

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

May 2, 2011
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Davidson, Deputy Mayor Lee, and Councilmembers Balducci, Chelminiak, Degginger, Robertson, and Wallace

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:10 p.m., with Mayor Davidson presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers were present. Councilmember Chelminiak led the flag salute.

(a) National Older Americans Month Proclamation

Mayor Davidson read a proclamation recognizing May as National Older Americans Month in Bellevue.

Cathy VonWald, North Bellevue Community/Senior Center, introduced Julie Graves, Vice Chair of the Bellevue Network on Aging. Ms. Graves thanked the Council for the proclamation. She described services provided by the Network on Aging and the City. She asked the Council to consider Bellevue's older citizens in all of its decisions, and she invited Councilmembers to attend the Network's meetings on the first Thursday of every month in City Hall. She provided copies of the organization's annual report.

Mayor Davidson thanked Ms. Graves for her work with the Network on Aging.

Deputy Mayor Lee commented that older adults are valuable to society and deserve everyone's respect.

(b) Proclamation for Public Service Recognition Week

Mayor Davidson noted the proclamation in the meeting packet for Public Service Recognition Week.

3. Communications: Written and Oral

- (a) Marty Nizlek, a resident along Lake Sammamish, commented on the Shoreline Management Program and process. He expressed concerns regarding shoreline stabilization, lake water levels, and outflow management.
- (b) Charlie Klinge, representing the Washington Sensible Shorelines Association, spoke to the Shoreline Master Program and described concerns with storm water pollution, water levels, and outlet controls. He commented that soft stabilization (i.e., Vegetation) is not sufficient to protect shores. Mr. Klinge said the Washington Sensible Shorelines Association's plan addresses these issues and proposes alternatives to City staff's recommendations. Mr. Klinge submitted his comments in writing.
- (c) Pat Sheffels, Bellevue Planning Commission, noted that the Commission has been working on the update to the Shoreline Management Plan for more than three years. She said that the term for four commissioners is ending in May. She requested approval to extend their terms through the end of the year, in order to complete the update to the Plan. She submitted her comments in writing.
- (d) Kevin Paulich, a former Planning Commissioner, spoke to the expiring terms of four Planning Commissioners. He asked the Council to consider extending their terms in order to complete the Shoreline Management Plan update. He expressed concern about the costs associated with changing Planning Commissioners at this time and having to educate them on the overall update issues.
- (e) Vicki Orrico, former Planning Commission Chair, encouraged the Council to extend the expiring terms of four Planning Commission members, in order to allow them to complete the update to the Shoreline Management Program.
- (f) Ralph Guditz, a resident near Lake Sammamish, described his involvement in the City permitting process for the past 11 years. He testified that the first eight years included frivolous appeals of his permits and frivolous lawsuits. His permits expire this year if he does not start construction, which he feels is not possible in this economy. He requested a one-year extension of the permits. Mr. Guditz said his project is fully compliant with the new proposed shoreline regulations, and he over-engineered drainage by 60 percent.

Mayor Davidson requested a staff report on Mr. Guditz's situation.

- (g) Lloyd Jacobs expressed concern regarding conflicts and disagreements among Councilmembers and between neighborhoods within the community. He spoke in favor of the East Link B2 light rail alignment and the downtown light rail tunnel. He

encouraged cooperation instead of litigation, and asked the Council to work together.

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

5. Report of the City Manager

(a) Management Brief Providing Update on Shoreline Master Program (SMP)

City Manager Steve Sarkozy opened staff's briefing on the Shoreline Master Program Update.

Mike Brennan, Director of Development Services Director, provided an overview of the presentation, noting that the update process has been lengthy and complicated.

Carol Helland, Land Use Division Director, recalled that the Shoreline Master Program Update was initiated in 2007. She reviewed the process to date by the Planning Commission and City staff. An open house was held on April 20, and a public hearing is scheduled before the Planning Commission on May 25. The Planning Commission anticipates presenting its recommendations to the City Council in the fall.

Mayor Davidson suggested moving forward with the usual procedure for Planning Commission appointments.

Councilmember Wallace noted that he is the Council's liaison to the Planning Commission. He explained that five of the seven commissioners continue their terms through the end of the year. He observed that not going forward to replace the other two would be a disservice to anyone who wants to be on the Planning Commission. Mr. Wallace noted that the appointment process has not been discussed since he has been on the Council. However, he feels it is an important issue that should be reviewed.

Councilmember Degginger observed that this is a somewhat unique situation. He noted the extensive Planning Commission review process involving public input, and suggested it would make sense to extend the commissioners' terms in this case.

Councilmember Chelminiak recalled past situations in which commissioners have been appointed in advance, and they started attending meetings in order to become familiar with major topics before formally starting their terms. He proposed allowing the outgoing commissioners to continue throughout the SMP Update process, while also selecting new commissioners to begin their terms.

Deputy Mayor Lee said he is disturbed by the conversation, and he noted that the topic was not included as an agenda or discussion item for the meeting. He noted the advisory role of Boards and Commissions, and said the Council does not politicize the appointments. He expressed support for following existing policy regarding Board and Commission appointments, and he trusts the Council's liaison to make appropriate recommendations for appointments.

Councilmember Robertson said she agrees with Deputy Mayor Lee about trusting the Council's liaison regarding Planning Commission appointments. Regarding continuity, Ms. Robertson said two Planning Commissioners have already been replaced during the Shoreline Master Program Update, which are herself and Ms. Orrico. She noted existing rules about term expirations, and said the Commission openings have already been advertised. Several of the applicants have been involved in the process to date. She feels Councilmembers need to trust each other as liaisons to Boards and Commissions. She supports Councilmember Wallace's suggestion to follow the usual process.

Councilmember Degginger clarified that his comments about being open to an exception in this case were not related to any issue of trusting or not trusting other Councilmembers. He observed that Commissioners have gained extensive knowledge about the SMP Update, and he was looking for a possible compromise or accommodation.

Councilmember Chelminiak said the Planning Commission has a great deal of expertise, and he was in favor of retaining this expertise. However, he now understands that two positions represent reappointments and two positions are expired terms. He questioned the overall objective of the SMP Update in terms of what it is trying to solve, and how it relates to the Washington Sensible Shorelines Association's plan. He would like to be able to approach and review the Update from a perspective of practical problem solving.

Councilmember Balducci suggested revising the meeting materials to clarify which Planning Commission positions are expiring. Of the two positions with expiring terms, it appears that one of the Commissioners might be willing to serve an additional period of time. She is open to that option. Ms. Balducci noted that the Council will need significant presentation and discussion regarding the SMP Update before making its decisions.

Councilmember Wallace reiterated his recommendation to follow the usual appointment process. Following up on Councilmember Chelminiak's comments, Mr. Wallace said he sees the problem to be solved as the balancing of property rights with environmental protection. Mr. Wallace observed that the Council has not weighed in on these issues.

Mayor Davidson stated that the Council will follow Councilmember Wallace's recommendation to follow the usual appointment process.

6. Council Business and New Initiatives

Councilmember Balducci said she was unclear about why the proclamation for Public Service Recognition Week was not read. She noted the importance of public servants including elected officials and staff. Ms. Balducci thanked those in public service for their work.

Ms. Balducci reported that she attended the annual Kelsey Creek Farm sheep shearing event, along with Mayor Davidson, Deputy Mayor Lee, and Councilmember Chelminiak. She attended a meeting of the Puget Sound Regional Council (PSRC) Executive Committee, which took action to allow the SR 520 bridge deck/approaches to move into final design and toward a design/build contract.

Councilmember Wallace attended the Issaquah School Foundation lunch and participated in a visit to a second grade elementary class. He commented on the ATT/T-Mobile merger, noting that T-Mobile is the second largest employer in Bellevue. He said the merger has potentially serious consequences for Bellevue. Mr. Wallace asked the City Manager to focus on this issue in order to determine what the City can do to protect jobs in Bellevue.

City Manager Steve Sarkozy said staff is monitoring the issue, and T-Mobile representatives have met with the Mayor. He noted that the City is limited in what it can do in this case, but staff will keep the Council updated.

Councilmember Degginger reported that he and other Councilmembers attended the Bellevue Downtown Association (BDA) breakfast. Mr. Degginger attended the Green Globe Awards event.

Councilmember Chelminiak recognized the public servants who completed a mission in Pakistan over the weekend, as well as all of the men and women who serve in the armed forces.

Mr. Chelminiak reported that he attended the King County Green Globe Awards event. The City received an award for its work in open space conservation through the Transfer of Development Rights Program. He attended a meeting of the Mental Illness and Drug Dependency Oversight Board, the Committee to End Homelessness Mid-Plan Review, and the Jennifer Dunn Leadership Institute function.

Councilmember Robertson reported that she attended the BDA breakfast, the Bellevue College lunch, and a legal conference. She attended the Newport High School Jazz Gala to support the high school band, and noted the upcoming Bellevue Jazz Festival in early June.

Deputy Mayor Lee recognized a group of local high school students who won first place in a robotics competition. He attended the Kelsey Creek Farm sheep shearing event, Bellevue College Foundation Luncheon, and Mercer Slough Wetlab 2 ribbon cutting. He reported that he met with a resident of Phantom Lake, and noted concerns regarding the lake's rising water level. Mr. Lee attended the National League of Cities Leadership Academy, including a session by the Trade Development Alliance on China investment opportunities. Deputy Mayor Lee met with the head of the U.S. General Services Administration to demonstrate a local electric vehicle project.

Mayor Davidson reported that he was at the New York Stock Exchange on April 21 to ring the closing bell. He was invited to attend in recognition of Bellevue as one of four winners in a competitive grant application involving private green business efforts. The other winners were Austin, Texas; the Triangle J Council of Governments (Raleigh, North Carolina); and Chula Vista, California. The grants are sponsored by Office Depot and ICLEI, an international association of local governments focused on sustainability.

Mayor Davidson thanked Sheida Sahandy and Paul Andersson of the City Manager's Office for their efforts in preparing the grant application. Ms. Sahandy commented on the City's

Environmental Stewardship Initiative involving both public facilities and the private sector, and noted that Mr. Andersson wrote the grant. Mr. Andersson recalled that the City initiated the Eastside Sustainable Business Alliance last year. He explained that the grant will provide a program for businesses to structure their energy/water conservation and greenhouse gas reduction goals.

Mayor Davidson reported that the grant sponsors funded his transportation to New York, and the City received \$15,000 through the grant. He noted that Office Depot is recognized as the greenest corporation in the United States.

7. Approval of the Agenda

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

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

8. Consent Calendar

→ Deputy Mayor Lee 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) Minutes of March 28, 2011 Extended Study Session
Minutes of April 4, 2011 Study Session
Minutes of April 4, 2011 Regular Session
- (b) Resolution No. 8224 authorizing execution of an agreement with Patton Boggs LLP for federal lobbying services for 2011, with options to renew the contract for two additional one-year periods, in a total amount not to exceed \$230,980.
- (c) Resolution No. 8225 authorizing the write-off of thirty-three uncollectable accounts totaling \$52,080.40.
- (d) Ordinance No. 5997 authorizing acceptance of 2010 Assistance to Firefighters Grant funds from the Department of Homeland Security, Federal Emergency Management, of up to \$77,640, for the purchase of self-contained breathing apparatus bottles and five-inch fire hose; establishing a project within the Operating Grants, Donations and Special Reserve Fund; appropriating unanticipated and future revenues to that fund; and authorizing expenditures of said grant funds.
- (e) Ordinance No. 5998 authorizing execution of the 2011-2013 Emergency Medical Services Advanced Life Support (ALS) contract with King County in an amount

up to \$8,500,000 annually for three years.

- (f) Motion to reject the low bid as non-responsive and award Bid No. 11063 to AGR Contracting, Inc., in an amount up to \$1,364,410.00, as the lowest responsive and responsible bidder, to construct picnic area improvements at Lewis Creek Park.
 - (g) Motion to reject the low bid as non-responsive and award Bid No. 11000, Factoria Trail Connection (a/k/a 124th Avenue SE Connection to I-90 Trail) to Road Construction Northwest, in the amount of \$1,138,742.24, as the lowest responsive and responsible bidder (CIP Plan No. PW-W/B-56).
 - (h) Motion to award Bid No. 11087, for the 2011 Overlay Program to Lakeside Industries, in the amount of \$3,767,437.80, as the lowest responsive and responsible bidder (CIP Plan Nos. PW-M-1 and W-16).
 - (i) Motion to award Bid No. 11050 for Kelsey Creek Culvert at NE 8th Street Fish Passage Improvements, to Road Construction Northwest, in the amount of \$194,318.56, as lowest responsive and responsive bidder (CIP Plan No. D-81).
9. Public Hearings: None.
10. Land Use: None.
11. Other Ordinances, Resolutions and Motions: None.
12. Unfinished Business: None.
13. Continued Oral Communications
- (a) Daniel Himebaugh, Planning Commission, noted that he joined the Commission approximately halfway through the Shoreline Master Program Update process. While the information is extensive, he believes that educating new Commissioners is feasible, especially with staff's assistance. He opined that the update process could possibly extend beyond this fall.
 - (b) Dallas Evans said he has been attending the Planning Commission meetings for the past three years. He noted that Kevin Turner and Daniel Himebaugh joined the Commission relatively recently, and they have been intensively involved in the discussions. Mr. Evans feels that the Planning Commission is functioning well, and he believes that new Commissioners will be able to get up to speed on the current issues.
14. New Business: None.
15. Executive Session: None.

16. Adjournment

Mayor Davidson declared the meeting adjourned at 9:42 p.m.

Myrna L. Basich, MMC
City Clerk

/kaw