EAST BELLEVUE COMMUNITY COUNCIL

Packet Materials for

REGULAR MEETING

January 5, 2016

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

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 do not have to sign up. 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 one's comments in the interests of conducting the meeting in a reasonable and practical fashion.

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 it 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) 452-6466.

Agenda

CITY OF BELLEVUE
EAST BELLEVUE COMMUNITY COUNCIL
Regular Meeting

Lake Hills Clubhouse
15230 Lake Hills Boulevard, Bellevue WA

Tuesday, January 5, 2016 6:30 - 8:30 PM

1. **Call to Order**
2. **Roll Call**
3. **Flag Salute**
4. **Communications: Written and Oral**
5. **Reports of City Council, Boards and Commissions**
   (a) Community Council Business and New Initiatives
6. **Approval of Agenda**
7. **Department Reports**
   (a) Palmer Preliminary Short Plat File #15-125983-LN
8. **Public/Courtesy Hearings**
9. **Resolutions**
10. **Committee Reports**
11. **Unfinished Business**
12. **New Business**
    (a) Discussion Regarding Potential Future Agenda Items *
    - National Pollutant Distribution Elimination System (NPDES)
    - Shoreline Master Program
    - Subarea Plan Update
    - Lake Hills Art Project
    - Affordable Housing Update
    - Diversity Initiative Training
    - False Alarm Ordinance Update

The meeting room is wheelchair accessible. American sign language (ASL) interpretation available upon request (425 452-6466) at least 48 hours in advance. Contact email address for East Bellevue Community Council: EBCC@bellevuewa.gov

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

Pending litigation (*approximately 45 minutes*)

15. Approval of Minutes

(a) Summary Regular Meeting Minutes December 1, 2015

(b) Summary Special Meeting Minutes December 9, 2015

16. Adjournment

City of Bellevue

Memorandum

DATE: December 21, 2015

TO: East Bellevue Community Council

FROM: Carol Saari, Senior Planner C Saari

SUBJECT: Department Reports - Land Use Reports
Palmer Preliminary Short Plat File #15-125983-LN
15340 SE 22nd Street

We would like to bring to your attention an application for a preliminary short plat. As a Process II application, we are bringing this application to you under Department Reports – Land Use Reports.

Doug Palmer is proposing to short plat one residential lot (approximately 0.5 acres) into three single family residential lots in the single family R-5 zoning district.

Status: The application was submitted on October 28, 2015. We are accepting comments until we make the decision – within the next couple months. We encourage you to make comments early in the process so we may address your concerns.

Please see attached application.

Attachments: Application

Development Services
Permit Processing 425-452-4898

Application for LAND USE APPROVAL

APPLICATION DATE 10/28/15	TECH	CIP PROJ #	PROJECT FILE # 15-125983LN

□Administrative Conditional Use-LA □Binding Site Plan-LF □Boundary Line Adjustment-LW □Conditional Use-LB □Conditional Use Shoreline Mgmt-WA □Critical Land Use Permit Admin-LO □Design Review-LD □Final Plat-LG □Final Short Plat-LF	□Land Use Approval Amendment-LI □Land Use Exemption-LJ □Master Development Plan – LP □Planned Unit Development-LK □Planned Unit Dev. Combined w/Plat-LK □Preliminary Plat-LL ☒Preliminary Short Plat-LN □Preliminary SEPA Review-LM	□Shoreline Development-WG □Shoreline Exemption w/o SEPA-WD □Shoreline Exemption w/SEPA-WE □Shoreline Variance-LS □Variance-LS □WCF in ROW - CA
	NOTICE OF COMPLETENESS: Your application is considered complete 29 days after submittal, unless otherwise notified.	

1. **Property Address** 15340 SE 22ND St. Zoning R-5
   Project Name (if applicable) PALMER SHORT PLAT Tax Assessor # 0224059063
2. **Applicant** WILLIAM PALMER Phone (425) 351-9181
   Address 15340 SE 22ND St. City, State, Zip Bellevue WA 98007
3. **Contact Person** DOUG PALMER Phone (425) 351-9181
   E-Mail Address dpe56@hotmail.com FAX # ( )
   Address 15340 SE 22ND St. City, State, Zip Bellevue WA 98007
4. **Engineer/Architect/Surveyor** Bob Boyd Phone (425) 204-0840
   Address 828 Index Ct. NE City, State, Zip Renton, WA 98056
5. **Project Type:** X Single Family Residential ___Multi Family Residential ___Non-Residential
6. **Description of proposed project, use, exemption, or variance:**
   Three lot short plat

   Proposed Building Gross Square Footage ____ Proposed Structure Parking Gross Square Footage ____
7. **Nature of Project (if applicable)**
   Current use of property and existing improvements: Single family home

   Identify any adjacent water area/wetlands or significant natural features (i.e., streams, wetlands, views, significant trees, water bodies, etc) on or within 200 feet of the property. ____
8. If **SHORT PLAT or SUBDIVISION** Application: Total Acreage 0.5 acres Number of Proposed Lots 3
   Has this property been previously subdivided? NO. If yes, Date ____ Recording # ____

   If this is a Final Plat or Final Short Plat, what is the Preliminary project file # ____
9. If **SHORELINE MANAGEMENT**: Total cost or fair market value of the project (whichever is higher) $ ____

   If a single family residence or pier is proposed, is it intended for the owner's own personal use? □Yes □No

   If Shoreline Variance, the development will be located:
   □ Landward □ Waterward of the ordinary high water mark. **AND/OR** □ Outside □ Inside areas designated as marshes, bogs or swamps by the Dept. of Ecology. (Chapter. 173.22. WAC)

BCC 23.10.033 - Agreement regarding vested rights: The filing of an application for any of these required approvals prior to the filing of a valid and complete application for a building permit shall not establish or create a vested right to proceed with construction of any proposed project.

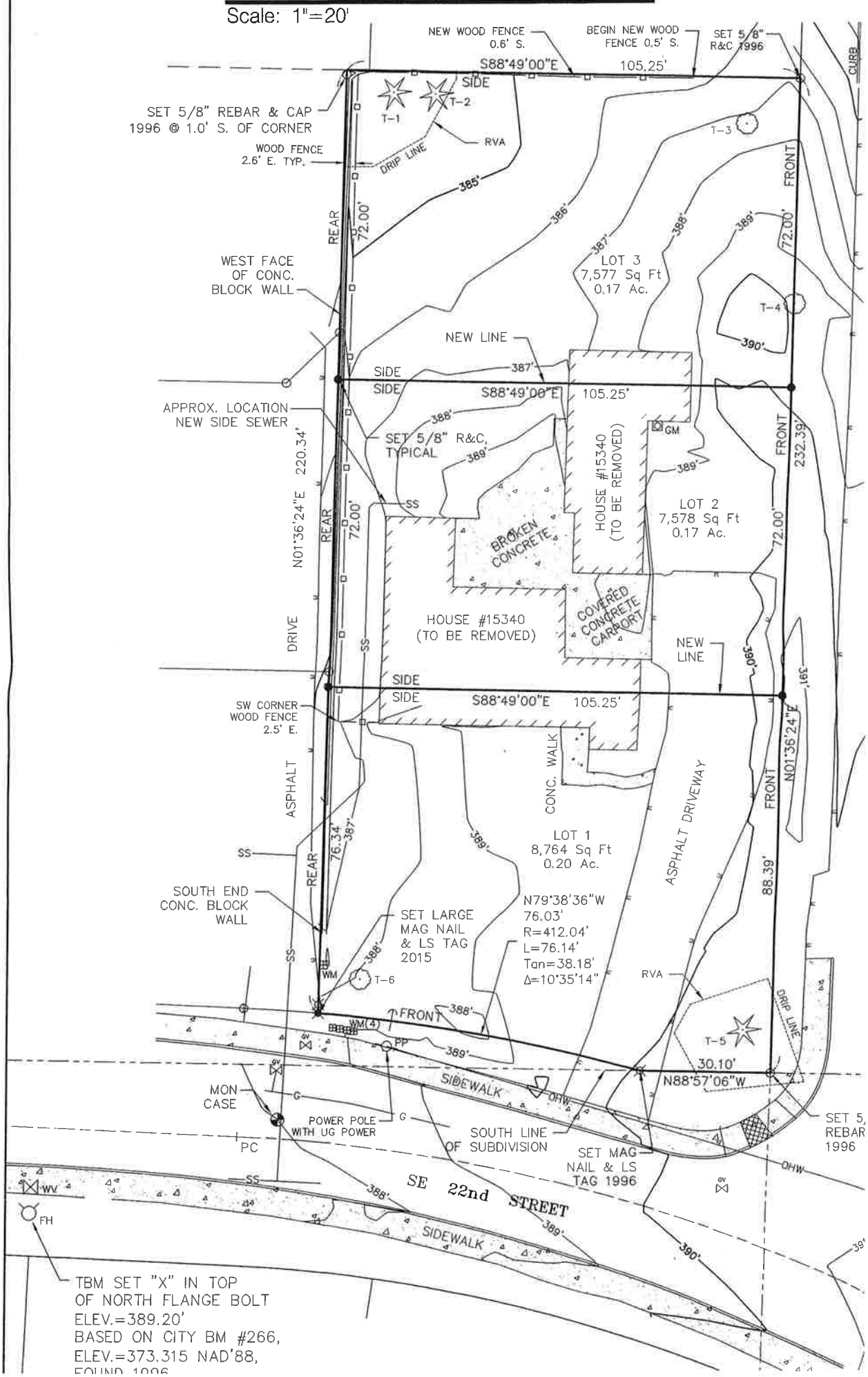
I certify that I am the owner or owners authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owners agent regarding the property at the above-referenced address for the purpose of filing applications for decision, permits, or review under the Land Use Code and other applicable Bellevue City Codes and I have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications.
I certify that the information on this application is true and correct and that the applicable requirements of the City of Bellevue, RCW and the State Environmental Policy Act (SEPA) will be met.

Signature William Palmer Date 10/28/2015
(Owner or Owners Agent)

Revised 7/16/13

TOPOGRAPHIC SURVEY

Scale: 1"=20'



East Bellevue Community Council
Summary Minutes of Regular Meeting

December 1, 2015
6:30 p.m.

Lake Hills Clubhouse
Bellevue, Washington

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

ABSENT: None.

STAFF: Monica Buck, Assistant City Attorney

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

Councilmember Kasner led the flag salute.

4. COMMUNICATIONS: WRITTEN AND ORAL

(a) Update from Oscar del Moro regarding the Lake Hills Shopping Center

Oscar del Moro, Executive Vice President for Cosmos Development, presented an update on the Lake Hills Shopping Center, which is anticipated to receive its final Certificate of Occupancy within 60 days. He said development has gone well and the urban lifestyle has been well received. Three restaurants are now in place and a hair salon is opening soon. Lighthouse Christian Church has located offices and event space in the center. Additional businesses to open soon are a dog/pet day care, small offices, and a child care facility. Mr. del Moro said the project has been delayed by approximately six months.

Responding to Councilmember Kasner, Mr. del Moro said there are 500 underground parking spaces. The garage is painted white, is well-lit, and has five elevators.

Responding to Courtney Johnson in the audience, Mr. del Moro said the project does not have a low-income housing component.

Responding to Councilmember Hummer, Mr. del Moro said the developer paid a fee in lieu of providing affordable housing units.

Councilmember Kasner noted that Ken Seal, a former Councilmember, had arrived to the meeting. Mr. Kasner said Mr. Seal and the East Bellevue Community Council were actively involved in the planning of the shopping center over the past 10-15 years.

Responding to Councilmember Hughes, Mr. del Moro said there are approximately 90 housing units with an average of three bedrooms in each unit.

Responding to Ms. Hummer, Mr. del Moro said Bellevue College decided against renting units for student housing. Bellevue College was interested in having the developer manage each bedroom of the units separately.

Councilmember Hummer questioned whether a tenant could rent individual rooms. Jim Maloney said the leases do not allow sub-leasing or renting individual rooms.

Mr. del Moro said a formal grand opening of the shopping center is tentatively scheduled for April.

Ken Seal said the City has received complaints about condominium owners in the Downtown renting out rooms for short-term stays.

Chair Capron thanked Mr. del Moro for the update.

(b) Continued Oral Communications

Stephanie Walter said the mayor mentioned that the blinking yellow turn arrows were no longer being used at crosswalks. However, that is not the case citywide.

Councilmember Kasner noted that the City Council recently discussed the Vision Zero Initiative, which is a Swedish model with the goal of no traffic/pedestrian fatalities or serious injuries. He would like to have a discussion about the potential for a future skybridge and/or other safety improvements along 148th Avenue.

Councilmember Hummer said the existing skybridge was constructed in 1975/1976, according to past East Bellevue Community Council meeting minutes.

Don Boettiger said he has been concerned about the crosswalk at Main Street for a long time. He is pleased to see that the City is beginning improvements at that intersection.

Councilmember Hummer said public/legal notices for all cities are published at the back of the sports page.

5. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS

(a) Community Council Business and New Initiatives

Councilmember Hummer noted that 1,500 Lake Hills residents voted in the last Community Council election. She reported that she attended the Planning Commission meeting and communicated residents' concerns about the City's enforcement of the single-family room rental ordinance. New regulations provide a limit of four unrelated adults, and residents must be living as a family unit. She referred the public to www.publicstuff.com for making complaints or inquiries to the City. She observed that many of the investigations pursuant to this ordinance are closed and the situations do not improve.

Ms. Hummer said she and Chair Capron went to the City Council meeting to present the East Bellevue Community Council's request for necessary expenses related to legal counsel. The City Council approved up to $15,000 for the assistance of an appellate attorney.

Ms. Hummer referred the public to fortress.wa.gov to look up the addresses of adult family home businesses. She said there are 20 adult group homes in zip code 98007 and four group homes in 98004.

Responding to Chair Capron, Assistant City Attorney Monica Buck said adult family homes for certain individuals (e.g., disabled) are protected under the federal Fair Housing Act amendments. The Building Code sets the maximum number of occupants based on the type of use and square footage.

Chair Capron requested a memo summarizing the legal requirements and Code provisions related to adult family homes. He noted that East Bellevue has a high number of adult family homes. He expressed concern that these businesses are allowed to operate in single-family zones. He said a new facility at Main Street and 152nd Avenue has 10 bedrooms.

Councilmember Hummer read excerpts of the Fair Housing Act, which restricts the ability of local governments to adopt stricter regulations with regard to adult group homes for the disabled and other protected classes. Her interpretation is that the City may, however, restrict the number of occupants to the maximum allowed in other residential homes (i.e., four unrelated adults).

Councilmember Kasner recalled that the City lost a lawsuit in the early 2000s regarding adult family homes. He observed that the outcome might be different now due to City regulations adopted since that time (i.e., the single-family room rental ordinance).

Mr. Kasner reported that 10 percent of the participants in the recent Bellevue Essentials class were Lake Hills residents, including Councilmembers Hughes. He encouraged neighbors to apply for the program to learn more about how the City works and how decisions are made.

Mr. Kasner said he attended an interfaith service involving six Lake Hills churches on the day before Thanksgiving. He attended the meeting of Kirkland's Houghton Community Council and updated them on current legal issues involving the East Bellevue Community Council and Puget

Sound Energy. The Houghton Community Council is not interested in involvement in the PSE issues but would like to have a joint meeting with the EBCC in the future.

Mr. Kasner encouraged the public to express their concerns and inputs about the room rental issue and other topics (e.g., affordable housing) to the City Council.

Mr. Kasner said the litigation with Puget Sound Energy will be addressed in King County Superior Court on December 14. He asked that three specific documents be posted to the EBCC's web page. The Deputy City Clerk confirmed that they are public documents but said she would research the City's protocol on posting select documents. Chair Capron said attendees of the court hearing will not be allowed to speak. However, a showing of support by attending the hearing would be appreciated by the EBCC.

Councilmember Hughes said the Bellevue Essentials class is a great program and he enjoyed meeting a number of people from different backgrounds.

Chair Capron said he and Councilmember Hummer attended the meeting of the City Council, which approved up to $15,000 in necessary expenses for the EBCC's legal fees.

Mr. Capron said he met with the Kelsey Creek Shopping Center developer/property manager, who talked about the upcoming permit application for a new retail building at the corner of the Center's site.

6. APPROVAL OF AGENDA

Councilmember Hummer moved to amend the agenda to remove Agenda Item 11(a), Submittal of Letter to Department of Ecology.

Responding to the Chair, Ms. Buck said the State Department of Ecology approved the Shoreline Conditional Use Permit related to the PSE transmission line.

Councilmember Kasner said the EBCC missed the window for submitting a comment letter. He and Councilmember Hummer said they were disappointed that they were not informed of the opportunity for providing comment in advance.

There was no second to the motion.

Responding to Mr. Kasner, Mohammed Dakr said he enjoyed the Bellevue Essentials class and learned a great deal.

Councilmember Hummer moved to amend the agenda to remove the Executive Session. The motion was seconded by Councilmember Hughes and carried unanimously.

Councilmember Hummer moved to amend the agenda to add Item 12(b) to discuss the selection of an appellate attorney, and Councilmember Kasner seconded the motion. The motion carried by a vote of 4-0, with Councilmember Hughes temporarily out of the room.

Councilmember Hummer moved to approve the agenda, as amended. Councilmember Kasner seconded the motion, which carried by a vote of 4-0.

[Councilmember Hughes rejoined the meeting.]

Responding to a meeting attendee, Chair Capron explained that the EBCC has veto power over certain land use decisions within its boundaries. Shoreline regulations were formalized after the EBCC was formed, and the City of Bellevue has historically deferred shoreline land use decisions to the EBCC. In the case involving Puget Sound Energy's Lake Hills transmission line, a judge ruled that the EBCC does not have jurisdiction over shorelines. Mr. Capron said the EBCC believes that judgment is in error.

Chair Capron said the upcoming court hearing does not specifically involve the shoreline issue. The December 14 hearing will address Puget Sound Energy's appeal of the EBCC's denial of the Lake Hills transmission line project. Councilmember Kasner said the December 14 hearing is held under the Land Use Petition Act (LUPA), which governs certain land use permitting.

7. **DEPARTMENT REPORTS**

(a) The Diversity Advantage Program

Chair Capron noted the memo in the meeting packet regarding the City's diversity initiative: The Diversity Advantage.

Deputy City Clerk Charmaine Arredondo said staff plans to provide a presentation to the EBCC on the Diversity Advantage Program during its January meeting and to schedule training at a later date. However, Councilmember Kasner requested that EBCC members have the opportunity to take the December 17 training which will involve a number of City Council, Board, and Commission members.

Councilmember Kasner expressed concern that East Bellevue Community Councilmembers are not included in all Board and Commission trainings. Councilmember Hummer concurred.

Ms. Arredondo said she reserved spaces in the December training for all EBCC members. Mr. Kasner will attend. She asked Councilmembers to let her know if they would like to attend as well.

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

9. **RESOLUTIONS**: None.

10. **COMMITTEE REPORTS**: None.

11. **UNFINISHED BUSINESS:**

(a) Submittal of Letter to Department of Ecology

Responding to Chair Capron, Ms. Buck said the Superior Court ruled that the East Bellevue Community Council did not have jurisdiction over the Shoreline Conditional Use Permit. The EBCC's outside legal counsel filed a notice of appeal and a notice of stay. The stay was intended: 1) for the State Department of Ecology to postpone review of the SCUP, and 2) to stay the EBCC's amending of the City Resolution for the purpose of eliminating reference to the SCUP.

Ms. Buck said Puget Sound Energy filed a motion to quash the stay. The EBCC objected to the motion. However, it was granted by the court. In mid-October, based on the court's decision, the City notified the DOE to resume review of the SCUP. The EBCC held a Special Meeting to amend the Resolution, as ordered, to eliminate reference to the SCUP. The EBCC subsequently appealed the order and argued that the EBCC does not have the authority to amend its own Resolution taking action on the City Council's action.

Ms. Buck said there was discussion at that time about whether to submit a comment letter to the DOE. However, there was no direction to staff by the EBCC as a whole. Responding to Chair Capron, Ms. Buck recalled that the issue was discussed during a Special Meeting.

Continuing, Ms. Buck said that, during the EBCC's November meeting, there was discussion about sending a letter to the City Council requesting that appellate attorney fees be covered by the City as a necessary expense. She said staff did not receive direction on whether to send a letter to the DOE.

Chair Capron said he did not recall discussion about a timeline.

Councilmember Kasner recalled discussion about the DOE review during the Special Meeting and the November meeting. However, he expressed concern that the timing of the DOE's work was not communicated to the EBCC.

Responding to Chair Capron, Ms. Buck said the DOE's typical review time is 30 days. Mr. Capron questioned why staff did not alert the EBCC regarding the opportunity to comment to the DOE. Ms. Buck apologized and said staff was acting in the absence of direction from the Community Council.

Councilmember Kasner acknowledged that he could have followed up after earlier discussions. He said he was surprised at how quickly the court took action on the motion to stay. Mr. Kasner said there is now a 21-day period to appeal the DOE's decision. He posed the following questions: What does the appeal look like? Do the standards of proof change? Would a letter from the EBCC matter? Is there a cost to appeal the DOE's decision? Mr. Kasner said the EBCC needed a legal opinion on this matter.

Ms. Buck recommended that the EBCC discuss the DOE's approval of the Shoreline Conditional Use Permit and the EBCC's options with the appellate counsel to be hired by the City to represent the EBCC.

Ms. Buck reported that Puget Sound Energy filed a motion earlier that day to dismiss the current pending appeal, and a reply must be filed within 10 days.

12. **NEW BUSINESS**

(a) Discussion of Potential Future Agenda Items

Chair Capron noted the list of potential future agenda items.

Councilmember Kasner said he would like to receive information on topics immediately after they have been presented to the City Council.

(b) Discussion regarding the Selection of an Appellate Attorney

Chair Capron said City Attorney Lori Riordan identified three qualified attorneys for consideration in representing the EBCC's appeal. The City Council approved necessary expenses up to $15,000. The options are Susan Drummond (sole practitioner), Kathleen Haggard (Porter Foster Rorick), and Zachary Lell (Ogden Murphy Wallace). Mr. Capron said Ms. Haggard was recommended by the attorney who is handling the PSE issue for the EBCC. Mr. Lell's proposal estimates a cost of $20,000 to $25,000.

Councilmember Hummer noted that the candidates must be discussed in a public meeting. The case is Puget Sound Energy v. the East Bellevue Community Council. She expressed concern that Bob Parker, Puget Sound Energy, was in the audience and questioned whether this represented a conflict of interest.

Responding to Councilmember Kasner, Ms. Buck said the City Attorney makes the final decision on outside legal counsel. However, she is inviting input from the EBCC.

Chair Capron expressed concern that Ogden Murphy Wallace would not be able to fully represent the EBCC's interests with the available funding. He noted that both of the other candidates are good attorneys. Ms. Drummond is available to attend the EBCC's meetings on Tuesday nights. Ms. Haggard might not be available to attend Tuesday night meetings. However, she is recommended by the other outside attorney who has assisted the EBCC. Mr. Capron said Ms. Haggard estimates a maximum cost of $12,000.

Chair Capron recommended hiring Kathleen Haggard. Councilmember Kasner concurred, noting the benefits of hiring a law firm versus a sole practitioner in terms of clerical support and other resources.

Chair Capron noted a Community Council consensus to hire Kathleen Haggard.

Mr. Capron said a motion was made by PSE earlier that day, as reported by Ms. Buck, to dismiss the EBCC's appeal. Ms. Buck confirmed that a response must be submitted within 10 days. She recommended that the EBCC schedule a Special Meeting to discuss this issue as soon as possible.

Councilmember Kasner moved to request that the City Attorney direct the appellate counsel to draft a response to PSE's motion to dismiss the appeal, and that the appellate counsel bring it to the East Bellevue Community Council for discussion during a Special Meeting. Councilmember Hughes seconded the motion, which carried by a vote of 5-0.

Councilmember Kasner thanked Ms. Buck for her role in organizing and summarizing documents and information for the Community Council and outside legal counsel.

Councilmember Hughes said the EBCC is doing its best, given the available resources, to represent the community in a matter that is important for everyone. He noted that Puget Sound Energy is a large company with more staff and financial resources.

Councilmember Hummer reiterated her concern about the visual impacts of the transmission line project. She said the EBCC would have preferred to avoid litigation with PSE and would like PSE to consider an alternative project.

Councilmember Kasner said this has been a difficult process. He suggested that the overall process involving City staff, the City Council, and the EBCC could be improved for the future. Mr. Kasner said the EBCC has done a remarkable job of representing the community.

Chair Capron said the project has generated extensive documentation over the past couple of years, and Councilmembers were not able to discuss issues with each other because it was a quasi-judicial matter.

13. **CONTINUED COMMUNICATIONS**: None.

14. **EXECUTIVE SESSION:** None.

15. **APPROVAL OF MINUTES**

(a) Summary Regular Meeting Minutes November 3, 2015

Referring to the November 3 meeting minutes, Councilmember Hummer noted discussion under Item 7 regarding the Spiritwood Ordinance. Ms. Hummer noted her reference to "adult family homes" at that time and clarified that she developed the map based on complaints regarding the single-family room rental ordinance. Mr. Kasner confirmed that the map was of the Spiritwood complaints.

Councilmember Kasner moved to approve the minutes, as amended pending review by the Deputy City Clerk. Councilmember Hughes seconded the motion, which carried unanimously.

16. **ADJOURNMENT**

Councilmember Hummer moved to adjourn. Councilmember Hughes seconded the motion, which carried unanimously.

Chair Capron declared the meeting adjourned at 9:04 p.m.

Charmaine Arredondo
Deputy City Clerk

/kaw

East Bellevue Community Council
Summary Minutes of Special Meeting

December 9, 2015
4:00 p.m.

City Hall, Room 1E-122
Bellevue, Washington

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

ABSENT: None.

STAFF: Monica Buck, Assistant City Attorney

1. CALL TO ORDER

The meeting was called to order at 4:02 p.m. with Chair Capron presiding.

2. ROLL CALL

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

3. FLAG SALUTE

Councilmember Hummer led the flag salute.

4. EXECUTIVE SESSION

Assistant City Attorney Monica Buck introduced appellate counsel Kathleen Haggard of Porter Foster Rorick, who would be representing the East Bellevue Community Council in the two pending appeals before the Court of Appeals.

Responding to Chair Capron, Ms. Buck clarified that she will continue to serve as the Community Council's general counsel on routine issues. She will also represent the EBCC if there is a need to go before the City Council for further funding approval.

Ms. Buck said she would no longer be involved with the Puget Sound Energy litigation. However, she will review the invoices from outside legal counsel and ensure that they are paid.

At 4:08 p.m., Chair Capron declared recess to Executive Session for approximately 45 minutes to discuss one matter of pending litigation.

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[1] Councilmember Gooding arrived at 4:07 p.m.

The meeting resumed at 5:11 p.m.

5. UNFINISHED BUSINESS

(a) Potential Action related to Pending Litigation

Councilmember Kasner moved to authorize Kathleen Haggard, legal counsel, to appeal the State Department of Ecology's Ruling regarding the Puget Sound Energy (PSE) Shoreline Conditional Use Permit. Councilmember Hughes seconded the motion, which carried unanimously.

6. ADJOURNMENT

Councilmember Hughes moved to adjourn. The motion was seconded by Councilmember Kasner and carried unanimously.

Chair Capron declared the meeting adjourned at 5:13 p.m.

Charmaine Arredondo
Deputy City Clerk

/kaw