

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

September 18, 2017  
8:00 p.m.

Council Chamber  
Bellevue, Washington

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

ABSENT: Councilmember Wallace

1. Call to Order

The meeting was called to order at 8:11 p.m., with Mayor Stokes presiding.

2. Roll Call, Flag Salute

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

(a) Welcoming Week Proclamation

Mayor Stokes read the proclamation recognizing September 15-24, 2017, as Welcoming Week in Bellevue. He noted that the proclamation was signed by the Mayors of Issaquah, Kirkland, Redmond, and Sammamish as well.

Alaric Bien, said he was accepting the proclamation on behalf of the Eastside Refugee and Immigrant Coalition and all residents of Bellevue. He commended the City for its ongoing efforts to ensure that Bellevue is a welcoming community. He noted Bellevue's leadership in reaching out to the diverse community and for becoming the Eastside's first Welcoming City in the Welcoming America Network.

Councilmember Lee said he came to Bellevue 55 years ago and felt right at home. He observed that Bellevue provides equal opportunities for residents to reach their full potential. He said the population has become increasingly diverse and multicultural, which is a testimony to the community's welcoming environment.

3. Approval of Agenda

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

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

4. Communications: Written and Oral

- (a) Pamela Johnston spoke about protecting and promoting the character of Bellevue in the Downtown Livability Initiative Land Use Code Amendment (LUCA).
- (b) Ian Morrison, McCullough Hill Leary, spoke on behalf of the Surrey Building LLC. He recalled the letter to the Council the previous week regarding the building located on the corner of Main Street and 108<sup>th</sup> Avenue. The site is a split-zoned parcel on the southern boundary of the Downtown. Mr. Morrison asked the Council to resolve the zoning through a Council-initiated Comprehensive Plan Amendment (CPA). He said the opportunity to be in the Downtown-Mixed Use (DT-MU) zone would facilitate a more attractive urban design and support additional housing units.
- (c) Jack McCullough, McCullough Hill Leary, said he appreciated the Council's discussion during the earlier Study Session regarding the Downtown Livability Initiative LUCA. He said the Council exempted 40,000-square-foot or smaller sites from the application of certain requirements. However, the setbacks always pose difficulties for oddly shaped or narrow sites. With regard to the discussion regarding the 20-foot tower setback from internal property lines, Mr. McCullough said it is difficult to create a standard that facilitates the feasibility of project. He said the market dictates economically feasible development. He suggested the City create a flexible incentive that has no prescribed FAR (floor-area ratio), and that allows a developer to request a higher FAR in exchange for wider setbacks.
- (d) Karen Morris said she agrees with many of the recommendations of the King County Heroin and Prescription Opiate Task Force. However, she expressed concern regarding the task force membership and the lack of public involvement in the process. She said the recommendation for safe injection sites was presented as if it was supported by scientific data. She said the task force included medical professionals as well as individuals representing the ACLU, public defenders, governmental agencies, Native-American tribes, and the People's Harm Reduction Alliance. The latter advocates for the continued safe use of opioids, rather than abstinence, and for the legalization of drugs. Ms. Morris noted the lack of representation on the task force by the community and by groups with different evidence-based perspectives. She said most of the data focused on the Insite facility in Vancouver, B.C. However, the study was performed by those who initially lobbied for the site and have been paid significant amounts to report on the data. Ms. Morris said there seems to be no independent studies and no sharing of raw data between independent researchers. She said the cost of operating the sites is \$1 million annually, and each site would monitor only 0.3 percent of the total injections in King County. She said the cost diverts resources from needed detox and treatment services.

- (e) Heidi Dean recalled that the Council discussed the new Neighborhood Mixed Use (NMU) zoning designation in August. She requested that the City not refer to Newport Hills as a struggling neighborhood commercial district because it perpetuates a false narrative. She said the center is a beloved neighborhood commercial district with popular small businesses that have managed to continue to operate despite the purposeful neglect of the property owner, who she believes has been aided in that neglect by the City's refusal to address the blight. She said that continuing to refer to the commercial district as struggling makes it easier for developers and the neglectful property owner to make untrue claims of significantly changed conditions, which occurred during the attempted 2016 Comprehensive Plan Amendment (CPA) and rezone. She said a thriving restaurant opened across the street from the shopping center in July, and additional new businesses are opening soon. Ms. Dean said an entity is attempting to purchase the site, with plans for residential and retail development. She said the neighborhood is opposed to a rezone that will increase the housing density allowed on the property.
- (f) Stephanie Walter noted she would not be able to attend the public hearing on safe injection sites on September 25. She anticipates the Council will hear compassionate testimony from people who have lost someone to drug addiction, as a reason to allow a safe injection site. She personally suffered the loss of her brother due to addiction. In reflection, she is still unclear about what might have helped him. However, she knows that enabling him was not the answer. Ms. Walter said she questions the ability of safe injection sites to meet society's intent to reduce drug addiction and to save lives.

5. Reports of Community Council, Boards and Commissions

(a) Arts Commission Report and Review of Grant Guidelines

Philip Malkin, Vice Chair of the Arts Commission, thanked the Council for its support of the arts community. He said the Commission recommends the 2018 grant guidelines for two funding programs: Eastside Arts Partnerships (EAP) and Special Projects. The EAP provides operating support to nonprofit organizations that provide arts and cultural programming in Bellevue. The Special Projects program fosters access and innovation by supporting projects of diverse artists and community groups. He said the recommended 2018 guidelines are the same as the 2017 guidelines.

Vice Chair Malkin asked the Council to approve the guidelines to allow the Arts Commission to move forward with advertising funding opportunities. He noted that the Commission recently initiated a pilot program known as Power Up Bellevue, which is a capacity building program for arts and culture nonprofit organizations that serve Bellevue. The program offers grant funding for one-time projects, technical assistance to arts leaders, and a supportive learning community for common capacity building issues. The program is designed to increase the performance of Eastside arts partners in the near term. The desired outcome is strong, healthy nonprofit organizations that can grow with Bellevue's changing community over the long term.

Vice Chair Malkin said the Arts Commission is hosting a Power Up Bellevue event on Saturday, September 30, to kick off the grant application period. Attendees will include staff and volunteer

Board members of arts and cultural organizations serving Bellevue. He invited Councilmembers to attend as well.

Mayor Stokes thanked Mr. Malkin for the update and for the Arts Commission's work.

- Councilmember Robertson moved to approve the Eastside Arts Partnerships funding guidelines, Special Projects funding guidelines, and Power Up Bellevue funding guidelines for 2018; and to direct the Arts Commission and staff to proceed with developing funding recommendations for Council approval. Councilmember Robinson seconded the motion.
- The motion carried by a vote of 6-0.

6. Report of the City Manager

(a) Ethan Zakes Foundation and Bellevue Skate Park Recognition

City Manager Brad Miyake welcomed staff and guests to provide an update on the Ethan Zakes Foundation and the EZ Rocks event.

Patrick Foran, Director of Parks and Community Services, introduced Brad and Nancy Zakes, who will share their story of how great good can come from tragedy. Mr. Foran said that Ethan Zakes was a participant at the Bellevue Skate Park at the Highland Community Center eight years ago when he was diagnosed with adrenoleukodystrophy, a rare genetic disease. As his health deteriorated, the Make-A-Wish Foundation granted his wish and sponsored a skate boarding event at the Bellevue Skate Park. With only two days to prepare for the event, Skate Park staff and the Bellevue Police Department created an unforgettable event for Ethan, his family, and his friends. Unfortunately, Ethan died in 2011 at the age of 10.

After his passing, Ethan's parents discovered that infants can be screened at birth for the rare disease, which assists in early diagnosis and treatment. Brad and Nancy Zakes established the Ethan Zakes Foundation to raise awareness of ALD and to lead an effort to make ALD screening mandatory for all newborn infants in Washington. The foundation partners with the City to host an annual event, EZ Rocks, at the Bellevue Skate Park. The fifth annual event was held on August 5, with 450 youth and adults in attendance.

Mr. Zakes thanked the Council and Parks Department staff, especially Joe Moorman who oversees the Skate Park, for their support. Mr. Zakes spoke about raising awareness regarding the need for newborn screening of ALD. He said the symptoms are very subtle, and the disease can be misdiagnosed as Attention Deficit Hyperactive Disorder (ADHD). Mr. Zakes said the Ethan Zakes Foundation has been successful in working with the state legislature to obtain funding for ALD screening. He said newborn screening will go into effect late this year or in early 2018.

Ms. Zakes said the foundation's accomplishments would not be possible without the City's dedicated support. She thanked Joe Moorman for his hard work and for partnering with them to organize the EZ Rocks event. She thanked the City again for their efforts to honor her son.

Councilmember Robinson said she loved the EZ Rocks event, and she encouraged everyone to attend next summer.

Mayor Stokes commended the Zakes' success in achieving mandatory ALD screening for newborns. He thanked City staff for their enthusiasm and support.

(b) 2017 Annual Comprehensive Plan Amendments

Mr. Miyake said there are three proposals in the 2017 Comprehensive Plan Amendments (CPAs) work program for final review. One is a privately initiated amendment related to the Eastgate Office Park, and two are City-initiated amendments related to the Complete Streets program and the Downtown Transportation Plan. He said the CPAs are scheduled for review by the Planning Commission on September 27, and a public hearing will be held before the Commission on October 25. The proposed CPAs will be presented to the City Council on November 27 in preparation for adoption in December.

Mr. Miyake noted that an additional privately requested CPA will be addressed during Council Business.

(c) Homelessness Management - Council Look Ahead

Mr. Miyake noted the schedule of upcoming events provided in the meeting packet regarding the issue of homelessness in Bellevue. Two public hearings are scheduled for the September 25 City Council meeting regarding interim official control ordinances related to safe injection sites and the siting and regulation of homeless shelters.

Responding to Deputy Mayor Chelminiak, Deputy City Manager Kate Berens said the public hearings on September 25 will allow the interim official controls to continue for six months from the adoption of the ordinances. In further response, Ms. Berens acknowledged that the adoption of permanent regulations regarding homeless shelters might not occur until early 2018.

Responding to Councilmember Lee, Ms. Berens said Council action on permanent regulations regarding safe injection sites is anticipated on October 16.

7. Council Business and New Initiatives

Councilmember Robertson said that, earlier this month, the Council received a communication on behalf of the owner of one of the properties on the southern Downtown boundary. The parcel is split-zoned and the Downtown boundary runs through the parcel. She recalled action during the past two years to address parcels along the southern boundary, including those with split zoning.

Ms. Robertson noted the current work on the Downtown Livability Initiative Land Use Code Amendment (LUCA) and suggested resolving the split zoning for the parcel. She said the item must be handled as a Comprehensive Plan Amendment (CPA) and encouraged the Council to initiate the proposal into the CPA work program. Councilmember Robertson said the action requested by the property owner is consistent with previous work and zoning changes.

- Councilmember Robertson moved to initiate a 2017 site-specific Comprehensive Plan Amendment, as noted in the September 14 letter from McCullough Hill Leary, LLC; and to instruct the Planning Commission to include this in the 2017 annual CPA final review work program; and to instruct staff to include the cumulative State Environmental Policy Act (SEPA) analysis. The site plan amendment will be initiated as the most effective, efficient, and nimble means of addressing the Comprehensive Plan issue that resulted for similarly situated parcels in the 2015 Comprehensive Plan Update. Councilmember Lee seconded the motion.

Councilmember Lee expressed support for the motion. He said it is consistent with the City's goals and an amendment that would be processed at some point. He said the motion is to initiate the CPA proposal for review and later action by the Council.

Councilmember Robertson said she thought all of the split-zoned properties on the southern Downtown boundary were resolved two years ago. She said the property owner was living out of the country and could not be contacted, however, and the parcel was therefore not considered at that time. She encouraged public outreach, including through the City's normal notification process and by posting the proposal on [www.Nextdoor.com](http://www.Nextdoor.com).

Councilmember Chelminiak said he would support the motion because the Council and staff did review those parcels in the past. He said this is a private CPA request, which should have been handled as a privately initiated amendment and not as a Council-initiated proposal. He said this does not set a precedent for adding CPA proposals at this point in the process. However, it is consistent with the consideration of similar, nearby parcels in the major 2015 Comprehensive Plan Update.

Councilmember Simas concurred and expressed support for the motion. He wants to be sure there is an opportunity for public comment in considering the proposed CPA.

Mayor Stokes said the Land Use Code allows CPAs to be initiated by the City Council at any time. They are reviewed by the Planning Commission, and there will be public outreach and a public hearing. He said the proposal is consistent with previous Council actions and with City planning along Main Street. He noted that it takes a highly unusual circumstance for a CPA proposal to be added to the work program at this point in the annual CPA process. Mayor Stokes expressed support for the motion.

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

Mayor Stokes thanked staff for their responsiveness in addressing the CPA request.

8. Consent Calendar

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

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

- (a) Council Minutes  
Minutes of September 5, 2017 Study Session  
Minutes of September 5, 2017 Regular Session
- (b) Resolution No. 9307 authorizing execution of a Schedule 74 Underground Conversion Project Construction Agreement with Puget Sound Energy (PSE) for the Meydenbauer Bay Park Phase 1- Lake Washington Blvd Project.
- (c) Resolution No. 9308 authorizing execution of Amendment No. 4 to the Professional Engineering Services Agreement with HDR Engineering, Inc. (Clerk's Receiving No. 53626), increasing the total contract amount from \$2,721,595.00 to \$3,597,633.50, plus all applicable taxes, to advance design on the NE Spring Boulevard roadway improvements, Zone 1, 116th Avenue NE to 120th Avenue NE (CIP Plan No. PW-R-172), and Zone 2, 120th Avenue NE to 124th Avenue NE (CIP Plan No. PW-R-173)
- (d) Motion to award Bid No. 17071 to Arizon Structures WorldWide, LLC, as the lowest responsible bidder, in the amount of \$424,605.30, plus all applicable taxes, to design, fabricate, and install a replacement air supported structure (bubble) at the Robinswood Tennis Center.
- (e) Resolution No. 9309 authorizing execution of a two-year Professional Services Agreement, with an option for one two-year renewal, with Yates, Wood & MacDonald, Inc., in the estimated amount of \$500,000, plus all applicable taxes, for residential property management services at the Bayvue Village Apartments.
- (f) Resolution No. 9310 authorizing the City Manager to formally terminate Concomitant Zoning Agreement No. 4033, which has been rendered void and unenforceable by operation of law.
- (g) Resolution No. 9311 authorizing the granting of permanent, non-exclusive easements to Puget Sound Energy, Inc. (PSE) to install, operate and maintain electrical power transmission and distribution systems in support of the Meydenbauer Bay Park Phase 1 improvement project.
- (h) Ordinance No. 6372 amending the 2017 Community Development Block Grant Plan adopted by Ordinance 6327, to reallocate funding from the purchase of a facility for the Boys and Girls Club to two other projects, the Bellevue Boys &

Girls Clubs Teen Center Kitchen Remodel (up to \$26,000) and The Sophia Way Homeless Services project (up to \$20,000).

- (i) Motion to approve payment of claims and payroll for the period July 1, 2017 through August 31, 2017.

- 9. Public Hearing: None.
- 10. Land Use: None.
- 11. Other Ordinances, Resolutions and Motions: None.
- 12. Unfinished Business: None.
- 13. Continued Oral Communications

Steve Sanchez noted his interest in the Eastgate men's homeless shelter. He questioned the timing for an update on whether the shelter will be located at Sound Transit's site in the BelRed corridor or in the Eastgate area.

Mayor Stokes said there will be sufficient public notice before the topic returns to the Council.

- 14. New Business: None.
- 15. Executive Session: None.
- 16. Adjournment

At 9:10 p.m., Mayor Stokes declared the meeting adjourned.

Kyle Stannert, CMC  
City Clerk

/kaw