

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

October 30, 2006
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: None.

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 by the City Clerk, all Councilmembers were present. Councilmember Balducci led the flag salute.

(a) International Association of Chiefs of Police *National Auto Theft* Award

Police Chief Jim Montgomery announced that Bellevue received the *National Auto Theft* award from the International Association of Chiefs of Police. Several years ago the Police Department noticed a sharp increase in auto thefts and subsequently formed a special unit to address the problem. The unit utilizes technology and strategies such as using a bait car to catch car thieves. The Police Department provides community education regarding car thefts and has distributed theft prevention devices in partnership with local businesses.

Chief Montgomery explained how Bellevue Police have collaborated with the King County Prosecutor's Office to expedite some prosecutions and improve coordination with law enforcement throughout the metropolitan area. This has resulted in a significant decrease in reported car crimes. There has been a 35 percent decrease in car thefts during the first six months of 2006 compared to the previous year.

Chief Montgomery commended Captain Dennis Bronson, who introduced the following investigators from the Special Enforcement Team – Lt. Mike Shovlin, Officer Jeff Christiansen, and Officer Danny Young.

Chief Montgomery said the award includes a \$1,000 check, which will be applied toward the program. He noted the recent FBI report indicating Bellevue is the safest city in the Northwest and the 57th safest in the country.

3. Communications: Written and Oral

- (a) Jill McLeod, Bellevue School District's Director of Early Childhood Education and a United Way volunteer, asked Council to support second tier human services funding. She proposed adding preschool positions and thanked Council for its consideration.
- (b) Jackie Sweat, representing NAMI (National Alliance of Mental Illness) Eastside, said approximately one-third of the people they serve are Bellevue residents. She described programs to educate and assist the community. Ms. Sweat said NAMI Eastside is asking Bellevue to consider its second request for 2007-2008 human services funding.

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

5. Report of the City Manager

- (a) Bellevue's Americans with Disabilities Act (ADA) Culture of Compliance Program and ADA Transition Plan

Human Resources Director Yvonne Tate noted the management brief beginning on page 5-1 of the meeting packet to inform the Mayor and Council of the City's compliance status with the Americans with Disabilities Act of 1990. The City invests in infrastructure and services that allow people of all ages and abilities to live with as much independence and choice as possible. The ADA extends coverage of the Architectural Barriers Act (ABA) of 1968 and the Rehabilitation Act of 1973 Section 504 to include all public facilities regardless of federal funding. Section 504 and the ADA require state and local governments to conduct a self-evaluation of their facilities and to identify barriers to access. Once barriers are identified, public entities are required to develop a Transition Plan to address the removal of barriers.

On May 31, 2006, a four-person team from the federal government and the state visited Bellevue to conduct a process review on the City's compliance with the ADA. As ADA Coordinator, Ms. Tate has identified a number of initiatives including the establishment of an internal ADA advisory team with representatives from each department, training programs and resource materials, and an ADA grievance procedure. Staff is working to ensure that the City's web site meets accessibility standards. An ADA web page provides contact information and the ADA grievance form.

Ms. Tate explained that staff is in the process of revising the City's Transition Plan created approximately 10 year ago. The update will incorporate transition plans from individual departments. For example, the Transportation Department will evaluate whether ADA mobility interests are adequately incorporated into the City's Pedestrian and Bicycle Plan Update and ADA compliance of streets and the City's street overlay program. Ms. Tate said additional

information will be provided to Council later this fall to gradually modify the City's Capital Investment Program (CIP) project description for Street Overlays.

Mayor Degginger thanked Ms. Tate for the report.

- (b) Update on Schnitzer Construction Adjacent to Meydenbauer Convention Center [Desk packet item]

Mr. Sarkozy opened discussion regarding the Schnitzer Northwest development immediately north of City Hall.

Deputy City Attorney Kate Berens explained that construction of the Bravern development by Schnitzer Northwest has recently been accelerated. Schnitzer would like to purchase a small remnant parcel (283 square feet) between the west wall of Meydenbauer Convention Center and the Center's west property line, which has essentially no value to the Center. An additional issue associated with the development is preparing a single site agreement addressing the impacts and building code issues of having two projects built up against property lines. Amendments to an existing reciprocal easement agreement between Schnitzer, the Center, and the City will address maintaining the existing west façade of the Center adjacent to the Schnitzer development.

Ms. Berens explained that several improvements support the Center's foundation footings and storm water and other utilities that encroach onto the Schnitzer property. Resolution of these issues will involve Schnitzer granting a permanent easement for the facilities so they can be maintained by the Center. Utilities will likely need to be relocated as part of the Bravern project but will remain on the Schnitzer property. Additional clarifications and amendments are required to accommodate temporary construction impacts on the Center's operations related to emergency exiting and van-accessible ADA parking. A construction easement will allow Schnitzer to access and initiate activities on the small parcel it is seeking to purchase during the period between approval of the purchase and sale agreement and the closing of the transaction.

Staff is working to finalize documents for Council review on November 6. The Convention Center's Board has been briefed on the matter and is scheduled to take formal action prior to Council action.

Mayor Degginger thanked staff for the update.

6. Council Business

Councilmember Balducci attended Bellevue Youth Link Board's annual retreat. Along with Deputy Mayor Chelminiak and Councilmembers Lee and Noble, Ms. Balducci attended the Spirtridge Homeowners Association meeting where topics included emergency preparedness, neighborhood covenants, and transportation.

Councilmember Noble attended a meeting of the Puget Sound Regional Council (PSRC) Executive Board.

Deputy Mayor Chelminiak added that the Spiritridge community is interested in preserving and further developing park properties.

Dr. Davidson attended an open house held by the Puget Sound Partnership, an initiative by the Governor to clean up the Puget Sound ecosystem, and meetings of the Puget Sound Salmon Recovery Council and the Cascade Water Alliance Board.

Councilmember Lee attended a meeting of the Regional Transit Committee. He noted an increase in the King County Executive's budget for additional bus service.

Mayor Degginger attended meetings of the Regional EMS Committee, Cascade Water Alliance Board, and RTID representatives and elected officials.

7. Approval of the Agenda

- Deputy Mayor Chelminiak moved to approve the agenda, and Dr. Davidson seconded the motion.
- The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

- Deputy Mayor Chelminiak 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 September 18, 2006 Study Session
Minutes of September 18, 2006 Regular Session
 - (b) Motion to approve payment of claims for the period October 14 through October 27, 2006, and payroll for the period October 1 through October 15, 2006.
 - (c) Resolution No. 7452 authorizing execution of a five-year lease agreement, with an automatic five-year extension, with New Cingular Wireless PCS, LLC at the Bellevue Golf Course located at 5500 140th Avenue NE.
 - (d) Ordinance No. 5698 authorizing execution of an agreement, and necessary supplements, with the Washington State Military Department to accept grant funds of \$111,954 to further the NORCOM regional dispatch consolidation effort; establishing a project in the Operating Grants and Donations Fund; and appropriating unanticipated and future revenues to that fund.
 - (e) Motion to award Bid No. 0652, Stevenson and Sunset Elementary School Zone Upgrades, to Dennis R. Craig Construction, Inc., as lowest responsible and

responsive bidder in the amount of \$207,695.40 to improve safety in existing school zones. (CIP Plan No. PW-R-46)

- (f) Motion to award Bid No. 0658 for the construction of the 148th Avenue SE/Lake Hills Boulevard project to Westwater Construction Company as lowest responsible and responsive bidder in the amount of \$1,021,163 (CIP Plan No. PW-I-90) (*Discussed during October 16, 2006, Transportation CIP Quarterly Update.*)
- (g) Resolution No. 7453 authorizing execution of an Interlocal Agreement and all other documents necessary between the City of Bellevue, the City of Redmond, and King County for abolishment of the West Lake Sammamish Flood Control Zone District and transfer of the District assets to the cities.
- (h) Resolution No. 7454 authorizing execution of Interlocal Agreement for coordinated salmon recovery plan implementation for the Lake Washington/Cedar/Sammamish Watershed.
- (i) Resolution No. 7455 authorizing final settlement of a claim filed against the City for property damage to the Witonsky residence caused by a wastewater system failure.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions: None.

12. Unfinished Business

- (a) Study Session Agenda Item 2(a) – 2007 Development Services Budget

Mike Brennan, Deputy Director for Development Services, presented a proposal to update Development Services fees to align them with costs. He reviewed established financial management principles with the objectives to remain regionally competitive, continue to have applicants pay directly for services, manage Development Services across departments, maintain support through economic cycles, be predictable and understandable for customers and efficient to manage. Hourly rates are based on the cost recovery objectives established by the Council in 2003. Staff recently reviewed and updated Land Use, Fire, Transportation, and Utilities hourly rates. Rate adjustments for 2005 (2.5 percent) and 2006 (2.3 percent) reflect increases in the CPI only.

Mr. Brennan explained that personnel costs increased by 16.2 percent during 2005-2006. These costs include general salary adjustments and merit increases, medical benefits, and state retirement. Mr. Brennan noted that management practices provide better information for evaluating the costs of services provided than in the past.

Mr. Brennan reviewed a table of proposed hourly rates for 2007:

- Land Use Review – Increase from \$117 to \$128 (9.4 percent).
- Fire Review and Inspection – Increase from \$93 to \$114 (22.6 percent).
- Transportation Review and Inspection – Increase from \$119 to \$131 (10.1 percent).
- Utilities Review and Inspection – Increase from \$99 to \$108 (9.1 percent).

Fire Review and Inspection hourly rates recognize full overhead and overtime costs.

The second major component of the fee update is related to building permit fees. A Building Valuation Data (BVD) table is used to estimate values, which are adjusted for regions of the country. The practice of basing permit fee rates on the value of a project is an industry wide approach that has been used for years. Current building permit fees are based on the 2003 BVD table. Mr. Brennan reviewed fees proposed for specific types of permits and compared average hourly rates with cities in the regions. He compared permitting fees and permitting fees costs within the region.

Respondents to a customer survey indicated that Bellevue does a good job inspecting projects and reviewing applications. More than 8 of 10 say Bellevue does a better job in efficiency and customer service than other cities. Permits are typically issued within seven days for single-family remodels and 12 days for tenant improvements. For major projects, the City is meeting negotiated commitments to maintain predictability.

Mr. Brennan explained that financial reserves help the City meet long-term obligations associated with existing permits and respond quickly when demand increases or decreases. Reserves are comprised of prepaid liability (45.7 percent), technology and capital (5.4 percent), and operating (48.9 percent) reserves. Mr. Brennan reviewed reserve levels since 1995, which decreased beginning in 2003 and began increasing again by 2005.

Next steps are to: 1) Provide the updated Consolidated Fee Ordinance to Council on December 4, 2) Implement new fees on January 1, 2007, 3) Provide a Development Services update in early 2007, and 4) Continue ongoing annual fees studies and updates to maintain alignment with costs.

Responding to Dr. Davidson, Mr. Brennan said the Development Services Initiative implemented several efficiencies. However, the division continually works to improve processes. Dr. Davidson noted complaints he has heard about inspectors not reporting to sites in a timely manner to maintain construction schedules. Mr. Brennan said the recent conversion of limited-term employees in inspection positions will help recruit and retain staff and improve inspection services.

Councilmember Marshall expressed general support for the proposal but she is concerned about permitting fees for single-family homes. She does not want permit fees to negatively affect the affordability of housing. Mr. Brennan said staff can prepare an analysis to address this issue.

Responding to Mr. Noble, PCD Assistant Director Joe Guinasso said personnel costs have grown due to salary increases and the addition of a senior-level position that increased the average cost per employee. In further response, Mr. Brennan said several cities, including Seattle, Tacoma, Redmond, and Woodinville, have moved from the formerly used BVD table to the table published by the International Code Council (ICC). The ICC table has been used across the country for decades.

(b) Study Session Agenda Item 2(b) – Code Amendment to Address Abandoned Shopping Carts

Carol Helland, Land Use Director, recalled Council's interest in addressing the problem of abandoned shopping carts, primarily near multifamily housing in the Crossroads and Overlake areas. Staff feels heightened communication between Code Compliance officers and retailers has helped reduce the problem. The City has not received any complaints since July.

Staff recommends primarily a non-regulatory approach including education of retailers and encouraging them to employ voluntary measures for containment. QFC said they have an employee working two hours every morning to retrieve carts in the Crossroads area. Educational outreach will focus on multifamily residents as well to provide information about the consequences of removing carts and alternatives for transporting purchases. Ms. Helland said the first regulatory strategy proposed is to require retailers to label their carts with a phone number to request retrieval and a citation indicating that removal of carts is a misdemeanor under state law. If approved, staff recommends requiring the written information in English, Spanish, and Russian.

Councilmember Balducci thanked staff for studying the issue. She is aware that City staff has been working with retailers with some success, but she agrees additional attention to the problem is needed. She questioned whether all retailers in the City would have to be required to label their carts or if the requirement could be the consequence of a certain number of complaints against a retailer.

Ms. Helland recommended a period of time to monitor the number of carts leaving retailers' properties before imposing the labeling requirement. Crossroads retailers feel any regulatory approach should be applied uniformly throughout the community or, as suggested by Ms. Balducci, based on a complaint threshold.

Councilmember Noble is reluctant to adopt a citywide requirement for labeling shopping carts due to the cost to retailers.

Mayor Degginger concurred. He favors a continued education effort before implementing a punitive approach.

Councilmember Marshall suggested an alternate approach of using physical barriers to prevent the removal of carts from stores.

Ms. Balducci opined that retailers likely expect to lose a certain number of carts and have little incentive for retrieving all carts. She expressed support for staff's recommendation [Page SS 2-47 of meeting packet], amended to not impose cart labeling at this time but to track carts and impose a labeling requirement as a punitive measure based on repeated complaints and the failure of voluntary compliance.

Responding to Mr. Noble, Ms. Balducci clarified that her proposal favors a localized approach to address problem areas rather than a citywide regulatory approach. She acknowledged the need to collect data before requiring cart labeling.

Ms. Helland noted Council consensus to conduct retail and residential education and to monitor the extent of the problem. She suggested approximately one year to allow retailers to voluntarily implement containment strategies to eliminate the problem before considering a regulatory strategy.

Mayor Degginger suggested an update from staff following the first quarter of 2007.

Deputy Mayor Chelminiak acknowledged the positive aspect of people walking to and from retail businesses. He wondered whether the problem could be addressed by providing a location at multifamily housing for storing carts and allowing reuse to and from stores.

Mr. Lee expressed support for a non-regulatory approach and monitoring of the problem for a year to determine the effect of education.

Mayor Degginger noted Council consensus regarding an educational approach and monitoring of the problem, although there are differences of opinion as to how long monitoring should occur. He reiterated his interest in an update following the first quarter of 2007, and Council concurred with this direction.

(c) Study Session Agenda Item 2(c) – Concurrency Report

Kris Liljeblad, Assistant Director of Transportation, provided the 2006 annual update on transportation concurrency. Concurrency is a tool to balance land use and transportation capacity and is required by the state Growth Management Act. The Traffic Standards Code outlines the methodology for approaching concurrency. Bellevue has 104 system intersections grouped into 14 mobility management areas (MMAs). Concurrency is measured over a two-hour evening peak period window using volume/capacity ratios. The MMAs were created in 1993 and have remained unchanged.

Mr. Liljeblad explained that concurrency looks at existing conditions and permitted development and how the transportation system will accommodate development. He described a graph showing east-west travel trends on Bellevue arterials, which have remained fairly steady since 1999. Volumes on NE 4th and NE 8th Streets are increasing, however, in 2006. Traffic on north-south Bellevue arterials have also remained relatively steady since 1999, with the exceptions of Factoria Boulevard and portions of 148th Avenue.

Mr. Liljeblad reviewed a table showing conditions for 2005 compared to 2004. The number of intersections exceeding their MMA standard increased from four in 2004 to five in 2005. Standards vary for each MMA, and most of the MMAs have available capacity with the exception of Newcastle. Newcastle improved over 2005 conditions and other areas have improved as well as a result of roadway projects.

Mr. Liljeblad described a map summarizing new development approved through June 30, 2006. The two areas with the highest levels of planned development are downtown and Eastgate. Mr. Liljeblad briefly reviewed a list of downtown development projects permitted through June 30. He displayed a map of 2005-2011 Capital Investment Program (CIP) projects, many of which have been completed.

Key findings of the 2006 annual report include:

- Five intersections exceed LOS (level of service) standards.
- No MMAs exceed their LOS standards.
- The reserve capacity of all MMAs ranges from 13 percent to 32 percent.
- 11 MMAs will have volume/capacity ratio decreases in the range of -0.003 to -0.165.

Responding to Councilmember Lee, Mr. Liljeblad said the method of measuring traffic volumes during a two-hour period has been in place for approximately six years. Staff has considered studying the impact of added capacity from public transportation and non-motorized uses. However, a method has not been developed.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

Mayor Degginger declared the meeting adjourned at 9:50 p.m.

Myrna L. Basich
City Clerk

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