

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 16, 2014
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: Councilmember Robertson

1. Call to Order

The meeting was called to order at 8:06 p.m., with Mayor Balducci presiding.

2. Roll Call, Flag Salute

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

- (a) Commendation of Hugh Burleson's service to the Bellevue Sister City Association and the Community

Mayor Balducci read a proclamation commending Hugh Burleson's service to the Bellevue Sister Cities Association and to the community.

Councilmember Lee said he traveled with Mr. Burleson to Japan and Taiwan. He appreciated his commitment and devotion, and the goodwill he carried to other cultures. He said Mr. Burleson was an energetic and involved participant in a number of community service roles, including as President of the BSCA. Mr. Lee said he will miss Mr. Burleson's consistent presence and work for the community.

Councilmember Chelminiak said Bellevue views itself as an international city. He said it became that way due to people like Mr. Burleson, who blazed a path in cross-cultural exchanges. Mr. Chelminiak thanked Mr. Burleson's family for sharing him with the community and supporting his work with the BSCA.

Mayor Balducci invited Gregg Schrader, a City employee who also serves as the current President of the BSCA, to comment. He noted that a number of BSCA members were in the audience to express their appreciation to Mr. Burleson's grandson and to the Burleson family.

Mr. Schrader said Mr. Burleson was a true gentleman, diplomat and citizen of the world. He thanked the Council for the commendation.

Mayor Balducci said that many Councilmembers over the years have traveled with Mr. Burleson. She enjoyed traveled to Europe with him and admired his dedication. Ms. Balducci presented the commendation to Saijo Burleson, Mr. Burleson's grandson.

Saijo said his grandfather took great joy in his work with the BSCA. On behalf of their family, Saijo thanked the Council for the commendation.

3. Communications: Written and Oral

- (a) Ruth Marsh, an alternate member of the Puget Sound Energy (PSE) Community Advisory Group (CAG), noted her experience as a consultant in the energy industry. She said it is hard to understand the details of the project because PSE withholds much of the relevant information, claiming disclosure would compromise security. Ms. Marsh said the CAG has three questions: 1) Is a project of this scale and expense justified by load growth forecasts?, 2) Are PSE's motives truly aligned with Eastside communities?, and 3) Have alternative solutions been evaluated fairly? Ms. Marsh provided additional comments, which she submitted in writing.
- (b) Don Marsh continued Ms. Marsh's comments. He talked about the increasing use of solar energy, especially in Hawaii, California, New York and Arizona. He said PSE was acquired in 2009 by a group of investors with a 10-year investment fund set to expire on 2017. Macquarie Investment Partners (MIP) would normally exit all investments, including PSE, at that time to return capital to its underlying investors. In order to maximize returns on their investment, Mr. Marsh observed it would be helpful to have regulatory clearance for a large infrastructure plan in preparation for sale. Mr. Marsh said other states are installing batteries to address peak load issues. He said PSE's dismissal of a battery solution seems to be based on old data. The Washington Utilities and Transportation Commission (WUTC) has been critical of PSE's Integrated Resource Plan (IRP) filed with that agency. Mr. Marsh's comments are included in Ms. Marsh's written submittal.
- (c) Erin Gregov, a Newport Shores resident, said she is extremely concerned about the health of the community. She learned about the PSE project 13 days ago, and her neighborhood is just now becoming aware of the implications of this project. Most citizens are not aware and have no understanding of the ramifications. Ms. Gregov said she is pro-electricity, pro-business, pro-growth, and pro-shopping. She does not understand why the City is even considering using older technology and dangerous methods to deliver the power. She asked the Council to obtain an independent and fair assessment of energy needs and to fight for progressive solutions.
- (d) Rob Aigner, Sr. Vice President and Regional Manager for Harsch Investment Properties, said the company owns the 11-acre site included in Alternative 4 for the Sound Transit operations and maintenance satellite facility (OMSF). Plaza 520 is a shopping center

housing small businesses who contribute to the local economy, and Harsch has taken on great risk and sacrifice to operate at this location. Tenants include both profit and nonprofit businesses. Mr. Aigner said the Boeing Employees Credit Union (BECU) recently completed a new, \$2 million building developed jointly with Harsch Investment Properties. He asked the Council to protect this business community.

- (e) Blaise Bouchand, founder of Maison de France interior design and home furnishings, recalled that he spoke the previous week to express concerns regarding recreational marijuana retail stores. He said he failed to mention that Blue Sky Church is located within 1,000 feet of the retail locations. He wants the Council to understand the risk to public health and safety. Mr. Bouchand said other businesses are opposed to retail marijuana outlets as well and he would be happy to meet with the Mayor.

Mayor Balducci suggested that he contact the Council Office if he would like to meet with her.

- (f) Greg Roselline, President of the Horizon Citizens Association, said neighbors recently became concerned about a new short plat in the Horizon View A community. He provided a brief history of the neighborhood which was originally platted from farmland. He expressed concerns about the negative impacts of a short plat. Mr. Roselline said residents are requesting a zoning change from 3.5 units per acre to 2.5 units per acre for the area, which is consistent with adjacent neighborhoods.
- (g) Gloria Northcroft said she and her husband have been Bellevue residents for 33 years, eight of which have been in Horizon View A. They love the neighborhood and the community. She concurred with Mr. Roselline's request for a change in zoning in order to be consistent with Horizon View C and Hilltop.
- (h) Ken Clark, a resident of Horizon View, said the subdivision was platted 61 years ago. The recent proposal for development reflects density that is out of character with the other lots in the area. Residents were not aware of this issue at the time of annexation and are requesting a rezone to 2.5 units per acre. He said the City received 59 complaints out of 100 lots expressing opposition to the short plat.
- (i) Steven Gerard Sidlovsky, a resident of Cincinnati, said his research address is in San Diego. He is traveling the United States to propose citizen overlay zones or life peace zones. He left leaflets with the Council and asked them to consider the topic as a future agenda item.
- (j) Kristina Wisth, representing the Old Bellevue Merchants Association, expressed support for the proposed parking on 100th Avenue NE. She noted the loss of available parking due to construction projects. For the long term, merchants are interested in a parking garage associated with the completion of the Downtown Park.
- (k) Bruce Nurse, Vice President for Kemper Development Company, spoke to Agenda Item 8(p) and expressed opposition to on-street parking on 100th Avenue because it interferes with street capacity. He believes that the incremental losses of street capacity have a

cumulative effect. Mr. Nurse said there needs to be more parking for Downtown Park. He suggested perhaps a private-public partnership could address that situation.

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

5. Report of the City Manager

(a) Management Brief on legislative rezone request by Horizon View A

City Manager Brad Miyake recalled that Horizon View A was annexed to Bellevue in 2012. Some property owners are requesting that the City rezone their area from R-3.5 (3.5 units per acre) to R-2.5.

Dan Stroh, Planning Director, said staff is seeking Council direction about whether to initiate a rezone of Horizon View A. Such a request would be handled as a Process IV decision per Land Use Code Section 20.35.400 and would involve a future public hearing and final Council action.

Nicholas Matz, Senior Planner, said the City established pre-annexation zoning by following a mix of its own subarea policies as well as zoning that was comparable to King County zoning. If property owners are annexed and the City has reason to believe that circumstances have changed, the City has the option to change that zoning before or after annexation. After annexation occurs, a rezone is possible using the areawide zoning process in the Land Use Code. This type of rezone is considered legislative and is not a property-specific rezone. This is how Horizon View C changed its zoning after annexation to Bellevue.

Mr. Matz referred the Council to page 5-2 of the meeting packet which summarizes the factors to be considered with regard to initiating an areawide rezone of Horizon View A.

Mayor Balducci said she is interested in initiating the process to consider the requested rezone. She said she is persuaded by the issue of fairness and of equal treatment for Horizon View A property owners.

Councilmember Stokes said he supports initiating the process. He sees this as an equity issue and believes it is a reasonable request.

Mayor Balducci noted Councilmembers nodding in agreement and directed staff to initiate the areawide rezone for Council consideration.

Responding to the Mayor, Mr. Matz said there will be a public hearing before the Planning Commission and the Commission's recommendation will be brought back to the Council.

(b) Management Brief on Comprehensive Plan Update

Mr. Miyake opened staff's status report on the Comprehensive Plan Update process.

Mr. Stroh referred Council to the management brief beginning on page 5-7 of the meeting packet for more details on the Comprehensive Plan Update process since it was initiated in October 2012. Staff plans to return in September for a more in-depth discussion and the opportunity for greater Council input.

Paul Inghram, Comprehensive Planning Manager, said the Boards and Commissions have been reviewing sections of the Comprehensive Plan and drafting amendments framed around the Council's adopted work program. Next steps are a substantive review with the Council in September regarding the overall plan and key issues. Separate Study Sessions will be held to address the integration of economic strategy, environmental stewardship, and diversity initiative policies into the Comprehensive Plan. A draft Update will be released later in the year for public hearing comment before the Planning Commission.

Mr. Inghram said staff anticipates presenting the draft Comprehensive Plan Update to the Council in February. Council action will be scheduled next year to meet the State's June 30, 2015 deadline.

Mayor Balducci suggested opportunities for Council input before getting too late into the process.

6. Council Business and New Initiatives

→ Councilmember Stokes moved to excuse Councilmember Robertson's absence from tonight's meeting. Deputy Mayor Wallace seconded the motion.

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

Councilmember Stokes recommended appointing Stephanie Walter to the Planning Commission to serve a term through May 31, 2018. Mr. Stokes said that he, Councilmember Robertson and staff interviewed six strong candidates. He noted that Ms. Walter lives in the Spiritwood neighborhood.

→ Councilmember Stokes moved to appoint Stephanie Walter to the Planning Commission, and Councilmember Robinson seconded the motion.

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

Mayor Balducci welcomed Ms. Walter and thanked her for her willingness to serve.

Moving to Council Business, Councilmember Stokes reported that he attended a meeting of the Regional Policy Committee and the opening of the new Bellevue Botanical Garden visitor center and other improvements.

Councilmember Robinson said she and Councilmember Stokes attended the LEOFF I Disability Board meeting. Ms. Robinson said she had the honor of opening the community forum for Energize Eastside. She toured the Spring District and attended the Parks and Community

Services Board meeting. Councilmember Robinson commended Councilmember Chelminiak for his role in the Eastside Human Services Forum's minimum wage discussion. She met with a representative of the Vuecrest Neighborhood Association and attended the K4C meeting. She would like the City to consider joining the K4C organization.

Mayor Balducci asked staff to bring back information on K4C for the Council's consideration of membership.

Councilmember Robinson said the cities of Kirkland, Redmond, Mercer Island, Issaquah, Renton and Seattle are all working toward climate goals that Bellevue has been working on as a leader in this area. She noted that the Council desk packet includes information on the City of Kirkland's efforts to achieve the K4C goals.

Responding to Councilmember Chelminiak, Mr. Miyake said an update to the Council on the Environmental Stewardship Initiative work is on the Council's calendar.

Councilmember Chelminiak reported on the Eastside Human Services Forum's meeting on the minimum wage. Approximately 80 people attended representing human services agencies and private businesses. Mr. Chelminiak said the Eastside Human Services Forum considers itself an information group rather than an advocacy group.

Councilmember Lee reported that he attended the opening of the Bellevue Botanical Garden visitor center. Mr. Lee said he spoke on behalf of the Mayor and Council during the retirement celebration for Fire Chief Mike Eisner.

Deputy Mayor Wallace reported that he met with staff of the First Presbyterian Church of Bellevue to discuss the relationship between the City and the church, which started the Jubilee Reach Center and operates the Eastside Academy. Mr. Wallace said August 23 is the 10th anniversary of Jubilee Reach Day, which coordinates 30 churches and thousands of volunteers in community service projects.

Mr. Wallace said he attended the Lincoln Square expansion project groundbreaking and the Bellevue Chamber of Commerce/Bellevue Downtown Association joint budget meeting. He attended meetings of the Regional Water Quality Committee (RWQC) and the Eastside Transportation Partnership (ETP).

Mayor Balducci reported that she attended a meeting of the Sound Transit capital committee. She toured the Spring District site with Deputy Mayor Wallace and Councilmember Robertson. Ms. Balducci toured the 520 Plaza site which is significantly impacted by the alternatives proposed for siting the Sound Transit operations and maintenance satellite facility (OMSF). Ms. Balducci has attended a number of meetings related to the OMSF project.

Ms. Balducci chaired the meeting of the Puget Sound Regional Council (PSRC) Transportation Policy Board. She attended the opening of the Bellevue Botanical Garden visitor and education center.

Mayor Balducci noted that the Eastside Legal Assistance Program (ELAP) recently moved to Bellevue and hosted an open house. The King County sexual assault resource center has expanded from Seattle to serve the Eastside, especially through its 360 program that works with homeless youth who have been affected by sexual assault.

7. Approval of the Agenda

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

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

8. Consent Calendar

→ Deputy Mayor Wallace moved to approve the Consent Calendar, with the exception of Item 8(p). Councilmember Stokes seconded the motion.

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

- (a) Minutes of May 5, 2014 Study Session
Minutes of May 5, 2014 Regular Session
- (b) Resolution No. 8754 authorizing execution of an amendment to the Agreement for Professional Services with Foster Pepper PLLC to increase the total contract amount to \$100,000 to provide consultant services regarding the Shoreline Master Plan and Conformance Regulations.
- (c) Resolution No. 8755 authorizing execution of an amendment to the Agreement for Professional Services with Kenyon Disend, PLLC to increase the total contract amount to \$70,000 to provide legal services for the City in the lawsuits of City of Bellevue v. W2007 Seattle Office Bellevue Gateway 1 Realty, LLC, et al., KCSC No. 14-2-09245-8 SEA and City of Bellevue v. W2007 Seattle Office Bellefield Office Park Realty, LLC, et al., KCSC No. 14-2-09242-3 SEA.
- (d) Resolution No. 8756 authorizing execution of a two-year lease agreement, with an option to renew for an additional two-year period, with Michael's Deli at City Hall, LLC for the lease of space at Bellevue City Hall, to operate a food and beverage service deli.
- (e) Resolution No. 8757 authorizing execution of a two-year lease agreement, with an option to renew for an additional two years, with KandD Business, Inc., dba Choice Vendors, Choice Espresso, to operate an espresso cart at Bellevue City Hall.

- (f) Resolution No. 8758 initiating vacation of a portion of 167th Avenue SE between SE 34th and SE 35th Streets; and setting a time and place for a hearing to consider such a vacation.
- (g) Resolution No. 8759 authorizing execution of agreements to relinquish an Extinguishable Slope Easement and Extinguishable Sidewalk Easement along the frontages of 111th Avenue NE and NE 2nd Street.
- (h) Resolution No. 8760 authorizing the City Manager or his designee to execute a Professional Services Agreement with SRG Partnership, Inc., in an amount not to exceed \$99,850 plus taxes if applicable, to provide architectural design and engineering services for the expansion of the City Hall Plaza.
- (i) Resolution No. 8761 authorizing the execution of a Grievance Settlement and Memorandum of Understanding (MOU) between the City of Bellevue (City) and the Bellevue Police Support Guild (BPSG), to resolve a grievance concerning Article 5.1 - Work Schedule.
- (j) Resolution No. 8762 authorizing execution of a Professional Services Agreement with Wellspring Family Services for the professional services of an employee assistance program in an amount not to exceed \$96,000.
- (k) Resolution No. 8763 authorizing the execution of a second amendment to the Professional Services Agreement with DA Hogan & Associates, Inc. (DA Hogan), in an amount not to exceed \$78,380, to provide additional engineering and site design services for the development of sportsfield and parking lot improvements at Hidden Valley Sports Park (CIP Plan No. P-AD-86).
- (l) Motion to award Bid No. 14074, in the amount of \$93,767.50, to Skyline Landscape, as the lowest responsible bidder, for upgrading the irrigation system at the north end of Hidden Valley Park.
- (m) Motion to award Bid No. 14063 to Advanced Pool Coatings, in the amount of \$88,358.29, to install a fiberglass pool liner at the Bellevue Aquatic Center's Warm Water Pool.
- (n) Resolution No. 8764 authorizing the execution of an agreement and all related documents necessary to provide City Housing Funds to the King County Housing Authority (KCHA) for preservation of the Bellevue Manor and Patricia Harris Manor Senior Apartments, as recommended by the ARCH (A Regional Coalition for Housing) Executive Board.
- (o) Resolution No. 8765 authorizing the City Manager or his designee to execute a General Services Agreement with Artech Fine Art Services, in an amount not to exceed \$45,710.78, including applicable taxes, to install artworks included in the biennial exhibition of sculpture and installation of art works, Bellwether 2014:

Connect.

- (q) Motion to reject Bid No. 14007, SE 16th Street Sidewalk as part of the Neighborhood Sidewalk Program and rebid at a later date (CIP Plan No. PW-W/B-76).
- (r) Motion to award Bid No. 14042, for the 2014 Overlay Program to Lakeside Industries, Inc. as the lowest responsive and responsible bidder in the amount of \$4,243,353.35 (CIP Plan PW-M-1) Overlay Program and (CIP Plan W-16) Small Diameter Water Main Replacement.

Item for discussion:

- (p) Ordinance No. 6164 providing for two-hour parking from 7:00 a.m. to 6:00 p.m., except Sundays and holidays on the east side of 100th Avenue NE from Main Street to NE 4th Street.

City Manager Miyake said that Ordinance No. 6164 provides for two-hour parking on the east side of 100th Avenue NE from Main Street to NE 4th Street. This item arose as a topic of Old Bellevue businesses and as part of the Downtown Livability Initiative work.

Dave Berg, Transportation Director, said staff began looking at near-term parking solutions near Main Street at the request of the Old Bellevue Merchants Association. He noted that a few spaces have been added on Main Street through restriping. Ordinance No. 6164 provides 24 parking spaces on 100th Avenue NE between Main Street and NE 4th Street. The current parking restriction does not allow parking midweek or on Saturdays at that location. Ordinance No. 6164 would allow parking seven days per week.

Mr. Berg noted that concerns about losing roadway capacity were expressed earlier in the evening during oral communications. He described the configuration of the affected roadway, which is proposed for two-hour parking from 7:00 a.m. to 6:00 p.m. He said that allowing on-street parking does not affect the current one lane of capacity in each direction.

Chris Salomone, Director of Planning and Community Development, said customer parking has been a high priority for the Old Bellevue Merchants Association.

Responding to Deputy Mayor Wallace, Mr. Berg said the road is currently a single lane of traffic in each direction with relatively low traffic volumes. Mr. Salomone said the completion of Downtown Park includes structured parking along 100th Avenue NE.

Councilmember Robinson said she has heard concerns from a number of merchants and citizens about the difficulty of parking in Old Bellevue.

Mr. Salomone said five spaces were added on Main Street through restriping. He said some restaurants are looking at valet parking.

Responding to Ms. Robinson, Mr. Berg said parking is restricted to two hours between 7:00 a.m. and 6:00 p.m. There is no time limit after 6:00 p.m.

Councilmember Lee said this is a short-term solution. However, the City has discussed parking for the past 20 years and he believes a long-term solution is needed.

Mr. Salomone said the Downtown Livability Citizens Advisory Committee (CAC) has asked staff to conduct a parking study.

Councilmember Stokes said he supports the parking proposal as a temporary measure. He agreed with Mr. Lee about the need for addressing long-term parking demands.

Councilmember Chelminiak expressed concern that it will become employee parking and/or otherwise be used in ways that will not contribute to meeting the goal of serving Old Bellevue merchants.

Mayor Balducci said the ordinance language describing the parking restrictions is confusing. She suggested moving forward with Council action, with the expectation that staff will clarify the language.

→ Councilmember Stokes moved to adopt Ordinance No. 6164, and Councilmember Robinson seconded the motion.

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

9. Public Hearing: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 8766 authorizing execution of a First Amendment to the City's original agreement with South Correctional Entity (SCORE) for Bellevue misdemeanor inmate housing at that facility.

Mayor Balducci said she will continue to recuse herself on King County jail matters. Although she no longer works for the jail system, she continues to work for King County and prefers to not participate.

Interim Police Chief Jim Montgomery said the City recently lost the ability to place inmates at the Snohomish County jail and has been exploring other options. The South Correctional Entity (SCORE) facility provides the best opportunity to meet Bellevue's needs. The City is currently paying \$135 per day per inmate with no minimum bed commitment. A commitment of five or more housed inmates per day reduces the cost to \$90 per day. Chief Montgomery said the City will continue to use the Issaquah jail as a primary option.

→ Councilmember Stokes moved to approve Resolution No. 8766, and Councilmember Chelminiak seconded the motion.

→ The motion carried by a vote of 5-0, with Mayor Balducci recused.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session

At 9:45 pm, Mayor Balducci declared recess to Executive Session to discuss one item of potential litigation and one item of property acquisition. She noted the Council would adjourn upon completion of the Executive Session.

16. Adjournment

At 10:17 p.m., Mayor Balducci declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw