East Bellevue Community Council
Summary Minutes of Special Meeting

October 19, 2015
9:30 a.m.

City Hall, Room 1E-122
Bellevue, Washington

PRESENT: Chair Capron, Councilmember Kasner, Councilmember Gooding[1], Councilmember Hughes

ABSENT: Councilmember Hummer

STAFF: Monica Buck, Assistant City Attorney
Dawn Reitan, Outside Counsel for EBCC

1. **CALL TO ORDER**

The meeting was called to order at 9:36 a.m. with Chair Capron presiding.

2. **ROLL CALL**

The Deputy City Clerk called the roll. Councilmember Hummer and Councilmember Gooding were not present.

3. **FLAG SALUTE**

Chair Capron led the flag salute.

4. **EXECUTIVE SESSION**

At 9:37 a.m. Chair Capron declared recess to Executive Session for approximately one and one half hours to discuss one matter of pending litigation.

The meeting resumed at 11:07 a.m.

5. **UNFINISHED BUSINESS**

(a) Potential Consideration of Amendment of Resolution No. 550

Chair Capron 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

[1] Councilmember Gooding arrived during Executive Session at 9:56 a.m.

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.

Chair Capron went on to say that the EBCC has appealed the Court's order and has filed a Notice of Stay. Puget Sound Energy filed a Motion to Quash the Stay, which was granted by the Superior Court. On October 12, the Court ordered the EBCC to amend Resolution No. 550 to eliminate reference to the Shoreline Conditional Use Permit. The question before the Community Council is whether to adopt Resolution No. 554, amending Resolution No. 550 consistent with the Court's order.

Continuing on, Chair Capron noted that the EBCC is not absolutely certain there is jurisdiction to amend something that the City Council has not looked at first.

Councilmember Kasner moved to adopt Resolution No. 554, amending Resolution No. 550, which disapproves City Council Ordinance No. 6226 to eliminate reference to the Shoreline Conditional Use Permit, consistent with the King County Superior Court order. Although the order is outside EBCC's authority, the EBCC will comply with the order but direct its attorney to appeal this order.

Councilmember Hughes seconded the motion.

Chair Capron noted that the only change in Resolution No. 554 is the deletion of reference to the Shoreline Conditional Use Permit in the title.

Councilmember Kasner noted that under state law the EBCC is authorized to approve or disapprove ordinances from City Council. Councilmember Kasner believes the better way to accomplish what is required by the Court would be for City Council to separately reapprove the Shoreline Conditional Use Permit. However, given the contempt citation and ramifications, it is not worth the risk to not comply.

The motion carried 3-1, with Councilmember Kasner dissenting.

(b) Potential Action Related to Pending Litigation

Councilmember Kasner noted that currently no one is working on the appeal. The EBCC is still waiting to see if the appeal will be considered a necessary expense.

Ms. Buck noted that a decision has not been made regarding necessary expenses. She would recommend the EBCC to make a motion to have a member speak to the City Attorney regarding necessary expenses.

Dawn Reitan, EBCC's outside legal counsel, noted that the appeal has been timely filed and has been perfected.

Councilmember Kasner moved that the Chair speak with City Attorney Lori Riordan to authorize an attorney to represent the EBCC in the pending Court of Appeals proceeding.

Councilmember Hughes seconded the motion and it carried 4-0.

6. ADJOURNMENT

Councilmember Kasner moved to adjourn. The motion was seconded by Councilmember Hughes, carried unanimously, and the meeting was adjourned at 11:22 a.m.

Charmaine Arredondo
Deputy City Clerk