

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

September 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 8:04 p.m.

2. Roll Call, Flag Salute

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

(a) Eastside Welcoming Week Proclamation

Mayor Chelminiak read the proclamation recognizing September 13-22, 2019, as Eastside Welcoming Week, and encouraged everyone to participate in one or more related events across the Eastside.

Mohamed Bakr thanked the Council for supporting Welcoming Week. He said he has lived in Bellevue for seven years. He commended the City for establishing the Bellevue Diversity Advisory Network (BDAN).

(b) National Recovery Month Proclamation

Councilmember Stokes read the proclamation recognizing September as National Recovery Month in Bellevue. He encouraged everyone to observe the month by participating in related activities and by showing support for individuals going through recovery related to substance abuse and/or mental health challenges.

Kelli Nomura, Director of the King County Behavioral Health and Recovery Division, accepted the proclamation and thanked the City for its support and partnership.

(c) Childhood Cancer Awareness Month Proclamation

Councilmember Zahn read the proclamation recognizing September as Childhood Cancer Awareness month in Bellevue, and encouraged everyone to learn more about childhood cancers and to consider what we can do to support children with cancer and their families.

Edna Shim, Director of Regional Government Affairs and Community Relations, Seattle Children's Hospital, thanked the Council for the proclamation and expressed appreciation for the City's support.

### 3. Approval of Agenda

Mayor Chelminiak noted the addition of Agenda Item 6(a) for an update on the McCormick Park multipurpose path project.

- Deputy Mayor Robinson moved to approve the agenda, amended to add Agenda Item 6(a), McCormick Park project update. Councilmember Stokes seconded the motion.
- The motion to approve the agenda, as amended, carried by a vote of 7-0.

### 4. Communications: Written and Oral

- (a) Alex Zimmerman said he has been trespassed numerous times from the Seattle City Council meetings. He spoke on the importance of freedom of speech.
- (b) Betina Finley, representing the Northtowne Community Neighborhood Association, noted the group of her neighbors in the audience. She expressed concerns regarding the multipurpose path planned on the north side of McCormick Park. She said the 12-foot concrete path and five-foot buffer is larger than the current path and requires the removal of trees. Ms. Finley said she spoke briefly with Deputy Mayor Robinson regarding the project, and Councilmember Zahn met with residents over the weekend at the park. Ms. Finley said that when the City evaluated sites for the downtown fire station, residents were told that the City would not touch McCormick Park. She suggested that the multipurpose path should be located on the south side of NE 12<sup>th</sup> Street. Ms. Finley urged the City to involve residents and interested parties from REI and Amazon in the park planning process.
- (c) Mike Flynn, a resident of the Bellettini retirement community near McCormick Park, expressed concern regarding the impacts of the McCormick Park multipurpose path project, including the destruction of trees.
- (d) Margot Blacker, a former Councilmember and past president of the Northtowne Community Neighborhood Association, expressed concern regarding the plan for a wide sidewalk and landscape buffer through McCormick Park. She said the path is not needed, and retaining trees is good for the environment and air quality. She recalled that, as part of the 1981 rezone in the downtown, the park was originally intended as a buffer between the residential area and the downtown. Mrs. Blacker said she was surprised and upset to learn that residents have not been engaged in a public process.

- (e) Paul Brallier expressed concern regarding the resiliency of Bellevue's water supply. He noted that he read it could be weeks without water following an earthquake or other large disaster. He questioned the City's plans for ensuring the availability of safe drinking water.

City Manager Brad Miyake said that a neighborhood leadership gathering is scheduled for September 17, 7:00-9:00 p.m., to discuss emergency and disaster planning. The meeting is open to the public.

- 5. Reports of Community Council, Boards and Commissions: None.
- 6. Report of the City Manager

- (a) Update on McCormick Park Multipurpose Path Project

City Manager Miyake, noting the high level of community interest, asked staff to provide a briefing on the McCormick Park multipurpose path project planned for NE 12<sup>th</sup> Street (112<sup>th</sup> Avenue NE to 108<sup>th</sup> Avenue NE).

Ron Kessack, Assistant Director, Transportation Department, said the multipurpose path project was originally identified in the 1993 Pedestrian-Bicycle Transportation Plan. In 2009, the updated plan described a 12-foot to 14-foot off-street path on the north side of NE 12<sup>th</sup> Street between the BelRed area and Bellevue Way, with a connection to the Eastrail (formerly known as Eastside Rail Corridor) located on the east side of I-405. The project was included in the 2013 Downtown Transportation Plan and identified in 2018 as part of the 108<sup>th</sup> Avenue bicycle corridor.

Mr. Kessack acknowledged concerns about public noticing regarding the project. He said two surveys (2015 and 2016) included information about the project and solicited feedback from the public. A flier mailed in January 2019 regarding the demolition of the NE 12<sup>th</sup> Street pedestrian bridge included a reference to the McCormick Park multipurpose path project.

The project expands the current three-foot planter strip and five-foot sidewalk to a five-foot planter strip and a 12-foot multipurpose path on the north side of NE 12<sup>th</sup> Street. Mr. Kessack noted that there is insufficient right-of-way for the project to be built on the south side of the street, and 12 feet is the minimum Washington State Department of Transportation (WSDOT) design standard for a multipurpose path. The Transportation Department will work with the Parks Department to relocate vegetation when possible. However, a limited number of trees will be removed. The five-foot planter strip will allow the planting of larger trees immediately adjacent to the street. Mr. Kessack said the path safely separates walkers and cyclists. The project is at 60-percent design, and construction is anticipated to begin in the spring of 2020.

Councilmember Lee said he was not aware of the project moving forward until he saw the emails this weekend.

Responding to Councilmember Robertson, Mr. Kessack said the current meandering path in McCormick Park will be preserved. The depth of the park varies from approximately 100 feet to potentially 150 feet at one location. Mr. Kessack said staff would follow up with specific information. In further response to Ms. Robertson, Mr. Kessack said the City is not obligated to provide the path due to WSDOT's work on the NE 12<sup>th</sup> Street bridge over I-405.

Councilmember Stokes said he would like to involve the public in discussions about the path project. He concurred with Ms. Robertson's interest in understanding the dimensions of the park and the impact of a wider path.

Deputy Mayor Robinson thanked residents for attending the meeting and sharing their concerns. She asked whether the original intent was for McCormick Park to be a buffer between the residential area and the downtown. Mr. Kessack said he would follow up with some background information.

Responding to Councilmember Nieuwenhuis, Tom Kuykendall, Parks and Community Services Department, said that staff's goal is to save or to minimize the removal of trees. He said approximately 75 percent of the original trees have died, including some that were struck by vehicles and were subsequently removed. The remaining trees are approximately 30 feet tall and are reaching the end of their life cycle. Mr. Kuykendall said the project will result in more trees, and the new trees will be 30 feet or taller.

Responding to Mr. Nieuwenhuis, Mr. Kessack said it would not be feasible to construct the project on the south side of NE 12<sup>th</sup> Street due to the property that would need to be acquired. Councilmember Nieuwenhuis thanked the community for their input and interest.

Councilmember Zahn said it would be helpful to view the overall pedestrian-bike network, especially the east-west connections. She questioned whether it would be possible to place the path directly next to the curb to preserve more of the park. Mr. Kessack said the best practice is to have a separation from vehicle traffic, and all new projects have a landscape strip next to the street. In further response, Mr. Kessack confirmed that the existing meandering path is not compliant with the Americans with Disabilities Act (ADA).

Mayor Chelminiak asked whether it would be possible to have a narrower planting strip. Mr. Kessack said that would not be a huge design change. Mr. Chelminiak noted that the path will connect with the Eastrail multipurpose path in the future.

Mayor Chelminiak said it will be important to involve the neighborhood in the planning process and to discuss with residents any design changes that might be possible.

Deputy Mayor Robinson said she wants to ensure that the design of the proposed five-foot buffer maintains the specified parameters in the existing buffer.

Councilmember Stokes said it would be helpful to review a full schematic of the park layout, vegetation, and other features.

Mayor Chelminiak thanked staff for the update and encouraged moving forward quickly to work with the community. He thanked the residents for their input. He recalled Sound Transit's past interest in placing light rail along 108<sup>th</sup> Avenue, which would have essentially eliminated McCormick Park.

7. Council Business and New Initiatives

- Councilmember Lee nominated Kyrylo Tropin to serve on the Transportation Commission for a partial term expiring May 31, 2020. 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 July 22, 2019 Extended Study Session  
Minutes of August 1, 2019 Special Meeting
- (b) Resolution No. 9650 authorizing the execution of a one (1) year Master License and Services Agreement ("MLSA"), for the maintenance of the current permit tracking system, AMANDA, renewable for a maximum of four (4) one year terms, unless either party gives a notice of non-renewal at least thirty (30) days prior to the expiration of the initial term or then-current renewal term, as applicable, for a total not to exceed amount of \$589,000 plus all applicable taxes.
- (c) Ordinance No. 6472: 1) rejecting the bid by Pivetta Brothers Construction as irregular; 2) awarding Bid No. 19042, NE Spring Boulevard Multi-Modal Corridor Zone 2 (CIP Plan No. PW-R-173) to Interwest Construction, Inc. as the lowest responsible and responsive bidder, in the amount of \$11,541,006.90 plus all applicable taxes; 3) amending the 2019-2025 General Capital Investment Program (CIP) Plan to increase the budget for PW-R-173 by \$2,000,000 and decrease the budget for the NE Spring Boulevard Zone 4 project (CIP Plan No. PW-R-174) by \$717,920; and 4) amending the 2019-2020 General CIP Fund appropriation to increase by \$1,282,080.
- (d) Resolution No. 9651 determining that a portion of an existing water easement located at 2812 116th Ave 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 partial release of this easement.

- (e) Resolution No. 9652 authorizing execution of Supplement No. 9 to the Professional Engineering Services Agreement with HDR Engineering, Inc., increasing the total contract amount by \$301,772 from \$3,771,961 to \$4,073,733, plus all applicable taxes, to provide engineering support services during construction of the NE Spring Boulevard Multi-Modal Corridor - Zone 2 project (CIP Plan No. PW-R-173).
- (f) Resolution No. 9653 authorizing execution of an Interagency Agreement with Washington State Patrol to authorize the City of Bellevue Fire Department to allow reimbursement of fire mobilization costs per the Washington State Fire Services Resource Mobilization Plan.
- (g) Resolution No. 9654 determining that an existing water easement located at 3736 163rd Ave SE, 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) Ordinance No. 6473 amending Chapter 24.10 of the Bellevue City Code, specifically amending sections 24.10.020, 24.10.040.A, and 24.10.060; providing for severability and establishing an effective date.

## 9. Public Hearings

- (a) Public Hearing and Action on Resolution No. 9655 authorizing the execution of documents necessary to release a portion of an existing sewer easement and a portion of an existing water easement located at 4455 148<sup>th</sup> Avenue NE, which have been declared surplus to the City's needs and are no longer required for providing continued public utility service; the granting and recording of such releases being deemed in the best interest of the public.

City Manager Brad Miyake said staff is seeking Council action regarding Resolution No. 9655 authorizing the execution of the documents necessary to release a portion of an existing sewer easement and a portion of an existing water easement located at 4455 148<sup>th</sup> Avenue NE.

Natasha Platin, Real Property Agent, described the site and the location of the easements. She said the property owner requested the release of the easements during the permit process for a building expansion. New easements have been identified by the property owner for both the water and sewer easements.

- Deputy Mayor Robinson moved to open the public hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

No one came forward to comment.

- Deputy Mayor Robinson moved to close the public hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.
- Deputy Mayor Robinson moved to approve Resolution No. 9655, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

(b) Public Hearing on the Requested Vacation of a portion of NE Bellevue-Redmond Road, east of 120<sup>th</sup> Avenue NE

Ira McDaniel, Real Property Division Manager, said a street vacation is a process by which the City may abandon a public street or road right-of-way, which then reverts to private property. The process is dictated by state law and the City Code. The petition to vacate the road was reviewed by staff in multiple departments to determine whether they had an interest in the property. If approved by the Council, staff will move forward with coordinating an appraisal, collecting payment for the value of the property, and preparing the documents needed to return to the Council within the next few months with a proposed ordinance to finalize the process.

Bellevue City Code Chapter 14.35.070 provides the criteria for evaluating a proposed street vacation. He said the Council's decision should reference the criteria that were applied to its decision.

Patti Ebert, Senior Real Property Agent, described the street vacation site and surrounding area. She said that a dead end in the road was created when 120<sup>th</sup> Avenue NE was extended north, across NE 8<sup>th</sup> Street, and Bel-Red Road was realigned.

Ms. Ebert highlighted the proposed conditions that would need to be met if the street vacation is approved: 1) the City will execute an access easement across the north half of the vacation area to cover the existing driveway, 2) the City and the petitioner will grant easements to franchise utilities, 3) the petitioner will execute a sidewalk easement, if necessary to the City, and 4) the petitioner will pay the appraised fair market value of the south half of the vacation area. Ms. Ebert requested Council direction to staff approving or denying the street vacation.

Councilmember Robertson said the Council received written correspondence on the proposed street vacation from Keith Krist. Ms. Ebert said that he is not an abutting property owner. She emailed him earlier in the day with a few clarifying questions but has not yet heard back. She noted that Mr. Krist owns condominiums on Bel-Red Road. In further response, Ms. Ebert confirmed that the City Code provides that a non-adjacent property owner may object to a street vacation if there are impacts to their property (e.g., access to property).

Responding to Councilmember Robertson, Ms. Ebert said the remnant triangle parcel owned by the City is 7,689 square feet, and a smaller property that would go to the City is 4,143 square

feet. Additional adjacent small parcels are 791 square feet and 1,671 square feet. Ms. Robertson asked about the City's plans for those parcels. Ms. Ebert said that none of the City's departments are interested in the property. The Parks and Community Services Department indicated that the land is too small for creating a park and access would be difficult. Ms. Ebert said the area to be vacated will be heavily encumbered by multiple easements. The portion to be vacated is 6,854 square feet. In further response to Ms. Robertson, Ms. Ebert said the estimated value per square foot of the area to be vacated is comparable to the value of the right-of-way that the City acquired for the 120<sup>th</sup> Avenue NE project.

Councilmember Lee questioned whether the City would have a purpose for the land at some point. He wants to be sure that the City has thoroughly evaluated potential future uses for the site. Mr. McDaniel said the multi-department property committee discussed potential uses. He said it has been a long time since the City sold a parcel or property. The City sold the Leavitt Building in 2011. He recalled that the East Link light rail memorandum of understanding (MOU) with Sound Transit obligated a number of land transfers between the agency and the City. Mr. McDaniel said that staff will provide a listing, for the Council's consideration, of the potential public uses for the remnant parcels that were discussed by the property committee.

Responding to Deputy Mayor Robinson, Ms. Ebert confirmed that when the Bel-Red Road realignment project was constructed, the petitioner's driveway was rebuilt.

Responding to Councilmember Stokes, Ms. Ebert said the proceeds of the sale of the street vacation property could potentially be used for improvements on the remnant parcels.

Councilmember Nieuwenhuis expressed support for the proposed street vacation.

Responding to Mayor Chelminiak, Councilmember Robertson said the total square footage of the street vacation area and adjacent public ROW (formerly Bel-Red Road) is 21,148 square feet. If the street vacation portion is released to the petitioner, the City would retain a total of 14,294 square feet, distributed among the triangle parcel and the smaller remnants.

Responding to Councilmember Lee, Mr. McDaniel said the City must maintain access from Bel-Red Road for the petitioner. Ms. Ebert said the area must also be accessible by emergency vehicles.

Responding to Deputy Mayor Robinson, Ms. Ebert said the proceeds from the sale of the street vacation are intended to go into the Capital Investment Program (CIP).

→ Deputy Mayor Robinson moved to open the public hearing, and Councilmember Robertson seconded the motion.

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

No one came forward to comment. City Clerk Charmaine Arredondo noted that three written communications received by the City were provided in the Council's desk packet. One letter expressed opposition and two individuals indicated support for the street vacation.



- Deputy Mayor Robinson moved to close the public hearing, and Councilmember Robertson seconded the motion.
- The motion carried by a vote of 7-0.

Councilmember Lee reiterated his interest in further exploring potential uses for the property.

Councilmember Robertson said she was ready to move forward. She noted that the street vacation is essentially a driveway, which will be maintained by the property owner and not by the City, and the proceeds of the sale will be directed toward capital projects. Ms. Robertson said she sees no public benefit in retaining the ROW, and vacating the ROW leaves the property remnants for a potential future use. She noted that there have been no objections by abutting property owners.

Noting the criteria for evaluating a proposed street vacation, Ms. Robertson suggested adding criteria (a), Whether a change of use or vacation of the described portion will better serve the public good. Staff's presentation highlighted criteria (b), Whether the street or portion thereof is no longer required for public use; (c) Whether the use thereof as a public way is of such benefit as not to justify the cost of maintenance; and (d) Whether the substitution of a new and different thoroughfare would be more useful to the public. Ms. Robertson noted that criteria (d) refers to the completed realignment of Bel-Red Road.

- Councilmember Robertson moved to direct staff to continue processing the street vacation, including bringing back legislation to the Council, finding that criteria (a), (b), (c), and (d) have been met. Councilmember Stokes seconded the motion.
- The motion carried by a vote of 6-1, with Councilmember Lee dissenting.

10. Land Use: None.

- (a) Consideration of the Sambica Activity Center Rezone application; a rezone of a 7.62-acre site located at 4114 West Lake Sammamish Parkway SE from Neighborhood Business (NB) district, Multifamily Residential (R-20), and Single-family Residential (R-5) to Camp and Conference Center CCC). Permit File No. 19-106704-LQ.

Mayor Chelminiak introduced discussion regarding the Sambica Activity Center Rezone application.

City Attorney Kathy Gerla said the Sambica Activity Center Rezone application is a Process III quasi-judicial proceeding. She said the Hearing Examiner recommended approval of the application, and no appeals were filed. Ms. Gerla suggested that Councilmembers disclose any ex parte contacts regarding the matter.

Mayor Chelminiak noted that none of the Councilmembers had ex parte contacts to report.

Liz Stead, Land Use Director, Development Services Department (DSD), said the 7.62-acre site is located at 4114 West Lake Sammamish Parkway. The site includes several parcels with different zoning designations, and the application proposes a rezone of all of the parcels to the Camp and Conference Center (CCC) designation. The rezone is proposed to provide consistency with the Comprehensive Plan and to enable the Sambica Activity Center to develop and improve their facilities consistent with the standards of the CCC zoning designation. The applicant has submitted applications for a Master Development Plan and for design review related to future improvements, pending the approval of the proposed rezone.

Ms. Stead highlighted the five rezone decision criteria in support of the rezone: 1) the rezone is consistent with the Comprehensive Plan, 2) the rezone bears a substantial relationship to public health, safety, or welfare, 3) the rezone is warranted to provide consistency with the Comprehensive Plan, or due to the need for additional property in the proposed land use district classification, or because the proposed zoning classification is appropriate for the reasonable development of the property, 4) the rezone will not be materially detrimental to uses or to property in the immediate vicinity, and 5) the rezone has merit and value for the community as a whole.

Ms. Stead said the Hearing Examiner recommended approval of the rezone application.

Mayor Chelminiak thanked staff for the update. City Clerk Arredondo suggested that Council action can be scheduled for September 16 if desired.

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 9:55 p.m., Mayor Chelminiak declared the meeting adjourned.

Charmaine Arredondo, CMC  
City Clerk

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