

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 5, 2017
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:15 p.m., with Mayor Stokes presiding.

2. Roll Call, Flag Salute

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

(a) World Elder Abuse Awareness Day Proclamation

Mayor Stokes read the proclamation recognizing Thursday, June 15, 2017 as World Elder Abuse Awareness Day in Bellevue. He urged everyone to commit to building safer communities for our aging residents.

Diana Thompson, representing The Bellevue Network on Aging, thanked the Council for honoring the 12th World Elder Abuse Awareness Day. She noted additional BNOA members in the audience. Ms. Thompson said the United Nations is focusing on understanding and ending financial abuse of older individuals. She noted examples of elder abuse including emotional, physical, and sexual abuse; neglect; and financial exploitation, all of which are often carried out by a family member or friend.

Ms. Thompson described a recent case involving a Bellevue bank assistant manager, who withdrew \$100,000 from an elderly customer's account without his consent or knowledge. The victims of abuse often do not report crimes due to the fear of retaliation, inability to report, concern that the abuser will be sent to jail, or fear that reporting will lead to the placement of the victim in a nursing home.

Ms. Thompson said the legislature recently enacted a law that increases penalties for elder abuse, reduces barriers to prosecution, and creates a new crime of theft from a vulnerable adult. She said the King County Prosecutor's Office web site describes the types of elder abuse, and the State Attorney General's Office describes tactics used to target vulnerable adults (e.g., home improvement schemes, investment scams, identity theft). To report the abuse or neglect of a vulnerable adult, call the State Department of Social and Health Services at 1-866-END-HARM or Adult Protective Services in Seattle at 206-341-7660. In an emergency, call 911.

Mayor Stokes noted Councilmember Robinson's involvement with The Bellevue Network on Aging during her service on the Bellevue Parks and Community Services Board and as a Councilmember.

(b) Recognition of Boys and Girls Clubs of Bellevue's Youth of the Year

Mayor Stokes invited Masao Yamada, Director of the Diplomas and Degrees Program and Keystone Leadership Group, Boys and Girls Clubs of Bellevue, forward to introduce the Youth of the Year, Moses Shiong. Mr. Yamada noted that Moses was also awarded the Governor's Scholarship for his community service. Moses, a senior at Sammamish High School, presented his speech from the Youth of the Year competition.

3. Approval of Agenda

→ Deputy Mayor Chelminiak moved to approve the agenda, amended to postpone Agenda Item 6(a) under the City Manager's Report. Councilmember Robinson seconded the motion.

→ The motion to approve the agenda, as amended, carried by a vote of 7-0.

4. Communications: Written and Oral

(a) Birgit Hansen said a group of residents near the proposed Eastgate men's homeless shelter site have hired an environmental attorney, David Bricklin, to represent their interests. She stated her understanding that no environmental studies of the site have been conducted. She said an environmental analysis could be a major determining factor in choosing an appropriate site. She said the Eastgate site involves steep slopes and forested areas, as well as homeless encampments

(b) Lara Litov referred to the Eastside men's shelter due diligence report discussed during the earlier Study Session. She said the report indicates there are many medical service providers in the hospital district who do not generally provide care to Medicaid patients. She said the State of Washington confirmed that there are Medicaid providers of every specialty within a few blocks of the hospital district, including addiction and psychiatric providers. She said the only methadone clinic in Bellevue is far from Eastgate and closer to the hospital district and BelRed corridor. She said the King County health clinic is not prepared to meet the needs of the homeless population and has no urgent or emergency care. Ms. Litov said the community wants to support the low-barrier program. However,

the homeless men and the community deserve better than rushing to implement a permanent program. She said repeated misinformation from Congregations for the Homeless and City staff should raise red flags for the Council. She said the success statistics for the current winter shelter are abysmal. Ms. Litov said it is irresponsible to commit \$23 million to a project that does not have oversight, transparency, accountability, solid funding, the ability to meet minimum success standards, or the experience and infrastructure to work with such a complex and vulnerable population. She asked the Council to step back to follow the outline provided by the King County consultant and to establish a committee of program funders and experts.

- (c) Richard Aramburu, an attorney representing the Eastgate Residents Committee, noted that he sent a letter to the Council on Friday regarding the multiple fatal flaws with the Eastgate men's homeless shelter site. He opined that the Deputy Mayor indicated earlier during the Study Session that decisions on the homeless shelter have been made. He expressed concern regarding the lack of environmental review and public hearings. He said the project is not a permitted use under the City Code. He noted that, when the Eastgate/I-90 Land Use Plan was developed, there was no discussion regarding the proposed shelter and supportive housing.

Deputy Mayor Chelminiak clarified that his comments earlier were that no final decision was being made tonight. What has been determined is a commitment to move forward with the letter of agreement. Mr. Chelminiak said the City is not deciding to build at Eastgate. The only thing that has been decided is to continue working with the parties, consistent with the letter of agreement.

Mr. Aramburu opined that, while the Council did not decide tonight to site the project at the Eastgate location, it made a decision to not put the project anywhere else.

Mr. Chelminiak apologized for any miscommunication and said the Council would continue its discussion later in the meeting. He said the Council is instructing staff to come forward with amendments to be considered.

- (d) Claudia Browsers, a retired Bellevue school teacher, spoke in support of the proposed Eastgate shelter. She applauded the Council for its vision and leadership. She said the day center in Bellevue has already been a low-barrier facility, which is a way to bring people in and to help them connect with services. She shared a story about a former shelter resident who went through the Congregations for the Homeless program three times before completing culinary school and finding a job and home.
- (e) Rubye-Lew-Huey Pang spoke in support of the Eastgate men's homeless shelter. She said there were three families of color when she moved to the Eastgate area years ago. Her house was vandalized and her family faced discrimination. She opined that now there is discrimination against the homeless and other populations. She said the location is ideal due to its proximity to the transit center, public health facility, grocery stores, and other retail services. She said Congregations for the Homeless has a demonstrated success rate. She said there are homeless men sleeping in Bellevue parks, and they are our sons,

fathers, grandfathers, brothers and uncles. She quoted and submitted a copy of a column written by David Brooks.

- (f) Carolyn Ferris described her work with nonprofit organizations that are going through transition and in need of guidance to remain viable. She said the Eastgate site is a good location for the proposed shelter and housing project due to the drastically discounted land rates that will probably never be available again. She said funding is currently available, particularly for the Imagine Housing supportive housing element. She thanked Councilmembers for their dedication and acknowledged the difficulty of making a decision on the shelter.
- (g) Karen Morris asked audience members to refrain from talking or making noise while individuals are speaking. She opined that City processes and legislative decisions are sometimes turning away from the substantive involvement of affected citizens. She encouraged the opportunity for local participation and involvement in regional issues and Eastside projects. She noted that certain local governments are removing or limiting opportunities for citizen input by restricting or eliminating public comment periods and holding meetings during the day when many people cannot attend. She opined there is a trend for staff and legislators to neglect transparency around land use issues and legislative rules.

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

6. Report of the City Manager

- (a) Bellevue Police Department Safe Place Program

[Postponed.]

7. Council Business and New Initiatives

- (a) Human Services Commission Appointment

[Postponed.]

8. Consent Calendar

→ Deputy Mayor Chelminiak moved to approve the Consent Calendar, and Councilmember Robinson 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 May 8, 2017 Extended Study Session

Minutes of May 15, 2017 Study Session
 Minutes of May 15, 2017 Regular Session

- (b) Motion to award Bid No. 17015, City Wide Loop Replacements (CIP Plan No. PW-M-19) to Transportation Systems, Inc., as lowest responsible and responsive bidder, in the amount of \$102,894.00.
 - (c) Resolution No. 9272 authorizing execution of an agreement with Northwest Playground Equipment, Inc., in the amount of \$84,607.06, plus all applicable taxes, for the purchase and installation of play equipment at Saddleback Park.
 - (d) Motion to award Bid No. 17026, Bellevue Way and Main Street Pedestrian and Bicycle Improvement Project (CIP Plan Nos. PW-R-182, PW-M-1, CD-37) to NPM Construction Co. as the lowest responsible and responsive bidder, in the amount of \$413,153.00.
 - (e) Resolution No. 9273 authorizing execution of a one-year, On Call Traffic Marking Maintenance contract, including four, one-year options to renew, in an amount not to exceed a contract total of \$700,000.
 - (f) Resolution No. 9274 approving the final report and recommendation for the Affordable Housing Strategy as revised and presented to the City Council on May 22, 2017.
 - (g) Resolution No. 9275 authorizing execution of a Memorandum of Understanding (MOU) by and between the City and the Bellevue Police Officers Guild (BPOG) for application of Section 12.D of the 2015-2017 BPOG Collective Bargaining Agreement to the Patrol Downtown Unit.
9. Public Hearings: None.
10. Land Use: None.
11. Other Ordinances, Resolutions and Motions: None.
12. Unfinished Business
- (a) Eastside Men's Shelter and Supportive Housing [*Continued from earlier Study Session*]

City Manager Brad Miyake introduced continued discussion regarding the Eastside Men's Shelter and Supportive Housing project.

Councilmember Robinson questioned whether the Council, if it moves forward with the intent of the letter of agreement, will have the ability to terminate its involvement with the project if the development criteria is not met.

Deputy City Manager Kate Berens said the Council would have the ability to decline to approve the negotiated Development Agreement. If approved, the project would move into the permitting process, which involves a staff decision.

Councilmember Robinson noted the plan to initiate the community process following the identification of the Development Agreement criteria. She would like to see more community involvement in the development of the criteria. Ms. Berens said the Council and staff could discuss options for the sequencing of the citizen advisory committee. She said the Development Agreement process is a public process. Staff will seek Council direction regarding the scope and general content of the Development Agreement. Council discussion and a public hearing will be held before final Council action.

Ms. Robinson said there are many people in the community who are knowledgeable of related issues, and she would like to engage them earlier in the Development Agreement process.

Mayor Stokes asked staff to consider how to move the advisory committee process to occur earlier in the drafting of the Development Agreement. Ms. Berens said the Council will decide how to sequence the planning and decision process.

Councilmember Robertson said that, following the Council's decision about whether or not to continue with the intent of the letter of agreement, there will need to be a Land Use Code update to incorporate the Planning Commission's recommendation on the Eastgate Land Use Plan. She said the Council has discussed adding a procedure to the Eastgate Plan or to the general Land Use Code for homeless shelters, which may or may not have a Development Agreement process. She said the Council has talked about directing staff to draft code language to address project impacts, including car camping, panhandling, and banning safe injection sites in the Eastgate area or citywide. Responding to Ms. Robertson, Ms. Berens confirmed that the Council could make Land Use Code decisions that could affect the homeless shelter project.

Responding to Ms. Robertson, Ms. Berens said an additional public hearing on the Eastgate Plan is not required, but the Council could choose to hold a hearing. In further response, Ms. Berens said the requirement for a Development Agreement for a shelter use is envisioned to be part of the Eastgate Land Use Code Amendment (LUCA).

Ms. Robertson said the homeless shelter is not, from her perspective, a new idea for Eastgate. She questioned whether the City will update the State Environmental Policy Act (SEPA) review checklist or determination for the Eastgate Plan. Ms. Berens said, with the change from requiring a conditional use permit to requiring a Development Agreement for a shelter, the final amendment adopted by the Council is reviewed by the State. The process does not envision a new SEPA checklist.

Councilmember Robertson stated that, in addition to the Eastgate LUCA, the Council will also be working with King County, Congregations for the Homeless, Imagine Housing, parties to related contracts, and potentially real estate interests and parties to funding agreements. She questioned whether those will be approved by the Council.

Ms. Berens said the Development Agreement would be approved by the Council. However, the land transfer depends on whether the City has a role. The City currently does not have a role in that transaction. The City is not the property owner or developer and is not leasing property or space for the men's homeless shelter and supportive housing.

Councilmember Robertson questioned whether, if the City's current funding to Congregations for the Homeless changes for a new facility, a new agreement requiring Council approval would be necessary. Ms. Berens said the current understanding is that both capital costs and operating costs would be considered through the City's normal practices. Capital costs are contributed by the City through A Regional Coalition for Housing (ARCH), and projects come before the Council on an annual basis for approval. Requests for funding assistance toward operating costs would be considered through the Human Services Commission's process, which involves Council approval of all funding recommendations.

Councilmember Robertson said there are many potential Council votes and decisions going forward. She found the letter from Richard Aramburu to be interesting and pertinent to the Eastgate site. She would like the City's legal advice regarding issues he addressed in his letter. Ms. Robertson said she understands the native growth protection easement is in place. Her understanding is that the City and King County could potentially change that designation.

Ms. Robertson said she would like more information on the parking and landscaping plans for the Eastgate site. However, her primary concern relates to what is allowed in the current Land Use Code. She said a binder submitted by the public includes documents indicating that, in the past, a City planner did not believe a homeless shelter was an allowed use in the Eastgate area. At some point, City staff determined that a shelter met the definition of transient lodging. That definition states that payment must be made for the lodging and the stay not exceed a period of 30 days. Ms. Robertson opined that a shelter does not meet that definition.

Ms. Robertson said Mr. Aramburu outlines group dormitory fraternal housing. She said the term is not defined in the City's Land Use Code. However, the Land Use charts allow the use in a portion of the Factoria area. Ms. Robertson reiterated that she would like legal advice as well as greater clarity regarding homeless shelters in the current Land Use Code. She suggested the City needs to define shelters and to add the use to the Land Use charts citywide. She said there should be a specific citywide permit process, criteria, conditions of approval, and other policies in place before making a decision on the Eastgate LUCA or the shelter project Development Agreement.

Ms. Robertson said her understanding is that the delivery of services currently provided by Congregations for the Homeless at the low barrier shelter and day center in Bellevue are changing. She said there has been discussion about tracking data, and there will be potentially different statistics on the effectiveness of the program in the future. Ms. Berens said the current shelter model encompasses the operation of an emergency shelter and day center without case management and other services.

Councilmember Robertson questioned the time needed, after the anticipated changes, before there is data indicating the program's effectiveness. Ms. Berens said data is gathered annually

and trends would be analyzed over time. Ms. Robertson suggested that the data would have an impact on how to best mitigate a shelter, how to develop the site, and how to best provide the services. She would prefer to wait until more data is available.

Responding to Ms. Robertson, Ms. Berens said the SEPA review will be part of the Development Agreement process. Ms. Robertson said the City would also conduct a SEPA review on new code sections (e.g., banning safe injection sites). Ms. Berens said the SEPA review for the Eastgate LUCA has been completed. As a result, immediate amendments to the Eastgate LUCA do not require additional review. However, additional review would be conducted for any citywide code amendments. Ms. Robertson wants to ban safe injection sites citywide.

Councilmember Lee said many questions have been raised and more information is needed. He said Councilmember Robertson asked good questions. He referred to the Council rule that a vote cannot be reconsidered within six months unless there is a determination of a significant change affecting the substance of the motion. Mr. Lee questioned how to interpret “significant change.” He opined that the circumstances have changed significantly. He said the project is an important issue that changes the character of the community. He opined that most people want to help the homeless. However, the City needs to do it right.

Mr. Lee suggested two actions: 1) decide on how to face the issues related to homelessness (e.g., emergency facilities, long-term facilities, etc.), and 2) develop more information on cost impacts to the City. He noted an editorial that encourages focusing on data versus good intentions. He said this needs to be treated as a regional problem and solution. He said land costs are high in Bellevue, and other locations might make more sense for the region. He suggested looking at the issue from a systematic, data-centric perspective.

Deputy Mayor Chelminiak questioned whether, if a project moves forward at any location, there is some type of SEPA review within the permitting process. Ms. Berens confirmed that the Eastgate Plan has gone through a SEPA checklist. If the Eastgate project moves forward, there will be a SEPA analysis of the Development Agreement. Responding to Mr. Chelminiak, Ms. Berens said staff can bring back more details for the Council. The SEPA analysis related to a Development Agreement is a project-level review of the permit applications. It describes the project and addresses environmental impacts. Ms. Berens said the City is typically able to tie the impacts to specific code provisions. For example, given the City’s critical areas code, the SEPA checklist would identify critical areas on the project site, if any. The City would then refer to Land Use Code provisions for mitigating impacts.

In further response to Mr. Chelminiak, Ms. Berens said the SEPA checklist results in a preliminary determination of significance or non-significance, which is reflected in the public notice regarding the project. If the impacts are within the scope of the City’s plans and codes, there is a determination of non-significance. If an impact is not considered in the City code, there may be a requirement for something more extensive than the SEPA checklist.

Responding to Deputy Mayor Chelminiak, Ms. Berens confirmed that a decision has not been made by the City to build the project at the Eastgate site. There has not been any City action to trigger a SEPA review. Mr. Chelminiak said the Council does not currently have the information

needed to make a decision regarding the Eastgate site. Ms. Berens concurred and noted that, because the City is not the developer of the project, other parties could be the final decision-makers about whether to proceed with the site.

With regard to public involvement, Deputy Mayor Chelminiak questioned whether the City has ever established a citizen committee to advise on other parties' projects. Ms. Berens said a formal process of that types exists in the Land Use Code only for the design and mitigation permits related to Sound Transit's East Link light rail project.

Mr. Chelminiak said he shares his colleagues' interest in earlier public involvement. However, he questioned whether there was an option that would be short of involving the City in establishing a set group of people.

Councilmember Wallace said he came prepared to talk about the three options: Eastgate, Lincoln Center, and Sound Transit's light rail operations and maintenance facility (OMF East). He noted Mr. Aramburu's comment that the zoning at the Lincoln Center site does not currently allow a permanent shelter.

Mr. Stroh said the area is currently zoned OLB (Office-Limited Business) and is undergoing a major review and revisioning with the citizen advisory committee (CAC). The Eastgate site is also currently zoned OLB. Staff believes the shelter is a permitted use in the OLB district.

Mr. Wallace said he does not see a homeless shelter as a permitted use in any part of the city. Mr. Stroh said the permitting authority is the Development Services Department (DSD), which makes the determination. There is not a specific designation for homeless shelter or emergency shelter. However, staff's review concluded that transient lodging, which is also used for hotels, is the correct designation due to the short-term, daily stays of the clients.

Mr. Wallace noted there are different definitions for general retail uses and marijuana retail uses because the latter has specific impacts that need to be addressed. He said he could not find a designation in the Land Use Code that appears to permit a homeless shelter. He would like to maintain the current interim shelter and make needed improvements to it until the proposed project is resolved.

Continuing with comments on the three sites, Councilmember Wallace said the graphics do not highlight the topography of the sites. For the Eastgate site, if the center point used to identify surrounding land uses within a quarter mile is moved farther south, many more single-family homes fall within the area of impacts. He observed that it is harder to walk from the site to the single-family homes, however, due to the topography. The same is true for the OMFE location in the BelRed corridor. The only single-family residences are on the perimeter of the quarter-mile circle, and the topography makes for a long walk to those residences.

Councilmember Wallace opined that the OMFE, which was the location of the previous winter shelter, is the best site for the proposed men's homeless shelter. He was not aware of any complaints related to the shelter at that location. He spoke with individuals at a neighboring business, who were positive about Congregations for the Homeless. Mr. Wallace said the site

does not impact residential areas, including the Bridle Trails neighborhood across SR 520. He said the OMFE site is a blank slate, and the land is set to be surplus by Sound Transit. In addition, the City owns an acre of the land. He noted the opportunity to trade land with Sound Transit to create a parcel that the City could lease to Congregations for the Homeless to build their facility.

Mr. Wallace said the Connecting Washington plan approved by the state legislature directed Sound Transit to surplus 80 percent of their land for affordable housing. He said that principle is also included in the Sound Transit Phase 3 (ST3) plan recently approved by voters. He said Sound Transit is allowed to sell or donate the land. He would like to identify a site that can be controlled by the City, and to work with Congregations for the Homeless to design and permit a facility that is appropriately located with impacts that can be mitigated. He noted there are citizens who want the shelter as soon as possible, and others who want to allow time for further study. He suggested that both groups could work effectively together to provide a shelter at the OMFE site instead of forcing it into a neighborhood where it does not belong.

Councilmember Simas expressed support for perhaps a smaller shelter at the OMFE site. He said the need for shelter space will continue to grow, and it will likely make sense to site shelters at more than one location, including the Eastgate area. He suggested designating the OMFE site for the chronically homeless, while he envisions perhaps more families at the Eastgate site. He expressed support for Mr. Wallace's suggestion to pursue a land swap with Sound Transit.

Councilmember Robertson concurred with Councilmember Wallace's comments and proposal. She said the Council is unified in wanting to help the homeless population and to improve the Lincoln Center interim shelter. Allowing the shelter to continue at the site provides the opportunity to collect data under the new operations and service delivery model. That information will help the Council determine needed funding, infrastructure, and capital improvements.

Ms. Robertson suggested pausing the work on a low-barrier shelter in the Eastgate area. She said the OMFE analysis indicated it is the ideal location. She said many believe shelters belong in light industrial areas. However, the City has eliminated much of its light industrial areas. She said it is unfortunate that Sound Transit took an area in the BelRed corridor, which had been rezoned, to return it to a light industrial use (i.e., OMFE). Ms. Robertson said the BelRed corridor is a good location for the shelter due to transit access and the absence of residential neighborhoods.

Ms. Robertson said pausing the Eastgate work would allow the City to investigate Councilmember Simas' suggestion to provide smaller shelters at more than one location. Ms. Robertson suggested separate low-barrier and medium-barrier shelters. She noted a proposal before the state legislature to allow funding different types of shelters (e.g., low-barrier, medium-barrier, sober shelter, etc.). She opined that separating populations with different needs benefits those who are receiving services.

Councilmember Robertson thanked staff for studying all three sites. She opined that the data indicates that the OMFE and Lincoln Center sites are better for the proposed shelter than the

Eastgate site. She believes the forested area is a fatal flaw for the Eastgate site. She noted that the Land Use Code currently allows multifamily housing in the OLB zone, so Imagine Housing could build its affordable housing project at the site, ideally in partnership with King County.

Councilmember Robinson recalled creating the East Link project memorandum of understanding (MOU) with Sound Transit. She said that, at that time, Councilmember Wallace expressed concern that Sound Transit's maintenance facility essentially eliminates the opportunity for the redevelopment envisioned in the BelRed plan. Ms. Robinson said the Council does not know whether Sound Transit will have surplus parcels. She opined that Mr. Wallace is now suggesting that a developer will want to build a shelter instead of a major office and/or residential tower on an available parcel.

Ms. Robinson disagreed with Councilmember Lee's characterization that *The Seattle Times* editorial was a call to wait on the homeless shelter. She believes it was a call to action. The article encourages a focus on data, and not on good intentions, to combat homelessness. She said the article states that current data supports that the region is not doing enough to help the homeless. She said the City needs to act now to address the problem. Even if a shelter is feasible at the OMFE site, it does not meet the need for longer term housing and supportive services.

Ms. Robinson said the City has an opportunity with Imagine Housing to create supportive housing that will move individuals out of homelessness into secure housing. Imagine Housing currently has the opportunity to secure funding for the project if the City agrees to move forward. She is open to looking at alternative sites. However, she will never support the Eastgate location until the City has established and met the appropriate criteria and involved the public in that process. She expressed concern that the project will never materialize if the City does not move toward the Eastgate site.

Councilmember Wallace disagreed with Councilmember Robinson's recollection of his past comments. Mr. Wallace noted that Councilmembers do not generally personally challenge each other, so he would like to respond. He said there has not been an opportunity to evaluate the Sound Transit OMFE site. He opined that the public's concern is due, in part, to the lack of a fair evaluation of all three site options. He said there is an opportunity to place the Imagine Housing project at the OMFE, if that is the appropriate decision. He said there is an ability to place supportive services in the homeless shelter at the OMFE site as well. He opined that the project proposed for the Eastgate site could be accomplished at the OMFE site, which he believes is the clear winner based on staff's analysis.

- At 9:52 p.m., Deputy Mayor Chelminiak moved to extend the meeting to 10:15 p.m. Councilmember Robertson seconded the motion.
- The motion carried by a vote of 7-0.

Councilmember Lee said he would like more information before making a decision. He noted the redevelopment plans for Sound Transit's site and questioned Bellevue's role in the redevelopment.

Ms. Berens said the East Link MOU and Implementation Agreement defines development targets for the transit-oriented development (TOD) parcels in the BelRed corridor, as well as certain objectives for the decision process. She noted that the anticipated mixed-use development was previously negotiated with Sound Transit. The City would need to work with Sound Transit if it wants to change the plan reflected in the agreement.

Mr. Lee said *The Seattle Times* editorial states that the region does not know how to solve homelessness, despite good intentions. He said the City needs to collect more data and to continue to study the issue to avoid the mistakes of Seattle and other cities.

Responding to Deputy Mayor Chelminiak, Ms. Berens said the City acquired the one-acre parcel adjacent to the OMFE site as part of the acquisition of the Safeway property. Under the East Link MOU, the City has the option to trade the acre for property along 120th Avenue NE. She said the City would need to work with Sound Transit if it wants to identify a different property or properties for the land swap. Mr. Chelminiak requested further details on the property acquisition and said he believed it was related to a King County TDR (transfer of development rights) transaction.

Mr. Chelminiak said the City received data from Congregations for the Homeless. He said they have been the primary partner in providing services to the homeless in Bellevue for approximately eight years. So far, the shelter has been seasonal so there is not sufficient data to evaluate the effectiveness of moving individuals out of homelessness. He said the day center was added to the shelter location this year. He said Congregations for the Homeless moved 80 men into its subsidized housing program over the past winter, and 39 of those men were initially residents of the winter shelter. In addition, 66 individuals moved into CFH's rotating shelter program, with 48 of them coming from the winter shelter. Of the men who entered the winter shelter program, 245 identified their last known address as Bellevue. An additional 94 came from other Eastside cities and Seattle.

Mr. Chelminiak said he was one of Bellevue's representatives in the OMFE stakeholder process, and another City representative participated in the request for proposals (RFP) advisory committee that chose the design-build firm for the OMFE. He said Sound Transit will need to provide a significant subsidy for any development on the site. He opined that Sound Transit agreed to do so through the East Link MOU.

Mr. Chelminiak said he prefers to collocate the shelter and supportive housing. However, he acknowledged that a second emergency shelter in another location might be needed as well. He said the Council will get answers to its questions only by moving forward with King County, CFH, and Imagine Housing. He would like to proceed without making a final decision on the site at this point.

Mr. Chelminiak asked staff to move forward with a process to develop options for Land Use Code amendments previously suggested by the Council (e.g., banning safe injection sites, etc.).

Councilmember Simas referred to the OMFE background information provided in the meeting packet. He said state law makes a distinction between a homeless shelter and affordable housing.

Affordable housing is defined as long-term housing for persons, families, or unrelated persons living together with an adjusted income at or below 80 percent of the area median income (AMI). Mr. Simas said the language indicates the need for specialized personnel and physical design, and states that the facilities often benefit from collocation with health and social services. Responding to Mr. Simas, Ms. Berens said the language is Sound Transit's interpretation of the statute. The City had asked Sound Transit to provide information regarding how the statutory provision applies to the disposition of the anticipated surplus parcels.

→ At 10:09 p.m., Deputy Mayor Chelminiak moved to extend the meeting to 10:30 p.m. Councilmember Robertson seconded the motion.

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

Councilmember Wallace said the path forward needs to consider land use issues for both the Eastgate and OMFE sites. He suggested that the proponents of the project, including Congregations for the Homeless, are not financially equipped to conduct an analysis and to deal with the attorneys engaged by residents and Sound Transit. He opined that the City needs to take over the design process before perhaps turning the project over to Congregations for the Homeless and Imagine Housing. He said the Council is committed to a permanent shelter. However, the City needs to be realistic regarding those organizations' financial capacity to deal with the overall process.

Mayor Stokes concurred and said those comments fit with the Council vision and priorities that have been discussed over the past three to four years. He does not see the OMFE as the best site, and the Lincoln Center site has a number of problems. He supports near-term improvements for the interim Lincoln Center shelter. He interprets *The Seattle Times* article to mean that the community needs to work together for a reasonable solution. He is willing to support the medium-barrier shelter designation. He would like to get to the point of being able to select the Eastgate location and to work with the community to address and mitigate concerns. He said it is important to move forward to avoid the situation in Seattle and other areas.

Mr. Stokes said the City and the community can work together, and there are multiple off-ramps for the City to discontinue its involvement in the future. He said this is a community that comes forward and gets involved. He has heard a lot of negativity and would like to hear more positives. He wants to move forward, but that does not mean the City is committed to the Eastgate site. He acknowledged that a second shelter might be needed in the future, perhaps at the OMFE site. He would like more information on that location.

Mr. Stokes expressed support for working on near-term Land Use Code amendments to address car camping, panhandling, a ban on safe injection sites, and related issues.

Mr. Stokes said there are approximately 140,000 people in Bellevue, and everyone needs to work together. He would like to see a citizen advisory committee involved earlier in the process of establishing the Development Agreement.

Mr. Stokes recalled the Council vote on April 17 to move forward with the letter of agreement. He suggested following through on elements of the agreement and studying the OMFE site further.

→ Councilmember Robertson moved to direct staff to bring forward Land Use Code amendments on the following items: 1) Eastgate Land Use Plan, 2) citywide regulations for homeless shelters, 3) banning safe injection sites citywide, 4) stronger vehicle parking and camping enforcement policies, and 5) public information materials regarding panhandling for use citywide and for use, as appropriate, for particular locations subject to frequent panhandling complaints. Deputy Mayor Chelminiak seconded the motion.

Ms. Robertson noted that the items include elements of the April 17 Council action.

Deputy Mayor Chelminiak said those are separate items, and some will require significant public comment and process. He noted the need to move forward first with the Eastgate Plan LUCA.

→ Ms. Robertson amended her motion to direct staff to propose a schedule for sequencing the above-referenced LUCA work. Mr. Chelminiak seconded the amendment.

Councilmember Lee said he is comfortable with the current path and will not support the motion.

Responding to the Council, Ms. Berens said that, based on the motion language, staff would bring forward the code language that enables the Development Agreement approach in the Eastgate LUCA, as well as a schedule and process for addressing the listed Land Use Code amendments.

→ At 10:27 p.m., Deputy Mayor Chelminiak moved to extend the meeting to 10:45 p.m. Councilmember Robertson seconded the motion.

→ The motion carried by a vote of 6-1, with Councilmember Lee dissenting.

Councilmember Robertson repeated the motion language, as amended.

→ The motion carried, as amended, by a vote of 6-1, with Councilmember Lee dissenting.

Councilmember Robertson proposed a motion to direct staff to take further action to develop and perform due diligence and to communicate with Sound Transit regarding development of a homeless shelter and day center project, potentially with affordable housing, at the OMFE site.

Councilmember Wallace said the concept of trading the City parcel for an appropriately sized site needs to be part of the discussion with Sound Transit. Ms. Robertson concurred.

→ Councilmember Robertson moved to direct staff to take further action to develop and perform due diligence and to engage in open discussions with Sound Transit to determine a path forward for making a homeless shelter and day center project, which could include

affordable housing, in conjunction with the OMFE site, and to negotiate specific details with Sound Transit. Councilmember Lee seconded the motion.

Councilmember Wallace expressed support for the motion, but cautioned against constraining it too tightly pending Sound Transit's OMFE project update on June 12.

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

Councilmember Robinson questioned the Council's interest in forming the advisory committee and initiating public involvement earlier in the Development Agreement process.

Ms. Berens suggested that the Council address the topic when it discusses the overall Eastgate LUCA. Staff envisions the Development Agreement process to include the establishment of an advisory committee. However, the Council will decide when to begin the public involvement process. Councilmember Robinson would like the committee to be involved in developing the criteria for the Development Agreement.

Mr. Chelminiak said he would like to discuss whether there is another process by which the public can have better involvement, and perhaps less formal involvement, than an appointed committee and that would allow the proponents to provide input earlier to shape the Development Agreement. He observed that the public involvement process could be conducted by the City or by another entity/process.

→ Councilmember Lee moved to direct staff to implement appropriate improvements to the Lincoln Center interim shelter. Councilmember Robertson seconded the motion.

Mr. Lee said he would like a recommendation from staff before deciding on the needed improvements.

Deputy City Manager Berens said the tenant improvements are estimated not to exceed \$200,000. Funding is available that does not require formal Council approval to proceed with the work. Mr. Lee said he has heard that \$200,000 is inadequate.

Responding to Councilmember Robertson, Ms. Berens said the scope of work contains improvements to the kitchen, bathrooms, and showers. Mr. Lee reiterated his understanding that the scope of work is not adequate.

Deputy Mayor Chelminiak suggested moving forward with the improvements planned by staff. Congregations for the Homeless can request additional work if needed.

→ Councilmember Robertson made a substitute motion to direct staff to bring back a report on the scope of work as well as a recommendation for additional work that might be needed. Councilmember Lee seconded the motion.

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

Deputy Mayor Chelminiak summarized the status of the homeless shelter project. The City is moving forward with discussions with the parties to the letter of agreement to pursue items outlined in that agreement. One of the areas to discuss and define will be the barrier level designation for the shelter.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 10:42 p.m., Mayor Stokes declared the meeting adjourned.

Kyle Stannert, CMC
City Clerk

/kaw