

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

May 18, 2009
6:00 p.m.

Council Conference Room
Bellevue, Washington

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

ABSENT: Councilmember Noble

1. Executive Session

Deputy Mayor Balducci opened the meeting at 6:00 p.m. and declared recess to Executive Session for approximately 25 minutes to discuss one item of pending litigation and one item of property acquisition.

The Study Session resumed at 6:43 p.m., with Mayor Degginger presiding.

2. Study Session

- (a) East Link – Review of Sound Transit Board of Directors Locally Preferred Alternative

City Manager Steve Sarkozy reported that the Sound Transit Board of Directors met last week to select a preferred preliminary alignment for the East Link light rail project.

Bernard van de Kamp, Regional Projects Manager, reviewed a map showing the preferred alignments for the four East Link segments. Segment A connects downtown Seattle to the East Channel bridge in South Bellevue with light rail operating in the I-90 center roadway.

Councilmember Davidson questioned the allocation of costs for Segment A in Seattle. Mr. van de Kamp said the issue was not discussed last Thursday. However, his understanding is that the Rainier Avenue station will be funded by the North King County Subarea, and the balance will be funded by the East King County Subarea.

Continuing, Mr. van de Kamp said that the preferred alignment for Segment B (South Bellevue to SE 8th Street) is a modified option B3. The City's recommendation was adopted in part by the Sound Transit Board, with some modifications requested by the Washington State Department of Transportation (WSDOT). This option preserves eastbound and westbound HOV direct access

ramps. The Board was favorable to Bellevue's proposed side-running modified B3 option along Bellevue Way and 112th Avenue SE. For the portion between SE 8th Street and Main Street, the Board indicated a preference for the original concept that goes along the side of the Bellevue Club. However, Sound Transit will be looking at some design modifications to minimize the impacts on the club's parking lot, adjacent commercial properties, and wetlands.

Responding to Councilmember Chelminiak, Mr. van de Kamp said the alignment goes along the east side of the Bellevue Club's parking lot.

Responding to Councilmember Davidson, Mr. van de Kamp said the alignment is elevated over SE 8th Street and SE 6th Street until it connects to Segment C at the Red Lion hotel site. The route goes along the east side between 114th Avenue and the Hilton property.

For Segment C the Sound Transit Board prefers the C4A at-grade option, and is willing to consider the C3T with a deep bore tunnel under 108th Avenue NE as an option subject to a financing plan. Although Council's preferred alternative, C2T, will not be advancing to the next engineering phase, questions raised during the draft EIS process related to C2T will be further evaluated.

Responding to Councilmember Davidson, Mr. van de Kamp said all of the options enter the downtown from the Red Lion site at Main Street and 112th. With option C3T, there is a short covered segment under Main Street that turns north at 108th, which transitions to a short cut and cover segment near 108th Avenue and NE 12th Street. It then transitions from the tunnel to an elevated structure in the McCormick Park area.

Mr. van de Kamp explained that the preferred option for Segment D is D2A, which is an at-grade alignment along the NE 16th corridor. This is the option selected by the Council as the preferred alternative as well.

Mr. van de Kamp reviewed the major differences between Sound Transit's and Bellevue's preferences. The City Council did not see a significant benefit in preserving the eastbound HOV lane at Bellevue Way and I-90 based on the technical analysis and the estimated cost of \$25 million. However, Sound Transit preserves the lane in its preferred alternative.

For the alignment between SE 8th Street and Main Street, the Council preferred a turn to the east just south of SE 8th Street to go toward the I-405 right-of-way. The Sound Transit Board did not pursue that option. Also as noted above, the C2T alternative is not advancing as a preferred alternative at this point but will be further evaluated to confirm some of the conclusions in the draft environmental impact statement (EIS).

Mr. van de Kamp described additional issues related to Sound Transit's preferred alternative. The first is the at-grade traffic analysis that staff has been directed to pursue at the City level to compare conclusions with Sound Transit's analysis. The Sound Transit Board suggested the creation of a peer review group as part of this work. City staff will meet with Sound Transit staff to clarify the intent of this direction from the Board.

Mr. van de Kamp said the Sound Transit Board provided direction to address the City's comments and the community's concerns regarding the C2T (106th Avenue tunnel) option by the end of the year. With regard to the 124th Avenue station, the Wright Runstad Spring District development includes a proposal to have a retained cut or partially covered station. This has been advanced as a design option. The Sound Transit Board's motion indicates that a public-private partnership would be needed to support this element.

Responding to Councilmember Lee, Mr. van de Kamp explained that Sound Transit conducted an at-grade traffic analysis as part of the draft EIS, and subsequently developed a traffic simulation model to determine whether there would be severe traffic impacts. The agency's conclusion last winter was that construction of light rail did not have a significant impact on downtown Bellevue traffic operations. City staff have reservations about that conclusion and are proposing to create a separate traffic simulation model for the downtown in order to test additional details and assumptions, including the Bel-Red land use forecast which was not considered in Sound Transit's analysis.

Transportation Director Goran Sparrman recalled discussion during last year's budget planning regarding the need to advance additional transportation planning in downtown Bellevue, in part to expand the City's planning horizon from 2020 to 2030. The proposed traffic analysis for light rail planning will be beneficial to the City's overall planning as well.

Mayor Degginger feels this is a good opportunity for the City to run its own data simulations using additional assumptions, and to share this analysis with Sound Transit.

Councilmember Lee concurred with the need for the City to conduct its own analysis. He expressed concern regarding the peer review approach if different conclusions are reached.

Deputy Mayor Balducci said that in general peer review is a good thing. She suggested finding a way to agree with Sound Transit in the selection of the peer reviewer. Ms. Balducci said arguing over the facts is a no-win situation. However, she thinks it will be important to be able to debate policy based upon a shared analysis.

Mr. van de Kamp reminded the Council that the identified preferred alternative is not the final formal action. When the final EIS is released in the summer of 2010, Sound Transit will either confirm its preference or select a different alternative.

Mr. van de Kamp explained that the Sound Transit Board's motion included a requirement for a finance plan to address the funding gap between the at-grade alternative versus tunneling alternatives. The Board included language suggesting that the City of Bellevue should formally identify funding sources to support a tunnel option by early 2010, in parallel with Sound Transit's engineering work. The Board requests interim reports from Sound Transit staff and the City of Bellevue identifying potential additional funding sources by the third quarter of 2009, and stating the potential value of such sources by the fourth quarter of 2009. This would lead to a formal finance plan by early 2010.

Councilmember Davidson noted that peer review was conducted for the Sound Transit Phase 1 ten-year plan, and that it does not always resolve issues.

Regarding the Sound Transit Board's position that additional funding sources should be formally identified by the City of Bellevue, Councilmember Chelminiak recalled previous letters from Sound Transit regarding working cooperatively to find funding. He hopes the City and the agency can work together in this regard.

Responding to Councilmember Bonincontri, Mr. van de Kamp said that Sound Transit's engineering work has given the agency a high level of confidence about the feasibility of carrying light rail across the I-90 bridge. The cost for Segment A from the International District in Seattle to the East Channel Bridge is \$750 million.

In further response to Councilmember Bonincontri, Mr. van de Kamp stated his understanding that Sound Transit's intent is to advance the C3T and C4A options into the engineering phase. Sound Transit expects to have engineering up to the 15 percent design level by the end of 2009 or early 2010, at which point the cost estimates can be updated. Mr. Sparrman added that in terms of the C2T option, some additional analysis will be needed to evaluate and respond to questions raised. That analysis is expected to occur relatively soon.

Councilmember Lee expressed concern regarding the tunnel options and the expectation that Bellevue identify funding sources. Mr. Sparrman said the City has cost estimates for different segments and alignments from the East Link DEIS report. These cost estimates will be refined as engineering progresses, and it might be possible to narrow the gap in resources based on the engineering work.

Councilmember Davidson questioned whether it is realistic to expect funding sources to be identified by early 2010.

Responding to Dr. Davidson, Mr. van de Kamp said Sound Transit is required to answer all questions raised in the draft EIS, and changes that have occurred since the draft EIS will need to be addressed in the final EIS. This includes roadway projects as well as population and employment growth reflected in the Bel-Red Plan.

Concurrent with development of the final EIS, there will likely be public workshops to discuss the locally preferred alternative and design elements to be incorporated into the final engineering. City staff will support Sound Transit's activities and work to address the 700 comments from the City on the draft EIS.

Dr. Davidson expressed concern that Sound Transit was not required to address questions raised in the draft EIS before selecting a preferred alternative. Mr. van de Kamp said the findings of the final EIS could cause Sound Transit to modify its preferred alternative.

Responding to Councilmember Bonincontri, Mr. van de Kamp said the final EIS is to be completed by July or August of 2010. The Sound Transit Board will then make its final decision on the preferred alternative and station locations, which will be forwarded to the Federal Transit Administration for a Record of Decision. The issuance of the Record of Decision could occur within weeks or months.

(b) Introduction of Downtown Urban Design and Livability Work Program

Mr. Sarkozy opened discussion regarding the Downtown Urban Design and Livability Initiative.

Planning Director Dan Stroh explained that the initiative involves updating Downtown regulations and design guidelines to better carry out the "Great Place Strategy" adopted in the Downtown Implementation Plan and Downtown Subarea Plan. He recalled that the DIP established a number of projects, many of which are completed or nearly completed including the NE 10th Street overpass, NE 8th Street widening, Pedestrian Corridor wayfinding and art walk, the new City Hall, the 1020 plaza and other open spaces in the downtown. Mr. Stroh briefly reviewed the summary of 2009-2010 Downtown Initiatives provided on page SS 2-13 of the meeting packet.

Mr. Stroh reviewed the Main Street and NE 2nd Street conceptual design project, which is responsive to recommendations in the DIP to widen NE 2nd Street and to evaluate design concepts in order to enhance the Main Street corridor's character. The purpose of the effort is to look at street design and urban design improvements that can be implemented by the City, property owners, and developers.

The two alternatives for Main Street narrow the current five lanes to three or four lanes, with the extra right-of-way to be used for pedestrian facilities, on-street parking, and bike facilities. The concept for NE 2nd Street involves the future connection to an interchange at I-405 as well as streetscape features. Main Street Alternative 1 has bike lanes on both sides of the roadway. Alternative 2 has a bike lane on the uphill sections and shared bike/vehicle use on downhill sections.

Mr. Stroh said an open house on these concepts is scheduled for May 19, and a more in-depth discussion with the Council will be held in June or July.

Mayor Degginger requested that staff study a third Main Street alternative involving bike lanes that are not on the street but at the edge of the pedestrian walkway, as is done in many European cities.

Deputy Mayor Balducci noted her confusion regarding the vision for the downtown. The Council and staff have been discussing for several years the lack of transportation capacity in the downtown. Both Council and staff have been concerned about the implications for this limited right-of-way due to the possibility of locating light rail at the street grade. Ms. Balducci feels more analysis is needed before reducing traffic capacity in the downtown. She is concerned that the alternatives under consideration all reduce capacity on Main Street.

Transportation Director Goran Sparrman explained that analysis to date indicates that the section of Main Street east of Bellevue Way to 112th Avenue could sufficiently handle transportation capacity with three lanes. However, more capacity will continue to be needed closer to Bellevue Way. Mr. Sparrman noted that traffic bottlenecks tend to be at intersections, and it is therefore important to provide more capacity at intersections.

Deputy Mayor Balducci supports the goal of making that section of Main Street more pedestrian friendly. However, she is having a hard time seeing how this will not undermine the objective of maintaining overall capacity in the downtown.

Mr. Sparrman said he will talk with his staff about providing greater detail to the Council regarding the work that led to staff's approach for this project.

Councilmember Davidson concurred with Ms. Balducci's concerns. He noted the increase in multifamily housing and the current limitations of traffic capacity, especially west of Bellevue Way.

Responding to Councilmember Chelminiak, Mr. Sparrman said improvements to NE 2nd Street will help to enhance traffic flow in the Main Street area and the rest of the downtown. In further response, Mr. Sparrman confirmed that the NE 2nd Street improvements represent a long-term project in the I-405 master plan.

Councilmember Chelminiak said he is not opposed to modifications to Main Street. However, he concurs with Ms. Balducci's concerns about the loss of lane miles in the downtown. He questioned the introduction of this initiative at this time, given that the NE 2nd Street interchange will not be completed for 10 to 15 years. Mr. Sparrman said the concepts are based on extensive staff analysis and a review of alternatives. The next step in the process is to solicit public input on the concepts. He acknowledged the Council's concerns and said staff will be careful to not make any commitments to the public regarding the project.

Mayor Degginger stated that the Council is not comfortable with this initiative.

Mr. Sarkozy commented that Sound Transit's light rail planning represents a change in the downtown environment. He suggested a broader analysis of downtown transportation capacity within this context, including the need for bicycle capacity. Mr. Sarkozy proposed additional staff analysis and returning to Council in the coming months with more data upon which to base this planning.

Mayor Degginger recalled that when the last DIP update was completed in 2003, there was an enhanced focus on the pedestrian environment along Main Street and a greater vehicle orientation for NE 2nd Street. With the significant changes in transportation planning since that time, including light rail planning, Mr. Degginger said the Council is concerned about the comprehensive integration of and uncertainty surrounding transportation projects.

Continuing, Mr. Stroh said the purpose of tonight's presentation is to launch the urban design and livability initiative and the issues to be addressed, including review of an amenity incentive system, building form and height, design guidelines, pedestrian corridor guidelines, downtown parking standards, light rail interface, workforce and affordable housing, and financial tools to implement the Great Place strategy. He noted that the downtown amenity bonus system has essentially not been updated since 1981.

Mr. Stroh reviewed key opportunity areas for improvements within the downtown. The estimated budget for the initiative is \$220,000 as follows: 1) Completion of 3-D model, \$80,000, 2) Economic evaluation of incentive system, \$20,000, 3) Parking analysis, \$20,000, and 4) Urban design and environmental review, \$100,000. The funds are available in Capital Investment Program (CIP) project CD-19, DIP Implementation. Mr. Stroh reviewed the proposed schedule for this initiative, which anticipates Council adoption of a final plan in late 2010.

Councilmember Lee endorsed a continued focus on downtown planning and maintaining economic vitality.

Councilmember Bonincontri indicated her preliminary support of the concepts developed to date. She noted her interest in environmentally sustainable development and elements that encourage a healthy lifestyle.

Councilmember Chelminiak is hesitant to move forward with this project and is concerned about funding issues. He is not interested in a major effort or investment in the concepts at this time. He would prefer to see the funds allocated toward the Eastgate Subarea Plan update. Downtown priorities for him include space for the Eastside Heritage Center, municipal court facilities, affordable housing, and green spaces. He would like to see specific projects completed.

Responding to Mayor Degginger, Mr. Sarkozy said the topic will be brought back to the Council.

Deputy Mayor Balducci noted the significant planning efforts throughout the downtown and community in recent months, and suggested taking some time before launching another major initiative.

At 8:04 p.m., Mayor Degginger declared recess to the Regular Session. He noted that the Study Session will resume following the Regular Session.

(c) Off-leash Study Report and Recommendations

The Study Session reconvened at 9:43 p.m.

Parks and Community Services Director Patrick Foran reported that the Parks and Community Services Board supports the City's interest in studying off-leash dog issues and needs. Mr. Foran said that Park Board Chair Merle Keeney communicated that review of the study was a learning experience for the Board, and that the study carefully addressed the complexity of the

issues. The Park Board endorsed staff's recommendations in the draft off-leash study by a vote of 4-3. Concerns discussed by the Board included the one-year trial period, the appropriateness of using Neighborhood Enhancement Program (NEP) funds, and the recommendation for maintaining the off-leash area at Robinswood Park in lieu of the Eastgate area. The Board would like the City to allow the Eastgate master planning process to conclude before making a decision about locating an off-leash dog facility.

Glenn Kost, Parks Planning Manager, recalled that this issue surfaced approximately one year ago and has undergone six months of study. Dogs on leashes are currently allowed in all parks except beaches, the Botanical Garden, and on synthetic fields. There are two off-leash areas in Robinswood Park, and off-leash dogs are the subject of frequent complaints by park users. Mr. Kost showed a map of off-leash facilities in neighboring communities. He noted that facilities include fenced off-leash areas (OLAs) and unfenced, shared use areas.

Mr. Kost said staff recommends an equitable distribution of off-leash areas within the community and a total of four facilities. The recommended minimum size is one acre, while two to three acres is preferred. A smaller off-leash area of 5,000 square feet is recommended and considered sufficient for Downtown Park, which typically has smaller dogs. Additional potential sites include McCormick Park in the downtown, Wilburton Hill Park or the Highland/Glendale site in central Bellevue, and Lakemont Park in South Bellevue. Staff recommends a one-year trial period and funding through the Neighborhood Enhancement Program.

Mr. Kost explained that the Park Board does not support the use of NEP funds for off-leash areas, as this competes with other neighborhood projects such as sidewalks and playgrounds. For those advocating for an off-leash area at Eastgate Park, the Board feels that levy funds should be used for this purpose instead of NEP funds.

Noting the hour, Mayor Degginger suggested rescheduling the presentation in order for the Council to give the topic its full consideration.

Mr. Foran referred the Council to the Agenda Memo in the meeting packet for detailed information on the study recommendations and the issues raised by the Park Board.

Councilmember Chelminiak noted that this is an emotional issue for many members of the community, which is further complicated by its relationship to the Eastgate Park master planning process. Residents have been using the Eastgate property as a shared use off-leash dog area for many years, before the property was acquired by the City. If this use is not continued in the Eastgate Park master plan, Mr. Chelminiak opined that the facility should be replaced at Robinswood Park using levy monies. He is opposed to using NEP funds to provide specific features at public parks.

→ At 10:00 p.m., Deputy Mayor Balducci moved to extend the meeting by 10 minutes. Mayor Degginger seconded the motion.

→ The motion to extend the meeting carried by a vote of 6-0.

Deputy Mayor Balducci concurred that this topic deserves more attention than can be given tonight. She noted that allowing dogs in parks is an established use that citizens have come to rely on. She expressed concern that the Eastgate location is not one of the recommended candidate sites. If the Council chooses to discontinue the shared use area at the Eastgate property, she feels this type of open field experience should be provided elsewhere. She suggested preserving some portion of the current Eastgate meadow.

Councilmember Davidson is not in favor of using NEP funds for this purpose. He expressed concern with the 4-3 vote by the Park Board, and he would like more time to review and understand the issues.

Mayor Degginger concurred with the need for further discussion. He cautioned against measuring the extent to which a community is dog friendly by the number of its dog parks, as there are other ways to be dog friendly. He acknowledged the interest in shared use areas, but noted the importance of ensuring that all park users are safe. Mr. Degginger encouraged further review of the Eastgate Park issues.

(d) American Recovery and Reinvestment Act – Energy Efficiency and Conservation Block Grants

Sheida Sahandy, Assistant to the City Manager, provided a brief presentation regarding the use of Energy Efficiency and Conservation Block Grant funding available under the American Recovery and Reinvestment Act. Bellevue's allocation is \$1.29 million. The Eastside C-7 Cities have identified clean mobility and energy efficiency as the areas representing the best opportunity for progress and cohesiveness among the cities.

Ms. Sahandy said staff is formulating a proposal for Council consideration in the near future.

Councilmember Davidson said this topic was discussed at the National League of Cities Conference. He supports moving forward.

Councilmember Lee supports pursuing funding and focusing on areas that provide the most realistic opportunity for success.

At 10:11 p.m., Mayor Degginger declared the meeting adjourned.

Michelle Y. Murphy
Deputy City Clerk

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CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

May 18, 2009
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: Councilmember Noble

1. Call to Order

The meeting was called to order at 8:08 p.m., with Mayor Degginger presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers were present except Councilmember Noble. Councilmember Chelminiak led the flag salute.

(a) Commercial Recycling Awards

Utilities Director Denny Vidmar recalled that the City entered into a new solid waste contract in 2004 that included an improved commercial recycling program.

Don Frey, Allied Waste, presented the 2008 Commercial Recycling awards to:

- ICOM, Inc. – Small commercial category, recycling rate of 96 percent,
- Bellevue Healthcare – Medium commercial category, recycling rate of 80 percent, and
- Forest Ridge School of the Sacred Heart. – Large commercial category, recycling rate of 87 percent.

(b) Asian Pacific American Heritage Month

Mayor Degginger read a proclamation recognizing May as Asian Pacific American Heritage Month.

Councilmember Lee accepted the proclamation on behalf of the Asian and Pacific Islander community in Bellevue.

3. Communications: Written and Oral

- (a) Ginger Switzer, a Wilburton Hill resident, submitted her comments in writing and stated her concerns regarding dogs in public parks that are not on leashes. She described incidents of her and her neighbor's leashed dogs being attacked by unleashed dogs. If the City adds off-leash areas to its parks, she is concerned that people will allow their dogs to walk unleashed from their vehicles to the off-leash area, and that this practice could lead to attacks on leashed dogs and/or children on playgrounds.
- (b) Charlie Klinge, a land use attorney representing Dave Robertson, spoke regarding the Bel-Red Subarea Code package and expressed his ongoing concerns regarding the proportional compliance requirement applicable to existing uses in the Bel-Red corridor. He expressed support for alternative 5 as proposed by City staff.
- (c) Bill Pace, a Lochmoor resident, expressed concern regarding proposed building heights, which will have a widespread negative impact on residential properties and views.
- (d) T.J. Woosley, representing Brierwood Center, expressed support for Bel-Red Code amendments. However, he noted that redevelopment will take some time and be dependent upon the market. He supports staff's alternative 5 to address the proportional compliance requirement for existing uses. Mr. Woosley thanked Councilmembers for their extensive work on Bel-Red planning.
- (e) Ian Elliott noted his ongoing advocacy for a downtown skateboard park. He thanked Deputy Mayor Balducci for setting up a meeting for him tomorrow with Glenn Kost and Shelly Marelli of the Parks Department.
- (f) Walter Scott expressed concern regarding the size of retail uses contemplated with the redevelopment of the Bel-Red Corridor. He suggested allowing up to 25,000 square feet for general retail and 50,000 square feet for a food store in both the BR-R and BR-RC districts.

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

5. Report of the City Manager

(a) Update on GMPC Growth Targets

City Manager Steve Sarkozy provided introductory comments regarding the process for updating housing and job growth targets for the Countywide Planning Policies (CPPs). A briefing to the City Council on preliminary numbers is anticipated later this summer. The new growth targets will guide the required 2011 update of the City's Comprehensive Plan.

Planning Director Dan Stroh referred the Council to the management brief on page 5-1 of the meeting packet which reviews the technical process for updating the growth targets through 2031 as mandated by the state Growth Management Act (GMA). The targets are to be adopted by the

Growth Management Planning Council (GMPC) and incorporated into Countywide Planning Policies by the end of the year. The GMPC could adopt recommendations on targets as early as September, and these would then be forwarded to cities for ratification.

Responding to Mayor Degginger, Mr. Stroh said the GMPC is looking at a number of methodologies for establishing growth targets, including setting targets that are proportional to the current populations of jurisdictions. Mr. Stroh said staff anticipates that none of the methodologies will result in inappropriate or impossible targets.

Responding to Councilmember Lee, Mr. Stroh said housing growth in Bellevue over the next 25 years is primarily targeted in the Downtown and Bel-Red corridor.

(b) Management Brief – Mercer Slough Environmental Education Center Proposed Donation of Wetlab 2

Parks and Community Services Director Patrick Foran announced that the Master Builders Association (MBA) of King and Snohomish Counties has agreed to construct Wetlab 2 at the Mercer Slough Environmental Education Center, as one of its 100 community service projects during the MBA's 2009 centennial celebration. The lab will be a Built Green 5-Star project, which is the highest rating of the MBA's environmental certification building program designed to promote water conservation, recycling, energy conservation, and habitat protection.

Mr. Foran said staff will bring back for Council approval a lease agreement and memorandum of understanding (MOU) between the City and the Master Builders Association to implement this project consistent with the City-provided plans and specifications.

Mayor Degginger expressed enthusiasm for the project and thanked the Master Builders Association for this contribution.

(c) Update on Main Street and NE 2nd Street Conceptual Design Project

[Discussed during the earlier Study Session in conjunction with the Downtown Urban Design and Livability work program discussion.]

6. Council Business and New Initiatives

Councilmember Lee attended a joint meeting of the three subarea transportation policy boards with Deputy Mayor Balducci. Mr. Lee attended meetings of the Suburban Cities Association, Bellevue Transportation Commission, and Bellevue LEOFF I Disability Board. He attended the Bellevue Philharmonic concert and a Bellevue Community College fundraiser lunch.

Councilmember Bonincontri attended a meeting of the PSRC Growth Management Policy Board and the Cascade Land Conservancy breakfast.

Councilmember Davidson reported that he and Councilmember Bonincontri attended a Taiwanese dance performance at Kirkland Performing Arts Center. Dr. Davidson attended a

meeting of the Bellevue Chamber of Commerce's Public Affairs Committee. He attended a celebration for the 10th anniversary of the Cascade Water Alliance at the Museum of Flight.

Councilmember Chelminiak attended meetings of the state Building Codes Council and Bellevue Parks and Community Services Board.

Deputy Mayor Balducci attended a joint meeting of the three subarea transportation policy boards, which was convened to address Metro's significant budget shortfall. She attended meetings of the Eastside Transportation Partnership, Sound Transit, and the PSRC Transportation Policy Board. Deputy Mayor Balducci thanked Mayor Degginger for his extensive involvement in Sound Transit meetings on behalf of the City's light rail planning.

Mayor Degginger reported on a visit from the President of the Republic of Latvia today in City Hall. At their request, the President and his wife were taken on a tour of the Mercer Slough Environmental Education Center.

Mayor Degginger traveled to Olympia for the signing of legislation related to the Cascade Water Alliance's condemnation authority. Mr. Degginger praised Councilmember Davidson's involvement in water-related issues during the past two decades.

7. Approval of the Agenda

→ Deputy Mayor Balducci moved to approve the agenda, with the addition of Agenda Item 11(c) to consider Resolution No. 7929. Councilmember Chelminiak seconded the motion.

→ The motion to approve the agenda, as amended, carried by a vote of 6-0.

8. Consent Calendar

→ Deputy Mayor Balducci moved to approve the Consent Calendar, and Councilmember Lee seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 6-0, and the following items were approved:

- (a) Minutes of April 20, 2009 Study Session
Minutes of April 20, 2009 Regular Session
Minutes of April 27, 2009 Extended Study Session
- (b) Motion to award Bid No. 9118 to RC Zeigler Company Inc., in an amount not to exceed \$28,927.41, as the lowest responsible bidder, for the installation of two playground covers at Lewis Creek Community Park.
- (c) Ordinance No. 5873 authorizing: 1) execution of a grant agreement with the Washington State Department of Transportation (WSDOT) to accept \$385,000 in

federal Highway Safety Improvement Program (HSIP) funding; 2) amendment of the 2009-2010 General CIP fund to increase the appropriation by \$385,000 in grant funds; and 3) amendment of the 2009-2015 Capital Investment Program (CIP Plan) Plan to increase the project budget for the Downtown Mid-Block Crossings project by \$385,000 (CIP Plan No. PW-W/B-77).

- (d) Resolution No. 7927 authorizing execution of an Interagency Agreement with King County in order to utilize the County's stream restoration crews for construction of the Coal Creek Upper Reach Stabilization and Grade Control Projects (CIP Plan Nos. D-95 and D-100).
- (e) Resolution No. 7928 authorizing execution of an amendment to the professional services agreement for the Lower Coal Creek Sediment Pond, with RW Beck, Inc., in the amount of \$265,000, for engineering services (CIP Plan No. D-101).
- (f) Motion to award Bid No. 9041 for the 2009 Asphalt and Concrete Replacement Project to Northwest Asphalt Inc., in an amount not to exceed \$336,072.25.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) 2009 Annual Comprehensive Plan Amendment (CPA) Work Program

Comprehensive Planning Manager Paul Inghram provided a brief overview of the annual Comprehensive Plan Amendment (CPA) work program. He noted the withdrawal of both the Kinoshita and Newport Professional Building CPA applications. The two remaining CPA proposals are: 1) Capital Facilities Capital Investment Program (CIP) reference update, and 2) Transportation Element Figure TR.2 (Travel Demand Forecast) amendment. Staff recommends that both proposals be initiated into the 2009 CPA review process.

Deputy Mayor Balducci expressed concern regarding the staff time spent on reviewing the privately initiated Comprehensive Plan Amendment (CPA) proposals that were then withdrawn at the end of the process.

Mr. Inghram acknowledged that the time spent by staff and the Planning Commission was not insignificant. He noted that in some cases applicants withdraw from the process if the Planning Commission recommends against initiating their proposals. This will allow them to resubmit a CPA application without having to wait the required three years for reapplying. Ms. Balducci would like a review of the process to determine a way to discourage withdrawals after considerable work by staff and the Planning Commission.

Councilmember Davidson is in favor of reviewing the process as well, but for a different reason. He has not been a supporter of the required three-year waiting period between submittals of a Comprehensive Plan Amendment (CPA) proposal.

Responding to Councilmember Lee, Mr. Inghram said the Transportation Element CPA updates the travel demand forecast and the mobility management areas (MMA) map.

- Deputy Mayor Balducci moved to initiate the Capital Facilities CIP Reference Update Comprehensive Plan Amendment into the annual work program, and to direct the Planning Commission to return final recommendations through the CPA review process. Councilmember Bonincontri seconded the motion.
- The motion to initiate the Capital Facilities CIP Reference Update Comprehensive Plan Amendment into the annual work program carried by a vote of 6-0.
- Deputy Mayor Balducci moved to initiate the Transportation Element Figure TR.2 Comprehensive Plan Amendment into the annual work program, and to direct the Planning Commission to return final recommendations through the CPA review process. Councilmember Bonincontri seconded the motion.
- The motion to initiate the Transportation Element Figure TR.2 Comprehensive Plan amendment into the annual work program carried by a vote of 6-0.

(b) Bel-Red Code Amendments

- (1) Ordinance No. 5874 amending the Bellevue Land Use Code, adopting a new Part 20.25D to establish regulations, standards, and design guidelines for implementation of the new Bel-Red Subarea Plan, and establishing an effective date

City Manager Steve Sarkozy explained that Council action is requested on Ordinances adopting a new Part 20.25D Bel-Red Overlay in the Bellevue Land Use Code, the legislative rezone of the Bel-Red Subarea, and necessary amendments to general sections of the Land Use Code, Sign Code, and Noise Control Code to achieve consistency with the Bel-Red Overlay Code.

Land Use Director Carol Helland recalled previous Council discussion regarding the existing conditions section of the Bel-Red Overlay Code. She briefly reviewed five alternatives for handling proportional compliance requirements applicable to existing uses [Beginning on page 11-20 of meeting packet].

Responding to Councilmember Chelminiak, Ms. Helland said a permit application has a one-year term, with the option for a 180-day extension. Once a permit is issued, construction must start within a year.

Responding to Councilmember Davidson, Ms. Helland referred to Attachment F, Valuation Data for Tenant Improvements in Bel-Red, in the meeting packet. Most tenant improvements in the

Bel-Red Subarea during the past four years were under the \$150,000 threshold that would trigger the requirement for exterior parking and landscaping enhancements under the proposed Code amendment.

Councilmember Bonincontri suggested exempting interior alterations and improvements from triggering the proportional compliance threshold for a period of three years, instead of two years as reflected in options 4 and 5. Councilmember Chelminiak concurred.

→ Councilmember Chelminiak moved to adopt Option 5 exempting interior alterations and improvements proposed to accommodate a Bel-Red permitted use from being counted toward the monetary threshold for triggering required site improvements when no expansion to the development footprint is proposed, and to amend Option 5 to increase the exemption period to three years. Councilmember Bonincontri seconded the motion.

Deputy Mayor Balducci expressed support for the motion.

Mayor Degginger spoke in favor of the motion and providing additional flexibility for property owners.

→ The motion to implement Option 5, as amended, with regard to existing uses and proportional compliance requirements, carried by a vote of 6-0.

Mayor Degginger thanked the Bel-Red Steering Committee, City staff, the Council, and the community for their involvement in this planning effort.

- (2) Ordinance No. 5875 amending the land use designations for all properties within the Bel-Red Subarea for consistency with revisions to the Comprehensive Land Use Plan, and establishing an effective date.
- (3) Ordinance No. 5876 amending the Bellevue Land Use Code, relating to ensuring consistency with the new Bel-Red Overlay (Part 20.25D); amending specific sections; adopting new sections 20.10.375, 20.20.840, 20.30F.180; deleting section 20.20.920; and establishing an effective date.
- (4) Ordinance No. 5877 amending the sign code to incorporate new Bel-Red Land Use Districts, correct references for consistency, and update definitions to reflect departmental changes; amending sections 22B.10.020, 22B.10.025, 22B.10.030, 22B.10.040, 22B.10.055, and 22B.10.140 of the Bellevue City Code; and establishing an effective date.
- (5) Ordinance No. 5878 amending the Bellevue City Code to incorporate the Bel-Red Land Use Districts into chapter 9.18.(Noise Code); amending section 9.18.025 of the Bellevue City Code; providing for severability; and establishing an effective date.

- Deputy Mayor Balducci moved to adopt Ordinance No. 5874, Ordinance No. 5875, Ordinance No. 5876, Ordinance No. 5877, and Ordinance No. 5878, adding new part 20.25D Bel-Red Overlay Code; adopting the legislative rezone for the corridor consistent with Bel-Red Subarea Plan map; and amending the general sections of the Land Use Code (BCC Title 20), the Sign Code (BCC 22.B10), and the Noise Control Code (BCC 9.18) to achieve consistency with the Bel-Red Overlay Code. Councilmember Chelminiak seconded motion.

Councilmember Chelminiak thanked the City's Boards and Commissions for their work on the Bel-Red Subarea planning.

City Attorney Lori Riordan suggested a clarification to the motion language.

- Deputy Mayor Balducci restated the motion and moved to adopt Ordinance No. 5874, as amended by Option 5, and to adopt Ordinance Nos. 5875, 5876, 5877, and 5878, adding a new Part 20.25D Bel-Red Overlay Code; adopting the legislative rezone for the corridor consistent with Bel-Red Subarea Plan map; and amending the general sections of the Land Use Code (BCC Title 20), the Sign Code (BCC 22.B10), and the Noise Control Code (BCC 9.18) to achieve consistency with the Bel-Red Overlay Code. Councilmember Chelminiak seconded the restated motion.

- The motion to adopt Ordinance No. 5874, as amended, and to adopt Ordinance Nos. 5875, 5876, 5877, and 5878 carried by a vote of 6-0.

- (c) Resolution No. 7929 authorizing all documents necessary for the purchase of the McIntosh Properties, parcel numbers 162405-9084 and 162405-9190.

Parks and Community Services Director Patrick Foran explained that Resolution No. 7929 authorizes all documents necessary for the purchase of the McIntosh properties totaling approximately three acres. The purposes of the acquisition are: 1) To provide public access to a part of Coal Creek Park that does not currently have public access, and 2) To provide an area for the Utilities Department to establish a sedimentation pond in order to improve the water quality of the creek. The purchase price is \$350,000.

- Deputy Mayor Balducci moved to approve Resolution No. 7929, and Councilmember Chelminiak seconded motion.

Councilmember Lee expressed concern regarding the purchase given the current budget constraints.

City Manager Steve Sarkozy reviewed the two benefits of acquiring the property. He explained that Utilities monies were set aside for this purpose a number of years ago, and Parks CIP funds are available as well for important acquisitions. He noted the relatively low purchase price.

- The motion to approve Resolution No. 7929 carried by a vote of 6-0.

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

At 9:39 p.m., Mayor Degginger declared recess to return to the Study Session Agenda.

Michelle Y. Murphy
Deputy City Clerk

/kaw

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

May 26, 2009
6:00 p.m.

Council Conference Room 1E-113
Bellevue, Washington

PRESENT: Mayor Degginger, Deputy Mayor Balducci, and Councilmembers Bonincontri, Chelminiak¹, Davidson, Lee, and Noble²

ABSENT: None.

1. Executive Session

The meeting was called to order at 6:03 p.m., with Mayor Degginger presiding. There was no Executive Session.

2. Oral Communications

- (a) Bill Hirt continued his communications from previous meetings regarding his concerns about East Link light rail plans. He described a recent article in *The Seattle Times* which advocates tunneling under downtown Bellevue, and which states that East Link must be built to deliver fast and reliable service to the greatest number of riders throughout the Sound Transit system. Mr. Hirt opined that the Bellevue alignments will not meet that goal because there will not be sufficient access to the system, due in part to inadequate park and ride capacity. He cautioned that light rail on I-90 will reduce vehicle capacity and increase congestion. Mr. Hirt feels that a better alternative would be to convert the center lanes of I-90 to two-way bus service, and to dramatically increase bus service to park and ride lots.
- (b) Stacie LeBlanc Anderson reported that the first meeting of the Surrey Downs Historical Society was held on May 14. The society is a new grassroots organization with the purpose of increasing awareness about historic preservation issues with regard to the Surrey Downs Mithun and Neslund mid-century modern homes. The group was formed when residents learned that the Surrey Downs neighborhood is eligible to be nominated to the National Register of Historic Places. Today at the Olympic Sculpture Park in

¹ Councilmember Chelminiak arrived at 6:55 p.m.

² Councilmember Noble arrived at 6:25 p.m. Mr. Noble left the table at 8:43 p.m.

Seattle, the Washington Trust for Historic Preservation announced its list of endangered properties. The Mithun and Neslund mid-century modern homes on the north end of Surrey Downs have been added to this list. Ms. LeBlanc Anderson said the Washington Trust for Historic Preservation will work to preserve these properties, specifically with regard to the potential negative impacts of any Sound Transit East Link light rail alignment. She thanked Councilmember Lee for attending the ceremony in Seattle today and for sharing the City of Bellevue's proclamation from July 21, 2007, which included an acknowledgement regarding the significance of the architecture of the Surrey Downs Mithun and Neslund homes.

- (c) James Hutchinson, Puget Sound Energy, referred to comments during a Council meeting earlier in the month regarding a substation in the Ardmore Community. He explained that the benefits of the proposed substation are system-wide and extend beyond the specific area receiving the electric power. These factors will be fully addressed in PSE's siting analysis. On a separate issue, Mr. Hutchinson expressed appreciation for the work of Sheida Sahandy, Assistant to the City Manager, who is working with PSE on activities related to Energy Efficiency and Conservation Block Grant funding.
- (d) Barbara Eisenstein thanked the Council for delaying discussion of dog off-leash areas until the Council and the community have more time to review the study. As the head of People for Off-Leash Recreation, Ms. Eisenstein asked the Council to retain both the Robinswood Park dog corral and the Eastgate meadow. She explained how these two facilities and the Marymoor Park off-leash area serve different populations and needs. She submitted her comments in writing.

3. Study Session

(a) Council Business and New Initiatives

Councilmember Davidson said he continues to have serious concerns following the previous week's discussion about Sound Transit's selection of a light rail preliminary alternative. He stated that it is not realistic to expect Bellevue to be able to secure federal funding for its light rail system within six months, especially in this early design stage of the East Link project. Councilmember Davidson would like more extensive discussion on this issue as well as the proposal for a transit station at the Red Lion site and the implications for the Surrey Downs neighborhood.

Responding to Mayor Degginger, City Manager Steve Sarkozy said staff has an aggressive schedule for looking at funding alternatives and studying project impacts beyond Sound Transit's initial identification of a preliminary alternative. Staff will come back by late summer or early fall to request Council direction on key issues.

Mayor Degginger said he is concerned that Bellevue is being asked to secure a portion of the funding for its light rail system, as this has not been required of other communities.

Deputy Mayor Balducci said that she and Councilmember Chelminiak received a communication from the manager of the Bellevue Farmers Market regarding difficulties encountered in obtaining permits for items related to the market including parking, fences, and dumpsters. She requested a review of the City's regulations to ensure they are not discouraging this type of community event.

(b) Regional Issues

(1) Update on King County Metro Transit Scenarios for Service Reductions Attributed to Revenue Shortfalls

Diane Carlson, Director of Intergovernmental Relations, introduced Victor Obeso, King County Metro's Manager of Service Development, for a presentation regarding potential service reductions due to declining revenues.

Mr. Obeso spoke to Metro's anticipated \$168 million budget deficit for the 2010-2011 biennial budget, which results directly from declining sales tax revenues due to the current recession. He explained that a number of steps were taken in the 2009 budget to address declining revenues, including one-time capital reductions, a fare increase, and reduced operating expenditures.

Mr. Obeso explained that Metro has a lower cost per passenger mile than the industry average. However, transit industry costs (i.e., wages, health care, and fuel) have outpaced inflation across the country. A performance audit of the agency requested by the King County Council is currently underway, and the results are to be finalized by September. Ongoing review of Metro's budget is working to define basic service, complementary programs, and service quality, in order to determine the optimum balance between these three areas.

Mr. Obeso said Metro is studying service reduction alternatives to address the budget shortfall. This involves balancing a number of elements including existing vs. new routes, all-day vs. peak capacity, wider system coverage vs. highest ridership routes, and service quantity vs. quality. The three scenarios under consideration for reducing bus service are: 1) Congestion relief, 2) All-day mobility, and 3) High-demand corridors. Any system-wide reduction should be made in each of the three subareas (West, East and South) in proportion to the current hours of service that each subarea receives. East King County currently receives approximately 17 percent of Metro's annual service hours. The King County Council will review the budget on May 27, in preparation for the July deadline for submitting a draft budget to the King County Executive.

Councilmember Davidson spoke to the dilemma of increasing and retaining ridership in areas in which reliable and frequent service is not provided, such as areas on the Eastside. Mr. Obeso said every area of King County needs more transit service, as ridership is increasing county-wide.

Responding to Mayor Degginger, Mr. Obeso said the annual operating budget is approximately \$600 million. The agency saved \$4 million in operating expenses in 2009 while increasing service levels. Responding with regard to personnel costs, Mr. Obeso said most of Metro's

employees are represented by bargaining units and therefore their salary rates and increases are part of agreements that have been previously negotiated and approved. Bus operators represent 2,500 of the 3,400 total employees. Mr. Obeso noted that unions typically prefer reductions in force over reductions in wages and benefits. As part of the performance audit, the Human Resources department is reviewing overall staffing and service levels.

Mayor Degginger questioned whether Sound Transit light rail coming online in July will result in the reallocation of Metro bus service. Mr. Obeso said the new light rail system will provide service between downtown Seattle, Rainier Valley, and Tukwila. The service is to be extended to the airport in December. Metro has been working with communities over the past year to determine how best to reorganize Metro routes to link them to the light rail system. This resulted in adjustments to 28 different routes and 140,000 annual hours of service. Metro determined that 20-30 percent of these service hours could be eliminated and served by light rail. At this time, the service hours were redistributed within the overall network. However, the hours could become part of future service reductions.

Deputy Mayor Balducci thanked Metro for reaching out and asking for Bellevue's input. She noted the need for more detailed information as to how each of the service reduction scenarios will affect Bellevue's local service. Mr. Obeso said extensive data has been provided to cities within the county, and Metro staff is working on developing a specific proposal. By the time the draft budget is submitted to the King County Executive in July, Metro's proposal will identify how much of the financial gap will be made up through service reductions.

In further response to Deputy Mayor Balducci, Mr. Obeso said Metro is seeking general feedback from communities. For example, how important is peak period service vs. midday, evening, and weekend service? Ms. Balducci noted her interest in talking with City staff regarding the data they have received from Metro.

Deputy Mayor Balducci expressed concern that this short-term effort to balance the budget will result in long-term policy direction. In addition to balancing the current budget, Ms. Balducci is interested in discussing a long-term strategic plan for overall Eastside service.

Mayor Degginger concurred, noting the importance of reviewing the assumptions underlying the budget and service level projections.

Councilmember Bonincontri noted that fares represent a small percentage of revenues. She observed that the fundamental policy issue is the extent of the willingness to support transit, which involves how to subsidize the service and maintain reasonable fares. For example, one approach could be to tax vehicle traffic and then use the revenue to fund transit service. However, she acknowledged that such an option is not likely to be a popular solution. Ms. Bonincontri opined that service levels must be maintained if transit ridership is to remain viable over the long term.

Councilmember Lee said the Regional Transit Committee has been discussing the budget shortfall for several months. Mr. Lee represents the Suburban Cities Association on the

committee. He agrees with Deputy Mayor Balducci that more information about the impacts on Bellevue's service is needed in order for the City Council to provide meaningful input.

Ms. Carlson said City staff received the most recent version of the SCA's position today. Staff is reviewing the information in preparation for a discussion with the Council about the extent to which SCA's interests reflect Bellevue's interests and priorities.

Mayor Degginger asked if Metro has considered options for reducing its expenses that would involve local communities providing services currently provided by Metro. Mr. Obeso responded not to his knowledge but that he would raise the question to the Board.

Councilmember Davidson observed that Eastside bus service has not increased to levels that are consistent with sales tax increases over the past ten years. Mr. Obeso recalled that in 2000, all transit agencies in the state lost the ability to utilize motor vehicle excise tax (MVET) revenues. Sales tax increases were implemented to replace that lost funding.

Councilmember Chelminiak concurred with Deputy Mayor Balducci about the need to separate the issues of the short-term budget shortfall and long-term planning principles. He noted regional discussion regarding tolling, stating that if tolls are introduced citizens need to have transit options. In terms of taxing, Mr. Chelminiak is not ready to increase the property tax, which has long-term implications, in order to respond to a short-term budget shortfall based on current economic conditions.

Mayor Degginger thanked Mr. Obeso for the presentation.

(2) Overview of I-405 HOT Lanes Study and Public Outreach Process

Ms. Carlson opened staff's presentation regarding the I-405 high occupancy toll (HOT) lanes study. State legislation was recently approved directing the Washington State Department of Transportation (WSDOT) to prepare a traffic and revenue study for I-405 tolling by January 2010..

Kim Becklund, Transportation Policy Advisor, recalled that the I-405 Master Plan was adopted in 2002. WSDOT has invested nearly \$1.5 billion in the corridor using the 2003 Nickel gas tax revenues and 2005 Transportation Partnership Account funds. Ms. Becklund reviewed legislation passed in 2005 and 2007 stating that a HOT lane concept should be incorporated into the I-405 Master Plan. High occupancy toll (HOT) lanes allow single occupancy vehicles to pay a toll to travel in high occupancy lanes.

The 2009 legislation requires WSDOT to prepare a traffic and revenue study to determine the impacts on traffic and transit use if up to two HOT lanes are provided on I-405. It directs WSDOT to work closely with local jurisdictions and other agencies in this effort. Ms. Becklund said the first meeting of the study's advisory committee is June 9. She noted the need for the Council to appoint a representative to the committee. Staff will continue to provide updates to the Council throughout the remainder of the year.

Councilmember Davidson requested information from the original I-405 Master Plan environmental impact statement (EIS) that addresses HOT lanes. He is concerned about the potential for tolling on SR 520, I-90 and I-405, and about specific issues associated with HOT lanes.

Deputy Mayor Balducci stated tolls should be used to fund projects for the highways upon which they are collected. She concurred with Dr. Davidson's comment that bus rapid transit (BRT) is recommended in the I-405 Master Plan, but it has not been implemented. The Eastside Transportation Partnership (ETP) has discussed this issue as well during the past several years. Ms. Balducci suggested that tolling could be an option for funding BRT on I-405. She volunteered to participate in the HOT lanes advisory committee as the representative or alternate.

Mayor Degginger said it is promising that progress has been made in the implementation of the I-405 Master Plan.

Councilmember Davidson observed that the I-405 Master Plan reflects a regional plan for a regional system. He opined that projects to expand I-405's capacity should not be funded through tolls on local Eastside users.

Mayor Degginger agreed that the issue of regional equity will need to be considered in the approach to HOT lanes.

Councilmember Lee feels it is important for the study to identify the purpose for tolling and the intended use of toll revenues.

Councilmember Chelminiak commented that the HOT lane concept tends to be introduced as a congestion relief mechanism, but the focus then turns to revenue generation and using tolls for the purpose of funding transportation projects. He suggested that the Mayor or Deputy Mayor participate on the advisory committee.

Councilmember Noble stated his concern that this will be one more study in a series of studies and reports.

(3) Jail Planning Process – Distribution of Property Proceeds to Cities

Deputy Mayor Balducci noted her employment with the King County jail system and recused herself from participating in the discussion of this topic.

Ms. Carlson provided a brief update on jail planning to the Council. The 37 member cities of the original Jail Advisory Group (JAG) are developing an interlocal agreement to distribute the proceeds from the sale of the jail property. Details are being worked out in the agreement to ensure that Bellevue, as the lead city in the agreement, will not incur any greater liability or costs than other cities. The property was originally provided to the cities in order for them to use the proceeds toward the cost of adding jail beds. In 2007, the JAG split into two groups: 1) SCORE

(South County Correctional Entity) and 2) North East Cities (NEC). SCORE is moving forward with its jail project. North and East King County cities continue to work together to develop new jail facilities as well.

Ms. Carlson said the final interlocal agreement will be presented for Council approval in June or July. She responded to brief questions of clarification from the Council.

Deputy Mayor Balducci returned to the Council conference room.

(4) Federal Legislative Update

Ms. Carlson noted the federal legislative update in the meeting packet [Page 3-13].

Alison Bennett explained that the President's 2010 fiscal year budget provides funding to the Community Development Block Grant (CDBG) program. However, Bellevue could lose up to half of its CDBG allocation under a new funding formula. The formula is expected to be similar to one proposed by HUD (Housing and Urban Development) in 2005, which targets communities with higher levels of poverty and need.

Mayor Degginger stated the Council's support for maintaining the current formula, which is already a significant reduction from funding levels that were in place a few years ago.

Councilmember Chelminiak commented that the Midlakes post office on 116th Avenue NE is up for sale. He is concerned that closing the post office will place more demand on the Bellevue Way post office, which is already heavily used. Councilmember Noble noted that the Midlakes post office's equipment was recently updated at significant expense.

(c) Community Greenhouse Gas Emissions Reductions – Collaboration with University of Washington Program on the Environment

Sheida Sahandy, Assistant to the City Manager, explained that staff has been working on implementing a series of measures to reduce the organization's operational emissions as part of a Municipal Action Plan that was previously shared with the Council. The next step is to create a community-wide action plan, which the City is doing through a partnership with the University of Washington's Program on the Environment. Ms. Sahandy introduced the graduate students who are working on the project:

- Kathe Winkler-Low, Evans School of Public Affairs,
- John Mannetti, Foster School of Business,
- Grayson Court, Evans School of Public Affairs,
- Brianna Saimons-O'Brien, Foster School of Business,
- Reddy Yatavelli, Department of Atmospheric Sciences, and
- Faculty Advisor: Professor Gerard Roe, Earth and Space Sciences Department.

Ms. Winkler-Low recalled that the Council adopted a goal of reducing greenhouse gas emissions by 2012 to seven percent below the 1990 level. Emissions must be reduced by 33 percent overall, or 11 percent annually, to achieve this goal by 2012.

Ms. Winkler-Low reviewed the 2006 greenhouse gas inventory showing the distribution of emissions from the transportation, residential, and commercial sectors. She noted that the City's reduction goal is attainable and will require the active participation of the community. Citizens and businesses in Bellevue are already working to reduce emissions through energy efficiency measures and reducing employee travel. However, the City can accelerate these efforts by providing support in the form of education, monitoring, and reporting back to the community.

Ms. Winkler-Low said it is critical to have staff dedicated to coordinating and monitoring the programs that Bellevue chooses to implement. She explained that greenhouse gas reductions compound in a manner similar to financial investments in that early and sustained savings add up to significant greenhouse gas reductions over time.

Mr. Mannetti described specific ways for Bellevue to reduce emissions in the transportation sector. These options reflect what is possible in the short term through behavioral changes, and what is possible in the long term through policy implementation and infrastructure changes. Transportation emissions are reduced by increasing fuel efficiency and decreasing vehicle miles traveled.

Mr. Mannetti described the short-term transportation options of eco-driving and idling reduction, mid-term options of encouraging carpooling and the purchase of hybrid vehicles, and the long-term option of developing electric car infrastructure. Eco-driving is the practice of operating and maintaining a vehicle in a more fuel-efficient way. This includes behavior changes such as smooth acceleration and deceleration, not carrying excess weight in vehicles, and maintaining proper tire pressure.

Mr. Mannetti explained that turning off vehicles instead of allowing them to idle, for example when picking up a child at school, can measurably reduce emissions. One short-term option for the City is to implement anti-idling regulations for passenger cars and light trucks. To encourage the purchase of hybrid vehicles, the City could centralize information regarding state and federal incentives and consider parking incentives for hybrid vehicle owners. Mr. Mannetti noted that the development of electric car infrastructure would lead to significant long-term emission reductions, as electric cars have 90 percent lower emission levels than conventional cars.

Mr. Court provided an overview of measures that could be implemented in the residential sector to enhance energy efficiency in household lighting, appliances, heating, and cooling. One option for the City's role is to monitor greenhouse gas emissions and provide feedback to the community by posting emission levels on the City's web site, public electronic board, and/or utility bills. Additional actions include partnering with Puget Sound Energy to expand residential energy efficiency and enhancing the City's climate change education program.

Ms. Saimons-O'Brien provided an overview of options for the commercial sector. She noted that participation in Puget Sound Energy's incentive programs is already fairly high. The key to further reductions in commercial emissions is education and communication. One option to increase participation rates is the creation of a web site to centralize access to resources for businesses. Specific actions include incorporating greenhouse gas considerations into company policies and environmental purchasing plans, as well as learning from case studies of other businesses and municipalities.

Ms. Saimons-O'Brien suggested that Bellevue consider creating a program to recognize companies with green practices (e.g., Green Bellevue Company/Bellevue Green Business program and logo). Another recommended option is dedicating a full-time staff position to help businesses reduce greenhouse gas emissions, and to integrate the objectives of sustainability and economic development.

Ms. Saimons-O'Brien summarized that early action is less costly and more effective in reducing emissions. While the 2012 goal is challenging, it is attainable without requiring drastic lifestyle changes.

Mayor Degginger thanked the students for the presentation.

Responding to Councilmember Davidson, Mr. Roe commented that the target participation rates for meeting emission goals are comparable to current recycling rates. Dr. Davidson agreed that Bellevue's high recycling rates are promising in terms of the prospects of changing behaviors that influence emissions.

Responding to Councilmember Bonincontri, Mr. Mannetti acknowledged the difficulty in measuring eco-driving participation levels. Data can be gathered through community surveys to provide some indication of participation.

Councilmember Lee complimented the students on their presentation, and expressed support for the concepts offered to reduce greenhouse gas emissions.

Councilmember Chelminiak thanked the project team for highlighting the potential related to the future use of electric vehicles. He questioned whether data on greenhouse gas emissions in the transportation sector was based on trips originating in Bellevue, ending in Bellevue, or some other trip definition. Ms. Sahandy said she will get back to the Council as to how that was measured.

Councilmember Chelminiak expressed support for the recommendation to take steps to reduce idling. He suggested signage at locations throughout the community in which cars are likely to idle.

Councilmember Noble commented that he found the presentation to be helpful. Regarding the suggestion that the City consider an anti-idling regulation for passenger cars and light trucks, Mr. Noble questioned whether this would be practical to apply to situations in which a person is

picking up a child from school in cold weather and wants to keep the car running to keep warm. Mr. Mannetti said that most cities that have adopted such an ordinance provide exceptions for specific low and high temperature thresholds. Councilmember Noble suggested it would be difficult to enforce such a regulation, and there would be costs associated with enforcement.

Deputy Mayor Balducci said she is taking this report as a valuable transition from the aspirational goal statement adopted by the Council to the implementation of meaningful actions. She looks forward to further analysis and discussion of the costs and benefits associated with each option. Ms. Balducci noted the nexus of this issue with congestion pricing/tolling, which provides a way to collect data reflecting vehicle miles traveled and greenhouse gas emissions.

Mayor Degginger noted that many jurisdictions have adopted goals for emission reductions, but have not moved forward with implementing specific actions. He thanked the project team for their work, which provides substantive information to help Bellevue move forward with specific programs to achieve its goals.

Councilmember Davidson thanked the students for choosing Bellevue as a partner in this project.

At 8:35 p.m., Mayor Degginger called for a short break.

(d) Continuation of Update on Energy Efficiency and Conservation Block Grants

The meeting reconvened at 8:43 p.m., with Councilmember Noble absent.

City Manager Steve Sarkozy noted that this agenda item continues the presentation from May 18, which was cut short due to time constraints.

Sheida Sahandy, Assistant to the City Manager, provided an overview of the Energy Efficiency and Conservation Block Grant available through the American Recovery and Reinvestment Act of 2009. The block grant has two components: 1) \$2.8 billion to be allocated by formula to eligible jurisdictions, and 2) \$400 million to be allocated through a competitive process. Bellevue's allocation under the formula is \$1.29 million.

The rules and guidelines for the competitive process have not yet been released by the Department of Energy. For the formula-based allocation, the agency is interested in projects related to basic energy efficiency and conservation. The competitive process is intended to generate innovative projects that go beyond typical efficiency measures. Grant funding will be eligible for a broad range of uses, conditioned upon the requirement to file an Energy Efficiency Strategic Plan and project proposals by June 25. The grant guidelines place a strong emphasis on performance measures and outcomes, tracking and reporting data, and transparency requirements. The grant funds must be used within 36 months of the grant date.

Ms. Sahandy said a formal proposal has not been finalized. However, the use of grant funds is being considered within a regional framework provided by the Puget Sound New Energy Solutions group. The intent is to address the areas of clean mobility, energy efficiency, and

smart grid in a cooperative effort with surrounding jurisdictions (i.e., the C-7 cities). Potential Bellevue projects to be funded include Bellevue Service Center lighting upgrades, sports facilities lighting upgrades, PSE Positive Energy Partnership Program, four electric vehicle charge stations at City Hall and/or BSC, incentives for hybrid vehicles, and traffic demand management activities.

Concluding, Ms. Sahandy said the next steps are to: 1) Prepare a final formula-funded package for Council consideration, and 2) Create the competitive funding proposal.

Responding to Councilmember Davidson, Ms. Sahandy said the C-7 cities are Bellevue, Issaquah, Kirkland, Mercer Island, Redmond, Renton, and Sammamish.

Responding to Councilmember Lee, Ms. Sahandy said the C-7 cities are interested in establishing joint performance measures. Five of the seven cities are receiving formula-based funds, and all seven cities plan to participate in the Puget Sound Energy Positive Energy Partnership Program.

Councilmember Lee expressed concern about spreading the expenditure of funds too thin among multiple projects.

Ms. Sahandy commented that the competitive funds will most likely be centered on a clean mobility hub for electric transportation.

Councilmember Lee suggested using the grant funds for a downtown circulator service.

Councilmember Chelminiak stated that the proposed funding allocations for Bellevue represent a good mix of projects. He suggested that electric-powered vehicles (e.g., electric taxi) could be implemented in place of the downtown circulator bus system that has been discussed in the past. He encouraged the installation of electric vehicle charge stations at locations other than City Hall, for example through a partnership with King County to provide them at park and ride lots. Ms. Sahandy said King County has plans to install charge stations at some park and ride locations. She will provide more information on their plans in the near future.

Councilmember Bonincontri commented that King County's current plan for a downtown circulator service in Bellevue does not involve electric vehicles. She concurs with Mr. Chelminiak's suggestion to provide electric vehicle charge stations at public locations outside of City Hall.

Mayor Degginger said he is trying to understand the recommendation for using the funds to upgrade lighting at the Bellevue Service Center. He would rather use the monies to enhance community awareness and to help people improve energy efficiency in their daily lives.

Deputy Mayor Balducci noted the connection between this topic and the previous presentation regarding greenhouse gas emissions. She encouraged the use of performance measures that will demonstrate the impact of grant-funded projects on greenhouse gas emissions. Ms. Balducci

asked staff to provide, if possible, estimates of the measurable benefits of the projects proposed for funding. She expressed support for the proposal for electric vehicle charge stations.

(e) Intelligent Transportation System (ITS) Plan and Upgrade of Communication Network and Traffic Signal Computer

Transportation Director Goran Sparrman opened staff's presentation regarding the City's Intelligent Transportation System (ITS) plan and the upgrade of the communication network and traffic signal computer. He introduced Mike Whiteaker, ITS Project Manager; Mark Poch, Engineering Manager; and Laurie Gromala, Assistant Director for Traffic Management. Mr. Sparrman explained that the City's traffic signal and communication systems are obsolete and at risk of problems until the new Intelligent Transportation System (ITS) is implemented.

Mr. Poch explained that the Intelligent Transportation System consists of a group of projects that apply information and technology to increase mobility and safety, enhance system security, and help to sustain the environment through improved energy efficiency. ITS projects include a new communication system, new signal system, transit signal priority, traffic cameras, and a real-time traffic map.

Mr. Poch said the high-priority ITS projects are the communication system, signal system, and transit signal priority. Capital Investment Program (CIP) project PW-R-155 funds the traffic computer system upgrade, and CIP project PW-R-156 funds additional components of the ITS Plan Implementation Program beginning in 2012.

Mr. Poch reviewed the benefits of the new communication and signal systems, which include the replacement of the City's slower, copper-based system with fiber optic broadband technology. The fiber optic system will be available to all City departments for other uses as well. The systems will benefit motorists through improved signal timing and left-turn phasing, quicker recovery from emergency vehicle light preemptions, better after-hours coverage, and links to adjacent jurisdictions.

Mr. Poch said the City is exploring traffic adaptive technology, which updates signal timing continuously to adapt to real-time traffic counts at every intersection in the coordination network. It has been used sparingly in the United States to date.

Mr. Poch described the benefits of the new systems for pedestrians and transit. Future ITS projects include additional traffic cameras (e.g., snow, park and ride lot, ramp meter, and flood cameras), variable message signs, roadway weather stations, and variable speed limits.

Mr. Poch summarized that CIP Project PW-R-155 funds the communication network and signal system upgrade, and PW-R-156 funds the ITS Master Plan Implementation program scheduled to start in 2012. Costs are budgeted at \$5.4 million. Construction of the fiber optic network has been completed in the downtown. The Transportation Department looks forward to the hiring of a network administrator to install the Ethernet switches and to get the network operational, which is anticipated to occur by the end of the summer. At that point the communication system

project will be 45 percent completed. The next phase of fiber optic construction will be in the Overlake and Factoria areas. Staff would like to award the construction contract this summer, and to have the system operational by the end of the year. The communication system will then be 68 percent completed, and 100 percent completion is scheduled for the fourth quarter of 2011.

The request for proposals (RFP) for the signal system upgrade was released in February. A consultant was selected in April, at which time oversight and technical committees were created as well. Staff is working to present the contract on June 15 for Council action. Task 1 of this project is to be completed in October, and a contract for Task 2 is to be completed by the end of this year.

Councilmember Lee expressed support for the projects. Responding to Mr. Lee, Mr. Sparrman said the implementation of ITS projects is expected to result in traffic congestion system improvements of five to 20 percent.

Responding to Councilmember Davidson, Mr. Sparrman said staff plans to develop a model and performance measures for monitoring system improvements.

Noting the significant expense of ITS projects, Deputy Mayor Balducci said it is important to achieve the maximum value from these investments. Ms. Balducci said she hears ongoing concerns from residents about the timing of after-hours traffic signals and looks forward to improvements in this area. Residents would also like to see improvements in the synchronization of traffic signals along arterial corridors.

Ms. Balducci said it will be important to measure the effectiveness of the ITS improvements. Mr. Poch said performance measurement will be considered in the selection of a system. He indicated that other jurisdictions have successfully utilized methods for this purpose.

Responding to Councilmember Bonincontri, Mr. Sparrman said a key benefit of the upgraded systems will be better coordination with traffic systems in other jurisdictions. Responding to Ms. Bonincontri, Mr. Poch explained that a number of systems are available and each has its own features and benefits. Evaluation and the selection of features for Bellevue will be a major component of Task 1, and this will involve input from the oversight committee and consultant. Mr. Poch said the extent to which systems can be customized for specific jurisdictions varies, and this typically results in higher costs.

Mr. Sarkozy said there might be opportunities for funding for these projects through the federal grant process due to benefits related to reducing greenhouse gas emissions and traffic congestion.

On a different topic, Mr. Sarkozy noted that the request for proposals for a consultant to conduct the electrical reliability study has been issued. Staff will return to the Council for a discussion of the proposals in June or early July.

At 9:48 p.m., Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

kaw

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

June 1, 2009
6:00 p.m.

Council Conference Room
Bellevue, Washington

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

ABSENT: Councilmember Chelminiak

1. Executive Session

Deputy Mayor Balducci opened the meeting at 6:00 p.m. and declared recess to Executive Session for approximately one hour to discuss two items of property acquisition, one item of labor negotiations, and one item of pending litigation.

The Study Session resumed at 7:10 p.m., with Mayor Degginger presiding.

2. Study Session

- (a) Off-leash Study Report and Recommendations

[Agenda Item postponed to June 15, 2009.]

- (b) Options to Address Abandoned Shopping Carts

City Manager Steve Sarkozy recalled that the issue of abandoned shopping carts throughout the community has been a concern of the Council's for some time.

Land Use Director Carol Helland referenced packet materials beginning on page SS 2-7. She noted previous direction from the Council to monitor the issue of abandoned shopping carts and collect data for one year, and to work to educate retailers and residents about the problem. These activities have been conducted and included open house forums for residents, a meeting with the Northwest Grocery Association, and outreach to multifamily housing developments experiencing a higher level of abandoned shopping carts.

Ms. Helland reviewed staff's recommendations for addressing the issue through code amendments including declaring abandoned carts a nuisance, providing a definition of

abandoned shopping carts, requiring retailer identification labeling to facilitate enforcement, and applying a civil violation procedure.

Staff has identified two options for handling the abandonment of carts as a civil violation. The first is a traditional model that is complaint based on private property, with a more proactive approach on public property. It provides the opportunity for voluntary compliance, and failure to do so would result in a required hearing before the City's Hearing Examiner. Escalating penalties could be imposed. Attachment C [Page SS 2-23 of the meeting packet] provides a draft Ordinance that incorporates this traditional model.

The second civil violation option is a proactive model of enforcement on both public and private property, similar to the manner in which Sign Code violations are handled by the City. There would be no opportunity for voluntary compliance, and automatic fines would be imposed for nuisance carts at the rate of \$100 per day, if applied to be consistent with the fines for Sign Code violations. Citizens would have the opportunity to appeal a fine to the Hearing Examiner.

Ms. Helland explained that the adoption of a civil infraction process enables police officers to initiate contact with individuals for the purposes of educating, assisting, warning, or ticketing. Staff recommends moving forward with a civil infraction approach and is seeking Council direction regarding the two options.

Responding to Mayor Degginger, Ms. Helland explained that there is a state model theft ordinance related to shopping carts. If a retailer labels its shopping carts, it is possible to charge individuals with misdemeanors for cart theft. State law provides a model for cart labeling requirements. Staff did not pursue the option of charging individuals with theft because they must be caught in the process of taking the cart, it is difficult to prove that they had an intent to permanently deprive a shopping cart owner/business of its carts, and a retailer must be willing to press charges.

Kyle Aiken, Police Legal Advisor, explained that the primary issue associated with the intent to permanently deprive is that usually when a person is rolling a cart down the street, he or she is not intending to keep it.

Deputy Mayor Balducci said she is pleased that this issue is being addressed. She reported that a cluster of abandoned shopping carts has been sitting at a bus stop on 156th Avenue for the past week. She is frustrated that retailers have not taken a more proactive role in retrieving their carts and addressing the issue. Ms. Balducci is in favor of the traditional model which allows voluntary compliance, escalating fines, and the opportunity for a warning before fines are imposed. She would like staff to work with retailers to identify ways for containing carts to their property.

Responding to Ms. Balducci, Ms. Helland said the traditional model requires only minor revisions to the code. The most significant change is that it declares shopping carts that are abandoned outside of a merchant's containment area as a nuisance. The City can then enforce the nuisance violation through the application of the civil violation procedures [Bellevue City

Code 1.18]. These procedures require the City to contact the violator (i.e., retailer) in writing and to request voluntary compliance. The letter describes the consequences of non-compliance including fines and potential referral of the matter to the Hearing Examiner.

Deputy Mayor Balducci suggested a delayed effective date to allow time for retailers to put corrective practices in place.

As additional information, Ms. Helland noted that within the traditional model of code enforcement, the Hearing Examiner has broad discretion in setting fines. Staff's proposed language regarding shopping cart violations refers to a fine of \$100 per day, without specifying whether the fine applies to each cart.

Deputy Mayor Balducci said she is sympathetic to the position that, if a retailer takes reasonable steps to prevent cart removal from its premises and carts are still removed, there should be some way for a retailer to address this with their customers who are taking the carts. She questioned the ability for complaint-based enforcement against individuals.

Ms. Helland said the draft Ordinance reflecting the traditional approach [Attachment C in meeting packet] describes individuals who could be held responsible for a violation, which includes the person causing abandonment of a shopping cart and/or causing a cart to leave the containment area. This allows a retailer to report a complaint against an individual to a Code Compliance Officer.

Ms. Helland explained that the soonest the Ordinance could go into effect is late July. Staff proposes additional aggressive outreach with retailers and the community before the regulations become effective. Responding to Ms. Balducci, Ms. Helland said retailers would be required to label their carts, and failure to do so would be enforceable through the civil violation process.

Responding to Councilmember Bonincontri, Ms. Helland said the shopping cart containment area is defined in the draft Ordinance under Section 9.10.010 [Page SS 2-25 of meeting packet]. Councilmember Bonincontri spoke in favor of providing the ability to enforce code requirements.

Councilmember Davidson expressed concern about designating who is responsible for the cart removal – the retailer or the customer. His perspective is that individuals removing the carts from the retailer's property are aware that they should not be doing so, and that they should be held accountable. Police Chief Linda Pillo said the code allows officers to cite individuals as well.

Councilmember Lee expressed support for pursuing the enforcement related to abandoned shopping carts.

Councilmember Noble said he is unclear about the civil infraction process, and whether it allows a police officer to issue citations to people walking down the street with shopping carts. Chief Pillo said officers will be able to issue infractions in these instances. Councilmember Noble

questioned whether this is a good use of police officers' time. Chief Pillo responded that it is preferable for officers to not have to spend their time this way. However, the process provides a two-pronged approach involving retailers and customers as a way to address this issue that is increasingly becoming a problem.

Councilmember Noble suggested that stopping and warning individuals rolling shopping carts down the street could go a long way in stopping the problem. While he is hesitant to have police officers using their time in this way, he is willing to see whether the problem can be successfully addressed through this approach.

Councilmember Bonincontri noted that some retailers provide personnel to assist customers with transporting their purchases to their vehicles, and the employee then ensures the cart is returned to the store. Ms. Helland confirmed that some retailers have approached the problem in this way. Other solutions by retailers include an example from Portland in which businesses pooled their funds to pay a service to collect carts on a routine basis. Some retailers have discontinued providing carts, and others have attached a device to carts that prevents them from being removed from the store.

Mayor Degginger is skeptical that voluntary compliance will be successful based on experience within the community during the City's outreach efforts over the past few years. Ms. Helland agreed that retailers have not been very responsive to the issue.

Mayor Degginger supports a more aggressive, proactive approach to enforcement as a civil violation. However, he shares Councilmember Noble's concern about whether this is a good use of police officers' efforts.

Councilmember Lee favors moving forward with the traditional model, which he hopes will lead to more voluntary compliance.

Responding to Councilmember Davidson, Ms. Helland said staff plans to monitor the issues and to track civil violations in order to report back to Council about observable improvements.

Mayor Degginger stated he is hearing an interest from the Council in proceeding with the traditional model.

Ms. Helland noted that staff anticipates presenting the code package for Council action on July 6.

3. Council Business and New Initiatives [Regular Session Agenda Item 6]

Councilmember Lee attended the Transportation Commission meeting. He participated in the DUI presentations at three high schools and attended the Bellevue Youth Link Leadership Awards event.

Councilmember Davidson attended meetings of the Metropolitan Water Pollution Abatement Advisory Committee (MWPAAC) and the Cascade Water Alliance Board. He attended the final performance of the Bellevue Chamber Chorus' 25th season.

Deputy Mayor Balducci attended the Lake Hills Shopping Center groundbreaking, Youth Link Leadership Awards, and the Bellevue Downtown Association breakfast.

Mayor Degginger reported on the Bellevue Jazz Festival.

Councilmember Bonincontri attended the NE 2nd Street project open house, Youth Link Leadership Awards, BDA breakfast, a realtors group's presentation on housing and economic recovery, Bellevue Jazz Festival, and the Bridle Trails neighborhood picnic.

Councilmember Noble attended the Bridal Trails block party/picnic. He attended the Human Services Commission meeting regarding shelter preparedness for severe weather and Community Development Block Grant funds newly available through the Recovery Act.

At 8:03 p.m., Mayor Degginger declared recess to the Regular Session.

Myrna L. Basich
City Clerk

/kaw

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 1, 2009
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: Councilmember Chelminiak

1. Call to Order

The meeting was called to order at 8:05 p.m., with Mayor Degginger presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers except Councilmember Chelminiak were present. Councilmember Davidson led the flag salute.

(a) Proclaiming June 20 and 21 as Mountains to Sound Greenway Days

Debbie Pettersson, Park Ranger, reported that the 6th Annual Greenway Days Festival will be held on June 20 and 21. Activities in Bellevue include free environmental education workshops at the Mercer Slough Environmental Education Center, a Heritage Day event at Kelsey Creek Park and Farm in partnership with the Eastside Heritage Center, and family orienteering at Lewis Creek Park.

Cynthia Welti, Executive Director of the Mountains to Sound Greenway Trust, thanked Debbie and the Parks Department for supporting the festival.

Mayor Degginger read a proclamation recognizing June 20 and 21 as Mountains to Sound Greenway Days in Bellevue.

(b) Proclaiming June 15 as World Elder Abuse Awareness Day

Cathy VonWald, Community Services Supervisor, introduced Diana Thompson from the Bellevue Network on Aging. Ms. Thompson thanked the Council for its support of seniors and its recognition of elder abuse. She noted that neglect and self-neglect are often signs of abuse, which can include emotional abuse, financial exploitation, and physical abuse. She urged

citizens to call 1-866-END-HARM (1-866-363-4276) if they suspect elder abuse. The Police Department advises that residents may call 911 to request a welfare check as well.

Mayor Degginger read a proclamation recognizing June 15 as World Elder Abuse Awareness Day in Bellevue and urging all citizens to commit to building safer communities for our aging residents. Ms. Thompson accepted the proclamation on behalf of the Bellevue Network on Aging.

Councilmember Lee thanked Ms. Thompson for her work and stated that all older adults should be treated with respect and dignity.

Councilmember Davidson spoke to the importance of working to address and prevent elder abuse.

Mayor Degginger welcomed Representative Marcie Maxwell, representing the 41st State Legislative District, and Newcastle City Councilmember Carol Simpson to the meeting.

3. Communications: Written and Oral

- (a) Howard Katz, a member of the Bellevue Network on Aging, spoke on behalf of the Senior Advisory Board of North Bellevue. He praised Bellevue for its many recreation activities for older adults. However, he noted that there is no dedicated place for older adults during the daytime. Mr. Katz suggested that one facility could host older adults during the day and provide evening activities for youth and families.

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

5. Report of the City Manager

City Manager Steve Sarkozy noted there are a number of construction projects on the Consent Calendar, for which the City is receiving bids that are substantially below cost estimates.

Councilmember Davidson reminded the public that the City is experiencing decreasing revenues as well.

6. Council Business and New Initiatives

[Council Business was reported during the earlier Study Session.]

7. Approval of the Agenda

- Deputy Mayor Balducci moved to approve the agenda, and Councilmember Bonincontri seconded the motion.
- The motion to approve the agenda carried by a vote of 6-0.

8. Consent Calendar

Deputy Mayor Balducci noted that some of her comments were not adequately reflected in the minutes. She thanked staff for reviewing the audio recordings and revising the minutes to more fully reflect her comments.

- Deputy Mayor Balducci moved to approve the Consent Calendar, including amendments to the May 4, 2009 Study Session minutes and the May 11, 2009 Extended Study Session minutes. Councilmember Bonincontri 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 May 4, 2009 Study Session [*Amended as requested by Deputy Mayor Balducci*]
Minutes of May 4, 2009 Regular Session
Minutes of May 11, 2009 Extended Study Session [*Amended as requested by Deputy Mayor Balducci*]
 - (b) Motion to approve payment of claims for the period May 2, 2009 through May 29, 2009 and payroll for the period April 16, 2009 through April 30, 2009.
 - (c) Resolution No. 7930 authorizing execution of a contract with Greenshield Systems, LLC, in an amount not to exceed \$198,373.95, for the installation of subsurface drainage at multiple athletic fields throughout the City.
 - (d) Resolution No. 7931 authorizing execution of a grant agreement with the Washington State Department of Community, Trade, and Economic Development to accept grant funds in the amount of \$363,158.00 for the Eastside Narcotics Task Force (ENTF).
 - (e) Motion to award Bid No. 9004, NE 5th Street sidewalk to RW Scott Construction, in an amount not to exceed \$72,682.00, as the lowest responsible and responsive bidder to install curb, gutter and sidewalk on the north side of NE 5th Street from 99th Avenue NE to 100th Avenue NE (CIP Plan No. PW-WB-56).
 - (f) Motion to award Bid No. 9057, 119th Avenue SE new sidewalk and SE 60th Street sidewalk repair to RW Scott Construction, in an amount not to exceed \$70,683.50, as the lowest responsible and responsive bidder to install curb, gutter and sidewalk on the west side of 119th Avenue SE where missing from SE 60th Street to SE 58th Street, and repair to a section of sidewalk on the south side of the 11300 block of SE 60th Street.
 - (g) Resolution No. 7932 authorizing approval of payment for a Release of All Claims in final settlement of \$35,831.72 of a claim filed against the City for property damage to the Folger residence caused by a wastewater system failure.

- (h) Resolution No. 7933 authorizing approval of payment for a Release of All Claims in final settlement of \$29,803.09 of a claim filed against the City for property damage to the Sydney residence caused by a water system failure.
- (i) Motion to reject the low bidder as non-responsive and award Bid No. 9059 for Somerset Woods AC Water Main Replacement, to Earthwork Enterprises, in an amount not to exceed \$326,032.91, as the lowest responsible and responsive bidder (CIP Plan No. W-16).
- (j) Motion to award Bid No. 9095 for Cougar Mountain/SE 45th Street Sanitary Sewer Extension, to Pacific Northwest Earthworks, in an amount not to exceed \$158,804.10, as the lowest responsible and responsive bidder (CIP Plan No. S-30).

9. Public Hearings

- (a) Second Public Hearing to Consider R-1 Pre-annexation Zoning for Unincorporated Land Known as Coal Creek Natural Area
[The City Council held the first Public Hearing on April 20, 2009.]

Nicholas Matz, Senior Planner, noted that state law requires that the City hold two Public Hearings for pre-annexation zoning matters. Upon completion of the hearing, the Council may take action tonight on the Ordinance adopting the proposed R-1 zoning for unincorporated land known as the Coal Creek Natural Area.

Responding to Councilmember Davidson, Mr. Matz confirmed that the City owns the entire park and is annexing the unincorporated portion of the park.

→ Deputy Mayor Balducci moved to open the Public Hearing, and Councilmember Lee seconded the motion.

→ The motion to open the Public Hearing carried by a vote of 6-0.

No one came forward to comment on the zoning proposal.

→ Deputy Mayor Balducci moved to close the Public Hearing, and Councilmember Bonincontri seconded the motion.

→ The motion to close the Public Hearing carried by a vote of 6-0.

Ordinance No. 5879 adopting a proposed zoning regulation to become effective upon annexation of a 146-acre area in unincorporated King County located generally west of Lakemont Boulevard to the Newcastle city limits, and north of Newcastle-Coal Creek Road to the Bellevue city limits, and within Bellevue's

Potential Annexation Area (PAA), known as the Coal Creek Natural Area property.

→ Deputy Mayor Balducci moved to adopt Ordinance No. 5879, and Councilmember Lee seconded the motion.

→ The motion to adopt Ordinance No. 5879 carried by a vote of 6-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Ordinance No. 5880 annexing to the City of Bellevue a 146-acre site, owned by the City, and contiguous to the City Boundary located in the Newcastle Subarea generally west of Lakemont Boulevard to the Newcastle city limits, and north of Newcastle-Coal Creek Road to the Bellevue city limits, and within Bellevue's Potential Annexation Area (PAA), commonly referred to as the Coal Creek Natural Area Annexation, by the municipal purpose method of annexation (Chapter 35A.14.300 RCW).

Mr. Matz explained that Ordinance No. 5880 annexes into the City of Bellevue a 146-acre site owned by the City within the Coal Creek Natural Area, which is within Bellevue's potential annexation area (PAA). The park is a nearly continuous corridor of public lands for wildlife and natural areas preservation and public use and benefits. It is an original hiking segment of the Mountains to Sound Greenway, and is part of the South Bellevue open space system.

Annexing the unincorporated portion makes the Coal Creek Natural Area, totaling 446 acres, the largest park in the City's system. The annexation adds five miles to the natural trail system, resulting in a total of 80 miles of natural trails within the city limits. Because the property is owned by the City, annexation is accomplished by statute under the municipal purposes method.

Deputy Mayor Balducci noted there have been some concerns throughout the consideration of this annexation with regard to the application of residential zoning to the property. She clarified that the City does not have a park zoning designation in its Land Use Code, so the R-1 designation was determined to be the most appropriate zoning. The park will be preserved as a park into the future.

Mr. Matz confirmed that the interlocal agreement with King County requires that the park be preserved as a natural area.

→ Deputy Mayor Balducci moved to adopt Ordinance No. 5880, and Councilmember Bonincontri seconded the motion.

Mayor Degginger expressed support for the Ordinance, which formalizes the incorporation of the park into the community.

→ The motion to adopt Ordinance No. 5880 carried by a vote of 6-0.

- (b) Ordinance No. 5881: 1) adopting recommendations for the use of Community Development Block Grant-Recovery (CDBG-R) funds as transmitted by the Human Services Commission; 2) authorizing submission of a substantial amendment to the City of Bellevue's 2008 Action Plan to the United States Department of Housing and Urban Development (HUD) for the CDBG-R Program; 3) authorizing acceptance of a grant award contract with HUD for the CDBG-R Program in an amount not to exceed \$191,689.00; 4) establishing a new project within the Operating Grants, Donations and Special Reserve Fund; 5) authorizing entering into agreements with grant subrecipients; and 6) appropriating unanticipated and future revenues to that fund.

Mr. Sarkozy explained that Ordinance No. 5881 accepts a grant from the U.S. Department of Housing and Urban Development (HUD) and authorizes the expenditure of an estimated \$191,689.

Emily Leslie, Human Services Manager, noted that Human Services Commission Members Doug Hoople and Stefanie Beighle were in the audience. Ms. Leslie explained that while HUD announced the allocations in late February, the requirements for spending the funds were issued on May 5. In order to receive the funds, the City must submit a consolidated housing and community development plan to HUD by June 5. Due to the limited timeframe, staff identified potential projects for funding and presented them to the Human Services Commission for consideration based on the HUD requirements for this funding.

Joseph Adriano, Human Services Grant Coordinator, explained that while the Community Development Block Grant-Recovery Act (CDBG-R) funds can be used for the full range of CDBG eligible activities, Congress intends that they be invested primarily in economic development, housing infrastructure, and other public facilities activities that will spur economic investment, increased energy efficiency, and job creation or retention. In considering project ideas best suited for the use of the funds, it was useful to note the other Recovery Act funds coming into King County including \$8.5 million for workforce investment, \$.5 million for food and emergency shelter, \$3.1 million for housing and homelessness, and \$8.3 million to the King County Housing Authority. For infrastructure investments, HUD emphasizes capital facilities and improvement projects that can be completed quickly.

Jan Stout, Human Services Commission Chair, referenced page 11-19 of the meeting packet for a summary of the Commission's recommendations to utilize the funds for three projects: 1) Major Home Repair Program, 2) Elder and Adult Day Services (EADS) Bellevue Center Rehabilitation, and 3) Downtown Action to Save Housing (DASH) Evergreen Court Rehabilitation.

Responding to Councilmember Lee, Ms. Leslie said up to 10 percent of the grant award can be used for planning and administration purposes. The current proposal reflects approximately five percent in costs for these purposes.

Councilmember Davidson thanked staff for their work in securing these grant funds.

Mayor Degginger thanked the Human Services Commission for its work and recommendations.

Deputy Mayor Balducci commended Human Services staff for quickly preparing proposals for the use of Recovery Act funds. She noted that staff in other departments have been proactive as well in seeking and planning for the use of these funds.

→ Deputy Mayor Balducci moved to adopt Ordinance No. 5881, and Councilmember Noble seconded the motion.

→ The motion to adopt Ordinance No. 5881 carried by a vote of 6-0.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 8:41 p.m., Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

/kaw