

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Study Session

September 7, 2010  
6:00 p.m.

Council Conference Room  
Bellevue, Washington

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

ABSENT: None.

1. Executive Session

The meeting was called to order at 6:02 p.m., with Mayor Davidson presiding. There was no Executive Session.

2. Study Session

- (a) Proposed Amendments to the Water Utility Code, Sewer Utility Code, Utilities Service Charge Relief Code, and related changes to the Civil Violations Code

City Manager Steve Sarkozy opened discussion regarding proposed amendments to the Water Utility Code, Sewer Utility Code, Utilities Service Charge Relief Code, and Civil Violations Code. Staff plans to bring the Code amendments back for final adoption on September 20, and discussion may continue to next week's meeting if needed.

Pam Maloney, Utilities Planning Manager, introduced Lacey Madche from the City Attorney's Office, who was available to answer questions.

Ms. Maloney explained that the Code updates focus on inconsistencies between changes in related sections of the City Code and in state law. The last major update to the Water and Sewer Codes was 1995. The Storm and Surface Water Code was updated in 2009 for compliance with NPDES (National Pollutant Discharge Elimination System) permit requirements.

Ms. Maloney described four substantive changes proposed by staff. The first proposed change clarifies that charges for water used by adjacent water systems are based on the current rate structure, and not the rate that was in place when the interconnection agreement was established.

The second proposed change is to the sewer code to extend the life of side sewer permits to two years from the date of issuance, and to allow an additional extension of up to one year. Ms. Maloney noted that this will make the permit terms consistent with other construction permits. This is an efficiency measure for both the applicants and staff.

Ms. Maloney explained that the third proposed change is to increase the maximum length of the effective date of latecomer agreements from 15 years to 20 years, as allowed by a 2009 change in state law. The consequence is that developers can be reimbursed by other properties that benefit from the system extensions for a longer period of time.

The fourth proposed change is to treat violations of the Water and Sewer Codes with enforcement procedures that are similar to the Storm Code (adopted in 2009), with provisions for emergency corrective actions, and for civil monetary penalties. Ms. Maloney said that this change achieves consistency between enforcement procedures for the three Utility Codes, and provides a significant deterrent for compliance issues that threaten life and safety or cause ongoing impacts to the public infrastructure.

Ms. Maloney reviewed the public outreach conducted with regard to the proposed Code changes. The Environmental Services Commission passed a motion concurring with the recommended Code amendments and recommending Council approval.

Responding to Mayor Davidson, Ms. Maloney said Bellevue starts charging connection charges at the time of the connection.

Responding to Deputy Mayor Lee, Ms. Maloney said the two private water systems, Hilltop and Trails End, each have their own private water supply but they are interconnected with Bellevue's system to access water if needed in an emergency. In further response, Ms. Maloney said the two systems have been paying \$15 per day, and that will increase to approximately \$36 per day.

Councilmember Balducci thanked staff for the thorough information on the Code changes. Responding to Ms. Balducci, Ms. Maloney confirmed that Bellefield Office Park and Factoria Mall have private water systems. In further response to Ms. Balducci, Ms. Maloney explained that if a developer finances water and sewer infrastructure, properties that are subsequently developed and that utilize the infrastructure will pay a latecomer's fee through an agreement with the original developer. In further response, Ms. Madche commented on the flexibility in the Code to allow harsher enforcement methods for certain types of violations.

Councilmember Robertson referred to page 2-11 of the packet, and noted a deletion from the Water Code regarding promoting the health, safety and welfare of the general public. She noted that staff did not make the same change to the Sewer Code. Ms. Madche said that the deletion was probably unintentional, or that perhaps she moved the language to a different section of the Code. She will review it to ensure the language is included.

Councilmember Robertson noted that the definition of irrigation systems (Page SS 2-15 of the packet) refers to “any means of applying water to landscaped areas.” She suggested that this could include watering cans and suggested that staff review the language to reconsider its intent.

In further response to Ms. Robertson, Ms. Madche said that generally franchise agreements reimburse the City for any relocations of utilities that might be required related to franchise activities. Ms. Madche will review the Code language to ensure that the City is not responsible for such costs, with or without a franchise agreement.

Councilmember Robertson referred to page SS 2-34 of the meeting packet and language that broadens the City’s right of entry related to inspections. She expressed concern that a postcard could be sent to a resident and if they do not respond, the City can enter their property. Ms. Madche said that state law does not specifically prevent the City from using this procedure. However, the method is generally used only in the construction of a public works project. Ms. Robertson expressed concern that the language is not more specific, and asked staff to consider revising the Code language.

Responding to Councilmember Degginger, Ms. Madche said that the right of entry provision is typically applied in situations in which the relocation of utilities is desired by a developer or property owner.

Responding to Ms. Maloney, Mayor Davidson noted a Council consensus to place the proposed Code changes on the September 20 Consent Calendar [Regular Session, Agenda Item 8].

Ms. Madche will email Councilmembers with answers and additional information requested this evening.

- (b) Discussion regarding SR 520 Eastside Transit and HOV Project Interlocal Agreements with the Washington State Department of Transportation

Mr. Sarkozy opened discussion regarding the SR 520 Eastside Transit and HOV Project Interlocal Agreements with the Washington State Department of Transportation.

Dave Berg, Deputy Director of Transportation reported that WSDOT is moving quickly into the design-build phase of the project. The related agreements are patterned after previous agreements between the City and WSDOT.

Rick Logwood, Capital Projects Manager, described the SR 520 program, which includes four projects: 1) SR 520 bridge replacement and HOV project between I-5 and Medina; 2) Medina to SR 202, Eastside Transit and HOV project; 3) Lake Washington Congestion Management Project, and 4) Pontoon construction project. He noted the schedule, which indicates that a contract is to be awarded on October 25, 2010.

Mr. Logwood described specific features of the SR 520 Eastside transit and HOV project including three lids, two transit stops, an interchange reconfiguration, and local and regional

trail. He described HOV direct access at Bellevue Way and 108<sup>th</sup> Avenue NE. He noted that HOV lanes along the entire SR 520 project will be moved from the outside to inside lanes.

Mr. Logwood described the fish passable culverts and stream enhancements, and other elements of the 108<sup>th</sup> Avenue NE and Bellevue Way project.

Mr. Logwood reviewed the proposed interlocal agreements. GCA 6493 is a cooperative agreement for the design and construction of the project. GCA 6494 is an agreement for a project coordinator. GCA 6525 is a cooperative agreement for the City to procure, assemble, test and provide for WSDOT six traffic control units, which will be operated by the City. GM Agreement 1363 is an existing Signal Maintenance and Operations Agreement. UTO1490 is a Utility Construction Agreement providing for WSDOT and their design-build contractor to relocate, adjust, and modify certain water and wastewater utilities. Mr. Logwood noted estimated costs, saying that actual costs may vary depending on potential changes as construction progresses.

Responding to Deputy Mayor Lee, Mr. Logwood said the City's estimated reimbursement to WSDOT for utilities work is based on an analysis by the legal department that these are the appropriate City responsibilities.

Councilmember Wallace questioned whether and how much tax revenue might be generated by this project for the City's benefit. Mr. Logwood said he believes that certain taxes for the construction of the SR 520 project are deferred by state law. Mr. Wallace questioned how sales and business and occupation (B&O) taxes are handled for the project. Mr. Logwood said he will provide more information on this issue.

Responding to Deputy Mayor Lee, Regan Sidie, Engineering Manager, said the City's reimbursement to WSDOT for utilities work will be covered by Capital Investment Program (CIP) funds.

Councilmember Degginger observed that those working on the project have been aware for some time about the utility construction agreement and the expectation that the City will reimburse costs. Mr. Sidie confirmed this understanding. Councilmember Degginger spoke to the significant coordination between WSDOT and all of the cities that link to SR 520 with regard to utilities, amenities, environmental features, and the lids.

Responding to Mayor Davidson, Mr. Berg confirmed that the west side of the project has a large budget gap of approximately \$2 billion. It is therefore hard to know the future impact on tolling and other funding sources at this point.

Councilmember Degginger recalled that the state legislature approved moving forward with the east side portion of the project, despite the budget constraints for the west side of the lake.

Deputy Mayor Lee commended the environmental improvements included in the project, including fish passage facilities.

Mr. Sarkozy summarized that we should continue to monitor the project timetable and to keep the neighborhoods informed about plans and impacts.

Continuing, Mr. Logwood reviewed the remaining project schedule. He noted that the timing of fish passage enhancements and storm water improvements is not yet scheduled by the State, pending refinements to the construction schedule. He described elements of the HOV direct access project at the interchange of Bellevue Way and 108<sup>th</sup> Avenue NE.

Responding to Mayor Davidson, Mr. Logwood said the intersections associated with the Bellevue Way and 108<sup>th</sup> Avenue NE interchange will continue to be the City's intersections. The State is funding the improvements, and will convey the right-of-way that they acquire for the modifications to the City.

Mr. Logwood continued to describe the project, and responded to questions of clarification.

Councilmember Wallace asked about level of service projections for the intersections involved in the Bellevue Way and 108<sup>th</sup> Avenue NE project area. Mr. Logwood noted that service levels will improve at least somewhat and said he will provide more information to the Council.

3. Council Business [Regular Session Agenda Item 6]

Mr. Chelminiak attended meetings of the Economic Development District, Mental Illness and Drug Dependency Oversight Committee, and LEOFF I Disability Board.

Councilmember Robertson commented on a news item about a freight rail company that is seeking to operate between Woodinville and Redmond. She would like to see both rails and trails in the BNSF corridor. She encouraged the City Manager to talk to others in the region on this issue.

Ms. Robertson congratulated staff on receiving a grant for the new SCATS traffic adaptive signal system [Regular Session Agenda Item 8(g)]. She said she is going to start having office hours at City Hall on Monday and Friday mornings beginning in October.

Deputy Mayor Lee attended a Buddhist cultural event at Meydenbauer Center, the India Independence Celebration at Crossroads, and a Muslim event in Redmond. He met with representatives of a local Hindu cultural club, and participated in a tour of Overlake Hospital Medical Center.

Councilmember Degginger attended two meetings of the Regional Transit Task Force and a meeting of the Eastside Transportation Partnership. He attended a meeting of the stakeholders group for the electrical reliability work by the City's consultants.

Councilmember Wallace attended the Eastside Transportation Partnership meeting. He met recently with Judy Bushnell, a former Bellevue School Board member, and retired Fire Chief Mario Trevino.

Councilmember Balducci attended meetings of the Sound Transit Board capital committee and the Sound Transit Board. She attended the Lake Hills Neighborhood Association's Blueberry Festival and an open house at the new Lake Hills Library. She attended a luncheon sponsored by the Transportation Choices Coalition, in which the Washington State Transportation Commission gave a presentation on its 20-year plan. Ms. Balducci noted that the Commission's outreach process listed a series of public listening sessions, and none of them are in Central Puget Sound.

Mayor Davidson said he spent time in the hospital and recovering, which allowed him to view a number of regional government/policy meetings on TV and to review Council-related reading materials. He reviewed the report on the environmental ecosystem related to Sound Transit light rail, which included a statement that the DEIS did not adequately describe wetlands.

Mayor Davidson expressed concern that reports by the City's four consultants concluded that the East Link DEIS does not provide enough information on the B7 alignment to evaluate it. He requested an agenda item for next week's Extended Study Session to further discuss how to gain information about B7. Dr. Davidson read statements from the consultant reports indicating that the Segment B alternatives cannot be compared because there is an insufficient level of design for option B7.

Councilmember Balducci would like staff to prepare a chart of quotes from reports and presentations at both the City Council and Sound Transit that relate to the adequacy of the information available about B7 from the City's consultant studies.

Councilmember Wallace added that the discussion needs to include Segment C as well. He noted issues with Sound Transit's preferred alternative along Main Street. He would like the opportunity to consider NE 2<sup>nd</sup> Street and other modifications which appear to reduce costs and potentially mitigate impacts better. Mr. Wallace said he would like to get away from discussing the B7 and the DEIS, because there are new alternatives including the A2 station in South Bellevue. He suggested that the topic for discussion at next week's meeting should be about working towards a goal that works for both the City and Sound Transit.

Responding to Councilmember Degginger, Mayor Davidson said the discussion will address the B7 alignment and the possibility of another study to advance design on this option. Dr. Davidson would like a higher level of design that will enable the consultants to make meaningful judgments and comparisons of the alternatives. In further response, Mayor Davidson said that Segment C will have to be discussed in terms of how it interfaces with Segment B.

Councilmember Degginger asked staff to provide a copy of the Resolution approved by the Council to authorize funding for the studies that were just received by the City.

Councilmember Balducci requested a full accounting of monies spent so far for studies by the City's consultants.

Responding to Mayor Davidson, City Clerk Myrna Basich reviewed the agenda items for next week's meeting including the bond sale, Wilburton Connections LID formation analysis, Neighborhood Enhancement Program, and red light cameras.

Mr. Sarkozy suggested that items can be moved forward as needed to accommodate the light rail discussion. Responding to Councilmember Degginger, Mr. Sarkozy said he will present staff's preliminary budget to the Council on September 27.

Councilmember Chelminiak commented that the Council's budget retreat went very well, and he is eager to get back to talking about the budget. Mr. Sarkozy noted that the budget presentation is occurring one month earlier than in previous years. Mr. Chelminiak said it would have been helpful to have a follow-up discussion with staff after the August 4 budget retreat and before the presentation of the City Manager's preliminary budget.

Continuing his report on Council-related activities, Mayor Davidson said he took a tour of Bellevue with King County Executive Dow Constantine, which included stops related to transportation projects, human services, and County-owned property. Mayor Davidson met with an economic development specialist who was visiting from Tokyo.

At 7:59 p.m., Mayor Davidson declared recess to the Regular Session.

Myrna L. Basich, MMC  
City Clerk

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