City of Bellevue

MEMORANDUM

Date: September 30, 2014

To: Chair Capron and East Bellevue Community Councilmembers

From: Charmaine Arredondo, Deputy City Clerk

Subject: Police Department Presentation on Photo Enforcement Program

As previously requested, Captain John McCracken will be in attendance at the October 7 meeting of the EBCC. He will give a short presentation on the photo enforcement program, as well as answer any questions you may have about the program.

I have attached all of the materials that City Council reviewed prior to making the decision to renew the contract with American Traffic Solutions for photo enforcement. In addition, I have attached the minutes from both the study session in March of this year, as well as the minutes from the regular session meeting in July when the contract was authorized for renewal.

The materials should answer most of your questions, however Captain McCracken can cover any concerns that have not been addressed.

ATTACHMENT A

REVISED VERSION

Item No. SS 2(b)(2)
March 17, 2014

CITY COUNCIL STUDY SESSION ITEM

SUBJECT
Update on Bellevue's Photo Enforcement Program.

STAFF CONTACT
Linda Pillo, Chief of Police, 452-4334
John McCracken, Police Traffic Captain, 452-7658
Carl Krikorian, Fiscal Manager, 452-6961
Police Department

POLICY ISSUES
Council policy
Bellevue City Council authorized participation in the photo enforcement program in 2009. The contract between the City and American Traffic Solutions (ATS) expires April 30, 2014. Staff is providing this update on the program as background for Council, and will be seeking direction on whether to continue the program as currently configured, authorize expansion of the program, or discontinue the program, as of May 1, 2014, when the contract expires.

DIRECTION NEEDED FROM COUNCIL
___Action
_X_Discussion
_X_Information

Staff seeks feedback this evening or at a future Council meeting on how to proceed.

BACKGROUND/ANALYSIS

In the interests of maintaining a safe traffic and pedestrian environment, Bellevue City Council authorized the initiation of photo enforcement in September 2009 with two school-zone cameras and red-light cameras at three carefully selected intersections in the City. The cameras have been in operation since then, with the exception of the months of July and August when school is out and the two school-zone cameras are disabled.

As noted above, the goal of using photo enforcement technology is to positively impact driver behavior at intersections and locations where there was a high incidence of speeding and running red lights, and the intersections/school-zones were selected on that basis.

Infraction History
Each infraction is assessed a $124 fine. Photo-enforced traffic infractions have shown a steady decrease overall since 2010, the first full year of operation, from 22,798 in 2010 to 11,956 in 2013, a 48% decrease. This reduction was anticipated as the intent of installing the cameras was to cause a change in driver behavior. The chart below provides a breakout by year of the infractions at each of the camera

locations. Three of the five locations experienced a significant decrease in infractions, while two locations experienced an increase in infractions as described below:

- The largest increase, 19%, occurred on Southbound 148th at Main Street. This location showed a decrease in 2010 and clear increases after that, the most significant in 2013. The increase may be attributed to the increased traffic resulting from the redevelopment of the Kelsey Creek Shopping Center at that location and greater volume of left turning vehicles heading east on Main Street.

- A 9% increase in infractions occurred at the school-zone camera at Lake Hills Elementary School. This location had the least number of infractions overall. Despite showing a 2% decrease between 2012 and 2013, it experienced an overall increase of 9%. Some of the increase may be attributed to increased traffic on SE 8th (where this camera is located) due to the reconstruction and detour for the West Lake Sammamish Parkway project.

Camera Location	2010 Infractions	2011 Infractions	2012 Infractions	Infractions Issued – FY 2013	Annual Percent Increase (Decrease)
Stevenson Elementary Speed- Zone Camera	**6,870**	**5,338**	**5,123**	**4,608**	**(33%)**
Lake Hills Elementary Speed- Zone Camera	**1,360**	**1,341**	**1,509**	**1,484**	**9%**
Northbound 148th at Bel-Red Road (Red-Light Camera)	**4,274**	**3,708**	**2,777**	**2,072**	**(52%)**
Southbound 148th at Bel-Red Road (Red-Light Camera)	**8,442**	**5,502**	**3,929**	**1,592**	**(81%)**
Southbound 148th at Main Street (Red-Light Camera)	**1,852**	**1,567**	**1,700**	**2,200**	**19%**
Total Infractions	**22,798 (Average)**	**17,456**	**15,038**	**11,956**	**(48%)**

Traffic Safety in Bellevue since Program Inception

The data indicate that collisions at *photo-enforced* locations have decreased. Many factors, both controllable and uncontrollable, affect collision statistics. Photo enforcement cannot ***prevent*** collisions, but the tool can promote and encourage a culture of safer driving throughout the city, with the ultimate goal of reducing collisions and promoting safer driving habits by changing behavior. Collision data over time is included below and shows a decrease in collisions at these intersections since the cameras were installed in 2010.

Measures	2008*	2009*	2010	2011	2012	2013
Total Collisions Citywide	**1,891**	**1,932**	**1,778**	**1,820**	**1,704**	**1,779**
Collisions at Photo-Enforced Locations	**29**	**38**	**27**	**22**	**21**	**20**

*These collision amounts are prior to start of photo enforcement.

Fiscal Impacts of the Program

In addition to the goal of maintaining a safe traffic/pedestrian environment, Council directed that the program be "cost-neutral". The City pays $20,750 monthly ($249,000 annually) to ATS for the five cameras and the services it provides. These services include camera maintenance, infraction monitoring and billing. Since the program began in 2009, the City has paid ATS $963,239 in fees for these services.

Photo Enforcement Revenues and Costs				
	2010	2011	2012	2013*
Gross Photo Enforcement Revenue(100% of revenue collected by King County, Bellevue receives 35% monthly)	$ 1,340,535	$ 1,998,999	$ 1,589,724	$ 1,214,332
ATS Contract Costs	$ (218,945)	$ (239,500)	$ (249,000)	$ (249,000)
Court direct Photo Enforcement Costs* **	$ (83,782)	$ (75,947)	$ (89,816)	$ (57,510)**
Net Photo Enforcement Costs/ Revenue	**$ 1,037,808**	**$ 1,683,552**	**$ 1,250,908**	**$ 907,822**

*2013 cost data is subject to preliminary reconciliation.

**2013 Court Photo Enforcement Costs are a verbal estimate from King County.

***2010, 2011 and 2012 Court Photo Enforcement Cost information from King County Reconciliation.

The program covers direct contract costs. All infraction payments by vehicle owners are remitted directly to King County District Court (KCDC). Per the City's contract with King County, the Court retains a portion of the fees received that originate from Bellevue cases to cover related Court costs and remits the remaining portion to the City on a monthly basis. In 2013, King County District Court collected $1.2 million in revenue. For 2013, under the District Court Contract, the City receives 35% of the collections monthly. The remaining 65% stays with King County District Court until final District Court Reconciliation for the entire Court contract.

As infractions have decreased, so has revenue. Revenue is used to pay the costs of operating District Court, and there is an annual reconciliation of revenues and expenses. If the court expenses exceed the revenue received from fees and fines for all actions and cases that go before the court, the City is responsible for covering any gap. Conversely, if revenues exceed expenses, the balance goes to the City's General Fund. Over the last several years, revenue has exceeded expenses.

ALTERNATIVES:
Staff is seeking direction from Council on what course to take in anticipation of the agreement with ATS ending on April 30, 2014. Alternatives for Council consideration include:

1. Expanding the program to additional locations.

2. Continuing the program as currently configured.

3. Discontinuing the program entirely.

Alternative #1: Expand the Program to Additional Locations
The original agreement with ATS approved by Council included the four locations that are currently photo enforced (with the five cameras), and three potential additional locations planned for camera installation with four cameras. The additional locations include:

- one red-light camera at the intersection of westbound NE 8th and 116th Avenue NE,
- one red-light camera at each of the westbound and eastbound directions of NE 8th and 112th Avenue NE, and
- a southbound speed zone camera at Sunset Elementary School on West Lake Sammamish Boulevard.

Council may decide to expand the program to these additional locations, while retaining the existing five camera locations. The cost for the additional three photo enforcement cameras and one school-zone camera would be $16,000 per month, or an additional $192,000 annually.

The Police Department has been tracking collisions at the unmonitored 112th and 116th intersections at NE 8th since 2011. Collision data is summarized in the table below:

Year	112th @ NE 8th	116th @ NE 8th	Total
2011	**19**	**18**	**37**
2012	**24**	**25**	**49**
2013	**28**	**16**	**44**
YTD 2014	**3**	**4**	**7**

The Department believes that installation of photo enforcement cameras at these intersections would encourage better driving behavior and continue to reduce the number of collisions, similar to what has been observed at the current enforced locations.

Historical collision data at SB West Lake Sammamish Parkway and Sunset Elementary has not been tracked. However, ATS tracked vehicle speeding on Thursday, February 13, 2014 at that location. It found that, between the school zone hours of 8:45-9:25 a.m., 11:35-12:35, and 3:30-4:10 p.m., 824 vehicles travelled southbound on West Lake Sammamish Parkway past Sunset Elementary, and 22 percent of them, or 182 vehicles, exceeded the posted speed limit of 20 mph by 6 mph or more. This was a one-day study only, but the data indicate the possible need for photo enforcement at this location.

The Police Traffic unit, which is responsible for evaluating each potential infraction for approval or rejection, would be impacted by the additional workload in evaluating the infractions from the new cameras. The table below shows time spent by traffic officers in reviewing potential infractions. It also shows the estimated impacts if four additional cameras were added for the next two years only:

Year	Total # of Potential Infractions Evaluated	Total Hours Spent Evaluating Infractions	Average Minutes/Seconds per Evaluation
2012	16,532	536.5	1 minute 57 seconds
2013	12,792	375.1	1 minute 40 seconds
Estimated 2014	19,838	579.0	1 minute 40 seconds
Estimated 2015	29,758	868.0	1 minute 40 seconds

Alternative #2: Continue the Program as Currently Configured
Continuation is anticipated to build on the overall success of the program in terms of reducing infractions and collisions at photo-enforced locations. The program will continue to be, at a minimum, cost neutral, but net revenues after ATS contract costs and court fees are factored in will also be reduced as infractions decrease.

Alternative #3: Discontinue the Program
The City would no longer contract with ATS and discontinue payments of $249,000 annually for equipment. Revenue from photo enforcement cameras would be eliminated and would result in fewer dollars available to the City to support District Court operating costs. As with discontinuation of any fine or fee, that source of revenue would also be lost to the General Fund, which supports Police services.

Most significantly, if the program is discontinued, the positive changes made in driving behavior could be lost, which would negatively impact Council's goal of maintaining a safe pedestrian and traffic environment. One 2012 behavioral study conducted by the Department of Psychology at Old Dominion University concluded that intersections in Virginia Beach that formerly had red-light cameras

experienced "an [infraction] rate that nearly tripled immediately after the law expired, and more than quadrupled one year later. To be more succinct, all risk reductions earned with automated enforcement had been lost within one year." While one study is not sufficient to infer the resulting outcome in Bellevue, one could imagine a similar occurrence here.

RECOMMENDATION

The Police Department recommends continuing the photo enforcement program in Bellevue for an additional five years, and expanding the photo enforcement program to the additional locations--specifically, adding red-light cameras at the NE 8th and 112th Avenue NE locations, at NE 8th and 116th Avenue NE location, and a speed zone camera at Sunset Elementary on West Lake Sammamish Boulevard.

ATTACHMENT(S)
None

AVAILABLE IN COUNCIL OFFICE FOR REVIEW
Contract between ATS and City of Bellevue

ATTACHMENT B

July 21, 2014

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Resolution No. 8782 authorizing execution of a new five-year agreement with American Traffic Solutions, Inc. (ATS), for the use of automated cameras for issuance of notices of red-light infractions at selected arterial intersections and speeding infractions at selected elementary schools within the city limits, which includes the addition of three new red-light cameras and one new school speed zone camera.

FISCAL IMPACT

The terms of the new five year contract are identical to the original contract: the cost for each red-light camera is $3,750 per month, and the cost for each school speed zone camera is $4,750 per month. Under the current contract deploying five cameras, the total cost to the City is $249,000 annually. With the addition of the four new cameras, the total cost to the City would be $441,000 annually. Also as before, the agreement with ATS guarantees cost neutrality. The total proposed annual cost is included in the proposed 2015-2016 General Fund budget. Since the program began in 2009, the City has paid ATS $956,445 in fees for these services.

All infraction payments by vehicle owners are remitted directly to King County District Court (KCDC). Per the City's contract with King County, the Court retains a portion of the fees received that originate from Bellevue cases to cover related Court costs and remits the remaining portion to the City on a monthly basis.

As infractions have decreased, so has revenue. Revenue is used to pay the costs of operating District Court, and there is an annual reconciliation of revenues and expenses. If the court expenses exceed the revenue received from fees and fines for all actions and cases that go before the court, the City is responsible for covering any gap. Conversely, if revenues exceed expenses, the balance goes to the City's General Fund. Over the last several years, revenue has exceeded expenses. The four new cameras are estimated to generate $690,000 in 2015 which will be included in the future reconciliation.

Photo Enforcement Revenues and Costs

	2010	2011	2012	2013
Gross Photo Enforcement Revenue (sent to King County) Total	$ 1,484,642	$ 2,145,818	$ 1,600,554	$ 1,229,871
ATS Contract Costs	$ (218,945)	$ (239,500)	$ (249,000)	$ (249,000)
Court Photo Enforcement Costs[1]	$ (83,782)	$ (75,948)	$ (89,816)	$ (58,248)
Net Photo Enforcement Costs/ Revenue	**$ 1,181,915**	**$ 1,830,370**	**$ 1,261,738**	**$ 922,623**

[1] 2010-2013 information from King County Reconciliation.

STAFF CONTACT

Jim Montgomery, Interim Chief of Police, 452-4334
Captain John McCracken, Captain, 452-7658
Carl Krikorian, Fiscal Manager, 452-6961
Police Department

POLICY CONSIDERATION

Should the City execute a new five-year service agreement with ATS effective August 1, 2014, to continue the City's current photo enforcement program and add new cameras at:

- Sunset Elementary School on southbound West Lake Sammamish Parkway (speed zone camera)
- Westbound NE 8th and 116th Avenue NE (red-light camera)
- Westbound NE 8th and 112th Avenue NE (red-light camera)
- Eastbound NE 8th and 112th Avenue NE (red-light camera)?

BACKGROUND

On March 7, 2014, by a vote of 5 to 2 (Councilmembers Wallace and Robertson dissenting), Council directed the City to institute a month-to-month contract and to negotiate a new five-year agreement with ATS, the City's photo enforcement provider, and authorized expansion of the program to three new locations with four new cameras. Upon approval, this would result in a total of six red-light cameras at four locations, and three school speed zone cameras at three locations. With Council approval of the new agreement, the cameras would be located at:

Location	Camera Type	Status
WB NE 8th @ 143rd Ave (Stevenson Elementary)	**Speed Zone Enforcement**	**Existing**
WB SE 8th @ 143rd Place SE (Lake Hills Elementary)	**Speed Zone Enforcement**	**Existing**
NB 148th Avenue NE @ Bel-Red Road	**Red-Light Enforcement**	**Existing**
SB 148th Avenue NE @ Bel-Red Road	**Red-Light Enforcement**	**Existing**
SB 148th Avenue NE @ Main Street	**Red-Light Enforcement**	**Existing**
SB West Lake Sammamish Parkway (Sunset Elementary)	**Speed Zone Enforcement**	**New**
WB NE 8th @ 116th Avenue NE	**Red-Light Enforcement**	**New**
WB NE 8th @ 112th Avenue NE	**Red-Light Enforcement**	**New**
EB NE 8th @ 112th Avenue NE	**Red-Light Enforcement**	**New**

The original five-year contract expired on April 12, 2014, and the City and ATS have been continuing the program under a month-to-month extension that expires on October 12, 2014.

Per Council direction, following are responses to questions Council raised at the March 7 Study Session:

What are the exact speeds in the loops that trigger the capture of the vehicle at red-light camera locations?

The speeds are 10mph for through lanes, and 12mph for the right turn lane.

What is the yellow light timing at these same intersections?

All yellow lights in the City, including photo-enforced intersections, are currently set at a minimum of four seconds, the same as prior to photo enforcement implementation.

Can we do warning letters for first two to six months?

There is no statutory requirement in Washington for waiting periods for photo enforcement. Typically, jurisdictions opt for a one month period as a courtesy to drivers, and this is supported by ATS. ATS has agreed to offer a one- or a two-month warning period for Bellevue,at Bellevue's discretion, and this language is included in the contract.

Can we have a first-time offender waiver?

Because the program issues notices to the registered owner via the license plate, and because vehicles can change ownership potentially multiple times, either ATS or the City would have to establish a separate process for tracking first-time offenses to the current registered owner, and this would involve extra cost and time to ensure first-time offenders were not issued an infraction. ATS has not agreed to this proposal, and the cost to the City to implement the tracking of first-time offenders would be prohibitive.

What are the rejection rates for officers on reviewing violations, especially the 3 AM slow right turns?

The rejection percentage for right- turn violations is approximately 3%. The average rejection rate for red light violations is approximately 3.4%.

How many violations are right turns?

See the following table for the quantities and proportions of right turn violations in 2013:

Location	Total Number of Violations in 2013	Total Number of Right-Turn Violations in 2013	Percent of Right-Turn Violations to Total in 2013
Northbound 148th to Eastbound Bel-Red Road	2,072	1,784	86%
Southbound 148th @ to Westbound Bel-Red Road	1,592	1,241	78%
Southbound 148th to Westbound Main Street	2,200	916	42%
Total	5,864	3,941	67%

What can the photo enforcement videos be used for?

Photo enforcement videos can only be used to review violations related to photo enforcement, per RCW 46.63.160 (6)(c).

What is the retention of the video?

Videos that have been rejected as an infraction are deleted within thirty days, but the date, time, location, and rejection reason are retained for data tracking. For approved violations, the video is retained for a minimum of one year and then archived. It can still be accessed for court purposes.

What happened with the Redmond project?

The Redmond City Council voted to end the program after its evaluation period.

EFFECTIVE DATE

If approved, this Resolution becomes effective immediately.

OPTIONS

1) Adopt Resolution No. 8782 authorizing execution of a new five year agreement with American Traffic Solutions, Inc. for the use of automated cameras for issuance of notices of red-light infractions at selected arterial intersections and speeding infractions at selected elementary schools within the City limits, which includes the addition of three new red-light cameras and one new school speed zone camera.
2) Do not adopt the Resolution and provide alternative direction to staff.

RECOMMENDATION

Adopt Resolution No. 8782 authorizing execution of a new five-year agreement with American Traffic Solutions, Inc. for the use of automated cameras for issuance of notices of red-light infractions at selected arterial intersections and speeding infractions at selected elementary schools within the city limits, which includes the addition of three new red-light cameras and one new school speed zone camera.

MOTION

Move to adopt Resolution No. 8782 authorizing execution of a new five-year agreement with American Traffic Solutions, Inc. for the use of automated cameras for issuance of notices of red-light infractions at selected arterial intersections and speeding infractions at selected elementary schools within the city limits, which includes the addition of three new red-light cameras and one new school speed zone camera.

ATTACHMENTS

A: Minutes of March 17, 2014 Study and Regular Session
B. Proposed Resolution No. 8782

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

Proposed Photo Enforcement Service Agreement
Short-term Extension Agreement

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

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.

3049-RES
7/17/2014

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 8782

A RESOLUTION authorizing execution of a new five year agreement with American Traffic Solutions, Inc. (ATS), for the use of automated cameras for issuance of notices of red-light infractions at selected arterial intersections and speeding infractions at selected elementary schools within the city limits, which includes the addition of three new red-light cameras and one new school speed zone camera.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Manager or his designee is hereby authorized to execute a n new five year agreement with American Traffic Solutions, Inc. (ATS), for the use of automated cameras for issuance of notices of red-light infractions at selected arterial intersections and speeding infractions at selected elementary schools within the city limits, which includes the addition of three new red-light cameras and one new school speed zone camera, a copy of which agreement has been given Clerk's Receiving No. _____.

Passed by the City Council this _____ day of _____, 2014, and signed in authentication of its passage this _____ day of _____, 2014.

(SEAL)

_____
Claudia Balducci, Mayor

Attest:

_____
Myrna L. Basich, City Clerk

ATTACHMENT C

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

July 21, 2014
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: Deputy Mayor Wallace

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 except Deputy Mayor Wallace were present. Councilmember Stokes led the flag salute.

3. Communications: Written and Oral

(a) Todd Andersen questioned whether Bellevue needs the Energize Eastside project. He read a quote from David Crane, CEO of NRG Energy, stating "the sale of electrical power has entered a long period of slow, inescapable decline." Mr. Andersen said Mr. Crane has declared that the traditional 1930 grid system is antiquated and will not continue to work for the long term. Mr. Andersen said the Eastside should plan for a 21st century electrical system. Mr. Andersen submitted his comments in writing.

(b) Ruth Marsh, CENSE (Coalition of Eastside Neighborhoods for Sensible Energy), said they have been trying to understand the basis of Puget Sound Energy's customer demand forecast, which is the justification for the Energize Eastside project. PSE's projected rate of increase in demand (2% annually for the next 8 years) is higher than the Puget Sound Regional Council's (PSRC) latest projections of employment trends, which anticipate 1% annual growth. The latter also matches the forecast of 1% growth for electricity demand in the City's final Electrical Reliability Study Phase 2 Report. Since 2008, electrical energy sales have gone down 5% while the Eastside population increased 16%. Since 2010, a 14% increase in retail sales tax receipts was accompanied by a rise in electricity consumption of less than 1%. Ms. Marsh said CENSE has requested data from PSE that

would allow the group to refine the picture, but PSE has not responded. Ms. Marsh said the data that really matters is the peak load on individual transformers that PSE says are in danger of overloading. When CENSE asked for those numbers, she said PSE flatly refused. Ms. Marsh said there is a need for an independent expert who would have access to all of the data. CENSE is concerned that placing the expert within the bounds of the Environmental Impact Statement (EIS) review might restrict the expert's flexibility to pursue a conclusion most beneficial to the City and its residents.

(c) Warren Halversen said he has lived in Bridle Trails for 40 years. He is an alternate on the Puget Sound Energy CAG (Community Advisory Group) and a representative of CENSE. He questioned whether expanded electrical capacity is needed. He suggested that the Council ask PSE about the purpose and need for 230kV lines. He encouraged engaging a third party technical consultant for an accurate and thorough assessment. Mr. Halversen thanked the Council for its concerns and questions. He said CENSE would be meeting with City staff the next day to discuss issues, questions, the hiring of an independent consultant, and the scope of work. He noted that Carol Helland has agreed to meet with CENSE regarding the Energize Eastside project Environmental Impact Statement (EIS) process and review. Mr. Halversen said citizens greatly appreciate the involvement and assistance of the Council and staff.

(d) Kristina Wisth, a merchant in Old Bellevue, said there has been some progress in securing a few new parking stalls for the area. However, there remains a parking crisis that needs to be addressed. She said viable businesses fail or struggle due to the lack of parking. She said Old Bellevue is largely ignored when it comes to allocating funds for public works projects. Ms. Wisth urged the Council to construct a municipal parking facility on the SE corner of Downtown Park to provide free parking for visitors to the park and Old Bellevue. She submitted her comments in writing.

Responding to Mayor Balducci, City Manager Miyake confirmed that parking is a topic under the Downtown Livability Study and the issue will come back to the Council in October.

(e) Norm Hansen said the Comprehensive Plan Update is due to be completed by June 2015. An area of interest for the Bridle Trails neighborhood is what City utilities are going to look like in 2035. He observed that some streets are cluttered with wires and poles. He questioned whether this will continue into the future. Mr. Hansen said residents will be working with staff and the Planning Commission to come up with language that gets Bellevue to be one City. He noted the need to upgrade old neighborhoods and to improve Bellevue's appearance as a high technology corridor. He described a neighbor who is producing 80 percent of his electrical energy by himself, which he believes will become more common in the future.

(f) Latha Sambamurti, a Washington Arts Commissioner and the Artistic Director for Flavors of India, thank Council for the opportunity to speak. She said the festival is devoted to the preservation of traditional Indian cuisines and arts. This is the third year of the Flavors of India festival which is scheduled for August 30-31 in Downtown Park. The City's Parks and Community Services Department is a partner in the event. Ms.

Sambamurti invited Council and the public to attend this free festival of food and entertainment.

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

5. Report of the City Manager

(a) Management Brief providing City Hall Visitor Parking Management Update

City Manager Brad Miyake noted the management brief in the meeting packet regarding City Hall visitor parking management.

Frank Pinney, Assistant Director of Civic Services, said when City Hall was first envisioned there was a strong interest in providing public meeting space and free parking. However, since that time, new offices and retail development have opened near City Hall, resulting in individuals using the visitor parking although they are not coming for business in City Hall.

Mr. Pinney said the City has contracted with PRIME Parking to provide a parking monitor in the visitor lot Monday through Friday. The parking gates have been removed and tickets are no longer issued because these tools are unnecessary in the new management structure. Parking remains free for individuals doing business or attending meetings at City Hall. On weekends, the lot will be posted as closed or event rates will be collected. Beginning in September, PRIME plans to install an automated pay station to collect parking fees on weekends.

Responding to Councilmember Robertson, Mr. Pinney said revenue is not being generated during the week. However, the City will be working with Meydenbauer Center to establish appropriate weekend rates.

Mayor Balducci thanked the City Manager for attention to this issue, which had reached the point of making it very difficult for visitors to City Hall to find a parking space. Responding to Ms. Balducci, Mr. Pinney said the revenue previously generated was minimal.

Ms. Balducci said she received a complaint from a citizen who received a citation. Ms. Balducci suggested simplifying the signage. Mr. Pinney agreed that it is confusing because both the City's signs and PRIME's signs are up at this point. However, all of the signs will be replaced to provide clear instructions to the public. Mr. Pinney said that citizens who visit City Hall for a meeting or to conduct business are directed to call a specific number to have the ticket cancelled. However, license plates are recorded and repeat offenders will be ticketed.

Ms. Balducci suggested warning individuals initially because the public had become accustomed to parking in the garage for some time without paying or being otherwise penalized.

6. Council Business and New Initiatives

Council Business was reported during the earlier Study Session.

7. Approval of the Agenda

→ Councilmember Chelminiak moved to approve the agenda, and Councilmember Robertson seconded the motion.

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

8. Consent Calendar

→ Councilmember Chelminiak moved to approve the Consent Calendar, and Councilmember Robinson seconded the motion.

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

(a) Council Meeting Minutes
Minutes of May 27, 2014 Extended Study Session
Minutes of June 2, 2014 Study Session
Minutes of June 2, 2014 Regular Session
Minutes of June 9, 2014 Extended Study Session
Minutes of June 16, 2014 Study Session
Minutes of June 16, 2014 Regular Session

(b) Resolution No. 8778 authorizing execution of a one-year contract with Prime Parking Systems, LLC, in an amount not to exceed $102,000, for parking management services at the visitor lot at Bellevue City Hall.

(c) Resolution No. 8779 authorizing execution of a five-year Wireless Communication Facilities Site Lease Agreement with NextNav, LLC, with an automatic five-year extension for the Woodridge Water Reservoir Site located at 12525 SE 19th Place.

(d) Resolution No. 8780 authorizing execution of a five-year Wireless Communication Facilities Site Lease Agreement with NextNav, LLC, with an automatic five-year extension for the Crossroads Water Reservoir Site located at 16049 NE 8th Street.

(e) Motion to award Bid No. 14056 to MBR LLC, as the lowest responsible and responsive bidder, for construction of the Bellevue Golf Course Driving Range.

(f) Motion to correct a scrivener's error regarding the SE 16th Street Sidewalk project approved on July 7, 2014, which should have read Bid No. 14083 instead of Bid No. 14007.

(g) Resolution No. 8781 authorizing execution of a professional services agreement with RH2 Engineering, Inc., in an amount not to exceed $218,000, for

engineering services for the Richards Road Inlet Improvements and Pressure Reducing Valve (PRV) Replacement (CIP Plan Nos. W-67 and W-69).

(h) Motion to award Bid No. 14031 for Trenchless Sanitary Sewer Repairs (2014) to Bravo Environmental NW, Inc., as lowest responsible and responsive bidder, in the amount of $242,437.65 (CIP Plan No. S-24).

(i) Motion to award Bid No. 14033 for Horizon View #3 Water Pump Station Rehabilitation, to Omega Contractors, Inc., as lowest responsible and responsive bidder, in the amount of $1,407,403.50 (CIP Plan No. W-91).

(j) Motion to award Bid No. 14041 for Alcove Creek Culvert Lining, to Sun Coast Environmental NW, Inc., as the lowest responsible and responsive bidder, in an amount not to exceed $75,912.50 (CIP Plan No. D-64).

(k) Motion to reject all bids for Bid No. 14044, Yarrow Creek West Tributary Culvert Removal Project, CIP Plan No. D-81, and call for bid at a later date.

9. Public Hearings

(a) Public Hearing on the requested street vacation of a portion of 167th Avenue SE between SE 34th Street and SE 35th Street.

City Manager Miyake introduced the Public Hearing on the requested street vacation of a portion of 167th Avenue SE between SE 34th Street and SE 35th Street. He said Council action is requested following tonight's hearing.

Nora Johnson, Director of the Civic Services Department, said the proposed ROW vacation is located in East Bellevue near West Lake Sammamish Parkway. The request is related to a short plat under review by the Development Services Department.

Patti Ebert, Sr. Real Property Agent, said the City received the petition from the property owner on January 17, 2014 and staff has reviewed it. A public notice was released following the June 16, 2014 Council meeting. The property is posted and flyers are available for the public. The street vacation is the portion of a cul de sac (approximately 1,844 square feet) that was created from a King County short plat in 1977. The estimated value of the proposed street vacation is $26,000.

Ms. Ebert recalled that the property was the subject of two previous King County short plats. The cul de sac was created with the first short plat, and the adjacent portion of SE 35th Street was created with the second short plat.

Ms. Ebert showed photos of the location. She said there are currently no easements or conditions to place on the street vacation. Pending items include requests to franchise utilities (e.g., Comcast, Puget Sound Energy) to check whether they need to reserve easements. Staff received public comment today from a property owner stating the opinion that the area should remain a

turnaround since there are two dead-end roads adjacent to the proposed short plat.

Ms. Ebert said that, under BCC 14.35.070, the Council shall determine whether a change of use or vacation will better serve the public good, whether the street or portion is no longer required for public use, whether the use as a public way is of such benefit as not to justify maintenance costs, whether a new or different thoroughfare would be more useful to the public, whether conditions may change in the future, and whether objections to the proposed vacation are made by abutting property owners. Staff is seeking Council direction about whether to proceed with drafting legislation either approving or denying the requested street vacation.

Responding to Councilmember Robinson, Ms. Ebert said the proposed street vacation does not remove any existing function of the road. Ms. Ebert said the road does not go through and the area proposed for vacation is not paved or used as a turnaround at this time.

Responding to Councilmember Lee, Ms. Johnson confirmed that the road narrows to where it serves only one property at the end.

Mayor Balducci noted her understanding that the street vacation was requested by an adjacent property owner.

→ Councilmember Robinson moved to open the Public Hearing, and Councilmember Robertson seconded the motion.

→ The motion carried by a vote of 6-0.

The following citizens came forward to comment:

1, Charles Price asked Council and staff to reconsider the impact of the two additional single-family housing developments planned for the end of SE 35th Street. It looks like this will add 16 to 17 houses and roughly 32 more cars traveling on SE 35th Street. He believes there is a need for a safe turnaround for public safety vehicles and the public in general. He said this is the only street safe for pedestrians because other streets do not have sidewalks.

2. Merle Ash said he represents the landowner requesting the vacation. He said the short plat started out with a different layout approximately one year ago. He noted the designated fish stream and said the City directed him to modify the route into the short plat to avoid impacts to the stream. He said there is a small piece of land at SE 34th Street that the landowner would gladly give to the City if it ever wanted to extend 167th Avenue. He said neighbors and environmental agencies have not wanted that access. Mr. Ash said he does not believe the road turnaround would ever be built and he questioned who would build it. He said it would be left as unused land.

→ Councilmember Robinson moved to close the public hearing, and Councilmember Robertson seconded the motion.

→ The motion carried by a vote of 6-0.

Councilmember Lee questioned whether the developer would be willing to give the City the property northwest of the development, and whether it would provide any benefit to the City. Ms. Johnson said that is not part of the vacation process. She did not know whether that had been discussed as part of the plat review process. Mr. Lee suggested that she follow up with Development Services staff to explore the issue.

Mayor Balducci said her perspective is that a street vacation is to be considered not on the basis on what people might do with it, but whether the City has need for it any longer. She views it as a balancing test of public use and the cost of maintaining the benefit, if any, versus whether there are objections to outweigh those considerations. She noted that the Transportation Department has indicated it does not want or need to extend 167th Avenue through to SE 34th Street. She questioned whether that is based on current traffic conditions or by taking the short plat into consideration.

Ms. Johnson said she believes Transportation staff would have looked at future transportation patterns and the number of entrances along the major road.

Ms. Balducci observed that the space was left for a cul de sac and not for a future road. However, the short plat does not reflect a cul de sac. Ms. Johnson confirmed that understanding.

Mayor Balducci said neighbors have raised safety issues. She observed that a street vacation does not necessarily address those issues. However, conditions on land use should address some of those things. She would like to know how the City plans to deal with those issues.

Ms. Ebert said the Development Services Department, City Attorney's Office, and Transportation Department are currently working with the applicant to place language on the face of the short plat to create a turnaround area for the public within the short plat on their private road system.

Ms. Johnson said the Transportation Department is working on this issue with the plat review. It is possible staff could decide that traffic could go in and around the cul de sac within the plat as the turnaround and come back out. They are negotiating that as part of the review process.

Responding to Mayor Balducci, staff indicated that the administrative process of reviewing the short plat will result in a decision that could be appealed to the Hearing Examiner. Neighbors will be notified of the process and their opportunity to provide input.

Responding to Councilmember Lee, Ms. Johnson reiterated that the issue of a turnaround will be addressed during the plat review.

Councilmember Robinson suggested improved signage at the dead end road.

Councilmember Stokes noted the criteria in City Code to be considered by the Council. He said he was not prepared to vote on the requested street vacation that night. He observed that

important questions and issues have been raised by both the developer and the neighbors.

City Clerk Myrna Basich said the Council is not being asked to make a final decision tonight but is instead being asked whether to direct staff to bring legislation back for Council action.

Councilmember Robertson said she sees three issues. The land use issues will be addressed through the short plat review. The transportation issues will be fully reviewed by staff as part of the short plat review as well. The third issue is whether this is an appropriate vacation. She senses that the majority of the Council believes the requested vacation does meet the requirements under City Code. However, some Councilmembers would like additional information.

Ms. Robertson suggested that Council direct staff to draft legislation approving the street vacation, which she believes makes sense because there does not appear to be any public use for the property. She would like the Council's questions to be answered before Council takes action, however.

→ Councilmember Robertson moved to direct staff to draft appropriate legislation approving the street vacation of the portion of 167th Avenue SE between SE 34th Street and SE 35th Street, as shown in the meeting materials. Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 6-0.

Ms. Johnson confirmed that the legislation will come back to the Council under Other Ordinances rather than the Consent Calendar given the Council's questions and requests for more information.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

(a) Resolution No. 8782 authorizing the execution of a new five-year agreement with American Traffic Solutions, Inc. (ATS), for the use of automated cameras for issuance of notices of red-light infractions at selected arterial intersections and speeding infractions at selected elementary schools within the city limits, which includes the addition of three new red-light cameras and one new school speed zone camera.

City Manager Miyake recalled that this topic was presented to the Council on March 7, 2014, in anticipation of the contract expiring on April 12. Council directed staff to continue the contract on a month-to-month basis and to negotiate a new five-year agreement. Staff is seeking approval of the new five-year contract.

Interim Police Chief Jim Montgomery said Resolution No. 8782 approves a five-year contract for the continued use of automated cameras, including the addition of three red-light cameras and

one school speed zone camera. He noted the program began in 2009.

Responding to Councilmember Robinson, Chief Montgomery said the citation is imposed on the vehicle and not on a specific driver. She questioned the ability to erase the first offense if directed by the Council.

Captain John McCracken said that would be possible. However, 90-95 percent of the tickets are to first-time offenders which would leave a small amount of revenue to be generated. He said the vendor would not be willing to oversee that process, and it would be up to the Police Department to do so. In further response, Captain McCracken said the photos capture the back of the vehicle.

Mayor Balducci recalled the Council's discussion in March about issuing warning letters for the first two to six months for the new camera locations. Captain McCracken said that, when the first five cameras were implemented, warning letters were issued for the first month. The City also released information to the media and posted signage to alert the community to the cameras.

Captain McCracken said American Traffic Solutions is not in favor of extending the warning period beyond one month. Under the proposed contract, ATS is willing to have a two-month warning period. However, the City would need to pay for the second month (approximately $16,000 per month) whether it was collecting revenue or not.

Mayor Balducci recalled a previous question from her about the process used to select this vendor. Captain McCracken said the original contract in 2009 provided the option for two five-year contract extensions. He said a change in the vendor would require a change in cameras, and ATS is the best vendor available.

Councilmember Lee observed that, if the majority of tickets are first-time offenders, new revenue will mostly be generated through new camera locations. Captain McCracken confirmed that understanding. He said the number of tickets generated at 148th Avenue and Bel-Red Road appears to have plateaued.

Councilmember Chelminiak said a number of questions that have been asked and answered. He suggested there should be some cameras on the west side of Bellevue. He said right turns can be particularly dangerous where there is heavy pedestrian activity. He is in favor of moving the program forward with a one-month warning for violations at the new camera locations. He believes the evidence shows that the cameras work in changing driving habits. He suggested considering splitting the revenue roughly 50-50 between the General Fund and pedestrian/school safety programs.

Councilmember Stokes concurred. He thanked staff for the presentations and for the information requested by the Council. He is in favor of moving the program forward.

Councilmember Robertson said she appreciates that so many questions have been answered. She noted that right-hand turns are a high percentage of the intersection violations and the tickets are declining. Looking at the revenue generated from the tickets, she understands why many cities use the cameras. It generates a significant amount of revenue. She personally does not like red

light cameras. She would prefer to pay for more Police officers to monitor the more dangerous intersections. She said traditional citations are a deterrent and are reflected on an individual's record.

Ms. Robertson said she will vote against extending the contract. However, she knows it will be approved by the majority of the Council. She thanked Councilmember Chelminiak for remembering her previous suggestion to use the revenue for safety projects. She would like all funds generated, after paying court costs, to be used for pedestrian and school safety projects. However, she suggested that perhaps a compromise can be reached between using 50 percent and 100 percent for that purpose.

Councilmember Robertson reiterated that she does not believe the cameras are the right program for Bellevue. She said the City of Redmond implemented cameras and later discontinued their use.

Councilmember Lee observed that red light and school speed zone cameras make sense. He acknowledged he has a philosophical question about the concept of enforcement cameras, and he would prefer enforcement by Police officers. However, Mr. Lee said he will support the resolution.

→ Councilmember Stokes moved to approve Resolution No. 8782, and Councilmember Robinson seconded the motion.

Mayor Balducci observed that the issue has been thoroughly discussed. The data since the implementation of the cameras reflects fewer collisions and traffic incidents as well as a heightened awareness and low incidence of repeat violations. She said the program uses a limited number of cameras that are targeted for specific higher risk locations. She will support the motion.

Ms. Balducci said she was surprised that two citizens who appeared repeatedly before the Council for nearly two years to oppose red light cameras did not attend the meeting for this topic.

Mayor Balducci thanked Chief Montgomery and Captain McCracken for their work on this issue.

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

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:40 p.m., Mayor Balducci declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw