

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Special Meeting

June 1, 2020
6:00 p.m.

Virtual Meeting
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

The meeting was called to order at 6:01 p.m., with Mayor Robinson presiding.

Mayor Robinson acknowledged that the community shares mutual grief and outrage regarding the circumstances surrounding the death of George Floyd in Minneapolis on May 25. She said the City of Bellevue stands with other cities and with peaceful protestors everywhere. She said the City shares the community's frustration and sadness. Mayor Robinson expressed her condolences to George Floyd's family and to all other families who have had similar losses. She said the community must stand together in making a commitment to driving out inequity, supporting equality, and preventing injustice.

Ms. Robinson said that City staff and the Bellevue Police Department have received exceptional training and are acutely aware of social dynamics, integrity, and equality in their actions. She noted that Police Chief Steve Mylett recently released a statement of his perspective on the death of George Floyd, which is now available on City's web site.

Mayor Robinson said the Bellevue Police Department will continue to serve the community with excellent public service. The City will continue to provide a safe, welcoming environment characterized by mutual trust and respect with the community.

2. Roll Call

City Clerk Charmaine Arredondo called the roll. All Councilmembers were present and participating remotely.

(a) Temporary Suspension of Council Rules

Mayor Robinson said that in-person meetings continue to be prohibited by the Governor's orders. As a result, there are several provisions in the Council's procedural rules, Resolution No. 8928, that the Council should temporarily suspend involving the Council's ability to participate remotely and the process for accepting communications from the public. Section 13 of Resolution No. 8928 allows a Council procedural vote to be temporarily suspended. When suspension is requested and no objection is offered, the Mayor may announce the rule suspended.

- Deputy Mayor Nieuwenhuis moved to suspend until such time that the Council is no longer holding its meetings remotely, the provisions in Section 6.E of Resolution No. 8928 concerning the remote participation by Councilmembers, to allow all Councilmembers to participate remotely.

Hearing no objections to the motion, Mayor Robinson declared the rule suspended.

- Deputy Mayor Nieuwenhuis moved to suspend, for this June 1, 2020 meeting only, the provisions in Section 8.D of Resolution No. 8928 concerning oral communications from the public to allow public comment to be provided in writing on the topics on the meeting's agenda and read during the Council meeting.

Hearing no objections to the motion, Mayor Robinson declared the rule suspended.

- Deputy Mayor Nieuwenhuis moved to suspend until such time that the Council is no longer holding its meetings remotely, provisions of the third and fourth paragraphs of Section 6.A and all of Section 7.A of Resolution No. 8928, which involve the order of business for Council meetings.

Hearing no objections, Mayor Robinson declared the rule suspended.

(b) LGBTQ Pride Month Proclamation

Councilmember Zahn read the proclamation recognizing June as LGBTQ Pride Month in Bellevue. The City will display the Pride flag at City Hall and at several other City-owned facilities through June.

Mayor Robinson said the City affirms its support and acceptance of LGBTQ youth, adults, and allies within the community. She said the City is proud and supportive of the meaningful impacts the LGBTQ community has made, including community support activities in response to the COVID-19 epidemic, and the many contributions to Bellevue's rich and diverse history and culture. Mayor Robinson expressed support for the Bellevue High School Pride Club and thanked them for listening to the meeting.

(c) Essential Workers Proclamation

Councilmember Barksdale read the proclamation recognizing and commending the essential workers who maintain the services and functions that Americans depend on daily during the COVID-19 pandemic. Nearly 30 percent of the Seattle metro area's employment is made up of workers in essential industries including emergency response, healthcare and public health, food and agriculture, manufacturing, technology, transportation, energy, and government.

Mayor Robinson encouraged all residents to recognize and express appreciation for essential workers as they continue to carry out their necessary professions in service to all of us during the pandemic.

(d) 2020 Graduating Seniors Proclamation

Councilmember Robertson read the proclamation honoring the 2020 graduating seniors, who were unable to complete the school year and to graduate and celebrate together. She noted that many of them are active in volunteering in the community, including assisting with today's cleanup following the previous day's vandalism and looting.

Mayor Robinson expressed appreciation and support for Bellevue's 2020 graduating seniors and encouraged all residents to recognize their accomplishments and to encourage and support their success and well-being. She congratulated all the graduates.

3. Approval of Agenda

→ Deputy Mayor Nieuwenhuis moved to approve the agenda, and Councilmember Robertson seconded the motion.

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

4. Written Communications

City Clerk Charmaine Arredondo read a communication from Michael Thorp, who asked the Council to add an agenda item regarding the protests and looting over the weekend. He requested an independent investigation of Sunday's events. He believes that the Bellevue Police Department should have been able to prevent the criminal activity.

Mayor Robinson noted that Police Chief Mylett would provide an update later in the meeting.

5. Study Session

(a) Update from King County Council Chair Claudia Balducci

King County Council Chair Claudia Balducci thanked the Bellevue City Council, City staff, and the Police Department for their handling of the recent protests and criminal activity.

Ms. Balducci said the County has experienced tens of millions of dollars in additional expenses for its response to the COVID-19 pandemic, including contract tracing and public health needs. She noted a partnership between the County, The Sophia Way women's shelter, and the Red Lion Hotel to address shelter needs. She said the Eastgate tent city might not open as normal but could be activated for use as a quarantine and/or recovery center. Ms. Balducci said the County has provided funding to support organizations that have been hit especially hard by the pandemic including cultural organizations, small businesses, the tourism industry, and groups helping homeless youth.

King County Councilmember Balducci said the County received \$260 million from the federal government, which will be used to support community organizations and needs. The top funding priorities identified by the County Council include public health services, keeping people in their homes, mental health services, and domestic violence assistance. The County is committed to prioritizing a narrow range of services for the use of federal funding in order to make the greatest impact in the areas with the highest need. Ms. Balducci said the County Council transmitted its set of principles and priorities to the County Executive, who will develop and respond with a proposal for the County Council's consideration. She said the County will work with cities to facilitate coordination with human services providers.

Ms. Balducci commented that Governor Inslee's stay at home order initiated in March has been replaced with a phased plan to reopen the economy called Safe Start Washington. Individual counties will reopen based on certain conditions related to the status of COVID-19 cases and deaths. King County has not yet met the conditions to progress to Phase 2. However, the Governor has provided the alternative of a Modified Phase 1 by meeting lesser standards if certain safeguards are in place. Ms. Balducci said the County is working to achieve permission from the Governor to progress to Modified Phase 1. She said counties are required to remain in each phase for three weeks before moving to the next phase and further loosening restrictions.

Councilmember Balducci said the County continues to move forward with Eastrail projects along the rail corridor through Bellevue and the Eastside. The design phase for the NE 8th Street pedestrian/bike bridge is underway and is anticipated to be under construction by next year. Sound Transit is beginning work on an interim trail segment in the BelRed corridor. King County is conducting a study that would allow the installation of fiber infrastructure along the Eastrail alignment.

Mayor Robinson thanked King County Council Chair Balducci for the report and expressed support for moving Eastrail projects forward.

Councilmember Robertson thanked Ms. Balducci for the update and said she looks forward to moving to Phase 2 in King County.

Councilmember Barksdale thanked Ms. Balducci for the information and for her work on behalf of Bellevue and King County.

Councilmember Lee said he is happy to hear of plans for placing fiber infrastructure along the Eastrail corridor.

Councilmember Zahn thanked the King County Council for its thoughtful consideration of the budget and resources needs. She said the City shares the County's priorities and appreciates the partnership. She said she appreciates the COVID-19 dashboard on King County's website.

Ms. Zahn asked about the timing of the County's budget discussions and allocation of COVID-related federal funding. She questioned whether any of the Coronavirus Aid, Relief, and Economic Security (CARES) Act funds will go directly to cities. Ms. Balducci said the County Council hopes to approve the County budget by the end of June. She said this is an opportunity to consider whether the County can meet its principles and priorities, and also to perhaps provide money directly to cities to support either direct services provided by the cities or for cities to pass on to community providers. Ms. Zahn noted that she serves on the King County Board of Health and looks forward to the Board resuming its meetings.

Councilmember Stokes thanked Ms. Balducci for the information and expressed support for the Eastrail projects. He said he looks forward to moving to Phase 2 of the Governor's reopening strategy and he appreciates the County's approach.

Deputy Mayor Nieuwenhuis thanked Ms. Balducci and said he looks forward to reopening the economy. He asked whether the County intends to fund economic development initiatives, including assistance to small businesses. He said that certain businesses will likely not be able to reopen the longer the shutdown continues. Ms. Balducci said the budget includes \$3 million to \$4 million in small business support within both the incorporated and unincorporated areas. She noted that cities play a greater role in economic development within their communities. However, she said the County is interested in partnership opportunities.

Mayor Robinson said she hopes that, as the guidelines are developed for moving to Phase 1.5 and onward, it is clearly communicated to small businesses on how they can proceed. She encouraged a direct line of communication between the Chamber of Commerce, Bellevue Downtown Association, and the County to ensure that everyone does what they can to open as soon as possible. Ms. Balducci said she would carry those suggestions back to the County Council. Mayor Robinson said that some business owners are concerned about the possibility of losing their business license if a violation of the reopening conditions occurs. Ms. Balducci said she hopes that the enforcement function of King County Public Health would emphasize public education before taking formal enforcement actions. She said she would share that concern with the King County Council and others.

6. Report of the City Manager

(a) Resetting the Neighborhood Area Planning Program

City Manager Brad Miyake introduced discussion regarding the City's neighborhood area planning efforts, noting the management brief in the meeting's agenda packet.

Emil King, Assistant Director of Community Development, said the Great Neighborhoods program was established to carry out the Council's priority of neighborhood area planning

throughout Bellevue. He recalled that the program was temporarily suspended in March 2019 due to staffing and workload issues. Mr. King said the plan was recently revised based on the early experience of initiating the program and the impacts of the COVID-19 pandemic. He said staff looks forward to resuming its work with the Northwest Bellevue and Northeast Bellevue neighborhoods later this month.

Mr. King said that the focus of the presentation is to demonstrate how staff is adapting its work to COVID-19 realities. Topics to be addressed include the broader context and importance of neighborhood area planning, content of the work, and adjustments to the process.

Nicholas Matz, Senior Planner and Project Manager, said that residents are eager to resume neighborhood planning despite the conditions required related to the pandemic and public gatherings.

Brooke Brod, Community Engagement Lead, said that, due to the COVID-19 pandemic, community engagement events will be held online. There will be multiple opportunities for residents to participate via the online engagement platform at engagingbellevue.com, as well as by phone and mail. Ms. Brod said that community conversations are underway and staff hopes to be able to meet with the public in person later this year.

Ms. Brod said that public outreach to initiate the capacity building phase of neighborhood planning will launch with online informational events on June 16 and June 17. Development of the Northeast Bellevue and Northwest Bellevue neighborhood plans will begin this fall with the objective of completing draft plans by June 2021 to be forwarded to the Planning Commission for review. Final Council review and action is slated for late 2021.

Mr. Matz noted that he will serve as the project manager for the Northeast Bellevue planning process and Elizabeth DeRegt, Senior Planner, is the project manager for the Northwest Bellevue neighborhood planning.

Mayor Robinson thanked staff for the presentation and observed that it is great to be moving forward with neighborhood area planning.

Councilmember Barksdale thanked staff for the information and expressed his enthusiasm for resuming the planning process and helping neighborhoods to establish their collective identity. He suggested incorporating the information gathered during the neighborhood planning process with the results of the City's annual community surveys. Mr. Barksdale asked how the neighborhood area planning process will involve and coordinate with neighborhood associations.

Mr. Matz said that, in terms of the information to be collected through neighborhood planning and the annual community surveys, one of the pieces of the template does include a demographic profile and a list of actions desired by the neighborhoods. He concurred that it makes sense to consider how to utilize and integrate that information with the results of the annual surveys. Mr. Matz said City staff is actively engaged with neighborhood and homeowners associations to begin the capacity building phase of the planning process.

Councilmember Barksdale said it would be interesting to define segments within the community throughout the neighborhoods to then determine the appropriate segments for focusing the City's efforts.

Responding to Councilmember Stokes, Mr. King confirmed that staff will be documenting the lessons learned throughout the initial neighborhood planning processes to inform future efforts. The second set of neighborhoods to be addressed will be Crossroads and Newport Hills. Mr. Stokes thanked staff for their work.

Councilmember Zahn asked about plans for building relationships and reaching individuals who might be difficult to engage. She asked how the COVID-19 pandemic might play a part in the planning processes. She asked how to ensure that the City is building for the future and incorporating resilience by design. Mr. Matz said that a person in Northeast Bellevue is actively working to develop a resilience component as a part of the neighborhood template.

Ms. Brod said that, as part of the relaunch efforts, staff reviewed the existing budget and will be hiring temporary staff to assist with culturally competent outreach. The budget for language translation and sign language interpretation has been increased to ensure full community participation. Ms. Brod said the information collected in early 2019 before neighborhood planning was put on hold will be reviewed as the process moves forward.

Councilmember Lee thanked staff for moving this initiative forward and for recognizing the importance of robust community outreach, including to underserved populations. He expressed support for building relationships and facing new challenges related to the impacts of the COVID-19 pandemic. He said the capacity building phase should identify data and the demographic profile for underserved populations.

Councilmember Robertson said she is happy to see neighborhood planning moving forward. She questioned whether the final report will be a more of a guiding document or a plan. Mr. Matz said the blueprint for this process is in the Neighborhoods Element of the Comprehensive Plan. The existing policy section will be retained and will be linked to a new action section that outlines the plan.

Ms. Robertson said she would like to see more information regarding the scope of the neighborhood planning process. She noted that different neighborhoods are interested in different priorities (e.g., tree policies). Ms. Robertson said she would like staff to follow up with more information regarding the issues to be raised with the neighborhoods. She encouraged support for capital projects. She suggested that the neighborhood plans will be considered during the budget process and the annual Comprehensive Plan Amendment (CPA) process. Ms. Robertson encouraged a robust public engagement effort with a focus on involving the residents and businesses in the immediate neighborhood.

Mr. Matz said that the policy and action sections of the neighborhood plan will reflect what is needed and wanted in the neighborhood. He confirmed that staff is reaching out to all residents and businesses within neighborhoods to encourage their involvement.

Mr. King said staff would follow up with information to the Council regarding the scope of work for the neighborhood planning process.

Mr. Matz said staff will return in September with the next update.

Deputy Mayor Nieuwenhuis expressed support for staff's approach to the neighborhood planning process.

Mayor Robinson suggested replacing the concept of flexible with resilient, which refers to adaptability as well. She said this is a great opportunity to look to the future and to continue to improve through partnerships with the community.

(b) Crime Trend Update and COVID-19 Influence

City Manager Miyake noted the protests and looting the previous day in Bellevue and asked Police Chief Steve Mylett to provide an update.

Chief Mylett acknowledged that many cities are experiencing protests and looting following the tragic death of George Floyd in Minneapolis earlier in the week. He described the Bellevue Police Department's preparation in anticipation that looting activity might occur on Sunday. He said the looting and vandalism was orchestrated by organized criminals coming from outside of Bellevue. Chief Mylett said that looting activity started in both Seattle and Bellevue at around the same time in the afternoon. He said he was outside in Downtown Bellevue speaking with protesters when suddenly hundreds of people flooded onto Bellevue Way and ultimately into Bellevue Square and other businesses. He said the criminal rings purposely conduct simultaneous attacks throughout a city to strain and disperse police resources.

Chief Mylett said it was necessary to await mutual aid before mobilizing against the looters. He noted that the same tactics are used in cities throughout the country, and the criminals are trained and highly organized in planning their attacks. Chief Mylett said he regrets that so many businesses suffered losses and he always analyzes what he could have done differently after an incident. Despite the significant damage, he noted there were no fires or loss of life. Chief Mylett expressed concern that some businesses will not be able to reopen, especially with the looting occurring after businesses have already been closed for some time due to the pandemic.

Chief Mylett said people have asked why the looters were not arrested. He said the highest priorities are protecting human life and the safety of police officers. He said that best practices for protests indicate that three officers are needed for every person arrested. He noted the technique used by criminal groups to surround and assault officers. Chief Mylett said that even when mutual aid arrived on Sunday, the police were outnumbered. He said 14 individuals, aged 13 to 61, were ultimately arrested and none were Bellevue residents. The 13-year-old girl was with adults and was arrested for burglary. The 61-year-old was the person who drove the SUV into a group of protesters. Chief Mylett said that providing a safe environment for the protesters was the top priority and the reason that the police officers remained in place despite the looting activity.

Chief Mylett said that several people were armed with firearms, bats, and other weapons. He said the Mayor issued a curfew and weapons ban that continues to be in effect. The protests today have been peaceful and the Police Department will continue to provide a safe space for the protesters. Approximately 100 men and women from the National Guard arrived on Sunday and most are still in Bellevue. Chief Mylett said that a request for National Guard assistance must be approved by Governor Inslee.

Chief Mylett commented on additional questions that have been raised by the public. He said cities have not seen the organized criminal enterprises go into neighborhoods because they are primarily interested in vandalizing and stealing at retail locations. He said that some of the groups pay individuals to break windows and cause damage. He reiterated that the large groups of looters carried out simultaneous attacks throughout Downtown Bellevue to distract and disperse law enforcement.

Chief Mylett said he has been asked how the Bellevue Police Department will prevent anything like the death of George Floyd from happening in Bellevue. He said the BPD conducts extensive background checks, and individuals are thoroughly interviewed to determine whether their values are consistent with the BPD. Chief Mylett acknowledged that trust between the public and the police can be lost with one incident of misconduct or bad intent. He said that Bellevue police officers are accountable to each other and to the public. He noted that his father, who was a police officer in New York City, told him to always remember that he is a public servant who serves everybody.

Chief Mylett said that Bellevue police officers receive extensive training, including in the areas of implicit bias, discriminatory practices, use of force, and officer conduct. The Bellevue Police Department is nationally accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA). Chief Mylett said the Police Department's citizen advisory councils provide updates to officers and discuss key issues. He described the department's effort to teach that officers have a moral and ethical responsibility to stop an officer that may be intentionally or unintentionally engaging in conduct that is out of bounds. Chief Mylett said he felt confident that Bellevue officers would intervene to prevent the type of conduct that tragically led to George Floyd's death.

Chief Mylett said the BPD works closely with Congregations for the Homeless, Hopelink, Youth Eastside Services, Eastside Pathways, and other community organizations. The Police Department has six advisory councils to the Chief to engage the African-American, Latino/Latina, LGBTQI, Asian Pacific Islander, Muslim, and Interfaith communities. Chief Mylett said the BPD receives very few complaints, and all of the complaints are investigated. If a violation is found and can be addressed through training, the officer will be retained. However, if that is not possible, the officer will be terminated.

Chief Mylett said the BPD will prosecute the individuals involved in Sunday's criminal activities. He said there are many cameras in the Downtown including in stores, on traffic poles, and along the street. He said an information line is now available for the public at 425-452-7853.

Mayor Robinson thanked Chief Mylett and the Police Department for protecting the community. Ms. Robinson thanked Chief Mylett for taking the time to provide so much information in response to inquiries from the public.

7. Council Business and New Initiatives

Mayor Robinson noted the need to approve an appointment to the Planning Commission.

Councilmember Barksdale, Council liaison to the Planning Commission, recommended the appointment of Vishal Bhargava to serve on the commission. Mr. Barksdale said that Mr. Bhargava's priorities are in line with the values and needs of the community and with the interests of the Planning Commission. Mr. Bhargava, a Lake Hills resident, is committed to social and environmental justice and understands the importance of economic development for a thriving community. Councilmember Barksdale noted Mr. Bhargava's background in architecture and urban planning as well as his involvement with the Bellevue Youth Theatre.

→ Councilmember Barksdale moved to appoint Vishal Bhargava to serve on the Planning Commission for a term ending on May 31, 2023. Councilmember Stokes seconded the motion.

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

8. Consent Agenda

→ Deputy Mayor Nieuwenhuis moved to approve the Consent Agenda, and Councilmember Stokes seconded the motion.

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

- (a) Council Minutes
Minutes of May 11, 2020 Special Meeting
- (b) Ordinance No. 6515: 1) authorizing execution of a grant agreement (and supplements if necessary) with the Transportation Improvement Board (TIB) to accept up to \$5,000,000 in state funding to support construction of roadway improvements on 124th Avenue NE/NE 12th Street to NE Spring Boulevard project; and 2) amending the 2019-2025 General Capital Investment Program (CIP) Plan to increase the project budget for the 124th Avenue NE/NE 12th Street to NE Spring Boulevard Project (CIP Plan No. PW-R-169) by \$5,000,000.
- (c) Resolution No. 9758 authorizing execution of a tariff Schedule 74 Underground Conversion Project Construction Agreement with Puget Sound Energy (PSE) for the 124th Avenue NE - NE 12th Street and NE Spring Boulevard Project (PW-R-169).

- (d) Motion to award Bid No. 20035, 101st Avenue SE and SE 3rd Street Intersection Improvements (CIP Plan Nos. PW-R-199, W-16 and S-66) to Road Construction Northwest, Inc. as the lowest responsible and responsive bidder, in the amount of \$390,569.75, plus all applicable taxes. This project is partially funded by the Neighborhood Safety, Connectivity and Congestion Levy (CIP Plan No. PW-R-199).
- (e) Resolution No. 9759 authorizing execution of a purchase order with the King County Directors' Association (KCDA) Purchasing Network in the amount of \$759,658, plus all applicable taxes to replace the synthetic turf field and resurface the rubberized track at Wilburton Hill Park.
- (f) Resolution No. 9760 authorizing execution of an amendment to increase the construction contract amount with Interwest Construction, Inc. (Bid No. 19042) by \$700,000, plus all applicable taxes, for a total contract amount of \$12,241,006.90, plus all applicable taxes, for the NE Spring Boulevard Multimodal Corridor Zone 2 Project (CIP Plan No. PW-R-173).

9. Other Ordinances, Resolutions, and Motions

- (a) Ordinance No. 6516 amending Sections 3.55.030.E, 3.56.030.E, 3.61.030.E, 3.62.030.E, 3.63.030.E, and 3.64.030.E of the Bellevue City Code to allow all members of commissions and boards to remotely attend meetings and to attend remotely more than four times per year.

City Attorney Kathy Gerla said the intent of Ordinance No. 6516 is to allow the Boards and Commissions to begin holding remote meetings during the COVID-19 pandemic. The Governor's current order temporarily prohibits in-person meetings. The City Code contains certain provisions that prohibit six of the City's Boards and Commissions from holding remote meetings. Ms. Gerla said that a number of Boards and Commissions would like to resume meeting in order to move certain issues forward. She noted that the same restrictions regarding remote participation are also in the Board and Commission bylaws. However, the Boards and Commissions cannot suspend the City Code. If the code restrictions are lifted, the Boards and Commissions can then temporarily suspend their bylaw provisions related to remote participation. Ms. Gerla said staff recommends adoption of the ordinance.

Mayor Robinson thanked Ms. Gerla for the briefing.

Councilmember Zahn expressed support for enabling the Boards and Commissions to resume their meetings and activities.

Responding to Councilmember Robertson, Ms. Gerla said she was not working for the City when the code provisions were adopted. She noted that all of the Boards and Commissions now have consistent bylaws that include the same restrictions found in the City Code. Ms. Gerla confirmed that the action is intended to be temporary until the meeting restrictions related to the pandemic are lifted.

- Deputy Mayor Nieuwenhuis moved to adopt Ordinance No. 6516, and Councilmember Lee seconded the motion.
- The motion carried by a vote of 7-0.

10. Adjournment

At 8:17 p.m., Mayor Robinson declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

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