

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

October 18, 2010
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Davidson, Deputy Mayor Lee, and Councilmembers Balducci, Chelminiak¹, Degginger, Robertson, and Wallace

ABSENT: None.

1. Call to Order

Mayor Davidson called the meeting to order at 8:04 p.m.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers were present except for Councilmember Chelminiak, who participated telephonically. Councilmember Chelminiak led the flag salute.

(a) Recognition of Mark Ericks' Appointment as U.S. Marshal

Police Chief Linda Pillo announced the appointment of Mark Ericks as the U.S. Marshal for Western Washington. She provided a brief history of Mr. Ericks' career in law enforcement, including 17 years with the City of Bellevue which began in 1973. Most recently, he served as a State Representative for five years, and was recognized as an outstanding legislator by a number of organizations over the years.

Mark Ericks expressed appreciation for the public service opportunities throughout his life. He thanked his wife for her support. He thanked former Bellevue Police Chief Don Van Blaricom for his innovative leadership, and the City of Bellevue for its significant role in his career.

Mayor Davidson thanked Mr. Ericks for his public service. Deputy Mayor Lee said it is an honor to have had Mr. Ericks start his career here in Bellevue.

3. Communications: Written and Oral

(a) Stephen Elliott, Manager of the Theatre at Meydenbauer Center, spoke about the value of community partnerships in the arts. The Bellevue Arts Commission funds 15

¹ Councilmember Chelminiak participated via telephone as he continues to recover from injuries related to the bear attack. He disconnected from the meeting at 9:07 p.m.

organizations that perform at Meydenbauer Center. He requested continued funding for these performing arts groups, noting that the City's support helps them to achieve additional financial assistance.

- (b) Marsha Wolf, Bellevue Arts Museum, affirmed the need and importance of supporting the arts and the Arts Commission's funding recommendations. She noted that a vibrant arts community is essential for economic growth and a desired quality of life. She encouraged the City's ongoing support.
- (c) Caroline Menard Adamic spoke on behalf of the Eastside Arts Coalition, and urged support for the Arts Commission's funding recommendations.
- (d) Nina Chen, a student at the International School of Bellevue, spoke in support of the Youth Link Program, which she feels is a vital and unique component of Bellevue. She urged continued funding for the program, which provides youth with the opportunities to influence change in the community. She distributed a handout summarizing Youth Link's accomplishments.
- (e) Ryley Martin, a student at Sammamish High School, encouraged continued funding for the Bellevue Youth Link Program.
- (f) Alex Tang, a student at Interlake High School, spoke in favor of continued funding for the Youth Link Program, which has provided a voice for youth during the past 20 years.
- (g) Mike Nesteroff, Hopelink Board of Directors, announced that Hopelink's 15th Annual Reaching Out luncheon was attended by 1,750 individuals and raised \$1.1 million. He noted that John Legend spoke and performed at the event. He encouraged everyone to purchase groceries at www.amazonfresh.com/hopelink. Amazon will match every dollar that a person spends online with a donation to Hopelink, up to \$150, through the end of the year. He thanked the City for its support of Hopelink.
- (h) Nathan Burwell, a student at Newport High School, spoke regarding the shortage of swimming facilities on the Eastside. Students practice at an outdoor pool, and there are limited locations for swim meets.
- (i) Kelly Haven, a member of the Board of Directors for SPLASH, said she is also a former swimming coach for Interlake High School. She requested the Council's help to address the shortage of public swimming facilities in Bellevue. She asked the City to fund additional studies and design, and to either renovate the Bellevue Aquatics Center or to build an above-ground temporary pool. Ms. Haven requested \$300,000 for studies and designs, and \$2.9 million for the actual work. She noted that SPLASH intends to raise funds as well, but it needs the City to first approve the project.
- (j) Christine Stoll, a Woodridge resident, expressed concern with proposed budget cuts to the traffic calming program, sidewalks, and Neighborhood Enhancement Program projects. She described the need for sidewalks, and commented on cut-through traffic.

- (k) Jeff Bradt, Executive Director of Elder and Adult Day Services, explained that the organization serves 60-65 individuals daily including seniors and adults with disabilities. Day health services provide licensed nursing care, physical therapy, and recreational therapy in a cost-effective manner, as well as the opportunity for socialization. Mr. Bradt said that they serve 14 Bellevue residents with a family member who works full time.

4. Reports of Community Council, Boards and Commissions

(a) Arts Commission Report

Bill Ptacek, Arts Commission Vice Chair, recalled Councilmember Balducci's question during the August 4 workshop about the impact of reducing or eliminating City funding to arts groups. The Arts Commission met with 28 representatives of 19 groups and individual artists to address the anticipated impacts. Nine additional arts representatives responded in writing to a set of questions discussed with the group.

Mr. Ptacek referenced the memo in Council's desk packet and summarized the anticipated impacts. In addition to the need for financial assistance, groups are in need of free or low cost space to hold practices and performances and help in promoting their programs. Mr. Ptacek expressed appreciation that the preliminary budget restores some funding for the Eastside Arts Partnership program. He asked the Council to consider restoring \$110,000 in arts funding.

Councilmember Balducci said she attended the beginning of the Arts Commission meeting with arts groups representatives. She thanked everyone for their input, and indicated that the Council will address this request during its ongoing budget deliberations.

(b) Transportation Commission

Tom Tanaka, Transportation Commission Chair, noted the memo provided in Council's desk packet regarding the Commission's Capital Investment Program (CIP) recommendations and policy considerations. He briefly reviewed the Commission's guiding principles in identifying priorities.

Ernie Simas, Vice Chair, commented on the importance of a long-term strategy to maintain a vibrant and economically healthy city, and to balance the needs of the business and residential communities. Items recommended for funding by the Transportation Commission include West Lake Sammamish Parkway, pedestrian/bicycle improvements, and the neighborhood traffic calming program.

Councilmember Degginger thanked the Commissioners for their work.

Deputy Mayor Lee thanked the Commission for providing additional details in response to the Council's request.

Councilmember Wallace expressed appreciation for the Commission's work. He commented on the challenge of determining the appropriate timeline for transportation projects. He is interested in identifying opportunities to refine overall project costs, and he feels the Transportation Commission would be helpful in this effort. Mr. Wallace noted significant transportation efforts in the near future including the City's projects, Sound Transit, SR 520 tolling, and discussions about future I-405 tolling.

Responding to Councilmember Degginger, Mr. Tanaka said there was a general consensus on the Commission that the West Lake Sammamish Parkway project should be a top priority.

Mr. Simas added that another guiding principle for the Commission is moving forward with projects, or combinations of projects, that can have the greatest impact in the shortest amount of time.

Councilmember Balducci thanked the Commissioners for their work. She recalled that she was interested in further input from the Commission because she has found it to be very helpful during previous budget cycles. She observed that the new budget process has not found a way to integrate the level of detail provided by the Boards and Commissions. She concurred with Mr. Simas' statements about the importance of balancing the needs of both residential neighborhoods and the business community. The City needs to provide adequate transportation for both in order to be functional and work well together.

Ms. Balducci said that some of the projects needed to maintain good transportation circulation in business areas are so expensive that it is difficult to pay for them and still maintain a balance in the CIP Plan for anything else. The response to this in previous years was to come up with financing plan (i.e., Mobility and Infrastructure Initiative) which included the creation of local improvement districts (LIDs) and an increase in transportation impact fees. However, a change in the Council and the financial environment suggests that the financing plan is no longer viable, and the Council is back to asking staff how to maintain the balance.

Councilmember Chelminiak thanked the Commission as well, and disconnected from the meeting at 9:07 p.m.

5. Report of the City Manager: None.
6. Council Business and New Initiatives

Councilmember Robertson followed up on her previous suggestion to consider a backup alternative for the Downtown light rail segment, in the event that the tunnel cannot be financed and/or is not selected by Sound Transit. She would like to schedule a Study Session on this topic.

Mayor Davidson suggested that this could be discussed along with the issue of establishing a memorandum of agreement with Sound Transit on funding for the Downtown tunnel.

City Manager Steve Sarkozy said the Supplemental Draft Environmental Impact Statement is due to be released soon, and staff anticipates presenting this information to the Council on

November 8. This information will be helpful to the Council and the community.

Councilmember Degginger suggested maintaining the focus on discussing the Downtown tunnel alternative and negotiating an agreement with Sound Transit. He does not want to discuss other alternatives at this time and to potentially undermine the Council's position in favor of a tunnel.

Councilmember Wallace likes the idea of a discussion to work cooperatively to solve this problem. He noted the need to review the SDEIS and to understand Sound Transit's budget situation and how it plans to address reduced revenues. He has questions about the numbers coming out. He noted that the Jim MacIsaac email raises some interesting questions about why, for example, the amount of interest collected by Sound Transit went from \$500 million in 2008 to \$100 million in 2010. It notes that the Eastside was once the dominant revenue generator, and is now producing less than the North Subarea. Mr. Wallace observed that if the City is considering a significant contribution to Sound Transit's huge capital project, the City is due a detailed explanation from Sound Transit staff about the agency's budget situation.

Regarding the MOU to be negotiated with Sound Transit, Mr. Wallace noted that new segment alternatives have been introduced over the past several months, but there has been little or no discussion about how individual segment alternatives will fit together. He suggested that it is time to look at the entire alignment and how it will serve the whole community, versus focusing only on the Downtown.

Moving on to Council Business, Deputy Mayor Lee reported that he attended the Overlake Hospital Medical Center Foundation breakfast and the National Multi-Modal Transportation Infrastructure Conference.

Councilmember Balducci attended an event at the Bellevue Arts Museum and the Kelsey Creek Farm Fair. She attended a meeting of the PSRC Transportation Policy Board. She announced that the region has been awarded a federal grant, and some of the funds will go to Bellevue for projects in the Bel-Red corridor. With regard to the MacIsaac email, Ms. Balducci said she will work with Sound Transit to ensure that Bellevue is getting answers to the questions that were raised.

Councilmember Wallace attended meetings of the Trade Development Alliance, Bellevue Chamber of Commerce Public Affairs Group, and the Eastside Transportation Partnership. He noted Bellevue's receipt of a grant award for an economic development effort to create a web portal for communications with foreign businesses.

Responding to Mr. Lee, Ms. Balducci said she and Mr. Wallace are Bellevue's representatives for ETP. Sound Transit has its own representative. Mr. Lee is the alternate for Bellevue.

Councilmember Degginger attended the Hopelink luncheon earlier that day. He declined to report on other items in the interest of time.

[Minutes were approved, as corrected by underlined text on this page, Page 5, only during January 3, 2011, Regular Session.]

Mayor Davidson attended meetings of the Suburban Cities Association's Public Issues Committee and the Cascade Water Alliance. He spoke at the 50th anniversary celebration for Overlake Hospital Medical Center staff. Dr. Davidson attended an event regarding the Technical Business Acceleration program sponsored by the Mexican government and businesses, which will be opening a new office soon in Bellevue.

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.

Mayor Davidson noted a draft letter in the desk packet from the Council to the King County Flood Control District, and requested Council consensus to send the letter.

Diane Carlson, Director of Intergovernmental Relations, explained that the King County Flood Control District Board directed staff to negotiate buy-out agreements with other taxing districts in order to deal with the anticipated levy suppression issue that the District will face in 2011. The King County District is interested in buying out a number of smaller districts in south and east King County. It would not affect any districts in Bellevue. If the buy-out is unsuccessful, the King County Flood Control District will not be able to administer any levy in 2011. Ms. Carlson explained that the purpose of the letter is to express concern about the buy-out approach.

Councilmember Degginger expressed support for the letter. He suggested adding a sentence to remind the King County Flood Control District Board that Bellevue is supplying approximately \$3 million annually in property tax collections that are spent elsewhere. He is concerned about spending money to pay for other taxing districts' activities.

Mr. Degginger inquired about the County's ferry district and taxing authority, and questioned whether there has been any discussion about prioritizing flood control projects over ferry district levies. Ms. Carlson said she will get back to the Council on these questions. She believes that the ferry district recently replaced its levy with a property tax.

Deputy Mayor Lee supports the intent of letter. He suggested that the letter state Bellevue's opposition to the buy-out proposal, rather than writing that Bellevue has concerns.

Mayor Davidson observed that the letter is intended to open the door for discussion, but agreed that the letter could have stronger language.

Mr. Degginger reiterated that he likes the letter as written, given the lack of full information on the tradeoffs associated with the proposal.

Continuing, Mr. Lee said he would like the letter to indicate an interest in discussing the issue with the District Board before it moves forward.

Responding to Councilmember Balducci, Ms. Carlson confirmed that without the buy-out, King County will likely not be able to collect the tax at all in 2011. However, an analysis is ongoing to determine whether any area exceeds the allowed tax collection, which would then prevent the County from collecting any of the tax in King County. Responding to Ms. Balducci, Ms. Carlson said no other options are available to the County for 2011. However, the County is talking about seeking a legislative resolution to this problem.

Responding to Ms. Balducci, Ms. Carlson said the inability to collect the levy would require the District to defer projects and to potentially reduce staffing.

Responding to Ms. Balducci, Ms. Carlson confirmed that the King County Council serves as the King County Flood Control District Board. The District's budget process is separate from the County's process, but both are conducted at roughly the same time.

Councilmember Balducci said she would support a somewhat general letter. However, she is reluctant to offer an opinion as to what the District should do versus what they are doing now. Councilmember Balducci questioned the plan for engaging with the Board in the future.

Mayor Davidson noted general agreement with the City of Seattle's objection to the buy-out effort, because it exacerbates the inequity of the regional distribution of District funds.

Ms. Carlson suggested meeting with the District Board and staff to determine the District's options and review the project list and priorities.

Mayor Davidson suggested that the Council not support the District's buy-out efforts until the Council's concerns are addressed. Deputy Mayor Lee suggested expressing support but noting the Council's concerns in the letter.

Councilmember Wallace said he would like more information about the tax limit, as well as the tax levels for Bellevue and other cities. Ms. Carlson said she will provide more information. The tax limit is more of an issue in unincorporated areas with multiple flood control districts. Councilmember Wallace suggested noting in the letter that the limit is dictated by the state constitution.

→ Councilmember Degginger moved to approve the letter to the King County Flood Control District Board, as written and presented by staff. Councilmember Robertson seconded the motion.

→ The motion 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.

Deputy Mayor Lee noted, for the record, that he recalls commenting during the August 4 Council Budget Workshop on how so many employees were involved in the new Budget One process. He thanked everyone at that time for their hard work.

Mr. Lee highlighted Consent Calendar Item 8(d), which represents a grant of \$157,000 for the development of technology options promoting exports with Asia. He noted that Councilmember Wallace mentioned this earlier. Deputy Mayor Lee thanked Tom Boydell, Economic Development Manager, for his work in this area. Mr. Lee feels that Bellevue is taking good steps toward establishing important business relationships.

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

- (a) Minutes of August 4, 2010 Budget Workshop/Retreat
Minutes of September 13, 2010 Extended Study Session
Minutes of September 20, 2010 Study Session
Minutes of September 20, 2010 Regular Session
Minutes of September 30, 2010 Special Meeting
- (b) Resolution No. 8145 authorizing execution of all documents necessary for approval of payment in the amount of \$70,000 to implement settlement of the lawsuit for personal injury damages filed by Barbara Surdi against the City.
- (c) Resolution No. 8146 authorizing execution of a professional and technical services agreement with Implement Radvantage, Inc (dba Bezzothech) to implement the Enterprise Content Management (ECM) system's business process management module, assist staff with developing automated workflows for the City Council Agenda Packet and Accounts Payable processes, and complete the implementation of the Digital Asset Management ECM module, in an amount not to exceed \$250,000, plus taxes if applicable (CIP Project Nos. G-59 and G-57).
- (d) Resolution No. 8147 authorizing execution of an Initial Offer of Financial Aid from the Community Economic Revitalization Board evidencing an intent to award the City of Bellevue a grant of \$157,000 for development of technology options promoting exports with Asia.
- (e) Ordinance No. 5968 authorizing: 1) adoption of the recommendations for the use of 2011 Community Development Block Grant (CDBG) funds as transmitted by the Human Services Commission; 2) authorizing the submission of a proposal to the United States Department of Housing and Urban Development (HUD) for the 2011 CDBG Program; 3) authorizing the acceptance of a grant award contract with HUD; 4) creating a new project series within the Operating Grants and Donations Fund into which said funds shall be deposited; 5) authorizing the City Manager or his designee to enter into agreements with grant subrecipients; and authorizing expenditures of these grant funds.

- (f) Motion to award Bid No. 10191 to AGR Contracting, Inc., in an amount up to \$223,351.13, as the lowest responsible bidder, for construction of the Lakemont Boulevard Trail Extension located at approximately 5504 Lakemont Boulevard SE in Lewis Creek Park.
- (g) Resolution No. 8148 authorizing 1) repealing Resolution 8124, passed on July 19, 2010, which authorized the execution of an Interlocal Agreement with King County for Guardrail Installation; and 2) authorizing the execution of a modified Interlocal Agreement with King County, in an amount not to exceed \$52,600, for Guardrail Installation to be performed by the King County Road Services Division.
- (h) Resolution No. 8149 authorizing execution of a professional services agreement with Anchor QEA, LLC in an amount not to exceed \$245,000 (CIP Plan Nos. D-81 and D-86) for engineering services for the Kelsey Creek Stream Modifications, 121st Avenue SE to NE 8th.
- (i) Ordinance No. 5969 authorizing execution of Amendment No. 1 to the Interlocal Agreement with the Washington State Department of Ecology to accept \$79,446 in grant reimbursement funds from the Coordinated Prevention Grant Program (CPG) to implement recycling and hazardous waste prevention and education programs; accept language additions, deletions, and clarifications to the terms of the original agreement; establishing a project within the Operating Grants and Donations Fund; appropriating unanticipated and future revenues to that fund; and authorizing expenditures of said funds.
- (j) Motion to award Bid No. 10199 for Emerald Ridge Wastewater Pump Station Replacement, to BOSS Construction, Inc., in an amount not to exceed \$999,674.78, as lowest responsible and responsive bidder (CIP Plan No. S-16).

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Motion to authorize installation of the three remaining cameras for Photo Enforcement.

Mr. Sarkozy recalled Council discussion on September 13 regarding staff's recommendation to install the three remaining photo enforcement cameras of the approved pilot project: 1) Sunset Elementary, 4229 West Lake Sammamish Parkway, 2) 116th Avenue NE and NE 8th Street, and 3) 112th Avenue NE and NE 8th Street.

→ Councilmember Balducci moved to authorize the installation of the three photo enforcement cameras, as described above. Mayor Davidson seconded the motion.

Councilmember Degginger stated that the packet materials are incomplete in terms of providing sufficient details about the original pilot program.

Responding to Councilmember Balducci, Police Chief Linda Pillo said that the initial pilot project was for one year. The problem with the one-year program was that some cameras were not installed. The first cameras, in school zones, were installed in September 2009. In January, red light cameras were installed along 148th Avenue NE. A number of factors prevented the installation of the three remaining cameras until now.

Chief Pillo recalled that staff presented some performance measures to the Council during the September 13 meeting. Noting that it has been one year since the first installations, she said staff could provide summary data on their operation. However, it is difficult to assess the effectiveness of the program after just one year.

Councilmember Degginger noted that the motion does not address the duration of the program or the review and evaluation process. He would like to know the duration of the pilot program and the evaluation criteria.

Ms. Balducci questioned the City's ability in the contract with the camera system vendor to change course with the program. Captain Bronson said his understanding of the contract is that it carries a five-year term, with some opt out provisions.

Ms. Balducci said she is hearing that the Council wants to retain a relatively high level of oversight and control over this project. Given the level of discomfort, Councilmember Balducci withdrew her motion. Mayor Davidson withdrew his second.

Councilmember Robertson said she is confused that the one-year pilot program involved a five-year contract. She would like information about the terms of the contract and the opt out provisions. She would like to see the results of the one-year pilot period before expanding the program.

Councilmember Wallace noted the lack of information about the pilot program and its purpose. He feels it would be appropriate to discuss the different objectives for the school zone versus red light cameras.

Responding to Ms. Balducci, Mayor Davidson concurred that this issue should be studied and discussed in further detail, going back to the inception of the pilot project

Councilmember Degginger clarified that the discomfort might not be related so much to the program, as to the administration of the program, and the terms and conditions of the vendor contract. He is concerned about moving beyond the pilot project without a more in-depth review.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 10:00 p.m., Mayor Davidson declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw