East Bellevue Community Council
Summary Minutes of Regular Meeting

October 6, 2015
6:30 p.m.

Lake Hills Boys & Girls Club
Bellevue, Washington

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

ABSENT: None.

STAFF: None.

1. CALL TO ORDER

The meeting was called to order at 6:31 p.m. with Chair Capron presiding.

2. ROLL CALL

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

3. FLAG SALUTE

Chair Capron led the flag salute.

4. COMMUNICATIONS: WRITTEN AND ORAL

Faye Haas said she received a mailing from Puget Sound Energy (PSE). She said that, whenever there is a power outage, East Bellevue seems to be the first to lose power and the last to have power restored. She was concerned to learn that the Community Council rejected PSE's plans to enhance the electrical system to create redundancy and avoid outages. She said she hopes there is a way to resolve the matter and observed that the current infrastructure is not adequate.

Chair Capron said that members of the Community Council agree about the need for reliable energy. However, most of the power outages are of short duration and are caused by distribution lines. The new project proposed by PSE is a transmission line. He said the longer outages were caused by issues farther up the line, and the proposed project would not have prevented those outages. Mr. Capron said the Community Council is not opposed to projects to increase reliability. However, Councilmembers do not like the proposed route for the line and do not want the line along the greenbelt or designated urban boulevards. Mr. Capron said the Hearing Examiner's decision does not allow PSE to complete the project along SE 16th Street, which would therefore remain a single line.

Chair Capron said his personal opinion regarding the pending litigation is that he would prefer to not comment until the matter is resolved. He observed that the mailing from PSE implies that power will fail if the transmission line is not completed.

Cathy Burnell said she has lived in the area for 24 years and she believes that the neighborhood is not treated as well as the rest of Bellevue. She said East Bellevue has been given the worst options in the city. She understands the benefits of providing redundancy in electrical power. However, she said the proposed project is not good for the neighborhood and there must be a better solution.

Don Boettiger observed that, in every meeting with PSE, the company agreed that the long outages will not be solved by a transmission line. They are typically caused by problems with distribution lines.

Councilmember Kasner said there were five outages in 10 years, three in one service area and two in another. He said the Community Council received information about every outage and the cause and duration of each. He said the EBCC has tried to establish two-way communication with PSE but that has not occurred. He recalled that he asked, during the August meeting, that the City and PSE initiate a discussion on the next solution. He was told that PSE is moving forward with its project as defined. He noted that Keri Pravitz from PSE was in the audience. He said the EBCC is not allowed to discuss PSE's business choices. However, ratepayers are able to communicate with PSE with questions.

Councilmember Kasner said the need to find a solution is double-sided. This is not the only high-profile energy project proposed by PSE. He noted that Don Marsh representing the Coalition of Eastside Neighborhoods for Sensible Energy (CENSE) was also in the audience. He said CENSE is working for what it believes is best for the neighborhood, and the City has its own information in terms of what it believes is the best solution for the project. Mr. Kasner said he initially gave PSE the benefit of the doubt regarding their obligation to serve the community. However, he expressed concerns about the process of making decisions.

Don Marsh, CENSE, said he did not live in East Bellevue. However, he is one of 50,000 commuters that travels on 148th Avenue and, when he moved to Bellevue from California, he was impressed with the street's design and landscaping. He said CENSE has been concerned about PSE's interactions with the community. He said there are ways to install electrical infrastructure without harming the community and suggested that might be better achieved by a company that is not driven by profits. He said PSE is legally obligated to serve the best interests of its investors. He said CENSE was disappointed to learn about the project only after it became a quasi-judicial matter and no further information could be added to the Hearing Examiner's record provided to the City Council and East Bellevue Community Council.

Councilmember Kasner said the City's legal noticing requirements to residents within a certain radius of the project were met. PSE conducted its own outreach before it filed a permit application in 2011. Once the permit was issued, it became a quasi-judicial matter.

Mr. Marsh expressed concern that the final hearing was scheduled close to Thanksgiving, and the comment period extended through the holidays. He opined that this minimized public

involvement. He said residents are concerned about the number of trees to be removed by the project, which conflicts with the City's goal to preserve and expand its tree canopy.

Councilmember Kasner said one issue is the process and how residents want to become involved to influence decisions going forward.

Mr. Marsh said he believes that PSE is overselling the benefits of the project in terms of providing redundancy. He said that Rich Lockhart, former Vice President of power planning for PSE, opined that, when two transformers are as close as they are now, the distribution lines serving the neighborhoods are actually redundant. If one transformer fails, the other can continue to provide power. Mr. Marsh opined that PSE has another agenda in proposing the project in terms of a generous rate of return for transmission projects. He said there are currently five 115kV lines and a sixth incomplete line in Bellevue. He believes there are other motivations for the transmission line project, and he is confident there is a solution that the neighborhood would support.

Chair Capron said he would rather be working with PSE than against them. He said everyone wants reliable electricity. However, he expressed concern that if new power poles are installed, additional equipment (e.g., cable television, WiFi) could be added in the future which would cause negative visual impacts.

Councilmember Hughes expressed concern that Community Councilmembers were not allowed to talk about this project for approximately one year because it was a quasi-judicial matter. However, all Councilmembers ultimately came to the same conclusion in opposing the project.

Chair Capron said the issue also created a difficult situation for Councilmember Hummer, who was elected halfway through the process. EBCC members were not allowed to brief her on the project or issues.

Councilmember Hummer said one of the project files is 714 pages, and there are approximately five files. Much of the information is redundant. She said her findings and conclusions relied heavily on the Glenn Kost letter. She observed that the power poles would be similar to the ones on 140th/145th Avenue between NE 8th Street and Bellevue College. Ms. Hummer said Councilmembers independently came to their own conclusions based on the documents and evidence in the record. She said PSE indicates that most of the past outages would have occurred even with the added transmission line.

Responding to Ms. Hummer, Mr. Kasner said EBCC members are allowed to discuss the project now. However, it is probably preferable to not do so. Ms. Hummer expressed concern that only two EBCC members can attend community meetings at a time in order to maintain an appearance of fairness that Council business is not being conducted outside of the regular Community Council meetings. She opined that the City and PSE are on good terms and are able to communicate with each other. Ms. Hummer said she determined that the proposed project does not meet the decision criteria of fitting with the neighborhood character on NE 8th Street and 148th Avenue. She said there are no obvious utility lines or equipment along those corridors.

Councilmember Hummer said the project conflicts with the City's urban boulevard initiative. She said residents are concerned about traffic impacts during construction, that the project would not be completed along SE 16th Street, and that lines would be crossing streets in a number of locations. She reiterated that Community Councilmembers individually determined that the project does not meet the necessary criteria.

Councilmember Hughes said he believes that PSE wants reliable power. However, he is not convinced that the project would accomplish that objective. He expressed concern about the visual impacts of utility lines. He opined that reliability would be improved by placing distribution lines underground. He believes it would be in PSE's best interest to do so.

Lei Wu said she started jogging in April on the trail around the lake and blueberry farm. She expressed concern that the public restrooms have been closed due to budget constraints. She said many residents use the park and trail and benefit from the restrooms. She requested that the City reopen the restrooms, and noted that the trail encourages residents to stay active and healthy.

Responding to Chair Capron, the Deputy City Clerk said Ms. Wu has forwarded her request to the City Manager and City Council.

Councilmember Hummer suggested posting the issue on www.publicstuff.com . Ms. Wu said she did submit a complaint via the web site and was called by City staff.

Councilmember Kasner encouraged residents to become involved early in public processes and to create a sense of community before decisions are made.

Councilmember Hughes said a City Council candidates forum is scheduled for Thursday. He suggested this would be a good opportunity for raising concerns and questions.

Responding to Gary Harlan, Councilmember Kasner said residents can also take their concerns to the City Council. Mr. Kasner said the Mayor lives in East Bellevue and has been affected by the power outages. Mr. Kasner said the most recent power outage would not have been prevented by the proposed transmission line. He said the issue of electrical power will continue over the next decade as the community grows. He suggested that residents build relationships with the City Council now in order to be involved earlier in future planning efforts.

Trina Bengtsson, Director of Sunny World School, announced that the independently owned preschool is new to the area and provides Mandarin and English learning.

Larry Buchanan said he went to the City Council meeting when there was objection by residents to the tree removal for the proposed transmission line. He said his neighbor recently told him there was a new plan to route the line along 164th Avenue instead of 148th Avenue.

Chair Capron said the EBCC is not aware of any plan by PSE to change the project alignment. He said PSE is appealing the EBCC's decision to Superior Court.

Ken Seal, a former East Bellevue Community Councilmember, said the poles on 164th Avenue are more than 50 years old and are being replaced by PSE.

Responding to Mr. Buchanan, Chair Capron said the EBCC disapproved the City Council's approval of the proposed transmission line project. Mr. Kasner said 164th Avenue was considered in the past for the line.

Allen Fonda said he was aware of the transmission line project when PSE was going through the design process, and he provided input that he did not want power lines through the area along 164th Avenue. He commented at that time that he believed 148th Avenue was a more acceptable option with a reduced impact on neighborhoods. He said more residents became aware of the project later and there was opposition to the project, including the proposed tree removal.

Responding to Mr. Fonda, Chair Capron said the early public involvement process was conducted by PSE rather than the City. He thanked Mr. Fonda for his input, noting that the EBCC does not want to lose the urban boulevard character of 148th Avenue. Mr. Fonda observed that there will always be residents who like and do not like particular projects and who experience different impacts.

5. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS

Councilmember Hummer said she lives next to Bellevue College. The City recently held a Planning Commission meeting there in which a college representative read a report about student housing. She noted the locations for the college's first housing projects. Ms. Hummer opined that the joint communication between the college and City would not have happened if not for the Spiritwood individual room rentals issue and subsequent City Code changes. She said the City responds to complaints about suspected violations of the rule limiting households to four unrelated adults.

Councilmember Kasner said he has been involved in the committee that has been planning the City Council and Community Council candidates forum scheduled for Thursday at the Lake Hills Shopping Center. He said the company redeveloping the center is nearing its grand opening of the center. Mr. Kasner noted that former Councilmember Seal was involved in the early design planning for the center nearly 15 years ago, and the EBCC was involved in guiding the final project plan as well.

Mr. Kasner reported that he attended the Eastside Transportation Association (ETA) meeting which included a discussion of Sound Transit subarea equity. There are concerns that tax revenues generated on the Eastside are not entirely being used for East Subarea projects. He encouraged residents to provide input to the ETA and elected officials and to vote in the upcoming election.

Councilmember Hughes said he is participating in the Bellevue Essentials program, which is an eight-week series of classes on every aspect of the City's operations. They were given a tour the previous weekend of Bellevue parks, including the area planned for Meydenbauer Bay Park. Mr. Hughes said he attended a number of candidate meetings, and he noted that PSE representatives have attended those meetings as well.

Councilmember Gooding said he and his children spend a lot of time at Robinswood Park and local gymnasiums in middle schools and Bellevue College. He noted that the City is addressing traffic concerns and working with residents to install traffic calming measures.

Chair Capron said he recently accessed www.publicstuff.com and reported a pot hole in front of his business. A City truck appeared 36 minutes later to provide temporary repairs, and City staff returned a week later to complete permanent repairs. He encouraged residents to use this web site, which is nationwide, to report concerns and requests.

Mr. Capron said he spoke with Mr. Franklin at the Kelsey Creek Shopping Center about the negative visual impact of the corner of the site. He said the company now owns that site and will be redeveloping it.

Councilmember Hummer noted that the City Planning Commission meeting held at Bellevue College included a representative from Metro who described plans to provide bus service through campus and near the school cafeteria to the adjacent ballfields.

6. APPROVAL OF AGENDA

Councilmember Kasner moved to amend the agenda to add an Executive Session of approximately 35 minutes to discuss an item of pending litigation. Councilmember Hummer seconded the motion, which carried by a vote of 5-0.

Mr. Kasner moved to amend the agenda to add 11(a) under Unfinished Business to discuss the EBCC's response to action taken by Puget Sound Energy related to current litigation. Councilmember Gooding seconded the motion, which carried by a vote of 5-0.

Councilmember Kasner moved to amend the agenda to add item 12(b) under New Business to discuss the PSE mailing to residents. Councilmember Hughes seconded the motion, which carried by a vote of 5-0.

The Deputy City Clerk suggested moving Unfinished Business to occur following the Executive Session.

Mr. Kasner moved to amend the agenda to move Agenda Item 11, Unfinished Business, to occur following the Executive Session. Councilmember Gooding seconded the motion, which carried by a vote of 5-0.

7. DEPARTMENT REPORTS

(a) Regulations of Group Care Facilities

Chair Capron noted the memo in the meeting packet from Carol Helland, Land Use Director, about state and federal regulations governing group care facilities. Mr. Capron wondered whether these rules follow the new City Code regulations on individual room rentals.

Councilmember Kasner said room rentals apply to single-family homes and not to group homes.

Councilmember Hummer said Mr. Boettiger informed her that the group homes must follow City land use decisions. Group home regulations refer to six residents and the City Code refers to four individuals.

Councilmember Kasner said group care facilities are exempted from single-family regulations.

Ms. Hummer said there are 16 group homes in the 98007 zip code. Zip code 98004 has two group homes. These are listed on the State's web site, and several are owned by the same person. Several are next door to each other. Ms. Hummer observed that when homes are torn down and a new 5,000 square foot house is built in Enatai, a new family moves in. However, in East Bellevue, it seems like smaller homes are replaced with group homes.

Cathy Burnell questioned the larger new structure on Main Street. Councilmember Kasner said the building itself complies with the City Code. However, it could become illegal if used for a purpose other than a single-family home. He said the City responds to complaints if an illegal use is suspected. Mr. Boettiger said group care facilities' regulations are different than those for single-family homes.

Ken Seal said it appears that a large structure will be built at the corner of SE 10th Street and 154th Avenue SE.

Councilmember Kasner suggested that individuals raise concerns during the upcoming candidates forum.

8. **PUBLIC/COURTESY HEARINGS**: None.

9. **RESOLUTIONS**: None.

10. **COMMITTEE REPORTS**: None.

11. **UNFINISHED BUSINESS [See Agenda Item 14(b)]**

12. **NEW BUSINESS**

(a) Discussion of Potential Future Agenda Items

Responding to Chair Capron, Deputy City Clerk Charmaine Arredondo said the Lake Hills art project item is tentatively scheduled for the November meeting agenda. The Shoreline Master Program is currently under review by the State Department of Ecology (DOE). City regulations and standards related to the National Pollutant Discharge Elimination System (NPDES) permit are in the early stages and staff will provide an update in the future. No specific timeframe has been identified for Comprehensive Plan Subarea updates.

Responding to Mr. Kasner, Ms. Arredondo said this year's budget process will include minor adjustments. A public hearing on the budget is scheduled for November, and City Council action is scheduled for December.

Councilmember Hummer introduced the topic of how to better publicize EBCC meetings.

Chair Capron said he would like a sign on the outside of the building to indicate that meetings are held the first Tuesday of every month.

Councilmember Kasner raised the issue of funding, and Chair Capron said he would donate funds for a sign. Ms. Arredondo said she and Chair Capron would discuss the issue further. She said the City complies with all legal requirements for noticing the EBCC meetings.

Mr. Kasner noted that agendas for the Community Council, City Council, Board, and Commission meetings are posted online. Residents may also sign up for email alerts when agendas are posted.

(b) Puget Sound Energy Litigation

Councilmember Kasner said he was annoyed by the quasi-judicial restrictions over the two years leading to the decision on the transmission line project. He is frustrated and confused about PSE's recent mailing to residents. He said residents have asked Community Councilmembers about their decision and many have suggested that the EBCC should be more aggressive in getting information to the public.

Mr. Kasner said information is provided at public meetings and in meeting minutes. He said some residents have suggested that the EBCC fund an advertising campaign to dispute PSE's information. He is concerned that some residents have characterized the EBCC's decision as not caring about electrical reliability. Mr. Kasner said he has tried to make his position public and to indicate his willingness to discuss the matter.

Councilmember Kasner moved to prepare a response, to be submitted to the City Council within the next month, stating that it is wrong for the EBCC to be characterized as described above. Councilmember Hummer seconded the motion.

Councilmember Hummer offered an amendment to include the Environmental Services Commission, Parks and Community Services Board, Planning Commission, Transportation Commission, and City staff on the letter; and to submit a letter to *The Bellevue Reporter.*

Mr. Kasner said the Boards and Commissions do not have the power to take action. He said the whole publicity campaign should start with the City Council. Ms. Hummer said she would like the Boards and Commissions to know about the EBCC's concerns because they provide formal input to the City Council.

Councilmember Kasner said he could support adding only the Transportation Commission because the EBCC is still pursuing a different plan for the SE 16th Street project. Ms. Hummer said the Boards and Commissions were instrumental in working with the City Council and PSE with regard to the transmission line proposal and permitting process.

Councilmember Hughes disagreed with the motion and proposed amendment. He observed that the PSE mailing helped the EBCC's position by raising awareness of the project. He said there are a number of ways to publicize the EBCC's activities and decision, and he is already doing so as an individual.

Councilmember Hughes suggested sending the Community Council meeting minutes to the City Council. He said social media and email offer a number of ways for publicizing the EBCC's activities. Mr. Hughes suggested collaborating with CENSE as well. He observed it is perhaps more important to work with residents than through Boards and Commissions. He said PSE has a right to send communications to its customers and the community.

Councilmember Hummer clarified that she would like to communicate how the Community Council reached its conclusions.

Mr. Hughes suggested that Community Councilmembers network with the community and attend public meetings to get the word out.

Councilmember Kasner said he is very much in favor of getting the EBCC's message out. He agreed that the EBCC could send whatever document it writes to all Boards and Commissions and other parties, as appropriate.

Ms. Hummer reiterated her interest in sending something to the City Council. Councilmember Hughes said the City Council has made its decision and the matter is now in litigation. He reiterated his suggestion to send meeting minutes to the City Council and to utilize social media.

Councilmember Kasner clarified that his motion is to inform the City Council and the Transportation Commission about where the EBCC is in the process. However, he is not opposed to pursuing other avenues that have been suggested. He would like to take action first on his motion before discussing additional activities.

Mr. Kasner questioned what the community can do, however, if residents become informed and oppose PSE's project. He said the EBCC could appear before both the City Council and Transportation Commission to present its position. He offered to provide that communication if supported by the Community Council.

Councilmember Kasner requested action on his motion to contact the Bellevue City Council and the Transportation Commission about the East Bellevue Community Council's displeasure with the PSE mailing misstating facts and riling up the neighborhood about an issue that is involved in pending litigation. He believes this is not the appropriate way to handle business.

Chair Capron said it is appropriate for the Community Council to respond to the mailing at some level. However, he suggested that a communication to the City Council and Transportation Commission will not affect PSE. Mr. Capron opined that PSE is more interested in a north-south 115kV line than in looping the two East Bellevue substations. He said the City Council has completed its involvement in the transmission line matter, which is separate from the City's planned SE 16th Street project. However, he said a response to the City Council is important

because the EBCC is concerned. He cautioned against initiating negative communications with the Boards and Commissions.

Chair Capron noted there was no second to Councilmember Hummer's proposed amendment.

The motion by Councilmember Kasner failed by a vote of 2-3, with Chair Capron and Mr. Kasner in favor.

Chair Capron noted that any Councilmember may communicate their concerns to the City Council and/or Boards and Commissions as individuals.

13. **CONTINUED COMMUNICATIONS**: None.

14. **EXECUTIVE SESSION**

(a) Item of Pending Litigation

At 8:30 p.m., Chair Capron declared recess to Executive Session for approximately 35 minutes to discuss one item of pending litigation.

The meeting resumed at 9:10 p.m.

(b) Unfinished Business [Moved from Agenda Item 11]

Chair Capron recalled that, on June 24, 2015, the East Bellevue Community Council adopted Resolution No. 550 disapproving the City Council's approval of Puget Sound Energy's Conditional Use Permit (CUP) and Shoreline Conditional Use Permit (SCUP) for a 115kV transmission line through the Lake Hills neighborhood. PSE appealed this decision with the King County Superior Court and the Shoreline Hearings Board. Following motions by PSE and the EBCC during the hearing, the Superior Court ruled that the East Bellevue Community Council does not have jurisdiction over the Shoreline CUP.

On September 24, 2015, the EBCC voted to appeal the Superior Court decision and stay enforcement of the order. The appeal and stay was filed with the court on September 25. On October 1, PSE filed a motion to quash the EBCC's notice of stay, which is set for hearing in Superior Court on October 9 without oral argument.

Chair Capron said the questions before the Community Council are whether to: 1) object to PSE's motion to quash, and 2) continue with the pending appeal of the Superior Court's order.

Councilmember Kasner said that, after careful consideration of the EBCC's choices, he would like to move to direct the East Bellevue Community Council's legal counsel to file an objection to Puget Sound Energy's motion to quash the EBCC's notice of stay. At this time, the EBCC is not discussing the pending appeal. The motion relates only to the stay. Councilmember Gooding seconded the motion.

Councilmember Hummer opined that it is important for the EBCC to understand the principles that guided the initial vote, which is that the EBCC does have jurisdiction over the Shoreline CUP. A good part of the EBCC's jurisdiction is taken up by wetlands and greenbelts. In other recently annexed areas, greenbelts are used as the next phase of development. This will set a precedent for not only the EBCC area but for the other Community Council in the state and for any other areas that annex and want a say in their incorporated governments. It sets a precedent that, even though the EBCC was founded before the shoreline regulations were adopted, the EBCC is not precluded from having jurisdiction over the wetlands. The motion is consistent with the principles reflected in the EBCC's disapproval of the transmission line project and sets an important precedent. She said it is important to protect the Community Council's jurisdiction over land that falls under shoreline regulations.

Chair Capron agreed and said the Community Council needs to stay on target with its previous decision and position. He said the EBCC has reviewed the record thoroughly and the appeal is the correct choice. He believes the EBCC should object to PSE's motion to quash.

The motion carried by a vote of 5-0.

15. APPROVAL OF MINUTES

(a) Summary Special Meeting Minutes for June 24, 2015

Responding to Councilmember Kasner, the Deputy City Clerk noted the document in the desk packet listing specific comments made by Councilmembers during the September 1 meeting about the June 24 minutes, with verbatim transcriptions from the June 24 audio recording for each item that was raised. She said one scrivener's error would be corrected and another revision would be made for clarification because it does not change the meaning of what was said on June 24.

Councilmember Kasner moved to approve the June 24, 2015 Special Meeting Minutes, as amended and presented in the desk packet version. Councilmember Hughes seconded the motion.

Councilmember Hummer referred to page 17 of the June 24, 2015 meeting minutes [Page 19 of meeting packet] and read: "Mr. Hughes said NE 8th Street has no power poles and a 115kV line is underground." Councilmember Hughes clarififed that he did not mean to say that. What he meant to say was that the distribution lines were underground.

The motion carried by a vote of 5-0.

(b) Summary Regular Meeting Minutes for September 1, 2015

Councilmember Kasner moved to approve the September 1, 2015 Regular Meeting Minutes. Councilmember Hughes seconded the motion, which carried by a vote of 4-1, with Councilmember Hummer abstaining.

16. ADJOURNMENT

Councilmember Kasner moved to adjourn. The motion was seconded by Mr. Gooding, and carried by a vote of 5-0.

Chair Capron declared the meeting adjourned at 9:29 p.m.

Charmaine Arredondo
Deputy City Clerk

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