

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 19, 2017
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Stokes, Deputy Mayor Chelminiak, and Councilmembers Lee, Robertson, Robinson, Simas, and Wallace

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:10 p.m., with Mayor Stokes presiding.

2. Roll Call, Flag Salute

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

3. Approval of Agenda

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

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

4. Communications: Written and Oral

Mayor Stokes apologized for his choice of words during the previous week's Extended Study Session. He said the words did not accurately reflect his optimism about how different voices within our community can work together for the greater good. He said he is clearing up the misunderstanding with those involved. He said working with the tribal community is a great opportunity for everyone to work together.

Mayor Stokes said he strongly believes in the City Council vision that Bellevue welcomes the world and diversity is our strength. As the mayor, he needs to listen to residents and to work with the Councilmembers to ensure that the excellent quality of life in Bellevue remains attainable for all current and future generations.

- (a) Monroe Norman expressed concern regarding the proposal to change City employees' MEBT vesting period from 10 years to three years. He questioned how this will benefit long-term employees. He believes the change will decrease employees' accounts by approximately \$180 annually. He submitted his comments in writing with an attachment received from the City regarding the impact of the proposed change.
- (b) Warren Halverson said the Bonneville Power Administration announced it will not build the I-5 Corridor Reinforcement Project, which would have stretched from Castle Rock, Washington to Troutdale, Oregon. The BPA determined it could meet its obligation to provide reliable energy with a more innovative, flexible solution. Mr. Halverson said he believes that Puget Sound Energy can take a more innovative approach to its Energize Eastside project as well. He said PSE has justified the Energize Eastside project based on a scenario that vastly exceeds reliability criteria. Mr. Halverson submitted copies of an article describing the BPA's decision.
- (c) Don Marsh, president of the Coalition of Eastside Neighborhoods for Sensible Energy, presented a petition signed by more than 1,000 individuals asking the City Manager to verify CENSE's claims that an attractive alternative exists to Puget Sound Energy's Lake Hills transmission line project, which is routed along 148th Avenue for a portion of the alignment. He said the project is designed to connect the Lake Hills and Phantom Lake substations. However, a portion of the loop will not be completed for up to seven years. Mr. Marsh expressed concern regarding the cost, visual, and environmental impacts. He submitted his comments in writing as well as the petition.
- (d) Lexi Roberts, representing the Eastside Heritage Center, invited everyone to the 2017 Strawberry Festival at Crossroads Park on June 24th and 25th. The festival is a partnership with the City of Bellevue and the Seafair organization and is supported by more than 50 community sponsors and 150 volunteers. The festival will have vendor booths and family oriented activities. She read the haiku written by the winner of the annual Strawberry Festival haiku contest. Ross McIvor, Board member for the Eastside Heritage Center, thanked the Council for participating in the festival and invited everyone to come out and enjoy the celebration of the community's heritage.
- (e) Kara Durbin, representing Puget Sound Energy (PSE), provided an update on the Energize Eastside project and PSE's work with property owners to discuss impacts, as well as PSE's plans to replace trees that are removed for the project. She noted PSE's obligation to provide safe and reliable energy for the Eastside. She said PSE is working with cities to mitigate the project impacts. She said it is important to keep the project moving forward.
- (f) Heidi Dean spoke about the land use code amendment regarding the Council's role in quasi-judicial matters. She thanked Councilmember Robertson for her explanation of the issue on www.Nextdoor.com and on the community club's Facebook page. Ms. Dean said she understands why the Council is interested in the change. However, she

questioned whether the amendment is best for Bellevue citizens. She said most citizens could not afford to appeal a case to the courts instead of to the City Council. She encouraged the Council to defer further consideration of the matter to September or October.

5. Reports of Community Council, Boards and Commissions: None.
6. Report of the City Manager

City Manager Brad Miyake noted that Agenda Item 6(e) was added to his report to address the proposed change in the MEBT vesting period for City employees.

(a) Downtown Park Grand Opening

Patrick Foran, Director of Parks and Community Services, announced the upcoming Downtown Park grand opening on June 28 to celebrate the completion of the park. He said the project completes a 35-year vision and required a great deal of dedication from the community. He introduced John Ellis and Carol James, members of the original Downtown Park committee, to comment on the project.

John Ellis noted his and Ms. James' involvement with the 1983 parks committee, which focused on helping the City to acquire the property for the Downtown Park. Carol James thanked the Council for its leadership in completing the Downtown Park and expressed enthusiasm for the outcome.

Staff presented a video providing a history of the Downtown Park, including the effort over the past few years to complete the original master plan.

Mayor Stokes thanked everyone for the vision and commitment to develop and complete the Downtown Park.

Councilmember Lee said the park makes Bellevue a better city and reflects the ability of the community to work together to keep moving forward. He thanked everyone for their work and support.

(b) 26th Anniversary of Bellevue Family 4th at Downtown Park

Mr. Foran spoke about the 26th Anniversary of the Fourth of July Celebration, which is anticipated to attract up to 60,000 individuals. He said there will be entertainment, food vendors, and many family activities, leading to the fireworks show that night. Mr. Foran said free parking will be available in the Bellevue Collection parking garages after 6:00 p.m. The event is a partnership of the City and the Bellevue Downtown Association (BDA) and received generous support from the Bellevue Collection, PACCAR, Sound Transit, Puget Sound Energy, KOMO 4, *The Seattle Times*, 106.1 KISS FM, 95.7 The Jet, and 94.1 KMPS. Mr. Foran invited the Council and the community to attend the event, which begins at 2:30 p.m.

Mayor Stokes thanked everyone for their work to produce the Family 4th Event and encouraged the public to attend.

(c) Bellevue Police Safe Place Program

Patrick Arpin, Assistant Police Chief, described the Bellevue Police Department's Safe Place Program to be launched later in the month. The program was started by the Seattle Police Department in 2015 and has expanded nationally. It is a voluntary program to ensure safe places for the LGBTQIA community and the overall community. Participating businesses, schools and organizations are trained by the Bellevue Police department. The purpose of the program is to promote a vision of welcoming the world, enhancing relationships, and supporting the City's Diversity Advantage program.

(d) Amplified Sound at Swim Meets

Carol Helland, Code and Policy Director, addressed the issue of amplified sound at swim meets at community pools. She said the City is notifying pool operators and neighbors that the amplified sound is exempt from the Noise Control Code. However, the use of amplified sound is allowed only during certain hours. She said the competitive swim season extends over approximately five weeks. Each pool hosts two to five home events, which are typically held on Tuesdays and Thursdays. Ms. Helland said the pool events will be noticed in the *It's Your City* publication.

Councilmember Robertson thanked staff for the update. She said the Midlakes league swim meets occur on Tuesdays and Thursdays. However, every pool conducts time trials, which is an internal meet for swimmers to determine their participation in events. Those events are not always held on Tuesdays and Thursdays, and Ms. Robertson wants to ensure they are exempt from the code as well.

Ms. Helland said each swim club hosts the time trials every four years. The City will acquire the schedule for those events, which could include weekend events, and will exempt them from the Noise Control Code as well.

(e) Proposed Change to City Employees' MEBT Vesting Period

City Manager Miyake noted there have been questions about proposed Resolution No. 9285, which decreases the vesting period for the Municipal Employees Benefit Trust (MEBT) investment program for City employees. He introduced staff to provide additional information on the proposal.

Julie Howe, Interim Director of the Human Resources Department, clarified that the MEBT program is a voluntary plan and not a pension plan. She said the City opted out of Social Security program participation in 1972 and adopted the MEBT plan. There have been questions about whether the proposed change in the vesting period from 10 years to 3 years results in out-year expenses. She said there is no change to the City's contribution with the proposal.

Ms. Howe said there have been comments that other jurisdictions have five-year vesting periods. She said the City of Seattle, City of Tacoma, City of Spokane, and state agencies have pension plans with five-year vesting periods. Individuals can change their employment between agencies and continue to vest in the State's pension plan. However, individuals leaving the City of Bellevue do not continue to vest in the MEBT plan.

Ms. Howe said a number of employees and job candidates have questioned the long 10-year vesting period. A significant number of factors were studied in making the determination to consider changing the vesting period. Ms. Howe said the City is committed to every employee and their future financial well-being. The City believes that its commitment to employees provides value for the community as well.

Councilmember Robertson said the Social Security program has an income cap, after which employees and employers stop contributing to the program. She questioned whether a similar provision exists for the MEBT program. Ms. Howe confirmed that the City follows the same practice.

Responding to Ms. Robertson, Ms. Howe said the proposed change does not diminish the funds of long-term employees or impact the amount the City and employees are contributing to the Trust. She said there are many factors that determine the final City match for MEBT participants, including administrative fees, investment gains and losses, and forfeitures. The latter is a variable that is potentially impacted by a change in the vesting period.

Ms. Robertson questioned the rationale for the magnitude of the change in the vesting period, instead of perhaps a five-year vesting period. Ms. Howe said different vesting levels were studied. Private sector plans are limited to a maximum six-year vesting period, and there are discussions about changing that requirement to three years or less.

Ms. Howe said court cases in Washington state indicate support for reducing the vesting periods. In addition, the change aids the City in recruiting employees, especially for competitive positions. Ms. Howe said a demographic shift is occurring with many employees retiring over the coming years, and the competition to fill positions will continue to grow. In discussions with the community, private sector, and other public sector agencies, it is apparent that retirement benefits are a significant factor in deciding where to work.

Ms. Howe said the City has a large limited-term employee (LTE) group hired to perform high-level, project-level work, and it is critical to attract high quality individuals for those positions. Those positions extend over a maximum of three years, and the change in the MEBT vesting period helps to attract high-caliber employees.

Councilmember Lee questioned the impact on current employees. He would like to have no adverse impacts for everyone in the plan. He questioned how it compares to other organizations with 401(k) plans. He asked staff to comment further on the issue of competing for employees.

City Manager Miyake said the current market is very competitive in terms of the City's ability to hire the highly qualified individuals needed, including limited-term employees, to provide the

best service to Bellevue residents. He said prospective employees inquire about the vesting period. He acknowledged that certain employees will be impacted over the long term. However, a number of employees currently forfeit a portion of the City's match because they do not work for the minimum 10 years.

Councilmember Lee reiterated his question about whether any employees, new hires and existing, are negatively impacted by the change in the vesting period.

Ms. Howe said that more than half of City employees currently in the plan will benefit from three-year vesting versus 10-year vesting. She said the City recognizes that the change will potentially have an impact on the forfeitures that are spread among MEBT participants. However, sometimes individuals leave City employment to gain skills that will benefit the City if they are again employed by the City in the future. Ms. Howe said the City wants to ensure Bellevue is viewed as a valuable employer of choice.

Mr. Lee said he hopes staff has communicated the proposed change to employees.

Councilmember Wallace questioned whether the Council would like to remove the item from the Consent Calendar for separate consideration. Deputy Mayor Chelminiak said he hoped to reach an understanding tonight. However, if that does not exist, he suggested delaying the matter for two more weeks.

Councilmember Wallace expressed support for the proposed change in the MEBT vesting period. However, he concurred with deferring the decision if needed.

Councilmember Lee said he was comfortable with the change, as long as it is communicated to employees. He said the proposal sounds reasonable.

Deputy Mayor Chelminiak suggested that, if a Councilmember wants to delay the item, he or she make a motion to pull the item when the Council is ready to take action on the Consent Calendar (Agenda Item 8). Mayor Stokes concurred.

7. Council Business and New Initiatives

(a) Appointment of Board and Commission Members

Councilmember Robertson said the nominees for the Library Board represent a range of backgrounds that will contribute well to the Board's mission. She noted that Ms. Anderson is an attorney who has been active with the Newport Way Library Association. Mr. Higgs served in the military. Mr. Murarka owns a startup technology business and uses the libraries and other venues for working.

→ Councilmember Robertson moved to appoint the following three members to the Library Board for four-year terms expiring May 31, 2021: Kim Anderson, Ron Higgs, and Gunjan Murarka. Deputy Mayor Chelminiak seconded the motion.

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

Councilmember Wallace said that he and Councilmember Lee, the Chair and Vice Chair of the Transportation Commission, and City staff participated in the interviews of candidates for the Transportation Commission. While all of the candidates had impressive backgrounds and expertise, the interview panel concurred with the following nominees.

→ Councilmember Wallace moved to appoint Loreana Marciante and Khek Teh to the Transportation Commission for four-year terms ending May 31, 2021. Councilmember Lee seconded the motion.

Mr. Lee expressed strong support for the appointment of these individuals with significant experience to contribute to the Commission. Mr. Wallace noted Ms. Marciante's technology background and work with Vulcan's philanthropy division as well as Mr. Teh's background in economics.

(b) Consideration to Cancel the July 3 City Council Meeting

→ Councilmember Robertson moved to cancel the City Council July 3 Study Session and Regular Session, and Deputy Mayor Chelminiak seconded the motion.

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

Councilmember Robertson noted comments during earlier oral communications regarding the Lake Hills transmission line application, which was disapproved by the East Bellevue Community Council and appealed to the courts. King County Superior Court upheld the EBCC's decision. However, PSE appealed that decision to the Court of Appeals, which overturned the EBCC and Superior Court decisions. The East Bellevue Community Council's subsequent petition to the Washington State Supreme Court to hear the case was denied.

Ms. Robertson said the legal process regarding the Puget Sound Energy project has been completed. Her understanding is that the permit has or will be issued soon. However, the City continues to receive public comment suggesting alternative alignments for the transmission line. She noted comments earlier in the meeting by Don Marsh representing the Coalition of Eastside Neighborhoods for Sensible Energy (CENSE).

Ms. Robertson said she asked the City Manager to pass the information provided by Mr. Marsh on to Puget Sound Energy. Ms. Robertson asked whether the City has the ability to change the scope or provision of the 148th Avenue transmission line alignment.

City Attorney Lori Riordan said the City cannot change the project as submitted to the City for permitting, unless PSE requests an amendment. She said state law on conditional use permits (CUPs) of this nature has changed, which limits the City's ability to impose conditions on the application. Responding to Councilmember Robertson, Ms. Riordan said the project is exempt from SEPA (State Environmental Policy Act) review.

Councilmember Robertson noted that the City has annual meetings with Puget Sound Energy regarding electricity reliability, and the next one will be held in August. She questioned whether PSE's overall strategy and the City's role could be discussed during that meeting. The City Manager concurred with that request.

Ms. Robertson thanked the Council for the opportunity to clarify the status of PSE's Lake Hills transmission line project.

8. Consent Calendar

- Deputy Mayor Chelminiak moved to approve the Consent Calendar, and Councilmember Robinson 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 May 22, 2017 Extended Study Session
 - (b) Resolution No. 9276 authorizing execution of a purchase agreement with Professional Sales and Service, L.C., for the purchase of a Fire Department Advanced Life Support (ALS) Medic Unit and a Basic Life Support (BLS) Aid Unit, in an amount not to exceed \$512,258, exclusive of Washington State taxes.
 - (c) Motion to approve payment of claims and payroll for the period May 1, 2017 through May 31, 2017.
 - (d) Resolution No. 9277 authorizing execution of an amendment to increase the construction contract amount with 3 Kings Environmental, Inc. (Contract No. 1550390) by \$250,000 for a total contract amount of \$7,797,281.25 for the Northrup Way Connection to the SR520 Trail (CIP Plan No. PW-R-146).
 - (e) Resolution No. 9278 authorizing execution of the professional services agreement with MIG/SvR, in the amount of \$149,799, plus all applicable taxes, to develop and lead the public involvement process to engage the Eastgate area near Tyee Middle School and 119th Avenue SE in Newport Hills areas in helping choose the preferred alternative to improve traffic safety in the neighborhood and also to develop construction Plans, Specifications, and Estimate (PS&E) of the preferred alternatives.
 - (f) Resolution No. 9279 adopting the City of Bellevue 2018-2023 Transportation Improvement Program (TIP).
 - (g) Resolution No. 9280 authorizing execution of Amendment 1 to a Technical Services Agreement with Interloc Solutions for staffing that increases the contract amount by up to \$200,000, plus all applicable taxes.

- (h) Motion to award Bid No. 17046 for Innisglen Water System Replacement to Kar-
Vel Construction, as the lowest responsible and responsive bidder, in the amount
of \$884,276.00 plus all applicable taxes (CIP Plan No.W-16).
- (i) Resolution No. 9281 authorizing execution of Amendment No. 5 to the existing
Professional Services Agreement with Anchor QEA, LLC, in the amount of
\$190,600, to provide additional construction support services for Meydenbauer
Bay Park Phase 1.
- (j) Resolution No. 9282 authorizing execution of an Interagency Agreement between
the City of Bellevue Fire Department and the Washington State Department of
Natural Resources, South Puget Sound Region (DNR) to provide Fire Department
employees and equipment for wildfire or other emergency response and to allow
DNR to reimburse the City.
- (k) Ordinance No. 6354 authorizing execution of a contract to accept reimbursement
grant funds from King County to assist with a stormwater quality improvement
project in the Kelsey Creek drainage basin and authorizing expenditures of said
grant funds.
- (l) Resolution No. 9283 authorizing execution of a four-year general services
contract with Guardian Security, in the amount of \$246,901.27, plus all applicable
taxes, for 24/7 monitoring, confidence testing, service, and repair of fire and
security alarm systems located at 36 Parks Department facilities.
- (m) Resolution No. 9284 authorizing ratification of a Settlement Agreement by and
between the City and IAFF Local 1604 Representing Firefighters for the
settlement of a labor contract grievance and a Public Employment Relations
Commission Unfair Labor Practice (ULP) regarding the Disability Leave
Supplement required by RCW 41.04.500 et. seq.
- (n) Resolution No. 9285 authorizing the City of Bellevue Employees' Retirement
Benefit Plan Committee Chair ("MEBT Bellevue Plan Committee Chair") or its
designee to execute the Second Amendment to the City of Bellevue Employees'
Retirement Benefit Plan ("Bellevue MEBT Plan") to amend Article 11, Plan
Sections 11.1 and 11.4 to change the vesting period from ten years to three years
effective January 1, 2018.
- (o) Ordinance No. 6355 authorizing execution of an Interagency Agreement between
the cities of Bellevue and Seattle for the FY2016 Edward Byrne Memorial Justice
Assistance Grant, to be used for the purchase of a bicycle trailer for the Bellevue
Police Department Civil Disturbance Unit (CDU), formerly known as the Crowd
Control Unit.

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 9:01 p.m., Mayor Stokes declared the meeting adjourned.

Kyle Stannert, CMC
City Clerk

/kaw