

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

September 15, 2008
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Degginger and Councilmembers Bonincontri, Chelminiak, Davidson, Lee and Noble

ABSENT: Deputy Mayor Balducci

1. Call to Order

The meeting was called to order at 8:00 p.m., with Mayor Degginger presiding.

2. Roll Call, Flag Salute

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

(a) 2008 24-Hour Relay Challenge Recognition

Helena Stephens, Recreation Program Manager, provided a report and video on the 2008 24-Hour Relay Challenge event. She thanked the adult and youth relay directors, who assisted in describing the event and recognizing the many community sponsors.

Mayor Degginger praised the event as one of many youth programs within the community.

(b) Proclaiming September 21-27 as Fall Prevention Awareness Week

Mayor Degginger read a proclamation recognizing the week of September 21 as Fall Prevention Awareness Week.

Cathy Von Wald, Community Services Supervisor at the North Bellevue Community/Senior Center, commented on the importance of fall prevention awareness.

3. Communications: Written and Oral

(a) Jennifer Fischer, Bellevue Downtown Association, thanked Council for supporting the Bellevue Jazz Festival. She provided information about the event and submitted a 2009-2010 funding request.

- (b) Walter Scott, Legacy Commercial, presented a letter to the Council and described ideas and concerns regarding redevelopment of the Bel-Red corridor.
 - (c) David Velderman submitted a citizen petition asking the City to save the Eastgate/Blackberry Meadow at the former Boeing property as an undeveloped open space.
 - (d) Stu Vander Hoek referred to an email he sent to Councilmember Chelminiak and Comprehensive Planning Manager Paul Inghram regarding his Comprehensive Plan Amendment (CPA) proposal. He addressed issues raised by the City Council and Planning Commission, and provided background information on why zoning for his site was not discussed as part of the 2000-03 Downtown Implementation Plan update and Subarea review.
 - (e) Anita Skoog-Neil spoke in opposition to the Vander Hoek CPA proposal.
 - (f) Kevin Austin encouraged the Council to deny the Vander Hoek CPA proposal.
 - (g) Michael Aippersbach spoke on behalf of his client Mr. Vander Hoek and his CPA proposal.
 - (h) Ralph Gooditz, a resident of the West Lake Sammamish area, expressed concern regarding what he feels is selective enforcement of the Sign Code. He is developing property under King County regulations, and the City of Bellevue is taking action against him regarding the sign he has posted at the project site.
4. Reports of Community Council, Boards and Commissions: None.
5. Report of the City Manager
- (a) Recognition of Fire Department Reaccreditation

City Manager Steve Sarkozy opened staff's presentation regarding Fire Department reaccreditation.

Fire Chief Mario Trevino described the reaccreditation process, which culminated with an on-site review from the Commission on Fire Accreditation International (CFAI) between June 30th and July 3rd. Chief Trevino commended his staff for their hard work to retain the department's accreditation status for the next five years.

Mayor Degginger congratulated the Fire Department on this achievement.

Councilmember Davidson thanked Fire Department personnel for their work, and praised the City for its efforts to welcome performance audits of its operations.

6. Council Business and New Initiatives

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

Responding to Mayor Degginger's request, City Clerk Myrna Basich described the process to be used by the City Council should it wish to consider taking a position supporting or opposing the Parks and Open Space Levy Lid Lift measure to be placed on the November 4 ballot.

If Council chooses to approve a Resolution taking a position on the ballot measure, the Council must provide an approximately equal opportunity for Councilmembers and/or the public to express all points of view on the matter. A traditional public hearing is not required. However, the Council may choose to accept public comment for a set amount of time during the regular Oral Communications Agenda Item of a meeting, or to hold a time-limited public hearing.

Responding to Councilmember Chelminiak, Ms. Basich said the Council may take action on a Resolution immediately following public comment. She noted October 6 and 20 as possible dates for scheduling a public comment opportunity.

Mr. Chelminiak suggested moving forward with scheduling public comment for October 6, and with providing 10 to 15 minutes for speakers on both sides of the issue.

Following brief discussion, Mayor Degginger noted Council consensus to proceed with public comment on October 6 and to allow 20 minutes per side, including comment by the public and Councilmembers.

7. Approval of the Agenda

→ Councilmember Davidson moved to approve the agenda, and Councilmember Chelminiak seconded the motion.

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

8. Consent Calendar

→ Councilmember Chelminiak moved to approve the Consent Calendar, and Councilmember Noble 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 September 2, 2008 Study Session
Minutes of September 2, 2008 Regular Session

(b) Motion to approve payment of claims for the period August 30, 2008 through September 12, 2008, and payroll for the period August 1, 2008 through August 31, 2008.

- (c) Resolution No. 7791 authorizing execution of an Interlocal Agreement with the Seattle Fire Department, in an amount not to exceed \$63,000, to engage in regional training for Weapons of Mass Destruction/Heavy Rescue Operations.
- (d) Resolution No. 7792 authorizing execution of an annual support agreement with Microsoft Inc., in an amount not to exceed \$112,780, with two optional one-year renewals, for technical support and consultation for all Microsoft software products.
- (e) Resolution No. 7793 authorizing execution of a Professional Services Agreement with Becker Architects, in an amount not to exceed \$869,101, for architectural, engineering and site design services to construct youth theater facilities at Crossroads Community Park, and to renovate the Bellevue Youth Theatre at Ivanhoe Park. *[Discussed with Council on July 21, 2008.]*
- (f) Resolution No. 7794 authorizing execution of a Purchase Agreement to purchase plant material from Storm Lake Growers, in an amount not to exceed \$76,186.90, for the West Tributary of Kelsey Creek Habitat Restoration Project. *[On May 19, 2008, Council approved awarding of related Bid No. 8076 in the amount of \$1,059,681.42, and was informed of this additional purchase agreement for plant materials.)*
- (g) Motion to award Bid No. 8243 to Tri-Falls Construction LLC, in the amount of \$49,213.50, as the lowest responsible bidder for the Killarney Glen Park Irrigation Renovation project. [CIP Plan No. P-R-11]
- (h) Resolution No. 7795 authorizing execution of an amendment to the two-year contract with YMCA of Greater Seattle, Bellevue Family YMCA Branch, to increase the contract by an additional \$15,000, for the purpose of after-school recreation services at Lake Hills Elementary School, as part of the Wrap-Around Services Pilot Project.
- (i) Resolution No. 7796 authorizing execution of an Interlocal Agreement with the Bellevue School District for the assignment of a maximum of seven School Resource Officers to be stationed at Bellevue high schools and middle schools during the 2008-2009 school year.
- (j) Resolution No. 7797 authorizing execution of a consultant agreement with DKS Associates, in an amount not to exceed \$80,000, for the development of the Documentation and Evaluation of the Travel Demand Model.
- (k) Resolution No. 7798 authorizing execution of a Consultant Agreement with ICF Jones & Stokes, in the amount of \$80,000, to support the development of an Environmental Impact Statement on the proposed 2009-2020 Transportation Facilities Plan.

- (l) Motion to award Bid No. 8214, Pedestrian Corridor Kiosks, to TubeArt in the amount of \$64,778.00, as the lowest responsible bidder to fabricate and install new pedestrian wayfinding kiosks along the NE 6th Street corridor between Bellevue Way and 112th Avenue NE, and removal of four existing kiosks.
- (m) Motion to award Bid No. 8227, 148th Avenue SE Street Lighting – Main Street to SE 8th Street – as part of the Neighborhood Enhancement Program to Totem Electric, in the amount of \$189,281.00, as lowest responsible bidder to install street lighting on both sides of 148th Avenue SE where currently missing. [CIP Plan Nos. PW-NEP-1, PW-M-2 and PW-R-46]
- (n) Motion to award Bid No. 8162, 2008 Internal Point Repairs, to Gary Harper Construction, Inc., in the amount of \$146,215.00, for repairs to sanitary sewer and stormwater pipes. [CIP Plan Nos. D-64 and S-24]

9. Public Hearings

(a) Jentry-Graber Annexation

Ordinance No. 5836 annexing to the City of Bellevue a 20.6-acre site, known as the Jentry-Graber Annexation, located at the south end of Lakemont Boulevard in the Newcastle Subarea PAA by Direct Petition under RCW 35A.14.420.

City Manager Steve Sarkozy opened discussion regarding the Jentry-Graber annexation proposal. The property owners previously petitioned the City to annex the site. In April 2008, the City Council directed the property owners to return with petitions sufficient to meet the requirements of state law.

Senior Planner Nicholas Matz provided a brief staff report on the annexation proposal, which pertains to a 20.6-acre site at the south end of Lakemont Boulevard in the Newcastle Subarea potential annexation area (PAA). The annexation is in line with City policy to expeditiously annex property within the PAA and to ensure that development is in accordance with City standards. The annexation requires that the owner assumes its share of the City's bonded indebtedness. There is single family-medium (SF-M) zoning west of Lakemont Boulevard, and single family-low (SF-L) zoning to the east of the street. This zoning is consistent with the Comprehensive Plan.

→ Councilmember Noble moved to open the Public Hearing, and Councilmember Chelminiak seconded the motion.

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

The following citizens came forward to comment:

- (1) David Jentry encouraged the City Council to approve the annexation.

(2) Gary Graber requested Council support of the annexation. He described the benefit to the City of the annexation, and explained that he and Mr. Jentry have been paying taxes on the property as developable land for many years.

→ Councilmember Chelminiak 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.

→ Councilmember Chelminiak moved to adopt Ordinance No. 5836 annexing the property known as the Jentry-Graber Annexation, and Councilmember Lee seconded the motion.

→ The motion to adopt Ordinance No. 5836 approving the Jentry-Graber annexation carried by a vote of 6-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

(a) Adoption of 2008 Annual Comprehensive Plan Amendments Work Program

Planning Director Dan Stroh reviewed the 2008 Comprehensive Plan Amendment (CPA) proposals, and requested Council action regarding which CPAs should be included in the 2008 work program for further analysis and review. He noted that the Newport Professional Buildings CPA proposal was withdrawn on September 2, 2008. Since that time, both the Oh and Lee CPA proposals have been withdrawn as well.

Comprehensive Planning Manager Paul Inghram provided a short presentation on the remaining four CPA applications, and reviewed the Threshold Review decision criteria to be considered by the Council in its decisions.

Staff responded to Council's questions regarding the proposals.

Mr. Inghram estimated that approximately six months would be needed to conduct a comprehensive review of transit oriented development (TOD) policy issues. There was Council consensus that it would be preferable to address the overall policy issues on a citywide basis than to consider the specific South Kirkland TOD proposal at this time.

Councilmember Chelminiak suggested that for consistency, motions regarding the CPA proposals be stated in terms of the Planning Commission's recommendation, regardless of how the Councilmember making the motion intends to vote.

1. Move to initiate/not initiate the Sambica Comprehensive Plan amendment into the annual work program, as recommended by the Planning Commission, and direct the Planning Commission to return final

recommendations through the CPA review process.

→ Councilmember Chelminiak moved to initiate the Sambica Comprehensive Plan amendment into the annual work program, as recommended by the Planning Commission, and to direct the Planning Commission to return final recommendations through the CPA review process. Councilmember Lee seconded the motion.

→ The motion to initiate the Sambica CPA proposal into the 2008 work program carried by a vote of 6-0.

2. Move to initiate/not initiate the South Kirkland TOD Comprehensive Plan amendment into the annual work program, as recommended by the Planning Commission, and direct the Planning Commission to return recommendations through the CPA review process.

→ Councilmember Chelminiak moved to initiate the South Kirkland TOD CPA proposal into the annual work program, as recommended by the Planning Commission, and to direct the Planning Commission to return final recommendations through the CPA review process. Councilmember Noble seconded the motion.

→ The motion to initiate the South Kirkland TOD CPA proposal into the 2008 work program failed by a vote of 0-6.

→ Councilmember Noble moved to direct staff to prepare a work plan for developing a comprehensive TOD policy approach and proposal for Council review and consideration. Councilmember Chelminiak seconded the motion.

→ The motion to direct staff to prepare a work plan for developing a comprehensive TOD approach carried by a vote of 6-0.

3. Move to initiate/not initiate Vander Hoek Multifamily Comprehensive Plan amendment into the annual work program, as recommended by the Planning Commission, and direct the Planning Commission to return final recommendations through the CPA review process.

→ Councilmember Chelminiak moved to initiate the Vander Hoek Multifamily Comprehensive Plan amendment into the annual work program, as recommended by the Planning Commission, and to direct the Planning Commission to return final recommendations through the CPA review process. Councilmember Noble seconded the motion.

Staff responded to questions from the Council.

The Council discussed its concerns regarding whether Threshold Review guidelines related to changed circumstances have been met. Responding to the Council, Mr. Inghram explained that the Planning Commission's initial vote on the proposal was split at two in favor and two

opposed. Following additional discussion and review, the Commission voted 4-0 in favor of moving the Vander Hoek proposal forward for Threshold Review by the City Council.

Noting the issues and concerns regarding this CPA proposal, Dr. Davidson spoke in favor of moving it forward for additional study and discussion.

→ The motion to initiate the Vander Hoek Multifamily CPA proposal into the 2008 work program failed by a vote of 1-5, with Councilmember Davidson in favor.

4. Move to initiate/ NOT initiate the Oh Comprehensive Plan amendment into the annual work program, as recommended by the Planning Commission, and direct the Planning Commission to return final recommendations through the CPA review process.

[Withdrawn by applicant.]

5. Move to initiate/NOT initiate the Lee Comprehensive Plan amendment into the annual work program, as recommended by the Planning Commission, and direct the Planning Commission to return final recommendations through the CPA review process.

[Withdrawn by applicant.]

6. Move to initiate/not initiate the Coal Creek UGB Comprehensive Plan amendment into the annual work program, as recommended by the Planning Commission, and direct the Planning Commission to return final recommendations through the CPA review process.

→ Councilmember Chelminiak moved to initiate the Coal Creek Urban Growth Boundary (UGB) Comprehensive Plan amendment into the annual work program, as recommended by the Planning Commission, and to direct the Planning Commission to return final recommendations through the CPA review process. Councilmember Lee seconded the motion.

→ The motion to initiate the Coal Creek UGB CPA proposal into the 2008 work program 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 9:50 p.m., Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

/kaw