

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Meeting

January 25, 2021  
6:00 p.m.

Virtual Meeting  
Bellevue, Washington

PRESENT: Mayor Robinson<sup>1</sup>, 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 Deputy Mayor Nieuwenhuis presiding. He noted that Mayor Robinson would be joining the meeting soon.

2. Roll Call; Flag Salute

City Clerk Charmaine Arredondo called the roll. All Councilmembers except Mayor Robinson were present and participating remotely. Councilmember Lee led the flag salute.

3. Approval of Agenda

Deputy Mayor Nieuwenhuis noted the addition of Agenda Item 6(b) for a presentation regarding the Bellevue Fire Department's mobile vaccination teams to assist with adult family homes.

→ Councilmember Lee moved to approve the agenda, amended as suggested by the Deputy Mayor. Councilmember Robertson seconded the motion.

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

4. Oral Communications

(a) Chris Cole expressed support for the proposed Crossroads Shopping Center development agreement. He noted the property owner's longtime philosophy of ensuring that the

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<sup>1</sup> Mayor Robinson joined the meeting at 6:16 p.m.

center feels like a community gathering space. He noted the development of 185 senior housing units in the area and connections into the park through the property owner's collaboration with the City. The development agreement provides 225 residential units, retail, parking facilities, and enhanced pedestrian access. Mr. Cole highlighted the developer's public engagement activities, including a community survey, and thanked everyone for their input into the development agreement presented for the City Council's consideration.

- (b) Mark Taylor, MG2 Architects, said the design team has been working on the Crossroads project with Chris Cole for approximately four years. He expressed support for the development agreement.
- (c) Jessica Clawson, representing McCullough Hill Leary, noted the law firm's involvement in developing the Crossroads development agreement and encouraged the City Council to support the agreement. She said the proposed development is consistent with the goals of the Crossroads Subarea Plan to create residential units.
- (d) Betsi Hummer said she was looking forward to the presentation by King County Metro tonight. She noted there are incentives related to transit services in Bellevue's Affordable Housing Strategy. She thanked Councilmember Robertson for her work with the Regional Transit Committee. Ms. Hummer said it would have been helpful to also have a Sound Transit presentation tonight. She expressed an interest in the impact of the pandemic on their operations, with more people working from home. She noted that the Eastgate shelter is approximately one mile from a bus stop. She encouraged expanded access and more frequent bus service in Bellevue, as well as the development of affordable housing near transit services. Ms. Hummer thanked everyone for their work.
- (e) David Hoffman, Puget Sound Energy, announced that PSE set an aspirational goal to reduce its carbon emissions to net zero by 2045, and to help other sectors reduce their carbon emissions statewide. He said PSE's work must be grounded in science and ambitious enough to address climate change and to ensure a more sustainable economy. He said PSE is partnering with customers and industries to identify programs and products that cost-effectively reduce carbon emissions across sectors and across the region and state. Mr. Hoffman said this will involve transportation electrification, extending the use of renewable natural gas, and eliminating net methane leaks from the natural gas distribution system. He said PSE will convene an external advisory committee with community members and partners, technical experts, and others to continue to plan for the future.

*[At 6:16 p.m., Mayor Robinson joined the meeting.]*

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

6. Report of the City Manager

(a) Environmental Outreach in a COVID-19 Environment

City Manager Brad Miyake introduced staff's update regarding the Utilities Department's public outreach during the pandemic to address solid waste diversion.

Nav Ota, Director of the Utilities Department, said tonight's presentation was for information only. The City's waste diversion program provides outreach and educational and technical assistance to residents, businesses and students regarding waste prevention, recycling, composting, and household hazardous waste. With the restrictions imposed under the pandemic, staff was challenged to look at new ways to continue to offer outreach and education programs to share key environmental messages.

Erin Hislop, Conservation and Outreach Administrator, described the City's collaboration with the King County Library System to provide community workshops to address reducing single-use plastics, reducing food waste, setting up composting for multifamily housing, responsible home decluttering and disposal, and sustainable shopping. The program provided 20 classes during the pandemic with 417 attendees. In lieu of in-person events, the City provided curbside pickup opportunities for conservation kits in both English and Spanish. Ms. Hislop noted the increase in box and paper recycling with the significant increase in the use of delivery and mail services during the pandemic.

Ms. Hislop highlighted the City's public outreach, including a citywide scavenger hunt for residents participating from their homes. The City partnered with the Crossroads farmers market to distribute information for more than 1,200 households. The City also partnered with the Bellevue Arts Museum to provide zero-waste craft kits that were picked up by more than 700 families during the curbside Halloween event. Additional partnerships include the distribution of information through libraries and property managers, as well as assistance in establishing compost programs in multifamily housing. Ms. Hislop said the City provided Utilities Department welcome kits to a number of multifamily complexes and worked together to set zero waste goals.

The City provided assistance in waste reduction and recycling to 67 businesses in Bellevue, including helping them to right-size their outdoor waste bins and service levels and to audit their current waste streams to try to divert more away from garbage and into recycling and composting. Ms. Hislop said staff held lunch and learn sessions for companies that wanted to plan for the future and to involve staff. She said the City also provided signage regarding the proper disposition of items for recycling, organics/composting, or the landfill. She said many restaurants have begun composting for the first time during the pandemic.

Ms. Hislop said staff modified the school and youth education programs to offer live virtual presentations in 16 remote classrooms this fall. A theatrical storytelling program targeted kindergartners and first-graders, and the City recently piloted a new workshop on recycling in Spanish. She described the creation of a Zero Waste Public Event Guide for event organizers.

She said the City has worked with the Bellevue School District to install reusable water bottle refilling stations and to eliminate all disposable utensils.

Councilmember Zahn thanked Ms. Hislop for the presentation. She encouraged the City to follow the zero waste event guidelines for its own activities when City Hall reopens, including to address single-use plastics. Ms. Zahn expressed concern regarding the waste in packaging generated by restaurant takeout services. Ms. Hislop said that most businesses plan to use more sustainable packaging then they are able to fully reopen. Under the current pandemic restrictions, businesses are focused on public health guidelines and making sure that customers feel comfortable with the safety practices. She said the City has distributed reusable utensil and straw kits and encouraged people to keep them in their cars to reuse when they order takeout.

Councilmember Stokes thanked staff for their work with the Cascade Water Alliance and the detailed presentation.

Mayor Robinson expressed support for the goal of achieving zero waste. She encouraged Utilities Department staff to coordinate with economic development staff to help small businesses work toward a compostable future.

Councilmember Lee thanked staff for continuing to engage residents, students, and businesses during the pandemic to work toward zero waste. He noted the opportunity to come up with some good innovative and creative ideas.

(b) Bellevue Fire Department's Mobile Vaccination Teams for Adult Family Homes

City Manager Miyake said the Bellevue Fire Department is assisting in the administration of the COVID vaccine in adult family homes in Bellevue.

Fire Chief Jay Hagen described the Fire Department's participation in a pilot program to provide mobile vaccination teams to assist adult family homes. An adult family home is defined as a licensed care facility located in a residential setting, usually with six to 10 residents. There are nearly 140 adult family homes in the Fire Department's service area, including 93 in need of assistance with administering vaccinations. Many of the adult family homes are working with the Seattle-King County Department of Health's pharmacy program through CVS and Walgreens. The City has an agreement with King County as the vaccinating agency and the Bellevue Fire Department working in support of that effort.

Chief Hagen said that Bellevue Fire Department personnel rode with the Seattle Fire Department to observe their vaccination program. Bellevue's pilot program administered its first dosage on January 21, under the oversight of the health department. Paramedic and emergency medical technician (EMT) personnel have been in training since that time, and the program was formally launched today. Chief Hagen said the supply of vaccine has been irregular, with the City learning about the number of doses that will be available on a weekly basis. He said they are currently using the Moderna vaccine and vaccinating the residents of adult family home as a group where possible. In some instances, the EMTs and paramedics must enter a resident's room to administer the vaccine. In those cases, a new clean set of personal protective equipment (PPE) must be used

for each room. Chief Hagen said the Fire Department is using the language line to access translation services when needed.

Chief Hagen said the Fire Department completes paperwork during the day and inputs the information in the evening. He said the department is anxiously awaiting the online software platform from King County to be used countywide. He noted that the Bellevue Fire Department's service area extends from Mercer Island to Snoqualmie Pass, and from Redmond to Newcastle. He said the department's goal is to complete vaccinations at all 93 adult family homes within 28 days. He described the chain of custody procedures used to ensure that the vaccine is kept at the proper temperature. He said the use of support technicians to assist the vaccinators has sped up the process.

Chief Hagen thanked Mayor Robinson, the City Attorney's Office and Human Resources Department, King County Medic One Director Michelle Plorde, King County Medic One Medical Director Tom Rea, Fire Department Medical Director James Boehl at Overlake Hospital and Medical Center, fellow Fire Chiefs, and Bellevue Battalion Chief and Commander of the EMS Division Chuck Heitz. He said the Bellevue Fire Department feels fortunate to be a part of the vaccination effort, especially given the challenge for many in being able to schedule a vaccine.

Mayor Robinson thanked Chief Hagen for working so quickly to partner with the Seattle-King County Department of Health to participate in the vaccination effort.

Councilmember Lee thanked Mayor Robinson, Chief Hagen, and staff for their leadership in this important effort. Mr. Lee commented on the challenges experienced by the public in trying to schedule vaccinations. He suggested that perhaps vaccinations could be provided at fire stations as well when more vaccine is available.

Deputy Mayor Nieuwenhuis thanked Chief Hagen and Mayor Robinson for their efforts and praised the goal of covering all 93 adult family homes within such a short timeline, depending on the availability of the vaccine. Mr. Nieuwenhuis asked whether the Fire Department's program could potentially be expanded to child care centers, schools, and educators.

Chief Hagen said that King County, as the vaccinating agency, identified mobile vaccination teams and high-volume, drive-through centers as two areas where they thought Fire Department personnel could be especially useful. He said Bellevue has been participating with drive-through centers for testing in other parts of the county, and there have been discussions about transitioning those testing centers to vaccination centers.

Responding to Councilmember Zahn, Chief Hagen said there are 140 adult family homes in the Fire Department's service area, which includes six contract cities in East King County. He said Eastside Fire and Rescue personnel have accompanied Bellevue personnel to learn about the program in anticipation of potentially expanding the program in their area. In further response to Ms. Zahn, Chief Hagen said they are vaccinating both residents and staff at the adult family homes.

Councilmember Stokes thanked Chief Hagen and the Fire Department for their work in this extensive effort.

7. Council Business and New Initiatives: None.

8. Consent Calendar

→ Deputy Mayor Nieuwenhuis moved to approve the Consent Calendar, and Councilmember Lee seconded the motion.

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

- (a) Minutes of January 11, 2021 City Council Regular Meeting
- (b) Resolution No. 9877 authorizing execution of a grant agreement with Public Health - Seattle and King County to accept reimbursement grant funds in the amount of \$175,518.72, from the 2021-2022 Local Hazardous Waste Management Program (LHWMP) to implement local hazardous waste management outreach and education programs in accordance with the Local Hazardous Waste Management Program Plan.
- (c) Resolution No. 9878 authorizing execution of an interagency agreement with King County to accept reimbursement grant funds in the amount of \$359,343 from the 2021-2022 King County Waste Reduction and Recycling (WRR) Program to implement WRR projects in accordance with the King County Comprehensive Solid Waste Management Plan.
- (d) Motion to approve payment of claims and payroll for the period December 1, 2020 - December 31, 2020.
- (e) Resolution No. 9879 authorizing execution of a two-year agreement with Stewart Investments Inc., dba Security 101-Seattle for security software and hardware maintenance at City of Bellevue facilities, with a three-year renewal option, for a total contract amount including contingency funds for repair or replacement hardware, not to exceed \$520,306, plus applicable taxes.
- (f) Resolution No. 9880 ratifying the Emergency Declaration of the City Manager for the emergency repair or replacement of the Vasa Creek culvert, located near 15321 SE Newport Way, Bellevue, WA 98006; and ratifying an emergency contract with Sunbelt Rentals Inc., in the amount of \$160,000, plus all applicable taxes, executed pursuant to the Emergency Declaration.
- (g) Resolution No. 9881 authorizing execution of Amendment No. 5 to the customer service agreement with Thomson Reuters, for software maintenance to ProLaw (Civil version), a case management system, for a period of four (4) years, in an

amount not to exceed \$32,518.33 plus all applicable taxes, for a total not to exceed contract value of \$115,532.68. The executed Amendment shall be substantially in the form of the Amendment in the Council Library.

- (h) Resolution No. 9882 authorizing the execution of a three-year agreement between the City of Bellevue and Diamond Parking Services to provide on-street parking enforcement in downtown Bellevue in the amount not to exceed \$433,278.03, plus all applicable taxes.
- (i) Motion to reject the only bid submitted by James W. Fowler Company for Bid No. 20077 - Pikes Peak Reservoir Replacement - due to this bid of \$6,281,200 having exceeded the Engineer's Estimate of \$4,913,460 (CIP Plan No. W-85).
- (j) Resolution No. 9883 authorizing the execution of an agreement between the Washington State Department of Transportation (WSDOT) and the City of Bellevue (City) for Utility Construction Agreement UTB 1396 that details how the City will reimburse WSDOT for the actual cost of utility work.

9. Public Hearing: None.

10. Study Session

- (a) King County Metro Transit Policy Update

Joyce Nichols, Director of Intergovernmental Relations, introduced Terry White, General Manager of King County Metro, for an update on the temporary service reductions and other changes related to the pandemic.

Mr. White said he has worked at King County Metro for 34 years. He noted Metro's efforts to support five priority populations (i.e., Black, Indigenous and People of Color, low and no income, disabled, foreign born, and non-English speaking). He commented on the positive impact of transit services on him while growing up in a household that did not have a car. He noted Metro's focus on equity, climate and safety. He said the approach is consistent with the recommendations of the Regional Transit Committee, which includes Councilmember Robertson as a member. Mr. White commented on the impact of the pandemic on Metro's budget, noting a projected reduction of \$1 billion in sales tax revenue from 2021 through 2028 and a significant loss in fares and other revenues.

Tessa McClellan, Policy Advisor, King County Metro, noted Metro's three key policy documents: Strategic Plan, Service Guidelines, and Metro Connects long-range plan. Metro's policies cover day-to-day operations as well as planning for the future. The policies are developed through community engagement and are then reviewed and adopted by the Regional Transit Committee and the King County Council. In fall 2018, the King County Council called for a mobility framework that addresses regional changes and focuses on racial justice. Staff has been working with the 23-member King County Metro Mobility Equity Cabinet, which represents riders and communities countywide.

Ms. McClellan said Metro is working to update the Strategic Plan, Service Guidelines, and Metro Connects Plan as it develops the mobility framework. She said staff currently reports performance measure outcomes to the King County Council every two years. The Metro Connects long-range plan includes the goal of expanding transit service by 70 percent by 2040. The Service Guidelines outline how decisions about implementation and transit investments are made. The Strategic Plan has eight goals, which will be incorporated into the mobility framework. Ms. McClellan said Metro is working to streamline and improve its performance measurement system to make it easier for stakeholders and the public to review the information.

Brian Henry, Lead Service Planner for East King County, described service changes to be implemented in March and noted that the investments are all intended to address crowding issues. Low-performing trips on commuter routes will be decreased slightly and all currently suspended routes will remain suspended for now due to the pandemic. Mr. Henry said a significant restoration of bus service is anticipated in September. He highlighted Metro's focus on creating connections to and from East Link light rail service before it begins operations in 2023. He said the planning effort will include equitable public engagement processes involving mobility boards with transit riders and partner review boards involving representatives from jurisdictions, employers, institutions, and community organizations in East, North, and South King County.

Mr. Henry highlighted the East Link Connections project throughout the light rail service area. He described Metro's work with Sound Transit to restructure bus service. The Phase 1 needs assessment is underway. Phase 2 will involve the development of service concepts based on prioritized needs, and the proposed service changes will be presented to the public during Phase 3 of the process. The King County Executive will transmit the final service network to the King County Council for adoption, and then to the Sound Transit Board for adoption, by the summer of 2022.

Mayor Robinson thanked staff for the presentation.

Deputy Mayor Nieuwenhuis noted that Councilmember Robertson is the Vice Chair of the Regional Transit Committee.

Councilmember Robertson thanked everyone for the presentation. She said the Regional Transit Committee's work plan will be adopted next month and it will focus on updating the Service Guidelines, Strategic Plan, and Metro Connects plan. She said Metro recently provided baseline ridership data for the pre-COVID time period to the committee. She noted that Bellevue is expected to gain 30,000 new jobs through two major employers in the coming years. She highlighted the themes of equity, route productivity, and serving job centers. Ms. Robertson commented on the need for robust transit infrastructure to support growth. She suggested inviting Sound Transit and the Washington State Department of Transportation (WSDOT) to present their transit plans, especially those related to East Link light rail connections and I-405 bus rapid transit (BRT).



Councilmember Zahn expressed support for a strong focus on implementing I-405 BRT. She suggested that, when talking about transit frequency and reliability during the day, it is important to consider the need for transit services at night as well. Ms. Zahn encouraged the City to pursue regional partnerships and federal transit funding, including to fund micro transit to address service for the first mile and last mile connections.

Councilmember Lee commented on the importance of an effective transportation system for economic development and overall quality of life. He concurred with Councilmember Zahn's comment about the need for micro transit options. Mr. Lee encouraged partnerships and new technologies to increase efficiency and prepare for the future.

Councilmember Stokes thanked staff for the presentation. He said it would be helpful to discuss the work plans of the Regional Transit Committee and the Regional Policy Committee. He expressed support for micro transit options and commented on the importance of the I-405 BRT service. He commended Metro's approach to work extensively with the community to identify needs and to build a transit system that is convenient and appealing to the public. Mr. Stokes said he looks forward to the reopening of the South Bellevue Park and Ride in September. He commended the regional collaboration between transportation agencies.

Councilmember Barksdale thanked staff for the presentation. Responding to Mr. Barksdale regarding access for priority populations, Ms. McClellan said the Metro Connects long-range plan is being used to set the target service levels for the countywide network. Mr. Barksdale highlighted his interest that priority populations have access to transit.

Deputy Mayor Nieuwenhuis asked whether Metro plans to offer services that might take advantage of smart technology. He asked about the status of the K Line and whether Metro expects to receive federal funding as part of the Coronavirus Response and Relief Supplemental Appropriations Act.

Ms. McClellan said Metro anticipates some level of federal funding. However, the amount is unknown. She said Metro is interested in testing new technologies, especially for the last mile connections. Mr. Henry said Metro is currently working with the City to test an app in the Crossroads area that enables people to connect to frequent transit hubs. He said Metro is looking at all types of options to integrate mobility, including potentially taxis. Mr. Henry said he did not have an update on the K Line route.

Mayor Robinson thanked staff, Councilmember Robertson, and Councilmember Zahn for their regional transit and transportation work. Responding to Ms. Robinson, Ms. McClellan said Metro shares the City's interest in placing transit services near housing, and developing housing near transit services.

- (b) Development Agreement to enable a Mixed-Use Multifamily Development in the Crossroads Subarea

City Manager Miyake introduced discussion regarding the proposed development agreement to enable a mixed-use multifamily development in the Crossroads Subarea. He said staff is seeking

Council direction to prepare the development agreement for a public hearing and final approval in March.

Trisna Tanus, Consulting Attorney, said a development agreement is a contract between the City and the property owner that specifies standards and conditions to govern the development of property. In this case, the agreement includes provisions for public benefits to enable multifamily development. Ms. Tanus said a public hearing is required before the Council takes formal action on the agreement. She noted that in Land Use Code section 20.10.440, residential note 6 generally prohibits multifamily development in Planning District E of the Crossroads Subarea. An exception is allowed, however, when there is a Council-approved development agreement. The agreement is required prior to the approval of the project's design review.

Sally Nichols, Urban Design Planning Manager, said the City adopted the development agreement requirement in the Land Use Code through Ordinance No. 6229 on June 1, 2015. The legislative intent was to: 1) require public benefits with multifamily development, including pedestrian connections, park connections, and public open space; 2) update the historical prohibition on multifamily development in Crossroads Planning District E; and 3) track housing developments for consistency with the overall vision for the Crossroads area. She noted that the Upton at Crossroads Village was the first development to take advantage of Ordinance No. 6229.

Ms. Nichols highlighted two Crossroads Subarea policies that direct what the City hopes to see with any development agreement. Policy S-CR-79 requires multifamily developments only when they are of high quality and avoid conflicts with commercial uses. Policy S-CR-81 requires that a development include pedestrian connections, open space, and activity areas to support site residents and users. The development agreement's proposed multifamily project is located between the Crossroads Shopping Center and the Crossroads Community Center.

Peter Rosen, Senior Planner, described the proposal to build a six-story mixed-use building with 224 residential units, 14,500 square feet of ground-level retail space, and a parking garage with 253 stalls. The project proposal will require design review and permit approval following the adoption of the development agreement. The public benefits of the project include pedestrian improvements, mid-block connector/urban trail, park interface area, and an open space opportunity zone. The latter includes seating and hardscape features for informal gatherings, with improved pedestrian and bike connections to Crossroads Park and Community Center.

Ms. Tanus said the proposal was formally noticed in January 2019 with a Project Notice of Application. At that time, the applicant conducted robust community outreach, including a community survey and an exhibit of the proposal at Crossroads Shopping Center. The survey was completed by 498 respondents. Many of the comments expressed support for community gathering spaces and connections between the shopping center and the park. Ms. Tanus said the project was renoticed on January 7 to include information about the development agreement and to solicit additional public input.

Mayor Robinson thanked staff for the presentation.

Councilmember Barksdale, liaison to the Planning Commission, said he liked the mixed use and open space elements of the proposal. Responding to Mr. Barksdale, Mr. Rosen said that traffic and transportation issues will be evaluated as part of the design review permit process. He noted that the applicant has submitted a traffic study. Mr. Rosen said that 350 surface parking stalls will be eliminated to build the project. The project includes 253 new parking stalls and a redesign of some of the surface parking, resulting in a total of 321 parking spaces related to the project. Mr. Rosen said the Crossroads Shopping Center has a total of 2,245 parking stalls. The applicant's detailed parking study determined that the project will have a minimal impact on traffic and parking at the shopping center, even during the winter holidays.

Responding to Councilmember Robertson, Ms. Tanus confirmed that the City is not required to grant a development agreement. Ms. Robertson recalled that when the subarea policy was updated in 2015, the Council expressed support for multifamily housing with transit connections, open space, park connections, and other public amenities. Ms. Robertson said the Council has been working to generate affordable housing since that time, including through the adoption of the Affordable Housing Strategy. She said the proposed development is consistent with transit-oriented development (TOD) objectives, with a rapid ride bus line serving the location.

Ms. Robertson said she would like to see affordable housing included in the project. She suggested that staff reach out to the applicant to determine whether they would be willing to commit to a certain percentage of affordable housing, especially given the significant increase in density.

Councilmember Stokes concurred with Councilmember Robertson's suggestion for affordable housing as an additional public benefit. He thanked staff for the thorough presentation.

Responding to Deputy Mayor Nieuwenhuis, Ms. Tanus confirmed that the proposal does not include any affordable housing units. Mr. Nieuwenhuis said he would be in favor of staff consulting with the applicant/developer again to discuss the potential for affordable housing. Responding to Mr. Nieuwenhuis, Ms. Tanus said the permit review will study access routes and traffic mobility within the center.

Councilmember Zahn said the proposal is similar to TOD and it provides the opportunity to include affordable housing. She expressed support for staff exploring the concept of affordable housing with the applicant. She would like to see a range of apartment sizes as well. Responding to Ms. Zahn, Ms. Nichols said that traffic and parking are typically addressed during design review. Ms. Nichols said the City has received a great deal of information from the applicant. She acknowledged that including the transportation reviewers in conversations now would be helpful to avoid surprises later in the process.

Councilmember Lee asked whether the large project might impede circulation in the area. He expressed support for Councilmember Robertson's suggestion to include affordable housing in the project. He requested more information about the public benefits in the proposed development agreement and suggested that additional public outreach might be helpful.

Mayor Robinson said it is essential to provide affordable housing in every TOD and similar developments. She would like the City to discuss affordable housing with the applicant. She noted that the site is near Interlake High School, Crossroads Community Center, Youth Eastside Services, Crossroads Park, and other destinations. Ms. Robinson suggested taking advantage of opportunities for affordable housing before light rail begins operating in 2023.

Ms. Tanus said that if the Council is interested in exploring affordable housing as part of the development agreement, staff will want to conduct an analysis to determine consistency with the Comprehensive Plan, Land Use Code, and other applicable regulations. She confirmed that staff will discuss affordable housing with the applicant.

(c) Interlocal Agreement with Independent Force Investigation Team-King County (IFIT-KC)

City Manager Miyake introduced discussion regarding an Interlocal Agreement (ILA) with regional law enforcement agencies. He noted that State Initiative 940 mandates that certain use of force incidents involving police officers be investigated by an independent team. The proposed agreement enables Bellevue to access the Independent Force Investigation Team-King County (IFIT-KC) to serve that function.

Police Chief Steve Mylett said the purpose of IFIT-KC is to investigate all use of force incidents resulting in death or substantial or great bodily harm. He said the proposed ILA includes the draft protocols and guidelines for the investigative team. Staff is seeking Council direction to prepare a resolution for future action that would authorize the execution of the ILA with regional law enforcement partner agencies.

Assistant Police Chief Patrick Arpin said that State Initiative 940 approved in 2018 and House Bill 1064 formed the Law Enforcement Training and Community Safety Act (LETCSA). The act requires that all uses of deadly force by police that result in death or substantial or great bodily harm be investigated by an independent body. Following the adoption of the legislation, the Washington State Criminal Justice Training Center adopted rules outlining the role of the investigative team in providing independence, transparency, communication, and credibility. At least two non-law enforcement representatives will be part of the investigation. Police Chiefs and Sheriffs are tasked with creating a roster of individuals who are willing to serve in that capacity, and the rosters will be provided to the IFIT. Their role is to assess whether the process of the investigation is conducted in a trustworthy manner and that it complies with the standards articulated in WAC 139-12. They will participate directly in the vetting, interviewing, and selection of the investigators. All of the investigators working on a specific case must submit a conflict of interest statement for review by the community representatives and police command staff for the team. The community representatives must sign a confidentiality agreement, which remains in place until the prosecutor decides whether to file charges.

Melissa Chin, Assistant City Attorney, said that WAC 139-12 requires a transparent process to solicit names to serve as community representatives. The language of the code allows maximum flexibility for each community and agency to create a process specifically tailored to their needs and resources.

Chief Mylett said the Bellevue Police Department has seven advisory councils that reflect the broad demographics in the community. So far no one from those groups has applied to be an IFIT community representative. However, six people from the general public have expressed an interest and he hopes that more will apply. The Police Department would like the teams to reflect the community in terms of race, ethnicity, gender, and sexual orientation.

Assistant Chief Arpin said the purpose of the agreement is to satisfy the independent investigation requirement under state law, and the purpose of the investigative team is to determine whether the use of force meets the good faith standard established in state law. The IFIT will include qualified and certified law enforcement investigators, a civilian crime scene specialist, and at least two community representatives. The ILA allows the Bellevue Police Department to participate in the agreement and to provide resources to support investigations. Assistant Chief Arpin said this process is separate from an internal investigation. However, the results of the IFIT investigation will be available to the agencies or internal investigations as allowed by law.

Assistant Chief Arpin presented a map of the investigative teams statewide, noting that north King County and six other counties have not yet established multi-agency response teams. South King County has established a team. Until the ILA is in place, the Bellevue Police Department requests an independent investigation by the King County Sheriff's Office, Seattle Police Department, or the Washington State Patrol, depending on their availability. Participation in the IFIT agreement will allow the timely appointment of an investigative team because the resources are already in place.

The IFIT-KC group has an executive board composed of chiefs and sheriffs, including a unit commander, two assistant managers, and an administrative commander. The role of the IFIT body is to conduct an independent investigation and to provide information to the prosecutor. However, the investigative team does not offer a determination about whether the force was justified. Assistant Chief Arpin listed the 13 IFIT-KC partner agencies, including Bellevue. All of the agencies are in the process of taking the proposed ILA to their City Councils for approval. The Seattle Police Department is not part of the group due to regulations outlined in the Department of Justice consent decree overseeing that agency.

Assistant Chief Arpin said staff is seeking Council direction to prepare a resolution authorizing the execution of the ILA with regional law enforcement agencies.

Deputy Mayor Nieuwenhuis thanked everyone for the presentation. Responding to Mr. Nieuwenhuis, Chief Mylett confirmed that the Bellevue Police Department has a number of mutual aid agreements with partner agencies. Mr. Nieuwenhuis said the governor is considering whether to create an office to conduct independent investigations of use of force incidents. He noted proposed state legislation that would involve the State Auditor's Office in use of force investigations as well. Responding to Mr. Nieuwenhuis, Chief Mylett said the State is looking at establishing a statewide investigative unit. However, if the legislation is approved, it would take 2-3 years to implement at the state level.

Mr. Nieuwenhuis asked whether the community representatives on the investigative teams will have any experience or background in law enforcement. Ms. Chin said state law is broad enough to provide flexibility for agencies to develop their own screening and selection process. Ms. Chin said the Bellevue Police Department could take that into consideration in the screening process if desired. Assistant Chief Arpin said that training will be provided to the community representatives. However, that training has not yet been developed.

Councilmember Barksdale said it is important that the screening criteria not create barriers for equitable engagement by community representatives. He expressed support for training. However, he suggested that advance training should not be required to become a member of the team. Responding to Mr. Barksdale, Chief Mylett said he was not aware of any feedback from members of the seven advisory councils about the lack of interest in serving as a community representative, except for one or two individuals who indicated that they do not have time to participate. Chief Mylett said he shares the interest in exploring the issue further.

Mr. Barksdale asked whether broader community engagement is envisioned. Chief Mylett said state law requires at least two non-law enforcement representatives on the team. He wants to ensure that any investigative team includes community members who represent the diversity of the individuals involved in the incident. Mr. Barksdale suggested an iterative process to refine the community engagement process.

Councilmember Lee encouraged the Bellevue Police Department to consider older adults for the investigative teams as well. Responding to Mr. Lee, Chief Mylett confirmed that participating in the IFIT-KC ILA provides the benefit of a standard, formalized system. Chief Mylett said it is important that the public have confidence in the process. He said the current structure does not mandate specific experience or training for the detectives, and the process does not identify a role for community members.

Councilmember Zahn expressed support for the regional partnership and collaboration. Responding to Ms. Zahn, Chief Mylett said the community representatives must be part of the community where the incident occurred. Ms. Zahn concurred with Councilmember Barksdale that she would not want training to be a prerequisite for serving as a community representative. She asked whether it would be possible to provide a stipend to the community representatives for their participation. Chief Mylett said the law does not address that scenario. He said he would be concerned that could be interpreted as working for the City to profit from participation rather than functioning as an independent investigator. Chief Mylett said he will explore that issue and follow up with her.

In further response to Ms. Zahn, Chief Mylett said the community representatives must be at least 21 years old. He confirmed that substantial bodily harm is defined in the code. Ms. Zahn questioned the relationship of this effort to the City's development of its own use of force report. Chief Mylett said he sees the two as complementing each other.

Councilmember Robertson expressed support for participating in the ILA, noting that it is a more cost-efficient way to complete use of force investigations. She suggested that the item come back for Council approval on a future consent calendar. She said it is important to select reasonable

and prudent community representatives who are not biased in terms of extremely supportive or extremely critical of police.

Councilmember Robertson thanked the police department for its public outreach and noted that she hopes more individuals will apply to serve as community representatives. She said that Board and Commission members serve without receiving financial compensation. She believes the community representatives should be volunteers who want to serve their community.

Responding to Mayor Robinson, Chief Mylett said the investigators provide input into who joins the team and whether there might be conflicts of interest. Assistant Chief Arpin said the community representatives provide transparency and are intended to reflect the public interest. In further response to Ms. Robinson, Chief Mylett said there currently is no state investigative team. However, he anticipates that it would include civilian, non-law enforcement individuals in the process. Mayor Robinson expressed support for the proposed ILA.

Councilmember Barksdale suggested an ongoing evaluation process to continue to refine the program.

Responding to Mayor Robinson, Chief Mylett said the City would need to go back to the partner agencies to discuss any proposed changes to the ILA, as suggested by Councilmember Barksdale. Chief Mylett said the Bellevue Police Department can establish its own protocols that do not appear in the ILA, however. He said he would explore whether other agencies would be open to an ILA amendment.

Councilmember Stokes said this is essentially a ministerial duty for the Council given the mandates under state law. He said the credibility of everyone involved, including the community representatives, is important. He cautioned against screening that could threaten the credibility of the process if it appears that certain biases are being favored or screened out. He said it is important to be equitable and to build trust with the community. Councilmember Stokes expressed support for participating in the ILA.

Councilmember Lee expressed support for joining the IFIT-KC ILA.

Mayor Robinson noted a Council consensus supporting Councilmember Barksdale's suggestion to explore possible revisions to the ILA. She thanked Chief Mylett for his work.

Chief Mylett thanked Assistant Chief Arpin and Ms. Chin for providing the presentation.

(d) Regional Issues

Joyce Nichols, Director of Intergovernmental Relations, noted the written materials in the meeting packet. She said the legislative session and committee meetings are virtual this year and the work is slower paced than usual.

Ms. Nichols said transportation funding is a top priority for the state legislature. The House Transportation Committee's transportation package totals \$26 billion over the next 16 years.

This would be the largest transportation package in the state's history, and the last package was approved in 2015. The proposed package uses a combination of the gas tax increases, vehicle and weight fee increases, and a phased carbon emissions fee that would increase over time. Ms. Nichols said the Senate Transportation Committee will present its package in the near future.

Ms. Nichols said that Senate and House Democrats introduced their early action budget last Friday with proposals totaling \$2.2 billion in the distribution of federal aid. She said there is an interest in providing funds as soon as possible for rental assistance, avoiding eviction, small business grants, and money for the Superintendent of Public Instruction to help school districts update their plans for reopening schools.

Ms. Nichols said staff is working to set up meetings between now and February 15 to provide opportunities for Councilmembers to provide input to state legislators about the City's priorities and interests.

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 9:22 p.m., Mayor Robinson declared the meeting adjourned.

Charmaine Arredondo, CMC  
City Clerk

/kaw