

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

August 2, 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 8:03 p.m., with Mayor Davidson presiding.

2. Roll Call, Flag Salute

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

(a) Introduction of Local and Visiting Yao and Hualien Exchange Students

Hugh Burtleson, Bellevue Sister Cities Association, introduced the students participating in this summer's exchange program. Jillian Lau, a student at Newport High School, was chosen to go to Hualien, Taiwan. Hsuan-Yu "Bella" Lu is visiting Bellevue from Hualien. Bella presented a gift to the Council.

Florence Metcalf introduced Madelyn Kinzer from Redmond, who recently returned from a four-week visit to Yao, Japan. Masumi Asai is currently visiting from Yao.

Councilmembers welcomed and shook hands with the students. Mayor Davidson thanked the volunteers who support the Bellevue Sister Cities Association.

3. Communications: Written and Oral

- (a) David Schooler, Board Member for the Bellevue Downtown Association, encouraged the Council to continue to advocate for a strong East Link light rail connection serving the Downtown and the region. Failing to connect well will put the future economic vitality, growth strategy, and neighborhood protection at risk. Mr. Schooler urged the Council to enter into a memorandum of agreement with Sound Transit as soon as possible regarding the funding of a downtown tunnel. He suggested that the agreement should be

completed before Sound Transit's final alignment decision is reached. The Sound Transit Board has been clear that if negotiations over the tunnel fail, the agency will choose an at-grade option for the Downtown.

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

5. Report of the City Manager

- (a) Bellevue awarded VISION 2040, Governor's Smart Communities, and APA Washington/Planning Association of Washington Awards

City Manager Steve Sarkozy asked staff to provide a report on three awards recently received by Bellevue related to the Bel-Red Corridor Plan.

Planning Director Dan Stroh described the three awards: 1) Puget Sound Regional Council's (PSRC) Vision 2040 award; 2) Governor's Smart Communities award, and 3) a joint award from the American Planning Association-Washington and the Planning Association of Washington for physical plans related to the Bel-Red corridor.

Mayor Davidson thanked staff and the community for their work and said it is a great honor to receive the awards.

Mr. Stroh noted the involvement of the Citizen Advisory Committee and their contributions to the Bel-Red planning effort.

- (b) Management Brief on 2010 Comprehensive Plan Amendment (CPA) Annual Work Program

City Manager Sarkozy introduced staff's briefing on the 2010 Comprehensive Plan Amendment (CPA) work program.

Planning Director Dan Stroh reported that there are no privately initiated Comprehensive Plan amendments to bring before the Council this year. He referred the Council to page 5-4 of the meeting packet for a list of publicly initiated, transportation-related CPA proposals. Mr. Stroh requested Council direction to proceed with the CPA work program as proposed by staff.

→ Deputy Mayor Lee moved to direct staff to proceed with the proposed 2010 Annual Comprehensive Plan Amendment (CPA) work program as described on page 5-4 of the meeting packet. Councilmember Robertson seconded the motion.

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

6. Council Business and New Initiatives

As a new initiative, Councilmember Balducci observed that it is time to direct staff to move forward with planning for negotiations with Sound Transit regarding light rail tunnel funding,

including setting a schedule for this effort.

Mayor Davidson stated that he discussed the topic with the City Manager earlier in the day.

Councilmember Chelminiak said that he would be dismayed if these efforts are not already moving forward. He stated that funding the downtown tunnel is one of the most important issues for the City at this time. He would like to see regular reports from staff on discussions with Sound Transit. He noted that Sound Transit is due to make final decisions on alignments starting early next year. Sound Transit's decisions will be based in part on how well the negotiations are resolved.

Councilmember Degginger said he is surprised as well to hear that perhaps staff has not moved forward with planning for negotiations.

Mayor Davidson noted a Council consensus to move forward with scheduling and planning for negotiations with Sound Transit.

City Manager Sarkozy indicated that the Council has provided sufficient direction. He noted that planning has never stopped, and that negotiations are considered to be part of the budget discussions and staff's ongoing work plan.

Moving on, Councilmember Balducci reported that she attended a meeting of the Chamber of Commerce's budget committee, which is concerned about the business climate, transportation, and public safety. She commended the tremendous emergency/public safety response to the recent bus crash involving the Boys and Girls Club, noting that she happened to be at the scene immediately after it happened.

Councilmember Wallace stated that the tunnel funding agreement with Sound Transit needs to be grounded in fiscal reality. He wants to see clearly where the \$150 million contribution by Bellevue will come from, including some or all of the potential sources identified in the term sheet.

Councilmember Degginger attended meetings of the Cascade Water Alliance and King County Transit Task Force.

Councilmember Chelminiak attended a meeting of the Puget Sound Economic Development District, which has hired Chris Andreason as the new director, and a meeting of the Regional Committee to End Homelessness.

Councilmember Chelminiak said he would like to see a roadmap to funding a tunnel from the City Manager.

Councilmember Robertson said the Council has unanimously supported a tunnel in Bellevue and is opposed to the at-grade alternative. She would like to have a Study Session discussion in September about identifying a potential backup plan to the tunnel option, which could involve an elevated option such as C14E.

Ms. Robertson noted that Bellevue has worked with consultants to conduct further study of the Segment B alternatives and the South Bellevue Park and Ride. She suggested forwarding the reports to Sound Transit, if that has not already been done. She feels it is important that Bellevue have Sound Transit put the A2 station (related to B7 option) and NE 2nd Street tunnel portal into the Supplemental DEIS process. Ms. Robertson asked staff how Bellevue can accomplish ensuring that these items are studied in the Supplemental DEIS.

Mr. Sarkozy observed that he feels it would be difficult at this point to offer any new alternatives for consideration by Sound Transit. He noted that a considerable amount of work has been done on design options by Sound Transit.

Councilmember Balducci added that Sound Transit is attempting to schedule a presentation for the next Sound Transit Board capital committee meeting of the Bellevue studies, with an emphasis on whether there are issues and information in the studies that should be covered in either the Supplemental DEIS or the Final EIS. Staff and the consultants have been invited to present during the meeting. Councilmembers Balducci and Robertson said they both hope that Bellevue staff will be present at the meeting.

Councilmember Chelminiak asked Councilmember Balducci to take a question to the meeting with regard to the B2M option and the Supplemental DEIS. If Sound Transit chooses the west side alignment along 112th Avenue SE and the condominiums are removed, this will have a general effect on noise for the single-family homes behind the condominiums. Mr. Chelminiak would like this to be addressed in the SDEIS. In addition, he would like the SDEIS to address the issue of the light rail system bells.

Councilmember Wallace followed up on the City Manager's response to Councilmember Robertson, noting that her request for further study is not a radical change from Sound Transit's study of alignments that exists today. He clarified that the request is to take a look at the new station designed by KPFF (A2) and to determine whether it provides equivalent ridership to the South Bellevue Park and Ride and its actual costs. The idea is essentially replacing the Greenbaum station with new A2 station. Mr. Wallace suggested that this meets Sound Transit's objectives, while at same time allowing Bellevue to protect its neighborhoods by putting the light rail track next to the freeway. The connection for that, according to the City's preferred alternative, is the 2nd Street portal to C9T, which connects well from the B7 alignment. This is also similar to Sound Transit's preferred C8E option. Given the new information provided by the City's consultants, Mr. Wallace feels it is prudent that Sound Transit address these issues in the SDEIS, or that the City hire its own consultants to study and produce its own EIS.

Responding to Councilmember Degginger, Mr. Wallace confirmed that A2 is the option on the west side of Bellevue Way that takes out 13 homes.

Councilmember Degginger observed that perhaps the affected Enatai homeowners and their neighbors might not consider this option as protective of neighborhoods.

Deputy Mayor Lee concurred with Councilmember Robertson's request, noting that it is important for Bellevue staff to present to the capital committee and to raise questions with the Sound Transit Board.

Deputy Mayor Lee reported that he attended meetings of the Eastgate/I-90 Economic Development Forum and the Port of Seattle, with the latter including a waterfront tour. He attended the Bellevue Arts Fair and a workshop on new opportunities in Indonesia.

Mayor Davidson had no report.

Councilmember Balducci called a point of order regarding Councilmember Robertson's request for a future discussion about the C14E option. Ms. Balducci suggested that the Council talk about whether it wants to consider this option in a future Study Session.

Councilmember Robertson restated that her two initiatives are to have a Study Session in September and to add the A2/B7/NE 2nd Street portal alignment to the SDEIS. She feels it would be important to discuss the C14E, which was identified in a previous letter as a potential backup to the tunnel option and to avoid an at-grade option.

Deputy Mayor Lee stated his support of Ms. Robertson's request.

Councilmember Balducci said she has no problem with the request regarding further study in the SDEIS. She believes that the NE 2nd Street turn is already in the SDEIS. She will convey the Council's request for the study of the A2 station, assuming that at least four Councilmembers support it. However, she does not believe it can be characterized as a minor tweak to the alternatives under consideration.

With regard to the C14E, Ms. Balducci noted that the City is at a sensitive point in negotiations surrounding the tunnel, and it is important to move forward with strong united support for the tunnel. She cautioned that any discussion about a backup option will indicate something less than a full commitment to the tunnel. The Council could address the C14E as an option in the future if tunnel funding is not achieved. Ms. Balducci urged the Council to maintain its focus on obtaining funding and support for the downtown tunnel.

Councilmember Degginger concurred with Councilmember Balducci, noting the need to remain consistent in the Council's unanimous support for a tunnel. He agreed that the A2 station option is not a small adjustment to the B7 alignment, at least certainly not to those who live in that neighborhood. If the Council is going to continue to discuss the option, Mr. Degginger feels that the City should conduct public outreach to the affected neighborhoods.

Councilmember Chelminiak noted that the Council recently voted 4-3 to remove a reference to the C14E as a backup option in a letter to Sound Transit. He questioned whether there is a parliamentary rule about when this policy item could be reconsidered.

Myrna Basich, City Clerk, responded that Council rules reflect a time limitation of six months, unless there is some showing of a substantial change in circumstances.

With regard to the A2 station option, Councilmember Chelminiak said this option is not limited to the B7 alignment, but could be done with an alignment along Bellevue Way. He agreed with Mr. Degginger that public outreach would be appropriate if the Council is to consider the option. He agrees that it is time to focus on the tunnel and to stop raising other new alternatives.

Councilmember Robertson acknowledged that the C14E could be considered later, after the SDEIS. She expressed concern that Sound Transit is not committed to a tunnel, and that their backup option of an at-grade alignment would be a disaster for the community.

Mayor Davidson summarized that the Council would like periodic updates from the City Manager on tunnel funding and negotiations.

Councilmember Wallace stated that as the father of the C14E option, he would like to see two things studied in the SDEIS: 1) Adding a Red Lion station to expand ridership, and 2) Working on parity between the design options. He opined that removing the reference to C14E from the recent letter was based on whether the timing was right to raise the issue, but was not a policy decision against the C14E.

Councilmember Chelminiak stated his understanding that the vote to remove the reference from the letter reflected a policy decision.

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, amended to approve substitute Ordinance No. 5959 provided in the desk packet for Agenda Item 8(d), and to pull Agenda Item 8(f) for discussion. Councilmember Robertson seconded the motion.
- The motion to approve the Consent Calendar, as amended, carried by a vote of 7-0, and the following items were approved:
 - (a) Ordinance No. 5957 repealing in its entirety, Ordinance No. 1842 Section 1, 1974, as amended codified as Bellevue City Code Chapters 8.04, 8.06, and 8.08 and enacting a new Bellevue City Code Chapters 8.04, 8.05, 8.06, 8.07, 8.08 and 8.09. This Ordinance implements the requirement of the Interlocal Agreement with King County for Animal Care and Control Services approved under Resolution No. 8110.

- (b) Resolution No. 8126 authorizing execution of a purchasing agreement with Pierce Manufacturing, Inc., in an amount not to exceed \$2,861,113.50, to purchase five triple combination pumper trucks for Fire Department use.
- (c) Ordinance No. 5958 authorizing execution of a one-year grant agreement with the Washington State Department of Commerce to accept \$276,919 in grant funding for the Eastside Narcotics Task Force (ENTF); amending the 2009-2010 budget of the Operating, Grants, Donations and Special Reserve Fund in the amount of \$276,919; and authorizing expenditures of said grant funds.
- (d) Ordinance No. 5959 delegating authority to the City Manager or his designee to sign a mutual aid agreement whereby the City joins the Washington Water/Wastewater Agency Response Network, which allows for voluntary sharing of public utility resources in emergency or disaster situations. ***[Approved substitute version of Ordinance provided in Council's desk packet.]***
- (e) Resolution No. 8127 authorizing execution of a Professional Services Agreement with HDR Engineering, in an amount not to exceed \$165,000, for engineering services for the Emerald Ridge Wastewater Pump Station Replacement Assistance during bidding and construction (CIP Plan No. S-16).
- (g) Motion to award Bid No. 10132 for PRV Replacement 2010, Phase 1, to West Coast Construction Co, Inc., in an amount not to exceed \$487,849.76, as lowest responsible and responsive bidder (CIP Plan No. W-67).
- (h) Motion to award Bid No. 10180 for West Lake Sammamish Parkway Culvert Repair, excluding Culvert No. 8, to Buno Construction, LLC, in an amount not to exceed \$427,159.50, as lowest responsible and responsive bidder (CIP Plan No. D-64).
- (i) Resolution No. 8129 ratifying the Emergency Declaration of the City Manager for construction of emergency public works to address repairs of a 24-inch storm culvert located at 3322 - 102nd Avenue NE.
- (j) Resolution No. 8130 authorizing execution of a contract supplement with INCA Engineering, Inc., in an amount not to exceed \$308,660, to prepare 30% engineering design for 120th Avenue NE, NE 8th Street to NE 12th Street project which is part of the Wilburton Connections projects and is funded through the 120th Avenue NE project, NE 8th Street to Northup Way (segment 2 and 3), (CIP Plan No. PW-R-164).

Item for Discussion:

- (f) Resolution No. 8128 authorizing execution of a Professional Services Agreement with CH2MHill, Inc., in an amount not to exceed \$850,000, for engineering services for the Coal Creek Parkway Culvert Replacement project (CIP Plan No.

D-103).

Deputy Mayor Lee expressed concern about the dollar amount of the agreement proposed by Resolution No. 8128.

Mr. Sarkozy explained that Resolution No. 8128 represents the execution of a professional services agreement for the design and replacement of the 96-inch culvert that runs under Coal Creek. The design also addresses issues associated with the Olympic Pipeline near the creek and with permitting requirements.

Councilmember Degginger stated that one of his concerns was that the contract covered only preliminary design. However, staff has clarified that the agreement is for full design and construction documents.

Mr. Degginger supports the project. However, he is troubled by some of the terms of the agreement including the price escalator for engineering rates after the first year of the contract. He questioned whether this is appropriate, given the economic environment. He requested further scrutiny and a careful review of the contract terms prior to its execution.

Mr. Sarkozy said that staff compared costs within the consulting contractor pool, which reflected rate increases starting at 4 percent for 2011 and beyond. CH2M Hill's proposed escalator was 2.5 percent. He acknowledged that this is still a higher escalator than the City is seeing in its inflation index. Mr. Sarkozy suggested deferring this item to allow staff to further analyze the terms.

Responding to Deputy Mayor Lee, Mr. Sarkozy said the design period is 9 to 12 months. Construction of the project is already funded.

Deputy Mayor Lee noted information in the materials presented to the Council that the contract does not include additional environmental or design questions that may arise as the design element proceeds. He expressed concern about the accuracy of the \$6.5 million cost estimate for the project.

Mr. Sarkozy acknowledged the complexities of the project, which are outlined in the meeting packet materials.

Mayor Davidson noted agreement to delay a vote on Resolution No. 8128 until further information is available.

Councilmember Robertson observed that the budget does not appear to provide sufficient funding in the current year for the contract. Mr. Sarkozy said full budget details will be provided before Council action.

Councilmember Wallace said his thoughts and prayers are with the Mayor for his upcoming hip surgery.

9. Public Hearings: None.
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 9:21 p.m., Mayor Davidson declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw