

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

July 21, 2014
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: Deputy Mayor Wallace

1. Call to Order

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

2. Roll Call, Flag Salute

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

3. Communications: Written and Oral

- (a) Todd Andersen questioned whether Bellevue needs the Energize Eastside project. He read a quote from David Crane, CEO of NRG Energy, stating “the sale of electrical power has entered a long period of slow, inescapable decline.” Mr. Andersen said Mr. Crane has declared that the traditional 1930 grid system is antiquated and will not continue to work for the long term. Mr. Andersen said the Eastside should plan for a 21st century electrical system. Mr. Andersen submitted his comments in writing.
- (b) Ruth Marsh, CENSE (Coalition of Eastside Neighborhoods for Sensible Energy), said they have been trying to understand the basis of Puget Sound Energy’s customer demand forecast, which is the justification for the Energize Eastside project. PSE’s projected rate of increase in demand (2% annually for the next 8 years) is higher than the Puget Sound Regional Council’s (PSRC) latest projections of employment trends, which anticipate 1% annual growth. The latter also matches the forecast of 1% growth for electricity demand in the City’s final Electrical Reliability Study Phase 2 Report. Since 2008, electrical energy sales have gone down 5% while the Eastside population increased 16%. Since 2010, a 14% increase in retail sales tax receipts was accompanied by a rise in electricity consumption of less than 1%. Ms. Marsh said CENSE has requested data from PSE that

would allow the group to refine the picture, but PSE has not responded. Ms. Marsh said the data that really matters is the peak load on individual transformers that PSE says are in danger of overloading. When CENSE asked for those numbers, she said PSE flatly refused. Ms. Marsh said there is a need for an independent expert who would have access to all of the data. CENSE is concerned that placing the expert within the bounds of the Environmental Impact Statement (EIS) review might restrict the expert's flexibility to pursue a conclusion most beneficial to the City and its residents.

- (c) Warren Halversen said he has lived in Bridle Trails for 40 years. He is an alternate on the Puget Sound Energy CAG (Community Advisory Group) and a representative of CENSE. He questioned whether expanded electrical capacity is needed. He suggested that the Council ask PSE about the purpose and need for 230kV lines. He encouraged engaging a third party technical consultant for an accurate and thorough assessment. Mr. Halversen thanked the Council for its concerns and questions. He said CENSE would be meeting with City staff the next day to discuss issues, questions, the hiring of an independent consultant, and the scope of work. He noted that Carol Helland has agreed to meet with CENSE regarding the Energize Eastside project Environmental Impact Statement (EIS) process and review. Mr. Halversen said citizens greatly appreciate the involvement and assistance of the Council and staff.
- (d) Kristina Wisth, a merchant in Old Bellevue, said there has been some progress in securing a few new parking stalls for the area. However, there remains a parking crisis that needs to be addressed. She said viable businesses fail or struggle due to the lack of parking. She said Old Bellevue is largely ignored when it comes to allocating funds for public works projects. Ms. Wisth urged the Council to construct a municipal parking facility on the SE corner of Downtown Park to provide free parking for visitors to the park and Old Bellevue. She submitted her comments in writing.

Responding to Mayor Balducci, City Manager Miyake confirmed that parking is a topic under the Downtown Livability Study and the issue will come back to the Council in October.

- (e) Norm Hansen said the Comprehensive Plan Update is due to be completed by June 2015. An area of interest for the Bridle Trails neighborhood is what City utilities are going to look like in 2035. He observed that some streets are cluttered with wires and poles. He questioned whether this will continue into the future. Mr. Hansen said residents will be working with staff and the Planning Commission to come up with language that gets Bellevue to be one City. He noted the need to upgrade old neighborhoods and to improve Bellevue's appearance as a high technology corridor. He described a neighbor who is producing 80 percent of his electrical energy by himself, which he believes will become more common in the future.
- (f) Latha Sambamurti, a Washington Arts Commissioner and the Artistic Director for Flavors of India, thank Council for the opportunity to speak. She said the festival is devoted to the preservation of traditional Indian cuisines and arts. This is the third year of the Flavors of India festival which is scheduled for August 30-31 in Downtown Park. The City's Parks and Community Services Department is a partner in the event. Ms.

Sambamurti invited Council and the public to attend this free festival of food and entertainment.

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

5. Report of the City Manager

(a) Management Brief providing City Hall Visitor Parking Management Update

City Manager Brad Miyake noted the management brief in the meeting packet regarding City Hall visitor parking management.

Frank Pinney, Assistant Director of Civic Services, said when City Hall was first envisioned there was a strong interest in providing public meeting space and free parking. However, since that time, new offices and retail development have opened near City Hall, resulting in individuals using the visitor parking although they are not coming for business in City Hall.

Mr. Pinney said the City has contracted with PRIME Parking to provide a parking monitor in the visitor lot Monday through Friday. The parking gates have been removed and tickets are no longer issued because these tools are unnecessary in the new management structure. Parking remains free for individuals doing business or attending meetings at City Hall. On weekends, the lot will be posted as closed or event rates will be collected. Beginning in September, PRIME plans to install an automated pay station to collect parking fees on weekends.

Responding to Councilmember Robertson, Mr. Pinney said revenue is not being generated during the week. However, the City will be working with Meydenbauer Center to establish appropriate weekend rates.

Mayor Balducci thanked the City Manager for attention to this issue, which had reached the point of making it very difficult for visitors to City Hall to find a parking space. Responding to Ms. Balducci, Mr. Pinney said the revenue previously generated was minimal.

Ms. Balducci said she received a complaint from a citizen who received a citation. Ms. Balducci suggested simplifying the signage. Mr. Pinney agreed that it is confusing because both the City's signs and PRIME's signs are up at this point. However, all of the signs will be replaced to provide clear instructions to the public. Mr. Pinney said that citizens who visit City Hall for a meeting or to conduct business are directed to call a specific number to have the ticket cancelled. However, license plates are recorded and repeat offenders will be ticketed.

Ms. Balducci suggested warning individuals initially because the public had become accustomed to parking in the garage for some time without paying or being otherwise penalized.

6. Council Business and New Initiatives

Council Business was reported during the earlier Study Session.

7. Approval of the Agenda

→ Councilmember Chelminiak 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

→ Councilmember Chelminiak moved to approve the Consent Calendar, and Councilmember Robinson seconded the motion.

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

(a) Council Meeting Minutes

Minutes of May 27, 2014 Extended Study Session

Minutes of June 2, 2014 Study Session

Minutes of June 2, 2014 Regular Session

Minutes of June 9, 2014 Extended Study Session

Minutes of June 16, 2014 Study Session

Minutes of June 16, 2014 Regular Session

(b) Resolution No. 8778 authorizing execution of a one-year contract with Prime Parking Systems, LLC, in an amount not to exceed \$102,000, for parking management services at the visitor lot at Bellevue City Hall.

(c) Resolution No. 8779 authorizing execution of a five-year Wireless Communication Facilities Site Lease Agreement with NextNav, LLC, with an automatic five-year extension for the Woodridge Water Reservoir Site located at 12525 SE 19th Place.

(d) Resolution No. 8780 authorizing execution of a five-year Wireless Communication Facilities Site Lease Agreement with NextNav, LLC, with an automatic five-year extension for the Crossroads Water Reservoir Site located at 16049 NE 8th Street.

(e) Motion to award Bid No. 14056 to MBR LLC, as the lowest responsible and responsive bidder, for construction of the Bellevue Golf Course Driving Range.

(f) Motion to correct a scrivener's error regarding the SE 16th Street Sidewalk project approved on July 7, 2014, which should have read Bid No. 14083 instead of Bid No. 14007.

(g) Resolution No. 8781 authorizing execution of a professional services agreement with RH2 Engineering, Inc., in an amount not to exceed \$218,000, for

engineering services for the Richards Road Inlet Improvements and Pressure Reducing Valve (PRV) Replacement (CIP Plan Nos. W-67 and W-69).

- (h) Motion to award Bid No. 14031 for Trenchless Sanitary Sewer Repairs (2014) to Bravo Environmental NW, Inc., as lowest responsible and responsive bidder, in the amount of \$242,437.65 (CIP Plan No. S-24).
- (i) Motion to award Bid No. 14033 for Horizon View #3 Water Pump Station Rehabilitation, to Omega Contractors, Inc., as lowest responsible and responsive bidder, in the amount of \$1,407,403.50 (CIP Plan No. W-91).
- (j) Motion to award Bid No. 14041 for Alcove Creek Culvert Lining, to Sun Coast Environmental NW, Inc., as the lowest responsible and responsive bidder, in an amount not to exceed \$75,912.50 (CIP Plan No. D-64).
- (k) Motion to reject all bids for Bid No. 14044, Yarrow Creek West Tributary Culvert Removal Project, CIP Plan No. D-81, and call for bid at a later date.

9. Public Hearings

- (a) Public Hearing on the requested street vacation of a portion of 167th Avenue SE between SE 34th Street and SE 35th Street.

City Manager Miyake introduced the Public Hearing on the requested street vacation of a portion of 167th Avenue SE between SE 34th Street and SE 35th Street. He said Council action is requested following tonight's hearing.

Nora Johnson, Director of the Civic Services Department, said the proposed ROW vacation is located in East Bellevue near West Lake Sammamish Parkway. The request is related to a short plat under review by the Development Services Department.

Patti Ebert, Sr. Real Property Agent, said the City received the petition from the property owner on January 17, 2014 and staff has reviewed it. A public notice was released following the June 16, 2014 Council meeting. The property is posted and flyers are available for the public. The street vacation is the portion of a cul de sac (approximately 1,844 square feet) that was created from a King County short plat in 1977. The estimated value of the proposed street vacation is \$26,000.

Ms. Ebert recalled that the property was the subject of two previous King County short plats. The cul de sac was created with the first short plat, and the adjacent portion of SE 35th Street was created with the second short plat.

Ms. Ebert showed photos of the location. She said there are currently no easements or conditions to place on the street vacation. Pending items include requests to franchise utilities (e.g., Comcast, Puget Sound Energy) to check whether they need to reserve easements. Staff received public comment today from a property owner stating the opinion that the area should remain a

turnaround since there are two dead-end roads adjacent to the proposed short plat.

Ms. Ebert said that, under BCC 14.35.070, the Council shall determine whether a change of use or vacation will better serve the public good, whether the street or portion is no longer required for public use, whether the use as a public way is of such benefit as not to justify maintenance costs, whether a new or different thoroughfare would be more useful to the public, whether conditions may change in the future, and whether objections to the proposed vacation are made by abutting property owners. Staff is seeking Council direction about whether to proceed with drafting legislation either approving or denying the requested street vacation.

Responding to Councilmember Robinson, Ms. Ebert said the proposed street vacation does not remove any existing function of the road. Ms. Ebert said the road does not go through and the area proposed for vacation is not paved or used as a turnaround at this time.

Responding to Councilmember Lee, Ms. Johnson confirmed that the road narrows to where it serves only one property at the end.

Mayor Balducci noted her understanding that the street vacation was requested by an adjacent property owner.

- Councilmember Robinson moved to open the Public Hearing, and Councilmember Robertson seconded the motion.
- The motion carried by a vote of 6-0.

The following citizens came forward to comment:

1. Charles Price asked Council and staff to reconsider the impact of the two additional single-family housing developments planned for the end of SE 35th Street. It looks like this will add 16 to 17 houses and roughly 32 more cars traveling on SE 35th Street. He believes there is a need for a safe turnaround for public safety vehicles and the public in general. He said this is the only street safe for pedestrians because other streets do not have sidewalks.
 2. Merle Ash said he represents the landowner requesting the vacation. He said the short plat started out with a different layout approximately one year ago. He noted the designated fish stream and said the City directed him to modify the route into the short plat to avoid impacts to the stream. He said there is a small piece of land at SE 34th Street that the landowner would gladly give to the City if it ever wanted to extend 167th Avenue. He said neighbors and environmental agencies have not wanted that access. Mr. Ash said he does not believe the road turnaround would ever be built and he questioned who would build it. He said it would be left as unused land.
- Councilmember Robinson moved to close the public hearing, and Councilmember Robertson seconded the motion.

→ The motion carried by a vote of 6-0.

Councilmember Lee questioned whether the developer would be willing to give the City the property northwest of the development, and whether it would provide any benefit to the City. Ms. Johnson said that is not part of the vacation process. She did not know whether that had been discussed as part of the plat review process. Mr. Lee suggested that she follow up with Development Services staff to explore the issue.

Mayor Balducci said her perspective is that a street vacation is to be considered not on the basis on what people might do with it, but whether the City has need for it any longer. She views it as a balancing test of public use and the cost of maintaining the benefit, if any, versus whether there are objections to outweigh those considerations. She noted that the Transportation Department has indicated it does not want or need to extend 167th Avenue through to SE 34th Street. She questioned whether that is based on current traffic conditions or by taking the short plat into consideration.

Ms. Johnson said she believes Transportation staff would have looked at future transportation patterns and the number of entrances along the major road.

Ms. Balducci observed that the space was left for a cul de sac and not for a future road. However, the short plat does not reflect a cul de sac. Ms. Johnson confirmed that understanding.

Mayor Balducci said neighbors have raised safety issues. She observed that a street vacation does not necessarily address those issues. However, conditions on land use should address some of those things. She would like to know how the City plans to deal with those issues.

Ms. Ebert said the Development Services Department, City Attorney's Office, and Transportation Department are currently working with the applicant to place language on the face of the short plat to create a turnaround area for the public within the short plat on their private road system.

Ms. Johnson said the Transportation Department is working on this issue with the plat review. It is possible staff could decide that traffic could go in and around the cul de sac within the plat as the turnaround and come back out. They are negotiating that as part of the review process.

Responding to Mayor Balducci, staff indicated that the administrative process of reviewing the short plat will result in a decision that could be appealed to the Hearing Examiner. Neighbors will be notified of the process and their opportunity to provide input.

Responding to Councilmember Lee, Ms. Johnson reiterated that the issue of a turnaround will be addressed during the plat review.

Councilmember Robinson suggested improved signage at the dead end road.

Councilmember Stokes noted the criteria in City Code to be considered by the Council. He said he was not prepared to vote on the requested street vacation that night. He observed that

important questions and issues have been raised by both the developer and the neighbors.

City Clerk Myrna Basich said the Council is not being asked to make a final decision tonight but is instead being asked whether to direct staff to bring legislation back for Council action.

Councilmember Robertson said she sees three issues. The land use issues will be addressed through the short plat review. The transportation issues will be fully reviewed by staff as part of the short plat review as well. The third issue is whether this is an appropriate vacation. She senses that the majority of the Council believes the requested vacation does meet the requirements under City Code. However, some Councilmembers would like additional information.

Ms. Robertson suggested that Council direct staff to draft legislation approving the street vacation, which she believes makes sense because there does not appear to be any public use for the property. She would like the Council's questions to be answered before Council takes action, however.

→ Councilmember Robertson moved to direct staff to draft appropriate legislation approving the street vacation of the portion of 167th Avenue SE between SE 34th Street and SE 35th Street, as shown in the meeting materials. Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 6-0.

Ms. Johnson confirmed that the legislation will come back to the Council under Other Ordinances rather than the Consent Calendar given the Council's questions and requests for more information.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 8782 authorizing the execution of a new five-year agreement with American Traffic Solutions, Inc. (ATS), for the use of automated cameras for issuance of notices of red-light infractions at selected arterial intersections and speeding infractions at selected elementary schools within the city limits, which includes the addition of three new red-light cameras and one new school speed zone camera.

City Manager Miyake recalled that this topic was presented to the Council on March 7, 2014, in anticipation of the contract expiring on April 12. Council directed staff to continue the contract on a month-to-month basis and to negotiate a new five-year agreement. Staff is seeking approval of the new five-year contract.

Interim Police Chief Jim Montgomery said Resolution No. 8782 approves a five-year contract for the continued use of automated cameras, including the addition of three red-light cameras and

one school speed zone camera. He noted the program began in 2009.

Responding to Councilmember Robinson, Chief Montgomery said the citation is imposed on the vehicle and not on a specific driver. She questioned the ability to erase the first offense if directed by the Council.

Captain John McCracken said that would be possible. However, 90-95 percent of the tickets are to first-time offenders which would leave a small amount of revenue to be generated. He said the vendor would not be willing to oversee that process, and it would be up to the Police Department to do so. In further response, Captain McCracken said the photos capture the back of the vehicle.

Mayor Balducci recalled the Council's discussion in March about issuing warning letters for the first two to six months for the new camera locations. Captain McCracken said that, when the first five cameras were implemented, warning letters were issued for the first month. The City also released information to the media and posted signage to alert the community to the cameras.

Captain McCracken said American Traffic Solutions is not in favor of extending the warning period beyond one month. Under the proposed contract, ATS is willing to have a two-month warning period. However, the City would need to pay for the second month (approximately \$16,000 per month) whether it was collecting revenue or not.

Mayor Balducci recalled a previous question from her about the process used to select this vendor. Captain McCracken said the original contract in 2009 provided the option for two five-year contract extensions. He said a change in the vendor would require a change in cameras, and ATS is the best vendor available.

Councilmember Lee observed that, if the majority of tickets are first-time offenders, new revenue will mostly be generated through new camera locations. Captain McCracken confirmed that understanding. He said the number of tickets generated at 148th Avenue and Bel-Red Road appears to have plateaued.

Councilmember Chelminiak said a number of questions that have been asked and answered. He suggested there should be some cameras on the west side of Bellevue. He said right turns can be particularly dangerous where there is heavy pedestrian activity. He is in favor of moving the program forward with a one-month warning for violations at the new camera locations. He believes the evidence shows that the cameras work in changing driving habits. He suggested considering splitting the revenue roughly 50-50 between the General Fund and pedestrian/school safety programs.

Councilmember Stokes concurred. He thanked staff for the presentations and for the information requested by the Council. He is in favor of moving the program forward.

Councilmember Robertson said she appreciates that so many questions have been answered. She noted that right-hand turns are a high percentage of the intersection violations and the tickets are declining. Looking at the revenue generated from the tickets, she understands why many cities use the cameras. It generates a significant amount of revenue. She personally does not like red

light cameras. She would prefer to pay for more Police officers to monitor the more dangerous intersections. She said traditional citations are a deterrent and are reflected on an individual's record.

Ms. Robertson said she will vote against extending the contract. However, she knows it will be approved by the majority of the Council. She thanked Councilmember Chelminiak for remembering her previous suggestion to use the revenue for safety projects. She would like all funds generated, after paying court costs, to be used for pedestrian and school safety projects. However, she suggested that perhaps a compromise can be reached between using 50 percent and 100 percent for that purpose.

Councilmember Robertson reiterated that she does not believe the cameras are the right program for Bellevue. She said the City of Redmond implemented cameras and later discontinued their use.

Councilmember Lee observed that red light and school speed zone cameras make sense. He acknowledged he has a philosophical question about the concept of enforcement cameras, and he would prefer enforcement by Police officers. However, Mr. Lee said he will support the resolution.

→ Councilmember Stokes moved to approve Resolution No. 8782, and Councilmember Robinson seconded the motion.

Mayor Balducci observed that the issue has been thoroughly discussed. The data since the implementation of the cameras reflects fewer collisions and traffic incidents as well as a heightened awareness and low incidence of repeat violations. She said the program uses a limited number of cameras that are targeted for specific higher risk locations. She will support the motion.

Ms. Balducci said she was surprised that two citizens who appeared repeatedly before the Council for nearly two years to oppose red light cameras did not attend the meeting for this topic.

Mayor Balducci thanked Chief Montgomery and Captain McCracken for their work on this issue.

→ The motion carried by a vote of 5-1, with Councilmember Robertson dissenting.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:40 p.m., Mayor Balducci declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw