

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

August 4, 2014  
8:00 p.m.

Council Chamber  
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 8:13 p.m., with Mayor Balducci presiding.

2. Roll Call, Flag Salute

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

(a) Yao, Japan Sister City Student Exchange Introduction

Mayor Balducci introduced Inta Gotelli from the Bellevue Sister Cities Association.

Ms. Gotelli recalled that the Sister City relationship with Yao began in 1969. Hugh Burleson oversaw that program for many years, and Florence Metcalf has now taken that role on the Yao Committee. The first student exchange with Yao was in 1977.

Ms. Gotelli said that Yao exchange student Mitsuko Manabe and Bellevue student Ameer Eng were not able to attend the meeting.

Alissa Rogers described her experience visiting Yao and spending time with her exchange sister Wakana Kuremoto. She thanked the Bellevue Sister Cities Association for this opportunity. Wakana said she is grateful to be in Bellevue and hopes to return someday.

Mayor Balducci thanked the students for their involvement and for hosting each other in their respective cities.

3. Communications: Written and Oral

Noting the heavy agenda, Mayor Balducci asked speakers to limit their comments to two minutes.

- (a) John Abate, a resident of Lynnwood, noted his background as a research coordinator and liaison for academic, business, and community outreach for specific environmental sustainability projects. He is presently allied with several business people, engineers and scientists in trying to establish a unique and innovative licensing company to promote certain technologies that will enhance environmental sustainability. One component of that work is energy efficiency and conservation. He said he would like to provide a concept paper to the Council regarding this work and its potential benefit for the real estate community.
- (b) Ali Biria said he spoke with Councilmember Lee during the recent arts festival to discuss Mr. Biria's concerns about possible discrimination by the City's electrical permitting department. He said the City is asking him and his tenant to undertake electrical grid upgrades that he believes are Puget Sound Energy's responsibility.

Mayor Balducci asked the City Manager to follow up on this situation.

- (c) Warren Halverson, speaking on behalf of CENSE (Coalition of Eastside Neighborhoods for Sensible Energy), expressed appreciation for the Council's responsiveness to residents' interest in hiring an independent technical consultant to assist in reviewing the Energize Eastside project. He referred to a memo which proposes adding four issues to the consultant's work and to an article from the Wall Street Journal regarding electrical utilities.
- (d) Alex Zimmerman, representing StandUP-America, said two minutes is too much. There are 300 million people in America and it is not possible to listen to everybody. He has spoken to the Council many times over 20 years. He questioned whether Council is working for government, for corporations, or for the people. He asked what the Council will do next: cut speakers to 20 seconds like they did in Seattle? He said the Council is mentally sick. He reiterated his ongoing request that the City Manager hold monthly meetings with the public. He accused the City of "dirty government."

Mayor Balducci asked Mr. Zimmerman to step away from the microphone.

- (e) Ginger Switzer expressed her concerns about off-leash dogs. She said her dog recently had a \$4,200 surgery after being attacked by an off-leash dog. Her dog was attacked again earlier in the day in Wilburton park by an off-leash dog. Fortunately the dog was not injured in this attack. Ms. Switzer said the Police see off-leash dogs as a low priority. King County Animal Control has four staff members for the entire county, and they do not work on weekends. She said there is no enforcement. She has observed uniformed Police Officers at the park who do nothing to address the off-leash dogs. Ms. Switzer said better signage is needed. There is one sign in the parking lot and none at the trailheads. She said this is a serious issue.

Mayor Balducci asked the City Manager to follow up on this issue.

(f) Eric Guerra, representing Seattle University, thanked Glenn Kost and the City's Parks and Recreation Program for working with them on a proposal for infield synthetic turf at Bannerwood Park. He said the benefits of the proposal include reduced maintenance costs, scheduling reliability, and field safety.

4. Reports of Community Council, Boards and Commissions: None.

5. Report of the City Manager

(a) Management Brief on Proposal to Install Synthetic Turf on Bannerwood Park Baseball Infield

City Manager Brad Miyake introduced staff's report on the proposal to install synthetic turf on the Bannerwood Park baseball infield.

Glenn Kost, Park Planning and Development Manager, said that both the City and Seattle University will benefit from the partnership to install the synthetic turf. It will provide a more reliable facility for Seattle University and reduce maintenance costs for the City. Mr. Kost said the university's use will be in the spring so it will not interfere with peak community use that starts in late May.

Responding to Councilmember Lee, Mr. Kost said the City's share of design and other soft costs are estimated at \$120,000. SU will fund all construction costs, estimated at \$540,000. Of this, \$275,000 would be paid initially, with the remainder paid over the life of the agreement. SU would continue to pay field rental fees as well.

Mr. Kost said the Bellevue School District owns the property and it was formerly used by the high schools. Over the past 10 years, the District has upgraded its school fields so high schools are no longer using the Bannerwood field.

Councilmember Stokes expressed support for the proposal. He believes the investment of soft costs will come back to the City in many ways. He said the Parks and Community Services Board has passed a motion in support of the proposal.

→ Councilmember Stokes moved to direct staff to finalize and bring a formal agreement back to the Council for action. Deputy Mayor Wallace seconded the motion.

Mayor Balducci congratulated Parks Department staff on their ability to establish partnerships that provide benefits to the City, other organizations, and the public.

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

6. Council Business and New Initiatives

The Council agreed to skip their usual reports in the interest of getting through the two public hearings. However, the Mayor said there was one item needing the Council's attention.

(a) Re-approval of East Main Station Area Plan Citizen Advisory Committee (CAC) Appointments

Mayor Balducci recalled that Councilmember Robertson questioned the appropriateness of voting on the East Main Station Area Plan CAC members during the Special Meeting on July 28. Staff's research indicates that the noticing of the Special Meeting did not reference the potential for action on this item during the 4:00 p.m. Special Meeting. Staff recommends a formal Council motion to re-approve the CAC appointments:

Chris Breiland, Surrey Downs Community Club  
John D'Agnone, Business representative  
Christie Hammond, Surrey Downs resident  
John King, Surrey Downs Community Club  
Scott Lampe, Surrey Downs Community Club  
Jim Long, Business representative  
Erin Powell, Bellecrest Neighborhood Association  
Danny Rogers, Red Lion Hotel  
Alexander Strunkin, Downtown resident  
Bill Thurston, Bellevue Club and Hotel Bellevue, and  
Pamela Unger, Surrey Downs resident.

→ Deputy Mayor Wallace moved to reapprove the list of East Main Station Area Plan CAC members, and Councilmember Stokes seconded the motion.

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

7. Approval of the Agenda

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

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

8. Consent Calendar

→ Councilmember Robertson moved to amend the Consent Calendar by moving Agenda Items 11(a), (b), (d) and (e) to the Consent Calendar. Councilmember Stokes seconded the motion.

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

→ Councilmember Robertson moved to pull Items 11(a) and 11(b) for separate consideration. Deputy Mayor Wallace seconded the motion.

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

- Deputy Mayor Wallace moved to approve the Consent Calendar, as amended, and Councilmember Robertson 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
    - June 23, 2014 Extended Study Session
    - June 30, 2014 Special Meeting - Extended Study Session
    - July 7, 2014 Study Session
    - July 7, 2014 Regular Session
  
  - (b) Ordinance No. 6170 amending Section 9.10A.040G of the Bellevue City Code (Chronic Nuisance Ordinance).
  
  - (c) Resolution No. 8783 authorizing execution of a professional services agreement with Police Executive Research Forum (PERF), in an amount not to exceed \$92,000, to conduct an assessment of certain practices and procedures within the Police Department.
  
  - (d) Resolution No. 8784 authorizing execution of a 2014-2016 successor labor agreement by and between the City and the International Association of Firefighters Union, Local 1604, representing Fire Battalion Chiefs for the contract period January 1, 2014 through December 31, 2016.
  
  - (e) Resolution No. 8785 authorizing execution of a contract with DKS Associates, in an amount not to exceed \$250,000, to update key components of a current City-owned asset inventory of fiber, conduit and related connectivity infrastructure in order to establish a foundation for facilitating enhanced broadband connectivity.
  
  - (f) Ordinance No. 6171 authorizing: 1) execution of an amendment (and supplements if necessary) to the Interlocal Agreement with King County, providing the City with \$1,650,000 in King County Conservation Futures Levy proceeds, and 2) amending the 2014 Budget by \$1,650,000 to increase the Parks and Open Space Acquisition project (CIP P-AD-82) to recognize King County Conservation Futures Levy proceeds.
  
  - (g) Resolution No. 8786 authorizing execution of a Non-Exclusive Easement to Puget Sound Energy, Inc. to install, operate, and maintain electrical power transmission and distribution systems at Hidden Valley Sports Park.
  
  - (h) Motion to award Bid No. 14087 to Cedar Creek Contractors LLC, as the lowest responsible bidder, in the amount of \$158,849.44, for providing asphalt repair services at various parks and trail sites throughout the city.

- (i) Resolution No. 8787 authorizing execution of a professional services agreement with IMS, Infrastructure Management Services, LLC, in an amount not to exceed \$155,969, for the 2014 Pavement Distress Survey (CIP Plan No. PW-M-1).
- (j) Resolution No. 8788 authorizing execution of a professional services agreement with Leidos Engineering, LLC, in an amount not to exceed \$158,000 for engineering services for Meydenbauer Basin/Central Business District Conveyance System Analyses (CIP Plan No. D-94).
- (k) Motion to award Bid No. 14089 for Clyde Hill 335 Steel Reservoir Recoating Project, to Purcell P&C, LLC dba Purcell Painting & Coatings, as lowest responsible and responsive bidder in an amount not to exceed \$318,645.00 (CIP Plan No. W-69).

From Agenda Item 11:

- (d) Resolution No. 8789 authorizing execution of an Interlocal Agreement with King County for City of Bellevue participation in the King County Cities Climate Collaboration (K4C).
- (e) Ordinance No. 6176 of the City granting Puget Sound Energy, Inc., a Washington corporation, the right, privilege and authority and franchise to set, erect, construct, support, attach, connect and stretch facilities between, maintain, repair, replace, enlarge, operate and use facilities in, upon, under, along and across the franchise area for purposes of transmission, distribution and sale of natural gas.

Added to Consent Calendar from Agenda Item 11 – Pulled for separate vote:

- (a) Ordinance No. 6173 providing for the issuance of limited tax general obligation bonds of the City in the aggregate principal amount not to exceed \$10,000,000 for the purpose of providing funds to finance improvements to the Meydenbauer Convention Center and to pay issuance costs; providing for the disposition of the proceeds of sale of such bonds; delegating the authority to approve the method of sale for and final terms of the bonds; and approving the Sixth Amendment to the First Amended Design, Construction, Financing and Operating Agreement between the City and the Bellevue Convention Center Authority.
- (b) Ordinance No. 6174 providing for the release of funds from the proceeds of the sale of the Old Convention Center Site to the Bellevue Convention Center Authority to finance costs of improvements to the Meydenbauer Convention Center, and other matters related thereto.

Councilmember Robinson recused herself from participating on these items and left the Chamber.

→ Councilmember Chelminiak moved to adopt Ordinance Nos. 6173 and 6174, and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 6-0, with Councilmember Robinson recused.

Deputy Mayor Wallace questioned whether he should have recused himself as well, given his father's role on the Bellevue Convention Center Authority (BCCA) Board of Directors.

Councilmember Chelminiak indicated that Robert Wallace is Director Emeritus on the Board of Directors. He participates in meetings but does not vote.

## 9. Public Hearings

- (a) Public hearing and consideration of Ordinance extending interim zoning controls, adopted by Ordinance No. 6128 and extended by Ordinance No. 6152, regarding individual room rentals in residential dwellings.

Mayor Balducci provided the rules for the two Public Hearings. Under the Council's Rules, individuals are allowed three minutes to address the Council on the specific issues. Speakers should identify themselves, their organization if applicable, and their city of residence for the record. She asked that the audience not clap or make other noise at the conclusion of speakers' comments, and that speakers and the audience be respectful of all points of view.

Mayor Balducci said the first Public Hearing is on the extension of the current interim zoning regulations for individual room rentals in residential dwellings. The subject of the hearing is whether to extend the interim zoning controls and not on the specific content of the regulations. She noted that the Council is asked to adopt Ordinance No. 6172 [Page 167 of meeting packet] which extends the interim zoning controls to March 23, 2015.

Mike Bergstrom, Principal Planner, noted that the request for the extension was made by the Planning Commission as well as members of the community who have been actively involved in this process of developing permanent regulations. The Planning Commission will hold a Public Hearing in September and is expected to take action on its recommendation at that time or soon after.

→ Councilmember Stokes moved to open the Public Hearing, and Councilmember Robinson seconded the motion.

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

The following citizens came forward to comment:

1. Steven Fricke, a Spiritwood resident, observed that the Planning Commission is making great progress. He wants to continue that momentum and supports the extension of interim zoning controls.

2. Barbara Benson reiterated the need to renew the ordinance. She said the interim zoning controls have made a significant difference in the number of single room rentals in Spiritwood.

3. Irene Fernandes concurred with the previous two speakers.

→ Councilmember Robertson moved to close the Public Hearing, and Deputy Mayor Wallace seconded the motion.

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

Ordinance No. 6172 extending Ordinance No. 6128 adopting an interim official zoning ordinance to address impacts resulting from the rental of multiple rooms in residential dwellings to unrelated individuals, by amending the definitions of “boarding house” and “family” and creating a new definition of “rooming house,” for an additional period of six months, to be in effect while the City drafts, considers, holds hearings, and adopts permanent regulations; providing for severability; and establishing an effective date.

→ Councilmember Chelminiak moved to adopt Ordinance No. 6172, and Councilmember Lee seconded the motion.

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

Mayor Balducci thanked the Spiritwood community for working with the Planning Commission, Council and staff.

(b) Shoreline Master Program (SMP) Public Hearing

Mayor Balducci said the next public hearing is the second hearing held by the Council related to the Shoreline Master Program Update as described in the agenda materials beginning on page 183. The initial public hearing was held on May 5 and the Council held a series of eight Study Sessions on the topic over late Spring and early Summer. The Council has received a large volume of written communications relating to the draft SMP Update.

Before Council opens the hearing, staff will make a brief presentation on the draft SMP and the process for completing the final package for submittal to the State Department of Ecology for its review and approval later this year. The purpose of tonight’s hearing is for the Council to take public comment on the variations to the Planning Commission’s recommendations that are under consideration by the Council.

Mayor Balducci said no action is being requested of the Council tonight. The SMP is scheduled to come back on September 8 to provide direction to staff on the final package for DOE submittal.

Carol Helland, Land Use Director, briefly reviewed the SMP Completion Plan. The Council completed its in-depth review on June 23. On July 14, the Council developed a package of

variations to the Planning Commission recommendation for consideration during the second Public Hearing. Following tonight's hearing, Council is scheduled to provide direction to staff on September 8 regarding the final package to be submitted to the State DOE.

→ Councilmember Stokes moved to open the Public Hearing, and Councilmember Robertson seconded the motion.

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

The following citizens came forward to comment:

1. Bill Baxter said he and his wife live on Lake Washington and are excellent stewards of the waterfront. Their shoreline restoration is heralded by the City as a blueprint of what it would like other waterfront homeowners to implement. He acknowledged that the restoration was significantly more expensive than the concrete bulkhead. He said the draft SMP regulations poorly strike a balance between the goals of the Shoreline Management Act and the needs and rights of property owners. He observed that the benefits of preventing storm water would likely dwarf the benefits from all other proposed regulations. He said there is no credible study demonstrating that native plantings are more effective than non-native plantings at preserving salmon habitat. He said a boathouse is no more than an overhanging tree. Mr. Baxter said there are no problems with public access to the lake. The City owns waterfront properties already that have not been developed for public access. Mr. Baxter said the City platted and deeded shoreline properties more than 50 years ago allowing the 25-foot setback and other standards. He expressed concern that some properties become unusable under the proposed regulations. Many properties will lose value because certain elements might not be allowed to be repaired under the proposed regulations. He asked the Council to take private property rights into consideration.
2. Erica Tiliacos, representing Save Lake Sammamish, said she is alarmed by the lack of meaningful changes in the SMP Update. She suggested that proposed changes are deliberately vague in some instances, and they do not achieve the standard of no net loss in ecological function. She said the current SMP update will guide the future upon approval by the DOE. Ms. Tiliacos believes the SMP Update has been led by impacts on property rights. She noted previous testimony and written submittals regarding the ordinary high water mark (OHWM).
3. Joanna Buehler said Save Lake Sammamish finds a number of defects in the proposed regulations. She said the Update does not meet statutory requirements of the Shoreline Management Act. The organization supports the City's continued use of its scientifically established OHWM. Ms. Buehler reiterated their concerns regarding setbacks and buffers.
4. Randy Bannecker, speaking on behalf of the Seattle-King County Realtors, thanked the Council for the time spent on this issue. He expressed concern that some of the regulation variations being contemplated will diminish flexibility for property owners. He said

Bellevue has long been a leader in environmental protection. He observed that the regulations place undue responsibility on shoreline properties for all of the water running into the lake. Mr. Bannecker requested that property owners be allowed to conduct their own OHWM determinations. He asked the City to commit to a new study to establish an accurate OHWM. He said the difference between one to three feet of water can have a significant impact on the use of property. He urged the Council to opt for the 25-foot setback and to remember that Bellevue has responsible homeowners. Mr. Bannecker said the concept of no net loss of ecological function is not a well-defined standard.

5. Mike Holmes, Canal Committee Chairman for the Newport Shores community, urged the Council to clarify the regulations. He said a community meeting on July 30 had a large number of attendees who drafted suggestions following that meeting. He acknowledged that their community is late in the process. With regard to native vegetation, he encouraged education versus regulation.
6. Ward Harris continued comments on behalf of the Newport Shores community. He raised a number of questions and issues: Who makes the decision regarding public access versus visual access? He said the community owns a marina and there are security and liability issues associated with providing public access. When is public access required? What are the impacts to the community's playground for children?
7. Carmen McDermott, a Lake Sammamish waterfront homeowner, expressed concerns about the draft SMP Update. She said property values can only be maintained if there is a healthy water quality. If construction is allowed closer to the water, neighbors could lose their views and property values would decrease. She believes it is important to have a native plant buffer instead of lawn. She agrees with WSSA that water quality also depends on appropriate runoff management. However, healthy shoreline management and development are very important as well. Dr. McDermott opined that WSSA does not represent the views of many shoreline residents. She wants to protect the beauty of the lake and is concerned that property values would decline with heavy shoreline development. She said she agrees with Erica Tiliacos and Joanna Buehler regarding the OHWM.
8. Dallas Evans commented on boat lifts, docks, and bulkheads. He said that keeping boats out of the water is generally the best thing for the water. With regard to docks, he would leave that to the U.S. Army Corps of Engineers and the Department of Fish and Wildlife because permit applicants will need to deal with them. With regard to bulkheads, he did an extensive study four years ago. Only 34 percent of Lake Sammamish shoreline properties have water hitting the cement or rockery bulkhead. During the summer, only seven percent of the properties have water hitting the bulkhead. Mr. Evans recalled a video he showed the Council in the past of turbulent water. He asked them to imagine what a log might do to a dock if it got loose.
9. John Strong said the addition of the string line test is making a nearly impossible permitting process a lot more complex. He said there are a number of constraints on any given lot with rules imposed by a number of sources. He does not see the string line test

in the regulations of the cities of Sammamish, Redmond or Issaquah. Mr. Strong said the string test is an old-fashioned method that will restrict his property even further. Of the three proposals on this issue, he prefers Option 1. However, he does not like any of them. He said he is somewhat offended that, after four years of community input and the Planning Commission's fact-finding, the options for consideration are all bad choices.

10. Judy Layton said she has lived on Lake Sammamish for 37 years and has been a realtor the entire time. She said a huge amount of money and time is needed to achieve modifications to setbacks to accommodate small or odd lots. These challenged lots need to be addressed by the SMP to avoid undue hardships on property owners. She said the SMP Update is unclear and misleading. There have been no demonstrations of any example for a typical development application. The Shoreline Management Act requires a balance between environmental protection and property rights. Most waterfront owners consider themselves true conservators and stewards of the lakes. She said the shoreline vegetation requirements might bring unwanted consequences. She noted a recent article about a woman and child attacked by an otter. She said this reminded her about the increasing number of nutria, which are aggressive water rodents. Ms. Layton suggested that the City's efforts to help the lake environment could include aid in eradicating invasive species such as nutria. She asked the Council to consider the health of our lakes as well as basic citizens' rights.
11. Tom Shafer observed that development of the SMP Update should have been a collaboration but turned into a war in which citizens had to hire attorneys. He said the current Planning Commission attempted to bring common sense but much of what they did has been removed. He said the SMP wants urban waterfront to return to rural status that was gone 150 years ago. Why apply that standard to the shoreline and not anywhere else? He said half of the draft SMP Update is good, but the other half is vindictive and filled with half-truths and misconceptions. Mr. Shafer opined that there was never a level playing field or full sharing of information. He said there should never be a view corridor from the beach. He has been shot at, tasered, and fought with intruders. He does not want anyone to be able to see his home and family or to know when he is not home. He has been a lifeguard for years and he knows the dangers around the water. There should never be mandated thick vegetation along the shore. He said the OHWM is problematic because King County has not properly maintained Lake Sammamish. He asked the Council to use facts, clarify information, and to think about common sense and safety for all.
12. Anita Skoog Neil, speaking on behalf of the Washington Sensible Shorelines Association (WSSA), expressed concerns regarding the footprint exception, string test, menu options (e.g., vegetation, impervious surface, bulkheads), land-disturbing activity, and new/replacement/expansion structures. She said property owners should be able to replace dead plants and walkways without triggering native vegetation requirements. She encouraged the Council to keep things simple. Ms. Skoog Neil submitted her comments in writing.
13. Roger Kline said he has lived on Lake Sammamish for 10 years. He said if a property owner wants to make any changes, they are subject to requirements and suggestions from

many entities including the City, County, U.S. Corps of Engineers, Native American Tribes, and environmental agencies. The rules are unclear and definitions are not consistent. Mr. Kline understands the need to protect the rights of homeowners and to protect the lakes. His hope is that there will be some consideration to making sensible rules and to coordinating choices with many of the other agencies and jurisdictions. Without that, property owners will still be in a situation of having to meet with multiple parties to obtain permits or do anything on their property.

14. Terry Lemke said he has lived on Lake Sammamish for 44 years. He noted that King County had not complied with its obligation to the U.S. Army Corps of Engineers to properly maintain the lake over the years. He said the little bit of effort the County made in the past year or so provided a noticeable benefit in that the lake never went above his dock. In storms, he has seen logs bang away at docks and destroy two docks. He said the Planning Commission put considerable time and effort into this work, and presumably knows better than the Council or residents about what is appropriate. He encouraged the Council to adopt the Commission's recommendations.
15. Donna Lemke said she has been living on Lake Sammamish her whole life and the shoreline and water are in better shape now than in the past. She encouraged the Council to adopt the Planning Commission's recommendations. She observed that some of staff's recommendations are not in the best interest of the lake. Her family has lived on the lake since 1920, and she would never want to harm the lake. She said the true danger for the lake is water runoff from the broader region. She questioned whether there is any precedent for ignoring the Planning Commission's recommendations.
16. Carlton Swan said he has watched this process take place. As a shoreline owner, he felt a lot of compromises were being asked of homeowners, but he generally thought they were fair. However, recent actions by the Council equate to disrespecting a multi-year process. He has given a great deal of thought and consideration to some of the suggested dock modifications. However, he believes the current state of the process potentially removes some goodwill and the incentive for property owners to do the right thing on their own. Mr. Swan asked the Council to adopt the Planning Commission's recommendations.
17. Sharon McGill said she has spent 71 years on Lake Sammamish, 42 of those years as a property owner on West Lake Sammamish and her childhood on the east side of the lake. She said lake property owners are caretakers of the lake who protect the shoreline and lake from careless boaters who dump bottles and trash overboard, and who have paid to have milfoil and noxious weeds removed from the shoreline. She said homeowners are careful to direct their runoff to the sand to protect fish and other critters, while the City's torrential runoff goes directly into the lake through storm pipes. Ms. McGill said the death of her family's dog was attributed to toxic bacteria in the lake in 1997. She expressed concern about losing an appurtenant structure that was legally built in 1960. She urged the Council to consider options at its discretion in RCW 90.58.620, RCW 90.58.030, and WAC 173-26-186(5). Ms. McGill submitted her comments in writing.

18. Laurie Lyford expressed concerns regarding the constitutionality of the proposed SMP regulations. She said shoreline property owners pay high taxes. She is concerned that the City is attempting to control the shoreline without it appearing to be an issue of property takings. She encouraged the Council to support the unanimous decision of the Planning Commission and to adopt the Commission's recommendations. She expressed concern that no one is protecting private property rights. Ms. Lyford submitted her comments in writing.
  - Deputy Mayor Wallace moved to extend the meeting to 11:00 p.m., and Councilmember Robertson seconded the motion.
  - The motion carried by a vote of 7-0.

Mayor Balducci declared a brief recess. The meeting resumed at approximately 9:45 p.m.

19. Charlie Lyford said he appreciates the Council's recognition of the need for safe widths on dock walkways, the need for residents to replace their bulkheads, and that the City should be consistent with other jurisdictions in applying floodplain regulations. He expressed concerns regarding the 50-foot setback and arbitrary buy-down options. He said the proposed regulations represent major reductions to many shoreline properties. Properties were legally developed, most within a 25-foot setback requirement. It was not until 2006 that the City imposed the 50-foot setback. He noted the lack of clarity with regard to "land-disturbing activity." Mr. Lyford submitted his comments in writing.
20. Cass Sherwood said he bought property near Vasa Park in 1995-96 because he has been in a wheelchair since 1991. The property is more accessible than the majority of other properties. He recalled the 2004 water study which established the OHWM plus 2 standard deviations. This was a minor or no impact for most properties. However, he lost approximately 25 feet of lawn. He said the currently proposed setbacks might end up in his kitchen. The OHWM is intended to be an average. Mr. Sherwood noted that RCW 90.58.030 indicates that not all shorelines are critical areas. He said not all shorelines of Lake Sammamish are salmon spawning ground. He said lake property owners care about the lake. He has a degree in zoology and cares about water quality. Mr. Sherwood said it is critical to talk about runoff into the lake.
21. Susie Winkowski, Vasa Park Resort, said she is not understanding the proposed requirement for public access to a private park. Vasa Park Resort is privately owned but open to the public for a minimal fee, and it has been for 88 years. The park provides a number of in-kind events for community organizations and participates in other charitable work. She said certain events are free for the public. Ms. Winkowski said it is alarming that the Planning Commission spent five years working on the SMP Update, and now more time and effort is being spent to revise that draft. She encouraged the Council to think carefully about the public access issue. She questioned where individuals would park for a small area of public access. Who is going to clean up their litter? Who is responsible if someone gets hurt? She said the resort is closed from October 16 to May 1 and the public is welcome to use the park during that time at no

charge. Ms. Winkowski urged the Council to adopt the Planning Commission's recommendations and to leave the public access issue out of the SMP Update.

22. Chris Monger said he has lived on Lake Sammamish for 20 years. He is concerned that the direction the Council is leaning is tramping on private property rights. He said lake property owners take pride in keeping up their properties. He has a small beach cabana that has been there for 45 years, and it is at risk of being demolished. He said residents are strong stewards of the lake who regularly clean up debris and trash. He said the focus needs to be on the watershed. Mr. Monger said the draft SMP Update is not a reasonable or fair approach.
23. Katherine Murray said she and other citizens have been attending meetings on the SMP Update for more than four years, and City staff has spent a great deal of time on this work as well. Why did we even bother? The Council directed staff to prepare the SMP and they did. It was contentious at times and amazing that the Planning Commission could hammer out something residents could live with. She urged the Council to think about all of the work, time and expense that went into this effort and to adopt the Commission's SMP Update as originally proposed.
24. Sandra Rice said she lives on Lake Sammamish. She said she and her neighbors are not environmentally insensitive people, as the Council appears to think. Residents want abundant greenscape on the water's edge. She said overly strict regulations will limit the ability to make modest home improvements that other residents of Bellevue can readily undertake. A neighbor who was homebound by cancer wanted to move his deck close to the water. However, with the City declaring the lake a critical area in 2006, it was not feasible for him to do so. There are elderly neighbors who have lived in their modest homes for many years who cannot navigate the stairs down to the beach. They will need a ramp to access the water, which would require new impervious surface. Should they tear out their roses and garden that have been there for years to put in native plants to mitigate for that? Ms. Rice posed another scenario of a couple expecting a baby and wanting to add a nursery to their home. If this encroaches into the 50-foot setback, will they need to take out what little grass they have for native vegetation? She said these requirements are onerous and pose a hardship for residents. Ms. Rice believes the City is obligated to develop a Bellevue-specific SMP, and as Professor Settle has noted, Bellevue has a great deal of discretion in its choices. She said shoreline residents have appeared at all Planning Commission and Council meetings to present logical and credible data. They have called a number of issues into question and have repeatedly emphasized that the massive runoff from the streets over the lake is a major contributor to pollution in the lake. Addressing runoff would have a vastly more significant impact on ecological function than the types of vegetation residents plant along the shoreline.
25. Vistina Love, speaking on behalf of her parents, urged the Council to adopt the recommendations of the Planning Commission. She believes they meet the requirements of the State DOE and additional requirements are unnecessary. Her parents bought her property in 1958 when it was unincorporated King County. They raised their children there and still enjoy the use of the property, beach and cabana. Although the cabana was

built legally and has been regularly maintained, the family is at risk of losing it. Ms. Love said the beach cabana allows for closer supervision of those using the beach and the water. Her parents' letter states they are distressed that the City Council is considering declaring their beach cabana as nonconforming.

26. Guy Post said he and his wife moved into their house on Lake Sammamish in 1995. They subsequently completed an interior remodel of the home and outbuilding, which was permitted and approved by the City. Everything was conforming when the project was completed in 2001. Mr. Post said they need to sandbag their beachfront every fall to protect their property from high water levels. They lost a dock in 2008 from wave damage. In 2010, after much complaining and petitioning to the City, a group of citizens found and documented that King County had not been cleaning out the weir from Lake Sammamish and Lake Washington, which was causing the high water levels. Mr. Post expressed concern that the City conducted a study in 2004 that resulted in raising the Ordinary High Water Mark (OHWM). Despite record rainfall this past winter and spring, with the City's and County's efforts to start clearing the weir, Mr. Post said they did not have to place sandbags on their beach because the lake drained properly. He said this demonstrates that the City and County should have been maintaining the weir properly all along. He encouraged the Council to adopt the Planning Commission's recommended SMP Update which was unanimously approved by the Commission.
27. Marty Nizlek, a Lake Sammamish resident, said he supplied two resolutions by the Washington Sensible Shorelines Association (WSSA) earlier in the day to the City Clerk. These deal with the OHWM and appeal to the Council based on a number of factors. He said WSSA posted a petition online approximately 10 days earlier, and 260 residents have signed asking the Council to consider certain information. The 2004 lake study was completed when the lake was artificially raised, and the ramifications of this affect others outside of Bellevue as well. He said the OHWM needs to be measured accurately. Mr. Nizlek submitted his comments in writing. WSSA is requesting that jurisdictions on Lake Sammamish reject Bellevue's study and determination of the OHSM and seek a more accurate alternative. Residents also request that King County continue its effort to restore the lake to its natural condition.
28. Gil Pauley expressed concerns regarding the OHWM study in 2004, which was done at a time when the lake was artificially high. With King County's maintenance of the weir over the past year, his dock has not been under water for the first time in years. If the County continues to clear out the area, the lake level should continue to stay low or even drop lower. If the City is going to use the 2004 study, it should use the established mean value. The measurement used by the City's 2004 study is not scientifically valid. He has published more than 180 scientific papers and has reviewed at least twice that many for publication. He has never seen the measurement used by the City. Mr. Pauley submitted his comments in writing.
29. Dave Carson said he lives in Newport Shores on Skagit Key, and he has been nominated to represent the lakefront property owners. He expressed support for the recommendations of the Washington Sensible Shorelines Association. Mr. Carson

expressed concerns about the requirement for visual and public access. Mr. Carson said the residential area is adjacent to a public park on one side and partial public access on the other. Homeowners are concerned about the safety of their children, general security, and potential liability issues. He said that Newport Shores was built on fill in the 1950s and 1960s, and there was no virgin forest. Mr. Carson said homeowners must be allowed to maintain their properties.

30. Billy Selset said the use of the proposed OHWM is onerous and inaccurate, and effectively takes real property from residents who pay taxes on the property.
31. William Elliot said he lives on Lewis Creek in Issaquah and is a member of Save Lake Sammamish. He believes that group has provided a sensible document and he urged the Council to read it. He said that bad management upstream results in debris in the creek. Mr. Elliot observed that other jurisdictions' SMPs are more responsible in protecting the environment than what is being considered tonight.
32. Scott Sheffield said the Council's review of the draft SMP has resulted in significant changes with regard to setbacks and the OHWM. He believes these changes should be modified with the understanding of current and past conditions. He said the County's failure to properly maintain the weir over the years has caused the high water level on Lake Sammamish. Mr. Sheffield showed several slides regarding the history of the lake and applicable regulations [provided in Council's desk packet]. He expressed concerns regarding the impact of the change in setback requirements over the years, which have steadily reduced the buildable portions of private properties.
33. Charlie Klinge, attorney for WSSA, reminded the Council that WSSA has spent lots of time, effort, and money to prepare a binder of materials for the Council's use. He asked Councilmembers to review the materials over the next month before they make their decision. He highlighted information regarding the State's designation of the OHWM, which is the vegetation line that existed in 1971, or "as changed naturally thereafter." He said the water level has changed artificially. Mr. Klinge said property owners are interested in regulations that demonstrate a nexus to environmental protection. [Marty Nizlek submitted written comments by Mr. Klinge during his earlier testimony.]
34. Rob McCallum, a resident of Lake Sammamish, said this is the first time he has spoken to the Council. He has lived on the lake for 25 years and they have been good caretakers of the shoreline and water. He said the quality of the lake has improved over recent years. He supports the Planning Commission's recommendations and encouraged the Council to accept the recommendations. He does not understand some of the burdensome requirements recommended by City staff. He questioned whether Councilmembers or staff have been on Lake Sammamish recently. He observed that the more obvious negative impacts are runoff into the lake, noise from boats, and damage and disturbances caused by wake-surfing boats. He suggested that, if the City is truly concerned about the habitat of the shoreline, docks and shoreline management, something should be done about wake surfers whose wakes pound the beaches. He wished the Council good luck in finding the proper balance with the SMP Update.

- Deputy Mayor Wallace moved to close the Public Hearing, and Councilmember Robertson seconded the motion.
- The motion carried by a vote of 7-0.

Mayor Balducci questioned the City's ability to regulate activity on the water itself. Deputy City Attorney Kate Berens said the City contracts for some police services on Lake Sammamish. She will research this issue and report back to the Council.

Councilmember Robinson observed that Attachment A (Staff Report) in the meeting packet, which is different from what was distributed tonight, is not accurate with regard to Councilmember Robertson's and Councilmember Robinson's recommendations.

Carol Helland, Land Use Director, confirmed her understanding that the Councilmembers' intent was to require physical public access only for transportation, utility, and parks projects; and to specify that private marinas, yacht clubs, and community clubs would be required only to provide visual access.

Mayor Balducci said the Council appreciates hearing from everyone tonight and throughout the entire process. She said the Council will discuss and approve the final draft in September for submittal to the State DOE.

10. Land Use: None.
11. Other Ordinances, Resolutions and Motions

*[Items (a), (b), (d) and (e) were moved to Agenda Item 8, Consent Calendar.]*

- (c) Ordinance No. 6175 authorizing: 1) award of Bid No. 14018 for the 120th Avenue NE Improvement Project, NE 7th Street to NE 12th Street, Stage 2 (CIP Plan No. PW-R-164); Utility Facilities for 120th Avenue NE Improvements (CIP Plan No. S-63); Sewer System Pipeline Replacement (CIP Plan No. S-66); and Small Diameter Water Main Replacement (CIP Plan No. W-16), in the amount of \$14,948,961.04, to Goodfellow Bros., Inc., as the lowest responsible and responsive bidder; 2) amending the 2013-2019 General Capital Investment Program (CIP) Plan to increase the budget for the 120th Avenue NE (Stage 2) project (CIP Plan No. PW-R-164) by \$5,144,000; 3) amending the 2013-2019 Capital Investment Program Plan adopted by Ordinance No. 6089 on December 3, 2012 to recognize \$660,000 in New Franchise Utility Contribution revenue; and 4) authorizing a budget transfer of \$4,484,000 from the 120th Avenue NE (Stage 3) project (CIP Plan No. PW-R-168).

City Manager Miyake introduced discussion regarding Ordinance No. 6175 authorizing the bid award for the 120<sup>th</sup> Avenue NE improvement project (Stage 2) and related activities.

Ron Kessack, Assistant Director of Transportation, said staff is requesting Council action on three items under Ordinance No. 6175: 1) award of the construction contract for 120<sup>th</sup> Avenue NE Stage 2, to Goodfellow Bros., Inc., 2) transfer of funds from 120<sup>th</sup> Avenue NE Stage 3 to the Stage 2 project, and 3) acceptance of revenue for franchise utilities for work on a joint utility trench. He reminded the Council that 120<sup>th</sup> Avenue NE Stage 2 includes work from NE 7<sup>th</sup> Street to NE 12<sup>th</sup> Street.

Mr. Kessack said the project is the third of the Mobility and Infrastructure Initiative projects to begin construction. The NE 4<sup>th</sup> Street Phase 1 project is currently under construction with an expected completion this September. Phase 2 of that project will begin in early spring 2015 with completion anticipated by the end of 2015. The 120<sup>th</sup> Avenue NE Stage 1 project is anticipated to be completed this September.

Mr. Kessack said 120<sup>th</sup> Avenue NE Stage 2 is the next link in the overall plan. It creates a new intersection at NE 8<sup>th</sup> Street and a five-lane section of roadway between NE 8<sup>th</sup> Street and NE 12<sup>th</sup> Street. Work on Stage 2 will be done in a stepped approach for a number of reasons. Step 1 is the completion of the intersection at NE 8<sup>th</sup> Street before opening the NE 4<sup>th</sup> Street extension. There are considerable traffic issues at NE 8<sup>th</sup> Street and 120<sup>th</sup> Avenue NE which will require some night work. In addition, property acquisition and relocation agreements need to be honored and will require phasing of subsequent work.

Mr. Kessack said some contaminants have been located in the area, and it is beneficial to the project to handle these during the time period of low groundwater (late summer/early fall construction). Steps 2 and 3 involve substantial well construction and roadway stabilization work due to unstable materials. He acknowledged that property access and egress along 120<sup>th</sup> Avenue NE, north of NE 8<sup>th</sup> street, is vital to the businesses and residents. The City has developed traffic control plans and an ongoing outreach plan to maintain access and to ensure that information is shared with the public.

Mr. Kessack said property and construction (labor and materials) costs are increasing. The bid reflected in Ordinance No. 6175 is approximately nine percent above the engineer's estimate. This has been happening with a number of City contracts. He noted that the handling of the contaminated groundwater will determine, in part, the overall cost of the project. If it can be mitigated on-site, the estimated cost is \$25,000-\$50,000 versus a cost of \$600,000 if the water must be trucked off-site.

Mr. Kessack said it is important to move forward with the contract soon in order to complete the work by early fall. Property acquisition costs for properties in the contaminated area will be based in part on the degree of contamination.

Mr. Kessack said the overall project has three sizable marketable property remnants totaling a market value of \$3.5 million to \$4 million. If sold during the life of the project, those funds could be returned to the project by City policy. If sold after project completion, the funds will be dedicated to future property acquisitions.

→ Councilmember Stokes move to adopt Ordinance No. 6175, and Councilmember Robertson seconded the motion.

Councilmember Lee suggested the City consider not selling the valuable property remnants at this time.

Responding to Councilmember Chelminiak, Mr. Kessack said the utilities in the joint trench are Comcast, Century Link, and Puget Sound Energy. PSE's equipment will be conduit for potential future electrical infrastructure. Mr. Kessack said he has been working with the Information Technology Department as well to coordinate the installation of spare broadband conduit as well.

Responding to Deputy Mayor Wallace, Mr. Kessack said the City will use the remnant properties during the two-year construction period. However, that does not mean that a pre-sale agreement could be worked out and approved by Council before project completion.

Mr. Wallace observed that pre-selling would result in a lower price. In further response, Mr. Kessack said the valuation of the remnant properties is based on the appraised values. He confirmed that there could potentially be one buyer for the three remnants. Mr. Wallace expressed concern that the valuation might be too high. In further response, Mr. Kessack said the proposed ordinance moves \$4.49 million from Stage 3 to Stage 2. The balance is made up by the \$660,000 coming in from franchise utilities.

Mayor Balducci noted that action on the ordinance needs to take place during an official session. She asked that the motion be withdrawn and reoffered after the meeting is extended.

Councilmember Stokes withdrew the motion, and Councilmember Robertson concurred.

→ Councilmember Chelminiak moved to extend the meeting to 11:30 p.m., and Deputy Mayor Wallace seconded the motion.

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

→ Councilmember Stokes move to adopt Ordinance No. 6175, and Councilmember Robertson seconded the motion.

In further response to Deputy Mayor Wallace, Mr. Kessack said that taking \$4.49 million from Stage 3 implies that the money had been allocated to Stage 3. Mr. Kessack said no, that was not the case. He clarified that the City is receiving a grant into Stage 3 that has not yet been brought before the Council. That amount is \$4.39 million for Stage 3. In further response, Mr. Kessack said the proposal is based on the Stage 3 budget for 2015, and the grant will come to the City in 2016.

Responding to Mayor Balducci, Mr. Kessack said the City is taking cash from one project (Stage 3) and moving it to another (Stage 2). It is not technically moving the grant money.

Deputy Mayor Wallace said it was confusing to understand how the City can produce money this year that has not yet been budgeted and that is taken from next year. Mr. Kessack said all of the money will not be spent this year; it represents only a portion of the entire construction budget. He suggested that the transferred funds could be considered to actually be used in 2016.

Mr. Wallace noted that Mr. Kessack said earlier to him that staff has already accounted for all of the construction cost increases for all of the other projects provided in next year's Capital Investment Program (CIP) Plan. Mr. Wallace observed that, essentially, Mr. Kessack has provided accounting for the construction cost increase. Mr. Kessack said staff has taken what it has observed with the bid tabs on this project, taken a look at the projects currently in design, and essentially marked them to the market. Mr. Kessack said the numbers being presented are staff's best anticipation based on current market conditions and property costs.

Mayor Balducci acknowledged that there is a bit of a risk. She said Mr. Wallace's point is well taken that there is likely some discount to property values for small remnants.

Councilmember Lee said his understanding is that the remnants could result in significant cash.

Mayor Balducci observed that the lowest three bidders were within a reasonable amount of one another, which gives her more confidence despite being above the engineer's estimate.

→ The motion to adopt Ordinance No. 6175 carried by a vote of 7-0.

Mayor Balducci noted that the motion carries, with Council's request for more information about the property remnants prior to them coming back for sale.

- (f) Motion to draft a Request for Proposals (RFP) for Independent Contractor work, and as discussed by Council this evening, and coordination with other affected cities through development of an ILA regarding cost sharing for work that is outside the scope of the Energize Eastside EIS, and to bring back contracts for Council review and approval in September.

Mike Brennan, Director of Development Services, recalled discussions over recent months regarding Puget Sound Energy's Energize Eastside project. The Council has expressed an interest in hiring an independent technical consultant related to this project. Questions of interest include understanding the need for the project, alternative methods to address and define need, and potential mitigation methods (e.g., undergrounding, emerging technologies). Staff has begun the process of meeting with neighboring jurisdictions to develop the environmental impact statement (EIS) review and will prepare the Interlocal Agreement and third party agreements for the consultants who will help manage the process. Bellevue is the lead agency for the EIS process.

Staff is requesting Council direction to begin the work of pricing outside technical expertise with electrical utilities. Staff suggests structuring the contract and Interlocal Agreement to allow for sharing the cost of the consultants where there is mutual benefit with other affected cities. However, this retains the option for Bellevue to proceed alone on other issues if desired. Staff

has been meeting with representatives of CENSE (Coalition of Eastside Neighborhoods for Sensible Energy), who would like to provide input to defining the scope, questions of interest to them, and the types of technical expertise they would like to see.

Councilmember Robertson questioned whether Mr. Brennan received the submittal from Steve O'Donnell to the Council earlier in the day. He said no, but he has seen a submittal from Mr. Andersen. She noted that Mr. O'Donnell presented four questions for the technical review. Ms. Robertson questioned whether the questions should be added to the query and, if so, where they would fit in the table. Ms. Robertson said she did not see Mr. Andersen's communication in the stack of documents.

In a quick look at Mr. O'Donnell's letter, Mr. Brennan said he is not sure whether there is a simple answer to the third question about historical peak loads within a specific geographic area. That data would need to be provided by PSE. He believes the other questions can be addressed within the scope of the consultant's work.

Ms. Robertson clarified that her interest is whether, if action is taken tonight, additional questions for the independent review can be added later.

Mayor Balducci suggested providing direction to staff to create a contract and issue a request for proposals (RFP) with a general scope of work, with the conditions that the scope of work: 1) take input from the community prior to being fully developed and put out for bid, and 2) be flexible before the Council approves the final contract.

Mr. Brennan concurred that other questions will naturally arise during the review. Staff suggests the contract include a component for on-call availability by the consultant. He said maybe a request for qualifications (RFQ) would be more accurate in obtaining the broad skill set desired for the project.

Councilmember Chelminiak observed that Mr. O'Donnell's first three questions reflect a fairly simple request that PSE provide the math behind the projected demand. Mr. Chelminiak believes the fourth question about alternatives should definitely be a part of the EIS review. Mr. Chelminiak said he has gone back to the Electrical Reliability Study a number of times, which raises the question of the most important projects for Bellevue over the next 10 years. His fear is that the projects that seemed the most important at the time of the study are not necessarily moving forward now. He recalled that a major impetus for conducting the study was the 2006 wind storm. The study resulted in a recommendation for dual connections to substations, which are primarily in residential areas, and strengthening the substations serving the Downtown.

Mr. Chelminiak suggested the question should be identifying the most important projects that Bellevue should want. That gets to the movement to take the previous study one step further, which will require some ongoing funding for some consultant work. He observed that there seem to be dual purposes for Energize Eastside. It has been portrayed to the public as having one purpose, but it does have the additional purpose of providing dual 230 kV line here in case there is, as he understands, a double failure along the line. It assists in creating the grid that allows power to transfer longer distances. He would like to see a strong legitimate statement within the

EIS about the purpose of the Energize Eastside project. He believes this is the source of much of the concern.

Councilmember Robinson concurred with Mr. Chelminiak's comments and said she appreciates the City Manager's response to Council's interest and direction on this topic. One question she has that has not been formally answered is, given the capacity to be brought to the region with the Energize Eastside project, what percentage is necessary to serve this region? She does not mean as emergency or backup capacity, but capacity for day-to-day demand. By region she means Renton to Redmond.

Mr. Brennan said he will be sure to include that on the list of questions.

Councilmember Stokes said it is essential to move forward with the independent consultant work to take a comprehensive look at the project.

Responding to Mr. Stokes, Councilmember Chelminiak clarified that the Electrical Reliability Study identified a number of issues to harden the system in Bellevue for reliability. Energize Eastside is in part a reliability project. However, the City's study had other suggestions and recommendations. One that is progressing is the 115 kV lines along 148<sup>th</sup> Avenue. Mr. Chelminiak wants to go back to that study to consider what will provide the most benefit for the reliability of Bellevue's system. His concern is that this is not the most important priority for the Eastside Energize project.

Mr. Stokes said that sounds like somewhat of a departure from or expansion of what is to be addressed here with regard to developing an Interlocal Agreement and contract for technical assistance related to the Energize Eastside EIS.

Mayor Balducci observed that the question being raised is: Is the Energize Eastside project absolutely essential? That is a question of fact for which the City would like independent objective input. She said it is important to validate the assumptions, findings and conclusions that are driving the project if the Council is going to be able to look at its constituents and say the project is necessary and should be provided in a specific way. She does not see Mr. Chelminiak's interest as a departure from the task at hand.

Mr. Stokes suggested that Mr. Chelminiak's questions could be addressed separately from the Energize Eastside EIS and multi-jurisdiction effort.

Mayor Balducci noted staff's suggestion that the consultant be available on an on-call basis to address new issues and questions as they arise. She reiterated that a fundamental question regarding Energize Eastside is the need for the project. How should that need be met?

Mayor Balducci said that, when she looks at the list of questions, she believes it covers the topics of concern. However, she is concerned they are written with limiting factors that might prevent obtaining answers to the broader questions. The key topics are the need and purpose of the project, alternative for providing capacity, mitigation, and siting.

Councilmember Robertson said she would like to see an economic impact analysis in the EIS.

→ Councilmember Robertson moved to direct staff to draft the request for qualifications (RFQ) for the independent contract work identified above, and as discussed tonight by the Council; to coordinate with other affected cities to develop an Interlocal Agreement regarding cost-sharing for work outside the scope of the EIS; and to bring back contracts for Council review and approval in September. Councilmember Stokes seconded the motion.

Deputy Mayor Wallace said he supports the motion. He wants to be sure the City and multi-jurisdiction efforts are working toward a specific goal and will have the ability to influence the outcome of the project.

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

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 11:30 p.m., Mayor Balducci declared the meeting adjourned.

Myrna L. Basich, MMC  
City Clerk

/kaw