

**East Bellevue Community Council**  
Summary Minutes of Regular Meeting

January 7, 2020  
6:30 p.m.

Lake Hills Clubhouse  
Bellevue, Washington

PRESENT: Chair Hummer, Vice Chair Walter, Alternate Vice Chair Gooding and Councilmembers Dhananjaya and Kasner

ABSENT: None.

STAFF: Catherine Drews, City Attorney's Office  
Cindy Lin, City Attorney's Office  
Toni Pratt, Development Services Department (DSD)

1. **CALL TO ORDER**

The meeting was called to order at 6:32 p.m., with Chair Hummer presiding.

2. **ROLL CALL/FLAG SALUTE**

Deputy City Clerk Karin Roberts called the roll. Chair Hummer asked Councilmember Gooding to lead the flag salute.

14. **EXECUTIVE SESSION**

Chair Hummer announced that the Community Council would be in Executive Session regarding potential litigation, pursuant to RCW 42.30.110 (1)(i), for approximately 15 minutes.

At 6:46 p.m., Chair Hummer extended the Executive Session for an additional five minutes.

The meeting resumed at 6:53 p.m.

3. **APPROVAL OF AGENDA**

Councilmember Dhananjaya moved to approve the agenda. Councilmember Kasner seconded the motion, which carried by a vote of 5-0.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Chair Hummer said the East Bellevue Community Council (EBCC) may not hear comments or discussion regarding two quasi-judicial matters: Puesta del Sol Elementary School and Puget Sound Energy's Energize Eastside project.

Councilmember Kasner announced that the Lake Hills Neighborhood Association will host Family Game Night on Sunday, January 19, 6:00-8:00 p.m.

5. **REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS:** None.
6. **REPORT OF THE CHAIR:** None.
7. **DEPARTMENT REPORTS:** None.
8. **PUBLIC/COURTESY HEARINGS**
  - (a) Public Hearing: Temporary Encampment Land Use Code Amendment (LUCA)

Toni Pratt, Senior Land Use Planner with the Development Services Department (DSD), recalled that the EBCC held a courtesy hearing on November 13, 2019, as required for Process IV Land Use Code amendments. The City Council held a public hearing on November 18 and continued to discuss the topic on November 25. The City Council adopted the Temporary Encampment LUCA through Ordinance No. 6498 on December 9. Ms. Pratt said the consent decree governing temporary encampments expires on January 27, 2020, at which time the Ordinance will go into effect.

Cindy Lin, Assistant City Attorney with the City Attorney's Office, provided background information regarding the Ordinance, which amends Land Use Code section 20.30U. She said temporary encampments are only allowed in Bellevue as an accommodation of religious exercise. The 2006 consent decree was established following a lawsuit in 2005 alleging that LUC 20.30U was unconstitutional and restricted religious exercise. Ms. Lin said that LUC 20.30U does not regulate unlawful camping on public property (e.g., parks, public rights-of-way), parking or sleeping overnight in vehicles, or temporary or permanent indoor shelters for person experiencing homelessness.

Ms. Pratt said that four religious entities have hosted a total of 10 temporary encampments in Bellevue: St. Luke's Lutheran Church, First United Methodist Church, The Episcopal Church of the Resurrection, and Temple B'nai Torah. The City has not received any applications for temporary encampments since 2016.

Ms. Pratt summarized the LUCA adopted by the City Council on December 9. The health and safety standards were amended to align with actual practices under the consent decree. Under the area of neighborhood engagement, the LUCA removes the litter patrol requirement based on input from residents. It requires periodic certification from the encampment host and adds an optional post-permit issuance meeting, which may be mandated by the Director. In the area of duration and frequency, the Ordinance maintains 90 days as the maximum encampment duration. Only one encampment is allowed in Bellevue at any time, and there must be a period of 18 months between encampments at the same location. In addition, the Ordinance requires a 180-day gap between deployments within one mile of a site that previously hosted an encampment.

Ms. Pratt said the Ordinance provides a streamlined permitting process to receive a three-year permit for the same site, provided that the encampment is not subject to permit revocation or to sustained code enforcement actions beyond voluntary compliance.

At 7:08 p.m., Vice Chair Walter moved to open the public hearing. Councilmember Dhananjaya seconded the motion, which carried by a vote of 5-0.

Karen Morris said the development of the LUCA represents a missed opportunity to address issues and suggestions raised by neighbors for improvements to address public health and safety. She said that promises made at previous meetings have not been kept. She said it is important to balance the needs of individuals experiencing homelessness and the surrounding residents. Ms. Morris said the LUCA does not sufficiently address neighborhood issues. She said post-permit issuance meetings have occurred in the past. However, residents' concerns and suggested changes were not addressed. Ms. Morris said that she and other residents are disappointed in the lack of responsiveness to their input.

At 7:13 p.m., Councilmember Kasner moved to close the public hearing. Councilmember Gooding seconded the motion, which carried by a vote of 5-0.

Councilmember Dhananjaya asked whether state agencies are involved in monitoring temporary encampments. Ms. Pratt said the consent decree has governed encampments under the existing framework. She said Tent City 4 incorporated certain state standards regarding sanitation methods and other issues to meet public health standards. However, the City is the regulator of temporary encampments.

Vice Chair Walter thanked staff and Ms. Morris for their work on the LUCA. Ms. Walter said that the response to criminal activity inside the encampments should be the same as the response to any other criminal activity in Bellevue. Ms. Lin confirmed that criminal and code enforcement complaints are handled the same. Ms. Walter expressed concern about the lack of information requested or available about encampment residents. Ms. Pratt said the code requires the hosts to maintain a resident log.

Ms. Walter requested that calls to the police department from the neighbors of encampments not be dismissed. Ms. Pratt said that officers, including the bike patrol, enhanced their presence during later encampments. She said the police department responds to complaints and calls regarding encampments in the same way that they handle all incidents in the community. In further response to Ms. Walter, Ms. Pratt said signage will be posted at the site in advance of a temporary encampment, and mailings will be sent to all properties within 600 feet of the site. Ms. Pratt said it takes a minimum of 3-4 months to process a temporary encampment permit application, which includes fulfilling the public engagement requirements. In further response, Ms. Pratt said that children under 18 years old are not allowed in encampments. However, both men and women are allowed.

Councilmember Gooding noted that an encampment in his neighborhood was barely visible and caused minimal problems. However, he expressed concern regarding the lack of criminal enforcement in the City of Seattle, which has attracted criminals to the Seattle area. He also expressed concern regarding the impact of policies and practices in other jurisdictions, including

King County, on the quality of life in Bellevue. Mr. Gooding acknowledged the challenge of balancing the needs and rights of everyone.

Councilmember Kasner said he would have liked the City Council to increase the encampment duration to 180 days, given the extensive effort required to establish and operate a temporary encampment. He said he worked next door to Temple B'nai Torah during two encampments and noted that they were barely noticeable.

Mr. Kasner said the EBCC is allowed 60 days to take action on the City Council Ordinance. He asked about the impact on temporary encampment applications if the EBCC does not take action until its February meeting, which is after the consent decree expires but within the 60 days. Ms. Lin said that the Land Use Code provisions in place before the consent decree, which included regulations that were determined to be unconstitutional, would be in effect within the EBCC's jurisdiction. Mr. Kasner opined that the 2005 Land Use Code language was not ruled unconstitutional and that the differences were instead resolved through the consent decree.

Responding to Chair Hummer, Ms. Pratt confirmed that the City Council Ordinance will go into effect for the EBCC area if it takes no action within 60 days.

Vice Chair Walter said that residents' concerns about security and public safety are not unwarranted. She said it is also important to ensure security and safety for encampment residents. Ms. Walter said Ms. Morris's data regarding criminal incidents is important and should not be ignored.

Mr. Gooding concurred about the importance of ensuring the safety of encampment residents.

Assistant City Attorney Catherine Drews reminded the EBCC that the record on this issue is closed. The EBCC should only consider information already in the record in making its decision.

Councilmember Dhananjaya asked about the trends in temporary encampments in other cities. Ms. Pratt said that staff studied other Eastside jurisdictions as it developed the Temporary Encampment LUCA. She noted that a duration of 120 days has become the standard for King County and other jurisdictions.

Responding to Chair Hummer, Ms. Pratt said the public comments received over the past several months were provided to the City Council. In further response to Ms. Hummer, Ms. Pratt said Temple B'nai Torah experienced a change in leadership and the number of congregants has decreased somewhat, which has resulted in fewer resources for hosting an encampment.

Responding to Ms. Hummer, Ms. Pratt said the streamlined permitting process is available only to organizations that have previously hosted an encampment and remained in good standing.

Chair Hummer concurred with Ms. Morris and Vice Chair Walter that residents' concerns and complaints should not be dismissed.

Responding to Vice Chair Walter, Ms. Drews said that all public comments are included in the record.

Responding to Councilmember Kasner, Ms. Pratt said that Process IV permit files are kept in paper form and are not provided online.

Vice Chair Walter said she wished she had been aware of the EBCC's ability to access the record earlier in the process. Chair Hummer concurred.

9. **RESOLUTIONS**

- (a) Resolution No. 574 approving City Council Ordinance No. 6498

Councilmember Kasner moved to adopt Resolution No. 574 approving City Council Ordinance No. 6498. Councilmember Dhananjaya seconded the motion, which carried by a vote of 4-1, with Councilmember Gooding dissenting.

Councilmember Kasner thanked staff for their work and Ms. Morris for her advocacy regarding this topic.

At 7:50 p.m., Chair Hummer declared a brief recess. The meeting resumed at 7:59 p.m.

10. **COMMITTEE REPORTS**: None.

11. **UNFINISHED BUSINESS**

- (a) Continued Discussion of EBCC Retreat Items

Chair Hummer said that she and Councilmember Dhananjaya have been meeting with City Councilmembers and will meet soon with the City Manager and Assistant City Manager in an effort to improve relations with City Hall.

Councilmember Kasner suggested revising the topic label to EBCC Vision 2020. He would like the EBCC to talk about developing a vision following the City Council's retreat and vision discussion early this year. He said it would be helpful to learn about the topics to be addressed by the City Council over the next several months.

Responding to Chair Hummer, Deputy City Clerk Roberts said that Council liaison appointments will occur soon. Chair Hummer suggested that the EBCC focus more on the City Council's agenda.

Councilmember Dhananjaya said it would be helpful to provide feedback to the new liaison before the City Council retreat, to enable them to communicate input from the EBCC.

Vice Chair Walter said she likes the idea of providing a brief EBCC presentation during the Council retreat. Chair Hummer concurred.

Councilmember Dhananjaya expressed support for communicating that the EBCC is here to help, not hinder, and to provide a second voice.

Chair Hummer reiterated her suggestion to determine the City Council's agenda items over the next few months to enable the EBCC to anticipate issues and discussions.

Councilmember Kasner said he would like a presentation regarding neighborhood subarea planning.

Ms. Hummer indicated an interest in home-based businesses, adult family homes, and transportation projects.

Mr. Kasner said that transportation discussions have addressed autonomous vehicles and electric vehicle infrastructure. He said the citizen-based Eastside Transportation Alliance (ETA) is focused on the completion of I-405 improvements, which is anticipated to relieve some of the traffic congestion on City streets.

Chair Hummer requested a presentation on projects that will impact 140<sup>th</sup>, 148<sup>th</sup>, and 156<sup>th</sup> Avenues. She noted the upcoming overlay project on 148<sup>th</sup> Avenue.

Vice Chair Walter spoke about the recent flooding in Bellevue and said it would be helpful to have information regarding the culverts that were installed to prevent flooding. She wondered whether the 148<sup>th</sup> Avenue flooding has any relationship to the power line project.

Councilmember Gooding noted that the recent flooding occurred during unusually heavy rains.

Chair Hummer read an email from David Hoffman, Puget Sound Energy (PSE), regarding the Lake Hills-Phantom Lake new transmission line project. PSE has acquired all easements needed to construct the transmission line and is awaiting the City's issuance of the clearing and grading permit. Public information signs will be posted at the Larsen Lake Blueberry Farm and Crossroads Park. After the clearing and grading permit is issued, vegetation removal will begin along the project route as early as mid-January.

12. **NEW BUSINESS:** None.
13. **CONTINUED COMMUNICATIONS:** None.
14. **EXECUTIVE SESSION:** See above.
15. **APPROVAL OF MINUTES**

- (a) Summary Minutes of the November 13, 2019, Regular Meeting

Vice Chair Walter moved to approve the minutes of the November 13, 2019 Regular Meeting. Councilmember Dhananjaya seconded the motion, which carried by a vote of 5-0.

- (b) Summary Minutes of the December 3, 2019, Regular Meeting

Councilmember Dhananjaya moved to approve the minutes of the December 3, 2019 Regular Meeting. Vice Chair Walter seconded the motion, which carried by a vote of 5-0.

16. **ADJOURNMENT**

At 8:22 p.m., Chair Hummer declared the meeting adjourned.

Karin Roberts, CMC  
Deputy City Clerk

/kaw