

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

October 23, 2017
6:00 p.m.

Conference Room 1E-113
Bellevue, Washington

PRESENT: Mayor Stokes, Deputy Mayor Chelminiak, and Councilmembers Lee, Robertson, Simas, and Wallace¹

ABSENT: Councilmember Robinson

1. Executive Session

The meeting was called to order at 6:07 p.m., with Mayor Stokes presiding. There was no Executive Session.

2. Approval of Agenda

- Deputy Mayor Chelminiak moved to approve the agenda, and Councilmember Robertson seconded the motion.
- The motion to approve the agenda carried by a vote of 4-0²

3. Oral Communications

- (a) Alex Zimmerman expressed his dissatisfaction with city and county governments. He has submitted dozens of complaints to the City over the past several years and has never received a positive response. He sued all of the Bellevue City Councilmembers a few years ago, and the cases were dismissed. He spoke in favor of term limits for Councilmembers.
- (b) Bruce Wanta, a resident of West Lake Sammamish Parkway, said his business, Spectrum Controls, is in the BelRed corridor. He said the street is turning into a campground, which at times has spilled over onto his property. He said the City has tried to help but the car

¹ Councilmember Wallace left the meeting following Agenda Item 4(d).

² Councilmembers Lee and Wallace joined the meeting immediately after the vote.

and RV camping continues. He said the RVs are purposely positioned to block the individuals from the view of the public and police officers. Mr. Wanta said men are urinating and defecating in the street and in parking lots, and they are throwing garbage into the stream. He urged the City to take action to address the issue of car and RV camping. He submitted his comments in writing.

- (c) Bill Kirlin-Hackett, Director of the Interfaith Task Force on Homelessness, spoke to the issue of individuals living in vehicles. He said there needs to be a policy protocol and pathway for individuals to exit homelessness. He said four regional groups are working to address the homeless and vehicle residencies, including a work group at St. Luke's Lutheran Church in Bellevue. He noted that Alex O'Reilly, Associate Planner, and other Bellevue staff have participated in those work groups. Mr. Kirlin-Hackett said all cities need to work together. He noted upcoming meetings with law enforcement agencies to discuss the issues. He submitted his written comments and information on vehicle residency.
- (d) Don Marsh, President of the Coalition of Eastside Neighborhoods for Sensible Energy (CENSE), provided an update on Puget Sound Energy's Lake Hills transmission line project along 148th Avenue. He said CENSE is raising money to fund a study of automated sensors and switches that experts believe will deliver better energy reliability for a lower cost and with fewer environmental and community impacts. The estimated cost of the study is \$18,000, and approximately half has been raised to date. He asked the City to consider contributing to the cost of the study. Mr. Marsh said CENSE is attempting to convince the Washington Utilities and Transportation Commission (WUTC) that the project is not a prudent investment for ratepayers. He said there has been only one power outage in Bellevue over the past 10 years that could have been avoided by the transmission line project, and that was a voluntary outage to remove a tree branch that had fallen on a power line. Mr. Marsh encouraged the consideration of battery technologies, which do not contribute to greenhouse gas emissions. He submitted his comments in writing.
- (e) Norm Hansen, a Bridle Trails resident, commented on PSE's Lake Hills transmission line project. He recalled that the City's consultant, Exponent, conducted an electrical reliability study that led to a recommendation for a switching option in lieu of an additional transmission line [Page 49 of the Exponent report]. He said the City spent \$300,000 on the Exponent study in 2012 and should consider the report's recommendation. He encouraged the City to partner with PSE and citizens for a less expensive solution that will not destroy trees. Mr. Hansen said the City can have influence with PSE through the WUTC integrated resource plan process.
- (f) Alia Atwell said she lives near Crossroads Shopping Center. She described two individuals she knows who are living or sleeping in their cars. One individual will not accept help. The other is a young technology worker who owns a house out of the area and sleeps in his car during the week in the parking lot of his Eastside employer. She said even studio apartments are largely unaffordable. She said there is a need to help the homeless, including those who have jobs.

- (g) Steve Sanchez expressed concerns regarding vehicle residency and discouraged the use of the word “camping.” He supports efforts to regulate the activity but is concerned that the laws not prevent people visiting the area from parking their RV for a few days to visit family and friends. He said it would be good to have a way to determine whether someone is visiting from out of the area versus living in their RV or car.

4. Study Session

- (a) Council Business and New Initiatives

There was no discussion.

- (b) 2017-2018 Mid-Biennium Budget Calendar

City Manager Brad Miyake said this is the first of a number of study session discussions regarding the 2017-2018 Mid-Biennium Budget update, which is required by state law.

Finance Director Toni Call presented the budget process calendar, noting that the proposal for development services fees will be presented on November 6. The overall operating and capital budget items will be discussed on November 13, and a public hearing on the budget is scheduled for November 20. Staff requests Council action to adopt the budget on November 27.

Ms. Call said the revisions to the Mid-Biennium Budget are primarily technical in nature. Development services fees are updated annually to ensure that fees keep pace with the cost of providing plan review and permitting services. There are minor corrections to reflect the changes from assumptions originally adopted in the two-year budget for 2018. Additional changes can be made by the City Council if desired.

Deputy Mayor Chelminiak recalled that the Council periodically receives funding requests from local groups outside of the typical budget process. One example was a request presented last year by Pacific Northwest Ballet. Mr. Chelminiak said he and Councilmember Wallace have been interested in developing criteria to address unanticipated requests from community groups in the future.

Councilmember Robertson recalled that the Council previously asked staff, at her request, to evaluate the concept of parental leave. She noted that the state legislature recently approved parental leave regulations. She would like an update on the City’s evaluation and analysis.

Ms. Robertson said that, while utility rate adjustments are not involved in the mid-biennium update, she wants to revisit the rate tiers during next year’s full budget process. She said she was worried the system would penalize families, and water utility bills have increased significantly for certain households.

Responding to Mayor Stokes, Ms. Robertson said that with the tiered system, a modest increase in water usage can push a household into the higher tier, resulting in a disproportionately higher cost.

Councilmember Lee noted his ongoing interest in human capital investments.

Councilmember Wallace said his goal for the budget is to constrain spending to a reasonable amount. He concurred with Mr. Chelminiak's earlier comment regarding the need to develop criteria for evaluating unanticipated funding requests. Mr. Wallace does not want the City to be perceived as a funding source for all requests from the community.

Councilmember Robertson suggested designing a specific process for handling unanticipated funding requests as well.

Councilmember Lee said the Council does not plan increased funding in this Mid-Biennium Budget update.

Councilmember Simas concurred with Councilmembers' interest in developing a process and criteria for evaluating atypical and/or unanticipated funding requests. He said there are many organizations that contribute to the community, and he believes that government entities should assist in those efforts. He said it is important to demonstrate a clear public benefit for any proposal considered for funding.

Mayor Stokes said he wants to include flexibility in that process as well to avoid being overly rigid or missing opportunities.

(c) Land Use Code Amendment (LUCA) regarding BelRed Street Development Standards and Specific Capital Investment Program Project Designs

City Manager Brad Miyake introduced discussion regarding a Land Use Code Amendment (LUCA) necessary to reconcile a conflict between the BelRed Street Development Standards and specific Capital Investment Program (CIP) project designs. He said the conflict is a result of the timing between when the development standards were adopted and when the CIP Plan was adopted. Mr. Miyake said this issue was originally intended to be addressed as part of the BelRed Plan periodic review in 2018. However, the Council is asked to address the issue now due to the number of private land use applications that are currently in design review.

Carol Helland, Policy and Code Director, said staff has been working proactively to identify and reconcile code conflicts between the Land Use Code and adopted CIP program designs, in order to ensure clear permit requirements for projects in the BelRed area. She recalled that the BelRed Land Use Map was adopted in 2009 and included amendments to the Comprehensive Plan, the Land Use Code, and zoning. At the time, there were few streets and limited freeway access in the area. Ms. Helland said that one of the strategies to transform the BelRed area into an urban growth center was the adoption of a transportation system to add arterials and a local street grid. The transportation system is consistent with the placemaking objectives envisioned for the BelRed corridor.

Ms. Helland said the BelRed Land Use Code required on-street parking in areas anticipated to include retail and commercial frontage in order to enhance the pedestrian environment. Those on-street parking requirements applied to both the City's transportation projects and to projects

by private developers. When the Transportation Department advanced many of its project designs to incorporate light rail, pedestrian, bicycle, and other mobility enhancements, there were deviations from the general requirements of the BelRed Plan to accomplish the overall vision for the area. Those design deviations for specific City transportation projects were substantially vetted through the Transportation Commission and the City Council.

Transportation Director Dave Berg said that, when the BelRed Plan was adopted, it did not include a set footprint for NE 15th/16th Street, which is now named Spring Boulevard. The plan recognized that development would include non-motorized facilities as well, including urban sidewalks and green elements. He recalled that options for the configuration of the arterial resulted in a right-of-way as wide as 180 feet, and the design of the light rail alignment had not been completed.

Ms. Helland said the BelRed plan adopted in the Land Use Code required on-street parking on both sides of the street in one section of Spring Boulevard. When the CIP project design came forward, the original design presented to the Council with a 180-foot right-of-way was refined, by working with the Transportation Commission and the Council, to the current CIP design. The CIP project, which was finalized in 2011, does not have on-street parking on the south side of Spring Boulevard. Mr. Berg noted that Councilmember Simas was the Chair of the Transportation Commission at that time.

Continuing, Ms. Helland said the intention of the proposed Land Use Code Amendment is to recognize that certain elements of the BelRed Plan might be difficult to accomplish as engineering design moved forward. She said the proposed LUCA is an attempt to reconcile two robust processes, the development of the BelRed Plan and the broader CIP process. Ms. Helland said private developers need predictability in how to site and design their projects adjacent to public infrastructure. The current conflict between the requirement for on-street parking on both sides of the street in the BelRed Plan and CIP project designs with parking on only one side of the street needs to be reconciled for developers.

Ms. Helland said the proposed LUCA states that, when a conflict exists, the more specific CIP design adopted by the Council controls the project's development. She said this was previously identified as an issue to be addressed as part of the overall review of the BelRed Plan in 2018. However, REI's project for its headquarters in the Spring District is moving forward quite rapidly, and the on-street parking issue needs to be resolved. Ms. Helland said the issuance of REI's headquarters design review is anticipated in mid-December. Staff wants to avoid the possibility that REI will be approved for a specific design based on adjacent CIP projects that differs from the BelRed Land Use Code.

Ms. Helland said staff is requesting Council direction to initiate the Land Use Code Amendment to provide a mechanism to reconcile conflicts between the general BelRed Street Development Standards and specific CIP project designs subsequently adopted by the Council. She asked the Council to make a finding of necessity to hold the public hearing before the Council in order to allow the City to meet REI's mid-December deadline.

Responding to Councilmember Robertson, Ms. Helland said the standards applicable to public streets that are being designed through a CIP project are unique to the BelRed area because there was previously no existing street grid. Ms. Robertson questioned whether there are street standards in other parts of the city that apply to infrastructure provided by private development. Ms. Helland said there are areas, and most of those are controlled by the Transportation Code. One place where the City recently adopted street design expectations is the spine street envisioned in the Eastgate transit-oriented development (TOD). The street will be designed and constructed by a private developer, and the design must comply with the Transportation Code and standards.

Councilmember Robertson observed that it is unusual to have street standards in the Land Use Code, and Ms. Helland agreed. Responding to Ms. Robertson, Mr. Berg said the proposed LUCA does not interfere or conflict with the overall public works standards followed by the City.

Councilmember Robertson noted that amendments to the Land Use Code typically require a specific process including public engagement and environmental review. She expressed concern that allowing CIP project designs to control over Land Use Code street development standards in certain areas of Bellevue is not transparent to the public. She opined that the proposed LUCA essentially allows the Council to update the BelRed Land Use Code by adopting the budget.

Ms. Robertson said she fully supports what is needed for Spring Boulevard, which was studied by the Planning Commission, Transportation Commission, and the Council, and she wants to correct the conflict. However, she does not want this to inadvertently create a way to vary from the Land Use Code via the adoption of CIP projects in the budget. She encouraged a transparent solution and approach.

Councilmember Lee said he does not want the City to stray from the vision of the BelRed Plan and its connection between anticipated land uses and the transportation infrastructure. He expressed concern about making changes to transportation elements due to potential changes in land use.

Ms. Helland said the process to approve NE 15th/16th Street extended over approximately one year. That process involved the Transportation Commission's development of a recommendation for the City Council, which resulted in a design that was consistent with the BelRed Land Use Code. At that time, it was not anticipated that the envisioned design and transportation engineering standards would result in a 180-foot right-of-way. Staff subsequently modified the street design for the CIP project.

Ms. Helland said another possible approach to deal with conflicts between the Land Use Code and CIP project designs would be to consider amendments to the Land Use Code each time a conflict arises. She said staff could not have anticipated the conflict for Spring Boulevard until the engineering work was completed. She said staff is looking for a streamlined approach to refining affected CIP project designs.

Responding to Councilmember Lee, Ms. Helland said the original plan for NE 15th/16th Street (Spring Boulevard) was consistent with the BelRed Plan. While discussions with the Council about alternatives for the street configuration might not have specifically focused on the on-street

parking requirement, there were conversations about creating a robust pedestrian environment with green streets and wider sidewalks. That objective was accomplished in the Council's desired plan. However, it did not include on-street parking on the south side of the street. Ms. Helland noted that certain CIP projects will provide on-street parking not originally contemplated, for example along 130th Avenue.

Councilmember Simas noted that the area on Spring Boulevard currently under discussion is between 120th Avenue and 124th Avenue. He questioned whether other areas have potential conflicts.

Mr. Berg said there is an area east of that segment that, before the light rail alignment was finalized, called for on-street parking on both sides of the street. Now that light rail will be coming through the middle of the right-of-way, there are areas that do not have on-street parking. He said the CIP project designs are based on work completed after the BelRed Plan was adopted.

Responding to Councilmember Simas, Ms. Helland said the proposed LUCA presented tonight by staff indicates that CIP project design will prevail over potential conflicts with the Land Use Code. However, she acknowledged Councilmember Robertson's concern about adopting the proposed LUCA which could potentially be more broadly applied. Ms. Helland reiterated that another way to proceed would be to address cases of conflicts on an individual basis through specific Land Use Code amendments. However, she said that is a more laborious approach.

Responding to Deputy Mayor Chelminiak, Ms. Helland said the proposed LUCA is consistent with the BelRed Plan and overall vision for the area. She reiterated that there will be parking in certain areas that was not anticipated. In further response, Ms. Helland said the developer of the CIP project is the City, which has an interest in resolving the conflict and allowing REI to move forward with permitting for its new headquarters facility in the BelRed corridor. Ms. Helland said the CIP project design reflects what the Council approved in 2011.

Mr. Chelminiak noted that four of the current Councilmembers approved the Spring Boulevard plan in 2011, and Councilmember Simas served on the Transportation Commission at that time. Mr. Chelminiak said he would like to be able to be nimble in resolving this issue and to move forward as quickly as possible.

Councilmember Wallace said he does not disagree with the objective of resolving the conflict and enabling REI to move forward. However, he said he did not understand why staff was taking this path.

Responding to Mr. Wallace, Ms. Helland said there will be sidewalk-oriented frontage along the REI building, and REI will meet its commercial and retail frontage requirements. However, there will not be any street parking. Ms. Helland said the quandary is that REI's project is designed based on the language in the CIP project. However, if someone were to file an appeal, they might ask the Hearing Examiner why REI did not provide on-street parking, as reflected in the BelRed Plan/Land Use Code. She said REI will provide parking.

Councilmember Wallace said he understood the need to address the conflict in this particular situation. However, he expressed concern about a broad change that would affect future development.

Mr. Wallace noted existing code language referring to Spring Boulevard: “The Director may approve the final location of on-street parking to respond to the specific site conditions, property ownership, and phasing considerations, provided that the final locations satisfy the intent of this subsection.” Mr. Wallace questioned why that statement does not provide the needed latitude for the Director to resolve the conflict.

Ms. Helland said a similar question come up with Wright Runstad when they were developing parts of their property in the Spring District, at another location, where they are required to build local streets. Wright Runstad indicated they wanted to remove all on-street parking on one of the City’s streets. The Director’s response was that removing all on-street parking did not meet the intent of providing on-street parking. In the REI situation, on-street parking is removed from the south side of the street through the CIP project. However, the City wants to retain the authority to have some ability to ensure that the local streets are being constructed as anticipated when the City is working with private developers. Staff does not want to create a precedent that would undermine that authority in the future.

Mr. Wallace expressed concern that the Council could be approving an unknown future situation. He said he preferred to resolve the conflict only for the CIP project related to the REI development rather than giving blanket approval to every other project that might arise in the BelRed corridor.

Ms. Helland acknowledged there is a possibility that engineering work on future CIP projects will reveal other deviations from the code. To the extent that those go through the Transportation Commission and the Council again in a transparent process, she said the City might like to be able to take advantage of a broad code conflict resolution process. Ms. Helland said staff is trying to ensure that developers are not caught in the middle of two approvals due to discrepancies between the Land Use Code and a subsequent Council-specific approval. However, if the Council is not interested in that route, staff can modify the map to remove the on-street parking on the south side of Spring Boulevard and resolve the problem in that way. Responding to Councilmember Wallace, Ms. Helland said that could be done relatively quickly.

Deputy Mayor Chelminiak questioned whether that would leave the City open to a challenge that it did not meet the Land Use Code, and Ms. Helland replied that it would not.

Councilmember Wallace said he would like staff to come back with a proposed solution as soon as possible. He would prefer to address this specific situation instead of adopting more broad language as suggested by staff.

Responding to Deputy Mayor Chelminiak, Ms. Helland said Mr. Wallace’s proposed approach would involve a map change. If there are refinements in the future in that context, the City would need to process another Land Use Code amendment. Ms. Helland said the process for a map change is outlined in the Land Use Code. It is not in the Comprehensive Plan. It would

essentially be the same process that was described for the conflict resolution recommended by staff.

Deputy Mayor Chelminiak said he would prefer, rather than wait another several weeks for this, moving forward with a consideration of doing it the way it was proposed through a map amendment. He observed that both approaches will take approximately the same amount of time.

Ms. Helland said staff can provide two options and potentially combine them.

Councilmember Robertson said the proposed change is under LUC section 20.25D.010, which provides an evaluation of the entire BelRed Plan with specific exceptions identified. She does not think that is the right place for the language. If there is an amendment to the Land Use Code, she suggested amending LUC 20.25D.140A(2) as follows: “The Director may approve modifications to the local street grid in location or configuration to respond to specific site conditions, property ownership, phasing considerations, and Council-adopted CIP Plans; provided that the modified local street grid satisfies the intent of subsection A.1 of this section. ~~and meets the applicable standards below.~~”

Ms. Robertson said the change could also be reflected on the map. She said the Director already has the authority to modify the street grid, and she suggests adding location and configuration as considerations. She suggests removing the language that reads “and meets the applicable standards below” because the Director can already make the changes on that basis. She said this would avoid amending the BelRed Land Use Plan through the CIP process. Ms. Robertson said her suggestion would get to the same resolution, but it would do so in a more transparent, permanent fashion.

Ms. Robertson said she would support a motion directing staff to bring back some ideas. She said her proposal is a better strategic and targeted approach to the current matter versus amending LUC section 20.25D.010, which relates to the overall analysis of conflicts in the entire BelRed Plan.

Mayor Stokes noted the long process, including public hearings, that led to the Council’s past decisions regarding the BelRed Plan. He said he becomes concerned that sometimes the Council not only makes policy but tries to manage it and to change it to create something that takes more time to reach the same objective in the long run. He said the Council has been trying to do things in a more nimble fashion.

Mr. Stokes suggested that the conflict in this matter could have been resolved under the Director’s authority. He acknowledged that there is perhaps a more transparent way to go about this, but transparency is in the eye of the beholder. Sometimes people feel a process was not transparent if they disagree with the outcome. Mr. Stokes said the Council makes policy decisions to set the framework. Staff works through the City Manager to provide the advice and expertise to the Council and to implement policies consistent with the Council’s objectives. He said the Council sets policy but it should not determine whether the length of a curb should be 20 feet or 30 feet, for example, as long as the project meets the overall concept.

Mayor Stokes expressed support for Councilmember Robertson's suggested modification to the Land Use Code. Then the Council and staff can work to determine how to approach similar situations in the long run to avoid getting stuck in this type of discussion.

Councilmember Wallace expressed concern that Councilmember Robertson's solution grants too much discretion to the Director. Mr. Wallace suggested addressing the specific project before the Council without modifying the code language and potentially creating a significant and unknown problem for the future.

- Deputy Mayor Chelminiak moved to direct staff to initiate a Land Use Code Amendment and to make a finding of necessity to retain the authority to hold the public hearing with the City Council on the NE Spring Boulevard project, consistent with the direction given by Council, and within the parameters discussed tonight. Councilmember Robertson seconded the motion.
- The motion carried by a vote of 6-0.

(d) Potential Changes to Bellevue City Code regarding Vehicle Parking, Illegal Waste Dumping, and Public Camping

City Manager Miyake recalled that the Council requested a review of the Bellevue City Code with regard to vehicle parking, illegal waste dumping, and public camping. He said the City has received a number of complaints regarding recreational vehicle (RV) parking and the disposal of wastewater from those vehicles. He noted the Council's interest in regulating camping on public property.

Mr. Miyake noted that the agenda memo in the meeting packet includes a description of the scope and schedule for the citywide Land Use Code Amendment related to the homeless shelter. However, the shelter will not be discussed tonight.

Nancy LaCombe, Assistant Director of the City Manager's Office, recalled prior direction from the Council adopting the Eastgate LUCA on August 7 and the LUCA prohibiting safe injection sites citywide on October 16. She said public information and education materials related to panhandling have been created, as requested by the Council.

Major Carl Kleinknecht provided an update on vehicle parking enforcement. He said the City receives approximately 75 parking complaints per month, usually related to abandoned vehicles and the 24-hour parking rule. Approximately 15 percent of the complaints involve individuals living in vehicles (i.e., vehicle residences). The majority of those individuals in vehicle residences result in recurring parking complaints. The Police Department impounds an average of seven vehicles per month, and an average of one or fewer of those are a vehicle residency. A one-night count in October identified 35 vehicle residences.

Major Kleinknecht noted the existing prohibition against parking in the same location for more than 24 hours. However, "same location" is not defined and a clarification will be helpful. He said the Police Department's goal is to respond to vehicle residency situations with compassionate enforcement. When an officer is sent to respond to a complaint, an outreach

worker from Congregations for the Homeless or a field counselor from the mobile crisis team is sent as well to assess the needs of the individual or individuals living in their vehicle. He said the Bellevue Police Department collaborates with the Washington State Department of Transportation, Washington State Patrol, and King County for locations within Bellevue that are not within the City's right-of-way.

Major Kleinknecht said the Police Department follows up with civil infractions and impounds vehicles as allowed by the City's Traffic Code. The officer involved with the vehicle residency call will typically revisit the location within three days to one week later to determine whether the vehicle has moved and is in compliance with the City Code.

Steve Penner, City Prosecutor, noted the legal restrictions on the City's enforcement of vehicle residency and public camping. The 4th Amendment protects individuals from unreasonable search and seizure, the 8th Amendment addresses cruel and unusual punishment, and the 14th Amendment ensures due process and the fundamental right to travel. Mr. Penner said the 8th Amendment often applies in criminal cases, and the Ninth Circuit Court has interpreted it to apply to people who have no place to live. The Court has determined that camping by individuals cannot be criminalized unless there is someplace for them to go, such as a shelter.

Monica Buck, Assistant City Attorney, said that, based on the constitutional limitations, the City has dealt with vehicle residencies and abandoned vehicles through the civil infraction framework of the Traffic Code. Bellevue City Code 11.23.010 addresses residential parking zones, BCC 11.23.020 prohibits parking in the same public space for a period exceeding 24 hours, and BCC 11.23.022 provides time limit zones. Ms. Buck said the 24-hour rule does not specify a requirement for how far a vehicle must be moved, which makes enforcement difficult.

Ms. Buck said staff recommends that the Council modify the 24-hour rule to state that the relocation of the vehicle must be to a different named street. Staff recommends that the City continue its coordinated response with outreach workers to assess vehicle residencies, and that it initiate a public education campaign regarding the code changes. Ms. Buck said staff will monitor the impact of the code change and reevaluate parking regulations in the future if needed.

Additional options for the Council's consideration have been adopted by other cities and include parking regulations for oversized vehicles and RVs with regard to allowed parking locations and the time of day, permits for all oversized vehicles/RVs in the public rights-of-way, parking regulations for RV and car campers, and permit requirements for RV and car campers. The City of Los Angeles has identified locations where vehicle residencies are allowed and has a permitting process for those residencies.

Moving on, Ms. Buck said the City receives complaints regarding illegal waste dumping. The current code addresses infractions through the civil violation process, which was originally intended for commercial businesses that were not properly disposing their wastewater. Ms. Buck said staff recommends that the Council adopt an ordinance that would make it a criminal offense and that the City create educational information to inform the public about where to properly dispose of waste.

Ms. Buck summarized staff's recommendations to: 1) modify the 24-hour parking code to specify that the vehicle must be relocated to a different named street, and 2) change improper waste dumping to a criminal offense.

Major Kleinknecht clarified that 85 percent of parking enforcement complaints relate to improper parking by housed individuals. He said all parking must be treated the same.

Councilmember Simas said he does not want to prevent the ability of individuals who are visiting Bellevue residents to park their RVs on a street for a reasonable period of time.

Responding to Councilmember Lee, Major Kleinknecht said the Police Department does enforce the 24-hour parking rule. He said 90 percent of individuals in residential areas respond and comply with a warning. However, he acknowledged the chronic problem of RV parking and vehicle residencies along 132nd Avenue NE.

Councilmember Robertson spoke in favor of adding clarity to the 24-hour rule law. However, she expressed concern that an individual could move their vehicle back and forth within the same block. She questioned whether it would be possible to restrict parking to a certain number of total hours on a street or block. She would like to see more options from staff for Council consideration. Ms. Robertson said it is also important to ensure that the parking exception for handicapped permits is not abused.

Ms. Robertson said she is in favor of residential area parking restrictions. She suggested that the regulations should be consistent with the appropriate zoning code, which includes limitations on the lengths of stays in residential zoning districts. She wants to ensure that changes to the Parking Code are reflected in the Land Use Code as well. She wants to continue to allow individuals visiting Bellevue residents to park their RVs in the neighborhood for a specific time period.

Councilmember Simas wondered whether the 24-hour rule should be changed to a longer block of time (e.g., 48 hours or 72 hours). He said that might minimize the impact on visitors and others, while still creating a disincentive to park for weeks at a time. Major Kleinknecht said it can take an officer 3-10 days to check back on a vehicle after the tires have been marked, depending on the officer's workload. He said that expanding the rule to 72 hours could result in a longer parking period for a particular vehicle.

Councilmember Wallace questioned the Police Department's response if an individual does not move his or her vehicle. Major Kleinknecht said the police officer and outreach worker determine whether there is a scofflaw situation in which the individual chooses to ignore the law. In those situations, the Police Department will impound vehicles as a last resort, as allowed by the Bellevue City Code.

Mr. Wallace said he was not convinced that the proposed modification to parking regulations will improve the problem. Major Kleinknecht said the revised language clarifies the definition of parking in one place. Mr. Wallace expressed concern that the regulation would not prevent an individual from moving their RV back and forth between 130th and 132nd Avenues NE. He

suggested considering the establishment of two-hour parking zones during the daytime on those streets and on SE 41st Street, and allowing overnight parking.

Ms. Buck said the Transportation Department and the City Council have the authority to adopt time-restricted parking. Mr. Wallace suggested pursuing his proposed approach for a six-month trial period. He said businesses and residents along those streets should have the ability to park on their streets during the daytime, and he believes the two-hour limit would discourage vehicle residencies.

Responding to Councilmember Wallace, Major Kleinknecht confirmed that towing companies in some cities are becoming less willing to tow vehicles that have been functioning as residences due to the related expense, the potential for hazardous materials, and other issues. He said the Bellevue Police Department has not yet encountered a refusal to tow a vehicle.

Deputy Mayor Chelminiak said he would be interested in exploring Councilmember Wallace's proposal. Mr. Chelminiak suggested working with Congregations for the Homeless and the Interfaith Task Force on Homelessness to discuss that concept. He said perhaps different rules could apply for residential versus commercial streets. He noted the significant benefit of outreach efforts to determine how to help individuals. He concurred with earlier comments by Mr. Wanta that some individuals are simply defiant and that they park their RVs in a configuration to conceal themselves.

Councilmember Lee said this is a complicated issue, and he appreciates the Bellevue Police Department's compassionate enforcement approach.

Councilmember Simas expressed support for Councilmember Wallace's proposal. Mr. Simas suggested talking to business owners as well to determine the appropriate daytime parking limit.

Mayor Stokes said the objective is to move individuals to housing outside of their vehicles, and that should be the emphasis of this effort. He wondered where the vehicles would go during the daytime and whether that will cause other problems.

Councilmember Robertson stated her understanding of the Council's discussion. She hears a consensus to move forward with the 24-hour parking rule change, as well as to consider Councilmember Wallace's proposal to try parking limits during the daytime in the areas experiencing the highest number of vehicle residencies. Councilmembers confirmed her summation.

Mayor Stokes noted support as well for a public education campaign, proactive outreach, and monitoring the impact of code changes over time.

Councilmember Simas encouraged consideration of changing the 24-hour parking rule to 72 hours. He said this would provide flexibility for residents who might need to park on the street for a slightly longer period of time.

Deputy Mayor Chelminiak said he is interested in moving this forward. However, he wants the City to gather input from organizations who are familiar with the issues as well as from businesses. He does not want to create an unintended consequence. He said this is a critical component of addressing homelessness. Mr. Chelminiak said individuals living in vehicles can be referred to different types of shelters, and it is critical to have shelters available.

Ms. LaCombe acknowledged the Council's direction that staff meet with business owners and community outreach organizations for further discussion, including about the Council's conversation tonight. She will work to determine the next opportunity for staff to return with this item.

Councilmember Robertson suggested bringing the 24-hour parking rule topic back on November 20 while staff works on the other issues.

Mayor Stokes expressed concern that changing the rule to 72 hours might cause more problems. He said there needs to be a substantial change by the end of the year.

Deputy Mayor Chelminiak said other organizations are working on the issue as well, and it is a regional problem. Mr. Miyake acknowledged the Council's urgency in implementing revised regulations.

Mayor Stokes said there needs to be an honest discussion in the future about the resources to be committed to the shelter.

Councilmember Wallace suggested that starting with a six-month pilot program would be less risky and perhaps require less thorough outreach because the program would be monitored and reviewed within a relatively short time period.

Mr. Wallace asked staff to provide the case citations for the constitutional issues referenced earlier. He would like staff to provide that information on the City's website to help the public understand the legal complexities and constraints.

Moving on, Mr. Penner said public camping in parks is already a violation of the Bellevue City Code. Staff recommends extending that violation to all City-owned property, including public easements. He noted case law which prevents criminalizing sleeping on public property if there is not an alternative for the individual. He said the criminal violation must be referenced in the statute. Mr. Penner said staff recommends extending the prohibition on camping in parks to all City-owned properties and including code language that public camping will not be a crime if a shelter bed is not available.

Major Kleinknecht said the Police Department's current process for handling complaints is to respond with an outreach worker to the site and to assess the needs of the individuals who are camping. After the police issue a trespass notice, individuals typically have 48 hours to collect their belongings and to make a decision about where they will go.

Councilmember Robertson questioned whether a shelter bed would need to be available in Bellevue or elsewhere for referring individuals. Mr. Penner said the case law is not clear on that

issue. He said it makes sense to coordinate with surrounding cities to monitor shelter bed availability. He said the Union Gospel Mission in Seattle will come to the Eastside to pick up individuals. Mr. Penner said if individuals refuse to go to an available shelter, they can be arrested. Councilmember Robertson noted that an app was available following the flooding in Houston that provided real-time information about shelter availability. She suggested that would be useful in coordinating homeless shelters in this area.

Responding to Ms. Robertson, Mr. Penner said he is researching other circuit courts on the topic and will follow up with that information. However, the case law developed by the Ninth Circuit has occurred over time with opportunities for cases to have been overturned.

Councilmember Robertson said she wants to be sure that native growth protection areas (NGPAs) are included as public property.

Councilmember Wallace suggested that staff consult the Attorney General's Office to provide a legal analysis and direction for cities.

Responding to Ms. Robertson, Ms. Buck said the City already has laws prohibiting dumping waste into streams. However, code changes will address dumping onto streets and into stormwater drains.

At 8:21 p.m., Mayor Stokes declared a short break. The meeting resumed at 8:36 p.m.

(e) Regional Issues

(1) Briefing on King County Land Conservation and Preservation Initiative

City Manager Miyake introduced discussion regarding two items: 1) King County Land Conservation and Preservation Initiative, and 2) King County Solid Waste Interlocal Agreement. Council action is requested on the second item.

Joyce Nichols, Director of Intergovernmental Relations, introduced Bob Burns, Deputy Director of the King County Department of Natural Resources and Parks (DNRP) and Darren Greve, King County Land Conservation Manager. Ms. Nichols said Councilmember Slatter served on the Phase 1 Advisory Group and Mayor Stokes serves on the Phase 2 Advisory Group.

Mr. Burns said the King County Executive introduced the initiative to protect all of the remaining high conservation value lands in King County. The King County Council approved a motion in Fall 2015 asking for a work plan by Spring 2016. Staff has been implementing the work plan since that time.

Mr. Burns said King County has one of the fastest growing populations in the United States. He noted a study that concluded there is approximately \$20 billion in statewide economic activity related to parks, open space, and recreation lands. He said the highest conservation value lands left in King County are categorized as natural areas, forests, farmland, trails, and river corridors. He noted the urgency in preserving parks and open space based on increasing land values. Mr.

Burns said King County has met with all 39 cities, which resulted in creating urban green space as a sixth category of land.

Mr. Burns said King County has identified 5,400 parcels totaling 60,600 acres as conservation priorities. The land costs are estimated at \$1.35 billion. He said the County envisions acquiring those lands over the next 20-30 years. Mr. Burns said 25 cities have identified acquisition targets ranging from one acre to 459 acres. Eight cities had no identified priorities, and the County is anticipating information from the cities of Algona, Bellevue, Issaquah, Kent, Pacific, and Seattle. The 25 cities that have provided information to date reflect a total of 900 parcels totaling 2,160 acres. The first-year cost of acquisitions is estimated at \$410 million.

Mr. Burns described a pie chart depicting the available funding from King County and all of the cities for land conservation. Those dollars provide approximately two-thirds of the needed funding, with a gap of approximately \$1.3 billion over the next 20 years. Potential public funding sources to fill the gap include a bond backed by a property tax increase, a property tax levy lid lift, an increase in the Conservation Futures Tax (CFT) property tax, real estate excise tax, and adjustments to the King County Parks Levy. Private funding sources include philanthropies, environmental markets (e.g., carbon credits, water quality trading credits), and private investments. The CFT property tax increase has received the most support to date from advisory group. The CFT increase for the average home valued at \$480,000 would be \$9.50 per year.

The Phase 1 Advisory Group report issued in February 2017 requested additional staff work, including city engagement, community engagement, open space equity analysis, private funding opportunities, buildable lands impacts, parks levy planning, updating the cost/funding model, and developing targets and performance metrics. The Phase 2 Advisory Group will have two more meetings this year before submitting the final report to the King County Executive and County Council in December.

Mr. Burns said King County conducted 60 meetings with organizations and the general public. He described the open space equity analysis which uses measures related to existing open space access, health of residents, household income, racial diversity, and language diversity. He described the County's interest in identifying where inequities exist and in working with those communities and partners to identify ways that land conservation efforts can address the inequities.

Mr. Burns highlighted the buildable lands analysis process and commented on the impact of this initiative on buildable lands and the number of housing units. He said the preservation of the 60,600 acres identified to date reduces the number of potential housing units by approximately one percent.

Responding to Councilmember Lee, Mr. Burns said the County has not yet received information from the City of Bellevue regarding its acquisition priorities. Ms. Nichols said the Parks and Community Services Department has worked with the City Council through the years to understand the Council's priorities for acquisition and park development. Those priorities include improvements in the urban park system (e.g., Downtown, BelRed), greenways and corridors, neighborhood parks, and waterfront access. Staff wanted the Council to be aware of the initiative before submitting information to the County regarding the City's priorities.

Councilmember Robertson thanked staff for the presentation. She said it sounds like the initiative is headed toward another property tax increase and she is concerned that voters are reaching a limit on approving voter levies. She noted that parks and open space do not generate tax revenues and decreasing buildable lands drives up the cost of housing. Ms. Robertson referred to the map in the presentation and observed that most of the targeted property is west and south of Lake Washington. She questioned the benefit to taxpayers in East King County. Councilmember Robertson said the City of Bellevue has been responsible and effective in acquiring and developing parks and open space. She is not convinced there would be support from taxpayers in certain areas to pay for parks and open space in other areas within the region.

Responding to Ms. Robertson, Mr. Burns said the County never acquires conservation lands through condemnation.

Referring to the concept of open space equity, Councilmember Robertson suggested that the criteria for acquiring open space should primarily be focused on the quality of the land, size of the parcel, importance to the watershed, special features (e.g., water access, woods, recreation), and the location. She does not feel that certain cities' lack of investment in parks should be a primary criteria in targeting acquisitions and conservation. Ms. Robertson said she is not in favor of a countywide tax to provide parks in cities that have not made parks and open space a priority. She said it is important to recognize the impact on housing costs and taxpayer equity.

Mayor Stokes said other cities cannot necessarily afford the parks and open space found in Bellevue and similar cities. He noted that a small percentage of buildable land would be affected, but he acknowledged that the impact is important to consider.

Deputy Mayor Chelminiak said some of the areas identified with a lack of parks and open space are the airport and industrial areas in the south end of the county. He said Bellevue has benefitted a great deal from the Conservation Futures Tax. Responding to Mr. Chelminiak, Mr. Burns confirmed that approximately two-thirds of the needed funding is available through cities and the County. However, land costs will continue to increase as the plan moves forward over the next 30 years.

Mr. Chelminiak said land conservation is part of economic development. He said having urban, suburban, and rural areas makes King County attractive for businesses and for employees. He is enthusiastic about the County's plan but he understands the caution regarding the amount of property taxes people are willing to approve. He highlighted the importance of preserving the area's land, water, and air quality.

Councilmember Lee said conservation is important and Bellevue has done a good job for a long time. He noted that the Mountains to Sound Greenway is a regional asset that continues to be expanded. He expressed support for the conservation objectives and said the issues are timing and funding.

Mayor Stokes said the advisory group has discussed the challenge of the cumulative impact of multiple property taxes. He said a number of organizations and private investors are involved in

the conservation funding anticipated for the plan, which has been developed through significant study and work by King County and cities.

Councilmember Simas acknowledged the value of regional planning. However, he concurred with Councilmember Robertson's comments regarding equity and Bellevue's longtime commitment to developing parks and open space. Mr. Simas said he supports the conservation initiative. However, with many competing priorities, it might not be realistic to be able to accelerate the process.

Ms. Nichols said staff will prepare Bellevue's information for submittal to the County and continue to update the Council.

(2) King County Solid Waste Interlocal Agreement (ILA)

Ms. Nichols said staff is seeking Council action authorizing the City Manager to sign the King County Amended and Restated Solid Waste Interlocal Agreement (ILA).

Deputy Mayor Chelminiak noted that he works in the solid waste industry. However, the decision today on the ILA applies to the 2028 timeframe and he will not be working in the industry by that time. Given that, he feels comfortable participating in tonight's discussion and decision.

Ms. Nichols said staff will present information on Bellevue's interests and on changed conditions since the Council decided in 2013 to not sign the new ILA.

Alison Bennett, Assistant Director of Intergovernmental Relations, said the most significant change since 2013 was the extension of the closure of the Cedar Hills Landfill from 2023 to 2040. King County has added capacity to the landfill, which creates the lowest cost disposal option and more certainty for the City. The new ILA has a provision that all of the regional partners will get together seven years before the landfill closure to discuss what comes next. If the City is not satisfied with the outcome of those discussion, it will not be obligated to the ILA after 2040.

Ms. Bennett said the second change is that the County's new projections for tonnage and transactions are significantly higher, which is related to regional growth. The third factor is a change in King County's plans to implement demand management, which would have closed the Houghton transfer station, increased tonnage and the number of transactions to the Factoria transfer station, and extended the hours of the Factoria location. That plan would cause local traffic impacts in the Eastgate area, increased costs for northeast King County customers, and non-compliance with the Factoria station's conditional use permit (CUP).

Ms. Bennett said the City and King County established a letter of agreement earlier this year noting Bellevue's interests in cancelling demand management and not expanding the Factoria station. Bellevue encouraged King County to begin a siting process for a new northeast area transfer station. The King County Council recently adopted an ordinance committing to the following provisions: 1) cancel demand management and future expansion of the Factoria transfer station, 2) surplus the Eastgate property originally designated for expansion of the

Factoria station, and 3) add northeast transfer capacity elsewhere. Ms. Bennett said the deadline for signing the amended and restated ILA is October 31.

Ms. Nichols said Clyde Hill, Hunts Point, Medina, and Yarrow Point joined Bellevue in not signing the ILA in 2013. The City has been working with those communities and they have been offered the same agreement terms as Bellevue. Ms. Nichols said those communities have more time to decide whether to sign the agreement.

Mayor Stokes recalled that, three years ago, he served on the Regional Policy Committee and was involved in discussions about Bellevue's interests in the solid waste ILA. He said the new Factoria transfer station is very nice. He said the City reached a good agreement with King County, and he thanked staff for their work.

Councilmember Robertson recalled that the Council identified funding in the most recent budget to conduct a study of solid waste disposal alternatives for the City. She questioned the status of that work. Ms. Nichols said a preliminary analysis was completed by the Utilities Department. However, she was not aware of any further expenditure of those funds.

Ms. Robertson questioned whether the review anticipated to occur seven years before the landfill closes is adequate time to study alternatives. Based on past experience, she noted the possibility that King County will begin asking cities to sign a new ILA in 2025. Ms. Nichols said there is always the potential for that course of action. However, the improvements to the Cedar Hills Landfill preserve the lowest cost option for solid waste disposal. Ms. Nichols said the County will likely start discussions in 2030 regarding the next ILA and disposal options. She said the City will be working with the County on those issues at that time and well in advance of the ILA expiration date of 2040. Ms. Nichols said the City has the option to exit the ILA with seven years advance notice before the end of the ILA.

Councilmember Robertson noted the need to protect ratepayers. She said this has been a good process and the City achieved a more favorable ILA as a result. She thanked staff and Councilmembers for their work on this issue over recent years.

Councilmember Lee concurred that this has been a good process. He supports the concept of extending the life of the landfill as the lowest cost disposal option. He feels the City is in a good position to be able to influence future planning. He expressed support for signing the ILA.

Responding to Mr. Lee, Ms. Nichols said the City anticipates that the four communities mentioned above will sign the agreement. Mayor Stokes observed that the mayors of those communities appear pleased with Bellevue's consideration of continuing its participation in the ILA.

Councilmember Simas thanked staff for negotiating a good deal for Bellevue in a difficult situation. As liaison to the Environmental Services Commission, he said it has been interesting to learn about the issues and the ILA.

Deputy Mayor Chelminiak said King County was creative and smart in finding a way to extend the life of the landfill. He said the City was effective in working on behalf of its ratepayers, and this is a win-win for the City and the County. Mr. Chelminiak thanked King County Councilmember Claudia Balducci for her work on the solid waste ILA.

→ Deputy Mayor Chelminiak moved to authorize the City Manager to sign the Amended and Restated Solid Waste Interlocal Agreement with King County by October 31. Councilmember Simas seconded the motion.

→ The motion carried by a vote of 5-0.

5. Council Discussion of Upcoming Items: None.

6. Continued Oral Communications: None.

At 9:37 p.m., Mayor Stokes declared the meeting adjourned.

Charmaine Arredondo, CMC
Assistant Director, City Clerk's Office

/kaw