

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Meeting

March 21, 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 6:02 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.

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) Khaiersta English said she started the group Trees 4 Livability due to concerns about the loss of large trees in Bellevue. She said a number of volunteers spent several weeks gathering information to compare Bellevue's tree codes to codes in other cities. She said Bellevue's tree codes are the weakest in the region. The report provides recommendations for improvements and can be found at [Trees4Livability.org](http://Trees4Livability.org). Ms. English noted Bellevue's efforts to meet its future housing targets and said it is important to update the tree codes as development and redevelopment continues to increase. She

said more than 300 individuals have signed the group's petition since it was established a few weeks ago.

- (b) Rick Chesmore, an architect, said he has been a Lake Hills resident for 31 years and his office is located next to Downtown Park. He expressed concern regarding the loss of Bellevue's tree canopy. He said architects see trees as vital to their designs. He described their approach to retaining significant and landmark trees. He shared photos of lots that have been cleared of older homes and all vegetation. He noted that he is a member of Trees 4 Livability.
  - (c) Laeth English, a 7<sup>th</sup> grader at Odle Middle School, said he was drawn to the Trees 4 Livability group due to his concerns about the loss of trees in Bellevue. In January, he and his neighbors observed an attempt by an unsafe and unlicensed crew to remove a large, 36-inch diameter tree. They were able to stop the removal of the tree and it is still standing. He said the City of Redmond's codes would require replacing a tree of that size with 12 trees to be maintained after the landmark tree is removed. Mr. English said Bellevue does not have special protections for landmark trees. He said incentives should be provided for developers who retain trees, and builders who break the rules should be subject to delayed permits and fines.
  - (d) Jennifer Keller encouraged the City to expedite measures to address climate change. She noted that Bellevue's staff for addressing sustainability is proportionately smaller than a number of comparable cities. She expressed concern about meeting materials for Agenda Items 10(a) and 10(b) that reflect proposals to postpone the Environmental Stewardship Plan's green building update and the living building pilot program. However, the City proposes adding staff to keep pace with development activity. She encouraged hiring development services staff with experience in green building and sustainability.
  - (e) Jack McCullough said he was speaking in general on behalf of developers, property owners, investors, businesses and others who are working to create more jobs and housing. He expressed concern about the delay in planning for the Wilburton area. A Draft Environmental Impact Statement (DEIS) was completed four years ago and is now out of date. He recalled the planning effort to expand Overlake Hospital that began in 2005 and was completed within two years. He encouraged the City to move forward with Wilburton area planning and to not wait for the Comprehensive Plan update to do so.
5. Reports of Community Councils, Boards, and Commissions: None.
  6. Report of the City Manager
    - (a) Report of Emergency Procurement for Site Stabilization

City Manager Brad Miyake noted the report in the meeting packet regarding the landslide in the Somerset neighborhood and subsequent efforts to remove the heavily damaged home that had slipped off of its foundation.

7. Council Business and New Initiatives: None.

8. Consent Calendar

→ Deputy Mayor Nieuwenhuis moved to approve the Consent Calendar, and Councilmember Stokes 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 March 7, 2022 Regular Meeting

(b) Motion to Approve Payment of Claims and Payroll for the Period February 1, 2022 - February 28, 2022.

(c) Resolution No. 10079 authorizing execution of a five-year Professional Services Contract with Golder Associates USA Inc. for geotechnical and structural peer review services for shoring installations, and other geotechnical investigations or designs, in an amount not to exceed a contract total of \$275,000, plus all applicable taxes.

(d) Ordinance No. 6654 amending Chapter 3.79 of the Bellevue City Code to add Juneteenth as an additional paid holiday for employees; authorizing the City Clerk to make all additional necessary changes to the Bellevue City Code to reflect this change; and establishing an effective date.

9. Public Hearing: None.

10. Study Session

(a) Joint Land Use Planning Initiatives Work Plan for Community Development Department and Development Services Department

City Manager Miyake introduced staff's presentation regarding the joint work plan for the Community Development Department and the Development Services Department. The purpose of the plan is to provide the Council and the public with predictability in terms of when certain planning efforts will be initiated and completed.

Mike Brennan, Director, Development Services Department, said the work plan focuses on the work that is planned for 2022 and 2023. He noted that the projects are some of the most complex work undertaken by the City and involve extensive community engagement.

Trisna Tanus, Consulting Attorney, Development Services Department, said the Comprehensive Plan contains policies that provide the vision, priorities and baseline expectations for future

development. She noted that they are flexible enough to ensure that responsive regulations are implemented. The Land Use Code sets the standards for development, permitting requirements and dimensional requirements (e.g., density, floor-area ratio, amenities, design guidelines, etc.). The Comprehensive Plan and the Land Use Code are implemented through development permits that detail what is to be built and where. Ms. Tanus noted that this work involves a number of other departments as well including the Transportation Department, Utilities Department and the Parks and Community Services Department.

Ms. Tanus described the Land Use Planning Initiatives (LUPI) process developed by the Community Development Department and the Development Services Department. It establishes clear roles and responsibilities, work planning, communication and the evaluation of outcomes. It is intended to respond to the rapid rate of growth and development and to meet the Council's and the community's expectations.

Emil King, Assistant Director, Community Development Department, described the three phases of the LUPI process: 1) pre-launch phase, 2) execution phase and 3) implementation phase. The pre-launch phase includes project scoping and development of the work plan prior to Council approval to launch an initiative. The execution phase includes the State Environmental Policy Act (SEPA) review, stakeholder engagement, design and planning. The implementation phase includes construction, performance and vision tracking.

Mr. King said the LUPI process was put in place approximately 18 months ago. It has been used for numerous projects and planning efforts including the East Main Land Use Code Amendment (LUCA), Grand Connection design guidelines and LUCA, 2021 annual Comprehensive Plan Amendments (CPAs), Northeast Bellevue and Northwest Bellevue neighborhood plans, multifamily tax exemption (MFTE) code, zero lot line LUCA, accessory dwelling unit LUCA, residential parking LUCA, residential occupancy LUCA, Affordable Housing Strategy Action C-1 density bonus and the DASH CPA map change.

Mr. King said the joint Community Development-Development Services workplan focuses on four key areas: 1) housing options and affordability, 2) equity and inclusion, 3) economic innovation, and 4) sustainability. The state Growth Management Act (GMA) provides the overall framework for planning. The Puget Sound Regional Council (PSRC) Vision 2050 plan and King County countywide planning policies provide guidance and reflect the growth targets of 35,000 additional housing units and 70,000 jobs by 2044.

Ms. Tanus said the workplan items are prioritized based on a number of criteria including project readiness, responsiveness to policy direction, compliance with state or other mandates, a benefit from synergies with other City planning projects, alignment with enterprise priorities and resourcing from partner departments, and tradeoffs for scope adjustments, unanticipated project delays and other issues. Projects with a focus on completing major planning initiatives and moving the Council's key priorities forward include the Comprehensive Plan periodic update, Wilburton CPA and LUCA, I-405 Grand Connection crossing and the BelRed Look Forward LUCA. Projects to maximize positive outcomes related to affordable housing include the Affordable Housing Strategy Action C-1 Phase 2 CPA and LUCA and the supportive housing and emergency housing LUCA.

Ms. Tanus presented the 2022-2023 LUPI workplan through mid-2024, with the pre-launch, execution and implementation phases identified for each planning initiative.

Mr. King said the 2022 annual CPAs will address curbside management policies and Action C-1 policies. The Comprehensive Plan periodic update was launched in February and will extend over the next two years. Mr. King said staff has tentatively set April 25 to launch the Wilburton CPA and LUCA planning work with the Council. The Grand Connection I-405 crossing initiative will consider a bridge across I-405 as a first step in developing the Grand Connection. He said there is private sector interest in creating a connection from the Downtown to the Eastrail and the Wilburton area.

The BelRed Look Forward LUCA work is slated for 2023. However, the CPA and map amendment will likely be addressed with other efforts in 2022. The Affordable Housing Strategy Next Right Work effort involves stakeholder review and Council direction on the next items the Council would like to move forward under the Affordable Housing Strategy.

Liz Stead, Land Use Division Director, highlighted additional items from the workplan including the development of permanent regulations for the supportive housing and emergency shelter LUCA, tree canopy preservation LUCA, noise control code amendments and the small cell wireless LUCA. Ms. Stead said the small cell LUCA is focused on small cell wireless facilities on private property. It will complement regulations applicable to small cell facilities in the right-of-way and will conform the Land Use Code to federal regulations.

Councilmember Robertson said the Wilburton update, BelRed Look Forward effort and major Comprehensive Plan update will move forward on parallel tracks. She wants to ensure that the work is timed to meet the City's growth targets and housing goals. She suggested moving the quasi-judicial appeal item to this year. She said the process will change automatically because the East Bellevue Community Council will sunset in the coming months.

Ms. Robertson expressed support for the tree canopy item. She noted her understanding that the tree canopy increased from 34 percent to 37 percent without any tree code changes, except for the codes in the Bridle Trails area. She encouraged a balance between trees and housing, noting that more housing must be developed. She said a number of communities in Bellevue have view covenants that must be considered as new tree codes are drafted.

Ms. Stead said staff has not started working on the tree canopy codes. Before moving forward, staff will bring information to the Council regarding the current status of the tree canopy and input from the community.

Responding to Councilmember Robertson regarding housing targets, Mr. King said staff's intent is to return to the Council in April to relaunch the Wilburton planning work. He said that work will overlap the update to the Comprehensive Plan. The BelRed plan update will address housing needs as well and will be coordinated with the update to the Comprehensive Plan.

Responding to Councilmember Robertson, Ms. Stead said staff can come back with a recommendation regarding how the quasi-judicial issue could fit into the workplan schedule.

Councilmember Stokes expressed support for the proposed workplan and encouraged moving forward as quickly as possible.

Councilmember Zahn expressed support for the plan and encouraged moving forward with urgency to meet Bellevue's growth targets. She is pleased to see the tree canopy work starting next quarter instead of waiting until the summer. She said she appreciated staff's efforts to coordinate initiatives and planning efforts to enhance efficiencies and accomplish goals.

Ms. Zahn expressed concern about whether the City will be able to meet its greenhouse gas emissions goals by 2030. She encouraged the City to position itself for grant opportunities. She attended the National League of Cities (NLC) conference the previous week where there was discussion about grant funding that will be available through the federal infrastructure legislation. Ms. Zahn encouraged an emphasis on sustainability and green building elements, including incentives for developers.

Ms. Zahn said she would like to move the Grand Connection project forward. One topic of discussion during the NLC conference was the availability of grants related to reconnecting communities. She said the I-405 lid for the project falls into that category.

Councilmember Lee expressed support for the proposed workplan and the cross-departmental coordination. He said it is important for the Council to have a shared vision and to incorporate community input. He looks forward to updating the BelRed plan and overall planning to meet growth targets.

Deputy Mayor Nieuwenhuis thanked staff for the presentation and expressed general support for the workplan. He concurred with Councilmember Robertson's comments about the need to balance tree canopy goals with the urgent need for housing. He encouraged moving forward as quickly as possible. He noted that there is the potential for private funds to supplement funding for the Grand Connection I-405 lid/bridge.

Councilmember Barksdale spoke to the need for affordable commercial space for small businesses and services. He said he looks forward to discussing detached ADUs (DADUs). He asked how equity fits into the prioritization criteria used to develop the workplan. Ms. Stead said there are opportunities for addressing affordable commercial space through a number of the planning initiatives and the Comprehensive Plan update. She said DADUs are a potential item for the Affordable Housing Strategy Next Right Work initiative. Ms. Stead said staff is considering sustainability and equity in all of its planning efforts and decisions. However, she acknowledged that there is more work to be done.

Mayor Robinson noted the importance of synergy, timing and opportunity. She said the Comprehensive Plan provides the foundation for everything else the City does. She said she does not see sustainability and equity as criteria for prioritizing projects but rather as values to be applied to every project and planning effort. She expressed support for reviewing the tree codes.

Mayor Robinson noted that it is both an environmental and neighborhood character issue. She suggested using another city as a model for amending the tree code. Mayor Robinson concurred with Councilmember Robertson's interest in addressing the quasi-judicial issue.

Mayor Robinson said she expects Eastgate to be another growth area and she questioned when planning for that area might be initiated. She asked what it would take to advance the City's environmental goals and how more staff would be able to advance those goals. She said the update to the Comprehensive Plan and related environmental standards will help to advance environmental goals.

Ms. Stead said it is a challenging question about how to advance environmental goals more quickly. She said there are questions around the capacity for staff, the Council, the Planning Commission and the community to address multiple issues. She said staff has discussed hiring a consultant to advance the tree canopy work. She concurred with Councilmember Zahn's suggestion to create incentives for green building, especially in the BelRed and Wilburton areas. Ms. Stead said the Land Use Code and long-range planning are not the only ways that staff is looking to promote the goals of the Environmental Stewardship Initiative.

Ms. Stead said there was a series of code amendments for the Eastgate area a few years ago and one major project has been submitted for review. She concurred that the area will likely begin to develop and redevelop, similar to the BelRed area.

At 7:27 p.m., Mayor Robinson declared a short break. The meeting resumed at 7:37 p.m.

(b) Development Services Update and Request for Additional Staffing

City Manager Miyake introduced discussion regarding a request for additional staffing in the Development Services Department.

Gregg Schrader, Building Official, said staff is requesting 12 full-time employee positions that will be funded through development services fees.

Ms. Stead said that in the Downtown, there are 15 projects in design review, five projects undergoing building permit review and 14 projects under construction. In the BelRed area, there are eight projects in design review, two projects in building permit review and nine projects under construction. Additional projects are in the pipeline for both growth areas. The projects under construction in the BelRed area are the Northup mixed use project, Block 6, East Link 130<sup>th</sup> Avenue Station, RJ Senior Housing and the Big 1 project. Ms. Stead noted extensive commercial development and a variety of housing projects in the BelRed area, including townhomes.

Projects under construction in the Downtown include assisted living facilities, apartments, East Link light rail station, 600 Bellevue building Phase 1, 1001 Office Towers, 555 108<sup>th</sup> Avenue NE and Bellevue Plaza. Downtown projects in review include Pinnacle North, Pinnacle South, 200 Plaza, 201 106<sup>th</sup> Avenue, 112<sup>th</sup> and Main Street, Terraline, 305 Office, 600 Bellevue Phase 2,

606 106<sup>th</sup> Avenue NE, BOSA Park Row, Bell 10, Brizo, 222 and 330 112<sup>th</sup> Avenue NE and the 111<sup>th</sup> Avenue NE apartments.

Ms. Stead said there is predominantly office development in the Downtown and housing in the BelRed area. She noted that the development pipeline continues to grow. She referred the Council and the public to the development activity web page for more information: <https://development.bellevuewa.gov/development-activity>. The web page provides the Building Bellevue map, a list of major projects, permit timelines, the City's open data portal and the weekly permit bulletin.

Jake Hesselgesser, Business Services Director, Development Services Department, said there was a brief decrease in permit volumes early in the pandemic. However in 2021, 1,853 multifamily unit permits were issued, 197 single-family permits were issued, and 2.1 million square feet of office space was permitted. Mr. Hesselgesser presented a graph depicting the total construction value associated with issued building permits from 2013 to 2021. The City set a record of nearly \$1.2 billion in construction value in 2020, which was followed by a new record in 2021 of more than \$1.6 billion in construction value. Mr. Hesselgesser highlighted a graph of the major projects square footage under construction from 2013 to 2021.

Mr. Hesselgesser commented on the City's efforts for continuous improvement. He said real-time surveys are sent out at various stages of the permitting and inspection processes. The respondents indicate high satisfaction when the City's services are predictable and understandable. Mr. Hesselgesser said the surveys also identify opportunities for improvement (e.g., simplifying the application process). He said staff will deploy a fairly significant upgrade this year to the online permit tracking system, MyBuildingPermit, that will provide more contemporary tools for staff, including a new inspection application, and provide a foundation for future enhancements to increase efficiencies and improve the customer experience. As an example of an improvement requested by customers, Mr. Hesselgesser said that Development Services Department staff worked with the Information Technology Department to launch a virtual permit center that allows customers to schedule an online appointment with staff to address general questions.

Mr. Schrader said additional staff is needed to maintain service levels. He noted the increasing complexity of building projects, including taller buildings in the Downtown, and the challenge of maintaining predictable service during this intensive development cycle. He said staffing recruitments are taking longer than in the past, and many of the new hires do not have the experience or skills to immediately take on the more complex projects. This creates the need for more training and mentoring.

Mr. Schrader requested 12 staff positions to support continued development: 6 building inspectors, 1 building reviewer, 1 fire prevention officer, 2 transportation engineers and 2 right-of-way inspectors. Staff anticipates a significant increase in the demand for inspection services once the concrete strike is resolved. He noted that consultants have been helpful in addressing workload peaks. Mr. Schrader said the requested positions are supported by development services fees.



Mayor Robinson thanked staff for the presentation.

- Deputy Mayor Nieuwenhuis moved to direct staff to prepare legislation, for future Council action on the consent calendar, authorizing the addition of 12 full-time employee positions for the Development Services Department. Councilmember Stokes seconded the motion.

Deputy Mayor Nieuwenhuis thanked staff for keeping pace with the tremendous development and increased workload. Responding to Mr. Nieuwenhuis, Mr. Schrader said staff updates the workload forecast on a quarterly basis and the permit review and inspection teams meet to ensure that the appropriate resources are available to handle the anticipated workload. Staff is also in close contact with developers to understand their schedules for applications and construction projects. Mr. Schrader said the current request is targeted to meet the City's anticipated needs through the end of this year.

In further response to Mr. Nieuwenhuis, Mr. Hesselgesser said the City hears positive feedback about MyBuildingPermit.com, including that it is intuitive and easy to use. However, staff has identified opportunities to simplify the online process. Mr. Hesselgesser said that for the next budget cycle, staff is looking at how they can include permit intake automated solutions with the permit tracking system, which will lead to further efficiencies in the process.

Councilmember Zahn expressed support for the staffing request. She expressed an interest in learning what level of staffing and resources will be needed over the next couple of years. She said she appreciated the efforts to streamline the process and improve the customer experience. Responding to Ms. Zahn, Mr. Schrader confirmed that consultants will continue to supplement staff's work where needed to provide specific expertise and/or to help with the workload.

Ms. Zahn said it would be helpful to have a sustainability staff position to assist builders, developers and homeowners in understanding green building options. Mr. Schrader said that a separate targeted program to evaluate code amendments and sustainable development would need to be considered as part of the budget process because it would likely require General Fund support. Ms. Stead said staff has discussed including sustainability staff in conjunction with environmental stewardship staff.

Mayor Robinson said the City does not have any requirements for having a sustainability component in development. Responding to Ms. Robinson, Ms. Stead said that if that was a required part of the permit process, technical assistance would be needed to move that initiative forward. Mayor Robinson said sustainable building needs to be identified as a specific value before the City starts encouraging it.

Councilmember Lee said he fully supports the staffing request. He thanked Mr. Schrader and Director Brennan for their leadership. He asked about the role of technology investments in addressing the workload.

Mr. Schrader said staff is in the process of evaluating what might be needed in the 2023-2024 budget. He said that process needs to work hand in hand with this request for staffing. He said additional staff is needed now to support the workload through the end of the year.

Mr. Hesselgesser said staff will consider additional technology investments for the next budget cycle as well. A major upgrade to the permit tracking system is underway, which will provide the foundation for more contemporary tools. He said the City uses consultants to supplement in-house resources related to technology investments as well. Councilmember Lee suggested that technology investments could reduce the need for more staff in the future.

Councilmember Stokes said tonight's discussion provides information to help the public understand the permitting and inspection processes. He said he would like to have further discussion regarding sustainability because it appears to mean different things to different people. He expressed support for the staffing proposal and for providing the best services possible for the public.

Councilmember Robertson expressed support for the staffing proposal, noting that limited-term employees (LTEs) have often been used in the past to respond to increased development activity. Mr. Schrader commented on the challenge of recruiting employees at this time. He said it is harder to recruit for LTE than full-time positions in this competitive job market. He said the department has a record of being able to reduce costs when development slows down.

Ms. Robertson asked whether an additional code drafter would be useful to development services staff. Ms. Stead said the code drafter position is funded through the General Fund, and today's request is for staff that are funded through development fees. She said staff is evaluating the potential for using consultants as code drafters, including for the tree code work.

Ms. Robertson said she would like to understand the City's planning needs as part of the budget update this year. She wants to ensure there is adequate staff to move the Council's bold initiatives forward.

Mayor Robinson said she is pleased that the requested positions are supported by fees. She commended staff for implementing full online permitting, especially given the pandemic.

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

- (c) Council Rules Update regarding meeting format and order of business, and Potential Bellevue City Code Amendment regarding remote participation of Board and Commission Members

Mr. Miyake introduced discussion regarding proposed amendments to the Council Rules and the Bellevue City Code.

Charmaine Arredondo, City Clerk, recalled that on March 24, 2020, Governor Inslee issued emergency Proclamation 20-28 related to the Open Public Meetings Act (OPMA) prohibiting in-person Council meetings and requiring that the public be able to access the meetings remotely. In

response to that order, City staff implemented meetings via the Zoom platform. At that time, City Attorney Kathy Gerla presented a code amendment allowing remote participation by Board and Commission members, which the Council adopted. The Council also suspended certain sections of its rules related to meeting format, order of business and remote participation. Those suspensions were temporary and, absent Council action, they will again become effective when the Council returns to in-person meetings.

City Clerk Arredondo recalled that prior to the pandemic, the Council conducted its meetings on the first four Mondays of each month with the exception of August (one meeting) and December (two meetings). Those meetings were conducted in three different formats: Study Session and Regular Session for the first and third Mondays and Extended Study Session for the second and fourth Mondays. Since April 2020, the Council has conducted virtual meetings via the Zoom platform with all Councilmembers and the public participating remotely. The meetings during the pandemic followed one agenda format, which includes study session items at every meeting. The Council will return to in-person meetings beginning on April 18.

Ms. Arredondo said staff recommends maintaining the one agenda Regular Meeting format with meetings to be held on the first four Mondays of each month, with the exception of the August and December Council recesses. Staff proposes holding all meetings in the Council Chambers.

Ms. Arredondo said staff has received positive feedback from Councilmembers, staff and the public regarding the format used over the past two years. The one agenda format provides a predictable meeting format and meeting room, as well as a consistent time for oral communications at every meeting. The consistent agenda format allows for the flexibility to include public hearings, action on ordinances and resolutions, reports of the City Manager, and other items on every agenda instead of only twice per month.

Ms. Arredondo said Engrossed Substitute House Bill 1329 passed both the House and the Senate, and it has been delivered to the governor. If signed into law, it will require the Council to take public comment at each meeting. If the Council is not inclined to proceed with the one agenda format, staff will need to research the further implications of this bill. It could result in needing to add an oral communications period to the first and third Monday Study Session agendas.

Referring to the order of business, Ms. Arredondo said Resolution No. 8928 currently lays out the order of business for each type of meeting agenda. If the Council chooses to amend its rules and move forward with the one agenda format, the Council will need to amend its rules regarding order of business. Staff proposes continuing to use the agenda and order of business that has been used over the past two years. Ms. Arredondo said the City Clerk has the authority to amend the agenda on a temporary basis to address unusual meeting circumstances or to ensure an efficient and orderly meeting. Staff does not recommend any changes to that provision. The Council has the authority to amend its agenda on the day of the meeting and to reorder the agenda items if desired.

City Clerk Arredondo requested direction to amend the Council rules related to meeting format and order of business.

Councilmember Robertson expressed support for the one agenda format and order of business that has been used throughout the pandemic. She feels this approach is more efficient and flexible, and study session items can be on every meeting agenda.

Ms. Robertson asked whether the governor plans to reverse the requirement in Proclamation 20-28 that does not allow City Councils to have fully in-person meetings without offering the hybrid component. She expressed concern that hybrid meetings are challenging to conduct. Ms. Robertson suggested returning to the prior code requiring in-person Councilmember participation. She acknowledged there are certain exceptions, including medical reasons. She suggested allowing the Council to suspend the requirement and to allow expanded virtual meetings or virtual attendance by passage of a Council resolution.

Ms. Arredondo said the requirement for hybrid meetings will exist until the state of emergency no longer exists. She said she was not aware of whether the City is advocating for the governor to lift the emergency declaration.

Councilmember Stokes expressed support for continuing to use the same agenda and order of business that has been in place over the past two years. He said it has enhanced and simplified public access to the meetings.

Councilmember Zahn concurred with Mr. Stokes' support for the one agenda format and order of business. Responding to Ms. Zahn, Ms. Arredondo said the City plans to hold hybrid meetings, and the governor's requirement for allowing public participation remains in place. While the definition of participate refers to access for the public to listen to the meetings, the City is taking that a step further and allows the public to comment during oral communications and public hearings. Ms. Zahn suggested holding Council meetings every Monday, including the fifth Mondays.

Councilmember Barksdale expressed support for the one agenda format and order of business that has been in place.

Councilmember Lee expressed concern about changing from the longtime pre-pandemic practice using three types of meeting agendas. He said the purpose of the extended study session agenda format in the past was to accommodate in-depth discussions.

Deputy Mayor Nieuwenhuis expressed support for the advantages of the agenda format that has been used over the past two years, including that it is more predictable and convenient for the public and more flexible for handling City business. Responding to Mr. Nieuwenhuis, City Clerk Arredondo addressed Mr. Lee's comments and confirmed that study session items will continue to be included in every meeting. She said topics may be scheduled as the only study session item if more time is needed for discussion (e.g., budget workshops). She said the one agenda format allows that to happen on any Monday instead of only on the second and fourth Mondays. Mr. Nieuwenhuis suggested continuing with the one agenda format and reviewing how it is working after one year.

Mayor Robinson spoke in favor of the one agenda meeting format, noting that it provides clear and consistent expectations for the public. She suggested no change to the schedule of meeting the first four Mondays of each month, noting that a fifth Monday meeting can be added if needed.

Councilmember Stokes said he appreciated Councilmember Lee raising the issue regarding extended study sessions. However, Mr. Stokes said he supports the one agenda format.

Councilmember Lee said he appreciated the Deputy Mayor and Councilmember Stokes being sympathetic to his comments. Mr. Lee said he will support staff's recommendation.

→ Deputy Mayor Nieuwenhuis moved to direct staff to prepare legislation for future action combining the study session, regular session and extended study session agendas into one agenda format, with meetings occurring on the first four Mondays of the month, and providing for a review after one year. Councilmember Stokes seconded the motion.

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

City Attorney Gerla introduced the issue of whether remote participation should be allowed for Board and Commission members during their meetings. She noted the City Council's current rules regarding remote participation which require that remote participation must be approved in advance, any one Councilmember may not participate remotely more than four times per year, and no more than two Councilmembers may participate remotely for each meeting. Those provisions were suspended during the pandemic but will resume when the Council returns to in-person meetings on April 18.

Ms. Gerla asked the Council to consider whether it would like to place the same restrictions on remote participation for Board and Commission members. One option for the Council's consideration is to reinstate the previous code language placing the same restrictions used for the Council on Boards and Commissions. Ms. Gerla noted that if the Council chooses to not adopt code language, each Board and Commission could decide whether and how it would allow remote participation for their members.

Mayor Robinson said she has heard that some people have trouble serving on a Board or Commission because they have limited physical abilities affecting their access to in-person meetings. She said another challenge to serving on a Board or Commission is the need to stay home with children.

Responding to Mayor Robinson, Ms. Gerla said Engrossed Substitute House Bill 1329, if signed by the governor, limits the potential for conducting fully virtual/remote participation meetings.

Deputy Mayor Nieuwenhuis said he likes the idea of providing more flexibility for Board and Commission members. He suggested following the previous rules consistent with the Council's rules for remote participation. However, he said he was open to ideas for other approaches.

Councilmember Lee said he likes the convenience of virtual meetings. However, he feels the Board and Commission members should meet together in person to avoid missing out on other important intangibles. He acknowledged that there could be challenges for certain potential members. However, he said Councilmembers commit themselves to participating in meetings in person. He suggested that remote participation will not need to be a consideration if the expectations of Board and Commission members are made clear from the beginning. He said he has mixed thoughts on the issue. However, he believes that meeting in person provides a better overall experience.

Councilmember Barksdale said it is good to keep the option for remote participation. He said what matters the most is whether people are participating and not where they are sitting. He believes it is more equitable to allow the flexibility, which might attract individuals who are not currently able to serve on Boards and Commissions.

Councilmember Zahn suggested it is important to be clear about our values, for example, encouraging and accommodating inclusion and equity. She expressed support for as much flexibility as possible while still allowing Boards and Commissions to conduct their business.

Councilmember Stokes said he would like to give the Boards and Commissions the opportunity to discuss the issue. He opined that there should be consistent rules for all Boards and Commissions and he expressed support for providing equity. He said this is an opportunity to allow greater flexibility for the Boards and Commissions.

Councilmember Robertson reiterated that it is very confusing and less efficient to conduct meetings with some members in person and other members connecting via phone. She said that meeting in person makes Board and Commission members more accountable to their colleagues and to the public. She said that meeting together in person leads to more effective and robust discussions. She noted that Board and Commission meetings are not videotaped and therefore members cannot see each other or the presentations. Ms. Robertson spoke in favor of returning to the previous code language, with the addition of exceptions regarding special circumstances for participating remotely in meetings (e.g., medical reason). She encouraged consistent rules for all Boards and Commissions.

Mayor Robinson said technology has improved such that she would hope remote participation would not be via phone. She would like to make it easier for people with a physical limitation or a child care issue to serve on a Board or Commission. She expressed support for enhanced flexibility, with no more than three members participating remotely per meeting.

Deputy Mayor Nieuwenhuis said he appreciated Councilmember Robertson's comments and he concurred that it is ideal to have everyone in the same room. He noted that the Zoom platform has worked well for Council meetings. He said he would hate to miss out on a great Board or Commission member who could not serve due to a mobility or accessibility issue. He agreed that the rules should be consistent for all Boards and Commissions. He spoke in favor of allowing flexibility with specific rules or guidelines for participating remotely.

Responding to Mayor Robinson, Ms. Gerla said it would be necessary to obtain approval for remote participation in advance of a meeting to ensure not more than three members would be participating remotely.

Councilmember Lee said he appreciated Councilmember Robertson's comments as well as the Mayor's comment about expanding the pool of potential Board and Commission members. Mr. Lee said that, when appointing members, it is important to ensure that they can participate consistently and have accountability. He said it is important to establish expectations and to conduct the City's business.

Councilmember Barksdale reiterated that participation is more important than having everyone physically in a room. He encouraged flexibility for Board and Commission members. He noted that some cities' Boards and Commission are holding hybrid meetings.

Councilmember Zahn said she is thinking about outcomes rather than physical presence. She concurred with Councilmember Lee about setting clear expectations and establishing meeting protocols. Ms. Zahn said individuals can still be held accountable if participating remotely in meetings. She said she has attended hybrid meetings in which some people were in the room and others were on screen via Zoom, and the meetings have been very effective. She noted it would be preferable for Board and Commission members to participate remotely if they are mildly sick but able to participate virtually.

Ms. Arredondo said staff has been working for months on the technology to provide hybrid meetings. She is confident that staff will have the technology in place to accommodate hybrid meetings if desired.

Councilmember Stokes said the Council, Boards and Commissions have been participating remotely and holding effective meetings over the past two years. He said there are amazing people in the community who would serve on Boards and Commissions if they could do so from their home. He encouraged inclusion and equity, which includes making it possible for individuals with disabilities or other factors that need to be accommodated.

Councilmember Robertson said we want people on Boards and Commissions who are committed to coming to meetings and to being accountable to the public, each other and staff. She expressed support for allowing remote participation for specific reasons, however. She recalled occasionally bringing her children to Board and Commission meetings when she had a child care issue.

Ms. Robertson expressed concern that members participating remotely are not getting the sense of the room and fellow members, they cannot see body language and they might not be able to see the presentations. She noted that Boards and Commissions do not meet as frequently as the Council and therefore allowing remote participation for up to three or four meetings annually per member should be adequate. She is opposed to allowing each Board and Commission to create its own rules.

Mayor Robinson said she is hearing support for providing flexibility. However, there are different ideas about how to best achieve that flexibility.

Responding to Mayor Robinson, Ms. Gerla summarized what she has heard: no more than three Board or Commission members could participate remotely per meeting, potentially no limit on how often a person could participate remotely, and a requirement that remote participation be approved in advance by the Board or Commission. Ms. Gerla said she heard a suggestion to gather feedback from the Boards and Commissions regarding the issue. She also heard Councilmember Robertson's suggestion to return to the prior code language, perhaps with added exceptions for participating remotely (e.g., emergency, disability).

Councilmember Barksdale suggested looking at what other cities are doing, for example, the City of Redmond.

Responding to Mayor Robinson, Ms. Arredondo said the code provision should be finalized before in-person meetings resume in mid-April.

Mayor Robinson suggested a motion that the rules should be consistent for all Boards and Commissions, provide the flexibility for remote participation as needed to a maximum of three Board or Commission members participating remotely per meeting, within the provisions of the Open Public Meetings Act and other laws, and that advance approval by the Board or Commission is needed to participate remotely.

Councilmember Zahn said she agreed with the Mayor's suggested motion. Ms. Zahn suggested including language to address the reasons for taking that approach. She said the most important elements are participation, contribution and engagement.

Councilmember Robertson said the Mayor's proposal strikes a nice balance. Ms. Robertson said she would like to set a maximum number of meetings per year for a person to participate remotely, unless there is a medical or other mobility issue. She spoke in favor of consistency across Boards and Commissions, flexibility for the people who need it, ensuring a quorum and requiring advance approval to participate remotely. She said allowing any one person to always participate remotely is not fair to their colleagues.

Mayor Robinson recalled a former member of the Human Services Commission who had a disability that was getting progressively worse, and she ended up resigning because it was too difficult to attend the meetings.

Councilmember Stokes said he knows there are people who would be great asset on Boards and Commissions but who have some type of physical limitation or mobility issue. He encouraged greater flexibility.

Councilmember Lee said he appreciated the discussion and the attention to equity, inclusion and flexibility. He said he would be open to reinstating the pre-pandemic rules and guidelines, consistent with the City Council's guidelines.



- Deputy Mayor Nieuwenhuis moved, in order to accommodate all abilities to attend and participate in Board and Commission meetings and to be consistent across all Boards and Commissions, to provide an opportunity for remote flexibility as needed to a maximum of three Board or Commission members per meeting, within the bounds of the Open Public Meetings Act (OPMA) and other laws, with the protocol to be reviewed by the Council after one year. Councilmember Barksdale seconded the motion.
- The motion carried by a vote of 7-0, with Councilmember Lee abstaining. *[Under the Council Rules, a vote to abstain is counted in the affirmative.]*
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

The meeting was adjourned at 9:48 p.m.

Charmaine Arredondo, CMC  
City Clerk

/kaw