

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

May 4, 2009
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:05 p.m., with Mayor Degginger presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers were present. Councilmember Bonincontri led the flag salute.

(a) Bellevue Volunteer of the Year

Shelly Shellabarger, Volunteer Program Coordinator, reported that in 2008 more than 5,900 volunteers performed 128,800 hours of community service for City of Bellevue programs. She introduced three volunteers selected for recognition with the 2009 awards:

- Rick Teegarden – Youth Volunteer of the Year (Multiple Youth Link Programs)
- Joan Mehline – Community Volunteer of the Year (Puget Sound Blood Center)
- Jim McWha – City Volunteer of the Year (Kelsey Creek Farm)

Ms. Shellabarger showed a brief video portraying the volunteers and their work.

Mayor Degginger praised the volunteers for their outstanding community service.

(b) Proclaiming May as National Older Americans Month

Mayor Degginger read a proclamation recognizing May as Older Americans Month, and encouraged all residents to honor our older adults and those who care for them.

Cathy VonWald, Community Services Supervisor, introduced Gary Dickerman, Vice Chair of the Bellevue Network on Aging, to accept the proclamation. Mr. Dickerman invited Councilmembers and the public to participate in activities planned for Older Americans Month. He noted that copies of the Bellevue Network on Aging work plan and annual report have been distributed to the Council.

(c) Proclaiming May 4-10 as Public Service Recognition Week

Mayor Degginger expressed appreciation for those involved in public service and read a proclamation recognizing May 4-10 as Public Service Recognition Week.

City Manager Steve Sarkozy accepted the proclamation on behalf of City employees, and commended their commitment and service.

(d) Proclaiming May 16-22 as National Safe Boating Week

Mayor Degginger read a proclamation recognizing May 16-22 as National Safe Boating Week and encouraging those who boat to be smart, safe, and to wear life jackets.

Dewey Lybecker, incoming Commander of the local Bellevue Sail and Power Squadron, introduced Frank Devorak, National Executive Officer, and Barbara Erickson, District Commander. Mr. Devorak noted that the U.S. Power Squadron is celebrating its 95th anniversary this year and has 42,000 members around the country.

Mr. Lybecker accepted the proclamation and presented Mayor Degginger with an honorary membership to the Bellevue Sail and Power Squadron.

3. Communications: Written and Oral

- (a) Christie Hammond, Surrey Downs East Link Committee, presented a request urging the Council to recommend the B7 light rail alignment, including the elevated SE 8th Street station and park and ride structure, to the Sound Transit Board. She provided the Committee's comments in writing as well.
- (b) Janis Wold, Treasurer and incoming President of the Bellevue Philharmonic Orchestra, requested an emergency funding grant of \$35,000 to help the orchestra move forward with its 2009-2010 season programming. She noted that the orchestra's schedule and budget have been significantly altered due to limited financial resources. The musicians are willing to continue through 2010 at minimum wage, and have organized a benefit concert for May 17 which will help the orchestra meet its accounts payable obligations.
- (c) Tom Callahan provided background information on his efforts to conserve water, including the installation of a tankless water heater. However, the City's water pressure is not sufficient to operate the energy efficient water heater. He submitted a petition from Fairmont Development residents asking the City to enhance its water pressure.

- (d) Greg Johnson, President of Wright Runstad, noted the company's partial ownership of the Spring District, which is intended as a catalyst project for the redevelopment of the Bel-Red corridor. He thanked City staff for their work to design a catalyst project package, which involves both code amendments and the implementation of a development agreement. He urged the Council to maintain its momentum to initiate the process for adopting the catalyst development agreement as soon as possible.
- (e) Ali Biria noted the news article regarding the alignment of light rail through downtown Bellevue as part of the Sound Transit East Link project. He expressed his ongoing concern regarding the negative impacts for small businesses, and encouraged consideration of a shorter tunnel as a way of making a tunnel more affordable.

4. Reports of Community Council, Boards and Commissions

Betina Finley, Arts Commission Chair, explained that the Commission met earlier in the evening to discuss the Bellevue Philharmonic Orchestra's request for emergency funding of \$35,000. She described the orchestra's business model, noting that the Commission recommends providing the funding. The Arts Commission would consider the use of Capital Investment Program (CIP) or Public Art Program funds with the intent that the funds be drawn from future projects.

Responding to Councilmember Davidson, Ms. Finley clarified that if funds are reallocated from future projects, the Commission requests that the Council consider replacing the lost funding in the future.

Responding to Deputy Mayor Balducci, Ms. Finley said funds could be drawn from a number of programs including the sculpture exhibit, Art in the Neighborhoods, and Art Walk.

Councilmember Chelminiak thanked Arts Commissioners for their work, and noted that the Council is supportive of the arts. He expressed support for funding this one-time emergency request.

Councilmember Lee concurred and thanked the Arts Commission for its willingness to reallocate funding from other programs.

Councilmember Bonincontri expressed her support as well, and suggested that the Council consider establishing an emergency fund in the CIP Plan to respond to this type of request.

Mayor Degginger thanked the Arts Commission for its responsiveness and attention to this issue. He requested additional staff analysis in preparation for discussion next week. City Manager Steve Sarkozy said he will have the City Attorney's Office and Finance Department discuss criteria for reallocating funds to the Bellevue Philharmonic and for restoring funding to the affected projects in the future.

5. Report of the City Manager

(a) Management Brief – Update on Bellevue Network on Aging

City Manager Steve Sarkozy noted the management brief in the meeting packet regarding the Bellevue Network on Aging.

Cathy VonWald, Community Services Supervisor, noted that the Bellevue Network on Aging's annual report and 2009 work plan are provided in the meeting packet. Meetings are held the first Thursday of every month at 8:30 a.m. in City Hall.

Mayor Degginger commended the Network's 2008 accomplishments and 2009 work plan, and thanked everyone for their efforts.

Mr. Sarkozy highlighted Agenda Item 8(b) regarding the purchase of four portable generators for emergency power throughout the community. He noted that funding was provided by the State. He then highlighted Agenda Item 8(f), which provides neighborhood identity treatments in the Lake Heights and Newport Hills areas.

Mr. Sarkozy said staff requests postponing consideration of Agenda Item 8(j).

6. Council Business and New Initiatives

[Council Business was reported during the earlier Study Session.]

→ Councilmember Noble moved to reappoint Nancy Huenefeld Gese to the Human Services Commission with a term ending May 31, 2013. Deputy Mayor Balducci seconded the motion.

→ The motion carried by a vote of 7-0.

→ Councilmember Chelminiak moved to reappoint Pat Sheffels to the Planning Commission with a term ending May 3, 2013. Deputy Mayor Balducci seconded the motion.

→ The motion carried by a vote of 7-0.

7. Approval of the Agenda

→ Deputy Mayor Balducci moved to approve the agenda, and Councilmember Chelminiak seconded the motion.

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

8. Consent Calendar

- Deputy Mayor Balducci moved to approve the Consent Calendar, with the exception of Agenda Item 8(j). Councilmember Chelminiak seconded the motion.
- The motion to approve the Consent Calendar, as amended, carried by a vote of 7-0, and the following items were approved:
 - (a) Minutes of March 23, 2009 Extended Study Session
Minutes of April 6, 2009 Study Session
Minutes of April 6, 2009 Regular Session
Minutes of April 13, 2009 Extended Study Session
 - (b) Resolution No. 7918 authorizing execution of a contract with Cummins Northwest, in an amount not to exceed \$263,379.04, to purchase four multi-voltage portable generators, one load bank testing system and supporting equipment per the provisions of the Washington State Department of Community, Trade and Economic Development grant.
 - (c) Resolution No. 7919 authorizing execution of a four-year contract with Accurate Auto Body, in an amount not to exceed \$660,000, for auto body repair and painting services on City fleet vehicles.
 - (d) Motion to approve payment of claims for the period April 18, 2009 through May 1, 2009 and payroll for the period April 1, 2009 through April 15, 2009.
 - (e) Motion to award Bid No. 9072, paving replacement at Fire Station 9, to Western Asphalt, Inc., in the amount of \$99,162.00, as the lowest and responsible bidder (CIP Project PS-16).
 - (f) Motion to award Bid No. 9105 to Talakai Construction, in an amount up to \$100,028.25, as the lowest responsible bidder for the Newport Hills and Lake Heights Neighborhood Identity Treatment Project.
 - (g) Resolution No. 7920 authorizing execution of a four-year purchase agreement with Bratwear in an amount not to exceed \$240,000, for purchase and delivery of Bellevue Police Department uniforms and related tailoring services.
 - (h) Resolution No. 7921 authorizing execution of a four-year purchase agreement with Blumenthal Uniform Company, in an amount not to exceed \$142,388.32, for purchase and delivery of Second Chance Ballistic Vests required for use by the Police Department.
 - (i) Resolution No. 7922 authorizing amendment of an existing consultant agreement with David Evans and Associate, Inc., increasing the total amount not to exceed \$555,905, to prepare final construction contract documents for the proposed roadway improvements and slope stabilization on 152nd Avenue SE between Newport Way and SE 46th Street (CIP Plan No. PW-W/B-74.)

- (k) Resolution No. 7924 authorizing execution of a professional services agreement with MEI-Charlton, Inc, in an amount not to exceed \$300,000, for Asbestos Cement Pipe Testing and Evaluation project engineering services (CIP Plan Nos. W-16 and S-58).
- (l) Motion to award Bid No. 9040 for 2009 Water Service Saddle Replacement, to Mosbrucker Excavating, Inc., in an amount not to exceed \$376,638.13, as low bidder (CIP Plan No. W-99).
- (m) Resolution No. 7907 authorizing execution of a lease agreement with NORCOM for space within City Hall for the purpose of operating a regional communications center.
- (n) Resolution No. 7925 authorizing execution of a second amendment to the Professional Services Agreement with K&L Gates, to increase the total contract amount from \$50,000 to \$75,000, for legal representation in the lawsuits of Madison v. Parmelee/City of Bellevue Police Department (KCSC No. 08-2-28701-7 SEA) and City of Bellevue v. Parmelee (KCSC No. 08-2-30056-1 SEA).

Item Postponed:

- (j) Resolution No. 7923 authorizing execution of: 1) a Turnback Agreement with the Washington State Department of Transportation (WSDOT) for the transfer of right-of-way located at 112th Avenue NE and NE 10th Street to the City; and 2) a General Maintenance Agreement between WSDOT and the City for certain improvements constructed by WSDOT, as part of the NE 10th Street Extension, 112th Avenue NE to 116th Avenue NE (CIP Plan No. PW-R-149).

9. Public Hearings

- (a) Public Hearing and Direction to Staff on Vacation of a Portion of SE 8th Street east of Bellevue Way SE, and a portion of 105th Avenue SE south of SE 8th Street.

Patti Ebert, Civic Services Department, provided an overview of a proposal to vacate a portion of SE 8th Street east of Bellevue Way SE, and a portion of 105th Avenue SE south of SE 8th Street. The City has initiated the vacation and there is therefore no petition. The proposal has gone through the normal staff review and public notice process following the April 6 Council meeting.

Staff requests Council direction to proceed with vacation of the right-of-way, which is adjacent to City-owned properties on both sides. The ROW can only revert to these City properties. The remainder of 105th Avenue SE and SE 8th Street in this area have previously been vacated to Mr. Moore, who owns the four properties to the south. The section of property adjacent to Fire Station 1 is necessary for ensuring emergency access to and from the station.

→ Deputy Mayor Balducci moved to open the Public Hearing, and Councilmember

Bonincontri seconded the motion.

→ The motion to open the Public Hearing carried by a vote of 7-0.

The following citizen came forward to comment:

(1) Loyd Moore, property owner to the south and east of the ROW proposed for vacation, asked the Council to consider his application to acquire the property and thereby keep it on the tax rolls.

→ Deputy Mayor Balducci moved to close the Public Hearing, and Councilmember Bonincontri seconded the motion.

→ The motion to close the Public Hearing carried by a vote of 7-0.

Responding to Deputy Mayor Balducci, Civic Services Director Nora Johnson explained that when ROW is vacated, the vacation is based on how the property was originally platted and the ROW is generally split between the adjacent property owners. The eastern half of 105th Avenue SE was previously vacated to Bellevue School District and later acquired by Mr. Moore. Consistent with the concept of splitting the vacation, the western portion of 105th Avenue SE could only be merged with the parcel owned by the City, which is also the case with the SE 8th Street ROW section. If the City vacated only the SE 8th Street segment, it would leave the 105th Avenue portion as vacant unconnected ROW. Ms. Johnson said the City plans to retain the vacated property with its adjacent properties to retain flexibility for the use of the properties in the future.

Responding to Deputy Mayor Balducci, Ms. Ebert said the City would have to convert the ROW to a parcel if it wanted to sell it. Ms. Johnson clarified that a boundary line adjustment would then be required in order to create a parcel. Responding to Ms. Balducci, Ms. Johnson said how much of the ROW Mr. Moore would like to purchase and his intended purpose are unclear at this time.

Councilmember Chelminiak suggested moving forward with the vacation. Responding to Mr. Chelminiak, Ms. Johnson said staff can look into the issue of whether the ROW vacation land locks the school property. If that is a problem, staff will return to consult with the Council.

→ Deputy Mayor Balducci moved to direct staff to proceed with the preparation of legislation to approve the vacation of a portion of SE 8th Street east of Bellevue Way SE, and a portion of 105th Avenue SE south of SE 8th Street. Councilmember Noble seconded the motion.

→ The motion to direct staff to proceed with the preparation of legislation for the street vacation carried by a vote of 7-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Transportation Impact Fee Program Update [*Discussed with Council on April 27*]

Ordinance No. 5871 amending the Bellevue City Code to update the City's transportation impact fee program; amending Sections 22.16.010, 22.16.020, 22.16.040, 22.16.050, 22.16.070, 22.16.080, 22.16.090, and 22.16.095 of the Code; creating new Sections 22.16.085 and 22.16.087 in the Code; deleting Section 22.16.110 of the Code; and establishing an effective date.

Ordinance No. 5872 adopting the impact fee rate schedule, as authorized by Bellevue City Code Section 22.16.085; and establishing an effective date.

Transportation Director Goran Sparrman reviewed that the objectives of the Transportation Impact Fee program update are to simplify and streamline the program and impact fee schedule.

Responding to Councilmember Davidson, Mr. Sparrman said the Council will have the opportunity to review the fee schedule every two years, at the same time that the Transportation Facilities Plan (TFP) is updated.

Councilmember Noble questioned the ability to modify the impact fee schedule, given that Ordinance No. 5872 adopts a phased fee schedule that implements a new impact fee in 2010 and increases impact fees in 2013 and 2016. Mr. Sparrman explained that although fee increases are built into the ordinance, impact fee levels are reviewed every two years when the TFP is updated to ensure they are appropriate based on the transportation capacity projects in the plan.

Mayor Degginger noted that Section 7 of Ordinance No. 5871 adds a new Section 22.16.085 to the Bellevue City Code, which states that the transportation impact fee schedule may be revised at any time the Council deems just and appropriate, including but not limited to, concurrent with the update of the TFP and transportation impact fee program report.

Deputy Mayor Balducci observed that this update of the impact fee program simplifies the calculation of impact fees and is based on an overall mobility plan.

→ Deputy Mayor Balducci moved to adopt Ordinance No. 5871, and Councilmember Chelminiak seconded the motion.

Responding to Councilmember Lee, Mr. Sparrman confirmed that the 12-year Transportation Facilities Plan is based on modeling that incorporates transit and non-capacity projects, as well as the capacity projects that form the basis for impact fees. As transit use increases, fewer vehicle trips will be generated by development projects. Deputy City Attorney Kate Berens referred Mr. Lee to the detailed impact fee schedule contained within Ordinance No. 5872 [Page 11-31 of meeting packet].

Councilmember Bonincontri said she will support the motion. However, she would have preferred to set the impact fee at \$2,000 and to reevaluate it in two years.

Councilmember Chelminiak expressed support for the motion.

Councilmember Noble said he is prepared to proceed with the recommended approach.

- The motion to adopt Ordinance No. 5871 carried by a vote of 7-0.
- Deputy Mayor Balducci moved to adopt Ordinance No. 5872, and Councilmember Noble seconded the motion.
- The motion to adopt Ordinance No. 5872 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 9:47 p.m., Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

/kaw