

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Study Session

March 7, 2016  
6:00 p.m.

Council Conference Room  
Bellevue, Washington

PRESENT: Mayor Stokes, Deputy Mayor Chelminiak, and Councilmembers Robertson, Robinson<sup>1</sup>, Slatter, and Wallace

ABSENT: Councilmember Lee

1. Executive Session

Mayor Stokes called the meeting to order at 6:02 p.m., and announced that the Council would take action on one item of business before recessing to Executive Session.

Deputy Mayor Chelminiak indicated that Councilmember Robinson was off-site and wished to participate via speakerphone for the Executive Session and Study Session.

- Deputy Mayor Chelminiak moved to approve Councilmember Robinson's participation via speakerphone, and Councilmember Slatter seconded the motion.
- The motion carried by a vote of 4-0, with Councilmember Robertson temporarily away from the table.

At 6:04 p.m., Mayor Stokes declared recess to Executive Session for approximately one hour to discuss one item of potential litigation.

The meeting resumed at 7:09 p.m.

2. Study Session

- (a) Follow-up to review of Energize Eastside Phase I Draft Environmental Impact Statement (DEIS) with regard to City Council Scoping Comments.

City Manager Brad Miyake introduced continued Council discussion regarding the Energize Eastside Phase I Draft Environmental Impact Statement (DEIS).

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<sup>1</sup> Councilmember Robinson participated via speakerphone, joining the meeting for the Executive Session and disconnecting from the meeting at 7:42 p.m. upon conclusion of Agenda Item 2(b).

Kate Berens, Deputy City Manager, said the purpose of tonight's discussion was to respond to questions raised during the February 22 Council meeting, as part of the review of whether and how the Phase I DEIS was responsive to the Council's June 8, 2015, scoping comment letter. The Phase I DEIS was issued on January 28, 2016.

Ms. Berens said staff is seeking Council direction regarding the submittal of a scoping comment letter for the Phase II DEIS. The letter would be drafted based on Council discussion in April or May.

Nicholas Matz, Senior Planner, said the Phase I DEIS evaluates a project alternative against how it meets the project's objectives, which are defined by the project proponent, Puget Sound Energy (PSE). The four objectives are: 1) addressing a deficiency in the electrical transmission capacity on the Eastside, 2) finding a cost-effective solution that can be implemented before system reliability is impaired, 3) meeting federal, state and local regulatory requirements, and 4) addressing PSE's electrical and non-electrical criteria.

Ms. Berens recalled that one of the questions previously raised by the Council was: Why is there no Final EIS for Phase I before moving to Phase II? She said this is a two-phase EIS process that was designed to allow the public to gain a broader understanding of PSE's stated need for the project, and to consider alternatives beyond the 230 kV transmission line proposal. The comment period for the Phase I DEIS is underway.

The Phase II DEIS will focus more narrowly on viable alternatives that meet the project objectives defined by PSE. All of this work is part of one single environmental review process that supports the City of Bellevue and the partner jurisdictions in permit review and issuance, which is the action that triggers SEPA review. There is no government decision or action that would require pausing and producing a Phase I final EIS (FEIS).

Mr. Matz said the Council previously requested more details about access to Critical Energy Infrastructure Information (CEII). The CEII regulations and process were established by the Federal Energy Regulatory Commission (FERC) and are defined in the Code of Federal Regulations. The program governs access to proprietary information and originated as a security vetting process following the attacks of September 11, 2001. Mr. Matz said the information does not address the City's infrastructure, and the City has no role in determining the qualifications for access to the information.

Mr. Matz said the Council's previous questions also addressed specific alternatives: 1) Is Alternative 1B (undergrounding) precluded from collocation in proximity to the Olympic pipeline? and 2) Did the DEIS examine alternatives to wired solutions (e.g., energy conservation, technologies other than transmission lines, or a wired 115kV alternative to the proposed 230kV line)? Mr. Matz suggested that these issues would be appropriate to address in a scoping comment letter from the Council for the Phase II DEIS. He said the Phase I DEIS does not include a site-specific analysis of the area required for undergrounding because the alignment has not been selected.

Ms. Berens said the comment period for the Phase I DEIS concludes at midnight on March 14. The next step for the Council will be to develop a comment letter to submit during the Phase II DEIS Scoping comment period from mid-April to late May. Ms. Berens said staff will incorporate comments and questions from tonight's discussion into the draft Phase II comment letter for the Council's consideration. The letter may also incorporate summary responses to certain comments on the Phase I DEIS.

Responding to Councilmember Slatter, Ms. Berens said the Council's comments could suggest a combination of alternatives. Ms. Berens said there will likely be similar public comments in response to the Phase I DEIS.

Responding to Deputy Mayor Chelminiak, Ms. Berens said Phase II traditionally examines the project that PSE intends to build as well as project-specific mitigation for the alternatives considered by the EIS. Ms. Berens noted that the Council and other members of the public are interested in the risks associated with the collocation of transmission line infrastructure and the Olympic pipeline. She said Phase I sets PSE's project objectives and evaluates alternatives in terms of how they meet the objectives. Mr. Chelminiak spoke in favor of the Council foregoing comments on the Phase I DEIS.

Councilmember Wallace concurred with the suggestion to defer the Council's comments to the Phase II DEIS Scoping process. He recalled discussions about exceptional mitigation during the light rail planning process. Similarly, he suggested that impacts and mitigation related to the Energize Eastside project will be appropriate for future discussion after the project alternative is selected. He said he did not see an advantage for the community to discuss mitigation at this time.

Councilmember Slatter encouraged staff to be as transparent as possible about the process and timeline, including the comment periods and ways to provide input.

Councilmember Robertson concurred about the importance of transparency. She noted that the summary of the Phase I DEIS public comments is anticipated to be released on April 8, and she questioned the format of that report. Ms. Berens said the summary will be less detailed than what will be published with the Final EIS, which will list every public comment from Phase I and Phase II with a response to each comment. Ms. Berens said the Phase I summary will cover key themes, issues, and concerns.

Responding to Ms. Robertson, Mr. Matz confirmed that it will be appropriate to address those key themes and issues in the Council's comment letter for the Phase II DEIS Scoping work. Councilmember Robertson expressed support for foregoing comments on the Phase I DEIS and instead providing comments and input for the Phase II DEIS Scoping process.

Deputy Mayor Chelminiak observed that the Council appears to be supportive of staff's recommendation to not provide formal comments on the Phase I DEIS. He said the EIS process falls under the City's executive branch (i.e., City Manager). The Council, in its legislative role,

cannot direct the EIS process. However, he acknowledged that this is frustrating for both the Council and the public.

Councilmember Robinson noted that the City's consultant reviewed Puget Sound Energy's analysis of the data it used to determine the need for the Energize Eastside project. She questioned whether anyone reviewed the data itself on the City's behalf.

Mr. Matz said the City conducted two rounds of analysis, and PSE conducted its own analysis. He reminded the Council that PSE is the proponent for a solution to address an electrical deficiency on the Eastside grid. The City's consultants previously conducted the Electrical Reliability Study. The current DEIS evaluates how the Energize Eastside project responds to the need for electrical capacity and to the objectives identified by PSE. Ms. Berens said that, if there is specific data in the DEIS that raises questions with the public, those issues would be appropriate to submit through the public comment process.

Councilmember Robertson said she believed that Councilmember Robinson's question was whether the City's consultants reviewed PSE's data. Mr. Matz said both consultants reviewed the data.

(b) Discussion of Proposed Resolution to Terminate the City of Bellevue's Participation in the King County Incident Response Team (KCIRT)

City Manager Miyake said the King County Incident Response Team (KCIRT) was formed in 2012 through an Interlocal Agreement with 10 law enforcement agencies to provide for shared investigative responsibilities in the event of an officer-involved fatal or serious injury incident. All participating agencies have expressed an interest in terminating the agreement after evaluating the effectiveness of the investigative model. Mr. Miyake said that termination of the agreement requires action by the City Council.

Police Chief Steve Mylett assured the Council that the City of Bellevue and regional law enforcement agencies will continue to work together and to provide mutual aid. When the Interlocal Agreement was adopted in 2012, the investigative model was considered to be progressive and innovative. However, in practice, it did not accomplish what it was designed to achieve. Over the past four years, team members identified numerous challenges with the KCIRT concept.

Chief Mylett said officer-involved incidents are often the most complicated and challenging investigations. If not handled properly, the investigations can undermine the community's trust and result in criminal and/or civil liability for officers and the City. During this type of investigation, it is critical to assign the most experienced investigators to handle the case.

Chief Mylett said the KCIRT team includes a number of small agencies. The experience of the vast majority of the officers assigned from the smaller agencies is limited. Some agencies have assigned patrol officers instead of detectives to the team due to limited staffing. Chief Mylett said some agencies have used the KCIRT process as an opportunity for officer training. He

reiterated the importance of having experienced investigators handling an officer-involved shooting in Bellevue.

Chief Mylett said there was a lack of consistency and reciprocity among KCIRT member agencies. The King County Sheriff's Office provides investigators to work on high-profile incidents in other jurisdictions. However, due to contract issues, the agency will not allow other agencies to investigate high-profile incidents involving their officers.

Chief Mylett said the KCIRT Board of Directors recently discussed dissolving the team. Concerns raised by smaller agencies centered around the King County Sheriff's Office's and Bellevue Police Department's ability to respond to their requests for assistance in high-profile incidents after KCIRT is resolved. He said that he and Sheriff Urquhart assured those agencies that Bellevue and King County will continue to honor mutual aid agreements and to respond whenever and wherever needed. Chief Mylett said that seemed to satisfactorily address the concerns raised by the smaller agencies. He said the King County Sheriff's Office has assured him that their officers will continue to respond to Bellevue's requests for assistance. Chief Mylett said Bellevue also has mutual aid agreements with other regional partners should King County be unable to respond.

Chief Mylett said he wants to ensure that experienced investigators will be utilized by the Bellevue Police Department in the event of the need for an outside agency to investigate an officer-involved incident. He said the King County Sheriff's Office and the City of Redmond Police Department have withdrawn from KCIRT.

Mayor Stokes thanked Chief Mylett for the briefing and indicated that Council action will be scheduled in the near future.

### 3. Council Discussion of Upcoming Items

- (a) Consideration of the Hearing Examiner's Recommendation on the application submitted by Alamo Manhattan Properties, LLC to rezone a .19-acre parcel at 120 106<sup>th</sup> Avenue SE. The requested rezone seeks to change the zoning from Office (O) and R-30 (residential-multifamily high) to Downtown Mixed Use (DNTN-MU) to allow coordinated development of the site under the requested designation. Permit File No. 15-120842-LQ.
- (b) Consideration of the Hearing Examiner's Recommendation to approve an application submitted by Colin Radford of Tri Western Syndicated Investments, LLC. The applicant seeks a rezone of a .29-acre parcel site of the Radford Building located at 11 105<sup>th</sup> Avenue SE, from Office (O) zoning designation to Downtown Mixed Use (DNTN-MU) to allow coordinated development of the site under the requested designation. Permit File No. 15-120775-LQ.
- (c) Consideration of the Hearing Examiner's Recommendation on the application submitted by Stu Vander Hoek of the Vander Hoek Corporation seeking to rezone

a .27-acre parcel at 117 102nd Avenue SE from R-30 (residential-multifamily high) zoning designation to Downtown Old Bellevue (DNTN-OB) to allow coordinated development of the site under the requested designation. Permit File No. 15-120966-LQ.

Councilmember Wallace recused himself from participating in the three rezone items. He said Wallace Properties is involved in contracts with Alamo Manhattan Properties. With regard to the Vander Hoek application, Mr. Wallace indicated that the conflict of interest standards for quasi-judicial matters potentially provide the grounds for a third party to claim that Mr. Wallace has a conflict of interest. With regard to the Radford application, Mr. Wallace said the item is under review by the City's Ethics Officer. Councilmember Wallace left the room for the remainder of the meeting.

City Manager Miyake introduced discussion of the three rezone applications. The Hearing Examiner recommends approval of all three applications. Council action is scheduled for March 21.

Carol Helland, Land Use Director, said the three rezone applications are consistent with the recent Comprehensive Plan Amendment adjusting the Downtown Subarea boundary. The rezones will apply Downtown zoning to the pieces of properties now within the boundary south of Main Street.

The Alamo Manhattan Properties rezone seeks to change the zoning from Office (O) and R-30 (residential-multifamily high) to Downtown Mixed Use (DNTN-MU) to allow coordinated development of the site under the requested designation. The application submitted by Colin Radford of Tri Western Syndicated Investments, LLC, seeks a change in zoning from the Office (O) designation to Downtown Mixed Use (DNTN-MU). The Vander Hoek Corporation application seeks a zoning change from R-30 (residential-multifamily high) to Downtown Old Bellevue (DNTN-OB) for property located west of 102<sup>nd</sup> Avenue SE. The zoning for all three properties is consistent with adjacent properties.

Ms. Helland said the Hearing Examiner held a public hearing on the three rezone applications. No substantive comments were made during the application review process or the public hearing, and there has been no appeal of the Determination of Non-Significance (DNS).

Mayor Stokes said Council action will be requested on March 21.

At 7:45 p.m., Mayor Stokes declared recess to the Regular Session.

Kyle Stannert  
City Clerk

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