

EAST BELLEVUE COMMUNITY COUNCIL

Packet Materials for
REGULAR MEETING

August 1, 2017



Welcome to Your East Bellevue Community Council Meeting

Community Council meetings offer you the chance to express your opinions to your elected officials. Community Council members welcome your participation and hope that the following information is helpful:

Oral Communications

Public participation is encouraged by the Community Council. On each agenda, Item 4 and 13 are set aside to allow you to speak on any subject you wish, except those subjects listed for public hearing. You must sign up in order to be recognized by the Chair. When you are called upon, stand up, give your name and address for the record, and state your views. Please speak loudly and clearly if you are in the back of the room so that your remarks will be audible on the recorder. If many people wish to speak, the Chair may decide to limit the amount of time allowed for each individual's comments in the interests of conducting the meeting in a reasonable and practical fashion. The Community Council will not respond to comments directly, but will take matters under advisement and will ask for staff to prepare a response when necessary.

Courtesy Public Hearing

A courtesy public hearing on a particular project gives the citizen, the applicant, and Community Council members an opportunity to review a project, ask questions, make suggestions, and express concerns prior to the formal processing of the application and the commencement of the Hearing Examiner process. Community Council members take no formal action at this time.

Courtesy public hearings are also held on proposed legislation, such as changes to the Comprehensive Plan. In this case, citizens have the opportunity to provide input to staff and elected officials in this informal setting. Such testimony does not take the place of an appearance before the Planning Commission, however.

If you wish to speak at a courtesy public hearing, sign your name on the sign up sheet and do as you would for "Oral Communications", i.e., stand up, state your name and address and present your views as briefly as possible. If you have no new information to be considered, simply say that you support or disagree with a previous speaker.

Public Hearing

State Statute allows the Community Council 60 days to approve or disapprove City Council ordinances or resolutions regarding land use matters within its jurisdiction. Disapproval means that the legislation does not apply within the Community Council service area, or that the project is denied. A public hearing is held before the decision is made. First, the staff makes a presentation and Council members ask their questions. Then the hearing is opened and the public is invited to comment. To speak, follow the procedures described above. Everyone who wishes to speak will have the opportunity to do so. After the last person has spoken, the hearing is closed. Then Council members discuss the issue and make their decision. The audience may not comment during the Community Council's deliberations unless invited to do so.

If you have any questions, feel free to call the City Clerk's office at (425) 452-6806.

Agenda

CITY OF BELLEVUE
EAST BELLEVUE COMMUNITY COUNCIL
Regular Meeting

Lake Hills Clubhouse
15230 Lake Hills Boulevard, Bellevue WA

Tuesday, August 1, 2017 6:30 - 8:30 PM

Page No.

1. Call to Order

2. Roll Call

3. Flag Salute

4. Communications: Written and Oral

(a) Update from Brian Franklin regarding the Kelsey Creek Center

5. Reports of City Council, Boards and Commissions

(a) Community Council Business and New Initiatives

6. Approval of Agenda

7. Department Reports

8. Public/Courtesy Hearings

9. Resolutions

10. Committee Reports

11. Unfinished Business

12. New Business

(a) Discussion of EBCC Priorities Regarding City Land Use Initiatives

(b) Discussion Regarding Potential Future Agenda Items *

- Room Rental Ordinance Update
- Lake Hills Public Art Project – Final Update
- Eastgate Land Use Code Amendments
- Larsen Lake Culvert Replacement project

****The future agenda items are not specific to any date. They will appear on the EBCC Agenda as they become ripe for discussion/action.***

13. Continued Communications

14. Executive Session

15. Approval of Minutes

(a) Summary Regular Meeting Minutes June 6, 2017

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16. Adjournment

East Bellevue Community Council
Summary Minutes of Regular Meeting

June 6, 2017
6:30 p.m.

Lake Hills Clubhouse
Bellevue, Washington

PRESENT: Chair Capron, Vice Chair Kasner, Alternate Vice Chair Hummer, and Councilmembers Gooding and Hughes

ABSENT: None.

STAFF: Catherine Drews, Assistant City Attorney
Matt McFarland, Assistant City Attorney
Jim Nicolls, Senior Engineer

1. **CALL TO ORDER**

The meeting was called to order at 6:34 p.m., with Chair Capron presiding.

2. **ROLL CALL**

Deputy City Clerk Karin Roberts called the roll. All Councilmembers were present.

3. **FLAG SALUTE**

Ms. Roberts led the flag salute.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Chris Arundell requested information regarding the Puget Sound Energy litigation. Chair Capron noted the update scheduled under Agenda Item 11.

5. **REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS**

- (a) Community Council Business and New Initiatives

Councilmember Hummer said Bellevue College has held a number of community meetings recently, and the next one is scheduled for June 14. Approximately 15-20 people attended the previous meeting, where the topic of the proposed homeless shelter was discussed. While

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East Bellevue Community Council
Summary Minutes – June 6, 2017

Bellevue College is not involved in the decision, it supports the shelter and is considering how it will increase campus security.

Ms. Hummer attended the Arts Commission meeting and thanked the Commission for the art sculpture to be installed east of Lake Hills Village.

Vice Chair Kasner noted the recent repaving of 140th and 148th Avenues as well as new crosswalks. He questioned why traffic signals are turned off when repaving is underway.

Mr. Kasner said he attended the Lake Hills Neighborhood Association Board meeting. He noted the upcoming neighborhood picnic on July 15.

Councilmember Hughes said he attended the Lake Hills Neighborhood Association Board meeting. He attended community training at City Hall with the topic “Under Our Skin: What Do We Mean When We Talk About Race?” which explored civil discourse, cross-cultural communication, diversity, and race relations. He said the workshop explored what the City means when it says: “Diversity is our strength.”

Responding to Councilmember Gooding, Ms. Hummer described the new stormwater management project near the Bellevue College sports fields. She said it is similar to a previous project at the Lake Hills Elementary School.

Chair Capron noted a completed groundwater storage project at the intersection of Main Street and 148th Avenue. He expressed support for the new art installation. He said some of the repaving work on 148th Avenue was completed at night, which was less disruptive to daytime traffic. He concurred with the City’s commitment to diversity as our strength.

Vice Chair Kasner said the most recent City event on diversity was based on previous work by *The Seattle Times*, and all of the information is available on the newspaper’s web site.

Rylen Akana, Head Coach of the Sammamish High School football program, noted his goals to enhance team consistency and to encourage student involvement in community service projects. He said he is also a master trainer with USA Football, which is at the forefront of player safety. He invited the public to attend the spring scrimmage scheduled for June 17.

(b) November 2017 Election

(1) Appointments to Pro and Con Argument Committees for November General Election

Chair Capron said four individuals have applied to write the Pro statement for the EBCC Continuation Proposition on the November 7 ballot. The committee is limited to three members. However, the committee may have others assist them in preparing the statement. No applications were received to write the Con statement. The four applicants for the Pro committee are Jeanne Elliott, Steve Fricke, Don Riggs, and Nydia White.

Dave Elliott spoke on behalf of his wife, Jeanne Elliott, who is a former member of the Sammamish Community Council and helped to write the Pro statement for the fire facilities levy last fall. She is a published author and excellent writer. Mr. Elliott encouraged the Community Council to consider appointing her to the Pro statement committee.

Councilmember Hummer expressed support for Nydia White, noting that she would like to see new residents involved in local governance. Ms. Hummer said Ms. White is a longtime resident who has observed the changes at Bellevue College and in the community over many years. Ms. Hummer said Ms. White is a strong contributor on www.NextDoor.com.

Councilmember Hughes spoke in support of Steve Fricke, who has attended many EBCC and City Council meetings and has advocated on behalf of the EBCC.

Vice Chair Kasner noted that Mr. Fricke is a City Council candidate. Mr. Kasner expressed concern that appointing him to the Pro statement committee would equate to advertising for his own campaign.

Councilmember Hummer said she believes Mr. Fricke would bring an important historical and legal background to make a convincing statement in favor of continuing the EBCC. She said she does not see a conflict with his candidacy for the City Council.

Councilmember Gooding expressed support for Mr. Fricke.

Chair Capron concurred with Mr. Hughes that Mr. Fricke was extremely helpful in discussing the litigation with Puget Sound Energy (PSE) and in asking the City Council to provide funding for the EBCC's legal counsel.

Mr. Kasner suggested that Mr. Fricke could assist the committee without being a member.

Ms. Hummer spoke in favor of appointing Ms. Elliott, Mr. Fricke, and Ms. White, with Mr. Riggs as an advisor to the committee.

Councilmember Gooding observed that all four applicants would work well together.

Chair Capron moved to appoint Jeanne Elliott, Steve Fricke, and Nydia White to prepare the "For Continuation" position statement for the 2017 Voters Pamphlet, and to invite Don Riggs to assist their efforts. Councilmember Hummer seconded the motion, which carried by a vote of 4-1, with Councilmember Kasner dissenting.

Responding to Councilmember Kasner, Assistant City Attorney Catherine Drews said individuals are allowed to come forward to apply to write the Con statement until the deadline. If a Con statement is not prepared for the Voters Pamphlet, the City will document its efforts to solicit individuals to write the statement.

(2) Adoption of Voters Pamphlet Explanatory Statement

Chair Capron noted the explanatory statement provided in the meeting packet regarding the purpose of the East Bellevue Community Municipal Corporation (Community Council).

Councilmember Hughes moved to adopt the explanatory statement as printed in the meeting packet for the 2017 Voters Pamphlet. Councilmember Hummer seconded the motion, which carried by a vote of 5-0.

6. APPROVAL OF AGENDA

Chair Capron suggested amending the agenda to add Item 12(b), Consideration to cancel the July 4 meeting.

Councilmember Hummer moved to approve the agenda, as amended. Vice Chair Kasner seconded the motion, which carried by a vote of 5-0.

7. DEPARTMENT REPORTS

(a) Kelsey Creek Culvert Replacement

Chair Capron introduced discussion regarding the Kelsey Creek culvert replacement project.

Jim Nicolls, Senior Engineer, Utilities Department, presented an update on the Kelsey Creek culvert replacement project. The project will replace the existing culvert under NE 8th Street (near 132nd Avenue NE) to improve safety, reduce the risk of flooding, and improve fish habitat and passage. He said the existing culvert is aging and deteriorating, and culvert failure would damage private property, disrupt utilities, and close the roadway. Interim repairs were completed in 2011 to facilitate fish passage. He said the City studied various options and decided to replace the culvert with a pre-cast concrete box structure.

Mr. Nicolls spoke about the project's challenges including the restrictive construction window (July 1-August 30) based on fish passage, the heavily traveled road, utilities relocations, impacts to neighboring properties, and permit requirements. He said two construction alternatives are under consideration, full versus partial road closure. The project would be completed faster with a full road closure. However, the traffic impacts are more significant during that shorter time period.

Mr. Nicolls said the construction preparatory work is scheduled for March-April 2018 before project construction begins in early July. The roadway will be restored by October before the vegetation is replaced. Mr. Nicolls highlighted additional utilities projects in Bellevue over the next two years related to development in the BelRed corridor and the construction of Sound Transit's light rail alignment. He said project information is provided on the City's web site.

Chair Capron noted that the recent projects on 148th Avenue at Main Street and at SE 8th Street took a very long time and were disruptive to traffic. He suggested working 24 hours per day to complete the culvert project as quickly as possible.

Responding to Vice Chair Kasner, Mr. Nicolls said the project cost is approximately \$2 million. Mr. Kasner expressed support for Mr. Capron's suggestion to expedite the project. Mr. Nicolls said the work hours are dictated by the project permits. Mr. Capron acknowledged the noise impacts for nearby residents. However, he believes it is better to complete the project quickly than to have several months of traffic disruption.

Jeffrey Liseth questioned whether staff conducted a cost analysis of 24-hour construction activity. Mr. Nicolls said the City has not completed that analysis, primarily due to the noise ordinance. An exception is possible if supported by the community.

Stephanie Walter suggested providing hotel rooms to residents immediately adjacent to the project in order to expedite the project with 24-hour construction.

Dave Elliott expressed support for a short construction timeline with long days.

Responding to Don Marsh, Mr. Nicolls said the project uses U-shaped pre-cast concrete boxes.

Graham Siebe questioned the transit impacts. He asked if the contract will include incentives for early completion and/or penalties for construction delays. Mr. Nicolls said the latter details have not been worked out. He said the City is coordinating with transit agencies to establish temporary bus stops and to address other impacts.

Responding to Councilmember Hummer, Mr. Nicolls said the Puget Sound Energy (PSE) buried cable along NE 8th Street provides electrical power. There are also power lines in the project area to support street lights and traffic signals. In further response, Mr. Nicolls said neighbors have been notified about the project.

(b) Memo regarding EBCC Retreat Follow-up

Chair Capron noted language in the 2017 Retreat Summary regarding the EBCC's request that a check-box be added to Development Services permit applications to indicate whether a project falls within the EBCC jurisdiction. He said the minutes of the retreat indicate that the desired outcome was to be informed of permit activity in the East Bellevue Community Council area, whether or not the EBCC has jurisdiction over a project. He said EBCC members want to be able to respond to questions from the public regarding projects in East Bellevue.

Mr. Capron noted City staff concluded that adding a check-box might not produce the desired outcome. He clarified that the desired outcome is to be informed quickly about upcoming projects, whether or not they fall under the EBCC's jurisdiction. He said the EBCC wants to be proactive. He noted that the Retreat Summary memo does not provide an alternative from staff for achieving the desired outcome. He acknowledged that the Weekly Permit Bulletin is helpful. However, Mr. Capron believes that a check-box on permit applications would provide better and earlier information.

Ms. Hummer concurred with Mr. Capron. She said the Weekly Permit Bulletin does not provide early notice of projects.

Assistant City Attorney Drews noted that she worked as the legal planner in the Development Services Department for eight years. She clarified that the projects reflected in the Weekly Permit Bulletin are the first notices issued for applications that are actually moving forward. She said public notice is required under the Growth Management Act as the first step in the project permitting process.

Mr. Capron reiterated his interest in a check-box on permit applications for projects in East Bellevue.

Vice Chair Kasner recalled that the EBCC was not notified of the Sound Transit leased lots identified to accommodate light rail construction. He said the EBCC was told that St. Andrew's Church was not within the EBCC boundaries. However, he said it actually is within the boundaries. Mr. Kasner said he would like early notice of projects, even if they might not move forward for several years or at all. He would like greater transparency for the EBCC and the public. He suggested adding the check-box on a trial basis.

Councilmember Gooding concurred that adding a check-box to permit applications would be a great solution and would provide better transparency.

Responding to Councilmember Hughes, Ms. Drews said staff become aware of upcoming projects through the Weekly Permit Bulletin as well. The notices of application indicate that a project is moving forward. She suggested that perhaps the bulletin could indicate projects falling within the EBCC boundaries. Mr. Hughes expressed support for that approach as a possible solution.

Deputy City Clerk Roberts noted that she currently identifies East Bellevue projects in the Weekly Permit Bulletin and forwards the information to the EBCC.

Chair Capron reiterated that he would like to know about projects when permit applications are submitted, even if they do not ultimately move forward. He wants to be aware of projects before signs are posted at project locations.

Ms. Roberts said signs are posted when projects are listed in the Weekly Permit Bulletin, and she currently passes that information on to the EBCC.

Mr. Capron questioned the case in which City staff was unaware that St. Andrew's Church is within the EBCC's boundaries. Councilmember Kasner said that issue arose with regard to Sound Transit's selection of leased lots to replace Park and Ride capacity during light rail construction.

Responding to Mr. Kasner, Ms. Drews said a permit application is initially forwarded to a planner, who issues the notice of application that is published in the Weekly Permit Bulletin. Mr. Kasner said he would like to know immediately when an application is taken in by the City. He reiterated his suggestion that the City try the check-box approach for a trial period.

Moving on, Councilmember Kasner said there were additional requests and suggestions during the retreat discussions. Mr. Capron indicated that the EBCC will address other retreat topics during future meetings.

(c) Memo regarding Lake Hills Public Art Project

Chair Capron noted the memo in the meeting packet regarding the artwork entitled Delight in Green, which will be installed at Larsen Lake based on community input.

Vice Chair Kasner requested an update after the art project is installed, which is anticipated to be completed by the end of August.

8. **PUBLIC/COURTESY HEARINGS**

(a) Courtesy Hearing: Proposed Amendment to Land Use Code to Eliminate Quasi-Judicial Appeals to the City Council

Chair Capron introduced the courtesy hearing and discussion regarding the proposed Land Use Code Amendment (LUCA) to eliminate quasi-judicial appeals to the City Council. He noted information provided in the meeting packet regarding the proposal.

Matt McFarland, Assistant City Attorney, said the City Council's primary role is to provide policy guidance and to adopt legislation. He provided an overview of the City's quasi-judicial process in which Councilmembers sometimes serve as judges and are not allowed to discuss quasi-judicial matters with their constituents. Councilmembers are not to be influenced by politics in their quasi-judicial role. The proposed LUCA would remove the City Council from the appeals process for Process III permit applications: Conditional Use Permits (CUPs), Preliminary Subdivision Approval (Plat), and Planned Unit Developments (PUDs).

Mr. McFarland said that, under the proposed LUCA, the Council continues to evaluate the Hearing Examiner's recommendations and to make final decisions on Process III permit applications. However, currently, if an appeal of the Hearing Examiner's recommendation is filed before a matter is forwarded to the City Council, the Council will adjudicate the merits of the appeal in making its final decision. Under the proposed LUCA, if an appeal of the Hearing Examiner's recommendation is filed, the appeal would not be considered by the City Council but would be directly appealable to Superior Court or to the Shoreline Hearings Board. Under state law, the East Bellevue Community Council will retain its authority to approve or disapprove the City Council's decisions for Process III permit applications within its jurisdiction. EBCC decisions will continue to be appealable to Superior Court.

Mr. McFarland noted that removing the City Council from Process I appeals does not affect land use decisions within the EBCC jurisdiction.

Responding to Chair Capron, Mr. McFarland said state law dictates that a rezone application must go before the City Council for a decision. The Hearing Examiner does not make decisions on rezones.

Mr. McFarland said the City Council discussed this topic in April and in late May. He said Hearing Examiners are trained experts in land use matters who serve as impartial and objective decision makers. He said the City Council has been concerned for some time that it is not equipped to make complicated, judicial decisions requiring legal expertise. Councilmembers also would like to be removed from the appeals process because it prohibits them from discussing certain matters with their constituents. Any communications that do occur must be disclosed in a public meeting.

Responding to Councilmember Hughes, Mr. McFarland said the Hearing Examiner is under contract with the City but serves in a neutral and unbiased capacity. Mr. Hughes questioned the ability to remain neutral if an individual is being paid by the City.

Mr. McFarland acknowledged there is a tension between the role of an unbiased adjudicator and the outside factors that can come into play. However, the question before the City Council is to determine what provides the most efficient and objective process for reaching a decision. Mr. McFarland said there has been a movement since the 1970s to grant increased authority to Hearing Examiners as legal and subject matter experts.

Vice Chair Kasner moved to open the courtesy public hearing. The motion was seconded by Councilmember Gooding and carried by a vote of 5-0.

Chair Capron opened the courtesy public hearing at 8:25 p.m.

Don Marsh spoke regarding the importance of checks and balances and expressed concern that Hearing Examiners may be biased. He said the proposed amendment might be confusing for residents, and he is concerned that people may not be able to afford the legal fees related to an appeal. He opined that the process for considering the LUCA is moving too quickly. He is concerned that residents will not have time to fully understand the implications of the LUCA, including the potential impact of the change to Process I appeals that affects the rest of the city outside of the EBCC's boundaries. Referencing the argument that the Council's involvement in quasi-judicial matters hampers the ability of Councilmembers to receive input from the public, Mr. Marsh said they do receive input before a matter becomes quasi-judicial. He said there have been six appeals over 17 years, which he does not consider to be a burden for the City Council. He requested written answers to the following questions: 1) Why isn't the code change going first to the Planning Commission?, 2) How many appeals have gone before the City Council during the past 10 years, and how much time did the Council devote to considering the appeals?, and 3) When will the LUCA become effective?

Norm Hansen said he does not see the benefit of the proposed LUCA for the people who live in Bellevue. He opined that having two separate processes seems awkward. He questioned how the City selects its Hearing Examiners. He said it is important to have individuals who are unbiased and who understand Bellevue neighborhoods. He does not see the need for the change now, given that it has been discussed over the past six to seven years. He expressed concern that matters that go before the Hearing Examiner, and potentially a Superior Court judge, are decided by one person. Mr. Hansen believes it is better to have seven Councilmembers consider appeals.

Stephanie Walter said the State Supreme Court has nine judges because any single human is capable of making a mistake. The City Council is the legislator that makes the rules and is in the best position to interpret the rules. She said different Hearing Examiners might make different decisions and recommendations. She expressed concern about their ability to remain unbiased.

Warren Halverson noted the EBCC's disapproval of the City Council's approval of Puget Sound Energy's Lake Hills transmission line, in order to protect 148th Avenue. He opined that the quasi-judicial LUCA dilutes the relationship between the City Council and the EBCC. He said the issue is not judicial versus legislative, but is instead about quasi-judicial appellate procedures. He said the current process is a way to engage the public with the City Council. He questioned the public benefit of the proposed change. He said Councilmembers make judgments in their legislative decisions. He asserted that the underlying issue is PSE's Energize Eastside project. He is concerned that the quasi-judicial LUCA did not go through the Planning Commission. He questioned why the City would have a public hearing on this critical issue in July when people are on vacation and busy with summer activities.

Mr. McFarland noted that the City Council first discussed the LUCA during the April 10 Extended Study Session, at which time it decided to maintain its jurisdiction over considering the proposed amendments. The second Council discussion occurred during the May 22 Extended Study Session. The City Council will hold a public hearing and have further discussion regarding the proposal in the near future.

Responding to Mr. Halverson regarding the Planning Commission's role in land use matters, Mr. McFarland said the quasi-judicial LUCA is a procedural amendment for the Council and does not have a broader effect on development. By contrast, the Planning Commission's work on Downtown Land Use Code Amendments will have a tangible, immediate effect on the physical environment. Mr. McFarland said the City Council decided to retain jurisdiction over the quasi-judicial public hearing because it specifically affects the Council's procedures. The Planning Commission currently has a heavy workload, and the Council initiated staff's work on this LUCA.

Vice Chair Kasner noted that the Council has been interested in changing its quasi-judicial role for six to seven years. He questioned the timing to address it now. Mr. McFarland said that would be an appropriate question for the public hearing. He said there will be another Council discussion before the public hearing.

Mr. Kasner expressed concern regarding previous public meetings and hearings on important topics in November and December. He questioned the City's transparency and suggested that the process is designed to result in the least public input.

Mr. McFarland said tonight's hearing is the first public hearing on the issue. He said the City's goal is to be transparent by holding both public meetings and a City Council public hearing because the matter can be complicated and difficult to understand.

Chair Capron expressed his concern that EBCC members were not allowed to testify during the Hearing Examiner's hearing on the Lake Hills transmission line due to the potential for it to become a quasi-judicial matter. When a new member joined the EBCC, other EBCC members

were not allowed to discuss the matter with her. He said it is difficult to be prohibited from discussing issues with the public. He said it sounds like the EBCC will retain its decision authority, however, the rest of the city would be subject to the City Council's decision.

Don Marsh said the quasi-judicial process is awkward for everyone. He acknowledged that changes to the process might be possible and beneficial, however he believes there should be some role for elected officials. He is willing to consider other options. Mr. Marsh said Mayor Stokes is interested in moving this matter forward very quickly. Mr. Marsh said the Land Use Code states that all code changes should go before the Planning Commission unless the Council provides a statement of necessity.

Don Boettiger concurred with Mr. Halverson that Councilmembers make judgments in their legislative decisions. He agreed with Ms. Walter that humans make mistakes. He said Bellevue's former mayor stated, in an article in the *Bellevue Reporter*, that she knew nothing about electricity but took a tour with PSE staff before the vote.

[Councilmember Hummer left the meeting at 8:53 p.m.]

Warren Halverson questioned what other changes might occur with the quasi-judicial LUCA. He said it should be understood that it is up to individuals to file lawsuits. Regarding 148th Avenue, he attended the administrative hearing and testified, even though he does not live in the EBCC area. He said individuals have little chance of prevailing in matters in which the City has spent millions of dollars building the case for a utilities project. While the case is already set, he said there is a need for an appellate, quasi-judicial procedure that allows residents to express their opinions.

Vice Chair Kasner said the quasi-judicial process puts Councilmembers and the public in silos. He asserted that there is no accountability for Hearing Examiners. He expressed concern that, not only could EBCC members not participate in the Hearing Examiner's process, they could not ask residents to participate because it would violate quasi-judicial rules. He recalled the appeals involving McTavish Highlands in Woodridge and Kimberlee Park. In the latter case, the Hearing Examiner determined that the applicant could not build the apartments over an aquifer on the hillside above I-405. The City Council decided against the Hearing Examiner and opined that the project could be safely built. Mr. Kasner said the process worked because Councilmembers had their feet held to the fire.

With regard to the McTavish Highlands condo permit, Mr. Kasner said the Hearing Examiner approved the application. The Council subsequently determined that the project was not compatible with the neighborhood. Mr. Kasner said it is fundamentally reprehensible that the people elected to serve the citizens of Bellevue are removing themselves from the process. He said the fact that City staff take positions, make recommendations to the Council, and prepare packets for the Hearing Examiner is not transparent. He expressed concern that the proposed LUCA is taking the public out of the process.

Councilmember Hughes said he received an email from City staff advising that, because it might become quasi-judicial in the future and might go before the EBCC, EBCC members should not talk to anyone about Puget Sound Energy's Energize Eastside project. He opined that it does not

make sense that he cannot gather information to make the best decision because it might be held against him in the future by PSE. With regard to the 148th Avenue issue, Mr. Hughes noted a significant traffic backup at 10:30 a.m. when the road was recently painted. He expressed concern regarding PSE's plans to close the road for six to nine months. However, the Hearing Examiner's report stated there would be no traffic impacts as a result of the decision.

Graham Siebe said wrong decisions can be made by an individual or by a group. He observed that the discussion appears to be about how to make the decision process better. What he feels is being lost is whether the parties to the conflict feel like they have been heard. He noted that judges are elected positions and, at times, there will be a demand for political protest and retribution. The City Council removes itself from that aspect by removing itself from the quasi-judicial process. The demand will not go away but will shift to the court system, which causes him concern. Mr. Siebe said Councilmembers have the tools to communicate with constituents, debate issues, and to explain their decisions. He sees that as a fair fight. However, if a judge is attacked by an outside group unhappy with a decision, the dynamic is one-sided and not consistent with democracy.

Vice Chair Kasner moved to close the public hearing. The motion was seconded by Councilmember Hughes and carried by a vote of 4-0, with Ms. Hummer absent.

Chair Capron closed the courtesy public hearing at 9:05 p.m.

9. **RESOLUTIONS**: None.

10. **COMMITTEE REPORTS**: None.

11. **UNFINISHED BUSINESS**

(a) Update regarding Puget Sound Energy (PSE) Litigation

Assistant City Attorney Catherine Drews provided an update on Puget Sound Energy's Lake Hills transmission line project. The litigation has been completed. The next step is that PSE will apply for permits and submit its mitigation plan to move forward.

Responding to Chair Capron, Ms. Drews said the matter will not return to the EBCC for further consideration. Ms. Drews said the Court of Appeals determined that the City Council's decision to approve the project stands and allows PSE to move forward.

Responding to Vice Chair Kasner, Ms. Drews said her understanding is that PSE needs to submit its mitigation plan to the City. Mr. Kasner questioned whether the City is willing to discuss the "12.5 interconnect" alternative proposed by the Coalition of Eastside Neighborhoods for Sensible Energy (CENSE).

Don Marsh said that he, Mr. Halverson, Mr. Hansen, Ms. Walter, and a former PSE employee will be meeting with the City Manager on June 7. The group will present information on the Supervisory Control and Data Acquisition (SCADA) system, which is mentioned 40 times in the City's 2012 Electrical Reliability Report. Mr. Marsh said PSE recently implemented that solution

for Downtown Bellevue, and the latest electrical reliability information reflects strong reliability under the SCADA system. He suggested that PSE consider the same alternative for the Lake Hills transmission line. He believes it will provide better reliability and avoid the removal of trees. He said the SCADA system addresses power outages related to transmission lines and allows rerouting power to shorten the duration of power outages.

Responding to Vice Chair Kasner, Mr. Marsh said there will not be any current PSE employees at the June 7 meeting. Mr. Marsh asked the City to verify that CENSE's solution is better. He would like Exponent (author of the 2012 Electrical Reliability Report) or another independent expert to validate that CENSE has a better solution.

Mr. Kasner said the City Manager has no authority to require PSE to consider alternatives. Mr. Marsh said they are asking only that the City pose the question to Exponent. He wants the facts to be made public. When PSE starts removing trees for the Lake Hills transmission line, CENSE will inform the public that many more trees will come down with the Energize Eastside project.

Chair Capron thanked Ms. Drews for the update.

12. NEW BUSINESS

- (a) Discussion regarding Potential Future Agenda Items
 - Eastgate Land Use Code Amendments
 - City Website Tutorial

Responding to Chair Capron, Ms. Roberts said the City Council has not taken action on the Eastgate LUCA.

Chair Capron summarized the EBCC's recent decision regarding agenda items. Councilmembers may submit ideas to the Chair. Suggested items will be added to the next meeting agenda for the EBCC to discuss whether to devote time to the issue. He said Councilmember Hughes suggested a City web site tutorial for the EBCC.

Deputy City Clerk Roberts confirmed that the City's new web site is active. Mr. Hughes said he would like assistance with the City's new app. He noted that he will miss the August meeting and would like to have that presentation in September. Responding to Chair Capron, Mr. Hughes said he will work with Ms. Roberts to prepare the agenda item.

- (b) Consideration to cancel the July 4 EBCC Meeting

Chair Capron noted that the July meeting is scheduled for the Fourth of July holiday and suggested cancelling the meeting or rescheduling it to July 11. However, no agenda items have been identified to date.

Chair Capron moved to cancel the July 4 meeting. Councilmember Gooding seconded the motion, which carried by a vote of 4-0.

Deputy City Clerk Roberts said she would provide information to EBCC members, when it becomes available, regarding the next City Council meetings and public hearing on the quasi-judicial LUCA.

13. **CONTINUED COMMUNICATIONS**

Norm Hansen said residents have been working with PSE and the Washington Utilities and Transportation Commission (WUTC). He said PSE is willing to consider transmission line planning in its integrated resource plan, including the 148th Avenue transmission line and the Energize Eastside project. He said state law requires studying alternatives.

Councilmember Hughes said he received information from PSE regarding signing up for green energy with another company. He said he signed up in the past, but the recent mailing appears to refer to a different company.

Chair Capron noted a May 18 article in *The Seattle Times* regarding the Bonneville Power Administration's decision to drop its plans for a \$700 million high voltage electrical transmission line. The project costs doubled over the past eight years. The project involved a 500kV line that was originally described as necessary to meeting the growing demand for power in the Pacific Northwest. The BPA decided to upgrade its existing infrastructure and to develop better ways to monitor and manage demand during peak periods of electricity use.

Mr. Capron noted that times change and new technologies are adopted in many areas of our lives (e.g., heat pumps, LED lights).

14. **EXECUTIVE SESSION**: None.

15. **APPROVAL OF MINUTES**

(a) Summary Minutes of April 25, 2017 Special Meeting

Vice Chair Kasner moved to approve the minutes of the April 25, 2017 Special Meeting. Councilmember Gooding seconded the motion, which carried by a vote of 4-0.

(b) Summary Minutes of May 2, 2017 Regular Meeting

Councilmember Hughes referred to page 47 of the meeting packet and suggested that Vice Chair Kasner's comment regarding Hearing Examiners be changed to read: "Mr. Kasner stated his understanding that the City believes using Hearing Examiners puts the City in a better position than having laymen Councilmembers trying to understand zoning and codes in order to rule on the advisability of a land use change." Mr. Kasner concurred with the suggested change.

Vice Chair Kasner moved to approve the minutes of the May 2, 2017 Regular Meeting, as amended. Councilmember Hughes seconded the motion, which carried by a vote of 4-0.

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16. **ADJOURNMENT**

At 9:25 p.m., Chair Capron declared the meeting adjourned.

Karin Roberts
Deputy City Clerk

/kaw