

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

April 4, 2011
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: Councilmember Wallace

1. Call to Order

The meeting was called to order at 8:08 p.m., with Mayor Davidson presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers except Councilmember Wallace were present. Deputy Mayor Lee led the flag salute.

(a) State of the County Report

King County Councilmember Jane Hague provided the State of the County Report. She thanked Councilmember Degginger for his work on the Regional Transit Task Force, and noted that Bellevue will receive transit enhancements, including Rapid Ride service starting in the fall. She thanked the Council for being a partner in providing animal control services and for the City's emphasis on increasing pet licensing, which provides revenue for these services.

Councilmember Hague said she supports Bellevue's interest in annexing the Eastgate area, which is the last pocket of unincorporated area in King County. She thanked the Bellevue City Council for its involvement with the County related to jail contracts and district court contracts.

Ms. Hague noted the County's challenging budget issues. She reported on the development of new labor policies, resulting in a savings of \$23.5 million in labor costs. She explained that 90 percent of the collective bargaining groups voluntarily gave up cost-of-living adjustments, and the County addressed automatic pay increases. The County continues to review health benefits and other contract reopeners that significantly affect expenditures.

Councilmember Hague said the County implemented its first ever strategic plan, which includes ongoing goals related to efficiencies, reorganization, and identifying new ways to deliver services. The County has been involved in a number of audits, including a review of transit services. Implementing the transit audit's findings saves approximately 300,000 hours of bus service over the budget biennium. Metro is adding 33 new bus routes on SR 520 to accommodate tolling, and will implement Rapid Ride services this fall. Expansion of the South Kirkland Park and Ride will improve access to transit services as well.

The County has \$1.5 million in reserves for courts, jail, prosecutors, and other public safety functions. Another significant issue this year relates to solid waste contracts and the opening of the Brightwater treatment plant.

Mayor Davidson thanked Councilmember Hague for her help with flood control district issues.

Councilmember Degginger commended the County's effectiveness in finding a solution for providing animal control services. Councilmember Hague thanked the City for its partnership in this program.

Councilmember Balducci said she appreciates that Councilmember Hague's door is always open. She thanked Ms. Hague for her support to gain seats for Bellevue on major regional committees. She questioned the status of the County's human services with regard to veterans.

Councilmember Hague said the County will pursue a reauthorization of the veterans and human services levy, which is expected to remain at the current rate. Ms. Hague is also working for reauthorization of the mental illness and drug dependency (MIDD) Council-manic authorization. The County has been tracking the progress of spending and service delivery related to mental health and drug dependency services. Councilmember Hague is concerned that the County is not able to provide the type of safety net it would like. However, the County has continued funding for domestic violence prevention, legal assistance, and sexual assault awareness programs.

Councilmember Chelminiak noted that he serves on the MIDD Oversight Board. He expressed concern about the decrease in both State and County human services funding. He noted that mental health services are primarily a County function, and he looks forward to the City's continued partnership with the County in addressing human services needs.

Councilmember Robertson thanked Councilmember Hague and Councilmember Lambert for their work on the Sammamish River. Ms. Robertson explained that Bellevue's Newport Hill residents located within Public Hospital District #1 are working to withdraw from the district because they do not utilize its services. She asked Councilmember Hague to assist with this issue.

Deputy Mayor Lee thanked Councilmember Hague for her longtime involvement and advocacy related to human services. Responding to Mr. Lee, Ms. Hague acknowledged that the demographics of Bellevue and the Eastside have changed considerably in recent years. She suggested that the regional human services needs assessment will help the County in projecting needs for the Eastside.

(b) Arbor Day/Earth Day 2011; Tree City USA Award

Mayor Davidson read a proclamation declaring April 16 as Arbor Day/Earth Day in Bellevue, and encouraging citizens to participate in environmental projects and celebrations.

Christina Brown, Park Ranger/Environmental Programs Coordinator, introduced Sarah Foster from the Washington State Department of Natural Resources. Ms. Brown invited the Council and the public to Arbor Day/Earth Day activities at the Bellevue Botanical Garden on April 16.

Ms. Foster presented the City with two awards from the National Arbor Day Foundation: 1) 20th Tree City USA Award, and 2) 18th Growth Award. She congratulated the Council and staff, and noted that Bellevue is the only city in the state to achieve 18 consecutive growth awards.

(c) April Child Abuse Prevention Month

Mayor Davidson read a proclamation recognizing April as Child Abuse Prevention Month in Bellevue.

Helen Lee, representing the Children's Response Center Advisory Board, thanked the City for its support of the center's community services for more than 20 years. She described the program's focus on child abuse, sexual abuse, neglect, and trauma. She encouraged citizens to call 1-866-END-HARM to report suspected child abuse or neglect.

3. Communications: Written and Oral

- (a) Debbie Vaught, Co-President of the Bellevue Botanical Garden Society, introduced Co-President Robin Root James and Denise Lane, Chair of the Capital Campaign. Ms. Vaught reported that the Garden received a gift of \$506,000 from the PJA Foundation toward its Growing a Living Legacy campaign. The gift will help fund the ravine garden and suspension bridge project. Ms. Vaught said the Garden has received \$7.2 million toward its \$11 million goal. Additional projects include new education and visitor services centers. Ms. Vaught thanked the Council for its longstanding support of the Garden.

Mayor Davidson congratulated the group and thanked the Garden Society for its work.

- (b) Eddie Lin, an attorney with Perkins Coie, spoke on behalf of the Best Buy store regarding the NE 4th Street alignment options. He said that Best Buy appreciates City staff's efforts to retain its store under Option 1, which is also staff's preferred alternative in terms of the road alignment. This option would rebuild the store to the north, provided there is voluntary cooperation by Mutual Materials and the Bellevue School District. Mr. Lin expressed concern that Option 2 is being abandoned prematurely. The cost of Option 2 is \$2.2 million lower than Option 1. Mr. Lin encouraged the City to continue to consider Option 2. He thanked the City for its efforts to retain the Best Buy store. Mr. Lin submitted his comments in writing.

- (c) Bob Foulon noted that he attended the earlier Study Session, which included a discussion about the water quality at Newcastle Beach Park. He feels that the Council is not taking the issue seriously, and he encouraged Councilmembers to review the test results. Mr. Foulon said his testing identified arsenic levels that are five to nine times the cleanup levels under the MTCA. He noted that the law requires that the City meet these standards. He said he expected City staff to present testing results tonight, but that was not the case.
 - (d) Terry Foulon recalled a news release stating that the City would provide test results from Newcastle Beach Creek today. She wants to know the results of the water quality testing. Ms. Foulon said that the WSDOT work upstream of the park caused more than a 100 percent increase in water to the park without a hydraulic permit and with no Critical Areas Ordinance approval. She said that WSDOT had no right to use the park, which is preserved for the public in perpetuity. Ms. Foulon said the City of Bellevue received nearly a million dollars in land and water conservation funds in the 1970s and 1980s to purchase and develop the park. One citizen donated \$50,000 for the specific purpose of public recreation on her property. Ms. Foulon expressed concern that the need to dispose of stormwater has nearly become a crisis in Bellevue. She said it is expensive, and it is crippling development in areas such as Newport Hills. However, the park is not available for the purpose of capturing stormwater. Ms. Foulon observed that the park is slowly being converted to another use, and there is a 100 percent increase in non-treated, non-detained water that does not comply with the City Code or the Critical Areas Ordinance. She noted that the water quality metric reported during the earlier Study Session represents surface water. However, there is a different standard for ground water.
 - (e) Mike Mariano spoke on behalf of Brian Parks, the Vice Chair of the Phantom Lake Homeowners Association. He noted his interest in providing clarity regarding what the lakefront homeowners are dealing with in terms of the outlet weir, and why the City has a role in the problem. He talked about sunseting Ordinance No. 5968, which was adopted in the mid-1990s. He read from an easement executed on March 13, 1990, related to the weir and outlet control structure. He described flooding, downed trees, and structural damage associated with one resident's property. Mr. Mariano expressed concern that City staff has indicated it cannot do anything due to Ordinance No. 5968.
 - (f) Bob Siewert described the creation, in December 2010, of the group known as Move Bellevue Forward. The organization is a registered nonprofit with the state, and has applied for recognition as a nonprofit with the federal government. Move Bellevue Forward is a non-partisan, grassroots, citywide coalition of citizens and community leaders dedicated to a progressive, long-term vision for Bellevue. The group currently has 160 members representing neighborhoods throughout the community.
4. Reports of Community Council, Boards and Commissions: None.
5. Report of the City Manager
- (a) Management Brief providing Information on Increase in Residential Burglaries

[Item presented during earlier Study Session.]

- (b) Management Brief regarding Police Department Reaccreditation and Flagship Agency Status

City Manager Steve Sarkozy introduced a briefing on the Police Department's reaccreditation process.

Police Chief Linda Pillo reported that on March 26, 2011, the Police Department achieved international reaccreditation through the Commission on Accreditation for Law Enforcement Agencies (CALEA). The Bellevue Police Department was also selected, for the first time, as a CALEA Flagship Agency. This status is awarded to a small percentage of law enforcement agencies, and the designation is effective for the duration of the three-year award period. The department was originally accredited in 2005.

Chief Pillo publicly acknowledged Major Mike Johnson for his work as accreditation manager throughout the process.

- (c) Management Brief providing Recommendation of NE 4th Street Alternative Alignment

[Discussed during earlier Study Session.]

- (d) Update on WSDOT Braided Ramp Project

[Discussed during earlier Study Session.]

6. Council Business and New Initiatives

- (a) Reappointments to Environmental Services Commission

Mayor Davidson recommended the reappointment of Brad Helland and Calvin Wang to the Environmental Services Commission.

→ Councilmember Degginger moved to reappoint Brad Helland and Calvin Wang to the Environmental Services Commission, and Councilmember Robertson seconded the motion.

→ The motion carried by a vote of 6-0.

- (b) Reappointments to Human Services Commission

→ Councilmember Chelminiak moved to reappoint Stefanie Beighle and Dr. Brian Plaskon to the Human Services Commission, and Councilmember Robertson seconded the motion.

→ The motion carried by a vote of 6-0.

(c) Reappointments to Planning Commission

Mayor Davidson noted that the Council will hold its vote on reappointments to the Planning Commission until Councilmember Wallace is back next week.

(d) Reappointments to Transportation Commission

→ Deputy Mayor Lee moved to reappoint Tom Tanaka and Scott Lampe to the Transportation Commission, and Councilmember Robertson seconded the motion.

→ The motion carried by a vote of 6-0.

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 6-0.

8. Consent Calendar

→ Deputy Mayor Lee moved to approve the Consent Calendar, with the exception of Agenda Item 8(a). Councilmember Degginger 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:

(b) Motion to approve payment of claims for the period December 31, 2010 through March 25, 2011 and payroll for the period December 16, 2010 through March 15, 2011.

(c) Resolution No. 8206 authorizing entering into a four-year agreement with Berkley Risk Administrators Company, LLC to provide workers' compensation claims administration services. *[Postponed from March 21, 2011.]*

(d) Resolution No. 8213 authorizing approval of payment of \$24,623.56 for a Release of All Claims in final settlement of a claim against the City for property damage to the Martin residence caused by a water system failure.

(e) Resolution No. 8214 authorizing execution of a two-year general services contract, with the option to renew for an additional two years, with Canber Corps, in an amount up to \$126,845, for landscaping services at various city streetscapes.

- (f) Resolution No. 8215 authorizing execution of a general services contract with Cristalli Brown, Inc., in an amount not to exceed \$81,500, to fabricate and install art components to five kiosks currently installed in the Downtown as part of the Downtown Wayfinding Program.
- (g) Resolution No. 8216 authorizing execution of a five-year lease agreement for an evidence storage facility for the Eastside Narcotics Task Force.

Item postponed:

- (a) Minutes of March 14, 2011 Extended Study Session
9. Public Hearings: None.
10. Land Use: None.
11. Other Ordinances, Resolutions and Motions
- (a) Motion to proceed with completing the Bellevue Photo Enforcement Program, installing one red-light camera at the intersection of westbound NE 8th and 116th, one red-light camera at each of the westbound and eastbound directions of NE 8th and 112th, and a southbound speed zone camera at Sunset Elementary School.

City Manager Steve Sarkozy opened discussion regarding the Police Department photo enforcement program.

Captain Denny Bronson reviewed the goals of the photo enforcement program to address excessive traffic speeds and red light violations. Five cameras have been installed to date, and they have been successful in reducing violations. Phone calls and complaints about the cameras have decreased dramatically, and there have not been any issues with drivers receiving tickets who did not commit the violations.

Captain Bronson reviewed graphs providing data from the existing five cameras, noting that violations have decreased at these locations. He briefly reviewed performance measures comparing 2008, 2009, and 2010. Performance measures include collisions, injury collisions, collisions at monitoring locations, right angle collisions, rear end collisions, and pedestrian/bike collisions.

Councilmember Robertson questioned whether the reduction in violations at intersections along 148th Avenue is a result of the traffic cameras or of reduced traffic volumes. Capt Bronson said he did not have data on that issue. However, experiences in Bellevue and other jurisdictions indicate that awareness of the cameras has a positive effect on drivers.

Councilmember Robertson noted that traffic volumes have decreased throughout the region due to the economy and unemployment. Captain Bronson said that the Transportation Department

provided a 2010 map of average traffic flows for the intersections along 148th Avenue. He said he did not have the figures for 2011.

Responding to Councilmember Chelminiak, Captain Bronson said he has not received a report from District Court regarding the number of individuals who do not pay their tickets. Carl Krikorian, Police Fiscal Manager, said approximately 86 percent of tickets in Bellevue are paid, compared to percentages below 80 percent in most jurisdictions. The 86 percent does not include contested tickets which might ultimately be paid.

Responding to Councilmember Chelminiak, Captain Bronson said the County retains 70 percent of the revenue that is collected, as an advance against costs it will incur to process the violations. The City does get some of that back after 12-18 months. The City will not receive any 2010 revenue until mid-2011.

Councilmember Chelminiak expressed concern that the violations are generating approximately \$2.8 million in revenue, and roughly 70 percent goes to the King County District Court. Captain Bronson said the City receives a monthly amount from the Court, but has to wait to receive the reconciliation from the District Court.

Deputy Mayor Lee observed that reducing speeding and enforcing red lights is positive for the community. As a policy issue, however, Mr. Lee said he is not sure whether it is appropriate to apply the cameras to a broader range of situations. He said red light cameras are appropriate; but he questioned the appropriateness of using cameras for speed control. Mr. Lee suggested using other measures to address speeding, such as redesigning transitions between speed limits.

Captain Bronson explained that the school zone cameras are located a significant distance from the flashing lights signal. Early in the program, vehicles were found to be traveling as fast as 50 miles per hour in some cases. The distance between the flashing lights and the camera is sufficient to allow a normal reduction in speed, even if going 50 miles per hour. Captain Bronson said this setup is consistent with systems throughout the country.

Councilmember Balducci questioned whether the number of violations for different years has been compared to average traffic counts for those years. Captain Bronson said he will get that information.

Responding to Councilmember Degginger, Captain Bronson said King County District Court retains 70 percent of all revenue, including payments for tickets that are not contested. Councilmember Degginger noted that the City received \$483,261 in 2010 from the photo enforcement program. Captain Bronson said the Court has not reported to the City its total revenue collected from the violations.

Mayor Davidson requested Council action on the proposal to install four additional photo enforcement cameras.

Deputy Mayor Lee suggested continued discussion about the policy and financial aspects of the program before taking action.

Councilmember Robertson stated her belief that the Police Department is in favor of the program because it enhances public safety. However, the public's overwhelming perception is that the goal of the program is to generate revenues. She expressed concern that the program issued approximately \$2.8 million in tickets in 2010, and the City received \$483,261. Councilmember Robertson said she strongly supports the school zone cameras. However, she is concerned about red light cameras and would like more data about the specific red light violations. She is interested in more information about the financial framework with the King County District Court as well.

Councilmember Robertson said she would like to discuss the potential for adjustments to the cameras based on different times of the day, especially for red light cameras late at night. For example, she questioned whether a public safety issue exists if a driver does not come to a complete stop at an intersection at 3:00 a.m., and no one else is on the road.

Councilmember Degginger reiterated his concern about total revenues and the City's share of the revenues.

Councilmember Chelminiak observed that school zone cameras have been very effective in changing behaviors, especially in front of Stevenson Elementary. However, he would like full information about the financial aspects of the program, and the City's relationship with the King County District Court.

Mayor Davidson summarized that this issue will come back for further Council discussion and consideration.

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

Mayor Davidson declared the meeting adjourned at 9:45 p.m.

Myrna L. Basich, MMC
City Clerk

/kaw