

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

May 14, 2012
6:00 p.m.

Council Conference Room 1E-113
Bellevue, Washington

PRESENT: Deputy Mayor Robertson and Councilmembers Balducci, Chelminiak, Davidson, Stokes, and Wallace

ABSENT: Mayor Lee

1. Executive Session

Deputy Mayor Robertson called the meeting to order at 6:01 p.m., and declared recess to Executive Session for approximately 45 minutes to discuss two items of potential litigation and one item of property acquisition.

The meeting resumed at 6:37 p.m., with Deputy Mayor Robertson presiding.

Deputy Mayor Robertson noted the passing of Everett City Councilmember Drew Nielsen in a rafting accident over the weekend, and offered condolences to his family and friends.

2. Oral Communications

- (a) Bill Hirt spoke against the Sound Transit East Link light rail project. He believes that the I-90 bridge would have a greater capacity using buses and reconfigured lanes. He urged the City Council to use the permitting process to stop the project. Mr. Hirt submitted his comments in writing.
- (b) Sam Bellamy, representing Stand up America, expressed concern regarding varying speed limits along individual roads. He believes this is a trap to be able to stop drivers who might not have realized that the speed limit changed on the same road. Secondly, he opposes red light traffic cameras because he believes they are about making money and not about protecting the public. He objects to a private company earning money by providing the camera system, and would rather have the City providing the system and collecting all of the revenue.

- (c) Alex Zimmerman, a 25-year Bellevue resident, described his past class action lawsuits against the City addressing discrimination. He said he has had 27 traffic violations from Bellevue, and he blames the City Council for not taking action to change laws.
- (d) Brian Brand, Chair of the Bellevue Downtown Association (BDA) Board, noted his letter to the Council provided in the desk packet. He said the BDA urges the City to move forward now on the Downtown Livability work program. He noted that Bellevue has been fortunate to have a number of technology companies establish office space in the Downtown. Mr. Brand said it is important to update the Downtown Land Use Code before the next development cycle occurs. He recalled that the BDA's letter of January 23 suggested linking the Land Use Code update with the transportation access plan. He urged the Council to add this topic to its agenda for May or June.

Responding to Councilmember Chelminiak, City Manager Steve Sarkozy said that staff's plan was to bring this topic back during the budget process. He noted that the transportation study is underway.

- Councilmember Balducci moved to receive an update on the Downtown Livability Plan next week, as well as specific dates that it can be added to future agendas. Councilmember Stokes seconded the motion.

Mr. Stokes said he believes this is the time to move forward on the Downtown Plan update.

Dr. Davidson agreed that it is an important topic, but he would prefer to address it in the budget process in order to discuss it within the context of other priorities. His recollection was that it would be handled in this manner.

Councilmember Chelminiak recalled that there was a discussion about the Downtown Livability Plan during the last budget process. At that time, Council decided to move forward with transportation planning but to come back to the Downtown Livability Plan as soon as resources were available, preferably by 2012. He supports the motion for a Council update and discussion.

Deputy Mayor Robertson recalled that, during the last budget process, there was a Council vote of 5-2 to defer the Downtown Livability Study/Update. She was in the minority on that vote.

Councilmember Stokes recalled that there is approximately \$330,000 allocated to the work.

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

Councilmember Wallace noted that, now that the State budget has been established, it would be helpful to have an update on the impacts to the City's budget.

Mr. Sarkozy said an additional consideration is the workload related to East Link MOU discussions and planning, which is scheduled to be resolved by the end of June.

Ms. Robertson noted her understanding that it was a workload issue as well.

(e) Proclaiming National Police Week

Deputy Mayor Robertson read a proclamation declaring National Police Week in Bellevue and encouraging citizens to observe May 15 as Peace Officers Memorial Day.

Police Chief Linda Pillo accepted the proclamation on behalf of Public Safety personnel.

3. Study Session

(a) Council Business and New Initiatives

(1) Motion providing for remote participation by Councilmember Chelminiak for the May 21 Council Meeting

→ Councilmember Stokes moved to amend Council Rules to allow Councilmember Chelminiak to remotely participate by speakerphone during the May 21 Study and Regular Sessions should he not be able to physically attend the meeting. Councilmember Davidson seconded the motion.

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

(b) Hilltop Water District Agreements

City Manager Steve Sarkozy opened discussion regarding the Hilltop water district agreements.

Planning Director Dan Stroh explained that Hilltop residents would like to retain Water District 117 as they annex to Bellevue.

Nicholas Matz, Senior Planner, described two agreements associated with the Hilltop annexation. One is the Interlocal Non-Assumption Agreement, which states that the City will not assume the water district during the term of the agreement unless required by law or it occurs through mutual agreement. The initial term of the agreement is 20 years, with the opportunity to extend for another 10 years. The agreement authorizes the City to use the District's fire hydrants. The District is obligated to relocate its facilities at no cost to the City if that is required by a City capital project that might occur within the annexation area.

The second agreement is the Intertie Agreement, which is needed regardless of annexation. It stipulates the terms under which the City's Water Utility will operate its emergency intertie for the benefit of Water District 117. While the City and Water District have worked cooperatively for a number of years, no existing agreement covers the conditions under which this intertie equipment is operated and maintained. The agreement addresses payment for water delivered and other costs.

Mr. Stroh said the draft agreements were provided to the Council for tonight's meeting under separate cover. There are continued discussions with the Water District's attorney to work through final issues, so it is possible there will be minor revisions before the Council is asked to take action.

Councilmember Davidson questioned whether Water District 117 has sufficient water capacity to fight a fire. Staff said they will provide that information. Dr. Davidson expressed concern that the City not become liable if the fire flow capacity is insufficient. Mr. Stroh said staff discussed the issue early in the annexation process with the Fire Department. He will follow up with a more detailed report to the Council.

Responding to Councilmember Stokes, Deputy City Attorney Kate Berens said the District's water system will continue to operate as it has in the past with regard to capacity.

Deputy Mayor Robertson expressed concern that Water District 117 properly maintain its system, in light of the possibility that the City might assume it at some point. She noted that the packet materials indicate that the City would not assume the District unless it is maintained or brought up to City standards. She wants to be sure that the District is aware of the City's policy, and would prefer to have that stipulated in the agreement.

Mr. Stroh said the Council will be asked to take action next week on the agreements. However, the agreements are contingent on ultimate annexation. The sequence of events is Council action on the agreements, Hilltop's action on the agreements, and Hilltop's submittal of its 60-percent petition to annex by the May 24 deadline. The petitions will go through the certification boundary review process by King County, followed by Council action in July for an August 1 annexation effective date.

At 7:12 p.m., Deputy Mayor Robertson declared recess to Executive Session for approximately 40 minutes to discuss one item of potential litigation and one item of property acquisition.

The meeting resumed at 8:00 p.m.

- (c) Initial Public Hearing on the 2013-2014 Budget & 2013-2019 Capital Investment Program (CIP) Plan
 - (1) Staff Report

City Manager Steve Sarkozy announced that this is the first of three public hearings regarding the 2013-2014 Operating Budget and the 2013-2019 Capital Investment Program (CIP) Plan.

Finance Director Jan Hawn noted that the remaining public hearings are scheduled for July 23 and November 19. The City is also hosting two community forums on the budget: June 12, 7:00 p.m., at Crossroads Community Center, and June 14, 7:00 p.m., at City Hall.

(2) Motion to Open Public Hearing

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

(3) Public Testimony

- (a) Kevin Kelly, Bellevue Chamber of Commerce, thanked the City's budget staff for providing a presentation to the Chamber. He commended the City's strong reputation for fiscal prudence and stated that the business community wants to continue working with the City as a partner in economic development. He noted the importance of moving forward with transportation projects, and urged the Council to extend its seven-year CIP to a 10-year horizon. He suggested the City consider using more of its bonding capacity to help meet long-term infrastructure needs.
- (b) Patrick Bannon, Bellevue Downtown Association (BDA), commented that the BDA tracks the City's budget fairly closely and knows that the City seizes opportunities to nurture economic growth and to invest in the community's quality of life, while also keeping taxes relatively low. He noted that Downtown Bellevue covers approximately two percent of the land area and generates roughly 25 percent of the City's tax revenue. Mr. Bannon said the BDA would like the City to consider the following priorities: 1) East Link Memorandum of Understanding commitments, 2) Multimodal travel choices and pedestrian amenities, 3) Stronger focus on a cohesive economic development strategy, 4) Public Safety, 5) Parks, 6) Downtown Land Use Code Update, and 7) Leveraging the value of public funds that are contributed to human services partnerships. Mr. Bannon thanked City budget staff for their presentation to the BDA.
- (c) Clark Rice, Chair of the Probation Advisory Board, spoke to the criminal justice system. He noted that the most prevalent criminal offense in the state is driving while license is suspended. He expressed concern that people get caught in a circle of continuing to drive to work, and again being cited for driving without a license. Mr. Rice commended a program that helps individuals obtain permission to drive to work. He requested the Council's continued support of the Probation Advisory Board.

(4) Motion to close Public Hearing

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

(5) Council Discussion

Responding to Councilmember Davidson, Toni Rezab, Assistant Finance Director, said the Budget Community Forums will be an open house format. There will be handouts to familiarize citizens with the budget process. City staff is working with neighborhood liaisons and other organizations to publicize the event.

Dr. Davidson observed that public engagement is more important than ever in this climate of budget constraints. He expressed support for these activities.

Councilmember Wallace concurred with Mr. Kelly's suggestion during the Public Hearing to plan for a 10-year horizon in the Capital Investment Program.

Ms. Hawn noted that while the CIP Plan covers a seven-year period, staff does look at longer timeframes in terms of balancing revenues and expenditures.

Councilmember Chelminiak acknowledged that the seven-year CIP Plan is required by law. However, he agrees that a longer planning horizon is warranted, especially related to East Link and other transportation project funding.

Councilmember Stokes expressed support for a 10-year planning horizon as well.

At 8:20 p.m., Deputy Mayor Robertson declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

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