

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

October 6, 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 8:08 p.m., with Mayor Degginger presiding.

2. Roll Call, Flag Salute

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

3. Communications: Written and Oral

- (a) Leslie Lloyd, Bellevue Downtown Association, presented the organization's funding priorities for the City's Capital Investment Program (CIP) Plan. She submitted the request in writing as well.
- (b) Chris Moie, Bellegreen Development, expressed support for including underground parking as an incentive in the redevelopment of the Bel-Red area. However, he described how complying with FAR (floor-area ratio) requirements negates this incentive. Mr. Moie presented a modification to the requirement to address this issue.
- (c) Thomas Kelly invited the Council to the Kelsey Creek Farm Fair.
- (d) Anna Kelly described activities available at the Farm Fair including tractor rides and a pumpkin patch.
- (e) Jane Kuechle, AtWork, announced that October is National Disability Employment Awareness Month and described the organization's work in employing the disabled.
- (f) Stephanie Mapelli, President of Leadership Eastside, thanked the Council for its ongoing support, noting that the City of Bellevue was one of the founding sponsors in 2004. She asked the Council to continue its financial support in the next budget.

- (g) Michael Yantis, Chair of the Human Services Commission, encouraged the Council to include affordable housing incentives as part of the redevelopment of the Bel-Red corridor. He noted that the Commission submitted its comments on the draft policies to the Council on March 25, 2008.
- (h) Walter Scott, representing Neighborhoods for Responsible Transportation, encouraged the use of quiet pavement including rubberized asphalt. He thanked the City for allowing the use of Council Chambers on Saturday for a forum on Sound Transit's Proposition 1.

4. Reports of Community Council, Boards and Commissions

Judy Holder, Vice Chair of the Arts Commission, briefly reviewed the Commission's recommendations for the next biennial budget. She requested an additional \$50,000 in funding over previous levels. Roxanne Shepherd reviewed requests related to the Cultural Compass plan.

5. Report of the City Manager

- (a) West Pacific Development Company Rezone [Study Session Agenda Item 3(a)]

Consideration of the application of the West Pacific Development Company (Zheng Rezone) to rezone a .57-acre parcel at 16226 Northup Way from Single Family-High density (R-5) to Single Family-Urban Residential (R-7.5). This site is located in the Crossroads Subarea. File No. 08-122538-LQ. *[Council action on this quasi-judicial matter is scheduled for October 20, 2008.]*

City Manager Steve Sarkozy noted that this item was originally scheduled for the earlier Study Session.

Matt Jackson, Neighborhood Development Planning Manager, provided an overview of the rezone proposal and responded to brief Council questions.

- (b) Management Brief – 2007 Audit Report

Finance Director Jan Hawn reported on the 2007 audit by the Washington State Auditors Office. The audit revealed no material errors or lack of internal controls that might affect the City's Financial Report or pose a risk to accountability. She reminded the Council that more stringent guidelines were implemented earlier this year through the Statement of Auditing Standards (SAS) No. 112. The report is available on the City's web site.

- (c) Management Brief – New Korean Web Pages

Cheryl Kuhn, Neighborhood Outreach Manager, announced the release of the City's new Korean language web pages. This is the fifth foreign language to be represented on the City's web site including Spanish, Russian, Chinese and Vietnamese.

6. Council Business and New Initiatives

Councilmember Lee attended the Mercer Slough Environmental Education Center dinner and the debate held at City Hall regarding Sound Transit's Proposition 1.

Councilmember Bonincontri attended the Indian-American of Western Washington 25th anniversary celebration.

Councilmember Davidson attended meetings of the Regional Wastewater Committee and Bellevue Environmental Services Commission, as well as the Proposition 1 forum. He attended the Washington Policy Center annual dinner at which the President of the Czech Republic, who is also an economist, was the speaker.

Councilmember Chelminiak attended meetings of the Puget Sound Regional Council (PSRC) Executive Board, Bellevue Chamber of Commerce, and the Law Enforcement Officers and Fire Fighters Disability Board.

Councilmember Noble attended the Chamber's annual dinner. He noted the recent marriage of his daughter.

Mayor Degginger attended two meetings of the Growth Management Planning Council and the opening of the Eastside Women's Center/Shelter.

7. Approval of the Agenda

→ Councilmember Chelminiak moved to approve the agenda, and Councilmember Noble 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 15, 2008 Study Session
Minutes of September 15, 2008 Regular Session

(b) Resolution No. 7800 authorizing execution of a nonexclusive easement to Qwest Corporation for installation, operation and maintenance of telecommunications facilities and appurtenances along the east property line of Crossroads Fire Station # 3.

- (c) Resolution No. 7801 authorizing execution of an amended easement agreement with Puget Sound Energy, Inc., along 112th Avenue NE between NE 4th and NE 6th Streets.
- (d) Resolution No. 7802 authorizing a Professional Services Agreement with the University of Washington, in an amount not to exceed \$206,896, to obtain and scan additional geotechnical reports from archived project files and produce a detailed geologic map and subsurface database for Bellevue.
- (e) Motion to approve payment of claims for the period September 13, 2008 through October 1, 2008, and payroll for the period September 1, 2008 through September 15, 2008.
- (f) Fire Plan Review Services Contracts

Resolution No. 7803 authorizing execution of an amendment to the contract with Lehner Engineering, Fire Protection Specialists, to increase the contract limit to \$175,000 for fire plan review services, and

Resolution No. 7804 authorizing execution of an amendment to the contract with Aegis Engineering, to increase the contract limit to \$175,000, for fire plan review services.
- (g) Resolution No. 7805 authorizing execution of a Memorandum of Agreement with Pierce County to continue participation as a member of the Washington State Urban Search and Rescue Task Force.
- (h) Motion to reject all bids for Bid No. 8242 for the Lake Hills Park Irrigation Renovation project and re-bid as a formal Public Works project.
- (i) Motion to award Bid No. 8275 to Pacific Earth Works, Inc., in the amount of \$241,281.00, as the lowest responsible bidder for the Lake Hills Park Irrigation Renovation project (CIP Plan No. P-R-11).
- (j) Ordinance No. 5837 authorizing: 1) Execution of a supplement to an Interlocal Agreement with the Washington State Department of Transportation for receipt of 2007-2009 state technical assistance funds in the amount of \$110,887.76 to support the City's Commute Trip Reduction program; 2) Establishment of a project within the Operating Grants and Donations Fund; 3) Appropriation of unanticipated and future revenues to that fund; 4) Expenditures of said grant funds; and 5) Execution of an Interlocal Agreement with the King County Department of Transportation for Commute Trip Reduction services in the amount of \$120,887.76.
- (k) Resolution No. 7806 authorizing execution of a four-year General Services Contract with Davidson-Macri Sweeping, Inc., in an amount not to exceed

\$380,000, to perform mainline root sawing of portions of the wastewater system within the City.

- (l) Resolution No. 7807 authorizing execution of an agreement to relinquish a sanitary sewer pipeline easement and to transfer ownership of the existing pipeline and manholes within the easement to the property owner at 3650 131st Avenue SE.
- (m) Resolution No. 7808 authorizing execution of an agreement to relinquish a sanitary sewer pipeline easement no longer required by the Sewer Utility at 3135 Hunts Point Circle, Medina, Washington.

9. Public Hearings

- (a) Request to Vacate a portion of NE 26th Street between 100th Avenue NE and 102nd Avenue NE

Nora Johnson, Director of Civic Services, provided the staff report on the proposed vacation of a portion of NE 26th Street between 100th and 102nd Avenues NE. She explained that the application meets all of the requirements of Bellevue City Code 14.35.070 regarding street vacations.

Patti Ebert, Senior Real Property Agent, described the location and reviewed the proposed conditions.

Ms. Johnson noted that the City has not received a development application from the petitioner to change the lots affected by the street vacation.

Responding to Councilmember Davidson, Ms. Johnson said staff recommends retaining a trail easement.

Ms. Johnson referred Councilmembers to a letter in their desk packets received from an attorney representing the Halls, who own two parcels.

Ms. Johnson responded to additional brief questions of clarification regarding the layout of the site.

→ Councilmember Chelminiak moved to open the Public Hearing, and Councilmember Bonincontri 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) Kevin Paulich, attorney for Benjamin and Margaret Hall, noted a letter to the Council from Mr. Paulich's partner, Steve Ross, regarding the proposed street vacation. The

Halls would like Council to defer a decision on the proposal, leaving the record open to allow for engineering work that will help determine the extent of damages the Halls might experience if the vacation is carried out. Mr. Paulich described the site and his clients' concerns regarding access to the adjacent undeveloped property.

- 2) Rob Cea, who lives within a block of the proposed street vacation, described his concerns regarding overall development in his neighborhood including the construction of larger homes on relatively small lots and the removal of trees. Some of these houses have been abandoned uncompleted by developers, leaving unsafe conditions for children in the area. He asked the Council to carefully consider the potential impact of the street vacation in terms of the type of development it could facilitate.
 - 3) Dave Martin said he has been involved in the request for the street vacation and the acquisition of the affected properties. He described the site and the intent to preserve approximately 30 feet of right-of-way on the north edge of the site. Responding to Mayor Degginger, Mr. Martin clarified that he is not the applicant for the street vacation.
 - 4) Pat Millbank said she owns the Millbank property. She and her partner, Chris Clark, recently bought another adjacent property and now border both sides of the Keystone development. Ms. Millbank strongly supports the developer's proposal. She noted that the design of the driveway proposed by the Halls would eliminate extensive greenery and create unsafe conditions for drivers and pedestrians. It also passes through the back post of Ms. Millbank's fence.
 - 5) Karl Lindor, owner of Keystone Homes and the applicant for the street vacation, provided background information on the property and the street vacation petition. He is in agreement with the City's requirements including retention of the trail easement.
 - 6) Tom Dean noted he is neither for or against the street vacation request. However, he wants to ensure that the trail is preserved.
 - 7) Janet Stanley explained that she and her husband live at the end of 27th Street, and a portion of their property abuts the street vacation site. She encouraged the Council to ensure fairness for all of the affected residents and to retain the quality of the neighborhood.
 - 8) Sam Stanley expressed concern regarding development and construction throughout neighborhoods, which he feels presents a destabilizing effect. He asked the Council to defer action on the street vacation proposal.
- Councilmember Noble moved to close the Public Hearing, and Councilmember Chelminiak seconded the motion.
- The motion to close the Public Hearing carried by a vote of 6-0.

Responding to Mayor Degginger, City Attorney Lori Riordan described the option of leaving the record open for comment to allow for further engineering work by an adjacent property owner.

- Councilmember Lee moved to leave the record open to allow time for further engineering analysis, and Councilmember Bonincontri seconded the motion.
- The motion to leave the record open at this time regarding the proposed NE 26th Street vacation carried by a vote of 6-0.
- (b) Consideration of taking an official position on the Parks and Natural Areas levy proposition on the November 4, 2008, General Election ballot.

Ballot Title: Proposition No. 1
Levy for City Parks and Natural Areas

The City Council of the City of Bellevue adopted Ordinance No. 5828 concerning a proposition to replace the expiring 1988 park levy. To protect water quality in Bellevue's lakes and streams, preserve natural areas, enhance existing parks, and develop trails, this proposition would (1) increase the City's regular property tax levy by \$0.10 to a total authorized rate of \$1.31 per \$1,000 of assessed value for collection in 2009 and for 19 years thereafter, and (2) increase the levy by \$0.02 to \$1.33 per \$1,000 of assessed valuation in 2009 and thereafter to maintain and operate parks to Bellevue standards. Should this proposition be:

- APPROVED
- REJECTED

Parks and Community Services Director Patrick Foran provided an overview of the parks and natural areas levy lid lift measure which has been placed on the November 4 election ballot.

- Councilmember Chelminiak moved to open the public comment period, and Councilmember Noble seconded the motion.
- The motion to open the public comment period carried by a vote of 6-0.
- At approximately 9:51 p.m., Councilmember Davidson moved to extend the meeting to 10:30 p.m. Councilmember Bonincontri seconded the motion.
- The motion to extend the meeting to 10:30 p.m. carried by a vote of 6-0.

Seven citizens spoke in favor of the levy:

- 1) Gary Deal, a Hunts Point resident and Director of the Bellevue Boys Lacrosse Club, spoke in support of the parks ballot measure. The club utilizes the sports fields at Robinswood Park and appreciates the quality of the facility.

- 2) Jim Pratt, representing the Bellevue Youth Theatre Foundation, spoke in favor of the parks ballot measure which provides programs beyond park uses including Bellevue Youth Theatre.
- 3) Debbie Vaught, representing the Bellevue Botanical Garden Society, said the Society supports and encourages the Council's endorsement of the 2008 parks levy. The Society is grateful that the package includes \$2 million for the Bellevue Botanical Garden.
- 4) Aaron Roper, a Somerset resident and freshman at Interlake High School, explained that his Eagle project involved working on the Challenge Course at Eastgate Park. Many scouts complete their Eagle projects through the Bellevue Parks Department, and they enjoy hiking in the parks and trails throughout the community. He supports the parks levy package, and encourages funding to maintain and complete the trail system.
- 5) Merle Keeney, Chair of the Bellevue Parks Yes Committee, spoke in support of the parks and open space levy package.
- 6) Michael Yantis, a Newport Hills resident and former president of the Youth Bellevue Eastside Football Association, described his past experience in negotiating with the City for sports fields. He supports the parks levy package.
- 7) Patrick Bannon, Bellevue Downtown Association, spoke in support of the parks levy package. The BDA encourages completion of the circle at Downtown Park, but is concerned that the current plan contemplates removal of some of the parking capacity. The BDA would like to work with the City to address parking needs associated with further development of the park.

No one came forward to speak in opposition to the proposed ballot measure.

- Councilmember Noble moved to close the public comment period, and Councilmember Chelminiak seconded the motion.
- The motion to close the public comment period carried by a vote of 6-0.

Councilmember Noble recalled that the ballot package has been discussed by the Council on a number of occasions.

- Councilmember Noble moved to approve Resolution No. 7809 supporting the parks and natural areas levy lid lift. Councilmember Chelminiak seconded the motion.
- The motion to approve Resolution No. 7809 carried by a vote of 6-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 7810 authorizing execution of Amendment No. 1 to the existing Professional Services Agreement with EDAW, Inc., in an additional amount of \$278,235, to prepare a programmatic Environmental Impact Statement (EIS) and conduct the necessary technical studies and analysis to support the EIS for the Meydenbauer Bay Park and Land Use Plan.

Mr. Foran briefly described the Meydenbauer Bay Park and Land Use Plan project. Resolution No. 7810 provides additional funding to prepare a programmatic Environmental Impact Statement (EIS) and to conduct the necessary technical studies and analysis to support the EIS.

→ Councilmember Chelminiak moved to approve Resolution No. 7810, and Councilmember Bonincontri seconded the motion.

→ The motion to approve Resolution No. 7810 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 10:18 p.m., Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

/kaw