

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

April 23, 2018
6:00 p.m.

Conference Room 1E-113
Bellevue, Washington

PRESENT: Mayor Chelminiak, Deputy Mayor Robinson, and Councilmembers Lee, Nieuwenhuis, Robertson, Stokes, and Zahn

ABSENT: None.

1. Executive Session

The meeting was called to order at 6:17 p.m., with Mayor Chelminiak presiding. There was no Executive Session.

2. Approval of Agenda

- Deputy Mayor Robinson moved to approve the agenda, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

3. Oral Communications

- (a) Alex Zimmerman spoke about freedom of speech as a fundamental principle of American culture. He said there is a fascist government controlled by Democrats, and the King County Council does not allow public comment. He said the homeless shelter is like a concentration camp. He suggested placing homeless individuals in apartments, three to five residents per apartment, which he feels would be safer and less expensive.
- (b) Melissa Harp asked the Council to require a conditional use permit (CUP) for all shelters. She expressed concern that allowing development agreements as an alternative to the CUP process potentially subjects land use decisions to political manipulation instead of consistent and objective criteria. Ms. Harp said the Planning Commission has expressed its support for the CUP process for siting shelters on at least four occasions. She said the

City Council voted in favor of the CUP process when the interim official control ordinance was adopted in August 2017 and again when it was extended in January 2018.

- (c) Lisa Leitner thanked the City for posting documents related to the draft Land Use Code Amendment (LUCA) for homeless shelter permitting earlier than usual in preparation for tonight's meeting. She encouraged the Council to require the CUP process for all shelters.
- (d) Howard Katz, representing Lake Bellevue Village, expressed concern about Sound Transit pushing the homeless out of certain areas and about the impacts of homeless individuals on their neighborhood. He noted an increase in property crimes. He said he has spoken with a number of homeless individuals who say they are not willing to live in shelters.

4. Study Session

- (a) Council Business and New Initiatives.

Mr. Chelminiak noted that the April 30 Special Meeting had been cancelled.

Councilmember Robertson asked staff to consider the following items for potential Council discussion: 1) banning the use of e-bikes on sidewalks, 2) ACES (Automated, Connected, Electric and Shared) vehicle technologies, and 3) small cell wireless 5G infrastructure.

- (b) Permanent Homeless Shelter Permitting Amendments to the Land Use Code - Meeting 2

Mayor Chelminiak introduced discussion regarding the Land Use Code Amendment (LUCA) related to the permitting of permanent homeless shelters. He noted the letter from the Eastgate Residents Committee. He thanked staff and residents for their participation in the recent public meetings. The topic will be discussed again by the Council on May 7 and May 21. There will be a public hearing on the final draft ordinance on June 11.

City Manager Brad Miyake recalled that the development of the citywide shelter LUCA has been an ongoing discussion since late 2016. On March 5, 2018, staff presented a community engagement plan and schedule for moving forward to develop the permitting regulations. At that time, the Council directed staff to hold two additional workshops, which were subsequently held at the South Bellevue Community Center and the Crossroads Community Center.

Deputy City Manager Kate Berens said the development of a homeless shelter has been a priority for the City for a number of years. The Council priorities established in 2014-2015 directed staff to work toward an Eastside solution for a permanent winter shelter. The current shelter has been in Bellevue since 2008. Ms. Berens highlighted the results of the Count Us In report published by King County in January 2017. The 2018 report will be published in May.

Ms. Berens described the human infrastructure continuum of care, which ranges from intervention to prevention to quality of life enhancement services. The City's 2017 human

services funding to agencies and nonprofit organizations providing homeless services totaled \$999,112. Services include prevention, intervention, outreach, shelters, day centers, and housing. Ms. Berens noted the comprehensive approach coordinating outreach and education, support services (e.g., case management, mental health counseling, substance abuse services), facilities (e.g., day center, shelters, safe parking lots, and different types of housing), and enforcement (e.g., enforcing laws and ordinances, code compliance, camp site cleanup).

Major Carl Kleinknecht described the Bellevue Police Department's experience with and response to dealing with homeless individuals, noting the ongoing challenges and resource needs. He said the winter shelter will be closing soon. He highlighted resources that coordinate with the Bellevue Police Department including the mobile crisis team, CARES 1 program, Congregations for the Homeless full-time outreach specialist, and relationship building between the Police, community, and businesses.

Major Kleinknecht noted Mr. Katz's comments during the earlier oral communications regarding homeless individuals in his Lake Bellevue neighborhood. Major Kleinknecht said the condominium association experienced up to four dozen car prowls incidents over a three-month period in 2012. He said the person responsible for 38 of the car prowls was the boyfriend of a resident's daughter. Three weeks ago, a homeless individual was arrested for three commercial property crimes. Major Kleinknecht noted that the Bellevue Police Department does not know whether homeless individuals are committing crimes unless they are located and arrested. He said Bellevue's crime rate is equal to or lower than surrounding cities.

Dr. Shawna Gibson, Bellevue Police Department, said a 2016 comparison of multiple locations in Bellevue to the one-mile radius around the shelter did not demonstrate increased criminal activity in the area around the shelter. She conducted a similar analysis after the shelter moved to Lincoln Center. Property crimes, violent crimes, calls for service, and field interview reports remained essentially the same after the shelter moved to that location in 2014.

Major Kleinknecht said Bellevue is a safe and responsive community, and the shelter has not had a significant impact on crime. When the winter shelter closes and the men are no longer housed at night, call volumes increase, especially related to mental health episodes and drug and/or alcohol intoxication.

Councilmember Nieuwenhuis thanked staff for the presentation. Responding to Mr. Nieuwenhuis, Ms. Berens said there are efforts underway to improve the reporting of homeless individuals for each King County city. In further response to Mr. Nieuwenhuis, Major Kleinknecht said there is a 10 percent to 15 percent increase in calls for service when the winter shelter closes. The issues include loitering, episodes related to mental illness, public intoxication, fighting, and commercial property trespass.

Councilmember Zahn noted that she participated in this year's annual count of persons experiencing homelessness and said it can be difficult to find unsheltered individuals at night. She said it would be helpful to see the counts for specific areas within the community.

Responding to Councilmember Zahn, Major Kleinknecht said Congregations for the Homeless works to identify day centers for homeless individuals. He said the loss of a Downtown day center, after the church hosting the center moved away from 108th Avenue NE and NE 8th Street, created the need to find alternate church locations to accommodate the men. Ms. Zahn said it would be helpful for the public to understand the availability of day services. Ms. Berens noted that the day center at Lincoln Center will remain open year-round after the winter shelter closes.

Councilmember Robertson questioned whether the City is tracking calls related to car camping, tents, garbage, and hazardous waste issues. Major Kleinknecht said City staff in multiple departments contribute monthly data. Ms. Robertson said she would be interested in seeing the data.

Referring to the graphs depicting crime data, Ms. Robertson observed that weapons violations in the vicinity of the shelter appear to be trending up disproportionately compared to citywide. The property crime rate is flat citywide but has increased slightly in the area around the shelter. She said trespass crimes, drug crimes, and incidents related to mental illness increased more than the citywide rates as well. Dr. Gibson said the increase in weapons violations has been small, and the data does not conclusively link the violations to the shelter.

Ms. Robertson questioned the increase in drug crimes. Major Kleinknecht said that calls for service in the west parking garage at Bellevue Square related to heroin and meth use occur approximately three times weekly. He said that those calls, while within a one-mile radius of the shelter, are not linked to the shelter residents.

Responding to Deputy City Manager Berens, Dr. Gibson said that many of the weapons and drug violations occur in parking garages. Dr. Gibson said she reviews the data monthly for the three Police Department sectors in Bellevue. She noted that Bellevue has a low crime rate, and she suggested that the data is not necessarily the best way for the Council to determine a shelter location.

Responding to Councilmember Robertson, Dr. Gibson acknowledged that the data reflects increased rates for certain crimes. However, it does not definitively link those crimes to homeless individuals.

Ms. Robertson said she likes the City's approach using the Police Department and community crisis workers. She noted there are shelter beds available in Seattle and questioned whether homeless individuals will be referred to those locations after Bellevue's shelter closes. Major Kleinknecht said he will work with Congregations for the Homeless to identify whether there are homeless men who would like to move to those shelters. However, he concurred with Mr. Katz's earlier comment that a number of individuals will not go to a shelter. Major Kleinknecht said police officers and outreach workers maintain a tally of individuals who are referred to services. He said five percent to 20 percent of individuals are not willing to go to a shelter. He said most individuals are not receptive to assistance offered by a police officer, even when accompanied by a social worker, on the first contact.

Councilmember Robertson requested data, if available, regarding the percentage of unsheltered individuals referred to services and the number of contacts needed before they agree to accept help. She believes that would assist the City in identifying solutions to the homeless crisis.

Responding to Councilmember Stokes, Ms. Berens confirmed that the crime statistics reflect all crimes by any individuals within a one-mile radius of the former and current Bellevue shelter. Mr. Stokes observed that incidents of commercial burglaries, drug crimes, and trespass violations were higher 4-5 years ago. He noted that the number of people living and working in the Downtown has increased significantly over the past several years.

Deputy Mayor Robinson thanked staff for the data and for the compassionate approach to the issue of homelessness. Referring to the graphs depicting crime rates, she asked what percentage of an increase would be considered significant. Dr. Gibson said that crime rate analysis averages the annual number of crimes over a five-year period and looks for differences that are higher than the standard deviation. She does not provide information to the Police Sector Captains based on statistical significance because by that time, a problem has already been identified. Dr. Gibson said she reviews data on a daily basis.

Mayor Chelminiak referred to Mr. Katz's comments regarding issues on Lake Bellevue and asked about current incidents. Major Kleinknecht said he meets with his captains weekly, and with a larger group of officers on a monthly basis, to review crime statistics and efforts by the Police Department. He said bicycle officers patrol the trails along the rail corridor. Based on Mr. Katz's comments, Major Kleinknecht said he will advise the officers to travel farther north toward Kirkland to observe activities and potential problems. Mayor Chelminiak encouraged officers to explore the area in the vicinity of the Public Safety Training Center on the north end of 116th Avenue NE.

Responding to Mr. Chelminiak, Dr. Gibson confirmed that she will analyze the crime statistics in the area of any shelter that opens. In further response, Major Kleinknecht said the Police Department works with Bellevue Square to address criminal activity in the parking garage. Mayor Chelminiak said he knows the Police Department has addressed similar activity in other parking garages.

Responding to Mr. Chelminiak, Dr. Gibson confirmed that car prowls are at a five-year low. She said the Bellevue Police Department worked aggressively with King County to successfully address the problem. Major Kleinknecht said more than 40 individuals were arrested for approximately 200 car prowls and none of them were homeless.

Mayor Chelminiak said Bellevue's approach involving dignity and respect, problem solving, and relationship building is the proper way to approach the issue. He thanked staff for the information.

Councilmember Lee noted that, despite the increase in Bellevue's population and the number of homeless individuals, the City has been able to maintain a strong public safety record. Major Kleinknecht said he has always been supported as a Bellevue police officer to do his job. He said the Police Department works to be proactive in identifying solutions before problems become

visible to the public. Councilmember Lee complimented the work of the Bellevue Police Department. He questioned whether data over the past 2-3 years indicates the point at which additional public safety resources will be needed. Mayor Chelminiak said that topic will be addressed during the budget discussions.

Deputy City Manager Berens noted that Dr. Gibson's full report would be posted online the following day. Ms. Berens said public safety impacts are part of the ongoing development of the shelter Land Use Code Amendment (LUCA).

Moving on, Nancy LaCombe, Assistant Director of the City Manager's Office, described the recent public engagement activities related to drafting the shelter permitting LUCA. The online survey was available from March 7 to March 21, and three community workshops were held on April 3 and April 5. Approximately 1,900 individuals completed the survey. Ms. LaCombe highlighted the percentages of respondents by neighborhood and noted that approximately six percent indicated that they are not Bellevue residents. Approximately three percent of the survey respondents were service providers or clients, and 13 percent were business owners.

Ms. LaCombe described the responses to a question about the elements that define a permanent homeless shelter. The top three elements are access to food, case management, and showers and laundry facilities. Additional elements include access to year-round housing, medical and dental assistance, storage for belongings, access to technology, and meeting rooms. Respondents indicated that the shelter should be near social services, transit, health services, employment opportunities, workforce training, public facilities, and faith centers. They responded that a shelter should not be near elementary schools, preschools and child care centers, and single-family residences, as the top priorities. Further responses indicated that a shelter should not be near secondary schools, multifamily residential development, parks and community centers, and colleges.

Survey respondents identified the following documentation they feel should be included with a permit application: 1) good neighbor plan/agreement (26 percent), 2) code of conduct (25 percent), 3) site layout (18 percent), 4) screening plans (17 percent), and 5) exterior drawings (14 percent). Respondents indicated that the top three stakeholders who should be involved in creating the good neighbor plan are residents, public safety officials, and subject matter experts. Additional stakeholders not listed in the survey but suggested in open comment responses are schools and students, health care providers, Councilmembers, transit customers, and shelter/service operators. Additional overall comments reflected in the survey addressed the definition of key terms, the Council's policy direction, input on the location of shelters and their proximity to other uses, safety concerns, input on future public engagement processes, and input on code and application requirements. The majority of the comments related to locating shelters. The next highest category of comments suggested not siting a shelter in Bellevue or providing alternate services (e.g., mental health, affordable housing) instead of a shelter.

Ms. LaCombe said participants were appreciative of the three community workshops and related listening sessions. Key themes included: 1) suggestions for additional outreach and education about the City's regulations and who is experiencing homelessness, and 2) accountability for the shelter providers and for City funding, public safety, and other related activities.

Councilmember Nieuwenhuis thanked staff for the presentation and for holding the two additional community workshops. Mr. Nieuwenhuis noted concerns by Bellevue residents that the number of non-residents completing the survey was actually higher than indicated by the demographic data. Ms. Berens said the online survey was one tool used by staff. However, the draft LUCA will reflect staff's professional recommendations about how the Land Use Code can address the Council's initial objectives for a shelter. Mr. Berens said the survey helped to educate the public, and the information will be considered as part of the broader effort to develop permitting regulations. She noted staff's conclusion that input from non-residents is consistent with the input from residents.

Referring to the question regarding which stakeholders are most important in developing the good neighbor plan, Mr. Nieuwenhuis said the survey identified residents as the highest priority stakeholders. However, his review of the draft LUCA reflects residential neighbors as a minority among the stakeholders. He believes the majority of the committee to develop the agreement should be residents.

Councilmember Robertson noted that the school superintendent is recommended as someone to be involved in developing the good neighbor plan. She suggested that a local administrator of a nearby school or a PTA member might be more appropriate in considering a specific shelter location.

Ms. Robertson observed that survey respondents identified surrounding businesses as a high priority stakeholder in developing the good neighbor agreement. She noted they are not listed in the plan committee. Carol Helland, Code and Policy Director, said staff referred to those survey results. However, this is an initial draft and staff plans on further discussion with the Council regarding that issue.

Councilmember Zahn said she was pleased with the community's participation in the survey. She noted that subject matter experts can provide important input regarding the elements that define a permanent homeless shelter (e.g., access to food, social services, transit, medical and dental assistance). She suggested being as inclusive as possible in developing the good neighbor plan, and encouraged including representatives of surrounding businesses.

Responding to Ms. Zahn, Ms. Helland said the survey helped staff in developing the structure of the LUCA and in explaining the draft LUCA to the public. Ms. Helland said it was very helpful to talk to residents about how they process information and how they can best provide input into the code.

Ms. Berens noted that staff heard concerns that the survey did not provide more open-ended questions and opportunities for additional comments. However, the objectives of the survey were to educate the public and to clarify the City's work to date, as well as to solicit feedback.

Councilmember Zahn suggested it would be helpful as staff continues its work to explain where the community's input is reflected in the LUCA and/or was considered by staff and the Council.

Councilmember Lee said the shelter and applicable regulations will affect the whole community. He believes the good neighbor plan stakeholders should reflect a broad range of representatives, including businesses and residents.

Responding to Councilmember Stokes, Ms. Helland said the feedback the City has received has been balanced and constructive. She said the community's input helped guide staff in preparing the draft LUCA.

Mayor Chelminiak concurred with the value of the public's participation and said there were good discussions at the community workshops. He expressed support for broad community input into the good neighbor plan versus limiting the process to a designated committee. He expressed an interest in learning about the types of comments and ideas from specific neighborhoods. He said more than one-quarter of the survey respondents are residents of the Eastgate and Lake Hills neighborhoods. Approximately seven percent of the respondents are residents of the Wilburton area and the Downtown.

Mr. Chelminiak addressed the issue of input from non-residents versus residents. There are a number of experts outside of Bellevue who can assist the City in this effort. Mayor Chelminiak thanked the public for a good discussion about the issues. He noted there is widespread agreement about the elements of a shelter as well as the related concerns.

Moving on, Ms. Helland described the development of the draft LUCA, which is the starting point for the ongoing development of permitting regulations and best practices. The LUCA will be used to guide the design and construction of any shelter proposed within Bellevue. The draft LUCA contains two major components: 1) purpose, applicability, definitions, permit submittal requirements, and the good neighbor agreement advisory process; and 2) use requirements, development standards, and design guidelines. The first component will be discussed with the Council on May 7, and the second category of topics will be discussed on May 21. Noting concerns by the public regarding the potential for allowing development agreements as an alternative to the CUP process, Ms. Helland said the decision criteria for the two methods are the same.

Ms. Helland said the consideration of policies will encompass the public comments offered and incorporated into the draft LUCA, as well as the remaining comments to be discussed by the Council and staff. She said June 11 is slated for the public hearing on the draft LUCA. If more time is needed, Council discussion may continue on June 11 followed by a public hearing at a later date. She noted the goal to complete the final LUCA before the Council's August recess and before the expiration of the Interim Official Control Ordinance.

Responding to Councilmember Zahn, Ms. Helland said the scheduling of the public hearing requires at least 14 days advance notice. Individuals may provide written comments if they are unable to attend the public hearing. Ms. Helland said staff is available to meet with residents regarding the Land Use Code Amendment process.

Ms. Zahn noted a preference for referring to "persons experiencing homelessness" rather than referring to the homeless as a noun. She said the City's goal is to help individuals move out of homelessness.

Councilmember Robertson said she would like to schedule a Council discussion for a date following the public hearing in order to have adequate time to absorb and consider the public input. She said it would be helpful, for future discussions, to see a map of the land use districts where a shelter might be permitted. She requested a clear comparison of the CUP process and the development agreement process to ensure that everyone understands the similarities and differences.

Ms. Robertson questioned the best way for Councilmembers to provide input to staff regarding suggestions for revising the draft LUCA. Ms. Helland said emails will help staff organize the presentations for May 7 and May 21 to incorporate and streamline the discussion of the Council's input. Ms. Robertson suggested capturing Council revisions from the May 7 discussion in the May 21 agenda memo in preparation for continued discussion. Ms. Helland confirmed that staff plans to use the "memory book" approach that was used for the Downtown Livability LUCA process and similar reviews.

Councilmember Stokes concurred with the importance of clarifying the differences between the CUP process and the development agreement approach. He observed that the review and finalization of the shelter permitting LUCA will be similar to what was followed in reviewing Sound Transit's light rail project and the Downtown Livability Initiative. He complimented staff's draft LUCA and noted he looks forward to further discussion.

Mayor Chelminiak said he is pleased to see the community's input reflected in the first draft of the LUCA. He believes a June 11 public hearing is feasible. He thanked staff for their hard work and public outreach. He said he appreciated Councilmember Zahn's observation about referring to persons experiencing homelessness, rather than seeing being homeless as a permanent situation that defines an individual.

(c) Regional Issues

City Manager Miyake opened staff's state legislative update.

Joyce Nichols, Director of Intergovernmental Relations, said the City's interests were addressed relatively well by the state legislature. She said a lengthy report in the meeting packet summarizes a number of bills and issues. She noted that the governor has 20 days to take action on each bill. If signed by the governor, the bills become effective on June 7 unless otherwise specified.

Ms. Nichols said Representative Judy Clibborn and Representative Joan McBride have announced that they are retiring from the state legislature. Representative Clibborn brought in billions of dollars for projects on SR 520 and I-405. Representative McBride worked hard on issues related to affordable housing, homelessness, and local government. Ms. Nichols said that all of Bellevue's representatives worked hard this session on key priorities for the City.

Ms. Nichols highlighted a number of legislative items including the Hirst water rights issue, Meydenbauer Bay Park project, Highland Village apartments, Wilburton trestle, smart

technologies, transportation network companies, and the regulation of taxis and for-hire ride services. The Meydenbauer Bay Park project received \$500,000, and Highland Village apartments received \$1.5 million. Ms. Nichols said the state legislature considered numerous transportation bills and proposals.

With regard to K-12 education funding, Ms. Nichols said the state legislature was aware of the public's negative reaction to the related property tax and to Sound Transit's property tax and motor vehicle excise tax (MVET). The state legislature approved a decrease of 30 cents per \$1,000 assessed valuation (AV) in the education property tax for taxes owed in 2019 only.

Affordable housing and homelessness support services were critical this year. The legislature increased the document recording fee from \$40 to \$62, and the revenues are shared between the state and counties for related projects. The Housing Trust Fund was increased by \$4 million, for a total of \$111 million in statewide funding for capital programs. Behavioral health funding was increased by nearly \$100 million, and approximately \$70 million will go to counties for related programming. Ms. Nichols noted that the condominium construction liability bill was not approved.

In the area of general government, state-shared revenues were fully funded (e.g., liquor profits tax, liquor excise tax, and retail marijuana). The reclaimed water bill supported by both the City and the Cascade Water Alliance failed. Two bills related to small cell wireless facilities were not approved. Ms. Nichols said staff is tracking the work of the Business and Occupation Tax work group, which anticipates the release of its report in mid-2019.

Responding to Deputy Mayor Robinson, Ms. Nichols said the City could not readily access additional state funding to address the local enforcement of marijuana businesses, if needed, because the distribution of revenues is established by a state formula. However, the City could make its data available to the state to make a case for additional funding. Ms. Nichols said the state did increase the share to local governments that allow retail marijuana businesses from \$12 million to \$15 million annually.

Ms. Nichols highlighted a document in the Council's desk packet entitled *Invest in Bellevue*. The information was developed in response to comments from state legislators that cities like Bellevue do not need more money. However, the City wants to demonstrate to the legislature that investments in Bellevue contribute to the state due to the taxes generated by local residents and businesses in a strong economy. Ms. Nichols said the message is that dollars invested in Bellevue by the state have a good return for the rest of the state. Mayor Chelminiak complimented staff for developing the document and encouraged Councilmembers to carry copies for reference.

Councilmember Robertson suggested posting the *Invest in Bellevue* information on the City's website.

Ms. Robertson noted that the police use of force bill was rejected by the court. Ms. Nichols said she believed that potentially both the original initiative language and the state legislative version could be presented for a public vote. She will research the issue and follow up with the Council.

Responding to Mayor Chelminiak, Ms. Nichols provided background information on the police use of force bill. A group of stakeholders drafted Initiative 940, which outlined how police officers should behave in terms of use of force, and submitted it to the state legislature. Ms. Nichols said the legislature could present that version and/or an amended version for voter approval.

Councilmember Stokes noted the ongoing, positive educational process related to the reclaimed water issue and the pollution of aquifers.

Responding to Councilmember Zahn, Ms. Nichols confirmed that \$14 million were allocated to the Mountains to Sound Greenway project.

5. Continued Oral Communications: None.

At 9:13 p.m., Mayor Chelminiak declared the meeting adjourned.

Charmaine Arredondo, CMC
Assistant Director, City Clerk's Office

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