

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

January 3, 2012
6:00 p.m.

Council Conference Room
Bellevue, Washington

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

ABSENT: None.

1. Swearing in of Councilmember for Position No. 1

Temporary Chair Conrad Lee called the meeting to order at 6:03 p.m. in Council Chambers. He recalled that Councilmembers Balducci, Chelminiak and Robertson were sworn in on December 12. However, the race for Council Position 1 was the subject of a mandatory recount at that time.

Mr. Lee introduced King County District Court Judge Janet Garrow, who administered the oath of office to Councilmember Stokes. Mr. Stokes signed the oath and took his seat at the dais.

At 6:07 p.m., Mr. Lee suggested a brief recess to allow photographs and greetings. He announced that the meeting would reconvene in the Council Conference Room.

2. Election of Mayor

The meeting resumed at 6:19 p.m.

Temporary Chair Lee reviewed the rules for selecting the Mayor and Deputy Mayor to two-year terms. Mr. Lee explained that the Mayor acts as the City Council's presiding officer, represents the City in a number of forums, and performs a ceremonial role on behalf of the City.

Councilmember Wallace nominated Councilmember Lee to serve as Mayor. There were no further nominations.

Mr. Lee was elected to serve as Mayor by a vote of 7-0.

Responding to Mr. Lee, the City Clerk confirmed the election of the Mayor by a vote of 7-0.

3. Election of Deputy Mayor

Mayor Lee called for nominations for Deputy Mayor. Councilmember Wallace nominated Councilmember Robertson to serve as Deputy Mayor.

Seeing no further nominations, Mayor Lee called for a vote on the nomination. Ms. Robertson was elected to serve as Deputy Mayor by a vote of 7-0. Again, the City Clerk confirmed a unanimous vote of 7-0.

Mayor Lee expressed appreciation to Bellevue citizens for electing him to serve five terms on the City Council. He is honored to be selected to serve as Mayor, and looks forward to continuing to work with his fellow Councilmembers, ~~and~~ the community, and dedicated City staff.¹

Deputy Mayor Robertson thanked the Council and said she looks forward to serving with Mayor Lee and continuing to work for Bellevue citizens. She noted that Bellevue has now elected its first Asian-American Mayor.

Councilmember Wallace thanked Councilmember Davidson for his service as Mayor, and for his leadership through difficult issues during the past two years.

4. Executive Session

At 6:27 p.m., Mayor Lee declared recess to Executive Session for approximately 30 minutes to discuss one item of property acquisition. He noted that the Study Session would resume in the Council Conference Room, and the Regular Session would begin at 8:00 p.m. in Council Chambers.

5. Study Session

- (a) Update on the proposed draft National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit (2013-2018) and draft 2012 Ecology Stormwater Management Manual

The meeting resumed at 7:33 p.m., with Mayor Lee presiding.

City Manager Steve Sarkozy introduced discussion regarding the proposed draft National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit (2013-2018) and the draft Stormwater Management Manual for Western Washington. The NPDES permit falls under federal Clean Water Act regulations for municipal stormwater systems, and the Washington State Department of Ecology has published the stormwater management manual.

Utilities Director Nav Otal recalled that the City's NPDES II permit has been in effect since 2007. She explained that the purpose of tonight's agenda item is to review the proposed 2013-

¹ Approved by the City Council, as amended, on January 17, 2012.

2018 NPDES permit and the 2012 Department of Ecology Stormwater Management Manual for Western Washington.

Ms. Otal reported that the current NPDES permit term was extended by the state legislature to August 2013, and a cost-effective regional monitoring program option is included in the draft permit. However, the draft permit does not include the previously proposed watershed-scale stormwater planning condition, which could mean the loss of local control.

Ms. Otal said that staff has a number of concerns about the draft Stormwater Management Manual and the public review process related to the new manual and permit. The current manual is incomplete, and key documents (e.g., Low Impact Development technical guidance document) are not yet available. The State has not conducted a cost-benefit analysis of the draft manual or permit, and the City has been given a very short time period to review lengthy, complex technical documents.

The City has been asked to review the manual and permit concurrently. Ms. Otal said the conditions of the manual inform the permit, and ordinarily a municipality would have several months to review and provide comments on the manual before reviewing the permit. The City has requested an extension of the current permit to early 2015 to allow sufficient time for analysis and a comprehensive review of the documents.

Ms. Otal said that the proposed permit conditions provide new Low Impact Development (LID) stormwater best management practices (BMPs), LID principles, a new monitoring program, and new requirements for municipal operations and maintenance programs. Ms. Otal introduced the City's consultant, Robin Kirschbaum, a civil engineer and stormwater management expert with HDR Engineering.

Ms. Kirschbaum described the new LID stormwater best management practices requirements. New requirements affect all projects with more than 2,000 square feet of hard surface. More geotechnical evaluation is required, and there are prescriptive or demonstrable performance options. Prescriptive refers to a list of best management practices to select from, or a developer may use any BMP he or she chooses if they can demonstrate that certain outcomes are achieved.

Ms. Kirschbaum described the low impact development requirements for small and large projects. Examples of best management practices include roof downspout controls, permeable pavement to the maximum extent feasible, partial dispersion for water runoff, rain gardens, and vegetated roofs. She noted a requirement for vegetated roofs on all large commercial projects.

Responding to Councilmember Wallace, Ms. Kirschbaum said that "maximum extent feasible" is defined in the State's manual. However, policy direction will refine the City's requirements.

Ms. Kirschbaum reviewed key considerations related to the cost impact analysis. The new permit and manual are draft and incomplete. The geotechnical evaluation requirements are not yet finalized, and the Department of Ecology has not yet performed its own cost impact analysis. The requirements do not take into consideration the increased time and cost of additional pre-

design work, monitoring, and inspection. The cost impacts will depend on Bellevue's policies and codes and on a site's suitability for low impact development.

At 7:50 p.m., Mayor Lee noted the short time remaining before the Regular Session.

Ms. Kirschbaum skipped forward to the slide entitled Summary of Potential Changes in Stormwater Costs, which provides ranges of estimated cost impacts for different types of development (e.g., residential, transportation, commercial).

Ms. Kirschbaum summarized that low impact development best management practices sometimes work, but sometimes they do not. She noted that the feasibility of BMPs depends on specific site conditions. Staff and the consultant continue to work to define Bellevue's policies with regard to the State's new requirements.

Ms. Otal reported that the new LID principles direct local governments to develop land use strategies to minimize hard surfaces, vegetation loss and stormwater runoff. The City must revise its applicable regulations by December 2016 to require LID principles in land use regulations. Ms. Otal said that this work represents a significant process in terms of time and resources. The LID principles take priority over certain other mandates and state laws, limit local discretion and flexibility, and could increase the risk of potential litigation.

The LID principles require a formal monitoring program through either a regional monitoring effort or independent monitoring approved by the Department of Ecology. Ms. Otal said staff recommends participation in the regional monitoring effort. She noted that new requirements for municipal operations and maintenance programs are unclear, and City staff is working with the State to clarify these requirements. Ms. Otal noted the potential for significant cost increases.

Ms. Otal reviewed the next steps in the process. Staff is seeking Council input regarding the draft permit and draft manual, and will submit comments to the Department of Ecology by February 3. Staff is working for a legislative extension of the current permit to 2015 as well as grant funding for the implementation of the regulations.

Responding to Councilmember Davidson, Ms. Otal said the process does not involve the Environmental Services Commission.

Dr. Davidson suggested that a delay is in order, and he anticipates that other local governments share this perspective. Dr. Davidson observed that the Council will want to discuss the technical issues to some extent, and he believes a review by the ESC would be beneficial.

Responding to Mayor Lee, Ms. Otal said the City is seeking greater clarity from the Department of Ecology. The DOE has not conducted a cost impact analysis. Mr. Lee said that the City needs to know the costs related to the regulations.

Ms. Kirschbaum acknowledged that there will be additional costs for developers as well as additional costs for the City including staffing, public outreach and education, staff training, and monitoring.

Deputy Mayor Robertson requested continuing this discussion in the Regular Session or the following week. Mr. Wallace concurred.

Mayor Lee noted a light agenda and suggested continuing in the Regular Session.

At 8:00 p.m., Mayor Lee declared recess to the Regular Session.

Myrna L. Basich, MMC
City Clerk

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