

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

January 10, 2011
6:00 p.m.

Council Conference Room 1E-113
Bellevue, Washington

PRESENT: Mayor Davidson, Deputy Mayor Lee, and Councilmembers Balducci, Chelminiak, Degginger¹, Robertson, and Wallace

ABSENT: None.

1. Executive Session

The meeting was called to order at 6:05 p.m., with Mayor Davidson presiding. He noted that an Executive Session on one item of labor negotiations will be held at the end of the regular agenda.

2. Communications: Written and Oral

- (a) Bill Linton expressed concern regarding the Council's support of the B7 light rail alignment and the significant amount of money being spent on it. He feels that the option will never be approved by Sound Transit and is doomed to fail. Mr. Linton, noting that he is an attorney, opined that the Council's letter to Sound Transit regarding the B7 is confrontational and will lead to litigation, which will be very expensive and could cost years of delays.
- (b) Aaron Laing, a resident of the Enatai neighborhood, lauded the Council's efforts to come together on the letter to Sound Transit. Given the current economic environment, he urged Sound Transit and the Council to step back from moving forward with the East Link project on a shoestring budget. He spoke in favor of the B7 Revised alternative. Mr. Laing noted that Sound Transit was updating its email server today and therefore many emails with comments on the Supplemental Draft Environmental Impact Statement (SDEIS), which were due today, were bounced back to the senders.
- (c) David Plummer spoke regarding the Electrical Reliability Study, stating that there is no evidence to substantiate the assertion that there is an electrical reliability problem. He said that Puget Sound Energy's system-wide complaint metric for 2009 was 0.34 complaints to the Washington Utilities and Transportation Commission per 1,000 meter years, compared to their goal of 0.40. Mr. Plummer said there were six Bellevue

¹ Councilmember Degginger arrived at 6:36 p.m.

customer complaints filed with the commission in 2008 with regard to PSE. In 2009, there were eight customer complaints. Mr. Plummer said that PSE's Bellevue failure frequency per meter has been below the same metric (0.6 failures per meter year) from 2005 through 2009. PSE's repair downtime per meter year has also been significantly below the same metric for its service area for the 2005-2009 timeframe. He noted that he submitted his comments in writing, which includes comments on the study by Exponent, the City's consultant. He urged the Council to direct the City Manager to work with PSE on the preparation and maintenance of a Bellevue integrated resource plan (IRP) addressing electricity and natural gas.

- (d) Ellen Kerr, a Bridle Trails resident, addressed Mr. Plummer's comments, noting that she agrees with the suggestion that the City engage with PSE in the IRP process. She encourage continued financial support of the Electrical Reliability Study to move forward with Phase 2. Ms. Kerr recalled that Bridle Trails residents spoke to the Council on this topic on November 1, 2010. She urged the Council and the City to set goals for the study as well as an implementation plan.
- (e) Norm Hansen, noted his involvement as a Bellevue citizen with PSE, the City, and other community stakeholders to work for electrical reliability improvements within Bellevue. He said that a number of residents support the City's study. Residents do not necessarily file a complaint or report with the State or City, but they do remember the 2006 storm. In 2009, PSE identified 22 circuits in Bellevue that fall below its reliability standards.

3. Study Session

(a) Council Business and New Initiatives

Deputy Mayor Lee reported on a January 8 event at City Hall celebrating the 100th anniversary of the founding of the modern Republic of China (Taiwan). He encouraged citizens to visit the exhibit in City Hall describing the history of this country.

(b) Continued Discussion of East Link SDEIS Sound and Vibration Peer Review

City Manager Steve Sarkozy opened discussion, continued from the previous week's meeting, of the East Link Supplemental Draft Environmental Impact Statement (DEIS) Sound and Vibration Peer Review report.

Bernard van de Kamp, Regional Projects Manager, introduced Julie Wiebusch, President of the Greenbusch Group, to present the East Link SDEIS Sound and Vibration Peer Review. The Greenbusch Group's recent work supplements their analysis completed last summer of Sound Transit's DEIS.

Ms. Wiebusch explained that the SDEIS was conducted as part of the NEPA (National Environmental Policy Act) requirements to identify major impacts and mitigation approaches for

the East Link light rail project. Sound Transit will continue to refine its mitigation plan during final design and will involve the community in that process.

The SDEIS incorporates new information involving: 1) Modifications to I-405 since the DEIS, which particularly affect the B7 alternative, 2) Sound level data based on the operation of Central Link trains, 3) Areas of potential impact and levels of impacts, and 4) Refined vibration study and newly identified potential significant impacts. Sound Transit is modifying its standard mitigation practices based on the experience of the Central Link system, which includes the mitigation of train noise, airborne sound, and groundborne sound and vibration.

Ms. Wiebusch said that mitigation for airborne sound achieves “no impact” for all options. However, some residual exterior noise to outdoor living areas (e.g., decks, yards) is unavoidable. Groundborne operational sound is reported to have a significant impact on the historic Winters House, and therefore a floating track is proposed. Construction vibration is near the threshold for damage to the Winters house, which Ms. Wiebusch said is of concern to her.

Responding to Councilmember Wallace, Ms. Wiebusch clarified that construction vibrations could cause damage to the Winters House. However, no damage is anticipated related to operational vibrations.

Ms. Wiebusch reviewed the conclusions of the SDEIS peer review, which indicate that the SDEIS is in line with industry standards and best practices. It identified noise and vibration impacts, but the study of construction noise is at a fairly high level. The SDEIS indicated that the Federal Transit Administration (FTA) considers Surrey Downs Park to be “non sensitive.” Ms. Wiebusch said the FTA comments actually state that an active park could be considered non sensitive, but parks might have other areas that are intended for quiet enjoyment. It states that local jurisdictions’ opinions regarding affected parks should be considered by Sound Transit.

Regarding the study model, Ms. Wiebusch said Sound Transit did not provide raw data for the consultant’s review. She feels that the usage of averaged noise levels is appropriate for the train noise but not for the bells and wheel impacts. Sound Transit identified potential wheel squeals at some curves and said it would provide the ability to lubricate them if needed. Ms. Wiebusch opined that the downtown curves are tight and she feels these will be a problem.

Ms. Wiebusch said the FTA acknowledges that bell sounds are extremely annoying to residents. She encouraged the consideration of non-standard mitigation practices including an awning over the bells at crossings, repositioned barriers at the train bells to maintain the sound within the immediate area, and way-side horns on poles that are activated as trains pass (which tend to restrict the sound to the immediate area as well). She suggested locating crossovers in the least populated areas and looking at barrier surfaces to assess the reflection of sound. She feels there is room for some creative thought on mitigation measures.

Mayor Davidson questioned whether anyone looked at the condos along the B7 route. Ms. Wiebusch responded in the affirmative. He noted that they are identified as a conditional use, which called for sound mitigation that was done in 1984 and 1990. The condos have internal

sound mitigation, and the units are oriented toward a central courtyard-type area. Dr. Davidson said an active freight train formerly went through the area three times a day, and he noted the proximity of the freeway as well. He said the condos are being treated like any other condos, although they were conditioned on and received previous sound mitigation.

Ms. Wiebusch said that Sound Transit is going by FTA guidelines, which do not consider any of those factors. Mayor Davidson feels these factors should play a role in the consideration of the condos.

Councilmember Degginger noted that the Greenbusch report identifies 62 moderate and six serious light rail impacts to homes within the 112th Avenue SE (B2M) alignment. The B7 has 113 moderate and 37 serious light rail impacts to homes. Ms. Wiebusch said that Sound Transit increased the number of homes experiencing impacts along the B7 after obtaining up-to-date information from the City about the number of housing units along the route. The report does not consider the level of insulation but assumes these are regular condominiums.

Responding to Councilmember Wallace, Ms. Wiebusch said trees and foliage help psychologically to block noise impacts. However, on a quantitative level, it takes 100 feet of dense forest to make any audible difference. She said a dirt berm works well, and a sound wall would block noise as well. Ms. Wiebusch said her understanding is that there is already a noise wall along the area of condos affected by the B7 route. Responding to Mr. Wallace, she said that putting in a noise wall would serve to mitigate impacts. She confirmed that Sound Transit says this will reduce impacts to zero.

Regarding Segment C, Mr. Wallace said the C9A and C11A noise impacts are double those of the C9T and C14E. Responding to Mr. Wallace, Ms. Wiebusch said that the averaging assigned to the sound of the passing train is appropriate. However, averaging the sound of the bells dilutes their impact.

Councilmember Wallace asked how to convince Sound Transit about the negative impact of bells, when state and federal standards do not appear to address them. Ms. Wiebusch said the Council can continue to bring it to Sound Transit's attention and ask them to look at it further. Sound Transit did provide her firm with information on the loudest sound levels, although Sound Transit evaluated the noise using FTA averaging methodology.

Responding to Mr. Wallace, Ms. Wiebusch clarified that she conducted a peer review of Sound Transit's work, but not an analysis. Sound Transit's only reference to Bellevue's noise ordinance was related to construction noise.

Mayor Davidson recalled that at one time he had the opportunity to sleep adjacent to a rail station at the convention center in Portland, and the way he mitigated the noise was to stay up until 11:00 p.m. He noted that the sound of the bells was fairly significant.

Deputy Mayor Lee questioned how noise impacts of the B7 are handled with regard to I-405 background noise. Ms. Wiebusch said that FTA guidelines consider the background noise.

Higher levels of background noise restrict the ability of a project to contribute to more noise. Based on the sound levels of all of the alignments, there is only a one to two decibel increase in sound as an overall average. This means that the project sound will be five to seven decibels lower than the existing ambient sound. Ms. Wiebusch said the FTA guidelines restrict increasing the overall noise level in the community.

Responding to Mr. Lee, Ms Wiebusch said that Sound Transit states it will repair any damage to the Winters House that occurs during construction. She is concerned that the suggested mitigation is to monitor the vibrations, which she feels is not particularly effective in protecting the structure.

Responding to Councilmember Chelminiak, Ms. Wiebusch said there is a difference in ambient sound levels between the two sides of I-405. The east side has higher ambient sound levels because it is closer to I-405, and the south side is higher because it is close to the I-90 interchange. She confirmed that sound levels in South Enatai are much higher (i.e. 70+ dB). In further response, she acknowledged that a portion of the east side of I-405, to the south, has lower ambient sound levels because it is slightly over a hill. The project noise level is slightly higher on the east side than the west side, because as the ambient noise level increases, less project noise is allowed. In further response, Ms. Wiebusch confirmed that excavation of the retained cut along the Winters House is what causes the vibrations of concern.

Councilmember Balducci thanked Ms. Wiebusch for her work. Ms. Balducci said it is somewhat counter-intuitive that more noise can be added to a quieter location. Ms. Wiebusch noted that an ambient noise level above 70 dB restricts project noise to 65 dB, and the calculations are based on a logarithmic formula. Three dB is considered the threshold for audibility in most cases. Ms. Balducci recalled, from the previous discussion with Ms. Wiebusch, that continuous noise (e.g., freeway noise) is considered to fade into the background, while bells are designed to draw attention.

Ms. Balducci asked Ms. Wiebusch to help phrase this topic in the Council's letter to Sound Transit, which states that the noise impacts are not fully identified in the SDEIS because the methodology averages light rail sounds over 24 hours, including hours when the trains are not operating. Ms. Wiebusch opined that the four hours of non-operation do not make any substantive difference. However, averaging the bells, wheel clacks, and anything of short duration dilutes the impacts.

Referring to comments in staff's technical letter regarding the impacts of the Winters House, Ms. Balducci said that the Council's letter states that the City will be seeking additional assurances from Sound Transit prior to construction. Ms. Balducci suggested adding the floating track as a potential concept for Sound Transit's consideration. Ms. Wiebusch clarified that the floating track addresses the operational groundborne sound, which is not destructive to the house. However, construction vibrations from excavation could cause damage. Responding to Ms. Balducci, Ms. Wiebusch said it is possible that there is a construction method that would minimize the risk.

Referring to Councilmember Wallace's question about how to convince Sound Transit to address the impacts, Councilmember Balducci suggested that one way is to have a representative on the Sound Transit Board, and the other is to use that position to advocate for some serious noise mitigation and the consideration of a number of techniques. Ms. Balducci said this is exactly the study she proposed as a Board member, and it was adopted by the Sound Transit Board. She feels it is significant that the Board is embracing this first step.

With regard to the B2M, Councilmember Robertson questioned whether Sound Transit considered the Mercer Slough to be a sensitive receptor for the length of the alignment, but not Surrey Downs Park. Ms. Robertson thanked Ms. Wiebusch for her report, and for pointing out that Sound Transit did not consider Surrey Downs Park to be a sensitive receptor, which is of concern.

Mr. Chelminiak reviewed comments from the SDEIS report, which addresses active park uses such as the Winters House, the boat launch, blueberry farm, and park's western edge. He read: "The project noise levels would be below FTA criteria where applicable and lower than the existing noise levels in the park. Preferred alternative B2M would not have a noise impact to the park."

Ms. Robertson said she would dispute the classification of the blueberry farm and Winters house as active uses. She would like to consider addressing that in the Council's letter.

Responding to Councilmember Robertson, Ms. Wiebusch clarified that Sound Transit did not provide raw data in its model, perhaps because it has not changed from its previous analysis. She did not ask for the data. In further response, Ms. Wiebusch said she believes there are additional locations with wheel squeal impacts than those identified for the C11A only. She said Sound Transit's main comment on the curves is that they do not expect impacts, but they will provide lubrication if they occur. Ms. Robertson noted an inaccuracy in the Greenbusch report that there are no at-grade crossings for the B2M.

Ms. Robertson referred to section 5.4 of the Greenbusch report and a statement about no outdoor uses for housing units along the C11A alignment. She feels this is based on the absence of balconies for the 72 multifamily units. Responding to Ms. Robertson, Ms. Wiebusch concurred that opening a window would result in noise impacts.

Councilmember Robertson noted section 7.0 addressing the potential condemnation of homes with exterior noise impacts. She said that HUD has guidelines about allowed noise levels for exterior spaces. She questioned whether exterior noise levels exceeding HUD guidelines would create problems for homeowners who want to refinance, sell or mortgage those homes. Ms. Wiebusch said the noise levels exceed HUD levels already for much of the alignments, and noise does affect property values.

Ms. Robertson observed that all noise impacts associated with the B7, including exterior impacts, can be mitigated, while this is not true for the B2M. Ms. Wiebusch confirmed that this is an accurate conclusion. Homes above the project's elevation will have greater noise impacts.

Responding to Ms. Robertson, Ms. Wiebusch said there are some monies left in the City's contract with her firm. Ms. Robertson questioned whether the funds would be adequate for a review of Sound Transit's raw data. She questioned whether it would be useful, to better understand the impacts, for the consultant to prepare a weighted average, especially for the bells, crossovers, and wheel squeals, to segregate the hours that the train is not running. Ms. Wiebusch said that a separate evaluation of the bells, wheel squeals, and wheel clacks would provide a different representation of the impacts.

Responding to Councilmember Robertson, Ms. Wiebusch said that Sound Transit's proposed operational mitigation for the Winters House is floating slab construction. The risk of damage is associated with construction, not with operations. She acknowledged that the risk would be lower if construction is farther away from the house.

Responding to Mayor Davidson, Mr. van de Kamp said the wheel/track lubricant is biodegradable and it is dispensed only when the train is approaching a curve. It is not an oil and is not considered a pollutant.

Mayor Davidson thanked Ms. Wiebusch for her patience in rescheduling from the previous week and in responding to Council's questions.

(c) Continued Discussion of Council Comment Letter on the East Link Project
SDEIS

Mr. van de Kamp noted that staff's technical comment letter was submitted today to ensure that it was received by Sound Transit within the SDEIS comment deadline. He understands from the City Manager that an exception was granted to the Council to submit its letter tomorrow morning.

Councilmember Balducci noted public testimony received tonight regarding emailed comments to Sound Transit being bounced back. She said she is hoping the City can help out with ensuring that all comments are received and considered. She suggested submitting to Sound Transit all of the emails and communications that the City has received.

Mr. van de Kamp said the City was informed by Sound Transit staff this afternoon that they were experiencing some email problems. Sound Transit provided a fax number for submittal of the technical comment letter. He cannot speak on behalf of Sound Transit, but he too hopes the agency will accept emails attempted to be sent today.

Ms. Balducci reiterated her request that the City submit to Sound Transit the public comments that the City has received.

Deputy Mayor Lee concurred with Councilmember Balducci's request, stating it is appropriate for the Council to represent its citizens by making that point to Sound Transit.

Councilmember Robertson said she left a message with a Sound Transit representative at 4:00 p.m. alerting them to the email issue.

City Manager Sarkozy confirmed that Sound Transit has granted the City Council an extension to submit its comments on the SDEIS tomorrow morning, although today was the end of the public comment period.

Mr. van de Kamp reviewed the draft letter [Page 3-25 of meeting packet], as revised following previous Council discussion.

Councilmember Balducci expressed support for sending a letter reflecting all of the concerns and questions of every Councilmember, and said it is important to get this information into the record for the environmental review. She acknowledged the many emails received commenting on the East Link SDEIS. She noted that the SDEIS is not a decision point, and that the next round of decisions will occur in mid-2011. Comments in the DEIS and SDEIS will be addressed in the Final EIS. The purpose of the SDEIS was to address new issues and data, but not to address comments to the DEIS.

Ms. Balducci referred to page 3-25, in which the first sentence of the third paragraph states that the City's preferred alignment is the B7 Revised. She observed that no results of the B7 Revised study have become available yet, and she questioned whether the Council took a vote adopting it as a new preferred alignment. In her mind, the B7-R is a theory at this point.

Mayor Davidson said that when the Council gave direction for the B7-R study, the basis of the study included several assumptions different than either the Modified B7 or the DEIS B7. The study description is of the B7 Revised alternative.

Ms. Balducci said she recalls creating a B7-R for further study, but she does not recall adopting it as the preferred alternative.

Mr. van de Kamp explained that a review of the Council's letters indicate that the Council selected the B7 as the preferred alignment last spring. There was a letter in July from the Council, which he believes is the basis for the statement in the current draft letter about the Council adopting the B7-R as the new preferred alignment. Councilmember Balducci observed that the B7-R defined for the current study is different than the original B7-R that was discussed.

Councilmember Balducci said the Council is in its fifth year of involvement in the environmental review process and the selection of alternatives. There is no rush to judgment occurring with regard to this lengthy, deliberate process. While the Council has approved additional study, there will be updates along the way to enable the Council to decide about whether to continue to move forward with more study. The only information available reflects the cost of the B7 alignment as \$100 million higher than the B2. There is a theory that changes to the B7 would result in lower costs, and these changes include a more expensive Park and Ride, crossing the Mercer Slough, and moving onto the crown of the railway. While the latter would potentially reduce costs, other changes significantly increase B7 costs.

Ms. Balducci said the Council will receive the results of its study before Sound Transit makes its final decision. She cannot justify signing onto a letter that asks for more delay in this lengthy process. She can endorse the draft letter if that issue is removed, potentially to be addressed in a separate communication that she does not have to endorse. She supports asking questions, but she cannot support requesting further delay, especially for something that is not anticipated to produce an improvement over information that is already on the table.

Mayor Davidson questioned how a four-story Park and Ride can be added to the existing South Bellevue Park and Ride, which is a conditional use. He questioned how Sound Transit can assume that it can provide a 1,400 space parking facility as a conditional use.

Councilmember Balducci observed that the question does not address her comments about costs. The estimated cost of the recently defined A2 Park and Ride/light rail station alternative is \$50 million higher than the cost of expanding the Park and Ride according to established plans. This Council could approve the conditional use if it concludes that it is an important project.

Mayor Davidson said the City Council already restricted the conditional use to 640 cars.

Councilmember Chelminiak stated that Sound Transit can apply for a conditional use permit and the determination will be made by City staff. The issue could potentially then come before the City Council. Mr. Chelminiak said he has been through the conditional use permit process for an essential public facility, which was ultimately built by the agency that applied for the permit. However, he observed that this is not the issue before the Council tonight.

Councilmember Chelminiak referred to page two of the draft letter, and the paragraph beginning with: "Noise impacts and mitigation are a primary concern for the City Council." He agrees with that statement. However, he disagrees with a later sentence: "It would be unacceptable to subject Bellevue neighborhoods to additional noise, whether from construction, passing trains, bells or other light rail related sources." Mr. Chelminiak said nothing can be built without making noise, and a transportation system cannot be operated without generating some noise. He feels the statement goes too far and that it implies that the construction and operation of light rail must be silent. He wondered whether this is what the Council actually wants to communicate, and he noted that this standard has not been applied to any other project in Bellevue. He recalled nighttime noise associated with moving steel into the downtown for the Lincoln Square project, which was a temporary nuisance.

Councilmember Wallace suggested adding "in violation of the City's noise ordinance." Mr. Chelminiak said the problem with that is that the ambient noise level in a number of neighborhoods is in violation of the City's noise ordinance on a fairly consistent basis. Mr. Wallace noted that the requirement is applied at the time of permit, however.

Councilmember Degginger suggested replacing "additional noise" with "excessive noise." He concurred with Mr. Chelminiak that it is difficult to build something without generating additional noise.

Mayor Davidson concurred with this suggested revision, as did other Councilmembers.

Regarding comments in the same paragraph about the methodology of averaging light rail sounds, Councilmember Balducci suggested adding the Council's heightened concern about the use of averaging to quantify the impacts of bells and other short-duration, tonal sounds, as this method dilutes the impact.

Councilmember Robertson suggested adding a sentence: "This is especially applicable to the tonal short-duration sounds such as crossovers, wheel squeal and bells." Responding to Mayor Davidson, the Council indicated agreement with that language.

Councilmember Robertson addressed Ms. Balducci's opposition to requesting more time from Sound Transit. Ms. Robertson recalled that when the Council approved the contract with ARUP in December, she advocated that the City Manager send a letter informing Sound Transit of the scope of work and the Council's timeline, and requesting a later opportunity to submit the findings of the study. She recalled that, at that time, the consensus of the Council was to send one letter only, rather than a separate letter for that purpose.

Ms. Robertson feels it is appropriate to ask for the time. Bellevue has committed up to \$670,000 to perform the study, and it would be difficult to justify not having the information used in a way that would be informing of the discussion. In that case, the use of taxpayers' dollars would be meaningless and she does not want to be wasteful.

Regarding wheel squeal, Ms. Robertson wants more information on the Winters House and the risk of damage to this historic structure. The letter mentions historic resources, and she would like to add language specifically about the Winters House and the importance of protecting and preserving it. She would like the letter to state that Sound Transit should use a different alignment if it cannot ensure there will not be damage to the Winters House.

Ms. Robertson proposed the following language in the second paragraph of the second page of the letter: "The Winters House is Bellevue's only property that is on the National Historic Register. It is important to the City and must be protected and preserved. Any alignment that puts this property at risk is not acceptable."

Councilmember Degginger said it would be helpful to focus the comments in the letter on the SDEIS report, rather than making political statements. He said it would be nice to have a letter that the Council could unanimously support, as this would be stronger and more effective in working with Sound Transit. Adding political statements dilutes the specific comments about the SDEIS. Mr. Degginger said the letter mentions historic structures, and he believes it is also mentioned in staff's technical letter. It is also included in the DEIS and SDEIS.

Mayor Davidson concurred with that suggestion and encouraged finalizing the letter. He noted that the Winters House was there before the Park and Ride was built, and he wondered whether fill was added as a foundation for the Park and Ride.

Councilmember Balducci clarified her position on the letter, which she largely supports. She would like unanimous support of the letter. However, she will not support requesting further delay from Sound Transit, which she feels falls into the same category as political statements. To request delay brings back the issue of who does and does not support the B7 Revised study.

Mayor Davidson feels that a delay is reasonable. He had hoped that Sound Transit would do the additional study. He said the Council has not heard any response to comments since 2008 about the DEIS. He is frustrated that the Bellevue City Council is asked to make decisions before it has responses to comments and more information on mitigation. He feels it is reasonable to request a delay until June, given the broad implications of the project.

Councilmember Wallace observed that things can take a long time for Sound Transit, but a short time is allowed when it suits Sound Transit. He feels it is reasonable to request a delay. He recalled that before he and Councilmember Robertson joined the Council, the City Council supported a modified Segment B alignment that jogged over toward I-405 using SE 8th Street. The Council's second preferred alternative was the B7. At the last minute, Sound Transit suggested a \$150 million term sheet for the Downtown tunnel, and proposed a route using 112th Avenue SE. Mr. Wallace said the project cannot fully mitigate noise impacts along 112th Avenue SE. He feels it is appropriate to take the time, and to ask Sound Transit to take the time, for further study.

Mr. Wallace requested additions to the letter. He recalled that the B7 Revised option includes a connection to the Downtown using NE 2nd Street instead of Main Street, and this is not reflected in the letter. He would like to add to the first full paragraph of the second page: "The B7 Revised study analyzes shifting the tunnel portal from Main Street to NE 2nd Street to better comply with the Light Rail Best Practices report and other elements of Bellevue's Comprehensive Plan."

Responding to Councilmember Chelminiak, Mr. Wallace said it complies by avoiding the impacts (e.g., noise, visual, environmental) associated with putting a train along Surrey Downs. It moves the impacts to the commercial area.

Councilmember Chelminiak concurred that NE 2nd Street is not near a single-family neighborhood. However, there would be increased noise to residents within the commercial area. He likes elements of the NE 2nd Street portal, and he wishes the Council would have taken the opportunity to address that in its July letter to Sound Transit. He has a hard time understanding that Mr. Wallace's suggested addition is a factual statement.

Councilmember Wallace said the goal of the B7-R study is to explain the shift.

Mayor Davidson suggested holding off on any conclusions until the study is completed.

Mr. Wallace suggested dropping the reference to the Light Rail Best Practices report and other elements of Bellevue's Comprehensive Plan, but retaining a reference to the NE 2nd Street portal.

Councilmember Chelminiak said he would go along with language about shifting to a commercial area, because that would be a factual statement.

Councilmember Degginger concurred with the Mayor's suggestion about not making judgments until the Council has the results of the B7-R study. He again encouraged focusing the comments on the SDEIS.

Responding to Mayor Davidson, Mr. Wallace read his suggestion to add: "The B7 Revised study analyzes shifting the tunnel portal from Main Street to NE 2nd Street."

Mayor Davidson noted Council concurrence with this language.

Moving on to the third paragraph of the second page and the language about "additional" noise versus "excessive" noise, Councilmember Wallace suggested adding language that excessive noise means in violation of federal, state and City noise ordinances.

Councilmember Chelminiak suggested instead elaborating on the reference to Sound Transit Link Noise Mitigation Policy (Motion No. M2004-08) in the fourth paragraph.

Councilmember Degginger cautioned against making promises one cannot keep. He said he has no idea what the noise impacts of the A2 station option will be for the Enatai neighborhood. He therefore thinks it is important to avoid making statements about noise regulations without knowing their specific provisions and restrictions. Mr. Degginger feels that the letter clearly communicates the Council's concerns about noise.

Mr. Wallace reiterated that he thinks it is important to mention Bellevue's noise ordinance.

Mr. Degginger opined that it is unnecessary to make that statement. The purpose of the letter is to comment on the SDEIS.

Mayor Davidson reiterated that the last paragraph of the second page of the letter refers to Sound Transit's policy, which states that it will comply with the City's noise code.

Councilmember Wallace said the DEIS and SDEIS do not consider Bellevue's noise ordinance, and he feels this should be included in comments on the SDEIS.

Mayor Davidson asked Mr. Wallace to propose his language for the sentence in the last paragraph that mentions Sound Transit's policy and the City's noise code.

Mr. Wallace suggested adding a sentence as follows: "We wish to clarify that Bellevue's noise ordinance does apply here, and in certain respects is more strict than state or federal standards."

Councilmember Degginger said he cannot support that as a factual statement because the Council has not compared the standards.

Mr. Wallace suggested “may” be more strict. His key issue is that Bellevue’s ordinance covers exterior noise impacts; federal and state do not. He feels this is an important distinction that Sound Transit should consider.

Mayor Davidson expressed support for the suggested addition, worded to indicate that it is the Council’s opinion that Bellevue’s noise code applies. His reasoning is that the Council is assuming this to be the case based on Sound Transit’s policy about complying with City noise codes.

Councilmember Wallace said the City’s code applies because Sound Transit is coming into Bellevue’s jurisdiction.

Mr. Sarkozy suggested that he is hearing the following revision: “The Council has recently reviewed the Sound Transit Link Noise Mitigation Policy (Motion No. M2004-08) and would like more detail about ~~the steps~~ how Sound Transit will ~~take to~~ comply with the City’s noise code.”

Mr. Wallace indicated that the language does not state that Sound Transit will comply, and that Bellevue’s noise ordinance will apply.

Councilmember Degginger observed that the City’s noise code is already referenced in the letter, and he is concerned that there are other motives for the suggested language. He does not know what those would be, but he does not want to make pronouncements in the letter about legal principles, if that is the intent. He believes that the Council should focus its comments on policy issues. He would want the City Attorney to comment on revising the letter as proposed by Mr. Wallace.

Mayor Davidson stated that the Council will retain the language as drafted by staff.

Councilmember Wallace thanked the Council for considering his request.

Mr. Wallace asked the Deputy City Attorney to comment on whether the City takes the position at this point that its shorelines and critical areas regulations apply, and whether this is the appropriate time to address that topic.

Kate Berens said that staff’s technical comments on the DEIS and SDEIS do not specify which code sections apply, given the level of detail available at this point. However, the comments state that the project will need to comply with all City codes, including those applicable to critical areas.

Mayor Davidson mentioned that when the conditional use for the South Bellevue Park and Ride was granted (1979), one third of that was under the Shorelines Management Act and subject to the involvement of the U.S. Corps of Engineers. He said that was fairly controversial, and it was evaluated very differently than how the light rail project is being evaluated. He said he is

signaling to everyone involved that the Park and Ride is under a conditional use, and that it should not be assumed that a four-story garage can be added at the current site.

Deputy Mayor Lee recalled his comments during previous meetings about quantifying the economic development impacts of a light rail system. He feels that cost-benefit analysis should be used in the route selections. There are costs associated with every alternative, but what are the benefits? Responding to Councilmember Degginger, Mr. Lee said that the costs and benefits, including impacts and mitigation, must be included.

Mayor Davidson noted that economic impacts are addressed in the FEIS.

Mr. Lee said he thinks everyone understands economic benefit, but there is going to be a cost associated with that on each alignment. What are the minimum costs and impacts that the Council needs to understand?

Pursuant to Mr. Lee's concern, Councilmember Degginger proposed adding a reference to economic considerations in the first paragraph of the letter. Mr. Lee said that would be acceptable.

Mayor Davidson reiterated the need to finalize the letter tonight.

Deputy Mayor Lee said he appreciates Councilmember Balducci's representation on the Sound Transit Board and communication of Bellevue's interests. He said the Council is still struggling with what it thinks they should be and what the obstacles are, and therefore additional study continues to be necessary. Mr. Lee feels it is imperative that the Council request a delay in its selection of a preferred alternative in order to incorporate Bellevue's B7 Revised study findings.

→ Deputy Mayor Lee moved to approve the SDEIS comment letter to Sound Transit, as amended by tonight's discussion. Councilmember Robertson seconded motion.

Councilmember Degginger said he is supportive of the letter, even though he does not like everything in it. He would like the Council to have unanimous support of the letter, and he suggested it would be helpful to request a delay from Sound Transit in a separate letter, as requested by Councilmember Balducci.

Mayor Davidson said it is extremely important that the process and the result of the process are larger than a time limit. He noted a time limit that is artificially set and that does not allow the Council to complete its studies. He feels this is not recognizing the importance of what Bellevue is trying to do. Mayor Davidson said he will not compromise on this issue, and he wants to include the request in this letter.

Councilmember Degginger expressed concern about the language indicating that Bellevue's preferred alignment is the B7 Revised. He disagrees with that characterization. The Council has agreed to conduct a study, but has not adopted the option to be studied as the preferred alternative.

Councilmember Robertson concurred with Mr. Degginger's comment.

As a friendly amendment, Councilmember Robertson suggested revising the third paragraph to state that Bellevue's preferred alignment is the B7 [not B7 Revised]. She then added: "In November, the City began a phased, expedited and independent work to optimize the B7 alignment, with a station alternative near the I-90/Bellevue Way interchange (Attachment 1)." She agrees with comments that the Council did not take a vote to change its preferred alternative to the B7 Revised.

Ms. Robertson accepted the following revision by Mr. Wallace: "which among other things includes a station."

Deputy Mayor Lee accepted that as a friendly amendment.

Councilmember Robertson reiterated that her understanding in December was that the City Manager would write a letter to Sound Transit informing the agency about the City's B7 Revised study. She recalled Ms. Balducci's comments at that time that it was not worthwhile to send a letter during the holidays, and that the Council should not send multiple letters but should combine the request with comments on the SDEIS.

Councilmember Robertson encouraged unanimous support of the letter.

Councilmember Degginger suggested the word "revise" instead of "optimize" in the last friendly amendment. Ms. Robertson and Mr. Lee accepted the change.

Councilmember Chelminiak said he is now confused about what is the City's preferred alternative. He recalled from July, and in reading the letter, that four Councilmembers changed two major things: 1) Moving the preferred alternative to NE 2nd Street for the tunnel, and 2) That Sound Transit should move the Park and Ride to what Mr. Chelminiak calls the Enatai Park and Ride, which is designated as the A2 station option in the B7 Revised alternative.

Councilmember Robertson observed that NE 2nd Street is not in Segment B, and the Council is studying the A2 station.

Councilmember Chelminiak said the important point is that Councilmembers do not have a common understanding tonight about its current preferred alternative.

Councilmember Balducci said she agrees with the importance of reaching unanimous support for the letter. She recalled Ms. Robertson's earlier comments along the lines of - as we're adopting the study and pursuing it with information being gathered, reaching a tipping point, and ultimately reaching a conclusion, it would be important that the effort and taxpayer money that went into the study not be wasted, and that Sound Transit should take the study into account.

Pursuant to Ms. Robertson's comments, Ms. Balducci proposed the following language: "As the B7 Revised study information is developed and the City reaches the tipping point that it has defined in its study, Sound Transit should consider delaying the issuance of its final EIS in order to include any helpful information." Ms. Balducci noted that the Council does not know at this point whether the findings will be helpful, but she could support this language.

Councilmember Robertson proposed the following revision of the sentence that starts at the bottom of the first page and carries over to the second page: "As a consequence, we ask that the Board allow the consideration of the forthcoming B7-R analysis prior to the issuance of the East Link Final Environmental Impact Statement (FEIS)."

Councilmember Balducci questioned the intent with regard to the established tipping point at which the Council will decide whether to continue further study of the B7-R. She stated her understanding that the language commits to studying to the April milestone only, but not beyond.

Mayor Davidson confirmed that understanding.

→ The motion to approve the Council comment letter on the East Link SDEIS, as amended by tonight's discussion, carried by a vote of 7-0.

At 8:45 p.m., Mayor Davidson declared a recess.

The meeting resumed at 8:55 p.m.

(d) Electrical Reliability Study (ERS) Proposed Scope of Work

City Manager Sarkozy opened discussion of the Electrical Reliability Study, which was requested by the Council in mid-2008.

Bob Derrick, Director of the Office of Economic Development, provided brief background information on the study. A consultant was selected in early 2010 to prepare a scope of work for conducting the Electrical Reliability Study. Mr. Derrick said an internal advisory committee of City staff and an external committee of stakeholders have been helpful in producing the proposed scope of work.

Mr. Derrick said that staff is requesting Council approval of the scope of work as well as authorization for the City Manager to negotiate and sign a contract with the consultants.

Stig Nilsson explained that Exponent is a multi-disciplinary consulting firm dedicated to solving important science, engineering, and regulatory issues for clients. He reviewed a map of Bellevue's electrical facilities and noted reliability concerns regarding system design, vegetation management, and asset management. He briefly described capacity and technology impacts on electrical reliability.

Walter Bak, Exponent, reviewed the scope of work that was developed from the City's request for proposal (RFP) and with the involvement of the external and internal advisory committees. The scope of work is divided into four major tasks: 1) Current system status, 2) Future system status, 3) Role of Bellevue, and 4) Measurement and Monitoring. He described key deliverables within the scope of work and the proposed schedule.

Councilmember Degginger feels that the scope of work is a good starting point. He sees this as an opportunity for the City to set a course for how to improve long-term electrical reliability for businesses and residents. It also provides the opportunity to determine what the City might be able to do to enhance its planning, coordinate more closely with Puget Sound Energy, and better understand the regulatory environment.

Mayor Davidson said he is pleased to have PSE's headquarters in Bellevue, and he feels the study should be conducted in close cooperation with PSE.

Councilmember Wallace questioned the objective of the study, and whether it relates primarily to the 2006 power outage in Bridle Trails as well as ensuring Downtown electrical reliability.

Mr. Derrick said the impetus for the study was in part the 2006 wind storm, which affected the entire community and not just Bridle Trails. He noted ongoing complaints and comments to the City by residents and businesses over the year about electrical reliability.

Mayor Davidson added that a primary objective is to aid the City in planning for continued active growth within the community and the increasing demand for electrical capacity. He noted the anticipated expansion of the usage of electric vehicles as well.

Councilmember Chelminiak recalled the proposed expansion of the Lochleven Substation several years ago and the issues raised regarding the City's Comprehensive Plan and PSE's capacity planning and practices. The Council requested a study to identify relevant issues for the City and to help define the appropriate role for the City. Mr. Chelminiak noted that a recurring issue over the years as well is whether to underground utilities. He agreed with Mr. Plummer, who spoke during Oral Communications, that electrical reliability seems to be generally good. However, Mr. Chelminiak would like a specific analysis to determine whether capacity and performance are actually adequate.

Mr. Bak said PSE's data shows strong performance improvement in Bellevue over the past few years. However, there are always ways to improve and to address emerging issues, such as changes in technology. He noted that an analysis and better understanding of the local electrical system will help Bellevue as it implements its growth goals.

Regarding overhead versus underground utilities, Mayor Davidson said he lives in an area with underground utilities, which are subject to damage and outages associated with rodent activity. There are tradeoffs associated with each method.

Councilmember Wallace said he is predisposed to supporting the study but needs further clarification. If one area of the community experiences more problems with electrical reliability, he questioned whether PSE is working with those residents to address the issues. Mr. Bak said PSE analyzes its data and provides a reliability report to the City, and PSE does take action to improve its performance. Mr. Bak said that Exponent provides an independent analysis involving maintenance practices, asset management, alternative and new technologies, and opportunities for improvement.

Councilmember Wallace asked for an example of an idea that might improve electrical reliability in the Bridle Trails area. Mr. Nilsson said that tree trimming is obviously something to look at, as well as alternate technologies for areas with many trees. He believes that PSE has a plan for enhanced automation that will minimize the extent of outages, for example to limit the area affected by one instance of a power line downed by a fallen tree.

Mr. Wallace questioned whether the goal is to develop a list of items that the City would like PSE to address in order to improve electrical reliability. Mr. Nilsson said that such a list could be one outcome of the study.

Responding to Mr. Wallace, Mr. Derrick said PSE is not obligated to respond to the City's requests unless the issue is regulated by the Washington Utilities and Transportation Commission (WUTC). One of the issues in dealing with PSE is that the City's role in regulating the utility company is limited to the franchise agreement, permitting, rights-of-way, and similar areas. Operations are regulated by the WUTC. The Electrical Reliability Study will identify the issues and help to clarify the City's role and opportunities for influence.

Councilmember Degginger said another purpose of the study is to compare Bellevue to nationwide best practices.

Councilmember Wallace feels it is important to work with PSE to enhance the chance that PSE will respond to Bellevue's interests.

Mr. Derrick said the study is intended to work with PSE, and it relies on data from PSE to conduct the analysis outlined in the scope of work.

Mr. Wallace said he likes the general concept of the study. However, he would like some understanding of how and whether the study results will be used toward something productive.

Mr. Derrick said there are two additional tasks he was planning to mention later. One is a look at downtown growth and PSE's ability to respond to this growth. He feels that this item could be added to the study with minimal cost because most of the work is completed by other tasks. The second item that could be added is an analysis of the 22 worst-performing circuits in Bellevue and how the problems might be addressed.

Councilmember Wallace referred to the list of applicable state and federal laws. He noted that I-937, which was passed several years ago and relates to green/clean energy, is absent from the

list. He said the State is still looking at passing energy codes, which are temporarily delayed by Governor Gregoire, that will require new buildings to be much more energy efficient. Mr. Wallace said that Bellevue's development community has a high level of voluntary energy efficiency efforts as well.

Mr. Bak said all of these items will be addressed in the study.

Deputy Mayor Lee believes that the study is important. He noted that Bellevue has always been a progressive community, and it is important to ensure an adequate electrical system to satisfy growth and demand. He concurred with the need to work with PSE, and he feels there has been a good working relationship between the City and PSE. Mr. Lee said the City needs the expertise of the consultants to appropriately address the issues and to understand the City's role.

Councilmember Balducci expressed support for the proposed scope of work. She recalled that she initially asked questions similar to Councilmember Wallace's, because the City is not the electrical provider and Bellevue has generally good electrical reliability. She described living temporarily in a country that did not have good electrical reliability, and she noted the issues raised by the Lochleven Substation project. Over the years she has heard from many residents and others with electrical engineering expertise about the need to ensure that Bellevue has a strong electrical system.

Ms. Balducci feels the City should consider advocating on behalf of PSE to obtain the resources it needs to maintain a modern electrical system into the future. She looks forward to working with PSE and citizens. She expressed support for a suggestion from the community that Councilmember Degginger be the primary liaison to this effort.

Mayor Davidson said he was going to suggest Councilmember Degginger as well.

→ Councilmember Degginger moved to approve the scope of work for the Electrical Reliability Study and to authorize the City Manager to execute contracts to perform the work. Councilmember Chelminiak seconded motion.

Mayor Davidson directed staff to bring the contracts back for Council action as a Consent Calendar item.

Mr. Derrick noted that staff and the consultants want to clarify the stakeholder process to ensure active participation. He requested adding the tasks suggested above, which will be described in the Consent Calendar materials as well.

Councilmember Robertson expressed support for the motion. She noted comments by Ellen Kerr during Oral Communications that the City should have clear goals, outcomes, and implementation planning. She asked staff and the consultants to provide this information, and she supports the suggestion to study the 22 lower performing circuits in Bellevue. Ms. Robertson recalled Comprehensive Plan amendments related to the Lochleven Substation project and the future 2014 update to the Comprehensive Plan. She would like the Electrical Reliability Study to inform the Comprehensive Plan update process.

Mayor Davidson said the study might drive the Council toward amending Comprehensive Plan policies in advance of the 2014 update as well.

Mr. Derrick confirmed that the Comprehensive Plan was discussed in the review process to develop the scope of work.

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

4. Executive Session

→ Deputy Mayor Lee moved to extend the meeting to 10:30 p.m., and Councilmember Robertson seconded the motion.

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

At 9:48 p.m., Mayor Davidson declared recess to Executive Session for approximately five minutes to discuss one item of labor negotiations.

At 10:06 p.m., the Executive Session was concluded and the meeting was adjourned.

Myrna L. Basich, MMC
City Clerk

kaw