

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

February 27, 2017
6:00 p.m.

Conference Room 1E-113
Bellevue, Washington

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

ABSENT: None.

1. Executive Session

Councilmember Robertson called the meeting to order at 6:00 p.m., and declared recess to Executive Session for approximately 30 minutes to discuss two items of pending litigation.

The meeting resumed at 6:40 p.m., with Mayor Stokes presiding.

2. Approval of Agenda

- Deputy Mayor Chelminiak moved to approve the agenda, and Councilmember Robertson seconded the motion.
- The motion to approve the agenda carried by a vote of 6-0.

3. Oral Communications

- (a) Robert Long expressed support for the proposed men's homeless shelter. He commended the City for addressing the shelter and for its support of Congregations for the Homeless. He described working as a volunteer in the current low-barrier CFH shelter. He noted concerns in the community about safety and security. He said he has never felt unsafe in the shelter, and volunteers are treated with kindness and respect. He has not observed violence or drug or alcohol usage in his work with the shelter. He encouraged community members to join him in working with the homeless, noting that he has been inspired by the homeless men's determination, intelligence, and patience.
- (b) Kaz Uchimura said he is a mental illness professional. He supports the proposed Eastgate homeless men's shelter and permanent housing project. He encouraged the development

of additional affordable housing in Bellevue as well. He introduced Ralph Casillas, who described his past experience with homelessness and with now helping others. Mr. Casillas expressed support for the shelter and noted the need for assistance and services for homeless individuals.

- (c) Cheryl Zettler, a Spiritwood resident, expressed concern regarding the proposed homeless shelter and the potential impacts on surrounding residents, businesses, and college students. She expressed concern regarding the negative impact on property values. She said the community wants to help the homeless. However, she believes that Bellevue's low-barrier facility will become a national magnet, like Seattle, for troubled homeless men. She encouraged efforts focused on crisis prevention rather than mitigation. She expressed concern that the facility will attract drug dealing. She asked where the homeless men will go when they leave the facility (e.g., college campus, Robinswood Park). She asked the City to work with the community to design a win-win approach.
- (d) Michelle Wannamaker said she received a document from the City listing the 14 sites originally evaluated for the proposed homeless shelter, day center, and supportive housing. The list indicates that the current temporary shelter site conflicts with the planned redevelopment of the Wilburton area. She said redevelopment of the Eastgate area has been planned for some time, and the related Land Use Code Amendments have been prepared for Council consideration. She said the Eastgate public health site has a fatal flaw. If the Wilburton redevelopment takes the current site off the table, Ms. Wannamaker said the Eastgate corridor study should remove the public health site as well.
- (e) Betsi Hummer asked the Council to send the proposed Eastgate Land Use Code Amendments back to the Planning Commission. She said the Eastgate/I-90 Citizens Advisory Committee worked on the plan for two years. After a delay of several years, the Planning Commission reviewed the plan over an 18-month period. She said there was never any discussion about a homeless shelter. She said the Planning Commission approved its recommended Land Use Code Amendments on a Wednesday night, and the homeless shelter proposal was presented to the City Council for the first time on the following Monday. Ms. Hummer suggested that the Eastgate/I-90 corridor plan should be reviewed again by the Planning Commission, taking the proposed homeless shelter and housing into consideration. She said homelessness is a citywide problem that should not be addressed solely in one neighborhood.

Councilmember Wallace suggested allowing the additional speakers to comment, especially since everyone came to the meeting despite the snow. However, he said the Council has received many comments and suggestions from the public, many of which are repeated weekly during Council meetings. He said the public will have additional opportunities in the future as the planning process continues to move forward.

- Deputy Mayor Chelminiak moved to suspend Council rules to allow more than three speakers on either side of an issue. Councilmember Robertson seconded the motion.
- The motion carried by a vote of 6-0.

- (f) Dena Fantle encouraged the Council to be thoughtful in choosing the location for the men's homeless shelter, the type of shelter, and the shelter capacity. She suggested scattering multiple locations throughout the community and avoiding the low barrier model. She said the presence of a shelter will impact residents and businesses within two miles of the shelter, and farther away if it is low barrier. She said she has heard Bellevue Police say that crime does increase around temporary shelter locations. She encouraged the City to be creative in finding a solution and to consider the impacts of one larger shelter on the adjacent neighborhood. She asked the Council to work with King County to oppose any safe injection sites in Bellevue.

4. Study Session

(a) Council Business and New Initiatives

Mayor Stokes noted the Council's ongoing process to select an individual to fill the seat left vacant by the resignation of Vandana Slatter, who was appointed to the Washington State House of Representatives to represent the 48th District.

Mr. Stokes said the Council would agree on the selection process before voting to fill the vacant position. He noted the management brief in the Council's desk packet that describes four options. Mr. Stokes said the Open Public Meetings Act prohibits voting by secret ballot.

Deputy Mayor Chelminiak proposed using the written ballot method, with the results to be read out loud. Responding to Mr. Chelminiak, City Clerk Kyle Stannert said two types of ballots were prepared, one with blanks to write the names of nominees and one ballot with all eight names.

Councilmember Robertson noted that it may be more efficient to use Option 2 described in the desk packet memo, which is to use the ballot with all eight candidates' names.

→ Councilmember Wallace moved to use Option 2 to select the Councilmember, and Councilmember Robertson seconded the motion.

Mayor Stokes said Option 2 uses the ballots with all eight names. He said voting would continue until a candidate received four votes in a single round.

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

Mr. Stannert said the Mayor would read the ballots, stating the name of each Councilmember and their selected candidate.

Mayor Stokes read the results from Round 1:

Deputy Mayor Chelminiak voted for Grant Degginger.

Councilmember Lee voted for Aaron Laing.

Councilmember Robertson voted for Aaron Laing.

Councilmember Robinson voted for Janice Zahn.
Mayor Stokes voted for Janice Zahn.
Councilmember Wallace voted for Aaron Laing.

Mayor Stokes read the results from Round 2:

Deputy Mayor Chelminiak voted for Grant Degginger.
Councilmember Lee voted for Aaron Laing.
Councilmember Robertson voted for Aaron Laing.
Councilmember Robinson voted for Janice Zahn.
Mayor Stokes voted for Janice Zahn.
Councilmember Wallace voted for Aaron Laing.

Mayor Stokes read the results from Round 3:

Deputy Mayor Chelminiak voted for Grant Degginger.
Councilmember Lee voted for John deVadoss.
Councilmember Robertson voted for John deVadoss.
Councilmember Robinson voted for Grant Degginger.
Mayor Stokes voted for Janice Zahn.
Councilmember Wallace voted for John deVadoss.

Mayor Stokes read the results from Round 4:

Deputy Mayor Chelminiak voted for Grant Degginger.
Councilmember Lee voted for John deVadoss.
Councilmember Robertson voted for John deVadoss.
Councilmember Robinson voted for Grant Degginger.
Mayor Stokes voted for Janice Zahn.
Councilmember Wallace voted for John deVadoss.

Mayor Stokes read the results from Round 5:

Deputy Mayor Chelminiak voted for Grant Degginger.
Councilmember Lee voted for John deVadoss.
Councilmember Robertson voted for John deVadoss.
Councilmember Robinson voted for Janice Zahn.
Mayor Stokes voted for Janice Zahn.
Councilmember Wallace voted for John deVadoss.

Mayor Stokes read the results from Round 6:

Deputy Mayor Chelminiak voted for Grant Degginger.
Councilmember Lee voted for John deVadoss.
Councilmember Robertson voted for John deVadoss.
Councilmember Robinson voted for Janice Zahn.
Mayor Stokes voted for Janice Zahn.

Councilmember Wallace voted for John deVadoss.

Councilmember Robinson suggested limiting continued voting to the four candidates identified so far. Councilmember Wallace suggested retaining the flexibility for choosing one of the other candidates, and Councilmember Robertson concurred.

Councilmember Wallace said the appointment is not urgent, noting that there are no major votes coming before the Council in the immediate future. Given the voting so far, he said it is unlikely that the matter would be resolved that night.

Mayor Stokes concurred with postponing further voting and suggested moving on to the next agenda item.

Ms. Robinson reiterated her suggestion to limit future voting to the four candidates supported by the current votes.

Ms. Robertson observed that the Council would need to vote on using a different ballot method. Mr. Chelminiak spoke in favor of continuing with the ballot with all eight names listed.

Councilmember Lee said all of the candidates would serve the public well.

(b) Results of the Development Services Customer Outreach Survey

City Manager Brad Miyake introduced discussion regarding the Development Services customer survey. He said the City hired BERK Consulting to conduct the survey.

Mike Brennan, Director of the Development Services Department (DSD), presented the details of the Development Services customer feedback survey. He said the survey was conducted in 2016 and involved customers who have done business with the City over the past three years. Over that period, the City issued 15,000 permits and conducted 81,300 inspections, many for very complex projects. Mr. Brennan said the department has added new staff and mobile technology over the past several years to better handle the robust development activity. The survey outreach involved phone interviews of 42 customers, workshops, interviews of 38 customers at the permit counter, and an online survey June 7-24, 2016, that resulted in 741 responses.

Mr. Brennan reported that customers rated Bellevue's Development Services very well in terms of the quality of their overall customer service experience. The survey received high ratings for the inspectors' professionalism and respectful manner, service at the permit counter, and knowledge of staff.

Mr. Brennan said approximately three-quarters of the City's permits are processed through MyBuildingPermit.com. He said 67 percent of respondents reported that they use MyBuildingPermit.com and, of those, 79 percent find it easy to use. Suggestions included improving the uploading of documents and of accessing status information. Customers expressed an interest in instructional guides on the web site as well.

Mr. Brennan said a top priority reflected in the survey is faster and more predictable review time. Respondents also noted that review comments from different departments are sometimes inconsistent. Single-family residential developers responded with the lowest satisfaction ratings compared to other customer categories (e.g., tenant improvements, new commercial buildings, major mixed use projects, etc.).

Mr. Brennan said that, overall, the survey results reflected praise for Development Services staff and process. He said customers appreciated being involved in the survey and want to know that their feedback will be used. He said most customers (89%) indicated a preference for providing online feedback. Some respondents would like more direct engagement with Development Services to solve problems.

Ken Carlson, Fire Marshal, described the 2015-2020 Development Services Road Map, which is the strategic plan for responding to the survey input. The plan addresses permit process improvements, improved web site and self help tools, enhanced employee on-boarding and professional development, performance management, technology improvements, and expanding regional partnerships (e.g., MyBuildingPermit.com). Process improvements to date include consolidated plan review responses to customer, combined permits for simplification, and mobile workforce tools. Customer support continues to be streamlined, and system improvements to MyBuildingPermit.com have been implemented. Mr. Carlson said future efforts related to process improvements will focus on short plats and plats as well as single-family permit support. Customer service enhancements will expand online self-help videos and improve the regional E-Permit system.

Mr. Brennan said Development Services staff are committed to continuous improvements in its services.

Councilmember Lee commended the Development Services Department's great work. He expressed support for improvements related to single-family permits and consolidated plan review. He encouraged reaching out to individuals who do not speak English and/or are not familiar with the permit process, perhaps due to cultural differences and/or to being new to Bellevue.

Mr. Brennan said the survey responses did not capture that type of information on the participants. However, he concurred that the City needs to make contact with the diverse population of developers, business owners, design professionals, and contractors.

Councilmember Robertson suggested adding a customer survey to permits, at City Hall and online. She said that might help to identify issues before they become a trend or become more evident in the next survey. She acknowledged that permit processing is complex, and customers always want the process to be completed as quickly as possible. She wants to be sure that people want to develop in Bellevue. She noted that sometimes customers are frustrated because a specific type of inspection will be required late in the permit process, despite previous reviews and inspections. She encouraged the City to work on minimizing that type of experience for customers. She said some cities have regulations stating that, if a department does not complete its review within a specific timeframe, the permit is deemed to be approved by that department.

Ms. Robertson said state law previously allowed customers to obtain damages from cities based on delays in permit processing. That law changed and customers must now bring an action against a city to force it to issue the permit before then can receive compensation for damages.

Mr. Brennan the implementation of consolidated revisions is designed to address the concern regarding new inspections emerging toward the end of a permit process. He said department staff must submit comments by a certain date and they are combined into one communication to the applicant. This process is currently in place for certain permits and is being expanded to include more types of permits.

Councilmember Robinson said she learned from one of the neighborhood associations that they are able to receive alerts for all permit applications in their neighborhood. She questioned whether it is easy for all neighborhoods to access that information.

Mr. Brennan said individuals may subscribe to receive alerts when the land use permit bulletin is published. The City also has a partnership with www.Houzz.com that provides information about contractors and remodels related to residential permits. A map is provided to locate projects within specific areas. Mr. Brennan said the City is also working on developing better graphic representations of permit activity in Bellevue.

Councilmember Robinson thanked staff for their work.

Responding to Councilmember Wallace, Mr. Brennan confirmed that the survey covered the entitlement phase of the permitting process.

Mr. Wallace observed that the business lines are generally identified as single-family, tenant improvements and commercial buildings. He said he hears complaints that the tenant improvements permit process takes too long. With regard to single-family development, Mr. Wallace said he is pleased that the Master Builders Association is communicating with the City on an ongoing basis to provide feedback and input.

Mr. Wallace said that, from a policy level, the Council's appropriate focus is on commercial and major buildings. He noted a statement at the end of the report that "Detailed recommendations for improving the process are beyond the scope of the report." Mr. Wallace said it would be nice to have a mechanism for analyzing specific permits as case studies. He said that might be helpful in guiding the Council and staff to determine whether code changes might be appropriate.

Mr. Wallace said other feedback he hears is that Bellevue has special areas that are more complicated or cost more than other jurisdictions. He suggested looking into those comments and comparing the feedback to codes in other jurisdictions.

Mr. Wallace said the Development Services team has been doing an outstanding job in processing a very high volume of permits. He said there will always be some complaints. However, he observed that staff has accomplished a great deal in keeping things on track.

Deputy Mayor Chelminiak thanked Development Services staff for asking their customers what they want. He said he recently read a book on customer relations, which stated that the lack of customer feedback can indicate that customers are angry and/or no longer interested in engaging with an entity. He commended staff for doing an exceptional job through an active development cycle.

Mayor Stokes said companies today are increasingly interested in innovative uses and modifications of space. He observed that the survey results related to customer service indicate high ratings for the City. However, he said there are situations of disagreement in the interpretation of regulations. He acknowledged the frustration of individuals who report inconsistent comments from City inspections. He questioned whether staffing levels are adequate.

Mr. Brennan said the Council has provided sufficient staffing positions as development activity has increased. A number of variables can be unpredictable. However, he feels staffing levels are stable and able to handle the workload, including the East Link light rail project. He thanked the Council for their support.

Mr. Stokes asked how the survey results compare to other cities. Mr. Brennan said the consultant's research did not find good comparable data, unfortunately. In further response, Mr. Brennan confirmed that the City hears feedback and comparisons to other cities informally from customers and others.

Mr. Stokes commended staff's efforts to improve direct contact with customers to solve problems. Mr. Brennan said that is especially important at the beginning of a permit process.

Mayor Stokes thanked staff for their work. He encouraged Mr. Brennan to raise policy issues with the Council, as appropriate, that are related to improving permit processing.

Mayor Stokes thanked the Fire Department for its effectiveness in fire prevention and inspections.

(c) Access Bellevue Communications Plan

City Manager Miyake recalled that the goal of the Access Bellevue Communications Plan is to ensure there is a coordinated communications effort for the community related to Sound Transit's East Link light rail construction and other construction projects. The plan was initially presented to the Council on December 12, 2016. Tonight's presentation incorporates feedback from the Council at that time. Mr. Miyake said staff is seeking Council direction to return with a budget amendment that transfers funding from the Council Contingency to the East Link outreach process.

Marie Jensen, East Link Outreach and Communications Coordinator, Transportation Department, presented a map of the major public and private projects from 2017 to 2019. She presented the goals of the Access Bellevue Communications Plan: 1) coordination of East Link project and other major construction project communications, 2) enhancement of communications and outreach beyond Sound Transit's outreach programs, 3) support of local

businesses and tourism during construction, and 4) the implementation of targeted communications to address specific needs.

James Henderson, Economic Development Director, said staff has been working through the business retention and expansion program over the past two years to help businesses plan for East Link construction. The City assisted Sunset Glass and Park Place Motors in finding new locations in Bellevue. He described the Office of Economic Development tool kit created to assist businesses in mitigating construction impacts. A business resource forum was held with Sound Transit on November 14 to provide an overview of the construction plan and light rail alignment. Representatives of the Small Business Administration, Small Business Development Center, Bellevue Downtown Association, Bellevue Chamber of Commerce, and others participated to provide their tools for helping businesses through the construction period.

Mr. Henderson said a business resource forum focusing on the BelRed area will be held this spring. Additional activities of the Office of Economic Development include a bimonthly newsletter to businesses and updates using social media. Mr. Henderson noted plans to take businesses on a walking tour in Seattle to observe the impacts of light rail construction on Seattle businesses.

Ms. Jensen said it will be helpful to be able to have the flexibility to direct communications resources toward specific needs as they arise. She recalled that \$75,000 was allocated in the 2016 budget, and approximately \$70,000 was carried over into 2017. Initial communications strategies include mailings and public involvement events, at an estimated cost of \$70,000. Staff is seeking the transfer of \$100,000, previously earmarked as a placeholder in the budget, to provide the flexibility for additional potential communications needs.

Ms. Jensen said staff is seeking Council direction to return with a budget amendment that transfers East Link Interlocal Project Contingency Funding (G-106) to East Link Analysis and Development Funding (PW-R-159) as a placeholder. The funds would be used for targeted communications as needed.

Responding to Councilmember Robinson, Ms. Jensen said the Access Bellevue web page will provide links to the Visit Bellevue, Bellevue Collection, and Bellevue Downtown Association (BDA) web sites.

Councilmember Robertson expressed support for the requested budget transfer. She hopes the project team will be monitoring park and ride plans and alternative solutions (e.g., small leased park and ride lots).

Deputy Mayor Chelminiak said this will be a long-term process. He said that he, Mayor Stokes, and Councilmember Lee attended the event at the beginning of the mining of the tunnel. He commended the City, Sound Transit, and the contractor for effectively working together to minimize the disruption to the Downtown.

Councilmember Lee commented on the importance of communicating with the public and enhancing their awareness of East Link and other construction projects.

Councilmember Wallace said he appreciates the revised, streamlined plan. He expressed support for the requested transfer of funds. He observed that the tunnel construction to date has gone well. He said Sound Transit has learned lessons from its light rail construction in Seattle. He is pleased that the City's hard work over the past several years to negotiate the protections needed for Bellevue have proven to be worthwhile.

Mr. Wallace proposed working with Sound Transit regarding the disposition of the 13 homes on 111th Avenue adjacent to the rail line.

Mr. Wallace noted that the City of Mercer Island is involved in negotiations with Sound Transit regarding the use of I-90 and the traffic impacts to that city. He expressed concern regarding how those discussions might impact Bellevue.

Mr. Wallace said Bellevue did a good job of negotiating mitigation to protect the community against the impacts of the light rail project. However, the City does not have authority over the South Bellevue Park and Ride closure. He expressed concern about the negative impacts of the closure and that communications are not making it clear that the situation is not under the City's control. Mr. Wallace encouraged communications clarifying that the park and ride project is a Sound Transit project.

Mayor Stokes said he has been in contact with the mayor of Mercer Island. Mr. Stokes concurred that Bellevue needs to stay engaged with monitoring that situation. With regard to the South Bellevue Park and Ride, Mayor Stokes acknowledged Mr. Wallace's concerns and expressed support for trying to influence Sound Transit toward better solutions.

Mr. Wallace noted that the City of Bellevue did work to negotiate better solutions but were unable to influence the outcome to the extent desired. City Manager Miyake said staff will continue to work with Sound Transit staff on that issue.

Mr. Stokes said he is pleased with the effectiveness of the sound walls installed in Bellevue in anticipation of the Downtown tunnel construction. With regard to the houses on 111th Avenue, he said there is some interest among residents to retain the houses as buffers to the construction activity. However, Mr. Stokes discouraged allowing vacant houses to remain and deteriorate.

Mayor Stokes noted that the park above the tunnel will be an asset for the Downtown and will provide a great territorial view.

Deputy Mayor Chelminiak agreed that Mercer Island's HOV lane situation should be monitored in terms of how it might affect Bellevue's interests.

Mr. Wallace clarified that he was not suggesting that the City take a position on the matter. However, he said Mercer Island is entitled to the mitigation of project impacts, including those resulting from changes by Sound Transit.

Mr. Chelminiak concurred regarding the right to mitigation. He said the City of Mercer Island is concerned that its residents will not be able to use the park and ride facility due to increased demand from the closure of the South Bellevue Park and Ride.

Mr. Stokes said it affects Bellevue was well in terms of buses that travel through Mercer Island to and from Bellevue.

Mr. Lee concurred with Mr. Wallace about the need to communicate to the public regarding the City's authority and constraints. He suggested exploring mitigation the City might be able to implement.

Responding to Mr. Wallace, Ms. Jensen said the City can continue to push for Sound Transit to do more in their outreach efforts. She said the City has been communicating the closure in *It's Your City* over the past couple of months and through other media. However, it is difficult to know whether people are reading and listening.

Nancy LaCombe, Transportation Regional Project Manager, said the City is advocating for the opening of the new South Bellevue Park and Ride and light rail station as soon as possible, instead of Sound Transit waiting until the entire East Link project is completed. However, she concurred with Mr. Wallace that the City does not control the situation.

(d) Regional Issues Overview

Joyce Nichols, Director of Intergovernmental Relations, provided an update on regional issues, noting that the state legislature will be taking action on hundreds of bills before March 8. Most bills that do not make it out of the House or Senate by that date are considered dead for this legislative session. However, bills categorized as necessary to implement the budget may continue to be considered and debated.

Ms. Nichols said there are three competing proposals to provide K-12 education funding as directed by the McCleary Decision of the State Supreme Court. The bills have different levels of impacts on specific school districts, property tax schemes, levy swaps, new taxes, and/or other state budget reductions.

Ms. Nichols said the legislative session is scheduled to end on April 23. However, the legislature will continue into special session if agreement has not been reached regarding the state budget and education funding. The operating budget must be in place by June 30.

Noting the icy weather outside, Ms. Nichols said staff decided to limit the presentation to one bill, Senate Bill 5711, which is supported by the telecommunications industry. The industry is looking for ways to accelerate the implementation of 4G and 5G technology. She said Bellevue and other cities have been working with an attorney firm for a long time to put together a master lease agreement for telecommunications companies. Senate Bill 5711 would preempt local government authority and infringe on the City's ability to manage its public right-of-way, which has significant public value.

Ms. Nichols said there was a companion bill in the House that died. However, Senate Bill 5711 is anticipated to be approved by the legislature. She said Bellevue, other cities, and public utilities districts are actively lobbying against the bill.

Responding to Mayor Stokes, Ms. Nichols said the bill would give the telecommunications companies the ability to obtain their permits before any other party and to establish pole charges. The result would be one approach to managing the ROW for the entire state. She said that, even though the equipment on poles might be relatively small, there is larger equipment (e.g., cabinets) required for electrical service in the right-of-way. She said multiple utilities and entities need access to the ROW, and cities do not want one industry having priority access to permits and the ROW.

Ms. Nichols said Bellevue staff have been working on this issue, and certain state legislators asked cities and utilities districts to develop an alternative solution. Those parties are continuing their effort, underway before the bill was introduced, to establish a master lease agreement process. Cities would retain control over zoning, permitting, and the use of its rights-of-way. Under the proposed bill, cities would not have control over what telecommunications companies do in the ROW.

Carol Helland, Land Use Director, said the City was working with telecommunications companies last year to develop a master lease agreement. In December 2016, the Council approved a ROW use agreement for Verizon for deployments in several areas of the city, including the Downtown. The strategy was to agree on a standard design that could be replicated and implemented efficiently throughout the community. She said Senate Bill 5711 was introduced shortly after the City approved that ROW use agreement.

Ms. Helland said the primary aspects of the bill are unrestricted access to the ROW, unrestricted access to City property outside of the ROW (e.g., parks, fire stations, water towers), caps on rent provisions for the ROW, and caps on permit fees. She said the state constitution states that no ROW shall be appropriated for corporate uses, other than municipal corporations, without due fee. The bill limits the ROW use charge and the permit fee to \$500 each.

Ms. Helland said the bill threatens the City's property rights, shifts private companies' costs to the public, and limits the City's longstanding ability to charge reasonable fees for ROW use. She said Bellevue's ROW will not be valued the same as in rural areas in Washington. She noted a provision requiring that permits are deemed approved if they are not issued within 90 days. She said similar regulations in other parts of the country have resulted in poorly designed facilities in the ROW. She noted that the 90-day requirement for permit processing gives telecommunications companies an unfair advantage over other permit applicants.

Responding to Councilmember Lee, Ms. Nichols said there was an unsuccessful bill two to three years ago with similar provisions. She said the multi-city consortium was somewhat surprised when Senate Bill 5711 was recently introduced. The bill is supported by the telecommunications industry, with Verizon initiating the effort. Ms. Helland said the cable television and internet industry is also supporting parts of the bill.

Councilmember Robertson concurred with continuing to work to defeat the bill. She expressed constitutional concerns because local governments are not allowed to give money or property to any corporation. She observed that the bill requires cities to provide services without full compensation for permit processing. She said that, if the law is changed to allow telecommunications companies to do what they want in the ROW, she would expect the state legislature to address liability related to the private companies' equipment. Ms. Robertson said it is important for local governments to maintain control of its ROW. She suggested working with the governor's office and with other cities organizing to potentially sue if the regulations are approved.

Councilmember Wallace commended the proactive efforts to create a master lease agreement that would retain cities' authority.

With regard to K-12 education funding, Mr. Wallace questioned the tax impact on the Bellevue School District taxpayer. One proposal reflects an increase in the property tax of at least 60 cents per \$1,000. He noted that Bellevue's current total property tax is approximately \$1 per \$1,000. He said the residents and businesses of Bellevue need to understand the potential solutions.

Ms. Nichols said staff is analyzing the three proposals under consideration. Mr. Wallace said the state legislature appears to be focused on the statewide impact, which will not be favorable for Bellevue. City Manager Miyake said the City is working with the Bellevue School District on the issue.

Councilmember Robertson concurred with Mr. Wallace. She questioned the state legislature's definition of basic education. She expressed concern that it will not provide adequate consideration toward college preparation including Advanced Placement, science, math, music and other classes expected within the Bellevue School District. She said it is important to maintain Bellevue's quality of education, while raising the quality of education in all school districts.

Ms. Nichols said the McCleary Decision addresses levies, which are what help the Bellevue School District to provide certain programs. She said state law should not prevent school districts from continuing to pursue levy dollars to meet local priorities.

Mayor Stokes concurred with Ms. Robertson about the importance of maintaining Bellevue's educational programs while also enhancing other school districts.

Ms. Nichols said staff created a levy and ballot measure chart to enable everyone to track King County levies and ballots. It will be updated quarterly.

5. Council Discussion of Upcoming Items

Mayor Stokes said Councilmember Robinson would be unable to attend the March 6 meeting and would like to participate via telephone.

- Councilmember Robertson moved to allow Councilmember Robinson to participate in the March 6 meeting via telephone and to vote electronically if necessary. Deputy Mayor Chelminiak seconded the motion.
- The motion carried by a vote of 6-0.

6. Continued Oral Communications

- (a) Betsi Hummer encouraged the Council to let citizens know what they can do to oppose Senate Bill 5711. She said she appreciated the discussion about the South Bellevue Park and Ride closure. She thanked Councilmember Wallace for his comment that Sound Transit, and not the City, controls that situation. She said she appreciated the Council's negotiations regarding mitigation measures for the East Link light rail project.
- (b) Heidi Dean said she is an Independent and the City Council positions are non-partisan. She said many Bellevue residents are tired of the political wrangling. With regard to the Council vacancy, she wants Councilmembers to vote for the candidate who will do the best job, without regard for political party. She favors a candidate who represents a good balance between economic development and the protection of neighborhoods. She said many residents question the Council's credibility, and she encouraged the Council to resolve the selection of the Councilmember for the open seat. She is frustrated with the candidates who campaign as a voice for neighborhoods. She said Councilmember Slatter did so, yet did not do anything for her neighborhood. Ms. Dean said only two of the current eight candidates have done anything for their neighborhoods. She urged the Council to vote the following week for the best candidate for Bellevue.

Mayor Stokes declared the meeting adjourned at 9:25 pm.

Kyle Stannert, CMC
City Clerk

/kaw