

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

September 23, 2025
6:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Robinson, Deputy Mayor Malakoutian and Councilmembers Bhargava, Hamilton, Lee, Nieuwenhuis and Sumadiwirya

ABSENT: None.

1. Call to Order

The meeting was called to order at 6:02 p.m., with Mayor Robinson presiding. Ms. Robinson asked everyone to be polite and respectful of others during the meeting.

2. Roll Call; Flag Salute

City Clerk Charmaine Arredondo called the roll and all Councilmembers were present. Deputy Mayor Malakoutian led the flag salute.

(a) Domestic Violence Action Month Proclamation

Councilmember Hamilton read the proclamation declaring October 2025 as Domestic Violence Action Month in Bellevue. He urged everyone to speak out against domestic violence and to support local efforts to prevent and end abuse in our communities. He encouraged survivors, loved ones and community members to call the LifeWire Helpline at 425-746-1940 or to visit lifewire.org for resources and support.

Mark Tarantino, Patrol Major, Bellevue Police Department, accepted and thanked the Council for the proclamation. He said domestic violence calls have increased compared to 2024, and the BPD recently hired a DV advocate to address this ongoing trend. He urged community members to call 911 if they are a victim or know someone who might be a victim of domestic violence. He said that is the first step in stopping the cycle of violence. He thanked the Council for their support of the BPD.

(b) Filipino American History Month Proclamation

Councilmember Bhargava read the proclamation recognizing October 2025 as Filipino American History Month in Bellevue. Washington state is home to the third largest Filipino population in

the United States, and Filipino Americans are the largest Asian Pacific American population in the state. Councilmember Bhargava urged everyone to celebrate the history and contributions of Filipino Americans to our community.

(c) Disability Employment Awareness Month Proclamation

Councilmember Lee read the proclamation recognizing October 2025 as Disability Employment Awareness Month in Bellevue. He urged all community members to support disability equity and to recognize the value and contributions of people with disabilities in our workplace. He encouraged everyone to support hiring and working to advance individuals with disabilities to foster full participation and economic self-sufficiency.

Debbie Myers, Executive Director of Staff Employment Services for the South King County Activity Center (SKAC), accepted and thanked the Council for the proclamation. She introduced Sovannahroth Ouk, a new employee at the Highland Community Center. She said this year's theme for Disability Employment Awareness Month is "Celebrating Value and Talent." She thanked the City for its commitment to supported employment and for setting an example for all businesses to provide access for disabled individuals to the workforce. She recognized the current supported employees with the City including Joe, who assists the Information Technology Department and the Finance and Asset Management Department; Jesse, Human Resources Department; Joseph, Transportation Department; and Sovannahroth, Parks and Community Services Department. Ms. Myers noted that Joe is a member of the Disabilities Advocacy Resource Team (DART), which meets monthly to discuss ways to expand on more inclusive work environments at the City. Sovannahroth said she enjoys her job working with art and organizing her day.

Ms. Myers presented a 2025 SKAC Employer Award to the City for its inclusive hiring practices and commitment to supported employees.

3. Approval of Agenda

→ Deputy Mayor Malakoutian moved to approve the agenda, and Councilmember Hamilton seconded the motion.

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

4. Oral Communications

City Clerk Arredondo said the total time for oral communications is for a period not to exceed 30 minutes and topics must relate to City of Bellevue government. Persons speaking to items on the agenda will be called first and if time remains, others will be called. The presiding officer is authorized to give preference to individuals who have not spoken to the Council within the past 60 days or who are speaking to items that will come before the Council in the upcoming 60 days. Ms. Arredondo said individuals are allowed to speak for up to three minutes and only three speakers are allowed to speak to any particular side of a topic. In compliance with Washington

state campaign laws regarding the use of public facilities, no speaker may support or oppose a ballot measure or candidate for election.

- (a) Crystal Leatherman, Director of Policy and Government Affairs, Washington Retail Association, expressed support for the proposed ordinance imposing mandatory minimum sentencing for repeat offenders of certain theft crimes [Agenda Item 10(b)]. She said organized retail crime undermines public safety. She said every theft incident puts employees, customers and the public at risk. She said the ordinance focuses narrowly on repeat offenders, the small group causing the greatest number of incidents.
- (b) Carl Kleinknecht, Security Director for the Bellevue Collection and a former Bellevue Police Department officer, expressed support for Councilmember Nieuwenhuis' proposed ordinance to impose mandatory minimum sentencing for repeat offenders of theft crimes. He acknowledged that there has been a noticeable decrease in theft citywide. He said the ordinance provides an incentive to not repeat criminal behavior. He thanked Bellevue police for their quick response to incidents. He said the businesses in the Bellevue Collection routinely deal with repeat offenders. He highlighted the security measures in place throughout the Bellevue Collection.
- (c) Laurie Wilke, a resident of the Rockwood community, expressed support for mandatory minimum sentencing for repeat offenders of certain crimes. She expressed support for local businesses and said that property crimes have increased in her neighborhood. She commended Bellevue police for being efficient and effective with their funds. She said the proposed ordinance is an incentive to avoid repeating criminal behavior.

City Clerk Arredondo said no more individuals would be able to speak in favor of the mandatory minimum sentencing ordinance. Mayor Robinson noted that an additional eight individuals had signed up to speak in favor as well.

- (d) Pamela Johnston commented regarding Agenda Item 10(a), application for Public Benefit Rating System (PBRs) open space classification for the Timiri property on 137th Avenue NE. She said this same request was submitted a couple of years ago. She opined that the property owner is trying to benefit financially by seeking to designate their backyard as open space. She said there is a walking trail but it belongs to the housing development and is not a public trail.
- (e) Martin Seelig commended Mathieu Menard, Senior Planner, and other Development Services staff for helping to make solid progress regarding the easement issue. He asked the Council to defer voting on Agenda Item 8(e), an ordinance authorizing the construction of the Cedar Terrace Pump Station Rehabilitation Project (S-16). He asked the Council to direct staff to continue to work with his family to reach an agreement regarding the taking of land and property rights.
- (f) Maria Hudson said she submitted documents to the Council earlier in the day, including a formal complaint against Officer Halsted. She said her vulnerable adult daughter was commercially sexually exploited and given alcohol. She said the police arrested her

instead of helping her, an 18-year-old developmentally delayed woman. Ms. Hudson urged the Council to talk to the police department about vulnerable adults. She said her daughter has been sexually exploited since she went to Odle Middle School. She commented on additional concerns regarding the police department. She expressed concern about housing security for herself and her daughter.

- (g) Elizabeth McKinney, an employee with Lavish Roots Catering and Hospitality, said they operate the dining cafeterias at Meta in Bellevue, Redmond and Seattle. She said their jobs have been very difficult and nearly 100 workers were laid off earlier this year. She said the workload is increasing and they are being denied raises. She said they have decided to form a union. She said more than 40 elected officials, including Mayor Robinson, joined in a letter of support for the right to unionize. Ms. McKinney said employees are facing an intense anti-union campaign during the workday. She said they will be picketing at Meta on September 25.

Mayor Robinson noted that she signed the letter as an individual and not as mayor.

- (h) Alex Tsimerman expressed his dissatisfaction with the Bellevue Police Department and City Council and his concerns about crime.

Mayor Robinson warned Mr. Tsimerman twice that he was not following the rules for oral communications. Following additional comments, Mayor Robinson asked a police officer to escort Mr. Tsimerman from the meeting.

- (i) Dr. Sue Mercer said she requested information regarding parking regulations and did not receive it until after two of her vehicles were towed. She expressed an interest in understanding the boundary of the public right-of-way on 156th Avenue SE from SE 16th Street to SE 20th Street. She said Bellevue police are typically very helpful. She said she was disappointed to hear Ms. Hudson's earlier comments. She said the police have been helpful in incidents involving the unhoused individuals she assists with housing and other issues.

5. Reports of Community Councils, Boards, and Commissions: None.

6. Report of the City Manager

- (a) Update on Bellevue Conflict Resolution Center's Housing Accord Program

City Manager Diane Carlson introduced staff's update regarding the Bellevue Conflict Resolution Center's Housing Accord Program. The program works to reduce evictions and prevent homelessness.

Mike McCormick-Huentelman, Assistant Director for Neighborhood Services, Community Development Department, said Natalie Daniels is the new Conflict Resolution Center Manager. She is a lawyer and is experienced in mediation and conflict resolution.

Ms. Daniels said she began her involvement with the center as a volunteer in 2009. The center will celebrate its 30th anniversary next year. Conflict resolution services are available to individuals who work or live in Bellevue or Kirkland. The center handles more than 500 cases per year. The cases are primarily neighborhood disputes and landlord-tenant issues. Ms. Daniels said the program is possible due to its robust volunteer program with approximately 50 trained volunteers. The volunteers reflect the cultures and languages spoken in Bellevue.

Julia Devin, Housing Accord Program Coordinator, said the program works to prevent evictions and promote housing stability, particularly with immigrants, low-income individuals and multifamily housing communities. She said they work cross culturally and empower residents and property managers to work together to find common solutions to issues that arise. The program provides coaching to landlords or tenants to help resolve conflicts. The program grew out of the work during the pandemic to keep people housed. The Conflict Resolution Center had a 82 percent resolution rate for landlord-tenant disputes and kept approximately 9,000 people housed.

Ms. Devin said the Bellevue Conflict Resolution Center was selected in August 2024 to be one of 10 cities in the U.S. to participate in the National League of Cities (NLC) eviction prevention learning lab. She described the early referral pilot project conducted from November 2024 through March 2025 involving 24 property managers and 3,614 housing units. She said the volume of cases increased significantly and the resolution rate has increased to 90 percent. Ms. Devin said coaching was the most common and effective service used. She commented on the effectiveness of early referrals in resolving disputes or misunderstandings.

Ms. Devin said residents may contact the center by calling 425-452-4091 or emailing bcrc@Bellevuewa.gov. More information is available on the program website: BellevueWA.gov/resolve.

7. Council Business and New Initiatives: None.

8. Consent Calendar

→ Deputy Mayor Malakoutian moved to approve the Consent Calendar, and Councilmember Hamilton seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:

- (a) Council Minutes
Minutes of September 9, 2025 Regular Meeting
- (b) Motion to approve payment of claims and payroll for the period August 1, 2025 - August 31, 2025.
- (c) Motion to reject the bid protest submitted by Fury Site Works and award Bid No. 25061 for the Water Main Replacement 2025 Phase 1 project to Shoreline

Construction Co., as the lowest responsible and responsive bidder, in an amount not to exceed \$5,429,210, plus all applicable taxes (CIP Plan Nos. W-16 & W-67).

- (d) Motion to award Bid No. 25036, Main Street Off-Street Multipurpose Pathway (108th Avenue to 112th Avenue) project to Active Construction, Inc. as the lowest responsible and responsive bidder in the amount up to \$2,817,817, plus all applicable taxes. This project is funded by the Pedestrian and Bicycle Access and Connections (CIP Plan No. PW-WB-56) and the Neighborhood Safety, Connectivity and Congestion Levy (CIP Plan No. PW-R-199).
- (e) Ordinance No. 6861 authorizing and providing for the acquisition of real property interests for the construction of the Cedar Terrace Pump Station Rehabilitation S-16 Project; providing for condemnation, appropriation, and the taking of land and property rights necessary therefore; providing for payment; directing the initiation of appropriate proceedings in the manner provided by law for said condemnation; and establishing an effective date.
- (f) Ordinance No. 6862 authorizing the execution of a sub-contract (and supplements if necessary) with the Dispute Resolution Center of Kitsap County, as lead fiscal agent for Resolution Washington, to accept grant funds in the amount of \$618,714 from the Washington Department of Commerce (Sub-Grantee Contract S26-34445-001) for staffing and administrative costs associated with delivery of conflict resolution services offered through the Bellevue Conflict Resolution Center.
- (g) Ordinance No. 6863: (1) amending the City of Bellevue 2025-2026 General Fund budget to increase the appropriation by \$500,000 from the Long-Range Planning Reserve; and (2) authorizing execution of a funding agreement with KidsQuest Children's Museum, in an amount up to \$500,000, to support KidsQuest in pursuing a new facility in Bellevue.
- (h) Resolution No. 10539 authorizing a professional services agreement with the Berger Partnership to provide architectural and engineering services to support Meydenbauer Bay Park Phase 2 development in the amount of \$1,583,075, plus all applicable taxes.
- (i) Resolution No. 10540 authorizing execution of a five-year Wireless Communication Facilities Site Lease Agreement with an automatic five-year extension with T-Mobile at the Cougar Mountain #2 Site located at 16859 SE 59th Street.
- (j) Resolution No. 10541 authorizing execution of an interlocal agreement with the City of Redmond and King County Regional Homelessness Authority to provide for expanded services to homeless individuals during severe weather events.

- (k) Resolution No. 10542 authorizing execution of a contract amendment to the agreement with NRC Homes, LLC. for the exterior residing and reroofing of the Robinswood Tennis Center in the amount of \$76,005, plus all applicable taxes.
- (l) Resolution No. 10543 authorizing entry into a purchase agreement with, and issuance of purchase order(s) to, Zoll manufacturing to procure up to \$390,494.57 in materials for the replacement of the Fire Department's Automated External Defibrillators (AEDs).
- (m) Resolution No. 10544 amending the City Council rules of procedure to increase the maximum exclusion period and change the timing of processing appeals of exclusions.
- (n) Ordinance No. 6864 amending Sections 3.55.030, 3.56.030, 3.61.030, 3.62.030, 3.63.030, 3.64.030, and 3.100.030 of the Bellevue City Code to increase the maximum exclusion period and change the timing of processing appeals of exclusions.
- (o) Ordinance No. 6865 amending Sections 3.55.010, 3.56.010, 3.61.010, 3.62.010, 3.63.010, and 3.64.010 of the Bellevue City Code to limit service to two consecutive terms on any City Council advisory board and commission.

At 6:58 p.m., Mayor Robinson declared a short break. The meeting resumed at 7:11 p.m.

9. Public Hearings: None.

10. Study Session

- (a) Application for Public Benefit Rating System (PBRs) Open Space Classification of the Timiri property located at 4277 137th Avenue NE, Bellevue, Washington (King County Parcel No. 8669400210)

City Manager Carlson introduced discussion regarding the application for the Public Benefit Rating System (PBRs) Open Space Classification of the Timiri property.

Thara Johnson, Planning Director, Community Development Department, said the state legislature adopted the Open Space Taxation Act in 1970 to provide a tax incentive for private property owners to preserve, protect or restore open space resources. The law provided the authority for King County to establish a PBRs to set open space priorities.

Ms. Johnson said both King County and the City of Bellevue are responsible for evaluating the property and assessing whether it meets and qualifies for the Open Space Classification. Each jurisdiction must hold a public hearing regarding the application and both must approve the PBRs application. Ms. Johnson said the resident submitted a similar application in 2022, which was denied. If the application is approved by the end of the year, the tax benefit will begin in 2026.

Ms. Johnson provided an overview of the PBRs application process, including a King County public hearing (September 24), King County Council action, Bellevue City Council public hearing and action (October 14), and the establishment of the Open Space Taxation Agreement this fall.

Ms. Johnson described the layout of the Timiri property, noting two easements (trail and Puget Sound Energy/Olympic Pipeline). The site totals 1.38 acres and approximately 1.33 acres is targeted for the PBRs designation.

Katie White, Assistant City Attorney, said the PBRs points requested equate to a 90-percent tax exemption for the requested land area. The criteria in King County Code 20.36 must be met to qualify and the action would result in an annual tax reduction of \$8,367. The City receives 13 percent of the annual tax (a reduction of \$1,127).

Ms. White described the City's review of the application using the evaluation criteria in the King County Code. The City Council must consider the resulting revenue loss or tax shift, as well as whether the application will conserve or enhance natural, cultural or scenic resources; protect streams and soil resources; enhance recreational opportunities; and/or enhance natural lands. The City Council must also look at the factors outlined in King County's PBRs program (KCC 20.36). The code identifies 20 open space resource categories (e.g., open space, critical areas, forest areas, ecological enhancement, etc.).

Ms. Johnson said staff conducted a site visit with King County staff on May 1. She said staff's analysis and recommendation will be presented to the City Council at the time of its October 14 public hearing.

Responding to Councilmember Hamilton, Ms. White said the request was denied in 2022 due to statutory factors. A resolution was adopted documenting that the City considered the tax loss, the conservation of lands, protections of streams and other factors. The denial determined that the property was in a developed community, burdened by easements and did not fit within the intent of state law. In further response to Mr. Hamilton, Ms. Johnson said staff would follow up with information about the exemptions granted to Vasa Park and Sambica years ago.

Responding to Councilmember Bhargava, Ms. Johnson said King County approved the 2022 application but the City did not. Ms. Johnson said the City did not use the King County Code to assess the application and instead followed state law. This time staff utilized both codes and regulations. In further response to Mr. Bhargava, Ms. Johnson said the intent of the Open Space Taxation Act was to enhance opportunities for the preservation of natural areas and areas that could otherwise be developed.

Responding to Councilmember Sumadiwirya, Ms. Johnson said Sambica camp is an active recreational use and Vasa Park is a private recreation use. In further response to Ms. Sumadiwirya, Ms. Johnson said that approval of the application would result in a tax loss, but not a tax shift, for the City.

Mayor Robinson observed that the most important criteria and the hardest to attribute to this request is public access. Responding to Mayor Robinson, Ms. Johnson said there is access to the trail for residents of the development. She was unsure about full public access, however. She said the property owner mentioned in May that he might be open to providing public access from the street to the trail.

Ms. Robinson asked what sort of precedent this would set. Ms. Johnson said it would be difficult to say because each application is assessed based on the criteria they identify and the specific site context. Ms. White said that if the application is approved, it might be difficult to deny a future application with a similar property and situation in the Bridle Trails area.

Councilmember Lee said he understood the concern about public access to the property. He asked whether current conditions warrant the classification and tax exemption. Ms. Johnson said staff will provide more details in October regarding the application and staff's recommendation.

(b) Ordinance imposing Mandatory Minimum Sentencing for Repeat Offenders of Certain Theft Crimes

City Manager Carlson introduced discussion regarding a proposed ordinance imposing mandatory minimum sentencing for repeat offenders of certain theft crimes. She recalled that in March, the Council directed staff to conduct additional research and to bring back a draft code for consideration.

Trisna Tanus, City Attorney, asked the Council to consider an ordinance imposing mandatory minimum sentences on repeat offenders of certain theft crimes. She recalled that the intent of the ordinance is to reduce public disorder crimes in Bellevue. On March 11, the Council directed staff to collect data from other cities that have passed similar ordinances (i.e., Everett and Marysville). The draft code applies to 3rd degree theft by offenders who are 18 years or older with two or more convictions of theft in Washington state over the past two years. The proposed minimum sentence is 30 days. However, the court may order electronic home monitoring if the sentence would present substantial risk of mental or physical harm. If eligible, defendants may participate in diversion programs.

Ms. Tanus said 3rd degree theft includes shoplifting, theft from mail and other thefts. It causes a significant financial burden on retailers, customers and sales tax revenues and erodes confidence in societal fairness. Some retail items are locked in glass cabinets. The proposed ordinance focuses on repeat offenders with two or more prior theft convictions in Washington during the past two years. Ms. Tanus said the proposed ordinance maintains a legislative and judicial balance. It sends a message that Bellevue does not tolerate repeat offenders but is responsive by providing diversion options for unique circumstances.

Steve Penner, Chief Prosecutor, said it was difficult to gather comparable data between police, prosecutors, courts, treatment facilities and jails from the cities of Everett and Marysville. He said there is no conclusory data on the efficacy of mandatory minimum sentencing and there are varied opinions from experts and the general public.

Mr. Penner said the Bellevue Community Court launched on July 15 at the Bellevue Regional Library to identify and address the underlying challenges to reduce recidivism. The court is a collaboration between the criminal justice system and supportive services (e.g., mental health and substance abuse treatment, human services, housing, employment). Participants cannot have a sex offender history or any violent felony convictions or current charges. There are currently approximately 20 participants. Mr. Penner said the current sentence averages 20 days, or actual jail time of 13 days with good behavior. The ordinance proposes a minimum sentence of 30 days, or actual jail time of 20 days with good behavior, and is anticipated to affect 10 percent of theft convictions.

Mr. Penner said the court might order electronic home monitoring if the sentence presents a substantial risk of mental or physical harm. He said the defendant has the burden of proving the substantial risk, which often involves a recommendation from a medical professional.

Councilmember Nieuwenhuis thanked staff for their work and noted that tonight is an opportunity to make Bellevue safer. He thanked the public for their comments and input and said that 90 percent of Bellevue residents support the proposed ordinance. He said it is important to protect jobs and retail services in the community while also keeping everyone safe. He described incidents involving repeat offenders at local retail businesses. He said overall theft increased by 45 percent from 2019 to 2024. He said he hears from residents weekly about shoplifting and other retail theft.

Mr. Nieuwenhuis said that in Marysville, more than half of the 35 repeat offenders chose to enter a treatment program instead of serving their full jail sentence. Marysville also reported a 17 percent decrease in people refusing services. He said mandatory minimum sentencing can be an effective deterrent to repeated criminal behavior. He said Bellevue must continue to build its reputation as a city that enforces the law and protects residents, workers and visitors.

Councilmember Hamilton thanked staff for their role in helping to reduce crime. He said the criminal justice system operates so well because it is carefully calibrated and each element supports the others. He said changes to one element can have an impact on the others and the system at large. He said the BPD has a crime prevention unit that successfully supports effective and fair ways to reduce crime and improve community safety. The City maintains a comprehensive crime prevention web page with a number of resources. Mr. Hamilton said the City funds numerous programs through the human services budget that contribute to enhancing public safety.

Mr. Hamilton said the BPD has been successful in fighting crime and overall crime is down 28 percent. Shoplifting is down 19 percent and car prowls are down 40 percent. He said the data proves that the BPD's critical role in reducing crime is working very well. He said recent data from the Bellevue Chamber of Commerce indicates that residents are extremely satisfied with the work of the BPD and the efforts of everyone in the criminal justice system. Mr. Hamilton said the City operates its own probation division, which is tasked with facilitating rehabilitation and enhancing community safety. He said data presented to the Council earlier this year indicated that 3.5 percent of the probation division's clients are involved in future crimes in Bellevue.

Councilmember Hamilton said prosecutors work closely with the BPD and the probation division to enforce laws, protect victims and hold people accountable for criminal behavior. He said the criminal courts play a critical role in enhancing public safety. As liaison to the Probation Advisory Board, Mr. Hamilton said he has the opportunity to interact with judges, prosecutors, public defenders, BPD personnel, City staff and community members on a monthly basis.

Mr. Hamilton said it is within this context that the Council must consider whether mandatory minimum sentencing will be helpful. He said the Council touts its commitment to data-informed decisions and high-performance government. He said there is no data to support the effectiveness of mandatory minimum sentencing. He expressed doubt that adding seven days to a shoplifting sentence will reduce recidivism.

Responding to Councilmember Hamilton, Mr. Penner said he currently seeks a 30-day sentence when he feels it is appropriate. In further response, Mr. Penner said felons and violent offenders would not qualify for the Community Court option.

Councilmember Hamilton said there is no data to support moving the ordinance forward. He said passing the ordinance would be a vote of no confidence in prosecutors, probation staff and judges. He said he would vote against the proposed ordinance. However, he is open to spending more on public safety to expand current efforts, such as the successful Stop the Lift emphasis. He suggested increasing human services funding and providing support to other elements of the criminal justice system based on data.

Mayor Robinson thanked Mr. Penner for his work and said it is good to see that crime rates are decreasing. She said she talked to the Marysville mayor, who reported a 10-20 percent decrease in repeat offenders since they implemented mandatory minimum sentencing in 2023. She said property crime has decreased 28 percent and crimes against society have decreased more than 20 percent. She said the Marysville mayor indicated that most offenders have a substance abuse problem and are required to participate in substance abuse treatment if they receive the mandatory minimum sentence. She said it is cruel to send an addicted person to jail without any treatment. She wondered how that could be addressed in the proposed ordinance.

Mr. Penner said the Marysville law directs the judge to impose at least 30 days. There is also a provision that if the defendant is willing to accept in-patient treatment, the judge is allowed to convert the jail sentence to the time spent in the treatment center. Mayor Robinson expressed an interest in including that in Bellevue's ordinance.

Mayor Robinson said emphasis patrols are very effective but they are expensive and generate a sudden increase in the police department's workload. She asked about the potential for making mental health and substance abuse treatment available while they are in jail. Mr. Penner said there is mandated treatment and available treatment. A judge cannot always order treatment but they can order an evaluation. Mr. Penner said most treatment is out-patient. Mayor Robinson said her interest is not in mandated treatment but in having mental health services available.

Deputy Mayor Malakoutian thanked his colleagues for their thoughtful comments. He thanked staff for their work on the ordinance and for responding to the Council's questions and direction. He thanked Councilmember Nieuwenhuis for bringing this topic forward and thanked members of the community who took the time to email him regarding the proposed ordinance. He said the majority of the commenters expressed support for the ordinance.

Responding to Mr. Malakoutian, Mr. Penner said that after any jail term when there is an indication of a mental health and/or substance abuse issue, the defendant will be placed on probation for two years. He said a judge will order defendants to complete any recommended treatment if they do not want to be returned to jail.

Mr. Malakoutian asked about alternatives to mandatory minimum sentencing that would reduce repeat offenders. Mr. Penner said increased funding to the police department, as suggested by Councilmember Hamiton, could provide increased patrols with more officers in retail areas.

Deputy Mayor Malakoutian said he believes the benefits of the ordinance are very clear as it sends the message that Bellevue does not tolerate repeat offenders. Responding to Mr. Malakoutian regarding any disadvantages to the ordinance, Mr. Penner said it limits discretion somewhat for prosecutors and judges. Mr. Malakoutian asked whether prosecutors distinguish organized crime from an individual stealing out of hunger or desperation. Mr. Penner said they are usually able to make that determination. He said if he had an individual in a desperate situation who did not qualify for Community Court, it would be difficult to create an outcome in which the person would not serve the 30 days in jail. He said he typically is able to come up with a way to allow the person to access the services they need so they do not reoffend.

Responding to Mayor Robinson, Mr. Penner confirmed that there are diversion options separate from Community Court. He said he does not offer those programs to people with multiple prior charges. He believes they are most effective for first-time offenders. He said he always tries to achieve the just result.

Councilmember Sumadiwiryia said that as a small business owner she has observed the effects of retail crime, including on employees and their sense of safety. She believes in accountability and also that people should have the opportunity to change and rebuild their lives.

Responding to Ms. Sumadiwiryia, Mr. Penner said prosecutors can already request a 30-day jail sentence. He said one of the potential benefits outside of his expertise is whether the ordinance will discourage offenders from coming to Bellevue. He said he hopes the ordinance will lead to a reduction in repeat offenders.

Ms. Sumadiwiryia asked about safeguards to prevent a disproportionate impact on the most vulnerable individuals. Mr. Penner said that is a frequent topic of discussion in his profession because they want to treat everyone fairly and equally under the law. He said that, with the ordinance, his office would retain some discretion about how to charge individuals. In the case of mental health or substance use issues, prosecutors look at ways to hold people accountable while also addressing their underlying issues to help prevent them from reoffending.

Responding to Councilmember Sumadiwiryia, Mr. Penner said the probation division collects data on recidivism and other indicators. He said only three percent of the individuals who engage with the probation division reoffend in Bellevue.

Councilmember Bhargava thanked staff for their work to keep Bellevue safe and for creating a thoughtful ordinance for the Council's consideration. He thanked Councilmember Nieuwenhuis for bringing this issue forward and Councilmember Hamilton for presenting an alternative view. Mr. Bhargava said that while crime is decreasing, shoplifting and theft continue to be a problem. He said he appreciated that the ordinance focuses narrowly on repeat offenders. He expressed an interest in mechanisms or tools to prevent repeat offenders from committing a third offense. He commented on the importance of supportive services to address mental health and substance use issues.

Mr. Bhargava said he was hoping for more data from the cities of Everett and Marysville. However, there are data points to suggest a reduction in crime rates with mandatory minimum sentencing in place. He expressed support for directing staff to return with an ordinance to test this approach. He said the intent is to address retail crime and the ordinance should not be used to criminalize poverty. He recommended looking at the demographic data for offenders, as well as factors such as mental illness and addiction, to better understand how they impact repeat offenders.

Councilmember Bhargava asked about the definition of substantial risk as it relates to home detention. Mr. Penner said substantial risk is a common legal term and the defense attorney must prove there is a substantial risk. He said the provision is rarely used and there are very few situations that would keep an individual from serving the mandatory minimum jail sentence. He said the defense attorney would need to show that the jail facility was not capable of addressing any specific needs. While Mr. Penner said he has never seen that happen, if the standard is met there would be a different way for the person to serve the sentence. Mr. Bhargava expressed an interest in providing economic support that might indirectly help prevent a person from reoffending.

Councilmember Lee thanked staff for the presentation. He said he has spoken with Chief Shirley in recent years regarding shoplifting and retail theft in the Factoria area. He said the BPD is sharply focused on addressing the crime as it continues to be a problem. Mr. Lee expressed support for the proposed ordinance to discourage repeat offenders. He said it is important to send the message that Bellevue holds criminals accountable.

- Councilmember Nieuwenhuis moved to direct staff to prepare an ordinance imposing mandatory minimum sentencing for repeat offenders of certain theft crimes, to include substance abuse treatment options similar to Marysville's ordinance, and to provide a 12-month update to the Council. Councilmember Bhargava seconded the motion.
- Councilmember Bhargava moved to amend the motion to include mental health treatment options as well, and Councilmember Nieuwenhuis seconded the amendment.

Responding to Deputy Mayor Malakoutian, Ms. Tanus confirmed that the Council could choose to revise the ordinance after the 12-month report and review.

- The motion to amend carried by a vote of 7-0.
- The main motion, as amended, carried by a vote of 6-1 with Councilmember Hamilton dissenting.
- 11. Land Use Reports: None.
- 12. Other Ordinances, Resolutions, and Motions: None.
- 13. Written Reports: None.
- 14. Unfinished Business: None.
- 15. New Business: None.
- 16. Executive Session: None.
- 17. Adjournment

At 9:06 p.m., Mayor Robinson declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw