

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 20, 2011
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: Councilmember Balducci

1. Call to Order

The meeting was called to order at 8:08 p.m., with Mayor Davidson presiding. He noted that the Council would be returning to Executive Session at the end of the Regular Session agenda.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers except Councilmember Balducci were present. Mayor Davidson noted that Ms. Balducci would not be able to return for the Regular Session.

Councilmember Wallace led the flag salute.

Mayor Davidson welcomed former Mayor Ron Smith and his group of Eagle Scouts to the meeting.

3. Communications: Written and Oral

- (a) Dan Renn, Vice President of the Wilburton Community Association and a member of the 5th Street Committee, distributed a handout and described items of concern regarding the conceptual design of the Wilburton Connections project. These include traffic impacts to NE 5th Street, potential business impacts to Best Buy and Home Depot, and the failed Wilburton Local Improvement District (LID). He requested the Council's consideration of his concerns, and asked the City to revise its design.
- (b) Ron Griffin expressed support for the comments made by Mr. Renn regarding the Wilburton Connections project design.
- (c) Carolyn Harris, a member of the NE 5th Traffic Committee, thanked the Council for listening to the Wilburton community's concerns and suggestions regarding the 120th

Avenue NE and NE 8th Street portion of the project. Residents appreciate the decision to push 120th through to NE 12th Street. She noted the Committee's interest in reducing traffic impacts to the neighborhood, and in addressing impacts to the Bellevue School District, Wilburton commercial area, and adjacent single-family and multifamily developments. She expressed support for the project design modifications suggested by Mr. Renn and Mr. Griffin.

- (d) Hossein Khorram spoke in support of extending the terms of building permits.
 - (e) Heather Trescases, Eastside Heritage Center, invited the Council and the public to the annual Strawberry Festival at Crossroads International Park on June 25 and 26. She thanked the City Parks Department and community sponsors of the event.
 - (f) Joe Rosmann, representing Building a Better Bellevue, thanked the Council for its commitment to further study of the B7-Revised light rail alignment. He noted that the study results are to be presented during the June 29 open house/community meeting, and expressed support for the route.
4. Reports of Community Council, Boards and Commissions: None.
5. Report of the City Manager

- (a) Management Brief providing update on the NE 12th Street Bridge Repair

City Manager Steve Sarkozy introduced staff's update regarding damage to the NE 12th Street Bridge during work on the Washington State Department of Transportation (WSDOT) I-405/SR 520 Braided Ramp Interchange Project.

Nancy Lacombe, Capital Projects Manager, introduced Gil McNabb, WSDOT Construction Engineering Manager; Seema Javeri, WSDOT Project Manager; and Al Gonzales, Atkinson Project Manager.

Mr. McNabb explained that the project contract was awarded in late 2009, and the project is scheduled to be completed in June 2012. Construction is approximately 65 percent complete. The Bellevue Braided Ramp project involves a \$107.5 million contract with Atkinson Construction, and WSDOT was able to secure \$30 million under the federal recovery act to initiate the project.

Ms. Javeri said it has been great to work with City Right-of-Way Manager Ron Kessack and Capital Projects Manager Nancy LaCombe throughout the design and construction phase. She recalled that the removal of the existing NE 12th Street bridge began on April 2, during which the new bridge was damaged by the old bridge. This involved a subcontractor that Atkinson Construction has worked with for many years, and Atkinson is financially responsible for the repair. In the past, Atkinson has removed a number of bridges, including the Wilburton Tunnel, without incident.

Mr. Gonzales provided additional details about the NE 12th Street bridge project, and the damage that occurred on April 2. He explained that Atkinson and the subcontractor anticipate starting the repair work in the near future.

Ms. Javeri described the temporary traffic detour and the technical details of the repairs. The City, WSDOT and Atkinson Construction are working together, and hope to reopen the bridge to two-way traffic in August.

Responding to Mayor Davidson, Mr. Gonzales confirmed that some of the pre-stressed components were damaged.

Responding to Councilmember Robertson, Mr. Gonzales said that it will not be necessary to close I-405 to complete the repairs. Ms. Javeri said there might be some rolling slowdowns at night, but the team is still finalizing those details.

Responding to Councilmember Chelminiak, Ms. Javeri said the repair solution will need to be validated after the first portion of the repairs is completed. Atkinson will present the plan, and WSDOT will review it to ensure it meets the agency's standards. Mr. Chelminiak said he would like to see the bridge reopened as soon as possible.

Mayor Davidson thanked staff for the presentations.

(b) Management Brief regarding proposal to Extend Building Permits and Short Plats

Mike Brennan, Director of Development Services, provided an overview of staff's proposal to extend the term of building permits and short plats in response to the continued slowed economy. He recalled that the Council approved a similar extension in 2010. The current proposal extends the maximum life of building and clearing/grading permit applications from 1.5 to 2 years; issued building permits from 3 years to 4 years; and preliminary short plat approvals from 3 years to 4 years.

The one-year extension will apply to projects currently in application status. He highlighted some of the projects that will benefit from the extension. Mr. Brennan explained that changes to Building, Storm Drainage, Critical Areas, Zoning/Land Use, and Fire Codes last year could affect a handful of pending projects.

If the Council wishes to move forward with an extension, Mr. Brennan said that staff will prepare two ordinances – one to address building permits and the other to address short plats, the latter of which are governed under the Growth Management Act (GMA). A public hearing is required within 60 days of the Council's action, and the policy to extend permits would be in effect for six months.

Councilmember Robertson explained that the Council received a request from the Tateuchi Center asking that the building application period be extended for one year instead of six months. She noted the importance of the library parking garage project as well.

Mr. Brennan said the extension terms are subject to the discretion of the Council. He noted standards in the City Code requiring that projects in application and construction are continuing to move toward a final decision or construction completion.

Responding to Ms. Robertson, Mr. Brennan said there are 806 projects that are either in application status or issued permit status. Of these, 266 applications were in process when the meeting packet materials were prepared [See page 5-7 of meeting packet].

Councilmember Robertson stated her preference to extend applications by one year instead of six months.

Responding to Councilmember Degginger, Mr. Brennan said the City is not receiving many requests for extensions with smaller projects. However, the requests are coming primarily from commercial applicants.

Responding to the Council, Mr. Brennan responded to questions of clarification regarding the volume of applications and permits, which are summarized on page 5-7 of the packet.

Responding to Mr. Degginger, Mr. Brennan said that, with a one year extension, few, if any, projects would be affected by two update cycles of the Building and Fire Codes. Mr. Brennan said he will follow up with more information on this issue.

Deputy Mayor Lee noted general support for a one-year extension of both applications and permits, and suggested that staff bring back answers to the Council's questions. Councilmember Robertson concurred.

Councilmember Degginger noted that he supported an extension in the past. However, he would like answers to the questions before he decides whether he will support the proposal.

Councilmember Chelminiak said he is generally supportive, but he would like to know the impact in terms of updates to Building and Fire Codes.

Responding to Mayor Davidson, Mr. Brennan said the City has not seen new applications related to the Council's consideration of extending application and permit terms.

Mayor Davidson asked staff to prepare the appropriate ordinances, noting that the Council's support could be changed in response to the additional information requested.

(c) Management Brief reporting on Enatai Tree Preservation Study

City Manager Sarkozy opened discussion regarding the Enatai tree preservation study.

Andrew Kidde, Mediation Program Manager, recalled that residents of the Enatai neighborhood approached the City in 2009 with concerns regarding tree preservation. The Council directed staff and the Planning Commission in 2010 to conduct a study of the residents to determine the

level of support for additional tree regulations. On April 13, 2011, staff briefed the Planning Commission on the results of the survey and outreach effort. The Planning Commission concluded that there was not a sufficient level of community support to warrant new regulations.

Hal Ferris, Planning Commission Chair, reported that the Commission recommends that the Council not pursue new tree preservation regulations for the Enatai neighborhood. However, the Commission supports the City undertaking ongoing education to encourage voluntary tree preservation.

[Councilmember Wallace left the table at 9:10 p.m.]

Responding to Councilmember Robertson, Mr. Ferris said that, had there been stronger support within the Enatai community, the Commission would have pursued additional study of the tree preservation regulations in the Bridle Trails area. Mr. Kidde said he inquired with the Land Use Division about the Bridle Trails regulations, and was told that only one tree removal application had been received.

Councilmember Robertson observed that the Bridle Trails community was split in its support of the regulations, once they were implemented. She said that some residents have worked with neighbors before deciding to remove trees, instead of applying for permits. She would like the Planning Commission to revisit the issue in 12-24 months to see whether the Bridle Trails approach is effective.

Mayor Davidson noted general Council support to accept the Planning Commission's recommendation.

(d) Sewage Overflow into Meydenbauer Bay

Mr. Sarkozy introduced staff to provide an update on sewage overflows into Meydenbauer Creek and Bay, resulting from power failures at the King County disposal pump station.

Nav Otal, Interim Utilities Director, reported that the previous Thursday there was a malfunction with King County's new pump station located on 102nd Avenue, which caused a wastewater overflow into Meydenbauer Creek. It was believed to be caused by a power surge initiated due to the fire at the Puget Sound Energy substation in Redmond. Power to the pumps was restored within five minutes. However, approximately 7,000 gallons of wastewater overflowed into the creek. King County staff responded to clean up the area, take water quality samples, and notify the state Department of Ecology.

The beach is scheduled to reopen on June 21. The City's role is to assist King County staff in cleanup and posting closures. In this case, King County staff was on site and had contained the overflow within five minutes, and the City's assistance was not required.

Mike Fisher, Operations and Maintenance Manager with the King County Wastewater Division, assured the Mayor and Council that the Bellevue Pump Station did not fail. However, the pump station shut down when the Redmond substation caught fire. Pump stations at Brightwater and

the entire treatment operations at South Plant shut down as well. Mr. Fisher apologized for the incident, and explained that it is not possible to prevent a power surge from shutting down a station. King County is working to determine whether power surges can be stopped in the future. However, he noted that they are rare, and this one was the worst he has seen in his 37-year career. King County is working with PSE, which contacted King County to offer assistance.

[Councilmember Wallace returned to table at 9:17 p.m.]

Councilmember Chelminiak questioned how this could not be considered a pump failure. Mr. Fisher explained that the station did not switch to generator power because the power surge shut down the variable speed drives, and they would not reset. A crew was required to manually restart the pump. Mr. Fisher said the generator will not turn on unless there is a complete power loss. While a sewage overflow unfortunately occurred, the pump station operated as designed.

Responding to Councilmember Robertson, Mr. Fisher said that the generator would turn on within approximately 30 seconds with complete loss of power, which is sufficient to prevent a sewage overflow. He explained that the variable speed drives that operate the pumps can be programmed to start the pumps in a power surge. However, these were not designed in this way. The variable speed settings are extremely sensitive, and the pumps could still be shut down with a major power surge. Mr. Fisher said it might be possible to install an earlier alarm system. Ms. Robertson asked him to submit information to the City Manager when additional safeguards are in place.

Responding to Councilmember Wallace, Mr. Fisher said that the water samples indicated fecal coliform in the bay following the release. He noted that fecal coliform levels are normally relatively high in Meydenbauer Creek, due to a number of factors including animals affecting the creek. Mr. Fisher said they are sampling the water daily, and will reopen the beach once fecal coliform levels drop sufficiently.

Deputy Mayor Lee echoed Councilmember Robertson's concerns about preventing a future occurrence and/or ensuring an earlier warning. He asked King County to return to the Council for an update on preventative measures.

6. Council Business and New Initiatives

Councilmember Wallace stated, in response to Mr. Rosmann's comments during Oral Communications, that it would be great to allow constituents to have their questions answered regarding the ARUP report on the B7-Revised light rail alignment.

Councilmember Chelminiak, Degginger and Robertson opted to forego their reports.

Deputy Mayor Lee attended a meeting of the Regional Transit Committee, the Newport Hills sportsfields opening, a VisitBellevueWashington.com event, the Bill and Melinda Gates Foundation's new campus opening, an Overlake Hospital Medical Center fundraiser, the Washington Technology Global Event, and a Chamber of Commerce conference.

Deputy Mayor Lee suggested that the City Manager bring back for Council action an item to hire a public relations firm or individual for the City's Sound Transit project.

Councilmember Degginger suggested that staff prepare a comprehensive proposal before the Council would move forward with such an action. He questioned the funding that would be available.

Deputy Mayor Lee confirmed that he is interested in directing staff to develop a proposal regarding his suggestion and potential funding. He would like to review the overall East Link budget as well. He requested a timeframe from staff for bringing this issue back to the Council.

City Manager Sarkozy said staff will try to prepare a proposal before the next meeting.

Following up to Councilmember Wallace's suggestion, Mayor Davidson spoke in favor of allowing the public to ask questions in an "open mic" format during the June 29 light rail presentation by ARUP.

Councilmember Degginger cautioned against opening up the floor for a general debate, and questioned whether this would be fair to the consultant (ARUP). He questioned whether there would be time limits for speakers and what other rules might apply. He expressed concern that the forum could become unproductive.

Mayor Davidson suggested that staff develop some rules, and that questions of clarification be encouraged rather than statements about opinions.

Mr. Degginger suggested limiting this portion of the meeting to a specific time period, and ensuring that the consultants are aware if this is to occur.

Councilmember Chelminiak suggested following previous formats, which is to allow staff and the consultants to make a presentation, and to then proceed with an informal open house session in which staff is available to respond to individual questions simultaneously. He is not sure that a formal procedure with a microphone would be as effective as having several staff/consultants available throughout the room to respond to questions.

Mayor Davidson said it is important to allow the public to participate in asking questions.

Councilmember Degginger expressed concern that it could be providing the opportunity for certain citizens to monopolize the meeting time.

Councilmember Wallace said the goal is to address the community's concerns and to have questions answered. He suggested that one approach would be to invite citizens to submit written questions in advance. Councilmember Chelminiak expressed support for this approach for a specific time period, and then proceeding with the usual open house format.

Deputy Mayor Lee said he supports an open question and answer forum, even though it might be

difficult to manage.

Councilmember Robertson supports providing a question and answer session as part of ARUP's presentation. She suggested having staff, perhaps Mr. Kidde, on hand to make sure that the meeting is productive and respectful.

Mayor Davidson requested staff's recommendation on how the meeting should be structured.

Councilmember Wallace reiterated that he believes it would be more productive if people are encouraged to submit written questions in advance.

Mr. Sarkozy said staff will develop a proposed approach.

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 6-0.

8. Consent Calendar

→ Deputy Mayor Lee moved to approve the Consent Calendar, with revisions to the Minutes as outlined in the desk packet. Councilmember Robertson seconded the motion.

Regarding Councilmember Robertson's proposed clarification to her statements during the February 2011 Council retreat, Councilmember Chelminiak expressed concern about modifying meeting minutes to clarify, rather than correct, comments that were made during a meeting. He noted that the purpose of meeting minutes is to capture what is said during meetings. However, he can support reflecting Ms. Robertson's clarifying statements in tonight's meeting minutes.

Councilmember Robertson noted that there is no audio recording of the Retreat discussions.

Responding to Councilmember Wallace about Agenda Item 8(d), Mr. Sarkozy explained that staff becomes concerned when only one bid is submitted for a project. Staff is concerned that the project scope might not be adequately described, which could lead to change orders down the road. Mr. Sarkozy said the project can be delayed, and it is believed that a revision to the scope of work will attract more bidders.

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

- (a) Minutes of February 3-5, 2011 Council Retreat *[Adding a reference to the meeting minutes of June 20, 2011, for clarifying statements made by Councilmember Robertson as presented in tonight's desk packet.]*

Minutes of May 16, 2011 Study Session

Minutes of May 16, 2011 Regular Session *[Revised as stated in desk packet.]*

Minutes of May 23, 2011 Extended Study Session *[Administrative revision.]*

Minutes of May 31, 2011 Special Meeting

- (b) Resolution No. 8249 authorizing the execution of a professional services agreement with Pacifica Law Group LLP, in an amount not to exceed \$193,000, to provide bond counsel services.
- (c) Resolution No. 8250 authorizing execution of a Memorandum of Agreement with Earthcorps, in an amount not to exceed \$166,024 to provide invasive vegetation removal at Chism Park.
- (d) Motion to reject the bid for Bid No. 11145, Lewis Creek Trail Replacement, revise the scope, and re-bid the project.
- (e) Motion to reject the bid for Bid for No. 11096 to construct two bridges for the Ravine Garden at the Bellevue Botanical Garden, revise the scope of the project, and rebid.
- (f) Resolution No. 8251 authorizing execution of a one-year General Services Contract with Santa, Inc., in an amount not to exceed \$150,000, with three subsequent options to renew (full potential contract value not to exceed \$750,000), for the removal of accumulated sediments from three Storm and Surface Water sedimentation facilities located in the Coal Creek basin.
- (g) Resolution No. 8252 authorizing execution of a professional services agreement with Site Development Associates, LLC, for engineering services related to easement acquisitions in 2011 for the Small Diameter Water Main Replacement program, in the amount of \$250,000 (CIP Plan No. W-16).
- (h) Resolution No. 8253 certifying the Emergency Declaration of the City Manager for construction of emergency public works to address a sewer main break at 10418 NE 29th Street (The Regents Condominiums).
- (i) Motion to award Bid No. 11106 for Yarrow Creek Tributary Stream Restoration, to New West Development, Inc., as the lowest responsible and responsive bidder in the amount of \$233,775.95 (CIP Plan No. D-86).
- (j) Motion to award Bid No. 11084 for Coal Creek Parkway - SE 48th Place Storm Water Outfall Repair, to B&B Utilities & Excavating, LLC, as the lowest responsible and responsive bidder in the amount of \$133,495.83 (CIP Plan No. D-64).
- (k) Motion to award Bid No. 11121 for Storm Water Dig and Repair 2011, to Summit Tree & Land, as the lowest responsible and responsive bidder , in the amount of

\$149,341.57 (CIP Plan No. D-64).

- (l) Motion to waive minor bid irregularity and award Bid No. 11123 for Parksite and Crossroads North Reservoir Recoating Projects (2011), to Purcell P&C, LLC dba Purcell Painting & Coatings, as lowest responsible and responsive bidder in an amount not to exceed \$389,168.48.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Motion to accept with conditions "ten percent" threshold Notices of Intent to Petition, under RCW 35A14.120, for the South Bellevue Annexation areas of Eastgate and Tamara Hills.

City Manager Sarkozy opened discussion regarding annexation efforts in South Bellevue.

Dan Stroh, Interim Director of Planning and Community Development, recalled Council direction to staff during the February 28, 2011, Study Session to implement the South Bellevue annexation work program. He reported that staff is now able to present the 10-percent petitions in hand for the Eastgate and Tamara Hills areas, which encompass 93 percent of the population of the entire South Bellevue Potential Annexation Area (PAA). Staff is continuing to work for annexation of the Hilltop and Horizon View areas as well. The anticipated effective date for all of the annexations is April 2012.

Nicholas Matz, Senior Planner, reported that Eastgate property owners filed a Notice of Intent to Petition for Annexation on June 3, and Tamara Hills property owners file a Notice of Intent on June 9. The Council's options are to accept, reject, or to geographically modify the PAA boundaries for Eastgate and Tamara Hills. Council is asked to require the adoption of the existing pre-annexation zoning in place upon annexation, and to acknowledge and require the assumption of the City's indebtedness on the part of annexing community members.

Mr. Matz explained that residents worked to achieve the support of property owners representing the required 10 percent of property valuation. He reviewed the benefits of urban-level services that will be provided to property owners including public safety, parks maintenance, land use planning, building permitting, home repair program, and garbage collection.

Mr. Matz said there is a fiscal benefit associated with the annexations as well. The vast majority of property owners will pay lower total taxes as part of Bellevue. He demonstrated a tax calculator provided on the City's web site to enable citizens to compare their current and post-annexation stormwater service charges and utilities taxes.

→ Deputy Mayor Lee moved to extend the meeting until 11:00 p.m., and Councilmember

Robertson seconded the motion.

→ The motion to extend the meeting carried by a vote of 6-0.

Continuing, Mr. Matz described community outreach activities and staff's work with the core group of residents working on behalf of the annexations. Staff requests that the Council take action tonight to accept the Notices of Intent to Petition for Annexation.

→ Councilmember Robertson moved to direct staff to accept a Direct Petition for Annexation for the South Bellevue Annexation, including Eastgate and Tamara Hills, under RCW 35A.14.120 with the following conditions:

1. Property within the territory to be annexed shall be assessed and taxed at the same rate and on the same basis as the property within the City of Bellevue to pay for the outstanding indebtedness of the City existing at the date of annexation.
2. Property within the territory to be annexed shall be subject to the provisions of the Comprehensive Plan adopted under Resolution No. 5726 and subsequent proceedings pursuant thereto.
3. Property within the territory to be annexed shall be subject to the City's proposed R-3.5, R-5, R-10 and PO zoning regulations adopted under Ordinance No. 3840, the central Newcastle Pre-annexation Zoning Ordinance, from the date of annexation.

Councilmember Chelminiak seconded motion.

Responding to Deputy Mayor Lee, Mr. Matz said Council action regarding Hilltop pre-annexation zoning will be addressed with a separate motion.

Councilmember Chelminiak thanked residents for their efforts and work with the City.

→ The motion carried by a vote of 6-0.

Mr. Stroh noted staff's request for Council action to initiate a pre-annexation zoning change for the Hilltop Potential Annexation Area.

Responding to Councilmember Degginger, Mr. Stroh said that residents would like the City to adopt zoning that is closer to the existing character of the area. The current R-4 zoning would allow the subdivision of lots. However, the recommended R-2.5 zoning is consistent with the City's existing Comprehensive Plan designation for the area.

→ Councilmember Degginger moved to initiate a R-2.5 pre-annexation zoning change for the Hilltop Potential Annexation Area (PAA). Councilmember Chelminiak seconded the motion.

→ The motion to initiate the zoning change for the Hilltop PAA carried by a vote of 6-0.

- (b) Ordinance No. 6005 defining criminal conduct and adding a new section to Chapter 10.06 of the Bellevue City Code loitering with the intent of engaging in drug-related activity.

City Manager Steve Sarkozy opened discussion regarding proposed Ordinance No. 6005 defining criminal conduct, and adding a new section to Chapter 10.06 of the Bellevue City Code, loitering with the intent of engaging in drug-related activity. He recalled that the Police Department presented the proposal to the Council during the May 23 Extended Study Session.

Responding to Councilmember Degginger, Kyle Aiken, Police Legal Advisor, provided additional explanation about the behaviors described in the Ordinance. Mr. Degginger questioned how to determine whether a person is acting as a lookout for a drug deal versus looking down the street for the bus, as an example. Ms. Aiken explained that Police Officers would be looking for indications of communication between two or more individuals including hand signals, cell phones, and conversation.

In further response to Mr. Degginger, Deputy Police Chief Cherie Baker said that transferring money and objects in a furtive manner could apply to an exchange made to look like a handshake, as an example. She said the term “furtive” is used in case law and in Police training and communications. Responding to Mr. Degginger about behaviors to conceal oneself, Ms. Aiken said this could include walking away at the sight of a Police Officer or moving one’s hands to hide certain activity. Deputy Chief Baker noted that the Ordinance’s described behaviors are to be applied by Police Officers when dealing with known drug dealers and drug users.

Responding to Deputy Mayor Lee, staff confirmed that the language in the Ordinance has been tested by the courts.

Councilmember Robertson expressed support for the Ordinance, noting her interest in addressing problems before they get worse.

→ Councilmember Robertson moved to adopt Ordinance No. 6005, and Councilmember Chelminiak seconded the motion.

Responding to Councilmember Wallace, Deputy Chief Baker reiterated that Police Officers will utilize the Ordinance with regard to known drug users and drug dealers who have previously been convicted of drug-related activity. Mr. Wallace questioned what the Ordinance adds to existing laws. Ms. Aiken said the Police Officer might not have probable cause to initiate a search for drugs. Under the Ordinance, the activity observed by Police Officers would have to involve loitering and engaging in behaviors that raise suspicion. Ms. Aiken said the Ordinance is intended primarily to address known, convicted drug offenders.

Councilmember Wallace asked the Council to consider postponing action for one week.

Deputy Mayor Lee said he initially had concerns about the Ordinance. However, knowing that similar Ordinances have been upheld by the courts, he is more comfortable with the recommended approach. He feels strongly that Bellevue Police Officers have always acted with integrity, and he believes this provides an additional tool to prevent criminal activity.

Councilmember Robertson stated her understanding of the proposed Ordinance, which is that it will allow arrests of a lesser crime with specific elements that have been constitutionally tested. While Police Officers might not have the right to search individuals related to potential felony violations, Police could search incident to arrest under the proposed Ordinance. Ms. Aiken confirmed that this is an accurate understanding of the Ordinance. Speaking to Councilmember Wallace, Councilmember Robertson said that “search incident to arrest” has a different standard than “search without incident to arrest.”

Mayor Davidson said he supports the Ordinance as written, and he believes it is a necessary tool that is supported by the public. He is open to delaying Council action, and noted that he will be absent the following week.

City Manager Sarkozy said that action can be postponed until the full Council is available.

Councilmember Robertson observed that it is summer, kids are out of school, and it has been noted that middle school children are involved in some of the drug activity. She is willing to delay for one week, but would prefer to not wait any longer than that.

Deputy Chief Baker confirmed that drug dealing activity tends to increase during the summer.

Mayor Davidson noted a consensus to postpone action on staff’s recommendation. He observed that Councilmember Balducci will likely want to comment on the issue as well.

12. Unfinished Business

- (a) Consideration of taking an official position on renewal of the King County Veterans and Human Services Property Tax Levy on the August 16, 2011 primary election ballot.

Diane Carlson, Director of Intergovernmental Relations, provided an overview on the King County Veterans and Human Services property tax levy, which funds services to reduce homelessness, reduce emergency medical and criminal justice involvement, and to improve self sufficiency. The legislation continues the citizen oversight committee that monitors expenditures. She noted the process outlined in the meeting packet should the Council wish to take a formal position on the levy. This includes a public hearing on July 5 to allow public comment on both sides of the issue.

Councilmember Robertson noted the Council's heavy workload and her reluctance to utilize meeting time to address the issue. She would prefer to let the voters decide for themselves about whether to support the levy. She asked Ms. Carlson to provide her with information about the impact of the levy, in terms of dollars, for taxpayers.

Councilmember Chelminiak suggested that it would be good for the Council to weigh in on the proposition, and to offer positive support. A public hearing would provide the opportunity for citizens to express their perspectives.

Councilmember Degginger believes that the levy warrants discussion and an opportunity for public participation. He supported the levy in the past. However, he has concerns about the escalator and would like to hear more about it. Mr. Degginger noted that much of the County's funding is provided through levies, and holding a public hearing provides the opportunity for the public to learn about the issues.

Responding to Mayor Davidson, Ms. Carlson said approximately half of the funds of the existing levy went to veterans services, and half went to general human services.

→ Councilmember Chelminiak moved to bring the issue back on July 5, with the potential for the Council to take a position on the levy. Councilmember Degginger seconded the motion.

Councilmember Wallace expressed support for a discussion, and he would also like to see the Council weigh in on the \$20 car tab tax if and when that comes up.

→ The motion carried by a vote of 5-1, with Councilmember Robertson opposed.

13. Continued Oral Communications

Ralph Guditz thanked the Council for its discussion about extending building permits. He noted that the proposed action has a substantial financial impact for him.

14. New Business: None.

15. Executive Session

At 10:33 p.m., Mayor Davidson declared recess to Executive Session for approximately 30 minutes to discuss one item of property acquisition.

→ At 11:00 p.m., Councilmember Robertson moved to extend the meeting to 11:20 p.m. Councilmember Wallace seconded the motion.

→ The motion to extend the meeting carried by a vote of 6-0.

The Executive Session concluded at 11:17 p.m.

16. Adjournment

Mayor Davidson declared the meeting adjourned at 11:17 p.m.

Myrna L. Basich, MMC
City Clerk

/kaw