

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

May 20, 2019
8:00 PM

Council Chamber
Bellevue, Washington

PRESENT: Mayor Chelminiak and Councilmembers Lee, Nieuwenhuis, Robertson, Stokes, and Zahn

ABSENT: Deputy Mayor Robinson

1. Call to Order

Mayor Chelminiak called the meeting to order at 8:03 p.m.

2. Roll Call, Flag Salute

All Councilmembers except Deputy Mayor Robinson were present. Councilmember Zahn led the flag salute.

(a) National Older Americans Month Proclamation

Councilmember Stokes read the proclamation declaring May 2019 as National Older Americans Month in Bellevue.

George Twiss, representing the Bellevue Network on Aging, thanked the Council for the proclamation and described the contributions of older adults. He said the group is working with Bellevue human services staff and King County Metro to explore transportation solutions for older adults.

Mayor Chelminiak thanked Mr. Twiss and the Bellevue Network on Aging for their work in the community.

(b) Bike Everywhere Month Proclamation

Councilmember Nieuwenhuis read the proclamation recognizing the month of May 2019 as Bike Everywhere Month in Bellevue.

Claire Martini, Cascade Bicycle Club, thanked the City for the proclamation and for their work to expand bicycling facilities.

(c) National Public Works Week Proclamation

Councilmember Zahn read the proclamation recognizing May 19-25, 2019, as National Public Works Week in Bellevue.

(d) National Safe Boating and Paddling Week Proclamation

Mayor Chelminiak read the proclamation recognizing May 18-24, 2019, as National Safe Boating and Paddling Week in Bellevue.

John Warner, Director of U.S. Coast Guard Northwest Auxiliary Operations, encouraged everyone to use life jackets on the water. He noted that a person has approximately 10 minutes in 50-degree water before they lose 50 percent of their strength.

Nick Ledbetter, representing America's Boating Club Bellevue (Bellevue Sail and Power Squadron), provided a brief history of National Safe Boating and Paddling Week, which was moved in 1995 to the week before Memorial Day to increase awareness of boating safety. He said the overwhelming majority of individuals who die in the water were not wearing life jackets. Mr. Ledbetter said they give free life jackets to children at boat ramps and related facilities.

Mayor Chelminiak paused the meeting to take photos.

3. Approval of Agenda

- Councilmember Stokes moved to approve the agenda, and Councilmember Robertson seconded the motion.
- The motion to approve the agenda carried by a vote of 6-0.

4. Communications: Written and Oral

- (a) Norm Hansen spoke in support of Resolution No. 9597 related to the construction of the NE Spring Boulevard Zone 2 (120th Avenue to 124th Avenue) project. He noted that transmission line poles are never to be installed within the NE Spring Boulevard area. He suggested that the concept of not installing transmission line poles should be considered for other boulevards, including 148th Avenue. Mr. Hansen expressed concern regarding the number of trees to be removed for a transmission line along 148th Avenue. He said that previous City Councils provided funding to avoid overhead lines on NE 8th Street and 148th Avenue. He suggested that the City establish a stakeholder group to explore an equitable process across Bellevue.
- (b) Bill Thurston noted that the amendment proposed by the Bellevue Club to the East Main Transit Oriented Development (TOD) Comprehensive Plan Amendment (CPA) had been

provided to the Council. The revision supports the creation of a new north-south street and two east-west streets within the East Main TOD area. Mr. Thurston said the amendment ensures that public roads will not be built on the Club's property as a condition to support future development.

- (c) Unica Le, a student at Bellevue College, said she is advocating for student health services on campus, which has no school nurse. She noted that most of the students living on campus are from other countries and often do not have transportation options to seek medical care. Ms. Le said she has contacted local hospitals to explore how the college might be able to partner with medical providers. She noted the need to negotiate liability and budget issues.
- (d) Mon Wig, Wig Properties, concurred with Mr. Thurston's proposed CPA language for the East Main TOD area. He thanked the Council and City staff for their hard work with property owners and developers. Mr. Wig reaffirmed Wig Properties' position regarding the Land Use Code Amendment (LUCA) guiding principles that they sent in April. He looks forward to the Council's discussion of the guiding principles.

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

6. Report of the City Manager

- (a) 2019 Cesar Chavez Living Legacy Community Advocate Award
[Item was moved to earlier Study Session.]

7. Council Business and New Initiatives

Mayor Chelminiak noted that Deputy Mayor Robinson was traveling and her absence was formally excused by the Council.

8. Consent Calendar

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

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

- (a) Council Minutes
Minutes of April 22, 2019 Extended Study Session
Minutes of May 6, 2019 Study Session
Minutes of May 6, 2019 Regular Session
- (b) Resolution No. 9593 authorizing the execution of a four-year Professional Services Agreement with Jacobs Associates to provide on-call claim support and dispute resolution services for Transportation federal-aid projects, in an amount

not to exceed \$300,000, plus all applicable taxes, with an option to extend the contract for an additional year for \$75,000, plus all applicable taxes, with the same terms and conditions.

- (c) Resolution No. 9594 authorizing the execution of a four-year Professional Services Agreement with KBA, Inc. to provide constructability review services for Transportation federal-aid projects, in an amount not to exceed \$300,000, plus all applicable taxes, with an option to extend the contract for an additional year for \$75,000, plus all applicable taxes, with the same terms and conditions.
- (d) Motion for Payment of Claims and Payroll, April 1, 2019 through April 30, 2019.
- (e) Motion to award Bid No. 19002, 148th Avenue NE and NE 8th Street Traffic Signal Upgrade (CIP Plan No. PW-M-19) to Titan Earthwork LLC as the lowest responsible and responsive bidder in the amount of \$803,849, plus all applicable taxes.
- (f) Resolution No. 9595 authorizing the execution of a four-year Professional Services Agreement with Rider Levett Bucknall Ltd. to provide on-call claim support and dispute resolution services for Transportation federal-aid projects, in an amount not to exceed \$300,000, plus all applicable taxes, with an option to extend the contract for an additional year for \$75,000, plus all applicable taxes, with the same terms and conditions.
- (g) Resolution No. 9596 authorizing the execution of a four-year Professional Services Agreement with TranTech Engineering LLC, to provide constructability review services for Transportation federal-aid projects, in an amount not to exceed \$300,000, plus all applicable taxes, with an option to extend the contract for an additional year for \$75,000, plus all applicable taxes, with the same terms and conditions.
- (h) Resolution No. 9597 authorizing the execution of all documents with the City of Seattle necessary to allow Bellevue to construct the NE Spring Boulevard Zone 2 - 120th Avenue NE to 124th Avenue NE Project (CIP Plan No. PW-R-173). This project is partially TIFIA funded.
- (i) Ordinance No. 6464 authorizing: 1) execution of an agreement with the Washington State Health Care Authority (HCA) to accept \$2,949,556 to fund the gap between the actual costs per Ground Emergency Medical Transport (GEMT) and the allowable amount received from Medicaid and; 2) further amending the 2019-2020 General Fund Budget adopted on December 3, 2018, as previously amended, to increase the appropriation by \$743,558.
- (j) Resolution No. 9598 authorizing execution of amendment No. 3 to the Professional Services Agreement with Pacifica Law Group LLP, outside counsel for the City, in the amount of \$615,000, plus applicable taxes, for legal services in

the litigation involving the design and construction of the 120th Avenue (Stage 2) road widening project (CIP Plan No. PW-R-164).

9. Public Hearings: None.
10. Land Use: None.
11. Other Ordinances, Resolutions and Motions
 - (a) Ordinance No. 6465 adopting the East Main (18-103885 AC) amendment to the Comprehensive Plan to the City of Bellevue, pursuant to Chapter 36.70A RCW (Growth Management Act, as amended) and Chapter 35A.63 RCW; declaring an emergency to allow consideration of certain amendments outside of the 2019 annual update process; and establishing an effective date.

Arun Jain, Assistant Director for the Community Development Department, said staff requests Council adoption of Ordinance No. 6465 declaring an emergency under the state Growth Management Act, in order to adopt the East Main Comprehensive Plan Amendment (CPA) now. CPAs are typically allowed only once annually. As part of the 2018 CPA review, the East Main TOD recommendations were subject to GMA's early and continuous public participation requirements, and were included in the GMA's cumulative and concurrent analysis of all proposed plan amendments through the SEPA threshold determination and the State Department of Commerce 60-day review and submittals. Mr. Jain highlighted the three components of the ordinance.

Mr. Jain said the Council directed tonight's action following the April 22, 2019, and January 22, 2019 Study Sessions. The background analysis section of the agenda memo identifies five addressed issues that were also previously highlighted by Councilmember Robertson. Mr. Jain said the consequence of not taking action today is that the East Main LUCA work, including the May 28, 2019 Study Session discussion on the guiding principles, would need to be deferred.

Councilmember Robertson referenced the request from the Bellevue Club regarding streets within the East Main TOD area and questioned the meaning of the phrase "as needed" in referring to the development of streets. Responding to Ms. Robertson, Mr. Jain confirmed that the Bellevue Club would not be required to add a public street on its property if the club does not redevelop. If it does redevelop, the right-of-way would be determined based on the City's Transportation Code as well as the Land Use Code Amendment (LUCA) to be developed for the East Main area.

Ms. Robertson said there has been discussion during the CPA process regarding the right-of-way as well as the configuration, ownership, and locations of the streets. She said the City has removed those issues for a later discussion regarding the LUCA. She said that Bill Thurston makes a good point and his proposal will be included in the discussion of the guiding principles and LUCA.

Mr. Jain said the guiding principles are being drafted by Development Services staff in conjunction with Community Development staff. He said that, early in the process, staff removed the specific diagram that alluded to any type of road through the Bellevue Club property. During the LUCA process and the design review process, those issues will be addressed appropriately depending on the plan submitted to the City. He said there is plenty of room to have that discussion and to make that determination in the future.

Councilmember Robertson said she wanted assurance for the Council and the public that the issue of the roads and the way the language is drafted using “as needed” leaves room for honing that issue further during the LUCA process. Mr. Jain confirmed that understanding.

Ms. Robertson said she hopes that next week’s discussion about the guiding principles will include discussion about the LUCA process and whether the Council might consider handling the LUCA itself to expedite its processing.

Councilmember Stokes said he understands the intent of the proposed amendment to provide flexibility. He opined that retaining the language is not a detriment but is necessary for the conversation. Mr. Jain confirmed that the flexibility serves all sides.

Councilmember Zahn expressed support for the ordinance, with the anticipation that the guiding principles will provide the opportunity to have a more specific discussion.

Mayor Chelminiak thanked the Wig family and their attorneys for working this out with City staff. Mr. Chelminiak expressed support for the ordinance. He said the project is unique in the sense that the East Main area is dominated by two landowners, one with a fairly specific concept of how they would like to develop their property and the other being in more of a holding pattern. He recalled that, during the Downtown Livability Initiative process to update the Land Use Code, there were property owners who indicated an interest in investing in Bellevue. However, some of those property owners sold their properties after the codes were approved.

Mr. Chelminiak said he believes that the East Main area property owners are committed to following through with redevelopment. He suggested the need to consider potential scenarios for the future in adopting the CPA and guiding principles. He thanked staff for their hard work.

→ Councilmember Stokes moved to adopt Ordinance No. 6465, adopting the East Main Comprehensive Plan Amendment (CPA) pursuant to Chapter 36.70A RCW (Growth Management Act, as amended), and Chapter 35A.63 RCW; declaring an emergency to allow the consideration of certain amendments outside of the 2019 annual CPA update process; and establishing an effective date. Councilmember Robertson seconded the motion.

Councilmember Robertson expressed support for the motion. She said this has been a long time coming and she appreciates the work of the Planning Commission, staff, and the stakeholders. She looks forward to discussing the guiding principles and the LUCA in the near future. She said this will be an amazing new area that will be served by light rail and provide dynamic redevelopment.

Councilmember Lee expressed support for the motion. He agreed with the Mayor about the importance of considering the potential for unanticipated implications. He said that Wig Properties has demonstrated its commitment to Bellevue.

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

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 8:58 p.m., Mayor Chelminiak declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw