

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

February 7, 2011  
8:00 p.m.

Council Chamber  
Bellevue, Washington

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

ABSENT: Mayor Davidson

1. Call to Order

The meeting was called to order at 8:02 p.m., with Deputy Mayor Lee presiding.

Deputy Mayor Lee thanked the *Stay Tuned* band for entertaining before the meeting.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers except Mayor Davidson were present. Mr. Lee noted that Dr. Davidson was absent because he was not feeling well. Councilmember Wallace led the flag salute.

Deputy Mayor Lee welcomed several former Bellevue mayors in the audience: Mike Creighton, Terry Lukens, and Connie Marshall.

3. Communications: Written and Oral

(a) Dick Chapin, a resident in and around Bellevue for 55 years, addressed the East Link light rail project. He said he is disgusted that Bellevue has been made a laughingstock with regard to this regional project. He encouraged Councilmembers to reconsider their positions. Mr. Chapin hopes the Council can come around and do what he feels is right for Bellevue.

Deputy Mayor Lee stated his wish that Councilmembers and those commenting on City Council matters be civil and respectful, even when they disagree.

(b) Alex Tang, Bellevue Youth Link Council, thanked the Council for its continued support. He reported that Youth Link worked with the community to distribute 3,000 coats to low-

income families over the holiday season. Two additional speakers reported on upcoming Youth Link activities and invited the Council to its annual Gumbo Night on Wednesday, March 9.

- (c) Anne Taylor, Head Coach for Eastside Dream Elite Cheerleading, a Parks Department program, introduced the Highland squad and thanked the Council for its support of disability programs at Highland Center. A youth assistant coach and a parent thanked the Council as well. Ms. Taylor thanked Dan Lassiter, Highland Center Director, for his help with the program. The squad performed a cheer for the Council and audience.
- (d) Lauren Walters, Abby Carter, and Alana Morrison, representing the Bellevue Youth Theatre Teen Advisory Board, thanked the Council for its support. Ms. Walters commented on her 10 years of experience with, and her love for, the theatre program. Ms. Carter noted that it was fun to be able to perform with her sister and father in the recent production of the Wizard of Oz. Ms. Morrison thanked Mayor Davidson for his role as the Mayor of Munchkinville at the theatre's annual benefit event. She thanked Deputy Mayor Lee for his support of the program as well.

Deputy Mayor Lee praised the theatre program and its participants, and thanked them for their involvement in the community.

- (e) Stephen Ruffo, Director of the Wintergrass festival, introduced and thanked members of *Stay Tuned*, who played before tonight's meeting: Pete Goodall, Terry O'Brien, Alan Ehrlich, and Mary Sackmann. He introduced Trisha Tubbs, Acoustic Sound Board Member, and Wendy Tyner, Acoustic Sound Development Director. Mr. Ruffo noted that 4,000 people attend Wintergrass each day. Acoustic Sound appreciates that the festival has found a good home in Bellevue. The festival has signed an eight-year deal with the Hyatt Regency in Bellevue and provides both performances and educational workshops.
- (f) Terry Lukens, former Bellevue Mayor, introduced Move Bellevue Forward, a new non-partisan grassroots citywide coalition of community leaders dedicated to a progressive, long-term vision for Bellevue. The group believes that the City's vision for sustainable growth, long-term economic vitality, and infrastructure investment is critical to Bellevue's future. The group supports the proposed light rail investment in Bellevue. It disagrees with the Council majority's preferred light rail alignment, and finds it to be ill advised, a waste of the City's valuable resources, and overly adversarial. Move Bellevue Forward's members include six former mayors and more than 70 business and neighborhood leaders. He referred citizens to [www.MoveBellevueForward.org](http://www.MoveBellevueForward.org) for more information.
- (g) Connie Marshall, former Bellevue Mayor, expressed concern regarding the direction the City Council has taken related to light rail. She noted that 56 percent of Bellevue voters approved light rail to and through Bellevue. She feels that the current Council majority's preferred alignment will not serve the community as well as Sound Transit's proposed alignment. It has lower ridership, greater environmental impacts, higher cost, and adverse impacts for more property owners. It jeopardizes the City's ability to find the funding

necessary to support the downtown tunnel, which is critical for the community.

Mrs. Marshall acknowledged that, while there is no perfect alignment, the Bellevue Way/112<sup>th</sup> Avenue alignment best serves the community, is the least costly, has the fewest environmental risks, and keeps the tunnel funding on the table. Mrs. Marshall urged the City Council to change its focus from spending scarce taxpayer dollars on alignment studies, and to instead focus on moving forward with mitigation and tunnel funding. She asked the Council to work for the community as a whole and to remember that this is a 100-year legacy decision. She asked the Council to work with Sound Transit, Move Bellevue Forward, and others to do what is best for the community.

- (h) Mike Creighton, former Bellevue Mayor, expressed support for Move Bellevue Forward and its position on light rail. He recalled that, as a Councilmember, he voted to support the Bellevue Way/112<sup>th</sup> Avenue alignment because it best serves the community, has the fewest environmental impacts, and is the most cost-effective option. This alignment provides the best opportunity for the downtown tunnel to be funded by Sound Transit or jointly with the City. He opposes the B7 alignment and believes that additional expenditures on further studies are not justified. As Co-Chair of both the Downtown Implementation Plan Committee and Bel-Red Corridor Steering Committee, Mr. Creighton believes that light rail is critical to Bellevue's future mobility plan. It is essential to separate cars and trains in the downtown for safety and mobility. He encouraged the Council to sharpen its focus on the tunnel agreement and on mitigating construction and operational impacts. He encouraged everyone to work together toward what is best for Bellevue.
- (i) Sue Baugh, President of Move Bellevue Forward, said the group is dedicated to the future of Bellevue and intends to play a positive role in advancing the community's interests through the involvement of volunteer, business and community leaders. She encouraged the City to work with Sound Transit to achieve the desired Segment B and Segment C downtown tunnel alignment. Ms. Baugh encouraged a long-term vision, and looks forward to working with all stakeholders.
- (j) Robin James, Bellevue Botanical Garden Society, reported on the success of the 2010 Garden d'Lights holiday event. Ms. James said that 95,350 people attended the event, and one-third of the nights were offered free to the public. These included visitors from other parts of Washington state, as well as from 40 other states, Canada, and Japan. The event's Co-Chairs, Sharon and Dallas Graham, were at the show every night. In addition, nearly 300 volunteers totaling 9,000 hours were involved in producing the event. Ms. James thanked the Council for its support of the garden.

Councilmember Degginger thanked Ms. James for the report and noted that the event gets better every year.

- (k) Bill Stolzer, a planner, spoke on behalf of a homeowner in South Bellevue and encouraged adoption of proposed Ordinance No. 5991 [Agenda Item 10(c),

Nonconforming Lot Building Height Land Use Code Amendments].

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

5. Report of the City Manager: None.

6. Council Business and New Initiatives

[See Study Session minutes for reports.]

7. Approval of the Agenda

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

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

8. Consent Calendar

→ Councilmember Robertson moved to approve the Consent Calendar, with the December 13, 2010, Regular Session minutes revised as provided in tonight's desk packet. Councilmember Chelminiak 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 December 13, 2010 Study Session  
Minutes of December 13, 2010 Regular Session [Revised in desk packet]  
Minutes of January 3, 2011 Study Session  
Minutes of January 3, 2011 Regular Session
- (b) Resolution No. 8193 authorizing execution of a Mutual Assistance and Interlocal Agreement between the City and other King County cities, towns, fire protection districts; other governmental divisions and other special districts, for mutual assistance in the control of fire, fire prevention, emergency medical services, and/or other emergency support.
- (c) 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.
- (d) Resolution No. 8194 authorizing execution of a two-year General Services Contract, with Malone's Landscape Management, in an amount not to exceed \$39,702.93, with the option to renew for an additional two years, for landscape maintenance services at 24 Utilities Department water sites.

- (e) Resolution No. 8195 authorizing execution of a Professional Services Agreement with MAKERS architecture + urban design (MAKERS), in an amount not to exceed \$68,312, for urban planning and design services in support of the Eastgate/I-90 Land Use and Transportation Project.
- (f) Resolution No. 8196 authorizing execution of an Agreement with Hydra Hospitality, LLC, for the long-term lease of airspace over the 102nd Avenue NE right-of-way for building overhang and roof eaves in exchange for a traffic camera with associated installation costs and a maintenance access easement.

9. Public Hearings: None.

10. Land Use

- (a) Electrical Vehicle Infrastructure Land Use Code Amendments  
*[Discussed with Council on January 18, 2011.]*

Ordinance No. 5989 amending the Bellevue Land Use Code allowing electric vehicle infrastructure as a use in all land use districts where accessory parking, auto parking, park and rides, street and highway rights-of-way parking, gasoline service stations, auto repair, or vehicle maintenance is allowed, specifically amending sections 20.10.440, 20.25D.020, 20.25D.070, 20.50.012, 20.50.018, 20.50.044 of the Bellevue Land Use Code; providing for severability and establishing an effective date.

City Manager Steve Sarkozy stated that Ordinance No. 5989 amends the Land Use Code to add electric vehicle infrastructure as an allowable use in Bellevue.

Carol Helland, Land Use Director, recalled previous Council discussion on this issue.

→ Councilmember Chelminiak moved to adopt Ordinance No. 5989, and Councilmember Robertson seconded the motion.

→ The motion to adopt Ordinance No. 5989 carried by a vote of 6-0.

- (b) Performing Arts Uses Land Use Code Amendments  
*[Discussed with Council on January 18, 2011.]*

Ordinance No. 5990 amending the Bellevue Land Use Code relating to building floor plate exceptions and setback exceptions for performing arts centers, and adding a definition of performing arts center; specifically amending sections 20.25A.020.B.1, 20.25A.020.B.2 and 20.50.040 of the Bellevue Land Use Code; providing for severability and establishing an effective date.

Ms. Helland recalled previous Council discussion regarding Ordinance No. 5990, which amends the Land Use Code related to performing arts centers.

→ Councilmember Robertson moved to adopt Ordinance No. 5990, and Councilmember Balducci seconded the motion.

→ The motion to adopt Ordinance No. 5990 carried by a vote of 6-0.

(c) Nonconforming Lot Building Height Land Use Code Amendments  
*[Discussed with Council on January 18, 2011.]*

Ordinance No. 5991 amending the Bellevue Land Use Code relating to nonconforming building height, specifically amending sections 20.20.070.B. of the Bellevue Land Use Code; providing for severability and establishing an effective date.

Ms. Helland said she reviewed the meeting packets materials from January 18 and wanted to clarify some information that was presented. The proposed amendment is very limited, and the Land Use Code currently restricts nonconforming lot building height through a formula that has been in effect since 1988. She highlighted the minor changes to the Code, which are provided in the Council's desk packet.

Responding to Councilmember Degginger, Ms. Helland confirmed that a property owner could not create this nonconforming lot condition through a lot line adjustment. An individual cannot make any situation more nonconforming through any sort of land use approval. This type of situation generally results from an annexation or a preexisting circumstance.

→ Councilmember Degginger moved to adopt Ordinance No. 5991, and Councilmember Chelminiak seconded the motion.

→ The motion to adopt Ordinance No. 5991 carried by a vote of 6-0.

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 8:48 p.m., Deputy Mayor Lee declared the meeting adjourned.

Myrna L. Basich, MMC  
City Clerk

/kaw