

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Extended Study Session

April 22, 2013  
6:00 p.m.

Council Chambers  
Bellevue, Washington

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

ABSENT: Councilmember Davidson

1. Executive Session

Deputy Mayor Robertson called the meeting to order at 6:00 p.m. and declared recess to Executive Session for approximately 25 minutes to discuss one item of pending litigation and one item of property acquisition.

The Study Session resumed at 6:27 p.m., with Mayor Lee presiding.

2. Oral Communications

- (a) Howard Katz, representing the Bellevue Network on Aging, spoke regarding hearing loss affecting the elderly and said that light rail crossings and stations should incorporate flashing lights. He said flashing lights are used for other transit systems. Similarly, he encouraged installing, in new City buildings (e.g. community centers), sound systems that enable individuals with hearing aids to tune in. He noted that Medicare does not cover hearing aids.
- (b) Brooks Beaupain and Wendy Jones, Enatai Neighborhood Association, reiterated their support for light rail trench alignments along Bellevue Way and 112<sup>th</sup> Avenue SE. Mr. Beaupain said the buffers defined in the recent Land Use Code Amendments (LUCAs) are not applicable to the homes above Bellevue Way, should the Council choose the option that shifts Bellevue Way to the west and adds a HOV lane. He believes it is appropriate to spend the money necessary to properly mitigate the Surrey Downs and Enatai neighborhoods.
- (c) Sam Bellomio, StandUP-America, said he has been coming for a year to speak against red light cameras. He would like the Council to start doing something and to stand up with Mercer Island with regard to I-90 tolling. He is opposed to red light camera fines

going to other entities and not the City. He said the red light camera tickets are not moving violations but simply parking violations. He said the number of accidents at intersections has not changed with red light cameras. He again asked for the Council's support of Mercer Island's opposition to tolling.

- (d) Alex Zimmerman spoke against red light cameras and noted that he has been coming to testify before the Council for one year. He said Bellevue is the only Eastside city using red light cameras. He suggested that, if the City needs funding, it should get it from citizens in a civilized and fair way.
- (e) Peter Marshall, an Enatai resident, noted that he sent a letter to the Council. He summarized the main points, including his concern about the cost savings option shifting Bellevue Way SE to the west. He said the SEPA Addendum had a number of shortcomings. He expressed concern about the report's assertion that the concrete retaining walls and related structures are consistent with the adjacent arterials and freeway structures. He said that is an inappropriate comparison and inaccurate conclusion. He encouraged the Council to support the MOU/preferred alternative.

Councilmember Chelminiak said he appreciated Mr. Marshall's comment in his email that he was unable to testify the previous week due to his concern for a fellow runner, Bill Iffrig. Mr. Iffrig, who appears on the recent cover of *Sports Illustrated* magazine, was knocked down by the blast of the Boston Marathon bombings but continued to finish the race.

- (f) Yuka Shimizu, owner of the Bellevue Children's Academy, encouraged the undergrounding of the light rail system, including stations and parking. She spoke to the benefits of underground rail systems. Ms. Shimizu submitted her comments in writing.

### 3. Study Session

- (a) Council Business and New Initiatives

Deputy Mayor Robertson invited the public to attend the Spring Forward Expo on April 24 in City Hall to learn about Bellevue projects planned for the year. She noted that Sound Transit, the Washington State Department of Transportation (WSDOT), and City departments would be participating in the event.

- (b) Selection of East Link Cost Savings Options

City Manager Steve Sarkozy said this agenda item continues the Council's ongoing discussions regarding the cost savings options for the East Link light rail project. Staff anticipates Council action tonight on a resolution identifying the Council's preferred options.

Transportation Director Dave Berg provided a brief overview of the cost saving options. The Bellevue Way options (south of the Y at 112<sup>th</sup> Avenue SE) are the retained cut on the east side of Bellevue Way or the cost savings option of shifting Bellevue Way to the west with at-grade light

rail alignment on the east side of the road. The 112<sup>th</sup> Avenue SE and SE 4<sup>th</sup> Street options are the retained cut, SE 4<sup>th</sup> Street open access, and SE 4<sup>th</sup> Street emergency access only. The Downtown Station options are the PE Optimized Station and the NE 6<sup>th</sup> Street Station.

Ron Lewis, Sound Transit, spoke to the collaboration and effectiveness of the City and Sound Transit team. He recalled the Council's request for additional information on noise impacts. He described cumulative noise levels after mitigation for Bellevue Way and for 112<sup>th</sup> Avenue SE. He said the cost savings option on Bellevue Way reduces cumulative noise levels, and noise levels increase slightly with the retained cut due to an increase in future traffic.

For 112<sup>th</sup> Avenue SE, cumulative noise levels from all sources are slightly higher during the day after mitigation. The emergency access option at SE 4<sup>th</sup> Street has the lowest noise levels because it provides a continuous noise wall. Cumulative noise with the retained cut design is slightly higher due to shorter noise walls. Cumulative noise is also slightly higher with open access at SE 4<sup>th</sup> Street due to bells associated with the at-grade crossing and a gap in the noise wall.

Mr. Lewis described train noise levels after mitigation on 112<sup>th</sup> Avenue SE. Train noise levels are well below existing maximum noise levels. Train noise is highest for the SE 4<sup>th</sup> Street open access option due to the gap in the noise wall. Train noise is lowest with the SE 4<sup>th</sup> Street emergency access only option.

Train bell noise levels are well below the existing maximum noise level. Train bell noise is highest for the SE 4<sup>th</sup> Street open access option due to the at-grade crossing. Bells are not required for the emergency access and retained cut options. The decibel level of the bells is lower at night than during the day.

Responding to Mayor Lee, Mr. Lewis said that train noise levels are lower than the maximum ambient noise for all SE 4<sup>th</sup> Street options.

Moving on, Mr. Lewis said the third noise consideration is Audible Warning Device (AWD) levels after mitigation. Also referred to as wayside audible devices, AWD noise levels are well below existing maximum noise levels. The noise is highest for the SE 4<sup>th</sup> Street open access option due to the pedestrian crossing. The devices are not used for the separated grade options.

Julie Wiebusch, The Greenbusch Group, presented her peer review on how the noise levels affect the community. She said that traffic is the dominant noise along Bellevue Way SE. She observed that the cost savings option with mitigation results in lower noise levels than the MOU option with mitigation. She said traffic noise is the dominant noise along 112<sup>th</sup> Avenue SE as well.

Responding to Mayor Lee's question about how noise levels compare to the sound of an airplane, Ms. Wiebusch said a plane flying over Bellevue is probably in the 70-80 dBA range. The train noise might be more dominant if you are near the train. However, it would probably be about the same for the properties in the second row of houses from the rail line.

Responding to Deputy Mayor Robertson, Ms. Wiebusch confirmed that the noise levels refer to outside the homes.

Continuing, Ms. Wiebusch said the train bells affect homes near the East Main Station for all 112<sup>th</sup> Avenue/SE 4<sup>th</sup> Street options. The bells and AWDs affect the homes at SE 4<sup>th</sup> Street for the open access option.

Ms. Wiebusch said the design of noise mitigation will continue once a final alignment is selected. This will include the refinement of wall locations and heights and a closer look at second-story interior spaces. The noise from the train bells is mitigated in part by being directional toward the front of the train.

Ms. Wiebusch described her analysis of what neighbors will hear. She said noise levels are regulated to minimize sleep disturbance, and many of the light rail train sounds will be buried in the traffic-dominated ambient environment. The subjective experience is not unlike what is currently experienced with traffic on 112<sup>th</sup> Avenue SE. The trains will be slightly audible or unnoticeable. The bells might be slightly audible in quiet homes due to the tonal difference of the sound. They will likely not be audible in a more active, less quiet home.

Ms. Wiebusch noted comments submitted by the Building a Better Bellevue group. She said that Federal Transit Administration (FTA) criteria for no impact, as well as Bellevue's Noise Code, do not imply that noise will not be audible outside or indoors. For example, a neighboring heat pump might meet the property line noise levels. However, the tonal quality might be audible inside a residence.

Responding to Councilmember Wallace, Ms. Wiebusch confirmed that the standard for intermittent noise in the City's Noise Code is 60 dB at night and 70 dB during the day (for 1.5 minutes) in residential areas.

In reference to a written comment from Building a Better Bellevue, Ms. Wiebusch confirmed that she reviewed and verified Sound Transit's data.

Ms. Wiebusch summarized that the cost savings option for Bellevue Way SE provides significantly reduced noise levels for many residents, with traffic being the dominant ambient noise. On 112<sup>th</sup> Avenue SE to the Downtown Tunnel portal, traffic is also the dominant noise source. The emergency access only option at SE 4<sup>th</sup> Street is the best option with regard to noise.

Responding to Councilmember Chelminiak, Ms. Wiebusch said the cost savings option (at-grade light rail) on Bellevue Way adds retaining walls and noise walls that mitigate the light rail noise. Noise walls are not needed for the retained trench light rail option. In further response, she said if a person can see over a noise wall, they will hear noise.

Moving on toward action on a resolution, Mr. Berg said staff is requesting Council direction on the preferred options for the three major components: 1) Bellevue Way SE, 2) 112<sup>th</sup> Avenue SE Road-Over-Rail design with SE 4<sup>th</sup> Street retained cut, open access, or emergency access only,

and 3) Downtown Station. The Council previously directed staff to move forward with the Road-Over-Rail alternative.

Deputy City Attorney Kate Berens described staff's two versions of the resolution identifying the preferred options and how the City Manager should move forward. She said the existing Memorandum of Understanding (MOU) with Sound Transit and the Transit Way Agreement will need to be modified.

Ms. Berens explained that Resolution Version A [Page 3-13 of meeting packet; Attachment C] authorizes the City Manager to execute amendments to the MOU and Transit Way Agreement. Version B of the Resolution [Page 3-17; Attachment D] directs the City Manager to work with Sound Transit to finalize the amendments and to bring them back for Council action.

Ms. Berens suggested that the Council start with a motion for one of the versions and then move forward to identify the preferred options for each segment of the alignment.

Resolution No. 8576-B related to Sound Transit's East Link light rail project identifying the City of Bellevue's preferred Cost Savings options modifying the East Link project; **directing** the City Manager or his designee to **develop** amendments to the Umbrella Memorandum of Understanding with Sound Transit consistent with the City's preferred Cost Savings options; **directing** the City Manager or his designee to **develop** amendments to the Transit Way Agreement with Sound Transit consistent with the City's preferred Cost Savings options; and approving the East Link project alignment, as modified by the City's preferred Cost Savings options for the purposes of the Light Rail Overlay District, Part 20.25M, of the Bellevue Land Use Code.

→ Councilmember Stokes moved to adopt Resolution No. 8576-B [Attachment D] with the following preferred options identified:

- Bellevue Way section of Resolution, first bullet: "Retain the alignment as described in Exhibit C of the umbrella MOU (i.e., trench in front of the Winters House),"
- 112<sup>th</sup> Avenue SE Road-over-Rail (only option listed),
- 112<sup>th</sup> Avenue SE north of the Crossover section of Resolution, last bulleted option: "Replace the City-requested modification of a trench along the west side of 112<sup>th</sup> Avenue SE with an at-grade alignment, allowing for an at-grade crossing of SE 4<sup>th</sup> Street with controlled access allowing for emergency vehicle access only on SE 4<sup>th</sup> Street and keeping the option open for developing alternative access into the Surrey Downs neighborhood from 112<sup>th</sup> Avenue SE through Bellefield Residential Park,"

- Downtown Station section of Resolution, second bullet: “Replace the below-grade Downtown station with a Downtown Station with an above-grade station parallel to NE 6<sup>th</sup> Street (i.e., NE 6<sup>th</sup> Street Station option),
- Removal of Section 2 from the resolution, and
- Renumbering of the remaining sections and eliminating the reference to Section 2 in the next two sections.

Deputy Mayor Robertson seconded motion.

Mayor Lee said it is important for the Council to take action tonight, despite Councilmember Davidson’s absence.

Councilmember Balducci called a point of order. Noting that the motion was laid on the table whole without any discussion, she questioned whether there would be opportunities to make amendments.

Deputy Mayor Robertson said there can be two amendments on the table at any one time.

Councilmember Stokes spoke to the motion. He said this has been a long, thoughtful process and he appreciates the community’s input. He felt it seemed appropriate to place a motion on the table and to handle amendments as they are proposed.

Mr. Stokes observed that the Bellevue Way portion has been perhaps the most difficult element throughout the Council’s discussions. He said that discussions of the proposed HOV lane demonstrated the significant negative impacts on the heavily wooded hillside and from the requirement for retaining walls. He believes the trench is the best alignment for the protection of the Winters House and to maintain superior access to the house and the blueberry farm. This option is supported by the Eastside Heritage Center and the Enatai Neighborhood Association. The cost savings option is not an improvement over the MOU trench option, considering that impacts cannot be mitigated without significant detriment to existing conditions.

With regard to 112<sup>th</sup> Avenue SE, Mr. Stokes said the Road over Rail concept emerged as the best solution throughout the collaborative design process. He observed that the trench option does not provide improved noise mitigation. He said the SE 4<sup>th</sup> Street emergency access only option provides the best noise mitigation using a continuous sound wall, which mitigates both road and rail noise. He said Surrey Downs Park would be repurposed as more of a neighborhood park.

Mr. Stokes said that closing SE 4<sup>th</sup> Street fully separates the East Link line along the whole route. The installation of a continuous noise wall and the closure of SE 4<sup>th</sup> Street increases neighborhood privacy while reducing cut-through traffic. The alignment improves light rail operation. He believes the result will be lower noise impacts and a beautiful boulevard that is an asset to the neighborhood.

With regard to the Downtown Station, Mr. Stokes said the concept of a tunnel is intended to mitigate traffic impacts but not necessarily to provide an underground station. He said the cost savings of the NE 6<sup>th</sup> Street Station are substantial, and the design will be less disruptive to traffic during construction. It causes fewer impacts to the Meydenbauer Center and to NE 6<sup>th</sup> Street operations. It reduces surface street impacts on 110<sup>th</sup> Avenue NE and has superior urban design features.

Mr. Stokes said the City has a significant number of transportation needs. Saving money on this project will enable spending on other transportation projects.

Mayor Lee said there are many choices before the Council, and he wants to ensure that everyone has the opportunity to speak to the motion.

Deputy Mayor Robertson reflected that the East Link project is reaching an important milestone after many years of planning and discussion, which is to identify the final alignment for the light rail system. The City Council and Sound Transit Board will take action this week to define the alignment through Bellevue. A major milestone in November 2011 was reaching agreement on the memorandum of understanding (MOU) related to funding the Downtown Tunnel. The tunnel is important to separate the train and surface traffic. By 2030, Bellevue is expected to have nearly 700,000 daily trips into and out of the Downtown. Approximately 15,000 of those will travel on light rail.

Ms. Robertson said she would comment on each part of the motion. While the noise analysis indicates lower sound levels with the cost savings option on Bellevue Way, which shifts the road west into the hillside, there is more to the decision than noise impacts. She noted the significant visual impacts to this heavily forested corridor and said she is in favor of keeping the train in the trench along this portion of the project.

She believes that the Road-Over-Rail design is the best solution for 112<sup>th</sup> Avenue SE and a positive outcome of the collaborative design process. She said the visual impacts are lower along this route due to the presence of Surrey Downs Park and the Land Use Code Amendment requiring a 60-foot structure separation and 30-foot vegetative buffer.

Ms. Robertson said the main issues along 112<sup>th</sup> Avenue are noise and safety. She thought long and hard about having SE 4<sup>th</sup> Street open, as the Joint Staff Steering Committee suggested, with an at-grade train, and she determined that would not be a good move for Bellevue. It is not consistent with best practices. The trench option adds \$6 million to \$11 million and the at-grade option has a slight cost savings.

The cumulative noise is best with the at-grade alignment and SE 4<sup>th</sup> Street closed except for emergency access. The train noise is also best with SE 4<sup>th</sup> Street closed and the at-grade alignment. The bells and pedestrian audible warning devices are the same with both options. She determined that the noise impacts are lessened with the at-grade alignment.

Deputy Mayor Robertson noted that staff feels strongly about the urban design aspect of having the trench. Trenches can be appealing, but she feels it would not be as appealing as an at-grade design with street trees and dense vegetative buffers.

With regard to the Downtown Station, she believes that the NE 6<sup>th</sup> Street option provides an exciting place-making opportunity adjacent to City Hall, Meydenbauer Center, and the Transit Center. The NE 6<sup>th</sup> Street Station provides significant cost savings as well. The cost of \$60 million for the full Downtown Station is a great deal of money for Bellevue, and is comparable to the cost of developing both Airfield Park and Meydenbauer Bay Park.

Ms. Robertson said that, because the cost of the tunnel is driving the added expense to the City for a train that is not the City's project, finding the cost savings in the Downtown seems like the equitable thing to do. She also believes the NE 6<sup>th</sup> Street Station provides a superior urban design.

Ms. Robertson said the benefits of the sequential excavation mining (SEM) technique for the NE 6<sup>th</sup> Street Station cannot be overstated because the construction process will be long. She will support the motion.

Councilmember Chelminiak said he has potential amendments to offer. He distributed copies of a proposed amendment and commented that Councilmember Balducci had expressed an interest in identifying funding for pedestrian enhancements, which is not included in the language.

Mr. Chelminiak said he believes the Downtown Station should be enclosed and weatherproofed for the full extent of the passenger platform, and that pedestrian access at the transit center, as well as 110<sup>th</sup> Avenue NE and NE 6<sup>th</sup> Street, be enhanced to provide maximum means of connection between the light rail station and existing transit stations for pedestrians. He would be interested in reviewing options to achieve this objective.

Responding to Mr. Chelminiak, Ms. Balducci confirmed that she would like to add language specifying that up to \$5 million of the savings for the NE 6<sup>th</sup> Street Station be set aside for the purpose of pedestrian enhancements. Ms. Balducci said she has heard some discussion that grade separation will make pedestrian access more challenging. She said she is talking about more than pavers and potential modification of the adjacent intersection.

→ Councilmember Balducci moved to amend by modifying Section 1 of the proposed resolution to indicate that: 1) Up to \$5 million of identified savings associated with the NE 6<sup>th</sup> Street Station option should be utilized to ensure that the station be enclosed and weatherproofed for the full extent of the passenger platform; and 2) Pedestrian access at the Transit Center as well as 110<sup>th</sup> Avenue NE and NE 6<sup>th</sup> Street be enhanced to provide maximum ease of connection between the light rail station and the existing transit station for pedestrians. Consideration should be given to a broad range of options including, but not limited to, grade separation of a pedestrian crossing; a change in the street environment at the crossing from an auto bias to a pedestrian bias; and/or redesign of the existing transit center to more directly connect to the new light rail station.

Councilmember Chelminiak seconded the motion to amend.

Councilmember Balducci said her objection to the NE 6<sup>th</sup> Street Station is that it moves the station east and away from the Downtown core. A major reason that the Sound Transit 2 package included East Link light rail was to serve Downtown Bellevue. She suggested that, in the future, individuals might be questioning the placement of the Downtown Station. She recalled consideration of the original C1 alignment with a longer tunnel through the Downtown. Referring to comments from citizens encouraging a fully tunneled project, Ms. Balducci said that is not an affordable or realistic option.

Continuing regarding the NE 6<sup>th</sup> Street Station, Ms. Balducci said this option loses a light rail access point south of NE 4<sup>th</sup> Street, which would provide walking access to another section of the Downtown. It also puts the access point across the street from the existing transit center, and the connection between the transit center and light rail is critical. Her proposal to mitigate and enhance the pedestrian connection is to spend some of the savings for this station on achieving that objective.

Councilmember Chelminiak said there has been a great deal of discussion about neighborhoods in the Downtown. The Downtown has 10,000 residents now and that will continue to grow. Most of that growth is planned for areas west of the NE 6<sup>th</sup> Street Station. He is having a hard time trying to support this station option. He believes the enhanced pedestrian access is important, and he urged a vote in favor of the amendment.

Deputy Mayor Robertson noted the \$60 million contingency obligation for the City in the MOU. That will sit there as the last potential dollars, and if the Downtown segment goes over budget and utilizes the Sound Transit contingency, the City would be responsible for the cost overrun up to the maximum of what was set aside.

Ms. Robertson wondered whether stating that the City wants to use \$5 million of the savings for pedestrian connections would short circuit that process. Maybe Sound Transit will not need any of the contingency. She also wondered whether putting requirements into the resolution would short circuit any of the Citizens Advisory Committee's work on context-sensitive station design.

Ms. Berens said her initial response is that weather-proofing and pedestrian access would be elements of the project that the CAC would then weigh in on as to the look and feel of specific design features. She believes the proposed amendment would not short circuit the CAC process. The CAC would offer its recommendation about how the desired elements would be incorporated.

With regard to the accounting process outlined in the MOU, Ms. Berens said staff has not talked to Sound Transit staff about their reaction to how this might work. One way that it could work is that Sound Transit could agree to incorporate these features into the Downtown Station. As a result, their cost estimate and project baseline budget would include those features. It could be

that the cost savings identified by the NE 6<sup>th</sup> Street option will be lessened by saying that the station the City recommends includes certain features costing up to \$5 million.

Councilmember Balducci said that is not the intent of the amendment. She believes that if the City tries to add features into Sound Transit's project as part of the City's cost savings exercise, it will not be received well by the Sound Transit Board. She clarified that her intention is that this is Bellevue money, and the Council would be committing up to \$5 million of the City's funds, to be determined in the future.

Deputy Mayor Robertson questioned whether some of the items could be included in design and mitigation permit requirements. She is uncomfortable about adding another financial obligation and with directing the pedestrian grade separation and the proposed change in the street environment from an auto bias to a pedestrian bias. She believes those are broader policy decisions to be made separately.

Councilmember Balducci noted that the motion language suggests only that "consideration be given" to a number of pedestrian connection enhancements.

Mayor Lee said it is a good idea to address the concerns. He believes that an enhanced connection is feasible given the close proximity of the two stations. He said the objective of the proposed amendment is a good one. However, he suggested retaining the statement of the objective and deleting the language beginning with "Consideration should be given..."

With regard to Ms. Robertson's question about whether these issues might be addressed through the permitting process, Ms. Berens said there are no existing code requirements addressing the issues, unless there was an impact to be mitigated. Ms. Berens said the Code would be unlikely to require grade separation as mitigation for an impact. The permitting process could achieve some pedestrian connectivity, but perhaps not to the level of enhancement envisioned in the proposed amendment.

Councilmember Stokes said he is somewhat frustrated that previous discussions did not address how the NE 6<sup>th</sup> Street Station might look on the outside and how it might enhance overall urban design. He said Sound Transit has moved from providing 50 percent weather protection to roughly 75 percent coverage, which is a move in the right direction. He questioned whether this is an appropriate amendment at this time and whether Sound Transit might have a problem with it. He wants to ensure that the amendment would not derail or delay any decisions.

Councilmember Balducci said she has discussed the concept with certain Sound Transit staff and Board Members, and she does not believe it will cause a problem with the project.

Mr. Stokes observed that the current decision should be focused on the cost savings options as presented. He is willing to discuss and consider additional elements separately, however.

Councilmember Wallace said he supports the substance of the proposed amendment. However, he does not support including the amendment in the motion at this time. He does not want to

include anything that could give Sound Transit a reason to not approve the City's recommendation.

Mr. Wallace suggested a separate discussion and effort to study pedestrian access around the Downtown and to look for opportunities to provide collaborative projects. He suggested this should be done for the Surrey Downs area as well. He does not support the motion due to concerns about including it in this particular resolution.

Ms. Berens said the language could be revised to clarify that the \$5 million maximum refers to City dollars. She said a section could be added to the resolution to address this objective.

Councilmember Stokes said his understanding of the task at hand is to look at the options identified to date and make a decision between the two Downtown Stations. He suggested that language directing the Council to do something is essentially irrelevant to Sound Transit. However, he would support consideration of a separate motion on the topic.

Councilmember Balducci observed that this process of outlining a motion before a full Council discussion functioned similar to a subcommittee. She said this is the first chance that certain Councilmembers have had to incorporate any ideas into the main motion. She believes that providing adequate pedestrian connections is directly linked to the consideration of the NE 6<sup>th</sup> Street Station option. She would like to be assured of pedestrian enhancements in order to support this option. She suggested it would be to the City's benefit to state this expectation now rather than later in terms of how the Sound Transit Board will respond.

Councilmember Chelminiak said the amendment is proposed at this time so that Sound Transit can move forward with designing the station with this concept in mind. Sound Transit will not necessarily be receptive later to suggestions from the CAC that affect station design to this extent. He said that 75 percent protection is not adequate to him; he wants the station fully weatherproofed. He believes it is important to indicate to Sound Transit now that the City would like to achieve that objective in the final design, and that it is willing to utilize City money to make that happen.

Mr. Chelminiak recalled that the Council has discussed the importance of weather protection and pedestrian access throughout the collaborative design process.

Mr. Stokes said he agrees with Mr. Chelminiak's stated goals. However, he questioned whether placing that language into this resolution is the appropriate procedure.

Mayor Lee observed that the Council agrees on the same objectives. He believes it is important to come to a decision and to not get bogged down in technicalities.

Councilmember Wallace said he is hearing concern that the amendment might not be well received by the Sound Transit Board. However, he acknowledged that Councilmember Balducci is a Sound Transit Board Member, and he will support the amendment.

Deputy Mayor Robertson said the joint staff and City Council- Sound Transit Board Leadership Group have worked well together and can have a dialogue on these issues and come to some agreement.

- Deputy Mayor Robertson moved to amend the amendment to indicate that up to \$5 million of the identified cost savings associated with the NE 6<sup>th</sup> Street Station option should be utilized to ensure that the station be enclosed and weather-proofed for the full extent of the passenger platform, and, that pedestrian access at the Transit Center, as well as 110<sup>th</sup> Avenue NE and NE 6<sup>th</sup> Street, be enhanced to provide maximum ease of connection between the light rail station and the existing Transit Center for pedestrians. This includes removing the language that “Consideration should be given to...”

Councilmember Balducci observed that the language is not as strong as she would like. She said the resolution in the main motion (Version B) allows the Council to come back to approve final language. However, she wants to capture the idea that these are big things and not simply pavers, signage, and pedestrian scramble intersections, which are already in the plan. Ms. Balducci wants to specify items consistent with the scale of the larger station design.

Ms. Robertson noted that no one seconded her proposed revision. She said she is uncomfortable with the sub-bullets, not because she objects to studying them, but she believes they reflect some major policy issues. Putting those items into a resolution adopts them as Council policy. One concern is directing that consideration be given to changing the street environment from an auto bias to a pedestrian bias. She is in favor of studying these concepts, however. She would support a separate motion asking staff to work on exploring specific features.

Ms. Balducci said her interest is to send a signal that the City is envisioning a major design feature as part of the NE 6<sup>th</sup> Street Station that will tie the Transit Center to the Station. This goes beyond making it easier to cross the street by reprogramming the signals. She is talking about a sense of scale. She would be okay with deleting the sentence beginning: “Consideration should be given to...” as long as she has at least nods around the table that the Council is approving staff to study those options and any others for future Council consideration.

Mr. Sarkozy said these issues will come to the Council during station area planning in May, whether included in a motion tonight or not.

Councilmember Balducci reiterated that she wants to ensure that the motion and amendment capture the scope of the proposed pedestrian enhancements.

Councilmember Stokes concurred with this approach.

- Ms. Balducci said she would accept Ms. Robertson’s revised language as a friendly amendment.

→ The motion to amend, as amended by the friendly amendment, carried by a vote of 6-0.

Moving to Bellevue Way, Councilmember Chelminiak noted the proposed HOV lane project tied to the cost savings option. He said the Enatai community appears to be united in its opposition to the HOV project. Mr. Chelminiak said he has talked about removing the City's HOV lane segment from the Transportation Facilities Plan (TFP) process. The project is not in the TFP at this point.

Mr. Chelminiak questioned whether mitigation for Sound Transit's HOV lane segment related to the East Link project has been addressed.

Ms. Berens said the permanent impacts of the East Link project are mitigated by Sound Transit's addition of a HOV lane from I-90 to the South Bellevue Park and Ride.

Mr. Chelminiak questioned whether the staff-proposed HOV lane extending to the Y at 112<sup>th</sup> Avenue SE qualifies as mitigation for construction.

Ms. Berens said no, that it was being explored as a separate City project. East Link construction impacts will be addressed with Sound Transit during the next phase of the collaborative design process. There will be some closures of Bellevue Way lanes during construction of light rail, with or without the HOV lane. Ms. Berens said the current analysis indicates that extending the HOV lane does not provide mitigation for construction period impacts.

Responding to Mr. Chelminiak, Ms. Berens said the City initially intended relying on its SEPA authority to require the HOV lane from the South Bellevue Park and Ride to the Y at 112<sup>th</sup> Avenue SE. Subsequent negotiation of the MOU with Sound Transit resulted in the HOV lane from I-90 to the South Bellevue Park and Ride as part of East Link mitigation.

Councilmember Chelminiak said the proposed, extended HOV lane is a City project subject to the normal thorough review process, which has not been conducted to date. Given that the project does not mitigate East Link impacts, he said he has heard concerns that the City would be in conflict with the permitting and construction of Sound Transit's East Link light rail project.

→ Councilmember Chelminiak moved to add a new section to the Resolution: Declaring that any proposed project to widen Bellevue Way between the Y at 112<sup>th</sup> Avenue SE and the South Bellevue Park and Ride is a City project and will not require or include funding from Sound Transit; further declaring that Council intends to consider funding such project for final engineering and construction funding only after the 2014 review of the Comprehensive Plan is completed and a thorough study of traffic in the southwest Bellevue subarea with a public engagement component is completed; and further declaring that the timing of completion of the City's process for a complete review of the need for and timing of such project will not conflict with permitting and construction of Sound Transit's East Link light rail project.

Councilmember Balducci seconded the motion.

Councilmember Chelminiak said it is time to give Enatai a break and to give some certainty to Surrey Downs. He said additional work is needed to properly consider the City's proposed HOV lane in the same manner that the City evaluates all proposed projects, which generally extends over a long period of time. He noted that public outreach and planning for the West Lake Sammamish Parkway improvements began in 2004, and construction is finally beginning this year. There is currently no funding available for the proposed HOV lane on Bellevue Way.

Mr. Chelminiak said there is more public outreach for a sidewalk project and a crosswalk than has occurred for the proposed HOV lane. He acknowledged that some residents of Enatai support the project. He said the project must be fully studied, as are other transportation projects.

Councilmember Balducci said this issue has been discussed for many years and it was brought into the light rail alignment debate through the MOU. The Council has heard consistently from Enatai residents and others over the years that widening Bellevue Way is not an acceptable approach to managing congestion in this area. She understands the reasoning that adding the lane with the light rail project could result in cost savings. However, updated information indicates that the project would require tall retaining walls with significant visual and environmental impacts. Ms. Balducci said that, if the project is to be considered in the future, it should be handled through the typical TFP process. She does not want to link the HOV lane to the light rail project.

Deputy Mayor Robertson said the motion to amend represents a major policy shift on an unrelated project. She noted that the main motion identifies the trench alignment on Bellevue Way SE, which does not include the HOV lane. She suggested it is irresponsible to propose a motion on a project currently under environmental review and not on the evening's agenda.

Responding to Ms. Robertson, Mr. Berg said the final Environmental Impact Statement (EIS) is targeted for release in late June. The Transportation Commission will bring back a recommendation for the Council's consideration.

Ms. Robertson said the project should be discussed after the Council receives the Transportation Commission's recommendation. She will not support the current motion to amend.

Councilmember Stokes observed that the motion appears to be addressing something other than the decisions to be made on the light rail alignment. The main motion selects the light rail trench option for Bellevue Way, which does not include the HOV lane. He encouraged focusing on a vote of the specific options in order to forward the Council's decisions to Sound Transit. He said the proposed amendment is not relevant to the main motion.

Councilmember Balducci clarified that her question is whether the City intends to include the HOV lane as mitigation for the East Link light rail project. If so, it is important to be transparent to both the public and Sound Transit now. Approving the amendment takes the HOV lane, as mitigation, off the table.

Mayor Lee said he agrees with Mr. Stokes that the HOV lane project should be addressed separately from tonight's decision.

Ms. Balducci reiterated her question about whether the Council intends to ultimately support the HOV lane as mitigation for the light rail project.

Mayor Lee said he believes the HOV project is a separate decision. He opined that the Sound Transit Board does not want to pay for the HOV lane and does not want to combine it with the light rail project.

Councilmember Wallace observed that there is not sufficient information to answer the question. He said Sound Transit is required to mitigate the impacts of its 1,000 added parking stalls and construction impacts. The nature of this mitigation is not known at this point. He said the projects are appropriately separated in the sense that the extended HOV lane is a road project that might provide benefit in the future. Mr. Wallace said the HOV lane project will be fully studied. He concurred with Mr. Stokes that it is not tied to the light rail project.

Mayor Lee called for a vote.

→ The motion on the amendment regarding the HOV lane project failed by a vote of 2-4, with Councilmembers Balducci and Chelminiak in favor.

Councilmember Chelminiak said he will vote against the main motion. He observed that the motion identifies a sub-standard light rail Downtown Station as a gateway into the Downtown. He appreciated Councilmember Balducci's effort to add funding for pedestrian enhancements. Mr. Chelminiak said there are 10,000 residents in Downtown Bellevue, and only seven percent will be within a close proximity walk of the NE 6<sup>th</sup> Street Station.

Mr. Chelminiak said the Downtown Station is a primary station, and Sound Transit will have to answer the question of why it built a subway without a subway station. He opined that the NE 6<sup>th</sup> Street Station does not represent superior urban design, which is evidenced by the fact that you do not see this design elsewhere. He believes the cost savings do not justify the NE 6<sup>th</sup> Street Station.

Councilmember Balducci spoke to the main motion. She recalled that Bellevue and regional voters strongly supported this light rail project. She acknowledged the differences of opinion about the Downtown Station location and design. She reiterated the importance of a strong pedestrian connection between the light rail station and the Transit Center.

Ms. Balducci favors the trench alignment on Bellevue Way despite the potential risks. She feels strongly that the extended HOV lane should no longer be considered.

She observed that it might be penny wise and pound foolish to opt for the NE 6<sup>th</sup> Street Station in the Downtown, and she expressed concern about the long-term impacts of that decision.

Ms. Balducci said she will vote against the main motion. She agrees with those in the community who have insisted that the Council design the right project for the future. She expressed appreciation for the Council, staff, and the community in working through these issues.

Responding to the Mayor, Ms. Balducci said she supports the options identified for 112<sup>th</sup> Avenue SE and SE 4<sup>th</sup> Street.

At 9:15 p.m., Mayor Lee declared a short break.

The meeting reconvened at 9:28 p.m.

→ Councilmember Wallace proposed an amendment declaring that any proposed project to widen Bellevue Way between the Y at 112<sup>th</sup> Avenue SE and the South Bellevue Park and Ride is a City of Bellevue project and will not require or include funding from Sound Transit unless mutually agreed to by the City and Sound Transit.

Councilmember Chelminiak seconded the motion.

Councilmember Wallace said he believes this reflects the Council's understanding of the standards in place with regard to the sharing of project costs. It also provides the flexibility for the City and Sound Transit to continue to negotiate potential mitigation and cost sharing going forward.

Councilmember Chelminiak thanked Mr. Wallace for the motion. Mr. Chelminiak said he also heard commitment around the table that the project will go through the typical City process. With this amendment, Mr. Chelminiak said he will support the main motion.

→ The motion to amend carried by a vote of 6-0.

Councilmember Balducci said that, with that change, she will support the main motion.

Councilmember Wallace stated this is Sound Transit's project and not the City's project. As an essential public facility, the City cannot preclude light rail. However, the City can put regulations in place to mitigate the project impacts. He observed that the alignment has continually improved throughout the discussions over the past few years. He supports the trench alignment on Bellevue Way SE.

Mr. Wallace recalled the original elevated configuration for 112<sup>th</sup> Avenue SE and noted the significant improvements in the alignment since that time. He said the City's Land Use Code Amendment regarding structure setbacks and vegetation buffers provides the strongest protection in any city affected by the light rail project.

Mr. Wallace said the City will continue to work with Sound Transit to achieve appropriate noise mitigation. He observed that the at-grade alignment on 112<sup>th</sup> Avenue SE with emergency access only at SE 4<sup>th</sup> Street is the best option with regard to noise.

Mr. Wallace encouraged continuing to study alternative access into the Surrey Downs neighborhood. He observed that noise and other impacts can be mitigated along 112<sup>th</sup> Avenue SE.

With regard to the Downtown Station, he believes that either option would produce an appropriate station and that the City can work with Sound Transit to make either option a signature station. He acknowledged that the NE 6<sup>th</sup> Street Station is significantly less expensive.

Mr. Wallace said he believes that noise, traffic, and visual impacts can be successfully mitigated to provide an effective light rail system and Downtown Station.

Councilmember Stokes observed that he is probably the strongest proponent of the NE 6<sup>th</sup> Street Station. He noted that it saves money through improved engineering, but the idea is not to sacrifice the overall quality of the station.

Mayor Lee said this is a milestone for the City. He noted his ongoing commitment to protecting neighborhoods and mitigating the impacts of the light rail system. Cost savings is the second consideration, which was significantly improved through the MOU collaborative design process.

Mayor Lee thanked everyone, including citizens, for their hard work and extraordinary efforts through this planning process.

Mayor Lee expressed support for the Bellevue Way trench and the NE 6<sup>th</sup> Street Station. He would prefer to see a trench along 112<sup>th</sup> Avenue SE. However, he will support the motion.

→ The main motion, as amended by two amendments, carried by a vote of 6-0.

At 9:43 p.m., Mayor Lee indicated that he needed to leave the room for a few minutes, and he relinquished the gavel to Deputy Mayor Robertson.

During this break in proceedings, Councilmembers left the table to speak with members of the audience.

Deputy Mayor Robertson attempted to call Councilmembers back to the table. After receiving no response, Deputy Mayor Robertson adjourned the meeting at 9:44 p.m.

Mayor Lee and Councilmembers returned to the table after the assumed recess.

Deputy Mayor Robertson left the meeting at 9:51 p.m.

Mayor Lee reconvened the meeting at 9:52 p.m. He thanked and congratulated everyone on the East Link light rail project decision.

(c) Regional Issues

[Postponed.]

(d) Draft amendments to BCC Chapter 3.92 relating to the Code of Ethics for City Council and Council-appointed Boards, Commissions, and Committees

Councilmember Balducci encouraged wrapping up discussions and adopting a Code of Ethics as soon as possible. She suggested that Councilmembers submit feedback and input to the City Attorney, who can bring a proposal forward for Council consideration during the next Regular Session.

Mayor Lee noted a consensus in support of the suggestion.

Referring to the previous break in the meeting, Councilmember Chelminiak observed that a quorum was always present in the room during the earlier attempt to adjourn. His understanding is that, according to Robert's Rules, adjournment while agenda items are pending requires a vote of the Council.

Mayor Lee clarified that the meeting was not intended to adjourn earlier.

→ Councilmember Wallace moved to adjourn the meeting, and Councilmember Balducci seconded the motion.

→ The motion carried by a vote of 5-0.

At 10:00 p.m., Mayor Lee declared the meeting adjourned.

Myrna L. Basich, MMC  
City Clerk

/kaw