

East Bellevue Community Council
Summary Minutes of Regular Meeting

June 4, 2019
6:30 p.m.

Lake Hills Clubhouse
Bellevue, Washington

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

ABSENT: None.

STAFF: None.

1. **CALL TO ORDER**

The meeting was called to order at 6:34 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 Councilmember Kasner to lead the flag salute.

3. **APPROVAL OF AGENDA**

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

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Daisy Uy stated that she is attending the meeting to listen and observe, and to take items back to her community.

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

6. **REPORT OF THE CHAIR**

Chair Hummer said she was first elected to serve on the East Bellevue Community Council six years ago. She previously attended the Bellevue Essentials program to better understand local government and to learn about the issues before the EBCC. She realized at that time that many of the Board and Commission members were not familiar with the EBCC. She said she has provided public comment in the past, as a private citizen, to the Boards and Commissions regarding the EBCC activities.

As a member of the EBCC, Chair Hummer said she has provided reports to the City Council and some of the Boards and Commissions regarding the EBCC's votes. She also said she has implemented consistent processes as the EBCC Chair for hearings and presentations to other bodies. She said that each time the EBCC makes a presentation, they should provide an explanation of the EBCC's statute, powers and duties.

Chair Hummer suggested that the EBCC needs to improve its relationship with City Hall. To have an informed vote, the EBCC needs to have a consistent presence at City Council, Board, and Commission meetings. The EBCC needs to have an improved understanding in working with City staff to ensure that its constituents' concerns are heard and understood.

Vice Chair Walter said that following Robert's Rules during meetings has been helpful. She said it is important to educate others about the EBCC and to ensure that others understand whether a member is commenting on their personal or on the EBCC's position. She concurred with the importance of providing periodic reports to the City Council.

Councilmember Kasner noted that a number of people who attended EBCC meetings in the past no longer come to the meetings. He feels that the EBCC has always been welcoming to the community. He suggested that the EBCC be more proactive in addressing issues. He noted that the EBCC cannot act on issues within their jurisdiction until the City Council makes their decisions.

Councilmember Dhananjaya said he believes that the challenge is to distinguish the EBCC from the City Council. He said the EBCC is limited to making decisions on certain land use issues. He would like to work with the City Council's liaison to the EBCC to encourage his or her advocacy on behalf of the EBCC. He suggested being more proactive and engaged in the City's processes. He opined that the EBCC should demonstrate that it is working to represent the community. He suggested that the EBCC's discussions could be more flexible and engaging.

Councilmember Gooding commented on the importance of staying focused. He suggested that the EBCC could be less reactive, while also trying to become more involved in City issues and processes.

Councilmember Kasner said he is pleased that the City Council assigned a liaison to the EBCC. He said the Mayor will leave the Council at the end of the year. Mr. Kasner suggested developing a relationship with the Mayor now to better understand what is coming before the Council and the EBCC in the foreseeable future.

Councilmember Dhananjaya noted that it is better to express opinions early, especially if the EBCC's opinions are different than the City Council's views. He encouraged open communication to avoid surprises.

Vice Chair Walter observed that presenting information to the City Council directly and working with the Council's liaison to the EBCC are both important. She wants to ensure that it is left to the EBCC Chair, or his or her designee, to talk to the Mayor or Deputy Mayor.

7. **DEPARTMENT REPORTS**

- (a) Memo re: 148th Avenue NE and NE 8th Street Traffic Signal Upgrade
(For information only; no staff presentation)

Chair Hummer read the memo in the meeting packet regarding the 148th Avenue NE and NE 8th Street Traffic Signal Upgrade. She said a previous traffic signal project at 148th Avenue and Main Street lasted significantly longer than originally intended. She said it is important to make the public aware of the project and potential traffic disruptions.

Councilmember Kasner said that the NE 8th Street intersection project was complicated, and the City did not initially have a solution. The City moved forward with two other intersection projects and is now ready to complete this project.

Councilmember Dhananjaya noted that additional improvements are planned at 148th Avenue and Main Street.

Chair Hummer noted that the EBCC has addressed a number of transportation issues. However, land use issues are the EBCC's main focus. She said it would be helpful to be able to receive and share information with constituents regarding projects that impact East Bellevue.

Vice Chair Walter said it is a matter of setting expectations regarding the EBCC's role. She suggested informing the public about links to the City's website for more information on projects. She further suggested referring the public to City staff for questions regarding issues and projects that are not within the EBCC's purview. She said that would allow individuals to establish a connection with the City and remove the expectation that the EBCC has the authority of the City Council.

8. **PUBLIC/COURTESY HEARINGS**: None.

9. **RESOLUTIONS**: None.

10. **COMMITTEE REPORTS**: None.

11. **UNFINISHED BUSINESS**

Chair Hummer requested an additional courtesy hearing on the Bellevue School District's Puesta del Sol school project.

Councilmember Dhananjaya said he would like to have additional and more detailed information regarding the project options, costs, and traffic impacts.

Responding to Chair Hummer regarding the quasi-judicial process, Assistant City Attorney Catherine Drews advised that the EBCC may discuss information that is already on the record. However, EBCC members should not discuss their personal biases at this point.

Councilmember Kasner said the permit application for the project has been filed. Responding to Mr. Kasner, Ms. Drews confirmed that the project is now a quasi-judicial matter, and the EBCC should not discuss substantive issues regarding the permit without the applicant present. Ms. Drews said that, when any applicant is going through the conditional use process, there is a set of decision criteria that they must meet. The EBCC cannot make additional requests. Ms. Drews suggested that the EBCC review the record to date.

In further response to Mr. Kasner, Ms. Drews said the next step is that the conditional use permit (CUP) application will be addressed in a public hearing before the Hearing Examiner. The EBCC cannot participate as a body. She said the decision is not yet final, and the EBCC will receive the record as part of its review, following the City Council's decision.

Chair Hummer said she would like to review the record before the matter goes to the City Council. Responding to Ms. Hummer, Ms. Drews said the public may participate in the hearing before the Hearing Examiner.

Ms. Hummer reiterated her request for a second courtesy hearing before the EBCC. She said there is no limit on holding courtesy hearings before the EBCC. She would like a presentation to learn about the status of the permit, and she would like the EBCC to take a formal vote and to provide a written recommendation.

Ms. Drews said that the EBCC's role is not to act as a participant. The EBCC's role is to act as a judge. Ms. Drews noted the need for a discussion if the EBCC wants to submit a formal recommendation or comments. She said that EBCC members may comment during an open meeting when both the applicant and the public are present, in order to allow the opportunity for comments to be refuted.

Vice Chair Walter asked what the EBCC would gain from an additional courtesy hearing.

Chair Hummer said the EBCC would be able to hear more public comment from its constituents. She would like to then take a vote indicating the EBCC's perspective. Ms. Hummer said she would like an update regarding the school project and the changes that have been made.

Councilmember Dhananjaya suggested that holding an additional courtesy hearing will demonstrate that the EBCC is not biased and is following the proper quasi-judicial process.

Councilmember Kasner said that the EBCC can hold the courtesy hearing and have everyone's questions answered. At that point, the EBCC cannot communicate a formal opinion.

Ms. Drews said she will provide more information regarding the quasi-judicial process during the EBCC's retreat in July.

12. **NEW BUSINESS**

- (a) Overview of the Quasi-Judicial Process

Assistant City Attorney Drews referred to the discussion outlined above. She said the City cannot stop EBCC members from talking to constituents about quasi-judicial matters. However, if EBCC members do engage in communications, they should make a note of the date, time, and substance of the communication. EBCC members will be asked to disclose ex parte contacts in the future.

Councilmember Kasner said his understanding of the process is that a matter is not quasi-judicial, and the restrictions related to the quasi-judicial process do not apply until the permit is filed in the EBCC area. He said he also understands that certain communications could disqualify a council member from participating in the vote on the application.

Ms. Drews suggested that she discuss the Appearance of Fairness Doctrine with the EBCC during its July retreat.

In further response to Mr. Kasner, Ms. Drews confirmed that there are no restrictions on what EBCC members can say until an application is filed, and the matter becomes quasi-judicial. However, when the matter becomes quasi-judicial, everything that EBCC members say and do will be open for examination.

Councilmember Dhananjaya said it would be helpful to have a timeline that reflects the EBCC's quasi-judicial process and the EBCC's role.

Moving on, Chair Hummer recalled previous discussion about whether the EBCC would like to draft a resolution recommending the creation of a parks land use zoning designation.

Councilmember Kasner said he has been told by staff that creating a separate zoning district is not needed. However, he expressed concern that park properties could change to another use in the future.

Vice Chair Walter said she believes the City could benefit by establishing a parks zoning designation, especially since Bellevue is branded as "A City in a Park".

Councilmember Kasner said the EBCC is specifically prohibited from changing land use designations. Responding to Vice Chair Walter, Mr. Kasner said the prohibition is reflected in the statute governing the EBCC.

Ms. Drews confirmed that the EBCC does not have the authority to make amendments to the Comprehensive Plan or the Land Use Code.

Vice Chair Walter said they are not proposing a change. Rather, they are proposing making a statement about the desire for a parks land designation.

Chair Hummer said the EBCC functions under the powers and duties of community municipal corporations. She read: "In addition to powers and duties relating to approval of zoning regulations and restrictions, a community municipal corporation acting through its community

council may make recommendations concerning any proposed Comprehensive Plan or other proposal which directly or indirectly affects the use of property or land within the service area; provide a forum for consideration of the conservation, improvement, or development of property or land within the service area; and advise and cooperate with the legislative authority on local matters that directly or indirectly affect the service area.”

13. **CONTINUED COMMUNICATIONS**

Councilmember Kasner noted the upcoming Pride Month celebration at Bellevue College and encouraged everyone to attend. He wondered whether the EBCC would like to prepare a statement regarding the event.

Councilmember Dhananjaya said he plans to attend the event. However, he noted that there are many community celebrations, and he questioned the appearance of a bias if the EBCC recognizes some but not all of those events. Councilmember Gooding concurred.

Vice Chair Walter said the City Council issued a proclamation regarding Pride Month.

Ms. Drews noted that if the EBCC wants to take a vote on issuing a statement of support, the vote must occur during a public meeting.

Unica Le, a student, expressed concern regarding the lack of health care resources at Bellevue College. She asked how Bellevue College can explore better resources.

Chair Hummer clarified the role and limitations of the EBCC. She noted that Bellevue College falls under the State’s jurisdiction.

14. **EXECUTIVE SESSION:** None.

15. **APPROVAL OF MINUTES**

- (a) Summary Minutes of the May 7, 2019 Regular Meeting

Councilmember Dhananjaya moved to approve the minutes of the May 7, 2019 Regular Meeting. Vice Chair Walter seconded the motion, which carried by a vote of 5-0.

16. **ADJOURNMENT**

At 7:49 p.m., Chair Hummer declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk

/kaw