CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

November 16, 2015 Council Chamber
8:00 p.m. Bellevue, Washington

PRESENT: Mayor Balducci, Deputy Mayor Wallace, and Councilmembers Chelminiak, Lee, Robertson, Robinson, and Stokes

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:06 p.m., with Mayor Balducci presiding.

2. Roll Call, Flag Salute

All Councilmembers were present. Councilmember Robinson led the flag salute.

Mayor Balducci welcomed Boy Scout Troop 673 from the Lake Hills neighborhood.

3. Approval of Agenda

→ Deputy Mayor Wallace moved to approve the agenda, and Councilmember Lee seconded the motion.

→ The motion to approve the agenda carried by a vote of 7-0.

4. Communications: Written and Oral

(a) Don Marsh, Vice President of the Coalition of Eastside Neighborhoods for Sensible Energy (CENSE), said he has helped to analyze Puget Sound Energy's Energize Eastside project over the past two years and to search for more cost-effective, environmentally sound alternatives. He recalled the number of times CENSE representatives and other citizens have commented before the City Council on issues related to the project. Mr. Marsh said PSE is owned by an investment company interested in increasing profits for shareholders and building large infrastructure projects. Electrical energy revenue has declined for a number of years due to increased conservation and alternative energy sources. State regulations allow PSE to collect a 10-percent return on infrastructure

investments. Mr. Marsh asked Bellevue and other Eastside cities to support reform in state regulations to reward the implementation of 21st century energy technologies. He said California and New York have demonstrated that such reforms are possible. Mr. Marsh noted the need for regulatory reform to enable utility companies to make a decent profit from smart energy solutions.

(b) Miran Hothi thanked the City for the opportunity to participate in the Bellevue Essentials class. She said the program has been very helpful and worthwhile, especially in her role as a community advocate for the local Indian community. She said there is a disconnect between City government and this community of residents who are less likely to trust government and/or to expect assistance or opportunities for involvement.

Mayor Balducci thanked Ms. Hothi for sharing her experience.

(c) Alex Zimmerman, President of StandUP-America, expressed concern about local fascism and what he considers to be the "United Seattle Soviet Republic." He said Bellevue has been destroyed over the past 20 years and now that is happening in Seattle. He urged Washingtonians to stand up.

(d) Katherine Hughes, representing the Northtowne Neighborhoods Association, referred to Ordinance No. 6260 [Agenda Item 8(i)] and asked the Council to consider adopting a 30 mile-per-hour speed limit on Bellevue Way from NE 12th Street to SR 520.

(e) Steven Fricke addressed Agenda Item 11 regarding a request for necessary expenses by the East Bellevue Community Council. He highlighted information from the meeting packet and read a ruling by the Washington State Supreme Court. He said the litigation with Puget Sound Energy is a necessary expense, and the EBCC needs funding to carry out its legislative intent.

(f) Hyemin Son described her positive experience learning about city government and the history of Bellevue in the Bellevue Essentials class. She said the class is different from her college classes because participants were able to hear from individuals who are directly running the city. She said the class made her feel like a part of the community and she encouraged the Council to continue to support the program.

(g) Keri Pravitz, Community Projects Manager, Puget Sound Energy, referred to the earlier Study Session discussion regarding the Electrical Reliability Study. She said PSE has collaborated with the City since the study was completed in 2011 through regular meetings and an annual workshop. PSE and the City have worked together to implement Solarize Bellevue and the LED traffic signal replacement. In 2015 to date, the City has received more than $38,000 in energy efficiency grants and rebates from PSE. Ms. Pravitz said PSE looks forward to continued joint planning and project coordination.

(h) Loretta Lopez, President of the Bridle Trails Community Club, said the most important point in the Electrical Reliability Study is on page 138 of the report, which recommends that the City hire a dedicated staff person with the expertise to assess electrical reliability.

Ms. Lopez said that hiring a City staff person is a critical recommendation from the Electrical Reliability Study.

5. Reports of Community Council, Boards and Commissions

(a) Transmittal of Transportation Commission Recommendation to adopt the 2016-2027 Transportation Facilities Plan (TFP) Update

Mike Ingram, Transportation Senior Planner, introduced discussion of the Transportation Commission's recommendation to adopt the 2016-2027 Transportation Facilities Plan (TFP) Update. He recalled that the Commission and staff provided an update to the Council in June, and an environmental analysis has been completed since that time.

Mr. Ingram said staff is seeking Council direction to return with legislation to adopt the 2016-2027 TFP update. He highlighted the update process which began in November 2014. The Transportation Commission approved the Preliminary TFP Project List on May 14, 2015 and presented the list to the Council on June 22. The Environmental Impact Statement (EIS) Addendum related to the plan was published on October 8.

Scott Lampe, Transportation Commission Chair, said the Transportation Commission voted on October 8 to recommend adoption of the 2016-2027 TFP Update. He noted it contains the same list of 54 projects presented to the Council in June. Nine projects are fully funded in the 2015-2021 Capital Investment Program (CIP) Plan, 18 projects are additional high priorities, 16 projects are to be implemented in conjunction with other projects, and 11 pedestrian-bike projects are carried over from the current TFP. Mr. Lampe highlighted the nine fully-funded projects on the TFP map.

Janice Zahn, Transportation Commission Vice Chair, commented briefly on the 18 additional priorities. She recalled the request during earlier oral communications about the speed limit on Bellevue Way and noted that one of the TFP projects provides preliminary funding to conduct a corridor study of that area. The category of 16 projects includes Downtown Impact Fee projects, development-coordinated projects, and projects associated with freeway access. The 11 ped-bike projects align well with the principles of the Ped-Bike Implementation Initiative. A reserve of $22.5 million has been designated for these projects in the proposed TFP.

Mayor Balducci thanked the Transportation Commission for its work.

Deputy Mayor Wallace complimented the Transportation Commission for this extensive and important work. He said transportation projects are a significant portion of the City's capital budget. He highlighted major accomplishments including the NE 4th Street extension and improvements to 120th Avenue NE, as well as neighborhood sidewalk projects and the annual overlay program.

Mayor Balducci noted a Council consensus to direct staff to draft legislation for future Council action.

6. Report of the City Manager

(a) Electrical Reliability Study Update [Continued from earlier Study Session]

City Manager Brad Miyake said this item continues from the earlier Study Session.

Nicholas Matz, Senior Planner, continued his report on key recommendations of the Electrical Reliability Study and the status of their implementation. Ongoing coordination between the City and Puget Sound Energy (PSE) includes annual joint reliability workshops, which inform the City about how PSE projects relate to City projects.

Mr. Matz said staff is seeking Council direction about whether it would like to formalize this process, and potentially other items, in a memorandum of understanding (MOU) with PSE. He noted feedback from stakeholders requesting the opportunity to review action items proposed for the MOU.

Mayor Balducci said she favors continuing the workshops and would support establishing an MOU. She suggested discussing the status of each recommendation as the presentation moves forward while waiting until the end to discuss the proposed technical expertise/staff person item.

Mr. Matz said the second recommendation of the report involves the smart grid concept, which is the ability to use technology and collect information about how well the infrastructure is functioning. He said the City's participation in planning meetings and the annual workshop allows staff to review PSE's activities to determine how the City might appropriately support PSE's customer initiatives. Mr. Matz said residents have suggested that the City hire a full-time staff person or engage an outside consultant with smart grid expertise. He noted that a Bridle Trails resident has been suggested to serve in this capacity. He said the City has used outside technical consultants for other issues and could do so to address smart grid issues as well.

Mr. Matz said the City and PSE have ongoing joint planning meetings as recommended by the Electrical Reliability Study. These differ from the annual workshops because they take a longer-range perspective of the City's and PSE's planning activities. Mr. Matz said this recommendation also includes a component of hiring the appropriate technical expertise, which could be formalized in the MOU if desired.

Councilmember Robinson suggested that these issues should be addressed in conversations at the county and state levels as well. She noted that initiatives such as solar energy cannot succeed without supporting infrastructure beyond the local level. Mr. Matz said the City is doing that to some extent through its involvement with the King County Cities Climate Collaboration (K4C) and the Solarize Bellevue program.

Continuing, Mr. Matz described the fourth recommendation and implementation item regarding PSE's Integrated Resource Plan (IRP) and its interface with the Washington Utilities and Transportation Commission (WUTC). The City participates in the creation of the IRP, which is PSE's long-range plan identifying what it will need to acquire to provide the anticipated power supply. This is based on a standard of "lowest reasonable cost."

Mr. Matz said the City's lobbyist monitors electric and energy matters within the state legislature with support from the City's Director of Intergovernmental Relations as well as Planning and Community Development staff. This effort works with specific legislators to advance the City's legislative agenda regarding electrical reliability. Mr. Matz said this is an area in which legal and/or policy expertise could be hired to assist the City. An additional step could be to revise the Council's legislative agenda to focus on specific energy issues.

Mayor Balducci observed there does not appear to be a regulatory body that evaluates the need for major electrical facilities. The WUTC reviews projects only after they have been completed and does not have enforcement authority over the utility's projects. However, it can determine whether or not a utility agency can recover its project costs through utility rates.

Ms. Balducci suggested considering a legislative agenda priority that would support identifying an agency or office with the role of determining whether a power project is necessary. Mr. Matz said other states handle this issue differently, and some require project review before they are implemented. Mayor Balducci said there needs to be a way to provide accountability to the community.

Continuing, Mr. Matz described the fifth and sixth recommendations regarding vegetation management and community communications/emergency operations. He said the City is actively addressing vegetation management, especially around substations. He questioned the Council's interest in formalizing the communications and emergency operations roles in the MOU.

The seventh recommendation involves addressing the potential conversion to underground distribution lines. Mr. Matz said utilities are being placed underground in conjunction with certain large street projects. The undergrounding of lines in residential areas could potentially be achieved through the formation of a local improvement district (LID).

Mayor Balducci said her goal in requesting this update was to be able to conclude the implementation of the ERS recommendations. Outstanding items are: 1) whether to establish an MOU, 2) how to handle the need for technical, legal and/or policy expertise; and 3) whether to pursue an underground program.

Councilmember Lee thanked City staff, PSE, and the community for their work and involvement in this topic. He expressed support for establishing an MOU to ensure that coordinated efforts continue to move forward. He observed that it would be appropriate to hire a City staff person with the needed expertise to oversee electrical reliability on an ongoing basis. He said there should be a way to continue to involve the community as well.

Councilmember Stokes suggested focusing on the key policy issues: 1) whether to establish an MOU, 2) whether to pursue the undergrounding of lines, 3) whether to identify additional legislative priorities, and 4) whether to consider additional staffing and/or other resources. He said the Council needs to first resolve the policy issues before deciding how the City will carry out those policies. He observed that it is the City Manager's job to determine the most appropriate method for staffing the required expertise.

Councilmember Stokes said that, going forward, he would like to think about the connection between the Electrical Reliability Study and a project like PSE's Energize Eastside project. Mr. Matz said the City's Comprehensive Plan includes a 1993 reference acknowledging the future need for PSE to enhance its transmission infrastructure in Bellevue. The ERS involved a review of PSE's system plan, which included the Energize Eastside project as a component of providing long-term, reliable power.

Councilmember Robinson noted the need for: 1) an independent analysis of energy needs over the next 30 years using independent data, and 2) the study of a broad range of options for meeting energy needs. She questioned how the City can achieve that information.

Mr. Matz said the independent technical analysis hired by the City evaluated PSE's work to determine the need for the project. He said the study and modeling completed by the City's consultant concluded that the need was properly identified by PSE. The Environmental Impact Statement (EIS) process addresses alternatives for meeting that need and does not presume that PSE's Energize Eastside project as defined is the only choice.

Ms. Robinson said she hears conflicting information from a number of sources. She said it is important to be sure that all options are being considered and that the City is advocating for the community. Mr. Matz said it is part of the City's informed stakeholder role to understand the issues and to be involved in PSE's activities to the extent described earlier in the presentation.

In further response to Councilmember Robinson, Mr. Matz said transportation capital projects are reviewed for their eligibility for the undergrounding of electrical lines. The outcome is defined by the tariff structure for cost sharing between the City and PSE, and sometimes the tariff is cost-prohibitive.

Councilmember Robertson concurred with Councilmember Robinson's questions and concerns. Ms. Robertson suggested that the four key questions outlined by Councilmember Stokes could best be addressed through a full-time, potentially limited term, City staff person. She believes this would provide greater continuity than strictly using consultants that change over time or for different topics. Ms. Robertson said an in-house expert would help to inform the other three issues.

With regard to undergrounding, Councilmember Robertson said she sees this as an incremental issue that can be dealt with through a number of ways including road projects, East Link-related projects, LIDs, grants, and/or Neighborhood Enhancement Program (NEP) projects. She said the staff expert could help inform those choices and alternative financing approaches. She suggested that the most reasonable approach would be to hire a limited-term employee (LTE) for the first couple of years to determine the ongoing need. She would like to see a proposal for the current Mid-Biennium Budget Update.

Councilmember Chelminiak said it sounds like the follow-up to the ERS has been going relatively well. He believes the key next step is establishing the MOU. He recalled a draft in 2013, which was opposed by some community stakeholders.

Mr. Chelminiak highlighted the importance of vegetation management in maintaining electrical reliability. The main cause of an outage during the October 25, 2014, storm was a falling tree that damaged a substation.

With regard to whether the expert should be a City employee or outside consultant, Mr. Chelminiak said the important factor is management control with a staff person who can dedicate a significant part of his or her job to the management responsibility for this function. He concurred with the Mayor's suggestion to work with parties in Olympia. He noted that the Energy Facility Site Evaluation Council addresses related issues. However, there is no legal requirement that utilities work with EFSAC. They instead generally choose to work through local land use planning and permitting processes. Mr. Chelminiak said the City's role is the permitting process and not making decisions about the best system. He suggested that the latter should be handled through state law.

Mr. Chelminiak observed that the issues related to electricity are so broad that it would be difficult to hire one person with all of the needed expertise. Consultants are likely the best route for hiring the broad range of expertise. Mr. Chelminiak said he was not sure whether this can be addressed now in terms of the budget. However, he would like to move forward with some form of decision.

Deputy Mayor Wallace concurred with Ms. Lopez, who spoke during oral communications, about the need for a "owner's representative" with regard to electrical infrastructure. A full-time person would be able to focus on a range of initiatives including implementation of the ERS and issues related to PSE's Energize Eastside project. Mr. Wallace suggested that the City could try a staff person for one year to two years to determine ongoing needs.

Mayor Balducci said the list of items falling under the need for technical expertise include being more effective participants in the reliability workshops with PSE, smart grid planning, long-range joint planning meetings, and the IRP process. She observed that a full-time person would have an uneven workload and would need to have something else to do. She concurred with Mr. Chelminiak that the breadth of expertise needed (i.e., technical, legal, planning, regulatory) might be better provided through the hiring of consultants. Ms. Balducci summarized that there is general Council support for hiring additional expertise in the field of electrical power and reliability.

Mayor Balducci said she is not interested in embarking on the issue of undergrounding utilities given the competing priorities for the City. She said undergrounding is less of a reliability issue and more of a beautification project. It would be very expensive and difficult to commit that sum of money given competing priorities, unless perhaps there is a way it could be provided incrementally.

Councilmember Stokes expressed support for establishing an MOU to address the items listed by the Mayor. He reiterated that it is the City Manager's role to determine how the staffing of expertise should be provided. Mr. Stokes concurred with Councilmember Chelminiak that, if consultants are used to provide the needed expertise, there should be a strong in-house

management role for a City staff person. Mr. Stokes agreed that it is not practical at this time to address the funding needed to underground utilities.

Councilmember Lee said that, while undergrounding is not practical at this time, it might be appropriate for a longer-term vision. He concurred with the Mayor that there are many competing priorities, and the City needs to focus on what it can reasonably accomplish. He suggested that the City Manager propose how to move forward at this point given the Council's discussion.

Councilmember Robertson said she heard three Councilmembers in favor of establishing a staff position within City Hall, two or three speaking in favor of consultants, and one to two open to the approach that would work best. Ms. Robertson asked the City Manager to come back with a proposal, preferably in the near future, on how the City could fill this need.

City Manager Miyake recommended that he bring back a proposal before the adoption of the Budget Update to describe how he plans to address the concerns and issues raised by the Council.

Councilmember Chelminiak observed that the Council has not talked about additional City staff work to continue to review some of the options proposed for PSE's Energize Eastside project. He suggested this could involve analysis outside of that project's EIS process to be provided at the City's expense. While further analysis might not enable the City to influence PSE's alternative, it will help inform the City about its potential next steps. Mr. Chelminiak reiterated that it is critical to identify who at City Hall will be responsible for managing all of this work.

Mayor Balducci thanked staff for the presentation and said she would like to make a decision by the end of the year, if possible. She questioned whether the staffing function should be managed by Planning and Community Development Department staff or by Utilities Department staff. Mr. Miyake said he will consider that issue as part of his review and proposal.

(b) Winter Weather Preparedness and Response

Mr. Miyake noted materials in the meeting packet regarding the City's winter weather preparedness and response planning and program.

Responding to the Mayor, Transportation Director Dave Berg said the City's web site provides the opportunity to sign up for extreme weather alerts.

7. Council Business and New Initiatives

Deputy Mayor Wallace said the Budget packet includes a list of principles established in 2006 regarding the funding of third party grant requests. For next year, he would like further consideration of the criteria for accepting or rejecting grant requests. He suggested adding a line item to the Budget to place a specific limit on expenditures for this purpose as well. Mayor Balducci noted Council support to address this issue.

Mayor Balducci said she asked staff to provide next week, in light of pedestrian and other serious injury/fatality accidents in Bellevue and the broader region, a presentation on the Vision Zero program. This has been adopted in a number of places. The approach establishes a statement of the community's goal and provides a framework for addressing that goal.

Councilmember Lee reported that he and the Mayor attended the National League of Cities conference, which included a presentation of Bellevue's BelRed Corridor development.

8. Consent Calendar

→ Deputy Mayor Wallace moved to approve the Consent Calendar, and Councilmember Chelminiak seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:

(a) Council Meeting Minutes
Minutes for October 5, 2015 Study Session
Minutes for October 5, 2015 Regular Session
Minutes for October 12, 2015 Extended Study Session
Minutes for October 19, 2015 Study Session
Minutes for October 19, 2015 Regular Session
Minutes for October 26, 2015 Extended Study Session

(b) Ordinance No. 6259 accepting an increased CDBG grant award contract from the United States Department of Housing and Urban Development (HUD); accepting the 2016 Community Development Block Grant (CDBG) recommendations of the Human Services Commission; authorizing the expenditure of additional CDBG funds available for 2016; and authorizing execution of revised 2016 agency contracts as recommended by the Commission.

(c) Motion to approve payment of claims and payroll for the period October 1, 2015 through October 31, 2015.

(d) Resolution No. 9003 authorizing execution of a one-year General Services Agreement with Everson's Econo-Vac, Inc., for a contract value not to exceed $248,000 including all taxes, to perform Storm Drainage Pipe Cleaning prior to the video condition assessment being performed. This contract has an option to renew for one additional three year period, bringing the total not to exceed contract value up to $880,000.

(e) Resolution No. 9004 authorizing a three-month extension to both the existing Olympic Pipeline Franchise Agreement and Agreement to Share Information between the City of Bellevue and Olympic Pipe Line Company (OPLC).

(f) Resolution No. 9005 authorizing execution of a Fourth Amendment to the City's original agreement with South Correctional Entity (SCORE) for Bellevue misdemeanant inmate housing at that facility.

(g) Resolution No. 9006 authorizing the execution of a three-year contract with MacDonald Miller for Heating, Ventilation, and Air-Conditioning (HVAC) preventive maintenance and repair services at Bellevue Service Center, with one two-year renewal option, in an amount not to exceed a contract total of $97,880, plus WSST.

(h) Resolution No. 9007 authorizing the execution of a three-year contract with Siemens for Fire Alarm and Sprinkler System Testing and preventive maintenance services at City Hall, with a two-year renewal option, in an amount not to exceed $142,260, plus WSST.

(i) Ordinance No. 6260 establishing a speed limit of 30 mph on NE 4th Street between 116th Avenue NE and 120th Avenue NE, and including certain corrections related to the NE 2nd Street and 114th Avenue SE/NE corridors.

(j) Resolution No. 9008 authorizing the execution of a professional services agreement with The Gordian Group to provide consulting services that support the City's Job Order Contracting (JOC) program.

(k) Resolution No. 9009 authorizing execution of a one-year General Services Agreement with Ventilation Power Cleaning, Inc., for a total possible contract value not to exceed $125,000 including all taxes, to perform Storm Drainage Condition Assessment.

(l) Resolution No. 9010 authorizing execution of a one-year General Services Agreement with Everson's Econo-Vac, Inc., for a contract value not to exceed $107,000 including all taxes, to perform Storm Drainage Condition Assessment. This contract has an option to renew for one additional three year period, bringing the total not to exceed contract value up to $500,000.

(m) Resolution No. 9011 authorizing execution of all documents necessary or appropriate to receive equipment and services (including three years of maintenance services) from Integrated Archive Systems Inc.(IAS) for the replacement of the City's primary data storage system for all City servers and applications utilizing the State of Minnesota Master Agreement No. MNWNC-121 with NetApp, as amended by the State of Washington Department of Enterprise Services Participating State Contract # 05815-009.

(n) Resolution No. 9012 adopting the Surrey Downs Park Master Plan Update.

(o) Resolution No. 9013 authorizing approval of a Small Public Works Contract between the City and Northwest Playground Equipment, Inc. to replace the

playground equipment at Lakemont-Highland Park.

(p) Resolution No. 9014 determining that a portion of one utility easement across two parcels at 1005 and 1015 104th Avenue SE in Bellevue, is surplus to the City's needs and is not required for providing continued public utility service.

(q) Motion to award Bid No. 15113 for Yarrow Point Pump Station Wetwell Rehabilitation to Accord Construction, as the lowest responsible and responsive bidder, in the amount of $159,694.80 (CIP Plan No. S-16).

(r) Motion to reject the bid protest from Johansen Excavating Inc. and award Bid No. 15102, Northup Way Connection to the SR 520 Trail (CIP Plan No. PW-R-146) to 3 Kings Environmental, Inc., as the lowest responsible and responsive bidder, in the amount of $7,547,281.25; and

Ordinance No. 6261: (1) Authorizing execution (and supplements as necessary) of an Interlocal Agreement between the City of Bellevue and the Washington State Department of Transportation (WSDOT) for construction of pedestrian and bicycle improvements along Northup Way (GCB 2028, Northup Way Corridor Improvements); and (2) Amending the 2015-2016 General Capital Investment Program (CIP) Fund to increase the appropriation by $2,800,000; and (3) Amending the 2015-2021 CIP Plan to increase the budget for the Northup Way Corridor Improvements project (CIP Plan No. PW-R-146) by $2,800,000 in Connecting Washington Tiered Pedestrian & Bicycle Safety Project State Funding.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

(a) Resolution No. 9015 - Request from East Bellevue Community Council (EBCC) for Council determination that its "necessary expenses" include funding to pay for appellate legal counsel to pursue appeal of trial court ruling that community councils lack statutory jurisdiction to take action on shoreline conditional use permits.

City Attorney Lori Riordan noted the letter in the meeting packet from East Bellevue Community Council Chair Bill Capron. The Community Council is exercising its statutory responsibility to independently assess the expenses it believes is necessary to allow the Council to carry out the responsibilities of its enabling legislation.

Ms. Riordan said the City Council's responsibility is to consider the request for funding and to exercise its discretion. She noted the Appellate Court decision in the 2001 necessary expenses case, which states that the City Council should exercise its discretion carefully lest it face legal

action alleging an arbitrary and capricious decision. Ms. Riordan said arbitrary and capricious refers to action that is willful and unreasoning in disregard of the facts and circumstances. If a court can conceive of a reason that supports the City Council's legislative decision, it will not disturb that decision.

Ms. Riordan suggested that the City Council consider the statutory language, case law, precedent, and the financial impact of the request in making its determination of whether the request is a necessary expense.

Responding to Councilmember Lee, Ms. Riordan said the initial request in Chair Capron's letter is $15,000. It is unclear whether the Community Council anticipates coming back to the City Council for additional funds. Ms. Riordan said that the attorney who has been representing the Community Council indicated she believes the case could be processed through the Court of Appeals for $6,000 to $8,000. Ms. Riordan observed that is a very conservative estimate, which could be the rationale for Mr. Capron's request for $15,000.

→ Councilmember Lee moved to adopt the version of Resolution No. 9015 that grants the request for necessary expenses, as provided in the Council's desk packet. Councilmember Robertson seconded the motion.

Mr. Lee expressed support for providing the necessary expenses to allow the East Bellevue Community Council to present its case before the court.

→ At 9:56 p.m., Councilmember Stokes moved to extend the meeting to 10:15 p.m., and Councilmember Robertson seconded the motion.

→ The motion carried by a vote of 7-0.

Councilmember Robertson said the EBCC has certain authority under state law regarding certain land use matters. She observed that choosing to not provide the funds would undermine the Community Council's ability to exercise that authority. She noted the need for clear law on this issue from the court.

Councilmember Chelminiak concurred that the appellate ruling will resolve the issue of whether a community municipal corporation (i.e., Community Council) has jurisdictional authority over Shoreline Conditional Use Permits. He expressed support for the motion, noting that other land use issues are clearly within the EBCC's authority.

Councilmember Stokes said he supports the resolution as written and looks forward to a court ruling on the appropriate jurisdictional authority for shoreline regulations.

Mayor Balducci expressed support for the motion. She observed that two court rulings have determined that the EBCC does not have shoreline jurisdiction. However, she said it is important to resolve and clarify the issue. She noted that, following the resolution of this item, the primary litigation related to Puget Sound Energy's Lake Hills transmission line project will be able to move forward.

→ The motion carried by a vote of 7-0.

12. Unfinished Business: None.

13. Continued Oral Communications

(a) EBCC Chair Bill Capron thanked the Council for its support of the request. He said the Community Council supports reliable power. However, it does not believe that PSE's permit application for the transmission line project is the appropriate alternative. He expressed concern that the project removes a large number of trees, which is counter to the City's reputation as a City in a Park. He recalled the City's previous designation of 140th and 148th Avenues as urban boulevards, which dictates that their character should be compatible with neighborhoods. Mr. Capron said the transmission line project does not complete the loop it proposes due to a gap in the line on SE 16th Street.

(b) Pamela Johnson said there are 6,580 individuals enrolled in the City's extreme weather alerts. She encouraged additional residents to enroll as well. She said it is important to hire the appropriately qualified expert to address electrical reliability issues on behalf of the City. She thanked Deputy Mayor Wallace and Councilmember Robertson for their comments during the discussion. Ms. Johnson said her understanding is that there are requirements for the undergrounding of utilities that are not being followed. She commented that utilities should have been placed underground with the recent work on 116th Avenue. As a Bridle Trails residents, Ms. Johnson said she experienced power outages three times last year. She expressed concern about elderly neighbors when power outages occur. She supports efforts toward changes in state law that would better serve the City's and residents' interests with regard to electrical utilities.

Mayor Balducci clarified that she does not support a wholesale City-wide undergrounding project due to the expense of what would primarily be a beautification effort.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 10:07 p.m., Mayor Balducci declared the meeting adjourned.

Charmaine Arredondo
Acting City Clerk

/kaw