



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

June 10, 2014  
Hillberg

Mayor Leider called the meeting to order at 7:00 pm.

**PRESENT:** Mayor Richard Leider, Councilmembers Peggie Bates, Mike Hillberg, Wade Morlock, and Tom Stowe.

**EXCUSED:** Councilmember John Gillem.

**STAFF:** Clerk-Treasurer Sue Ann Spens.

**GUESTS:** State Representative Tana Senn, Rick and Kathy Corra, Linda Mui.

**MINUTES:** Councilmember Hillberg moved to approve May 13, 2014 minutes, as amended. Councilmember Stowe seconded.

Vote: 4 For, 0 Against, 0 Abstain.

**WARRANTS:** Councilmember Stowe moved to approve the June 10, 2014 warrants, numbers 9604 through 9628, including no. 9627 voided for a printing error, in the amount of \$23,063.91. Councilmember Bates seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

#### **CLERK'S REPORT:**

**EASTLINK (SOUND TRANSIT) IMPACTS ON BELLEVUE WAY:** Clerk-Treasurer Spens reported that she began a dialog with the City of Bellevue about the construction impacts of Sound Transit's Eastlink project on Bellevue Way and the immediate vicinity, particularly our concerns about cut-through traffic diverting to 108th Ave SE and 104th/105th Ave SE. She noted that in her discussions with Maher Welaye, the Eastlink Project Engineer for the City of Bellevue, several important points were made:

- Beaux Arts needs to be a part of the planning and construction management process. She will meet with Mr. Welaye and several of his team members at Bellevue City Hall to get an overview of Bellevue's current plans for managing this project and to establish the needed connections to ensure our involvement.
- Bellevue residents in the vicinity of 108th Ave SE and 104th/105th Ave SE are also very concerned about cut-through traffic. Bellevue has already placed a condition on the project that at least 3 travel lanes will be open along the south end of Bellevue Way at all times during construction: two lanes to handle commuter traffic and one lane in the opposite direction.
- There will be times when the entire area is closed for construction / reconfiguration of the I-90 on-ramps and off-ramps. When those closures are about to happen, residents in Beaux Arts and south Bellevue will need clear information about how to navigate to I-90 by alternate routes.

- There will be period when the South Bellevue Park & Ride is closed for remodeling to accommodate the new trains. The P&R will be moved to a temporary location, which is not known at this time except that it will NOT be on 108th Ave SE. The temporary location will be well publicized when known so that residents in Beaux Arts and south Bellevue can continue to use bus transit.

**ARCH INFORMATION ABOUT POSSIBLE WINTER SHELTER IN EAST KING COUNTY:** Clerk-Treasurer Spens explained that ARCH has prepared briefing materials about a proposed Winter Shelter, which is still in the early stages of planning. ARCH will follow up this planning with fundraising and does not anticipate being ready to open such a shelter until the end of 2016 at the earliest.

**NEW TRAINING REQUIREMENTS FOR ELECTEDS, APPOINTEDS, AND STAFF:** Clerk-Treasurer Spens explained that a new State statute requires elected and appointed officials and staff to receive training regarding the Open Public Meetings Act. In addition, electeds and staff must receive training in Public Records management. The training is not onerous and appears to be available via several outlets, including on-site training, webinars, and online at-your-pace training modules. The statute requires that the training be documented but does not describe the method for documenting. In the next week or so, she will distribute an email to all affected officials and the Town Clerks providing links to training options and a form for each participant to complete and return as documentation of the training.

**2015 - 2020 TRANSPORTATION IMPROVEMENT PROGRAM:** The Town's Six-Year Transportation Improvement Program (TIP) for 2015 through 2020 is due to the Puget Sound Regional Council and the Washington State Department of Transportation by July 31, 2014. The Council must review the Town's proposed TIP during a public hearing and then adopt it by ordinance. She confirmed with the Council that this public hearing should happen at next month's Council meeting.

**2013 ANNUAL REPORT:** Clerk-Treasurer Spens reported that she submitted the Town's 2013 Annual Report online on May 16, 2014.

**MARSHAL'S REPORT:** No report.

**WATER REPORT:** No report.

**WABA REPORT:** Councilmember Hillberg reported on WABA's behalf that they are addressing the increase in nighttime activity at the beach through random visits by Northwest Security Patrol, the firm they have used in recent years. He also reported that WABA Trustee Brian Moco is resigning; WABA is seeking volunteers to fill the open position.

**APPEARANCES:** Rick and Kathy Corra commented that they are at this meeting to hear more about AT&T's proposal to install wireless cellphone antennae on the water tower and will hold their comments until that agenda item is open for discussion.

**INFORMAL MEETING WITH STATE REPRESENTATIVE TANA SENN:** Mayor Leider thanked Representative Senn for visiting and invited her to proceed. State Representative Senn opened by stating that she is reaching out to the cities in the 41st Congressional District to summarize her background and hear from local representatives about the issues that concern them. She gave a brief description of her background as a Mercer Island city councilmember and her appointment as State representative.

After noting that the last state legislative session focused on policy issues, she stated that next year's session will have to focus on funding issues, particularly in light of the State Supreme Court's decision in *McCleary v. Washington* that the State is not amply funding basic education under the state Constitution. That decision combined with the failure of the Transportation Funding package will cause the State Legislature to focus much of attention on meeting these funding needs.

She asked the Council to outline some of the issues that are of concern to Beaux Arts. The following were the Council's responses:

- The Impact of Stormwater Regulations on small entities, e.g. Beaux Arts, can be onerous. Small entities have limited revenue sources available to meet the requirements of new stormwater regulations and will need grant-funding opportunities that are easy to apply for and obtain.
- The Administrative Requirements that accompany outside mandates, e.g. the Shoreline Master Program (SMP), are out of proportion to the real benefits. Beaux Arts has invested hundreds of hours of volunteer and paid staff time to bring our SMP into line with state statutes. In addition, some elements of the process under the control of the Department of Ecology do not appear to be science-based and are not flexible enough to recognize the unique character and stewardship of each jurisdiction. State funding covered only a portion of the cost of these updates. The State needs to reduce the bureaucracy associated with these mandates to make them proportional to the size of the jurisdiction.
- A recent State Auditor's Office opinion creates a negative impression where none should exist. Cities with populations of 5,000 or less are allowed to operate on a cash basis (vs. an accrual basis) under the Washington State Constitution, and in fact, are encouraged to do so by the State Auditor's Office (SAO), because it is more efficient for smaller cities. The SAO recently notified all cash-basis entities that, beginning with audits performed in 2014, their audits will include a negative opinion about using cash basis because it is not GAAP compliant. The only way to avoid this negative opinion is to switch to accrual-basis accounting, which would require a large investment to value city assets (streets, utilities, equipment, etc.) as well as a large time investment for staff modify their accounting records. This SAO opinion affects nearly 75% of the cities in Washington State and provides no positive benefits to them. But it has the potential to impact each city's ability to obtain financing for capital projects. The State needs to revisit and revise this opinion, since cash-basis accounting is allowed under the Washington State Constitution.

Ms. Senn broached two other topics:

- The impact of large-scale project such as Energize Washington and Sound Transit Light Rail. Council expressed interest in learning what, if anything, Sound Transit plans for mitigating the risk of increased crime that may be associated with their project.
- Changes in revenue associated with liquor and marijuana sales in Washington State. Ms. Senn noted that cities are incurring the cost of increased crime resulting from increased availability of liquor and marijuana but the State is enjoying the increased revenue from those sales.

Mayor Leider thanked State Rep. Senn for attending the meeting and invited her to return on a regular basis.

**PROPOSED RESOLUTION NO. 290 CDBG INTERLOCAL AGREEMENT:** Clerk-Treasurer Spens explained that the benefit of this Interlocal Agreement with King County is primarily that our participation makes the County eligible for additional funding. She added that Beaux Arts has participated in the CDBG Program for at least a decade.

**MOTION:** Councilmember Bates moved to adopt Resolution No. 290 authorizing the Mayor to execute an Interlocal Cooperation Agreement with King County for the 2015-2017 Community Development Block Grant Program. Councilmember Hillberg seconded. Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

**DISCUSSION OF NEW DOE INFORMATION REGARDING THE SHORELINE MASTER PROGRAM (SMP):** Clerk-Treasurer Spens directed the Council's attention to comments received by Town Planner Mona Green from David Pater with the Department of Ecology (DOE) in which Mr. Pater indicates DOE's willingness to consider the following language for SMP Table 6.3 with regard to finger-pier widths:

Standard: Maximum Width

Requirement: 4 foot for fingers in water depth greater than 9 feet; 2 foot for fingers in water depth less than 9 feet. Water depth is based on high summer seasonal lake level.

Mayor Leider asked if Councilmembers were agreeable to the limits specified by DOE. It was the consensus of the Council to affirm this language and ask Town Planner to finalize language in the draft SMP to make it consistent with this latest recommendation. Once the final draft is finished, the Council will give it one last review before holding a public hearing to adopt the new language.

**PROPOSAL FROM AT&T TO INSTALL WIRELESS ANTENNAE ON THE WATER TOWER:** Council discussion focused on changes to the SEPA process, status of the lease review, and the challenge of collecting public input.

Mayor Leider explained recent changes to the SEPA process. These changes exempt a project of this size from the requirement to undergo a SEPA review and approval process. The SEPA process would have required that AT&T complete a SEPA checklist, notify all of the properties within a certain distance of their project, and open a comment period for public

feedback. The SEPA process also gives local jurisdictions the ability to determine the significance of a project with regard to its impact on the neighborhood and issue a determination of non-significance (DNS), a mitigated determination of non-significance (MDNS), or a determination of significance, which triggers an environmental-impact study (EIS).

Mayor Leider commented that, despite these process changes, the Town still has the option of deciding whether to enter a lease agreement. In addition,, AT&T will still have to get a building permit. Councilmember Bates asked about the perception that communities cannot say no to these installations. Mayor Leider answered that the Town is prohibited by federal law from prohibiting the siting of wireless facilities within its boundaries and cannot deny a permit on the basis of health concerns, e.g. radiation. However, the Town can elect not to go forward with the lease if the economics of the project don't work or the project cannot be otherwise sited or mitigated properly.

Mayor Leider reported that he is still waiting for comments from AT&T about proposed changes to the lease agreement.

Mayor Leider invited Rick and Kathy Corra, who live across the street from the proposed installation site, to comment. Kathy Corra mentioned that she is concerned about how the look of the water tower may be changed by the antenna, noting that she actually likes the quaintness its current appearance. Rick Corra expressed concern about the noise of the support equipment, particularly air conditioners, generators, and the like. Councilmember Stowe stated that the draft lease agreement specifies decibel levels that cannot be exceeded. Mayor Leider added that there may be provisions to underground the equipment to mitigate and/or eliminate any noise.

The Council thanked the Corras for coming to this meeting and giving feedback. They agreed that they aren't yet comfortable with the level of public input and want to hear from more residents, particularly in that vicinity. It was the consensus of the Council that they want to hold a public hearing at their July meeting, even though not legally required, as a means of encouraging as much input from residents as possible. Clerk-Treasurer Spens will arrange for hearing notices to be published in the Seattle Times, posted on mailstands and the Town's website, posted at the entrances to Pitt Park, and emailed to Beaux Arts residents to maximize awareness of this hearing. It is unlikely that the Council will take action on a lease until at least the September Council meeting.

**REVIEW OF CURRENT PARKING REGULATIONS:** Clerk-Treasurer Spens reminded the Council that a resident has asked the Council to consider some changes to the current parking regulations, including:

- Establishing no-parking zones for street ends and other areas created to provide space for emergency and other large vehicles to turn around safely and quickly on our otherwise narrow streets, and
- Clarifying the meaning of BAV MC 10.10.020(4) which allows residents temporary and occasional parking on the right-of-way but doesn't define what that means in measureable terms.

The Council commented that it is agreeable to making the north end of the paved portion of 106<sup>th</sup> PI SE a “No Parking” area, since it serves as an important space for fire trucks, garbage trucks, etc. to turn around. Once so designated, the Town would have to install a No Parking sign to make the rule enforceable. They also agreed that either the terms temporary and occasional need to be defined or the rule needs to be re-written so that it is enforceable. One suggestion was to limit the amount of time residents can park on the right of way to 14 days per year – the same limit as for unscreened boat parking.

The Council asked Clerk-Treasurer Spens to research what some of our neighboring communities do to control neighborhood parking and to provide that information for discussion in July.

### **STRATEGIC PLANNING:**

#### Goal 4 - Town Character

Councilmember Hillberg reported that CREÄ Affiliates has begun work on Phase I of the ROW Master Plan project. Their first step is getting a feel for the existing condition of the Town ROWs and putting together an accurate map of those conditions. They also have the first community meeting scheduled for June 17<sup>th</sup> at Councilmember Hillberg’s house. So far, there have been 14 RSVPs to the meeting, which will focus on people’s current likes, dislikes, suggestions for what people would like to see, etc.

### **MAYOR AND COUNCILMEMBER REPORTS:**

**TOWN CLEAN-UP:** Councilmember Hillberg reported that the Spring Clean-Up went well. He thanked Councilmember Stowe for help with getting the dumpsters closed and ready for pick up after the event.

**STORMWATER GRANT:** Councilmember Stowe commented that he received an email from the King County Flood Control District noting that another \$10,000 allocation has been added to the Town’s set-aside account, but he hasn’t heard a word on the grant application submitted last March. He is developing a Scope of Work for the proposed Stormwater Management Comprehensive Plan (SMCP) so that when funding is made available, we are ready to move forward. He mentioned that we may want to implement the improvements indicated by this SMCP in distinct pieces so that we don’t get ahead of the available funding.

**WHATMORE MATTER:** Mayor Leider will attend the upcoming WABA Board meeting to help them resolve any issues they may have related to our easement issues.

**KING COUNTY SHERIFF’S OFFICE:** Mayor Leider reported that he spoke with KCSO about having representatives come to a Council meeting and give tips and information on home-security issues. He says KCSO is onboard and suggests that we tentatively plan to have this training at the September Council meeting.

**SR520 MITIGATION ISSUES:** Mayor Leider noted that despite the amount of time and effort that the Points Cities Mayors group has spent discussing SR520 issues among themselves, with their residents, and with WSDOT, there are still outstanding challenges that

haven't been resolved between WSDOT and the affected cities. This situation reinforces our need to be at the table for all Sound Transit discussions that will have an impact on Beaux Arts and the South Bellevue area.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council that the next Council meeting is scheduled for 7:00pm on Tuesday July 8, 2014 at Tom Stowe's house. That meeting will include two public hearings: one for the 2015-2020 Transportation Improvement Program and one for the proposed cellphone antennae on the water tower.

**ADJOURN:** Councilmember Morlock moved to adjourn the meeting at 9:35 pm. Councilmember Stowe seconded.

Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer