

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

September 22, 2003
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Degginger, and Councilmembers Creighton, Davidson, Mosher, and Noble

ABSENT: Councilmember Lee

1. Executive Session

Mayor Marshall opened the meeting at 6:00 p.m. and announced recess to Executive Session for approximately 45 minutes to discuss two items of potential litigation.

Mrs. Marshall explained that she was absent last week to attend a conference in Illinois with Matt Terry, Director of Planning and Community Development. Bellevue is one of three cities in the nation to be recently recognized as a leading Edge City. Mayor Marshall and Mr. Terry were hosted by the National Edge City Conference/Village of Schaumburg as guest presenters.

The Study Session resumed at 7:55 p.m. with Mayor Marshall presiding.

2. Oral Communications

Mayor Marshall noted that the record regarding the appeal of Rodney Bonebright et al, Agenda Item 3(g), has been closed and therefore no public comment or testimony about the merits of the appeal will be allowed. The parties are allowed to address Council regarding procedural matters only.

- (a) Arlene Darby encouraged the public to participate in this Saturday's *Day of Concern for the Hungry*, sponsored by the Emergency Feeding Program of Seattle-King County and the South County Food Bank Coalition. Volunteers will be at local grocery stores on Saturday to give shoppers lists of the most needed foods.
- (b) Duana Kolouskova, attorney for C&R Investors, provided additional information regarding Resolution No. 6905 [Agenda Item 3(e)(2)]. She explained that three tot lots

and a recreation area will be provided in the residential development of the Cougar Ridge Tax Lots.

- (c) Marsha Martin, Foster Pepper and Shefelman, commented on Agenda Item 3(g) regarding the Gold Creek reimbursement process, or latecomers assessments. She reminded Council that the City's authority to assess the property of others is subject to statutory regulations.

Mayor Marshall questioned the nature of Ms. Martin's comments, and Deputy Mayor Degginger opined that she was addressing legal standards rather than legal process. Deputy City Manager Ed Oberg suggested deferring Ms. Martin's comments until later in the meeting when a representative of the City Attorney's Office will be present.

3. Study Session

(a) Council New Initiatives

Councilmember Noble provided early notice of the Eastside Human Services Forum's annual meeting in November and encouraged Councilmembers to attend.

(b) City Manager's Report

Utilities Director Lloyd Warren announced the August 15, 2003, approval of Bellevue's Road Maintenance Endangered Species Act (ESA) program by NOAA's National Marine Fisheries Service. The City submitted an application for approval of the program in November 2001. Due to Bellevue's historical sensitivity to environmental issues in developing its maintenance and operations processes, the City was able to easily incorporate additional ESA best management practices within existing budgets. Approval of the program reduces Bellevue's exposure to third party lawsuits.

Councilmember Mosher commended the City's pioneering efforts with this program. Mayor Marshall thanked Mr. Warren and Councilmembers Davidson and Mosher for their work on this issue.

Deputy City Manager Ed Oberg noted the rolling into place this weekend of the NE 8th Street bridge structure over I-405. Transportation Director Goran Sparrman explained that this is a major component of the Access Downtown project, which will also provide improvements to NE 4th Street and transit/HOV direct access ramps at NE 6th Street. Improvements to SE 8th Street, including a new ramp from northbound I-405, were completed earlier this year.

Mr. Sparrman showed Council a time-lapse video of the weekend work to move the eastbound portion of the overpass, weighing 4.5 million pounds, into place. He praised Atkinson Construction for their ongoing work and thanked Equity Office Properties for allowing the City to photograph from its building. Mr. Sparrman said the video is available for viewing at www.AccessDowntown.com.

Mr. Mosher praised Transportation Department staff for their work. Dr. Davidson commented on his attendance at the rolling event and praised the teamwork of everyone involved. Mr. Degginger and Mr. Creighton also attended and were impressed with the coordination and completion of such a huge undertaking. Mr. Noble looks forward to continued success with the Access Downtown project. Mayor Marshall asked Mr. Sparrman to express Council's appreciation to staff and Atkinson Construction.

Mr. Oberg asked Council to postpone Agenda Item 3(d) until October 6.

➡ Deputy Mayor Degginger moved to postpone action on Resolution No. 6904, and Dr. Davidson seconded the motion.

➡ The motion to postpone action on Resolution No. 6904 carried by a vote of 6-0.

(c) Public Safety Wireless Mobile Data Communication System

Resolution No. 6900 authorizing an Amendment to the System Purchase Agreement with ARINC Incorporated for the purchase of a Wireless Data Communication System and to execute future amendments to the System Purchase Contract, not to exceed \$50,000.

(Postponed from September 15 Consent Calendar)

Police Chief Jim Montgomery reviewed that the Wireless Data Communication System will allow Police and Fire personnel to communicate from their vehicles over a high-speed wireless network. Field units are equipped with rugged laptop computers specifically designed for use in public safety mobile applications. The project will provide mobile to mobile messaging, access to information in the CAD dispatch system and Police records management system, use of the automatic vehicle location (AVL) system, a single point of entry for Police reports, and direct officer access to state and federal databases.

If approved by Council, Chief Montgomery said the system will be ordered this fall and installed early next year. He explained that new equipment has been introduced since this project was initiated, resulting in the need to purchase upgraded laptops at a higher cost than originally estimated. Chief Montgomery asked Council to approve additional funding of \$92,448 for equipment and \$50,000 for potential future changes.

➡ Deputy Mayor Degginger moved to approve Resolution No. 6900, and Mr. Mosher seconded the motion.

➡ The motion to approve Resolution No. 6900 carried by a vote of 6-0.

Chief Montgomery noted a staff proposal under development to provide wireless equipment for the 14 fire agencies served by the City of Bellevue's dispatch services. All current and anticipated contract amendments are within the scope of the approved project budget and/or will be addressed through additional revenue from the agencies contracting for services with Bellevue.

- (d) Resolution No. 6904 authorizing execution of an agreement with KCM, Inc., dba Tetra Tech/KCM, to provide the City with technical assistance in the preparation for two pending lawsuits in an amount not to exceed \$250,000.

[Action postponed under Agenda Item 3(b).]

- (e) Annexation of Tax Lots

Mayor Marshall opened discussion of the Tax Lots annexation by reporting that she has received threatening phone calls regarding this issue. She encouraged those responsible to stop calling and assured the public that her decisions are never influenced by such threats.

Planning and Community Development Director Matt Terry noted the three actions before Council regarding pre-annexation zoning, consideration of the Development Agreement, and annexation of the Tax Lots. Two public hearings have been held on the proposals.

Mr. Terry recalled two issues raised by Council in its September 8th discussion: 1) Do previous coal mines on the off-site parcel proposed by the developers to meet the retained vegetation area (RVA) requirement present a liability risk for the City? and 2) Are there any concerns about water drainage and the potential for erosion on the site? Both issues have been evaluated by the owner and the City. The property owner submitted a coal mine hazard report for the site, which has been reviewed by City staff. Staff concurs with the findings of the report that the site poses no risk to the public. City staff reviewed the property and found no reason to be concerned about erosion as well.

Mr. Terry said the property owners have agreed to modify the proposal to give the City the option of having the property dedicated to the City or allowing the property owners to retain ownership and grant a public easement. He noted the clarification offered during Oral Communications regarding the developer's plans to provide three tot lots and a recreation area within the residential development.

Senior Planner Nicholas Matz described the annexation process. The Notice of Intent to Annex before Council tonight was submitted under the new petition method of annexation approved by the state legislature this year. This submittal meets the legal requirement for a Notice of Intent to be filed by owners representing at least 10 percent of an area to be annexed. Council's acceptance of the Notice of Intent to Annex will allow a Direct Petition for Annexation to be submitted. This petition must be signed by both the owners of a majority of the acreage proposed for annexation and a majority of the registered voters residing in the annexation area. After review by the King County Boundary Review Board, Council would hold a public hearing on the proposed annexation prior to action on an annexation ordinance. Mr. Matz said the public hearing will be scheduled for December at the earliest.

Deputy Mayor Degginger commented on the unusual nature of the Tax Lots matter. He praised City staff members for their proactive approach to this difficult situation and for negotiating the Development Agreement.

- (1) Ordinance No. 5470 adopting R-1.8 (Single family residential – 1.8 units per acre) pre-annexation zoning for unincorporated land known as the Tax Lots/Cougar Ridge in Bellevue’s Potential Annexation Area (PAA). (Establishment of pre-annexation zoning is authorized under RCW 35A.14.330.)

➤ Deputy Mayor Degginger moved to adopt Ordinance No. 5470, and Mr. Mosher seconded the motion.

➤ The motion to adopt Ordinance No. 5470 carried by a vote of 6-0.

- (2) Resolution No. 6905 approving a Development Agreement for portions of unincorporated land known as the Tax Lots/Cougar Ridge in Bellevue’s PAA. (Development agreements are authorized under RCW 36.70B.170.210.)

➤ Deputy Mayor Degginger moved to approve Resolution No. 6905, amended to include language regarding the three tot lots and one recreation area in Section C.5 of the Development Agreement. Mr. Creighton seconded the motion.

Mayor Marshall thanked the community surrounding the Tax Lots and the developers for their cooperation throughout this process.

➤ The motion to approve Resolution No. 6905, as amended, carried by a vote of 6-0.

- (3) Motion to accept a Notice of Intent to Petition under 2003 Washington Laws, Ch. 331 § 10(1), for annexation of the Tax Lots, an approximately 52.2-acre site located east of 166th Avenue SE and south of the Pinnacle development in the Newcastle Subarea PAA with the following conditions:

1. The property owners shall assume their share of the City’s regular bonded indebtedness.
2. The zoning will be R-1.8 as established in the Tax Lots/Cougar Ridge Pre-annexation Zoning Ordinance No. 5470.

➤ Deputy Mayor Degginger moved to accept the Notice of Intent to Petition for annexation of the Tax Lots, with the conditions listed. Dr. Davidson seconded the motion.

➤ The motion to accept the Notice of Intent to Petition for annexation of the Tax Lots, with the conditions listed, carried by a vote of 6-0.

- (f) Performance Measurement Outcomes and Comparative Cities Analysis

Deputy City Manager Ed Oberg noted that the 2002 Performance Measures report and the 2001 Comparative Cities Performance Report were recently distributed to Council.

Rich Siegel, Performance and Outreach Coordinator, explained that the City utilizes performance measures in its effort to meet the expectations of residents and stakeholders and to provide efficient programs at reasonable cost.

Turning to the results of citizen surveys, Mr. Siegel noted that a high percentage (80 to 95 percent) of residents have consistently rated Bellevue as a good or excellent place to live since 1997. Reasons cited include good parks, convenience to art and shopping, good schools, good police services, a clean city, overall good services, good roads, and a strong fire department. When asked about the lower quality aspects of Bellevue, residents noted traffic and transit services. Similarly, a high percentage of residents indicate they are getting their money's worth from the City and have consistently rated their neighborhood as good or excellent in recent years. Of the 16 vital signs pertaining to the City's overall services, 10 measures met or exceeded their targets, four were within 1 to 2 percentage points of the target, one had no target for 2002, and one measure missed the target due to lower pavement ratings in areas annexed by the City.

Mr. Siegel said Bellevue was one of 12 cities in the nation to be awarded the International City/County Management Association's 2003 Certificate of Distinction for its work with performance measures. Of 100 jurisdictions participating in the comparison of 2001 data, 83 are U.S. cities, 12 are U.S. counties, and five are Canadian cities or districts.

Bellevue's crime rate has consistently been lower than the ICMA Comparative Cities average since 1997. The average response time for top-priority Police calls is consistent with the ICMA average. The percent of Part 1 violent crimes cleared by the Police Department is well above the ICMA average for 2002. In terms of fire data, Bellevue's percent of fire suppression calls with a response time of five minutes or less is below the ICMA average. Mr. Siegel explained that current measures are likely more accurate than in the past because Bellevue's newer computer-aided dispatch system starts counting response times at an earlier point than previously measured, as well as an earlier point than what is measured by some cities. The City's percentage of structure fire incidents confined to the room of origin is well above the ICMA average. The average time for calls requiring a basic life support (BLS) response has been consistent with the ICMA average since 1996.

Turning to Parks, Bellevue spends more per capita on parks operations and maintenance. Bellevue significantly exceeds the ICMA average for each of the following outcome measures: park appearance, program quality, range of activities, park accessibility, park safety, and overall satisfaction. The percentage of Bellevue household using park facilities and programs has exceeded the ICMA average since 1998.

Responding to Councilmember Mosher, Mr. Siegel said participating comparative cities tend to come and go. Eight Pacific Northwest cities now participate in the program. Dr. Davidson encouraged the City's ongoing participation in the program.

At 7:55 p.m., Mayor Marshall declared a break. The meeting resumed at 8:05 p.m.

- (g) Appeal of Rodney Bonebright et al. concerning the assessment reimbursement area and amount of assessments formulated by the Transportation Department for the improvements by Gold Creek Homes, File No. AAD 02-234; adopting the Findings of Fact, Conclusions of Law, and Recommendation of the Hearing Examiner.

Mayor Marshall invited Marsha Martin, Foster Pepper and Shefelman, to continue her comments from Oral Communications. Ms. Martin referred to a statement on page 3-75 of the Council packet that says: "No party has raised a claim that there has been any irregularity in the appeal proceedings nor has anyone raised a claim that the recommendation conflicts with applicable decision criteria." She clarified that she and her clients have made both of these claims regarding an irregularity in the appeal proceedings and a conflict with the applicable decision criteria. Ms. Martin said these arguments have been made throughout the process, most recently in her June 11, 2003, letter (page 4).

Mayor Marshall explained the item before Council on the appeal of Rodney Bonebright and others concerning the assessment reimbursement area and amount of assessments formulated by the Transportation Department for roadway improvements completed by Gold Creek Homes (Hearing Examiner's File No. AAD-02-234). Council is asked to consider adoption of the findings of fact, conclusions of law, and recommendations of the Hearing Examiner.

Lori Riordan, Assistant City Attorney, recalled that a public hearing was held before Council on June 16, 2003, to allow the parties to present their arguments. The hearing and the record are now closed, and the purpose of tonight's discussion is for Council to approve, reject, or modify the findings, conclusions and recommendations of the Hearing Examiner on the assessments and appeals.

Ms. Riordan explained that the matter involves a request by Gold Creek Homes to enter into a reimbursement contract with the City, as authorized under state law and city code. It applies when a property owner, as a condition of development approval, installs street frontage improvements along its own property and neighboring properties and then seeks a reimbursement agreement from the City to assess the neighboring properties for a portion of the improvement costs. After Gold Creek submitted its request for a reimbursement contract, a notice of proposed assessments was given to neighboring property owners. Several requested a hearing on the assessments before the City's Hearing Examiner. In a preliminary ruling, the Hearing Examiner ruled there had to be a special benefits study before the hearing on assessments could proceed and recommended to Council that staff conduct such a study. Council rejected that recommendation and sent the matter back to staff to consider alternative assessment methods. Upon receiving staff's revised proposed assessments, the Hearing Examiner proceeded to hold the hearing. The Hearing Examiner's revised findings, conclusions and recommendations were issued in May and presented to Council at the June 16, 2003, hearing.

Council's role tonight is to consider the findings of fact made by the Hearing Examiner and determine whether they are supported by substantial evidence. If Council determines that all of

the findings are supported by substantial evidence, Council may adopt the findings as a whole. If Council determines that any of the individual findings are not supported by the evidence, Council may decline to adopt the findings. If Council determines that new or different findings are needed, direction should be given to staff to draft findings the Council determines are supported by the evidence in the record.

Council will also consider whether there is substantial error in any of the Examiner's conclusions. If Council determines there was no substantial error, Council may adopt the conclusions as a whole. If Council determines there was substantial error in any conclusions, Council may decline to adopt the conclusions. If Council determines that new or different conclusions are needed, direction should be given to staff to draft such conclusions.

Council will then consider the recommendations of the Examiner and determine whether they are supported by the findings and conclusions adopted by Council. The Hearing Examiner recommends that Council adopt the recommendations proposed by staff except that: 1) the proposed assessments on the west side of the street should be reduced by \$12.80 per front foot, and 2) the assessment on the Bonebright parcel should be reduced to an amount equal to or less than the benefit received by the property from construction of the road. If Council determines the recommendations are proper, it may adopt them. If Council determines that any of the recommendations are not supported by the findings and conclusions adopted by Council, it may revise the recommendations and adopt them as revised.

Ms. Riordan noted her memo to Council on page 3-73 of the meeting packet, which outlines the issues decided by the Hearing Examiner. Council will need to address each issue tonight and provide guidance to staff for preparation of an ordinance reflecting Council's decision.

Ms. Riordan noted that the first three issues (Page 3-74) were decided by the Hearing Examiner in a summary judgment ruling early in the process because these were legal issues that did not require testimony by the parties. She suggested Council address these three issues first and decide whether to adopt the Examiner's rulings, reject them, or revise them. The standard to be applied is whether the Examiner committed a substantial error in making those rulings. Council could then address the remaining issues dealt with by the Examiner in his May 19 findings, conclusions and recommendations. Issues 4 and 7 involve, in part, issues of fact, and the standard to be applied is whether or not they are supported by substantial evidence in the record. If Council does not agree with the Examiner on these issues, direction should be provided to staff. Issues 5, 6, and part of 7 are legal issues and require that Council apply the substantial error standard.

Mayor Marshall asked Council to address the first issue: Whether the City has adopted the appropriate ordinances to require these street improvements.

- ➡ Deputy Mayor Degginger moved to adopt the Hearing Examiner's recommendation that the City has adopted the appropriate ordinances to require the street improvements. Dr. Davidson seconded the motion.

- The motion to adopt the Hearing Examiner's recommendation that the City has adopted the appropriate ordinances to require the street improvements carried by a vote of 6-0.

Mrs. Marshall asked Council to consider the second issue: Whether the City has taken the necessary steps to enter into the reimbursement contract.

- Deputy Mayor Degginger moved to adopt the Hearing Examiner's recommendation that the City has taken the necessary steps to enter into a reimbursement contract. Mr. Creighton seconded the motion.
- The motion to adopt the Hearing Examiner's recommendation that the City has taken the necessary steps to enter into a reimbursement contract carried by a vote of 6-0.

Mrs. Marshall noted the third issue: Whether there is a contract.

Councilmember Noble feels the Hearing Examiner is correct in determining that there is a contract for the reimbursements.

- Deputy Mayor Degginger moved to adopt the Hearing Examiner's conclusion that a contract was in place. Mr. Mosher seconded the motion.
- The motion to adopt the Hearing Examiner's conclusion that a contract was in place carried by a vote of 6-0.

Mayor Marshall moved to issues 5 and 6: Whether the front foot assessment method is appropriate, and Whether the reduction of the assessment on the west side of the street is appropriate. The Hearing Examiner concluded that the front foot assessment method was appropriate and that the assessments on the west side of the street should be reduced by \$12.80 per front foot to account for the fact that no sidewalk was installed on the west side.

- Deputy Mayor Degginger moved to adopt the Hearing Examiner's conclusions that the front foot assessment method is appropriate and that the assessments on the west side of the street should be reduced by \$12.80 per front foot. Dr. Davidson seconded the motion.
- The motion to adopt the Hearing Examiner's conclusions that the front foot assessment method is appropriate and that assessments on the west side of the street should be reduced by \$12.80 per front foot carried by a vote of 6-0.

Mayor Marshall returned to issue 4: Whether the improvements were actually voluntary and not required by the City. The Hearing Examiner concluded that the frontage improvements were required by the City as a condition of development and were not voluntary, and that the costs were reasonable.

- Deputy Mayor Degginger moved to adopt the Hearing Examiner's conclusion that the frontage improvements were required by the City as a condition of development and were not voluntary. Mr. Noble seconded the motion.

Councilmembers Noble, Mosher, and Creighton stated that the record supports the Hearing Examiner's conclusion that the frontage improvements were required by the City.

- The motion to adopt the Hearing Examiner's conclusion that the frontage improvements were required by the City as a condition of development and were not voluntary carried by a vote of 6-0.

Mrs. Marshall moved to issue 7: Whether the Bonebright property should receive an additional special benefits analysis. The Hearing Examiner's findings were that the road adjacent to Mr. Bonebright's property was elevated to accommodate a storm water vault in the street, that this vault made it impossible for Mr. Bonebright to access his property from the northeast corner, that this would require street frontage improvements along all of his frontage on Nels Berglund Road, and that even though the road provides access to his property, it does not increase his property value. The Hearing Examiner concluded that a special benefits study was necessary to determine the appropriate assessment for Mr. Bonebright's property so it would not exceed the benefit he received from Gold Creek's street improvements.

- Mr. Creighton moved to not adopt the Hearing Examiner's Finding of Fact No. 14 and that Council revise the finding as follows:

“14. The road adjacent to the Bonebright property was elevated to accommodate a storm water vault in the street. Such detention makes it impossible for Bonebright to access his property from the northeast corner so that access must be at the southeast corner. If Bonebright were to develop this property through a plat application, he would be required to install roadway improvements along his entire frontage of Nels Berglund Road. Bonebright would have been required to install some storm drainage detention as part of those street frontage improvements.”

Mr. Mosher seconded the motion.

Mr. Noble noted testimony in the record supporting the assertion that the improvements completed would have been necessary if Mr. Bonebright decided to develop his property. He supports the motion.

Mayor Marshall feels the Hearing Examiner's finding regarding the impact to Mr. Bonebright's property is not supported by substantial evidence in the record. Although Mr. Bonebright testified that he believed he would not have been required to install a detention vault under the road and therefore would not have been required to raise the elevation of the road, it does not appear that Mr. Bonebright had any basis for that testimony other than his personal opinion. Mrs. Marshall believes that Mr. Uren, the engineer who testified on behalf of Gold Creek, is technically competent to testify on such matters and provides the only credible testimony in the record.

Mrs. Marshall said that Mr. Bonebright's testimony as to what frontage improvements would have been required if he developed his property represents speculation on his part. Mr. Bonebright did not establish any foundation or basis in fact for his testimony regarding required frontage improvements. On the other hand, Mr. Uren established that he has knowledge of the City's development requirements, which include frontage improvements all along the property and not just to the driveway. It is the City's code requirement, not the road installed by Gold Creek, that determines whether the frontage improvements would have been required of Mr. Bonebright if he were to apply to subdivide his property.

Mrs. Marshall said the reimbursement contract statute does not require a special benefits analysis to determine before and after values of the property. The statute says that property owners will be required to pay an assessment if they develop their property within 15 years and if they would have had to install the improvements themselves in order to receive development approval. The benefit to property owners is not an increase in property values but that another party has installed improvements they otherwise would have had to install themselves.

Mr. Noble feels the record on this matter provides substantial evidence to support the revision suggested by Mr. Creighton.

- The motion to not adopt the Hearing Examiner's Finding of Fact No. 14, and to revise the finding as stated above, carried by a vote of 6-0.

Mayor Marshall requested Council consideration of Hearing Examiner's conclusions 4 through 8 and 10.

- Deputy Mayor Degginger moved to not adopt the Hearing Examiner's Conclusions of Law 4 through 8 and 10, and that Council revise the conclusions as follows:
 - Delete the last two sentences of Conclusion 4 ("However, an assessment should not exceed the benefit to an affected property...without just compensation.").
 - Revise Conclusion 5, page 9, to read: "The assessments made to the parties adjacent to 166th Way SE and SE Nels Berglund Road in Attachment A should be approved."
 - Conclusions 6 through 8 should not be adopted.
 - Conclusion 10 should be revised to read: "Paragraph 1.2 and Recital 7 of the proposed agreement should be amended. Those provisions should reflect that any property owner/assessee who can establish, as of the time of submittal of an application for development of the assessee's property, that the City would not have required that property owner/assessee to install the frontage improvements installed by Gold Creek because of no direct access from 166th Way SE or Nels Berglund Road, or any other reason, will not be assessed or will be subject to a reduced assessment that is in proportion to the benefit (in the form of relief from having to install frontage or other improvements) actually received by his or her property from the improvements installed by Gold Creek."

Mr. Noble seconded the motion.

Mr. Noble supports the suggested amendments. He opined that the Hearing Examiner was inconsistent in recognizing that the City Council is not in favor of the special benefits approach yet the Examiner applies this approach for Mr. Bonebright's property only. Mr. Noble stated his understanding that the assessments will only be applied if the property owners choose to develop their property within the next 15 years, and Ms. Riordan concurred.

- The motion to not adopt the Hearing Examiner's Conclusions of Law 4 through 8 and 10, and to revise the conclusions as state above, carried by a vote of 6-0.

Mayor Marshall invited discussion regarding the Hearing Examiner's recommendation that Mr. Bonebright's assessment be reduced after conducting a special benefits analysis.

- Deputy Mayor Degginger moved to not adopt the Hearing Examiner's recommendation that Mr. Bonebright's assessment be reduced after conducting a special benefits analysis, and Mr. Mosher seconded the motion.

Mrs. Marshall noted her previous statements as to the reason she feels Mr. Bonebright's assessment should be established in the same manner as the other property owners. She feels the question of the impact of such improvements and what Mr. Bonebright would be required to do for his own development needs to be addressed at the time that he submits a development application. Mrs. Marshall wants to ensure consistent treatment of all property owners.

- The motion to not adopt the Hearing Examiner's recommendation that Mr. Bonebright's assessment be reduced after conducting a special benefits analysis carried by a vote of 6-0.

Mayor Marshall thanked legal staff for their work on this complicated matter.

(h) Regional Issues

Diane Carlson, Director of Intergovernmental Relations, opened the discussion of regional issues.

Kim Becklund, Transportation Policy Advisor, explained that the Puget Sound Regional Council (PSRC) has established a task force to prepare for the next round of federal transportation funding. The Funding Task Force is co-chaired by Mayor Marshall. Ms. Becklund noted that funding policies adopted by PSRC in 2002 focus on urban centers and corridors connecting urban centers. City staff recommend retaining this focus on urban centers and corridors, increasing the share of funds available to regional projects (rather than countywide needs), and supporting those projects that have the greatest opportunity to improve regional mobility.

Councilmember Noble expressed support for a continued focus on major transportation projects in urban centers and along urban corridors.

Mr. Mosher expressed support for staff's recommendation. Mr. Creighton concurred and said this direction is consistent with the Growth Management Planning Council's approach to planning for increased urban densities.

Mayor Marshall feels continued regional planning is the key to providing the best transportation solutions. Dr. Davidson expressed support for this direction as well.

Moving on, Ms. Carlson recalled the establishment last year of two interlocal agreements for jail services, one with King County and another with Yakima County. Bellevue and other cities will phase out use of King County's jails beginning in 2004 and extending through 2012. Bellevue is working with other cities to create an interlocal agreement that will formalize cooperation among cities and help plan for future needs. The cities have agreed that the Bellevue property acquired by King County for future jail needs is to be transferred to the cities as the initial equity to be shared by all King County cities in the creation of future facilities for city misdemeanants. A recent development in this effort is a proposal to create an all-city assembly of elected officials to provide policy direction regarding jail property proceeds and future capacity planning.

Mayor Marshall said the proposal is likely more attractive to cities with a strong-mayor form of government, while cities with a council-manager form of government are accustomed to relying on expert staff. She is concerned about the feasibility and complexity of creating the proposed all-city assembly and supporting executive committee.

Dr. Davidson feels smaller work groups focused on specific issues are more effective than large federations. Mr. Mosher concurred and noted that smaller groups tend to be a better use of time and resources. Councilmembers Noble and Creighton agreed. Mayor Marshall summarized Council consensus against the proposal. However, if implemented, Council is in favor of weighted votes by member cities. Ms. Carlson said staff will continue to work on this issue with other cities.

Police Chief Jim Montgomery noted page 19 of the Regional Issues packet [added after the packet was printed] for an update on the King County Governance Commission, which was created to study and make recommendations regarding King County's governance structure and the services it should provide. Three public hearings will be held on this issue, and the first is scheduled for 6:00 p.m. on October 1 in Bellevue City Hall Council Chambers. The King County Governance Commission is seeking feedback on whether the County should be involved in the following eight services/activities: 1) economic development, 2) district court, 3) regional transportation, 4) airport (Boeing Field), 5) Boundary Review Board, 6) animal control, 7) King County Fair, and 8) emergency medical services.

Mayor Marshall commented that economic development and emergency medical services are appropriate as city-provided services. Councilmembers feel King County should continue to be responsible for providing human services. Mayor Marshall suggested a broader focus on streamlining and improving the overall efficiency of King County government. She suggested Councilmembers provide written comments to Ms. Carlson for incorporation into a message summarizing Council's position.

Moving to the next issue, Ms. Carlson noted page 26 of the Regional Issues packet regarding King County Executive Sims' proposal to provide incentive funding to encourage cities to annex their potential annexation areas (PAAs). He proposes \$10 million in funding to be used for operating assistance to cities but not for capital expenditures.

Deputy Mayor Degginger feels the exclusion of capital expenditures reflects a disincentive for annexation, particularly in areas in which King County has deferred needed maintenance projects. Mr. Creighton noted West Lake Sammamish Parkway as an example of a recently annexed area/road in need of maintenance and repairs.

(i) Transportation Capital Investment Program (CIP) – Neighborhood Services Status Report

Mr. Oberg opened staff's presentation of the Transportation Capital Investment Program (CIP) quarterly update for the period ending June 30, 2003. Transportation Director Goran Sparrman noted a focus on neighborhood projects in the current update.

David Berg, Transportation Assistant Director, said actual expenditures for the second quarter were \$13.5 million, and year-end expenditures are estimated at \$34 million. He described project savings in intersection projects associated with the Access Downtown project, the 150th/SE Eastgate Way project, and the 112th Avenue NE/NE 2nd Street project. Richards Road is essentially complete and will be finalized over the next two weeks. Final paving on Factoria Boulevard is beginning, and additional work on medians, landscaping, and art work will be completed by early November.

Mr. Berg recalled Council's termination of the NE 29th Place Connection Project contract in mid-July. Staff is repackaging the project and will re-advertise in November to complete the project. Isolated heavy rains on September 8 damaged the temporary storm water system along NE 24th Street. The contractor was able to re-establish the permanent stream the following week and the temporary system is no longer in place.

Karen Gonzales, Neighborhood Services Manager, displayed and described a map of neighborhood transportation projects for 2003. She highlighted the following projects completed as part of the City's Neighborhood Traffic Calming Program: 1) raised crosswalk and curb extensions near Cherry Crest Elementary, 2) speed humps and speed dots along 108th Avenue NE (between NE 12th and 24th Streets), and 3) addition of median and modification of existing speed humps along Somerset Drive SE. The Neighborhood Enhancement Program (NEP) implements projects selected by residents of a particular neighborhood, and most are sidewalk or trail projects. Ms. Gonzales highlighted the following projects: 1) raised asphalt walkway on SE 16th Street, and 2) sidewalk and variable speed signs near Lake Hills Elementary School (SE 8th Street and 143rd Avenue SE).

Laurie Gromala, Transportation Assistant Director, explained that traffic engineering spot improvements typically involve arterials because they are focused on safety issues and high accident locations. However, two neighborhood projects within this category are a new school crosswalk on 164th Avenue SE (near SE 47th Place) and the Vasa Park crosswalk project

(including a refuge island, overhead signing, and improved lighting) on West Lake Sammamish Parkway. Stationary radar signs have been installed along West Lake Sammamish Parkway as well.

Mr. Berg said five Neighborhood Investment Strategy (NIS) projects are currently in design, and construction will begin this year on the 156th Avenue SE project (curb, gutter, sidewalk from Lake Hills Boulevard to SE 11th Street).

Mayor Marshall commended Transportation staff for their hard work and aggressive work schedule. Mr. Mosher concurred and noted that all of the City's major roads have been improved in recent years.

(j) Project Update for West Lake Sammamish Parkway Alternatives Analysis

Nancy LaCombe, Project Manager, provided an update on the West Lake Sammamish Parkway alternatives analysis. A previous study of this road from 1994 to 1996 resulted in no clear consensus among residents for a preferred solution. Bellevue annexed approximately three miles of the road in March 2001. Residents of the area submitted a petition to Council in April 2001 requesting another review of the road. Ms. LaCombe reviewed traffic volumes along the 5.5-mile stretch of West Lake Sammamish Parkway between I-90 and Redmond city limits. There have been 59 vehicle accidents, with 34 injuries, during the past three years along this road.

Ms. LaCombe said changes along the roadway since 1996 include increased traffic volumes, increased vehicle speeds, safety issues, and pavement deterioration. Although the number of accidents is not atypical for a minor arterial, there are measures that can improve safety and potentially reduce accidents.

Questionnaires and invitations to an open house were mailed to 4,049 households this year. The open house/BBQ was held at Vasa Park Resort on July 22, 2003, and attended by 187 residents. A total of 439 residents responded to the questionnaire. Residents were asked to prioritize four areas. The category labeled traffic concerns ranked as the top priority issue followed by pedestrian safety, bicycle safety, and neighborhood character. Comments included requests to widen the shoulders of the road, add left-turn lanes, add sidewalks, repave the road, add bike lanes, add pedestrian crossings, slow down vehicle speeds, clean existing bike lanes and right-of-way, improve driveway access, add bus shelters, add traffic lights (specifically at Northrup and SE 34th), add stop signs (and not add stop signs), address parking, and not add bike lanes on the east side. In terms of what residents like about West Lake Sammamish Parkway, they praised the rural character of the road, trees and vegetation, and views of the lake and mountains.

Ms. LaCombe reviewed upcoming steps in the project schedule including community workshops, setting goals and objectives, estimating the impacts of alternatives and developing preliminary costs, refining the desired alternative with the community, refining cost estimates, and gaining Council approval. The Transportation Commission and City Council will be updated throughout the process and provide feedback and direction for staff.

September 22, 2003 Extended Study Session

Mr. Creighton attended the open house/BBQ and noted a wide range of comments from residents. One suggestion he heard consistently was to repave the road so that it will be quieter.

At 10:00 p.m., Mayor Marshall declared the meeting adjourned.

Myrna L. Basich
City Clerk

kaw