

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

September 19, 2005
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Deputy Mayor Noble and Councilmembers Chelminiak, Davidson, and Lee

ABSENT: Mayor Marshall and Councilmembers Balducci and Degginger

1. Call to Order

The meeting was called to order at 8:05 p.m. by Deputy Mayor Noble, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers except Mayor Marshall, Ms. Balducci, and Mr. Degginger were present. Councilmember Lee led the flag salute.

3. Communications: Written and Oral

- (a) Cindy Ludwig, Co-President of the Bridle Trails Community Club, thanked Council and City staff for neighborhood projects including the NE 29th Place Connection and the upcoming NE 24th Street walkway. She thanked Steve Costa and Goran Sparrman (Transportation Department) for identifying a hybrid solution for the 140th Avenue pathway which will allow both equestrian usage and a hard-surface path. Bridle Trails residents would like to be involved with staff in the future to better define the Bridle Trails Equestrian Overlay and associated public easements. Residents are also interested in moving forward with a tree management plan for the area.
- (b) Nancy Gilcrest, a neighbor of Temple B'nai Torah, expressed support for the City's recently adopted ordinance regarding temporary encampments. She appreciates Council's diligence in balancing the needs of all interested parties.
- (c) Karen Morris, a neighbor of Temple B'nai Torah, expressed support for the City's temporary encampments ordinance. However, she expressed concern about Temple B'nai Torah's request for a hardship exception to extend the stay to 90 days. She feels rotating stays within an area could unduly burden a neighborhood.

- (d) Gary Manzari, a neighbor of Temple B'nai Torah, expressed support for the City's temporary encampments ordinance. However, he is concerned about identification procedures and ensuring a safe environment for both Tent City residents and the community.
- (e) Marcia McGhee urged Council to direct the Police Department to reopen her 2001 case and to take a suspect statement from her alleged attacker. She was attacked when both were employees of Rite Aid and she won a civil judgment against the man. She feels the Police Department did not handle the case properly.

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

5. Report of the City Manager

- (a) Management Brief – Upcoming operational action items for New City Hall

City Manager Steve Sarkozy asked staff to provide an update on the New City Hall. A more detailed report on construction activity and progress will be presented next week.

Nora Johnson noted recent Council action on operational items including the central receiving/copiers contract and the security system contract. A set of contracts related to New City Hall building maintenance and operations is scheduled for Council discussion on September 26. The following four contracts will be presented for Council action on October 3: 1) custodial, 2) heating, ventilation and air conditioning maintenance, 3) elevator maintenance, and 4) building security.

An Interlocal Agreement with the Business Enterprise Program, Washington State Department of Services for the Blind, will be presented for Council action in late September or in October. The agreement will cover deli, espresso cart, and vending machine services.

Two contracts being handled separately from the overall New City Hall project budget are tenant improvements for the deli and relocation and tenant improvements for the Crime Lab. Relocation of the Crime Lab is funded through a federal grant.

The annual FlexPass agreement with King County and an agreement with Washington State for the disposition of surplus items have not yet been finalized. The new FlexPass agreement will reflect increased transit use expected after employees move to the new building. The Finance Department is working on an agreement with the State for the disposition of surplus items instead of using a private auction company.

6. Council Business

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

7. Approval of the Agenda

☛ Councilmember Chelminiak moved to approve the agenda, and Mr. Lee seconded the motion.

☛ The motion to approve the agenda carried by a vote of 4-0.

8. Consent Calendar

☛ Councilmember Davidson moved to approve the Consent Calendar, and Mr. Chelminiak seconded the motion.

☛ The motion to approve the Consent Calendar carried by a vote of 4-0, and the following items were approved:

- (a) Minutes of March 31-April 1, 2005 Council Retreat
Minutes of September 6, 2005 Special Meeting
Minutes of September 6, 2005 Study Session
Minutes of September 6, 2005 Regular Session
- (b) Motion to approve payment of claims for the period September 3 through September 16, 2005, and payroll for the period August 16 through August 31, 2005.
- (c) Resolution No. 7251 authorizing execution of the second amendment to the agreement for Professional Services with Stafford Frey Cooper in a total contract amount not to exceed \$250,000 to provide legal representation in the lawsuit of *Martinez-Mendez v. City of Bellevue, et al*, USDC No. CV4-1742Z.
- (d) Ordinance No. 5622 defining criminal conduct and other offenses, the liability therefore, and the defense thereto, enumerating specific crimes and punishment therefore; repealing Title 10 and 10A of the Bellevue City Code and enacting a new Title 10 entitled "Criminal Code"; and providing for savings, severability, and an effective date. (*Discussed with Council on September 12, 2005.*)
- (e) Resolution No. 7252 authorizing execution of Intergovernmental Agreements with the Washington State Military Department, Emergency Management Division, to provide personnel or other resources for the Emergency Management Assistant Compact pursuant to RCW 38.10.010 and RCW 38.52. (*Discussed with Council during Study Session.*)
- (f) Resolution No. 7253 authorizing entering into an annual support agreement with Microsoft Inc. in an amount not to exceed \$91,500 in the first year, with an option to renew for the second and third year in the amounts of \$105,040 and \$124,140 respectively to provide technical support and consultation for all Microsoft software products.

- (g) Resolution No. 7254 authorizing execution of an agreement with David C. Smith and Associates in an amount not to exceed \$78,217.81 to obtain high resolution color digital orthophoto images, digital terrain elevation data, and contour information.
- (h) Motion to reject Bid No. 0551 to construct a Skate Court at Crossroads Community Park and to authorize staff to negotiate a contract with a qualified contractor to complete construction of the Skate Court.
- (i) Motion to award Bid No. 0555 for 98th Avenue Improvements including street overlays, neighborhood traffic calming improvements, wheelchair ramps, and pedestrian access improvements to Watson Asphalt Paving Company, as low bidder, in the amount of \$537,279.55. (CIP Plan Nos. PW-M-1, PW-M-7, PW-W/B-49, PW-W/B-56)
- (j) Motion to approve Change Order No. 1 for the construction contract with Precision Earthworks (Bid No. 0516) by \$103,000 for a total contract amount of \$778,222 for the 156th Avenue SE Boardwalk project. (NIS – 1 NIS03T001)
- (k) Resolution No. 7255 authorizing execution of an agreement to relinquish certain water pipeline easements located near 120th Avenue NE that are no longer required by the water utility.

9. Public Hearings: None.

10. Land Use

- (a) Application of Sterling Realty for rezone to amend Campus Office Park concomitant agreement. (*Council discussed this quasi-judicial item during the August 1, 2005 Study Session.*)

Ordinance No. 5623 approving the rezone application of Sterling Realty (Campus Office Park) to remove development restrictions as mandated by the 1977 Concomitant Agreement No. 4416, adopted by Ordinance No. 2476 and amended by Ordinance No. 3906.

Carol Helland, Land Use Director, briefly reviewed the rezone application of Sterling Realty to remove development restrictions mandated by a 1977 Concomitant Agreement for Campus Office Park. A condition regarding the setback from the north property line will be removed to allow development similar to what is allowed in other office districts. This results in a setback of 20 feet instead of 50 feet. The second condition removes a restriction on FAR (floor area ratio) which was previously limited to .35 and will change to the standard office limitation of .5. In 1977, property to the north was zoned as single family. However, now all surrounding property is zoned as an office district without any limiting concomitant agreements.

Deputy Mayor Noble explained that the proposal was heard by the City's Hearing Examiner, who recommends approval of the application. He noted previous Council discussion of the item on August 1. Responding to Mr. Noble, Ms. Helland confirmed there have been no appeals of the Hearing Examiner's decision and no statements of opposition.

➡ Dr. Davidson moved to adopt Ordinance No. 5623, and Mr. Lee seconded the motion.

➡ The motion to adopt Ordinance No. 5623 carried by a vote of 4-0.

- (b) Application by BJ Properties for Kirkwood Gardens Planned Unit Development (*Council discussed this quasi-judicial item during the September 6, 2005 Study Session.*)

Ordinance No. 5624 granting a Planned Unit Development and Preliminary Short Plat with conditions on the application of BJ Properties to create four lots on 2.29 acres to be used for single-family detached residences, known as Kirkwood Gardens, at the corner of 148th Avenue NE and NE 6th Street. Application File No. 04-135472-LK.

Ms. Helland noted Council was briefed on this item on September 6. The application went through the rezone process because it is located within the jurisdiction of the East Bellevue Community Council. If Council adopts the ordinance, it will be forwarded to the Community Council for approval or disapproval.

The application proposes a four-lot planned unit development (PUD) and preliminary short plat in the vicinity of 148th Avenue NE and NE 6th Street. The site is environmentally constrained (stream, wetlands, steep slope) and more than 50 percent of the site (1.26 acres) will be retained as a Native Growth Protection Area (NGPA).

Deputy Mayor Noble noted that the Hearing Examiner recommends approval of the application and there have been no appeals.

➡ Dr. Davidson moved to adopt Ordinance No. 5624, and Mr. Lee seconded the motion.

➡ The motion to adopt Ordinance No. 5624 carried by a vote of 4-0.

11. Other Ordinances, Resolutions and Motions

- (a) Ordinance No. 5625 amending Ordinance No. 5609, which authorized vacation of the Fox Addition Plat including the NE 9th Street cul-de-sac between 106th Avenue NE and 108th Avenue NE.

Ms. Helland recalled that this vacation request was originally a plat vacation that was before the Council in April for a public hearing. The plat is located on the northeast corner of the Wasatch superblock (bound by NE 10th Street, NE 8th Street, 106th Avenue NE, and 108th Avenue NE). The Wasatch Company acquired title to the entire block and is in the process of designing two

residential towers for the site. The plat subsequently became an impediment to their redevelopment.

Following the April public hearing, the plat was vacated in June subject to the fulfillment of several conditions. Since that time, Wasatch informed the City that some of the conditions were impeding the company's ability to obtain project financing. As a result, Wasatch asked the City to amend the conditions to allow the title transfer to be accelerated.

Ms. Helland said Ordinance No. 5625 allows the accelerated transfer of the title while insuring that the City will be able to enforce completion of the conditions.

☞ Mr. Lee moved to adopt Ordinance No. 5625, and Mr. Chelminiak seconded the motion.

Responding to Councilmember Chelminiak, Ms. Helland said Ordinance No. 5625 requires a covenant for roadway access easement, which is an agreement between the City and the property owner (and its successors and assigns) that the road will be constructed in the location specified. The ordinance will provide the option for the developer to allow the City to retain title to NE 9th Street, if permitted by its financing entity. If the developer opts to accelerate title transfer, the developer must provide a security device (bond) that would allow the City to build the road or grant an easement that gives the City a property interest in the road.

Responding to Deputy Mayor Noble, Mr. Sarkozy said the ordinance accommodates Wasatch Development's needs while providing security for the City and accomplishing the intended goals of the plat vacation.

☞ The motion to adopt Ordinance No. 5625 carried by a vote of 4-0.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 8:37 p.m., Deputy Mayor Noble declared the meeting adjourned.

Myrna L. Basich
City Clerk

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