

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

October 21, 2013
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Lee, Deputy Mayor Robertson, and Councilmembers Balducci, Chelminiak, Davidson, and Stokes

ABSENT: Councilmember Wallace

1. Call to Order

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

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers except Councilmember Wallace were present. Councilmember Stokes led the flag salute.

(a) GradNation Regional Summit and GradNation Day Proclamation

Mayor Lee read a proclamation recognizing GradNation Day and the first GradNation Regional Summit to be held in Bellevue on November 8.

Patrick Foran, Parks and Community Services Director, noted that Bellevue has been recognized as 100 Best Communities for Young People by America's Promise for the past six years. He introduced Maria Dezenberg, Seattle Metro President for DeVry University which has six local campuses, including one in Bellevue. DeVry University is the national sponsor of GradNation events.

Ms. Dezenberg said that DeVry University is honored to support GradNation Summits across the nation, including the upcoming one in Bellevue. DeVry University primarily educates students with non-traditional backgrounds who are often not represented in higher education. In 2012, 90 percent of DeVry University graduates actively seeking employment had careers in their field within six months of graduating. Ms. Dezenberg said the high school dropout rate needs to be addressed nationally in order to ensure a strong workforce. The GradNation Summit is also

sponsored by the America's Promise alliance and AT&T. The GradNation initiative is focused on increasing national high school graduation rates to more than 90 percent by 2020.

Ms. Dezenberg thanked the City of Bellevue for agreeing to host the GradNation Summit on November 8 at the Westin Hotel. She said the summit is a collaborative effort of more than 30 organizations serving youth including nonprofits, businesses, school districts, and state and local government agencies.

Mayor Lee presented the proclamation to Ms. Dezenberg.

3. Communications: Written and Oral

- (a) The president of the Teen Advisory Board for the Bellevue Youth Theatre thanked Mayor Lee for coming to the production of Jungle Book this summer. She and a few young women with her provided theatre schedules to the Council and sang Happy Birthday to one of the girls.
- (b) Michelle Hilhorst, Newport Hills Community Club Merchant Liaison, introduced Heidi Dean, President of the Newport Hills Community Club. Ms. Hilhorst said that nearly 80 percent of the Newport Hills Shopping Center's storefronts are occupied. However, they are having a difficult time and the newest merchant, Bill Pace, is planning to close his doors at the end of the year. She described community events to raise awareness that might revitalize the business district. Ms. Hilhorst said the Newport Hills Community Club is asking the City to provide informational signs on Coal Creek Parkway directing individuals to their business district. She said many of the merchants are in danger of closing.
- (c) Heidi Dean, President, Newport Hills Community Club, emphasized the urgency of the request for informational signs to direct citizens to local businesses. She said this is critical to retaining the businesses that are there.

Mayor Lee said he appreciated the testimony and the residents in the audience standing in support of the speakers' comments.

Councilmember Stokes thanked residents for coming and noted that the City has been working on this issue and want to see it go forward.

Ms. Dean said she and Robin Bentley met with Acting City Manager Brad Miyake, Chris Salomone, and Dan Stroh last week. She thanked them for their time and work on this matter.

Deputy Mayor Robertson thanked residents for coming and recalled that Councilmember Balducci raised this issue approximately 18 months ago. Ms. Robertson said she will address the issue further under Council Business later in the agenda. She hopes the City can move forward quickly to provide the informational signs.

- (d) Bill Pace said he was offended by a comment made during a past Council meeting which indicated that he cannot compete with Safeway and other large grocers in the area. He offered to share his price comparisons to Safeway and Costco and noted that his business is one of the few places that sells large boxes of apples. He recalled that his decision to open a store in Newport Hills was prompted by discussions about light rail adjacent to his store on Bellevue Way. He was promised that he would be assisted in his move and that some of his expenses would later be reimbursed. However, he has not received any reimbursement. He asked for the City's help in revitalizing the Newport Hills Shopping Center. Mr. Pace noted that he had a robbery in his store a few days earlier. He said the community really needs the City's help.
- (e) Paula Revere said the truth is that there is no free enterprise and there is no competition. It is all a monopoly, and she has evidence to prove it. She said she has been sabotaged and that others are causing financial, physical, and medical harm, including to Councilmember Davidson. She said small businesses are being eliminated by large corporations. She said the Police and FBI are all being manipulated by the same entity. She said unions exist because no one is enforcing the constitution. She requested the opportunity to meet with Councilmembers.
- (f) Sam Bellomio, StandUP-America, expressed support for the residents' concerns about their neighborhood businesses. He said StandUP-America's concerns have been red light cameras and that the Council is not representing citizens. He expressed concern that the red light camera revenue goes to King County and the camera vendor. He said the Police Department does not track how its personnel spend their time. He believes this is racketeering.
- (g) Alex Zimmerman said City government is corrupt. He wants the City Manager to hold a question and answer session with citizens every month. He said he asks for this every week but the City is not doing it. He expressed concerns about the King County Council, including that they do not allow citizens to speak during their meetings. He said the County Council is similar to Nazi fascism, Mussolini, Franco, Soviet Russia, and Chinese communism. Mr. Zimmerman said the City Council works for him and other citizens.
- (h) Lori Taylor, Director of the Bellevue Farmers Market, said the Thursday market has wrapped up for the season, but the Saturday market runs through November 23. She thanked the Council for their efforts to quickly secure the location for the Saturday market, which has been a huge success. She thanked Councilmember Wallace for his time and counsel at a critical hour and Councilmember Stokes for the many meetings he attended, the field trip to the Ballard Farmers Market, and his advice and support. She thanked Mr. Miyake for his support and direction in the process. Ms. Taylor said City staff have been extremely helpful, creative, and flexible. She thanked Tom Boydell, Mike McCormick Huentelman, John Wilson, and David Pyle for their efforts, as well as staff working behind the scenes. She thanked the Downtown business community including the Bellevue Arts Museum, PACCAR, Sterling Realty Organization, the Galleria group,

and California Pizza Kitchen for their support. She said residents have responded favorably to the market, and other businesses have experienced increased business on Saturday mornings. She said that parking remains a challenge. However, there will now be free parking in the Barnes and Noble/Mars Hill Church lot thanks to David Schooler of Sterling Realty. Ms. Taylor said her vision remains to close NE 6th Street for the Farmers Market in the future. She thanked Councilmember Davidson for his years of support and service to the community. She said she has enjoyed many lively conversations with him over the years.

- (i) Yong Hong said she recently opened Cloud 9 Burgers in the Newport Hills Shopping Center and she shares the problem of visibility with Mr. Pace. She wants to bring some life to the shopping center, and she encouraged the City to provide informational signs to help the business district.

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

5. Report of the City Manager

Acting City Manager Brad Miyake reported that representatives of the City of Hillsboro, Oregon, visited Bellevue City Hall last week on what they called a Best Practices Expedition. He noted a letter in the desk packet from the Hillsboro mayor and presented a gift from the City of Hillsboro to the Council, which was a framed picture from the Hillsboro public art collection.

Mayor Lee thanked staff for their work in earning Bellevue's reputation as an innovative and effective local government.

6. Council Business and New Initiatives

Councilmember Chelminiak reported that he attended the Probation Advisory Board meeting, and noted that there is a new director for the Probation Services division.

Councilmember Davidson said he attended the Long Live the Kings (i.e., King salmon) fundraising event and a meeting of the Growing Transit Communities initiative.

Deputy Mayor Robertson recognized the passing of former University of Washington football coach Don James, who left an indelible impact on the university and the community.

Ms. Robertson reported that she spoke to the Bellevue Essentials class and hosted a table at the LifeWire *Hope Starts Here* benefit luncheon. As Council liaison, she attended the Bellevue Planning Commission meeting.

Deputy Mayor Robertson referred to earlier speakers during oral communications who spoke in an abusive manner to the Council and staff. She apologized to staff and assured them that the Council does not condone this behavior. She would like the Council to not tolerate abusive comments directed at staff.

Deputy Mayor Robertson addressed the issues related to the Newport Hills Shopping Center. She said the City Council has discussed the topic of neighborhood shopping center revitalization for many years but it is a challenging issue because the City does not own the centers.

Redevelopment of the Lake Hills Shopping Center is underway and Kelsey Creek Center is doing very well. Issues related to the Newport Hills Shopping Center have been studied and right now the center is essentially full. However, it is isolated from the main thoroughfare and people do not know about the businesses up the hill.

Ms. Robertson would like an economic development project to provide wayfinding and/or informational signs for the area. She noted the City's support of the Farmers Market and said there is a similar business at the Newport Hills Center with fresh, local produce. She asked staff to come back with information within the next one to two weeks regarding the steps necessary to provide the signs.

→ Deputy Mayor Robertson moved to direct staff to bring back a plan, budget, and timeline for providing signage related to the Newport Hills Shopping Center. Councilmember Stokes seconded the motion.

Councilmember Chelminiak said this is an issue that Councilmembers have asked about both privately and publicly and they share the community's frustration. He said the delay is not a staff or Council problem but rather a function of competing priorities. He does not need staff to come back with more information. He feels comfortable directing staff to complete the installation of informational signs as soon as possible. He said the City should be able to do this to help the businesses.

Ms. Robertson said she would be happy to withdraw or amend her motion consistent with Councilmember Chelminiak's suggested approach.

Councilmember Stokes concurred with moving forward as quickly as possible. As seconder of the motion, he said he would support Mr. Chelminiak's suggestion.

Mike Brennan, Director of the Development Services Department, said this might require Council action. He confirmed that a targeted charge to staff could move more quickly. He said directional signage to commercial businesses is allowed when exiting the freeway, and follow-through signs are allowed on City streets to direct traffic to more significant commercial centers or small businesses adjacent to the freeway. He said a neighborhood shopping center is a little more challenging. It is important to balance the protection of the visual environment along streets with the benefit of providing directions to desired services.

Mr. Brennan said staff is prepared to follow Council direction to provide the signs as quickly as possible. Formal Council action might be needed but staff will fully explore administrative options first.

Deputy Mayor Robertson withdrew her motion, and Councilmembers Stokes concurred.

- Deputy Mayor Robertson moved to direct staff to take action as needed to implement directional wayfinding signs along Coal Creek Parkway SE at SE 60th Street and at 119th Avenue SE to reference the Newport Hills Shopping Center, and to bring back a progress report to the Council and/or a request for formal Council action that is ready to pass within three weeks. Councilmember Stokes seconded the motion.

Councilmember Balducci expressed support for the motion. She recalled originally suggesting a Sign Code amendment and/or Land Use Code amendment to address this issue. She would like Council to ask the City Manager to consider a conversation at the next retreat about why Land Use Code amendments take so long. She said it would be helpful for the Council to know how it can free up resources to get things done more quickly.

Responding to Councilmember Davidson, Mr. Miyake said staff will be able to identify funds to accommodate the request.

Mayor Lee expressed support for the motion.

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

The Mayor and Deputy Mayor thanked residents for coming out.

Moving on, Councilmember Balducci reported that she is currently attending a national conference in Seattle called Rail-Volution, which addresses building livable communities with transit. She provided a presentation that day on labor issues related to the construction of transit and accompanying development.

Ms. Balducci said she participated in presenting the Diamond Awards recognizing achievements in commute trip reduction programs, which is one of the most cost-effective way to improve transportation conditions. She said the City of Bellevue received an honorable mention for its ongoing efforts to encourage alternative commute modes.

Councilmember Balducci said the Council has received a number of emails, mostly from members of Mars Hill Church, about the International Paper site in the Bel-Red Corridor. They are asking the City and Sound Transit to support their purchase of the site. She clarified that Sound Transit did not condemn the site but bought it from the owner. She said it was a protective acquisition as a potential site for a light rail transit base. Ms. Balducci said Mars Hill Church is not the only private party interested in the site. She suggested that public comments be directed to Sound Transit. She said the preliminary decision on the transit base is currently slated for mid-2014.

Councilmember Stokes reported that he attended a meeting of the Eastside Pathways Board, a Leadership Eastside event, and the Jubilee Reach breakfast at Highland Middle School, which was also attended by Councilmember Wallace and Helena Stephens from the City's Parks Department.

Councilmember Stokes expressed support for the GradNation initiative. He has been asked to introduce keynote speaker Ford Roosevelt, who is the grandson of President Franklin D. Roosevelt.

Mayor Lee commented on the passing of Don James, the former University of Washington football coach, and Tom Foley, former Speaker of the House from Spokane. He proposed that the City Manager craft letters or commendations to send to their families. The Council agreed with that direction.

Mayor Lee attended an event held by the Japan-America Society of Washington at City Hall, the Police Volunteer Luncheon, and the Kelsey Creek Farm event. He visited a charter school in Kent for a discussion with students about climate change. He said the Board of the Workforce Development Council of Seattle-King County held its meeting in Bellevue.

Mayor Lee said he and Councilmember Balducci attended the West Lake Sammamish Parkway project completion celebration. He said residents are happy with the project.

Councilmember Balducci said certain residents who had been opposed to the project, and even angry, have recently complimented staff for their handling of the project and their response to citizens' complaints. Ms. Balducci commended Transportation Director Dave Berg and his staff for the project. She said the manager of Vasa Park asked Ms. Balducci to pass along her appreciation to City staff.

7. Approval of the Agenda

- Deputy Mayor Robertson 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 Robertson moved to approve the Consent Calendar, and Councilmember Chelminiak seconded the motion.

- The motion to approve the Consent Calendar carried by a vote of 5-0, with Councilmember Davidson temporarily away from the dais. The following items were approved:

- (a) Minutes of September 23, 2013 Extended Study Session
- (b) Ordinance No. 6130 authorizing: 1) execution of an Interlocal Agreement with the cities of Kirkland, Mercer Island, Redmond, and King County Fire Protection District No. 16 (also known as Northshore Fire Department) for purposes of

conducting joint training and fire recruit academies as the "East Metro Training Group" (EMTG); 2) the creation of a new Special Revenue Fund for the EMTG; 3) appropriation of unanticipated revenue to the EMTG fund for 2014; and 4) expenditures of said revenue.

- (c) Resolution No. 8635 authorizing execution of an agreement with the Washington State Military Department to accept grant funds of \$101,796, for emergency management purposes.
- (d) Ordinance No. 6131 authorizing: 1) adopting the Human Services Commission recommendations for the use of 2014 federal grant award Community Development Block Grant (CDBG) funds; 2) authorizing the submittal of a proposal to the United States Department of Housing and Urban Development (HUD) for the 2014 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) amending the budget for the Operating Grants and Donations Fund by appropriating additional revenues to that Fund; 6) authorizing execution agreements with grant subrecipients; and 6) authorizing expenditures of said grant funds.
- (e) Resolution No. 8636 authorizing execution of a general services contract between the City and Mini-Mountain Sports Centre, Ltd., in an amount not to exceed \$200,000, for the operation and management of programs at the indoor climbing wall at South Bellevue Community Center.
- (f) Resolution No. 8637 authorizing execution of a professional services agreement with Design Concepts, in an amount not to exceed \$256,588, for architectural and engineering design services for phase 1 construction and permitting of Inspiration Playground in the Downtown Park.
- (g) Resolution No. 8638 authorizing execution of a five-year extension to the lease agreement with Terranomics Crossroads Associates for the Crossroads Mini City Hall site.
- (h) Resolution No. 8639 authorizing execution of all documents necessary to modify the loan terms for the Pacific Inn Loan Agreement.
- (i) Motion to approve 2014 Guidelines for Eastside Arts Partnership and Special Projects funding programs.
- (j) Motion to award Bid No. 13097 for Sanitary Sewer Repairs (2013) - Phase 1 to Laser Underground & Earthworks, Inc., as the lowest responsive and responsible bidder, in an amount not to exceed \$753,811.40 (CIP Plan No. S-24).

- (k) Motion to award Bid No. 13181 for Sanitary Sewer Rehabilitation (2013), to Insituform Technologies, LLC, as the lowest responsible and responsive bidder in the amount of \$470,044.08 (CIP Plan No. S-66).
9. Public Hearings: None.
10. Land Use: None.
11. Other Ordinances, Resolutions and Motions
- (a) Ordinance No. 6132 (Options A, B, and B-1) amending the Bellevue Land Use Code to allow for the permitting and review of medical cannabis collective gardens; amending sections 20.10.440 and 20.25D.070; creating a new section 20.20.526 of the Bellevue Land Use Code; repealing Ordinance No. 6058; and establishing an effective date.

Acting City Manager Brad Miyake recalled the Council's discussion on October 7, which resulted in additional direction to staff regarding specific issues. Council's feedback has been incorporated into the staff-recommended ordinance.

Catherine Drews, Legal Planner, said two draft versions of Ordinance No. 6132 are provided in the meeting packet and a third version (B-1) is provided in the desk packet. She said option B-1 was revised to provide consistency between the regulation of medical marijuana collective gardens and recreational marijuana. Version B-1 contains enhanced security provisions that are consistent with State pharmacy requirements for the storage of controlled substances. Language was added to bolster video surveillance requirements to be consistent with recreational marijuana handling and to strengthen alarm requirements.

Ms. Drews said option B-1 requires collective gardens to be ventilated to prevent the odor from reaching abutting uses or property. Option B-1 allows an incidental sign measuring two feet square to provide location information and requires a 1,000-foot separation from any recreational marijuana use.

Responding to Councilmember Balducci, Ms. Drews confirmed that medical marijuana collective gardens must be indoors.

Councilmember Chelminiak observed that patients are allowed to grow their own medical marijuana and are not restricted to growing indoors. City Attorney Lori Riordan confirmed this understanding. Mr. Chelminiak noted the earlier testimony by a resident regarding his neighbor, who grows and uses medical marijuana, and said he would like to find a way for the City to address that type of situation.

Ms. Balducci reminded the public that the Council is addressing this topic because it was adopted by state law. The City is doing what it can to regulate the use within the state law.

Councilmember Davidson said he is not required to support poor public policy.

Councilmember Chelminiak thanked Dr. Davidson for raising the issue of security the previous week and for his comparison to traditional pharmacy security requirements. Mr. Chelminiak noted that the Council is creating local policy under the premise that making no policies would be potentially harmful to the community.

Deputy Mayor Robertson said she appreciates how all of the Councilmembers have participated in discussions and raised concerns to create the best policy possible. She thanked staff for addressing the issue of how to measure the 1,000-foot separation distance. She expressed support for option B-1. She thanked staff for their attention to this complex, evolving area of the law. She said the voters legalized both medical and recreational marijuana, and it is important for the City to implement appropriate policies. She said there are a number of areas in the community where agricultural use is allowed, and she does not want to see collective gardens in all of those areas.

Responding to Mayor Lee, Ms. Drews said collective gardens would be allowed one two-foot-by-two-foot sign.

Mayor Lee thanked the Council for their thoughtful consideration of this topic. He thanked staff for their thoroughness in addressing this issue.

- Deputy Mayor Robertson moved to adopt Ordinance No. 6132 B-1, as provided in the desk packet, regarding the permitting and regulation of medical cannabis collective gardens. Councilmember Stokes seconded the motion.
- The motion carried by a vote of 5-1, with Councilmember Davidson opposed.
 - (b) Ordinance No. 6133 (Options A, B, and B-1) adopting interim official zoning controls regarding recreational marijuana producers, processors and retailers for a period of six months, to be in effect while the City drafts, considers, holds hearings and adopts permanent zoning regulations, to be effective immediately upon adoption, scheduling a hearing on the maintenance of the interim zoning Ordinance and declaring an emergency.

Mr. Miyake opened discussion regarding a proposed emergency ordinance regarding recreational marijuana producers, processors, and retailers.

Ms. Drews noted that optional ordinances are offered for this item as well, including an option B-1 in the desk packet. Option B-1 includes the enhanced security requirements, specifies the land use districts where uses are allowed, limits the production of marijuana to indoors, and allows the Planning Commission to develop recommendations for permanent regulations. Option B-1 requires compliance with the City's Sign Code for design review in addition to compliance with the State Liquor Control Board's sign rules. It requires producers and processors to provide ventilation to protect abutting uses and properties. Retailers may be required to provide odor control if marijuana can be smelled outside of the business. Option B-1 contains provisions

regarding screening and security for loading docks handling marijuana products. It requires a 1,000-foot separation from any medical cannabis collective gardens.

Councilmember Balducci inquired about commercial areas with concomitant agreements. Ms. Drews said there is not an issue for the Kelsey Creek Shopping Center due to the separation distance from other uses. Carol Helland, Land Use Director, said the same response applies to the Newport Hills and Crossroads Shopping Centers. Retailers would not be allowed based on the 1,000-foot separation requirement.

Responding to Dr. Davidson, City Attorney Lori Riordan confirmed that the state legislature could take up changes to the legislation in two to three years. A new voter initiative could be presented as well.

Deputy Mayor Robertson thanked Council and staff again for their work. She highlighted that option B-1 differs from option B by adding a requirement for retail outlets to contain odors. She looks forward to working with the Planning Commission to develop permanent regulations.

Mayor Lee responded to a disruption from the audience and informed Mr. Zimmerman that he would be removed if he continued to be out of order.

→ Deputy Mayor Robertson moved to adopt Ordinance No. 6133 B-1, as provided in the desk packet, regarding interim official zoning controls for recreational marijuana producers, processors and retailers. Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 5-1, with Councilmember Davidson opposed.

- (c) Resolution No. 8640 authorizing the execution of a general services agreement with Rabanco Ltd., dba Republic Services of Bellevue ("Republic Services") for comprehensive garbage, recyclables, and organic waste collection services beginning June 29, 2014 (the 2014 Contract), once rate design is finalized.

Councilmember Chelminiak noted his work with the waste collection industry and said he will continue to recuse himself from participation in this item. [He left the Council Chamber at approximately 9:43 p.m.]

Mr. Miyake requested final Council action on the comprehensive garbage, recyclables and organic waste collection services contract with Republic Services.

Nav Ota, Utilities Director, said the new contract becomes effective beginning on June 29, 2014. She said the good news is that the enhanced services previously offered as options will be included for all residents at no additional cost. Staff anticipates finalizing the contract by the end of the week.

Deputy Mayor Robertson thanked staff for their hard work. She is pleased with the ability to negotiate the additional services at no cost to ratepayers.

→ Deputy Mayor Robertson moved to approve Resolution No. 8640, and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 5-0, with Councilmember Chelminiak recused.

Mayor Lee thanked Ms. Otal and her staff for their work.

[Deputy Mayor Robertson left the dais at 9:50pm.]

Councilmember Balducci thanked staff for negotiating the extra services.

Responding to Ms. Balducci, Ms. Riordan said the blackout period prohibiting communications will end after the following Monday's Council meeting and reconsideration.

Mr. Stokes thanked everyone for working together to achieve the best services for the public. He said this is an evolving business and he looks forward to innovative collaboration between the City and Republic Services over the course of the contract.

12. Unfinished Business: None.

13. Continued Oral Communications

Paula Revere said she has an engineering degree and a MBA degree. She said the economic crash was faked. She expressed concerns that individuals are interfering in her and her husband's lives. She said there is a communist coup worldwide which also involves corporate America. She said she has evidence to show.

Mayor Lee indicated that her time allowance had expired.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

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

Myrna L. Basich, MMC
City Clerk

/kaw