

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 3, 2019
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 8:05 p.m.

2. Roll Call, Flag Salute

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

- (a) LGBTQ (Lesbian, Gay, Bisexual, Transgender, Queer/Questioning) Pride Month Proclamation

Mayor Chelminiak read the proclamation declaring June 2019 as LGBTQ Pride Month in Bellevue.

Elaine Acacio, Diversity and Inclusion Program Manager, noted representatives from PFLAG Bellevue-Eastside, Bellevue College, and the Bellevue School District in the audience.

Cynthia Gyger, Secretary for the PFLAG Washington State Council and a member of PFLAG Bellevue-Eastside, said the organization educates, supports, and advocates for the LGBTQ community and their families and friends. She thanked the City for the recognition of Pride Month.

Heath Hayden, a librarian at Bellevue College and the Chair of the LGBTQ Task Force, thanked Councilmembers for their work and their recognition of Pride Month. The City's Diversity Advantage program contributed funding to help support the Pride Month celebration at Bellevue College scheduled for June 12.

Mayor Chelminiak paused the meeting for photographs.

Mayor Chelminiak expressed condolences for the families and friends of the victims of the mass shooting at the municipal center in Virginia Beach, Virginia. He said that 11 of the 12 individuals who were killed were local government workers. Mr. Chelminiak noted that the City Hall flag is flying at half staff. He said the City stands in solidarity with the Virginia Beach community, and he hopes they find strength in the nationwide support following this incident. Mayor Chelminiak asked everyone to observe a moment of silence.

3. Approval of Agenda

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

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

4. Communications: Written and Oral: None.

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

6. Report of the City Manager: None.

7. Council Business and New Initiatives

→ Councilmember Robertson moved to appoint Stefan Sharkansky to position number 7 on the Bellevue Library Board, serving a four-year term expiring on May 31, 2023. Councilmember Stokes seconded the motion.

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

8. Consent Calendar

Mayor Chelminiak highlighted projects on the consent calendar that are partially funded through the neighborhood transportation levy. He noted the receipt of grand funding from King County for the CARES (Citizen Advocates for Referral and Education Services) program as well as the approval of two interlocal agreements, one for the Innovation Triangle and the second for the Startup425 program.

→ Deputy Mayor Robinson moved to approve the Consent Calendar, and Councilmember Robertson 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 May 13, 2019 Extended Study Session
Minutes of May 20, 2019 Study Session
Minutes of May 20, 2019 Regular Session
- (b) Motion to award Bid No. 19037, NE Bellevue Crosswalk Improvements Project (CIP Plan Nos. PW-R-199 and PW-M-2), to Award Construction, Inc. as the lowest responsible and responsive bidder in the amount of \$1,197,863, plus all applicable taxes. This project is partially funded by the Neighborhood Safety, Connectivity and Congestion Levy.
- (c) Resolution No. 9600 adopting the City of Bellevue 2020-2025 Transportation Improvement Program (TIP).
- (d) Motion to award Bid No. 19027 119th Avenue SE Sidewalk Project, from SE 56th Street to Newport Heights Elementary School (CIP Plan Nos. PW-R-199 and PW-W/B-76), to Apcon Tech, Inc. as the lowest responsible bidder and responsive bidder in the amount of \$525,341.50, plus all applicable taxes. This project is partially funded by the Neighborhood Safety, Connectivity and Congestion Levy.
- (e) Motion to award Bid No. 19040 Lakemont Boulevard SE Repairs and 164th Avenue SE and SE Newport Way Mini-Roundabout (CIP Plan Nos. PW-M-1, PW-M-19, PW-R-198, P-R-11 and W-16) to Active Construction, Inc. as the lowest responsible and responsive bidder, in the amount of \$1,532,532, plus all applicable taxes. This project is partially funded by the Neighborhood Safety, Connectivity and Congestion Levy.
- (f) Ordinance No. 6466 authorizing: 1) execution of an agreement with King County Department of Public Health (PHSKC) to accept funds to partially support the Citizen Advocates for Referral and Education Services (CARES) program; 2) amending the 2019-2020 Operating Grants and Donations Fund adopted on December 3, 2018, as previously amended, to increase the appropriation by \$209,299 and authorizing acceptance of King County Emergency Medical Services (KCEMS) funds from PHSKC in the amount of \$209,299; establishing a project within the Operating Grants and Donations Fund; appropriating unanticipated and future revenues to that fund; and authorizing the expenditure of said funds.
- (g) Resolution No. 9601 determining an existing water easement located at 2221 120th Avenue NE is surplus to the City's needs and is no longer required for providing continued public utility service; and setting a time and place for a public hearing to consider the release of this easement.

- (h) Resolution No. 9602 determining that a portion of an existing water easement and a portion of an existing sewer easement located at 23 Lake Bellevue Drive are partially surplus to the City's needs and are no longer required for providing continued public utility service; and setting a time and place for a public hearing to consider the release of these easements.
 - (i) Resolution No. 9603 authorizing execution of an Interlocal Agreement regarding a cooperative effort to support Regional Economic Development (Innovation Triangle).
 - (j) Resolution No. 9604 authorizing execution of an Interlocal Agreement establishing cooperative effort to support Regional Economic Development (Startup 425).
 - (k) Resolution No. 9605 authorizing execution of a three-year agreement with US Bank for wholesale lockbox services for the City of Bellevue's business tax returns and related payments, with a two-year renewal option, for a total contract amount not to exceed \$510,000 plus all applicable taxes.
 - (l) Resolution No. 9606 authorizing execution of a professional service agreement with HDR Inc, in the amount of \$322,659.00, plus all applicable taxes, for Lake Heights Wastewater Pump Station Rehabilitation.
 - (m) Resolution No. 9607 determining that an existing water line easement located at 12443 Bel-Red Road is surplus to the City's needs and is no longer required for providing continued public utility service; and setting a time and place for a public hearing to consider the release of this easement.
9. Public Hearings: None.
10. Land Use
- (a) Consideration of the Red Town Rezone application, a rezone of a 1.56-acre single parcel located at 16425 SE Cougar Mountain Way from Single-Family Residential (R-3.5) to Single-Family Residential (R-7.5). Permit File No. 18-1-3927-LQ.

City Attorney Kathy Gerla introduced the Council's consideration of the Red Town Rezone application to rezone a 1.56-acre single parcel from Single-Family Residential (R-3.5) to Single-Family Residential (R-7.5). The Hearing Examiner recommends approval of the rezone, and no appeals were received.

Ms. Gerla noted that the item is a quasi-judicial matter and suggested that Councilmembers disclose any ex parte communications regarding the application. All Councilmembers indicated that they had no communications to disclose.

Liz Stead, Land Use Director, said the Hearing Examiner concurred with the recommendation for approval by the Director of the Development Services Department (DSD). The application was presented to the Hearing Examiner on April 18, 2019, and the Hearing Examiner issued his approval of the application on April 30.

Ms. Stead said the rezone is requested to increase the potential density of the site to better align with existing adjacent development. The Council adopted a Comprehensive Plan change from Single-Family Medium to Single-Family Urban Residential through Ordinance No. 6448 on December 10, 2018. No development is planned at this time. The site is located south of I-90 in the Cougar Mountain area of the Newcastle neighborhood subarea. The projects west of the parcel are zoned R-7.5 with a Comprehensive Plan designation of Single-Family Urban Residential, which is consistent with the request of the applicant for the subject parcel.

The staff report to the Hearing Examiner provided a zoning comparison of the current R-3.5 zoning and the proposed R-7.5 zoning. The most noticeable difference is the minimum lot size, which decreases from 10,000 square feet to 4,700 square feet under the rezone proposal. Ms. Stead said it would be difficult to subdivide the parcel into multiple lots to meet the full density potential under the current R-3.5 zoning. However, a smaller lot size may provide a better opportunity for a subdivision, while more closely resembling the existing surrounding development.

Ms. Stead said that a non-project specific SEPA (State Environmental Policy Act) determination was previously issued under the associated Comprehensive Plan Amendment (CPA) approved in December 2018. The current proposal is consistent with that previous evaluation, and there are no changes that require additional review. A project-level environmental review will be completed during the consideration of any development on the site.

Staff indicated to the Hearing Examiner that the requested rezone complies with all of the required decision criteria. Staff recognized that the rezone request is consistent with both land use and Newcastle subarea policies in the Comprehensive Plan, which encourage properties to be zoned for new residential infill development in order to increase housing opportunities in the community. Ms. Stead said the Hearing Examiner agreed that the decision criteria had been met, and he recommended approval of the rezone application.

Ms. Gerla said staff anticipates bringing the rezone application back for formal Council action on June 17.

Responding to Mayor Chelminiak, Ms. Gerla said the Hearing Examiner's summary and decision references that one citizen attended a public meeting but did not have specific comments about the rezone. The person's questions were focused on the potential future development of the site. Ms. Gerla said there was an email comment from an adjacent property owner with questions regarding potential future development as well, but there were no comments on the proposal. Ms. Gerla said there was no public testimony before the Hearing Examiner.

- (b) Consideration of the City Dacha, LLC, Rezone application, a rezone of a 0.43-acre single parcel located at 160 118th Avenue SE from Single-Family Residential (R-1) to Multi-Family Residential (R-20). Permit File No. 17-131047-LQ.

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

Ms. Stead provided the staff report to consider the City Dacha, LLC, application for a rezone of a 0.43-acre single parcel from Single-Family Residential (R-1) to Multi-Family Residential (R-20). The application was presented to the Hearing Examiner at the same time as the Red Town application. The proposal requests increasing the potential density of the site to better align with the existing adjacent development pattern. The Council adopted a Comprehensive Plan change from Single-Family Residential to Multi-Family Residential through Ordinance No. 6447 on December 10, 2018. No development is planned for the site at this time.

The site is located in the Wilburton subarea south of the Bellevue Botanical Garden and north of a multifamily development project. The site is currently zoned R-1. However, it is embedded in a R-20 zoning district. Ms. Stead said staff recommended, and the Hearing Examiner also recommends, that a single-family transition zone should be adopted and applied to the subject property. The transition zone applies to multifamily zoned properties within 300 feet of the single-family district. The intent is to provide a compatible transition and buffer between the higher intensity and lower intensity districts.

Ms. Stead said that design review is required in the transition district. Additional standards for setbacks, building height, landscaping, and buffers are applied to the property site through the transition district requirements. A comparison between the current R-1 zoning and the proposed R-20 zoning indicated that the number of dwelling units increases from one housing unit to potentially eight housing units.

Staff indicated to the Hearing Examiner that the rezone request complies with the decision criteria. The Hearing Examiner recommended approval of the application with a condition requiring the adoption and application of the Single-Family Transition zone to the subject property.

Responding to Mayor Chelminiak, Ms. Gerla said the only testimony before the Hearing Examiner was by the attorney for the applicant.

Mr. Chelminiak said the rezone request will come back to the Council on June 17 for formal action.

Mayor Chelminiak noted the earlier reception recognizing the projects developed during the past year as part of the Livable City Year program sponsored by the City and the University of Washington. He said the partnership was a great way for the City to receive ideas, information, and recommendations through the development of 30 projects.

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

At 8:32 p.m., Mayor Chelminiak declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw