

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

January 16, 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 8:00 p.m.

2. Roll Call, Flag Salute

All Councilmembers were present. Councilmember Stokes 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) Gary Bluxham expressed concern that Bellevue does not have a climate action plan. He said the goals of a climate action plan address energy efficient green buildings, a renewable energy supply, transportation, and land use. He described the elements of the plan developed by the City of Fort Collins, Colorado. Mr. Bluxham said we can emit lower levels of greenhouse gases and still live well.
- (b) Jeff Thiel said it is important to provide people with information regarding climate change to enable them to make better decisions. He said commercial building benchmarking is common in Europe and spreading across North America. He highlighted a map of benchmark buildings and their energy usage in Seattle. With regard to residential structures, Mr. Thiel said the City of Portland introduced a program that

requires homeowners to obtain a home energy evaluation and score for approximately \$200. He noted that he helped Portland develop its program.

- (c) Claire Waltman acknowledged that the City of Bellevue has already taken actions to address greenhouse gas emissions by committing to the King County-Cities Climate Collaboration (K4C) goals, benchmarking municipal buildings, adopting tree ordinances, supporting light rail, purchasing green power, changing street lighting to LED lamps, and administering a good recycling program. She suggested additional actions including the benchmarking of homes and commercial properties, innovative financing for energy efficiency improvements, net zero emissions buildings, electric vehicle charging stations, and mass transit improvements. She asked the City to develop a climate action plan and to be a leader within the K4C forum.
- (d) Nia Lanier expressed concern regarding the Bellevue School District and the Bellevue Police Department. She said the school district lacks cultural sensitivity and teachers have incorrectly portrayed slavery and African-American history. She said the police department assisted the school district in breaking her family apart and illegally removed her brother from her mother's care. Ms. Lanier said she is 24 years old, and she and her sister have been treated poorly by the school district and the police department since she was eight years old. She said they are doing more harm than good for her family. She said a Bellevue police officer was found to be at fault for assaulting her older brother. She noted that her mother would speak next.
- (e) Maria Hudson said her family has been involved in seven incidents with the Bellevue Police Department since 2001. In those cases, members of her family were injured by white adult and youth males and there was never any prosecution. Ms. Hudson said she has experienced malicious prosecution, lies about her family, corruption, and forms of intimidation. She noted negative incidents involving both the school district and the police department. She said the school district caused a traumatic brain injury in her daughter. Ms. Hudson expressed concern regarding negative comments about African-Americans by teachers. She said the school district engages in mental and emotional abuse.

Mayor Chelminiak said he would speak with the City Manager regarding the testimony received from the previous two speakers.

- (f) Lisa Leitner noted the earlier Study Session discussion regarding the update of the Fire Code. She said Councilmember Robertson raised a question regarding the cost of the fire safety panels. Ms. Leitner said she is the president of her homeowners association, and her condominium complex has 13 buildings and 6 panels. She noted that replacing the panels would cost \$107,000, based on an estimate received in January 2017. The cost of replacing the panels would be \$2,230 per homeowner.

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

6. Report of the City Manager

- (a) Report on concerns previously raised during Oral Communications

Mayor Chelminiak noted that the City Manager's Report, which addressed concerns regarding off-leash dogs at Weowna Park and the display of the American flag at City Hall, was provided during the earlier Study Session.

7. Council Business and New Initiatives

There was no discussion.

8. Consent Calendar

→ Deputy Mayor Robinson 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 December 4, 2017 Study Session
Minutes of December 4, 2017 Regular Session
Minutes of January 2, 2018 Study Session
Minutes of January 2, 2018 Regular Session

- (b) Resolution No. 9358 authorizing execution of all documents necessary to implement settlement of the claim brought by Sentinel Insurance Company in the lawsuit Sentinel Insurance Company v. City of Bellevue (King County Superior Court Cause No. 16-2-27514-1 SEA).

- (c) Motion to approve payment of claims and payroll for the period November 1, 2017 through December 31, 2017.

9. Public Hearings

- (a) Public Hearing and Action on Resolution No. 9359 authorizing execution of documents necessary to release a portion of two water line easements and a portion of a sanitary sewer easement located at 1035 116th Ave NE (Overlake Medical Center) that have been declared surplus to the City's needs and are no longer required for providing continued public utility service; the granting and recording of such releases being deemed in the best interest of the public.

City Manager Brad Miyake said the first public hearing is related to the release of easements affected by the redevelopment of the Overlake Medical Center, and the second public hearing is

related to the release of easements at the Windward Factoria Townhomes. Mr. Miyake noted that the City is required to hold a public hearing regarding the proposed release of easements.

Ira McDaniel, Real Property Manager, said the City typically receives requests to release easements in conjunction with development or redevelopment projects, and staff conducts a review to verify that the easements do not have a future purpose for the City.

Hannah Peshkov, Real Property Agent, described the proposed release of portions of two water easements and a portion of a sanitary sewer easement on the Overlake Medical Center property. As part of the permitting process, Overlake Medical Center requested the release of easements. On December 11, 2017, the Council declared portions of the easements as surplus and set the required public hearing. Public notice of the hearing was issued to property owners within 500 feet of the site and published in *The Seattle Times*.

Ms. Peshkov presented a map depicting the water easements to be released, proposed new water easements, and the existing easements to remain in place. She noted the need to relocate utilities infrastructure on the property to accommodate the medical center's new buildings.

Ms. Peshkov said staff is seeking Council action on the resolution that authorizes the release of the easements following the public hearing.

→ Councilmember Robinson moved to open the public hearing, and Councilmember Stokes seconded the motion.

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

No one came forward to comment.

→ Councilmember Robinson moved to close the public hearing, and Councilmember Stokes seconded the motion.

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

→ Councilmember Robinson moved to approve Resolution No. 9359, and Councilmember Stokes seconded the motion.

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

- (b) Public Hearing on the requested partial release of two water easements located at 4020 Factoria Boulevard, 12826 SE 40th Lane, and 4049 and 4101 129th Place SE; and full release of three water easements located at 4049 and 4101 129th Place SE, that have been declared surplus to the city's needs and are no longer required for providing continued public utility service.

Ira McDaniel, Real Property Manager, introduced the staff report regarding the proposed release of easements related to the Windward Factoria Townhomes. He said staff will receive the Council's feedback and return at a later date with a resolution for final Council action.

Kim Bui, Real Property Agent, described the proposed partial and full release of easements in the Factoria area. She recalled that, on December 4, the Council declared the easements as surplus and set the public hearing. Notice of the hearing was published in *The Seattle Times* and sent to property owners as required by law.

Ms. Bui said the properties are located east of Factoria Boulevard SE and south of I-90. Two of the easements were granted in the 1960s. The request to release the easements was prompted by the redevelopment of Windward Factoria Townhomes. Following Council action on December 4, staff identified a partial easement east of the Windward development that contains an abandoned water line, and determined that the easement should be retained should the City need to remove the line in the future.

Ms. Bui requested Council direction to proceed with drafting legislation to release the easements, and to retain the partial easement, as described.

Responding to Councilmember Stokes, Mr. McDaniel said a nearby property owner contacted City staff regarding the project. No written comments were received by the City.

- Councilmember Robinson moved to open the public hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

Barbara McNair spoke on behalf of her parents, who live on 133rd Avenue SE. Responding to Ms. McNair, Ms. Bui said the easements recommended for release were granted in the 1960s and have not been used to convey water.

Responding to Mayor Chelminiak, Ms. McNair confirmed her interest in understanding how residents in the area currently receive water and whether it will be affected by the release of the easements.

- Councilmember Robinson moved to close the public hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

Responding to Mayor Chelminiak, Sean Wells, Utilities Development Review Manager, said there are alternative easements and existing rights-of-way in the area that could be used in the future, if needed, to ensure a continued reliable water supply.

Councilmember Stokes noted that the easements proposed for release have not been used in many years. He said the City is not doing anything that will affect property owners' ability to access water.

Responding to Councilmember Lee, Mr. Wells said the developer for Windward Factoria Townhomes requested the release of easements to enable continued development of the project. Mr. Wells said there are no adverse impacts for surrounding properties.

Mayor Chelminiak asked staff to bring the item back for formal action on a future consent calendar.

10. Land Use: None.
11. Other Ordinances, Resolutions and Motions: None.
12. Unfinished Business: None.
13. Continued Oral Communications: None.
14. New Business: None.
15. Executive Session: None.
16. Adjournment

At 8:46 p.m., Mayor Chelminiak declared the meeting adjourned.

Kyle Stannert, CMC
City Clerk

/kaw