

East Bellevue Community Council
Summary Minutes of Regular Meeting

February 6, 2018
6:30 p.m.

Lake Hills Clubhouse
Bellevue, Washington

PRESENT: Chair Hummer, Vice Chair Walter, Alternate Vice Chair Gooding, and Councilmember Kasner

ABSENT: None.

STAFF: Carol Helland, Code and Policy Director, Development Services Department

1. **CALL TO ORDER**

The meeting was called to order at 6:33 p.m., with Vice Chair Kasner presiding.

2. **ROLL CALL**

Deputy City Clerk Karin Roberts called the roll. All Councilmembers were present.

3. **FLAG SALUTE**

Vice Chair Kasner asked Councilmember Gooding to lead the flag salute.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Don Boettiger asked whether EBCC Officers would be elected tonight.

Irene Fernandes spoke on behalf of the Lake Hills Neighborhood Association (LHNA). She noted that the Family Fun Fest was held on January 13 with 50-60 people in attendance, including many families. She said the next LHNA meeting will be held on March 1 with community social services organizations invited to attend to provide information about their services and volunteer opportunities. She noted that Earth Day is April 22.

Don Boettiger thanked Construction Inspector Melisa Floyd for visiting his home to provide the status of the sidewalk improvements project on 148th Avenue.

5. **REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS**

(a) Community Council Business and New Initiatives

Councilmember Kasner reported that he attended the planning meeting for family game night as well as the planning meeting for the LHNA. He attended two Martin Luther King, Jr. celebrations and met with City Councilmember Conrad Lee regarding neighborhood subarea planning. Mr. Kasner attended the Movies That Matter series at St. Margaret's Church for the January film: *What Difference Does Race Make?*

Councilmember Walter said she spoke to Carol Helland, Code and Policy Director, regarding the single-family room rental Ordinance. Ms. Walter said she is pleased that the Ordinance slowed the trend of room rentals.

Councilmember Hummer participated in the One Night Count, which counts and maps homeless individuals and encampments. She is participating in the listening course offered by the City's mediation staff. Ms. Hummer spoke with City staff regarding upcoming sewer repairs in the Lake Hills area.

Mr. Kasner said the City's listening course has been popular and could not accommodate all of the people who wanted to attend. The course covers a number of topics including difficult conversations, active listening skills, and listening while angry.

Mr. Kasner said he spoke with the developer of Kelsey Creek Center and was told the center would be completed this spring.

6. **APPROVAL OF AGENDA**

Councilmember Walter moved to approve the agenda, amended to move Agenda Item 12(a), 2018 Election of Officers to Agenda Item 6(a).

Chair Kasner ruled the amendment out of order, noting that he spoke with staff who recommended filling the vacant EBCC position before selecting officers.

Catherine Drews, Assistant City Attorney, confirmed that staff suggested waiting to elect officers. However, that is not dictated in the EBCC's rules.

Councilmember Walter reiterated her motion to approve the agenda, as amended. Councilmember Gooding seconded the motion.

Mr. Kasner said he would prefer to allow the new Councilmember to participate in the election of officers.

Councilmember Hummer said the motion is consistent with Robert's Rules. Councilmember Walter opined that the EBCC should open the year with new officers.

The motion to approve the amended agenda carried by a vote of 4-0.

(a) 2018 Election of EBCC Officers

Councilmember Kasner introduced the election of the 2018 East Bellevue Community Council officers. He said the nominations would be voted in the order they are received. Abstaining from voting will be counted in the affirmative.

Councilmember Walter nominated Councilmember Hummer to serve as Chair.

Councilmember Kasner nominated himself to serve as Chair.

Hearing no further nominations, Councilmember Kasner closed the floor for nominations.

The nomination for Councilmember Hummer to serve as Chair carried by a vote of 3-1, with Councilmember Kasner dissenting.

Chair Hummer nominated Councilmember Walter to serve as Vice Chair.

Hearing no further nominations, Chair Hummer closed the floor for nominations.

The nomination for Councilmember Walter to serve as Vice Chair carried by a vote of 4-0.

Vice Chair Walter nominated Councilmember Gooding to serve as Alternate Vice Chair.

Hearing no further nominations, Chair Hummer closed the floor for nominations.

The nomination for Councilmember Gooding to serve as Alternate Vice Chair carried by a vote of 4-0.

7. DEPARTMENT REPORTS

Carol Helland, Code and Policy Director, recalled that a report on single-family room rentals was provided to the EBCC in September. She shared the data on complaints and enforcement, noting that the information is available on the City's Open Data Portal. Ms. Helland said Ms. Hummer and Ms. Walter spoke with her as private residents in December regarding the status of the issue. Ms. Helland said Mr. Kasner requested the data distributed to the EBCC tonight.

Ms. Helland said Vice Chair Walter addressed the issue of customer service from the residents' perspectives. Ms. Helland suggested that staff provide an annual report in May, as well as perhaps a six-month update in November.

Vice Chair Walter questioned the meaning of "closed/no response" in the report. She suggested that staff provide information in May regarding how citizens can report complaints and concerns to the City.

Ms. Helland said she recently reviewed the data for repeat violations, the holding of properties in a LLC, clusters of properties used for room rentals, external aesthetic issues, and ongoing investigations. She is working with code compliance staff to address issues that could be especially destabilizing to the neighborhood (e.g., clusters of homes used as room rentals). She said the City's Legal Planner has been able to dedicate more time to supporting code compliance activities and has taken more of the cases to hearings than in the past. The City entered into a voluntary correction agreement today and received \$5,000 for the violation.

Vice Chair Walter noted an abandoned house that has been remodeled and sold. Ms. Helland said it can be difficult to identify and make contact with property owners.

Ms. Helland said the MyBellevue app is a central point of contact for residents to contact the City regarding concerns or issues. Requests are forwarded to the appropriate staff for a response. She acknowledged some confusion in the messages generated by the app and said staff is working with the vendor to attempt to clarify the messaging.

Councilmember Kasner said he would like the data to be sorted by current status and by neighborhood. He expressed concern regarding the cases identified as "closed/no violation" because residents become frustrated that their complaints are not resolved. Responding to Mr. Kasner, Ms. Helland said "closed/administrative" refers to cases in which an investigation is made and the City is unable to prove that a violation occurred. This can occur when City staff, after three visits, is unable to observe a violation or to get a complainant to testify to the activity. Mr. Kasner requested the status of three Superior Court cases. Ms. Helland said those cases involved the City reducing the Hearing Examiner decisions to judgements in order to allow enforcement actions.

Mr. Kasner said the public has the perception that the ordinance is not working and nothing is happening. He suggested public education to describe the City's process and limitations, as well as the disposition of cases. Ms. Helland noted that certain information cannot be shared with the public and could jeopardize the City's litigation strategy.

Chair Hummer noted that residents will often not file complaints due to fear of retaliation by the landlord or tenants.

8. **PUBLIC/COURTESY HEARINGS**

- (a) Public Hearing to consider approving City Council Ordinance No. 6398 extending Ordinance No. 6368, which imposed an Interim Official Control regarding the permit process required to establish a homeless shelter and identified the Land Use Districts where a homeless shelter may be permitted.

Carol Helland, Code and Policy Director, spoke about extending the Interim Official Control regarding the permit process required to establish a homeless shelter and to identify the land use districts where a homeless shelter may be permitted. She spoke about the process for the Interim Official Control, provided a recap of the interim regulations under City Council Ordinance No. 6368, and presented a map of the land use districts where shelters are allowed today. She noted

that, following the public hearing, staff is seeking EBCC action to approve or deny City Council Ordinance No. 6398, which extends the Interim Official Control put in place by Ordinance No. 6368.

Councilmember Kasner asked about the conditional use permit (CUP) process for homeless shelters. Ms. Helland said the CUP process requires an applicant to demonstrate that he or she has complied with the decision criteria in the code. The use must be consistent with the Comprehensive Plan and Land Use Code, served by adequate public facilities, and not detrimental to surrounding uses. The Land Use Director issues a recommendation and a public hearing is held before the Hearing Examiner, who issues a decision that can be appealed to the City Council. In the EBCC jurisdiction, the permit application would go directly to the City Council for final decision. In further response to Mr. Kasner, Ms. Helland said the Interim Official Control permits an applicant to file for a CUP. No CUP applications for a shelter have been received by the City.

Responding to Vice Chair Walter, Ms. Helland said a pre-application was filed with the City and a pre-application conference was held in January. The conference provides the opportunity for the applicant to meet with staff to answer questions about the permitting requirements. Applicants are not billed for that time, however permit and pre-development services beyond that point are charged on an hourly basis.

Responding to Councilmember Gooding, Ms. Helland said the applicant would decide whether they want a low-barrier or other type of shelter.

Chair Hummer stated her understanding that the Eastgate/I-90 Transportation and Land Use Study process was conducted in 2010, and the proposed Land Use Code Amendment (LUCA) was developed by the Planning Commission in 2015 when the Eastgate location for a homeless shelter was under consideration. She said the shelter was not addressed during the land use study. While the proposed shelter location in Eastgate is not within the EBCC jurisdiction, it will impact residents in East Bellevue. Ms. Hummer expressed concern regarding a lack of transparency in the process. She asked how citizens can get involved in establishing the criteria for the homeless shelter.

Ms. Helland said individuals can be involved through the LUCA process, which staff will initiate with the City Council in March. She said staff will provide a description of the LUCA process and public engagement plan at that time. Ms. Helland said LUCAs can be tracked on the code news web page, and individuals may sign up to receive an alert whenever a change is made to the page. There will be additional public process and discussion regarding specific sites.

Ms. Helland said City staff are well-intentioned and hardworking, and they have been working on Eastgate planning for a long time. She noted that shelters were already allowed as a subset of the hotel/motel use. However, the new planning effort for a permanent homeless shelter highlighted the need to review the code for that type of use. Ms. Helland said the City works to be transparent. She encouraged individuals to visit the City's website for extensive information, including public comments.

At 7:46 p.m., Councilmember Kasner moved to open the Public Hearing. Vice Chair Walter seconded the motion, which carried by a vote of 4-0.

Don Boettiger asked staff to highlight the EBCC area in relation to the proposed Eastgate shelter site on the map. He questioned the potential for a safe injection site at the Eastgate location.

Ms. Helland noted that safe injection sites are prohibited Citywide.

Steve Fricke spoke in support of extending the Interim Official Control.

At 7:48 p.m., Vice Chair Walter moved to close the Public Hearing. Councilmember Kasner seconded the motion, which carried by a vote of 4-0.

Councilmember Kasner expressed concern that the process takes so long. Ms. Helland noted that staff and the Planning Commission have a full workload. She said staff and the City Council worked extensively on the Downtown Livability Initiative LUCA and the Eastgate LUCA over the past few years. Both of those LUCAs were adopted last fall.

Responding to Mr. Kasner, Ms. Helland said public comments received to date are posted on the City's website. Mr. Kasner said he would like the final Ordinance to regulate whether the shelter is low barrier or high barrier, as well as other specific features of the shelter. Ms. Helland said the City will likely draft requirements related to the shelter's operations and a "good neighbor" plan.

Chair Hummer shared a concern from a constituent that the Ordinance allows homeless shelters and that they were not previously allowed. Ms. Helland clarified that shelters were actually previously permitted outright under the hotel/motel classification. The Interim Official Control Ordinance requires a higher level of permit scrutiny through the CUP process.

Vice Chair Walter recalled that the land use tables had transient housing listed as for hire.

Ms. Helland noted that it was not under transient lodging, it was under hotel/motel, which is under the hotel/motel classification and describes things such as YWCA and other uses that do not actually charge. Ms. Helland said the City's practice of recognizing shelters as a hotel/motel use has not been challenged in terms of its legality or appropriateness. She noted that section 15 of the land use table was added as a result of the interim ordinance.

9. **RESOLUTIONS**

- (a) Resolution 568 Approving City Council Ordinance No. 6398

Councilmember Kasner moved to approve Resolution No. 568. Councilmember Gooding seconded the motion, which carried by a vote of 3-1, with Councilmember Gooding dissenting.

(b) Resolution 569 Electing the 2018 Community Council Officers

Chair Hummer moved to approve Resolution No. 569. Vice Chair Walter seconded the motion, which carried by a vote of 4-0.

10. **COMMITTEE REPORTS:** None.

11. **UNFINISHED BUSINESS**

(a) Interviews for Vacant EBCC Position

Chair Hummer introduced the EBCC's interviews of candidates to fill the vacant position. Deputy City Clerk Karin Roberts said each applicant is allowed 10 minutes to respond to the questions previously provided to them.

Shawna Deane said she lives adjacent to Sammamish High School and would like to serve on the EBCC to be more involved in the community. She understands that the EBCC is in charge of approving or disapproving land use matters in East Bellevue. She acknowledged the somewhat contentious relationship with the City Council and the EBCC's involvement regarding the Puget Sound Energy (PSE) transmission lines. Ms. Deane said she does not have a deep knowledge of past issues but has read past meeting minutes. She is active with HopeLink, Washington First, and local schools. In California, she served as president of the Junior League of Santa Barbara. Ms. Deane noted that she has a flexible schedule and is available to work on projects as she works from home.

Responding to Vice Chair Walter, Ms. Deane said she became interested in public service through her work with nonprofits and her friendship with an elected official.

Responding to Chair Hummer, Ms. Deane said she learned about the EBCC through the signs on 148th Avenue, Bellevue Patch, and social media.

Hassan Dhananjaya thanked the Council for the opportunity to be considered for the vacant position. He noted he has two sons and commented on how much East Bellevue has changed in recent years. He has a strong interest in retaining and enhancing the quality of life in East Bellevue. He noted that the EBCC was established in 1969 with the concept of involving the area in certain land use decisions. Mr. Dhananjaya noted his familiarity with the City's Intelligent Traffic System (ITS) and growth issues. He believes the EBCC provides a good avenue for residents to be heard. He highlighted his interest in issues related to homelessness and the homeless shelter. He has a technology background and supports the Smart City initiative. He said he is fairly flexible but would prefer evening meetings and activities.

Responding to Councilmember Gooding, Mr. Dhananjaya said he has lived in East Bellevue for 23 years.

Tammy Foss said she has lived in Bellevue for 19 years. She served with the Junior League of Seattle for seven years, graduated from the Bellevue Essentials class, and participated in the

Leadership Eastside program. She has a career in marketing and volunteers with nonprofits in Bellevue. She said she would bring a new generation to the EBCC. She does not have children, and thinks it is important for diversity to include all ages and family structures. She noted that her mother is Hispanic. Ms. Foss said she will bring fairness and a strong commitment to her constituents to the Council. She is very interested in the civic process and wants to learn how to get things done in the City. She is concerned about the lack of senior services in the area and the lack of community activities and programs for those without kids. She noted her commitment to neighborhood beautification. She will always listen and will help people to be heard. She wants to continue to learn and appreciates direction and mentorship.

Councilmember Kasner noted that he and Councilmembers Hummer and Walter are Bellevue Essentials graduates as well.

Ms. Foss added that she organized Nextdoor.com for her neighborhood approximately four years ago and continues to be a Nextdoor leader.

Douglas Mathews said his family moved to the Lake Hills area in 1959 and is currently living in the house where he grew up. He said Bellevue is one of the best cities anyone could ever live in. In 2001, he served on the Lake Hills Neighborhood Investment Strategy Citizen Advisory Committee. He subsequently served on Bellevue Boards and Commissions. Mr. Mathews noted that, after listening to the three previous candidates who have a lot of energy and passion, he would withdraw his name from consideration.

Councilmember Kasner thanked Mr. Mathews for his longtime service to Bellevue and encouraged him to stay involved in the community.

14. **EXECUTIVE SESSION**

(a) Discussion of EBCC Candidate Qualifications

At 8:41 p.m., Chair Hummer declared recess to Executive Session for approximately 10 minutes to discuss EBCC candidate qualifications. The meeting resumed at 8:54 p.m.

Councilmember Gooding nominated Hassan Dhananjaya to fill EBCC Position No. 3.

Hearing no further nominations, Chair Hummer called for a vote. The EBCC unanimously appointed Mr. Hassan Dhananjaya to fill the vacant EBCC position.

Chair Hummer thanked Ms. Deane and Ms. Foss for their interest in the EBCC and encouraged them to attend meetings. Ms. Hummer recommended the Bellevue Essentials class and encouraged them to attend City Council, Board, and Commission meetings to learn more about the City.

Deputy City Clerk Roberts conducted the swearing in of Hassan Dhananjaya, who then took his seat at the Council table.

12. **NEW BUSINESS**

(a) 2018 Election of Officers

[Moved to Agenda Item 6(a).]

(b) Discussion Regarding Potential Future Agenda Items

- Larsen Lake Culvert Replacement project
- Open Public Meetings Act (OPMA) Training
- Review and update of Community Council Rules of Procedures
- Room Rental Ordinance Update
- Budget Monitoring Report

Chair Hummer said a report on the Larsen Lake project will be provided in June, and an update on the room rental ordinance is anticipated in May. Responding to Ms. Hummer, Ms. Roberts said the City Clerk has offered to provide a budget presentation to the EBCC this summer.

Vice Chair Walter noted her understanding that the EBCC makes a budget presentation to the Council during the budget term. She proposed that the EBCC form a budget committee.

Chair Hummer appointed Vice Chair Walter and Councilmember Gooding to the EBCC budget committee to study the resources used by the EBCC over the past few years and to determine the resources needed going forward. Ms. Walter said the EBCC will present its budget proposal to the City Council.

Councilmember Kasner said the budget process involves performance measures, which are submitted with budget proposals. He suggested checking the City's budget process calendar. He said a review of the capital budget is important related to potential projects in East Bellevue. He said the capital budget does not yet include the funding of intersection improvements at NE 8th Street and 148th Avenue NE. He said the Transportation Commission will consider that project soon and suggested that staff provide an update on the project.

Vice Chair Walter asked Councilmember Kasner to provide information for the next EBCC meeting regarding the NE 8th Street/148th Avenue project. Mr. Kasner said he will consult the City Council's budget process calendar. He would like to provide input to the Transportation Commission before recommendations go to the City Council.

Councilmember Kasner suggested there is no need to draft an operating budget for the EBCC because the City covers all necessary expenses.

Vice Chair Walter said it is necessary and outlined in the resolution she referenced above.

Councilmember Kasner said he will research the timelines for the General Fund/Operating Budget and Capital Investment Program (CIP) processes and report to the EBCC in March.

Councilmembers Kasner and Dhananjaya were appointed to the EBCC capital budget committee. Vice Chair Walter and Councilmember Gooding will focus on the operating budget.

Referring to future agenda items, Chair Hummer said she would like an update on the EBCC Rules of Procedure and Open Public Meetings Act (OPMA) training.

Responding to Chair Hummer, Assistant City Attorney Catherine Drews said that all Council-appointed Boards and Commissions have a template for their bylaws, which sets the agenda structure. She said only the Planning Commission and the Environmental Services Commission have some flexibility in how they can modify their agendas.

Chair Hummer said she would like more advanced planning of agenda items. Vice Chair Walter concurred.

Deputy City Clerk Roberts suggested that the EBCC hold its OPMA training as a Special Meeting at City Hall. Pacifica Law Group provides the training. Ms. Roberts said the consultant recommends a mid-week session, and the training is typically a 90-minute meeting. Responding to Ms. Roberts, the EBCC suggested Thursday, March 29 or Wednesday, March 28 for the training. The meeting will be scheduled to begin between 4:00 p.m. and 5:00 p.m., depending on Pacifica's availability.

Chair Hummer noted that the Affordable Housing Strategy will be discussed by the City Council on March 12. She requested an update following that meeting.

Responding to Vice Chair Walter regarding the issue of an EBCC quorum at other meetings, Ms. Drews said the key is to not discuss EBCC business if three or more members are present at a meeting or event.

Chair Hummer said she would like the EBCC to function as a united front, which means maintaining communication between EBCC members and coordinating attendance at various meetings and forums.

13. **CONTINUED COMMUNICATIONS**

Don Boettiger noted that he previously provided to Mr. Kasner a list of questions regarding the Puget Sound Energy (PSE) presentation in December. Councilmember Kasner said questions to PSE during the December 5 meeting have not been answered.

Chair Hummer suggested asking Bellevue's Environmental Services Commission to respond to questions regarding electrical infrastructure as well.

Councilmember Kasner said the Deputy City Clerk works with other City staff on behalf of the EBCC. However, it is not her role to contact PSE or other outside agencies directly for information.

Warren Halverson noted his frustration that questions raised during EBCC meetings are not answered.

Chair Hummer said she will email the questions to Keri Pravitz at PSE.

14. **EXECUTIVE SESSION**

- (a) Discussion of EBCC Candidate Qualifications

[Moved to earlier in the agenda.]

15. **APPROVAL OF MINUTES**

- (a) Summary Minutes of the January 9, 2018 Regular Meeting

Councilmember Kasner moved to approve the minutes of the January 9, 2018 Regular Meeting. Councilmember Walter seconded the motion, which carried by a vote of 4-0. Councilmember Dhananjaya abstained, which is counted in the affirmative.

16. **ADJOURNMENT**

Councilmember Kasner moved to adjourn. The motion was seconded by Councilmember Gooding and carried by a vote of 5-0.

At 9:50 p.m., Chair Hummer declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk

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