

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Extended Study Session

May 13, 2013  
6:00 p.m.

Council Chambers  
Bellevue, Washington

PRESENT: Mayor Lee, Deputy Mayor Robertson and Councilmembers Balducci, Chelminiak, Stokes, and Wallace

ABSENT: Councilmember Davidson

1. Executive Session

The meeting was called to order at 6:12 p.m., with Mayor Lee presiding. There was no Executive Session.

2. Oral Communications

(a) National Police Week Proclamation

Mayor Lee read a proclamation declaring May 15 as Peace Officer Memorial Day and the current week as National Police Week in Bellevue.

Police Chief Linda Pillo said the Police Department will hold an awards ceremony on Wednesday to recognize the extraordinary efforts of Police personnel and citizens. The Police Lifesaving Award will be presented to Officers Scott Montgomery, Casey Hiam, Ben Richey, David Finney, Shannon Leahy, Matt Trizuto, John Nourse, Brian Schafer, and Corporal Andrew Popochock.

The Commander's Award recognizes substantially superior performance by an employee either through a single event or for a prolonged period of work performance. Four employees will receive this award individually as well as the entire School Resource Officer program, which consists of five officers. Commander's Award recipients are Police Support Officer Orlin VanWieringen, Lt. David Sellers, Lt. Travess Forbush, and Detective Jerry Johnson. The SRO team includes Officers Mike Fry, Gary Hromada, John Rohde, Greg Mills and My Tran.

A Meritorious Service Award will be presented to Lt. Marcia Harnden for her special assignment with NORCOM's Police and Fire technology project.

Chief Pillo said 15 members of the Police Department will receive awards for years of service including three individuals who have served for 35 years.

(b) Bike to Work Day Proclamation

Mayor Lee read a proclamation declaring May 17 as Bike to Work Day in Bellevue.

- (c) Chris Benis recalled that a Comprehensive Plan Amendment proposal he submitted last year regarding an office building owned by his mother was denied. He asked the Council to study and consider a zoning change or text amendment to handle situations in which typical buffering is not needed in the same way that it would be if the property were surrounded on three sides by single-family residences. He asked the Council to study the Factoria area in general and, specifically, his property and the adjacent properties owned by Dr. Lorge and Dr. Sherwood.
- (d) Ellen Kerr, Co-President of the Bridle Trails Community Club, stated her understanding that the Council will take action on the Electrical Franchise Agreement with Puget Sound Energy tonight and that the related reliability memorandum of understanding (MOU) will be considered in the near future. She thanked the Council for directing staff to solicit public comment on the Electrical Reliability Study and related MOU. Mr. Kerr referred to an email from her and Norm Hansen to the Council earlier in the day. She encouraged the Council to direct staff to move forward with developing an implementation plan related to the Electrical Reliability Study's recommendations. She suggested that a portion of the utility tax collected by the City could be allocated toward implementation.

3. Study Session

(a) Council Business and New Initiatives

Deputy Mayor Robertson noted that Councilmember Davidson continues to recover and has asked for excused absences through June 3.

- Deputy Mayor Robertson moved to grant excused absences for Councilmember Davidson from May 13 through June 3, subject to extension should additional recovery time be needed. Councilmember Chelminiak seconded the motion.

Mayor Lee expressed support for the motion and noted that Dr. Davidson is doing well.

- The motion carried by a vote of 6-0.

Mayor Lee proposed Bellevue's membership in the U.S. Conference of Mayors. He recalled that this was discussed on July 28, 2002, when Grant Degginger was the Mayor. At that time the Council chose to not join. However, Mayor Lee attended a meeting approximately one year ago as a potential member. He was impressed with the potential effectiveness of the individual members.

Mayor Lee said the organization provides a way to work with other cities to present and promote certain legislation and initiatives. He believes there is great potential for benefit to Bellevue. He is bringing it up now because there is a conference in June that he would like to attend.

Mayor Lee said that, if he goes to the conference, he has three initiatives to propose. One relates to immigration, the second addresses advanced manufacturing (i.e., technology sector), and the third topic is education and apprenticeships. He believes these initiatives would benefit Bellevue.

Mayor Lee noted that initial membership is offered at half the usual annual rates.

→ Councilmember Stokes moved to join the U.S. Conference of Mayors. Deputy Mayor Robertson seconded the motion.

Councilmember Balducci said she would like to see a return on investment analysis of similar types of memberships. Looking at the list of items that the U.S. Conference of Mayors supports, she observed that they are a little left, politically, of much of the Council. There are a number of issues that the Council supports including sustainable communities, human services, public safety, and climate change. However, the Conference also supports the CeaseFire strategy to gun regulation, school policies never discussed by the City Council, and honoring the life of Ray Bradbury.

Ms. Balducci questioned what the City will receive from its membership. She said the City has terminated its memberships with certain groups that actually demonstrate a more direct relationship or potential benefit, for example, the Transportation Choices Coalition. She would like to see some rigor to determine which groups are chosen for membership by the City.

Mayor Lee concurred that the Council has not had enough rigor. However, he said the value of the U.S. Conference of Mayors is accessibility and being at the table with administrative officials on issues. Cities that do not participate do not receive certain benefits and allocations that member cities receive.

Ms. Balducci asked staff whether member cities have benefited when other cities have not in terms of grant funding for projects .

Joyce Nichols, Director of Intergovernmental Relations, said she did not have knowledge on that point and would need to research it. Comparing the U.S. Conference of Mayors to the other similar organization, Ms. Nichols said the National League of Cities represents 19,000 cities. The U.S. Conference of Mayors represents less than 1,000 cities.

Mayor Lee noted that approximately 200 cities were represented at the U.S. Conference of Mayors conference.

Ms. Nichols concurred with the Mayor that the smaller group has better access, especially to cabinet level officials in Washington, D.C. She opined that it could be beneficial to belong to both organizations.

Mayor Lee said the U.S. Conference of Mayors is more focused and provides a better opportunity for presenting initiatives. With the NLC, cities follow the majority perspective.

Councilmember Balducci proposed a friendly amendment that, if the City joins at the half-price rate, an analysis would be completed and assessed before renewing membership for subsequent years.

Deputy Mayor Robertson said she would like to see a similar analysis for all organizations and associations in which the City is a member. She suggested adding the analysis to the Mid-Biennium Budget work plan. She said she would be happy to make that as a separate motion or to receive a confirmation from the City Manager that this will occur.

Councilmember Chelminiak said he believes that the U.S. Conference of Mayors is a good organization. However, he said the issue goes beyond membership in similar organizations. He noted that the City has a federal legislative lobbyist. Responding to Mr. Chelminiak, Ms. Nichols said the lobbyist's contract reflects a maximum expenditure of \$40,000. However, the typical annual expenditure is \$28,000-\$30,000. Councilmember Chelminiak suggested an analysis to determine whether the City is receiving the value for its dollar in that area as well.

Continuing, Mr. Chelminiak referred to the request for funding and prioritizing implementation of the Electrical Reliability Study. He said that all of these initiatives require a balance. He would like an overall review of lobbying efforts and how the Council spends money. He noted Councilmember Stokes' visit to Denver with the Bellevue Downtown Association (BDA), which brought back helpful information. Mr. Chelminiak said Councilmembers did that more frequently in the past, and he would like to see more of it if the expenditures are relevant to Council issues.

Councilmember Wallace recalled that he has been requesting, for the past couple of years, a comprehensive analysis of the City's economic development strategy. He is interested in a comprehensive review of the City's lobbying strategy as well. He will not support the motion because he would like to develop deliberate strategies before joining any new efforts.

Mayor Lee said his proposal is made in light of all of these considerations and to generate discussion to take the next move. If the Council does nothing, nothing will move forward. He agrees with the need for a review of lobbying and other efforts.

Councilmember Stokes observed that it sounds like this issue has been discussed in the past. He believes there is value in joining now at the lower rate.

- Councilmember Stokes said he would accept, as a friendly amendment, adding to his motion that the Council conduct studies of organization memberships, lobbying efforts, and the economic development strategy.
- The motion carried, as amended, by a vote of 4-2, with Councilmembers Chelminiak and Wallace opposed.
- (b) Draft amendments to BCC Chapter 3.92 relating to the Code of Ethics for City Council and Council-appointed Boards, Commissions, and Committees.

Deputy City Manager Brad Miyake introduced continued discussion of the draft Ethics Code from the previous week.

City Attorney Lori Riordan noted her lengthy memo in the packet covering all of the questions and comments she has received from the Council. Where applicable, she has provided amendatory language to the Kirkland ordinance. Also in the packet is the draft Bellevue ordinance. She has received additional questions and comments since the packet was prepared, many of which she considers generally philosophical differences of opinion with the Kirkland ordinance.

Ms. Riordan said that other comments are seeking clarification. For example, one comment expressed a desire to see language that mirrors state law (RCW 42.23) regarding the purpose of that chapter in regulating the contract interests of public officials. That language states that it is intended to provide flexibility to allow a greater number of citizens to participate in public office. Any desired modification could be addressed with amendatory language to either the Whereas clauses or within the text of the ordinance (i.e., Intent section).

Ms. Riordan suggested addressing the proposed ordinance and amendments in the order in which they appear within the ordinance. She said that, in order to draft the final ordinance, she needs the Council to address the alternatives for the complaint and investigation process, including the role of the ethics officer. The Council feedback she has received indicates a general consensus supporting Alternative B. However, she has not yet heard from all Councilmembers.

Beginning on page 3-2 of the meeting packet, Ms. Riordan noted the first item regarding the definition of “relative” in Section 3.92.020.B.

Councilmember Wallace said the Employee Ethics Code has a definition of immediate family. He suggested using that same term and definition to provide consistency.

Councilmember Stokes observed that the definition of relative in the proposed code extends the concept of family fairly broadly.

Reading from the Human Resources Code, Councilmember Balducci said immediate family is defined as an employee’s parents (i.e., natural/step/adopted/foster or individuals who stood in loco parentis when the employee was a child), sisters, brothers, spouse, domestic partner,

children, natural/adopted/step/foster legal wards, children of domestic partners or children of persons standing in loco parentis, mother, father-in-law, daughter, son-in-law; and mother, father, daughter, or son of domestic partner; and grandparents; great-grandparents; grandchildren; and great-grandchildren.

Ms. Riordan said the Human Resources Code is focused toward employee benefits and policies. She said it is the Council's decision whether to be consistent with this code or to provide a separate definition for purposes of the ethics code for elected and appointed officials.

Mr. Wallace said the Employee Ethics Code, 3.90, refers to that definition as well.

Councilmember Balducci suggested going through the draft ordinance instead of having staff read through all of the questions and issues raised by the Council and provided in the meeting packet.

Deputy Mayor Robertson concurred.

Mr. Chelminiak said he was in favor of narrowing the code, but he is also agreeable to making it consistent with the Employee Ethics Code.

Ms. Robertson said that Councilmembers and Board/Commission Members are not full-time employees. She would strike grandparent, grandchild, and sibling from the definition of relative/family.

Mayor Lee noted a consensus to proceed by going through the ordinance for discussion.

Ms. Riordan said she received a question that morning about whether the Council would like to include language from RCW 42.23 regarding encouraging a broader array of citizens to participate in public office.

Ms. Robertson said she does not want to discourage citizens from serving on the City Council and on Boards and Commissions. She suggested adding language to that effect in Section 3.92.010.B of draft Ordinance No. 6110.

Mayor Lee suggested deleting Section B because it is repetitive of Section A.

Ms. Robertson said she does not want to discourage individuals from serving simply because they conduct business in the community. Responding to Mr. Wallace, Ms. Robertson said this has been addressed in case law. Ms. Robertson reiterated that Bellevue has a part-time City Council and volunteers serving on Boards and Commissions, and she would like to keep the applicant pool as broad as possible.

Following additional brief discussion, Councilmember Balducci said she would move adoption of the ordinance, noting that Councilmembers can then propose amendments as they move through the discussion.

- Councilmember Balducci moved to adopt Ordinance No. 6110, as drafted in the meeting packet. Councilmember Stokes seconded the motion.

1<sup>st</sup> Amendment:

- Deputy Mayor Robertson moved to amend the Intent Section, 3.92.010.B, to add the following after the end of the first sentence: It is further the intent that City officials be permitted to fulfill their duties to represent the public to the greatest extent possible unless circumstances exist where such engagement is impermissible. Nothing in this chapter is intended to reduce, limit, or restrict the pool of available candidates from service on the Council or on Council-appointed public bodies, all of which are either part-time or volunteer positions. It is in the public interest to ensure that barriers to citizen public service are not created by the provisions of this chapter.

Councilmember Stokes seconded the amendment.

Councilmember Chelminiak said he liked the first and third sentences. However, with regard to the second sentence, he opined that the code should communicate that, if someone has a strong difficulty in determining whether a potential conflict of interest exists, perhaps they should not apply for a particular Board or Commission. However, he is willing to support the amendment.

- The motion to amend carried by a vote of 6-0.

2<sup>nd</sup> Amendment:

- Mayor Lee moved to amend Section 3.92.010.B(2) as follows: ...public officials be independent, impartial and fair in their ~~judgment and~~ actions. Deputy Mayor Robertson seconded the motion.

- The motion to amend carried by a vote of 6-0.

3<sup>rd</sup> Amendment:

- Referring to Section 3.92.020.A, Mayor Lee moved to strike "including youth members." Councilmember Wallace seconded the motion.

Mayor Lee observed that youth members of Council-appointed committees and advisory bodies cannot be held to the same standard as adult officials.

Councilmember Balducci said that youths on the Youth Link Board vote equally as adult members, including on recommendations for City expenditures. She believes it is important to teach youths about protocol and ethics. However, she agreed with the Mayor that the Council does not want to propose enforcement action against Youth Link Board student members.

→ The motion to amend carried by a vote of 6-0.

4<sup>th</sup> Amendment:

→ Deputy Mayor Robertson, referring to Section 3.92.020.B, moved to change the definition of family to mean spouse, domestic partner, child, step-child, parent, step-parent, parent-in-law, son- or daughter-in-law, and brother- or sister-in-law. This strikes grandparent, grandchild, and sibling. Mayor Lee seconded the motion.

Ms. Robertson restated her motion to strike brother- and sister-in-law as well in order to be consistent with striking sibling.

Councilmember Chelminiak disagreed with removing sibling, which he sees as a close family relationship.

- Ms. Robertson accepted a friendly amendment to add sibling back to the definition of family and to remove son- and daughter-in-law. She restated the definition as spouse, domestic partner, child, step-child, parent, step-parent, parent-in-law and sibling.

→ The motion to amend carried by a vote of 6-0.

5<sup>th</sup> Amendment (later WITHDRAWN):

→ Deputy Mayor Robertson, referring to Section 3.92.020.C, moved to end the first sentence after the word “enterprise” and to replace the remainder of the paragraph with: Financial interest does not include any interest that is shared with more than 10 percent of the City’s population, any interest with less than one percent of the shares of any company or corporation, or any interest that is speculative or de minimis. Mayor Lee seconded the motion.

Responding to Councilmember Chelminiak, Ms. Robertson said speculative refers to an interest that is unknown and cannot be quantified or specified at this time. She said the concepts of speculative interest and speculative damages fall within a general legal standard.

Responding to Mr. Chelminiak, Ms. Riordan confirmed that the Kirkland ordinance does not define financial interest.

Councilmember Wallace questioned the basis for not just stating as interest. He questioned the precedent for the term financial interest.

Ms. Riordan said she could not find any definition in existing law. However, she found the term financial interest in an Attorney General Opinion that could be applicable.

Councilmember Balducci said she is required to sign a financial disclosure form with her employer, King County, every year. This includes disclosing property that she owns, which is

not covered in the proposed definition of financial interest. She observed that the draft ordinance would not prevent her from voting to rezone property that she owns, and she thinks it should cover that type of situation. With regard to the proposed amendment, she prefers not including a definition of financial interest and allowing the enforcement mechanism to address that issue.

Deputy Mayor Robertson said that site-specific rezones are quasi-judicial matters for the Council, which exclude participation involving private property under the appearance of fairness law.

Councilmember Wallace reiterated that he prefers to use the word interest, instead of financial interest, to be consistent with state law.

Ms. Robertson said she would agree to strike the definition of financial interest altogether.

→ Deputy Mayor Robertson withdrew her proposed amendment.

6<sup>th</sup> Amendment:

→ Deputy Mayor Robertson moved to strike paragraph 3.92.020 C regarding financial interest from Section 3.92.020, Definitions. Councilmember Chelminiak seconded the motion.

Mr. Chelminiak commented that this amendment reverts to language in the Kirkland ordinance.

→ The motion to amend carried by a vote of 6-0.

Moving on to Section 3.92.030.A, Mayor Lee questioned the language indicating that officials should not participate in government decisions if they have a financial interest. He suggested removing “financial” to be consistent with the amendment just approved.

In the same section, Mr. Lee observed that “government decisions” is too broad and does not specify local government decisions.

7<sup>th</sup> Amendment:

→ Deputy Mayor Robertson moved to amend paragraph A (Conflicts of Interest) under 3.92.030, Prohibited Conduct, to read: In order to ensure their independence and impartiality on behalf of the common good, officials shall not participate in quasi-judicial City decisions or in City decisions involving the awarding of a contract in which any of the following has a ~~financial~~ interest.

Mayor Lee seconded the motion to amend.

Councilmember Balducci observed that the amendment does not address the Mayor’s comment about the scope of “government decisions” envisioned by the language.

Ms. Balducci does not support the language in paragraph A that limits prohibited conduct only to quasi-judicial decisions and decisions on contracts. She observed that this is counter to the intent of the ethics code.

Ms. Robertson said the term “government decisions” is so broad and far beyond state law. She wants good guidance and a good ethics code, but if it is going to apply to all government decisions, that is far too broad. It would prevent or discourage those who do business in Bellevue from serving on Boards and Commissions.

Councilmember Wallace said he interpreted the original draft code language presented in the packet to be consistent with RCW 42.23.030 which addresses contracts.

Ms. Riordan clarified that the draft code is not restricted to only addressing conflicts of interest in quasi-judicial situations because that is governed by state law. The draft code presented for consideration applies to contracts, legislative decisions made by the Council, and votes taken by the Council, Boards and Commissions.

Ms. Riordan said the draft code language is broader than RCW 42.23 and the appearance of fairness doctrine. Sub-section 030 is a subset focusing on contracts. She said the Kirkland ordinance was written to apply to all official actions by members of the City Council, Boards, and Commissions. She said this is a clear choice for the Council to make in addressing the ethics code.

Councilmember Balducci recalled past concerns regarding conflicts of interest. The Council determined at that time that state law was not adequate in addressing those situations. She does not want to now revert to state law because that would be essentially doing nothing.

Deputy Mayor Robertson observed that the draft code goes beyond state law and provides good guidance for Councilmembers and other officials. However, she does not want to make it so broad that citizens cannot serve.

Councilmember Stokes observed that Boards and Commissions do not take action on contracts or quasi-judicial matters. With regard to the Council, he spoke in favor of language referring to “any City government decision in which a person has an interest.”

Ms. Robertson said she would be agreeable to changing the language to refer to quasi-judicial and site-specific matters. She expressed concern that she would not be able to vote on a Subarea Plan amendment for the subarea in which she owns her home.

Mr. Stokes noted that the code allows participation in non-site-specific actions, including citywide and subarea actions. He does not agree that this would discourage public service.

Ms. Robertson suggested changing the language to “city decisions” and adding clarifying language as well.

Councilmember Wallace observed that the Council is talking about something that is already clearly defined in state law. The draft code is reaching beyond that without a precedent or foundation.

Councilmember Chelminiak recalled that the Council asked staff to research what other cities do in terms of an ethics code. One issue that arose in the past was that state law did not go far enough to fully address conflicts of interest. He said other cities have reached that same conclusion, and they have managed to continue having a broad range of individuals on their Councils, Boards and Commissions.

Mr. Chelminiak said he would vote against the amendment. He would support replacing the phrase "government decisions" with the more specific "City of Bellevue government decisions."

Mayor Lee expressed support for the amendment. Despite what other cities have done, he believes the City's code should be appropriate for Bellevue. He said the ethics code will be a work in progress and the ramifications will not be fully known until the Council starts living with it.

Responding to Councilmember Stokes, Ms. Robertson re-read her motion, noting that she is adding certain language as well: In order to ensure their independence and impartiality on behalf of the common good, officials shall not participate in quasi-judicial or site-specific land use City decisions or City decisions involving the awarding of a contract in which any of the following has an interest.

Ms. Robertson said this is broader than state law because it includes site-specific land use.

Mr. Stokes questioned why Ms. Robertson is opposed to leaving it broader as City government decisions.

Ms. Robertson said that any decision could be considered a conflict. She recalled that she stepped aside when the City put a water main in her cul de sac, because that could increase the value of her house.

Councilmember Stokes does not believe that applying conflicts of interest to all City government decisions will restrict the public's interest in serving on the Council, Boards or Commissions.

Ms. Robertson gave the example of the Raynes v. City of Leavenworth case, which was an area-wide rezone that is clearly legislative and allowed under state law. If the City addresses a Subarea Plan in which a Councilmember or relative owns property, Ms. Robertson said that situation does not present a legal conflict under state law, unless it is a site-specific rezone or similar circumstance. She observed that the Council does not want to prevent members from voting on broad policy matters.

Mr. Stokes observed that Ms. Robertson's concern is addressed in 3.92.030.A(4).

Councilmember Chelminiak recalled, as an example, that he has recused himself from discussions about the upcoming solid waste collection services contract. While he would not benefit from the decision of the contract award, one of the potential bidders is a client of his and he feels better recusing himself.

Councilmember Robertson provided the example of a former Councilmember whose law firm represented Sound Transit. While some citizens objected to his participation in light rail issues, this was found to not be a conflict. She opined that it would likely have been found to be a conflict under the draft code that is currently proposed.

Councilmember Wallace recalled the example of the Wilburton special benefit/local improvement district (LID) proposal considered by the Council in recent years. One of the property owners in that area uses Wallace Properties for property management. He wondered whether this would be considered a conflict of interest under the draft code. For this reason, he believes it is best to stick closer to state law and to not get into uncharted territory.

Mayor Lee noted the importance of responsibility, accountability, transparency, and no fear or concern in serving as a public official.

→ The motion to amend carried by a vote of 4-2, with Councilmembers Balducci and Chelminiak opposed.

At 8:04 p.m., Mayor Lee declared a short break.

The meeting resumed at 8:19 p.m.

Councilmember Balducci asked the City Attorney to explain the implications of the last amendment and vote.

Deputy Mayor Robertson re-read the amendment to 3.92.030.A as approved: In order to ensure the independence and impartiality on behalf of the common good, officials shall not participate in quasi-judicial or site-specific land use City decisions or City decisions involving the awarding of a contract in which any of the following has an interest.

Ms. Riordan said this is consistent with RCW 42.23 and the appearance of fairness doctrine. Site-specific actions are quasi-judicial. Comprehensive Plan Amendments are almost always followed by a rezone in which a Councilmember would not participate because it is a quasi-judicial action.

Ms. Riordan said the amendment mirrors state law requirements already applicable to the City Council.

Ms. Balducci questioned whether anything was eliminated by the amendment that was in the draft code at the beginning of the evening.

Ms. Riordan reiterated that the Kirkland ordinance is considered somewhere between a punitive ordinance and the least restrictive ordinance. The Kirkland ordinance, which was chosen by the Council as a model, broadens the types of actions in which a Councilmember or Commissioner would not be able to participate. This includes legislative actions, as long as they do not fall within the circumstances referenced in section 3.92.030.A.4 of the draft code.

Councilmember Balducci said she wanted to make the implications clear for the public. Responding to Ms. Balducci, Ms. Riordan confirmed that the original draft code included legislative actions and policy decisions as actions subject to conflict of interest prohibitions, but those have been removed by the last amendment.

Ms. Balducci said that allegations regarding conflicts of interest during the Council's past light rail alignment discussions would not be specifically addressed under the amended code. She observed that the Council's original reasons for addressing the ethics code have been removed by the last amendment.

Ms. Robertson noted that all Councilmembers were vindicated with regard to allegations of conflicts of interest during the past several years. She believes the draft ethics code is worthwhile because it specifically lists applicable laws and clarifies the regulations governing the use of public resources, gifts, and other topics.

Councilmember Chelminiak concurred with Ms. Balducci that the amendment has taken the Council back to the status quo, except for now specifying which free tickets and gifts the Council can accept. This is not the reason he ran for the City Council.

Responding to Mayor Lee, Ms. Riordan confirmed that if the draft (Kirkland) code had been in place when allegations arose on the Bellevue City Council in 2011, there might well have been different outcomes for some of those situations. She said it is important for the Council to understand that. She said the last amendment is not a change from existing law with regard to conflicts of interest. However, other topics are addressed in the draft ordinance.

Councilmember Stokes said it would be good to understand how the draft code language might have made a difference in 2011.

Mayor Lee said he believes it would have helped to have a specific City code during the allegations in 2011.

Councilmember Stokes observed that there are different versions about what happened at that time. He suggested that the practical application of the proposed code will not be fully understood until specific situations arise. He would like a strong ethics policy, but he is not sure that specific language is going to change public perceptions.

Mayor Lee said he does not believe there can be a perfect plan in words, but he is an optimist. He feels the Council is making some progress.

Amendment #8:

- Councilmember Wallace moved to amend Section 3.92.030.A.4 to delete the third sentence and to add a reference to the Remote Interest language in RCW 42.23.040. Deputy Mayor Robertson seconded the motion.

Mr. Wallace said this language comes from RCW 42.23.040, which is the remote interest section in the state code. It does not state that those situations are exempt. It states that if a person has a remote interest, he or she must disclose it and recuse himself/herself from the discussion and action.

Councilmember Chelminiak expressed frustration that this is another amendment without specific language to review.

Councilmember Balducci said she was tempted to withdraw the main motion at that point because it appears that the Council wants to adopt what is already in state law.

Councilmember Balducci declared that she withdraws her original motion. Councilmember Chelminiak said he withdraws his second.

Deputy Mayor Robertson said the main motion belongs to the body and cannot be withdrawn.

Councilmember Wallace suggested coming back to this another time. He would like the opportunity to review the draft code with Councilmember Davidson.

Councilmember Stokes expressed concern that continuing to discuss the ethics code would not be productive until a number of questions and issues are resolved.

Deputy Mayor Robertson said she did not expect to pass an ordinance that night. She said the Council has not had a chance to fully discuss the draft code, and she expressed an interest in continuing the discussion that night. She would then like staff to bring back alternatives for continued consideration and future action.

Ms. Riordan said staff cannot logistically continue to revise the draft code without specific direction.

- Councilmember Stokes moved to postpone further discussion to May 28, and Councilmember Chelminiak seconded the motion.
- The motion to postpone discussion to May 28 carried by a vote of 6-0.

Mr. Riordan encouraged Councilmembers to get their comments and input to her as soon as possible.

Responding to Ms. Robertson, Ms. Riordan said she will send the draft ordinance and proposed amendments in electronic form to all Councilmembers.

- (c) Resolution No. 8582 authorizing execution of the renewal of the City's current Electrical Franchise Agreement with Puget Sound Energy.

Mr. Miyake opened discussion regarding the renewal of the City's current Electrical Franchise Agreement with Puget Sound Energy. He said the original 10-year agreement is up for a five-year renewal. Staff recommends renewal of the franchise agreement.

Deputy Mayor Robertson noted that she looks forward to a more in-depth discussion about electrical reliability. However, in the interest of time, she suggested moving forward for Council action.

- Deputy Mayor Robertson moved to approve Resolution No. 8582, and Councilmember Wallace seconded the motion.

Councilmember Chelminiak said a number of residents have been encouraging the City to move forward with creating a work plan based on the 2012 Electrical Reliability Study. He observed that the work will require a part-time staff person or consultant with the required expertise. He noted the need for a policy discussion about financial responsibility for undergrounding electrical infrastructure.

Mayor Lee concurred that residents want some assurance from the City about how the City and Puget Sound Energy plan to address electrical reliability issues. He looks forward to moving forward on that project in the near future.

Councilmember Wallace expressed support for moving forward with the development of a work plan and the consideration a budget item during the Mid-Biennium Budget process this year.

Ms. Robertson said she planned to make a second motion directing staff to bring back the reliability memorandum of understanding (MOU) for consideration, along with a work plan for implementation of the Electrical Reliability Study, including an estimated budget.

- The motion to renew the Electrical Franchise Agreement with Puget Sound Energy carried by a vote of 6-0.
- Ms. Robertson moved to direct staff to bring back the proposed reliability MOU as well as a work plan and budget estimate related to the Electrical Reliability Study. Councilmember Stokes seconded the motion.
- The motion carried by a vote of 6-0.

Mr. Miyake suggested reordering the remaining agenda due to time constraints.

Mayor Lee said the Council will take items (f), (e), and (d) in that order.

(f) Downtown High Rise Sign Code Amendment

Chris Salomone, Planning and Community Development Director, described the proposed Sign Code amendment to reduce the square footage threshold for allowing a corporate headquarter to install a sign on a Downtown high-rise building. Mr. Salomone said the City received a specific request from a corporate headquarter to reduce the square footage requirement to 120,000 square feet. He noted, however, that the City has not lost any corporate headquarters due to its Sign Code.

Responding to Ms. Balducci, Councilmember Chelminiak noted the list of qualifying high-rise buildings and their square footage on page 3-160 of the meeting packet.

Ms. Balducci recalled that the original amendment to this section of the Sign Code was fairly sensitive when initially adopted. She noted that the company requesting the change is already located in Bellevue.

Mr. Salomone concurred and commented that staff previously expressed support for the proposal to corporate officials.

Councilmember Chelminiak said another member of the company recently testified before the Council about the importance of transit accessibility in deciding to move to Downtown Bellevue.

Mayor Lee expressed support for the requested amendment.

- Councilmember Wallace moved to direct staff to prepare a Sign Code amendment that allows signage at the top of a high-rise building for corporate headquarters that occupy at least 120,000 net square feet. Deputy Mayor Robertson seconded the motion.
- The motion carried by a vote of 6-0.

(e) Station Area Planning Work Program

Mr. Miyake opened discussion regarding East Link light rail station area planning.

Dan Stroh, Planning Director, said there will be six light rail stations in Bellevue. Staff is seeking Council direction on the work program, guiding principles, and public outreach plan for involving the community in designing station areas.

Phil Harris, Senior Transportation Planner, said the objectives of the station area planning work program are to establish a vision for each station area, ensure compatibility with the surrounding land uses, optimize connectivity to the station, and providing meaningful community involvement in the planning process. Station area planning focuses on the one-quarter mile to half-mile radius around each station.

Mike Kattermann, Senior Land Use Planner, recalled that involving the community in station area planning was recommended in the Light Rail Best Practices Report five years ago. Staff is seeking Council direction on the draft guiding principles, which include creating a sense of ownership by the community, establishing a vision and goals, identifying investments and community enhancements, ensuring connectivity for pedestrians and cyclists, linking other transit to light rail, and incorporating community character and context-sensitive design.

Mr. Kattermann referenced Attachment C, page 3-137 of the meeting packet, for the Draft Guiding Principles and requested feedback from the Council. He suggested splitting Principle 7 into two items, keeping Principle 7 as an explicit statement about community character and context-sensitive design, and applying the list of items to a new Principle 8 related to the use of transit-oriented design, where appropriate. Ms. Robertson concurred with that approach.

Deputy Mayor Robertson said the principles do not address context sensitivity or preserving community character. She said that every station is not the same because every neighborhood is not the same. She commented on the importance of connectivity for pedestrian and cyclists and on the principle of safe, secure and convenient access.

Ms. Robertson suggested adding, to Principle 6 on station accessibility, the concept of universal design principles, which sometimes go beyond the traditional concept of accessibility.

Mr. Stokes concurred. Mr. Kattermann recalled that universal design principles were discussed during the Best Practices Committee's work.

Responding to Councilmember Chelminiak, Mr. Kattermann said that universal design looks at accessibility not just in terms of ADA requirements but also in terms of accessibility for all ages at all points in their maturity. It is broader than ADA requirements.

Councilmember Balducci noted that this includes things like signs that are not language-dependent.

Ms. Robertson suggested additional language in Principle 8 qualifying that TOD elements reflected in the list of characteristics do not apply to all stations and station areas.

Mr. Chelminiak observed that the Draft Guiding Principles are consistent with the City's land use vision. He concurred that station area planning needs to consider the current context and adjacent development as well as anticipated future development, where applicable.

Councilmember Wallace questioned where issues regarding safety, noise, visual impacts and traffic impacts fit into the equation.

Mr. Kattermann said those issues will be addressed through community engagement in identifying items of concern and interest.

Councilmember Wallace said there is some concern in the community that land use changes will occur. He does not see anything in the subarea plans that would allow increased density in single-family neighborhoods. However, he believes it would be helpful to have a discussion about that and a review of the policies to determine whether any enhancements are needed to ensure neighborhood protection.

Mr. Kattermann said staff has communicated to residents that the City has no intention of proposing land use changes in Enatai or Surrey Downs. He said staff has further indicated to residents that this is an opportunity to reinforce current regulations and land uses as well.

Mr. Kattermann said staff will incorporate the Council's suggestions into the Guiding Principles.

Moving on, Mr. Kattermann described a table listing each station and the applicable work items (e.g., land use, redevelopment, urban design, streams and wetlands). Planning for the Downtown Station is underway as part of the Downtown Livability Initiative and Downtown Transportation Plan Update. The Downtown Livability Advisory Committee will address light rail and other issues.

Mr. Kattermann presented the overall station area planning schedule. Staff proposes kicking off the City's effort with the South Bellevue Park and Ride later this year. This area has a smaller group of stakeholders who are familiar with City staff. Staff anticipates wrapping up planning for that station within one year.

Mr. Kattermann said the most challenging station will likely be the Hospital Station due to the range and complexity of the issues and to the competing interests that may arise. Focused planning for that station will begin later in 2014. A key issue for that station will be pedestrian access, especially the crossing of NE 8<sup>th</sup> Street, and staff will begin looking at the pedestrian element later this year.

The next station will be the East Main Station beginning in early 2014, followed by 120<sup>th</sup> Avenue NE station planning beginning in late 2014.

Mr. Kattermann said East Link project final design is underway for Sound Transit, and construction is anticipated to begin in 2015. Sound Transit will hold a public meeting at City Hall on May 16 to talk about the Downtown Station and the Hospital Station, as well as a meeting on May 30 at the Hilton hotel. The Light Rail Overlay Citizens Advisory Committee, which will address the design of the Sound Transit light rail facility, will begin relatively soon and run through the start of construction in 2015.

Responding to Deputy Mayor Robertson, Mr. Kattermann said the Development Services Department is working toward putting together the Light Rail Overlay CAC and will bring that to the Council soon. In further response, Mr. Kattermann said staff proposes two additional CACs to work on the East Main Station and the Hospital Station. Staff envisions working with stakeholders in a less formal way to plan the other stations.

Deputy Mayor Robertson said she wants to involve not only residents and workers/businesses near the stations but also bicycle advocates and other groups interested in effective transit and connections to transit.

Councilmember Chelminiak questioned who will be representing the Mercer Slough. Mr. Kattermann said the process is anticipated to involve park users and environmental groups. He suggested that the Parks and Community Services Department will have additional ideas.

Mr. Chelminiak said that potentially interested parties include the local Audubon chapter and county-wide environmental groups. He suggested perhaps involving the Tribes as well.

Mr. Kattermann continued with the presentation and described an aerial diagram of the Hospital Station area. This location will address compatibility with existing land uses, strong pedestrian and bicycle connections, redevelopment potential within the area (e.g., Transit Oriented Development), and coordination with other capital projects.

Mr. Kattermann said staff plans to engage the community early to establish a vision and community goals. The intent of public outreach is to involve a broad range of stakeholders and to convey objective, understandable information to inform the public dialogue.

Mr. Kattermann said the criteria for determining whether a formal CAC is needed are broad and/or complex range of issues, a mix of stakeholders with competing interests, and the need for the consideration and narrowing of options, especially land use changes and implementation strategies. Public outreach will include open houses, workshops, community walking tours, comment tracking, Best Practices research and multi-media presentations.

Mr. Kattermann reviewed the next steps. Staff requests Council direction on the overall work program, guiding principles and outreach plan tonight. Staff will continue with pre-scoping outreach and issue the consultant request for qualifications (RFQ) by the end of May. Council action on the consultant contract and the kick-off of South Bellevue planning are scheduled for this summer.

Responding to Mayor Lee, Mr. Kattermann said the 2013-2014 Budget includes \$500,000 for consultants for the five station area plans outside of the Downtown. He anticipates perhaps the highest consultant need for the Hospital Station, and the level and type of expertise needed will vary with each station.

Deputy Mayor Robertson expressed support for the Guiding Principles and staff's plan for moving forward.

Councilmember Balducci said the Council has heard a number of concerns about accessibility to the Hospital Station. She said the City might have to consider some significant investments to provide effective pedestrian amenities.

Mr. Kattermann concurred and explained that staff understands the need for a thorough review of pedestrian needs and the functioning of the NE 8<sup>th</sup> Street crossing. He acknowledged that there are a number of interested stakeholders related to the Hospital Station.

(d) 2014 Major Update of the Comprehensive Plan

Mr. Miyake introduced discussion regarding the 2014 update of the Comprehensive Plan, which was last updated in 2004.

Dan Stroh, Planning Director, noted that this effort was introduced to the community last fall.

Paul Inghram, Comprehensive Planning Manager, recalled that staff last spoke to the Council about the Comprehensive Plan update last October. The plan contains the community vision, citywide policies guiding actions and investments, subarea plans, Capital Facilities element with linkages to infrastructure plans, and transportation project lists.

Mr. Inghram reviewed Bellevue's growth in size since the first Comprehensive Plan was adopted in 1952 and the City was incorporated in 1953. He described the growth in population, employment, and Downtown and Hospital District development as well as the increasingly diverse population and changing demographics, including an aging population. More than 90 percent of residential development will be multifamily from this point forward. He noted that light rail will be considered as part of the Comprehensive Plan update.

Mr. Inghram described the policy framework for the Comprehensive Plan, which is required by the state Growth Management Act. He said staff is seeking Council input on the proposed project principles which include advancing the community vision, engaging the entire community in the process, addressing emerging issues, increasing the plan's accessibility and usability, connecting to implementation strategies, and measuring progress and success.

Mr. Inghram described public outreach activities to date including a joint Boards and Commission Forum, a public event at Crossroads, stakeholder and neighborhood discussions, and the Spring Forward Open House. He showed a video of citizens commenting on their vision and priorities for the community.

Mr. Inghram highlighted some of the public comments heard to date on the topics of economic development, environmental stewardship, culture and diversity, housing affordability, mobility, education, and partnerships between the City and schools, nonprofits, business associations, and citizen groups. He described the City's Best Ideas campaign and the use of a new media tool called IdeaScale that facilitates the online collection of ideas from the public.

Responding to Deputy Mayor Robertson, Mr. Inghram provided the Bellevue's Best Ideas web address: <https://bellevuesbestideas.ideascale.com>.

Mr. Inghram noted that the meeting packet includes objectives for the public engagement plan. The Planning Commission is the primary advisory body for the Comprehensive Plan update. The

City's other Boards and Commissions will provide input as well, and there will be direct outreach to the Bellevue Network on Aging and to Youth Link.

Mayor Lee encouraged the use of additional social media as well.

Mr. Inghram highlighted topics contained in the Draft Work Program. Staff has received individual requests regarding the Bel-Red BR-R zoning district and on considering an adjustment to the Downtown boundary at a point in which the boundary splits a parcel. Two additional requests that staff recommends against pursuing at this point are Factoria PO zoning and the 156<sup>th</sup> Avenue boundary between the Bel-Red and Crossroads Subareas.

Responding to Ms. Robertson, Mr. Inghram confirmed that a company is planning a multifamily project at the triangle at the Bel-Red/Crossroads border.

Ms. Robertson recalled the Lorge-Benis Comprehensive Plan Amendment that was proposed and ultimately denied last year. She suggested that there might be similar parcels around the city that are essentially stranded and/or highly constrained. She believes it would be appropriate to ask the Planning Commission to consider providing flexibility regarding how these properties might be able to redevelop.

- Councilmember Balducci moved to extend the meeting to 10:15 p.m., and Councilmember Chelminiak seconded the motion.
- The motion carried by a vote of 6-0.

Councilmember Balducci said she is interested in updating the subarea plans, many of which have not been touched in 20 years or longer. She noted that Kirkland is looking at a way to update subarea plans without it being too labor intensive. Ms. Balducci suggested checking in with the community regarding how they feel about their subarea plans and how they would want to approach a subarea plan update.

Ms. Balducci recalled that there were extensive discussions about the triangle at the Bel-Red/Crossroads border during the Bel-Red Corridor Plan update. She noted the email to the Council from Nan Campbell summarizing the history of the site. Ms. Campbell reports that the rationale for changing the zoning from Community Business to a regional high-density urban village was based on Sound Transit's early plans to locate a light rail station within ¼ mile. That location was subsequently changed and moved to the north. Ms. Balducci said she is hesitant to dismiss this request because it is based on something that was challenging to begin with, and if the fundamental underpinnings for changing the zoning have changed, she believes it is important to be responsive to the community and to at least review the request further.

Ms. Balducci acknowledged that, if a project is planned for the site under the current zoning, the City must balance that party's rights to move forward and be careful not to discourage development that would be good for the community. She said the multifamily project is only on one lot and there are other lots on the triangle.

Mr. Stroh questioned whether the Council would like more information on the proposal or to add it to the scope of work at this point.

Ms. Balducci said she would like more information. Mr. Chelminiak concurred.

Mr. Chelminiak said the multifamily development is not as intense as the proposed development at light rail nodes. He recalled a certain amount of controversy when the boundary was changed to include the triangle in the Bel-Red Subarea.

Referring to the Lorge and Benis properties in the Factoria area, Chelminiak suggested taking a broader look at the Factoria area, including those properties. He said there have been some development changes in the immediate area, including at the adjacent Newport High School.

Mr. Chelminiak said he would like more discussion on the proposed Project Principles.

Mayor Lee said that updating the Comprehensive Plan should be a high priority. He suggested that staff set a timeline for addressing the four major components of the plan in a methodical manner.

At 10:14 p.m., Mayor Lee declared the meeting adjourned.

Myrna L. Basich, MMC  
City Clerk

/kaw