CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

March 10, 2014 Council Chambers
6:00 p.m. Bellevue, Washington

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

ABSENT: Councilmembers Lee and Robinson

1. Executive Session

Deputy Mayor Wallace called the meeting to order at 6:05 p.m., and declared recess to Executive Session for approximately 90 minutes to discuss one item of potential litigation and one personnel matter.

The meeting resumed at 7:33 p.m., with Mayor Balducci presiding.

2. Oral Communications

Mayor Balducci said there is a 20-minute limit on oral communications. Given the number of individuals signed up to comment, she limited each speaker to two minutes. She said there will be a public hearing on the Shoreline Master Program in the future and everyone will have the opportunity to speak at that forum.

(a) Queen Pearl noted that it is Women's History Month. She expressed concern that the King County Council does not welcome public speakers and commented on the importance of free speech. She thanked the Council for the opportunity to speak.

(b) Erica Tiliacos spoke on behalf of Save Lake Sammamish. She said the Planning Commission's recommendation on the Shoreline Master Program Update is an inappropriate attempt to weaken the Critical Areas Ordinance (CAO). She noted that the Draft SMP Update has not yet been adopted by the City Council or approved by the Washington State Department of Ecology. Ms. Tiliacos submitted her comments in writing.

(c) Alex Zimmerman, President of StandUP-America, reiterated his ongoing issues/requests: the adoption of Council term limits, a monthly public forum hosted by the City Manager,

and stopping the use of red light cameras. He asked the Council to help stop the King County Council "mafia" that does not allow public comments.

(d) Joe Rosmann, Co-Chair of Building a Better Bellevue, said residents have been studying Sound Transit documents and have developed an alternative design for the South Bellevue light rail station and surrounding area to reduce visual, noise, and environmental impacts. Mr. Rosmann said some members of the Light Rail Permitting Citizens Advisory Committee have responded favorably to their recommendation. He submitted a diagram of the proposed design and conceptual simulation.

(e) Al Cecil said he has studied the Seattle light rail tunnel. As a result his design, described by Mr. Rosmann, lowers the station at the South Bellevue Park and Ride to facilitate entry into the tunnel. He said the lowered station also works well with the current B2M alignment, and he believes it should be seriously considered.

(f) Bill Popp provided additional details on the proposed alternative design for the South Bellevue light rail station. The proposal places the station in a partially lidded trench with buses, pedestrians and cars crossing the top of the platform. The design is consistent with the level of detail in Sound Transit's Environmental Impact Statement (EIS) conceptual engineering drawings as contained in Appendix H of the EIS. Joe Rosmann suggested that Councilmembers read the minutes of the February 19 meeting of the Light Rail Permitting CAC. He began reading portions of the minutes and the Mayor informed him that the speakers had used all of their allotted time.

(g) Marty Nizlek, representing the Washington Sensible Shorelines Association (WSSA), noted the members and supportive residents in the audience. He said a number of issues have been resolved by the State Legislature. For example, it has been concluded that not all shorelines are critical and that legally established improvements to shoreline properties should be considered conforming as opposed to non-conforming. He said that many of the initial regulations were intended to improve salmon habitat and recovery. However, during the past several years, salmon returns are meeting and exceeding fishery goals, and there has been acknowledgement that factors other than shoreline conditions need to be recognized (e.g., overfishing, sewage, and road drainage). Mr. Nizlek noted the need to balance the Shoreline Master Program Update in a Bellevue-specific manner. He said the Planning Commission unanimously supports the draft update. He submitted his comments in writing.

(h) Jeff Kirby, a resident of Skagit Key, said Newport Shores developed their covenants in 1978. He complimented the City's view of the man-made canals, which are finally coming back into alignment with the original CCRs. He has been on the neighborhood's architectural advisory committee which serves to address how conditions fit into their compliance levels.

3. Study Session

(a) Council Business and New Initiatives

Mayor Balducci recalled that, last week, the Council briefly discussed the vacancy on the Light Rail Permitting Citizens Advisory Committee (CAC). She said there appears to be general Council support to appoint Wendy Jones, a resident of the Enatai neighborhood.

→ Councilmember Stokes moved to appoint Wendy Jones to fill a vacancy on the Light Rail Permitting CAC. Councilmember Chelminiak seconded the motion.

Mayor Balducci said Wendy Jones has been attending all of the CAC meetings and is well informed on the issues, including the impacts to the adjacent neighborhoods.

→ The motion carried by a vote of 5-0.

(b) Plan for completion of the Shoreline Master Program (SMP) Update, and Transmittal of the Planning Commission Recommendation on the SMP Conformance Amendments.

Mike Brennan, Director of Development Services, opened staff's presentation on the Shoreline Master Program (SMP) Update. He said the purpose of the discussion was to initiate Council consideration of the SMP Update, seek Council support for the SMP completion process, and transmit the SMP conformance amendments from the Planning Commission. Mr. Brennan said state law mandates the Shoreline Master Program (SMP) Update for all jurisdictions.

Carol Helland, Land Use Director, recalled that grants were accepted from the State Department of Ecology in 2008 to begin the SMP Update process. A Public Hearing draft was released in 2011, and the Planning Commission developed its initial recommendation in early 2013. In May 2013, the Commission's recommendation was transmitted to Council and the Washington State Department of Ecology conducted its first review.

In July 2013, the Council directed that staff consider the following principles in completing the SMP Update: share information broadly, move forward expeditiously, and limit the amount of rework or duplication of effort in preparing the final package for DOE review. Council directed that staff engage with the DOE to further educate the agency on the City's policies, practices, and basis for the draft SMP Update. Council directed that: 1) the Planning Commission complete its work on the conformance amendments, 2) the consultant seek support, where necessary, to evaluate risk, analyze cumulative impacts, and finalize the submittal package, and 3) staff and the Council facilitate policy level decision-making with regular check-ins, orientation to Code issues, and consideration of the risk analysis.

Ms. Helland presented the results of the DOE's review to date. Of the total 186 entries in the first DOE review in May 2013, the City's SMP Update was declared to be compliant with 39 items. Following additional meetings and education, the September 2013 DOE review identified 56 items as compliant and lowered the number of non-compliant items from 101 to 24. For both reviews, 33 items were determined to be not applicable.

Responding to Councilmember Robertson, Ms. Helland said the DOE review was based on the Planning Commission's final version, with the exception of the greenscape requirement added between December and January by the Commission.

Responding to Mayor Balducci, Ms. Helland said staff does not believe the City's plan is very penetrable for the DOE because the City does not draft its plan for DOE review. The City's plan is drafted for the use of citizens and applicants. The DOE better understood the City's plan when staff members were able to point to sections for the information that DOE staff were seeking. This resulted in the DOE moving many of the previously identified non-compliant items to the "To be determined" column because the DOE is withholding judgment until the City's full package is submitted.

Lacey Hatch, Assistant City Attorney, introduced Dick Settle, Foster Pepper PLLC, who will be assisting the Council in analyzing the policy issues. He has extensive experience in shoreline management litigation and is a current professor of law at Seattle University teaching primarily environmental and land use law classes. He is a leading author on the State Environmental Policy Act (SEPA), Shoreline Management Act, and a number of other land use matters. Ms. Hatch said Mr. Settle was one of three mediator facilitators from 2001 to 2003 involving litigation related to the DOE regulations to be discussed as the Council moves forward.

Mr. Settle said he looks forward to working with the Council.

Mr. Brennan said staff is seeking Council direction on the process for completing the SMP Update including the cumulative impact analysis, light rail component as it relates to the SMP, and certain policy topics of the greatest interest to the Planning Commission. The process is outlined on Attachment A, page 3-7 of the meeting packet.

Councilmember Robertson expressed general support for the recommended process. She suggested having a public hearing earlier in the process, however. She said that Councilmember Robinson is also supportive of an earlier public hearing. Ms. Robertson said there was fairly extensive participation in the 2011 public hearing before the Planning Commission.

Councilmember Robertson questioned whether the list of policy topics could be covered in two meetings instead of the three meetings scheduled for May 12, May 27 and June 9.

Ms. Robertson said it would be useful to have at least one Planning Commission member available when the Council discusses the topical areas. This would provide an opportunity to learn more details about the Planning Commission's review and evaluation.

Mayor Balducci suggested adding a public hearing earlier in the process while maintaining the public hearing scheduled for later in the process.

Councilmember Stokes agreed. He said he looks forward to completing the SMP Update and expressed support for the recommended process and the addition of a public hearing.

Ms. Helland said that, by the proposed earlier public hearing date of May 5, the Council will be oriented to the full program including light rail components and the cumulative impact analysis. Subsequent meetings will address specific topical areas in greater detail. She said it is possible that the nine topical areas can be covered in two meetings.

Councilmember Chelminiak supports adding the early public hearing. He would like the public to be able to know the areas of special interest to the DOE, staff and the consultant by the April 28 meeting, if possible. He did not want to make a decision at this time about reducing the three topical discussions to two meetings.

Mayor Balducci said she supports an early public hearing. It will be helpful to hear the public's concerns and interests before extensive Council discussion, and again later to hear the public's reaction to the Council's decisions.

Responding to Councilmember Robertson, Ms. Helland said she will add conformance amendments to the floodplain topic discussion.

Ms. Robertson said the Planning Commission has several other work items related to shorelines that they want the Council to consider, and she does not see those items on the SMP Update completion schedule. She suggested addressing those issues soon after the SMP package is submitted to the DOE. Ms. Helland concurred.

Deputy Mayor Wallace said he supports a minimum of two public hearings. This is a complex topic, and the Council needs to take whatever time is needed to fully address the issues and policy implications.

Mr. Wallace expressed concern about the scoping of the process going forward. He said there needs to be sufficient information available to the public before the hearings.

Mr. Wallace expressed concern about including the light rail project within this broad SMP discussion. He suggested the Council give some thought to the specific light rail issues to be included. If those issues are going to draw out extensive additional public comment that is separate from the main SMP subject matter, he suggested it might be best to separate those discussions.

Ms. Helland confirmed that discussion of the implications for the Light Rail Overlay is scheduled for a night separate from the other nine topical areas. She said light rail is scheduled for the same discussion about the cumulative impact analysis but commented that maybe that is not separate enough. Mr. Wallace said he would leave it up to staff to determine the appropriate approach.

Ms. Helland said no new work is intended as part of the light rail discussion within the context of the Shoreline Master Program. The intent is to move the relevant components of the Light Rail Overlay from the Critical Areas Code to the Shoreline Code.

Responding to Deputy Mayor Wallace, Ms. Helland said she will communicate this information to Kate March, the public outreach staff person working with the Light Rail Permitting CAC.

Mayor Balducci said there are two or three points along the south end of the light rail alignment that touch the shoreline jurisdiction. Responding to Ms. Balducci, Ms. Helland confirmed that the Light Rail Overlay adopted by the Council applies to those points. Ms. Helland recalled that the Critical Areas Ordinance adopted in 2006 was intended to be an interim measure for the purpose of protecting shorelines until the Shoreline Master Program was updated. The Light Rail Overlay includes shoreline provisions currently in that ordinance. As part of this process, those provisions will be moved to the Shoreline Master Program.

Mayor Balducci observed that completion of the SMP Update will be similar to the process of adopting the Critical Areas Ordinance. That was a similarly challenging process, but a balanced compromise was reached.

Diane Tebelius, Planning Commission Chair, presented the Commission's transmittal of conformance amendments, which are a companion piece to the SMP Update package. The purpose of the conformance amendments is to ensure the SMP Update is consistent with the rest of the Land Use Code. The Planning Commission requests that the Council implement legislation approved in 2010 under EHB 1653, which determined that all shorelines are not necessarily critical areas. Ms. Tebelius said there are currently shoreline properties that are not critical areas but are being treated subject to the Critical Areas Ordinance. She noted that every member of the Planning Commission has indicated his or her willingness to attend Council sessions to be available to answer questions.

Mayor Balducci thanked the Planning Commission for its work.

Mr. Brennan said staff will return on April 14 to review the Planning Commission-recommended policies, regulations, maps and restoration plan. On April 28, staff will present the Cumulative Impact Analysis prepared by the Watershed Company. The substantive topic areas will be addressed in May and early June including public access, lake levels, setbacks/buffers, docks, and vegetation. The Council's public hearing and adoption of the final SMP Update package is slated for late June/early July.

Responding to Councilmember Robertson, Ms. Helland said that all related materials are on the City's web site.

Councilmember Robertson requested a copy of the Shoreline Management Act (RCW 90.58).

Councilmember Stokes thanked staff for their work and for all of the information made available to the Council and the public.

4. Continued Oral Communications

→ Councilmember Robertson moved to add continued oral communications to the agenda, and Councilmember Stokes seconded the motion.

→ The motion to add continued oral communications carried by a vote of 5-0.

(a) Anita Skoog-Neil asked that staff publish the order in which the topical areas will be addressed during the May and June Council meetings.

(b) Marty Nizlek thanked Mayor Balducci and the Council. He noted he would stay after the meeting if anyone wants to speak with him.

Deputy Mayor Wallace invited citizens to email the Council (Council@bellevuewa.gov) with input and suggestions.

Mayor Balducci declared the meeting adjourned at 8:43 p.m.

Myrna L. Basich, MMC
City Clerk

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CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

March 17, 2014
6:00 p.m.

Council Conference Room
Bellevue, Washington

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

ABSENT: None.

1. Executive Session

Deputy Mayor Wallace called the meeting to order at 6:00 p.m., and declared recess to Executive Session for approximately 15 minutes to discuss one item of potential litigation.

The meeting resumed at 6:20 p.m., with Mayor Balducci presiding.

2. Study Session

(a) Review of the Transportation Commission Recommendation to amend the Transportation Development Code [BCC Chapter 14.60]

Acting City Manager Brad Miyake opened staff's presentation regarding the Transportation Commission's recommendation to amend the Transportation Development Code.

Transportation Director Dave Berg introduced Ernie Simas, Chair of the Transportation Commission; Laurie Gromala, Assistant Director of Transportation; and Chris Dreaney, Development Review Manager. Mr. Berg said the Transportation Commission is charged with overseeing and reviewing changes to the Transportation Code. The Commission has been reviewing the Code for the past few months and is submitting its recommendation to the Council tonight.

Chair Simas said staff initiated discussion of the Transportation Code in October and conducted community outreach through January. There was little public input regarding the proposed amendments. However, that is likely because the primary focus of the update is general

housekeeping amendments. Chair Simas said the Transportation Commission unanimously supports the recommended Transportation Development Code update.

Mr. Berg said staff is seeking Council feedback on the proposed changes to the Transportation Development Code, with the intent of bringing the amendment back for formal adoption on a future Council consent calendar.

Ms. Dreaney said the Transportation Development Code (BCC 14.60) implements the Comprehensive Plan, codifies the policy requirements of the Transportation elements, and provides the authority for the design manual. The design manual contains the engineering standards authorized by the Code and is administered by the Transportation Department Director who delegates his or her authority to development review staff.

Ms. Dreaney said the goal of the Code amendment is to clarify and expand definitions, ensure consistency throughout the Code and with other City Codes, and to clarify the required design of streets and driveways. The Transportation Development Code was last updated in 1995.

Ms. Dreaney described the public process since the review was introduced to the Transportation Commission on October 10, 2013. The issues addressed in the Code update include options for traffic impact mitigation, Pedestrian-Bicycle Plan-related requirements, access from multiple streets, street frontage improvements, and assurance devices to ensure completion of required transportation-related improvements.

Ms. Dreaney said staff is seeking feedback from the Council. The next steps are review by the appropriate Washington State Departments under the Growth Management Act, approval by the City Council, and a review of the Transportation Management Program sections of the Code as they relate to the Comprehensive Plan, Downtown Plan, and Downtown Livability Initiative updates.

Responding to Mayor Balducci, Ms. Dreaney provided additional details on the process up to this point. Notices were sent to more than 400 interested parties including the Bellevue Downtown Association, Bellevue Chamber of Commerce, consultants, and developers. Public notices were published in the permit bulletins and The Seattle Times. The determination of non-significance (DNS) decision was published in the weekly Permit Bulletin on December 12, 2013. A public hearing was held before the Transportation Commission on January 9, 2014.

Councilmember Stokes noted, for the Council and the public, that the process is outlined on page SS 2-2 of the meeting packet.

Responding to Deputy Mayor Wallace, Ms. Dreaney said that all emails and communications included a link to more information on the City's web site.

Deputy Mayor Wallace said he learned from the Bellevue Downtown Association (BDA), Bellevue Chamber of Commerce, and a sampling of developers that they were not aware of the pending amendments. He noted that the Council recently received a multi-page letter from

Wright Runstad with a number of comments on the proposed changes. Mr. Wallace suggested that the City would benefit from additional public comment.

Responding to Mr. Wallace, Mr. Simas said the Transportation Commission did not receive any comments on the proposed Code update.

Mr. Wallace said there are potential legal issues as well as implications for the intended quality of growth under the amended Code. He believes the community would be better served by enhanced clarity for permit applicants. He suggested looking for opportunities and ideas to achieve the desired goals in a way that is predictable and appropriate from a legal standpoint. He said there is statutory law and case law governing what actions are possible, and he does not believe that is clearly set out in the Code amendment.

Mr. Berg said staff will conduct further targeted outreach. He noted that the Transportation Development Code does not cover coordination with legal issues. Some of those are addressed through state law and others are contained within other elements of the City Code.

Councilmember Lee noted that most of the changes are to resolve conflicts and increase consistency within the Code. However, there are a number of policy changes as well. He said the Council needs to understand the ramifications of those changes. Mr. Lee noted the specific policy issues listed in the presentation and said he would like to understand the pros and cons of each change.

Responding to Councilmember Robinson, Ms. Dreaney said that permit review staff work with the applicant and the applicant's consultant to identify the impacts of the development and appropriate mitigation measures. If an applicant disagrees with a staff decision, there is an opportunity to appeal.

Councilmember Stokes noted that the proposed amendments are changes to existing policies but they are not new policies. He is in favor of soliciting additional public input. He encouraged explaining to applicants and/or the public that these are not new policies but are modifications to existing policies.

Councilmember Chelminiak recalled that this came to the Council initially in 2009. He would like to ensure that the implications are better understood to avoid unintended consequences. He acknowledged the email from Wright Runstad, and agreed with Deputy Mayor Wallace's suggestion to solicit additional feedback and input through the BDA, Chamber of Commerce, and other developers. Mr. Chelminiak said Wright Runstad had questions about the requirements for a certificate of occupancy for projects to be completed in phases.

Councilmember Robertson thanked staff for the information. She said it is important to have standards in the Code to ensure that developers take appropriate responsibility for mitigating traffic impacts related to their development. It is also important to provide clear and predictable expectations for developers. She noted comments from Wright Runstad requesting clarity within the Code.

Councilmember Robertson questioned the options available to developers to appeal decisions and/or requirements.

Ms. Dreaney said there are a number of processes that are subject to separate appeals throughout an overall project. She said the language within the Code typically provides the flexibility and discretion for City staff to work with the applicant toward a reasonable solution.

Ms. Robertson agreed that flexibility is good, but she reiterated that developers want to have clear guidelines and predictable expectations.

Ms. Robertson questioned whether the proposed changes, when compared to the current Transportation Development Code, place additional costs on development. She suggested that such an analysis should be conducted.

Ms. Dreaney said such an analysis could be undertaken. However, she clarified that the changes are not imposing new requirements but are creating references to existing requirements in other sections of the City Code, with the goal of enhancing consistency throughout the Code. She said the recommended Code amendment is not increasing any mitigation requirements.

Mayor Balducci summarized that the amended Code language captures what the City is already requiring, which enhances the clarity and predictability of the Code. She observed that public outreach is more an art than a science. She knows that outreach occurred, but there is a need for expanding upon the prior outreach. She asked staff to consult with the BDA, Chamber, and additional developers and interested parties.

Councilmember Robertson suggested that the City Manager provide a report to the Council following additional outreach. At that point the Council can determine whether the item is ready to be placed on a meeting agenda or should be referred to Transportation staff for additional review.

Mayor Balducci noted a consensus with that approach.

Responding to Deputy Mayor Wallace, Mr. Berg said the Transportation Management Program is not being updated as part of this Code amendment. Staff recommends deferring a review of that element until the completion of Downtown Livability, Comprehensive Plan, and Downtown Transportation Plan work.

Mr. Wallace suggested that Transportation staff work with the BDA and the Chamber of Commerce to allow them to be a resource and liaison for questions and comments from the consultant and development community to the City.

(b) Police Department Work Program Items

(1) Proposal to implement a false alarm management solution.

Mr. Miyake introduced the Police Department's presentation on options for managing false alarms.

Deputy Police Chief Mike Johnson said the biggest distraction for patrol officers is false alarms. The Police Department handles approximately 3,300 false alarms per year, which equates to 1,700 hours of patrol time and a loss of $85,000 annually. The Police Department has not had a false alarm monitoring program since 2011 when the system in use at that time became obsolete.

Deputy Chief Johnson said most similar-sized agencies have false alarm management programs, and most are managed by outside vendors. False alarm management programs reduce the number of false alarms, require online registration for greater accountability, and maximize the collection of fees and fines. These programs also provide prevention education, online information, frequently asked questions, and other resources. Cities that require alarm registration have lower false alarm rates. Some agencies allow remediation for the first false alarm by taking an online awareness class in lieu of a fine.

Deputy Chief Johnson presented three alternatives for the Council's consideration. The first is to do nothing. Alternative 2 is to implement an internal false alarm management program. This would require the purchase and installation of new software as well as hiring and training two full-time staff.

Alternative 3 is hiring an outside vendor for managing the false alarm program. No software purchase or hiring of additional staff are necessary. The vendor would operate the program including the collection of fees and fines. The cost of the program would be recovered from a portion of the registration fees, and remaining revenue collected through registration fees and false alarm fines would go to the City.

Deputy Chief Johnson said staff recommends Alternative 3 as the most efficient and effective use of existing Police resources and the best customer service option. If approved by the Council, staff will initiate the procurement process.

Deputy Chief Johnson introduced Detective Richard Chinn, who managed the former false alarm program, and his supervisor, Lt. Lisa Patricelli.

Councilmember Robertson questioned whether registration will be required. Detective Chinn said alarm registration will be required if the resident wants Police monitoring. Depending on Council direction, the program could be structured to fine a property owner and/or to require registration if an officer responds to an alarm that is not registered.

Ms. Robertson questioned the public benefit of a false alarm management program. Lt. Patricelli said one benefit is that the Police Department has accurate information on a home/business and the corresponding alarm company. Managing and reducing false alarms also increases the efficiency of the Police Department and the availability of officers to respond to other calls.

Deputy Chief Johnson said the City of Auburn has experienced a 60 percent reduction in false alarms since the implementation of its program approximately six years ago. This allows resources to respond more quickly to actual emergencies.

Mayor Balducci said that, given the volume of false alarm calls, it seems reasonable to implement a false alarm management program. However, she questioned the rationale for recommending an outside vendor.

Deputy Chief Johnson said one benefit of an outside vendor is it allows the Police Department to focus on increasing problems including burglaries, car thefts, etc. There are vendors who are experts at managing false alarm programs, which provides a greater benefit to citizens.

Lt. Patricelli noted that starting an in-house program would involve a period of hiring and training new employees. An important benefit of an outside vendor is they are best equipped to provide good customer service. She said the City could start with an outside vendor to get the program going and could decide in the future to convert to an internally run program.

Mayor Balducci questioned the ability to help certain residents, especially the elderly, who might have frequent false alarms. Lt. Patricelli said Detective Chinn would be the key liaison with the vendor and with the public. He would work with specific residents, if needed, to develop individual strategies for better managing their alarm systems.

Responding to Deputy Mayor Wallace, Deputy Chief Johnson said staff would return to the Council with the results of the request for proposals (RFP) process and proposed ordinance language, if the Council wants to move forward with an outside program.

Mr. Wallace said he does not favor Alternative 2. He suggests focusing on comparing Alternatives 1 and 3 after more details are available for Alternative 3.

Responding to Councilmember Robinson, Deputy Chief Johnson said residents have the option of owning alarm systems that do not alert the Police. However, if a neighbor hears an alarm and calls the Police, the Police would discuss the benefits of registering their alarm, including avoiding future fines for false alarm responses.

Councilmember Stokes said it is important for citizens to know how the system will work in the case of an alarm. Detective Chinn said many false alarm responses can be stopped by the alarm companies calling their customer's cell phone. False alarms occur most often when a resident is entering or leaving their home. If no one can be reached, the alarm monitoring company will call the Police, who will then respond.

Councilmember Stokes said it is important for the public to understand that they will continue to receive good service from the Police Department.

Mayor Balducci summarized that there is general Council support for Alternative 3, with the understanding that the issue will come back to the Council for approval of the final program, vendor agreement, and amendment of the ordinance.

(2) Update on Bellevue's Photo Enforcement Program

Mr. Miyake introduced staff to provide an update on the City's photo enforcement program: Captain John McCracken and Lt. Marcia Harnden.

Captain McCracken said the initial goals of the program were to decrease speeds in school zones and to reduce accidents and injuries at intersections. The photo enforcement program was implemented in 2009 with the installation of two school zone speed cameras. Three red light cameras were added in 2010. Captain McCracken described the public education efforts before the cameras went into operation. During the first 30 days, warnings were issued without fines.

Captain McCracken said a number of cities in King County are using photo enforcement. He described how the cameras operate and how an officer determines whether a violation might have occurred. He noted that Police officers review the video footage and make the final decision on issuing a ticket, just as they would if observing the behavior in person. One difference is that the photo enforcement tickets are less expensive than a traditional ticket.

Captain McCracken showed examples of traffic enforcement camera video footage. He explained that the cameras determine a red light violation based on whether a car is traveling faster than 12 miles per hour within a certain distance of the intersection.

Responding to Councilmember Lee, Captain McCracken said the City is required to post at least one sign alerting drivers to photo enforcement ahead. He described a location with multiple indicators including the school zone speed sign, overhead flashing lights, a right-side flashing light, and the photo enforcement sign. Mr. Lee observed that multiple indicators are a good idea where possible.

Captain McCracken described the overall decrease in school zone speeding and red light camera infractions since 2010. However, he noted that red light camera infractions have increased slightly at Kelsey Creek Center at 148th Avenue and Main Street. The total number of collisions citywide has decreased by six percent, and accidents at the few monitored locations have decreased by 31 percent.

Captain McCracken reviewed the fiscal impacts of the photo enforcement program. In accordance with past Council direction, the program covers its direct contract costs. All photo enforcement fees are paid directly to the King County District Court. In 2013, the District Court collected $1.2 million in revenue. The City receives 35 percent on a monthly basis, and 65 percent of revenues remain with the District Court until final reconciliation of the entire Court contract.

Councilmember Stokes said citizens have expressed concern that the fees are paid to King County District Court. Captain McCracken said the fees go toward the court's operating costs. If the City operated its own court, the City would collect the revenues.

Captain McCracken said the current contract expires April 12, 2014. The vendor has agreed to extend the agreement on a month-to-month basis while the Council makes a decision on whether to continue and/or expand the program.

Captain McCracken described intersections with a high number of red light infractions. He presented data indicating that approximately 22 percent of vehicles traveling through the Sunset Elementary school zone are speeding.

Captain McCracken said staff recommends: 1) continuing the existing contract with ATS for a period of five more years, 2) continuing to use photo enforcement at the five current locations, and 3) adding three locations for photo enforcement monitoring (i.e., red light camera on westbound NE 8th Street at 116th Avenue NE, red light camera for both directions of NE 8th Street at 112th Avenue NE, and school zone speed camera on West Lake Sammamish Parkway at Sunset Elementary).

Councilmember Lee said he believes violating a red light should be looked at separately from speeding. Both are important but red light violations potentially pose a greater danger. He said expanded education of the public would help citizens understand the benefits of reducing traffic speeds versus reducing red light violations. He suggested proper signage when speed limits change along a roadway.

Councilmember Robinson said that, in doorbelling thousands of residents, only two commented on red light cameras. Most of the concerns expressed related to home burglaries. With regard to photo enforcement, she has heard comments that the City uses them strictly to raise revenues and that the City shortens the yellow lights to trap drivers.

Ms. Robinson said a lot of people are interested in non-revenue-generating alternatives. In Canada, there flashing green lights before changing to yellow. Or another option is signage indicating that the intersection might be a camera-monitored intersection. She is supportive of expanding the cameras to additional locations as recommended by the Police Department. She questioned whether warnings could be issued for first-time offenders.

Mark Poch, Traffic Engineering Manager, said that nearly all yellow lights are set at four seconds. Some are slightly longer at 4.5 seconds.

With regard to Ms. Robinson's comments on alternatives, Captain McCracken said the City has been fairly progressive about changes to walk signals. He does not disagree with her suggestion for signage at intersections indicating that they might be monitored by camera. He said a number of residents already think that more intersections are enforced due to the placement of non-enforcement cameras at many intersections.

With regard to first-time warnings, Captain McCracken clarified that the fine goes to the registered owner of the car, who might not always be the driver. If the owner says they were not driving, the citation is dismissed by the court. It is therefore not feasible to issue warnings by violator/driver. However, it would be possible to have a first-time warning by vehicle.

Mayor Balducci said it would be interesting to discuss the appeal process, which is an option through the courts.

Councilmember Robertson questioned whether the cameras would issue a ticket for a vehicle at 3:00 AM that might be traveling at three miles per hour as it is turning a corner. She said that, if the issue is safety, she does not see a benefit in this type of citation. She questioned the number of tickets for slow right runs.

Captain McCracken said that slow right turns would not trigger a violation if traveling under 12 miles per hour. Bellevue has opted not to view anything involving speeds below 12 miles per hour. However, if a driver were to slam on the brakes to stop before the crosswalk, and then creep through the intersection, the officer viewing the video will see that and evaluate whether an infraction occurred. Officer discretion is involved in issuing any citation, whether in person or by viewing camera footage to make a determination. This includes an assessment of the context and overall risk of a given situation.

In further response to Ms. Robertson, Captain McCracken said officers look for potential accident-causing violations, regardless of speed. He noted that accidents have been caused by a vehicle moving slowly around a corner, depending on the overall situation and presence of cars and pedestrians.

Staff said the Police Department keeps statistics regarding the number of infractions relative to the number of potential violations that are viewed. Staff will provide that information to the Council.

Responding to Councilmember Robertson, Mr. Poch said that traveling through the Stevenson School speed zone at 35 miles per hour versus 20 miles per hour takes an additional 11 seconds. He said the City is not able to measure how many vehicles might divert their route to avoid the school zone. However, nearby traffic counts are available.

Ms. Robertson questioned whether drivers have received school speed zone violations on days or at times in which school is not in session. Captain McCracken said the Police Department works closely with the Transportation Department and the vendor (ATS) to share school schedule information. The cameras will not issue a violation outside of the enforced hours. When unexpected circumstances arise due to snow or other emergencies, staff contacts ATS and requests that the vendor not forward any camera footage during those times. The cameras do not operate on weekends or during school breaks, including summer.

Councilmember Robertson questioned whether camera footage can be used for other criminal investigations. Captain McCracken said he would refer that question to the City Attorney's Office.

Mayor Balducci noted the time and suggested continuing this item during the Regular Session under Agenda Item 12, Unfinished Business.

At 8:02 p.m., Mayor Balducci declared recess to the Regular Session.

Myrna L. Basich, MMC
City Clerk

/kaw

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

March 17, 2014
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 8:10 p.m., with Mayor Balducci presiding.

2. Roll Call, Flag Salute

All Councilmembers were present. Councilmember Lee led the flag salute.

3. Communications: Written and Oral

(a) Queen Pearl noted that March is Women's History Month. She said she has left some messages for City staff and has not received return phone calls. She suggested that the water fountains in City Hall have some good fresh water. Ms. Pearl expressed concern about the limit on the total time allowed for oral communications because people might not be able to speak. She said she has concerns about racial and economic inequalities.

(b) Sam Bellomio, StandUP-America, commented on 2008-2010 traffic data related to photo enforcement. He expressed concern about using officer's discretion in issuing infractions.

(c) Alex Zimmerman spoke against traffic photo enforcement, which he characterized as an idiotic situation and racketeering. He said the practice is not increasing safety. He suggested the Council should use common sense.

(d) Fiona Kraus, Madeleine Washburn, and Abby Carter introduced themselves as members of the Teen Advisory Board at the Bellevue Youth Theatre. Fiona is President of the Board and Madeleine is Secretary of the Board. They invited the Council and the public to their upcoming shows: Winnie the Pooh, March 21st-23rd; Sleeping Beauty March 28th-30th and April 4th-6th; The Tempest, April 18th and 19th; and Peter Pan at Meydenbauer Center May 2nd-4th. Abby thanked the Council for its continuous support of the program.

Abby has been involved with the program since she was eight years old, and she is in her last year with the program. Abby will be in Peter Pan, and Fiona is in Sleeping Beauty. Abby thanked the Council for the new theater facility under construction.

Mayor Balducci thanked the young women for their participation with the Bellevue Youth Theatre. She said she looks forward to seeing them at the ribbon-cutting for the new theater.

(e) Dallas Evans said he is Vice Chair of the Parks and Community Services Board but speaking as an individual. He encouraged reappointing Mark Van Hollebeke to the Board, and thanked the Council for its work.

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

5. Report of the City Manager

(a) Management Brief providing update on Business & Occupation Tax Simplification

Acting City Manager Brad Miyake referred the Council to page 5-1 of the meeting packet and asked staff to provide an update on efforts toward Business & Occupation (B&O) Tax simplification.

Finance Director Jan Hawn said the Multi-City Tax and License Portal (FileLocal) was registered with the State in February. All four cities have been actively engaged with the vendor to identify any issues and to keep the project moving forward.

Sara Lane, Assistant Finance Director, said Bellevue concluded its survey of local businesses in February. She recalled the City's simplification of its square footage tax reporting in 2012. The most recent survey identified the top two priorities for businesses as simplifying Bellevue's tax forms and making them more consistent with other cities. The survey indicated that 96 percent of respondents believe Bellevue is responsive to their tax questions, and 80 percent said they felt they know where to go to get information.

Ms. Lane said staff plans to simplify the City's tax forms because some people will continue to file using paper instead of online. Staff recommends no further action on simplifying the square footage tax.

Mayor Balducci thanked staff for their work. She said this has been a positive collaboration with other cities, and the multi-city effort will allow cities to retain control of the collection of B&O revenues.

(b) Management Brief on Neighborhood Streetscape Committee within the Wilburton Area

Mr. Miyake introduced staff's update on the Neighborhood Streetscape Committee's work in the Wilburton area.

Marina Arakelyan, Project Manager, reported that the Wilburton Neighborhood Streetscape Committee has been working with the City and consultant to identify objectives and evaluation criteria. The committee met four times between July and November 2013. Two open houses were held, the first early in the process to engage the broader community, and the second at the end to discuss the preferred alternative.

Ms. Arakelyan said the committee reached its goal of establishing a streetscape enhancement for 124th Avenue NE, south of NE 8th Street. The project includes a gateway at NE 8th Street, pedestrian lighting and crosswalk improvements at several locations, and the narrowing of traffic lanes with the placement of medians. This plan is supported by a majority of the committee members, who hope the improvements will be completed this summer.

Ms. Arakelyan noted the list of 14 committee members on page 5-14 of the meeting packet and said that three committee members were present: Zee Straight-Weiss, Jay Hamlin, and Carolyn Harris.

Mayor Balducci thanked the committee members for their work. Responding to Ms. Balducci, Ms. Arakelyan confirmed that the streetscape plan is funded as part of the transportation CIP project.

6. Council Business and New Initiatives

(a) Council Liaison recommendations for 2014 Reappointments to Library Board and Parks & Community Services Board

Councilmember Robertson recommended reappointing Loretta Lopez to the Library Board. Ms. Lopez has been serving as Board Chair, has been active with the Bridle Trails Community Club, and is the at-large member of the Downtown Livability Initiative Citizen Advisory Committee.

→ Councilmember Robertson moved to reappoint Loretta Lopez to the Library Board, and Councilmember Stokes seconded the motion.

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

Councilmember Robinson recommended that Mark Van Hollebeke be reappointed to the Parks and Community Services Board. He is active in the community and has been a strong representative for Downtown neighborhoods.

→ Councilmember Robinson moved to reappoint Mark Van Hollebeke to the Parks and Community Services Board, and Councilmember Stokes seconded the motion.

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

(b) Consideration of April 21 as four-hour Mini-Retreat to complete work of February/March Council Retreat

City Clerk Myrna Basich said staff is requesting a reprogramming of the April 21 meeting to a four-hour study session instead of the typical Study Session and Regular Session format for the first and third meetings of the month. Staff proposes a Mini-Retreat to complete discussion that began during the February Annual Retreat. The session facilitator will be available that evening.

→ Councilmember Chelminiak moved to authorize a temporary amendment to Council Rules to allow the format of the April 21 City Council meeting to be configured as a four-hour Study Session. Councilmember Stokes seconded the motion.

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

Councilmember Robertson reported that she put a survey regarding red light cameras on her personal and public Facebook pages and spoke to a number of citizens about the topic. She will share that feedback later. She met with KidsQuest to discuss their budget request for the City. She and Councilmember Lee attended the opening of the Seattle Family Regional Center, a new waterfront development in Renton that allows EB-5 investments for obtaining residency status. Ms. Robertson led a City Hall tour for Boy Scouts and Girl Scouts.

Councilmember Stokes attended his first meeting of the King Conservation District 24-member Advisory Committee. He was elected Chair of the committee. Mr. Stokes attended a Board meeting of the Cascade Water Alliance. He has participated in briefings by City staff as well.

Councilmember Robinson met with Steve Roberts, Congregations for the Homeless. She attended the YMCA luncheon and the ribbon-cutting of the University of Washington specialty clinic. She attended a meeting of the LEOFF Disability Board, met with representatives of the Bridle Trails Community Club, and attended the ARCH (A Regional Coalition for Housing) dinner. Ms. Robinson attended the Camp Korey Prescription Laughter luncheon. She met with representatives of the Bellacere Neighborhood Association and representatives of the Ashwood neighborhood. Ms. Robinson attended the spring celebration of the Bellevue Hindu Temple community at Crossroads.

Councilmember Chelminiak said he participated in a number of City staff briefings. He met with members of the Washington Sensible Shorelines Association, and had coffee with representatives of the International Ballet Theatre. He attended a meeting of the Puget Sound Regional Council (PSRC) Growth Management Policy Board. As part of his day job, Mr. Chelminiak attended the State of the City address by the Mayor of Renton.

Councilmember Lee attended the EB-5 immigration investment project event in Renton, mentioned earlier by Councilmember Robertson. Mr. Lee said he and Mayor Balducci attended the Bellevue Youth Link Conference. Mr. Lee attended the Town Hall Seattle annual fundraiser. He met with the Bellevue Transportation Commission Chair and Vice Chair. He participated in the U.S.-China Forum at the University of Washington.

Councilmember Lee attended the National League of Cities (NLC) Conference in Washington,

D.C. He suggested that the City be more focused in communicating with Bellevue's congressional delegation and that the City emphasize regional aspects and economic development.

Deputy Mayor Wallace attended meetings of the Regional Water Quality Committee and, with Councilmember Stokes, the Eastside Transportation Partnership (ETP).

Mayor Balducci reported that she and Deputy Mayor Wallace met with Josh Brown, Puget Sound Regional Council's new Executive Director, and Charlie Howard, PSRC Director of Integrated Planning.

Mayor Balducci met with Mayors of the Points Communities and with Lake Washington Cities Mayors. She said there are increasing coordinated efforts to gain more influence with elected officials in Olympia or to find other solutions for transportation and other funding.

Ms. Balducci attended the PSRC Transportation Policy Board meeting. She said there is an effort to establish a regional asset management program to pass through federal grant money to local governments for paving projects.

Mayor Balducci is opposed to using federal funds for repaving roads because that is a local government responsibility. She noted that Bellevue takes good care of its streets. Deputy Mayor Wallace concurred with her perspective.

Ms. Balducci attended The Sophia Way benefit dinner. She learned that the Red Lion Hotel on 112th Avenue is a supporter of this organization and provides rooms when beds are not available at the shelter.

Ms. Balducci asked staff to bring back the regional compact for the Growing Transit Communities project for Council consideration. She observed that the compact is consistent with the City's adopted principles, and she believes it is important to have a seat in those discussions.

Mayor Balducci suggested a future discussion about Council Rules. One she is struggling with now has to do with approving Council expenditures, which apparently is left largely to the Mayor's discretion. She believes it is important to have clear standards for the Mayor to administer.

Deputy Mayor Wallace said it would be good to review the policy as well as some examples of expenditures and approvals from the past.

City Clerk Myrna Basich noted that she has been keeping a running list of Council Rules' issues as they are raised. Mayor Balducci suggested addressing all of those issues together.

With regard to the regional paving effort, Councilmember Stokes said he was surprised to learn that 25 percent of federal transportation dollars are set aside for paving by cities. He agreed that this is not a desirable way to spend federal funds.

7. Approval of the Agenda

→ Deputy Mayor Wallace moved to approve the agenda, and Councilmember Chelminiak seconded the motion.

Councilmember Lee requested removing Agenda Item 11(a) due to his concern about one of the proposed street names. He made a motion to that effect, which was not seconded.

Mayor Balducci said the topic of naming certain Bel-Red streets has been on the agenda at least once before and removed. She suggested the Council at least talk about the topic tonight.

→ 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) Minutes of February 24, 2014 Extended Study Session
Minutes of March 3, 2014 Study Session
Minutes of March 3, 2014 Regular Session

(b) Resolution No. 8710 authorizing approval of payment in the amount of $106,810.39 for a Release of All Claims in final settlement of a claim against the City for property damage to the Eastgate Congregational United Church of Christ caused by a wastewater system failure.

(c) On-call Painting Services

Resolution No. 8711 authorizing execution of a four-year General Services Agreement with Ellis Construction Inc., for on-call painting services;

Resolution No. 8712 authorizing execution of a four-year General Services Agreement with NI Painting & Construction, for on-call painting services;

Resolution No. 8713 authorizing execution of a four-year General Services Agreement with Washington Industrial Coatings, Inc., for on-call painting services; and

Resolution No. 8714 authorizing execution of a four-year General Services Agreement with Ski's Painting, for on-call painting services.

(d) Resolution No. 8715 authorizing execution of a two-year General Services Agreement with Automatic Funds Transfer Services for printing and mailing services for the City of Bellevue Business Tax Returns and related taxpayer correspondence in an amount not to exceed $73,000 for the two-year term, with the option to extend the contract for an additional two years for a total contract amount not to exceed $146,000.

(e) Resolution No. 8716 authorizing execution of a four-year General Services Agreement with Retail Lockbox, Inc., for a two-year term in an amount not to exceed $90,000, with an option to extend the contract for an additional two years for a contract total not to exceed $180,000.

(f) Ordinance No. 6155 defining criminal conduct, and adding new sections to Chapter 10.06 of the Bellevue City Code.

(g) Resolution No. 8717 authorizing signature and certification of the annual report documents consisting of the City of Bellevue 2013 Compliance Report and 2014 Stormwater Management Program, required by the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit for submittal to the Washington State Department of Ecology by the March 31, 2014 deadline.

9. Public Hearings

(a) Public Hearing on the proposed Ordinance to extend Interim Zoning Controls, adopted by Ordinance No. 6133 B-1, regulating recreational marijuana uses.

(1) Staff Report

Mr. Miyake introduced the Public Hearing on the proposed ordinance to extend Interim Zoning Controls, adopted by Ordinance No. 6133 B-1, regulating recreational marijuana uses.

Catherine Drews, Legal Planner, referred the Council to page 9-1 of the meeting packet for information. Staff is seeking to extend the interim zoning controls ordinance to provide sufficient time to develop permanent regulations for recreational marijuana. The state legislature did not take action to integrate recreational and medical marijuana uses. The Washington State Liquor Control Board has just begun to issue licenses to marijuana producers and processors, and the issuing of licenses for retail uses will begin this summer.

Ms. Drews said there are 22 pending licenses for producers in Bellevue, 13 pending licenses for processors, and 56 pending applications for the four retail locations in Bellevue. Staff requests that the Council extend the ordinance for six months.

Responding to Councilmember Robertson, Ms. Drews said some of the producer and processor applications could be duplicates (dual license).

Ms. Robertson said she would like to have a separation requirement between uses. Ms. Drews said there are 13 land use districts in which the four retail stores can locate. Potential locations for producers and processors are much more limited, as these are restricted to the light industrial district.

Responding to Councilmember Robertson, Deputy City Attorney Kate Berens said the Council could consider a motion to create a separation requirement between recreational marijuana uses/businesses.

In further response, Ms. Drews said one processor has met with City staff for a development services review but they have not yet applied for building permits. They cannot apply until their state license is issued.

Responding to Councilmember Chelminiak regarding the list of license applicants, Ms. Drews said that many of the applicants provide addresses. Some addresses are in land use zones in which the use would not be allowed. Ms. Drews said the businesses must comply with local regulations, including the zoning code. The City is allowed to comment on both the location and the applicant.

Responding to Mayor Balducci, Ms. Drews said the Liquor Control Board anticipates that retail recreational marijuana businesses will begin opening this summer.

(2) Motion to open Public Hearing

→ Deputy Mayor Wallace moved to open the Public Hearing, and Councilmember Robertson seconded the motion.

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

(3) Public Testimony

The following citizens came forward to comment:

1. Warren Marquardson said that Washington State Attorney General Bob Ferguson has opined that cities are not required to allow Initiative 502 recreational marijuana businesses. Mr. Marquardson asked the Council to reconsider whether the expansion of recreational marijuana sales into Bellevue is beneficial for residents' health and well-being. Mr. Marquardson said he is president of the Eastside Interfaith Social Concerns Council representing 60 congregations and 30 social service agencies. This group sponsors The Sophia Way and Congregations for the Homeless. He is not officially representing that organization in these comments, but many have expressed concern about what the City Council is doing. He urged the Council to not make a mistake by approving these businesses.

(4) Motion to close Public Hearing

→ Deputy Mayor Wallace moved to close the public hearing, and Councilmember Robertson seconded the motion.

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

(5) Council Discussion and Action

Ordinance No. 6156 extending Ordinance No. 6133 B-1 adopting interim official zoning controls regarding the regulation of recreational marijuana producers, processors, and retailers for a period of six months, to be in effect while the City drafts, considers, holds hearings, and adopts permanent zoning regulations; providing for severability; and establishing an effective date.

Councilmember Lee said he was touched by the public testimony. He questioned whether the City has alternatives to allowing marijuana-related businesses.

Councilmember Robertson said that, although the State Attorney General has opined that cities can prohibit marijuana uses, a number of legal organizations have plans to sue those cities. However, for her, that is not a reason to ban the businesses in Bellevue. She is not in favor of banning these businesses because 59 percent of Bellevue voters approved the legalization of recreational marijuana. She believes it is important to recognize the will of the voters and to be careful in how the businesses are zoned to minimize impacts. As the mother of a high-school student, she does not want to see increased drug use.

Ms. Robertson believes the Council's role is to ensure that marijuana uses are buffered from sensitive uses and that the impacts are mitigated. Bellevue's interim zoning ordinance provides additional standards including odor control and enhanced security measures. She supports extending the interim zoning controls to allow time for the development of permanent regulations. Ms. Robertson observed that, if the Council wants to ban marijuana uses, this is the time to provide that direction to staff.

Councilmember Robertson reiterated her support for extending interim zoning controls, with an amendment regarding separation between retail uses. She proposed that Ordinance 6133 B-1 contain a new Section 1, C, 2 to read: "No marijuana retailer shall be located closer than 1000 feet to another marijuana retailer." Existing items 2 through 4 would be renumbered accordingly. If there are going to be four retail uses, Ms. Robertson does not want them to be clustered together.

Councilmember Robinson would prefer to ban all recreational marijuana businesses if the City can do so. However, she does advocate for access to medical marijuana as a powerful, effective, and low-cost drug for certain patients. Historically it has been used as much as aspirin, and it has good healing properties.

Councilmember Stokes commented that prohibition has not worked throughout history. If society is going to ban marijuana we might as well ban alcohol, but that has not worked. The marijuana black market is associated with other illegal activity. Mr. Stokes believes that legalization provides the opportunity to better control marijuana and to curb related crimes. He supports extending the interim zoning controls with the amendment proposed by Councilmember Robertson.

Deputy Mayor Wallace said he does not recall it ever being said that the Council can ban all marijuana businesses in Bellevue, even within the context of Councilmember Davidson's strong opposition to legalization.

Ms. Berens said there is no specific preemption in state law that says that local jurisdictions would not have full regulatory authority, including the potential to not allow any related use in all land use districts. She said the current ordinance remains in effect until April 24, so there is time to bring back issues for Council consideration.

Mr. Wallace said that, tonight, he supports Councilmember Robertson's amendment and extending the ordinance. However, if there is option to consider banning recreational marijuana uses outright, he would like to discuss that in the future. Mr. Wallace suggested that some who voted in favor of legalization in Colorado might have different views now that businesses have opened. Nevertheless, legalizing recreational marijuana statewide should not mean that cities must allow it within their jurisdictions. Mr. Wallace said the public has not had the opportunity to comment on the potential for an outright ban. He suggested putting it before the community for comment.

Councilmember Chelminiak concurred with the interest in considering a ban of all recreational marijuana businesses. However, he wants to ensure that interim zoning controls remain in effect until the issue is resolved. He said this is a challenging area due to the voter initiative process and the state legislature's inability or lack of interest in fully addressing marijuana legislation.

Responding to Mr. Chelminiak, Ms. Drews said staff could draft an emergency ordinance for Council action in the near term that would ban all recreational marijuana uses and repeal the interim zoning controls.

Mayor Balducci said this is new territory, and up to this point, Bellevue has proceeded to implement the will of the voters. She said that drug abuse and criminal activity, especially the current increase in heroin use, should be addressed as a public health and public safety issue. However, she does not believe the City should use its zoning and business regulatory authority to block the will of the voters with regard to recreational marijuana.

Ms. Balducci said she concurs with extending the interim controls ordinance and amending it as proposed by Councilmember Robertson.

Responding to Councilmember Robinson, Mayor Balducci said her interpretation of the State Attorney General's opinion is that cities are allowed to use their land use and regulatory

authority to stop recreational marijuana businesses from locating within their boundaries. In further response to Dr. Robinson, Mayor Balducci said she believes the use of marijuana would be legal in Bellevue even if businesses were banned. Ms. Balducci said she would rather allow the businesses and maintain some level of control over the legalization of recreational marijuana.

Given the interest by certain Councilmembers in considering a ban, Councilmember Robertson suggested extending the interim ordinance now and directing staff to come back with information on the potential for an outright ban. Ms. Robertson said Bellevue does not allow medical marijuana sales and only allows collective gardens.

Councilmember Robertson said the U.S. Department of Justice issued a memo last summer indicating that they will leave recreational marijuana alone if they follow certain guidelines (e.g., not allowing sales to minors, continued black market distribution, or the siting of businesses within 1,000 feet of schools, parks, and similar facilities). There are concerns, however, that the federal government will continue to prosecute medical marijuana dispensaries. Ms. Robertson said she was hoping the state legislature would streamline medical and recreational marijuana regulations.

If the City bans all recreational marijuana businesses, Ms. Robertson suggested that medical marijuana collective gardens should be banned as well, based on the DOJ memo of August 2013. She acknowledged the benefits of medical marijuana, however, including the treatment of children who experience seizures. She suggested that, if the Council intends to ban marijuana businesses, it should do so soon.

→ Councilmember Robertson moved to adopt Ordinance No. 6156, amended with a new Section 2 that states: "Ordinance No. 6133 B-1 shall have a new item C.2 under Section 1 that reads: No marijuana retailer shall be located closer than 1,000 feet of another marijuana retailer." Items C.2, C.3 and C.4 of Section 1 of Ordinance No. 6133 B-1 would be re-numbered; and Sections 2, 3 and 4 of Ordinance No. 6156 would be re-numbered. Councilmember Stokes seconded the motion.

Councilmember Chelminiak expressed support for the motion and requested more information on the potential for a ban. He has been surprised by the total lack of public comment throughout this entire process in Bellevue. Other cities have had significant public comment. Mr. Chelminiak said he is not convinced that a ban is the right thing to do. However, he does not recall it being offered as an option to consider.

Councilmember Stokes expressed support for the motion.

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

→ Councilmember Robertson moved to direct staff to bring back information on options, including the banning of both recreational and medical marijuana land uses within the city limits of Bellevue, as soon as the Council calendar allows. Deputy Mayor Wallace seconded the motion.

Mayor Balducci said she will support the motion. If a majority of the Council truly intends, based on changed circumstances, to change its path, she believes this is an important thing to do. However, if the Council's path is not actually going to change, she noted that extensive continued study and discussion will interrupt work on other Council priorities and land use issues.

Ms. Balducci said she believed that all Councilmembers were aware of the State Attorney General's opinion. She supports revisiting the issue, but suggested that the Council needs to have discipline over its work program and its use of time.

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

→ Councilmember Chelminiak moved to extend to the meeting to 10:30 p.m., and Councilmember Stokes seconded the motion.

→ The motion to extend the meeting carried by a vote of 7-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

Mayor Balducci noted a consensus to move Item 11(a) to the end of the agenda.

(b) Ordinance No. 6157 relating to Chronic Nuisance Properties, adding a new Chapter 9.10A to Title 9 of the Bellevue City Code [Health and Safety].

Acting City Manager Miyake welcomed Police Chief Linda Pillo and Assistant City Attorney Siona Windsor to discuss proposed Ordinance No. 6157. The Council was presented with detailed information on this topic during the February 24, 2014 Extended Study Session.

Chief Pillo referred the Council to the agenda memo beginning on page 11-13 of the meeting packet. Following the previous Council discussion, additional outreach has been conducted with the Rental Housing Association and the Building Owners and Managers Association. Staff suggests an amendment to the ordinance based on their feedback. Section 9.10A.040 A1 has been added to clarify that the nuisance activity threshold for the Declaration of Chronic Nuisance for residential complexes will be at the individual dwelling unit level instead of the whole apartment complex level, unless broad-based problems require a different approach.

Responding to the Council's earlier request, Ms. Windsor said staff conducted further analysis of enforcing a Declaration of Chronic Nuisance through an administrative hearing or through a court proceeding. Staff continues to recommend providing both processes in the ordinance because each may be more beneficial in certain situations. Additional information is provided on pages 11-14 and 11-15 of the meeting packet.

Chief Pillo recalled that Deputy Mayor Wallace requested an annual review of the program by the Police Chief, so that has been added to the ordinance as well.

Chief Pillo said a representative of Woosley Properties spoke with Ms. Windsor with additional questions. His only remaining concern relates to penalties.

Ms. Windsor said Mr. Woosley's question related to how the penalty enforcement process worked. She explained to him that penalties can start from the day the Declaration of Chronic Nuisance is issued. However, if the nuisance is abated in a timely manner, there would be no penalties. The only way that penalties can be imposed is if the City seeks to enforce the Declaration and the Hearing Examiner or Court imposes the penalties.

Chief Pillo noted the reference at the bottom of page 11-15 in the meeting packet to the use of butane for hash oil production. She said staff will use the time between now and the next state legislative session to build a coalition to draft legislation regarding this practice and to gain support from legislators for the 2015 session.

→ Deputy Mayor Wallace moved to adopt Ordinance No. 6157, and Councilmember Chelminiak seconded the motion.

Deputy Mayor Wallace thanked Chief Pillo and staff for their additional outreach to multifamily and commercial property owners.

Councilmember Robertson suggested that the amendment regarding residential complexes be applied to commercial units as well. For example, in the case of the Munchbar, it would have been inappropriate to declare the entire Bellevue Square a chronic nuisance.

Ms. Windsor said staff considered that issue and determined that commercial leases provide more options for dealing with unlawful actions by a tenant. She said the intent is to administer the two situations similarly.

Responding to Ms. Robertson, Ms. Windsor said the Hearing Examiner has the authority to impose lesser penalties than the maximum allowed under the ordinance.

Councilmember Chelminiak expressed support for the ordinance. He observed that it gives the City a tool for dealing with entertainment venues associated with certain problems.

Mayor Balducci observed that law enforcement has a great degree of discretion in how it applies the law. The City relies on the Police Chief and Police Department to show sound judgment. She observed that the Police Department has strong relationships with private businesses.

→ The motion to adopt Ordinance No. 6157 carried by a vote of 7-0.

(c) Resolution No. 8719 authorizing execution of a two-year Interlocal Agreement with King County Road Services Division for on-call traffic and road maintenance services.

Noting her employment with King County, Mayor Balducci recused herself from participating in this item involving a contract with King County. While she does not believe this would be a conflict of interest, she will recuse herself pending guidance from the City Attorney's Office.

Mr. Miyake said that Resolution No. 8719 authorizes the execution of a two-year Interlocal Agreement with the King County Road Services Division for on-call traffic and road maintenance services. This formalizes the existing relationship with King County.

→ Councilmember Chelminiak moved to approve Resolution No. 8719, and Councilmember Stokes seconded the motion.

Responding to Councilmember Lee, Transportation Director Dave Berg said the City has used King County in the past for certain services. The County inspects the City's bridges every two years and has completed guard rail repair work in the past. King County is able to complete the work at a lower cost than other options.

Laurie Gromala, Assistant Transportation Director, said that past guard rail repair has ranged from $50,000 to $100,000. She said the City is not obligated to any minimum amount of services under the agreement.

Councilmember Robertson said she is not opposed to the agreement but will vote against it because the Council did not receive the contract. She is frustrated that this happens repeatedly and would like to take this up in the discussion of Council Rules. She is not aware of any city that votes on contracts without Councilmembers being given copies of the contracts.

→ The motion carried by a vote of 5-1, with Councilmember Robertson dissenting and Mayor Balducci recused.

12. Unfinished Business

(a) Photo Enforcement Program [Continued from earlier Study Session]

Mayor Balducci noted the continuation, from the earlier Study Session, of the discussion regarding traffic photo enforcement.

Councilmember Robertson said she had remaining questions, but she was not requesting that staff stay through the evening. She recalled her earlier question about how many tickets a motor officer writes per day. The answer was approximately 12 tickets per day based on pulling over approximately 20 drivers per day.

Ms. Robertson said another earlier question she raised was about how the video footage is used. She is ambivalent about the use of photo enforcement, including the issue of whether they are about money or about safety. She is concerned about the surveillance of citizens and about whether this practice falls more heavily on some demographics than others. She observed that the cameras tend to be located in areas that are not the most affluent areas of Bellevue. Do these tickets fall more heavily on those who can least afford to pay them?

Councilmember Robertson would like more information from staff on the City of Redmond's program. They had a one-year pilot program and, after collecting extensive data, Redmond removed their cameras.

Ms. Robertson said she is a mom and concerned about safety, and the use of school speed zone cameras is more compelling for her. She is not particularly in favor of ticketing vehicles that safely and appropriately yield but may not fully stop on red, especially when there is no other traffic. She would like to see potential revisions on that type of ticketing.

Ms. Robertson said the results of her personal outreach with residents varied broadly. Some people are absolutely against photo enforcement, and some are enthusiastically wanting as many cameras as possible. She observed that there appears to be a greater consensus regarding the use of school zone speed cameras.

Councilmember Robertson said she has the sense that at least five Councilmembers favor continuing and potentially expanding the program. If photo enforcement continues, she recommends restricting the use of the net revenue to pedestrian safety projects. She is not fully supportive of extending the contract, but if the Council chooses to do so, she would like the money to be used to improve safety.

Councilmember Chelminiak expressed support for expanding the program, which in part addresses the geographic/demographic issue raised by Councilmember Robertson. He noted that the proposed new locations are in the more affluent zip codes. He believes red light cameras are important in preventing accidents. He would not like receiving a camera-based ticket, but if so, he would be even more careful in his driving. He suggested that pedestrians need to be careful as well.

Mr. Chelminiak suggested directing staff to prepare a contract for extending the program. He would like to see a grace period for the new camera locations, as was done with the initial cameras. Captain McCracken clarified that the standard is a 30-day grace period.

→ Councilmember Robertson moved to extend the meeting to 10:45 p.m., and Councilmember Chelminiak seconded the motion.

→ The motion carried by a vote of 6-1, with Deputy Mayor Wallace dissenting.

Councilmember Stokes believes the cameras have a positive effect on behavior. He has received a ticket and it has made him more mindful of his driving. He supports expanding the photo enforcement program.

Councilmember Lee said there are two different types of photo enforcement cameras: red light and speeding. He supports red light cameras but objects to the use of photo enforcement for speeding. He believes police officers should be writing speeding tickets. He has heard concerns from citizens as well who are opposed to photo enforcement for speeding.

Councilmember Robinson said the citizens she has spoken with have been interested in alternative methods for influencing behavior. She would be interested in hearing about alternatives from the Police Department. She spoke in favor of first-time warnings for violations.

Councilmember Chelminiak spoke in favor of directing staff to bring back a contract for expanding the photo enforcement program, and that staff be alert to the issues raised by the Council and prepared to present relevant alternatives in the final ordinance.

Responding to the Mayor about the action needed by the Council at this time, City Clerk Myrna Basich suggested a motion to approve extending the contract on a month-to-month basis until a final Council decision is reached.

→ Councilmember Stokes moved to extend the photo enforcement contract on a month-to-month basis until the Council makes a decision on whether to continue, and potentially expand, the program. Councilmember Chelminiak seconded the motion.

→ The motion carried by a vote of 5-2, with Deputy Mayor Wallace and Councilmember Robertson dissenting.

Mayor Balducci said the direction to staff is to negotiate a contract for expanding the photo enforcement program, and to consider first-time warnings and other suggestions made by the Council during this discussion.

Responding to Councilmember Lee, Mayor Balducci clarified that the speed enforcement cameras are only in school zones. She said the red light cameras do not issue citations for speeding. The camera vendor uses speed as a screening mechanism. If a vehicle approaches an intersection at or above a certain rate of speed (12 miles per hour), the photo will be flagged for review by an officer and a possible citation. This is based on the assumption that a vehicle at that speed likely would or could not stop for the red light.

Resume Item 11. Other Ordinances, Resolution and Motions

(a) Resolution No. 8718 approving street names for six future street segments in the Bel-Red District

Chris Salomone, Director of Planning and Community Development, said Resolution No. 8718 approves the recommended street names for six future street segments in the Bel-Red district.

Responding to Councilmember Robertson, Mr. Salomone clarified the names and the corresponding street segments.

Councilmember Lee objects to the name of Ichigo Way for Segment 2 and would prefer to postpone Council action.

Councilmember Robertson objects to the street names of Spring and District because she does not believe it is appropriate to name public streets after a private development.

→ Councilmember Stokes moved to extend the meeting to 11:00 p.m., and Councilmember Chelminiak seconded the motion.

→ The motion to extend the meeting carried by vote of 6-1, with Councilmember Robertson dissenting.

Councilmember Lee said he is opposed to taking action on Resolution No. 8718 because the Council was not involved in the process and he objects to the recommended name (Ichigo Way) for Segment 2. He believes it is appropriate to honor Bellevue's Japanese heritage. However, he questions the selected name. He suggested that the Eastside Heritage Center be involved and believes there are more appropriate options.

Mr. Lee said ichigo translates to strawberry and is stated as commemorating the Japanese-American community that farmed the Midlakes area in the early to mid-1900s. He believes this is a fairly weak tribute to the Japanese heritage of the community. He questioned who was consulted or involved in choosing that name. He observed that other Japanese name options considered would be more appropriate.

Deputy Mayor Wallace said he shares Mr. Lee's concerns about the process, and he questioned the community input.

Mr. Salomone said there were community and online surveys, and more than 300 names were submitted. Those names were vetted by the Transportation Commission and the Fire Department, who narrowed the list and developed the recommendation presented for Council consideration.

Mr. Salomone said this resolution was on the Council's December 9 agenda and was pulled due to a concern about the name of Briarwood raised by the Spring District developers, who wanted to change that name to District. At that time, Mr. Salomone polled the Council via email and received one concern, which was from Mr. Lee.

Mr. Wallace opined that District Way sounds odd but he could support the rest of the names. He suggested a reconsideration of District Way.

→ Councilmember Stokes moved to approve Resolution No. 8718, and Councilmember Chelminiak seconded the motion.

Councilmember Stokes said he would like to move forward. He noted that the names have been reviewed by the Transportation Commission. He believes the reference to strawberry is more appropriate than naming a street after a particular family name.

Councilmember Robertson said the City's street grid works very well for finding an unfamiliar address. She suggested sticking with numbered streets for the east-west roadways. She reiterated her opposition to naming streets after a private development.

Councilmember Robinson summarized that staff tasked a group of people with reviewing the proposed names. She is ready to support their work and recommendation.

Councilmember Lee suggested talking to the Japanese community regarding a more appropriate street name. He is opposed to the resolution.

Councilmember Balducci said she does like the name District Way, but it is a very small segment that is entirely on the Spring District property. She will support the motion. Ms. Balducci believes it is important to find ways to honor the heritage of the community. However, she suggested there are many more important ways to do so.

→ The motion to approve Resolution No. 8718 carried by vote of 5-2, with Councilmembers Lee and Robertson dissenting.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

Mayor Balducci declared the meeting adjourned at 10:58 p.m.

Myrna L. Basich, MMC
City Clerk

/kaw