

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

June 6, 2016
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Stokes, Deputy Mayor Chelminiak¹, and Councilmembers Lee, Robertson, Robinson, Slatter, and Wallace²

ABSENT: None.

1. Executive Session

The meeting was called to order at 6:03 p.m., with Mayor Stokes presiding. There was no Executive Session.

2. Study Session

(a) Aegis Living Land Use Code Amendment

City Manager Brad Miyake introduced discussion of the proposed Land Use Code Amendment to provide for an increase in available floor area when affordable housing is provided through a fee-in-lieu or by locating affordable housing on the development site. He recalled that this topic was last before the Council during the first quarter of this year. At that time, the Council initiated the Code amendment and forwarded it to the Planning Commission for a recommendation.

Carol Helland, Land Use Director, said the next step in this process, if the Council chooses to move forward, is to direct staff to prepare the Land Use Code Amendment for final adoption.

Michelle Hilhorst, Planning Commission Chair, said the Commission was introduced to the Aegis Code Amendment request on March 23 and held a public hearing on April 27. The Planning Commission recommends, by a unanimous vote, that the City Council approve the LUCA to expand the floor area exception to assisted living uses in the Bel-Red Medical Office Land Use District, when affordable housing is provided.

¹ Deputy Mayor Chelminiak arrived at approximately 6:35 p.m.

² Councilmember Wallace arrived at 6:24 p.m.

Chair Hilhorst said the Planning Commission had a robust discussion about strategies to increase the amount of affordable senior housing that includes an assisted living component. She said there is an unmet demand for assisted living uses in Bellevue, and the recommended amendment will encourage this use in the Bel-Red Medical Office District. While the Aegis amendment raises money for affordable housing projects by allowing for an increase in FAR (floor area ratio) in return for the payment of a fee in lieu, it does not ensure that affordable housing will be constructed in Bellevue.

The Planning Commission recommends that the City Council forward to the Technical Advisory Group for the Affordable Housing Strategy a request to explore available mechanisms and options to pursue affordable housing opportunities for seniors that include an assisted living care component. The Commission further recommends that the Council earmark funds for addressing the demand for senior-focused special needs housing in Bellevue.

Mayor Stokes thanked staff and the Planning Commission for addressing the LUCA request within a short timeframe. He said the Affordable Housing Strategy work is underway, and the Council will consider the Commission's additional recommendations through that process.

Councilmember Robinson thanked the Planning Commission for its thoughtful review. She concurred with the need for affordable housing for senior adults. She looks forward to the Council working with the Technical Advisory Group to address this need.

Responding to Councilmember Slatter, Ms. Hilhorst said the Planning Commission would like the City to have the ability to earmark fee-in-lieu funds for senior housing in Bellevue versus outside of the community.

Councilmember Robertson noted language that the mix of bedroom options and exterior finishes shall be comparable to the market rate units. However, the language indicates that interior design, unit size, amenities, and interior finishes might vary.

Ms. Helland said the language is consistent with language elsewhere in the BelRed Code. The amenities are required to be in place for the life of the project. Flexibility in the use of interior finishes and other elements provides the opportunity to reduce costs.

Ms. Robertson observed that the language is inconsistent with the ordinance that adopted the Multifamily Tax Exemption (MFTE). That ordinance indicates that affordable housing units will be of similar quality and have similar finishes as the market rate units. She questioned how those two concepts would be handled.

Ms. Helland said the MFTE is limited to a 12-year period. If there were a blending of amenities and the application of the MFTE, the developer would need to meet the higher standard of the MFTE requirements. Ms. Helland said the MFTE provisions do not differentiate between internal and exterior finishes.

Councilmember Robinson said it was interesting to learn that Ashwood Court was built using fee-in-lieu funds.

Mayor Stokes concurred that the preference would be to use fee-in-lieu funds to provide affordable housing in Bellevue. However, the City participates in ARCH (A Regional Coalition for Housing) as well.

Responding to Mayor Stokes, Ms. Helland said staff will prepare the ordinance for final adoption on June 20.

- (b) Continued discussion on Medical Marijuana Cooperatives, Marijuana Research Licenses, and Civil Penalties and Abatement Actions for Violating Certain Provisions of the Cannabis Patient Protection Act.

Mayor Stokes said this item is a continuation of the Council's discussion on May 2.

City Manager Miyake introduced staff to provide additional information requested by the Council regarding marijuana research licenses and the potential for civil penalties and abatement actions.

Catherine Drews, Assistant City Attorney, said staff is seeking final policy direction on the issues of marijuana research licenses and potential civil penalties. Responding to Ms. Drews, the Council confirmed its previous direction to prohibit medical marijuana cooperatives.

Ms. Drews said the second policy question is whether the City should consider adding civil penalties and abatement authority for illegally growing or processing medical marijuana in a housing unit. She recalled that, in 2015, the State provided the authority for cities to develop civil penalties and abatement actions. She said this would be consistent with the City's current Land Use and Building Codes, which have both misdemeanor and civil provisions. If civil penalties and abatement actions are added, they would apply only to growing medical marijuana. This approach would provide a coordinated enforcement role between Code Compliance staff and the Police Department. Code Compliance could choose to elevate an issue to the Police Department.

Responding to Councilmember Robinson, Ms. Drews said she believed the state legislation provides some level of funding for Code enforcement.

Responding to Councilmember Slatter, Ms. Drews said a situation in which a neighbor noticed a marijuana odor and/or that a neighbor was growing more plants than legally allowed could be reported to Code Compliance. Ms. Drews said the City would first provide education and seek voluntary compliance. If appropriate, civil penalties could be pursued through the Hearing Examiner's process, with the right to an administrative appeal.

[Councilmember Wallace joined the meeting.]

Moving on, Ms. Drews questioned whether the Council would like to ban or allow marijuana research as a permitted use. Research uses must be reviewed and approved by the Washington State Liquor and Cannabis Board's scientific reviewer. The review evaluates the quality, design, value, and/or impact of the proposal. Applicants must have the appropriate personnel, expertise, and financing, and meet any additional requirements specific to their research. The research use will verify that the amount of marijuana it is growing is consistent with the needs of the project.

A licensed researcher may partner with the University of Washington and Washington State University, and the marijuana can be sold only to other licensed marijuana researchers. Ms. Drews said the City has not received any applications for a medical research use.

Ms. Drews said the state legislature changed the process since she last spoke with the Council. The Life Sciences Discovery Fund has been defunded. The new process is that the Liquor and Cannabis Board must select a scientific reviewer with expertise in research practices and methodology to determine whether the project meets the license criteria and to review any reports submitted by the licensee.

Ms. Drews recalled the Council's previous question regarding the definition of a marijuana researcher. A researcher is defined as a person licensed by the State Liquor and Cannabis Board to "produce, process, and possess marijuana for the purposes of conducting research on marijuana and marijuana-derived drug products." Ms. Drews said the City may require researchers to be affiliated with a higher education institution.

Councilmember Robinson said she would want a requirement that research be "affiliated with an accredited research college or university in Washington state."

Councilmember Lee expressed concern that the definition of a researcher and the State's review process is somewhat vague. He suggested prohibiting marijuana research uses in Bellevue.

Councilmember Slatter said she is a supporter of marijuana research. However, she concurred that the regulations are not at the level she would like to see in terms of legitimate research. She questioned whether the Council could revisit the issue should a party express an interest in establishing a marijuana research use in Bellevue. Ms. Drews said the Council would be able to reconsider and evaluate the research use in the future.

Councilmember Slatter expressed support for banning marijuana research at this time, with the option of revisiting the issue if a request is made to establish a research use in Bellevue.

Councilmember Robertson expressed support for establishing civil penalties and for banning medical marijuana cooperatives. While somewhat supportive of marijuana research, given the uncertainties in current state law, she would prefer to prohibit it at this time but to revisit the issue at an appropriate time in the future.

Councilmember Wallace and Mayor Stokes concurred. Mayor Stokes noted that it is not an urgent issue at this time.

Councilmember Robinson said she would like to see marijuana research move forward. She wished there was language that could make the Council feel more comfortable about allowing and regulating the use. She wondered whether requiring affiliation with an established college or university could provide more certainty. Ms. Drews said she could conduct further research and come back to that issue with the Council.

Councilmember Wallace stated his understanding that marijuana could not be grown in homes under any circumstances. Ms. Drews clarified that the Cannabis Patient Protection Act allows qualified patients or designated providers to grow up to 15 plants in their residence. However, there are rules regarding odor control, visual impacts, and other issues. The medical marijuana cooperative under the new state law would allow up to four individuals to grow marijuana together. The Council agreed in May to ban cooperatives as it previously banned medical marijuana collective gardens.

Mayor Stokes noted a Council consensus to not allow marijuana research as a permitted use at this time and to pursue civil penalties and abatement authority.

Ms. Drews said she will bring back an interim ordinance for Council action on June 20. Public hearings required by the interim controls and the emergency ordinance adopted on May 2 will be held the same evening.

[Deputy Mayor Chelminiak joined the meeting.]

(c) Long Range Financial Planning Update

Mayor Stokes noted that this is the third discussion regarding long range financial planning.

City Manager Miyake said the update is informational and no action is requested of the Council tonight. This item continues discussion regarding the Fire Facilities Long Range Plan and potential TIFIA loans for transportation needs.

Toni Rezab, Interim Finance Director, noted that a summary of staff responses to the Council's previous questions on the property tax is included in the meeting packet. She recalled that, on May 16, staff provided an update on long-range planning related to the Capital Investment Program (CIP) Plan and the recent business and citizen surveys. At that time, staff highlighted three high-priority needs for which additional funding could allow for project acceleration: mobility in the BelRed corridor (TIFIA loan approach), Fire Facilities Long Range Plan, and neighborhood safety and connectivity. There was additional discussion with the Council on May 23, at which time the Council directed staff to pursue a community outreach and engagement plan to consider revenue options for neighborhood safety and connectivity projects and the Fire Facilities Plan.

Ms. Rezab said next steps are a June 9 discussion with the Transportation Commission, the release of an online survey the week of June 13, request for Council action on June 20 to fund

the TIFIA projects, and three open houses the week of June 27. Open houses are scheduled for 5:00-7:00 PM on June 28 at the Bellevue Youth Theatre, June 29 at the South Bellevue Community Center, and June 30 at City Hall. Staff presentations are scheduled for 5:45 PM during all three meetings. A mailing will be sent to all Bellevue residents this week regarding the open houses.

Staff anticipates a Council update on July 5 regarding a summary of community input, potential projects, and revenue options. Additional Council discussion may be scheduled for July 11, 18 and/or 25.

Ron Kessack, Assistant Director of Transportation, recalled that the Transportation Infrastructure Finance and Innovation Act (TIFIA) created a loan program for transportation infrastructure projects with a low interest rate over a period of up to 35 years, beginning after project completion. The program allows cities to use recently completed projects (e.g., NE 4th Street, 120th Avenue) and capital projects that are underway or programmed in the CIP Plan (Spring Boulevard) as its share of the match. This approach would accelerate project delivery more quickly than the current CIP Plan.

Mr. Kessack said the projects identified by staff as candidates for TIFIA loans are Spring Boulevard Zone 2, completion of the 124th Avenue corridor from NE 8th Street to Northup Way, 130th Avenue from Bel-Red Road to NE 20th Street, and Spring Boulevard Zone 4. TIFIA eligibility criteria are: 1) individual projects must be included in the State Transportation Improvement Program, and 2) projects must be approved under the National Environmental Policy Act (NEPA). For the former, a project (or phase) must be included within the financially constrained TIP. To receive federal approval under NEPA, the project or at least one subsequent phase of the project must be fully funded. Subsequent phase can mean either property acquisition or the construction phase.

Mr. Kessack said a section of the 124th Avenue corridor, over the light rail alignment, is fully funded. NEPA approval has been received for the corridor. However, segments of that project have not been funded or included in the TIP and State TIP (STIP). For the 130th Avenue corridor, the design and right-of-way (ROW) phases need to be funded to be included in the STIP and to be eligible for NEPA approval. The Spring Boulevard Zone 2 project is currently eligible for TIFIA funding. For Spring Boulevard Zone 4, the westbound lane is funded but the eastbound lane is not funded. Mr. Kessack said the estimated funding needed through the TIFIA loan program for all four projects is \$8.5 million.

Mr. Kessack said the City would spend approximately \$1.5 million to fund the work needed to gain NEPA approval for the 130th Avenue and Spring Boulevard Zone 4 projects, and to move the 130th Avenue project into the STIP. One phase of this combination of projects would need to be ready for construction within 90 days of closing the TIFIA loan.

Responding to Councilmember Lee, Mr. Kessack said the federal TIFIA program will provide 33 percent of project costs through a loan.

Responding to Deputy Mayor Chelminiak, Mr. Kessack confirmed that the federal government is not paying 33 percent of the project. Rather, the percentage sets the amount for the loan to the City. Mr. Kessack said a benefit of the TIFIA loan is a credit for state and federal grants as well.

Responding to Councilmember Lee, Mr. Kessack said the calculation of 33 percent includes projects already completed and funded (i.e., NE 4th Street, 120th Avenue Stages 1, 2 and 3), which is a benefit to the City.

Councilmember Robertson questioned the schedule for spending the estimated \$8.5 million mentioned above. Mr. Kessack said the intent is to not expend the funds until the TIFIA loan is obtained. In further response, Mr. Kessack said funding will be needed for the projects at some point. However, the TIFIA loan enables the City to accelerate the projects. He said the City wants NEPA approval to enable projects to be eligible for federal grants as well. Councilmember Robertson expressed support for the proposed approach.

Responding to Councilmember Wallace, Mr. Kessack said the plan for the Spring Boulevard Zone 3 project is to ultimately connect to 130th Avenue. Mr. Kessack said the City could provide an interim bike pathway. However the City does not own the property for the pathway and other portions of the future park.

In further response to Mr. Wallace regarding the TIFIA timeline, Mr. Kessack said staff anticipates submitting a letter of interest in July and traveling to Washington, D.C., in August or September. Following that process, the City would complete the application process with the intent of closing the loan by the end of the year.

Mr. Wallace observed that there is a \$60 million gap between total project costs and the TIFIA loan amount. Mr. Kessack said that amount is already programmed in the CIP Plan.

Councilmember Robinson expressed support for expediting connections between bike paths, including the 130th Avenue portion. She questioned whether others could be included in the TIFIA package. Mr. Kessack said possibly the Eastside Rail Corridor, which is a King County project. Ms. Robinson said a number of companies are coming into Bellevue with the expectation that their employees will be able to utilize bike paths. Mr. Kessack said those projects could be considered for the initial or future TIFIA loans.

Deputy Mayor Chelminiak expressed support for the project list. He questioned whether it would be possible for the City to be the TIFIA loan holder for improvements to the Eastside Rail Corridor, which would be reimbursed by King County at some point. Mr. Kessack said he would research that issue. He said the TIFIA program encourages partnerships, so that might be possible. He said staff has discussed that possibility as well.

Mr. Chelminiak observed that all of the projects are complete streets, including sidewalks, and will not need to be retrofitted in the future. He expressed support for the idea of pursuing funds to provide a path on the Eastside Rail Corridor, after the recommended road projects are funded.

Councilmember Lee expressed support for the TIFIA funding mechanism, which will free up funding for other priorities.

Councilmember Wallace said his earlier comment about an interim pedestrian-bike path was not suggesting including it in the TIFIA loan. However, he believes it would be a good idea to explore an inexpensive way to provide a connection, especially if the segments on both sides of that location are to be completed in the near term.

Mr. Wallace suggested addressing the Eastside Rail Corridor project separately from the TIFIA loan. He expressed interest in a partnership with King County to coordinate its trail development with the City's Grand Connection project and NE 6th Street project.

Mayor Stokes acknowledged the need to move forward with preparing a letter of intent for the TIFIA loan. However, this discussion highlights the opportunities for the Eastside Rail Corridor and potentially other bike paths.

Mayor Stokes requested Council concurrence to pursue the letter of interest and to take action on June 20 approving a CIP amendment consistent with tonight's discussion.

Councilmember Slatter expressed support for the proposed TIFIA loan process. She asked staff to comment on the impact of the TIFIA loan over the long-range financial plan.

Ms. Rezab said that, from an economic development standpoint, the thought of putting \$300 million worth of infrastructure into a 900-acre space will stimulate economic opportunities. New businesses generate property tax, sales tax, and B&O tax collections to indirectly help fund the infrastructure improvements. If the projects proposed for the TIFIA loan are not completed in a timely manner, the light rail line through the BelRed corridor will not have the supporting road infrastructure to facilitate economic development. Ms. Rezab said this is the last major area of Bellevue in need of this level of infrastructure. Utilizing the TIFIA loan benefits the long-range financial plan and economic development for the City.

→ Deputy Mayor Chelminiak moved to direct staff to pursue the TIFIA loan letter of interest and to return to the Council on June 20 with a CIP budget amendment for formal action, consistent with tonight's discussion and the materials in the meeting packet. Councilmember Lee seconded the motion.

Councilmember Lee cautioned that infrastructure development needs to be based on market realities as well.

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

Moving on, Fire Chief Mark Risen provided an update on the Fire Facilities Plan. He recalled that the current CIP funds: rebuilding Fire Station 5, purchasing property for a new Downtown Fire Station, and partial funding for the expansion of the Public Safety Training Center. Staff reexamined the consultant's report over the past few weeks with a focus on maintaining service

into the future, providing the greatest benefit to the community, and completing needed seismic and infrastructure upgrades.

Chief Risen described the list of recommendations and noted those that have been revised from the 2014 Plan: 1) construct a new Fire Station 10 in the Downtown, 2) replace Station 4, Factoria/Somerset, as a Task Force Station, 3) replace Station 5 in Northwest Bellevue/Clyde Hill, 4) remodel apparatus bay at Station 6, Spring District/Bridle Trails, relocate certain functions, and complete seismic improvements (revised from relocating as a Task Force Station), 5) consolidate storage to one warehouse, 6) meet current seismic standards and upgrade facility infrastructure for Stations 1, 2, 3, 7, 8, and 9 (revised from extensive remodels of those stations), and 7) defer improvements/expansion of the training center to allow for a regional/grant-funded plan to be developed.

Chief Risen recalled a question from the Council on May 23 regarding the impact of not adding Fire Station 10. He said that, with the current annual call volume growth (9%) in the central business district, neighboring fire stations from Clyde Hill, Wilburton, and Bel-Red will be responding more often to the Downtown. This results in lower overall coverage and longer response times for both the neighborhoods and the business district.

Consistent with the Council's previous inquiry regarding funding the training center expansion, Chief Risen reiterated his recommendation to defer improvements to the training center to allow time to pursue a regional partnership and grant funding.

Councilmember Robertson thanked Chief Risen and staff for reviewing the 2014 recommendations and revising the plan. Responding to Ms. Robertson, Chief Risen said the revised recommendations decrease the cost estimates by approximately \$20 million for Fire Station 6 and \$11 million for the training center. Further analysis is needed to refine the estimated costs for seismic and other upgrades to many of the stations.

Ms. Robertson said she is interested in seeing the total cost of the Fire Facilities Plan moving forward. Chief Risen estimated that the previous \$130 million estimate will be reduced to approximately \$100 million.

Ms. Robertson said she appreciates the recommendation to pursue grant funding and a regional partnership for the training center expansion. She questioned whether the \$5 million identified for that item will be delayed. Chief Risen said that project was anticipated as a longer term expenditure. He suggested that the money could be used to buy a warehouse property or to distribute among the near-term station improvements.

Ms. Robertson questioned whether the Fire Department has considered interim measures for serving the Downtown; for example, locating a medical response only unit at City Hall. Chief Risen said that has not been discussed. However, one of the Fire Department's budget proposals provides a part-time aid unit to be used where needed. He said staff is exploring alternate interim measures. Chief Risen anticipated that it would take three years from a decision to move forward to opening the Downtown Fire Station.

Responding to Councilmember Robinson, Chief Risen said the contracting cities cover approximately 10 percent of the Fire Department's operating and CIP costs. However, he cautioned that the significant investments needed could compromise the contracts with those communities. He noted the need to determine how to structure the impacts for those cities.

Councilmember Wallace observed that other communities should be paying their fair share.

Responding to Mr. Wallace, Chief Risen said stations generally have a 50-year life span. He said seismic and other upgrades will extend the life span of stations by approximately 30 years beyond today. He said seismic upgrades are necessary to avoid the risk of damage during an earthquake that prevents Fire Department equipment and personnel from being able to respond to emergencies.

Mr. Wallace said he would like to see long-term planning that anticipates future repair and replacement needs without needing a levy or other extra revenue source. Chief Risen said he believed this plan will meet that goal.

Mr. Wallace questioned the plan for funding full staffing at Fire Station 10. Chief Risen said the station will require a new engine company with three people on duty 24 hours a day. However, a specific financial plan has not been developed.

Responding to Mr. Wallace, Ms. Rezab confirmed that the additional staff would not be added all at one time. Depending on the timing, the City will likely need to consider new revenues or reductions in expenditures to fund new personnel over the long term.

Councilmember Lee questioned whether an operations levy could be considered along with the capital projects levy.

Councilmember Slatter thanked Chief Risen for the review and the report. Ms. Slatter said she would support using any money available now that is not being used to implement transitional measures before the Downtown Fire Station is in place. Ms. Slatter said she would consider using Councilmanic authority to fund operating costs for that station as well.

(d) False Alarm Program Recommendations

City Manager Miyake recalled that the Council and staff discussed the false alarm program during the April 11 Study Session. At that time, the Council requested options from the Police Department for proposed amendments to the false alarm ordinance. Mr. Miyake said no formal action is requested at this time. Staff will provide an update and is seeking Council feedback.

Police Chief Steve Mylett said staff is seeking Council consideration to amend BCC Chapters 9.16.020 (Definitions) and 9.16.040 (Alarm Permit) in order to provide equity, consistency, and clarity to the City's false alarm reduction program.

In May 2015, the City entered into a services contract with the Public Safety Corporation to administer a false alarm management program with the primary goal of reducing the number of false alarms requiring a Police response. Research at that time indicated that 95 percent to 98 percent of all dispatch alarms were false alarms. The effect is that limited Police resources are not available for other calls.

Chief Mylett proposed two amendments to the false alarm ordinance based on his lengthy review of the false alarm program: 1) eliminate the annual registration fee and adopt a one-time registration fee, and 2) broaden the scope of the ordinance to include non-monitored alarm locations. He said the program is still in its initial stage and continued changes may be made based on community input, Council direction, the Police Department's experiences and observations, and industry standards.

Chief Mylett said the City has received many complaints about the annual registration fee. However, residents have indicated a general willingness to pay a one-time registration fee. Chief Mylett noted that an annual fee is consistent with industry standards and the approach of surrounding cities.

Chief Mylett said the ordinance currently applies only to locations with professionally installed and monitored alarms. He said the Council and staff previously discussed whether to include non-monitored alarm locations in the registration program. He recalled that Councilmember Robertson asked about the number of dispatch false alarm calls involving non-registered alarm locations. Chief Mylett said officers responded to 643 false alarms at non-registered alarm locations between October 2015 and May 2016.

Chief Mylett said staff identified the following benefits related to alarm registration: 1) provides equity for residents, 2) the Police Department will be better positioned to provide education to alarm users, 3) encourages alarm owners to maintain functional systems, 4) reduces the number of false alarms, allowing officers to engage in proactive patrol and crime prevention, and 5) provides law enforcement with contact information for property owners/residents in the event of a break-in.

Responding to Councilmember Lee, Chief Mylett said feedback from the community is the primary driver behind the recommendation to change from an annual fee to a one-time fee. However, annual fees are common nationwide.

Responding to Councilmember Wallace, Chief Mylett said the City currently receives 71 percent of the \$25 registration fee. The money goes into the General Fund and does not help fund the alarm program. Chief Mylett said the Police Department's goal is to achieve compliance with the alarm registration program. If the one-time fee helps in this regard, he believes it is beneficial.

Melissa Chin, Police Legal Advisor, said that most of the money received through the false alarm program is through fines for false alarm violations.

Councilmember Slatter expressed support for the two recommended amendments to the false alarm ordinance. She questioned how a property owner who installs a non-monitored alarm would know about the requirement to register the alarm.

Chief Mylett said the Police Department's website has been improved to feature the false alarm reduction program and to provide frequently asked questions about the program. Staff is working on ways to enhance the marketing of the program. Ms. Slatter suggested placing signage regarding Bellevue's program where alarms are sold.

Lt. Lisa Patricelli noted that, in the first instance of a response to a non-monitored and non-registered alarm system, the property owner would not be fined and would have 30 days to register and pay the registration fee.

Responding to Deputy Mayor Chelminiak, Lt. Patricelli said the first false alarm fine is waived for all registered alarms if the resident completes an online or written class. The fine for a second incident is \$100 for a basic alarm and \$200 for a duress type of alarm.

Mr. Chelminiak suggested that the annual fee should be higher. However, he can support the one-time fee and requiring registration for both monitored and non-monitored alarms.

Councilmember Robinson thanked Chief Mylett for his responsiveness to the Council's input and concerns. She requested updates on the program annually or every six months. Chief Mylett noted that there was a nine percent reduction in false alarms from October 2015 to April 2016. At this point, the reduction in false alarms is 30-35 percent.

Councilmember Robertson expressed support for changing to a one-time registration fee. While it is not her preference to require registration for non-monitored alarms, she will support the majority of the Council.

Responding to Ms. Robertson, Lt. Patricelli said the intent of the ordinance is that it applies to any audible alarm that elicits a Police response. Chief Mylett said they will refine the definition of "alarm."

Ms. Robertson questioned whether it would be appropriate to have a graduated penalty schedule. Chief Mylett said the ordinance was amended in 2004 and in 2014. A graduated penalty scale was put in place in 2004, and it was later removed in 2014. His understanding is that the graduated scale was confusing for customers and was not achieving the desired goal of reducing false alarms. Chief Mylett said the industry began moving away from the graduated penalty fee scale because agencies were finding better compliance and consistency with a flat fee.

Ms. Robertson expressed an interest in the percentage of false alarms that involve repeat offenders. She noted the need for outreach to the community regarding non-monitored alarms if the Council chooses to require their registration.

Councilmember Slatter noted that this is an example in which a program will be modified in response to valuable community input.

- Deputy Mayor Chelminiak moved to direct staff to return with an ordinance establishing a one-time alarm fee, adding non-monitored alarms to the registration requirement, and making minor clarifying revisions to certain language. Councilmember Robinson seconded the motion.
- The motion carried by a vote of 7-0.

At 7:56 p.m., Mayor Stokes declared recess to the Regular Session.

Kyle Stannert
City Clerk

/kaw