

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

December 10, 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 8:07 p.m.

2. Roll Call, Flag Salute

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

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) Shawn Bliss, applicant for the Red Town Comprehensive Plan Amendment (CPA), thanked staff, the Planning Commission, and the Council for its review and consideration of her application.
- (b) Edwin Tian, applicant for the Bellevue Nursery CPA, thanked the Council for its consideration of the proposed CPA.
- (c) Shuyang Liu said she objected to the Bellevue Nursery CPA because it has the potential to set precedent for future zoning changes by adjacent properties. She expressed support for Councilmember Robertson's proposed alternative to the CPA.

- (d) Vinh Bui said he strongly opposed the Bellevue Nursery CPA. He expressed concern that changing the zoning to Neighborhood Business (NB) could result in traffic and lighting impacts to surrounding residences. He expressed support for Councilmember Robertson's proposed alternative.
 - (e) Xintian Yang said he objected to the Bellevue Nursery CPA. He expressed concern about whether the CPA proposal met the decision criteria. He said it should not have passed threshold review. He expressed support for Councilmember Robertson's proposal.
 - (f) Leshya Wig expressed concerns regarding the layout of the streets and parking facilities reflected in the East Main CPA. She noted that the use of one large underground parking garage is more financially viable than creating multiple parking garages and/or lots. She suggested that the City not dictate a specific street layout in the CPA, especially given that the future plans for 114th Avenue are uncertain. She said they want to continue to work with the City to understand the Council's vision for the site as well as the needs of the community and the East Main Area Citizen Advisory Committee (CAC).
 - (g) Mon Wig said he believed that his family and the City are not that far apart in the concept for the East Main CPA. He noted that they provided proposed language for the Council's consideration. He said the City will have full control over the layout of streets and pedestrian amenities. He described the Marine Gateway project in Vancouver, B.C., which has transit service, mixed uses, an underground parking garage, publicly accessible streets, and other pedestrian amenities. He said that project is successful and similar to their proposed plans for the East Main area.
 - (h) Jack McCullough, speaking on behalf of the Wig family, noted that one issue raised regarding the East Main Station Area plan was whether the Planning Commission's recommendations are more appropriately addressed in the Land Use Code versus the Comprehensive Plan. He noted that he sent the Council a letter earlier that day providing suggestions on that topic. He suggested that the street layout should not be included in the East Main CPA but would be more appropriately addressed during the permit process. He noted the uncertainty about the future of 114th Avenue due to I-405 projects. Mr. McCullough said he feels there is a great deal of consistency between the property owner's vision and the East Main Station Area CAC's vision.
 - (i) Janet Nelson expressed concern regarding an exhibit at the Bellevue Art Museum (BAM) restricted to adults only. She said she hopes that the City's financial assistance to the museum is not used for that type of exhibit.
5. Reports of Community Council, Boards and Commissions: None.
6. Report of the City Manager

(a) Allocation of Funds to Artists and Arts Groups through the Eastside Arts Partnerships, Special Projects, and Power Up Bellevue Funding Programs

Mayor Chelminiak noted that this item was moved from the earlier Study Session [Agenda Item 2(b)].

City Manager Brad Miyake said staff is seeking the Council's concurrence with the Arts Commission's funding recommendations.

Joshua Heim, Arts Program Manager, recalled discussion with the Council in July to confirm the grant guidelines for considering applications for funding through the Eastside Arts Partnerships, Special Projects, and Power Up Bellevue programs. He noted that, since that time, the City implemented the online grant application portal and piloted a new technical assistance program.

Mr. Heim said the Arts Commission allocated \$145,000, which includes a \$15,000 pass-through grant from King County as well as \$130,000 from the City. The Eastside Arts Partnerships program added 15 community partners and 12 new organizations. The Commission's recommendations support three organizations with capacity building grants through the Power Up Bellevue program. Seven grants, including three new projects, are recommended for the Special Projects program. Eastside Arts Partnerships provide operational support for 31 nonprofit organizations.

The City initiated a learning cohort for the Power Up Bellevue program in response to Deputy Mayor Robinson's suggestion to find ways to connect grantees with each other to encourage mutual learning and mentorship. The technical assistance program helped 31 clients, including 11 of the 12 newly funded organizations. Mr. Heim said assistance in completing applications was provided in six languages. He noted the full list of artists and arts groups recommended for funding by the Arts Commission.

Responding to Councilmember Robertson, Mr. Heim confirmed that grant funds are directed to services and programs that are provided in Bellevue. Responding to Ms. Robertson regarding earlier public comment about a Bellevue Arts Museum (BAM) exhibit, Mr. Heim said the City's financial assistance supports free access to the museum on First Fridays and educational programs in schools, but it does not support specific exhibits.

Mayor Chelminiak asked staff to follow up regarding Janet Nelson's concerns about the BAM exhibit.

Councilmember Zahn thanked staff and the Arts Commission for establishing the technical assistance program to assist artists and groups with the application process. Responding to Ms. Zahn, Mr. Heim said this is the largest number of funding applications received by the City. He said the Commission did not deny any applicant and took an approach of distributing at least some level of funding for all of the artists and organizations. However, he said the Commission will consider how it might be more strategic in the next round of the grant process.

Councilmember Stokes, liaison to the Arts Commission, expressed support for the recommendations. He thanked the Commission and Mr. Heim for their efforts to expand arts and cultural activities, which he sees as important factors related to economic development, community development, and placemaking. He observed that the grantees reflect a good mix of large and small organizations. Mr. Stokes said he understood the concern regarding the BAM exhibit. However, he said the City needs to be careful about how it approaches that type of issue. He noted that individual programs do not always need to target all age groups.

→ Councilmember Stokes moved to approve the Arts Commission's funding recommendations for the 2019 Eastside Arts Partnerships, Special Projects, and Power Up Bellevue allocations, and to direct staff to proceed with implementation. Councilmember Robertson seconded the motion.

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

7. Council Business and New Initiatives

Councilmember Zahn requested a moment of silence to recognize and honor the passing of City of SeaTac Councilmember Amina Ahmed following a car accident. Ms. Ahmed was involved in human services issues and community activism for many years before her appointment to the Council.

8. Consent Calendar

Mayor Chelminiak highlighted items regarding Pacific Northwest Ballet and the Police Department's labor agreement.

Deputy Mayor Robinson recused herself and temporarily left the Council Chamber due to an allocation to the King County Housing Authority, where her husband is employed.

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

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

- (a) Resolution No. 9500 authorizing the execution of the following Agreements between the Washington State Department of Transportation (WSDOT) and the City of Bellevue (City) for 1) Cooperative Agreement GCB 2477 for the acceptance of roles and responsibilities for Design and Construction Coordination, 2) Project Coordinator Agreement GCB 2505 outlines details associated with the payment for a City of Bellevue Project Coordinator, and 3) Utility Construction Agreement UTB 1294 that details how the City will reimburse WSDOT for the actual cost of utility work.

- (b) Resolution No. 9501 authorizing execution of a Reimbursement Agreement with Century Link, in the amount of \$249,000, to pay for the relocation of Century Link facilities, in conflict with the City's project, currently located on private Century Link easement.
- (c) Resolution No. 9502 authorizing execution of a purchase agreement with Professional Sales and Service, L.C. for the purchase of two new Fire Department Basic Life Support (BLS) aid units in an amount not to exceed \$483,958, plus all applicable taxes.
- (d) Resolution No. 9503 authorizing execution of a five-year agreement with Sigma Six Solutions, Inc. for emergency power and uninterruptible power supply (UPS) maintenance at City Hall and Bellevue Service Center, in a total contract amount not to exceed \$250,270, plus all applicable taxes.
- (e) Resolution No. 9504 authorizing execution of an agreement with Riskconnect Inc. for licenses to and support for Riskconnect Risk Management Information System software in an amount not to exceed \$390,000 plus all applicable taxes, for an initial three-year term and two optional annual renewal terms.
- (f) Resolution No. 9505 authorizing execution of the ORCA card agreement with King County for the purchase of ORCA cards for City of Bellevue employees for 2019, in an amount not to exceed \$358,820.
- (g) Resolution No. 9506 authorizing execution of a General Services contract with Canber Corp. The contract is for an initial two-year term in an amount not to exceed \$191,064.50, plus all applicable taxes. This includes \$11,000.00 in contingency funds with an option to renew for an additional two years in an amount not to exceed \$191,064.50 plus 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.
- (h) Resolution No. 9507 authorizing execution of a General Services contract with Canber Corp. The contract is for an initial two-year term in an amount not to exceed \$134,502.50, plus all applicable taxes. This includes \$4,500.00 in contingency funds with an option to renew for an additional two years in an amount not to exceed \$134,502.50 plus 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.
- (i) Resolution No. 9508 authorizing the execution of Amendment #1 to the administrative services contract between the City of Bellevue and Premiera Blue Cross extending the term through December 31, 2019 and establishing rates and terms for calendar year 2019 medical and prescription drug third party

administrator services, in an amount not to exceed \$780,000, plus all applicable taxes.

- (j) Resolution No. 9509 authorizing the execution of a five-year Professional Services Agreement with TranTech Engineering LLC, in an amount not to exceed \$250,000, plus all applicable taxes, to provide on-call structural engineering services, condition inspections and special assessments for Transportation bridge structures.
- (k) Resolution No. 9510 authorizing execution of an interlocal agreement with the City of Mercer Island, City of Kirkland, City of Redmond, and the Northeast King County Regional Public Safety Communication Agency (NORCOM) to implement the use of the iBase application.
- (l) Resolution No. 9511 authorizing execution of an agreement with Itron, Inc., for equipment and services in the deployment of an Advanced Metering Infrastructure (AMI) system or "Smart Water System," (currently in substantial form) in an amount not to exceed \$20.2 million, plus all applicable taxes, for a 20-year term.
- (m) Resolution No. 9512 authorizing execution of a successor labor agreement by and between the City and the Bellevue Police Officers Guild representing Police Officers, Corporals, and Sergeants for the contract period January 1, 2018, through December 31, 2020.
- (n) Resolution No. 9513 authorizing assignment of the City's rights to the 2017 Housing Trust Fund grant awarded to the City by the Washington State Department of Commerce (Commerce) to the King County Housing Authority for the preservation of Highland Village Apartments in the amount of \$1,545,000.
- (o) Resolution No. 9514 granting authority to the Finance Director or his/her designee to approve an increase in the open account for Accountemps/Robert Half/Officeteam for the 2018 fiscal year.
- (p) Resolution No. 9515 authorizing execution of a funding Agreement with Pacific Northwest Ballet (PNB) (and other necessary associated agreements, if any) in annual increments of \$100,000 for five years beginning in 2018 with PNB committing to specified community cultural services for the 2018-2028 term of the Agreement. The executed Agreement shall be substantially in the form of the Agreement in the Council Library.

Deputy Mayor Robinson returned to the dais.

9. Public Hearings

- (a) Public Hearing regarding Resolution No. 9516 authorizing the execution of documents necessary to release a storm drainage easement located at 10700 SE 25th Street that has been declared surplus to the City's needs and is no longer required for providing continued public utility service; the granting and recording of such release being deemed in the best interest of the public.

Patti Ebert, Senior Real Property Agent, described the proposed release of a storm drainage easement located at Enatai Elementary School at 10700 SE 25th Street. The easement is no longer needed and a replacement easement has been aligned on a new location of the property. She noted that staff did not receive public comment on the proposed easement release.

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

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

City Clerk Kyle Stannert said no one submitted comments or signed up to speak during the public hearing.

No one came forward to comment.

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

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

→ Councilmember Stokes moved to approve Resolution No. 9516, and Councilmember Robertson seconded the motion.

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

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

Community Development Director Mac Cummins said there are two City-initiated Comprehensive Plan Amendments (East Main and the Grand Connection) and three private CPA proposals (Bellevue Nursery, City Dacha LLC, and Red Town). He noted that responses to the Council's previous questions during the November 26 Extended Study Session were provided in the meeting packet. Action on the East Main CPA discussed during the earlier Study Session will be deferred to the 2019 work plan.

- (a) Ordinance No. 6446 adopting the Bellevue Nursery (18-103877 AC) 2018 amendment to the Comprehensive Plan of the City of Bellevue, pursuant to Chapter 36.70A RCW (Growth Management Act, as amended) and Chapter 35A.63 RCW; and establishing an effective date.

Mr. Cummins recalled that questions were raised during the November 26 discussion with the Council regarding redevelopment options for the Bellevue Nursery site. The CPA application proposes a map change from Single Family-High (SF-H) to Neighborhood Business (NB) for the Bellevue Nursery site at 842 104th Avenue SE.

Councilmember Robertson described her proposed alternative for the redevelopment of the Bellevue Nursery site [Attachment D in the meeting packet]. She recalled that, during the November 26 discussion, the Council was split about whether to approve the CPA. She felt the Council was interested in allowing the property owner to continue to operate as a nursery and to expand its operations (e.g., add a café and/or design services). She said she and other Councilmembers were concerned that changing the zoning to Neighborhood Business could result in an incompatible commercial use on the site in the future. Ms. Robertson said she is concerned that the approval of the CPA would set a precedent for other properties adjacent to the Bellevue Nursery site.

Ms. Robertson suggested that the Council deny the CPA and instead direct staff to prepare a Land Use Code Amendment (LUCA) to allow the nursery to continue to operate. She said the owners would be able to redevelop and rebuild on the site and to add subordinate uses (e.g., café). If the building is demolished and rebuilt in the future, parking needs would be studied in the permit process. She suggested ensuring that, should the nursery discontinue its operations, the only other allowed use of the property would be SF-H development. This would avoid the potential for another commercial use.

Responding to Councilmember Robertson, Code and Policy Director Carol Helland said a LUCA could be processed within 90-120 days. If the CPA is approved, the rezone approach would take approximately 6-9 months from the time of a permit application.

Ms. Robertson read the motion that she will make if the Council agrees to deny the CPA and to approve her suggested alternative: Move to initiate a Land Use Code Amendment to Section 20.10.440 to permit garden supplies uses in residential land use districts, where such uses have been operating continuously since prior to 1955; and to direct that the process be led by the City Council rather than the Planning Commission in light of the Council's discussion of this matter and the Planning Commission's significant workload.

→ Deputy Mayor Robinson moved to deny Ordinance No. 6446 regarding the Bellevue Nursery CPA. Councilmember Robertson seconded the motion.

Responding to Councilmember Lee, Comprehensive Planning Manager Terry Cullen said that adopting the CPA would enable the consideration of all uses allowed in NB districts. The LUCA option provides the opportunity to tailor the regulations to the needs of the property owner.

Mayor Chelminiak asked what would happen if the Council adopted the CPA and provided direction to limit the allowed uses for future rezone actions. Ms. Helland said that adopting the CPA with future rezone limits would involve a rezone to NB in order to have consistency between the Comprehensive Plan and the Land Use Code. In that situation, the Council would

review all of the NB uses and could choose to limit the uses allowed for a specific property. Ms. Helland said that has typically been implemented by the City through concomitant zoning agreements or, more recently, development agreements.

Councilmember Zahn questioned whether Councilmember Robertson's proposal would allow the property owner to make his desired changes. Ms. Helland said she has reviewed two communications from the owner. One is included in the meeting packet, and most of the uses identified in that letter could be accommodated through Ms. Robertson's alternative. The Land Use Code Amendment would allow subordinate uses on up to 25 percent of the site. Ms. Helland said the property owner expressed an interest in potentially constructing two condominium units on the site. She said multifamily housing is not permitted outright in single family districts, and constructing two condos would require the planned unit development (PUD) process.

In further response to Ms. Zahn, Ms. Helland said there are certain irregularities with the property line, as is the case with other properties in Bellevue as well. Ms. Helland said that right-of-way inspection staff and code compliance staff have visited the site. The code compliance irregularities have been addressed. One portion of the building is in the ROW but the City has not asked the property owner to remove it. If the site is redeveloped, the property owner would be required to comply with the surveyed property line.

Responding to Mayor Chelminiak, Ms. Helland said the property owner proposes redeveloping the site as a nursery on the ground floor with two condominiums on a second floor. She noted that the proposal would be allowed outright under NB regulations. In further response, Ms. Helland said the Council could decide whether to allow the second story with condos through the LUCA approach suggested by Councilmember Robertson.

Councilmember Robertson expressed support to deny the CPA and to adopt her suggested alternative, which she feels is beneficial to both the property owner and surrounding residents.

Councilmember Stokes concurred.

Councilmember Lee expressed support for Ms. Robertson's proposal. However, he wants to know whether adopting the CPA or Councilmember Robertson's proposal will meet the property owner's needs.

Mayor Chelminiak recalled that he previously expressed support for the Bellevue Nursery CPA because the applicant has met the requirements for amending the Comprehensive Plan. He said it is clear to him that the property will not redevelop as a single family residence. He opined that the CPA would not set a precedent for changing the adjacent church properties to NB zoning.

Mr. Chelminiak said he appreciated Councilmember Robertson's proposal.

→ The motion to deny Ordinance No. 6446 and the Bellevue Nursery CPA carried by a vote of 5-2, with Mayor Chelminiak and Councilmember Lee dissenting.

- Councilmember Robertson moved to initiate a Land Use Code Amendment (LUCA) to Section 20.10.440 to permit garden supplies and nursery uses in residential land use districts where such have been operating continuously since prior to 1955; and to direct that the process be led by the City Council rather than the Planning Commission, in light of Council discussion on this matter and the Commission's significant workload. Councilmember Stokes seconded the motion.

Councilmember Nieuwenhuis thanked Councilmember Robertson for her work and expressed support for the motion.

Responding to Councilmember Zahn, Ms. Helland said the LUCA process will include a study session by the City Council, a public hearing, and the Council's final action.

Councilmember Robertson proposed, if the motion is approved, that staff prepare a proposed schedule for processing the LUCA. She also would like staff to notify everyone who previously commented on the Bellevue Nursery CPA.

Councilmember Stokes expressed support for Ms. Robertson's proposal. He observed that it provides a good solution and a better result than the CPA. Mr. Stokes said the proposal addresses the neighborhood's concerns while allowing the property owner to pursue his goals.

Mayor Chelminiak concurred.

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

- (b) Ordinance No. 6447 adopting the City Dacha LLC (17-131046 AC) 2018 amendment to the Comprehensive Plan of the City of Bellevue, pursuant to Chapter 36.70A RCW (Growth Management Act, as amended) and Chapter 35A.63 RCW; and establishing an effective date.

- Deputy Mayor Robinson moved to adopt Ordinance No. 6447, and Councilmember Robertson seconded the motion.

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

- (c) Ordinance No. 6448 adopting the Red Town (18-103926 AC) 2018 amendment to the Comprehensive Plan of the City of Bellevue, pursuant to Chapter 36.70A RCW (Growth Management Act, as amended) and Chapter 35A.63 RCW; and establishing an effective date.

- Deputy Mayor Robinson moved to adopt Ordinance No. 6448, and Councilmember Stokes seconded the motion.

Councilmember Robertson noted that she will not support the motion due to her assessment that the CPA does not demonstrate a changed circumstance as outlined in the CPA decision criteria. She opined that the geographic boundary of the CPA was not appropriately scoped, and she

disagrees with upzoning in neighborhoods outside of the key growth areas. Councilmember Robertson said she did not see a compelling reason to approve the CPA, and she wished there had been more public comment on the proposal.

Mayor Chelminiak said the Planning Commission determined that the proposal met the condition regarding changed circumstances. Responding to Mr. Chelminiak, Mr. Cullen said there would be no reason to broaden the geographic scope of the CPA because the adjacent properties are already developed.

→ The motion carried by a vote of 4-3, with Councilmembers Nieuwenhuis, Robertson, and Robinson opposed.

(d) Ordinance No. 6449 adopting the Grand Connection (18-103885 AC) 2018 amendment to the Comprehensive Plan of the City of Bellevue, pursuant to Chapter 36.70A RCW (Growth Management Act, as amended) and Chapter 35A.63 RCW; and establishing an effective date.

→ Deputy Mayor Robinson moved to adopt Ordinance No. 6449, and Councilmember Stokes seconded the motion.

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

(e) Ordinance No. 6450 adopting the city's 2018 amendments to the Comprehensive Plan as separately set forth in Ordinance Nos. 6447, 6448, and 6449 pursuant to Chapter 36.70A RCW (Growth Management Act, as amended) and Chapter 35A.63 RCW; and establishing an effective date.

Mayor Chelminiak noted that Ordinance No. 6450 adopts the 2018 CPAs set forth in Ordinance Nos. 6447, 6448, and 6449. Responding to Mr. Chelminiak, City Clerk Stannert confirmed that version B of the ordinance recognizes the denial of the Bellevue Nursery CPA and states the rationale for deferring the East Main CPA into 2019.

→ Deputy Mayor Robinson moved to adopt Ordinance No. 6450, version B as described, and Councilmember Stokes seconded the motion.

Councilmember Stokes said he looks forward to the Grand Connection moving forward.

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

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 9:41 p.m.

Kyle Stannert, CMC
City Clerk

/kaw