

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

January 18, 2011  
8:00 p.m.

Council Chamber  
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

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

2. Roll Call, Flag Salute

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

Mayor Davidson announced that the Executive Session planned for the end of the meeting was postponed.

3. Communications: Written and Oral

- (a) Bill Stalls identified himself as a planner and commented on the proposed building height Land Use Code amendment. He has been working with a property owner for more than two years on one example that was described during the earlier Study Session. He asked the Council to support allowing the variance process to address nonconforming lot building height.

4. Reports of Community Council, Boards and Commissions

Hal Ferris, Planning Commission Chair, said the Commission has been working on the Shoreline Master Program for more than two years and has reached some significant milestones. The final draft recommendation from staff is expected to be presented to the Commission in February, the Commission anticipates an open house in early March and a public hearing in late March. There has been significant public input during the past two years. The Commission hopes to forward its recommendations to the Council before the beginning of the summer. Commissioner Matthews term expires in May, and the Commission would like to conclude its deliberations before he leaves.

Chair Ferris said the Planning Commission requests that the City Council direct staff to include the study and update of multifamily and mixed use zones with the goal of increasing the supply of affordable housing throughout Bellevue. The Commission would like to add this to its work program, to be addressed upon completion of the shoreline master program work.

Mr. Ferris explained that the maximum multifamily density allowed is 30 units per acre, which is a suburban density that is not consistent with the Growth Management Act or goals in Bellevue's Comprehensive Plan. The existing incentives for housing affordability are antiquated and have not produced one unit of affordable housing as part of a private development. Mr. Ferris suggested new incentives for consideration by staff and the Council. He said there are a number of tools that have been successful in Seattle, Spokane, Tacoma, and other cities in creating affordable housing. Chair Ferris noted that the Commission has requested in its retreat for the past four years that the City address this topic.

Mayor Davidson asked that this topic be placed on an agenda for Council discussion and staff's response.

Councilmember Degginger requested a copy of Chair Ferris' notes.

Councilmember Balducci questioned the status of recruiting a Planning and Community Development Director. City Manager Steve Sarkozy said the position is currently advertised, and staff will be reviewing applications and conducting interviews within a month.

Mayor Davidson requested that the topic be added as an agenda item within the next couple of weeks.

Councilmember Chelminiak expressed support for the requested work item. However, he noted that resources are finite and if the work is to move forward, he will want to know what other work items will not be completed.

Councilmember Robertson would like to see the City study the issue if staff time allows. She suggested that the item does not necessarily need to be addressed within the next couple of weeks, given that the Commission will continue to work on the Shoreline Master Program for a few more months.

Councilmember Wallace encouraged the requested study, which he noted fits into the broader picture of the Comprehensive Plan and affordable housing goals. He said the topic will help determine whether the City's plans and policies are realistic in its goals. He believes that the City is obligated to address it under the Growth Management Act, and he noted that the issue is relevant for the entire region.

Deputy Mayor Lee agrees with Councilmember Chelminiak about the reality of limited resources. Mr. Lee said that affordable housing is probably the next most important topic for the City and Commission to address. However, he wants to address it with full resources and the attention that it deserves.

Chair Ferris said this was an important issue for him when he applied for the Planning Commission. He said it would be helpful to know if and approximately when the Council would be willing to address the topic, even if not in the short-term.

5. Report of the City Manager

City Manager Steve Sarkozy requested postponing Consent Calendar Agenda Item 8(e), pending the union's vote on the proposed labor agreement.

6. Council Business and New Initiatives

Councilmember Chelminiak attended the 5<sup>th</sup> Annual Legislative Breakfast for the 10-Year Plan to End Homelessness in King County. He noted an article in the *Bellevue Reporter* about the severe weather shelter, which the Council was able to continue to fund in the 2011-2012 budget. Bellevue is now partnering with Issaquah, Kirkland, and Redmond in this effort. Mr. Chelminiak attended meetings of the Economic Development Council and the State Building Code Council.

Councilmember Robertson noted that the Council held its annual legislative breakfast. She attended meetings of the Parks and Community Services Board, PSRC Growth Management Planning Board, and Eastgate/I-90 Citizen Advisory Committee, and participated in the bus tour of the Eastgate/I-90 study area. Ms. Robertson is interested in engaging with Sound Transit about future light rail to the Eastgate area. She will attend the Transportation Policy Board 2040 prioritization planning group meeting on January 21.

Ms. Robertson noted ongoing concerns from residents about the siting of cell towers/antennas, and asked for an update on this issue. She recalled the previous week's discussion with Julie Wiebusch of The Greenbusch Group, and suggested requesting additional work to review Sound Transit's raw data and to develop weighted averaging for the short tonal quality noises such as bells, wheel squeal, and crossover tracks. Ms. Robertson would like to know from staff if there is sufficient money for this work.

With regard to the BNSF rail corridor, Ms. Robertson said she has spoken to a couple of Port of Seattle Commissioners in recent months about the proposed trail. It is unclear whether the trail is required, and she would like more information on that issue. Ms. Robertson expressed an interest in studying water quality issues in the Sammamish slough. She was contacted by King County Councilmembers Jane Hague and Kathy Lambert, who suggested that Bellevue ask the King County Council to approve a motion to add to its agenda an item for cleaning out the Sammamish slough and returning it to a navigable condition. Another step would be to add the priority to Bellevue's federal legislative agenda and to conduct outreach to other jurisdictions around the lake.

Mayor Davidson said the Council will review her list and discuss whether to add them to the Council's work agenda.

Deputy Mayor Lee reported that he and Mayor Davidson attended the 100<sup>th</sup> anniversary celebration of the founding of the Republic of China (Taiwan). Mr. Lee encouraged everyone to visit the exhibit of the country's history currently on display in City Hall. Mr. Lee reported that he serves on the Bellevue School District's strategic planning committee. He attended the Enterprise Seattle economic forecast breakfast and participated in the Eastgate/I-90 study area bus tour. He noted Sound Transit's Phase 3 plans to travel east along I-90, which means it will go through the Mercer Slough. Deputy Mayor Lee said he and Councilmember Chelminiak attended the Martin Luther King, Jr., Day celebration. Mr. Lee attended the funeral service for Jimmy Locke, the father of former Governor and current U.S. Secretary of Commerce Gary Locke.

Councilmember Balducci addressed comments regarding the potential extension of light rail to Issaquah. She noted that Sound Transit Phase 3 will not be discussed for at least a couple of years. However, she would be happy to ask the Sound Transit Board for information studied during Phase 2 regarding the extension of light rail to Issaquah. Ms. Balducci provided background information on the Transportation 2040 prioritization subcommittee, on which Ms. Robertson serves. Ms. Balducci explained that the Transportation 2040 plan consists of background information, policy statements, and a list of projects. The intent of the prioritization process is to evaluate the projects against the goals set by the region. Ms. Balducci feels this will move toward performance measurement of how the system is working and whether goals are achieved.

Ms. Balducci said she will be out of town next week but she would like to participate in Monday night's Council meeting via speakerphone, if approved by the Council.

→ Councilmember Chelminiak moved to allow the participation of Councilmember Balducci in the January 24 Council meeting via speakerphone. Councilmember Degginger seconded the motion.

Councilmember Wallace requested a friendly amendment to allow his participation via speakerphone as well, which was accepted by the makers of the motion.

Mayor Davidson commented that when he participated remotely, he found it difficult to hear the discussion, due in part to a delay in the broadcast.

→ The motion, as amended, carried by a vote of 7-0.

Mayor Davidson said he would like to limit the remote participation of Councilmembers. He suggested discussing the practice during the Council's upcoming retreat.

Councilmember Wallace noted that he will be out of town on a business trip next week. He reported that during the past couple of weeks, he met with members of the state legislature and the Eastside Transportation Partnership to discuss ETP's priorities. He attended the Eastside Chambers Legislative Breakfast and a celebration honoring Nate Miles as First Thursday Seattle's 2011 Man of the Year at Rainier Vista Boys and Girls Club.

Mr. Wallace requested an update on the economic impact study request from Deputy Mayor Lee within the past couple of weeks.

Councilmember Degginger took a moment to remember Vilis Barevics, who passed away recently. Mr. Barevics was a president of the Bellevue Sister Cities Association and served as a translator when Councilmembers traveled to Liepaja, one of Bellevue's Sister Cities. Mr. Degginger noted that Mr. Barevics was born in Latvia on the eve of World War II and escaped with his family to the United States.

Mayor Davidson said he would forego his report, noting that he attended several of the events already mentioned by Councilmembers. He announced that he will perform in the Wizard of Oz at the Bellevue Youth Theatre Foundation's annual benefit event on Saturday, January 22, at the Westin Hotel, and on January 28 and 29 at the Bellevue Youth Theatre.

7. Approval of the Agenda

→ Deputy Mayor Lee 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

Mayor Davidson noted the City Manager's request to pull Agenda Item 8(e) from the Consent Calendar.

→ Deputy Mayor Lee moved to approve the Consent Calendar, with the exception of Agenda Item 8(e). Councilmember Robertson 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 November 29, 2010 Special Meeting  
Minutes of December 6, 2010 Study Session  
Minutes of December 6, 2010 Regular Session

(b) Motion to approve payment of claims for the period October 5, 2010 through December 30, 2010 and payroll for the period September 16, 2010 through December 15, 2010.

(c) Resolution No. 8186 authorizing execution of a Memorandum of Understanding by and between the City and the International Association of Firefighters Union, Local #1604, representing the Fire Fighters, that reduces the number of Kelly Days provided to Union members for 2011 and 2012 to assist with restoration of funding for Aid 1, in conjunction with the City's adoption of the 2011-20112 budget.

- (d) Resolution No. 8187 authorizing execution of a Memorandum of Understanding by and between the City and the International Association of Firefighters Union, Local #1604, representing the Battalion Chiefs, that reduces the number of Kelly Days provided to Union members for 2011 and 2012 to assist with restoration of funding for Aid 1, in conjunction with the City's adoption of the 2011-2012 budget.
- (f) Motion to award Bid No. 10291, 2010 Citywide Guardrail Improvements as part of the Major Maintenance Program, to Petersen Brothers, in the amount of \$124,345.65, as lowest responsible and responsive bidder (CIP Plan No. PW-M-19).
- (g) Ordinance No. 5988 authorizing execution of an Interlocal Agreement with the Seattle-King County Department of Public Health (DOH) to accept \$58,088.96 in grant reimbursement funds to implement hazardous waste prevention and education programs in accordance with the Local Hazardous Waste Management Plan (LHWMP); establishing a project within the Operating Grants and Donations Fund; amending the budgets for Operating Grants and Donations Fund; appropriate unanticipated and future revenues to that fund; and authorizing expenditures of said grant funds.
- (h) Resolution No. 8189 authorizing approval of payment in the amount of \$104,841.03 for a Release of All Claims in final settlement of a claim against the City for property damage to the Hartle residence caused by a water system failure.
- (i) Resolution No. 8190 authorizing execution of a Professional Services Agreement with Osborn Consulting, Inc., in an amount not to exceed \$82,000, for engineering services for final design of the Kelsey Creek at NE 8th Street Culvert Fish Passage Improvements project (CIP Plan No. D-81).
- (j) Resolution No. 8191 authorizing execution of a Professional Services Agreement with Herrera Environmental Consultants, Inc., in an amount not to exceed \$120,000, for engineering services for the Phase 2 Sunset Creek/Richards Creek Flood Control and Habitat Improvement project (CIP Plan No. D-94).
- (k) Motion to award Bid No. 10352 for SE 3rd Street AC Water Main and Commercial Water Meter Replacement, to Mosbrucker Excavation, Inc., in an amount not to exceed \$298,777.32, as low bidder (CIP Plan No. W-16 and W-98).

Item postponed:

- (e) Resolution No. 8188 authorizing execution of a 2011-2013 successor labor agreement by and between the City and the International Brotherhood of Electrical Workers, Local #77.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 8192 authorizing execution of an agreement and all documents necessary with the Bellevue School District (BSD) to: 1) grant BSD a lease to construct and maintain a ground loop heating system and parking lot on City-owned Cherry Crest Park for the estimated life of the school; 2) grant BSD a temporary use agreement during construction; and, 3) credit BSD for recreational improvements to Cherry Crest Park.

City Manager Sarkozy explained that Resolution No. 8192 proposes the execution of an agreement with the Bellevue School District regarding Cherry Crest Park and Cherry Crest Elementary School.

Glenn Kost, Planning and Development Manager, provided an overview of the proposed agreement. The purpose is to allow the District to utilize portions of the City-owned Cherry Crest Park to complete the reconstruction and expansion of the Cherry Crest Elementary School.

Councilmember Degginger noted that the Council is always interested in ways to work with the Bellevue School District to achieve mutual goals. Mr. Degginger said the Resolution represents a complicated transaction, and he would like to have the opportunity to review the details of the agreement and the appraisal report.

Mr. Kost said the documents will be provided in the Council Office.

→ Councilmember Degginger moved to authorize staff to prepare the agreement, subject to the Council having a chance to review it before it is approved. Councilmember Balducci seconded the motion.

Responding to Deputy Mayor Lee, Mr. Kost said all of the details have not yet been finalized. However, should the ground loop heating system fail for any reason, it would be the District's responsibility to repair the system and to restore the surface upon completion of its work.

Councilmember Chelminiak noted the timing and said he would like to be sure that the Council moves ahead relatively quickly on this. Mr. Kost said the District has been in the permit process for a number of months and the deadline is near. Staff will return to the Council with the agreement within the next couple of weeks.

Councilmember Balducci said she had the same concern, given the urgency expressed by Mr. McLeod in his letter to the City [Page 11-9 of the meeting packet]. She would like the opportunity to review the documents because the proposal has changed since it was initially discussed with the Council. She questioned whether, if the Council delays approval for one to two weeks, the District will be able to move forward with its construction in September.

Mr. Sarkozy noted that Council's general approval tonight, pending final review of the specific business points, will suffice.

Councilmember Wallace questioned whether the design of the school project enables construction without the ground loop heating system.

Jack McLeod, Director of Facilities and Information Technology for Bellevue School District, said the District has looked at the option of installing heat pumps that utilize a boiler and chiller.

Mr. Wallace questioned whether a cost-benefit analysis was conducted to determine whether this was the best heating option. Mr. McLeod said Eastgate was the first school to use the ground source system. After a full year of operation, the utilities savings has been approximately \$25,000. In addition, the system does not introduce any fossil fuels but uses pre-existing electrical service. In further response, Mr. McLeod estimated a 15- to 20-year payback period for the system.

→ The motion carried by a vote of 7-0.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session

(a) Potential Litigation

[Postponed]

16. Adjournment

At 9:07 p.m., Mayor Davidson declared the meeting adjourned.

Myrna L. Basich, MMC  
City Clerk

/kaw