

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

May 17, 2010  
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 8:04 p.m., with Mayor Davidson presiding.

2. Roll Call, Flag Salute

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

- (a) Commendation of Retiring BSD Board Member Judy Bushnell

Mayor Davidson stated that this item has been postponed to a later date.

- (b) Commendation of Retiring Planning and Community Development Director Matt Terry

Mayor Davidson read a commendation honoring Matt Terry, who is retiring as the Director of Planning and Community Development after 30 years of public service, having joined the City in 1980. Mr. Terry led the 1998 merger of the Department of Design and Development and the Planning Department, and became director of the newly created department. He has guided many important community planning initiatives including the Downtown Implementation Plan and Bel-Red Corridor Plan, and has been instrumental in creating exceptional civic spaces including Meydenbauer Convention Center, Downtown Park, and the new City Hall.

Mr. Terry thanked the Council for the recognition, and noted that everyone is proud of what Bellevue has accomplished over the past few decades. He spoke to the role of City Councils over the years in providing the policy direction and infrastructure investments needed to support the growth and maturation of the community. Mr. Terry commended staff and their effectiveness in working together across departmental lines to accomplish City objectives to a degree that is not typically found in other jurisdictions. He noted that the City organization creates the environment within which the city develops, but it is developers, property owners, and citizens who have built this community.

Councilmember Degginger recalled that he joined the Planning Commission in 1991, and has enjoyed working with Mr. Terry since that time. Mr. Degginger praised Mr. Terry for his vision for the community and his strong talents as a creative problem solver and effective leader.

Councilmember Balducci complimented Mr. Terry on his significant contributions to the community throughout his career. She recalled working with him during the Bel-Red Corridor planning process, and praised his visionary leadership in that endeavor. She expressed appreciation for his ability and willingness to be candid with the Council in their deliberations on policies and projects.

Councilmember Chelminiak praised Mr. Terry for his role in Bellevue's development into a wonderful city, while never losing sight of the importance of neighborhoods.

Noting that he has worked with Mr. Terry for 16 years, Deputy Mayor Lee thanked him for his professionalism and his commitment to the community.

Mayor Davidson described Mr. Terry as a great problem solver who cares deeply about Bellevue.

City Manager Steve Sarkozy described Mr. Terry as one of the City's greatest assets with strong intellectual and problem solving capabilities. Mr. Sarkozy praised Mr. Terry's commitment to always striving for a high-quality organization and community.

(c) Proclaiming May 22-28 as National Safe Boating Week

Frank Dvorak, National Commander of the U.S. Power Squadron, said his organization has 40,000 members in 425 squadrons around the country and in Tokyo. The organization has been in existence for 96 years, working to promote boating safety.

Dennis Dorratcague, Commander of the Bellevue Sail and Power Squadron, noted that the Bellevue squadron is the fifth largest in the country and a leader in safe boating education.

Mayor Davidson read a proclamation declaring May 22-28 as National Safe Boating Week in Bellevue.

(d) Governor's Commute Smart Award

Mike Ingram, Senior Planner, announced that the City was recently recognized by Governor Gregoire as Commute Smart Community Champion, for the successful implementation of the *Connect Downtown* trip reduction plan. Bellevue is one of seven Community Champions recognized statewide.

Kate Johnson, Project Manager, said the *Connect Downtown* plan was adopted by the Council in March 2008 under the framework of the Growth and Transportation Efficiency Center (GTEC) program for urban centers. Key partners in the City's implementation of the plan are King

County Metro, the Bellevue Downtown Association/TransManage program, and local employers.

Mayor Davidson thanked staff for their work on this project.

3. Communications: Written and Oral

- (a) Rebecca Bratner spoke on behalf of a group of Bellevue Towers residents calling themselves Sleepless in Bellevue due to noise disturbance issues. She recalled that residents previously testified before the Council in early April about the noise they are experiencing from the alley bordering the north and east side of the building, especially the north side between Bellevue Towers and the Galleria. Ms. Bratner said they have had numerous communications with City staff about the noise generated primarily by garbage and recycling pickups between 3:00 a.m. and 5:00 a.m. This includes noises from the trucks themselves and from the sound of bottles and cans being dumped, which echo and are magnified in the alley next to the building. Ms. Bratner described mechanical noises from the Galleria generated by ventilation systems and trash compactors. Every few months, residents are awakened by the unannounced extraction of grease sewage from the alley, starting at midnight and lasting for about three hours, with odors that get pulled into the condominium building's fresh air intake.

Residents are seeking a permanent solution, enforceable and bound by City Code, that is not dependent on voluntary actions by commercial businesses as described in the management brief. Residents are disappointed with the management brief, and feel that Bellevue Towers has unique issues not present at other downtown residential buildings.

- (b) Michael Rose commented on the West Lake Sammamish Parkway project, which he understands has some funding available for Phase 1, I-90 to 34<sup>th</sup> Street SE. He questioned the effectiveness of completing only part of the project. He suggested this might be a good time to reallocate the funds to other projects in the community that might produce revenue. He suggested paving the entire 5.5 miles of West Lake Sammamish Parkway instead of completing a short section.
- (c) Jan Huller, a resident of West Lake Sammamish Parkway, asked the Council to focus its restricted resources on projects that will produce revenue. She encouraged investments in the downtown that will bring in growth, businesses, and jobs. She thanked the City Council for their work on behalf of the community.
- (d) Cole Sherwood spoke about the dire need for the West Lake Sammamish Parkway project to repair the deteriorating roadway. He urged the City to look at what Redmond has done along its portion of the parkway (North of NE 24<sup>th</sup> Street).
- (e) Rod Bindon, Board Member for the Meydenbauer Bay Neighbors Association, recalled that he previously testified before the Council regarding lost revenue to the City due to reductions in public moorage proposed under the new park plan. He said other cities in the area are expanding their public moorage. Mr. Bindon said residents are opposed to the

proposed plan, which reduces the number of boat slips from 113 to less than 40. He said moorage in the marina is capable of generating revenues exceeding \$650,000 annually if fully rented. However, it is currently generating \$550,000 due to the City's refusal to rent 22 of the slips, while still maintaining a waiting list. Mr. Bindon submitted drawings of the Steering Committee's draft park plan.

- (f) Rondi Egenes Holm spoke about the proposed Master Plan for Meydenbauer Bay Park. She expressed concerns regarding noise issues and neighborhood incompatibility associated with the proposed community center. She feels that a community center is an incompatible use in a beach park. [Ms. Holm submitted her comments in writing.]
- (g) Anita Skoog-Neil stated her opposition to locating a community center at Meydenbauer Bay. She distributed a handout suggesting alternate locations and comparing the proposal to other community center locations.
- (h) Betty Mastropaolo, a resident of Bayshore East Condominiums, spoke about the raw sewage spill in Meydenbauer Bay on May 10 and the history of other sewer problems. She asked the City to please take measures to prevent future spills.

City Manager Steve Sarkozy said staff will provide an update to the Council and the community about its efforts to design a system that provides the prospect for fewer sewer backups. The 102<sup>nd</sup> Street project is intended in part to address that concern.

Councilmember Degginger recalled that he lived in the Meydenbauer Bay area years ago, and this problem has been going on for two decades.

Councilmember Chelminiak requested an update in the near future regarding the response and follow-up activities to the spill.

#### 4. Reports of Community Council, Boards and Commissions

Nancy Huenefeld Gese, Chair of the Human Services Commission, thanked Councilmember Chelminiak, liaison to the Commission, and the Council for their support of human services. She provided an update on the Commission's activities, including their discussions about human services funding for the 2011-2012 budget.

#### 5. Report of the City Manager

- (a) Management Brief responding to Bellevue Towers Noise Complaints

Mr. Sarkozy noted the management brief in the meeting packet regarding the City's efforts to address noise concerns expressed by residents of the Bellevue Towers.

Mike Brennan, Development Services Director, reviewed efforts to address noises generated by the operation of boiler vents at an adjacent building, grease extraction services for nearby restaurants, and garbage and recycling collection. The LA Fitness health club has been

responsive to Code Compliance action to correct the noise of the boiler vents associated with their swimming pool operation. However, the corrective actions were not adequate to decrease the noise to the level allowed by City Code. Staff is working with operators of the grease extraction and garbage collection activities to encourage them to shift the time that they provide their services toward early morning instead of the middle of the night.

Mr. Brennan said Bellevue Towers residents have also raised concerns about the adequacy of sound attenuation measures used in the building construction. City staff is working with the developer and will continue to monitor interior noise levels in the north tower for compliance with applicable development restrictions.

Carol Helland, Land Use Director, said the Noise Code is intended to strike a balance between promoting commerce and sustaining neighborhood livability. The Downtown is considered to be a commercial area for the purposes of the application of the Land Use Code. This particular condominium ended up in a location that was not originally anticipated as the primary focus for residential development. Most downtown residential development is focused in Ashwood and Old Bellevue.

Residents are currently getting some noise relief through noise control measures at the source through Code Compliance action and voluntary measures described. Additional monitoring of the continued development of residential structures will be needed to ensure compatibility and balance between commercial and residential uses. Staff does not recommend code changes at this time, and will continue to observe circumstances as they evolve on this site.

Ms. Helland suggested that as staff and the Council look at potential code amendments over the next year or so, it might be appropriate to study design issues that would mitigate sound in mixed commercial and residential areas, as opposed to only addressing noise control measures at specific sources.

Councilmember Degginger said he appreciates staff's efforts to achieve a better outcome. He expressed concern that the grease extraction is permitted in the middle of the night by code. He noted the need to review code provisions related to overlapping commercial and residential uses. Mr. Degginger spoke in favor of continued efforts to resolve the noise issues, and to involve residents and other stakeholders in the process.

Councilmember Robertson concurred with Councilmember Degginger's comments, and suggested that this temporary lull in development activity is a good time to address noise mitigation issues related to mixed commercial and residential development. She would like staff to keep the Council updated on the effectiveness of the voluntary measures focused on noise control.

Councilmember Chelminiak asked about the timing of the next contract negotiations related to waste collection, and suggested this issue could be addressed in the contract. He asked residents to email their comments and suggestions to the entire City Council.

Councilmember Balducci spoke to the need to address the balance between commercial and residential development, now that residential development is expanding in the Downtown. She suggested the establishment of communication channels between the City and downtown businesses and residents, in order to facilitate responsiveness to noise and other issues.

Councilmember Wallace said the Countywide Planning Policies anticipate the production of 11,000 new housing units in the Downtown. He suggested there is a need to take a hard look at current policies to determine what is achievable as well as the implications of that level of development. He questioned whether other downtown residential buildings have similar noise impacts, or whether the configuration of the Bellevue Towers is producing unique issues. Mr. Wallace questioned the ability of the noise ordinance to regulate noises that occur every five or so minutes, whether the noise is from garbage collection or light rail operation.

Responding to Mayor Davidson, Mr. Sarkozy said staff will continue to monitor the issue and keep the Council updated.

Deputy Mayor Lee said he appreciates residents bringing this issue to the Council. He is concerned that this will continue to be an issue as residential development increases in the Downtown. He suggested that current residents can be helpful in identifying and discussing issues, such as noise, as they relate to the development of future policies regarding Downtown land uses.

#### 6. Council Business and New Initiatives

Councilmember Chelminiak said the Council economic development subcommittee met with the City Manager and the Economic Development Director. Mr. Chelminiak said he and the Mayor attended the Eastside Business Awards event this past week.

Councilmember Robertson met with the head of Overlake Hospital and had a tour of that facility. She went to the Rotary auction, which was a fundraiser for Eastside Baby Corner.

Deputy Mayor Lee reported that he and the Mayor met with a delegation from China, as well as with a delegation from India. Mr. Lee attended the Eastside Transportation Partnership (ETP) meeting. He attended a National Day of Prayer breakfast at Westminster Chapel.

Councilmember Balducci attended the Sound Transit Board Retreat, a meeting of the King County members of the PSRC Transportation Policy Board, and a meeting of the Sound Transit capital committee.

Councilmember Wallace attended meetings of the Council economic development subcommittee, Eastside Transportation Partnership, Bellevue Planning Commission, and Bellevue Chamber of Commerce transportation committee. He attended the Issaquah Schools Foundation's fundraiser.

Councilmember Degginger attended a meeting of the King County transit task force, which will begin meeting twice monthly in June.

Mayor Davidson attended meetings of the Puget Sound Partnership caucus group (WRIA 7, 8, 9 and 10), Suburban Cities Association's public issues committee, and the MWPAAC subcommittee on rates.

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 April 19, 2010 Study Session  
Minutes of April 19, 2010 Regular Session

(b) Resolution No. 8089 authorizing execution of a two-year Professional Services Agreement with Arthur J. Gallagher Risk Management Services, Inc., with an option for an additional two years, in an amount not to exceed \$197,005, to provide insurance advisor and brokerage services.

(c) General Services Contracts with Electrical Contractors

Resolution No. 8090 authorizing execution of a two-year General Services Contract with DW Close Company, with an option to renew for an additional two years, in an amount not to exceed \$328,500, for on-call electrical services.

Resolution No. 8091 authorizing execution of a two-year General Services Contract with Dutton Electric, with an option to renew for an additional two years, in an amount not to exceed \$328,500, for on-call electrical services.

Resolution No. 8092 authorizing execution of a two-year General Services Contract with Nelson Electric, with an option to renew for an additional two years, in an amount not to exceed \$328,500, for on-call electrical services.

Resolution No. 8093 authorizing execution of a two-year General Services Contract with Prime Electric, with an option to renew for an additional two years, in an amount not to exceed \$328,500, for on-call electrical services.

Resolution No. 8094 authorizing execution of a two-year General Services Contract with Wave Electric, with an option to renew for an additional two years, in an amount not to exceed \$328,500, for on-call electrical services.

- (d) Resolution No. 8095 authorizing execution of an agreement with the Washington State Military Department to accept grant funds of \$90,093, for emergency management purposes.
- (e) Resolution No. 8096 authorizing execution of a General Services Contract with Guardian Security Systems, Inc., in an amount not to exceed \$148,793.89 for a four-year term, for alarm monitoring services and annual confidence testing at 33 park buildings.
- (f) Resolution No. 8097 authorizing execution of the amended and restated Interlocal Cooperative Agreement to maintain the multi-jurisdictional Eastside Narcotics Task Force with the cities of Bellevue, Kirkland, Mercer Island, Redmond, the King County Sheriff's Office, and adding the Washington State Patrol.
- (g) Ordinance No. 5948 adopting the civil traffic infractions of using a wireless communications device while driving and sending, reading or writing a text message while driving and providing for and establishing an effective date, and adding a new section to Chapter 11.82 of the Bellevue City Code.
- (h) Resolution No. 8098 authorizing execution of a contract supplement with INCA Engineering, Inc., in an amount not to exceed \$134,416.73, to prepare conceptual engineering design for 120th Avenue NE, NE 8th Street to NE 12th Street (CIP Plan No. PW-R-164). *[Discussed with Council on April 19, 2010.]*
- (i) Resolution No. 8099 authorizing execution of a sixth amendment to the Professional Services Agreement with Patterson Buchanan Fobes Leitch & Kalzar, Inc., P.S., to increase the total contract amount from \$300,000 to \$445,000, for legal services in the lawsuit Moon v. City of Bellevue, KCSC No. 07-2-10772-0.

## 9. Public Hearings

- (a) Initial Public Hearing on the 2011-2012 Budget and 2011-2017 Capital Investment Program (CIP) Plan *[Council action on the budget is scheduled for December 6, 2010.]*

City Manager Steve Sarkozy explained that this is the first of three public hearings related to the 2011-2012 Budget and the 2011-2017 Capital Investment Program (CIP) Plan.

- Councilmember Degginger moved to suspend the staff report, and Councilmember Robertson seconded the motion.



- The motion to suspend the staff report carried by a vote of 7-0.
- Deputy Mayor Lee moved to open the Public Hearing, and Councilmember Robertson seconded the motion.
- The motion to open the Public Hearing carried by a vote of 7-0.

The following citizens came forward to testify before the Council:

- (1) Mike Nesteroff, Hopelink Board, thanked the Council for its support of human services and provided an update on Hopelink's programs and activities. He requested continued support to Hopelink and human services in general.
- (2) Dave Osmer, President of the Board for the Eastside Domestic Violence Program, thanked the Council for its contribution of \$170,000 in 2009, and requested continued support for this organization. He reviewed the program's services, noting that 16 requests for shelter and assistance are denied for every one person the shelter is able to help.
- (3) Kirk Ishizaki, Finance Director, Eastside Domestic Violence Program, thanked the Council for its continued support of the program and other human services.
- (4) Kevin Kelly, Bellevue Chamber of Commerce, stated that this is not the time to increase business taxes. He encouraged the Council to balance the budget within existing revenues.
- (5) Patrick Bannon, Bellevue Downtown Association (BDA), thanked the Council for its time and work in the current budget process. He noted that the BDA will submit its budget recommendations by the July public hearing. The BDA hopes to continue to see the City and Council focus on improved mobility, public safety, and the overall livability of the Downtown.

→ Deputy Mayor Lee moved to close the Public Hearing, and Councilmember Balducci seconded the motion.

→ The motion to close the Public Hearing carried by a vote of 7-0.

10. Land Use: None.

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 9:56 p.m., Mayor Davidson declared the meeting adjourned.

Myrna L. Basich, MMC  
City Clerk

/kaw