

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

July 27, 2020
6:00 p.m.

Virtual Meeting
Bellevue, Washington

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

ABSENT: Councilmember Robertson

1. Call to Order

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

2. Roll Call

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

(a) U.S. Representative John Lewis Commendation

Councilmember Lee read a commendation honoring U.S. Representative John Lewis' 63 years of public service as an activist and a congressman. At the age of 23, Mr. Lewis was the youngest speaker at the March on Washington in 1963. In 2016, Congressman Lewis visited Bellevue and spoke to students in the Youth Link program about his commitment to justice and universal civil rights.

Mayor Robinson commended U.S. Representative John Lewis for his courageous efforts and devotion to the ideals of equity, access, and inclusion.

3. Approval of Agenda

Mayor Robinson requested the addition of an item under the City Manager's Report for an update regarding the incident involving Puget Sound Energy (PSE) in the Somerset neighborhood.

- Deputy Mayor Nieuwenhuis moved to approve the agenda, with the addition of Agenda Item 6(a), Puget Sound Energy Incident in Somerset Neighborhood. Councilmember Stokes seconded the motion.
- The motion carried by a vote of 6-0.

4. Written Communications

City Clerk Charmaine Arredondo read emails received by the Council related to tonight's agenda. She said she would read the written communications for up to three minutes each.

S.W. Thurston's email said The Bellevue Club is proud to be a member of the community. He thanked staff for their work related to the East Main Land Use Code Amendment (LUCA). The email encouraged the Council to continue to consider the future uses of the properties in East Main. Mr. Thurston said they oppose LUCA provisions that limit the length of blocks in the redevelopment area. He expressed support for the City's use of the Downtown OLB-S codes in developing the East Main LUCA. The email noted a concern that certain aspects of the DT-OLB-S zoning do not comply with the East Main Comprehensive Plan Amendment (CPA).

An email from David Hoffman, Puget Sound Energy, provided an update regarding the incident on July 20 in the Somerset area of Bellevue. The email explained that vegetation made contact with PSE's line and started a fire. PSE personnel responded immediately and found that the problem was caused by ivy on the line, which acted as a conductor for setting the grass fire. Tree trimming was last performed on the section of the line in 2018 in accordance with monitoring standards. Mr. Hoffman's email said there was no damage to the Olympic pipeline.

Ms. Arredondo read an email from Jack McCullough written on behalf of The Wig Properties regarding the East Main LUCA. Mr. McCullough suggested that the Downtown code can be used as the starting base for the East Main LUCA, which can be modified to reflect the East Main CPA as well. The email said the suggested approach would achieve the greatest transparency because it will ensure that any differences between the East Main code and the adjacent Downtown code are highlighted and represent the Council's intentions and direction. The email presented a number of suggestions regarding street blocks, site organization, through-block connections, active use definitions, and parking ratios and requirements. Mr. McCullough wants to ensure that the East Main redevelopment area stays competitive with its neighbors to the north.

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

6. Report of the City Manager

- (a) Incident involving a Puget Sound Energy (PSE) Line in the Somerset Area

City Manager Brad Miyake said an incident involving a fire on a Puget Sound Energy (PSE) line occurred in the Somerset area on July 20.

Fire Chief Jay Hagen described the sequence of events in the City's response to the incident in the 4400 block of 136th Place SE, which was described by neighbors as sounding like an explosion. He said that travel time to the incident was seven minutes and 23 seconds, and the total response time was nine minutes and 44 seconds. Chief Hagen said that PSE was notified by the responding Battalion Chief. The cause of the fire was determined to be related to vegetation attached to PSE's equipment. Chief Hagen said the Olympic pipeline was not threatened in any way, and there was no threat to any other infrastructure in the area.

Chief Hagen said the Fire Department uses both mandatory and courtesy notifications, depending on the type of incident. Given the nature of this incident, the City did not have an obligation to inform the Olympic Pipe Line Company. Chief Hagen said that, due to an incident in Woodinville last fall, the Fire Department is coordinating with NORCOM to create a geo-fencing feature that will provide notifications for first responders regarding the proximity of the pipeline to an incident. Chief Hagen said the Public Information Officer sent a message to neighbors near the incident.

David Hoffman, PSE, provided additional details regarding the coordinated response of the Fire Department, PSE, and the Olympic Pipe Line Company. He noted that ivy, not an explosion, caused the fire affecting PSE's line. Mr. Hoffman said that power to the line stopped automatically when the fire began. He said that PSE responded immediately and patrolled the entire length of the line, ultimately identifying the source of the fire. He said that PSE last trimmed trees at the location in 2018, in accordance with the required standards. Mr. Hoffman said the incident did not cause a threat to the pipeline.

Councilmember Lee said he appreciated the description of the incident and the Fire Department's response. He said he was one of the people who called 911 following a loud noise and a lot of smoke. Councilmember Lee said the Fire Department responded appropriately and Chief Hagen called him a few days later. Mr. Lee expressed concern that no one contacted his neighbors during or following the incident. He suggested that the City take a proactive responsibility to coordinate with the appropriate parties involved. Mr. Lee said he spoke with David Hoffman from PSE following the incident. Councilmember Lee encouraged enhanced communications with residents during similar incidents.

Councilmember Zahn thanked Chief Hagen for the update and the Fire Department's rapid response to the incident. Ms. Zahn said she appreciates the thorough review following the incident to evaluate the response. Responding to Ms. Zahn, Chief Hagen said he received a number of letters from concerned individuals and he is working on his responses. In further response, Chief Hagen said the geo-fencing project is anticipated to begin testing in a matter of weeks. When the project begins operating, alerts will be generated related to activity within the proximity of the pipeline. Chief Hagen said staff is exploring ways to send alerts to the community as quickly as possible.

Councilmember Barksdale expressed support for proactive notifications to the community during such incidents. Responding to Mr. Barksdale, Chief Hagen said the geo-fencing project will provide critical information to the incident commander. However, it does not affect communications with the public.

Councilmember Stokes thanked everyone for their response and coordination related to the Somerset incident. He observed that communications were good considering the circumstances. Mr. Stokes noted that some individuals are saying that the incident occurred near the same pipeline that exploded in Bellingham several years ago. Mr. Stokes said it is not the same pipeline. He said he would like to see enhanced communications to avoid misinformation and speculation within the community.

Deputy Mayor Nieuwenhuis thanked Chief Hagen and David Hoffman for the excellent response and noted that Bellevue has a world-class fire department. Mr. Nieuwenhuis said it is understandable to have delays in communication during an emergency. He encouraged using the MyBellevue app for push notifications to the public.

Responding to Mr. Nieuwenhuis, Mr. Hoffman said the trees at the location of the incident were last trimmed in 2018. Mr. Hoffman said that PSE's standards are in line with federal standards, and PSE is reviewing its process in responding to the incident. He said communication during emergencies can almost always be improved. He said PSE received one email from the public inquiring about the incident. Mr. Hoffman said PSE does not use Nextdoor.com but it does communicate with neighborhood associations when possible.

Mayor Robinson observed that, in the absence of accurate information, incorrect information will move through the community. She expressed support for the Fire Department's response to the incident.

7. Council Business and New Initiatives

There was no discussion.

8. Consent Calendar

Mayor Robinson noted the memo in the Council's desk packet regarding a clerical error in Ordinance No. 6521.

- Deputy Mayor Nieuwenhuis moved to approve the Consent Calendar, including the amended version of Ordinance No. 6521 as reflected in the Council's desk packet. Councilmember Stokes seconded the motion.
- The motion to approve the Consent Calendar, as amended, carried by a vote of 6-0, and the following items were approved:
 - (a) Motion to award Bid No. 20030 for Lake Heights Lake Heights Wastewater Pump Station Rehabilitation to Gary Harper Construction, as the lowest responsive and responsible bidder, in an amount not to exceed \$1,042,061 plus all applicable taxes (CIP Plan No. S-16).

- (b) Ordinance No. 6521 amending the Bellevue Land Use Code to conform the frequently flooded areas regulations to current federal and state standards and to adopt the Federal Emergency Management Agency's updated countywide Flood Insurance Rate Maps and Flood Insurance Study, for the City's continued eligibility in the National Flood Insurance Program; providing for severability; and establishing an effective date.

9. Public Hearing

- (a) Public Hearing on 2021-2022 Budget and 2021-2027 Capital Investment Program (CIP) Plan

City Manager Miyake said this is the first of three public hearings regarding the 2021-2022 Budget and the 2021-2027 Capital Investment Program (CIP) Plan.

Keyi Lu, Assistant Director, Finance and Asset Management (FAM) Department, said the Council's initial budget workshop was held on June 22. At that time, the Council was briefed regarding the estimated impacts of the COVID-19 pandemic on the upcoming biennial budget. She recalled that staff previously presented three scenarios for the Council's consideration. The recommended planning scenario continues to assume an eight percent, or \$16 million, impact to the General Fund with corresponding impacts to the CIP and other funds.

Ms. Lu said the second budget public hearing is scheduled for September 21, and the final hearing will be held in November. The City Manager will release his preliminary budget in October, and adoption of the budget is anticipated by December 7, 2020. Ms. Lu said public engagement activities related to the budget process include information on the City's web site, the Neighborhood Leadership Gathering held in February, emails to Councilmembers and staff, and public comment during City Council, Board, and Commission meetings.

- Councilmember Stokes moved to open the public hearing, and Councilmember Barksdale seconded the motion.
- The motion carried by a vote of 6-0.

City Clerk Charmaine Arredondo said that a legal notice regarding tonight's public hearing was published on July 13 and July 20. It instructed the public on the method for providing comment during the hearing. Ms. Arredondo noted that Council's desk packet included the comments submitted to the City Clerk and the Budget Manager. Additional comments were sent directly to the Council via email for consideration.

The following individuals provided public comment:

1. Lucas Peterson, a resident of southwest Bellevue, said the purpose of his testimony is to promote and support the demand made by the Eastside for Black Lives organization to remove school resource officers (SROs) from the Bellevue School District. He said that none of the key community indicators or performance indicators used by City staff considered the views of the people most affected by the SRO program. He said SROs do not create safe schools, and they perpetuate the school to prison pipeline in Bellevue. Mr. Peterson commented on equity and asked the City to defund the police department and to support affordable housing. He asked the Council to approve a budget that reduces harm for black and brown students. He said students want counselors and social workers as well as accountability for racist ideas in their schools.
2. Rachel Krinsky thanked Councilmembers for their work on behalf of the community. She noted that she is the Executive Director for LifeWire but speaking as the Co-Chair of the King County Alliance for Human Services. She said she sent a letter in March asking the Council to increase human services funding to two percent of the General Fund. Acknowledging the impacts of the pandemic on the City's budget, she sent a second letter in May asking the City to maintain its current level of funding. Ms. Krinsky said the City has gone the extra mile to provide needed funds during the public health emergency. She said it has been nice to see the community coming together to help each other. She said many families are experiencing food insecurity and financial hardship. She asked the Council to maintain human services funding levels and to increase funding where possible.
3. Christopher Randalls expressed support for funding related to climate change actions, including renewable energy investments, new and greener building codes, and non-motorized transportation facilities. He noted current discussions nationwide about public safety funding and functions. He expressed concern regarding systemic racism in our society and the use of chokeholds by police officers. He noted statistics regarding a disproportionate number of arrests and traffic citations for minority individuals. Mr. Randalls encouraged the Council to defund the police department by a minimum of 25 percent and to engage the public in deciding how to use the funding.
4. Mahathi Mangipudi, a senior at Interlake High School, noted her interest in earth sciences and climate change, which she said is already impacting our communities through extreme weather events and forest fires. She said she founded an initiative to elevate youths' voices in climate protection advocacy. She thanked the City for its work to update the Environmental Stewardship Initiative (ESI) Plan. She said the climate crisis will affect all aspects of society, including the economy. Ms. Mangipudi expressed concern about the health impacts related to climate change as well. She said the City must prioritize climate change items in the budget.
5. Jan Keller, a Lake Hills resident, thanked the Council and staff for their hard work during the pandemic and during this time of asking important questions about racial justice. She noted that she is a member of People for Climate Action (PCA) Bellevue but speaking as an individual. Ms. Keller urged the Council to fund climate action planning in the budget.

6. Warren Halvorsen said that most organization's budgets can be reduced by approximately 15 percent without impacting future results. He expressed concern regarding personnel costs. He expressed support for complete funding for the Police Department and the Fire Department. He said Bellevue is fortunate to have extraordinary Chiefs in both agencies. Referring to the earlier update regarding the incident in the Somerset neighborhood, Mr. Halvorsen noted that pipeline fuel cannot be extinguished with water.
7. April Stevens thanked the Council for all of its work to protect Bellevue's beauty and livability. She said she appreciates the City's response to the pandemic. She asked the Council to fund climate action planning in the budget. She said that being proactive with climate actions can actually accelerate the economy. She asked the Council to ensure that the budget reflects the crucial importance of climate action planning.
8. Matthew Tkachuk noted that he lives near the border between Bellevue and Redmond. He concurred with comments made earlier by Christopher Randalls and thanked everyone who took the time to speak today, especially the youths.
9. Cynthia Cole commented on the role of public safety in overall quality of life. She expressed concern regarding nationwide efforts to defund police and suggested increased funding for the Police Department. She expressed support for separate social services staff to respond to calls involving individuals experiencing homelessness or in need of other services (e.g., mental health services). She noted that Fire Department personnel depend on the Police Department to secure incident scenes to enable them to safely work on saving lives.
10. Ruth Lipscomb, a resident of the Newport Shores neighborhood, expressed concern regarding the militarization of police departments across the country and in Bellevue. She noted that the Bellevue Police Department deployed its armored vehicle and SWAT personnel to Seattle over the weekend. She said there are rumors that foam bullets used by the department were provided by the Bellevue Police Foundation. Ms. Lipscomb highlighted information from the Foundation's web site. She asked whether there is a process to ensure that the equipment requested and any training provided by outside funders is in alignment with the City's values. She requested enhanced transparency in the Police Department's budget, including any resources received from outside groups. She suggested reallocating a portion of the police funding to areas of the budget that more equitably support the well-being of all fellow citizens.
11. Ruth Vaughan spoke to the need for a strong emphasis on public safety for a city to attract residents, businesses, and visitors. She said it is not reasonable to defund the police based on a few specific incidents. She said that lawlessness has not been effective in Seattle, where a group of individuals have established control of several blocks. She noted that two deaths have occurred in Seattle's occupied area. Ms. Vaughan expressed support for community policing and for the Police Department's interactions with youth. She asked the Council to not reduce public safety funding. Ms. Vaughan expressed support for prohibiting the use of chokeholds.

- Deputy Mayor Nieuwenhuis moved to close the public hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 6-0.

Mayor Robinson thanked everyone for their comments, which will be considered as the City Manager prepares his preliminary budget. She said there will be two more public hearings regarding the budget and the CIP Plan in September and November.

10. Study Session

(a) East Main Station Area LUCA

City Manager Miyake noted that this is the second study session regarding the East Main Station Area Land Use Code Amendment (LUCA). He recalled that the Council expressed an interest in considering additional policy options.

Mac Cummins, Director, Community Development Department, introduced discussion regarding the Council's interest in potentially using the Downtown Office Limited Business South (DT-OLB-S) land use code as the starting point for the East Main LUCA. If the Council is interested in proceeding with the DT-OLB-S zoning, staff would return in September to discuss the policies in the City's Comprehensive Plan relating to the East Main area, Downtown zoning, and any other applicable policies. Mr. Cummins said that development and growth in the Downtown is very different than growth that occurs outside of the Downtown. If the Council would like to look at using the OLB sections of Downtown zoning, staff will identify the Comprehensive Plan policies that are in conflict with Downtown zoning. Mr. Cummins said that, if the Council decides to proceed in this way, staff will return for more discussion in September regarding the Council's vision for the East Main area and the appropriate zoning.

Trisna Tanus, Consulting Attorney, described staff's three-pronged public engagement approach, including Process IV requirements for noticing and holding a public hearing, dialogue with stakeholders, and an online presence.

Ms. Tanus said the City received repeated requests from stakeholders to utilize the DT-OLB-S provisions in the East Main LUCA. She said it will be necessary to identify and discuss the conflicts and misalignments between adopted Downtown policies and the East Main LUCA. Ms. Tanus said staff believes a policy review is needed to accomplish better alignment and clarity. Staff's goal is to develop a LUCA that will implement the Council's vision for the East Main Station Area.

Mr. Cummins said staff is requesting Council direction to evaluate which adopted policies may be incompatible with using the DT-OLB-S zoning as the land use code for the East Main area; present this analysis in a future study session; and achieve renewed alignment in order to develop a LUCA that best meets the Council's vision. Mr. Cummins said that, if the Council wishes to

revise any policies, the Council will need to initiate a Comprehensive Plan Amendment (CPA) to adopt the policy changes.

Mayor Robinson thanked staff for the update.

Councilmember Barksdale said he reviewed the Downtown zoning policies as well as the concepts in the East Main Transit-Oriented Development (TOD) vision over the weekend. He said there are similarities between the DT-OLB-S zoning and the East Main TOD plans. He recommended extending the Downtown Livability code and tailoring it to the East Main TOD requirements. Mr. Barksdale suggested review of four policy areas when staff returns in September: 1) through-block connections, 2) alleys with addresses, 3) active uses and residential uses, and 4) parking requirements.

Councilmember Stokes said he appreciated staff taking another look at the East Main LUCA following the most recent Council discussion. He looks forward to reviewing the Downtown code and how it might be applied in the East Main area. He concurred with Mr. Barksdale and expressed support for adding the four topics to the discussion. Mr. Stokes said he would like Councilmembers to be able to receive individual briefings from staff before the topic comes back to the Council in September.

Deputy Mayor Nieuwenhuis thanked staff for their hard work to date. He said the Council is interested in directing staff to draft the East Main LUCA using the DT-OLB-S code as the starting point, then tailoring it to be consistent with the Comprehensive Plan, and incorporating the four topics suggested by Councilmember Barksdale. Mr. Nieuwenhuis said he looks forward to continued discussion in September.

Councilmember Zahn said she appreciated staff's hard work in trying to find a path forward with some urgency. She said the Council was intentional in developing its guiding principles for the East Main area. She said it will be helpful to clarify the Council's vision. She recalled the goal of creating a vibrant urban neighborhood incorporating TOD. Ms. Zahn said she is open to discussing the use of OLB zoning while also considering the unique characteristics of the redevelopment area. She concurred with Councilmember Stokes that individual briefings with staff would be helpful.

Councilmember Lee concurred with Councilmember Barksdale's suggestion for moving forward. Mr. Lee said he looks forward to discussing any policy conflicts identified by staff in September.

Mayor Robinson concurred with her colleagues regarding the four topics raised by stakeholders and described by Councilmember Barksdale. She said there are two items in the East Main Comprehensive Plan that are not in the OLB zoning that she would like to include: pedestrian-bike connectivity through the East Main redevelopment area and an affordable housing component with incentives related to density and building height.

Councilmember Barksdale expressed support for Mayor Robinson's suggested direction.

Councilmember Stokes concurred.

Deputy Mayor Nieuwenhuis referenced the fourth topic about parking ratios and said he would like to use the same maximum parking ratios as those applied in the Downtown. He expressed support for Mayor Robinson's suggestion to address potential affordable housing incentives.

Councilmember Zahn concurred with moving forward as suggested.

Councilmember Lee expressed support for moving forward and for considering pedestrian-bike connectivity and affordable housing as suggested by Mayor Robinson. He would like to allow flexibility for the developers in the code.

Councilmember Barksdale encouraged staff to also look at how we can make changes to the process for future planning efforts. He suggested that staff conduct a retrospective of this process to apply to the Wilburton planning process.

Mayor Robinson said this is a unique situation because there could have been a development agreement that specifically spot-zoned this property. She said there are a number of ways to approach this. She concurred with Councilmember Barksdale that it would be good to find a streamlined way to make the kind of positive change the City wants to make.

Mayor Robinson summarized staff's request for Council direction to: 1) evaluate which adopted policies may be incompatible to utilize DT-OLB-S zoning as the basis for the East Main LUCA, 2) present the analysis in a future study session, and 3) achieve renewed alignment in policies to develop a LUCA that best meets the Council's vision for the East Main area. She added the topics of pedestrian-bike connectivity and affordable housing as well as the four topics highlighted by Councilmember Barksdale: 1) through-block connections, 2) alleys with addresses, 3) active uses and residential uses, and 4) parking requirements.

Councilmember Barksdale asked whether staff would present an updated draft LUCA in September.

Mike Brennan, Director of the Development Services Department (DSD), said that using the DT-OLB-S code as a basis for the East Main area is a change in direction from how staff has been developing the code. He confirmed that staff will identify the policy gaps between the policies developed for the East Main area and the DT-OLB-S code. Mr. Brennan said it would be challenging to draft the full LUCA before early September. However, staff will incorporate a review of the four topics of interest to the stakeholders. He said staff will conduct the policy analysis and see how far it can get with drafting the code. Mr. Brennan noted that many staff will be taking vacation time in August during the Council recess.

Mayor Robinson said it will be important to know when there is conflict between the proposed development and what is allowed.

→ Deputy Mayor Nieuwenhuis moved to direct staff to draft the East Main LUCA using the DT-OLB-S code as the starting place, consistent with the East Main Comprehensive Plan

while incorporating a review of the four issues raised by the stakeholders (through-block connections, alleys with addresses, active uses and residential uses, and parking ratios), and including a review of pedestrian-bike connectivity and affordable housing incentives; and bringing it back to Council as a draft in September. Councilmember Lee seconded the motion.

→ The motion carried by a vote of 6-0.

Responding to Mayor Robinson, Mr. Brennan reiterated that it will be challenging to prepare a full draft LUCA by early September. However, staff will conduct the policy review and complete as much of the LUCA as possible.

Mayor Robinson thanked staff for their hard work.

11. Land Use: None.
12. Other Ordinances, Resolutions, and Motions: None.
13. Unfinished Business: None.
14. New Business: None.
15. Executive Session: None.
16. Adjournment

At 7:50 p.m., Mayor Robinson declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

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