

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

April 12, 2021
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; Flag Salute

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

(a) Autism Awareness Month Proclamation

Councilmember Lee read the proclamation recognizing April 2021 as Autism Awareness Month in Bellevue.

(b) Distracted Driving Awareness Month Proclamation

Councilmember Barksdale read the proclamation declaring April 2021 as Distracted Driving Awareness Month in Bellevue.

3. Approval of Agenda

Mayor Robinson noted the need to add one agenda item.

→ Deputy Mayor Nieuwenhuis moved to approve the agenda, amended to add Agenda Item 6(a) related to homelessness. Councilmember Lee seconded the motion.

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

4. Oral Communications

- (a) Charles Landau expressed concern regarding the number of people camping outside, including a person camping at the intersection of Northup Way and NE 24th Street for the past couple of weeks. He said he was told that the City's ordinance prohibiting public camping is currently suspended, and he asked whether that is true. He wondered why it is safe for children to go back to school but not considered safe for individuals to be in shelters during the pandemic. He questioned whether individuals experiencing homelessness will have access to vaccinations and asked what would happen if they declined the vaccine.
- (b) Corey Rasmussen expressed concern regarding public camping and drug trafficking. He said that some individuals experiencing homelessness will not accept housing options that are available. He asked about the City's plans for affordable housing, growth, and homelessness.
- (c) Lisa Roberts said she lives downtown and was the victim of an assault. She said she was further traumatized by the response of one of Bellevue's police officers. She urged the City to demonstrate transparency and accountability in its policing by implementing body cameras and recorders. She said the cameras are in use in Seattle and Kent.
- (d) Chris Cole, representing Crossroads Shopping Center, thanked Mayor Robinson and the Council for the feedback they have provided regarding the development agreement. He said the property owner's philosophy will continue to be focused on creating a sense of community. He thanked staff for working with the shopping center through a collaborative process. He expressed support for expanding the City's multifamily tax exemption (MFTE) program to provide affordable housing.
- (e) David Bowling, Congregations for the Homeless (CFH), expressed support for the proposed permanent supportive housing to be owned and operated by Plymouth Housing. The shelter will serve men experiencing homelessness as part of a regional system that is addressing homelessness and housing needs. Mr. Bowling said CFH has been working with the community to discuss values, goals, and concerns. He noted that housing and service options for individuals experiencing homelessness on the Eastside are increasing.
- (f) Jessie Clawson thanked the Council for its consideration of the Crossroads development agreement later in the meeting and for its commitment to addressing affordable housing needs. She said the MFTE housing incentive is not currently allowed in the Crossroads area. However, the development agreement proposes to expand the MFTE program to the area. She thanked the Council and staff for their work.
- (g) Tom Wickerath said he was aware of a woman in need of services who was offered assistance by City staff but declined to accept help. He urged the City to enforce its existing ordinances.

- (h) Ann Osterberg said she spent 30 years working in the areas of affordable housing and homelessness. She expressed support for the shelter and housing project with Plymouth Housing and CFH in the Eastgate area. She said the housing and services will give individuals a chance to succeed and to maintain permanent supportive housing. She said the project is partnering with CFH and The Sophia Way to assist individuals in moving from the shelters to permanent housing.
- 5. Reports of Community Councils, Boards, and Commissions: None.
- 6. Report of the City Manager
 - (a) Homelessness Outreach

City Manager Brad Miyake said there have been a number of inquiries regarding the City's outreach and enforcement related to homelessness.

Stephanie Martinez, Homelessness Outreach Coordinator, noted that homelessness is becoming an increasingly complex challenge locally, regionally, and nationally. She said that her role is to provide direct service and support to individuals experiencing homelessness, while also addressing public health and safety. She described her work with individuals to identify their needs and to build trust. She said the City partners with a number of agencies and organizations to coordinate services. She noted that the Fire Department's CARES (Citizen Advocates for Referral and Education Services) program provides outreach with a team of social workers to support individuals experiencing an immediate crisis. Ms. Martinez said she works with the CARES program to coordinate referrals for follow-up services.

Ms. Martinez said that if an encampment is on public property, including a park or right-of-way, the City will post or provide a notice of violation to an occupant of the encampment. She said the violation is contingent upon the availability of shelter for the individuals experiencing homelessness. She noted that her role is to identify shelter and services for individuals. She said that shelter capacities have been limited due to the pandemic-related restrictions regarding social distancing. Some shelters are not accepting any new clients at this time.

Ms. Martinez said the notice of violation is posted at an encampment after alternate shelter has been identified. The occupants have seven days to move and to remove their belongings from the encampment site. If the person moves to another location, the process is repeated. Ms. Martinez said it can take months to identify housing and to convince an individual to move to a shelter or other housing.

Ms. Martinez said the City provides assistance to a number of human services organizations serving Bellevue residents. The City is currently working to develop a plan for the use of new sales tax revenues generated by HB 1590. The funds may be used for housing and related services, including mental and behavioral health services.

Ms. Martinez said staff is working on public education materials to highlight the City's approach and response to homelessness and to provide a way for the public to request assistance. Ms. Martinez encouraged the public to donate to shelters and organizations that provide support to individuals experiencing homelessness.

Mayor Robinson suggested a future study session discussion regarding homelessness and the City's outreach and efforts. She thanked Ms. Martinez for her work and emphasized the community's interest in information and ongoing updates.

7. Council Business and New Initiatives: No Discussion.

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 6-0, and the following items were approved:

- (a) Motion to award Bid No. 21018 for Pikes Peak Reservoir Replacement to Harbor Pacific Contractors, as the lowest responsive and responsible bidder, in an amount not to exceed \$6,605,000 plus all applicable taxes (CIP Plan No. W-85).
- (b) Motion to award Bid No. 21002 for AC Water Main Replacement 2021 Phase 1 to Kar-Vel Construction, Inc. as the lowest responsive and responsible bidder in an amount not to exceed \$3,516,379 plus all applicable taxes (CIP Plan No. W-16).
- (c) Motion to award Bid No. 21031, 112th Avenue NE Corridor Improvements, NE 12th Street to NE 24th Street (CIP Plan Nos. PW-R-198, PW-R-199, PW-M-1, PW-M-2, PW-M-19 and PW-M-20) to Active Construction, Inc., as the lowest responsive and responsible bidder, in the amount of \$ 2,469,469.00, plus all applicable taxes. This project is partially funded by the Neighborhood Safety, Connectivity and Congestion Levy (CIP Plan No. PW-R-199).
- (d) Ordinance No. 6573: 1) authorizing execution of an Amendment to an existing Memorandum of Agreement (MOA) with Bellevue College and King County Metro to expand the existing 10 percent design plans to 30 percent design plans while retaining the current roles and responsibilities for pre-design work for the Bellevue College Connector Project (CIP Plan No. PW-R-201 and PW-R-198); 2) amending the 2021-2022 General Capital Investment Program (CIP) Fund to increase the appropriation by \$144,000; and, 3) amending the 2021-2027 CIP Plan to increase the budget for PW-R-201 by \$144,000. This project is partially funded by the Neighborhood Safety, Connectivity and Congestion Levy.

- (e) Motion to award Bid No. 21021 for Bellefield 220 Pressure Zone Restoration to Bonner Brothers Construction, as the lowest responsive and responsible bidder, in an amount not to exceed \$106,935 plus all applicable taxes (CIP Plan No. W-69).

9. Public Hearing

- (a) Public Hearing regarding Ordinance No. 6574 extending an Interim Official Control adopted by Ordinance No. 6530 regarding tolling time limitations for certain active Temporary Use Permits, and suspending the restriction for application of certain successive Temporary Use Permits; providing for severability; and establishing an effective date.

City Manager Miyake recalled that the Council adopted Ordinance No. 6530 on October 12, 2020, imposing the Interim Official Control (IOC) regarding tolling time limitations and other provisions applicable to certain active temporary use permits.

Mike Brennan, Director of the Development Services Department (DSD), said that the extension of the IOC will allow continued flexibility for businesses during the pandemic and the related public health restrictions. He said staff is requesting Council action to extend the IOC for an additional six months.

Trisna Tanus, DSD Consulting Attorney, said that Ordinance No. 6530 amends the tolling of time limitation for the effective duration of active temporary use permits related to COVID-19 and the governor's Safe Start Washington plan. Permit holders will be allowed the full duration of their permits, beginning from the first day following the completion of all phases of the Safe Start Washington plan. The City typically does not allow successive applications for temporary use permits. However, Ordinance No. 6530 allows applicants to apply for successive permits as needed to adjust to the new circumstances. The restriction on successive permit applications resumes 30 days following the completion of all phases of the Safe Start Washington plan.

King County is currently in Phase 3 of the state reopening plan. Temporary use permits to mitigate the continuing impacts of the pandemic are allowed for restaurants to provide outdoor dining, retail stores to operate outdoor spaces, entertainment companies to provide drive-in movies, educational institutions to add portable classrooms, and healthcare companies to provide drive-in or drive-through services. The overall objective is to minimize the underutilization of properties and the suspension of economic activity.

Ms. Tanus said the temporary use permit decision criteria require that the proposed modification protects public health and welfare, is not incompatible with existing land uses in the immediate vicinity, includes adequate parking capacity, and does not cause adverse noise, light or glare impacts to surrounding uses.

Ms. Tanus noted that if the Council approves extending the IOC, staff will hold a public hearing with the East Bellevue Community Council (EBCC) and ask them to take action on the IOC.

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

No one came forward to comment regarding the ordinance.

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

Mayor Robinson thanked staff for the presentation.

Responding to Councilmember Zahn, Ms. Tanus clarified the tolling time provisions and temporary change regarding successive permit applications. Ms. Zahn expressed support for extending the IOC.

- Deputy Mayor Nieuwenhuis moved to adopt Ordinance No. 6574, and Councilmember Lee seconded the motion.
- The motion carried by a vote of 6-0.

10. Other Ordinances, Resolution, and Motions

- (a) Resolution No. 9920 authorizing the City Manager to enter into an agreement for the Plymouth Housing Group / Horizon Housing Eastgate Permanent supportive housing in the amount of \$62,200, as recommended by the A Regional Coalition for Housing (ARCH) Executive Board.
- (b) Resolution No. 9921 authorizing the City Manager to enter into an agreement for the Inland Group/Horizon Housing Totem Lake development in the amount of \$497,500, as recommended by A Regional Coalition for Housing (ARCH) Executive Board.
- (c) Resolution No. 9922 authorizing the City Manager to enter into an agreement for Imagine Housing Samma Senior Apartments in the amount of \$62,200, as recommended by the ARCH (A Regional Coalition for Housing) Executive Board.

City Manager Miyake introduced discussion regarding three funding proposals from the ARCH (A Regional Coalition for Housing) Executive Board.

Emil King, Assistant Director, Community Development, said Council action is requested to approve three 2020 ARCH Housing Trust Fund projects totaling \$621,900: 1) Plymouth Housing Group/Horizon Housing Eastgate Permanent Supportive Housing, 2) Inland Group/Horizon

Housing Totem Lake, and 3) Imagine Housing Samma Senior Apartments. Mr. King noted that staff from Plymouth Housing Group would address questions previously raised by the Council.

Lindsay Masters, Executive Manager of ARCH, introduced Tim Parham, Director of Real Estate Development for Plymouth Housing Group.

Mr. Parham introduced the following Plymouth staff: Yi Zhao, Chief Asset Management Officer; Dennis Sills, Director of Strategic Initiatives and Government Relations; and Elizabeth Murphy, Real Estate Development Associate.

Mr. Parham said the Plymouth Housing Group operates 15 buildings in Seattle serving 1,100 individuals who are experiencing homelessness. He said the organization follows the Housing First model in which housing is the critical first step to supporting independence.

Mr. Zhao said that, of the 1,100 people served in 2020, 97 percent were disabled, 58 percent had mental health conditions, 55 percent were people of color, 14 percent were veterans, and 58 percent were older than age 55. He said Plymouth operates low barrier housing as the first step in providing additional supportive services to individuals. “Permanent housing” is defined as no time limit on the housing and “supportive” means that Plymouth connects its residents with the services they need to thrive. Mr. Zhao said that case workers are on site, and 97 percent of Plymouth’s residents succeed in maintaining a permanent home after leaving homelessness.

Mr. Parham said that 95 apartments will be provided at the Eastgate housing site near the Congregations for the Homeless (CFH) shelter. Three of the units will be available to staff, and the remaining units will serve individuals experiencing homelessness. Mr. Parham noted that CFH operates a men’s shelter and The Sophia Way operates a women’s shelter in Bellevue.

Mr. Parham said Plymouth and CFH worked together to develop a list of shared campus goals. People who access housing and services are met with support rather than hostility. Both organizations are committed to ongoing community engagement, responsiveness, and safety. Plymouth and CFH are working together to pave the way for future Eastside low-barrier housing and services for people exiting homelessness.

Mr. Parham highlighted the anticipated timeline for the Plymouth at Eastgate project. Three community meetings will be held this spring and construction is anticipated to begin late summer. The opening of the facility is targeted for early 2023.

Community outreach included mailings to neighbors within a half-mile radius and discussions with the Bellevue Police Department, CFH Eastgate Advisory Group, Eastgate Community Association, nearby businesses, and the Alliance of Eastside Agencies. Mr. Parham acknowledged concerns in the community about Seattle housing projects and said the Bellevue project will be developed in close collaboration with the City, CFH, and the community. He noted the safety and security features of the Eastgate campus and the enhanced focus on behavioral health services.

Mr. Zhao said that Plymouth buildings have live-in staff and a 24-hour front desk. Mr. Zhao described the organization's focus on safety, quality, and energy efficiency in its buildings. The buildings have monitored entry for residents and staff, interior and exterior security cameras, regular coordination with neighbors and the police department, and weekly meetings with CFH to discuss operations. Mr. Zhao said Plymouth acts as the owner and operator of its buildings for at least 50 years and buildings participate in neighboring community groups.

Ms. Masters said the second project recommended for funding is the Horizon House Polaris at Totem Lake project by Inland Group and Horizon Housing. The total ARCH funding request is \$4 million and Bellevue's contribution is \$497,500. The project provides 467 housing units serving households ranging from 30 percent area median income (AMI) to 100 percent AMI. The project is located in Kirkland and operated by Hopelink.

The Imagine Housing project in Bothell, Samma Senior Apartments, provides 76 studio units for senior adults. Bellevue's contribution to the project is \$62,200.

Mayor Robinson requested Council action.

- Deputy Mayor Nieuwenhuis moved to approve Resolution No. 9920 (Plymouth Housing Group/Horizon Housing Eastgate Permanent Supportive Housing, \$62,200), and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 6-0.
- Deputy Mayor Nieuwenhuis moved to approve Resolution No. 9921 (Inland Group/Horizon Housing Totem Lake, \$497,500), and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 6-0.
- Deputy Mayor Nieuwenhuis moved to approve Resolution No. 9922 (Imagine Housing Samma Senior Apartments, \$62,200), and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 6-0.

Mayor Robinson thanked staff for the thorough presentation.

11. Study Session Items

(a) King County Best Starts for Kids Levy Renewal

City Manager Miyake recalled that King County's existing Best Starts for Kids levy was originally approved in 2015 and expires at the end of 2021. The levy is being proposed for renewal on the August 2021 ballot.

Joyce Nichols, Director of Intergovernmental Relations, introduced Sheila Ater Capestany, King County, to provide an update on the levy.

Ms. Capestany noted the levy's purpose to support healthy, happy and thriving children, families, and communities. The current levy allocates \$21 million toward homelessness prevention for young adults and families. The remainder of the levy dollars were divided as follows: 50 percent to investing early (prenatal to age 5), 35 percent to sustaining the gain (ages 5-24), 10 percent to communities matter investments, and 5 percent toward data and evaluation expenses. Ms. Capestany said the Best Starts for Kids framework is based on science and research regarding the development needs of young people, families, and communities.

Ms. Capestany said that the prenatal to age 5 investments provide public health services for new parents and babies, home-based services for new families, developmental health services, community-based and peer support for parents, child care consultation, and other initiatives (e.g., workforce development and infant mental health). The investments for ages 5-24 focus on youth development (e.g., mentoring, healthy relationships), school partnerships (e.g., health centers, afterschool programs), family and community connections, transitions to adulthood (e.g., education and employment support), and stopping the school-to-prison pipeline (e.g., mentoring and community services).

Ms. Capestany said the programs and investments are evaluated to ask three questions: How much did we do? How well did we do it? Is anyone better off? The three measurement levels are headline indicators, secondary indicators, and performance measures.

The Best Starts for Kids levy funded 654 programs, coordinated with more than 360 community partners, and served more than 500,000 children, youth, parents and caregivers. The levy has provided training to approximately 24,000 health care providers, child care providers, and community health workers. Programs and partners in Bellevue include the Bellevue School District, Bellevue Schools Foundation, Lifewire, Indian Association of Washington, and International Community Health Centers.

Ms. Capestany said the proposed levy maintains current programs, enhances investments in youth and young adults (out-of-school programs, school-based health centers, and transition to adulthood services), and creates a new investment in child care. The levy creates a new child care subsidy program to assist more than 3,000 low-income families and establishes a new child care wage project to increase wages for child care workers in King County. Ms. Capestany said the child care proposal has been approved by the Regional Policy Committee and the King County Council.

Ms. Capestany highlighted two amendments reflected in the renewal levy. If levy proceeds are higher than anticipated, the extra dollars will provide grants to support capital investments in housing, child care, early learning, and/or recreational facilities. The second amendment requires an annual report on levy expenditures, services, and outcomes, including total expenditures by program area by zip code and the number of individuals receiving services by program area by zip code.

Ms. Capestany said the Best Starts for Kids renewal levy is a six-year property tax levy of 19 cents per \$1,000 assessed valuation (AV). The annual cost for a \$600,000 home is approximately \$114.

Mayor Robinson thanked Ms. Capestany for the presentation.

Councilmember Stokes noted the Regional Policy Committee's support of the proposed amendments and said that the levy provides critical services. He expressed support for the performance measures and evaluation of outcomes. Mr. Stokes said he has enjoyed being involved with the development and renewal of the levy.

Deputy Mayor Nieuwenhuis thanked Councilmember Stokes for his efforts related to the levy. He expressed support for using performance metrics to evaluate the success of programs. He noted his involvement with LifeWire and said the organization appreciates the City's longtime partnership and support.

Responding to Mr. Nieuwenhuis, Ms. Capestany said that one of the most successful programs is the youth and family homelessness prevention program. She said that 95 percent of the families who worked with caseworkers were still in housing one year later. With the pandemic underway, organizations were allowed to broaden the terms of their agreements in order to continue to provide services within the limitations of pandemic-related restrictions. One example is redirecting mentoring efforts toward online tutoring.

Councilmember Lee expressed support for the Best Starts for Kids levy programs. He is glad to see the amendment that will provide useful data for evaluating needs and outcomes.

Ms. Capestany noted that the program published annual reports in 2018, 2019, and 2020.

Councilmember Zahn thanked Ms. Capestany for the presentation. Ms. Zahn expressed support for the proactive model of the Best Starts for Kids levy. Ms. Zahn questioned whether the program is serving children with different cognitive abilities or youth in the LGBTQ community. She encouraged multilingual outreach and access to services.

Ms. Capestany noted the program's collaboration with a number of community safety organizations. She confirmed that the program provides employment and workforce assistance. She described a current initiative focused on developmental disabilities and early childhood support. She said the program has a language access ambassadors program to broaden community outreach. She acknowledged the need to address youth violence.

Ms. Capestany said the Best Starts for Kids program enhanced its emphasis on mental health and wellbeing throughout the pandemic. She acknowledged that children will have social, emotional, and mental health needs and concerns following the pandemic as well.

Councilmember Barksdale suggested there might be opportunities to partner with Eastside Pathways. He commended the attention to child care needs and encouraged equal accessibility across the community.

Mayor Robinson said she is grateful for the funding for the Best Starts for Kids program and for the program's restorative and preventive work in the community. Responding to Ms. Robinson, Ms. Capestany said the renewal levy will provide approximately \$28 million for homelessness services and projects.

At 7:48 p.m., Mayor Robinson declared a short break. The meeting resumed at 8:00 p.m.

(b) Report and Recommendation regarding Police Department's Use of Force Policies

City Manager Miyake introduced the presentation by the Office of Independent Review (OIR) Group regarding the Bellevue Police Department's use of force policies. He recalled that, in the wake of the death of George Floyd on May 25, 2020, the Council pledged to a review of BPD policies.

Nathan McCommon, Deputy City Manager, noted that the City's practice is to seek continuous improvement and to look for better ways to provide value to the community. He recalled concerns about whether Bellevue's use of force policy could result in an unacceptable use of force. He highlighted the timeline since the Council made its pledge in June 2020. The OIR Group was hired as the consultant in August. Following a public engagement process, a preliminary report was issued in February 2021. Additional community feedback was received before the final report was published.

Mr. McCommon described the City's nationwide search for a consultant with expert knowledge of policing and policing policies, facilitation, and public engagement, and with credentials and experience from academia, legal counsel, and research instead of law enforcement agencies. He said the purpose of the presentation and discussion is to provide a good understanding of the consultant's report and recommendations for the Council. He said no action is requested tonight.

Michael Gennaco, OIR Group, opened the presentation. He said the consultants were able to engage with a number of residents regarding policing and use of force policies.

Julie Ruhlin, OIR Group, said that public outreach included three virtual listening sessions with more than 200 attendees, nine targeted listening sessions with specific groups, surveys, and online engagement. She said the community was engaged in the issue and she estimated that there were approximately 1,400 contacts during the review. She thanked the public for their thoughtful and informed comments. She thanked the City for coordinating the listening sessions and for forwarding the input to the OIR Group.

Perry Tarrant, OIR Group, said the listening sessions were well attended and the consultants received a great deal of community feedback. He said they received numerous emails offering overwhelming support of Chief Mylett and the Bellevue Police Department. He said the public comments addressed use of force policies as well as overall police practices.

Ms. Ruhlin introduced Samara Marion to discuss the use of force policy review.

Ms. Marion said the OIR Group's investigation of Bellevue's use of force policy involved a review of the Bellevue Police Department policy manual, annual use of force reports, and operations manuals for specialty units. She noted that BPD, unlike many police departments, publishes its manual online for public access. She said the consultants met with command staff and other personnel as part of their review. She said that BPD personnel were generous with their time and expertise and helped the consultants understand the City's use of force policies.

Ms. Marion said the consultants learned that BPD was already contemplating changes in its use of force policies related to de-escalation and the duty to intervene. She said they also learned that documentation and review guidelines were not specified in the use of force policy. She said it was important to the consultant that the report be made equally available to the public and to the City. Ms. Marion said the OIR Group was able to incorporate feedback from the community into the report and recommendations.

Mr. Gennaco said the consultant's report contains 47 recommendations regarding the use of force policy review. He cautioned that policy changes require discussion and negotiation with the associations representing the police officers.

Mr. Gennaco said that the BPD's use of force policy did not address the sanctity of life. He said many police departments are adding policy language recognizing the sanctity of life. He commented on the concept of proportionality, that the force used should be proportional and should not exceed the need to use force. He said many police departments are beginning to offer duty to intervene training to be followed if an officer observes another officer exceeding reasonable force.

Mr. Gennaco said the report includes recommendations for ways that the BPD can enhance its documentation, investigation, and review of use of force incidents. The review should explore whether other strategies could have been employed to reduce the likelihood for needing to use force. Mr. Gennaco said the report recommends policies to address shooting at or from vehicles and how officers should approach or use force against moving vehicles. The report recommends that the BPD prohibit neck holds and proposes modifications to K-9 and taser policies. Additional recommendations address crowd control policies, body worn cameras, transparency, and community engagement. Mr. Gennaco said there was universal support throughout the community for body worn cameras on police officers.

Mr. Gennaco thanked City Manager Miyake and noted that Mr. McCommon's guidance and expertise were critical in the consultant's ability to complete the work.

Mayor Robinson thanked everyone for the presentation.

Councilmember Barksdale thanked the OIR Group for the report. He thanked the public for their involvement in the review process.

Responding to Mr. Barksdale, Mr. Gennaco said the policies are directed by the police department. However, any changes to the policies will have an impact on overall City operations

and on residents. In further response to Councilmember Barksdale, Mr. Gennaco said that hiring and training were not within the scope of the use of force review. However, a policy change will not be effective without appropriate training for personnel. Mr. Gennaco said that progressive police departments are involving the public in selecting officers through the use of hiring and promotional panels.

Responding to Councilmember Barksdale, Ms. Ruhlin said that the review of the use of force policy acknowledges the systemic racism in this country. She said the consultants collected a broad range of public input from both the larger sessions and the smaller, more targeted listening sessions. She said a number of individuals raised broader issues and questions regarding the police department's relationship with its community.

Ms. Marion responded to Mr. Barksdale regarding recommendation 8. She said the consultant focused on introducing the duty to intervene concept and reviewed the BPD's current policy, which addresses unreasonable force rather than proportionality. Ms. Marion suggested integrating the concepts of proportionality, duty to intervene, and use of force.

Deputy Mayor Nieuwenhuis thanked Mr. Miyake and Mr. McCommon for their leadership in this project. He thanked the OIR Group for their report and recommendations, and he thanked the community for taking the time to participate and to provide thoughtful input.

Responding to Mr. Nieuwenhuis regarding the City's CALEA (Commission on Accreditation for Law Enforcement Agencies) accreditation, Mr. Gennaco said the section on police use of force is relatively small because the CALEA review encompasses overall police operations. He said the best practices identified by the OIR Group are found in progressive police departments that are working to engage in better ways with their communities. Mr. Gennaco said that a number of issues raised by the OIR Group were already under scrutiny or consideration by police staff.

In further response to Mr. Nieuwenhuis, Mr. Gennaco said the OIR Group does not expect an organization to implement all of its recommendations. However, the OIR Group believes the recommendations are sound and are consistent with best practices.

Councilmember Zahn thanked Mr. Miyake, Mr. McCommon, Police Chief Steve Mylett, and the OIR Group for the review.

Responding to Ms. Zahn, Mr. Gennaco said the best practices referenced in the report originate from a number of organizations including the International Association of Chiefs of Police and educational and research foundations. The National Institute of Justice and other organizations provide best practices for police agencies.

In further response to Ms. Zahn, Ms. Marion said the professional standards report is different than the BPD's more comprehensive annual report. The professional standards report reflects complaints received by police agencies.

Responding to Ms. Zahn, Ms. Marion said the consultant's report recommends carefully defining terms to ensure clarity in the policies. Ms. Marion said that some of the terms related to the

BPD's crowd control policies are defined. However, some terms are used to refer to both violent and non-violent behavior. The OIR report recommends reviewing and refining the terms for clarification.

Responding to Councilmember Zahn, Mr. Gennaco said it was terrific to see the existing advisory councils in the police department. He said the advisory councils were helpful to the OIR Group and raised issues beyond the use of force policy.

In further response to Ms. Zahn, Ms. Ruhlin said that the outreach and surveys were not intended to reflect a scientifically accurate representation of Bellevue residents. However, the consultants wanted to hear from as many people as possible. Ms. Ruhlin acknowledged that a majority of those who provided feedback were homeowners versus renters. She said that many of the comments received were heavily supportive of the police department.

Councilmember Stokes thanked everyone for the presentation. He said he liked the emphasis on engaging the community in hiring and training. He observed that the CALEA accreditation process addresses a broad range of topics while the current review focuses on the use of force policy.

Responding to Mr. Stokes, Mr. Gennaco said that police department policy is typically set by the Police Chief. However, the City Council, City Manager, and the unions each have a role as well in considering and implementing policy changes.

Councilmember Lee said he attended two of the three general listening sessions. He has been in Bellevue for 54 years and he knows how good the BPD is compared to many cities and countries. He said he appreciates the recommendations provided in the OIR Group report.

Mr. Gennaco said that while the report is focused on use of force, themes raised through the broader community outreach are reflected in the report as well. He noted that Bellevue's review differs from other reviews in the Council's request that the consultants engage the community. He said that input from the community informed and improved the consultant's report.

Mayor Robinson recalled that the review was initiated to ensure that the BPD's policies protect the public and provide oversight. She noted that she participated in the listening sessions. She said she was impressed to learn that the BPD already follows some of the recommended practices. However, certain practices are not documented or articulated in policies. While Bellevue has a strong police department, Mayor Robinson said the City can always find ways to improve.

Ms. Robinson noted that Chief Mylett consults regularly with multiple advisory councils and community groups. She asked whether the consultant had a recommendation for improving on that success.

Mr. Gennaco thanked Mayor Robinson for her introductory comments during the listening sessions. He said the consultants were impressed by Chief Mylett's efforts with the existing advisory councils. Mr. Gennaco said the consultants heard comments that Chief Mylett is good

about providing and explaining policies as they are developed and posted online. However, a number of individuals suggested that the Chief seek input from the advisory councils earlier in the process before policies are finalized.

Responding to Councilmember Barksdale, Mr. Gennaco said the report recommends that officers should be trained to intervene if another officer violates the use of force policy in terms of proportionality and what is reasonable and right. He said officers should be instructed that they need to be willing to step in when another officer violates the constitution. If that is not possible, the officer should report the incident immediately to his or her supervisor. In further response to Mr. Barksdale, Mr. Gennaco said that training was not specifically addressed within the scope of the use of force policy review.

Responding to Mr. Barksdale regarding access to data, City Manager Miyake said staff would follow up with him.

Deputy Mayor Nieuwenhuis thanked the police department for their willingness to go through the review. Responding to Mr. Nieuwenhuis, Mr. Gennaco concurred that there are likely to be other policies related to use of force that could be improved, including in the areas of hiring and training. Mr. Gennaco concurred with Mayor Robinson's earlier comment that the BPD follows a number of best practices that are not necessarily documented in writing. He said this is an opportunity to provide clear written guidance on those practices.

Councilmember Zahn said Bellevue is fortunate to have the caliber of its police department and leadership. She noted that recommendation 45 regarding the firearm review board policy refers to the issues of policy, training, tactics, supervision, planning, and coordination. She asked why training is mentioned there and not elsewhere in the recommendations. She said she listened to two of the general listening sessions. She asked whether there was outreach to populations where language barriers might exist. Mr. Gennaco said he believed that language translation was available for some of the sessions.

Referring to recommendation 45, Mr. Gennaco said the recommendation is made within the context of a review of force. Typically, when force is used, a police department will evaluate whether the force was consistent with the department's policies. OIR's recommendation suggests that the inquiry should be broader. For example, was there a better way that the incident could have been handled that would have minimized or eliminated the need for force? Even if the force did not violate the agency's existing policy, were there other skills or tactics that might have handled the situation more effectively?

Mr. McCommon said that the public outreach communications were provided in the six most-spoken languages in Bellevue. He said no one requested language translation services for any of the listening sessions. Ms. Marion noted that a number of emails were translated from other languages to English before the input was forwarded to the consultants.

Councilmember Stokes thanked the consultants for documenting and highlighting issues raised throughout the review that go beyond the use of force policy review. He said we are living in a

time of great change, and the report provides the opportunity to explore and implement positive changes.

Councilmember Lee expressed an interest in more data regarding the community input and feedback.

Mayor Robinson thanked everyone for the discussion.

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

Mr. Miyake recalled that the development agreement for a mixed-use multifamily development in the Crossroads Subarea was discussed on January 25.

Mike Brennan, Director of the Development Services Department (DSD), said that the land use district where the project is located requires a development agreement for a multifamily housing development. He recalled discussion with the Council in January regarding the proposed housing and public benefits, including connectivity to the park. The Council recognized the project as an opportunity to provide affordable housing and asked staff to work with the property owner to discuss potentially including a number of affordable units.

Trisna Tanus, DSD Consulting Attorney, said the Crossroads multifamily project is located at the Crossroads Shopping Center between the main mall building, the Michael's store, and the park. The project is a six-story mixed-use building with 224 residential units, 14,500 square feet of retail space, and a parking garage with 253 stalls. Ms. Tanus said Comprehensive Plan Policy S-CR-79 requires multifamily developments to be of high quality and to avoid conflicts with commercial uses. Policy S-CR-81 requires that developments include pedestrian connections, open space, and activity areas to support site residents and users.

Ms. Tanus highlighted the public benefits provided by the project including the park interface area, open space opportunity zone, mid-block connector and urban trail, and other pedestrian improvements. She recalled the Council's previous question about whether the parking facilities are adequate for the project. She said the project includes 151 dedicated parking spaces for residents, 102 shared resident and retail parking spaces, and 22 retail surface parking spaces. Ms. Tanus said the applicant submitted a parking analysis supporting their proposed parking plan. She said the City will review the plan and ensure that the parking capacity is adequate.

Matt McFarland, Assistant City Attorney, said that Land Use Code chapter 20.10.440 generally prohibits multifamily development in Planning District E of the Crossroads Subarea. However, an exception can be made for multifamily development when there is a Council-approved development agreement. Approval of the development agreement is required before staff is able to approve design review for the project, and the agreement includes the public benefits specified in the Comprehensive Plan.

Mr. McFarland recalled that in January the Council discussed the public benefits required by the Comprehensive Plan. He said the benefits discussed at that time remain in the development

agreement. Following that meeting, staff negotiated to include an affordable housing component in the development agreement as an enhanced public benefit, in addition to the open space, park interface, and pedestrian improvements. Mr. McFarland said the applicant has agreed to include affordable units in the project as an enhanced public benefit. In exchange for the units, the City will include the project site in the multifamily tax exemption (MFTE) program. A minimum of 20 percent of all units must serve households earning 80 percent area median income (AMI) or below. Any unit smaller than 300 square feet must be offered at 45 percent AMI or below.

Mr. McFarland said the City must hold a public hearing prior to approving the development agreement. The City is required to hold a separate public hearing to consider including the project site in the MFTE program. The public hearings will be separate agenda items but the hearings may occur at the same Council meeting. Following the required public hearings, the Council may take actions to approve the development agreement and to include the project site in the MFTE program.

Mr. McFarland requested Council direction to prepare the development agreement for the required public hearings and for final approval during a future meeting.

Mayor Robinson thanked staff for their work with the developer. She expressed support for scheduling the public hearings and moving forward as quickly as possible.

Councilmember Zahn expressed support for the proposed project. Responding to Ms. Zahn, Mr. McFarland said the project as currently proposed does not include any of the smaller (300 square feet or less) units. In further response to Ms. Zahn, Mr. Brennan said the mix of unit sizes will be addressed through permit review. Ms. Zahn encouraged providing a number of larger units for families.

Responding to Councilmember Lee, Mr. Brennan said the City typically works with a developer to create a mix of units that are considered within the affordable housing category.

→ Deputy Mayor Nieuwenhuis moved to direct staff to prepare the Crossroads multifamily project development agreement for the required public hearings and for final action at a future meeting. Councilmember Lee seconded the motion.

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

12. Land Use: None.

13. Unfinished Business: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:48 p.m., Mayor Robinson declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw