

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Study Session

August 6, 2007  
6:00 p.m.

Council Conference Room  
Bellevue, Washington

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

ABSENT: None.

1. Executive Session

Deputy Mayor Chelminiak called the meeting to order at 6:00 p.m. and announced recess to Executive Session for approximately 30 minutes to discuss one item of property acquisition.

The meeting reconvened at 6:33 p.m. with Mayor Degginger presiding.

2. Study Session

(a) Update on Meydenbauer Bay Planning Study

City Manager Steve Sarkozy opened discussion regarding staff's recommendation that the City purchase the Bayvue Village Apartments. The parcel lies between City-owned waterfront property and downtown property.

Parks and Community Services Director Patrick Foran described the proposal for the City to acquire Bayvue Village Apartments located along Lake Washington Boulevard. The site currently has 51 rental units in seven buildings. The parcel boundaries are 100<sup>th</sup> Avenue, Old Main, Lake Washington Boulevard, and SE Bellevue Place.

Mr. Foran commented on the importance of acquiring the parcel in terms of the goals to expand public access to the waterfront and to provide visibility. The site is adjacent to the waterfront, other City-owned property, and Old Bellevue. Downtown Park is one block away. Acquisition of the Bayvue Village Apartments parcel brings the waterfront into the downtown. It also provides the opportunity for the Meydenbauer Bay Land Use and Park Planning Committee to examine a full range of planning alternatives for the area.

The purchase price for acquiring the Bayvue Village Apartments is \$9,450,000 cash at closing. The City will be required to deposit \$94,500 as earnest money, which will be applied to the purchase price. The purchase is required to close on or before October 31, 2007. The purchase and sale agreement is valid until 5:00 p.m. on August 7.

Mr. Foran said the City received \$8.5 million in unanticipated REET (real estate excise tax) collections this year. Council may utilize these funds for the property acquisition, along with \$1 million allocated for this purpose in the Capital Improvement Program (CIP) Plan. The City will continue to operate Bayvue Village Apartments for the foreseeable future and to honor existing lease agreements. Revenue will be used to offset ongoing management costs associated with the property.

Councilmember Marshall noted that the REET collections are the result of business transactions involving downtown properties. However, the entire community will benefit from the park and its waterfront access.

Responding to Councilmember Lee, Mr. Foran said the properties acquired by the City to date were purchased at a cost of approximately \$30 million. These provide 1,250 lineal feet of waterfront property. Approximately 44 percent of those funds came from non-local sources in the form of grants and donations.

In further response to Mr. Lee, Mr. Foran said a recommendation to Council from the Meydenbauer Bay steering committee will occur in early 2008. Staff will then complete the master plan for the park. Next steps will be to identify funding and partnerships to proceed with development. Mr. Foran said these activities will go on over several years.

Deputy Mayor Chelminiak said the acquisition of this property will fulfill the City's longtime vision for waterfront access. He noted the acquisition will be transformational for the community and provide a significant public benefit. As Council liaison to the Parks and Community Services Board, he knows Board members will be thrilled with the acquisition.

Councilmember Noble agreed that this is a momentous occasion. While he does not anticipate any problems with operating the apartments, he noted this is a new line of business for the City.

Mr. Foran clarified that the apartment complex is and will continue to be managed by a professional property management company.

Mayor Degginger expressed support for the acquisition which will provide an important connection between the waterfront and downtown.

Senior Planner Mike Bergstrom provided an update on the Meydenbauer Bay Park and Land Use Planning project. Earlier this year, the Council established a moratorium on development permits for several parcels near Meydenbauer Bay. The moratorium is in effect through mid-September and could be extended.

Recent activities include monthly steering committee meetings, an open house on May 15, a public workshop on July 10, and a second open house on July 31. Additional work by staff and the committee involves data collection, stakeholder interviews, online tools (e.g., citizen survey, virtual tour of area, frequently asked questions), and small group presentations.

Mr. Bergstrom reviewed the following six topical areas: 1) Park character and use, 2) Upland character and use, 3) Access (including parking) and mobility, 4) Marina, 5) Environmental quality, and 6) Historical role of Meydenbauer Bay. There is extensive interest in the marina including how much moorage will be available. The City is required to maintain some of the slips for short-term daily use. Opportunities and constraints identified by the planning process include topography, potential land use nodes, open space and multimodal connections, pedestrian access, property constraints, waterfront uses, views, and parking.

The planning framework is organized into the following five areas: 1) Land use, 2) Open space, 3) Views, 4) Vehicular circulation, and 5) Pedestrian circulation. The pedestrian circulation framework addresses potential traffic calming measures and pedestrian vs. mixed use paths, among other items. Themes reflected in pedestrian circulation planning include establishment of a park loop, parking alternatives, expansion of the Main Street environment, potential road realignments, a quiet-to-active transition from the waterfront up to the downtown, and the creation of a pedestrian promenade.

Mr. Bergstrom reviewed a massing model showing existing development as well as the appearance of potential patterns of redevelopment. An economic analysis will assess the financial feasibility of different types of development including condominiums, mixed uses of varying building heights, and possibly a hotel.

Next steps are the development of land use and park alternatives, creating a land use proposal, reviewing Comprehensive Plan and Land Use Code Amendments, Park Master Planning (through mid-2008), and a Public Hearing in September about whether to extend the moratorium.

(b) Comprehensive Plan Amendment (CPA) – Mobility Improvements in Downtown Bellevue

Transportation Director Goran Sparrman noted the need for mobility improvements in the downtown with all of the development and changes that are taking place.

Planning Director Dan Stroh referred Council to page 11-1 of the meeting packet for materials regarding a proposed Comprehensive Plan Amendment (CPA) to provide mobility improvements at several locations in and adjacent to Downtown Bellevue. Staff would like to initiate the CPA into the 2007 work program. Initiation by the Council will forward the item to the Planning Commission and the Transportation Commission for formal review of the proposed amendments. The Planning Commission will develop a recommendation for the Council.

The process for considering the proposed Downtown Mobility CPA involves technical analysis, additional stakeholder and public outreach, a Public Hearing, and recommendations developed for Council consideration during the first quarter of 2008 along with the rest of the 2007 CPA package. Mr. Stroh said it is important to initiate the CPA now due to the continued pace of Downtown development and the need to reserve right-of-way. In addition, City policy recognition of these projects is needed for ongoing planning coordination with the Washington State Department of Transportation (WSDOT) and Burlington Northern Santa Fe.

Mr. Sparrman explained that several projects will respond to the need for mobility improvements. One project is the extension of NE 4<sup>th</sup> Street between 116<sup>th</sup> Avenue NE and 120<sup>th</sup> Avenue NE. The next project is extension of the NE 6<sup>th</sup> Street HOV connection to the east to 120<sup>th</sup> Avenue NE. This will provide an alternate route to the heavily traveled NE 8<sup>th</sup> Street. Additional improvements are the addition of a southbound to westbound right-turn lane on Bellevue Way at NE 8<sup>th</sup> Street. Two right-turn pockets will be added at Bellevue Way and NE 4<sup>th</sup> Street to improve the function of the intersection. A right-turn lane will be added on Bellevue Way at NE 2<sup>nd</sup> Street, as well as a dual left-turn lane for southbound traffic onto eastbound NE 2<sup>nd</sup> Street. Turning lanes will also be added at NE 2<sup>nd</sup> Street and 112<sup>th</sup> Avenue NE. The south curb lines will be shifted at NE 8<sup>th</sup> Street and 106<sup>th</sup> Avenue NE.

Mr. Sparrman requested Council initiation of the proposed Downtown Mobility CPA into the 2007 CPA work program. Action on this item is represented by Agenda Item 11(a) of tonight's Regular Session agenda. If ultimately adopted, the City will be enabled to reserve right-of-way for the projects reviewed above. The matter is time sensitive in terms of keeping up with the pace of downtown development and the need for coordination with WSDOT and the BNSF Railroad.

Responding to Councilmember Noble, Mr. Sparrman said all transportation capital projects are eventually adopted into the Comprehensive Plan, which allows the City to reserve right-of-way.

Responding to Councilmember Balducci, Mr. Sparrman explained that larger projects are typically added to Subarea Plans, the Transportation Facilities Plan (TFP), and the Comprehensive Plan. Staff is requesting Comprehensive Plan amendments at this time due to intense development pressures and to accelerate the projects.

Responding to Ms. Balducci, Mr. Stroh said the Wilburton Area Study has not been completed.

Ms. Balducci said she would like the Planning Commission's opinion at the end of its review as to whether the proposed process of adopting a CPA now, before Subarea planning is conducted, is recommended.

Councilmember Lee said he understands that the proposed CPA is time sensitive due to downtown growth and development. However, he prefers that this not happen in the future.

Mr. Sparrman noted that the continued development boom, along with issues related to the BNSF right-of-way, contribute to the urgency of the CPA. The City needs to ensure that ROW is available to extend both NE 4<sup>th</sup> and NE 6<sup>th</sup> Streets to the east.

(c) Discussion of Options to Address Abandoned Shopping Carts

Land Use Director Carol Helland recalled previous Council direction to: 1) Monitor and collect data regarding abandoned shopping carts, 2) Educate retailers and encourage voluntary measures, 3) Educate residents surrounding the Crossroads area, and 4) Report back to Council.

Ms. Helland reported that monitoring occurred during two periods, one in winter and the other in spring. The study area is bounded by NE 20<sup>th</sup> Street, Lake Hills Connector, 164<sup>th</sup> Avenue to the east, and 124<sup>th</sup> Avenue to the west. Ms. Helland displayed a map depicting migration patterns and areas of concentration related to abandoned shopping carts. She showed photos of abandoned carts throughout the area, including 33 carts in the Crossroads Park.

Staff held meetings for retailers and property managers in the area about the issue. Two retailers attended one meeting, and one retailer attended a second meeting. Crossroads Shopping Center staff subsequently sent notifications to corporate representatives of the retail outlets, and some property managers have started fining tenants who bring the carts onto multifamily properties.

Ms. Helland summarized that efforts to date have not proven to be effective. Staff recommends that the Council declare abandoned shopping carts a nuisance, define “abandoned shopping cart,” define “responsible parties,” and apply a civil violation procedures. Failures in voluntary compliance would be forwarded to the Hearing Examiner.

Councilmember Balducci thanked staff for their work. She is disappointed in the lack of interest by retailers. Ms. Balducci feels an enforcement mechanism appears to be necessary to address the issue of abandoned shopping carts. She suggested encouraging the use of personal carts as well as an online opportunity to issue complaints.

Councilmember Marshall suggested the use of a financial incentive to get people to return shopping carts. She described the example of cart usage at SeaTac Airport in which the person returning a cart receives a financial reward.

Mr. Chelminiak suggested providing places (e.g., at selected bus stops) for carts to be returned. In addition, he prefers a system in which property owners provide enforcement measures. He feels regulations regarding the issue should be confined to the area in which the problem is occurring.

Ms. Helland said an advantage of complaint-based enforcement is that it can be applied citywide even if complaints are concentrated in isolated areas. She noted that as pedestrian activity increases throughout the community, the problem will continue to recur.

Dr. Davidson expressed concern about enforcing the problem through retailers instead of through the residents who are taking carts.

Mayor Degginger concurred with Dr. Davidson that both the residents taking the carts and retailers should be affected by the enforcement mechanism. He noted that taking the carts represents stealing.

Mr. Lee concurred. He suggested that retailers be allowed to offer their own incentives.

→ Councilmember Balducci moved to direct staff to: 1) Draft code language necessary to declare off-site shopping carts to be a nuisance, 2) Adopt escalating penalties for chronic violators, and 3) Continue to pursue non-regulatory options to educate retailers and residents. Mr. Lee seconded the motion.

Responding to Mayor Degginger, Ms Balducci said her motion refers to penalties for citizens taking the carts away from a business as well as for business owners.

→ The motion to: 1) Draft code language necessary to declare off-site shopping carts to be a nuisance, 2) Adopt escalating penalties for chronic violators, and 3) Continue to pursue non-regulatory options to educate retailers and residents, carried by a vote of 7-0.

At 8:02 p.m., Mayor Degginger declared recess to the Regular Session.

Myrna L. Basich  
City Clerk

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