

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

May 7, 2012
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:14 p.m., with Mayor Lee presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers were present. Councilmember Chelminiak led the flag salute.

(a) 2011 Bellevue Community Volunteer of the Year Award

Mayor Lee recalled that two Volunteer of the Year Awards were presented during a previous meeting, but one recipient was unable to attend at that time.

Shelly Shellabarger, Volunteer Coordinator, presented the Community Volunteer of the Year Award to Tracy Maury Meloy in recognition of her role as a founding Board Member for the Eastside Pathways program.

Councilmembers greeted and congratulated Ms. Meloy individually.

(b) Bellevue Public Gardens Day Proclamation

Mayor Lee read a proclamation declaring May 11 as Bellevue Public Gardens Day. He encouraged citizens to visit the Bellevue Botanical Garden.

Robin Root James, Co-President of the Bellevue Botanical Garden Society, thanked Council for the recognition of Public Gardens Day. She noted that the Bellevue Botanical Garden Society has partnered with the City for 20 years. She announced the opening of the Ravine Experience

bridge and trail on May 13. The project cost totaled approximately \$1 million, of which \$650,000 came from private donations to the Garden Society's *Growing a Living Legacy* capital campaign. Remaining funds came from the Parks levy, and assistance with native plant restoration was provided by the Washington Native Plant Society Stewards, East Lake District of Garden Clubs, and the Hardy Fern Foundation.

Ms. James said the Society is now focusing its attention on the fundraising effort for planning the new visitor center. The Society has raised more than \$2 million toward its \$5 million capital campaign goal.

Councilmember Davidson mentioned the Washington Native Plant Society's plant sale on Saturday, May 12, at the Bellevue Botanical Garden.

(c) National Older Americans Month Proclamation

Mayor Lee read a proclamation recognizing May as National Older Americans Month in Bellevue.

Eileen Rasnack, Chair of the Bellevue Network on Aging, said this year's theme is *Never Too Old to Play*. She described issues of interest to older adults, the Network's advocacy efforts, and upcoming activities.

Ms. Rasnack asked the Council to consider the needs of older adults in every decision it makes. She invited Councilmembers to the Network's monthly meetings, which are held at 8:30 a.m. on the first Thursday at Bellevue City Hall. She noted additional information available in the meeting packet, and asked all older adults in the audience to stand up and be recognized.

(d) Proclaiming May as Arts Education Month

Deputy Mayor Robertson read a proclamation recognizing May as Arts Education Month. She welcomed Paul Mills, Chairman of the Bellevue School District Board of Directors, and Bill Ptacek, Chair of the Bellevue Arts Commission, to receive the proclamation.

Mr. Mills spoke to the importance of arts education in every school.

Mr. Ptacek commented that a strong arts education program leads to a community that is strong in arts and culture. He said there were five additional Arts Commissioners in the audience.

(e) Proclaiming Asian-Pacific Americans Heritage Month

Deputy Mayor Robertson read a proclamation recognizing Asian-Pacific Americans Heritage month in Bellevue.

3. Communications: Written and Oral

- (a) Ezra Eickmeyer introduced himself as a lobbyist representing the medical cannabis community and a representative of the Law Offices of Kurt Boehl in Seattle. Mr. Eickmeyer said they would like to open communications with the City to discuss medical marijuana collective gardens. His clients are interested in determining whether the City would like to have regulations in place before collective gardens move into the community. Mr. Eickmeyer said that some cities have not proactively addressed the issue, which has caused problems at times related to collective gardens.

Mr. Eickmeyer requested a meeting with the City Manager and representatives of the City Council. He noted that they have worked with the cities of Issaquah, Tacoma, and Shoreline. Past experience has demonstrated that, under the confusing state laws, medical cannabis gardens are operating the smoothest and best for cities and medical cannabis patients when the cities have adopted a regulatory framework.

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

5. Report of the City Manager

- (a) Management Brief on Work Plan to Evaluate Potential Public Uses along 112th Avenue NE

Deputy City Manager Brad Miyake opened discussion regarding the Memorandum of Understanding collaborative design process for the East Link light rail project. He referred to page 5-1 of the meeting packet for a management brief regarding the work plan to evaluate potential public uses along 112th Avenue NE.

Deputy Mayor Robertson acknowledged that residents are interested in knowing what will happen along 112th Avenue with regard to light rail. She noted that the timeline of the work plan is six to eight months, and she urged speeding up that process.

Councilmember Davidson observed that deep bore tunneling would avoid property takings. He believes this should be considered by Sound Transit, which provided tunnels in areas of Seattle.

Responding to Mayor Lee regarding the timeline, Bernard van de Kamp, Assistant Director of Transportation, said staff can take a look at trying to accelerate the timeframe for the study of properties along 112th Avenue SE. With regard to Dr. Davidson's question, Mr. van de Kamp said that tunneling is considerably more expensive than elevated or at-grade options. Staff has been focusing on ways to reduce costs consistent with the guidelines provided in the East Link MOU and the related City Council resolution.

Councilmember Balducci said that Sound Transit has indicated that the 2014 date is not absolute in terms of addressing property acquisitions, and that perhaps they can be expedited. She offered to assist in any way she can in working with Sound Transit on this. She observed that the City can likely move faster on property takings.

Following up on Mr. van de Kamp's comments, Ms. Balducci said that Sound Transit and the City previously looked at different configurations involving deep bored tunnels, and those alternatives were hundreds of millions of dollars more expensive. She observed that it is not a helpful exercise at this point to get people engaged in thinking that the project could provide a deep bored tunnel from I-90 to Downtown Bellevue, because it is completely unaffordable.

Ms. Balducci said the City should be working as hard as possible to achieve final design on the alignment. She discouraged major changes to the design and alignment previously agreed on for South Bellevue, and encouraged moving forward to finalize design and optimize mitigation.

Councilmember Wallace said it is unacceptable to expect residents to wait until 2014-2015 for decisions on property takings. He expressed support for Councilmember Balducci's suggestion to work with the Sound Transit Board to expedite the agency's process.

Mr. Wallace said that, while he is not a huge fan of the preferred alignment, he believes that the best the City can do now is to refine the design and focus on mitigation in order to make the project as good as possible. He believes there is no sense in talking about a deep bored tunnel at this point because it is not feasible.

Councilmember Chelminiak encouraged moving forward and expediting property acquisitions along 112th Avenue SE. He noted that any alignment, including the B7, involved property takings.

Councilmember Stokes said it is important to stay focused on the MOU collaborative design process and preferred alignment. He believes that the City and Sound Transit will be able to resolve all of the issues, but it will take some time.

Councilmember Davidson commented on the deep tunnels under Beacon Hill, Capitol Hill, and the University of Washington. He questioned why tunnels are cost-effective for Seattle but not Bellevue. He would like to have the facts clearly laid out.

Councilmember Stokes commented that the topography is different in Bellevue, which does not have the high hills present in Seattle. He spoke in favor of addressing the issues contained within the MOU and moving forward.

Mayor Lee said it is appropriate that the City is addressing what it agreed to in the MOU. It would not be constructive to go back to old issues and controversies. Mr. Lee said he believes in the need to do what is best for the public and community. He noted the importance of focusing on mitigation to make this the best possible project.

Mr. Lee acknowledged Dr. Davidson's interest in more information and discussion. Mr. Lee encouraged remaining open minded about opportunities, but not getting distracted and losing sight of the path ahead.

Councilmember Wallace expressed concern about losing the focus of the MOU collaborative design process and losing the ability to effectively negotiate with Sound Transit for appropriate mitigation and to reduce or eliminate the City's \$60 million contingent contribution.

Councilmember Wallace recalled that the cost of bringing light rail to the Eastside is funded by the East Subarea, whether or not Bellevue agrees with that practice. The federal government provided \$800 million to the Central Link project, and will provide additional funding for Seattle light rail projects in the future. Mr. Wallace said that Sound Transit is not applying for any substantial grant funding for the East Subarea, which also is not fair, but that is the situation.

Mr. Wallace explained that Sound Transit's cost estimating model ranks at-grade as the lowest cost, elevated as medium cost, and tunnels as the highest cost, regardless of whether someone could actually build a tunnel for lower than the cost estimating model. He noted that the Downtown Study employed an independent company to study tunnel costs, and that consultant concluded that Sound Transit's estimates are relatively accurate.

Mr. Wallace encouraged focusing on finding cost savings and providing appropriate mitigation for the current preferred alignment.

Deputy Mayor Robertson concurred that the City cannot go back and try to renegotiate another alignment. She recalled that the City Council endorsed the MOU by a vote of 7-0. She encouraged being more productive and maintaining the current course of action and negotiations. She would not support using staff time for any further study of a tunnel.

Mayor Lee asked staff, pursuant to Councilmember Davidson's concerns, whether better information and more realistic numbers could achieve a lower cost estimate. Mr. Lee observed that preliminary cost estimates tend to be high in order to be conservative.

Mr. van de Kamp confirmed Mr. Wallace's comments about Sound Transit's order of magnitude model in which tunnel costs are higher, noting that this is true in other parts of the country as well. Tunnel options involve a higher level of complexity and risk, as well as greater equipment needs and higher construction costs.

Mr. Lee questioned whether actual information from the Seattle light rail projects would help to refine the cost estimates. Mr. van de Kamp explained that the East Link estimates are based largely on the actual experience of building the light rail system in Seattle.

Councilmember Stokes said it is clearly more expensive to design and construct a tunnel. He suggested that perhaps some level of comparison between Seattle and Bellevue could help to settle this issue.

Councilmember Chelminiak spoke to the need to stay focused on the task. He said the City never asked for a full tunnel from I-90 to Downtown Bellevue back in 2006. He does not want to waste staff time on an alternative that is not realistic. Mr. Chelminiak said Seattle received tunnel funding because it qualified for federal grants. He said these questions have been discussed a

number of times in the past. Bellevue did not qualify for the same type of grant funding, and the federal government would not change the criteria to be favorable to Bellevue.

(b) Management Brief on Public Engagement in the Budget Process

Mr. Miyake referred the Council to page 5-5 of the meeting packet for information on the enhanced public engagement process for the 2013-2014 budget planning. He noted that this was requested by Councilmember Balducci during the April 2 budget workshop.

Finance Director Jan Hawn described the public engagement activities related to the budget process including surveys, meetings with local businesses and organizations, input from Boards and Commissions, and public hearings. Staff is proposing two community forums to be held by mid-June, in order to have input before the Results Teams complete their work. These two forums are in addition to the traditional public hearings. The first public hearing is scheduled for May 14.

Councilmember Chelminiak recalled that, in the past, department staff provided presentations early in the budget process to provide an overview of what the department is doing. He questioned whether that would occur.

Ms. Hawn said the Budget One process redirected the emphasis on departments to a focus on organizational outcomes, across department lines. However, she said there is no reason to not have some department presentations.

Mr. Chelminiak said it would be good to have those updates from departments. He believes the information would be helpful to the budget process.

Deputy Mayor Robertson said the Council is looking at scheduling another budget retreat, potentially in late June, and perhaps that would be a good time for department presentations.

Dr. Davidson said he is open to department presentations, but he acknowledged that the approach is counter to the Budget One process and its focus on outcomes instead of department budgets.

Councilmember Balducci would like public feedback on the broader policy issues and goals. She suggested incorporating public input into the identification of budget outcomes, factors, and sub-factors early in subsequent years' budget processes.

With regard to department presentations, Ms. Balducci said she understands the structure of the Budget One process, but she also does miss hearing from the Police and Fire Chiefs and department heads.

Councilmember Wallace observed that it would be helpful to have a preview, whether department or outcome based, on what is coming up in the budget process and what decisions will be needed.

Mr. Miyake said staff will work to see where that could fit into the Council's schedule.

6. Council Business and New Initiatives

[Council Business was reported during the earlier Study Session.]

7. Approval of the Agenda

Deputy Mayor Robertson said that an individual has approached the City inquiring about its official plans for the regulation of medical marijuana collective gardens. She noted that the most recent session of the state legislature ended without passage of a proposed amendment to the medical marijuana law that would have clarified local authority for the regulation of medical marijuana. Ms. Robertson believes it would be prudent to provide direction to staff on how best to proceed with adding this issue to the work plan.

- Deputy Mayor Robertson moved to add a discussion of interim zoning regulation for medical marijuana collective gardens to this evening's agenda as Item 11(a), with the potential for Council action tonight. Councilmember Chelminiak seconded the motion.
- The motion to add the agenda item carried by a vote of 6-1, with Councilmember Balducci dissenting.
- Deputy Mayor Robertson moved to approve the agenda, as amended, and Councilmember Chelminiak seconded the motion.
- The motion to approve the agenda, as amended, carried by a vote of 7-0.

8. Consent Calendar

- Deputy Mayor Robertson moved to approve the Consent Calendar, and Councilmember Chelminiak 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 April 2, 2012 Extended Study Session
Minutes of April 9, 2012 Study Session
Minutes of April 9, 2012 Regular Session
Minutes of April 16, 2012 Study Session
Minutes of April 16, 2012 Regular Session
 - (b) Resolution No. 8390 setting June 4, 2012 as the date for a public hearing to consider the vacation of a portion of 95th Avenue NE between NE 1st Street and NE 5th Street.

- (c) Resolution No. 8391 authorizing execution of a Grievance Settlement with the Bellevue Police Management Association, to resolve a grievance concerning holiday hours as part of the overall agreement of the 2011-2013 labor agreement.
- (d) Resolution No. 8392 authorizing execution of a 2012-2013 successor labor agreement by and between the City and the International Association of Firefighters Union, Local 1604, representing Fire Battalion Chiefs.
- (e) Resolution No. 8393 authorizing execution of an Interlocal Agreement between the King County Flood Control District, King County, and the City to Transfer Assets and Responsibilities of the Former South West Lake Sammamish Flood Control Zone District.

9. Public Hearings: None.

10. Land Use

- (a) Continuation of Council's consideration of the Appeal of the Hearing Examiner's Decision on the application of David Shih (Kimberlee Park III) for a Planned Unit Development and Preliminary Conservation District

Ordinance No. 6057 granting the appeal of the denial of a Planned Unit Development and Preliminary Conservation Subdivision, with conditions, on the application of David Shih and the Shih Family Limited Partnership, Application No. 08-135645 and No. 11-1-3630 LO, overturning the Decision of the Hearing Examiner and granting the Planned Unit Development and Preliminary Conservation Subdivision, known as Kimberlee Park III, with additional conditions.

Mayor Lee introduced the Council's continued discussion and consideration of the appeal of the Hearing Examiner's Decision on the application of David Shih and the Shih Family Limited Partnership (Kimberlee Park III) for a Planned Unit Development and Preliminary Conservation District.

City Attorney Lori Riordan provided an overview of the rules governing quasi-judicial matters under state law. The opportunity for public testimony came before the Hearing Examiner during hearings held on June 16, 23, 29, and 30, 2011. A Limited Public Hearing to take arguments from the parties to the appeal was held and closed on March 19, 2012.

Ms. Riordan said quasi-judicial proceedings are matters pending before the City Council, which makes a decision regarding the rights of specific interested parties under the City's regulations. In those situations, the Council must act as judges and maintain fairness and impartiality. Under Council Rules, City Councilmembers are not able to discuss the pending application or appeals with anyone if members of the public contact them directly.

Responding to Mayor Lee, Councilmembers indicated that they did not have any ex parte communications to disclose.

Continuing, Ms. Riordan explained that this is a continuation of the Council's discussion on Hearing Examiner's File Nos. 08-135645 LK and 11-103630 LO, the appeals of David Shih and the Shih Family Limited Partnership on the decision of the Hearing Examiner to deny their application for a Planned Unit Development (PUD) and Preliminary Conservation Subdivision (PCD) known as Kimberlee Park III. The Hearing Examiner issued findings of fact, conclusions of law, and a decision on July 28, 2011, denying the PUD (Planned Unit Development) and preliminary conservation subdivision. A second order affirming the decision was issued on August 31, 2011.

Following the filing of the appeal, the Kimberlee Park Community Club and individuals Roger and Janelle Chiou, Scott and Rita Traverso, and Barry and Kimberly Wolborsky submitted a motion to intervene, which was granted by the Council on February 6, 2012.

The parties to this appeal are the appellants, David Shih and the Shih Family Limited Partnership, and the intervenors are the Kimberlee Park Community Club and individuals Roger and Janelle Chiou, Scott and Rita Traverso, and Barry and Kimberly Wolborsky.

Following the limited public hearing on this appeal on March 19, the Council held a brief discussion on the matter. Additional Council discussion was scheduled and held on April 9, at which time the Council voted to grant the appeal, overturn the decision of the Hearing Examiner, and to approve the PUD and PCD. Staff was asked to return with an ordinance for Council consideration to formalize the Council's decision on the appeal, pursuant to the standards set forth in the Land Use Code.

Ms. Riordan noted a revised version of the ordinance in the Council's desk packet. She highlighted the changes made to the ordinance since it was originally published in the Council meeting packet.

Ms. Riordan explained that she was approached by members of the Kimberlee Park Community Club this evening requesting two additional changes that are consistent with the Hearing Examiner record. The request is to remove two bulleted items on page 13 of the ordinance related to a private parking area and a hard surface trail with stairs connecting to the private parking area. Ms. Riordan said that staff has reviewed the Hearing Examiner's record and agrees that the requested revisions are consistent.

Responding to Dr. Davidson, Ms. Riordan said the items are conditions that were recommended in the original staff report. However, the Hearing Examiner ruled against the application and therefore did not impose the conditions. Now that the Council plans to grant the appeal, Kimberlee Park residents are asking that the conditions be deleted.

Responding to Mayor Lee, Ms. Riordan said that striking the two items is agreeable to all parties.

Responding to Councilmember Balducci, Ms. Riordan reiterated that the Hearing Examiner did not impose any conditions because he denied the application.

→ Deputy Mayor Robertson moved to adopt Ordinance No. 6057, as presented in the desk packet and amended to strike the following language from page 13 of the ordinance:

- A private parking area for five passenger cars to be located west of the intersection of SE 60th Lane to SE 60th Street. Each space will require a 9 foot width by a 16 foot length. The parking area will be signed as private. Each space will be delineated by appropriate pavement markings. The City will not enforce parking restrictions here. This parking area cannot be located on city right-of-way.
- Hard surface trail (with stairs) connecting the SE 60th Street private parking area to lots 1 through 5.

Councilmember Davidson seconded the motion.

Councilmember Balducci recalled that she did not support the previous motion on this matter, and she will not support this one. She noted that, since the Hearing Examiner rejected the proposal, he did not have the opportunity to offer conditions. Now that appeal is being granted, the Hearing Examiner does not have the option to suggest conditions.

Responding to Ms. Balducci, Ms. Riordan said the Council could have remanded the matter to the Hearing Examiner earlier in the process and asked for recommendations on conditions. However, it would be unusual at this point, given the posture of the case, to impose additional conditions by the Hearing Examiner. Ms. Riordan noted that, in general, the Hearing Examiner adopts the conditions proposed by staff, and in some cases imposes additional conditions.

Ms. Balducci said it is ironic that now that the appellants have prevailed, there will not be restrictions and/or conditions that might have been placed by the Hearing Examiner to protect the neighborhood.

Mr. Chelminiak concurred with Ms. Balducci's concern. He noted that Section 1 of the ordinance eliminates a series of the Hearing Examiner's findings of fact on the basis that they are not borne by the evidence that was before the Hearing Examiner. One is #29, which he opined is an accurate description of Kimberlee Park I and II. He believes this item is supported by virtually all of the evidence and should not have been thrown out. Other findings of fact that are rejected relate to the specific appearance of the PUD and landscaping.

Councilmember Chelminiak opined that the matter should be remanded to the Hearing Examiner.

→ The motion to adopt Ordinance No. 6057, as amended, carried by a vote of 5-2, with Councilmembers Balducci and Chelminiak opposed.

11. Other Ordinances, Resolutions and Motions

(a) Medical Marijuana Collective Gardens

Ordinance No. 6058 adopting interim official zoning controls regarding medical marijuana collective gardens for a period of six months, to be in effect while the City drafts, considers, holds hearings, and adopts permanent collective garden zoning regulations; and scheduling a hearing on the maintenance of the interim zoning ordinance.

Mr. Miyake opened discussion regarding the added agenda item.

Ms. Riordan referred the Council to the agenda memo regarding medical marijuana and collective gardens. She noted that the state legislature did not clarify state law before the 2012 legislative session closed. As a result, staff proposes adopting interim zoning controls for medical marijuana collective gardens for a period of six months, to be in effect while the City addresses permanent zoning regulations.

Ms. Riordan said that a public hearing is required within 60 days of adopting this ordinance. The proposed interim regulations adopt the state law provisions regarding who is eligible to have collective gardens and who is allowed to grow medical marijuana for their own use. It also adopts, for the interim period, the definitions provided in state law until the issue is addressed by a voter ballot measure this fall or during the next legislative session.

The proposed ordinance adopts an administrative conditional use permit status for collective gardens, which would be reviewed and approved by the Director of the Development Services Department. The ordinance identifies where collective gardens would be allowed, which is in the Light Industrial, General Commercial, Bel-Red General Commercial, and Medical Institution land use districts. Many of the provisions in this interim regulation were taken from the bill that was pending before the state legislature but not acted upon during the last session.

Ms. Riordan said that participants would be required to produce proof that they qualify as medical marijuana providers. If the ordinance is adopted tonight, a public hearing should be scheduled by July 2 at the latest.

→ Deputy Mayor Robertson moved to adopt Ordinance No. 6058, and Councilmember Chelminiak seconded the motion.

Councilmember Davidson spoke against the motion. He noted that, in his profession as a dentist who has been prescribing drugs for 48 years, he believes more experience is needed to prescribe medications. He observed that this is probably the poorest public policy he has encountered in his 25 years of public service. Dr. Davidson said this is not the way we should administer health care, and only people who are properly licensed should be writing prescriptions. He is opposed to medical marijuana collective gardens and dispensaries in Bellevue.

→ At 9:59 p.m., Deputy Mayor Robertson moved to extend the meeting to 10:10 p.m., and Councilmember Wallace seconded the motion.

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

Councilmember Balducci said she voted against adding this item to the agenda based primarily on procedural issues. She expressed concern about adding an issue to the agenda without advance notice or release to the community. She is not comfortable declaring an emergency on an issue that the City has been aware of for some time. She believes that this is not the proper way to conduct public policy decisions.

The second basis for her objection is the substance of the issue itself. She does not have adequate information to determine whether the proposed ordinance is the right one, and the Council has not been presented with options to consider. Ms. Balducci said the Association of Washington Cities has a model ordinance, and a number of jurisdictions have adopted their own ordinances.

Ms. Balducci said that, if state law requires allowing collective gardens, she wants to be sure that individuals who are legally allowed to use medical marijuana have appropriate access. She also wants to ensure public safety. She noted there have been some dangerous incidents involving medical marijuana dispensaries. Ms. Balducci said she is not making a judgment that this is the wrong ordinance, but she read it for the first time the previous night and has not had sufficient time to consider the implications.

Councilmember Wallace said that while he agrees with Dr. Davidson, he is hesitant to do nothing. He will support the motion in order to prevent potential unintended consequences of inaction. He concurs with the need for public input and further study before adopting long-term regulations.

Deputy Mayor Robertson noted that the ordinance addresses collective gardens and not dispensaries. Unfortunately, the state legislature did not clarify the law, and another proposal is expected to be presented later this year. However, Ms. Robertson wants to ensure that the City controls where collective gardens can be located. This ordinance prohibits collective gardens in residential zones. She believes it is important to adopt interim controls on an emergency basis to preclude the establishment of gardens with no regulations. She said the issue will be properly studied and presented for public involvement before the adoption of permanent regulations.

Councilmember Stokes concurred with Deputy Mayor Robertson. He believes the ordinance addresses the issue well by making it consistent with state law, and he does see a sense of urgency. He believes the Council should act now to protect the public. Mr. Stokes acknowledged that medical marijuana is an issue that is moving forward. He believes it is better to regulate it to the extent possible and to proactively address the issues.

→ Deputy Mayor Robertson moved to extend the meeting to 10:20 p.m., and Councilmember Wallace seconded the motion.

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

Mayor Lee believes this is an issue that needs to be addressed immediately. He appreciates Dr. Davidson's perspective on prescribing marijuana, but he wants the City to do what it can to protect the community.

Mr. Chelminiak noted his concern that collective gardens may begin moving into Bellevue without any regulations. He is also concerned about controlling where collective gardens are located. He does not want to prevent patients from being able to legally grow medical marijuana, however. He observed that the proposed ordinance is consistent with state law, and he believes it is better to set up regulations before operations are established in Bellevue.

→ The motion to adopt Ordinance No. 6058 carried by a vote of 5-2, with Councilmembers Balducci and Davidson opposed.

12. Unfinished Business: None.

13. Continued Oral Communications

(a) Steve Krause presented a letter and petition with 196 signatures opposing the Cougar Mountain Montessori School conditional use permit application. He said he understands that there are issues related to King County and that this is potentially a quasi-judicial matter that could come before the City Council. He questioned who the neighborhood organizers should communicate with to ensure that it is not overlooked.

The Deputy City Manager said he would speak with the gentleman.

(b) Karina Sogge, representing Cougar Mountain Montessori, said the school is in unincorporated King County. However, citizens must utilize Bellevue streets to access the school. The school is aware of the neighborhood's concerns and is willing to work with the community to ensure safety and to address any traffic impacts if needed.

(c) Amy Stromberg, parent of a student at Cougar Mountain Montessori, testified about the value of the school to the community.

(d) Pamela Scott said her son went to Cougar Mountain Montessori, and she is now an employee of school and a founding member of the nonprofit foundation connected to the school. The school has been in the neighborhood for 30 years and is an asset to community. Ms. Scott said the school wants to work with residents and to keep the streets safe.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 10:19 p.m., Mayor Lee declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

kaw