

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Special Meeting

June 4, 2020
5:00 p.m.

Virtual Meeting
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

The meeting was called to order at 5:00 p.m., with Mayor Robinson presiding.

2. Roll Call

All Councilmembers were in attendance and participating remotely.

3. Other Ordinances, Resolutions, and Motions

- (a) Resolution No. 9761 ratifying and confirming Civil Emergency Order Imposing Curfew of May 31, 2020.
- (b) Resolution No. 9762 ratifying and confirming Second Civil Emergency Order Imposing Curfew of June 1, 2020.
- (c) Resolution No. 9763 ratifying and confirming Third Civil Emergency Order Imposing Curfew of June 2, 2020.

City Attorney Kathy Gerla recalled the protests and looting in Bellevue on May 31 in the aftermath of the death of George Floyd caused by police officers in Minneapolis on May 25. While many of the individuals in Bellevue were conducting peaceful protests, others were there to take advantage of the opportunity to commit vandalism, burglaries, looting, and attacks on police officers and others.

Early in the evening of May 31, Mayor Robinson issued a proclamation declaring that a civil emergency existed within Bellevue. The proclamation remains in effect today. The Mayor has

the authority under the City Code to issue emergency orders. However, they must be presented to the City Council for ratification and confirmation or they will be void.

Ms. Gerla requested Council action to ratify and confirm five emergency orders issued by the Mayor on and since May 31. Three of the orders imposed curfews and two of the orders prohibited certain items.

Ms. Gerla said Resolution No. 9761 ratifies and confirms the first curfew order, which established a curfew from 5:30 p.m. on May 31 to 5:30 a.m. on June 1. Resolution No. 9762 ratifies and confirms the second order that established a curfew from 5:00 p.m. on June 1 to 5:00 a.m. on June 2. Resolution No. 9763 ratifies and confirms the third curfew order that established a curfew from 5:00 p.m. on June 2 to 5:00 a.m. on June 3. The curfews applied only to the downtown area.

Councilmember Barksdale said he appreciated the Mayor's leadership. He said that, in imposing curfews, it is important to be sure that the curfew is applied where there is an obvious need and/or credible threat. He cautioned against extending the curfew over multiple days. He said there is a public dialogue right now and he would like the City of Bellevue to play an active role in those discussions. Mr. Barksdale expressed support and solidarity for fighting racial and social injustice in word and deeds.

Councilmember Robertson expressed support for ratifying the curfew orders. She is pleased that the most recent curfew has been lifted. She noted that the curfews created difficulties for downtown residents and businesses. However, she said they are necessary when there is imminent danger and/or suspected or actual criminal activity.

Councilmember Stokes said he supports his colleagues' comments. He noted the challenge of balancing the protection of the public with taking action to prevent unlawful activity. He said the governor and others have raised questions regarding constitutional protection for the protesters. He suggested a future conversation about whether imposing curfews causes more problems than it solves. He said this is an opportunity to review the City Code to address related issues, including weapons. He suggested better communication with the Council regarding similar orders in the future.

Councilmember Lee said Bellevue has never experienced this level of civil disturbance, and there are a number of issues to be addressed. He said the decision to impose curfews was consistent with recommendations from the Police Chief and other staff.

Responding to Mr. Lee, Ms. Gerla said the authority given to the Mayor to declare an emergency recognizes that there is not always time to convene the City Council to address an urgent matter. However, the code requires that the City Council subsequently take action to ratify and confirm the emergency orders. Councilmember Lee said he understood the need to act quickly. He noted the importance of informing the Council and the public regarding the purpose of the curfews.

Councilmember Zahn thanked Mayor Robinson for her leadership in establishing the curfew during the emergency and in lifting the extended curfew. Ms. Zahn noted that members of the public expressed concern about the curfews. She said these are unprecedented times and it is

important to acknowledge the pain in the community and the injustice to George Floyd and many others, to allow the protesters to stand together, and to protect businesses and residents. She spoke in favor of lifting the curfew, noting that the City will continue to monitor daily risk assessments and to respond appropriately. Councilmember Zahn said that we all want justice and the protection of civil liberties. She said that black communities are fighting for their right to be treated with respect, dignity, and fairness. Ms. Zahn said it is important to continue keeping the community and the protesters safe and able to exercise their rights.

Deputy Mayor Nieuwenhuis thanked staff for the overview. He said he appreciated the Mayor's leadership and the swift establishment of the curfew on May 31 related to looting and other criminal activity. He concurred with Councilmember Stokes that it can be difficult to strike a balance between protecting the public's rights and responding to civil disturbances and unlawful activity. Mr. Nieuwenhuis said he was proud of the response by the Bellevue Police Department and the City's leadership. He expressed support for lifting the current curfew.

Mayor Robinson said she appreciated everyone's comments. She said this is a difficult and challenging time for everyone, especially with the looting and vandalism occurring while we are in the middle of a pandemic that has already caused economic and societal hardships. She said it is important to protect residents, police officers, businesses, protesters, and visitors to Bellevue.

Mayor Robinson said the curfews were established under the advisement of the City Manager, City Attorney, and the Police Chief as being in the best interest of the community. She said the City did the best it could given the information available and the objective of maintaining public safety. Ms. Robinson said she is pleased that current conditions allows the lifting of the curfew.

→ Deputy Mayor Nieuwenhuis moved to approve Resolution No. 9761, Resolution No. 9762, and Resolution No. 9763. Councilmember Lee seconded the motion.

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

(d) Resolution No. 9764 ratifying and confirming Civil Emergency Order Establishing Prohibited Items of May 31, 2020.

(e) Resolution No. 9765 ratifying and confirming the Second Civil Emergency Order Establishing Prohibited Items of June 1, 2020.

City Attorney Gerla said that Resolution No. 9764 and Resolution No. 9765 relate to the prohibition of certain weapons and items that could be used as weapons. The City Code authorizes the Mayor, during a proclaimed emergency, to issue orders that prohibit the carrying of instruments that are capable of producing bodily harm and are possessed with the intent to cause harm. The orders allow the Police Department to seize or confiscate items that are intended to be used to cause injury to people or property before a crime is committed. Without the orders, the police must wait until a crime is committed (e.g., the use of a bat to break windows).

Resolution No. 9764 ratifies and confirms the first prohibited items order that was in effect from 10:15 p.m. on May 31 until 5:30 p.m. on June 1. Resolution No. 9765 ratifies and confirms the

second order, which superseded the first order in establishing prohibited items and remains in effect today. Ms. Gerla said the order applies to the downtown and to other commercial and office areas throughout the community. The order prohibits the possession of certain items in public that can inflict bodily harm or property damage, if the police determine that the person is possessing the item with the intent to cause harm.

Councilmember Robertson expressed support for ratifying the two prohibited items orders. She said she knows there have been concerns from the public about their ability to protect themselves. She said the order applies only to carrying certain items in public and does not restrict the presence of firearms in a person's home. Ms. Robertson said that a number of items (e.g., rocks, bats, etc.) were used to cause property damage and to attack police officers.

Councilmember Zahn thanked Ms. Gerla for the thorough explanation and for clarifying the order for the public. Ms. Zahn expressed support for the two resolutions.

Councilmember Lee concurred with Ms. Zahn's comments and expressed support for the resolutions.

Deputy Mayor Nieuwenhuis thanked everyone for their work and expressed support for moving forward.

Councilmember Stokes acknowledged that things were happening very quickly. However, he suggested it would have been helpful for the Council to receive information about the order and the rationale when it was initially established.

Councilmember Barksdale expressed support for the resolutions.

Mayor Robinson thanked her colleagues for their confidence in her and City staff. She said she was not aware of the information that was being communicated to all Councilmembers as the events unfolded. She is pleased to see that peaceful protests have continued throughout Bellevue.

→ Deputy Mayor Nieuwenhuis moved to approve Resolution No. 9764 and Resolution No. 9765. Councilmember Stokes seconded the motion.

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

4. Adjournment

At 5:31 p.m., Mayor Robinson declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw