

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

December 9, 2013  
8:00 p.m.

Council Chamber  
Bellevue, Washington

PRESENT: Mayor Lee, Deputy Mayor Roberson, and Councilmembers Balducci, Chelminiak, Davidson<sup>1</sup>, 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

All Councilmembers were present. Mayor Lee led the flag salute.

(a) Swearing in of Councilmembers for Position Nos. 2, 4 and 6

Mayor Lee introduced the swearing in of newly elected and reelected Councilmembers. He welcomed King County Superior Court Judge Brian Gain to conduct the swearing in of Conrad Lee, Lynne Robinson, and Kevin Wallace.

The meeting recessed from approximately 8:15 to 8:25 p.m. to provide an opportunity for taking photos.

(b) Commendation of Councilmember Davidson's Years of Service

Mayor Lee read a commendation honoring Councilmember Davidson's service to Bellevue since 1984, including two terms as Mayor.

Councilmember Balducci noted the differences between her and Dr. Davidson's political views. However, they have always been able to discuss issues and have often agreed when they least

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<sup>1</sup> Councilmember Davidson left the meeting at 10:51 p.m., before the Executive Session.

expected. She commended his involvement in community activities, including his role as the Mayor of Munchkin Land with the Bellevue Youth Theater. Ms. Balducci said Councilmember Davidson has become an important part of the fabric of this community and she has enjoyed working with him.

Councilmember Stokes said he will miss having dinner with Councilmember Davidson every Monday night. Mr. Stokes commented on following Dr. Davidson as Council liaison to the Environmental Services Commission. He appreciates Dr. Davidson's long-term view, including of water and environmental issues, and his passion for public service to Bellevue.

Councilmember Wallace expressed appreciation for Councilmember Davidson as a family friend dating back to his grandfather. He commented on Dr. Davidson's important role in environmental issues and as a strong defender of maintaining the low property tax rate.

Councilmember Wallace thanked Dr. Davidson for being a mentor and friend over his past four years on the Council.

Councilmember Chelminiak said his wife wanted him to pass along her appreciation to Councilmember Davidson. Also, Grant Degginger, former Mayor and Councilmember, could not be here tonight but would like to be here early next year for a formal recognition of Dr. Davidson's service to the community. Councilmember Chelminiak praised Dr. Davidson as Bellevue's practical environmentalist.

Deputy Mayor Robertson said Councilmember Davidson has served with grace and humor. She commended his sharp attention to the budget and noted that the Council's steady fiscal stewardship for many years has preserved the City's high bond rating. She commented on Dr. Davidson's role in guiding the development of the community, particularly the Downtown, and his role in helping to establish the Cascade Water Alliance, which provides a secure water supply and maintains lower water rates. Ms. Robertson said she will miss Councilmember Davidson, and she thanked him for his service.

Mayor Lee commented on how he and Councilmember Davidson grew up in different places but came together to serve on this City Council for the past 20 years. He commended Dr. Davidson's knowledge, leadership, fiscal conservatism, and environmentalism. Mayor Lee thanked him for his commitment and sacrifice for the good of the community.

As Alex Zimmerman approached the podium, Mayor Lee asked him to sit down. Mr. Zimmerman was argumentative until a woman in the audience told him to stop and to sit down.

Councilmember Davidson said he appreciated everyone's comments and he has enjoyed working with this Council. He believes that good, healthy discussion is what makes good public policy. He said he will continue working with the Puget Sound Partnership.

(c) Commendation of Nelson Mandela

Mayor Lee noted the passing of Nelson Mandela and read a commendation honoring his courage and leadership in working for equality and social justice. Mr. Mandela was awarded the Nobel Peace Prize in 1993 and was elected as South Africa's first black president.

3. Communications: Written and Oral

- (a) Heidi Dean expressed concern about the Police Department and the recent incident involving Officers Andrew Hanke and Doug Brennan. She referred to the Seahawks Stadium incident involving Officer Hanke earlier in the year. She recalled that he admitted driving himself home to Snoqualmie that night in a blackout due to intoxication. Ms. Dean said Officer Hanke should have been fired then, and she questioned why he was not. She said Officer Hanke's decision to drive drunk on November 20 put Officer Brennan in an awkward place. She said it is good that Officer Brennan stopped Officer Hanke but he made a poor professional judgment when he released Officer Hanke to his wife. Ms. Dean said police officers should be held to the same standard that she is held to as a private citizen.
- (b) Brandi Kruse, Investigative Reporter with KIRO, commented on the November 20 incident involving Officers Hanke and Brennan. Ms. Kruse said she has been told that Chief Pillo will not talk to reporters until the investigation is over. However, she does not believe Chief Pillo will ever talk to the media. Ms. Kruse said the Police Department has had a number of scandals but Chief Pillo has never held a press conference or sat down with a reporter. She asked Councilmembers to respond to her phone calls and emails and to require that Chief Pillo hold a press conference. Ms. Kruse asked Councilmembers to share their perspectives on the incident and to comment on whether the Bellevue Police Department has an issue with accountability.

Mayor Lee said the City Manager will follow up with her.

- (c) Alex Zimmerman, StandUP-America, said the City of Bellevue prosecuted him twice in the past. He has received 30 tickets in Bellevue, which he considers racketeering. He believes there is corruption in government. He would like the City Manager to hold an open forum with residents on a monthly basis.
- (d) Steve Kasner, East Bellevue Community Council Chair, thanked Councilmember Davidson for his service and for his encouragement to Mr. Kasner. Mr. Kasner said Dr. Davidson regularly attends community events. Mr. Kasner thanked the Mayor and Councilmembers for their public service.
- (e) Joe Tovar, representing the Tsai family, encouraged the Council to approve the Bellevue Apartments Comprehensive Plan Amendment (CPA) application [Agenda Item 11(a)]. He commented on a December 6 letter from David Plummer regarding the project.

- (f) Nina Tsai McKay encouraged the Council's support of her family's Bellevue Apartments CPA proposal.
- (g) Jeremy Eckert, attorney with Foster Pepper, provided a handout regarding Comprehensive Plan Amendment decision criteria [Land Use Code 20.301.150]. He believes the Bel-Kirk Office Park CPA proposal does not meet the criteria.
- (h) Martin A. Seelig spoke in favor of Ordinance No. 6145 approving the Bel-Kirk Office Park CPA [Agenda Item 11(b)].
- (i) Two seniors from Bellevue High School said they were in attendance to earn extra credit for their government class. They said Deputy Mayor Robertson spoke to their class and provided a great deal of information on issues facing the community, including light rail. They thanked her for visiting and said it was a great opportunity to interact with an elected official and feel a part of the community.

4. Reports of Community Council, Boards and Commissions

(a) East Bellevue Community Council 2013 Report

Steve Kasner, Chair of the East Bellevue Community Council, noted his memo in the meeting packet regarding the past year's activities for the EBCC. He requested a City Council liaison to the EBCC. He noted the retirement of Councilmember Seal and Deputy City Clerk Shelly Murphy and said the Community Council will miss their knowledge and contributions.

Mr. Kasner introduced Bill Capron, temporary chair for the East Bellevue Community Council's first meeting in January. Mr. Capron said the EBCC was renewed during the most recent election. He highlighted key current issues including power lines development and the expansion of Odle Middle School. Mr. Capron said the Community Council would like to work more with the City Council, and he invited them to attend EBCC meetings.

Mayor Lee thanked Chair Kasner and the East Bellevue Community Councilmembers for their service

5. Report of the City Manager

(a) Continuation of East Link Discussion from earlier Study Session.

Nora Johnson, Director of the Civic Services Department, noted the continuation of the East Link presentation from the earlier Study Session.

Joseph Fry, Landscape Architect, resumed his description of the City Hall Plaza redesign related to the siting of the East Link light rail station adjacent to City Hall. He said the Fu Dogs are relocated to the edge of the proposed Sister City tree grouping. He said he and Mayor Lee

consulted with a Feng Shui expert regarding the placement of the Fu Dogs, which are part of the larger Sister Cities art and landscape feature. He said staff is requesting feedback from the Council regarding the overall plaza design.

Councilmember Stokes thanked staff and the consultant for their work. He observed that the design responds to the Council's previous feedback and enhances the City Hall site. He would like to go on record as saying he would like to expand the plaza over the visitor garage and parking area as much as possible.

Councilmember Chelminiak questioned whether the plaza design takes into consideration any future integration with development on the adjacent Metro site. Ms. Johnson said staff will be working with Mr. Fry and others regarding how the plaza would connect to the east expansion over the garage/parking area and the Metro site.

Responding to Mr. Chelminiak, Deputy City Attorney Kate Berens said that, under the East Link memorandum of understanding with Sound Transit, the Metro site will be used for construction staging until the light rail project is completed.

Mr. Chelminiak opined that potential future private development of the Metro site should be financed by the private developer. He suggested planning for the plaza extension but waiting until light rail construction is completed to implement that extension.

Deputy Mayor Robertson would like to keep the extension alternative on the table. She believes it would enhance the plaza. She expressed support for the City Hall plaza redesign. She requested visual connectivity and wayfinding between City Hall, the light rail station, Transit Center, Meydenbauer Center, and the adjacent Metro site. Ms. Robertson thanked staff for their work and for their individual briefings to Councilmembers.

Councilmember Balducci expressed support for the plaza design and for extending it over the visitor parking area along the east edge. She observed that the redesign is faithful to the original City Hall design. She questioned whether it would be possible to design the extension now but build it later, and expressed an interest in the cost impact of that approach.

Ms. Balducci observed that the City never quite found a good use for the existing pavilion. She suggested that a covered area instead of an enclosed area might serve a more effective public purpose with the redesigned plaza. She thanked staff and the consultant for their work.

Responding to Councilmember Wallace, Ms. Johnson said Sound Transit will estimate the cost of the plaza redesign after the City submits its proposal. She estimated that the extension would cost \$1.5 million to \$2 million.

Mr. Wallace said it is difficult for him to make a decision without knowing the costs. However, he likes the design. He concurred with Councilmember Chelminiak's comments about deferring extending the plaza until light rail construction is completed and the development of the Metro

site is known. Mr. Wallace encouraged coordinating the design of the plaza and Metro site.

Councilmember Davidson expressed support for the design. He believes it does a good job of continuing to tell the story of the community through the design of the City Hall building and site.

Mayor Lee expressed support for the plaza redesign and preserving the integrity of the overall City Hall design. He believes that an extension of the plaza should be considered as well to expand the overall design concept and to meet the purpose of connecting City Hall and the light rail station. He thanked staff and the consultant for their work.

Councilmember Balducci said it is important for the outside of City Hall to be a welcoming space. She noted that certain design elements might not be possible due to costs, as was the case with the original City Hall design.

→ At 9:50 p.m., Councilmember Balducci moved to extend the meeting to 11:30 p.m. Deputy Mayor Robertson seconded the motion.

→ The motion carried by a vote of 6-0, with Councilmember Wallace temporarily away from the dais.

Carol Helland, Land Use Director, briefly described the Light Rail Permitting Citizens Advisory Committee (CAC) review process and public outreach. In 2014, the CAC will address design and mitigation permit review. Construction permit review will occur in 2015 if additional design work is required as a condition of the Design and Mitigation Permit.

Responding to Councilmember Balducci, Ms. Helland said the Light Rail Permitting CAC is addressing issues related to the look and feel of the stations. Ms. Helland said the permit will specify materials, colors, and landscaping materials.

Ms. Helland said the public may continue to submit comments to the CAC via email and traditional mail. In addition, there is an opportunity for public comment during every CAC meeting. More information is available on the project web site, and citizens may subscribe for project alerts from that site [<http://www.bellevuewa.gov/light-rail-permitting-cac.htm>].

Kate March, East Link Outreach Lead, said the CAC provides opportunities for public comment at the beginning and end of each meeting. Starting in January, Sound Transit and the CAC will co-host public meetings and will share all public comments that each receives. Sound Transit and the CAC will hold a 60-percent design open house. The CAC will ultimately provide a written recommendation to Sound Transit.

(b) Bel-Red Implementation – Street Names

Acting City Manager Brad Miyake highlighted two items on the Consent Calendar: Item 8(f)

executing the 2014-2019 Emergency Medical Services (EMS) contract with King County and Item 8(j) accepting funds from the State for Meydenbauer Bay Park Phase 1.

Mr. Miyake referred the Council to page 5-1 of the meeting packet for the management brief on determining street names in the Bel-Red corridor. Staff will request feedback from each Councilmember through January and before bringing the topic back for formal approval.

(c) Winter Weather Preparedness

Transportation Director Dave Berg and Street Operations Manager Brian Breeden provided an update on the City's winter preparedness program and response plan.

6. Council Business and New Initiatives

(a) Selection of Temporary Chair for January 6, 2014 Council Meetings

Mayor Lee explained that Councilmembers are elected at large and the Council selects a Mayor every two years. He requested nominations for a Councilmember to serve as Chair for the first meeting in January to facilitate the selection of the Mayor and Deputy Mayor.

Responding to the Mayor, City Clerk Myrna Basich said the nominees will be voted on in order until a majority vote is achieved.

Councilmember Chelminiak nominated Mayor Lee to serve as Temporary Chair for the January 6 meeting.

Councilmember Davidson nominated Councilmember Wallace to serve as Temporary Chair.

Councilmember Balducci nominated Councilmember Lynne Robinson to serve as Temporary Chair.

Voting in order of the nominations, Councilmember Lee was not selected [by vote of 3-4 with Councilmembers Balducci, Chelminiak and Lee in favor]. Councilmember Wallace was selected by a vote of 5-2 [Councilmembers Balducci and Chelminiak dissenting] to serve as Temporary Chair of the January 6 meeting.

(b) Determining Procedure for Election of Mayor and Deputy Mayor

Myrna Basich, City Clerk, said staff is seeking Council input regarding how to select the Mayor and Deputy Mayor in January. State law requires the election of Mayor and Deputy Mayor during the first meeting of the year. However, it does not dictate how the decision is to be made except to prohibit a secret ballot. The Bellevue City Council has generally followed Robert's Rules, which is essentially how the Council just selected the Temporary Chair for January 6.

Ms. Basich recalled that, in the past, Councilmembers have requested an alternative method to consider for selecting the Mayor and Deputy Mayor. She noted the memorandum in the meeting packet summarizing the current method and potential alternatives involving ballots. Ms. Basich said the Council would need to amend its rules one week in advance if Councilmembers would like to use this alternative method.

Under the alternative method, Ms. Basich said the Council would vote on a list of nominees via paper ballots. Voting would continue until a candidate receives a majority vote.

Deputy Mayor Robertson suggested continuing to operate under Robert's Rules, as in the past. However, she would be amenable to voting by the roll call method if desired by the Council.

Mayor Lee observed that the proposed alternative using a paper ballot would enable voting without potential and/or perceived influence from others.

Councilmember Chelminiak agreed with Mayor Lee about trying the written ballot. He said this results in each Councilmember choosing who they would like without having multiple votes.

Responding to Councilmember Davidson, Ms. Basich said if no nominee receives a majority vote using the ballot method, the vote would be held again, either with the same nominees or a new list of nominees.

Councilmember Stokes said he is open to trying written ballots. However, he does not see a significant difference between the two approaches.

Councilmember Wallace does not support changing to an alternative method. Ms. Robertson concurred with continuing the existing practice.

→ Councilmember Chelminiak moved to adopt a temporary Council rule authorizing conducting the January 6, 2014, elections for Mayor and Deputy Mayor by voting for all nominees simultaneously using a written ballot approach. Councilmember Balducci seconded the motion.

→ The motion carried by a vote of 4-3, with Deputy Mayor Robertson and Councilmembers Davidson and Wallace dissenting.

#### 7. Approval of the Agenda

→ Deputy Mayor Robertson moved to approve the agenda, and Councilmember Balducci 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, with the amendment to Item 8(g) provided in the desk packet. Councilmember Balducci 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 November 12, 2013 Extended Study Session

(b) Resolution No. 8663 authorizing execution of a four-year Agreement with Stein, Lotzkar and Starr, P.S., Inc., in the amount of \$54,600 per month for the first year, adjusted annually thereafter in accordance with the formula set forth in the contract, plus court-related costs, for indigent defense services.

(c) Resolution No. 8648 authorizing execution of a professional services agreement with SRG Partnership, Inc., in an amount not to exceed \$573,970, to provide architectural design and engineering services for the expansion of the East Parking Garage at City Hall.

(d) Resolution No. 8664 adopting the City of Bellevue State Legislative Agenda and State Legislative Statement of Policy for the 2014 legislative session.

(e) On-call Landscape and Irrigation Services

Resolution No. 8665 authorizing execution of a General Services Agreement with Signature Landscape Services, for on-call landscape maintenance and irrigation services;

Resolution No. 8666 authorizing execution of a General Services Agreement with Total Landscape Corporation, for on-call landscape maintenance and irrigation services;

Resolution No. 8667 authorizing execution of a General Services Agreement with Badgley's Landscape, LLC for on-call landscape maintenance and irrigation services; and

Resolution No. 8668 authorizing execution of a General Services Agreement with Canber Corps, for on-call landscape maintenance and irrigation services.

(f) Emergency Medical Services

Resolution No. 8669 authorizing execution of the 2014–2019 Emergency Medical Services Advanced Life Support (ALS) contract with King County; and

Resolution No. 8670 authorizing execution of the 2014-2019 Emergency Medical Services Basic Life Support (BLS) contract with King County.

- (g) Resolution No. 8671 authorizing the City of Bellevue Municipal Employees' Benefits Trust (MEBT) Plan Committee Chair or its designee to: (1) execute the updated Restatement of the City of Bellevue Employees' Retirement Benefit Plan ("Bellevue MEBT Plan"), consolidating prior Council-approved Amendments and other revisions to comply with federal law and other regulations ("Restatement"); (2) file an application, together with any supporting documents, with the United States Treasury Department, with a request for determination that the Plan meets the requirements of Section 401(a) of the Internal Revenue Code of 1986, as amended, and to execute such Powers of Attorney, schedules and other documents as necessary and required in connection with such application; and (3) execute such further amendments to such Plans as may be required in order to obtain the approval of the United States Treasury Department, if, in the Plan Committee Chair's (or its designee's) judgment, such amendments are necessary to maintain qualification of the Plan and do not increase employer contributions.
- (h) Resolution No. 8672 authorizing the execution of a one-year administrative services agreement with Premera Blue Cross, in the amount of \$625,000 for 2014 medical and prescription drug third party administrative services.
- (i) Resolution No. 8673 authorizing execution of a Hardware/Software Purchase and Implementation Agreement with Avidex Industries, LLC., in an amount not to exceed \$695,170, for the replacement of audio/visual and multimedia systems that support the operation of City Council meetings and broadcasts, the Emergency Operations Center, and public/staff meeting rooms.
- (j) Resolution No. 8674 authorizing execution of the Washington State Department of Commerce Contract No. 14-93220-022 to accept \$2,950,000 from the State of Washington for the purpose of Meydenbauer Bay Park phase 1 improvements.
- (k) Resolution No. 8675 authorizing execution of a contract with the Boys & Girls Clubs of Bellevue (BGCB), in an amount not to exceed \$86,500, to continue operation of the Ground Zero Teen Center and BGCB satellite sites in partnership with the City.
- (l) Resolution No. 8676 authorizing execution of a professional services agreement with MWH Americas, Inc., in an amount not to exceed \$191,000, for engineering services for the East CBD Sewer Trunkline Improvements Final Design Services Project (CIP Plan No. S-52).
- (m) Resolution No. 8677 authorizing execution of a professional services agreement

with Watershed Science and Engineering, in an amount not to exceed \$77,084, for engineering services, for the Vasa Creek Basin Hydrologic and Hydraulic Modeling and Analysis Project.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

(a) Ordinances Relating to the Comprehensive Plan

Ordinance No. 6144 relating to the Comprehensive Plan of the City of Bellevue, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW), ; and as adopted pursuant to Chapter 35A.63 RCW, adopting the Bellevue Apartments (12-132257 AC) 2013 amendment to the Comprehensive Plan, and establishing an effective date.

→ Deputy Mayor Robertson moved to adopt Ordinance No. 6144, and Councilmember Balducci seconded the motion.

Councilmember Balducci spoke in support of the motion. She recalled her previous questions to staff regarding the unintended potential for spread to other properties which are not appropriate for this type of amendment. She believes the amendment makes sense at this location based on surrounding uses. She thanked staff and the public for their comments.

→ The motion carried by a vote of 7-0.

Ordinance No. 6145 relating to the Comprehensive Plan of the City of Bellevue, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); and as adopted pursuant to Chapter 35A.63 RCW, adopting the Bel-Kirk Office Park (13-106131 AC) 2013 amendment to the Comprehensive Plan, and establishing an effective date.

→ Deputy Mayor Robertson moved to adopt Ordinance No. 6145, and Councilmember Chelminiak seconded the motion.

Deputy Mayor Robertson said the Planning Commission spent a great deal of time reviewing this CPA proposal and unanimously recommended approval. The Commission also recommended that the Council continue to be aware of light industrial zoning citywide and to ensure that it does not disappear. She does not find the attorney's comments during oral communications to be compelling. The Planning Commission found the CPA to be consistent with Comprehensive Plan. She is comfortable that the CPA recognizes the changes to the area around the property.

Responding to Councilmember Chelminiak, Planning Director Dan Stroh said the City conducts a buildable lands report as part of the review process of the Countywide Planning Policies. The chief focus is on whether zoning districts support the City's growth targets. Mr. Stroh said the industrial properties are not as necessary to accommodate the employment targets in Bellevue given the mix of land use and economic activity. However, the LI district is included in the review of buildable lands.

Councilmember Balducci said this was a closer call for her based on previous discussions regarding the diminishing amount of LI land and uses within Bellevue. She believes the Planning Commission raised a good issue about a citywide review of the LI district. However, she noted that the subject parcel is not being used and will not be used as LI development. She views the CPA as matching the actual land use to the Comprehensive Plan.

Mayor Lee concurred and acknowledged that this proposal highlights the importance of paying attention to LI properties.

Councilmember Wallace believes there is a need to amend the Land Use Code's decision criteria, which he feels are excessively restrictive and difficult to interpret.

Councilmember Stokes concurred with Mr. Wallace and said that issue was raised as a concern during the Eastgate/I-90 Steering Committee discussions. He expressed support for the CPA.

→ The motion to adopt Ordinance No. 6145 carried by a vote of 7-0.

Ms. Robertson noted that the definition of changed circumstance in the CPA decision criteria is on the Council's work plan.

Ordinance No. 6146 relating to the Comprehensive Plan of the City of Bellevue, as required and adopted pursuant to the Growth Management Act of 1990, as amended (Chapter 36.70A RCW); and as adopted pursuant to Chapter 35A.63 RCW, adopting the 2013 amendments to the Comprehensive Plan as separately set forth in Ordinance Nos. 6144 and 6145, and establishing an effective date

→ Deputy Mayor Robertson moved to adopt Ordinance No. 6146, and Councilmember Balducci seconded the motion.

→ The motion carried by a vote of 7-0.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session

(a) Property Acquisition

At 10:51 p.m., Mayor Lee declared recess to Executive Session for approximately 20 minutes to discuss one item of property acquisition. He said the meeting would adjourn following that discussion.

Councilmember Davidson left the meeting.

16. Adjournment

The Executive Session was concluded at 11:24 p.m., and the meeting was adjourned.

Myrna L. Basich, MMC  
City Clerk

/kaw