

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

September 17, 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 Balducci led the flag salute.

(a) Introduction to Sister City Liepaja Police Chief Vaiteiks

Interim Police Chief Linda Pillo introduced Police Chief Vaiteiks from Bellevue's Sister City Liepaja, Latvia, and briefly reviewed his professional experience. Chief Vaiteiks commented on the value of the Sister City relationship. He praised Bellevue's public services activities and presented a gift to the City.

Mayor Degginger welcomed Chief Vaiteiks and stated that he and Councilmember Balducci greatly enjoyed their visit to Liepaja two years ago. Mr. Degginger presented a gift to Chief Vaiteiks and expressed appreciation for the friendship between the two cities.

(b) 24-Hour Relay Challenge Update and Recognition

Helena Stephens, Teen Services Program Manager, introduced Sherry Grindeland, Malia Radford, Kyle Okubo, and Ken Wong, adult relay directors for the recent 9th Annual 24-Hour Relay Challenge. Ms. Grindeland reported that 100 teams and 1,500 youth and adults participated in this year's event, and more than 90 businesses and organizations provided sponsorship. The relay directors reported additional information about the event.

Approximately \$41,000 was raised through grants, registrations and donations associated with the relay. Mr. Okubo reported that one of the grants sent 13 Tyee Middle School students to

Jamaica to help set up computers in a school hit by Hurricane Katrina.

Mr. Okubo thanked the City Council for its ongoing support of the 24-Hour Relay Challenge event.

Mayor Degginger praised the ongoing success of this community event and thanked everyone for their hard work and dedication.

3. Communications: Written and Oral

- (a) Steffan Andrew, representing the LaRouche Political Action Committee, expressed concern about the worldwide financial crisis associated with mortgage failures. He requested Council support of legislation to protect homeowners by banning foreclosures for three to five years, as a way to help preclude a recession.
- (b) Ross McIvor, Eastside Heritage Center, described upcoming programs sponsored by the Center and thanked the Council for its ongoing support.

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

5. Report of the City Manager

- (a) Red Light and School Zone Photo Enforcement Program [Study Session Agenda Item 2(c)]

City Manager Steve Sarkozy noted that staff will resume its presentation regarding a proposal to implement photo enforcement to monitor red light and school zone speed limit violations.

Captain Mike Johnson described the photo enforcement process including the verification and issuance of a citation. Staff proposes utilizing the process used by the City of Seattle. Captain Johnson said staff has met with Bellevue District Court representatives. Bellevue will be the first jurisdiction in the King County District Court system to provide photo enforcement citation data to the courts.

Captain Johnson described the technology used to enforce speed limits in school zones. The technology is accurate within one mile per hour. During a 30-minute period (2:15 p.m. to 2:45 p.m.) in front of Stevenson Elementary School on September 10, police officers observed 110 speed violations with children present. Eighteen involved speeds in excess of 15 miles per hour above the speed limit.

Using Seattle's system as a model, Captain Johnson described the costs associated with operating photo enforcement. The cost of one camera for one month is \$4,750. The Police Department recommends a one-year trial period with cameras at six red light enforcement locations for a total monthly cost of \$28,500. The Police Department recommends installing three to five cameras to enforce school zone speeds during the one-year period, for a monthly cost of \$19,000 for three locations. The annual cost of the proposal is \$600,000. Captain Johnson explained that

Bellevue District Court needs 1.5 court clerks and 0.5 judges to process and adjudicate violations, for a total annual cost of approximately \$100,000.

The program will reduce red light and school zone speed limit violations and allow the Police Department to redirect limited resources toward other enforcement needs. Total revenue generated by fines is expected to make the program cost neutral.

Captain Johnson requested Council direction to proceed with selecting a vendor for the program, develop objective and comprehensive evaluation criteria for the pilot program, select intersections and school zones, and return to Council with a contract proposal as soon as possible.

Responding to Councilmember Davidson, Captain Johnson confirmed that the owner of the vehicle will receive the citation. Dr. Davidson said he sees red light violations on a daily basis. He expressed support for the program.

Councilmember Balducci expressed support for the program, which has proven to be effective in other jurisdictions. Responding to Ms. Balducci, Captain Johnson said the equipment will be leased. In further response, Captain Johnson said a next step is to work with the Transportation Department to determine the best locations for the cameras. Ms. Balducci indicated it will be useful to compare baseline data with data compiled during the one-year trial period in order to determine the effectiveness of the program.

Responding to Councilmember Lee, Captain Johnson described the speed limit enforcement technology. In further response to Mr. Lee, Chief Pillo said cities using photo enforcement have rotated their cameras to other intersections once an adequate decline in violations is achieved.

Councilmember Noble stated he has been a supporter of photo enforcement since the state legislation went into effect two to three years ago. He questioned what percentage of revenue will go to the City of Bellevue. He noted the importance of the program in terms of public safety, indicating that funding should be provided if the revenue generated does not cover the program's cost. Diane Carlson, Director of Intergovernmental Relations, said the City receives the full amount of revenue that is generated.

Deputy Mayor Chelminiak said he likely would not have supported the program two to three years ago. However, in light of the success of Seattle's program in reducing accidents at intersections, he feels the proposal is worth considering. Mr. Chelminiak said he would like the opportunity to hear from citizens about their views on photo enforcement.

Councilmember Marshall concurred with the importance of soliciting public comment, and she asked how the public will be informed if Council approves the program. Responding to Mrs. Marshall, City Attorney Lori Riordan said state law limits the use of photos generated by the enforcement cameras and requires that the photos are destroyed after they are no longer useful. They are not subject to public disclosure laws.

Responding to Mrs. Marshall, Chief Pillo said if the pilot program is successful and the program is fully implemented for the long term, the Police Department will determine whether an additional staff position is needed to review the photo infractions.

Mayor Degginger feels more data on current violation levels at multiple locations is needed before deciding to implement the program. Recognizing that state law prohibits the use of the photos for any other purpose, Mr. Degginger wants to ensure that the vendor understands this provision.

Mayor Degginger noted a consensus to proceed with planning the pilot program and to schedule a public hearing to gather feedback from the community.

Mr. Sarkozy highlighted the following items from the Consent Calendar: 1) Agenda Item 8(d) reflecting state funds for parks/open space acquisitions, 2) Agenda Item 8(e), Crossroads Water Play Area, and 3) State and county funds for the Highland Skate Park.

6. Council Business and New Initiatives

Mayor Degginger suggested a tribute to Jennifer Dunn in lieu of reporting Council Business.

Councilmembers commended Ms. Dunn's leadership and public service to Bellevue and the region.

Deputy Mayor Chelminiak read a commendation recognizing Ms. Dunn's accomplishments including twice serving as a delegate to the United Nations Commission on the Status of Women, becoming the first female to chair the Washington State Republican party, and serving in the U.S. Congress for six terms.

7. Approval of the Agenda

→ Deputy Mayor Chelminiak moved to approve the agenda, and Mr. Lee seconded the motion.

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

8. Consent Calendar

Councilmember Balducci requested two amendments to the minutes of the August 6 Regular Session, as indicated in a memo in Council's desk packet.

→ Councilmember Balducci moved to approve the August 6, 2007 Regular Session minutes as amended and reflected in the desk packet materials. Mr. Chelminiak seconded the motion.

→ The motion to approve the amended August 6, 2007 Regular Session minutes carried by a vote of 7-0.

- Deputy Mayor Chelminiak moved to approve the Consent Calendar, as amended, and Mr. Noble 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 August 6, 2007 Study Session
Minutes of August 6, 2007 Regular Session [Amended]
Minutes of August 7, 2007 Special Meeting
Minutes of September 4, 2007 Study Session
Minutes of September 4, 2007 Regular Session

 - (b) Resolution No. 7621 authorizing execution of an amendment to the contract with Ambia, Inc., in an amount not to exceed \$93,072 to complete the bid documents and provide construction management for relocation of the Electronic Communications Shop (ECS) to the Bellevue Service Center.

 - (c) Motion to approve payment of claims for the period September 1, 2007, through September 14, 2007, and payroll for the period August 16, 2007, through August 31, 2007.

 - (d) Ordinance No. 5763 authorizing execution of three project agreements totaling \$1.3 million with the State of Washington's Recreation Conservation Office (RCO) to accept grant funds for the Highland Skatepark construction, Meydenbauer (Yiu property) acquisition, and Wilburton (Koh property) acquisition; and to amend the 2007-2008 General Capital Investment Program (CIP) Fund appropriation to increase by \$1,100,000; and amending the 2007-2013 CIP Plan to increase CIP project P-AD-57 by \$100,000 and P-AD-15 by \$1,000,000.

 - (e) Motion to award Bid No. 0750 in the amount of \$724,088.19 to Grindline Skateparks, Inc., for construction of the Highland Skate Park. [CIP Plan No. P-AD-57]

 - (f) Ordinance No. 5764: 1) authorizing execution of an agreement with the State of Washington's Recreation Conservation Office (RCO) to accept grant funds for the Crossroads Park Water Playground; 2) amending the 2007-2008 General CIP Fund appropriation by \$500,000, and 3) amending the 2007-2013 CIP Plan to increase the project budget for CIP Project P-AD-58 by \$746,250 and to decrease the project budget for P-AD-69 (Bellevue Challenge Grant) by \$246,250 to recognize the transfer of Community Trade and Economic Development grant funds.

 - (g) Motion to award Bid No. 0739 in the amount of \$595,602.91 to Premier Field Development, as the lowest responsible bidder, for the construction of Crossroads

Water Spray Playground. [CIP Plan No. P-AD-58]

- (h) Ordinance No. 5765 authorizing execution of two agreements accepting grant funds totaling \$2,481,250 (\$1,481,250 from the State of Washington's Department of Community, Trade and Economic Development and \$1,000,000 from the King County Department of Natural Resources and Parks); and amending CIP Project No. P-AD-75 (Mercer Slough Environmental Education Center) budget to add these additional resources and to authorize these expenditures.
- (i) Resolution No. 7622 authorizing approval of a public works contract in the amount of \$88,861 with Environmental Construction, Inc., to construct the NE 8th Street Neighborhood Enhancement Program (NEP) project.
- (j) Ordinance No. 5766 establishing No Parking Anytime on the south side of SE 63rd between 116th Avenue SE and 117th Avenue SE, and on the west side of 117th Avenue SE between SE 64th Street and SE 63rd Street.

9. Public Hearings: None.

10. Land Use

- (a) Ordinance No. 5767 approving rezone application of Hossein Khorram of Milano Town Homes, LLC, (Wilburton/Gateway) to rezone five parcels of land, 1.9 acres, from R-3.5 and R-10 to R-15 for property located at 12311, 12321, and 12331 NE 8th Street and 718 123rd Avenue NE; and establishing an effective date.

(Council discussion on this quasi-judicial matter was held on September 4, 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 Council deny the application, their decision would be eligible for appeal to Superior Court.

On April 2, 2007, Council approved a CPA changing the land use designation of this site from SF-M to MF-M density. The Hearing Examiner recommends Council approval of the rezone application.)

Senior Land Use Planner Matt Jackson requested Council approval of the rezone application submitted by Hossein Khorram of Milano Town Homes, LLC, (Wilburton/Gateway) to rezone five parcels of land, 1.9 acres, from R-3.5 and R-10 to R-15 (15 units per acre).

Responding to Councilmember Noble, Mr. Jackson said no appeals of the Hearing Examiner's recommendation for approval were received. The three citizens who testified before the Hearing Examiner were in favor of the application.

→ Deputy Mayor Chelminiak moved to adopt Ordinance No. 5767, and Ms. Balducci seconded the motion.

→ The motion to adopt Ordinance No. 5767 carried by a vote of 7-0.

11. Other Ordinances, Resolutions and Motions: None.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session

At 9:14 p.m., Mayor Degginger announced recess to Executive Session to discuss one item of labor negotiations and one item of property acquisition.

16. Adjournment

The Executive Session ended at 9:58 p.m. and the meeting was adjourned.

Myrna L. Basich
City Clerk

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