

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

August 2, 2021
6:00 p.m.

Virtual Meeting
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

The meeting was called to order at 6:04 p.m., with Mayor Robinson presiding.

2. Roll Call; Flag Salute

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

Councilmember Lee encouraged everyone to vote in the primary election.

(a) International Overdose Awareness Day Proclamation

Councilmember Lee read the proclamation recognizing August 31, 2021, as International Overdose Awareness Day in Bellevue. He encouraged residents to stand by the growing number of neighbors who have lost loved ones to an overdose or are battling a substance use disorder themselves.

3. Approval of Agenda

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

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

4. Oral Communications

(a) Els Blomme expressed an interest in the City's overall housing strategy. She said it appears that many proposals are on the table and various projects are being mandated by

state and county governments. She said residents involved in neighborhood subarea planning have been told to wait to discuss housing issues. Ms. Blomme said she recently learned that the state legislature approved laws to allow low-barrier homeless shelters and housing in neighborhoods and to eliminate caps on the number of unrelated persons in a dwelling. She said King County is purchasing hotels to house individuals experiencing homelessness. She asked whether the City is communicating with state and county governments to protect Bellevue's interests. She asked whether the City is collaborating with other cities. She suggested studying supportive housing best practices and assessing the community's needs before making final decisions on permanent supportive housing.

- (b) Sally Lawrence said she has lived in Bellevue for 28 years and worked as a water quality specialist for the Washington State Department of Ecology. She said a deficiency in the building planning process is the inability to take a big picture approach and to consider growth in adjacent neighborhoods and cities. She said she participated in the Great Neighborhoods planning process for Northeast Bellevue over the past two years. She said residents have asked City planners to work with planners at the City of Redmond to address increasing density in the Overlake area. She expressed concern that watershed planning for the Coal Creek area has not taken a regional approach. She expressed concern regarding the increased development in Newcastle and the impact of growth on Cougar Mountain Regional Wildlife Park.
 - (c) Patience Malaba, Director of Government Relations and Policy, Housing Development Consortium, thanked the Council for moving forward to provide funding support for the first permanent supportive housing project in Bellevue. She encouraged the City to conduct a study of best practices and regulations for supportive housing. She said the issues related to homelessness require a number of solutions based on the community's needs.
 - (d) Christian Dorsett said he cannot post on the Police Department's main page. He said he is trying to resolve the issue with Facebook. He said Facebook banned him in 2015. He encouraged cameras for police officers and a citizen complaint review board. He encouraged the use of electric yard tools for landscaping to reduce emissions and noise.
5. Reports of Community Councils, Boards, and Commissions: None.
 6. Report of the City Manager: None.
 7. Council Business and New Initiatives
 - (a) Council Liaison Recommendation for Appointment to the Planning Commission

Councilmember Barksdale recommended Craighton Goepple for appointment to the Planning Commission. He said Mr. Goepple brings a new perspective after having lived in Europe and Japan. He has completed the Bellevue Essentials course and become involved in key planning initiatives, including the Grand Connection and neighborhood planning.

→ Councilmember Barksdale moved to appoint Craighton Goepple to serve a partial term on the Planning Commission expiring on May 31, 2023. Councilmember Robertson seconded the motion.

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

(b) Work Program for Supportive Housing Best Practices

Mayor Robinson introduced discussion regarding a proposal from Councilmember Robertson to consider initiating a body of work to study potential regulations for permanent supportive housing developments.

Councilmember Robertson said this is the right time to develop supportive housing policies as the Council is funding housing projects and the Planning Commission is engaging in addressing the interim official controls (IOCs) related to supportive housing. She said the first step is for staff to research best practices and to report to the Council. Moving forward, does the City want to educate the public about best practices, include certain conditions or requirements in funding agreements, and/or potentially amend the Land Use Code to implement requirements?

Ms. Robertson said she wants people living in supportive housing to have the services they need to thrive and be good neighbors throughout Bellevue. She wants to be sure that the most effective services and approaches are offered to enable independence. The purpose of her proposal is to ensure that the City explores best practices in the regulation of supportive housing. Ms. Robertson asked her colleagues to initiate this work, with the expectation that staff will come back in 90-120 days to share the outcome of their work. She noted that the work will overlap with other staff work related to housing and supportive services programs and funding.

City Manager Miyake noted the memo in the meeting packet summarizing Councilmember Robertson's proposal.

Mac Cummins, Director, Community Development Department, noted the many initiatives currently underway to address housing, supportive services, and related issues. He said that, if the Council chooses to initiate a work program amendment, staff will conduct a study and analysis of best practices and report back to the Council most likely in November. The study will also consider the best place to include regulations, as well as impacts on staff and other resources.

Mr. Cummins said the work overlaps with other staff work underway. However, initiating this work will have a minor, temporary impact on other work items. He suggested folding this item into the work program rather than completely stopping work on any one work item. The following areas were identified in the proposal for a study of best practices and potential regulations: 1) interior maintenance and habitability, 2) requirement for certain on-site supportive services, 3) requirement for ratio of staff-caregivers to residents, 4) requirement for a safety and security plan, 5) neighborhood outreach and relationship building, and 6) any other best practices related to supportive housing.

Mayor Robinson suggested discussing and voting on each work item individually.

Councilmember Lee said it is important to study operational best practices and for Bellevue to be a leader in this area. He said the City needs to do what is best for the community. He noted the importance of addressing mental health needs and services and expressed support for outreach to surrounding neighborhoods and to the residents of supportive housing.

Councilmember Stokes thanked staff for their work. He suggested, however, that this feels somewhat like a solution looking for a problem. He wondered whether this is the best use of staff time. He expressed concern about relaying the message that the City does not quite trust the professionals who will build and operate the supportive housing. He said he supported the overall intention of the proposal. However, he believes the issues can and will be addressed through work on related initiatives. He encouraged a more simple and straightforward approach.

Councilmember Zahn concurred with Mr. Stokes' comments. She noted that housing operators are likely key participants in developing the content of written guidelines and best practices. Ms. Zahn expressed concern that the work will negatively impact progress on other initiatives. For example, one issue the Council has discussed is the maximum building height for the East Main area to incentivize affordable housing development. Another key interest for the Council is a study of a safe parking program. Ms. Zahn suggested that the City can work with the professionals in the areas of housing and supportive services instead of asking staff to conduct a study and analysis themselves. She is committed to the success of supportive housing but is not convinced that the proposal is the best approach at this time.

Deputy Mayor Nieuwenhuis expressed support for Councilmember Robertson's proposal, noting that the timing is right and the estimated 90 days needed to conduct the study is not likely to significantly impact other work items. He said everyone would like to move forward with housing initiatives as quickly as possible, and he wants to ensure that best practices are in place.

Councilmember Barksdale cautioned against strategies that will delay or make it more difficult for permanent supportive housing to be built in Bellevue. He suggested that best practices can be addressed through working with housing developers and operators, who are invested in helping people in need of housing and other services.

Mayor Robinson observed that affordable and supportive housing facilities are not making a profit. She said she is not interested in creating a more burdensome process for the developers who are able and willing to create the supportive housing needed to serve the community. She said supports exploring two of the items proposed for the work program. She said the decision for the Council tonight is to determine whether to direct staff to conduct additional work.

Ms. Robinson concurred with the importance of requiring certain on-site supportive services (Topic 2) and with the benefits of neighborhood outreach and relationship building (Topic 5). She is interested in information on how the City might require community outreach. She said the best practices will change over time as populations change.

Councilmember Barksdale asked how much staff time it would take to focus on those two items. He asked how looking at additional best practices (Topic 6) affects the overall review. Mr. Cummins said that focusing on two topics instead of six topics will reduce the staff time needed to conduct the review. He said staff interprets the sixth topic to mean that staff should address other best practices it encounters as part of the research. However, he suggested that the Council clarify the scope envisioned in directing staff to look at additional best practices.

Councilmember Stokes said housing related supportive services are required as part of the HB 1590 funding. He expressed concern that there are other urgent issues to be addressed that will be delayed by the proposed work program. He believes the City can achieve good processes and best practices by working with housing operators and neighboring cities.

Councilmember Robertson said staff is already working on supportive housing and related issues, and her proposal would expand that work to determine how best to implement the City's housing programs. Since the Council chose to impose the HB 1590 tax to fund supportive housing projects, Ms. Robertson wants to ensure that projects are effective and consistent with best practices. She noted that certain supportive housing projects in Seattle are some of the most dangerous blocks in the city. Ms. Robertson said on-site supportive services are key to helping the residents of the housing. She said the work will overlap with ongoing staff work with little impact on other projects. She concurred that the City can learn from housing providers and operators. However, she would like the City to conduct separate research as well.

Councilmember Zahn said that, if what the Council wants to study is the appropriate level of on-site supportive services to comply with HB 1590 provisions, that is a different discussion than studying best practices and regulations. The former is more about holding ourselves accountable that we are going to adequately fund needed services with the HB 1590 funding. She suggested that working with housing advocates and providers to determine the best methods for neighborhood outreach is preferable to adding a requirement to the Land Use Code.

Councilmember Lee said he wants to ensure the best project for everyone in the community. He said this is a complex project, and it is important to have an understanding of best practices. He spoke to the importance of working with housing professionals and with the community. He said safety and security is important for both the residents of the supportive housing and the surrounding neighborhoods.

Mayor Robinson said she liked what Councilmember Zahn said about the expectations for both the housing provider and the City. Ms. Robinson said that if the City requires supportive services based on best practices, it implies that the City will fund those services. As a member of the King County Mental Illness and Drug Dependency (MIDD) Oversight Committee, Ms. Robinson said she looked at their research over the past five years. She acknowledged that some supportive services are more effective than others (e.g., on-site addiction treatment). Mayor Robinson said it is important to have high standards for effective supportive services and to be committed to funding those services.

Mayor Robinson said she would go through the proposed work program items and request a show of the Council's support.

Councilmember Lee suggested adding “engagement” to Topic 5, neighborhood outreach and relationship building.

To expedite the process, Councilmember Robertson said she wanted to make a comprehensive motion. She said she was open to adding “engagement” as suggested by Mr. Lee.

→ Councilmember Robertson moved to direct staff to initiate work to evaluate and bring back for Council consideration best practices for supportive housing including on-site supportive services and neighborhood outreach, engagement and relationship building; and to bring these items back to the Council for discussion and potential future implementation. Deputy Mayor Nieuwenhuis seconded the motion.

Responding to Mayor Robinson, Ms. Robertson confirmed that the motion refers to Topics 2 and 5 from her proposal, as reflected in the memo in the meeting packet.

Responding to Councilmember Barksdale, Mr. Cummins said it would not be possible to address either one or both of the items within the eight-hour rule. Responding to Mayor Robinson, Mr. Cummins said the proposed work will likely result in delays in other work, including items related to the affordable housing work program.

Councilmember Stokes said the motion sounds like it directs staff to explore all best practices. Mr. Cummins said it would be helpful to have a clarification.

Mayor Robinson expressed support for requiring certain on-site supportive services based on the best practices for the population served. She asked whether that is adequate to satisfy Mr. Stokes. She said the motion language is intended to refer only to best practices for on-site supportive services. Mr. Stokes said the motion reads as if it refers to potentially all best practices.

→ Councilmember Robertson withdrew her earlier motion and restated it to move to direct staff to initiate work to evaluate the best practices for supportive housing, specifically evaluating on-site supportive services based on the best practices for the populations served, and for neighborhood outreach, engagement and relationship building; and to bring these items back to the Council for discussion and potential future implementation. Deputy Mayor Nieuwenhuis seconded the motion.

Ms. Robertson asked whether using “specifically” sufficiently narrows the focus. Mr. Stokes said the language was closer to what he would like to see.

Councilmember Stokes said he has confidence in staff’s ability to conduct the work, noting that they typically review best practices as part of their normal processes. He hopes the work will take weeks versus months.

Responding to Councilmember Barksdale, Mr. Cummins said it was difficult to estimate the number of hours needed to complete the work. Mr. Cummins said staff is operating over capacity

at this point with numerous planning initiatives and housing work underway. He noted that a legal review would be involved as well.

Councilmember Zahn recalled that Patience Malaba of the Housing Development Consortium has expressed an interest in working with the City to develop a compilation of best practices. Ms. Zahn said it feels like the Council is asking staff to conduct the work instead of collaborating with housing operators and professionals.

Mr. Cummins said there are many best practices that have been documented in different studies. He said the key is to determine which are best for Bellevue and how they interact with the City's existing regulations. He said the Council can consider whether to add regulations and for what specific outcomes.

Councilmember Lee proposed an amendment to the motion to include a study of best practices related to safety and security planning. There was no second.

→ The main motion carried by a vote of 4-3, with Councilmember Barksdale, Councilmember Stokes and Councilmember Zahn opposed.

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) Council Minutes
Minutes of July 12, 2021 Regular Meeting
- (b) Ordinance No. 6592 to facilitate the disbursement of American Rescue Plan Act (ARPA) funding by (1) amending Ordinance 6557, adopted December 14, 2020, as previously amended, to increase the appropriation to the 2021-2022 Operating Grants, Donations, and Special Reserves Fund in an amount of \$8,000,000; and (2) authorizing the City Manager or his designee to execute and implement all agreements necessary to disburse said funds for residential eviction prevention and rent/mortgage relief, workforce programming and resource navigation, and rent assistance for small businesses and nonprofits, including execution of agreements with nonprofits and community organizations to provide the services, in accordance with the requirements of the Act and the direction of the City Council.
- (c) Resolution No. 9976 authorizing execution of a five-year wireless communications facilities site lease agreement with New Cingular Wireless PCS, LLC, including a five-year extension option, for operation of an existing wireless communications facility within the Coal Creek Natural Area at 15502 Newcastle Golf Club Road.

- (d) Resolution No. 9977 authorizing execution of Amendment 2 to increase the Professional Services Agreement with Bohlin Cywinski Jackson by \$1,871,776, for a total contract amount not to exceed \$5,914,476, plus all applicable taxes, for design and engineering services for the future construction of Fire Station 10 and Fire Station 5.
- (e) Resolution No. 9978 authorizing execution of a Job Order Contract (JOC) agreement with Saybr Contractors, Inc. for an initial term of two years with an option to renew for one year, in an amount not to exceed annually \$4,000,000, plus all applicable taxes.
- (f) Resolution No. 9979 authorizing execution of a Job Order Contract (JOC) agreement with Centennial Contractors Enterprises, Inc. for an initial term of two years with an option to renew for one year, in an amount not to exceed annually \$4,000,000, plus all applicable taxes.
- (g) Resolution No. 9980 authorizing execution of a real estate purchase and sale agreement between Crigeon Industries LLC, and the City of Bellevue, for the sale of the “Old Fire Station No. 3” property, located at 14822 Bellevue Redmond Road, in Bellevue.
- (h) Ordinance No. 6593: 1) repealing Ordinance No. 6591; 2) authorizing execution of a grant agreement (and supplements as necessary) with the Washington Traffic Safety Commission (WTSC) to accept up to \$150,000 in state funding to conduct the School Zone Ped-Bike Road Safety Assessments (RSA) project adjacent to select schools in the Bellevue School District; 3) amending the 2021-2022 General Capital Investment Program (CIP) Fund to increase the appropriation by \$150,000; and, 4) amending the 2021-2027 CIP Plan to increase the budget for the Vision Zero Rapid Build Data Driven Safety Program (CIP Plan No. PW-R-205) by \$150,000.

9. Public Hearings

- (a) Public Hearing on Ordinance No. 6585, imposing an interim official control to amend sections 20.10.440, 20.25A.050, 20.25D.070, 20.25F.010, 20.25L.020, and 20.25P.050 of the Land Use Code (LUC) to allow permanent supportive housing and transitional housing in all land use districts where residential dwellings and/or hotels and motels are allowed, and to allow Homeless Services Uses in all land use districts where hotels and motels are allowed; amending the definition of Homeless Services Uses section in LUC 20.20.455 for conformance and consistency with state law; providing for severability; and establishing an effective date.

City Manager Miyake introduced the public hearing regarding Ordinance No. 6585, which imposed an interim official control (IOC) to allow permanent supportive housing and transitional

housing in all land use districts where residential dwellings and/or hotels and motels are allowed, and to allow Homeless Services Uses in all land use districts where hotels and motels are allowed. Ordinance No. 6585 was adopted on July 12, 2021 in response to recent state legislation, with the intent of developing permanent regulations while the IOC is in effect.

Mike Brennan, Director, said staff is seeking Council direction following the public hearing to initiate and provide direction regarding the development of a permanent Land Use Code Amendment (LUCA).

Trisna Tanus, Consulting Attorney, said the state legislature recently approved HB 1220, which requires cities to permit: 1) permanent supportive and transitional housing in all land use districts where residential dwellings or hotels are permitted, and 2) emergency housing and emergency shelters in all land use districts where hotels are permitted. The IOC is designed to bring the Land Use Code into immediate compliance with state law, and permanent regulations will be developed after the Council initiates the LUCA work.

Caleb Miller, Senior Planner, said that supportive housing is intended to keep residents permanently in housing with the assistance of needed services. Transitional housing is intended to move tenants into independent housing within two years. Emergency housing is intended to address basic daily needs such as water, food and hygiene. An emergency shelter provides short-term housing (e.g., day centers and overnight shelters).

Ordinance No. 6585 adds footnotes in the land use tables regarding the types of housing referenced in state law. Homeless services uses are permitted in neighborhood mixed use (NMU) and office limited business-open space (OLB-OS) districts. LUC section 20.20.455(C) updates the definition of homeless services uses for consistency with state law, and emergency housing and emergency shelter are included in the definitions.

Mr. Miller said the IOC reflected in Ordinance No. 6585 is effective for six months and expires in January 2021. The East Bellevue Community Council (EBCC) anticipates holding a hearing and taking action on the IOC on August 3. Permanent regulations will be developed through the LUCA process.

Mayor Robinson asked about the consequences of not complying with state law. Matt McFarland, Assistant City Attorney, said the state law requirements applicable to permanent supportive and transitional housing went into effect in July. Although the requirements applicable to emergency housing and emergency shelters also went into effect in July, the City has until September to comply with those requirements. In further response to Mayor Robinson, Mr. McFarland said the City's Land Use Code could be subject to a legal challenge if it does not comply with state law.

- Deputy Mayor Nieuwenhuis moved to open the public hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

The following individuals commented regarding Ordinance No. 6585:

1. Nancy Whittaker, representing a group of neighbors in northeast Bellevue, expressed concern regarding the new regulations. She noted current problems with housing individuals at hotels. She said it is important to address the underlying reasons for homelessness (e.g., mental illness, addiction, criminal activity, etc.). She said hotels are a good option for families who need to be near schools and other services. However, she expressed concern about housing families near individuals with addiction and behavioral issues. She asked whether residents could be required to use the social services offered. She asked whether COVID-related measures are implemented in the housing facilities. She expressed concerns about panhandling, transportation impacts, police support, litter and needles, and overall security.
 2. Emmanuel Solis said he lives a few blocks from the former Silver Cloud Inn that will be converted into permanent housing by King County for individuals experiencing homelessness. He said the City did not engage residents to ensure that they were informed about this effort. He said there is a great deal of concern and uncertainty in the community. He noted the importance of addressing the underlying causes of homelessness. He thanked the City for its efforts to address the housing crisis and to comply with state law.
- Deputy Mayor Nieuwenhuis moved to close the public hearing, and Councilmember Lee seconded the motion.
- The motion carried by a vote of 7-0.

Councilmember Robertson said she supported the adoption of Ordinance No. 6585 because the City needs to comply with state law. She encouraged the public to share their views with the Planning Commission as it drafts the permanent regulations to be considered by the Council.

Councilmember Stokes said it would be helpful to have a legal opinion about the implications of not complying with state law.

- Deputy Mayor Nieuwenhuis moved to direct staff to initiate the processing of a permanent Land Use Code Amendment (LUCA), and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.
- (b) Public Hearing on Ordinance No. 6586, imposing an interim official control to amend sections 20.20.120, 20.20.700, and 20.50.020 of the Land Use Code (LUC) to remove limitations on the number of unrelated persons that may occupy a dwelling unit, and amend LUC 20.50.044 and LUC 20.50.046 for clarification and consistency; providing for severability; and establishing an effective date.

City Manager Miyake introduced the public hearing regarding Ordinance No. 6586, which established an IOC to remove the limitation on the number of unrelated persons that may occupy a dwelling unit.

Ms. Tanus said that Ordinance No. 6586 complies with SB 5235, which addresses local authority to regulate the number of occupants in a dwelling unit. She said permanent regulations will be developed with the Council following direction to initiate the LUCA process.

Mr. Miller said Ordinance No. 6586 amends the definition of “family” to be one or more persons residing in a dwelling and operating as a single housekeeping unit. The definition of “single housekeeping unit” removes the requirement for a single lease and clarifies that the definition does not apply to transient lodging. A single-family dwelling accommodates one or more persons operating as a single housekeeping unit.

The definition of “rooming house” was amended to clarify that any non-owner-occupied dwelling rented on an individual room basis is considered a rooming house. Mr. Miller said that certain types of housing have more specific occupancy limits. The IOC maintains the maximum limit of four rented rooms per rooming house. Transient lodging (e.g., Airbnb) is allowed only in owner-occupied homes and with a valid Home Occupation Permit. Rooming houses are prohibited in single-family land use districts.

Mr. Miller said the IOC is in effect for six months and expires in January 2022. The EBCC plans to hold a hearing and take action on the IOC on August 3. Permanent regulations will be developed through the LUCA process.

→ Deputy Mayor Nieuwenhuis moved to open the public hearing, and Councilmember Stokes seconded the motion.

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

The following individual provided public comment:

1. Russ Paravecchio expressed concern about increased density in residential neighborhoods following the adoption of Ordinance No. 6586. He asked whether the City will establish parameters regarding the number of people who can live within a certain square footage of space. He asked how the City will ensure that homes are compliant with safety and fire codes. He asked whether there is a safety inspection program for rental and boarding houses. He asked whether there is adequate infrastructure to support continued growth. He asked about the impacts of growth on the electrical grid and on police and fire staffing. He said he has expressed concerns regarding traffic and safety issues before the Council and the Transportation Commission. He encouraged the Council to not let increased density led to a decline in the quality of life.

→ Deputy Mayor Nieuwenhuis moved to close the public hearing, and Councilmember Stokes seconded the motion.

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

Councilmember Robertson said she supported the IOC in order to be compliant with new state law. She noted that the International Property Maintenance Code includes provisions regarding occupancy limits and health and safety standards. She wondered whether occupancy limits based on health and safety criteria would be appropriate for Bellevue. Ms. Robertson expressed support for sending the matter to the Planning Commission to develop the draft LUCA.

Deputy Mayor Nieuwenhuis concurred with Ms. Robertson and expressed support for moving forward.

Responding to Councilmember Stokes, Deputy City Attorney Nick Melissinos said staff will update the Council following action on the ordinance by the East Bellevue Community Council.

→ Deputy Mayor Nieuwenhuis moved to direct staff to initiate the processing of a permanent Land Use Code Amendment (LUCA), and Councilmember Stokes seconded the motion.

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

At 8:01 p.m., Mayor Robinson declared a short break. The meeting resumed at 8:11 p.m.

10. Study Session

- (a) Briefing by King County on WA Department of Ecology's Draft Puget Sound Nutrient General Permit

City Manager Miyake introduced a briefing by King County staff regarding the Draft Puget Sound Nutrient General Permit.

Nav Otal, Director of the Utilities Department, introduced Kamuron Gurol, Director of the King County Wastewater Treatment Division, to present an overview of the draft permit and to share their concerns. Ms. Otal said the cost of complying with the permit has the potential for significant utility rate increases for Bellevue customers. She said staff is seeking direction following the presentation about whether the City should support King County by submitting a comment letter to the Washington State Department of Ecology (DOE).

Mr. Gurol thanked Councilmember Lee for serving on the Regional Water Quality Committee and introduced Rebecca Singer, King County Resource Recovery Manager.

Ms. Singer said that, under the permit, 58 utilities in Puget Sound will be subject to a number of requirements, including planning efforts to reduce nitrogen in wastewater. She said the State is asking local government to look at ways for diverting the nitrogen. She said King County is projected to exceed the new lower action limits by 2022. If that occurs, King County must develop a plan to reduce total inorganic nitrogen by 10 percent. Ms. Singer said the permit requires potentially significant operating and capital costs. She said DOE representatives

indicated that they are not required to conduct an analysis regarding the economic impact of the permit requirements on surrounding communities.

Ms. Singer said King County's water and wastewater services rates are projected to double by 2030 to maintain the system and protect public health. The requirements to comply with the Nutrient General Permit would cause additional rate increases as well. Ms. Singer said that efforts to mitigate nitrogen levels will have an economic impact.

Ms. Singer noted King County's interest in permit requirements based on science. She said the DOE has not completed its scientific review or the Nutrient Management Plan. She said the DOE is issuing the permit in advance of completing its portion of the work. She said King County staff recommends addressing the sources of the problem by reducing runoff from farmland and urban landscapes, restoring wetlands, protecting natural lands, promoting healthy forest soils, and fixing failing septic systems.

Ms. Singer said the DOE estimates completion of its review by approximately mid-November. The permit would go into effect on January 1, 2022. Ms. Singer referred the public to the DOE's website for more information.

Councilmember Robertson said she has been following this issue over the past year. She expressed concern about putting regulations in place before conducting the scientific analysis to support the regulations. Ms. Robertson said that 91 percent of the nitrogen in the Puget Sound area comes from natural sources and not from wastewater or stormwater runoff. Therefore, the permit affects only nine percent of the nitrogen levels. Ms. Robertson expressed concern regarding the significant costs associated with the regulations.

Ms. Robertson spoke in favor of submitting a letter in support of King County's position, with additional comments regarding the sources of nitrogen in Puget Sound and other scientific evidence. She questioned whether the permit requirements would be effective and whether they are affordable for the region.

Councilmember Robertson said the City recently advocated for King County to assign 35,000 new housing units and 70,000 new jobs to Bellevue by 2024. She stated her understanding that if the draft state permit requirements become final, most wastewater treatment facilities, including King County's, will be out of compliance. She said wastewater treatment facilities are critical in supporting growth. She asked how King County would handle confirming sewer availability inquiries and whether that would impact Bellevue's ability to comply with the Growth Management Act (GMA). Mr. Gurol said King County indicated to the DOE that the proposed regulation appears to conflict with other state rules, including the GMA.

Mayor Robinson asked Councilmembers to comment about whether to submit a letter regarding the DOE's Draft Puget Sound Nutrient General Permit.

Councilmember Lee said the Regional Water Quality Committee has had a number of discussions regarding this topic and it is good to bring it to the Council's attention. He concurred with Councilmember Robertson's concern about the financial and utility rate impacts associated

with the permit requirements. Mr. Lee thanked King County staff and expressed support for approving and submitting the comment letter to the DOE.

Councilmember Stokes said the Cascade Water Alliance, City of Seattle, and others have been trying to work with King County on a clean water plan. He encouraged working together and trusting each other. He said this is a big problem, and cities and agencies need to work together.

Councilmember Zahn expressed support for the proposed comment letter. She suggested replacing “we do not have sufficient information to support” at the beginning of the letter with a statement indicating that the City does not believe the DOE completed its due diligence before drafting the permit regulations. Ms. Zahn asked whether it would have a greater impact to submit a letter signed by multiple cities. She asked whether there have been situations in the past in which local governments pushed back against DOE regulations.

Mayor Robinson expressed support for the comment letter.

Deputy Mayor Nieuwenhuis expressed support for the proposed letter and for the revisions suggested by Councilmember Robertson and Councilmember Zahn.

Mr. Nieuwenhuis asked whether the DOE has indicated that more modeling and data might be necessary at this point to determine the impacts of the nutrient and nitrogen levels in Puget Sound. Ms. Singer said the DOE indicated to King County that they believe the science is complete and they do not want to further the conversation on the science.

Mr. Nieuwenhuis asked whether letters from cities will have an impact on the DOE’s review. Mr. Gurol said he believes that comment letters do have a positive impact. He said there has been strong support from cities, sewer districts and others for submitting comment letters, whether individually or jointly. He described King County’s interest in effective solutions and expressed concern regarding potential costs under the DOE’s permit. He said King County has asked the DOE whether the regulatory requirements are the best cure for the problems that have been identified.

Mr. Nieuwenhuis suggested that staff add additional data to the letter regarding the potential impacts specifically for the City of Bellevue.

Councilmember Robertson said she read that if the permit is approved with the conditions as drafted, all of King County’s resources, including \$9 billion to be invested over the next 10 years for clean water, will be diverted to the construction of a fourth wastewater treatment plant. She said that will have a significant impact on utility rates and connection fees. Ms. Robertson asked about the estimated costs to comply with the proposed general permit. She asked whether King County anticipates that sewer rates will increase due to the permit. Mr. Gurol said he would follow up with additional information.

Councilmember Robertson expressed support for the revisions suggested by Deputy Mayor Nieuwenhuis and Councilmember Zahn. Ms. Robertson suggested adding a reference to the

GMA and growth. She said she is comfortable with staff revising the letter and sending it out without additional Council discussion. She thanked staff for bringing this issue to the Council.

Responding to Mayor Robinson, Ms. Otal said that a number of cities and agencies have submitted written comments and she suggested that Bellevue have its own voice and letter. Ms. Otal concurred with Councilmember Zahn's earlier suggestion to address the lack of scientific data to support the permit regulations.

Ms. Otal said that more due diligence is needed, preferably through a third-party peer review. She acknowledged that the potential costs for complying with the draft permit requirements are huge.

Mr. Gurol recommended that the Council copy Bellevue's state legislators on the letter to keep them in the conversation. He said King County staff has been invited to a State House Environment Committee meeting in October to discuss the matter.

Responding to Mayor Robinson, Ms. Otal confirmed that staff will revise and submit the comment letter.

Councilmember Robertson said she wrote in her notes that the DOE has not completed the scientific review, Nutrient Management Plan or the economic impact analysis. If that is correct, she wondered whether the City could request that the DOE complete those three items before adopting new permit regulations. Councilmember Zahn suggested that the statement about conducting due diligence could list Ms. Robertson's items as components of that work.

- Deputy Mayor Nieuwenhuis moved to direct staff to submit the comment letter to the Washington State Department of Ecology (DOE) regarding the draft Puget Sound Nutrient General Permit. Councilmember Lee seconded the motion.
- The motion carried by a vote of 7-0.

Mayor Robinson thanked King County staff for the presentation.

11. Land Use

- (a) Ordinance No. 6594 approving with conditions the rezone application of the Sunset North Lot 10 Rezone submitted by Sunset North, LLC; a rezone of a 7.2-acre site located at 3002 139th Avenue SE from Office Limited Business (OLB) to Eastgate Transit Oriented Development (EG-TOD) and for clarification of associated concomitant zoning agreements. Permit File No. 18-127169-LQ.

City Manager Miyake said that Ordinance No. 6594 approves, with conditions, the Sunset North Lot 10 rezone application.

Nick Melissinos, Deputy City Attorney, said the applicant proposes a rezone of a 7.2-acre site at 3002 139th Avenue SE from Office Limited Business (OLB) to Eastgate Transit Oriented

Development (EG-TOD), as well as a clarification regarding the concomitant zoning agreements on the property. He said this is a Process III quasi-judicial proceeding. The Hearing Examiner held a public hearing and made a recommendation to the Council approving the application with conditions. Mr. Melissinos said no appeals were filed. He recalled the staff presentation to the Council on July 19.

Mr. Melissinos said the Council may approve the application as recommended by the Hearing Examiner, approve with additional conditions, remand the matter back to the Hearing Examiner for an additional hearing limited to a specific issue identified by the Council, or deny the application. As a quasi-judicial matter, the rezone application is subject to the appearance of fairness doctrine. He suggested that Councilmembers be given the opportunity to disclose any ex parte communications they may have had with any persons supporting or opposing the project prior to the Council's deliberation and vote on the matter. He said staff has searched the Council's email accounts, but Councilmembers should disclose any emails from another source if applicable.

Mayor Robinson, Deputy Mayor Nieuwenhuis, and all Councilmembers indicated that they have not had any ex parte communications.

- Deputy Mayor Nieuwenhuis moved to adopt Ordinance No. 6594, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

12. Other Ordinances, Resolution, and Motions

- (a) Ordinance No. 6595 of the City of Bellevue, Washington: 1) providing for the issuance of a limited tax general obligation refunding bond of the City in a maximum principal amount of \$110,000,000, to evidence the City's obligations under a TIFIA loan agreement with the United States Department of Transportation; 2) authorizing execution of the loan agreement, the delivery of the bond to the United States Department of Transportation, and the payment of costs of issuance of the bond; and 3) delegating the authority to approve the terms of the loan agreement and the final form and terms of the bond.

Mr. Miyake said Ordinance No. 6595 authorizes the refinancing of the City's Transportation Infrastructure Finance and Innovation Act (TIFIA) loan. He recalled that this item was presented to the Council earlier this year.

Councilmember Zahn thanked staff for their hard work to reduce interest costs.

- Councilmember Lee moved to adopt Ordinance No. 6595, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

- (b) Ordinance No. 6596 adopting the Human Services Commission's 2021-2022 HB 1590 funding recommendations; authorizing the City Manager or his designee to enter into contracts with local human services agencies in accordance with the recommendations; and amending Ordinance 6557, adopted December 14, 2020, as previously amended, to increase appropriations to the 2021-2022 Housing Trust Fund and Human Services Fund each in the amount of \$1,659,422.

Mayor Robinson noted that Deputy Mayor Nieuwenhuis and Councilmember Zahn recused themselves from participating in this item and left the meeting.

City Manager Miyake said Ordinance No. 6596 adopts the Human Services Commission's 2021-2022 HB 1590 funding recommendations and authorizes the City Manager to enter into contracts with local human services agencies.

Mayor Robinson thanked everyone in the community for making this possible.

- Councilmember Robertson moved to adopt Ordinance No. 6596, and Councilmember Lee seconded the motion.
- The motion carried by a vote of 5-0, with Deputy Mayor Nieuwenhuis and Councilmember Zahn recused.

13. Unfinished Business: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:00 p.m., Mayor Robinson declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw