

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

July 20, 2009
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:00 p.m., with Mayor Degginger presiding.

2. Roll Call, Flag Salute

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

3. Communications: Written and Oral

- (a) Bob MacMillan, Bellevue Economic Partnership, Bellevue Chamber of Commerce Board Member, described the efforts of the Bellevue Economic Partnership, including the City of Bellevue, to recruit new businesses to the community. A new employer is moving into the Factoria area and will initially create approximately 100 new jobs.

Mayor Degginger thanked Mr. MacMillan, the Bellevue Chamber, Enterprise Seattle, and everyone else who worked to make this happen.

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

5. Report of the City Manager

- (a) Management Brief regarding Neighbor Link NIS-3

[Discussed during earlier Study Session.]

6. Council Business and New Initiatives

[Discussed during earlier Study Session.]

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

Councilmember Davidson requested that Agenda Item 8(g) be pulled for discussion.

Assistant City Manager Basich noted staff's request that Agenda Item 8(d) be pulled to allow further work on the NORCOM Agreement.

→ Deputy Mayor Balducci moved to approve the Consent Calendar with the exception of Items 8(d) and 8(g). Councilmember Bonincontri 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) Motion to award Bid No. 9131 for the replacement of the Public Safety Garage Vehicle Access Door at City Hall to Davis Door Services Inc., in the amount of \$42,869.25, as the lowest responsive and responsible bidder.
- (b) Motion to approve payment of claims for the period June 13, 2009 through July 17, 2009 and payroll for the period June 1, 2009 through June 30, 2009.
- (c) Resolution No. 7949 authorizing execution of a Memorandum of Understanding with the Bellevue Police Support Guild related to effects bargaining as a result of the City discontinuing dispatch services on June 30, 2009, and the attendant elimination of dispatch related positions and layoff of affected employees.
- (e) Resolution No. 7951 authorizing execution of a Professional Services Agreement with Boxwood Architects, in the amount of \$148,792, for architectural, engineering and site design services for the Lewis Creek Park Picnic Area.
- (f) Motion to award Change Order #1 for Bid No. 9118 to RC Zeigler Company Inc., for costs of up to \$26,000, for services and materials furnished over and above the original contract amount for the installation of playground covers at Lewis Creek Park.
- (h) Resolution No. 7953 authorizing execution of Amendment No. 1 to the Professional Services Agreement with HDR Engineering, in an amount not to exceed \$73,000, for engineering services for the Southridge, Kimberlee and Emerald Ridge Pump Station Rehabilitation (CIP Plan No. S-16).
- (i) Motion to award Bid No. 9037 for Sanitary Sewer Rehabilitation - Main Street

between 106th Avenue NE and 107th Avenue NE to Northwest Construction, in the amount of \$702,706.00, as the lowest responsive and responsible bidder (CIP Plan Nos. S-24 and S-30).

Postponed:

- (d) Resolution No. 7950 authorizing execution of a seven-year Network Service and Maintenance Agreement with the North East King County Regional Public Safety Communication Agency (NORCOM) for the provision of network and data center collocation services supporting NORCOM's regional communications center.

Item Pulled for Council Discussion:

- (g) Resolution No. 7952 authorizing execution of a Consultant Agreement with David Evans and Associates, Inc., in an amount not to exceed \$537,310, to develop the design and prepare the construction contract documents for the proposed pedestrian and bicycle improvements on 108th Avenue SE between Bellevue Way and I-90 (CIP Plan No. PW-W/B-71).

City Manager Sarkozy explained that Resolution No. 7952 authorizes the execution of a consultant agreement with David Evans and Associates for the design and preparation of construction documents for pedestrian and bike improvements on 108th Avenue SE between Bellevue Way and I-90.

Councilmember Davidson questioned how vehicles should handle right turns if there is a bicycle lane. City Attorney Lori Riordan stated that, in general, bicycle lanes at intersections are signed and striped to show that vehicles can move into the right lane, as long as they are not impeding the flow of cyclists when making the turn.

Councilmember Davidson expressed concern that bicyclists are often moving at relatively high speeds, but they need to be aware that vehicles might be using the bike lane to make a right turn. He thanked staff for the clarification.

→ Deputy Mayor Balducci moved to approve Resolution No. 7952, and Councilmember Chelminiak seconded the motion.

Councilmember Creighton described the situation on West Lake Sammamish Parkway in which bicyclists ride in the opposite direction of vehicle traffic. Responding to Mr. Creighton, Ms. Riordan said that a vehicle preparing to make a turn across the bike lane should yield to any bicyclist that is traveling straight through that point. Councilmember Creighton expressed concern about the safety of this bicycling pattern on that stretch of road.

→ The motion to approve Resolution No. 7952 carried by a vote of 7-0.

9. Public Hearings: None.

10. Land Use

- (a) Consideration of the application of St. Andrews Housing Group to rezone a 3.501-acre of tract land located at 4228 Factoria Boulevard SE from R-5 to R-30. The rezone is requested in order to increase the allowed residential density and to facilitate an affordable housing project. Rezoning to R-30 would allow a four-story 39,000 square foot residential building which would include 41 studio, one-bedroom and two bedroom dwelling units, one manager's unit, and one level of underground parking. *[Discussed with Council on July 6, 2009.]*

Ordinance No. 5890 approving the rezone application of St. Andrews Housing Group (Andrews Rezone) to rezone a 3.501-acre tract of land at 4228 Factoria Boulevard SE, from R-5 to R-30, subject to conditions.

City Manager Steve Sarkozy requested Council action on the application of St. Andrews Housing Group for the Andrews Glen rezone affecting a tract of land located at 4228 Factoria Boulevard SE. The application was presented to the Council on July 6.

- Deputy Mayor Balducci moved to adopt Ordinance No. 5890, and Councilmember Lee seconded the motion.
- The motion to adopt Ordinance No. 5890 carried by a vote of 7-0.

11. Other Ordinances, Resolutions and Motions

- (a) Ordinance No. 5891 authorizing: 1) amendment of the 2009-2015 Capital Investment Program Plan to create a new CIP project entitled East Link Analysis and Development Project (CIP Plan No. PW-R-159) with a project budget of \$770,000; 2) transfer of budget totaling \$710,000 from four existing CIP projects to fund PW-R-159, East Link Analysis and Development Project; and 3) amendment of the 2009-2010 General CIP Fund to increase the appropriation by \$60,000 representing funds contributed by the Transportation operating budget.

Mr. Sarkozy explained that Ordinance No. 5891 amends the 2009-2015 Capital Investment Program (CIP) plan to create a new item titled the East Link Analysis and Development Project, and to transfer funds from four existing CIP projects to the new project. The East Link analysis represents an aggressive set of consulting contracts and work by the City to support the Sound Transit East Link light rail project.

Mayor Degginger recalled previous discussion with staff, and the Council's reluctance to transfer \$300,000 from the Downtown Parking Initiative (CIP project ED-2). Council suggested that additional resources for the East Link analysis be considered during the mid-biennium budget update. Mr. Degginger referred the Council to the revised funding proposal provided on page 11-1 of the meeting packet.

Councilmember Chelminiak said he would prefer to look throughout the Transportation

Department budget for funding sources. One of the previous suggestions was to transfer some funds from the Bel-Red Corridor parks and streams restoration planning. Mr. Chelminiak suggested revising previous Council direction to staff.

→ Councilmember Chelminiak moved to adopt Ordinance No. 5891, revised to: 1) Reflect funding for the new East Link Analysis and Development CIP project at \$1,010,000, and 2) Instruct the City Manager to return to the Council with a recommendation for funding the remaining \$300,000. Mayor Degginger seconded the motion.

Councilmember Davidson said he will not support the motion. He reiterated his desire to hold a Council financial retreat related to the economic downturn and the projected \$26 million gap this biennium in the CIP Plan.

Councilmember Lee stated he will also vote against both the amendment and the Ordinance. While it is important to fully understand the implications of the East Link light rail project, he believes the money should come from Sound Transit, and that Sound Transit is responsible for ensuring the system is implemented correctly. Secondly, he feels the scope of work for the new CIP project could be more clearly defined.

Deputy Mayor Balducci said she will support the motion. As she noted last week, the Bellevue City Council, staff, and citizens know their city better than any other agency. The City often expends resources to participate in planning for services to be provided by other governments or entities to ensure that Bellevue's interests are incorporated into projects. Examples include regional transportation/transit interest statements, as well as initiating and funding an electrical reliability study.

Councilmember Creighton indicated that he listened to the Council's discussion from the previous week. He acknowledged that it is critical for the City to have oversight on the East Link project. However, he is not comfortable with the amendment to fully fund the new project without first identifying all funding sources.

Responding to Councilmember Chelminiak, Transportation Assistant Director Kevin O'Neill confirmed that most of the recommended funding reallocations are from transit and transportation projects primarily focused in the Downtown and Bel-Red Corridor. The exception is the \$150,000 proposed reallocation from PW-R-44, Transportation Planning Studies, which was originally intended for more general transportation studies.

Councilmember Chelminiak clarified that the intent of his motion is to allow for further Council discussion to identify an additional funding source for the \$300,000. While he would rather not have to spend the money, the work proposed by staff is necessary to ensure that the light rail project is built in a way acceptable to Bellevue.

Councilmember Bonincontri expressed support for the motion.

Councilmember Davidson said he was disappointed with Sound Transit's response to Bellevue's recommendations and with Sound Transit's choice of what it refers to as its locally preferred

alternative. The B3 Modified option selected by Sound Transit is not the B3 Modified option put forward by Bellevue. He is also disappointed about the downtown tunnel issue and the expectation that Bellevue pay for it. Dr. Davidson is hesitant to spend another \$1 million trying to persuade Sound Transit to look at Bellevue's issues seriously. He needs more assurances from Sound Transit that the agency is willing to work with Bellevue as partners. Until those issues can be resolved, Dr. Davidson will not support the motion.

Mayor Degginger restated the motion. Ms. Riordan clarified that the correct dollar amount is \$1,070,000 because the Ordinance includes \$60,000 from the Transportation Operating Budget.

→ The motion to adopt Ordinance No. 5891, as amended, and approving a total appropriation of \$1,070,000, carried by a vote of 4-3, with Councilmembers Creighton, Davidson, and Lee opposed.

- (b) Ordinance No. 5892 amending Sections 20.10.440 and 20.25D.070 of the Land Use Code relating to Shopping Cart Containment Areas required for wholesale and retail uses; providing for severability; and establishing an effective date.

Land Use Director Carol Helland noted previous Council direction to initiate the Planning Commission's review of amendments to the Land Use Code that would require wholesalers and retailers to manage their shopping carts and to provide notification signage.

Vicki Orrico, Planning Commission Chair, said the Commission received no public comments on this issue. The Commission's discussion centered on criminal sanctions, the posting of signs in multiple languages, and public outreach. The Planning Commission adopted the proposed Land Use Code amendments by a vote of 5-1 with one Commissioner absent and one Commissioner opposed. The dissenting Commissioner objected to the criminal sanctions contained in the Bellevue City Code provisions that were referenced in the Land Use Code amendments.

Deputy Mayor Balducci noted concerns from retailers that the Ordinance provide sufficient time for them to label their carts and install signage on their properties. Ms. Helland suggested citing a specific calendar day as the effective date.

→ Deputy Mayor Balducci moved to adopt Ordinance No. 5892, amended to establish an effective date of October 1, 2009, for compliance with Section 2, Subsections 15(b) and 15(c). Councilmember Davidson seconded the motion.

Councilmember Davidson expressed support for the motion. However, he expressed concern that the Ordinance makes it an illegal action to remove shopping carts.

→ The motion to adopt Ordinance No. 5892, as amended, carried by a vote of 7-0.

- (c) Resolution No. 7954 authorizing execution of an Interlocal Agreement with King County regarding implementation of a Regional Transferable Development Rights Program

Planning Director Dan Stroh recalled previous Council discussions regarding the establishment of an Interlocal Agreement with King County to implement a Regional Transferable Development Rights Program in the Bel-Red Corridor. The program allows the transfer of development rights in the Bel-Red area to retain and preserve rural and resource areas outside of the urban growth boundary. In addition, it enables the City to receive amenity funding from King County in the amount of \$750,000. The Bellevue Council's preferences regarding eligible sending areas have been incorporated into the agreement.

Responding to Councilmember Davidson, Mr. Stroh recalled that in the previous discussion regarding potential sending areas, the Council indicated a desire to select sites with some connection to Bellevue's interests. As a result all of the potential sending areas, including the White River watershed, are identified in the proposed agreement.

Councilmember Davidson said he would prefer to see the transfer of development rights occur within the City's boundaries to preserve open space and stream corridors. While recognizing the benefit of the \$750,000 payment from King County, Dr. Davidson is concerned that eventually all development within the county will be required to transfer development rights to non-urban areas.

→ Deputy Mayor Balducci moved to approve Resolution No. 7954, and Councilmember Chelminiak seconded the motion.

Councilmember Lee said he will support the motion but he shares some of Councilmember Davidson's concerns.

→ The motion to approve Resolution No. 7954 carried by a vote of 6-1, with Councilmember Davidson opposed.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 8:51 p.m., Mayor Degginger declared the meeting adjourned.

Myrna L. Basich

City Clerk

/kaw