

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

August 3, 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 8:04 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) Proclamation in Support of Iranian Democracy

Mayor Degginger recalled that Councilmember Lee proposed a proclamation regarding the election in Iran at last week's meeting.

Councilmember Lee read the proclamation signed by the Mayor expressing support for democratic elections, individual liberties, and freedom of the press in Iran and throughout the world.

3. Communications: Written and Oral

- (a) Scott Lampe, representing the Surrey Downs East Link Committee, asked the Council to fund an independent analysis of the projected sound impacts associated with Sound Transit's East Link light rail project. He noted the significantly elevated noise levels along the Seattle Central Link segment, and stated that these would be unacceptable to Bellevue residents. Mr. Lampe expressed concern that the East Link draft Environmental Impact Statement indicates that the B3 route through Bellevue will have no noise impacts on residences. The East Link Committee strongly encourages an alignment along the

freeway and asks the Council to protect Bellevue neighborhoods. Mr. Lampe submitted his comments in writing.

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

5. Report of the City Manager

City Manager Steve Sarkozy introduced Mike Eisner, former Deputy Fire Chief, as the City's new Fire Chief. Chief Eisner said he is pleased and excited about this opportunity. He thanked the City Manager for his confidence in the Fire Department and his leadership.

Mayor Degginger congratulated Chief Eisner on his new role for the City.

(a) Parks and Open Space System Plan Update

Parks and Community Services Director Patrick Foran opened staff's presentation of an update on the Parks and Open Space System Plan. He thanked Senior Planner Camron Parker for his work on the plan, which is the primary policy document that drives the acquisition and development of Bellevue's park system.

Mr. Foran said the Parks Department is preparing for re-accreditation in 2010 by the Accreditation of Park and Recreation Agencies (CAPRA) organization. An update of the plan is required by the state Growth Management Act and the Washington Recreation and Conservation Office (RCO). The City has received millions of dollars in grants from the RCO over the past several years. The deadline for submitting the updated plan to the State is June 2010.

Mr. Parker reviewed the public participation process associated with the update of the plan, including a statistically valid public opinion survey, a web-based survey, web dialogue, and presentations to the City's Boards and Commissions, advisory groups, and community stakeholders. The plan update will focus on a number of areas including pedestrian access, coordination with other planning initiatives (e.g., Bel-Red Subarea, Downtown Implementation Plan), levy implementation, regional partnerships, historic resources, and maintenance and renovations.

Deputy Mayor Balducci noted an email from Jo Scott, a Bellevue citizen, provided in Council's desk packet suggesting that the City look at establishing goals to revitalize the tree canopy in parks and business districts, based on recommendations in the Urban Ecosystem Analysis prepared by American Forests for the City in 2008.

(b) Management Brief on Mercer Slough Environmental Education Center  
Attendance and Usage Projection

Mr. Sarkozy opened staff's report on the Mercer Slough Environmental Education Center. Mr. Foran commented that every survey of Bellevue residents over the past several years has indicated a strong community interest in maintaining the quality of water bodies, wetlands, and open space.

Christina Dyson-Farrell, Park Ranger, reported on the attendance at the Mercer Slough Environmental Education Center from October 1, 2008, to June 31, 2009. Park Ranger and adult education programs have served 2,278 participants, and Pacific Science Center programs have served 6,743 participants. There have been 7,798 visitors to the Visitors Center, and the Douglas Fir Community Room rentals have served 1,409 citizens.

Mayor Degginger observed that the Center is always busy and a great community asset.

City Manager Steve Sarkozy stated a special thank-you to the Master Builders Association for its support and donation of the second wetlab currently under construction.

(c) Meydenbauer Bay Steering Committee Recommendation

Mike Bergstrom, Senior Planner, reported on the Meydenbauer Bay Park and Land Use Plan Steering Committee's activities. After more than two years and numerous committee meetings, public workshops, and public hearings, the Steering Committee has agreed to a fundamental plan for moving forward on the Meydenbauer Bay Park and Land Use Plan. However, the committee has indicated that its work is not yet finished. The committee would like to convene again later this year after the draft Master Plan has been developed and the final Environmental Impact Statement on the committee's preferred alternative has been completed.

Mr. Bergstrom presented a depiction of the Steering Committee's preferred alternative, which is a hybrid of Alternatives 1 and 2 that were evaluated in the draft EIS. He explained that the Meydenbauer Bay Park and Land Use Plan applies to property owned by the City, which is primarily along the waterfront, and to private properties referred to as the upland areas. Mr. Bergstrom reviewed elements of the site plan including moorage, pedestrian facilities, environmental enhancements, an activity building, and upland redevelopment including renovated streetscapes.

Responding to Councilmember Chelminiak, Mr. Bergstrom said staff will prepare the final EIS and draft Master Plan, which will be reviewed by the Steering Committee and presented to the Council later this year for feedback and direction. In early 2010, the Parks and Community Services Board will review the information, hold a public hearing, and prepare a recommendation for the Council. Council will be asked to adopt the Master Plan in the spring of 2010.

Mayor Degginger thanked the Steering Committee members for their hard work, and residents for their active participation in the planning process.

Deputy Mayor Balducci expressed appreciation to Steering Committee members for their extended participation over a two-year period, and their thoughtfulness and dedication on behalf of the community.

Responding to Deputy Mayor Balducci, Mr. Bergstrom explained that the EIS process is established by the State Environmental Policy Act (SEPA), which outlines the steps that must be

taken including the opportunity for public comment. The final EIS must respond specifically to questions and comments raised regarding the draft EIS. Mr. Bergstrom confirmed that the Steering Committee has been provided with every comment that has been received by the City.

(d) Management Brief providing Arts Commission Recommendations on 2010 Guidelines for Eastside Arts Partnerships and Special Projects Funding

Mr. Sarkozy opened discussion regarding the 2010 guidelines for the Eastside Arts Partnership and Special Projects funding. He recalled that the City Council has allocated monies in the Capital Investment Program (CIP) Plan to the arts agenda. Each year staff requests Council input regarding the guidelines for determining allocations to the two programs.

Mary Pat Byrne, Arts Specialist, noted that the Eastside Arts Partnership provides organizational funding, while the Special Projects program supports one-time or once-yearly projects. The Arts Commission allocates approximately 80 percent of the funding to the EAP, and the remaining 20 percent as Special Projects funding. The Commission proposes allocating up to half of the Special Projects funding to arts projects in the Bel-Red Subarea to support its redevelopment.

Councilmember Bonincontri expressed support for fostering arts projects in the Bel-Red area. Responding to Ms. Bonincontri, Ms. Byrne clarified that Special Projects funding will be directed toward performance projects.

Responding to Councilmember Lee, Ms. Byrne said staff and the Arts Commission are considering a number of ways to reach out to the diverse populations within Bellevue in order to encourage arts elements.

Councilmember Chelminiak noted that in addition to the Pacific Northwest Ballet facility in the Bel-Red area, there are a number of private dance studios. He would like to encourage a broad range of arts education activities in the area including perhaps pottery studios and glass art, and the creative reuse of existing buildings.

Mayor Degginger stated that although Councilmembers have expressed an interest in an arts focus in the Bel-Red area, a vision has not been set at this point. He noted that the potential allocation under discussion is relatively small, but he looks forward to seeing how artists will respond with proposals.

Mayor Degginger noted a Council consensus in support of continuing with the 2008 guidelines for allocating EAP and Special Projects funds, with a new focus on arts projects in the Bel-Red area.

Mr. Sarkozy requested the addition of Agenda Items 11(e), Resolution No. 7966, and 11(f), Resolution No. 7967.

6. Council Business and New Initiatives

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

7. Approval of the Agenda

→ Deputy Mayor Balducci moved to approve the agenda, adding Agenda Item 11(e), Resolution No. 7966, and Item 11(f), Resolution No. 7967, and rescheduling Agenda Item 11(c) to occur as the last item on the agenda. Mayor Degginger seconded the motion.

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

8. Consent Calendar

→ Deputy Mayor Balducci moved to approve the Consent Calendar, and Councilmember Creighton 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 July 6, 2009 Study Session  
Minutes of July 6, 2009 Regular Session  
Minutes of July 13, 2009 Extended Study Session
- (b) Motion to approve payment of claims for the period July 20, 2009 through July 31, 2009 and payroll for the period July 1, 2009 through July 15, 2009.
- (c) Ordinance No. 5893 amending the Bellevue City Code to provide for the use of alternative contracting procedure methods in the contracting of public works projects; creating a new Section 4.28.142 - Alternative Public Works Contracting in the Code; and establishing an effective date.
- (d) Resolution No. 7957 authorizing execution of an amendment to the City's annex to the King County Regional Hazard Mitigation Plan to reflect updates and revisions as required by FEMA.
- (e) Resolution No. 7958 authorizing execution of an amended Interlocal Amendment between the Cities of Bellevue, Redmond, Kirkland, Bothell, Mercer Island, Snoqualmie, and the Shoreline Fire Department, Woodinville Fire and Safety, Eastside Fire and Rescue (Issaquah, North Bend, Sammamish, District No. 10, District No. 38), King County Fire Protection District No. 16 (Northshore), King County Fire Protection District No. 45 (Duvall), and King County Fire Protection District No. 27 (Fall City) for technical rescue.
- (f) Motion to reject all bids for Bid No. 9179, Mercer Slough 112th Avenue SE Restoration Project and suspend the project until additional information is available at a later date.

- (g) Motion to award Bid No. 9192 to Pinnacle Construction Group, in the amount of \$43,324.00, as the lowest responsible bidder for the Bannerwood Baseball Backstop Replacement project.
- (h) Motion to award Bid No. 9207 to Pacific Pride Roofing, Inc., in the amount of \$42,390.00, as the lowest responsible bidder for re-roofing and flat roof maintenance coatings at the Highland Community Center.
- (i) Motion to award Bid No. 9208 to Fidalgo Paving and Construction, LLC, in the amount of \$148,671.80, as the lowest responsible bidder, for the asphalt overlay and ADA-compliant parking lot project at the Highland Community Center.
- (j) Motion to award Bid No. 9209 to Tatley-Grund, Inc., in the amount of \$52,598.00, as the lowest responsible bidder, for specified siding replacement and exterior painting of the Highland Community Center building.  
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- (k) Ordinance No. 5894 authorizing execution of an Agreement with the Washington State Criminal Justice Training Commission (WSCJTC) to provide staffing to the WSCJTC and accept funding for staffing; amending the 2009-2010 General Fund budget and appropriation to increase by \$169,725 and authorizing an additional FTE that will be paid from the funds from the WSCJTC.
- (l) Resolution No. 7960 authorizing execution of a five-year Lease Agreement, with an automatic five-year extension, with New Cingular Wireless PCS, LLC at the Clyde Hill Water Reservoir Site, located at 2200 96th Avenue NE, Clyde Hill.
- (m) Resolution No. 7961 authorizing execution of an agreement to relinquish a sanitary sewer pipeline easement covenant, bearing King County Recording No. 9507260214, no longer required by the Sewer Utility at 3135 Hunts Point Circle, Hunts Point.
- (n) Resolution No. 7962 authorizing execution of a Professional Services Agreement with Parametix, in an amount not to exceed \$100,000, to provide technical assistance for updating the City's Storm and Surface Water Comprehensive Plan.
- (o) Resolution No. 7963 ratifying the Emergency Declaration of the City Manager for emergency repair of a 72-inch storm culvert at 13220 SE 32nd Street.
- (p) Motion to award Bid No. 9006 for 2009 PRV and Clyde Hill 335 Reservoir Control Valve Improvements, to RP & Company, in an amount not to exceed \$211,508.29, as the lowest responsible and responsive bidder (CIP Plan Nos. W-67 and W-69).
- (q) Motion to award Bid No. 9051 for PRV Replacement 2009, Phase 3, to Dennis R. Craig Construction, Inc., in an amount not to exceed \$333,621.21, as lowest

responsible and responsive bidder (CIP Plan No. W-67).

- (r) Resolution No. 7964 authorizing approval of payment of \$139,589.80 for a Release of All Claims in final settlement of a claim filed against the City for property damage and business income loss to the Plaza East Property, LLC caused by a water system failure.
- (s) Resolution No. 7965 authorizing approval of payment of \$26,537.64 for a Release of All Claims in final settlement of a claim filed against the City for property damage to the Trevizo residence caused by a water system failure.
- (t) Ordinance No. 5895 authorizing: 1) execution of an Interagency Agreement with the Washington State Department of Ecology to accept grant funds of up to \$167,447, to retain a consultant to help small businesses prevent pollution and improve related business practices; 2) amending the Operating Grants, Donations, and Special Reserves Fund to increase appropriations by \$167,447; and, 3) expenditures of said grant funds.
- (u) Motion to award Bid No. 9230 for the fleet Shop Floor Repair and Maintenance at Bellevue Service Center to Ski's Painting, Inc., in the amount of \$98,446.00, as the lowest responsive and responsible bidder.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Neighborhood Livability Phase II - Land Use Code Amendments

Ordinance No. 5896 amending the Bellevue Land Use Code relating to Phase II of the Neighborhood Livability Action Agenda, specifically amending Land Use Code Sections 20.20.010, 20.20.525.C, 20.20.900.D, 20.50.012 (B Definitions), 20.50.016 (D Definitions), and 20.50.020 (F Definitions) of the Bellevue Land Use Code; providing for severability and establishing an effective date.

Ordinance No. 5897 amending the Bellevue City Code relating to reducing impacts in single-family land use districts associated with vacant structures, abandoned construction sites, and construction-related noise; specifically amending Sections 9.10.030 and 9.18.020.B., and adopting a new Chapter 9.13 to provide maintenance standards for vacant residences and abandoned construction sites; providing for severability and establishing an effective date.

City Manager Steve Sarkozy noted that Council action is requested on two Ordinances proposed as part of the Neighborhood Livability Phase II project to reduce the impacts of redevelopment and new development in single-family neighborhoods. These items were discussed with the

Council during the July 13 and July 20 study sessions.

Legal Planner Catherine Drews referred the Council to page 11-1 of the meeting packet for materials regarding the proposed Ordinances. The Ordinances address a number of issues associated with development and redevelopment in single-family neighborhoods including tree retention, the placement of mechanical equipment, protection of privacy and access to sunlight, building heights, construction hours, and maintenance standards for vacant homes and abandoned construction sites.

Mayor Degginger thanked staff and the Planning Commission for their hard work in drafting the regulations.

→ Deputy Mayor Balducci moved to adopt Ordinance No. 5896 and Ordinance No. 5897. Councilmember Bonincontri seconded the motion.

Councilmember Davidson expressed support for the motion. He looks forward to addressing additional issues related to neighborhood character as part of Phase III of the project.

Councilmember Chelminiak thanked the Planning Commission and staff for their good work in addressing problematic issues without proposing regulations that will stifle redevelopment. He hopes to address view preservation during Phase III. He also would like to work toward a better definition of significant tree that acknowledges the type of tree as well as size.

Councilmember Creighton concurred with the need to address view preservation. In addition, he noted previous complaints from citizens to the Council regarding nuisance properties, and asked staff to report back to the Council as to the outcome of the complaints.

Responding to Councilmember Lee, Mr. Sarkozy explained that staff has anticipated addressing Phase III of the Neighborhood Livability initiative as part of the next budget process. He noted the opportunity to bundle a number of issues into a cohesive program of neighborhood preservation and protection. Mr. Sarkozy suggested that this include neighborhood commercial areas as well.

Mayor Degginger agreed with the need to stimulate the redevelopment of neighborhood shopping centers and to focus on maintaining tenants in both old and new commercial areas.

→ The motion to adopt Ordinance Nos. 5896 and 5897 carried by a vote of 7-0.

- (b) Ordinance No. 5898 authorizing the creation of a Revitalization Area (RA) to implement the state's Local Revitalization Financing program. The RA is a district within which tax increments and a portion of the state's sales tax would be used to fund the extension of NE 4th Street. *[Discussed with Council on July 20; and a Public Hearing was held on July 27, 2009.]*

Mr. Sarkozy recalled previous discussion with the Council about the new Local Revitalization Financing program established by the state legislature. The program is a form of tax increment

financing that uses future increments of property tax and sales tax to fund public infrastructure projects. Staff proposes using the program to fund the extension of NE 4<sup>th</sup> Street.

Bob Derrick, Director of the Office of Economic Development, provided a brief update on the program. The City has received a document indicating that King County, King County Flood Control District, the Ferry District, the rural Library District, and the Port of Seattle are eligible to opt out of the program. Exempt under state law is the Bellevue School District, Sound Transit, and the State itself. The City also recently received from KG Investment a letter of endorsement, as required by state law, that the developer will propose or advance a project related to the street project. KG Investment owns property adjacent to the NE 4<sup>th</sup> Street right-of-way.

In response to questions raised by the Council the previous week, Mr. Derrick said the Revitalization Area (RA) can overlap a Local Improvement District (LID). However, there is not sufficient time to revise the boundaries of the proposed RA. If Council approves the Ordinance, staff will proceed with completing the application for filing on September 1.

→ Deputy Mayor Balducci moved to adopt Ordinance No. 5898, and Councilmember Creighton seconded the motion.

→ The motion to adopt Ordinance No. 5898 carried by a vote of 7-0.

- (d) Resolution No. 7959 authorizing execution of a Consultant Agreement with Parsons Brinckerhoff (PB Americas, Inc.), in an amount not to exceed \$119,931, for technical assistance in the City's analysis of at-grade light rail transit (Sound Transit's East Link alternative C4A) in Downtown Bellevue. *[Discussed with Council on July 6, 2009.]*

Mr. Sarkozy explained that Resolution No. 7959 authorizes a consultant agreement with Parsons Brinckerhoff (PB Americas, Inc.) for technical assistance in the City's analysis of Sound Transit's at-grade light rail alignment option known as C4A.

Kevin O'Neill, Assistant Director of Transportation, recalled the most recent discussion with the Council on July 6 regarding the City's analysis associated with Sound Transit light rail alternative C4A. Analysis of the alternative using the City's Bellevue-Kirkland-Redmond (BKR) model will help City staff better understand the alignment and implications. Staff will complete most of the work. However due to the complexity and specialized nature of the analysis, staff recommends hiring a consultant for expert technical assistance.

Mr. O'Neill noted the Scope of Work provided in the meeting packet beginning on page 11-35. PB Americas was the only firm to respond to the request for qualifications. The company has extensive experience in conducting analyses of traffic and light rail transit simulations applications in other cities, including in Phoenix which recently opened an at-grade light rail system. Any work by the consultant with Sound Transit staff will be directly coordinated through City staff.

Responding to Councilmember Davidson, Mr. O'Neill said PB Americas worked with Sound Transit on the Central Link segment in Seattle, but is not tasked with any work on the East Link project. PB Americas considered any potential conflict of interest before submitting its proposal to the City, and City staff is satisfied as well that there are no conflicts.

Responding to Councilmember Lee, Mr. O'Neill said that two of the firms invited to submit a proposal turned out to be sub-consultants for the East Link final Environmental Impact Statement (FEIS) process.

Councilmember Chelminiak noted public comments regarding the noise level of light rail in Seattle and Tukwila, and questioned how this issue will be addressed. Transportation Director Goran Sparrman explained that at this point the City is not contemplating its own sound analysis but will be monitoring how Sound Transit responds to the problems with the Central Link system.

Councilmember Chelminiak expressed concern about the seriousness of the sound issue and encouraged an analysis by the City. Mr. Sparrman noted budget constraints that affect the City's ability to conduct a full analysis. However, staff will monitor Sound Transit's response.

Referring to the advanced modeling analysis to be conducted, Deputy Mayor Balducci said it is important that the Council understand the assumptions contained within the model and is able to describe the analysis to the public. In addition, it is important that City staff have control over the specific assumptions built into the model. Mr. Sparrman confirmed staff's understanding about the importance of ensuring that the right data is incorporated into the modeling analysis. Ms. Balducci requested a list of the assumptions to be input into the model.

Mr. Sarkozy concurred with Deputy Mayor Balducci's concerns and noted the City's intent to be fully transparent with regard to the analysis. He commented that in part the City's analysis is based on concerns that Sound Transit's analysis has been too narrow in scope.

Deputy Mayor Balducci stated her agreement with the concerns expressed earlier by Councilmember Chelminiak about noise mitigation. One of the principles from the work of the Light Rail Best Practices Committee was to provide exceptional mitigation, meaning that the screeching sounds in the Central Link video will not be acceptable.

Councilmember Creighton commented that Sound Transit's study addresses the use of light rail by commuters. However if visitors to the downtown continue to travel by car, how will the light rail system affect vehicle access? Mr. Sparrman responded that this is one of the issues to be addressed by the City's analysis.

Councilmember Davidson recalled that Sound Transit's draft EIS states there are no sound impacts to residences near Bellevue Way. With the sound levels experienced on the Central Link system, he is not confident that noise impacts are being adequately addressed. He encouraged the City to provide close oversight of Sound Transit's work in this area or to conduct its own sound analysis.

Deputy City Attorney Kate Berens noted a typographical error in Resolution No. 7959. The resolution should read not to exceed with reference to the contract dollar amount.

→ Deputy Mayor Balducci moved to approve Resolution No. 7959, as amended by the correction of the typographical error. Councilmember Chelminiak seconded the motion.

→ The motion to approve Resolution No. 7959, as amended, carried by a vote of 7-0.

- (e) Resolution No. 7966 authorizing the execution of a consultant agreement with INCA Engineers, Inc., in the amount of \$604,235.10 to develop the design and prepare the construction contract documents for 120<sup>th</sup> Avenue NE Phase I, NE 4<sup>th</sup> Street to NE 8<sup>th</sup> Street, as part of the Mobility and Infrastructure Initiative (CIP Plan No. G-80).

Mr. Sarkozy introduced Resolution No. 7966 authorizing a consultant agreement with INCA Engineers to develop the design and prepare construction contract documents for the 120<sup>th</sup> Avenue NE Phase I project (NE 4<sup>th</sup> to NE 8<sup>th</sup> Street), as part of the Mobility and Infrastructure Initiative.

David Berg, Deputy Director of Transportation, explained that the 120<sup>th</sup> Avenue NE project is the first segment of the NE 4<sup>th</sup> Street extension and widening of 120<sup>th</sup>. The 120<sup>th</sup> Avenue segment of the project competed very well for grant funding, and staff anticipates receipt of grant funding in early 2010. The 120<sup>th</sup> project includes some neighborhood protection elements that staff will be reviewing for NE 5<sup>th</sup> Street as it enters the Wilburton neighborhood.

Responding to Councilmember Davidson, Mr. Berg said the project is part of the Mobility and Infrastructure Initiative, which is funded by revenues from the property tax adjustment approved by the Council. Additional resources are grant funding, LID assessments, and impact fees.

→ Councilmember Creighton moved to approve Resolution No. 7966, and Deputy Mayor Balducci seconded the motion.

→ The motion to approve Resolution No. 7966 carried by a vote of 7-0.

- (f) Resolution No. 7967 authorizing the execution of the First Amendment to Agreement of Purchase and Sale and Joint Escrow Instructions with Safeway, Inc. to include additional real property, known as the Safeway Spur (King County Parcel No. 1099100104) in the Mid-Mountain Property purchase; and authorizing all steps necessary to close the purchase of the Property, subject to removal of all contingencies.

Mr. Sarkozy introduced Resolution No. 7967 regarding the purchase of property known as the Safeway Spur.

Deputy City Attorney Kate Berens stated that the Resolution authorizes the execution of the First Amendment to Agreement of Purchase and Sale and Joint Escrow Instructions with Safeway,

Inc. to include additional real property, known as the Safeway Spur (King County Parcel No. 1099100104) in the Mid-Mountain Property purchase. The parcel is adjacent to the Barrier-Audi facility in the Bel-Red area, west of 120<sup>th</sup> Avenue NE. This parcel was identified through the Bel-Red planning process as a potential link between the City's right-of-way to a regional trail system facility, should one be developed in the Burlington Northern rail corridor.

Ms. Berens said Safeway is donating the property to the City in support of the Bel-Red Land Use vision. Should Council agree to this amendment to the agreement of purchase and sale, closing will be coordinated with the anticipated closing on the Mid-Mountain property scheduled for September 16.

→ Deputy Mayor Balducci moved to approve Resolution No. 7967, and Councilmember Bonincontri seconded the motion.

→ The motion to approve Resolution No. 7967 carried by a vote of 7-0.

- (c) Resolution No. 7956 authorizing execution of a Consultant Agreement with NBBJ, in an amount not to exceed \$99,640 to complete an analysis of the costs and benefits of constructing and operating a City jail alone or in partnership with the City of Kirkland on the current City Hall site.

Deputy Mayor Balducci continued to recuse herself from this issue, noting her employment with the King County jail system, and left the meeting.

Diane Carlson, Director of Intergovernmental Relations, requested Council approval of Resolution No. 7956 authorizing the execution of a consultant agreement with NBBJ to complete an analysis of the feasibility of constructing and operating a jail on the City Hall site, alone or in partnership with the City of Kirkland.

Ms. Carlson noted a typographical error in the draft Resolution omitting the word "not" before the words "to exceed."

→ Councilmember Chelminiak moved to approve Resolution No. 7956, amended to add the word "not" to the legislation. Councilmember Creighton seconded the motion.

→ The motion to approve Resolution No. 7956, as amended, carried by a vote of 6-0, with Deputy Mayor Balducci recused.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:49 p.m., Mayor Degginger declared the meeting adjourned. He noted that the Council will be in recess until its September 8th meeting.

Myrna L. Basich  
City Clerk

/kaw