

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

September 20, 2021
6:00 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 6:00 p.m., with Mayor Robinson presiding.

2. Roll Call; Flag Salute

City Clerk Charmaine Arredondo called the roll. All Councilmembers were present and participating remotely. Deputy Mayor Nieuwenhuis led the flag salute.

(a) World Alzheimer's Day Proclamation

Councilmember Robertson read the proclamation recognizing September 21, 2021, as World Alzheimer's Day in Bellevue, and urged all residents to join in this observance and to learn about this disease and ways to get involved by visiting ALZWA.org.

(b) National Adult Education and Family Literacy Week Proclamation

Councilmember Stokes read the proclamation recognizing September 19-25, 2021, as National Adult Education and Family Literacy Week in Bellevue and urged everyone to support Literacy Source, Hopelink, Bellevue College and others who make literacy a priority.

3. Approval of Agenda

→ Deputy Mayor Nieuwenhuis moved to approve the agenda, and Councilmember Stokes seconded the motion.

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

4. Oral Communications

- (a) Billy Hetherington, Laborers Local Union 242, thanked Councilmember Barksdale for initiating discussion regarding the creation of an apprenticeship utilization policy and program. With all of the construction and infrastructure projects, there is a need for skilled laborers, and apprenticeship programs provide training and access to high-wage careers. He said that implementing an apprenticeship program for the City's large infrastructure projects provides opportunities for employment and advancement. He said the cities of Federal Way, Kent, Shoreline and others have recognized the value of an apprenticeship program.
 - (b) Monty Anderson encouraged the City to create an apprenticeship program to provide opportunities for learning a skilled trade. He said the average age of an apprentice has increased from 19 years old to 28 years old. He said people who have college degrees, and potentially student loan debt, as well as people moving out of the military or prison, represent a growing number of people in their late 20s who are looking for a livable wage, health care, and other benefits. He thanked the Council for considering an apprenticeship program.
 - (c) Santos Luera, a member of Laborers Local Union 242, said he did not know what he would do after being released from prison in 2017. He met his wife and moved to Bellevue where he learned about the PACE (Pre-Apprenticeship Construction Education) program. Upon completion of the 11-week program, he was able to apply for apprenticeships through local unions and he is now a journeyman. He said he lives in the Lake Hills area and is grateful to have the opportunity to send his son to great schools. He said the neighborhood is diverse and welcoming. He said he supports apprenticeship programs because he never dreamed of having this opportunity and support from the community.
 - (d) Addie Smith recalled that she spoke to the Council on September 13 and identified herself as a hate crime survivor who lives on Mercer Island. She said she went to the district court before Judge Marcus Naylor and petitioned for an order of protection against a white woman who has been attacking her and her daughter. She said Judge Lisa O'Toole has also failed to protect them. She said it is important to ensure that the judges are not reelected. She said when she went to the police for help, she was arrested.
5. Reports of Community Councils, Boards, and Commissions: None.
6. Report of the City Manager

City Manager Brad Miyake said Amazon announced that it is making a \$7.5 million investment in the Wilburton trestle renovation and nearby Wilburton trail. He said the project is part of the development of King County's 42-mile Eastrail.

Mayor Robinson indicated that she, Councilmember Lee, Councilmember Stokes and Councilmember Zahn attended the press conference earlier in the day where Amazon made the announcement.

7. Council Business and New Initiatives

(a) Interest in Apprenticeship Utilization Policy and Program

Councilmember Barksdale thanked the earlier speakers for their comments in support of an apprenticeship program. Noting the City's efforts to address the need for affordable housing, he said there are additional ways to help individuals in the community to earn a living wage and to become economically mobile. He said there are apprenticeship requirements attached to certain state and federal funding. However, the City does not have apprenticeship requirements for projects that are not using state or federal funding. Mr. Barksdale said he is interested in learning what questions Councilmembers would like to be considered as part of his research into the potential for an apprenticeship program and policies. He said his purpose tonight is to solicit Council input. He is not requesting staff involvement at this point.

Councilmember Zahn thanked Councilmember Barksdale and the public speakers for initiating consideration of this important topic. Ms. Zahn expressed an interest in what the City might already be doing because it does have projects that receive grant funding. She is interested in what it would take to develop and implement an apprenticeship program. She said she would also like to learn about opportunities for partnerships, potentially through the Bellevue School District's STEM program. She encouraged moving forward as quickly as possible to explore the proposal.

Councilmember Lee said he has always believed that apprenticeships are an important part of workforce development, economic development, and career opportunities. He noted that educational opportunities for gaining technical skills and learning a trade have decreased over the years. He said workforce training and development are more important than ever as the economy recovers from the impacts of the pandemic. He said the City has explored the issue in the past. Mr. Lee said he would like to learn more about apprenticeship utilization and the potential role for the City.

Responding to Mayor Robinson, Mr. Barksdale said his interest is in a skilled labor apprenticeship program that is not necessarily restricted to the construction industry.

Councilmember Stokes said the City has explored the concept of an apprenticeship program in the past. He said he was inspired by the earlier comments about the value of such a program. He said this is consistent with the City's goals regarding affordable housing and homelessness as many people are in need of skills to qualify for a job with a living wage. He said he is interested in learning more and in developing a program to move this initiative forward. He thanked Councilmember Barksdale for his suggestion and expressed his strong support.

Mayor Robinson wondered how this would affect minority owned small businesses that do not employ union labor. She concurred with Councilmember Zahn's suggestion about partnering with the school district and Bellevue College. She agreed with Councilmember Stokes' comments about the need for opportunities to earn a living wage. She said there is a significant

need for skilled labor. Mayor Robinson said one thing people often ask is how apprenticeship utilization requirements affect construction costs.

Deputy Mayor Nieuwenhuis thanked Mr. Luera for sharing his story and noted that he too lives in the Lake Hills area. Mr. Nieuwenhuis expressed support for exploring the issue and noted that he has been a fan of apprenticeship programs for a long time. He concurred with suggestions for partnerships with schools and colleges. He acknowledged Councilmember Stokes' observations about the link between apprenticeships with a living wage and the City's goals related to affordable housing and preventing and addressing homelessness.

Responding to Mr. Nieuwenhuis, Councilmember Barksdale asked Councilmembers to provide any additional input by next Monday.

8. Consent Calendar

- Deputy Mayor Nieuwenhuis moved to approve the Consent Calendar, and Councilmember Robertson seconded the motion.
- The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:
 - (a) Motion to approve payment of claims and payroll for the period August 1, 2021 - August 31, 2021.
 - (b) Ordinance No. 6603 amending the Bellevue City Code (BCC) Sections 4.09.077, 4.09.090, and 4.09.100 and establishing an effective date.
 - (c) Ordinance No. 6604 amending the Bellevue City Code (BCC) Sections 4.09.050, 4.09.090 and 4.09.100 and establishing an effective date.
 - (d) Resolution No. 9992 authorizing execution of a five-year lease agreement between Terranomics Crossroads Associates and the City of Bellevue for the Bellevue Police Community Substation at Crossroads Shopping Center.
 - (e) Resolution No. 9993 authorizing the purchase and installation of play equipment from Landscape Structures, Inc. for the playground at Spiritridge Park, in an amount not to exceed \$148,823.20 plus all applicable taxes.
 - (f) Resolution No. 9994 authorizing the purchase and installation of two vehicle and heavy equipment lift systems from Stertil-Koni USA, Inc., for the City's fleet maintenance and repair facility, in an amount not to exceed \$420,280, plus all applicable taxes.
 - (g) Resolution No. 9995 authorizing execution of an agreement with Northwest Lift & Equipment LLC, to perform construction activities in preparation for the installation of two vehicle and heavy equipment lift systems at the City's fleet

maintenance and repair facility, in an amount not to exceed \$250,000, plus all applicable taxes.

- (h) Resolution No. 9996 authorizing the purchase and installation of play equipment and the purchase of two picnic shelters from Northwest Playground Equipment, Inc. in the amount of \$379,824.14, plus all applicable taxes, for the new neighborhood park in the Newport Hills Neighborhood.
- (i) Ordinance No. 6605: 1) authorizing execution of a grant agreement (and supplements if necessary) with the Washington State Department of Transportation (WSDOT) to accept up to \$790,000 in federal Safe Routes to School (SRTS) Program funding to support the construction of the NE 18th Street and 21st Street Safe Routes to School (SRTS) Project; 2) amending the 2021-2022 General Capital Investment Program (CIP) Fund to increase the appropriation by \$790,000; and, 3) amending the 2021-2027 CIP Plan to increase the budget for the Neighborhood Sidewalks Program (CIP Plan No. PW-W/B-76) by \$790,000. This project is partially funded by the Neighborhood Safety, Connectivity and Congestion Levy (CIP Plan No. PW-R-199).
- (j) Resolution No. 9997 authorizing the execution of a Professional Services Contract with MacDonald-Miller, Inc. for engineering services to develop and administer the Clean Buildings Act Technical Support program, in an amount not to exceed a contract total of \$250,000, plus all applicable taxes.

9. Public Hearings: None.

10. Study Session

- (a) Update on Police Use of Force Department Policies

City Manager Miyake introduced staff's update regarding the Bellevue Police Department's implementation of the recommendations from the Office of Independent Review (OIR) regarding police use of force policies. The OIR report was presented to the Council on April 12, 2021, and the first quarterly progress report was provided on June 21, 2021.

Interim Police Chief Wendell Shirley recalled that the Council Pledge was adopted on June 11, 2020, following the murder of George Floyd on May 25, 2020 by a Minneapolis police officer, as well as numerous other incidents involving police officers and black people that raise serious concerns. The purpose of the Council Pledge was to review police use of force policies, engage the community to gather a diverse range of input and experiences, report the findings of the review to the community for feedback, and to reform police use of force policies as appropriate. Public input was solicited through a number of online listening sessions as well as opportunities to comment via the City's web site. The draft OIR report was released for public comment in February 2021 and, after incorporating the overall feedback from more than 1,000 individuals, the final report was published in April 2021.

Chief Shirley recalled that on June 21, 2021, Deputy City Manager Nathan McCommon and former Police Chief Steve Mylett presented a plan for reviewing and implementing the OIR report's recommendations through 2022. At that time, seven of the 47 recommendations had been reviewed and incorporated into the police department's policy manual. One of the recommendations stated that the police department should finalize its de-escalation policy. Chief Shirley said the department has been training and using de-escalation tactics for years, and a formal written policy has been developed as a result of the OIR recommendations.

Chief Shirley highlighted some of the additional 13 recommendations that have been implemented since the end of June. Recommendation 2 from the OIR report stated that Bellevue Police Department should incorporate the concept of proportionality into its use of force policy. A recent change in state law indicates that the force used by an officer must balance the severity of the crime with the immediacy and danger to the officer, while still being reasonable and necessary. Recommendation 8 stated that the department's policy language should clearly advise officers of a duty to intervene when they observe an officer using unreasonable or excessive force. Recommendation 9 addresses the duty to report when another officer uses unreasonable force or when an officer intervened to prevent another officer from using unreasonable force.

Responding to Recommendation 13 from the OIR report, the police department amended its policies to include a requirement that officers provide a warning before using deadly force, when feasible. Chief Shirley said, pursuant to Recommendation 15, the police department removed from its policy manual the use of a neck hold as an authorized force option. Recommendation 40 advised that the police department should regularly publish on its web site its use of force data including the type of force used, demographic characteristics of individuals involved in incidents, and the extent to which alcohol, drugs or a subject's mental health status played a role in the incident.

Chief Shirley said the majority of the recommendations implemented during the past quarter are consistent with recent police reform legislation that went into effect on July 25, 2021. Nine recommendations are in the final review stage and they primarily address less lethal force options (e.g., tasers). The Bellevue Police Department has implemented 42 percent of the OIR recommendations to date and anticipates implementing up to 62 percent of the recommendations by January 2022.

Moving to the issue of body worn cameras, Chief Shirley said there was unanimous agreement among those surveyed that police officers should be equipped with cameras. He said an administrative team continues to evaluate the recommendation and will hold community engagement and feedback sessions. One benefit of body worn cameras is that it will assist in fulfilling the state mandate that all interrogations of juveniles and felony suspects be electronically recorded, both audio and video. That law goes into effect on January 1, 2022 and the Bellevue Police Department would like to implement body worn cameras in early 2022.

Chief Shirley said that all of the recommendations that have been incorporated into the police department's policies are in alignment with the current accreditation standards of CALEA (Commission on Accreditation for Law Enforcement Agencies). The Bellevue Police Department has maintained its accreditation since 2005.

As part of the police department's commitment to community transparency and engagement, Chief Shirley said they will continue to update the community regarding the status of the OIR recommendations. The department will also continue discussions with local groups representing communities of color.

Sergeant Joe Engman said the police department has been working with information technology staff to create a new police transparency data portal by early 2022. The data portal will provide real-time crime and use of force data as well as analytical tools and maps. He said the department will communicate outreach efforts, enlist the public's help, and alert members of the community about upcoming events or policing programs that might directly affect them. The data portal will also allow the public to complete a survey regarding any contacts they have with individuals from the Bellevue Police Department.

Chief Shirley said it is clear that communities across the country, especially communities of color, are demanding changes to law enforcement policies, procedures and practices. He noted his commitment to community policing and to ensuring that everyone feels safe and welcomed and is treated with respect and dignity.

Councilmember Barksdale thanked staff for the update and expressed support for the data portal to be accessible to the public. He thanked Chief Shirley and the police department for their community outreach and engagement.

Councilmember Robertson said she is pleased with the steady progress on the implementation of the recommendations from the OIR report. She expressed support for body worn cameras and dash cameras. She said cameras are important for both transparency and the protection of the men and women in the Bellevue Police Department. She noted she has a brother who is a police officer. On the first day that he used a body worn camera, a car that he had stopped backed over his motorcycle and it was all captured on the video recording.

Mayor Robinson thanked Chief Shirley and Sergeant Engman for the update and for their comments about wanting everyone in Bellevue to feel welcome, safe and respected. Responding to Ms. Robinson, Chief Shirley confirmed that the duty of loyalty policy has been eliminated based on Recommendation 10 in the OIR report. Mayor Robinson acknowledged the danger of police work and thanked them for all they do for the community.

Deputy Mayor Nieuwenhuis thanked Chief Shirley for the progress to date on the OIR recommendations and stated that the entire Council fully supports the police department. Responding to Mr. Nieuwenhuis, Sergeant Engman said the frequency of updating information on the data portal depends on the type of data. For example, the use of force data will be updated monthly or quarterly. He said there are typically 10-12 use of force incidents per month, and most of those involve using physical restraint to place someone under arrest (e.g., handcuffs).

In further response to Deputy Mayor Nieuwenhuis, Chief Shirley said that comments received from the public through the online survey on the data portal will be analyzed and addressed to provide better service to the public. Mr. Nieuwenhuis expressed support for body worn cameras.

Councilmember Stokes thanked the police department for embracing the review and for working to implement the recommendations within a relatively short period of time. He said the Bellevue Police Department has an outstanding reputation. He commented that the CALEA requirements and the OIR review and implementation complement each other. He concurred with Mayor Robinson's comment regarding the police department's commitment to making Bellevue a safe and welcoming place. He expressed support for addressing proportionality in the police use of force policy.

Councilmember Lee thanked Chief Shirley and the police department for their responsiveness to the OIR recommendations. Mr. Lee acknowledged that many of the practices have been in place for some time. However, they had not all been formalized in written policies. Responding to Mr. Lee, Chief Shirley said the department is committed to community engagement and involvement. Chief Shirley said it has not yet been determined whether all of the OIR recommendations will be implemented. He said the department continues its review and analysis of the recommendations and anticipates completing the effort by June 2022.

Councilmember Zahn thanked Chief Shirley and Sergeant Engman for modeling transparency in their work and communication with the public. Ms. Zahn said she appreciates how hard it is to work in a profession that is changing in terms of expectations, tools and training. Referring to the online data portal, Ms. Zahn recommended monitoring trends over time and including the data in the annual police report. She encouraged discussion with the police department advisory councils and others regarding broader issues beyond the use of force policies.

Chief Shirley confirmed that the police department will use the data collected to analyze trends over time and to proactively address issues. Sergeant Engman said the crime analysis unit and police officers have been using the data for a number of years. However, now the online data portal will provide broader public access to the information.

Chief Shirley agreed with the importance of looking at issues beyond use of force. He said the department can use its advisory councils and other groups to address a range of issues including mental health, recruiting and hiring practices, and daily interactions with the public. He said the Bellevue Police Department works with NORCOM to better understand when a 911 call might not need a police response because another response would be more appropriate.

Councilmember Zahn thanked Chief Shirley and everyone in the police department for their hard work. She said she hopes the department is providing the tools needed by police officers including training and self care.

(b) A Regional Coalition for Housing (ARCH) 2022 Administrative Budget and Work Program

City Manager Miyake introduced discussion regarding the 2022 administrative budget and work program for A Regional Coalition for Housing (ARCH). He said the ARCH interlocal agreement requires that all member cities review and approve the budget and work program on an annual

basis. He said staff is seeking Council direction to prepare legislation approving the 2022 ARCH budget and work program for future action.

Emil King, Assistant Director, Community Development Department, noted that the City separately reviews Bellevue's contributions for ARCH Housing Trust Fund capital awards annually in March. Staff also provides a biannual update on the City's progress toward implementing the Affordable Housing Strategy. He said Bellevue has a growing inventory of affordable housing units. He noted that the 2022 ARCH administrative budget reflects an increase consistent with the urgent need for more housing.

Lindsay Masters, Executive Manager, ARCH, said the organization joined in a grant proposal with other partners for King County funding to support housing collaborations for cities outside of the ARCH coalition in north and east King County. As part of that grant application, ARCH was asked to address whether it could expand membership and services to those communities. The grant funding provided the opportunity for ARCH staff to review its workload and staffing capacity. ARCH partnered with the Cedar River Group who conducted interviews with ARCH Board members, key stakeholders, City staff, developers and other private entities, nonprofit organizations and others. The group also conducted a quantitative and qualitative assessment to review trends in work levels and activity.

Ms. Masters highlighted the findings of the review, noting that the significant demand for affordable housing continues to grow and there are 124,000 severely cost-burdened households in King County. The Housing Trust Fund program has produced or preserved more than 5,000 units with \$80 million in local investments, leveraging more than \$880 million in other funding. ARCH assisted 10 cities in adopting local incentive or inclusionary housing programs, yielding more than 2,800 affordable units built or pending. ARCH established monitoring systems and procedures to ensure continued affordability and compliance, and worked on more than 50 policies, plans, code amendments and regulations to assist cities in creating more housing. Ms. Masters said ARCH is viewed favorably by members, developers and other stakeholders. She said outside stakeholders have indicated that ARCH should be scaling up its activities to meet increasing housing needs.

Ms. Masters said ARCH's staff capacity has not increased sufficiently to keep pace with members' needs and requests. In 2000, two member cities had incentive programs and there were 40 Trust Fund contracts. As of 2021, 10 cities have incentive programs and seven cities have established local housing strategies. ARCH now has more than 100 Trust Fund contracts to monitor. Ms. Masters described the current staffing and the proposed addition of two full-time positions in 2022: 1) Program Officer for transactions and monitoring, and 2) Incentive Programs Administrator. One additional position is proposed for 2023, a Housing Programs and Special Projects Manager.

Ms. Masters said ARCH's 2022 administrative budget revises the structure for membership fees, which allows for the addition of one staff person to manage incentive programs. The new structure bases membership fees on a tier system. Cities with active incentive programs, including Bellevue, Issaquah, Kirkland and Redmond, pay on a per capita basis. Cities with less active programs (Kenmore, Mercer Island, Newcastle and Sammamish) pay a minimum

contribution of \$3,000. Cities with adopted incentive programs that do not have participating projects and cities without incentive programs do not contribute additional dues in the proposed 2022 administrative budget (Beaux Arts, Bothell, Clyde Hill, Hunts Point, Medina, Woodinville and Yarrow Point).

The 2022 ARCH work program encompasses the areas of affordable housing investment, policy and planning, incentive program administration, stewardship of affordable housing, outreach and education, and administration. The work program's priorities are to provide a housing needs analysis for member cities, report on measurable goals for the production and preservation of affordable housing, continue to provide stewardship of affordable housing assets and compliance tools, seek opportunities to advance projects and programs with the highest potential impact, and to develop a strategic plan to guide ARCH into 2023 and beyond.

Ms. Masters highlighted ARCH work program activities in Bellevue: 1) administer expanding incentive programs (e.g., density bonus, impact fee waivers and multifamily tax exemption program), 2) provide initial and ongoing support to implement the investment of funds authorized by HB 1590, 3) support the implementation of Bellevue's Affordable Housing Strategy, 4) provide advice on a Housing Needs Assessment, and 5) assist the City with the implementation of affordable housing agreements at the transit-oriented development (TOD) site adjacent to Sound Transit's Operations and Maintenance Facility East (OMFE). She noted that the Brio Development in Bellevue provides 20 affordable housing units for households earning 80 percent of the area median income (AMI).

Ms. Masters said that ARCH members created a parity goal to establish a metric to encourage voluntary local investment in affordable housing through a number of means (e.g., direct funding, land contributions and fee waivers). The total goal for the region is distributed equitably amongst the member cities based on population, employment and housing targets. She said that 14 of the 15 ARCH member cities contribute to the Housing Trust Fund every year. She said the ARCH Board addressed the original parity goals and determined that they did not appropriately reflect the increases in land and construction costs.

Ms. Masters said ARCH is seeking Council direction to City staff to prepare legislation approving the 2022 administrative budget and work program.

Councilmember Zahn thanked Ms. Masters for her work and for ARCH's thorough review of its programs and budget. Responding to Ms. Zahn, Mr. King confirmed that the parity goals spreadsheet is one element of Bellevue's contributions to ARCH. Mr. King noted \$4 million that was recently invested to preserve the Illahee Apartments and \$4 million of investments in the Eastgate area. In addition, the City has identified significant funding to address housing and related services as authorized by HB 1590. Ms. Masters noted that all investments by member cities are tracked and reflected in the following year's report.

Councilmember Zahn expressed support for additional staffing. She requested more information regarding the use of federal funds through the American Rescue Plan Act (ARPA) and how that might interact with ARCH funding and projects.

Councilmember Lee thanked staff for the presentation. He said ARCH has been effective in providing and preserving housing for approximately 30 years. He expressed support for the proposed budget, including the identified staffing additions. He said it is important to retain the integrity and the purpose of the original objectives for ARCH. While a number of cities have not yet contributed to ARCH, they are part of the region and affect the overall housing supply. Mr. Lee said he wants to ensure that we look at how we develop and how we spend the funding for the right purpose. He encouraged more monitoring by cities and City Councils that are responsible for allocating the funding.

Councilmember Stokes expressed support for the recommendations. He noted that, while preserving housing is important, it does not actually house more people. However, it does prevent them from becoming unhoused. He suggested a more comprehensive look at whether ARCH could do more given that the need for housing is so high. Mr. Stokes thanked Ms. Masters for her work to date. He acknowledged ARCH's leadership in the region and expressed support for an even greater capacity.

Mac Cummins, Director of Community Development, noted an upcoming update to the Council in October to talk about the City's overall programs related to housing. He said ARCH staff, as one component of the City's overall strategy, will be advising City staff in that effort.

Deputy Mayor Nieuwenhuis expressed support for the proposed budget and work program. He concurred with Councilmember Stokes' comments regarding ARCH's ideas for expanding its efforts into the future. Mr. Nieuwenhuis expressed support for the additional staffing and for identifying how it will be funded. He suggested that hiring the position targeted for 2023 could be filled sooner. Ms. Masters noted that Kate Berens, Deputy City Manager, serves on the ARCH Board. Ms. Masters said that, following extensive discussion, the Board reached the compromise reflected in the budget and staffing plan. Ms. Berens noted that a number of cities, including Bellevue, operate under a biennial budget and it is difficult to identify additional funding in the mid-biennium year.

Mayor Robinson thanked staff for the presentation and noted the Council's support for the 2022 administrative budget and work program. She looks forward to a future discussion about specific projects and progress toward meeting housing goals. She is interested in whether the City would be able to use a portion of HB 1590 revenues as a contribution to ARCH projects.

Councilmember Robertson thanked ARCH staff for their work. She recalled that ARCH added two staff following the tenancy fraud situation, which she believed was funded with short-term money. She asked whether the 2022 staffing additions fill those positions. Responding to Ms. Robertson, Ms. Masters said the two positions added in 2019 were made permanent in the 2020 ARCH budget. Those positions are focused on monitoring and compliance.

Councilmember Robertson said she is proud of the Council's strong support for funding and programs that address housing needs. She said other efforts by Bellevue to create more housing include creating the rezones for the East Main and Wilburton areas and conducting the BelRed Plan lookback.

In looking at the parity chart in the presentation, Ms. Robertson observed that a number of cities have never contributed near their high goals, and the average contributions for three cities do not meet their low goals. She asked what ARCH is doing to encourage greater participation by all cities. Ms. Masters said the philosophy of ARCH has been based on voluntary contributions and governing by consensus. She said ARCH shares data with cities to demonstrate progress and encourages participation and incentives.

Councilmember Barksdale thanked ARCH staff for their work. He asked whether there is a way to track key metrics and contributions to ARCH, and to provide the information more frequently. Ms. Masters said ARCH is developing a new web site, which will provide a tool for presenting more information.

- Deputy Mayor Nieuwenhuis moved to direct staff to prepare legislation approving the 2022 Administrative Budget and Work Program for A Regional Coalition for Housing (ARCH), for consideration on a future consent calendar. Councilmember Lee seconded the motion.
- The motion carried by a vote of 7-0.

At 7:55 p.m., Mayor Robinson declared a short break. The meeting resumed at 8:05 p.m.

(c) King County District Court Interlocal Agreement Update

City Manager Miyake introduced discussion regarding the interlocal agreement (ILA) with the King County District Court. He noted that the contract expires on December 31, 2021. Staff representing 12 cities who contract with King County have negotiated a proposed new 13-year ILA with an initial five-year term and the potential for two four-year extensions, expiring on December 31, 2024.

City Attorney Kathy Gerla said staff is requesting Council direction on two items: 1) execution of the new ILA with King County for District Court services, and 2) execution of the First Amendment to the Office Space Use Agreement between King County and Bellevue for the court's use of the Bellefield building.

Ms. Gerla said state law requires cities to provide District Court services for misdemeanor offenses committed by adults. Juvenile and felony cases are handled by King County courts. The City has contracted with King County for District Court services since 2006. She said the terms of the new ILA do not propose any substantive changes from the current agreement. Most of the revisions are for clarification, and a definitions section has been added. Some of the changes do not apply to the City of Bellevue, for example, some cities have their District Courts in County-owned facilities. Ms. Gerla said there are changes in the ILA to add flexibility and to address situations that have occurred over the years, including emergency situations, and to update consistency with state law.

Ms. Gerla said the changes are outlined in the agenda memo. She highlighted the differences between the current and new ILAs. The new agreement reflects a 13-year term instead of the

current 15-year term, and the agreement can be terminated only at the end of the fourth year. Termination of the agreement is allowed by any party with proper notice, which increased from 18 months to 23 months prior to the effective date of a contract extension. The agreement lists the services to be provided as required by state law.

The ILA continues the use of two existing oversight committees: 1) District Court Management Review Committee (DCMRC), and 2) Court Facility Management Review Committee (CFMRC). No substantive changes are proposed for those committees. Ms. Gerla said the facility relocation section of the ILA was amended to recognize the move of the District Court in Bellevue to a new location. She said there are no changes to the oversight section of the ILA. The cost provisions regarding revenue and filing fees have not changed with two exceptions. One is an update to the section on how local court revenue is treated if a city terminates its contract with King County. The second change is an update regarding the costs of security services provided by the King County Sheriff's Office, and there is now a cap on annual cost increases.

Ms. Gerla said the ILA reflects an expanded use of the existing reserve fund. Under the current ILA, cities contribute a one-time fee for technology improvements that the District Court implements if the improvements exceed \$100,000. The new agreement expands the allowed use of the funds to other system improvements beyond technology. Any system improvement must be approved by the DCMRC, which includes representatives from all contract cities.

Provisions applicable to dispute resolution are largely unchanged. The one substantive revision treats changes to the law the same as any other system-wide disputes that must be decided by all cities and King County. The DCMRC will attempt to reach a resolution before a party could invoke the right for non-binding mediation. The timeline for a negotiation before mediation is invoked was updated to allow 90 days.

Ms. Gerla said the Office Space Use Agreement between Bellevue and King County reflects an amendment regarding the County's use of a portion of the Bellevue-owned building to operate the District Court. The amendment extends the term of the agreement to align with the term of the ILA and operational changes (e.g., parking capacity).

Ms. Gerla said Bellevue is the last city to consider the new ILA and the other 11 cities have already authorized approval of the agreement. If approved by Bellevue, the ILA will be forwarded to the King County Council for review and approval.

Councilmember Zahn asked whether court proceedings will continue to be offered via virtual meetings. She said that might make it easier for individuals to participate with the courts. Ms. Gerla said the District Court continues to conduct virtual hearings. However, she is unsure whether that will continue. Kathleen Kline, Assistant City Attorney, said the virtual hearings have worked well and she believes the practice will continue. However, she said she does not know the specific online platform.

In further response to Councilmember Zahn, Ms. Gerla said the ILA references that one service the District Court can provide is community courts. Some cities are already using community

courts. Ms. Zahn expressed an interest in more information about the potential costs associated with community court services.

Councilmembers Stokes expressed support for the ILA and thanked staff for their work.

Councilmember Robertson said she appreciated the increased flexibility provided in the ILA. Responding to Ms. Robertson, Toni Call, Director of the Finance and Asset Management (FAM) Department, said Bellevue's revenues have exceeded its costs for District Court services, even during the pandemic. Councilmember Robertson expressed support for bringing the ILA back as a consent calendar item.

→ Deputy Mayor Nieuwenhuis moved to direct staff to return with legislation authorizing the execution of the ILA with King County for District Court services, and authorizing the execution of the First Amendment to the Office Space Use Agreement for the use of the Bellefield building, for consideration on a future consent calendar. Councilmember Lee seconded the motion.

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

11. Land Use: None.

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

13. Unfinished Business: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 8:25 p.m., Mayor Robinson declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw