

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Study Session

March 17, 2014  
6:00 p.m.

Council Conference Room  
Bellevue, Washington

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

ABSENT: None.

1. Executive Session

Deputy Mayor Wallace called the meeting to order at 6:00 p.m., and declared recess to Executive Session for approximately 15 minutes to discuss one item of potential litigation.

The meeting resumed at 6:20 p.m., with Mayor Balducci presiding.

2. Study Session

- (a) Review of the Transportation Commission Recommendation to amend the Transportation Development Code [BCC Chapter 14.60]

Acting City Manager Brad Miyake opened staff's presentation regarding the Transportation Commission's recommendation to amend the Transportation Development Code.

Transportation Director Dave Berg introduced Ernie Simas, Chair of the Transportation Commission; Laurie Gromala, Assistant Director of Transportation; and Chris Dreaney, Development Review Manager. Mr. Berg said the Transportation Commission is charged with overseeing and reviewing changes to the Transportation Code. The Commission has been reviewing the Code for the past few months and is submitting its recommendation to the Council tonight.

Chair Simas said staff initiated discussion of the Transportation Code in October and conducted community outreach through January. There was little public input regarding the proposed amendments. However, that is likely because the primary focus of the update is general

housekeeping amendments. Chair Simas said the Transportation Commission unanimously supports the recommended Transportation Development Code update.

Mr. Berg said staff is seeking Council feedback on the proposed changes to the Transportation Development Code, with the intent of bringing the amendment back for formal adoption on a future Council consent calendar.

Ms. Dreaney said the Transportation Development Code (BCC 14.60) implements the Comprehensive Plan, codifies the policy requirements of the Transportation elements, and provides the authority for the design manual. The design manual contains the engineering standards authorized by the Code and is administered by the Transportation Department Director who delegates his or her authority to development review staff.

Ms. Dreaney said the goal of the Code amendment is to clarify and expand definitions, ensure consistency throughout the Code and with other City Codes, and to clarify the required design of streets and driveways. The Transportation Development Code was last updated in 1995.

Ms. Dreaney described the public process since the review was introduced to the Transportation Commission on October 10, 2013. The issues addressed in the Code update include options for traffic impact mitigation, Pedestrian-Bicycle Plan-related requirements, access from multiple streets, street frontage improvements, and assurance devices to ensure completion of required transportation-related improvements.

Ms. Dreaney said staff is seeking feedback from the Council. The next steps are review by the appropriate Washington State Departments under the Growth Management Act, approval by the City Council, and a review of the Transportation Management Program sections of the Code as they relate to the Comprehensive Plan, Downtown Plan, and Downtown Livability Initiative updates.

Responding to Mayor Balducci, Ms. Dreaney provided additional details on the process up to this point. Notices were sent to more than 400 interested parties including the Bellevue Downtown Association, Bellevue Chamber of Commerce, consultants, and developers. Public notices were published in the permit bulletins and The Seattle Times. The determination of non-significance (DNS) decision was published in the weekly Permit Bulletin on December 12, 2013. A public hearing was held before the Transportation Commission on January 9, 2014.

Councilmember Stokes noted, for the Council and the public, that the process is outlined on page SS 2-2 of the meeting packet.

Responding to Deputy Mayor Wallace, Ms. Dreaney said that all emails and communications included a link to more information on the City's web site.

Deputy Mayor Wallace said he learned from the Bellevue Downtown Association (BDA), Bellevue Chamber of Commerce, and a sampling of developers that they were not aware of the pending amendments. He noted that the Council recently received a multi-page letter from

Wright Runstad with a number of comments on the proposed changes. Mr. Wallace suggested that the City would benefit from additional public comment.

Responding to Mr. Wallace, Mr. Simas said the Transportation Commission did not receive any comments on the proposed Code update.

Mr. Wallace said there are potential legal issues as well as implications for the intended quality of growth under the amended Code. He believes the community would be better served by enhanced clarity for permit applicants. He suggested looking for opportunities and ideas to achieve the desired goals in a way that is predictable and appropriate from a legal standpoint. He said there is statutory law and case law governing what actions are possible, and he does not believe that is clearly set out in the Code amendment.

Mr. Berg said staff will conduct further targeted outreach. He noted that the Transportation Development Code does not cover coordination with legal issues. Some of those are addressed through state law and others are contained within other elements of the City Code.

Councilmember Lee noted that most of the changes are to resolve conflicts and increase consistency within the Code. However, there are a number of policy changes as well. He said the Council needs to understand the ramifications of those changes. Mr. Lee noted the specific policy issues listed in the presentation and said he would like to understand the pros and cons of each change.

Responding to Councilmember Robinson, Ms. Dreaney said that permit review staff work with the applicant and the applicant's consultant to identify the impacts of the development and appropriate mitigation measures. If an applicant disagrees with a staff decision, there is an opportunity to appeal.

Councilmember Stokes noted that the proposed amendments are changes to existing policies but they are not new policies. He is in favor of soliciting additional public input. He encouraged explaining to applicants and/or the public that these are not new policies but are modifications to existing policies.

Councilmember Chelminiak recalled that this came to the Council initially in 2009. He would like to ensure that the implications are better understood to avoid unintended consequences. He acknowledged the email from Wright Runstad, and agreed with Deputy Mayor Wallace's suggestion to solicit additional feedback and input through the BDA, Chamber of Commerce, and other developers. Mr. Chelminiak said Wright Runstad had questions about the requirements for a certificate of occupancy for projects to be completed in phases.

Councilmember Robertson thanked staff for the information. She said it is important to have standards in the Code to ensure that developers take appropriate responsibility for mitigating traffic impacts related to their development. It is also important to provide clear and predictable expectations for developers. She noted comments from Wright Runstad requesting clarity within the Code.

Councilmember Robertson questioned the options available to developers to appeal decisions and/or requirements.

Ms. Dreaney said there are a number of processes that are subject to separate appeals throughout an overall project. She said the language within the Code typically provides the flexibility and discretion for City staff to work with the applicant toward a reasonable solution.

Ms. Robertson agreed that flexibility is good, but she reiterated that developers want to have clear guidelines and predictable expectations.

Ms. Robertson questioned whether the proposed changes, when compared to the current Transportation Development Code, place additional costs on development. She suggested that such an analysis should be conducted.

Ms. Dreaney said such an analysis could be undertaken. However, she clarified that the changes are not imposing new requirements but are creating references to existing requirements in other sections of the City Code, with the goal of enhancing consistency throughout the Code. She said the recommended Code amendment is not increasing any mitigation requirements.

Mayor Balducci summarized that the amended Code language captures what the City is already requiring, which enhances the clarity and predictability of the Code. She observed that public outreach is more an art than a science. She knows that outreach occurred, but there is a need for expanding upon the prior outreach. She asked staff to consult with the BDA, Chamber, and additional developers and interested parties.

Councilmember Robertson suggested that the City Manager provide a report to the Council following additional outreach. At that point the Council can determine whether the item is ready to be placed on a meeting agenda or should be referred to Transportation staff for additional review.

Mayor Balducci noted a consensus with that approach.

Responding to Deputy Mayor Wallace, Mr. Berg said the Transportation Management Program is not being updated as part of this Code amendment. Staff recommends deferring a review of that element until the completion of Downtown Livability, Comprehensive Plan, and Downtown Transportation Plan work.

Mr. Wallace suggested that Transportation staff work with the BDA and the Chamber of Commerce to allow them to be a resource and liaison for questions and comments from the consultant and development community to the City.

(b) Police Department Work Program Items

(1) Proposal to implement a false alarm management solution.

Mr. Miyake introduced the Police Department's presentation on options for managing false alarms.

Deputy Police Chief Mike Johnson said the biggest distraction for patrol officers is false alarms. The Police Department handles approximately 3,300 false alarms per year, which equates to 1,700 hours of patrol time and a loss of \$85,000 annually. The Police Department has not had a false alarm monitoring program since 2011 when the system in use at that time became obsolete.

Deputy Chief Johnson said most similar-sized agencies have false alarm management programs, and most are managed by outside vendors. False alarm management programs reduce the number of false alarms, require online registration for greater accountability, and maximize the collection of fees and fines. These programs also provide prevention education, online information, frequently asked questions, and other resources. Cities that require alarm registration have lower false alarm rates. Some agencies allow remediation for the first false alarm by taking an online awareness class in lieu of a fine.

Deputy Chief Johnson presented three alternatives for the Council's consideration. The first is to do nothing. Alternative 2 is to implement an internal false alarm management program. This would require the purchase and installation of new software as well as hiring and training two full-time staff.

Alternative 3 is hiring an outside vendor for managing the false alarm program. No software purchase or hiring of additional staff are necessary. The vendor would operate the program including the collection of fees and fines. The cost of the program would be recovered from a portion of the registration fees, and remaining revenue collected through registration fees and false alarm fines would go to the City.

Deputy Chief Johnson said staff recommends Alternative 3 as the most efficient and effective use of existing Police resources and the best customer service option. If approved by the Council, staff will initiate the procurement process.

Deputy Chief Johnson introduced Detective Richard Chinn, who managed the former false alarm program, and his supervisor, Lt. Lisa Patricelli.

Councilmember Robertson questioned whether registration will be required. Detective Chinn said alarm registration will be required if the resident wants Police monitoring. Depending on Council direction, the program could be structured to fine a property owner and/or to require registration if an officer responds to an alarm that is not registered.

Ms. Robertson questioned the public benefit of a false alarm management program. Lt. Patricelli said one benefit is that the Police Department has accurate information on a home/business and the corresponding alarm company. Managing and reducing false alarms also increases the efficiency of the Police Department and the availability of officers to respond to other calls.

Deputy Chief Johnson said the City of Auburn has experienced a 60 percent reduction in false alarms since the implementation of its program approximately six years ago. This allows resources to respond more quickly to actual emergencies.

Mayor Balducci said that, given the volume of false alarm calls, it seems reasonable to implement a false alarm management program. However, she questioned the rationale for recommending an outside vendor.

Deputy Chief Johnson said one benefit of an outside vendor is it allows the Police Department to focus on increasing problems including burglaries, car thefts, etc. There are vendors who are experts at managing false alarm programs, which provides a greater benefit to citizens.

Lt. Patricelli noted that starting an in-house program would involve a period of hiring and training new employees. An important benefit of an outside vendor is they are best equipped to provide good customer service. She said the City could start with an outside vendor to get the program going and could decide in the future to convert to an internally run program.

Mayor Balducci questioned the ability to help certain residents, especially the elderly, who might have frequent false alarms. Lt. Patricelli said Detective Chinn would be the key liaison with the vendor and with the public. He would work with specific residents, if needed, to develop individual strategies for better managing their alarm systems.

Responding to Deputy Mayor Wallace, Deputy Chief Johnson said staff would return to the Council with the results of the request for proposals (RFP) process and proposed ordinance language, if the Council wants to move forward with an outside program.

Mr. Wallace said he does not favor Alternative 2. He suggests focusing on comparing Alternatives 1 and 3 after more details are available for Alternative 3.

Responding to Councilmember Robinson, Deputy Chief Johnson said residents have the option of owning alarm systems that do not alert the Police. However, if a neighbor hears an alarm and calls the Police, the Police would discuss the benefits of registering their alarm, including avoiding future fines for false alarm responses.

Councilmember Stokes said it is important for citizens to know how the system will work in the case of an alarm. Detective Chinn said many false alarm responses can be stopped by the alarm companies calling their customer's cell phone. False alarms occur most often when a resident is entering or leaving their home. If no one can be reached, the alarm monitoring company will call the Police, who will then respond.

Councilmember Stokes said it is important for the public to understand that they will continue to receive good service from the Police Department.

Mayor Balducci summarized that there is general Council support for Alternative 3, with the understanding that the issue will come back to the Council for approval of the final program, vendor agreement, and amendment of the ordinance.

(2) Update on Bellevue's Photo Enforcement Program

Mr. Miyake introduced staff to provide an update on the City's photo enforcement program: Captain John McCracken and Lt. Marcia Harnden.

Captain McCracken said the initial goals of the program were to decrease speeds in school zones and to reduce accidents and injuries at intersections. The photo enforcement program was implemented in 2009 with the installation of two school zone speed cameras. Three red light cameras were added in 2010. Captain McCracken described the public education efforts before the cameras went into operation. During the first 30 days, warnings were issued without fines.

Captain McCracken said a number of cities in King County are using photo enforcement. He described how the cameras operate and how an officer determines whether a violation might have occurred. He noted that Police officers review the video footage and make the final decision on issuing a ticket, just as they would if observing the behavior in person. One difference is that the photo enforcement tickets are less expensive than a traditional ticket.

Captain McCracken showed examples of traffic enforcement camera video footage. He explained that the cameras determine a red light violation based on whether a car is traveling faster than 12 miles per hour within a certain distance of the intersection.

Responding to Councilmember Lee, Captain McCracken said the City is required to post at least one sign alerting drivers to photo enforcement ahead. He described a location with multiple indicators including the school zone speed sign, overhead flashing lights, a right-side flashing light, and the photo enforcement sign. Mr. Lee observed that multiple indicators are a good idea where possible.

Captain McCracken described the overall decrease in school zone speeding and red light camera infractions since 2010. However, he noted that red light camera infractions have increased slightly at Kelsey Creek Center at 148<sup>th</sup> Avenue and Main Street. The total number of collisions citywide has decreased by six percent, and accidents at the few monitored locations have decreased by 31 percent.

Captain McCracken reviewed the fiscal impacts of the photo enforcement program. In accordance with past Council direction, the program covers its direct contract costs. All photo enforcement fees are paid directly to the King County District Court. In 2013, the District Court collected \$1.2 million in revenue. The City receives 35 percent on a monthly basis, and 65 percent of revenues remain with the District Court until final reconciliation of the entire Court contract.

Councilmember Stokes said citizens have expressed concern that the fees are paid to King County District Court. Captain McCracken said the fees go toward the court's operating costs. If the City operated its own court, the City would collect the revenues.

Captain McCracken said the current contract expires April 12, 2014. The vendor has agreed to extend the agreement on a month-to-month basis while the Council makes a decision on whether to continue and/or expand the program.

Captain McCracken described intersections with a high number of red light infractions. He presented data indicating that approximately 22 percent of vehicles traveling through the Sunset Elementary school zone are speeding.

Captain McCracken said staff recommends: 1) continuing the existing contract with ATS for a period of five more years, 2) continuing to use photo enforcement at the five current locations, and 3) adding three locations for photo enforcement monitoring (i.e., red light camera on westbound NE 8<sup>th</sup> Street at 116<sup>th</sup> Avenue NE, red light camera for both directions of NE 8<sup>th</sup> Street at 112<sup>th</sup> Avenue NE, and school zone speed camera on West Lake Sammamish Parkway at Sunset Elementary).

Councilmember Lee said he believes violating a red light should be looked at separately from speeding. Both are important but red light violations potentially pose a greater danger. He said expanded education of the public would help citizens understand the benefits of reducing traffic speeds versus reducing red light violations. He suggested proper signage when speed limits change along a roadway.

Councilmember Robinson said that, in doorbelling thousands of residents, only two commented on red light cameras. Most of the concerns expressed related to home burglaries. With regard to photo enforcement, she has heard comments that the City uses them strictly to raise revenues and that the City shortens the yellow lights to trap drivers.

Ms. Robinson said a lot of people are interested in non-revenue-generating alternatives. In Canada, there flashing green lights before changing to yellow. Or another option is signage indicating that the intersection might be a camera-monitored intersection. She is supportive of expanding the cameras to additional locations as recommended by the Police Department. She questioned whether warnings could be issued for first-time offenders.

Mark Poch, Traffic Engineering Manager, said that nearly all yellow lights are set at four seconds. Some are slightly longer at 4.5 seconds.

With regard to Ms. Robinson's comments on alternatives, Captain McCracken said the City has been fairly progressive about changes to walk signals. He does not disagree with her suggestion for signage at intersections indicating that they might be monitored by camera. He said a number of residents already think that more intersections are enforced due to the placement of non-enforcement cameras at many intersections.

With regard to first-time warnings, Captain McCracken clarified that the fine goes to the registered owner of the car, who might not always be the driver. If the owner says they were not driving, the citation is dismissed by the court. It is therefore not feasible to issue warnings by violator/driver. However, it would be possible to have a first-time warning by vehicle.

Mayor Balducci said it would be interesting to discuss the appeal process, which is an option through the courts.

Councilmember Robertson questioned whether the cameras would issue a ticket for a vehicle at 3:00 AM that might be traveling at three miles per hour as it is turning a corner. She said that, if the issue is safety, she does not see a benefit in this type of citation. She questioned the number of tickets for slow right turns.

Captain McCracken said that slow right turns would not trigger a violation if traveling under 12 miles per hour. Bellevue has opted not to view anything involving speeds below 12 miles per hour. However, if a driver were to slam on the brakes to stop before the crosswalk, and then creep through the intersection, the officer viewing the video will see that and evaluate whether an infraction occurred. Officer discretion is involved in issuing any citation, whether in person or by viewing camera footage to make a determination. This includes an assessment of the context and overall risk of a given situation.

In further response to Ms. Robertson, Captain McCracken said officers look for potential accident-causing violations, regardless of speed. He noted that accidents have been caused by a vehicle moving slowly around a corner, depending on the overall situation and presence of cars and pedestrians.

Staff said the Police Department keeps statistics regarding the number of infractions relative to the number of potential violations that are viewed. Staff will provide that information to the Council.

Responding to Councilmember Robertson, Mr. Poch said that traveling through the Stevenson School speed zone at 35 miles per hour versus 20 miles per hour takes an additional 11 seconds. He said the City is not able to measure how many vehicles might divert their route to avoid the school zone. However, nearby traffic counts are available.

Ms. Robertson questioned whether drivers have received school speed zone violations on days or at times in which school is not in session. Captain McCracken said the Police Department works closely with the Transportation Department and the vendor (ATS) to share school schedule information. The cameras will not issue a violation outside of the enforced hours. When unexpected circumstances arise due to snow or other emergencies, staff contacts ATS and requests that the vendor not forward any camera footage during those times. The cameras do not operate on weekends or during school breaks, including summer.

Councilmember Robertson questioned whether camera footage can be used for other criminal investigations. Captain McCracken said he would refer that question to the City Attorney's Office.

Mayor Balducci noted the time and suggested continuing this item during the Regular Session under Agenda Item 12, Unfinished Business.

At 8:02 p.m., Mayor Balducci declared recess to the Regular Session.

Myrna L. Basich, MMC  
City Clerk

/kaw