CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

April 4, 2016 Council Chamber
8:00 p.m. Bellevue, Washington

PRESENT: Mayor Stokes, Deputy Mayor Chelminiak, and Councilmembers Lee, Robinson, Slatter, and Wallace

ABSENT: Councilmember Robertson

1. Call to Order

The meeting was called to order at 8:02 p.m., with Mayor Stokes presiding.

2. Roll Call, Flag Salute

All Councilmembers except Councilmember Robertson were present. Councilmember Wallace led the flag salute.

(a) National Volunteer Week

Mayor Stokes read a proclamation recognizing April 10 to April 16 as National Volunteer Week in Bellevue. He presented the proclamation to Marjorie Trachtman, Volunteer Coordinator in the Police Department, and thanked all of the volunteers with the City and throughout the community.

3. Approval of Agenda

→ Deputy Mayor Chelminiak moved to approve the agenda, and Councilmember Wallace seconded the motion.

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

4. Communications: Written and Oral

(a) Diana Thompson, representing The Bellevue Network on Aging, thanked the Council for its support of providing hearing looping technology in City Hall and at the Bellevue Youth Theatre at Crossroads Community Center and Park. She said the advantages of this technology are that the sound goes directly to an individual's hearing aid and does not amplify background noise, there is no need for a headset, and the amplification adjusts to be consistent with the level of hearing aid settings.

(b) Cheri Perazzoli, representing the Hearing Loss Association of Washington, said Bellevue is setting a precedent for other agencies in the state. She described signage that is placed in facilities providing hearing assistive technology. She wants the logo to become as commonly recognized as the symbol indicating accessibility to individuals with other physical challenges. She thanked the City for the installation of looping technology.

(c) Steve Secrist, Senior Vice President, General Counsel, and Chief Ethics and Compliance Officer for Puget Sound Energy, said PSE takes its electrical infrastructure very seriously. He expressed concern about comments from the Coalition of Eastside Neighborhoods for Sensible Energy (CENSE) regarding the Energize Eastside project. He said it is important to protect utilities from potential threats, noting that PSE has hundreds of cyber-attack attempts monthly. He said this is relevant to CENSE's request for certain sensitive information, which must be kept confidential.

(d) Alex Zimmerman, President of StandUP-America, reiterated his ongoing request that the City Manager hold public discussions on a monthly basis. He expressed concern about American fascism.

(e) Katherine Taylor, Senior Local Government Affairs Representative for Puget Sound Energy, thanked the City Council for its support of the coal transition bill pursued by PSE. She said PSE also received strong support from the business and environmental communities. The legislation creates a responsible and concrete path to begin transitioning away from coal energy in the interest of electric customers based on cost, risk, reliability, and environmental factors. Ms. Taylor said the bill received overwhelming support from the state legislature and was signed by the Governor on April 1, 2016.

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

6. Report of the City Manager

(a) Hearing Loops in Council Chambers, Council Conference Room, and Bellevue Youth Theatre

City Manager Brad Miyake said the hearing looping system approved in last year's budget has been installed in the Council Chambers, Council Conference Room, and the Bellevue Youth Theatre. He introduced Jenny Mechem, ADA/Title VI Program Administrator, and asked her to comment on the project.

Ms. Mechem thanked past and present City Councils who have supported technology to assist individuals with a hearing loss. She thanked Councilmember Robinson and former Mayor Claudia Balducci for their role in advocating for the looping system. She thanked Diana Thompson and Cheri Perazzoli, who spoke earlier during oral communications, as well as other members of the community who supported this effort.

Ms. Mechem thanked Shannon Horst, Facilities Planning Coordinator; Pam Fehrman, Project Manager with the Parks Department; and Spencer Norby, HearingLoop NW, for their hard work and dedication. She said the technology is a system of wiring under the floor, and it is important to speak closely and clearly into microphone in order for the system to be most effective. She said the looping system at the Bellevue Youth Theatre is working well. She invited the Council to a 6:00 p.m. celebratory reception on April 16 at the theatre before the evening's production of Oklahoma at 7:00 p.m.

The next phase of this initiative is to install the looping technology at the Bellevue Botanical Garden, Highland Center, and North Bellevue Community Center. Ms. Mechem said staff is conducting outreach to determine other spaces in which the community would like to see the looping technology. Staff anticipates providing an update to the Council in May or June. Ms. Mechem introduced James McClain, Bellevue Youth Theatre program manager, to comment on the project.

Mr. McClain thanked the Council for the privilege to work with a City and a Council that supports including the whole community in its programs. He said the new Bellevue Youth Theatre facility and hearing looping system have notably improved the experience for actors and patrons of the theatre.

Spencer Norby, HearingLoop NW, thanked and congratulated the City for installing the looping system. He described the unique and challenging installation of the system in the Council Chambers and Council Conference Room. Mr. Norby said the City's contractor, FORMA Construction, was excellent to work with in wiring the system.

Mayor Stokes thanked Councilmember Robinson for introducing this initiative. He thanked the Bellevue Network on Aging, Ms. Mechem and other City staff, Mr. Norby, and the overall community for their roles in the project.

Councilmember Robinson thanked the individuals who worked on the project and noted that everyone's contribution was important. She thanked Mr. Norby for his creativity and expertise in designing the system, and at a reasonable cost for the City.

Deputy Mayor Chelminiak recognized Councilmember Robinson's tenacity and commitment in advocating for this project.

Councilmember Lee thanked Councilmember Robinson for this accomplishment. He said this is another successful demonstration of Bellevue's commitment to welcoming the world and celebrating diversity. He thanked the Council, City staff, and the community for supporting this effort.

Councilmember Slatter congratulated Councilmember Robinson and thanked the community and the City's Diversity Team for this important achievement.

7. Council Business and New Initiatives

There was no discussion.

8. Consent Calendar

→ Councilmember Robinson moved to approve the Consent Calendar, and Councilmember Slatter seconded the motion.

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

(a) Resolution No. 9083 authorizing execution of an amendment to a Professional Services On-Call Agreement with Slalom, LLC for staffing that increases the "not to exceed" contract amount to $290,000 and extends the term of the Agreement for an additional year.

(b) Resolution No. 9084 authorizing termination of the City of Bellevue's participation in the King County Incident Response Team (KCIRT).

9. Public Hearings

(a) Public Hearing to consider repealing certain conditions and requiring additional conditions to Ordinance No. 5625, which required the completion of the mid-block pedestrian and vehicular connection between 106th and 108th Avenues NE within the Fox Addition plat -Wasatch Superblock.

Mayor Stokes introduced the Public Hearing regarding the proposal to repeal certain conditions and require additional conditions to Ordinance No. 5625, which required the completion of the mid-block pedestrian and vehicular connection between 106th and 108th Avenues NE within the Fox Addition plat -Wasatch Superblock.

City Attorney Lori Riordan recalled that, in 2005, the Council passed Ordinance Nos. 5609 and 5625, which vacated the Fox Addition Plat. The full superblock was owned by Wasatch at that time. The terms of the plat vacation eliminated a cul de sac and the property owner was required to build a connector road no later than September 27, 2015. Ten years later, the property owner was BV Holdings LLC which was in default on the plat vacation condition.

The Council and staff discussed this issue in the fall of 2015. At that time, the Council directed that staff negotiate with the property owner through the end of the year to determine whether a reasonable resolution could be reached to ensure construction of the connector road in a timely manner. If negotiations were unsuccessful, staff was to return to the Council to discuss available legal options.

Ms. Riordan said the parties were able to reach an agreement, in principle, with BV Holdings prior to the deadline of December 31, 2015. Staff began drafting an agreement and an amended

plat vacation ordinance. Ms. Riordan said state law requires public notice and that a public hearing be held for a plat vacation. Although the vacation of the Fox Addition Plat occurred in 2005, the proposed ordinance contains sufficiently substantial changes to cause staff to determine that another public hearing was warranted. Ms. Riordan said the plat was previously vacated upon Council findings that public use and the public interest was served by the vacation.

Ms. Riordan said the proposed ordinance is provided in the meeting packet. However, staff recommends that the Council discuss the ordinance tonight and defer final action until April 18. The terms of the proposed ordinance require the completion of the full connector road by all owners of the affected parcels and their successors. The ordinance provides for a temporary, one-lane road to be constructed within 12 months of the effective date of the new ordinance. This road could be constructed by BV Holdings or a third party. The two-way permanent connector road would be constructed as development occurs on the adjacent, undeveloped parcels with frontage on NE 8th Street. BV Holdings is required to bond for the completion of the two-way connector road at a value that is 150 percent of the actual construction cost.

Liz Stead, Urban Design Planning Manager, said the Wasatch company originally requested postponing development of the road due to the economic recession beginning in 2008. The buildout of the site did not occur as previously anticipated. She said the future construction sequencing would be more efficient if the road is developed along with the remaining adjacent parcels.

Ms. Stead said the completion of the two-way connector road will impact two existing retail buildings and require the demolition of a portion of one of the buildings. It will also eliminate some of the parking serving one of the buildings.

Ms. Stead said the superblock has a new office tower. When the Development Services Department reviewed those permits, it was determined that the existing street network was sufficient to handle the needs of the office building and the existing residential development. There was no development requirement for the connector road, which is strictly related to the agreement for the plat vacation.

Ms. Stead presented drawings and photographs depicting the site and the one-way connector road proposed by Trammell Crow, which has constructed a building on the site. She noted the existing buildings that would be impacted by constructing the originally planned two-way connector road.

→ Deputy Mayor Chelminiak moved to open the public hearing, and Councilmember Robinson seconded the motion.

→ The motion carried by a vote of 6-0.

The following individuals came forward to comment:

1. Denise Coe said she is disappointed by the proposed agreement and ordinance. She questioned the status and timing for the improvements to the existing NE 9th Place in

front of the 377 Washington Square condominiums. She said NE 9th Place is part of the required connector road and should be part of the proposed new ordinance. She said BV Holdings, Wasatch, or whatever corporate name is currently being used, should be required to grant Trammell Crow, the builder of the new office tower, the easement that was previously identified to complete the improvements endorsed by the City when the Trammell Crow project was permitted. Ms. Coe said the addition of another lane of traffic, the removal of part of the circular dog park in front of the garage, and the installation of the mid-block crosswalk are now unreasonably being held up by BV Holdings. She said residents understand that Trammell Crow is ready and willing to complete the improvements, which will increase the safety of NE 9th Place.

As part of the new ordinance, Ms. Coe said lengthy delays are being granted. As a homeowner, she believes that including the grant of easement to Trammell Crow should not be delayed and should be included and required. She said the ordinance has long expired and she is not confident that the terms of the proposed new ordinance will be effective. There were no enforcement provisions or penalty for not completing the required two-way connector road in the original ordinance, and the proposed new ordinance further delays the developers' obligations. Ms. Coe said 377 condominium owners are directly negatively affected by the inaction of BV Holdings. She would like the ordinance to address the agreement for a two-way connector road. She expressed concerns about safety related to the failure to provide the road and a mid-block crosswalk.

2. Sid Rubin, a resident of Washington Square, observed that there is no specific timeframe in the proposed ordinance for the completion of the two-way connector road and other improvements. He is disappointed that there were no consequences for Wasatch related to their failure to provide the road within the 10-year period. He said condominium owners were promised the road when they bought their homes. Mr. Rubin said that, without the two-way connector road, traffic exiting the west side of the new garage will use NE 9th Place. He expressed concerns about traffic and pedestrian safety. He said NE 9th Place is not designed to handle the residential, retail and office development on the block.

3. Scott Ferguson, a resident of Washington Square, concurred with the comments of the previous speakers. He said it would be beneficial if the connector road could be built concurrent with other construction in order to consolidate the impacts of construction noise, debris, and dust.

→ Deputy Mayor Chelminiak moved to close the public hearing, and Councilmember Robinson seconded the motion.

→ The motion carried by a vote of 6-0.

Councilmember Robinson recalled that, last fall, she asked that the private road construction be held to the same standards as City streets. She noted language in the proposed ordinance requiring flaggers for traffic control related to road construction. She requested language indicating that all construction affecting the road should use flaggers for traffic control. She

noted that building construction often impacts roads and she wants to ensure a safe environment for individuals using the road.

Councilmember Lee questioned the benefits to the City and Washington Square residents that justify the terms of the proposed ordinance. He questioned whether there are changed circumstances and whether residents should be compensated for the changes in the proposed ordinance. He noted that he previously posed these questions for staff and would like related information.

Ms. Riordan said the consideration of a plat vacation is focused on the general public benefit and not just on the benefits to adjacent properties. In the original 2005 vacation, the public benefit was the tradeoff of receiving the connector road. While a private road, the ordinance stated that it would be developed in compliance with City standards and provide a permanent public easement.

Ms. Riordan said the new proposed agreement still contains the requirement for the connector road. However, she acknowledged that the completion of the road is clearly delayed for an indefinite period. She said part of the reason for the delay was the economic downturn and the loss of financing for large construction projects. Ms. Riordan acknowledged that staff is being asked to present this to the Council with a certain level of uncertainty.

Councilmember Wallace said more information is needed, including historic documentation leading to the proposed ordinance. He said both the Council and the public need to understand the proposal and its implications. He observed that the ordinance places the requirement for the two-way connector road on the property owner/developer. However, it is not clear which parcel owners are responsible for completing the road. Mr. Wallace questioned why the agreement does not look more like a typical real estate document. He questioned the ability to enforce any provisions of an ordinance.

Mr. Wallace observed that it is unnecessary to reference road standards and flaggers since those are already required by the City. He does not see a clear obligation or specific date for the completion of the road. He said the condominium owners and the City were promised the road and improvements. However, the proposed ordinance does not specify a specific deadline for completion of the road.

Councilmember Slatter thanked Mr. Wallace for his comments and concurred that historical information would be helpful. She thanked the individuals who testified during the public hearing.

Responding to Ms. Slatter, Ms. Stead said the two-way connector road would be completed when the parcels along NE 8th Street are under construction. The near-term one-way connector road would have a sidewalk on the Trammell Crow side and a 16-foot roadway. In further response, Ms. Stead said there were some private agreements with the Washington Square Homeowners Association when the building was under development.

Ms. Slatter questioned whether there are things the City is doing to support overall transportation mobility that influence the appropriate requirements for the superblock.

Deputy Mayor Chelminiak said the City and Council will continue to take public comment on this matter until final action by the Council. He suggested that staff meet with Washington Square residents to respond to their questions. He noted that completing through-block connections is important within the broader context of the Downtown Plan. He said the Council and residents need a clear understanding of the proposed ordinance and agreement.

Mayor Stokes concurred with the Council's comments and questions, and with Mr. Chelminiak's suggestion that staff meet with the Washington Square residents. He said the City needs to find a way to ensure the road is completed without waiting another 10 years. He invited public comments over the next two weeks before the matter comes back to the Council.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions: None.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:16 p.m., Mayor Stokes declared the meeting adjourned.

Kyle Stannert
City Clerk

/kaw