT "B"**  
**Legal Description of Right of Way Acquisition**

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

THAT PORTION OF THE NORTH 3.5 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., LYING WEST OF COUNTY ROAD NO. 970 (SLATER AVENUE NE, BEING 60 FEET IN WIDTH) IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28 DESCRIBED AS FOLLOWS;

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY MARGIN OF COUNTY ROAD NO. 970 (SLATER AVENUE NORTHEAST) AND THE SOUTH LINE OF THE NORTH 3.5 ACRES OF SAID SUBDIVISION;

THENCE SOUTH 89°05'54" WEST, ALONG THE SOUTH LINE OF SAID NORTH 3.5 ACRES TO THE WEST LINE OF SAID SUBDIVISION;

THENCE SOUTHERLY ALONG THE WEST LINE 20.7 FEET;

THENCE SOUTH 88°34'56" EAST TO THE WESTERLY MARGIN OF COUNTY ROAD NO. 970 (SLATER AVENUE NORTHEAST);

THENCE NORTHEASTERLY ALONG SAID WESTERLY MARGIN TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING WESTERLY OF THE EASTERLY BOUNDARY OF 124TH AVENUE NORTHEAST, AND ITS SOUTHERLY EXTENSION, AS CONVEYED BY DEED RECORDED UNDER RECORDING NUMBER 7101070324;

AND EXCEPT ANY PORTION THEREOF LYING SOUTHERLY OF THE BOUNDARY LINE ESTABLISHED IN KING COUNTY SUPERIOR COURT CAUSE NUMBERS 718510 AND 719479, AND AS DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 3.5 ACRES OF THAT PORTION OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28 LYING WESTERLY OF COUNTY ROAD NO. 970, AND THE WESTERLY MARGIN OF SAID COUNTY ROAD NO. 970;

THENCE WESTERLY ALONG SAID SOUTH LINE TO THE WEST LINE OF SAID SUBDIVISION;

THENCE SOUTHERLY ALONG SAID WEST LINE 20.7 FEET TO THE POINT OF BEGINNING OF SAID BOUNDARY LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 23.24 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 27.30 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 31.90 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 35.60 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 39.40 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 43.50 FEET SOUTHERLY, MEASURED AT

RIGHT ANGLES, FROM SAID SOUTH LINE;  
THENCE EASTERLY 100 FEET TO A POINT WHICH IS 46.40 FEET SOUTHERLY, MEASURED AT  
RIGHT ANGLES, FROM SAID SOUTH LINE;  
THENCE EASTERLY 59 FEET TO A POINT WHICH IS 49.10 FEET SOUTHERLY, MEASURED AT  
RIGHT ANGLES, FROM SAID SOUTH LINE;  
THENCE CONTINUING ON THE SAME COURSE TO THE WESTERLY MARGIN OF SAID COUNTY  
ROAD NO. 970 AND THE TERMINUS OF SAID BOUNDARY LINE.

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND FOR ROAD PURPOSES BY  
DEED RECORDED UNDER RECORDING NUMBER 20020502002012;

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND FOR ROAD PURPOSES BY  
DEED RECORDED UNDER RECORDING NUMBER 20070919002477 (SAID DEED BEING A  
CORRECTION OF DEEDS RECORDED UNDER RECORDING NUMBERS 20070419001940 AND  
20070718001655).

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND FOR ROAD PURPOSES AS  
RECORDED UNDER RECORDING NUMBER 20130123001745, RECORDS OF KING COUNTY,  
DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHWEST CORNER OF THE INFINITI PARCEL ON THE EAST MARGIN  
OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 02°26'52" EAST, ALONG SAID MARGIN, A DISTANCE OF 134.98 FEET TO THE  
POINT OF BEGINNING;  
THENCE CONTINUING NORTH 02°26'52" EAST, ALONG SAID MARGIN, A DISTANCE OF 36.34 FEET  
TO A POINT WHICH IS 35.00 FEET, WHEN MEASURED AT RIGHT ANGLES, FROM THE NORTH LINE  
OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26  
NORTH, RANGE 5 EAST, W.M.;  
THENCE NORTH 89°09'12" EAST A DISTANCE OF 286.44 FEET;  
THENCE NORTH 82°00'54" EAST A DISTANCE OF 281.73 FEET;  
THENCE NORTH 89°09'12" EAST A DISTANCE OF 181.36 FEET;  
THENCE SOUTH 56°52'39" EAST, A DISTANCE OF 24.72 FEET;  
THENCE SOUTH 87°30'22" WEST A DISTANCE OF 236.88 FEET TO THE BEGINNING OF A 464.00  
FOOT RADIUS TANGENT CURVE TO THE LEFT;  
THENCE WESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 5°29'28" AND AN  
ARC DISTANCE OF 44.47 FEET;  
THENCE SOUTH 82°00'54" WEST A DISTANCE OF 135.18 FEET;  
THENCE NORTH 07°56'06" WEST A DISTANCE OF 4.00 FEET;  
THENCE SOUTH 82°00'54" WEST A DISTANCE OF 65.56 FEET;  
THENCE SOUTH 89°09'12" WEST A DISTANCE OF 263.67 FEET;  
THENCE SOUTH 43°16'11" WEST A DISTANCE OF 36.60 FEET TO THE POINT OF BEGINNING.

SAID ACQUISITION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL;  
THENCE NORTH 02°26'23" EAST, ALONG THE EAST MARGIN OF 124TH AVENUE NORTHEAST, A  
DISTANCE OF 134.97 FEET TO AN ANGLE POINT IN THE RIGHT OF WAY AS DEFINED BY RIGHT OF  
WAY ACQUISITION RECORDED UNDER RECORDING NUMBER 20130123001745, RECORDS OF KING  
COUNTY;

THENCE NORTH 43°15'43" EAST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 36.60 FEET TO THE SOUTH RIGHT OF WAY MARGIN OF NE 120TH STREET AS DEFINED BY SAID RIGHT OF WAY ACQUISITION;

THENCE NORTH 89°09'12" EAST, ALONG SAID SOUTH MARGIN, A DISTANCE OF 7.78 FEET;

THENCE SOUTH 35°01'18" WEST, A DISTANCE OF 38.58 FEET;

THENCE SOUTH 03°57'31" WEST, A DISTANCE OF 90.88 FEET;

THENCE SOUTH 89°32'13" EAST, A DISTANCE OF 5.72 FEET;

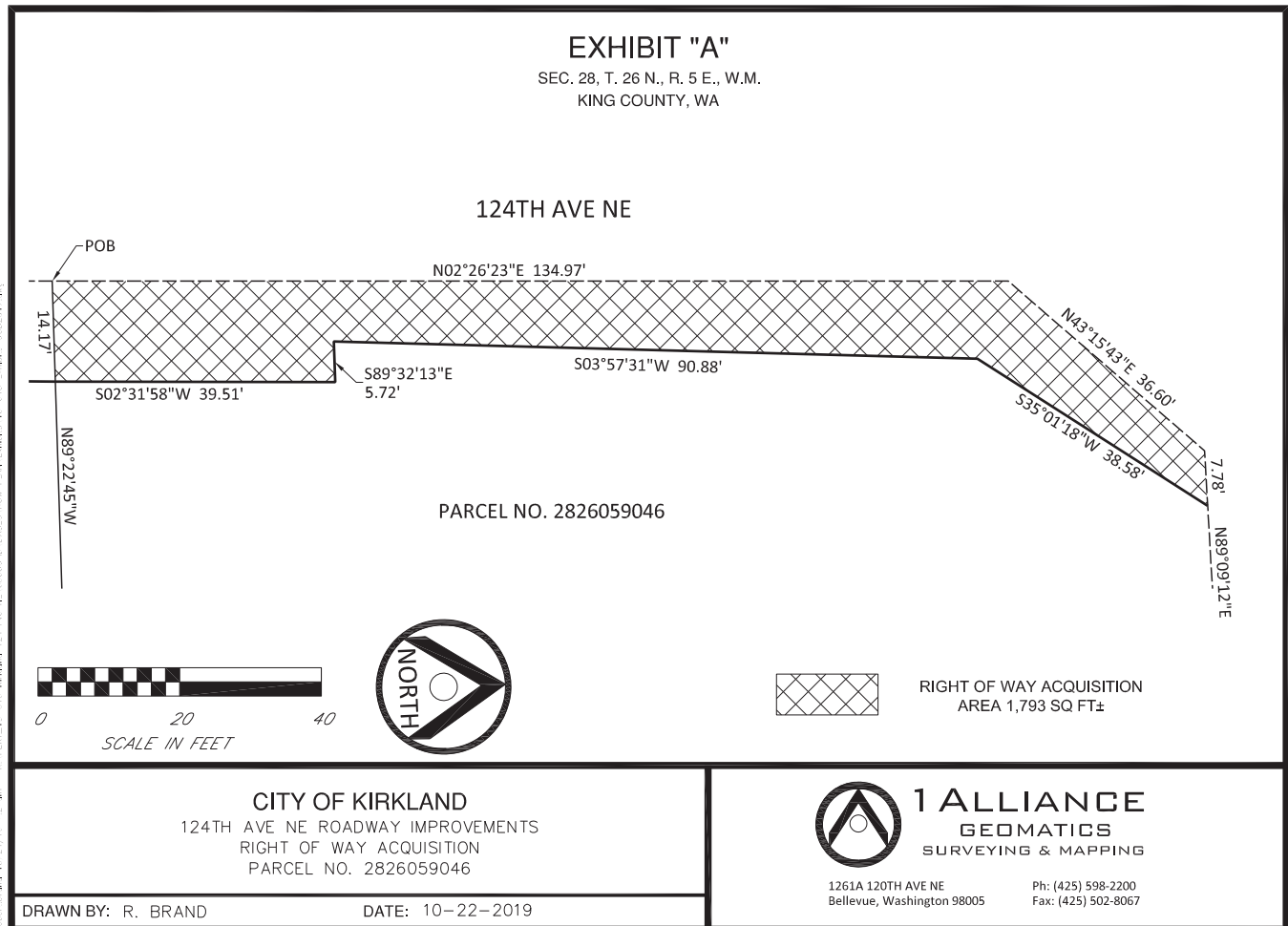
THENCE SOUTH 02°31'58" WEST, A DISTANCE OF 39.51 FEET TO THE SOUTH LINE OF SAID PARCEL;

THENCE NORTH 89°22'45" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 14.17 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,793 SQUARE FEET, MORE OR LESS.







**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: S & I of WA, LLC

PARCEL NO. 2826059046

THAT PORTION OF THE NORTH 3.5 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., LYING WEST OF COUNTY ROAD NO. 970 (SLATER AVENUE NE, BEING 60 FEET IN WIDTH) IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28 DESCRIBED AS FOLLOWS;

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY MARGIN OF COUNTY ROAD NO. 970 (SLATER AVENUE NORTHEAST) AND THE SOUTH LINE OF THE NORTH 3.5 ACRES OF SAID SUBDIVISION;

THENCE SOUTH 89°05'54" WEST, ALONG THE SOUTH LINE OF SAID NORTH 3.5 ACRES TO THE WEST LINE OF SAID SUBDIVISION;

THENCE SOUTHERLY ALONG THE WEST LINE 20.7 FEET;

THENCE SOUTH 88°34'56" EAST TO THE WESTERLY MARGIN OF COUNTY ROAD NO. 970 (SLATER AVENUE NORTHEAST);

THENCE NORTHEASTERLY ALONG SAID WESTERLY MARGIN TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING WESTERLY OF THE EASTERLY BOUNDARY OF 124TH AVENUE NORTHEAST, AND ITS SOUTHERLY EXTENSION, AS CONVEYED BY DEED RECORDED UNDER RECORDING NUMBER 7101070324;

AND EXCEPT ANY PORTION THEREOF LYING SOUTHERLY OF THE BOUNDARY LINE ESTABLISHED IN KING COUNTY SUPERIOR COURT CAUSE NUMBERS 718510 AND 719479, AND AS DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 3.5 ACRES OF THAT PORTION OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28 LYING WESTERLY OF COUNTY ROAD NO. 970, AND THE WESTERLY MARGIN OF SAID COUNTY ROAD NO. 970;

THENCE WESTERLY ALONG SAID SOUTH LINE TO THE WEST LINE OF SAID SUBDIVISION; THENCE SOUTHERLY ALONG SAID WEST LINE 20.7 FEET TO THE POINT OF BEGINNING OF SAID BOUNDARY LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 23.24 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 27.30 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 31.90 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 35.60 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

**EXHIBIT "B"****Legal Description of Temporary Construction Easement**

THAT PORTION OF THE NORTH 3.5 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., LYING WEST OF COUNTY ROAD NO. 970 (SLATER AVENUE NE, BEING 60 FEET IN WIDTH) IN KING COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28 DESCRIBED AS FOLLOWS;

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY MARGIN OF COUNTY ROAD NO. 970 (SLATER AVENUE NORTHEAST) AND THE SOUTH LINE OF THE NORTH 3.5 ACRES OF SAID SUBDIVISION;

THENCE SOUTH 89°05'54" WEST, ALONG THE SOUTH LINE OF SAID NORTH 3.5 ACRES TO THE WEST LINE OF SAID SUBDIVISION;

THENCE SOUTHERLY ALONG THE WEST LINE 20.7 FEET;

THENCE SOUTH 88°34'56" EAST TO THE WESTERLY MARGIN OF COUNTY ROAD NO. 970 (SLATER AVENUE NORTHEAST);

THENCE NORTHEASTERLY ALONG SAID WESTERLY MARGIN TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF LYING WESTERLY OF THE EASTERLY BOUNDARY OF 124TH AVENUE NORTHEAST, AND ITS SOUTHERLY EXTENSION, AS CONVEYED BY DEED RECORDED UNDER RECORDING NUMBER 7101070324;

AND EXEPT ANY PORTION THEREOF LYING SOUTHERLY OF THE BOUNDARY LINE ESTABLISHED IN KING COUNTY SUPERIOR COURT CAUSE NUMBERS 718510 AND 719479, AND AS DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 3.5 ACRES OF THAT PORTION OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 28 LYING WESTERLY OF COUNTY ROAD NO. 970, AND THE WESTERLY MARGIN OF SAID COUNTY ROAD NO. 970;

THENCE WESTERLY ALONG SAID SOUTH LINE TO THE WEST LINE OF SAID SUBDIVISION; THENCE SOUTHERLY ALONG SAID WEST LINE 20.7 FEET TO THE POINT OF BEGINNING OF SAID BOUNDARY LINE;

THENCE EASTELRY 100 FEET TO A POINT WHICH IS 23.24 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 27.30 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 31.90 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 35.60 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 39.40 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 43.50 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 39.40 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;  
THENCE EASTERLY 100 FEET TO A POINT WHICH IS 43.50 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;  
THENCE EASTERLY 100 FEET TO A POINT WHICH IS 46.40 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;  
THENCE EASTERLY 59 FEET TO A POINT WHICH IS 49.10 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;  
THENCE CONTINUING ON THE SAME COURSE TO THE WESTERLY MARGIN OF SAID COUNTY ROAD NO. 970 AND THE TERMINUS OF SAID BOUNDARY LINE.

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND FOR ROAD PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 20020502002012;

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND FOR ROAD PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 20070919002477 (SAID DEED BEING A CORRECTION OF DEEDS RECORDED UNDER RECORDING NUMBERS 20070419001940 AND 20070718001655).

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND FOR ROAD PURPOSES AS RECORDED UNDER RECORDING NUMBER 20130123001745, RECORDS OF KING COUNTY, DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHWEST CORNER OF THE INFINITI PARCEL ON THE EAST MARGIN OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 02°26'52" EAST, ALONG SAID MARGIN, A DISTANCE OF 134.98 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 02°26'52" EAST, ALONG SAID MARGIN, A DISTANCE OF 36.34 FEET TO A POINT WHICH IS 35.00 FEET, WHEN MEASURED AT RIGHT ANGLES, FROM THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.;  
THENCE NORTH 89°09'12" EAST A DISTANCE OF 286.44 FEET;  
THENCE NORTH 82°00'54" EAST A DISTANCE OF 281.73 FEET;  
THENCE NORTH 89°09'12" EAST A DISTANCE OF 181.36 FEET;  
THENCE SOUTH 56°52'39" EAST, A DISTANCE OF 24.72 FEET;  
THENCE SOUTH 87°30'22" WEST A DISTANCE OF 236.88 FEET TO THE BEGINNING OF A 464.00 FOOT RADIUS TANGENT CURVE TO THE LEFT;  
THENCE WESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 5°29'28" AND AN ARC DISTANCE OF 44.47 FEET;  
THENCE SOUTH 82°00'54" WEST A DISTANCE OF 135.18 FEET;  
THENCE NORTH 07°56'06" WEST A DISTANCE OF 4.00 FEET;  
THENCE SOUTH 82°00'54" WEST A DISTANCE OF 65.56 FEET;  
THENCE SOUTH 89°09'12" WEST A DISTANCE OF 263.67 FEET;  
THENCE SOUTH 43°16'11" WEST A DISTANCE OF 36.60 FEET TO THE POINT OF BEGINNING.

THENCE EASTERLY 100 FEET TO A POINT WHICH IS 46.40 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;  
THENCE EASTERLY 59 FEET TO A POINT WHICH IS 49.10 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM SAID SOUTH LINE;  
THENCE CONTINUING ON THE SAME COURSE TO THE WESTERLY MARGIN OF SAID COUNTY ROAD NO. 970 AND THE TERMINUS OF SAID BOUNDARY LINE.

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND FOR ROAD PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 20020502002012;

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND FOR ROAD PURPOSES BY DEED RECORDED UNDER RECORDING NUMBER 20070919002477 (SAID DEED BEING A CORRECTION OF DEEDS RECORDED UNDER RECORDING NUMBERS 20070419001940 AND 20070718001655).

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF KIRKLAND FOR ROAD PURPOSES AS RECORDED UNDER RECORDING NUMBER 20130123001745, RECORDS OF KING COUNTY, DESCRIBED AS FOLLOWS.

COMMENCING AT THE SOUTHWEST CORNER OF THE INFINITI PARCEL ON THE EAST MARGIN OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 02°26'52" EAST, ALONG SAID MARGIN, A DISTANCE OF 134.98 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUING NORTH 02°26'52" EAST, ALONG SAID MARGIN, A DISTANCE OF 36.34 FEET TO A POINT WHICH IS 35.00 FEET, WHEN MEASURED AT RIGHT ANGLES, FROM THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M.;  
THENCE NORTH 89°09'12" EAST A DISTANCE OF 286.44 FEET;  
THENCE NORTH 82°00'54" EAST A DISTANCE OF 281.73 FEET;  
THENCE NORTH 89°09'12" EAST A DISTANCE OF 181.36 FEET;  
THENCE SOUTH 56°52'39" EAST, A DISTANCE OF 24.72 FEET;  
THENCE SOUTH 87°30'22" WEST A DISTANCE OF 236.88 FEET TO THE BEGINNING OF A 464.00 FOOT RADIUS TANGENT CURVE TO THE LEFT;  
THENCE WESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 5°29'28" AND AN ARC DISTANCE OF 44.47 FEET;  
THENCE SOUTH 82°00'54" WEST A DISTANCE OF 135.18 FEET;  
THENCE NORTH 07°56'06" WEST A DISTANCE OF 4.00 FEET;  
THENCE SOUTH 82°00'54" WEST A DISTANCE OF 65.56 FEET;  
THENCE SOUTH 89°09'12" WEST A DISTANCE OF 263.67 FEET;  
THENCE SOUTH 43°16'11" WEST A DISTANCE OF 36.60 FEET TO THE POINT OF BEGINNING.

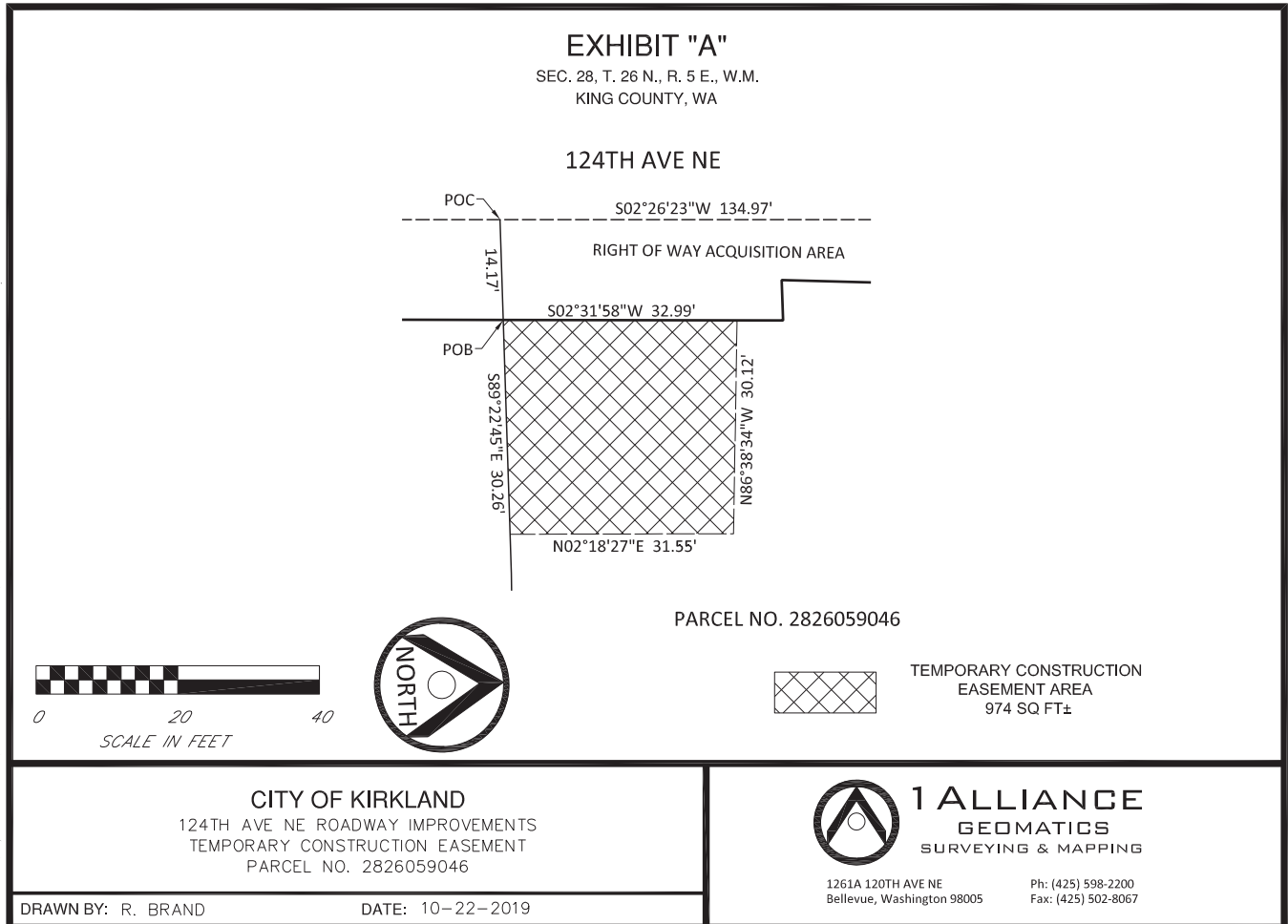
SAID EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL;  
THENCE SOUTH 89°22'45" EAST, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 14.17 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUING SOUTH 89°22'45" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 30.26 FEET;  
THENCE NORTH 02°18'27" EAST, A DISTANCE OF 31.55 FEET;

THENCE NORTH  $86^{\circ}38'34''$  WEST, A DISTANCE OF 30.12 FEET;  
THENCE SOUTH  $02^{\circ}31'58''$  WEST, A DISTANCE OF 32.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 974 SQUARE FEET, MORE OR LESS.







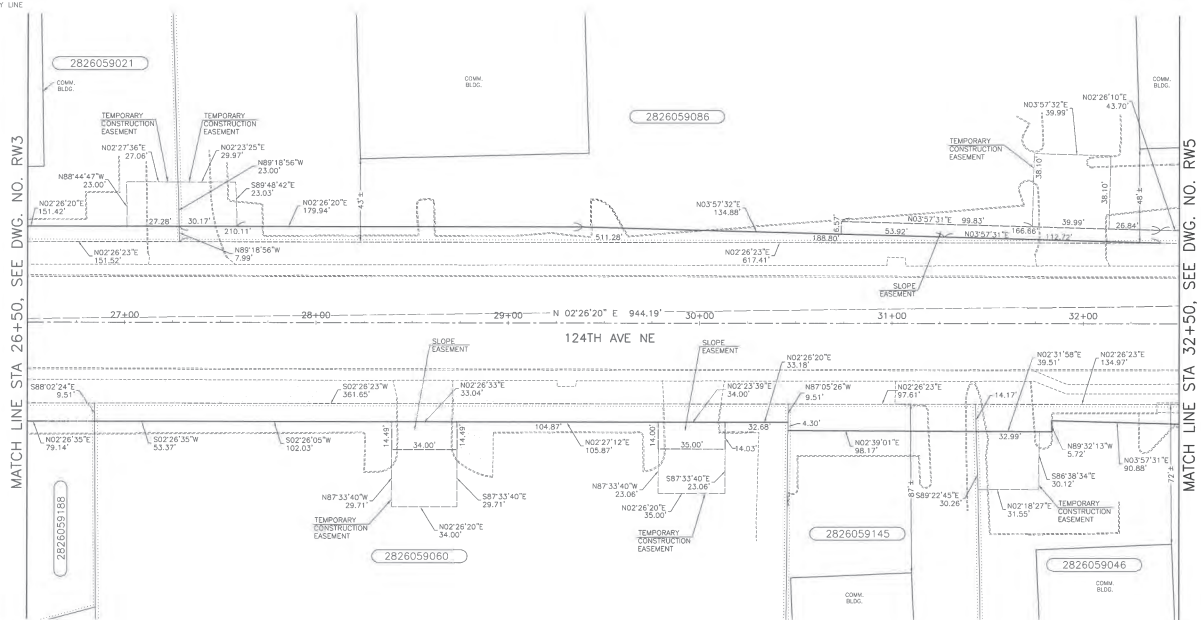
## LEGEND

|                                 |                                 |
|---------------------------------|---------------------------------|
| SECTION LINE                    | SECTION LINE                    |
| QUARTER SECTION LINE            | QUARTER SECTION LINE            |
| 16TH SECTION LINE               | 16TH SECTION LINE               |
| CONSTRUCTION CENTERLINE         | CONSTRUCTION CENTERLINE         |
| EXISTING RIGHT-OF-WAY           | EXISTING RIGHT-OF-WAY           |
| PROPOSED RIGHT-OF-WAY           | PROPOSED RIGHT-OF-WAY           |
| PERMANENT EASEMENT              | PERMANENT EASEMENT              |
| SLOPE EASEMENT                  | SLOPE EASEMENT                  |
| TEMPORARY CONSTRUCTION EASEMENT | TEMPORARY CONSTRUCTION EASEMENT |
| PROPERTY LINE                   | PROPERTY LINE                   |

## 124TH AVENUE NE ROADWAY IMPROVEMENTS

A PORTION OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN  
KING COUNTY, WASHINGTON

Exhibit B - Acquisition Exhibits  
Page 56 of 128



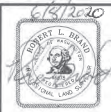
|            |                            |            |                          |           |                |       |
|------------|----------------------------|------------|--------------------------|-----------|----------------|-------|
| 2826059086 | TOTEM SQUARE PARTNERS      | 404,635    | 2,941                    | 401,694   | 1,383          | 2,215 |
| 2826059021 | WWX LIMITED, LLC           | 29,788     | 1,210                    | 28,578    |                | 624   |
| 2826059046 | S & T OF WA, LLC           | 144,543    | 1,793                    | 142,750   |                | 974   |
| 2826059145 | BUCHAN BROTHERS INVESTMENT | 49,789     | 1,368                    | 48,421    |                | 982   |
| 2826059060 | KIRKLAND TOTEM REAL ESTATE | 203,019    | 3,440                    | 199,579   |                | 1,817 |
| 2826059188 | CHAPMAN BARBARA M          | 34,608     | 2,403                    | 32,205    |                | 209   |
| PARCEL NO. | NAME                       | TOTAL AREA | RIGHT OF WAY ACQUISITION | REMAINDER | SLOPE EASEMENT | TCE   |

TOTAL AREA IS CALCULATED. OWNERSHIPS ALL AREAS ARE SHOWN IN SQUARE FEET UNLESS OTHERWISE NOTED.

TCE-TEMPORARY CONSTRUCTION EASEMENT



DRAWN BY CAU  
DESIGN BY  
CHECK BY RLB  
PROJ MGR RLB



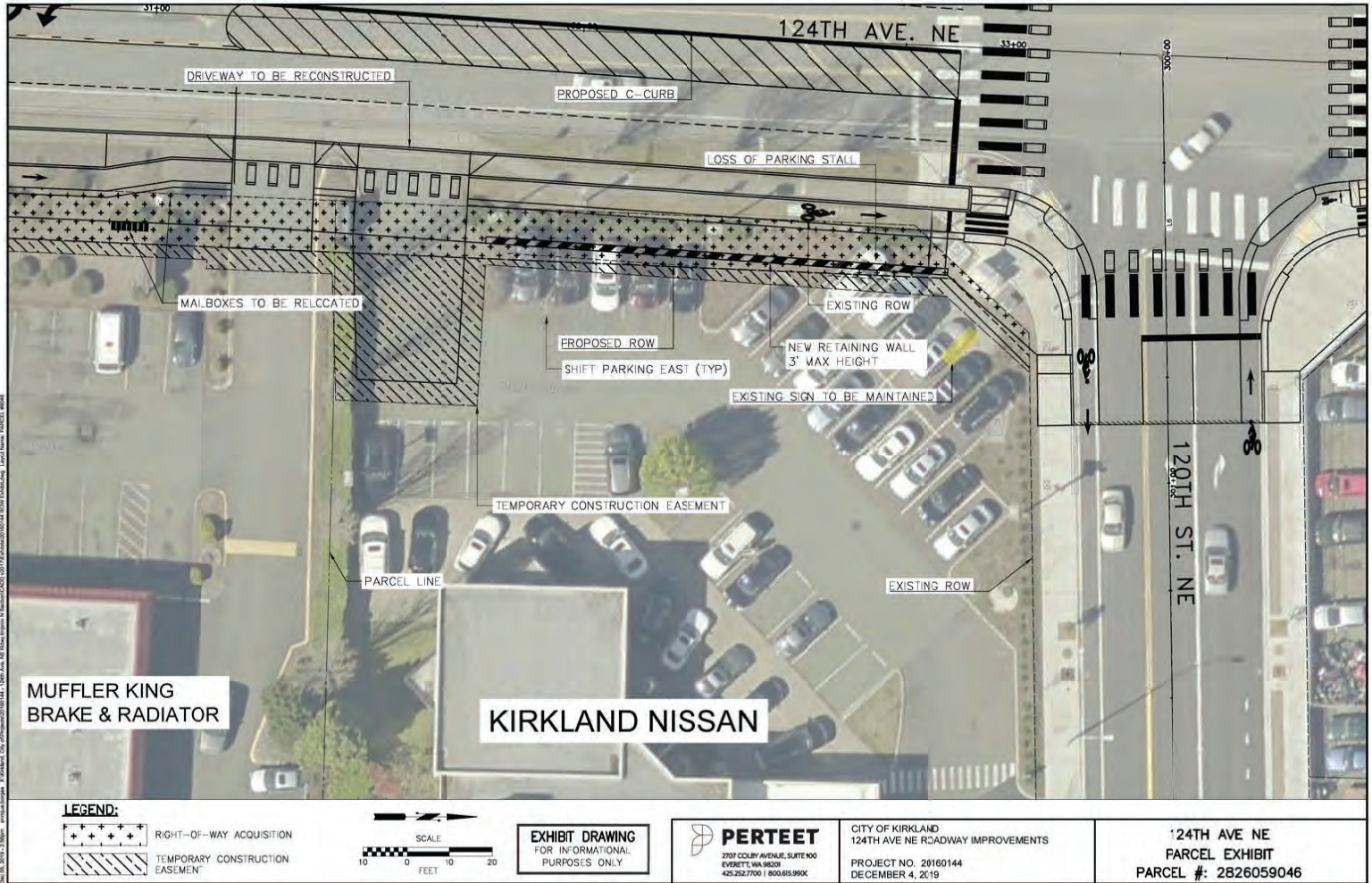
| FILE | ENGR                        | REVIEW  | SCALE  | DATE     |
|------|-----------------------------|---------|--------|----------|
| RW4  | KWA                         | 9-30-19 | SHOWN  | 5-13-19  |
| 4    | ROW ACQ. REV. PAR -9222     | RLB     | JO     | 04-27-20 |
| 3    | ACQ TO TCE/ACQ PAR -9047    | RLB     | JO     | 03-20-20 |
| 2    | TCE EASE REV. PER OWNER REQ | RLB     | JO     | 02-24-20 |
| 1    | PERM EASE TO PROPOSED R/W   | RLB     | JO     | 09-26-19 |
| NO.  | REVISION                    | BY      | REVIEW | DATE     |



CITY OF KIRKLAND  
PUBLIC WORKS DEPARTMENT  
123 11TH AVENUE - KIRKLAND, WA 98033-6189 - (206)828-1243  
124TH AVE NE ROADWAY IMPROVEMENTS  
RIGHT-OF-WAY PLAN  
STA 26+50 - STA 32+50

RW4

4  
5



**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: Kirkland Totem Real Estate

PARCEL NO. 2826059052

THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE SOUTH 88°19'17" WEST, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 708.81 FEET;  
THENCE NORTH 01°17'15" EAST A DISTANCE OF 431.82 FEET;  
THENCE SOUTH 88°50'58" WEST A DISTANCE OF 326.97 FEET TO THE SOUTHEASTERLY MARGIN OF SLATER AVENUE NORTHEAST;  
THENCE SOUTH 41°14'03" WEST, ALONG THE SOUTHEASTERLY MARGIN, A DISTANCE OF 213.71 FEET TO A POINT ON A CURVE, THE CENTER OF WHICH BEARS SOUTH 84°11'27" EAST A DISTANCE OF 360.00 FEET, SAID CENTER HEREINAFTER CALLED POINT 'A';  
THENCE SOUTHERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 5°13'04" AN ARC DISTANCE OF 32.78 FEET TO THE NORTH LINE OF THE SOUTH 310 FEET OF SAID SUBDIVISION AND THE POINT OF BEGINNING;

THENCE SOUTH 88°19'17" WEST A DISTANCE OF 188.52 FEET TO THE EAST MARGIN OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 01°43'38" EAST, ALONG THE EAST MARGIN, A DISTANCE OF 117.99 FEET TO THE NORTH LINE OF THE SOUTH ONE ACRE OF THAT PORTION OF SAID SUBDIVISION LYING NORTHWESTERLY OF COUNTY ROAD NO. 970;  
THENCE NORTH 88°19'16" EAST, ALONG THE NORTH LINE, A DISTANCE OF 233.33 FEET TO THE NORTHWESTERLY MARGIN OF SLATER AVENUE NORTHEAST;  
THENCE SOUTH 41°14'03" WEST, ALONG THE NORTHWESTERLY MARGIN, A DISTANCE OF 9.27 FEET TO A POINT ON A CURVE, THE CENTER OF WHICH IS THE AFOREMENTIONED POINT 'A';  
THENCE SOUTHERLY, ALONG THE CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 19°10'55" AN ARC DISTANCE OF 120.52 FEET TO THE POINT OF BEGINNING.



## EXHIBIT "B"

### Legal Description of Right of Way Acquisition

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

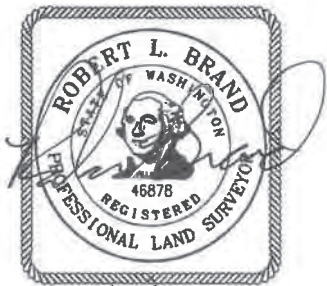
COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
 THENCE SOUTH 88°19'17" WEST, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 708.81 FEET;  
 THENCE NORTH 01°17'15" EAST A DISTANCE OF 431.82 FEET;  
 THENCE SOUTH 88°50'58" WEST A DISTANCE OF 326.97 FEET TO THE SOUTHEASTERLY MARGIN OF SLATER AVENUE NORTHEAST;  
 THENCE SOUTH 41°14'03" WEST, ALONG THE SOUTHEASTERLY MARGIN, A DISTANCE OF 213.71 FEET TO A POINT ON A CURVE, THE CENTER OF WHICH BEARS SOUTH 84°11'27" EAST A DISTANCE OF 360.00 FEET, SAID CENTER HEREINAFTER CALLED POINT 'A';  
 THENCE SOUTHERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 5°13'04" AN ARC DISTANCE OF 32.78 FEET TO THE NORTH LINE OF THE SOUTH 310 FEET OF SAID SUBDIVISION AND THE POINT OF BEGINNING;

THENCE SOUTH 88°19'17" WEST A DISTANCE OF 188.52 FEET TO THE EAST MARGIN OF 124TH AVENUE NORTHEAST;  
 THENCE NORTH 01°43'38" EAST, ALONG THE EAST MARGIN, A DISTANCE OF 117.99 FEET TO THE NORTH LINE OF THE SOUTH ONE ACRE OF THAT PORTION OF SAID SUBDIVISION LYING NORTHWESTERLY OF COUNTY ROAD NO. 970;  
 THENCE NORTH 88°19'16" EAST, ALONG THE NORTH LINE, A DISTANCE OF 233.33 FEET TO THE NORTHWESTERLY MARGIN OF SLATER AVENUE NORTHEAST;  
 THENCE SOUTH 41°14'03" WEST, ALONG THE NORTHWESTERLY MARGIN, A DISTANCE OF 9.27 FEET TO A POINT ON A CURVE, THE CENTER OF WHICH IS THE AFOREMENTIONED POINT 'A';  
 THENCE SOUTHERLY, ALONG THE CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 19°10'55" AN ARC DISTANCE OF 120.52 FEET TO THE POINT OF BEGINNING.

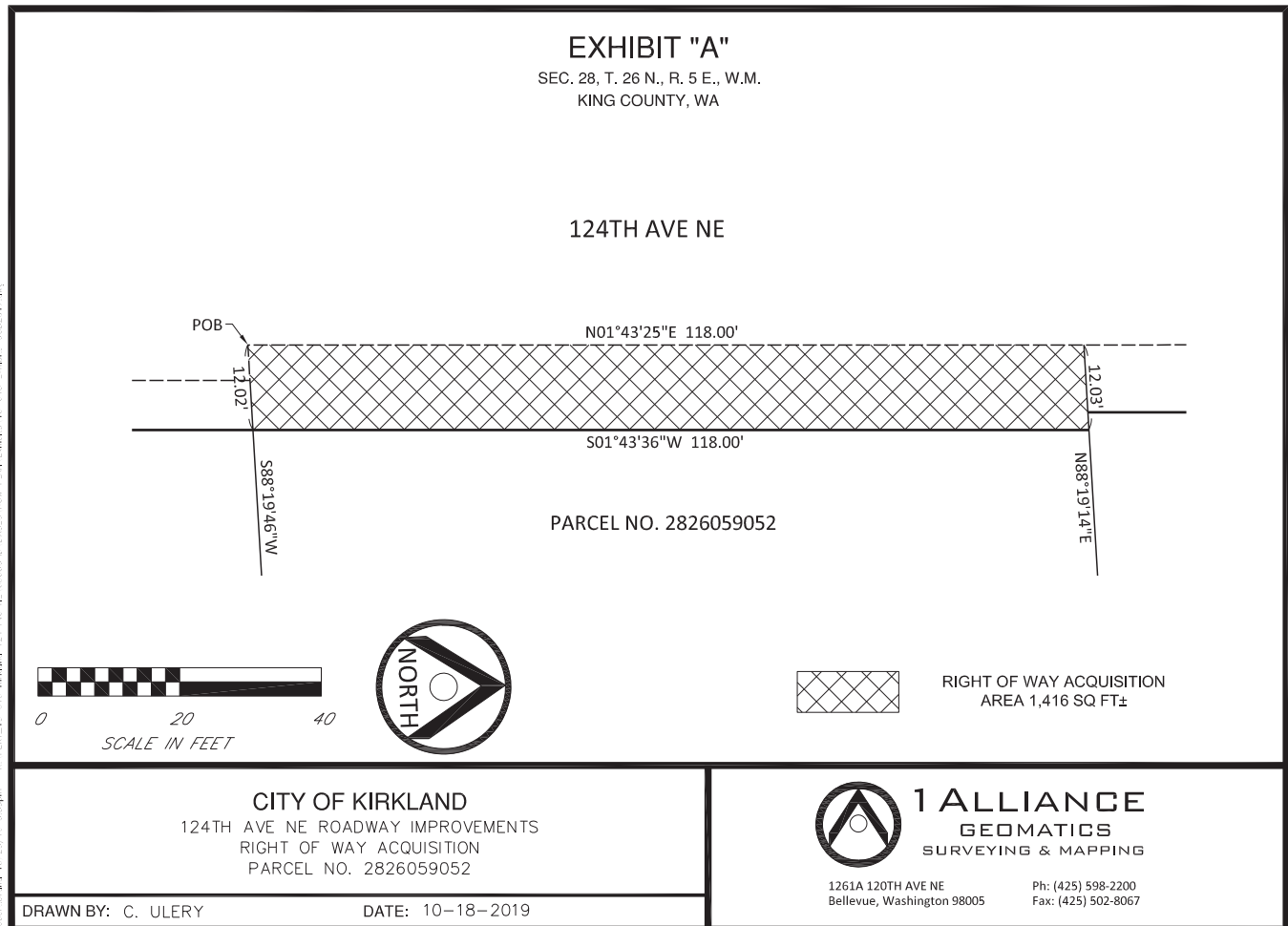
SAID ACQUISITION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL;  
 THENCE NORTH 01°43'25" EAST, ALONG THE EAST MARGIN OF 124TH AVENUE NORTHEAST, A DISTANCE OF 118.00 FEET TO THE NORTH PARCEL LINE;  
 THENCE NORTH 88°19'14" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 12.03 FEET;  
 THENCE SOUTH 01°43'36" WEST, A DISTANCE OF 118.00 FEET TO THE SOUTH PARCEL LINE;  
 THENCE SOUTH 88°19'46" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 12.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,416 SQUARE FEET, MORE OR LESS.



11/11/2019



**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: Kirkland Totem Real Estate

PARCEL NO. 2826059060

THAT PORTION OF THE RECORD OF SURVEY LABELED AS "CURRY" AS RECORDED UNDER THE RECORDING NUMBER 7712149014, RECORDS OF KING COUNTY, WASHINGTON.

EXCEPT THAT PORTION LYING WITHIN THE RIGHT OF WAY OF 124TH AVENUE NORTHEAST.

**EXHIBIT "B"****Legal Description of Right of Way Acquisition**

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

THAT PORTION OF THE RECORD OF SURVEY LABELED AS "CURRY" AS RECORDED UNDER THE RECORDING NUMBER 7712149014, RECORDS OF KING COUNTY, WASHINGTON.

EXCEPT THAT PORTION LYING WITHIN THE RIGHT OF WAY OF 124TH AVENUE NORTHEAST

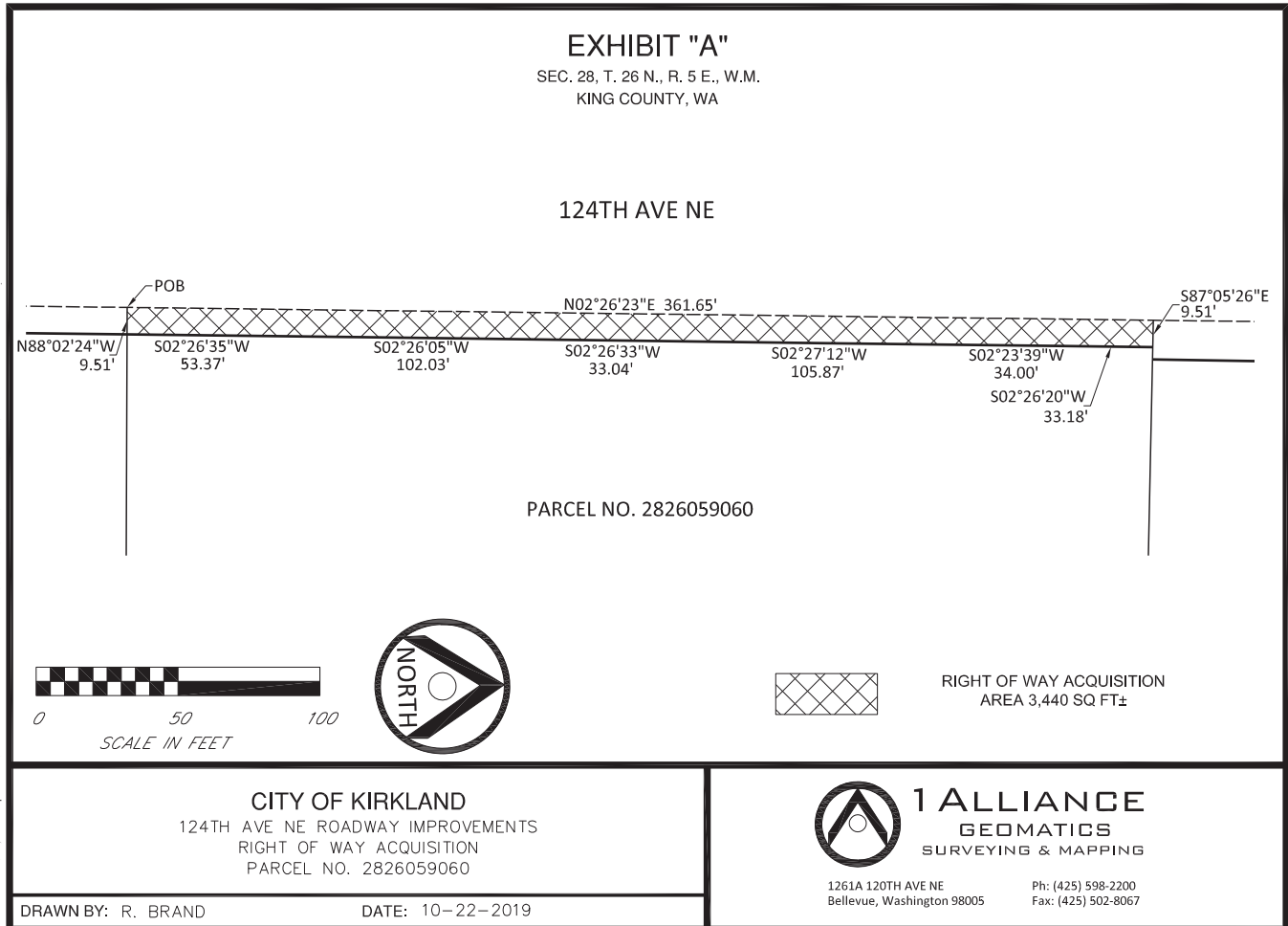
SAID ACQUISITION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL;  
THENCE NORTH 02°26'23" EAST, ALONG THE EAST MARGIN OF 124TH AVENUE NORTHEAST, A DISTANCE OF 361.65 FEET TO THE NORTHWEST CORNER OF SAID PARCEL;  
THENCE SOUTH 87°05'26" EAST, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 9.51 FEET;  
THENCE SOUTH 02°26'20" WEST, A DISTANCE OF 33.18 FEET;  
THENCE SOUTH 02°23'39" WEST, A DISTANCE OF 34.00 FEET;  
THENCE SOUTH 02°27'12" WEST, A DISTANCE OF 105.87 FEET;  
THENCE SOUTH 02°26'33" WEST, A DISTANCE OF 33.04 FEET;  
THENCE SOUTH 02°26'05" WEST, A DISTANCE OF 102.03 FEET;  
THENCE SOUTH 02°26'35" WEST, A DISTANCE OF 53.37 FEET TO THE SOUTH LINE OF SAID PARCEL;  
THENCE NORTH 88°02'24" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 9.51 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,440 SQUARE FEET, MORE OR LESS.







**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: Kirkland Totem Real Estate

PARCEL NO. 2826059052

THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE SOUTH 88°19'17" WEST, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 708.81 FEET;

THENCE NORTH 01°17'15" EAST A DISTANCE OF 431.82 FEET;

THENCE SOUTH 88°50'58" WEST A DISTANCE OF 326.97 FEET TO THE SOUTHEASTERLY MARGIN OF SLATER AVENUE NORTHEAST;

THENCE SOUTH 41°14'03" WEST, ALONG THE SOUTHEASTERLY MARGIN, A DISTANCE OF 213.71 FEET TO A POINT ON A CURVE, THE CENTER OF WHICH BEARS SOUTH 84°11'27" EAST A DISTANCE OF 360.00 FEET, SAID CENTER HEREINAFTER CALLED POINT 'A';

THENCE SOUTHERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 5°13'04" AN ARC DISTANCE OF 32.78 FEET TO THE NORTH LINE OF THE SOUTH 310 FEET OF SAID SUBDIVISION AND THE POINT OF BEGINNING;

THENCE SOUTH 88°19'17" WEST A DISTANCE OF 188.52 FEET TO THE EAST MARGIN OF 124TH AVENUE NORTHEAST;

THENCE NORTH 01°43'38" EAST, ALONG THE EAST MARGIN, A DISTANCE OF 117.99 FEET TO THE NORTH LINE OF THE SOUTH ONE ACRE OF THAT PORTION OF SAID SUBDIVISION LYING NORTHWESTERLY OF COUNTY ROAD NO. 970;

THENCE NORTH 88°19'16" EAST, ALONG THE NORTH LINE, A DISTANCE OF 233.33 FEET TO THE NORTHWESTERLY MARGIN OF SLATER AVENUE NORTHEAST;

THENCE SOUTH 41°14'03" WEST, ALONG THE NORTHWESTERLY MARGIN, A DISTANCE OF 9.27 FEET TO A POINT ON A CURVE, THE CENTER OF WHICH IS THE AFOREMENTIONED POINT 'A';

THENCE SOUTHERLY, ALONG THE CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 19°10'55" AN ARC DISTANCE OF 120.52 FEET TO THE POINT OF BEGINNING.

**EXHIBIT "B"**Legal Description of Temporary Construction Easement

THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
 THENCE SOUTH 88°19'17" WEST, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 708.81 FEET;  
 THENCE NORTH 01°17'15" EAST A DISTANCE OF 431.82 FEET;  
 THENCE SOUTH 88°50'58" WEST A DISTANCE OF 326.97 FEET TO THE SOUTHEASTERLY MARGIN OF SLATER AVENUE NORTHEAST;  
 THENCE SOUTH 41°14'03" WEST, ALONG THE SOUTHEASTERLY MARGIN, A DISTANCE OF 213.71 FEET TO A POINT ON A CURVE, THE CENTER OF WHICH BEARS SOUTH 84°11'27" EAST A DISTANCE OF 360.00 FEET, SAID CENTER HEREINAFTER CALLED POINT 'A';  
 THENCE SOUTHERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 5°13'04" AN ARC DISTANCE OF 32.78 FEET TO THE NORTH LINE OF THE SOUTH 310 FEET OF SAID SUBDIVISION AND THE POINT OF BEGINNING;

THENCE SOUTH 88°19'17" WEST A DISTANCE OF 188.52 FEET TO THE EAST MARGIN OF 124TH AVENUE NORTHEAST;  
 THENCE NORTH 01°43'38" EAST, ALONG THE EAST MARGIN, A DISTANCE OF 117.99 FEET TO THE NORTH LINE OF THE SOUTH ONE ACRE OF THAT PORTION OF SAID SUBDIVISION LYING NORTHWESTERLY OF COUNTY ROAD NO. 970;  
 THENCE NORTH 88°19'16" EAST, ALONG THE NORTH LINE, A DISTANCE OF 233.33 FEET TO THE NORTHWESTERLY MARGIN OF SLATER AVENUE NORTHEAST;  
 THENCE SOUTH 41°14'03" WEST, ALONG THE NORTHWESTERLY MARGIN, A DISTANCE OF 9.27 FEET TO A POINT ON A CURVE, THE CENTER OF WHICH IS THE AFOREMENTIONED POINT 'A';  
 THENCE SOUTHERLY, ALONG THE CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 19°10'55" AN ARC DISTANCE OF 120.52 FEET TO THE POINT OF BEGINNING.

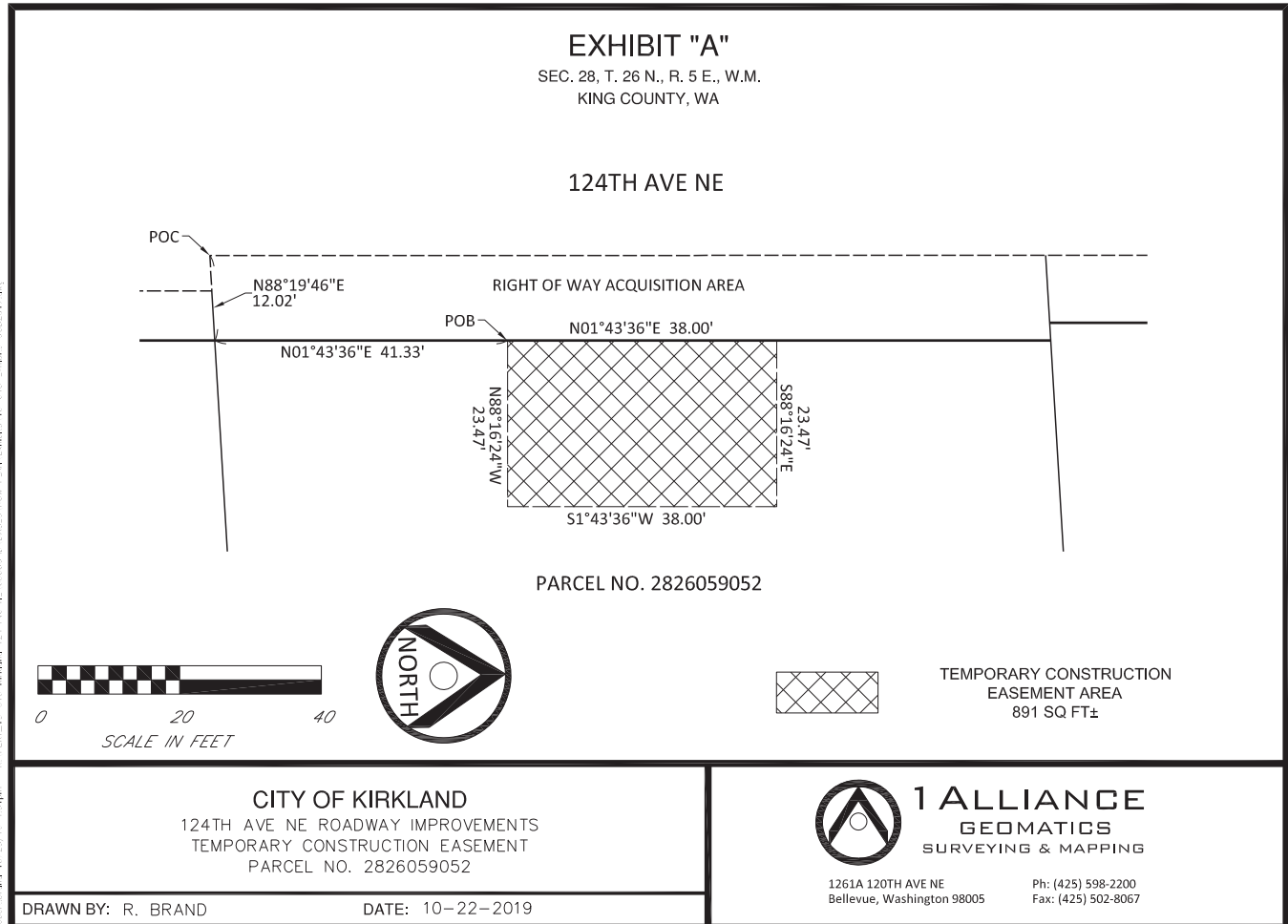
SAID EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL;  
 THENCE NORTH 88°19'46" EAST, ALONG THE SOUTH PARCEL LINE, A DISTANCE OF 12.02 FEET;  
 THENCE NORTH 01°43'36" EAST, A DISTANCE OF 41.33 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 01°43'36" EAST, A DISTANCE OF 38.00 FEET;  
 THENCE SOUTH 88°16'24" EAST, A DISTANCE OF 23.47 FEET;  
 THENCE SOUTH 01°43'36" WEST, A DISTANCE OF 38.00 FEET;  
 THENCE NORTH 88°16'24" WEST, A DISTANCE OF 23.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 891 SQUARE FEET, MORE OR LESS.





**EXHIBIT "A"**

Legal Description of Entire Property

OWNER: Kirkland Totem Real Estate

PARCEL NO. 2826059060

THAT PORTION OF THE RECORD OF SURVEY LABELED AS "CURRY" AS RECORDED UNDER  
THE RECORDING NUMBER 7712149014, RECORDS OF KING COUNTY, WASHINGTON.

EXCEPT THAT PORTION LYING WITHIN THE RIGHT OF WAY OF 124TH AVENUE NORTHEAST.

**EXHIBIT "B"****Legal Description of Temporary Construction Easement**

THAT PORTION OF THE RECORD OF SURVEY LABELED AS "CURRY" AS RECORDED UNDER THE RECORDING NUMBER 7712149014, RECORDS OF KING COUNTY, WASHINGTON.

EXCEPT THAT PORTION LYING WITHIN THE RIGHT OF WAY OF 124TH AVENUE NORTHEAST.

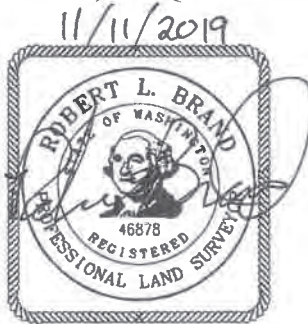
SAID EASEMENT DESCRIBED AS FOLLOWS:

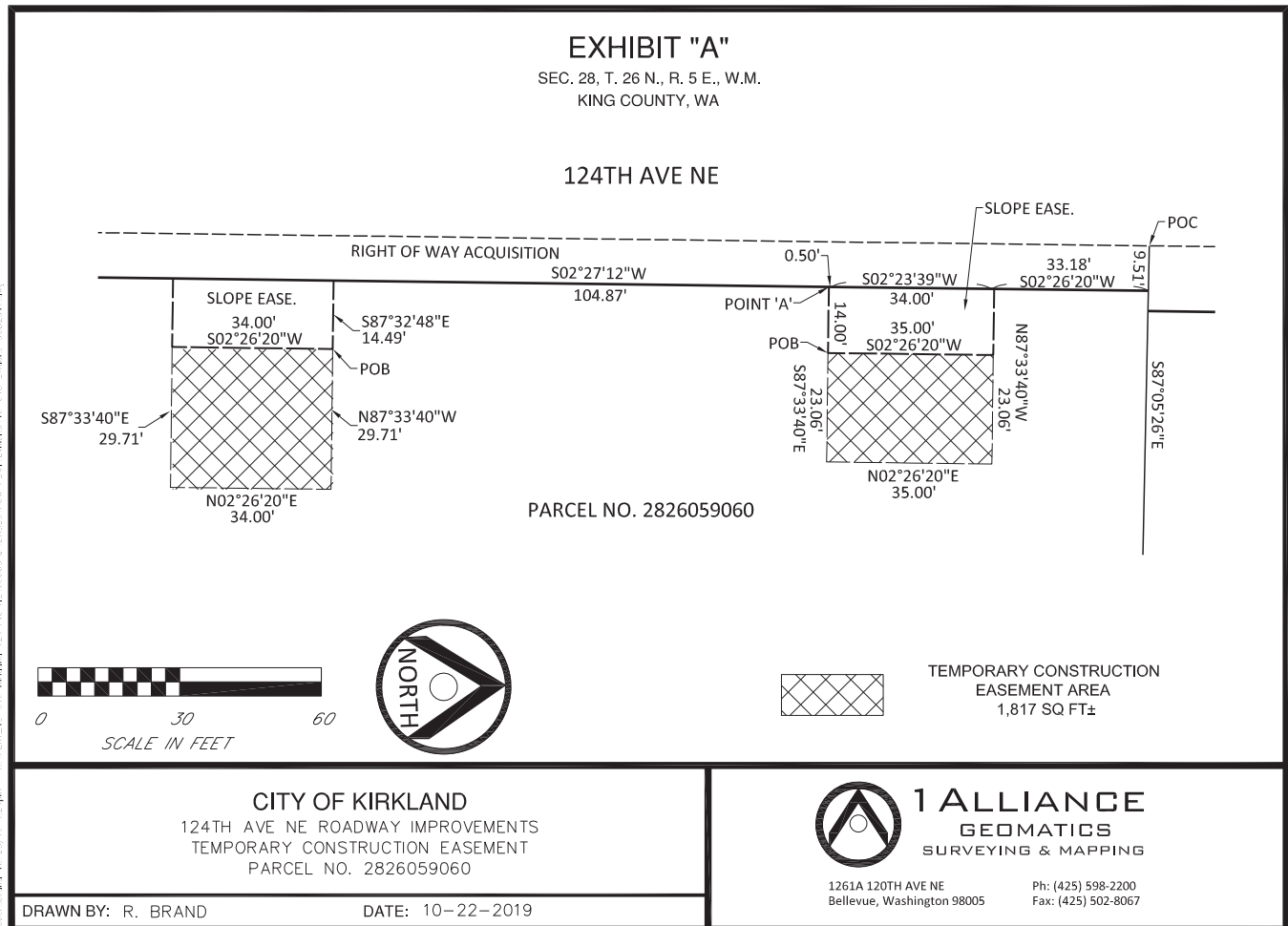
COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL;  
THENCE SOUTH 87°05'26" EAST, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 9.51 FEET;  
THENCE SOUTH 02°26'20" WEST, A DISTANCE OF 33.18 FEET;  
THENCE SOUTH 02°23'39" WEST, A DISTANCE OF 34.00 FEET;  
THENCE SOUTH 02°27'12" WEST, A DISTANCE OF 0.50 FEET TO A POINT HEREINAFTER KNOWN AS POINT 'A';  
THENCE SOUTH 87°33'40" EAST, A DISTANCE OF 14.00 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUING SOUTH 87°33'40" EAST, A DISTANCE OF 23.06 FEET;  
THENCE NORTH 02°26'20" EAST, A DISTANCE OF 35.00 FEET;  
THENCE NORTH 87°33'40" WEST, A DISTANCE OF 23.06 FEET;  
THENCE SOUTH 02°26'20" WEST, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

COMMENCING AT SAID POINT 'A';  
THENCE SOUTH 02°27'12" WEST, A DISTANCE OF 104.87 FEET;  
THENCE SOUTH 87°32'48" EAST, A DISTANCE OF 14.49 FEET TO THE POINT OF BEGINNING;  
THENCE SOUTH 02°26'20" WEST, A DISTANCE OF 34.00 FEET;  
THENCE SOUTH 87°33'40" EAST, A DISTANCE OF 29.71 FEET;  
THENCE NORTH 02°26'20" EAST, A DISTANCE OF 34.00 FEET;  
THENCE NORTH 87°33'40" WEST, A DISTANCE OF 29.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,817 SQUARE FEET, MORE OR LESS.







**EXHIBIT "A"**

Legal Description of Entire Property

OWNER: Kirkland Totem Real Estate

PARCEL NO. 2826059060

THAT PORTION OF THE RECORD OF SURVEY LABELED AS "CURRY" AS RECORDED UNDER  
THE RECORDING NUMBER 7712149014, RECORDS OF KING COUNTY, WASHINGTON.

EXCEPT THAT PORTION LYING WITHIN THE RIGHT OF WAY OF 124TH AVENUE NORTHEAST.

**EXHIBIT "B"**  
**Legal Description of Slope Easement**

THAT PORTION OF THE RECORD OF SURVEY LABELED AS "CURRY" AS RECORDED UNDER THE RECORDING NUMBER 7712149014, RECORDS OF KING COUNTY, WASHINGTON.

EXCEPT THAT PORTION LYING WITHIN THE RIGHT OF WAY OF 124TH AVENUE NORTHEAST.

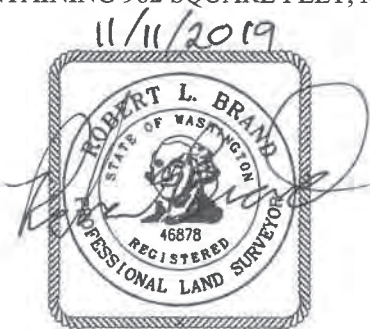
SAID EASEMENT DESCRIBED AS FOLLOWS:

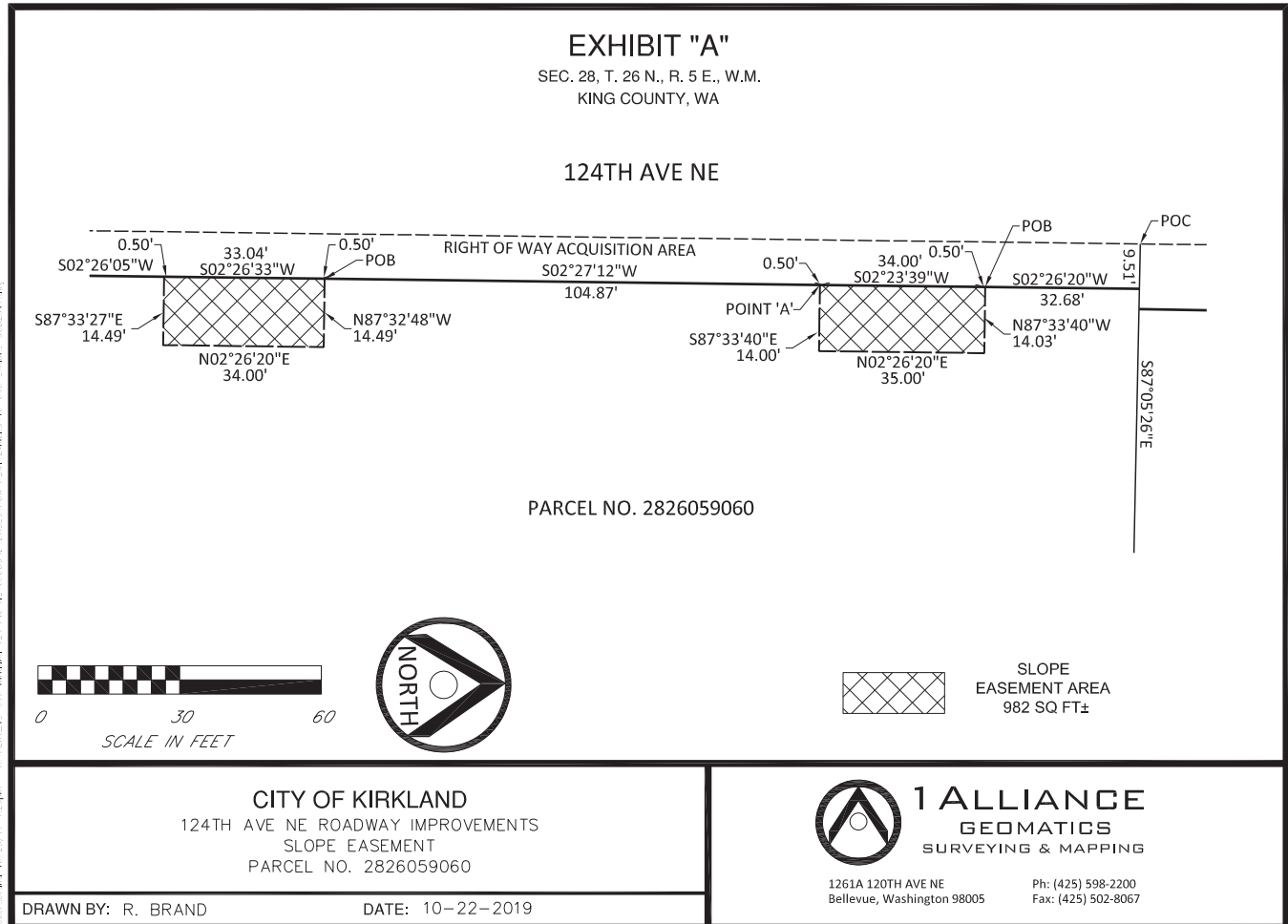
COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL;  
THENCE SOUTH 87°05'26" EAST, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 9.51 FEET;  
THENCE SOUTH 02°26'20" WEST, A DISTANCE OF 32.68 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUING SOUTH 02°26'20" WEST, A DISTANCE OF 0.50 FEET;  
THENCE SOUTH 02°23'39" WEST, A DISTANCE OF 34.00 FEET;  
THENCE SOUTH 02°27'12" WEST, A DISTANCE OF 0.50 FEET TO A POINT HEREINAFTER KNOWN AS POINT 'A';  
THENCE SOUTH 87°33'40" EAST, A DISTANCE OF 14.00 FEET;  
THENCE NORTH 02°26'20" EAST, A DISTANCE OF 35.00 FEET;  
THENCE NORTH 87°33'40" WEST, A DISTANCE OF 14.03 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH;

COMMENCING AT SAID POINT 'A';  
THENCE SOUTH 02°27'12" WEST, A DISTANCE OF 104.87 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUING SOUTH 02°27'12" WEST, A DISTANCE OF 0.50 FEET;  
THENCE SOUTH 02°26'33" WEST, A DISTANCE OF 33.04 FEET;  
THENCE SOUTH 02°26'05" WEST, A DISTANCE OF 0.50 FEET;  
THENCE SOUTH 87°33'27" EAST, A DISTANCE OF 14.49 FEET;  
THENCE NORTH 02°26'20" EAST, A DISTANCE OF 34.00 FEET;  
THENCE NORTH 87°32'48" WEST, A DISTANCE OF 14.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 982 SQUARE FEET, MORE OR LESS.





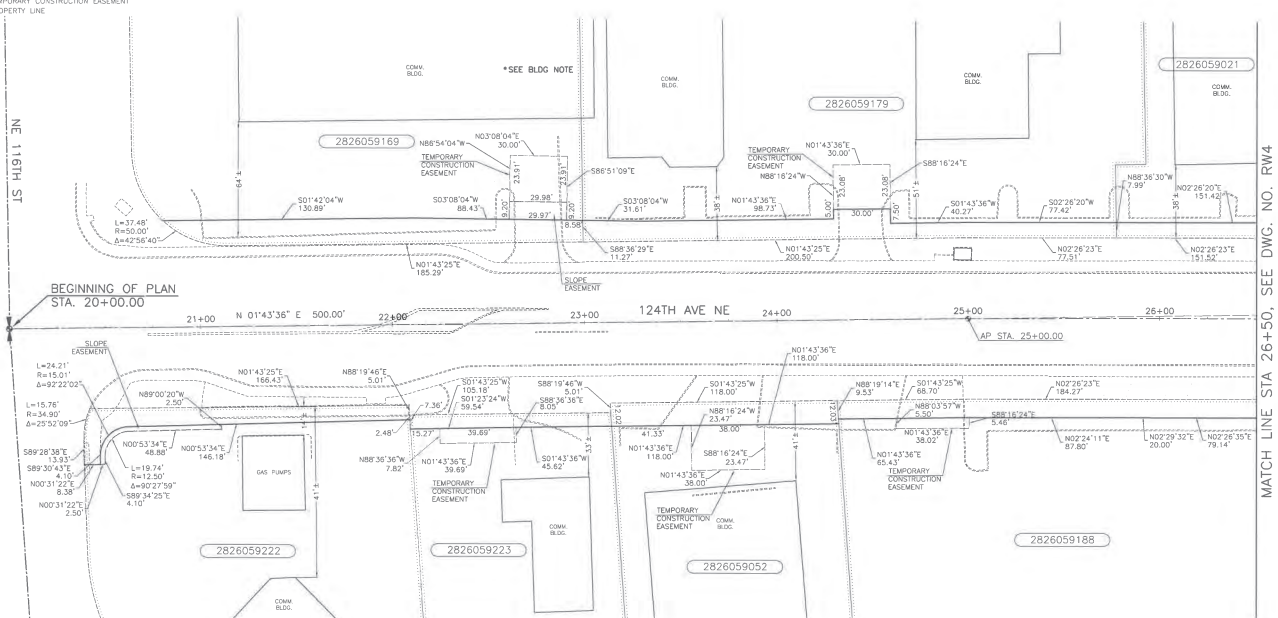
## LEGEND

SECTION LINE  
QUARTER SECTION LINE  
16TH SECTION LINE  
CONSTRUCTION CENTERLINE  
EXISTING RIGHT-OF-WAY  
PROPOSED RIGHT-OF-WAY  
PERMANENT EASEMENT  
SLOPE EASEMENT  
TEMPORARY CONSTRUCTION EASEMENT  
PROPERTY LINE

## 124TH AVENUE NE ROADWAY IMPROVEMENTS

A PORTION OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN  
KING COUNTY, WASHINGTON

Exhibit B - Acquisition Exhibits  
Page 73 of 128



|            |                            |            |                          |           |                |
|------------|----------------------------|------------|--------------------------|-----------|----------------|
| 2826059001 | WAY LIMITED LLC            | 29,788     | 1,710                    | 29,578    | 624            |
| 2826059179 | WAY LIMITED LLC            | 94,425     | 2,785                    | 91,640    | 692            |
| 2826059169 | KIM SANG HATCHON O         | 34,061     | 2,707                    | 31,354    | 275            |
| 2826059188 | CHAMWAY BARBARA W          | 31,808     | 2,403                    | 29,405    | 209            |
| 2826059052 | KIRKLAND TOTEM REAL ESTATE | 24,274     | 1,416                    | 22,858    | 891            |
| 2826059223 | TACO BELL OF AMERICA LLC   | 18,819     | 746                      | 18,072    | 315            |
| 2826059222 | YEN YAO JEAN               | 28,819     | 1,674                    | 27,145    | 166            |
| PARCEL NO. | NAME                       | TOTAL AREA | RIGHT OF WAY ACQUISITION | REMAINDER | SLOPE EASEMENT |

TOTAL AREA IS CALCULATED. OWNERSHIPS ALL AREAS ARE SHOWN IN SQUARE FEET UNLESS OTHERWISE NOTED.

\*BLDG NOTE: TRACED FROM AERIAL

TCE=TEMPORARY CONSTRUCTION EASEMENT



DRAWN BY: CMU  
DESIGN BY: RLB  
CHECK BY: RLB  
PROJ MGR: RLB



| FILE | ENGR                         | REVIEW  | SCALE  | DATE     |
|------|------------------------------|---------|--------|----------|
| RW3  | KWA                          | 9-30-19 | SHOWN  | 5-13-19  |
| 4    | ROW ACQ. REV. PAR -9222      | RLB     | JS     | 04-27-20 |
| 3    | ACQ TO TCE/ACQ. PAR -9042    | RLB     | JS     | 03-20-20 |
| 2    | TCE CASE REV. PER OWNER REG. | RLB     | JS     | 02-25-20 |
| 1    | PERU CASE TO PROPOSED R/W    | RLB     | JS     | 09-26-19 |
| NO.  | REVISION                     | BY      | REVIEW | DATE     |



CITY OF KIRKLAND  
PUBLIC WORKS DEPARTMENT  
123 FIFTH AVENUE - KIRKLAND, WA 98033-6189 - (206)828-1243  
124TH AVE NE ROADWAY IMPROVEMENTS  
RIGHT-OF-WAY PLAN  
STA 20+00 - STA 26+50

RW3  
3  
5

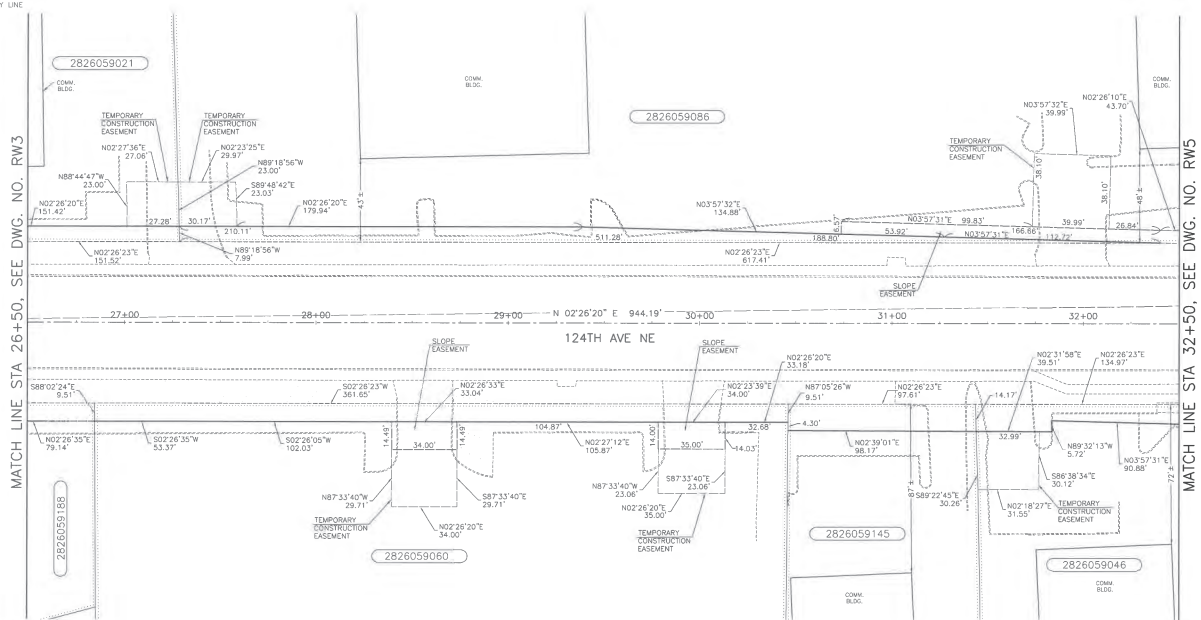
## LEGEND

|                                 |                                 |
|---------------------------------|---------------------------------|
| SECTION LINE                    | SECTION LINE                    |
| QUARTER SECTION LINE            | QUARTER SECTION LINE            |
| 16TH SECTION LINE               | 16TH SECTION LINE               |
| CONSTRUCTION CENTERLINE         | CONSTRUCTION CENTERLINE         |
| EXISTING RIGHT-OF-WAY           | EXISTING RIGHT-OF-WAY           |
| PROPOSED RIGHT-OF-WAY           | PROPOSED RIGHT-OF-WAY           |
| PERMANENT EASEMENT              | PERMANENT EASEMENT              |
| SLOPE EASEMENT                  | SLOPE EASEMENT                  |
| TEMPORARY CONSTRUCTION EASEMENT | TEMPORARY CONSTRUCTION EASEMENT |
| PROPERTY LINE                   | PROPERTY LINE                   |

## 124TH AVENUE NE ROADWAY IMPROVEMENTS

A PORTION OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN  
KING COUNTY, WASHINGTON

Exhibit B - Acquisition Exhibits  
Page 74 of 128



|            |                            |            |                          |           |                |       |
|------------|----------------------------|------------|--------------------------|-----------|----------------|-------|
| 2826059088 | TOTEM SQUARE PARTNERS      | 404,635    | 2,941                    | 401,694   | 1,383          | 2,215 |
| 2826059021 | WWX LIMITED, LLC           | 29,788     | 1,210                    | 28,578    |                | 624   |
| 2826059046 | S & T OF WA, LLC           | 144,543    | 1,793                    | 142,750   |                | 974   |
| 2826059145 | BUCHAN BROTHERS INVESTMENT | 49,789     | 1,368                    | 48,421    |                | 982   |
| 2826059090 | KIRKLAND TOTEM REAL ESTATE | 203,019    | 3,440                    | 199,579   |                | 1,817 |
| 2826059188 | CHAPMAN BARBARA M          | 34,608     | 2,403                    | 32,205    |                | 209   |
| PARCEL NO. | NAME                       | TOTAL AREA | RIGHT OF WAY ACQUISITION | REMAINDER | SLOPE EASEMENT | TCE   |

TOTAL AREA IS CALCULATED. OWNERSHIPS ALL AREAS ARE SHOWN IN SQUARE FEET UNLESS OTHERWISE NOTED.

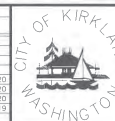
TCE-TEMPORARY CONSTRUCTION EASEMENT



DRAWN BY CAU  
DESIGN BY  
CHECK BY RLB  
PROJ MGR RLB



| FILE | ENGR                        | REVIEW  | SCALE  | DATE     |
|------|-----------------------------|---------|--------|----------|
| RW4  | KWA                         | 9-30-19 | SHOWN  | 5-13-19  |
| 4    | ROW ACQ. REV. PAR - 9222    | RLB     | JS     | 04-27-20 |
| 3    | ACQ TO TCE/ACQ PAR - 9047   | RLB     | JS     | 03-20-20 |
| 2    | TCE EASE REV. PER OWNER REQ | RLB     | JS     | 02-24-20 |
| 1    | PERM EASE TO PROPOSED R/W   | RLB     | JS     | 09-26-19 |
| NO.  | REVISION                    | BY      | REVIEW | DATE     |



CITY OF KIRKLAND  
PUBLIC WORKS DEPARTMENT  
123 11TH AVENUE - KIRKLAND, WA 98033-6189 - (206)828-1243  
124TH AVE NE ROADWAY IMPROVEMENTS  
RIGHT-OF-WAY PLAN  
STA 26+50 - STA 32+50

RW4

4  
5

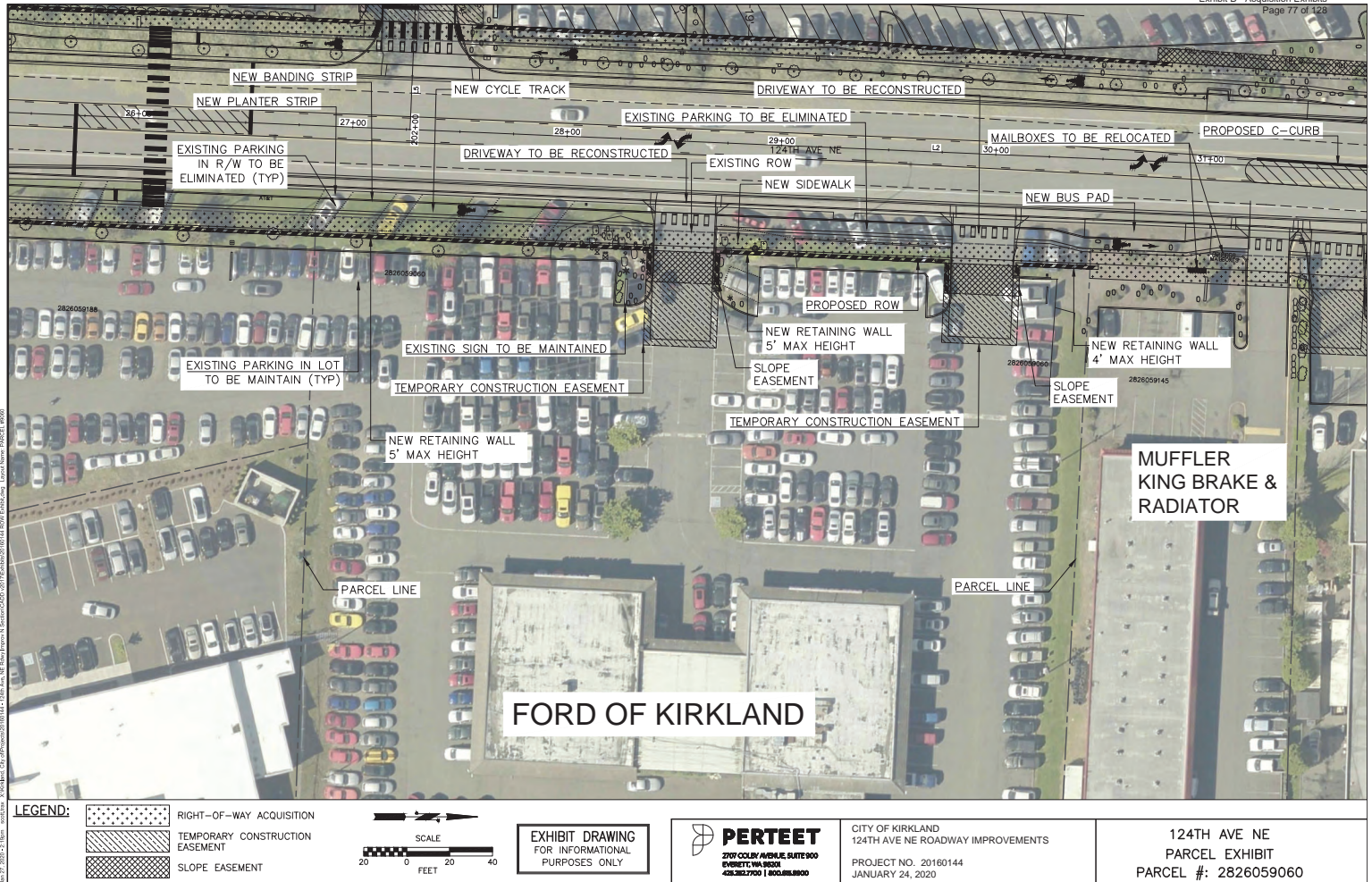






|   |  |  |   |   |  |
|---|--|--|---|---|--|
| <b>LEGEND:</b><br>RIGHT-OF-WAY ACQUISITION<br>TEMPORARY CONSTRUCTION EASEMENT<br>SLOPE EASEMENT | <br><b>SCALE</b><br><br>10 0 10 20<br>FEET | <b>EXHIBIT DRAWING</b><br>FOR INFORMATIONAL<br>PURPOSES ONLY | <br><b>PERITEET</b><br>2707 COLBY AVENUE, SUITE 200<br>EVERETT, WA 98201<br>425.352.7700   800.885.8900 | CITY OF KIRKLAND<br>124TH AVE NE ROADWAY IMPROVEMENTS<br>PROJECT NO. 20160144<br>JANUARY 24, 2020 | 124TH AVE NE<br>PARCEL EXHIBIT<br>PARCEL #: 2826059188 |
|---|--|--|---|---|--|







**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: Totem Square Partners

PARCEL NO. 2826059086

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH  $01^{\circ}43'38''$  EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 1,346.94 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH  $89^{\circ}19'00''$  WEST ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 332.98 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SUBDIVISION;  
THENCE SOUTH  $01^{\circ}38'29''$  WEST ALONG THE WEST LINE THEREOF A DISTANCE OF 328.85 FEET;  
THENCE NORTH  $89^{\circ}19'00''$  WEST A DISTANCE OF 491.06 FEET TO THE EASTERLY RIGHT OF WAY MARGIN OF THE NORTHERN PACIFIC RAILROAD COMPANY, AS CONVEYED BY DEEDS RECORDED UNDER RECORDING NUMBERS 266024 AND 268920;  
THENCE SOUTH  $41^{\circ}32'07''$  WEST ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 258.24 FEET TO THE EASTERLY LINE OF PRIMARY STATE HIGHWAY NUMBER 1, AS RECORDED UNDER RECORDING NUMBER 4562538;  
THENCE ALONG A CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH  $73^{\circ}45'17''$  WEST, HAVING A RADIUS OF 4,422.50 FEET, AN ARC DISTANCE OF 253.49 FEET;  
THENCE NORTH  $77^{\circ}02'21''$  EAST ALONG A RADIAL LINE, A DISTANCE OF 185.00 FEET;  
THENCE ALONG SAID HIGHWAY LINE ON A CURVE TO THE RIGHT WITH A RADIUS OF 4,607.50 FEET, A CENTRAL ANGLE OF  $00^{\circ}33'44''$ , AN ARC DISTANCE OF 45.09 FEET TO THE SOUTH LINE OF THE NORTH 100 FEET OF THE EAST 5 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION;  
THENCE ALONG SAID SOUTH LINE SOUTH  $88^{\circ}57'48''$  EAST 63.79 FEET;  
THENCE NORTH  $01^{\circ}33'18''$  EAST A DISTANCE OF 100.00 FEET;  
THENCE SOUTH  $88^{\circ}57'48''$  EAST 331.94 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28;  
THENCE NORTH  $01^{\circ}38'29''$  EAST ALONG SAID WEST LINE A DISTANCE OF 54.57 FEET;  
THENCE SOUTH  $89^{\circ}19'00''$  EAST A DISTANCE OF 292.91 FEET TO THE WESTERLY MARGIN OF 124TH AVENUE NORTHEAST;  
THENCE NORTH  $02^{\circ}26'36''$  EAST ALONG SAID WESTERLY MARGIN A DISTANCE OF 617.17 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, WHICH BEARS SOUTH  $89^{\circ}19'00''$  EAST FROM THE TRUE POINT OF BEGINNING;  
THENCE NORTH  $89^{\circ}19'00''$  WEST ALONG SAID NORTH LINE A DISTANCE OF 301.55 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION CONDEMNED FOR PRIMARY STATE HIGHWAY NUMBER 1 (SR-405) BY KING COUNTY SUPERIOR COURT CAUSE NUMBER 699764.

(ALSO KNOWN AS LOT 1 OF CITY OF KIRKLAND LOT LINE ADJUSTMENT NUMBER 84-28, AS RECORDED UNDER KING COUNTY RECORDING NUMBER 8405010750).



**EXHIBIT "B"**Legal Description of Temporary Construction Easement

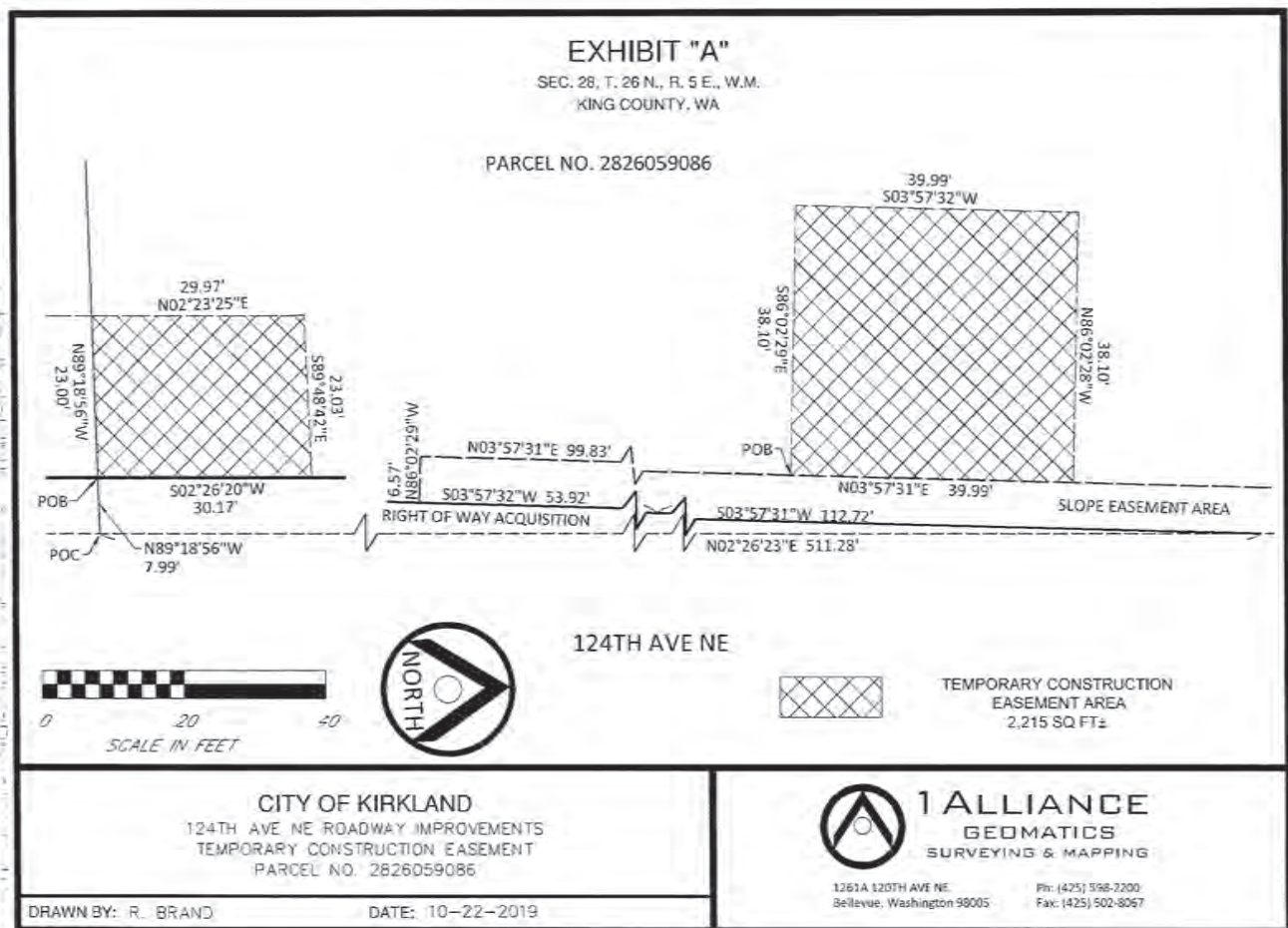
A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
 THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 1,346.94 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION;  
 THENCE NORTH 89°19'00" WEST ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 332.98 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SUBDIVISION;  
 THENCE SOUTH 01°38'29" WEST ALONG THE WEST LINE THEREOF A DISTANCE OF 328.85 FEET;  
 THENCE NORTH 89°19'00" WEST A DISTANCE OF 491.06 FEET TO THE EASTERLY RIGHT OF WAY MARGIN OF THE NORTHERN PACIFIC RAILROAD COMPANY, AS CONVEYED BY DEEDS RECORDED UNDER RECORDING NUMBERS 266024 AND 268920;  
 THENCE SOUTH 41°32'07" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 258.24 FEET TO THE EASTERLY LINE OF PRIMARY STATE HIGHWAY NUMBER 1, AS RECORDED UNDER RECORDING NUMBER 4562538;  
 THENCE ALONG A CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 73°45'17" WEST, HAVING A RADIUS OF 4,422.50 FEET, AN ARC DISTANCE OF 253.49 FEET;  
 THENCE NORTH 77°02'21" EAST ALONG A RADIAL LINE, A DISTANCE OF 185.00 FEET;  
 THENCE ALONG SAID HIGHWAY LINE ON A CURVE TO THE RIGHT WITH A RADIUS OF 4,607.50 FEET, A CENTRAL ANGLE OF 00°33'44", AN ARC DISTANCE OF 45.09 FEET TO THE SOUTH LINE OF THE NORTH 100 FEET OF THE EAST 5 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION;  
 THENCE ALONG SAID SOUTH LINE SOUTH 88°57'48" EAST 63.79 FEET;  
 THENCE NORTH 01°33'18" EAST A DISTANCE OF 100.00 FEET;  
 THENCE SOUTH 88°57'48" EAST 331.94 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28;  
 THENCE NORTH 01°38'29" EAST ALONG SAID WEST LINE A DISTANCE OF 54.57 FEET;  
 THENCE SOUTH 89°19'00" EAST A DISTANCE OF 292.91 FEET TO THE WESTERLY MARGIN OF 124TH AVENUE NORTHEAST;  
 THENCE NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN A DISTANCE OF 617.17 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, WHICH BEARS SOUTH 89°19'00" EAST FROM THE TRUE POINT OF BEGINNING;  
 THENCE NORTH 89°19'00" WEST ALONG SAID NORTH LINE A DISTANCE OF 301.55 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION CONDEMNED FOR PRIMARY STATE HIGHWAY NUMBER 1 (SR-405) BY KING COUNTY SUPERIOR COURT CAUSE NUMBER 699764.

(ALSO KNOWN AS LOT 1 OF CITY OF KIRKLAND LOT LINE ADJUSTMENT NUMBER 84-28, AS RECORDED UNDER KING COUNTY RECORDING NUMBER 8405010750).





**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: Totem Square Partners

PARCEL NO. 2826059086

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 1,346.94 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 89°19'00" WEST ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 332.98 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SUBDIVISION;  
THENCE SOUTH 01°38'29" WEST ALONG THE WEST LINE THEREOF A DISTANCE OF 328.85 FEET;  
THENCE NORTH 89°19'00" WEST A DISTANCE OF 491.06 FEET TO THE EASTERLY RIGHT OF WAY MARGIN OF THE NORTHERN PACIFIC RAILROAD COMPANY, AS CONVEYED BY DEEDS RECORDED UNDER RECORDING NUMBERS 266024 AND 268920;  
THENCE SOUTH 41°32'07" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 258.24 FEET TO THE EASTERLY LINE OF PRIMARY STATE HIGHWAY NUMBER 1, AS RECORDED UNDER RECORDING NUMBER 4562538;  
THENCE ALONG A CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 73°45'17" WEST, HAVING A RADIUS OF 4,422.50 FEET, AN ARC DISTANCE OF 253.49 FEET;  
THENCE NORTH 77°02'21" EAST ALONG A RADIAL LINE, A DISTANCE OF 185.00 FEET;  
THENCE ALONG SAID HIGHWAY LINE ON A CURVE TO THE RIGHT WITH A RADIUS OF 4,607.50 FEET, A CENTRAL ANGLE OF 00°33'44", AN ARC DISTANCE OF 45.09 FEET TO THE SOUTH LINE OF THE NORTH 100 FEET OF THE EAST 5 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION;  
THENCE ALONG SAID SOUTH LINE SOUTH 88°57'48" EAST 63.79 FEET;  
THENCE NORTH 01°33'18" EAST A DISTANCE OF 100.00 FEET;  
THENCE SOUTH 88°57'48" EAST 331.94 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28;  
THENCE NORTH 01°38'29" EAST ALONG SAID WEST LINE A DISTANCE OF 54.57 FEET;  
THENCE SOUTH 89°19'00" EAST A DISTANCE OF 292.91 FEET TO THE WESTERLY MARGIN OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN A DISTANCE OF 617.17 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, WHICH BEARS SOUTH 89°19'00" EAST FROM THE TRUE POINT OF BEGINNING;  
THENCE NORTH 89°19'00" WEST ALONG SAID NORTH LINE A DISTANCE OF 301.55 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION CONDEMNED FOR PRIMARY STATE HIGHWAY NUMBER 1 (SR-405) BY KING COUNTY SUPERIOR COURT CAUSE NUMBER 699764.

(ALSO KNOWN AS LOT 1 OF CITY OF KIRKLAND LOT LINE ADJUSTMENT NUMBER 84-28, AS RECORDED UNDER KING COUNTY RECORDING NUMBER 8405010750).



**EXHIBIT "B"****Legal Description of Right of Way Acquisition**

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 1,346.94 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 89°19'00" WEST ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 332.98 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SUBDIVISION;  
THENCE SOUTH 01°38'29" WEST ALONG THE WEST LINE THEREOF A DISTANCE OF 328.85 FEET;  
THENCE NORTH 89°19'00" WEST A DISTANCE OF 491.06 FEET TO THE EASTERLY RIGHT OF WAY MARGIN OF THE NORTHERN PACIFIC RAILROAD COMPANY, AS CONVEYED BY DEEDS RECORDED UNDER RECORDING NUMBERS 266024 AND 268920;  
THENCE SOUTH 41°32'07" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 258.24 FEET TO THE EASTERLY LINE OF PRIMARY STATE HIGHWAY NUMBER 1, AS RECORDED UNDER RECORDING NUMBER 4562538;  
THENCE ALONG A CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 73°45'17" WEST, HAVING A RADIUS OF 4,422.50 FEET, AN ARC DISTANCE OF 253.49 FEET;  
THENCE NORTH 77°02'21" EAST ALONG A RADIAL LINE, A DISTANCE OF 185.00 FEET;  
THENCE ALONG SAID HIGHWAY LINE ON A CURVE TO THE RIGHT WITH A RADIUS OF 4,607.50 FEET, A CENTRAL ANGLE OF 00°33'44", AN ARC DISTANCE OF 45.09 FEET TO THE SOUTH LINE OF THE NORTH 100 FEET OF THE EAST 5 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION;  
THENCE ALONG SAID SOUTH LINE SOUTH 88°57'48" EAST 63.79 FEET;  
THENCE NORTH 01°33'18" EAST A DISTANCE OF 100.00 FEET;  
THENCE SOUTH 88°57'48" EAST 331.94 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28;  
THENCE NORTH 01°38'29" EAST ALONG SAID WEST LINE A DISTANCE OF 54.57 FEET;  
THENCE SOUTH 89°19'00" EAST A DISTANCE OF 292.91 FEET TO THE WESTERLY MARGIN OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN A DISTANCE OF 617.17 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, WHICH BEARS SOUTH 89°19'00" EAST FROM THE TRUE POINT OF BEGINNING;  
THENCE NORTH 89°19'00" WEST ALONG SAID NORTH LINE A DISTANCE OF 301.55 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION CONDEMNED FOR PRIMARY STATE HIGHWAY NUMBER 1 (SR-405) BY KING COUNTY SUPERIOR COURT CAUSE NUMBER 699764.

(ALSO KNOWN AS LOT 1 OF CITY OF KIRKLAND LOT LINE ADJUSTMENT NUMBER 84-28, AS RECORDED UNDER KING COUNTY RECORDING NUMBER 8405010750).

## SAID ACQUISITION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL;  
THENCE NORTH  $02^{\circ}26'23''$  EAST, ALONG THE WEST RIGHT OF WAY MARGIN OF 124TH AVENUE  
NORTHEAST, A DISTANCE OF 511.28 FEET TO A POINT HEREINAFTER KNOWN AS POINT 'A';  
THENCE SOUTH  $03^{\circ}57'31''$  WEST, A DISTANCE OF 112.72 FEET;  
THENCE SOUTH  $03^{\circ}57'32''$  WEST, A DISTANCE OF 188.80 FEET;  
THENCE SOUTH  $02^{\circ}26'20''$  WEST, A DISTANCE OF 210.11 FEET TO THE SOUTH LINE OF SAID  
PARCEL;  
THENCE SOUTH  $89^{\circ}18'56''$  EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 7.99 FEET TO THE  
POINT OF BEGINNING.

## TOGETHER WITH:

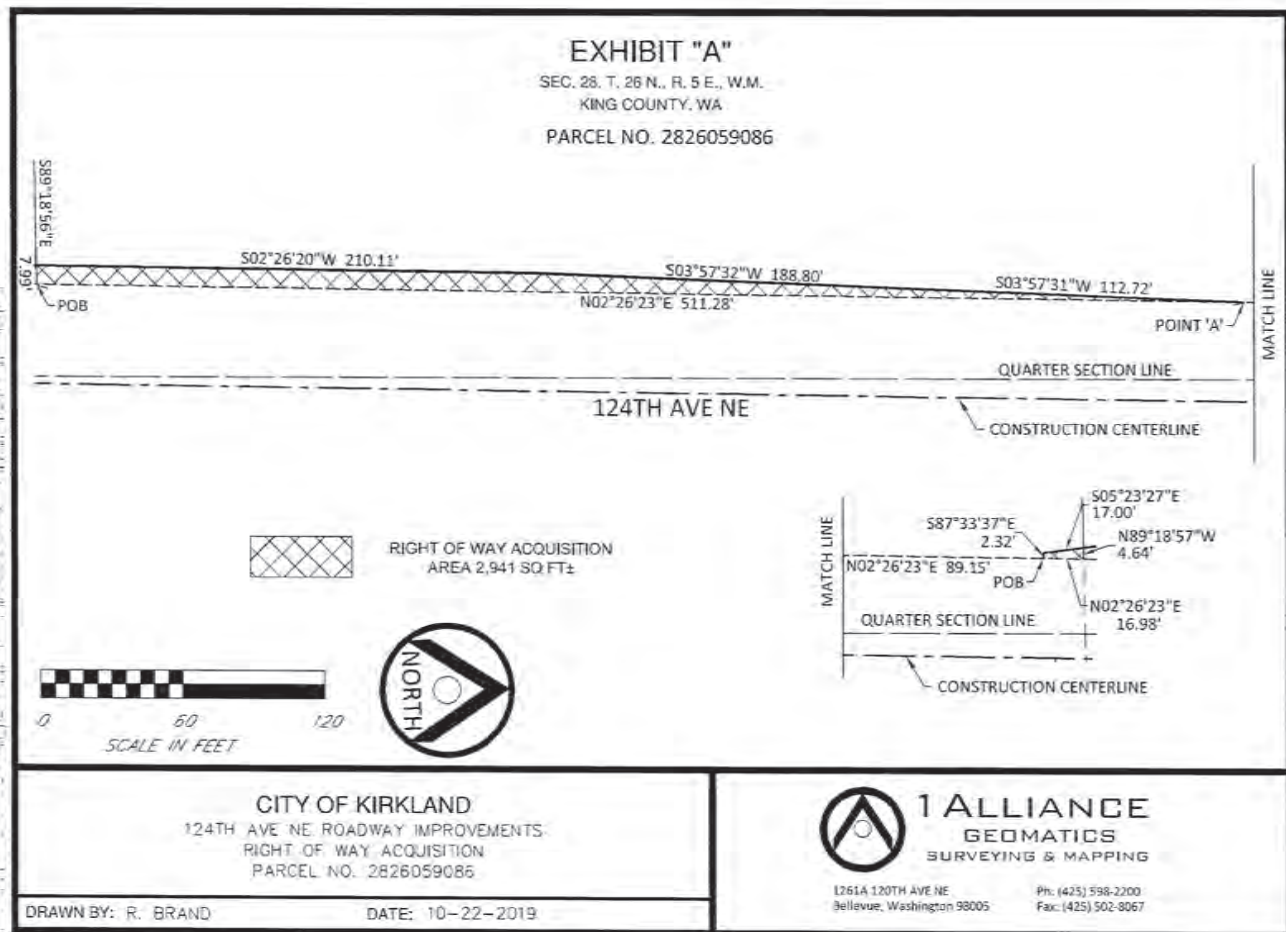
COMMENCING AT SAID POINT 'A';  
THENCE NORTH  $02^{\circ}26'23''$  EAST, ALONG SAID MARGIN, A DISTANCE OF 89.15 FEET TO THE POINT  
OF BEGINNING;

THENCE CONTINUING NORTH  $02^{\circ}26'23''$  EAST, ALONG SAID MARGIN, A DISTANCE OF 16.98 FEET  
TO THE NORTHEAST CORNER OF SAID PARCEL;  
THENCE NORTH  $89^{\circ}18'57''$  WEST, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 4.64  
FEET;  
THENCE SOUTH  $05^{\circ}23'27''$  EAST, A DISTANCE OF 17.00 FEET;  
THENCE SOUTH  $87^{\circ}33'37''$  EAST, A DISTANCE OF 2.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,941 SQUARE FEET, MORE OR LESS.







**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: Totem Square Partners

PARCEL NO. 2826059086

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 1,346.94 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 89°19'00" WEST ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 332.98 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SUBDIVISION;  
THENCE SOUTH 01°38'29" WEST ALONG THE WEST LINE THEREOF A DISTANCE OF 328.85 FEET;  
THENCE NORTH 89°19'00" WEST A DISTANCE OF 491.06 FEET TO THE EASTERLY RIGHT OF WAY MARGIN OF THE NORTHERN PACIFIC RAILROAD COMPANY, AS CONVEYED BY DEEDS RECORDED UNDER RECORDING NUMBERS 266024 AND 268920;  
THENCE SOUTH 41°32'07" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 258.24 FEET TO THE EASTERLY LINE OF PRIMARY STATE HIGHWAY NUMBER 1, AS RECORDED UNDER RECORDING NUMBER 4562538;  
THENCE ALONG A CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 73°45'17" WEST, HAVING A RADIUS OF 4,422.50 FEET, AN ARC DISTANCE OF 253.49 FEET;  
THENCE NORTH 77°02'21" EAST ALONG A RADIAL LINE, A DISTANCE OF 185.00 FEET;  
THENCE ALONG SAID HIGHWAY LINE ON A CURVE TO THE RIGHT WITH A RADIUS OF 4,607.50 FEET, A CENTRAL ANGLE OF 00°33'44", AN ARC DISTANCE OF 45.09 FEET TO THE SOUTH LINE OF THE NORTH 100 FEET OF THE EAST 5 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION;  
THENCE ALONG SAID SOUTH LINE SOUTH 88°57'48" EAST 63.79 FEET;  
THENCE NORTH 01°33'18" EAST A DISTANCE OF 100.00 FEET;  
THENCE SOUTH 88°57'48" EAST 331.94 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28;  
THENCE NORTH 01°38'29" EAST ALONG SAID WEST LINE A DISTANCE OF 54.57 FEET;  
THENCE SOUTH 89°19'00" EAST A DISTANCE OF 292.91 FEET TO THE WESTERLY MARGIN OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN A DISTANCE OF 617.17 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, WHICH BEARS SOUTH 89°19'00" EAST FROM THE TRUE POINT OF BEGINNING;  
THENCE NORTH 89°19'00" WEST ALONG SAID NORTH LINE A DISTANCE OF 301.55 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION CONDEMNED FOR PRIMARY STATE HIGHWAY NUMBER 1 (SR-405) BY KING COUNTY SUPERIOR COURT CAUSE NUMBER 699764.

(ALSO KNOWN AS LOT 1 OF CITY OF KIRKLAND LOT LINE ADJUSTMENT NUMBER 84-28, AS RECORDED UNDER KING COUNTY RECORDING NUMBER 8405010750).



**EXHIBIT "B"**  
Legal Description of Slope Easement

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 01°43'38" EAST ALONG THE EAST LINE THEREOF A DISTANCE OF 1,346.94 FEET TO THE NORTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 89°19'00" WEST ALONG THE NORTH LINE OF SAID SUBDIVISION A DISTANCE OF 332.98 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE EAST HALF OF THE EAST HALF OF SAID SUBDIVISION;  
THENCE SOUTH 01°38'29" WEST ALONG THE WEST LINE THEREOF A DISTANCE OF 328.85 FEET;  
THENCE NORTH 89°19'00" WEST A DISTANCE OF 491.06 FEET TO THE EASTERLY RIGHT OF WAY MARGIN OF THE NORTHERN PACIFIC RAILROAD COMPANY, AS CONVEYED BY DEEDS RECORDED UNDER RECORDING NUMBERS 266024 AND 268920;  
THENCE SOUTH 41°32'07" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 258.24 FEET TO THE EASTERLY LINE OF PRIMARY STATE HIGHWAY NUMBER 1, AS RECORDED UNDER RECORDING NUMBER 4562538;  
THENCE ALONG A CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS SOUTH 73°45'17" WEST, HAVING A RADIUS OF 4,422.50 FEET, AN ARC DISTANCE OF 253.49 FEET;  
THENCE NORTH 77°02'21" EAST ALONG A RADIAL LINE, A DISTANCE OF 185.00 FEET;  
THENCE ALONG SAID HIGHWAY LINE ON A CURVE TO THE RIGHT WITH A RADIUS OF 4,607.50 FEET, A CENTRAL ANGLE OF 00°33'44", AN ARC DISTANCE OF 45.09 FEET TO THE SOUTH LINE OF THE NORTH 100 FEET OF THE EAST 5 ACRES OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION;  
THENCE ALONG SAID SOUTH LINE SOUTH 88°57'48" EAST 63.79 FEET;  
THENCE NORTH 01°33'18" EAST A DISTANCE OF 100.00 FEET;  
THENCE SOUTH 88°57'48" EAST 331.94 FEET TO THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28;  
THENCE NORTH 01°38'29" EAST ALONG SAID WEST LINE A DISTANCE OF 54.57 FEET;  
THENCE SOUTH 89°19'00" EAST A DISTANCE OF 292.91 FEET TO THE WESTERLY MARGIN OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 02°26'36" EAST ALONG SAID WESTERLY MARGIN A DISTANCE OF 617.17 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 28, WHICH BEARS SOUTH 89°19'00" EAST FROM THE TRUE POINT OF BEGINNING;  
THENCE NORTH 89°19'00" WEST ALONG SAID NORTH LINE A DISTANCE OF 301.55 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION CONDEMNED FOR PRIMARY STATE HIGHWAY NUMBER 1 (SR-405) BY KING COUNTY SUPERIOR COURT CAUSE NUMBER 699764.

(ALSO KNOWN AS LOT 1 OF CITY OF KIRKLAND LOT LINE ADJUSTMENT NUMBER 84-28, AS RECORDED UNDER KING COUNTY RECORDING NUMBER 8405010750).

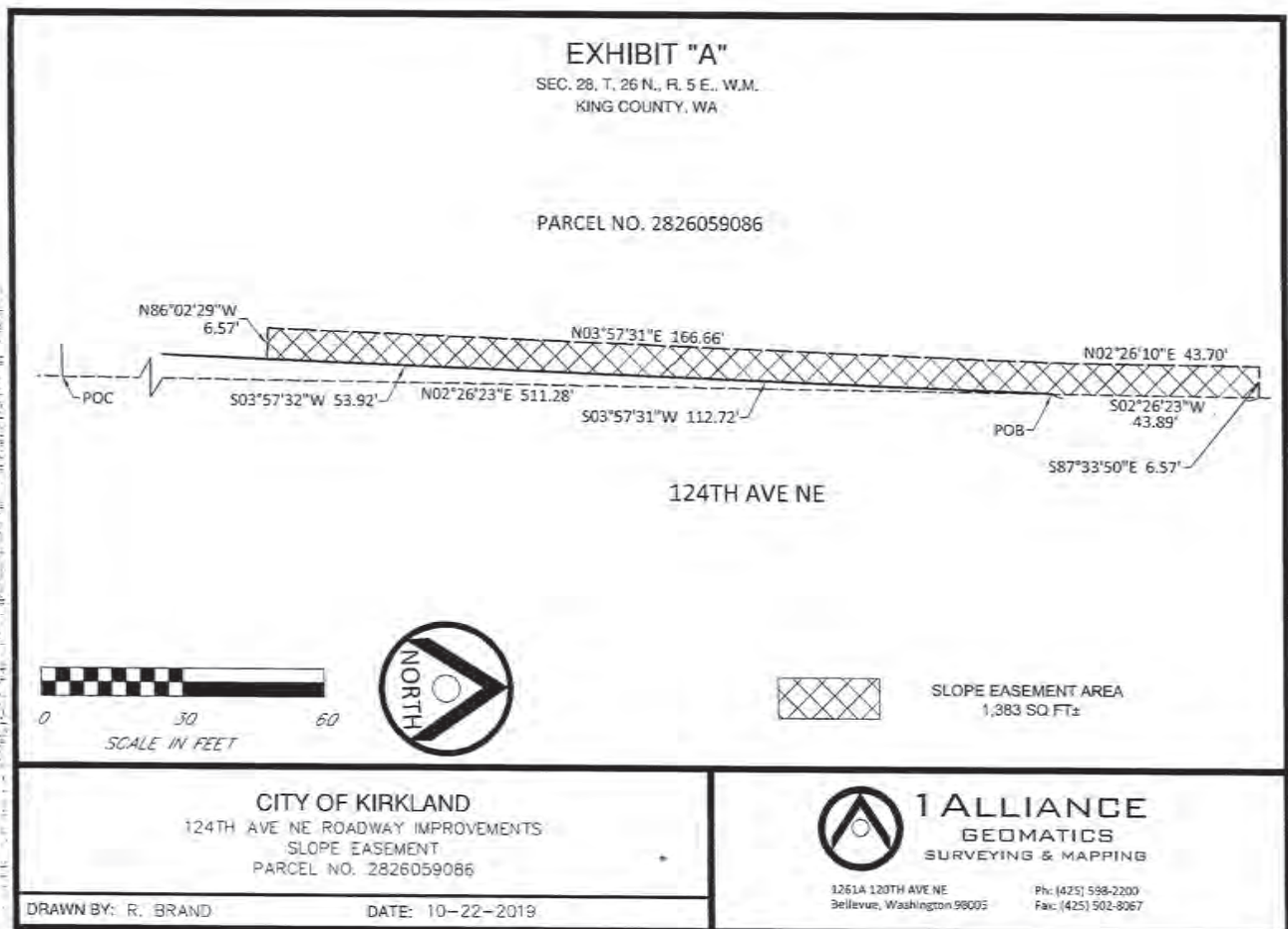
SAID EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL;  
THENCE NORTH 02°26'23" EAST, ALONG THE WEST RIGHT OF WAY MARGIN OF 124TH AVENUE  
NORTHEAST, A DISTANCE OF 511.28 FEET TO THE POINT OF BEGINNING;

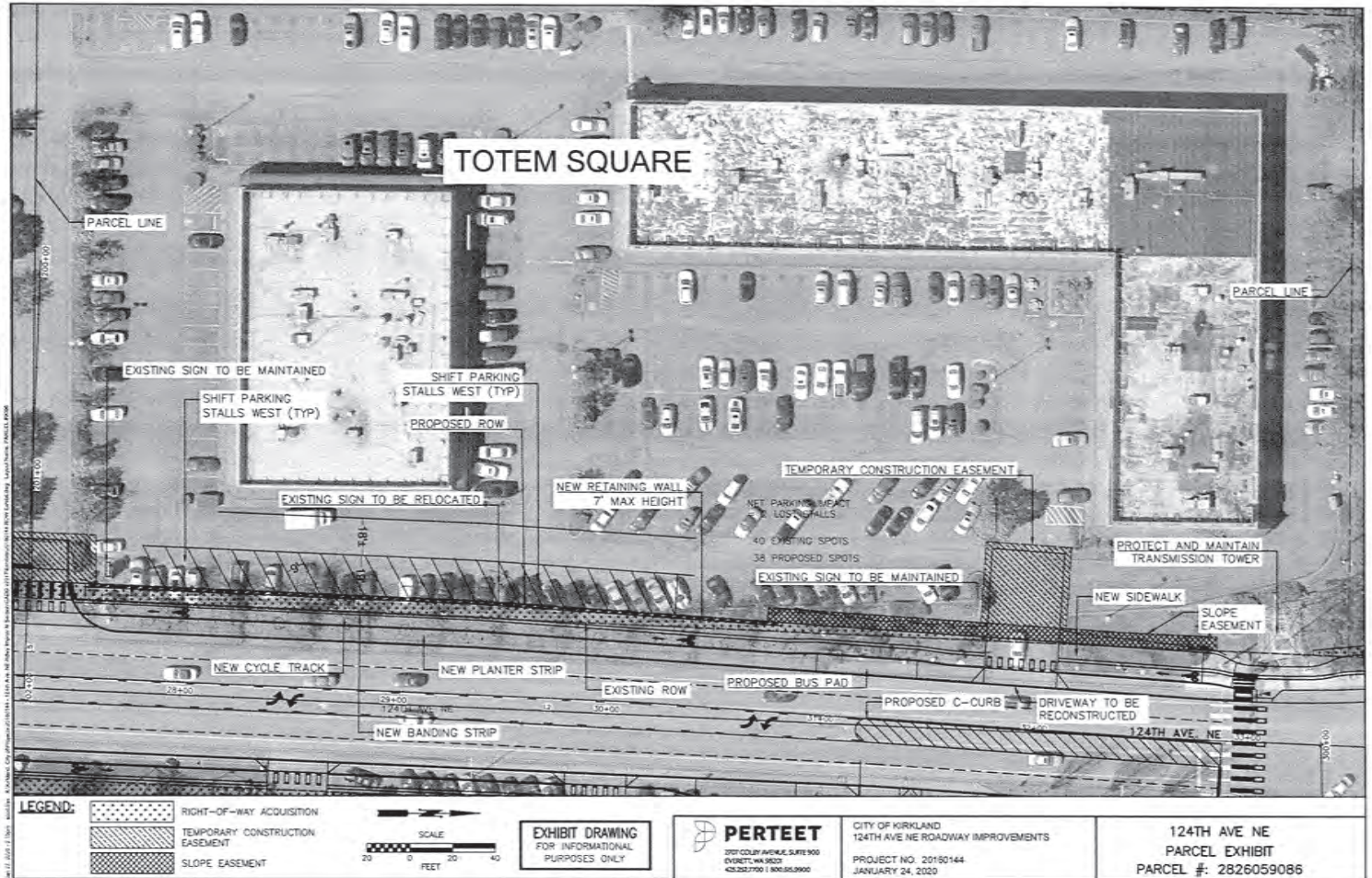
THENCE SOUTH 03°57'31" WEST, A DISTANCE OF 112.72 FEET;  
THENCE SOUTH 03°57'32" WEST, A DISTANCE OF 53.92 FEET;  
THENCE NORTH 86°02'29" WEST, A DISTANCE OF 6.57 FEET;  
THENCE NORTH 03°57'31" EAST, A DISTANCE OF 166.66 FEET;  
THENCE NORTH 02°26'10" EAST, A DISTANCE OF 43.70 FEET;  
THENCE SOUTH 87°33'50" EAST, A DISTANCE OF 6.57 FEET TO SAID MARGIN;  
THENCE SOUTH 02°26'23" WEST, ALONG SAID MARGIN, A DISTANCE OF 43.89 FEET TO THE POINT  
OF BEGINNING.

CONTAINING 1,383 SQUARE FEET, MORE OR LESS.



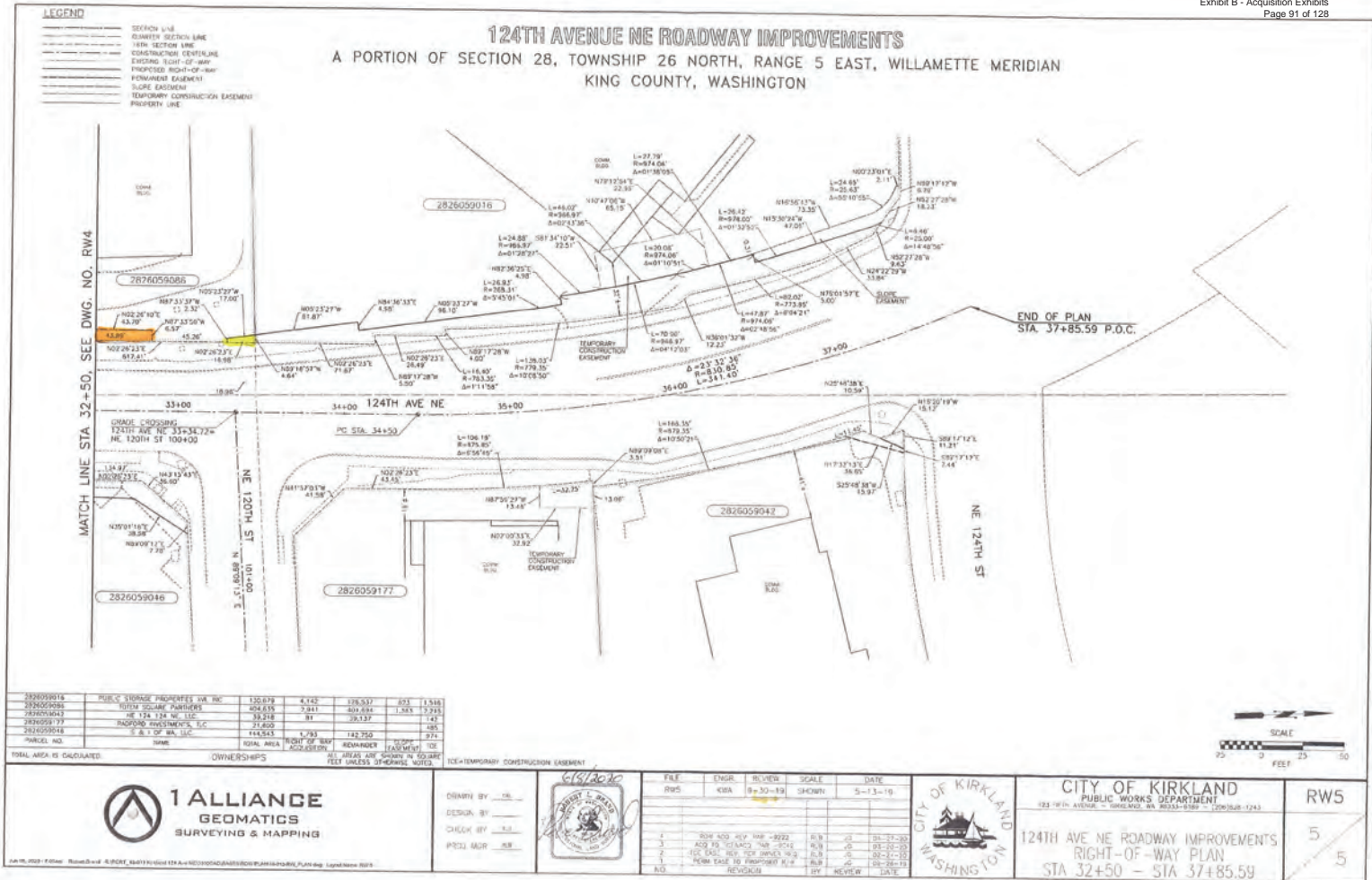












**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: Sang M. Kim and Chun O. Kim, husband and wife

PARCEL NO. 2826059169

PARCEL A:

THAT SOUTH 300 FEET OF THE EAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THE WEST 142 FEET THEREOF;

AND EXCEPT THE SOUTH 30 FEET FOR COUNTY ROAD;

AND EXCEPT THAT PORTION THEREOF WHICH LIES WITHIN THE MARGINS OF SLATER AVENUE NORTHEAST, AS CONDEMNED BY KING COUNTY SUPERIOR COURT CAUSE NO. 930166;

AND EXCEPT THE NORTH 35 FEET OF THE SOUTH 65 FEET AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 6375631;

AND EXCEPT THE EAST 42 FEET AS CONVEYED TO KIN COUNTY BY DEEDS RECORDED UNDER RECORDING NOS. 6463988 AND 6465842.

PARCEL B:

AN EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 10 FEET OF THE WEST 142 FEET OF THE SOUTH 300 FEET OF THE EAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY WASHINGTON.

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

**EXHIBIT "B"**  
**Legal Description of Right of Way Acquisition**

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

PARCEL A:

THAT SOUTH 300 FEET OF THE EAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THE WEST 142 FEET THEREOF;

AND EXCEPT THE SOUTH 30 FEET FOR COUNTY ROAD;

AND EXCEPT THAT PORTION THEREOF WHICH LIES WITHIN THE MARGINS OF SLATER AVENUE NORTHEAST, AS CONDEMNED BY KING COUNTY SUPERIOR COURT CAUSE NO. 930166;

AND EXCEPT THE NORTH 35 FEET OF THE SOUTH 65 FEET AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 6375631;

AND EXCEPT THE EAST 42 FEET AS CONVEYED TO KING COUNTY BY DEEDS RECORDED UNDER RECORDING NOS. 6463988 AND 6465842.

PARCEL B:

AN EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 10 FEET OF THE WEST 142 FEET OF THE SOUTH 300 FEET OF THE EAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY WASHINGTON.

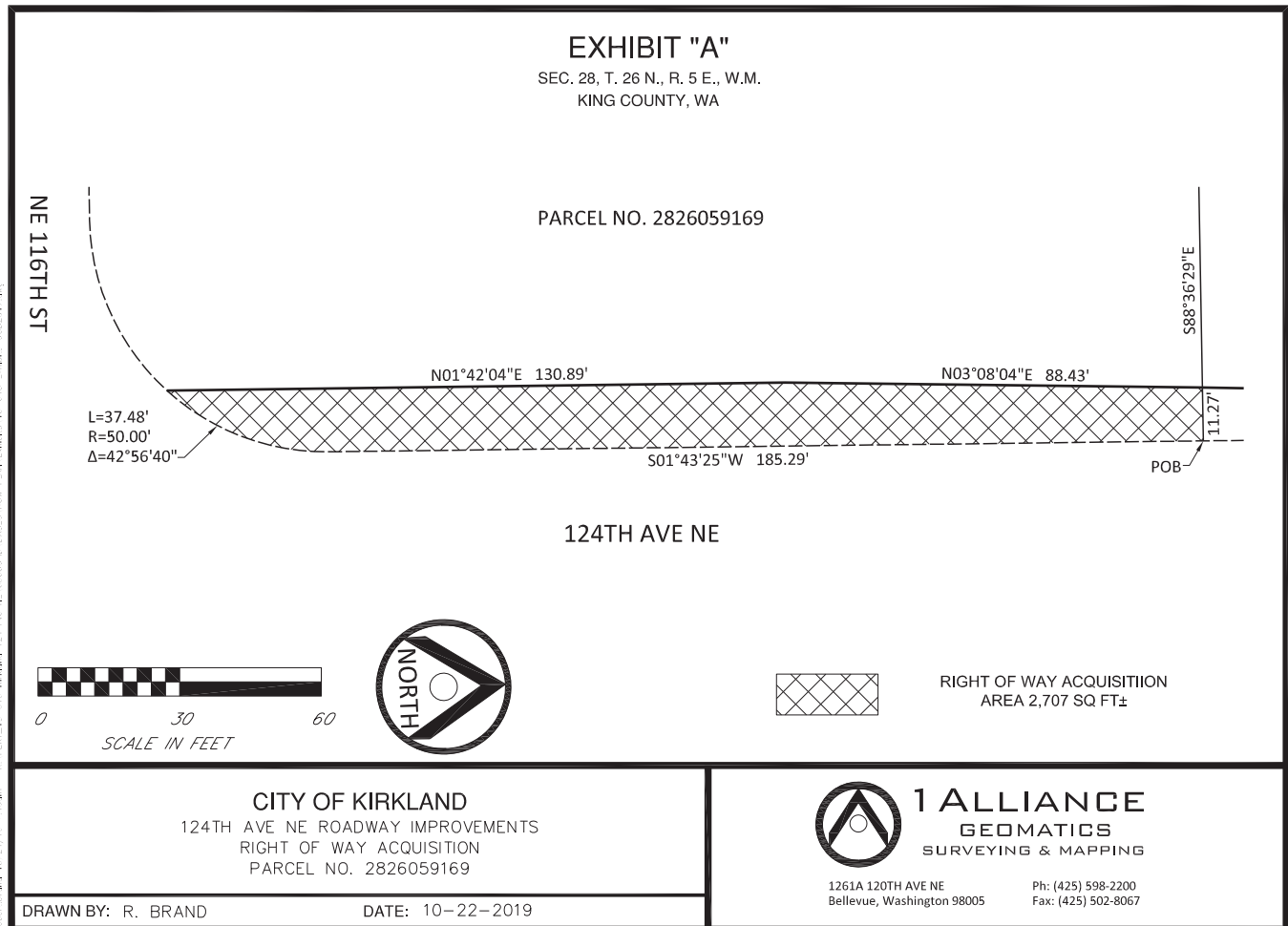
SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

SAID ACQUISITION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL;  
THENCE SOUTH 01°42'25" WEST, ALONG THE WEST MARGIN OF 124TH AVENUE NORTHEAST, A DISTANCE OF 185.29 FEET TO A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET;  
THENCE SOUTHWESTERLY, ALONG SAID CURVE AND MARGIN, THROUGH A CENTRAL ANGLE OF 42°56'40" AND AN ARC LENGTH OF 37.48 FEET;  
THENCE NORTH 01°43'04" EAST, A DISTANCE OF 130.89 FEET;  
THENCE NORTH 03°08'04" EAST, A DISTANCE OF 88.43 FEET TO THE NORTH LINE OF SAID PARCEL;  
THENCE SOUTH 88°36'29" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 11.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,707 SQUARE FEET, MORE OR LESS.





**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: Sang M. Kim and Chun O. Kim, husband and wife

PARCEL NO. 2826059169

PARCEL A:

THAT SOUTH 300 FEET OF THE EAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THE WEST 142 FEET THEREOF;

AND EXCEPT THE SOUTH 30 FEET FOR COUNTY ROAD;

AND EXCEPT THAT PORTION THEREOF WHICH LIES WITHIN THE MARGINS OF SLATER AVENUE NORTHEAST, AS CONDEMNED BY KING COUNTY SUPERIOR COURT CAUSE NO. 930166;

AND EXCEPT THE NORTH 35 FEET OF THE SOUTH 65 FEET AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 6375631;

AND EXCEPT THE EAST 42 FEET AS CONVEYED TO KIN COUNTY BY DEEDS RECORDED UNDER RECORDING NOS. 6463988 AND 6465842.

PARCEL B:

AN EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 10 FEET OF THE WEST 142 FEET OF THE SOUTH 300 FEET OF THE EAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY WASHINGTON.

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

**EXHIBIT "B"**  
**Legal Description of Slope Easement**

**PARCEL A:**

THAT SOUTH 300 FEET OF THE EAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THE WEST 142 FEET THEREOF;

AND EXCEPT THE SOUTH 30 FEET FOR COUNTY ROAD;

AND EXCEPT THAT PORTION THEREOF WHICH LIES WITHIN THE MARGINS OF SLATER AVENUE NORTHEAST, AS CONDEMNED BY KING COUNTY SUPERIOR COURT CAUSE NO. 930166;

AND EXCEPT THE NORTH 35 FEET OF THE SOUTH 65 FEET AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 6375631;

AND EXCEPT THE EAST 42 FEET AS CONVEYED TO KING COUNTY BY DEEDS RECORDED UNDER RECORDING NOS. 6463988 AND 6465842.

**PARCEL B:**

AN EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 10 FEET OF THE WEST 142 FEET OF THE SOUTH 300 FEET OF THE EAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY WASHINGTON.

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

SAID EASEMENT DESCRIBED AS FOLLOWS:

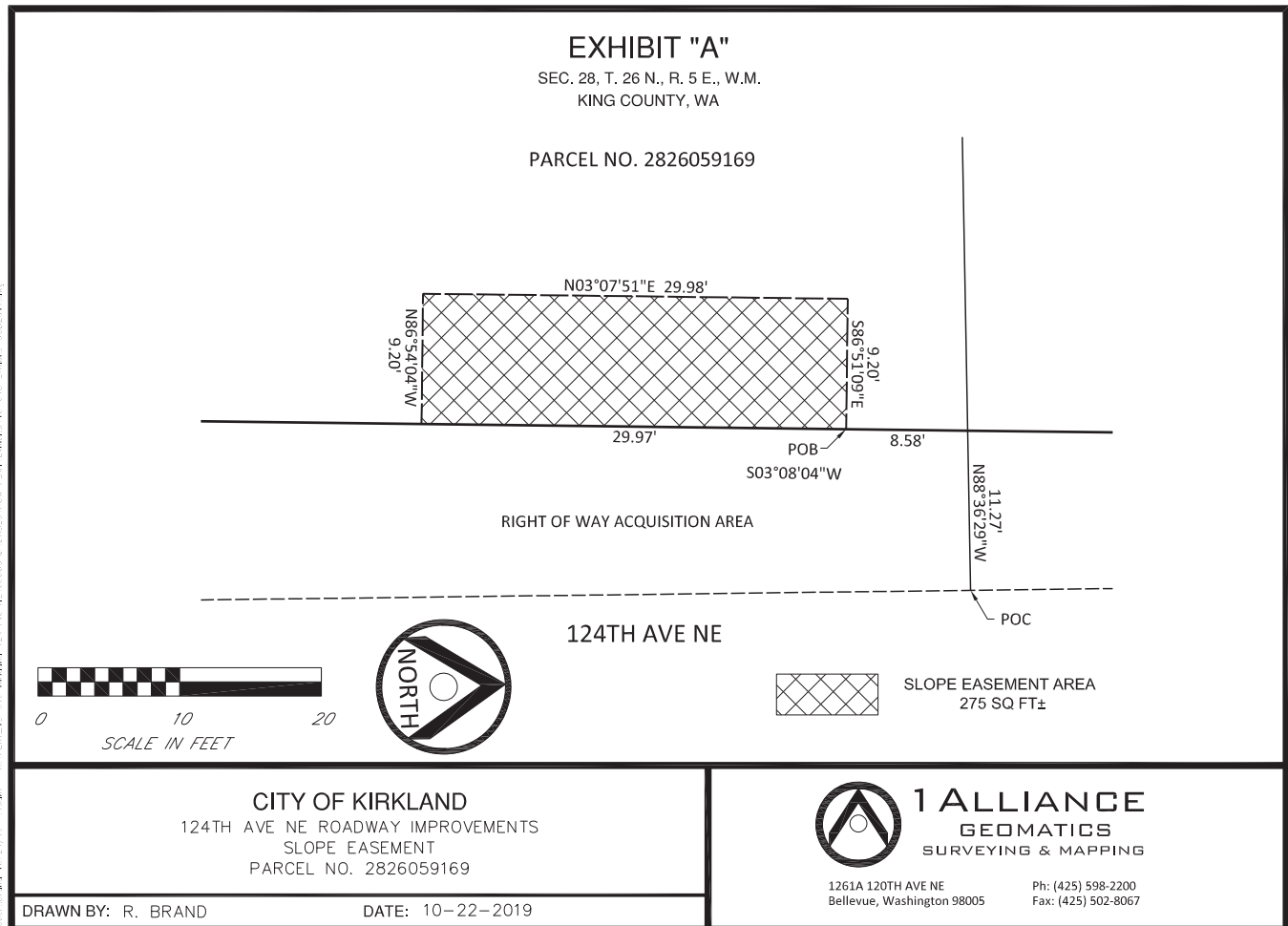
COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL;  
THENCE NORTH 88°36'29" WEST, ALONG THE NORTH PARCEL LINE, A DISTANCE OF 11.27 FEET;  
THENCE SOUTH 03°08'04" WEST, A DISTANCE OF 8.58 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 03°08'04" WEST, A DISTANCE OF 29.97 FEET;  
THENCE NORTH 86°54'04" WEST, A DISTANCE OF 9.20 FEET;  
THENCE NORTH 03°07'51" EAST, A DISTANCE OF 29.98 FEET;  
THENCE SOUTH 86°51'09" EAST, A DISTANCE OF 9.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 275 SQUARE FEET, MORE OR LESS.







**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: Sang M. Kim and Chun O. Kim, husband and wife

PARCEL NO. 2826059169

PARCEL A:

THAT SOUTH 300 FEET OF THE EAST QUARTER OF THE SOUTHEAST QUARTER OF THE  
SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING  
COUNTY, WASHINGTON;

EXCEPT THE WEST 142 FEET THEREOF;

AND EXCEPT THE SOUTH 30 FEET FOR COUNTY ROAD;

AND EXCEPT THAT PORTION THEREOF WHICH LIES WITHIN THE MARGINS OF SLATER AVENUE  
NORTHEAST, AS CONDEMNED BY KING COUNTY SUPERIOR COURT CAUSE NO. 930166;

AND EXCEPT THE NORTH 35 FEET OF THE SOUTH 65 FEET AS CONVEYED TO THE STATE OF  
WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 6375631;

AND EXCEPT THE EAST 42 FEET AS CONVEYED TO KIN COUNTY BY DEEDS RECORDED UNDER  
RECORDING NOS. 6463988 AND 6465842.

PARCEL B:

AN EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 10 FEET OF THE WEST 142 FEET OF THE  
SOUTH 300 FEET OF THE EAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST  
QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY  
WASHINGTON.

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

**EXHIBIT "B"****Legal Description of Temporary Construction Easement****PARCEL A:**

THAT SOUTH 300 FEET OF THE EAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON;

EXCEPT THE WEST 142 FEET THEREOF;

AND EXCEPT THE SOUTH 30 FEET FOR COUNTY ROAD;

AND EXCEPT THAT PORTION THEREOF WHICH LIES WITHIN THE MARGINS OF SLATER AVENUE NORTHEAST, AS CONDEMNED BY KING COUNTY SUPERIOR COURT CAUSE NO. 930166;

AND EXCEPT THE NORTH 35 FEET OF THE SOUTH 65 FEET AS CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER RECORDING NO. 6375631;

AND EXCEPT THE EAST 42 FEET AS CONVEYED TO KING COUNTY BY DEEDS RECORDED UNDER RECORDING NOS. 6463988 AND 6465842.

**PARCEL B:**

AN EASEMENT FOR INGRESS AND EGRESS OVER THE EAST 10 FEET OF THE WEST 142 FEET OF THE SOUTH 300 FEET OF THE EAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY WASHINGTON.

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

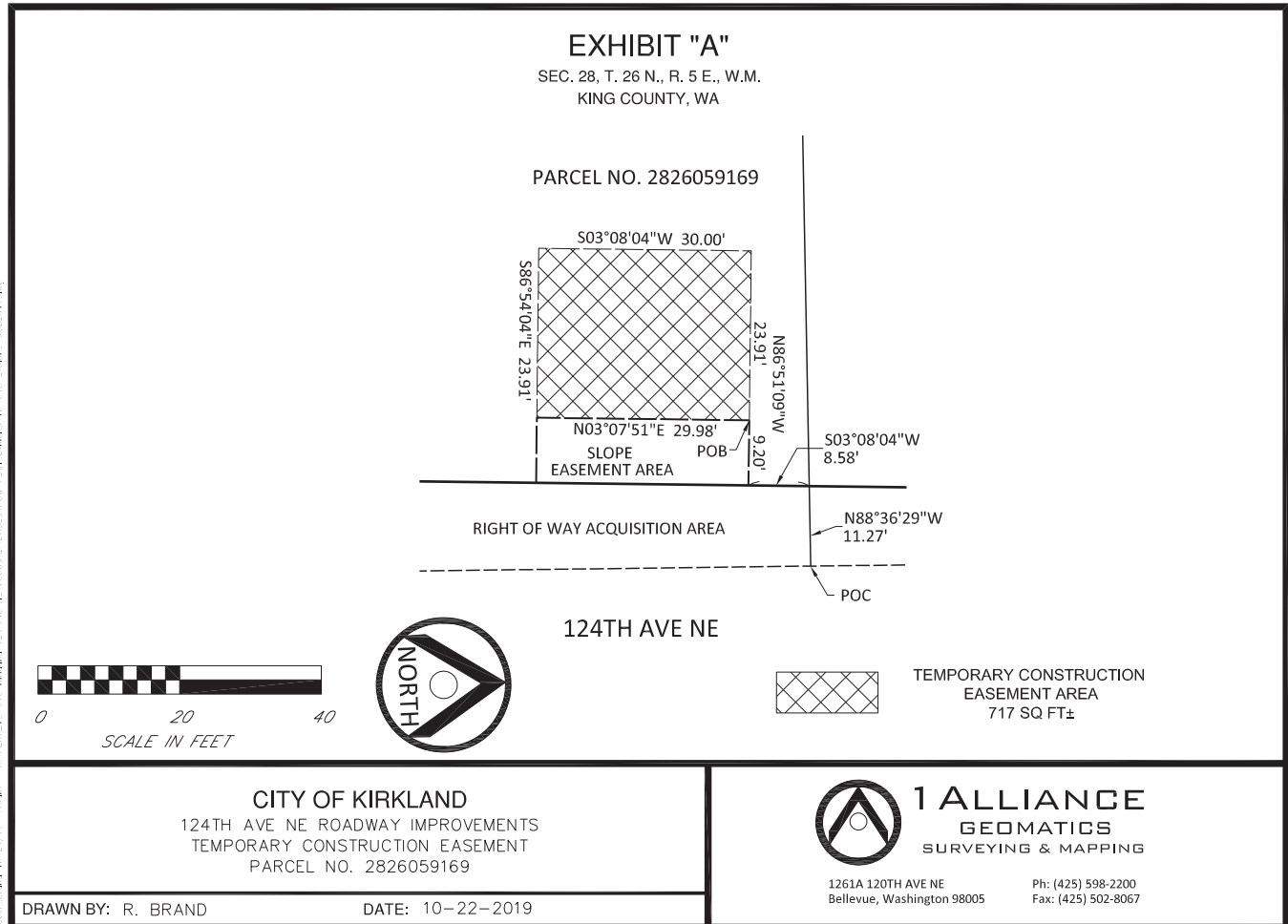
SAID EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL;  
THENCE NORTH 88°36'29" WEST, ALONG THE NORTH PARCEL LINE, A DISTANCE OF 11.27 FEET;  
THENCE SOUTH 03°08'04" WEST, A DISTANCE OF 8.58 FEET;  
THENCE NORTH 86°51'09" WEST, A DISTANCE OF 9.20 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 86°51'09" WEST, A DISTANCE OF 23.91 FEET;  
THENCE SOUTH 03°08'04" WEST, A DISTANCE OF 30.00 FEET;  
THENCE SOUTH 86°54'04" EAST, A DISTANCE OF 23.91 FEET;  
THENCE NORTH 03°07'51" EAST, A DISTANCE OF 29.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 717 SQUARE FEET, MORE OR LESS.



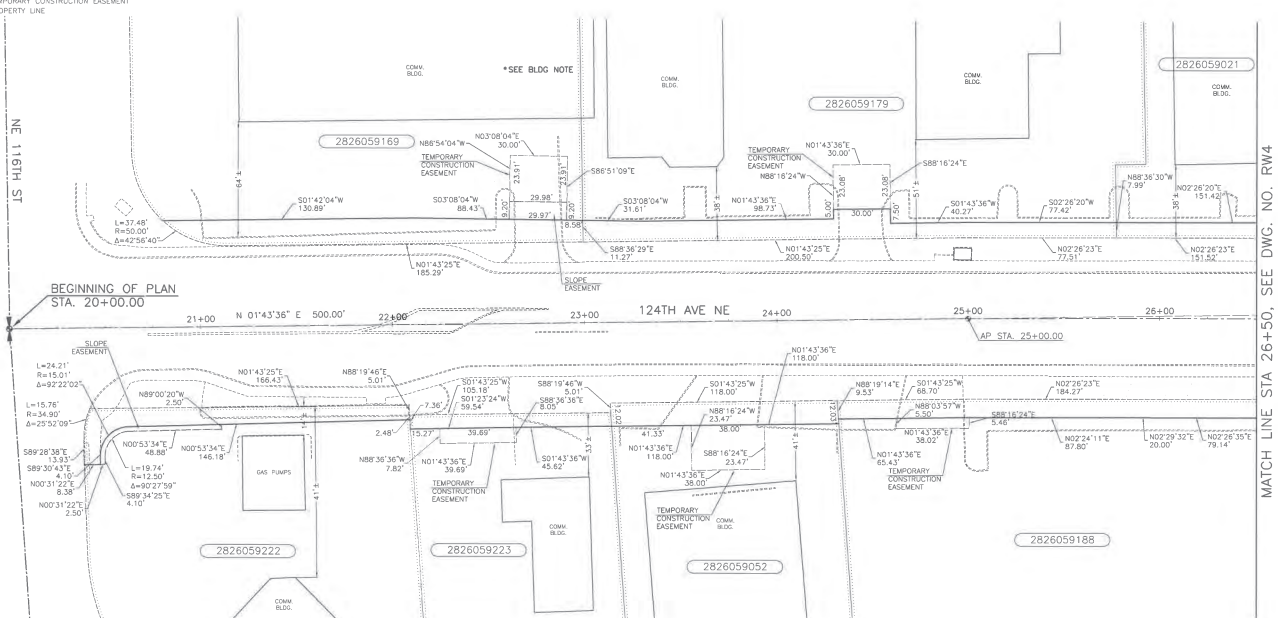


## LEGEND

SECTION LINE  
QUARTER SECTION LINE  
16TH SECTION LINE  
CONSTRUCTION CENTERLINE  
EXISTING RIGHT-OF-WAY  
PROPOSED RIGHT-OF-WAY  
PERMANENT EASEMENT  
SLOPE EASEMENT  
TEMPORARY CONSTRUCTION EASEMENT  
PROPERTY LINE

## 124TH AVENUE NE ROADWAY IMPROVEMENTS

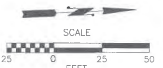
A PORTION OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN  
KING COUNTY, WASHINGTON



|                           |                            |  |                          |           |                |
|---------------------------|----------------------------|--|--------------------------|-----------|----------------|
| 2826059001                | WAY LIMITED LLC            | 29,788   | 1,710                    | 29,578    | 624            |
| 2826059179                | WAY LIMITED LLC            | 94,425   | 2,785                    | 91,640    | 692            |
| 2826059189                | KIM SANG HATCHON O         | 34,061   | 2,707                    | 31,354    | 275            |
| 2826059188                | CHAMAY BARBARA W           | 31,808   | 2,403                    | 29,405    | 209            |
| 2826059052                | KIRKLAND TOTEM REAL ESTATE | 24,274   | 1,416                    | 22,858    | 891            |
| 2826059223                | TACO BELL OF AMERICA LLC   | 18,819   | 746                      | 18,072    | 315            |
| 2826059222                | YEN YAO JEAN               | 28,819   | 1,674                    | 27,145    | 186            |
| PARCEL NO.                | NAME                       | TOTAL AREA   | RIGHT OF WAY ACQUISITION | REMAINDER | SLOPE EASEMENT |
| TOTAL AREA IS CALCULATED. |                            | OWNERSHIPS   |                          |           |                |
|                           |                            | ALL AREAS ARE SHOWN IN SQUARE FEET UNLESS OTHERWISE NOTED. |                          |           |                |

\*BLDG NOTE: TRACED FROM AERIAL

TCE=TEMPORARY CONSTRUCTION EASEMENT



DRAWN BY: CMU  
DESIGN BY: RLB  
CHECK BY: RLB  
PROJ MGR: RLB



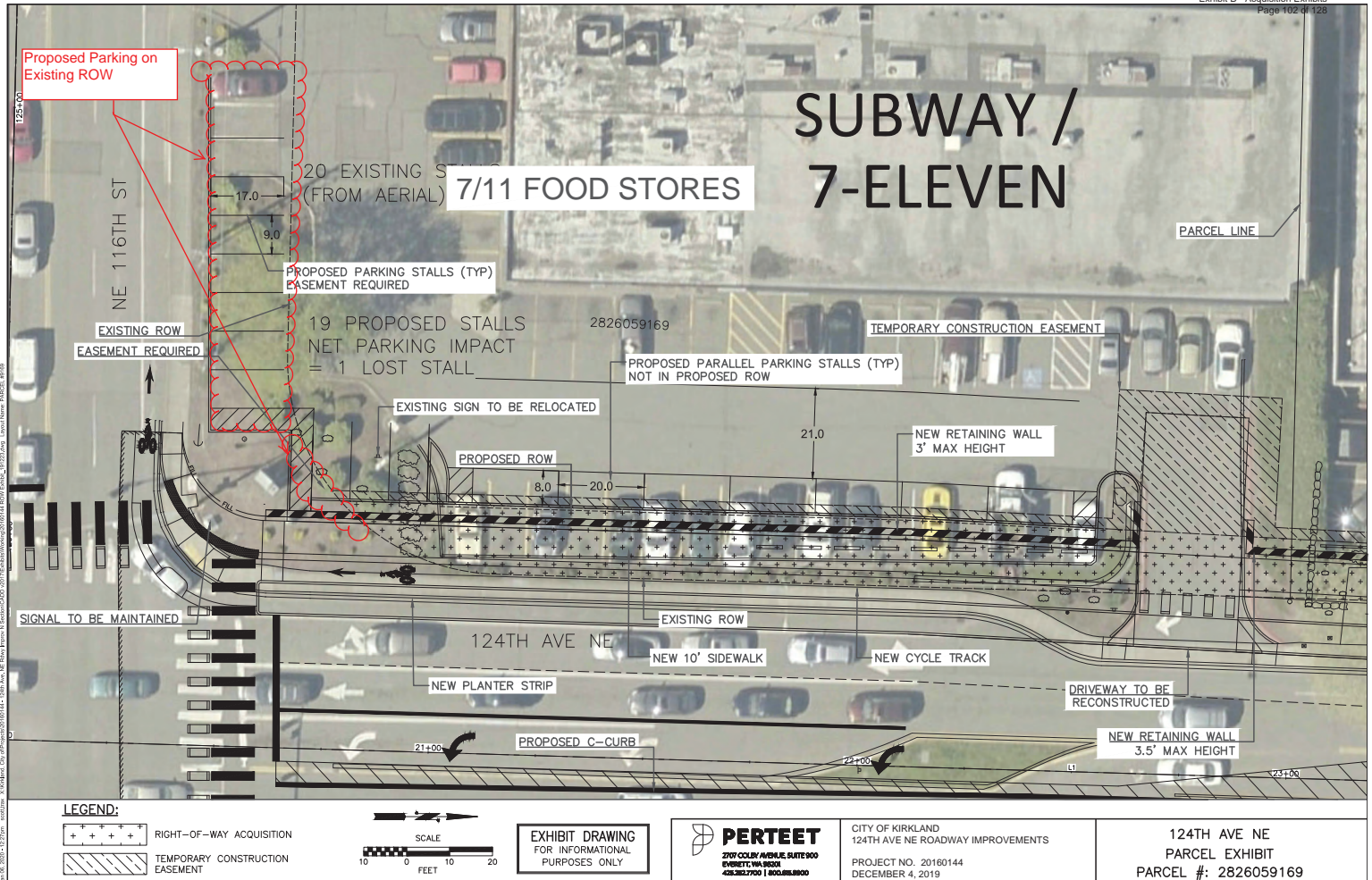
| FILE | ENGR                         | REVIEW  | SCALE  | DATE     |
|------|------------------------------|---------|--------|----------|
| RW3  | KWA                          | 9-30-19 | SHOWN  | 5-13-19  |
| 4    | ROW ACQ. REV. PAR -9222      | RLB     | JS     | 04-27-20 |
| 3    | ACQ TO TCE/ACQ. PAR -9042    | RLB     | JS     | 03-20-20 |
| 2    | TCE CASE REV. PER OWNER REQ. | RLB     | JS     | 02-25-20 |
| 1    | PERU CASE TO PROPOSED R/W    | RLB     | JS     | 09-26-19 |
| NO.  | REVISION                     | BY      | REVIEW | DATE     |



CITY OF KIRKLAND  
PUBLIC WORKS DEPARTMENT  
123 FIFTH AVENUE - KIRKLAND, WA 98033-6189 - (206)828-1243  
124TH AVE NE ROADWAY IMPROVEMENTS  
RIGHT-OF-WAY PLAN  
STA 20+00 - STA 26+50

RW3

3  
5





**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: RTL LLC

PARCEL NO. 2826059177

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SUBDIVISION, WHICH IS NORTH 89°08'55" EAST 177.68 FEET FROM THE SOUTHWEST CORNER THEREOF;  
THENCE NORTH 01°43'38" EAST PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION 200.01 FEET;  
THENCE SOUTH 89°08'55" WEST 128.94 FEET TO THE EASTERLY LINE OF 124TH AVENUE NORTHEAST, AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NO. 7101110275 (BEING A CORRECTION OF RECORDING NO. 6333571);  
THENCE SOUTHERLY ALONG SAID EASTERLY LINE TO THE SOUTH LINE OF SAID SUBDIVISION;  
THENCE NORTH 89°08'55" EAST 125.0 FEET TO THE POINT OF BEGINNING;

EXCEPT THEREFROM THAT PORTION CONVEYED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NUMBER 20130617001621.

**EXHIBIT "B"**Legal Description of Temporary Construction Easement

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

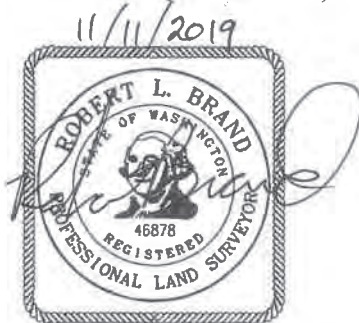
BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SUBDIVISION, WHICH IS NORTH 89°08'55" EAST 177.68 FEET FROM THE SOUTHWEST CORNER THEREOF;  
THENCE NORTH 01°43'38" EAST PARALLEL WITH THE WEST LINE OF SAID SUBDIVISION 200.01 FEET;  
THENCE SOUTH 89°08'55" WEST 128.94 FEET TO THE EASTERLY LINE OF 124TH AVENUE NORTHEAST, AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NO. 7101110275 (BEING A CORRECTION OF RECORDING NO. 6333571);  
THENCE SOUTHERLY ALONG SAID EASTERLY LINE TO THE SOUTH LINE OF SAID SUBDIVISION;  
THENCE NORTH 89°08'55" EAST 125.0 FEET TO THE POINT OF BEGINNING;

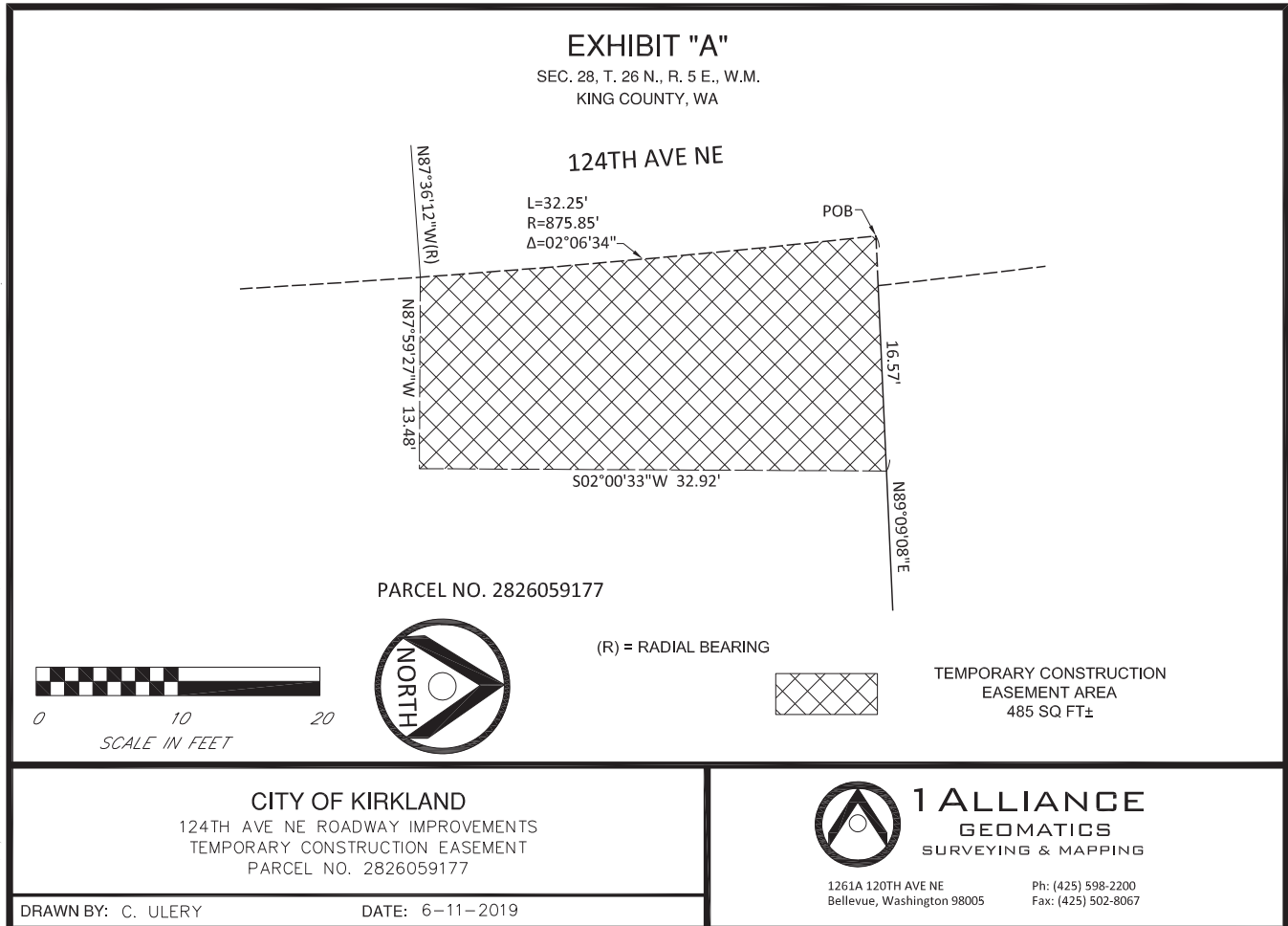
EXCEPT THEREFROM THAT PORTION CONVEYED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NUMBER 20130617001621.

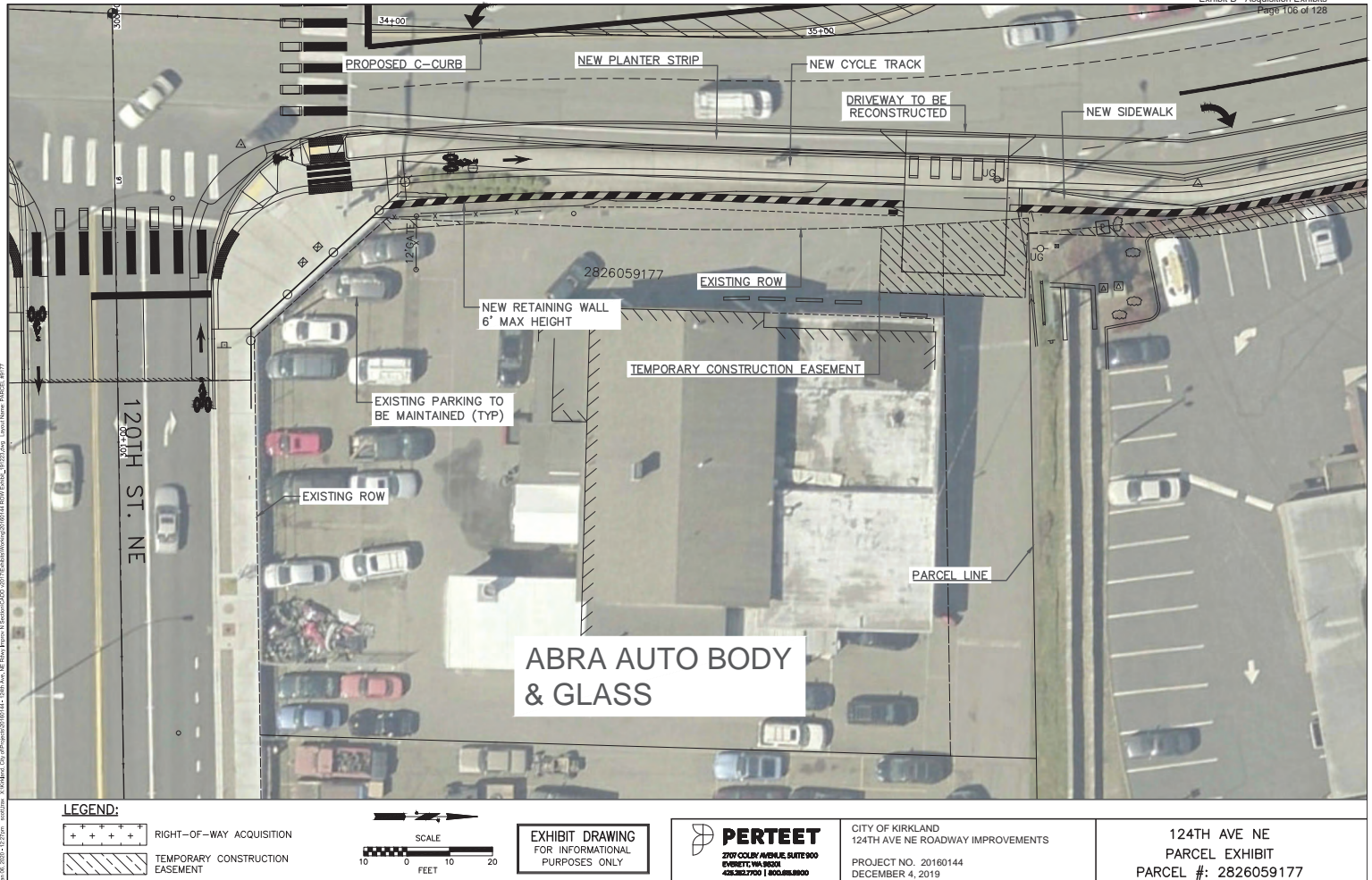
SAID EASEMENT DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL,  
THENCE NORTH 89°09'08" EAST, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 16.57 FEET;  
THENCE SOUTH 02°00'33" WEST, A DISTANCE OF 32.92 FEET;  
THENCE NORTH 87°59'27" WEST, A DISTANCE OF 13.48 FEET TO THE EAST MARGIN OF 124TH AVENUE NORTHEAST AND A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 875.85 FEET AND A RADIAL BEARING OF SOUTH 87°36'12" WEST;  
THENCE NORTHERLY, ALONG SAID CURVE AND EAST MARGIN, THOROUGH A CENTRAL ANGLE OF 02°06'34" AND AN ARC DISTANCE OF 32.25 FEET TO THE POINT OF BEGINNING.

CONTAINING 485 SQUARE FEET, MORE OR LESS.







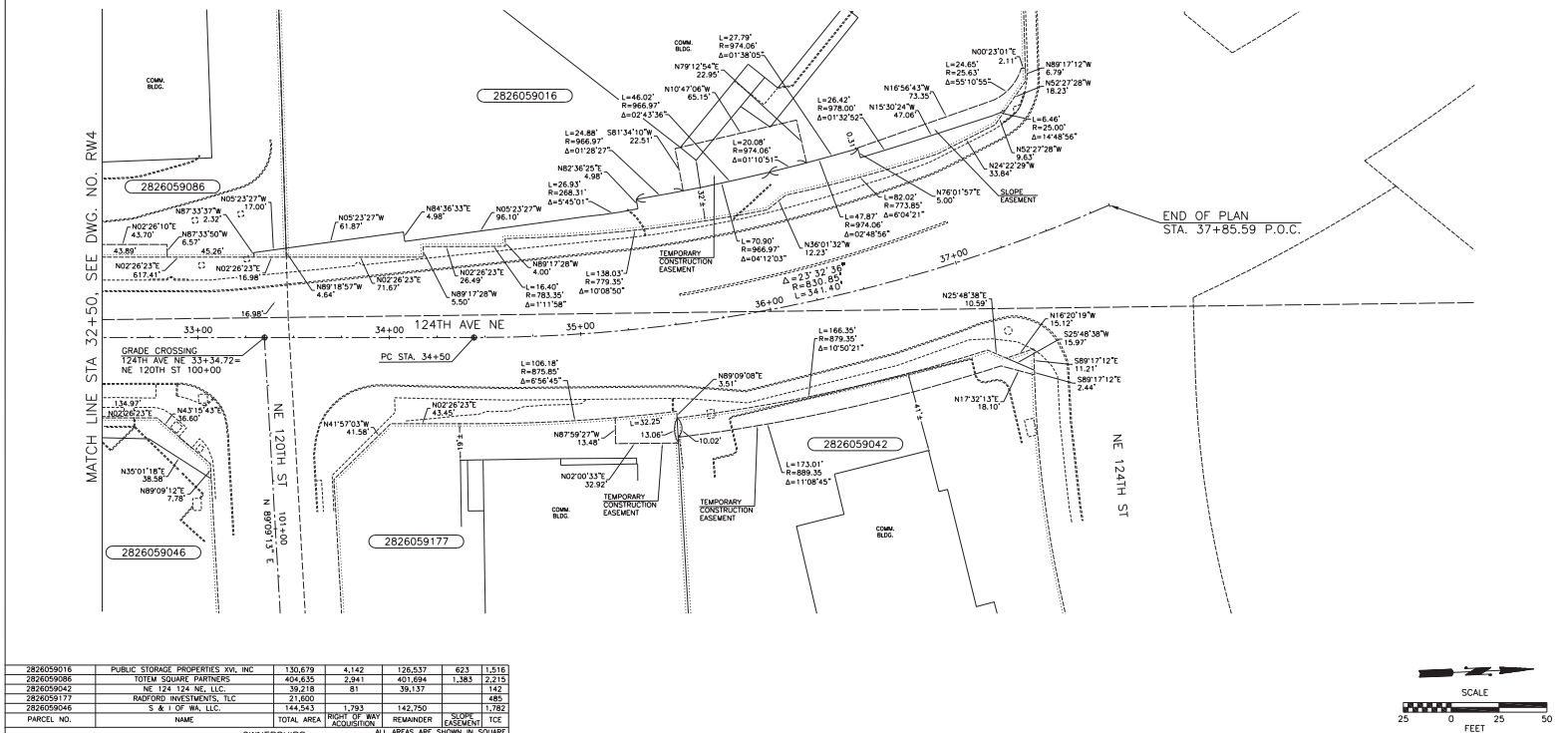
## LEGEND

SECTION LINE  
QUARTER SECTION LINE  
16TH SECTION LINE  
CONSTRUCTION CENTERLINE  
EXISTING RIGHT-OF-WAY  
PROPOSED RIGHT-OF-WAY  
PERMANENT EASEMENT  
SLOPE EASEMENT  
TEMPORARY CONSTRUCTION EASEMENT  
PROPERTY LINE

# 124TH AVENUE NE ROADWAY IMPROVEMENTS

## A PORTION OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN

### KING COUNTY, WASHINGTON



|                           |                                     |            |                          |  |                |       |
|---------------------------|-------------------------------------|------------|--------------------------|--|----------------|-------|
| 2826059016                | PUBLIC STORAGE PROPERTIES KVA, INC. | 130,679    | 4,142                    | 126,537  | 623            | 1,516 |
| 2826059086                | TOTEM SQUARE PARTNERS               | 404,835    | 2,941                    | 401,694  | 1,383          | 2,215 |
| 2826059042                | NE 124 124 NE, LLC.                 | 39,218     | 81                       | 39,137   |                | 142   |
| 2826059177                | RADFORD INVESTMENTS, LLC            | 21,650     |                          |  |                | 485   |
| 2826059046                | S & I OF WA, LLC.                   | 144,543    | 1,793                    | 142,750  |                | 1,782 |
| PARCEL NO.                | NAME                                | TOTAL AREA | RIGHT OF WAY ACQUISITION | REMAINDER  | SLOPE EASEMENT | TCE   |
| TOTAL AREA IS CALCULATED. |                                     | OWNERSHIPS |                          | ALL AREAS ARE SHOWN IN SQUARE FEET UNLESS OTHERWISE NOTED. |                |       |
|                           |                                     |            |                          | TCE=TEMPORARY CONSTRUCTION EASEMENT                        |                |       |



DRAWN BY: CAU  
DESIGN BY: CAU  
CHECK BY: RLB  
PROJ MGR: RLB



| FILE | ENGR.                         | REVIEW  | SCALE  | DATE     |
|------|-------------------------------|---------|--------|----------|
| RW5  | KWA                           | 9-30-19 | SHOWN  | 5-13-19  |
| 5    | TCE REV. PAR - 9042           | RLB     | JC     | 06-25-20 |
| 4    | ROW ACQ. REV. PAR - 9222      | RLB     | JC     | 04-27-20 |
| 3    | ACQ TO TCE/ROW PAR - 9042     | RLB     | JC     | 03-20-20 |
| 2    | TCE EASE. REV. PER OWNER REQ. | RLB     | JC     | 02-24-20 |
| 1    | PERM EASE TO PROPOSED R/W     | RLB     | JC     | 09-26-19 |
| NO.  | REVISION                      | BY      | REVIEW | DATE     |



**CITY OF KIRKLAND**  
PUBLIC WORKS DEPARTMENT  
123 FIFTH AVENUE - KIRKLAND, WA 98033-0189 - (206)828-1243  
124TH AVE NE ROADWAY IMPROVEMENTS  
RIGHT-OF-WAY PLAN  
STA 32+50 - STA 37+85.59

RW5  
5  
5

**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: Barbara M. Chapman

PARCEL NO. 2826059188

PARCEL 2, KING COUNTY SHORT PLAT NUMBER 377058 REVISION, RECORDED UNDER RECORDING NUMBER 7909190757, BEING A REVISION OF THE SHORT PLAT RECORDED UNDER RECORDING NUMBER 7708180970 IN KING COUNTY, WASHINGTON.

LOCATED ON: 124TH AVE NE, KIRKLAND, WA 98034



**EXHIBIT "B"**  
**Legal Description of Right of Way Acquisition**

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

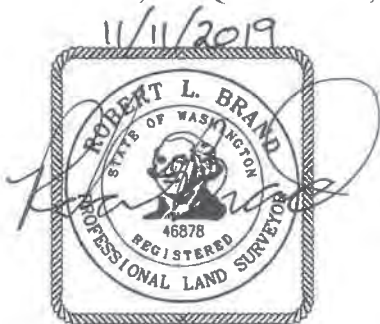
THAT PORTION OF PARCEL 2, KING COUNTY SHORT PLAT NUMBER 377058 REVISION, RECORDED UNDER RECORDING NUMBER 7909190757, BEING A REVISION OF THE SHORT PLAT RECORDED UNDER RECORDING NUMBER 7708180970 IN KING COUNTY, WASHINGTON.

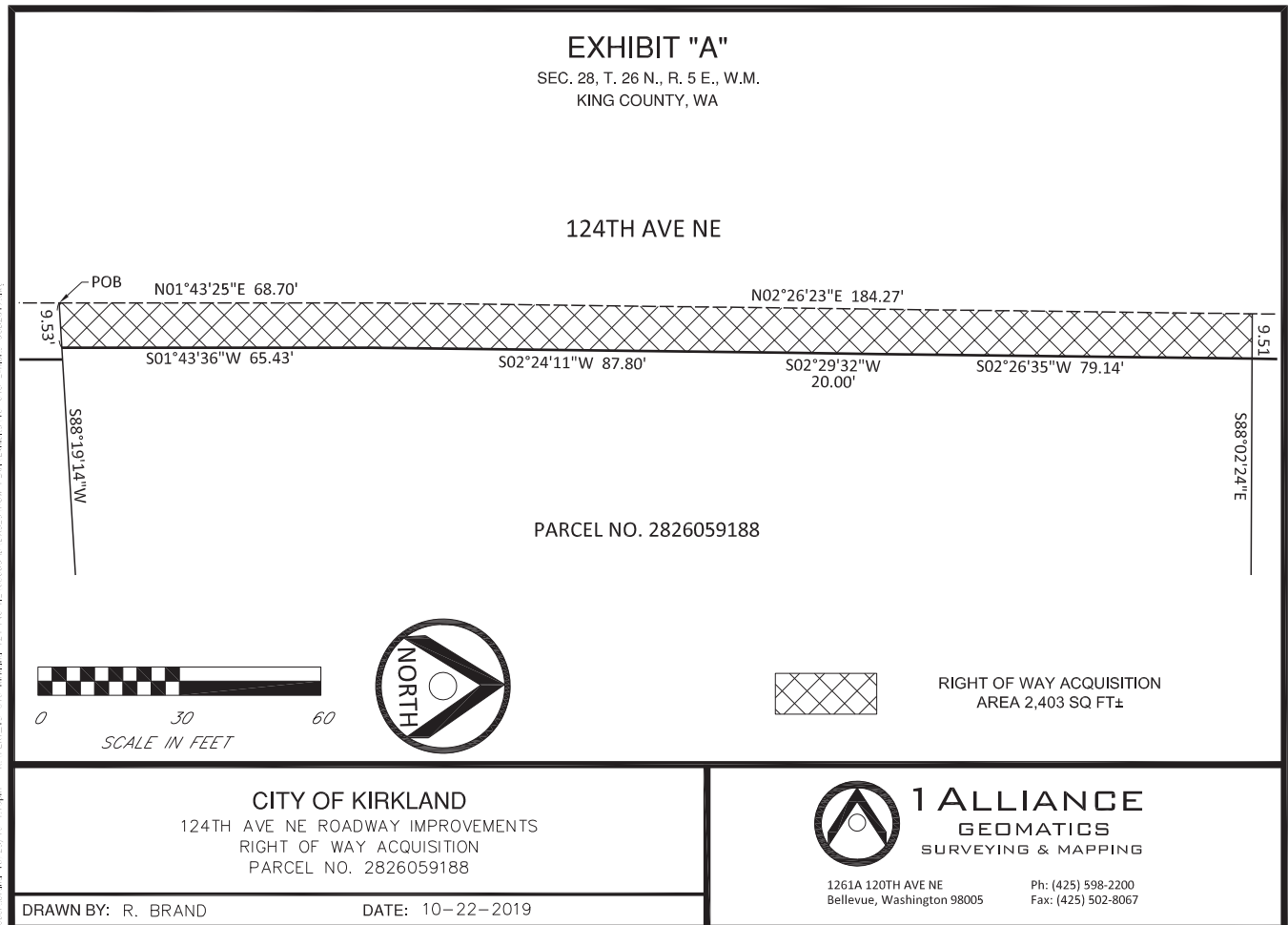
LOCATED ON: 124TH AVE NE, KIRKLAND, WA 98034

SAID ACQUISITION DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTHWEST CORNER OF SAID PARCEL;  
THENCE NORTH 01°43'25" EAST, ALONG THE EAST MARGIN OF 124TH AVENUE NORTHEAST, A DISTANCE OF 68.70 FEET TO AN ANGLE POINT IN SAID EAST MARGIN;  
THENCE NORTH 02°26'23" EAST, ALONG SAID MARGIN, A DISTANCE OF 184.27 FEET TO THE NORTHWEST CORNER OF SAID PARCEL;  
THENCE SOUTH 88°02'24" EAST, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 9.51 FEET;  
THENCE SOUTH 02°26'35" WEST, A DISTANCE OF 79.14 FEET;  
THENCE SOUTH 02°29'32" WEST, A DISTANCE OF 20.00 FEET;  
THENCE SOUTH 02°24'11" WEST, A DISTANCE OF 87.80 FEET;  
THENCE SOUTH 01°43'36" WEST, A DISTANCE OF 65.43 FEET TO THE SOUTH LINE OF SAID PARCEL,  
THENCE SOUTH 88°19'14" WEST, ALONG SAID PARCEL LINE, A DISTANCE OF 9.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,403 SQUARE FEET, MORE OR LESS.





**EXHIBIT "A"**

Legal Description of Entire Property

OWNER: Barbara M. Chapman

PARCEL NO. 2826059188

PARCEL 2, KING COUNTY SHORT PLAT NUMBER 377058 REVISION, RECORDED UNDER RECORDING NUMBER 7909190757, BEING A REVISION OF THE SHORT PLAT RECORDED UNDER RECORDING NUMBER 7708180970 IN KING COUNTY, WASHINGTON.

LOCATED ON: 124TH AVE NE, KIRKLAND, WA 98034

**EXHIBIT "B"**Legal Description of Temporary Construction Easement

THAT PORTION OF PARCEL 2, KING COUNTY SHORT PLAT NUMBER 377058 REVISION,  
RECORDED UNDER RECORDING NUMBER 7909190757, BEING A REVISION OF THE SHORT  
PLAT RECORDED UNDER RECORDING NUMBER 7708180970 IN KING COUNTY, WASHINGTON.

LOCATED ON: 124TH AVE NE, KIRKLAND, WA 98034

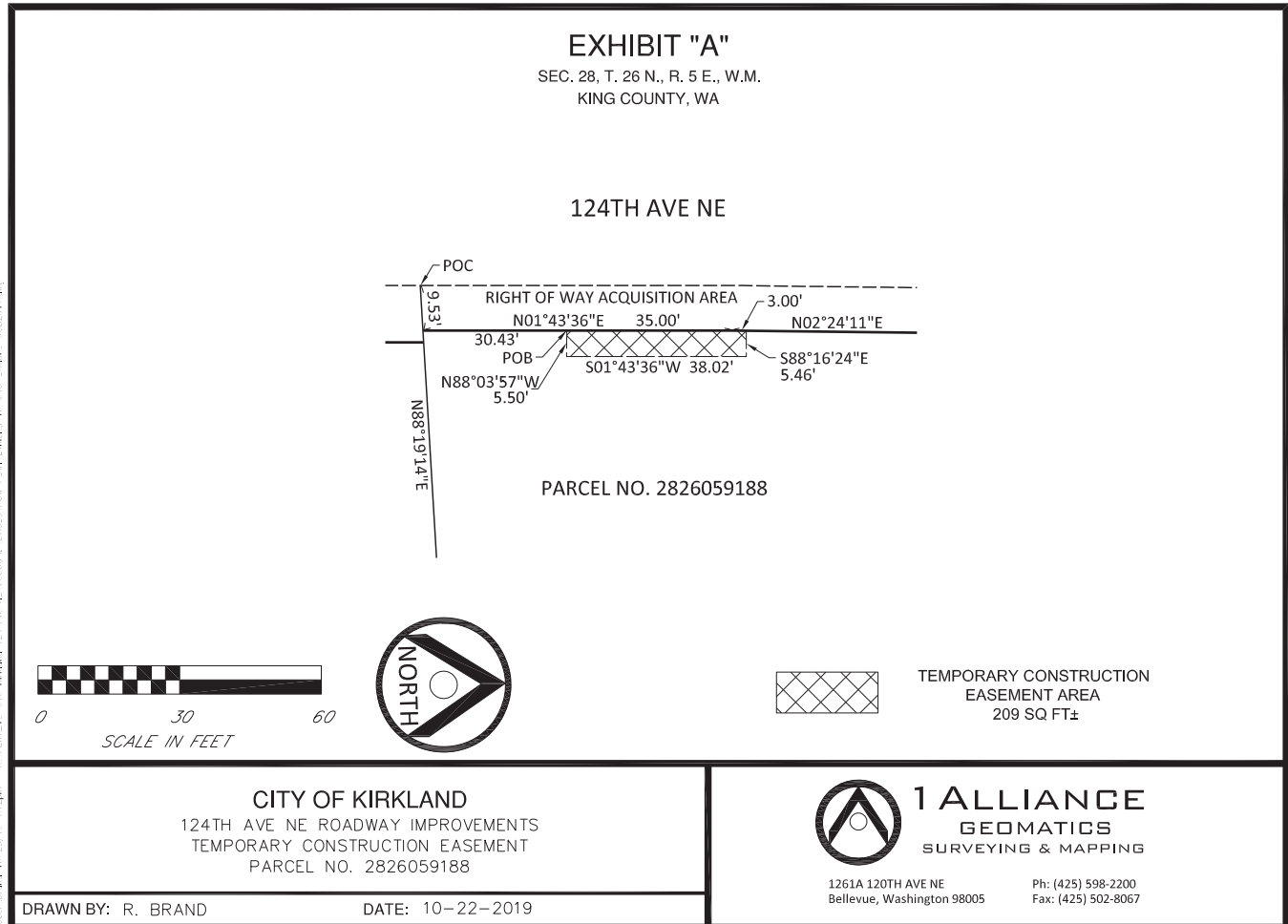
SAID EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING ON THE SOUTHWEST CORNER OF SAID PARCEL;  
THENCE NORTH 88°19'14" EAST, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF  
9.53 FEET;  
THENCE NORTH 01°43'36" EAST, A DISTANCE OF 30.43 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING 01°43'36" EAST, A DISTANCE OF 35.00 FEET;  
THENCE NORTH 02°24'11" EAST, A DISTANCE OF 3.00 FEET;  
THENCE SOUTH 88°16'24" EAST, A DISTANCE OF 5.46 FEET;  
THENCE SOUTH 01°43'36" WEST, A DISTANCE OF 38.02 FEET;  
THENCE NORTH 88°03'57" WEST, A DISTANCE OF 5.50 FEET TO THE POINT OF BEGINNING.

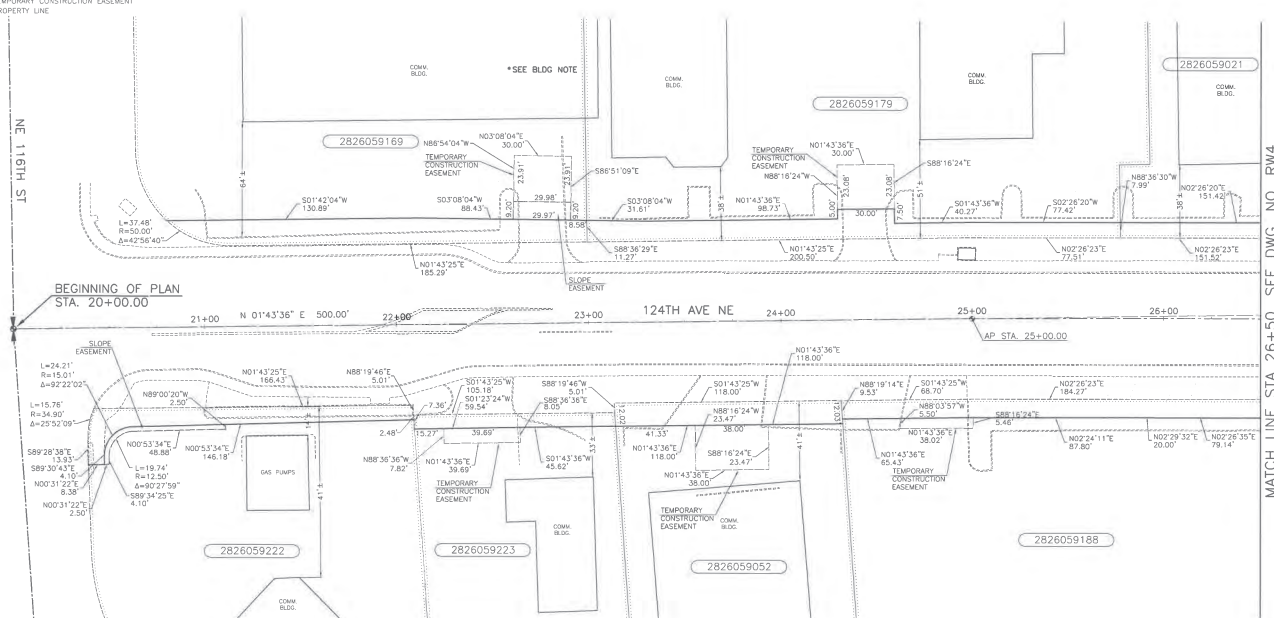
CONTAINING 209 SQUARE FEET, MORE OR LESS.





A PORTION OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN  
KING COUNTY, WASHINGTON

SECTION LINE  
QUARTER SECTION LINE  
16TH SECTION LINE  
CONSTRUCTION CENTERLINE  
EXISTING RIGHT-OF-WAY  
PROPOSED RIGHT-OF-WAY  
PERMANENT EASEMENT  
SLOPE EASEMENT  
TEMPORARY CONSTRUCTION EASEMENT  
PROPERTY LINE



|                           |                           |            |                          |                                    |                 |      |
|---------------------------|---------------------------|------------|--------------------------|------------------------------------|-----------------|------|
| 2836059001                | WRX LIMITED LLC           | 28.768     | 1.210                    | 28.558                             | 634             |      |
| 2836059190                | WRX LIMITED LLC           | 94.425     | 2.780                    | 91.640                             | 692             |      |
| 2836059169                | KIM SANG-MARUN O          | 34.061     | 2.707                    | 31.354                             | 275             |      |
| 2836059188                | CHAMPAIN BARBARA M        | 36.008     | 2.403                    | 32.205                             | 709             |      |
| 2836059160                | HINKINS TERRY ROAL ESTATE | 24.274     | 1.416                    | 22.858                             | 391             |      |
| 2836059203                | TACO BELL OF AMERICA LLC  | 18.818     | 1.486                    | 16.072                             | 315             |      |
| 2836059222                | YEN YAO JEAN              | 28.819     | 1.674                    | 27.145                             | 186             |      |
| PARCEL NO.                | NAME                      | TOTAL AREA | RIGHT OF WAY ACQUISITION | REMANENDER                         | SLOPE EXEMPTION | SIZE |
| TOTAL AREA IS CALCULATED. |                           | OWNERSHIP  |                          | ALL AREAS ARE SHOWN IN SQUARE FEET |                 |      |

\*BLDG NOTE: TRACED FROM AERIAL

TCE=TEMPORARY CONSTRUCTION EASEMENT 1/8/2020



DRAWN BY CAU  
DESIGN BY \_\_\_\_\_  
CHECK BY RLB  
PROJ MGR RLB



| FILE | ENGR.                          | REVIEW  | SCALE   | DATE        |
|------|--------------------------------|---------|---------|-------------|
| RW3  | KWA                            | 9-30-19 | SHOWN   | 5-13-19     |
| 4    | ROW AGO, REV. PAR-9222         |         | RLB     | JG 04-27-19 |
| 3    | AGO TO TCE&AGO, PAR-9042       |         | RLB     | JG 03-20-19 |
| 2    | TCE EASE, REV. PRO OWNER, REQ. |         | RLB     | JG 02-24-19 |
| 1    | PERM EASE TO PROPOSED R/W      |         | RLB     | JG 09-26-18 |
| N/A  |                                |         | REVISED |             |



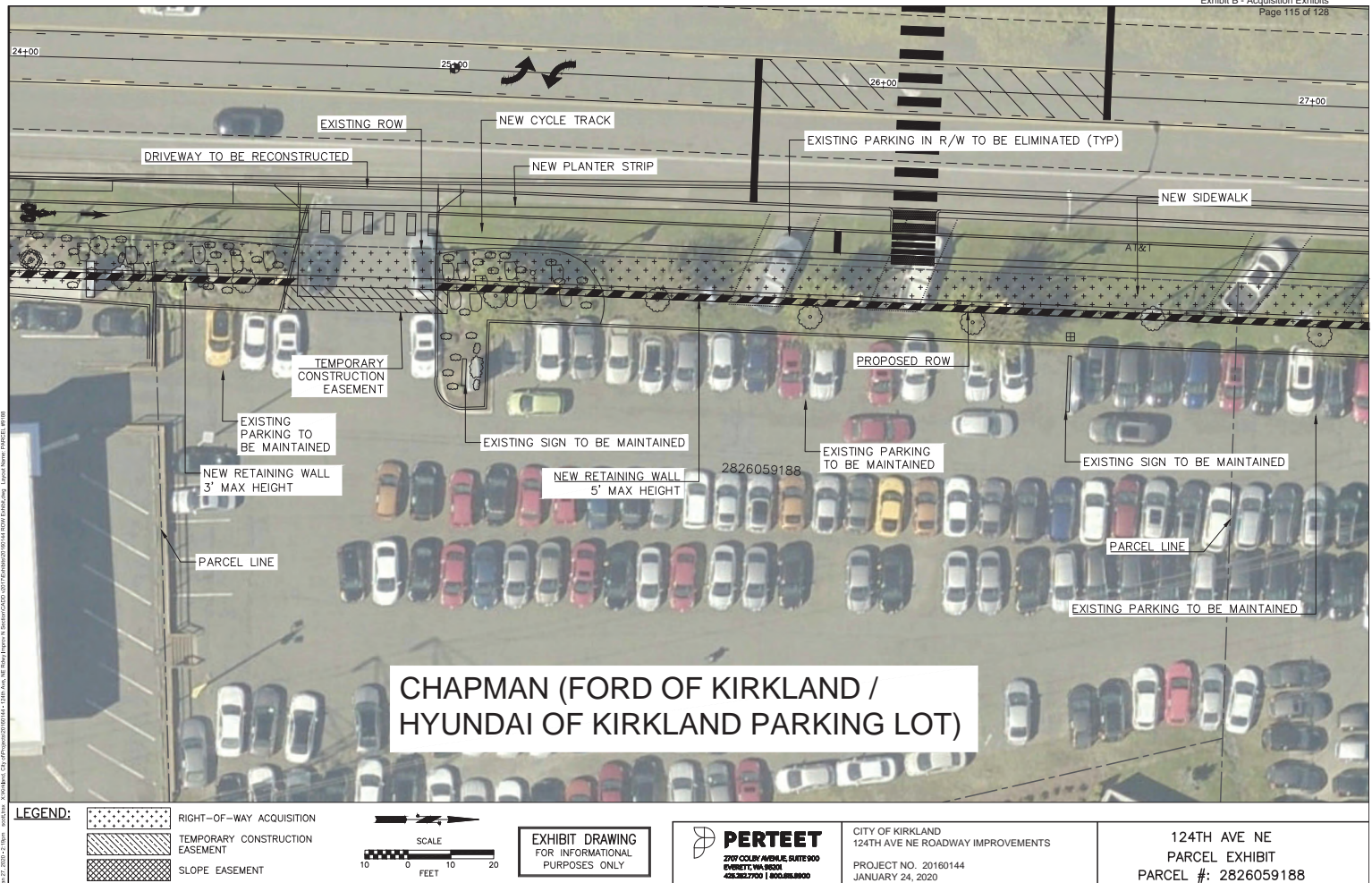
CITY OF KIRKLAND  
PUBLIC WORKS DEPARTMENT  
100TH AVENUE - KIRKLAND, WA 98033-6100 - (206)838-1243

124TH AVE NE ROADWAY IMPROVEMENTS  
RIGHT-OF-WAY PLAN  
STA 20+00 - STA 26+50

RW3

 $\frac{3}{5}$





**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: Yen Yiao Jean

PARCEL NO. 2826059222

THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE SOUTH 88°19'17" WEST, ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 708.81 FEET;  
THENCE NORTH 01°17'15" EAST 431.82 FEET;  
THENCE SOUTH 88°50'58" WEST 326.97 FEET TO THE SOUTHEASTERLY MARGIN OF SLATER AVENUE NORTHEAST;  
THENCE SOUTH 41°14'03" WEST, ALONG SAID SOUTHEASTERLY MARGIN, 213.71 FEET TO A POINT ON A CURVE, THE CENTER OF WHICH BEARS SOUTH 84°11'27" EAST 360.00 FEET;  
THENCE SOUTHERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 01°53'33" AN ARC DISTANCE OF 11.89 FEET;  
THENCE SOUTH 03°55'00" WEST 61.21 FEET TO THE NORTH LINE OF THE SOUTH 205.00 FEET OF SAID SUBDIVISION AND TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 03°55'00" WEST, 153.17 FEET TO A POINT OF A CURVE;  
THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 84°24'17", AN ARC DISTANCE OF 36.83 FEET TO A POINT OF TANGENCY ON THE NORTH MARGIN OF NORTHEAST 116TH STREET;  
THENCE SOUTH 89°19'17" WEST, ALONG SAID NORTH MARGIN, 152.30 FEET TO THE EAST MARGIN OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 01°43'38" EAST, ALONG SAID EAST MARGIN, 175.31 FEET TO THE NORTH LINE OF THE SOUTH 205.00 FEET OF SAID SUBDIVISION;  
THENCE NORTH 88°19'17" EAST, ALONG SAID NORTH LINE, 181.70 FEE TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NO. 20020628003321;

(ALSO KNOWN AS A PORTION OF PARCEL A OF UNRECORDED KING COUNTY LOT LINE ADJUSTMENT NO. 384067);

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE SOUTH 88°19'17" WEST, ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 708.81 FEET;  
THENCE NORTH 01°17'15" EAST, 431.82 FEET;

THENCE SOUTH  $88^{\circ}50'58''$  EAST 326.97 FEET TO THE SOUTHEASTERLY MARGIN OF SLATER AVE  
NORTHEAST;

THENCE SOUTH  $41^{\circ}14'03''$  WEST, ALONG SAID SOUTHEASTERLY MARGIN, 213.71 FEET TO A POINT  
ON A CURVE, THE CENTER OF WHICH BEARS SOUTH  $84^{\circ}11'27''$  EAST, 360.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF  
 $01^{\circ}53'33''$  AN ARC DISTANCE OF 11.89 FEET;

THENCE SOUTH  $03^{\circ}55'00''$  WEST 61.21 FEET TO THE NORTH LINE OF THE SOUTH 205.00 FEET OF  
SAID SUBDIVISION;

THENCE SOUTH  $88^{\circ}19'17''$  WEST, ALONG SAID NORTH LINE, 181.70 FEET TO THE EAST MARGIN OF  
124TH AVENUE NORTHEAST AND THE TRUE POINT OF BEGINNING;

THENCE NORTH  $01^{\circ}43'38''$  EAST ALONG SAID EAST MARGIN 55.00 FEET;

THENCE SOUTH  $44^{\circ}58'33''$  EAST, 75.44 FEET TO A POINT WHICH BEARS NORTH  $88^{\circ}19'17''$  EAST 55.00  
FEET FROM THE TRUE POINT OF BEGINNING;

THENCE SOUTH  $88^{\circ}19'17''$  WEST 55.00 FEET TO THE TRUE POINT OF BEGINNING;

(ALSO KNOWN AS A PORTION OF PARCEL B OF THE UNRECORDED KING COUNTY LOT LINE  
ADJUSTMENT NO. 384067);

SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

**EXHIBIT "B"**  
**Legal Description of Right of Way Acquisition**

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE SOUTH 88°19'17" WEST, ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 708.81 FEET;  
THENCE NORTH 01°17'15" EAST 431.82 FEET;  
THENCE SOUTH 88°50'58" WEST 326.97 FEET TO THE SOUTHEASTERLY MARGIN OF SLATER AVENUE NORTHEAST;  
THENCE SOUTH 41°14'03" WEST, ALONG SAID SOUTHEASTERLY MARGIN, 213.71 FEET TO A POINT ON A CURVE, THE CENTER OF WHICH BEARS SOUTH 84°11'27" EAST 360.00 FEET;  
THENCE SOUTHERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 01°53'33" AN ARC DISTANCE OF 11.89 FEET;  
THENCE SOUTH 03°55'00" WEST 61.21 FEET TO THE NORTH LINE OF THE SOUTH 205.00 FEET OF SAID SUBDIVISION AND TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 03°55'00" WEST, 153.17 FEET TO A POINT OF A CURVE;  
THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 84°24'17", AN ARC DISTANCE OF 36.83 FEET TO A POINT OF TANGENCY ON THE NORTH MARGIN OF NORTHEAST 116TH STREET;  
THENCE SOUTH 89°19'17" WEST, ALONG SAID NORTH MARGIN, 152.30 FEET TO THE EAST MARGIN OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 01°43'38" EAST, ALONG SAID EAST MARGIN, 175.31 FEET TO THE NORTH LINE OF THE SOUTH 205.00 FEET OF SAID SUBDIVISION;  
THENCE NORTH 88°19'17" EAST, ALONG SAID NORTH LINE, 181.70 FEE TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF KIRKLAND BY DEED RECORDED UNDER RECORDING NO. 20020628003321;

(ALSO KNOWN AS A PORTION OF PARCEL A OF UNRECORDED KING COUNTY LOT LINE ADJUSTMENT NO. 384067);

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE SOUTH 88°19'17" WEST, ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 708.81 FEET;  
THENCE NORTH 01°17'15" EAST, 431.82 FEET;  
THENCE SOUTH 88°50'58" EAST 326.97 FEET TO THE SOUTHEASTERLY MARGIN OF SLATER AVE NORTHEAST;  
THENCE SOUTH 41°14'03" WEST, ALONG SAID SOUTHEASTERLY MARGIN, 213.71 FEET TO A POINT ON A CURVE, THE CENTER OF WHICH BEARS SOUTH 84°11'27" EAST, 360.00 FEET;  
THENCE SOUTHERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 01°53'33" AN ARC DISTANCE OF 11.89 FEET;  
THENCE SOUTH 03°55'00" WEST 61.21 FEET TO THE NORTH LINE OF THE SOUTH 205.00 FEET OF SAID SUBDIVISION;

THENCE SOUTH 88°19'17" WEST, ALONG SAID NORTH LINE, 181.70 FEET TO THE EAST MARGIN OF 124TH AVENUE NORTHEAST AND THE TRUE POINT OF BEGINNING;  
 THENCE NORTH 01°43'38" EAST ALONG SAID EAST MARGIN 55.00 FEET;  
 THENCE SOUTH 44°58'33" EAST, 75.44 FEET TO A POINT WHICH BEARS NORTH 88°19'17" EAST 55.00 FEET FROM THE TRUE POINT OF BEGINNING;  
 THENCE SOUTH 88°19'17" WEST 55.00 FEET TO THE TRUE POINT OF BEGINNING;

(ALSO KNOWN AS A PORTION OF PARCEL B OF THE UNRECORDED KING COUNTY LOT LINE ADJUSTMENT NO. 384067);

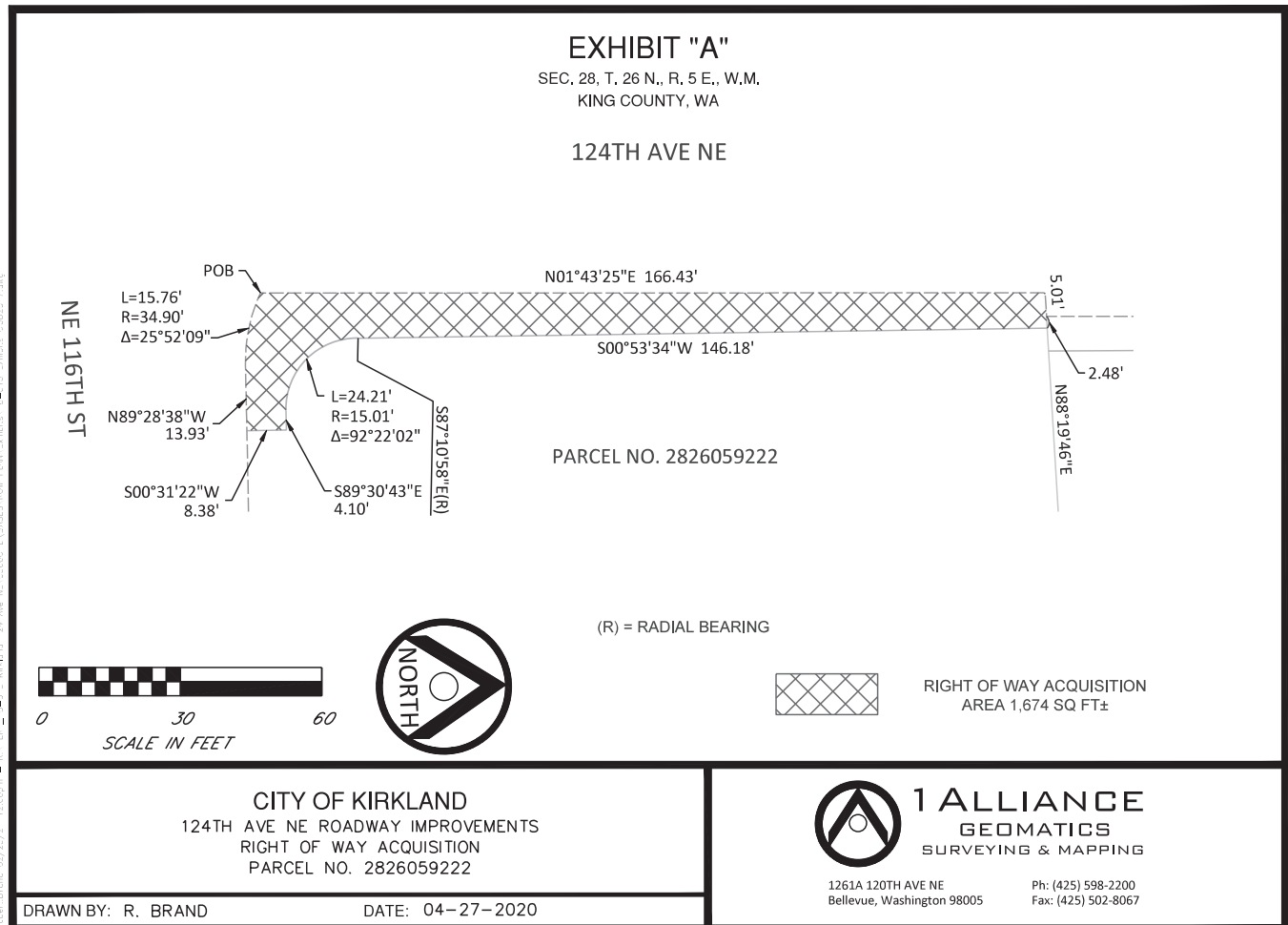
SITUATE IN THE CITY OF KIRKLAND, COUNTY OF KING, STATE OF WASHINGTON.

SAID RIGHT OF WAY ACQUISITION DESCRIBED AS FOLLOWS:

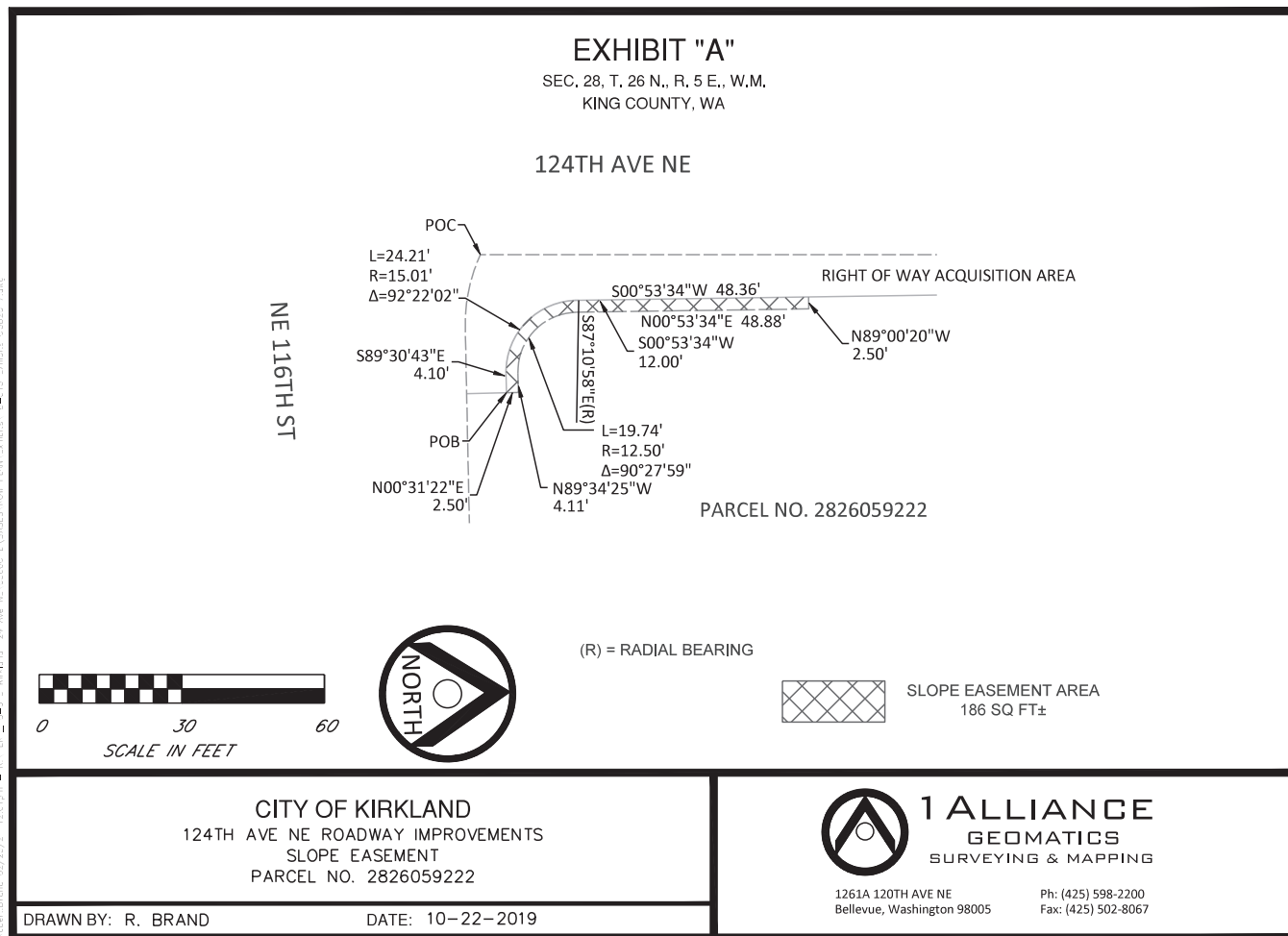
BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL, SAID CORNER BEING THE INTERSECTION OF THE EAST MARGIN OF 124TH AVENUE NORTHEAST AND THE NORTH MARGIN OF NORTHEAST 116TH STREET;  
 THENCE NORTH 01°43'25" EAST, ALONG SAID EAST MARGIN, A DISTANCE OF 166.43 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND AN ANGLE POINT IN SAID EAST MARGIN;  
 THENCE NORTH 88°19'46" EAST, ALONG SAID EAST MARGIN, A DISTANCE OF 5.01 FEET TO A POINT 47 FEET PERPENDICULARLY EAST OF THE CENTERLINE FOR 124TH AVENUE NORTHEAST;  
 THENCE CONTINUING NORTH 88°19'46" EAST, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 2.48 FEET;  
 THENCE SOUTH 00°53'34" WEST, A DISTANCE OF 146.18 FEET TO A NON-TANGENT CURVE TO THE LEFT, THE CENTER OF WHICH BEARS SOUTH 87°10'58" EAST WITH A RADIUS OF 15.01 FEET;  
 THENCE SOUTHEASTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 92°22'02" AND AN ARC DISTANCE OF 24.21 FEET;  
 THENCE SOUTH 89°30'43" EAST, A DISTANCE OF 4.10 FEET;  
 THENCE SOUTH 00°31'22" WEST, A DISTANCE OF 8.38 FEET TO THE NORTH MARGIN OF NORTHEAST 116TH STREET;  
 THENCE NORTH 89°28'38" WEST, ALONG SAID NORTH MARGIN, A DISTANCE OF 13.93 FEET TO A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 34.90 FEET;  
 THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 25°52'09" AND AN ARC DISTANCE OF 15.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,674 SQUARE FEET, MORE OR LESS.









**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: Taco Bell of America LLC

PARCEL NO. 2826059223

THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE SOUTH 88°19'17" WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION A DISTANCE OF 708.81 FEET;

THENCE NORTH 01°17'15" EAST 431.82 FEET;

THENCE SOUTH 88°50'58" WEST 326.97 FEET TO THE SOUTHEASTERLY MARGIN OF SLATER AVENUE NORTHEAST;

THENCE SOUTH 41°14'03" WEST ALONG SAID SOUTHEASTERLY MARGIN 213.71 FEET TO A POINT ON A CURVE, THE CENTER OF WHICH BEARS SOUTH 84°11'27" EAST 360.00 FEET, SAID CENTER HEREINAFTER CALLED POINT 'A';

THENCE SOUTHERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 1°53'33" AN ARC DISTANCE OF 11.89 FEET TO THE POINT OF BEGINNING;

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT, THE CENTER OF SAID CURVE BEING AFOREMENTIONED POINT 'A', THROUGH A CENTRAL ANGLE OF 7°06'37", AN ARC DISTANCE OF 44.67 FEET TO THE NORTH LINE OF THE SOUTH 310.00 FEET OF SAID SUBDIVISION;  
THENCE SOUTH 88°19'17" WEST ALONG SAID SOUTH LINE 188.52 FEET TO THE EAST MARGIN OF 124TH AVENUE NORTHEAST;

THENCE NORTH 88°19'17" EAST ALONG SAID NORTH LINE 181.70 FEET TO A POINT WHICH BEARS SOUTH 03°55'00" WEST FROM THE POINT OF BEGINNING;

THENCE NORTH 03°55'00" EAST 61.21 FEET TO THE POINT OF BEGINNING;

EXCEPT FOR THE WESTERLY 5 FEET AS DESCRIBED IN WARRANTY DEED PER RECORDING NUMBER 20151027001104, RECORDS OF KING COUNTY, WASHINGTON.

**EXHIBIT "B"**  
**Legal Description of Right of Way Acquisition**

A PORTION OF THE FOLLOWING DESCRIBED PARCEL;

THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE SOUTH 88°19'17" WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION A DISTANCE OF 708.81 FEET;  
THENCE NORTH 01°17'15" EAST 431.82 FEET;  
THENCE SOUTH 88°50'58" WEST 326.97 FEET TO THE SOUTHEASTERLY MARGIN OF SLATER AVENUE NORTHEAST;  
THENCE SOUTH 41°14'03" WEST ALONG SAID SOUTHEASTERLY MARGIN 213.71 FEET TO A POINT ON A CURVE, THE CENTER OF WHICH BEARS SOUTH 84°11'27" EAST 360.00 FEET, SAID CENTER HEREINAFTER CALLED POINT 'A';  
THENCE SOUTHERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 1°53'33" AN ARC DISTANCE OF 11.89 FEET TO THE POINT OF BEGINNING;

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT, THE CENTER OF SAID CURVE BEING AFOREMENTIONED POINT 'A', THROUGH A CENTRAL ANGLE OF 7°06'37", AN ARC DISTANCE OF 44.67 FEET TO THE NORTH LINE OF THE SOUTH 310.00 FEET OF SAID SUBDIVISION;  
THENCE SOUTH 88°19'17" WEST ALONG SAID SOUTH LINE 188.52 FEET TO THE EAST MARGIN OF 124TH AVENUE NORTHEAST;  
THENCE NORTH 88°19'17" EAST ALONG SAID NORTH LINE 181.70 FEET TO A POINT WHICH BEARS SOUTH 03°55'00" WEST FROM THE POINT OF BEGINNING;  
THENCE NORTH 03°55'00" EAST 61.21 FEET TO THE POINT OF BEGINNING;

EXCEPT FOR THE WESTERLY 5 FEET AS DESCRIBED IN WARRANTY DEED PER RECORDING NUMBER 20151027001104, RECORDS OF KING COUNTY, WASHINGTON.

SAID ACQUISITION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL BEING THE EAST MARGIN OF 124TH AVENUE NE, A DISTANCE OF 47 FEET PERPENDICULARLY EAST OF THE ROAD CENTERLINE;  
THENCE NORTH 88°19'46" EAST, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 7.36 FEET;  
THENCE NORTH 01°23'24" EAST, A DISTANCE OF 54.96 FEET;  
THENCE NORTH 88°36'36" WEST, A DISTANCE OF 2.03 FEET TO A LINE 5 FEET PERPENDICULARLY EAST OF AND PARALLEL WITH SAID EAST MARGIN;  
THENCE NORTH 01°43'25" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 50.09 FEET TO THE NORTH PARCEL LINE;  
THENCE SOUTH 88°19'46" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 5.01 FEET TO SAID EAST MARGIN;  
THENCE SOUTH 01°43'25" EAST, ALONG SAID EAST MARGIN, A DISTANCE OF 105.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 646 SQUARE FEET, MORE OR LESS.



**EXHIBIT "A"**  
Legal Description of Entire Property

OWNER: Taco Bell of America LLC

PARCEL NO. 2826059223

THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE SOUTH  $88^{\circ}19'17''$  WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION A DISTANCE OF 708.81 FEET;  
THENCE NORTH  $01^{\circ}17'15''$  EAST 431.82 FEET;  
THENCE SOUTH  $88^{\circ}50'58''$  WEST 326.97 FEET TO THE SOUTHEASTERLY MARGIN OF SLATER AVENUE NORTHEAST;  
THENCE SOUTH  $41^{\circ}14'03''$  WEST ALONG SAID SOUTHEASTERLY MARGIN 213.71 FEET TO A POINT ON A CURVE, THE CENTER OF WHICH BEARS SOUTH  $84^{\circ}11'27''$  EAST 360.00 FEET, SAID CENTER HEREINAFTER CALLED POINT 'A';  
THENCE SOUTHERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF  $1^{\circ}53'33''$  AN ARC DISTANCE OF 11.89 FEET TO THE POINT OF BEGINNING;

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT, THE CENTER OF SAID CURVE BEING AFOREMENTIONED POINT 'A', THROUGH A CENTRAL ANGLE OF  $7^{\circ}06'37''$ , AN ARC DISTANCE OF 44.67 FEET TO THE NORTH LINE OF THE SOUTH 310.00 FEET OF SAID SUBDIVISION;  
THENCE SOUTH  $88^{\circ}19'17''$  WEST ALONG SAID SOUTH LINE 188.52 FEET TO THE EAST MARGIN OF 124TH AVENUE NORTHEAST;  
THENCE NORTH  $88^{\circ}19'17''$  EAST ALONG SAID NORTH LINE 181.70 FEET TO A POINT WHICH BEARS SOUTH  $03^{\circ}55'00''$  WEST FROM THE POINT OF BEGINNING;  
THENCE NORTH  $03^{\circ}55'00''$  EAST 61.21 FEET TO THE POINT OF BEGINNING;

EXCEPT FOR THE WESTERLY 5 FEET AS DESCRIBED IN WARRANTY DEED PER RECORDING NUMBER 20151027001104, RECORDS OF KING COUNTY, WASHINGTON.

**EXHIBIT "B"****Legal Description of Temporary Construction Easement**

THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
 THENCE SOUTH 88°19'17" WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION A DISTANCE OF 708.81 FEET;  
 THENCE NORTH 01°17'15" EAST 431.82 FEET;  
 THENCE SOUTH 88°50'58" WEST 326.97 FEET TO THE SOUTHEASTERLY MARGIN OF SLATER AVENUE NORTHEAST;  
 THENCE SOUTH 41°14'03" WEST ALONG SAID SOUTHEASTERLY MARGIN 213.71 FEET TO A POINT ON A CURVE, THE CENTER OF WHICH BEARS SOUTH 84°11'27" EAST 360.00 FEET, SAID CENTER HEREINAFTER CALLED POINT 'A';  
 THENCE SOUTHERLY ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 1°53'33" AN ARC DISTANCE OF 11.89 FEET TO THE POINT OF BEGINNING;

THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT, THE CENTER OF SAID CURVE BEING AFOREMENTIONED POINT 'A', THROUGH A CENTRAL ANGLE OF 7°06'37", AN ARC DISTANCE OF 44.67 FEET TO THE NORTH LINE OF THE SOUTH 310.00 FEET OF SAID SUBDIVISION;  
 THENCE SOUTH 88°19'17" WEST ALONG SAID SOUTH LINE 188.52 FEET TO THE EAST MARGIN OF 124TH AVENUE NORTHEAST;  
 THENCE NORTH 88°19'17" EAST ALONG SAID NORTH LINE 181.70 FEET TO A POINT WHICH BEARS SOUTH 03°55'00" WEST FROM THE POINT OF BEGINNING;  
 THENCE NORTH 03°55'00" EAST 61.21 FEET TO THE POINT OF BEGINNING;

EXCEPT FOR THE WESTERLY 5 FEET AS DESCRIBED IN WARRANTY DEED PER RECORDING NUMBER 20151027001104, RECORDS OF KING COUNTY, WASHINGTON.

SAID EASEMENT DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL BEING THE EAST MARGIN OF 124TH AVENUE NE, A DISTANCE OF 47 FEET PERPENDICULARLY EAST OF THE ROAD CENTERLINE;  
 THENCE NORTH 88°19'46" EAST, ALONG THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 7.36 FEET;  
 THENCE NORTH 01°23'24" EAST, A DISTANCE OF 15.27 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 01°23'24" EAST, A DISTANCE OF 39.69 FEET TO A POINT HEREINAFTER KNOWN AS POINT A;  
 THENCE SOUTH 88°36'36" EAST, A DISTANCE OF 8.05 FEET;  
 THENCE SOUTH 01°43'36" WEST, A DISTANCE OF 39.69 FEET;  
 THENCE NORTH 88°36'36" WEST, A DISTANCE OF 7.82 FEET TO THE POINT OF BEGINNING.

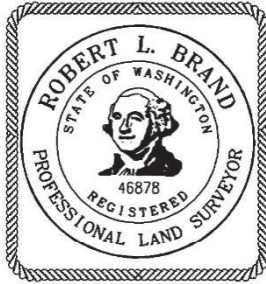
TOGETHER WITH THE FOLLOWING DESCRIBED AREA:

COMMENCING AT SAID POINT A, THENCE NORTH 88°36'36" WEST, A DISTANCE OF 2.03 FEET TO A LINE 5 FEET PERPENDICULARLY EAST OF AND PARALLEL WITH SAID EAST MARGIN;  
 THENCE NORTH 01°43'25" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 29.16 FEET TO THE POINT OF BEGINNING;

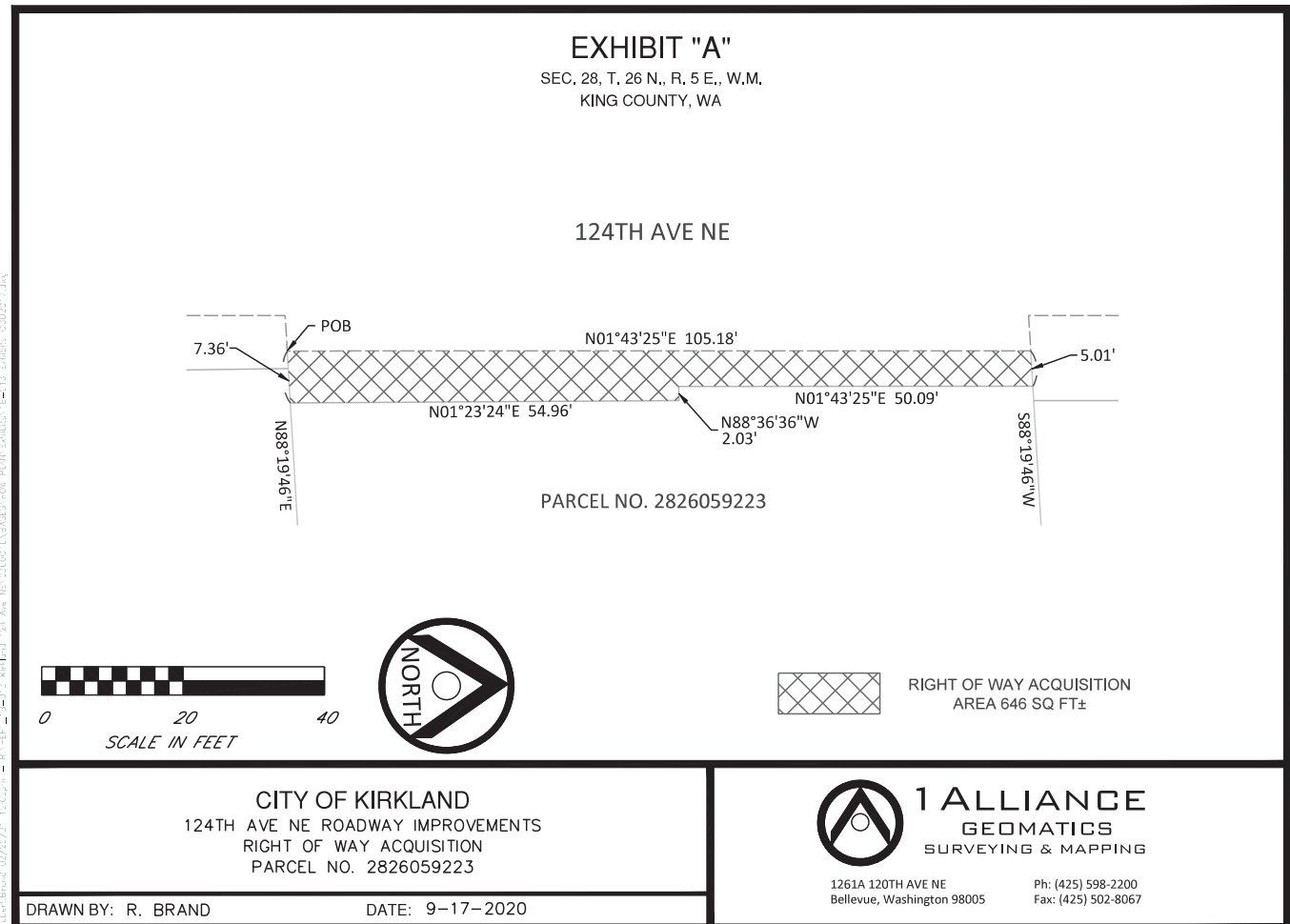
THENCE CONTINUING NORTH 01°43'25" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 20.93 FEET TO THE NORTH LINE OF SAID PARCEL;  
 THENCE NORTH 88°19'46" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 5.13 FEET;

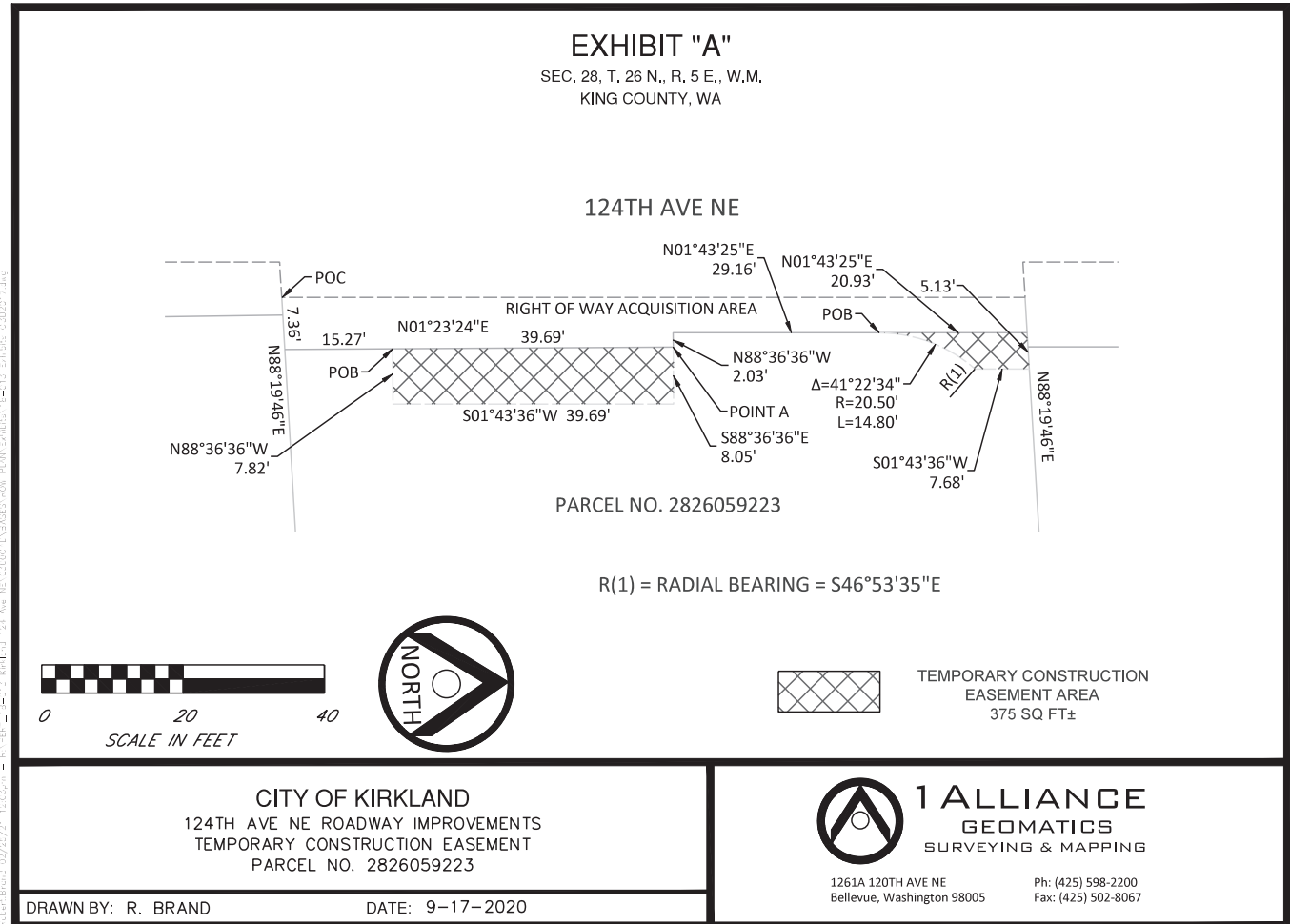
THENCE SOUTH  $01^{\circ}43'36''$  WEST, A DISTANCE OF 7.68 FEET TO A NON-TANGENT CURVE TO THE LEFT WITH A RADIUS OF 20.50 FEET AND A RADIAL BEARING OF SOUTH  $46^{\circ}53'35''$  WEST;  
THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF  $41^{\circ}22'34''$  AND AN ARC LENGTH OF 14.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 375 SQUARE FEET, MORE OR LESS.









**CITY OF KIRKLAND****123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**  
**www.kirklandwa.gov**

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**MEMORANDUM**

**To:** City Council

**From:** Kurt Triplett, City Manager

**Date:** March 9, 2021

**Subject:** FINAL 2021-2022 PRIORITY GOALS AND CITY WORK PROGRAM  
RESOLUTION

**RECOMMENDATION:**

That the City Council approves the resolution adopting the 2021-2022 Priority Goals and City Work Program. The final resolution includes all Work Program changes previously requested by the Council, and now incorporates the revised eleven Council goals.

**BACKGROUND DISCUSSION:**

The City Council received presentations and discussions regarding the Draft 2021-2022 Priority Goals and City Work Program as part of biennial budget process. The Council reviewed and amended the Draft 2021-2022 City Work Program at the October 27, 2020 and November 4, 2020 Study Sessions. The Draft Resolution adopting the City Work Program was reviewed and amended by the Council at the February 2, 2021 Council meeting, the February 5, 2021 Council retreat, and was finalized at the February 16, 2021 Council meeting. The Council deferred adopting the final resolution until the revised Council goals were finished so the new goals could be incorporated into the resolution. The Council goals were also reviewed at the February 5, 2021 Council retreat and the February 16, 2021 Council meeting. Final revisions to the goals were made at the March 2, 2021 Council meeting. The revised Council goals will be adopted by the Council when the Council approves the updated Council Policies and Procedures document also scheduled for action at the March 16 Council meeting.

**Council Vision and Goals**

The City Council's revised eleven goals are intended to help implement the City's vision statement that is also included in the Policies and Procedures:

*Kirkland is one of the most livable cities in America. We are a vibrant, attractive, green and welcoming place to live, work and play. Civic engagement, innovation, and diversity are highly valued. We are respectful, fair, and inclusive. We honor our rich heritage while embracing the future. Kirkland strives to be a model, sustainable city that values preserving and enhancing our natural environment for our enjoyment and future generations.*

The vision statement and operational values associated with goal implementation will be revised by the Council later in 2021. The eleven revised Council goals are included below.

- **Inclusive and Equitable Community:** Kirkland is a diverse and inclusive community that is concerned for the welfare of all community members and where everyone is respected, valued, and has a sense of belonging.  
**Council Goal:** Protect and serve all those who live in, work in or visit Kirkland without regard for race, religion, color, national origin, gender identity, age, income or economic status, political affiliation, military status, sexual orientation, or physical, mental or sensory ability; strive for equitable access to justice and eliminate systemic barriers to equality.
- **Vibrant Neighborhoods:** Kirkland community members experience a high quality of life in their neighborhoods.  
**Council Goal:** Achieve active neighborhood participation and a high degree of satisfaction with neighborhood services and infrastructure.
- **Community Safety:** Ensure that all those who live, work and play in Kirkland are safe.  
**Council Goal:** Provide public safety services through a community-based approach that focuses on prevention of problems and a timely and appropriate response.
- **Supportive Human Services:** Kirkland supports a regional coordinated system of human services designed to meet the basic needs of our community and remove barriers to opportunity.  
**Council Goal:** Meet basic human needs, help people through economic and personal crises, help individuals thrive, and strive to remove barriers to allow all equal opportunities to succeed.
- **Balanced Transportation:** Kirkland values an integrated multi-modal system of transportation choices.  
**Council Goal:** Reduce reliance on single occupancy vehicles and improve connectivity and multi-modal mobility in Kirkland in ways that maintain and enhance travel times, safety, health and transportation choices.
- **Abundant Parks, Open Spaces, and Recreational Services:** Kirkland values an exceptional park, natural areas and recreation system that provides a wide variety of opportunities aimed at promoting the community's health and enjoyment.  
**Council Goal:** Provide and maintain natural areas and recreational facilities and opportunities that enhance the health and wellbeing of the community.
- **Attainable Housing:** Kirkland's housing stock meets the need of a diverse community by providing a wide range of types, styles, sizes and affordability.  
**Council Goal:** Provide access to housing and encourage the construction and preservation of housing stock that meet a diverse range of incomes and needs.
- **Financial Stability:** Kirkland community members enjoy high-quality services that meet the community's priorities.  
**Council Goal:** Provide a sustainable level of core services that are funded from predictable revenue.

- **Sustainable Environment:** Kirkland is committed to the protection of the natural environment through an integrated natural resource management system.  
**Council Goal:** Protect our natural environment through sustainable goals and practices to meet the needs of community members for a healthy environment and clean energy without compromising the needs of future generations.
- **Thriving Economy:** Kirkland has a diverse, business-friendly economy that supports the community's needs.  
**Council Goal:** Attract, retain and grow a diverse and stable economic base that supports city revenues, needed goods and services and jobs for community members.
- **Dependable Infrastructure:** Kirkland has a well-maintained and sustainable infrastructure that meets the functional needs of the community.  
**Council Goal:** Maintain levels of service commensurate with growing community requirements at optimum life-cycle costs.

### **Final 2021-2022 City Work Program**

The resolution now includes the revised goal language in the resolution and lists all Council goals as priority goals for 2021-2022. The eleven elements of the 2021-2022 City Work Program adopted by the resolution are listed below.

1. Implement R-5434 elements such as non-commissioned emergency responders, Police transparency and accountability measures, and community-wide equity and inclusion programs to create a safer and more equitable Kirkland that increases the safety and respect of Black people and reduces systemic racism and poverty. (Council Goals: Community Safety, Vibrant Neighborhoods, Supportive Human Services).
2. Complete construction and open Fire Station 24 in Juanita with a cross-staffed crew of three firefighter/EMTs. (Council Goal: Community Safety).
3. Adopt a Fire and Emergency Medical Services ballot measure implementation plan, stockpile pandemic personal protective equipment, initiate hiring of new and diverse firefighter/EMTs, complete the design of new Fire Station 27 in Totem Lake, complete the design for renovation of Fire Station 22 in Houghton, and locate and complete a temporary fire station (Council Goals: Community Safety, Vibrant Neighborhoods).
4. Initiate a supportive housing project in Kirkland, implement significant affordable housing projects at the Kingsgate Park and Ride and in the Totem Lake Urban Center, develop affordable housing priorities for the 85<sup>th</sup> Station Area Plan, and adopt and track affordable housing targets for low-income and moderate income residents as determined by the Area Median Income (AMI) for the City (Council Goals: Attainable Housing, Vibrant Neighborhoods).
5. Complete actions and investments necessary to keep Kirkland residents, City staff and City facilities safe during the COVID-19 pandemic, support renewed economic activity, and prepare the City organization and the Kirkland community for recovery (Council Goals: Community Safety, Supportive Human Services, Vibrant Neighborhoods, Dependable Infrastructure, Financial Stability).

6. Complete design and initiate construction of the Juanita Drive and 100<sup>th</sup> Avenue NE multi-modal transportation projects (Council Goals: Balanced Transportation, Dependable Infrastructure).
7. Complete the Totem Lake Connector, Totem Lake Park, 132<sup>nd</sup> Square Park and continue capital investments to support growth throughout the City and the Totem Lake Urban Center (Council Goals: Thriving Economy, Balanced Transportation, Parks, Open Spaces and Recreational Services).
8. Continue to Partner with Sound Transit, the State Department of Transportation and King County Metro Transit to ensure that investments along I-405 serve Kirkland's mobility needs (Council Goals: Balanced Transportation, Thriving Economy).
9. Complete work for designation of Greater Downtown Kirkland as a Regional Center. Complete a vision statement and placemaking name for the NE 85<sup>th</sup> St. Station Area Plan that integrates with surrounding neighborhoods and connects with downtown. Complete a Fiscal Impact and Benefit Analysis to inform Council decisions regarding Station Area Plan options and the Plan's potential environmental impacts (Council Goals: All Council goals).
10. Initiate city-wide outreach and planning efforts to update the Comprehensive Plan, the Transportation Master Plan and the Parks, Recreation and Open Space Plan and related documents to maintain the quality of life in Kirkland (Council Goals: All Goals).
11. Develop an equitable, cost effective 2023-2024 balanced budget that improves the city's future financial outlook while investing in community priorities and retaining Kirkland's AAA credit rating (Council Goals: Financial Stability and All Goals).

## **Next Steps**

Staff is seeking final adoption of the 2021-2022 City Work Program at the March 16, 2021 Council.

Attachment A: Resolution Approving the 2021-2022 City Work Program

## RESOLUTION R-5462

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND SETTING PRIORITY GOALS FOR 2021-2022 AND ADOPTING THE 2021-2022 CITY WORK PROGRAM.

1 WHEREAS, in 2011 and 2012 the City Council approved  
2 annual City Work Programs, but determined that subsequent City  
3 Work Programs be adopted as biennial initiatives to better align  
4 with the biennial budget process; and  
5

6 WHEREAS, the City Council has adopted Council goals for  
7 the City that articulate key policy and service priorities and guide  
8 the allocation of resources for Kirkland through the budget and  
9 capital improvement programs; and  
10

11 WHEREAS, due to economic cycles and fiscal constraints,  
12 equal progress cannot always be made on all City goals and the  
13 City Council must prioritize certain goals at certain times; and  
14

15 WHEREAS, in 2021-2022 the City Council desires to help  
16 the community and the economy recover from COVID-19, help  
17 eliminate systemic racism, ensure the safety and respect of Black  
18 residents, create more affordable housing, increase parks and  
19 open space, improve multi-modal transportation options, improve  
20 fire and emergency medical services throughout the city, retain a  
21 high quality of life in Kirkland, and provide efficient, cost-effective  
22 City services to an informed and engaged public; and  
23

24 WHEREAS, to help achieve these purposes in 2021-2022,  
25 the Council is prioritizing all Council goals; Inclusive and  
26 Equitable Community, Community Safety, Balanced  
27 Transportation, Dependable Infrastructure, Thriving Economy,  
28 Sustainable Environment, Financial Stability, Attainable Housing,  
29 Supportive Human Services, Vibrant Neighborhoods, and  
30 Abundant Parks, Open Spaces and Recreational Services; and  
31

32 WHEREAS, the City Council believes it is appropriate to  
33 adopt the 2021-2022 City Work Program to help implement these  
34 priority goals, identify the priority focus of the City of Kirkland's  
35 staff and resources, and enable the public to measure the City's  
36 success in accomplishing its major policy and administrative goals;  
37 and



WHEREAS, in 2021 the City Council determined to also identify the major policy plans, master plans and resolutions that are implemented by the City Work Program in the enacting resolution; and

WHEREAS, the 2021-2022 City Work Program is a list of high priority, major cross-departmental efforts, involving significant financial resources designed to maintain community safety and quality of life in Kirkland, as well as an effective and efficient City government; and

WHEREAS, since over the course of two years new issues may arise that require substantial City resources and City Council review, the adopted 2021-2022 City Work Program will be evaluated during the mid-biennial budget process to proactively determine whether emerging items can be accommodated, deferred, or if the City Work Program must be revised or reprioritized;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The 2021-2022 City Work Program consisting of the following initiatives is adopted:

1. Implement R-5434 elements such as non-commissioned emergency responders, police transparency and accountability measures, and community-wide equity and inclusion programs to create a safer and more equitable Kirkland that increases the safety and respect of Black people and reduces systemic racism and poverty to implement R-5240 and R-5434 and to further the goals of **Community Safety, Vibrant Neighborhoods, and Supportive Human Services**;
2. Complete construction and open Fire Station 24 in Juanita with a cross-staffed crew of three firefighter/emergency medical technicians (EMTs) to implement the Fire Strategic Plan and further the goal of **Community Safety**;
3. Adopt a Fire and Emergency Medical Services ballot measure implementation plan, stockpile pandemic personal protective equipment, initiate hiring of new and diverse firefighter/EMTs, complete design of the new Fire Station 27 in Totem Lake, complete design of the renovation of Fire Station 22 in Houghton, and locate and complete a temporary fire station to implement the Fire Strategic Plan and further the goals of **Community Safety and Vibrant Neighborhoods**;

- 86 4. Initiate a supportive housing project in Kirkland, implement  
87 significant affordable housing projects at the Kingsgate Park  
88 and Ride and in the Totem Lake Urban Center, develop  
89 affordable housing priorities for the NE 85<sup>th</sup> Street Station Area  
90 Plan, and adopt and track affordable housing targets for low-  
91 income and moderate income residents as determined by the  
92 Area Median Income (AMI) for the City to implement the  
93 Housing Strategy Plan and further the goals of **Attainable**  
94 **Housing** and **Vibrant Neighborhoods**;
- 95  
96 5. Complete actions and investments necessary to keep Kirkland  
97 residents, City staff and City facilities safe during the COVID-19  
98 pandemic, support renewed economic activity, and prepare the  
99 City organization and the Kirkland community for recovery to  
100 implement the Comprehensive Emergency Management Plan  
101 (CEMP), Continuity of Government (COG) Plan, and Continuity  
102 of Operations (COOP) Plan and further the goals of  
103 **Community Safety, Supportive Human Services, Vibrant**  
104 **Neighborhoods, Dependable Infrastructure** and  
105 **Financial Stability**;
- 106  
107 6. Complete design and initiate construction of the Juanita Drive  
108 and 100<sup>th</sup> Avenue NE multi-modal transportation projects to  
109 implement the Transportation Master Plan and further the  
110 goals of **Balanced Transportation** and **Dependable**  
111 **Infrastructure**;
- 112  
113 7. Complete the Totem Lake Connector, Totem Lake Park, 132<sup>nd</sup>  
114 Square Park and continue capital investments to support  
115 growth throughout the City and the Totem Lake Urban Center  
116 to implement the Parks, Recreation and Open Space (PROS)  
117 Plan, the Cross Kirkland Corridor Master Plan and further the  
118 goals of **Thriving Economy, Balanced Transportation**, and  
119 **Abundant Parks, Open Spaces and Recreational**  
120 **Services**;
- 121  
122 8. Continue to Partner with Sound Transit, the State Department  
123 of Transportation and King County Metro Transit to ensure that  
124 investments along I-405 serve Kirkland's mobility needs to  
125 implement the Transportation Master Plan and the Transit  
126 Implementation Plan and further the goals of **Balanced**  
127 **Transportation** and **Thriving Economy**;
- 128  
129 9. Complete work for designation of Greater Downtown Kirkland  
130 as a Regional Center. Complete a vision statement and  
131 placemaking name for the NE 85<sup>th</sup> St. Station Area Plan that  
132 integrates with surrounding neighborhoods and connects with  
133 downtown. Complete a Level of Service Benefit and Impact  
134 Analysis to inform Council decisions regarding Station Area Plan  
135 options and the Plan's potential environmental impacts to

implement the Comprehensive Plan and further **all Council goals;**

10. Initiate city-wide outreach and planning efforts to update the Comprehensive Plan, the Transportation Master Plan, the Parks, Recreation and Open Space Plan and related documents to maintain the quality of life in Kirkland and further **all Council goals;**
11. Develop an equitable, cost effective 2023-2024 balanced budget that improves the City's future financial outlook while investing in community priorities and retaining Kirkland's AAA credit rating to further the goals of **Financial Stability** and **all council goals.**

Section 2. The City organization shall demonstrate the operational values of civic engagement, regional partnerships, efficiency and accountability as the 2021-2022 City Work Plan is implemented.

Section 3. The City Manager is hereby authorized and directed to develop implementation steps and benchmarks for each initiative in the 2021-2022 City Work Program, prioritize resources and efforts to achieve those benchmarks, and periodically update the Council regarding progress on these efforts.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2021.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

**CITY OF KIRKLAND****123 Fifth Avenue, Kirkland, WA 98033 425.587.3000**  
**www.kirklandwa.gov**

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**MEMORANDUM**

**To:** City Council

**From:** Kurt Triplett, City Manager

**Date:** March 10, 2021

**Subject:** LEGISLATIVE REQUEST MEMORANDA

**RECOMMENDATION:**

That the City Council reviews the four Legislative Request Memoranda (LRMs) prepared by staff and provides direction on how to proceed with each request. The four LRMs requests are:

- Just Cause Eviction
- Lake Washington Blvd West Parking Closure
- Park Lane Closures
- Noise Ordinance Options

**BACKGROUND DISCUSSION:**

One of the agenda topics at the February 5, 2021 Council retreat was how to create a process by which Councilmembers could request legislation or initiatives that are not currently in the adopted budget, the City Work Program, or Department work programs. The Council was interested in a more formal process that would allow requests to be tracked and ensure that a majority of the Council supported allocating staff resources to the proposal.

Staff proposed the "Legislative Review Memoranda" (LRM) process as a possible framework in response. The Council discussed, revised and approved the Legislative Review Memoranda process. The process has now been included in the Council Policies and Procedures document that is up for revision at the March 16 Council meeting. The LRM process is a new section of *Chapter 3: City Council Meetings* in the policies and procedures. The full section is included below:

*3.27 Legislative Request Memoranda. The City Manager Calendar Update is the time during the order of business of a Council meeting for a Councilmember to propose the consideration of new legislation or request staff resources be allocated to issues not included in a current adopted budget, City Work Program, or department work plan. The process by which such proposals should be made is follows:*

- 1. The Councilmember summarizes the issue and requests the preparation of a legislative request memorandum for the proposal.*

*In appropriate consultation with the Councilmember, the legislative request memorandum analysis will follow a structured template which identifies at a high level:*

- a. Potential impacts and benefits of the proposal.*
- b. How the proposal supports the Council vision and goals.*
- c. How the proposal impacts diversity, equity, and inclusion.*
- d. Potential stakeholders impacted.*
- e. Potential outreach needed.*
- f. Potential staff resources needed.*
- g. Potential options or alternatives that could be evaluated.*
- h. Whether current staff resources and budget authority could accommodate the request.*

*2. The Council must by motion approve the preparation of a legislative request memorandum in connection with a proposal. The City Manager will include any such approved memorandum as part of a City Council packet for inclusion as part of a City Manager Calendar Update within two regular City Council meetings following the approved request. As part of such update the Council may by motion authorize staff to proceed with development of the proposal. Such authorization does not mean the Council has made a legislative decision or taken an action to approve adoption of the proposal. Any such decision or action must be taken, if at all, when final proposed legislation comes before the Council. If the Council does not approve proceeding with a proposal, the legislative request will be considered closed and the memorandum will be filed with the City Clerk to maintain a record of the request.*

#### Legislative Request Memoranda Process

The Legislative Request Memoranda provided for the Council on March 16 are the first LRMs the Council will debate and decide so some background on the process is provided.

As described in section 3.27, LRMs are not detailed staff reports designed to help the Council make final decisions about the topics. The Council emphasized that completing LRMs should not be overly burdensome on staff. The LRM purpose is to provide enough high-level information about the issue for the full Council to decide if further evaluation or action is desired.

The Legislative Review Memoranda were assigned to the most appropriate Department for the initial response. Direction was provided that the LRM be completed similarly to how state legislative proposals are reviewed. Subject matter experts drafted "initial impression" responses using their expertise and highlighted areas where additional analysis or resources are needed. Completed LRMs were reviewed by the Department Director, the City Attorney, the Finance Director and the City Manager. Each reviewer was also authorized to make revisions.

Once the Council reviews the LRM, an individual Councilmember may make a motion that further action occur on the issue. Several options may be contained in LRMs, so the Councilmember making the motion determines which option to propose. If there is no motion, or if the motion does not pass, the LRM is considered closed and will be filed with the City Clerk. If the motion passes, the City Manager will assign the issue to the appropriate staff for further analysis and action at a future Council meeting. As stated in 3.27, decisions to proceed with actions proposed in an LRM are not final decisions by the Council on the proposal.



## LEGISLATIVE REQUEST MEMORANDUM

*Request new legislation, or request staff resources be allocated to issues not included in current budget, City Work Program, or department work plan.*

|  |                                       |
|--|---------------------------------------|
| Title: Residential Just Cause Eviction Ordinance   | Date: March 10, 2021                  |
| Requesting Councilmember: Amy Falcone  | Department(s) Assigned: CAO and Parks |
| <b>REQUEST SUMMARY</b>   |                                       |
| <i>A clear, concise description of the issue(s) to be addressed, and why the City should be involved.</i>  |                                       |
| <p>Should the City Council consider a "just cause eviction" ordinance covering residential tenants in Kirkland? (Council has separately directed City staff to (1) allocate discretionary funding to the Human Services Reserve for related purposes (2) develop policy options for staffing a potential "Eviction Ombuds" position and program and (3) not proceed with a commercial eviction moratorium.)</p>  |                                       |
| <b>BENEFITS</b>  |                                       |
| <i>Preliminary potential benefits of the proposal.</i>   |                                       |
| <p>Protects residential tenants from being evicted absent specified factual circumstances constituting just cause and requires landlords to be specific to tenants and courts about specific reasons for eviction in support, for example, of an unlawful detainer action. Among other things, proposal could create fines/penalties and/or private causes of action for residential tenants in cases where just cause to evict did not exist or a lease included unlawful provisions. While this ordinance would be ongoing, many are particularly concerned about tenant displacement following the end of the COVID-19 pandemic and the expiration of the associated state-wide moratorium on residential tenant evictions.</p> |                                       |
| <b>IMPACTS</b>   |                                       |
| <i>Preliminary potential impacts of the proposal.</i>  |                                       |
| <p>Could be viewed as creating unfair new requirements, costs or risks for landlords, or as impacting the general freedom to contract. Some issues, such as repeated non-payment of rent, may or may not constitute "just cause" for eviction, depending on the circumstances. Finding a clear legislative approach that is fair to both tenants and landlords may be challenging. Another impact would be the decision by the City to intervene as an exercise of its police power to protect public health, safety and welfare in otherwise private contracting arrangements, due to overriding equity and other important public policy imperatives.</p>  |                                       |

## COUNCIL VISION AND GOALS

*Check all that apply.*

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Inclusive and Equitable Community           | <input checked="" type="checkbox"/> Attainable Housing |
| <input type="checkbox"/> Vibrant Neighborhoods                                  | <input type="checkbox"/> Financial Stability           |
| <input type="checkbox"/> Community Safety                                       | <input type="checkbox"/> Sustainable Environment       |
| <input type="checkbox"/> Supportive Human Services                              | <input type="checkbox"/> Thriving Economy              |
| <input type="checkbox"/> Balanced Transportation                                | <input type="checkbox"/> Dependable Infrastructure     |
| <input type="checkbox"/> Abundant Parks, Open Spaces, and Recreational Services |  |

## EQUITY

*Preliminary discussion on how the proposal may impact diversity, equity, and inclusion.*

Initial fact-gathering suggests that lower income individuals, people of color, and members of other protected and/or disadvantaged classes are disproportionately impacted by evictions that lack just cause. These individuals often do not have the financial ability to meaningfully self-advocate or ensure their interests are well represented (e.g. through an attorney in an unlawful detainer action brought by a landlord). While such fact-gathering may reflect overall generalized circumstances, it is also recognized that the economic and other circumstances of both tenants and landlords vary significantly.

## STAKEHOLDERS

*Preliminary potential stakeholders impacted.*

Residential tenants and landlords, commercial housing and human services advocacy groups, members of the public.

## OUTREACH

*Preliminary potential outreach to be considered.*

Residential tenants and landlords, commercial housing and human services advocacy groups, members of the public.



**RESOURCES AND BUDGET**

*Preliminary potential staff resources needed and whether current staff and budget authority could accommodate the request.*

Preliminary staff resources to write the ordinance includes City Attorney (legal research, drafting); Parks & Community Services (fact-gathering, outreach); City Manager's Office (fact-gathering, outreach). This request could be handled with existing staff and within available budgets; however, this would compete with other work plan items such as the HS dashboard, new rental assistance program, and development of additional grant programs to assist with COVID needs. If an ordinance is passed, some additional resources would be needed to administer and enforce.

**OPTIONS**

*Potential options or alternatives that could be evaluated.*

- 1) The Council could adopt a Just Cause ordinance as a time-limited pilot because of COVID and revisit the issue after community outreach.
- 2) The Washington Legislature is actively considering state-wide legislation related to the eviction of residential tenants without just cause. For example, ESHB 1236 ("relating to protecting tenants from the beginning to end of their tenancies by penalizing the inclusion of unlawful lease provisions and limiting the reasons for eviction, refusal to continue, and termination") passed the House 55-44 on March 7, 2021 and has been referred to the Senate Committee on Housing & Local Government. The Council could wait to see if statewide legislation is enacted this session as a alternative to proceeding with a possible Kirkland ordinance.

**ADDITIONAL CONSIDERATIONS**

- ☒ Legal analysis required
- ☒ Fiscal analysis required
- ☒ Legislative change required
- ☐ State or federal change required
- ☐ Other (please explain):

**APPROVALS**

|                      | INITIAL   | DATE           |
|----------------------|-----------|----------------|
| Department Director: | <u>LZ</u> | <u>3/11/21</u> |
| Finance Department:  | <u>MO</u> | <u>3/11/21</u> |
| Legal Department:    | <u>KR</u> | <u>3/11/21</u> |

Forward to City Manager



**CITY OF KIRKLAND**  
**Public Works Department**  
**123 5th Avenue, Kirkland, WA 98033**  
**425.587.3600- [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Kurt, Triplett, City Manager

**From:** Joel Pfundt, Transportation Manager  
 Iris Cabrera, Transportation Engineer  
 Julie Underwood, Director of Public Works

**Date:** March 4, 2021

**Subject:** LEGISLATIVE REQUEST ANALYSIS—LAKE STREET/LAKE WASHINGTON BOULEVARD TEMPORARY WEST SIDE WALKWAY PILOT PROJECT

**PROPOSAL:**

The proposal is to temporarily repurpose approximately 4,800 feet of the curb lane on the west side of Lake Street/Lake Washington Boulevard between 2nd Avenue South and NE 60th Street (see Attachment A) in order to create a wider walkway. The curb lane along this roadway is a combination of on-street parking, driveways, red curb, loading zones, and curb bulbs. Figure 1, below, shows the street cross section along most of this corridor.



**Figure 1.** *Lake Street/Lake Washington Boulevard Cross Section*

To respond to the Council's request, staff developed the following proposed approach:

- Implementation would be very similar to traffic control for special events that restrict parking on the west side of Lake Washington Boulevard (see notes below related to special events lessons learned);
- The duration of this pilot project is flexible. However, each implementation comes with the costs to set up and remove the traffic control devices; and
- Vehicles parked illegally in the temporary walkway would be ticketed (during special events, vehicles are towed).

This proposal has been vetted with the Parks, Police, and Fire Departments.

### **POTENTIAL IMPACTS AND BENEFITS:**

The wider walkway would create a more comfortable space for people to walk and jog while promoting and facilitating proper social distancing in response to the COVID Pandemic. The southbound bike lane on Lake Street/Lake Washington Boulevard would continue to be dedicated to people bicycling. This bike lane would be safer because cyclists no longer would travel next to parked vehicles, where doors can open or vehicles move unexpectedly.

The following are lessons learned from and comments received about special events on Lake Washington Boulevard:

- Special event closures usually are for half a day, and the event usually is less than an hour. One of the reasons for keeping it limited in this way is that the residents in the area prefer it so.
- The greatest amount of feedback comes from people who live near the northern section. Closing the corridor from 2<sup>nd</sup> Avenue South to 10<sup>th</sup> Avenue South may result in unsupportive comments in that area.
- South of 10<sup>th</sup> Avenue South, drivers tend to disregard the no parking signs. Some residents and visitors of residents explain that they went out of town and didn't know about the parking closure. The Police need to remind people that we have 24-hour limits for parking in Kirkland.
- With special events, the Police Department tries to contact people before towing cars or, depending on the situation, before citing them.

### **SUPPORTING COUNCIL VISION AND GOALS:**

Establishing a wider west side walkway along Lake Street/Lake Washington Boulevard addresses a variety of Council goals:

- Neighborhoods: This goal is about experiencing a high quality of life, and the companion project of closing Park Lane has been popular with residents who enjoy the added character and services that provides.
- Public Safety: Providing more space for people to walk and jog provides a pedestrian-friendly corridor that also allows people to be more socially distant during COVID, improving safety from injury as well as illness.
- Balanced Transportation: Recent surveys have indicated that one of the things people like about Kirkland is that it is a walkable city. Providing more space for people to walk and jog along Lake Street/Lake Washington Boulevard, which sometimes is very crowded with people, is one form of balanced transportation.

**IMPACTS ON DIVERSITY, EQUITY, AND INCLUSION:**

This project would provide more space for people to safely and comfortably access Kirkland's waterfront by walking and biking. These benefits would be shared by everyone, but likely be greatest for those who live in proximity to the pilot project. People who do not live in the area but need to access the area by vehicle either for work or pleasure would have more limited parking options.

**STAKEHOLDERS IMPACTED:**

Residents and businesses on the west side of Lake Street/Lake Washington Boulevard and in the downtown area would be inconvenienced by the more limited parking.

People providing deliveries and services to residents and businesses on the west side of Lake Street/Lake Washington Boulevard either would need to find ways to park within the building footprint or park on the east side and cross the street.

**POTENTIAL OUTREACH NEEDED:**

The level of outreach to the community in advance would need to be significant and include:

1. In-person contact and engagement with impacted community members.\*
2. Portable variable message sign (VMS) trailer at each end of the corridor in advance to inform people of the planned closure.\*\*
3. Place approximately 25 a-frame signs along the corridor 48-hours prior to the closure notifying people of the planned closure of the parking lane.\*\*

**POTENTIAL STAFF RESOURCES AND FUNDING NEEDED:**

The implementation steps would require additional staff and funding resources:

1. Remove notification signage.\*\*
2. Place candle sticks (movable delineator posts with bases), one per parking space to prevent drivers from entering the restricted parking lane, and No Parking signs spaced at 60 ft. This would result in at least 200 candle sticks being placed in the street along the edge of the parking lane without blocking the bike lane and approximately 70 No Parking signs being placed on the sidewalk adjacent to the parking lane. The specific layout of traffic control and number of traffic control devices would be determined during more detailed review of the corridor.\*\*
3. Continue to gather community input including answer questions, complaints, etc. and make refinements during implementation.\*
4. Staff would need to regularly travel the corridor to reset/replace moved, damaged, or missing candle sticks or No Parking Signs.\*
5. Remove candle sticks and No Parking signs at the end of the pilot project.\*\*

*\* These tasks would be performed by neighborhood outreach, transportation, and maintenance staff.*

*\*\* These items and tasks would be provided by a contracted traffic control company, which would require additional funding.*

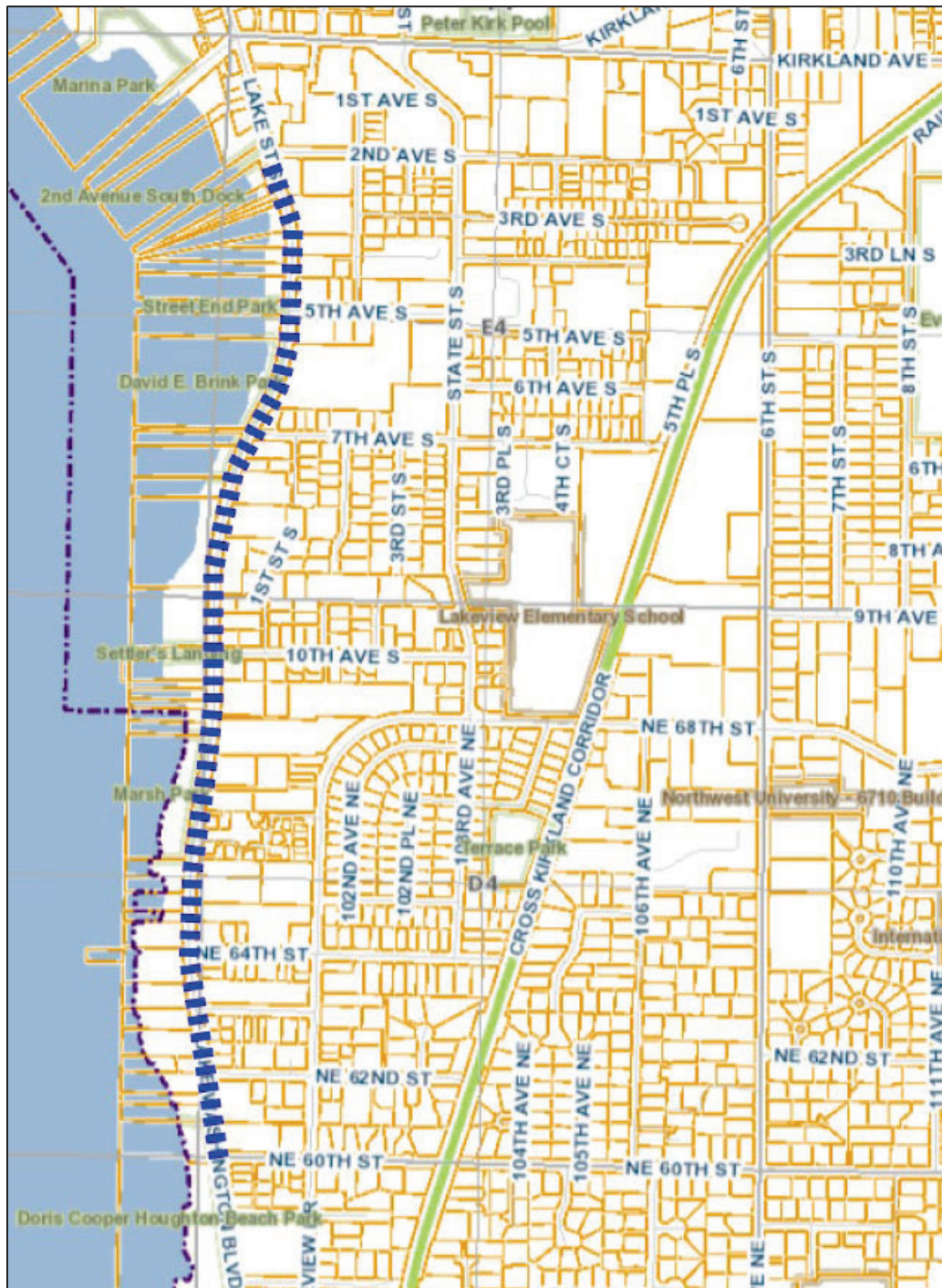
**POTENTIAL OPTIONS OR ALTERNATIVES THAT COULD BE EVALUATED:**

There are multiple options or alternatives that could be evaluated that could consider 1) the project limits, and/or 2) the type and placement of the divider.

**COULD CURRENT STAFF RESOURCES AND BUDGET AUTHORITY  
ACCOMMODATE THE REQUEST:**

Because of the length of the project and the level of activity in the area, this pilot project requires a significant amount of resources to plan, implement, maintain, and remove. Other 2021 neighborhood outreach, maintenance, and transportation tasks would need to be deferred or eliminated to implement this pilot project, or adding supplemental staff would need to be considered. Also, because the City does not own the needed signage and delineation, additional funding would be needed for renting and installing temporary traffic control.



**Attachment A - Lake Washington Boulevard West Side Walkway**



## LEGISLATIVE REQUEST MEMORANDUM

*Request new legislation, or request staff resources be allocated to issues not included in current budget, City Work Program, or department work plan.*

|   |   |
|---|---|
| Title: <b>Lake WA Blvd West Parking Closure</b>   | Date: <b>March 10, 2021</b>                 |
| Requesting Councilmember:   | Department(s) Assigned: <b>Public Works</b> |
| <b>REQUEST SUMMARY</b>  |   |
| <i>A clear, concise description of the issue(s) to be addressed, and why the City should be involved.</i>   |   |
| <p>Close parking on the west side of LW Blvd and temporarily re-purpose nearly a mile of the curb lane on the west side of Lake Street/LWB between 2nd Ave S and NE 60th St (see Attachment A) to create a wider walking area for people to use during the pandemic. The following approach could be used:</p> <ol style="list-style-type: none"> <li>1. It would be similar to traffic control for special events (see notes below related to special events lessons learned)</li> <li>2. The duration can be flexible, but each set-up and take-down comes with a cost; and</li> <li>3. Vehicles parked illegally in the temporary walkway would be ticketed</li> </ol>   |   |
| <b>BENEFITS</b>   |   |
| <i>Preliminary potential benefits of the proposal.</i>  |   |
| <p>The wider walking area would create a more comfortable space to walk and jog while promoting and facilitating proper social distancing. The southbound bike lane on Lake St/Lake WA Blvd would continue to be dedicated for bicycling. This bike lane would be safer because cyclists no longer would travel next to parked vehicles, where doors can open or vehicles move unexpectedly.</p>  |   |
| <b>IMPACTS</b>  |   |
| <i>Preliminary potential impacts of the proposal.</i>   |   |
| <p>Multiple associated impacts from the loss of parking spaces on the west side of LW Blvd, including access to waterfront parks, businesses and residences along LW Blvd. Some lessons learned from special events include:</p> <ol style="list-style-type: none"> <li>1. Such closures usually are for half a day and the event usually is less than an hour; area resident prefer it that way.</li> <li>2. the greatest amount of feedback comes from people who live near the northern section; strongly unsupportive comments may be received from that area.</li> <li>3. South of 10th Ave S, drivers tend to disregard the no parking signs.</li> <li>4. During special events, Police try to contact people before towing cars or before citing them. This would be more difficult with an extended closure.</li> </ol> |   |



## COUNCIL VISION AND GOALS

*Check all that apply.*

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Inclusive and Equitable Community           | <input type="checkbox"/> Attainable Housing                 |
| <input checked="" type="checkbox"/> Vibrant Neighborhoods                       | <input type="checkbox"/> Financial Stability                |
| <input checked="" type="checkbox"/> Community Safety                            | <input checked="" type="checkbox"/> Sustainable Environment |
| <input type="checkbox"/> Supportive Human Services                              | <input checked="" type="checkbox"/> Thriving Economy        |
| <input checked="" type="checkbox"/> Balanced Transportation                     | <input type="checkbox"/> Dependable Infrastructure          |
| <input type="checkbox"/> Abundant Parks, Open Spaces, and Recreational Services |   |

## EQUITY

*Preliminary discussion on how the proposal may impact diversity, equity, and inclusion.*

This project would provide more space to safely and comfortably access Kirkland's waterfront by walking and biking. All could share this benefit, but perhaps most by those who live near the pilot project area. People who do not live in close proximity and who need or want to access the area for work or pleasure would have significantly fewer vehicle parking options. Unknown equity impacts to residents and businesses along LW Blvd as issues such as age, income level, ability and race are not well known. More pedestrian crossings of LW Blvd from parking on the east would be result which could impact seniors or people with mobility issues and may create safety issues.

## STAKEHOLDERS

*Preliminary potential stakeholders impacted.*

Residents and business on Lake St/Lake WA Blvd and downtown that would be impacted by more limited parking. Half of the estimated 260 parking spaces along the corridor would be unusable. People providing deliveries and services on the west side of the street either would need to find ways to park within building footprints or park on the east side and then cross the street. People visiting Kirkland's waterfront parks would also be impacted by the loss of parking.

## OUTREACH

*Preliminary potential outreach to be considered.*

Advance outreach would need to be at a medium to high level and include at least:

1. In-person contact with impacted community members (performed by staff).
2. Portable variable message signs at each end in advance to inform of the planned closure (by contractor).
3. Place many a-frame signs along the corridor 2 days prior alerting of the planned closure of the parking lane (by contractor).

**RESOURCES AND BUDGET**

*Preliminary potential staff resources needed and whether current staff and budget authority could accommodate the request.*

This pilot project would require a significant amount of staff and contractor resources to accomplish. Other 2021 projects and tasks on the 2021 work plan would need to be deferred or eliminated. Supplemental staff could address that situation. Also, the City does not own the needed signage and delineation materials, so they would need to be rented and installed by the contractor.

**OPTIONS**

*Potential options or alternatives that could be evaluated.*

There are multiple options or alternatives that could be evaluated based upon either: 1) the project limits, 2) the type and placement of the divider, or 3) a combination. This pilot could occur only on weekends, or for a set amount of time, such as one week, two weeks, one month and so on. Setting up and taking down the candlesticks is the largest driver of costs, so minimizing the number of times that occurs is the most cost effective.

**ADDITIONAL CONSIDERATIONS**

- ☐ Legal analysis required
- ☒ Fiscal analysis required
- ☐ Legislative change required
- ☐ State or federal change required
- ☐ Other (please explain):

**APPROVALS**

|                      | INITIAL   | DATE           |
|----------------------|-----------|----------------|
| Department Director: | <u>JU</u> | <u>3/10/21</u> |
| Finance Department:  | <u>MO</u> | <u>3/11/21</u> |
| Legal Department:    | <u>KR</u> | <u>3/11/21</u> |

Forward to City Manager



**CITY OF KIRKLAND**  
**Public Works Department**  
**123 5th Avenue, Kirkland, WA 98033**  
**425.587.3600- [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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## **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Kim Scrivner, Transportation Planner  
Joel Pfundt, Transportation Manager  
Julie Underwood, Director of Public Works

**Date:** March 4, 2021

**Subject:** LEGISLATIVE REQUEST MEMORANDUM—PARK LANE EVENING CLOSURE TO VEHICLES

### **BACKGROUND:**

During the summer of 2020 at the early stages of the COVID Pandemic, Park Lane was closed each evening to vehicles, which allowed more space for outdoor restaurant seating and greater social distancing for pedestrians. Rather than provide a full closure, a compromise was reached with business owners who did not want the street closed during the day, to close the street every evening between May and mid-November.

### **POTENTIAL IMPACTS AND BENEFITS OF THE PROPOSAL:**

Evening closures of Park Lane allows restaurants and merchants to expand their businesses further out into the sidewalk and streetscape, expanding their ability to seat customers and sell merchandise outside. The City also received many positive comments from the public who enjoyed the experience the street closure provided, stating the atmosphere attracted more people to patronize downtown Kirkland.

Some merchants expressed concern that if the parking was closed during the day their businesses could be impacted negatively, but that the evening only closure would not have that same impact. The downtown business impact from reduced parking is unknown but needs to be considered. The largest impact is to City staff and/or volunteers who are required to open and close the street each day. This proved to be complicated on Sundays and Holidays when City crews were not always available.

### **SUPPORTING COUNCIL VISION AND GOALS:**

The closure of Park Lane addresses a variety of the Council Goals:

- Economic Development: This initiative supports businesses on Park Lane by creating an attractive environment for shopping, eating, and leisure. The compromise to close the street in the evenings demonstrates that Kirkland seeks to listen to and address all the businesses needs on the street.

- Neighborhoods: This goal is about experiencing a high quality of life, and the closure of Park Lane has been popular by residents who enjoy the added character and services this provides.
- Public Safety: Closing the street provides a safe and pedestrian friendly street that also allows people to be more socially distant during COVID, improving safety from injury as well as illness.
- Balanced Transportation: Recent surveys have indicated that one of the things people like about Kirkland is that it is a walkable city. Providing a pedestrian-only space for people to enjoy downtown businesses is one form of balanced transportation.

### **ADDRESSING DIVERSITY, EQUITY, AND INCLUSION:**

The proposal to close Park Lane in the evenings in 2021 provides much needed space that allows people to enjoy the amenities and businesses in downtown Kirkland while maintaining social distance. Many sidewalks in downtown can become crowded during the summer months when more people come to enjoy the waterfront and businesses. The space also provides a more welcoming atmosphere while providing an improved pedestrian connection from Kirkland's Transit Center into the heart of downtown Kirkland.

### **STAKEHOLDERS IMPACTED AND POTENTIAL OUTREACH NEEDED:**

The direct stakeholders impacted would be the businesses on Park Lane. Potential outreach would include the Kirkland Downtown Association, immediate businesses on Park Lane, and to other downtown businesses that may be impacted less. The general public also could be reached out to in terms of their interest in this space and desire for it to be opened.

### **POTENTIAL COSTS AND BENEFITS:**

Costs for assessing additional and/or improved features for this proposed street closure may include:

- Staff hours for outreach and research, and seeking cost estimates for potential solutions;
- Additional costs associated with signage, branding, and outreach;
- Staff hours for people to open and close the street each day; and
- Costs for storage of signs and materials during the day.

### **POTENTIAL OPTIONS OR ALTERNATIVES THAT COULD BE EVALUATED:**

Staff is using last summer's evening closure as the "base case" for this memo. Other options include:

- Don't close Park Lane to traffic at any time to maximize downtown parking.
- Permanently close Park Lane and have it become a pedestrian boulevard.
- Close Park Lane entirely May-October and open it the rest of the year.

## Signage Improvement Options

Last summer, Park Lane was closed using A-frame signs to block the roadway, which were placed by volunteers from the restaurants and businesses. The process could be improved because:

- The A-frame signs did not fit the aesthetics of the street; and
- Volunteers were not always consistent on the time the street was closed, and signs were not always placed in their appropriate location. It was challenging to find City crews, particularly on Sundays and holidays (which could require overtime pay).

Potential Solutions could include:

- Identification of a funding source to pay staff for opening/closing the street each day (which would include overtime), or finding another method of identifying people to conduct this work that allows for more accountability.
- Providing a more aesthetic solution for the street closure signage. While regulatory signs will still be necessary, other signage could be improved. An example of improved street closure signage could include a wheeled platform or wagon with plants, flags, or art.



- Additional signage for each parking stall to indicate parking will end at a certain time to better ensure people will move their cars by closing time. These tri-fold signs have worked well in terms of compliance related to the 15-minute-only take-out stalls. Once the evening closure begins, improvements would include additional detail related to parking times throughout the day.



- Potential storage on-site for signage during the day.

## **ASSESSMENT OF STAFF RESOURCES AND BUDGET:**

Staff time for outreach, research, and seeking cost estimates for potential solutions can be covered by existing staff resources. Some signage could be covered, and the same branding and posters used last summer could be used, but improved signs for each parking stall and for the street closure may need some supplementary funds.

Additional funds would need to be identified for identifying people to open and close Park Lane each day, including Sundays and holidays. Additionally, there may be a need to find storage for signage during the day.



## LEGISLATIVE REQUEST MEMORANDUM

*Request new legislation, or request staff resources be allocated to issues not included in current budget, City Work Program, or department work plan.*

|  |                                      |
|--|--------------------------------------|
| Title: Park Lane - Evening Closure to Vehicles | Date: March 10, 2021                 |
| Requesting Councilmember:                      | Department(s) Assigned: Public Works |

### REQUEST SUMMARY

*A clear, concise description of the issue(s) to be addressed, and why the City should be involved.*

The adaptability of the re-design of Park Lane has been demonstrated during the pandemic. Last year, Park Lane was closed to vehicles in the evenings from May to mid-November, which facilitated increased retail and restaurant business while providing greater social distancing. This proposal is whether Park Lane should be closed again at certain times this year for the same reasons. This LRM uses last year's pilot as the "base case" for the evaluation.

### BENEFITS

*Preliminary potential benefits of the proposal.*

The regularly-scheduled closure of Park Lane to vehicles during the continuing pandemic supports economic development, quality of life, safety, and balanced transportation. Last year, support for the closure was expressed by the public and also by businesses along and near Park Lane.

### IMPACTS

*Preliminary potential impacts of the proposal.*

Opening and closing the street daily requires staff, which is particularly challenging on Sundays and Holidays. Volunteers assisted with this in 2020, but there were inconsistencies. More aesthetic signs have been suggested, but might require a storage solution when the street is open to vehicles. Alternatively, the street could be closed all day during the warmer months, though that would require additional engagement with the business community.

## COUNCIL VISION AND GOALS

*Check all that apply.*

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Inclusive and Equitable Community           | <input type="checkbox"/> Attainable Housing                 |
| <input checked="" type="checkbox"/> Vibrant Neighborhoods                       | <input type="checkbox"/> Financial Stability                |
| <input checked="" type="checkbox"/> Community Safety                            | <input checked="" type="checkbox"/> Sustainable Environment |
| <input type="checkbox"/> Supportive Human Services                              | <input checked="" type="checkbox"/> Thriving Economy        |
| <input checked="" type="checkbox"/> Balanced Transportation                     | <input type="checkbox"/> Dependable Infrastructure          |
| <input type="checkbox"/> Abundant Parks, Open Spaces, and Recreational Services |   |

## EQUITY

*Preliminary discussion on how the proposal may impact diversity, equity, and inclusion.*

Park Lane is a link from the Transit Center to the waterfront, and the City has many parks along Lake Washington open to everyone. Providing more pedestrian/non-motorized space between the two, all while providing greater social distancing, increases more equitable access to quality experiences and downtown businesses. Helping small businesses thrive helps create and retain more service industry jobs which are often held by disadvantaged community members. Conversely, some businesses say that the elimination of parking spaces harms their business and could result in reductions in hiring or business closures.

## STAKEHOLDERS

*Preliminary potential stakeholders impacted.*

The primary stakeholders would be the businesses on and near Park Lane. Additional stakeholders would be neighbors and the broader community, and local business groups such as the Chamber and Kirkland Downtown Association.

## OUTREACH

*Preliminary potential outreach to be considered.*

Direct outreach to the businesses along Park Lane. Staff has established a system of outreach regarding this issue, so the time and resources needed will be low to moderate.



**RESOURCES AND BUDGET**

*Preliminary potential staff resources needed and whether current staff and budget authority could accommodate the request.*

1. Staff hours for outreach, research, and seeking cost estimates for potential solutions.
2. Additional non-staff costs associated with signage, branding, and outreach.
3. Staff hours to open and close the street each day.
4. Costs for storage of signs and materials during the day.

**OPTIONS**

*Potential options or alternatives that could be evaluated.*

1. Repeat last year's pilot and close park lane during the evenings startign in May.
2. Don't close Park Lane and keep it as a street with parking year round.
3. Permanently close Park Lane to automobile traffic.
4. Close Park Lane all day and evenings during the summer season.
5. Create a fixed gate at the west end of Park Lane so that A-frames are not needed.
6. Use the A-frame signs from 2020, but ensure they are placed appropriately by City staff.
7. Improve signage to be more aesthetic (still would require staff to open/close the street daily).

**ADDITIONAL CONSIDERATIONS**

- ☐ Legal analysis required
- ☒ Fiscal analysis required
- ☐ Legislative change required
- ☐ State or federal change required
- ☐ Other (please explain):

**APPROVALS**

|                      | INITIAL   | DATE           |
|----------------------|-----------|----------------|
| Department Director: | <u>JU</u> | <u>3/10/21</u> |
| Finance Department:  | <u>MO</u> | <u>3/11/21</u> |
| Legal Department:    | <u>KR</u> | <u>3/11/21</u> |

Forward to City Manager



## LEGISLATIVE REQUEST MEMORANDUM

*Request new legislation, or request staff resources be allocated to issues not included in current budget, City Work Program, or department work plan.*

|   |   |
|---|---|
| Title: Noise Ordinance Options  | Date: March 10, 2021                        |
| Requesting Councilmember: NA  | Department(s) Assigned: Planning & Building |
| <b>REQUEST SUMMARY</b>  |   |
| <i>A clear, concise description of the issue(s) to be addressed, and why the City should be involved.</i>   |   |
| <p>Due to the COVID pandemic, more community members have been sequestered in their homes, which has resulted in more exposure to (and complaints about) high ambient and periodic noise levels associated with activities such as leaf blowing and the use of jake brakes.</p>   |   |
| <b>BENEFITS</b>   |   |
| <i>Preliminary potential benefits of the proposal.</i>  |   |
| <p>Reducing community noise levels could result in several benefits, including reduced risk of long-term hearing loss, less irritation and stress, less difficulty sleeping, and increases in productivity for workers exposed to high noise levels. Banning certain types of power equipment could also have benefits to local air quality (i.e., a reduction in particulate matter and combustion-related emissions).</p>   |   |
| <b>IMPACTS</b>  |   |
| <i>Preliminary potential impacts of the proposal.</i>   |   |
| <p>Potential adverse impacts of additional regulation of noisy activities/equipment include interference with routine landscape maintenance activities (if, for instance, leaf blowers are subject to additional regulation), interference with trucking (if jake brakes are regulated further), and the need for additional resources for often-difficult enforcement activities (or de-prioritizing other enforcement activities). Enforcement of more stringent leaf blower rules, and especially a jake brake ban, could be difficult. Depending on how new rules are crafted, there could also be impacts on how the City maintains public grounds and parks, including resources needed for such maintenance.</p> |   |

## COUNCIL VISION AND GOALS

*Check all that apply.*

- |   |  |
|---|--|
| <input type="checkbox"/> Inclusive and Equitable Community                      | <input type="checkbox"/> Attainable Housing        |
| <input checked="" type="checkbox"/> Vibrant Neighborhoods                       | <input type="checkbox"/> Financial Stability       |
| <input checked="" type="checkbox"/> Community Safety                            | <input type="checkbox"/> Sustainable Environment   |
| <input type="checkbox"/> Supportive Human Services                              | <input type="checkbox"/> Thriving Economy          |
| <input type="checkbox"/> Balanced Transportation                                | <input type="checkbox"/> Dependable Infrastructure |
| <input type="checkbox"/> Abundant Parks, Open Spaces, and Recreational Services |  |

## EQUITY

*Preliminary discussion on how the proposal may impact diversity, equity, and inclusion.*

Equity considerations for this topic are complex. On one hand, landscapers that routinely use leaf blowers may be disproportionately represented by BIPOC individuals, and their work could be adversely impacted by additional restrictions on leaf blowers. On the other hand, leaf blower restrictions could result in positive health benefits for the individuals who routinely use leaf blowers, as gas-powered leaf blowers emit high volumes of pollutants and can cause hearing loss. If new rules cause landscapers to forsake the use of leaf blowers, and the market is able to sustain higher landscaping fees to allow the use of other equipment, such as rakes, to undertake similar work, individuals employed in landscaping could benefit. If the market cannot bear such costs, individuals employed in landscaping could suffer loss of wages. The equity concerns for additional restriction of leaf blowers is unclear, but would likely be less significant compared to imposing further restrictions on power equipment used for landscaping.

## STAKEHOLDERS

*Preliminary potential stakeholders impacted.*

Landscape company owners, landscape company employees, parks maintenance staff, garden/landscape supply store employees, residents, commercial and residential property managers, and health care professionals.

## OUTREACH

*Preliminary potential outreach to be considered.*

Interviews with stakeholders listed above, canvassing power equipment users via face-to-face contact or surveys, surveying community members, evening and daytime meetings, public hearings, website and newsletter outreach, distributing flyers, etc.

**RESOURCES AND BUDGET**

*Preliminary potential staff resources needed and whether current staff and budget authority could accommodate the request.*

-0.25 FTE Planner, 9 months  
 -0.25 FTE combination of Administrative/Legal/Code Enforcement/Outreach support staff, 3-6 months  
 -0.1 FTE Director/Deputy Director, 3-6 months

Except for drafting an ordinance that simply changes the noise ordinance hours, current staff/budget could not accommodate the request without deprioritizing existing projects.

**OPTIONS**

*Potential options or alternatives that could be evaluated.*

1. Maintain the status quo
2. Revise KZC to reduce hours for noisy activities
3. Ban certain types of power equipment/activities/braking
4. Direct new resources for proactive enforcement or other alternative methods of enforcement

**ADDITIONAL CONSIDERATIONS**

- ☒ Legal analysis required
- ☒ Fiscal analysis required
- ☒ Legislative change required
- ☐ State or federal change required
- ☐ Other (please explain):

**APPROVALS**

|                      | INITIAL   | DATE           |
|----------------------|-----------|----------------|
| Department Director: | <u>AW</u> | <u>3/10/21</u> |
| Finance Department:  | <u>MO</u> | <u>3/11/21</u> |
| Legal Department:    | <u>KR</u> | <u>3/11/21</u> |

Forward to City Manager

**CITY OF KIRKLAND****City Manager's Office****123 Fifth Avenue, Kirkland, WA 98033 425.587.3001**  
**www.kirklandwa.gov**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** James Lopez, Assistant City Manager  
Martha Chaudhry, Special Projects Coordinator

**Date:** March 9, 2021

**Subject:** Alaska Suites Livestream Concert

**RECOMMENDATION:**

That the City Council reviews and provides direction on the request by Kirkland Interfaith Network member Margaret Schwender that the City Council provide \$1000 in support of a livestream concert by musical group "Alaska Suites" in honor of the 50<sup>th</sup> National Anniversary of Earth Day on April 24, 2021, with funding from either a) Council Special Projects Reserves, or b) the Diverse Community Event Fund that Council allocated as part of the 2021-2022 budget process.

**BACKGROUND DISCUSSION:**

Alaska Suite is a mixed media, musical quintet, that incorporates video imagery, photography and spoken word into musical performance. On behalf of Alaska Suite, Margaret Schwender submitted a request (Attachment A) to the City Council to support a livestream concert in honor of Earth Day 2021 at the Kirkland Performance Center (KPC). Preliminary discussions between Ms. Schwender, Nelda Swigget (band leader), Jeff Lockhart and David Bander of the KPC determined costs exceeded Ms. Schwender's budget for the setup and livestreaming, including hard costs and labor costs. The band is uncertain whether they can afford the project at the KPC without full Council support. As such, pending Council decision, the group is pursuing other venues, likely in Seattle, from which to conduct the livestream. Livestream organizers intend and agree to acknowledge the City of Kirkland's support, and to market the event to Kirkland residents regardless of livestream location (Attachment B).

**Scope of Support Options:**

- Option 1: \$1,000: To offset costs of a livestream production conducted at an alternative venue, likely outside of Kirkland.
- Option 2: No funding support.
- Option 3: \$4,375 Council provides \$4,375 instead to have the event at the KPC:
- a) Covers cost of the livestream and all associated hard costs at the KPC at the City's discounted rate;
  - b) Requires use of one of the City's 'free' facilities rental days at the KPC.

Table of KPC Costs for Livestream Event

| <b>KPC Services</b> | <b>Cost Estimate</b> | <b>CoK Support</b>  |
|---------------------|----------------------|---|
| Facilities Rental   | \$0                  | Use of a City 'free facilities' day (\$2,000 value)             |
| Day of Labor Costs  | \$1,900              |   |
| Livestream Costs    | \$2,475              | This amount reflects a 75% discount for CoK                     |
| <b>Totals</b>       | <b>\$4,375</b>       | Amount of Council funding needed to support livestream from KPC |

**Funding Source Options:**

Option 1: Council Special Projects Reserves;

Option 2: Council's Diverse Community Event Fund, allocated as part of the 2021-2022 budget process (R-5434).

**NEXT STEPS**

Staff seek Council direction at the March 16, 2021 Council meeting to indicate a) which of the three funding options Council would prefer (No funding, \$1000 or \$4,375); and b) which of the two funding sources Council prefers to use (Special Projects Reserve or Diverse Community Event Fund), should they choose to support the event. With Council direction on March 16, 2021, staff would return to the April 6 meeting with a fiscal note authorizing the expenditure.

## ATTACHMENT A

**To: Jay Arnold, Kirkland City Council**

**From:** Margaret Schwender (Kirkland Interfaith Network (member))

**SUBJECT:** Partnership with the City of Kirkland to Host “Alaska Suite” Event at Kirkland Performance Center with Virtual Live Stream in honor of 50<sup>th</sup> National Anniversary of Earth Day which is honored on April 24 2021.

**Purpose of this document:** Request funding and promotional partnership from the City of Kirkland

**Sponsor:** Kirkland Interfaith Network (KIN) is a faith-based non-profit organization serving over 3,500 Kirkland families/individuals. KIN strives to serve those in need in and around Kirkland and the world in a variety of capacities.

Since KIN's formulation, 30 years ago, more than 100 outreach projects have been completed, many of which met unmet needs with families and individuals with limited incomes living throughout the Kirkland area. Over 100 members of KIN local churches in 2019 had the opportunity to view Alaska Suite at a “Meaningful Movie” offering in Kirkland. It was at this viewing that people brainstormed on how to bring this performance to Kirkland residents. Not only did many leave the performance having a much better understanding of the effects of Global Warming in Alaska, but also came away through conversation with others present with ideas of what they could do to slow down Global Warming in their homes!

During 2021 one area we are focusing on is **Global Warming** and how it is affecting each one of us on this earth.

**Event:** It is our hope, with the support of the City of Kirkland, to host a live stream performance of the “Alaska Suite: a story of beauty, loss and hope” in celebration of Earth Day 2021.

The Alaska Suite features a five-piece chamber jazz ensemble performing the original music of award-winning Seattle pianist and composer Nelda Swiggett. But this is not just a concert. In addition to music, the performance engages spoken words, images and poetry to connect audiences deeply and emotionally to the scientific realities of climate change. Ultimately a story of hope, the performance leaves audiences inspired to take action.

The Alaska Suite performance debuted on Earth Day 2017. It has since been performed 24 times, touching over 1300 people with its message of hope and call to action.

“... wonderfully inspiring.... The content was informative without being preachy; the music was magical...”

— Gail M.

“... conversations and emails have been “a buzz” of enthusiasm and appreciation for your concert and climate message. It was indeed remarkable...”

— Linda Jack

Why Alaska? While the earth has warmed on average about 2°F since the beginning of the Industrial Revolution, the Arctic is warming nearly twice as fast. The impacts of climate change are significant and alarming in Alaska right now, and this should be a wake-up call for all of us.

For Alaska Suite sound clips, videos and quotes, please visit : [www.alaskasuite.com](http://www.alaskasuite.com)

Alaska Suite's mission:



*“To use the power of artistic expression — live music, spoken words, images and poetry — to connect our audiences deeply and emotionally to the scientific realities of climate change, and to inform and inspire them to act now to address it.”*

“We believe climate change transcends politics. It is an unprecedented existential threat that affects us all. We believe our greatest challenge is to overcome misinformation and for each of us to find the courage to act individually and together. Acknowledging the dire consequences and sheer scale of climate change can be deeply emotional, yet our response must be based on scientific understanding, technological innovation, sound economics, and effective policy. We believe the performing arts have a unique and powerful role to play in facilitating society’s response to climate change.”

**KIN believes co-sponsoring a performance by Alaska Suite with the City of Kirkland would result in the following benefits: Date to be decided.**

1. Increased community awareness of global warming as we honor Earth Day through the interweaving of science and the arts.
2. Creation of a new venue through which Kirkland residents can be informed about the Kirkland Sustainability Master Plan approved in December 2020. (referral websites/links)
3. Creation of an opportunity for Kirkland residents to learn about volunteering for future Green Kirkland activities. (referral websites/links)
4. Promotion of opportunities for Kirkland residents to engage in global warming activism. {links Olympia, upcoming legislation) (network with activist groups) (People for Climate Action) (Lutheran Peace Fellowship).

It is our hope that a site can be secured to help this KIN Outreach activity become a reality, thus taking this event out of the pews of a single church and into a COMMUNITY LOCATION with the hope of reaching the broadest range of community members possible. Scheduling around Earth Day is desirable but to be determined.

**Present Community Commitments:**

1. KIN sponsorship will promote this event to over 3,500 Kirkland households.
2. KIN \$500 financial support to help cover expenses.
3. Lutheran Peace Fellowship: sponsor/ promotion of event to over 1,200 Kirkland/family/individual households.

**Specific Needs from Kirkland City Council/Staff:**

1. Designate this Alaska Suite performance as the recipient of one of the four days that the City has use of Kirkland Performance Center at the City’s reduced cost. It is estimated a total of 4 hours needed for set up and take down.
2. Support in the amount of \$1,000 from City Council’s Discretionary Fund to help with the \$1,500 estimated expenses to rent Kirkland Performance Center at the City’s reduced rate, thus allowing ticket sales and donations to cover the cost of the musician’s performance expenses.
3. Promote advertising of this event on City’s website, in newsletters, on Facebook, and any further promotion with linked organizations to help spread the word about this Earth Day offering.

**Call To Action:**

This event will bring not only educational awareness around the issue of Global Warming, but also inspire and provide community actions to slow down the effects of Global Warming in our local neighborhoods.

We will await a favorable response for this Kirkland Interfaith Network outreach offering.

Respectfully Submitted:

Margaret Schwender, KIN Volunteer

206 226 5358

margschwender@gmail.com

## **Attachment B**

### **Alaska Suites Earth Day Livestream: City of Kirkland Acknowledgment**

Livestream organizers have indicated they will integrate the following into event visuals, marketing and partnerships should the Council provide funding for the event, regardless of livestream location.

1. Visual representation of the City of Kirkland on the stage: Organizers referenced working with David Barnes or another City staff member to locate a banner or flag or other such visual representing City of Kirkland during the livestream;
2. Profits: should there be profits from event ticket sales, the group intends to donate them to a Kirkland-based nonprofit organization working in the climate change prevention space, preferably a youth organization. Organizers intend to work with David Barnes and/or other City staff to the extent appropriate for help identifying a suitable recipient;
3. Call to Action (in Kirkland): Organizers plan to insert slide(s) at the end of the PowerPoint deck (part of the mixed media performance) listing nonprofits or groups in the City of Kirkland that are working in the climate change prevention space. Concert viewers can contact these organizations to get involved in climate change prevention directly. Organizers intend to work with City staff to the extent appropriate to identify these organizations and mentioned David Barnes, the Volunteer Coordinator, Neighborhood Coordinator.
4. Marketing: Organizers intend to mention support from the City of Kirkland in all marketing and event materials, platforms and communications. The marketing plan has yet to be determined.