

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

January 16, 2007  
8:00 p.m.

Council Chamber  
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:04 p.m., with Mayor Degginger presiding.

2. Roll Call, Flag Salute

Upon roll call by the Deputy City Clerk, all Councilmembers were present. Councilmember Lee led the flag salute.

3. Communications: Written and Oral: None.

4. Reports of Community Councils, Boards and Commissions

Steve Kasner introduced himself as a new member of the East Bellevue Community Council. He recalled that his involvement 10 to 12 years ago in Advance Bellevue sparked his interest in participating in local government. He thanked the Council for projects in East and South Bellevue including the South Bellevue Community Center and the Neighborhood Investment Strategy (Lake Hills).

Mr. Kasner thanked Councilmember Balducci for her support of the Lake Hills Community Club. Mr. Kasner was appointed to the East Bellevue Community Council in October and Ross Gooding was appointed in November. James Eder recently resigned which provides the opportunity for a new member. Mr. Kasner said the Community Council looks forward to working with the City Council on projects and issues important to residents.

5. Report of the City Manager

City Manager Steve Sarkozy announced an amendment to the agenda to address two items not covered in the earlier Study Session due to a time constraint.

Agenda Item 2(b) from Study Session – Windstorm Debris Removal and Snowstorm Response

Denny Vidmar, Utilities Director, provided an update on debris management following the December 14 windstorm. Staff's street survey of rights-of-way indicates that an increase of \$330,000 in the contract with a private tree removal company is needed, for a total contract amount of \$580,000. The original contract amount of \$250,000 was intended to get the contractor started while City staff completed its inventory of rights-of-way. Additional details are provided in a management brief in Council's desk packet. Depending on the weather, the contractor's work could be completed within approximately two weeks.

Mr. Vidmar said Parks crews are also involved in removing branches from the right-of-way. All work is expected to be completed by mid-March. Citizens with questions about when their neighborhood is scheduled for right-of-way cleaning can contact the Utilities Department at 425-452-7840.

Regarding private property debris management, Mr. Vidmar said 640 customers have used the free service to dispose of a total of 2,000 cubic yards of windstorm debris at Pacific Topsoils. This service will continue through Sunday, January 28, as the recent snow and ice made it difficult for customers to gather and transport debris before the previous deadline.

In response to a previous request by the Council, Mr. Vidmar reviewed a comparison, provided in Council's desk packet, of the City's response to the recent windstorm and to the 1993 Inauguration Day windstorm. The solid waste contract in 1993 did not address storm debris pickup. An emergency contract of \$300,000 was initiated with Allied Waste at that time to collect piles of storm debris, which took approximately one month to complete. Yard waste pickup was monthly during the winter at that time and is now a weekly service. With the recent storms, City staff talked to Allied Waste about providing more containers for residents but the company does not have a large inventory of the containers. Mr. Vidmar noted that in 1993, the cost of debris disposal from private property was eligible for reimbursement from FEMA. These are no longer FEMA-eligible costs.

Mr. Vidmar summarized that most residents have managed their storm debris through the weekly curbside collection program and/or the free drop-off service at Pacific Topsoils. Of approximately 28,000 single-family customer accounts, less than a dozen complaints could not be resolved by the disposal options offered.

Councilmember Balducci said some residents had the impression that branches left at the curb would be picked up. She suggested printing guidelines, perhaps in the next *It's Your City* paper, about garbage and yard waste collection. Mr. Vidmar agreed with the suggestion and noted the need to remind the public of the guidelines when the next storm occurs.

Ms. Balducci referred to the provision that allows residents, in cases in which pickup does not occur because of the weather, to leave twice the amount of yard waste the following week. She suggested providing information to the public about how they should go about doing this, especially if they have only one container.

Councilmember Lee commended Utilities Department staff for their quick and thorough response to the storms and the problem of debris removal.

Mayor Degginger concurred and thanked all staff for their hard work and for putting in extra hours when needed.

Al King, Assistant Director for Operations and Maintenance (Utilities), referred Council to the management brief in the desk packet regarding staff's response to snow and ice events since January 10. Crews prepared for the snow by starting 12-hour shifts on January 9 to provide 24-hour coverage in the event of a storm. Supplies of sand, anti-icing agent, and de-icing agent were stocked as well. Anti-icer was applied to locations known to experience ice problems.

On the afternoon of January 10, plows and sanders were staged at crucial locations throughout the city, including Lakemont Boulevard. Lakemont Boulevard became over-crowded and was closed by the City to plow and de-ice. Some drivers drove around City barricades and ultimately 150 cars were abandoned on Lakemont Boulevard. Cars were removed the next morning, and the City was able to plow two lanes and reopen the road by 10:45 a.m.

Mr. King said in the future, staff will pre-position enough barricades and signs to provide a complete physical barrier to traffic, and staff will also be stationed at the top and bottom of Lakemont Boulevard when it is necessary to close the road for the snow plows.

Mr. King noted the snow that accumulated overnight and explained that snow routes have been replowed and sand has been reapplied as freezing temperatures are expected tonight. He said staff will continue to look for ways to improve response to storms and emergency events.

Deputy Mayor Chelminiak observed that the gridlock that occurred on Wednesday night (January 10) reflects deficiencies in the regional highway system, which is the responsibility of the State.

Dr. Davidson shared his experience of getting back from Seattle on Wednesday night and noted the need to educate the public that they should not abandon their vehicles in the middle of the road but should try to get to the side as much as possible.

Mayor Degginger reiterated his appreciation for staff's hard work to keep roadways clear, and for dealing with the special challenges of the area's topography.

Agenda Item 3(a) from Study Session – Application of the City of Bellevue to Rezone Nine Parcels in Factoria Area

Land Use Director Carol Helland described the application of the City of Bellevue to rezone nine parcels in the Factoria area from General Commercial/Office to Community Business. The parcels are located north of Factoria Mall at Factoria Boulevard and SE 38<sup>th</sup> Street.

The rezone is proposed to provide consistency between the Land Use Code and Comprehensive Plan. The Factoria Subarea Plan update was completed in 2005 and adopted by Council in 2006. The update changed the Comprehensive Plan designations for the parcels to Community Business. Approval of the rezone will ensure that Land Use Code zoning is consistent with the Community Business designation as well.

Ms. Helland said the land use process review did not generate any public comments, and no one testified against the proposal before the Hearing Examiner.

Responding to Councilmember Lee, Ms. Helland said one of the goals of the Factoria Area Transportation Study (FATS) was to encourage residential uses to facilitate transportation efficiencies to be gained by the close proximity to businesses and shops. The Community Business designation will allow housing units, most likely in mixed use developments. In further response to Mr. Lee, Ms. Helland said the rezone is intended to accommodate new and different frontage characteristics along Factoria Boulevard.

Ms. Balducci noted that the zoning change will allow up to 30 units per acre. When Council considered the reconfiguration of housing in Factoria Mall several years ago, it was tied to the Factoria Area Transportation Study and traffic concurrency targets. Ms. Balducci asked whether the rezone will significantly change the number of housing units. Ms. Helland said the currently proposed rezone would allow approximately 92 additional units, and these were addressed in the previous FATS analysis.

Mayor Degginger noted general consensus to direct staff to prepare an ordinance consistent with the Hearing Examiner's recommendation regarding the rezone application. Ms. Balducci requested information describing why these nine parcels were selected and others on Factoria Boulevard were not.

- (a) Management Brief – Reappointment of Bellevue Convention Center Authority (BCCA) Board Members

Returning to the Regular Session agenda, City Manager Steve Sarkozy referred Council to page 5-1 of the meeting packet for his recommendation regarding reappointments to the Bellevue Convention Center Authority (BCCA) Board. Recommended for reappointment through January 1, 2010, are Robert Wallace and Don Prather. The Board performs in a fiduciary role and monitors the financial viability of the convention center.

- ☞ Deputy Mayor Chelminiak moved to concur with the City Manager's reappointment of Robert Wallace and Don Prather to the Bellevue Convention Center Authority (BCCA) Board. Mr. Noble seconded the motion.

As liaison to the BCCA Board, Councilmember Lee said he concurs with the recommendation to reappoint Mr. Wallace and Mr. Prather. For the future consideration of Board appointments, Mr. Lee requested the attendance records of members.

- The motion to concur with the City Manager's reappointment of Robert Wallace and Don Prather to the Bellevue Convention Center Authority (BCCA) Board carried by a vote of 7-0.

(b) Management Brief – Progress Report on Neighborhood Livability Action Agenda

Mr. Sarkozy noted an update regarding the Neighborhood Livability Action Agenda on page 5-3 of the packet.

Cheryl Kuhn, Neighborhood Outreach Manager, provided an update on the Neighborhood Livability Action Agenda approved by Council on September 25, 2006. This initiative coordinates with existing neighborhood programs and is intended to address needs consistently identified by residents. The three elements of the Action Agenda are property maintenance, neighborhood character, and neighborhood investment.

The property maintenance element includes code compliance enforcement as well as Neighborhood Fitness projects underway in two of seven targeted areas. The neighborhood character issue responds to residents' concerns about infill development affecting changes in housing scale, architecture, vegetation, and lot coverage. The Neighborhood Investment Strategy responds to neighborhood infrastructure needs.

Ms. Kuhn said extensive educational, cleanup, and community building events have been held in the two targeted neighborhoods. A special curbside garbage collection removed more than 60 tons of unwanted items from these two neighborhoods. Surveys have helped to identify neighbors' concerns. Personnel in Utilities, Transportation, and the Police Department have enhanced their focus on responding to these specific concerns. Neighborhood celebrations have been held in the two targeted areas in order for staff to become better acquainted with residents and for residents to get to know each other.

Ms. Kuhn explained that Code Compliance has realigned its team to work more closely with neighborhood outreach and liaison efforts. A new limited term Code Compliance Officer was recently hired to further enhance the program. Ms. Kuhn said enforcement activities will be discussed in the next update. Staff anticipates moving to the third and fourth targeted areas this spring and follow-up will continue in the first two neighborhoods.

In the area of neighborhood character, staff is conducting an inventory of neighborhood infill, which is approximately 30 percent completed with a detailed review of 280 single-family permit files. Staff is compiling objective information on impacts including loss of vegetation; loss of light; and changes in scale, use, or architecture. The next step will involve community outreach to gather public input. Ms. Kuhn noted Mayor Degginger's request for a list of people staff plans to interview, which will be provided to the Council this week.

In the area of neighborhood investment, an interdepartmental team of Transportation, Utilities, and Planning staff has been working to compile information about requests for sidewalks. Transportation staff are utilizing preliminary ranking criteria reflecting neighborhoods' needs, values, and interests and addressing projects that are too expensive to qualify for the Neighborhood Enhancement Program (NEP).

Ms. Kuhn said the biggest challenges of the program are maintaining momentum with residents and ensuring that current efforts are sustainable by residents into the future.

Responding to Councilmember Marshall, Ms. Kuhn said this is a three-part program. The property maintenance element is targeted on seven areas. The neighborhood character and neighborhood investment elements apply citywide. However, concerns about infill development relate primarily to West Bellevue. Ms. Kuhn said the 27 sidewalk projects are citywide.

In further response, Ms. Kuhn said the City coordinates with the Rebuilding Together (formerly Christmas in April) organization as a resource. Other nonprofit and volunteer groups are involved in addressing property maintenance issues as well.

Deputy Mayor Chelminiak noted that Councilmembers will likely have suggestions of citizens that would be helpful for staff to talk with. He would like the Council to have the opportunity to suggest how neighborhood investment funds are spent and to discuss the criteria used for prioritizing projects.

Responding to Councilmember Balducci, Ms. Kuhn said infill development refers to major remodels and redevelopment in which homes are torn down and rebuilt, typically resulting in larger homes. Ms. Balducci said she has received favorable comments from residents about the City's efforts. She supports the goal of ensuring sustainability as well.

(c) Management Brief – Proposed Amendments to Noise Code and Bellevue City Code Relating to Amplified Sound

Lesia Hutnak, Legal Planner, recalled that during the December 11, 2006 Study Session, staff proposed an ordinance addressing Council's previous directives regarding amendments to the Noise Code for clarified implementation and enforcement. The five goals of the amendments are to: 1) Limit the number of permits per week, 2) Impose a decibel limitation on sound amplification, 3) Improve enforcement and impose escalating fines, 4) Consolidate noise regulations, and 5) Clarify that permits issued pursuant to the Special Events Code and the Parks and Facilities Code are exempt from the limitations on noise production set forth in the Noise Code.

Since December, staff has made minor revisions to the proposed ordinance to clarify the objectives of noise control regulations. Amendments to Bellevue City Code 1.18, the enforcement provision, have clarified that the Hearing Examiner shall double fines for repeat violations of a sound amplification permit.

Ms. Hutnak noted a revision to the agenda memo in the meeting packet [Page 5-10, second bulleted item] to correct the amount of \$750 to \$1,000. The proposed ordinance requires that an application for a sound amplification permit be submitted at least one week prior to the event in order for staff to arrange for a Code Compliance Officer to be on call during any Saturday events.

An additional amendment to the Noise Code, based on Council direction, clarifies that sounds not exceeding the maximum environmental noise level [Set forth in Section 9.18.030] may still constitute a noise disturbance. Ms. Hutnak requested that Council schedule the ordinance for action during the February 20 meeting.

Darcie Chinn, Assistant City Attorney, explained that amendments to the Parks Code [Section 3.43] and Special Events Code [Section 14.50] provide consistency with changes to BCC 9.18 [Noise Control Code] and clarify how the exemptions relate to the new code.

Attachment B [Page 5-17 of meeting packet] is the proposed ordinance amending the Parks Code. The current Parks Code allows amplified sound in a park that does not extend beyond 30 feet. Beyond that, an exemption from the City Manager is required. A major change in the proposed Parks Code is clarification of the criteria used by the City Manager in evaluating applications for exemptions. The proposed change to Section 3.43 of the Parks Code adds a cross reference to BCC 9.18 as well.

Attachment C [Page 5-19] is the proposed ordinance amending the Special Events Code. It contains similar clarifications to those made in the Parks Code and adds the cross reference to BCC 9.18.

Ms. Chinn explained that exemptions are needed because revised section 9.18 would otherwise restrict popular events such as the Magic Season and 4<sup>th</sup> of July celebration. Revisions clarify that permits issued under this title are administered through the Planning and Community Development Department, in conjunction with the City Manager, instead of through the Police Department.

Councilmember Balducci questioned how violations of BCC 3.43.260 would occur. She noted that the ordinance states that the City Manager will grant or grant with conditions a permit. The ordinance also states that a violation is treated as a civil noise infraction. She feels the penalty does not match the violation.

Ms. Chinn said it is possible to violate this section of the code by playing a portable stereo louder than 30 decibels without a permit. She will review and revise the ordinance.

Referring to Section 7 of the ordinance amending the Noise Control Code and Sound Amplification Code [Page 5-27 of packet], Deputy Mayor Chelminiak questioned the statement indicating that sounds which do not exceed the maximum environmental noise levels set forth in BCC 9.18.030 may constitute noise disturbances.

Ms. Hutnak clarified that even if noise does not exceed the decibel limitations, the sound may still constitute a noise disturbance and may be cited as such. An example is a barking dog, which might fall under the 65 dBA threshold but if it is heard at the property boundary or at least 75 feet from the source, the Police could still cite a repetitive sound such as this as a noise disturbance.

6. Council Business

Councilmember Balducci announced that the Wrap Around Services Project is hosting a family literacy night from 6:00 to 7:30 p.m. at Lake Hills Elementary School. Entertainment and activities are scheduled.

Ms. Balducci attended a meeting of the PSRC Transportation Policy Board. At the meeting, she commented on the difficulty of transporting citizens to and between shelters following the recent windstorm.

Councilmember Noble said the Eastside Transportation Partnership was cancelled the previous week due to weather conditions. ETP has not yet selected new officers and is working on developing its legislative agenda. Mr. Noble attended the Eastside Human Services Form annual meeting.

Deputy Mayor Chelminiak attended meetings of the PSRC Growth Management Policy Board and the Association of Washington Cities' (AWC) sexual offenders work group.

Councilmember Marshall said Sound Transit adopted the draft Phase 2 plan during the last Board meeting. Sound Transit will conduct outreach to gather comments on its Phase 2 plan as well as proposed RTID (Regional Transportation Investment District) projects.

Councilmember Lee attended a meeting of the Suburban Cities Association and was appointed as a regular member of the Regional Transit Committee. He feels Bellevue's issues are similar to those of SCA members. Mr. Lee attended the PSCR Economic Development District meeting.

Councilmember Davidson attended the SCA meeting and was appointed as a delegate on the Regional Water Quality Committee, which deals with wastewater issues.

Mayor Degginger noted this is the last week for publication of the *King County Journal*. He thanked reporter David Grant for his hard work and integrity in covering local government issues.

7. Approval of the Agenda

➡ Deputy Mayor Chelminiak moved to approve the agenda, and Mr. Lee seconded the motion.

➡ The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

- Deputy Mayor Chelminiak moved to approve the Consent Calendar, and Mr. Lee seconded the motion.
- The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:
  - (a) Minutes of December 4, 2006 Study Session  
Minutes of December 4, 2006 Regular Session  
Minutes of December 11, 2006 Study Session  
Minutes of December 11, 2006 Regular Session  
Minutes of January 2, 2007 Special Meeting (Legislative Breakfast)  
Minutes of January 2, 2007 Study Session  
Minutes of January 2, 2007 Regular Session
  - (b) Resolution No. 7491 ratifying the increase in the dollar amount of the Davey Tree contract by \$330,000, for a total contract amount of \$580,000 for tree removal due to the severe weather experienced on December 14 and 15, 2006.
  - (c) Resolution No. 7492 designating the official newspaper of the City of Bellevue.
  - (d) Resolution No. 7493 authorizing execution of a three-year professional services contract with Tri-Med Ambulance to provide Basic Life Support (BLS) non-emergency patient transport services.
  - (e) Resolution No. 7494 authorizing entering into an agreement with Mapcon/OSI Geospatial, in the amount of \$161,405 to obtain high resolution color digital orthophoto images, digital terrain elevation data, and contour information.
  - (f) Resolution No. 7495 authorizing the execution of a renewal of the Professional Services Agreement with Tor and Dorothy Storkersen for caretaking services at Newcastle Beach Park.
  - (g) Resolution No. 7496 authorizing execution of a professional services agreement with DELTAWRX for the development of the NORCOM Regional Dispatch Agency Technology Study.
  - (h) Resolution No. 7497 authorizing execution of a grant agreement (and supplements if necessary) with the Washington State Department of Transportation for the acceptance of Federal Surface Transportation Program (STP) funds, awarded through the 2006 Puget Sound Regional Council's STP/CMAQ competition, to fund the widening of NE 8<sup>th</sup> Street/106<sup>th</sup> Avenue NE to 108<sup>th</sup> Avenue NE. (CIP Plan No. PW-R-152)

- (i) Resolution No. 7498 authorizing execution of a consultant agreement with Jacobs Engineering Inc. in the amount of \$315,000 to provide on-call construction inspection services for the NE 10<sup>th</sup> Street Extension Stage 1 project within the CIP Plan scheduled for 2007-2008 construction seasons, and as necessary to insure proper construction inspection and management.
- (j) Ordinance No. 5713 authorizing: 1) Execution of a second amendment to a Commute Trip Reduction (CTR) Implementation Agreement with the Washington State Department of Transportation (WSDOT) to support the development of an updated citywide CTR plan and a Downtown Bellevue Growth and Transportation Efficiency Center (GTEC) plan; and, 2) Amendment of the 2007-2008 Operating Grants and Donations Fund budget to increase the appropriation by \$16, 827.
- (k) Resolution No. 7499 authorizing execution of a professional services agreement with RW Beck Inc. in the amount of \$298,000 for engineering services for the Lower Coal Creek Sediment Pond project. (CIP Plan No. D-101)
- (l) Resolution No. 7500 authorizing execution of a professional services agreement with Tetra Tech/KCM Inc. in the amount of \$385,000 for engineering services for the Coal Creek Upper Reach Stabilization and Bed Control project. (CIP Plan Nos. D-95 and D-100)

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Installation of Sprinkler Systems in City Fire Stations (*Postponed from January 2, 2007*)

Fire Chief Mario Trevino explained that the proposed resolutions provide for the retrofit of automatic sprinkler and fire protection systems in four of the nine fire stations. The cost for the work is \$578,816, and an additional contract for \$47,041 provides contract oversight. Automatic sprinkler systems are required in new fire stations under the Washington Administrative Code. However, sprinklers are not required in existing fire stations unless a 60 percent remodel is performed. Chief Trevino said the installation of automatic sprinkler systems sets an example for the community and provides protection for fire fighters. Additional fire stations were retrofitted with new systems in 2005.

Chief Trevino said cost increases have occurred since the project was added to the Capital Investment Program (CIP) Plan during 2005. Originally the design work for the project was to be completed in-house. However, the current development boom was not anticipated at that time. An increase in Fire Prevention staff's workload and the retirement of the Assistant Fire Marshal and Fire Engineer have placed additional pressure on staff. As a result, the Fire

Department contracted much of the technical work for the project. The cost of sprinkler installations has risen significantly (103%) since March 2004.

Councilmember Balducci noted program funding of \$678,000 for CIP Project No. PS-53, of which \$378,000 has been appropriated to date and \$300,000 remains in the 2007 budget. She questioned the amount of funds currently available to support the proposed resolutions.

Deputy Fire Chief Mike Eisner explained that the Fire Department worked with the Finance Department to shift some funds from the Public Safety Renovation CIP project to the original Sprinkler Retrofitting project.

Responding to Ms. Balducci, Deputy Chief Eisner said selected maintenance programs have been deferred for a couple of years to accommodate the shift of funds. These include parking and landscaping issues at Station 1 as well as projects at Station 9 and the Training Center. These projects are scheduled for 2008.

Resolution No. 7487 authorizing execution of a contract with Regency NW Construction Inc. in an amount not to exceed \$578,816 for the installation of fire sprinklers in existing fire stations.

☛ Deputy Mayor Chelminiak moved to approve Resolution No. 7487, and Mr. Lee seconded the motion.

☛ The motion to approve Resolution No. 7487 carried by a vote of 7-0.

Resolution No. 7488 authorizing execution of an amendment to the professional services contract with Sierra-Martin Architects in an amount not to exceed \$47,041.30 to provide project management for the fire sprinkler installation project.

☛ Deputy Mayor Chelminiak moved to approve Resolution No. 7488, and Mr. Lee seconded the motion.

Mayor Degginger expressed his discomfort regarding the sequence of events related to this project. He is concerned that the increased project costs and delay in completing the work have made it necessary to defer other work items.

☛ The motion to approve Resolution No. 7488 carried by a vote of 7-0.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:18 p.m., Mayor Degginger declared the meeting adjourned.

Myrna L. Basich  
City Clerk

kaw