

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Extended Study Session

September 24, 2007  
6:00 p.m.

Council Conference Room  
Bellevue, Washington

PRESENT: Mayor Degginger, Deputy Mayor Chelminiak, and Councilmembers Davidson, Lee, and Marshall

ABSENT: Councilmembers Balducci and Noble

1. Executive Session

Deputy Mayor Chelminiak called the meeting to order at 6:01 p.m. and announced recess to Executive Session for approximately 20 minutes to discuss one item of property acquisition and one item of potential litigation.

The meeting resumed at 6:28 p.m., with Mayor Degginger presiding. He noted the addition of one personnel matter discussed during the Executive Session.

2. Oral Communications

- (a) Chris Mooi, CrescentView Investments/Bel-Green Developments, described plans to develop a senior residential project in the Overlake area that is 90 percent controlled by the City of Redmond. He asked that his company's site be excluded from the Bel-Red Corridor Plan and requested the allowance of higher building heights.
- (b) Roger Parasado, CrescentView Investments, said he has attended every Bel-Red Corridor Study Steering Committee meeting since March. He feels his company's proposed senior housing project will benefit the community. He expressed concern regarding the Committee's recommendation to limit building heights.
- (c) Joanne Walker spoke in favor of a land use plan that will enable CrescentView to develop senior housing in the 156<sup>th</sup> Avenue/Bel-Red Road/NE 24<sup>th</sup> Street area.

3. Study Session

- (a) Council Business and New Initiatives

(1) Recognition of PTA Membership Month

Councilmember Marshall thanked Audrey Bennett for her extensive involvement with local schools including Newport High School currently.

Mayor Degginger read a proclamation declaring September as PTA Membership Month.

- (b) Public Hearing on proposed Ordinance No. 5768 extending the Meydenbauer Bay Area Moratorium to complete the planning study

Ordinance No. 5768 imposing a moratorium on the acceptance of applications for the review and/or issuance of permits for any new development, addition, or alteration within the Moratorium Area, as such terms are defined in this Ordinance; repealing Ordinance No. 5762; and establishing an effective date.

City Manager Steve Sarkozy opened discussion regarding the issue of whether to extend the Meydenbauer Bay Area permitting moratorium.

Mike Bergstrom, Senior Planner, recalled previous Council direction to extend the moratorium to October 8 in order to give the Council time for further consideration of the matter. He reviewed the options for Council under state law: 1) Extend the moratorium, 2) Modify and extend the moratorium, and 3) Allow the moratorium to lapse. If adopted tonight as written, Ordinance No. 5768 would extend the moratorium for six months following its effective date, until approximately April 2.

- Deputy Mayor Chelminiak moved to open the public hearing, and Councilmember Marshall seconded the motion.
- The motion to open the public hearing carried by a vote of 5-0.

The following citizen came forward to comment:

- (1) Anita Neil, Meydenbauer Bay Neighbors Association, expressed concern regarding potential land use changes in the Meydenbauer Bay area. She said the right to impose a moratorium is not addressed in, and conflicts with, the City's Comprehensive Plan. She cited a letter from another citizen stating that a moratorium should be used only for a public emergency. She said she does not see a reason for the moratorium, and she disagreed with a reference in the City's materials that the issue affects public health and safety. Ms. Neil said the neighbors association is opposed to any zoning changes, and therefore there is no purpose in continuing the moratorium.
- Deputy Mayor Chelminiak moved to close the public hearing, and Councilmember Marshall seconded the motion.
  - The motion to close the public hearing carried by a vote of 5-0.

- Deputy Mayor Chelminiak moved to adopt Ordinance No. 5768, and Councilmember Marshall seconded the motion.
- Councilmember Davidson moved to amend the ordinance to extend the moratorium to January 30. Mrs. Marshall seconded the motion.
- The motion to amend the ordinance carried by a vote of 5-0.

Councilmember Lee said he is not convinced that the moratorium is necessary in order for the City to continue its planning process.

Deputy Mayor Chelminiak concurred with Mr. Lee's reluctance about the need for the moratorium. However he noted that the two absent Councilmembers, Ms. Balducci and Mr. Noble, previously expressed their positions that the moratorium should continue. Mr. Chelminiak feels that limiting the moratorium to January 30 is consistent with the original intent of the moratorium. Responding to Mr. Chelminiak, City Clerk Myrna Basich described the required number of votes needed to adopt the ordinance.

Mayor Degginger recalled comments from the Steering Committee's Chairpersons during the September 10<sup>th</sup> Council meeting that the moratorium is needed in order to fully explore planning alternatives. He feels it would be unfair at this point to interrupt the Committee's planning process.

Mr. Bergstrom said staff and the committee are working to complete the land use component of the planning process by the end of the year.

Responding to Councilmember Lee, Mr. Bergstrom said the moratorium is a way of managing the potential risk of development that could interfere with the City's and community's vision for the area. Mr. Lee feels the risk is minimal and does not necessarily warrant a moratorium.

Responding to Mayor Degginger, Steering Committee Co-Chair Iris Toscher spoke in favor of a six month extension of the moratorium. She noted the moratorium can be terminated if the planning process is completed sooner and the moratorium is no longer needed.

- The motion to adopt Ordinance No. 5768, as amended, carried by a vote of 4-1, with Deputy Mayor Chelminiak opposed.

(c) Update on Millennium Digital Media Cable TV Franchise

City Attorney Lori Riordan referenced materials beginning on page 3-13 of the meeting packet regarding the upcoming expiration of the cable television franchise with Millennium Digital Media (MDM). She noted that changes in Federal Communications Commission (FCC) rules that will limit the City's franchise authority are pending. The current MDM cable television franchise

will expire on October 10. Staff requests Council action on October 1 to either extend or renew the cable franchise for approximately three months.

Ms. Riordan responded briefly to questions of clarification.

Deputy Mayor Chelminiak disclosed that Comcast Spotlight, the advertising branch of Comcast Cable, is a marketing client of his. He has discussed this with the City Attorney and it was determined that there is no conflict of interest.

(d) Parks Capital Investment Program (CIP) Update

Parks and Community Services Director Patrick Foran opened staff's report regarding the department's Capital Investment Program (CIP) projects.

Glenn Kost, Parks Planning Manager, reported that construction of the Mercer Slough Environmental Education Center started in June and is scheduled for completion in September 2008. The Robinswood Park synthetic sports fields opened for play this month, construction of the Crossroads Park/Breakfast Rotary Water Play Area and the Highland Skate Park will begin in October, and construction of Ashwood Plaza will begin in November. The Kelsey Creek Stream Restoration project is still in design, and construction will begin next year.

Meydenbauer Bay waterfront planning will continue through June 2008. The master plan update for Bellevue Botanical Garden will continue through May 2008, Surrey Downs Park master planning is scheduled to begin in October, Eastgate property master planning is scheduled to begin in November, Ashwood Park master planning will begin in January 2008, and work on the Bellevue Youth Theatre design plan will continue through February 2009.

Mr. Kost said the first meeting regarding the Aquatic Center Feasibility Study occurred today. The City wants to determine if, and to what extent, it might support the development of an aquatic center. The study will include a market analysis, cost recovery goals, a program analysis, cost estimates, economic impacts, and funding options.

Mr. Kost reviewed four major projects receiving outside funding: 1) Mercer Slough Environmental Education Center, 2) Robinswood Park sports fields, 3) Crossroads/Rotary water play area, and 4) Highland Skate Park. He reviewed the full project schedule for all Parks CIP projects.

(e) Transmittal of Bel-Red Corridor Steering Committee's Recommendations

City Manager Steve Sarkozy noted that one of the Steering Committee Co-Chairs was driving back from Portland. He suggested moving on to the next agenda item until Mr. Lukens arrived.

(f) Regional Issues

Diane Carlson, Director of Intergovernmental Relations, provided a status report regarding planning for future jail capacity options. She briefly reviewed jail planning activities over the past several years following King County's determination that it could no longer provide jail beds for local governments. A contract with Yakima County expires in 2010. Yakima County has finally opened a portion of its new jail facility and it will be full by the end of this year.

The regional Cities Task Force began meeting in June and represents Auburn, Bellevue, Burien, Des Moines, Federal Way, Issaquah, Kirkland, Redmond, Renton, Seattle, and Shoreline. King County and these cities are currently using approximately 1,000 jail beds. It is estimated that 1,175 beds will be needed by 2011, and 1,450 will be needed by 2026. Bellevue's seven-year average for misdemeanor bed needs is approximately 51 per year.

Responding to Mayor Degginger, Ms. Carlson said the consultant based its needs estimates primarily on population. The consultant then revised its original needs estimate to reflect alternative measures such as electronic home detention. A jail should have 15 percent of its beds available at all times to allow for peaking.

Ms. Carlson noted that King County is the only regional jail facility that provides mental health services. The Task Force was directed to evaluate the consultant's analysis, narrow the range of options (by December), provide recommendations to the Jail Assembly Group (JAG), determine a draft scope for the feasibility study, and outline basic governance features.

The interlocal agreement with King County expires at the end of 2012, and no beds will be left for the cities to use by 2015. King County needs 511 more beds by 2024.

Responding to Deputy Mayor Chelminiak, Ms. Carlson said most of King County's inmates have committed felonies.

Ms. Carlson said that completion of the Regional Justice Center (RJC) might meet the County's needs, but there will not be beds for the cities. King County has indicated an interest in entering into partnerships with cities, which is currently being discussed by the County and the Task Force. Parallel efforts include joint jail planning between Des Moines, Federal Way, Renton, and Tukwila; Auburn's study to develop a jail facility; Seattle's interest in building a jail for its own use and/or in partnership with cities or King County; and Kirkland's study of jail needs, concurrent with its annexation work.

Councilmember Marshall noted that the State's termination of providing mental health facilities has resulted in an increased challenge for local governments. She suggested initiating discussions with the Governor's staff and legislators regarding mental health facilities and funding.

Deputy Mayor Chelminiak concurred with Mrs. Marshall. He feels that cities should work with the State to obtain funding and to encourage the State's involvement in housing misdemeanants.

Councilmember Lee encouraged the exploration of additional options including the private operation of jail facilities.

Moving to the Cascade Water Alliance update, Alison Bennett referenced page 3-47 of the meeting packet for related materials. She noted that Cascade's 2008 budget includes a Regional Capital Facilities Charge, which is Cascade's wholesale charge for new connections. The proposed amount for 2008 is \$5,674 per connection. Cascade's 2008 operating budget is \$22.5 million, the 2008 capital budget is \$80 million, and the seven-year Capital Investment Program is \$264 million.

Ms. Bennett said negotiations for the purchase of Lake Tapps are still underway. The anticipated costs associated with the purchase and operation of the lake are included in the 2008 budget.

Cascade's wholesale charges to Bellevue will increase by 9.5 percent, resulting in a 5 percent retail rate increase to customers. This amount was anticipated and included in Council's adopted rate for 2008. The Cascade Board is scheduled to consider adoption of the Regional Capital Facilities Charge on Wednesday, September 26, and the 2008 Budget will be discussed in October.

Ms. Bennett requested Council support of the rate increase and the Regional Capital Facilities Charge.

Mayor Degginger noted Council consensus to proceed with the Cascade budget as proposed.

Ms. Carlson provided a briefing on potential issues for the 2008 state legislative session including Regional Transportation Investment District (RTID) funding and governance, statewide tolling policy, Cascade Water Alliance eminent domain authority, local infrastructure funding, court contracting, taping Executive Sessions at local government level, general eminent domain policy changes, public records exemptions, Puget Sound Partnership, and Puget Sound Clean Air Agency Board Membership.

Mayor Degginger suggested that the City of Bellevue become more actively involved with the Puget Sound Clean Air Agency.

Ms. Carlson responded briefly to questions of clarification.

(e) Transmittal of Bel-Red Corridor Steering Committee's Recommendations

Terry Lukens, Bel-Red Corridor Steering Committee Co-Chair, commented on the extensive public process associated with the Bel-Red Corridor Study. He noted that the Committee worked primarily by consensus. The issue that experienced the most disagreement was building heights. Mr. Lukens explained that the Bel-Red Corridor presents the opportunity for new housing, environmental changes, transit-oriented development, and office/mixed use development.

Planning and Community Development Director Matt Terry praised the committee for its competent work. The public was actively engaged in the process and different viewpoints were expressed on nearly every subject at every meeting.

Mayor Degginger thanked the Steering Committee and Co-Chairs Terry Lukens and Mike Creighton for their commitment and leadership in this effort.

Kevin O'Neill, Long-Range Planning Manager, noted the elements addressed in the final recommendations including transportation, light industrial uses, service uses, open space, housing, and building heights. He reviewed the preferred alternative map reflecting clusters of development (office, housing, retail, mixed use). Parks, open spaces, and riparian corridors are key elements of the plan as well.

Transportation and land use components have been closely linked throughout this planning process. The plan reflects a strategy to allow existing light industrial uses but to not allow new LI uses. Service uses encompass a broad range of businesses, and all existing services uses will continue to be allowed. However, new service uses will be allowed only in certain portions of the area. Mr. O'Neill reviewed proposed building heights, which will vary throughout five areas.

Planning Director Dan Stroh reviewed the key implementation strategy components including Comprehensive Plan amendments, Land Use Code amendments, conceptual engineering, street development standards, capital needs list and cost estimates, phasing plan, capital financing plan, and BROTS (Bel-Red Overlake Transportation Study) successor agreement with the City of Redmond.

Mr. Stroh commented on the complexity of the land use planning process, which will involve the Planning Commission, Transportation Commission, Environmental Services Commission, and Parks and Community Services Board. He asked the Council to set a clear charge for each Commission and Board to help guide the process. An extensive public involvement process will continue throughout implementation.

Mr. Stroh referenced page 3-21 of the meeting packet for a draft implementation process schedule. Next steps include discussion with Council on October 1 about the Steering Committee's recommendations and Council's development of charges for each Commission and Board. The Boards and Commissions are expected to consider the committee's recommendations through early 2008.

Councilmember Marshall asked that the Arts Commission be involved in the plan implementation process. She noted the large art component associated with Sound Transit projects as well. She encouraged coordination between the Boards and Commissions as they are reviewing the Steering Committee's recommendations.

Councilmember Lee expressed concern that the timeline might be too aggressive. He encouraged a thorough, long-range review of all project and planning concepts.

Responding to Dr. Davidson, Mr. Terry said BROTS discussions between the City of Bellevue and the City of Redmond are anticipated in November. Redmond's preliminary planning is looking at office, housing, and mixed use development aligned around a transit node

contemplated in the November roads and transit ballot measure. Redmond is considering somewhat significant changes in building heights and intensity. Mr. Terry noted Bellevue's concerns regarding traffic impacts associated with both cities' development plans.

Deputy Mayor Chelminiak concurred with Mrs. Marshall regarding including the Arts Commission in the planning process.

Mrs. Marshall expressed an interest in addressing school needs as well as partnerships across jurisdictions for sportsfield development and usage.

Councilmember Lee would like to see a multicultural center in the Bel-Red area.

Following additional brief questions of clarification, Mr. Lukens commended staff for their support of and work with the Steering Committee.

Mayor Degginger declared the meeting adjourned at 9:17 p.m.

Myrna L. Basich  
City Clerk

kaw