

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

July 18, 2011
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: Councilmember Chelminiak

1. Call to Order

The meeting was called to order at 8:10 p.m., with Mayor Davidson presiding.

2. Roll Call, Flag Salute

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

3. Communications: Written and Oral

- (a) Marty Nizlek, Washington Sensible Shorelines Association, requested the Council's support regarding water levels on Lake Sammamish and Phantom Lake. He said that the number of days that Lake Sammamish is above the ordinary high water mark standard set by the U.S. Corps of Engineers has doubled in less than 10 years. He provided details about flow characteristics, and described similar concerns with regard to outflows at Phantom Lake. Mr. Nizlek requested the Council's support for immediate actions to restore the adjacent river channel to the conditions prescribed by the Corps.
- (b) Wendy Jones, speaking on behalf of the Enatai Neighborhood Association Light Rail Committee, expressed concerns about impacts associated with both the B2M and B7 light rail alignments. Based on a survey, a number of Enatai residents prefer the B2M alignment, due in part to the expense of the B7-Revised route and the fact that it has not been studied to the extent of the B2M. Residents in favor of the B2M are concerned about the proposed relocation of the Park and Ride to Enatai, and about the expense and time spent studying the B7-Revised option. Ms. Jones said these residents have expressed concerns about perceived delays in arriving at a transit solution, and are in favor of moving forward with mitigation efforts at this time.

Enatai residents favoring the B7 alignment prefer to route light rail away from neighborhoods. They would like to see Sound Transit think ahead to a route that is better situated for future expansion to the east, and want to choose the best long-term approach versus the easiest or cheapest alternative. Ms. Jones said that Enatai residents are concerned about noise impacts and feel that the B2M is too close to their neighborhood. They also noted concerns regarding traffic impacts to Bellevue Way. She said that 60 percent of 135 member households responded to the Neighborhood Association's survey. The survey was accompanied by a comparison chart of both alignments, as well as links to Sound Transit's FEIS and the City's ARUP study. Given the choice of the B7-Revised and the B2M, 80 percent of respondents favored the B7-Revised alternative, and 20 percent favored B2M. All residents are interested in preserving safety and neighborhood character.

- (c) Renay Bennett, representing Building a Better Bellevue, expressed concerns about support by Councilmembers Balducci and Degginger for the B2M light rail alignment. She said that Mr. Degginger's employer, the Lane Powell law firm, provides legal services to Sound Transit. She said that Ms. Balducci, through her employment, is a member of the King County executive team. The King County Executive appoints members to the Sound Transit Board and serves on the Board himself. Ms. Bennett opined that Ms. Balducci's role on the Board and City Council could provide the King County Executive and the Sound Transit Board with information regarding the Bellevue City Council's deliberations on the B7 alignment. Ms. Bennett said that Councilmember Balducci received a promotion in her employment with King County this year. She described conditions involving King County, the Port of Seattle, and the Cascade Water Alliance with regard to the BNSF rail corridor. Ms. Bennett asserted that Councilmembers Balducci and Degginger, and former Councilmember Patsy Bonincontri, had potential conflicts of interest involving issues related to the rail corridor.
- (d) Ross Jacobson expressed support for the C9T (tunnel) light rail alternative through Downtown Bellevue, and the B2M alignment via 112th Avenue SE and Bellevue Way SE to/from I-90. As a lawyer, Mr. Jacobson said he does not support litigation, which will not get the City to its goal. He believes that negotiations will produce the best result, and that it is time to move forward.
- (e) Dick Applestone expressed concern that Sound Transit is not in favor of light rail alternative B7, which is the Bellevue Council's preferred alignment. He recalled that, in 2008, King County Metro did not support Bellevue's plan for a Downtown Circulator bus system. He is opposed to a Downtown light rail tunnel, due in part to concerns about costs. Mr. Applestone urged the Council to go back to advocating for the Downtown Circulator system, and connecting it to Park and Ride lots. He noted that bus routes are more flexible than trains.
- (f) Gordon Conger noted that he lives in the Woodridge area, and he served on the Planning Commission in the late 1980s and early 1990s. He said that he wanted to say hello to the Council, and that he appreciates seeing some familiar faces. He retired from his law practice approximately 10 years ago and volunteers for his church, and hopes to have

some contact with the City in that capacity sometime in the future. He thanked Councilmembers for their public service, and for their work with the difficult issues currently facing the City.

- (g) Kevin Schultz, representing FUSE Washington, spoke in favor of the B2M light rail route. He believes that buses are not sufficient for serving Bellevue. He noted a news article identifying the top 26 cities in the world, four of which are in the United States (New York, Chicago, San Francisco, and Los Angeles). Mr. Schultz said that all of these cities have subway systems and better transit options beyond buses and cars. He said that Bellevue voters support light rail, and he asked the Council to move forward. He expressed support for a Downtown Tunnel.
- (h) Bill Thurston, President of Bellevue Club, noted that new information on the East Link light rail project was presented during the earlier Study Session. He is encouraged by the consideration of a western alignment along 112th Avenue SE. The Bellevue Club was originally in favor of the B7 alternative. However, it also made a commitment to building a consensus of the residential and commercial interests along 112th Avenue SE. He recalled that residents along the west side of 112th Avenue SE have expressed that they would rather have their property acquired for the project, than have a light rail system running directly along their homes. Mr. Thurston noted that the east-running route affects wetlands, which increases project costs and destroys natural habitats. He believes there is also a great opportunity to expand Surrey Downs Park, if property owners north of SE 8th Street are interested in selling their homes. Mr. Thurston thanked the Council, and encouraged support of a Downtown Tunnel.
- (i) Joe Rosmann, representing Building a Better Bellevue, noted the handout distributed to the Council providing technical documentation developed by the organization's expert panel. Building a Better Bellevue continues to support the B7-Revised alignment, and opposes the B2M option. Their expert panel's analysis demonstrates that the true cost of the B2M is at least \$190 million more than the B7R, and ridership on the B7R is higher. Mr. Rosmann said he believes that the cost of the B2M has probably increased by \$100 million to \$200 million since project costs were originally developed.
- (j) Bill Stephan said he opposes light rail in general. However, given the reality of the project, he supports the B7 alignment. He learned from the Sound Transit Board capital committee meeting that the B7 is more than likely no longer under consideration. He noted that the B2M runs directly outside his front door. He proposed modifications to the B2M option, and suggested a west side alignment along 112th Avenue SE from Bellevue Way to Main Street. Noting the City's past purchases along Meydenbauer Bay, he asked the Council to consider buying Bellefield residential park and using it as rental housing until it can be developed into an extended Surrey Downs Park. He believes this might be less expensive than other types of mitigation. Mr. Stephan said he appreciates the Council's hard work on these difficult issues.
- (k) Susan Ilvanakis commented that there are a number of homeowners on 111th Place SE and on 111th Avenue SE, several of whom are in attendance at tonight's meeting. She

noted that Sound Transit states that only three homes would be taken. However, the agency acknowledges that it might also want to take partial land from the homes. Ms. Ilvanakis said that she and her neighbors would like to be involved in discussions about mitigation, and not to be represented by other individuals claiming to know their interests and impacts.

Before moving on, Mayor Davidson said he would like to make it clear that an independent legal review determined that neither Councilmember Balducci or Councilmember Degginger have any conflict of interest with regard to the Sound Transit East Link project.

Councilmember Degginger clarified that the Cascade Water Alliance has not acquired any easement along the BNSF rail corridor.

4. Reports of Community Council, Boards and Commissions

(a) Report from Library Advisory Board

Loretta Lopez, Chair of the Library Advisory Board, noted that the King County Library System is not governed by the King County Council. It is a separate taxing entity created in 1940, and the system now has 46 libraries. The system was awarded the national 2011 Library of the Year Award by the Library Journal, and is the busiest library system in the country.

Ms. Lopez reported that construction of the new parking garage at the Bellevue Regional Library is scheduled to begin in September and will extend over approximately one year.

Councilmember Robertson noted that she is Council liaison to the Library Advisory Board. She explained that the KCLS has been working with the City to plan for alternate parking arrangements through the construction period.

5. Report of the City Manager

(a) Management Brief providing a Project Status Report on Bellevue Regional Library Parking Expansion

City Manager Steve Sarkozy opened staff's update on the Bellevue Regional Library parking expansion project.

Carol Helland, Land Use Director, reported that the King County Library System has been granted design review approval and administrative conditional use approval to construct a three-level parking structure to serve the Bellevue Regional Library. The project will temporarily reduce available parking and create some inconveniences for the area. However, the completed garage will add 250 parking stalls. The library currently averages 68,000 visits per month, which is expected to increase by approximately five percent upon the completion of the parking garage.

Glenn Kost, Parks Planning Manager, explained that Agenda Item 8(e) represents two agreements that will allow the King County Library System to use a portion of Ashwood Park

for access, construction staging, parking, and landscaping. The majority of the park will remain open with its current uses. Upon completion of the project, the parking lot will be repaved, and the north end of the park will be improved and landscaped.

Councilmember Balducci questioned the public outreach associated with the project.

Bill Ptacek, Director of the King County Library System, responded that library card holders have been notified via email about the construction. Patrons are asked to temporarily change their choice of library for picking up items on hold. He noted that library staff will be parking off site, and he explained that the KCLS will work to complete the project as quickly as possible.

Ms. Balducci asked City staff to publicize the library construction project as well.

Moving on, Mr. Sarkozy said staff would like to remove Agenda Item 8(d) regarding firearms in City parks, as well as Agenda Item 11(a) amending the criminal conduct code. He noted that staff would like to add Agenda Item 8(n), which is described in materials in the Council's desk packet.

- (b) Management Brief on Mobility and Infrastructure Initiative Actions Scheduled for July 18, 2011

[Management Brief provided on page 5-5 of the meeting packet.]

- (c) Adding Item to Consent Calendar at 8(n), Bid Award for Culvert Replacement

Mayor Davidson noted that Item 8(n) is time sensitive in terms of completing the work by late August to avoid impacts to fish.

Regan Sidie, Utilities Department, explained that the culvert conveys Vasa Creek under 152nd Avenue SE, adjacent to Eastgate Elementary School. The project will install an internal lining to the corrugated metal storm culvert, and will extend the life of the culvert for more than 75 years.

Mr. Sidie noted that the project needs to be completed within the fish window and before the next school session begins. He said the City did not receive any bids in June, which left two options: 1) Re-advertise the project for bids, or 2) Enter into a contract via negotiation without any further call for bids.

Staff solicited two estimates, and recommends awarding the bid to Westwater Construction Company as the lowest responsible and responsive bidder, in an amount not to exceed \$411,505. Mr. Sidie said the low bid is approximately 37 percent above the Engineer's Estimate. The design consultant has acknowledged that their project estimate was low, primarily with regard to the culvert lining. The other estimate, provided by Michels Pipe Services, was \$472,971. The two estimates provide a thicker liner than the one originally specified by the design consultant.

6. Council Business and New Initiatives

(a) Appointment to Parks and Community Services Board

→ Councilmember Robertson moved to appoint Dallas Evans to the Parks and Community Services Board. Deputy Mayor Lee seconded the motion.

Councilmember Robertson explained that a number of candidates were interviewed to fill the vacancy on the Parks and Community Services Board. She believes that Mr. Evans is a good fit for the position. She noted that he is an Eagle scout, and his mother helped found the Bellevue Botanical Garden.

Councilmember Degginger said he is disappointed and concerned that the existing Parks Board member who is eligible for reappointment is not the recommended nominee. He observed that this is not the usual practice with Board and Commission appointments. The reasons he was given for not reappointing the current Board member were not strong, and he will not support the motion. Mr. Degginger is concerned about apparent changes in the criteria for selecting Board and Commission members.

Councilmember Balducci questioned the rationale for not reappointing the seated member, noting that the reason she was given was diversity. She does not see the diversity represented by the recommended candidate. She noted that Board and Commission members are volunteers, and they should not be subjected to being removed from their positions for political reasons. Ms. Balducci said this approach is disappointing.

Mayor Davidson said he respects that Council liaisons are the ones most familiar with their particular Board or Commission.

Councilmember Robertson said that neither Councilmember Balducci or Councilmember Degginger spoke to her about their concerns, and they did not choose to participate in the interviews. Ms. Robertson said there is no political motivation behind the recommendation.

Councilmember Balducci noted, for the record, that she did speak with Councilmember Robertson about this matter, and Ms. Robertson did not want to engage in any discussion. Ms. Balducci said that she expressed concern to Ms. Robertson about removing the current Board member, who was eligible for reappointment. Board and Commission members are generally reappointed, unless there is a reason to not do so. Ms. Balducci said that no reason has been given to not reappoint the seated member.

→ The motion to appoint Dallas Evans carried by a vote of 4-2, with Councilmembers Balducci and Degginger dissenting.

Moving on, Councilmember Robertson reported that her recent activities relate to the Parks and Community Services Board and the Puget Sound Regional Council (PSRC) prioritization committee for transportation funding.

Councilmember Robertson asked the City Manager to follow up on Mr. Nizlek's testimony during Oral Communications. Her understanding is that King County is not in compliance with

its agreement with the U.S. Army Corps of Engineers, which has allowed Lake Sammamish to rise. She would like the City Manager to provide an update and to identify options for the City that will assist residents. She suggested partnering with the cities of Redmond and Sammamish to address the issues with King County.

Following up on that topic, Councilmember Degginger said that, under the King County Flood Control District, there is a certain amount of money that is returned to cities for flood control. Mr. Degginger noted that Mayor Davidson serves on the District's committee, and he suggested that Bellevue and other cities consider this funding source.

Deputy Mayor Lee reported that he met the University of Washington's new president, Michael Young, at the invitation of the UW-Bothell's Chancellor, Kenyon Chan. Mr. Lee spent time with a delegation visiting Bellevue from China. He celebrated with Edith Schmidt on her 100th birthday, along with Willie Mae Heath, 102, and Margaret Carlo, 101. Mr. Lee attended a Bellevue Sister Cities Association ice cream social, where he had the opportunity to meet their exchange students. He introduced Congressman Reichert during an event at City Hall related to the U.S.-Korea free trade agreement.

Councilmember Balducci attended meetings of the Sound Transit Board capital committee and the Puget Sound Regional Council (PSRC) Transportation Policy Board. She reported that the Transportation Policy Board voted to recommend funding Bellevue's request for \$3.3 million for the NE 4th Street project. The recommendation will be forwarded to the Executive Committee. Ms. Balducci attended the 4th of July celebration in Downtown Park. She thanked the Bellevue Philharmonic Orchestra for its many years with the community.

Councilmember Wallace encouraged working with King County to help Lake Sammamish residents with regard to the high water levels. He reported that he traveled to San Antonio for his stepson's graduation from Air Force basic training.

Councilmember Degginger thanked Deputy Mayor Lee for meeting with the University of Washington and working to build that relationship. Mr. Degginger noted that the university is one of the largest employers in the region, and its research activities are essential for much of the technology work in Bellevue and the region.

Mayor Davidson said he looks forward to meeting the University of Washington President as well. He concurred with Mr. Degginger's comments regarding the importance of the university for both education and economic development.

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, amended to remove Item 8(d) and to add Item 8(n). Councilmember Robertson 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 June 20, 2011 Study Session
Minutes of June 20, 2011 Regular Session
Minutes of June 27, 2011 Extended Study Session

 - (b) Resolution No. 8260 authorizing execution of a two-year general services contract, with an additional two option to renew, with ABC Legal Services, in an amount not to exceed \$87,500, to provide legal messenger services.

 - (c) Resolution No. 8261 authorizing execution of a grant- funded three year contract with Dumb Eyes, LLC, in an amount not to exceed \$125,200, to design, develop, and launch Sustainable Eastside website, provide maintenance and support, and comprehensive online hosting services.

 - (e) Resolution No. 8262 authorizing execution of a Special Use Agreement and License Agreement with the King County Library Rural Library District, dba King County Library System (KCLS) for the purpose of: 1) allowing KCLS to utilize portions of Ashwood Park for construction staging, access and parking during construction of a parking structure at the adjacent Bellevue Regional Library; and, 2) authorizing KCLS to utilize a 265-foot by 45-foot landscape area within Ashwood Park to satisfy code-required landscaping for a specific term.

 - (f) Ordinance No. 6011 to: 1) award Bid No. 11177 to JEM Contractors Inc., as the lowest responsible bidder, to construct a Cable Suspension Bridge in the Bellevue Botanical Garden's Ravine Garden; 2) amend the 2011-2012 General Capital Investment Program fund to increase the appropriation by \$633,000; and, 3) amend the 2011-2017 CIP Plan by increasing the project budget for the Parks Levy- Botanical Garden by \$633,000 (CIP Plan No. P-AD-85).

 - (g) Resolution No. 8263 authorizing execution of a supplement to the City's existing contract with PB Americas, Inc., in an amount not to exceed \$1,454,085.18, to develop final engineering design and prepare the construction contract documents for 120th Avenue NE Improvements, Stage 2 (NE 8th to NE 12th Streets), and develop 90% design for 120th Avenue NE Improvements, Stage 3 (NE 12th Street to Northup Way) (CIP Plan No. PW-R-164).

 - (h) Resolution No. 8264 authorizing execution of a professional services agreement with HDR Engineering, Inc., in an amount not to exceed \$818,512, to develop 30% engineering design, plans, and cost estimates for future improvements to 124th Avenue NE, between the proposed NE 15th/16th Street Extension and

Northup Way (CIP Plan No. PW-R-166).

- (i) Motion to award the 2011 Signal Cabinet replacements to Cascade Signal Corporation for the purchase price of \$151,099.05.
- (j) Ordinance No. 6012 repealing Ordinance No. 4312 that imposed certain water connection charges for properties that developed or redeveloped within the Central Business District.
- (k) Resolution No. 8265 authorizing execution of a professional services agreement with SAIC Energy, Environment and Infrastructure, LLC, in an amount not to exceed \$210,000, for engineering services for the West Tributary Detention Pond Enhancement Project (CIP Plan No. D-86 and Municipal Stormwater Capacity Grant).
- (l) Motion to award Bid No. 11134 for the 2011 Asphalt and Concrete Replacement Project to Northwest Asphalt Inc., in the amount of \$264,932.00.
- (m) Resolution No. 8266 authorizing execution of a cooperative Fire Protection Agreement between US Department of Agriculture, Forest Service, Mt. Baker-Snoqualmie National Forest and the City to allow joint participation in incident management teams.
- (n) Motion to award Bid No. 11156 for Vasa Creek Culvert Lining, to Westwater Construction Company, the lowest responsible and responsive bidder, in an amount not to exceed \$411,505 (CIP Plan No. D-64).

Item Postponed:

- (d) Ordinance No. 6010 adding a new Section 3.43.055 and amending Section 3.43.320 of the Bellevue City Code to be consistent with State law relating to the possession and discharge of firearms City parks.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Ordinance No. 6005 defining criminal conduct, and adding new sections to Chapter 10.06 of the Bellevue City Code.

[Item postponed.]

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session

At 9:32 p.m., Mayor Davidson declared recess to Executive Session for approximately 30 minutes to discuss one item of potential litigation.

The meeting was extended until 10:30 p.m. by consensus.

The Executive Session concluded at 10:15 p.m.

16. Adjournment

Mayor Davidson declared the meeting adjourned at 10:15 p.m.

Myrna L. Basich, MMC
City Clerk

/kaw