

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

March 21, 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 8:02 p.m., with Mayor Davidson presiding.

2. Roll Call, Flag Salute

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

3. Communications: Written and Oral

- (a) Dorris Martin, representing the League of Women Voters, requested the Council's help in getting the League's civic textbook to Bellevue's large immigrant population. She read into the record an email she received from an immigrant who discovered the book at the library and found it to be very helpful. The League subsequently sent her a free copy, to share with her family as well. Ms. Martin requested the Council's endorsement of the book, and noted that a copy is available for review in the Council Office. She said she has spoken with Kevin Henry, the City's Diversity Program Coordinator, who suggested she speak with the Council.
- (b) Gregg Davidson, David Ibarra, and Madeline Roberts, members of the Teen Advisory Board for Bellevue Youth Theater, invited the Council and the public to its upcoming productions. David and Madeline commented on the importance of the theater program in their lives. Madeline thanked the Mayor for appearing in their production of The Wizard of Oz, and presented him with a thank-you card from the cast.
- (c) Loretta Lopez, Co-Vice President of the Bridle Trails Community Club, noted that she is pleased to see the youth in attendance. Ms. Lopez said that a number of neighbors received notices regarding detached Accessory Dwelling Units. Carol Helland, Land Use Director, attended the Club's January meeting to discuss the issue. The Club then established a subcommittee and met at City Hall on February 9. She said that residents

were told that the City would not be working on the issue until the fall. Ms. Lopez expressed concern about the potential for increased density in single-family neighborhoods. She asked the City to conduct public outreach and education on this issue and the implications of detached Accessory Dwelling Units.

- (d) Cindy Ludwig, a Bridle Trails resident, expressed concern about proposed detached Accessory Dwelling Units. She noted the involvement of Sally Nichols, Associate Planner, in the citizen survey and the Planning Commission's work. Ms. Ludwig observed that the issue seems to have moved quickly from the citizen survey to being in the City's work program. She noted that she was told by Ms. Nichols that attached ADUs cannot be rented, but are to be used primarily for family members and guests. However, she was told that detached units would be allowed to be rented to non-family members. Ms. Ludwig suggested that affordable housing be focused as part of the redevelopment of the Bel-Red corridor and not in existing single-family residential areas.
- (e) Brian Parks, Phantom Lake Homeowners Association, addressed his ongoing concerns about NPDES (National Pollutant Discharge Elimination System) permit issues, including inflow and outflow at Phantom Lake. Mr. Parks said he discussed the issue with Denny Vidmar, Utilities Director, who explained that the outlet channel is on private property. Mr. Vidmar said the basis for denying the cleaning out of the outlet is a 1995 City Council Resolution, No. 5968, which demands that a lake management district be formed first. Mr. Parks stated his understanding that the Utilities Department is obligated to prevent widespread flooding. He noted that residents are billed for flood protection on utility bills. Mr. Parks said that Phantom Lake should be restored to flow more freely to the northwest, toward Larsen Lake; that the main eastern outlet should be cleared of sediment; and that the Pond A point source of pollution should be captured into the stormwater sewers.
- (f) Alaric Bien, Board member of the Eastside Timebank, explained that the organization was created to address the ever-increasing needs on the Eastside and the lack of resources to fully meet those needs. In working with cities (Bellevue, Kirkland, Redmond), the Eastside Human Services Forum, and human services providers, Eastside Timebank created a time and skills exchange system for individuals and organizations. The concept involves exchanging skills and services – for example, trading a massage for lawn work. Mr. Bien said there are more than 100 timebanks in the country, but this is the first one in this area. The Eastside Timebank recently completed a pilot project in Kirkland and is expanding to Bellevue residents and organizations. Mr. Bien invited the Council to a meeting about the program on Thursday, March 31, and referred them to the web site www.eastsidetimebank.org for more information.

Councilmember Chelminiak congratulated Mr. Bien for receiving an award from the Center for Ethical Leadership last week.

- (g) Bernie Hayden, a member of the Bridle Trails Community Club, thanked the Council for its acquisition of property at 134th Avenue NE and NE 24th Street, as part of the 2008 Parks Levy. He expressed concern that the detached Accessory Dwelling Units issue,

which had been put on hold, appears on tonight's agenda. Meeting materials indicate that staff is moving forward with the proposed citywide code amendment to enable the development of detached ADUs. Mr. Hayden said the BTCC is concerned about the negative impacts to surrounding properties and the ability to preserve the nature of established neighborhoods. He feels this approach will do little to increase low-income housing options, but would overburden already taxed infrastructure in built areas. He said that multifamily housing needs to be considered in areas that can be effectively served by transit and neighborhood services (e.g., grocery stores). Mr. Hayden feels that multifamily housing is more appropriate in the Crossroads and Bel-Red areas, which will soon be served by the Rapid Ride program. He asked the Council to direct staff to permanently set aside the issue of detached ADUs.

- (h) Michelle Hilhorst, a Newport Hills resident, said she resides in King County Public Hospital District #1. She shared that she suffered a cardiac arrest at home two years ago, and was subsequently transported to the nearest hospital, which was Overlake Hospital Medical Center. She said the Hospital District #1 boundaries were created in the late 1940s when there was little traffic and a limited number of medical facilities. She thanked the Council for its help in withdrawing Bellevue residents from the district's boundaries and tax commitment, and expressed support for Resolution No. 8212.

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

5. Report of the City Manager

- (a) Management Brief providing Update on Eastgate/I-90 Citizen Advisory Committee Progress

City Manager Steve Sarkozy asked staff to provide an update on the Eastgate/I-90 Citizen Advisory Committee (CAC).

Mike Bergstrom, Senior Planner, reported that the Eastgate/I-90 CAC has held five monthly meetings to learn about and discuss the corridor, its issues, and opportunities. A tour of the study area was conducted in January and attended by 12 members of the CAC, 12 citizens, Deputy Mayor Lee, and Councilmember Robertson. In February and March, the CAC established evaluation criteria to be used to design the Eastgate/I-90 land use and transportation plan. Alternatives will ultimately be shared with the public for review and input.

Franz Loewenherz, Senior Transportation Planner, said that at the April 7 meeting, staff and the CAC will be reviewing transportation constraints in the corridor, and identifying strategies for addressing the needs of motorists, transit riders, cyclists, and pedestrians. Staff will continue working with the Washington State Department of Transportation and transit partners to conceptualize a range of strategies for the corridor. Early alternatives will be developed by the CAC, staff, and consultants in May, and these will be evaluated and shared with the public throughout the summer. The CAC is expected to complete its work and to forward a recommended land use and transportation vision to the Council by the end of 2011.

Councilmember Robertson, Council liaison to the CAC, said the committee has many stakeholders, including the Executive Director of the Mountains-to-Sound Greenway Trust (Cynthia Welti) and members of the Parks and Community Services Board, Planning Commission, and Transportation Commission. During the last meeting, the CAC broke into groups to discuss potential land uses. Ms. Robertson said the bus tour was helpful. She noted that there is an online poll regarding different development intensities for different areas.

Responding to Deputy Mayor Lee, Mr. Bergstrom said that several residents of the area are members of the CAC. Ms. Robertson noted that a list of CAC members is provided on page 5-6 of the meeting packet. These include a representative from the potential annexation area within Eastgate.

(b) Management Brief regarding Two Upcoming Neighborhood Forums

Cheryl Kuhn, Neighborhood Outreach Manager, described two upcoming Neighborhood Forums. Six neighborhood associations have contributed funds toward the program, and three local businesses have contributed food and beverages. Ms. Kuhn invited the Council to attend the forums on April 6 and May 12.

Julie Ellenhorn, Community Relations Coordinator, described the programs for the two forums. On April 6, journalist Peter Lovenheim, author of *In the Neighborhood: The Search for Community on an American Street, One Sleepover at a Time*, will talk about his experiences in the wake of a neighborhood tragedy. The May 12 forum, to be held at Crossroads Community Center, will explore the local implications of the 2010 Census results. Both forums are free and open to the public, but reservations are required for the May 12 event. [Contact Cheryl at 425-452-4089 or Julie, 452-5372.] The April 6 forum will be held at City Hall. Chipotle Mexican Grill will host dinner for the audience on May 12.

Mayor Davidson said he plans to attend both forums, and he encouraged the rest of the Council to attend if possible.

(c) Management Brief on Bellevue Convention Center Authority (BCCA) Board Appointment

Mr. Sarkozy requested Council concurrence with the appointment of Ann Kawasaki Romero to the Bellevue Convention Center Authority (BCCA) Board, for a term ending January 1, 2014. Ms. Kawasaki Romero serves on the BCCA Financial Oversight Committee, and will fill the unexpired term of Bob Wallace on the BCCA Board.

- Councilmember Degginger moved to concur with the appointment of Ann Kawasaki Romero to the Bellevue Convention Center Authority (BCCA) Board. Councilmember Balducci seconded the motion.
- The motion concurring with the appointment of Ann Kawasaki Romero to the Bellevue Convention Center Authority (BCCA) Board carried by a vote of 7-0.

City Manager Sarkozy asked the Council to withdraw Agenda Item 8(b).

6. Council Business and New Initiatives

Councilmember Chelminiak reported that the Human Services Commission held its public hearing on the 2011 plan for human services. The ability of service providers to assist the community is down by 10-20 percent, and additional funding cuts are inevitable from the state and federal governments. Demand for services has increased 15-30 percent. Mr. Chelminiak said that a number of individuals expressed appreciation for the Council's approval of the additional recession package funding for human services as part of the City Budget approved in December. He noted a growing demand for transportation assistance, given the increasing cost of gasoline and reductions in transit services. Mr. Chelminiak encouraged the public to utilize the Eastside Human Services Forum's web site for referrals to social services (www.eastsideforum.org).

Councilmember Robertson attended, as Council liaison, the Parks and Community Services Board meeting. She attended the East Link light rail B7 alternative open house, a roundtable discussion with Deputy County Executive Fred Jarrett sponsored by the Newcastle Chamber of Commerce, and the YWCA women's luncheon. Ms. Robertson attended a meeting of the Puget Sound Regional Council (PSRC) prioritization working group, which is a subcommittee of the Transportation Policy Board. She met with representatives from DASH (Downtown Action to Save Housing), who manage an affordable housing project for seniors in Bellevue.

Deputy Mayor Lee reported on his trip to Washington, D.C., to attend the National League of Cities conference and the Multi-Modal Infrastructure Conference. He commented that federal funding does not appear to be available, except through grant funding. He suggested that all levels of government need to work together to identify performance-based solutions and projects. Mr. Lee spoke with Ron Sims, Deputy Secretary of the U.S. Department of Housing and Urban Development, about the sustainable community project. He said that Mr. Sims will be visiting this area soon, and Bellevue representatives should try to meet with him. Deputy Mayor Lee encouraged Councilmembers and residents to support the Bellevue College Foundation fundraiser. Mr. Lee said the Mayor will be sending a letter to Bellevue's Sister City Yao, Japan, to extend our concern regarding the earthquake and tsunami.

Councilmember Balducci attended meetings of the Sound Transit capital committee and PSRC Transportation Policy Board, and well as the East Link B7 Alternative open house. She described funding for PSRC projects addressing light rail station area planning. The Bel-Red area is not one of the first projects, but is on the short list for future projects. Ms. Balducci met with representatives from the State Apprenticeship Council regarding public works staffing. She noted that King County is adopting a job order contracting system for its public works projects, using Bellevue's program as a model.

Councilmember Wallace, liaison to the Planning Commission, reported that the draft Shoreline Management Plan Update has been released. He noted that the report is approximately 400 pages, and he asked about the process for Council's review of the plan.

City Manager Steve Sarkozy said staff will present a process timetable to the Council in the near future. He noted that other Boards and Commissions will want to review the plan, and the draft plan might not be available to the Council for review until after the August break.

Councilmember Degginger attended the last meeting of the Regional Transit Task Force. He attended the Newport Hills Neighborhood Association meeting and his own neighborhood association meeting. Mr. Degginger said he spoke with a representative of the Police Department regarding an increase in burglaries, and he suggested that the Council receive an update on this issue. He attended a presentation about the state budget by the Governor at the Greater Seattle Chamber of Commerce.

Mayor Davidson visited the state legislature, as Chair of the WRIA-8 forum, to lobby for salmon recovery. He attended a WRIA-8 Salmon Recovery Council meeting, which represents Lake Washington, Lake Sammamish, and the Cedar River.

7. Approval of the Agenda

- Deputy Mayor Lee moved to approve the agenda, and Councilmember Robertson seconded the motion.
- The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

- Deputy Mayor Lee moved to approve the Consent Calendar, amended to approve the February 28, 2011 meeting minutes as revised in the desk packet, and to remove Agenda Item 8(b). Councilmember Chelminiak seconded the motion.

Councilmember Degginger noted that a number of items authorize multi-year contracts, including those up to the maximum number of years allowed by the City's contracting procedure. He expressed concern that the justification of multiple years is not provided in the agenda memorandum.

City Manager Sarkozy concurred that good contracting practices involve an agency going out periodically to solicit proposals. With regard to the multi-year contract authorized in Item (c), Gallagher Benefit Services is a new contractor and has undergone considerable review.

Mayor Davidson concurred with the importance of reviewing contracts on an ongoing basis.

- 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 February 28, 2011 Extended Study Session
 - Minutes of March 7, 2011 Study Session
 - Minutes of March 7, 2011 Regular Session

- (c) Resolution No. 8207 authorizing execution of a 45 month Consulting Agreement, from April 1, 2011 through December 31, 2014, with Gallagher Benefit Services, Inc., in an amount not to exceed \$750,000, for health and welfare benefits consulting and brokerage services.
- (d) Resolution No. 8208 approving proposed 2011 A Regional Coalition for Housing (ARCH) Budget and Work Plan.
- (e) Ordinance No. 5994 authorizing execution of a Washington State Department of Ecology Grant Agreement to accept grant funds in the amount of \$490,644 for the Lakemont Boulevard Wetpond Retrofit project (CIP Plan No. D-92); 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.
- (f) Resolution No. 8209 authorizing execution of a professional services agreement with Brown and Caldwell, in an amount not to exceed \$100,000, for engineering services for the Yarrow Creek Tributary Stream Restoration Final Design, Permitting and Construction Phase Services project (CIP Plan No. D-86).

Postponed at Staff's request:

- (b) Resolution No. 8206 authorizing execution of a four-year agreement with Berkley Risk Administrators Company, LLC, in an amount not to exceed \$368,181, to provide workers' compensation claims administration services.

9. Public Hearings

- (a) Utilities Disposal of Surplus Property

Resolution No. 8210 declaring certain utility property and equipment as surplus, and directing the Purchasing Manager to dispose of such property.

City Manager Sarkozy explained that Resolution No. 8210 declares certain utility equipment to be surplus and directs staff to dispose of the property.

Anne Weigle, Assistant Director of Utilities, provided an overview of the Resolution. The equipment to be declared surplus is eight vehicles and 43 computers. The vehicles range from 10 to 19 years old, and several have more than 100,000 miles. Each vehicle has been replaced with a new hybrid vehicle. Grant monies were provided last year to facilitate planned vehicle replacements with hybrid technology to gain fuel efficiencies and to lessen the City's carbon footprint. The estimated value of the eight vehicles is \$22,000.

The Utilities Department replaces its computers on a four-year cycle, which is a modification to the previous three-year cycle as a cost containment strategy. Experience has demonstrated that it is more cost-effective to replace than to repair computers after four years. There is little residual

value for used computers, and the estimated value of these 43 computers is approximately \$1,700.

Once the items are declared surplus, they are sold at public auction in the same manner as the City's other surplus items. Proceeds from the sale of equipment are returned to the fund that owned the property.

Responding to Deputy Mayor Lee, Ms. Weigle said she will consult with I.T. staff to determine whether it is possible to donate the computer equipment in the future.

- Deputy Mayor Lee moved to open the public hearing, and Councilmember Chelminiak seconded the motion.
- The motion carried by a vote of 7-0.

No one came forward to comment.

- Deputy Mayor Lee moved to close the public hearing, and Councilmember Robertson seconded the motion.
- The motion to close the public hearing carried by a vote of 7-0.
- Deputy Mayor Lee moved to approve Resolution No. 8210, and Councilmember Chelminiak seconded the motion.
- The motion to approve Resolution No. 8210 carried by a vote of 7-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 8211 authorizing certification of the annual report documents, City of Bellevue 2010 Compliance Report and 2011 Stormwater Management Program, required by the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit for submittal to the Washington State Department of Ecology by the March 31, 2011 deadline.

City Manager Sarkozy opened discussion regarding the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit. Resolution No. 8211 authorizes the signing of the permit annual report documents from the City of Bellevue to the Washington State Department of Ecology.

Nav Otal, Deputy Director of Utilities, provided an overview of NPDES permit activities. She said the City is in full compliance with the permit requirements. Resolution No. 8211 is the next step to ensure ongoing compliance in 2011. It authorizes the City Manager to sign permit documents and to submit them to the Washington State Department of Ecology. The

Environmental Services Commission held a public meeting on March 3 regarding the draft 2011 Stormwater Management Program. Two comment letters were received, and the issues raised in the letter were general in nature and did not address the NPDES permit. The Environmental Services Commission recommends approval of the 2011 Stormwater Management Program.

Councilmember Degginger thanked staff for their extensive work on the NPDES permit and its implementation. He noted public comment to the Council related to effluent ponds at the Airfield Park and impacts to Phantom Lake. He questioned the Utilities Department's activities related to this issue.

Phyllis Varner, NPDES Permit Coordinator, said that Pond A is a stormwater detention and water quality treatment pond that is intended to treat water before it discharges into Phantom Lake. The comment letter raises concerns about ground water entering the pond. The pond referred to in the comment letter is downstream of the landfill, which is regulated under the Federal Resource Conservation and Recovery Act and the Model Toxics Control Act. The Washington State Department of Ecology is the permit authority for that pond, which is owned by the City.

As a prior owner of the property, The Boeing Company is a party in the landfill management plan which is regulated by the DOE. The DOE has required The Boeing Company to do ground water monitoring since 2000, and has never requested monitoring for Pond A. As the park is developed, there could be changes to monitoring requirements.

Councilmember Degginger referred to page 11-24 of the meeting packet, and photos showing water that appears to be orange. He asked what the City will do about this problem.

Ms. Varner said the City will test samples of the water. She explained that the orange color is likely due to iron oxide, which is created by naturally occurring bacteria. It is fairly common and is harmless, and is not a water quality problem. She noted that a fact sheet on this issue is provided on the City's web site.

Councilmember Degginger noted additional comments regarding sources of water received by Phantom Lake, and questioned the history of the lake.

Ms. Otal said that stormwater systems are a complicated combination of public and private systems. The Phantom Creek outlet mentioned by Mr. Parks is part of a private system. Ms. Otal said that not all drainage, public or private, is the responsibility of City government. She suggested that if the Council would like to discuss increasing the City's share of this responsibility, it would be best to hold the discussion within the context of the stormwater management plan. The Environmental Services Commission is currently reviewing the policies and plans to bring them to the Council late this year or early next year. Ms. Otal said this will provide the opportunity for a comprehensive discussion on this topic.

Ms. Varner said the City has completed water quality improvements and measures to direct flow away from the lake. The watershed is approximately 500 acres and has drained to Phantom Lake for thousands of years. The watershed consists of surface water and ground water.

Councilmember Degginger requested more information on the history of the watershed.

Councilmember Balducci noted that Mr. Degginger has been involved in litigation within this topical area. Regarding the NPDES permit documents, she noted that the documents are due March 31. She suggested that more time would have allowed the Council to ask more questions and explore more issues. She questioned whether the issues regarding Phantom Lake are affected by the NPDES permit. She noted the complexity of environmental regulations, but observed that the issue raised by residents relates to flooding. Ms. Balducci would like staff to identify a way to work with the community to address concerns. She wondered whether the neighborhood mediation program would be helpful in this situation.

Ms. Otal said that staff plans to bring stormwater issues to the Council in a comprehensive manner, before requesting approval of updated stormwater policies. Staff has invited residents to meetings of the Environmental Services Commission to learn about the constraints on utility rate revenues.

Deputy Mayor Lee observed that the issue relates to flooding at Phantom Lake and the Pond A outlet. He feels that the City should clarify the problems and determine the appropriate approach to resolve the problems, whether that be through the City's efforts or another alternative. Mr. Lee said that residents around the lake should be participating in the process, and the City has an obligation to help.

Responding to Mr. Lee, Ms. Otal said a response to the public comment letters is provided in the meeting packet. She explained that the NPDES permit addresses water quality. However, the issue with Phantom Lake is not water quality but water quantity. Staff has offered to partner with Phantom Lake residents and will continue conversations with them.

Deputy Mayor Lee would like to see what actions are proposed to address the problems.

City Manager Sarkozy said that he, Mr. Parks, and Utilities staff met to discuss the issues. If an easy solution was available, the City would have already implemented it. He clarified that the situation involves a private body of water, which is experiencing more inflow due to impervious surfaces within the watershed or to sedimentation on the bottom of the pond. The problem is localized flooding on the shoreline and near the outlet. This has been addressed in other areas by creating a watershed district in which residents contribute a modest amount to resolve problems within their watershed.

There is a limit to what the City can contribute to avoid larger financial problems beyond fixing the immediate problem. Staff has been hesitant to move toward incurring a substantial financial obligation. Mr. Sarkozy stated his understanding that residents within the watershed are not interested in supporting a watershed district, especially if they are not living along the shoreline and experiencing flooding. He noted that staff remains interested in identifying an appropriate approach.

Councilmember Robertson said that Mr. Parks came to the Planning Commission about Phantom Lake when she served on the Commission, and he was referred to the Environmental Services Commission. She noted that the shoreline is shallow and therefore a relatively small increase in runoff spreads a long way. Last fall, Ms. Robertson met with staff on the issue and then met with Mr. Parks. Her understanding is that the outflow is located under a private road, and none of the owners of the road want to pay to address the problem.

The estimated cost of cleaning the outflow is \$5,000, and she observed that the City has spent more in staff time to discuss the situation. Ms. Robertson said Mr. Parks has also attended the Eastgate/I-90 planning meetings. Her understanding is that the City offered to help Phantom Lake residents form a lake management district. The City owns some property on the lake, but the lake is private and most parcels are private.

Ms. Robertson noted comments from the Washington Sensible Shorelines Association and the Phantom Lake Homeowners Association stating that the NPDES permit does not mention the Shoreline Management Plan Update. She suggested that the update involve looking at the programmatic response of the City in dealing with water quality and shoreline issues. Ms. Robertson would like the NPDES work program to be incorporated into a programmatic section of the Shoreline Management Plan. She noted that whenever a utilities project is discussed, she asks staff to put it into the shoreline update, because the City should be getting credit for it as part of the programmatic approach.

Ms. Varner confirmed that compliance with state and federal mandates under the Clean Water Act incidentally serve to reduce the discharge of pollutants and to protect water quality, as mandated by the Shoreline Management Act. Those mandates should go into the Shoreline Master Program. The federal NPDES permit is very prescriptive and contains specific requirements. It addresses clean water, and it is therefore appropriate to incorporate this into the Shoreline Management Program.

Councilmember Degginger requested a one-page memo summarizing the issues and options for Phantom Lake. His experience is that if water runoff is occurring from City streets as well as private streets, the City is part of the problem and should be part of the solution. He feels the problem has gone on too long.

Councilmember Wallace questioned what is coming up on the NPDES work plan. Ms. Varner said the implementation of programs is phased over the five-year permit period. Topics to be addressed in 2011 are illicit discharge, outfall reconnaissance, mapping of the municipal storm drainage system, and a public education report on the efforts to stop illicit discharges. These are in addition to ongoing programs that have already been implemented. Ms. Varner noted that the City adopted the DOE's 2005 stormwater manual, effective January 2010, which includes new flow control and water quality treatment requirements.

Councilmember Wallace said he has no issues with the NPDES permit report. However, he recalled earlier discussion about the affordable housing work plan. He noted his ongoing concern regarding the high cost of stormwater compliance in new affordable housing projects. He feels this issue should be addressed, if not at the local level, perhaps at the state level. He said there

needs to be a balance between the cost of stormwater requirements and the ability to provide affordable housing.

Mayor Davidson said he was at the Environmental Services Commission meeting for the public hearing. The Phantom Lake issues are complex, and he noted staff's suggestion that the Comprehensive Plan is an appropriate place to address the situation. He recalled that previous suggestions to establish a watershed district have not been supported.

Mayor Davidson requested Council action on the NPDES permit compliance documents.

→ Councilmember Robertson moved to approve Resolution No. 8211, and Councilmember Degginger seconded the motion.

→ The motion to approve Resolution No. 8211 carried by a vote of 7-0.

- (b) Resolution No. 8212 expressing support for withdrawing territory under the jurisdiction of the City of Bellevue from the area of Public Hospital District #1, and requesting that Public Hospital District #1 take steps to pay off bonded indebtedness to extinguish obligations of residents of areas requesting withdrawal from the district.

[Responds to questions raised at March 14, 2011 meeting. Related materials are provided for Study Session Agenda Item 2(c).]

Mr. Sarkozy noted that Resolution No. 8212 expresses support for withdrawing territory within the city boundaries from Public Hospital District #1.

Diane Carlson, Director of Intergovernmental Relations, explained that there are three hospital districts in King County. A small portion of Newport Hills area falls into District #1, which was formed before Bellevue's annexation of the area. In 2006, residents of the area came to the Council requesting support for their efforts to withdraw from the district. At that time, Council adopted a resolution in support of these efforts, and asked staff to pursue a legislative approach to resolve the situation. That approach was not successful.

Valley Medical Center is now considering an alliance with University of Washington Medicine to form a new oversight board for the management of Valley Medical Center, located within Public Hospital District #1. They are seeking public comment on the proposed alliance. Materials in the meeting packet outline the methods for removing areas from the district. Ms. Carlson requested Council action on Resolution No. 8212, which expresses support for withdrawing territory within Bellevue from the hospital district.

→ Councilmember Degginger moved to approve Resolution No. 8212, and Councilmember Robertson seconded the motion.

Deputy Mayor Lee noted his ongoing support of residents on this issue.

Councilmember Degginger observed that the district imposes an unfair tax on Bellevue residents.

He recalled lobbying before the state legislature on this issue four years ago, and he wants the City to do whatever it can to help residents in this situation.

Responding to Ms. Balducci, Ms. Carlson said that in 2005, five patients out of 474 incidents were transported to Valley Medical Center.

As a friendly amendment, Councilmember Balducci suggested a revision to the Resolution denoting that the vast majority of emergency medical transports within the area are taken to Overlake Hospital. The friendly amendment was accepted.

Councilmember Chelminiak emphasized that only one percent of transports went to Valley Medical Center.

Mayor Davidson suggested that staff provide the most recent statistics in a cover letter with the Resolution.

- The motion to approve Resolution No. 8212, as amended, carried by a vote of 7-0.
- Councilmember Balducci moved to extend the meeting for 10 minutes, and Councilmember Robertson seconded the motion.
- The motion carried by a vote of 7-0.

Councilmember Robertson suggested that the hospital issue be included on the Council's State Legislative Agenda until the Newport Hills area is successfully withdrawn. Ms. Carlson said the hope is that efforts with the district and King County Council will be successful. However, there was opposition from other types of governing districts in 2005.

Councilmember Chelminiak observed that this is the City's serious chance to get this done, and he would like staff to focus on the issue. He said the situation raises concern about whether the constitutional rights of affected residents (i.e., one person, one vote) are being violated.

Mayor Davidson said it is difficult to envision that the hospital district will agree to remove part of its tax base. He observed it might be necessary to again pursue a legislative remedy.

12. Unfinished Business: None.

13. Continued Oral Communications

- (a) Mary Ann Iwanski, 13220 NE 24th Street, noted that the Bridle Trails area provides an attractive environment for the public, including trails that are maintained by the Boy Scouts. She expressed concern about allowing detached accessory dwellings, and described a situation of such a unit on property next door to her.
- (b) Michelle Hilhorst, a member of the Newport Hills Community Club Board, requested that the Club be involved in any discussions regarding accessory dwelling units (ADUs).

14. New Business: None.
15. Executive Session: None.
16. Adjournment

Mayor Davidson declared the meeting adjourned at 10:09 p.m.

Myrna L. Basich, MMC
City Clerk

/kaw