

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

February 22, 2010
6:00 p.m.

Council Conference Room 1E-113
Bellevue, Washington

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

ABSENT: None.

1. Executive Session

Deputy Mayor Lee called the meeting to order at 6:00 p.m. and announced recess to Executive Session for approximately 30 minutes to discuss two items of pending litigation.

The Study Session reconvened at 6:41 p.m., with Mayor Davidson presiding.

2. Oral Communications

- (a) Bill Hirt submitted his comments in writing and voiced his strong opposition to the Sound Transit light rail project. He asserted that voters in the 41st and 48th legislative districts did not support light rail.
- (b) Mike Murphy, Co-Chair of the Bellevue Youth Link Board, introduced two Youth Link Board members to provide an update.
- (c) Michelle Mattson-Hamilton said Bellevue Youth Link is celebrating its 20th Anniversary this year. She invited the Council to upcoming events including Gumbo Night on February 24. Ryley Martin invited the Council to lunch at the Youth Involvement Conference on March 5 at the South Bellevue Community Center. Ms. Mattson-Hamilton noted that the Community Leadership Awards are scheduled for May 26.
- (d) Scott Lampe, Surrey Downs East Link Committee, submitted a report regarding the East Link light rail Segment B alternatives. He reviewed the decision criteria supported by the Committee, and asked the City to conduct an independent study of the environmental, cost, and technical feasibility elements of options B7, B3, and B3 Modified.

- (e) Stacie LaBlanc Anderson, Surrey Downs Historical Society, provided an update on the eligibility of the Surrey Downs 1950s Mithun and Neslund modernist homes as a contiguous historic district on the National Register of Historic Places. She submitted copies of a letter from the State Department of Archaeology and Historic Preservation to the Federal Transit Administration regarding the East Link project. Ms. LeBlanc Anderson submitted her comments in writing as well, and highlighted concerns regarding historic preservation, environmental impacts, noise, condemnation, and construction impacts. She noted that the Department of Archeology and Historic Preservation disagrees with the Federal Transit Administration's determination of no adverse effect for the East Link project. She asked the City Council to request from Sound Transit a more comprehensive evaluation of the potential adverse impacts to the Surrey Downs Mithun and Neslund homes than what was provided in the Draft Environmental Impact Statement (DEIS). Ms. LeBlanc Anderson reported that Sound Transit sent a letter requesting that the Washington Trust for Historic Preservation remove Surrey Downs from the endangered properties list, which she feels is inappropriate.
- (f) Betsy Blackstock spoke regarding the Sound Transit East Link alignment alternatives. She recalled her communications last year encouraging the Council to put both the B3 and B7 options forward, so that Sound Transit could then select an option. She is pleased that B7 is being reconsidered, and asked the Council to choose carefully. She expressed concern that if the Council votes tonight to support one of the Segment B options, the City will miss the opportunity for Sound Transit to produce more information about the alternatives.
- (g) Aaron Laing, an Enatai resident and a land use attorney, said he owns property across from the Winters House. He described Sound Transit's attempt to negotiate a right of entry agreement in order for them to conduct some testing on his property. Although they did not reach an agreement, Mr. Laing said his neighbors observed individuals on his property conducting tests on at least one occasion. He encouraged the City Council to develop a unified position in working with Sound Transit.
- (h) Heidi Ressler, Bellevue Network on Aging, expressed concerns regarding equal accessibility to transportation facilities, including light rail, for older adults and individuals with limited mobility.
- (i) Michael Link, representing the Lake Bellevue Homeowners Association and Lake Bellevue Water Quality Association, noted his background in market research, including urban hub light rail projects. He said he recently learned that the NE 12th Street bridge will be restricted to one lane in each direction for an upcoming construction project on I-405. He observed that the community will have to withstand some growing pains throughout the light rail project, but that these will be temporary impacts. He said the best system for the long term is typically the alignment that results in the highest ridership. Mr. Link opined that NE 8th Street at 116th Avenue is not a good location for a light rail station because it does not provide a favorable pedestrian environment. He feels

that the Ashwood/Hospital station at NE 12th Street and I-405 is a better choice, given the higher density of that area including the hospital district and the Bel-Red corridor. Mr. Link then spoke to drainage and environmental issues associated with Lake Bellevue and the surrounding area, as they relate to the light rail project. He expressed concern about vibration impacts to the soil in that area, as well as noise impacts.

- (j) Joe Burcar said that he agreed with the Mayor's Op-Ed article in *The Seattle Times* regarding the SR 520 project, which noted the need to keep transportation projects moving and to be sensitive to neighborhood impacts. Mr. Burcar said his primary concern about light rail is that the City Council maintain its previous decision and recommendation to the Sound Transit Board regarding Segment B.
- (k) Martin Paquette noted that he lives near the South Bellevue Park and Ride lot. He expressed concern that the B7 alignment will not provide good access for residents. He is concerned that the South Bellevue Park and Ride lot will become marginalized, based on the efforts of residents in Surrey Downs to route the light rail away from neighborhoods. He questioned the impact of the project on the Mercer Island Park and Ride lot.
- (l) Gary Ritner, a resident of 118th Avenue SE, spoke in favor of the B3 alignment, which was supported by the City Council last year. He noted that a friend of his who is a major property owner along 112th Avenue said he would write a check for a million dollars to block the B3 alternative. He spoke to the need to be fair to everyone and to not just notify residents in Surrey Downs about these meetings.
- (m) Sherwin Lee, a resident of the Somerset area, disagreed with Mr. Hirt's comment and said that the Sound Transit Phase 2 package was approved by voters in the 41st and 48th legislative districts. He expressed concern that perhaps transit users are not being heard throughout the decision process. He noted plans to discontinue Sound Transit bus route 550 with the implementation of light rail under the B3 alternative. If B7 is chosen, Sound Transit will need to spend additional taxpayer money to budget for continuation of the bus route 550 service. Noting concerns from some residents that light rail will adversely affect their property values, Mr. Lee said housing near light rail stations has increased in value in some cities, including Denver. Mr. Lee spoke in favor of light rail, noting that transportation infrastructure is vital to the region.
- (n) Karen Morris spoke about HB 1956 [regarding homeless encampments], which is before the state legislature for the third year in a row. She has been tracking the issue, and has testified at the Senate hearings during the previous two years. She is concerned about the way it is trending, and about language in the bill referencing "unreasonable interference by cities." She feels the legislation tries to remove provisions that are in local ordinances. She asked the Council to review this issue very closely, and noted that the deadline for the bill to come out of committee is the end of the week. Ms. Morris does not want state law that would remove the ability of the citizens of cities to petition their local governments to deal with experiences in the encampments as they occur.

3. Study Session

(b) Council Business and New Initiatives

Councilmember Degginger reported that he has received a number of emails about a gun shop that opened in the Woodridge area. He requested a staff report to assist the Council in responding to citizens' inquiries.

City Manager Steve Sarkozy stated that questions have been responded to individually, but staff will compile a report to the Council by the end of the week.

Councilmember Robertson reported that she and Deputy Mayor Lee attended the ribbon cutting for the opening of the Somerset neighborhood entry, which was accomplished with Neighborhood Enhancement Program (NEP) funds. She questioned whether the City ever names streets after Olympic athletes, noting that a Bellevue woman won a gold medal at the Beijing Olympics, and a local resident won a silver medal in the Olympic games before that.

Mayor Davidson suggested reviewing the City's policies with regard to the naming of streets.

Deputy Mayor Lee suggested other possible street names honoring individuals who have made significant contributions to the community including L. Joe Miller, a longtime City Manager, and Fred Herman, the City's first Planning Director.

(b) I-405/NE 8th Street to SR 520 Braided Ramp Interchange Improvements Project Update

City Manager Steve Sarkozy opened staff's update regarding the I-405/NE 8th Street to SR 520 braided ramp interchange improvements.

Denise Cieri, Eastside Corridor Deputy Director with the Washington State Department of Transportation (WSDOT), introduced Seema Javeri, Bellevue Braids Project Engineer, and Charlie McCoy, Atkinson Construction Project Manager. Ms. Cieri noted that Ms. Javeri managed the I-405 South Bellevue project. Mr. McCoy and Atkinson Construction were involved in the South Bellevue project and the earlier Access Downtown project.

Ms. Javeri provided the update on the I-405/NE 8th Street to SR 520 braided ramp interchange improvements project. She briefly reviewed other planned and completed improvements to the I-405 corridor. The braided ramps project is a design-build contract, which provides the benefits of earlier construction and project delivery. The project received \$30 million in stimulus funding from the 2009 American Recovery and Reinvestment Act, which accelerated completion of the project by approximately one year.

The project provides new ramps from northbound I-405 to travel east or west on SR 520. It will modify the northbound on-ramps at NE 8th Street to allow access to I-405 only. The on-ramps at NE 10th Street will provide access to SR 520 only, both eastbound and westbound. The NE 12th

Street bridge will be reconstructed to be approximately 50 percent wider with a 12-foot sidewalk on one side and a 22-foot multi-use pedestrian facility on the other side. The ramps from the new NE 12th Street bridge will travel onto northbound I-405. Project benefits include improved circulation in downtown Bellevue, enhanced traffic flow on I-405, and reduced congestion on eastbound SR 520 in the vicinity of 124th Avenue.

Deputy Mayor Lee expressed concern that if a driver gets onto I-405 at the wrong on-ramp, he or she will not be able to access both SR 520 and I-405. He questioned whether this creates potential traffic congestion. Ms. Javeri explained that the project includes modifying signs in downtown Bellevue to direct drivers to the modified ramps. Ms. Cieri said WSDOT has worked closely with City staff to make sure that signing is accomplished throughout the City. The goal is to make people aware of which cross street to use well in advance so that this does not create traffic backups in the downtown.

Mr. McCoy noted that Atkinson Construction worked for approximately one year to prepare its proposal for this project. He reviewed the plan for the NE 12th Street bridge, which includes limiting travel on NE 12th Street to one lane in each direction during construction. The new south half of the bridge will be built first. In Spring 2011, the old bridge will be demolished and the new north half of the bridge will be constructed. Mr. McCoy said Atkinson has been working with Overlake Hospital Medical Center to determine how best to mitigate noise, vibration, construction, and access impacts.

Councilmember Chelminiak said he is pleased to see the bicycle path included over the NE 12th Street bridge.

Councilmember Balducci thanked Ms. Cieri for her work with the City, and stated that she is pleased to be working with Atkinson Construction again as well.

Councilmember Degginger commented the project team on the SE 8th Street project, which has improved traffic flow.

Mayor Davidson added his thanks, noting that WSDOT and Atkinson have been sensitive to Bellevue's needs and concerns.

Deputy Mayor Lee commended the project team's work on the Access Downtown project and encouraged continued success.

Mr. Sarkozy acknowledged that the project represents approximately two years of construction impacts. However, it is a valuable project contributing to the success of the long-term strategy of the City to work collaboratively with WSDOT to complete critical projects. The project is consistent with the community's goal of improved mobility.

Ms. Balducci thanked staff for the clear graphic illustrating the project.

(c) Management Brief regarding Expiration of Development Applications and Issued Permits

Mr. Sarkozy recalled discussion the previous week regarding the possible extension of building permits and short plats as a result of the downturn in the economy.

Mike Brennan, Development Services Director, explained that staff is bringing back information in response to the Council's request the previous week.

Gregg Schrader, Building Division Director, recalled a question from the Council the previous week regarding the current rate and volume of expiring permits and applications, and how they compare to previous economic downturns. He said the volume of permit expirations is similar to the 2001 downturn. However, there are considerably fewer plat and new single-family building permit applications.

As a result, staff recommends extension of preliminary short plat approvals, building permit applications, and issued building permits from three years to four-year terms. Staff recommends extending building permit applications from 18 months to two years. For issued building permits, staff recommends extending the period for starting work from one year to two years, and extending the timeframe for completing the work and all inspections from three years to a maximum of four years.

Mr. Schrader compared Bellevue's policies with other jurisdictions, and noted that Bellevue's permit terms tend to be shorter than a number of other local governments. Staff is not recommending a change in the current response period for applicants to get back to City staff when revisions are requested during the review process. The response periods vary from four to six months, and the intent is to keep projects moving through the system. Similarly, for projects under construction, staff is not proposing any change to current code language that triggers permit expiration if a project is stalled for more than six months.

Mr. Brennan stated that staff is requesting Council direction regarding the recommendations, which are intended to find the right balance between responsiveness to the challenges of the current economy while ensuring that the community is building to more contemporary regulations.

Mayor Davidson questioned how the extensions relate to the adoption of National Pollutant Discharge Elimination System (NPDES) requirements and Shoreline Management Act regulations.

Mr. Brennan stated that applications already in the system and issued permits hold a vested status and are subject to the regulations in effect at the time they applied or became a vested project. Any regulation changes, such as NPDES requirements implemented in January and updates to the construction codes in July, will not apply to vested permits and applications.

Deputy Mayor Lee questioned whether there are any risks to modifying the permit terms. Mr. Brennan opined that there is no significant additional risk. He noted that changes in construction codes occur on an ongoing basis for a variety of reasons, so he does not see an increased risk in extending permits under preexisting codes.

Councilmember Robertson said she is unclear of the magnitude of the problem. She was interested in seeing a table of stalled projects, as she previously requested. Mr. Brennan referred Ms. Robertson to Attachment A in the meeting packet [Page 3-9], which shows the number of building permit applications, issued building permits, and short plats in the system and those set to expire within the next 12 months.

Councilmember Robertson said she understands there are 55 parcels. However, she wants to see where the problem is, whether commercial or residential properties, and the magnitude of the problem. She feels the City should extend the life of permits due to current economic conditions. If extended as suggested by staff, what is the latest expiration date within the current pool of projects? Mr. Schrader said for building permit applications, the latest date could be six years.

Councilmember Wallace questioned whether any current projects will expire before any desired code amendments can be made, and if so, whether their permit terms could be extended as well. Mr. Schrader said staff has not looked at projects within a couple of weeks of expiration. He said there could be projects that could expire. Staff would need to consult with the City Attorney's Office to determine the ability for the code amendments to be retroactive.

Responding to Councilmember Chelminiak, Mr. Schrader said that if code amendments are made, the new time periods will be applied to current permits and applications based on the phase of the individual projects (i.e., application, construction).

Responding to Councilmember Balducci, Mr. Brennan said staff recommends extending permit and application terms only for projects already in the system. Any new application will be subject to the current permit timeline.

Councilmember Degginger indicated that if the Council decides to adopt the changes by Ordinance, he suggests including an emergency clause to expedite the effective date of the changes.

Councilmember Robertson suggested that the Ordinance state that it applies to applications and permits received before a specific date, in order to provide extensions for projects already in the system.

Mayor Davidson asked staff to bring back an Ordinance for Council action.

Land Use Director Carol Helland explained that the platting change is required to go to the Planning Commission because that would be a Land Use Code amendment. Staff will expedite this as much as possible.

Councilmember Chelminiak said he would like to execute the application and permit term amendments as soon as possible, and then do the platting Land Use Code amendments following the Planning Commission's review. He also would like to address abandoned sites as soon as possible.

Mr. Brennan explained that staff conducted an assessment of properties slotted for redevelopment but the projects were suspended during either the application process or construction.

Joe Guinasso, Business Services Division Director, reviewed staff's property conditions field assessment of commercial properties, single-family residential, and short plats that have not had activity for more than 180 days.

Ms. Helland explained that the City has code authority to proactively address public hazards including securing sites against unlawful entry and abating hazards. She recalled that some downtown single-family homes abandoned in the past were ultimately demolished when they became either fire or entry hazards. The structures were demolished and the sites were restored to a grassed, secure condition. Complaint-based enforcement is used to address issues that do not pose serious life or safety risks, but that create unsightly conditions that impact property values. These include defined nuisances, litter, and maintenance standards. Additional potential violations on abandoned sites are addressed through the Critical Areas Code, Storm and Surface Water Code, and Clear and Grading Code.

Mayor Davidson questioned how to discourage unauthorized access to incomplete projects. Ms. Helland said the City can require buildings to be secured in accordance with the code, and can proactively address unsecured structures. In some cases there could be partially completed elements that are not structures, which create a visual nuisance but not an accessibility hazard or nuisance.

Referring back to the discussion about permit extensions, Councilmember Chelminiak recalled code amendments last year as part of the Neighborhood Livability Initiative. He wondered whether it would be possible to apply those new requirements to project permits that will be extended, if approved by Council. Ms. Helland said that the existing minimal maintenance standards will apply to these projects. However, one example of a Neighborhood Livability requirement that these projects would not have to comply with for one year is the green space provision that a certain percentage of a front yard must be vegetation or landscaping.

Councilmember Robertson requested a parcel-by-parcel grid of when the new expirations will occur, what the problems are, and whether the new Neighborhood Livability regulations apply. She feels this would be very helpful in analyzing the true impact of the proposed Ordinance.

Councilmember Wallace questioned the City's effectiveness in achieving compliance for cleaning up property. He noted the former Kentucky Fried Chicken store site as a negative example within the community. Mr. Brennan said the City is working with the owner of that property. He said changes will occur, whether voluntary or otherwise. Mr. Brennan raised the

issue of whether the City's existing enforcement approach is the right approach, in terms of differentiating between complaint-based versus proactive situations, and achieving the appropriate and desired outcomes.

Councilmember Balducci requested that in preparing the Ordinance, staff provide an optional paragraph for Council consideration that would condition permit extension upon meeting certain standards. She would prefer to not extend permits for sites that are not being properly maintained and secured. She suggested this would be an incentive that might work to the benefit of the community.

At 8:20 p.m., Mayor Davidson declared a brief recess. The meeting resumed at 8:26 p.m.

(d) East Link – Continued Discussion of Downtown and South Bellevue Alternatives

City Manager Steve Sarkozy noted the Council's ongoing discussions regarding the East Link light rail project and the need to identify a preliminary preferred alternative.

Transportation Director Goran Sparrman reviewed that the objectives of tonight's presentation are to respond to Council questions regarding Segments B and C, present information to assist the Council in comparing the B alternatives, and provide an update on Segment D. He explained that the recent compilation and analysis of information has been completed in a very short timeframe and is ongoing.

Mr. Sparrman recalled the discussion the previous week about the downtown traffic analysis, which does not assume signal preemption for light rail. Bellevue's traffic signals give priority to east-west travel on NE 4th and NE 8th Streets during the evening peak period. Mr. Sparrman said staff could conduct an analysis incorporating assumptions regarding light rail preemption. Two to three weeks would be required to develop a new model and complete the analysis. However, it is apparent that the result would be some level of increased travel times on NE 4th Street and shorter travel times for light rail.

Mr. Sparrman described the analysis of vehicle travel times for north-south traffic on downtown arterials. North-south travel times on 108th Avenue and 110th Avenue are shortest with the downtown tunnel alternative (C9T). Travel times increase with both of the at-grade alternatives, with C11A having the longest north-south travel times. Mr. Sparrman noted that sometimes, with an at-grade light rail system, cars will avoid traveling within the vicinity of the rail. When this occurs, it can result in better travel times for cars than anticipated.

Mr. Sparrman reviewed intersection level of service (LOS) data comparing the C9A, C9T, C11A and C14E alignment options for the downtown. Intersection delays are significantly higher for options C9A and C11A than for C9T and C14E.

Responding to Councilmember Wallace, Mr. Sparrman said the analysis assumes that existing traffic progression patterns will continue to operate. During the evening peak hour, the traffic signal system is set to flush traffic out of the downtown and to the east on NE 4th and NE 8th

Streets. Mr. Sparrman explained that different signal plans are in effect during different times of the day. He said staff plans to come back to the Council in the future to discuss a new technology that allows real-time adjustments to the system within a matter of seconds.

Mr. Sparrman reviewed the impacts of light rail on pedestrian wait times at key intersections (NE 6th Street at 108th Avenue and 110th Avenue). He reviewed the City's 2030 major roadway project assumptions, noting that Sound Transit included in its analysis only projects currently supported by financial commitments.

Responding to Council's interest in the frequency of car accidents and other incidents that could affect light rail travel, Mr. Sparrman said the City does not have sufficient data on accidents to conduct a meaningful quantitative analysis of their impact. However, he explained that reduced system capacity and increased intersection delays increases the system's vulnerability to disruptions. The current model represents mathematical averages and is not sensitive to random incidents. Two cities with at-grade light rail and a relatively high incidence of accidents and traffic blockages are Houston and Phoenix. A rule of thumb for light rail systems is five accidents per year per mile of at-grade operations.

Planning and Community Development Director Matt Terry reviewed growth forecasts for the Downtown, Hospital District, and the Wilburton District. Downtown growth anticipates approximately 10 million square feet of commercial development and 10 million square feet of residential development by 2030. He noted that he might have reported incorrect numbers during the previous week's discussion.

Responding to Councilmember Balducci, Mr. Terry said the Downtown and Hospital District will reach approximately 80 percent of their build-out capacities by 2030, based on current land use zoning. However, the Wilburton District growth will likely be spread out over a longer time horizon.

Mr. Terry reviewed a 2030 depiction of where growth might occur. Most of the growth in residential development will occur between Main Street and NE 4th Street (and between Bellevue Way and 112th), as well as in the vicinity of the QFC store at NE 8th Street and 100th Avenue. Most office and retail development is occurring in the Downtown core (between NE 4th and NE 8th Streets, and between Bellevue Way and 112th). However, a fair amount of growth is anticipated between NE 8th and NE 10th Streets as well.

Mr. Sparrman briefly reviewed the potential construction staging areas for the C9T and C14E alternatives. He described the City's independent analysis of the C9T tunnel option, in which a consultant hired by the City reviewed construction costs, design criteria, and project contingencies. The study found that the base construction costs and the design criteria are generally consistent with industry standards. The consultant suggested that some of the contingencies should be reviewed. The design allowance of 20 percent to 25 percent on all construction items should be reviewed to identify opportunities for achieving cost savings by lowering some of the contingencies. The consultant suggested that the change order allowance of 10 percent should be reviewed as well, and that the 15-percent project reserve could be

reduced. Past Sound Transit experience reflects a five-percent reserve for at least some projects. For the East Link project, this would lower project costs by \$91 million.

Mr. Sparrman cautioned that the consultant did not conduct design work, but reviewed information provided by Sound Transit. Sound Transit indicates that it has identified fairly high contingencies because very little design has been completed. The consultant suggested that the City work with Sound Transit to conduct a value engineering process to identify cost savings. Mr. Sparrman said this would require a great deal of work, and this additional study is appropriately the responsibility of Sound Transit.

Responding to Councilmember Degginger, Mr. Sparrman said the consultant found the light rail design allowances to be higher than contingencies he has seen for other similar projects. The consultant reported that he does not typically see a specific change order allowance, as that is often included in the design allowance. City staff has discussed the project reserve with Sound Transit, which feels strongly that 15 percent is an appropriate level given its experience with the Central Link project.

Noting that the gap between original and revised estimates, Councilmember Chelminiak observed that there appears to be a strong potential for lowering tunnel costs to the level discussed with the Sound Transit Board.

Mayor Davidson commented on the difference between the C and B Segments. He observed that a decision has not yet been made for Segment C, and Sound Transit appears willing to work with the City on this segment.

Councilmember Balducci said it is important to remember that when the next decision step is made, which is a preliminary decision prior to the final EIS, the entire East Link system needs to be affordable and something that Sound Transit agrees it can build. As a result, Bellevue should be careful not to select the most expensive option for each segment.

Mayor Davidson stated that the investment needs to be proper over 50 or 100 years to adequately meet the community's needs.

Councilmember Degginger agreed, noting that the area to be served in Downtown Bellevue is the second most dense area of development in the state. He noted the economic significance of Bellevue for the region. The ability to raise the needed sales tax to pay for the system will depend in large measure upon how successfully it is serving Bellevue.

Councilmember Robertson commented that the analysis of intersections is very helpful in comparing the functionality of the street system under an at-grade versus grade-separated light rail system. She questioned whether data on projected train delays is available. Mr. Sparrman said that although the City's traffic model does not provide good quantifiable data, staff will utilize national statistics to develop projections for Bellevue. Ms. Robertson feels this would be good information in considering both local and regional service.

Councilmember Robertson noted that the braided ramp presentation described savings in travel time hours resulting from the project, which made her want to know the effect of the different light rail alignments on travel time hours. At the meeting with the Sound Transit Board, Segment C options had travel times ranging from four to nine minutes. She questioned the implications for commuters, because additional minutes will add up. She said this is where there could be savings, not just to commuters but to the businesses employing the commuters. She feels this analysis would be relevant to showing whether a grade-separated alignment is best for the region.

Ms. Robertson said she is interested in knowing how ridership numbers would change for both the system and the segment if a second station is added at Main Street for option C14E. She is optimistic about the tunnel option.

Councilmember Wallace stated that all alignments produce 2,500 boardings at the East Main station in the DEIS. He questioned how to get to a point of discussion about a tunnel option that incorporates the tunnel portal on the Red Lion site. He prefers this configuration over an elevated track in the air over the neighborhood. He would like to see a cost estimate for a tunnel portal at the Red Lion site.

Mr. Sarkozy responded to Councilmember Wallace that the Council has emphasized its interest in grade separation throughout the discussions, and City staff has relayed this principle to Sound Transit.

Councilmember Wallace stated that an equally if not more important principle is not putting the train over the neighborhoods in Surrey Downs. He said the system can have grade separation with elevated but in this case that does not fit, from his perspective.

Deputy Mayor Lee wants a system that is right for Bellevue and that meets citizens' needs for the future. If the tunnel is mitigated as indicated by staff's analysis with the consultant, he supports that option. At the same time, if Bellevue can get a system that works just as well and is less expensive, then the choice is clear. He observed that option C14E has similar advantages to the tunnel. He said staff has not done a cost estimate on C14E and its potential for cost savings. He would like the City to conduct such a comparison with the tunnel option. He sees the merits of C14E. Mr. Lee observed that by 2030 the Downtown will be so congested, it does not make any difference whether light rail goes through downtown or not.

Mr. Sparrman said the traffic analysis treats options C9T and C14E the same, in terms of the benefits of a grade-separated alignment. In terms of cost, Sound Transit has developed a cost estimate for C14E, which is included in the report distributed to the Council.

Deputy Mayor Lee said he would like to see comparison of assumptions and cost estimates between Sound Transit and the City's consultant.

Responding to Councilmember Chelminiak, Mr. Sparrman said that with light rail, there will be a certain ridership, which will vary based on the different alignments. Higher ridership on light

rail will mean fewer cars in the Downtown. If there is no light rail, there will be more cars. If the light rail alignment attracts fewer riders than other options, there will also be more cars. If there was bus rapid transit through the Downtown with no tunnel, buses would be stuck in the same traffic as the cars, reflecting a lesser benefit with this particular transit system.

Councilmember Chelminiak questioned whether option C14E requires a taking of the Red Lion site. Bernard van de Kamp, Regional Projects Manager, said he believes there is at least a partial taking of the site. He can provide that information to the Council.

Councilmember Chelminiak stated his understanding that the potential taking of the Red Lion site represents \$100 million in extra costs versus a 112th Avenue alignment alternative. He would like to know how much of the Red Lion site will be taken with option C14E, as a component of the full cost of providing a station at this location. Mr. Chelminiak noted that if the cost of the taking is even \$50 million, the cost of the C14E alignment goes up to \$610 million. This does not include funding for a Downtown Circulator and parking garage. He does not see any benefits to the C14E alternative.

Mr. van de Kamp said the project cost estimate reflects \$30 million to \$35 million for the acquisition of the Red Lion site, and \$30 million to \$40 million for an elevated station. With regard to the \$100 million referred to by Councilmember Chelminiak, Mr. van de Kamp said this savings is related to an alternative using the median of 112th Avenue, which has a shorter track length and less elevated track. Environmental mitigation costs vary somewhat between alternatives as well.

Councilmember Chelminiak observed that this brings the cost of the C14E option to \$630 million. The C9A is \$640 million, and the C11A is \$680 million.

Mayor Davidson asked Mr. Chelminiak to summarize his observations in writing for distribution to the Council.

Councilmember Robertson asked staff to follow up at a later time on the impacts to the Surrey Downs historic district.

Mayor Davidson reported that in his conversation with the Sound Transit Board Chair, it became clear that Sound Transit is not willing to spend any more dollars studying Segment B, and that the avenue for discussions will be through the FEIS process. Dr. Davidson said the Chair indicated that the B7 Modified route is not going to be studied by Sound Transit beyond the level of analysis already included within the EIS process.

Responding to Mayor Davidson, Councilmember Balducci said that based on the information that has been released about the B7 Modified option, it appears to have significant challenges. Her guess is that it would be problematic and not attractive to Sound Transit as configured. She said that Sound Transit staff is working on a technical memorandum in response to the City's request that they review B7 Modified. However, she has not seen the memorandum.

Mr. van de Kamp provided an update on Segment B. He explained that the B3 Side Running option has changed somewhat since it was first proposed by the City Council one year ago. He reviewed the alignment, which has an elevated station at the South Bellevue Park and Ride, transitions to below-grade south of the Winters House, and transitions back to street level at 112th Avenue SE. It potentially provides an elevated crossing at SE 15th Street. Diverting the line east to I-405 in the vicinity of SE 6th Street, instead of continuing the line on 112th Avenue to connect to Segment C, lengthens the track, increases costs, and requires the acquisition and demolition of one or two office buildings.

Responding to Mayor Davidson, Mr. van de Kamp said that last May, the Sound Transit Board advanced the B3 Side-Running option for further study as the preferred alternative, at the City Council's request.

Responding to Deputy Mayor Lee, Mr. van de Kamp agreed that the alignment being studied by Sound Transit is not exactly as recommended by the City Council. There are differences near the Bellevue Way/I-90 interchange and near SE 8th and SE 6th Streets.

Councilmember Wallace said he would appreciate being able to see the specific elevations, in order to get a better idea of where the light rail line is at street level, below grade, and above grade. Mr. van de Kamp said the City expects to receive design documents from Sound Transit within the next couple of months. He can provide preliminary draft documents to Mr. Wallace now. He explained that Sound Transit is trying to keep the line as close as possible to Bellevue Way due to environmental issues.

Councilmember Degginger questioned preliminary costs for the B3 Side Running option. Mr. van de Kamp said Sound Transit has developed fairly rough cost estimates for the portions of this alignment that differ from the original B3 alternative. He noted that the costs are not substantially different between the two concepts.

Mr. Terry summarized the environmental data available for the B3, B3 Side Running, B7, and B7 Modified alternatives. He noted that staff's presentation relies on the environmental data published in the DEIS for the B3 and B7 alternatives. City staff has compiled information regarding environmental impacts for the other two options based primarily on data from the City's GIS database. Mr. Terry noted that staff feels the information is accurate in terms of relative impacts for each alignment. However, Sound Transit has not reviewed or endorsed the City's data.

Responding to Mayor Davidson, Mr. Terry clarified that staff compiled simple quantitative measures of impact for comparison purposes. Staff is not intending to prepare a function and values analysis, unless directed to do so by the Council. This work will be completed by Sound Transit as part of the EIS process.

Responding to Deputy Mayor Lee, Mr. Terry said the wetland is essentially the peat bog in the middle of the Mercer Slough. He noted wetland impacts north of SE 8th Street in the Sturtevant

Creek wetland near the new hotel along I-405. Mr. Terry said the buffer is the vegetative edge all along the alignment next to the wetland.

Responding to Mayor Davidson, Mr. Terry said the 1.8 acres of permanent wetland impact for the B7 route is the Sturtevant Creek wetland north of SE 8th Street and adjacent to I-405 and the new hotel. He noted that the wetland impact information for B3 and B7 comes from the DEIS report. The data for B7 Modified and B3 Modified/Side Running was developed by City staff using Sound Transit's methodology.

Councilmember Robertson noted her understanding that wetlands differ in terms of function. She questioned whether B7 wetland impacts along I-90 would be less harmful in terms of function than the B3 wetland impacts.

Responding to Councilmember Degginger, Mr. Terry said a wetlands function and value analysis was completed to some extent in the DEIS. However, he is unsure about what additional analysis might be conducted for the FEIS.

Councilmember Wallace recalled that the DEIS classified the B7 route as forest land rather than wetland, although he did not know whether that is accurate. He said it would be helpful to see general information currently held by the City regarding the Mercer Slough and Sturtevant Creek wetlands.

Mr. Terry next reviewed Mercer Slough Park impacts for B3 and B7, as well as impacts to the Winters House for the B3 route. He described other environmental impacts associated with the Segment B alignments including visual, noise, construction, and habitat issues.

Responding to Mayor Davidson, City Manager Sarkozy said the City received a letter today in which the National Parks Service is raising significant concerns about the B7 Modified route. This is the most significant objection heard to date from any agency, and it is related to conditions accepted by the City when it received land and water conservation funding for the initial purchase of parts of Mercer Slough.

Mayor Davidson asked whether anyone has looked at a design for light rail that would fit within the footprint of I-90. Mr. Sparrman recalled some discussion during the B7 analysis about how close the light rail structure could be to the existing I-90 structure. There were constraints that forced light rail to be slightly north of I-90. Mr. van de Kamp recalled that the constraints included the type of foundation needed, the spread footings, and pile driving. He said it has been assumed to be an entirely separate structure. Mr. van de Kamp noted that typically Sound Transit and WSDOT try to stay out of each other's business. In this case Sound Transit will be using the I-90 center roadway, but this is a conversion rather than an additional structure.

Mayor Davidson opined that there has been very little examination of how the BNSF right-of-way could be incorporated into the design.

- At 9:58 p.m., Deputy Mayor Lee moved to extend the meeting to 10:30 p.m. Councilmember Robertson seconded the motion.
- The motion to extend the meeting carried by a vote of 7-0.

Councilmember Wallace commented on the noise impacts to residences. He noted that this information comes from the DEIS for B3 and B7. However, since that report was issued, it has been shown that the noise along the Central Link in Seattle has been higher. The trains squeal and have a clanging bell, and are not as presented by Sound Transit, which described the noise as similar to a UPS truck. He urged the City to take the appropriate due diligence to fully study noise impacts.

Mr. van de Kamp said the warning bells, gates, and types of noises described are associated with at-grade alignments that interact with traffic. In the case of the B3 Side Running option, there would be no interaction with street traffic throughout the entire B Segment. No warning bells would be necessary, unless the design is changed. Mr. van de Kamp said Sound Transit is working to mitigate the squealing noises by lubricating the wheels, grinding the tracks, and adding noise walls. The East Link noise analysis will be updated in the Final EIS by Sound Transit.

Councilmember Wallace said he was in Westlake Center in downtown Seattle over the weekend, and the trains came squealing in and squealing out. He feels this is a serious issue that must be appropriately addressed. A second issue relates to the B7. The DEIS came out before the I-405 improvements, so there is no analysis of the noise wall that was added as part of that project and its impact on noise levels. Mr. van de Kamp said Sound Transit's FEIS will update conceptual engineering on the B7 alternative, which has a different configuration at SE 8th Street and I-405 based on recent projects in that vicinity.

Councilmember Chelminiak said he is glad to hear that staff is updating its analysis of the B7 route. He concurred with Mr. Wallace's concerns about noise, and wants to ensure that the experience in Seattle is not repeated in Bellevue. Mr. Chelminiak questioned the noise level that triggers mitigation. Mr. van de Kamp said the typical threshold for state highway projects is 66 decibels. With light rail, his understanding is that any minor increase in noise needs to be addressed, and this gets back to the reasonable and feasible criteria that have been discussed in past years. Mr. van de Kamp said light rail projects typically must address all noise impacts. Many of the noise impacts projected for this project are related to shifting traffic lanes closer to residences or other receptors.

Councilmember Degginger noted that the B7 runs close to condominiums that are also near I-405. He questioned the impact of the I-405 noise mitigation on these homes. Mr. van de Kamp said that Mr. Degginger is referring to impacts described in the draft EIS, which was based on conditions before the I-405 projects but did reflect what Sound Transit thought WSDOT was planning to build. As the project was designed and built, some of the I-405 lanes shifted and the noise wall was built. The noise wall was built on the property line of some of the condominiums in that area. With the B7 scenario, the light rail line would be on the I-405 side of the sound wall.

Sound Transit does not anticipate that the final analysis will vary much from the initial noise analysis for this segment. Mr. van de Kamp said the B7 line does travel close to some condominiums.

Councilmember Degginger stated that the noise issues described by Councilmember Wallace regarding the Rainier Valley and Tukwila light rail segments are of concern for the B7 route as well.

Responding to Deputy Mayor Lee, Mr. van de Kamp said it would be best to ask Sound Transit representatives to respond to additional questions regarding noise and visual impacts. Mr. Lee opined that the visual impacts of light rail would be more acceptable along a freeway than other locations.

Mayor Davidson indicated that he would like to move forward through the remainder of the presentation and meeting agenda. He questioned the City Clerk about when and how the City Council can take a new vote on the Segment B alternatives.

City Clerk Myrna Basich explained that typically the City Council can add an item to the agenda by taking a vote. However, there is a section in Robert's Rules that applies to votes in which the Council would be rescinding or amending a prior decision. Robert's Rules states that if such a vote is to occur requiring a typical majority vote of the Council, there should be advance notice of that motion and pending action. If the Council chooses to introduce a motion to rescind or amend a prior decision that is not on the meeting agenda, a majority plus one vote would be required.

Councilmember Robertson stated her understanding that squealing noise on light rail tracks can be mitigated by greasing the tracks on curves, but that this is not effective on straight track. She said that she thought the Council had previously requested that the City hire its own noise consultant.

Mr. Sarkozy said there has not been clear direction from the Council to hire a noise consultant, although it has been mentioned on a number of occasions. At this point, the City is relying on Sound Transit to develop baseline information to which the City can then respond.

Councilmember Balducci encouraged everyone to be aware of where we are at this point and to think strategically. She acknowledged some differences of opinion about what works for Bellevue. But there is real value in what the Council can provide to this process, regardless of whether everyone can agree on which line goes where on which map. Ms. Balducci said the Council needs to be in the middle of what is being developed for the EIS, which is a large body of work that is going on through the end of the year. Aside from alignment selection, the Council needs to be sure the City is providing input as to the desired noise analysis. No matter where light rail goes, there will be noise issues for some residents. Ms. Balducci agreed with Ms. Robertson that there are three types of unanticipated noises identified through the Central Link project which are the squeals on curves, squeals on straight segments, and a thumping noise

related to some of the equipment. The City should be working with Sound Transit as closely as possible to make sure it is getting good analyses out of the EIS process.

Ms. Balducci noted the joint workshop with the Sound Transit Board, which had never been done before, and is a good sign of Sound Transit's willingness to work with the City. Sound Transit does not have an interest in imposing something on Bellevue that does not work for this community. The Council and Board came out of that workshop with direction to their respective staffs to work together to frame the tradeoffs toward reaching a decision. She asked the Council to keep in mind that final decisions will not occur until early next year. Ms. Balducci said there is much work still to be done, and there is no need to answer every question now. City staff continue to receive more information, and the Council needs to continue to work with Sound Transit to make sure they are developing the answers needed for this decision.

Councilmember Chelminiak stated that he would like to hear more about what Sound Transit Board Chairman Reardon said to the Mayor.

Mayor Davidson stated that Mr. Reardon said Sound Transit is not spending any additional dollars to evaluate other options for Segment B. Mr. Reardon said that if Bellevue wants to have an impact, the City should work through the EIS process. Mayor Davidson noted his interest that Sound Transit would reconsider Segment B, but it appears that will not happen. Mayor Davidson said he still questions what he read in the Draft EIS, which he feels is not a balanced document. He questioned whether to wait to address issues through the EIS process, or to take other options possibly available to set up studies that will determine whether he was right about certain issues. For example, he questions the evaluation of environmental impacts. He stated that drainage into the wetlands is a more critical issue than the impacts associated with driving pillars into the middle of the wetlands.

Councilmember Chelminiak questioned the best way to strategically approach this ongoing effort. He said he has been asking that question since the middle of January during a discussion about Segment B. He noted that the Council keeps discussing Segment B. He does not see that the Council is helping its cause in trying to decide between B3 Side Running and B7, because the Council might not like what it gets out of this discussion. Mr. Chelminiak thinks it is time to move forward to Segment C.

Councilmember Degginger concurred with Ms. Balducci's comments about thinking strategically. He encouraged the Council to keep in mind where it has been and where it wants to go, which is to achieve the best result for the City. He recalled that the Council suggested the B3 Side Running option because it did not want light rail along the median of Bellevue Way. And the Council continues to work to balance many interests including mobility, light rail ridership, and neighborhood protection. He expressed support for conducting further study and/or hiring specific consultants to address key issues. He recalled the conclusion at the end of the joint meeting with Sound Transit that both the City and Sound Transit would work to compile and organize information in a way that will help the Council and Board to reach decisions.

- At 10:29 p.m., Deputy Mayor Lee moved to extend the meeting to 11:00 p.m. Councilmember Robertson seconded the motion.
- The motion to extend the meeting carried by a vote of 7-0.

Mayor Davidson announced to the audience that the Council will not take a formal vote tonight on any issues.

Councilmember Robertson stated that it sounds like the B7 Modified option is not moving forward. Therefore the Council is looking at B3, B3 Modified, or B7. She appreciates the information from staff tonight. Referring to the B3 Modified/Side Running alignment recommended last year by the City Council, Ms. Robertson said she has concerns about crossing the wetland between SE 8th and SE 6th Streets. She recalled that the Council's recommendation indicated that if the B3 Modified option was not feasible, the Council would support B7. She requested confirmation that Sound Transit is moving forward with B7 through the next stage.

Mr. van de Kamp said there are two separate but parallel tracks to the process. In the environmental review, all alternatives are evaluated equally. In order to complete that work, Sound Transit needs to update its conceptual engineering. Sound Transit is updating the B7 portion of its conceptual engineering work in order to support environmental review. The Sound Transit Board selected the B3 Side Running option as its preferred alternative last May, so that is advancing through the same environmental analysis and 30-percent preliminary engineering. By the end of the year, Sound Transit plans to complete the environmental analysis and to advance the B3 Side Running alternative to a 30-percent design completion level. The other alternatives are not being advanced beyond conceptual engineering.

Mr. Sparrman added that the environmental report will include Sound Transit's responses to all of the comments received on the DEIS process. Responses could include additional analysis to address environmental and other impacts.

Councilmember Robertson stated that she believes the Council has a preference for B7. She questioned whether the time is right to prepare a resolution stating that preference. Ms. Robertson noted that Councilmember Noble preferred the B7 alignment.

Councilmember Balducci referenced the comment during Oral Communications about a potential vote tonight. She said others in the community had the same impression, but she was unaware of such a vote. She explained that the Council's practice, as a matter of discipline and transparency to the people of the community, has been to establish schedules for Council discussions and action for any particular process or project. She would like to get back to that practice, and to develop a new schedule for proceeding through the light rail discussions. She encouraged the Council to be very transparent and open with people about what the Council is doing, and when. Ms. Balducci said the Council needs to hear from citizens, and they need to hear from the Council. They need to know they have an opportunity to be heard. Councilmember Balducci said this is important in terms of citizens' respect for and trust in the Council as their representatives. She requested that there be no surprises during Council meetings.

Mayor Davidson stated that the Council is not shy of information.

Ms. Balducci clarified that her point was not about the quantity of information.

Mayor Davidson said the Council has debated the preferred alternative once before, and it ended up with a different result than he appreciated. He had the same questions then as now. He feels that Sound Transit is moving into the final EIS with essentially the same inadequacies that were present in the draft EIS.

Councilmember Degginger suggested that Mayor Davidson and the Council put its questions and requests in writing. The City can then hire a specific consultant or direct staff to answer certain questions or provide more information. Mr. Degginger suggested that Mayor Davidson work with Sound Transit Board Chair Reardon to review the questions and concerns.

Pursuant to Councilmember Balducci's comments, Mr. Degginger said he does not like surprise votes on key issues, and he considers it inappropriate.

Councilmember Chelminiak expressed concern that there are emails going out to citizens indicating that the Council is going to vote on something, when Councilmembers do not know they are going to vote on it and when the meeting packet designates an agenda item as information only. He referred to some information presented to the Council just before the meeting, and said he prefers that information be provided further in advance. Regarding comments about deficiencies in the DEIS, Councilmember Chelminiak recalled that the City filed a large document relating to questions about the DEIS. Many other community and regional stakeholders have filed questions and responses to the DEIS as well. Mr. Chelminiak observed that many participants are involved in this ongoing process, which will not achieve final resolution for some time.

Deputy Mayor Lee stated that after spending two years looking at this, many questions have been raised but not responded to, and issues have been debated for a long time. New ideas have come up and confusion exists. It is time to clear the air and send a clear message to Sound Transit, City staff, and community about what the Council would like to see studied. If Sound Transit will not study the issues, it would be to the City's benefit to conduct its own analysis. The Council should be objective specific, and we should keep our minds open to reach the desired goal. He is concerned that time is running short and more analysis will not be possible. Mr. Lee feels that the sooner the Council tells City staff and Sound Transit what it wants, resources can be directed to work with Sound Transit. He wants the Council to determine what is best for the community, and to avoid any legal complications. Deputy Mayor Lee said it is time to come up with a decision so that the public knows what the Council supports.

Councilmember Wallace outlined two issues he is hearing: 1) What is the City's policy with respect to the alignments? and, 2) Have we done appropriate due diligence, and does the DEIS or FEIS provide enough information? With respect to Segment B, the Council has learned today that while the Council unanimously asked Sound Transit to study a new B7 Modified alternative,

Sound Transit is not doing that. For Segment C, there are four new options on the table for further study. With respect to the policy issue, Mr. Wallace opined that the Council is at an appropriate point to take a vote to formally state what is apparent, which is that four out of seven Councilmembers believe B7 should be the preferred alignment for the City. This changes the previous policy position of the City, and raises a due diligence issue with regard to many unanswered questions. Councilmember Wallace would like to see additional due diligence on costs, environmental impacts, hiring a noise engineer to study potential noise impacts on both B3 and B7, and basically to determine the accuracy of the DEIS.

Mr. Wallace noted the complex legal issue regarding Bellevue's role with respect to light rail, Sound Transit's vs. Bellevue's authority within the context of the project, and what the process will be until the system is built. He would like the City Attorney's Office or an outside law firm to research these issues and to provide better explanations of the legal process. He concurred with Councilmember Robertson's request to take action next week regarding the Council's preferred Segment B alternative.

Deputy Mayor Lee concurred with Ms. Robertson's suggestion as well.

Mayor Davidson stated that no one knew what the previously mentioned motion might be because no motion was ever drafted. However, he said he was willing to entertain the last suggestion as a motion.

Referring to Mr. Wallace's comments, Councilmember Degginger suggested that the Council first receive more information before reevaluating its policy position on Segment B. He noted it seems counter-intuitive to take a position and then gather information. He encouraged the Council to take a position based on information rather than on politics. He supports Mr. Wallace's suggestion that the City pursue certain research, such as a noise study, if Sound Transit's information is not thought to be adequate.

Councilmember Balducci reviewed that she has heard three requests: 1) Schedule an agenda item next week that would allow for public notice and a Council vote on the Segment B preliminary preferred alignment, 2) Prepare a list of specific information that the Council is requesting and/or the parts of Sound Transit's analysis that the Council would like to be reviewed or conducted by staff or a consultant, and 3) Prepare a legal review, perhaps in preparation for litigation. Ms. Balducci added a fourth request, which is to discuss what the City Council committed to as a result of the joint workshop with the Sound Transit Board. She said it is important that staff and the Council move forward with the path set at the workshop.

Councilmember Chelminiak concurred and stated that the Sound Transit Board and staff are aware of the City Council's 4-3 split regarding Segment B. The Sound Transit Board Chair has indicated that Sound Transit is continuing its process to study the previously identified preliminary preferred alternative. Mr. Chelminiak observed that Segment B is not the battle to choose. He suggested that now is the time to focus on Segment C [Downtown Bellevue]. He referenced Ms. Blackstock's comments during Oral Communications, and suggested that taking a 4-3 vote is not a positive strategy.

Mayor Davidson indicated that the Council will be prepared to take a vote next week.

Mayor Davidson observed that all of the information presented tonight about Segment B came from the DEIS. Mr. Terry clarified that information regarding the B3 Side Running and B7 Modified options was created by City staff in order to facilitate the Council's conversation. Dr. Davidson agreed, and corrected that he meant to say B7 in his initial comment.

(3) Regional Issues

Mr. Sarkozy said staff will provide an emailed update later in the week on the activities of the state legislature.

At 10:56 p.m., Mayor Davidson declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

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