

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

March 5, 2018
8:00 PM

Council Chamber
Bellevue, Washington

PRESENT: Mayor Chelminiak, Deputy Mayor Robinson, and Councilmembers Lee, Nieuwenhuis, Robertson, Stokes, and Zahn

ABSENT: None.

1. Call to Order

Mayor Chelminiak called the meeting to order at 8:05 p.m.

2. Roll Call, Flag Salute

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

3. Approval of Agenda

→ Deputy Mayor Robinson moved to approve the agenda, and Councilmember Lee seconded the motion.

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

4. Communications: Written and Oral

(a) Aaron Meyer, Temple De Hirsch Sinai, thanked the Council for their work to establish a permanent homeless shelter in Bellevue. He believes the presence of a shelter will make the community safer while providing help to those in need. He said Congregations for the Homeless is doing a great job operating the interim shelter, and the permanent shelter will provide expanded access to the social services needed to transition out of homelessness.

(b) Gordon Wilson thanked the Council for working to develop a permanent men's homeless shelter and noted that he is optimistic about the process outlined during the earlier Study

Session. He encouraged the City to base the decision on reasonable criteria and not on politics or who protests the loudest. He said it is always difficult to site a shelter, and he encouraged the City to establish a process and objective criteria. Mr. Wilson said Congregations for the Homeless is a reliable partner for the shelter and is successful in moving individuals out of homelessness.

- (c) Alan Deuterma, Imagine Housing, thanked the City for its support of affordable housing through the Housing Trust Fund and the work of A Regional Coalition for Housing (ARCH). He said Imagine Housing will be able to develop 130 new affordable apartments, as well as 130 market-rate units, with the Esterra Park project in Redmond [Agenda Item 11(e)]. The complex will have a YMCA child care center with affordable care for low-income residents and the broader community. Over the past 30 years, Imagine Housing has helped to develop 576 permanently affordable homes for Eastside residents. Mr. Deuterma thanked the Council for moving the shelter Land Use Code Amendment (LUCA) process forward.
- (d) Karina O'Malley, a Kirkland resident, said she serves on the Board for The Sophia Way, a women's shelter and day center in Bellevue. She thanked the City for its support of ARCH, including the Catholic Community Services family and women's shelter to open in Kirkland [Agenda Item 11(b)].
- (e) Beth Pearson, King County Housing Authority, spoke in support of ARCH's funding recommendations, including the KCHA Trailhead Apartments project in Issaquah adjacent to the transit center [Agenda Item 11(d)]. The project will create 155 units of workforce housing and 200 units of market-rate housing for a range of income levels. She thanked the City for its longtime partnership with ARCH.
- (f) Bill Hallerman, Catholic Community Services, spoke in support of the ARCH recommendations for the Kirkland family and women's shelter and day center [Agenda Item 11(b)].
- (g) Michael VanVleet, representing Tent City 4, spoke in support of Resolution No. 9382, which authorizes an agreement with Congregations for the Homeless for men's group homes [Agenda Item 11(c)]. He thanked the City for its continued support of the homeless.
- (h) Lisa Leitner questioned whether there will be an alternative for providing input regarding the shelter topic for individuals who do not have internet access to the online survey. She questioned whether it will be possible for people to save their responses if they need to complete the survey in more than one session. She asked whether individuals will be able to edit their responses and whether the survey will identify if someone is a Bellevue resident.
- (i) Heidi Dean observed that the social media training for the Council during the earlier Study Session is timely. She noted a recent situation involving a Council member from a neighboring community who commented on social media, which raised the question

about whether Councilmembers fall under the public agency umbrella when communicating on social media. Ms. Dean said the individual indicated that they are registered on Nextdoor with their government email address. Ms. Dean said that means the information is being collected by the local government, which violates Nextdoor's guidelines and privacy policy. She said elected officials should participate as individuals, according to Nextdoor's policies. On another topic, Ms. Dean noted the rezone underway at the Newport Hills Shopping Center and requested improved signage. She said one of the two signs fell down and the other is posted on the side of a building that is not easily visible.

- (j) Kara Durbin, Puget Sound Energy (PSE), said the Energize Eastside project Environmental Impact Statement (EIS) affirms that the project can be safely built and operated. She said PSE appreciates the analysis conducted by the partner cities on the EIS team (i.e., Bellevue, Kirkland, Newcastle, Redmond, and Renton) as well as the 1,000 comments from the public. She said applications for the transmission line have been submitted in Bellevue, Newcastle, and Renton. An additional application has been submitted to Bellevue for the Richards Creek substation. The next applications to be submitted will be for the northern portion of the project in Bellevue and Redmond.
- (k) Nia Lanier expressed concern about the treatment of her younger sister when attending Spiritridge Elementary School. She said school officials did not heed a doctor's orders regarding the girl's traumatic brain injury and the need for her to be watched. She said the City, the Bellevue Police Department, and the Bellevue School District are responsible for her sister's mistreatment and loss of function. Ms. Lanier said that, after her sister's most severe brain injury at Spiritridge school, the District, Police Department, and the City did nothing to address the bullying and negligence that caused the injury.
- (l) Maria Hudson said she took her daughter out of the Bellevue School District in January. She noted the health plan submitted that evening, which states that her daughter should not engage in sports or similar contact activities. Ms. Hudson said she asked the District to investigate the substitute teacher who forced her daughter to participate in contact sports in gym class. She said the District has done nothing because teachers are protected by their labor union. Ms. Hudson said the Bellevue Police Department has not responded to previous emails from her asking the Police to take her concerns to Child Protective Services (CPS). She said the District is coming after her regarding her daughter's truancy. However, she should not be required to return her daughter to an abusive environment. She asked the City Manager and the Police Chief to address the matter.

5. Reports of Community Council, Boards and Commissions: None.

6. Report of the City Manager

- (a) Initiation of 2018 Comprehensive Plan Amendment (CPA) Process

Deputy City Manager Nathan McCommon introduced discussion regarding the 2018 Comprehensive Plan Amendment (CPA) process. Under the Growth Management Act, the

Council studies and takes action on CPA proposals annually. Mr. McCommon said the Planning Commission will begin its review of the proposed amendments during its March 14 meeting.

Nicholas Matz, Senior Planner, said there are six privately initiated CPA applications and two Council-initiated CPA proposals for 2018. The six privately initiated amendments are first considered through the threshold review process beginning this month, and the two Council-initiated amendments will move directly to final review in the fall.

The six privately initiated CPA proposals are: 1) City Dacha LLC, 2) Bellevue Nursery, 3) Red Town, 4) DASH Glendale, 5) Jewish Day School, and 6) Newport Hills Shopping Center Redevelopment. The Council-initiated CPA proposals are: 1) East Main Light Rail Station Area, and 2) Grand Connection Framework Plan.

Responding to Mayor Chelminiak, Mr. Matz said the Planning Commission will conduct threshold review during study sessions in March and April and hold a public hearing in June. Staff anticipates forwarding the Commission's recommendations to the Council in July.

Responding to Councilmember Robertson, Mr. Matz confirmed that any scoping recommendations will be identified during threshold review. In further response, Mr. Matz said the CPA application materials and process schedule are available on the City's website. Ms. Robertson suggested publicizing upcoming public hearings via social media.

Councilmember Zahn said she wants to be sure there is adequate, visible signage at the CPA sites. Mr. Matz said the signs were installed when the City issued the initial notice of application, which was February 22. He said he will check on the signs in Newport Hills given the earlier public comment. He said the signs stay up until the Council makes a final decision on the CPA proposals in November.

In further response to Ms. Zahn, Mr. Matz said individuals may request electronic (i.e., PDFs) and paper copies of the CPA applications, which are also available online. The City will also provide Planning Commission materials, public comments, and related information in paper form. Ms. Zahn encouraged staff to let the public know that hard copies are available.

7. Council Business and New Initiatives

→ Councilmember Zahn moved to approve the remote participation of Deputy Mayor Robinson during the March 12, 2018 Extended Study Session. Councilmember Stokes seconded the motion.

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

8. Consent Calendar

→ Deputy Mayor Robinson moved to approve the Consent Calendar, and Councilmember Stokes seconded the motion.

Mayor Chelminiak noted that the Retreat Report included for approval is the summary minutes of the meetings held during the retreat and not the final version of the Council's priorities or a change to the Council Vision. He said the Council will have a retreat follow-up discussion during a Special Meeting on March 17.

Mr. Chelminiak highlighted Ordinance No. 6402 [Agenda Item 8(d)], which executes an amendment for professional services related to the West Lake Sammamish Parkway Phase 2 project. He noted that a portion of the transportation project will be completed at the same time as a utilities infrastructure project. He highlighted Agenda Item 8(g) authorizing design services for the redevelopment of Fire Station 5 and construction of Fire Station 10. He said there will be opportunities for public engagement as those projects move forward.

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

- (a) Council Minutes
Retreat Report
Minutes of February 5, 2018 Study Session
Minutes of February 5, 2018 Regular Session
Minutes of February 12, 2018 Extended Study Session
- (b) Motion to award Bid No. 18003 for demolition of the Delta building located at 11730 NE 12th Street, as part of the NE Spring Boulevard (Zone 1), 116th to 120th Avenues NE, project (CIP Plan No. PW-R-172), to Dickson Company as the lowest responsible and responsive bidder, in the amount of \$193,207.31.
- (c) Resolution No. 9373 determining that an existing water easement located at 4229 West Lake Sammamish Pkwy SE (Sunset Elementary School) is partially surplus to the City's needs and is no longer required for providing continued public utility service; and setting a time and place for a public hearing to consider the partial release of this easement.
- (d) Ordinance No. 6402: 1) authorizing execution of amendment No. 1 to the Professional Services Agreement with HDR, Inc. in the amount of \$2,212,725 for a total contract amount of \$2,373,312, plus all applicable taxes, to develop final design and prepare construction contract documents for the roadway, pedestrian and watermain improvements on West Lake Sammamish Parkway, Phase Two project (CIP Plan Nos. PW-R-183 and W-16); and 2) amending the 2017-2023 Capital Investment Program (CIP) Plan by amending the Project Description/Scope and Project Map of CIP Plan No. PW-R-183, West Lake Sammamish Parkway, Phase 2, to reflect the project limits to be between the SE 200 Block and NE 800 Block of West Lake Sammamish Parkway.
- (e) Ordinance No. 6403 authorizing execution of Amendment No. 1 to the Service Agreement with the King County Flood Control District to accept additional reimbursement grant funds for the Lower Coal Creek Flood Hazard Reduction

Project (“Project”), CIP Plan No. D-106; and amending the 2017-2023 Utility Capital Investment Program (CIP) and the 2018 adopted Project budget to recognize \$6,025,000 of additional grant funds for the Project, and authorizing the expenditure of such funds.

- (f) Resolution No. 9374 authorizing execution of a six-year contract with Systems for Public Safety, for the installation of emergency lighting, sirens, and equipment in City of Bellevue Police and Fire Department vehicles, in an amount not to exceed \$1,229,730, exclusive of applicable taxes.
 - (g) Resolution No. 9375 authorizing execution of a Professional Services Agreement with Bohlin Cywinski Jackson for design services for Fire Station 10 in the amount not to exceed \$2,296,094 and design services for Fire Station 5 in the amount not to exceed \$1,683,656.
 - (h) Resolution No. 9376 authorizing execution of easement documents on private property located at 1414 116th Avenue NE, necessary for the Spring Boulevard Zone 1, CIP Project PW-R-172.
 - (i) Resolution No. 9377 authorizing execution of a general services agreement for on-call graffiti removal services with Graffiti Busters for a five-year term with no option for renewal, in an amount not to exceed \$750,000 plus applicable taxes.
 - (j) Resolution No. 9378 determining that a portion of an existing water easement located at 15751 Northeast 15th Street is surplus to the City’s needs and is no longer required for providing continued public utility service; and setting a time and place for a public hearing to consider the partial release of this easement.
 - (k) Resolution No. 9379 authorizing execution of amendment No. 2 to the General Services contract with Kaye Smith Enterprises for the printing and mailing of Bellevue’s regular and delinquent utility bills, in an amount not to exceed \$1,001,600 and extending the contract to November 30, 2018.
 - (l) Ordinance No. 6404 authorizing execution of a 2018 WaterWorks grant agreement with King County Council to accept reimbursement grant funds of \$175,625 to construct and monitor two pilot retrofit projects to improve water quality from stormwater runoff, and to authorize the expenditure of such funds.
9. Public Hearings: None.
10. Land Use: None.
11. Other Ordinances, Resolutions and Motions
- (a) Resolution No. 9380 authorizing approval of the ARCH (A Regional Coalition for Housing) 2018 Administrative Budget and Work Program as recommended by the

ARCH Executive Board.

Deputy Mayor Robinson recused herself from the discussion or consideration of items related to the King County Housing Authority, and temporarily left the room.

Deputy City Manager McCommon introduced Council consideration and action on five items related to A Regional Coalition for Housing (ARCH), including the 2018 Administrative Budget and Work Program and four specific housing projects.

Mayor Chelminiak recalled that the Council discussed the items in detail during the February 12 Extended Study Session.

→ Councilmember Lee moved to approve Resolution No. 9380, and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 6-0.

(b) Resolution No. 9381 authorizing execution of an agreement with Catholic Community Services for the Kirkland Family/Women's Shelter in the amount of \$203,669, as recommended by the ARCH (A Regional Coalition for Housing) Executive Board.

→ Councilmember Lee moved to approve Resolution No. 9381, and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 6-0.

(c) Resolution No. 9382 authorizing execution of an agreement with Congregations for the Homeless men's group homes in the amount of \$60,567, as recommended by the ARCH (A Regional Coalition for Housing) Executive Board.

→ Councilmember Lee moved to approve Resolution No. 9382, and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 6-0.

(d) Resolution No. 9383 authorizing execution of an agreement with the King County Housing Authority Trailhead apartments in the amount of \$807,558, as recommended by the ARCH (A Regional Coalition for Housing) Executive Board.

→ Councilmember Lee moved to approve Resolution No. 9383, and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 6-0.

- (e) Resolution No. 9384 authorizing execution of an agreement for Imagine Housing Esterra Park apartments in the amount of \$746,749, as recommended by the ARCH (A Regional Coalition for Housing) Executive Board.

→ Councilmember Lee moved to approve Resolution No. 9384, and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 6-0.

Mayor Chelminiak thanked staff and the ARCH Board for their work to provide affordable housing.

Deputy Mayor Robinson rejoined the meeting.

- (f) Ordinance No. 6406 amending Chapter 23.11 of the Bellevue City Code to clarify administrative procedures, correct typographic errors, and ensure consistency with state law; adopting a new section related to Firefighter Air Systems; amending Chapter 1.18 related to fireworks civil penalties; and establishing an effective date.

Deputy City Manager McCommon recalled that staff presented information regarding proposed changes to the Electrical Code and the Fire Code, reflected in Ordinance No. 6406, during the January 16 Study Session.

Ken Carlson, Fire Marshal, highlighted the amendments to the Fire Code. The proposal to establish qualified building representatives has been removed from the amendments. However, staff will continue to work with the business community to advance and implement the concept separate from a code amendment. He noted that the amendments clarify the City's current practice requiring that, when fire alarm panels are replaced, the systems must be updated to meet the current code.

Referring to the Council's previous request for more information, Mr. Carlson noted Attachment B in the meeting packet, which provides a summary of the fire alarm control panels replaced since 2013. At that time, the Council requested provisions to: 1) ensure that fire alarm system upgrades do not trigger updates to other systems, and 2) allow upgrades to be phased in over time, up to five years. Those items are now reflected in the Fire Code amendments.

Mr. Carlson said the updated Fire Code clarifies that the possession and sale of fireworks is illegal and increases the penalty from \$100 to \$1,000. He recalled that Councilmember Zahn had asked about the discretion available to the City in applying the penalties. Mr. Carlson said that, based on input from the City Attorney's Office, Police and Fire personnel use their judgement about whether or not to issue a citation. If a citation is appealed, the Hearing Examiner has the discretion to modify or eliminate the penalty.

Responding to Mayor Chelminiak, Mr. Carlson said the City will enhance its efforts to publicize that fireworks are illegal through social media, the City's website, press releases, utility bill

inserts, electronic messaging signs, banners at fire stations, and signage at schools and City parks. In further response, Mr. Carlson said a hearing date is prescheduled when a citation is issued to let the recipient know when and where they may take an appeal to the Hearing Examiner.

→ Councilmember Stokes moved to adopt Ordinance No. 6406, and Deputy Mayor Robinson seconded the motion.

Councilmember Robertson thanked staff for addressing her previous concerns. Noting another issue, Ms. Robertson said the City's Zoning Code indicates that if a property owner has a legal nonconforming use and spends a certain amount of money updating their structure, they could lose the legal nonconforming status.

Responding to Ms. Robertson, City Attorney Lori Riordan said it has been some time since she reviewed that section of the code. However, she recalled that the dollar amount of updating a structure that would trigger the loss of the legal nonconforming status is a substantial portion of the value of the building. During staff's response, Councilmember Robertson found and read the following code language (BCC 20.20.560): "Remodeling of a nonconforming structure is permitted, provided that the fair market value of the remodel does not exceed 100 percent of the replacement value of the structure over any three-year period."

Councilmember Robertson recalled previous public testimony before the Council regarding the potential expense of the requirements related to fire alarm panels. Mr. Carlson said concerns were raised by the president of a condominium association, which is required to establish reserves to be prepared should the entire fire alarm system or other components fail. He clarified that the Fire Code amendment does not require the replacement of an entire system but applies only to an upgrade of the existing system. Mr. Carlson said he could not envision a property reaching the remodeling threshold of 100 percent of the building's replacement value.

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

(g) Ordinance No. 6407 amending Chapter 23.30 of the Bellevue City Code to adopt the 2017 Edition of the Washington Cities Electrical Code; amending Chapters 23.05, 23.12, 23.13 and 23.50 to correct typographic errors and ensure consistency with state law; amending Chapter 23.10 to add section 917 (Firefighter Air Systems) and ensure consistency with state law; and establishing an effective date.

→ Councilmember Stokes move to adopt Ordinance No. 6407, and Deputy Mayor Robinson 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: None.

16. Adjournment

At 9:06 p.m., Mayor Chelminiak declared the meeting adjourned.

Kyle Stannert, CMC
City Clerk

/kaw