

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

November 5, 2012
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:06 p.m., with Mayor Lee presiding.

2. Roll Call, Flag Salute

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

3. Communications: Written and Oral

- (a) Sam Bellomio, Stand Up America, commented on the Council laughing last time after he and Mr. Zimmerman spoke to the Council. He believes that there were comments from the Council that they were abusing their privilege to speak to the Council, and he questioned how anyone can abuse their right to free speech. Mr. Bellomio noted his ongoing frustration and opposition to red light cameras, which he said have had no effect on accidents. He said the cameras are only making a lot of money for the City and King County, and he alleged that the government is extorting money from citizens. He said the Council is not being what it is supposed to be for the people.

Mayor Lee said the Council always listens to them without interruption and with respect, and he would like them to treat the Council the same way, with respect and with no name calling. Mr. Lee encouraged politeness. He said there are a number of ways for people to communicate, and he said let's figure out how to do that.

- (b) Alex Zimmerman, Stand Up America, said they have not used names in personal attacks, but have used names against government and government bureaucrats. He said this is a constitutional right. He said he has been requesting information on the cost of the criminal investigation against him, which he said is pure fabrication, and he has received nothing. He said the same thing happened with his previous class action lawsuits. Mr. Zimmerman said the City has primitive, low-class professionals, and he has never seen more dirty small town crooks like Bellevue government in his entire life. He has had 27

traffic tickets from Bellevue over 20 years. He said someone on the Council has talked about having good connections with China. He said it is China that has destroyed middle-class American workers. Mr. Zimmerman said another Councilmember works for King County government. He believes that serving on the Bellevue City Council is a conflict of interest for that person. He said another Councilmember is an attorney who never talks about what the Council is supposed to do by law.

- (c) Molly van der Burch and Joanne White, Co-Presidents of the Bellevue Botanical Garden Society, recalled that, in the early 1980s, Cal and Harriet Shorts donated their home and property to the City, which opened the Garden in 1992. The Garden has grown to 53 acres and is now raising funds for a new Visitors Center facility. The Shorts' only child lives on the East Coast, and he and his wife visited the Garden in September. They were thrilled to see what the community has done with the Garden. Since their visit, the Garden Society Visitors Center campaign received a gift of \$500,000 from Binkley and Paula Shorts in memory of his parents and in gratitude to the people of Bellevue who have enthusiastically embraced the Garden.
- (d) Joe Rosmann, a Surrey Downs resident, said that, last Friday, Building a Better Bellevue and Friends of Enatai entered a brief with Judge Coughenour's court to lay out the relevant law, judicial precedent, and evidentiary facts from the more than 10,000 pages of documents supplied by the Federal Highway Administration and Sound Transit to the court in order to defend against the complaints of Bellevue citizens regarding the application of the National Environmental Protection Act (NEPA) and the Federal Transportation Act. He said that many Bellevue residents are committed to protecting the environment, historical jewels, neighborhoods, businesses, and infrastructure. Mr. Rosmann said he sat through the Council's earlier discussion with Sound Transit about the proposed Link Rail maintenance facility in Bellevue. He suggested that earlier knowledge of that facility last year would have made the MOU discussions involving Sound Transit, the Council, and Bellevue residents a very different process. Mr. Rosmann reminded that Council that there are issues that might make bringing light rail across the lake impossible.
- (e) Loretta Lopez, Co-Vice President of the Bridle Trails Community Club, recalled previous testimony to the Council about the Club's alarm regarding the proposed light rail maintenance facility. Sound Transit denied the residents' request for an extension of the public comment opportunity. The Club determined that none of the sites are acceptable. Ms. Lopez noted that the City spent millions of dollars studying and rezoning the Bel-Red corridor and adopting the Bel-Red Plan. She said it makes no economic sense to place a 25-acre maintenance rail yard in such prime property. She encouraged the Council to continue to object to placing a light rail maintenance facility in the Bel-Red corridor.
- (f) Bill Popp, an Enatai resident, observed that there might be a blessing in disguise here. He recently discovered that the Bel-Red Subarea Environmental Impact Statement (EIS) shows two Level of Service F intersections. Development of the Spring District adds two more Level F intersections (NE 12th Street and 120th Avenue NE; Bel-Red Road and

124th Avenue NE), as well as two Level of Service E intersections on NE 15th Street. An additional Level of Service F intersection is not shown, and the intersection of NE 8th Street and 120th Avenue NE is Level F. Mr. Popp said he thought he heard Councilmember Balducci defending the International Paper site, and he agrees it is the appropriate site for a maintenance facility. He opined that Sound Transit might be saving ourselves from ourselves.

Councilmember Wallace recalled his previous request for an update on the Spring District situation. Mr. Sarkozy said staff will provide the information that is available.

- (g) Mark van Hollenbeke, noted that he is a member of the Parks and Community Services Board but speaking as an individual citizen. He thanked Councilmembers for the time and effort they put into working for this community. One thing he appreciates most about the Council is that it tries to balance individual impacts with the overall greater good. He asked the Council to consider funding the completion of Downtown Park. He has been on the Park Board since May 2010, and the two questions he always hears are: 1) When will the City finish Downtown Park?, and, 2) When will the City start developing Meydenbauer Bay Park? He said that business leaders in Old Bellevue look forward to the economic benefit of completing these amenities.

4. Reports of Community Council, Boards and Commissions

- (a) Parks and Community Services Board

Lynne Robinson, Chair of the Parks and Community Services Board and a member of the Bellevue Network on Aging, provided an update on the Board's activities. The Board encourages continued work on the 2008 Parks Levy projects. Ms. Robinson said that promised Parks Levy projects included in the Preliminary Budget are the Bellevue Youth Theatre facility at Crossroads Park and the Visitors Center at the Bellevue Botanical Garden. Both of these organizations have raised significant funds to help reach their financial goals. Ms. Robinson encouraged the completion of Downtown Park and moving forward to initiate development of Meydenbauer Bay Park.

5. Report of the City Manager

- (a) Community Diversity Plan Update

City Manager Steve Sarkozy recalled that the Council asked staff to update the Community Cultural Diversity Plan.

Kevin Henry, Cultural Diversity Coordinator, said that in 2010, the Council directed that the Cultural Diversity Plan be updated. Staff initiated outreach to Boards, Commissions, businesses and organizations, and in 2011, a large community focus group attended a presentation in City Hall. The group was briefed on current Bellevue demographics and on the 1993 Cultural Diversity Plan. In smaller work groups, the participants were asked to identify where they saw opportunities for the future. Mr. Henry noted that meeting packet materials include a list of

themes from the outreach efforts. He highlighted items from the list.

Mr. Henry said individual interviews confirmed that diversity is a very important topic for the Chamber of Commerce, large corporations (e.g., Microsoft), and small businesses serving the community's diverse populations.

Julie Ellenhorn, Community Relations Coordinator, described the plan for moving forward with the next phase of outreach to expand community awareness. Efforts during the coming year will focus on the six areas originally identified by the Council: 1) civic engagement, 2) economic development, 3) public safety, 4) human services, 5) education, and 6) cultural competence. Department Directors have agreed to steer one or more of the teams that will work on these six areas.

Cultural Competency training will be provided to the Leadership Team and to staff who will participate in this year-long process. The project team hopes to reach a minimum of 600 people through community involvement. Staff would like to hear from each Councilmember about their thoughts on this process and what they would like to see. At the end of the year-long process, the Council will be asked to review and adopt the Cultural Diversity Plan Update.

Councilmember Balducci expressed support for the plan outlined by staff.

Councilmember Stokes concurred. With the cultural makeup of the community changing so much, he believes the City needs to show leadership in this area. He would like to encourage increased participation in all aspects of the community, including City government.

Mayor Lee said he is pleased to see this come forward. Of the six focus areas, the most important to him is civic engagement. He observed that the community forum approach is an excellent tool. He likes the plan's reference to engaging each Councilmember in this process. Mayor Lee thanked staff for their work.

6. Council Business and New Initiatives

Councilmember Chelminiak attended meetings of the Mental Illness and Drug Dependency Oversight Board and the Committee to End Homelessness. He said that he, Mayor Lee, and Councilmember Stokes attended the opening of The Sophia Way shelter at St. Luke's Church in Bellevue. Mr. Chelminiak attended a luncheon sponsored by the Prosperity Partnership to honor Congressman Norm Dicks.

Councilmember Davidson attended the Prosperity Partnership luncheon as well. Dr. Davidson attended the performance of *Dracula* by the International Ballet at the Theatre at Meydenbauer Center.

Dr. Davidson reported that he was asked to testify before the King County Flood Control District, which is the same body as the King County Council, regarding who is going to handle salmon recovery now that the Conservation District no longer wants to perform that role. Dr. Davidson said he testified twice, once as the Chair of the WRIA-8 Board and once as a

representative of the City Council, regarding a proposal to transfer monies from the Conservation District to the Flood Control District. Dr. Davidson said the transfer is not equal because the two entities involve two different forms of a tax.

Dr. Davidson attended a meeting of the Growing Transit Communities Partnership, which is studying the potential for transit-oriented development throughout the Puget Sound region. Attendees of the meeting were primarily representatives of nonprofit organizations.

Deputy Mayor Robertson attended the Bellevue Chamber of Commerce dinner, KidsQuest carnival fundraiser, American Israel PAC dinner, and the Prosperity Partnership lunch. She met with Downtown residents to discuss Ashwood Park. Ms. Robertson attended meetings of the East Link MOU Leadership Group, Meydenbauer Bay Neighborhood Association, PSRC Transportation Policy Board's Prioritization Working Group, and the Bellevue Planning Commission Retreat.

Councilmember Balducci reported that she attended the KidsQuest event and a meeting of the PSRC Transportation Policy Board, which she chairs. She has been asked to serve on a committee to review tolling/pricing and the impacts of diversion related to the Alaskan Way Tunnel project.

Ms. Balducci noted requests from the World Wildlife Fund over the past few years that the City participate in the Earth Hour Challenge. This involves turning off lights for one hour to make a statement about working together to manage climate change and its impacts. Ms. Balducci questioned whether the City could consider participating in this event. She noted that cities around the world have participated, including Las Vegas and Paris. She asked the City Manager to research additional details on the initiative.

Councilmember Stokes referred to the brief described by Joe Rosmann during Oral Communications and said he would like to see the City's briefs responding to that legal action. Mr. Stokes said he attended a number of meetings and events. He highlighted being asked to speak at the opening of The Sophia Way facility at St. Luke's Church. The program is focused on moving women out of homelessness and helping them to achieve education, employment, and financial independence.

Councilmember Wallace referred to the brief that Mr. Rosmann distributed during Oral Communications, which includes a discussion about cumulative impacts under the National Environmental Policy Act (NEPA). He noted the need to fully study the cumulative impacts of the East Link light rail system and the Sound Transit Link Operations and Maintenance Satellite Facility (OMSF) proposed for Bellevue.

Mayor Lee went to the ribbon-cutting at The Sophia Way facility in St. Luke's Church. He commended Helen Leuzzi for starting the program several years ago. Mr. Lee attended the Jubilee Reach Breakfast, along with Councilmembers Stokes and Wallace. He also attended the Police Volunteers Luncheon, a Microsoft charity event, and the King County Executive's Small Business Awards function.

7. Approval of the Agenda

→ Deputy Mayor Robertson moved to approve the agenda, and Councilmember Stokes seconded the motion.

→ The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

→ Deputy Mayor Robertson moved to approve the Consent Calendar, amended to revise Ordinance No. 6080 [Agenda Item (b)] as presented in the desk packet. Councilmember Stokes seconded the motion.

→ The motion to approve the Consent Calendar, as amended, carried by a vote of 7-0, and the following items were approved.

- (a) Minutes of September 17, 2012 Study Session
Minutes of September 17, 2012 Regular Session
Minutes of September 24, 2012 Extended Study Session
Minutes of October 1, 2012 Study Session
Minutes of October 1, 2012 Regular Session
Minutes of October 8, 2012 Extended Study Session
Minutes of October 15, 2012 Study Session
Minutes of October 15, 2012 Regular Session
- (b) Ordinance No. 6080 determining the public advantage of vacating portions of NE 28th Street between 116th Avenue NE and 120th Avenue NE, within the City of Bellevue and vacating the same, subject to certain conditions.
- (c) Resolution No. 8465 authorizing the execution of an amendment to the Software Purchase and Maintenance agreement with Insight Software.com, Inc., in an amount not to exceed \$18,894 inclusive of tax, to purchase additional reporting modules and user licenses, plus annual maintenance in the amount of \$4,260.
- (d) Resolution No. 8466 authorizing execution of a consultant agreement with Parametrix, in an amount not to exceed \$81,500 to support the development of an Environmental Impact Statement (EIS) on the proposed 2013-2024 Transportation Facilities Plan (TFP).
- (e) Resolution No. 8467 authorizing the execution of a professional services agreement with Roth Hill, LLC, in an amount not to exceed \$380,000 (CIP Plan No. W-16) for engineering services for AC Water Main Replacement Design Services (2013) - Phases 1 and 2.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

(a) West Lake Sammamish Parkway Roadway Improvements – Phase 1

Motion to award Bid No. 12221, West Lake Sammamish Parkway Roadway Improvements, Phase 1, from I-90 to SE 34th Street, and Small Diameter Water Main Replacement near SE 40th Street, to Active Construction, Inc., as the lowest responsible and responsive bidder, in the amount of \$4,827,562.

Mr. Sarkozy described the motion to award Bid No. 12221 for West Lake Sammamish Parkway Roadway Improvements. This is a significant project in the Capital Investment Program (CIP) Plan, which will cause a significant level of traffic disruption along the road. Staff is requesting Council approval to award the contract. Mr. Sarkozy noted a companion utilities project to replace a small diameter water main near SE 40th Street.

Ron Kessack, Assistant Director of Utilities, described the project between the roundabout near I-90 and SE 34th Street. Staff would typically present a bid award motion on the Consent Calendar. However, staff wanted to address this project separately both to celebrate and to advise the Council and community about anticipated traffic impacts. Early work on the project will begin in January, and water and storm water lines will be installed in the spring.

Mr. Kessack described the traffic impacts and the plan for coordinating with the community. The City has launched a public education campaign to reach out to residents, employers, Rabanco, U.S. Postal Service, school districts, and others. There is an incentive in the contract that will provide a maximum of \$32,500 for early substantial completion of the work.

Mr. Kessack said the project involves an excellent contractor with a very good history on similar projects. Substantial project completion is anticipated in October 2013. It is possible that the final roadway overlay will be postponed to the following spring.

→ Councilmember Balducci moved to award Bid No. 12221 to Active Construction, Inc., and Councilmember Chelminiak seconded the motion.

Ms. Balducci said that, nine years ago tomorrow, she was elected to the Council. She noted her involvement with the project planning effort and said she is delighted to see the project moving forward. She commended Nancy LaCombe, the Project Manager for many years on this project. Ms. Balducci said this is Phase 1 of five phases. She said this is one example of a project where the Council needs to determine how to fully fund all phases.

Responding to Councilmember Davidson, Paul Krawczyk, Project Manager, provided additional details on the roadway configuration. Dr. Davidson expressed support for the motion.

Councilmember Chelminiak said he will support motion. He requested vehicle counts for the roadway via email from staff. He noted that many of the bids were above the engineer's estimate.

He observed that the City has missed some opportunities to have completed projects over the past couple of years when construction costs were lower.

Councilmember Wallace commented that this is a good example of the Council standing firm in a tough economy, passing a balanced budget while also providing the funds for longstanding projects. He is pleased to see projects spread throughout the community. He noted that the project brings the roadway up to new stormwater codes, which is especially important given the proximity to Lake Sammamish. He suggested that the City convey the positive programmatic stormwater benefits to Boards, Commissions, and staff working on the Shoreline Management Program Update.

Mayor Lee said this project has been long in coming, and many in the community have been looking forward to it. At the same time, there will be construction impacts and it is important to ensure adequate communication with the public. He believes that the long-term benefits will outweigh the temporary inconvenience.

Councilmember Stokes expressed support for the motion. He said the project is a good example of providing multiple benefits in a coordinated manner.

→ The motion to award Bid No. 12221 to Active Construction, Inc., carried by a vote of 7-0.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session

→ Deputy Mayor Robertson moved to extend the meeting to 10:30 p.m., and Councilmember Stokes seconded the motion.

At 9:36 p.m., Mayor Lee declared recess to Executive Session for approximately 20 minutes to discuss one item of property acquisition.

16. Adjournment

At 10:38 p.m., the Executive Session was concluded, and Mayor Lee declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw