

CALL TO ORDER AND ESTABLISHMENT OF QUORUM

A Regular Meeting of the Redmond City Council was called to order by Mayor Pro Tem Richard Cole at 7:30 p.m. in the Council Chamber. Councilmembers present and establishing a quorum were: Allen, Carson, Cole, Margeson, Myers, Stilin, and Vache.

PROCLAMATION: Redmond Bus-to-Work Week; April 18 - 22, 2011

Councilmember Carson read a proclamation into the record, recognizing April 18 - 22, 2011, as Redmond Bus-to-Work Week. The proclamation was presented to Ms. Erika Vandenbrande, Transportation Demand Program Manager.

ITEMS FROM THE AUDIENCE

Mayor Pro Tem Cole opened the Items from the Audience section of the meeting, and inquired if there was anyone present wishing to speak.

Seeing none, Items from the Audience closed, and discussion moved to the Consent Agenda.

CONSENT AGENDA

MOTION: Councilmember Vache moved to approve the Consent Agenda as presented. The motion was seconded by Councilmember Allen.

1. Approval of the Minutes: Regular Meeting of Tuesday, April 5, 2011
2. Approval of Payroll/Direct Deposit and Claims Checks

PAYROLL DIRECT DEPOSITS/CHECKS:

#173515 through #173565
#239592 through #240268

\$1,513,005.86

CLAIMS CHECKS:

#361910 through #362263

\$3,712,311.77

3. AM No. 11-079: Approval of Arts Commission Appointments: Lara Lockwood and Amy Mayes; and Redmond Landmark Commission Reappointments: Miguel Llanos and Thomas Hitzroth
4. AM No. 11-080: Memorializing an Appropriation of \$5,000 to the Redmond Saturday Market
5. AM No. 11-081: Adopting RMC 1.01.120, Severability
 - a. Ordinance No. 2594: An Ordinance Adopting RMC 1.01.120, Severability, to Provide for General Severability with Regard to Enacted City Ordinances
6. AM No. 11-082: Acceptance of FEMA FY 2010 Assistance to Firefighters Grant in the amount of \$302,416 for Emergency Patient Care Reporting
7. AM No. 11-083: Acceptance of FEMA FY 2010 Assistance to Firefighters Grant in the amount of \$352,893 for Self-Contained Breathing Apparatus
8. AM No. 11-084: Acceptance, Purchase, and Extension of FEMA FY 2009 Assistance to Firefighters Grant in the amount of \$172,610 for Self-Contained Breathing Apparatus Communications Equipment
9. AM No. 11-085: Approval of ARCH (A Regional Coalition for Housing) 2011 Work Program and Budget

10. AM No. 11-086: Approval of Appointment of Scott Scheriff, General Manager of the Redmond Hotel Sierra, to the Lodging Tax Advisory Committee

VOTE: The motion to approve the Consent Agenda passed without objection. (7 - 0)

At this time, City Attorney James Haney swore in newly appointed, and reappointed, members of the commissions.

HEARINGS AND REPORTS

PUBLIC HEARING

(There were no public hearings held at this time.)

STAFF REPORTS

- a. AM No. 11-087: Redmond 2010-2011 Periodic Update of the Comprehensive Plan (L100259) Package 1 Amendments

Mr. Pete Sullivan, Senior Planner, and Ms. Sara Stiteler, Senior Planner, provided a report to the Members of the Council. The report addressed Package I of the Redmond 2010 - 2011 Periodic Update of the Comprehensive Plan.

Mr. Sullivan noted the goal of the update is to include:

- adding and refining sustainability concepts related to the environment, economy, and social equity;
- extending the planning horizon for the Comprehensive Plan from 2022 to 2030, with a corresponding update to Redmond's growth targets;
- reflecting City actions or studies since 2004, as well as other changes in conditions;
- reflecting changes in the Growth Management Act or regional plans since 2004; and
- a better organization of the elements on a whole.

Staff overviewed the proposed amendments in Package I, and solicited questions/comments from the Members of the Council, in anticipation of the Council study sessions currently scheduled for May 10 and May 24, 2011.

Comments received were as follows:

- Councilmember Allen noted she would like to discuss the change in wording from 'Redmond's Hometown Feel' to 'Comfortable and Connected';
- Councilmember Margeson stated he would email his questions to staff, and thanked them for creating the positive vision statement; and
- Councilmember Cole noted he would like to discuss:
 - agricultural lands beyond p-patches, noting the inconsistency with recent zoning decisions;
 - architectural challenges in 2030;
 - gray water - to make sure the Comprehensive Plan perspective is consistent with Council's perspective;
 - food policies;
 - encouraging small businesses in Overlake;
 - placement of a pedestrian overpass at the SR520 crossing;
 - making references in the Comprehensive Plan to a City trolley; be consistent with recent Council direction regarding a trolley;
 - conflict in employee count (staff has addressed this);
 - parking capacity concerns;
 - the neighborhood element - is it consistent with Council direction?;
 - annexation - with regards to it being an aggressive City policy; and
 - human services - to make clear that the City is not providing services, but rather funding sources.

a. AM No. 11-088: Carbon Footprinting - April Update

Ms. Cathy Beam, Principal Planner, provided a report to the Members of the Council regarding City of Redmond carbon footprinting. She noted the purpose of the report as updating the Members with regards to staff's work on carbon footprinting, and to schedule a subsequent study session on the matter.

Ms. Beam reported the staff has been working on baseline carbon footprinting at a community level and anticipates having this information completed in the near future, noting accessibility to this data is more complex and time-consuming than gathering City operational data. She stated that community information is an essential part of identifying the other half of the equation for establishing greenhouse gas emissions reductions targets and a Climate Action Plan.

Discussion ensued regarding:

- emission reduction targets; and
- other local jurisdiction information pertaining to their data collection of carbon footprinting data.

Ms. Beam noted that a Council study session will be scheduled to discuss further with the Members the City's desired emission reduction targets.

OMBUDSMAN REPORT

Councilmember Carson reported receiving citizen contacts with regards to the keeping of chickens on smaller city lots, and a solicitation from a traffic safety camera vendor. All parties have received response at this time.

Councilmember Stilin reported receiving citizen contacts with regard to traffic calming at 73rd Avenue NE. He also reported receiving an inquiry about the cost of purchasing a flashing speed traffic sign. Both contacts have received responses.

Councilmember Cole reported receiving a complaint with regard to a pothole on 148th Avenue NE and Redmond Way; staff is aware and are working to address the matter.

COMMITTEE REPORTS

Planning and Public Works Committee

Councilmember Allen overviewed the items discussed at the Planning and Public Works Committee meeting held earlier in the afternoon.

Regional Transit Council (RTC)

Councilmember Allen noted that the third workshop on the King County Metro Strategic Plan was received; over 600,000 hours of reduction of service is being discussed. Councilmember Allen concluded that the Suburban Cities' Association Public Issues Committee will be forming a recommendation to guide the RTC.

Public Administration and Finance Committee

Councilmember Margeson reported regarding the items discussed at the April 12, 2011, committee meeting.

Public Issues Committee (PIC)

Councilmember Margeson reported on the April 13, 2011, PIC meeting. Discussion items included: member appointments; the King County Metro Strategic Plan; and PIC's recommendation on the strategic plan to the Regional Transit Council.

Puget Sound Regional Council (PSRC)

Councilmember Cole stated he advocated for proportional allocation of PSRC representation. He noted the regional should have more seats than are currently allotted; however, it did not appear there was support of changing the current allocation.

UNFINISHED BUSINESS

(There were no Unfinished Business items presented.)

NEW BUSINESS

- A. AM No. 11-089: Closed Record Proceeding: Approval of a Conditional Use Permit for Ardmore Substation, L100421 (*Quasi-judicial*)
 - 1. Ordinance No. 2595: An Ordinance Adopting the Hearing Examiner's March 15, 2011, Recommendation to Approve with Conditions the Ardmore Substation Conditional Use Permit, File No. L100421

Mayor Pro Tem Cole advised the Members of the Council and the parties involved in the action regarding the procedure applicable to the closed record proceeding. City Attorney James Haney advised that no new evidence may be taken into the record at this time.

Mayor Pro Tem Cole also advised a request had been previously received from Mr. Andrew Kinstler, Attorney, representing 15301 Redmond LLC, regarding a possible request to reschedule the proceeding. He inquired at this time if a request to continue is desired. No requests were made.

Mr. Steven Fisher, Principal Planner, provided a staff report to the Members of the Council regarding Ordinance No. 2595.

Councilmember Allen queried regarding whether notice was given to the western property edge property owner. Mr. Fischer confirmed that notice was given in accordance with the City's policies and practices - notice was given to the taxpayer of

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record per the County's Assessor's records. Notice was also given at the Office Depot location.

Councilmember Allen inquired if there were any SEPA appeals filed associated with the Conditional Use Permit. Staff affirmed there were not.

Mr. Haney confirmed at this time that all information presented in the staff report was previously included in the Hearing Examiner record at the lower level.

Mr. Robert Heller, Attorney, representing the applicant - Puget Sound Energy (PSE), reserved four minutes of his ten minute presentation time for rebuttal, advised that the recommendation of the Hearing Examiner is consistent with the Municipal Code and Redmond Comprehensive Plan, and provided pictures previously presented at the lower level.

Mr. Darrell Mitsunaga, Attorney, representing Bel-Red Real Estate Group LLC, noted that his client owns the property at the corner of the lot, north of Puget Sound Energy. He referenced Exhibits 7, 10, and 14, and advised regarding his client's opposition related to property improvements on their property that will be compromised by the approval of the action. Mr. Mitsunaga further advised that all owners of interest must sign on the City's permit form; his client did not sign the permit application. He also asserted his client's vested interest in the property through adverse possession. Mr. Mitsunaga concluded his client is opposed to the action until such time as they are able to concur with the proposal.

Councilmember Allen queried regarding Mr. Mitsunaga's assertion that all owners of interest must sign on the permit application form. Mr. Mitsunaga cited RCDG 20F.30.20.050, which states that the Planning Department is to create a form signed by anyone who has ownership interest in the property.

Mr. Andrew Kinstler, Attorney, representing 15301 Redmond LLC, owner of the Office Depot location, reserved one minute of his presentation time for rebuttal. Mr. Kinstler spoke to concerns regarding property devaluation, noise, scale, size, and regarding the conditional use approval in general. He noted that there is no noise limit on the transformer established in the proposal/conditions and that PSE's presentation at the lower level was vague in that it did not provide a visual representation of the planned transformer, nor was scale of the transformer station provided. Mr. Kinstler further advised of his client's opposition to not having an EMF radiation standard included with the proposal/conditions, as well as his client's

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opposition to the type of wall proposed to be constructed as a buffer between the transformer and the Office Depot property. Mr. Kinstler requested denial/remand to the Hearing Examiner in order to establish these thresholds.

Councilmember Allen noted that there is a condition in the Hearing Examiner's recommendation that the project requires compliance with the City's noise standards. Mr. Kinstler responded that the noise level associated with the transformer is unknown.

Councilmember Allen further noted the noise study conducted recommended that no noise mitigation was necessary.

Councilmember Allen inquired regarding the type of wall Mr. Kinstler's client desired between the properties. Mr. Kinstler responded that a 10-foot concrete wall is desired in order to reduce EMF emissions; EMF standards are desired as part of the conditions of the approval. Councilmember Allen informed Mr. Kinstler that there are currently no city, county, or state standards established for EMF emissions.

Members of the Council discussed further development/redevelopment of sites and existing buildings built next to substations.

Mr. Haney, in response to documentation presented by Mr. Kinstler, noted his desire to receive affirmation from Mr. Kinstler that all information presented was previously submitted into the record at the lower level. He specifically noted that Declarations previously submitted as part of Mr. Kinstler's Motion for Reconsideration were not accepted into the record by the Hearing Examiner. Mr. Heller, attorney for the applicant, noted his concern regarding the inclusion of the Declarations in the presentation materials.

Discussion continued related to the buffer wall. Mr. Heller clarified the wall is to be a welded metal wall, which is described in the application. He further noted that there is no evidence noting that concrete reduces EMF emissions. Mr. Heller further commented that all design features were previously reviewed by the Design Review Board.

Councilmember Allen inquired if Mr. Kinstler's client ever requested a concrete wall be built. Mr. Heller responded that no such request was made. *The Design Review Board's findings were included in the City's Technical Committee's report to the Hearing Examiner as Exhibit 14.*

Mr. Heller provided rebuttal to Mr. Kinstler's argument noting that all noise standards have been taken into consideration and reviewed by a noise consultant. The consultant noted no noise concerns; however, Puget Sound Energy would like to propose its own noise condition as follows: "Any future replacement of substation transformers shall not result in an increase in noise emitted from the substation." Mr. Heller concluded that there are no established EMF standards.

(The regular meeting recessed at 9:11 p.m. and reconvened at 9:15 p.m.)

Mr. Haney again noted for the record, as Mr. Kinslter's materials were distributed, that those materials contained statements in the form of Declarations that were not previously accepted into the record and, therefore, the Council is advised that they cannot take any facts presented in those Declarations into the record.

MOTION: Councilmember Allen moved to approve Ordinance No. 2595, with the inclusion of Puget Sound Energy's self-imposed noise condition that, "Any future replacement of substation transformers shall not result in an increase in noise emitted from the substation." The motion was seconded by Councilmember Margeson.

Councilmember Allen opined she felt the Hearing Examiner conducted very thorough work in this matter. Councilmember Margeson concurred.

Councilmember Myers disclosed his residential location as being next to a substation off of NE 24th Street. He further stated that he does not believe the claim of adverse possession on behalf of Mr. Mitsunaga has relevance to the proceedings, as no title had been confirmed.

Councilmember Vache stated that the conditional use permit is consistent with Redmond's ordinances and policies.

Councilmember Carson voiced his support for the ordinance.

Councilmember Allen affirmed that no evidence was found in the record supporting Mr. Mitsunaga's assertion of adverse possession; no claim has been founded.

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Members of the Council concurred that they do not believe Puget Sound Energy's additional noise condition is necessary for approval of the ordinance, and accepted it at the applicant's request.

VOTE: The motion to adopt Ordinance No. 2595, with the additional condition imposed, passed without objection.

ORDINANCES AND RESOLUTIONS

(There were no ordinances or resolutions presented.)

EXECUTIVE SESSION AND ADJOURNMENT

There being no further business to come before the Council, the regular meeting adjourned at 9:28 p.m.



RICHARD COLE, MAYOR PRO TEM



CITY CLERK

Minutes Approved: May 3, 2011