

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

December 10, 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 8:02 p.m., with Mayor Degginger presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers were present.

(a) Swearing in of Councilmembers-Elect

King County Superior Court Judge Brian Gain administered the swearing in of Councilmembers Balducci, Chelminiak, Degginger, and Noble.

Councilmember Marshall led the flag salute.

3. Communications: Written and Oral

(a) Ken Morikawa encouraged Council support of proposed federal legislation known as the Homeowners Protection Act addressing mortgage foreclosures and bank failures.

(b) Leandra Bernstein encouraged Council support of the Homeowners Protection Act.

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

5. Report of the City Manager

(a) Management Brief – 2007 Comprehensive Plan Amendment (CPA) Process

Planning Director Dan Stroh referred to a management brief on page 5-1 of the meeting packet and updated Council regarding the remaining schedule for the 2007 Comprehensive Plan Amendment (CPA) process.

(b) Response to Wright Runstad & Company regarding Development Agreement

Planning and Community Development Director Matt Terry recalled that on December 3, Greg Johnson of Wright Runstad asked the Council to consider a development agreement reserving transportation capacity for the company's development in the Bel-Red corridor. Mr. Terry reviewed the process to be used should Council direct staff to proceed with considering a development agreement.

Mayor Degginger noted a consensus to direct staff to prepare a recommendation for presentation to Council during the January 7 meeting.

6. Council Business and New Initiatives

(a) Selection of Temporary Chair for January 7, 2008 Council Meeting

Mayor Degginger reviewed the rules for selecting a temporary chair for the January 7, 2008, meeting until a Mayor is selected.

Deputy Mayor Chelminiak nominated Mr. Degginger to serve as temporary chair. Council voted unanimously in favor of designating Mr. Degginger as temporary chair.

Councilmember Marshall thanked Mayor Degginger and Deputy Mayor Chelminiak for their service in these roles.

Councilmember Noble attended meetings of the Eastside Human Services Forum, Puget Sound Regional Council (PSRC) Executive Board, and the Eastside Transportation Partnership (ETP) Legislative Subcommittee.

Councilmember Lee attended several community events including the firefighters graduation ceremony.

Deputy Mayor Chelminiak attended a joint meeting of PSRC policy committees, the Growth Management Policy Board, the Economic Development District, and the Transportation Board regarding 2040 planning.

Councilmember Davidson attended meetings of the Environmental Services Commission and Municipal Research and Services Center (MRSC) Board.

Mayor Degginger attended the firefighter graduation ceremony and the first meeting of the Association of Washington Cities (AWC) Climate Task Force.

7. Approval of the Agenda

→ Deputy Mayor Chelminiak moved to approve the agenda, amended to add as Agenda Item 11 (c), Resolution No. 7667 directing the City Manager to execute a real estate purchase and sale agreement with Children's Hospital for property commonly known as the jail property on NE 12th Street between 116th Avenue and the Burlington Northern right-of-way. Mr. Lee seconded the motion.

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

8. Consent Calendar

→ Deputy Mayor Chelminiak moved to approve the Consent Calendar, and Mr. Noble 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 November 19, 2007 Study Session
Minutes of November 19, 2007 Regular Session
- (b) Resolution No. 7647 adopting the City of Bellevue 2008 State Legislative Agenda and Statement of Policy.
- (c) Resolution No. 7648 authorizing the Finance Director to write off 10 accounts totaling \$15,977.64, determined to be uncollectible.
- (d) Ordinance No. 7649 authorizing execution of an agreement with the Boys and Girls Clubs of Bellevue (BGCB) in an amount not to exceed \$86,500 to continue the operation of the Ground Zero Teen Center and BGCB satellite sites in partnership with the City.
- (e) Parks and Community Services General Service contracts with an aggregate value of \$455,268.32 for landscape maintenance services.

Resolution No. 7650 authorizing execution of a two-year General Services contract and one two-year renewal with Total Landscape Corporation, for a total contract amount not to exceed \$62,151.40 for landscape services at Lakemont Park.

Resolution No. 7651 authorizing execution of a two-year General Services contract and one two-year renewal with Total Landscape Corporation, for a total contract amount not to exceed \$51,614.24, for landscape services at North Bellevue Community Center.

Resolution No. 7652 authorizing execution of a two-year General Services contract and one two-year renewal with Signature Landscape Services, for a total

contract amount not to exceed \$67,210.15, for landscape services at Eastgate Park.

Resolution No. 7653 authorizing execution of a two-year General Services contract and one two-year renewal with Signature Landscape Services, for a total contract amount not to exceed \$85,798.28, for landscape services at Robinswood House.

Resolution No. 7654 authorizing execution of a two-year General Services contract and one two-year renewal with Malone's Landscape Management, for a total contract amount not to exceed \$94,255.73, for landscape services at storm and surface water sites.

Resolution No. 7655 authorizing execution of a two-year General Services contract and one two-year renewal with Davidson-Marci Sweeping, for a total contract amount not to exceed \$104,352.15, for citywide park sweeping.

Resolution No. 7656 authorizing execution of a two-year General Services contract and one two-year renewal with Canber Corp, for a total contract amount not to exceed \$94,105.25, for landscape services at 605 148th Avenue South.

Resolution No. 7657 authorizing execution of a two-year General Services contract and one two-year renewal with Canber Corp, for a total contract amount not to exceed \$59,937.50, for landscape services at 764 Bellevue Way NE.

Resolution No. 7658 authorizing execution of a two-year General Services contract and one two-year renewal with Canber Corp, for a total contract amount not to exceed \$87,319.75, for landscape services at 780 NE 8th Street (120th to 140th).

Resolution No. 7659 authorizing execution of a two-year General Services contract and one two-year renewal with Canber Corp, for a total contract amount not to exceed \$91,655.50, for landscape services at 781 NE 8th Street (140th to 156th).

Resolution No. 7660 authorizing execution of a two-year General Services contract and one two-year renewal with Canber Corp, for a total contract amount not to exceed \$52,172.50, for landscape services at 825 Richards Road.

Resolution No. 7661 authorizing execution of a two-year General Services contract and one two-year renewal with Signature Landscape Services, for a total contract amount not to exceed \$83,627.58, for landscape services at 127 Winters House.

- (f) Resolution No. 7662 authorizing execution of a four-year contract with Premier Properties, LLC, in an amount not to exceed \$500,000, for rental management and

operation of the Robinswood House.

- (g) Motion to award Bid No. 0761, NE 10th Street west of 102nd Avenue NE Rubber Sidewalk, to Merlino Brothers, LLC, in the amount of \$44,500.00, as lowest responsible and responsive bidder, as part of the Major Maintenance Program (CIP Plan No. PW-M-19).
- (h) Motion to award Bid No. 0751 for Commercial Water Meter Replacement – 2007, to RP & Company, Inc., in the amount of \$126,309.56, as low bidder (CIP Plan No. W-98).
- (i) Resolution No. 7663 authorizing execution of a professional services agreement with CH2M Hill, in an amount not to exceed \$150,000, for inspection, testing and evaluation of a portion of the City’s sewer lake line along Meydenbauer Bay (CIP Plan No. S-24).
- (j) Resolution No. 7627 authorizing the grant to Puget Sound Energy, Inc., a Washington corporation (“PSE”), of an Easement within a portion of the Downtown Park, and a Clearance and Operation Easement within a portion of the Downtown Park; and to affirm PSE’s recording of a Partial Release of Easement. [*Postponed from October 15, 2007.*]
- (k) Resolution No. 7666 authorizing entering into a 2008-2010 successor labor agreement by and between the City and the Bellevue Police Management Association representing Police Captains and Majors.

9. Public Hearings

(a) Red Light and Speed Zone Photo Enforcement

City Manager Steve Sarkozy introduced the Public Hearing on red light and speed zone photo enforcement.

Captain Mike Johnson provided the staff report and staff’s recommendation to proceed with vendor selection for red light and speed zone photo enforcement services at specific intersections and school zones.

→ 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.

Two citizens spoke in opposition to the use of red light and speed zone photo enforcement:

- (1) Peggy Hotes noted that often people run red lights because they are distracted by something, which will not be prevented through the use of cameras. She expressed concern that the use of the cameras will discourage the synchronization of traffic signals.

She suggested trying other measures first such as improving problem intersections (i.e., visibility of signage) and increasing the duration of the yellow light. She noted research reflecting significant accident reductions from increasing yellow light duration by just one second. Some data indicates an increase in accidents after implementing photo enforcement. Ms. Hotes encouraged the Council to research the topic beyond the information that the vendor is providing. She asked that the decision not be influenced by this potential source of new revenue. She noted that the Minnesota Supreme Court has outlawed photo enforcement.

- (2) Christopher Harper expressed concern that the use of traffic signal photo enforcement will negatively affect the community's retail businesses. He feels citizens will see the program as a way to make money, for both the City and the equipment vendor, versus as a way of enhancing public safety.

Two citizens spoke in favor of the use of photo enforcement:

- (1) Glen Greenman feels traffic signal photo enforcement will enhance public safety. He has been hit from behind by a vehicle twice in recent years, and he observes cars running red lights fairly regularly.
 - (2) David, a 15-year-old resident, said he and his friends ride their bikes frequently and have had numerous close encounters in terms of being nearly hit by vehicles. He feels the cameras will improve traffic safety.
- Deputy Mayor Chelminiak moved to close the Public Hearing, and Dr. Davidson seconded the motion.
- The motion to close the Public Hearing carried by a vote of 7-0.

Interim Police Chief Linda Pillo briefly described how performance measures will be monitored throughout the photo enforcement pilot program.

Following Councilmembers' statements, Mayor Degginger noted general consensus for moving forward with a pilot program implementing red light and speed zone photo enforcement. Mr. Degginger requested a recommendation from staff regarding the options of a 6-month or 12-month pilot program. Staff was directed to bring the issue back after the holiday recess for further discussion.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 7664 granting a non-exclusive cable television franchise to Qwest Broadband Services, Inc. [*Discussed with Council on November 26, 2007.*]

David Kerr, Information Technology Manager, requested Council action on staff's recommendation to grant a non-exclusive cable television franchise to Qwest Broadband Services.

Staff responded to Councilmembers' questions.

Mr. Kerr explained that local government's ability to require a system buildout by a new service provider has recently been restricted by a change in FCC regulations.

Councilmember Marshall recalled previous Council discussion of this issue and the change in FCC rules. She expressed support for the buildout incentives recommended by staff and included in the Resolution.

Responding to Deputy Mayor Chelminiak, City Attorney Lori Riordan explained that staff will ultimately draft code amendments to reflect the change in FCC regulations.

- Councilmember Balducci moved to approve Resolution No. 7664, and Councilmember Marshall seconded the motion.
 - Deputy Mayor Chelminiak moved to approve amendment of Section 5.1.C (Indemnification) of Resolution No. 7664 as reflected in the revised language distributed by staff before tonight's meeting. Ms. Balducci seconded the motion.
 - The motion to approve the amendment to Section 5.1.C of Resolution No. 7664 carried by a vote of 7-0.
 - The motion to approve Resolution No. 7664, as amended, carried by a vote of 5-2, with Councilmembers Davidson and Noble dissenting.
- (b) Resolution No. 7665 setting forth principles to guide development of an interlocal agreement with the City of Redmond, as a successor agreement to the existing Bel-Red Interlocal Agreement ("BROTS"). [*Discussed at joint meeting with Redmond City Council on November 19, 2007.*]

Planning Director Dan Stroh requested Council approval of Resolution No. 7665 setting forth principles to guide the development of an Interlocal Agreement with the City of Redmond, as a successor agreement to the existing Bel-Red Overlake Transportation Study (BROTS) Interlocal Agreement. Mr. Stroh reviewed Attachment B [Page 11-59 of agenda packet], a version of the framework for successor agreement document that has been revised pursuant to the joint Bellevue and Redmond meeting on November 19.

Councilmember Marshall suggested removing the word "brief" in reference to annual updates regarding the Interlocal Agreement. Council concurred with this revision. Mayor Degginger directed staff to contact Redmond staff to coordinate with the Redmond City Council regarding the requested change.

- Deputy Mayor Chelminiak moved to approve Resolution No. 7665, with the amendment to the Framework document deleting the word “brief.” Mayor Degginger seconded the motion.
- The motion to approve Resolution No. 7665, with the approved amendment to the Framework document, carried by a vote of 7-0.
- (c) Resolution No. 7667 directing the City Manager or his designee to execute that certain Real Estate Purchase and Sale Agreement with Children’s Hospital in an amount up to \$13,000,000.

Councilmember Balducci explained that she is employed to represent King County on jail matters. Noting prior consultation with the City Attorney, Ms. Balducci recused herself on this matter and left the Council Chamber.

City Manager Steve Sarkozy opened discussion regarding the purchase and sale agreement applicable to property commonly known as the jail property, which is located on NE 12th Street between 116th Avenue NE and the Burlington Northern right-of-way. The property is held by the City of Bellevue on behalf of all King County cities and is subject to the provisions of an Interlocal Agreement.

- Deputy Mayor Chelminiak moved to extend the meeting to 10:10 p.m., and Mr. Degginger seconded the motion.
- The motion to extend the meeting until 10:10 p.m. carried by a vote of 6-0, with Ms. Balducci absent.

City Attorney Lori Riordan provided an overview of the purchase and sale agreement with Children’s Hospital, and responded to brief questions.

- Deputy Mayor Chelminiak moved to approve Resolution No. 7667, and Councilmember Marshall seconded the motion.
- The motion to approve Resolution No. 7667 carried by a vote of 6-0, with Ms. Balducci absent.

12. Unfinished Business: None.
13. Continued Oral Communications: None.
14. New Business: None.
15. Executive Session: None.

16. Adjournment

At 10:02 p.m., Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

/kaw