

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

July 16, 2018
8:00 PM

Council Chamber
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

Mayor Chelminiak called the meeting to order at 8:01 p.m.

2. Roll Call, Flag Salute

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

3. Approval of Agenda

Mayor Chelminiak suggested removing Resolution No. 9438 from the Consent Calendar to allow more time for staff to provide additional information.

→ Deputy Mayor Robinson moved to approve the agenda, amended to remove Agenda Item 8(e), Resolution No. 9438. Councilmember Stokes seconded the motion.

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

4. Communications: Written and Oral

- (a) Don Marsh spoke regarding the Puget Sound Energy (PSE) franchise agreement, which addresses the use of the City's right-of-way to site energy infrastructure. In return, the City receives guarantees regarding the reliability of electrical and gas service, equal treatment of neighborhoods, preservation of the environment, and PSE's commitment to reduce greenhouse gas emissions. He said previous agreements have lacked those basic requirements and expectations. He said PSE is a foreign-owned corporation with wide

latitude to maximize financial returns for its shareholders. Mr. Marsh said the City has almost no leverage over PSE's operations, and state regulators have little oversight authority due to outdated state laws. Mr. Marsh said the franchise agreement presents a rare opportunity to negotiate with PSE to ensure the community's values are represented in PSE's business decisions. He quoted industry experts who state that the franchise agreement is a suitable venue for requiring an updated load forecast and data. Mr. Marsh said he can provide access to an expert for the Council to learn more. He said Bellevue neighborhoods are experiencing poor electrical reliability due to storms and trees. However, PSE is not using technology that could mitigate the problems. He said there is a disparity in the duration of power outages in different neighborhoods because PSE has no profit motive to improve the situation and state regulations do not require equity.

- (b) Liping Ke spoke regarding increased criminal activity in the proximity of homeless shelters. She asked the Council to require a 1,000-foot buffer around shelters. She urged the Council to avoid turning Bellevue into another Seattle. She said many residents and businesses do not have the resources for cameras and other security mechanisms. She said homelessness is primarily an urban issue, and shelters should be located in the appropriate locations.
- (c) Michelle Younker, a Woodridge resident, said the Council has a responsibility to protect the public and to act in the best interest of citizens. She spoke about fear, compassion, and responsibility. She expressed concern regarding the proposed Eastgate shelter location, especially with its proximity to Bellevue College. She is terrified that the City of Bellevue and King County are considering allowing a low barrier shelter with no code of conduct, background checks, or proof of identification. Noting that she is the daughter of a rabbi, Ms. Younker said compassion should involve getting individuals the help that they need and setting them up for success.
- (d) Julie Wheeler said residents want a Council that does not make promises to get elected and then ignores them when the time comes to honor those promises. She recalled that Deputy Mayor Robinson and Councilmember Zahn stated last fall that they supported a citizen's right to file an appeal to the Council in the case of a conditional use permit (CUP). However, Ms. Wheeler opined that the Councilmembers are now open to allowing development agreements. She said residents want Congregations for the Homeless to see that they are not the only ones operating from fear. She said concerns about public safety, including the safety of students, are valid. She said CFH is operating from the fear of people dying as a result of the Council's actions, which is also valid. Ms. Wheeler said residents would also like to avoid the deaths of homeless individuals. She recalled former Councilmember Wallace's proposal for a shelter in the BelRed corridor, and Mayor Chelminiak's comments that a shelter would interfere with the light rail project and other development. She urged the Council to eliminate the development agreement option for the permitting of shelters.
- (e) Dietra Clayton, Lead Housing Case Manager for The Sophia Way and a resident of Bellevue, said she wanted to dispel certain information as to why The Sophia Way is taking a strong stand in the LUCA process. The organization wants to ensure that the

LUCA will result in the successful siting and operation of shelters. The Sophia Way bases its programs on a Housing First model, which is a national, evidence-based practice. The LUCA does not currently adhere to the model and actually limits The Sophia Way's ability to serve its clients and to obtain funding. Ms. Clayton said the LUCA should reflect a code of conduct that mimics the code for any Bellevue business, resident, or visitor. She said the proposed code of conduct is discriminatory and divisive. The Sophia Way serves some of the most fragile women in Bellevue including the elderly, disabled individuals, victims of abuse and sex trafficking, and those experiencing mental illness. Ms. Clayton said The Sophia Way opposes the security and safety plan in its entirety. She said it is interesting that non-shelter professionals feel they have the knowledge and experience to draft requirements, when they have no direct experience in interacting with individuals experiencing homelessness and trauma. Ms. Clayton asked the Council to approve a LUCA that recognizes that shelter services are technical and disciplined and that allows experts to operate shelters based on their professional experience. She said The Sophia Way opposes warrant checks and buffers.

- (f) Reverend Dr. Linda Smith, President of the Church Council of Greater Seattle, said the organization advocates for shelters and affordable housing across King County. She said those experiencing homelessness in Bellevue are mothers, fathers, sons, brothers, and sisters who have no place to sleep at night or to shower. She said the Council has a moral responsibility to eradicate the homeless crisis. She spoke against requirements for warrant checks and buffers.
- (g) Rabbi Aaron Meyer said the homeless crisis is spiraling out of control and the faith community cannot continue to do this work alone. He said a requirement for buffers precludes options for siting shelters in Bellevue. He said everyone wishes to avoid the challenges faced in Seattle, and he is confident that the Bellevue City Council is proactive enough to do so. He said it is important to provide shelters that are collocated with mental health and counseling services and that provide a path to transitional and permanent housing. He said the LUCA will work by ensuring that shelter operators are able to follow evidence-driven best practices. He said Good Neighbor Agreements will enable shelter operators to work with nearby residents and businesses to plan for success.
- (h) Betsi Hummer, Chair of the East Bellevue Community Council (EBCC), encouraged the City Council to remove the SE 16th Street sidewalk and bike lane project from the Transportation Facilities Plan (TFP). She noted her experience bicycling between Seattle and Renton and between Bellevue and Renton. She said there is already a paved shoulder on SE 16th Street with a curb separating it from traffic. She said there is only one half-block section of the SE 16th Street project that does not have a sidewalk.
- (i) Dominic Vautier encouraged the Council to extend the time limit for tonight's public comment, given the important Homeless Services Uses Land Use Code Amendment (LUCA) topic on the evening's agenda.

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

6. Report of the City Manager: None.

7. Council Business and New Initiatives

- (a) Resolution No. 9445 regarding the Congressional Gold Medal for World War II Chinese-American Veterans

Councilmember Lee requested Council support for Resolution No. 9445, which encourages Congress to pass legislation during its current session to collectively award the Congressional Gold Medal to Chinese-American veterans of World War II.

→ Councilmember Lee moved to approve Resolution No. 9445, and Councilmember Robertson seconded the motion.

Councilmember Robertson thanked Councilmember Lee for bringing the issue to the Council's attention. She said it is important to honor those who served in World War II, and the Chinese-Americans who served have often been overlooked.

Mayor Chelminiak suggested sending a letter and a copy of the resolution to Bellevue's congressional representatives.

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

8. Consent Calendar

→ Deputy Mayor Robinson moved to approve the Consent Calendar, amended to remove Item 8(e). Councilmember Stokes seconded the motion.

→ The motion to approve the Consent Calendar, as amended, carried by a vote of 7-0, and the following items were approved:

- (a) Council Minutes
Minutes of June 25, 2018 Extended Study Session
Minutes of July 2, 2018 Study Session
Minutes of July 2, 2018 Regular Session
- (b) Resolution No. 9435 authorizing the execution of a Memorandum of Understanding with the Bellevue School District to collaborate on a school safe walk project for Newport Heights Elementary School students. This project will install approximately 445-feet of sidewalk, separated from traffic by a planter strip, on the east side of 117th Avenue SE, north of SE 54th Place and approximately 150-feet of sidewalk on SE 54th Place, east of 118th Avenue SE.
- (c) Resolution No. 9436 authorizing execution of a five year extension of the lease agreement with Terranomics Crossroads Associates, L.P. for the Crossroads Mini City Hall site.

- (d) Resolution No. 9437 authorizing execution of a one-year General Services Contract, with four, one-year options to renew in an amount not to exceed \$250,000, plus all applicable taxes, between the City and Combined Construction Inc. for Citywide Boardwalk Repair and Maintenance.
- (f) Resolution No. 9439 authorizing execution of a four-year Professional Services Agreement with HDR Engineering Inc., to provide on-call construction management, inspection, and support for Transportation federal-aid projects, in the amount not to exceed \$2,500,000, plus all applicable taxes, with an option to extend the contract for an additional year for \$625,000, plus all applicable taxes, with the same terms and conditions.
- (g) Resolution No. 9440 authorizing execution of a four-year Professional Services Agreement with KBA Inc., to provide construction management, inspection, and support for Transportation federal-aid projects, in the amount not to exceed \$2,500,000, plus all applicable taxes, with an option to extend the contract for an additional year for \$625,000, plus all applicable taxes, with the same terms and conditions.
- (h) Resolution No. 9441 authorizing execution of a four-year Professional Services Agreement with TranTech Engineering, LLC, to provide construction management, inspection, and support for Transportation federal-aid projects, in the amount not to exceed \$2,500,000, plus all applicable taxes, with an option to extend the contract for an additional year for \$625,000, plus all applicable taxes, with the same terms and conditions.
- (i) Resolution No. 9442 authorizing execution of a four-year Professional Services Agreement with HWA GeoSciences, Inc., to provide quality assurance materials testing and inspection services for Transportation federal-aid projects, in the amount not to exceed \$800,000, plus all applicable taxes, with an option to extend the contract for an additional year for \$200,000, plus all applicable taxes, with the same terms and conditions.
- (j) Resolution No. 9443 authorizing execution of a four-year Professional Services Agreement with Terracon, Inc., to provide quality assurance materials testing and inspection services for Transportation federal-aid projects, in the amount not to exceed \$1,200,000, plus all applicable taxes, with an option to extend the contract for an additional year for \$300,000, plus all applicable taxes, with the same terms and conditions.
- (k) Ordinance No. 6421 approving the vacation of a portion of SE 20th Street adjacent to 1858 128th Avenue SE.
- (l) Motion to approve payment of claims and payroll for the period June 1, 2018 through June 30, 2018.

Item postponed:

- (e) Resolution No. 9438 authorizing execution of a three-year contract with an option to renew for two additional years with Azose Commercial Properties for the management and leasing of the City's Lincoln Center property, for a total contract amount not to exceed \$1,500,000, plus all applicable taxes.

9. Public Hearings

- (a) Public Hearing and Action on Resolution No. 9444 authorizing the execution of documents necessary to release a portion of a water easement and of a sewer easement located at 4630 167th Avenue SE (Cougar Ridge Elementary School) that have been declared surplus to the City's needs and are no longer required for providing continued public utility service; the granting and recording of such partial releases being deemed in the best interest of the public.

Ira McDaniel, Real Property Manager, described the resolution to authorize the release of a portion of a water easement and of a sewer easement located at 4630 167th Avenue SE (Cougar Ridge Elementary School). He said both of the easements were acquired by the City at no cost as part of the development of the school. Therefore, staff does not recommend requiring compensation for the release of the easements.

Kim Bui, Real Property Agent, recalled that the Council declared a portion of the easements as surplus on June 18 and set tonight's public hearing. She described the partial water easement release and the proposed new water easement. An existing 15-foot water easement will remain as well. The property owner requested the release during the permitting process related to the expansion of the school.

Ms. Bui described the partial sewer easement release and the portion of the sewer easement that will remain. She said staff is requesting Council action on the resolution following the public hearing.

→ At 8:43 p.m., Deputy Mayor Robinson moved to open the public hearing.
Councilmember Stokes seconded the motion.

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

City Clerk Kyle Stannert noted a letter in the Council's desk packet expressing a concern to ensure that the Bellevue School District will be required to follow the same process that would be required of any other property owner. He said the process is outlined in the City Code and is applied equally to all property owners.

No one came forward to comment.

→ At 8:44 p.m., Deputy Mayor Robinson moved to close the public hearing.
Councilmember Robertson seconded the motion.

- The motion carried by a vote of 7-0.
 - Deputy Mayor Robinson moved to approve Resolution No. 9444, and Councilmember Nieuwenhuis seconded the motion.
 - The motion carried by a vote of 7-0.
10. Land Use: None.
11. Other Ordinances, Resolutions and Motions
- (a) Ordinance No. 6419 amending the Bellevue Land Use Code, Title 20 of the Bellevue City Code, by adding new section 20.20.455 providing regulations for the permitting of Homeless Services Uses; amending the Services Use Charts to identify the Land Use Districts where Homeless Services Uses may be permitted; adding new definitions to section 20.50.038 for consistency with new section 20.20.455; providing for severability; and establishing an effective date.

Mike Brennan, Director of the Development Services Department (DSD), opened the Council's continued discussion regarding proposed Ordinance No. 6419 amending the Land Use Code by adding new section 20.20.455 providing regulations for the permitting of Homeless Services Uses. He noted that a public hearing to extend the Interim Official Control was scheduled for July 23. However, if the Council takes action to approve the ordinance with permanent regulations, the public hearing will be cancelled.

Carol Helland, Code and Policy Director, noted that Attachment A in the meeting packet is the public hearing draft of Ordinance No. 6419. The redline text reflect the Council's actions on June 25 and July 2 to amend the public hearing draft, and those actions are summarized in the agenda memo. Ms. Helland recalled there was a Council motion on June 25 to adopt the ordinance, and the discussion continued on July 2. Attachment B in the meeting packet reflects a proposal by Councilmember Zahn, and Attachment C is an amendment proposed by Councilmember Lee.

Responding to Mayor Chelminiak, City Clerk Kyle Stannert confirmed that the Council has taken action on a number of amendments. However, there has not been a motion to date to consider Amendment D-2. Ms. Helland recalled that proposals D-1 and D-3 were considered by the Council during the July 2 meeting.

Responding to Mayor Chelminiak, Councilmember Robertson recalled that the Council talked in general terms about whether to allow both the conditional use permit (CUP) and development agreement permitting paths. A majority of the Council preferred to allow the development agreement option. Ms. Robertson said the Council approved her motion at that time to require mailed notices to both the occupant and owner of a property. She said there was not a motion on Amendment D-5. However, the general principles were discussed.

Mayor Chelminiak explained how he would like the discussion and motions to proceed. He said he would like to take roll call votes in alphabetical order, with the Chair voting last, as outlined in Robert's Rules of Order. Councilmember Robertson objected to the roll call vote procedure because it potentially allows the Mayor to cast the tie-breaking vote. There was a consensus to proceed with voting by a show of hands.

Councilmember Zahn said she worked with staff to clarify the procedure for an applicant seeking a development agreement related to the additional documentation submitted, a summary of the pre-application meeting, and written comments from the public. She noted her suggested revised language in proposal D-1 [Attachment B].

- Councilmember Zahn moved to adopt Amendment D-1 summarized in Attachment B, and Mayor Chelminiak seconded the motion.

Councilmember Robertson questioned the striking out of the reference to state law [RCW 36.70B] regarding development agreements and suggested the reference should be retained.

- Councilmember Robertson moved to amend D-1 as follows: "...would allow Homeless Services Uses to be established and constructed in Bellevue pursuant to the provisions of Chapter 36.70B RCW and the following decision criteria, ~~upon~~ including a review of the following information..." Councilmember Stokes seconded the motion.
- The amendment to proposal D-1 carried by a vote of 7-0.
- The motion to adopt Amendment D-1, as amended, carried by a vote of 6-1, with Councilmember Lee dissenting.

Councilmember Lee proposed revising Section G.4.b regarding the Good Neighbor Agreement (GNA) Advisory Committee to eliminate the provision stating that the committee would be dissolved once its scope of work is completed. He believes it is important to continue the committee's involvement with the shelter's operations.

- Councilmember Lee moved to eliminate the provision in Section G.4.b of the ordinance which states that the GNA Advisory Committee would be dissolved once its scope of work is completed. Councilmember Stokes seconded the motion.

Councilmember Robertson spoke in support of having the GNA Advisory Committee continue to meet following the completion of the project and the issuance of the certificate of occupancy. However, she suggested a sunset provision that would dissolve the committee three years after the issuance of the certificate of occupancy.

Responding to Deputy Mayor Robinson, Ms. Helland said the scope of work for the GNA Advisory Committee includes formulating the agreement, which will have a communications plan. Ms. Robinson said she did not support the motion or Ms. Robertson's suggested language.

Responding to Councilmember Zahn, Ms. Helland said the GNA Advisory Committee will ensure that the operator understands the context of the proposed shelter, provide input on the development of the structure, and develop the Good Neighbor Agreement with its long-term communications expectations. Ms. Helland said staff from the Parks and Community Services Department, Police Department, and Fire Department will be involved in long-term issues related to the shelter's operations. She said the GNA communications plan will address the ability of the public to voice complaints to the operator and the process for resolving complaints.

Councilmember Stokes said it would be appropriate to discontinue the GNA Advisory Committee after it completes its work, especially given that there will be an ongoing communications plan in the agreement.

Councilmember Nieuwenhuis expressed support for the motion. He believes that the greatest work of the GNA Advisory Committee will occur following the opening of the shelter.

Responding to Mayor Chelminiak, Ms. Helland said the GNA Advisory Committee will address safety, security, conduct, and other items contained in the materials submitted in the permit application package. The Director will consider the GNA Advisory Committee's input in his or her review of the permit application. Ms. Helland said the committee will continue its work following permit approval to develop the Good Neighbor Agreement between the community and the shelter operator.

Mayor Chelminiak said he did not support the motion, noting that it is not appropriate to include the provision in the Land Use Code.

Councilmember Lee reiterated his interest in removing the provision that eliminates the GNA Advisory Committee after the agreement is developed. He suggested letting the committee members decide how long they should continue to meet.

Councilmember Zahn said she wants the City to be involved in ensuring that the terms of the GNA and communications plan are followed.

→ The motion failed by a vote of 3-4, with Councilmembers Lee, Nieuwenhuis, and Robertson in favor.

Deputy Mayor Robinson noted that the safety and security plan will address the "time, place and manner of security patrols." She opined that patrols are not the responsibility of the shelter operator and suggested language referring to the Police Department. Ms. Helland said the Land Use Code will not dictate the resources expended by the Police Department with respect to servicing and responding to calls associated with the shelter. She said the language was intended to address the deployment and management of security by the shelter. In further response, Ms. Helland said the security plan is intended to ask the shelter operator to disclose their plans for managing the shelter residents. The security plan is submitted with the application materials, and the Police Department will meet with the shelter operator to discuss whether the plan is appropriate.

Mayor Chelminiak asked Councilmember Robertson to present her suggestion regarding Amendment C-1.

Councilmember Robertson said C-1, which proposed a 500-foot buffer for small shelters and 1,000-foot buffer for large shelters, was discussed by the Council on June 25. She said there were comments during that discussion that there are no facts or data to support a buffer requirement. Since that time, the Council received a study that demonstrates a crime impact of up to 400 meters (1,300 feet) around shelters based on Vancouver, B.C., homeless shelter siting data. Crime data in Portland, Oregon indicates that while the homeless population is less than three percent of the overall population, those individuals are responsible for 55 percent of the property crimes and nearly 39 percent of violent crimes.

Ms. Robertson said the Council also learned that a successful low barrier shelter in Seattle is intentionally located more than 1,300 feet from residences. She recalled public testimony to the Council by a neighbor who lived near the Licton Springs low barrier shelter in Seattle about the significant negative impacts of shelter residents. She said schools have a 1,000-foot drug free zone and retail cannabis stores are subject to a state-required 1,000-foot separation from sensitive land uses. For sex offenders who are homeless, an 880-foot buffer between their residence (shelter) and a school or day care is often required. By not having a buffer, Ms. Robertson said the City is leaving homeless sex offenders unable to obtain services without violating the terms of their release. She noted that other jurisdictions include buffer requirements for shelters, and many mandate siting shelters in light industrial areas because they are located away from sensitive uses.

Ms. Robertson said that some of the proposed shelter sites studied by the City are adjacent to residential zones, including within 400 feet of residences, and less than 1,000 feet from schools or day care centers. Councilmember Robertson said the information received since June 25 supports the reconsideration of buffer requirements for homeless shelters. She requested a motion to reconsider proposal C-1 as presented on June 25.

Mayor Chelminiak noted the lack of a motion to reconsider.

Moving on, Mr. Chelminiak requested reconsideration of Amendment D-3, which the Council took action on during the July 2 meeting. He said the City is attempting to move toward the establishment of a successful shelter. A shelter must be able to secure funding and have a certainty of process, and the conditional use permit (CUP) process does not provide that. Mr. Chelminiak suggested that an administrative CUP (ACUP) process is preferable. He said neighboring jurisdictions no longer use the CUP path and instead use some form of an ACUP process or something similar to the hybrid proposed in Amendment D-3. Mr. Chelminiak noted that permanent/transitional housing associated with a shelter project is subject to obtaining an ACUP.

Noting the lack of a motion to reconsider Amendment D-3, Mayor Chelminiak referenced Amendment D-2.

- Mayor Chelminiak moved to adopt Amendment D-2, and Deputy Mayor Robinson seconded the motion.

Mayor Chelminiak said Amendment D-2 identifies an administrative CUP (ACUP) process with all of the elements of the permit process included in the proposed LUCA (i.e., pre-application public meeting, Good Neighbor Agreement, etc.).

Councilmember Robertson recalled that the Council discussed the ACUP option and it was rejected. She strongly opposes the motion. She said the Planning Commission acknowledged the potential for dorm-style housing in its discussions regarding the Eastgate Land Use Code Amendment (LUCA). The Commission recommended against the ACUP process and in favor of the full CUP process. Ms. Robertson said the ACUP process is the least transparent public process and the public does not have a right to provide input or submit evidence, except on an appeal.

Deputy Mayor Robinson expressed support for proposal D-2. She said the Council made a commitment to site a permanent men's homeless shelter, and there is more public process in the Homeless Services Uses LUCA than in any other issue since she has been on the Council. She said the process will be very transparent because everyone will be watching and will have the opportunity to be involved. However, the City needs to implement a process that will effectively permit a shelter and allow a shelter project to receive funding from multiple sources. Ms. Robinson said she feels that the ACUP process would best serve the community, individuals experiencing homelessness, and the permit applicant.

Councilmember Nieuwenhuis expressed concern that the ACUP process lacks transparency and does not provide residents with a clear path toward the permitting of a shelter. He said that, while the Director's decision can be appealed to the Hearing Examiner and to Superior Court, a review and hearing by the Hearing Examiner will not necessarily occur and there is no City Council appeal.

Councilmember Stokes expressed support for the motion. He said the ACUP process will avoid delays that are harmful to both the community and the shelter facility. He believes the process would work well and provide a successful project.

Councilmember Lee said the most important considerations for him are transparency and accountability. He commented on the importance of working together through an open process.

- The motion to adopt Amendment D-2 failed by a vote of 3-4, with Mayor Chelminiak, Deputy Mayor Robinson, and Councilmember Stokes in favor.

Councilmember Robertson said she would like to make a motion related to Amendment C-1 discussed above, based on the information received since the June 25 Council discussion.

- Councilmember Robertson moved to establish a perimeter separation distance of 1,300 feet between shelters and R-1 through R-30 districts and between shelters and K-12 schools, as measured from the building footprint of any shelter permitted under the code.

Mayor Chelminiak ruled that the issue of buffers was previously decided by the Council and that Councilmember Robertson's motion would not be allowed.

- Deputy Mayor Robinson moved to extend the meeting to 10:30 p.m., and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

At 9:53 p.m., Mayor Chelminiak declared a recess. The meeting resumed at 10:02 p.m.

Mayor Chelminiak said the motion to adopt Ordinance No. 6419, as amended, remains on the table, and he invited Councilmembers to state their positions.

Councilmember Stokes said this has been a long journey, and the City has been involved in providing a men's homeless shelter since 2008. He expressed concern that people are afraid, angry, upset, and fearful that the Council and City staff are going to do something that would harm the community. He acknowledged that individuals experiencing homelessness engage in criminal behavior because they have problems and are struggling to live. He said the City and the community have the capacity, the will, and the ability to facilitate a successful shelter. Mr. Stokes said that providing a permanent men's homeless shelter has been a priority of the Council's for a long time. He said the City has a strong affordable housing strategy that will work to help keep people out of homelessness. He urged residents to work with the City in the Bellevue way to ensure success.

Deputy Mayor Robinson thanked the community, City staff, and her colleagues for the robust discussion about something that everyone cares about. She said that all of the Councilmembers, despite disagreements, want to do the right thing, and it is important to have multiple viewpoints. She recalled that a homeless man died in Bellevue in 2007 due to cold weather exposure, and the Police Chief asked the City to take steps to prevent that from happening again. The first emergency shelter was opened that winter and was immediately populated with local homeless men, women, and children.

In 2008, Bellevue, Kirkland, and Redmond entered into an agreement to develop separate shelters to serve different populations (i.e., men, women, and youth). Since that time, Congregations for the Homeless has operated a temporary men's emergency shelter every winter from November to March in three Bellevue locations. Kirkland recently opened its women's shelter, and Redmond has a shelter for teens and young adults. In 2015, the Council made a unanimous decision to find a permanent site for the men's homeless shelter. Ms. Robinson said the concept of an emergency shelter has evolved into a facility that will progress men into stable housing; provide basic health care, addiction treatment, and job training; and provide a safe place to sleep. She said Congregations for the Homeless will partner with Imagine Housing to create supportive low-income housing. Educational institutions, employers, and residents have expressed support for siting a shelter near transit service and near opportunities for education and employment.

Deputy Mayor Robinson said average rents in Bellevue have increased significantly since 2007, and homelessness has increased. The homeless men's population includes veterans, fathers, sons, and brothers, many with no clear path out of their situation. Many work minimum wage jobs and have no car, home, or support network. Ms. Robinson said the LUCA will provide a permitting process that will allow a shelter with supportive services and housing to be built and operated in Bellevue. With the help of Congregations for the Homeless and Imagine Housing, the City is keeping its promise to provide a permanent place for men to sleep safely and to get their lives back on track.

Councilmember Nieuwenhuis said he hopes to see a successful shelter in Bellevue. He is inspired by the community's engagement in this issue and knows that the community does care about individuals experiencing homelessness. He said the LUCA could result in different types of shelters that have different impacts to neighbors and the overall community. The attempt to require buffers around shelters was an attempt to mitigate the impacts. Mr. Nieuwenhuis opined that the City is ignoring best practices on certain issues but relying on them for other issues. He suggested looking at best practices across the country.

Mr. Nieuwenhuis said Bellevue needs to provide real proactive solutions to fix the problem of homelessness while balancing that goal with the concerns of neighborhoods. Instead of placing low barrier shelters near residential areas and schools, he said it is important to find more sensible and safe locations. He noted the need to work together as a community to make homelessness rare, brief, and hopefully one-time. He highlighted the importance of a transparent conditional use permit (CUP) process and of mitigating impacts through a modest buffer requirement. He said he is not aware of any low barrier shelter in the country that is adjacent to a school or residential area. He noted buffer requirements for cannabis stores. He said a majority of the Councilmembers want to site a shelter in a location that he feels is not appropriate. He said there is ample data from other cities to suggest that buffers and the CUP process are best practices. Mr. Nieuwenhuis said he will not support the motion.

→ Deputy Mayor Robinson moved to extend the meeting to 10:45 p.m., and Councilmember Stokes seconded the motion.

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

Councilmember Lee said he is disappointed to see the divisiveness related to this issue. He concurred with Mr. Nieuwenhuis' comments. He is confident that the City can facilitate a successful shelter. He recalled former Councilmember Wallace's proposal for a shelter near the light rail station in the BelRed corridor. He said it is important for everyone in the community to work together as they have over the past 50 years that he has lived in Bellevue. He commended City staff for their diligence throughout this challenging process. Instead of focusing on fear, Mr. Lee encouraged a focus on how a shelter can help the people in need. He urged everyone to continue their involvement as a shelter is developed. He would like to see an effective homeless shelter. However, without continued public involvement and communication, that might not occur. Councilmember Lee said he will not support the motion.

Councilmember Zahn said that ultimately everyone cares about creating a successful shelter. She noted the importance of doing things the Bellevue way in terms of public engagement and government transparency. She said the report about Vancouver, B.C., indicates that a number of businesses have relocated due to the negative impacts and criminal activity related to the 19 shelters. She said it is not suitable or helpful to leave individuals living in shelters in areas that have been largely abandoned due to crime.

Ms. Zahn said people in Bellevue value engagement and transparency. She noted that the LUCA contains a robust public process including the pre-application community meeting, pre-decision public hearings, written criteria, the opportunity for appeal, and the Good Neighbor Agreement and related advisory committee. Ms. Zahn said she has spent time meeting with City staff to learn more about shelters and the draft LUCA. She encouraged enhanced partnering with public safety personnel to identify the actions that are needed to be successful. She said the Council has done a great deal of listening. While there is disagreement about the best way to move forward, Ms. Zahn urged everyone to work together. Councilmember Zahn expressed support for the motion.

Councilmember Robertson recalled that she originally proposed that the City develop a Land Use Code Amendment to address homeless shelters in Bellevue to create a holistic, balanced approach for permitting a successful shelter. She said Bellevue residents care about individuals who are in distress and currently unhoused, and they want to assist those individuals in their journey to self-sufficiency. She said residents want to maintain a high quality of life in Bellevue for living, working, starting a business, and raising families. She said that everything she does as a Councilmember is based on whether an action improves the quality of life for everyone in Bellevue.

Ms. Robertson said that developing the LUCA has been engaging and difficult work. The City has received thousands of comments from the public over the past two years, and everyone wants the final ordinance to be successful in providing a high quality of life for both the housed and unhoused. She said the key to success is finding balance, creating a process and conditions that lead to a successful project, helping people out of homelessness, and providing residents and businesses with the confidence that negative impacts will be fully mitigated. She said there is no question that a low barrier shelter has significant negative impacts. She said it is essential to provide safety and a desirable quality of life for both the housed and unhoused.

Ms. Robertson said the ordinance has positive elements (e.g., Good Neighbor Agreement Advisory Committee, code of conduct, and coordination with the Police Department). The intent of the code is to help people get back on their feet, and the LUCA creates a path for permitting a shelter. She said the LUCA has negative elements as well. She said no other jurisdiction allows the permitting of a shelter through a development agreement, which enables the City to make a special deal with a preferred developer. She said development agreements are not subject to appearance of fairness standards or full transparency expectations. She believes the mechanism is not in line with best practices or the public's interests. She expressed concern about the lack of a buffer between a shelter and sensitive uses, despite the knowledge of increased criminal activity within 1,300 feet of low barrier shelters.

→ Deputy Mayor Robinson moved to extend the meeting to 11:00 p.m., and Councilmember Stokes seconded the motion.

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

Councilmember Robertson reiterated her earlier comments regarding the level of criminal activity committed by persons experiencing homelessness in Portland. Less than three percent of the population are homeless individuals who are responsible for 55 percent of the property crimes and 39 percent of the violent crimes in that city.

Ms. Robertson said she is inspired by the number of people in Bellevue who care about individuals experiencing homelessness and who care about providing a high quality of life for all residents. She said the City needs to continue to work with Congregations for the Homeless and other providers to develop a permanent men's homeless shelter in an appropriate location with the mitigation needed for success. She thanked the public for engaging in this issue and noted that she values everyone's input. However, she expressed concern that the LUCA fails to provide the needed balance.

Councilmember Robertson said it will take 3-5 years for a shelter to be constructed. The Lincoln Center site of the current shelter will not be redeveloped for another use until light rail opens in 2023. She said she transmitted a memo to staff earlier in the day regarding a proposal to be considered during next week's Council Business agenda item. She will ask the Council to direct the City Manager to work with Congregations for the Homeless to convert the emergency shelter at Lincoln Center into a year-round operation beginning in 2019.

Mayor Chelminiak thanked everyone for their engagement throughout this process. He said all Councilmembers respect each other and they all have disagreements on different issues. However, the Council works to adopt the best public policy in the best interest of the community on every issue. He said he is disappointed in tonight's outcome that the LUCA, despite revisions and additions, will not be supported by three of his colleagues. He said that working to improve life for everyone is a core value and the reason he serves on the Council.

Mr. Chelminiak thanked Councilmember Zahn for speaking to all of the reasons that she will support the LUCA. While he believes this is a poor ordinance, he will reluctantly support the motion because a process is needed. Mr. Chelminiak said he hopes it will not take 3-5 years for the development of a shelter.

→ The motion to adopt Ordinance No. 6419, as amended, carried by a vote of 4-3, with Councilmembers Lee, Nieuwenhuis, and Robertson dissenting.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

Mayor Chelminiak declared the meeting adjourned at 10:53 p.m.

Kyle Stannert, CMC
City Clerk

/kaw