

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

January 14, 2019
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Chelminiak, Deputy Mayor Robinson and Councilmembers Lee, Nieuwenhuis, Robertson, Stokes, and Zahn¹

ABSENT: None.

1. Executive Session

The meeting was called to order at 6:04 p.m., with Mayor Chelminiak presiding. There was no Executive Session.

2. Approval of Agenda

→ Councilmember Stokes moved to approve the agenda, and Councilmember Robertson seconded the motion.

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

(a) Dave Berg Commendation

Mayor Chelminiak read the commendation recognizing retiring Transportation Director Dave Berg's contributions and public service over the past 20 years with the City of Bellevue. Key accomplishments during his seven-year tenure as director included voter approval of the neighborhood transportation levy, implementation of Washington's first adaptive traffic signal system, coordination with the East Link light rail project, securing a TIFIA (Transportation Infrastructure Finance and Innovation Act) loan for transportation projects in the BelRed area, and the launch of the Vision Zero effort.

City Manager Brad Miyake shared statements from the Leadership Team's recognition event for Mr. Berg the previous week. Mr. Miyake described him as a friend and mentor who was able to work effectively with a broad range of stakeholders. He noted Mr. Berg's steady temperament as a dedicated public servant who brought tremendous value to the City organization and the

¹ Councilmember Zahn participated remotely via telephone.

community. Mr. Miyake said Mr. Berg's wife, Tresa Berg, is retiring from her career with the City as well.

Councilmember Robertson praised Mr. Berg's strong technical knowledge and skills, as well as his ability to consider the best way to serve the community and to provide transportation projects with minimal disruption. Ms. Robertson said transportation projects, including construction impacts, have been well managed and the transportation system in Bellevue continues to improve.

Councilmember Stokes recalled that he and Councilmembers Robertson and Wallace worked with Mr. Berg through the East Link light rail project negotiations with Sound Transit. Mr. Stokes described Mr. Berg as positive, solution-oriented, innovative, and focused on the future.

Councilmember Nieuwenhuis thanked Mr. Berg for his service and leadership in transportation and wished him well in retirement.

Councilmember Lee commended Mr. Berg for moving projects forward and coordinating with regional partners. He praised Mr. Berg's ability to secure grant funding and the federal TIFIA loan. Mr. Lee noted Mr. Berg's calm disposition and thanked him for his contributions to the community.

Deputy Mayor Robinson said she will miss Mr. Berg and thanked him for doing a great job for Bellevue. She said it makes her feel proud when transportation experts from other organizations compliment Bellevue's leadership and transportation system. Ms. Robinson commended Mr. Berg's focus on innovative solutions and his responsiveness to the public.

Councilmember Zahn said she was currently in Washington, D.C., for the Transportation Research Board's annual meeting. She said Bellevue is a leader in transportation with its intelligent transportation system (ITS), Vision Zero program, data/video analytics project, Complete Streets, and level of service analysis. She noted that some of the topics covered in the conference are innovations that Bellevue has already implemented. Ms. Zahn thanked Mr. Berg for leaving a strong legacy of public service and wished him well.

Mayor Chelminiak said effective transportation is a high priority for the public, and Mr. Berg is well respected in the region and beyond for his leadership and expertise. Mr. Chelminiak said the adaptive traffic signal system has improved mobility at a relatively low cost when compared to building new road projects. He praised Mr. Berg's commitment to a multimodal transportation system and thanked him for helping to make Bellevue a better place.

Mayor Chelminiak paused the meeting for photographs.

Dave Berg thanked Councilmembers for their kind words. He said he appreciates that the Council has been very supportive of the Transportation Department, embraced innovation, and provided the resources and trust to implement projects. He thanked City Manager Miyake and the Leadership Team for their support and collaboration. Mr. Berg commended all of the employees in the Transportation Department for their hard work and expertise. He thanked his family for their patience and support throughout his career.

3. Oral Communications

- (a) Alex Zimmerman, representing StandUP-America, spoke in favor of free speech and expressed concern about fascism, increased traffic, and changes in the quality of life in the region. He expressed concern about government agencies that do not allow public comment.

4. Study Session

- (a) Council Business and New Initiatives

There was no discussion.

- (b) ADA Self-Evaluation and Transition Plan Update

City Manager Brad Miyake opened staff's update regarding the City's efforts related to the Americans with Disabilities Act (ADA).

Elaine Acacio, Diversity and Inclusion Program Administrator, noted that the ADA Self-Evaluation and Transition Plan is responsive to federal requirements. The City's efforts are consistent with the Council's vision that Bellevue welcomes the world and diversity is our strength. The City defines diversity to include all members of the community regardless of race, ethnicity, age, disability, socioeconomic status, or other factors.

Blayne Amson, ADA Program Administrator, presented information regarding the City's efforts to update the ADA Self-Evaluation and Transition Plan. The ADA is organized by five titles: employment, state and local governments/transportation, public accommodation, telecommunications, and miscellaneous. Title II, state and local governments, is the City's primary mandate. The City is required to produce, make available to the public, and regularly update a self-evaluation of its compliance under the law and a transition plan for how it will continue to meet that mandate.

The Self-Evaluation and Transition Plan requires a complaint procedure, an ADA coordinator, and a notice of non-discrimination. The City's plan addresses program accessibility issues in the areas of the City's communications, policies, operations, and integration. With regard to physical access, the transition plan provides an outline for City-owned facilities, streets, and sidewalks to comply with ADA standards. The plan must also address employment issues.

Mr. Amson said a thorough ADA assessment of all City-owned facilities was conducted in 2016. In 2007 and 2009, the Transportation Department conducted an extensive sidewalk and curb cut evaluation. From 2010 to 2015, more than 700 curb ramps were created or updated by the City. Mr. Amson said the City's ADA core team includes staff from a number of departments with the primary goal of ensuring compliance. The team has been involved in updating the City's Self-Evaluation and Transition Plan. Mr. Amson said his role is to act as the subject matter expert regarding the ADA.

The process to update the ADA transition plan involved an external process as well, including focus groups, online questionnaires, interviews at community centers and other public-facing sites, and collaboration with a number of nonprofit organizations and disability rights groups. Mr. Amson noted that the City received positive feedback regarding the hearing loop system available for City Council meetings and the significant increase in the number of curb ramps citywide. Another suggestion that emerged during public outreach was to involve individuals with disabilities in the planning and design phases of ADA projects and initiatives. Mr. Amson said the City partnered with nonprofit organizations and disability rights groups, as well as with the Bellevue School District, in its outreach process.

Mr. Amson said the transition plan recommendations are largely based on compliance with federal law. However, they also reflect the City's Diversity Advantage initiative and demonstrate the City's commitment to inclusion. The departments most affected by ADA requirements are already adopting practices consistent with the transition plan. Mr. Amson said certain departments with fiscal considerations (e.g., Finance and Asset Management, Transportation) have provided detailed timelines in the plan to increase ADA compliance.

Responding to Mayor Chelminiak, Mr. Amson said many cities have ADA coordinators. However, he was attracted to the City of Bellevue because that function is part of the Diversity Advantage initiative. He said the initiative goes beyond regulatory compliance. Mr. Amson said that his position allows him to engage internally with staff and externally with the community. He noted that a disability is more than a medical diagnosis, and affected individuals are part of a culture with its own identity. He said he appreciates the commitment of City staff to engage in approaching disability issues within the overall diversity umbrella.

Deputy Mayor Robinson, liaison to the Human Services Commission, thanked staff for their work with the community. Ms. Robinson recalled that, when she served on the Parks and Community Services Board, it was important to her that the City provide equitable access to parks and other facilities (e.g., shared rather than separate entrances). She said she is proud of the positive impacts of the City's diversity and ADA-related efforts.

Councilmember Lee thanked staff and said he is impressed with their work. He expressed support for Mr. Amson's observation that issues affecting disabled individuals are rightly included in the City's diversity and inclusion initiatives. Mr. Lee said it is important to involve, celebrate, and value the disabled community.

Councilmember Nieuwenhuis thanked staff and concurred with Mr. Lee's comments. Mr. Nieuwenhuis expressed support for integrating ADA compliance into all of the City's facilities, programs, and services.

Councilmember Stokes thanked staff and noted his past experience in the area of civil rights law. He said he is proud of the City's efforts and looks forward to continued work.

Councilmember Robertson concurred with her colleagues and expressed support for the transition plan. She observed that it can be a model for other cities and organizations. She noted

examples of the City's inclusivity (e.g., hearing loop system, aquatics therapy facilities, access to programs for individuals of all abilities).

Responding to Councilmember Robertson, Hillary Stibbard, Principal Office Engineer in the Transportation Department, said approximately 75 percent of the City's street overlay program budget is dedicated to ADA compliance. She confirmed that sidewalks, pedestrian paths, and curb cuts will continue to be developed through the neighborhood transportation levy projects.

Ms. Robertson noted that the Washington Talking Book and Braille Library (WTBBL) in Seattle is a good resource for the public.

Councilmember Zahn commended the City for looking at diversity in a forward-thinking way, including within the area of emergency preparedness. She suggested wayfinding signage to provide pertinent information regarding accessibility. Responding to Ms. Zahn, Mr. Amson said there have been discussions about adding information to the City's trail guide that would be helpful to individuals with disabilities. He acknowledged that there is more to do to enable everyone to enjoy this City in a Park.

Ms. Zahn suggested the consideration of voice-activated technology that would assist the community. Mr. Amson said the City has received many suggestions and recommendations from the community and organizations. Those items are being organized and catalogued to inform the City's ongoing efforts. Mr. Amson said one suggestion from the public has been to install adult changing tables in public restrooms.

Responding to Mayor Chelminiak, Ms. Acacio introduced Yuriana Garcia Tellez, the new Diversity, Inclusion and Outreach Administrator, and noted upcoming events to celebrate Martin Luther King, Jr. Day. The Crossroads event includes a health fair, and a key element of Dr. King's mission was the importance of good health.

(c) Draft 2019 State Legislative Agenda

Joyce Nichols, Director of Intergovernmental Relations, presented the final draft of the Council's 2019 State Legislative Agenda. Staff is seeking approval to place the final version on a future consent calendar for Council action. She noted that she spoke with each Councilmember individually, and the document is intended to capture the range of input. Ms. Nichols said the State Legislative Agenda reflects the highest priority items related to topics anticipated for the current legislative session. The longer Statement of Legislative Policy will be updated later to be consistent with the approved agenda. The policy statement includes a compendium of the Council's past and ongoing positions on issues.

Ms. Nichols said today was the first day of the 2019 legislative session, and the state legislature has 28 new members. Governor Inslee presented his proposed two-year budget in December, which totals approximately \$54 billion and reflects a 20-percent increase over the previous biennial budget.

Ms. Nichols said mental health reform will be addressed during the legislative session. She noted that Western State Hospital lost its federal certification as well as \$53 million that would have been provided by the federal government. Affordable housing is a high priority in both the House and the Senate, and there will be a number of bills to address that challenge. Additional bills will address minimum densities in cities, accessory dwelling units (ADUs), and other ways to provide affordable housing while preserving single-family neighborhoods.

A number of legislative bills relate to a potential statewide transportation funding package. The last package was adopted in 2015 and provided funding for SR 520 and I-405 projects that benefitted Bellevue. Funding sources under discussion include a flat carbon fee, an increase in the state gas tax, and proposals for a potential sales tax on auto parts, bicycles, rental cars, and other modes of transportation.

Ms. Nichols said transportation is one of the City's highest priorities. She noted that one challenge is to persuade the state legislature to authorize tolls on the south half of I-405 between Bellevue and Renton. That authorization is needed by June because the Washington State Department of Transportation (WSDOT) will be preparing construction contracts for the I-405 Bellevue to Renton project. The second transportation priority is to work with the legislature to gain authorization to bond against the toll revenue generated by I-405 and potentially from SR 167. Ms. Nichols said that would generate funding to improve the north end of I-405 and SR 522 and to prepare for the implementation of Sound Transit's bus rapid transit in 2024.

The draft State Legislative Agenda requests tools to address affordable housing and issues related to homelessness, including more funding for the Housing Trust Fund, support for creating workforce housing for households earning 80-100 percent of the area median income (AMI), and resolution of the condominium construction warranty liability statute. The City supports state investments in human services, including prevention and treatment programs that deal with the root causes of homelessness and programs to assist individuals released from prisons and jails.

Ms. Nichols said the draft agenda addresses the economic vitality of the technology and education sectors. The agenda seeks recognition that City Councils are the closest government to the people, and local governments should retain authority over issues affecting their communities. Ms. Nichols said the legislative agenda discourages unfunded mandates and supports expanded revenue sharing from the State. Additional topics are environment and energy issues, stormwater funding, retrofitting of culverts, and funding for watershed plans.

The City is requesting \$500,000 from the state legislature to complete the State's pledge to support the acquisition of the Highland Village apartments. The State's commitment was \$1.5 million to \$2 million and it has provided \$1 million to date. The City is also requesting \$1 million for the northeast gateway project in the Downtown Park.

Ms. Nichols said staff is updating the Invest in Bellevue publication to continue to highlight the return on the State's investments in Bellevue. In 2018, Bellevue businesses and residents sent more than \$890 million in tax revenue to the state government. Approximately 136,000 people commute to Bellevue every day from other cities.

Councilmember Nieuwenhuis thanked staff for their work. He suggested revising K through 12 to Pre-K through 12 in the education section of the legislative agenda. Ms. Nichols concurred, noting that the State is already investing in Pre-K programs.

Mr. Nieuwenhuis suggested highlighting the issue of condo liability reform, perhaps by listing it as a bullet item. Mayor Chelminiak opined that the language as drafted provides a greater emphasis than separating the topic as a bullet point.

Responding to Mr. Nieuwenhuis regarding the loss of federal funding for Washington State Hospital, Ms. Nichols said she did not think the hospital will close. However, the legislature will likely consider options involving smaller, local facilities. Ms. Nichols said she anticipates that additional solutions will be studied.

Councilmember Robertson thanked Ms. Nichols for meeting individually with Councilmembers. Ms. Robertson expressed support for the State Legislative Agenda as presented and said she would like the Council to approve it tonight because she would be traveling to the state legislature the following day.

Responding to Ms. Robertson, Ms. Nichols said the road usage charge pilot program continues into 2019. Ms. Nichols said staff will update the Council if legislation related to the fee is proposed by the state legislature.

Ms. Robertson said the City has been partnering with the Chamber of Commerce and the City of Kirkland in the commute pool program. Ms. Nichols said that program is supported by a federal grant and continued support is unknown.

Councilmember Robertson encouraged staff to let the Council know when legislation relevant to Bellevue's priorities goes before the legislature. She said it is important for Councilmembers to testify on priority issues.

Councilmember Stokes referenced Mr. Nieuwenhuis' earlier comment regarding the term Pre-K and said that early learning is now the more common term. Mr. Stokes noted his involvement in regional transportation forums and observed that there is increasing agreement and momentum around a number of key transportation priorities.

Councilmember Lee expressed support for the legislative agenda and thanked Ms. Nichols for her work. He concurred with the importance of Councilmembers communicating with state legislators and testifying on high priority issues.

Deputy Mayor Robinson noted that the agenda refers to a sales tax exemption for multifamily construction that supports households earning 30 percent of the area median income (AMI). She recalled previous discussions about the significant challenge in providing affordable housing for households below 30 percent AMI. She questioned whether it is possible to build housing at the 60 percent AMI level, and to layer it with other incentives to bring the affordability level down to 30 percent AMI. She questioned whether it is realistic to set a goal for affordable housing at the 30 percent AMI level.

Ms. Nichols said that achieving affordability for 30 percent AMI households and below is extremely difficult in Bellevue and in most of King County. She opined that the most realistic range for Bellevue is 80 percent AMI and above. While achieving 60 percent AMI affordability or below might not be possible, Ms. Nichols suggested that should not stop the City from trying. In further response to Deputy Mayor Robinson, Ms. Nichols said the language in the legislative agenda is consistent with previous legislative agendas. Ms. Nichols suggested retaining the language referring to the goal of affordable housing for households at the 30 percent AMI level.

Responding to Mayor Chelminiak, Ms. Nichols said her understanding is that the proposed sales tax exemption on multifamily construction applies to housing units at 30 percent AMI and below.

Mr. Chelminiak asked staff to follow up on the issue of what to do about affordability for households between 30 percent AMI and 80 percent AMI.

Councilmember Zahn expressed support for the draft legislative agenda and its emphasis on transportation and housing issues and funding. She said state legislators encourage Bellevue elected officials to testify before the legislature on key priorities. She concurred with Councilmember Stoke that early learning is the current common term for Pre-K education. Ms. Zahn noted that former Bellevue City Councilmember Vandana Slatter is the 2nd Vice Chair for the House Transportation Committee.

Mayor Chelminiak noted that the amount of money from Bellevue to state education funding went from \$100 million in 2017 to \$160 million in 2018. Ms. Nichols said that is primarily due to the McCleary decision and the subsequent increase in the state property tax. Responding to Mr. Chelminiak, Ms. Nichols confirmed that, related to that action, there is a limit on how much a school district can levy. Mayor Chelminiak suggested that is an issue to monitor in terms of excellence in education. He does not want school districts to be restricted in their ability to use levies.

Mr. Chelminiak opined that it is important to toll the full length of I-405. His support of a 6-7 cent gas tax is dependent on the investments identified in the transportation package. Regarding transit-oriented development (TOD), he noted that every light rail station/transit center is different. He suggested that TOD areas should be considered based on performance (e.g., viability of mixed uses and dwelling units) versus strict guidelines (e.g., number of housing units). He said it is important for local government to retain authority over the development of TOD areas.

Mayor Chelminiak complimented staff on their work. He expressed support for approving the legislative agenda tonight to allow Councilmember Robertson to share it with state legislators the following day.

→ Councilmember Stokes moved to approve the draft State Legislative Agenda as presented, and Councilmember Robertson seconded the motion.

Mayor Chelminiak said staff will make the minor revisions suggested tonight before formal adoption of the final version in the near future.

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

5. Council Discussion of Upcoming Items

(a) Main Street Apartments Rezone

City Manager Miyake said the Council will consider the Hearing Examiner's recommendation regarding the Main Street Apartments Process III rezone application on January 22. He recalled that the Council approved a Comprehensive Plan Amendment in 2017 to change the land use designation of the parcel at 10777 Main Street from Professional Office to Downtown-Mixed Use.

Liz Stead, Land Use Director, opened staff's presentation.

Nicholas Whipple, Associate Land Use Planner, said the rezone application for the Main Street Apartments parcel creates consistency with Comprehensive Plan and the underlying zoning. The one-acre property is located south of Main Street at 108th Avenue, and it is commonly referred to as the old Seattle Times building. He noted that the Council takes final action on Process III rezone applications. The parcel is currently split-zoned for Downtown-Mixed Use and Professional Office. The application proposes rezoning the entire parcel to Downtown-Mixed Use, which is consistent with the adjacent uses.

The Hearing Examiner issued his recommendation to approve the rezone on November 6, 2018, and no appeals were filed. The Council approved the Comprehensive Plan Amendment on December 11, 2017. Mr. Whipple said final action by the Council is requested on January 22.

Councilmember Robertson said she is ready to move forward, given the rezone's consistency with the Comprehensive Plan and the lack of an appeal or opposition to the application.

6. Continued Oral Communications: None.

At 8:05 p.m., Mayor Chelminiak declared the meeting adjourned.

Kyle Stannert, CMC
City Clerk

/kaw