

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

January 17, 2012  
8:00 p.m.

Council Chamber  
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:07 p.m., with Mayor Lee presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers were present. Councilmember Davidson led the flag salute.

(a) President's Volunteer Service Awards

Mayor Lee announced the postponement of this agenda item to February 6 due to weather conditions.

3. Communications: Written and Oral

- (a) Marty Nizlek, representing the Washington Sensible Shorelines Association, commented on the Eastgate/I-90 planning effort discussed during the earlier Study Session. He noted that approximately 2 million square feet of development could be added within the area, and the Association is concerned about issues related to water quantity and water quality. Mr. Nizlek said that much of the water that accumulates in this area, especially in the upper elevations, drains toward Phantom Lake and ultimately to Lake Sammamish, both of which are already experiencing drainage problems. Lake Sammamish's water level is rising, and there are no funded projects to correct the negative impacts. Mr. Nizlek asked the Council to ensure that this is considered and addressed by staff as the Eastgate/I-90 project moves forward.

- (b) Sonja Rossman expressed concern about the prospect of Walmart stores in Factoria and the Kelsey Creek Center. She reported that she received a communication from Carol Helland, Land Use Director, earlier that day regarding the issue. Ms. Rossman said the email indicates that the City Council has received several emails and public comments regarding the Walmart store to be located at the Kelsey Creek Center. The comments generally oppose the siting of Walmart within Bellevue and have raised questions regarding whether permitting and public notice processes were followed. Ms. Helland's email said that the City was surprised to learn that Walmart was a prospective tenant. Her email explains that the Walmart grocery store use complies with applicable zoning and public noticing processes. Ms. Rossman said the East Bellevue Community Council was not aware of the plans for a Walmart grocery store. She questioned why the City is allowing Walmart to move into Bellevue.

Responding to Mayor Lee, City Manager Steve Sarkozy said that the email reviewed by Ms. Rossman was previously forwarded to the Council. It details the chronology of events and the City's involvement and knowledge throughout the process. Mr. Sarkozy said that City staff is often not involved in discussions about specific tenants. However, the City was aware that the previous landlord/prospective tenant was Costco.

4. Reports of Community Council, Boards and Commissions

- (a) Bellevue Network on Aging

[Postponed to February 6 due to weather.]

5. Report of the City Manager

- (a) Management Brief Providing Update on South Bellevue Annexation Effort

City Manager Steve Sarkozy introduced staff's update on the South Bellevue annexation effort.

Planning Director Dan Stroh provided a brief update on the annexation effort. The next step for the potential annexation areas that have completed certified petitions is submittal of the application to the Boundary Review Board. Staff previously discussed taking action on the annexations prior to the Boundary Review Board submittal. However, given uncertainties regarding specific issues and the fact that Council actions to annex are irrevocable, staff recommends submitting the Eastgate and Tamara Hills potential annexations to the Boundary Review Board first. The typical review period is 45 days.

Responding to Councilmember Davidson, Mr. Stroh said the Boundary Review Board will hold a public hearing on the proposed annexations, and the City Council will hold a public hearing later before taking action. In further response, Mr. Stroh said he would check to see if the Council's public hearing could be held earlier in the overall process.

Deputy Mayor Robertson endorsed submitting the annexations to the Boundary Review Board now, while continuing to work with the state legislature regarding the state sales tax credit.

Mayor Lee noted a Council consensus for staff to proceed to the Boundary Review Board.

6. Council Business and New Initiatives

Councilmember Balducci reported that she chaired the Puget Sound Regional Council (PSRC) Transportation Policy Board meeting, during which the legislative agenda and 2012 project funding was discussed. Regarding the Walmart issue, she noted that she lives in the neighborhood around Kelsey Creek Center. She has heard concerns from residents of Lake Hills and from the Factoria area. Ms. Balducci clarified that the City approves land uses but it does not approve tenants. She suggested it would be helpful to provide a clear communication for the public to describe the City's role. She said that, of all the rumors she had heard about potential tenants, she never heard Walmart mentioned.

Councilmember Stokes concurred with Ms. Balducci's comments regarding the Kelsey Creek Center and the need to clearly describe the City's role in permitting projects.

Councilmember Wallace reported that, despite his day job, he was not aware of Walmart's moving into the community.

Mr. Wallace commented on impact fees, as a follow-up to the earlier Study Session discussion. He noted that there are projects in the Transportation Facilities Plan (TFP) that cannot be funded within the next 12 years. He said impact fees are supposed to be calculated on a proportionate basis of the projects that the City intends to fund within a 12-year period. He expressed concern about whether impact fees are being calculated fairly. He would like the City to reexamine impact fees and to determine the most appropriate method for calculation.

Mr. Wallace attended a meeting of the Bellevue Chamber of Commerce's Public Affairs Committee at which Mayor Lee was the speaker, as well as a meeting of the Eastside Transportation Partnership (ETP).

Councilmember Chelminiak reported that the City will be gathering traffic counts in February and March to determine the impact of SR 520 tolling on local roadways. He attended meetings of the Human Services Commission, Economic Development District Board, and the State Building Code Council. Mr. Chelminiak said that he and Mayor Lee attended a function with Congressman Adam Smith, who will be representing the new 9<sup>th</sup> District that includes Bellevue. Mr. Chelminiak attended the farewell event for Councilmember Degginger .

With regard to Walmart, Mr. Chelminiak said that the first time he heard about the prospective tenant for Kelsey Creek Center was from Ms. Rossman when she previously testified before the Council. Mr. Chelminiak said that he worked for Walmart as a research and analysis consultant for approximately three months in 2007. He did receive a campaign contribution from Walmart, and he has a professional friend who works for the company. That friend previously provided

information that Walmart was considering a store in Factoria. Mr. Chelminiak said that he and other candidates were asked about that during a Newport Hills Community Club event during the Council election campaign. He said he asked the City Attorney to determine whether he has a conflict of interest. He has been informed that she has completed her review, but he has not heard the result.

Dr. Davidson attended meetings of the Puget Sound Partnership and its South /Mid-Sound Caucus group. He reported that he and Mayor Lee will be participating in Bellevue Youth Theatre's production of *Singin' in the Rain* during its annual fundraiser at the Westin Hotel and on January 27 and 28 at the Bellevue Youth Theatre's home venue. Dr. Davidson and Mayor Lee attended the Korean-American community celebration in the International District.

Deputy Mayor Robertson attended the Eastgate/I-90 CAC meeting, and she looks forward to the group's final report. She concurred with the suggestion to provide clear communication to the public about Walmart. She has heard concerns about the Council's decision last year to waive a significant amount of impact fees related to the Kelsey Creek Center project. She noted that she voted against waiving the fees. Ms. Robertson reported that Walmart stores nationwide allow RV camping in their parking lots. The City does not have an ordinance that would prohibit this, and she believes the Council should study the issue.

Deputy Mayor Robertson commended staff for keeping roads clear during the current snow and ice weather. She said the City has not received any complaints about road conditions.

Mayor Lee joined in congratulating staff for doing a good job of maintaining favorable driving conditions. He thanked Councilmembers for their involvement with committees and regional forums on behalf of Bellevue citizens.

Mr. Lee reported that he and Councilmember Balducci attended the Martin Luther King, Jr., Day celebration at Crossroads. He commented on the rich diversity within Bellevue and the continuing relevance of Dr. King's message.

Mayor Lee said he attended the event with Congressman Adam Smith which was sponsored by the City of Newcastle. He suggested holding a similar meeting in Bellevue.

Councilmember Stokes noted that he attended the meeting with Congressman Adam Smith as well.

7. Approval of the Agenda

→ Deputy Mayor Robertson moved to approve the agenda, and Councilmember Chelminiak seconded the motion.

→ The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

→ Deputy Mayor Robertson moved to approve the Consent Calendar, including the amendment to the minutes of the January 3, 2012, Study Session as described in the desk packet memorandum. Councilmember Wallace seconded the motion.

→ The motion to approve the Consent Calendar, as amended, carried by a vote of 7-0, and the following items were approved:

(a) Minutes of January 3, 2012 Study Session *[As amended]*

Minutes of January 3, 2012 Regular Session

(b) Resolution No. 8355 authorizing execution of a one-year professional services contract with Systems Design to provide Basic Life Support (BLS) patient transport billing services.

(c) Resolution No. 8356 authorizing execution of a Software Application Purchase, Professional Services, and Technical Maintenance Agreement with Latitude Geographics, in an amount not to exceed \$80,280.50, for the replacement of the City's enterprise map viewer application.

(d) Streetscape Maintenance Contracts

Resolution No. 8357 authorizing execution of a two-year General Services contract, with an option to renew for an additional two years, with Canber Corps, for the maintenance of various City streetscape sites; and

Resolution No. 8358 authorizing execution of a two-year General Services contract, with an option to renew for an additional two years, with Plantscapes Horticultural Services, for the maintenance of various City streetscape sites.

(e) Resolution No. 8359 authorizing: 1) execution of a Supplement to UT01490 - Utility Construction Agreement, for the relocation, adjustment, and modification to City utilities within the City's services areas, including the Cities of Medina and Clyde Hill, and the Towns of Hunts Point and Yarrow Point in response to the Washington State Department of Transportation's (WSDOT) improvements to the SR 520 corridor and Eastside Transit and HOV Project; and, 2) increasing the maximum amount of reimbursement from the City to WSDOT to \$1,511,811.

9. Public Hearings: None.

10. Land Use

(a) Ordinance No. 6039 approving the Lakemont Chevron Rezone Application to remove the existing use restrictions specific to the Lakemont Chevron Station,

located at 5157 Lakemont Boulevard SE; and establishing an effective date. File No. 11-113742-LQ.

Mr. Sarkozy said that Ordinance No. 6039 approves the application of Trimark Property Group LLC for the Lakemont Chevron rezone, which will remove restrictions related to the types of items that can be sold at this business.

Carol Helland, Land Use Director, recalled discussion during the previous week's Council meeting on this topic. She noted that the rezone action will allow the business to sell more items that are consistent with a convenience store use. The City received approximately a dozen public comments, which were generally favorable to the proposal.

→ Deputy Mayor Robertson moved to adopt Ordinance No. 6039, approving the rezone application as recommended by the Hearing Examiner. Councilmember Balducci seconded the motion.

→ The motion to adopt Ordinance No. 6039 carried by a vote of 7-0.

11. Other Ordinances, Resolutions and Motions: None.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 8:58 p.m., Mayor Lee declared the meeting adjourned.

Myrna L. Basich, MMC  
City Clerk

kaw