

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

October 1, 2018
8:00 PM

Council Chamber
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

Mayor Chelminiak called the meeting to order at 8:04 p.m.

2. Roll Call, Flag Salute

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

(a) International Walk to School Day Proclamation

Councilmember Nieuwenhuis read the proclamation recognizing October 10 as International Walk to School Day in Bellevue.

Representatives of the new Wilburton Elementary School thanked the Council for the proclamation and said they are excited to partner with the City and with other schools for International Walk to School Day. They noted that the school has many students who frequently walk or ride their bikes to school.

Mayor Chelminiak thanked them for coming and paused the meeting to take photos with the guests.

(b) Commendation for Retiring City Attorney Lori Riordan

Mayor Chelminiak read the commendation recognizing the contributions of City Attorney Lori Riordan throughout her 30-year career with the City. Ms. Riordan successfully represented the City in a number of municipal challenges that led the way for cities in this region on a number of fronts, including developing reasonable regulations for adult entertainment establishments. Mr. Chelminiak noted Ms. Riordan's work related to tent encampment regulations and her leadership

role in resolving construction costs disputes for major projects, including City Hall. Mayor Chelminiak said Ms. Riordan has been a valued colleague to City staff and a mentor to attorneys in Bellevue and other municipalities. He commended her professionalism, dedication to public service, and compassion.

Councilmember Lee said he appreciated Ms. Riordan's advice, common sense, and calm demeanor. He said she will be missed and he wished her well.

Councilmember Robertson recalled that she first met Ms. Riordan when they were on opposing sides of a legal case. Ms. Robertson said Ms. Riordan has always been poised, professional, and collegial with everyone. She noted that Ms. Riordan is well respected within the municipal law community and has always been active in collaborating with other jurisdictions.

Councilmember Stokes said he appreciated Ms. Riordan's work and her broad perspective in her approach to municipal law. He said Ms. Riordan is a key member of the Leadership Team and she will be missed.

Deputy Mayor Robinson thanked Ms. Riordan for her dedication, hard work, and professionalism. Ms. Robinson said she will miss working with Ms. Riordan.

Councilmember Zahn praised Ms. Riordan for her wisdom, leadership, and careful counsel to the City Council.

Councilmember Nieuwenhuis wished Ms. Riordan well in her retirement. He said he enjoyed working with her over the past nine months, and he noted that she is well respected and appreciated.

City Manager Brad Miyake thanked Ms. Riordan for her service to both the City of Bellevue and the region over many years. He said she is well respected within the region, and it is not uncommon to hear compliments from others regarding her ability to analyze legal issues and provide advice. Mr. Miyake said the City will miss Ms. Riordan's memory and ability to recall information. He said she always provided sound legal advice and worked to serve the best interests of the community. Mr. Miyake thanked Ms. Riordan's husband and family for their support of her career.

Ms. Riordan recalled that when she first came to the City, she planned to work for only two years before returning to private practice. However, the joy of working closely with a client to solve problems, and seeing the results of staff's work, kept her with the City. She said it has been an exciting and rewarding career, and she appreciates the City Councils and staff that she has worked with over the years. She thanked everyone for their kind words.

Mayor Chelminiak paused the meeting to take photos with Ms. Riordan.

3. Approval of Agenda

→ Deputy Mayor Robinson moved to approve the agenda, and Councilmember Stokes seconded the motion.

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

4. Communications: Written and Oral

- (a) Ryan Scott, Vice President for the Boys and Girls Clubs of Bellevue, encouraged the Council to consider the proposal to develop a fieldhouse in Bellevue. He said it would provide expanded recreation opportunities for children and adults. He noted the need for more sports fields, especially those with weather protection for year-round use.
- (b) Ginger Switzer, a Wilburton resident, said she and her neighbors are concerned about the potential for constructing a fieldhouse at Wilburton Park. She expressed concern about the removal of trees and noted that many trees were removed to build the new school near the park. She said the idea was presented to the neighborhood during its community picnic. Ms. Switzer said residents are also concerned about traffic. She suggested assessing the traffic associated with the new school before considering another facility in the immediate area.
- (c) William Vanderpool said he opposes the proposed fieldhouse. He said it feels like the City is taking advantage of the Wilburton neighborhood. He noted the impacts related to transportation projects, Sound Transit's light rail project, and the redevelopment of the Wilburton commercial area. He suggested that there are other options for a fieldhouse facility. Mr. Vanderpool asked the Council to oppose locating the fieldhouse at Wilburton Park. He expressed concern that it would equate to allowing a commercial use in a city park.
- (d) Ann Breese spoke against the proposed 40,000 square foot fieldhouse. She said many trees would be removed, and the structure would take up a large portion of Wilburton Park. She expressed concern that land might be sold to the Boys and Girls Clubs for a nominal fee. She asked the Council to not allow the facility on public property. She noted concerns regarding the loss of open space, paths, and the tree canopy. She asked the Council to listen to residents and to carefully consider the proposal.
- (e) Don Marsh expressed his concerns regarding electrical reliability in Bellevue. He presented historical information regarding power outages, noting a higher incidence of outages in the Somerset and Eastgate areas. He noted that the annual workshop scheduled for September for the City and Puget Sound Energy (PSE) was postponed. He asked the Council to work with residents and to listen to their issues.
- (f) Norm Hansen said the City and the community have been talking about electrical reliability for approximately 25 yrs. He noted that Bellevue wants to be a smart city and values partnership. He said there is a group of citizens that wants to work more closely with the City and PSE. He expressed concern about renewing the franchise agreement with PSE for a 10-year term. He encouraged the Council to postpone its decision on the

franchise agreement.

- (g) Warren Halverson expressed concerns regarding the PSE franchise agreement. He said residents have provided input that is not reflected in the final agreement. He noted that the reliability workshop for the City and PSE will be held on October 12. He asked the Council to postpone its decision until after the workshop.
- (h) David Hoffman, Puget Sound Energy, thanked the City for working with PSE on the franchise agreement renewal. He noted that the input from the City was incorporated into the franchise agreement and the associated memoranda of understanding. He confirmed that the annual workshop is scheduled for October 12, and he said PSE looks forward to its continued partnership with the City. He asked the Council to approve the franchise agreement and MOUs.

5. Reports of Community Council, Boards and Commissions

(a) East Bellevue Community Council (EBCC) Report

Betsi Hummer, Chair of the East Bellevue Community Council (EBCC), provided an update on the EBCC's activities. She recalled that the EBCC was established in 1969 as part of the area's annexation into Bellevue. The EBCC has jurisdiction over certain land use code decisions affecting the area within their boundaries. She noted recent topics of interest to the EBCC, including improvements and the replacement of culverts for Kelsey Creek and the Homeless Services Uses Land Use Code Amendment (LUCA). She recalled that one of the first land use projects to go before the EBCC in the early 1970s was the purchase of park land using Forward Thrust funding. Larsen Lake was subsequently developed and became the core of Bellevue's City in a Park.

Chair Hummer said the EBCC denied the Homeless Services Uses LUCA approved by the City Council. As a result, any applications for a shelter will be subject to the City's Conditional Use Permit (CUP) process. She said the EBCC objected to the LUCA allowing the establishment of a development agreement as an option to the CUP process. She said the CUP process will give the EBCC and its constituents oversight over the CUP application, and the EBCC has the statutory right to approve or disapprove the final permit.

Chair Hummer said the City Council did not incorporate additional EBCC input into the LUCA. She said the EBCC and its constituents advocated for a required buffer between shelters and sensitive uses, which was not included in the final LUCA. She noted the EBCC's concerns regarding the lack of a requirement for a mandatory tracking system at shelters. She said the EBCC was opposed to the provision that City staff would appoint the Good Neighbor Agreement Advisory Committee. Ms. Hummer submitted her comments in writing.

Councilmember Robertson, liaison to the EBCC, thanked Chair Hummer and Vice Chair Stephanie Walter for attending and providing a report. Ms. Robertson said she appreciated their comments regarding their disapproval of the Homeless Services Uses LUCA within their jurisdiction.

6. Report of the City Manager

(a) Boys and Girls Clubs of Bellevue Fieldhouse Concept

City Manager Brad Miyake introduced discussion regarding the concept of a fieldhouse to be developed by the Boys and Girls Clubs of Bellevue.

Patrick Foran, Director of the Parks and Community Services Department, said the purpose of the agenda item was to introduce a proposal from the Boys and Girls Clubs of Bellevue to develop a fieldhouse, potentially in Wilburton Park. The facility would ultimately involve joint programming with the City. He noted that additional locations would be explored, and the planning process would involve extensive public outreach.

Mr. Foran said staff was seeking Council direction about whether to refer the proposal to the Parks and Community Services Board for study and review. He said the City has a long history of partnerships, including with Boys and Girls Clubs facilities in several Bellevue locations. He said that none of the partnerships involve the sale of public land but they implement lease agreements with the City.

Mr. Foran commented on the challenge of keeping youths active year-round and the need for weather protected recreation facilities. He said significant analysis of potential locations would be needed. He said the City's programming at the facility could include therapeutic recreation, athletic clinics, indoor sports, and other activities. The project is in an early review process, and Wilburton Park was identified by the Boys and Girls Clubs as a potential location. The concept was introduced to the Wilburton neighborhood during their summer picnic.

The next steps would be a review by the Parks and Community Services Board, who would work with the community to analyze the concept. The Board's recommendation would be forwarded to the City Council to determine whether to pursue a partnership for the fieldhouse project.

Councilmember Robertson, liaison to the Parks and Community Services Board, thanked the residents who have sent emails and who attended tonight to comment on the proposal. She expressed support for forwarding the concept to the Board for review and public engagement. She noted staff's interest in introducing the proposal to Wilburton residents as early as possible, which occurred this summer during their community picnic.

Ms. Robertson suggested that the Board address the public benefit of the facility, impacts and mitigation, tree removal, and the densification and intensification of uses in the park. She encouraged residents to sign up to receive alerts regarding the Parks Board's planning process. The Board meets the second Tuesday of every month at 6:00 p.m. in the Council Conference Room, and the Board allows public comment at every meeting. Ms. Robertson said the Board's review will explore the merits of further study and consideration. She said the City has many partnerships with other organizations that provide a public benefit.

Councilmember Stokes noted that he served on the Parks and Community Services Board for three years. He said the Board is well equipped to review and study the proposal. He noted that two key issues are the public benefit and the impacts on the neighborhood and adjacent areas. He said the Boys and Girls Clubs of Bellevue is a good partner with the City. However, the location and project impacts warrant significant study. He expressed support for forwarding the issue to the Board for further review.

Deputy Mayor Robinson also served on the Parks and Community Services Board. She expressed support for forwarding the issue to the Board for review and a recommendation. She looks forward to a robust public process. She indicated that she would like information on how this fits into the original master plan for Wilburton Park. She encouraged exploring a number of sites for consideration.

Councilmember Nieuwenhuis served on the Board for one year before joining the Council. He encouraged residents to communicate with the Board and to follow their discussions. He said the community values the Boys and Girls Clubs, and he looks forward to a robust public process. He thanked residents for their input to date and noted that the Council reads every email from the public.

Councilmember Lee said the Council supports offering more recreation opportunities for the community and appreciates its existing partnerships with the Boys and Girls Clubs. He noted that this is a new idea and he does not want residents to think that any decisions have been made. He expressed support for forwarding the topic to the Parks and Community Services Board. Mr. Lee said he was not aware that the proposal was presented during the Wilburton neighborhood picnic until the Council started receiving emails and comments. He encouraged the analysis of several potential locations.

Councilmember Zahn said partnerships are important for the community. She noted that she and Councilmember Nieuwenhuis attended the Wilburton picnic. Ms. Zahn said she heard a wide range of comments from residents regarding the concept. Responding to Ms. Zahn, Mr. Foran said that Wilburton Park will not be forwarded to the Parks Board as a preferred location. He said staff looked at park properties to assess relevant characteristics including parking, available space in the park, adequate buffers to neighborhoods, construction feasibility, and timing. He said potential locations will be fully vetted. Mr. Foran noted that the Boys and Girls Clubs identified Wilburton Park as attractive for their needs.

Ms. Zahn said it is important to have broad public outreach and for the public to understand the process. Mr. Foran said staff will introduce the concept during the October 9 Parks Board meeting, if directed by the Council. Councilmember Zahn expressed support for the Boys and Girls Clubs and thanked them for their work in the community.

Mayor Chelminiak said he was not aware of the proposal until he heard about it from Wilburton residents. Responding to Mr. Chelminiak, Mr. Foran confirmed that the Boys and Girls Clubs of Bellevue identified Wilburton Park as a possible site. However, other sites will be studied.

Mr. Chelminiak said it is important to define the scope of the project and the purpose of the facility. He expressed interest in reviewing the original master plan for Wilburton Park as well as the master plans for any other parks to be considered. Mr. Chelminiak said the City has developed a number of facilities in partnership with community organizations. He said the review of the fieldhouse proposal must clarify the purpose of the facility and address how it aligns with the community's needs.

Mayor Chelminiak assured the public that the City has not made any decisions regarding the Boys and Girls Clubs' proposal.

Councilmember Stokes expressed support for a review and analysis of the fieldhouse concept, including a strong public process. He said this is the beginning of the process to introduce an idea and to consider the opportunity for a partnership.

Councilmember Robertson said she would like to understand how the proposed fieldhouse fits into the overall parks and open space system plan. She asked staff to provide information to the Council regarding the Parks Board's defined scope, process, and schedule.

Mayor Chelminiak noted a Council consensus to forward the issue to the Parks and Community Services Board for review and consideration. The next Board meeting is Tuesday, October 9, 6:00 p.m. in the Council Conference Room.

7. Council Business and New Initiatives

Councilmember Nieuwenhuis nominated Negin Khanloo to serve on the Environmental Services Commission. She is a naturalized citizen originally from Iran, has a PhD in Public Administration, and has been a consultant in urban planning. Mr. Nieuwenhuis said Ms. Khanloo is a graduate of the City's Bellevue Essentials class, and she volunteers at the Mini City Hall at Crossroads Mall.

→ Councilmember Nieuwenhuis moved to appoint Negin Khanloo to the Environmental Services Commission, and Councilmember Stokes seconded the motion.

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

8. Consent Calendar

→ Deputy Mayor Robinson moved to approve the Consent Calendar, and Councilmember Stokes 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 Minutes

Minutes of September 10, 2018 Extended Study Session

Minutes of September 17, 2018 Study Session

Minutes of September 17, 2018 Regular Session

- (b) Resolution No. 9472 authorizing execution of four (4) Memoranda of Understanding with Puget Sound Energy (PSE): Discontinued Poles MOU; Vegetation Management MOU; Records of Facilities MOU; and Electrical System Performance and Reliability Reporting MOU.
- (c) Resolution No. 9473 adopting rules of procedure for appeals before the City Council; and repealing Resolutions No. 5097 and 5238.
- (d) Resolution No. 9474 amending the Hearing Examiner Rules of Procedure and repealing Resolution No. 6408.
- (e) Ordinance No. 6424 granting Puget Sound Energy, Inc., a Washington corporation, the right, privilege and authority and franchise to set, erect, construct, support, attach, connect and stretch facilities between, maintain, repair, replace, enlarge, operate and use facilities in, upon, under, along and across the franchise area for purposes of transmission, distribution and sale of electrical energy for power, heat, light and any other purpose for which such energy can be used.
- (f) Ordinance No. 6425 amending the Bellevue Land Use Code (LUC) for consistency with the new Downtown Code, Part 20.25A LUC, and Eastgate LUC amendments; to incorporate International Building Code and Bellevue City Code (BCC) amendments related to construction type in Factoria Development Area III; for general clean-ups and clarifications to correct errors, omissions and/or internal conflicts within the LUC and between the LUC and the BCC, including the landscape buffer provision in BelRed, Part 20.25D LUC; and establishing an effective date.
- (g) Ordinance No. 6426 amending the Bellevue City Code (BCC) Noise Control Code, Chapter 9.18 BCC, for consistency with the new Downtown Code, Land Use Code (LUC) Part 20.25A, and Eastgate LUC amendments; for general clean-ups and clarifications to correct errors, omissions and/or internal conflicts within the BCC; and establishing an effective date.
- (h) Ordinance No. 6427 amending the Bellevue City Code (BCC) Sign Code, Chapter 22B.10 BCC, for consistency with the new Downtown Code, Land Use Code (LUC) Part 20.25A LUC, and Eastgate LUC amendments; for general clean-ups and clarifications to correct errors, omissions and/or internal conflicts within the BCC; providing for severability; and establishing an effective date.
- (i) Ordinance No. 6428 amending the Bellevue City Code (BCC) Environmental Procedures Code, Chapter 22.02 BCC, for consistency with new State Environmental Policy Act (SEPA) rules; for general clean-ups and clarifications to correct errors, omissions and/or internal conflicts within the BCC; and establishing an effective date.

- (j) Motion to adopt the revised Smart Mobility Interest Statement.
- (k) Motion to accept the withdraw of MacDonald Miller Facility Solutions for Bid No. 18085 for the City Hall air handling unit upgrade phase four project and award it to Johansen Mechanical, Inc. as the lowest responsible and responsive bidder in the amount of \$571,725, plus all applicable taxes.

Deputy Mayor Robinson said she did not believe that postponing the Council's approval of the Puget Sound Energy (PSE) franchise agreement would meet the goals for safe and reliable energy. In response to concerns previously raised by the public, the Council added language to the electrical reliability memorandum of understanding (MOU) stating that the City will also instruct its longtime consultant Exponent to compare PSE forecast outcomes and its regulatory filings. With Council direction under the electrical reliability implementation framework, the City will follow up with PSE regarding concerns. The Council also added language stating that the Washington Utilities and Transportation Commission (WUTC) identified, in its 2017 Integrated Resource Plan (IRP) acknowledgement letter, an issue regarding forecasting and PSE's long-range plans, including the effects of conservation. The City could continue to monitor, through its IRP participation, how PSE responds to concerns identified by the WUTC.

Ms. Robinson questioned whether staff could come back with options for continued community and Council involvement based on Exponent's findings and recommendations around the annual reliability workshop and forecast reviews. She expressed an interest in maintaining an ongoing conversation between PSE, the community, and the City of Bellevue.

Councilmember Zahn noted that the PSE franchise agreement and the MOUs include a number of new elements that benefit the City. Responding to Ms. Zahn, Deputy City Manager Kate Berens said staff will follow up on the Deputy Mayor's suggestions and report back to the Council. Ms. Berens noted that staff received direction, as part of this process, to expand the scope of work requested of Exponent. The City can continue to do that on an ongoing basis to meet the overall objectives defined by the Council.

Councilmember Lee said the City has had a great relationship with PSE for many years. He said a number of issues were addressed in the franchise agreement and related MOUs related to vegetation management, abandoned utility pole removal, and the electrical reliability report and workshop. Mr. Lee noted the potential for new technology solutions for providing energy. He said there needs to be a formalized, accountable structure for continuing to address issues on an ongoing basis. He would like the public to be able to work with PSE.

Councilmember Nieuwenhuis thanked residents for their input throughout the franchise agreement update and noted that it contributed to a better agreement and MOU provisions. He looks forward to continued engagement with PSE and the public.

Councilmember Robertson concurred with Mr. Nieuwenhuis regarding the benefit of public involvement during the franchise renewal process. As an attorney, Ms. Robertson said she has been involved in a number of franchise agreements. She said Bellevue's update to the franchise

agreement with PSE has had far more public process than what typically occurs at the municipal level. While everyone is not happy with the franchise agreement, Councilmember Robertson said the community needs to continue to receive electrical power. The agreement is non-exclusive and permits the usage of the right-of-way. The MOUs incorporate a number of beneficial provisions related to vegetation management, pole removal, and improved equipment.

Ms. Robertson expressed support for exploring the issues raised by Deputy Mayor Robinson and Councilmember Zahn. Ms. Robertson said the PSE franchise agreement has been expired for some time because the City took extra time to study the issues and engage the public. She said the renewed franchise agreement is better for the public and the City, and it demonstrates PSE's willingness to respond to the community's interests.

Councilmember Stokes said PSE worked with the City to produce a strong franchise agreement governing the use of the right-of-way. He said everyone has the same goal to ensure the continued delivery of reliable energy. Mr. Stokes said he was ready to move forward and he wants everyone to continue to work together.

9. Public Hearings: None.

10. Land Use

- (a) Ordinance No. 6429 denying the appeal of the Hearing Examiner's April 5, 2018 decision denying Ina Tateuchi's application for revocation of the Conditional Use Permit issued to Kemper Development Company for development and use of a helistop on the Bellevue Place building located at 10500 NE 8th Street, Bellevue, Washington.

Nick Melissinos, Deputy City Attorney, recalled that the original Conditional Use Permit (CUP) was issued to Kemper Development Company on May 16, 2011, pursuant to Ordinance No. 6000. Ina Tateuchi filed the application for revocation of the permit on February 4, 2016, and a limited public hearing was held. That hearing was confined to the Hearing Examiner's record. An appeal was received by the City Clerk on April 18, 2018, and the record was closed following the limited public hearing before the City Council on June 11.

On September 17, 2018, the Council provided direction to staff to draft an ordinance for formal action that adopts the findings of fact and conclusions of law reflected in the Hearing Examiner's April 5, 2018 decision and that denies the appeal.

→ Deputy Mayor Robinson moved to adopt Ordinance No. 6429, and Councilmember Robertson seconded the motion.

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

11. Other Ordinances, Resolutions and Motions: None.

12. Unfinished Business: None.

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

Mayor Chelminiak declared the meeting adjourned at 9:51 p.m.

Kyle Stannert, CMC
City Clerk

/kaw