

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 17, 2013
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: Councilmembers Balducci and Davidson

1. Call to Order

The meeting was called to order at 8:15 p.m., with Mayor Lee presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers except Ms. Balducci and Dr. Davidson were present. Steve Sarkozy led the flag salute.

- (a) Commendation for Steve Sarkozy's Years of Service to City Government and the Community

Mayor Lee read a commendation recognizing Steve Sarkozy's 12 years of service to the City of Bellevue.

Mr. Sarkozy thanked everyone for their show of support and kind words. He said he was proud to serve the community and proud of the City's Leadership Team and staff. He encouraged the Council and staff to continue working to ensure that Bellevue remains a world-class community.

Deputy Mayor Robertson said it was a pleasure to work with Mr. Sarkozy, and she has enjoyed his good humor and intelligence. She praised his vision and financial acumen in leading the City and helping it to grow in such a positive way. She expressed appreciation for his leadership through the East Link planning and negotiations. Ms. Robertson thanked him for his many years of service and wished him well.

Councilmember Chelminiak thanked Mr. Sarkozy for leading the Council and City through setting and achieving audacious goals. Mr. Chelminiak said the community has benefitted greatly

from the outcomes of that leadership.

Councilmember Stokes thanked Mr. Sarkozy for his public service and for helping Mr. Stokes grow into his role as a City Councilmember. He looks forward to continuing to see Mr. Sarkozy in the community.

Councilmember Wallace said Mr. Sarkozy is a rare public servant who was willing to take a risk when warranted. He believes this strength will serve Mr. Sarkozy well in future endeavors. Mr. Wallace thanked Mr. Sarkozy for his leadership through the past several difficult years of the economic recession and light rail planning.

Mayor Lee stated that being a City Manager is a tough job. He praised Mr. Sarkozy for his budget discipline and his leadership through complicated issues and significant challenges. Mr. Lee thanked him for his service and wished him well.

Former Mayor and Councilmember Grant Degginger thanked Mr. Sarkozy for his work over the years. He credited Mr. Sarkozy with identifying the opportunity to accomplish the longtime goal of bringing City Hall to the Downtown. The larger building centralized public safety and other functions and improved services to the public. Mr. Degginger commended Mr. Sarkozy's role in achieving professional accreditation for every department and in fostering partnerships such as NORCOM. He praised his problem solving, sense of humor, ability to build consensus, and astute risk taking to achieve significant public benefits.

Alex Zimmerman said he has lived in Bellevue for 25 years. He spoke with Mr. Sarkozy a number of times over the past 12 years to address a dozen complaints without any positive results. Mr. Zimmerman said the next City Manager should talk to the public every month. He asserted that Mr. Sarkozy was a bad City Manager.

After attempting to explain the rules for speaking during this agenda item and Mr. Zimmerman's continued lack of decorum, Mayor Lee asked that the gentleman be escorted out of the building.

Greg Johnson, Wright Runstad and Company, acknowledged the positive environment created by Mr. Sarkozy in his work with the development community and in fostering economic development. Mr. Johnson thanked him for his leadership.

Mike Creighton, former Mayor and Councilmember, thanked Mr. Sarkozy for his time, efforts and great energy in bringing positive changes to the community.

Brent Christie, Jubilee Reach Center, thanked Mr. Sarkozy for leading the whole community and creating a common unity and sense of hospitality for all. He praised Mr. Sarkozy's leadership in creating a positive culture among City staff for the public good.

Brad Miyake, Acting City Manager, commenting on behalf of the Leadership Team and organization, said that Mr. Sarkozy is a man of vision and a man of action. Mr. Miyake praised him for his passion for public service and pursuit of excellence within the organization. He

commended Mr. Sarkozy for pushing the organization beyond its comfort zone and for reminding employees to dream big and to always look ahead to the future. Mr. Miyake said Mr. Sarkozy embodies the value of always leaving a city in better shape than when you arrived. He thanked Mr. Sarkozy for being a good mentor and friend and for providing opportunities for Mr. Miyake to learn and grow. He wished Mr. Sarkozy well on behalf of the Leadership Team.

Mr. Miyake presented a gift to Mr. Sarkozy.

Mr. Sarkozy thanked the Council again and said it has truly been an honor to serve this community.

3. Communications: Written and Oral

- (a) Heather Trescases, Executive Director of the Eastside Heritage Center, invited the Council and the public to the annual Strawberry Festival and described some of the weekend's activities.
- (b) Sam Bellomio, StandUP-America, expressed concern that Mr. Zimmerman was removed from the building, which he believes was an abuse of power. Mr. Bellomio spoke in favor of term limits for the City Manager and Councilmembers. He said things need to change. Mr. Bellomio encouraged the Council to fund and construct the sidewalk project requested by residents. He said the Mayor returned one of his calls and left a message but has not called again since Mr. Bellomio left him a message in reply.

After Mayor Lee indicated several times that Mr. Bellomio's allotted time to speak had expired, Mr. Bellomio ended his testimony.

Mayor Lee said that speakers must follow the appropriate protocol for addressing the Council during public meetings. He expressed concern about the message this behavior might be sending to a young person in the audience.

Responding to Mr. Bellomio's continued argumentative comments and refusal to listen to the Mayor, Mayor Lee asked that Mr. Bellomio be escorted from the building.

- (c) Barbara Spindel, President of the Newport Way Library Association and a resident of Horizon View, described the urgent need for sidewalks along Newport Way. She said residents are working hard to make sure the Council hears the community's voice. She urged approval for design funding and asked the City to lower the speed limit on the road to improve safety and to provide an adequate shoulder. She noted that she recently testified before the Transportation Commission about the speed limit and safety concerns. Ms. Spindel asked the Council to provide sidewalks along this section of Newport Way with a community center, library, park, and public school.
- (d) Randy Brown, a longtime resident of the Somerset area and block captain of the Somerset North Slope, urged the Council to provide sidewalks on SE Newport Way. He

noted a number of facilities along the road including a church, library, community center, park, school and private swim and tennis club. He recalled that, in April 2002, Pastor David Tinney was struck by a motorist and nearly killed. He said Newport Way remains dangerous. Mr. Brown said he believes in representative government and he asked the Council to work together for the common good. Mr. Brown submitted his comments in writing.

- (e) A female resident of the Eastgate neighborhood who lives along Newport Way noted that the area was annexed to the City of Bellevue approximately one year ago. She said her past correspondence requesting that sidewalks be funded in the 2013 budget did not receive a reply from the City or Council. At a minimum, she requested a crosswalk on Newport Way from the South Bellevue Community Center to the library in the 2014 budget.
- (f) Sandy Greyson, an Eastgate resident for twenty years, said she looks forward to adding sidewalks along Newport Way.

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

5. Report of the City Manager

- (a) Update on Newport Way Sidewalk Options

Acting City Manager Brad Miyake opened staff's update on the Newport Way sidewalk issue.

Transportation Director Dave Berg provided background information on the annexation of the Eastgate area. As part of the 2012 annexation, King County transferred approximately \$1 million that had previously been collected as a road services fee.

Mr. Berg described capital projects both planned and underway. These include intersection improvements at 150th Avenue SE and SE Newport Way and a sidewalk on Newport Way between 150th and 152nd Avenues SE near Eastgate Elementary School. Mr. Berg described neighborhood traffic calming projects including one near Cougar Ridge Elementary School.

Mr. Berg said a high-level estimate of extending the road and sidewalk from Somerset Boulevard to 150th Avenue SE is more than \$10 million. This includes walls and significant storm water facilities. The estimated cost of completing earlier improvements on 150th Avenue SE south of I-90 is \$5.5 million.

Mr. Berg said 2014 is the next major budget year and residents were correct in raising the issue with the Transportation Commission, which compiles a list of prioritized needs for the Council's considerations.

Councilmember Wallace said the Newport Way project is very important to him. He noted the road is relatively undeveloped for the large volume of traffic it carries. He believes the project

merits special attention. Given the safety concerns, he wondered whether there are any initial smaller projects that would help to improve safety and alleviate concerns somewhat.

Mr. Berg said staff has reviewed the immediate maintenance needs in that area. He said the road shoulder is not wide enough to provide an interim barrier to improve pedestrian safety. Other than ensuring that striping is visible and signs are appropriately reflective for dark conditions, staff has not been able to come up with any interim solutions to effectively address safety concerns.

Deputy Mayor Robertson said she has been an advocate for this project for some time and she uses the road often. Residents have been requesting improvements along Newport Way from King County for the past 10 years. She observed that the speed limit changes throughout the roadway and suggested that one speed limit would be good for consistency. Given that Newport Way falls below standards, she would like to make it a priority for pre-design funding during the mid-biennium review this fall. She believes the project would compete well for grant funding in the future.

Councilmember Stokes concurred with the remarks and expressed support for any interim measures that could improve safety, even if they are not part of a permanent solution. He observed that sidewalks cannot be done without completing the expensive roadway work. Mr. Stokes expressed support for pre-design funding and encouraged everyone to offer suggestions for interim measures.

Councilmember Chelminiak said he would like to look into the speed limit issues and the request for a crosswalk. He noted, however, that crosswalks can provide a false sense of security. He encouraged constructing full roadway projects the first time through, but cautioned that there is a great deal of competition for similar projects throughout the community.

Mayor Lee said he supports the Council's comments and is empathetic to the public's concerns. He concurred with Mr. Chelminiak's comment regarding the competition for project funding. Mayor Lee said he lives in Somerset and travels the roadway frequently, and he shares neighbors' concerns.

Randy Brown stated, on behalf of the group of residents, that they feel they have been heard. He said citizens are prepared to assist in any way they can.

(b) Bellevue Convention Center Authority (BCCA) Board Appointments

Acting City Manager Brad Miyake referred the Council to page 5-5 of the meeting packet for a management brief outlining his recommendations for appointments to the Bellevue Convention Center Authority (BCCA) Board. Three individuals are recommended for reappointment: Roger Anderson, Rick Carlson, and Daniel Watson. Two individuals are recommended for new appointments: John Christison and Laurie Tish.

Mayor Lee noted a Council consensus in support of the appointments.

6. Council Business and New Initiatives

Councilmember Chelminiak noted follow-up information regarding concerns about boarding house conversions. His interpretation is that they can essentially be legal if certain rules are followed. He would like to ask staff to review the issues and to explore potential code changes. He observed that the boarding houses are using the group homes regulations for a purpose that was not intended or anticipated.

Responding to Councilmember Wallace, Councilmember Chelminiak clarified that he sees converting smaller homes to eight rooms for rental as an emerging type of business operation within the community and across the country that is different than traditional group homes which serve a particular social purpose or public benefit. He said these situations do not appear to have the property owner living on site. He would like to explore what reasonable limitations might be possible for these properties.

Councilmember Wallace concurred with Mr. Chelminiak's comments. Mr. Wallace said Seattle has been experiencing the development of essentially multifamily units in single-family neighborhoods due in part to a regulation that allows six bedrooms per bathroom. He would like to review Bellevue's code to address this type of development.

Mr. Chelminiak said this type of development might be appropriate in other land use zones, but it is not compatible with single-family homes and zoning.

Deputy Mayor Robertson said she would like the Council to request a legal opinion on the application of the group homes ordinance. She would like staff to review the City's current code to determine whether amendments might be appropriate.

Ms. Robertson said another emerging issue relates to ridesharing companies and how they should be regulated. Seattle has been grappling with this issue, and she would like to request a legal opinion on this topic as well.

Mayor Lee referred to the car-for-hire issue and cautioned against stifling entrepreneurship.

Councilmember Stokes concurred with comments by his fellow Councilmembers. He said he went by one of the houses that is raising concerns, and the front yard was essentially a dump heap. He believes this is a third issue that needs to be addressed.

Councilmember Wallace requested that the Council agree to address, on July 8, the subject of modifying the Council rules to prevent disruptive behavior. He characterized the earlier interruption of the agenda item to honor the former City Manager as shameful and disgusting. Mr. Wallace said the City needs to be able to permit open discussion while enforcing respectful decorum.

Mr. Miyake confirmed that staff is working to place that on a future agenda.

Mr. Stokes observed that the two issues are that Mr. Zimmerman's comments were inappropriate during that particular agenda item and proper decorum is called for during formal oral communications.

Mr. Wallace clarified that he has had enough of Mr. Bellomio's and Mr. Zimmerman's disrespect and disruption of Council meetings.

Mayor Lee concurred that there must be proper decorum in all formal communications with the Council and that these two individuals are repeatedly breaking the rules.

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 5-0.

8. Consent Calendar

→ Deputy Mayor Robertson moved to approve the Consent Calendar, and Councilmember Chelminiak seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 5-0, and the following items were approved.

- (a) Minutes of May 20, 2013 Study Session
Minutes of May 20, 2013 Regular Session
Minutes of May 28, 2013 Extended Study Session
- (b) Resolution No. 8597 authorizing execution of a four-year General Services Agreement with DataSite Business Archives, in a total contract amount not to exceed \$300,000, for services related to offsite storage and maintenance of the City's inactive records.
- (c) Resolution No. 8598 authorizing execution of amendments to the professional services agreements with Gary N. McLean and Philip W. Dufford for Hearing Examiner services amendment to the Hearing Examiners contracts.
- (d) Resolution No. 8599 authorizing execution of a professional services agreement with Western Wood Structures, Inc., in an amount not to exceed \$112,050, for the design, engineering, manufacture and delivery of three wooden pedestrian bridges for the Coal Creek Natural Area Primrose Loop Trail (CIP Plan No. P-AD-89).

- (e) Resolution No. 8600 authorizing execution of a professional services agreement with Murray, Smith & Associates, Inc., in an amount not to exceed \$140,000, for engineering services for the West Side Storage Site Evaluation Project (CIP Plan No. W-103).
- (f) Resolution No. 8601 authorizing execution of a professional services agreement with RH2 Engineering, Inc., in an amount not to exceed \$885,000, for engineering services for the Bellefield Pump Station Capacity Improvements Preliminary and Final Design Services Project (CIP Plan No. S-53).

9. Public Hearings

Mayor Lee read the rules for the public hearings.

- (a) Public Hearing authorizing execution of documents relinquishing two easements reserved in separate street vacations in Ordinance Nos. 696 and 2149, adjacent to 2380 and 2426 116th Avenue NE.

Patti Ebert, Sr. Real Property Agent, briefly described the proposal to relinquish two utility easements reserved in two previous street vacation ordinances.

- Deputy Mayor Robertson moved to open the public hearing, and Councilmember Chelminiak seconded the motion.
- The motion carried by a vote of 5-0.

No one came forward to comment.

- Deputy Mayor Robertson moved to close the public hearing, and Councilmember Chelminiak seconded the motion.
- The motion carried by a vote of 5-0.

Resolution No. 8602 authorizing execution of an Agreement to relinquish two utility easements no longer required by the City, located at 2380 and 2426 116th Avenue NE, just south of State Route 520 in Bellevue.

- Deputy Mayor Robertson moved to approve Resolution No. 8602, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 5-0.
- Deputy Mayor Robertson moved to extend the meeting to 10:30 p.m., and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 5-0.

- (b) Public Hearing to declare certain utility-owned property surplus prior to its disposition.

Lucy Liu, Assistant Director of Utilities, provided the staff report. Proposed Resolution No. 8603 declares certain utility-owned equipment to be surplus and directs City staff to dispose of it in the same manner as other City-owned property that has met its usefulness and is no longer needed by the City. A list of the items is provided in the meeting packet.

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

→ The motion carried by a vote of 5-0.

No one came forward to comment.

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

→ The motion carried by a vote of 5-0.

Resolution No. 8603 declaring certain utility-owned equipment to be surplus and directing City staff to dispose of the property in the same manner as other City-owned personal property that has met its usefulness and is no longer needed by the City.

→ Deputy Mayor Robertson moved to approve Resolution No. 8603, and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 5-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Updating Building and Fire Codes

Ordinance No. 6113 amending the Bellevue City Code to adopt certain State Building Code updates and local amendments thereto; amending Chapter 23.05 relating to construction code administration; repealing Chapter 23.10 in its entirety and replacing it with a new Chapter 23.10 reflecting amendments to state building codes; repealing Chapter 23.12 in its entirety and replacing it with a new Chapter 23.12 reflecting amendments to state residential codes; amending Chapter 23.16 to reflect amendments to swimming pool enclosures; repealing Chapter

23.50 in its entirety and replacing it with a new Chapter 23.50 reflecting amendments to state mechanical and related codes; repealing Chapter 23.60 in its entirety and replacing it with a new Chapter 23.60 reflecting amendments to state plumbing and related codes; and establishing an effective date; and

Ordinance No. 6114 repealing Chapter 23.11 of the Bellevue City Code and adopting a new Chapter 23.11 to adopt the 2012 International Fire Code with amendments; and establishing an effective date; and

Ordinance No. 6115 creating a new Chapter 23.85 to the Bellevue City Code to adopt the 2010 National Fire Protection Association Standard 130 for Fixed Guideway Transit and Passenger Rail Systems with amendments; and establishing an effective date.

Mr. Miyake referred the Council to page 11-1 of the meeting packet for information on Ordinance Nos. 6113, 6114, and 6115. He recalled that these were discussed with the Council on May 20.

Gregg Schrader, Building Official, said that individual staff briefings on the code changes have been conducted with Councilmembers upon request. As directed by the Council on May 20, Mr. Schrader said that fire sprinkler provisions have been deleted from the ordinances before the Council for adoption.

As a follow up to the May 20 discussion with the Council, Mr. Schrader said a communication was issued to representatives of the Surrey Downs, Bellecrest, and Enatai neighborhoods to explain the technical nature of the National Fire Protection Association (NFPA) Standard 130 relating to light rail construction. Staff did not receive any inquiries responding to that communication.

Ken Carlson, Fire Marshal, stated his understanding that Deputy Mayor Robertson had asked whether it was possible to have a tamper-proof smoke detector. He said there are fire alarm systems with that feature. However, they are not generally used for single-family homes. The cost is approximately \$1,500 per home plus a monthly monitoring fee.

Ms. Robertson thanked Mr. Carlson for the information.

→ Deputy Mayor Robertson moved to adopt Ordinance Nos. 6113, 6114, and 6115. Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 5-0.

12. Unfinished Business: None.

13. Continued Oral Communications

Jeff Talada encouraged two-way dialogue between the Council and citizens. He said it is important to listen to both positive and negative comments.

Mayor Lee said the public is welcome to communicate with the Council and City staff through a number of ways including phone, email, letters and meetings.

14. New Business: None.

15. Executive Session

(a) Property acquisition

At 10:11 p.m., Mayor Lee declared recess to Executive Session to discuss one item of property acquisition for approximately 20 minutes.

16. Adjournment

The Executive Session concluded at 10:32 p.m. and the meeting was adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw