

ORDINANCE NO. 4364

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF KIRKLAND AT AN ELECTION TO BE HELD ON NOVEMBER 6, 2012, OF A PROPOSITION AUTHORIZING AN INCREASE TO THE CITY'S REGULAR PROPERTY TAX LEVY AND THE CITY'S PROPERTY TAX LEVY BASE OF \$.204 PER \$1,000 OF ASSESSED VALUATION IN ORDER TO PAY COSTS OF STREET AND SIDEWALK MAINTENANCE AND OPERATIONS AND FUND THE IMPROVEMENT AND DEVELOPMENT OF STREETS AND SIDEWALKS.

WHEREAS, the City Council of the City of Kirkland, Washington (the "City") has previously approved a Transportation Plan and Active Transportation Plan (the "Plans") as part of the Kirkland Comprehensive Plan, which calls for the City to: provide safe and accessible streets and transportation that support the City's land use plan; create a transportation system which allows the mobility of people and goods; maintain existing adopted levels of service for important public facilities; plan for a fair share of regional growth, and solve regional transportation problems that affect the City through regional coordination and partnerships; and

WHEREAS, the City's Pavement Condition Index (PCI) goals are 70 for arterials and 65 for the overall street network, the current PCI ratings are 59 for arterials and 66 overall, but at current levels of funding over the next twenty years the arterial PCI will decline to 50 and the overall network to 56 while the backlog of deferred maintenance projects will grow from \$39 million to \$148 million; and

WHEREAS, in order to implement the transportation capital goals under the Plans, and to maintain and operate City streets to City standards in the future, the City is in need of additional funding to supplement City funds to be applied to these purposes; and

WHEREAS, preventive pavement maintenance is prudent public policy because it costs significantly less overall than repairs or replacement that are delayed into the future; and

WHEREAS, Kirkland has established balanced transportation, including bicycle paths and safe walking, as a foundation of its Comprehensive Plan; and

WHEREAS, bicycle paths are an essential element of complete streets; and

WHEREAS, safe walking is dependent upon the presence of a complete sidewalk network and crosswalks equipped with modern safety features; and

WHEREAS, safe routes to school prevent accidents and allow children to receive the many health benefits of walking to school; and

WHEREAS, traffic calming investments improve the quality of Kirkland's neighborhoods by keeping vehicles at safe speeds which benefits drivers, cyclists and pedestrians; and

WHEREAS, RCW 84.55.050 authorizes the voters of a City to permit the levy of taxes in excess of the levy limitations established in RCW 84.55.010 pursuant to a "levy lid lift"; and

WHEREAS, the City Council has determined to fund the Plans on an ongoing basis and in the future with the proceeds of a permanent levy lid lift to be placed before the voters of the City pursuant to this ordinance; and

WHEREAS, to fund all or a portion of the cost of capital improvements for street maintenance and safety consistent with the Plans and the Capital Improvement Program as updated over time and on an ongoing and future basis and identified in Section 1 hereof (the "Street Improvements"), the City Council proposes to present a ballot proposition to the City's voters to increase the City's regular property tax levy in an amount of \$.204 per \$1,000 for collection in 2013 and to provide that the dollar amount of such levy be used for the purpose of computing the limitations for subsequent levies provided for in RCW ch. 84.55;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. In order to provide safe and accessible roads and transportation that supports the City's land use plan, to create a transportation system which allows the mobility of people and goods, to maintain existing adopted levels of service for important public facilities, to plan for a fair share of regional growth, and to solve regional problems that affect the City through regional coordination and partnerships, the City Council approves a Transportation and Active Transportation Plan (the "Plans") from time to time as a part of the Kirkland Comprehensive Plan. The Plans include, but are not limited, to the following: street maintenance and safety improvements for neighborhood streets and arterials, including resurfacing, pothole repair, pedestrian safety improvements, sidewalks and crosswalks. The initial goal for the permanent levy shall be to:

- Resurface, restore or replace approximately 90 lane-miles of arterial streets;
- Provide preventive maintenance on 650 lane-miles of local and neighborhood streets,
- Create safe routes to school near 12 elementary schools, as well as develop middle school and high school walk routes,
- Upgrade 50 crosswalks with new highly visible and energy efficient warning devices,
- Install approximately 500 new Americans with Disabilities Act wheelchair ramps to meet federal requirements,
- Restripe 450 crosswalks,
- Address neighborhood-identified safety improvements,
- Enhance transit and safety improvements on eight key transit corridors, and
- Produce an annual accountability report documenting actions and program status.

(collectively, "Street & Pedestrian Safety Improvements").

Once the initial goals are met additional street and pedestrian safety improvements shall be developed and implemented in accordance with the Transportation Plan, the Active Transportation Plan and the Capital Improvement Program as updated over time and as prioritized by the Transportation Commission and the City Council.

The cost of all necessary appraisals, negotiation, closing, architectural, engineering, financial, legal and other consulting services, inspection and testing, administrative and relocation expenses and other costs incurred in connection with the foregoing Street Improvements shall be deemed a part of the costs of such Street Improvements.

The City Council shall determine the exact specifications for the Street Improvements as well as the timing, order and manner of completing the Street Improvements. By ordinance of the City, the Council may alter, make substitutions to and amend the description of any Street Improvement as it determines is in the best interests of the City and consistent with the general descriptions provided herein. By ordinance, the City Council shall determine the application of moneys available for the Street Improvements set forth above so as to accomplish, as nearly as may be, all of the Street Improvements described.

If the City Council, by ordinance, shall determine that it has become impractical to acquire, construct or equip all or any portion of the Street Improvements by reason of changed conditions, incompatible development, costs substantially in excess of the amount of tax levies and other City funds estimated to be available, or acquisition by a superior governmental authority, the City shall not be required to acquire, construct or equip such portions. If all of the Street Improvements have been constructed or acquired or duly provided for, or found to be impractical, the City may apply the levy proceeds (including earnings thereon) or any portion thereof to other transportation purposes as the Council, by ordinance and in its discretion, shall determine.

Section 2. It is hereby found that the best interests of the inhabitants of the City require the submission to the qualified electors of the City of a proposition whether the City shall levy regular property taxes above the limitations established in RCW 84.55.010 for approval or rejection at the general election to be held on November 6, 2012, a proposition to increase the City's regular property tax levy by \$.204 per \$1,000 of assessed valuation for collection beginning in 2013 (with an estimated total annual collection amount of \$3,000,000 based on current estimates of assessed valuation) for the street purposes described herein. The dollar amount of such increased levy shall be used for the purpose of computing the limitations for subsequent levies provided for in RCW ch. 84.55. King County Elections, as *ex officio* supervisor of elections in King County, Washington, is hereby requested to assume jurisdiction of and to submit to the qualified electors of the City the proposition hereinafter set forth.

The City Clerk is hereby authorized and directed, not less than 84 days prior to such election date, to certify the proposition to King County Elections in the following form:

CITY OF KIRKLAND
PROPOSITION NO. 1

LEVY FOR CITY STREET MAINTENANCE AND PEDESTRIAN
SAFETY

The Kirkland City Council adopted Ordinance No. 4364 concerning a proposition for a street improvement levy rate increase. To fund street maintenance and safety improvements for neighborhood streets and arterials, including resurfacing, pothole repair, pedestrian safety improvements, traffic calming projects, school walk routes, sidewalks and crosswalks, the City's regular property tax levy shall be increased permanently by \$.204 per \$1,000 of assessed value for collection beginning in 2013 and such amount shall be used for the purpose of computing the limitations for subsequent levies provided under RCW ch. 84.55. Should this proposition be:

APPROVED?
REJECTED?

Certification of such proposition by the City Clerk to King County Elections, in accordance with law, prior to the date of such election, and any other acts consistent with the authority, and prior to the effective date, of this ordinance, are hereby ratified.

Section 3. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication.

Passed by a majority vote of the Kirkland City Council in open meeting this 17th day of July, 2012 and approved by the City Council as required by law.

Signed in authentication thereof this 17th day of July, 2012.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney