

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

March 3, 2014
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:08 p.m., with Mayor Balducci presiding.

2. Roll Call, Flag Salute

All Councilmembers were present.

Mayor Balducci welcomed Ambassador Girl Scout Troop 51064 to present the colors and lead the flag salute.

(a) Girl Scout Gold Award Project Recognition

Mayor Balducci called Natalie Doggett forward to describe her Girl Scout Gold Award Take-Action Project. Her project involved participating in a training class with the King County Department of Elections, registering newly eligible voters at the six Bellevue School District high schools, producing a video called *How to Get Registered to Vote*, interviewing the King County Director of Elections, and presenting her project to the History Department Chair at Newport High School for use in the U.S. Government class.

Brittany Byrd, Troop Program Manager for the Girl Scouts of Western Washington, presented the award to Ms. Doggett. She said the Girl Scout Gold Award is comparable to the Boy Scout Eagle Award, and she commended Ms. Doggett on her accomplishments.

Mayor Balducci declared a brief break to take photos with Ms. Doggett.

3. Communications: Written and Oral

- (a) Alex Zimmerman, representing StandUP-America, spoke in favor of term limits for Councilmembers. He would like the City Manager to hold open public forums. He reiterated his ongoing opposition to red light cameras. He is concerned that the City does not require Police personnel to track their hours. He commented that he is being prosecuted by the City and the matter is currently on appeal. He suggested this is costing the City more than \$100,000. He said the Council does not respect people.
- (b) Phil Moser, representing the Newport Way Sidewalk Committee, thanked the City Council for placing the requested sidewalk project in the Transportation Facilities Plan (TFP). He asked the Council to move the project to the top of the list. He expressed concerns about pedestrian safety and noted the number of public facilities (i.e., library, South Bellevue Community Center, and others) along the road. He said Bellevue does not appear to have a point system for ranking sidewalk projects. He said the City of Kirkland does have such a system. Mr. Moser thanked Councilmembers for their support.

Mayor Balducci asked the City Manager to forward Mr. Moser's testimony to the Transportation Commission.

- (c) Renay Bennett, representing the Bellecrest Neighborhood Association, reported on the light rail open house the previous week. At the event, she had a number of questions about the sound walls, access into the Surrey Downs neighborhood, and a number of other issues, and the several Sound Transit staff present were not able to answer the questions. She commended Maher Welaye, Bellevue staff, for stepping in and answering what he could and assuring her he would get additional information to her. She said he has been very helpful. She expressed concern that access into Surrey Downs will affect the Bellecrest area, which already experiences traffic congestion and safety issues.
- (d) Queen Pearl noted that it is Women's History Month. She expressed concerns about the Seattle Police Department and restrictions on speaking before the Seattle City Council.
- (e) Will Knedlik spoke on behalf of the Committee Opposed to the King County Transportation District's ballot proposal to raise taxes on automobile owners, boat owners, and others. He has asked the King County Prosecutor to correct the ballot title so that taxpayers will fully understand that they are being asked for a 1,500 percent tax increase on motor vehicles. He said East and South King County taxpayers contribute 65 percent of transit taxes and receive 37 percent in services. He encouraged the Council to hold a public hearing on the proposed ballot measure. He asked the Mayor to recuse herself due to her employment with King County.
- (f) Marylin Taylor, a Seattle resident, commented on Agenda Item 5(b) and noted her opposition to fluoride in drinking water. Noting the legalization of marijuana, she expressed concern that people will be smoking it on public streets.

4. Reports of Community Council, Boards and Commissions

Xiaoning Jiang, an adult member of the Youth Link Board, introduced an update on the Board's activities. The Youth Link Board annual retreat was held on October 19, 2013, and participants identified a number of priorities to be implemented by the Youth Link program.

Youth Board Members provided additional information. Laura Reifsnyder described plans for expanding youth engagement. Angela Navas described the second priority of program funding sustainability. Christina Huang said the final top priority is to increase community connections and strategic planning.

Brian McDonald, an adult member of the Youth Link Board, said the Youth Involvement Conference will be held at City Hall on March 7. He invited the Council to the annual Gumbo Night on March 26. The Youth Link 24th Annual Community Leadership Awards will be held at City Hall on May 28. Mr. McDonald thanked the Council for its ongoing support of the Youth Link program.

[The group submitted a written report as well.]

Mayor Balducci thanked the representatives for the update.

5. Report of the City Manager

- (a) Management Brief regarding NPDES Municipal Stormwater Permit Annual Report

Acting City Manager Brad Miyake referred the Council to page 5-1 of the meeting packet for a management brief on the National Pollutant Discharge Elimination System (NPDES) Permit annual report. The City is required to submit an annual compliance report.

Utilities Director Nav Otal said the deadline for submitting the report is March 31. Staff will be requesting Council action on March 17 to authorize the City Manager to sign the report. The City is in full compliance with the 2013 permit. There is considerable work to be done over the next five years to comply with new conditions placed on the permit, however.

- (b) Management Brief regarding Fluoride in Drinking Water

Mr. Miyake referred to page 5-13 of the meeting packet for a management brief on fluoride in drinking water. This item is in response to public testimony on February 18.

Ms. Otal said the fluoridation of drinking water has been in practice in the U.S. since 1945 as a preventative measure against tooth decay. She said Seattle began fluoridating water in 1970 following a referendum vote, and all state and national health agencies support the practice. The recommended levels are between 0.8 and 1.3 parts per million. Local water is tested daily to ensure it is within the recommended levels, and fluoride levels average 0.8 parts per million.

Ms. Otal said the meeting packet contains a response from the Cascade Water Alliance on this issue. She said the citizen's testimony referred to studies conducted in China, which were based

on very high levels of naturally occurring fluoride, more than tenfold higher than the highest recommended level in the U.S.

Mayor Balducci thanked staff for the update.

Mr. Miyake alerted Council to a vacancy on the Light Rail Permitting Citizens Advisory Committee (CAC). He will discuss this with the Mayor to determine how to proceed.

Mayor Balducci asked Councilmembers to speak to Mr. Miyake or Mike Brennan if they have strong opinions and/or input to provide. It will be helpful for staff to gather that information before they meet with her.

6. Council Business and New Initiatives

- (a) Suspension of Council Rules to allow remote participation of Councilmembers Lee and Robinson during the March 10 meeting

Mayor Balducci suggested, and everyone agreed, to postpone Council business reports to the end of the meeting.

→ Councilmember Chelminiak moved to amend Council Rules to allow Councilmembers Lee and Robinson to remotely participate via speakerphone for the March 10 meeting. Councilmember Robertson seconded the motion.

→ The motion carried by a vote of 7-0.

- (b) Recommendation to Reschedule March Regional Issues Agenda Item

City Clerk Myrna Basich said a four-hour Budget Workshop has been scheduled for the March 24 Extended Study Session. In order to provide a full four hours to discuss the upcoming budget process, staff requests approval to reschedule that night's Regional Issues session to April 28.

Councilmember Robertson noted that the state legislative session will be ending soon, and she questioned whether there will be an opportunity to provide input on key issues for the remainder of the session. Ms. Basich said she conferred with the Director of Intergovernmental Relations, who indicated that the state legislative session does not appear to be ending with any items of significant relevance to the Council. The Director will provide a written report for the Council.

Deputy Mayor Wallace said he has heard that the topic of transportation is gaining more momentum within the Senate than originally anticipated. Ms. Basich said staff will bring any time-sensitive issues to the Council as needed during upcoming meetings. There is no requirement that Council discussion of regional issues be restricted to the fourth Monday meeting. Council nodded their consensus with the rescheduling.

Mayor Balducci recalled previous discussions about the Performing Arts Center Eastside (PACE)/Tateuchi Center project. She said Councilmember Stokes has agreed to serve as Council

liaison to this effort.

7. Approval of the Agenda

→ Councilmember Stokes moved to approve the agenda, and Councilmember Chelminiak seconded the motion.

→ The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

→ Councilmember Chelminiak moved to approve the Consent Calendar, and Councilmember Stokes seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:

- (a) Minutes of February 10, 2014 Extended Study Session
Minutes of February 18, 2014 Study Session
Minutes of February 18, 2014 Regular Session
- (b) Resolution No. 8705 authorizing execution of an amendment to the professional services agreement with Pacifica Law Group LLP to increase the total contract amount from \$49,000 to \$300,000 for legal services in the lawsuit of City of Bellevue v. Pine Forest Properties, Inc., et al., KCSC No. 13-2-36105-1 SEA.
- (c) Ordinance No. 6153 amending the Human Resources Code, Chapter 3.79, to align with the federal Patient Protection and Affordable Care Act; and

Ordinance No. 6154 amending the Human Resources Code, Chapter 3.79, to align with the passage of State Initiative 502 legalizing marijuana possession and usage.
- (d) Resolution No. 8706 authorizing execution of an Interlocal Agreement with Seattle-King County Department of Public Health (DOH) to accept \$86,643.47 in grant reimbursement grant funds to implement hazardous waste prevention and education programs in accordance with the Local Hazardous Waste Management Plan (LHWMP).
- (e) Resolution No. 8707 authorizing execution of a professional services agreement with CM Design Group, in an amount not to exceed \$216,000, for engineering services for the Overlay and Pavement Restoration project (CIP Plan No. W-16).
- (f) Resolution No. 8708 authorizing execution of a professional services agreement with MWH Americas, Inc., in an amount not to exceed \$300,000, for on-call construction management and inspection services for various Utilities CIP programs (CIP Plan Nos. D-64, S-24 and W-16).

- (g) Resolution No. 8709 authorizing execution of a professional services agreement with Murray, Smith and Associates, Inc. (MSA), in an amount not to exceed \$295,000, for engineering services for the Wastewater Pump Station Evaluation, Phase 2 (CIP Plan No. S-16).

9. Public Hearings

- (a) Public Hearing to consider extending interim zoning controls, adopted by Ordinance No. 6128, regarding individual room rentals in residential buildings

Mr. Miyake introduced the public hearing to consider extending interim zoning controls, adopted by Ordinance No. 6128, regarding individual room rentals in residential buildings.

1. Staff Report

Carol Helland, Land Use Director, said staff is asking the Council to extend the interim ordinance originally adopted last September which expires March 23. This will allow more time for the Planning Commission to work on developing a recommendation regarding permanent regulations. The Commission will begin its work on March 12.

Ms. Helland recalled and highlighted key provisions of the interim ordinance.

Councilmember Chelminiak questioned the condition on single-family home construction and remodel permits requiring that homes be occupied consistent with the interim definition of family. If staff has reason to believe that a home is intended for occupancy by more than four unrelated individuals, the City asks that the owner sign an agreement that the home will be used consistent with the ordinance. Ms. Helland said only one agreement has been put in place at this point.

Responding to Deputy Mayor Wallace, Ms. Helland confirmed that tonight's action is simply to extend the interim controls ordinance. Ms. Helland said the Planning Commission will be the primary forum for working through the issues and participating in public testimony related to permanent regulations.

Responding to the Mayor, Ms. Helland said the Planning Commission hopes to complete its work by the August recess.

Councilmember Robinson said she hopes the City can work with Bellevue College to encourage them to develop student housing that does not impact single-family residential areas. Ms. Helland said the Comprehensive Plan Update process and the Eastgate planning study both include engaging with Bellevue College about student housing.

Mayor Balducci said there is general Council support for that approach to this issue.

2. Motion to open Public Hearing

→ Councilmember Wallace moved to open the Public Hearing, and Councilmember Robertson seconded the motion.

→ The motion carried by a vote of 7-0.

3. Receive Public Testimony

The following citizens came forward to comment:

- (1) Ronald Murk spoke in favor of extending the interim ordinance. He believes that four unrelated individuals living together is still too many. He said the topic would be discussed the next night at the East Bellevue Community Council (EBCC) meeting. He suggested it should be discussed elsewhere in the community as well.
- (2) Glenn Extor addressed Councilmember Chelminiak's earlier comment about compliance with the City's definition of family. He said this is also enforced through complaints to the City, and he noted that neighbors filed a complaint regarding a house on his street. He believes there is a loophole in Code section 20.50.012B, Definitions. The language refers to those housed and/or fed for profit. He suggested that "profit" be changed to "pay" because an owner could claim that they do not make a profit. Mr. Extor spoke in favor of the extension and thanked Councilmembers for their work.
- (3) Barbara Benson, a Spiritwood resident, thanked the City for passing the interim control ordinance. She said a number of property owners are violating the ordinance, however, and are continuing to advertise rooms on Craigslist.
- (4) Irene Fernandes, a neighbor, said she shares Ms. Benson's concerns. She said neighbors reported one Craigslist ad to Code Compliance and the ad is now gone. She said that ad was trying to fill a sixth bedroom.
- (5) Nanette Fricke expressed support for extending the ordinance and thanked staff for their work. She reported on numerous ads on Craigslist and other sources, including ads for multiple bedrooms in one house and at least one ad with two kitchens. These have been reported to City staff. She said this is a problem beyond Spiritwood into other areas of Bellevue. Residents look forward to working through the issues with the Planning Commission.
- (6) Stephanie Walter said she agrees with the previous comments by her neighbors.
- (7) Steven Fricke said he agreed with his wife.
- (8) David Pater said he appreciates the hard work of the Council and Development Services staff. He said there are four boarding house properties on his block. He said the Spiritwood area is especially vulnerable due to its proximity to Bellevue College and

high rental rates in the region. He said the key issue is that this is a multifamily use disguised as a single-family house, which is inconsistent with the legal zoning.

4. Motion to close the Public Hearing

→ Councilmember Wallace moved to close the Public Hearing, and Councilmember Robertson seconded the motion.

Councilmember Robinson commented that, during the power outage years ago, the Lake Hills area was the perfect example of a neighborhood that bonded together and helped each other. She said they coined the term “a handful of help” and each person was encouraged to help five people around them. She said this speaks to the attributes of single-family neighborhoods.

→ The motion carried by a vote of 7-0.

5. Council Discussion and Action

Councilmember Robertson expressed support for extending the interim control ordinance. She agreed with Mr. Extor’s suggestion to change the reference to “profit” to “pay or compensation.”

Ms. Helland said staff will take all comments from tonight to the Planning Commission.

→ Councilmember Robertson moved to adopt Ordinance No. 6152 extending interim zoning controls adopted by Ordinance No. 6128 with regard to individual room rentals in residential dwellings. Deputy Mayor Wallace seconded the motion.

Councilmember Stokes said that, as Council liaison, he looks forward to the Planning Commission’s work. He thanked the community for working with the Council and City staff in a positive, productive manner.

→ The motion to adopt Ordinance No. 6152 carried by a vote of 7-0.

Mayor Balducci thanked the community for continuing to work on this issue.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions: None.

12. Unfinished Business

Councilmember Chelminiak reported that the Council attended its annual retreat.

Councilmember Lee said he and Mayor Balducci met with Kristi Heim, the new Executive Director of the Washington State China Relations Council. Mr. Lee said he would be attending the National League of Cities (NLC) conference the following week.

Deputy Mayor Wallace attended the 60-percent design open house on the East Link light rail East Main Station. It was well attended and he spoke with Sound Transit and City staff. Mr. Wallace said it would be helpful for the Council to receive copies of the printed information and presentation from that event. He asked staff to make sure to follow up with answers to Renay Bennett's questions.

Councilmember Robertson spoke in favor of filling the vacancy on the Light Rail Permitting Citizens Advisory Committee (CAC) with a neighborhood representative. She said Wendy Jones has been attending the meetings and is well informed on the issues.

Councilmember Stokes concurred with the suggestion to appoint Wendy Jones. He reported that he, Mayor Balducci, and Councilmember Robinson attended the Sound Cities Association (SCA) dinner. Mr. Stokes said he missed the previous week's Council meeting to attend the King Conservation District's annual dinner.

Councilmember Robinson toured the Bellevue Service Center (BSC) and met with representatives of the Washington Sensible Shorelines Association. She met with the West Lake Sammamish Association, Surrey Downs residents, the Sunset Community Association, and residents of the Rockwood neighborhood.

Mayor Balducci reported on a communication from State Representative Tana Senn indicating that \$750,000 has been included in the House capital budget for Bellevue Downtown Park's inspiration playground. She suggested that Councilmembers encourage State Senators to support this allocation. Ms. Balducci met with International Community Health Services, a Seattle-based organization that will be opening a clinic in Bellevue this summer focused primarily on serving Asian communities. She and several Councilmembers have met with representatives of the KidsQuest Museum regarding their capital projects.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

Mayor Balducci declared the meeting adjourned at 9:32 p.m.

Myrna L. Basich, MMC
City Clerk

/kaw