

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

June 18, 2024
6:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Robinson, Deputy Mayor Malakoutian and Councilmembers Hamilton, Lee, Stokes and Zahn

ABSENT: Councilmember Nieuwenhuis

1. Call to Order

The meeting was called to order at 6:01 p.m., with Mayor Robinson presiding.

2. Roll Call; Flag Salute

City Clerk Charmaine Arredondo called the roll and all Councilmembers except Councilmember Nieuwenhuis were present. Councilmember Lee led the flag salute.

3. Approval of Agenda

→ Deputy Mayor Malakoutian moved to approve the agenda, and Councilmember Stokes seconded the motion.

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

4. Oral Communications

City Clerk Arredondo said the total time for oral communications is for a period not to exceed 30 minutes and topics must relate to City of Bellevue government. Persons speaking to items on the agenda will be called first and if time remains, others will be called. The presiding officer is authorized to give preference to individuals who have not spoken to the Council within the past 60 days or who are speaking to items that will come before the Council in the upcoming 60 days.

- (a) Ruth Lipscomb, Board Member for Trees 4 Livability, said 1,700 individuals have signed their petition in support of updating Bellevue's tree codes. She thanked City staff for their hard work, responsive and for being open to input. She acknowledged that Councilmembers share Trees 4 Livability's vision for Bellevue in which every resident in every neighborhood experiences a thriving tree canopy for shade, wildlife habitat, noise and erosion control, and natural beauty. Ms. Lipscomb made a number of suggestions for revisions to the proposed tree codes. She asked the Council to extend the period between allowed removals of landmark trees to at least three years instead of the proposed 12 months. Ms. Lipscomb asked the City to allow residents to easily check whether a tree

removal permit has been issued. She encouraged the City to prioritize a method to stop illegal tree removals, 24 hours per day. She said there are unethical tree removal companies that consistently show up with chainsaws on holiday weekends when code compliance staff are not on duty. She encouraged the City to consider dedicating penalty and permitting fee collections to tree plantings and preservation. Ms. Lipscomb said the proposal reflected in tonight's meeting packet includes provisions that merely encourage retaining landmark trees and groves of trees when a property is redeveloped. She said Trees 4 Livability prefers the previous draft that required tree retention unless it was not feasible.

- (b) Lee Sargent, Board Member for Trees 4 Livability, said the City should be involved in determining whether huge trees can be removed because they are a community resource. He said trees provide heat and wind relief, sustainability and beauty.
- (c) Fay Hou expressed concern about the loss of trees in the community. She said trees provide habitat for wildlife and connect residents to Bellevue's rich natural legacy. She said mature trees are being removed by developers who openly violate tree protection regulations. She said permits are ignored and 100-year-old landmark trees have been removed. She said the loss of trees contributes to the loss of privacy, increased runoff and an adverse impact on neighborhood character. Ms. Hou expressed concern that the City does not adequately address violations or enforcement.
- (d) Neal Mulnick, representing Clover Capital, said they own the property where the Ford dealership is located on 116th Avenue NE and NE 4th Street, adjacent to the Grand Connection crossing. He said he is a member of the Friends of the Grand Connection steering committee. He said the committee recently heard a presentation about options for the crossing and they are most supportive of the two options that most directly cross I-405. He said the Grand Connection project will enhance and help grow the neighborhood, create spaces for gatherings and activations, and connect to the Eastrail.
- (e) Lucy Pyeatt, Director of Energy and Financial Assistance programs at Hopelink, said they are happy to be working in partnership with the Energy Smart Eastside program and appreciate the City's leadership. She said Hopelink provides outreach, eligibility verification and case management guiding homeowners through the process of purchasing a heat pump. They also make the final payment to the vendor for installation in low-income households. She commended the cooperation between all of the partners in the program and thanked the City for supporting efforts to provide heat pumps to low-income households.
- (f) Matt Larson expressed support for Ordinance No. 6792. He said Puget Sound Energy (PSE) is excited to partner with the Energy Smart Eastside program to provide heat pumps to low-income customers in Bellevue. He thanked Hopelink for their role in implementing the program and thanked the Council for their support of the program.
- (g) Tim Hay expressed concern about the removal of trees, primarily by home builders. He said he was a general contractor who built homes in Bellevue for 26 years. He

encouraged the City to aggressively enforce tree retention requirements and to hire a tree inspector. He suggested that all owners, sellers, builders and investors involved with a redevelopment site should be required to sign a statement that they have not removed any trees from the property during the previous six months. Mr. Hay said fines are not effective with builders. He encouraged the City to stop projects for six months in response to tree violations.

- (h) Alex Tsimerman said he has been prosecuted by the City four times and expressed his opposition to Councilmembers.
 - (i) Joe Kunzler thanked Councilmembers for their public service.
5. Reports of Community Councils, Boards, and Commissions: None.
 6. Report of the City Manager
 - (a) Energy Smart Eastside Briefing

Acting City Manager Diane Carlson introduced staff's briefing regarding the Energy Smart Eastside program, which has been awarded \$4 million in funding from the Washington State Department of Commerce and Puget Sound Energy (PSE).

Jennifer Ewing, Sustainability Manager, Community Development Department, said the Energy Smart Eastside program was launched last year as the signature program of the Eastside Climate Partnership between Bellevue, Issaquah, Kirkland, Mercer Island, Redmond and Sammamish. She said Bellevue's role as the administrator of the program demonstrates its leadership in addressing climate change and environmental sustainability.

Sarah Phillips, Energy Smart Eastside Program Manager, said approximately 25 percent of all greenhouse gas emissions on the Eastside are generated from the energy used in homes. She said 90 percent of single-family homes use gas furnaces, which is a significant driver of greenhouse gas emissions. She said the Energy Smart Eastside program is focusing on the implementation of heat pumps as an alternative energy source for both heating and cooling.

Ms. Phillips said the Energy Smart Eastside program conducts community outreach through a number of methods including online campaigns, public workshops, City and community led education, media, contractors, utilities agencies, and individual coaching services. She said rebates are available for middle-income residents to help offset the cost of heat pumps and no cost heat pump installations are available for low-income residents.

Ms. Phillips said approximately half of Bellevue homeowners will need some level of financial assistance to purchase a heat pump. The \$4 million in grant funding will provide approximately 450 heat pumps for low- and middle-income homes.

7. Council Business and New Initiatives: None.

8. Consent Calendar

- Deputy Mayor Malakoutian moved to approve the Consent Calendar, and Councilmember Stokes seconded the motion.
- The motion to approve the Consent Calendar carried by a vote of 6-0, and the following items were approved:
- (a) Council Minutes
Minutes of May 28, 2024 Regular Meeting
 - (b) Motion to approve payment of claims and payroll for the period May 1, 2024-May 31, 2024.
 - (c) Motion to award Bid No. 24016, SE 54th Place and SE 52nd Street Sidewalk (CIP Plan No. PW-W/B-76, PW-M-7, PW-M-1) to Kamins Construction, Inc. as the lowest responsible and responsive bidder, in the amount of \$488,140.40, plus all applicable taxes. This project is funded by the Neighborhood Sidewalks program, the Neighborhood Traffic Safety Program and the Pavement Preservation Program.
 - (d) Motion to award Bid No. 24022 for Overlay and Pavement Restoration 2024 to Lakeside Industries, as the lowest responsive and responsible bidder, in an amount not to exceed \$533,785.50, plus all applicable taxes (CIP Plan No. W-16).
 - (e) Motion to award Bid No. 24047 for the 2023 Water Main Replacement project to Fury Site Works, Inc, as the lowest responsive and responsible bidder, in an amount not to exceed \$7,756,251.24, plus all applicable taxes (CIP Plans W-16, W-67).
 - (f) Ordinance No. 6790 establishing the Arts and Cultural Facility Grant Program and adopting a new chapter 4.45 of the Bellevue City Code.
 - (g) Ordinance No. 6791 authorizing execution of an Interagency Agreement with the Department of Commerce to accept \$3,151,090 in grant funding from the Home Electrification and Appliance Rebate (HEAR) Program for Energy Smart Eastside to implement heat pump incentives; amending the 2023-2024 budget of the Operating Grants, Donations, and Special Reserve Fund to increase appropriation by \$250,000 in 2024 with the remaining \$2,901,090 to be appropriated in the 2025-2026 budget; and authorizing expenditures of said grant funds.
 - (h) Ordinance No. 6792 authorizing execution of an agreement with Puget Sound Energy (PSE) to accept \$850,000 in funding from the PSE Climate Commitment Act Decarbonization Program to implement heat pump incentives for low-income households; amending the 2023-2024 budget of the Operating Grants, Donations,

and Special Reserve Fund to increase appropriation by \$850,000 in 2024; and authorizing expenditures of said funds.

- (i) Ordinance No. 6793 amending Ordinance 6764, as previously amended, to replace the existing Executive (E), Mid-Management (M), and General (G) Pay Plans with updated salary schedules and a job classification listing with pay grades.
- (j) Resolution No. 10392 authorizing execution of a General Services contract with Natural Start Preschool for a five-year term in an amount not to exceed \$1,500,000, plus all applicable taxes.

9. Public Hearing: None.

10. Study Session

- (a) Update on Grand Connection Crossing Over I-405

City Manager Carlson recalled that the Council last received an update on the Grand Connection project in March.

Anthony Gill, Grand Connection Manager, Community Development Department, said the Grand Connection is a program of place-making and redevelopment projects extending from Meydenbauer Bay to the Wilburton area. Key features to date include Meydenbauer Bay Park Phase 1, Piloti Plaza at Downtown Park, the Pride-themed intersection next to Downtown Park and Old Bellevue, and work on the Eastrail. The Grand Connection I-405 crossing is currently in the 30-percent design phase, which is anticipated to be completed by the end of the year. Mr. Gill said there is a growing network of stakeholders and project supporters. There will be an online open house this fall before the completion of 30-percent design.

Mr. Gill highlighted public engagement activities including a design workshop in December 2023, an online open house in February/March 2024, publicizing the project at the light rail 2 Line opening in late April and an in-person open house on May 2, 2024. The City will be testing programming in City Hall Plaza this summer including additional seating, games, food trucks and other amenities.

Mr. Gill commented on the public input from the May 2 open house. Requested amenities for the Grand Connection include resting areas with seating, comfort features (e.g., restrooms, drinking fountains, ramps), small performance spaces, bike parking and repair station, landscaping and shade trees, sound protection, overhead weather protection, public art and wayfinding/signage.

Maher Welaye, Assistant Director, Transportation Department, commented regarding the alignment analysis for the Grand Connection I-405 crossing. He said the project team considered a number of possibilities before narrowing its focus to 10 options for further analysis and finally to four options. Mr. Welaye said the recommended alignment runs on the south side of the light rail guideway. It was determined to best meet project objectives while maintaining future

flexibility at a reasonable level of complexity in terms of schedule, cost and constructability. Mr. Welaye said there has been a strong consensus among property owners and others in the community in support of the alignment.

Jesse Canedo, Assistant Director, Community Development Department, said the anticipated design considerations and tradeoffs include right-of-way (ROW) clearances on I-405, budget, lid compatibility, creating a memorable landmark, integration of redevelopments, and opening the crossing by 2028. The City is contracting with HR&A Advisors, a national economic development firm that advises on capital costs, construction and operations for large projects. They have provided consulting services for a number of projects including in New York City, Dallas and the redevelopment of Seattle's waterfront. Mr. Canedo the consultant's report will outline social, economic, environmental and equity considerations and potential revenue streams.

Mr. Gill said next steps include additional engagement and refinement regarding the crossing type and location, an analysis of tradeoffs and funding options, and work to evaluate two City-owned properties adjacent to the crossing. He said staff will provide a table with project information at a number of community events throughout the summer.

Councilmember Zahn thanked staff for the update and expressed support for contracting with HR&A. She said she was pleased to learn about the analysis of a number of options before narrowing the focus to a preferred alignment, which appears to be the most direct alignment. She commented on the importance of creating a crossing that will be compatible with a future freeway lid project. Ms. Zahn encouraged staff to consider the specific project delivery method early enough in the process to effectively address the tradeoffs.

Mr. Welaye confirmed that the consultant is analyzing different delivery methods and will provide an early report in July. Ms. Zahn expressed support for moving forward.

Councilmember Hamilton thanked staff for the presentation and noted that he attended the open house in May at the Bellevue Botanical Garden. He looks forward to creating a bridge to reunite the downtown core and Wilburton areas. He thanked staff for their robust community outreach and expressed support for the proposed alignment. He would like to see the project completed by 2028 and believes it will be a significant asset for Bellevue.

Councilmember Lee said he is enthusiastic about the Grand Connection project. He expressed support for hiring a consultant with significant national experience and looks forward to the creation of a signature project for Bellevue. He thanked Amazon for its funding assistance to the project.

Councilmember Stokes said he joined the Council in 2012 when discussion about the Grand Connection was beginning. He and others visited Denver that year to tour an extensive pedestrian and bike project and later visited Dallas to tour a similar walkway. He looks forward to the completion of the Grand Connection crossing.

Deputy Mayor Malakoutian thanked staff for their work and expressed support for moving forward.

Responding to Mayor Robinson, Mr. Welaye said the project team will analyze the potential for providing a separation between bike and pedestrian facilities. Mr. Gill confirmed that public input indicated an interest in separation as well.

- (b) Recommended Land Use Code Amendment (LUCA) and proposed Bellevue City Code Amendment (BCCA) to update tree preservation, retention, replacement, and protection provisions in the Land Use Code and Bellevue City Code to better support citywide tree canopy goals.

City Manager Carlson introduced continued discussion regarding the Land Use Code Amendment (LUCA) and proposed Bellevue City Code Amendment (BCCA) to update tree preservation, retention, replacement, and protection provisions to better support citywide tree canopy goals. Staff is seeking Council direction to finalize the LUCA and BCCA ordinances for formal Council action during a future meeting.

Kristina Gallant, Acting Assistant Director, Development Services Department, recalled that the City received a letter the previous month from a private school interested in redeveloping its site in a lower density single-family district. She said staff recognized that their plans were not well supported in the previous draft tree codes. As a result, the updated proposal establishes lower minimum tree credit requirements for non-residential uses in residential land use districts. She said most non-residential uses currently allowed in residential land use districts are conditional uses such as schools, religious institutions and certain recreational facilities.

Ms. Gallant said the recommended LUCA incorporates staff's initial recommendation regarding in-lieu fee value. Staff revised the three-year lookback tree replacement ratio to be consistent with the BCCA proposal. Additional revisions clarify the intent of the codes by outlining the conditions for tree removal on low tree canopy sites and setting priorities for tree retention. Ms. Gallant said Development Services Department staff have been coordinating with legal staff to ensure consistency with the State Growth Management Act (GMA).

The objectives of the proposed BCCA are to provide an affordable permit for removing significant trees, allow limited tree removal without a complex analysis or review, incorporate replanting requirements, evaluate enforcement tools and to support better monitoring data.

Ms. Gallant said the proposed BCCA address monetary penalties related to tree code enforcement. Under the current approach, the City must first attempt to achieve voluntary compliance. The City has the ability to impose value-based fines for illegal tree removals on City property and for violations of LUC 20.20.900 that regulates tree retention. The Hearing Examiner is involved in determining the final penalty.

The proposed BCCA does not include the obligation to first pursue voluntary compliance with tree codes, updates the circumstances in which value-based fines may be pursued, adds the ability to seek double fines for repeat violations on private property, updates the minimum penalty, updates the valuation reference and retains the Hearing Examiner process to determine the final penalty.

Ms. Gallant described the BCCA's requirements related to tree removal permitting and replacement. Under the City's current approach, permits are not always required except in the Bridle Trails subarea. It is difficult to confirm whether a violation has occurred and there is no way to consistently track tree removal. Tree replacement is required in limited circumstances.

The proposed BCCA revisions for tree removal and replacement in residential districts reflect a new quick review tree removal permit for significant tree removal. If trees are eligible for that option, a replacement or arborist review will not be required. The proposed BCCA also provides for tracking and the review of activity that could require additional review or permitting.

Ms. Gallant described the conditions under which a quick review for a residential tree permit would be allowed based on the site size, significant and/or landmark trees to remain on site, and the annual replanting threshold. The limits are not applied to the removal of hazardous trees, which must be confirmed by an arborist.

For situations that do not qualify for the quick review option, tree replacement is required except when removing a hazardous tree or trees. The replacement ratios are 1:1 for significant trees and 3:1 for landmark trees. The latter may be reduced to 2:1 if large conifers are plants. In situations in which trees will be removed but a large number would remain, the applicant has the ability to demonstrate that their property would still meet the minimum tree density as defined in the Land Use Code. Ms. Gallant said that trees planted or retained to meet development regulations must be retained into the future unless they replace hazardous trees.

Ms. Gallant highlighted staff's plans for education and outreach involving information about recommended tree plantings, user guides for staff and the public, and outreach to the community and tree services providers. Development Services Department staff is coordinating with environmental sustainability staff to publicize the change in regulations for the public through future community events.

Ms. Gallant said formal Council action on the LUCA and BCCA is requested on July 16, 2024.

Mayor Robinson said the information presented tonight is the result of two to three years of community involvement and input. She expressed support for the LUCA and BCCA and noted her preference to approve them as recommended and to reassess how the regulations are working in the future.

Responding to Ms. Robinson, Ms. Gallant said staff will initiate an effort later this summer to review codes, including tree codes, for consistency with middle housing and accessory dwelling units requirements under House Bill 1110 and HB 1337. Updated codes to comply with the new state legislation must be adopted by June 2025.

Deputy Mayor Malakoutian thanked staff for the presentation. Responding to Mr. Malakoutian, Ms. Gallant said that under the proposed tree credit system, the City no longer has a set share of credits that must come from tree retention. Under the proposed codes, it is easier to achieve

minimum tree credits through tree retention. However, additional limits are placed on removing trees when a site already has a smaller tree canopy.

Responding to Mr. Malakoutian regarding non-residential uses, Ms. Gallant said there is a defined minimum number of tree credits for those areas outside of residential districts. Staff increased those minimums for residential districts, however.

Councilmember Stokes thanked staff and the community for their thorough review of tree protection codes. Responding to Mr. Stokes, Ms. Gallant said the LUCA proposes a full update to tree retention requirements using the minimum tree credit system. Mr. Stokes said he looks forward to discussing tree regulations for sites with ADUs.

Councilmember Lee commended staff for their work. Responding to Mr. Lee, Ms. Gallant said the Land Use Code provisions apply to development proposals that are defined in the code. She said those include new development as well as situations in which the lot coverage of a site is changing and/or the footprint of a structure is changing. However, there is a more simplified set of permit requirements for a homeowner removing a tree on their property.

In further response to Mr. Lee, Ms. Gallant clarified that instead of referring to sites with a lower tree canopy, she should have referred to the tree credit diameter approach reflected in the LUCA, which is easier to measure. She said the City completes a tree canopy assessment every two years. The overall citywide tree canopy goal is 40 percent. However, the goal varies slightly for residential and non-residential areas.

Councilmember Hamilton thanked staff for the thorough presentation and for clarifying code requirements. He thanked them for defining the diameter at breast height standard related to tree retention. He thanked staff for considering and incorporating input from the Council and the community.

Responding to Mr. Hamilton, Ms. Gallant said staff received the suggestion from the Trees 4 Livability group in the past couple of days to extend the period between allowed removals of landmark trees to at least three years instead of the proposed 12 months. She said the City of Kirkland's guideline is 12 months. She said the shorter time period allows for a quicker review instead of reviewing tree activity over the previous three years.

Councilmember Zahn thanked staff for their significant work and analysis. She said she appreciated the flexibility reflected in the LUCA and BCCA. She appreciates that voluntary compliance is no longer a required first step in enforcing tree regulations. When staff comes back to discuss HB 1110 and HB 1337 with the Council, she would like to consider additional penalty options for repeat offenders.

Ms. Zahn asked whether it would be possible to establish an online portal for tree permits to provide transparency regarding permit applications and issuances. She asked whether the public education materials will be printed in multiple languages and whether technical assistance will be available for the public.

Responding to Councilmember Zahn, Ms. Gallant said the first step in implementation will be establishing the structure for permitting and reporting. Ms. Gallant acknowledged public input regarding the need for technical assistance and for publishing materials in multiple languages. In further response, Ms. Gallant confirmed that it would make sense to talk to environmental sustainability staff regarding a coordinated effort to review tree canopy status along with the effectiveness of the new codes.

Councilmember Lee asked about the impact of the proposed codes on neighborhood covenants regarding trees. Ms. Gallant said the code will no longer make a distinction for the Bridle Trails area. However, different minimum tree densities are required for different land use districts. Ms. Gallant said staff believes there is the flexibility to accommodate different scenarios. She said covenants are private agreements that are not enforced by the City.

Mayor Robinson said she was not hearing any proposed changes to the LUCA and BCCA.

→ Deputy Mayor Malakoutian moved to direct staff to finalize the BCCA and LUCA ordinances for final Council action at a future meeting on a consent calendar. Councilmember Zahn seconded the motion.

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

11. Land Use Reports: None.

12. Other Ordinances, Resolution and Motions: None.

13. Written Reports: None.

14. Unfinished Business: None.

15. New Business: None.

16. Executive Session

(a) Cyber security – RCW 42.30.110(1)(a)(ii)

At 8:07 p.m., Mayor Robinson declared recess to executive session for approximately 25 minutes to discuss one item related to cyber security.

17. Adjournment

The executive session concluded at 8:42 p.m. and the meeting was adjourned.

Charmaine Arredondo, CMC
City Clerk
/kaw