

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

March 27, 2023
6:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Robinson, Deputy Mayor Nieuwenhuis and Councilmembers Barksdale, Robertson, Stokes and Zahn¹

ABSENT: Councilmember Lee

1. Call to Order

The meeting was called to order at 6:00 p.m., with Mayor Robinson presiding.

2. Roll Call; Flag Salute

City Clerk Charmaine Arredondo called the roll and all Councilmembers except Councilmember Lee were present. Deputy Mayor Nieuwenhuis led the flag salute.

(a) Sexual Assault Awareness Month Proclamation

Mayor Robinson read the proclamation recognizing April as Sexual Assault Awareness Month in Bellevue. She encouraged everyone to join advocates and communities in taking action to prevent sexual violence and to stand with survivors.

Mary Ellen Stone, Executive Director of the King County Sexual Assault Resource Center (KCSARC), thanked the Council for the proclamation. She thanked the City for its longtime support, noting that Bellevue was one of the first cities to stand with KCSARC and to say that sexual assault is an issue we need to address. She encouraged an enhanced focus on prevention into the future.

3. Approval of Agenda

Mayor Robinson noted the addition of an Executive Session at the end of the agenda.

→ Deputy Mayor Nieuwenhuis moved to approve the agenda, amended to add Item 15(b) under Executive Session. Councilmember Stokes seconded the motion.

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

¹ Councilmember Zahn participated remotely.

4. Oral Communications

City Clerk Arredondo reminded the public that election-related topics may not be discussed during oral communications, including promoting or opposing a ballot measure or candidate.

- (a) Andrew Pardoe said he is an avid cyclist and commutes to work on his bike. He expressed concern about bikes sharing lanes with cars and recent accidents. He encouraged continued investments in bicycle and pedestrian infrastructure and facilities.
- (b) Matt Jack, Bellevue Downtown Association (BDA), expressed support for the launch of the Bike Bellevue initiative and appreciation for the City's leadership in this work. He said public engagement is an important component of this process. He said the BDA plans to launch an initiative to evaluate the downtown's multimodal system in the context of future projects and plans, with the goal of updating its own downtown access strategy. He said this is a great opportunity for the City and the BDA to collaborate and he thanked the Council for their work.
- (c) David Loudenback said he is encountering an issue with the MyBellevue app. He said when he tries to create a new request related to the Americans with Disabilities Act (ADA) and selects an address, nothing happens. He said he wanted to report crosswalks where more time is needed to cross the street. He expressed concern regarding drivers that do not stop for crosswalks.
- (d) Pearl Leung, Amazon, commented on the Bike Bellevue project principles. She thanked the City for its leadership and investments to improve pedestrian and bike safety and connectivity. She described Amazon's program to encourage employees to reduce their use of single-occupancy vehicles. Amazon's bike benefit provides free bike leasing, secure parking, preventative bike maintenance and locker and shower facilities. Ms. Leung thanked the Council for their ongoing work.
- (e) Patrick Sathyanathan recalled his past comments to the Council regarding police body cameras. He said he was glad to learn that body cameras are included in the budget. However, he has concerns about the objectivity of the office of accountability. He noted technical issues he encountered trying to use the City's online reporting system. He thanked the Council for listening.
- (f) Alex Zimmerman said there are great problems in Bellevue schools right now. He acknowledged that Mayor Robinson previously clarified that the City has no oversight over schools. However, he believes cities should be involved. He spoke in favor of free speech and said he opposes the Council's limit of 30 minutes for oral communications.

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

6. Report of the City Manager: None.

7. Council Business and New Initiatives

Mayor Robinson requested approval to attend the April 3 meeting remotely and asked Deputy Mayor Nieuwenhuis to chair the meeting that evening.

→ Deputy Mayor Nieuwenhuis moved to allow Mayor Robinson to participate remotely during the April 3, 2023 Regular Meeting, and Councilmember Robertson seconded the motion.

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

(a) Council Liaison Recommendation for Appointments to the Library Advisory Board

→ Deputy Mayor Nieuwenhuis moved to appoint Sam Fetchero to serve a partial term expiring May 31, 2025, on the Library Advisory Board. Councilmember Robertson seconded the motion.

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

→ Deputy Mayor Nieuwenhuis moved to appoint Kat Pipkin to serve a partial term expiring May 31, 2023, on the Library Advisory Board. Councilmember Robertson seconded the motion.

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

(b) Council Liaison Recommendations for 2023 Reappointments to Boards and Commissions

→ Deputy Mayor Nieuwenhuis moved to reappoint the following individuals to Bellevue Boards and Commissions, all with terms expiring on May 31, 2027:

Arts Commission – Lydia Aldredge

Environmental Services Commission – Negin Khanloo

Human Services Commission – Someireh Amirfaiz, Ted Mansfield and Angela White

Library Advisory Board – Kat Pipkin

Planning Commission – Vishal Bhargava, Carolynn Ferris and Craighton Goeppel

Transportation Commission – Karen Stash and Albert Ting

Councilmember Robertson seconded the motion.

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

8. Consent Calendar

- Deputy Mayor Nieuwenhuis 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) Council Minutes
 Minutes of March 6, 2023 Regular Meeting
 Minutes of March 13, 2023 Regular Meeting
 - (b) Motion to approve payment of claims and payroll for the period February 1, 2023 - February 28, 2023.
 - (c) Resolution No. 10238 authorizing execution of all documents necessary to implement settlement of the claim brought by Rip Johnson in the amount of \$98,518.05.
 - (d) Resolution No. 10239 authorizing execution of all documents necessary to implement settlement of the lawsuit brought by Ingrid Vimont in Vimont v. City of Bellevue et al. (King County Superior Court Cause No. 21-2-14294-6 SEA) in the amount of \$150,000.00.
 - (e) Resolution No. 10240 authorizing the execution of a Utility Construction Agreement between the Town of Hunts Point (Hunts Point) and the City of Bellevue (Bellevue) for cost reimbursements associated with the Hunts Point Lane Culvert project, for which Bellevue's responsible share shall not exceed \$248,700, plus all applicable taxes.

9. Public Hearings: None.

10. Study Session Items

- (a) Bike Bellevue Project Principles

City Manager Brad Miyake said the Bike Bellevue initiative includes projects intended to fill gaps in the City's bicycle network in the Downtown, Wilburton and BelRed neighborhoods.

Andrew Singelakis, Transportation Director, said staff is seeking approval of the Bike Bellevue project principles and direction to staff to work with the Transportation Commission to prepare recommendations for the implementation of the Bike Bellevue plan.

Franz Loewenherz, Mobility Planning and Solutions Manager, said the Bike Bellevue project aligns with the City's 2009 Pedestrian and Bicycle Transportation Plan and with the vision of a connected infrastructure network. In 2015, the Council approved program principles for the

Pedestrian and Bicycle Implementation Initiative. In 2016, the Transportation Commission endorsed the Bicycle Rapid Implementation Program. Mr. Loewenherz said the City has implemented 59 miles of bike lane projects since approval of the neighborhood transportation levy in 2016. In 2022, the Council approved the Mobility Implementation Plan, which prioritizes a multimodal approach to infrastructure development. Mr. Loewenherz said Bike Bellevue also aligns with the 2023 Vision Zero Action Plan.

Mr. Loewenherz said the Bike Bellevue initiative encompasses projects formerly referred to as part of growth corridor high comfort bicycle network implementation. Bike Bellevue is funded in the 2023-2029 Capital Investment Program (CIP) with \$4.5 million. The scope of CIP Project PW-W/B-85 is to: 1) design and implement rapid-build bicycle projects on existing streets in the Downtown, Wilburton and BelRed neighborhoods, and 2) establish a grid of safe and comfortable connections to key destinations for people of all ages and abilities.

Mr. Loewenherz said the Bike Bellevue neighborhoods collectively represent 8.5 percent of the city. However, they account for 65 percent of citywide jobs, 52 percent of citywide transit usage and 34 percent of all fatalities and serious injuries involving people walking and biking. Mr. Loewenherz said the City anticipates adding 30,000 jobs and 27,000 residents by 2025.

Mr. Loewenherz presented the project area map depicting the existing bicycle network, regional trails, transit and Bike Bellevue corridors. He said staff proposes expanded community engagement to reach out to Bellevue's diverse residents, employees and employers to ensure they have adequate opportunities to inform project design and prioritization. Staff will provide ongoing updates to the Transportation Commission. Public engagement strategies will include the Transportation Commission's process, focus groups, online engagement, public meetings, mailers and other collaborative efforts.

Mr. Loewenherz highlighted the proposed Bike Bellevue principles covering safety, connectivity, comfort, evaluation, coordination of transportation and land use issues, funding partnerships and community engagement. The evaluation principle commits to a data-informed approach to evaluate the impacts to all modes of travel and to design the program to maximize the mobility of all modes.

Mr. Singelakis said staff attempted to embed the concept of equity in all of the principles. However, staff received feedback from Eastside For All and Hopelink encouraging a separate statement on equity.

Mr. Loewenherz said staff proposes the addition of a new principle focused on equity: "Promote equity and inclusion in the development and delivery of bicycle projects. Consistent with the City's Diversity Advantage Plan, the Bike Bellevue project will center equity, access, inclusion and opportunity in project delivery."

Mr. Loewenherz said staff is seeking Council approval of the Bike Bellevue project principles.

Mayor Robinson said she began riding her bike after she was elected to the Council because she wanted to understand the needs and considerations related to decisions about bicycle facilities

and infrastructure. She thanked the public for sharing their stories and for supporting the development of the bike network.

Mayor Robinson suggested asking Sound Transit to open the Spring District pedestrian and bike routes for public use. She said they could fence off the light rail tracks without also fencing off the walking and biking routes.

Deputy Mayor Nieuwenhuis thanked staff for their work. He said it is nice to see a major east-west route with protected bike lanes. He said he looks forward to hearing about the Transportation Commission's recommendations in the future.

Responding to Mr. Nieuwenhuis, Mr. Singelakis said the separation of lanes can be done with painting and bollards. Mr. Loewenherz said staff's intent is to better understand the context along the corridors. He said greater separation will be used for higher traffic volume and higher driving speed corridors. He said the Mobility Implementation Plan will inform decisions about the degree to which separation is warranted in different locations, and the City will incorporate best practices. He noted that much progress has been made nationally in bike infrastructure and networks. He said the City will seek community input on project design refinements.

Councilmember Zahn thanked staff for the presentation. Referring to the project principles, she questioned the use of the word "comfort" when referring to bicycle lane separation from car traffic. She suggested more proactive language regarding partnerships.

Responding to Ms. Zahn, Mr. Singelakis said staff believes the Bike Bellevue project is a good candidate for federal grant funding as well as regional funding opportunities through the Puget Sound Regional Council (PSRC).

Responding to a suggestion from Mr. Loewenherz, there was a Council consensus to replace "identify" with "pursue" in the principle addressing partnerships: "Pursue partnership opportunities to advance the implementation of bicycle projects."

Mr. Loewenherz said the use of "comfort" is deliberate and speaks to the Mobility Implementation Plan, which contains at least 10 references to "comfort." He said staff wanted to align this work with prior policy direction.

In further response to Councilmember Zahn, Mr. Loewenherz said staff is thinking beyond complete streets to complete networks. Ms. Zahn said she would like the City to be positioned to pursue any grant funding available.

Councilmember Robertson said she supported the project principles, including the revisions just discussed.

Referring to the project area map, Ms. Robertson observed that there are still some missing links, including on Spring Boulevard between 124th and 130th Avenues NE. She encouraged completing the current bike network before building out the new corridors. She acknowledged the challenge of balancing the use of car lanes, bike lanes and pedestrian facilities.

Referring to the collection of data for travel modes, Councilmember Robertson said it is important to be careful to not reduce any mode to accommodate a different mode if it will negatively impact mobility as a whole. For example, Ms. Robertson said she would not be in favor of removing a bike lane, because there is too much traffic on a road, to add another car lane. She suggested that expanding the right-of-way in certain areas would help to give users of all transportation modes a better experience.

Councilmember Barksdale expressed strong support for the Bike Bellevue initiative. As a way of collecting input from the public, he suggested perhaps posting QR codes at certain points along the network that people could scan to provide feedback and suggestions.

Councilmember Stokes said he is pleased to see this moving forward. He expressed support for the enhanced language referring to equity. He concurred with Councilmember Robertson's comment about the need for facilities on Spring Boulevard.

→ Deputy Mayor Nieuwenhuis moved to approve the Bike Bellevue project principles, as amended during Council discussion, and to direct staff to work with the Transportation Commission to prepare a recommendation for implementation. Councilmember Stokes seconded the motion.

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

(b) State Legislative Update

City Manager Miyake introduced staff's mid-session state legislative update.

Genesee Adkins, Chief of External Affairs, said the Council's 2023 State Legislative Agenda approved in November is used to assess funding opportunities as they arise and to develop strategies for gaining traction on important priorities.

Ms. Adkins said this is the busiest legislative session of the past couple of decades in the areas of housing, affordable housing, land use and growth management. She said there are a number of bills addressing density, transit-oriented development (TOD) and land use permitting. She noted two funding conversations underway related to REET (Real Estate Excise Tax) legislation (HB 1628) and Governor Inslee's Housing Bond proposal (HB 1149).

Ms. Adkins said the Middle Housing bill (HB 1110) continues to be discussed and refined. She said two alternative pathways for compliance have been identified. The first allows a city to implement the bill's default density requirements for at least 75 percent of residential lots, with a number of restrictions on what may comprise the remaining 25 percent. The second pathway allows the Washington State Department of Commerce to make a determination of "substantially similar" if the City can demonstrate that the adopted zoning will result in a greater increase in middle housing production in residential zones than would have otherwise been created under strict compliance with HB 1110 itself. Ms. Adkins noted a recent revision clarifying that accessory dwelling units (ADUs) are counted as additional units on a lot.

Lacey Jane Wolfe, Assistant Director of Intergovernmental Affairs, said staff is focusing on how HB 1110 interacts with other land use bills. For example, there is a lot-splitting bill that could potentially double the total density. She said staff wants to ensure there are not additive impacts to HB 1110.

Moving to the state budget, Ms. Adkins said staff originally envisioned a request from cities for a fund in the state capital budget that would match local dollars creating affordable housing that serves households at or below 50 percent of the area median income (AMI). She said only a couple of other cities requested support for affordable housing. As a result, staff's efforts pivoted to seek funds for a couple of specific parcels for the development of deeply affordable housing. Ms. Adkins suggested that Councilmembers' involvement would be particularly helpful in advocating for the City's interests related to affordable housing funding.

Briahna Murray, Gordon Thomas Honeywell, said the feedback from capital budget writers is that they want to invest in land acquisition for affordable housing. However, they want to do so through a low-interest loan program operated through the Housing Finance Commission.

Ms. Adkins said transportation budget proposals are expected this week and Bellevue is seeking funding for the Mountains to Sound Greenway Trail and the SR 520/124th Avenue NE interchange project. For the trail, it is important to maintain sequenced funding in order for the City to be able to use federal grant funds by June 2025. The governor's proposed budget defers funding for the interchange project for 10 years. However, Ms. Adkins said it is important to keep the project on schedule for design and right-of-way acquisition during the 2023-2025 biennium.

Ms. Adkins highlighted two budget requests from the City that are expected to be included in House budget proposals: 1) Mini City Hall/Community Services Center in Crossroads shopping center, and 2) Pump Station 12 and Force Main at Lake Sammamish. Funding support for the Mini City Hall would allow it to expand and to serve more residents. The City is requesting last dollars from the state legislature to replace the pump station. Approximately \$1.03 million is included in the Proposed Senate Capital Budget for the pump station and staff is hoping to see similar support in the House.

Ms. Adkins noted upcoming committee cutoffs of March 29 for policy committees and April 4 for fiscal committees. The opposite chamber floor cutoff is April 12 and adjournment of the current legislative session is scheduled for April 23.

Deputy Mayor Nieuwenhuis thanked staff for the update. He said SB 5352 regarding vehicular pursuits by law enforcement is being watched closely by a number of cities and agencies. Ms. Adkins confirmed that this is an important bill for cities and it has moved to the House.

Ms. Murray said the vehicular pursuit bill is scheduled for a vote on March 28 in the House Community Safety, Justice and Reentry Committee and is expected to advance out of the committee without any amendments. It will go next to the House Rules Committee, where there needs to be adequate support from the House Democratic leadership to bring the bill to the floor.

for a vote. Ms. Murray said the Association of Sheriffs and Police Chiefs recently sent a letter to the state legislature indicating that if a bill is passed into law, they would like the legislature to take up additional vehicular pursuit policies in future legislative sessions.

Mayor Robinson asked whether areas with existing residential covenants would be exempt from HB 1110. She said the bill sounds like it will target certain neighborhoods and does not feel equitable. She said it seems inconsistent with the City's goal to provide affordable housing throughout the community.

Ms. Adkins confirmed that there has been discussion on that topic. While the concern has been acknowledged, legislators feel there are no legal constraints as to how the bill could retroactively impact covenants. The bill is clear in making sure that any future covenants cannot preclude missing middle housing types. Ms. Adkins said the City does not know how many properties in Bellevue have underlying covenants.

Ms. Murphy said legislators share the concern about equity. However, legal counsel determined that state law cannot change covenants because it would be a violation of contract law. Ms. Murphy said some legislators have indicated that they are skeptical about the legal opinion and would like to tackle the issue further in future legislative sessions.

Councilmember Zahn said she is currently attending the National League of Cities (NLC) conference in Washington, D.C. She said many states are having the same preemption discussion regarding zoning, including Arizona, California, Colorado and Oregon. A preemption was attempted in New Mexico and Wyoming but did not succeed.

Responding to Ms. Zahn, Ms. Adkins said an update on SB 5466 regarding transit-oriented development (TOD) is provided in the meeting packet. Ms. Adkins said the bill moved quickly out of the Senate and is receiving heavier scrutiny in the House. She said HB 1110 is focused on creating middle housing types throughout all residential areas of the community. The TOD bill focuses on high frequency, high quality transit. However, it goes into considerable detail regarding floor area ratio (FAR), parking requirements, design components, affordability and a grant program.

Ms. Adkins confirmed Councilmember Zahn's observation that there are a number of inconsistencies in definitions between the two bills. Ms. Adkins said staff has been working quite aggressively to improve SB 5466 and to structure the FAR factor to encourage developers to take advantage of affordability bonuses.

Ms. Adkins said there are different perspectives on how to define transit and whether it should apply to regular bus service versus bus rapid transit (BRT) or light rail and commuter rail. Ms. Adkins said staff has had good conversations with proponents of the TOD bill, with the Association of Washington Cities (AWC) helping as the convener of those conversations.

Councilmember Robertson said the latest version of HB 1110 incorporates the lot split legislation. She said she wanted to comment on covenants because she does not want to give the impression that all Councilmembers are in favor of removing covenants under the provisions of

the middle housing bill. Councilmember Robertson noted that covenants represent contract rights. The underlying covenant for her home indicates that she cannot split her lot or add a detached ADU on the property. She noted an interest among some residents to place covenants on their properties before the legislation is adopted. She said that neighborhoods with covenants have value and people invest in their homes in part for that reason. Councilmember Robertson said she believes the Council should not be advocating as a body to violate residents' property and contract rights.

Councilmember Robertson thanked staff for their hard work and for their well-written materials regarding the legislative session.

Councilmember Stokes expressed concern about losing opportunities to prepare for the future. He suggested that further discussion is needed to determine how the legislation might be implemented with regard to covenants. He said he did not expect legislative provisions this session that would affect covenants.

Councilmember Barksdale thanked staff for balancing all of the competing interests and for staying on top of everything going on with the state legislature. Referencing the history of housing in the state and the country, he said there are challenging issues to address to achieve equity.

- (c) Intergovernmental Affairs
[Written information only. No presentation.]

Mayor Robinson referred the Council to the meeting packet for information regarding state, federal, King County and Puget Sound Regional Council (PSRC) intergovernmental affairs.

At 7:35 p.m., Mayor Robinson declared a short break. The meeting resumed at 7:45 p.m.

11. Land Use: None.

12. Other Ordinances, Resolution, and Motions

- (a) Ordinance No. 6732 extending the life of certain complete building permit applications, complete clearing and grading permit applications, issued building permits, and issued clearing and grading permits when complete permit applications have been submitted to the City, or the issued permits remain active, between the effective date of this Ordinance and June 30, 2023; providing for an exception for civil violations; providing for severability; and establishing an effective date.

City Manager Miyake said Ordinance No. 6732 extends the life of certain building permits and clearing and grading permits. He said the proposed ordinance incorporates Council input during the March 13 meeting.

Gregg Schrader, Interim Co-Director, Development Services Department (DSD), said the ordinance extends time limits and expiration periods by 180 days for building permit and clearing and grading permit applications and issued permits. He recalled the Council's question on March 13 regarding the pros and cons of the ordinance. He said there was a Council request that the ordinance apply to new applications and permits received before June 30, 2023.

Mr. Schrader said that 9,849 projects are affected by the ordinance. He said the pros and cons come down to finding the right balance between providing better certainty for developers and implementing the changes. He said the ordinance has been amended to cover applications and permits through June 30.

Mr. Schrader recalled a Council question regarding the phasing of major projects. He clarified that this action benefits major projects that can propose a schedule for phasing.

He recalled Council direction on March 13 for staff to initiate work on a Land Use Code Amendment (LUCA) that would give the Land Use Director additional authority to extend the vesting period for certain land use approvals. He said the LUCA work is on a separate track and is moving forward. Mr. Schrader said staff is scheduling additional meetings with stakeholders to continue the public engagement effort.

→ Deputy Mayor Nieuwenhuis moved to adopt Ordinance No. 6732, and Councilmember Stokes seconded the motion.

Councilmember Zahn thanked Mr. Schrader for providing more information regarding the number of existing permits and how they will be affected. She expressed support for the motion.

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

Mayor Robinson noted that the April 10 City Council Regular Meeting has been cancelled due to Spring Break.

13. Unfinished Business: None.

14. New Business: None.

15. Executive Session

(a) Pending Litigation

(b) Property Acquisition

At 7:52 p.m., Mayor Robinson declared recess to Executive Session to discuss one item of pending litigation pursuant to RCW 42.30.110(1)(i) for approximately 20 minutes and one item of property acquisition pursuant to RCW 42.30.110(1)(b) for approximately 20 minutes. She noted the meeting would adjourn immediately thereafter.

16. Adjournment

The Executive Session concluded at 8:55 p.m. and the meeting was adjourned.

Charmaine Arredondo, CMC
City Clerk

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