

CITY OF BELLEVUE  
CITY COUNCIL  
Summary Minutes of Regular Session

August 6, 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. Deputy Mayor Chelminiak led the flag salute.

3. Communications: Written and Oral

- (a) Lynn Lee Thompson, a resident living on 172<sup>nd</sup> Avenue NE, spoke in opposition to a proposed cell tower.
- (b) Sharon Simas, President of SPLASH, an organization promoting aquatic facilities, encouraged the City's partnership to construct a facility in Bellevue.
- (c) Bill Leak expressed support for efforts to develop the SPLASH aquatic center.
- (d) Mark Budos added support for SPLASH's proposed facility.
- (e) Sylvia Jones spoke regarding the Hearing Examiner's decision for a left-turn pocket on 119<sup>th</sup> Avenue SE, related to the replacement of Newport Hills Elementary School. She expressed concern about the safety of adding this lane and asked that the matter be appealed.

Lacey Madche, Legal Planner, explained that the matter went before the Hearing Examiner as an appeal of an administrative conditional use. On July 23, the Hearing Examiner ruled in favor of upholding the City's decision. The matter is eligible for appeal to Superior Court under the Land Use Petition Act, and therefore the City Council is not the appropriate appellate body.

Councilmember Balducci asked whether the City is willing to undertake additional consideration of the matter. Ms. Madche explained that the Hearing Examiner's ruling was based on the preponderance of evidence. There was a finding of fact that the City did not have a specific requirement to prove that the condition imposed was necessary for the development, but rather that there is discretion for the decision made by City staff in issuing the decision.

Responding to Mayor Degginger, City Manager Steve Sarkozy said the Hearing Examiner's report will be made available in the Council office. The objective of the application is to provide the best traffic flow in front of the school, which is scheduled for upgrade and expansion.

Responding to Mr. Degginger, Ms. Madche said there is a 21-day appeal period under the Land Use Petition Act.

Responding to Dr. Davidson, Mr. Sarkozy confirmed that the left-turn pocket was previously discussed with the Council.

(f) Woodrow Abbenhouse spoke in reference to Agenda Item 5(b), a Management Brief regarding the Silver Glen Trail Easement. He indicated he will submit written comments to Council and staff.

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

5. Report of the City Manager

(a) Management Brief – Neighborhood Livability Action Agenda and Proposed Schedule for Consideration of Neighborhood Character Code Amendments

Cheryl Kuhn, Neighborhood Outreach Manager, recalled that staff has been working on a preliminary schedule for considering Code and policy changes related to neighborhood infill and redevelopment. The Planning Commission was asked to review the issue in terms of: 1) Measures to address construction impacts, 2) Measures to address concerns about loss of trees and greenscape, and 3) Measures to address size and scale concerns of redevelopment.

Ms. Kuhn reviewed staff's proposal to initiate discussions with the Planning Commission in September as Phase I. Phase II will address more complex items and present the recommendations to Council in 2008 for possible adoption.

Mayor Degginger thanked staff for expediting work on this issue.

(b) Management Brief – Silver Glen Trail Easement

City Manager Steve Sarkozy opened discussion regarding the Silver Glen trail easement.

Kris Liljeblad, Assistant Director of Transportation, noted the 14-year history of the trail easement. Residents have submitted a petition opposing the existing pedestrian trail on their

property and requesting that the City remove it. One concern cited by residents was a lack of maintenance of the trail by the City. Mr. Liljeblad said this winter's windstorm damaged the trail, and repair work is scheduled for later this summer. Residents also raised security and safety issues.

Responding to Councilmember Lee, Mr. Liljeblad confirmed there are two parallel trails, one through Silver Glen and one on school property.

Mr. Liljeblad explained that the City has secured an easement from Bellevue School District for a 10-year period to allow the City to extend the current Silver Glen trail from the point at which the fence interrupts it. He feels it is important for City staff, Silver Glen residents, and Bellevue School District representatives to meet and discuss the matter.

Councilmember Balducci acknowledged the section of the trail in need of repair. She expressed concern about the lack of screening or separation between Silver Glen residences and the trail.<sup>1</sup> Ms. Balducci encouraged discussions with Silver Glen residents regarding visual and other impacts if the trail is allowed to continue adjacent to their property.

Responding to Mayor Degginger, Mr. Liljeblad said the trail easement was installed by Silver Glen Cooperative as a condition of their occupancy of the site. However, the preexisting fence belonging to the School District led to the development of the parallel trail on school property. In further response, Mr. Liljeblad said staff will report back to Council following the meeting referenced above.

## 6. Council Business and New Initiatives

Councilmember Balducci attended meetings of the Firemen's Pension Board, the Light Rail Best Practices Committee, and Surrey Downs residents. She participated in the Lake Hills Blueberry Festival.

Councilmember Noble attended meetings of the Puget Sound Regional Council (PSRC) Executive Board and the King County Committee to End Homelessness Executive Board.

Deputy Mayor Chelminiak attended the Youth Eastside Services (YES) groundbreaking with Mayor Degginger. Mr. Chelminiak attended meetings of the Association of Washington Cities (AWC) Sex Offender Land Use Task Force and Bellevue Economic Partnership. He attended the Bellevue Arts Museum auction and fundraiser.

Councilmember Davidson attended meetings of the Regional Water Quality Committee and the Metropolitan Water Pollution Abatement Advisory Committee (MWPAAC).

Councilmember Lee met with King County Councilmembers regarding issues of importance to both the County and Bellevue.

Councilmember Marshall reported that at the last Sound Transit Board meeting, Pro and Con

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<sup>1</sup> Amendment approved by Council during September 17, 2007, Regular Session.

committees were appointed for the RTID (Regional Transportation Investment District) and Sound Transit ballot measure to be presented to voters in November.

Mayor Degginger expressed support for the services provided to the community by YES. He attended the King County Mayors Meeting.

7. Approval of the Agenda

➡ Deputy Mayor Chelminiak moved to amend the agenda to add Resolution No. 7613 and Ordinance No. 5759 under Agenda Item 11. Mrs. Marshall seconded the motion.

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

8. Consent Calendar

Mr. Sarkozy requested postponing Agenda Item 8(f).

Councilmember Davidson requested pulling Agenda Item 8(d) for discussion.

➡ Deputy Mayor Chelminiak moved to approve the Consent Calendar, as amended. Mayor Degginger seconded the motion.

➡ The motion to approve the Consent Calendar, as amended, carried by a vote of 7-0, and the following items were approved:

- (a) Minutes of June 18, 2007 Extended Study Session
- (b) Resolution No. 7601 authorizing execution of a System Purchase Agreement with ImageSource, Inc., in the amount of \$1,145,948 for purchase of an Electronic Content Management (ECM) system and related functionality consisting of software, installation and implementation services, and a related software maintenance agreement estimated at \$256,940 annually. (CIP Plan No. G-57)
- (c) Resolution No. 7602 authorizing execution of a contract with Exteriorscapes in the amount of \$55,695.82 for the installation of the Reflecting Pond for the Root artwork at the City Hall Plaza.
- (e) Motion to approve payment of claims for the period July 21, 2007, through August 3, 2007, and payroll for the period July 1, 2007, through July 15, 2007.
- (g) Resolution No. 7604 authorizing execution of a Memorandum of Understanding with the International Association of Firefighters (IAFF), Local 1604, to establish a policy and procedure for both State and Federal emergency mobilizations.
- (h) Resolution No. 7605 authorizing execution of a professional services agreement in an amount not to exceed \$100,000 to develop the finance plan for

improvements necessary to support the anticipated growth in the Bel-Red area.

- (i) Resolution No. 7606 authorizing execution of a professional services agreement with Ballard King & Associates in an amount not to exceed \$110,500 to complete an Aquatic Center Feasibility Study.
- (j) Motion to award Bid No. 0746 for the installation of the boiler at the Bellevue Aquatic Center to McDonald Miller, in the amount of \$58,443.36, as the lowest responsible bidder.
- (k) Resolution No. 7607 authorizing execution of an agreement with Datec, Inc., in an amount not to exceed \$397,790.36 for the purchase of 51 mobile data computer units for the Police Department.
- (l) Motion to award Bid No. 0740, 2008 ADA Retrofit and Curb, Gutter and Sidewalk Repair Project, to Dennis R. Craig Construction, Inc., in the amount of \$735,995.95, as the lowest responsible bidder. (CIP Plan Nos. PW-M-1 and PW-M-3)
- (m) Resolution No. 7608 authorizing execution of a professional services agreement with Inca Engineers, Inc., in the amount of \$434,826.70, to conduct conceptual engineering design analysis for the Preliminary Preferred Alternative related to the Early Implementation of the Bel-Red Corridor Plan. (CIP Plan No. PW-R-153) *[Discussed with Council on July 30, 2007.]*
- (n) Resolution No. 7609 authorizing execution of a professional services agreement with David Evans & Associates in the amount of \$225,000 for planning services in support of the Light Rail Best Practices Project. (CIP Plan No. PW-R-130) *[Discussed with Council on July 30, 2007.]*
- (o) Resolution No. 7610 authorizing execution of an Air Space Lease with the Washington State Department of Transportation for the purpose of constructing and maintaining a trailhead and kiosk where the I-90 Trail intersects Factoria Boulevard.
- (p) Motion to award Bid No. 0726 for Sanitary Sewer Repairs as part of the sewer pipeline rehabilitation program, to R.L. Alia, in the amount of \$899,200.00, as lowest responsible bidder. (CIP Plan No. S-24)
- (q) Motion to award Bid No. 0727 for Cougar Mountain Reservoir #1 and #2 Coating and Joint Repairs, to Cascade Industries NW, Inc., in the amount of \$134,132.13, as lowest responsible bidder.
- (r) Motion to award Bid No. 0731 for 2-Port Fire Hydrant Replacement, to West Coast Construction Co., Inc., in the amount of \$321,780.36, as lowest responsible bidder. (CIP Plan No. W-82)

- (s) Motion to award Bid No. 0737 for Southridge/Kimberlee Park Wastewater Pump Station Rehabilitation, to Western Engineering Constructors, Inc., in the amount of \$638,154.00, as lowest responsible bidder. (CIP Plan No. S-16)
- (t) Ordinance No. 5755 authorizing execution of a Local Government Stormwater Grant Acceptance Intent Notice with the Washington State Department of Ecology to accept state grant funds in the amount of \$75,000 to support City-wide implementation of the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit; establishing a project within the Operating Grants and Donations Fund; and authorizing the expenditure of said grant funds.
- (u) Resolution No. 7611 authorizing execution of a professional services agreement with Brown and Caldwell in an amount not to exceed \$173,000 to support City-wide implementation of the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit.
- (v) Ordinance No. 5760 amending the Bellevue City Code to clarify procedures for disposition of non-utility real property; amending Sections 4.32.010 and 4.32.015 of the Bellevue City Code; creating new Sections 4.32.017 and 4.32.090 in the Bellevue City Code; deleting Section 4.32.031 in the Bellevue City Code; and establishing an effective date.

Item Postponed:

- (f) Resolution No. 7603 authorizing the execution of a professional services contract with TCA Architecture Planning in the amount of \$169,254.85 to provide conceptual design services for the renovation of Fire Station 5 and a proposed new Downtown Fire Station.

Item for Discussion:

- (d) Ordinance No. 5754: 1) Amending the 2007-2013 Capital Investment Program (CIP) Plan to create a new CIP project entitled Environmental Stewardship Initiative (CIP Plan No. G-67) with a project budget of \$157,000, and 2) Transferring \$157,000 from the CIP Contingency to the Environmental Stewardship Initiative.

Councilmember Davidson recalled previous discussion between staff and the Council on the Environmental Stewardship Initiative. He questioned, however, identifying CIP funds for the program.

Mr. Sarkozy explained that funding for the initiative was not contemplated in either the operating or capital budgets, leaving the need for an allocation of funding from the Council. As the initiative develops, staff recommends reallocating funds from other areas toward environmental

stewardship activities.

Dr. Davidson commented that staff training, the study of best practices, and tree canopy mapping are not typical capital items. He said he will vote against the motion and noted the need to refine the definitions of operating and capital budget items.

Deputy Mayor Chelminiak concurred with Dr. Davidson's suggestion regarding the need for further discussion of how budget items are categorized. Mr. Chelminiak noted that the source of the money, the Council Contingency Fund, is funded in part by sales tax, which can be used for operating items.

→ Deputy Mayor Chelminiak moved to adopt Ordinance No. 5754, and Mayor Degginger seconded the motion.

→ The motion to adopt Ordinance No. 5754 carried by a vote of 6-1, with Councilmember Davidson opposed.

9. Public Hearings: None.

10. Land Use

- (a) \*Ordinance No. 5756 approving the application of Holly Smith of Polygon Homes (Bellewood Apartments) to rezone 0.27 acres of a 1.45-acre lot from Office to R-30, Multifamily-Residential. The site is located at 148 102<sup>nd</sup> Avenue SE. File No. 06-116640-LQ. [Council discussed this quasi-judicial matter on July 30, 2007.]

*This is a Process III application in which the Hearing Examiner provides a written recommendation to Council, which is the decision-making body. Should the Council deny the application, its decision would be eligible for appeal to Superior Court.*

*The Hearing Examiner recommends Council approval.*

Mr. Sarkozy recalled previous Council discussion regarding the application for a rezone by Polygon Homes.

→ Deputy Mayor Chelminiak moved to adopt Ordinance No. 5756, and Mr. Lee seconded the motion.

→ The motion to adopt Ordinance No. 5756 carried by a vote of 7-0.

- (b) \*Ordinance No. 5757 approving the application of John H. Hancock and Earl E. Muren, Jr., to rezone 3.37 acres from R-1 to R-3.5 for future single-family residential development. The site is located at 1801, 1809, 1905, and 1911 156<sup>th</sup> Avenue SE. File No. 06-102787-LQ. [Council discussed this quasi-judicial

matter on July 30, 2007.]

*This is a Process III application in which the Hearing Examiner provides a written recommendation to Council, which is the decision-making body. Should the Council deny the application, its decision would be eligible for appeal to Superior Court.*

*The Hearing Examiner recommends Council approval.*

Mr. Sarkozy recalled previous Council discussion of the Hancock Muren rezone application.

Councilmember Balducci restated her position that she feels the site should be zoned at a maximum of R-1.8 (1.8 units per acre) to maintain consistency with existing housing along the greenbelt.

→ Deputy Mayor Chelminiak moved to adopt Ordinance No. 5757, and Mayor Degginger seconded the motion.

→ The motion to adopt Ordinance No. 5757 carried by a vote of 6-1, with Councilmember Balducci opposed.

#### 11. Other Ordinances, Resolutions and Motions

- (a) Motion to initiate a Comprehensive Plan Amendment (CPA) into the 2007 work program to provide mobility improvements at several locations in and adjacent to Downtown Bellevue, and to direct the Planning Commission to return with recommendations through the CPA review process.

Mr. Sarkozy noted that this item was presented and discussed during the Study Session earlier in the evening.

→ Deputy Mayor Chelminiak moved to initiate a Comprehensive Plan Amendment (CPA) into the 2007 work program to provide mobility improvements at several locations in and adjacent to Downtown Bellevue, and to direct the Planning Commission to return with recommendations through the CPA review process. Dr. Davidson seconded the motion.

→ The motion to initiate a CPA proposal into the 2007 work program regarding mobility improvements, and to direct the Planning Commission to develop recommendations on this item, carried by a vote of 7-0.

- (b) Ordinance No. 5758 regulating motorized foot scooters by establishing an operator age restriction of 14 years or older, restricting operation to daylight hours, limiting location of operation to public streets with a marked speed limit of 25 MPH or less, requiring a safety helmet, and adding a new Section 11.48.210 to Title 11, Chapter 48, of the Bellevue City Code.

Mr. Sarkozy briefly reviewed Ordinance No. 5758 regulating motorized foot scooters.

Councilmember Noble noted that concern within the community regarding motorized foot scooters has dissipated since development of the Ordinance was initiated. However, given the safety issues, it did warrant the City's attention.

Mayor Degginger said residents have continued to comment to him on occasion their concerns about the regulation of motorized foot scooters, and he therefore feels the legislation is relevant.

Councilmember Balducci noted similar ambivalence about the necessity of the Ordinance given the reduction in the prevalence of the scooters. However, she supports the legislation to ensure safety.

→ Councilmember Balducci moved to adopt Ordinance No. 5758, and Mr. Chelminiak seconded the motion.

Responding to Councilmember Lee, Police Legal Advisor Kyle Aiken said there continue to be concerns by residents and staff feels the Ordinance is warranted.

→ The motion to adopt Ordinance No. 5758 carried by a vote of 7-0.

- (c) Resolution No. 7612 authorizing execution of an Interlocal Agreement, and any supplements necessary or appropriate including Articles of Incorporation, to form the North East King County Regional Public Safety Communications (NORCOM) Agency.

Mr. Sarkozy explained that Resolution No. 7612 approves an Interlocal Agreement to form the North East King County Regional Public Safety Communications (NORCOM) Agency. NORCOM represents a regional cost-sharing model to provide public safety dispatch services for five Police and 14 Fire agencies. If the Resolution is approved, Bellevue will be the first jurisdiction to enter into the agreement.

Councilmember Lee expressed support for the development of this regional agency.

Responding to Mr. Lee, Acting Police Chief Linda Pillo noted she served on the technology committee, which selected the consultant hired by NORCOM. The software to be acquired will operate on replacement hardware scheduled to be purchased by the Police Department.

Mayor Degginger noted future opportunities for cost savings associated with purchasing equipment in conjunction with ValleyCom, a regional dispatch agency in South King County.

→ Deputy Mayor Chelminiak moved to approve Resolution No. 7612, and Councilmember Balducci seconded the motion.

Mayor Degginger commended staff's work over the past few years to develop this cooperative

agency.

→ The motion to approve Resolution No. 7612 carried by a vote of 7-0.

(d) Property Acquisition

Staff provided a presentation regarding the proposed acquisition of Bayvue Village Apartments along Meydenbauer Bay for the purpose of providing enhanced public access to the waterfront.

Resolution No. 7613 authorizing execution of all documents necessary for the purchase of the Bayvue Village Apartments (King County Parcel Numbers: 4389200335 and 3225059034) for a total purchase price of \$9,450,000, plus estimated closing costs, from Skookum Enterprises, a Washington general partnership (“Seller”).

→ Deputy Mayor Chelminiak moved to approve Resolution No. 7613, and Ms. Balducci seconded the motion.

→ The motion to approve Resolution No. 7613 carried by a vote of 7-0.

Ordinance No. 5759 authorizing an amendment to the 2007-2013 Capital Investment Program (CIP) Plan to increase the project budget for P-AD-15, Parks Property Acquisition, by \$8,500,000 for the acquisition of property along Meydenbauer Bay and an amendment to the 2007-2008 General CIP Fund appropriation to recognize increased Real Estate Excise Tax (REET) revenues of \$8,500,000.

→ Deputy Mayor Chelminiak moved to adopt Ordinance No. 5759, and Dr. Davidson seconded the motion.

→ The motion to adopt Ordinance No. 5759 carried by a vote of 7-0.

12. Unfinished Business

(a) Action on Climate Protection

Resolution No. 7614 endorsing the U.S. Mayors Climate Protection Agreement and authorizing the Mayor to sign such Agreement on behalf of the City of Bellevue.

Councilmember Noble asked Council to consider Resolution No. 7614 endorsing the U.S. Mayors Climate Protection Agreement. He noted a perception by some that the Council did not directly address the agreement in previously approved Resolution No. 7517 which addressed, among other items, global warming.

→ Councilmember Noble moved to approve Resolution No. 7614, and Ms. Balducci

seconded the motion.

Dr. Davidson said he does not support the motion as he feels Bellevue's position and interests were adequately addressed in Resolution No. 7517.

At the request of Dr. Davidson, City Clerk Myrna Basich reviewed the rules for reconsideration of an issue.

Councilmember Marshall provided additional details on the Kyoto Treaty and said she will not support the motion.

Mr. Lee said he would not support the motion.

Councilmember Balducci said she will support the motion. However, she feels it is largely a political ~~issue~~ act. She feels signing the agreement is a statement of solidarity in a growing movement of communities that are working together to have an impact on pollutants that are causing global warming.<sup>2</sup>

Councilmember Noble reiterated his support for signing the agreement.

→ The motion to approve Resolution No. 7614 carried by a vote of 4-3, with Councilmembers Davidson, Lee, and Marshall opposed.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

Mayor Degginger declared the meeting adjourned at 9:48 p.m.

Myrna L. Basich  
City Clerk

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<sup>2</sup> Amendment approved by Council during September 17, 2007, Regular Session.