

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

February 22, 2005
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Noble, and Councilmembers Balducci, Chelminiak, Davidson, Degginger and Lee

ABSENT: None.

1. Executive Session

At 6:00 p.m., Deputy Mayor Noble opened the meeting and announced recess to Executive Session for approximately 40 minutes to discuss one item of pending litigation and one item of potential litigation.

The meeting resumed at 6:54 p.m. with Mayor Marshall presiding.

2. Study Session

(a) Update on Tent City IV

Planning and Community Development Director Matt Terry opened staff's presentation covering: 1) an update on the status and location of Tent City IV, 2) Eastside shelters and services for the homeless, 3) experiences of other jurisdictions that have hosted Tent Cities, and 4) a discussion of regulatory options.

Kate Berens, Legal Planner, said Tent City has moved to a new Kirkland location and the next move is scheduled for mid to late May. This gives the Council the opportunity to consider Code amendments.

Steve Roberts, Director of Congregations for the Homeless, described a homeless shelter that rotates throughout Eastside churches and provides overnight shelter for approximately 30 single men. Individuals served must have some Eastside connection such as a previous job or residence on the Eastside. The shelter provides three meals a day including a brown bag lunch as well as showers, washing machines, and haircuts. Staff assist with job searches and resume preparation

and provide access to medical services, if needed. Most of the men stay in the shelter from 60 to 100 days. The organization is beginning a new program with Hopelink this year called Life Coaching to address overall behaviors and issues associated with homelessness and to aid in the transition to more permanent housing.

Responding to Mr. Chelminiak, Mr. Roberts said churches of all faiths are involved in supporting the homeless shelter.

Responding to Mr. Lee, Mr. Roberts estimated that 20 percent of the homeless men are in a temporary crisis and successfully move on from their situation. Approximately 20 percent suffer from mental illnesses and are incapable of holding a job. The remaining 60 percent are homeless largely due to substance addictions or other behavior choices. Overall, Mr. Roberts said 10 to 15 percent are repeat tenants in the shelter.

Responding to Ms. Balducci, Mr. Roberts said background checks are conducted on shelter residents. The men must be 18 years old, and drug and alcohol use is not allowed. Each person must participate in an interview with a case manager. Mr. Roberts said the shelter has not experienced any criminal problems with tenants in its 11 years of operation. Individuals are evicted if they do not follow the rules.

Responding to Mr. Degginger, Mr. Roberts said the shelter employs a site manager, who is at the shelter every night, as well as a part-time case manager.

Responding to Mr. Lee, Mr. Roberts said volunteers assist with the homeless program and some church members offer individuals a place to stay temporarily in their homes.

Mayor Marshall thanked Mr. Roberts for providing information about the interfaith shelter program.

Continuing with staff's presentation, Ms. Berens said Tent City IV recently moved to Kirkland although a permit has not been granted by the city. Previous tent cities were located in Bothell, Woodinville, and the Finn Hill area of unincorporated King County.

Deputy Police Chief Linda Pillo said she spoke with King County and Bothell police regarding their experiences with tent cities. Neither jurisdiction reported a significant increase in crime during the presence of a tent city. Tent City security personnel cooperated with police in reporting problems and evicted individuals who would not follow the rules. Recommendations from other jurisdictions include: 1) regular Police patrols of Tent City, 2) good site security and preferably fencing to limit access, 3) warrant checks on residents by security personnel, and 4) proof of identity by residents. Deputy Chief Pillo said the Bellevue Police Department is committed to working closely with Tent City security personnel if one is located in Bellevue.

Responding to Mr. Degginger, Deputy Chief Pillo said the City of Bothell chose to provide a police presence at Tent City 24 hours a day, seven days a week, which resulted in overtime expenses. The City of Woodinville contracts with King County for police services. King

County conducted regular patrols by on-duty officers of Tent City but did not incur overtime charges.

In further response to Mr. Degginger, Deputy Chief Pillo said Tent City in Bothell was adjacent to residential areas. The Woodinville Tent City was located in more of an industrial/commercial area. Bothell's overtime expense associated with patrolling Tent City totaled \$98,690.

Responding to Mr. Chelminiak, Ms. Berens said Tent City's policy is to allow a person without identification to stay 24 to 48 hours only.

Responding to Dr. Davidson, Deputy Chief Pillo said it appears Tent City security personnel did a good job of policing from within and calling the Police as needed at the Bothell and Woodinville locations.

Responding to Mayor Marshall, Ms. Berens said Tent City's policies do not allow sex offenders as residents.

Mr. Chelminiak noted that citizens can search for registered sex offenders online by zip code. However, Level 1 offenders and those registered as "homeless" are not listed.

Responding to Mr. Degginger, Mr. Roberts said shelter residents are checked in nightly and typically do not leave again until the next morning. Tent City residents are allowed to come and go 24 hours a day.

Responding to Mr. Lee, Ms. Berens said there are mechanisms in the City Code for imposing regulations affecting public health and safety, including codes of conduct, to a future Tent City in Bellevue.

Responding to Mr. Degginger, Deputy Chief Pillo assured Council that the Police Department will work closely with Tent City staff if a camp is established in Bellevue.

Mr. Chelminiak reviewed the differences between the interfaith shelter program and Tent City. He noted citizens' concerns regarding Tent City and encouraged code changes to address this unique type of housing and related community issues.

Ms. Berens noted policy alternatives for Council consideration beginning on page SS 2-1 of the Council packet. Staff recommends retaining existing Land Use Code provisions regulating homeless encampments as a temporary use. The Planning and Community Development Director makes the decision about whether to grant a temporary use permit, and the decision can be directly appealed to Superior Court. Process options include public notice of the application and/or a public hearing by a Hearing Examiner, whose decision could be appealed to the City Council. It is unlikely Tent City can be prohibited because churches are allowed to provide religious functions on their own property.

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Responding to Mr. Chelminiak, Assistant City Attorney Siona Windsor said regulations should generally be structured to satisfy an important governmental interest and to represent the best alternative for meeting that interest.

Responding to Mayor Marshall, Ms. Windsor said although Tent City has not received permits at any of its Eastside locations, the court has determined that their rules are reasonable and allows them to continue to operate.

Mr. Terry encouraged the development and adoption of conditions for obtaining a temporary use permit. If Council is interested in code changes, the minimum process requires notice of application to change the code, a public hearing before Council or the Planning Commission, and Council action.

Responding to Mr. Chelminiak, Mr. Terry said the court has taken the position to allow Tent City to stay without a permit until a City imposes permit conditions. Ms. Windsor said courts are reluctant to evict Tent City while the permit process is underway because they do not want to interfere with the free exercise of religion.

Ms. Balducci would like Bellevue to retain the option for finding an alternative site if a proposed Tent City location is found to be unsuitable or inappropriate by the community.

At 8:02 p.m., Mayor Marshall declared a five-minute recess before the Regular Session.

Myrna L. Basich
City Clerk

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