East Bellevue Community Council
Summary Minutes of Special Meeting

September 24, 2015
9:00 a.m.

City Hall, Room 1E-122
Bellevue, Washington

PRESENT: Vice Chair Kasner, Councilmember Gooding, Councilmember Hughes, and Councilmember Hummer

ABSENT: Chair Capron

STAFF: None.

1. CALL TO ORDER

The meeting was called to order at 9:01 a.m., with Vice Chair Kasner presiding.

2. ROLL CALL

The Deputy City Clerk called the roll. All Councilmembers except Chair Capron were present.

3. FLAG SALUTE

Vice Chair Kasner led the flag salute.

4. EXECUTIVE SESSION

At 9:05 a.m., Vice Chair Kasner declared recess to Executive Session for approximately one hour to discuss one item of pending litigation. He indicated that the public portion of the meeting would resume following that session.

The meeting resumed at 9:55 a.m.

5. UNFINISHED BUSINESS

(a) Consideration of Motion regarding Puget Sound Energy v. East Bellevue Community Council

Vice Chair Kasner recalled that, on June 24, 2015, the East Bellevue Community Council adopted Resolution No. 550 disapproving the Bellevue City Council's approval of the Conditional Use Permit and the Shoreline Conditional Use Permit for Puget Sound Energy's 115kV transmission line project in the Lake Hills neighborhood. PSE appealed this decision to

the King County Superior Court and the Shoreline Hearings Board. Following motions by PSE and the EBCC at the initial hearing, the Superior Court ruled that the EBCC does not have jurisdiction over the Shoreline CUP and ordered the EBCC to amend Resolution No. 550 to remove any reference to the Shoreline Conditional Use Permit.

Mr. Kasner said the CUP is still pending before the Superior Court, and the hearing is scheduled for December 14, 2015. The question before the Community Council is whether to appeal the September 8 Superior Court ruling regarding the Shoreline Conditional Use Permit. If the EBCC does not appeal, the case before the Shoreline Hearing Board will be moot and the matter will be dismissed.

Vice Chair Kasner questioned whether a Councilmember wanted to make a motion.

Councilmember Hummer moved to direct the East Bellevue Community Council's legal counsel to file an appeal of the King County Superior Court's decision issued on September 8 in the Puget Sound Energy vs. City of Bellevue and EBCC matter; and stay enforcement of the Superior Court order. Councilmember Gooding seconded the motion.

Ms. Hummer said that, when this was presented during the last meeting, it seemed it would be beneficial to not file an appeal. However, following discussion during the Executive Session and further consideration of the long-term implications this would have on the EBCC jurisdiction's and that of other Community Councils over shoreline permits, she believes it is appropriate to file an appeal. She said the EBCC area has a number of wetlands and areas that fall under shoreline regulations. She observed that it is important to consider the EBCC's jurisdiction over future projects as well.

The motion carried by a vote of 3-1, with Councilmember Kasner dissenting.

6. ADJOURNMENT

Councilmember Hughes moved to adjourn, and Councilmember Gooding seconded the motion. The motion carried unanimously and the meeting was adjourned at 10:07 a.m.

Charmaine Arredondo
Deputy City Clerk

/kaw