

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

July 11, 2005
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Noble¹, and Councilmembers Balducci, Chelminiak, Degginger, and Lee

ABSENT: Councilmember Davidson

1. Tour of New City Hall

Mayor Marshall opened the meeting at 6:00 p.m. for a tour of the New City Hall construction site. The tour ended at 7:00 p.m. and Council returned to City Hall to complete the Extended Study Session.

The Extended Study Session resumed at 7:18 p.m. with Mrs. Marshall presiding.

2. Oral Communications: None.

3. Study Session

(a) Council New Initiatives

[No new initiatives were discussed.]

(b) Neighborhood Investment Strategy (NIS) Update

City Manager Steve Sarkozy recalled the creation of the Neighborhood Investment Strategy (NIS) to focus on specific neighborhoods on a rotating basis. Staff is requesting Council action this evening on components of the Lake Hills Gateway and Identity Treatments project identified in the last budget process.

Emil King, Senior Planner, said staff is prepared to move forward with three of six gateway and identity treatment projects in Lake Hills. The purpose is to improve the appearance of neighborhood streets and rights-of-way and to develop a visual theme for use in gateway and identity treatments. The six preferred locations are: 1) 148th Avenue NE and Main Street,

¹ Mr. Noble arrived at 6:00 p.m. but did not take the tour.

2) 148th Avenue SE and SE 20th Street, 3) Lake Hills Boulevard and 148th Avenue SE, 4) Lake Hills Boulevard and 145th Place SE, 5) Lake Hills Boulevard trail crossing near library and Samena Club, and 6) SE 16th Street and 156th Avenue SE.

Mr. King displayed a photo of an entry treatment to the Lake Hills community from 1955 and noted the typical building and roof style throughout the area. These have inspired the architect's design concept for some of the proposed signage treatments. A large brick sign incorporating the predominant roof style is proposed for Lake Hills Boulevard and 145th Place SE stating: "Welcome to Lake Hills, Established 1955." Proposed designs were presented in community meetings and have been well received. Similar but smaller signs are proposed for the median on 148th Avenue (just north of Main Street) and on 148th Avenue near SE 20th Street.

Improvements on Lake Hills Boulevard include new rows of trees, pedestrian wayfinding features at 148th Avenue, and enhancements to the trail crossing near the library. Mr. King showed a photo of the existing produce stand at SE 16th Street and 156th Avenue SE as well as an artist's rendering of proposed improvements to this corner. The farm stand project will be funded in part by a \$15,000 Starbucks Neighborhood Parks Program grant.

Responding to Councilmember Balducci, Mr. King said the 1955 Lake Hills entry wall still exists but it is on private property.

Councilmember Lee noted the high level of activity at the Lake Hills greenbelt and produce stand and looks forward to the renovations.

Cheryl Kuhn, Neighborhood Outreach Manager, explained that the Kelsey Creek Greenway project is funded as a NIS project but has not been initiated. The plan originally anticipated the redevelopment of Kelsey Creek Center with a Costco store but that did not materialize. Staff recommends shifting funds from the Kelsey Creek project to Lake Hills Boulevard improvements. Ms. Kuhn described dying birch trees along the boulevard that need to be replaced. Residents of the area have identified improvements to Lake Hills Boulevard as a top priority.

Mike Mattar, Design Manager (Transportation), said the estimated cost of the Lake Hills Boulevard improvements increased from \$585,000 to more than \$700,000 due to the addition of landscaping, retaining walls, fence repairs, and the replacement of trees. The project originally focused on sidewalk replacement and improvements.

Ms. Kuhn asked Council to approve the allocation of \$160,000 from the Kelsey Creek Greenway project to Lake Hills Boulevard for a new project budget of \$740,000.

Councilmember Balducci encouraged a consistent appearance along Lake Hills Boulevard and noted an additional segment (roughly between 148th and 143rd Avenues) in need of improvement. Ms. Kuhn said up to \$300,000 in Neighborhood Enhancement Program (NEP) funds are available for this segment, if approved by a vote of area residents. Approximately \$265,000 remains available in the Kelsey Creek Greenway project allocation. Mr. Mattar estimated the

cost of improving that segment of the road at \$1 million with planters and \$640,000 without planters.

Responding to Mr. Lee, Ms. Kuhn said acquisition and development of the Federal Little League field and adjacent wetlands is a high priority for staff and the community. However, the land has not been available for purchase.

Mr. Chelminiak does not want to eliminate all funding for the Kelsey Creek Greenway project as he feels this will be a desirable asset in the future.

- Deputy Mayor Noble moved to affirm staff's recommendations regarding Lake Hills identity treatments and to direct staff to proceed with final design and implementation. Ms. Balducci seconded the motion.
- The motion to affirm staff's recommendations regarding Lake Hills identity treatments and to direct staff to proceed with final design and implementation carried by a vote of 6-0.
- Deputy Mayor Noble moved to approve staff's recommendation to allocate \$160,000 from the Kelsey Creek Greenway project to Lake Hills Boulevard improvements. Ms. Balducci seconded the motion.
- The motion to approve staff's recommendation to allocate \$160,000 from the Kelsey Creek Greenway project to the Lake Hills Boulevard improvements carried by a vote of 6-0.

(c) New City Building – Central Services Approach

Mr. Sarkozy explained that the move to the New City Building provides an opportunity to centralize certain support services and gain efficiencies.

Earle Stuard, Assistant Finance Director, described staff's proposal to consolidate four services into one contract: 1) copy center operation, 2) copier rentals citywide, 3) central receiving and distribution, and 4) mail services. The contract will be with Copiers Northwest and Postal Express, the City's current mail distribution provider. The consolidation of services into one contract will provide operational efficiencies and enhanced reliability. The proposed contract reflects substantial cost savings over the current contract, depending on the volume of copies made. The approach preserves building security as no public access to the building will be allowed above the second floor. Mail and packages will be handled by central receiving and distributed to employees. The contract provides new digital copier equipment throughout the city. Mr. Stuard briefly reviewed a drawing of the proposed layout for the services covered by the contract.

Finance Director Jan Hawn explained that a formal RFP (request for proposals) process was conducted to select a vendor. She requested Council direction to staff to proceed with the

preparation of a resolution authorizing the execution of a services agreement with Copiers Northwest and Postal Express. The resolution will be presented for Council action on July 18.

Responding to Councilmember Lee, Mr. Stuard said the City does not currently have a central receiving function. The new contract reflects a slight increase in the cost of mail services but a decrease in copying costs.

Responding to Mr. Degginger, Mr. Stuard said all copies will be equipped with scanners. The satellite copiers throughout city offices have a rental cost per month and a per-copy charge. The vendor is offering fixed prices for the length of the contract.

Frank Pinney, Facilities Planning and Development Manager, noted a number of items to be presented for Council consideration in the near future. A management brief will be provided next week regarding food services for the new building. Additional contracts for Council action in September apply to the 911 Communications Center, relocation services, parking equipment, and relocation of the Crime Lab. A grant will cover a portion of the cost of moving the Crime Lab. In October, the maintenance and custodial contract for the new building will be presented for Council action.

Responding to Mr. Degginger, Mr. Pinney said all of the contracts are based on the City's updated contracting procedures and insurance requirements.

(d) Cascade Water Alliance – Route and Pipeline Configuration

Utilities Director Brad Miyake said the purpose of tonight's presentation is to brief the Council on route and pipeline design alternatives for the central segment of Cascade's pipeline system.

Michael Gagliardo, Cascade Water Alliance General Manager, described a map of Cascade's member service areas and its transmission lines. The first piece of Cascade's transmission system and the topic of tonight's presentation is the Seattle Cedar transmission lines, which will eventually connect Lake Tapps to the Tacoma, Seattle, and Bellevue/Issaquah systems. Mr. Gagliardo said Tacoma water must be on line by 2008 in order to supplement the block of water Cascade is purchasing from Seattle.

Mr. Gagliardo explained that the consultant team began designing routes and configurations for the pipeline approximately one year ago, working closely with Cascade staff and member cities staff. The consultant team has made its recommendation through the technical team. Staff will hold a final briefing this week and then submit a recommendation to the Resource Planning and Finance Committee. That committee is scheduled to make its recommendation to the Cascade Board during its July 27 meeting.

Bob King said the central segment of the pipeline system will connect the Second Supply Pipeline with the system to the north to transport water from Tacoma. Four routes (red, green, black, blue) were considered and are summarized on page 3-23 (Attachment D) of the Council packet. The "community" rating for each alternative included an assessment of items such as traffic, school, and emergency services impacts. The "engineering" rating addressed special

crossings of rivers and roadways and existing buried utilities. The red route had the highest score based on an analysis of alternatives.

Mr. King noted that Cascade does not have the power of condemnation. The black route has a slightly lower cost estimate than other alternatives but it would require the acquisition of 83 easements. The red route involves 10 private easements. The blue route has the longest schedule and highest price. The red and green routes are similar in terms of cost and schedule. However, the red route scored the highest with lower construction costs and fewer easements to acquire. It also has lower risk based on permit conditions and the highest potential for cost and schedule savings. The red route has been selected as the preferred alternative.

Mr. King referred to page 3-24 (Attachment E) of the packet for a comparison of the two pipeline options – a single 72-inch pipeline and a dual option that would construct a 39-inch pipeline first with the option to convert to a 66-inch pipeline later. Evaluation criteria include future design flexibility, regional flexibility, operational flexibility, system redundancy, supply redundancy, in-pipe water quality, design and construction challenges, construction costs, rate impacts, intergenerational equity, and intramember equity. The estimated cost of the single pipeline is \$86 million (2004 dollars). However, this option has no flexibility for modifying the system in the future. The cost of the dual option is \$47 million for the initial 39-inch pipeline and \$81 million for the 66-inch pipeline to connect to the Lake Tapps supply.

Staff noted that the rate estimates are primarily for comparison purposes. Budgeting and other decisions will determine the actual rates. With the single pipeline option, rates would increase 10-11 percent annually over the next six years. For the dual pipeline option, rate increases are 5-6 percent annually for the initial smaller pipeline and 5-7 percent annually when the second larger pipeline is built. There will be more customers in the future to share costs.

Mayor Marshall thanked Cascade personnel for the update.

Mr. Degginger feels the choice is clear. Mayor Marshall noted Council concurrence with staff's recommendation.

(e) Land Use Code Amendment – Temporary Encampments

City Manager Steve Sarkozy noted the extensive legislative record compiled regarding Council's consideration of temporary encampment regulations. He referred to page 3-27 (Attachment A) of the Council packet for a list of suggested revisions to the draft ordinance.

Mayor Marshall acknowledged that some members of the community accept the Tent City concept and others oppose this approach. All input will be taken into consideration in Council's crafting of the final ordinance. A copy of the draft ordinance and a list of suggested revisions are included in the Council packet and have been provided on the City's web site. Council's objective tonight is to provide direction to staff on specific provisions of the temporary encampments ordinance.

Mrs. Marshall suggested structuring Council's discussion to follow the list of suggested revisions beginning on page 3-27 of the packet. Votes will be taken regarding each amendment as the discussion progresses.

Siona Windsor, Assistant City Attorney, reviewed a suggested revision to the Whereas clauses of the ordinance to clarify that RCW 70.114A.010 provides guidance for the minimum health and safety standards that should be observed in temporary encampments. She further suggested adding a Whereas clause documenting the number of Council meetings and extensive public input on this issue.

Councilmembers Chelminiak and Degginger expressed support for the first suggested revision.

Deputy Mayor Noble is opposed to the statement because state regulations on temporary encampments were written for migrant workers rather than homeless encampments in urban areas.

Mr. Lee supports including the statement because he feels state law provides guidance for minimum health and safety standards.

Ms. Balducci concurred with Mr. Noble and feels state law provides guidance for migrant worker camps rather than minimum standards for all encampments.

Mayor Marshall understands the opposing position but feels there must be some minimum standards for living conditions despite the circumstances.

Noting the absence of regulations for homeless encampments, Mr. Chelminiak said state law regarding migrant workers' housing is the closest example to use. He is comfortable with the ordinance relying on the state's guidance for basic health and sanitation standards.

Mr. Noble reiterated his position that Tent City residents are not migrant workers although they live in temporary housing.

Mayor Marshall noted a 3-3 tie on this issue and suggested moving on. She noted Council consensus to add a Whereas clause documenting the number of Council meetings on this issue.

Mr. Degginger proposed a Whereas clause stating that houses of worship are a conditional use in residential areas throughout the city. Mr. Noble suggested that staff draft language to this effect for Council consideration.

Legal Planner Kate Berens reviewed a suggested revision to include references to local health and safety regulations, where they exist, as an alternative to WAC (Washington Administrative Code) guidelines.

Mr. Chelminiak feels the ordinance needs more than a simple statement of compliance with local regulations.

Ms. Balducci expressed interest in recent health inspections at Tent City 4. Matt Segal, legal counsel with Preston Gates & Ellis, said the City has requested this information from King County but the County has not responded yet. Ms. Balducci feels the suggested revision is vague. However, she is not interested in specific language that is more restrictive than what has been applied to homeless camps in other places.

Mr. Degginger agreed that he is struggling to identify which regulations King County Public Health is enforcing or applying in its inspections of homeless encampments.

Mr. Chelminiak referred to Volume 2 of the legislative record on this matter and noted an email from Janna Wilson with King County's Health Care for the Homeless (HCH) program. It states that HCH personnel do not prepare formal written reports of visits and that the HCH program has no power to issue violations. Mr. Chelminiak feels this emphasizes the need for minimum health and safety standards in Bellevue's local ordinance.

Mayor Marshall inquired as to what standards are applied to homeless shelters inside local churches. Ms. Berens said there is no specific permitting requirement or regulation for these shelters.

Mr. Noble quoted from a King County ordinance stating that a host agency will assure all applicable public health regulations are met. Mr. Segal said King County has not been specific with him regarding what standards or regulations are applied.

Mayor Marshall noted Council has not reached consensus and suggested moving on to another item.

Ms. Berens reviewed a suggested revision ensuring adequate hot and cold water. Mayor Marshall noted Council consensus in favor of the water provision.

Ms. Berens noted the suggested revision regarding the disposal of wastewater and sewage and requiring permanent (in the host church) or portable toilets. Mayor Marshall noted Council consensus in support of this revision.

The next revision requires one hand-washing sink for every 15 persons instead of one per six persons as originally drafted.

Ms. Balducci noted the goal of preventing disease and opined that setting a specific number seems arbitrary. She suggested allowing additional alternatives such as hand sanitizing lotion. Mr. Degginger concurred and feels it is important to have both hot and cold running water.

Council expressed support for requiring one sink per 15 persons and allowing hand sanitizing liquid as an alternative.

Mrs. Marshall moved to the proposed revision regarding the appropriate number of shower heads to require.

Mr. Noble noted Tent City residents often shower at other locations. He does not see the need to require a specific number of showers. Ms. Balducci concurred and feels this is more of a personal dignity issue rather than a public health issue.

Mr. Lee feels Tent City residents deserve to have access to a shower. Mr. Degginger agreed and supports one shower per 40 persons.

Mayor Marshall noted the lack of consensus at this point.

Moving on, Ms. Berens described a revision that washing and bathing facilities be inspected daily instead of the original proposal that they be cleaned daily. Mr. Degginger suggested requiring that a log of self-inspections be kept.

Ms. Balducci said daily shower inspections are not required of other individuals or facilities. Mr. Noble concurred.

Following additional comments, Mayor Marshall noted the three components of this issue – cleaning, inspections, and maintaining a log of cleaning/inspections – and suggested staff draft alternative language for Council consideration.

Ms. Berens noted the suggestions to delete references to sloped, non-slip shower floors and shower wall materials. Mayor Marshall indicated Council consensus to delete the language.

The next revision deletes language related to shower privacy requirements. A Council majority concurred with this revision, with Mr. Lee preferring to retain the language.

Ms. Berens moved on to suggested revisions regarding toilets. She noted Council consensus to allow portable toilets as well as permanent toilet facilities in host churches. Similar to the revision suggested for showers is a revision to require daily inspection of toilet facilities but not necessarily daily cleaning.

Ms. Balducci noted the potential for a public health issue associated with unclean toilets and supports a requirement for daily cleaning. Following additional comments, the majority of Council agreed to require daily inspections.

Ms. Berens reviewed suggestions to delete provisions regarding the location of toilets, toilet paper requirements, and unisex facilities. Council agreed to delete these requirements.

Continuing, Council agreed to delete references to water being under pressure, dry storage areas for residents, nonflammable materials near cooking facilities, refrigeration, and flooring materials and ventilation in cooking areas.

Ms. Berens described a suggestion to allow an encampment host or sponsor to petition the PCD Director for an exemption from a provision upon showing substantial compliance or an alternative means of compliance. Council supports this revision.

Ms. Windsor requested Council consideration of two alternative setback requirements. Mayor Marshall and Ms. Balducci support the revision to require either setbacks of the underlying land use district, view-obscuring vegetation, or a six-foot view-obscuring fence.

Mr. Chelminiak prefers language in the draft ordinance requiring a fence because this would make it possible to have one point of entry/exit and therefore better security. Mr. Lee agreed.

Ms. Balducci suggested addressing setbacks and the single entry issue separately. Following brief discussion, Mayor Marshall noted the lack of consensus on this item and asked staff to revise the alternatives for Council consideration.

Ms. Windsor reviewed suggested revisions requiring an encampment host to enforce a code of conduct and prohibiting the possession of illegal drugs. Following brief discussion, Ms. Windsor said she will bring back clarifying language for these items.

- ➡ Mr. Chelminiak moved to extend the meeting for 15 minutes, and Mr. Noble seconded the motion.
- ➡ The motion to extend the meeting carried by a vote of 6-0.

Ms. Windsor discussed revisions regarding background checks including provisions relating to verifiable identification, who is responsible for conducting warrant and sex offender checks, and the retention of a log of all overnight residents.

Mr. Chelminiak expressed support for the approach used by Eastside Congregations for the Homeless, which utilizes the State Patrol to conduct background checks. He suggested requiring a security plan and consultation with the Bellevue Police Department.

Ms. Balducci noted the challenge of balancing community safety with individuals' Fourth Amendment rights. She supports requiring the submittal of a voluntary security plan by the encampment host. Mr. Degginger concurred.

Mayor Marshall indicated Council consensus regarding revised language to require a security plan from the encampment host.

Ms. Windsor reviewed a suggested revision limiting the duration of an encampment at one location to 90 days instead of 60 days.

Mr. Degginger disagrees with the recommendation and supports the 60-day limit. He feels public testimony did not provide any compelling reason for the longer 90-day stay.

Mr. Noble has not heard a compelling argument for 60 days or any specific duration. However, religious organizations have argued for 90-day stays and he can support this provision.

Ms. Balducci supports 90-day stays.

Mr. Chelminiak prefers a 60-day limit. He noted a City of Shoreline staff report indicating the average stay for Tent City 3 in Seattle to be several weeks to two months.

Mayor Marshall suggested continued discussion on this issue next week.

- ➡ At 10:15 p.m., Ms. Balducci moved to extend the meeting to 10:30 p.m. Mr. Chelminiak seconded the motion.
- ➡ The motion to extend the meeting carried by a vote of 4-2, with Mr. Degginger and Mr. Noble opposed.

Mr. Lee noted the absence of language in the ordinance addressing the accountability and responsibility of an encampment host or sponsor. Mr. Sarkozy said he will speak with City Attorney staff regarding the appropriate language.

Ms. Berens described a suggested revision to amend all sections of the ordinance establishing that a temporary encampment requires an Administrative Conditional Use Permit and replacing the language with an alternative land use process eliminating administrative appeals. Major elements of the Administrative CUP process are public notice, a public meeting, the PCD Director's decision, and administrative appeal. Elimination of the administrative appeal option would most effectively streamline the process. In this case, appeal to Superior Court would be available instead of appeal to the City's Hearing Examiner.

Mayor Marshall, Deputy Mayor Noble, and Councilmembers Balducci and Degginger support modifying the procedure to direct appeals to Superior Court.

Mayor Marshall supports public notice requirements, including notice to public and private schools, preschools, and day care centers. However, she does not support the provision for consultation. She noted schools will have the same opportunity to comment and communicate concerns as the rest of the community.

Mr. Chelminiak suggested the location of schools should be discussed in the pre-application meeting to ensure early notice to schools, particularly with the proposed accelerated permitting process for temporary encampments.

Ms. Berens said staff will draft alternative language to reflect Council's position.

At 10:26 p.m., Mayor Marshall declared the meeting adjourned.

Myrna L. Basich
City Clerk

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