

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

November 3, 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 8:11 p.m., with Mayor Balducci presiding.

2. Roll Call, Flag Salute

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

(a) Walk Friendly Communities Award

Transportation Director Dave Berg announced that the City has been awarded Silver Level Walk Friendly Communities Status by the Pedestrian and Bicycle Information Center (PBIC), which is located at the University of North Carolina at Chapel Hill. The community report card and feedback is provided in the meeting packet.

Mayor Balducci commented that it is wonderful for the City to be recognized for its efforts toward improving walkability.

3. Communications: Written and Oral

- (a) Paul Brallier, representing the Northtowne Neighborhoods Association, expressed concerns about redevelopment and the impact on neighborhood character. He noted a front page article in *The Seattle Times* about homes being demolished and replaced with much larger structures. The news article stated that 40 percent of the homes are being bought for investment purposes only. As part of the redevelopment, tree retention is generally minimal. Residents are requesting requirements for step backs instead of sheer walls and square, boxy shapes. Mr. Brallier suggested that the City explore

redevelopment alternatives offering greater flexibility and affordability including second structures (e.g., cottages, mother-in-law units) instead of huge houses.

- (b) Maya Sofer proposed that marijuana and other drugs in Bellevue should only be used for medical purposes. She is concerned about the impacts of marijuana retail stores and noted that smoking marijuana may lead to bad decisions and poor judgment. She is especially worried about people becoming addicted and is uncomfortable with the presence of retail marijuana in the community.
- (c) Katherine Hughes, Northtowne Neighborhood Association, expressed support for Mr. Brallier's comments about the redevelopment of mega-houses, some as large as 8,000 square feet.

#### 4. Reports of Community Council, Boards and Commissions

Sherry Grindeland, Chair of the Parks and Community Services Board, provided an update on the Board's budget recommendations outlined in a memo in the Council's desk packet. The Board discussed the budget in March, April and September. Chair Grindeland encouraged the Council to maintain progress on the commitments under the 2008 levy including Downtown Park, Surrey Downs Park, Airfield Park, Bridle Trails Neighborhood Park, and property acquisitions. She asked the City to update the Ashwood Park Master Plan and encouraged working with the Pacific Science Center to finish the additional classroom at the Mercer Slough Environmental Education Center. Chair Grindeland noted that funding will be needed to provide future parks and recreation amenities in the Bel-Red area and the Downtown.

#### 5. Report of the City Manager

- (a) Management Brief regarding Ratification of Proposed Amendments to the King County Countywide Planning Policies

City Manager Brad Miyake asked staff to provide an update on proposed amendments to the King County Countywide Planning Policies.

Mike Kattermann, Senior Planner, referred to the management brief beginning on page 59 of the meeting packet. He recalled that the Countywide Planning Policies were updated and ratified in 2012. A recent amendment was adopted in July to designate the Issaquah Central area as an urban center. Mr. Kattermann said amendments are considered by the Growth Management Planning Council (GMPC), of which Councilmember Robertson is a member. If approved, amendments are forwarded to the King County Council for ratification and then to the cities for ratification.

Mr. Kattermann said the four proposed amendments include a revision to Policy DP-17, one amendment to the urban growth area map, and two amendments regarding Potential Annexation Areas (PAAs) for the cities of Sammamish and Maple Valley. If the City takes no action, that is deemed as agreeing to the ratification of the amendments

Mayor Balducci noted there were no questions from the Council. Mr. Kattermann said a Resolution for ratification of the proposed amendments to the CPPs will be presented on the Council's November 17 Consent Calendar.

(b) Management Brief regarding Winter Weather Preparedness and Response

Mr. Berg introduced staff's update on the City's winter weather preparedness and response, most recently during the wind storm approximately two weeks earlier.

Brian Breeden, Transportation Operations and Maintenance Manager, described the City's winter weather preparedness program and the key priorities of life safety, property damage, and maintaining mobility. All employees involved in responding to weather events attend a one-day training for snow and ice, and resources are shared between departments. The City's equipment includes multiple trucks, two small plows, and two anti-icing trucks.

Mr. Breeden encouraged the Council and the public to visit the City's web site for more information and to sign up to receive extreme weather alerts. He said residents may call 425-452-7840 for assistance and should always call 911 for life safety emergencies.

Responding to Councilmember Robinson, Mr. Breeden said citizens may request extreme weather alerts by text and email.

Mayor Balducci said City employees do a great job with their winter storm response. She encouraged citizens to plan ahead for storm conditions including possible power outages.

6. Council Business and New Initiatives

[Routine Council reports were completed during the earlier Study Session.]

Mayor Balducci said the Council and City staff have been hearing a great deal of concerns related to Puget Sound Energy's Energize Eastside project. Many citizens are requesting that the project be delayed. Ms. Balducci said the City has not received any permit applications related to the project.

Mayor Balducci asked that staff provide more detailed written information about the permitting process, the role of City staff, and the role of the City Council. She said it is important to gather and share this information with the public, and to let the public know what will happen if and when PSE applies for permits. The question of the ability of the Council to delay permits or implement a moratorium raises a number of issues, including legal considerations. She would like the Council to direct staff to provide a written legal analysis regarding the potential issues.

Mayor Balducci said the City is the lead agency for the environmental review of any project that comes forward. The Council has agreed to fund and hire an independent consultant to explore the questions raised by the public.

Councilmember Stokes expressed support for the suggested course of action.

Mayor Balducci said the City is hearing from a large number of people. She would like staff to determine the best way to communicate with the public.

Councilmember Chelminiak said he believes there needs to be some type of public opportunity for the City to provide information, including legal conclusions that have been reached.

Mr. Chelminiak questioned the status of the work under the Electrical Reliability Study. He noted an email from a resident of the Bridle Trails neighborhood following the recent wind storm asking a number of questions.

Mr. Chelminiak said he would like to request an update from PSE regarding the recent storm's impacts. He said residents have questioned the ability to improve substations. He would like an update on the progress of the Electrical Reliability Study recommendations including tree and foliage trimming, substations, 115kV lines, and the proposed 230kV line.

Mr. Chelminiak said it is important to understand the City's role and to clarify that for the public. He said the City does not franchise the power utility but does let PSE use the public right-of-way.

Mayor Balducci amended her request to add the questions posed by Councilmember Chelminiak.

Councilmember Lee said he appreciates the Mayor raising this issue. He expressed support for directing staff to explore the questions that have been presented.

Mr. Miyake summarized his understanding that the Council would like an update on PSE's response to the recent wind storm and an update on the progress of items from the Electrical Reliability Study recommendations.

Mayor Balducci said she is not convinced that a regular Council meeting is the most effective forum for engaging with the public on this issue. She would like staff to propose a plan for communicating on this topic with the community.

Councilmember Lee said he does not want to limit further study to what is requested at this time. He wants to initiate communication with the public, which could highlight additional items for further study.

Councilmember Stokes said this needs to be done in a deliberate manner without being rushed. He suggested moving forward and providing effective communication.

Mayor Balducci said the Council needs to be a strong advocate for community while also mindful of the City's role and ability to influence PSE projects. There needs to be open communication with the public about what the City can and cannot do.

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, and Councilmember Stokes seconded the motion.

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

(a) Council Meeting Minutes

Minutes of October 6, 2014 Extended Study Session - Budget Workshop

Minutes of October 13, 2014 Extended Study Session

(b) Resolution No. 8816 authorizing execution of an amendment to the Agreement for Professional Services with Cascadia Law Group to increase the total contract amount from \$49,000 to \$69,000 for legal services and representation on environmental issues relating to Stage 2 of the 120th Avenue NE Project.

(c) Resolution No. 8817 authorizing execution of an amendment to the Professional Services Agreement with Keating Bucklin & McCormack, Inc., P.S. to increase the total contract amount from \$150,000 to \$175,000, to provide legal representation in the lawsuit of Trizuto v. City of Bellevue, USDC No. C13-00479-RAJ.

(d) Resolution No. 8818 authorizing execution of an amendment to the Agreement for Professional Services with Kenyon Disend PLLC to increase the total contract amount from \$70,000 to \$160,000 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.

(e) Resolution No. 8819 authorizing execution of a five-year lease agreement with Delta Business Park, LLC for a Police Department vehicle evidence storage facility.

(f) Resolution No. 8820 authorizing execution of a General Services Agreement for on-call tree and brush trimming services with The Davey Tree Expert Company for a four-year term.

(g) Resolution No. 8821 authorizing execution of a General Services Agreement for on-call tree and brush trimming services with Trelstad Enterprises, LLC for a

four-year term.

- (h) Resolution No. 8822 authorizing execution of a General Services Agreement for on-call tree and brush trimming services with The F.A. Bartlett Tree Expert Company for a four-year term.
- (i) Resolution No. 8823 authorizing the execution of an agreement with the Washington State Military Department to accept grant funds in the amount of \$93,865.00 for emergency management purposes.
- (j) Ordinance No. 6185 authorizing: 1) adoption of recommendations for the use of 2015 Community Development Block Grant (CDBG) funds as transmitted by the Human Services Commission; 2) submission of a proposal to the United States Department of Housing and Urban Development (HUD) for the 2015 CDBG Program; 3) acceptance of a grant award contract with HUD; 4) creation of a new project series within the Operating Grants and Donations Fund into which these funds shall be deposited; 5) entering into agreements with grant subrecipients; and, 6) expenditures of these grant funds.
- (k) Resolution No. 8824 authorizing execution of a contract with GLC Construction Services Inc., to replace the exterior siding at the Robinswood House.
- (l) Resolution No. 8825 authorizing the Interlocal Agreement for the North/East Cities Human Services Pooled Contracts Program, between the cities of Bellevue, Issaquah, Kenmore, Kirkland, Mercer Island, Redmond, Sammamish, and Shoreline.
- (m) Motion to award Bid No.14115 to Terra Dynamics Inc, as the lowest responsible bidder, to install synthetic turf on the Bannerwood Park baseball infield.
- (n) Motion to award Bid No. 14126 to Total Landscape Corporation, as the lowest responsible bidder, for upgrading the irrigation system at Wildwood Park.
- (o) Motion to award Bid No. 14000, Sunset Elementary School Sidewalk at West Lake Sammamish Parkway SE, to R.W. Scott Construction Co., as the lowest responsible and responsive bidder, in the amount of \$317,494.96 (CIP Plan Nos. PW-M-1, PW-M-7, PW-W/B-56).
- (p) Motion to award Bid No. 14067, Lakemont Boulevard SE and SE Cougar Mountain Way Intersection Improvements Project (CIP Plan No. PW-I-92) to Kamins Construction, as the lowest responsible and responsive bidder, in the amount of \$826,678.34, and

Ordinance No. 6186 authorizing the amendment of the 2013-2019 General Capital Investment Program (CIP) Plan to transfer \$126,000 in surplus project budget from the Lakemont Boulevard SE/SE Cougar Mountain Way project (CIP

Plan No. PW-I-92) to the Neighborhood Sidewalks Program (CIP Plan No. PW-W/B-76).

- (q) Motion to award Bid No. 14042, Newport Way Sidewalk - 150th Avenue SE to 152nd Avenue SE Project (CIP Plan Nos. PW-R-180 and PW-W/B-76), as part of the Annexation Area Transportation Capital and Neighborhood Sidewalk Programs to R.W. Scott Construction Co., as the lowest responsible and responsive bidder, in the amount of \$1,998,341.35.
- (r) Motion to award Bid No. 14113 for PRV Replacement 2014, to Laser Underground & Earthworks, Inc. as lowest responsible and responsive bidder, in the amount of \$114,684.83 (CIP Plan No. W-69).

## 9. Public Hearings

- (a) Public Hearing on requested Street Vacation of a Portion of Right-of-Way adjacent to 2227 Blarney Place SE.

Patti Ebert, Sr. Real Property Agent, said the purpose of the Public Hearing is to consider the requested street vacation of a portion of right-of-way adjacent to 2227 Blarney Place SE. The ROW vacation petition was received from the property owner on May 20, 2014.

Ms. Ebert described the property and the proposed conditions if the street vacation is approved. The Utilities Department requested the reservation of a utility easement for existing water facilities located within the proposed vacated area.

Ms. Ebert said the City received a number of calls inquiring about the proposed street vacation. She received two letters from neighbors in support of the petitioners' (Thomas and Sara Woolsey) request to vacate. Ms. Ebert described the criteria to be considered by the Council for a right-of-way vacation.

- Councilmember Robinson moved to open the Public Hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 6-0.

No one came forward to comment.

- Councilmember Robinson moved to close the Public Hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 6-0.

Councilmember Robinson said she knows the Woolseys and she believes the requested vacation will not impact the neighborhood.

Mayor Balducci observed that this is not actually a street, and there does not appear to be a public use.

Responding to Councilmember Lee, Ms. Ebert confirmed that the property is public right-of-way and the Transportation Department has indicated it would not put a road in that location. She said there will continue to be access to utilities through the City's water line easement.

Ms. Ebert said she will bring back the ordinance for Council action.

- (b) Public Hearing and action on Resolution authorizing execution of documents Relinquishing Five Sewer Line Easements on property adjacent to Bellevue Way NE that have been Declared Surplus.

Resolution No. 8826 authorizing the execution of documents relinquishing five sewer line easements on property adjacent to Bellevue Way NE that have been declared surplus.

Max Jacobs, Real Property Manager, introduced staff to report on the proposed relinquishment of a number of sewer lines.

Andrew Lee, Deputy Director of Utilities, said state law requires a public hearing to provide the opportunity for public comment before disposing of utilities-owned real property interests, including easements. The City has determined that these easements are no longer needed.

Mr. Lee described the two proposals for relinquishing sewer line easements. One location is the Lincoln Square expansion mixed-use development at 410 Bellevue Way NE. Mr. Lee provided a brief history of the installation of sewer lines along Bellevue Way since 1953. The second location for the proposed relinquishment of sewer lines is 15 Bellevue Way SE.

→ Councilmember Stokes moved to open the Public Hearing, and Councilmember Robinson seconded the motion.

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

No one came forward to comment.

→ Councilmember Stokes moved to close the Public Hearing, and Councilmember Chelminiak seconded the motion.

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

→ Councilmember Stokes moved to approve Resolution No. 8826, and Councilmember Chelminiak seconded the motion.

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

- (c) Public Hearing and action on Resolution authorizing execution of documents Relinquishing Three Sewer Line Easements at the corner of Bellevue Way SE and Main Street that have been Declared Surplus.

Resolution No. 8827 authorizing the execution of documents relinquishing three sewer line easements at the corner of Bellevue Way SE and Main Street that have been declared surplus.

→ Councilmember Robinson moved to open the Public Hearing, and Councilmember Stokes seconded the motion.

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

No one came forward to comment.

→ Councilmember Robinson moved to close the Public Hearing, and Deputy Mayor Wallace seconded the motion.

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

→ Councilmember Stokes moved to approve Resolution No. 8827, and Councilmember Chelminiak seconded the motion.

→ The motion to approve Resolution No. 8827 carried by a vote of 6-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Ordinance No. 6187 amending the Bellevue City Code Chapter 4.28 (Purchasing) to promote open, fair, transparent, competitive and efficient procurement processes by increasing consistency with state law, modernizing and clarifying the language of the chapter, ensuring a logical arrangement of subject matter, and eliminating conflicts and inconsistencies; and establishing an effective date.
- (b) Ordinance No. 6188 amending provisions of the Bellevue City Code, Chapter 4.30 - Real Property Acquisition and Leasing to increase consistency throughout the Bellevue City Code and promote efficient operations through raising minor acquisition limits and increasing the lease value and duration of agreements from one year to two years; and establishing an effective date.
- (c) Ordinance No. 6189 amending Bellevue City Code Chapter 4.32 - Sale of City Property to increase the limits of the City Manager's authority to dispose of unneeded personal property of the City and to update the Code to reflect modern commercial practices; and establishing an effective date.

City Manager Miyake said the three ordinances were discussed with the Council during the September 8 Extended Study Session. Council direction at that time is reflected in the ordinances.

Finance Director Jan Hawn recalled that the Procurement Code had not been updated since 1986. The benefits of the proposed amendments include improved consistency within the City Code and with State law, improved ability to deliver projects faster and more efficiently, and greater flexibility in delivering large, complex projects.

Ms. Hawn noted information provided in the meeting packet [Attachments A, B and C] in response to the Council's previous questions and requests.

→ Councilmember Stokes moved to adopt Ordinance Nos. 6187, 6188 and 6189. Deputy Mayor Wallace seconded the motion.

Councilmember Lee said he understands it has been a while since the threshold for City Manager/Director approval of expenditures has been increased. He said staff assured him that Ordinance No. 6189 does not include real estate actions.

Darcie Durr, Assistant City Attorney, said the proposed amendments refer to personal property. Bellevue City Code Chapter 4.32.090 states that any sale of real property shall be submitted to the Council for approval. If real property originally required for utilities purposes or related to an intergovernmental transfer of property worth more than \$50,000 is involved, a public hearing is also required. There are no proposed amendments regarding real property.

Mayor Balducci said the amendments attempt to strike a balance between appropriate levels of oversight and increasing levels of bureaucracy. The proposed amendments are appropriate updates to streamline processes and to adjust the threshold for City Manager/Director authority.

Deputy Mayor Wallace noted, for the public, that the budget process constrains the City Manager's ability to expend City funds beyond the reasonable thresholds established by the Code amendments.

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

- (d) Ordinance No. 6190 approving a Land Use Code Amendment to create a Camp and Conference Center district in the Land Use Code and related conformance amendments.

Mr. Miyake recalled that this proposed amendment was discussed with the Council during its October 13 Extended Study Session. The Land Use Code Amendment (LUCA) is consistent with the Comprehensive Plan Amendment approved by Council in February 2009 that created the Camp and Conference Center land use designation [Ordinance No. 5859] and amended the Newcastle Subarea Plan to support the application of this designation to the Sammamish Bible Camp (Sambica).

→ Deputy Mayor Wallace moved to adopt Ordinance No. 6190, and Councilmember Chelminiak seconded the motion.

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

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:36 p.m., Mayor Balducci declared the meeting adjourned.

Myrna L. Basich, MMC  
City Clerk

/kaw