

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Meeting

August 1, 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.

Mayor Robinson said she received an email on July 22 indicating that a team of students from Newport High School won second place in the International Rocketry Challenge. Japan's all-girl team won first place and France and the United Kingdom won third and fourth place. The members of the Newport High School team are Arthur Gwozdz, Samuel Chen, Rita Liu, Rose Liu, Brandon Luo, Ethan Luo, Kavin Manivasagam, Vanu Rao, Shreyas Subramanian and Minghan Sun. A number of students commented on their experiences. The team won first place at the American Rocketry Challenge on May 14 where they competed with 123 other teams to advance to the international competition. The second place team at the national competition was also from Newport High School.

Mayor Robinson congratulated the students.

2. Roll Call; Flag Salute

City Clerk Charmaine Arredondo called the roll and all Councilmembers were present. Councilmember Lee led the flag salute.

(a) International Overdose Awareness Day Proclamation

Deputy Mayor Nieuwenhuis read the proclamation recognizing August 31, 2022, as International Overdose Awareness Day in Bellevue and 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.

(b) James McClain Commendation

Mayor Robinson said James McClain embodied diversity, equity and inclusion throughout his career with the Bellevue Youth Theatre, and he made sure that youth and adults who wanted to participate were able to do so.

Ms. Robinson read the commendation of Mr. McClain's 32-year career with the City, where he created an award-winning youth theatre program. She thanked him for his professionalism, dedication and service to the community.

Councilmember Lee commented regarding the importance of the Bellevue Youth Theatre for families and youth. He thanked Mr. McClain for providing a place and program where everyone is welcome to participate.

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) Elizabeth Kronoff commented on the importance of trees around the world. She asked the Council to adopt the Trees 4 Livability recommendations and to work across the community to incentivize tree cover as a priority.

(b) David Toyer, Toyer Strategic Advisors, encouraged the Council to support the Notice of Intent to Petition for Annexation submitted by property owners in the Cougar Mountain neighborhood [Agenda Item 12(a)]. He said staff recommends that the Council deny the petition based on the City's current workload. Mr. Toyer said this is an opportunity to annex Bellevue's remaining potential annexation area (PAA) and to provide housing and utilities in the area.

(c) Heidi Dean expressed support for Councilmember Robertson's request under Agenda Item 7(b). Ms. Dean said she is not comfortable asking the Bellevue Police Department to act as bounty hunters for other states that are pursuing women for seeking abortions. Referring to Agenda Item 12(a), Ms. Dean noted the City's many planning and land use initiatives and encouraged the Council to postpone consideration of the annexation until after the Comprehensive Plan update is completed in 2024. She expressed concern that the City is not receiving sufficient input from the community regarding the plan update. She said a number of political and special interest groups are encouraging their members to participate in the City's surveys and public meetings. However, they are often not Bellevue residents or businesses. Ms. Dean noted that the Neighborhood Enhancement Program (NEP) restricts participation to residents and businesses within a specific area. She asked the City to similarly restrict, or at least identify, input from parties outside of

Bellevue. Ms. Dean said it is important for Bellevue residents and businesses to guide the Comprehensive Plan.

- (d) Maya Keselman expressed support for updating the City's tree code. She expressed concern about a number of locations in Bellevue where trees have been removed.
- (e) Maria Hudson expressed concern regarding her attempts to document and report child abuse and the lack of assistance from the Bellevue Police Department and the Bellevue School District.
- (f) Alex Zimmerman expressed concern regarding his attempts to speak to the King County Council and other elected bodies.
- (g) Suzanne Leboeuf, a mental health clinician, commented regarding homelessness and drug addiction. She expressed support for a safe parking program and suggested high-quality tents and access to water and showers for the residents. She recommended on-site case management and related medical and social services. She expressed concern about the Housing First model and low barrier shelters in addressing addiction. She said she is an advocate of longer and more intensive drug treatment programs. She suggested that individuals with substance addictions should be designated as gravely disabled and should be appropriately helped.
- (h) Betsi Hummer said she is pleased to see Agenda Item 10(a) regarding police use-of-force policies. She expressed concern regarding recent assaults and thanked Bellevue police officers for all that they do to protect the community.

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

6. Report of the City Manager: None.

7. Council Business and New Initiatives

(a) Excused Absence Request for September 6 Meeting

→ Councilmember Lee moved to excuse Deputy Mayor Nieuwenhuis from the September 6, 2022, City Council Regular Meeting. Councilmember Stokes seconded the motion.

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

(b) Roe v. Wade Implications Research

Councilmember Robertson recalled that the recent Dobbs decision overturned Roe v. Wade and its longstanding protection of reproductive rights. She read the following language from Washington state law: "The State shall not penalize, prosecute or otherwise take adverse action against an individual based on their actual, potential, perceived or alleged pregnancy outcomes, nor shall the State penalize, prosecute or otherwise take adverse action against someone for

aiding or assisting a pregnant individual in exercising their right to reproductive freedom with their voluntary consent.” Councilmember Robertson said abortion is being banned in a number of states. She wants to ensure that local resources are not used to aid other states in the criminal pursuit or prosecution of individuals for activities that are legal in Washington state.

Councilmember Robertson requested Council support to allow staff to spend more than eight hours to explore options for limiting the use of Bellevue Police Department resources to enforce or otherwise cooperate with out-of-state investigations related to abortion care.

→ Councilmember Robertson moved to direct the City Attorney’s Office to conduct any necessary research and to provide the Council with potential options that the Council may take to limit the use of Bellevue Police Department resources to enforce or to otherwise cooperate with out-of-state investigations based on another state’s law that is inconsistent with the State of Washington’s protections of the right to choose abortion and provide abortion-related care. Councilmember Stokes seconded the motion.

Councilmember Lee said he appreciated Councilmember Robertson’s passion and interest in this issue. Mr. Lee said he was not sure whether this is an appropriate issue for a local policy decision.

Mayor Robinson clarified that the motion authorizes staff to conduct research and to identify potential options for the Council’s consideration. Mr. Lee said he believed staff should be able to do that in less than eight hours. He said he would prefer to allow the police to use their discretion.

Councilmember Robertson said Washington law states that no adverse action can be taken against someone seeking an abortion or assisting someone seeking an abortion. However, it is possible that a state could attempt to extradite an individual. She described a potential scenario in which a resident of another state travels to Washington to purchase abortion medication, and that state later tries to prosecute the physician, pharmacist and/or anyone else who assisted the patient. Ms. Robertson said she does not want to place law enforcement in the position of having to choose which law to enforce. She also does not want to see any Bellevue resources used contrary to state law to investigate or prosecute a physician in that situation. Councilmember Robertson said she would like to allow staff to explore legal options to achieve her objective.

Councilmember Stokes expressed support for the motion.

Councilmember Zahn concurred.

→ The motion carried by a vote of 7-0, with an abstention by Councilmember Lee counted in the affirmative pursuant to Council rules.

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 18, 2022 Regular Meeting
 - (b) Resolution No. 10125 authorizing the execution of a Professional Services Contract with Environmental Science Associates to prepare an Environmental Impact Statement for the Comprehensive Plan Periodic Update in accordance with the state Growth Management Act, in an amount not to exceed a contract total of \$1,089,345, plus all applicable taxes, for all services performed and expenses incurred under the Contract.
 - (c) Motion to award Bid No. 22030 for Overlay and Pavement Restoration 2022 to Watson Asphalt Paving Co, as the lowest responsive and responsible bidder, in an amount not to exceed \$846,486, plus all applicable taxes.
 - (d) Motion to reject the bid from Mayes Terracon because their bid was incomplete and deemed non-responsive and award Bid No. 22036, Lake Hills Boulevard and 148th Avenue SE Intersection Improvements (CIP Plan No. PW-R-200) to Kamins Construction as the lowest responsible and responsive bidder, in the amount of \$950,146.85, plus all applicable taxes.
 - (e) Resolution No. 10127 authorizing execution of the 2022 - 2025 Interagency Agreement between the Washington State Department of Natural Resources and the City of Bellevue for wildfire or other emergency responses.
 - (f) Resolution No. 10128 authorizing execution of a Joint Utility Trench and Relocation Agreement with Qwest Corporation d/b/a CenturyLink QC to pay for the relocation of Qwest Corporation d/b/a CenturyLink QC facilities located in a private easement that are in conflict with the 124th Avenue NE - Ichigo Way to Northup Way (CIP Plan No. PW-R-191) project.
 - (g) Resolution No. 10129 authorizing execution of a Joint Utility Trench and Relocation Agreement with Puget Sound Energy to pay for the relocation of Puget Sound Energy facilities located in a private easement that are in conflict with the 124th Avenue NE - Ichigo Way to Northup Way (CIP Plan No. PW-R-191) project.
9. Public Hearing
- (a) Second Public Hearing on the 2023-2024 Budget and the 2023-2029 Capital Investment Program (CIP) Plan

City Manager Brad Miyake noted that this is the second of three public hearings regarding the 2023-2024 Budget and the 2023-2029 Capital Investment Program (CIP) Plan.

Evan Phillips, Budget Manager, Finance and Asset Management Department, recalled the budget workshop on March 7 and the initial public hearing on May 23. He said the City Manager will transmit his preliminary budget to the Council by late September for ongoing discussion and deliberation. The final public hearing will be held in October or November and adoption of the budget is tentatively set for November 21.

Mr. Phillips highlighted the ways the public can comment on the budget including through online surveys, public comment during meetings of the City Council, Boards and Commissions, and via email to the Council at Council@bellevuewa.gov or to staff at FAM@bellevuewa.gov.

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

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

City Clerk Arredondo noted that written comments were included in the Council's desk packet.

Barbara Braun expressed concern about climate change and urged the City to be more aggressive in implementing its Environmental Stewardship Plan. She asked the Council to provide resources in the budget to add 6-10 staff positions dedicated to addressing climate change impacts. She commented on the importance of trees. She noted, however, that they do not reduce greenhouse gas emissions. She asked the Council to add \$2 million per year in 2023 and 2024 to the environmental stewardship program.

Paul Bruno expressed concern about climate change and said that other cities have significantly reduced their greenhouse gas emissions by adding staff and resources to their environmental programs. He said People for Climate Action (PCA) provided the Council a draft outline of the possible responsibilities for those staff.

April Stevens encouraged the Council to fund additional staff to implement the Environmental Stewardship Plan. She noted the increase in temperatures, wildfires and other climate-related events across the country.

Kylie Shulman, a student at Newport High School, shared her concerns about the impacts of climate change. She described her involvement with organizations working to address those impacts. She encouraged full funding to implement the Environmental Stewardship Plan. She noted health conditions related to climate change including asthma. She said it is important to take action now.

Curtis Allred asked the Council to increase funding and resources for the environmental stewardship program.

Don Marsh encouraged additional staff for implementing the Environmental Stewardship Plan. He encouraged the City to be leaders in addressing climate change. He noted that he is the co-founder of 300 Trees and a board member for Trees 4 Livability. He thanked the City for its tree giveaway events and for addressing its tree codes. He said that neighborhoods without trees can have temperatures as much as 15 degrees higher than areas with tree cover. He noted the importance of protecting natural habitats and our City in a Park.

Putter Bert, representing KidsQuest Museum, requested increased funding and resources for the arts in Bellevue. She said the budget for supporting arts and culture in the community has not increased since 2000. She thanked the City for its ongoing support.

Court Olson noted his ongoing concern regarding climate change. He encouraged the City to provide more resources for the environmental stewardship program. He said it is important to act as quickly as possible.

Bennyroyce Royon, Co-Chair of the Eastside Culture Coalition (ECC) and the Producing Artistic Director for Bennyroyce Dance, commented regarding the challenges associated with the pandemic that began in March 2020. He described how cultural and arts organizations supported each other over the past couple of years. He said organizations continue to experience budget and staffing reductions. He asked the Council to provide additional funding for arts and culture initiatives and organizations. He noted the need for office and performance space.

Jennifer Keller urged the Council to provide full funding for implementing the Environmental Stewardship Plan. She expressed concern about young people and their future. She said the City's current staff is working hard but they need more help to do this essential work. She said cities that have provided more resources to address climate change have experienced greater reductions in their greenhouse gas emissions.

Christopher Randels, representing Complete Streets Bellevue, said residents value sustainability, equity, safety and accessibility for everyone. He thanked the Council for its funding of the Vision Zero transportation safety program. He commented on the need to reduce carbon emissions and the need for adequate transit service and bike and pedestrian facilities. He encouraged the Council to increase funding for the Vision Zero program, bike and pedestrian improvement projects, and transit efficiency improvements.

Chris Marks urged the Council to increase resources for addressing climate change and implementing the Environmental Stewardship Plan. She said current buildings are producing half of the greenhouse gas emissions in Bellevue. She said residents and businesses need information to understand the community's shared goals and the necessary mitigation actions. She said everyone in the community must work together.

Betsi Hummer requested funding to continue the Community Crisis Assistance Team (CCAT) program of the Bellevue Police Department. She said the pilot project was highly effective in helping individuals experiencing a mental health crisis and diverted many of them from jails and hospitals. Under the pilot project, police use of force decreased and the amount of time spent by the CCAT increased. Ms. Hummer noted that the East Bellevue Community Council (EBCC)

was recently sunsetted. She suggested reallocating \$4,500 from the EBCC budget to neighborhood associations.

Marlene Meyer expressed concerns regarding climate change and pollution.

Ruth Lipscomb asked the Council to consider funding a community mental health response team. She referenced the CCAT pilot project and encouraged the City to research programs in other communities. She noted that the CCAT project did not provide the option of having mental health professionals respond without police officers. She suggested dispatching mental health personnel as first responders in certain situations.

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

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

Mayor Robinson thanked everyone for their comments. She noted that the Council will have a number of discussions regarding the budget from September through November.

At 7:50 p.m., Mayor Robinson declared a break. The meeting resumed at 8:00 p.m.

- (b) Ordinance No. 6673 amending chapter 20.35 of the City of Bellevue Land Use Code to eliminate quasi-judicial appeals to the City Council from Hearing Examiner decisions and recommendations in Process I and Process III land use matters; providing for severability; and establishing an effective date.

City Manager Miyake said that Ordinance No. 6673 amends the Land Use Code to eliminate quasi-judicial appeals to the City Council from the Hearing Examiner process for Process I and Process III land use matters.

City Attorney Kathy Gerla said staff is asking the Council to make a finding of necessity, as required by code, for the Council to retain the process and to hold the public hearing regarding this Land Use Code Amendment (LUCA), instead of forwarding the matter to the Planning Commission. Following the public hearing, staff is seeking the adoption of Ordinance No. 6673.

Ms. Gerla recalled that the Council initiated the proposed LUCA regarding its quasi-judicial role in early June. The Notice of Application was published on July 7 and the Notice of Public Hearing was published on July 14.

Under the current code, the Hearing Examiner makes Process I decisions and makes recommendations for Process III matters. The Hearing Examiner's decision may be appealed to the City Council, which serves in a quasi-judicial role. Ms. Gerla said the Council reviews the Hearing Examiner's record, including material and substantial evidence, in making its decision. The Council's decision may be appealed to the King County Superior Court.

Ms. Gerla said the proposed LUCA will retain, for Process I matters, the current Hearing Examiner hearing and decision process. However, there are no appeals to the City Council and appeals may be filed in Superior Court. The Hearing Examiner's decision is final if no appeals are filed. For Process III matters (site-specific rezones), there is no appeal of the Hearing Examiner's recommendation to the Council. The Council retains its role of making the final decision on the rezone application and considers the Hearing Examiner's record and recommendation in that process. The Council's decision may be appealed to Superior Court.

Ms. Gerla said the benefits of the proposed LUCA are that it: 1) optimizes the Council's legislative and policymaking role, 2) promotes fair, independent and efficient land use decisions, and 3) encourages more meaningful public engagement when the Hearing Examiner's public record is open for comment. Under the current code, the record is closed before an appeal goes to the City Council, and the Council cannot hear or see any new testimony or evidence.

Ms. Gerla said the LUCA meets the decision criteria in the Land Use Code. The LUCA is consistent with the Comprehensive Plan; enhances the public health, safety or welfare; and is not contrary to the best interest of the citizens and property owners in Bellevue.

→ Deputy Mayor Nieuwenhuis moved to make a finding of necessity and to open the public hearing. Councilmember Stokes seconded the motion.

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

City Clerk Arredondo noted that the public hearing notice was published on July 25. Since that time, two written public comments were received and are included in the Council's desk packet.

Heidi Dean urged the City to improve its public notification process regarding land use matters to ensure sufficient time for the public to learn about a project and submit comments. She expressed concern that there was not sufficient advance notice regarding the quasi-judicial LUCA. She asked the Council to ensure that the public is treated fairly by staff in land use decisions.

Sally Lawrence said she had mixed feelings about the LUCA. She agreed with staff's recommendation that the Council relinquish the quasi-judicial role. She opined that appealing to Superior Court is probably better and more fair than the current appeal process. She described a proposed planned unit development (PUD) project in her neighborhood that will involve Process I and Process II land use decisions. She works with a group that opposes the PUD and would like to retain the property for park use. She said they have not been able to speak with Councilmembers about the matter for the past five years due to the Council's quasi-judicial role in certain land use decisions. She expressed support for the proposed LUCA.

Don Marsh concurred with Ms. Dean's concern about the short advance notice regarding tonight's public hearing. He recalled that in the past, he and the Coalition of Eastside Neighborhoods for Sensible Energy (CENSE) strongly opposed eliminating the Council's quasi-judicial role. He said he now supports the LUCA because he wants the public to be able to speak openly with Councilmembers.

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

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

Councilmember Robertson said the Council's quasi-judicial role precludes Councilmembers' ability to discuss certain matters with members of the public. She expressed support for the proposed LUCA. She said that in most cities with a Hearing Examiner process, there are no appeals to the City Council. Under state law, City Councils make decisions regarding rezone applications. Councilmember Robertson said that removing the Council's quasi-judicial role streamlines the process and reduces costs for applicants and interested stakeholders. She noted that Hearing Examiners have specific expertise in land use law.

Mayor Robinson said that when she first joined the Council she felt the Council should retain its quasi-judicial role. However, she learned through experience that the process interferes in Councilmembers' ability to discuss certain topics with the public. When matters are appealed to the Council, the review is restricted to the Hearing Examiner's record. Ms. Robinson said that most City Councils do not have a quasi-judicial role.

Councilmember Lee concurred with his colleagues' comments about the current inability to talk to the public about certain projects that could become quasi-judicial matters. He acknowledged the expertise of the Hearing Examiner and expressed support for the proposed LUCA.

Mayor Robinson asked City Attorney Gerla to comment on the effect of adopting Ordinance No. 6673. Ms. Gerla said Councilmembers would not be subject to the appearance of fairness doctrine when discussing Process I applications. For Process III matters, the Council would continue to make decisions regarding rezone applications based on the Hearing Examiner's recommendation and record.

Councilmember Zahn said that since she joined the Council, she came to understand the impact of the quasi-judicial role in preventing the discussion of certain topics or projects. She said she has wondered whether the Council added value to the quasi-judicial process. Ms. Zahn said she concluded that there is a greater benefit in eliminating, rather than retaining, the Council's quasi-judicial role. She encouraged robust public outreach regarding land use matters.

Responding to Ms. Zahn, Interim Deputy City Manager Mike Brennan said the PUD project mentioned above by Ms. Lawrence has been underway for a number of years. Mr. Brennan said the developer is concerned about the amount of time it has taken to process the application. He said staff's recommendation will go to the Hearing Examiner this fall and there is still time to submit public comment.

Deputy Mayor Nieuwenhuis noted the benefits of the LUCA including optimizing the Council's legislative role and promoting independent and efficient land use decisions. He concurred with his colleagues about the benefit of being able to discuss topics with the public without being restricted by quasi-judicial rules. He encouraged staff to conduct robust community outreach

through a number of methods to ensure that residents are hearing about land use matters. Mr. Nieuwenhuis expressed support for the LUCA.

Councilmember Stokes expressed support for the LUCA and concurred with his colleagues regarding the benefits for the Council and the public. He acknowledged that there can always be improvements in communications with the public.

→ Deputy Mayor Nieuwenhuis moved to adopt Ordinance No. 6673, and Councilmember Stokes seconded the motion.

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

10. Study Session

(a) Council's Pledge to Reform Police Use of Force Department Policies

Nathan McCommon, Deputy City Manager, recalled the Council Pledge on June 11, 2020, in part to ensure that the use of force policy in the Bellevue Police Department would not lead to an unacceptable use of force. Mr. McCommon said that from September 2020 to February 2021, the Office of Independent Review (OIR) provided consultant expertise through public engagement research and analysis. The OIR findings and recommendations were issued on April 23, 2021. During the same time period, the state legislature adopted a number of police reform bills. In June 2021, Chief Mylett committed to developing a path forward to address all of the recommendations. He also committed to returning to the Council on a quarterly basis to provide updates.

Wendell Shirley, Chief of Police, thanked the Council for its proactive approach and decision to suggest hiring the OIR to conduct an evaluation. He said this is a meaningful review involving robust discussions throughout the police department. He said his goal is to respond to all of the recommendations that serve to make Bellevue a better police department. He said the department is committed to listening to the community and to the national discussion on policing, and would be willing to change to make sure they get it right.

Chief Shirley said the purpose of the presentation is to provide an update regarding the last 15 recommendations since the last update in January. To date, the police department has responded to all 47 recommendations and has a clear path forward for addressing all of the recommendations, thus fulfilling the Council Pledge. Chief Shirley said that most of the final 15 recommendations are related to use of force reporting, use of force review and critical incident responses.

Chief Shirley described the 15 OIR recommendations addressing the areas of de-escalation, demonstration and crowd control, mental health crises, use of force (including K9 bites), early intervention in use of force situations, deadly force incidents, critical incident review and Firearm Review Board policies. He said two of the 47 recommendations call for the department to publish its use of force data online. Chief Shirley said the department completed that item with

its new transparency and accountability web page. He said the department also publishes crime statistics by time, location and demographics.

Meeghan Black, Police Public Information Officer, said the police department has heard from the community that they want more transparency about what, why and how the department operates. She described the interactive features of the transparency and accountability web site. She said the police department has a community engagement portal to invite public comment and involvement. Ms. Black said the department completed extensive outreach with both internal and external stakeholders to obtain their input regarding the web site.

Andrew Popochock, Assistant Chief of Police, provided an update regarding the Anti-Crime Initiative. He described how the department uses data to address crime. He presented a map showing the 45-day shoplifting hot spots throughout Bellevue, most of which are in the downtown. He presented a map depicting anti-crime operations by location. He noted there have been 36 anti-crime operations to date in the three police sectors (North, South and West). He commented on the importance of high visibility patrols and communication with the community. He said officers have the discretion to treat each person individually. He said the department judges success not by the number of arrests but based on crime reduction.

Chief Shirley thanked the Council for its leadership in pledging to conduct the OIR review. He said the department has now addressed all 47 recommendations and has a clear path forward to adopting the last 15 after they are reviewed by the unions.

Mayor Robinson thanked staff for the presentation.

Councilmember Barksdale said he appreciated the data-informed approach to policing and the multifaceted approach to dealing with each situation based on the individual circumstances. He asked about whether there are plans to continue to build and enhance the web site. He asked about the stakeholders who provided feedback regarding the web site. Assistant Chief Popochock said that future additions to the web site will respond in part to what data is wanted by the community.

Ms. Black said the stakeholders included members of the police department's advisory councils as well as individuals who provided input through EngagingBellevue.com and directly to the police department. She said significant changes were made to the web site following the feedback. Ms. Black said the web site was recently presented at a conference by the vendor and there was a great deal of positive feedback regarding the Bellevue Police Department's leadership in this area. Responding to Councilmember Barksdale, Ms. Black said the data source is NORCOM, the 911 dispatch center. Assistant Chief Popochock noted that the hiring data is received from the Human Resources Department.

Councilmember Barksdale suggested, for the next survey, that it would be interesting to compare the data from the dashboard with the survey responses, segmented by neighborhood area.

Deputy Mayor Nieuwenhuis thanked everyone for the great presentation and congratulated them on the new web site. He thanked the police department for taking this process seriously and for

being committed to continuous improvement. He acknowledged that many of the practices reflected in the OIR recommendations were consistent with the Bellevue Police Department's practices. However, Deputy Mayor Nieuwenhuis said it is good to have those practices codified in policies.

Mr. Nieuwenhuis said he hears comments from residents about the brazen approach of many shoplifters who do not appear to care about any consequences. He said his local QFC store lost \$50,000 in alcohol due to shoplifting and they have a policy to not engage with shoplifters.

Chief Shirley acknowledged that there has been a significant increase in shoplifting and the department agrees that there must be consequences for individuals. He noted that a shoplifter could have a substance abuse problem or a mental health issue. He said the police department's approach is prevention, intervention and enforcement.

Assistant Chief Popochock said officers try to handle situations based on the individuals involved and specific circumstances. He said a person caught trespassing might be in need of mental health care and could be diverted to social services instead of to jail. He said the police department is available to partner with local retailers to address crime.

Deputy Mayor Nieuwenhuis recalled an earlier reference to reimagining the School Resource Officer (SRO) program. He expressed concern that the term has led to some bad policy decisions as they relate to law enforcement. He said he frequently hears questions and comments about the SRO program from parents. He said parents want to retain SRO programs in schools.

Chief Shirley said the police department is working with the Bellevue School District to discuss concerns regarding the SRO program. He acknowledged that many parents never wanted to see the SRO programs eliminated from schools while others never want to see them again. He said the discussions are centered on trying to accomplish common objectives including keeping children safe and building relationships between students and officers.

Councilmember Zahn thanked everyone for their work and for the community partnership policing approach. She said the police department is continually improving on how it delivers services and how it meets the community's needs. She thanked staff for the online data dashboard. She asked how Bellevue's crowd control policies are consistent with surrounding cities. She noted the Chief's reference to prevention, intervention and enforcement. She asked whether the police department has considered a community court. She asked about the relationship between 911 dispatch and 988 calls. She said she often hears from the community regarding property crimes, speeding on local streets and drag racing.

Chief Shirley said the significant increase in burglaries, shoplifting, car thefts and catalytic convertor thefts indicates there is some level of organized crime activity. He said the Bellevue Police Department coordinates with surrounding departments to work undercover and to pursue both the criminals and the buyers of the stolen cars and parts.

Assistant Chief Popochock said the police department's policies for crowd control apply to mutual aid responses. Mutual aid requests are evaluated internally to ensure there are no conflicts

between Bellevue's policies and the other jurisdiction's policies that would put officers in jeopardy. He said the police department is tracking car speeding and drag racing. Officers can see where speeding and collisions are occurring and be able to respond more effectively.

Assistant Chief Popochock said the police department is in active communications with the fire department regarding the implementation of the new nationwide 988 crisis line.

Chief Shirley said the department is not considering community courts at this time. However, officers work with social services providers to assist individuals with mental health issues and/or other challenges.

Councilmember Lee said public safety has always been a top priority for Bellevue and he acknowledged the complexity of modern policing. He thanked everyone for their work to keep Bellevue safe. He encouraged interaction and relationship building between the police and youth. He commented on the importance of public safety and expressed his confidence in the police department.

Councilmember Robertson said she has always been proud of the Bellevue Police Department, and everyone always works to get better. She commented on the community's concerns regarding the increase in certain crimes and the unpredictability of individuals with mental health issues. She encouraged the police department to continue to focus on individuals and their needs. She praised the CCAT (Community Crisis Assistance Team) pilot program for its effectiveness in dealing with people in crisis.

Ms. Robertson expressed an interest in certain data in anticipation of the budget process. She would like to see how the police department determines the level of service within Bellevue, whether that is based on the number of officers, response times and/or other factors. She would like a review of the number of officers that Bellevue needs to maintain the desired level of service. She said it is important for the community to be safe and for people to feel safe. She asked how the level of service connects to crime statistics.

Councilmember Robertson concurred with Councilmember Barksdale's interest in providing crime data by neighborhood and in seeking public feedback regarding perceptions about crime in Bellevue.

Councilmember Stokes thanked everyone for the discussion and commended the police department for their work, especially given the significant challenges for policing in recent years. He expressed support for the CCAT pilot program. He noted his involvement with Bellevue schools and commented that there have been a number of problems with the SRO program in the past. He said some students and parents like the program and some do not. He said this is a good time to review reinstating the SRO program and to consider how to incorporate equity and caring in the approach. Mr. Stokes said he likes that the police department understands the importance of responding to individual needs and circumstances instead of considering jail as the only alternative for criminal behavior.

Responding to Council Stokes, Assistant Chief Popochock said the CCAT pilot program starts the diversion process at dispatch. Police officers and mental health professionals coordinate their responses and sometimes they determine that the most appropriate response is sending the mental health professional or the police officer alone.

Mayor Robinson said the Council requested the review at a difficult time for the police department. She said the department was enthusiastic and welcomed the review because it was important to the Council and to the community. She thanked the police department for the thorough review and response to the recommendations. Responding to Ms. Robinson, Chief Shirley said the police department is always looking for ways to improve.

(b) Regional Issues [*Written information only.*]

Councilmember Zahn referenced the federal budget reconciliation item in the meeting materials. She said she heard last week at the National League of Cities (NLC) conference that what is missing is workforce and child care funding. She suggested working with the City's lobbyist to encourage elected officials to include some level of workforce and child care support in the bill.

11. Land Use: None.

12. Other Ordinances, Resolutions, and Motions

- (a) Consider and take action to either accept or reject the Notice of Intent to Petition for Annexation by property owners in Bellevue's Potential Annexation Area adjacent to the Cougar Mountain neighborhood.

City Manager Miyake said the City received the Notice of Intent to Petition for Annexation that was initiated by property owners in the Cougar Mountain neighborhood. He recalled that the last annexation was in 2012. Staff is seeking Council direction to accept, modify or reject the Notice of Intent.

Emil King, Assistant Director, Community Development Department, said the properties are the last remaining portion of Bellevue's Potential Annexation Area (PAA). The last set of annexations occurred in the Eastgate area in 2012. In order to petition, the property owners gathered signatures representing at least 10 percent of the assessed valuation (AV) of the PAA. Mr. King said the Council may accept, modify or reject the petition. He said staff recommends that the Council reject the petition at this time due to limited staff resources to complete the work. He said the petitioners are disappointed with staff's recommendation. However, they understand that they have other options to pursue through pre-annexation agreements that staff can describe in more detail.

Kate Nesse, Senior Planner, Community Development Department, said that if the Council decides to accept or modify the Notice of Intent to Petition, there will be 180 days to collect signatures in support of the annexation. If 60 percent of the property owners by assessed valuation sign the petition, it will come back to the Council for a vote on whether to annex the

area. If the Council votes to annex, the matter goes to the Boundary Review Board and the City would establish an interlocal agreement for the transfer of the jurisdiction.

Ms. Nesse said there are 28 parcels in the PAA and the petitioners included 24 of those parcels. She noted that the City owns one of the properties that has two water reservoirs. If the Council accepts the petition, staff recommends that the Council add the other three privately owned parcels in the PAA. If the annexation moves forward, during the 180 days for the property owners to collect signatures, staff will conduct a fiscal analysis of infrastructure capital, maintenance and operating costs and of service impacts to the Police Department, Fire Department and the Development Services Department. The analysis would be led by the Community Development Department and would involve significant analytical contributions from other departments including Finance and Asset Management, Utilities, Transportation and the City Attorney's Office.

Ms. Nesse said the City's long-term vision has been to annex the area, and the City's policy is to annex the area before development occurs. Property owners are interested in developing the area. Ms. Nesse reiterated that staff recommends against moving forward at this time due to current work plans and other Council priorities. She noted there might be a more ideal time to annex the area. If the Council rejects the Notice of Intent, the annexation process ends and another petition could be submitted in the future. Ms. Nesse said the annexation process would take at least one year to complete.

→ Deputy Mayor Nieuwenhuis moved to reject the Notice of Intent to Petition for Annexation submitted by property owners in Bellevue's Potential Annexation Area adjacent to the Cougar Mountain neighborhood. Councilmember Robertson seconded the motion.

Responding to Councilmember Lee, Ms. Nesse said the City initiated the last group of annexations.

Councilmember Robertson noted her longtime goal for the City to annex all of its PAAs. While she would like to move forward with the petition at this time, she acknowledged that staff has a heavy workload including the major Comprehensive Plan update and Wilburton Study Area planning. She said there will be a negative fiscal impact to the City when the area is annexed.

Ms. Robertson said she would like to see the extension of water and sewer infrastructure to the properties. Ms. Nesse said there are currently six houses with water service from the City of Bellevue. The developer would need to cover the cost of sewer infrastructure and they have indicated a willingness to sign a pre-annexation agreement to provide that. Ms. Nesse said it would be possible to move forward with work toward a pre-annexation agreement even if the Council votes to reject the Notice of Intent to Petition tonight.

Responding to Deputy Mayor Nieuwenhuis, Mr. King said he does not anticipate that staff would be able to work on the annexation until the completion of the Comprehensive Plan update in 2024. Ms. Nesse said it will take a few months to conduct the pre-annexation work and it requires coordination with multiple departments.

Councilmember Zahn thanked staff for the presentation and recommendation. Responding to Ms. Zahn, Ms. Nesse said the petition was signed by two property owners representing four parcels.

Responding to Councilmember Stokes, Ms. Nesse said there are other actions the property owners may take to develop the property but they would need to provide sewer infrastructure.

Responding to Councilmember Lee, Mr. King confirmed that the City is interested in reconsidering annexation in the future.

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

13. Unfinished Business: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 9:38 p.m., Mayor Robinson declared the meeting adjourned.

Charmaine Arredondo, CMC
City Clerk

/kaw