

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 21, 2004
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Noble, and Councilmembers Balducci, Chelminiak, Davidson, Degginger, and Lee¹

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:02 p.m. by Mayor Marshall, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers except Mr. Lee¹ were present. Councilmember Degginger led the flag salute.

(a) Proclamation – Parks and Recreation Month in July

Deputy Mayor Noble read a proclamation recognizing July as Parks and Recreation Month in Bellevue. Emily Leslie, Human Services Manager, received the proclamation on behalf of the Parks and Community Services Department.

(b) Commendation for Chief Lucarelli's Years of Service

Deputy Mayor Noble read a commendation recognizing Fire Chief Peter Lucarelli's more than 40 years of service to the Cities of Los Angeles and Bellevue and his national leadership in fire service.

Chief Lucarelli thanked Council, the City Manager, and the community for supporting his development and leadership of the Bellevue Fire Department since 1990.

Mayor Marshall invited former Mayors Mike Creighton and Ron Smith to the podium for parting words to Chief Lucarelli.

Mike Creighton thanked Chief Lucarelli for his service to the City and for the exceptional emergency medical services which assisted Mr. Creighton in recent years.

¹ Councilmember Lee arrived at 8:14 p.m.

Ron Smith commended Chief Lucarelli's professionalism, integrity, and service to the community.

Dr. Davidson, who was on the Council when Chief Lucarelli was hired, thanked him for his leadership and role in making Bellevue a better city.

Councilmember Balducci noted her participation on the Disability Board and the Firemen's Pension Board, where she has observed the universal respect for Chief Lucarelli within the Fire Department and the City.

Councilmember Degginger praised Chief Lucarelli's responsiveness to Council and service to the community.

Councilmember Chelminiak expressed appreciation for the Fire Department and wished Chief Lucarelli well in retirement.

Councilmember Lee praised Chief Lucarelli for earning the respect of his department and the community and thanked him for his public service.

Deputy Mayor Noble commended Chief Lucarelli's leadership and integrity on both local and national issues.

Mayor Marshall praised Chief Lucarelli for his leadership, courage, commitment, and ability to change the world.

3. Communications: Written and Oral

- (a) Arlene Darby congratulated Chief Lucarelli on his retirement and thanked him for his outstanding service.
- (b) Heather Trescases and Daniel Gale, Eastside Heritage Center, invited Council and the public to the annual Strawberry Festival on Saturday, June 26, in Old Bellevue.
- (c) Tim Attebery, Master Builders Association of King and Snohomish Counties, encouraged Council to retain the City's 10,000 square foot residential sprinkler mandate.
- (d) Ron Smith, Kemper Development Company, spoke in favor of Resolution No. 7013 [Agenda Item 11(a)].
- (e) Kathy Putt, Comcast, commented on Agenda Item 11(e) regarding cable communications and franchise terms.
- (f) Gail Stickles, a resident of Newport Hills, thanked Chief Lucarelli for significant improvements in South Bellevue after the area was annexed into the city.

4. Reports of Community Councils, Boards and Commissions

Berta Seltzer, Chair of the Human Services Commission, provided an update on the Commission's activities including the development of recommendations regarding the Human Services and Housing elements of the Comprehensive Plan, hosting a public hearing regarding human services needs and the use of Community Development Block Grant funds, and working with staff regarding the King County Task Force on Regional Human Services. The Commission is currently reviewing 84 applications for 2005-2006 funding and will present recommendations to Council in late October. Ms. Seltzer thanked Council for its ongoing support of human services.

5. Report of the City Manager

City Manager Steve Sarkozy asked staff to provide an update on the Factoria Area Transportation Study (FATS). Kevin McDonald, Sr. Transportation Planner, said the FATS update was initiated in January to analyze land use capacity and transportation system needs in the Factoria area. Public involvement in the planning process includes a survey of 2,000 residents and businesses, community meetings, business workshops, and a walking inventory of the area to identify issues and needs. Mr. McDonald referred the public to the following web site for ongoing information: www.fatsupdate.com.

Councilmember Lee expressed support for staff's early involvement of the business community and residents in the planning process.

Moving on, Mr. Sarkozy announced the City has been approved for Limited Term General Obligation Bonds to finance the redevelopment of the New City Building. The City's Aaa bond rating for Unlimited General Obligation Bonds has been reaffirmed. Aaa is Moody's highest bond rating.

Mr. Sarkozy praised Chief Lucarelli's strong leadership, locally and nationally, to enhance the professionalism of fire services.

6. Council Business

Dr. Davidson attended the Association of Washington Cities (AWC) annual conference.

Ms. Balducci attended community meetings associated with West Lake Sammamish Parkway and the Factoria Area Transportation Study, a state-sponsored open house regarding two options (4-lane and 6-lane) for SR 520, and Bellevue's sixth annual 24-Hour Relay Challenge.

Mr. Degginger attended Cascade Water Alliance's Resources Planning Committee meeting.

Mr. Chelminiak attended opening day of the Bellevue Farmer's Market along with Mayor Marshall. Mr. Chelminiak attended the Probation Board meeting.

Mr. Lee attended the 24-Hour Relay Challenge, a Washington State-China Relations Council meeting, and a Lincoln Tower open house.

Deputy Mayor Noble attended meetings of Puget Sound Regional Council's Transportation Policy Board and the Eastside Transportation Partnership (ETP).

Mayor Marshall congratulated high school graduates. Mrs. Marshall attended the joint transportation planning meeting with Redmond City Council and a Bellevue Chamber of Commerce retreat.

7. Approval of the Agenda

➡ Dr. Davidson moved to approve the agenda, and Mr. Noble seconded the motion.

➡ The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

➡ Deputy Mayor Noble moved to approve the Consent Calendar, and Dr. Davidson seconded the motion.

➡ The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:

- (a) Minutes of May 24, 2004 Extended Study Session
Minutes of June 1, 2004 Study Session
Minutes of June 7, 2004 Regular Session
- (b) Motion to approve payment of claims for the period May 29 through June 11, 2004, and payroll for the period May 16 through May 31, 2004.
- (c) Resolution No. 7010 authorizing execution of a two-year agreement with two optional one-year extensions with SBC TeleComm Inc. to provide local and long distance phone service.
- (d) Motion to award Bid No. 0426 to renovate and expand the playgrounds at Wilburton Hill Park, Downtown Park, and Norwood Village Park to LW Sundstrom, Inc., as the lowest responsible bidder in the amount of \$399,410. (CIP Plan Nos. NEP-1 and P-R-11)
- (e) Resolution No. 7011 authorizing an agreement with the Bellevue Breakfast Rotary Club (BBRC) to govern the relationship of the parties with respect to the design, construction, use, and operation of the new Accessible Water Play Area at Crossroads Community Center and authorizing the City Manager to expend funding for the design, construction, testing, permitting, and project management. (CIP Plan No. P-AD-58) *(Discussed with Council on June 14, 2004.)*

- (f) Resolution No. 7012 authorizing the City Manager to execute a Memorandum of Understanding with Pacific Science Center which defines strategies for implementation, design, and funding and addresses the capital construction, maintenance, and operating costs for the Mercer Slough Environmental Educational Center.
- (g) Ordinance No. 5527 authorizing the City Manager to execute a Homeland Security Subgrant Agreement with King County to accept grant funds for purchase of a bomb truck for Bellevue Police Department; establishing a project within the Operating Grants and Donations Fund; appropriating additional revenues to the Operating Grants and Donations Fund; authorizing the expenditures of said grant funds; and authorizing interfund loans.
- (h) Motion to award Bid No. 0427 to construct a missing link of sidewalk along the west side of 116th Avenue NE, from NE 21st Street to 450 feet northerly, to Mer-Con, Inc., as low bidder in the amount of \$55,996. (CIP Plan No. PW-W/B-56)
- (i) Resolution No. 7014 authorizing amending the Agreement with HDR Engineering, Inc. for the NE 10th Street Extension/Overlake Hospital Medical Center (OHMC) Expansion Traffic Operations Analysis to include a greater number of alternatives. (Contract No. 35434) *(Council approved OHMC Master Plan/NE 10th Extension EIS on May 3, 2004.)*
- (j) Motion to award Bid No. 0424 for 143rd Avenue SE and SE 10th Place water extension project to install approximately 590 lineal feet of new watermain to improve service reliability in the *Lake Hills neighborhood* to Earthwork Enterprises as lowest responsible bidder in the amount of \$123,952.20.
- (k) Motion to award Bid No. 0428 for asphalt/concrete restoration (patches) to AA Asphalting, Inc., as lowest responsible bidder in the amount of \$180,838.25.
- (l) Maintenance Service Contracts
 - (1) Resolution No. 7015 authorizing execution of the first of three potential renewals of a maintenance services contract with Davey Tree for special tree maintenance and removal services for a total potential contract amount of \$105,000.
 - (2) Resolution No. 7016 authorizing execution of the first of three potential renewals of a maintenance services contract with Asplundh Tree Experts for heavy duty tree maintenance and removal for a total potential contract amount of \$105,000.
 - (3) Resolution No. 7017 authorizing execution of a maintenance services contract and three potential renewals with Graffiti Busters for graffiti

removal and abatement services for a total potential contract amount of \$140,000.

- (4) Resolution No. 7018 authorizing execution of a maintenance services contract and three potential renewals with Stripe Rite, Inc., for street thermoplastic maintenance for a total potential contract amount of \$140,000.
- (5) Resolution No. 7019 authorizing execution of a maintenance services contract with Stripe Rite, Inc., for annual pavement marking maintenance services in an amount not to exceed \$61,137.82.
- (6) Resolution No. 7020 authorizing execution of a maintenances services contract and one potential two-year renewal with Accurate Auto Body for auto body repair and paint services for light and medium duty equipment, for a total potential contract amount of \$500,000.
- (7) Resolution No. 7021 authorizing execution of a maintenance services contract and one potential two-year renewal with Geo. Heiser Body Company for auto body repair and paint services for heavy duty equipment, for a total potential contract amount of \$100,000.
- (8) Resolution No. 7022 authorizing execution of a four-year maintenance agreement with Bravo Environmental Services, LLC, for wastewater mainline root sawing services in an amount not to exceed \$434,160.70.
- (m) Resolution No. 7023 authorizing staff to enter into a purchase agreement with Northern Video Systems for water system security enhancements. (CIP Plan No. W-95)
- (n) Resolution No. 7024 authorizing the City Manager to execute a signed Settlement Agreement authorizing payment of \$70,000 in settlement of a claim filed by Robert and Nancy Getz (Claim No. 03-048-01).

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 7013 authorizing execution of an Agreement Regarding Environmental Conditions and all other necessary documents with LS Holdings, LLC, reflecting the parties' plans to deal with potential contamination under the City rights-of-way adjacent to the Lincoln Square site.

City Attorney Richard Andrews explained that Resolution No. 7013 outlines procedures and responsibilities related to any potential soil contamination from a gas station previously located at 604 Bellevue Way NE.

- Deputy Mayor Noble moved to approve Resolution No. 7013, and Mr. Lee seconded the motion.
- The motion to approve Resolution No. 7013 carried by a vote of 7-0.
 - (b) Ordinance No. 5528 repealing chapters of Bellevue City Code; adopting a new Chapter 23.05 relating to Construction Code administration; adopting new Chapters 23.10, 23.50, 23.60 and amending Sections 23.16.010 and 23.16.035. *(Discussed with Council during the June 14, 2004, Extended Study Session.)*

Mike Brennan, Deputy Director of Development Services, explained that Ordinance No. 5528 is the first of three ordinances dealing with construction and fire codes. Ordinance No. 5528 amends the building code.

- Deputy Mayor Noble moved to adopt Ordinance No. 5528, and Mayor Marshall seconded the motion.
- The motion to adopt Ordinance No. 5528 carried by a vote of 7-0.
 - (c) Ordinance No. 5529 repealing sections of the Bellevue City Code; adopting a new Chapter 23.11.46 relating to the fire code; adopting and amending the international fire code; and establishing an effective date.

Mayor Marshall recalled Council's discussion of this item during the June 14 Extended Study Session. Deputy Mayor Noble noted revised materials in Council's desk packet regarding the sprinkler threshold options of 10,000 square feet or 5,000 square feet presented for Council's consideration.

Responding to Deputy Mayor Noble, Fire Marshall Steve Nuttall confirmed that the state has adopted the International Residential Code, which does not have sprinkler requirements for single-family dwellings. The International Building and Fire Codes include sprinkler requirements but the International Residential Code takes precedence over these codes for single-family dwellings. Mr. Nuttall clarified that the International Fire Code includes sprinkler requirements for certain commercial occupancies less than 5,000 square feet based upon the hazard and occupancy type.

In further response to Mr. Noble, Chief Lucarelli said the 10,000-square-foot threshold was adopted in 1992 and based on the Uniform Fire Code.

Mr. Lee acknowledged the benefits of sprinklers but is concerned about the associated cost. He suggested a continued emphasis on outreach and education and a cost-benefit analysis of the proposed 5,000-square-foot sprinkler requirement.

Mr. Noble concurred with Mr. Lee and suggested the option of providing a financial incentive, such as a property tax rebate, for citizens who install sprinklers in residences. Chief Lucarelli feels it would be worthwhile to analyze this option.

Mr. Chelminiak agrees that sprinklers in large residences represent a sound investment. However, he feels the decision should be left up to homeowners. In response to Mr. Chelminiak, Chief Lucarelli explained that the statistics for sprinklered buildings and residences represent sprinklers required as part of a building permit rather than voluntary installations. Sprinklers can be required as a permit condition based on specific hazards, access to the building, water supply, and related issues. Waterfront properties can be particularly difficult to access.

Mayor Marshall spoke in favor of retaining the 10,000-square-foot threshold for requiring sprinklers. Regarding Mr. Noble's suggestion for a tax rebate, Mrs. Marshall opined that the self-direction of tax dollars is potentially problematic and conflicts with the principle of paying taxes for community benefit. She does not want to over-regulate citizens.

- Deputy Mayor Noble moved to adopt Alternative A of Ordinance No. 5529, which retains the current 10,000-square-foot requirement for automatic fire extinguishing systems. Mr. Chelminiak seconded the motion.
- The motion to adopt Ordinance No. 5529, Alternative A, carried by a vote of 7-0.

Mr. Noble requested analysis and consideration of his tax rebate idea, noting that in the long run the community could save money if more houses were sprinklered. Mr. Lee concurred.

Councilmember Balducci agreed with Mr. Noble and Mr. Lee and encouraged enhanced education efforts to increase the voluntary installation of sprinklers.

Mayor Marshall noted consensus to direct staff to further study the issue. Mr. Sarkozy acknowledged this direction and described data compiled by the Fire Department indicating that a stricter sprinkler requirement is perhaps the most significant way in the past 100 years to improve fire service and safety.

Mr. Chelminiak questioned Council's interest in further consideration of requirements related to barbecue grills and Christmas trees. As stated previously, he prefers an educational approach rather than banning these items. Dr. Davidson agreed but expressed concern about the ability to enforce such provisions. Mr. Degginger concurred with Dr. Davidson's concern.

Mayor Marshall noted Council's interest in developing an official position on barbecues and Christmas trees.

- (d) Ordinance No. 5530 repealing Chapter 23.30 of the Bellevue City Code; adopting a new Chapter 23.30 codifying and amending the state electrical code; adopting certain figures and drawings; and establishing an effective date. *(Discussed with Council during the June 14, 2004, Extended Study Session.)*

- Deputy Mayor Noble moved to adopt Ordinance No. 5530, and Dr. Davidson seconded the motion.
- The motion to adopt Ordinance No. 5530 carried by a vote of 7-0.
 - (e) Cable Communications and Franchise Terms (*Discussed with Council during the June 1 Special Meeting and the June 14 Extended Study Session.*)

David Kerr, Franchise Manager, referred to his memo in Council's desk packet and reviewed alternatives to the cable television service outage credit requirement in the proposed Chapter 5.30.460(C)(6) of the Bellevue City Code. Staff's proposed contract language requires Comcast to issue automatic credits for known service outages of one hour or longer. Alternative 1 requires a credit if a customer reports a service interruption as well as notice on customer bills regarding the availability of credits. Alternative 2 requires notice to customers regarding the availability of credits. Alternative 3 eliminates requirements regarding credits for service outages and allows the cable companies to continue with their current practices.

Mayor Marshall supports Alternative 1. Mr. Lee and Mr. Noble concurred.

- (1) Ordinance No. 5531 repealing Bellevue City Code Chapter 5.30 and adopting a new Chapter 5.30 governing cable communications and cable franchises.
 - (2) Ordinance No. 5532 repealing Ordinance Nos. 1859 and 2023 and Chapter 14.20 of the Bellevue City Code relating to Franchise Terms and Conditions and adopting a new BCC Chapter 14.20.
- Deputy Mayor Noble moved to adopt Ordinance No. 5531, amended by Alternative 1 in Mr. Kerr's memo, and Ordinance No. 5532. Mr. Chelminiak seconded the motion.
 - The motion to adopt Ordinance No. 5531, as amended by Alternative 1, and Ordinance No. 5532 carried by a vote of 7-0.
 - (f) Contracts relating to Construction at the New City Building

Planning and Community Development Director Matt Terry requested Council approval of eight contracts related to redevelopment construction at the New City Building. All of the contracts are assumed in the project scope and budget previously approved by Council and address design (art, public safety, acoustics), technology (911 Communications Center, computers, phone network, core building systems), and technical assistance in evaluating ongoing contract issues and change order requests.

Responding to Mr. Degginger, Facilities Planning/Development Manager Frank Pinney said approximately \$250,000 remains in the SRG Partnership contract for specialized technical consultants. Mr. Terry clarified this was not a contingency fund but rather a reserve for contract work that could not be defined until the project scope was established. Now that the project

scope has been set, staff can move forward with the project. Staff believes the funds will cover remaining known work on this project. Mr. Degginger said he will not approve additional funds for this contract. He reiterated a previous request for detailed information on contract-related insurance requirements.

- (1) Resolution No. 7025 authorizing execution of a contract amendment with The Seneca Real Estate Group for construction management services in the amount of \$49,800 for a new total contract amount of \$271,150.
- (2) Resolution No. 7026 authorizing execution of a contract amendment with the Cultural Development Authority of King County for project management of public art installations from \$19,474 to a new total amount of \$75,794.
- (3) Resolution No. 7027 authorizing execution of a contract amendment with McClaren Wilson & Lawrie, Inc., for design services for the public safety functions in the New City Building from \$75,000 to a new total amount of \$120,000.
- (4) Resolution No. 7028 authorizing execution of a contract amendment with SRG Partnership for graphic design services from \$6,704,587 to a new total amount of \$6,779,662.
- (5) Resolution No. 7029 authorizing execution of a contract amendment with TechPMgroup, LLC, for service delivery infrastructure project management services from \$48,800 to a new total amount of \$177,915.
- (6) Resolution No. 7030 authorizing execution of a contract amendment with RLF Enterprises, Ltd. for technology systems project management services from \$188,000 to a new total amount of \$935,186.
- (7) Resolution No. 7031 authorizing execution of a contract with GeoEngineers, Inc. for geotechnical services in the amount of \$94,000.
- (8) Resolution No. 7032 authorizing execution of a contract with BRC Acoustics, Inc., for audio-visual services in the amount of \$80,600.

- Deputy Mayor Noble moved to approve Resolution Nos. 7025, 7026, 7027, 7028, 7029, 7030, 7031, 7032, and Dr. Davidson seconded the motion.
- The motion to approve Resolution Nos. 7025, 7026, 7027, 7028, 7029, 7030, 7031, 7032 carried by a vote of 7-0.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:47 p.m., Mayor Marshall declared the meeting adjourned.

Myrna L. Basich
City Clerk

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