

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

June 4, 2007
6:00 p.m.

Council Conference Room
Bellevue, Washington

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

ABSENT: None.

1. Executive Session

The meeting was called to order at 6:04 p.m., with Mayor Degginger presiding.

2. Study Session

(a) Municipal Court Feasibility Analysis

Diane Carlson, Director of Intergovernmental Relations, said staff is preparing responses to all of the questions posed by Council last week. She noted that Judge Linde, District Court Presiding Judge, will provide a presentation regarding services to the City of Bellevue. King County staff were also present to respond to questions.

Judge Barbara Linde introduced Michael Gideon, King County Executive's Office of Management and Budget; Scott White, Special Projects Manager, King County Facilities Management; Kathy Brown, Director of Facilities Management; and Tricia Crozier, Chief, Administrative Office for District Court.

Judge Linde explained that the District Court's vision, adopted by County Ordinance, is to be the preferred forum for the adjudication of limited jurisdiction cases in the county. This represents a commitment to serve the cities within the county. The vision statement addresses using resources wisely and providing the best customer service.

Judge Linde described the electronic court records (ECR) system, which is a paperless system resulting in increased efficiency and reduced costs. She noted the County's collaboration with Bellevue's City Attorney's Office during conversion to the ECR system. The City of Bellevue

conducted a pilot project of the prosecutors' access to using the ECR system. Another function provided by the District Court is the ability for any citizen owing a fine to go into any court throughout the county to pay it. An automated system conducts reminder calls to people with court dates, as missed court dates are expensive for the court and criminal justice system. The reminder system has reduced failures to appear by 15 percent.

Continuing, Judge Linde described the Court's interpreter web page, which allowed one staff member to schedule 70,000 interpreter jobs involving infraction and criminal hearings, while also performing a jury summons function. Other jurisdictions and states have expressed an interest in implementing this system. It allows interpreters to qualify for certain languages and to see and sign up for available cases on the web page. Judge Linde noted that the interpreter web page was recognized by the National Association for Court Management for its 2006 Justice Achievement Award. King County Courts received an honorable mention for the same award in 2004 for its mental health court, which was ranked second in the nation.

Judge Linde acknowledged Council's difficult decision about whether to stay with the District Court, form an independent municipal court, or to form a court with another municipality. She suggested that most citizens do not utilize the District Court on a regular basis, and therefore she feels that relocating a court to an area outside of the city's boundaries would not be of concern to citizens. She suggested that citizens are more interested in good, cost-effective court services and convenient access, which can include advantages such a adequate parking. Ms. Linde reiterated her suggestion that Bellevue would be well served by the District Court in Issaquah. The City of Kenmore utilizes the Shoreline District Court and is satisfied with the services provided.

Judge Linde explained that the District Court's jurisdiction differs from municipal courts by law. For example, District Court is the only place where small claims cases, impound hearings, name changes, protection orders, and civil cases (up to \$50,000) are handled. Therefore, Bellevue citizens will continue to use District Court for these types of cases. Judge Linda feels that having two courts would not provide the best service for citizens.

Judge Linde reviewed that the current service contract provides for the handling of traffic infractions, all hearings for criminal cases, gross misdemeanors and misdemeanors, anything with a maximum penalty of up to one year in a local jail, jury trials, interpreter needs, scheduling, and judges. Bellevue and other cities will be entitled to elected judges for the newly created East Division. Monthly meetings involving court staff, judges, prosecutor staff, probation staff, and law enforcement staff are held at the Surrey Downs facility. The meetings are required in the contract and are intended to review performance levels.

Judge Linde said the service contract states that the District Court must devise performance measures, know as court tools, to evaluate customer service. Three performance measures will be implemented initially.

Judge Linde explained that court security complies with state law and includes weapons screening and court security officers. She explained that one benefit of the Issaquah Court location is its nearby jail, which currently has a contract with Bellevue. This will result in savings in jail transport costs for Bellevue.

Judge Linde said the Issaquah location would allow Bellevue to vacate the Surrey Downs court by the end of the year at the latest. Bellevue would be charged on a square footage basis for its use of the court space. The Issaquah District Court provides enhanced security and meets all of Bellevue's program needs, whether Bellevue would decide to use the Issaquah Court for criminal cases only or for traffic infractions as well.

Responding to Mayor Degginger, Judge Linde said criminal and contested traffic infractions could be handled by the Issaquah Court. Mitigation hearings for traffic infractions in which citizens are admitting to the infractions but requesting a reduction in the fine could be handled in another location including the Police facility at Factoria Mall or at City Hall. Judge Linde said the location for mitigation hearings would need to accommodate parking for approximately 150 cases daily.

In further response to Mayor Degginger, Judge Linde said the Issaquah facility has 108 parking spaces and could accommodate Bellevue's cases. If Bellevue decided to use the Issaquah Court, the civil and state infraction functions would be moved to another location. Judge Linde noted that the City of Issaquah has its own municipal court and jail, separate from the King County court and jail.

Councilmember Balducci questioned whether jail-court transport could be shared between cities that use the District Court. Ms. Carlson said the City of Sammamish, which uses the Issaquah District Court, has a contract with the King County Sheriff's Office for transport. Judge Linde suggested that Bellevue's contract for Issaquah jail space might be able to accommodate transport service as well.

Responding to Councilmember Lee, Judge Linde said the Issaquah Court is located in a commercial area.

Deputy Mayor Chelminiak noted that citizens of the portion of Bothell in Snohomish County were almost able to vote for Bellevue District Court judges. Judge Linde said she too was surprised by this. The District Court's mandate is to be responsive to its users and to give Bellevue the right to identify which judges in its electoral division are acceptable to the City and to exclude 25 percent of the judges within the division.

Mr. Chelminiak stated his preference that District Court electoral boundaries be redrawn. Raising another issue, he expressed concern about judges coming to Bellevue from other parts of the county as they are likely not familiar with Bellevue's probation system and other procedures.

Judge Linde noted that Bellevue could likely have a fair amount of influence in advocating for a change in electoral boundaries.

Noting the high cost of real estate and construction in King County, Ms. Brown spoke to the benefits of joint efforts among municipalities to share costs. She explained that the County is preparing operational master plans and facility master plans to integrate policy direction and operational decisions into planning the facilities. The District Court has adopted an operational master plan and has recently completed a facility master plan.

In recognition that the City of Bellevue is facing policy decisions regarding court services, Ms. Brown said a cost model was developed to assist Bellevue in making a decision. The highest priority cities in terms of the District Court's current master planning effort are Bellevue and Kent, for which there are potential opportunities for partnering.

Responding to Mayor Degginger, Ms. Brown said she will provide information to City staff regarding the estimated cost of preparing the Issaquah District Court for accommodating services to Bellevue. She noted the cost would be relatively low. In further response, Ms. Brown said she did not know at this point how costs would be covered and what Bellevue's specific needs might be. Mr. Degginger noted that the Bellevue City Council is being asked to make a decision this month regarding whether to continue to contract with the District Court. In order to do so, the Council needs information regarding a cost estimate as soon as possible.

Responding to Mr. Chelminiak, Ms. Brown said the master planning process contemplates the option of establishing a court in Bellevue. However, the cost of siting a District Court in downtown Bellevue is very high. Costs would be lower for a combined facility, perhaps along the I-90 corridor.

Mr. Chelminiak noted that King County owns property adjacent to Bellevue City Hall as well as another site in Bellevue, which provide opportunities for recreating the functions at the Surrey Downs District Court facility. Ms. Brown said there might be other County properties in and around Bellevue as well. She agrees they should be considered and evaluated over time.

Mayor Degginger thanked King County staff for their participation.

(b) Economic Development Update

Bob Derrick, Director of Economic Development, recalled his previous discussion with the Council on April 9. Attachment G to the meeting packet materials (but distributed separately) provides responses to questions and comments raised during that meeting. Mr. Derrick noted that office vacancy rates were 20-30 percent in 2002/2003, while today the vacancy rate is 3-5 percent.

Mr. Derrick described a focus on filling space with successful businesses including office, retail, cultural organizations, nonprofits, institutions, and housing. The objective is to help fund what is necessary to create and maintain a certain quality of life, which in turn supports economic development.

Mr. Derrick reviewed the primary focus areas of the Office of Economic Development work program: 1) Maintain an aggressive small business outreach program, 2) Diversify the mix of businesses, 3) Increase international trade in Bellevue, 4) Redevelop the neighborhood retail centers, and 5) Increase business recruitment and retention. Mr. Derrick said the budget includes \$15,000 for full membership in the Trade Development Alliance to enhance the focus on international trade. He requested Council direction regarding this proposed expenditure.

Regarding a previous inquiry from the Council about the City's role in economic development activities, Mr. Derrick clarified that the City has a role in certain government activities. However, the City is not the lead in business recruitment, which is being conducted by the Bellevue Economic Partnership, Bellevue Chamber of Commerce, and Enterprise Seattle (a countywide business recruitment organization).

Responding to Councilmember Marshall, Mr. Derrick said Attachment G was distributed via email. Mrs. Marshall commented that the deliverables listed on Attachment C are somewhat vague, and she questioned the baseline to be used for measuring some of the objectives. She suggested identifying top priority objectives for focusing the City's efforts and financial resources, as well as specific targets of what the City wants to accomplish this year.

Mr. Derrick responded that there is no baseline data at this time. However, the work program includes the establishment of performance measures and a database to track them, as indicated in Attachment F. He described the types of calls he gets relating to business and economic activity within the community. He reviewed the current strong local economy and noted opportunities for the redevelopment of neighborhood shopping centers.

Deputy Mayor Chelminiak confirmed the importance of focusing on neighboring shopping centers, diversifying the mix of businesses in the community, and continuing to strengthen the presence of finance, insurance, and real estate businesses. He expressed concern that perhaps the economic development work program is too broad, and he supports the development and tracking of performance measures.

Councilmember Noble expressed support for narrowing the work program, and encouraged a focus on small businesses.

Mr. Derrick noted two community programs focused on small businesses: 1) Bellevue Entrepreneur Program, and 2) Small Business Development Center. He is involved with the Bellevue Economic Partnership's business retention committee, which conducts outreach to existing businesses based on the assistance they request.

Councilmember Balducci said she appreciates the performance measures. However, she questioned how the City can communicate to citizens the ways in which its investment in economic development is affecting the local economy. She suggested tracking where new businesses are coming from, whether they are new to the region or from a surrounding jurisdiction.

Councilmember Lee concurred with the proposal to create a baseline for the performance measures and to collect and monitor the data. In terms of the work program items, he strongly supports an enhanced focus on small businesses and international trade.

Mayor Degginger noted Council consensus in favor of spending \$15,000 for full membership in the Trade Development Alliance to enhance the focus on international trade.

Mr. Derrick indicated that the Mayor will be asked to appoint a person to the Trade Development Alliance Board. Mr. Derrick said he would like to come back before the Council in September with a more detailed and strategic Economic Development Plan. He would like to discuss the tourism plan in the near future, and he is moving forward with developing a marketing plan.

(c) NPDES Update

Utilities Director Denny Vidmar recalled that the National Pollutant Discharge Elimination System (NPDES) Phase II permit program is required by the federal Clean Water Act. Bellevue is one of more than 100 jurisdictions in the state that is required to obtain the permit. The permit allows municipalities to discharge stormwater runoff into the state's water bodies as long as they have programs to protect or minimize impacts to water quality.

The U.S. Environmental Protection Agency delegated permit authority to state environmental agencies, which can set permit conditions at or above minimum federal requirements. In Washington, the NPDES delegated authority is the state Department of Ecology. The DOE issued the final permit in January 2007, which became effective on February 16.

Mr. Vidmar highlighted one condition of the final permit that causes concern. The Forested Predevelopment Condition requires stormwater mitigation of new development and redevelopment that may go beyond project impacts for many areas of the city. Redevelopment of an existing parking lot, for example, would be required to control stormwater volumes so that the property acts as though it were 100 percent virgin forest land. This level of mitigation is disproportionate to a project's incremental impact and subject to legal challenge by the development community, which would have to be defended by local governments.

A group of 33 entities, including Bellevue, have filed appeals with the Pollution Control Hearings Board and in Snohomish County Superior Court. Mr. Vidmar noted Bellevue's longstanding aggressive programs to control flooding and protect water quality and habitat. The coalition feels the permit conditions go unreasonably beyond the Clean Water Act's requirement to reduce the discharge of pollutants to the maximum extent practical. While some conditions of

the permit are under appeal, Bellevue is required to comply with permit conditions and schedule. Compliance deadlines for implementation of the permit conditions are staggered over the five-year permit term. Permits are revised and reissued every five years.

The first permit deadline is for submittal of a document known as the Stormwater Management Program and an annual compliance report by March 31, 2008. These documents will summarize how Bellevue is or will come into compliance with permit conditions by scheduled deadlines.

Mr. Vidmar said Bellevue has developed and operated a stormwater management program over the past 33 years that is consistent with achieving Clean Water Act goals. However, the permit specifically prescribes how conditions are to be implemented and will require the expansion of some City programs. Bellevue will be required to document its policies and programs in a manner that complies with the DOE's format. The first step is to conduct a citywide analysis of current programs, codes, standards, and processes to identify the level of compliance with permit conditions. A work plan for the 2008-2012 permit timeline will be developed to ensure that Bellevue complies with requirements by the appropriate deadlines. In the near future, staff will seek Council approval for a professional services contract to assist in these efforts.

Mr. Vidmar explained that the permit requires that the draft Stormwater Management Program be subject to a public review process. This includes a joint public hearing before the Environmental Services and Planning Commissions in late 2007. Utilities staff plan to return to Council in early 2008 following the public review process. At that time, Council will be briefed on the draft Stormwater Management Program.

At 8:00 p.m., Mayor Degginger declared the meeting adjourned.

Myrna L. Basich
City Clerk

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