

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 2, 2014
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

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

2. Roll Call, Flag Salute

All Councilmembers were present. Deputy Mayor Wallace led the flag salute.

(a) Bellevue Botanical Garden Announcements

Joanne White, Co-President of the Bellevue Botanical Garden Society, announced a major new gift of \$500,000 to the capital campaign from the PJA Foundation. The PJA Foundation previously contributed \$506,000 to the campaign in 2011 for the Ravine Experience project. The latest donation helps fund the new visitors and education center, additional parking, and new gardens.

Ms. White said the Garden Society recently crossed the \$4.8 million mark of its \$5 million goal. She and Denise Lane, Capital Campaign Chair, presented a check for \$3 million to the Council, which represents the campaign funds that have been transferred to the City to date. Ms. White said she believes this is the largest private donation ever to a City of Bellevue project.

Ms. Lane described the new visitors center with expanded education and meeting space. Extensive landscaping has been installed to enhance the outdoor circulation space, existing gardens were improved, and new gardens were created and named. The parking lot was expanded to more than double the previous parking capacity, and new restrooms have been added.

Ms. White thanked the PJA Foundation for their generous donation. She said the Society also thanks the Bellevue City Council, residents, and the many supporters and volunteers who have made the project possible.

Ms. Lane invited the Council to the grand opening on Saturday, June 14, 10:00 a.m., to welcome the public to the beautiful new facilities at the Bellevue Botanical Garden.

Mayor Balducci congratulated and thanked them for their hard work.

(b) World Elder Abuse Awareness Day Proclamation

Mayor Balducci read a proclamation recognizing World Elder Abuse Awareness Day in Bellevue.

Diana Thompson, representing The Bellevue Network on Aging, said June 15 is the ninth annual World Elder Abuse Awareness Day. She described the types of abuse and noted that the King County Prosecutor's Office created an elder abuse team. A King County jury recently convicted a 62-year-old man and his wife of theft in the first degree for stealing more than \$500,000 from the man's 82-year-old dementia-stricken mother.

Ms. Thompson said many victims are afraid or unable to report the abuse. She encouraged the community to call 1-866-END-HARM (1-866-363-4276) if elder abuse is suspected. She noted that the Police recommend calling 911 to request a "welfare check" as well.

3. Communications: Written and Oral

- (a) Paul Bell from the Office of Student and Legislative Affairs at Bellevue College thanked the Mayor and Council for their leadership in advocating to preserve bus transit services to Bellevue College and throughout the community. He recalled previous times he has spoken to the Council regarding the need for student and affordable housing. He thanked the Council for its work and offered to join Councilmembers in Olympia to advocate before the state legislature.
- (b) Norm Hansen, representing the Bridle Trails Community Club, testified that a number of residents and businesses are concerned about the visual impacts of electrical towers and the proposed new transmission line. He encouraged the City to learn from other areas in the country that have utilized new electric power technologies and alternatives. He asked the Council to think about how it wants the community to look in 2035.
- (c) Betsy Blackstock, Surrey Downs East Link Committee, said nearly a dozen neighbors received certified letters from Sound Transit dated May 6. The letters indicate that their properties will be needed for the East Link light rail project. Ms. Blackstock said the City has had no discussion with residents about property acquisitions in the northeast corner of Surrey Downs. She said that, despite ongoing meetings with Sound Transit staff,

residents received these letters without prior knowledge. They also were not shared with the City Council. She said Surrey Downs reminds the City and stands behind the City in opposing partial acquisitions. Resident will remain vigilant in following this situation, and she thanked the Council for remaining vigilant as well.

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

5. Report of the City Manager

(a) Management Brief providing an update on the long-term provision for a Winter Shelter in East King County

Acting City Manager Brad Miyake referred to page 5-1 of the meeting packet for a management brief regarding a recommendation that Eastside cities work together to establish a long-term winter shelter in East King County.

Arthur Sullivan, Program Manager for ARCH (A Regional Coalition for Housing), said ARCH is working with Eastside cities to identify a dedicated winter shelter. Providing shelters serves an emergency purpose and can also lead to people receiving more services that can lift them out of homelessness. Mr. Sullivan said the demand for shelters is increasing. The work group of staff and elected officials will continue working to develop a more detailed proposal for City Councils to consider.

Mayor Balducci said this topic was discussed during the Council retreat and identified as a priority. Mr. Sullivan said additional information will be provided over the next six months.

6. Council Business and New Initiatives

Councilmember Robertson, as Council liaison to the Environmental Services Commission, said she, City staff, and the Environmental Services Commission Chair interviewed applicants for a vacancy on the commission.

Ms. Robertson recommended Gil Pauley, a fisheries biologist, to fill the vacancy on the Commission.

→ Councilmember Robertson nominated Gil Pauley for appointment to the Environmental Services Commission. Councilmember Stokes seconded the motion.

→ The motion to appoint Gil Pauley to the Environmental Services Commission carried by a vote of 7-0.

Mayor Balducci noted a letter in the desk packet dated May 23 from the Eastside Rail Corridor Regional Advisory Council regarding the former BNSF rail corridor. Bellevue does not own any portion of the rail corridor and has not been a member of the RAC. However, Ms. Balducci said the City has long wanted to have a role in the planning related to the rail corridor.

Mayor Balducci said the letter invites the City of Bellevue to participate in the Eastside Rail Corridor RAC through an associate status. She noted general agreement among Councilmembers to accept the invitation to participate as an associate member.

Councilmember Lee suggested the City consider buying a portion of the rail corridor.

Mayor Balducci said the owners of property within the rail corridor through Bellevue are Sound Transit, Port of Seattle, and King County. Puget Sound Energy has an easement over the entire rail corridor.

Mayor Balducci said her opinion is that the City should consider purchasing only if there is a specific use in mind. She said the City of Kirkland is working on an interim trail use. That City has found that the cost of metal is such that a firm will pay cities to allow them to take the rails out. The money is then used to provide gravel on the trail.

Ms. Balducci said if the Council would like to discuss this topic, she will explore a way to bring it back.

Councilmember Stokes said he would be interested in discussing the topic. Councilmember Lee concurred.

Councilmember Robinson noted the potential for a trail connection through Wilburton and to Meydenbauer Bay.

Mayor Balducci said that, given the priorities the Council has now adopted, including looking at uses of the entire connection between Meydenbauer Bay and the Wilburton area, this might be the forum in which the Council asks staff to provide any recommendations on what might be the City's interest in owning the rail corridor.

Deputy Mayor Wallace said King County recently completed good work on the East Lake Sammamish trail, which is also a former rail line.

Mayor Balducci noted there is a long-range planning study at Sound Transit of north-south, high-capacity transit options. Two options under study are ways of using the rail corridor for long-term transportation use. However, she noted those two options are very expensive and it would be more cost-effective to add transit to I-405.

Moving on with Council Business, Councilmember Chelminiak noted that he has been on vacation.

Councilmember Lee said he took vacation as well. Since his return, he attended the Economic Development Council meeting and the Youth Link Leadership Awards.

Deputy Mayor Wallace followed up on Ms. Blackstock's earlier comments under Agenda Item 3. He said the Council needs an update in the near future to understand the status of light rail mitigation and to review the policies previously established by Council for exceptional mitigation. He also wants to discuss the operations and maintenance facility that Sound Transit proposes locating in Bellevue.

Mr. Wallace said he will be meeting with staff on the cost of the line. He feels there have been problems in getting information from Sound Transit in a timely manner.

With regard to marijuana, Deputy Mayor Wallace said the Planning Commission met and discussed the potential ordinance. He is concerned that time will run out before the Commission is able to complete its recommendation. Mr. Wallace asked that the Council hear back from staff about whether it will be possible for the Planning Commission to forward a recommendation to the Council before the State Liquor Control Board starts issuing licenses. He would like the Council to be able to make a decision about whether it is prudent to allow the interim zoning ordinance to go forward unchanged, or whether the ordinance should be amended, and/or whether the City should gain additional time through a moratorium. He asked that the topic come back for the following week's meeting.

Mayor Balducci suggested a Council vote on whether to continue to discuss the marijuana ordinance. She noted that the topic of marijuana has been on the agenda several times and the matter was sent to the Planning Commission without adopting a moratorium.

Deputy Mayor Wallace said his immediate question is the timing anticipated for the Planning Commission's review.

Continuing with Council reports, Mr. Wallace said he met with Interim Police Chief Jim Montgomery, who has been communicating with Police Departments in Colorado about the legalization of marijuana there and policing strategies.

Mr. Wallace said he served on a panel for a presentation to the Bellevue Chamber of Commerce Young Executives. He attended a meeting of the Economic Development Council, during which the City's Planning and Community Development Director made a presentation on the City's economic development plan.

Mr. Wallace attended an event sponsored by Jubilee Reach which included a commendation to Former City Manager Steve Sarkozy.

Councilmember Robertson reported that she attended a meeting of the Growth Management Planning Board and she conducted the Environmental Services Commission interviews.

Ms. Robertson would like the City to follow up on Ms. Blackstock's testimony about partial takings in the Surrey Downs neighborhood. Ms. Robertson said the City needs to work with Sound Transit to avoid that. She is frustrated that the Council continues to be surprised by information involving Sound Transit. As partners with the City under the East Link

memorandum of understanding (MOU), she believes Sound Transit should be sharing information with the City and Council.

Councilmember Stokes said the Planning Commission has started addressing the marijuana issue. The Interim Police Chief will be speaking to the Commission, and the City is working with the Bellevue School District as well.

Mr. Stokes reported that he chaired the meeting of the King Conservation District Advisory Committee. He attended the Economic Development Council meeting during which PCD Director Salomone presented on the City's economic development strategy.

Mr. Stokes expressed appreciation for the strong staffing support provided to the Council through routine briefings and regional forums, particularly in his work with the King Conservation District and Cascade Water Alliance.

Councilmember Robinson said she is continuing her community outreach. She met with Chris Salomone, Director of Planning and Community Development, and young entrepreneurs to discuss how to continue to create an incubator environment in Bellevue. She met with representatives of YES (Youth Eastside Services) to create a community-wide marijuana education program focusing on the law and the risks of marijuana consumption by minors.

Mayor Balducci reported that she attended the Economic Development Council meeting, which was held in Bellevue this time. She and Councilmembers Robinson and Stokes attended the Bellevue Youth Link Leadership Awards event.

Ms. Balducci attended the Puget Sound Regional Council (PSRC) annual General Assembly. She thanked Councilmember Robertson for her work on the prioritization committee over a two-year period. Ms. Balducci noted that significant funding for City of Bellevue projects is identified in the 2040 Regional Transportation Plan.

Mayor Balducci said she and Deputy Mayor Wallace represented the City at the Bellevue Jazz Festival.

Ms. Balducci attended the Sound Transit Board meeting. She learned a couple of days ago about the letters from Sound Transit to Surrey Downs residents about potential acquisitions. When she inquired she was told that, as design advanced and more information became available, Sound Transit staff determined that, in order to maintain both the 30-foot structure separation required in the City's Land Use Code and to meet both the federal and the City's Noise Code, it would be necessary to go five to 10 feet farther into certain properties to build a sound wall.

Mayor Balducci said she has asked that Sound Transit look at ways to do that without taking out trees and with minimal property takings. She would like the City to request a response from Sound Transit regarding the options for residents. Mayor Balducci said there is a letter in process from the Light Rail Permitting Citizens Advisory Committee (CAC) to Sound Transit.

7. Approval of the Agenda

→ Deputy Mayor Wallace moved to approve the agenda, and Councilmember Stokes seconded the motion.

→ The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

→ Deputy Mayor Wallace moved to approve the Consent Calendar, and Councilmember Stokes seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:

- (a) Resolution No. 8747 authorizing execution of an amendment to the Professional Services Agreement with the Pacifica Law Group LLP to increase the total contract amount from \$184,000 to \$210,000 for legal services in the lawsuits of City of Bellevue v. Manoogian, KCSC No. 13-2-28532-1 SEA and City of Bellevue v. Galpin, KCSC No. 13-2-30023-1 SEA.
- (b) Resolution No. 8748 authorizing execution of a two-year contract with an option to renew for two additional years with Morris Piha Real Estate Services for the management and leasing of the Lincoln Center property.
- (c) Resolution No. 8749 authorizing execution of an amendment of the Software Purchase and Maintenance agreement with Insight Software.com, Inc., in an amount not to exceed \$35,675 inclusive of tax, to purchase additional reporting modules and user licenses, plus annual maintenance in the amount of \$7,928, for the City's Financial/HR system, JD Edwards.
- (d) Ordinance No. 6162 amending the Human Resources Code, Chapter 3.79.130, to add a new subsection 3.79.130H to align with the state law providing for two unpaid holidays for observances of faith or conscience or for organized activities of a religious organization; and authorizing the City Manager or his/her designee to implement rules for administering this benefit.
- (e) Resolution No. 8750 authorizing execution of a contract with GM2 Systems, in an amount not to exceed \$225,000, inclusive of applicable taxes, to provide fiber consulting services on behalf of the Community Connectivity Consortium.
- (f) Motion to award Bid No. 14043 to Forma Construction Company for construction of Bridle Trails Corner Park.

- (g) Resolution No. 8751 authorizing execution of an Interlocal Agreement between the City and King County regarding renewal of the HOME Investment Partnerships Program (HOME Program). *[The agreement was established in 2000; this renewal is for the years 2015 through 2017.]*
- (h) Resolution No. 8752 authorizing execution of a Professional Engineering Services Agreement with Landau Associates, in the amount of \$122,800, inclusive of tax, to prepare a Geotechnical Report and Environmental Documentation to aid in the design of the Mountains to Sound Greenway Trail along north side of SE 36th Street from Factoria Boulevard SE to the vicinity of 150th Avenue SE as part of the Mountains to Sound Greenway Project (CIP Plan No. PW-W/B-78).
- (i) Resolution No. 8753 authorizing execution of a professional services agreement with Natural Systems Design, Inc., in an amount not to exceed \$91,300 for engineering services for the Newport Creek Fish Passage Final Design and Construction Phase Services (CIP Plan No. W-81).

9. Public Hearing: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Ordinance No. 6163 appointing Brad M. Miyake as City Manager and approving the Employment Agreement between the City and Miyake that establishes the City Manager's terms and conditions of employment.

Mayor Balducci requested Council consideration of Ordinance No. 6163 appointing Brad Miyake as City Manager. She believes the employment agreement is fair and recognizes Mr. Miyake's significant history and excellent performance with the City.

→ Councilmember Lee moved to adopt Ordinance No. 6163, and Councilmember Robertson seconded the motion.

Mayor Balducci congratulated Mr. Miyake and said the Council looks forward to continued good work together. She noted that negotiations were minimal and amicable. However, she wanted to delay Council action until all Councilmembers were present.

→ The motion carried by a vote of 7-0.

Mr. Miyake thanked the Council for demonstrating their faith in him by selecting him to serve.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

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

At 8:58 p.m., Mayor Balducci declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw