

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 4, 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 8:05 p.m., with Mayor Degginger presiding.

2. Roll Call, Flag Salute

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

(a) Recognition of State Legislators for Work during 2007 Legislative Session

Mayor Degginger commended state legislators from the 41st and 48th Districts for their commitment to citizens and hard work to achieve results. He introduced Senator Weinstein and Representatives Clibborn and Jarrett from the 41st District and Senator Tom and Representatives Eddy and Hunter from the 48th District.

Bills directly benefiting Bellevue include the RTID/Sound Transit joint ballot bill, gaining a permanent seat for Bellevue on the Puget Sound Regional Council (PSRC) Executive Committee, and achieving liability protection for local probation officers. Another significant bill relates to crane safety ensuring cranes are properly installed, maintained, and inspected and requiring operator certification. Mayor Degginger presented a toy crane to Representative Eddy in recognition of her legislative work.

Mayor Degginger thanked the legislators for providing funding for SR 520 and for recognizing the importance of regional transportation corridors. In addition, he thanked legislators for providing \$750,000 in the state capital budget for NORCOM, a regional 911 communications center under development by 15 partner agencies.

The following parks in Bellevue will receive funding support from the Washington Wildlife and Recreation Program: 1) Crossroads Community Park Water Play Area, 2) Highland Park Skate Park, 3) Meydenbauer Bay Park Expansion, and 4) Wilburton Property Acquisition. PACE (Performing Arts Center Eastside), Boys and Girls Club of Bellevue, and Bellevue Community College will receive capital funding. With the state legislators' leadership, the state is providing \$1.5 million toward the Mercer Slough Environmental Education Center, a partnership with the Pacific Science Center and Puget Sound Energy.

The Council presented framed pictures of the Mercer Slough Environmental Education Center to the legislators.

Representative Hunter spoke to the need for more soccer fields throughout the region and encouraged a joint jurisdictional partnership to meet this need.

Representative Clibborn commended Bellevue for providing clear direction as to its needs and requests from the legislature.

Representative Eddy thanked Council for the crane and said she enjoys serving her constituents and working in the legislature.

Representative Jarrett thanked Council for the gifts and commented on the successful teamwork of state legislators from the two districts and the City.

(b) Proclaiming Mountain to Sound Greenway Days

Debbie Pettersson, Park Ranger, reported that Mountains to Sound Greenway Days will be held June 23 and 24, and an information center will be located at the Mercer Slough Blueberry Farm. Activities include the Family Orienteering Challenge and Scavenger Hunt at Lewis Creek Park, and Treasures Trek at Mercer Slough Nature Park as well as partnerships with the 24-Hour Relay Challenge in Downtown Park and the Eastside Heritage Center's Strawberry Festival at Crossroads International Park.

Dave Sturtevant, representing the Mountains to Sound Greenway Trust Board of Directors, explained that the greenway is a 100-mile corridor from Puget Sound to Central Washington along I-90. He noted that City Manager Steve Sarkozy was recently selected to serve on the Trust's Board. Mr. Sturtevant reviewed a brief history of the greenway. He commended Bellevue's protection of 400 acres of wetlands next to I-90 and Mercer Slough, which set a strong example of conservation.

Mr. Sturtevant thanked Ms. Pettersson for her role in Greenway Days, and Parks and Community Services Director Patrick Foran for his support.

Deputy Mayor Chelminiak read a proclamation declaring June 23-24 as Mountains to Sound Greenway Days in Bellevue.

(c) Recognition of Commercial Recycling Awards Recipients

Utilities Director Denny Vidmar reported on the Commercial Recycling Awards, which were initiated by the Environmental Services Commission in 2005. Allied Waste is a partner in this effort and provides one month of free garbage and recycling services to award recipients. Top business recyclers for 2006 were:

- Small Commercial Category: La Tienda (87% recycling rate)
- Medium Commercial Category: Safeway Bakery (80% recycling rate)
- Large Commercial Category: Aronson Campbell (76% recycling rate).

Kim Ducote, Allied Waste, presented the awards to representatives of each company.

(d) Certificate of Excellence in Service Efforts and Accomplishments Award

Finance Director Jan Hawn reported that Bellevue has received its third consecutive Certificate of Excellence in Service Efforts and Accomplishments award from the Association of Government Accountants (AGA). The program helps state and local governments effectively communicate performance by providing an in-depth review of their performance reports and making recommendations for improvements to the report.

Ms. Hawn thanked Rich Siegel, Performance and Outreach Coordinator, for his management of the City's performance and reporting program. She thanked the City Manager and City Council for their continued support.

Kimberly Wilson, President of the Seattle AGA Chapter, presented the award to the Council.

3. Communications: Written and Oral

- (a) Debbie Lelinski, a Surrey Downs resident, thanked Council for its letter to Sound Transit on April 18 outlining the Council's concern that neighborhoods be protected from adverse impacts of potential alignment for the proposed, but as yet unfunded, East Link light rail. She recalled that the City Council previously directed City staff to prepare an amendment to Bellevue's Comprehensive Plan and present it to the Council for its consideration. The amendment is to address the need to identify, preserve, and promote transportation right-of-way for regional transit on regional facilities so as not to impact, degrade, or damage established neighborhoods. Ms. Lelinski encouraged Council to establish a firm date for City staff to provide a draft Comprehensive Plan Amendment (CPA) for Council's review and action.
- (b) Renay Bennett noted citizens in the audience from the Surrey Downs Board, Bellecrest Board, and the HCT (High capacity transit) Action Committee in Surrey Downs. She encouraged Council to adopt a CPA reflecting a commitment to protect neighborhoods from regional transportation.

(c) Ann Ross, an Enatai resident, expressed concern about the loss of trees due to development. She asked the Council to consider developing a tree retention policy.

4. Reports of Community Councils, Boards and Commissions: None.

5. Report of the City Manager: None.

6. Council Business and New Initiatives

Deputy Mayor Chelminiak noted the need to appoint new members to Boards and Commissions for four-year terms.

- Deputy Mayor Chelminiak moved to appoint Keith Henrickson to the Parks and Community Services Board, and Mr. Noble seconded the motion.
- The motion to appoint Keith Henrickson to the Parks and Community Services Board carried by a vote of 7-0.
- Deputy Mayor Chelminiak moved to appoint William Lai to the Planning Commission, and Mr. Lee seconded the motion.
- The motion to appoint William Lai to the Planning Commission carried by a vote of 7-0.
- Deputy Mayor Chelminiak moved to appoint Mike Nesteroff as the new City representative on the Hopelink Board, and Mr. Degginger seconded the motion.
- The motion to appoint Mike Nesteroff to the Hopelink Board carried by a vote of 7-0.
- Deputy Mayor Chelminiak moved to cancel the July 2 meeting and to hold Study and Regular Sessions on July 9, an Extended Study Session on July 16, Study and Regular Sessions on July 23, and a Special Meeting (Extended Study Session format) on July 30. Councilmember Marshall seconded the motion.
- The motion to cancel the July 2 meeting and to revise the July meeting schedule carried by a vote of 7-0.

Councilmember Balducci attended the Leadership Eastside graduation ceremony, the official opening of the Crossroads Farmers Market, and the annual Youth Link Community Leadership Awards event.

Councilmember Noble has been attending a series of workshops conducted by ARCH (A Regional Coalition for Housing) regarding affordable housing. Mr. Noble reported that he, Deputy Mayor Chelminiak, and Councilmembers Balducci and Lee attended the last meeting in which recommendations were finalized to be advanced to other jurisdictions for approval. Mr. Noble attended the Youth Link awards ceremony, Meydenbauer Convention Center's re-opening to celebrate upgrades to the facility, and the Bellevue Breakfast Rotary Club meeting.

Councilmember Davidson attended the Youth Link event.

Councilmember Lee attended a number of functions already mentioned by fellow Councilmembers. He suggested creating a way to follow up on Youth Link Community Leadership award recipients to track their career progress. He would like for staff to bring back for Council consideration the CPA proposed by Renay Bennett and residents of Surrey Downs [See Agenda Item 3, Speaker (b).]

Responding to Mayor Degginger, Mr. Sarkozy confirmed that staff is reviewing not only the Transportation Element of the Comprehensive Plan with regard to high capacity transit and neighborhood protection, but is reviewing all related elements of the Plan. A discussion of the Best Practices committee being formed to review this issue and the scope of the study is scheduled for next week.

Mayor Degginger expressed support for Mr. Lee's suggestion to track the progress of Youth Link award recipients.

Councilmember Marshall reported that the Sound Transit Board approved the Sound Transit 2 Plan, a \$6 million transit plan to be placed on the ballot in November along with a roads package.

Deputy Mayor Chelminiak attended the tax reform committee meeting of the Puget Sound Regional Council's Prosperity Partnership group. He attended Bellevue Schools Foundation's luncheon, the golf course open house, and the Memorial Day ceremony at Sunset Hill Memorial Park.

Mayor Degginger attended most of the events already mentioned by the Council.

7. Approval of the Agenda

➡ Deputy Mayor Chelminiak moved to approve the agenda, and Dr. Davidson 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 Councilmember Davidson 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 May 14, 2007 Extended Study Session

- (b) Motion to approve payment of claims for the period May 19 through June 1, 2007, and payroll for the period May 1, 2007 through May 15, 2007.
- (c) Resolution No. 7568 authorizing execution of an amendment to the professional services agreement with Partners Consulting Services, to increase the contract by an amount not to exceed \$55,000 for ongoing consulting, implementation, and programming services for the Finance and Human Resources System Replacement Project. (CIP Plan No. G-59) [Discussed with Council on March 12, 2007.]
- (d) Ordinance No. 5741 authorizing the City to convert two Limited Term Employees (LTE) in the Information Technology Department to Full-Time Employees (FTE) and to add .56 FTE in support of the eCityGov Alliance and City Services. [Discussed with Council on May 29, 2007.]
- (e) Resolution No. 7569 authorizing execution of Amendment No. 2 to the existing Professional Services Agreement with Jones & Jones Architects and Landscape Architects, in the amount of \$37,405, for additional architectural, engineering, and site design services to construct the Mercer Slough Environmental Education Center (MSEEC) at the Mercer Slough Nature Park.
- (f) Motion to award Bid No. 0661 for the Norelius-41.5 Open Space Boardwalk construction project located at 16643 SE 38th Street to Nordic Construction, as the lowest responsible bidder, in the amount of \$62,946.
- (g) Professional Services Agreements for building plan and other professional review services.

Resolution No. 7570 authorizing execution of an amendment to Contract No. 39752 with Eagle Eye, Inc., to increase the contract limit from \$49,400 to \$150,000 for building plan review services.

Resolution No. 7571 authorizing execution of an amendment to Contract No. 39795 with Lani O'Connor, to increase the contract limit from \$49,900 to \$150,000 for building plan review services.

Resolution No. 7572 authorizing execution of an amendment to Contract No. 39973 with Rutherford & Chekene, to increase the contract limit from \$150,000 to \$300,000 for structural peer review services.

Resolution No. 7573 authorizing execution of an amendment to Contract No. 39127 with Mecum Engineering to increase the contract limit from \$49,000 to \$100,000 for clearing and grading plan review services, and to change the billing rate from \$75/hour to \$100/hour for engineering services.

- (h) Ordinance No. 5742 authorizing execution of a grant agreement with the King County Office of Emergency Management, creating a project within the Grants and Donations Fund, appropriating unanticipated and future revenues to that fund; and authorizing expenditures of said grant funds.
 - (i) Resolution No. 7574 adopting the City of Bellevue's 2008-2013 Transportation Improvement Program (TIP).
 - (j) Motion to award Bid No. 0720 to West Coast Construction Company, as low bidder, in the amount of \$1,599,324.20 for the 2007 AC Water Main Replacement, Phase 1 project. (CIP Plan No. W-16)
 - (k) Resolution No. 7575 authorizing execution of a Memorandum of Agreement with EarthCorps in an amount not to exceed \$220,000 to provide stream restoration in Lower Newport Creek.
 - (l) Resolution No. 7576 declaring a fair market value of \$3,500,000 for the Water Utility Meydenbauer Reservoir site surplus property and authorizing execution of all documents necessary for the sale of property to Town Development, Inc. [The required public hearing was held on May 21, 2007.]
9. Public Hearings: None.
10. Land Use: None.
11. Other Ordinances, Resolutions and Motions
- (a) Ordinance No. 5743 amending the Sections 22B.10.020, 22B.10.025, 22B.10.030, and 22B.10.110 of the Bellevue Sign Code to create a definition of the terms Hospital and Ambulatory Health Care Center, to amend the sign code requirements for Hospitals located in any land use district and Ambulatory Health Care Centers located in the Medical Institution District, and to amend outdated references from Institutional to Medical Institution consistent with Land Use Code Amendments adopted in 2005.

Land Use Director Carol Helland recalled previous discussion to revise the Sign Code subsequent to the adoption of a Medical Institution District. Ordinance No. 5743 ensures that the Medical Institution District is properly referenced. It adopts definitions of the terms "hospital" and "ambulatory health care center" and it allows high-rise signs at the top of the hospital structure as an essential public facility. Overlake Hospital Medical Center and Group Health representatives have stated that the proposed Sign Code amendments meet their needs for properly identifying their buildings.

Ms. Helland referred Council to page 11-5 of the meeting packet for the text of Ordinance No. 5743.

Responding to Ms. Balducci, Ms. Helland said the Ordinance does not affect Sign Code regulations for other parts of the city.

Responding to Mr. Lee, Ms. Helland said the Sign Code amendments are intended to address the size of the Medical Institution District. Similarly, the Overlake Hospital was allowed to increase its height to 200 feet only in the Medical Institution District. Staff believe that signage on other commercial buildings is adequate.

Ms. Helland responded briefly to additional questions of clarification.

- Mr. Chelminiak moved to adopt Ordinance No. 5743, and Ms. Balducci seconded the motion.
- The motion to adopt Ordinance No. 5743 carried by a vote of 7-0.

(b) Domestic Partners and related Human Resources Code Definitions

City Attorney Lori Riordan said staff continues to work to identify all of the Code and policy changes necessary to implement Council direction to begin providing domestic partner benefits. Ms. Riordan recalled that during the May 22 Study Session, she indicated she would bring forward some Code changes for Council action. The following two Ordinances reflect Council's previous policy direction.

Ordinance No. 5744 amends the City's Human Resources Code (BCC 3.79) and includes three changes: 1) Adds a new definition of domestic partner, 2) Amends the current definition of immediate family, and 3) Adds a new subsection (3.79.135) to codify the requirement that married employees and employees with domestic partners file declarations with the City in order to receive the benefits the City offers. The new subsection also contains the substantive requirements for the text of the two types of declarations.

One potential issue regarding the definition of domestic partner has been identified, and staff recommends addressing this with a modification to the Ordinance included in the meeting packet. A revised version of the Ordinance is included in Council's desk packet. Subsection R(2) under Section 3.79.040, Definitions, of the meeting packet version of Ordinance No. 5744 requires that the definition of a domestic partner applies to those not legally married to anyone. Ms. Riordan said staff recommends substituting the following language: "2. are not in a marriage legally recognized by the State of Washington." This clarifies that relationships that might qualify as marriages under the laws of other states or countries are not recognized as legal marriages in the State of Washington.

Ms. Riordan moved to the last section of the Ordinance, 3.79.135, Declarations of Marriage and Domestic Partnership. Revisions in the desk packet version of the Ordinance require that the declarations must be signed under penalty of perjury and that the signers understand the consequences of making false statements. Potential penalties include disciplinary action, including termination, and the City seeking restitution for the cost of benefits that had been

provided. An additional requirement for the declarations of domestic partnerships is that employees are required to notify the City within 30 days of a termination of a relationship, whether divorce or a break-up of a domestic partnership.

The marriage declaration requires that employees declare they are legally married. The domestic partner declaration contains not only the declaration that the relationship qualifies as a domestic partnership, but also provides a list of the types of proof the parties could be requested to produce to substantiate the declaration of a bona fide domestic partnership. Three of the following conditions must be met to demonstrate a domestic partnership:

- Joint mortgage or lease,
- Designation of a partner as a beneficiary for life insurance or retirement benefits,
- Designation of a partner as a primary beneficiary in one another's wills,
- Durable property and health care powers of attorney,
- Joint ownership of a motor vehicle,
- Joint checking or credit accounts, and
- Registration as a domestic partnership under Washington state law to go into effect in July.

Ms. Riordan explained that the definition of immediate family includes domestic partners and their children, and the parents and siblings of domestic partners. This is consistent with the principle for providing benefits to married persons. This will enable employees with domestic partners to receive bereavement leave or health care leave associated with a family member. Similarly, the City's policies against certain types of employment relationships including supervising a family member, will be extended to domestic partners.

Moving to Ordinance No. 5745, Ms. Riordan said it corrects the reference to immediate family in the definition section of the Human Resources Code (BCC 3.90.020). The Ordinance should reference BCC 3.79.040V.

Ms. Riordan said staff will continue to work to finalize policy, plan, and contract changes in anticipation of implementing the benefits by early Fall. The changes will need to be discussed and approved by the City's bargaining units as well.

Responding to Councilmember Davidson, Ms. Riordan said Washington State's policy to register domestic partners applies to same sex partners as well as different sex partners over the age of 62. The latter is to capture persons who, for Social Security/Medicare reasons, would be penalized heavily by getting married.

Ordinance No. 5744 amending the City's Human Resources Code defining immediate family, adding a new definition of domestic partner, and adding a new provision creating the declaration process for employees with spouses or domestic partners to establish eligibility for benefits.

- ➡ Councilmember Balducci moved to adopt Ordinance No. 5744, as modified by the desk packet version of the Ordinance. Mr. Chelminiak seconded the motion.

Mayor Degginger thanked staff for moving promptly on addressing this issue, which is consistent with the City's policy of treating all employees fairly and equitably. In this competitive job market, it is hoped the benefits will help attract qualified persons to employment with the City.

➡ The motion to adopt Ordinance No. 5744 carried by a vote of 7-0.

Ordinance No. 5745 amending BCC Section 3.90.020.B.1 to correct the reference to the Human Resources Code provision defining immediate family.

➡ Ms. Balducci moved to adopt Ordinance No. 5745, and Mr. Chelminiak seconded the motion.

➡ The motion to adopt Ordinance No. 5745 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

Mayor Degginger declared the meeting adjourned at 9:24 p.m.

Myrna L. Basich
City Clerk

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