

East Bellevue Community Council
Summary Minutes of Regular Meeting

December 3, 2013
6:30 p.m.

Lake Hills Boys & Girls Club
Bellevue, Washington

PRESENT: Chair Kasner, Vice Chair Hughes, and Councilmembers Capron, and Seal

ABSENT: Councilmember Gooding

STAFF: Mike Bergstrom, Development Services Principal Planner

1. **CALL TO ORDER**

The meeting was called to order at 6:43 p.m. with Chair Kasner presiding.

2. **ROLL CALL**

Chair Kasner recognized incoming Deputy City Clerk Charmaine Arredondo.

The Deputy City Clerk called the roll. All Councilmembers were present with exception of Councilmember Gooding.

Chair Kasner led the flag salute.

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

4. **APPROVAL OF AGENDA**

Councilmember Seal moved to add item 11b to the agenda.

Councilmember Hughes moved to approve the agenda as amended. Seconded by Councilmember Seal and carried by a vote of 4-0.

5. **COURTESY PUBLIC HEARING:**

(a) Shoreline Master Plan

Chair Kasner opened the courtesy hearing.

Mike Bergstrom, Principal Planner, provided an overview of the Shoreline Master Program Land Use Code Conformance Amendments. He stated that we are not here to talk about the draft SMP, which is currently before City Council. The conformance amendments are to correct internal references and separate shorelines out from critical areas. Mr. Bergstrom handed out color copies of the packet materials showing the shoreline jurisdiction within the EBCC boundaries.

Councilmember Hughes left the table at 6:49.

Councilmember Hughes returned at 6:51.

Mr. Bergstrom stated the SMP update was a mandated project by the State of Washington for all jurisdictions to bring their SMP's up to the new guidelines.

Chair Kasner questioned how you can make conforming amendments to a document that has not been created yet.

Mr. Bergstrom responded that the conforming amendments are to the version of the SMP update that is currently in draft form. In response to questions, he indicated that the map only shows what is in shoreline jurisdiction.

Chair Kasner welcomed Planning Commission Chair Diane Tebelius to the meeting.

Chair Kasner asked of staff if any of these amendments are contentious.

Councilmember Capron stated that most of the amendments sound like housekeeping.

Mr. Bergstrom referred the Council to page 25 of the packet where there are four new footnotes. Those footnotes are about the most substantial changes in the entire document. He provided an example of a situation where a Phantom Lake property owner might be allowed a moorage dock, but because of the wetland between the house and the water it was not accessible. With the proper amendments and the creation of a footnote, access would not be an issue.

Councilmember Seal asked if we are worried about a flood hazard in Lake Washington or Lake Sammamish.

Mr. Bergstrom responded that there are very little hazards on Lake Washington because it is regulated by the Core of Engineers, but there are some hazards on Lake Sammamish.

Chair Kasner asked if there is much to discuss tonight since this is mostly housekeeping.

Mr. Bergstrom stated there is not much, depending on what type of public comment is received, if any. Conformance amendments are typically very straight forward. The Planning Commission has had three recent study sessions on this topic and there has been input into this draft.

Mr. Bergstrom went on to say that one of the major accomplishments is that the SMP will be more independent and will have its own use charts rather than be mixed in with other areas in the city. The permitting procedures will all be contained in the shoreline chapter. That is why several pages are stripped out in the updates.

Elfie Rahr, audience member, asked for a copy of the map from Mr. Bergstrom. She was given a copy.

Chair Kasner asked of Diane Tebelius what the Planning Commission is going to do over the next 3 to 6 months.

Diane Tebelius stated she is not there as a representative of the Planning Commission, but she gave her understanding of what was upcoming. She stated Mike Bergstrom was diverted from his normal work to come over and complete the conforming amendments. The reason for the conforming amendments is to make sure everything is consistent within the entire code, and also because the Department of Ecology demands that of every jurisdiction. We are not doing anything unusual from any other jurisdiction. The Department of Ecology wants to know of any unintended consequences within the SMP. We are scheduled for Public Hearing on the conforming amendments on December 11. At the close of the hearing we will vote to accept the conforming amendments as they are before us or to make changes and then adopt those conforming amendments and send them on to the City Council. Sometime after the beginning of the year it is anticipated that the City Council will get the entire package. The majority of the changes that were necessary were very technical changes.

Diane Tebelius went on to say there are some areas where ecology may not agree with us but that is not unusual. The Planning Commission hopes that ecology will agree. City Council may also not accept the entire package as presented.

Chair Kasner stated that City Councilmember Chelminiak pointed out 106 differences in a study session recently.

Ms. Tebelius stated she cannot tell, with any degree of certainty, what potential disagreements there may be, but she is optimistic of the outcome.

Chair Kasner asked if it will be the 2014 Council that will make the decision.

Ms. Tebelius responded yes, it will be the new 2014 City Council.

Mike Bergstrom stated once the Planning Commission makes their recommendation, unless the City Council sends something back to the Commission, they will be done. The City Council will then take the ball and finish the process.

Chair Kasner would like to see a document stating which issues are still contested. He said it would be incredibly helpful to reduce it down to the issues that are left.

Ms. Tebelius suggested there are people more knowledgeable about this area than even the Planning Commission, and Marty Nizlek could be available to give the EBCC a briefing.

Mr. Bergstrom also stated that staff could provide a briefing, if requested to do so by the EBCC.

Ms. Tebelius stated that some of the unfinished business of the Planning Commission included Phantom Lake. She went on to say that from the community perspective, we need to try and find some resolution. She also stated the City Council is well aware of the issues going on.

Chair Kasner stated he has spent time with City Councilmember Stokes regarding the Phantom Lake issues. If we want the general public to understand, there needs to be more information provided.

Councilmember Capron asked for clarification on the process. Once City Council approves, then it has to go to Ecology? And if there are changes it goes back to City Council and then comes before EBCC?

Councilmember Seal asked if EBCC gets to approve it before it goes to City Council.

Mr. Bergstrom stated the City Council will adopt it by Ordinance and then it will come to EBCC within 60 days for final approval.

Chair Kasner sought public comment.

Elfie Rahr stated her issues regarding Phantom Lake and the fact that there has been no relief.

Brian Parks stated that he agrees with most of what Ms. Rahr stated. Some of the drainage in Phantom Lake comes from the EBCC jurisdiction. The City could do more to protect what is coming in. He noted that beavers are not very conducive to Phantom Lake. They are constantly trying to block the outlet.

Chair Kasner asked Mr. Parks if the draft, as written, makes his problem in Phantom Lake better or worse.

Mr. Parks stated the Phantom Lake residents made a lot of suggestions and received sympathy from the Planning Commission. There was good momentum, but then Utilities and the Environmental Services Commission tried to counter everything that was said, which brought any progress to a halt. There were a number of recommendations that were not approved.

Ms. Rahr stated that she has photographs and videos from the past 15 years that show the progression of Phantom Lake dying. She will show them to anyone who is interested to see them.

Marty Nizlek commented about lake health. Lake Sammamish has a drainage issue which was touched on before. Mr. Nizlek offered to come back to brief the EBCC from a resident's perspective.

Chair Kasner clarified with the Deputy City Clerk that SMP is not quasi-judicial.

Deputy City Clerk, Michelle Murphy, affirmed that it is not quasi-judicial.

Councilmember Seal commented on more water coming into Phantom Lake than before. The ditches that were once there are no longer available for water flow. The city should look into the surface drainage and find out where it is really going. If it's going into Phantom Lake, maybe something else should be done with it.

Chair Kasner asked for any other comments on this topic.

Ms. Rahr gave additional input on Weona Park. When the City took over the park from the County, it was required the County provide money to stabilize the hill. They accommodated for additional water, but not for the outflow.

Ms. Tebelius stated the Planning Commission is starting to go out into the community seeking citizen input on what they want the city to look like. Different speakers will be attending and providing information for the meetings. The information will be on the city website as to locations and schedule. Kemper Freeman attended the first meeting, which was taped.

Chair Kasner commented on the need for better outreach for the city's meetings where citizen input is sought.

Sonja Rossman commented regarding the "economic engine" changing from Seattle to Bellevue.

Ms. Tebelius stated the largest single factor of making the water cleaner in Lake Washington and Lake Sammamish is not dumping sewage into the water. The water is cleaner and clearer now than it was in 1955.

Chair Kasner closed the courtesy hearing.

6. **RESOLUTIONS:** None.

7. **REPORTS OF CITY COUNCIL, BOARDS, AND COMMISSIONS**

Chair Kasner stated he will attend the last City Council meeting of the year, December 9, to give a State of the Union address regarding the EBCC.

8. **DEPARTMENT REPORTS:** None.

9. **COMMITTEE REPORTS:**

(a) Community Council Business and New Initiatives

Councilmember Seal noted his attendance at the transportation meeting regarding I-90/I-405 corridor.

Councilmember Capron noted his observation of construction at Lake Hills Shopping Center and Kelsey Creek Shopping Center. Restaurants are moving around and things are happening.

Chair Kasner would like to see Nat Franklin and Oscar Del Morro return in the spring with an update on their projects.

Councilmember Seal commented about Lake Hills Village and the mixed-use idea. The success of this project will determine the city's idea about how Crossroads may be viewed.

Chair Kasner reported on the outreach meeting regarding the Comprehensive Plan that he and Councilmember Hughes attended earlier in the evening.

10. **UNFINISHED BUSINESS**

Wesley Clark asked for an update on the Key Bank property at Kelsey Creek.

Chair Kasner stated, unofficially, that the property will change ownership over the next 3 to 6 months. It is in negotiations for sale. As soon as the sale is final, EBCC can move forward.

Councilmember Hughes stated EBCC has been asked by the people involved in negotiations of the Key Bank property to not move forward until the sale has been completed.

11. **NEW BUSINESS:**

(a) Consideration/development of a Community Council Ethics Code

Chair Kasner explained the process that the City Council went through in adopting an Ethics Code.

Councilmember Hughes asked why the EBCC does not just adopt what the City Council adopted.

Following Council discussion, Councilmember Capron suggested that the EBCC should compare state law to what the City Council adopted and then also what Kirkland adopted.

Councilmember Seal commented that the authority of EBCC is very limited.

Chair Kasner read the appearance of conflict definition on page 60.

Wesley Clark urged the Councilmembers to become familiar with the state law.

Councilmember-elect Besti Hummer commented on the perceived violation by one of the City Councilmembers, which triggered the ethics code discussion. She does not see why it is necessary for the EBCC at this point since no perceived violation has occurred.

Sonja Rossman urged that even though there are no perceived violations, that does not mean you do not discuss the issue. There are subsequent events that can occur and cause question as to ethics.

Chair Kasner wrapped up, thanking participants for their part in this discussion.

(b) Consideration of Upcoming Vacancy

This item was added to the agenda at the beginning of the meeting.

Chair Kasner read the Memo from Deputy City Clerk Michelle Murphy into the record stating that Councilmember-elect Robert Adams has withdrawn from the EBCC due to work restrictions. He does not intend to be sworn-in in January. The EBCC may declare the position vacant at the January meeting and then direct the Deputy City Clerk to begin the recruitment process, at the conclusion of which a new Councilmember will be selected and sworn-in at the February meeting.

Chair Kasner stated there are at least two or three people who would be interested in applying for the open position if, in fact, it is declared vacant at the January meeting.

Chair Kasner asked the Council for ideas on who to perform the swearing-in. The Deputy City Clerk stated there is no requirement as to who can swear-in the councilmembers. A judge or the Deputy City Clerk would suffice.

12. **CONTINUED COMMUNICATIONS:**

Ron Merr asked where the power line issue stands.

Chair Kasner stated that the EBCC cannot discuss the issue since it is quasi-judicial.

Deputy City Clerk Michelle Murphy stated that the staff contact for the power line issue is Sally Nichols.

John Kapler congratulated the EBCC on its continuation and re-election of the councilmembers. He also thanked Steve Kasner personally.

Cheryl Kuhn congratulated the EBCC on its success and overwhelming election results.

Chair Kasner presented Deputy City Clerk Michelle Murphy with a card and gift certificate on behalf of the EBCC for her support over the past 18 years. The gift certificate was purchased with personal funds from the members of the EBCC.

13. **EXECUTIVE SESSION:** None.

14. **APPROVAL OF MINUTES**

Councilmember Seal moved to approve the minutes of the November 5, 2013 Regular Meeting. Councilmember Capron seconded the motion.

Motion to approve the November 5, 2013 minutes carried 4-0.

15. **ADJOURNMENT**

Chair Kasner adjourned the meeting at 8:37 p.m. Audience members were invited to stay and

enjoy the East Bellevue Community Celebration and Retrospective.

Charmaine Arredondo
Deputy City Clerk