

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

March 28, 2005
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Noble, and Councilmembers Balducci, Chelminiak, Davidson, Degginger and Lee

ABSENT: None.

1. Executive Session

Deputy Mayor Noble opened the meeting at 6:00 p.m. and announced recess to Executive Session for approximately 40 minutes to discuss two items of potential litigation.

The meeting resumed at 7:03 p.m. with Mayor Marshall presiding. Mrs. Marshall noted the large audience and suggested moving Agenda Item 3(e) to occur immediately after 3(b). She suggested moving the Cascade Water Alliance discussion from Agenda Item 3(f) to be included during Item 3(a). Council concurred.

2. Oral Communications

- (a) Alfred Slatin explained that he heard chain saws coming from the greenbelt adjacent to his home in Vuemont 1 on March 18. He immediately called the Parks Department and notified the president of the Vuemont Homeowners Association. Most of the cutting was completed by the time a City staff person arrived. Mr. Slatin was later informed by the Parks Department that a neighbor hired a company to cut the trees without obtaining a permit. The neighbor will now have to obtain a permit but will not be fined by the City. Mr. Slatin and residents are concerned that the greenbelt and slope vegetation will not be restored. He encouraged the City to fine the homeowner responsible for the damage.
- (b) Shannon Boldizar, Bellevue Chamber of Commerce, commended the City's new online contractor registration system [See Agenda Item 3(d)]. A forum was held by the Chamber and the City several months ago for prospective contractors and since that time more than 900 companies have registered with the City's system.

- (c) Sandy Brown, Executive Director of the Church Council of Greater Seattle, thanked Bellevue for its thoughtful consideration of Tent City issues. He explained that it is necessary for Christians and sponsoring churches to reach out and minister to those in need in the community. He asked Council to approve Resolution No. 7161 [Agenda Item 3(e)] but disagreed with some statements in the resolution. He feels Tent City should be part of the solution to homelessness. Dr. Brown encouraged Bellevue to work with the King County Council, church organizations, and Eastside cities to develop an agreement outlining how Tent City will operate in East King County. He cautioned against restrictions that will conflict with the federal Religious Land Use and Institutionalized Persons Act (RLUIPA).
- (d) Peggy Hotes, a teacher at Carl Sandburg Elementary School on Finn Hill, said she has been a part-time resident of Tent City IV and spends at least one night a week there. She attends weekly camp meetings and weekly SHARE meetings and serves as a volunteer. Ms. Hotes said there have been no instances of Tent City residents being on or near school grounds. She explained that many or most residents have jobs. Ms. Hotes asked Bellevue to follow Kirkland's lead in supporting Tent City.
- (e) Bill Kirlin-Hackett, Interfaith Task Force on Homelessness, noted he co-chaired the King County Citizens Advisory Commission on Homeless Encampments last summer. He said the consent decree governing the operation of Tent City III in Seattle sets a precedent for all homeless encampments. He encouraged Council to listen to staff and to trust existing guidelines that do no harm to the homeless. Mr. Kirlin-Hackett encouraged Council's support of Resolution No. 7161.
- (f) Michael Howard has a daughter at Mustard Seed Day Care near Holy Cross Church. As a Christian, he supports helping the homeless. However, he is concerned about the proximity of the proposed Tent City location to day care centers and schools. He asked Council to determine the risk for catastrophic failure associated with hosting Tent City.
- (g) Scott Winter has children at Mustard Seed Day Care and Newport High School and spoke on behalf of TentCitySolutions.com. He submitted his comments in writing and noted that Judge Scott stated the City of Bothell could impose a permit condition requiring each Tent City resident to provide his or her name, birth date, and identification. This would not only assist in background checks but would enable residents to obtain services as needed. Mr. Winter noted the higher incidence of crime in Bothell during the Tent City occupation compared to only one crime in the vicinity of Holy Cross Church in 30 months. He said Judge Scott indicated a city could pursue the costs of extra security associated with encampments as part of the permit process. Mr. Winter said some Finn Hill residents have been unable to sell their homes due to the Tent City camp.
- (h) Nate Garvin has a son who attends preschool in Holy Cross Church. He submitted written comments and a copy of the Health Care for the Homeless Network 2003 Annual Report. He noted the higher incidence of health problems among the homeless and asked Council to consider this when reviewing changes to the City's temporary use permit process.

- (i) Mark Sussman, Sammamish Shores Homeowners Association, said the association participated in the 18-month staff outreach study regarding West Lake Sammamish Parkway. He praised Project Manager Nancy LaCombe's efforts with the community. Mr. Sussman said the association endorses staff's recommended alternative. On March 24 the Transportation Commission unanimously endorsed the plan, which represents a compromise between residents, bicyclists, and other interests. He offered the following three refinements to the plan: 1) post and enforce a uniform 30 mph speed limit throughout the entire roadway through Bellevue, 2) expand the study to assess the feasibility of undergrounding utilities, and 3) consider allowing width variation of the northbound shoulder to reduce costs and the impact to residences.
- (j) Marcia McGhee said she is suing Dr. David Allen, who she feels misled the Bellevue Police Department in the matter before the court next week. She is frustrated that Bellevue Police never took a statement from the rapist following the civil judgment of her case. She wants the community to be protected from the rapist and requested an apology from Bellevue Police.
- (k) Juan Maldonado, representing Associated Student Government from Bellevue Community College, invited Council and the public to a Multi-Cultural Fair on Saturday, April 9, 10:00 a.m. to 5:00 p.m. Mayor Marshall will be the keynote speaker for the event. Mr. Maldonado thanked the City for its support.

3. Study Session

(a) Council New Initiatives

(1) Regional Issues - Cascade Water Alliance

Director of Intergovernmental Relations Diane Carlson recalled that the City entered into an interlocal agreement with Cascade Water Alliance in 1999. Staff is seeking Council direction to prepare a resolution for action in April authorizing the City Manager to execute an amended and restated Cascade Water Alliance Interlocal Contract.

Utilities Director Brad Miyake reviewed the key provisions of the current contract. Proposed amendments are focused on two objectives: 1) Establish CWA as a watershed management partnership under state law, and 2) Satisfy requirements of bond underwriters, rating agencies, and municipal bond insurers.

Deputy Mayor Noble questioned the provision allowing a CWA member to borrow on behalf of CWA. Mr. Miyake said this would be allowed if a CWA member could obtain better terms from the bond market than CWA. The CWA Board would have to approve the transaction but it would not require approval of each CWA member jurisdiction. Stacy Crawshaw-Lewis, bond counsel, said "authorized issuer" refers to Cascade Water Alliance or a member approved by the CWA Board.

Mayor Marshall expressed concern that a member's future withdrawal from CWA will result in higher expenses for remaining members. She noted CWA's objective to establish a long-term water supply for its members. Mrs. Marshall questioned the ability of members to reevaluate their investments if one or more members withdraw in the future. Mr. Miyake said the agreement does not have a formal provision regarding this issue.

Mr. Degginger said current members are committed to the alliance. He noted the potential for adding new members in the future.

Mayor Marshall wants the Council to be kept well informed regarding any possible changes in CWA's membership.

Responding to Mr. Noble, Ms. Crawshaw-Lewis said the contract outlines a membership withdrawal procedure.

Responding to Mrs. Marshall, Mr. Miyake said the amended contract was approved by the Cascade Water Alliance Board in December, and member cities have 120 days from that date to ratify the amended contract.

- Deputy Mayor Noble moved to direct staff to prepare a resolution for Council consideration in April authorizing the City Manager to execute the amended and restated Cascade Water Alliance Interlocal Contract. Mr. Degginger seconded the motion.
- The motion to direct staff to prepare a resolution for Council consideration in April authorizing the City Manager to execute the amended and restated Cascade Water Alliance Interlocal Contract carried by a vote of 7-0.

Mayor Marshall asked that future amendments be brought to Council in a more timely manner. She would like to pursue an amendment regarding membership withdrawal and the subsequent reallocation of expenses for remaining members.

(b) City Manager's Report – PCD Code Amendment Schedule

City Manager Steve Sarkozy opened discussion regarding the PCD code amendment schedule and work plan.

Planning and Community Development Director Matt Terry said this is an opportunity for the Council to provide alternate direction regarding priorities.

Responding to Dr. Davidson, Mr. Terry said the noise code clarifications scheduled for early 2006 involve several departments and codes to be amended. Staff proposes issuing a temporary use permit to Vasa Park Resort to allow them to continue to operate this summer. Noise code requirements will then be reviewed and clarified in 2006.

Mr. Chelminiak recalled that neighbors complained primarily about noise on Sundays. Mr. Terry said staff plans to meet with Vasa Park personnel to discuss the issues and reach a compromise.

Mayor Marshall said the City should be fair and consistent to all Sunday uses/events (e.g., the Seafair Marathon) in terms of granting temporary noise permits.

Mr. Lee expressed support for regulations encouraging innovative, European-style housing on smaller lots in the downtown. He encouraged connections between buildings such as sky bridges to allow pedestrians to avoid inclement weather.

Mr. Chelminiak would like the proposal to change the land use decision noticing distance from 200 to 300 feet to be addressed sooner than 2006, if possible. In the case of the Champions Centre Church application, some residents beyond the park adjacent to the site were not notified because the park provided a buffer greater than 200 feet. Mr. Chelminiak suggested an amendment to exempt public property from being included in the noticing distance threshold.

(e) Tent City IV

Resolution No. 7161 with respect to a county-wide response to ensure consistent and efficient processing of requests to site Tent City IV.

Mr. Sarkozy introduced the Tent City discussion. This issue has been before the Council for several weeks now.

Siona Windsor, Assistant City Attorney, explained that the City is utilizing outside counsel to assist in compiling a legislative record as soon as Council directs staff regarding conditions they would like to impose on Tent City temporary use permits. Page 3-24 of the Council packet outlines the Land Use Code amendment process with a public hearing tentatively scheduled for May 9. The earliest date for adoption of an ordinance is June 13.

Kate Berens, Legal Planner, clarified the questions before Council at this preliminary stage:

1. Is Council interested in initiating a Land Use Code amendment?
2. Would this be a process-only amendment to enhance the level of public involvement?
3. Would this be both a process and substantive amendment?

Alternatives to the temporary use permit process are to establish homeless encampments as a type of use regulated as an administrative conditional, Process I, or Process III use. Decisions regarding administrative conditional uses are made by the PCD Director and can be appealed to a City Hearing Examiner. Process I involves a recommendation by the Director, a decision by the Hearing Examiner following a public hearing, and the decision can be appealed to the City Council. Process III involves a recommendation by the Director, a recommendation by the Hearing Examiner, and a final decision by City Council.

Ms. Berens noted the list beginning on page 3-26 of the packet of possible permit conditions based on issues that have arisen with Tent City locations to date. Case law regarding homeless encampments hosted by churches indicates a requirement to review any conditions or processes to be imposed by the City to determine if there is a compelling governmental interest involved and whether the process and conditions imposed are the least restrictive available. Specific discussion regarding each condition will occur later after outside counsel researches the issues and the record is more fully developed.

Ms. Berens questioned Council's desire to initiate a Land Use Code amendment.

Mr. Chelminiak feels a LUCA is needed. Jurisdictions that have hosted a Tent City have all come to the conclusion that their codes were not sufficient to deal with the use.

Mr. Lee concurs that a LUCA is needed to address health and safety issues, along with a cooperative approach working with churches and homeless advocates.

Dr. Davidson feels a LUCA approach will enable the City to appropriately balance everyone's rights, including private property rights.

Councilmembers Balducci, Degginger, and Noble expressed support for pursuing a code amendment. Ms. Balducci is concerned that Tent City previously established camps in jurisdictions although permits had not been granted. She noted the City is limited by federal law and she does not want residents to become overly optimistic that Tent City could be prohibited. However, a LUCA is appropriate to address public health, safety, and welfare issues.

Mayor Marshall encouraged consideration of all types of sites, not just church sites. Perhaps a church could host Tent City at an alternate, more suitable location.

Mayor Marshall confirmed Council's interest in a Land Use Code Amendment addressing both process and substantive issues.

Mr. Terry noted the option for the public hearing to be hosted by either the Planning Commission or City Council. Staff recommends a hearing before Council.

Mayor Marshall noted consensus to hold the public hearing before the City Council.

Mr. Chelminiak commended the faith community for its work and asked them to understand that the City needs more time to work through this difficult issue. He noted Council's commitment to conducting an open and honest process with opportunities for public input.

At 8:30 p.m., Mayor Marshall declared a five-minute break.

- (c) Resolution No. 7155 initiating vacation of NE 9th Street between 106th Avenue NE and 108th Avenue NE; and setting a time and place for a hearing to consider such a vacation.

The meeting resumed at 8:41 p.m.

Nora Johnson, Transportation Assistant Director, requested Council direction to set a public hearing of April 18 to consider the vacation of a cul-de-sac on NE 9th Street between 106th and 108th Avenues NE. This is related to the Wasatch superblock development.

- Deputy Mayor Noble moved to approve Resolution No. 7155 and to set the public hearing date as April 18. Dr. Davidson seconded the motion.
- The motion to approve Resolution No. 7155 and to set the public hearing date as April 18 carried by a vote of 7-0.

(d) Information Technology Department Quarterly Update

Toni Cramer, Chief Information Officer, opened the Information Technology Department's quarterly update. MyBuildingPermit.com now allows users to retrieve detailed permit status and history data using a wide variety of search criteria. Snohomish County recently joined MyBuildingPermit.com. Planned enhancements include implementing online permit inspection scheduling. Staff recently redesigned the eCityGov.net home page. NWProperty.net was named as a finalist for the Washington Software Association's Digital Government Award. Staff continues to improve MyParksandRecreation.com, and public access to the regional GIS browser is planned beginning in early summer.

IT staff have been working to implement the parks and recreation Class software application for Mercer Island. They are also working with the Transportation Department on a master plan for fiber network installation and management to connect institutions including Bellevue School District, Overlake Hospital Medical Center, Evergreen Hospital, University of Washington, City of Kirkland, and Lake Washington School District.

Ms. Cramer said more than 3,000 citizens have accessed new video streamed items on the City's web site with the most popular ones being the snow response video, Bellevue Home Repair video, and It's Your City magazine. The Electronic Content Management project has scanned 50 years of City Council and Community Council agendas and minutes and is working on scanning similar documents related to Board and Commission meetings. The City Clerk's Office employed 15 non-paid interns to complete this work and will continue the project with 15 new interns. Ms. Cramer noted the recent implementation in the Finance Department of the City's online roster of contractors and professional service vendors.

Ms. Cramer explained about a serious Internet scam known as phishing, which is an email that appears to come from a legitimate business and attempts to trick the receiver into providing personal information that will be used for identity theft or fraud. To avoid phishing scams, never provide personal information via email or access web links sent via email. Beware of email attachments. Anti-virus and firewall software can protect computers from unwanted programs. Ms. Cramer encouraged citizens to file a complaint with the FTC, Internet Fraud Complaint Center, and/or the bank or credit card company being misused in the scam. Monitor personal credit reports with the big three agencies (Experian, Equifax and TransUnion) periodically to

check if new accounts have been opened in your name or using your Social Security number. Another option is to sign up with a credit monitoring service.

Moving to additional projects, Ms. Cramer said the public safety wireless system has stabilized and the City has reached a contract resolution with the system integrator, ARINC. More information on this project will be provided to Council next week. The Human Resources and Payroll component of the Enterprise Resource Planning (ERP) system is scheduled for implementation in mid-June. IT items scheduled for Council's April consent calendars include resolution of the ARINC contract, FTE request for wireless system support, a revised eCityGov Alliance interlocal agreement, Cascade Computer Maintenance service contract, and an amendment to the fiber network agreement to add new partners.

Angela Ferguson, Parks Management Assistant, recalled that the Parks online registration system was implemented in May 2004. Online registration for summer day camp is available this year at www.parksreg.cityofbellevue.org. Due to technical difficulties, Ms. Ferguson was unable to show a video highlighting the registration system. However, it will be made available on the City's web site.

Jamie Robinson, Contracting Services Supervisor, explained that the new citywide contractor roster combines four rosters into one application: 1) small public works, 2) professional services/architectural and engineering, 3) general services, and 4) supply vendors. More than 850 businesses have submitted an online application for the roster since it was implemented on January 3, 2005. This system enables contracting departments to contact businesses that have never had a contract with the City. It promotes consistency between departments and keeps businesses informed via email notification regarding upcoming bids and proposals.

Ms. Cramer moved to provide an update on the eCityGov Alliance, whose member jurisdictions now represent more than one million people. John Backman, Regional IT Manager and interim director for the project, explained that benefits to the community include convenience in obtaining permits and fewer car trips. Organizational benefits include lower costs, improved customer service, regional leadership, leveraged resources and investments, and an enhanced negotiation position with vendors. Future opportunities focus on purchasing, licensing, training, and the consolidation of technology services (e.g., hosted applications, systems support, planning and project management, GIS).

Mr. Backman said next steps include revising the eCityGov Alliance interlocal agreement, expanding within the region, consolidating revenues to fund a full-time Alliance position, developing a five-year business plan and budget based on the current revenue stream, and identifying new opportunities for mutually beneficial partnerships. He announced that Snohomish County launched MyBuildingPermit.com today, and Phase 1 of the multi-city search in MyParksandRecreation.com began testing today. Work on the regional browser is well underway.

Mr. Chelminiak is employed by Snohomish County and described the County's efforts to improve its permitting functions and customer service. He congratulated staff on their work with the eCityGov Alliance.

Mr. Sarkozy commented on the opportunity to expand the application beyond the region and state. Mayor Marshall expressed support for exploring an entrepreneurial approach.

Mayor Marshall thanked staff for their work and the presentation.

(f) Regional Issues

Diane Carlson, Director of Intergovernmental Relations, referred to page 51 in the Regional Issues packet for an update on countywide planning policy (CPP) amendments. She explained that after a CPP proposal is adopted by the Growth Management Planning Council, it is forwarded to the King County Council. If approved in any form by the County Council, the policy is sent out to cities for ratification. Under the formula in the interlocal agreement, ratification requires approval by not less than 30 percent of the jurisdictions (including King County) representing at least 70 percent of the population.

On February 14, 2005, the King County Council approved three ordinances amending CPPs as follows: 1) modifying the urban growth boundary map, the interim potential annexation areas map, and the urban separator map, 2) revising targets for new household and job growth for 2002-2022, and 3) designating Downtown Burien as an Urban Center.

Ms. Carlson requested Council direction regarding whether to prepare a formal resolution for Council action expressing support for the CPP amendments.

- Deputy Mayor Noble moved to direct staff to prepare a resolution supporting the Countywide Planning Policy (CPP) amendments, and Mayor Marshall seconded the motion.
- The motion to direct staff to prepare a resolution supporting the Countywide Planning Policy (CPP) amendments carried by a vote of 7-0.

Moving to the state legislative session update [Page 55 of Regional Issues packet], Ms. Carlson said both the Senate and House Transportation Committees are working on transportation revenue proposals and spending packages. Bellevue supports funding for I-90 and I-405 as top priorities.

HB 1625 regarding employee reference checks is now in the final stages of the legislative process and is awaiting action by the full Senate. The fire department employee bill (SHB 1756) had been revised and was approved by the House. SSB 5907 regarding the Growth Management Act was approved by the Senate, but it was amended to apply only to rural counties. Approval in the House is uncertain, and cities do not support the bill in its current form.

Ms. Carlson noted the federal legislative update beginning on page 77 of the Regional Issues packet. Both the House and Senate passed their FY06 budget resolutions last week. The House version does not restore funding to Medicaid, Community Development Block Grants, or local

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first responder programs. Staff will continue to monitor TEA 21 reauthorization to assure funding for the NE 10th Street project.

Mayor Marshall declared the meeting adjourned at 9:39 p.m.

Myrna L. Basich
City Clerk

kaw