

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

March 14, 2022
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 6:00 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 Barksdale led the flag salute.

(a) Women's History Month Proclamation

Councilmembers read the proclamation recognizing March as Women's History Month in Bellevue. The proclamation calls on all Bellevue residents to observe the month with programs, ceremonies and activities recognizing the contributions of women throughout history.

3. Approval of Agenda

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

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

4. Oral Communications

(a) Chanel Wickham expressed concern regarding the lack of enforcement of state landlord/tenant laws. She asked about the City's jurisdiction to protect renters from

scams, fraud, harassment or coercion. She expressed concern that the City's code enforcement staff cannot enforce codes and laws. She asked the Council to create a policy that will protect residents of Bellevue and hold landlords responsible when they break a law by giving code enforcement staff more power to demand compliance or impose fines. She noted that she has an open claim with the code enforcement division. She expressed concern that certain landlords are threatening individuals with eviction if they do not agree to pay hundreds or thousands of dollars.

- (b) Mark Walters, representing the Lochleven Community Association, noted that the applicant for the rezone of the Chimney Condominiums site withdrew his application. He thanked the Planning Commission staff, Kate Nesse and Thara Johnson for their patience in educating residents regarding the process and answering all of their questions. He thanked the public records request staff who helped by responding to requests for records. He thanked the Planning Commission for their patience through the process. Mr. Walters thanked Deputy Mayor Nieuwenhuis and Councilmember Barksdale for meeting with the residents over the weekend and joining them for a walk around the neighborhood.
- (c) Khaiersta English said she is the mother of three children who attend Bellevue public schools and a small business owner in Bellevue. She said they moved on Bellevue from Seattle in 2018 to be closer to nature, send her children to good schools and to be a part of the thriving economy. She expressed concern about the removal of trees in neighborhoods. She said seven large trees across the street from her home were recently cut down. Ms. English said she started a nonprofit organization called Trees for Livability in December to address this issue. The group compiled a tree code study with findings and recommendations for the Council. She said Bellevue has some of the most permissive tree codes in the region. She said residents throughout Bellevue have reported the removal of trees that are 25-45 years old. Ms. English said the group has initiated a petition urging the Council to update the tree code.
- (d) Alex Hay said he moved to Bellevue in 2003 and has lived in a few neighborhoods including Factoria, Somerset, northwest Bellevue, and Lake Hills. He recently became involved with the Trees for Livability group because he has observed the removal of many trees in his neighborhood. With more people working from home, there is an increasing demand for larger homes. He expressed concern that developers are demolishing smaller homes to build larger modern homes. He said Bellevue issued four times the number of demolition permits compared to a decade earlier. He presented photos of existing lots where large trees have been removed. He encouraged the City to strengthen its tree codes.
- (e) Ruth Lipscomb, a resident of Newport Shores, said she was drawn to the Trees for Livability group because she has observed the loss of a number of mature trees in her neighborhood and throughout Bellevue. She asked the Council to take decisive action to update the tree codes and noted that surrounding cities have stricter codes. She said Bellevue allows the removal of five significant trees without a permit, which includes trees that are 25-45 years old. She said there are no special protections for landmark trees, which most codes define as more than two feet in diameter. Ms. Lipscomb said that Trees

for Livability emailed the Council a copy of their tree code study last week. It includes detailed references and recommendations for the Council's consideration. She acknowledged that the Bridle Trails area has stricter tree codes than the rest of Bellevue. She said the tree code petition on the group's web site has obtained more than 250 signatures over a few weeks.

- (f) Steve Fantle, a resident of the Somerset West neighborhood, expressed concern regarding increasing litter in Bellevue. He said a grassroots group has collected more than 2,600 pounds of litter since last April. He said he has picked up more than 6,400 pieces of litter himself. He asked the City to create an adopt-a-street program by partnering with residents, businesses, government, schools, and civic and faith-based organizations. He said the cities of Auburn, Kent, Seattle, Tacoma and others operate effective adopt-a-street programs. Mr. Fantle said that litter control is not mentioned in Bellevue's Environmental Stewardship Plan.
- (g) Lee Sargent expressed concern about the loss of tree canopy in the Sherwood Forest neighborhood. He said five trees with a 24-inch diameter or larger were recently removed from one lot near his home.

5. Reports of Community Councils, Boards, and Commissions

- (a) Parks and Community Services Board Quarterly Report
[Written report. No presentation.]

6. Report of the City Manager: None.

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) Council Minutes
Minutes of February 28, 2022 Regular Meeting
- (b) Motion to award Bid No. 21086 for AC Water Main Replacement 2021 Phase 3 to Kar-Vel Construction as the lowest responsive and responsible bidder in an amount not to exceed \$3,961,882.44 plus all applicable taxes (CIP Plan No. W-16).

- (c) Resolution 10077 authorizing execution of a five-year Professional Services Contract with Crystal Kolke for plan review services in an amount not to exceed a contract total of \$275,000, plus all applicable taxes
- (d) Resolution 10078 authorizing the execution of an ESRI Small Municipal and County Government Enterprise Agreement (SGEA) with Environmental Systems Research, Inc. (ESRI) for required licensing and support of Geographic Information Systems (GIS) software and services for the City, including maintenance and updates of existing software, training, and technical support, with a not to exceed amount of \$356,584.95 plus all applicable taxes.
- (e) Ordinance No. 6653: (1) adopting the 2021 Affordable and Supportive Housing Capital Funding Recommendations; (2) authorizing the City Manager to enter into an agreement for the LifeWire - Hope Starts Here (HSH) project, in an amount not to exceed \$1,600,000, which funds are derived from revenues collected under RCW 82.14.530 and reserved for capital projects, all as recommended in the 2021 Affordable and Supportive Housing Capital Funding Recommendations; and (3) amending the 2021-2022 Housing Fund to increase the appropriation by \$1,600,000

9. Public Hearing: None.

10. Study Session

- (a) Proposed City Code Amendment to establish June 19 as a Paid Holiday for City Employees in Recognition of the Juneteenth Holiday

Deputy City Manager Nathan McCommon introduced discussion regarding a proposal to add June 19 (Juneteenth) as a paid holiday for City employees.

Joy Misako St. Germain, Director, Human Resources Department, said the Juneteenth holiday represents the end of slavery in the United States. She presented a graphic of the Juneteenth flag, which depicts a star representing Texas, the Lone Star State. In Galveston, Texas in 1865, Union soldiers informed the country's last remaining enslaved people that under the Emancipation Proclamation issued two years earlier they were free. The star also represents the freedom of African-Americans in all 50 states. The outline around the star was inspired by a nova, a term that astronomers use to define a new star. On the Juneteenth flag, this represents a new beginning for African-Americans in the United States. The curve across the width of the flag represents a new horizon and the opportunities that lay ahead for African-Americans. The red, white and blue colors represent the American flag, a reminder that slaves and their descendants were and are Americans.

The historic significance of the Juneteenth holiday is the observation of the end of slavery in the United States and the recognition of the contributions of Americans of African descent to our society. During the 2021 legislative session, the Washington state legislature passed a law establishing Juneteenth as a state holiday. The bill stated, in part, that the adoption of the paid

holiday recognizes the “catastrophic and unrelenting legacy of trauma for generations of Black/African-Americans” caused by slavery, and that the “historical and continued harms of slavery and the rejoicing of the end of this atrocity should be acknowledged and celebrated by all Washingtonians.” On June 17, 2021, President Biden signed the Juneteenth National Independence Day Act into law, recognizing Juneteenth as the twelfth federal holiday.

Ms. Misako St. Germain said that under state law [RCW 1.16.050(6)], the legislative body of a local government may choose to adopt the state’s holiday schedule or to adopt more or fewer holidays by resolution or ordinance. She said staff recommends that the City adopt Juneteenth as a paid holiday for City employees to celebrate the end of slavery. She noted a list of 24 jurisdictions in Washington that have chosen to recognize the holiday.

Councilmember Robertson expressed support for staff’s recommendation and suggested placing it on a future consent calendar for Council action. She encouraged the City to purchase a Juneteenth flag to fly on and around the holiday.

Councilmember Barksdale expressed enthusiastic support for the Juneteenth holiday and thanked staff for the recommendation. He expressed support for Councilmember Robertson’s suggestion to purchase a Juneteenth flag. He suggested providing educational resources regarding slavery and the holiday during the June 19 timeframe.

Councilmember Stokes expressed support for the recommendation and noted that, as a Texan, he learned about the holiday from his grandparents.

Councilmember Zahn expressed support for establishing the Juneteenth holiday and purchasing the flag. She suggested issuing a proclamation recognizing the holiday and holding a celebration for City staff.

Councilmember Lee expressed support for staff’s recommendation to honor the hardship and difficult history associated with slavery. He said we are still working toward a more perfect union and he hopes this leads to the recognition of other inequalities that need to be addressed and corrected. He said this is the right thing to do and thanked staff for their work.

Deputy Mayor Nieuwenhuis expressed his support for creating the holiday and purchasing the flag. He encouraged City-sponsored events around the holiday and concurred with Councilmember Barksdale’s suggestion regarding educational resources.

Mayor Robinson said she appreciated the City working so quickly to establish the Juneteenth holiday. She said the City typically does a good job of educating the community and this holiday is certainly a teaching moment.

→ Deputy Mayor Nieuwenhuis moved to direct staff to bring back an ordinance for final action at a future meeting amending the Bellevue City Code to add Juneteenth (June 19) as a paid holiday for City employees. Councilmember Stokes seconded the motion.

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

- (b) Housing Trust Fund Recommendations by the ARCH (A Regional Coalition for Housing) Executive Board and Amendment to the ARCH Interlocal Agreement

Deputy City Manager McCommon introduced discussion regarding the ARCH (A Regional Coalition for Housing) Executive Board recommendations related to the Housing Trust Fund.

Councilmember Robertson said that she was recusing herself from the discussion regarding amendments to the ARCH interlocal agreement due to her work as an attorney for two other cities that are members of ARCH and parties to the interlocal agreement. She said she would rejoin the meeting for the later discussion about the Trust Fund recommendations for specific projects.

Councilmember Robertson left the meeting.

Emil King, Assistant Director, Community Development Department, said the City and ARCH have worked to create and preserve affordable housing for nearly 30 years. The original interlocal agreement in 1992 included Bellevue, King County, Kirkland, and Redmond. Mr. King said the ARCH Executive Board recommends changes to the interlocal agreement that will allow for broader, more inclusive representation on the newly named Community Advisory Board. He said the City's support of the ARCH Trust Fund is consistent with the Affordable Housing Strategy that uses a number of tools and programs to create and encourage the development of affordable housing.

Elsa Kings, Housing Trust Fund Manager, ARCH, said the proposed amendment to the ARCH interlocal agreement renames the Citizen Advisory Board as the Community Advisory Board and allows appointments above the current maximum of 15 members to enhance the board's diversity, skills and experience. The amendment was recommended by a unanimous vote of the ARCH Executive Board.

Councilmember Lee said ARCH has been an effective regional body for a long time. Responding to Mr. Lee, Ms. Kings said the intent of the amendment is to welcome increased diversity in terms of expertise, knowledge, race, ethnicity, and experiences. Lindsay Masters, ARCH Executive Manager, said the new name clarifies that an individual is not required to be a citizen to be appointed to the Community Advisory Board. Mr. Lee expressed support for the proposed amendment.

Councilmember Stokes expressed support for the proposed amendment to the interlocal agreement.

Councilmember Zahn expressed support for the amendment and said she appreciates the opportunity to add more members to the Community Advisory Board to meet future needs.

- Deputy Mayor Nieuwenhuis moved to direct staff to prepare legislation approving the amendment to the ARCH Interlocal Agreement as proposed. Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 6-0 with Councilmember Robertson recused.

Councilmember Robertson rejoined the meeting.

Ms. Kings presented the 2021 ARCH Trust Fund funding recommendations. Five applications requesting a total of \$3,825,000 were received, and one application for \$2.5 million was withdrawn. The latter applicant determined that their project was not ready to move forward. The submitted projects include 351 affordable units, including one project previously funded during the 2020 round of allocations.

Ms. Kings said a total of \$6 million is available for funding from the General Fund, prior balances and returned funds, HB 1406 sales tax refunds, Kirkland fee-in-lieu payment and Community Development Block Grant (CDBG) funds. She said this year's funds were heavily leveraged resulting in \$14 in public and private funding for every one dollar of local funds spent. A large portion of the funding is generated by tax-exempt bonds and low-income housing tax credits. King County and the State of Washington provide funding as well.

Ms. Kings described the projects recommended for funding. The Inland/Horizon Housing Alliance project at Totem Lake requested \$1.5 million in a contingent/deferred loan, in addition to a \$4 million reward in 2020. The project provides 300 units, including 30 units for families experiencing homelessness. The income levels served will be 20 units at 30 percent AMI (area median income), 76 units at 50 percent AMI and 184 units at 60 percent AMI. Completion of the project is estimated for winter 2024.

The next project is the Friends of Youth New Ground building rehabilitation in Kirkland. The applicant requested \$675,000 in a secured grant, in addition to \$250,000 provided during the 2005 funding round. The project provides 14 units for young adults aged 18-24 who are seeking entry level positions as well as higher education opportunities.

The third project is LifeWire's Hope Starts Here housing for domestic violence survivors. The applicant requested \$750,000 in a secured grant and the project located in Bellevue is anticipated to be completed during winter 2022. The housing provides 20 units at 30 percent AMI and five units at 50 percent AMI.

Ms. Kings said staff is requesting Council direction to prepare legislation approving the Trust Fund recommendations for the three projects described above.

Responding to Councilmember Lee regarding the Totem Lake project, Ms. Kings said the applicant received funding from King County and ARCH to fill the project budget shortfall. She noted the impact of increased labor costs and overall construction costs.

Responding to Councilmember Zahn, Ms. Kings said ARCH staff determined that more information was needed to support the Attain Housing funding request. It was unclear whether the zoning would allow the proposed six-plex and whether the design of the facility was

consistent with current zoning. Ms. Kings said staff will continue to work with Attain Housing to refine their proposal.

Councilmember Stokes thanked staff for their work and said it is good to see housing units for the lowest income households.

- Deputy Mayor Nieuwenhuis moved to direct staff to prepare legislation for future action approving the ARCH Housing Trust Fund allocations for the Horizon at Totem Lake, Friends of Youth, and LifeWire projects. Councilmember Lee seconded the motion.
- The motion carried by a vote of 7-0.

Mayor Robinson recused herself from participating in the remainder of this agenda item. She noted that her husband works for the King County Housing Authority. She said the Council would take a short break at the end of this item and then left the meeting.

Ms. Kings said an application was received for the Life Enrichment Options (LEO) at Trailhead project in Issaquah requesting \$250,000 in a secured grant. The project is a collaboration with King County and Spectrum and provides five units for developmentally disabled individuals plus one manager unit. The five units will be available to 30 percent AMI households. Ms. Kings said a health clinic and other services are provided on the site.

Ms. Kings described the application from Attain Housing for the six-plex in Kirkland's Totem Lake area. The group requested \$650,000 in a contingent/deferred loan. The project provides housing for families experiencing homelessness with six two-bedroom units at 30 percent AMI. Ms. Kings said ARCH will continue to work with Attain Housing as they work through issues related to zoning and other funding sources.

Councilmember Zahn said she is pleased to see the housing units with on-site services for developmentally disabled individuals.

- Councilmember Stokes moved to direct staff to prepare legislation approving the Trust Fund recommendation for the LEO at Trailhead project. Councilmember Robertson seconded the motion.
- The motion carried by a vote of 6-0 with Mayor Robinson recused.

At 7:14 p.m., Deputy Mayor Nieuwenhuis declared a break. The meeting resumed at 7:25 p.m., with Mayor Robinson presiding.

(c) Eviction Resolution Pilot Program Update

Deputy City Manager McCommon introduced discussion regarding the eviction resolution pilot program.

Mike McCormick Huentelman, Assistant Director, Community Development Department, said the program was established during the pandemic in anticipation of the end of the statewide eviction moratorium. The state legislature partnered with dispute resolution centers across the state to help landlords and tenants negotiate payment plans. Mr. McCormick Huentelman said the program is in place in Bellevue and in Kirkland. He said 13 percent of renters across Bellevue, Seattle and Tacoma are behind on their rent. He commented on the low unemployment rate in Bellevue and the challenge of hiring employees. He said many people are not returning to work due to child care, housing and/or health-related issues.

Mr. McCormick Huentelman said the City provided significant funding to keep people housed. He said King County distributed rental assistance funds to more than 12,000 households throughout the county. The City assisted 600 residents and addressed a total of 1,000 months of back rent and rental emergencies. He said the eviction resolution program has handled 533 cases since it started on November 1, 2021.

Marci McReynolds, Bellevue Conflict Resolution Center Manager, said the City's eviction resolution program is part of a statewide program to ensure that there is equal access to justice for everyone in the community. She noted a new state law requiring landlords and tenants to negotiate repayment plans with the help of dispute resolution centers. Senate Bill 5160 provided a new right to alternate dispute resolution for residential tenants who are behind on rent. Landlords must offer a repayment plan through the eviction resolution program prior to filing unlawful detainers for non-payment of rent. The two-year pilot program is funded through July 1, 2023.

Ms. McReynolds described the eviction resolution program process, noting that the parties might not be able to reach an agreement and it could proceed to court. She said the process typically extends over 14 days to four weeks. She described the process of involving landlords in the eviction resolution program. She encouraged the public to access more information and request assistance through the MyBellevue app. She said the City can connect individuals with free legal aid and rental assistance. She described how the program was initiated quickly to respond to the impacts of the pandemic. She noted partnerships with a number of organizations including Resolution Washington, Eastside Legal Assistance, Housing Justice Project, United Way, King County Dispute Resolution Center, Eastside Homelessness Advocacy Coalition, and the King County Superior Court.

Ms. McReynolds said that only eight percent of the tenants involved with the eviction resolution program are ultimately certified to go to court, and those individuals receive assistance through the Housing Justice Project. She said that 84 percent of the tenants who received notices regarding the program responded to the City's intake calls within 14 days.

Ms. McReynolds said tenants are challenged with rent repayment plans and increasing rental rates. Landlords are carrying additional costs and are asked to forgive up to 50 percent of the debt. Ms. McReynolds said the City still has funding available for rental assistance. However, King County does not currently have any rental assistance funds.

The eviction resolution program currently has 37 volunteers ranging from newcomers to longtime volunteers. Ms. McReynolds said that last year the volunteers provided 3,500 volunteer hours and that number will be much larger this year.

Mayor Robinson thanked staff for the presentation.

Deputy Mayor Nieuwenhuis acknowledged the complexity of the issues and challenges for both tenants and landlords. Responding to Mr. Nieuwenhuis, Ms. McReynolds said the conflict resolution center has handled 533 cases to date. Ms. McReynolds said one of the measures of the success of the program is the high percentage of people who respond to the City's contact. She said only eight percent of the cases are receiving a certification in which the landlord can file for an unlawful detainer. She said building strong relationships with rent assistance organizations has contributed to the success of the program as well.

Responding to Councilmember Barksdale, Ms. McReynolds said that both landlords and tenants contact Bellevue's conflict resolution center and there are many cases that are not included in the eviction resolution program. She said some landlords refused county funds that were being distributed because the landlord would be required to forgive 40-50 percent of the debt.

Councilmember Robertson thanked staff for the presentation and said she was proud of the work of staff and the volunteers. She said she was glad to hear that the City still has funding available for rent assistance. Mr. McCormick Huentelman said approximately \$2 million is available. Ms. Robertson encouraged robust community outreach to let the public know that assistance is available. Mr. McCormick Huentelman said the Parks and Community Services Department maintains real-time online information regarding available rent assistance throughout the region.

Councilmember Zahn expressed appreciation for the eviction resolution program. She suggested reaching out to Eastside for All and other organizations. She said sometimes the people who are struggling the most are not native English speakers and are unaware of the programs and services available.

Responding to Ms. Zahn, Ms. McReynolds said the program provides information in a number of languages. She said the population that has been the most impacted by the program is the Spanish-speaking community. In further response to Councilmember Zahn, Ms. McReynolds said that most of the negotiations are handled through phone meetings. She said research has shown that the process is more successful with that approach because it is more culturally sensitive. She said most of the world uses an intermediary party to resolve conflicts.

Councilmember Stokes thanked staff for their work and encouraged continuing efforts to let the public know about available rental assistance. He questioned whether partnerships or opportunities with other organizations are available to address child care and other issues and challenges.

Councilmember Lee expressed appreciation for the program and the work of staff and volunteers. He acknowledged the positive impacts on the community.

Mayor Robinson recalled the Council convening a special meeting in April 2020 to make decisions regarding the urgent need for human services funding, especially rent assistance. She said additional funding came from community partners, large employers, King County and others. She expressed appreciation and admiration for the effectiveness of the program.

Responding to Deputy Mayor Nieuwenhuis, Ms. McReynolds said there is a mandatory 14 days within which the tenant must respond. Landlords and tenants are told that they can access legal consultations before they sign their agreement. She said they also recommend that the parties apply for rental assistance. She said the parties typically reach an agreement within a month. However, some cases have extended to 2-3 months. Ms. McReynolds said the goal is to create a sustainable and reasonable repayment plan. However, she said they are starting to see some defaults.

Responding to Councilmember Barksdale, Ms. McReynolds said City staff had been working with landlords and tenants before the eviction resolution pilot program was initiated. She said she would follow up with more information regarding the types and sizes of rental properties in Bellevue.

Councilmember Stokes said this is a fantastic program. He noted, however, that it is also an indication of the significant needs within the community.

Councilmember Zahn expressed gratitude to the volunteers who support the program. She noted that child care will continue to be a need and a challenge. Responding to Ms. Zahn, Ms. McReynolds said commercial businesses are not eligible for rental assistance. She suggested thinking about whether the City will want to continue to provide rental assistance with the next release of federal funding.

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 8:24 p.m., Mayor Robinson declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw