

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

May 21, 2012  
8:00 p.m.

Council Chamber  
Bellevue, Washington

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

ABSENT: Councilmember Wallace

1. Call to Order

The meeting was called to order at 8:03 p.m., with Mayor Lee presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers except Councilmember Wallace were present.

Councilmember Davidson led the flag salute.

(a) State of the County Report

King County Councilmember Reagan Dunn provided an update to the Council on the County budget, anti-gang enforcement, and human trafficking. He noted the County's AAA credit rating and said the budget is facing a deficit and focused on improving efficiency and streamlining services.

Councilmember Dunn noted that Mayor Lee serves on the Regional Transit Committee and commented on bus service changes. Mr. Dunn said the Seattle City Council and King County Council will be reviewing the arena proposal in the near future. A number of issues need to be looked at including traffic impacts and possible alternate siting. Councilmember Dunn expressed support for Bellevue's annexation efforts.

Deputy Mayor Robertson thanked Councilmember Dunn for the report. Responding to Ms. Robertson, Mr. Dunn said the King County Council passed the annexation memorandum of agreement unanimously.

Councilmember Chelminiak encouraged not just due diligence but full diligence on the arena

proposal. He believes that local governments owe that to the taxpayers, and he would ask the same thing if the arena proposal was in Bellevue. Mr. Chelminiak thanked the County for the new Metro B Line service. He thanked Councilmember Dunn for all of his work for Bellevue residents.

Councilmember Dunn concurred that full diligence is called for related to the arena proposal.

Mayor Lee thanked Councilmember Dunn for his work and for being available to the City Council and citizens.

3. Communications: Written and Oral

- (a) Ron Bennett, Surrey Downs East Link Committee, said that residents held a meeting on May 15, and surveys were presented to those attendees and later to neighbors who were not able to attend. The key results of the survey were: 1) Unanimous support for leaving the SE 4<sup>th</sup> Street entrance open with the rail in a trench below, consistent with the MOU, 2) Unanimous support for no new entrance via SE 8<sup>th</sup> Street, 3) 97 percent support for removal of the elevated portion of the track near Surrey Downs, to be replaced with the train in a trench, and 4) Strong opposition to a station at 112<sup>th</sup> Avenue SE and SE 2<sup>nd</sup> Street. Residents would like the station to be located north of Main Street. Mr. Bennett asked the City Council to support Surrey Downs residents and their interests.
- (b) Leslie Thornton, President of the Hilltop Community, thanked the City Council and staff for their efforts related to the annexation.
- (c) Sam Bellamy, representing Stand Up America, thanked the Council for the opportunity to comment and to participate in the democracy. He recalled his comments from the previous week on red light cameras. He said that accident rates have not changed with red light cameras, and he expressed concern that fines disproportionately affect poor and elderly citizens. He expressed concern about varying speed limits along a stretch of road, which he believes are traps. He encouraged the City to use more consistent speed limits.
- (d) Alexander Zimmerman referred to 27 tickets he has received in Bellevue over a number of years. He expressed concern about the burden of traffic fines on the poor, students, and the elderly. He said he has made a number of complaints to the City over the years, and has never had one positive word in response. He asked the City Council to help make things better.

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

5. Report of the City Manager: None.

6. Council Business and New Initiatives

Councilmember Balducci referred to the Desk Packet for her recommendation on three appointments to the Arts Commission.

- Councilmember Balducci moved to appoint Arina Fateeva, Paul Manfredi, and Tracy Cole to serve on the Arts Commission through May 2016. Mayor Lee seconded the motion.
- The motion carried by a vote of 6-0.

Moving on to Council Business, Ms. Balducci reported that she attended the Puget Sound Regional Council (PSRC) Transportation Policy Board meeting. She noted that Deputy Mayor Robertson has been serving on the prioritization subcommittee.

Ms. Balducci attended a charette earlier in day regarding East Link Downtown Station options. She observed that, in the effort to save costs through the collaborative design process with Sound Transit, the City should not make conditions worse than what was promised in the alignment that was selected, nor should any modifications compromise service. She stated, for the record, that she believes the City needs to find a way to complete the purchases of the properties along 112<sup>th</sup> Avenue sometime this year, whether by the City or Sound Transit.

Councilmember Stokes commented on the work of the East Link collaborative design team to reduce costs, and concurred that modifications should not adversely affect residents. He believes the project needs to be done right while the agencies have this opportunity. Mr. Stokes attended the design charette earlier in the day to review Downtown Station options.

Mr. Stokes reported that he toured the Kinderling Center at Crossroads, which works with special needs children and their families, at the center and in their homes. He attended the opening of the Bellevue Botanical Garden Ravine Garden and Suspension Bridge on Mother's Day. He noted that Councilmember Balducci spoke at the event, and that he, Councilmember Davidson, Parks Board Members, and others attended as well.

Mr. Stokes attended the Environmental Services Commission meeting and a meeting at the South Bellevue Community Center of the Eastside Pathways program's 40 partner organizations.

Councilmember Chelminiak reported that he met with Ezra Eickmeyer, who spoke to the Council the previous week regarding medical marijuana. Mr. Chelminiak attended the charette earlier in the day to look at East Link Downtown Station concepts. He noted an alternative that involves daylighting the station, which would reduce costs and potentially provide other benefits.

Councilmember Davidson attended meetings of the Regional Water Quality Committee and the Cascade Water Alliance Resource Management Committee. He attended a meeting of the Growing Transit Communities Partnership, which is conducting a study through PSRC using federal funding. He noted the Existing Conditions Report, which has 74 transit-oriented development (TOD) circles on the map, primarily along the light rail route. Ten of the circles are in Bellevue. Dr. Davidson requested a briefing from staff at a future meeting on the TOD map.

Deputy Mayor Robertson recalled that, when the Growing Transit Communities Partnership was previously discussed with the Council, Council asked that the map be modified with regard to the Enatai, Surrey Downs, and Bellecrest neighborhoods. She would like an update on this issue.

Mayor Lee visited relatives in Hong Kong, and traveled to Beijing where he had the opportunity to meet with Ambassador Gary Locke.

7. Approval of the Agenda

→ Deputy Mayor 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

→ Deputy Mayor Robertson moved to approve the Consent Calendar, noting a correction to Agenda Item 8(d), to read Ordinance No. 6061. 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 April 23, 2012 Extended Study Session  
Minutes of May 7, 2012 Study Session  
Minutes of May 7, 2012 Regular Session
- (b) Resolution No. 8394 authorizing execution of a Business Licensing Services Agreement with the Washington State Department of Revenue for business license application processing services.
- (c) Resolution No. 8395 authorizing execution of a hardware, software, and maintenance agreement with Lilien LLC, in an amount not to exceed \$468,691.76, for the replacement of the Data Protection and Archival System which provides backup of all the City's electronic data and email archives.
- (d) Ordinance No. 6061 [*Correction of originally assigned number of 6058*] authorizing execution of an Agreement with the Washington State Criminal Justice Training Commission (CJTC) for the term August 1, 2012 to July 31, 2013 to provide an instructor to the CJTC and accept full reimbursement of salary and benefit costs; amending the 2011-2012 General Fund budget and appropriation to increase by \$51,042; and authorizing the extension of one FTE to be paid from the funds from the CJTC.

- (e) Resolution No. 8396 adopting the City of Bellevue 2013-2018 Transportation Improvement Program (TIP).
- (f) Motion to award Bid No. 12077, 112th Avenue NE Guardrail (north of NE 24th Street), as part of the Major Maintenance Program, to Pan-Arctic Contractors, Inc., as lowest responsible and responsive bidder, in the amount of \$55,715.00 (CIP Plan No. PW-M-19).
- (g) Resolution No. 8397 authorizing execution of a professional services agreement with SAIC Energy, Environmental & Infrastructure, LLC., in an amount not to exceed \$320,000, for engineering services for the Valley Creek - NE 21st Street Flood Control Design and Permitting Project (CIP Plan No. D-94).
- (h) Motion to award Bid No. 12029 for Sanitary Sewer Repairs (2012) - Phase 1, to Shoreline Construction Co., as the lowest responsive and responsible bidder, in an amount not to exceed \$585,069.45 (CIP Plan No. S-24).
- (i) Motion to award Bid No. 12067 for CBD Sanitary Sewer Capacity Improvements and Sewer Repair to Shoreline Construction Co., as the lowest responsive and responsible bidder, in an amount not to exceed \$425,697.68 (CIP Plan Nos. S-24 and S-30).

9. Public Hearings

- (a) Public Hearing on relinquishing a utility easement at the South Kirkland Park and Ride on NE 38<sup>th</sup> Street

Mr. Sarkozy introduced discussion on Resolution No. 8398, which authorizes the execution of documents to relinquish a utility easement located at the South Kirkland Park and Ride, 10800 NE 38<sup>th</sup> Street. The easement is surplus and no longer needed by the Bellevue Utilities Department.

Max Jacobs, Real Property Manager, explained that the easement was reserved in 1965 as part of a street vacation for the possibility of a future utility use. That has not been needed, and there is no utility function on the easement. The City of Kirkland also does not need the easement. In cases like this, in which the easement was acquired at no cost, the City typically will consider relinquishing an easement if it is not needed after analyzing any possible utility uses.

Responding to Councilmember Balducci, Mr. Jacobs confirmed that the King County-owned site borders Kirkland and Bellevue, and a parking garage will be developed on the Bellevue side.

→ Deputy Mayor Robertson moved to open the public hearing, and Councilmember Balducci seconded the motion.

→ The motion to open the public hearing carried by a vote of 6-0.

No one came forward to comment on the proposed action.

→ Deputy Mayor Robertson moved to close the public hearing, and Councilmember Balducci seconded the motion.

→ The motion to close the public hearing carried by a vote of 6-0.

Councilmember Chelminiak said the City of Kirkland has identified the potential for transit-oriented development on its side of the border. He suggested that, for future discussions about transit-oriented development, it would be helpful to have a definition as to what that means in terms of the size and intensity of development.

Resolution No. 8398 authorizing execution of documents to relinquish a utility easement, located at the South Kirkland Park and Ride at 10800 NE 38<sup>th</sup> Street, which is surplus and no longer needed by the Bellevue Utilities Department. King County Recording No. 5945950.

→ Deputy Mayor Robertson moved to approve Resolution No. 8398, and Councilmember Stokes seconded the motion.

→ The motion to approve Resolution No. 8398 carried by a vote of 6-0.

(b) Public Hearing for Horizon View Annexation

Nicholas Matz, Senior Planner, said staff requested holding the public hearing now and waiting to take action on the annexation ordinance later in the meeting agenda. He explained that Comprehensive Plan Policy AN-1 directs the City to annex unincorporated areas with the Potential Annexation Area (PAA) when residents or property owners request annexation. Mr. Matz noted that residents have worked together using the direct petition annexation method. The proposed effective date for the Horizon View (A and C) annexation is June 1, 2012.

→ Deputy Mayor Robertson moved to open the public hearing, and Councilmember Chelminiak seconded the motion.

→ The motion to open the public hearing carried by a vote of 6-0.

No one came forward to comment on the proposed action.

→ Deputy Mayor Robertson moved to close the public hearing, and Councilmember Balducci seconded the motion.

→ The motion to close the public hearing carried by a vote of 6-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 8399 authorizing execution of a three year agreement with South Correctional Entity (SCORE) for temporary housing of misdemeanants in their jail located in Des Moines, Washington.

Councilmember Balducci stated that, as Director of the King County jail system, she routinely recuses herself from any discussions or actions regarding jails. *[She left Council Chambers and returned following the vote.]*

Mr. Sarkozy said Resolution No. 8399 authorizes the execution of a three-year agreement with the South Correctional Entity (SCORE) for the temporary housing of misdemeanants in their jail located in Des Moines, Washington. The contract provides flexibility to the Police Department for housing misdemeanants in the South County area, often for just a matter of hours before transferring to a contract jail.

- Deputy Mayor Robertson moved to approve Resolution No. 8399, and Councilmember Stokes seconded the motion.
- The motion to approve Resolution No. 8399 carried by a vote of 5-0, with Councilmember Balducci recused.

(b) South Bellevue Annexation Actions

Mr. Sarkozy said the following actions relate to the Eastgate, Tamara Hills, Horizon View and Hilltop area annexations.

- (1) Ordinance No. 6059 annexing to the City of Bellevue 786 acres known as the South Bellevue - Eastgate and Tamara Hills Annexation, located south of I-90 in the Newcastle Subarea PAA by Direct Petition under RCW 35A.14.120-.150.

Planning Director Dan Stroh said the proposed legislation represents the culmination of a significant effort by the community and City staff to annex remaining PAA areas into Bellevue. He thanked Mr. Matz and residents for their hard work in this effort.

Mr. Matz noted the desk packet versions of Ordinance Nos. 6059 and 6060, revised to reflect the effective date for the annexations of June 1, 2012. Mr. Matz said he attended the King County Council meeting earlier in the day and witnessed the unanimous vote in favor of annexation. Mr. Matz thanked King County Councilmember Jane Hague and the County Executive's Office for their support and work to accomplish the interlocal agreement. He reiterated his recognition of the significant effort of the community.

Mayor Lee thanked Mr. Matz for his work.

→ Deputy Mayor Robertson moved to adopt Ordinance No. 6059, as revised and provided in the desk packet to reflect the June 1 effective date for annexation. Councilmember Chelminiak seconded the motion.

Deputy Mayor Robertson welcomed new residents and said she looks forward to being “one Bellevue”.

Councilmember Chelminiak thanked Mr. Matz for his hard work, and acknowledged that Mr. Matz would be the first to point out that a number of other staff worked hard as well. Mr. Chelminiak welcomed the new residents and commented that annexation is the right thing to do to provide urban-level services to these neighborhoods. Mr. Chelminiak noted that the new residents’ taxes will go down.

Councilmember Stokes thanked staff for their efforts and said he is pleased to have Eastgate and Tamara Hills coming into the city effective June 1. He noted that the unincorporated Eastgate area was represented on the Eastgate/I-90 Citizen Advisory Committee over the past year or so.

Councilmembers Davidson and Balducci welcomed the residents as well.

→ The motion to adopt Ordinance No. 6059 carried by a vote of 6-0.

Mayor Lee welcomed the new residents and thanked staff and residents for their significant efforts.

Mr. Sarkozy noted that Bellevue’s population just increased by 5,200 people.

- (2) Ordinance No. 6060 annexing to the City of Bellevue 70 acres known as the South Bellevue - Horizon View Annexation, located south of I-90 in the Newcastle Subarea PAA by Direct Petition under RCW 35A.14.120-.150.

Mr. Sarkozy introduced Ordinance No. 6060 which annexes the Horizon View area up the hill from the Eastgate area.

→ Deputy Mayor Robertson moved to adopt Ordinance No. 6060, as revised and provided in the desk packet to reflect the June 1 effective date for annexation. Councilmember Chelminiak seconded the motion.

→ The motion to adopt Ordinance No. 6060 carried by a vote of 6-0.

- (3) Resolution No. 8400 authorizing execution of an Interlocal Agreement between the City and King County relating to the South Bellevue

Annexation Areas of Eastgate, Tamara Hills, Horizon View, and Hilltop and authorizing the County to collect certain permit processing fees in accordance with the terms of such Interlocal Agreements.

Mr. Sarkozy explained that Resolution No. 8400 authorizes the execution of an Interlocal Agreement between the City and King County related to the South Bellevue Annexation Areas. The agreement supersedes the previous interlocal agreement [October 6, 1996] related to the construction of 150<sup>th</sup> Avenue SE that required the City to reimburse the County for its investment in that project upon the City's annexation of the surrounding territory. Resolution No. 8400 also authorizes the County to collect fees for permits that it processes under the Interlocal Agreement after annexation.

Mr. Matz clarified that the Interlocal Agreement does not change the terms of any other existing Interlocal Agreements with King County. This agreement also does not require the City to pay for transferred real property or road-related property. The County shall pay to the City any unexpended traffic impact fees collected by the County for development activity where all site improvements and building construction have not been completed prior to the effective date of annexation.

Mayor Lee thanked King County Councilmember Jane Hague, County Executive Dow Constantine, and the King County Council for their support of the annexation.

- Deputy Mayor Robertson moved to approve Resolution No. 8400, Councilmember Chelminiak seconded the motion.
- The motion to approve Resolution No. 8400 carried by a vote of 6-0.

(4) Management Brief regarding South Bellevue Annexation Celebration

Planning Director Dan Stroh described plans to celebrate the annexation actions. A City Council reception is scheduled for June 18; and drop-in meetings are scheduled for new residents June 19-20 at Newport Way Library and June 21 at the South Bellevue Community Center. A big celebration is planned for July 26 at the South Bellevue Community Center, 5:30-8:30 p.m.

Mr. Stroh said that Cheryl Kuhn and the Neighborhood Outreach Team are working on coordinating these activities.

Mayor Lee thanked staff again for their efforts.

- Deputy Mayor Robertson moved to support staff's proposed South Bellevue Annexation celebrations, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 6-0.

Mr. Sarkozy noted that Bellevue's updated population will be approximately 130,000.

(c) Agreements related to Hilltop Community Annexation

Mr. Sarkozy asked staff to describe agreements related to the Hilltop annexation area.

Mr. Matz explained that the Pre-Annexation Agreement captures Council direction provided on May 14 regarding vegetation management and the proposed Site Plan Process.

Mr. Matz briefly reviewed the Interlocal Non-Assumption Agreement with Water District 117, which states that the City would not assume the water district during the term of the agreement unless required by law or initiated through mutual agreement. The agreement has a 20-year term, with the potential for a 10-year extension. It authorizes the City to use District fire hydrants, and obligates the District to relocate facilities at no cost to the City if required by a City capital project.

Mr. Matz recalled that Deputy Mayor Robertson previously requested adding language regarding the maintenance of facility standards as a condition of future assumption by the City, should that ever occur. He noted that the Council's desk packet includes a replacement page for the Water District agreement to address this policy.

Mr. Matz described the Emergency Intertie agreement with Water District 117, which formalizes the conditions for the use of the intertie and establishes a cost recovery rate for the use of City water. This is needed regardless of annexation and covers the operation, maintenance, and use of the intertie.

Mr. Matz recalled that Councilmember Davidson had inquired about fire flow capacity. He noted Attachment 1 on page 11-55 of the meeting packet depicting the fire flow proposal using the City's fire hydrant, which was obtained in exchange for an easement to put a water line through private property. Mr. Matz said the Fire Department confirmed that there is adequate fire flow capacity.

Mr. Matz noted the timeline of remaining actions leading to an effective date of July 31 for the annexation.

Resolution No. 8401 authorizing execution of a Pre-Annexation Agreement with Hilltop Community, Inc., addressing the transition of the Hilltop annexation area into the City, should the area be annexed.

→ Deputy Mayor Robertson moved to approve Resolution No. 8401, and Councilmember Chelminiak seconded the motion.

→ The motion to approve Resolution No. 8401 carried by a vote of 6-0.

Resolution No. 8402 authorizing execution of an Agreement Relating to Water System Intertie, and an Interlocal Agreement regarding Non-Assumption, both

with King County Water District 117, addressing coordination between the City and Water District 117.

- Deputy Mayor Robertson moved to approve Resolution No. 8402, with revisions to the Interlocal Agreement relating to Non-Assumption as provided in the Desk Packet. Councilmember Chelminiak seconded the motion.
- The motion to approve Resolution No. 8402, with revisions to the Interlocal Agreement relating to Non-Assumption, carried by a vote of 6-0.

Deputy Mayor Robertson said she is pleased to see Hilltop residents moving closer to being part of Bellevue.

Councilmember Stokes said he looks forward to the annexation-related community celebrations.

Mr. Sarkozy said the Annexation Public Hearing is scheduled for July 16, with the goal of an effective date of July 31.

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

At 9:32 p.m., Mayor Lee declared the meeting adjourned.

Myrna L. Basich, MMC  
City Clerk

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