East Bellevue Community Council
Summary Minutes of Regular Meeting

November 4, 2014
6:30 p.m.

Lake Hills Boys & Girls Club
Bellevue, Washington

PRESENT: Chair Capron, Councilmember Hummer, Councilmember Kasner, Councilmember Gooding*

ABSENT: Councilmember Hughes

STAFF: Catherine Drews

1. CALL TO ORDER

The meeting was called to order at 6:34 p.m. with Chair Capron presiding.

2. ROLL CALL

The Deputy City Clerk called the roll. Councilmembers Hughes and Gooding not present.

Chair Capron moved to excuse Councilmember Hughes from attendance. The motion was seconded by Councilmember Kasner and passed unanimously.

3. FLAG SALUTE

Chair Capron led the flag salute.

4. COMMUNICATIONS: WRITTEN AND ORAL

Don Boettiger, spoke and questioned what the role of the community council is.

In response, Chair Capron explained how the East Bellevue Community Council was created and informed Mr. Boettiger that the community council has approval and disapproval power over land use decisions in the East Bellevue area.

In addition, Councilmember Kasner noted that if no action is taken within 60 days on a City Council ordinance, the ordinance is automatically approved. He also explained that the community council can advise the City Council on any matter of interest.

5. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS

(a) Community Council Business and New Initiatives

Councilmember Kasner met with John Kapler. He noted that the Houghton Community Council meets with their Mayor and Deputy Mayor regularly to discuss issues throughout the City of Kirkland. Mayor Balducci is our liaison with the City Council. He noted that the City Council has come to a traffic jam due to the on-going budget process, so a couple of things have not come to EBCC for action yet.

Councilmember Hummer noted that she has participated in the Bellevue Essentials class for the past 8 weeks. There were 33 participants in the class. During the course, participants learned about the inner workings of the city. Dedicated, intelligent staff gave presentations from each of the departments. Councilmember Hummer also attended the Eastside Transportation Alliance meeting where Rob Dembrowski spoke.

*Councilmember Gooding appeared at 6:42 p.m.

Chair Capron noted that the fence has blown down around the vacant lot at Kelsey Creek Center. He has tried to get in touch with Brian Franklin about getting the fence put back up. The progress at Lake Hills Shopping Center is going well. Chair Capron noted the recent article in the Seattle Times about houses being torn down in the area and replaced with larger homes.

Councilmember Gooding noted that Kelsey Creek and Lake Hills Center are moving along nicely. He noted a transportation committee meeting regarding 154th and 152nd cut-through traffic on which he participated. It is a traffic calming project being proposed.

6. APPROVAL OF AGENDA

Councilmember Kasner moved to approve the agenda. The motion was seconded by Councilmember Gooding and passed unanimously.

7. DEPARTMENT REPORTS

(a) Residential Room Rentals – Status Report on Permanent Regulations

Chair Capron introduced the clarifying memo from Mike Bergstrom.

Councilmember Kasner noted that the key issue where there were questions has been clarified in the memo. Rooming houses are considered multi-family and are not allowed in single-family zoned areas.

Stephanie Walter, member of the Planning Commission, said she spoke with Mike Bergstrom and asked when the matter would go before City Council. He thought that the issue would not go to Council until after the first of the year.

Chair Capron questioned whether the required parking is off-street or not.

Councilmember Kasner clarified that the actual ordinance says off-street parking.

Don Boettiger said that Code Compliance was helpful, recently, with an issue in his neighborhood. A neighbor had rented 6 rooms in his house. The owner was contacted by Code Compliance and the renters have moved on and the owners have moved back in. The owners claimed that they were unaware they could not rent the rooms out.

Stephanie Walter said that she believes that issue would come under the boarding house rule.

Councilmember Kasner noted that this is a complaint based code compliance system. If you are not in compliance it does not become an issue until someone complains. If you are not disturbing your neighbors then no complaints will be made. However, if a complaint is made, then lack of knowledge of the law is not a defense.

Ken Seal questioned whether the person who leases or owns the property has to reside on the property while rooms are being rented.

Councilmember Kasner noted there are different rules whether it is owner occupied or non-owner occupied.

Ron Murk questioned whether there is a definition of single family.

Councilmember Kasner showed a map that defines where single family zoned areas are within the city. He explained that the land use map tells you what the zoning is, whereas the Comprehensive Plan tells you what it might be in 20 years.

(b) Memo re: Traffic Improvement Project, 152nd PL SE/154th Ave SE

Councilmember Gooding noted that the neighborhood is getting cut through traffic from Kelsey Creek Center. Different alternatives were discussed. The most popular option was to introduce speed humps in the neighborhood.

Councilmember Kasner spoke about traffic mitigation and then questioned when the next meeting is and what the next steps are.

Councilmember Gooding said that the city will be sending an email shortly with next steps and timing. He is not sure whether there will be another meeting prior to the end of the year.

Ken Seal noted a study that was done through the community club many years ago on speed.

Don Boettiger asked if there was any additional information about the crosswalk on Main Street and 150th.

Chair Capron asked the Deputy City Clerk to provide an update at the next meeting regarding the crosswalk.

8. PUBLIC HEARINGS

(a) Public Hearing to Consider Extending Interim Zoning Controls Adopted by Ordinance No. 6133 B-1 and Extended Through Ordinance No. 6180

Catherine Drews spoke and provided the staff report. Nothing has changed since last time, however the City Council schedule, due to budget deliberations, has been pushed off to November 10. In the interim we have had to extend the regulations. The city is seeking action tonight to extend the interim regulations.

Councilmember Kasner questioned if we still only have one store open.

Ms. Drews responded that there are actually two stores now. Novel Tree opened today at 1813 130th.

Councilmember Kasner noted that no one under 21 is allowed to enter the store and no smell can leave the premises and be detectable. He said the owners have said they will have a niche market of very expensive marijuana.

Ms. Drews said that Green Theory has set up a banking system so that they have cash drops several times during the day. They also have to have all usable products locked up at the end of the day.

Councilmember Hummer questioned if it is still illegal to smoke marijuana in public.

Ms. Drews responded that yes it is absolutely still illegal to smoke in public. The Police are working on enforcement protocol.

Councilmember Kasner questioned if there are any issues with the producer/processors.

In response, Ms. Drews noted that they have been very compliant. They want to fly under the radar.

Councilmember Kasner questioned if any tax revenue is going to Bellevue.

Ms. Drews noted that there is a 25% excise tax between each transaction from producer to processor to retail. All of the money collected goes to the State. The City is able to recoup any portion of the sales tax as we would with any other retail store.

9. RESOLUTIONS

(a) Resolution No. 543

Councilmember Kasner moved to approve Resolution 543, extending the interim regulations. Chair Capron seconded the motion and it passed unanimously.

10. COMMITTEE REPORTS

None.

11. UNFINISHED BUSINESS

(a) 2015-2016 City of Bellevue Budget Discussion

Councilmember Kasner noted that after reviewing the preliminary budget, he saw that the PW-M-19 is proposed for funding. This was one of the major projects that EBCC was concerned about.

Councilmember Kasner went on to note that PW-W/B-82 was not funded, which is the outcome that the EBCC wanted.

Chair Capron noted that the PW-W/B-82 was the project on SE 16th which proposed to build bike paths/sidewalks on both sides of the road between 156th and 148th. The EBCC felt that if the City maintained the path and sidewalk that already exists, an additional path or sidewalk would not be necessary. The benefit would not offset the cost.

Councilmember Hummer noted an area on the north side of SE 24th in her neighborhood that desperately needs a sidewalk.

Councilmember Kasner said that the budget is a very fluid document. The Neighborhood Enhancement Program used to exist. Staff would go around the city to various communities and ask them which projects they would like to see in their area. The program went away about four years ago. A similar program is being proposed now. Councilmember Kasner said he would still like to see some enhancements in the EBCC area, and the NEP program would be a great area to invest.

Councilmember Kasner made a motion to appear at the budget public hearing and testify regarding the two projects previously discussed this evening and in favor of the budget as it is proposed. Chair Capron seconded the motion and it carried unanimously.

Councilmember Kasner pointed out that the East Bellevue Community Council budget over the two year period is $8284. He believes that the residents of East Bellevue are getting a high value for their tax dollar investment.

12. NEW BUSINESS

(a) WSDOT Presentation on I-405 Express

Jennifer Charlebois and Emily Pace from Washington State Department of Transportation presented the report on I-405 Express Toll Lanes to the EBCC.

There are three active toll facilities currently. They are located on SR520, HWY 167, and the Tacoma Narrows Bridge.

Ms. Charlebois went on to say that traffic is bad and getting worse. Lanes are so congested that the federal guidelines, traffic moving at 45 mph 90% of the time in the HOV lanes, are not being met. Transit service is slowing down due to the congestion in the HOV lanes.

Currently the new project for hot lanes will extend 17 miles from NE 6th in Bellevue to I-405 in Lynnwood. The eventual plan is to also build an express tolling system linking the new system and the 167 hot lanes.

The Bellevue – Lynnwood project is currently funded through the existing gas tax. It is state funding, not federal. It is one of the last projects funded through the gas tax source.

A hot lane is a way to allow single occupant vehicles to use the toll lane. The general purpose lanes will remain free of charge, just as they are today. By allowing traffic into the HOV lanes, when there is capacity to sell, the overall traffic is reduced in general purpose lanes and traffic is managed better. Revenue generated from the express tolling network will be able to fund additional improvements in the corridor.

The express toll lane system will look a little different in that there will be dedicated entry and exit points along the route. There will be a painted double white strip in between the toll lane and general purpose lane. You cannot cross the double white.

The toll will vary depending on the traffic. When the lanes are moving well, the toll rate will be low. As the lanes become more congested, the toll rate will increase. The signs will let you know what the toll rate currently is. The toll rate that is posted when you enter the lane is what you will pay.

Currently the HOV lanes require two people in the vehicle. The express toll lanes will require, at times, three occupants to use the lane for free.

Right now the rates that are being discussed at the Transportation Commission are a minimum of $.75 cents and a maximum of $15 for the entire trip. Ms. Charlebois went on to say that WSDOT believes the average toll rates will be around $1 to $2.

If you are a carpooler and you want to continue to use the lanes without paying a toll, you must get a new kind of Good to Go pass. You can use your existing pass to pay a toll, but you will not be able to ride free without the new pass. The new passes will be available next spring.

Councilmember Kasner questioned what happens to the revenue once it is generated.

Ms. Charlebois responded that the revenue generated from each of the toll facilities goes into a fund specific to that toll facility. On 405, the revenue will be used to pay for operation of the toll system and any additional revenue will be funneled back into the corridor for future improvements.

Councilmember Kasner questioned if tolling authority has been granted for I-90 yet.

In response, Ms. Charlebois stated that tolling has not been authorized for I-90.

Councilmember Gooding questioned how success is measured.

Ms. Charlebois said that they look at several different factors. For example, customers on 167 save between 8 to 10 minutes of travel time for an average of approximately $1 toll. The effectiveness of the lane is also looked at to see if the 45 mph is being reached.

Stephanie Walter questioned if WSDOT has done any focus groups to look at how complex the signage is with regard to costs associated with the tolls or which exits to take.

Ms. Charlebois stated that there have been several focus groups on signing over the past year. The goal is to make the communication as effective as possible.

Chair Capron questioned if the tolls for 520 have covered the bonding, as promised.

In response, Ms. Charlebois stated that they are just slightly over in their projections and so the bonding is covered.

For more information on 405 tolling you can go to www.wsdot.wa.gov/tolling/405. To sign up for regular email updates go to www.wsdot.gov/emailupdates.

(b) Potential future agenda items

Council discussion regarding future agenda items.

Councilmember Kasner would like to add discussion of the Comprehensive Plan and Subarea Plan to future agenda items.

13. CONTINUED COMMUNICATIONS

None.

14. EXECUTIVE SESSION

None.

15. APPROVAL OF MINUTES

(a) Summary Regular Meeting Minutes - October 7, 2014

Councilmember Kasner moved to approve the minutes. Councilmember Hummer seconded the motion and it passed unanimously.

16. ADJOURNMENT

Chair Capron adjourned the meeting at 8:38 p.m.

Charmaine Arredondo
Deputy City Clerk