CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

November 7, 2016 Council Chamber
8:00 p.m. Bellevue, Washington

PRESENT: Mayor Stokes, Deputy Mayor Chelminiak, and Councilmembers Lee[1], Robertson, Robinson[2], Slatter, and Wallace

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:04 p.m., with Mayor Stokes presiding.

2. Roll Call, Flag Salute

Councilmember Robertson led the flag salute.

3. Approval of Agenda

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

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

Mayor Stokes noted that the Council voted during the earlier Study Session to allow Councilmembers Lee and Robinson to participate remotely for Agenda Item 11.

4. Communications: Written and Oral

(a) Alice Wang, speaking on behalf of Parents Against Marijuana Near Schools (PAMNS), said the City Council's role is to represent Bellevue citizens. However, certain marijuana businesses are owned and operated by non-Bellevue residents. Ms. Wang spoke in favor of adopting the interim regulations as permanent. She spoke opposed to increasing the number of stores allowed in Bellevue. Ms. Wang encouraged the Council to choose people over money.

[1] Councilmember Lee participated remotely during Agenda Item 11.
[2] Councilmember Robinson participated remotely during Agenda Item 11.

(b) Mark Oppfelt recalled that he spoke to the Council on October 3 regarding pedestrian safety concerns along 100th Avenue NE near Clyde Hill Elementary and Chinook Middle Schools. He has spoken with a number of City engineers and planners, and Traffic Engineering Manager Chris Long recently acknowledged that a study of pedestrian safety is needed. Mr. Oppfelt said he presented a petition to the City Clerk signed by 139 concerned residents in support of improving safety. He asked the Council to fund a comprehensive traffic study and to fund the implementation of recommendations resulting from the study. Mr. Oppfelt invited the Council to a Veterans Day ceremony on November 11 at Sunset Hills Cemetery, where Cub Scouts will be placing flags on the graves of veterans.

(c) Vicky Clarke, representing the Cascade Bicycle Club, thanked the Council for its support of the Eastside Rail Corridor Project. She encouraged the Council to retain $2 million in the 2017-2018 budget toward repurposing the Wilburton Trestle. She said the funding leverages pledges from the State, King County, Puget Sound Regional Council (PSRC), and the private sector. Ms. Clarke thanked the City for capital funds allocated to the Bicycle Rapid Implementation Program.

(d) Katherine Hughes, a Northtowne residents, asked the Council to slow the process for developing Fire Station 10 in the Downtown. She said that, during the 1970s and 1980s, many City leaders worked hard to maintain the dividing line between the central business district (CBD) and the residential area containing McCormick Park. She said residents are already experiencing the increased impacts of noise, traffic, and high-rise development blocking natural light. Ms. Hughes encouraged the City to locate the fire station closer to the areas it will serve (i.e., Downtown, Spring District, and Wilburton), including closer to the freeway.

(e) Concepcion Miranda, representing the Northtowne Neighborhoods Association, presented a petition asking the Council to reconsider the location of Fire Station 10. She said the decision was made without public discussion or notification, which residents believe violates RCW 36.70A.140. Residents were notified for the first time on September 13, 2016, of the City's decision. She asked the Council to re-open the process and to ensure that the public good and individual property rights are properly considered during site selection. She said residents would like a response from the Council to the petition signed by 72 residents.

(f) Lisa Leitner said her family and 3,500 other residents live within one-quarter mile of the proposed Eastgate men's shelter. There are 33,000 residents in Eastgate, Lake Hills, and Factoria, which is approximately 25 percent of Bellevue's population. She said the Council approved a letter of agreement on August 3 with King County regarding the shelter. However, residents were not notified by the City. Ms. Leitner said members of the Eastgate Residents Council have spent many hours researching the proposed shelter and location, notifying neighbors, and attending community meetings. She questioned the decision process, including the determination to provide a shelter with supportive services and permanent housing. She said the permit application filed by ARCH (A

Regional Coalition for Housing) in April 2016 referred to an emergency shelter, but did not mention permanent housing. Ms. Leitner said residents, students, and business owners are concerned about public safety, primarily based on the shelter's low-barrier designation. The shelter is to be operated by Congregations for the Homeless, whose current shelter requirements state that individuals "must have current state picture identification, must allow CFH to run a criminal background check, must be willing to be drug and alcohol free, and to address any addiction issues." Ms. Leitner questioned why CFH is eliminating the requirements for identification cards and background checks from the proposed shelter entrance criteria. She said most residents do not oppose the shelter. However, they oppose the decision-making process and lack of transparency. She asked the City to engage in a transparent and honest public forum.

(g) Tzachi Litov, an Eastgate resident, said homelessness is rare, brief and one-time in the Eastgate area because the community provides individuals what they need to quickly gain housing stability. She said a five-year strategic plan published by King County in September 2015 focused on addressing and eliminating homelessness, in part by moving away from costly crisis-oriented responses, and instead focusing on prevention and recovery. Ms. Litov said City Councilmember Robinson referred on Nextdoor Eastgate to a recent Washington Post article that highlighted the benefits and value of creating supportive housing facilities in residential areas. Those are different from Congregations for the Homeless traditional shelters, where men wait in long lines to access the shelter. Ms. Litov asked the Council to respect the work that has been completed and to look at the bigger picture. Instead of building a costly emergency shelter, she asked the Council to implement options that are supported by the community and that help to prevent homelessness. She spoke in favor of transit-oriented development (TOD) that includes housing, shopping, schools and job centers in one location.

(h) Colin Jenkel said he lives in the Eastgate area across I-90 from the proposed men's shelter location. He acknowledged that shelters serve as a critical intervention point for the disadvantaged, addicted, and traumatized. He said he supports their implementation and maintenance. He said the problem of homelessness will continue to grow as housing costs increase. Mr. Jenkel said a robust debate on the Nextdoor platform indicates concerns about the process used to construct an important component of the community's social safety net. He suggested that the Council form an advisory committee composed of residents to help guide the shelter's siting and programs.

(i) Pastor Lisa Horst Clark, First Congregational Church of Bellevue, thanked the Council for addressing solutions for homelessness, and expressed support for the proposed Eastgate men's shelter. She said her church houses a Congregations for the Homeless men's day center as well as a child care center. She said CFH operates an effective program, and there have been no issues related to the men's drop-in center or child care center. Pastor Clark encouraged the community to consider how it can recognize diverse needs and bring neighborhoods together.

(j) Beth Zobel spoke in favor of the proposed Eastgate men's shelter. She has volunteered with Congregations for the Homeless over the past 12 years at a number of locations, and

has never felt unsafe working in the men's shelters. However, she has felt unsafe at times walking in the Factoria area. She said the shelter would provide needed resources including case management, a police presence, dental and medical services, and other supportive services.

(k) Tom Perea spoked opposed to the Eastgate men's shelter. He observed that many residents are primarily concerned about the lack of public outreach regarding the project. He asked the City to slow the process down and to involve the community. He said this is a permanent project that could have broad implications for the future and for the effectiveness in helping the homeless. He noted concerns about the unknown in terms of who the residents will be and whether they will be safe. He said residents want a solution for the homeless.

Deputy Mayor Chelminiak noted that the Eastgate homeless shelter issue will be discussed by the Council on November 28. City Manager Miyake said it was originally scheduled for January. However, given the high level of public interest, staff is working to accelerate a report on the major themes heard from the community.

Mayor Stokes said the Council appreciates the level of community engagement related to the siting of a permanent men's shelter in the Eastgate area. He said the City has been supporting emergency shelters for homeless single men in different locations for many years. He said this is a long-term need for the community, and the Council identified establishing a permanent shelter as a high priority. In August, the Council approved entering into a partnership with King County to determine whether the Eastgate location would be successful, especially given the adjacent social services. Mr. Stokes said the City is working on public outreach and held a community meeting on October 27. He encouraged working together to address the need for a shelter facility.

With regard to Fire Station 10 planned for the Downtown, Mayor Stokes said staff is working on that issue and related public involvement as well.

Mr. Miyake recalled that, in August, the Council directed staff to pursue further details in a number of areas related to the shelter, with the objective of bringing back information in January. He said staff is working to expedite the preparation of the report on the themes and concerns raised by the community for discussion with the Council on November 28.

Councilmember Robertson said she and other Councilmembers have requested an in-depth analysis of specific issues, and the Council has received good public input. She would like to see responses to those requests on November 28, if possible. She suggested publishing the questions and information on the City's web site as well. She said there needs to be greater transparency in the process. She said the Council will discuss the Eastgate Land Use Code Amendment on November 14, and she is interested in hearing how that process will be coordinated with the homeless shelter siting and Eastgate transportation investments.

Councilmember Robertson said she would like to see a recommendation from staff on November 28 regarding the men's shelter planning process. She sees the two open houses to date as the

beginning of the process. She expressed support for the idea of a citizens committee or working group, as suggested during oral communications by Colin Jenkel. Ms. Robertson said the Council received an email earlier in the day about right size, right standards, and anticipates reviewing all of that moving forward. She observed that November 28 is the beginning of more in-depth discussion and study.

City Manager Miyake said staff will be prepared to present the major themes on November 28, and he concurred that follow-up work will be required beyond that point. Ms. Robertson asked staff to post future Council discussion dates as soon as possible for the convenience of the public.

Councilmember Slatter concurred with Councilmember Robertson's suggestions. Ms. Slatter requested more information on homelessness and on how the data and metrics have been managed for homeless individuals in Bellevue. She said it would be helpful to have more background information on the overall issue, including online. She suggested providing a way for the public to comment online.

Councilmember Wallace said he recalled the Council approving the letter of agreement to explore the proposed shelter. However, like the community, he was a bit surprised when more detailed plans became evident without further Council discussion. He said the process for the community, City staff, and the Council remains unclear. He expressed concern regarding the potential for low-barrier shelters and for eliminating the requirements for identification and background checks.

Deputy Mayor Chelminiak said initiating a community dialogue is incredibly important. However, he observed that there is no right way to start a process. There are always members of the public who were not aware of a specific issue or project. Mr. Chelminiak said he appreciates that Bellevue residents are always willing to have an open dialogue about concerns and questions. He expressed support for creating a citizen group to address the proposed men's shelter. He said there have been low-barrier shelters in neighborhoods for some time.

Mr. Chelminiak said the Council discussed human services funding during the earlier Study Session, and agreed to increase funding for homeless services and outreach. He wants to avoid the situation in Seattle and a crisis-focused approach. He said he appreciated the public comments earlier in the meeting.

Mayor Stokes said it is natural for individuals to be somewhat alarmed the first time they hear about any sensitive project or issue. He encouraged suggestions from the public for how the City could improve its notification process to the community. He requested patience as the City works to enhance the community's involvement.

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

6. Report of the City Manager

(a) Snow and Ice Preparedness Management Brief

City Manager Brad Miyake asked staff to provide a brief overview of the City's preparedness for winter storm events.

Dave Berg, Transportation Director, described the City's maintenance activities over the summer to prepare storm response equipment, including snow plows, de-icing equipment, and sanders. He said Bellevue has not had a major storm event over the past couple of years, which heightens the need for adequate training for new and longer term staff. He said the City utilizes a Bellevue-based weather forecasting service to address the different elevations throughout the community, which can result in different issues and needs.

Mr. Berg said the Transportation Department is the lead for wind, snow and ice events, while the Utilities Department is the lead for flooding. There is annual interdepartmental training every November. Mr. Berg said the City has four anti-icing and de-icing vehicles focused on preventing hazardous road conditions.

Mr. Berg said the City web site's home page has an Extreme Weather Response icon in the bottom right corner where individuals can access storm preparedness and weather information and sign up to receive alerts via email and/or text message.

Councilmember Slatter questioned the 1,000-foot elevations in Bellevue. Mr. Berg said there are sections south of I-90, primarily in the Lakemont area.

7. Council Business and New Initiatives: None.

8. Consent Calendar

→ Councilmember Wallace moved to approve the Consent Calendar, and Deputy Mayor Chelminiak seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 5-0, and the following items were approved:

(a) Council Meeting Minutes
Minutes of October 10, 2016 Extended Study Session
Minutes of October 17, 2016 Study Session
Minutes of October 17, 2016 Regular Session
Minutes of October 24, 2016 Extended Study Session

(b) Motion to approve payment of claims and payroll for the period September 1, 2016 through September 30, 2016.

(c) Resolution No. 9169 authorizing the execution of a Professional Services Agreement for on-call Geotechnical Services with Associated Earth Sciences, 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.

(d) Resolution No. 9170 authorizing the execution of a Professional Services Agreement for on-call Landscape Architectural Services with Anchor QEA, LLC 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.

(e) Resolution No. 9171 authorizing the execution of a Professional Services Agreement for on-call Civil Engineering Services with DOWL, LLC 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.

(f) Resolution No. 9172 authorizing the execution of a Professional Services Agreement for on-call Electrical and Mechanical Engineering Services with Hultz BHU 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.

(g) Resolution No. 9173 authorizing the execution of a Professional Services Agreement for on-call Structural Engineering and Project Management Services with KPFF, 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.

(h) Resolution No. 9174 authorizing the execution of a Professional Services Agreement for on-call Architectural Services with Lawhead Architects, PS 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.

(i) Resolution No. 9175 authorizing the execution of a Professional Services Agreement for on-call Architectural Services with SM Stemper Architects, PLLC 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.

(j) Resolution No. 9176 authorizing the execution of a Professional Services Agreement for on-call Landscape Architectural and Urban Design Services with Swift Company, LLC 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.

(k) Resolution No. 9177 authorizing the execution of a Professional Services Agreement for on-call Geotechnical Engineering and Materials Testing Services with Terracon Consultants, Inc. for three years in an amount not to exceed $250,000 per year with an option to renew for a period of one (1) term of two (2) years.

(l) Resolution No. 9178 authorizing the execution of a Professional Services Agreement for on-call Mechanical Engineering Services with Wood Harbinger, 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.

(m) Resolution No. 9179 authorizing execution of a five-year general services contract with Stearns, Conrad & Schmidt Consulting Engineers, Inc., dba SCS Field Services, in an amount not to exceed $300,000, for the operation and maintenance of the Eastgate landfill gas collection system.

(n) Resolution No. 9180 authorizing execution of Amendment #2, to the professional services agreement with Gary N. McLean for Hearing Examiner services, to increase the total contract value to an amount not to exceed $115,000.

(o) Resolution No. 9181 authorizing execution of the Funding Agreement with Performing Arts Center Eastside ("PACE") for Tateuchi Center for period of 2016-2066.

(p) Motion to re-adopt a Resolution authorizing the execution of a Professional Services Agreement for on-call Structural and Civil Engineering, Construction Management and Environmental Consulting Services with Jacobs Project Management, Co. 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.

9. Public Hearings

(a) Public Hearing on Ordinance No. 6315 extending the interim official control originally adopted by Ordinance No. 6290 regarding the relocation of BelRed businesses displaced by the Sound Transit East Link project; providing for severability; repealing Ordinance No. 6290; and establishing an effective date.

City Manager Miyake said the interim official control ordinance regarding the relocation of BelRed businesses displaced by the Sound Transit East Link project was originally adopted on May 16, 2016. The action responded to concerns by Park Place Motors about the lack of relocation options in the BelRed area. Mr. Miyake said staff is seeking Council approval to extend the interim ordinance for six additional months. The extra time will allow the City to address permanent regulations as part of the BelRed Plan Lookback next year.

→ Deputy Mayor Chelminiak moved to open the public hearing, and Councilmember Wallace seconded the motion.

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

No one came forward to comment on the proposed ordinance. Responding to the Deputy Mayor, City Clerk Kyle Stannert said no written comments were received by the City.

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

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

→ Deputy Mayor Chelminiak moved to adopt Ordinance No. 6315, and Councilmember Slatter seconded the motion.

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

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

(a) Ordinance No. 6316 amending the Land Use Code regulating recreational marijuana retailers and prohibiting medical marijuana cooperatives and marijuana research uses; amending sections 20.10.440, 20.25A.015, 20.20.535, and 20.25D.070; repealing Ordinance Nos. 6286 and 6296; and establishing an effective date.

(b) Ordinance No. 6317 amending the Bellevue City Code to adopt regulations imposing civil penalties and abatement actions for violations of certain provisions of Chapter 69.51A RCW concerning the growing, processing, or possession of marijuana plants or medical marijuana products; amending sections 1.18.020.K, 1.18.020.M, and 9.10.030; and establishing an effective date.

City Clerk Stannert said there was a question earlier about the Council vote required to approve the ordinances. He said that adoption of the ordinances require a majority vote of the entire membership of the City Council versus a majority of those present.

City Manager Miyake said Ordinance No. 6316 represents a change to the Land Use Code with regard to marijuana-related permanent regulations. Ordinance No. 6317 amends the Bellevue City Code regarding civil penalties and abatement actions.

Trisna Tanus, Legal Planner, recalled that a public hearing was held on October 17 regarding Interim Ordinances No. 6286 and 6296. Based on previous Council direction, Ms. Tanus said staff developed four options to modify the interim regulations: 1) eliminate the Crossroads Subarea as one of the six subareas where stores are allowed, 2) allow up to two recreational marijuana stores in the BelRed Subarea, 3) allow up to two recreational marijuana stores in the Downtown, and/or 4) allow one additional store in the Medical Institution (MI) District.

Ms. Tanus said the Council received numerous written comments from the public as well as oral comments during the public hearing. Following the hearing, the Council directed staff to prepare ordinances for final action to permanently adopt the interim regulations in Ordinance No. 6286 and Ordinance No. 6296, incorporating the following modifications to proposed Ordinance No. 6316: 1) allow up to two marijuana stores in the BelRed corridor, 2) allow one additional store in the Medical Institution District, and 3) maintain a maximum of six stores citywide.

Ms. Tanus said Ordinance No. 6316 amends the Land Use Code to limit the siting and number of marijuana retailers, prohibit medical marijuana co-ops, and prohibit marijuana research uses.

Ordinance No. 6317 amends the Bellevue City Code to impose civil penalties and abatement actions for violations of the state's medical marijuana laws [RCW 69.51A].

Responding to Councilmember Slatter, Ms. Tanus said the proposed regulations would allow up to three stores in the BelRed Subarea, if one is in the MI District. The ordinance limits the number of stores to six citywide.

Responding to Mayor Stokes, Mr. Stannert said RCW 35A.12.120 states that, for code cities, a majority of the entire membership of the Council is required to adopt any ordinance.

City Clerk Stannert indicated that Councilmember Lee and Councilmember Robinson had joined the meeting via conference call.

→ Councilmember Robertson moved to adopt Ordinance No. 6316 amending the Land Use Code, and Councilmember Slatter seconded the motion.

Councilmember Lee said he opposes the motion not because he does not believe in making marijuana accessible to the public. He supports making marijuana stores available for medical use and allowing a store in the Medical Institution District. He said he asked staff for information on how many customers are Bellevue residents. Mr. Lee said he supports stores in Bellevue for residents, but not for others to come into the city to buy. Without the requested information, Mr. Lee said he feels compelled to oppose the ordinance as presented.

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

→ Councilmember Robertson moved to adopt Ordinance No. 6317 amending the Bellevue City Code, and Councilmember Slatter seconded the motion.

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

12. Unfinished Business: None.

13. Continued Oral Communications

(a) Steve Sanchez, a Robinswood neighborhood resident, said he has worked with Street Youth Ministries in Seattle for approximately 20 years, and more recently with Tent City 4 on the Eastside. He said the residents of Tent City 4 typically need help with mental or physical health issues, employment, and/or finding housing. He said Tent City 4 does not allow the usage of drugs or alcohol, and a number of the residents have jobs. He observed that overnight shelters do not work well for individuals who are trying to transition out of homelessness. Mr. Sanchez said Tent City 4 residents would not want to live in a low-barrier type shelter lacking the rules of Tent City 4.

(b) Karen Morris recalled that she was involved 11 years ago in the process that resulted in Bellevue's tent encampment ordinance. She was proud of the way the City conducted the

process, which resulted in a court case and a 10-year consent decree. Ms. Morris said the decree expired last January. She and others initiated contact with City staff nine months prior to the expiration date. She said the consent decree was subsequently extended without any notification to Ms. Morris or other stakeholders, and the decree is due to expire again soon. She has not been contacted by City staff to date. She said it is important that the City notify and involve the neighbors impacted by the proposed shelter.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:28 p.m., Mayor Stokes declared the meeting adjourned.

Kyle Stannert, CMC
City Clerk

/kaw