

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

August 3, 2015
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Balducci, Deputy Mayor Wallace and Councilmembers Chelminiak, Lee, Robertson, Robinson¹, and Stokes

ABSENT: None.

1. Call to Order

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

2. Roll Call, Flag Salute

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

(a) Commendation Honoring Dorothy Webb

Mayor Balducci read a commendation honoring Dorothy Webb for her leadership with the Bellevue Sister Cities Association and her commitment to the community.

Councilmember Lee said Ms. Webb was a driving force in the community. He knew her for more than 20 years, beginning with his early involvement with the Bellevue Sister Cities Association. He recalled being part of a delegation that traveled to Asia with Ms. Webb. Mr. Lee said Ms. Webb took a leadership role in working with the City Council and City Manager to increase the City's participation with the BSCA. Councilmember Lee said he and the community will miss her.

Mayor Balducci recalled a presentation the previous week from the Seattle Tsinghua University Alumni Association in recognition of the new Global Innovation Exchange partnership and reported that the City received a gift from the Association.

¹ Councilmember Robinson took her seat at the dais shortly after the roll call.

3. Approval of Agenda

→ Councilmember Lee moved to approve the agenda, and Deputy Mayor Wallace seconded the motion.

→ The motion to approve the agenda carried by a vote of 7-0.

4. Communications: Written and Oral

- (a) Phil Bussey and Booga Gilbertson, Puget Sound Energy, thanked the City for its diligence in evaluating the energy needs of the community with regard to the Energize Eastside project. He said PSE appreciates its collaborative relationship with the City. Ms. Gilbertson said the need to expand electrical capacity is critical. The system has not been upgraded since the 1960s and delaying the project is not an option.
- (b) Shiv Batra, Tetra Tech, said he has been involved in building public infrastructure of all sizes and scopes, including the Panama Canal. All of those projects have been necessary. He said Energize Eastside is a critical project to meet local electrical needs. Mr. Batra urged the Council to ensure that the environmental review process moves forward in a timely manner.
- (c) Eileen Tiamzon, President of the Teen Advisory Board of the Bellevue Youth Theatre, invited the Council and the public to the theatre's upcoming plays. Students handed out bookmarks listing the season's shows in the new Crossroads theatre.
- (d) Alex Zimmerman, StandUP-America, reiterated his ongoing request that the City Manager hold monthly community discussions. He said the Council is corrupt and the 135,000 residents of Bellevue act like fat cows. He said the Mayor acts like a dictator and Councilmembers are crooks. He said there is a need to elect a Council of nice people who believe in the constitution.

When Mr. Zimmerman would not leave the podium after his time had lapsed, Mayor Balducci asked security personnel to escort him out of the Chamber.

- (e) Angela Murray, representing the Sophia Way, described the organization's programs assisting single adult women who are experiencing homelessness. She thanked the City for its continued funding of the emergency shelter. Ms. Murray commended the Council for adopting strong housing policies in the Comprehensive Plan Update. She thanked the City for its ongoing support of housing projects through A Regional Coalition for Housing (ARCH). Ms. Murray thanked Councilmembers for their public service.
- (f) Leslie Schofield, St. Luke's Lutheran Church, thanked the Council for addressing affordable housing needs through the Comprehensive Plan Amendment process. She said Imagine Housing has 2,150 households on its waiting list. She urged the Council to adopt Ordinance No. 6248 approving the church's Comprehensive Plan Amendment.

- (g) Pastor Red Burchfield, St. Luke's Lutheran Church, thanked the Council for considering the church's site-specific Comprehensive Plan Amendment application. He said the church is happy to be working with Imagine Housing to address housing and to serve the community.
 - (h) Ann Schroeder Osterberg expressed concern about the demolition of modest 1950s and 1960s homes and the redevelopment of lots with huge homes. She is concerned about the lack of affordable housing and looks forward to the development of a housing strategy plan by the Council. She believes issues related to housing need strong City policies and regulations. She thanked Councilmembers for their work to date.
 - (i) Kayla Schott Bresler, Policy Manager for the Housing Development Consortium, thanked the Council for Comprehensive Plan policies on housing. She appreciates the City's commitment to work on a housing strategy plan.
5. Reports of Community Council, Boards and Commissions: None.
6. Report of the City Manager: None.
7. Council Business and New Initiatives
- Councilmember Robinson moved to appoint Eric Synn to serve on the Parks and Community Services Board, and Councilmember Stokes seconded the motion.
 - The motion carried by a vote of 7-0.
8. Consent Calendar
- Deputy Mayor Wallace moved to approve the Consent Calendar, and Councilmember Chelminiak 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 Meeting Minutes
Minutes of July 6, 2015 Study Session
Minutes of July 6, 2015 Regular Session
 - (b) Motion to reject all bids for Bid No. 15000, Northup Way Connection to the SR520 Trail (CIP Plans PW-R-146), and rebid the construction contract at a later date.
 - (c) Resolution No. 8954 authorizing execution of an agreement with Bockyn LLC for the purchase, implementation, and maintenance of the Bellevue Parks and Community Services Activity Registration and Facility Scheduling System and citywide Point of Sale (POS) System.

- (d) Motion to award Bid No. 15058 to WM Dickson Co. as the lowest responsible bidder for the Surrey Downs Courthouse Demolition Project.
- (e) Resolution No. 8956 authorizing execution of a purchase agreement with Northend Truck Inc., in an amount not to exceed \$239,778.72, including Washington State sales and vehicle taxes, for the purchase of two Versalift utility bucket trucks for Transportation Department use in maintaining traffic signals and street lighting.
- (f) Resolution No. 8957 authorizing execution of an Intergovernmental Agreement for the EMAC (Emergency Management Assistance Program) and PNEMA (Pacific Northwest Emergency Management Arrangement) with Washington State Military Department, Emergency Management Division, which provides the option for the City of Bellevue to participate in intrastate and state-to-state mutual aid during times of emergency or disaster.
- (g) Resolution No. 8958 authorizing execution of the Regional Coordination Framework Agreement with King County which establishes a cooperative and voluntary platform linking private businesses, nonprofit organizations, government agencies, and special purpose districts to address emergency assistance covering the legal and financial obligations of partners sharing personnel, equipment, materials and/or support during a disaster or major planned event within King County.
- (h) Resolution No. 8959 authorizing execution of an Interlocal Agreement between Bellevue and Clyde Hill for mutual aid assistance, specifically of Bellevue Police Department's specialty police units of Special Weapons And Tactics Team ("SWAT"), Hostage Negotiation Team ("HNT"), and Accident Investigations Unit.
- (i) Resolution No. 8960 granting authority to the Finance Director to execute annual purchase orders for various small items not stocked by City departments for an amount not to exceed the estimated value listed in this agenda memo.
- (j) Ordinance No. 6244 authorizing: 1) Execution of two Interlocal Agreements (and supplements if necessary) with the Washington State Department of Transportation (WSDOT) for acceptance of \$456,363.64 in pass-through grant funds from WSDOT for the citywide Transportation Demand Management (TDM) Implementation Project 2015-2018; 2) Amendment of the 2015-2016 Operating Grants, Donations and Special Reserves Fund by increasing the appropriation by \$381,363.64; and, 3) Execution of a professional services contract (and supplements if necessary) with the Bellevue Downtown Association (BDA) in the total reimbursement amount of \$220,000 for citywide trip reduction services associated with implementing the TDM Implementation Project 2015-2018.

- (k) Resolution No. 8961 authorizing execution of a successor labor agreement by and between the City and the Bellevue Police Management Association (Union) for the contract period January 1, 2015 through March 31, 2018.
- (l) Ordinance No. 6245 authorizing: 1) award of Re-Bid No. 15031 to Buckley Nursery Company as the lowest responsive and responsible bidder for the City Hall Green Roof project, in an amount not to exceed \$177,737.12; and 2) acceptance of a King Conservation District Grant in the amount of \$90,000; and 3) amendment of the 2015-2016 budget of the Operating Grants, Donations, and Special Reserve fund in the amount of \$40,000; and authorizing expenditures from said fund.
- (m) Resolution No. 8962 authorizing execution of a Job Order Contracting (JOC) contract with Saybr Contractors, Inc. for general construction services for an initial term of two years and the option to renew for one year.
- (n) Resolution No. 8963 authorizing execution of a Job Order Contracting (JOC) contract with FORMA Construction Company for general construction services for an initial term of two years and the option to renew for one year.
- (o) Resolution No. 8964 authorizing execution and supplements, as necessary, of an Agreement between Sound Transit and the City of Bellevue for reimbursement of General Contractor/ Construction Manager (GC/CM) preconstruction services associated with the design of NE Spring Boulevard (Zone 1B) (CIP Plan No. PW-R-172).
- (p) Resolution No. 8965 authorizing execution of a purchase agreement with Fireblast Global for the purchase and installation of a propane gas fueled fire training simulator and fire proof lining to protect the walls and structure of the Fire Training Tower at the Public Safety Training Center in an amount not to exceed \$517,474, plus applicable Washington State sales tax.
- (q) Resolution No. 8966 repealing Resolution No. 8953 and authorizing the submittal of a grant application requesting \$250,000 from the State of Washington's Recreation and Conservation Office (RCO) to assist with the cost of replacing the synthetic turf at Robinswood Park.
- (r) Ordinance No. 6246 authorizing and providing for acquisition, including through condemnation, of certain property rights required for the 120th Avenue NE Improvements Project, Stage 3, NE 12th Street to NE 16th Street - CIP Plan No. PW-R-168.
- (s) Resolution No. 8967 authorizing execution of a purchase agreement with General Equipment Inc., in an amount not to exceed \$272,762.97, including Washington State sales and vehicle taxes, for the purchase of one Vac/Jet Aquatech truck for the sewer maintenance program in the Utilities Department.

9. Public Hearings: None.

10. Land Use

- (a) Ordinance No. 6247 considering the Hearing Examiner's Recommendation on the rezone application of Michele and Paul Etsekson, dba Active Investment Co., LLC (Mountvue Place), amending the zoning of the site located at 14510 NE 20th Street from Bel-Red-General-Commercial (BR-GC) to Bel-Red-Commercial-Residential (BR-CR). The rezone would change the zoning of the property making it consistent with the Comprehensive Plan amendment approved by Council on December 12, 2014 (Ordinance No. 6211). The site is a 4.67 acre parcel split zoned with the street-side portion being BR-CR and the back portion being BR-GC.

City Manager Brad Miyake introduced consideration of Ordinance No. 6247 regarding the rezone application of Michele and Paul Etsekson, dba Active Investment Co., LLC (Mountvue Place), amending the zoning of the site located at 14510 NE 20th Street from Bel-Red-General-Commercial (BR-GC) to Bel-Red-Commercial-Residential (BR-CR).

Nicholas Matz, Senior Planner, recalled previous discussion with the Council on July 27 regarding the rezone request. The rezone ensures consistency with the Comprehensive Plan Amendment adopted by the Council on December 12, 2014 under Ordinance No. 6211. The action remedies the current split zoning on the site and makes the parcel consistent with BelRed zoning for the site and across the street to the south. There were no comments before the Hearing Examiner and no appeals to his recommendation.

- Councilmember Stokes moved to adopt Ordinance No. 6247, and Councilmember Robinson seconded the motion.
- The motion carried by a vote of 7-0.

11. Other Ordinances, Resolutions and Motions

- (a) Ordinance No. 6248 adopting the St. Luke's 2015 annual Comprehensive Plan Amendment (CPA) as part of the 2015 Comprehensive Plan work program and the overall update of the Bellevue Comprehensive Plan.

City Manager Miyake introduced four ordinances before the Council related to the Comprehensive Plan Update.

Dan Stroh, Planning Director, said this is an important milestone and only the second update since the Comprehensive Plan was adopted following implementation of the State Growth Management Act. He said this has been a multi-year process involving the public, City Council, Boards and Commissions. Staff looks forward to Council action on the Comprehensive Plan Update. Mr. Stroh said the Council has spent a number of Study Sessions addressing

Comprehensive Plan policies and providing direction.

Paul Inghram, Comprehensive Planning Manager, said the Comprehensive Plan Update supports existing strategies including investing in a strong Downtown, revitalizing commercial areas, protecting neighborhoods, and enhancing the character of the community as a City in a Park. It captures a new community vision that connects with the Council Vision. The Update directs the majority of growth to Downtown Bellevue and other mixed use centers including BelRed, Eastgate, Factoria and Wilburton.

Mr. Inghram said the Update reflects the increasing diversity in the community as well as issues related to the economy, neighborhoods, housing, human services, and how the community engages with the City. The Update creates a new Neighborhood Element and increases the emphasis on housing affordability and housing for senior adults and the homelessness. Updated policies also address electrical facilities, multi-modal transportation, economic development, and environmental goals (e.g., reducing greenhouse gas emissions and increasing the tree canopy).

Mr. Inghram said the amendment package includes the St. Luke's Lutheran Church Comprehensive Plan Amendment, Public Storage Comprehensive Plan Amendment, Eastgate/I-90 Plan-related amendments, and a modification of the southern Downtown boundary.

Mr. Inghram said one outstanding issue was suggested by Councilmember Robertson and discussed by the Council the previous week while she was out ill.

Mayor Balducci noted that the Council postponed a decision on the item pending the opportunity for Ms. Robertson to address her suggestion tonight.

Councilmember Robertson recalled that she raised this issue in June during a meeting in which four Councilmembers were present, and there was no consensus at that time.

Ms. Robertson said she made a number of recommendations regarding utilities policies which the Council supported and have been included in the Update. The one that has not been resolved relates to her suggested policy that encourages, but does not require, placing utility lines in the right-of-way (ROW). She said this protects private properties and is consistent with other policies about utilities colocations.

→ Councilmember Robertson moved to amend Ordinance No. 6251 to add the new Comprehensive Plan policy UT-X28: Encourage new transmission facilities to be located in street rights-of-way. Councilmember Robinson seconded the motion.

Councilmember Chelminiak said transmission facilities are 115kV and 230kV. He expressed concern about a blanket statement encouraging that new facilities be located in the ROW. He said the ROW is sometimes meant to allow for future expansion of the roadway. He questioned the definition of new and whether it would include upgrades to existing facilities.

Councilmember Robertson said the details would be worked out in the Land Use Code analysis.

Responding to Mayor Balducci, Mr. Inghram said a Comprehensive Plan Amendment approximately 10 years ago added policies requiring a sensitive siting analysis for substations as well as distribution and transmission lines.

Ms. Balducci said her concern is based partly on the recent action regarding the Lake Hills Transmission Line with a proposed alignment along 148th Avenue. Many residents, including the East Bellevue Community Council, are opposed to placing the line in the ROW along that arterial because they feel it detracts from the park-like setting along the street.

Councilmember Stokes concurred with Councilmember Robertson that details could be resolved through the Land Use Code process. He suggested adding “where feasible” to the end of the policy statement. He observed that there could be times when it would be more desirable to place utilities in the street ROW. However, that can also be more expensive. Mr. Stokes said he does not anticipate an adverse effect from encouraging the use of the ROW.

Mayor Balducci reiterated that the Lake Hills Transmission Line targeted by Puget Sound Energy for 148th Avenue is an example of using the ROW that is not acceptable to residents. She would prefer to avoid adopting a policy that encourages the use of the ROW.

Councilmember Robinson observed that the objective is to site utilities in a way that will have the least impacts. She suggested alternative policy language: Encourage that new transmission facilities be located in areas where they will have the least impact.

Councilmember Robertson said that Comprehensive Plan policies are always in tension with each other. Her intention in adding the policy is that it will be considered in crafting the Land Use Code to be applied when there is a choice between siting a new facility along the ROW or through private properties. She noted that the policy against putting new aerial facilities where they do not exist would protect the 148th Avenue corridor. Ms. Robertson said the tension between Comprehensive Plan policies is resolved through the Land Use Code, which is the regulatory document.

Councilmember Lee said he is not sure of the intended or unintended consequences. He asked staff about the potential adverse impacts. Mr. Stroh said the changes made several years ago in electrical facilities policies addressed sensitive siting, the consideration of alternatives, and public involvement. UT-96 requires a siting analysis that involves comparing alternatives to identify the one with the least impacts.

Deputy Mayor Wallace said he appreciated Ms. Robertson’s suggested policy language. However, he concurred with Councilmembers’ concerns about unintended consequences. He observed that encouraging the use of the ROW unless there is a better alternative is essentially not meaningful.

→ The motion to amend failed by a vote of 1-6, with Councilmember Robertson in favor.

Councilmember Robinson noted policy CE-14Z2: Invest in training for City officials, boards and commissions, and staff to ensure effective and appropriate communication with a diverse

community. She suggested revising it to read: “within our diverse community.”

→ Councilmember Robinson moved to amend policy CE-14Z2 as stated above.
Councilmember Chelminiak seconded the motion.

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

Councilmember Stokes moved to approve Ordinance No. 6251 adopting the updated Bellevue Comprehensive Plan.

Following clarification from staff about how to proceed, the Council moved forward with actions to adopt the Comprehensive Plan Update. Councilmember Stokes withdrew his motion.

→ Councilmember Chelminiak moved to adopt Ordinance No. 6248, and Councilmember Stokes seconded the motion.

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

(b) Ordinance No. 6249 adopting the Public Storage 2015 annual Comprehensive Plan Amendment (CPA) as part of the 2015 Comprehensive Plan work program and the overall update of the Bellevue Comprehensive Plan.

→ Councilmember Chelminiak moved to adopt Ordinance No. 6249, and Councilmember Stokes seconded the motion.

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

(c) Ordinance No. 6250 adopting the policy and map amendments to implement the Eastgate/I-90 Land Use and Transportation Project, including amendments to the Richards Valley, Factoria, and Eastgate subarea plans and the Comprehensive Land Use Plan, as part of the overall update of the Bellevue Comprehensive Plan.

→ Councilmember Chelminiak moved to adopt Ordinance No. 6250, and Councilmember Robertson seconded the motion.

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

(d) Ordinance No. 6251 adopting the updated Bellevue Comprehensive Plan (12-127970-AC).

→ Councilmember Stokes moved to adopt Ordinance No. 6251, as amended on the floor.
Councilmember Robertson seconded the motion.

Councilmember Robinson said she is proud of the Comprehensive Plan policies supporting housing goals. She thanked everyone in the community who participated in the Update process and provided input.

Councilmember Robertson said she was on the Planning Commission in 2004 when the City last adopted a Comprehensive Plan Update. Responding to Ms. Robertson, Mr. Inghram said the Planning Commission held approximately 30 meetings through this Update process. A total of approximately 60 meetings for all Boards and Commissions addressed the Comprehensive Plan Update. Ms. Robertson said this was a monumental effort by the community, staff, Boards and Commissions, and the City Council. She thanked everyone for their hard work.

Councilmember Stokes thanked Paul Inghram, who is leaving the City, for his leadership role in this effort. Mr. Stokes said he enjoyed working with Mr. Inghram on this fundamental work and thanked all staff who worked on the Update.

Councilmember Lee expressed support for the Comprehensive Plan Update. He is especially proud of the community diversity and engagement policies.

Councilmember Chelminiak thanked the Planning Commission and all Boards and Commissions for their hard work. He said this was great staff work and the Update is consistent with the Council Vision. He said there is never enough money and resources to do everything the City would like to do. Mr. Chelminiak said he is pleased with the Housing Element and the commitment to approach the topic in a Bellevue-specific way.

Mayor Balducci expressed her appreciation for all of the work that went into the Comprehensive Plan Update. She commended Councilmember Stokes on his involvement with the Planning Commission. She observed that the policies reinforce the Council Vision and elevate the City's commitment to neighborhoods, diversity, and housing affordability. The Update also addresses utilities, land use, transportation, and other City functions. Ms. Balducci said she looks forward to updating the subarea plans in the future.

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

- (e) Ordinance No. 6252 amending the Traffic Standards Code, Bellevue City Code Chapter 14.10, to implement Transportation Element amendments adopted (July 20, 2015) regarding Mobility Management Area (MMA) boundary changes to SE Bellevue, Eastgate, and Factoria MMAs and assignment of system intersections.
[Reflects map amendments to the Traffic Standards Code in response to the Comprehensive Plan Update.]

Mr. Miyake requested Council action on Ordinance No. 6252 amending the Traffic Standards Code.

→ Deputy Mayor Wallace moved to adopt Ordinance No. 6252, and Councilmember Stokes seconded the motion.

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

- (f) Ordinance No. 6253 adopting Planning Commission Recommendation on Marijuana Uses Land Use Code Amendment. Amending sections 20.10.440 (Resources use chart and notes), 20.25D.070 (Bel-Red Resources use chart and notes) of the Bellevue Land Use Code (LUC), and adding a new section 20.20.535 to the LUC; providing for severability and establishing an effective date.

Mr. Miyake introduced discussion of Ordinance No. 6253 adopting permanent marijuana regulations.

Catherine Drews, Legal Planner, recalled the Council's previous discussion on July 6, including the issue of when to repeal medical marijuana collective garden provisions. Version A of the ordinance repeals those provisions now and lists collective gardens as a prohibited use in the Land Use Charts. Version B repeals the collective garden provisions consistent with State law on July 1, 2016.

Ms. Drews recalled discussion that the Liquor and Cannabis Board (LCB) will be developing a license for marijuana research uses. The LCB will begin considering its rules this fall and anticipates adopting final rules to be effective January 1, 2016. Based on that schedule, staff does not recommend a moratorium on marijuana research uses at this time. Staff proposes reviewing the draft rules as they are developed and preparing a recommendation for the Council based on the LCB's regulations.

Responding to Councilmember Robertson, Ms. Drews confirmed that there are no collective gardens in Bellevue. In further response, Ms. Drews said staff recommends Version B of the ordinance because the effective date is consistent with State law.

Responding to Mayor Balducci, Ms. Drews confirmed that Version A of the ordinance would prohibit collective gardens immediately. Ms. Balducci expressed concern that waiting to prohibit the gardens could raise an enforcement issue if a garden did open before 2016.

Responding to Councilmember Robinson, Ms. Drews said staff will be back in September to discuss marijuana medical research policies.

→ Councilmember Stokes moved to adopt Ordinance No. 6253, Version A. Councilmember Robertson seconded the motion.

Mr. Stokes said it makes good sense to ban the collective gardens now.

Councilmember Chelminiak concurred. He observed that the City did a good job of responding to Initiative 502. He said there have not been problems in the community, and currently three of the four allowed retail stores have opened. Responding to Mr. Chelminiak, Ms. Drews said the State might expand the number of retail licenses.

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

Mayor Balducci said this Comprehensive Plan Update is dedicated to Nan Campbell, Bellevue's first female Mayor and a strong advocate for neighborhoods and human services. The previous Comprehensive Plan was dedicated to Fred Herman, Bellevue's first City Planner.

12. Unfinished Business: None.
13. Continued Oral Communications: None.
14. New Business: None.
15. Executive Session: None.
16. Adjournment

At 9:38 p.m., Mayor Balducci noted that the Council would be in recess until September 8 and declared the meeting adjourned.

Kyle Stannert
Acting City Clerk

/kaw