

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

January 21, 2003
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Marshall and Councilmembers Creighton, Davidson, Lee, Mosher, and Noble

ABSENT: Deputy Mayor Degginger

1. Call to Order

The meeting was called to order at 8:03 p.m. by Mayor Marshall, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers except Mr. Degginger were present. Cub Scout Den 4 from Bennett Elementary School led the flag salute.

3. Communications: Written and Oral

- (a) Todd Woosley thanked the Planning Commission and City Council for efforts to allow apparel/accessory and miscellaneous retail sales in the General Commercial (GC) land use district. He thanked Associate Planner Steve Cohn for his professionalism and assistance throughout the process.
- (b) Renay Bennett thanked Deputy Mayor Degginger and Councilmembers Creighton and Davidson for their comments on January 13 regarding the school-related Land Use Code amendments. She encouraged Bellevue School District to notify parents and surrounding residents about upcoming school construction projects. Ms. Bennett spoke in favor of preserving school playfields so that children have places to play.

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

5. Report of the City Manager

City Manager Steve Sarkozy provided an update on the proposed vacation of portions of SE 28th Street and 145th Avenue SE. He recalled questions raised by adjacent residents at the January 6 Council meeting and noted that staff and Council are working to research these issues. Mr.

Sarkozy suggested postponing action on Agenda Item 11(b) until the issues can be resolved. Bellevue Community College is willing to work with the neighbors to mitigate expected impacts.

Mayor Marshall emphasized Council's and the City's support for BCC and its contribution to the community. She looks forward to a positive resolution between BCC and the concerned neighbors.

Mr. Sarkozy announced the formation of a Technical Advisory Committee to help evaluate design and occupancy options for the recently purchased Qwest Building. He encouraged residents with relevant technical expertise to contact the City Clerk's Office for an application.

Mr. Sarkozy reported that the City has hired a new Finance Director, Jan Hawn from Chesterfield, Missouri, to begin employment in early March. He announced the provisional appointment of Brad Miyake to Utilities Director upon the future retirement of current director Lloyd Warren.

6. Council Business

Mr. Mosher attended a meeting of the Citizen's Committee on Pipeline Safety, which he chairs. He announced that the Office of Pipeline Safety will hold an all-day public meeting on January 29 at Bellevue Community College including key officials from Washington, D.C. Mr. Mosher attended the Transportation Commission's retreat and an event at Crossroads Community Center featuring guests from the Seattle Storm basketball team.

Mr. Lee and Mr. Mosher attended the Disability Board meeting. Mr. Lee and Mr. Degginger attended the Bellevue Economic Partnership (BEP) meeting. Mr. Lee attended the Martin Luther King, Jr. celebration at Crossroads Mall.

Dr. Davidson attended meetings of the Probation Board, the WRIA 8 Management Committee, and the regional Water Purveyors Committee. Dr. Davidson and Mr. Mosher attended the Shared Strategies meeting for continued discussions about salmon habitat.

Mr. Creighton noted that Council met with the six state legislators representing the 41st and 48th districts on January 6 to discuss Bellevue's priorities prior to the 2003 legislative session. Mr. Creighton attended meetings of the Downtown Implementation Plan Citizen Advisory Committee and Bellevue Parks and Community Services Board. The DIP CAC will take action on a preferred alternative recommendation at its February 4 meeting (4:00-7:00 p.m.).

Mr. Noble attended meetings of the Eastside Transportation Partnership (ETP) and Puget Sound Regional Council's Transportation Policy Board.

Mayor Marshall announced that Councilmember Noble was selected as ETP Vice Chair and Fred Butler (Issaquah) is the new ETP Chair. Mrs. Marshall attended the VIBES (Volunteers in Bellevue's Education System) celebration at Crossroads Mall. As Honorary Co-Chair of Overlake Hospital's Bandage Ball, Mrs. Marshall invited the community to support this fundraising event scheduled for March 29.

7. Approval of the Agenda

- Mr. Noble moved to approve the agenda, amended to postpone item 11(b), and Mr. Mosher seconded the motion.
- The motion to approve the agenda, as amended, carried by a vote of 6-0.

8. Consent Calendar

- Mr. Noble moved to approve the Consent Calendar, amended to pull item (e) for discussion, and Mr. Mosher seconded the motion.
- The motion to approve the Consent Calendar, as amended, carried by a vote of 6-0, and the following items were approved:

- (a) Minutes of January 6, 2003 Special Session
Minutes of January 6, 2003 Study Session
Minutes of January 6, 2003 Regular Session
- (b) Motion to approve payment of claims for the period ending December 31, 2002, and payroll for the period December 16 through December 31, 2002.
- (c) Resolution No. 6805 authorizing the execution of a professional services contract with Andy Mirkovich Productions for event coordination relating to the City's 50Fest celebration in an amount not to exceed \$35,000. (*Discussed at this evening's Study Session.*)
- (d) Ordinance No. 5429 authorizing the City Manager, on behalf of the City as Administrator for the Washington City and County Pipeline Safety Consortium, to execute an agreement (and supplements, if necessary) with the Washington Utilities & Transportation Commission (WUTC) for \$95,076 in Federal Oil Spill Liability Trust Fund monies to advance the work of the Consortium; establishing a project within the Operating Grants and Donations Fund; amending the budget for that fund by appropriating additional revenues to that fund; authorizing expenditures of said grant funds; and authorizing interfund loans.

Item for Council Discussion:

- (e) NE 29th Place Connection Project

Councilmember Noble briefly reviewed the history of the NE 29th Place Connection project over the past few years, including environmental mitigation efforts and public involvement activities. Mr. Noble is concerned the project will be detrimental to traffic in the Bridle Trails area, particularly along 140th Avenue and NE 24th Street. Although the project has received a favorable bid, Mr. Noble will vote against the project based on his concerns for the surrounding community.

- (1) Resolution No. 6806 authorizing the execution of a turnback agreement with and the acceptance of excess right-of-way from the Washington State Department of Transportation (WSDOT) west of 148th Avenue NE and north of State Route 520 for the construction of the NE 29th Place Connection. (CIP Plan No. PW-R-60)

➡ Mr. Mosher moved to approve Resolution No. 6806, and Mr. Creighton seconded the motion.

Mr. Mosher said Bellevue and Redmond have been working together for years to improve traffic circulation in the Overlake area. The NE 29th Place project will improve overall traffic flow and relieve congestion that currently extends to 148th Avenue. Mr. Mosher noted a project bid of \$5.7 million, compared to the engineer's estimate of \$8.4 million. He feels the project has been designed to protect surrounding neighborhoods. Mr. Mosher explained that a previous alternative involving 130th Avenue was eliminated due to potential negative impacts on the surrounding neighborhoods.

Mr. Lee noted the neighborhood's involvement in planning and designing the project. He supports the motion.

Dr. Davidson expressed support for the project, which is part of the BROTS (Bel-Red Overlake Transportation Study) agreement with the City of Redmond. Mr. Creighton concurred, noting the project is critical to relieving congestion in the Overlake area.

Mayor Marshall feels the project is a tradeoff for neighborhoods to the north and south that are trapped by congestion along 148th Avenue. She noted the City worked long and hard with Bridle Trails residents to develop a feasible and acceptable alternative. Bridle Trails residents advocated to eliminate a previous project alternative for 130th Avenue, which was replaced by the 29th Place option. She will support the project.

Mr. Noble agreed that the project will likely provide some benefits. However, he is not convinced it will relieve traffic congestion affecting 148th Avenue. He is concerned the project will turn 140th Avenue and NE 24th Street into major arterials.

➡ The motion to approve Resolution No. 6806 carried by a vote of 5-1, with Mr. Noble opposed.

- (2) Motion to award Bid No. 0255 to extend NE 29th Place by 1,300 linear feet westerly, make street improvements between 148th Avenue NE and NE 24th Street, and construct a new intersection at NE 24th Street; to include curb and gutter, new and replacement sidewalk, asphalt paving, street illumination, signing, channelization, new signals, modification of existing signals, retaining walls, driveway improvements and/or relocations, landscaping, and irrigation. Project will also involve widening and overlay of NE 24th between 140th Avenue NE and NE 29th Place; widening of 148th Avenue NE to accommodate a southbound right-

turn lane on NE 29th Place; construction of associated intersection improvements, four storm water treatment facilities, and an off-site wetland mitigation area. Marshbank Construction is the low bidder in the amount of \$5,676,812.50. (CIP Plan Nos. PW-R-60 and PW-W/B-67)

- Mr. Mosher moved to award Bid No. 0255, and Mr. Creighton seconded the motion.
- The motion to award Bid No. 0255 carried by a vote of 5-1, with Mr. Noble opposed.
 - (3) Resolution No. 6807 authorizing the execution of declarations of rights-of-way and permanent wetland mitigation areas on certain City property in connection with the NE 29th Place Connection project. (CIP Plan No. PW-R-60)
- Dr. Davidson moved to approve Resolution No. 6807, and Mr. Mosher seconded the motion.
- The motion to approve Resolution No. 6807 carried by a vote of 5-1, with Mr. Noble opposed.
- 9. Public Hearings: None.
- 10. Land Use
 - (a) Ordinance No. 5430 amending the Land Use Code (LUC) to allow a limited amount of administrative office use in the Neighborhood Business (NB) land use district; amending Sections 20.10.340, 20.10.440, and 20.20.010; and establishing an effective date. (*Council was briefed on this issue on January 6.*)

Planning and Community Development Director Matt Terry said Ordinance No. 5430 will amend the Land Use Code to allow administrative office uses, limited by size, in the Neighborhood Business (NB) land use district. Mayor Marshall noted Council's discussion of this issue on January 6.

- Mr. Noble moved to adopt Ordinance No. 5430, and Mr. Lee seconded the motion.
- The motion to adopt Ordinance No. 5430 carried by a vote of 6-0.
 - (b) Amendments to the Land Use Code relating to public and private school development projects (*Council was briefed on this issue on January 13.*)

Mr. Terry noted packet materials beginning on page 10-23, including staff's response to Council's request for additional information on January 13.

Responding to Mr. Mosher, Mr. Terry reviewed that the amendments were initiated by changes in state requirements for schools as well as Bellevue School District's plans for renovating most

of its schools. In further response, Mr. Terry said most schools are currently located in land use districts that allow 30-foot building heights. The proposed amendments will allow school building heights of 40 feet if mechanical equipment is enclosed within a roof structure and therefore not visible by adjacent residents. High schools will be allowed to build certain facilities such as performing arts centers, libraries, and gymnasiums with heights up to 75 feet. However, this will require the full conditional use process including notice to the community, a community meeting, a hearing before the Hearing Examiner, and City Council decision.

Responding to Dr. Davidson, Mr. Terry said staff has met with the East Bellevue Community Council (EBCC) twice to discuss the proposed Land Use Code amendments. The Community Council has not taken a formal position on the issue and their primary concern was maintaining conditional use authority for planned changes to the high school site within EBCC boundaries. Mr. Terry said the proposed amendments address the Community Council's concern.

Mr. Noble noted that a conditional use permit (CUP) would be required for certain projects including an increase in the capacity of the school of 20 percent or more. Mr. Terry explained that schools often set an enrollment limitation when originally approved, which would be used as a baseline number when calculating an increased capacity of 20 percent or more. In cases where an enrollment limitation was not established, a school's current enrollment is used as the baseline.

Responding to Dr. Davidson, Mr. Terry said the City Council retains broad discretionary authority under any CUP to impose conditions related to neighborhood impacts. Once an application is filed, it is reviewed by staff and a neighborhood meeting is held. Staff develops a recommendation which is forwarded to the Hearing Examiner, and a hearing is held in which the public is invited to comment on the proposal. The Hearing Examiner then prepares findings and makes a recommendation to Council, and Council makes the final decision.

Mr. Creighton said he had initial concerns but he is now comfortable with the situations in which a CUP will be required. He feels these provide appropriate protection for the neighborhoods adjacent to schools.

Mr. Lee feels adequate safeguards have been incorporated into the amendments to protect the neighborhoods. He supports the school district's efforts to renovate schools and enhance capacity where needed.

Mayor Marshall noted that the recent school bond of \$350 million represents the largest in Bellevue School District's history. Citizens strongly supported the measure and the proposed Land Use Code amendments are designed to facilitate needed renovations for the district and citizens. Mrs. Marshall explained that the PTA, school administrators and faculty, the School Board, and neighbors all worked together to plan the new, two-story building at Phantom Lake Elementary School. The two-story design was chosen in order to preserve more space for playfields around the school. Mrs. Marshall emphasized that the proposed amendments do not affect the process required to locate a new school in Bellevue.

Responding to Mrs. Marshall, Mr. Terry said the current Land Use Code does not contain any substantive standards or requirements for playfields. However, the LUC controls the location of playfields if they are provided. The proposed amendments also do not impose any standards with regard to playfields. Mr. Terry said the school district's ongoing design processes reflect an objective to utilize sites most efficiently in order to maximize playfield opportunities for students. He noted Phantom Lake Elementary as an example. The City and Bellevue School District have an ongoing partnership to enhance playfields at school sites and to make them available after school for community use. Similarly, all private schools in Bellevue have some type of play area for their students.

Mr. Terry addressed a comment by a citizen in Oral Communications regarding public noticing of school renovation projects. He noted the PTAs at both Phantom Lake and Somerset Schools have been extensively involved in planning the renovations and shaping the proposed Land Use Code amendments.

Mrs. Marshall commented that the increased building heights for specific facilities at high schools is in response to the community's desire for theater and other opportunities for their children. Mr. Terry confirmed that citizens are interested in some facilities and building designs that could require building heights above 40 feet.

- (1) Ordinance No. 5431 amending the Land Use Code requirements for public and private schools; amending Section 20.20.520, 20.20.590, 20.20.740, 20.25B.040, 20.25B.050, 20.25L.020, and 20.50.046 of the LUC; and establishing an effective date.

➡ Mr. Mosher moved to adopt Ordinance No. 5431, and Mr. Noble seconded the motion.

➡ The motion to adopt Ordinance No. 5431 carried by a vote of 6-0.

- (2) Ordinance No. 5432 amending the LUC process requirements for certain public and private school projects; amending Sections 20.10.440 and 20.20.740 of the LUC; and establishing an effective date.

➡ Mr. Mosher moved to adopt Ordinance No. 5432, and Mr. Noble seconded the motion.

➡ The motion to adopt Ordinance No. 5432 carried by a vote of 6-0.

- (c) Amendments to the Comprehensive Plan and Land Use Code relating to the General Commercial (GC) land use district

Mr. Terry explained that the proposed ordinances codify Council direction on January 13 to: 1) allow apparel and accessory retail sales and miscellaneous retail uses in the General Commercial (GC) land use district with no limitation on the size of the business, and 2) declare an emergency to process related Comprehensive Plan amendments outside of the annual CPA process.

Mayor Marshall noted that Council was briefed on this issue on January 13.

- (1) Ordinance No. 5433 relating to the Comprehensive Plan, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A, RCW); adopting a 2003 amendment to the Comprehensive Plan glossary; amending the definition of General Commercial District to allow for expansion of retail uses serving business customers in the District; and declaring the existence of an emergency affecting the economic viability of properties located within the District.

Mr. Lee thanked the Woosleys for their involvement in this issue.

☞ Mr. Lee moved to adopt Ordinance No. 5433, and Mr. Mosher seconded the motion.

☞ The motion to adopt Ordinance No. 5433 carried by a vote of 6-0.

- (2) Ordinance No. 5434 amending the Land Use Code to allow a limited amount of apparel and accessory retail sales and miscellaneous retail sales in the General Commercial (GC) land use district; amending Sections 20.10.320 and 20.10.440 of the LUC; and establishing an effective date.

☞ Mr. Lee moved to adopt Ordinance No. 5434, and Mr. Mosher seconded the motion.

☞ The motion to adopt Ordinance No. 5434 carried by a vote of 6-0.

11. Other Ordinances, Resolutions and Motions

- (a) Ordinance No. 5435 annexing a 25.6-acre site, contiguous to the City boundary and located at 14509 SE Newport Way in the Newcastle Subarea, commonly referred to as the Eastgate Park, by the municipal purposes method of annexation. *(Council approved Resolution No. 6782 accepting transfer of ownership of Eastgate Park from King County at the November 25, 2002, Council meeting. Council was briefed on this annexation action at the January 6, 2003, Study Session.)*

Senior Planner Nicholas Matz noted staff's recommendation to annex Eastgate Park under the municipal purposes method of annexation (RCW 35A.14.300), as discussed during the January 6 Council meeting. This method permits a code city, by majority vote of the City Council, to annex territory outside its city limits for municipal purposes if the territory is owned by the City.

☞ Mr. Mosher moved to adopt Ordinance No. 5435, and Mr. Noble seconded the motion.

☞ The motion to adopt Ordinance No. 5435 carried by a vote of 6-0.

- (b) Ordinance No. 5428 determining the public advantage in vacating a portion of SE 28th Street and a portion of 145th Avenue SE and vacating those rights-of-way

subject to certain conditions. *(The required public hearing for this matter was held and closed on January 6. The request to vacate is now before Council for action.)*

[Council discussion and action was postponed under Agenda Item 7.]

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

At 9:13 p.m., Mayor Marshall declared the meeting adjourned.

Myrna L. Basich
City Clerk

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