

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

September 20, 2010
6:00 p.m.

Council Conference Room
Bellevue, Washington

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

ABSENT: Councilmember Chelminiak

1. Executive Session

Deputy Mayor Lee called the meeting to order at 6:00 p.m., and declared recess to Executive Session for approximately 10 minutes to discuss one item of pending litigation.

The meeting resumed at 6:14 p.m., with Mayor Davidson presiding. He asked Councilmember Degginger for an update on Councilmember Chelminiak, who was attacked by a black bear over the weekend.

Councilmember Degginger reported that he received a call at approximately 11:30 p.m. on Friday night from Lynn Semler, Mr. Chelminiak's wife, to notify him that Councilmember Chelminiak had been attacked by a black bear. Mr. Degginger briefly described the activities before and after the attack, including Mr. Chelminiak's transfer to Harborview Medical Center in Seattle.

Councilmember Degginger said that Mr. Chelminiak had lengthy surgery on Saturday, and he is doing well. He is in satisfactory condition, with numerous injuries primarily to the head and upper body. Mr. Chelminiak and his family are grateful for all of the support and good wishes from friends and the community. Mr. Degginger noted that Mr. Chelminiak's wife stayed outside with him waiting for the medics to arrive, keeping the bear at bay with a flashlight and by making noise.

→ Councilmember Degginger moved to excuse Councilmember Chelminiak from attendance at regular Council meetings for an estimated six weeks. Councilmember Balducci seconded the motion.

Responding to Councilmember Balducci, City Clerk Myrna Basich said it is not necessary to excuse Councilmember Chelminiak from special meetings, which are occasionally held in addition to the Council's regular meeting schedule.

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

Mayor Davidson thanked Councilmember Degginger for his support of Councilmember Chelminiak and his family, and for keeping the Council informed.

City Manager Steve Sarkozy noted that links to Mr. Chelminiak's Facebook page and email are posted on the City's web site.

2. Study Session

(a) Proposal to Replace Existing Neighborhood Enhancement Program with Updated Outreach Programs

City Manager Steve Sarkozy opened discussion regarding staff's proposal to replace the Neighborhood Enhancement Program with a new outreach approach. He recalled the Council's interest during the August 4 budget workshop in possibly restructuring the City's neighborhood strategy.

Planning Director Dan Stroh reviewed the basic concepts of the City's overall neighborhood outreach strategy. The focus of tonight's agenda item is the capital programs component. He recalled Councilmember Chelminiak's comments during the August 4 meeting that it would be a mistake to eliminate the existing Neighborhood Enhancement Program. Mr. Chelminiak noted that the program provides direct benefits to taxpayers, and he feels it should be continued even if at a lesser funding level. At that time, Mr. Chelminiak acknowledged that the program is not sufficient to address larger projects such as neighborhood sidewalks, which are in high demand.

Cheryl Kuhn, Neighborhood Outreach Manager, described staff's proposal to terminate the Neighborhood Enhancement Program and to replace it with a new program. She reviewed that the current NEP divides the city into 13 areas and allocates \$1.5 million annually in capital funding to build small projects selected by residents. The strengths of the NEP include providing the opportunity for every household to engage in the planning process and implementing projects proposed by residents and chosen by a popular vote.

Ms. Kuhn reviewed the limitations of the NEP including reduced buying power, the decline in ballot-eligible requests, and pressure on limited maintenance resources. Many of the requests are for sidewalks, which are more expensive and are more appropriately funded through the regular capital funding process. Ms. Kuhn described staff's proposal to replace the NEP with a Targeted Neighborhood Investment program. This program would focus on one neighborhood each year and would use capital funding for projects that enhance safety and livability. This approach provides a reduced impact on the Capital Investment Program (CIP) plan and on long-term maintenance and operations costs.

Ms. Kuhn reviewed the current Neighborhood Match and Neighborhood Fitness programs, and their strengths and weaknesses. The Match program was initiated in 1994 to help neighborhoods build small improvements costing up to \$5,000 each. This program was funded at \$50,000 annually.

Ms. Kuhn reviewed the strengths and limitations of the Neighborhood Fitness program. It addresses a consistent, high priority concern of residents to make visible improvements in the appearance of neighborhoods. However, it lacks citizen involvement and projects could be delivered more efficiently.

Ms. Kuhn reviewed staff's proposal to create a Neighborhood Partnerships Program that consolidates the existing Match and Fitness program elements. This approach provides enhanced funding for Neighborhood Match projects, continues Fitness efforts as Match projects, increases the capacity of projects to 30 per year, and reduces the impact to the CIP budget by limiting funding to a total of \$100,000 annually.

Ms. Kuhn summarized that the proposed approach better recognizes the diversity of neighborhood character, focuses resources where they are needed the most, and increases the capacity for neighborhood match projects. It provides a balanced and more cost effective approach incorporating intensive grassroots engagement.

Councilmember Robertson feels that the Match and Fitness programs have worked well for the community. She is open to a new approach to the NEP, as long as it is an equitable approach over time. She likes the idea of larger projects, even if completed less frequently, if that better meets residents' needs. She would like the funds to be used for capital projects, and not for process activities. Mr. Stroh confirmed that that is the intent of the proposed approach. He explained that staffing related to the effort would be in the operating budget, while projects would be built with capital budget funds.

Councilmember Balducci noted that NEP has been a popular and effective program. However given the current budget constraints, a change is needed. She commented on the differences between the NEP and Fitness programs, with NEP being focused on discretionary enhancements, and the Fitness program targeted at addressing specific concerns about neighborhood appearance and, potentially, code compliance issues. Ms. Balducci opined that it is important to continue to fund projects that maintain the desired look and quality of Bellevue neighborhoods. She cautioned against saying that the City is terminating the NEP, noting that perhaps the program can be restored as the economy and budget improve. Ms. Balducci thanked staff for their work in producing effective programs.

Deputy Mayor Lee noted that neighborhoods are always a high priority for the Council. However, he understands that both needs and resources have changed. He reviewed that NEP, Match, and Fitness have served different needs and addressed different issues. Before changing to a new approach and new programs, Mr. Lee suggests that the City determine whether the community's needs have changed. He noted that the City is recognizing that it does not have

sufficient funding to continue to do what it has been doing. He can support putting the programs on hold, even for a number of years, but agrees with Ms. Balducci about not permanently terminating them.

Councilmember Degginger noted the challenge of making the best use of limited resources. He expressed concern about the criteria to be used to select neighborhoods for a targeted focus. If the City were to proceed with the modified approach, he questioned how staff might continue to survey neighborhoods on a regular basis to identify problem areas.

Ms. Kuhn said the proposed changes are based on an extensive analysis by staff and feedback from residents. In addition, staff from multiple departments are discussing and working on developing criteria that would be used to identify projects. Mr. Stroh said these criteria include infrastructure needs, declining retail centers, development impacts, identity issues, neighborhood interest, and special opportunities (i.e., Is there a neighborhood or community association to partner with?). Ms. Kuhn said an important criteria is the City's ability to impact or influence a situation.

Councilmember Degginger suggested, as another criteria, coordinating with other potential investments planned by the City for a specific area. For example, a project to replace or repair sewer pipes might be a good time to also provide or repair sidewalks in the same area. He would also like to see resources spread around to different areas of the community.

Ms. Kuhn noted that staff has thousands of contacts throughout the year, which helps to determine the community's needs and appropriate actions to take.

Councilmember Wallace commented on a lack of details about the overall approach. On the positive side, he likes the Match program and knows that it has worked well in Seattle. He believes it could work well here if advocacy and resources were increased, and if the match component could include labor and volunteerism. As a second issue, Mr. Wallace questioned whether it would be more appropriate to place certain projects (e.g., Sidewalks) in the Transportation CIP Plan.

Ms. Kuhn explained that the idea behind the proposed approach is that each neighborhood has different needs, and these needs change over time. For example, an important issue in recent years for West Bellevue neighborhoods was a concern about the impacts of infill development and redevelopment. The City worked with the neighborhoods to adopt policies to mitigate the impacts.

Responding to Mayor Davidson, Mr. Stroh confirmed that the proposed program would target one neighborhood per year. With regard to the match component, Ms. Kuhn said a neighborhood is required to cover half of the project cost, which is often provided in the form of labor and volunteer work. It is rare that a neighborhood is able to provide a financial match.

In further response to Mayor Davidson, Mr. Stroh reiterated that the proposed approach is intended to focus on specific areas with a specific issue or need.

Deputy Mayor Lee suggested that staff document why it is proposing a change to a new approach. He questioned the impact of instead reducing funding for the existing programs. He will not support a change unless he hears that the current approach is no longer valid.

Councilmember Degginger observed that many on the Council would like more information before making a decision.

Mayor Davidson acknowledged that the NEP is perhaps no longer meeting the needs of the community, due largely to limited funding. He supports the consideration of alternative approaches, but noted the challenge of limited resources and the ability to be effective and responsive to needs. Mayor Davidson said this item will be discussed in the broader context of the budget in the coming months.

Ms. Balducci shared that a major need in her neighborhood involves a sidewalk and landscaping, and the project is too large to obtain NEP funding. She asked staff to provide similar examples of larger projects that are not adequately addressed by the NEP.

Councilmember Robertson understands that some projects cannot be addressed through NEP, and she would like the equity piece to be folded in. She understands about funding projects in the areas that need it most, but also feels it is important to provide projects for all neighborhoods over time.

Mr. Sarkozy noted that this is one of a number of decisions that will need to be made during the upcoming budget process.

(b) Status Report Regarding Updates to Bellevue City Code Provisions Regulating Lewd Conduct and Adult Businesses

City Attorney Lori Riordan provided an update on staff's review of Bellevue City Code provisions regulating lewd conduct and adult businesses. She recalled that a bikini barista stand in Bellevue was closed by the owner of the property where the stand was located, which was a gas station.

Ms. Riordan explained that staff reviewed the existing Lewd Conduct Ordinance, which is considered perhaps the strongest in the state. Other jurisdictions have adopted some of Bellevue's provisions. Staff also looked at the definition of "public place," and have determined that it does apply to espresso stands because they are open and visible to the public.

Ms. Riordan then commented on the zoning Code. Cities are required by law to allow adult businesses in the community, and staff initially identified 40 potential sites that could be appropriate for this use. The law requires that such properties must be available, and they must be served by the appropriate utilities and facilities (e.g., Water, Sewer, Parking). However, they do not need to be available for purchase or rent. In conducting a field review, staff narrowed the list to 26 sites meeting the legal criteria. Staff's conclusion is that there is no need to task the

Planning Commission with reviewing the Zoning Ordinance to determine whether amendments are needed.

Ms. Riordan next addressed the issue of whether bikini barista stands should be considered as adult themed businesses. Snohomish County took the approach of licensing these business as adult businesses. Ms. Riordan said staff is preparing a model ordinance based on this approach for the Council's consideration. Snohomish County has not had any applications for this type of license, and has not issued any fines related to this type of license. Ms. Riordan said there has been no litigation to date challenging the County's new law.

Mayor Davidson questioned whether an ordinance similar to Snohomish County's would specifically identify espresso stands. Ms. Riordan said the language of Bellevue's ordinance would refer to sales or retail operations involving provocative or inappropriate attire and/or behavior. She noted that the City can also address the problem through enforcement of its Lewd Conduct Ordinance or any other type of criminal behavior.

Responding to Councilmember Robertson, Ms. Riordan said she is confident that the City's existing laws do not include public breast feeding as lewd conduct.

Mayor thanked staff for their work on this issue.

3. Council Business [Regular Session Agenda Item 6]

Councilmember Balducci attended the grand opening of the new Lake Hills Library, the first tenant in the redevelopment of the Lake Hills Shopping Center. She recalled that the Neighborhood Investment Strategy/Fitness Program initially focused on the Lake Hills neighborhood, and a top priority identified at that time was the redevelopment of the center.

Councilmember Wallace toured Sound Transit light rail stations in South Seattle with the Urban Land Institute, and attended the Seattle Chamber of Commerce lunch.

Deputy Mayor Lee attended the Regional Transit Committee meeting and the Indian American Technology workshop. He attended the grand opening of a new Bartell Drugs store in Factoria, the Neighbor Link picnic at City Hall, Sunset Community Association's annual picnic, and the opening of the Lake Hills Library. Earlier in the month Deputy Mayor Lee spoke with Senator Kastama, Chair of the State Senate Committee on Economic Development, Trade and Innovation, about opportunities in Bellevue. Mr. Lee met with the Director of Advancement from the University of Washington's Evans School of Public Affairs, in which they discussed arranging for presentations by graduate students on topics of interest to the Council. Mr. Lee met with the new Director of the International Children's Festival. He attended events at the Bellevue Arts Museum, as well as an event at Bellevue College involving the Chinese-American journalism community. Mr. Lee visited the Bellevue Boys and Girls Club Tech Center of Excellence in the Lake Hills Community Club building.

Councilmember Robertson attended the opening of the 59th Bartell Drugs in Factoria and the September 11 commemoration and neighborhood volunteer event at City Hall. Ms. Robertson attended meetings of the Puget Sound Regional Council (PSRC) Growth Management Planning Board and Bellevue Parks and Community Services Board. She attended a meeting regarding HOT (High occupancy toll) lanes, and noted that Councilmember Balducci represents Sound Transit and Councilmember Degginger represents Bellevue on this group. Ms. Robertson met with representatives of the Bellevue Philharmonic Orchestra to learn about their activities, and with the Bellevue Downtown Association to discuss the East Link light rail project.

Councilmember Degginger attended meetings of the HOT Lane Task Force and the Transit Task Force, the latter of which is discussing subarea equity and how to improve the efficiency of transit service. He noted that this was a significant week for the Cascade Water Alliance, which was issued its water right by the State. Mr. Degginger noted the importance of Lake Tapps as a future water supply and in preserving fish habitat. He reported that the City's wholesale water rate increase will be lower than reported to the Council earlier in the summer.

Mayor Davidson attended the Bartell Drugs ribbon cutting at Factoria. He noted the Council's Special Meeting on September 14 to complete a bond sale. He met with a group of Japanese exchange students to discuss Bellevue's form of government. He attended meetings of the Eastside Mayors Forum, WRIA-8 salmon recovery group, and the Municipal Research and Services Center (MRSC) Board.

At 8:00 p.m., Mayor Davidson declared recess to the Regular Session.

Myrna L. Basich, MMC
City Clerk

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