

East Bellevue Community Council
Summary Minutes of Regular Meeting

September 11, 2018
6:30 p.m.

Bellevue City Hall
Bellevue, Washington

PRESENT: Chair Hummer, Vice Chair Walter, Alternate Vice Chair Gooding, and Councilmembers Dhananjaya and Kasner

ABSENT: None.

STAFF: Trisna Tanus, Legal Planner

1. **CALL TO ORDER**

The meeting was called to order at 6:33 p.m., with Chair Hummer presiding.

2. **ROLL CALL/FLAG SALUTE**

Deputy City Clerk Karin Roberts called the roll. All Councilmembers were present.

Chair Hummer asked Vice Chair Walter to lead the flag salute.

3. **APPROVAL OF AGENDA**

Vice Chair Walter moved to approve the agenda, amended to move Agenda Item 14, Executive Session, to follow the flag salute and to move Agenda Item 9, Resolutions, to follow Agenda Item 7. Councilmember Dhananjaya seconded the motion, which carried by a vote of 5-0.

14. **EXECUTIVE SESSION**

At 6:34 p.m., the Community Council recessed to executive session for a period of 20 minutes to discuss the legal risks of proposed action pursuant to RCW 42.30.110(1)(i).

At 6:56 p.m., Chair Hummer resumed the meeting.

4. **COMMUNICATIONS: WRITTEN AND ORAL:** None.

5. **REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS:** None.

6. **REPORT OF THE CHAIR**

Chair Hummer expressed her appreciation for constituents' attendance and communications during the EBCC meetings. She said the EBCC has received written communications regarding the Homeless Services Uses Land Use Code Amendment (LUCA), Puget Sound Energy's removal of trees (from 300trees.org), the PSE franchise agreement with the City, and lighting and landscaping at the Bellevue College dorms.

Ms. Hummer recalled that the EBCC voted to disapprove PSE's Lake Hills transmission line project, and the appeals court ruled in favor of PSE. She noted the EBCC's and residents' concerns regarding the removal of trees related to PSE's projects.

Ms. Hummer noted her goal to ensure that the EBCC is represented before the City Council, Boards, and Commissions regarding the EBCC's priorities (i.e., affordable housing, neighborhood planning, and homelessness).

7. **DEPARTMENT REPORTS:** None.

[Agenda modified. See Agenda Item 8 below.]

9. **RESOLUTIONS**

- (a) Resolution 571 considering City Council Ordinance 6419

Chair Hummer introduced discussion regarding Resolution 571 considering City Council Ordinance 6419, which adopted the Homeless Services Uses Land Use Code Amendment (LUCA).

Vice Chair Walter moved to proceed with a discussion and vote on Resolution 571. Councilmember Kasner seconded the motion, which carried by a vote of 5-0.

Councilmember Kasner recalled that the EBCC asked the City Council to allow only the Conditional Use Permit (CUP) process for permitting a homeless shelter. He said the City Council's adopted Ordinance allows both the CUP process and the development agreement process. He opined that the development agreement process bypasses the Hearing Examiner and the public.

Mr. Kasner spoke in favor of disapproving City Council Ordinance 6419. As a result, the CUP process will be followed for permitting a shelter within the EBCC's jurisdiction.

Councilmember Dhananjaya concurred with Mr. Kasner.

Councilmember Gooding concurred as well.

Vice Chair Walter recalled that she stated her position during the most recent EBCC meeting. She noted that suggestions by the EBCC were not included in the City Council's final Ordinance. Items requested by the EBCC included tracking certain metrics, requiring a 1,000-foot buffer around a shelter, and omitting the development agreement permitting option.

Chair Hummer said that approval of City Council Ordinance 6419 undermines the EBCC's jurisdiction over certain land use regulations in their area. She said the CUP process will allow the EBCC to have oversight over the permitting process.

Councilmember Kasner moved to adopt Resolution 571, disapproving City Council Ordinance 6419, which adopted the Homeless Services Uses Land Use Code Amendment (LUCA). Vice Chair Walter seconded the motion, which carried by a vote of 5-0.

Chair Hummer suggested that the EBCC make a presentation to the City Council regarding the EBCC's disapproval of Ordinance 6419.

Councilmember Kasner disagreed, noting that the City Council will be informed of the EBCC's decision and discussion.

Vice Chair Walter opined that presenting the EBCC's position can be done respectfully before the City Council. She believes it is important to make an announcement regarding the EBCC's vote and the underlying rationale.

Mr. Kasner suggested transmitting a letter instead of providing a presentation during a City Council meeting.

Councilmember Dhananjaya suggested allowing time for the City Council to receive the information and perhaps requesting a joint study session of the EBCC and City Council.

Ms. Hummer reiterated that she believes it is important for the EBCC to make a presentation to the City Council.

Mr. Kasner opined that there is nothing to gain by making a formal presentation to the City Council.

Councilmember Gooding suggested waiting a couple of weeks before revisiting the issue.

Chair Hummer said she would also like to issue a press release to make the public aware of the EBCC's vote and the underlying rationale.

Ms. Walter said it is important to communicate that the EBCC is not trying to usurp any of the City Council's power. However, the EBCC wants to use its role to represent its constituents. She said any presentation would need to be respectfully crafted.

Councilmember Dhananjaya concurred with Mr. Gooding's suggestion to wait a couple of weeks.

Vice Chair Walter said it would be better to release the information as soon as possible.

Councilmember Kasner said there is a process for the EBCC's consideration of the City Council's legislation, and the EBCC voted as outlined in that process. Notification of that action will be transmitted to the City Council and available to the public. He opined that issuing a press release is the wrong approach. The EBCC fulfilled its role by voting on the legislation and reiterated his suggestion to send a letter to the City Council.

Mr. Kasner noted that he and Councilmembers Gooding and Dhananjaya have expressed support for postponing a press release or presentation to the City Council.

Chair Hummer said she would like to provide a simple explanation to the City Council, and she would like the Planning Commission to hear it too.

Vice Chair Walter said she interprets the suggested communications as actions to ensure transparency. She believes the public needs to know.

Vice Chair Walter moved to issue a press release regarding the EBCC's decision and rationale in denying the Homeless Services Uses Land Use Code Amendment (LUCA). The motion was seconded by Councilmember Dhananjaya.

Mr. Dhananjaya suggested that the EBCC let the City Council know about the press release in advance. He encouraged trying to partner with the City Council, while also representing the EBCC's constituents.

Vice Chair Walter concurred that the press release should not be a surprise to the City Council. She suggested drafting the press release and transmitting it to the City Council before sending the press release to the media.

Chair Hummer reiterated her suggestion to make a presentation to the City Council.

Councilmember Kasner reiterated that the City Council is informed about all of the EBCC's decisions, and the information is available to the public.

Deputy City Clerk Karin Roberts confirmed that a copy of Resolution 571 will be forwarded to the City Council, the Community Development Department, and the Department of Development Services (DSD).

Mr. Kasner said the EBCC's discussions and meeting minutes provide a complete record of the EBCC's decision and rationale. The EBCC's comments to the City Council are reflected in the City Council's meeting minutes and in the live broadcasts and online videos of their meetings.

Councilmember Dhananjaya suggested that the EBCC must be in agreement regarding the content of any communications to the City Council and/or the public. He suggested waiting a

few days after the press release is submitted to the City Council before it is released to the media. He does not want to issue the press release immediately.

Catherine Drews, Assistant City Attorney, said that if EBCC members discuss anything outside of their public meetings, they could be in violation of the Open Public Meetings Act (OPMA).

Vice Chair Walter said her intent is to draft the content of the communications during a regular or special meeting of the EBCC.

Councilmember Dhananjaya suggested timing the issuance of the press release to occur the day after the next City Council meeting. Councilmember Gooding concurred.

Ms. Walter suggested drafting the press release during tonight's meeting, to accompany the transmittal of the EBCC's Resolution to the City Council by the Deputy City Clerk.

Mr. Dhananjaya suggested that if the EBCC makes a presentation during a City Council meeting, all EBCC members should be present. Vice Chair Walter disagreed.

Ms. Drews confirmed that the presence of a quorum of the EBCC at any meeting or event is noticed as a special meeting.

Ms. Walter spoke in favor of sending one EBCC member to read a written statement to the City Council.

Councilmember Kasner said the EBCC has never issued a press release in its 49 years of existence.

Chair Hummer said a press release will make the EBCC's vote and rationale clear to the public because the issue of a homeless shelter has been controversial within the community.

Mr. Kasner reiterated that the vote and the language in the Resolution are a clear record of the EBCC's decision and rationale.

Responding to Chair Hummer, Vice Chair Walter agreed to table her motion to send a press release until EBCC members can discuss the potential content of a press release.

Vice Chair Walter moved to discuss the content of the press release. Councilmember Dhananjaya seconded the motion, which carried by a vote of 5-0.

Chair Hummer read her suggested press release language.

Councilmember Kasner suggested a shorter statement capturing that the EBCC reviewed the Ordinance and voted against the development agreement permit option because the EBCC believes in the CUP process, and that the EBCC looks forward to working with the City to solve this difficult issue.

Councilmember Gooding concurred.

Vice Chair Walter suggested that the EBCC indicate who and what they are. She wants to clarify that the EBCC is not a community club but rather a government body.

Councilmembers Gooding and Kasner concurred.

Councilmember Dhananjaya suggested including a map in the EBCC's press release.

Responding to Chair Hummer, staff indicated they will verify the City's procedures for issuing a press release from the EBCC.

Responding to Ms. Hummer, Mr. Kasner suggested communicating that the EBCC disapproved City Council Ordinance 6419 because EBCC members believe that the CUP process, and not a development agreement, is the proper method for permitting a shelter.

Councilmember Dhananjaya suggested a statement that the EBCC looks forward to continuing to work with the City Council and the public on this issue.

Chair Hummer read the revised press release language.

Vice Chair Walter suggested the following language: "The East Bellevue Community Council believes the Conditional Use Permit is the proper approach to process a homeless services use. City Council Ordinance 6419 would have bypassed that with a development agreement."

Councilmember Kasner expressed support for the language, with a reminder that he is opposed to sending a press release.

The motion to draft the press release as discussed carried by a vote of 5-0.

Chair Hummer noted a consensus to discuss, following the next agenda item, whether to make a presentation to the City Council.

8. **PUBLIC/COURTESY HEARINGS**

(a) Courtesy Hearing: Conformance Land Use Code Amendments

Trisna Tanus, Legal Planner, referred to the memorandum in the meeting packet and presented the Conformance Land Use Code Amendments (LUCA) necessary to achieve consistency with the new Downtown codes [LUC 20.25A] and with the Eastgate LUCA. The conformance amendments incorporate International Building Code (IBC) and Bellevue City Code (BCC) amendments related to construction type in Factoria Development Area III, as well as resolve errors, clarifications, omissions and internal conflicts within the LUC and BCC.

The Planning Commission began discussing the amendments on March 28 and held a public hearing on May 9. The Commission subsequently approved and recommended the adoption of

the Conformance LUCAs. During the following meeting, the Commission reconsidered and decided to schedule another public hearing and to release additional information regarding the amendments. The Planning Commission held its second public hearing on June 13 and voted to transmit the recommendation reflected in tonight's meeting packet. The City Council is scheduled to consider the recommendations during its September 17 Study Session and may elect to take action that evening or at a subsequent meeting.

Ms. Tanus highlighted examples of the amendments and said that they are consistent with the Comprehensive Plan. She noted that the IBC and the BCC now allow 5-over-2 construction, which is five levels of wood frame construction over two levels of concrete construction, in certain areas. However, the intensity and total number of dwelling units allowed does not change. She said the amendment enhances public health, safety, and welfare. Ms. Tanus said additional information is provided in the meeting packet.

Ms. Tanus said the topics for the EBCC to address are outdated and incorrect cross references as well as the incorporation of the new land use districts created by the Eastgate LUCA.

At 7:57 p.m., Vice Chair Walter moved to open the Courtesy Hearing. Councilmember Gooding seconded the motion, which carried by a vote of 5-0.

No one came forward to comment.

At 7:58 p.m., Councilmember Gooding moved to close the hearing. Councilmember Dhananjaya seconded the motion, which carried by a vote of 5-0.

Councilmember Kasner questioned whether there were public comments regarding the potential for building heights up to 75 feet in Factoria Development Area III. Ms. Tanus said the Planning Commission received a couple of comments on the topic during its public hearing. She said the Commission discussed the impacts and understood that the code does not increase the density or intensity of the area.

Responding to Councilmember Gooding, Ms. Tanus said the Conformance LUCAs do not specifically address residential districts. She said the amendments are not substantive changes but are drafted to enhance consistency within and between the LUC and City Code.

[Agenda resumed.]

10. **COMMITTEE REPORTS:** None.

11. **UNFINISHED BUSINESS**

Chair Hummer invited discussion on the issue of whether to make a presentation to the City Council regarding the EBCC's disapproval of the Homeless Services Uses LUCA.

Councilmember Kasner said the press release should be in lieu of a presentation to the City Council.

Councilmember Dhananjaya said he was ambivalent about providing a presentation during the next City Council meeting and suggested waiting.

Councilmember Gooding opined that a written transmittal to the City Council is sufficient.

Vice Chair Walter spoke in favor of providing an explanation of the reasons that the EBCC disapproved City Council Ordinance 6419. She said the press release should reflect that as well.

Chair Hummer said she wants to communicate that the EBCC disapproved the Ordinance for its constituents.

Vice Chair Walter said it is important for the City Council and residents to know that the EBCC disapproved the Ordinance by a unanimous vote.

Councilmember Dhananjaya spoke in favor of a collaborative approach and discussion with the City Council during a study session versus making a presentation. He suggested providing advanced notice to the City Council.

Vice Chair Walter said the presentation should be clear about what the EBCC did and the rationale for the decision. She said more people, including the public, will see or hear the presentation before the City Council. She noted her interest in clarity and transparency.

Mr. Dhananjaya moved that Chair Hummer and Vice Chair Walter prepare and provide a presentation to the City Council during the September 24 Extended Study Session. Ms. Walter seconded the motion, which carried by a vote of 4-1, with Councilmember Kasner dissenting.

Vice Chair Walter moved to issue a press release following the presentation to the City Council, and Councilmember Dhananjaya seconded the motion. The motion carried by a vote of 4-0, with Councilmember Kasner abstaining.

12. **NEW BUSINESS**

(a) Discussion Regarding Potential Future Agenda Items

Chair Hummer said she wants to keep track of affordable housing, neighborhood planning, and single-family room rentals. She noted she invited Bellevue College to send someone to the EBCC meeting to discuss residents' concerns related to the new student housing.

Councilmember Kasner said he attended two meetings, one with Councilmember Lee and one with Deputy Mayor Robinson and the Deputy City Manager, regarding the franchise agreement between the City and Puget Sound Energy. He said residents are concerned about vegetation management and interested in alternative power technologies.

Chair Hummer said she would like to appoint liaisons to the Planning Commission and to the Human Services Commission.

Councilmember Kasner volunteered to be the Planning Commission liaison, and Vice Chair Walter volunteered to be the Human Services Commission liaison.

Councilmember Kasner moved to extend the meeting to 8:45 p.m. Vice Chair Walter seconded the motion, which carried by a vote of 5-0.

13. **CONTINUED COMMUNICATIONS**

Fiona Cofield noted her opposition to City Council Ordinance 6419. She spoke about fires along the I-5 corridor due to homeless encampments. She said some parks in Seattle have been taken over by encampments. Ms. Cofield said violent crimes, burglaries, thefts, and assaults are a common occurrence in parts of Seattle now. She said the encampments have garbage, including used needles, as well as open toilets and addicts who refuse services offered to them. She is concerned that Bellevue is following the same path as Seattle. Ms. Cofield said the presence of homeless encampments is negatively affecting businesses in downtown Seattle and along the waterfront. She appreciates that East Bellevue will be minimally impacted due to the EBCC's disapproval of City Council Ordinance 6419.

Councilmember Kasner noted that the Lake Hills Candidates Forum will be held on September 13 at the Lighthouse Christian Church.

[See above for Item 14, Executive Session]

15. **APPROVAL OF MINUTES**

- (a) Summary Minutes of the August 7, 2018 Regular Meeting

Councilmember Gooding moved to approve the minutes of the August 7, 2018 Regular Meeting. Councilmember Kasner seconded the motion, which carried by a vote of 4-0, with Vice Chair Walter abstaining.

Vice Chair Walter moved to send Councilmember Dhananjaya to the Planning Commission to make a presentation regarding the EBCC's vote disapproving City Council Ordinance 6419. Councilmember Gooding seconded the motion.

Ms. Walter recommended that Mr. Dhananjaya provide a brief overview about the EBCC and its boundaries. She said it is important to tell them why he is going before the Commission, which is to clarify that a shelter will be subject to the CUP process in East Bellevue.

Chair Hummer said the presentation should be informative and meaningful, without attempting to assign blame.

Ms. Walter asked Mr. Dhananjaya to ensure he presents the EBCC's formal position and not individual perspectives.

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The motion to send Councilmember Dhananjaya to the Planning Commission to comment on the EBCC's disapproval of City Council Ordinance 6419 carried by a vote of 5-0.

Vice Chair Walter said this meeting has been uncomfortable, and she encouraged enhanced collaboration going forward. She would like to revisit the appointment of the Planning Commission liaison in a couple of months.

16. **ADJOURNMENT**

Vice Chair Walter moved to adjourn. Councilmember Dhananjaya seconded the motion, which carried by a vote of 5-0.

At 8:40 p.m., Chair Hummer declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk

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