East Bellevue Community Council
Summary Minutes of Regular Meeting

January 7, 2014
6:30 p.m.

Lake Hills Boys & Girls Club
Bellevue, Washington

PRESENT: Chair Capron, Councilmember Hughes, Councilmember-elect Hummer, Councilmember Gooding

ABSENT: Coucilmember-elect Robert Adams

STAFF: Monica Buck, East Bellevue Community Council Legal Counsel

1. CALL TO ORDER

The meeting was called to order at 6:38 p.m. with Chair Capron presiding.

2. ROLL CALL

The Deputy City Clerk called the roll. Councilmembers Hughes, Gooding, Capron and Councilmember-elect Hummer were present. Councilmember-elect Robert Adams was not present.

Chair Capron led the flag salute.

(a) Swearing-in of Councilmembers for Position Nos. 2, 3, 4 and 5.

Judge David Steiner, King County District Court, officiated at the swearing in of Councilmembers Hughes, Gooding, Capron and Hummer. Councilmember-elect Robert Adams was not present and therefore not sworn in.

Chair Capron called for a brief recess to allow each member the opportunity to sign the Oath of Office and take photographs with Judge Steiner.

Chair Capron reconvened the meeting at 6:58 p.m.

(b) Declaration of Position No. 1 vacant

Chair Capron moved to declare Position No. 1 vacant. The motion was seconded by Councilmember Hughes. (The motion was assumed to be approved by consensus based on the Council's subsequent discussion.)

Chair Capron directed the Deputy City Clerk to conduct the recruitment. The recruitment will close on January 22 to allow inclusion of the applicant materials in the February Council packet. The Council intends to interview potential candidates at the February meeting.

Chair Capron moved to recruit until January 22 and then interview candidates on February 4 at the next regular meeting. Councilmember Hummer seconded the motion which was carried unanimously.

3. COMMUNICATIONS: WRITTEN AND ORAL

Don Boettiger spoke and had questions about an article he saw in the Bellevue Reporter regarding a PSE transmission line from Renton to Bellevue.

Steve Kasner congratulated the Council on reelection. He will continue to support the Council in any way he can.

Bart Goft asked if there would be another opportunity to speak about item 10a. Chair Capron informed him that he can speak when it comes up on the agenda.

4. APPROVAL OF AGENDA

Councilmember Hummer moved to approve the agenda. Councilmember Hughes seconded the motion, which carried unanimously.

5. COURTESY PUBLIC HEARING

6. RESOLUTIONS

7. REPORTS OF CITY COUNCIL, BOARDS, AND COMMISSIONS

8. DEPARTMENT REPORTS

9. COMMITTEE REPORTS

(a) Community Council Business and New Initiatives

Councilmember Hughes stated that he had a new grandson born yesterday afternoon. 8 lbs 13 oz and ready to play football.

Councilmember Hummer attended the planning commission meeting last month at Bellevue College. Developers were present and spoke to potential areas of student housing.

Councilmember Gooding congratulated the city for responding to the boarding house issue so quickly. He also attended Snowflake Lane which was very nice this year.

Councilmember Hummer visited Robinswood Park and loved the new additions, however she noted that there are no restrooms near the Robinswood house area of the park.

Councilmember Capron visited City Hall in December. He toured the cubicles and met with people.

Chair Capron introduced Mayor Balducci. She spoke to the Council and thanked everyone for their service.

10. **UNFINISHED BUSINESS**

(a) Single Family Rental Housing Ordinance

Robert Goft spoke and read into the record his testimony at City Council.

Steve Kasner spoke and was thrilled that Mayor Balducci was present. He went to Council in December and asked that a Councilmember be assigned as a liaison to the EBCC to have a fair exchange of ideas on this issue and other issues. Mr. Kasner does not want to lose the momentum that has built.

Chair Capron questioned if there is a mechanism to start a Citizens Advisory Committee for the Community Council?

Mayor Balducci responded that there is no mechanism for the Community Council to start a CAC, but the City Council could.

Barbara Benson commented that she have the unenviable position to be able to see 4 boarding houses from her home in the Spiritwood neighborhood. She stated that she is grateful for the emergency ordinance, but noted that it is frustrating now because it is tough to decipher whether there are 4 or 6 people living in the homes. All the residents can do is call and report violations, but people move from house to house and it is hard to tell where they are actually living.

Councilmember Hughes commented that it all comes down to enforcement. There seems to be no special way to enforce these issues.

In response, Ms. Benson stated that the only way to enforce these issues is on a report basis.

Councilmember Hughes asked if there will be anyone specifically assigned to enforce these issues or if it will just remain on the complaint based system that we have now. Will there be a city staff person assigned to go into the neighborhoods and check these issues? He feels that when you read this it reads as a Spiritwood issue and it is not. This will happen all over the city. If there is no enforcement then it will happen everywhere. He questioned if there is any way during the planning process to put in an enforcement process where specific people in the city can be assigned to this issue?

Chair Capron responded regarding the need for something that is easy for the neighbors to see and report because the enforcement will be on a complaint basis. He noted there will not be inspectors wandering around counting heads in windows. He feels that the next step for Spiritwood is to get involved with getting feedback to the city as to what you want in the ordinance. He stated that one of the easiest things to enforce is off street parking. It is easy to see and easy for the neighbors to monitor. If there is a requirement to provide one off street parking space per licensed driver then that may help with the reporting and enforcement issue.

Don Boettiger spoke and mentioned his experience with code compliance when a vehicle was parked on the grass in a yard and a report was made. He noted that code compliance works during the day and comes out during normal business hours. The vehicle was gone during the day and was never seen by the code compliance inspector.

Mr. Goft noted that it is ok to have a complaint driven system, but unless you have 24 hour code compliance, it won't always work. The Council should focus on bringing in code compliance to discuss the issues with the community and educate them on what can or cannot be enforced. If there is no strong enforcement, then you are just throwing your hands up.

Chair Capron asked the Deputy City Clerk if it is possible to schedule a code compliance officer to attend the next EBCC meeting to discuss enforcement of these issues.

Steve Fricke spoke about his public disclosure requests and the documents produced. He brought up the fact that the code speaks to whether a home is owner occupied or not. Enforcement is by knowledge and therefore a registration process is necessary. These are not single family houses, these are businesses. He feels the owners of these homes should be required to register as a business. Other cities have done this. He feels that everyone is against a registration process, but no alternative has been given by the city. If a Citizens Advisory Committee is set up, Mr. Fricke noted that the residents who are directly affected should be included on the committee.

Chair Capron reiterated that the EBCC cannot set up a CAC. The CAC must be formed by City Council.

Stephanie Walter commented that the residents worked with city staff to come up with the city ordinance but now city staff are saying that it is not enforceable. She would like to see a Citizens Advisory Committee and would like to be on the committee. It makes no sense to her when she calls code compliance and they ask her "what are they doing wrong?" However, Ms. Walter stressed that whether you get a satisfactory response from code compliance or not, you still need to make the call or send an email and make a complaint. Code compliance is logging everything. The more different people that call and say it in their own words, the better.

Mayor Balducci questioned Ms. Walter about the grace period that was adopted in the emergency ordinance. She asked if this is the problem people are running up against.

In response, Ms. Walter explained that sometimes people move out and there are then only 4 people in the home, but they then replace those people with different people. The residents have been well coached to say that only 6 people live in the house.

Mr. Goft commented about his experience in New York. The homes in these situations are business opportunities for the owners of the houses. Mr. Goft feels that someone from Bellevue College needs to be at these meetings. They need to take a responsible attitude toward this issue. Bellevue College is attracting more students now.

Mr. Kasner spoke and reminded everyone that Bellevue College is a state institution and that the City of Bellevue can do nothing to require them to enforce housing. They also do not have a

mandatory requirement to provide housing for their students. If a larger committee is formed where the college and landlords and business owners come together, all of the parties have to participate. He commented that this situation will happen in other areas. Mr. Kasner feels the sooner we get people together to brainstorm possible solutions, the better.

Mr. Goft mentioned that ARCH would be a perfect partner in this situation.

Mayor Balducci requested the Council to summarize what they are hearing and send a message to the City Council. She feels that what the Council really wants is to find a way to get to a more effective ordinance that is enforceable. If a complicated ordinance is written that is too hard to enforce, it won't be enforced. This all starts with the ordinance being something that is enforceable. She stated that she is open to bringing more voices to the table to come to the appropriate solution, however cautioned that the more time that is added to the process the longer the residents have to live with it.

Councilmember Hughes spoke to boarding room houses and bed and breakfasts which have to apply for a home occupation permit. The owner has to supply off street parking for such rooms at the rate of at least one parking stall per room. He questioned why something as simple as that cannot be taken and applied to this situation.

Mayor Balducci spoke to the many complexities. She agreed that what is currently written is not adequate. The emergency ordinance may also not be the answer, but an answer needs to be found. She noted that the answer may be to look to a successful model and copy it. She encouraged the Council to include any and all questions in a communication to the City Council.

Mr. Goft feels that another important issue is taxation. He questioned if the people who own these houses are just paying their real estate tax or if they are paying tax as a business. If they are neglecting to pay a rental tax as a business then Mr. Goft stated they are breaking the law. He questioned if anyone has looked into that.

Mr. Fricke spoke to the simplistic approach that Redmond took with regard to this issue by stating that you can only rent 2 rooms in one house. There is no designation about relatives, etc. Mr. Fricke feels that this is the easiest of codes that he has seen.

Chair Capron reiterated that while the EBCC is concerned with this issue, the Council cannot do much about it until it comes back for final approval.

Nan Fricke commented about the Citizens Advisory Committee. She spoke of the pros and cons of developing a CAC. She feels that it does slow down the process from what she has seen. It needs to be decided first if that is the best suggestion. If so, she feels it would be great if EBCC could make that suggestion to the City Council on behalf of the community.

Don Boettiger noted that a bedroom has a minimum square footage and has to have a window and a closet. He questioned if these houses are in compliance.

(b) Consideration/development of a Community Council Ethics Code

Chair Capron thinks that the Appearance of Fairness Doctrine might be enough for what the Council is looking for. He would like to move discussion of the doctrine to next month's meeting, giving the Council time to review the document.

Chair Capron moved to add the ethics code discussion to next month's meeting. Councilmember Hummer seconded.

Councilmember Hughes asked why the EBCC cannot say the Bellevue ethics code applies to them as well.

Chair Capron stated that the ethics code goes too far. The Appearance of Fairness Doctrine is enough.

Steve Kasner stated that what is missing is a mention of ethics in the EBCC rules and procedures.

The motion to add the ethics discussion next month carried unanimously.

11. NEW BUSINESS

Councilmember Hughes mentioned his contact with other Councilmembers over the past month.

Councilmember Hummer spoke to wanting to have regular communication with people about when the meetings are occurring and what the agendas are. She would like to see an email list set up where people can be sent the agendas and meeting notices for EBCC.

Councilmember Hughes stated that he sent in a short blurb to the *Bellevue Reporter* announcing this meeting and what the topics would be. He feels that the Council should send letters to the *Bellevue Reporter* after each meeting letting people know what was discussed or decided at the meeting.

Mr. Goft pointed out that *It's Your City* has an article in it each time written by an EBCC member.

Chair Capron stated that he would write a letter to the editor of the *Bellevue Reporter*.

Steve Fricke noted that even if there are not many people present at the EBCC meetings, a valuable service is still being made to the community by the Councilmembers.

Councilmember Hummer questioned how the city came up with the plan to change, for example, 140th and how the Citizens Advisory Committee was formed.

Councilmember Hughes spoke about the EBCC agenda for the future. He would like to see a briefing on the Shoreline Master Program by Marty Nizlek.

Myrna Basich, City Clerk, informed the Council that Marty Nizlek is not a city employee. She noted that a city staff person can come and give a briefing if the Council would like.

Councilmember Hummer noted that EBCC welcomes feedback and ideas from all citizens.

Mr. Goft suggested that EBCC have representatives show up at other monthly meetings to spread the word about its existence.

Sonja Rossman noted that her neighborhood does not have a neighborhood association but it does have a LinkedIn account.

Don Boettiger stated that Imperial East has a neighborhood network that could be tagged.

12. CONTINUED COMMUNICATIONS

Mr. Boettiger mentioned that he would like to hear an update on what is going on with the Maple Leaf restaurant. It appears the work was shut down due to lack of permits.

13. EXECUTIVE SESSION

14. APPROVAL OF MINUTES

Councilmember Hughes noted in the minutes that the EBCC did not provide the gift to Shelly Murphy. The gift was purchased with personal funds from each member. He asked that the distinction be made in the minutes.

Chair Capron moved to approve the minutes of the December 3, 2013 Regular Meeting as amended. Councilmember Gooding seconded the motion, which was carried unanimously.

15. ADJOURNMENT

Chair Capron adjourned the meeting at 8:37 p.m.

Charmaine Arredondo
Deputy City Clerk