

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

November 13, 2023
6:00 p.m.

Council Chambers
Bellevue, Washington

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

ABSENT: None.

REMOTE: Mayor Robinson and Councilmember Lee

1. Call to Order

The meeting was called to order at 6:02 p.m., with Deputy Mayor Nieuwenhuis presiding.

2. Roll Call; Flag Salute

City Clerk Charmaine Arredondo called the roll and all Councilmembers were present. Councilmember Stokes led the flag salute.

(a) Transgender Awareness Week Proclamation

Councilmember Barksdale read the proclamation recognizing November 13-19, 2023, as Transgender Awareness Week in Bellevue. He encouraged everyone to join in ceremonies and activities, including Transgender Remembrance Day on November 20, and to reflect on the unique identities within the community.

(b) World Day of Remembrance for Road Traffic Victims Proclamation

Councilmember Robertson read the proclamation recognizing November 19, 2023, as World Day of Remembrance for Road Traffic Victims and urged all community members to remember those impacted by traffic crashes and to consider what we all can do to improve road safety.

Deputy Mayor Nieuwenhuis acknowledged Fire and Police Chaplain Mike Ryan and representatives of Microsoft, T-Mobile, Eastside Urbanism, Hopelink, AAA Washington, Washington Physicians for Social Responsibility, Complete Streets Bellevue and the University of Washington in the audience.

Chaplain Ryan accepted the proclamation and commented on his role in working with victims of traffic accidents. He noted that 23 people have died and 211 people have been seriously injured in traffic crashes on Bellevue roads between 2013 and 2022. He described the impact of traffic fatalities on families and communities. He thanked the City for its Vision Zero efforts to achieve zero fatalities by 2030.

Councilmember Zahn welcomed Loreana Marciante from the Transportation Commission.

(c) International Men's Day Proclamation

Deputy Mayor Nieuwenhuis read the proclamation recognizing November 19, 2023, as International Men's Day in Bellevue. He encouraged everyone to appreciate and celebrate the men who contribute strength, vibrancy and leadership as we strive to be a place where each person can reach their potential.

Jimmy Singh, Vice Chair, Human Services Commission, introduced his family and thanked the Council for the proclamation. He noted that the proclamation indicates the disproportionate impact of homelessness, suicide and addiction disorder on men. He commented on the importance of male leadership with youths in the community.

3. Approval of Agenda

→ Councilmember Robertson moved to approve the agenda, and Councilmember Stokes 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 all comments must relate to City of Bellevue government. Persons speaking to items on the evening's 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.

(a) Ann Silvers said she is a counselor and thanked the Council for the International Men's Day proclamation. She said she appreciated the Council's acknowledgment of the contributions of men in our lives and our communities. Noting the statistics in the proclamation about homelessness, suicide and addiction disorders among men, Ms. Silvers said males represent the majority of individuals whose lives are cut short by what are called deaths of despair. She said our culture makes it difficult for men to ask for help.

- (b) Joe Kunzler thanked the Council for the International Men's Day proclamation. On another topics, he said he spoke to the Anti-Defamation League about an individual's repeated oral communications during Council meetings. He encouraged the Council to enforce its rules and thanked them for their public service.
- (c) Joni Vanderburg, representing Trees for Livability, encouraged the Council to maintain its focus on tree retention, stronger tree codes and the tree canopy. She expressed concern that the consideration of those topics has been delayed until early next year. She said developers are trying to remove 10-12 trees of significance, representing more than 1,000 years of tree growth, at 10316 SE 25th Street. She said developers are not replanting at the same percent of vegetation they are removing. She said the new plants often die, even before the new homeowner moves in. She said significant trees were removed at 1530 SE 25th Street and no new trees were planted. At 2403 153rd Avenue, two significant evergreen trees were removed and one maple tree was planted and has now died. At 2551 154th Avenue, two maple trees were removed and no new trees were planted. Ms. Vanderburg said she has before and after photos of all of the referenced lots. She said the City should require a permit for removal, define minimum tree density requirements, prioritize the retention of significant trees and create a clear plan for reporting and enforcement.
- (d) Sandheep Venkataraman talked about the benefits of meditation and noted a free meditation practice at locations around the world. He said meditation helps to relieve stress and lessen insomnia. He said sessions are held every Sunday morning at 8:30 AM at the Northwest Arts Center. He invited Councilmembers and residents to join them in meditating and left copies of a book for Councilmembers.
- (e) Alex Tsimerman thanked the people who voted for him as a City Council candidate. He expressed concern that more people do not vote. He commented on the ethnicity and race of certain outgoing and incoming Councilmembers.

Deputy Mayor Nieuwenhuis said that no one agrees with Mr. Tsimerman's negative comments and instead denounces his statements.

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

6. Report of the City Manager

(a) Date and Technology Accomplishments

Deputy City Manager Diane Carlson introduced a staff update regarding data analytics and technology accomplishments.

Sabra Schneider, Chief Information Officer, Information Technology Department, said the accomplishments are the result of efforts by multiple departments. She noted the Council's ongoing interest in leveraging data and technology to enhance community engagement, equity and accountability.

PJ Rodriguez, Chief Operating Officer, said interactive reports available online include the Business Survey and Performance dashboard, Environmental Stewardship dashboard and the Bellevue Performance website. The Environmental Stewardship dashboard provides the status toward achieving Bellevue's sustainability goals in five major focus areas: climate change, energy, mobility and land use, materials management, and waste and natural systems. The Bellevue Performance dashboard provides the status of key community indicators related to the Council's strategic target areas.

Mr. Rodriguez described additional community data available to the public including the Police Transparency dashboard, State of the Neighborhoods web page and the Bellevue Equity Atlas Project. The latter effort is scheduled for completion by the end of the year and provides aggregated data to help the City better understand equity impacts and policies. The Council Priorities dashboard provides information regarding the progress toward achieving goals within the strategic target areas.

Ms. Schneider announced that Bellevue received second place for the 2023 Digital Cities award from the Center for Digital Government. She said this is the sixth year in a row that Bellevue has placed within the top three cities with populations ranging from 125,000 to 249,999 individuals. She said the Council Priorities projects were instrumental in receiving this award. She said Councilmember Lee and Councilmember Zahn will accept the national award on behalf of the City at the Digital Cities dinner.

7. Council Business and New Initiatives: None.

8. Consent Calendar

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

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

- (a) Resolution No. 10316 authorizing execution of an agreement with Eastside Pathways in an amount not to exceed \$400,000, plus all applicable taxes.
- (b) Resolution No. 10317 adopting the 2023 Emergency Water Supply Master Plan to improve water distribution system resiliency.

9. Public Hearing

- (a) Public Hearing on the 2023-2024 Budget and 2023-2029 Capital Investment Program Plan Mid-Biennium Update

Deputy City Manager Diane Carlson said tonight's public hearing is an opportunity for residents and other stakeholders to provide input on the proposed mid-biennium budget update to aid the

Council in updating the 2023-2024 Budget and the 2023-2029 Capital Investment Program (CIP) Plan. She said staff is seeking Council direction to return to the November 20 Council meeting with all of the legislation needed to adopt the mid-biennium budget.

John Resha, Director, Finance and Asset Management Department, said that mid-biennium budgets are supplemental and provide an opportunity for technical adjustments and ensuring that the budget is on track with the Council's original policy direction. Mr. Resha recalled that the Council began discussing the budget on October 9 and held additional discussions on October 16 and October 23.

- Councilmember Robertson moved to open the public hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

City Clerk Arredondo said the Council did not receive any written comments regarding the public hearing.

No one came forward to comment.

- Councilmember Robertson moved to close the public hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

Responding to Mr. Nieuwenhuis, Mr. Resha said the next step in the process is to hear feedback from the Council to guide the drafting of legislation for adoption the following week.

Mr. Resha recalled that Deputy Mayor Nieuwenhuis previously asked about options for funding transportation maintenance needs. Mr. Resha said his staff worked with Transportation Department staff to develop a one-year proposal involving the shift of funds from the construction phase of a CIP project that is not yet fully funded but will retain funding for the design process already underway. The money will fund approximately \$1.65 million in transportation maintenance activities.

Evan Phillips, Budget Manager, said the proposal includes transferring \$1.65 million from project PW-R-207, which involves improvements to the intersection of 114th Avenue SE and SE 8th Street. He said the project will compete for additional dollars for construction as part of the 2025-2026 budget process. The money will fund small concrete projects, slope mowing, traffic control device maintenance, repainting lanes, paving and concrete sidewalk repairs. Mr. Phillips said staff is seeking direction about whether to include this action in the budget adjustments to be adopted the following week.

Councilmember Zahn thanked staff for working with the Transportation Department to identify an option for maintenance funding. She encouraged enhanced maintenance on bike trails.

Councilmember Stokes thanked staff for the presentation. Responding to Mr. Stokes, Mr. Resha confirmed that the adoption of the budget is completely separate from the Transportation Benefit District (TBD) discussion.

Councilmember Robertson expressed support for the proposal to fund transportation maintenance. She said the community supports bike lanes. However, many people do not want them to be provided at the expense of other travel lanes. Ms. Robertson commented on the importance of long-term transportation funding.

Councilmember Barksdale expressed support for the proposal.

Councilmember Lee concurred. He said it is important to have a sustainable funding source for maintenance activities. He agreed with Ms. Robertson's comments about the importance of long-term funding. Mr. Lee said he supports tonight's proposal. He requested consideration and scrutiny regarding better projecting and better prioritizing related to the budget, for now and into the future.

Mayor Robinson expressed support for staff's recommendation for one-time transportation maintenance funds. She said she looks forward to exploring ways to generate the funding needed to maintain infrastructure.

- Councilmember Robertson moved to direct staff to draft all of the necessary legislation for the Mid-Biennium Budget adoption for Council consideration at a future meeting, as discussed. Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

10. Study Session Items

(a) Regional Animal Services Code Update

Deputy City Manager Carlson introduced a staff update regarding the animal services code. She said King County, the City of Bellevue, and 23 other cities have an interlocal agreement (ILA) for the County to provide animal services. She said the City must update its animal services code periodically to align with state law. She said staff is seeking direction to return with an ordinance updating the Bellevue City Code to align with the King County Code.

Lacey Jane Wolfe, Assistant Director, Intergovernmental Relations, said staff is seeking Council direction to update Bellevue City Code Title 8, Animal Care and Control, by repealing certain existing chapters and sections and replacing them, by reference, with King County Code Title 11.

Ms. Wolfe recalled that Bellevue and 23 other cities established the ILA with King County in 2017. The County provides animal shelter services, licensing services and field services. The ILA requires Bellevue and other participating cities to update their city codes following an

update to Title 11 of the King County Code. The code was updated in August to align with state law standards, repeal obsolete sections, update definitions and to reorganize the code.

Ms. Wolfe highlighted one of the code changes. She said King County has now moved to using a two-tier system for animals deemed potentially dangerous or dangerous. She said most counties use a two-tier system. Owners of animals that are deemed potentially dangerous or dangerous must follow additional requirements to address controlling and restraining the animal, special licensing and other issues. Ms. Wolfe said the benefits of a regional system include cost efficiencies and consistency in regulations.

Soojin Kim, Senior Attorney, City Attorney's Office, noted that Attachments A, B and C in the agenda packet reflect the Bellevue City Code with the code language incorporated from the updated King County Code.

Ms. Wolfe requested Council direction to move forward to update the Bellevue City Code.

Deputy Mayor Nieuwenhuis expressed support for keeping Bellevue's codes consistent with county codes and state law.

- Councilmember Robertson moved to direct staff to prepare an ordinance for Council consideration at a future meeting, updating Bellevue City Code Title 8, Animal Care and Control, by repealing certain existing chapters and sections and replacing them with King County Code Title 11, incorporated by reference. Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

(b) Discussion of A Regional Coalition for Housing (ARCH) 2024 Administrative Budget and Work Program

Deputy City Manager Carlson introduced discussion regarding the ARCH 2024 Administrative Budget and Work program. She said staff is seeking Council direction to prepare legislation approving the proposed budget and work program, for Council consideration at a later date.

Emil King, Assistant Director, Community Development Department, recalled that ARCH requests approval of the budget and work program by its member cities on an annual basis. He said the administrative budget is a complement to the capital budget for projects funded through ARCH for the Housing Trust Fund. He said Bellevue is one of the founding members of ARCH. He said ARCH administers ownership and rental housing units in Bellevue. ARCH is also a key part of the City's housing stability program funded by HB 1590 revenues. Mr. King noted ARCH's planning assistance to the City when needed.

Lindsay Masters, ARCH Executive Director, highlighted elements of the ARCH 2024 administrative budget. Staffing levels remain constant to maintain programs and services and funding has been added to support legal services. The City's contribution to ARCH's budget

totals approximately \$485,060, which is 21 percent of ARCH's total budget. One of the ARCH staff positions is funded through revenues from the housing stability program.

Ms. Masters highlighted the 2024 work program priorities including: 1) implement actions and recommendations from ARCH's strategic planning process, 2) facilitate and advance proposals for dedicated revenue sources for affordable housing in East King County, 3) convene members to advance strategic legislative priorities that impact the ability of local jurisdictions to address affordable housing needs, 4) assist members with policies to reduce the cost burden in affordable housing, 5) support members with the implementation of Comprehensive Plan updates and compliance with state mandates, such as HB 1110 and HB 1220, 6) continue to provide excellent stewardship of affordable housing assets, and 7) advance the development of high-impact special projects, including transit-oriented development (TOD) and other projects on public lands.

Ms. Masters noted ARCH's work to explore policy options for dealing with rental rate increases in affordable housing.

Ms. Masters said two major affordable housing projects this year are in Kenmore (Plymouth Housing) and in Redmond, next to the light rail station. She highlighted potential housing project sites in Bellevue near light rail stations in the Spring District.

Ms. Masters said the Bellevue Housing Stability Program is in its third year of issuing requests for proposals. The RFP was issued for approximately \$10 million, and the submitted applications totaled approximately \$15 million. Ms. Masters said that funding recommendations for the Housing Stability Program will be presented during the first quarter of 2024.

Additional ARCH work program activities in Bellevue include coordinating housing data for the Comprehensive Plan update and numerous forms of technical support (i.e., affordable housing incentives, multifamily tax exemption code updates and affordable housing fee reductions). Ms. Masters said ARCH is working directly with development partners as they take advantage of incentives related to affordable housing requirements.

Deputy Mayor Nieuwenhuis thanked Ms. Masters for the comprehensive presentation and thanked the ARCH Board for all of its work on the budget and work program. He said the continued stewardship of existing housing is important. He expressed support for moving forward.

Councilmember Robertson expressed support for the information presented. She recalled that years ago, ARCH provided support, data, and management and served as a trusted advisor for the cities. However, a few years ago ARCH started becoming more of an advocate. She referred to statements on page 10 of the ARCH memo that she found troubling. She said ARCH's job is to provide support for cities versus lobbying or advocating for certain legislation.

Ms. Robertson said ARCH is changing from its role of being the trusted advisor and manager to being an advocate and a driver of policies, instead of a supporter of policies.

Councilmember Robertson recalled discussions related to inclusionary zoning and a project in Kirkland where there were questions as to whether ARCH had conducted any economic analysis of the policies that they were advocating. Ms. Robertson cautioned against the potential negative impacts of requiring affordable housing. She asked whether any economic analysis was planned for the individual markets in each city.

Ms. Masters said staff carefully considered the wording of the work program. She noted that a Councilmember mentioned that the issue of tenant protections had generated feedback from ARCH members. Ms. Masters said ARCH encourages consistent practices across the region.

Ms. Masters commented on ARCH's economic analysis approach, including in Kirkland. She said there is an increasing number of questions about overall development feasibility given the dynamics of the real estate market.

Responding to Councilmember Robertson, Ms. Masters said ARCH's approach is to determine the estimated feasibility of a prototypical development in a particular area. Ms. Masters said ARCH involved stakeholders in reviewing and refining that approach.

Mayor Robinson said ARCH has been an incredible partner with the City, especially since Ms. Masters joined the organization. Ms. Robinson said she appreciated Ms. Masters' willingness to consider innovative ways to provide affordable housing. She said the City is supporting affordable housing throughout the region. Mayor Robinson expressed support for the budget and work program.

Councilmember Lee commented on the effectiveness of ARCH over many years. He concurred with Councilmember Robertson about ARCH's original role as a trusted advisor and manager. Mr. Lee asked staff to provide information about any changes in ARCH's role. He said it is important to understand the level of ARCH's advocacy of issues. Mr. Lee said he would like further discussion. Deputy Mayor Nieuwenhuis encouraged Mr. Lee to follow up with staff for more information.

Councilmember Stokes concurred with Mayor Robinson's comments. Mr. Stokes observed that ARCH is doing more than ever in terms of getting people into housing. He said ARCH is a regional partnership. He commended City staff and discouraged getting bogged down in bureaucratic concerns. He said ARCH is well respected in the region.

Councilmember Zahn expressed support for the proposed budget and work program. She said she looks forward to the development of more affordable housing units. Regarding ARCH's role, Ms. Zahn said she sees ARCH as a convener and she is interested in the evaluation tools they are developing. Regarding claims about advocacy, Ms. Zahn said it is difficult to understand how an entity could be part of the Eastside Housing Roundtable and not be an advocate.

Regarding tenant protections for renters, Ms. Zahn said she hopes that cities can work together to develop consistent rules and regulations. She said a major focus of preventing homelessness is to ensure that fewer people are evicted.

→ Councilmember Robertson moved to direct staff to prepare legislation approving the ARCH 2024 Administrative Budget and Work Program for action at a future meeting. Councilmember Stokes seconded the motion.

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

(c) Multifamily Tax Exemption (MFTE) Code Amendments for Micro-Apartments

Ms. Carlson introduced staff's update regarding multifamily tax exemption (MFTE) code amendments related to micro-apartments.

Emil King, Planning Director, said staff is seeking direction to amend the MFTE code definition of "very small dwelling unit" from 300 square feet to 320 square feet and to change the affordability level from 45 percent of area median income (AMI) to 50 percent AMI. He said the amendments will make the MFTE code consistent with the Land Use Code.

Lucy Zappone, Senior Planner, said the MFTE program was implemented in 2015 as a voluntary affordable housing incentive for multifamily rental developments. The program provides a 12-year property tax exemption in exchange for lower affordability for 20 percent of the total units in the project. The MFTE program focuses mainly on 80 percent AMI households, with deeper affordability (less than 65 percent AMI) for units benefiting from density incentives.

Under the current MFTE code, a very small dwelling unit is defined as 300 square feet or less and affordable below the 45 percent AMI level. For projects that do not provide family-sized units, 25 percent of the units will be rented at that level.

Ms. Zappone recalled that the Micro-Apartments Land Use Code Amendment (LUCA) was adopted in June, with the goal of encouraging micro-apartment development. The definition of a micro-apartment in the Land Use Code sets the maximum size at 320 square feet. Ms. Zappone said that during the adoption of the micro-apartments LUCA, there was Council direction to analyze two potential changes to the MFTE code: 1) increase the 300 square feet MFTE size limit to 320 square feet, and 2) increase the affordability of units.

Mayor Robinson expressed enthusiasm for moving forward and noted her longtime interest in providing housing for workers earning the minimum wage in Bellevue. She thanked the Council and staff for their support of this effort.

Councilmember Stokes concurred and thanked Councilmember Robertson for advocating for the larger unit size of 320 square feet. Mr. Stokes said he looks forward to seeing more housing.

Councilmember Zahn expressed support for staff's recommendation.

Councilmember Robertson concurred.

→ Councilmember Robertson moved to direct staff to amend the MFTE code definition of "very small dwelling unit" from 300 square feet to 320 square feet and to change the

affordability level from 45 percent AMI to 50 percent AMI, and to present the issue for approval on a future consent calendar. Councilmember Stokes seconded the motion.

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

11. Land Use: 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 7:54 p.m., Deputy Mayor Nieuwenhuis declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

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