

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Extended Study Session

March 8, 2010  
6:00 p.m.

Council Conference Room 1E-113  
Bellevue, Washington

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

ABSENT: None.

1. Executive Session

The meeting was called to order at 6:06 p.m., with Mayor Davidson presiding. He noted an Executive Session scheduled for the end of the meeting.

2. Oral Communications

- (a) Howard Katz reviewed the incremental development of I-405, and cautioned against proceeding with East Link light rail without an appropriate long-term vision. He suggested a tunnel from I-90 with stations at the South Bellevue Park and Ride, Bellevue Way and NE 4<sup>th</sup> Street, Bellevue Transit Center, and Bellevue Regional Library. Light rail could then cross I-405 at NE 12<sup>th</sup> Street, with a station at the hospital district, and connecting with the new NE 15<sup>th</sup> Street corridor. Mr. Katz said this would eliminate environmental and neighborhood concerns associated with alignments along the Mercer Slough and Surrey Downs. It would also provide better service than proposed alignments away from the heart of downtown. He asked the Council to represent all citizens and to support a tunnel alternative.
- (b) Michael Marchand, an Enatai resident, spoke in support of the East Link light rail B3 route, which he feels best addresses the City's transportation needs and Sound Transit's service objectives. He said a growing number of citizens in adjacent neighborhoods and communities support the B3 alignment. He recommended that the Council not send a letter to Sound Transit changing its support from the B3 to the B7 alignment. He suggested deferring that decision until more information is available through ongoing study and analysis. Mr. Marchand said he understands that this is a difficult decision. He thanked the Mayor and Council for their work and for listening to the public.
- (c) Joan Devraun spoke in opposition to the B7 light rail alignment. She expressed concerns regarding environmental impacts and the adequacy of the Wilburton Park and Ride lot. She cautioned against interfering with Native American treaty rights regarding water

quality and access to fisheries. She commented that the alignment does not provide good access to Downtown Bellevue and would require too much walking for transit users.

- (d) Larry Watson, North Bellevue Community Center Advisory Board, commented on the East Link alternatives. He encouraged a tunnel alignment through the downtown, and spoke against the proposed route along I-405 with a stop at Whole Foods.
- (e) Cheryl Stillwell, an Enatai resident, thanked the Council for the many hours it has spent reviewing the East Link light rail project. She noted that more than 70 percent of the comments on the draft environmental impact statement (DEIS) were in support of the B7 alignment. She thanked the Council for listening to residents in support of route B7.
- (f) Don Demore, speaking on behalf of the Friends of Enatai Neighborhood Association, thanked the Council for its decision last week regarding the East Link alignment.
- (g) Stacie LeBlanc Anderson, Surrey Downs Historical Society, explained that Sound Transit's DEIS report does not correctly reflect the boundaries of the potential Surrey Downs Historic District. She requested that the City independently evaluate the impacts of the light rail project on this historic district. She noted that a number of properties have incorrect designations, and two Mithun & Neslund homes have no designation in Sound Transit's documents. Ms. LeBlanc Anderson testified that this information must be corrected before a final decision on the light rail alignment.
- (h) Peter Marshall, an Enatai resident, spoke in favor of the B3 alternative, which he said is preferred by some of his neighbors as well. He attended a number of meetings on the East Link project last year, and he does not recall evidence in support of the B7 option. He said the B7 alternative has adverse impact to adjacent neighborhoods, and it attracts fewer riders than the B3 route. Mr. Marshall does not see a change in factual evidence to warrant a change to supporting the B7 alignment. He sees a lot of people supporting the B3 alternative for many reasons. He thanked Council for the opportunity to speak.

### 3. Study Session

#### (b) Council Business and New Initiatives

Deputy Mayor Lee requested the appointment of Scott Lampe to the Transportation Commission to fill the unexpired term of Pamela Kiel. He would be eligible for reappointment on May 31, 2011. Mr. Lee said eight candidates were interviewed.

→ Deputy Mayor Lee moved to appoint Scott Lampe to the Transportation Commission. Councilmember Wallace seconded the motion.

Councilmember Balducci expressed support for the appointment.

Responding to Councilmembers Balducci and Chelminiak, City Clerk Myrna Basich explained that Mr. Lampe's application was originally provided with the Planning Commission applications.

Councilmember Degginger added his support for the appointment to the Transportation Commission. He noted the past practice of informing the Council when interviews are to take place, in order to give all Councilmembers the opportunity to participate if desired.

Mayor Davidson stated his concern related to the Open Meetings Act, which would apply if four Councilmembers expressed an interest in participating in the interviews. Ms. Basich confirmed that four Councilmembers would constitute a quorum.

Councilmember Degginger commented that this constraint can be managed to avoid a violation.

Deputy Mayor Lee stated that the East Link project will not be a topic of review for the Transportation Commission.

→ The motion to appoint Scott Lampe to the Transportation Commission carried by a vote of 7-0.

Councilmember Degginger reported that the State Senate concurred with the House SR 520 project bill, which will now be forwarded to the Governor for signature.

Responding to Councilmember Wallace, Mayor Davidson said the Sound Transit letter will be discussed during Agenda Item 3(c).

(b) NE 15<sup>th</sup> Corridor Consultant Agreement for Engineering Services

Ordinance No. 5942 authorizing: 1) Amendment of the 2009-2010 Capital Investment Program (CIP) Plan to create a new CIP project entitled NE 15<sup>th</sup> Street Multi-Modal Corridor (Sgmt 1) 116<sup>th</sup> Avenue NE to 124<sup>th</sup> Avenue NE (CIP Plan No. PW-R-163) with an initial project budget of \$1,000,000; 2) Transfer of a total of \$1,000,000 in Mobility & Infrastructure Initiative funding from CIP Plan No. G-80 to fund CIP Plan No. PW-R-163; and, 3) Execution of a consultant agreement with HDR Engineering, Inc., in an amount not to exceed \$1,331,583.58, for advanced engineering work for the NE 15<sup>th</sup>/16<sup>th</sup> Street corridor from 116<sup>th</sup> Avenue NE east to Northup Way, which will be funded by CIP Plan No. PW-R-163 and CIP Plan No. PW-R-153, Early Implementation of the Bel-Red Corridor Plan. *[Discussed with Council on March 1<sup>st</sup>. Consideration of action on Ordinance No. 5942 postponed to tonight.]*

City Manager Steve Sarkozy opened discussion regarding the proposal to create a Capital Investment Program (CIP) project for the NE 15<sup>th</sup> Multi-Modal Corridor. Ordinance No. 5942 creates this project, transfers Mobility and Infrastructure Initiative funding to the project, and authorizes a consultant agreement for engineering services.

Transportation Director Goran Sparrman explained that Sound Transit is currently advancing its engineering work for light rail Segment D and will select preferred alignments in late April. The engineering work is needed to evaluate how light rail will potentially impact the NE 15<sup>th</sup>/16<sup>th</sup> Street multi-modal corridor. In addition, Council direction is needed on the overall design and cross-section of the corridor. Mr. Sparrman noted as well that the City's proactive planning could help in securing grant funds for the project in the future.

Mr. Sparrman recalled the Council's interest in the short-term funding for the Mobility and Infrastructure Initiative. Funding sources include Supplemental CIP funding, a federal grant for the 120<sup>th</sup> Avenue NE project, and long-term debt supported by the 2009 property tax increase for a total of \$20 million. The Council has allocated approximately \$14 million to the NE 4<sup>th</sup> Street extension, 120<sup>th</sup> Avenue NE improvements, NE 6<sup>th</sup> Street extension, and NE 15<sup>th</sup> Street Corridor projects.

Mr. Sparrman said the NE 15<sup>th</sup> Corridor project estimates costs of \$50 million for the segment between 116<sup>th</sup> and 120<sup>th</sup>, and \$34 million for the segment between 120<sup>th</sup> and 124<sup>th</sup>, for a total cost of \$84 million. If the link between 116<sup>th</sup> and 120<sup>th</sup> is not completed, the result is significant increases in traffic volumes on 120<sup>th</sup>, 124<sup>th</sup>, NE 8<sup>th</sup> Street, NE 4<sup>th</sup> Street, and the southern portion of the Downtown.

Mr. Sparrman recalled a question from the Council about engineering costs for segments along 120<sup>th</sup> Avenue NE. The estimated costs of five-percent engineering is \$190,000 for the segment between NE 8<sup>th</sup> and NE 12<sup>th</sup> Streets; \$140,000 for the portion between NE 12<sup>th</sup> and NE 15<sup>th</sup> Streets; and \$100,000 for the section from NE 15<sup>th</sup> to Northup Way.

Mr. Sparrman reviewed the deliverables for the two phases of the NE 15<sup>th</sup>/NE 16<sup>th</sup> corridor pre-engineering design contract. Phase 1 covers the segment from 116<sup>th</sup> Avenue to Northup Way and focuses primarily on an analysis of roadway and light rail engineering alignments, as well as intersection and roadway designs. The work is intended to refine the interim and long-term phasing feasibility and to develop corridor alternatives integrating multiple uses.

Mr. Sparrman said staff will return to the Council in July following Phase 1 to discuss corridor alternative and concepts, segment typical sections, and to review light rail alignment decisions and other identified mitigation measures. Phase 2 advances engineering to 15 percent for the segment of NE 15<sup>th</sup> Street between 116<sup>th</sup> Avenue NE and 124<sup>th</sup> Avenue NE, which then enables staff to update project cost estimates.

Responding to Councilmember Robertson, Mr. Sparrman clarified that Phase 1 deliverables are the same regardless of whether the work is completed using one or two consultant contracts. In further response, Mr. Sparrman said the Federal Highway Administration required 100-percent engineering and the ability to start construction within six months for the purpose of the stimulus grants. In addition, right-of-way issues must be resolved.

Responding to Councilmember Robertson, Mr. Sparrman said he would have preferred being able to reach 30-percent design for the NE 15<sup>th</sup> Street corridor before coordinating with Sound Transit on light rail planning. However, the needed resources are not available.

Councilmember Degginger questioned the deliverables' relationship to light rail planning and environmental impacts. He asked whether the scope of work involving storm water and stream restoration will help the City be more competitive for grants from the U.S. EPA or other federal and state agencies that address natural resources. Mr. Sparrman confirmed that the City's competitiveness is enhanced by more information. He further confirmed that the proposed consultant work will support the Spring District catalyst project as well. In further response, Mr. Sparrman said it would be more efficient to move forward with a contract covering both phases of work.

Councilmember Degginger thanked staff for the additional information presented tonight, including information about how the engineering work supports a number of projects and transportation planning.

→ Councilmember Degginger moved to adopt Ordinance No. 5942, Alternative A, which authorizes a contract encompassing Phase 1 and 2 of the pre-design engineering work by HDR Engineering. Councilmember Chelminiak seconded motion.

Councilmember Wallace said he is still concerned about the segment of NE 15<sup>th</sup> Street between 116<sup>th</sup> and 120<sup>th</sup> Avenues in terms of its impact on vehicle capacity and projected traffic delays. He said it would be great to get to the five-percent design level but he still feels there are questions to be answered regarding the benefits related to the estimated \$50 million in costs for this segment. He said it would be helpful to have two contracts, and to have a point at which staff returns to tell the Council what they have learned from Phase 1. At that point, Council could determine which portions of the project should receive additional engineering and design work. Mr. Wallace prefers splitting the work into two contracts.

Councilmember Balducci reiterated the importance that staff consult with the Council following the completion of Phase 1. She will support the motion based on this understanding. Regarding Councilmember Robertson's earlier question, Ms. Balducci said the second round of job stimulus funds requires that half of the projects in any given state must be completed within six months, and all projects must be completed within a year. She noted that this makes it difficult for large projects to compete.

Deputy Mayor Lee thanked staff for the presentation. Responding to Mr. Lee, Mr. Sparrman reviewed that the total cost of Phases 1 and 2 is \$1.33 million. Mr. Sparrman clarified that the cost estimates for the 120<sup>th</sup> Avenue NE project were provided at the request of Councilmember Wallace, but that work is not included in the proposed NE 15<sup>th</sup> corridor contract.

Responding to Councilmember Wallace, Mr. Sparrman reiterated that staff intends check back with the Council in July. The Council will choose the corridor design, which will involve the consideration of a number of tradeoffs. Once the Council makes its decision, this becomes input

into the Phase 2 process with the consultant team. Councilmember Wallace stated that this process satisfies his concerns about including both phases in one contract.

→ The motion to adopt Ordinance No. 5942, Alternative A, carried by a vote of 7-0.

(c) East Link – Continued Discussion of Alignment Alternatives and City Council Preferences

City Manager Steve Sarkozy recalled Council direction on March 1 that staff prepare a letter reflecting the Council's position on the preferred Segment B alignment. Staff distributed a draft letter to all Councilmembers since that meeting. An alternative letter drafted by Councilmember Wallace was circulated as well via email. Following a discussion this morning, Mr. Sarkozy said he emailed the Council suggesting that this item be withdrawn from tonight's agenda. A revised letter was prepared and is now available for Council review.

Mr. Sarkozy summarized that there are currently three different letters for Council consideration: 1) One drafted by staff following the March 1 meeting, 2) A first draft by Councilmember Wallace, and 3) A revised letter by Councilmember Wallace.

Mayor Davidson said he worked all weekend to make sure that all information was provided to the Council. He stated his desire to move forward tonight because the Council has been in debate for three sessions, and Councilmember Lee will not be present for next week's meeting.

Councilmember Degginger stated that he is troubled by the process. He noted that none of his comments are reflected in any of the draft letters. Mr. Degginger said Councilmembers received an email today from Mr. Sarkozy indicating that the Mayor suggested postponing this agenda item. Mr. Degginger said he found out at 5:30 p.m. that there might be another letter, which he and perhaps other Councilmembers have not seen. He reiterated that he is troubled by the process and concerned about possible discussions between more than three members of the Council over the weekend. Councilmember Degginger expressed support for accommodating Mr. Lee's absence next week. However, he is troubled that the Council is being asked to discuss a letter tonight that he is seeing for the first time. He said he worries about an Open Meetings Act violation if more than three Councilmembers discussed draft letters over the weekend.

Councilmember Balducci said that when she observed a letter being walked into the meeting at approximately 6:40 p.m., she asked that copies of the letter be distributed to the audience since it was not published with the packet. Responding to Ms. Balducci, Diane Carlson, Director of Intergovernmental Relations, said Mr. Wallace submitted a modification of his original letter this afternoon.

Councilmember Balducci suggested that Council discussion going forward should work off the letter drafted by staff and distributed with the Council packet, as opposed to focusing on a letter that at least some Councilmembers are seeing for the first time. She observed that Ms. Carlson's draft letter reflects an accurate summary of the Council's discussion the previous week, while the subsequent letters by Councilmember Wallace did not capture all of the Council's points.

Mayor Davidson said he encouraged Councilmembers to email any proposed draft letters to the entire Council over the weekend for review. He believes that Councilmember Wallace's draft letters went out to all Councilmembers.

Ms. Carlson asked Mayor Davidson which letters should be distributed, noting that she has the staff letter from last week, the revised version of Councilmember Wallace's letter from this afternoon, and Councilmember Robertson's original letter that was discussed on March 1.

Mayor Davidson suggested handing out at least the final letter prepared by Councilmember Wallace. Mr. Wallace said the revised letter prepared this afternoon is not his letter. Dr. Davidson clarified that he was referring to Mr. Wallace's letter that was emailed the previous day.

Councilmember Chelminiak asked whether he is hearing that there are five letters: 1) Ms. Carlson's letter, 2) Ms. Robertson's letter, 3) Mr. Wallace's letter, 4) Amended version of Mr. Wallace's letter, and 5) A letter he has not yet seen. He questioned the intent of the letter.

Mayor Davidson said the letter is intended to communicate a majority position of the Council to Sound Transit. He has attempted to do so in a sensitive manner but his efforts to reach a consensus, reflected in Ms. Carlson's letter, did not work. Mayor Davidson said he is now trying to move on because a consensus is not apparent.

Councilmember Chelminiak stated that there has been no vote of the Council. He previously supported Ms. Carlson's letter, as did Councilmember Balducci. Mr. Chelminiak observed that Ms. Carlson's letter was prepared at the Mayor's direction.

Mayor Davidson stated that a consensus of the entire Council was not previously achieved.

Councilmember Robertson withdrew her proposed letter. She stated that she has not seen the revised letter of this afternoon. She saw the two letters delivered via email yesterday, as well as Ms. Carlson's letter from last Thursday. Ms. Robertson requested a copy of the revised letter from this afternoon.

Councilmember Chelminiak questioned the process involved in Ms. Carlson's drafting of the letter this afternoon.

Mayor Davidson said he has been trying to communicate some issues in a delicate manner with Sound Transit. He started working with Ms. Carlson this morning on a letter to be presented for Council discussion, perhaps next week. However, upon finding out that Deputy Mayor Lee will be absent next week, the Mayor decided that the Council could work through the letter tonight.

Councilmember Degginger requested a ten-minute recess to review the letter.

Mayor Davidson agreed to this approach.

Ms. Carlson distributed copies of the following letters: 1) Letter from previous Thursday, 2) Sunday letter by Councilmember Wallace, and 3) Modified version of Wallace letter. Responding to Councilmember Chelminiak, Ms. Carlson said the Modified letter is based on discussion between Mayor Davidson and Councilmember Wallace today. Mayor Davidson indicated that the Modified letter reflects his, and not Mr. Wallace's, revisions.

At 7:15 p.m., Mayor Davidson declared recess. The meeting reconvened at 7:27 p.m.

Mr. Sarkozy asked staff to project the draft letter on the screen for the discussion, and to track changes in order to carry modifications forward. He suggested that the Council might want to employ motions to formally acknowledge modifications.

Mayor Davidson suggested reviewing the letter one paragraph at a time.

Councilmember Wallace clarified that the draft being reviewed is not the letter he submitted on Sunday. Although his letter was the foundation for this letter, this version includes changes proposed by Mayor Davidson and is the Mayor's letter as much as it is Mr. Wallace's letter.

Councilmember Degginger stated it would be helpful to understand the genesis of the draft letter. He reiterated his concern regarding a possible violation of the Open Public Meetings Act. The only way to cure that is to disclose participation in the preparation of the draft at this time.

Mayor Davidson explained that Councilmember Wallace emailed him a letter, and then emailed another version after changes were made by Deputy Mayor Lee. Dr. Davidson directed that this second letter be emailed to the Council as well. Mayor Davidson looked at the letter this morning and talked to several people who are not on the Council. He then met with Ms. Carlson and outlined his suggested changes, which resulted in the Modified letter.

Councilmember Wallace recalled that Councilmember Robertson submitted a draft letter last Monday. When he reviewed the letter submitted by Ms. Carlson last Thursday, he felt it did not express the intent of what was discussed by the Council last Monday. Mr. Wallace submitted a new letter, which in part was based on Councilmember Robertson's letter, and which used as a model the Council's letter to Sound Transit last year. His new letter was intended to reflect the comments and tone of the Council's discussion last Monday.

Councilmember Balducci noted the meeting she walked into just before tonight's Council meeting, and questioned whether any Councilmembers wanted to comment on it.

Mayor Davidson stated that he was encouraging Councilmember Wallace to talk to Ms. Carlson regarding the revisions directed by the Mayor that day.

Councilmember Balducci said she did see Councilmember Wallace speaking with Ms. Carlson. She clarified, however, that she was referring to a meeting she observed involving Councilmember Wallace, Councilmember Robertson, and Deputy Mayor Lee in which they

appeared to be reviewing a letter and marking revisions. She requested a clarification of the Open Public Meetings Act from the City Attorney. Ms. Balducci questioned the appropriateness of sequential conversations on a topic involving more than three Councilmembers.

Lori Riordan, City Attorney, explained that the Open Public Meetings Act requires the Council to conduct business at regularly noticed public meetings. She suggested that the Council should avoid gathering, in any manner, a consensus amongst a majority of Councilmembers on a particular issue outside of the public realm. Obtaining a consensus of a majority of members through a series of conversations essentially equates to taking action outside of the public realm.

Councilmember Balducci stated her understanding that this can happen in a number of ways, and that it does not have to be a physical meeting of four or more members. She questioned whether a violation can include one member calling a number of members to collect votes.

Ms. Riordan responded in the affirmative and cited a case involving the Battleground School District. Four members of the school board communicated via email to make some decisions about the administrators of the district, and whether or not to keep them. The Court found that there was sufficient information about possible violations of the Open Public Meetings Act to justify sending the case back to the trial court for additional fact finding. The Court opined that where there is a majority of members communicating by email on a particular subject, this could constitute a meeting as defined under the Act.

Councilmember Balducci suggested that this situation can be fixed by having an open discussion tonight regarding the letter now in front of the Council. She reviewed that the Council has been through several rounds of Councilmembers submitting a document for review on the day of the Council meeting. She recalled an instance in which Council action was anticipated by some members of the Council, while it was unknown to others. In that case, citizens in support of one side of the issue were in the audience, while the other side was not represented in the audience.

Councilmember Balducci stated that the Council needs to be transparent about what it is doing, as well as a little better organized. She feels the Council owes this to its residents and is not living up to it.

Ms. Balducci said it is difficult to ask the community to trust the Council when procedures become vague. The Council has not operated in this manner in the past, even with other contentious issues. She recalled differences of opinion within the Council regarding the tent city issue, for example, but she never felt ambushed or surprised by a fellow Councilmember. Ms. Balducci said she does feel that way now. She agrees with Councilmember Degginger about the need to be transparent. She expressed concern that five letters have been developed over several days. This is hard for the Council to keep up with, and can make it hard for people to feel that they are being heard.

Councilmember Robertson said she expected to see letters from December and last week, as well as the most recent staff letter, provided in the Council meeting packet. They were also not in the desk packet for tonight. She encouraged staff to get items into the desk packet. Ms. Robertson

said the letter emailed by Councilmember Wallace on Sunday was not in the desk packet because it was in response to the letter drafted by staff.

Regarding the meeting referred to by Councilmember Balducci, Ms. Robertson said she and Deputy Mayor Lee got out of a Sound Transit briefing, and Councilmember Wallace wanted to share what he had worked on with Ms. Carlson. Mr. Wallace noted parts of the letter that were going to be changed. Ms. Robertson said there was no action and no discussion as far as the Open Public Meetings Act. It was just a heads up, and she expected that the letter would be distributed to the Council during the dinner before tonight's meeting. Ms. Robertson said she called three Councilmembers because she was trying to find out why an agenda item was pulled, but she was not successful.

Councilmember Robertson recalled that Councilmember Wallace first requested that the Council send a letter to Sound Transit on December 7. She stated that it is time to take action, and she recommended proceeding with a group drafting of the letter tonight.

Councilmember Chelminiak encouraged Councilmember Robertson to read the Open Public Meetings Act. He observed that what she just described was a blatant violation of the Act. He said it is not about taking action, it is about the process of discussing and going over the reasoning behind the actions. Elected officials cannot have a rolling meeting.

Mr. Chelminiak said it is not the letter that is the problem, but rather the debate and discussion that goes on with regard to the letter, including what Councilmember Wallace sent to the Council twice on Sunday. With these emails, Councilmember Wallace was making his case for why his letter should be adopted. Councilmember Chelminiak stated that this must take place in a public setting, and there cannot be debate and discussion via email. He acknowledged that the Council must be able to communicate and share things, but there cannot be a debate outside of the public realm. Mr. Chelminiak said it seems clear from the discussion tonight that this situation has occurred, and he wants it to stop.

Mayor Davidson stated that the Council is now addressing the letter in a public meeting.

Deputy Mayor Lee said he feels compelled to defend the process. The Council has been debating for months about changing its support for the B3 light rail alternative to the B7 alignment. He credited the Mayor with wanting to make sure this is a consensus process and that everyone can provide his or her input. Mr. Lee said there has been no discussion, debate, persuasion or meeting. Mr. Lee said Mr. Wallace's letter was forwarded to him by Mayor Davidson. Mr. Lee read it and added his comment on it. Mr. Lee noted that everyone had the opportunity to comment on the letter. He suggested moving forward with review of the letter.

Councilmember Chelminiak concurred with first paragraph.

Mayor Davidson asked for feedback on the second paragraph. He commented on the statement that Sound Transit has not agreed to the City's suggested modifications to the B3 option. Don Billen has communicated that Sound Transit has conducted further study of the B3 Modified

Side Running option. While Sound Transit did not study going across SE 8<sup>th</sup> Street and coming down 114<sup>th</sup>, they have suggested following an alignment along 112<sup>th</sup> instead of crossing the wetlands. Mayor Davidson noted that while Sound Transit did not study everything suggested by the City, the agency is conducting further analysis of the B3 alignment.

Councilmember Balducci concurred that, for the most part, the Sound Transit Board adopted the B3 Modified as their preliminary preferred alternative, which they call the B3S. With the exception of the jog at SE 8<sup>th</sup> Street, it is their current preliminary preferred alternative, and Ms. Balducci feels this letter should reflect that. If the Council wants to express continued support for the B3S option, she is okay with expressing support for the jog at SE 8<sup>th</sup> Street. Sound Transit is working on responding to all issues, and the study is ongoing.

Ms. Balducci emphasized that it is the Council that is considering a change in its position in the middle of the process. She feels it is not correct to suggest that Sound Transit's lack of response is the reason for the proposed change in Bellevue's preferred alternative. Councilmember Balducci further suggested removing the last sentence of the paragraph stating that the Council is adopting the B7 alignment as a preferred alternative. She said the Council is writing a letter to state its preference, but does not adopt decisions by letter.

Councilmember Chelminiak suggested calling the B3 Modified option the B3 Side running, for purposes of consistency with Sound Transit's language.

Councilmember Balducci suggested wording the sentences more positively. For example, stating that the City submitted the B3S for consideration and, however, that Sound Transit did not study every modified element.

Ms. Balducci suggested removing the implication that the Bellevue City Council is changing its preferred alternative because Sound Transit has not studied all of the issues. The City would not expect the answers to all of the DEIS questions at this stage in the process.

Councilmember Wallace said it might be more accurate to say that Sound Transit has not agreed to run the alignment on SE 8<sup>th</sup> Street. He feels this is one of the reasons for the change in the Council's position.

Councilmember Balducci recalled that Sound Transit selected Bellevue's preferred alternative. While the agency has not studied every proposed modification, she considers this a positive factor. In addition, this is not new information to the Council as is implied by the letter and used as a basis for a change in position.

Councilmember Degginger suggested a sentence thanking Sound Transit for working with the City since the selection of a preferred alternative.

Councilmember Chelminiak noted that Sound Transit is working with the City to consider modifications to Segment C alternatives as well. He observed that the second paragraph is confusing.

Mayor Davidson opined that the Council has not received the information it requested in its original letter to Sound Transit last year.

Transportation Director Goran Sparrman stated that the City's letter commenting on the DEIS was approximately 80 pages with 750 comments. Sound Transit responds to that by conducting additional analysis and revisions, and that work will be released as part of the FEIS late this year.

Responding to Councilmember Degginger, Councilmember Balducci recalled that Sound Transit did not address all of the Council's requests regarding Segment C, but instead proposed new alternatives for consideration, which was welcomed by the City.

The Council reviewed the attachments to the February 2009 letter to Sound Transit.

Councilmember Robertson said her main concern is that the letter communicate the Council's change in its preferred alternative. Regarding the last sentence of the paragraph, Ms. Robertson suggested changing it to read that the City of Bellevue is informing of its preference rather than adopting by this letter.

Mayor Davidson suggested a statement that the Council has withdrawn its interest in the B7 Modified option due to restrictions cited by the National Parks Service. Deputy Mayor Lee said B7 Modified was not formally considered by the Council.

Councilmember Degginger suggested a footnote to reflect the Mayor's suggested statement.

Councilmember Wallace feels the second paragraph makes no sense as amended by the Council's comments. He would prefer to strike everything except the last sentence, which states the Council's revised position in support of the B7 alignment.

Councilmember Balducci expressed concern about the tone of the letter. She feels there is a way to express the Council's perspective more politely and without insulting the City's partner in the light rail project. She noted that Sound Transit is showing good faith and is currently reviewing options to achieve the City's goal of a downtown tunnel.

Councilmember Wallace characterized Ms. Balducci's statement as a fair comment and agreed to retract his last suggestion.

Mayor Davidson moved to the next paragraph, which is a list of the benefits of the B7 route.

Ms. Balducci stated that it is necessary to be clear about which B3 option is being compared to the B7 route. There was agreement that it should read B3S.

Councilmember Degginger said some of the language is factually inaccurate. One bullet point says that the B7 avoids impacts to Bellevue Way. Mr. Degginger said it would be more accurate to say that the B7 contains mitigated impacts.

Mayor Davidson said this is the opinion of some people.

Mr. Degginger suggested it would be accurate to say that majority of the Council believes these are benefits of B7.

Mr. Degginger noted the second bullet point stating that B7 avoids impacts to neighborhoods. He suggested there are people in the audience who would respectfully disagree with that statement. It avoids impacts to some neighborhoods, but creates impacts for others. It is inaccurate to say that it avoids impacts to neighborhoods.

Councilmember Chelminiak said that according to the DEIS, the B7 has noise impacts to 98 homes, 39 of which are rated as severe impact. He noted that some parties have asserted that the DEIS is understating noise impacts. The Council cannot say that the B7 avoids neighborhood impacts. However, it does avoid impacts to Enatai and Surrey Downs.

Mayor Davidson questioned whether Councilmembers would feel better if the letter emphasizes that a majority of the Council believes these are the benefits.

Councilmember Wallace objects to amending the sentence to say that a majority of the Council believes in the stated benefits. While he feels it is accurate, last year's letter did not specify that the position was not unanimous.

Councilmember Degginger said that last year's letter did include comments about some of the dissenting opinions among Bellevue Councilmembers. This proposed letter lacks any statements about minority Council opinions. Mr. Degginger read from last year's letter a sentence indicating that some Councilmembers preferred B7, particularly if traffic and community impacts could be mitigated. The letter goes on to address additional concerns.

Mayor Davidson reiterated that the word "believes" qualifies the statement sufficiently. However, some of the statements should perhaps have further study before communicating about them. He agrees with communicating that Sound Transit has changed its apparent approach to the noise, based on its experiences. Mayor Davidson commented on the list of benefits. He feels they generally reflect the beliefs of a majority of the Council.

Councilmember Degginger asked what facts support the bullet point stating that the B7 will cost significantly less than the B3 after all of the mitigation is implemented for B3.

Responding to Dr. Davidson, Regional Projects Manager Bernard van de Kamp said the DEIS was based on conceptual engineering. From that all of the discipline reports were conducted, including a traffic analysis. The DEIS did not propose traffic mitigation for the South Bellevue Park and Ride expansion. This is something City staff commented on, and is working with Sound Transit staff to address. Mr. van de Kamp said he does not know specifically whether B3 mitigation measures are included in the current cost estimates, but they are typically included.

Councilmember Degginger questioned whether this means that B7 mitigation measures and costs were handled similarly in the DEIS, and whether the cost of mitigating impacts for the 98 homes was considered. He questioned whether the DEIS addressed additional impacts of the B7 alternative including roadway capacity on 118<sup>th</sup> and effects on the wetlands and fish ladder.

Mr. van de Kamp confirmed that the B7 impacts 98 homes or multifamily units to varying degrees. He believes that the DEIS assumed that the majority of noise mitigation would be done through residential sound insulation. His understanding is that Sound Transit intends to mitigate inside noise but not outside noise, because a noise wall would not meet their reasonable and feasible test. In summary, Sound Transit has assumed additional costs for noise mitigation for inside noise levels.

Councilmember Degginger recalled that none of the mitigation concepts described to the Council on February 23, 2009, regarding 118<sup>th</sup> and SE 8<sup>th</sup> Street were included in the DEIS. Mr. van de Kamp said that is correct.

Mayor Davidson opined that the statement that a majority of the Council believes that B7 will cost less than B3 is accurate. Mr. Degginger questioned the basis of this belief. Dr. Davidson said it is based on B3's option after all of the appropriate B3 mitigation is included. Mayor Davidson said that no one knows, but that some Councilmembers believe this to be the case.

Councilmember Balducci questioned whether the Council wants to send a letter stating beliefs that are not supported by facts. She said the statement that B7 avoids neighborhood impacts is incorrect and insulting to the residents who will be impacted. She noted that all of the information currently available indicates that most likely the B7 and B3S will cost approximately the same once all mitigation is completed. She sees no advantage to asserting that one option will be less expensive than another. She disagrees that the B7 will provide faster travel times. While the B7 might move faster at times, overall trip times are virtually identical.

Ms. Balducci said it is inappropriate at this time to state that usage of the BNSF corridor will enable the future expansion of light rail to the north. The development of light rail to travel north will originate from the hospital district station, which exists for both of the Segment B options under discussion. She wants to be sure the letter does not indicate that she agrees with the beliefs of other Councilmembers.

Councilmember Balducci said the Bellevue City Council has had a good reputation in the past of taking reasoned, fact-based positions that acknowledge where there might be problems and where another option might make more sense. She felt the Council was previously very balanced in acknowledging that this is a difficult decision, and that other options might work. However, she feels the proposed letter under discussion communicates that this is not a hard decision and that the statements in the letter are the only right decision.

Councilmember Wallace concurred that the second bullet point should be revised to indicate that the B7 avoids impacts only to specific neighborhoods. He said it is appropriate to expect the full mitigation of impacts to the homes on 118<sup>th</sup>.

Mr. Wallace agreed with removing the reference to future northbound light rail.

Regarding Ms. Balducci's comments about neighborhood impacts, Deputy Mayor Lee thinks it is really the overall balance of tradeoffs that the Council provides. He suggested looking at the bigger picture, and that B7 has lesser impacts to the overall Bellevue community.

Councilmember Degginger questioned whether anyone supporting this letter has data regarding costs.

Councilmember Wallace said the point of the cost comment is that Bellevue has not seen studies showing the costs of each alignment with their appropriate mitigation, so the Council is left to guess. It appears to him that the B7 will cost less than the B3.

Councilmembers Chelminiak and Degginger suggested that the Council should not make a statement about costs when they are unknown.

Councilmember Degginger said making such a statement does not make it true.

Mayor Davidson said it does not have to be true, but the letter can state Councilmembers' beliefs and opinions. He observed that expanding the South Bellevue Park and Ride, as included in B3S, will involve mitigation to the wetlands.

Mayor Davidson moved to the fourth paragraph, which begins to explain the bullet points about the benefits of B7.

Councilmember Chelminiak said he is not sure about what difficulties are associated with staging the construction of the alignment along Bellevue Way and next to the Mercer Slough, and how that is all going to work. He does know that the B7 has a staging area all the way across the slough. It's a 100-foot wide corridor that will be denuded, and it will stay that way during construction. Under the guideway it will be maintained in a way to not interfere with the light rail, and the rest of that 100-foot corridor will take close to 10 years to revegetate. He referred to Section 4.17 of the DEIS, page 13. Trails will be closed, and temporary trestles will be built over the slough. Mr. Chelminiak questioned which construction staging impacts are being referred to in the draft letter.

Councilmember Degginger questioned whether the concern is about traffic impacts during construction.

Mayor Davidson said he is concerned about environmental mitigation.

Mr. Degginger said the first sentence of the fourth paragraph, that the Council is concerned about traffic impacts, is accurate. He can support the paragraph except for the last sentence, that none of these impacts are associated with the B7 alignment. B7 might avoid impacts to Bellevue Way,

but it provides impacts to 118<sup>th</sup> and SE 8<sup>th</sup> Street which cannot be mitigated based on staff's analysis.

Councilmember Chelminiak restated that the DEIS cites significant construction impacts that damage the environment which will take a decade to be repaired.

Councilmember Balducci observed that the overriding tone of the letter reflects a lack of balance. The letter is one-sided in suggesting that the only problems are with the B3, and the only answers are with the B7, which is not factual. There are impacts and benefits with both. The City Council previously selected a preferred alternative that was considered to best balance the tradeoffs. Ms. Balducci said the letter is not a fair representation of the Council's considerable study and thoughtfulness, but instead sounds political in its one-sided tone.

Councilmember Wallace said he does not object to removing the last sentence which states that the B7 has no impacts. Councilmember Robertson concurred.

Councilmember Balducci asked whether anyone has any comments regarding her concern about the lack of balance in the letter.

Councilmember Degginger proposed the addition of a paragraph as follows, which he provided to staff last week: "Three Councilmembers continue to support the B3 Side Running alignment because it provides higher ridership, a larger Park and Ride facility, and fewer environmental and residential impacts. In addition, the design development by Sound Transit has already mitigated impacts to the F.W. Winters House. The additional traffic resulting from the B7 alignment at the intersection of SE 8<sup>th</sup> Street and 118<sup>th</sup> will result in LOS failures with fewer opportunities to increase capacity due to I-405, the Kelsey Creek Fish Ladder, and adjacent wetlands." He stated that it is fine with him if Councilmembers want the letter to state all of the reasons for support of the B7, as long as this paragraph is included somewhere in the letter.

Councilmember Robertson stated that if the Council considers Councilmember Degginger's addition, she would like the letter to refer to some rather than three Councilmembers, to be consistent with the Council's February 2009 letter. Regarding the lack of balance, the Council sent a 15-page letter to Sound Transit, with a whole lot of information attached, a year ago. Sound Transit has adopted most of the B3S option as their preferred alternative. So Ms. Robertson does not believe that there needs to be a perfect balance reflected in the letter, because what a majority of the Council wants is for Sound Transit to work on B7. Sound Transit is already studying B3S.

Deputy Mayor Lee agreed with Councilmember Robertson. Balance is important but the Council has spent two years in discussions. The intent of the current majority is to have as cogent a discussion as possible in order to reflect a Council that is generally in agreement. If the Council cannot do that, there is no need to rehash all of the issues but the letter can convey majority support to Sound Transit. The Council made its previous decisions based on very little information. He feels that new information available today is better, thanks to Sound Transit and other parties.

Mayor Davidson read from the February 2009 letter, page 6: "Despite these concerns some Councilmembers prefer B7, particularly if the traffic and community impacts could be mitigated. Therefore, as Sound Transit proceeds with the FEIS, analysis of B7 should be further advanced including assessing traffic impacts for nearby intersections and along the entire length of 118<sup>th</sup> Avenue SE; reviewing project ridership; evaluating opportunities for regional transit connections; identifying construction and community impacts; and evaluating the potential for future light rail extension. A thorough evaluation of mitigation opportunities and feasibility should be assessed for all identified impacts. This will facilitate a more informed reevaluation of B3 and B7 alternatives by Council if the B3 Modified is not found to be feasible in its entirety." Mayor Davidson observed that there is no indication that Sound Transit is conducting this analysis. Given that concept and knowing that there is a majority of the Council that feels differently about B7 and B3, he feels the letter is appropriate.

Councilmember Chelminiak explained that he took the material presented to the Council on February 22 regarding environmental impacts and compiled the information into one table. Data regarding the total acreage of wetland and wildlife impacts for the alternatives shows that the B7 has greater wildlife impacts and greater wetland mitigation. He acknowledged that more may be discovered for the B3S option, but this is the information known to date.

Mayor Davidson moved to discuss the fifth paragraph, which addresses train noise impacts.

Responding to Councilmember Degginger, Councilmember Wallace said the statement about the B3 option placing the train below grade along neighborhoods refers to the portion along the Winters House. Mr. Degginger questioned whether he was suggesting that the noise impacts might be less if the train is below grade. Mr. Wallace stated that it might not be possible to mitigate noise impacts if the train is below grade, while with the B7 alignment, a noise wall can be installed between the train and the homes.

Councilmember Degginger suggested that the paragraph not restrict noise mitigation measures to a noise wall. Councilmember Chelminiak said there are many condominium communities along 118<sup>th</sup> and the I-405 corridor. The B7 places the line approximately 60 feet from condominiums, and therefore the sound wall cannot be extended.

Mayor Davidson said they could lower the rail bed. Mr. Chelminiak said that could also be done along the Mercer Slough route and neighborhoods.

Mayor Davidson noted the new sound wall installed for the I-405 project. He stated that lowering the rail bed would mitigate noise from the train wheels. He feels it is better to have the train in a trench than to have it elevated.

Councilmember Wallace said there does not appear to be any opportunity to put a sound wall between the proposed B3S route and the homes in Enatai.

Councilmember Balducci recalled that the DEIS found that the only sound impacts that could not be mitigated are along the B7 route.

Mr. Sparrman confirmed that the DEIS reflected this conclusion. Many of the condominium units are too high for a sound wall to be effective.

In further response, Mr. Sparrman said the recent widening of I-405 will likely make it more challenging to mitigate noise impacts along the B7 route. However, a full analysis of this has not been conducted.

Ms. Balducci would rather not send letters based on speculation. She suggested adding factual information acknowledging that the B7 has impacts that potentially cannot be mitigated, according to the DEIS.

Ms. Balducci recalled that in the Council's previous recommendation to Sound Transit, the Council insisted that Sound Transit mitigate neighborhood impacts associated with the B3 alignment. However, this letter is not taking the same stance to protect neighborhoods along the B7 route.

Councilmember Degginger agreed that the letter reflects a lack of consideration for residents along the B7 alignment. He further questioned whether Councilmembers want to build B7 even if impacts cannot be mitigated.

At 8: 55 p.m., Mayor Davidson declared a five-minute recess. The meeting reconvened at 9:01 p.m.

The Council continued to review the draft letter.

Mayor Davidson explained that he had a lengthy discussion today with Sound Transit staff regarding environmental impacts. He does not always agree with their environmental analysis, and recommends that the City hire biologists to conduct an independent environmental analysis.

Councilmember Chelminiak addressed the environmental impacts of the B7 alignment. He noted the susceptibility to earthquakes and steep slope landslides. The B7 alternative includes an elevated structure across the Mercer Slough, which has a greater earthquake risk than other alternatives. Steep slopes are a higher risk during normal operations for the B7 than they would be for the B3. Chinook salmon gather at the mouth of the Mercer Slough under the I-90 crossing, and all salmon destined for Kelsey Creek pass through the Mercer Slough. He noted the money the City spent to restore Kelsey Creek. Mr. Chelminiak said the B7 is the only route that directly affects Kelsey Creek, which is the largest stream in Bellevue and an urban stream of regional significance due to the high presence of Chinook salmon. He noted that he was reading from the Ecosystem Technical Report.

Continuing, Mr. Chelminiak read that the B7 alternative removes 142,000 cubic yards of dirt (i.e., 9,500 dump truck loads), which is 32 percent more than the B3. This impact has not yet

been calculated for the B3S option. The B7 has two high-risk hazardous material sites, and only B1 has any others. He noted his earlier comments regarding the 100-foot corridor impacts, and wetland and wildlife impacts. Mr. Chelminiak considers these impacts severe and of significant concern. He does not see any balance reflected in the letter with regard to these environmental impacts.

Mayor Davidson commented that salmon gather under the I-90 bridge because it is cool, and there are crustaceans on the pillars that provide food for salmon. Mr. Chelminiak concurred.

Councilmember Balducci turned to traffic mitigation on 118<sup>th</sup>. She recalled staff's presentation in February 2009 that talked about the two potential major mitigation options for traffic. Both were problematic due to impacts on the fish ladder and the constrained area at the north end of Segment B, which includes the creek and fish passage. Taken alone, one could compare environmental impacts without looking at the mitigation that would be required for B3S. To be fair in comparing the B3S with the B7, the letter should acknowledge that traffic mitigation that might be required to make any access to the B7 possible would have potentially the worst environmental impacts on wildlife of any alternative.

Responding to Mayor Davidson, Ms. Balducci said she is repeating what staff reported to the Council in the past. She observed that facts should be used to make decisions, whether they support a preference or position or not.

Deputy Mayor Lee stated that Councilmember Balducci's comments now and before the break make sense. If the Council wants to talk about things, it should be within the actual context, with the opportunity to understand and have lots of debate, and maybe come to some conclusion. Mr. Lee said a lot of information is still not here. He does not see that the Council is getting to the end in terms of its position. He is not going to be here next week and appreciates the review tonight. He wants to take advantage of this opportunity and to resolve the differences.

Mr. Lee agreed with Ms. Balducci that the Council needs to provide its recommendation to Sound Transit in a positive way, making a recommendation as a majority of the Council, and expressing the same concerns that were expressed in the previous letter transmitted to Sound Transit. Deputy Mayor Lee feels this is a logical evolution, given that the Council has not been given information that it requested. He feels it is appropriate to submit a letter to Sound Transit based on majority beliefs and opinions. He would like this to encourage Sound Transit to conduct further study of B7, and to communicate that the Bellevue City Council has not received satisfactory responses to its requests for information.

Councilmember Wallace suggested stepping back to look at the last three Council discussions. He said the issue is not just about a majority of the Council switching its position from B3 to B7. But there are very important issues that the Council is trying to protect in terms of traffic, neighborhood, and environmental impacts. The letter is saying that having reviewed the DEIS, it appears that B7 is the better choice, and is therefore the Council's preferred alternative. The letter does not state that anything is a fact, because the facts are not known. The DEIS does not present the facts. The letter therefore states the Council's concerns and opinions. He questioned

the comments in the DEIS regarding environmental impacts, as reviewed earlier by Councilmember Chelminiak. Mr. Wallace observed that an elevated rail structure across Mercer Slough does not appear to have any qualitative impacts. He said he is puzzled by conclusions in the DEIS with respect to the B3 and B7 options. He noted that new information has come out since the Council selected a preferred alternative last year, including the noises associated with the Central Link trains in Seattle. Mr. Wallace said if his proposed letter is read in that context, it is reasonable to submit the letter to Sound Transit because it clearly expresses the opinion of the majority of Council. He disagrees with staff's letter which indicates that new Councilmembers were elected and therefore the Council's position has changed.

Councilmember Degginger observed that Deputy Mayor Lee has a good point, which is to treat the letter as the political decision that it is, rather than try to embellish the stated position with facts that are not true. It does not do justice to the Council as an institution, or to Councilmember Balducci's substantial challenges on the Sound Transit Board, to submit a letter that is full of statements not supported by fact.

Mr. Degginger noted the success of the Bellevue City Council in working with regional partners and the state legislature, which is based on a cooperative approach instead of attempting to dominate other parties. If this is about the politics, Councilmember Degginger supports doing what Deputy Mayor Lee suggests, and then moving on to the next agenda item. He noted that he and apparently other Councilmembers feel compelled to ensure that the letter can be supported by facts and taken seriously by Sound Transit.

Deputy Mayor Lee said he would appreciate that comment, but he would temper the statement that the statements in the letter are untrue. He prefers to not put any judgment on that because he feels that could be applied very subjectively to almost anything. He said there is no disrespect for Sound Transit or anyone else, but five-percent engineering does not give him a lot of confidence. There is still much to learn.

Councilmember Degginger suggested that perhaps the Council should not therefore make a decision on the letter at this point. Deputy Mayor Lee disagreed and expressed support for the letter.

Councilmember Robertson stated that a year ago, the letter stated that unless all of the requested revisions to B3 were agreed to, then B7 was the backup alternative. Since that decision, the Council has not received much information about the B7, but has received more information about the B3S. The Council has learned about the noise issue. While Sound Transit has accommodated the Council's request to a certain extent for the southern portion of the B3 alignment, not only does Sound Transit not want to do the SE 8<sup>th</sup> portion, but it wants to align light rail along the middle of 112<sup>th</sup> Avenue.

Ms. Robertson is not in favor of the staff letter because it does not provide the reasons behind the decision of the Council. She said it is not a political decision. She and Councilmember Wallace have looked at this issue for a long time. She was co-chair of the Light Rail Best Practices Committee. She wants more information and more work from Sound Transit. If the reason for

the Council's change in position is the change in the Councilmembers, Ms. Robertson feels that Sound Transit might not be inclined to conduct further study.

Councilmember Robertson explained that the reason the letter was revised today was because Councilmember Balducci shared Councilmember Wallace's draft letter with Sound Transit. Sound Transit then provided input to Councilmember Balducci and the Mayor regarding some revisions to the letter. Ms. Robertson wondered whether the Mayor is comfortable after that discussion with the subsequent revisions to the letter. She does not want to state anything that is inaccurate, but she believes that asking for more information is appropriate. The letter needs to give reasoning behind why the majority of the Council prefers B7 at this point, which is not just because there are two new Councilmembers. She feels that support of B7 is not inconsistent with the Council's input to Sound Transit last year.

Councilmember Chelminiak noted his support of Deputy Mayor Lee's suggestion to work from the staff letter. He would support removing from that letter the sentence about the change in Councilmembers following the fall election. Instead the letter can say that a majority of the Council now favors B7. He observed that tonight's discussion has been primarily about beliefs and opinions, without much in the way of new facts.

Deputy Mayor Lee said he would not articulate the position as a political decision. He appreciates Councilmembers Robertson and Wallace as two individuals who have brought a great deal of substance to the Council. He said it is important to make the Council look strong and united. Mr. Lee said the Council needs to get behind the reasonable things proposed by Councilmember Robertson. There are real questions that need to be addressed.

→ Councilmember Chelminiak moved to adopt the staff letter provided to the Council last Thursday, amended to strike the sentence about the change in the Council due to the last election, and including the edited bullet points from Mr. Wallace's letter. Councilmember Balducci seconded motion.

Councilmember Chelminiak spoke to the motion. He feels the letter puts the Council in the best position and sends a message to the Sound Transit Board that a majority of the Council favors B7. He encouraged the Council to get this done and to move along, because he feels the debate is beginning to cause damage.

Deputy Mayor Lee suggested stronger wording to replace: "A majority of the Council now favors the B7 alternative." He proposed: "Bellevue hereby recommends the B7 alignment as the preferred alternative." He feels this makes the position clear.

Councilmember Chelminiak stated that he would accept the new wording as a friendly amendment.

Councilmember Balducci expressed support for Deputy Mayor Lee's amendment. She commented that after the draft letters were circulating this weekend, she told the Mayor she would show them to Sound Transit. She wanted to check her assumption that the tone and some

of the statements in Councilmember Wallace's letter would be seen as aggressive and not helpful to the collaborative effort. Ms. Balducci said Sound Transit did in fact have a strong reaction to the tone of the letter as she suspected. She supports staff's letter, which fulfills the intent of articulating the Bellevue City Council's preferred Segment B alternative and providing some of the reasons for this position.

Councilmember Robertson questioned whether Mr. Lee's amendment intended to also retain a sentence referring to a majority of the Council.

Councilmember Chelminiak said he would not accept that as a friendly amendment.

Councilmember Balducci stated her understanding of Mr. Lee's amendment, which was: "A majority of the Council now favor the B7 alternative, and it is now the preliminary preferred alternative."

Councilmember Lee clarified that he wants to say that B7 is now the City Council's preferred alternative. The word "majority" can be included if the Council prefers, but it is not necessary.

Councilmember Chelminiak said he will not take that as a friendly amendment to his motion. He suggested first taking a vote on the Council's preferred alternative.

→ Councilmember Wallace moved to declare the B7 alternative as the preferred alternative of the City of Bellevue. Councilmember Robertson seconded the motion.

Councilmember Balducci offered a friendly amendment to add the word "preliminary" before preferred alternative. Mr. Wallace accepted the amendment.

→ The motion to declare the B7 alternative as the preliminary preferred alternative of the City of Bellevue carried by a vote of 4-3, with Councilmembers Balducci, Chelminiak and Degginger opposed.

Deputy Mayor Lee suggested the wording "locally preferred alternative (LPA)" in the letter to Sound Transit.

Councilmember Balducci said the word "preliminary" should also be included, in deference to the legal EIS process.

Mayor Davidson noted general agreement and directed staff to provide the correct term.

Mayor Davidson invited discussion regarding Mr. Chelminiak's earlier motion.

Councilmember Wallace stated his opposition to the staff letter. He noted the lengthy discussion regarding half of the letter revised this afternoon, yet the Council has not had a similar detailed discussion about the staff letter that Councilmember Chelminiak would like the Council to approve. Mr. Wallace feels that staff's letter does not adequately set forth the rationale behind

changing the Council's preference to the B7 alternative. It does not articulate to Sound Transit, City staff, or Bellevue residents the seriousness of the decision and how important it is that we take a realistic look at B7. It does not address how to move to the B7 and to cooperate with Sound Transit on the B7 alignment, and the City of Bellevue is not precluding Sound Transit from bringing light rail through the community if Sound Transit uses the B7 alignment. Mr. Wallace opined that staff's letter does not adequately send that information. He cannot support the letter.

Councilmember Robertson agreed that the letter does not contain sufficient information. However, based on the vote just taken, she suggested that the letter state that the Council has adopted B7.

Mayor Davidson stated for the record that he proposed this letter back when he was trying to achieve consensus. He observed that this has been a tedious but necessary process. He will support the motion.

Mayor Davidson called for the vote.

Deputy Mayor Lee requested a clarification of the motion. Mr. Chelminiak said the motion is to approve the staff letter, with the deletion of the reference to the November election, the addition of bullet points from the other letter, and the revision to the sentence expressing support for the B7 alternative.

Deputy Mayor Lee reiterated that he does not like including the word "majority." However, he will agree to it as long as there is a statement that B7 is now the City of Bellevue's locally preferred alternative (LPA).

Councilmember Wallace said he wanted to raise a point of order, which was to comment that the third paragraph of the letter is completely inconsistent with the bullet points of the B7 benefits.

Councilmember Chelminiak stated that the comment is not a point of order.

Councilmember Degginger moved the previous question.

Upon Councilmember Wallace's appeal to the Mayor, Councilmember Chelminiak said the comment is debate, not a point of order.

Mayor Davidson indicated he would allow the comment.

Councilmember Degginger again moved the previous question.

Responding to the Mayor's direction, Councilmember Wallace said the second sentence states that the issues that were important to the City and community a year ago remain important today, and it then lists the important criteria. He suggested that the letter be reorganized.

Mayor Davidson called for a vote.

- The motion to send the staff letter, as amended, carried by a vote of 4-3, with Councilmembers Lee, Robertson, and Wallace opposed.

Councilmember Robertson asked staff a question regarding information received from Stacie LeBlanc Anderson and the Surrey Downs Historical Society. During public comment, Ms. LeBlanc Anderson asked the Council to direct staff to look at the map in the DEIS and to reevaluate whether the properties are correctly marked, and whether the boundary lines of the historic district are correct. Councilmember Robertson would like to request this work from staff.

Mr. van de Kamp said the City is largely reliant on Sound Transit to do that analysis, but City staff will do what it can with the staff available.

Councilmember Chelminiak questioned the ability to respond to whether or not houses conform or do not conform to something that does not exist.

Mr. van de Kamp said this is a Sound Transit assessment with their consultants evaluating the potential for these homes to be declared historic by 2016. The City does not designate historic preservation protection in Bellevue and does not have staff that specializes in this area. City staff will work with Sound Transit staff and consultants on this issue.

Responding to Mr. Chelminiak, Mr. van de Kamp said nothing has changed at this point to prevent those homeowners from altering their property.

Councilmember Balducci noted public comment from Mr. Katz about a proposal to tunnel from I-90 to the Downtown core. She stated that if that was feasible and affordable, many of the disagreements seen at this table would not exist. Ms. Balducci said it is important that staff respond to him and provide him with information about the costs compared to the dollars available for the project.

#### 4. Executive Session

At 9:47 p.m., Mayor Davidson declared recess to Executive Session for approximately one hour to discuss two items of labor negotiations and one item of potential litigation.

- Deputy Mayor Lee moved to extend the meeting until 11:00 p.m., and Councilmember Chelminiak seconded the motion.
- The motion to extend the meeting carried by a vote of 6-1, with Councilmember Robertson opposed.

At 10:07 p.m., the Executive Session was concluded and Mayor Davidson declared the meeting adjourned.

Myrna L. Basich  
City Clerk

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