

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 21, 2010
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: Councilmember Degginger

1. Call to Order

The meeting was called to order at 8:05 p.m., with Mayor Davidson presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers except Councilmember Degginger were present. Councilmember Chelminiak led the flag salute.

3. Communications: Written and Oral

- (a) Senator Jim Horn expressed concern about the misinterpretation of the approved record of decision for the I-405 Master Plan. He is a former Senator of the 41st District, past chairman of the Senate Transportation Committee, and former member of the I-405 Executive Committee. He noted that the list on page SS 2-2 of the meeting packet does not specify 10 bus rapid transit (BRT) stations and 9 transit centers in the I-405 plan. This includes plans for 5,000 new parking spaces and 1,700 additional vanpools. He further clarified that the approved plan identifies HOV lanes but does not specify HOT lanes, except to acknowledge that they could be considered in the future. Future modification of the plan to add new lanes to function as HOT lanes would require a new environmental impact statement (EIS). Senator Horn observed that the Council's discussion earlier in the evening did not address certain elements in the approved plan, while the Council did discuss items that are not in the approved plan. He felt there was much discussion on Sound Transit and the I-90 corridor, which is being considered by the State Supreme Court and may or may not happen.
- (b) Victor Bishop, Executive Committee of Eastside Transportation Association, spoke about HOT lanes on I-405. He said it is important to recognize that virtually everything discussed during the earlier Study Session was an integral part of the approved Master Plan and record of decision, with the exception of managed/HOT lanes. The record of decision explicitly identified HOT lanes as something that would need to be analyzed in the future. He cautioned against jumping to the conclusion that HOT lanes are part of

plan. Mr. Bishop said there are serious issues with HOT lanes and the ability to generate the monies that are envisioned. He does not believe that the anticipated revenue from tolls is realistic.

- (c) Bruce Nurse, Vice President of Kemper Development Company, noted that he specializes in regional transportation issues. He thanked the Council for taking the initiative to discuss regional transportation, and provided a brief history of regional surface transportation plans.
- (d) Will Knedlik, representing the SR 520 Users Alliance, provided a brief history of transportation systems. He feels that strong arguments can be made that every transit service has failed financially. He submitted a copy of the Alliance's letter to the Eastside Transportation Partnership requesting that ETP take all steps necessary and sufficient to identify the actions essential for East King County residents to achieve subarea equity for transit services. The Alliance is requesting local government support for its request to the Sound Transit Board to fulfill its subarea equity obligations. He noted that federal funds have gone primarily to Seattle's transit services. Mr. Knedlik asked the Council to adopt a formal resolution directing Councilmember Balducci, as Sound Transit Board member, to take the steps necessary to end the 14th year of Seattle's tax holiday, and to seek a federal grant for the Eastside, since \$1.313 billion in federal funding is already committed to Seattle. He submitted a copy of the Alliance's letter to ETP, as well as a copy of his comments in writing.
- (e) Betty Mastropaolo, Bayshore East Condominiums, thanked the City and Council for their efforts in dealing with the Meydenbauer Creek sewage overflow. She noted that the pump station is designated as temporary, and asked what is meant by that. She asked if there is a way for the City to implement an emergency notification system to alert property owners should another overflow occur. Some residents draw water from the bay into irrigation systems, and an overflow can result in the spread of fecal coliform. Ms. Mastropaolo submitted her comments in writing.
- (f) Ross McIvor, immediate past president of the Eastside Heritage Center Board, invited Council and the community to the Strawberry Festival on June 26 and 27 at Crossroads International Park. Stu Vander Hoek, Board Member, spoke about the types of activities at the festival including music, history presentations, games, face painting, food, vendor booths, and a car show. Kim Radcliffe, Board Member, provided a brief history of the festival and invited the public to participate in the hulling of 3,500 pounds strawberries to prepare for the event. Jane Morton, Education Coordinator, reported on the Strawberry Festival's haiku poetry competition, which reflects the festival's Japanese heritage. She read some of the winning haikus from the 2009 contest. John Stokes, Board Treasurer, read an additional haiku, and invited everyone to the award ceremony on Saturday at 3:15 p.m. at the festival main stage.
- (g) Hadia, a Seattle resident, requested the Council's participation in a national and international effort to restore the Glass-Steagall principle of the Banking Act of 1933 enacted under President Roosevelt. This would stop the derivatives markets and prevent

commercial banks from intermingling with investment banks and brokers, which is needed to protect individuals' deposits in conventional commercial banks. She recalled efforts beginning in the 1980s to repeal Glass-Steagall, which led to the global financial crisis. She requested support of the Cantwell-McCain bill to restore Glass-Steagall. Hadia distributed written materials regarding this topic.

(h) Joseph Fugate, a Seattle resident, noted that he works with the Lyndon LaRouche political action committee (PAC). He spoke to the hyper-inflationary collapse of the world economic system, which has been ongoing since the U.S. government decided to bail out the banks. He said that Lehman Brothers and AIG would not have existed had the Glass-Steagall provision not been repealed in 1999 under the leadership of Alan Greenspan as Chairman of the Federal Reserve. Mr. Fugate compared the recent financial crisis to 1923 Germany, which was given all of the debt of World War I and subsequently suffered a national financial collapse. He urged support to protect this country's constitutional banking system.

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

5. Report of the City Manager

(a) Management Brief providing response to questions regarding Meydenbauer Creek Sewage Overflows

City Manager Steve Sarkozy introduced the management brief in the meeting packet regarding recent Meydenbauer Creek sewage overflows.

Mike Jackman, Assistant Director of Utilities, introduced Mike Fisher from the King County Wastewater South Treatment Plant. Referring to questions raised earlier during Oral Communications, Mr. Jackman said King County placed the temporary pump station into service in September 2009 to allow for the upgrade and expansion of the permanent Bellevue Pump Station.

Mr. Fisher explained that the capacity of the Bellevue Pump Station is being replaced to accommodate growth in the area. The temporary pump station was put in place to pump sewage during the construction of the new facility.

With regard to public notification, Mr. Jackman said the area was noticed and beach parks were closed. When Bellevue's system experiences a sewage overflow that affects a local water body, City staff typically distribute door hangers to notify private property owners in the affected area. This was a County overflow incident. However, Mr. Jackman acknowledged that the two agencies could do better in terms of coordinating the notification of immediate property owners.

Mr. Fisher said King County has 22 pump stations on the Eastside. He described the County's procedures in response to an overflow which include notifying the local sewer utility, alerting community outreach staff, and notifying the Washington State Department of Ecology as well as other agencies.

Responding to Councilmember Chelminiak, Mr. Fisher said the new pump station should be operational by late 2010. He explained that the new station will have redundant backup systems, sufficient capacity, and emergency generators for backup power. The recent system failure at the temporary station was caused by rags clogging the system.

Responding to Councilmember Chelminiak, Mr. Jackman said the City does not currently have an inventory of residents with water rights to draw water from the bay for irrigation systems. He said he can look into the possibility of obtaining that information. In further response, Mr. Jackman concurred that if a water intake is located in deeper water, there is a lower chance of contamination to the irrigation water.

Responding to Councilmember Robertson, Mr. Fisher said that some areas around the county, including Bellevue and Shoreline, experience more problems with rags (e.g., diapers, toilet cleaning cloths, linens) getting into their systems. He said pump maintenance is important in preventing overflows, and King County is now cleaning the pump stations on a monthly basis to avoid future problems as much as possible.

Mr. Jackman said the other important factor is prevention through public education about what not to put into the sewer system, which includes wet wipes, diapers, grease from kitchen waste, and in the case of Bellevue, linens.

Councilmember Robertson questioned whether the City could send email notifications, once it is notified of an overflow by the County. Mr. Jackman said staff will look into that. He noted that the City has a list of Newport Shores residents to be identified if there is an imminent risk of flooding, for example.

Councilmember Balducci supports establishing an email alert system. She thanked staff for their work and encouraged continued public education efforts.

Responding to Mayor Davidson, Mr. Jackman said a reverse 911 warning system might be effective, but that there are probably other notification methods that would be simpler.

Mr. Sarkozy commented that fortunately this is not a persistent problem, although there have been two overflows with the temporary pump station. The installation of the permanent station by the end of the year should resolve the problem.

Mr. Sarkozy highlighted Consent Calendar Item 8(i) regarding the City's work on the Lower Coal Creek sediment pond in collaboration with King County, and Item 8(j) regarding an agreement with King County to provide animal control services. The County is trying to streamline its program and to reduce the costs for cities.

Responding to Mayor Davidson, Mr. Sarkozy confirmed that if King County is unable to reduce costs for animal control services, the Council may revisit the agreement and consider other options.

6. Council Business and New Initiatives

Councilmember Balducci attended a community meeting hosted by A Regional Coalition for Housing (ARCH). She attended meetings of the Eastside Transportation Partnership and the Sound Transit Board's capital committee. In reference to comments during Oral Communications, Ms. Balducci said Sound Transit is currently working to publish its annual financial statements, which include a report on subarea equity. She said subarea equity is incorporated into the agency's accounting system. She encouraged citizens to review the Sound Transit reports. With regard to federal grants, she opined that it may or may not be possible to obtain funding for Bellevue's transit projects. Councilmember Balducci reported that she visited the Bellevue Arts Museum, which is celebrating the 5th anniversary of its reopening.

Councilmember Wallace attended the grand opening of Children's Hospital in Bellevue and toured the Bellevue Arts Museum. He attended a meeting of the Eastside Transportation Partnership, which included a discussion about Sound Transit subarea equity and federal New Starts grants.

Councilmember Balducci suggested that the Council schedule a meeting with its legislative representatives in the fall, instead of waiting until the traditional January legislative breakfast. Councilmember Chelminiak concurred and suggested that a workshop would be helpful, perhaps in mid-November following the next election.

Councilmember Chelminiak attended meetings of the Eastside Transportation Partnership and Bellevue's Human Services Commission. He reported on the passing of Steve Johnston, longtime *The Seattle Times* journalist, and expressed his condolences to Mr. Johnston's family.

Councilmember Robertson attended a meeting of the Parks and Community Services Board, which is working on the Bridle Trails Park levy planning. She met with the City's consultants who are studying East Link light rail issues, and gave a tour of City Hall to a group of Girl Scouts. She encouraged everyone to go to the Strawberry Festival and, in the spirit of the haiku, recited: Strawberries taste sweet, Summer is hopefully here, Celebrate with us.

Ms. Robertson requested information on the tax holiday for Seattle referred to by Mr. Knedlik during Oral Communications, as well as follow-up information to Senator Horn's and Mr. Bishop's comments on the I-405 Master Plan.

Deputy Mayor Lee attended meetings of the Eastside Transportation Partnership and the Regional Transit Committee. He encouraged the City to pursue federal transit funding. Mr. Lee met with an elected official from Manila, and with Spain's Honorary Counsel, who lives in Somerset. Mr. Lee said he and Councilmember Wallace attended a dinner sponsored by the Trade Development Alliance. Mr. Lee attended a reception hosted by the Counsel General of Japan, the Children's Hospital event, and the Somerset Community Association's meeting.

Mayor Davidson reported that the Tateuchi family made a \$25 million donation to Performing Arts Center Eastside (PACE), which is now called the Tateuchi Center. Mayor Davidson, Deputy Mayor Lee, and Councilmember Degginger met with a group of citizens interested in the

electrical reliance study. Dr. Davidson attended a meeting of the Sound Transit Board. He met with representatives from the Bellevue Philharmonic and attended a VIP tour of Boeing's 737 plant in Renton. Mayor Davidson said he participated in an interview for CNN regarding how the local economy is faring during the recession. CNN had recently visited Vancouver, B.C., for similar discussions on the economy and the effect of hosting the recent Winter Olympics.

7. Approval of the Agenda

→ Deputy Mayor Lee moved to approve the agenda, and Councilmember Robertson seconded the motion.

Councilmember Balducci reminded staff of the Council's interest in revising the standard meeting agenda to have Approval of the Agenda occur earlier in the meeting.

City Clerk Myrna Basich noted that she had packaged that item with the rest of the proposed changes to the Council Rules. However, if the Council would like to take independent action on this item, she can bring forward a Resolution to adopt this change. Ms. Basich said she has been working with legal staff to draft the appropriate language for all of the changes.

Councilmember Balducci requested that the item be brought forward separately from the other Council Rule changes.

→ 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, and Councilmember Robertson seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 6-0, and the following items were approved:

- (a) Minutes of May 10, 2010 Extended Study Session
Minutes of May 17, 2010 Study Session
Minutes of May 17, 2010 Regular Session
- (b) Resolution No. 8107 authorizing execution of a two-year Professional Services Agreement with an option to renew for two additional years with Egis Real Estate Services, L.L.C., in an amount not to exceed \$1,300,000, for each two year term, for the management and leasing of the Lincoln Center property.
- (c) Ordinance No. 5950 authorizing execution of a Department of Homeland Security (DHS) Subgrant Agreement with King County to accept grant funds of up to \$78,511.50 for the purchase of Canberra personal radiation detectors and handheld hydraulic tools; establishing a project within the Operating Grants and Donations Fund; appropriating unanticipated and future revenues to that fund; and

authorizing the expenditure of said grant funds.

- (d) Resolution No. 8108 authorizing execution of a Professional Services Contract for 130th Avenue NE Station Area Planning, with VIA Architecture, in an amount not to exceed \$100,000, as part of the Bel-Red Early Implementation work. *[Ordinance No. 5933 adopted January 19, 2010, authorized executing the grant agreement that funds three-quarters of this contract.]*
- (e) Motion to award Bid No. 10117, 156th Avenue SE Crosswalk Safety Enhancements as part of the Minor Capital - Traffic Operations program to Signal Electric, Inc., in the amount of \$36,245.50, as the lowest responsible and responsive bidder (CIP Plan No. PW-M-2).
- (f) Resolution No. 8109 authorizing execution of a General Services Contract with Clearcreek Contractors, Inc., in an amount not to exceed \$75,000, for the removal of accumulated sediments from two sedimentation facilities located in the Coal Creek basin.
- (g) Motion to award Bid No. 10050 for Kelsey Creek Bank Stabilization at Early World Children's School, to RO-CON Equipment Specialist, Inc., in an amount not to exceed \$129,939.27, as lowest responsible and responsive bidder (CIP Plan No. D-86).
- (h) Motion to award Bid No. 10085 for Overlay and Pavement Restoration, to Lakeside Industries, in an amount not to exceed \$363,780.66, as lowest responsible and responsive bidder (CIP Plan Nos. W-16, W-67 and S-24).
- (i) Motion to award Bid No. 10098 for Lower Coal Creek Off-Line Sediment Pond, to Road Construction Northwest, Inc, in an amount not to exceed \$934,128.35, as lowest responsible and responsive bidder (CIP Plan Nos. D-101, D-94, and D-74).
- (j) Resolution No. 8110 authorizing execution of an Interlocal Agreement with King County for the provision of animal services for Bellevue residents through the year 2012, including field control, sheltering and licensing.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Adoption of International Building and Fire Codes

City Manager Steve Sarkozy recalled previous Council discussions regarding proposed amendments to the International Building and Fire Codes. He requested Council approval of the proposed Codes.

Ordinance No. 5951 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; amending Chapter 23.10 to reflect amendments to state building codes; amending Chapter 23.16 to reflect amendments to swimming pool enclosures; amending Chapter 23.50 to reflect amendments to state mechanical codes; amending Chapter 23.60 to reflect amendments to state plumbing and related codes, adding Chapter 23.12 to adopt certain provisions of the International Residential Code; and establishing an effective date.

→ Deputy Mayor Lee moved to adopt Ordinance No. 5951, and Councilmember Robertson seconded the motion.

→ The motion to adopt Ordinance No. 5951 carried by a vote of 6-0.

Ordinance No. 5952 amending Chapter 23.11 of the Bellevue City Code to adopt the 2009 International Fire Code with amendments; and establishing an effective date.

→ Deputy Mayor Lee moved to adopt Ordinance No. 5952, and Councilmember Robertson seconded the motion.

→ The motion to adopt Ordinance No. 5952 carried by a vote of 6-0.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:27 p.m., Mayor Davidson declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

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