

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

October 17, 2016
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Stokes, Deputy Mayor Chelminiak, and Councilmembers Lee, Robertson, Robinson, Slatter, and Wallace

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:05 p.m., with Mayor Stokes presiding.

2. Roll Call, Flag Salute

All Councilmembers were present. Councilmember Robertson led the flag salute.

(a) YWCA Week Without Violence Proclamation

Mayor Stokes said October is nationally recognized as Domestic Violence Awareness Month, and the YWCA has designated October 17-21 as a Week Without Violence. Mayor Stokes read a proclamation declaring YWCA Week Without Violence in Bellevue and encouraging everyone to observe this week and month and to take an active role in ending violence in our community.

Gina Yarwood, YWCA Director of Suburban King County Services, accepted the proclamation.

3. Approval of Agenda

→ Deputy Mayor Chelminiak moved to approve the agenda, and Councilmember Robertson seconded the motion.

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

4. Communications: Written and Oral

(a) Larry Brickman said he and his wife are Block Watch captains for the Whispering Heights and Collingwood Community Association representing neighborhoods southeast of Eastgate. He said there is a need to strengthen the Land Use Code related to residential areas, and he expressed concern regarding the Verizon cellular project. He said the

current plan is not the most effective way to provide services or to respect neighborhood character. Mr. Brickman said the rules appear to be lax, and the full conditional use process, rather than the expedited administrative process, should be utilized for a project of this magnitude. Mr. Brickman submitted his comments in writing.

- (b) Paul Brallier, representing the Northtowne Neighborhoods Association, expressed concerns regarding the site selection process for Fire Station 10, which is to be located next to a residential area and McCormick Park. He read a letter from his mother, which provided a brief history of the development of the residential area and expressed her concern about the station location.
- (c) Daniel Renn said he has learned from City staff that the Grand Connection/Wilburton Citizens Advisory Committee (CAC) will likely have one representative from the Wilburton area. He encouraged the Council to appoint three or four Wilburton residents to the CAC.
- (d) Jana Yuen, a Whispering Heights Collingwood resident, expressed concerns regarding Verizon's project of 41 small cell antennas. She said residents are not asking the City to deny the project but are seeking protection of their neighborhood. She would like to keep cell antenna facilities out of residential areas, and would like Verizon to come up with a better solution. She said the City of Mercer Island's code dictates that cell antennas must be at least 300 feet from any single-family dwelling. The City of Seattle prohibits major and minor communications utilities within single family and residential small lot zones. She said cell towers and poles degrade property values and pose health concerns from RF (radio frequency) emissions. Ms. Yuen submitted her comments in writing.
- (e) Lindy Bruce expressed concerns regarding the proposed Eastgate homeless campus. She said she served on the Eastgate/I-90 Land Use Citizens Advisory Committee, which was tasked with providing a vision and plan for development in the area that would improve economic vitality and character, and ensure adequate transportation infrastructure. Ms. Bruce said the Council has sidestepped the work of the CAC, Planning Commission, Transportation Commission, and City staff by entering into an agreement with King County to develop the homeless campus at the transit-oriented development (TOD) site. She said residents understand the importance of addressing homelessness. However, the proposed location poses safety issues for residents, Bellevue College students, and commuters. Ms. Bruce encouraged the City to study homeless campuses in other parts of Puget Sound and around the country, and to consider the location after thorough study. Ms. Bruce submitted her comments in writing.
- (f) Susanna Chung said she understands the need for a homeless shelter. However, she wants the Eastgate location eliminated as a possible site. She said there was no public outreach by the City or its partners, and the related information on the City's web site is minimal. She said the shelter's clients will include addicts, sex offenders and mentally ill individuals. She expressed concern regarding the safety of residents, commuters, and students. She said there has been a lack of transparency in the handling of this proposal. Ms. Chung submitted her comments in writing.

- (g) Linda Nohavec said she was speaking on behalf of the Eastgate Residents Committee, which previously addressed the Council on September 19, 2016, with a letter presented by attorney Rick Aramburu. The letter identified concerns about the incompatibility of the proposed upzones in the Eastgate area. Ms. Nohavec said that, previously, there was no public notification or mention of a homeless shelter in the TOD. She said residents' review of documents generated by the Eastgate/I-90 CAC and Planning Commission over a six-year timeframe did not find any references to a homeless shelter or campus in the Eastgate TOD. Ms. Nohavec expressed concern regarding the impacts on businesses, including her own, and said the shelter violates the vision set forth for the area, including its role as a major gateway to Bellevue. She said the Seattle YWCA has become such a burden on Belltown residents that they avoid the area as much as possible. Businesses have lost customers in multiple areas of Seattle due to the proximity of shelters and addiction centers. Ms. Nohavec submitted her comments in writing.
- (h) Representatives of the Bellevue Youth Theatre's Teen Advisory Board thanked the Council for its continued support of the theatre's programs and distributed information regarding upcoming performances. Nathan Reiyea said the theatre is celebrating its 25th anniversary and its programs have had a positive impact on many individuals in the community.
- (i) Renay Bennett expressed support for specific laws to protect park lands from being sold without public notification. She said a portion of the Mercer Slough Nature Park was sold without any public process. She said Sound Transit will now be impacting Enatai Beach Park for 20-30 months during light rail construction. She distributed a handout to the Council and highlighted language in the East Link Project Final EIS (Environmental Impact Statement) stating that Enatai Beach Park would not be impacted by the project. She urged the Council to ask Sound Transit to complete an addendum to the Final EIS to address the impacts. She asked the Council to live up to the promise that Bellevue is "A City in a Park."

Mayor Stokes thanked everyone for their comments and noted that staff follows up on questions as requested by the Council. However, the Council does not engage in a conversation with the public during the meeting.

Councilmember Wallace said the public comments identified five issues of concern. He observed that the Wilburton residents' issue can be resolved with staff. However, he suggested scheduling the remaining four issues (i.e., Verizon cell facilities, Fire Station 10, Eastgate homeless shelter, and Sound Transit impacts on Enatai Beach park) for Council discussion and community input. He suggested posting the schedule for addressing those topics on the City's web site.

5. Reports of Community Council, Boards and Commissions

Betsi Hummer, Vice Chair of the East Bellevue Community Council, said the EBCC has jurisdiction over certain land use zoning in East Bellevue and serves as a forum for East Bellevue residents to voice their concerns about issues within the EBCC's jurisdiction. Last winter,

several East Bellevue constituents went before the EBCC, Parks and Community Services Board, and the City Council requesting that the Larsen Lake restrooms remain open during the winter. Trails around the lake are used throughout the year. Ms. Hummer said residents were told that the restroom closure was due to budget reductions, and that nothing could be done until the next budget is adopted.

Ms. Hummer asked the Council to identify funding in the 2017-2018 budget to keep the restrooms open during the winter. She said Larsen Lake was one of the first land use decisions by the EBCC, and it is a headwater for the Kelsey Creek drainage system. Originally slated by the County for high-density housing, the EBCC worked with the City to purchase the Kelly family blueberry farm to develop the Lake Hills Greenbelt connecting Larsen Lake and Phantom Lake. Ms. Hummer thanked City Councilmembers for their service to the community.

Responding to Mayor Stokes, Ms. Hummer said the EBCC submitted an email to the Council with its formal request.

Deputy Mayor Chelminiak asked staff to add the request to the list of budget items to be considered by the Council.

6. Report of the City Manager: None.

7. Council Business and New Initiatives: None.

8. Consent Calendar

→ Deputy Mayor Chelminiak 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) Council Meeting Minutes

Minutes of September 26, 2016 Extended Study Session

Minutes of October 3, 2016 Study Session

Minutes of October 3, 2016 Regular Session

(b) Resolution No. 9153 authorizing the execution of an amendment to the contract between the City and Keating, Bucklin & McCormack, Inc., P.S., for legal services in the *Tateuchi v. City of Bellevue, et al.* lawsuit, to increase the total contract value to an amount not to exceed \$180,000.

(c) Resolution No. 9154 authorizing the execution of a professional services agreement with NBBJ to provide land use, urban design, and other related services for the Wilburton - Grand Connection planning initiative, in an amount not to exceed \$250,000.

- (d) Ordinance No. 6312 authorizing: 1) an amendment to increase the amount of the construction contract with Goodfellow Bros., Inc. (Bid No. 14018) by \$5,323,122, for a total contract amount of \$20,272,083, for the 120th Avenue NE (Stage 2) - NE 8th to NE 12th Street project (CIP Plan No. PW-R-164); and, 2) the amendment of the 2015-2021 Capital Investment Program (CIP) Plan to increase the project budget for the 120th Avenue NE (Stage 2) - NE 8th to NE 12th Street project by \$5,603,486, for a total amended project budget of \$45,394,554, by recognizing additional revenue restricted to the project, additional general tax revenue, and a budget transfer from the NE Spring Boulevard Zone 1 project (CIP Plan No. PW-R-172).
- (e) Resolution No. 9155 authorizing execution of a professional services agreement with Tetra Tech, Inc. for engineering services, for the Woodridge Open Space Sewer Replacement Project, Phase 2 Design, in the amount of \$263,468.00 (CIP Plan No. S-66).
- (f) Ordinance No. 6313 establishing truck route designations for portions of newly completed roadway segments of NE 4th St and 120th Ave NE corridors and including certain updates to other streets for better clarification; amending Section 1 of Ordinance No. 3596 as last amended by Ordinance No. 5284 and Chapter 11.70.060 of the Bellevue City Code.
- (g) Ordinance No. 6314 amending the project budget of CIP Plan No. S-52 to increase the budget by \$225,000 to a total of \$3,994,045 and funding the increase by an interfund transfer from the Sewer Utility Operating reserves.
- (h) Motion to award Bid No. 16063, 100th Avenue NE Signal Pole Replacements (CIP Plan No. PW-M-19), to R.L. Alia Co., as lowest responsible and responsive bidder, in the amount of \$182,450.00.
- (i) Motion to award Bid No. 16086 for Issaquah Master Meter Project to Bonner Brothers Construction, Inc., as the lowest responsible and responsive, bidder in the amount of \$165,158.85 (CIP Plan No. W-69).
- (j) Resolution No. 9156 authorizing a third amendment to the professional services agreement with Abaco Pacific, Inc., to increase the contract value by \$130,000 for a total of \$265,300 for professional relocation services.
- (k) Resolution No. 9157 authorizing execution of a three-year successor labor agreement by and between the City and the Bellevue Police Officers Guild (BPOG) for the term of January 1, 2015 through December 31, 2017.
- (l) Resolution No. 9158 granting authority to the Finance Director to increase annual purchase order limits for various vendors for small items not stocked by City departments, for an amount not to exceed the estimated values for the specified vendors set forth in Attachment A to this Resolution.

- (m) Resolution No. 9159 authorizing the execution of a Professional Services Agreement for on-call Geotechnical Engineering Services with GeoDesign, Inc. for three years in an amount not to exceed \$125,000 per year with an option to renew for a period of one (1) term of two (2) years.
- (n) Resolution No. 9160 authorizing the execution of a Professional Services Agreement for on-call Electrical and Mechanical Engineering Services with Hargis Engineers, Inc. for three years in an amount not to exceed \$125,000 per year with an option to renew for a period of one (1) term of two (2) years.
- (o) Resolution No. 9161 authorizing the execution of a Professional Services Agreement for on-call Project and Construction Management Services with Hill International, Inc. for three years in an amount not to exceed \$125,000 per year with an option to renew for a period of one (1) term of two (2) years.
- (p) Resolution No. 9162 authorizing the execution of a Professional Services Agreement for on-call Structural and Civil Engineering, Construction Management and Environmental Consulting Services with Jacobs Engineering Group, Inc. for three years in an amount not to exceed \$200,000 per year with an option to renew for a period of one (1) term of two (2) years.
- (q) Resolution No. 9163 authorizing the execution of a Professional Services Agreement for on-call Architectural, Landscape Architectural and Urban Design Services with Jones & Jones Architects and Landscape Architects, Ltd. for three years in an amount not to exceed \$200,000 per year with an option to renew for a period of one (1) term of two (2) years.
- (r) Resolution No. 9164 authorizing the execution of a Professional Services Agreement for on-call Urban Design Services with KPG, Inc. for three years in an amount not to exceed \$125,000 per year with an option to renew for a period of one (1) term of two (2) years.
- (s) Resolution No. 9165 authorizing the execution of a Professional Services Agreement for on-call Structural Engineering, Construction Management and Environmental Consulting Services with Parametrix, Inc. for three years in an amount not to exceed \$200,000 per year with an option to renew for a period of one (1) term of two (2) years.
- (t) Resolution No. 9166 authorizing the execution of a Professional Services Agreement for on-call Landscape Architectural and Project Management Services with RVL A, Inc. for three years in an amount not to exceed \$125,000 per year with an option to renew for a period of one (1) term of two (2) years.
- (u) Resolution No. 9167 authorizing the execution of a Professional Services Agreement for on-call Architectural Services with TCA Architecture & Planning,

Inc. for three years in an amount not to exceed \$125,000 per year with an option to renew for a period of one (1) term of two (2) years.

- (v) Resolution No. 9168 authorizing the execution of a Professional Services Agreement for on-call Landscape Architectural and Environmental Consulting Services with The Watershed Company for three years in an amount not to exceed \$125,000 per year with an option to renew for a period of one (1) term of two (2) years.

9. Public Hearings

- (a) Public Hearing on proposed amendments to the Land Use Code to adopt permanent regulations relating to the siting of marijuana retailers and prohibiting medical marijuana cooperatives and marijuana research uses, and amending the Bellevue City Code to impose civil penalties and abatement actions for violations of certain provisions of Chapter 69.51A RCW, repealing Interim Ordinance Nos. 6286 and 6296, and setting an effective date.

Mayor Stokes introduced the public hearing regarding the siting of marijuana retailers, prohibiting medical marijuana cooperatives and marijuana research uses, and amending the Bellevue City Code to impose civil penalties and abatement actions for certain violations. He said staff would provide a brief report before the public hearing. Mr. Stokes said tonight's objective is to direct staff to prepare legislation for approval on November 7.

City Manager Brad Miyake said the public hearing focuses on interim land use codes related to the regulation of marijuana. The interim ordinances are due to expire November 9, 2016. Responding to Council discussion on October 3, staff will present options for the Council to consider in adopting permanent regulations.

Trisna Tanus, Legal Planner, recalled that the Council previously adopted Ordinance Nos. 6286 and 6296, which responded to state regulations passed in 2015 and went into effect on July 1, 2016. Ordinance No. 6286 restricts all marijuana land uses to a minimum separation distance of 100 feet from residential districts and limits retail stores to one in each of the following subareas: BelRed, Crossroads, Downtown, Eastgate, Factoria, and Wilburton. Ordinance No. 6296 prohibits medical marijuana co-ops and marijuana research uses, and imposes civil penalties and abatement measures for certain violations.

Ms. Tanus said that, during the most recent discussion, the Council was in agreement with the interim provisions except for the number of retail stores. The following questions were raised: Can six stores be accommodated citywide? Can an additional store be accommodated in the BelRed area? Can a second store be accommodated in the Downtown? Can there be an additional store in the Medical Institution District?

Ms. Tanus said that, under the interim regulations, six stores are essentially not possible because there is no potential for a marijuana store in the Crossroads area due to separation distances for

Crossroads Park, sensitive facilities, and residential districts. A sixth store would need to be accommodated in another subarea.

Ms. Tanus said the BelRed subarea could accommodate an additional store. It is all commercially zoned and has the highest capacity (acreage) to accommodate retail marijuana stores. While the Downtown is also fully commercially zoned, two stores would not currently be possible due to separation requirements and sensitive facilities. However, allowing a second store would provide flexibility for the future should land uses change.

Ms. Tanus said there could be an additional store in the Medical Institution District, which is split between the BelRed and Wilburton subareas. Doing so would be consistent with the medical-related uses in the area and with the State's interest in addressing the medical cannabis market.

Ms. Tanus presented two alternatives developed by staff. Option 1 is identical to the interim ordinances with a limit of one store per subarea and a total of six stores in Bellevue (or effectively, five stores, due to restrictions in Crossroads Subarea). The second option is to eliminate the Crossroads subarea and to allow two stores in the BelRed area, two stores in the Downtown, and an additional store in the BelRed or Wilburton Medical Institution or Medical Office Districts.

Councilmember Robertson clarified for the public that the public hearing relates only to the interim regulations that were added to the underlying regulations. She said the latter will not be amended by the Council over the next few weeks. If the Council wished to address modifications to the underlying regulations, that would be a separate process. Ms. Tanus confirmed this understanding.

Ms. Robertson said the Council has received requests to change the buffers for parks and child care centers. Ms. Tanus confirmed that the consideration of additional buffers is not part of the current public hearing and action.

Responding to Councilmember Wallace, Ms. Tanus said the public hearing specifically focuses on the interim ordinances, and the options presented by staff directly relate to those ordinances.

Responding to Deputy Mayor Chelminiak, Ms. Tanus said the Council may take comment on and consider a regulation allowing an additional store in the Medical Institution District because it falls within the issue of the number of stores and where they may locate. Ms. Tanus said the MI District occurs in both the BelRed and Wilburton Subareas, which are two of the six subareas previously identified for store locations.

Responding to Mayor Stokes, Ms. Tanus said that, if the Council wishes to consider other issues, the Council could direct staff to prepare amendments to address those issues as a separate process, including public notification of the amendments before Council action.

Councilmember Robertson stated that the Council adopted permanent regulations into the City Code. The Council later layered interim regulations on an emergency basis to address additional

issues. If the Council wishes to consider additional amendments, that proposal would require review by the State Department of Commerce, completion of a SEPA checklist, and a public hearing.

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

Deputy Mayor Chelminiak said individuals would be allowed three minutes each to speak. He noted that the Council received a number of written comments as well.

The following individuals came forward to comment:

1. Kevin Xu, a Tyee Middle School student, said he will go to Newport High School next year. He said he and his family spend time at businesses in the Factoria area, and he expressed concern that marijuana retail stores will attract potentially dangerous individuals.
2. Chi Shing Hong expressed concern about marijuana retail stores. He has two children and is concerned about stores being near students. He asked the Council to consider prohibiting more stores in Bellevue.
3. Qian Zhang, an architect, spoke against marijuana retail stores.

Deputy Mayor Chelminiak clarified that the interim regulations allow six stores in Bellevue, one in each of six specific subareas.

4. Shi Chien spoke opposed to marijuana stores. He said he and other parents want their children to do better than themselves, and they do not want children affected by drugs.
5. Henry Zhong said he moved to Bellevue two years ago because it is safe and has a good education system. He recently heard there will be a marijuana retail store in the Factoria area. He expressed concern about the proximity to Newport High School, where his daughter attends school.
6. Maggie Zhou said her family moved here two years ago based on the education system and safe community. She spoke against allowing marijuana stores. She wants to keep marijuana away from children.
7. Gong Wang said his family moved to Bellevue three years ago for the education system, natural beauty, and safe community. He spoke against opening more marijuana stores in Bellevue.
8. Yi Zhang spoke in favor of adopting the interim regulations as permanent regulations. He said there are enough stores in Bellevue, and they do not have lines of people waiting to

get in. He said Bellevue is ranked as one of the best places to live, and marijuana stores have a negative impact on the community. He does not want Bellevue to become like Seattle, which is not as nice as it was nine years ago. He said this is a question of morality that will shape future generations.

9. Kan Qiu urged the Council to choose Option 1 presented by staff for the permanent marijuana regulations. He spoke against allowing more stores and said the stores need to be far from schools and residential areas. He has three children, two in middle school and one in high school, and marijuana already has a negative impact in schools. He said that adding stores is equivalent to promoting marijuana usage.
10. JD Yu said he was speaking for Parents Against Marijuana Near Schools (PAMNS). He asked the Council to adopt the interim regulations as a permanent ordinance. He said residents are proud to live in Bellevue, and they believe marijuana is bad for the community.
11. Katherine Ma spoke against allowing more marijuana stores, noting that the current ones are adequately serving Bellevue customers. She expressed concern about the damaging health effects of marijuana and cited an article in the Annual Review of Medicine, Issue 67, 2016. She urged the Council to adopt the interim regulations as a permanent ordinance. Ms. Ma submitted her comments in writing.
12. Mei Yan said she has two teenaged children. She urged the Council to adopt Interim Ordinance No. 6286 as the permanent marijuana regulations. She said there are enough stores to satisfy demand, and Bellevue should keep the number of stores to a minimum. She expressed concern that marijuana stores will lower property values and increase crime. She asked the Council to protect youth and thanked them for working hard for the community.
13. LiPing Ke, said residents do not want marijuana stores near their homes and they do not want their children to use marijuana. She said many high school students will try illegal marijuana without their parents knowing. She understands the need for medical marijuana but would like the Council to restrict the number of recreational marijuana stores. She said youth who start smoking cigarettes at a young age are more likely to continue throughout their lives, and she is concerned about the same effect with marijuana usage.
14. Eric Gaston, an Issaquah resident, said he has been to a number of hearings in three different cities on marijuana regulations, and he appreciates everyone's perspectives and concerns. He owns two marijuana stores, is a former prosecutor, and has three children in elementary school and high school. He said his children do not use cannabis. He said liquor is sold in every grocery store, and minors are prohibited from buying it. Mr. Gaston said he employs 50 individuals and, over the past year, his stores have generated \$4 million in tax revenue, which is used for education, recovery services, playgrounds, and parks. He said the legalization of marijuana has not increased crime, and the State has subsequently reduced the buffers from 1,000 feet to 100 feet in most areas. He

encouraged the Council to allow two retail marijuana stores per subarea and to treat them as any other business.

- Deputy Mayor Chelminiak moved to extend the meeting to 10:30 p.m., and Councilmember Robertson seconded the motion.
- The motion carried by a vote of 7-0.
- 15. Arne Nelson said he has two daughters in high school and he owns a marijuana store. His children do not use marijuana. He said the concerns about the legalization of marijuana should not focus on availability but on the importance of parenting and education. He said voters approved the legalization of marijuana, and it is a vocal minority that is opposed to retail stores. Last month, the three Bellevue retail marijuana stores handled more than 45,000 transactions, which indicates that voters continue to support legalization. He said it is difficult to find suitable retail locations in Bellevue, in part because many landlords have loans through federal banks. He said Bellevue's one downtown store lost its lease, and the six remaining potential sites involve property owners with long-term loans from federally regulated banks. He asked the Council to remove the restriction on locating stores within 100 feet of residential areas.
- 16. Wayne Seminoff spoke in favor of allowing two marijuana stores per subarea and removing the separation distance to residential areas. He said the only store currently in the downtown has lost its lease, and there will not be any new downtown store due to the buffers related to residential development. He said legal marijuana stores help to reduce the black market sale of marijuana.
- 17. Jing Zhen said she does not want marijuana stores in Bellevue.
- 18. Eric Liu said he is an eighth grader at Odle Middle school and is choosing a high school for next year. He said Newport High School is approximately one-half mile from a marijuana store. He said stores make it easier and quicker to get marijuana. He said there will always be black market marijuana because it is cheaper than retail stores. He said that allowing stores sends a message to youth that marijuana is okay to use, which will increase the number of youth wanting to try marijuana from the black market.
- 19. Ms. Yung said she understands that a majority of Bellevue residents voted in favoring of legalizing recreational marijuana. However, she said many Chinese-Americans who did not vote in the past would change the outcome if there was a new vote.
- 20. Jim Black thanked the Council for taking public comment. He said he was a Boy Scout Master in Bellevue for eight years. He has two sons who attended Newport High School, who told him at that time about students who smoked marijuana. He said that allowing a marijuana store in the Factoria area is too close to the high school. He said many families move to Bellevue for the good schools, and allowing stores close to schools makes it easier for youth to access marijuana.

21. Alice Wong thanked the City for working with residents and listening to their concerns. She said the Council's decision will have an impact into the future. She encouraged the Council to not be afraid to stand up against legal marijuana.
22. Jing Tan said Bellevue is growing fast, and residents and employers are coming from other countries. She said Bellevue is popular because it is safe, has a good education system, and is a very livable city. She said perhaps most Americans do not see legal marijuana as a problem because they feel they know how to educate their children. However, the Asian community does not have experience with marijuana. She asked the Council to help residents instead of the businesses profiting from marijuana.
23. Tara Martin thanked the Council for taking so much time on this issue. She is the director of business development for Green Theory, grew up in Issaquah, graduated from Washington State University, and was Miss Greater Seattle. She did not consume marijuana until she was 28 years old when she was diagnosed with breast cancer. She said there have been no violations for Green Theory. She expressed support for the comments by Eric Gaston, Arne Nelson and Wayne Seminoff.
24. Henry spoke in favor of Option 1 presented to the Council by staff, which limits the number of stores to five. He would prefer zero stores. He expressed concern about whether it is safe to use marijuana, whether children or adults. He moved to America because it is a good country.
25. Lei Wong said the world is looking at Bellevue because it has an excellent education system, family-oriented community, and strong economy. She asked the Council to respect residents who do not want marijuana stores. She said store owners do not live in Bellevue. She said residents are fighting for the next generation.
26. Yiping Su said her son attends Newport High School, and the PTA is requesting funding for drug intervention efforts. She said using marijuana is linked to using other drugs. She understands that marijuana stores are highly regulated. However, she does not want Bellevue to become like Seattle. She said there is a reason that marijuana has been illegal for years.
27. Wei, a Sammamish resident, referred to the store owners who talked about the role of good parenting in preventing children from using marijuana. He does not understand why those parents want to profit from marijuana.
- Deputy Mayor Chelminiak moved to extend the meeting to 11:00 p.m., and Councilmember Robertson seconded the motion.
- The motion carried by a vote of 6-1, with Councilmember Wallace dissenting.
28. Andrew Xu, a Newport Hills resident, said he did not care about the legalization of marijuana at first. However, he has heard residents' worries about placing a marijuana store in the Factoria area near the high school. He said he has a background working in

medicine. He said adults have the ability to choose whether to use marijuana. However, marijuana stores should not be too close to students, who cannot make decisions about what is good or bad. He acknowledged that marijuana provides benefits for epilepsy patients. However, that does not mean it is good for healthy adults to consume marijuana. He is opposed to marijuana stores in the Factoria area. He said he moved here for Bellevue's education system.

→ Deputy Mayor Chelminiak moved to close public hearing, and Councilmember Robertson seconded the motion.

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

At 10:27 p.m., Mayor Stokes declared a brief recess. The meeting resumed at 10:32 p.m.

Ms. Tanus said the alternatives for Council consideration are:

Option 1 – Adopt the interim ordinances as permanent regulations.

Option 2 – Adopt the interim ordinances with potential modifications: a) eliminate the Crossroads store, b) allow two stores in the BelRed area, c) allow two stores in the Downtown, and, d) allow one store in the Medical Institution District or BelRed Medical Office-1 District.

Councilmember Robertson said she has three children, and no one wants youth to use marijuana. She speaks to her children about the adverse affects of using marijuana. However, as an elected official, her role is to represent the entire city. She said 60 percent of Bellevue voters approved the legalization of marijuana for adults 21 years and older. She expects the police to enforce the prohibitions on marijuana usage by minors and usage in public.

Ms. Robertson said the Bellevue City Council has been smart and thoughtful in its approach to marijuana regulations. The Council placed additional safeguards into its legislation versus state law. She said the Council has listened to the public, including numerous written comments. Ms. Robertson said this is a land use issue for her and not a moral issue. Although the State allows eight stores in Bellevue, the Council limited the number of stores to six in certain subareas.

Ms. Robertson said the adoption of permanent regulations will not affect the Factoria store, which has already applied for permits under the existing code. She said the current regulations will result in no stores in the downtown, which is the most densely populated area of Bellevue and one of the most appropriate locations for a store. Ms. Robertson said studies indicate that there is a medical need for marijuana.

Mr. Robertson spoke in favor of Option 2, modified to allow two stores in the BelRed area and one store in the Medical Institution District, whether in the BelRed subarea or the Wilburton subarea. She did not have a strong opinion about whether to continue to allow a Crossroads store. She is open to considering two stores in the downtown. However, if the Council is not interested in changing the residential buffers, no locations are currently available. If desired by the Council in the future, she is open to discussing a change to the downtown buffers.

Responding to Councilmember Robertson, Assistant City Attorney Catherine Drews said the R-1 through R-30 buffer does not capture the high-rise residential development in the Downtown Residential District or Mixed Use District.

Deputy Mayor Chelminiak said there is nothing the Council could do that night to make more sites available in the downtown for marijuana retail stores. He is not in favor of changing the regulations to allow two downtown stores. He said the Liquor Cannabis Board and the state legislature continue to change regulations, forcing cities to respond and to implement the legislation. He expressed support for Option 1. He said the Council has a number of other topics and priorities to address, for example, the issue raised tonight regarding cellular antennas in Whispering Heights. He suggested waiting through two more state legislative sessions before addressing the City's marijuana regulations again. He said the Council has an obligation to implement the legalization of marijuana.

Councilmember Wallace observed that, although voters approved the legalization of marijuana, it does not mean they want a store in their neighborhood. He said prohibiting marijuana retail stores entirely is not an option, although he and Councilmember Lee would have preferred that course of action. He observed that the current situation for the downtown is fine because there are a number of potential sites. He said including or eliminating the Crossroads store from the regulations does not matter because a store cannot locate there due to separation requirements and zoning. He would rather not add a store in the Medical Institution District. He suggested adopting the interim ordinances as permanent regulations and moving on to other topics.

Councilmember Lee said Bellevue voters approved the legalization of recreational marijuana a few years ago. While this is a land use issue, the Council should represent the morals, standards, and values of its constituents. He questioned who is patronizing the Bellevue stores and whether they are Bellevue residents. He concurred with the Deputy Mayor and Councilmember Wallace that it is time to move on to other issues. Mr. Lee suggested that the legalization of marijuana is a state law that could be changed by voters.

Councilmember Slatter thanked everyone for attending and commenting before the Council, which has helped her to understand everyone's concerns and thoughts. She recalled that reasons given in the past for legalizing marijuana were to eliminate the black market and lower incarceration rates. However, she understands that many citizens do not want marijuana businesses near their homes.

Ms. Slatter concurred with Councilmember Robertson that no one wants youth to use marijuana. She said there is no clear data on the impact of legalization on youth. Some studies indicate increased usage by youth, while other studies reflect no difference or a decrease in usage by youth with the legalization of marijuana.

Ms. Slatter referenced the benefit of marijuana for treating children who experience seizures. One rationale for increasing the allowed number of stores was a response to the demand for medical marijuana. She said the Council has worked to balance residents' desire for fewer stores

with state law. Ms. Slatter said children and youth need thorough education regarding the usage of marijuana.

Ms. Slatter does not want to allow more than six retail marijuana stores. However, she would rather not have stores in neighborhoods if it can be avoided.

- Deputy Mayor Chelminiak moved to extend the meeting to 11:15 p.m., and Councilmember Robinson seconded the motion.
- The motion carried by a vote of 6-1, with Councilmember Wallace dissenting.

Continuing, Councilmember Slatter said it is possible to allow two stores in the BelRed area, which is commercially zoned, while maintaining a maximum of six stores in the community. She said this provides an additional opportunity for marijuana businesses that cannot locate in other areas due to separation requirements. She is in favor of allowing one store in the Medical Institution District.

Councilmember Robinson said that, when the Council was first working on marijuana regulations, she did not want a store near Bellevue High School where her son was a student. No one came before the Council to argue against placing a store on Main Street near the school. She commended the attendees for their commitment to their children. When this issue first emerged, Ms. Robinson worked with Youth Eastside Services (YES) to develop the educational pamphlet about marijuana and teens. The pamphlet is available on the City's web site. Ms. Robinson said no one on the Council wants to encourage youth to use marijuana.

Ms. Robinson said that, as Councilmember Robertson indicated, the Council cannot stop the Factoria store that has already submitted its permit application. Ms. Robinson prefers to not have a downtown store due to its proximity to Bellevue High School. She does not object to two stores in the BelRed subarea because it is a large area. She would like to see a store in the Medical Institution District for easier access for patients. She uses topical creams for her patients who find it beneficial.

Councilmember Robinson expressed support for Option 2 with: (b) allowing two stores in the BelRed area, and (d) allowing a store in the MI District.

Mayor Stokes thanked residents for attending and commenting. He said this is a difficult topic because there are varied opinions, experiences, and emotions around the issues. He said the voters approved legal marijuana and the Council has been proactive in addressing regulations. He said Bellevue continues to be respected and to have high-performing schools despite the legalization of marijuana. He said society has come to the conclusion that marijuana is not the same as hard drugs, and marijuana is legal for adults but not for individuals under 21 years of age. Mr. Stokes said society cannot force adults into certain behavior based on the potential actions of children.

Mr. Stokes said he would like to see the community direct its efforts and energy toward actions that will help to address the harder drugs that are causing serious problems. He said alcohol is available at every grocery store, despite the harmful effects for children.

Mayor Stokes expressed support for Option 2 with modifications (b) and (d). He believes there is a strong case for locating stores in the downtown, and he said the Council will likely address that in the future. He said youth are not accessing marijuana from legal retail stores. He encouraged a focus on eliminating the black market that is selling drugs to youth. Mr. Stokes said the Bellevue Police Department will continue to enforce marijuana regulations, including the operation of legal retail stores.

Deputy Mayor Chelminiak said he would like to understand, when the permanent ordinance comes back to the Council, whether Option 2, modified as suggested by other Councilmembers, could result in seven stores.

→ Councilmember Robertson moved to direct staff to bring back permanent regulations on November 7 that advance Option 2 with modifications (b) and (d), as well as an alternative for consideration to cap the total number of stores at six citywide. Councilmember Slatter seconded the motion.

→ The motion carried by a vote of 4-3, with Deputy Mayor Chelminiak and Councilmembers Lee and Wallace opposed.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions: None.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 11:10 p.m., Mayor Stokes declared the meeting adjourned.

Kyle Stannert, CMC
City Clerk

/kaw