

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

September 25, 2017
7:00 p.m.

Conference Room 1E-113
Bellevue, Washington

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

ABSENT: None.

1. Executive Session

The meeting was called to order at 7:04 p.m., with Mayor Stokes presiding. There was no Executive Session.

2. Approval of Agenda

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

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

(a) Commendation for Retiring Fire Chief Mark Risen

Mayor Stokes thanked Fire Chief Mark Risen for his 35 years of service to the City of Bellevue and the community. Mr. Stokes read the commendation recognizing Chief Risen for his professionalism, ingenuity, and integrity. Mr. Stokes noted Chief Risen's leadership as Bellevue voters approved the passage of the Fire Facilities levy in November 2016. In addition, Chief Risen served on the Boards of NORCOM, Zone 1 Fire Chiefs, and the Eastside HazMat Consortium, and as Interim Fire Chief for Woodinville Fire and Life Safety.

3. Oral Communications

(a) Maria Vlachopoulou expressed concern regarding the resiliency of the local electrical grid. She noted widespread power outages due to the recent hurricanes in other parts of the country and the earthquakes in Mexico. She said Puget Sound Energy should invest in

portable batteries, as Con Edison has on the East Coast, instead of in more transmission lines. She said batteries on wheels can be effectively deployed to areas in need of power. She said transmission line projects will benefit PSE's investors. She encouraged Bellevue to be a leader in solutions that use modern technologies, some of which are developed in the Pacific Northwest. Ms. Vlachopoulou submitted her comments in writing.

- (b) Todd Andersen expressed concern regarding the difficulty of retaining teachers due to increasing housing costs. He said high housing costs led to the collapse of the school system in San Francisco. He noted Singapore's successful efforts to address housing issues. He said homelessness will continue to grow significantly. He expressed concern regarding the potential future collapse of the Bellevue School District. Mr. Andersen submitted his comments in writing.
- (c) Suzanne Baugh, President of the Lake Heights Community Club, expressed concern regarding the City's process related to the potential redevelopment of the Newport Hills Shopping Center. She encouraged the City to move forward with subarea/neighborhood plan reviews and updates, with a priority given to the Newport Hills neighborhood. Ms. Baugh submitted her comments in writing.

4. Study Session

- (a) Council Business and New Initiatives

[No discussion.]

- (b) Citywide Communications Update

City Manager Brad Miyake opened staff's presentation regarding the City's communications program. He recalled the 2016-2017 Council priority to focus on customer service and on developing proactive communication using technology.

Lenka Wright, Chief Communications Officer, presented the citywide communications update. She recalled the Council priority to develop proactive communication strategies with the community and to use technology to enhance customer service. She noted three strategic goals: 1) build deeper connections with the community, 2) deliver clear communications that support City branding, and 3) use technology to enhance community engagement.

Ms. Wright said the City continues to use digital media to expand its presence and engagement levels through the use of videos, colorful photos, and topical posts on social media. She noted the use of www.Nextdoor.com to post City news and to target specific neighborhoods for providing relevant information. Ms. Wright said the communications team and Neighborhood Outreach staff share information about upcoming events, emergency situations, public hearings, and other topics with widespread community interest. She said that more than 26,000 Bellevue residents use www.Nextdoor.com.

Ms. Wright said the City's Facebook page has nearly 4,500 followers. A typical post averages 1,900 users and 59 engagements. In January, the Bellevue Police Department began using

Facebook Live, which enables the City to broadcast news conferences online. The first use occurred following the arson fire at the Islamic Center Eastside. The City's Development Services Department (DSD) has a web page on the Houzz home remodeling and design website as a way to communicate with residents regarding permitting and other development services. The City provides critical information in multiple languages, when possible, during severe weather events and other emergencies. Ms. Wright said the communications office launched a Stay Connected campaign in August to enable individuals to stay informed about City-related activities, contact staff or Councilmembers, and to comment on issues.

Ms. Wright said Bellevue TV (Channel 21) has a new public affairs show called Bellevue Now. It is an interview format program focusing on community issues and highlighting City services and programs. The next episode in October will look at the steps the City is taking to manage regional traffic and to plan for future growth. The City received national recognition for municipal government achievements in communications, including the new City website. The new website has an online City newsroom, which is a central location for the public and media to stay informed about the City, its elected officials, services, and programs.

Ms. Wright recalled the recent presentation of the first Citywide Annual Report to the Council and noted that it received an award of excellence from the City-County Communications and Marketing Association (3CMA). Ms. Wright said the City's 2017 *Business in Bellevue* video was a bronze Telly Award winner in three categories for non-broadcast productions: general government, general lifestyle, and general public relations. She noted the City's video and television partnership with Bellevue College staff and students. The National Association of Telecommunications Officers and Advisors (NATOA) held its 32nd annual government programming awards in Seattle. Bellevue TV received an honorable mention for the *Lake to Lake* magazine show, and was awarded third place in the ethnic experience category for its video of the Ebony Fashion Fair, which was held at the Bellevue Arts Museum. Ms. Wright shared the video with the Council.

Ms. Wright said there are more than 59,000 e-subscriptions to a number of City news lists and alerts. She said the communications office will continue to use proven methods for effective communications, while also exploring how to best leverage new technology to better inform and build stronger relationships with the public.

Councilmember Robinson thanked Ms. Wright and the communications staff for the presentation and their work. Responding to Ms. Robinson, Ms. Wright said she would follow up with information on the language translation capabilities of Bellevue TV.

Deputy Mayor Chelminiak said the City's You Tube Channel is a great resource for the public. He thanked the Bellevue TV group for their productions of City Council meetings. Mr. Chelminiak said all of the communications tools are important in keeping the public up to date.

Councilmember Wallace questioned how communications staff works with other City departments (e.g., Transportation, Economic Development, and Neighborhood Outreach) to help them understand how and when they can use the communications tools. Ms. Wright said there are communications professionals and public information officers throughout the City who help

to provide that guidance. Referring to the issue of Amazon's search for a second headquarters, Mr. Wallace said it is important for City departments to understand how the communications tools might be employed.

Councilmember Lee concurred that it is important for City departments to be aware of the work of the communications team.

Mayor Stokes thanked staff for their work and commended them for the multiple awards.

(c) Request by Performing Arts Center Eastside (PACE) for the City to consider amending the 2016-2066 Funding Agreement for the Tateuchi Center

City Manager Miyake opened discussion regarding the Performing Arts Center Eastside (PACE) 2016-2066 Funding Agreement with the City, approved by Resolution No. 9181 in November 2016 for investment in the Tateuchi Center. The agreement included a number of fundraising requirements with a deadline of September 30, 2017.

City Attorney Lori Riordan described the request by the Performing Arts Center Eastside (PACE) that the City consider amending the funding agreement to extend the timeline. She said the PACE Executive Director retired this year. The Board expanded its membership and has been involved in performing some of the director's previous duties.

Ms. Riordan said PACE continues its fundraising efforts and is requesting an extension of the funding agreement deadline in order to prepare a proposal for the City's consideration. The PACE Board will present the proposal to the Council in late October. Staff is seeking an extension of the funding deadline to November 13 to allow PACE to transmit its proposal. Ms. Riordan said staff is prepared to bring back a resolution the following week, if desired by the Council.

Mayor Stokes said PACE is actively looking for a new Executive Director. He noted there have been changes to the facility's plans. Ms. Riordan said the black box cabaret has been removed from the plan, and the education center will be an integral component of the program. She said a deed of trust in favor of the City will secure its investment and the critical education component.

Councilmember Wallace said the source of the \$20 million related to the Tateuchi Center is through the bonding of the hotel/motel tax (transient occupancy tax, or TOT) revenues. Ms. Riordan said the City's investment will not be provided until the building is completed.

(d) Regional Issues

City Manager Miyake noted the meeting packet materials providing updates on the state legislative agenda, federal legislative activity, and King County regional committees.

Councilmember Wallace noted the memo that he asked to be included in the desk packet, which suggests items for next year's legislative agenda: Condominium Act reform, the affordable housing strategy and other issues requiring help from the state legislature, and transportation technologies.

Joyce Nichols, Director of Intergovernmental Relations, said the City is already working on a number of items included in Councilmember Wallace's memo. Ms. Nichols noted that the 2017 State Legislative Agenda includes items related to affordable housing. She said the agenda typically uses broader policy statements to avoid supporting only one alternative or solution. As an example, in the area of affordable housing, the City can advocate through the state legislature for funding tools that will enable the most effective local strategies.

Ms. Nichols said there will be a focus on public lands during the next legislative session. She noted efforts to enable the use of public land to develop affordable housing.

Ms. Nichols highlighted staff's process for developing the State Legislative Agenda, noting that staff will meet with individual Councilmembers before presenting the draft agenda in January for Council action.

At 7:49 p.m., Mayor Stokes declared recess to move to the Council Chambers for the two public hearings.

The meeting resumed in the Council Chambers at 8:02 p.m.

- (e) Public Hearing on Interim Official Control Ordinance No. 6369 amending the Land Use Code to prohibit Community Health Engagement Locations and Safe Injection Sites.

Mayor Stokes described the process for the public hearings.

City Manager Miyake recalled that the Council adopted two Interim Official Control ordinances on August 7, 2017, and introduced the staff report.

Carol Helland, Code and Policy Director, said that Interim Official Control refers to regulations that are generally adopted quickly to address an emergent issue, before there is an opportunity to hold a public hearing or to provide public notice. Interim Official Controls may be in effect for up to six months while permanent regulations are adopted, provided that a public hearing is held.

Ms. Helland said Interim Official Control Ordinance No. 6369 amends the Land Use Code to prohibit Community Health Engagement Locations (CHELs) and safe injection sites. The second public hearing relates to Interim Official Control Ordinance No. 6368, which amends the Land Use Code to provide a transparent and consistent permit process for establishing homeless shelters within Bellevue. Staff will request Council direction at the end of the public hearing to proceed with drafting permanent regulations.

Ms. Helland said the CHELs are also referred to as safe injection sites. They are designed to provide a location for individuals to consume illicit drugs. The Council placed a ban on the safe injection sites through the approval of Ordinance No. 6369. Staff is seeking Council direction about whether the Interim Official Control should remain in effect and whether it should be permanently adopted.

Ms. Helland recalled Council discussion the previous week regarding the recommendations of the King County Heroin and Prescription Opiate Task Force. She said two other cities have banned safe injection sites to date.

Responding to Mayor Stokes, Ms. Helland said the East Bellevue Community Council has the authority to hold courtesy hearings and to approve or disapprove certain ordinances after they are adopted by the City Council. The EBCC will hold a courtesy hearing on safe injection sites on October 3, and the EBCC's input will be forwarded to the City Council. Ms. Helland said staff anticipates action by the City Council on October 16.

- At 8:08 p.m., Deputy Mayor Chelminiak moved to open the public hearing. Councilmember Robertson seconded the motion.
- The motion carried by a vote of 7-0.

The following individuals came forward to comment:

1. Jim Nathman thanked the Council for approving the temporary ban and urged Councilmembers to adopt the ordinance as permanent regulations. He spoke in favor of increased access to counseling and treatment for drug addiction, and against condoning drug use through safe injection sites. He said King County and the City of Seattle have partnered to establish one safe injection site in Seattle and one elsewhere in the county. He expressed concern that King County will place safe injection sites in cities that do not actively oppose them.
2. Anne Coughlin, a clinical psychologist, asked the Council to maintain the ban on safe injection sites. She said enabling addicts will not cure or help them. She said the effects of the drugs are grim, often including a quick escalation to aggressive behavior to secure drugs. Ms. Coughlin said safe injection sites will attract homeless addicts, drug dealers, prostitution, and other criminal behavior. She said this approach has failed in Vancouver, B.C., where businesses and neighborhoods have suffered negative impacts. Ms. Coughlin referred to the Save King County website, which was initiated in 2003. The number of overdose deaths has risen 45 percent since that time. Of the 6,500 people who used the website, only 252 completed treatment. Ms. Coughlin said no independent review of Vancouver's program has been completed.
3. Lara Litov thanked the Council for joining Kent, Renton, Federal Way, Auburn and Snohomish in opposing safe injection sites. She noted that the program saves some lives in immediate overdose situations, but the root of addiction problems is not addressed. The sites attract drug dealers, addicts, and the homeless to the surrounding area. Ms. Litov said the sites attract only a small subset of the heroin-addicted population, which is the homeless. Most addicts, from all socio-economic levels, have housing and jobs. Ms. Litov encouraged efforts to help both the homeless and the housed addicts. She said injection sites work in Europe because socialized healthcare systems provide a range of supportive services and long-term treatment.

4. Karen Morris recalled that she previously spoke to the Council regarding the reliability and validity of the data used to support safe injection sites. She said a group called Speak Out Seattle has conducted extensive research and analysis on the related issues. Ms. Morris said the analysis indicates an intent to serve all participants and to have non-discrimination protocols for minors, pregnant women, first-time injectors, individuals who arrive with children and minors, individuals who arrive obviously intoxicated or under the influence of a substance, and individuals who are mentally ill. She noted the risk for lawsuits against the County due to its operation of safe injection sites. Ms. Morris submitted written materials related to her comments.
 5. Grant Girdner spoke in favor of the safe injection sites. He acknowledged the concerns of the community and said he hopes that the disagreement between individuals will not prevent moving forward together on other community priorities.
- At 8:22 p.m., Deputy Mayor Chelminiak moved to close the public hearing. Councilmember Robertson seconded the motion.
 - The motion carried by a vote of 7-0.
 - Deputy Mayor Chelminiak moved to direct staff to prepare an ordinance, following review by the East Bellevue Community Council (EBCC), for the final adoption of permanent regulations prohibiting Community Health Engagement Locations (CHELs), safe injection sites, and other uses or activities designed to provide a location for individuals to consume illicit drugs. Councilmember Robertson seconded the motion.
 - The motion carried by a vote of 7-0.
- (f) Public Hearing on Interim Official Control Ordinance No. 6368 amending the Land Use Code to assign the Permit Process required to establish a Homeless Shelter and to identify the Land Use Districts where a homeless shelter may be permitted.

Ms. Helland recalled that Interim Official Control Ordinance No. 6368 was adopted by the Council on August 7, 2017, to provide a transparent and consistent permitting process for establishing homeless shelters citywide. The ordinance requires the conditional use permit (CUP) process for homeless shelter proposals. Ms. Helland said the ordinance provides regulations for how a homeless shelter proposal would be reviewed and does not address specific shelter locations.

Councilmember Robertson said tonight's public hearing addresses whether the Council should maintain the interim zoning control for homeless shelters, including the use of the conditional use permit (CUP) process. She noted that the Council will work on permanent regulations, which could ultimately be different than the interim ordinance.

Responding to Ms. Robertson, Ms. Helland said the adoption of any permanent regulation to the Land Use Code begins with a discussion of the proposal with the City Council. Staff receives

direction regarding the scope of the desired amendment, the estimated schedule, and public outreach. Ms. Robertson said that, in order to adopt a permanent land use regulation, the City is required to complete a State Environmental Policy Act (SEPA) checklist and to hold a public hearing on the permanent regulations. Responding to Ms. Robertson, Ms. Helland confirmed that the public will have the opportunity to engage and testify about the proposed new permanent regulations after they are drafted.

Deputy Mayor Chelminiak noted that the Interim Control Ordinance may be extended for another six-month period, if desired, which would require another public hearing. Ms. Helland said the City recently launched a code amendment web page, which allows individuals to subscribe to alerts about Land Use Code amendments.

- At 8:30 p.m., Deputy Mayor Chelminiak moved to open the public hearing. Councilmember Robertson seconded the motion.
- The motion carried by a vote of 7-0.

The following individuals came forward to comment:

1. David Bowling, Congregations for the Homeless, thanked the Council for its efforts to site a homeless shelter in Bellevue and for putting the Interim Official Control in place. He said it will take the whole community working together to provide a successful shelter. He said CFH has been working collaboratively with the faith community, police, agencies, Bellevue College, and others. Mr. Bowling said approximately 20 individuals in CFH's programs have transitioned into housing in recent weeks due to the assistance of Streets to Home funding through the United Way. He said hundreds of individuals have used CFH's services to leave homelessness during the past year.
2. Melissa Harp said the City needs to address homeless shelters in the Land Use Code. However, there needs to be a thoughtful public process. She said the interim regulations manipulate the Land Use Code in order for the City to issue a shelter permit for the Eastgate area. She said shelters were never discussed by the Eastgate/I-90 Land Use and Transportation Plan Citizen Advisory Committee (CAC) or the Planning Commission. She encouraged the creation of permanent regulations through a public process that involves the Commission and residents. She expressed concern regarding the proposed low-barrier designation for the shelter. She asked the Council to convene a citizen committee to develop a comprehensive definition of all homeless services and to issue recommendations for how and where shelters should be permitted.
3. Linda Nohavec, representing the Eastgate Residents Committee (ERC), opined that the interim ordinance indicates that a proponent could vest a shelter project without regulations within the next four months. She suggested that the ordinance be amended to prohibit permit applications and the construction of homeless shelters during the interim zoning ordinance period. She expressed concern that staff previously determined that shelters could be permitted under the hotel/motel classification. Ms. Nohavec said ERC asks that the homeless shelter not be permitted in any zone until the City has adopted

regulations for this use. She urged the Council to ensure public safety and to encourage public engagement in this issue.

4. Lisa Leitner said a number of cities have definitions for homeless shelters. She said the City of Minneapolis conducted peer city research that provides information on zoning and land uses. She said a number of cities in Washington and out of state require the conditional use permit (CUP) process. All of those cities' regulations include downtown land use districts, commercial and industrial districts, accessory uses to religious institutions and organizations, and high-density residential districts. Ms. Leitner said there are areas other than Eastgate in which a homeless shelter could be sited. She believes that the Planning Commission should be a part of the process to develop the permanent regulations.
 5. Karen Morris noted the ordinance indicates that homeless shelters may be considered for other areas. She said the previous public hearing was held for the project proposed in the Eastgate area. She said there should have been a citywide process. She opined that classifying shelters with hotels and motels does not make sense. She said a citizen committee should have been formed early in the process, and a committee should be formed now to work through the development of permanent regulations.
 6. Steve Sanchez said the term "homelessness" is used very broadly. He said there have been comments from a number of people regarding the proposed low-barrier shelter designation. He cautioned against a definition that is too constrained and/or that refuses help to certain individuals. He encouraged more in-depth discussions regarding the programming to be provided by a shelter or shelters.
 7. Tzachi Litov noted the compassion expressed by individuals regarding the issue of homelessness. He said he and his family have been involved in issues of homelessness for 25 years. He expressed concern regarding the public process and opined that it was evident that there was an agenda to place the homeless shelter in the Eastgate area. He asked the Council to look inwardly and to do the right thing in the right way.
- At 8:52 p.m., Deputy Mayor Chelminiak moved to close the public hearing. Councilmember Robertson seconded the motion.
- The motion carried by a vote of 7-0.

Councilmember Robertson noted public comments that there are no criteria in the interim zoning ordinance. She said there are criteria for conditional use permits in the Land Use Code, including that the conditional use is consistent with the Comprehensive Plan, the design is compatible with the existing character of development, the conditional use will be served by adequate public facilities and infrastructure, and the use will not be detrimental to uses or properties in the immediate vicinity.

Responding to Ms. Robertson, Ms. Helland said CUP applications are reviewed by the Hearing Examiner in a pre-decision hearing. If there is an appeal of the Hearing Examiner's decision, the matter is forwarded to the City Council.

Ms. Robertson said there are general CUP decision criteria in the Land Use Code that would be used if an application was received while the interim ordinance is in place. Ms. Helland said the City would also apply relevant standards and regulations for the specific land use district. She said all CUP applications require public notice and the opportunity for submitting public comment to staff and before the Hearing Examiner.

Councilmember Robertson said she wanted to clarify that, while the interim ordinance is somewhat general, it automatically includes existing Land Use Code criteria. Responding to Ms. Robertson, Ms. Helland confirmed that the interim ordinance designates homeless shelters as a conditional use in all allowed districts.

Responding to Mayor Stokes, Ms. Helland confirmed that the Council has discussed the potential use of a development agreement for a homeless shelter. She recalled that a development agreement was implemented related to light rail and development in the BelRed corridor.

Deputy Mayor Chelminiak concurred with Councilmember Robertson that there are sufficient safeguards to guide the CUP process. Mr. Chelminiak said the City has documented a significant record over the past year related to the public process. He said there have been a number of public meetings, hearings, and Council study sessions to establish a record. He noted that tent cities are guided by a different set of regulations, and they must be consistent with a consent decree currently in place. Mr. Chelminiak said he does not consider tent city to be a high-barrier shelter.

Responding to Councilmember Lee, Ms. Helland said a homeless shelter can currently be sited in the same land use districts that allow hotels and motels: Eastgate transit-oriented development (TOD); Office Limited Business (OLB) and OLB-2; Community Business (CB); Factoria land use districts 1, 2 and 3; all Downtown districts; and certain districts in the BelRed corridor.

In further response to Mr. Lee, Ms. Helland said the interim ordinance is not intended to describe the siting of the shelter, but is intended to develop a consistent process for siting a shelter.

Mr. Chelminiak said the interim ordinance currently identifies the districts in which hotels and motels are allowed as districts in which shelters would be allowed.

Councilmember Wallace said there have been comments about having a citywide SEPA-level process in evaluating possible shelter locations. However, he has heard that the proponent, Congregations for the Homeless, or any developer could make an application to the City, without the need to compare and analyze alternative sites. Ms. Helland confirmed his understanding.

Councilmember Wallace said the City's comparison of three shelter locations was not a SEPA-level analysis.

Deputy City Manager Kate Berens said there have been discussions about three specific sites with the Council. However, under the interim official control, the Council has a different role of determining the appropriate regulatory tools in the Land Use Code regarding the homeless shelter land use. Responding to Mr. Wallace, Ms. Berens concurred that an applicant could currently apply for a homeless shelter permit and would not be required to compare a number of sites.

Councilmember Wallace noted that staff previously determined that a homeless shelter fell into the same category as hotels and motels (transient lodging). Ms. Helland said the interim ordinance removes homeless shelters from the transient lodging category.

Mr. Wallace said the interim ordinance removes staff's interpretation that shelters qualify as transient lodging and requires the CUP process to consider shelters. He said he is committed to establishing a year-round homeless shelter work in Bellevue in the right location. He believes the Eastgate site has a number of issues that require the review of additional alternative sites. He said the Council, as the direct representatives of Bellevue residents, should own and process the development of shelter regulations.

Councilmember Robinson questioned whether there is a guarantee for a robust public process that creates programming with specific parameters before the City agrees to siting any homeless shelter in Bellevue. Ms. Helland said that concern will be addressed as the Council considers permanent regulations. She clarified that the interim ordinance is already in effect and the Council does not need to take action tonight. She said tonight's public hearing is a requirement to enable the interim ordinance to remain in effect for six months. Ms. Helland said staff will continue to discuss permanent regulations with the Council and to conduct public outreach.

Deputy Mayor Chelminiak said he believes the Eastgate site is appropriate for the homeless shelter project.

Councilmember Robertson expressed support for the interim ordinance. She acknowledged the public's concern about the City's process and lack of transparency. She said she has additional items she would like the Council to consider in developing the permanent regulations. She does not support a moratorium on shelters at this time because there are currently temporary and rotating shelters in the community. Ms. Robertson said the interim ordinance provides stronger controls and public engagement activities than the previous regulations.

Mayor Stokes recalled that the Council previously provided direction to staff to create a citizen committee to be involved in studying the CUP process and shelter-related issues. He acknowledged the public's concerns about the City's initial process. However, he encouraged moving forward with open and cordial discussions to establish shelter regulations.

Councilmember Lee expressed his concern about what he heard tonight from the public. He believes there is still confusion about the issues of siting the shelter versus developing the permitting process for shelters. He said it is important to have a thorough and clear understanding about decisions related to homeless shelters. He said that current regulations do not provide the protections provided in the interim ordinance.

Mr. Lee said homelessness is a challenging, complex issue, and solutions must be appropriate for both the short term and the future. He said it is important to understand the impacts to residents and the overall community. He noted his interest in ensuring that the public understands the issues and supports future permanent regulations. He reiterated that the interim ordinance is an improvement over existing regulations.

5. Continued Oral Communications: None.

At 9:24 p.m., Mayor Stokes declared the meeting adjourned.

Kyle Stannert, CMC
City Clerk

/kaw