

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

May 21, 2018
8:00 PM

Council Chamber
Bellevue, Washington

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

ABSENT: Councilmember Lee

1. Call to Order

Mayor Chelminiak called the meeting to order at 8:14 p.m.

2. Roll Call, Flag Salute

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

(a) National Public Works Week Proclamation

Councilmember Zahn read the proclamation recognizing the week of May 20-26, 2018, as National Public Works Week in Bellevue, and urged all residents to recognize the contributions that public works staff make every day for the City's health, safety, and quality of life.

Utilities Director Nav Ota and Transportation Director Dave Berg thanked the Council for the proclamation.

(b) National Safe Boating and Paddling Week Proclamation

Mayor Chelminiak read the proclamation recognizing the week of May 19-25, 2018, as National Safe Boating and Paddling Week and urged all citizens to practice safe boating practices. Members of the U.S. Coast Guard Auxiliary Squadron accepted the proclamation.

3. Approval of Agenda

→ Deputy Mayor Robinson moved to approve the agenda, amended to move Agenda Item 8(f) to Agenda Item 11(b) for discussion and consideration. Councilmember Stokes seconded the motion.

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

4. Communications: Written and Oral

- (a) Fiona Cofield asked that the SE 16th Street project in the Lake Hills neighborhood be removed from the Transportation Facilities Plan (TFP). She said the Transportation Commission removed the project on April 26, and she questioned why the project remains in the Transportation Improvement Plan (TIP). She spoke about the need for sidewalk repairs and replacements, an upgrade of the 148th Avenue NE/NE 8th Street intersection, and safer crosswalks with additional signals on 148th and 140th Avenues. Ms. Cofield submitted her comments in writing.
- (b) Don Marsh said the SE 16th Street project was the only one to receive more negative than positive votes in the Transportation Commission's public outreach efforts. He requested increased transparency and a full explanation of why the project has not been removed from the TFP and TIP.
- (c) Dean Dubofsky expressed concern regarding the closure of the Lincoln Center winter shelter. He believes this is inconsistent with the City's commitment to helping the homeless. He said the closure is wasting City funds and disrupts the process of getting out of homelessness. He asked the City to lengthen the amount of time the shelter is open.
- (d) Gordon Wilson spoke about the homeless shelter permitting Land Use Code Amendment (LUCA). He cautioned about relying too heavily on legal specifications and spoke about the importance of showing respect, solving problems, and making good decisions. He noted that Congregations for the Homeless and other shelter operators have expertise that the City does not have. He cautioned against using language that is overly specific because it may actually weaken the impact of the regulations.
- (e) Michelle Wannamaker thanked the Council for sharing the desk packet items regarding the shelter permitting LUCA during the earlier Study Session. She spoke about the importance of transparency and building trust.

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

6. Report of the City Manager

City Manager Brad Miyake introduced Jay Hagen, Bellevue's new Fire Chief. With 33 years of experience, Chief Hagen worked most recently with the Seattle Fire Department. Mr. Miyake thanked Deputy Chief Todd Dickerboom for serving as the Interim Fire Chief.

Chief Hagen thanked the City Manager and staff for selecting him from a competitive pool of applicants. He looks forward to serving the community with the men and women of the Bellevue Fire Department.

Mayor Chelminiak welcomed Chief Hagen and noted the community's strong support of the Fire Department. He noted the approval last fall of the fire facilities levy that will provide a new Downtown fire station as well as improvements to other fire stations.

7. Council Business and New Initiatives

There was no discussion.

8. Consent Calendar

→ Deputy Mayor Robinson moved to approve the Consent Calendar, amended to move Agenda Item 8(f) to Item 11(b). Councilmember Stokes seconded the motion.

→ The motion to approve the Consent Calendar, as amended, carried by a vote of 6-0, and the following items were approved:

(a) Council Minutes

Minutes of April 23 Extended Study Session

Minutes of May 7 Study Session

Minutes of May 7 Regular Session

(b) Ordinance No. 6413: 1) authorizing execution of a state funding agreement (and supplements if necessary) with the Washington State Department of Transportation (WSDOT) for acceptance of \$14,000,000 in state Connecting Washington Account (CWA) funding for the construction phase of the Factoria Crossing segment of the Mountains to Sound Greenway Trail project; 2) authorizing execution of a separate interlocal (Participating) agreement (and supplements if necessary) with WSDOT for acceptance of \$2,055,000 in state I-405/Renton to Bellevue project funds for the construction of a joint benefit retaining wall required by the project; 3) amending the 2017-2023 General Capital Investment Program (CIP) Plan to add a new project, Mountains to Sound Greenway Trail - Factoria Crossing (CIP Plan No. PW-W/B-83) with a total project budget of \$17,555,000; and, 4) amending the 2017-2023 CIP to transfer \$1,500,000 in project cost savings from the 120th Avenue NE (Stage 3) project (CIP Plan No. PW-R-168) to the new project.

(c) Ordinance No. 6414: 1) authorizing execution of an Amended and Restated Interlocal Agreement (and supplements if necessary) with the King County Metro (KCM) for acceptance of \$250,000 in pass-through grant funds from KCM for Phase II of the Bellevue SchoolPool program; and 2) amending the 2017-2018 Operating Grants, Donations and Special Reserves Fund by increasing the appropriation by \$250,000.

(d) Resolution No. 9405 authorizing execution of a five-year Wireless Communication Facilities Site Lease Agreement with an automatic five-year

extension with T-Mobile at the Woodridge Water Reservoir Site located at 1843 125th Avenue SE, Bellevue, Washington.

- (e) Motion to award Bid No. 18052, 2018 Overlay Program (CIP Plan Nos. PW-M-1 Overlay Program, PW-R-199 Neighborhood Safety & Connectivity (Levy), and W-16 Small Diameter Water Main Replacement) to Watson Asphalt Paving Company, Inc. as the lowest responsible and responsive bidder, in the amount of \$6,457,696.25, plus all applicable taxes.
- (g) Resolution No. 9407 authorizing execution of a Memorandum of Understanding (MOU) between the City and the Federal Bureau of Investigations (FBI) allowing specified City of Bellevue Police involvement in the FBI Sound Regional Violent Crimes Task Force.
- (h) Motion to approve payment of claims and payroll for the period April 1, 2018 through April 30, 2018.
- (i) Resolution No. 9408 authorizing the City Manager to sign a Memorandum of Understanding (MOU) between King County, City of Bellevue, City of Kirkland and City of Redmond to continue exploring the feasibility of a regional approach to developing aquatics facilities and to coordinate on a public aquatics assessment.
- (j) Resolution No. 9409 authorizing execution of an amendment to the Professional Services Agreement with Pacifica Law Group LLP, outside counsel for the City, in proposed litigation involving the 120th Avenue NE Stage 2 road widening project (CIP Plan No. PW-R-164) in an amount not to exceed \$240,000.
- (k) Resolution No. 9410 authorizing execution of a temporary construction easement (TCE) to extend the TCE rights granted under recording number 20171025000555 to the Central Puget Sound Regional Transit Authority ("Sound Transit") on the spur property to construct and maintain a temporary pedestrian/bike trail connection from the Eastside Rail Corridor (ERC) to 120th Avenue NE, and for use for construction staging.
- (l) Ordinance No. 6415 adopting the Shoreline Element amendment to the Comprehensive Plan of the City of Bellevue, including the Shoreline Environments Designation Map and the Shoreline Jurisdiction Map, pursuant to Chapter 36.70A RCW (Growth Management Act, as amended), Chapter 35A.63, and Chapter 90.58 RCW (Shoreline Management Act); providing for severability; and establishing an effective date.
- (m) Ordinance No. 6416 amending the Bellevue Land Use Code, Title 20 of the Bellevue City Code; repealing Part 20.25E LUC and adding a new Part 20.25E LUC Shoreline District Overlay, including the Shoreline Inventory and Characterization, the Shoreline Cumulative Impact Analysis, and the Shoreline

Restoration Element of the SMP; providing for severability; and establishing an effective date.

- (n) Ordinance No. 6417 amending the Bellevue Land Use Code, Title 20 of the Bellevue City Code; amending the Critical Areas Overlay (Part 20.25H LUC); including conformance amendments creating cross-references, correcting internal references and citations, clarifying which parts of the LUC are not applicable to the Shoreline Overlay District, and proposing similar clarity amendments to provide consistency between existing provisions of the Land Use Code and the SMP Update (Ordinance No. 6416); providing for severability; and establishing an effective date.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 9411 authorizing execution of an amendment, or one in substantially the same form, of the City of Bellevue's Regulatory Agreement with King County Housing Authority (KCHA) for Somerset Gardens Apartments.

Deputy Mayor Robinson recused herself from the Council's consideration of Resolution No. 9411, noting that her husband is employed by the King County Housing Authority (KCHA). The Council's Code of Ethics states that officials will not participate in financial decisions involving a relative. Ms. Robinson said she has not participated in any discussions related to this item. She left the Council Chamber during this agenda item.

City Manager Miyake said Resolution No. 9411 authorizes the execution of an amendment to the City's Regulatory Agreement with the King County Housing Authority related to the Somerset Gardens Apartments.

Janet Lewine, Associate Planner, said the City provided a loan of \$700,000 to the King County Housing Authority in 1999 for the acquisition and substantial rehabilitation of the Somerset Gardens Apartments (formerly Kona Village Apartments). The KCHA is currently restructuring debt on those apartments, and funding from investors and other public funders will be used to upgrade both the Somerset Gardens Apartments and the Highland Village Apartments in Bellevue. The recent repayment of the loan makes funding available for new affordable housing projects.

Ms. Lewine said that repayment of the loan does not relieve the property of the 50-year covenant to provide affordable housing units for different income levels. However, the KCHA has requested changes in the mix of affordable housing units to provide 12 additional three-bedroom units, two more two-bedroom units, and 28 fewer one-bedroom units. The project allows tenants receiving Section 8 assistance to count toward the number of units provided at the 30-percent

area median income (AMI) level. No residents of Somerset Gardens Apartments will be displaced due to the changes in the mix of units and affordability levels.

Ms. Lewine said the Somerset Gardens Apartments project supports the City's objectives to preserve affordable housing and to provide needed housing for families. She said there will be fewer units but more bedrooms in the complex when the renovations are completed. Staff is requesting Council approval to authorize the execution of an amendment to the City of Bellevue's Regulatory Agreement with the King County Housing Authority for the Somerset Gardens Apartments.

→ Councilmember Stokes moved to approve Resolution No. 9411, and Councilmember Nieuwenhuis seconded the motion.

Councilmember Robertson noted that the number of housing units for households below the 30-percent AMI level decreases from 24 units to 8 units. Responding to Ms. Robertson, Ms. Lewine said the KCHA has a plan for ensuring that residents are not displaced.

Stephen Norman, KCHA Executive Director, said this is the final component of financing for the Highland Village Apartments rehabilitation project. The KCHA is combining the two apartment complex projects, resulting in a net increase in the number of affordable housing units. The KCHA supports approximately 1,400 extremely low-income households in Bellevue.

Ms. Robertson said she wants to be sure that no current residents will be displaced. Mr. Norman said the very low-income residents will stay in their unit, move to another unit, or receive Section 8 subsidies to continue the affordability of the units.

Councilmember Zahn said she shared Councilmember Robertson's concern about displacing residents. Ms. Zahn thanked staff and expressed support for the motion.

→ The motion carried by a vote of 5-0.

Deputy Mayor Robinson returned to the dais.

- (b) Resolution No. 9406 adopting the City of Bellevue 2019-2024 Transportation Improvement Program (TIP). [*Pulled from Consent Calendar, Agenda Item 8(f).*]

Eric Miller, Transportation Capital Programming Manager, said the Transportation Improvement Program (TIP) is mandated by state law and is not a financially constrained plan. The plan contains both funded and unfunded projects. Mr. Miller said the Transportation Commission voted to recommend the adoption of the TIP provided in the meeting packet. Staff is also working with the Commission to update the Transportation Facilities Plan (TFP). He noted earlier public comment requesting the removal of the SE 16th Street project (148th Avenue to 156th Avenue), which is currently in both the TIP and TFP. The Transportation Commission has not completed its recommendations related to the TFP, which will be presented to the Council later this summer.

Responding to Councilmember Zahn, Mr. Miller confirmed that if the SE 16th Street project is removed from the TFP, it will also be removed from the TIP. Mr. Miller said staff does not recommend funding the project in this year's update to the Capital Investment Program (CIP).

Responding to Mayor Chelminiak, Mr. Miller said there is no direct relationship between the SE 16th Street project and Puget Sound Energy's Lake Hills transmission line project. However, the City completed 60-percent design of the project to ensure that PSE would accommodate the improvements in their project plans. Mr. Chelminiak opined that it would make sense to complete the project if it will enable PSE to meet the Hearing Examiner's requirements for the transmission line project. Mr. Miller said PSE's project can be constructed with or without the completion of the SE 16th Street project. Mayor Chelminiak requested more information regarding the two projects.

Councilmember Robertson suggested adopting the TIP at this time. She said the City has three transportation project lists or plans. The TFP is a 12-year list of projects that is also used to establish impact fees. The seven-year CIP contains funded projects. The TIP is required under the State Growth Management Act, and adding a project to the list makes it eligible for grant funding. She noted that the SE 16th Street project is not recommended by staff for funding in the CIP Plan.

→ Councilmember Stokes moved to approve Resolution No. 9406, and Councilmember Robertson seconded the motion.

Councilmember Zahn said she thought it was important for the public to understand the process.

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

12. Unfinished Business

(a) Homeless Shelter Permitting Land Use Code Amendment (LUCA)

Mayor Chelminiak introduced the continuation of discussion from the earlier Study Session regarding the homeless shelter permitting LUCA.

Carol Helland, Code and Policy Director, said that operational requirements include regulations that are specific to the operation of a Homeless Services Uses. They are often a component of a conditional use permit (CUP). She noted that the shelter operational requirements do not include prescriptive requirements that would not apply to all shelters. The draft LUCA does not include an insurance requirement and does not place limitations on the duration of shelter stays. She said insurance requirements will be placed by the funders and/or lenders related to a shelter project.

Ms. Helland said development requirements include regulations that are specific to structures that house a Homeless Services Use. Items not reflected in the draft LUCA are any requirements related to separate rooms for shelter occupants, the accommodation of pets, and spaces for collaboration and team building. Ms. Helland noted that the design guidelines include suggestions to ensure that the site and the shelter structure are compatible with its surroundings.

Responding to Councilmember Robertson, Ms. Helland confirmed that the shelter operator must demonstrate that all of the design guidelines of the underlying land use district are met.

- Deputy Mayor Robinson moved to set the public hearing regarding the Permanent Homeless Shelter Permitting Land Use Code Amendment (LUCA) for June 11. Councilmember Stokes seconded the motion.
- The motion carried by a vote of 6-0.

Councilmember Robertson expressed concern regarding the tentative adoption date of June 25 and suggested that July 9 might be more realistic. Mayor Chelminiak noted that he will be absent on July 9.

Mr. Chelminiak thanked everyone for their hard work and input.

13. Continued Oral Communications

Steve Kasner, Vice President of the Lake Hills Neighborhood Association, said he looks forward to the City moving forward with neighborhood subarea planning. He recalled that the Council adopted the Hearing Examiner's decision regarding the Lake Hills transmission line. Puget Sound Energy's original plan was to place lines on both sides of SE 16th Street. However, the Hearing Examiner determined that was unfair for the residents. Mr. Kasner said many areas in Lake Hills have sidewalks on one side of the street. He said residents are eager to participate in neighborhood planning.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:42 p.m., Mayor Chelminiak declared the meeting adjourned.

Kyle Stannert, CMC
City Clerk

/kaw