

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

July 23, 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 Noble led the flag salute.

3. Communications: Written and Oral: None.

4. Reports of Community Council, Boards and Commissions

Roxanne Shepherd, Arts Commission Chair, spoke regarding the Arts Commission's recommendations for special projects funding. In April, the Commission presented a two-year work plan that included special projects funding, and this was approved by the Council. Special projects include individual and organizational projects, and are intended to create a more lively and diverse arts experience in Bellevue and to increase support of and participation in the arts.

5. Report of the City Manager

(a) Management Brief – Hazard Mitigation Plan

City Manager Steve Sarkozy opened discussion regarding Bellevue's efforts to develop a Hazard Mitigation Plan.

Battalion Chief Steve Thomas referenced the Management Brief [beginning on page 5-1 of the meeting packet] regarding a Hazard Mitigation Plan. Identifying potential hazards in the community and assessing potential impacts will provide the opportunity to develop strategies to mitigate the impacts before, during, and after a disaster.

The City received a \$20,000 grant earlier this year to develop a plan by expanding on King County's Regional Hazard Mitigation Plan. The grant requires that the City hold one meeting to solicit public input during development of the plan, and a second meeting just prior to approval of the plan. To provide a greater opportunity for public comment, three meetings have been scheduled for late July. Additional meetings will be scheduled in late September before submitting the plan to King County for initial approval.

Mr. Thomas said after the plan is completed and has been approved by Council, it will be forwarded to King County and to the State for review and approval. The approved plan is expected to be in place and ready for action by Council in early 2008.

(b) Management Brief – Kelsey Creek Shopping Center

Mr. Sarkozy opened discussion regarding a proposal to redevelop the Kelsey Creek Shopping Center to accommodate a Costco store.

Land Use Director Carol Helland explained that Costco has controlled a portion of the Kelsey Creek Shopping Center site since 2002. They now control 12 of the 15 acres and are proposing to build a 140,000 square foot store at the location. Their stores are typically between 154,000 and 160,000 square feet. The redevelopment program will require them to pursue a rezone to remove the stream corridor culvert reopening requirement in the current Concomitant Agreement.

Ms. Helland said staff has been assisting Costco through the permitting process. She recalled that the Council previously approved \$40,000 to conduct a stream reach study, which has been completed. Costco has scheduled a preliminary community meeting at the Kelsey Creek site for Thursday, July 26, 7:00-9:00 p.m.

The City expects to receive the first of several permit applications in August, which will be the rezone application. This is a quasi-judicial matter governed by the appearance of fairness doctrine, and Council will be advised after the application is submitted to the City. Ms. Helland said Costco would like to open the store by October 2008.

Responding to Councilmember Balducci, Ms. Helland confirmed that she, the Deputy City Attorney, and the City Manager received a letter from the East Bellevue Community Council regarding the enforcement of concomitant agreements. The letter specifically addresses the removal of a hazardous tree following the windstorms, as it relates to the agreements.

Moving on, Mr. Sarkozy highlighted Agenda Item 8(f)(1) regarding the Supplemental Capital Investment Program (CIP) Plan, and asked staff to provide an update.

Dave Berg, Assistant Director of Transportation, reviewed projects funded in the Supplemental CIP Plan: 1) Neighborhood Sidewalk Improvements [Three locations], 2) Downtown Implementation Plan investments, 3) Acceleration of West Lake Sammamish Parkway improvements, and 4) NE 2nd Street roadway enhancements.

6. Council Business and New Initiatives

(a) Light Rail Best Practices Committee Charge

Councilmember Balducci recalled Council's appointment of the Light Rail Best Practices Committee and previous discussion regarding the committee's charge.

→ Councilmember Balducci moved to approve the Light Rail Best Practices Committee's charge to: 1) Provide direction to and review of the work of staff and consultants during the Best Practices technical study, 2) Involve the public in the process, 3) Compile information about best practices and outcomes from other jurisdictions in implementing light rail, and 4) Develop guiding principles and policy recommendations, including Comprehensive Plan Amendments, for consideration by the City Council. [Full text of charge is provided on page 6-2 of the meeting packet.] Councilmember Marshall seconded the motion.

→ The motion to approve the Light Rail Best Practices Committee's charge carried by a vote of 7-0.

7. Approval of the Agenda

☞ Deputy Mayor Chelminiak moved to approve the agenda, and Mr. Degginger 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 Mrs. Marshall 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 June 11, 2007 Extended Study Session

(b) Resolution No. 7593 authorizing execution of a third amendment to the Professional Services Agreement with Miller & Van Eaton, PLLC, to increase the total contract amount from \$200,000 to \$230,000 for legal services in the lawsuit Qwest Corporation v. City of Bellevue, KCSC No.

05-2-33667-6 SEA.

- (c) Resolution No. 7594 authorizing execution of all documents necessary for the sale of a remnant City parcel located at 16403 SE 24th Street to the adjacent property owner, Rebecca Ferrell, in the amount of \$28,500.
- (d) Resolution No. 7595 authorizing execution of a Settlement Agreement and Release of Claims with Tod L. Ostrem, Tracey L. Ostrem, and Gina M. Meyers transferring title of a portion of 103rd Avenue SE and settling the quiet title action filed in King County Superior Court, cause number 07-2-04105-2SEA.
- (e) Motion to approve payment of claims for the period July 7, 2007, through July 20, 2007, and payroll for the period June 16, 2007, through June 30, 2007.
- (f) Actions relating to Supplemental Capital Investment Program (CIP)
 - (1) Ordinance No. 5753 authorizing amendment of: 1) the 2007-2013 Capital Investment Program (CIP) Plan to create a new CIP project entitled PW-W/B-76, Neighborhood Sidewalk Improvements, and to increase the project budgets for CD-19, Downtown Investments/DIP Implementations; PW-R-150, NE 2nd Street Roadway Enhancements; and PW-R-141, West Lake Sammamish Parkway Improvements, by a total of \$14,000,000; and 2) the 2007-2008 General CIP Fund to increase the appropriation by \$304,000.
 - (2) Resolution No. 7596 authorizing and directing the Finance Director to execute a certificate of official intent declaring the City's intent to reimburse the General Capital Investment Program (CIP) Fund from future bond proceeds to implement the Supplemental CIP.
- (g) Resolution No. 7597 authorizing execution of a 2007-2009 successor labor agreement with the International Association of Firefighters Union, Local 1604, representing Bellevue firefighters.
- (h) Resolution No. 7598 authorizing execution of Fiber Optic Project Agreement #30 as an amendment to the Interlocal General Terms and Conditions for Sharing of Fiber Optic Installation Projects to add Seattle Public Utilities, through the City of Seattle, to the existing Interlocal Agreement.
- (i) Motion to approve funding proposed for 2007 Special Projects.

(j) 97th Avenue SE/SE 11th Street Slide Treatment Alternative Analysis

Motion to amend the 2007-2013 CIP Plan by adjusting the 97th Avenue SE/SE 11th Street Slide Treatment Alternative Analysis (CIP Plan No. PW-M-16) and the SE 16th Street Improvements (CIP Plan No. PW-R-118) project budgets; and

Motion to award Bid No. 0706, 97th Place SE Retaining Wall Maintenance, to Epic Construction LLC in the amount of \$82,790 as the lowest responsive and responsible bidder to conduct necessary repairs and maintenance on two existing retaining walls on 97th Place SE.

(k) Motion to award Bid No. 0735 for the 2007 Asphalt and Concrete Replacement Program to AA Asphalt in the amount of \$554,162.30 as lowest and responsible bidder.

9. Public Hearings

(a) Issuance of tax-exempt bonds by a Colorado entity to be used in whole or in part to finance educational facilities of the Jewish Day School.

Mayor Degginger explained that this item is a public hearing on the issuance of tax-exempt bonds by a Colorado entity to be used to finance educational facilities of the Jewish Day School in Bellevue. Approval of the bonds by the City Council is required by current IRS guidelines.

Deputy City Attorney Kate Berens explained the purpose of the public hearing, any impacts to the City, and the rules for Council's consideration in this matter.

Responding to Councilmember Lee, Ms. Berens said the bond issuance is separate from the City's review of permits for the project. The Jewish Day School has already received some approvals from the City for the expansion project, and City has approved the necessary amendments to the Conditional Use Permits. The school is now pursuing building permits.

→ Deputy Mayor Chelminiak moved to open the public hearing, and Mr. Noble seconded the motion.

→ The motion to open the public hearing carried by a vote of 7-0.

No one came forward to testify for the hearing.

→ Deputy Mayor Chelminiak moved to close the public hearing, and Mr. Noble seconded the motion.

→ The motion to close the public hearing carried by a vote of 7-0.

Resolution No. 7599 approving the issuance of tax-exempt revenue bonds for the Colorado Educational and Cultural Facilities Authority for the benefit of The Jewish Day School of Metropolitan Seattle in accordance with the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended. [Council action on the Resolution does not subject the City to any liability regarding issuance of the proposed bonds or the construction of the school project. The City's approval is for the purpose of complying with Section 147(f) of the Internal Revenue Code of 1986 only.]

→ Deputy Mayor Chelminiak moved to approve Resolution No. 7599, and Mr. Lee seconded the motion.

→ The motion to approve Resolution No. 7599 carried by a vote of 7-0.

- (b) Consideration of taking an official position on the King County Ballot Proposition for Regional Roads and Transit System on the November 6, 2007, General Election ballot.

Ballot Title: *SOUND TRANSIT (A REGIONAL TRANSIT AUTHORITY) AND RTID*

(A REGIONAL TRANSPORTATION INVESTMENT DISTRICT)

PROPOSITION # TBD REGIONAL ROADS AND TRANSIT SYSTEM

To reduce transportation congestion, increase road and transit capacity, promote safety, facilitate mobility, provide for an integrated regional transportation system, and improve the health, welfare, and safety of the citizens of Washington, shall Sound Transit (a regional transit authority) implement a regional rail and transit system linking Lynnwood, Shoreline, Northgate, Seattle, Bellevue, Redmond, SeaTac airport, Kent, Federal Way and Tacoma as described in the Sound Transit 2 plan, financed by the existing taxes approved by the voters in 1996 and an additional sales and use tax of up to five-tenths of one percent imposed by Sound Transit, all as provided in Resolution No. [2007-insert number]; and shall a regional transportation investment district (RTID) be formed and authorized to implement and invest in improving the regional transportation system by replacing vulnerable bridges, improving safety, and increasing capacity on state and local roads to further link major education, employment, and retail centers as described in Moving Forward Together: A Blueprint for Progress – King Pierce Snohomish Counties, financed by a sales and use tax of up to one-tenth of one percent and a local motor vehicle excise tax of up to eight-tenths of one percent imposed by RTID, all as provided in Resolution No. PC-2007-02; further provided that the Sound Transit taxes shall be imposed only within the boundaries of Sound Transit, and the RTID taxes shall be imposed only within the boundaries of the RTID?

[Should Council choose to take a position on the ballot measure, the following Resolutions are provided for your action this evening

or at a subsequent meeting.]

Deputy City Attorney Berens reviewed the rules and procedures for the public hearing, and noted that state law authorizes the Council to express a collective decision and to vote upon a motion or resolution to support or oppose a ballot proposition.

Mayor Degginger explained that there will first be a staff report providing background information on the ballot measure. Council will take up to a total of one hour of comment from both the proponents and opponents of the proposition. After testimony is heard, Council will discuss the proposal, time permitting. The audience may not comment during Council's deliberations, although Councilmembers might request additional information from speakers.

Diane Carlson, Director of Intergovernmental Relations, provided background information on the ballot measure involving roadway and transit funding. The total investment of the ballot measure is \$5.56 billion.

Responding to Councilmember Marshall, Ms. Carlson said the revenue components are restricted for both Sound Transit and RTID by state law.

→ Deputy Mayor Chelminiak moved to open the public hearing, and Mrs. Marshall seconded the motion.

→ The motion to open the public hearing carried by a vote of 7-0.

The following citizens came forward to speak in support of the proposed Resolution:

- (1) Jeff Kirby thanked Council for giving the public the opportunity to comment. He encouraged the use of sales tax, if possible, instead of returning to the MVET (motor vehicle excise tax) type of taxes.
- (2) Bill Guenzler expressed support for the King County Ballot Proposition for Regional Roads and Transit System.
- (3) Rich White, The Boeing Company, urged Council's support of the ballot proposition.
- (4) Shiv Batra, INCA Engineers, spoke in support of the ballot proposition. He noted that multi-modal solutions are needed to address transportation demands.
- (5) Rob Johnson, Regional Policy Director for Transportation Choices Coalition, expressed the coalition's support for the road and transit ballot proposition.
- (6) Nels Johnson, Allied Waste, expressed support for the ballot proposition. He noted that 95 percent of the company's Bellevue employees live outside of the city.

- (7) Craig Chang asked Council to support the roads and transit package, noting that transportation options are needed.
- (8) Jack Hunter asked Council to support the transportation package, and emphasized his interest in the implementation of light rail service.
- (9) Barbara Peters, Sagefields LLC, urged Council's support of the ballot proposition. She thanked Councilmembers for their ongoing work on transportation issues.
- (10) Karen Little expressed support for the transportation package and the East Link light rail project in particular.
- (11) Jane Bennett noted her enthusiasm for the package and urged Council's support.
- (12) John Albertson said he disagrees with Council's taking a formal position on the road and transit package. He opined that the package will not achieve the replacement of the SR 520 bridge. He is opposed to the taxation to be imposed by the package. He encouraged a no action position by Council on the issue.
- (13) Annalee Luhman expressed support for the ballot proposition, which she feels is well balanced in terms of transportation options.
- (14) Patrick Bannon, Bellevue Downtown Association, expressed the BDA's support for the transportation package. He noted that the BDA Board discussed the package over a 6-month period before deciding to offer its support.
- (15) Grant Ringel, Puget Sound Energy, said that transportation congestion makes it difficult for PSE's workers to move equipment and machinery around the city to perform their jobs. He encouraged support of the transportation package.
- (16) Colin Radford, a Medina resident, expressed support for the road and transit package.
- (17) Brian Brand spoke in support of the ballot proposition and noted that the region needs both roads and light rail.
- (18) Bob Wallace spoke in support of the road and transit package.

At 9:17 p.m., Mayor Degginger declared a 10- minute recess. The meeting resumed at 9:26 p.m.

The following citizens came forward to speak in opposition to the Resolution:

- (1) Deborah Lelinski, Surrey Downs East Link Committee, described the committee's work involving community outreach. She stated residents' concerns

- regarding protection from property condemnations, project impacts, neighborhood preservation, and overall quality of life.
- (2) David Plummer feels the cost of the light rail system far exceeds the benefits. He disagrees that the proposed expansion of transit and road systems will significantly reduce regional traffic congestion. He urged Council to oppose the ballot proposition.
 - (3) Charles Johnston opined that replacement of the SR 520 bridge is not necessary, and that WSDOT has not proven the need. He expressed opposition to the ballot proposition and encouraged elimination of the Sound Transit plan.
 - (4) Renay Bennett, representing the Bellecrest Neighborhood Association, said the organization is opposed to the transportation package.
 - (5) Jeennee Vahlsing spoke against the ballot proposition and expressed support for the interests of the Bellecrest and Surrey Downs communities.
 - (6) Barb Kenney opposes the transportation package and the tax to be imposed by it. She conceded there is congestion but feels the package will not sufficiently address the problem.
 - (7) Bruce Nurse, Kemper Development Company, thanked Councilmembers for their public service. He is opposed to the ballot proposition and feels it costs too much.
- Deputy Mayor Chelminiak moved to close the public hearing, and Mrs. Marshall seconded the motion.
- The motion to close the public hearing carried by a vote of 7-0.

Resolution No. 7600-A supporting the 2007 joint roads and transit ballot Proposition.

OR

Resolution No. 7600-B opposing the 2007 joint roads and transit ballot Proposition.

Councilmember Davidson said he would prefer more time to review the public input before taking action on the Resolution. Councilmember Lee concurred.

Mayor Degginger noted the desire of the majority of the Council to proceed with the discussion tonight.

- Deputy Mayor Chelminiak moved to approve Resolution 7600-A supporting the roads and transit ballot proposition, and Mrs. Marshall seconded the motion.

Councilmember Marshall thanked all of the citizens from many neighborhoods of the community and the surrounding areas for providing their input. She expressed her support for the joint roads and transit ballot proposition.

→ Councilmember Davidson moved to table the motion, which Councilmember Lee seconded.

Mr. Lee expressed support for the motion.

→ The motion to table action on Resolution 7600-A failed by a vote of 2-5, with Councilmembers Davidson and Lee in favor.

→ Deputy Mayor Chelminiak moved to extend the meeting to 10:30 p.m., and Ms. Balducci seconded the motion.

→ The motion to extend the meeting to 10:30 p.m. carried by a vote of 7-0.

Councilmember Noble noted his 10-year history of participating in local and regional transportation forums and his support of the motion to express support for the road/transit ballot proposition. He acknowledged that the package is expensive, but that it will only get more expensive if projects are deferred. Mr. Noble expressed concern, however, that the package does not include sufficient park and ride facilities. He hopes this issue will be reevaluated if projects move forward.

Deputy Mayor Chelminiak said freeway congestion makes the transportation package necessary. He noted that this congestion contributes to spillover traffic onto local surface streets. It is important to use both the BNSF corridor and light rail to address congestion. Mr. Chelminiak noted that the City Council has consistently worked in the planning of transportation projects to protect neighborhoods. He expressed support for the motion.

Councilmember Balducci expressed support for the ballot proposition, which provides significant funding for expanding I-405. She agreed with comments from citizens that the package will not fully fund SR 520. However, the State has committed investments as well.

Councilmember Lee concurred with the need for major transportation funding and projects. However, he is not convinced that the Council should take a formal position on the ballot proposition.

Dr. Davidson expressed his disappointment in the lack of progress made pursuant to the original Sound Transit (formerly RTA – Regional Transit Authority) ballot measure.

Mayor Degginger said the region has waited too long to address transportation needs in general and projects included in the ballot proposition in particular. Delaying projects any further will only result in increased costs. Many of the projects, especially I-405

improvements, will benefit Bellevue significantly. Mr. Degginger commented on the importance of an effective transportation system as it relates to the local and regional economy.

Mayor Degginger thanked everyone who participated in the public hearing and provided thoughtful testimony regarding whether or not to support the ballot proposition. He assured citizens that the Council will protect Bellevue neighborhoods by engaging the Light Rail Best Practices Committee in the evaluation of alternatives.

→ The motion to approve Resolution 7600-A carried by a vote of 5-2, with Councilmembers Davidson and Lee opposed.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions: None.

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 10:29 p.m.

Myrna L. Basich
City Clerk

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