

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

March 17, 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 8:10 p.m., with Mayor Balducci presiding.

2. Roll Call, Flag Salute

All Councilmembers were present. Councilmember Lee led the flag salute.

3. Communications: Written and Oral

- (a) Queen Pearl noted that March is Women's History Month. She said she has left some messages for City staff and has not received return phone calls. She suggested that the water fountains in City Hall have some good fresh water. Ms. Pearl expressed concern about the limit on the total time allowed for oral communications because people might not be able to speak. She said she has concerns about racial and economic inequalities.
- (b) Sam Bellomio, StandUP-America, commented on 2008-2010 traffic data related to photo enforcement. He expressed concern about using officer's discretion in issuing infractions.
- (c) Alex Zimmerman spoke against traffic photo enforcement, which he characterized as an idiotic situation and racketeering. He said the practice is not increasing safety. He suggested the Council should use common sense.
- (d) Fiona Kraus, Madeleine Washburn, and Abby Carter introduced themselves as members of the Teen Advisory Board at the Bellevue Youth Theatre. Fiona is President of the Board and Madeleine is Secretary of the Board. They invited the Council and the public to their upcoming shows: Winnie the Pooh, March 21st-23rd; Sleeping Beauty March 28th-30th and April 4th-6th; The Tempest, April 18th and 19th; and Peter Pan at Meydenbauer Center May 2nd-4th. Abby thanked the Council for its continuous support of the program.

Abby has been involved with the program since she was eight years old, and she is in her last year with the program. Abby will be in Peter Pan, and Fiona is in Sleeping Beauty. Abby thanked the Council for the new theater facility under construction.

Mayor Balducci thanked the young women for their participation with the Bellevue Youth Theatre. She said she looks forward to seeing them at the ribbon-cutting for the new theater.

(e) Dallas Evans said he is Vice Chair of the Parks and Community Services Board but speaking as an individual. He encouraged reappointing Mark Van Hollebeke to the Board, and thanked the Council for its work.

4. Reports of Community Council, Boards and Commissions: None.

5. Report of the City Manager

(a) Management Brief providing update on Business & Occupation Tax Simplification

Acting City Manager Brad Miyake referred the Council to page 5-1 of the meeting packet and asked staff to provide an update on efforts toward Business & Occupation (B&O) Tax simplification.

Finance Director Jan Hawn said the Multi-City Tax and License Portal (FileLocal) was registered with the State in February. All four cities have been actively engaged with the vendor to identify any issues and to keep the project moving forward.

Sara Lane, Assistant Finance Director, said Bellevue concluded its survey of local businesses in February. She recalled the City's simplification of its square footage tax reporting in 2012. The most recent survey identified the top two priorities for businesses as simplifying Bellevue's tax forms and making them more consistent with other cities. The survey indicated that 96 percent of respondents believe Bellevue is responsive to their tax questions, and 80 percent said they felt they know where to go to get information.

Ms. Lane said staff plans to simplify the City's tax forms because some people will continue to file using paper instead of online. Staff recommends no further action on simplifying the square footage tax.

Mayor Balducci thanked staff for their work. She said this has been a positive collaboration with other cities, and the multi-city effort will allow cities to retain control of the collection of B&O revenues.

(b) Management Brief on Neighborhood Streetscape Committee within the Wilburton Area

Mr. Miyake introduced staff's update on the Neighborhood Streetscape Committee's work in the Wilburton area.

Marina Arakelyan, Project Manager, reported that the Wilburton Neighborhood Streetscape Committee has been working with the City and consultant to identify objectives and evaluation criteria. The committee met four times between July and November 2013. Two open houses were held, the first early in the process to engage the broader community, and the second at the end to discuss the preferred alternative.

Ms. Arakelyan said the committee reached its goal of establishing a streetscape enhancement for 124th Avenue NE, south of NE 8th Street. The project includes a gateway at NE 8th Street, pedestrian lighting and crosswalk improvements at several locations, and the narrowing of traffic lanes with the placement of medians. This plan is supported by a majority of the committee members, who hope the improvements will be completed this summer.

Ms. Arakelyan noted the list of 14 committee members on page 5-14 of the meeting packet and said that three committee members were present: Zee Straight-Weiss, Jay Hamlin, and Carolyn Harris.

Mayor Balducci thanked the committee members for their work. Responding to Ms. Balducci, Ms. Arakelyan confirmed that the streetscape plan is funded as part of the transportation CIP project.

6. Council Business and New Initiatives

- (a) Council Liaison recommendations for 2014 Reappointments to Library Board and Parks & Community Services Board

Councilmember Robertson recommended reappointing Loretta Lopez to the Library Board. Ms. Lopez has been serving as Board Chair, has been active with the Bridle Trails Community Club, and is the at-large member of the Downtown Livability Initiative Citizen Advisory Committee.

→ Councilmember Robertson moved to reappoint Loretta Lopez to the Library Board, and Councilmember Stokes seconded the motion.

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

Councilmember Robinson recommended that Mark Van Hollebeke be reappointed to the Parks and Community Services Board. He is active in the community and has been a strong representative for Downtown neighborhoods.

→ Councilmember Robinson moved to reappoint Mark Van Hollebeke to the Parks and Community Services Board, and Councilmember Stokes seconded the motion.

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

- (b) Consideration of April 21 as four-hour Mini-Retreat to complete work of February/March Council Retreat

City Clerk Myrna Basich said staff is requesting a reprogramming of the April 21 meeting to a four-hour study session instead of the typical Study Session and Regular Session format for the first and third meetings of the month. Staff proposes a Mini-Retreat to complete discussion that began during the February Annual Retreat. The session facilitator will be available that evening.

→ Councilmember Chelminiak moved to authorize a temporary amendment to Council Rules to allow the format of the April 21 City Council meeting to be configured as a four-hour Study Session. Councilmember Stokes seconded the motion.

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

Councilmember Robertson reported that she put a survey regarding red light cameras on her personal and public Facebook pages and spoke to a number of citizens about the topic. She will share that feedback later. She met with KidsQuest to discuss their budget request for the City. She and Councilmember Lee attended the opening of the Seattle Family Regional Center, a new waterfront development in Renton that allows EB-5 investments for obtaining residency status. Ms. Robertson led a City Hall tour for Boy Scouts and Girl Scouts.

Councilmember Stokes attended his first meeting of the King Conservation District 24-member Advisory Committee. He was elected Chair of the committee. Mr. Stokes attended a Board meeting of the Cascade Water Alliance. He has participated in briefings by City staff as well.

Councilmember Robinson met with Steve Roberts, Congregations for the Homeless. She attended the YMCA luncheon and the ribbon-cutting of the University of Washington specialty clinic. She attended a meeting of the LEOFF Disability Board, met with representatives of the Bridle Trails Community Club, and attended the ARCH (A Regional Coalition for Housing) dinner. Ms. Robinson attended the Camp Korey Prescription Laughter luncheon. She met with representatives of the Bellacere Neighborhood Association and representatives of the Ashwood neighborhood. Ms. Robinson attended the spring celebration of the Bellevue Hindu Temple community at Crossroads.

Councilmember Chelminiak said he participated in a number of City staff briefings. He met with members of the Washington Sensible Shorelines Association, and had coffee with representatives of the International Ballet Theatre. He attended a meeting of the Puget Sound Regional Council (PSRC) Growth Management Policy Board. As part of his day job, Mr. Chelminiak attended the State of the City address by the Mayor of Renton.

Councilmember Lee attended the EB-5 immigration investment project event in Renton, mentioned earlier by Councilmember Robertson. Mr. Lee said he and Mayor Balducci attended the Bellevue Youth Link Conference. Mr. Lee attended the Town Hall Seattle annual fundraiser. He met with the Bellevue Transportation Commission Chair and Vice Chair. He participated in the U.S.-China Forum at the University of Washington.

Councilmember Lee attended the National League of Cities (NLC) Conference in Washington,

D.C. He suggested that the City be more focused in communicating with Bellevue's congressional delegation and that the City emphasize regional aspects and economic development.

Deputy Mayor Wallace attended meetings of the Regional Water Quality Committee and, with Councilmember Stokes, the Eastside Transportation Partnership (ETP).

Mayor Balducci reported that she and Deputy Mayor Wallace met with Josh Brown, Puget Sound Regional Council's new Executive Director, and Charlie Howard, PSRC Director of Integrated Planning.

Mayor Balducci met with Mayors of the Points Communities and with Lake Washington Cities Mayors. She said there are increasing coordinated efforts to gain more influence with elected officials in Olympia or to find other solutions for transportation and other funding.

Ms. Balducci attended the PSRC Transportation Policy Board meeting. She said there is an effort to establish a regional asset management program to pass through federal grant money to local governments for paving projects.

Mayor Balducci is opposed to using federal funds for repaving roads because that is a local government responsibility. She noted that Bellevue takes good care of its streets. Deputy Mayor Wallace concurred with her perspective.

Ms. Balducci attended The Sophia Way benefit dinner. She learned that the Red Lion Hotel on 112th Avenue is a supporter of this organization and provides rooms when beds are not available at the shelter.

Ms. Balducci asked staff to bring back the regional compact for the Growing Transit Communities project for Council consideration. She observed that the compact is consistent with the City's adopted principles, and she believes it is important to have a seat in those discussions.

Mayor Balducci suggested a future discussion about Council Rules. One she is struggling with now has to do with approving Council expenditures, which apparently is left largely to the Mayor's discretion. She believes it is important to have clear standards for the Mayor to administer.

Deputy Mayor Wallace said it would be good to review the policy as well as some examples of expenditures and approvals from the past.

City Clerk Myrna Basich noted that she has been keeping a running list of Council Rules' issues as they are raised. Mayor Balducci suggested addressing all of those issues together.

With regard to the regional paving effort, Councilmember Stokes said he was surprised to learn that 25 percent of federal transportation dollars are set aside for paving by cities. He agreed that this is not a desirable way to spend federal funds.

7. Approval of the Agenda

→ Deputy Mayor Wallace moved to approve the agenda, and Councilmember Chelminiak seconded the motion.

Councilmember Lee requested removing Agenda Item 11(a) due to his concern about one of the proposed street names. He made a motion to that effect, which was not seconded.

Mayor Balducci said the topic of naming certain Bel-Red streets has been on the agenda at least once before and removed. She suggested the Council at least talk about the topic tonight.

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

8. Consent Calendar

→ Deputy Mayor Wallace 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 24, 2014 Extended Study Session
Minutes of March 3, 2014 Study Session
Minutes of March 3, 2014 Regular Session

- (b) Resolution No. 8710 authorizing approval of payment in the amount of \$106,810.39 for a Release of All Claims in final settlement of a claim against the City for property damage to the Eastgate Congregational United Church of Christ caused by a wastewater system failure.

- (c) On-call Painting Services

Resolution No. 8711 authorizing execution of a four-year General Services Agreement with Ellis Construction Inc., for on-call painting services;

Resolution No. 8712 authorizing execution of a four-year General Services Agreement with NI Painting & Construction, for on-call painting services;

Resolution No. 8713 authorizing execution of a four-year General Services Agreement with Washington Industrial Coatings, Inc., for on-call painting services; and

Resolution No. 8714 authorizing execution of a four-year General Services Agreement with Ski's Painting, for on-call painting services.

- (d) Resolution No. 8715 authorizing execution of a two-year General Services Agreement with Automatic Funds Transfer Services for printing and mailing services for the City of Bellevue Business Tax Returns and related taxpayer correspondence in an amount not to exceed \$73,000 for the two-year term, with the option to extend the contract for an additional two years for a total contract amount not to exceed \$146,000.
- (e) Resolution No. 8716 authorizing execution of a four-year General Services Agreement with Retail Lockbox, Inc., for a two-year term in an amount not to exceed \$90,000, with an option to extend the contract for an additional two years for a contract total not to exceed \$180,000.
- (f) Ordinance No. 6155 defining criminal conduct, and adding new sections to Chapter 10.06 of the Bellevue City Code.
- (g) Resolution No. 8717 authorizing signature and certification of the annual report documents consisting of the City of Bellevue 2013 Compliance Report and 2014 Stormwater Management Program, required by the National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit for submittal to the Washington State Department of Ecology by the March 31, 2014 deadline.

9. Public Hearings

- (a) Public Hearing on the proposed Ordinance to extend Interim Zoning Controls, adopted by Ordinance No. 6133 B-1, regulating recreational marijuana uses.
 - (1) Staff Report

Mr. Miyake introduced the Public Hearing on the proposed ordinance to extend Interim Zoning Controls, adopted by Ordinance No. 6133 B-1, regulating recreational marijuana uses.

Catherine Drews, Legal Planner, referred the Council to page 9-1 of the meeting packet for information. Staff is seeking to extend the interim zoning controls ordinance to provide sufficient time to develop permanent regulations for recreational marijuana. The state legislature did not take action to integrate recreational and medical marijuana uses. The Washington State Liquor Control Board has just begun to issue licenses to marijuana producers and processors, and the issuing of licenses for retail uses will begin this summer.

Ms. Drews said there are 22 pending licenses for producers in Bellevue, 13 pending licenses for processors, and 56 pending applications for the four retail locations in Bellevue. Staff requests that the Council extend the ordinance for six months.

Responding to Councilmember Robertson, Ms. Drews said some of the producer and processor applications could be duplicates (dual license).

Ms. Robertson said she would like to have a separation requirement between uses. Ms. Drews said there are 13 land use districts in which the four retail stores can locate. Potential locations for producers and processors are much more limited, as these are restricted to the light industrial district.

Responding to Councilmember Robertson, Deputy City Attorney Kate Berens said the Council could consider a motion to create a separation requirement between recreational marijuana uses/businesses.

In further response, Ms. Drews said one processor has met with City staff for a development services review but they have not yet applied for building permits. They cannot apply until their state license is issued.

Responding to Councilmember Chelminiak regarding the list of license applicants, Ms. Drews said that many of the applicants provide addresses. Some addresses are in land use zones in which the use would not be allowed. Ms. Drews said the businesses must comply with local regulations, including the zoning code. The City is allowed to comment on both the location and the applicant.

Responding to Mayor Balducci, Ms. Drews said the Liquor Control Board anticipates that retail recreational marijuana businesses will begin opening this summer.

(2) Motion to open Public Hearing

- Deputy Mayor Wallace moved to open the Public Hearing, and Councilmember Robertson seconded the motion.
- The motion carried by a vote of 7-0.

(3) Public Testimony

The following citizens came forward to comment:

1. Warren Marquardson said that Washington State Attorney General Bob Ferguson has opined that cities are not required to allow Initiative 502 recreational marijuana businesses. Mr. Marquardson asked the Council to reconsider whether the expansion of recreational marijuana sales into Bellevue is beneficial for residents' health and well-being. Mr. Marquardson said he is president of the Eastside Interfaith Social Concerns Council representing 60 congregations and 30 social service agencies. This group sponsors The Sophia Way and Congregations for the Homeless. He is not officially representing that organization in these comments, but many have expressed concern about what the City Council is doing. He urged the Council to not make a mistake by approving these businesses.

(4) Motion to close Public Hearing

- Deputy Mayor Wallace moved to close the public hearing, and Councilmember Robertson seconded the motion.
- The motion carried by a vote of 7-0.

(5) Council Discussion and Action

Ordinance No. 6156 extending Ordinance No. 6133 B-1 adopting interim official zoning controls regarding the regulation of recreational marijuana producers, processors, and retailers for a period of six months, to be in effect while the City drafts, considers, holds hearings, and adopts permanent zoning regulations; providing for severability; and establishing an effective date.

Councilmember Lee said he was touched by the public testimony. He questioned whether the City has alternatives to allowing marijuana-related businesses.

Councilmember Robertson said that, although the State Attorney General has opined that cities can prohibit marijuana uses, a number of legal organizations have plans to sue those cities. However, for her, that is not a reason to ban the businesses in Bellevue. She is not in favor of banning these businesses because 59 percent of Bellevue voters approved the legalization of recreational marijuana. She believes it is important to recognize the will of the voters and to be careful in how the businesses are zoned to minimize impacts. As the mother of a high-school student, she does not want to see increased drug use.

Ms. Robertson believes the Council's role is to ensure that marijuana uses are buffered from sensitive uses and that the impacts are mitigated. Bellevue's interim zoning ordinance provides additional standards including odor control and enhanced security measures. She supports extending the interim zoning controls to allow time for the development of permanent regulations. Ms. Robertson observed that, if the Council wants to ban marijuana uses, this is the time to provide that direction to staff.

Councilmember Robertson reiterated her support for extending interim zoning controls, with an amendment regarding separation between retail uses. She proposed that Ordinance 6133 B-1 contain a new Section 1, C, 2 to read: "No marijuana retailer shall be located closer than 1000 feet to another marijuana retailer." Existing items 2 through 4 would be renumbered accordingly. If there are going to be four retail uses, Ms. Robertson does not want them to be clustered together.

Councilmember Robinson would prefer to ban all recreational marijuana businesses if the City can do so. However, she does advocate for access to medical marijuana as a powerful, effective, and low-cost drug for certain patients. Historically it has been used as much as aspirin, and it has good healing properties.

Councilmember Stokes commented that prohibition has not worked throughout history. If society is going to ban marijuana we might as well ban alcohol, but that has not worked. The marijuana black market is associated with other illegal activity. Mr. Stokes believes that legalization provides the opportunity to better control marijuana and to curb related crimes. He supports extending the interim zoning controls with the amendment proposed by Councilmember Robertson.

Deputy Mayor Wallace said he does not recall it ever being said that the Council can ban all marijuana businesses in Bellevue, even within the context of Councilmember Davidson's strong opposition to legalization.

Ms. Berens said there is no specific preemption in state law that says that local jurisdictions would not have full regulatory authority, including the potential to not allow any related use in all land use districts. She said the current ordinance remains in effect until April 24, so there is time to bring back issues for Council consideration.

Mr. Wallace said that, tonight, he supports Councilmember Robertson's amendment and extending the ordinance. However, if there is option to consider banning recreational marijuana uses outright, he would like to discuss that in the future. Mr. Wallace suggested that some who voted in favor of legalization in Colorado might have different views now that businesses have opened. Nevertheless, legalizing recreational marijuana statewide should not mean that cities must allow it within their jurisdictions. Mr. Wallace said the public has not had the opportunity to comment on the potential for an outright ban. He suggested putting it before the community for comment.

Councilmember Chelminiak concurred with the interest in considering a ban of all recreational marijuana businesses. However, he wants to ensure that interim zoning controls remain in effect until the issue is resolved. He said this is a challenging area due to the voter initiative process and the state legislature's inability or lack of interest in fully addressing marijuana legislation.

Responding to Mr. Chelminiak, Ms. Drews said staff could draft an emergency ordinance for Council action in the near term that would ban all recreational marijuana uses and repeal the interim zoning controls.

Mayor Balducci said this is new territory, and up to this point, Bellevue has proceeded to implement the will of the voters. She said that drug abuse and criminal activity, especially the current increase in heroin use, should be addressed as a public health and public safety issue. However, she does not believe the City should use its zoning and business regulatory authority to block the will of the voters with regard to recreational marijuana.

Ms. Balducci said she concurs with extending the interim controls ordinance and amending it as proposed by Councilmember Robertson.

Responding to Councilmember Robinson, Mayor Balducci said her interpretation of the State Attorney General's opinion is that cities are allowed to use their land use and regulatory

authority to stop recreational marijuana businesses from locating within their boundaries. In further response to Dr. Robinson, Mayor Balducci said she believes the use of marijuana would be legal in Bellevue even if businesses were banned. Ms. Balducci said she would rather allow the businesses and maintain some level of control over the legalization of recreational marijuana.

Given the interest by certain Councilmembers in considering a ban, Councilmember Robertson suggested extending the interim ordinance now and directing staff to come back with information on the potential for an outright ban. Ms. Robertson said Bellevue does not allow medical marijuana sales and only allows collective gardens.

Councilmember Robertson said the U.S. Department of Justice issued a memo last summer indicating that they will leave recreational marijuana alone if they follow certain guidelines (e.g., not allowing sales to minors, continued black market distribution, or the siting of businesses within 1,000 feet of schools, parks, and similar facilities). There are concerns, however, that the federal government will continue to prosecute medical marijuana dispensaries. Ms. Robertson said she was hoping the state legislature would streamline medical and recreational marijuana regulations.

If the City bans all recreational marijuana businesses, Ms. Robertson suggested that medical marijuana collective gardens should be banned as well, based on the DOJ memo of August 2013. She acknowledged the benefits of medical marijuana, however, including the treatment of children who experience seizures. She suggested that, if the Council intends to ban marijuana businesses, it should do so soon.

→ Councilmember Robertson moved to adopt Ordinance No. 6156, amended with a new Section 2 that states: "Ordinance No. 6133 B-1 shall have a new item C.2 under Section 1 that reads: No marijuana retailer shall be located closer than 1,000 feet of another marijuana retailer." Items C.2, C.3 and C.4 of Section 1 of Ordinance No. 6133 B-1 would be re-numbered; and Sections 2, 3 and 4 of Ordinance No. 6156 would be re-numbered. Councilmember Stokes seconded the motion.

Councilmember Chelminiak expressed support for the motion and requested more information on the potential for a ban. He has been surprised by the total lack of public comment throughout this entire process in Bellevue. Other cities have had significant public comment. Mr. Chelminiak said he is not convinced that a ban is the right thing to do. However, he does not recall it being offered as an option to consider.

Councilmember Stokes expressed support for the motion.

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

→ Councilmember Robertson moved to direct staff to bring back information on options, including the banning of both recreational and medical marijuana land uses within the city limits of Bellevue, as soon as the Council calendar allows. Deputy Mayor Wallace seconded the motion.

Mayor Balducci said she will support the motion. If a majority of the Council truly intends, based on changed circumstances, to change its path, she believes this is an important thing to do. However, if the Council's path is not actually going to change, she noted that extensive continued study and discussion will interrupt work on other Council priorities and land use issues.

Ms. Balducci said she believed that all Councilmembers were aware of the State Attorney General's opinion. She supports revisiting the issue, but suggested that the Council needs to have discipline over its work program and its use of time.

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

→ Councilmember Chelminiak moved to extend to the meeting to 10:30 p.m., and Councilmember Stokes seconded the motion.

→ The motion to extend the meeting carried by a vote of 7-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

Mayor Balducci noted a consensus to move Item 11(a) to the end of the agenda.

(b) Ordinance No. 6157 relating to Chronic Nuisance Properties, adding a new Chapter 9.10A to Title 9 of the Bellevue City Code [Health and Safety].

Acting City Manager Miyake welcomed Police Chief Linda Pillo and Assistant City Attorney Siona Windsor to discuss proposed Ordinance No. 6157. The Council was presented with detailed information on this topic during the February 24, 2014 Extended Study Session.

Chief Pillo referred the Council to the agenda memo beginning on page 11-13 of the meeting packet. Following the previous Council discussion, additional outreach has been conducted with the Rental Housing Association and the Building Owners and Managers Association. Staff suggests an amendment to the ordinance based on their feedback. Section 9.10A.040 A1 has been added to clarify that the nuisance activity threshold for the Declaration of Chronic Nuisance for residential complexes will be at the individual dwelling unit level instead of the whole apartment complex level, unless broad-based problems require a different approach.

Responding to the Council's earlier request, Ms. Windsor said staff conducted further analysis of enforcing a Declaration of Chronic Nuisance through an administrative hearing or through a court proceeding. Staff continues to recommend providing both processes in the ordinance because each may be more beneficial in certain situations. Additional information is provided on pages 11-14 and 11-15 of the meeting packet.

Chief Pillo recalled that Deputy Mayor Wallace requested an annual review of the program by the Police Chief, so that has been added to the ordinance as well.

Chief Pillo said a representative of Woosley Properties spoke with Ms. Windsor with additional questions. His only remaining concern relates to penalties.

Ms. Windsor said Mr. Woosley's question related to how the penalty enforcement process worked. She explained to him that penalties can start from the day the Declaration of Chronic Nuisance is issued. However, if the nuisance is abated in a timely manner, there would be no penalties. The only way that penalties can be imposed is if the City seeks to enforce the Declaration and the Hearing Examiner or Court imposes the penalties.

Chief Pillo noted the reference at the bottom of page 11-15 in the meeting packet to the use of butane for hash oil production. She said staff will use the time between now and the next state legislative session to build a coalition to draft legislation regarding this practice and to gain support from legislators for the 2015 session.

→ Deputy Mayor Wallace moved to adopt Ordinance No. 6157, and Councilmember Chelminiak seconded the motion.

Deputy Mayor Wallace thanked Chief Pillo and staff for their additional outreach to multifamily and commercial property owners.

Councilmember Robertson suggested that the amendment regarding residential complexes be applied to commercial units as well. For example, in the case of the Munchbar, it would have been inappropriate to declare the entire Bellevue Square a chronic nuisance.

Ms. Windsor said staff considered that issue and determined that commercial leases provide more options for dealing with unlawful actions by a tenant. She said the intent is to administer the two situations similarly.

Responding to Ms. Robertson, Ms. Windsor said the Hearing Examiner has the authority to impose lesser penalties than the maximum allowed under the ordinance.

Councilmember Chelminiak expressed support for the ordinance. He observed that it gives the City a tool for dealing with entertainment venues associated with certain problems.

Mayor Balducci observed that law enforcement has a great degree of discretion in how it applies the law. The City relies on the Police Chief and Police Department to show sound judgment. She observed that the Police Department has strong relationships with private businesses.

→ The motion to adopt Ordinance No. 6157 carried by a vote of 7-0.

- (c) Resolution No. 8719 authorizing execution of a two-year Interlocal Agreement with King County Road Services Division for on-call traffic and road maintenance services.

Noting her employment with King County, Mayor Balducci recused herself from participating in this item involving a contract with King County. While she does not believe this would be a conflict of interest, she will recuse herself pending guidance from the City Attorney's Office.

Mr. Miyake said that Resolution No. 8719 authorizes the execution of a two-year Interlocal Agreement with the King County Road Services Division for on-call traffic and road maintenance services. This formalizes the existing relationship with King County.

→ Councilmember Chelminiak moved to approve Resolution No. 8719, and Councilmember Stokes seconded the motion.

Responding to Councilmember Lee, Transportation Director Dave Berg said the City has used King County in the past for certain services. The County inspects the City's bridges every two years and has completed guard rail repair work in the past. King County is able to complete the work at a lower cost than other options.

Laurie Gromala, Assistant Transportation Director, said that past guard rail repair has ranged from \$50,000 to \$100,000. She said the City is not obligated to any minimum amount of services under the agreement.

Councilmember Robertson said she is not opposed to the agreement but will vote against it because the Council did not receive the contract. She is frustrated that this happens repeatedly and would like to take this up in the discussion of Council Rules. She is not aware of any city that votes on contracts without Councilmembers being given copies of the contracts.

→ The motion carried by a vote of 5-1, with Councilmember Robertson dissenting and Mayor Balducci recused.

12. Unfinished Business

(a) Photo Enforcement Program [Continued from earlier Study Session]

Mayor Balducci noted the continuation, from the earlier Study Session, of the discussion regarding traffic photo enforcement.

Councilmember Robertson said she had remaining questions, but she was not requesting that staff stay through the evening. She recalled her earlier question about how many tickets a motor officer writes per day. The answer was approximately 12 tickets per day based on pulling over approximately 20 drivers per day.

Ms. Robertson said another earlier question she raised was about how the video footage is used. She is ambivalent about the use of photo enforcement, including the issue of whether they are about money or about safety. She is concerned about the surveillance of citizens and about whether this practice falls more heavily on some demographics than others. She observed that the cameras tend to be located in areas that are not the most affluent areas of Bellevue. Do these tickets fall more heavily on those who can least afford to pay them?

Councilmember Robertson would like more information from staff on the City of Redmond's program. They had a one-year pilot program and, after collecting extensive data, Redmond removed their cameras.

Ms. Robertson said she is a mom and concerned about safety, and the use of school speed zone cameras is more compelling for her. She is not particularly in favor of ticketing vehicles that safely and appropriately yield but may not fully stop on red, especially when there is no other traffic. She would like to see potential revisions on that type of ticketing.

Ms. Robertson said the results of her personal outreach with residents varied broadly. Some people are absolutely against photo enforcement, and some are enthusiastically wanting as many cameras as possible. She observed that there appears to be a greater consensus regarding the use of school zone speed cameras.

Councilmember Robertson said she has the sense that at least five Councilmembers favor continuing and potentially expanding the program. If photo enforcement continues, she recommends restricting the use of the net revenue to pedestrian safety projects. She is not fully supportive of extending the contract, but if the Council chooses to do so, she would like the money to be used to improve safety.

Councilmember Chelminiak expressed support for expanding the program, which in part addresses the geographic/demographic issue raised by Councilmember Robertson. He noted that the proposed new locations are in the more affluent zip codes. He believes red light cameras are important in preventing accidents. He would not like receiving a camera-based ticket, but if so, he would be even more careful in his driving. He suggested that pedestrians need to be careful as well.

Mr. Chelminiak suggested directing staff to prepare a contract for extending the program. He would like to see a grace period for the new camera locations, as was done with the initial cameras. Captain McCracken clarified that the standard is a 30-day grace period.

→ Councilmember Robertson moved to extend the meeting to 10:45 p.m., and Councilmember Chelminiak seconded the motion.

→ The motion carried by a vote of 6-1, with Deputy Mayor Wallace dissenting.

Councilmember Stokes believes the cameras have a positive effect on behavior. He has received a ticket and it has made him more mindful of his driving. He supports expanding the photo enforcement program.

Councilmember Lee said there are two different types of photo enforcement cameras: red light and speeding. He supports red light cameras but objects to the use of photo enforcement for speeding. He believes police officers should be writing speeding tickets. He has heard concerns from citizens as well who are opposed to photo enforcement for speeding.

Councilmember Robinson said the citizens she has spoken with have been interested in alternative methods for influencing behavior. She would be interested in hearing about alternatives from the Police Department. She spoke in favor of first-time warnings for violations.

Councilmember Chelminiak spoke in favor of directing staff to bring back a contract for expanding the photo enforcement program, and that staff be alert to the issues raised by the Council and prepared to present relevant alternatives in the final ordinance.

Responding to the Mayor about the action needed by the Council at this time, City Clerk Myrna Basich suggested a motion to approve extending the contract on a month-to-month basis until a final Council decision is reached.

- Councilmember Stokes moved to extend the photo enforcement contract on a month-to-month basis until the Council makes a decision on whether to continue, and potentially expand, the program. Councilmember Chelminiak seconded the motion.
- The motion carried by a vote of 5-2, with Deputy Mayor Wallace and Councilmember Robertson dissenting.

Mayor Balducci said the direction to staff is to negotiate a contract for expanding the photo enforcement program, and to consider first-time warnings and other suggestions made by the Council during this discussion.

Responding to Councilmember Lee, Mayor Balducci clarified that the speed enforcement cameras are only in school zones. She said the red light cameras do not issue citations for speeding. The camera vendor uses speed as a screening mechanism. If a vehicle approaches an intersection at or above a certain rate of speed (12 miles per hour), the photo will be flagged for review by an officer and a possible citation. This is based on the assumption that a vehicle at that speed likely would or could not stop for the red light.

Resume Item 11. Other Ordinances, Resolution and Motions

- (a) Resolution No. 8718 approving street names for six future street segments in the Bel-Red District

Chris Salomone, Director of Planning and Community Development, said Resolution No. 8718 approves the recommended street names for six future street segments in the Bel-Red district.

Responding to Councilmember Robertson, Mr. Salomone clarified the names and the corresponding street segments.

Councilmember Lee objects to the name of Ichigo Way for Segment 2 and would prefer to postpone Council action.

Councilmember Robertson objects to the street names of Spring and District because she does not believe it is appropriate to name public streets after a private development.

→ Councilmember Stokes moved to extend the meeting to 11:00 p.m., and Councilmember Chelminiak seconded the motion.

→ The motion to extend the meeting carried by vote of 6-1, with Councilmember Robertson dissenting.

Councilmember Lee said he is opposed to taking action on Resolution No. 8718 because the Council was not involved in the process and he objects to the recommended name (Ichigo Way) for Segment 2. He believes it is appropriate to honor Bellevue's Japanese heritage. However, he questions the selected name. He suggested that the Eastside Heritage Center be involved and believes there are more appropriate options.

Mr. Lee said ichigo translates to strawberry and is stated as commemorating the Japanese-American community that farmed the Midlakes area in the early to mid-1900s. He believes this is a fairly weak tribute to the Japanese heritage of the community. He questioned who was consulted or involved in choosing that name. He observed that other Japanese name options considered would be more appropriate.

Deputy Mayor Wallace said he shares Mr. Lee's concerns about the process, and he questioned the community input.

Mr. Salomone said there were community and online surveys, and more than 300 names were submitted. Those names were vetted by the Transportation Commission and the Fire Department, who narrowed the list and developed the recommendation presented for Council consideration.

Mr. Salomone said this resolution was on the Council's December 9 agenda and was pulled due to a concern about the name of Briarwood raised by the Spring District developers, who wanted to change that name to District. At that time, Mr. Salomone polled the Council via email and received one concern, which was from Mr. Lee.

Mr. Wallace opined that District Way sounds odd but he could support the rest of the names. He suggested a reconsideration of District Way.

→ Councilmember Stokes moved to approve Resolution No. 8718, and Councilmember Chelminiak seconded the motion.

Councilmember Stokes said he would like to move forward. He noted that the names have been reviewed by the Transportation Commission. He believes the reference to strawberry is more appropriate than naming a street after a particular family name.

Councilmember Robertson said the City's street grid works very well for finding an unfamiliar address. She suggested sticking with numbered streets for the east-west roadways. She reiterated her opposition to naming streets after a private development.

Councilmember Robinson summarized that staff tasked a group of people with reviewing the proposed names. She is ready to support their work and recommendation.

Councilmember Lee suggested talking to the Japanese community regarding a more appropriate street name. He is opposed to the resolution.

Councilmember Balducci said she does like the name District Way, but it is a very small segment that is entirely on the Spring District property. She will support the motion. Ms. Balducci believes it is important to find ways to honor the heritage of the community. However, she suggested there are many more important ways to do so.

→ The motion to approve Resolution No. 8718 carried by vote of 5-2, with Councilmembers Lee and Robertson dissenting.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

Mayor Balducci declared the meeting adjourned at 10:58 p.m.

Myrna L. Basich, MMC
City Clerk

/kaw