

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

December 13, 2010
8:00 p.m.

Council Chamber
Bellevue, Washington

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

REMOTE PARTICIPATION: Mayor Davidson

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:04 p.m., with Deputy Mayor Lee presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers were present, with Mayor Davidson participating via speakerphone.

The 2010 Cascade District Eagle Scouts led the flag salute and presentation of the colors.

3. Communications: Written and Oral

- (a) Diane Pottinger, Cascade District's Advancement Chair for the Boy Scouts, described the activities of scouts in Bellevue, Mercer Island, and the Points Communities. She noted that 15 of the 43 new Eagle Scouts were in attendance. They introduced themselves and identified their individual projects. Ms. Pottinger commended the Eagle Scouts for their contributions to the community. She thanked adult volunteers involved in the program including Joyce Johnson, Steve Montgomery, Andrew Hunt, Peter Wang, and Elvin Bucu.
- (b) Will Knedlik, representing the SR 520 Users Alliance, said he was impressed with the quality of Council's questions and comments during the earlier Study Session regarding the South Kirkland Park and Ride. He noted the importance of the facility in mitigating the adverse impacts of early tolling on SR 520 for Bellevue and Kirkland. He said that tolling will double the demand for parking spaces at the lot. He urged the Council to ask

staff to reassess the impact of the \$6.5 million federal grant in potentially restricting the full optimal use of the facility. Mr. Knedlik submitted his comments in writing.

- (c) Mike Murphy, Bellevue School District Board, thanked the Council and staff for their work on the budget and for preserving funding for the Bellevue Youth Link program.
- (d) Marv Peterson, President of the Meydenbauer Bay Neighbors Association, expressed support for Resolution No. 8182 adopting the Meydenbauer Bay Park and Land Use Plan, as presented for Council approval under Agenda Item 11(a). He thanked City Manager Steve Sarkozy for working with the community. Mr. Peterson thanked the Council for always being available to meet with residents on this project and its issues.
- (e) Iris Tocher, Co-Chair of the Meydenbauer Bay Park Steering Committee, expressed support for Resolution No. 8182.
- (f) Sharon Linton, Marketing and Communications Manager for Meydenbauer Center, described the work of Visit Bellevue Washington, a group of retailers, restaurants, cultural and arts organization, and hoteliers who have worked over the past year to help increase Bellevue's ability to attract visitors for leisure travel. Ms. Linton expressed support for the development of Bellevue's waterfront along Lake Washington. She encouraged adoption of the Meydenbauer Bay Park and Land Use Plan.
- (g) Hal Ferris noted that he is a member of the Meydenbauer Bay Steering Committee and the Chair of the Planning Commission. He stated his support for the Meydenbauer Bay Park and Land Use Plan. However, he explained that the Implementation Plan was not discussed by the Steering Committee, and he became aware of the plan the previous Friday.

Mr. Ferris expressed concern that there has been no opportunity for public comment on the Implementation Plan. It does not address the 53 homes at Bayvue Village Apartments that will be demolished, or relocation assistance for the residents. The apartments are affordable to individuals at 50-60 percent of area median income, and there is nothing in the plan about replacing this housing. Mr. Ferris suggested that the Meydenbauer Bay Park and Land Use Plan, if adopted, should address relocation assistance for tenants of Bayvue Village apartments, as well as the replacement of the affordable housing.

Mr. Ferris said that plans call for the apartments to be demolished and replaced with temporary parking and landscaping until the funding for the park plan is in place. He noted that this represents a loss of \$500,000 in gross revenue, and the temporary improvements add to the cost of the park plan. Mr. Ferris favors approval of the park Master Plan as recommended by the Steering Committee and Parks and Community Services Board. He asked the Council to allow revisions to the Implementation Plan through public input and staff support, for approval at a subsequent meeting.

- (h) Patrick Bannon, Vice President of Communications and Public Affairs for the Bellevue Downtown Association (BDA), expressed support for Resolution No. 8182.

- (i) Karen Williams, Housing Development Consortium (HDC), commended Bellevue for its commitment to affordable housing and urged the Council to not move backward on this issue. She asked the City to address the relocation of affordable housing displaced with the Meydenbauer Bay Park and Land Use Plan. She submitted her comments in writing.
- (j) Brian Parks, Vice President of the Phantom Lake Homeowners Association, described concerns regarding the frequency of flooding at Phantom Lake. He explained that the City has failed to compensate for the increased permitted inflow beyond capacity. He submitted his comments in writing, along with a table listing residents' concerns and the City's response on those issues.

Councilmember Degginger requested time during a future Study Session for a briefing on flooding issues at Phantom Lake. He thanked Mr. Parks for coming before the Council.

- (k) Terry Foulon expressed concern about a potential and unnecessary public health risk at Newcastle Beach Park. She explained that the Newcastle Beach Park stormwater initiative between the City and the Washington State Department of Transportation (WSDOT) would divert I-405 runoff to the small stream in the park. She said there are experts on record, as well as City staff, who have determined that diverting this runoff will expose beaches to heavy metals and other contaminants associated with highway runoff. Ms. Foulon said that The Watershed Company, which is familiar with Coal Creek, has stated that the amount of water to be diverted to Newcastle Beach Park from the Coal Creek Basin is not enough to help the flooding and sedimentation problems in Coal Creek.

City Manager Steve Sarkozy said staff will provide a report on this issue to the Council.

4. Reports of Community Council, Boards and Commissions

Faith Roland, Chair of Parks and Community Services Board, encouraged Council approval of the Meydenbauer Bay Park and Land Use Plan.

Deputy Mayor Lee thanked the Board and Steering Committee for their hard work on this effort.

5. Report of the City Manager

City Manager Steve Sarkozy commented on the recent heavy rainfall and flooding, and thanked staff for their hard work in responding to related issues.

Mr. Sarkozy reported that Jon Regalia, a City employee for 15 years, passed away after suffering a massive cerebral hemorrhage. He worked initially in the Utilities Department, and most recently in the Transportation Department where he received the 2008 Employee of the Year award. Mr. Regalia was 53 years old, and is survived by his wife and three children. He was well liked and respected by his co-workers, and he will be missed.

Deputy Mayor Lee offered his condolences to staff and Mr. Regalia's family.

Mr. Lee commended the City's crews for their hard work during the recent heavy rains.

6. Council Business and New Initiatives

Councilmember Balducci said she worked with Jon Regalia a few times as a member of her neighborhood association, and he was always happy to help. She was sorry to hear of his passing and offered her condolences.

Councilmember Wallace attended a meeting of the Eastside Transportation Partnership, where the topic of discussion was the Regional Transit Task Force.

Councilmember Degginger attended the elected officials reception hosted by the Greater Seattle Chamber of Commerce, the City Club's year-end review, and Meydenbauer Convention Center's Annual Board Meeting.

Councilmember Chelminiak attended the Seattle Chamber reception, King County Council holiday party, and holiday functions held by the Human Services Commission and the Parks and Community Services Board. Mr. Chelminiak said the Human Services Commission sends its appreciation to the Council for approving the increased recession impact funding. He reported on the receipt of four hats from the Anonymous Knitters and thanked them for the gift, noting that he will wear hats for some time as he continues to heal.

Councilmember Robertson attended the holiday parties held by the Human Services Commission and the Parks Board, the Bellevue Philharmonic Orchestra fundraiser, and a Special Olympics fundraiser. She attended a meeting of the Growth Management Planning Council.

Deputy Mayor Lee noted that the Mayor is recovering from hip surgery. Mr. Lee reported on an Indian entrepreneurs technical summit held at City Hall

7. Approval of the Agenda

→ Councilmember Robertson moved to approve the agenda, and Councilmember Chelminiak seconded the motion.

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

8. Consent Calendar

Deputy Mayor Lee requested that Agenda Item 8(a) be pulled from the Consent Calendar.

Councilmember Wallace requested that Agenda Item 8(c) be pulled from the Consent Calendar.

Items for Discussion:

- (a) Ordinance No. 5986 increasing the registration fee for businesses; amending Bellevue City Code Section 4.03.030; and establishing an effective date.

Deputy Mayor Lee noted that the ordinance increases the registration fee for businesses.

Responding to Councilmember Chelminiak, City Manager Sarkozy confirmed that this is a one-time fee applicable to new businesses only.

Councilmember Wallace commented that the fee reflects the cost of administering new business applications. He feels it is generally received by the business community as a reasonable cost.

→ Councilmember Degginger moved to adopt Ordinance No. 5986, and Councilmember Robertson seconded motion.

Deputy Mayor Lee asked about tracking businesses in Bellevue, and suggested that a separate annual fee would assist in maintaining an up-to-date list of businesses.

Mr. Sarkozy noted a comparison of business license fees for a number of jurisdictions on page 8-3 of the meeting packet.

Bob Derrick, Office of Economic Development, explained that the City uses several sources to gather information on businesses. However, none are as complete as the data that would be collected on an annual basis from all businesses through the administration of an annual fee, which was discussed with the Council on November 1. Annual license revenues would provide funding to maintain data and to conduct surveys to collect information. Mr. Derrick clarified that Ordinance No. 5986 establishes a new one-time business fee.

Responding to Councilmember Balducci, Mr. Derrick confirmed that the fee was included in the Budget adopted last week. However, this ordinance to adjust the fee was not ready for presentation to the Council at that time.

→ The motion to adopt Ordinance No. 5986 carried by a vote of 7-0.

- (c) Resolution No. 8173 adopting the City's State Legislative Agenda and State Legislative Statement of Policy for the 2011 legislative session.

Councilmember Wallace suggested amendments to the Authorizing Express Toll Lanes on I-405 section of the 2011 State Legislative Agenda:

- First paragraph: "In the absence of ~~new~~ adequate state gas tax revenue in the immediate future, Bellevue supports moving forward with Phase 1 of the express toll lanes on I-405 in 2011, to generate preliminary revenue to support implementation of the master plan and improve the performance of the system, ~~with on~~ with on the following ~~issues addressed~~ conditions:"

Responding to Councilmember Degginger, Mr. Wallace said his intention is to state that Bellevue's support is based on all of the conditions being met.

Councilmember Degginger said he is more comfortable with the wording as presented. He observed that there will likely be several versions of the bill. The Council will be briefed along the way and have the opportunity to address specific issues.

Diane Carlson, Director of Intergovernmental Relations, concurred and noted that it is unlikely that Bellevue would be able to get every issue addressed.

Councilmember Balducci suggested language indicating support for moving forward with Phase 1 "subject to the following issues being addressed," instead of stating the issues as conditions. If there is a bill that does not address the Bellevue's concerns, she expects staff to check back with the Council to determine ongoing support. She suggested deleting the statement about the consideration and analysis of a phased approach for 2+ to 3+ occupancy implementation in the express toll lanes.

Councilmember Degginger said the latter subject was discussed at length at the last executive advisory group meeting, and there was a general consensus among the jurisdictions along the corridor that some type of phasing approach and outreach need to be developed.

Mr. Wallace said he accepts Ms. Balducci's suggestion regarding the language introducing the list of issues and concerns.

Councilmember Wallace suggested revising the fourth bullet point as follows: Traffic diversion associated with Phase 1 will be minimized and the state ~~will work to~~ should mitigate negative impacts to local streets caused by express toll lane implementation.

Deputy Mayor Lee noted a Council consensus in favor of the "subject to the following issues being addressed" language proposed by Ms. Balducci, and the last suggestion by Mr. Wallace regarding the mitigation of impacts. There was a consensus to leave the word "new" (instead of changing to "adequate") in referring to state gas tax revenue, and to keep the statement regarding 2+ or 3+ toll lane occupancy as written.

- Councilmember Robertson moved to approve Resolution No. 8173, as amended by Councilmembers Balducci and Wallace. Councilmember Wallace seconded the motion.
- The motion to approve Resolution No. 8173, as amended, carried by a vote of 7-0.

The City Clerk noted that the Council did not take initial action on the overall Consent Calendar.

- Councilmember Robertson moved to approve the Consent Calendar, as amended. Councilmember Chelminiak 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:

- (b) Resolution No. 8172 authorizing execution of the ORCA agreement with King County, in an amount not to exceed \$263,587.96, for the purchase and distribution of the annual 2011 ORCA cards to City employees.
- (d) Resolution No. 8174 authorizing execution of a General Services Contract up to four years with Canber Corporation, in an amount not to exceed \$184,945.56, for landscaping services at ten Fire Station sites.
- (e) Resolution No. 8175 authorizing execution of an administrative services agreement with Premera Blue Cross as Third Party Administrator to administer the City's self-insured medical and prescription drug benefit programs for 2011.
- (f) Resolution No. 8176 authorizing execution of an agreement with the Boys and 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.
- (g) Parks Landscape Services Contracts

Resolution No. 8177 authorizing execution of a General Services Contract with Northwest Landscape Services, in an amount not to exceed \$28,731.09, for landscaping services at various Resource Management sites.

Resolution No. 8178 authorizing execution of a General Services Contract with Osaka Gardens, in an amount not to exceed \$47,041.20, for landscaping services at various Resource Management sites.

Resolution No. 8179 authorizing execution of a General Services Contract with Signature Landscape Services, in an amount not to exceed \$111,874.22, for landscaping services at various Resource Management sites.
- (h) Resolution No. 8180 authorizing execution of agreements to relinquish six sidewalk, utilities, landscaping, lighting, and slope easements owned by the city, which are no longer needed by the City and are identified by recording numbers 8909061129, 9204171913, and 9710280988.
- (i) Motion to award Bid No. 10324, 162nd Avenue SE/Main Street and 164th Avenue SE/SE 12th Street Traffic Improvement, to Sanders General Construction, in the amount of \$123,513.40, as lowest responsible and responsive bidder (CIP Plan Nos. PW-M-1 and PW-M-7).
- (j) Motion to award Bid No. 10280 for PRV Replacement 2010, Phase 2, to Bonner Brothers Construction, Inc., in an amount not to exceed \$405,943.88, as lowest responsible and responsive bidder (CIP Plan No. W-67).
- (k) Resolution No. 8181 authorizing the City of Bellevue Employees' Benefits Plan

Committee (MEBT Plan Committee Chair) to execute the third amendment effective January 1, 2011 to the City of Bellevue Employees' Retirement Benefit Plan to maintain the 2010 contribution and deferral limits.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 8182 adopting the Meydenbauer Bay Park and Land Use Plan as recommended by the Steering Committee and Parks & Community Services Board, and incorporating Implementation Principles.

City Manager Steve Sarkozy opened discussion regarding the Meydenbauer Bay Park and Land Use Plan, as recommended by the Steering Committee and Parks & Community Services Board.

Patrick Foran, Parks and Community Services Director, provided a presentation of the Meydenbauer Bay Park and Land Use Plan, which is recommended for adoption by the Steering Committee and Parks and Community Services Board. He reviewed the planning principles, which include a memorable shoreline experience, pedestrian focus, economic vitality, environmental stewardship, history, and complementary land use. The Steering Committee was appointed by the Council and began its work in March 2007. The committee's recommendation was issued in February 2010, and the Parks Board presented its recommendation to the Council in June.

Mr. Foran briefly reviewed key components of the Master Plan, which keeps 100th Avenue SE open to traffic with a strong pedestrian orientation and a gateway to the park. He noted that the full list of Master Plan implementation principles is included in the meeting packet. The plan recommends that 100th Avenue SE be developed in such a way as to highlight the historical nature of the road. The park will be developed in phases, as they are approved by the Council and as funding is available. Mr. Foran described the development phases and estimated costs.

Councilmember Robertson complimented everyone involved in the planning and public involvement process. She noted the many meetings of the Steering Committee and the extensive review by the Parks and Community Services Board. [Approved as amended on February 7, 2011.] She feels that continued public outreach will be important to the implementation of the Master Plan. Ms. Robertson noted comments tonight encouraging the retention of affordable housing, and said that she expects this will be a topic for further discussion.

→ Councilmember Robertson moved to approve Resolution No. 8182, and Councilmember Degginger seconded the motion.

Councilmember Degginger thanked City Councils past and present for their vision of developing Meydenbauer Bay Park. He thanked the Steering Committee for its focus and hard work, and the neighborhoods for their involvement and input. Mr. Degginger supports the Master Plan.

Deputy Mayor Lee said he is pleased to share this happy event with the community.

Councilmember Chelminiak added his thanks and said he is pleased with the conclusion. He noted that implementation of the plan will take a long time, but it will result in a first-class park. He noted the importance of continuing to work with the neighbors into the future.

Councilmember Balducci expressed support for the Master Plan, noting that persistence paid off. She praised the Steering Committee for sticking to its principles and representing the community well. She observed that the plan provides an effective transition between the urban downtown, residential areas, and waterfront park.

Councilmember Wallace stated his support for the plan, noting that this is how municipal government should work. He applauded everyone's hard work on this project. Mr. Wallace thanked the Lagen family for granting a life estate interest in their property to enable an important piece of the park to go forward.

Mayor Davidson added his support for the recommended Master Plan, and noted his appreciation for the Lagen family as well. He thanked staff, the Steering Committee, and residents for their hard work and commitment.

Deputy Mayor Lee thanked the Steering Committee and Parks and Community Services Board for their work, and citizens for their involvement. He concurred with Mr. Wallace that this process reflects how local government should work. He praised residents for their vision and ability to work with the City to achieve a desired result, noting that the Council is responsive to the community's interests. Mr. Lee noted the City's acquisition of properties over many years, without an increase in the property tax, to fulfill the vision for a park on Meydenbauer Bay.

→ The motion to approve Resolution No. 8182 carried by a vote of 7-0.

Councilmember Balducci asked that the Council address the City-owned Bayvue Village Apartments and affordable housing as a separate and important issue.

12. Unfinished Business

→ Councilmember Wallace moved to defer discussion of the East Link light rail work plan until the January 3 Study Session, and Councilmember Degginger seconded motion.

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

Councilmember Chelminiak requested more information from staff about the work plan, and noted his specific interest in the station planning elements of the plan.

Councilmember Robertson requested more information on noise issues and related code amendments.

→ Councilmember Balducci moved to extend the meeting until 10:30 p.m. for the Executive Session. Councilmember Robertson seconded the motion.

→ The motion to extend the meeting carried by a vote of 7-0.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session

At 9:56 p.m., Deputy Mayor Lee declared recess to Executive Session for approximately 20 minutes to discuss two items of potential litigation.

[Mayor Davidson did not participate in the Executive Session.]

The Executive Session was concluded at 10:12 p.m.

16. Adjournment

At 10:12 p.m., Deputy Mayor Lee declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw