

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

September 4, 2007
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Degginger, Deputy Mayor Chelminiak, and Councilmembers Balducci, Davidson, Lee, Marshall and Noble

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:04 p.m., with Mayor Degginger presiding.

2. Roll Call, Flag Salute

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

3. Communications: Written and Oral: None.

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

5. Report of the City Manager

- (a) Consideration of application by Hossein Khorram of Milano Town Homes LLC to rezone 1.9 acres at NE 8th Street and 123rd Avenue NE from R-10 and R-3.5 to R-15. [Study Session Agenda Item 3(a)]

Land Use Director Carol Helland referred to page SS 3-1 of the meeting packet for materials regarding the rezone application submitted by Hossein Khorram of Milano Town Homes LLC. The Hearing Examiner recommends approval of the application.

Responding to Mayor Degginger, Ms. Helland confirmed that this is a quasi-judicial matter governed by the appearance of fairness doctrine.

City Manager Steve Sarkozy highlighted four items on the Consent Calendar. Item 8(c) represents a consultant contract to assess the Fire Department's long-term growth needs, including the need for a downtown fire station. Item 8(e) relates to installing a stand-by power system at Crossroads Community Center. The need for this became apparent during this

winter's windstorm. Item 8(f) provides funds for master planning of Surrey Downs Park, and Item 8(g) awards a bid for the construction of the Ashwood Park Plaza.

6. Council Business and New Initiatives

Councilmember Balducci reported that she and Councilmember Noble participated in a community roundtable hosted by Bellevue School District regarding capital planning. Ms. Balducci attended a forum here at City Hall hosted by the Transportation Choices Coalition for elected officials and candidates.

Deputy Mayor Chelminiak attended Jubilee Reach Center's community work event, a Great Streets workshop, and a meeting of the Meydenbauer Bay Park and Land Use Committee. He suggested working with Bellevue School District to plan for needs associated with continued growth within the community.

Councilmember Davidson attended a workshop involving the Puget Sound Partnership Board and the Puget Sound Salmon Recovery Council. He attended a performance in City Hall by a group visiting from Hualien, Taiwan, one of Bellevue's Sister Cities.

Councilmember Lee reported that he and Councilmember Balducci attended the second anniversary celebration of the Wrap-Around Services Program.

Mayor Degginger reported that he and Mr. Chelminiak served as judges for a dog show, which was an activity at the Newport Hills Car Show. Mr. Degginger attended the Forest Ridge School convocation ceremony. He attended meetings of the Jail Advisory Group (JAG) and the Meydenbauer Bay Park and Land Use Committee.

Deputy Mayor Chelminiak explained that the Council has been notified by Merle Keeney, Chair of the Parks and Community Services Board, that one of its members, Dave Karle, has been unable to attend three consecutive meetings due to work-related commitments. In this situation, the Council may either declare the position vacant or excuse the absences.

- Deputy Mayor Chelminiak moved to excuse Dave Karle's absences from the May, June, and July Parks and Community Services Board meetings. Mrs. Marshall seconded the motion.
- The motion to excuse Dave Karle's absences from the May, June, and July Parks and Community Services Board meetings carried by a vote of 7-0.

7. Approval of the Agenda

- ☞ Deputy Mayor Chelminiak moved to approve the agenda, and Mr. Noble 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 Mr. Lee 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 25, 2007 Study Session
Minutes of June 25, 2007 Regular Session
Minutes of July 9, 2007 Study Session
Minutes of July 9, 2007 Regular Session
Minutes of July 16, 2007 Extended Study Session
Minutes of July 23, 2007 Study Session
Minutes of July 23, 2007 Regular Session
Minutes of July 30, 2007 Extended Study Session
 - (b) Motion to approve payment of claims for the period August 4, 2007, through August 31, 2007, and payroll for the period July 16, 2007, through August 15, 2007.
 - (c) Resolution No. 7603 authorizing execution of a professional services contract with TCA Architecture Planning in an amount not to exceed \$169,254.85 to provide conceptual design services for the renovation of Fire Station 5 and a feasibility review for a proposed new Downtown Fire Station. [This item was postponed from August 6, 2007,]
 - (d) Resolution No. 7615 authorizing execution of Fiber Optic Project Agreement #28 as an amendment to the Interlocal General Terms and Conditions for Sharing Fiber Optic Installation Projects to extend fiber optic cable into Lake Washington Technical College in Kirkland.
 - (e) Motion to award Bid No. 0749 in the amount of \$28,300.93 to Wave Electrical, Inc., as the lowest responsible bidder, for the installation of an optional stand-by power system (generator) at Crossroads Community Center.
 - (f) Resolution No. 7616 authorizing execution of a professional services agreement with The Berger Partnership in an amount not to exceed \$151,538.50 for master planning services for Surrey Downs Park.
 - (g) Motion to award Bid No. 0716 in the amount of \$879,475.50 to Washington Hanover LLC, as the lowest responsible bidder, for the construction of Ashwood Park Plaza
 - (h) Resolution No. 7617 authorizing execution of a one-year Software Maintenance Agreement with Northrop Grumman Information Technology, in an amount not

to exceed \$121,982.05 for the maintenance of the Police Records Management System (RMS).

- (i) Ordinance No. 5761 authorizing: 1) execution of an Interlocal Agreement with the Washington State Department of Transportation for receipt of 2007-2009 state technical assistance funds in the amount of \$110,887.76 to support the Commute Trip Reduction (CTR) program; 2) establishment of a project within the Operating Grants and Donations Fund; 3) appropriation of unanticipated and future revenues to that fund, 4) expenditures of said grant funds; and 5) execution of an Interlocal Agreement with the King County Department of Transportation for Commute Trip Reduction services in the amount of \$113,387.70.
- (j) Resolution No. 7618 authorizing execution of a consultant agreement with Reid Middleton, Inc., in the amount of \$108,299.41 to provide engineering design services for signal safety improvements. (CIP Plan No. PW-I-84)
- (k) Motion to award Bid No. 0747 in the amount of \$113,385 to Road Construction Northwest, Inc., as the lowest responsive bidder, for 118th Avenue SE Sidewalk and Roadway Repair as part of the Major Maintenance Program. (CIP Plan No. PW-M-19)
- (l) Resolution No. 7619 authorizing execution of a consultant agreement with Reid Middleton, Inc., in the amount of \$416,528.93 to prepare contract Plans, Specifications and Estimates (PS&E) for the design of the NE 8th Street project. (CIP Plan No. PW-R-152)
- (m) Resolution No. 7620 authorizing execution of a professional services agreement with MWH Americas, Inc., in an amount not to exceed \$85,000 for engineering services for the Bel-Red Inlet Station Capacity Improvements project. (CIP Plan No. W-100)
- (n) Motion to award Bid No. 0745 in the amount of \$139,693.15 to Dennis R. Craig Construction, Inc., as lowest responsive bidder for the 120th Avenue NE Storm Drain Replacement. (CIP Plan No. D-64)

9. Public Hearings

- (a) Public Hearing on proposed Ordinance No. 5762 extending the Meydenbauer Bay area moratorium to complete the planning study.

City Manager Steve Sarkozy recalled that the moratorium prohibiting development applications for properties in the designated Meydenbauer Bay area was originally adopted on January 22, 2007. It was extended in March for a six-month period, and the current moratorium will expire on September 13 unless Council adopts an Ordinance to extend it.

Mike Bergstrom, Senior Planner, explained that the moratorium affects 13 parcels and was originally adopted to allow time for land use planning by the City. The moratorium can be extended for up to six months following the public hearing this evening. Exceptions to the moratorium are actions to correct life safety issues, permits vested before January 22, 2007, and shoreline permits. Mr. Bergstrom briefly reviewed permit activity within the moratorium area. He noted that the City is currently in the process of acquiring the Bayvue Village Apartments.

Mr. Bergstrom said the Meydenbauer Bay Park and Land Use Committee is beginning to develop alternatives. The next meeting is scheduled for September 20 to begin reviewing alternatives and to provide the opportunity for public input.

Mr. Bergstrom explained that the basis for requesting a six month extension of the moratorium relates to the pending acquisition of Bayvue Village Apartments, a broader scope of the required analysis, and the project's complexity and importance.

Council's options are to extend the moratorium, modify and extend the moratorium, allow the moratorium to lapse, or to provide alternative direction to staff.

Responding to Councilmember Marshall, Mr. Bergstrom said staff anticipates this will be the last extension necessary.

Mr. Bergstrom responded briefly to additional questions of clarification.

Responding to Mayor Degginger, Mr. Bergstrom acknowledged that the scope of the analysis will narrow at some point. However, the current scope remains broader as alternatives continue to be explored.

Responding to Councilmember Lee, Mr. Bergstrom said the acquisition of Bayvue Village Apartments indicates where open space is likely to be located for a connection between the waterfront and downtown.

Responding to Councilmember Noble, Mr. Bergstrom said modifications to the moratorium provisions could address items such as boundaries, exceptions to the prohibition on permitting, or the time period for the moratorium.

→ 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 comment:

- (1) Anita Neil expressed concern that zoning changes in the Meydenbauer Bay area will result in increased densities. She read a letter from neighbors, Nikki and Lou Delorie, which she feels represents the position of residents in the area. The letter addresses concerns regarding the environment and wildlife, as well as the encroachment of the

downtown into the residential area. The letter states that Mr. and Mrs. Delorie are opposed to proposed zoning changes to allow for mixed use and higher density development. It expresses concern regarding vehicular and water traffic, noise pollution, and adverse environmental impacts. The letter urges the Council to maintain the current boundaries of the business district.

- (2) Frank Paganelli, Propel Biofuels, explained that they are interested in building a biodiesel retail facility at the Chevron station at the corner of 100th Avenue NE and Main Street, under a collocation agreement with the station owner. He asked Council to reject or to limit the restrictions imposed by Ordinance No 5762. He described the benefits of biodiesel fuel. Mr. Paganelli asked Council to lift the moratorium. He noted that the small footprint of the proposed biodiesel facility will not interfere with the City's plans for the area. If the moratorium is continued, Mr. Paganelli requested a policy of limited exceptions to the moratorium consistent with the City's long-range vision for the area. This could allow compatible development while minimizing the harmful consequences imposed by the moratorium.
 - (3) Pamela Ebsworth thanked Council, City staff, and the citizen committee for addressing development in the Meydenbauer Bay area. She expressed concern regarding environmental impacts to the bay.
 - (4) Jay Starr expressed concern that planning for the Meydenbauer Bay area will result in upzoning, higher densities, and higher building heights.
- Deputy Mayor Chelminiak moved to close the Public Hearing, and Ms. Balducci seconded the motion.
- The motion to close the Public Hearing carried by a vote of 7-0.

Ordinance No. 5762 imposing a moratorium on the acceptance of applications for the review and/or issuance of permits for any new development, addition, or alteration within the Moratorium Area, as such terms are defined in this ordinance; repealing Ordinance No. 5724; and establishing an effective date.

- Deputy Mayor Chelminiak moved to table the item to the next week, and Mayor Degginger seconded the motion.

Mayor Degginger expressed concern about unintended consequences, such as restricting the establishment of biodiesel fuel equipment at a gas station. He asked staff to address residents' concerns about upzoning and potentially higher building heights. Mr. Degginger noted that a primary objective is to provide access to the waterfront as well as to open up views.

Mr. Bergstrom said staff and the citizens committee plan to develop a number of alternatives by the end of the year. He noted that even if Council extends the moratorium by six months, Council may repeal it at any time.

Councilmember Davidson noted his understanding that a motion to table is not subject to debate.

City Attorney Lori Riordan explained that before Council makes a decision on the motion, it should be pointed out that the legislation is a five-day Ordinance. For example, if Council approves the Ordinance on September 10, it will become effective five days after passage and publication. The current moratorium expires on the 13th. A unanimous vote is required for the Ordinance to go into effect on the 10th.

Deputy Mayor Chelminiak withdrew his motion to table, and Mr. Degginger withdrew his second, in order to allow further Council discussion.

Councilmember Noble stated he is not convinced that all of the properties in the moratorium area need to be included.

Mr. Chelminiak noted that the acquisition of Bayvue Village Apartments achieves the objective of providing a waterfront connection and view corridor. He feels some items under discussion by the citizen planning committee go beyond the scope of Council's original intent for the planning process.

Mr. Chelminiak is not convinced the moratorium needs to be extended, and he concurs with Mr. Noble's interest in considering modifications to the moratorium. Mr. Chelminiak said he would like more time for further discussion. However, if a unanimous vote would be required on the 10th, he said it might be best to take action tonight.

Councilmember Balducci spoke in favor of extending the moratorium to allow the planning process to continue, in order to get the maximum benefit from imposing the moratorium initially. She requested that the Council receive an update on the citizen planning committee's work to date. Ms. Balducci suggested extending the moratorium for a brief period of time to allow further consideration by Council of modifications to the moratorium.

Responding to Mayor Degginger, Ms. Riordan said if the moratorium is extended for a brief period, and then extended again, another public hearing would be required.

→ Councilmember Balducci moved to extend the Meydenbauer Bay area moratorium for one month, and Mr. Noble seconded the motion.

Councilmember Marshall expressed support for the motion. She noted that above-ground tanks are of concern to Homeland Security, and she wondered how this might affect permitting for the biodiesel fuel tanks. Mrs. Marshall said it is important to allow the citizen committee to go through its planning process.

Deputy Mayor Chelminiak said the purchase of Bayvue Village Apartments accomplishes the goal for a view corridor. He feels the moratorium, or at least portions of the Ordinance, do not need to be extended.

Mayor Degginger noted the need for placing this topic on a Study Session Agenda, as a number of issues need to be addressed.

- Ms. Balducci amended her motion to extend the moratorium to October 8, and Mr. Noble agreed to the amendment.
- The motion to extend the moratorium to October 8 carried by a vote of 6-1, with Deputy Mayor Chelminiak dissenting.
- 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 9:16 p.m.

Myrna L. Basich
City Clerk

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