

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

July 16, 2007
6:00 p.m.

Council Conference Room
Bellevue, Washington

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

ABSENT: Councilmember Davidson

1. Executive Session

Mayor Degginger called the meeting to order at 6:02 p.m. There was no Executive Session.

2. Oral Communications

- (a) Emma Dixon, a Woodinville resident, expressed her concerns regarding the Brightwater Treatment Plant. She feels the plant is not needed and that current facilities are adequate. She is concerned about earthquake faults in the area, which she says have not been investigated by King County. Ms. Dixon asked the Council to meet with her and a seismic expert regarding the siting of the plant.

3. Study Session

- (a) Council Business and New Initiatives

No new initiatives were introduced.

- (b) Youth Link – Youth Court Pilot Project Presentation

City Manager Steve Sarkozy opened discussion regarding the Bellevue Youth Link Youth Court Pilot Project.

Bonnie Glenn, King County Prosecuting Attorney's Office, described the role of Norm Maleng, former King County Prosecutor, in the development of the Youth Court program. Judy Maleng

spoke to her late husband's interest in youths and the juvenile justice system, as well as her involvement in programs working with children.

Bobbie Bridge, Washington State Supreme Court Justice and Co-Chair of the Becca Task Force, explained that the task force is named for legislation adopted after a youth named Rebecca was murdered in Spokane. She congratulated the City for its work to make the Youth Court a reality. She spoke to the importance of involving youth in the community.

Michael Trickey, Presiding Judge, King County Superior Court, commented on the longstanding efforts to reshape how juvenile offenders are handled. Patricia Clark, Chief Presiding Judge, King County Juvenile Court, expressed support for the Youth Court and noted Mr. Maleng's desire for such a program.

Carol Schapira, King County Superior Court and Judge for Bellevue Youth Court, described the court and the roles in which youth can participate. Margaret Fisher, Washington State Youth for Justice Director, explained her national involvement with youth courts including writing many related publications. She noted that a youth court state association is forming, which is sponsoring a regional conference on November 7th to 9th.

Helena Stephens, Youth Link Program, introduced Youth Link Board and Youth Court Committee members. Tim Johnson, Youth Link Board Co-Chair, thanked the justice agencies and City Departments that have supported development of the Youth Court. He described the benefit of observing Whatcom County's Youth Court during the past couple of years.

Thomas Abel, Youth Link Board, explained the ways in which youths serve on the court. Osbaklo Hernandez, Youth Link Board and Youth Court Committee, described the objective of the Youth Court to reduce the number of teens entering the juvenile justice system. Brenda Gurung, Youth Link Board, said an additional goal of the Youth Court is to contribute to the development of leadership skills in youth participants.

Rob McCallum, Youth Link Board member and Co-Chair of the Youth Court Committee, briefly reviewed the history of youth courts, of which there are now 1,100 nationally. There are 30 youth courts in Washington state. In 2003, the Youth Link Board initiated the Youth Court program. The Youth Court agreement was finalized this year, and the court will begin operating in 2008. Mr. McCallum thanked Bonnie Glenn and Helena Stephens for their essential role in establishing the program.

Michael Kol, Youth Link Board, explained that the Bellevue Youth Court is modeled after Whatcom County's Teen Court, which reduced recidivism rates of second-time juvenile offenders by up to 92 percent. Bellevue Youth Court is one of two second-time offender courts in the state. There will be a three-year pilot program funded by the Youth Link Program and authorized by the King County Superior Court. Project outcomes and the evaluation process will be established before the court's opening in 2008. The court will utilize 30 to 50 youth volunteers per court session, who will be trained to serve as judges, jurors, bailiffs, clerks, and prosecuting and defense advocates/attorneys.

Ms. Glenn briefly reviewed the process for Bellevue's Youth Court, which will handle cases of second-time offenders.

Councilmember Marshall expressed strong support for the program. Responding to Mrs. Marshall, Ms. Stephens described the coordination of Youth Court training and activities with local schools. Court volunteers are asked to make a six-month commitment for approximately two hours per week. The Youth Court will hold one session per month.

Deputy Mayor Chelminiak commended the program. Responding to Mr. Chelminiak, Ms. Glenn said the types of cases will include malicious mischief, theft, and other criminal offenses. However, the court will not handle crimes against persons such as assault or domestic violence. Ten cases will be scheduled for the court's first year.

Responding to Councilmember Noble, Ms. Glenn reviewed how cases will be handled and judgments will be made by youth participants. Defendants will be those who have admitted to committing the offense. The Youth Court works in coordination with the existing King County Courts Diversion Program.

Councilmember Balducci, Council liaison to the Youth Link Board since 2004, commended the Board for implementing the program. Noting that 70 percent of adult offenders were involved in the court system as youths, Ms. Balducci said the Youth Court program can have a significant long-term impact on public safety.

Councilmember Lee expressed support for the program and commented on the challenges of dealing with youth to prevent criminal behaviors. Ms. Stephens noted that youth offenders will be invited to participate in the Youth Court program once they complete their sentencing process. The Youth Link Board has committed to supporting the program for three years and to provide up to \$50,000.

Mayor Degginger congratulated everyone involved in the program for their commitment and persistence to establish the court. He encouraged the program to provide training opportunities to Bellevue schools as well as to those in neighboring school districts.

(c) Diversity Program – Inclusive Communities

Parks and Community Services Director Patrick Foran described the increasing diversity within the community. The National League of Cities (NLC) Partnership for Working Toward Inclusive Communities focuses on removing barriers to access to services and opportunities.

Shelly Brittingham, Program Manager, explained that the Partnership's objectives are to motivate cities to making a public commitment to building inclusive communities and to provide support to local officials in focused efforts. The Partnership's approach is to create connections, encourage community dialogue, celebrate diversity, and to involve youth and the media.

Kevin Henry, Diversity Program Coordinator, said according to the 2005 census projections, Bellevue is now more diverse than Seattle. More than 72 languages are spoken in the Bellevue School District. The minority population in Bellevue has grown from approximately 8 percent in 1980 to 32 percent now. Asians and Pacific Islanders represent the largest minority group and the fastest growing segment of the population. Mr. Henry reviewed Bellevue's changing demographics. City initiatives to address the diversity and enhance the delivery of City services include the ADA (Americans with Disabilities Act) Committee, the centralized Service First function, Public Safety programs, neighborhood outreach programs, economic development, and Parks and Community Services Department programs.

Mr. Henry said some information on the City's web site is provided in Spanish and Chinese, and other languages will be added. The City provides training on cross-cultural communications for staff working directly with the public. A language resource guide lists employees who speak different languages, and language interpretation services are provided at Bellevue's Mini City Hall at Crossroads Shopping Center.

Mr. Henry described the City's work with the Bellevue Entrepreneur Center (BEC), which serves minority-owned businesses. The BEC and the Bellevue Chamber of Commerce are interested in building businesses and enhancing business relationships. The BEC provides educational resources for minority-owned businesses as well.

Mr. Henry said the Cultural Diversity Program has been part of the Parks and Community Services Department since 1994. The program overlaps at times with the Recreation and Human Services programs.

Mr. Henry reviewed programs and events, including those at the North and South Bellevue Community Centers, focused on the ethnic and age-based diversity within the community. He briefly reviewed the Diversity Task Force's report which encourages programs by both the City and community organizations, the participation of professional organizations and clubs, coordination with school programs, and working with the business community. Outreach programs include the Voices of Diversity radio and TV shows, the Afra Genesis Network radio show, Diversity Coordinator presentations, and information provided via an e-mail list serve.

Councilmember Balducci thanked staff for providing the 1993 Task Force report to the Council, and asked whether it has been updated. She suggested convening another Task Force for 2008.

Councilmember Marshall thanked Mr. Henry for the presentation and asked whether ESL (English as a Second Language) courses, as well as those targeted at other languages, could be provided online. She suggested involving youth in diversity programs aimed at addressing issues of interest within the community.

Responding to Deputy Mayor Chelminiak, Mr. Henry concurred with the idea of involving a broader range of the community in neighborhood programs and associations and said he will pursue this.

Councilmember Noble thanked Mr. Henry for his work with the Cultural Diversity Program and for developing the multi-cultural resource guide.

Councilmember Lee praised Mr. Henry for his work and concurred with the approach of focusing on commonalities within the community. Mr. Lee feels the original task force report has served the community well, and he encouraged a strong focus on engaging the diverse population on relevant issues.

Mrs. Marshall noted her child enjoyed a class on world religions in high school, which helped to provide a better understanding of other cultures and encourage tolerance.

Mayor Degginger said he is impressed with how Bellevue is becoming a more inclusive community. However, he suggested that more education and communication within the community will continue to enhance understanding and tolerance. He asked staff to continue to update the Council.

At 7:48 p.m., Mr. Degginger declared a five-minute break. The meeting resumed at 7: 56 p.m.

(d) Update on Neighborhood Livability Action Agenda and Planning Commission Recommendations

Mr. Sarkozy opened discussion regarding the Planning Commission's recommendations on the Neighborhood Livability Action Agenda. The action agenda focuses on three elements: 1) Property Maintenance, 2) Neighborhood Investment, and 3) Neighborhood Character, including the impact of infill and redevelopment. Planning and Community Development Director Matt Terry noted extensive citizen interest in this program, including concerns about redevelopment resulting in mega homes.

Cheryl Kuhn, Neighborhood Outreach Coordinator, explained that the Neighborhood Livability Program has been focused on compiling and reporting single-family construction data, community outreach, visual surveys of homes, reviewing comparative cities data, and interviewing staff regarding the impact of Code changes. For all new home construction between 2000 and 2006, 42 percent of homes were teardowns and rebuilds. 75 percent of these were in northwest and west Bellevue, 87 percent of all new homes are between 3,000 and 7,000 square feet, and 25 percent of all new homes in 2006 were more than 5,000 square feet. A file review of the 2004-2005 period reflects an average home size of 4,268 square feet, and significant vegetation loss, increase in impervious surfaces, and changes in architecture and building heights.

Stephanie Hewitt, Community Involvement Coordinator, noted interviews with developers, neighborhood associations, and focus groups. Developers believe the Building Code is strict enough and oppose any changes to the Code.

Ms. Kuhn said the Planning Commission discussed the program during six meetings and held a June 13 public comment session. Ongoing communications are provided on a web page, in City

newsletters, via direct mail to interested parties, stakeholder contacts, and extensive media contacts.

Jennifer Robertson, Planning Commission, commended staff on its success in achieving significant community input on this program's issues. Common themes related to the loss of trees and vegetation, the lack of advance notice regarding home teardowns, and the development of mega homes that contribute to the loss of light into yards as well as privacy.

Ms. Kuhn presented the Planning Commission's recommendations. The Commission recommends the establishment of minimum tree retention requirements (retain 15 percent or greater) for redeveloped lots, greater landscaping in the front setback, and to allow for exceptions and special circumstances. Recommended actions addressing architecture and scale are to: 1) Change the method of measuring building height, 2) Eliminate the height exemption for rooftop HVAC systems in single-family zones, 3) Prohibit HVAC unit placement in the side yard unless the unit is at least five feet from the setback, 4) Establish separate setback requirements for guest cottages, 5) Prohibit pop-up carports in front yards and side yards, 6) Prohibit lot combinations beyond what is necessary to achieve minimum lot size, 7) For houses exceeding a certain size, establish standards regarding daylight plane requirements, articulated second stories, increased side yard setbacks, garage frontage, and others to be defined, 8) Evaluate the option of establishing floor area ratio (FAR) limitations for single-family residential zones, and 9) Consider changing regulations that currently allow private streets to count as a setback and that allow major reconstruction leaving one wall and the foundation intact to qualify as a remodel.

Ms. Kuhn noted recommended actions to require the weekly removal of debris from residential construction sites, formulate a Guidelines for Responsible Development document, and to require an on-site construction information sign. The next steps are the development of Code and policy details based on additional research and public outreach, Code revisions, and the Planning Commission's final recommendations to the Council.

Deputy Mayor Chelminiak expressed support for changing the way average grade is measured, and he suggested expediting Code changes on this item.

Councilmember Marshall concurred with Mr. Chelminiak's comment. She expressed concern regarding the recommendation affecting the placement of HVAC systems, as she feels they should not be required to be placed in backyards. She supports a prohibition on pop-up carports.

Councilmember Balducci expressed concern regarding the intrusion on private property rights. She supports Mr. Chelminiak's suggestion to address the way average grade is measured as one of the first items. She expressed concern that trees in residential areas can be significantly removed.

Mr. Terry said staff has discussed the potential for a neighborhood-specific approach to tree retention. Chair Robertson said the Planning Commission felt this approach would be too confusing but were in favor of allowing some flexibility related to differing neighborhood characters.

Councilmember Balducci expressed support similar to that provided in the Critical Areas Ordinance in which residents would have the option of hiring appropriate professionals to devise an option not strictly within the Building Code if it could be shown to have the desired outcome.

Councilmember Noble expressed concern about infringing on private property rights. However, he feels it is appropriate to address construction impacts including advance notice to neighbors. He supports tree retention regulations, which he noted is consistent with the goal of maintaining a tree canopy as it relates to climate protection.

Mr. Chelminiak commented that a great deal of the redevelopment is good for the neighborhoods and aesthetically pleasing. He suggested caution in changing policies. He feels a tree retention policy might not have a significant impact in saving trees. However, he supports an idea discussed by the Planning Commission to focus on greenscapes once construction is completed.

Councilmember Lee expressed concern about damage to city streets related to construction activity. He supports expanding the setback from an HVAC unit.

Mayor Degginger briefly summarized the Council's primary issues of support as well as concerns.

At 8:53 p.m., Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

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