

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

March 1, 2010  
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 8:06 p.m., with Mayor Davidson presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers were present.<sup>1</sup> Councilmember Degginger led the flag salute.

3. Communications: Written and Oral

- (a) Rebecca Sears said she is a third-generation Enatai resident and mass transit user, beginning with her grandfather who commuted to downtown Seattle 100 years ago via ferry. She noted that Enatai is a Chinook place name meaning crossing. She stated her preference for the B3 Modified light rail alignment, which she said is consistent with decades of regional travel patterns. Research indicates that the B3 route results in four times the ridership of the B7 route. Initial high ridership is critical to the overall effectiveness of the transportation network. Ms. Sears, who currently commutes by bus to the University of Washington, said that the B3 route provides the best potential for serving employment destinations.
- (b) Dick Applestone, speaking on behalf of the Surrey Downs Community Club, commented on the Surrey Downs Park Master Plan. He submitted a proposal from residents which supports Bellevue's City in a Park vision.
- (c) Andrew McCormick, representing the Eastside Audubon Chapter of the National Audubon Society, expressed support for the Council's apparent decision to abandon the B7 Modified route for the East Link light rail project. He commented that the preservation of the Mercer Slough Nature Park is vital to the wetland and mixed

---

<sup>1</sup> Councilmember Chelminiak took his seat at 8:08 p.m.

woodland habitat. Mr. McCormick said that Eastside Audubon urges the Council to continue to support the B3 route, as recommended by the Council to Sound Transit last year. While the B3 route will impact the wetlands during construction and on an ongoing basis, these impacts occur along the edge of the wetland and will be mitigated in part by other advantages of the B3 route. Mr. McCormick testified that less total wetland and woodland acreage will be affected by the B3 alignment, which demonstrates increased ridership and shorter walking distances to three stations. He cautioned that the B7 route could doom light rail, especially if combined with the equally poorly planned C14E alternative that would skirt the downtown center.

Mr. McCormick stated that the B7 route would result in the loss of a stretch of woodlands along the eastern portion of Mercer Slough Park, which is home to a number of birds including three that are listed as federal species of concern. Additional birds in that area have been identified as birds in trouble in the 2009 Audubon State of the Birds Report. Eastside Audubon supports the development of transit in general, and encourages maximizing ridership while minimizing environmental impacts. Mr. McCormick said B7 and B7 Modified fail to meet these standards. Eastside Audubon supports the B3 route as previously recommended by the City Council last year.

- (d) Aaron Laing reminded the Council that he lives across the street from the Winters House. He said it is unfortunate to have a split in the Council's position on light rail. He feels it is an artifact of the State Environmental Policy Act (SEPA) process, in that a decision cannot appropriately be made based on a draft environmental impact statement (DEIS). Last year the Council made its best decision based on the information available. Mr. Laing said the ridership statistics in the DEIS are flawed. He encouraged the Council to insist that Sound Transit take an honest and equal look at the B7 alignment, which was not adequately studied in the DEIS.
- (e) Sherwin Lee acknowledged the dilemma before the Council and thanked Councilmembers for continuing to discuss the issues. He thanked Councilmember Balducci for reminding the Council to consider ridership and transit users. He suggested that light rail planning needs to consider other cities. He stated his understanding that a major portion of the capacity at the Mercer Island Park and Ride is not used by residents of the island. Eliminating the South Bellevue Park and Ride from the light rail plan will result in more commuters driving to Mercer Island. Mr. Lee said the B7 option does not provide good station access for the downtown. He cautioned that placing a station next to I-405 will encourage commuters who do not live in Bellevue to use that park and ride lot. This would put Bellevue at an economic disadvantage to benefit from the system. Mr. Lee commented that no decision will make everyone happy. He urged the Council to not engage in a legal battle with Sound Transit once an alignment decision is made. He said it is important to not delay or interfere with the implementation of the system, at the expense of future generations.
- (f) Samantha Gillett commented on light rail and the Council's criteria of ridership, minimizing travel times, and connecting major employment centers. She noted Sound Transit's study that shows decreased ridership associated with moving the alignment

away from the downtown core toward I-405. Ms. Gillett said this equates to millions of dollars in lost revenue over many years of light rail operation. She noted a preference for a downtown tunnel and the importance of lessening the impact of auto travel. She encouraged a continued look at all alternatives. Ms. Gillett noted the concerns of Surrey Downs residents, and encouraged the Council to consider all residents and impacts to other neighborhoods. While her community is only one-third the size of Surrey Downs, 100 percent of Lake Bellevue residents are impacted by light rail. In Surrey Downs, only some residents along 112<sup>th</sup> Avenue are impacted under some of the proposals.

Ms. Gillett noted that over the past 10 years, the BNSF corridor averaged only two trains per day. Lake Bellevue Village is built on a peat bog, and property owners have spent more than \$1.5 million to install geofam to prevent sinking. She expressed concern regarding the future impacts of heavy train volumes, based on projections for a train every seven minutes. Ms. Gillett urged the Council to study this potential impact. She noted that the draft EIS identifies Lake Bellevue as a commercial area. She hopes that residents are not being overlooked as a community.

Ms. Gillett said the area is considered a wetland by the U.S. EPA as well as a flood zone. Lake Bellevue residents are concerned about construction impacts to the lake and stream. In addition, relocation of the stream is indicated as necessary in the preferred alternatives identified by the Council. Ms. Gillett questioned whether half a billion dollars should be spent to locate part of the light rail system in a flood zone. She explained that topographic information received from the City indicates that light rail will be flooded in the vicinity of Lake Bellevue should a 100-year flood occur.

- (g) Ian Gilman introduced himself as a software developer and Seattle resident who lives near the Columbia City light rail station. He spoke in favor of light rail, noting that he intentionally moved to a neighborhood that would be served by it. He and his family enjoy the greater access provided by light rail, and the cosmopolitan nature of transit trains in the neighborhood. With regard to reports about noise levels, Mr. Gilman said he lives a block from the rail line. He does hear some sounds from the trains, but he also hears traffic and truck noise, and he prefers the sound of the trains. He felt Sound Transit was very conscientious in managing construction impacts and ensuring that local businesses remained open and accessible. Mr. Gilman said light rail has been a benefit to him and his family.
- (h) Steve Rich said he owns a business on Lake Bellevue, and he is also the president of the North Bellevue Senior Advisory Board. He spoke in favor of the original proposed light rail station location at NE 12<sup>th</sup> Street and 116<sup>th</sup> Avenue NE. He is opposed to the alternate location behind Whole Foods using the existing BNSF right-of-way. He feels the original location provides more meaningful access for Bellevue seniors due to its proximity to medical care and shopping. Mr. Rich expressed concern about noise impacts related to light rail on the BNSF corridor.
- (i) Maxine Girard introduced herself as a Factoria resident who spends a good deal of time at the North Bellevue Community and Senior Center. She is opposed to the light rail

station at Whole Foods as well. She noted that she uses a cane, and access to that station would be problematic for many individuals.

- (j) Gary Ritner directed his comments to the Council process over the past few meetings. He testified that he has attended meetings off and on during the past year in which the Council discussed light rail Segment B. He expressed concern regarding transparency, which he said he did not see at last week's meeting. Mr. Ritner said it appeared to him that four Councilmembers had their own private meeting and came into the Council meeting prepared to vote on a new Segment B alternative. He hopes that the Council will honor Deputy Mayor Lee's comments about transparency going forward.
  - (k) Howard Katz thanked the Council for action related to the flooding at Lake Bellevue last year. He thanked Deputy City Manager Brad Miyake for working with Burlington Northern to resolve the issue. Mr. Katz said he serves on the North Bellevue Senior Advisory Board, Bellevue Network on Aging, Lake Bellevue Village Homeowners Association, and the Lake Bellevue Water Quality Association. In addition, he is the elected Republican Precinct Committee Officer for precinct 0219 in the 41<sup>st</sup> legislative district. Mr. Katz quoted Councilmember Wallace's concerns about light rail train noise from the February 22 City Council meeting. He spoke to the need to protect all neighborhoods from noise impacts. He testified that noise impacts are greater at Lake Bellevue because the Burlington Northern tracks are only 30 feet from the Lake Bellevue Village.
- 4. Reports of Community Council, Boards and Commissions: None.
  - 5. Report of the City Manager
    - (a) Management Brief providing information on Automated External Defibrillator in Police Cars

Police Chief Linda Pillo announced the beginning of a two-year pilot program that provides automated external defibrillators (AEDs) in police cars. During the pilot program, police officers will respond to all cardiac arrest calls, and Fire Department personnel will take over resuscitation duties as they arrive. The AEDs are provided by Philips Medical Systems through a program with King County's Emergency Medical Services division and the Washington State Life Sciences Discovery Fund. Each officer has received training in the use of the equipment.

Councilmember Robertson commended the Police Department for this great work.

Councilmember Degginger concurred, noting his recent experience at a gym in which he witnessed an emergency involving a successful AED response.

Chief Pillo noted that AEDs are located in community centers as well.

City Manager Steve Sarkozy said AEDs are located in City Hall at the Service First counter. He noted that King County and Bellevue are among the safest communities in the country due to the

great work of Police and Fire emergency personnel. He commended this collaboration between the two departments to further enhance services.

(b) Management Brief Providing Information on West Coast Armory

Mr. Sarkozy asked staff to provide a briefing on the West Coast Armory, a new indoor shooting range in the Factoria area.

Carol Helland, Land Use Director, noted the management brief on page 5-3 of the meeting packet and described the new indoor shooting range in Richards Valley, on the access road to the Factoria Transfer Station. The use is classified as a recreational activity and is located in a light industrial zone, as is Wade's Gun Shop and Shooting Range on Bel-Red Road. Limited retail sales are permitted at West Coast Armory including safety equipment and ammunition for use on the site. Additional recreational uses in the area include martial arts, dance, gymnastics, and badminton. Ms. Helland said she visited the business earlier in the day in anticipation of tonight's meeting.

Mayor Davidson said he visited the site yesterday and today. He noted that there appeared to be more retail items yesterday, and that seems to have changed today. He questioned whether the City influenced this change.

Ms. Helland said she started discussions with the property owner, Lance Kilgore, after some complaints were received early in February. She discovered that retail sales were occurring, which was not permitted by their temporary occupancy permit. The business worked with the Bureau of Alcohol, Tobacco, Firearms and Explosives to redesignate and scan the weapons, and was in the process of having them removed when Ms. Helland spoke to the owner on Friday. When she visited today, all except one display gun had been removed. There are pistols available for use on the shooting range.

Councilmember Balducci noted that the Council is receiving communications supporting and opposing the use. Ms. Helland said that every email the Council receives on this topic, or on any topic, is forwarded to a staff person for a reply. She was asked to reply to recent emails on this topic on behalf of the Council. Ms. Helland said her replies copied the Council Office as an official record, but not the entire Council.

Councilmember Chelminiak stated that most of the communications express concern about the sale of weapons. He questioned the applicability of incidental sales. Ms. Helland said that incidental is not a defined term in the City Code. Subordinate is a defined term, and it relates to a square footage of area that is allowed to be committed to a certain use. Those uses require a designation in the use charts, and this use does not have a subordinate use designation. The use is therefore not protected by the subordinate use requirements that allow 25 percent of an area to be devoted to a subordinate use. Ms. Helland said incidental uses associated with a primary use are allowed, if they are closely integrated with the primary use. She noted that staff must essentially use judgment in determining how uses end up being allowed at a particular location. All of the recreational uses in the light industrial district operate similarly, in which there is a pro shop component associated with the activity.

Responding to Councilmember Chelminiak, Ms. Helland said no retail firearm sales are allowed. The business is directing customers to its Issaquah store for retail gun sales. Shooting range customers can rent weapons to be used on site.

Councilmember Robertson noted email traffic regarding the safety of this facility. She inquired about the safety history of Wade's gun shop. Ms. Helland said Wade's opened in approximately 1993. She is not familiar with their accident record but toured the facility today. The owners are committed to safety and provide training, cleaning rooms, a gunsmith on site, and three separate range spaces for different types of weapons. Additional safety features included thick concrete walls and a special ventilation system.

Councilmember Robertson suggested that it would be helpful to provide information to concerned citizens about Wade's safety record and the experience of the range previously located near the new West Coast Armory. Perhaps the information will help individuals to not be unnecessarily worried.

Responding to Councilmember Wallace, Deputy City Attorney Kate Berens said Washington is an open carry state, meaning that a person can carry a loaded weapon as long as it is not concealed. A concealed weapons permit provides other specific guidelines to be followed by permit holders.

Councilmember Wallace echoed Councilmember Robertson's comments that it would be helpful to educate the public about safety protocols and programs in place at these shooting ranges, in order to alleviate concerns.

Mr. Sarkozy noted that Agenda Item 11(b) will be postponed, pursuant to the earlier Study Session discussion on this topic. Staff will return with more information next week.

## 6. Council Business and New Initiatives

Councilmember Degginger noted that the SR 520 bill will be voted on tomorrow in the House. He reported on the Wintergrass Festival, which was a fun event for more than 7,000 attendees over four days. It filled 733 rooms at the Hyatt Hotel and sold out the Westin. He noted that a song written about Bellevue called A Hard Place to Suffer won a songwriting award. Staff played a clip of the song.

Councilmember Robertson reported that Girl Scout cookie sales go through March 14, and the Girl Scouts are accepting donations to send cookies to troops overseas. Ms. Robertson said she was recently appointed by the Bellevue School District to be on their Fiscal Advisory Committee.

Deputy Mayor Lee attended an event focused on developing a marketing strategy for India as well as the Prosperity Partnership lunch in Seattle. He met with a group of young Muslim leaders from all over the world, and attended the Seattle Chinese Chamber of Commerce's Chinese New Year celebration.

Councilmember Chelminiak attended the Prosperity Partnership luncheon as well. Along with the Mayor and Deputy Mayor, Mr. Chelminiak met with Puget Sound Regional Council (PSRC) staff to discuss economic development and competitiveness, and he attended the PSRC Executive Board meeting.

Councilmember Balducci said she spends a great deal of time meeting with and about Sound Transit, as a member of the Sound Transit Board. As Council liaison to the Arts Commission, she met with the Chair and attended the Commission's meeting. The Arts Commission's top priorities are to advance the Art Walk concept, ensure arts participation on steering committees as appropriate, develop an arts incentive plan for the Downtown, and pursue the Arts in Neighborhoods initiative.

Councilmember Wallace attended a number of outreach meetings on the light rail issue. He took staff members from Congressman Reichert's office on a tour of the Bel-Red corridor and talked about the transportation programs for which Bellevue is seeking federal funding. He met with Economic Development Director Bob Derrick and a representative of Seattle Public Schools who is interested in teaching small businesses about how to contract with public agencies. Mr. Wallace met with members of the Splash organization and learned about regional swimming pools.

Mayor Davidson spoke at the Eastside Transportation Association (ETA) meeting and attended meetings of the Metropolitan Water Pollution Abatement Advisory Committee (MWPAAC) and the PSRC Executive Board. He attended the Indian event and the Seattle Chinese Chamber of Commerce's Chinese New Year celebration mentioned by Deputy Mayor Lee.

7. Approval of the Agenda

- Deputy Mayor Lee moved to amend the agenda to remove Item 11(b). Councilmember Robertson seconded the motion.
- The motion to remove Agenda Item 11(b) carried by a vote of 7-0.
- Deputy Mayor Lee moved to approve the agenda, as amended. Councilmember Robertson seconded the motion.
- The motion to approve the amended agenda carried by a vote of 7-0.

8. Consent Calendar

- Deputy Mayor Lee moved to approve the Consent Calendar, and Councilmember Robertson seconded the motion.
- The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:

- (a) Minutes of January 19, 2010 Study Session  
Minutes of January 19, 2010 Regular Session  
Minutes of January 25, 2010 Extended Study Session
- (b) Resolution No. 8049 authorizing execution of a contract with Cummins Northwest, Inc., in an amount not to exceed \$139,044.19, for the purchase of three multi-voltage portable emergency generators.
- (c) Motion to approve payment of claims for the period February 13, 2010 through February 26, 2010 and payroll for the period February 1, 2010 through February 15, 2010.
- (d) Resolution No. 8050 authorizing execution of a two-year General Services Agreement with Automated Funds Transfer Services (AFTS) in an estimated total amount of \$39,000 for the two-year term, with the option to extend the Agreement for an additional two years, for printing and mailing services.
- (e) Resolution No. 8051 authorizing execution of a Third Amendment to the Professional Services Agreement between the City and Cabot Dow increasing the contract amount by \$45,000 for labor agreement negotiations and other legal services related to union matters.
- (f) Resolution No. 8052 authorizing execution of an agreement with GeoAnalytics, in an amount not to exceed \$59,500, for the purchase of address and parcel creation and maintenance software.
- (g) Resolution No. 8053 authorizing execution of a five-year Lease Agreement, with an automatic five-year extension, with New Cingular Wireless, PCS, LLC, at Coal Creek Natural Area.
- (h) Parks General Services Contracts  
  
Resolution No. 8054 authorizing execution of a two-year General Services Contract, with an option for two additional years, with Teufel Nurseries, in an amount not to exceed a potential total of \$94,367.57, for landscaping services at various City locations.  
  
Resolution No. 8055 authorizing execution of a renewal of a two-year General Services Contract with Total Landscape, in an amount not to exceed \$46,563.60, for landscaping services at various City locations.
- (i) Motion to award Bid No. 10090 to Judge Netting Inc., in an amount not to exceed \$156,585.00, as the lowest responsible bidder, for the Bellevue Golf Course Driving Range Barrier Netting installation, funded by golf course user fees (CIP



Project No. P-R-2).

- (j) Ordinance No. 5938 amending Ordinance No. 5811, by extending the boundaries of Residential Permit Parking Zone 3, to include the west side of 105th Avenue SE from SE Wolverine Way to SE Cliff Place, restricting parking on the street to "No Parking 7 AM to 4 PM, Except Saturday, Sunday and Holidays, Except by Zone 3 Permit".
- (k) Resolution No. 8056 authorizing execution of a Professional Services Agreement with Otak, Inc., in an amount not to exceed \$90,000, for engineering services for the Valley Creek at NE 20th Street and Kelsey Creek at 140th Avenue NE Fish Passage Improvement Projects (CIP Plan No. D-81).
- (l) Ordinance No. 5939 authorizing execution of Amendment No. 2 to the Interlocal Agreement with the Seattle-King County Department of Public Health to accept \$58,707.66 in grant reimbursement funds to implement hazardous waste prevention and education programs in accordance with the Local Hazardous Waste Management Plan; 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.
- (m) Ordinance No. 5940 authorizing execution of and Interlocal Agreement for the 2010-2011 Waste Reduction and Recycling Grant Program with King County to accept grant reimbursement funds of \$364,997 to implement waste reduction and recycling education programs in accordance with the King County Comprehensive Solid Waste Management Plan; establishing a project within the Operating Grants and Donations Fund; appropriate unanticipated and future revenues to that fund; and authorizing expenditures of said grant funds.
- (n) Ordinance No. 5941 authorizing execution of an Interlocal Agreement with the Washington State Department of Ecology to accept \$79,446 in reimbursement grant funds from the Coordinated Prevention Grant Program for implementing recycling and hazardous waste prevention and education programs; establishing a project within the Operating Grants and Donations Fund; amending the budget for the Operating Grants and Donations Fund by appropriating additional revenues to those funds; and authorizing expenditures of grant monies and said funds.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 8046 authorizing the write-off of certain uncollectible accounts.

Mr. Sarkozy explained that Resolution No. 8046 authorizes the write-off of 11 uncollectible accounts totaling \$134,261.45. City Council action is required to declare the accounts uncollectible. An account may not be written off unless all cost-effective means of collection have been exhausted.

Finance Director Jan Hawn recalled that this item was initially presented on the February 16 Consent Calendar, but action was postponed due to questions from the Council. She referred the Council to page 11-1 of the meeting packet for additional information.

Councilmember Degginger stated a policy concern given that some of the accounts have been delinquent for some time, which leads him to question staff's efforts to collect monies owed the City. He would like to adopt a policy that aggressively pursues timely collection.

Ms. Hawn said staff takes collections seriously and engages in due diligence to pursue all opportunities to collect delinquent accounts. In this case, there was a change in the collection agency contract which made the process longer than normal.

Councilmember Degginger stated his concern that information has not been provided to the Council to demonstrate whether the delinquent accounts are collectible or not. He noted that several of the amounts are too large for him to be comfortable with writing them off.

Deputy Mayor Lee said he is sympathetic to Councilmember Degginger's position. He hopes the larger dollars amounts and older accounts are an exception this time.

- Deputy Mayor Lee moved to approve Resolution No. 8046, and Councilmember Wallace seconded the motion.
- The motion to approve Resolution No. 8046 carried by a vote of 5-2, with Councilmember Degginger and Councilmember Chelminiak opposed.
  - (b) Ordinance No. 5942 authorizing: 1) Amendment of the 2009-2015 Capital Investment Program (CIP) Plan to create a new CIP project entitled NE 15th Street Multi-Modal Corridor (Sgmt 1), 116th Avenue NE to 124th Avenue NE (CIP Plan No. PW-R-163) with an initial project budget of \$1,000,000; 2) Transfer a total of \$1,000,000 in Mobility & Infrastructure Initiative funding from CIP Plan No. G-80 to fund CIP Plan No. PW-R-163; and, 3) Execution of a consultant agreement with HDR Engineering, Inc., in an amount not to exceed \$1,331,583.58, for advanced engineering work for the NE 15th/16th Street corridor from 116th Avenue NE east to Northup Way, which will be funded by CIP Plan No. PW-R-163 and CIP Plan No. PW-R-153 Early Implementation of the Bel-Red Corridor Plan.

[Item postponed to March 8, 2010.]

12. Unfinished Business: None.

13. Continued Oral Communications: None.
14. New Business: None.
15. Executive Session: None.
16. Adjournment

At 9:27 p.m., Mayor Davidson declared the meeting adjourned.

Myrna L. Basich, MMC  
City Clerk

/kaw