

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

October 20, 2014
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: Councilmember Robertson

1. Call to Order

The meeting was called to order at 8:03 p.m., with Mayor Balducci presiding.

2. Roll Call, Flag Salute

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

3. Communications: Written and Oral

Mayor Balducci noted that 14 individuals had signed up to speak. She asked everyone to keep their comments to approximately one minute. She said there is an additional opportunity for oral communications at the end of the meeting.

- (a) Mike Elliott, representing the Brotherhood of Locomotive Engineers and Trainmen, said the organization is a member of the Keep Washington Competitive coalition of labor, agriculture, and trade leaders. With 40 percent of the region's jobs tied to trade, Washington cannot afford to fall behind other states and neighboring countries in trade infrastructure, expansion and renovation. He said the coalition is committed to retaining and growing family wage jobs in Washington state. He said unpredictable, politically-driven standards negatively impact the region's trade gateway reputation and ability to attract new opportunities. Mr. Elliott said they are asking all elected officials to ensure that Washington state is not left behind in the globalized trade economy.

Councilmember Lee asked Mr. Elliott to send the Council more information about the coalition and its priorities.

- (b) Tiffany Dow said she is the new Bellevue College Office of Student Legislative Affairs (OSLA) liaison intern to the City. She said the students of Bellevue College are working to build a strong relationship with the City. The Associated Student Government V.P. of External Legislative Affairs and the OSLA policy coordinator created the intern position to serve as liaison between the College's student government and the City. Students look forward to working on housing, transportation, and civic engagement issues. She thanked the City for inviting a partnership with the students.
- (c) Casey Schoonover, representing Boy Scout Troop 638, asked the Council to make the Newport Way sidewalk project a high priority in the Capital Investment Program (CIP) Plan. He said the scout troop meets at Tye Middle School and it is dangerous to walk along Newport Way. He said the sidewalk is a critical need and he asked that it be completed as soon as possible.
- (d) Linda Reichenbach, Coach of the Tye Middle School cross country team, said the students run along Newport Way for their practices, using the segment of the road with a sidewalk and bike lane. However, they would never run along the section of the road without sidewalks because it is not safe for pedestrians. She urged the Council to fund the Newport Way sidewalk project.
- (e) Barbara Spindel, representing the Newport Way Sidewalk Committee, said they are pleased to see the \$1.1 million proposal for design and public outreach related to the Newport Way sidewalk project. She urged the Council to give high priority to building a sidewalk linking the neighborhoods to the community center, library, schools, and Aldersgate Church. She reported on the results of a speed study in June by City staff on Newport Way outside of the community center. An average of nearly 8,000 cars use the road per day, 89 percent of eastbound traffic exceeded the 25 miles-per-hour speed limit, and 96 percent of westbound traffic exceeded the speed limit. She encouraged citizens to visit their web site at www.newportwaysidewalk.org.
- (f) Ginger Switzer, a Wilburton resident, expressed concerns about off-leash dogs. She said she contacted the City's Neighborhood Community Outreach Manager and Neighborhood Liaison contact for Wilburton, and they told her that King County Animal Control is understaffed to address the problem and that citizens should call Bellevue Police when there is a problem. She is aware of a dozen citizens whose dogs have been injured by off-leash dogs. Ms. Switzer said if service dogs to assist blind individuals are attacked by another dog, they can no longer be used for that purpose and the owner must get a new dog. She asked the City to consider providing a community service officer assigned to address off-leash dogs as well as better signage on trails about the laws applicable to off-leash dogs. Ms. Switzer submitted her comments in writing.
- (g) Greg Rosellini expressed support for the Horizon View rezone application. He said the change of zoning from R-3.5 (3.5 units per acre) to R-2.5 is more in line with neighboring communities. He thanked the Planning Commission and the City Council for

their work on this issue.

- (h) John Haynes said he is the Executive Director and CEO of Performing Arts Center Eastside (PACE), which is the parent company of the Tateuchi Center. He provided an update on the progress related to the memorandum of understanding (MOU) with the City. PACE came to the Council in February having completed design and engineering and having raised \$63 million. He said the PACE Board continues to work hard to raise funds for the project and is recruiting new members.
- (i) Lindy Bruce said she is a Board Member for the Sunset Community Association, which represents a group of neighborhoods near Kamber Road. Puget Sound Energy (PSE) and the Olympic Pipeline currently use a right-of-way through that area. She is also an alternate for the PSE Community Advisory Group related to the Energize Eastside project. She asked the City to consider creating its own Citizens Advisory Committee to address elements of this significant project. Residents are concerned about a number of negative impacts, including to property values.
- (j) Denise Lane, Chair of the Bellevue Botanical Garden Society's Growing a Living Legacy capital campaign, introduced David Ketter, President of the PJA Foundation. She announced that the Society has reached its fundraising goal of \$5 million to support enhancements to the garden. Since the 1990s, the PJA Foundation has been the most significant private donor for capital projects and education programs, including \$500,000 for the Ravine Experience and Bridge. Ms. Lane said a second capital campaign pledge proposes to name the new education center the Aaron Education Center. The Parks and Community Services Board voted to unanimously approve the recommendation to the Council to adopt the proposed name.
- (k) David Ketter said the PJA Foundation has been a consistent supporter of the Bellevue Botanical Garden almost since its inception. Before the capital campaign, the Foundation had made donations of more than \$890,000, principally for the education and outreach program. He chose to suggest the name Aaron because it is easy to pronounce and remember and it means teacher, lofty, and enlightened.

Mayor Balducci recalled that Mr. Ketter suggested the Take a Walk on the Wild Side theme for the Ravine Experience project. She thanked him and the PJA Foundation for their support and hard work.

- (l) Norm Hansen, Bridle Trails Community Club, said he serves as a member of the Puget Sound Energy CAG related to the Energize Eastside project. He said the CAG process is constricting and frustrating. He said PSE and its contractors are not willing to investigate new technologies to provide service to Eastside communities. He asked the Council to establish a Citizens Advisory Committee to address residents' concerns including aesthetic, environmental, and public health impacts.

- (m) Loretta Lopez, President of the Bridle Trails Community Club, commented on the City's acquisition of park property, which is an item on the evening's Consent Calendar. She said residents have been exploring available property in Bridle Trails since the Parks Levy in 2008. She thanked Parks Director Patrick Foran and Parks staff for their work with the community. Ms. Lopez encouraged the Council to support the proposed acquisition for property on 140th Avenue in an area without any parks. She noted that the City owns 4.1 acres of wetlands adjacent to the park site.
- (n) Kent Bumgarner expressed support for the Horizon View Division A rezone application. He recalled his past involvement in 2012 advocating for the rezone of Horizon View Division C. He thanked City staff and the Planning Commission for their work on this issue and encouraged the Council's support.

4. Reports of Community Council, Boards and Commissions

Sherry Grindeland, Chair of the Parks and Community Services Board, provided an update on the Board's annual retreat. She thanked Councilmember Robinson for her participation in the retreat. She thanked the City Council for creating, during its own retreat, the document entitled Bellevue 2035 - The City Where You Want to Be. She encouraged the public to read the information online. She said the Parks Board used the Council's vision to guide its discussions, especially in the areas of achieving human potential, the diversity initiative, great places where you want to be, the connection from Meydenbauer Bay to the Wilburton area, protecting a high-quality natural environment (e.g., Meydenbauer Bay Park), creating the Downtown Park gateway, and the Smart City strategy.

Ms. Grindeland referred the Council to a memo in the desk packet and highlighted the Board's priorities.

Mayor Balducci thanked Ms. Grindeland for the update.

5. Report of the City Manager

- (a) PACE (Performing Arts Center Eastside) Collaboration Update [*Continued from earlier Study Session*]

City Manager Brad Miyake introduced staff's update on the collaborative effort initiated by the PACE Board-City of Bellevue memorandum of understanding (MOU) to advance public and private efforts to establish the Tateuchi Center.

Mary Pat Byrne, Arts Specialist, recalled that the two primary objectives of the MOU were for the City to research legal, governance and fiscal issues and to conduct community outreach regarding the project. The PACE Board has supported the City by sharing information and has communicated its plans to expand the Board and to revitalize fundraising efforts. The Board wants to be prepared to adopt any necessary changes or adjustments triggered by the City's participation.

Ms. Byrne said state law prevents the City from gifting public funds. However, options are being studied, including the potential for the City to have a part ownership interest. Both the City and PACE have been meeting with public officials and want to explore a broader Eastside arts and culture consortium to support the performing arts center.

Karen Reed, consultant, said she and staff have been meeting with John Haynes, Executive Director and CEO for PACE, on a biweekly basis. The Tateuchi Center is planned to be located at 106th Avenue NE and NE 10th Street adjacent to the Hyatt Regency hotel. There is an agreement with Sellen Construction to build the facility. Building permits were issued some time ago and are set to expire in November. The permits will need to be resubmitted later due to recent changes in the International Building Code, and some design changes will be necessary.

The project cost is estimated at \$163 million, excluding the cost of the land. The City has committed \$2 million, which has been expended on some of the design work and architectural fee. King County has committed \$1.245 million, most of which has been spent at this point. The State has committed \$5 million, approximately \$3 million of which has been spent. The remaining funding gap is \$135 million to \$140 million, depending on timing and the final agreement with the general contractor/construction manager. Ms. Reed said there have been approximately \$64 million in private party pledges, and \$25 million of that has been spent.

Ms. Byrne said staff developed a community outreach plan over the past few months and released general information to the public through *It's Your City*, *The Seattle Times*, and *Seattle* magazine; the City's web page; and the Bellevue Essentials resource fair. Additional community presentations are scheduled.

Ms. Reed described the survey of facilities in 10 cities in this region and in three other locations on the West Coast. The study looked at how facilities were funded, constructed and operated, and all were supported by the cities in which they are located. Key findings include that almost all of the centers are publicly owned and managed by others. The cities' contributions to construction costs varied substantially and no public vote was sought, with the exception of McCaw Hall in Seattle which was funded through a voter-approved Parks Multipurpose Levy. All of the facilities receive some level on ongoing support from their host cities.

Ms. Byrne said staff will continue its financial research to identify options for the Council's consideration and to explore regional, county and state strategies that might be available. The City is hiring a consultant to provide an independent evaluation of the 10-year operating proforma, programming availability, and anticipated audience. The consultant's preliminary findings will be reported to the Council in January, and a full report of information gathered and developed by a number of parties will be presented to the Council in February or March.

Councilmember Stokes said he appreciates the work that has been going forward through the MOU. He observed that one of the hallmarks of a great city is having a great performing arts center. He and others are working toward that vision with continued analysis and community outreach.

Mayor Balducci thanked Mr. Stokes for his involvement with this project. She asked staff to provide written information on the financial details to date. Responding to Ms. Balducci, Ms. Byrne said the report regarding facilities in other cities has been distributed to the Council. However, information on Austin will be added soon.

Deputy Mayor Wallace expressed an interest in more information on the timing for placing a ballot measure to support the center.

(b) Management Brief regarding 2013 Audit Report

Finance Director Jan Hawn said the Washington State Auditor's Office has completed the 2013 audit of the City. The audit revealed no material errors or lack of internal controls that might impact the City's Financial Report or pose a risk to accountability. The full 2013 Comprehensive Annual Financial Report is available on the City's web site.

Ms. Hawn thanked Assistant Finance Director Toni Rezab, Accounting Manager Diane McPherson, and all accounting staff for their hard work.

(c) Update on Independent Consultant related to Puget Sound Energy's Energize Eastside project.

Mike Brennan, Director of the Development Services Department (DSD), provided an update on the Energize Eastside project. As part of the Council's engagement process, staff is in the process of recruiting an independent expert to assist the City in its review and understanding of the project. The City released the request for proposals (RFP) in September. One proposal, which was a higher cost than anticipated, was received. Staff is revising the RFP and will issue it again.

Mr. Brennan said one element of concern to consultants was the component of community engagement and communications. He said the City will provide that work, as needed, and the RFP will be reissued on October 21 with a focus on the project needs assessment. Staff anticipates presenting a proposed contract for Council action by late November. Mr. Brennan acknowledged that this is a high priority for the community, Council, and staff.

Mayor Balducci said this is an important body of work, and it makes sense to reissue the RFP to solicit a more robust response. She thanked staff for their work.

6. Council Business and New Initiatives

Councilmember Stokes reported that he had carpal tunnel surgery. He said he attended the KidsQuest Museum's annual carnival where the Mayor spoke about the importance of the facility and education.

Councilmember Robinson said she met with a group from Leadership Eastside that is involved in a project on housing affordability in Bellevue. She met with the Mockingbird Hill Neighborhood

Association regarding traffic issues around Newport High School. She attended the Parks and Community Services Board annual retreat, provided a presentation on the Council Vision to the Meydenbauer Neighborhood Association, and spoke regarding environmental issues to the Bellevue Essentials class.

Councilmember Chelminiak attended the Hopelink luncheon and the regional leadership conference hosted by the Seattle Chamber of Commerce.

Councilmember Lee attended the leadership conference mentioned by Mr. Chelminiak. Mr. Lee spoke to participants of the Bellevue Essentials class.

Mayor Balducci chaired the Puget Sound Regional Council (PSRC) Transportation Policy Board meeting and attended the meeting of the Sound Transit capital committee. She attended the King County Executive's Small Business Awards event and the Seattle Chamber leadership conference. Ms. Balducci attended the Bellevue Taiko drum festival, which the City's arts program helped to fund. Mayor Balducci attended the neighborhood leadership gathering hosted by the City.

7. Approval of the Agenda

→ Deputy Mayor Wallace moved to approve the agenda, and Councilmember Chelminiak seconded the motion.

→ The motion to approve the agenda carried by a vote of 6-0.

8. Consent Calendar

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

Councilmember Lee spoke regarding Consent Calendar Item 8(g) adopting the name *The Aaron Education Center* for the new education center at the Bellevue Botanical Garden. He praised the efforts of Diane Lane and the Bellevue Botanical Garden Society, and the group's ability to raise funds for the garden. He suggested that the Council send a letter of appreciation to Ms. Lane and the Society.

Mayor Balducci noted a consensus to send the letter.

Mr. Lee referenced Consent Calendar Item 8(h) and suggested that the City look into the type of synthetic turf to be used for the Bannerfield Park baseball infield. He noted recent news about the negative health impacts of certain types of turf.

City Manager Brad Miyake said he had planned to speak on that item. There are not any concerns about the type of turf to be used. However, some revisions to the agreement with Seattle University are needed. He requested pulling the item and bringing it back another time.

→ The suggestion to pull Item 8(h) was accepted as a friendly amendment.

Mayor Balducci asked staff to provide additional details on the type of turf to be used.

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

- (a) Council Meeting Minutes
Minutes of September 8, 2014 Extended Study Session
Minutes of September 15, 2014 Study Session
Minutes of September 15, 2014 Regular Session
Minutes of September 22, 2014 Extended Study Session
- (b) Resolution No. 8809 authorizing execution of all documents necessary for the purchase of the David Ginzburg, Liudmila Ginzburg, and Natalya Ginzburg property, as identified by King County Assessor's Tax No. 152505-9034, for the purchase price of \$870,000, plus estimated closing costs of \$4,000 incurred with this transaction.
- (c) Resolution No. 8810 authorizing execution of the Special Property Tax Levy Agreement between the City and King County.
- (d) Motion to award Bid No. 14068, Bellevue Way NE Rockery Replacement (1-15) Project (CIP Plan No. PW-M-19) to Road Construction Northwest, Inc., as lowest responsible and responsive bidder, in the amount of \$418,926.25.
- (e) Resolution No. 8811 authorizing execution of an amendment to the Consulting Agreement for health and welfare benefits brokerage and consulting services with Gallagher Benefits Services, to: 1) extend the term of the agreement 36-months from January 1, 2015 through December 31, 2017; 2) increase the total contract amount by \$600,000 for this 36 month period; and 3) add a new Limitation of Liability clause.
- (f) Resolution No. 8812 authorizing execution of a four-year contract with Premier Golf Centers, LLC, for the management of the clubhouse and driving range operations at the Bellevue and Crossroads Par 3 Golf Courses.
- (g) Resolution No. 8813 adopting The Aaron Education Center as the name for the new education center at the Bellevue Botanical Garden.
- (i) Motion to award Bid No. 14051, Bellevue Way NE Fence Replacement, NE 20th Place to NE 32nd Place (CIP Plan No. PW-M-19) to Danneko Construction, as the lowest responsible and responsive bidder, in the amount of \$191,420.00.

- (j) Ordinance No. 6181 repealing Ordinance No. 4822 in its entirety, (codified as Bellevue City Code Chapter 14.60 relating to transportation development) and enacting a new Bellevue City Code Chapter 14.60 entitled “Transportation Development Code.”
- (k) Resolution No. 8814 authorizing execution of an Interlocal Agreement between Bellevue and King County for use of electronic fingerprint equipment provided by the Regional AFIS Program.
- (l) Motion to award Bid No. 14120 to Total Landscape Corporation, as the lowest responsible bidder, for upgrading the irrigation system at Goddard Park.
- (m) Motion to approve payment of claims and payroll for the period September 1, 2014 through September 30, 2014.
- (n) Ordinance no. 6182 authorizing execution of a Department of Homeland Security (DHS) Subgrant Agreement with the Washington State Military Department to accept grant funds in the amount of \$377,093 for facility wiring for emergency generator use, vulnerable populations planning, public preparedness education and outreach, UASI program coordination and grant management/administration and authorizing expenditures from said fund.
- (o) Motion to award Bid No. 14079 for 123rd Avenue SE Water Service Saddle Replacement to Sanders General Construction, as the lowest responsible and responsive bidder in the amount of \$268,651.13 (CIP Plan No. W-99).
- (p) Resolution No. 8815 authorizing execution of a Professional Services Agreement with The Greenbusch Group, Inc. in the amount of \$95,500 to conduct a peer review of East Link (PW-R-159) final design noise analysis and determine if proposed mitigation measures meet applicable standards (FTA and City), and for potential support during construction at the City’s option.

Item pulled:

- (h) Motion to award Bid No.14115 to Terra Dynamics Inc., as the lowest responsible bidder, to install synthetic turf on the Bannerwood Park baseball infield.

9. Public Hearings: None.

10. Land Use

- (a) Ordinance No. 6183 approving application of John McCullough, McCullough Hill PS (Bellevue 116th Avenue Rezone), to rezone 3.15 acres to change the land use district designation from General Commercial (GC) to Community Business (CB).

Mr. Miyake recalled that staff addressed the Bellevue 116th Avenue Rezone with the Council during the previous week's meeting. Council action is requested this evening. This action is related to the City's project to extend NE 4th Street to 120th Avenue NE.

Mayor Balducci noted that this action is linked to a previous settlement agreement between the City and the property owner.

→ Councilmember Lee moved to adopt Ordinance No. 6183, and Councilmember Stokes seconded the motion.

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

11. Other Ordinances, Resolutions and Motions

- (a) Ordinance No. 6184 approving the legislative rezone for Horizon View A, from R-3.5 to R-2.5 as recommended by the Planning Commission (14-138195 LQ).

Mr. Miyake recalled that this matter was initiated by the Council in response to a request from property owners of Horizon View A.

Nicholas Matz, Senior Planner, said the Planning Commission held its hearing on the rezone in September. The area contains 75 properties that were annexed in 2012. The Commission voted unanimously to recommend approval of the proposed ordinance.

Councilmember Robinson thanked the Planning Commission for its work on this rezone. She observed that the agenda memo reflects a good balance of input from the community on both sides of the issue. She thanked staff for their work.

→ Councilmember Stokes moved to adopt Ordinance No. 6184, and Councilmember Lee seconded the motion.

Mayor Balducci said this is an unusual rezone. However, the action sets a baseline for an area that was recently annexed with two neighboring areas. The proposed ordinance is consistent with the zoning for those two adjacent areas.

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

Mayor Balducci thanked staff and the residents of Horizon View A for their work on this issue.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:28 p.m., Mayor Balducci declared the meeting adjourned.

Charmaine Arredondo
Deputy City Clerk

/kaw