

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

September 2, 2014  
8:00 p.m.

Council Chamber  
Bellevue, Washington

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

ABSENT: Councilmember Chelminiak and Robertson

1. Call to Order

The meeting was called to order at 8:09 p.m., with Mayor Balducci presiding.

2. Roll Call, Flag Salute

All Councilmembers except Councilmember Chelminiak and Robertson were present. Councilmember Wallace led the flag salute.

- (a) Commendation honoring former Mayor Richard Foreman

Mayor Balducci read a commendation honoring former Mayor Richard Foreman. He was active in many civic organizations, a member of the Planning Commission, and served 12 years on the City Council (1970-1982). He was one of just two people to serve three terms as Bellevue's Mayor. Mr. Foreman led a significant rezone of the Downtown and laid the groundwork for the City's first Comprehensive Plan.

3. Communications: Written and Oral

- (a) Alex Zimmerman, President of StandUP-America, said the organization has been commenting before the Council for the past couple of years and nothing has changed. He has lived in Bellevue approximately 25 years, and nothing has changed. He said that, 15 years ago, he won a class action lawsuit regarding housing discrimination. Nothing happened. Four years ago, the Bellevue Police Department prosecuted him and now the Seattle Police Department is trying to prosecute him. He said this is like Nazi Germany. He reiterated his request that the City Manager have one day per month in which citizens could come and speak with him. He wants a monthly report from the City Manager. Mr. Zimmerman expressed his ongoing opposition to camera traffic enforcement.

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

5. Report of the City Manager

(a) Skate Park 20<sup>th</sup> Anniversary Celebration

City Manager Brad Miyake referred the Council to page 56 of the meeting packet for information on the 20<sup>th</sup> anniversary of the Bellevue Skate Park and the EZRocks Skate for the Cure event on September 19-21.

Joe Moorman, Recreation Specialist with the Parks Department, announced the upcoming 20<sup>th</sup> anniversary celebration at the Bellevue Skate Park and introduced Brad Zakes.

Mr. Zakes described the Zakes Foundation, which he and his wife created and named for their son Ethan who lost his life in 2011 at the age of 10 to adrenoleukodystrophy (ALD). The foundation is a nonprofit charitable corporation established for the purpose of funding newborn screening programs for rare childhood diseases and providing academic scholarships for at-need youth.

Mr. Zakes said the 2nd annual EZRocks Skate for the Cure event is scheduled for Sept 19-21 at the Bellevue Skate Park to coincide with the indoor skate park's 20<sup>th</sup> anniversary. He invited Councilmembers to attend the VIP session on September 19 to meet some of the competitive skaters and offer support from the City. He would be honored to have Councilmembers there.

Mayor Balducci said she will be there. Mr. Zakes referred Council and the public to [www.ezrocks.org](http://www.ezrocks.org) for more information, skater registration, and tickets to the event.

Councilmember Lee said he is very touched by this effort and believes it is an asset for Bellevue.

(b) Transportation Development Code Update

City Manager Brad Miyake recalled that the Transportation Commission's recommendation to amend the Transportation Development Code was last discussed with the Council during the March 17, 2014 Study Session. At that time, Council directed staff to conduct additional outreach with potentially interested parties including the Bellevue Downtown Association and the Chamber of Commerce. The Transportation Commission revised the draft Code Update in response to this outreach and previous input from the Council.

Transportation Director Dave Berg summarized the additional outreach process, which collected extensive input from business representatives and developers. Given the extent of the questions, comments and suggestions, staff revisited the Code Update with the Transportation Commission during its June 12 meeting.

Mr. Berg said Gregory Johnson, Wright Runstad, indicated that he believes many of the proposed Code changes are appropriate to the design manual rather than the Code [Letter is

provided beginning on page 64 of the packet.]. However, Mr. Berg said the proposed amendments are typical of Code requirements and provide the authority for a policy framework for transportation impact mitigation. He said staff will continue to work with the development community to enhance clear communication and efficient processes. Mr. Berg said staff can provide more information to the Council on this if desired.

Responding to Councilmember Robinson, Mr. Berg said the Code Update document will come back to the Council. Ms. Robinson said she would have appreciated having the Code available to her in this packet since it is referenced in the meeting materials.

Deputy Mayor Wallace said he sees this as a good effort to be responsive to public. However, he is unclear about the implications. He said there is a Land Use Code, Transportation Impact Fee Code, and Transportation Code and they all interrelate. His objective is to be able to clearly communicate the applicable standards for permit applicants. He said the standards also need to be reasonable. Perhaps this is the most reasonable and clear the City can be, but he does not feel comfortable with his understanding. He has requested a meeting with Chris Dreaney and Dave Berg next week and he invited other Councilmembers to join the meeting if interested. He would prefer to defer further Council discussion for a couple of weeks.

Mayor Balducci suggested the Council have individual briefings, if interested, before a broader discussion about how to proceed.

Councilmember Stokes concurred with the Deputy Mayor and said he would like to join the scheduled briefing. He acknowledged that not more than three Councilmembers are allowed to participate in any given briefing.

Mayor Balducci said she appreciates the encapsulation of the public comments and responses to the comments. While she joins with the Deputy Mayor in needing to learn more about the Code as a whole, she feels staff has done a good job of engaging interested parties.

## 6. Council Business and New Initiatives

Councilmember Robinson said she attended the Beat the Heat event sponsored by the Sierra Club at Bellevue Downtown Park, which encouraged all energy suppliers to rely solely on clean energy sources. She attended a meeting of the Economic Development Council with leaders of all cities in King County to discuss their economic development strategy. The EDC is hiring a staff person to specialize in the startup community.

Ms. Robinson said that she and Councilmembers Chelminiak, Robertson and Stokes attended the World War I Memorial fundraiser. Ms. Robinson attended the Solarize Bellevue information session and subsequently obtained an estimate on solar panels for her roof (roughly \$20,000 with a 6-year payback period).

Councilmember Lee said he also attended the WWI Memorial fundraising event. He has been working on the Bellevue Tech Hive event, which is a program bringing entrepreneurs from China to Bellevue to collaborate with local entrepreneurs. He noted the Tech Hive events

scheduled for the rest of the week.

Mr. Lee noted the upcoming Startup Weekend Bellevue event, strongly supported by Councilmember Robinson, to be held October 24-26 at City Hall and Carlson Theater at Bellevue College. Ms. Robinson referred Council and the public to the following for more information: <http://startupbellevue.com>

Mayor Balducci asked staff to put these events on the Council calendar, as options for Councilmembers to attend.

Deputy Mayor Wallace referred to the earlier Environmental Stewardship Initiative discussion during the Study Session and noted that one concept not talked about was incentives for developers. He said there has been much discussion in the industry, including in Seattle, about incentives. He suggested it might be helpful for the City to learn about research and practices in Seattle to help determine what might work best for Bellevue. Mr. Wallace said there are ideas, with and without incentives, that allow for lower-impact electrical, water, sewer, and garbage practices.

Mayor Balducci attended the Taste of India festival in Downtown Park, a performance by a dance troupe from India, and an economic development event focused on mentoring Indian women entrepreneurs.

Ms. Balducci attended an East Link project Open House regarding the topic of I-90 transit integration. One of the leading alternatives under consideration would stop all buses from the Eastside at Mercer Island and force a transfer to light rail. She attended meetings of the Sound Transit Board and the Board's Capital Committee.

Mayor Balducci said Congressman Adam Smith hosted a Bel-Red Corridor East Link stakeholders roundtable earlier in the day at City Hall.

Ms. Balducci reported that the Puget Sound Regional Council (PSRC) missed its obligation targets for expending federal grant money this year. A number of jurisdictions missed their deadlines for spending grant money and therefore the overall regional obligation deadline was in danger of not being met. The City of Bellevue agreed to move its grant money from the NE 4<sup>th</sup> Street project to 120<sup>th</sup> Avenue NE because that project is further along in terms of actually writing checks to contractors. This allowed the region to meet the deadline, and the City received the same amount of grant money but simply moved it to a related project.

7. Approval of the Agenda

→ Councilmember Stokes moved to approve the agenda, and Councilmember Robinson seconded the motion.

→ The motion to approve the agenda carried by a vote of 5-0.

8. Consent Calendar

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

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

(a) Council Meeting Minutes

Minutes of February 27-March 1, 2014 Council Retreat

Minutes of April 21, 2014 Council Mini Retreat

Minutes of July 14, 2014 Extended Study Session

Minutes of July 21, 2014 Study Session

Minutes of July 21, 2014 Regular Session

Minutes of July 28, 2014 Special Meeting & Extended Study Session

- (b) Resolution No. 8790 authorizing execution of an agreement between the City of Bellevue and Puget Sound Energy for a three-year conservation reimbursement grant in an amount up to \$152,100.
- (c) Resolution No. 8791 authorizing execution of a Professional Engineering Services Agreement with KPG, Inc. in the amount of \$172,230, inclusive of tax, to design the Landscaping, Irrigation and Urban Design Elements of the Mountains to Sound Greenway Trail along the north side of SE 36th Street from Factoria Boulevard SE to the vicinity of 150th Avenue SE as part of the Mountains to Sound Greenway Project (CIP Plan No. PW-W/B-78).
- (d) Motion to award Bid No. 14076, 112th Avenue NE Interim Bike Lane and Lake Washington Boulevard SE Bus Turnaround (CIP Plan Nos. PW-M-19, PW-R-176) to NPM Construction Company, as the lowest responsible and responsive bidder, in the amount of \$216,477.50.
- (e) Motion to award Bid No. 14085, Pedestrian Signal Safety Grant (CIP Plan No. PW-R-155), in the amount of \$423,768.00, to VECA Electric Co., as the lowest responsible and responsive bidder.
- (f) Resolution No. 8792 authorizing the execution of a consultant on-call contract with Parsons Brinkerhoff, Inc., in the amount of \$75,000, to provide geotechnical engineering support during the construction of the 120th Avenue NE, Stage 2 project, NE 7th and NE 12th Streets (CIP Plan No PW-R-164).
- (g) Resolution No. 8793 authorizing the execution of a consultant on-call contract with GeoEngineers, Inc., in the amount of \$256,000, to provide geotechnical engineering support during the construction of the 120th Avenue NE, Stage 2 project, NE 7th and NE 12th Streets (CIP Plan No PW-R-164).

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Ordinance No. 6177 approving the vacation of a portion of 167<sup>th</sup> Avenue SE between SE 34<sup>th</sup> Street and SE 35<sup>th</sup> Street

City Manager Miyake said Ordinance No. 6177 approves the vacation of a portion of 167<sup>th</sup> Avenue SE. A public hearing on the proposed street vacation was held in July, and staff is seeking Council approval of the requested action.

Patti Ebert, Sr. Real Property Agent, reminded the Council of the portion of 167<sup>th</sup> Avenue SE between SE 34<sup>th</sup> and SE 35<sup>th</sup> Streets requested for street vacation. Following the July 21 Public Hearing, Council directed staff to prepare legislation for action and to report back on residents' concerns. Ms. Ebert said their concerns (i.e., lack of sidewalks on SE 35<sup>th</sup> Street, pedestrian safety, and turnaround signage) are actually about the plat and not about the street vacation. Ms. Ebert said no accidents have been reported at the location over the past five years. The short plat will provide a public turnaround and signage, and Neighborhood Traffic Safety Services will respond if concerns continue after the plat is completed.

Ms. Ebert said residents have been provided information regarding the appropriate staff contacts for now or after the short plat is developed. Staff is seeking Council approval of the ordinance.

Responding to Councilmember Robinson, Ms. Ebert said there currently is a sign at 167<sup>th</sup> Avenue SE and SE 35<sup>th</sup> Street stating no turnaround. The short plat will provide signage directing people to the new turnaround within the plat.

→ Councilmember Stokes moved to adopt Ordinance No. 6177, and Councilmember Robinson seconded the motion.

Mayor Balducci said she appreciates the staff outreach since the Public Hearing.

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

- (b) Ordinance No. 6178 authorizing an increase to the construction contract (Bid No. 13001) with Johansen Excavating, Inc. for the 120th Avenue NE (Stage 1) - NE 4th to NE 8th Street Improvement Project, (CIP Plan No. PW-R-161) by \$599,031; 2) Amending the 2013-2019 General Capital Investment Program (CIP) Plan to increase the budget by \$540,075 by recognizing \$261,396 in New Franchise Utility Contribution revenue and a budget transfer of \$278,679 from the Overlay Program (CIP Plan No. PW-M-1; and 3) Amending the 2013-2014 General Capital Investment Program (CIP) Fund to increase the appropriation by \$261,396.

Mr. Miyake said Ordinance No. 6178 represents a series of actions necessary to complete Stage 1 of the 120<sup>th</sup> Avenue NE transportation capital project. These contract and budget actions are in response to storm drainage system design changes and unanticipated project change orders.

Ron Kessack, Assistant Director of Transportation, said the 120<sup>th</sup> Avenue NE (Stage 1) project is nearing completion. He recalled a previous discussion about a conflict between franchise utilities and the storm water system. The City has reached an agreement that the franchise utility will pay all costs. With that contribution, construction costs were saved somewhat; however, costs in other areas have increased the overall project budget. This proposed ordinance will make the overall project budget whole to complete the project.

Responding to Deputy Mayor Wallace, Mr. Kessack said the City is transferring \$278,679 from Project PW-M-1 savings resulting from the project bid being substantially below the engineer's estimate. The project is \$540,000 short. However, the revenue from the franchise utility leaves a difference of the \$278,679.

Mr. Kessack responded to additional questions of clarification regarding the financial details. He noted the construction contract summary versus the overall project budget summary. The former had a bid of \$3.86 million, including \$261,000 associated with utilities work which the franchise utility company is now covering. Project change orders occurred due to the discovery of contaminated materials and a broken clay sewer line. The overall project budget has a shortfall of \$540,000. After subtracting the \$261,000, the remaining figure represents the amount to be moved from PW-M-1.

Responding to Councilmember Lee, Mr. Kessack said the utility involved is Century Link. The project encountered unlocated utility lines which were not on Century Link's maps. The City initiated monitoring of all costs related to this unexpected event with the intent of seeking reimbursement, and Century Link ultimately agreed to pay.

In further response to Mr. Lee, Mr. Kessack said there were a number of project change orders, which the project contingency covered in part. However, it did not cover additional staff costs needed for the administration of the STP grant, administration of increased requirements for grandfathered projects, or the costs of additional inspections required to meet new State auditing standards.

Mayor Balducci acknowledged that project cost overruns are going to occur. She said it is good practice to keep the Council informed.

→ Councilmember Stokes moved to adopt Ordinance No. 6178, and Councilmember Robinson seconded the motion.

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

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:05 p.m., Mayor Balducci declared the meeting adjourned.

Myrna L. Basich, MMC  
City Clerk

/kaw