

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

December 11, 2023
6:00 p.m.

Council Chambers
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

The meeting was called to order at 6:04 p.m. with Mayor Robinson presiding.

2. Roll Call; Flag Salute

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

(a) Councilmember Jennifer Robertson Commendation

Councilmember Lee read the commendation highlighting Councilmember Robertson's contributions on the Council since 2010, including two years as Deputy Mayor (2012-2013), as well as her previous service on the Planning Commission. The commendation noted her leadership during the Downtown Livability Initiative and Wilburton planning efforts, her involvement as Chair of the Planning Commission in BelRed planning, and her advocacy related to Airfield Park. Councilmember Robertson served on the City's Light Rail Leadership Group and on a number of regional planning and transportation forums.

Councilmember Stokes said he initially worked with Councilmember Robertson when he served on the Parks and Community Services Board and she was the Council liaison. He noted that he and Councilmember Kevin Wallace served with Councilmember Robertson on the Light Rail Leadership Group to guide Sound Transit planning. Mr. Stokes said he learned a great deal from Ms. Robertson and appreciated all of her contributions.

Councilmember Zahn congratulated Councilmember Robertson for her extensive public service. She recalled working together after Ms. Zahn was appointed to the Transportation Commission, including to draft the pro statement for the neighborhood transportation safety and congestion

relief levy. Councilmember Zahn commended Councilmember Robertson for her strong work ethic and problem-solving abilities.

Councilmember Lee said he has known Councilmember Robertson for a long time and appointed her, Councilmember Stokes and Councilmember Wallace to the Light Rail Leadership Group. Mr. Lee praised Ms. Robertson's ability as a municipal and land use attorney and recalled that she served as his Deputy Mayor. He thanked Ms. Robertson for all of her accomplishments and contributions to the community.

Mayor Robinson recalled meeting when Ms. Robertson was running for a Council position and how she was impressed with Ms. Robertson's listening and responsiveness. Ms. Robinson said Councilmember Robertson was the liaison to the Parks and Community Services Board when Ms. Robinson served on that board. She praised Ms. Robertson's land use expertise and thanked her for her strong position regarding women's right to choose. Mayor Robinson said she would miss Councilmember Robertson and wished her well.

Deputy Mayor Nieuwenhuis recalled that he first met Councilmember Robertson when she was the Council liaison who recommended his appointment to the Parks and Community Services Board. Mr. Nieuwenhuis said the Council will miss Ms. Robertson's values, strategic ability, historical knowledge, land use expertise and pragmatism. He noted her efforts on behalf of residents and businesses to protect Bellevue's quality of life and to help the most vulnerable populations. Mr. Nieuwenhuis said the City could not have asked for a better representative than Councilmember Robertson on a number of regional committees.

Councilmember Barksdale said Councilmember Robertson's longtime public service is a testament to her commitment to the City and to the community. Mr. Barksdale noted the value of Ms. Robertson's land use expertise in working with both the Planning Commission and the Council.

Councilmember Robertson thanked everyone for their comments and said she has been lucky to serve with 13 different Councilmembers, all of them committed professionals working diligently for the benefit of Bellevue residents and businesses. She said she looks forward to seeing how Bellevue continues to grow to embrace the future. She expressed confidence in City leadership, public safety efforts by the Police and Fire Departments, and the overall abilities of staff. Ms. Robertson thanked her family for their support throughout her public service.

Acting City Manager Diane Carlson, speaking on behalf of the Leadership Team, expressed appreciation for Councilmember Robertson's service to the City and for being a skilled and effective voice on regional committees. Ms. Carlson thanked Ms. Robertson for the development of partnerships and for championing the retention of City services. She thanked Ms. Robertson for supporting and challenging staff to bring the best options forward to the Council. Ms. Carlson presented Councilmember Robertson the gift of a Robertson Way street sign.

- (b) Swearing in of Councilmembers John Stokes and Janice Zahn and Councilmember-elects Dave Hamilton and Mo Malakoutian

City Clerk Charmaine Arredondo introduced King County District Court Judge Lisa O'Toole.

Judge O'Toole conducted the swearing in of Councilmembers John Stokes and Janice Zahn and Councilmember-Elects Dave Hamilton and Mo Malakoutian.

At 6:29 p.m., Mayor Robinson called for a five-minute recess. The meeting resumed at 6:34 p.m.

3. Approval of Agenda

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

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

4. Oral Communications

City Clerk Arredondo said the total time for oral communications is for a period not to exceed 30 minutes, and all comments must relate to City of Bellevue government. Persons speaking to items on the evening's 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) Susan Pappalardo, Co-founder and President of SplashForward, thanked Councilmember Robertson for her years of public service and unwavering support for the new aquatic center at Airfield Park. Ms. Pappalardo expressed support for the park master plan depicting pickleball courts, picnic areas, playgrounds, a basketball court, open space, trail system and the preservation of forested areas. She commented on the need for the aquatic center and the demand for swimming lessons within the community. She said SplashForward and its aquatics consultant have supported City staff in the site analysis and in determining the aquatics center components. She said they provided input to the traffic analysis and are confident that the park development will benefit the environment and the community.
- (b) Heidi Dean said she is sorry to see Councilmember Robertson leaving the Council. Ms. Dean thanked Ms. Robertson for always asking about how a project or initiative would impact neighborhoods. She expressed appreciation for Councilmember Robertson's professional expertise and thanked her for always treating constituents with respect and for engaging with Ms. Dean when she questioned certain policy decisions. Ms. Dean thanked Ms. Robertson for her interest in Newport Hills and support of the neighborhood retail center.
- (c) Pamela Johnston, representing the Bridle Trails Community Club (BTCC), commented regarding the Bike Bellevue initiative and expressed concern about the low level of public engagement in the planning process. Ms. Johnston said the BTCC Board opposes the Bike Bellevue plan based on the removal of vehicle lanes in the BelRed and

Wilburton areas, which will exacerbate traffic congestion. She said the City's plan to add 15 miles of bike lanes for \$18.6 million includes eleven miles to be created by removing vehicle travel lanes. Ms. Johnston said the BTCC Board supports a change in the speed limit on NE 40th Street between 140th Avenue NE and 148th Avenue NE from 35 miles per hour to 30 miles per hour. Ms. Johnston noted that she spoke with Councilmember Zahn about residents' concerns when Ms. Zahn participated in a neighborhood cleanup event in the Bridle Trails area.

- (d) Barbara Hughes noted that Phyllis White sent the Council an update regarding residents' opposition to the Bike Bellevue plan, including 67 comments and 209 signatures. She expressed concern that City staff is focusing on input from regional bike activists instead of outreach to Bellevue residents and businesses. She said the Cascade Bicycle Club in Seattle is the nation's largest statewide bicycling non-profit organization with 10,000 members and 35 staff. She said they are calling on all members to endorse a standard letter in support of bike lanes in all cities. She expressed concern that most Bellevue residents are not familiar with the Bike Bellevue initiative.
 - (e) Joe Kunzler encouraged the Council to reach out to Sound Transit and to Sound Transit Board Chair Dow Constantine to make Bellevue's Mayor or Deputy Mayor a Sound Transit Board Member. Mr. Kunzler thanked Mayor Robinson and Deputy Mayor Nieuwenhuis for their leadership. He thanked Councilmember Robertson for her extensive public service and he thanked all Councilmembers for their continued public service in the wake of adversity.
 - (f) Alex Tsimerman, president of StandUp America, opined that many residents do not support the Council. He questioned the process in which Councilmembers select the mayor. He expressed concern that there are no term limits.
 - (g) Dr. Anne Coughlin said she was sorry to see Councilmember Robertson leaving the Council. She said she has been continually amazed by Ms. Robertson's breadth and depth of knowledge and intellectual virtuosity. Dr. Coughlin said she was able to count on Councilmember Robertson to stand up for neighborhoods despite sometimes strong opposition. She said all former and current neighborhood activists appreciate Ms. Robertson and will miss her greatly.
5. Reports of Community Councils, Boards, and Commissions: None.
6. Report of the City Manager
- (a) Bellevue Airfield Park Master Plan Update

Acting City Manager Diane Carlson introduced staff's update regarding the Bellevue Airfield Park master plan.

Michael Shiosaki, Director, Parks and Community Services Department, said the master plan was adopted in 2012 and major features included retaining the forested areas in the north and west portions of the park, two multi-use sports fields, parking, picnic area and trails.

Mr. Shiosaki recalled that the Council directed staff in October 2021 to explore the possibility of accommodating an aquatics center at the park. He said there has been extensive community engagement since the Parks and Community Services Board began its review on June 14, 2022 including a June 23, 2022 neighborhood site walk, community workshops in July and September, and continued Board discussion on October 11, 2022. The Council provided feedback and direction on December 5, 2022, and a third community workshop was held on January 19, 2023.

The Board approved its recommended master plan update on February 14, 2023. The Council approved the preferred plan on April 3, 2023 and directed staff to complete environmental review for the master plan update. Mr. Shiosaki thanked the Parks and Community Services Board, SplashForward and the community for their involvement throughout the process.

Mr. Shiosaki said the Airfield Park site covers 27 acres and has forested areas, commercial uses and access to I-90. The park property has been the site of both an airfield and a landfill. The updated master plan retains the forested areas along the north and west portions of the site, adds an aquatics center, trails, eight pickleball courts and other active recreation opportunities.

Mr. Shiosaki thanked Councilmembers for their support throughout the master planning process. He thanked Councilmember Robertson for her enthusiastic support of the aquatics center and swimming activities.

The State Environmental Policy Act (SEPA) review process is underway and must be completed before Council action can be taken. The review is led by the Development Services Department. The SEPA application was submitted in August and the public comment period is underway. The SEPA determination will be issued following the public comment period and staff will return to the Council seeking adoption of the preferred updated master plan.

Councilmember Robertson thanked Mr. Shiosaki for the update. She said she has been working to bring an aquatics center to Bellevue since she first joined the Council. She said the forested areas in the master plan have not changed. However, the active recreation opportunities have changed. She noted the increased demand for aquatics facilities. She said drowning is the leading cause of death for children under age 4 and the second leading cause of death for ages 5-14 years old. She said lower income individuals and people of color have higher rates of drowning deaths and lower learn-to-swim rates due to a lack of access to swimming lessons and facilities. Ms. Robertson said it is important for everyone to learn to swim. She encouraged the Council to adopt the updated master plan with any mitigation identified through the SEPA review.

7. Council Business and New Initiative

- (a) Determining Procedure for Election of Mayor and Deputy Mayor at January 2, 2024 Regular Meeting

Mayor Robinson noted that the election of the Mayor and Deputy Mayor will be held on January 2, 2024.

City Clerk Arredondo referenced detailed information in the meeting packet regarding the options for the election process. She said state law requires that the election occur during the first business meeting of the new year.

The first option is a method to facilitate voting on all nominees simultaneously. Nominations do not require a second and the list of nominees is voted by roll call vote or by ballot. If one nominee receives a majority vote, the temporary chair declares that person as Mayor. Ms. Arredondo said the Council used this approach for the past five elections. If this method is chosen, a vote of two-thirds of the members present is needed to establish a temporary rule to allow a process other than Robert's Rules to govern the election.

Ms. Arredondo said the second option is dictated by Robert's Rules. In this process, the temporary chair calls for nominations and nominees are voted one at a time in the order that they were nominated. As soon as a nominee receives a majority vote, that person is declared Mayor.

Councilmember Robertson said the first method has worked well for the Council over the past 10 years. She suggested amending Council Rules to adopt the simultaneous ballot method as the default process.

→ Councilmember Robertson moved to adopt a temporary Council Rule authorizing the use of option 1, simultaneous ballot method, for the election of Mayor and Deputy Mayor on January 2, 2024; and to direct staff to add that process to the Council Rules as the default method during the next rules update. Councilmember Stokes seconded the motion.

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

(b) Selection of Temporary Chair for January 2, 2024 Regular Meeting

Ms. Arredondo said that under the Council Rules, the election of the Mayor shall be presided over by a temporary chair who shall be selected at the last regular meeting in December to conduct the election. The Council has traditionally followed Robert's Rules in selecting the temporary chair. Nominations do not require a second and failure to cast a vote is counted in the affirmative.

→ Deputy Mayor Nieuwenhuis moved to select Mayor Robinson to serve as temporary chair on January 2, 2024 for the election of Mayor and Deputy Mayor. Councilmember Lee seconded the motion.

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

8. Consent Calendar

- Deputy Mayor Nieuwenhuis moved to approve the Consent Calendar, and Councilmember Stokes seconded the motion.
- The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:
 - (a) Council Minutes
Minutes of November 20, 2023 Meeting
 - (b) Resolution No. 10328 authorizing the execution of a Professional Service Agreement with KPFF Inc., in the amount of \$777,932.54, plus all applicable taxes, to complete the engineering design, prepare the construction contract documents, complete environmental documentation and provide preliminary property acquisition support for the NE 12th Street Bridge project as part of the Bridge and Pavement Preservation (Overlay) Program (CIP Plan No. PW-M-1).
 - (c) Ordinance No. 6768 authorizing the transfer of \$144,000 of excess reserves from the Local Improvement District Control Fund and \$657,000 of excess reserves from the Local Improvement District Guaranty Fund to the General Fund, and establishing an effective date.
 - (d) Ordinance No. 6769 updating Title 8 of the Bellevue City Code on Animal Care and Control, repealing Chapters 8.05, 8.06, 8.07, 8.08, and 8.09 and Sections 8.04.060, 8.04.070, 8.04.080, 8.04.090, 8.04.100, 8.04.110, 8.04.120, 8.04.130, 8.04.140, 8.04.170, 8.04.180, 8.04.190, 8.04.200, 8.04.210, 8.04.220, 8.04.230, 8.04.240, 8.04.250, 8.04.260, 8.04.270, 8.04.280, 8.04.290, 8.04.300, 8.04.310, 8.04.320, 8.04.330, 8.04.340, 8.04.350, 8.04.360, 8.04.370, 8.04.380, 8.04.390, 8.04.400, 8.04.410, 8.04.420, 8.04.430, 8.04.440, 8.04.450, 8.04.460, 8.04.470, 8.04.480, 8.04.490, 8.04.500, 8.04.530; adopting a new chapter 8.05 of the Bellevue City Code to adopt by reference King County's Animal Care and Control regulations; and establishing an effective date.
 - (e) Resolution No. 10329 authorizing execution of all documents necessary to implement settlement of the claims brought in *Surdi et al. v. City of Bellevue et al.* (King County Superior Court Consolidated Cases No. 22-2-08592-4 SEA and 23-2-00721-2 SEA).
 - (f) Resolution No. 10330 adopting "Bridle Trails Valley Creek Park" as the name for the new park in the Bridle Trail Neighborhood located at 4432 140th Ave NE.

9. Public Hearing

- (a) Public Hearing and Action on Resolution No. 10331 authorizing the execution of documents necessary to release a portion of an existing sewer easement located at

3002 139th Ave SE, which has been declared surplus to the City's needs and is no longer required for providing continued sewer service; the granting and recording of such release being deemed in the best interest of the public.

Acting City Manager Carlson said tonight's public hearing is an opportunity for residents and other stakeholders to provide input on the release of a portion of an existing sewer easement.

Loren Matlick, Real Property Division Manager, said the sewer easement is located at 3002 139th Avenue SE and was declared surplus to the City's needs by the Council on November 6, 2023. The purpose of the public hearing is to allow public comment regarding the proposed release of a portion of the easement. The site is adjacent to Bellevue College and is being redeveloped as an apartment complex with 392 units, 20 percent of which will be affordable through the multifamily tax exemption (MFTE) program. The property is adjacent to the Eastgate Park and Ride facility. Mr. Matlick presented a map depicting the new easement to be provided by the developer.

→ Deputy Mayor Nieuwenhuis moved to open the public hearing, and Councilmember Stokes seconded the motion.

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

City Clerk Arredondo said the Council did not receive any written comments regarding the public hearing.

Peixin Yang asked whether the release of the easement affects nearby neighborhoods. Mayor Robinson asked staff to follow up following the public hearing.

→ Deputy Mayor Nieuwenhuis moved to close the public hearing, and Councilmember Stokes seconded the motion.

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

Responding to Councilmember Robertson, Mr. Matlick confirmed that the easement will be replaced by the developer and the change will not affect sewer service in the area. Ms. Robertson expressed support for releasing the easement.

Responding to Councilmember Stokes, Mr. Matlick said the new easement is located within the property under redevelopment and will not impact other properties.

→ Deputy Mayor Nieuwenhuis moved to approve Resolution No. 10331, and Councilmember Stokes seconded the motion.

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

(b) Public Hearing and action on Ordinance No. 6770 amending Section 20.25D.035, Catalytic Projects, of the City of Bellevue Land Use Code (LUC) for conformance

with proposed amendments to the 2009 Spring District Development Agreement (DA); providing for severability; and establishing an effective date.

Ms. Carlson introduced the public hearing regarding proposed amendments to the Land Use Code for conformance with proposed amendments to the 2009 Spring District Development Agreement.

Matt McFarland, Assistant City Attorney, said the public hearing is an opportunity to provide comments regarding the Land Use Code Amendment (LUCA) to address catalyst project provisions for the Spring District development in the BelRed area.

Liz Stead, Land Use Director, said the Spring District is the first and only catalyst project in Bellevue and is regulated by Land Use Code 20.25D.035. She said 19 parcels have been developed to date and eight parcels remain to be developed. She noted that Land Use Code requirements for the catalyst project related to open space and minimum residential development have been satisfied.

Ms. Stead said that LUC 20.25D.035 authorized the development agreement for the BelRed catalyst project, reduced the fee-in-lieu rate for Tier 1 amenities (i.e., parks and streams, regional transfer of development rights), extended vesting of the Master Development Plan for up to 15 years, and reduced fee-in-lieu payments related to catalyst project infrastructure.

Mr. McFarland said the conformance LUCA is needed to comply with state requirements that the development agreement amendment be consistent with the code. The amendments reflected in the development agreement add to the extended vesting period, reflect new fee-in-lieu rates and allow the application of fee-in-lieu payments to affordable housing development. The vesting period would be extended for an additional 10 years. The new fee-in-lieu rate would maintain the current rate until 2027. After that, the rate would increase to 55 percent of the published rate and eventually to 60 percent of the published rate for the life of the development agreement.

Mr. McFarland said the LUCA will provide consistency between LUC 20.25D.035 and the potential execution of the development agreement amendment.

- Deputy Mayor Nieuwenhuis moved to open the public hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.
- 1. Andy Bench, a Partner and Managing Director with Wright Runstad, said they own and represent the Spring District. He thanked Mayor Robinson for her leadership over the past four years. He thanked Councilmember Barksdale and Councilmember Robertson for their public service and positive impact on the community. He expressed support for the LUCA and Spring District Development Agreement Amendment. He said extending the vesting period will allow Wright Runstad to complete the vision for the catalyst project to spur development and anchor activity in the BelRed area with a new mixed use, transit-oriented neighborhood. Mr. Bench said more time is needed to complete the

development due to the negative impacts of the pandemic, changes in workplaces, and the current decrease in development due to higher costs and interest rates. He said the LUCA grants Wright Runstad certainty and extra time to implement its existing entitlements. The City receives additional Tier 1 fees and Wright Runstad's continued commitment to construct public infrastructure. Mr. Bench said the developer's overall infrastructure investments will total nearly \$100 million. He said the amendment indicates that Tier 1 fees can be applied to affordable housing. Mr. Bench thanked Matt McFarland and Liz Stead for their work on the development agreement amendments.

2. John Chelminiak, a former Bellevue Mayor, recalled that he served 16 years on the Council and worked on the BelRed Plan and the Spring District development agreement. He expressed support for the proposed LUCA and amended development agreement, which benefits the developer, the City and the community. He is pleased that Tier 1 fees will be able to be applied to affordable housing. He noted that Councilmember Robertson worked extensively on the BelRed Plan and he enjoyed serving with her on the Council.
 3. Gavin Haines, Government Affairs Specialist, Bellevue Chamber of Commerce, expressed support for the LUCA related to the Spring District Development Agreement Amendment. He noted the benefits of public infrastructure provided by the developer and the ability to apply Tier 1 fees to affordable housing. He said this is a model for future private investment in affordable housing. He said the Spring District is one of the most successful transit-oriented development (TOD) districts in the country.
- Deputy Mayor Nieuwenhuis moved to close the public hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.
- Deputy Mayor Nieuwenhuis moved to adopt Ordinance No. 6770, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.
10. Study Session Items: None.
 11. Land Use: None.
 12. Other Ordinances, Resolutions, and Motions
 - (a) Ordinance No. 6771 authorizing execution of the First Amendment to the 2009 Spring District Catalyst Project Development Agreement, pursuant to the provisions of Chapter 36.70B RCW and section 20.25D.035 of the Land Use Code (LUC); providing for severability; and establishing an effective date.

Mr. McFarland said Ordinance No. 6771 authorizes the execution of the first amendment to the 2009 Spring District Catalyst Project Development Agreement, pursuant to RCW 36.70B and LUC 20.25D.035.

Ms. Stead said the amended development agreement extends the vesting of the Master Development Plan from 15 years to 25 years and continues to require developer-funded catalyst project public infrastructure. Under the current development agreement, the Tier 1 fee-in-lieu rate is 17 percent of the published rate. Under the amended agreement, the Tier 1 fee increases on May 4, 2027 to 55 percent of the published rate and on May 4, 2031, the Tier 1 fee increases to 60 percent of the published rate. The amended development agreement adds a provision to allow Tier 1 fees-in-lieu for commercial development to be applied to affordable housing, at the City's option.

Mr. McFarland recalled that the Council discussed the development agreement amendment during the August 7 and November 20 meetings. He said Wright Runstad has reviewed and approved the finalized amended agreement.

Mayor Robinson thanked staff for the presentation.

→ Deputy Mayor Nieuwenhuis moved to adopt Ordinance No. 6771, and Councilmember Stokes seconded the motion.

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

13. Written Reports

(a) Environmental Stewardship Initiative (ESI) Quarterly Update

(b) Intergovernmental Affairs Monthly Update

14. Unfinished Business: None.

15. New Business: None.

16. Executive Session: None.

17. Adjournment

At 7:44 p.m., Mayor Robinson wished everyone happy holidays and declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

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