

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

March 6, 2023
6:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Deputy Mayor Nieuwenhuis and Councilmembers Barksdale, Lee, Robertson, Stokes and Zahn

ABSENT: Mayor Robinson

1. Call to Order

The meeting was called to order at 6:01 p.m., with Deputy Mayor Nieuwenhuis presiding.

2. Roll Call; Flag Salute

City Clerk Charmaine Arredondo called the roll. All Councilmembers except Mayor Robinson were present. Councilmember Robertson led the flag salute.

(a) Former Councilmember Jean Carpenter Commendation

Councilmember Lee read the commendation recognizing Jean Carpenter, who served as a Councilmember from 1988 to 1991 as well as in a number of regional and local leadership and volunteer roles over many years. He noted Ms. Carpenter's professionalism, dedication and advocacy for equity and inclusion.

Ms. Carpenter's daughter, Bonnie Bizzell, thanked the Council for memorializing her mother. She noted her mother's legacy including her leadership in building a city within a park and in revitalizing the Crossroads shopping center.

Rosemarie Ives, former mayor of Redmond, said she and Ms. Carpenter were friends before either of them became involved in local politics. She said Ms. Carpenter initially served on Bellevue's Parks and Community Services Board, and both of them then served on their respective city councils. Ms. Ives praised Ms. Carpenter's ability to gain consensus among diverse interests.

Councilmember Stokes said he worked with Ms. Carpenter for a number of years when she was executive director of the Washington State PTA and he was the legislative director. Mr. Stokes said she was a wonderful, well-liked person who inspired and taught him about community service.

(b) Women's History Month Proclamation

Councilmember Zahn read the proclamation recognizing March as Women's History Month in Bellevue and encouraged everyone to observe the month with related programs, ceremonies and activities. She highlighted the role of women throughout history in the abolitionist movement, emancipation movement, labor movement, civil rights movement and peace movement. She noted that equity, access, inclusion and opportunity are core values for Bellevue.

3. Approval of Agenda

- Councilmember Barksdale moved to approve the agenda, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 6-0.

4. Oral Communications

City Clerk Arredondo reminded the public that no election-related topics may be discussed during oral communications, including promoting or opposing a ballot measure or candidate.

- (a) Jodie Alberts, Vice President of Governmental Affairs, Bellevue Chamber of Commerce, commented regarding the proposed amendments to Bellevue City Code (BCC) Chapter 9.10, Nuisances. She said Bellevue is known for being a clean, safe city, and the appearance and welcoming nature of the community is held in high regard by its residents, business community and visitors. She expressed support for adopting and enforcing regulations to address graffiti on public and private property. She said graffiti is often linked to an increase in street crime.
- (b) John Carlson, Vice President of Governmental Relations, Kemper Development Company, spoke in favor of the proposed amendments to BCC 9.10. He noted that the success of Bellevue Square, Lincoln Square and Bellevue Place is linked to the fact that they are clean and safe. He said a lack of cleanliness and upkeep in an area can contribute to an increase in criminal activity. He encouraged the City to adopt graffiti regulations. He said cleaning or painting over graffiti in a timely manner is critical to stopping the practice.
- (c) Sally Lawrence, representing Save Coal Creek, noted the group's efforts to preserve a property on Lakemont Boulevard SE and to prohibit the development of homes on the site. She said a public hearing was held before the City's Hearing Examiner on March 2 and it was well attended, both in person and online. All but one person spoke in opposition to the proposed development of homes. Ms. Lawrence said the Hearing

Examiner asked staff to post responses to tonight's questions and comments on the City's web site. Ms. Lawrence said City public works staff recently discovered an old coal mine shaft that is causing problems on a road near the proposed Isola development site. She said members of Save Coal Creek have spoken with Councilmembers about the property.

- (d) Brad Cairnes recalled that Jean Carpenter was an advocate for affordable housing. He currently lives at an affordable housing development on Factoria Boulevard SE. He said he has emailed the Council about the complex. He said there was a regulatory agreement in 2010 between the City and a nonprofit organization that he believes is involved in serious violations. Mr. Cairnes said he would like to speak with at least one Councilmember about the matter. He noted his investigation into what he believes is fraud occurring against the City at Andrew's Glen housing.
 - (e) Lara Gardner, a Lake Hills resident, encouraged the City to continue to expand bicycle infrastructure and to improve safety. She expressed concern regarding an accident involving an SUV and a scooter in which the scooter rider was seriously injured. She thanked the City for plans to provide bike infrastructure in the Spring District near light rail. However, she expressed concern that 124th Avenue NE is being widened to five lanes. She said more accidents will occur if safety is not improved.
 - (f) Warren Halverson commented about reducing crime and the fear of crime and enhancing quality of life. He described a recent burglary in his neighborhood involving a single mom in her home. He thanked the Council for adding funding to the budget last fall to hire more police officers, including for assignment to light rail stations and facilities. He asked the City to provide an update regarding the hiring process and status of the vacant positions. He thanked Councilmembers for their ongoing efforts to protect Bellevue's quality of life. He invited them to attend the City of Bellevue Police Safety Forum on March 14, 6:00-8:30 p.m., at the North Bellevue Community Center.
 - (g) Patrick Sathyanathan said he originally moved to Bellevue to work at Microsoft. He said he has had some unfortunate encounters with Bellevue police since 2018. He asked why police officers do not have body cameras. He asked about the procedure for oral communications and whether staff would respond to him.
 - (h) Joe Kunzler commented regarding the Council's rules for oral communications. He suggested the Council follow the Bellevue School Board's rules in dealing with troubled individuals. He said they trespassed an individual for six months for hate speech. He said society needs to end the current political division.
 - (i) Alex Zimmerman said he was trespassed from attending meetings of the Bellevue School Board. He noted increasing mental health issues with youth and said many teachers are leaving the profession. He suggested an investigation of the school board.
5. Reports of Community Councils, Boards, and Commissions: None.
6. Report of the City Manager: None.

7. Council Business and New Initiatives: None.

8. Consent Calendar

→ Councilmember Robertson moved to approve the Consent Calendar, and Councilmember Lee seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 6-0, and the following items were approved:

- (a) Ordinance No. 6729 amending the 2023-2024 budget to increase the appropriation to the Housing Fund by \$571,639; providing for severability; and establishing an effective date.
- (b) Ordinance No. 6730: (1) amending the 2023-2024 General Capital Investment Program (CIP) Fund by \$29,639,357 from increased property taxes for Parks capital projects approved in the 2022 Parks Levy; (2) amending the 2023-2024 General Fund by \$5,128,450 from increased property taxes for Parks maintenance funding approved in the 2022 Parks Levy; and (3) amending the 2023-2024 Parks M&O Endowment Fund by \$4,751,336 from increased property taxes for future Park maintenance funding associated with completed 2022 Parks Levy capital projects.
- (c) Resolution No. 10233 authorizing the execution of a five-year General Services Agreement with Retail Lockbox, Inc., for a three-year term in an amount not to exceed \$327,000, with a two-year renewal option, for a contract total not to exceed \$570,000, plus all applicable taxes.
- (d) Resolution No. 10234 authorizing execution of a temporary easement with Washington State Department of Transportation (WSDOT) across City of Bellevue property located at 13389 SE 36th Street, as part of WSDOT's I-90 Sunset Creek Fish Passage Project.
- (e) Resolution No. 10235 authorizing execution of two permanent sewer easements and two temporary construction easements across City of Bellevue properties in the Coal Creek Park, as well as an Agreement for Temporary Occupancy, Access, and Use with King County (County) all as part of King County's Coal Creek Trunk Line Upgrade Project.
- (f) Resolution No. 10236 authorizing execution of a labor agreement between the City of Bellevue and the Bellevue Police Management Association, representing Captains and Majors, for a three-year contract period starting January 1, 2022, and expiring December 31, 2024.

9. Public Hearing: None.

10. Study Session Items

(a) Environmental Stewardship Initiative (ESI) Quarterly Update

City Manager Brad Miyake introduced staff's update regarding the Environmental Stewardship Initiative (ESI).

Emil King, Assistant Director, Community Development Department, said the implementation of the Environmental Stewardship Plan over the past two years has been very successful. Of the 78 actions in the plan, 13 actions are yet to be initiated. The other 65 actions have been initiated, completed and/or incorporated into ongoing operations.

Mr. King said the 2023 work plan is supported by the budget approved last fall. He noted the One City approach to environmental stewardship involving a number of efforts across departments. He said the ESI program involves the City, residents, businesses and community organizations.

Jennifer Ewing, Environmental Stewardship Program Manager, said staff spent the last year laying the groundwork for items to be highlighted and improved with additional resources. The City launched new energy efficiency programs including the Clean Buildings incentive program for commercial buildings. She said benchmarks have been established for approximately 100 buildings, and 80 buildings are interested in joining in that effort.

The Energy Smart Eastside program was launched last year to focus on residential buildings. Ms. Ewing said the City received a grant from Washington State University through its community energy efficiency program. She said there are a number of incentives available for residents to enhance the energy efficiency in their homes.

Noting additional 2022 accomplishments, Ms. Ewing said the Tree Code update was launched last year and the City held its second tree giveaway event last fall. She said studies are underway to help support the periodic Comprehensive Plan Update. She said the climate vulnerability assessment will be completed this year and a study has been initiated to consider land use planning near freeways. She said the City received a grant from the Washington State Department of Commerce to support the early implementation of climate-related policies in the Comprehensive Plan update.

Ana Hagerup, Resource Conservation Program Manager, Finance and Asset Management (FAM) Department, said the City was awarded \$100,000 in grant funding in 2022 for a solar rooftop installation at City Hall. She said the City also received \$129,000 in grant funds to complete a fire station HVAC upgrade, which is reducing energy usage at that facility by 61 percent annually. The City received a grant to install electric vehicle (EV) charging stations at the Bellevue Service Center and completed a project converting BSC lighting to LED lights.

Ms. Hagerup said staff is wrapping up an audit that began in 2022 to retrofit BSC to comply with the Clean Buildings Act. The City has submitted an application for an early adopter incentive

program to offset the cost of retrofitting that building. The City is expanding the BSC solar rooftop array to create more renewable energy at that facility. Ms. Hagerup said a renewable energy micro-turbine project was completed at the Lake Hills water facility. She noted work on an engineering design for BSC and City Hall to install EV charging infrastructure. She said staff's work in 2022 was largely focused on buildings and transportation, which are the largest sources of greenhouse gas emissions. She said the City received a grant this year to purchase an electric fire engine.

Ms. Ewing highlighted the 2023 community actions work plan including air quality monitoring, Bellevue Climate Challenge, green affordable housing assistance and incentives, Wilburton EcoDistrict assessment, EV infrastructure, pedestrian-bike plan implementation, rooftop solar installations, Tree Code updates, watershed management planning, multifamily recycling programs and support of the state organics law implementation.

Ms. Hagerup said the 2023 municipal operations work plan includes items related to energy efficiency retrofits and solar energy, EV charging infrastructure, waste reduction and water conservation. She said the City will hire a project coordinator to help the BSC achieve compliance with the Washington State Clean Buildings Act. She highlighted plans to improve energy efficiency at three fire stations, including LED lighting projects.

Ms. Ewing said the City is adding resources in the Community Development Department and the FAM Department to support the implementation of the Environmental Stewardship Plan. A number of climate and sustainability topics will be addressed as part of the Comprehensive Plan periodic update including greenhouse gas emissions reduction policies, stronger policy around green building for capital facilities, environmental justice and equity, air quality, land use planning and climate resiliency.

Ms. Ewing highlighted upcoming community engagement activities including the Energy Smart Eastside home electrification webinar on March 8, ESI Town Hall on March 29, Sustainability Leaders Group meeting on March 16 and a relaunch of the Bellevue Climate Challenge.

Councilmember Barksdale thanked staff for the presentation. He suggested creating a feature on the MyBellevue app and/or City web site where people and organizations in the community can share ideas about what they are doing to address climate change. Ms. Ewing said the Bellevue Climate Challenge currently serves that purpose. As staffing increases, there will be more capacity to engage the community and facilitate enhanced interaction.

Councilmember Lee concurred with concerns from the community about the noise and pollution associated with gas leaf blowers and encouraged the use of electric leaf blowers. Ms. Ewing confirmed that the City does hear complaints about leaf blowers.

Responding to Councilmember Lee, Ms. Hagerup said staff completed the Green Fleet Strategy, which analyzed whether specific vehicles are eligible for replacement by electric vehicles. She said more EV charging infrastructure is needed to support the addition of more electric vehicles. She said the City is working with Puget Sound Energy to provide that electrical infrastructure to the BSC. She said a consultant has been hired to assist with engineering design.

Councilmember Lee expressed support for solar energy. He asked whether there is a schedule for the work plan items. Ms. Hagerup said the City secured a grant for solar equipment at City Hall. She said staff continues to track grant opportunities. Ms. Ewing said staff will explore ways to support the public in considering solar energy. Mr. Lee reiterated his interest in periodic updates regarding the work plan items.

Councilmember Zahn thanked staff for their progress in implementing the Environmental Stewardship Plan and for securing a number of grants. She said it would be helpful to have a better understanding about the percent-complete dates for work plan items. She asked whether Fire Station 10 will have net zero energy usage. She encouraged staff to engage youth in the community outreach effort.

Ms. Hagerup said the City is pursuing Leadership in Energy and Environmental Design (LEED) Gold certification for Fire Station 10. She said the City is pursuing salmon safe certification for the facility as well, which occurs during the construction process. Ms. Ewing said community outreach will be expanded as new environmental stewardship staff is added. Ms. Hagerup noted that nearly all streetlights and traffic signals in Bellevue have been replaced with LED fixtures.

Councilmember Stokes thanked staff for the thorough update and their ongoing progress. He expressed support for reviewing and updating the Tree Code. He acknowledged the challenge of addressing environmental sustainability and having to shift efforts based on changing conditions.

Deputy Mayor Nieuwenhuis thanked staff for the presentation and expressed support for the progress to date. He noted the community's interest in updating the Tree Code and preserving the tree canopy. He suggested for future updates perhaps choosing one action or component of the Environmental Stewardship Plan for a more in-depth look and discussion. He said it would be great to see more specific metrics regarding the progress in implementing the plan. He thanked staff for their hard work.

- (b) Council Direction on Code Amendments to Bellevue City Code (BCC) Chapter 9.10, Nuisances

City Manager Miyake introduced staff's presentation regarding proposed code amendments to address graffiti removal.

Liz Stead, Interim Co-Director of the Development Services Department (DSD), said the agenda memo indicated that staff would be seeking direction regarding the code amendments. However, based on conversations over the past week, staff is looking for feedback and comments to discuss the proposed amendments as well as other options.

Ms. Stead recalled that the Council raised this issue during its June 2022 retreat and requested that staff provide proposed graffiti regulations. Since last summer, staff spent extensive time researching other cities and how they handle problems with graffiti.

Jessica Nadelman, Senior Assistant Attorney, said the definition of graffiti is markings on real or personal property without the permission of the owner. The City currently displays graffiti complaints on a map in the MyBellevue app. There have been 38 complaints this year and there were 135 complaints in 2022. Ms. Nadelman noted that some of the complaints may be duplicates in terms of reporting the same location or incidence of graffiti. The City uses a removal service for graffiti on City properties. Ms. Nadelman said the Bellevue Police Department and City prosecutors enforce the crime of graffiti as a gross misdemeanor and seek to impose restitution. The City asks businesses to voluntarily remove graffiti and there is currently no civil enforcement.

Ms. Nadelman said the predominant approach in the region is to address graffiti as a public nuisance for civil enforcement. A public nuisance is something that impacts or unlawfully interferes with the comfort, health and safety of others or their property. State law gives cities the authority to eradicate and abate nuisances. Ms. Nadelman said graffiti nuisance codes require the removal of graffiti by property owners and impose penalties for non-compliance. The penalty levels and timeframes vary by jurisdiction. Additional approaches identified as part of staff's research included criminal enforcement related to the possession and purchase of graffiti tools by minors, City programs that organize volunteers to remove graffiti, and a number of civil approaches to penalty limits and voluntary compliance.

Ms. Nadelman said staff recommends the following code amendments with a 30-day effective date: 1) BCC 9.10.010, add definition of graffiti to apply to unauthorized markings visible to the public, and 2) BCC 9.10.030, amend to include graffiti as a nuisance to be enforced through BCC 1.18.

Ms. Stead said nuisances are enforced by DSD Code Compliance staff based on complaints. Examples of nuisances include RV parking in an unauthorized location, cars parked on a lawn and excessive trash. The City is successful in gaining voluntary compliance to remove the graffiti in 98 percent of the reported cases. However, penalties may be imposed if voluntary compliance is not met and the matter could be forwarded to the Hearing Examiner and potentially to Superior Court.

Implementation of the code amendments will involve public education regarding the changes and available resources, including graffiti-resistant paints. Staff determines whether graffiti is authorized and works with responsible parties to obtain voluntary compliance. The City makes referrals to social service agencies for individuals with disabilities or in need of financial assistance.

Ms. Stead requested Council feedback and direction regarding the proposed code amendments.

Deputy Mayor Nieuwenhuis thanked the Council for its support of this initiative to address increasing graffiti in Bellevue in both commercial and residential areas. He noted a location that has had graffiti for the past two years and expressed concern that the presence of graffiti tends to lead to other problems. He said the City of Seattle paints over graffiti every night and it always returns.

Councilmember Robertson thanked Deputy Mayor Nieuwenhuis for raising this issue during the Council retreat. She said it is important for people to feel safe and to take ownership of their community. She expressed support for the proposed code amendments and the public education plan. She suggested providing information to the public regarding resources and strategies, including paint and finishes that make it easier to remove graffiti. She suggested considering whether the City might help cover the cost of removing graffiti when there is voluntary compliance. She said perhaps the City could have cleaning kits that could be lent to property owners.

Ms. Robertson said that in the future, she would support legislation that would require retailers to lock up spray paint and other tools used for graffiti and to require identification before selling the items to minors. She thanked staff for their work and said she would support bringing the code amendments back on the consent calendar.

Councilmember Stokes thanked staff for the presentation. He noted an instance of graffiti on a private fence that the property owner does not want to remove because they like the graffiti. Ms. Stead confirmed that the City would send staff to respond to that type of a complaint about graffiti. Mr. Stokes expressed support for staff's recommended approach and encouraged strong public education and community involvement.

Councilmember Lee expressed support for the recommendation and the need to take action. He asked whether there are ways for the City to help victims of graffiti. He asked what the City would do if a property owner likes the graffiti and does not want to remove it. He wondered whether the City could provide incentives for property owners to remove graffiti, perhaps including assistance with the cost.

Councilmember Zahn said she hears Councilmember Lee asking who defines graffiti, and that apparently is the property owner. Referring to other approaches highlighted earlier during the presentation, Ms. Zahn suggested considering programs to organize volunteers, provide removal supplies or services and/or to offer rewards for information related to graffiti incidents. Ms. Nadelman said staff can bring back more information on those approaches. However, she indicated that those actions would not require code amendments. Councilmember Zahn expressed concern about requiring the victims of graffiti to remove it or face penalties. She wondered whether the City could require anti-graffiti paints or coatings.

Ms. Stead confirmed that staff is seeking feedback regarding both programmatic and regulatory approaches. She said she believed it would be difficult to require graffiti-resistant paint. However, it is something about which the City could provide guidance.

Councilmember Barksdale said he too is interested in exploring other approaches. He likes staff's recommendation regarding public education. He encouraged staff to ensure adequate outreach throughout the community. He asked how the City confirms whether a property owner has received notice regarding graffiti removal.

Responding to Mr. Barksdale, Ms. Stead said staff's normal practice is to contact the property owner, if possible. She said the City has never imposed penalties without first having

conversations and trying to lead property owners through compliance. For rental properties, Ms. Stead said the City's initial contact is likely to involve the tenant.

Ms. Nadel said the city code contains provisions about how to serve the responsible property owner. She said the Hearing Examiner assesses the penalties and the property owner has the opportunity to challenge those penalties.

Councilmember Barksdale opined that a property owner should be able to determine what is graffiti on their property.

Responding to Councilmember Stokes, Ms. Nadelman said the City does not currently have a mechanism to enforce graffiti removal by property owners.

In further response to Mr. Stokes, Ms. Stead confirmed that the adoption of the code amendments will add to the workload of the code compliance group.

→ Councilmember Robertson moved to direct staff to bring back the code amendments to Bellevue City Code (BCC) Chapter 9.10, Nuisances, as well as to develop an education program, and to bring back information at a later date regarding additional City programs that we could use to assist people whose property has been tagged. Councilmember Lee seconded the motion.

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

11. Land Use: None.

12. Other Ordinances, Resolutions, and Motions: None.

13. Unfinished Business: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 8:08 p.m., Deputy Mayor Nieuwenhuis declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw