

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

September 3, 2013
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Lee, Deputy Mayor Robertson, and Councilmembers Balducci, Chelminiak¹, Davidson, Stokes and Wallace

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:02 p.m., with Mayor Lee presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers were present [Deputy Mayor Robertson was briefly away from the dais.].

Mayor Lee led the flag salute.

3. Communications: Written and Oral

- (a) Mark Van Hollebeke said he is a member of the Parks and Community Services Board and a founding member of the Old Bellevue Neighborhood Association. However, he was speaking as an individual regarding the renewal of the solid waste contract. He described his positive interactions with Republic Services over the years and expressed support for renewing their contract. He said they are eager to expand organics and other recycling to multifamily units, and they have reached out to the Parks Board in the past. He believes they are a good community partner for the City.
- (b) Gretchen Dill noted that she is a member of the West Bellevue Community Club Board, but said she was speaking as an individual. She distributed a handout including a photo of young men smoking a hookah and asked the Council to ban smoking in Bellevue parks. She noted the negative health effects and reported on her research indicating that many cities and states across the country ban smoking in parks and on beaches. She read a list of Washington cities that ban smoking in public parks.

¹ Councilmember Chelminiak left the meeting at 9:38 p.m.

- (c) Kenneth Marshall introduced himself as the Vice President and business representative for Republic Services, CleanScapes, and Cedar Grove. He said the contract contains no language about prevailing wage. He expressed concern regarding the potential for a reduction of \$8.51 in the hourly wage for sanitation workers. He said employees would lose their vacation time accruals if they are in the position of starting over with a new company. There is also the potential for starting over with a three-month gap in health care coverage with a new employer.
- (d) Renay Bennett, President of the Bellecrest Neighborhood Association, presented concerns about the recently appointed Light Rail Permitting Citizen Advisory Committee (CAC). She described criteria from the Light Rail Overlay for selecting CAC members and said she believes two appointed members are in violation of the criteria. She said one of the individuals owns property to be condemned as part of the project, and the other was recently employed by two organizations directly financed by and affiliated with Sound Transit. Ms. Bennett asserted that staff failed to evaluate the applications for potential conflicts of interest. She asked that the two individuals be withdrawn from the CAC appointments. Ms. Bennett submitted her comments in writing [via email submitted to staff prior to Council meeting].

Responding to Mayor Lee, Acting City Manager Brad Miyake said he is investigating the allegations and the process used to identify CAC candidates.

- (e) Betsy Blackstock, representing the Surrey Downs Community Club Board, followed up on Ms. Bennett's comments and expressed concern about the recent CAC appointments. She said the Surrey Downs community had been told that one of their residents should not apply because his property abuts the alignment. She said another applicant is identified as a resident of Surrey Downs but he actually lives in Enatai. Ms. Blackstock said that six of 60 applicants were Surrey Downs residents. The neighborhood will be significantly affected by the light rail transit project and has no representation on the CAC. Ms. Blackstock requested reconsideration of the CAC appointments and that a Surrey Downs resident be appointed to the CAC.
- (f) Michael Muth, a driver for Republic Services, said he recently reached his 10-year anniversary with the company and many drivers have been there much longer. He expressed concern about the negative impacts if the City chooses a different garbage and recycling services provider. He said these long-term drivers are familiar with the community, including schools and bus stops, and provide good service. He thanked Councilmembers for their consideration.
- (g) Alfred Slatin, a Vermont resident, complimented City staff (i.e., Police, Fire, Utilities and Parks Departments) for their activities since the area was annexed. Mr. Slatin said he has lived in eight homes in his life, and Republic Services is the best garbage and recycling collection service he has experienced. They are never late, never leave garbage on the street, and are always very polite and sociable. He urged the City to retain what it

has and what is known.

- (h) Thomas Wray said he is the business representative of Teamsters Local 117 representing yard waste and recycle drivers at Republic Services. He expressed concern that the contract documents do not address job security. If the City chooses to not negotiate a contract renewal with Republic Services, all of the drivers could lose their jobs.

Mayor Lee indicated that the allowed number of speakers for any one side of an issue has been reached with regard to Republic Services. Responding to a woman in the audience, Mayor Lee said she may comment on the contract but not on the merits of that vendor. She chose not to speak.

Mayor Lee said additional oral communications are scheduled toward the end of the meeting agenda.

- (i) Sam Bellomio, StandUP-America, expressed concern about the earlier testimony regarding the Light Rail CAC appointments. He believes the Council, not staff, is responsible for any errors that occurred. He expressed concern that citizens are not allowed to speak at King County Council meetings, except for once per year. He spoke about the importance of freedom of speech.
- (j) Alex Zimmerman opined that what he has seen in Bellevue for 25 years is no different than Communist China or Nazi Germany. He characterized politicians as crooks and mafia, and expressed concern that citizens cannot speak at King County Council meetings. He said Councilmembers are not representing the citizens.

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

5. Report of the City Manager

- (a) Business and Occupation Tax Simplification Update

Acting City Manager Brad Miyake referred the Council to page 5-1 of the meeting packet for information on the Business and Occupation (B&O) Tax simplification efforts.

Finance Director Jan Hawn provided an update on the Multi-City Business License and Tax Portal project and the City's square footage tax. The multi-city team is working with the vendor to design the portal system, which will allow taxpayers to apply for business licenses and to file and pay taxes owed for multiple cities from one online location.

The project Steering Committee is working with legal representatives from the five cities to draft an interlocal agreement (ILA) that will form and guide the entity managing the ongoing portal operations. Ms. Hawn said an open house for the portal project is scheduled for September 11 in Seattle.

With regard to the square footage tax simplification, Ms. Hawn recalled that the Council approved a minor Code change in December 2012 and directed staff to continue working with the business community to simplify and streamline the tax. Staff will continue to work with the business community in September and will return to the Council in the fall with an analysis of the options. The goal is to adopt the proposed Tax Code changes to be effective January 1, 2014.

Mayor Lee spoke in support of the projects focused on streamlining operations and enhancing efficiencies for both cities and businesses.

Councilmember Davidson expressed support for the portal project, which was initiated in response to the State's proposal to take over the administration of the B&O Tax.

Deputy Mayor Robertson thanked staff for the update. She is glad that the portal project is going well, and she thanked staff for their diligent outreach regarding the B&O square footage tax simplification. She noted that Bellevue has a relatively high threshold which enables many small businesses to avoid the tax. However, for those paying the B&O tax, it should be simple and straightforward.

Moving on, Mr. Miyake highlighted items on the Consent Calendar. Item 8(e) authorizes the implementation of a customer request and management mobile application, which will enable citizens to use cell phones and other devices to request information, report issues, and connect with the City regarding services.

Mayor Lee said this project demonstrates the City's ongoing efforts to improve services for the community through the use of technology.

Mr. Miyake said Item 8(f) extends the Commute Trip Reduction program. He noted that the rate of drive-alone commute vehicles to work sites in Bellevue has declined by 6.5 percent over the past 10 years.

Mr. Miyake highlighted Item 8(g), which amends the 2013-2024 Transportation Facilities Plan (TFP) to include a new project on Newport Way SE from Somerset Boulevard to 150th Avenue SE. This responds to strong community interest and Council direction to include this in the TFP, which will position it for future funding in the Capital Investment Program (CIP) Plan.

Responding to Mayor Lee, Mr. Miyake said the City received an email from Renay Bennett earlier in the day regarding the Light Rail Citizen Advisory Committee (CAC). Staff will prepare a response regarding the process for the next week's meeting.

Mayor Lee spoke to the important role of the Light Rail CAC and said Council will review the selection process. He said the Council will make the appropriate adjustments when necessary. Mr. Lee said the Council understands that residents are greatly affected by the project and want to participate in continued planning. Mayor Lee said the Council will make things right with the CAC.

Councilmember Stokes said there was no desire or attempt to manipulate the CAC selection process by anyone on the Council or staff. He reiterated that the Council and City Manager are aware of residents' concerns and investigating the matter.

Mayor Lee provided background information on the selection of the Light Rail CAC. He said more than 60 people applied for the committee, and it was a challenging process to work through the applicants and reach a Council consensus. He said he is committed to clearing up the confusion and ensuring that appropriate committee members are involved.

6. Council Business and New Initiatives

Councilmember Balducci thanked the sanitation workers and drivers in the audience for the services they provide to the community.

Ms. Balducci reported that there were a number of regional meetings during the August recess regarding the potential for a statewide transportation funding package. She attended one of those meetings, held for elected officials, on behalf of the Mayor.

Councilmember Stokes commented on two things that occurred during the Council's August recess. Noting the 50th anniversary on August 28 of the 1963 March on Washington, Mr. Stokes said he was a student at George Washington University at that time and attended the event. He believes Bellevue embraces that vision and works to ensure opportunities for every child and every citizen. Mr. Stokes noted the untimely death of Bill Henningsgaard and remembered him as a great supporter of education and co-founder of the Eastside Pathways program. Mr. Henningsgaard's son, Max, also died in the plane crash.

Councilmember Wallace said he appreciated Mr. Stokes' comments on Mr. Henningsgaard and his son. The loss of these two individuals will have a great impact on the community.

Mr. Wallace reported that he attended the open house for the Lakemont Boulevard traffic signal project.

Councilmember Chelminiak said he and the City Manager attended a meeting and visit to the Spiritwood neighborhood regarding the multi-room rental issue. He encouraged other Councilmembers to visit as well.

Councilmember Davidson attended a Board meeting of the Municipal Water Pollution Abatement Advisory Committee (MWPAAC). He said he also wanted to comment on the Light Rail Permitting CAC. He referred to a map showing where every member lives. Three are south of I-90 and only two are fairly close to stations. He thought the idea was that the committee would be composed primarily of individuals nearest to the line and stations to help design the project for neighborhood appeal and compatibility.

Dr. Davidson asked that the Council reconsider the CAC and the goals and rationale for the appointments. He said he is not convinced that the current CAC appointments meet the intent of

the Light Rail Best Practices Report.

Deputy Mayor Robertson reported that she attended the Flavors of India Festival to read a proclamation declaring August 31 as India Day in Bellevue. She attended a safety and preparedness community event sponsored by the Newport High School Key Club.

Ms. Robertson noted that the Newport Hills Shopping Center has been struggling to revitalize its presence in the community. She has spoken with City staff, who are working with those businesses to develop a plan. Ms. Robertson asked the City Manager to provide an update on neighborhood shopping centers within the context of upcoming discussions about the land use work plan.

Ms. Robertson commented on the Light Rail Permitting CAC appointments. She noted that additional CACs will be created to set the land use around stations. However, this committee has a different purpose. She recalled that five of the six Councilmembers present for the August 5 Council meeting received the list 15 minutes before the meeting. She participated via speakerphone and therefore had not received the final list. During the meeting, she asked the Mayor to read the list of names before a vote was taken.

Ms. Robertson said the Land Use Code adopted by the Council [Section 20.25.M] provides criteria for selecting the Light Rail Permitting CAC. This required an extra level of screening of the applicants prior to appointment. She said the process was somewhat rushed before the Council's August recess. However, it is important to ensure that the CAC represents the qualifications reflected in the Land Use Code.

Ms. Robertson said staff is currently working on this issue. However, by Robert's Rules and Council procedures, if the Council is to reconsider the vote, a motion must be presented tonight. She suggested that additional screening be conducted before finalizing the CAC appointments.

→ Deputy Mayor Robertson moved to reconsider the Council's previous action appointing the Light Rail Permitting CAC. Councilmember Wallace seconded the motion.

Ms. Robertson said it is important to complete additional screening and to have more information on the applicants.

Mr. Stokes said he would rather not reopen and reconsider the entire list. He is trusting that this is a necessary procedural matter, however. He suggested there could be additional individuals who participate as a subcommittee of the CAC to address specific neighborhood issues.

Councilmember Wallace expressed support for the motion. He believes he made a mistake in not carefully reviewing the list of proposed CAC members, which he received 15 minutes prior to the meeting. He acknowledged that the CAC does not have any community leaders representing the Enatai, Surrey Downs or Lake Bellevue neighborhoods, which will suffer the brunt of the impacts. He supports the reconsideration to remedy the situation. Mr. Wallace would like representatives from these neighborhoods to be appointed to the committee.

Responding to Councilmember Balducci, Ms. Robertson said the motion to reconsider nullifies the previous vote approving the list.

Ms. Balducci expressed concern about the potential for removing and replacing specific members only. She does not want to reconsider the entire list. She said the task for this CAC requires specific technical expertise to address the permitting issues.

Responding to Councilmember Chelminiak, Deputy City Attorney Kate Berens said the criteria for selecting the CAC members is included in the Land Use Code Amendment adopted by the Council in the form of the Light Rail Overlay. She confirmed that the criteria does not dictate representatives from particular neighborhoods.

Councilmember Chelminiak said assertions have been made that two CAC appointees potentially have conflicts of interest. He would prefer to remove those two individuals if they are found to be inappropriate according to the Code's criteria. He noted that all or most Councilmembers submitted possible candidates for the CAC. Overall, he feels the CAC has a good breadth of technical expertise. He does not necessarily want to throw out the whole CAC list and start over.

Councilmember Davidson said he is open to Councilmember Stokes' suggestion about using an overall committee as well as smaller groups focused on particular stations.

Mayor Lee said he was responsible for making the recommendations based on consultations with staff and Councilmembers. If the two members referenced are found to have conflicts, he supports replacing them. He suggested reviewing the list of appointees to determine consistency with the Code criteria. He would prefer to not start the whole process over.

Councilmember Stokes observed that there is general Council support for not reopening the whole process. Also, for the record, he wanted to note that the Light Rail Overlay was supported by a unanimous vote of the Council. He suggested replacing individuals if needed, but he wants to move forward.

Councilmember Chelminiak noted that approval of the motion to reconsider leaves no CAC in place for now.

- The motion to reconsider carried by a vote of 7-0.
- Deputy Mayor Robertson moved to postpone the appointment of the Light Rail Permitting Citizen Advisory Committee (CAC) until after the completion of the screening process. Councilmember Wallace seconded the motion.

Responding to Mayor Lee, Mike Brennan, Director of the Development Services Department (DSD), said staff will work hard to vet the CAC members before next week's meeting. However, additional time might be needed.

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

Deputy Mayor Robertson said the Council was not able to discuss the City Manager recruitment brochure during the earlier Study Session.

City Clerk Myrna Basich said it would be helpful to have Council direction tonight in order to maintain the recruitment schedule.

Councilmember Balducci said the brochure reads like a first draft and presents a potentially negative impression about the City Manager position. Ms. Basich suggested deferring the discussion until the next week if there are substantive comments and suggestions. Mayor Lee concurred with deferring action on the brochure. He asked the Council to submit comments and feedback to Ms. Basich.

Ms. Robertson requested an editable electronic file of the current version of the brochure.

Ms. Balducci said she would like a solid second draft before considering electronic editing.

[Councilmember Wallace was away from the dais from approximately 9:30 p.m. to 9:40 p.m.]

Councilmember Chelminiak said he had a family medical matter to attend to and left the meeting at 9:38 p.m.

Mayor Lee said he attended a convention of the National Association of Women in Construction, the Dharma and Yoga Fest at Bellevue College, and a Buddhist convention at Meydenbauer Center.

Mayor Lee announced that the Ambassador of India will be visiting Bellevue soon.

7. Approval of the Agenda

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

→ The motion to approve the agenda carried by a vote of 6-0.

8. Consent Calendar

→ Deputy Mayor Robertson moved to approve the Consent Calendar, with the August 5 Regular Session minutes amended as presented in the desk packet. Councilmember Stokes seconded the motion.

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

- (a) Minutes of July 15, 2013 Study Session
Minutes of July 15, 2013 Regular Session
Minutes of July 22, 2013 Extended Study Session
Minutes of August 5, 2013 Study Session
Minutes of August 5, 2013 Regular Session [Amended]
- (b) Ordinance No. 6122 authorizing and providing for the acquisition of interests in land for the purpose of completing the NE 15th Street (Zone 1) Project and implementing the City and Sound Transit Memorandum of Understanding related to the East Link light rail project; providing for condemnation, appropriation, and taking of land and property rights necessary therefore; providing for payment; directing the initiation of appropriate proceedings in the manner provided by law for said condemnation; and establishing an effective date.
- (c) Resolution No. 8621 authorizing the execution of a two-year extension to the professional services agreement with The Gordian Group, for the continued consulting support of the City's Job Order Contracting (JOC) program.
- (d) Ordinance No. 6123 authorizing execution of an Interlocal Agreement with the City of North Bend and King County Fire District No. 38 to provide quarters for Bellevue Medic Three; amending the 2013-2014 General Fund Budget to increase the appropriation by \$250,000; and authorizing expenditures of said grant funds.
- (e) Resolution No. 8622 authorizing execution of a three-year Technical Services Agreement with PublicStuff, Inc., in an amount not to exceed \$92,737, for implementation of hosted service for a Customer Request and Management Application.
- (f) Ordinance No. 6124 authorizing execution of a time extension through 2015 for the 2008-2011 Commute Trip Reduction (CTR) Plan with no other changes to the plan; 2) authorizing execution of a Local Agency Agreement (and supplements if necessary) with the Washington State Department of Transportation (WSDOT) for receipt of 2013-2015 state funds in the amount of \$204,946, to support the City's CTR program; 3) amending the 2013-2014 Operating Grants, Donations and Special Reserves Fund appropriation in the amount of \$204,946; 4) authorizing expenditures of said funds; 5) authorizing execution of an Interlocal Agreement (and supplements if necessary) with King County Metro, in an amount up to \$234,933, for Commute Trip Reduction services at CTR-affected employer worksite and for services at Transportation Management Program (TMP) affected building sites; and 6) appropriating unanticipated and future revenues to that fund.
- (g) Resolution No. 8623 authorizing an amendment to the adopted 2013-2024 Transportation Facilities Plan to include a new project on Newport Way SE from Somerset Boulevard to 150th Avenue SE.

9. Public Hearings: None.
10. Land Use: None.
11. Other Ordinances, Resolutions and Motions: None.
12. Unfinished Business: None.
13. Continued Oral Communications
 - (a) Gretchen Dill said it is difficult to hear the discussion when seated in the audience. She commended Councilmember Wallace for saying that members of three key neighborhoods should be represented on the Light Rail CAC. She does not live in any of the areas, but those residents are the most directly affected by the project.
 - (b) Norma Slatin, a Vuemont resident, said she sees no reason to replace Republic Services as the solid waste collection provider. She cautioned that you generally get what you pay for, and she commended their strong customer service, safety record, and the manner in which they work within the community.
 - (c) Sam Bellomio gave Councilmember Davidson credit for acknowledging that the Light Rail CAC members are not adjacent to the light rail alignment. He said that his reason for staying tonight was to request a Town Hall type meeting on a quarterly basis to invite the community to create a dialogue. He thanked the Council for the opportunity to speak a second time tonight.
 - (d) Alex Zimmerman noted that the City is currently looking for a new City Manager. He would like the City Manager to hold monthly question and answer sessions with the community.
 - (e) Paula Revere said she has evidence and true information on the financial crash and what she considers to be a series of false recessions. During this same time period, the media became a monopoly and information became suppressed. She expressed concerns about freedom of speech and freedom of the press.
 - (f) Joe Pham, representing the Monthaven Neighborhood Association, thanked the Council for direction to add the Newport Way sidewalk project to the Transportation Facilities Plan. He encouraged the identification of funding sources to move the project forward. He then commented on the solid waste contract and spoke in favor of CleanScapes.

Councilmember Stokes apologized that the volume in the Council Chamber is not louder. He stated that the Council wants neighborhoods involved in discussions about the light rail project. He said he appreciates Councilmember Wallace's mention of the three most affected neighborhoods (Enatai, Surrey Downs, Lake Bellevue). He noted that residents of those

neighborhoods have been involved in the planning up to this point.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:58 p.m., Mayor Lee declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw