

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 17, 2019
8:00 PM

Council Chamber
Bellevue, Washington

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

ABSENT: Councilmembers Robertson¹ and Zahn

1. Call to Order

Mayor Chelminiak called the meeting to order at 8:05 p.m.

2. Roll Call, Flag Salute

All Councilmembers except Councilmember Robertson and Councilmember Zahn were present. Councilmember Nieuwenhuis led the flag salute.

(a) World Elder Abuse Awareness Day Proclamation

Councilmember Stokes read the proclamation declaring June 15, 2019, as World Elder Abuse Awareness Day in Bellevue and urging everyone to commit to building safer communities for our aging residents.

Diana Thompson, representing the Bellevue Network on Aging, noted that elder abuse includes financial exploitation, mental abuse, neglect, physical abuse, and sexual abuse, and it is often committed by a known and trusted person. She said that Washington State Adult Protective Services (APS) is the agency that investigates reports of elder and vulnerable adult abuse. APS investigated more than 7,000 reported cases in 2017 in King County. In 2018, APS conducted more than 52,000 investigations of elder abuse statewide. Ms. Thompson invited everyone to join in raising awareness about elder abuse. She encouraged the public to call the Washington State Department of Social and Health Services (DSHS) at 1-866-END-HARM to report suspected abuse or neglect, or to call Adult Protective Services at 206-341-7660.

Mayor Chelminiak paused the meeting for photos.

¹ Councilmember Robertson attended the Study Session meeting and left prior to Regular Session.

(b) Commendation for Jim McEachran

Mayor Chelminiak and Deputy Mayor Robinson read the commendation recognizing the contributions of Jim McEachran to the community. They noted his past service on the Human Services Commission and a number of Citizen Advisory Committees (CACs). As one of the founders of the St. Andrew's Housing Group, now Imagine Housing, Mr. McEachran is a longtime advocate for the development of affordable, attainable housing in Bellevue. He was appointed to the City's Affordable Housing Strategy Technical Advisory Group (TAG) in 2016.

Mr. McEachran thanked the Council for the recognition. He said it has been a pleasure to serve and that he has only just begun.

Mayor Chelminiak noted that he periodically receives encouraging emails from Mr. McEachran following City Council meetings. He paused the meeting for photos.

3. Approval of Agenda

Mayor Chelminiak noted that the Council addressed Agenda Item 7 during the earlier Study Session.

- Deputy Mayor Robinson moved to approve the agenda, amended to reflect the handling of Agenda Item 7. Councilmember Stokes seconded the motion.
- The motion to approve the agenda, as amended, carried by a vote of 5-0.

4. Communications: Written and Oral

- (a) Els Blomme commented regarding the Comprehensive Plan Amendment (CPA) proposed by the Bellevue Technology Center. Acknowledging that the CPA application was withdrawn, Ms. Blomme expressed concerns regarding the scope and impacts of BTC's development plans. She asked the Council to review the rules related to submitting CPA proposals. She noted the potential misuse of the rule that requires an applicant to wait three years before resubmitting a proposal.
- (b) Pamela Johnston noted Bellevue's assets related to safety, diversity, the natural environment, and its overall development. She said she is disappointed that there will not be a strawberry festival this year. She encouraged a festival in the future that includes a parade to celebrate the community's history and multicultural heritage.
- (c) Julie Copp commented regarding a property under development behind her house. She recalled an agreement in the 1980s in which both the City of Redmond and the City of Bellevue agreed to not allow access via Bel-Red Road. She expressed concerns regarding extensive development and traffic congestion at the Bellevue-Redmond border.

Mayor Chelminiak acknowledged that Ms. Copp has been in contact with City staff and requested an update in the future from the City Manager.

- (d) Vernon Schrag expressed support for the Vision Zero for Gun Safety Comprehensive Plan Amendment (CPA). He noted the City's priorities related to safety, including the Vision Zero transportation program, and human services. He said the City of Bellevue worked with the City of Kirkland in 2018 to explore the issue. The City of Kirkland and King County adopted gun safety policies but Bellevue did not. He encouraged the Council to support moving the CPA proposal forward for further review.
- (e) Carolee Jones expressed support for the gun safety CPA proposal. She encouraged the Council to demonstrate its commitment to public health and safety and to lead on this issue.
- (f) Beth Silverstein expressed support for the gun safety CPA. She said it does not infringe on Second Amendment rights. The CPA requires an assessment of risk, the consideration of best practices, and an analysis of current laws. She said the CPA seeks to implement gun safety strategies that support a safe community and promote healthy living.
- (g) Britt Widmer expressed concern regarding the Bellevue Technology Center's proposed Comprehensive Plan Amendment (CPA). Mayor Chelminiak noted that the CPA application was withdrawn.

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

6. Report of the City Manager: None.

7. Council Business and New Initiatives

[Item handled during the earlier Study Session.]

8. Consent Calendar

Mayor Chelminiak said Agenda Item 8(n) had been pulled from the Consent Calendar.

- Deputy Mayor Robinson moved to approve the Consent Calendar, as amended, and Councilmember Stokes seconded the motion.
- The motion to approve the Consent Calendar, as amended, carried by a vote of 5-0, and the following items were approved:
 - (a) Council Minutes
Minutes of May 28, 2019 Extended Study Session
Minutes of June 3, 2019 Study Session
Minutes of June 3, 2019 Regular Session

- (b) Ordinance No. 6467 amending: 1) the 2019-2025 General Capital Investment Program (CIP) Plan to increase the budget for the Pedestrian Facilities Compliance Program (CIP Plan No. PW-W/B-49) by \$345,000; Major Maintenance Program (CIP Plan No. PW-M-19) by \$1,305,000; and the Minor Capital - Signals and Lighting Program (CIP Plan No. PW-M-20) by \$100,000; and, 2) the 2019-2020 General CIP Fund to increase the appropriation by \$1,750,000 for maintenance work in the Eastgate Annexation Area and funded by annexation sales tax revenue provided through the State of Washington.
- (c) Motion to award Bid No. 19007, 124th Avenue NE - NE Spring Boulevard to Ichigo Way (CIP Plan No. PW-R-166) to Interwest Construction Inc. as the lowest responsible and responsive bidder, in the amount of \$12,991,968, plus all applicable taxes.
- (d) Resolution No. 9608 authorizing execution of Supplement 1 of a Professional Engineering Services Agreement with HDR Engineering, Inc. in the amount of \$202,019, plus all applicable taxes, to provide engineering support services during construction of the 124th Avenue NE - NE Spring Boulevard to Ichigo Way Project (CIP Plan No. PW-R-166).
- (e) Motion to award Bid No. 19028, Tyee Middle School Safety Project (CIP Plan Nos. PW-R-199 and PW-M-7), to Kamins Construction as the lowest responsible and responsive bidder in the amount of \$804,028.53, plus all applicable taxes. This project is partially funded by the Neighborhood Safety, Connectivity and Congestion Levy.
- (f) Motion to award Bid No. 19071, NE 12th Street Pedestrian Bridge Removal (CIP Plan No. PW-M-1), to Razz Construction, Inc. as the lowest responsible and responsive bidder in the amount of \$274,104, plus all applicable taxes.
- (g) Resolution No. 9609 authorizing the execution of a contract with Apcon Tech Inc. for the purchase and installation of a new irrigation system at Evergreen Park, in an amount not to exceed \$93,500, plus all applicable taxes.
- (h) Motion to award Bid No. 19067, Lakemont Boulevard SE Sidewalk Project, from SE 62nd Street to the Lewis Creek Park Trailhead (CIP Plan No. NEP-2) to Revolution Civil Builders as the lowest responsible and responsive bidder, in the amount of \$239,695.50, plus all applicable taxes
- (i) Motion to award Bid No. 19043 for 2830 107th Avenue NE Fish Passage to Dungeness Construction Corporation as the lowest responsive and responsible bidder in an amount not to exceed \$484,000, plus all applicable taxes (CIP Plan No. D-81).
- (j) Resolution No. 9610 authorizing execution of a General Services contract with Total Landscape Corporation for an initial eighteen-month term in an amount not

to exceed \$44,783.17, plus all applicable taxes, including an option to renew for an additional two years in an amount not to exceed \$52,475.82 plus all applicable taxes and any State-mandated prevailing wage increase and/or City-approved special or unanticipated market condition that does not exceed the Consumer Price Index (CPI-U, Seattle-Tacoma-Bellevue) for the most recently completed calendar year.

- (k) Motion for Payment of Claims and Payroll, May 1, 2019 through May 31, 2019.
- (l) Resolution No. 9611 authorizing the execution of all documents necessary to grant a permanent, non-exclusive easement to Suntec Townhome (Redmond) Development Co., LLC to install, operate and maintain a private drainage system on City-owned property that is managed by the Fire Department, Temporary Construction Easements on City-owned Fire and Transportation properties to perform removal of invasive plant species and installation of native plants, and five-year Rights of Entry on the same City-owned properties for monitoring and maintenance of the plantings.
- (m) Resolution No. 9612 approving a countywide ballot proposition for the Medic One/Emergency Medical Services (EMS) Levy covering the period of January 1, 2020, through December 31, 2025
- (o) Resolution No. 9614 authorizing the execution of a Professional Services Agreement with HDR Engineering, Inc. in an amount not to exceed \$158,907, plus all applicable taxes, to complete the design and prepare the construction contract documents to replace two (2) existing Seattle City Light (SCL) towers along 124th Avenue between District Way and Ichigo Way (CIP Plan No. PW-R-191).
- (p) Resolution No. 9615 authorizing execution of a General Services contract with Plantscapes, Inc., for an initial eighteen-month term in an amount not to exceed \$64,687.81, plus all applicable taxes, including an option to renew for an additional two years in an amount not to exceed \$74,621.84 plus all applicable taxes and any State-mandated prevailing wage increase and/or City-approved special or unanticipated market condition that does not exceed the Consumer Price Index (CPI-U, Seattle-Tacoma-Bellevue) for the most recently completed calendar year.
- (q) Resolution No. 9616 authorizing execution of temporary licenses with Case Three Properties LLC (Mod Pizza) and 321 Bellevue Way NE LLC (Bellevue Rare Coins) for use of City property in the Downtown Park subject to Council approval of an upcoming right-of-way vacation of a portion of the alley between Downtown Park and 104th Avenue NE, south of NE 4th street.
- (r) Resolution No. 9617 authorizing execution of an amendment to the Professional Services Agreement with Pacifica Law Group, LLP, outside counsel for the City,

in the amount of \$130,000, plus all applicable taxes, for legal services related to the relocation claim of the former tenant of the property located at 1445 120th Avenue NE which was acquired for both Sound Transit East Link and City Transportation projects.

- (s) Resolution No. 9618 authorizing execution of a General Services contract with Plantscapes, Inc. for an initial eighteen-month term in an amount not to exceed \$107,393.21, plus all applicable taxes, including an option to renew for an additional two years in an amount not to exceed \$124,635.38 plus all applicable taxes and any State-mandated prevailing wage increase and/or City-approved special or unanticipated market condition that does not exceed the Consumer Price Index (CPI-U, Seattle-Tacoma-Bellevue) for the most recently completed calendar year.
- (t) Resolution No. 9619 authorizing execution of a General Services contract with Westgro Corporation for an initial eighteen-month term in an amount not to exceed \$76,009.90, plus all applicable taxes, including an option to renew for an additional two years in an amount not to exceed \$91,757.94 plus all applicable taxes and any State-mandated prevailing wage increase and/or City-approved special or unanticipated market condition that does not exceed the Consumer Price Index (CPI-U, Seattle-Tacoma-Bellevue) for the most recently completed calendar year.
- (u) Resolution No. 9620 authorizing execution of a General Services contract with Sublimescapes for an initial eighteen-month term in an amount not to exceed \$46,187.90, plus all applicable taxes, including an option to renew for an additional two years in an amount not to exceed \$58,801.92 plus all applicable taxes and any State-mandated prevailing wage increase and/or City-approved special or unanticipated market condition that does not exceed the Consumer Price Index (CPI-U, Seattle-Tacoma-Bellevue) for the most recently completed calendar year.
- (v) Resolution No. 9621 authorizing execution of a General Services contract with Monarch Landscaping for an initial eighteen-month term in an amount not to exceed \$98,983.16, plus all applicable taxes, including an option to renew for an additional two years in an amount not to exceed \$124,421 plus all applicable taxes and any State-mandated prevailing wage increase and/or City-approved special or unanticipated market condition that does not exceed the Consumer Price Index (CPI-U, Seattle-Tacoma-Bellevue) for the most recently completed calendar year.
- (w) Resolution No. 9622 authorizing execution of a General Services contract with Canber Corps for an initial eighteen-month term in an amount not to exceed \$775,066.05, plus all applicable taxes, including an option to renew for an additional two years in an amount not to exceed \$999,483.70 plus all applicable taxes and any State-mandated prevailing wage increase and/or City-approved special or unanticipated market condition that does not exceed the Consumer

Price Index (CPI-U, Seattle-Tacoma-Bellevue) for the most recently completed calendar year.

- (x) Resolution No. 9623 authorizing execution of a General Services contract with Total Landscape Corporation for an initial eighteen-month term in an amount not to exceed \$96,082.56, plus all applicable taxes, including an option to renew for an additional two years in an amount not to exceed \$119,268.88 plus all applicable taxes and any State-mandated prevailing wage increase and/or City-approved special or unanticipated market condition that does not exceed the Consumer Price Index (CPI-U, Seattle-Tacoma-Bellevue) for the most recently completed calendar year.
- (y) Resolution No. 9624 authorizing execution of a General Services contract with Landscapes Inc. for an initial eighteen-month term in an amount not to exceed \$186,020.82, plus all applicable taxes, including an option to renew for an additional two years in an amount not to exceed \$231,482 plus all applicable taxes and any State-mandated prevailing wage increase and/or City-approved special or unanticipated market condition that does not exceed the Consumer Price Index (CPI-U, Seattle-Tacoma-Bellevue) for the most recently completed calendar year.
- (z) Resolution No. 9625 authorizing execution of a General Services contract with At Work for an initial eighteen-month term in an amount not to exceed \$60,667.45, plus all applicable taxes, including an option to renew for an additional two years in an amount not to exceed \$69,030.72 plus all applicable taxes and any State-mandated prevailing wage increase and/or City-approved special or unanticipated market condition that does not exceed the Consumer Price Index (CPI-U, Seattle-Tacoma-Bellevue) for the most recently completed calendar year.
- (aa) Resolution No. 9626 ratifying the emergency declaration of the City Manager's Emergency Declaration for the emergency recoating of the interior of Cherry Crest Reservoir to address operational risk to the water system and protect public health, safety, and ratifying the emergency work performed by Purcell Painting and Coating.

Item pulled:

- (n) Resolution No. 9613 authorizing the execution of a contract with Cascadia Consulting, Inc. for professional services to support the update to the Environmental Stewardship Initiative (ESI) Strategic Plan, for a total contract amount not to exceed \$150,000, plus all applicable taxes.

9. Public Hearings

- (a) Public Hearing and Action on Resolution No. 9627 declaring certain utility owned property and equipment as surplus and directing the director of finance and asset management to dispose of such property.

City Manager Brad Miyake said staff is seeking Council action regarding Resolution No. 9627 declaring certain utilities property and equipment as surplus.

Lucy Liu, Assistant Director of the Utilities Department, said the items to be surplus include vehicles, trailers, equipment, and electronics. The assets have a total estimated salvage value of \$194,825. She noted a scrivener's error in the dollar amount reflected in the Resolution, which will be corrected. She summarized the criteria used to determine whether to surplus items. She said the items are available for purchase online, and the proceeds from the sale of the items are returned to the utility that owns the property.

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

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

No one came forward to comment.

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

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

→ Deputy Mayor Robinson moved to approve Resolution No. 9627, and Councilmember Stokes seconded the motion.

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

10. Land Use

- (a) Consideration of Ordinance No. 6468 adopting the Hearing Examiner's recommendation approving rezone application Permit File No. 18-103926-LQ (Red Town Rezone); rezone of a 1.56-acre site in the Newcastle subarea from R-3.5 (Single-Family Residential) to R-7.5 (Single-Family Residential).

City Attorney Kathy Gerla noted that the Red Town Rezone application is a quasi-judicial matter. She asked Councilmembers to disclose whether they had any ex parte communications regarding the application.

Mayor Chelminiak said there were no ex parte contacts by Councilmembers.

Ms. Gerla requested the Council's consideration of the Red Town Rezone application to rezone a 1.56-acre single parcel from Single-Family Residential (R-3.5) to Single-Family Residential (R-7.5). She said the Hearing Examiner recommended approval of the rezone, and no appeals were

received. The Council received a staff report on the rezone during its June 3 Regular Session meeting. Ms. Gerla said the Council has four options: 1) approve the application, 2) approve the application with modifications, 3) remand the matter to the Hearing Examiner to address specific issues, or 4) deny the application.

→ Deputy Mayor Robinson moved to adopt Ordinance No. 6468, and Councilmember Stokes seconded the motion.

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

- (b) Consideration of Ordinance No. 6469 adopting the Hearing Examiner's recommendation approving rezone application Permit File No. 17-131047-LQ (Dacha Rezone); rezone of a parcel located at 160 118th Avenue SE from Single-Family Residential (R-1) to Multi-Family Residential (R-20).

Responding to City Attorney Gerla, Councilmembers indicated they did not have any ex parte contacts to disclose.

Ms. Gerla requested the Council's consideration of the City Dacha LLC to rezone a parcel located at 160 118th Avenue SE from Single-Family Residential (R-1) to Multi-Family Residential (R-20). She said the Hearing Examiner recommended approval of the application and no appeals were filed. She recalled that the Council received a staff report on this matter during its June 3 meeting. She noted that the same options are available as listed above.

→ Deputy Mayor Robinson moved to adopt Ordinance No. 6469, and Councilmember Stokes seconded the motion.

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

11. Other Ordinances, Resolutions and Motions

- (a) Threshold Review of the Planning Commission recommendations and the criteria set forth in Part 20.30I.140 LUC to determine by motion which amendment proposals will be included in the 2019 annual Comprehensive Plan Amendment work program.

City Manager Miyake introduced discussion regarding the proposals to include in the 2019 annual Comprehensive Plan Amendment (CPA) work program. He noted that three of the four CPA applications have been withdrawn.

Nicholas Matz, Senior Planner, said the four initial CPA applications were Park in Bellevue, 12620 Northup Way, Bellevue Technology Center, and Vision Zero for Gun Safety. All except the latter were withdrawn. Mr. Matz highlighted the eight threshold review decision criteria. An application must meet all of the criteria to be eligible for moving forward to final review.

Mr. Matz said the Vision Zero for Gun Safety CPA proposes policy amendments to the Human

Services Element of the Comprehensive Plan to: 1) strive to achieve zero deaths and serious injuries from gun violence in Bellevue by 2035, 2) conduct a comprehensive risk review and an assessment of risks for especially vulnerable residents and workers, 3) work with neighboring jurisdictions to develop and implement regional best practices, and 4) seek the means to implement gun safety strategies.

Jeremy Barksdale, Planning Commission Chair, said the Commission recommended by a vote of 4-2 to not include the Vision Zero for Gun Safety CPA in the 2019 work program. The Commission found that the CPA proposal did not meet the threshold review decision criteria. The Commission determined that: 1) the proposed amendment raises policy or land use issues that are more appropriately addressed elsewhere in the City's policy work, 2) the proposal cannot be reasonably reviewed within the resources and time frame of the annual CPA work program, and 3) there is not sufficient information to determine the proposal's consistency with Countywide Planning Policies or with state or federal laws.

Mr. Matz said the City received 47 public comments regarding the gun safety CPA proposal. Of those, 43 were in favor, two were opposed, and two sought further information. Of the ten individuals who spoke during the Commission's public hearing, nine favored the proposal.

Mr. Matz requested Council action to adopt the Planning Commission's recommendation.

Responding to Councilmember Stokes, Mr. Matz said staff and the Commission determined that the annual CPA process is not the proper method for addressing the proposed policy changes. The Commission suggested that this is a broader issue for the community to address beyond the scope of the annual CPA process.

Responding to Mr. Stokes, Arun Jain, Assistant Director of Community Development, said the City of Kirkland went through an extended period of community engagement before adopting gun safety policies. Bellevue staff and the Planning Commission determined that the issue is too broad and complex to be considered a minor change to the Comprehensive Plan. Mr. Jain suggested it would be more appropriate to address the issue during a major, 10-year update to the Comprehensive Plan or through a different process.

In further response to Mr. Stokes, Mr. Matz said that resources from multiple departments would be needed to fully address the issue of gun safety policies. Mr. Matz confirmed that the Planning Commission did not accept or reject the specific policies. However, the commissioners felt that there are other more appropriate ways to address the issues than through the annual CPA process.

Deputy Mayor Robinson expressed concern that the process allows an applicant to withdraw a CPA proposal in order to reapply the following year. She suggested that the three-year waiting period should be counted from the date of the application, whether or not the proposal is later withdrawn by the applicant or denied by the City. She would like staff to provide more information and a recommendation regarding the rule.

Ms. Robinson said gun safety is a significant concern in schools. She would like more information, including what other cities and governments have done to address the issue.

Councilmember Lee thanked everyone for their comments regarding the gun safety CPA. Responding to Mr. Lee, Mr. Barksdale said the majority of the commissioners felt that the issue does not fall under the City's purview. However, two commissioners were in favor of moving the CPA forward to final review, in part to gather more information. In further response, Mr. Matz said that a person who spoke in strong opposition to the proposed CPA said he believed that the application contained factual errors about gun law and gun control in the United States.

Councilmember Nieuwenhuis questioned whether it would be appropriate to address the issue on an individual neighborhood basis. He thanked the Planning Commission and staff for their work and expressed support for their recommendations. He believes this is a broader community engagement issue in need of extensive study. However, he is unsure whether the suggested policies fall within the City's purview.

Mayor Chelminiak concurred with the determination that the annual CPA process is not the correct approach for addressing the proposed policies related to gun safety. He shared King County's statistics on gun violence, noting that both homicides and suicides are increasing. He said the issue involves both federal law and behavioral health factors. He suggested that the medical examiner's office should be involved in the study and discussions. He acknowledged that this is a partisan political issue at the state and federal levels. Mayor Chelminiak said he would like staff to propose a framework for moving forward.

→ Deputy Mayor Robinson moved to adopt the 2019 annual Comprehensive Plan Amendment (CPA) work program as recommended by the Planning Commission through its resolution. Councilmember Stokes seconded the motion.

Councilmember Lee concurred with the need for more information before moving forward to address the issue through another avenue.

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

Responding to Mayor Chelminiak, Mr. Matz said that, last year, staff researched other cities' processes for handling annual CPAs under the Growth Management Act. Mr. Matz said staff will update that information and provide it to the Council.

Mayor Chelminiak said he would like to review the overall process before next year's CPA review process.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:34 p.m., Mayor Chelminiak declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw