

East Bellevue Community Council
Summary Minutes of Regular Meeting

February 7, 2017
6:30 p.m.

Lake Hills Clubhouse
Bellevue, Washington

PRESENT: Chair Capron, Vice Chair Kasner, Alternate Vice Chair Hummer, and Councilmembers Gooding and Hughes

ABSENT: None.

STAFF: Nora Johnson, Director, Civic Services Department

1. **CALL TO ORDER**

The meeting was called to order at 6:33 p.m. with Chair Capron presiding.

2. **ROLL CALL**

Deputy City Clerk Karin Roberts called the roll. All Councilmembers were present.

3. **FLAG SALUTE**

Chair Capron led the flag salute.

- (a) 2017 Election of Officers

Chair Capron introduced the election of the 2017 officers.

Councilmember Hughes nominated Councilmember Capron to serve as Chair. The selection of Mr. Capron to serve as Chair carried by a vote of 5-0.

Councilmember Hughes nominated Councilmember Kasner to serve as Vice Chair.

Councilmember Hummer nominated herself to serve as Vice Chair.

The nomination for Councilmember Kasner to serve as Vice Chair carried by a vote of 3-2, with Councilmembers Gooding and Hummer dissenting.

Councilmember Kasner nominated Councilmember Hughes to serve as Alternate Vice Chair.

Councilmember Hughes nominated Councilmember Hummer for Alternate Vice Chair.

The nomination of Councilmember Hughes as Alternate Vice Chair failed by a vote of 1-4, with Councilmember Kasner in favor.

The nomination of Councilmember Hummer to serve as Alternate Vice Chair carried by a vote of 4-1, with Councilmember Kasner dissenting.

4. **COMMUNICATIONS: WRITTEN AND ORAL**

Chair Capron noted that Keri Pravitz would provide an update on the Energize Eastside project. He clarified that this project is separate from the Lake Hills transmission line project that has been the subject of recent litigation.

Keri Pravitz, Puget Sound Energy (PSE), provided an update on the Energize Eastside project. She said the Phase 2 Draft Environmental Impact Statement (DEIS) is due out this spring. PSE personnel have been meeting with property owners, including Glendale Country Club, to discuss specific site designs. The country club's property currently has 20 poles, which will be reduced to five poles. She said EBCC members Steve Kasner and Gerry Hughes joined her for one of the property owner meetings in Newport Hills. She said PSE will continue to implement construction practices that protect the oil pipeline and other underground facilities along the power line alignment. She said safety is PSE's top priority. Ms. Pravitz presented graphic simulations of the Energize Eastside project.

Responding to Councilmember Kasner, Ms. Pravitz confirmed that the current lines are level with the tree canopy, and the new lines and poles will be taller.

Responding to the audience, Chair Capron summarized the activities related to PSE's Lake Hills transmission line project. The King County Superior Court initially ruled in the EBCC's favor, and PSE filed an appeal. The Court of Appeals overturned that decision in late January. Mr. Capron said the EBCC is considering whether to petition for Washington Supreme Court review.

Loretta Lopez, Vice President of the Bridle Trails Community Club and a Board Member for the Coalition of Eastside Neighborhoods for Sensible Energy (CENSE), said she is also a lawyer. She said the Court of Appeals decision related to the PSE Lake Hills transmission line project does not change the EBCC's authority. She thanked the EBCC for their hard work on this issue.

Cynthia Vautier said she was disappointed by the comments of the PSE representative, which she feels were disingenuous. She does not believe that PSE is interested in safety. She said Ms. Pravitz' comments did not address the issue of the need for the Energize Eastside project. Ms. Vautier said energy usage has been declining, due largely to conservation. She lives in Bellevue because it is beautiful, and she would like to keep it that way.

Don Marsh, President of CENSE, said PSE's Energize Eastside project is not needed and is based on false premises. He said the project is a way for PSE to boost revenues. He said CENSE has worked to address safety concerns related to collocating the project with the existing oil pipelines. He cited a report that states that PSE's preferred route violates four out of four safety criteria, which cannot be mitigated. Mr. Marsh believes the Willow 2 route will be abandoned by

PSE. He does not believe the project is buildable. The analysis of the Willow 1 option indicated that it violates two out of the four safety criteria. However, the report stated that those could be corrected through design changes (e.g., taller poles and a 13-foot separation between a pole and the pipeline). Mr. Marsh said PSE previously stated that only a one-foot separation is required between the pipelines and poles. He said the report did not address construction risks.

Mr. Marsh then commented on the Lake Hills transmission line project. He said PSE was required to notify only those residents within 50 feet of the alignment. He said there are other, better alternatives that were not put in the record and cannot be considered at this point.

Mr. Kasner said Norm Hansen and Warren Halverson have been working on the project longer than himself. Mr. Kasner said Mr. Halverson attended the November 14 hearing before the Hearing Examiner, and Mr. Halverson was quite clear about the problems with the project. Mr. Kasner said Mr. Hansen sent the EBCC a note. He read a portion: “Last week the Court of Appeals decided it was okay to cut 300 trees. The court determined that this was compatible with Bellevue’s Comprehensive Plan, and they stated the Comprehensive Plan does not specifically bar overhead electrical line on 148th. Furthermore, the Comprehensive Plan does not designate 148th as an urban boulevard.” Mr. Kasner said there was a letter from the Parks Department saying that it did.

Continuing to read from Mr. Hansen’s email: “The implications of this ruling are truly frightening for our Bellevue residents. Remember that 148th was originally designated and purposely built with underground utilities by a visionary city and Council resident. If that vision can be violated simply because it isn’t specifically protected in the Comprehensive Plan, then every street in our City is vulnerable to extending the overhead power lines. Our neighbors are watching and willing to work with the City to come up with a better plan for the future vision. Please advise. Norm Hansen, Bridle Trails resident and Coalition of Eastside Neighborhoods for Sensible Energy Board Member.”

Mr. Kasner commented to Mr. Hansen and Mr. Halverson that they have been involved in these issues for a long time and he had learned a lot from them about PSE projects.

Mr. Kasner expressed concern that the EBCC does not hear about projects in a timely manner. He said the City Council and City staff need to make the community aware of what is going on. He said four City Councilmembers will be up for election. He encouraged everyone to query the City Council candidates’ attitudes on the issues. He expressed appreciation for the work of the entire community to get the information that the EBCC needs to make decisions.

Loretta Lopez said: “The City should have entered that evidence in the record. It’s the City’s responsibility to have attended the administrative hearing and put that in the record. That’s my comment.”

Ken Seal said everyone in East Bellevue should have been notified, not just those within 50 feet, because it will be added to everyone’s electric bills.

Sandra Hughes expressed concern about two corners, SE 8th Street and 148th Avenue SE and 148th Avenue SE and Main Street, and said that anyone on the EBCC can get that to the City

Council, whoever needs to know. She said she had no idea why the projects to install new traffic lights and corner ramp sidewalks at two intersections should take more than eight months and detract from businesses. She said that is just a little glimpse of what might happen with the PSE project.

Mr. Capron said the City is 17 weeks behind on a nine-week project. Don Boettiger said nine weeks means working days, not weeks.

Norm Hansen said the Bridle Trails area has common ground with East Bellevue, including that there are a lot of trees. He said Bridle Trails has a neighborhood-specific tree ordinance. He said using 148th Avenue for the transmission line is not compatible with the City in a Park concept. Mr. Hansen opined that PSE does not realize that overhead lines are over, and there are other options. He hopes the EBCC can work with PSE and come up with a solution that works for everyone.

5. REPORTS OF CITY COUNCIL, BOARDS AND COMMISSIONS

(a) Community Council Business and New Initiatives

Councilmember Hughes said he participated as a member of the Independent Salary Commission. After a thorough review and several meetings, the commission agreed on a cost of living raise for the City Council. The City Council salaries have not been adjusted since 1999.

Mr. Hughes noted the Lake Hills Neighborhood Association meeting in March to discuss the SWOT (strengths, weaknesses, opportunities, and threats) model. A City planner will attend, as well as a retired City employee who will provide a history of past neighborhood planning efforts and projects.

Mr. Hughes referred to the recent fire at the mosque in East Bellevue and noted that the community raised \$1 million to help rebuild. He said he learned that, under the Islamic religion, they must rebuild the mosque. They cannot move it to another location. He said a large percentage of members are from India and Pakistan and work at Amazon and Microsoft.

Councilmember Gooding thanked the City of Bellevue for their work during the snow storm. He noted the new Salvation Army community center near Crossroads Park.

Councilmember Hummer spoke about attending and commenting during City Council meetings and at multiple Board and Commission meetings. She distributed a handout that she provided to those bodies, which describes the EBCC's history and functions. Ms. Hummer noted her interest in adult family homes, affordable housing, single-family room rentals, dilapidated homes, abandoned vehicles, and parks. She is concerned that Larsen Lake is zoned residential (R-5) and it appears that more houses could be built in the peat bog. She recalled the EBCC working with the Parks Department many years ago as part of the Forward Thrust program to create the Lake Hills greenbelt and to preserve Larsen Lake as single-family homes. Ms. Hummer said she believes that effort initiated the creation of a City in a Park.

Ms. Hummer said she is pleased to see more active communication between Bellevue College, residents, and the City. Noting the current street vacation, Ms. Hummer said there are four more streets to be vacated as the college expands over its 30-year plan. She said she serves on the EBCC for her constituents and has a responsibility to represent them.

Ms. Hummer said she learned that the City has acquired two parcels on Lake Sammamish to be developed into parks. Referring to the Bellevue College street vacation, she said the fee paid by the college must be used to buy land, including for parks.

Ms. Hummer noted Ms. Wannamaker's concerns regarding how to rezone the Eastgate area for higher density residential and commercial development without addressing current and project traffic conditions. A presentation at the Transportation Commission meeting indicated plans for infrastructure projects beginning in April. Ms. Hummer thanked Ms. Wannamaker for taking her concerns to the City.

Councilmember Kasner noted the upcoming Lake Hills Neighborhood Association meeting and said Cheryl Kuhn (former City employee), Nicholas Matz, and Terry Cullen will attend. He encouraged residents to get involved in East Bellevue issues. He said the developer for the new project in Kelsey Creek Shopping Center is waiting for one permit, and plans to complete the project in June. He noted that 43 individuals applied for the City Council vacancy, and eight finalists will be interviewed. Three of the finalists live in Lake Hills.

Mr. Kasner said he attended a Bellevue Essentials class alumni event, which assembled care packages for local foster children. Mr. Kasner said he and Councilmember Hughes attended the Muslim safety forum in Redmond and Movies that Matter. He noted that Odle Middle School construction is nearly complete. Mr. Kasner said he attended a training session on LGBT youth. He noted that Kate Berens, Deputy City Manager, serves as a liaison to the gay and lesbian community.

Chair Capron noted that the community was relieved to learn that the mosque fire was not a hate crime, and he attended the gathering of support at Sammamish High School after the fire. He would like to be able to work with Puget Sound Energy to identify a solution for looping the Lake Hills and Phantom Lake substations that does not involve an alignment on 148th Avenue. He would prefer to negotiate, rather than litigate, with PSE and the City. Based on what he has learned throughout this process, Mr. Capron said he would have requested legal counsel when the permit application was filed. He would prefer to see an alignment along 156th Avenue, Lake Hills Boulevard, and 164th Avenue. He said one of the EBCC's first projects was 148th Avenue. He noted that he was 12 years old at the time, and he would like it to be protected as an urban boulevard in our City in a Park.

Councilmember Hughes noted that it is really hard to change the process once it has started. He hopes PSE will be willing to negotiate.

Mr. Capron said the looping design, according to information provided by PSE, would not have affected the power outages Bellevue has experienced. He said he is concerned about safety related to maintenance. He noted the danger of working on equipment if a line cannot be turned

off for repairs. Mr. Capron acknowledged that there is value to the project for redundancy and safety. However, he does not like the alignment chosen by PSE along 148th Avenue.

6. APPROVAL OF AGENDA

Chair Capron noted that the EBCC's lawyer was present. He suggested moving Agenda Item 14(a) to occur following Item 7.

Councilmember Hughes moved to approve the agenda, amended as suggested by the Chair. Vice Chair Kasner seconded the motion, which carried by a vote of 5-0.

7. DEPARTMENT REPORTS

- (a) Presentation regarding Bellevue College Petition to Vacate a portion of 145th Avenue SE, north of SE 26th Street

Nora Johnson, Civic Services Director, noted her memo in the meeting packet and provided information on the Bellevue College petition to vacate a portion of 145th Avenue SE, north of SE 26th Street. She said the campus master plan would be presented to the City Council on February 13. She described the three phases of student housing, which creates the need for the street vacation. Ms. Johnson noted that, while Bellevue College is not within the EBCC jurisdiction, it is within the broader East Bellevue portion of the city. She described the steps for street vacations, which are governed by Bellevue City Code section 14.35 and RCW 35.79, and provided a brief history of the current Bellevue College petition to vacate.

Ms. Johnson said this process is unique because Bellevue College initially asked the City of Bellevue to waive compensation for the street vacation. However, Bellevue College has retracted that request. The street vacation fee is estimated at \$750,000 to \$825,000.

Ms. Johnson said there will be a Public Hearing on the street vacation before the City Council on February 21. She said a community meeting on the topic would be held at Bellevue College on February 8. Ms. Johnson said notices were sent to residents of Sunset Ranch and other adjacent areas within 350 feet of the street vacation site. Following the public hearing, the Council will be asked to provide direction to staff to draft legislation either approving or denying the request.

Responding to Chair Capron, Ms. Johnson said there is a water main easement on the parcel to be vacated. In further response, Ms. Johnson said an independent appraisal will determine the value of the property.

Mr. Capron said he was not inclined to support waiving the street vacation fee, as originally requested by Bellevue College. However, he is not opposed to the street vacation.

Councilmember Hughes questioned whether the street vacation affects Councilmember Hummer. Ms. Hummer said the college has planned, since 1966, to buy out the adjacent neighborhood. A number of houses were acquired in the late 1990s/early 2000s. She encouraged the City to keep communications open and thanked Ms. Johnson for coming. Ms. Hummer expressed her

appreciation for the additional community meetings. She referred the public to the City's web site to view City Council meetings that addressed the topic.

Councilmember Kasner said he had serious concerns about the process. He noted that the City received the petition for the street vacation in early August, and he would have liked the EBCC to have been notified at that time. He expressed concern about the long-term impacts of the full campus plan. He expressed concern that the student housing is primarily for international students and not for local, low-income students. He encouraged better communication in order to solve problems collectively.

Councilmember Hummer concurred that she would like City staff to inform the EBCC about projects in their general area, even if not within the EBCC jurisdiction.

Ms. Johnson said staff considered it appropriate to take the matter to the City Council first and to set the public hearing date. She said staff will try to be more mindful about informing the EBCC of pending actions. However, she did not recall any other street or right-of-way vacations in the area over the past 25 years.

Chair Capron suggested adding a question to the building permit applications about whether a project is within the EBCC jurisdiction.

Wesley Clarke said Bellevue College had offered to provide a bike path in exchange for a waiver of the compensation fee.

Ms. Johnson said City staff brainstormed with Bellevue College to determine a public benefit that could be provided in exchange for waiving the street vacation fee. She said the City had not previously received any request to waive compensation.

Responding to Cynthia Vautier, Ms. Johnson said the request to waive compensation was included in the original petition for the street vacation. Ms. Johnson said the request was made in the form of Resolution 16-05-12 by the State Board for Community and Technical Colleges [provided in the meeting packet].

14. **EXECUTIVE SESSION**

(a) Item of Pending Litigation

At 8:19 p.m., Chair Capron declared recess to Executive Session for approximately 20 minutes to discuss one item of pending litigation.

[The Deputy City Clerk did not join the Community Council for the Executive Session.]

The meeting resumed at 8:55 p.m.

(b) Consideration of motion re: Puget Sound Energy (PSE) v East Bellevue Community Council (EBCC) *[Moved from Agenda Item 12(c).]*

Chair Capron said the EBCC discussed whether to direct the EBCC's appellate attorney, Kathleen Haggard, to continue representation for the purposes of filing a Washington Supreme Court petition for review of the Puget Sound Energy (PSE) transmission line case.

Mr. Kasner moved to direct Kathleen Haggard, appellate attorney, to continue legal representation of the EBCC for the purpose of preparing a petition for review to the Washington Supreme Court. The motion was seconded by Mr. Capron and carried by a vote of 5-0.

Councilmember Kasner moved to request \$7,000 from the City to enable the East Bellevue Community Council to file a notice of appeal to the Washington Supreme Court of the Court of Appeals' opinion. If the case is accepted by the Supreme Court, an additional \$20,000 would be requested. The motion was seconded by Chair Capron and carried by a vote of 5-0.

Councilmember Hummer suggested that the public email the City Manager and/or City Council, asking them to support the EBCC's funding request for necessary expenses.

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

9. **RESOLUTIONS**

(a) Resolution No. 560 electing 2017 Community Council Officers.

Councilmember Hummer moved to approve Resolution No. 560 electing the 2017 East Bellevue Community Council officers: Chair Capron, Vice Chair Kasner, and Alternate Vice Chair Hummer. The motion was seconded by Councilmember Hughes and carried by a vote of 5-0.

(b) Resolution No. 561 Praying for Continuation of the Existence of East Bellevue Municipal Corporation for an additional four years in accordance with RCW 35.14.060.

Councilmember Kasner moved to approve Resolution No. 561, Praying for Continuation of the Existence of East Bellevue Municipal Corporation for an additional four years. The motion was seconded by Councilmember Hughes and carried by a vote of 5-0.

10. **COMMITTEE REPORTS:** None.

11. **UNFINISHED BUSINESS:** None.

12. **NEW BUSINESS**

(a) Potential Future Agenda Items

- Bellevue College Student Legislative Affairs Presentation
- Eastgate Land Use Code Amendments
- Lake Hills Art Project
- Kelsey Creek Culvert Replacement

- Eastgate Interceptor Rehabilitation

Responding to Chair Capron, Vice Chair Kasner said the Bellevue College student liaison for local legislative affairs asked to be on the EBCC's March meeting agenda.

Mr. Capron said the Eastgate Land Use Code Amendments have not yet been scheduled for the City Council. The Lake Hills art project will come to the EBCC in March. Information on the Kelsey Creek culvert replacement project will be brought to the EBCC by mid-year, with construction anticipated in 2018.

Councilmember Hummer said she would like more information on the Eastgate interceptor rehabilitation project scheduled for 2018 on a King County sewer pipe through the Lake Hills Greenbelt.

Councilmember Kasner requested a courtesy presentation or a memo regarding Bellevue School District construction projects in East Bellevue. Chair Capron said he would contact the Bellevue School District construction director.

Mr. Kasner requested an update, sometime within the next six months, on the Environmental Impact Statement (EIS) review process for Puget Sound Energy's Energize Eastside project. He wondered whether the two project alternatives that bypass Lake Hills are still under consideration.

- (b) EBCC Retreat Discussion

Chair Capron recalled that the EBCC previously held a few short retreat sessions before regular meetings. He said he and Ms. Hummer recently discussed the potential for continuing those discussions. Mr. Capron suggested holding a retreat as a separate meeting date.

Councilmember Hughes questioned the purpose or topics for a retreat. Mr. Capron suggested reviewing the list of topics previously established by the EBCC.

Councilmember Hummer said topics included how to take the EBCC's concerns to the City Council, how to interact with the City Council, and enhancing communications with the City Council and staff.

Chair Capron suggested that Councilmembers submit retreat topics to the Deputy City Clerk, who will share them with the EBCC.

Vice Chair Kasner suggested holding a Saturday retreat.

Chair Capron said the EBCC would discuss retreat topics and details during its March meeting.

Councilmember Hughes said he met with Don Marsh and a former director of Seattle City Light recently to discuss electrical power projects. Mr. Hughes said Puget Sound Energy's system exceeds federal standards and energy demand is declining. He said that capital projects allow

126

East Bellevue Community Council
Summary Minutes – February 7, 2017

utilities to increase rates, which generates money for shareholders. Mr. Hughes noted that PSE is a private utility while Seattle City Light is a public utility.

13. **CONTINUED COMMUNICATIONS:** None.

14. **EXECUTIVE SESSION:** *[Moved to earlier in agenda.]*

15. **APPROVAL OF MINUTES**

(a) Summary Minutes of December 6, 2016 Regular Meeting

Vice Chair Kasner moved to approve the minutes of the December 6, 2016 Regular Meeting. Councilmember Hummer seconded the motion, which carried by a vote of 5-0.

16. **ADJOURNMENT**

At 9:24 p.m., Chair Capron declared the meeting adjourned.

Karin Roberts, CMC
Deputy City Clerk

/kaw