

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

February 17, 2015
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Balducci, Deputy Mayor Wallace, and Councilmembers Chelminiak, Lee, Robertson, Robinson, and Stokes

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:01 p.m., with Mayor Balducci presiding.

2. Roll Call, Flag Salute

All Councilmembers were present. Deputy Mayor Wallace led the flag salute.

3. Communications: Written and Oral

- (a) McKayla Dunfey, Cascade Bicycle Club, expressed support for the Pedestrian and Bicycle Implementation Initiative, which includes projects to increase safety, expand transportation options, and improve connections to transit. The Club would like to see a bike lane connection from the SR 520 trail to NE 12th Street. She said the Club is pleased with the action-oriented initiative, and she urged the Council to be bold and to make this a priority.
- (b) Todd Myers, Environmental Director, Washington Policy Center, said he is a resident of Sammamish. He expressed concern regarding the proposal to sign the letter of commitment related to the King County Cities Climate Collaboration (K4C). Commitments in the letter relate to cap and trade policies and advocating for a low carbon fuel standard. He said the history of this type of approach has not been good. In 2005, Bellevue signed on to the U.S. Conference of Mayors climate protection agreement promising to reduce carbon emissions to seven percent below 1990 levels by 2012. However, this goal was essentially unattainable and failed. He said the K4C goal is also unattainable and calls for a 25 percent reduction from 2007 carbon emissions by 2020. Mr. Myers said cap and trade has failed in Europe, and biofuels have not been effective as well.

- (c) Alex Zimmerman reiterated his ongoing request that the City Manager hold public meetings with citizens. He said the Council has mental deficiencies, as does the Supreme Court. He said the King County Council is now limiting the number of speakers during its meetings.
- (d) Lucy Ma and Nishi Jain, representing the Bellevue Youth Link Board, invited the Council to Gumbo Night on Wednesday, March 11. They announced that Youth Link will launch its Youth Link University in March. This is a partnership with the Executive Development Institute (EDI) and The Boeing Company which will offer business classes and mentoring for youth. The representatives reported that Youth Link collected nearly 2,000 coats for youth and children during November and December. Another initiative is that members of the Youth Link Board will begin attending Council meetings to be better informed as liaisons to the youth community.

Mayor Balducci noted that the Youth Link Board is welcome to provide periodic updates on the organization's activities during Agenda Item 4 of Regular Sessions.

- (e) Howard Katz, representing the Bellevue Network on Aging, reported on efforts with the Kirkland Senior Council to advocate for change to Medicare provisions requiring a three-night hospital stay in order to be covered by Medicare benefits. A stay less than three nights is considered "medical observation" and not admittance to the hospital. He noted that Councilmember Robinson has been active in these efforts as well.
- (f) Irene Fernandes, representing residents of the Spiritwood neighborhood, commented on the topic of individual room rentals in single-family homes. She said the Council adopted interim code regulations approximately one and one half years ago, but permanent regulations have not been adopted. The Planning Commission reviewed draft amendments last fall and sent its recommendations to the City Council. Ms. Fernandes said residents have been informed that permanent regulations will not be adopted before the interim ordinance expires. She urged the Council to extend the emergency ordinance and to again make the adoption of permanent regulations a high priority.
- (g) David Wendte encouraged the Council to adopt permanent regulations addressing room rentals in single-family homes. He said the conversion to individual room rentals does not quality as a single-family residence. He asked the Council to approve extending the interim regulations. He said residents look forward to continuing to work with the City.
- (h) Erin Powell said she is a member of the Parks and Community Service Board, but speaking as a private citizen. She expressed concern regarding the environmental impacts of the East Link light rail project for the Mercer Slough Park. The project involves the removal of 1,300 trees and other vegetation. She questioned when the Council became aware of plans to remove so many trees. She learned about this in October 2014 as a member of the Parks Board. She said the Mercer Slough Park is known as the best urban wetlands park in the country and should be protected. Proposed mitigation related to the East Link project is inadequate.

- (i) Marty Nizlek, representing the Washington Sensible Shorelines Association, said there continue to be high water levels on Lake Sammamish due to the lack of maintenance of the flood control channel. He said County staff have indicated that the removal of accumulated sediment is not going to occur. He said WSSA supports efforts to improve environmental and habitat elements in the Sammamish River Transition Zone through the Willowmoor project. However, WSSA believes that none of the alternatives under consideration are adequate to address the long-term maintenance issues. [Mr. Nizlek submitted a WSSA position paper on this topic.]
- (j) Lincoln Vander Veen, Bellevue Chamber of Commerce, announced the Eastside Business Awards event coming up on March 26 at the Newcastle Golf Club.
- (k) Mike Lierman, President of Intracorp Real Estate, thanked the Council for considering a Land Use Code Amendment (LUCA) to eliminate a prohibition against additional multifamily units in the Crossroads area. He thanked Kate Berens, Carol Helland and other City staff for their hard work on this request. He said Intracorp looks forward to the public process to review the merits of the project.

4. Reports of Community Council, Boards and Commissions

- (a) Transportation Commission on Pedestrian and Bicycle Implementation Initiative

Scott Lampe, Transportation Commission Chair, introduced Commissioners Francois Larrivee and Clifford Chirls. He thanked the Council for the trust and confidence the Council continues to place in the Transportation Commission. He reported that, during its December 11 meeting, the Commission voted unanimously to recommend that the Council initiate the Pedestrian and Bicycle Implementation Initiative. He thanked the Council for its discussion in support of the initiative the previous week. Chair Lampe said the Commission looks forward to working with staff and the Council in this effort. He noted a transmittal letter in the Council's desk packet formally requesting Council concurrence to direct the Transportation Commission to oversee this initiative.

Mayor Balducci thanked the Commissioners for their work.

5. Report of the City Manager: None.

6. Council Business and New Initiatives

Councilmember Stokes said he is Chair of the King Conservation District Advisory Committee, which completed a review of rates, charges, and the five-year work plan during the past couple of years. Last year, the District awarded more than \$1 million in grants to 30 local governments and nonprofit organizations, of which \$130,000 was award to three projects in Bellevue: City Hall green roof on the third floor, Bellevue Youth Theatre interpretative panels, and an EarthCorps Kelsey Creek enhancement project at Larsen Lake.

Councilmember Lee said the Lunar New Year is Thursday. This begins the Year of the Sheep or Ram and represents counting our blessings.

Mayor Balducci said a hearing before the state legislature's transportation committee on a proposed transportation package would be held the next day. She said this is an opportunity for the public to provide input on the package via email or a phone call during the next 24 hours.

7. Approval of the Agenda

- Deputy Mayor Wallace moved to approve the agenda, and Councilmember Chelminiak seconded the motion.
- The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

- Deputy Mayor Wallace moved to approve the Consent Calendar, and Councilmember Stokes seconded the motion.
- The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:

- (a) Council Meeting Minutes
 - Meeting Minutes for January 26, 2015 Extended Study Session
 - Meeting Minutes for February 2, 2015 Study Session
 - Meeting Minutes for February 2, 2015 Regular Session
- (b) Resolution No. 8879 authorizing execution of a two-year amendment to the Technical Services Agreement with Interloc Solutions Inc. for ongoing development and consulting services, in an amount not to exceed \$100,000.
- (c) Resolution No. 8880 authorizing execution of all documents necessary to sell a remnant City parcel adjoining the property located at 16405 SE 24th Street.
- (d) Ordinance No. 6218 providing for the issuance and sale of limited tax general obligation (LTGO) refunding bonds in an aggregate principal amount not to exceed \$14,000,000 to provide funds for the purpose of refunding certain LTGO bonds of the City, paying issuance costs of the bonds, and delegating the authority to approve the sale of the bonds and the final bond terms to a Designated Representative.
- (e) Resolution No. 8881 authorizing execution of a Memorandum of Understanding (MOU) with South Sound 911 for access to the Regional Booking Photo Comparison Database.

- (f) Motion to approve payment of claims and payroll for the period January 1, 2015 through January 31, 2015.
- (g) Resolution No. 8882 authorizing execution of an Agreement to Extend Animal Services Interlocal Agreement Through December 31, 2017.

9. Public Hearings

- (a) Public Hearing on the requested Street Vacation of a portion of NE 12th Street (slightly west of 120th Avenue NE)

City Manager Brad Miyake introduced the public hearing on the requested street vacation of a portion of NE 12th Street (slightly west of 120th Avenue NE). Council action is requested this evening.

Patti Ebert, Senior Real Property Agent, said the subject of the public hearing is the proposed right-of-way vacation along NE 12th Street between the rail corridor and 120th Avenue NE. The City is in the process of acquiring the parcel north of this property for the East Link and Spring District Boulevard projects, which the Council previously approved. However, this ROW vacation is not related to that action.

Ms. Ebert said Pine Forest Properties petitioned for the ROW vacation on May 1, 2014 which initiated the staff review by six City departments. Public notice of tonight's hearing was published following the January 5, 2015 Council meeting. The Transportation Department is requesting that a 13-foot easement be reserved for future sidewalk widening, utilities, and landscaping.

The City has not received any public comment on the proposal. The area to be vacated is located on the north side of NE 12th Street, and the current ROW varies in width from 10 feet to 165 feet. Ms. Ebert highlighted the City Code criteria for considering a ROW vacation.

- Councilmember Stokes moved to open the Public Hearing, and Councilmember Robertson seconded the motion.
- The motion carried by a vote of 7-0.

Tiffany Brown, Pine Forest Properties, requested the Council's approval of the ROW vacation.

- Councilmember Robertson moved to close the Public Hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

Councilmember Stokes expressed support for the requested vacation and said the record is clear regarding the public benefit of this action.

Responding to Mayor Balducci, Ms. Ebert said there are no plans to widen NE 12th Street or to place bike lanes on that roadway. NE 12th Street/Bel-Red Road will not be the primarily east-west corridor after Spring Boulevard is completed between NE 12th Street and the future 136th Place NE.

Responding to Councilmember Lee, Ms. Ebert said the property has been surveyed and the appraisal is underway. Mr. Lee said he will be curious to see how square footage is calculated given the irregular boundary.

→ Councilmember Stokes moved to direct staff to draft appropriate legislation approving the ROW vacation, and Councilmember Robinson seconded the motion.

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

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

At Councilmember Robertson's suggestion, the Council agreed to reorder the agenda and address Item 11(b) next.

- (b) Ordinance No. 6219 extending interim zoning controls, adopted by Ordinance No. 6128 and extended by Ordinances Nos. 6152 and 6172, regarding individual room rentals in residential dwellings.

Catherine Drews, Legal Planner, requested Council action to extend the interim regulations on individual room rentals in residential dwellings. The proposed extension will be in effect through September 23, 2015. She noted that, if the permanent regulations are adopted by April 13, 2015, the public hearing on this extension will not be required. A hearing has been scheduled with the East Bellevue Community Council to consider the Council's action on this ordinance.

Responding to Mayor Balducci, City Attorney Lori Riordan said the City is working with outside counsel on this item to ensure the final regulations will meet the objectives previously set by the Council. She said the Council and public will be updated as soon as a date is set for presenting the proposed permanent regulations. She said staff hopes to return by April to complete this item.

Councilmember Stokes, Council liaison to the Planning Commission, said work is underway to bring this item back to the Council in April.

Responding to Councilmember Chelminiak, Mayor Balducci said her understanding is that the proposed regulations will be reviewed again by the Planning Commission following the completion of the City's work with outside counsel.

Councilmember Chelminiak recalled that residents brought this issue to the Council in April 2013, and the emergency ordinance was initially adopted that September. He looks forward to adopting permanent regulations as soon as possible.

→ Deputy Mayor Wallace moved to adopt Ordinance No. 6219, and Councilmember Robertson seconded the motion.

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

- (a) King County Cities Climate Collaboration (K4C) Letter of Commitment, Principles for Collaboration, and Joint County-City Climate Commitments.

City Manager Brad Miyake introduced staff's update regarding the King County Cities Climate Collaboration (K4C) Letter of Commitment, Principles for Collaboration, and Joint County-City Climate Commitments. This topic was last discussed with the Council on January 26, and a number of questions and concerns were raised.

Paul Andersson, Program Administrator, recalled that the Council previously expressed general support for the letter. However, there were questions about the City's obligations if it signs on to the letter of commitments.

Mr. Andersson said that any policy positions mentioned in the letter would require clear and specific direction from the Council. He said staff does not see this as a policy discussion but rather a decision about whether to support the principles reflected in the letter. He noted that Principle for Collaboration #11 indicates that cities support the shared K4C vision, but not that every city intends to pursue every action. The principle further states that: "Cities and King County will actively pursue strategies where they have the most impact and influence."

Responding to Councilmember Robinson, Mr. Andersson said nine of the 11 K4C cities have signed the letter of commitment.

Mayor Balducci recalled a suggestion during the previous Council discussion that Bellevue attach a separate signing letter. One has been drafted and is included in the meeting packet. The letter clarifies that Bellevue reserves the right as a City to choose whether to implement specific actions.

Responding to Councilmember Robertson, Mr. Andersson said staff suggested attaching the signing letter. He said it would not be feasible to be able to amend the letter that has already been signed by King County and nine cities.

In further response to Ms. Robertson, Mr. Andersson said that signing the K4C letter of commitment would not be interpreted as the City's support of every future K4C document.

Ms. Robertson questioned the rationale for signing the letter, noting that Bellevue is already participating in the process. She asked how the letter has or will be used. For example, will it be taken to the state legislature or Governor's Office as a basis for requesting policy changes.

Mr. Andersson said it is not intended to be used in that way. The objective is to start conversations about what cities can do and are already doing. He described the letter of

commitment as framing for future discussions. However, he said he could not assure that the letter would not be used as described by Ms. Robertson. Mr. Andersson said it should not be used as the City's endorsement of any given policy, but is intended to show support for general principles and collaboration.

Councilmember Robertson expressed concern about how the documents could be used and/or interpreted in terms of representing Bellevue's policies and priorities.

Councilmember Robinson said one of the Council's goals is to be collaborative. She observed it would make a big statement if Bellevue does not sign the letter. She is proud that Bellevue has been a leader in the goals stated in the letter. She expressed support for the letter.

Deputy Mayor Wallace said it sounds like the Council needs to sign the letter in order to learn what is actually implied by the letter of commitment. Mr. Andersson said that signing the letter makes a statement that Bellevue is interested in grappling with some of the concepts in the letter.

Mr. Wallace said the letter refers to 39 or so climate commitments, including the two of most concern to him (i.e., low carbon fuel standards, cap and trade policy). However, the implications of these commitments are unclear.

Mr. Andersson said signing the letter will open opportunities for discussing specific issues and appropriate guidelines and policies.

Deputy Mayor Wallace expressed concern about signing a letter of support before there are specific discussions about potential policy positions. He observed that the political reason for the letter is obvious, which is to be used as leverage with the Governor and for supporting his proposed legislation.

Mr. Wallace would like to know the specific policies before signing on to the letter of commitments. He is not supportive of signing the letter. While he believes there are items in the K4C documents that would be worthwhile and beneficial and that the City should consider, taking a position on low carbon fuel standards and cap and trade without defining that position could be detrimental to the economy, housing affordability, and other community priorities. He is interested in learning more but feels it is irresponsible to sign the letter of commitment based on the available information.

Councilmember Lee said he shares the concerns expressed by the Deputy Mayor. He supports regional collaboration and believes that Bellevue is a leader in many of the issues addressed by K4C. However, some of the topics referenced in the K4C documents are controversial and require further study. He would prefer to be able to indicate what the City can and cannot support. He is reluctant to support signing the letter.

Responding to Councilmember Chelminiak, Mr. Andersson said the City of Bellevue voted at the Growth Management Planning Council (GMPC) in favor of the goals discussed earlier by Mr. Myers during Oral Communications.

Councilmember Chelminiak said he shares concerns about the implications of cap and trade and whether or not that is an effective approach. He expressed concerns as well with the use of cellulosic ethanol (biofuel) and the impacts on forests. Mr. Chelminiak said he supports signing the letter, but he agrees with others that the shared goals are likely unattainable. He believes it is important for Bellevue to cooperate with the rest of the region in this effort, and he supports attaching the Bellevue statement as well.

Councilmember Stokes said he appreciate the concerns that have been expressed. He observed that any collaboration with other parties generally involves some level of disagreement on priorities and commitments. He acknowledged that cap and trade is a contentious issue. However, he said it is important for Bellevue to participate. He supports attaching the separate signing letter. He hopes this collaboration will provide a forum for the City and the region to discuss issues and solutions related to climate change.

Mayor Balducci noted that one of the principles reads: “Our cities support the shared vision the Joint County-City Climate Commitments represent, but it is not the intention that each city will pursue every catalytic action.” She said that many of the suggestions and policies are already in place or being addressed in Bellevue. She agreed with Councilmember Stokes that any regional effort involves differences in priorities and preferences. Ms. Balducci expressed support for signing the K4C letter.

→ Councilmember Robinson moved to authorize the Mayor to sign the K4C Letter of Commitment, Principles for Collaboration, and Joint County-City Climate Commitments, with the attached Bellevue statement/signing letter. Councilmember Chelminiak seconded the motion.

Councilmember Robinson said she appreciates all Councilmembers’ input on this issue. She noted that those who disagree with her represent citizens who share that perspective, and she will communicate that perspective to the K4C meeting.

Deputy Mayor Wallace said he is personally supportive of Bellevue’s efforts related to reducing greenhouse gases and improving energy efficiency. He concurred that even with shared support, there are always aspects that some like and others do not. A current example is the state legislature’s discussion of a transportation package. However, there are issues in which certain lines or principles cannot be crossed, and this is one of those issues for him. He reiterated his concern about the meaning and implications of low carbon fuel standards and a cap and trade approach.

Councilmember Robertson observed that she supports 90-95 percent of what is included in the K4C documents. She is the City’s representative on the Growth Management Planning Council and was involved in discussions to establish regional goals. Her biggest concern is the Joint County-City Climate Commitment that advocates for low carbon fuel standards and cap and trade. She is concerned about whether the goals are achievable. She is a little worried about how this could be used to give the impression that there is unanimous support among cities and King County on the principles and commitments.

Ms. Robertson questioned whether the Council would be open to adding more information to the signing letter regarding Bellevue's concerns. She suggested language clarifying that Bellevue's signing of the letter should not be represented as full support for every item. If there are lobbying or advocacy efforts by the K4C, Bellevue wants to be part of that discussion. She observed that Councilmembers support the overwhelming majority of the letter and principles. However, additional language in Bellevue's signing letter would make her more comfortable.

Councilmember Chelminiak said he supports adding a few sentences to articulate the concerns addressed tonight. He said the City has not taken a position on cap and trade or on low carbon fuel standards. He observed that, if Bellevue wants to shape these letters and documents, the City's representatives need to be at the table first and not last.

Mayor Balducci said she wants to support writing factual statements that will make all Councilmembers more comfortable with signing the letter. She said it would be good to agree on specific language.

Councilmember Lee concurred that the signing letter should clearly state Bellevue's issues and concerns.

Mayor Balducci suggested adding the following language: "During discussion of this item, some Councilmembers expressed concern with certain commitments. Specifically, the Council has not taken a position on a market-based pricing policy on carbon pollution and other greenhouse gas emissions, or on clean fuel standards. It is important to note that the principles state it is not the intention that each city will pursue every catalytic action."

Councilmember Robertson observed that four Councilmembers expressed concerns, and she suggested changing "some" Councilmembers to "several." She suggested adding: "The City's signing of this letter should be considered as an intention to collaborate and work regionally on these issues, rather than a wholesale support of every individual item." She does not want the letter and principles to be used and misconstrued for supporting policy positions.

Councilmember Stokes said he did not understand the concern about reducing fuel standards. He observed that the controversial issue is cap and trade, and he understands those concerns.

Mayor Balducci re-read the proposed amendments: "During discussion of this letter, several Councilmembers expressed concern with specific commitments. The Council has not taken a position on a market-based price on carbon pollution and other greenhouse gas emissions, or on particular clean fuel standards. The City's signing of this letter signals an intention to collaborate on this important issue, but not tacit support of each individual item."

→ Councilmember Robertson moved to amend the City's signing letter as drafted by the Mayor. Councilmember Lee seconded the motion.

Councilmember Chelminiak noted the phrase in the K4C documents: "statewide low carbon fuel standard." Councilmembers agreed to using that same language.

Mayor Balducci observed that Councilmember Robinson will represent the City and communicate support for those items that are consistent with existing policy and actions already taken by the City. However, the Council would discuss and take a position on future items as they arise.

Councilmember Robertson noted that language in the agenda memo states that signing the K4C letter does not obligate the City to take any specific actions or policy positions. She said the City has existing policies on many of the issues and has implemented the Environmental Stewardship Initiative. She does not want Bellevue's signing of the letter to be taken as tacit approval of every K4C position, and she would not want not signing the letter to be interpreted as an indication that there is a problem. Adding language to the cover letter strikes a balance and will enable her to support signing the K4C letter.

Mayor Balducci summarized that the amended language appears to be an accurate reflection of the Council's discussion. Councilmember Lee said he believes the letter makes it clear that Bellevue will decide which actions it will ultimately implement.

Deputy Mayor Wallace said he will not support the motion. Regardless of Bellevue's additional statements, he is not comfortable supporting certain elements of the regional commitments. The documents still support K4C advocating for low carbon fuel standards and cap and trade.

- The motion to amend carried by a vote of 5-2, with Deputy Mayor Wallace and Councilmember Stokes opposed.
- The motion to authorize the Mayor to sign the K4C letter, principles, and commitments, and to amend the City's signing letter as approved by the previous vote, carried by a vote of 6-1, with Deputy Mayor Wallace opposed.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:46 p.m., Mayor Balducci declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw