#  East Bellevue Community Council

Summary Minutes of Special Joint and Regular Meeting

November 1, 2011 Lake Hills Community Clubhouse

6:30 p.m. Bellevue, Washington

PRESENT: Chair Kasner and Councilmembers Capron, Gooding, and Seal

ABSENT: None.

STAFF: Monica Buck, City Attorney’s Office

1. **CALL TO ORDER**

The meeting was called to order at 6:35 p.m. with Chair Kasner presiding.

2. **ROLL CALL**

The Clerk called the roll. All East Bellevue Community Councilmembers were present.

The following members of the Houghton Community Council were present: Chair Rick Whitney and Councilmembers Georgine Foster, Bill Goggins, Lora Hein, John Kappler, and Betsy Pringle. Vice Chair Elsie Weber was absent.

Chair Kasner led the flag salute.

3. **COMMUNICATIONS - WRITTEN AND ORAL**

Mr. John Van Dozer introduced himself as a resident in the East Bellevue Community Council area.

4. **APPROVAL OF AGENDA**

Mr. Seal moved approval of the agenda as presented. Mr. Capron seconded the motion, which carried unanimously.

Special Joint Meeting

 (1) Community Councils’ Role and Partnerships

Chair Kasner polled each councilmember as to their expectations for tonight’s meeting.

Houghton Community Council Chair Whitney said he was interested in discussing how to be more effective councilmembers, and how to foster communications between the two Councils to the extent that they can assist each other in matters of common interest.

Mr. Goggins concurred. He noted that HB 1812 will be coming back before the state legislature. He suggested that the two Community Councils work together to thwart any move to limit the benefits that the Community Councils provide to their constituents.

Ms. Hein said she was looking to share ideas about both Councils’ processes, and how they can improve the services they provide to citizens.

Ms. Pringle concurred with previous speakers. She shares concerns regarding HB 1812 and believes that the Community Councils need to work to make sure people understand their value.

Ms. Foster concurred as well, noting the need to stay vigilant with regard to HB 1812.

Mr. Kappler noted the importance of following the City of Kirkland’s rules related to emails between councilmembers. He would like to discuss ideas for communicating with neighborhoods and constituents, and for working together with the East Bellevue Community Council.

Chair Kasner interjected that East Bellevue Community Councilmember Michael Elwin had passed away on October 11.

Continuing with comments on expectations, Mr. Capron said he hopes to get a better understanding of HB 1812 and its implications for the Community Councils. He is interested in hearing the perspective of the Houghton Community Council on this and other issues.

Mr. Gooding said he is interested in learning from each other and identifying strategies for working with neighborhoods. He concurred with the importance of monitoring HB 1812.

Mr. Seal spoke about the important role of the Community Councils in representing single-family residents.

Mr. Kasner noted that the East Bellevue Community Council is in a position of being reactive, because it approves or disapproves legislation passed by the City Council. He is interested in identifying ways for citizens and the Community Council to be more proactive. He questioned the Houghton Community Council regarding their joint meetings with Kirkland’s Planning Commission.

Mr. Whitney explained that the Houghton Community Council is typically involved with the Planning Commission early in the process of considering any legislation or projects affecting the area within the Community Council boundaries. Mr. Whitney noted that the Kirkland City Council had indicated that it was not familiar with HB 1812.

Mr. Kasner stated that the Bellevue City Council did not take a position on HB 1812. However, the East Bellevue Community Council will formally ask the City Council to take a position if the legislation is proposed during the next state legislative session.

Mr. Kappler concurred with being proactive in requesting support for the Community Councils’ position on HB 1812 from the City Councils.

Mr. Kasner suggested contacting the State Senators and Representatives from the respective legislative districts to encourage disapproval of HB 1812.

Mr. Gooding concurred, and suggested approaching City Councilmembers before the election.

Mr. Whitney stated that the next Kirkland City Council meeting is after the election. He reported on conversations with Representative Deb Eddy and with Representative Larry Springer. Mr. Springer indicated that it would be disingenuous to have citywide elections, as proposed in HB 1812. He believes it would be more reasonable to set a sunset deadline for the Community Councils.

Mr. Seal said there is essentially a sunset provision every four years unless the Community Councils are continued by the electorate. He provided a historical perspective and spoke to maintaining the current system.

Mr. Kasner said that a 50-year to 100-year sunset clause might be reasonable. Mr. Seal disagreed, stating that it is impossible to know what the conditions and interests might be at that point in time.

Mr. Whitney said he communicated to Representative Springer that the preferred way to disband a Community Council is through the existing recertification election every four years. He explained that Mr. Springer’s perspective relates to the issue of fairness, and the fact that residents in Community Council areas have representation that other residents do not have.

Mr. Kasner and Mr. Seal briefly described past projects within the East Bellevue Community Council boundaries.

Mr. Whitney said that the City of Kirkland nurtures its neighborhood associations. However, Representative Springer believes that Community Councils add a step to the process that is unfair and therefore inappropriate.

Mr. Kasner noted his past work with the Census Bureau, and commented that the level of knowledge and involvement of residents varies between neighborhoods. In established neighborhoods, knowledge of issues is high and input to the City Council occurs frequently. However, that is not true for all areas.

Ms. Pringle explained that Kirkland’s neighborhood associations were started as activist organizations on specific issues, and they have become important conduits for communication with City.

Chair Kasner observed that the Lake Hills Neighborhood Association was very active in the past. However, it grew perhaps too large and did not sustain a succession of leadership. He noted that a survey of residents found that East Bellevue residents were less satisfied and feel less connected to City government.

Mr. Kasner would like to talk about how to foster a grassroots effort to involve more residents in issues affecting their neighborhoods and the overall community. There are 6,500 voters (8,000-10,000 residents) in the East Bellevue Community Council area.

Mr. Seal provided further historic perspective on the development of the East Bellevue community under King County government, and its later annexation into the city.

Responding to Ms. Pringle, Mr. Kasner said the EBCC operates under the same statute authority as the Houghton Community Council. He provided examples of past projects involving the EBCC. Mr. Kasner questioned the Capital Investment Program (CIP) budget process in Kirkland.

Ms. Pringle said the Houghton Community Council reviews the CIP plan, but typically does not provide a great deal of input. She said City staff do a good job of targeting needed projects years in advance.

Mr. Whitney said he believes there is good transparency and excellent communication with City of Kirkland staff.

Ms. Pringle explained that the Houghton Community Council’s meetings are essentially organized and supported by Planning staff. She suggested that the EBCC consider holding meetings at City Hall in a more formal setting.

Mr. Kasner said his primary interest is whether the public has been informed about upcoming projects and been given an opportunity to comment and provide input. He said that Planning staff are normally involved in EBCC meetings. However, he wanted to dedicate tonight’s meeting to this joint discussion.

Chair Kasner stated that his reason for inviting Ms. Buck, Assistant City Attorney, to tonight’s meeting is to discuss what the East Bellevue Community Council is legally allowed to say about the pending state legislation affecting community councils (HB 1812).

Monica Buck, Legal Counsel, addressed previous questions from the Council about communications. If a quorum of the EBCC membership is discussing business, this needs to be done in an open public meeting. Therefore, if the Council wants to communicate regarding HB 1812, it should be discussed at an open public meeting and not via email. Ms. Buck said it would be legal to establish a task force comprised of a minority number of Councilmembers from each Community Council to work together on issues related to HB 1812. She suggested that they draft an interest statement articulating their position, and that they submit this to the state legislature and testify during the public hearing. Ms. Buck provided samples of interest statements.

Ms. Hein questioned whether the Councils could take action tonight regarding a position on HB 1812.

Ms. Buck advised that any action on the topic should be scheduled for a future meeting.

Ms. Hein noted the individual prerogative of private citizens to lobby against HB 1812.

Mr. Kasner said he will be interested in reading the specific language of any proposed legislation before taking a position.

Mr. Kappler asked how this discussion relates to a blanket statement or question of the two respective City Councils asking if they would support the Community Councils’ position should the legislation be presented next session.

Mr. Kasner said it is difficult to ask the City Council to commit to something that has not been presented yet.

Ms. Pringle suggested that, tonight, the Councils simply brainstorm some of the things that could be done to address the issue if it arises, such as forming at task force, getting neighbors involved, and perhaps drafting a letter at some point.

Mr. Whitney said it is clear that the essence of the bill will be the eventual termination of community councils. He suggested going to the City Councils and asking them to oppose any legislative effort to terminate the existence of the community councils.

Mr. Kasner reiterated that he believes it will be more effective to wait to review the language of the legislation, if proposed during the next session.

Mr. Whitney said he believes that if the Community Councils can win the support of their City Councils in advance, this would influence Representative Springer’s proposed legislation.

Mr. Kasner said he is not sure how the Bellevue City Council will respond to a request.

Responding to Mr. Kappler, Ms. Buck clarified that she serves as legal counsel for the EBCC only. She reiterated that the topic should be added to a future agenda if action is anticipated, and the Clerk concurred.

Ms. Buck said there could be a point at which the EBCC spends a level of time and/or resources on this particular legislation that it may be necessary to file a statement with the Public Disclosure Commission. She has never gone through this process but will research it.

Mr. Seal suggested it would be a good idea to work with City Councilmembers and attempt to persuade them to oppose HB 1812. If successful, it might be less likely that legislation will be proposed.

Moving to a question unrelated to HB 1812, Mr. Kasner questioned the ability of an individual Community Councilmember to endorse a candidate or ballot issue using his or her official title.

Ms. Buck said she is not aware of a prohibition on using one’s title, although she has advised others that it is preferable to use only their name.

Responding to Mr. Whitney, Ms. Buck explained that the most common breaches by councilmembers involve the Open Public Meetings Act, Appearance of Fairness Doctrine, and conflict of interest issues. She reviewed the rules for quasi-judicial matters in which City or Community Councilmembers act as judges, and she described the prohibition against ex parte communications.

Mr. Kasner briefly described the EBCC’s use of courtesy hearings, which occur in advance of the required public hearings on specific issues.

Mr. Kappler suggested placing HB 1812 on the Houghton Community Council’s next agenda.

Mr. Kasner suggested establishing a task force to work on the issue.

Mr. Whitney suggested that each Community Councilmember select a City Councilmember to speak with individually to get a sense of where they stand on the issues related to HB 1812.

Mr. Kasner thanked Ms. Buck for her assistance, and she left the meeting.

The Houghton Community Council each selected a member of the Kirkland City Council who they will contact before their next Community Council meeting.

There was discussion about how to track City-related issues and potential state legislation affecting the Community Councils on an ongoing basis. Mr. Kasner noted that EBCC-related information is posted on the City’s web site.

Chair Kasner noted his interest in studying best practices, effective meeting training, and other available training materials.

Mr. Kappler suggested encouraging interested citizens from the community to attend City Council meetings to speak in support of the Community Councils’ position on HB 1812.

Mr. Kasner provided further background related to the formation of the East Bellevue Community Council.

On a separate issue, Mr. Kasner suggested sharing approaches related to resolving differences between the Community Councils and staff and/or the City Councils. From the East Bellevue Community Council’s perspective over the past five years, the dialogue has been positive once issues are known. However, he would like to find a way for the Community Councils to be more proactive in learning about issues early in the process.

Mr. Kasner solicited suggestions for reviving community interest in the Community Councils and the work they do.

Mr. Gooding suggested the use of blogs.

Mr. Kappler asked if there would be any advantage in publishing notices that the Community Councils will be discussing HB1812, and inviting public comment.

Mr. Kasner noted that the use of phone trees has been effective in the past in spreading the word about community issues.

Following additional discussion, there was a consensus to form a joint task force. The Houghton Community Council will designate three members during its November meeting, and the East Bellevue Community Council will select two members during its December 5 meeting. The number of members will avoid a quorum of either Council.

 (2) Adjournment of Special Joint Meeting

Chair Kasner thanked the Houghton Community Council for participating. Mr. Whitney thanked the EBCC for their hospitality and for including Ms. Buck in the meeting.

The Special Joint Meeting was adjourned at 9:08 p.m.

5. **PUBLIC HEARINGS**: None.

6. **RESOLUTIONS**: None.

7. **REPORTS OF CITY COUNCIL, BOARDS, AND COMMISSIONS**: None.

8. **DEPARTMENT REPORTS**: None.

9. **COMMITTEE REPORTS**: None.

10. **UNFINISHED BUSINESS**: None.

11. **NEW BUSINESS**

Mr. Kasner reported that two applications have been received to date for the position vacated by Mr. Elwin’s passing.

Mr. Capron suggested keeping the application period open until the December 5 meeting.

There was a consensus to extend the application deadline until December 5.

12. **CONTINUED COMMUNICATIONS**

Mr. Gooding commented that he is impressed with the progress on the Kelsey Creek Center project. Mr. Kasner reported that the gas station has been demolished.

Mr. Capron reported on his meeting with the Franklin Group related to the Kelsey Creek Center redevelopment schedule. They expect to complete the old K-Mart building in two weeks, and LA Fitness is expected to open in early February. Building B, the new building along Main Street, is expected to be completed in early December. Tenants for that building have not yet been named.

Mr. Seal commented on the culvert work at Kelsey Creek Center and on the telecommunications pole project at SE 16th Street and 156th Avenue SE.

Mr. Seal reported on Mr. Elwin’s memorial service.

13. **EXECUTIVE SESSION**: None.

14. **APPROVAL OF MINUTES**

Councilmember Capron moved to approve the Summary Minutes of the October 4, 2011, meeting. Councilmember Seal seconded the motion, which carried by a vote of 4-0.

15. **ADJOURNMENT**

Councilmember Gooding moved to adjourn. Mr. Seal seconded the motion, which carried by a consensus.

At 9:29 p.m., Chair Kasner declared the meeting adjourned.

Michelle Murphy, CMC

Deputy City Clerk

/kaw