

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

June 13, 2011
6:00 p.m.

Council Conference Room 1E-113
Bellevue, Washington

PRESENT: Mayor Davidson, Deputy Mayor Lee, and Councilmembers Balducci¹,
Chelminiak, Degginger, Robertson, and Wallace

ABSENT: None.

1. Executive Session

Deputy Mayor Lee called the meeting to order at 6:07 p.m., and declared recess to Executive Session for approximately 40 minutes to discuss two items of potential litigation.

The meeting resumed at 7:08 p.m., with Mayor Davidson presiding and Councilmember Robertson out of the room.

2. Communications: Written and Oral

- (a) Bill Hirt spoke regarding Sound Transit's light rail system, and expressed concern about increased congestion on the I-90 bridge if the center roadway is used for light rail. He suggested that the money would be better spent on two-way bus service, I-405 improvements, and to eliminate the need for tolls on SR 520. Mr. Hirt submitted his comments in writing.

[Councilmember Robertson rejoined the meeting at 7:14 p.m.]

- (b) Will Knedlik presented a copy of his comments to the Eastside Transportation Partnership regarding the use of the I-90 roadway for light rail; a letter dated June 13 regarding his concerns about possible conflicts of interest by two Councilmembers; and a letter dated May 26 alleging the gross waste of public funds by Sound Transit. He encouraged the Mayor to work with Julia Patterson [Sound Transit Board], who Mr. Knedlik alleged has said that the Mayor and the Council's majority members are bad people.

¹ Councilmember Balducci arrived at 6:10 p.m.

- (c) Lloyd Jacobs spoke to the need for multiple transportation options. He asked that the study of light rail alternative B7 be discontinued. He believes that the B2M route will ultimately be the selected alternative. He encouraged the City to plan for the B2M and to carefully monitor Sound Transit and the project. Mr. Jacobs submitted his comments in writing.
- (d) Hossein Khorram thanked the Council and City staff for listening to his remarks the previous week related to extending the life of building permits. He explained how the extension of building and land use permits will enable construction projects to move forward and therefore create jobs. He asked the Council to consider allowing applicants to defer permit fees until the completion of construction and/or sale of completed projects. He encouraged the City to consider other ways to stimulate development as well.
- (e) Ralph Guditz submitted a drawing of his condominium project planned on Lake Sammamish. He reminded the Council that the project has spent nine years in the permitting process. The permits are 22 months old, and expire in 50 days. He asked the Council to act quickly to extend building permits.

City Manager Steve Sarkozy said that staff will bring the permit extension issue back for Council consideration next week.

3. Study Session

(a) Council Business and New Initiatives

Councilmember Balducci addressed comments presented during Oral Communications. She said that she has never heard Sound Transit Board Member Julia Patterson make negative comments about the Mayor or Bellevue City Councilmembers. As a separate issue, Ms. Balducci noted that, although the City Attorney and the consultant hired by the City both found that she has no conflict of interest with regard to East Link light rail, the issue has been raised again by Mr. Knedlik. She restated that she has no conflict of interest with regard to her service on the City Council and on the Sound Transit Board.

Mayor Davidson said he concurred with the consultant's findings. He clarified that he was interested in an expert opinion about whether serving in both roles presented an apparent conflict of interest. Mayor Davidson noted that the issue has been resolved, and Councilmember Balducci will not be attending Executive Sessions regarding the East Link project with both organizations.

(b) Review Transportation Commission and Staff Recommendations for NE 15/16th Street Multi-Modal Corridor & Update on Bel-Red Stormwater Management Approach

City Manager Steve Sarkozy opened discussion regarding the NE 15th /16th Street Multi-Modal corridor. He recalled that on March 14, 2011, Council requested that the Transportation Commission provide recommendations regarding on-street parking, bicycle elements, and the NE 16th Street crossing of the light rail guideway.

David Berg, Deputy Director of Transportation, said that staff is seeking Council direction regarding the NE 15th/16th Street Corridor cross-sections. He noted that an update on the Bel-Red stormwater management approach will be provided as well.

Ernie Simas, Transportation Commission Vice Chair, reported that the Commission received a briefing on April 14 regarding the current design options for the multi-modal corridor. At that time, staff asked the Commission to provide guidance regarding: 1) Inclusion of on-street parking along the corridor, 2) Bicycle system integration, with or without on-street parking, and 3) Westbound NE 16th Street crossing with light rail at the West Tributary Creek.

Mr. Simas reviewed the Commission's recommendation in support of on-street parking along portions of the corridor. He explained that on-street parking is attractive to development interests and businesses/retailers, and the costs are substantially lower than parking structures. He described the Commission's recommendations regarding the bicycle system and light rail crossing. The Commission prefers an at-grade crossing of light rail at westbound NE 16th Street, which allows an undercrossing at 128th Avenue NE.

Responding to Councilmember Wallace, Mr. Simas said the Commission discussed design elements, but not cost estimates. In further response, Mr. Simas said the Commission concluded that the at-grade light rail crossing and 128th Avenue NE undercrossing will provide enhancements for the area and improve circulation.

Rick Logwood, Capital Projects Manager, described the features of Zones 1 and 2 of the NE 15th/16th Street corridor (116th Avenue NE to 124th Avenue NE).

Responding to Councilmember Wallace, Mr. Logwood reviewed the features of Zone 1 that are included in the cost estimate.

Staff responded to questions of clarification.

Councilmember Wallace questioned the jog in the bike path, between NE 15th Street and NE 16th Street, in Zone 2. Mr. Logwood described the multi-purpose path (MPP) in greater detail. Mr. Simas commented on the Transportation Commission's interest in ensuring safety and in providing optional bicycling routes for the casual rider (via NE 15th Street) versus higher speed cyclists using the multi-purpose path. Responding to Deputy Mayor Lee, Mr. Berg described how the design is intended to minimize conflicts between pedestrians, vehicles, and cyclists.

Responding to Councilmember Chelminiak, Mr. Berg explained that the width of pedestrian crossings are comparable to the intersection of Bellevue Way and NE 8th Street.

Responding to Councilmember Wallace, Mr. Logwood said that right-of-way costs are based on the limited appraisal report.

Mr. Logwood described Zone 3, 124th Avenue NE to 130th Avenue NE, including the 128th Avenue NE undercrossing.

Staff responded to the Council's questions of clarification.

Responding to Deputy Mayor Lee, Mr. Berg reiterated that the at-grade light rail crossing with NE 16th Street allows for the 128th Avenue NE undercrossing, which contributes to local circulation in the area. Mr. Simas noted that the Transportation Commission also liked the idea of creating a large green space in the vicinity of the 128th Avenue NE undercrossing and under the NE 15th/16th Street roadway.

Councilmember Wallace observed that the at-grade light rail crossing requires an extra traffic signal, and it presents the opportunity to collide with light rail trains. He expressed concern about the higher cost compared to the grade-separated option.

Responding to Deputy Mayor Lee, Mr. Berg described the benefits of the recommended design in terms of providing open spaces that link to the West Tributary. Mr. Lee said he is not convinced that the proposed design is the best one, especially given the \$10 million in additional costs.

Responding to Councilmember Balducci, Mr. Simas said the Commission received some public comment on Zone 3, and most of the concerns expressed related to safety issues (i.e., crossing the light rail tracks on bikes). Mr. Simas said the Commission reasoned that pedestrians will prefer to use the lower multi-purpose path, and to cross below NE 16th Street and the light rail alignment.

Councilmember Wallace suggested an apples-to-apples comparison of the at-grade option, with the undercrossing for 128th Avenue NE at NE 16th Street, and the grade-separated alternative which places light rail and the roadway at different elevations. He reiterated his concern about the higher cost of the undercrossing for 128th Avenue NE, which he noted will involve significant right-of-way acquisition costs that are not involved in the grade-separated option. He wondered whether it would be possible to open up the tunnel to establish a better connection.

Councilmember Robertson acknowledged the traffic signal at the intersection of light rail and NE 16th Street, and questioned what other safety measures would be put in place. Mr. Logwood said the project would follow Sound Transit's requirements for gate crossing controls, including audible alarms.

Mr. Logwood described Zone 4 between 130th Avenue NE and 136th Place NE. The cost estimate includes the embedded track way (i.e., concrete and rail) but no electrical facilities or other items.

Responding to Mr. Wallace, Mr. Logwood said the cost estimate does not include right-of-way acquisition associated with Sound Transit's requirements. Sound Transit is acquiring the ROW for their light rail improvements, and the City would acquire from Sound Transit any portion needed for the roadway.

Mr. Logwood continued to describe the configuration of Zone 4. He noted that the cost estimate includes stream channel improvements within the roadway, but does not include any additional enhancements for improvements north or south of the roadway.

Responding to Deputy Mayor Lee, Mr. Logwood said the distance between 132nd Avenue NE and 134th Avenue NE is approximately 600 feet, or two blocks.

Mr. Logwood responded to additional questions of clarification. Responding to Councilmember Wallace, he said staff will provide a diagram depicting the boundary of the area included within the Zone 4 cost estimate.

Mr. Logwood described Zone 5, beginning at 134th Avenue NE and following the curve north via 136th Place NE to NE 20th Street. He noted a potential pedestrian crossing facility.

Responding to Councilmember Robertson, Mr. Logwood described vehicle access to buildings along 136th Place NE. He noted that a U-turn provision at NE 20th Street would be studied. Ms. Robertson questioned the impacts to the Northwest Ballet building and parking lot. Mr. Logwood said the roadway configuration preserves what would be left following Sound Transit's light rail improvements. The building would remain the same, and the City's project will minimize impacts to the street frontage.

Ms. Robertson asked whether the curve in the roadway will involve wheel squeal for the light rail trains. Mr. Logwood indicated that the question is not within his area of expertise. Ms. Robertson said she is concerned about this possible impact on the ballet school.

Mr. Logwood continued to describe Zone 5 along 136th Place NE.

Responding to Mayor Davidson, Mr. Logwood described the possible configurations for the crossing of NE 18th Street, which will require further analysis.

Mr. Logwood explained that the estimated costs have increased slightly from the estimates presented in March due to refinements in the right-of-way based on the limited appraisal report, as well as design modifications and related construction cost increases.

Responding to Mayor Davidson, Mr. Berg said staff is seeking Council direction regarding the cross-sections for the zones. Mr. Berg acknowledged the Council's concerns about Zone 3, which might result in Council direction that is different from the Transportation Commission's and staff's recommendations.

Deputy Mayor Lee said he has questions regarding the bike path/multipurpose path. In Zone 2 between 120th Avenue NE and 124th Avenue NE, he concurs with Councilmember Wallace's concern about the jog from NE 15th Street to NE 16th Street and back. Mr. Lee would like to ensure a pedestrian friendly corridor, and would like to see additional analysis of this section. With regard to Zone 3, Mr. Lee feels that the undercrossing concept should be explored further in consideration of cost savings and improved safety. In Zone 4, Mr. Lee is concerned about the distance between 132nd Avenue NE and 134th Avenue NE for pedestrians. He suggested that a sky bridge midway would be more convenient for pedestrians.

Mayor Davidson suggested that a decision tree would help the Council to work through the zones and their features.

Mr. Simas stated that he was probably the strongest proponent on the Transportation Commission for the 128th Avenue NE underpass. He believes that this enhances the community's ability to feel connected. However, he and the Commission would look at this option differently if 128th Avenue NE is essentially a road to nowhere. The other issue relates to the vision for the park. Not knowing this, the Commission believed it would be better to not split the park. However, if this is not a consideration, then the issue could be looked at differently.

Councilmember Wallace reiterated his ongoing concern about how and when the City is going to pay for the corridor project. He questioned which north-south streets, if any, are included in the project. He would like to better understand the cooperation between the City and Sound Transit, as well as how much of the City's project is expected to be completed by the time light rail is implemented. Mr. Wallace noted the need to discuss available funding and realistic projections for revenue to support the project. He questioned the realistic ability to fund the project through LID (Local Improvement District) assessments and impact fees. He said it is difficult to provide direction about design elements without first addressing the funding issues.

Mayor Davidson stated that light rail is to be implemented by 2022, and the City's project is dependent to some extent on building and development growth. He questioned whether the City can complete the corridor improvements in phases, while still accommodating light rail. Mayor Davidson said he shares Councilmember Wallace's concerns about the ability to fund the project.

Councilmember Robertson agreed that the Council needs a discussion about funding. She recalled that, the previous week, the Council waived a portion of impact fees for the redevelopment of the Kelsey Creek Center. In response to her at that time, staff indicated that the City has brought in little impact fee revenue so far in 2011. She is concerned that the City is off track with regard to one of the major funding sources. Ms. Robertson is interested in identifying possible cost savings for the NE 15th/16th Street corridor project, determining how the project could be phased, and determining how the project will be funded.

Ms. Robertson noted her concerns with Zone 3 regarding the interaction between pedestrians, automobiles, and light rail trains. Her concern with Zone 5 relates to ingress and egress for businesses. She wants to ensure that the roadway provides amenities including improved access. With regard to Zone 3, she commented that the terms for the alternatives are confusing. The at-

grade option is actually elevated, although the roadway and light rail are placed at the same elevation. The grade separated option places the roadway and light rail at different elevations.

Councilmember Chelminiak thanked the Transportation Commission for their work and said that, in general, he concurs with the Commission's recommendations. He concurred with determining how the project could be phased to accommodate funding constraints, and acknowledged that the original plan was developed during a strong economy.

Mr. Chelminiak noted that the City has accomplished major transportation projects. He recalled that a major component of the Bel-Red Plan is the place-making aspect to provide a certain quality of life. He suggested that the options for Zone 3 should be considered with a long-term perspective, and questioned whether the park should be split by the roadway to reduce short-term project costs. Mr. Chelminiak is in favor of on-street parking, and he is not bothered by the jog in the multi-purpose path through Zone 2. He believes that the Transportation Commission's recommendations provide a good project for fulfilling the vision for the area.

Councilmember Degginger said he would like to have a sense of the timing for the project, and to discuss the funding realities.

Councilmember Balducci thanked the Transportation Commission and staff for their work on the project. She recalled that this has been a long set of studies, and the project has evolved significantly from where it started. She likes that the current proposal reflects the importance of serving the local community as well as moving traffic through the corridor. In general, she is in favor of the Commission's recommendations. She recalled that the Factoria Subarea plan has been implemented in phases.

Ms. Balducci said that it is appropriate to review the 10-year Mobility and Infrastructure Initiative finance plan. However, she encouraged not losing sight of the long-term vision for the Bel-Red corridor. With regard to the question about how much of the City's project needs to be completed for light rail implementation, Ms. Balducci said that her understanding is that there needs to be a center line, but that the City could wait to construct its roadway. She would like a more detailed discussion about the feasibility of providing limited improvements as a first phase.

Deputy Mayor Lee complimented the Commission on its work. He observed that it is good to have big visions. However, the City has many competing priorities and a lack of funding, and the Bel-Red project needs to be prioritized accordingly. He questioned the degree of completeness needed to accommodate the initial implementation of light rail. Mr. Lee noted the need to look at the budget realities and overall priorities before investing significant additional time in Council deliberations about NE 15th/16th Street design elements.

Moving on, Mr. Berg explained that the redevelopment of the Bel-Red corridor allows the City to take a new approach to stormwater management. He noted that the City's consultant has been working with City staff and with the Washington State Department of Ecology in developing this approach.

Robin Kirschbaum, HDR Engineering, provided a briefing on the stormwater management approach for the Bel-Red Corridor. She recalled that the Bel-Red vision includes a focus on protecting and rehabilitating wetlands, encouraging Natural Drainage Practices (NDP), exploring stormwater basin planning, and considering opportunities for off-site stormwater mitigation. The overall purpose of the stormwater management plan is to address these goals through a streamlined and coordinated regional effort, and to avoid the project-specific, agency-specific process for each development project. The approach is intended to provide the greatest ecological benefits to the Bel-Red area and downstream areas including Sturtevant Creek/Lake Bellevue, West Tributary, Goff Creek, and the Upper Tributary to Kelsey Creek. The overall approach is designed to reduce costs for the City and for developers.

Ms. Kirschbaum described the program framework which includes three types of structural stormwater facilities: 1) NE 15th/16th Street and Green Streets corridors, 2) Local street grid, and 3) Regional Facilities. The non-structural aspects of the program are policies and development incentives.

Ms. Kirschbaum described Natural Drainage Practices tools along the NE 15th/16th Street corridor, and the opportunity to manage public and private stormwater in the right-of-way. She noted the goals to provide natural stormwater treatment and a regional conveyance system. She explained that a large portion of the corridor's stormwater can be managed within the roadway ROW without building additional facilities outside of the ROW. The approach is able to manage a significant amount of runoff related to the Spring District development, Sound Transit's light rail system, and areas adjacent to the roadway.

Ms. Kirschbaum described the features of the Type 2 (Local street grid) and Type 3 (Regional Facilities) components. Regional facilities include regional stormwater, wetlands, parks and open space, and passive recreational facilities. The overall approach integrates stormwater management measures with other development features (e.g., Parks) to optimize costs. However, Ms. Kirschbaum explained that each of the four basins (i.e., Sturtevant Creek/Lake Bellevue, West Tributary, Goff Creek, and Upper Tributary) have different habitats and issues to be addressed.

Ms. Kirschbaum reviewed a table summarizing the program framework for Types 1, 2, and 3 components, as well as a list of potential funding sources. She explained that the stormwater banking program could potentially establish a significant long-term revenue stream based on a fee-in-lieu approach for the sale of stormwater credits to developers. Agency coordination involves the Washington State Department of Ecology, State Department of Fish and Wildlife, U.S. Army Corps of Engineers, Sound Transit, Washington State Department of Transportation, City of Redmond, and the Tribes.

Next steps are continued updates to the Council, coordination between City departments and between agencies, conceptual design, policy and program evaluation, developing the implementation plan, and documenting the stormwater management plan.

Councilmember Balducci expressed support for the stormwater management approach envisioned for the Bel-Red corridor.

Moving on, Ms. Balducci noted Agenda Item 3(e) requesting Council approval of a letter to the Regional Transit Committee regarding the King County Metro Transit Strategic Plan for Public Transportation (2011-2021). The letter is to be presented to the Committee on June 15. She suggested addressing this action item now before continuing with the remainder of the agenda.

The Mayor and Council agreed to amending the agenda as proposed.

- (e) Update on the Development of King County Metro's Strategic Plan for Public Transportation (2011-2021)

Diane Carlson, Director of Intergovernmental Relations, referred the Council to page 3-71 of the meeting packet for materials on the development of the 2011 update to the Strategic Plan for Public Transportation. She noted the draft letter in the packet from the cities of Bellevue, Kirkland, and Redmond to the King County Executive and County Council regarding the Strategic Plan. Ms. Carlson said that the city of Issaquah also wants to join the letter.

Ms. Carlson said the letter expresses general support for the Strategic Plan and articulates three issues of importance to Eastside cities.

Mayor Davidson noted that Deputy Mayor Lee serves on the Regional Transit Committee; Councilmember Degginger served on the Regional Transit Task Force; and Councilmember Balducci is Chair of the Puget Sound Regional Council (PSRC) Transportation Policy Board.

→ Councilmember Robertson moved to authorize the Mayor to sign the letter as written. Deputy Mayor Lee seconded the motion.

Responding to Deputy Mayor Lee, Ms. Carlson said the letter will be presented to the Chair of the Regional Transit Committee on Wednesday.

Councilmember Degginger hopes to see a commitment to review Eastside local service levels.

Deputy Mayor Lee said that the RTC Chair is sensitive to this issue, and the Suburban Cities Association is working to ensure flexibility and the opportunity to review this issue further before the plan is adopted.

Councilmember Degginger said he believes there will be enough time between adoption of the plan and the opportunity for service additions to conduct further analysis on local services.

Deputy Mayor Lee said the plan anticipates reviewing possible changes in service levels in 2013.

→ The motion to send the letter carried by a vote of 7-0.

(c) Continued Discussion on Interim Analysis for East Link B7-C9T Alignment to NE 2nd Street Portal (B7-Revised)

Transportation Director Goran Sparrman said that the purpose of the discussion is to respond to questions raised by the Council during the presentation on May 16 of the interim analysis report for the East Link light rail B7-C9T to NE 2nd Street portal (B7-Revised) alternative. The Council is asked to provide direction on finalizing the B7-Revised report and holding a third public open house.

Mr. Sparrman briefly reviewed the project schedule, and noted staff's recommendation to truncate the work in order to provide input to the Sound Transit Board by the end of July. Staff proposes finalizing the analysis report and holding the third public meeting before the end of June to streamline the process and reduce consultant costs.

Mr. Sparrman reviewed the analysis process and phases as originally proposed. Much of the work has been completed. However, truncating the process precludes completion of the conceptual design report, the study of utilities and noise walls, and the study of pier and abutment locations. Additional environmental screening including transportation analysis would be eliminated as well. This will allow staff and the consultant to produce a final report before the June 29 open house, which was originally scheduled for July.

Councilmember Degginger expressed concern about eliminating study of the construction and operational impacts and the constructability analysis. Mr. Sparrman said that some of the work was completed and included in the ARUP report presented in May.

Mayor Davidson questioned whether the final report will provide more details to enable an apples-to-apples comparison with Sound Transit's analysis of alternatives. Mr. Sparrman said that ARUP would not conduct any further analysis. However, the final report will capture all analysis completed to date.

Mayor Davidson questioned whether ARUP looked at other options not reflected in their interim report. He said that he is interested in some of the tradeoffs that were considered. Mr. Berg said the final report will not provide analysis beyond the interim report, but it will incorporate comments from City staff and Sound Transit on the interim report.

Mayor Davidson recalled that Sound Transit's draft Environmental Impact Statement (DEIS) studied the agency's original B7 alternative. He questioned whether ARUP did a similar level of analysis for the B7-Revised. Mr. Sparrman confirmed that ARUP's focus was on the B7-Revised alignment. ARUP explored whether there were other ideas with merit for enhancing the potential light rail route. ARUP's comment was that it did not see anything with promise beyond the revised alignment analyzed for the interim report.

Responding to Councilmember Chelminiak, Mr. Sparrman said that additional work requested for the contract increased the contract cost from \$670,000 to approximately \$700,000. Truncating the work at this point saves approximately \$35,000. Mr. Sparrman explained that the

change order with the greatest impact on costs was the request to review two alternatives for the Burlington Northern corridor. Also, it was necessary to take the project to the Downtown Station in order to make a cost comparison.

Councilmember Chelminiak questioned whether the B7-Revised alternative is going to be the City's preferred route. If so, he would favor spending the \$35,000 to determine how the equivalent of the Tukwila light rail station will look hanging over the Mercer Slough at 80 feet in the air. He suggested it would be worthwhile to conduct further environmental analysis as well as the analysis of construction and operational impacts and of constructability.

Mayor Davidson suggested that these issues could also be revisited in the future.

Mr. Chelminiak reasoned that if the alternative does not warrant spending another \$35,000, perhaps it is not worth considering any further. He stated his understanding that the money would obtain the environmental screening analysis of the route, additional transportation analysis, a visual rendering of the structure, and information on constructability. He suggested that, if the Council intends to recommend the B7-Revised to Sound Transit, it would be worthwhile to conduct further analysis.

Deputy Mayor Lee said he does not mind spending more money for new information. However, he does not want to spend money on doing more or looking at better renderings of what is already known.

Councilmember Chelminiak indicated that the items he listed were initially requested by certain Councilmembers to be part of the study. He noted that he voted against the overall study and expenditures.

Councilmember Robertson questioned how long additional study would take. Maher Welaye, Project Manager, said the additional work would extend the study to late July or early August. She questioned whether the study was paused at any time pending a Council decision. Mr. Welaye said that yes, the consultant was notified that the Council would be discussing the issue tonight. At the same time, staff has been working on revising the scope of work. In further response, Mr. Welaye said the pause was one to two weeks.

Mr. Sparrman said the original schedule targeted completion by the end of July. He recalled that the Council directed staff to discuss with ARUP the implications of terminating further study and finalizing the report. This required work not involved in the original schedule.

City Manager Steve Sarkozy explained that there were conversations with several Councilmembers, as well as a public discussion, about pausing the study due to an interest in saving money. There was a question about what the City would gain by completing what would be limited deliverables.

→ Deputy Mayor Lee move to extend the meeting to 11:00 p.m. Councilmember Balducci seconded the motion.

→ The motion to extend the meeting carried by a vote of 7-0.

Councilmember Robertson said she did not recall that Council direction. She expects that the Council will be having a Study Session at some point to discuss the locally preferred alternative for both Segment B and Segment C to decide whether the Council wants to update its recommendation to Sound Transit. She assumes this will be scheduled soon. She is disappointed in the two-week break.

Mayor Davidson explained the reasoning for the break. He recalled that the interim report was received at the time that Councilmember Degginger was not present, so the Mayor decided that the Council would not make decisions without him. The next week, Councilmember Wallace was absent so the issue was deferred again. The Council held a fifth meeting in May on a specific topic, and this is the first meeting in which everyone could be present to deal with the issue.

Councilmember Robertson said it would be good to have the work completed. However, given the timing, she suggested sending the report to Sound Transit and communicating that the Council is still finishing the final work items. She agreed with Councilmember Chelminiak about the value of the additional costs. She believes that the B7-Revised alternative is feasible, and she would like additional information.

Councilmember Degginger expressed concern about the costs. He observed that \$30,000 was added to the contract, yet this was not sufficient to complete the work as originally defined. Mr. Degginger said the City processed and approved Change Order 3, and he questioned the second alternative for the BNSF corridor. Mr. Welaye said the alternative accommodates an 18-foot ROW for future heavy rail.

Councilmember Degginger questioned who approved this change order. Mr. Sparrman said it was included in a staff presentation, but it did not appear on the Consent Calendar for Council approval. Mr. Sparrman explained that the original alignment within the BNSF corridor involved light rail tracks with the idea of using one of the tracks for future heavy rail. This highlighted a number of complications in terms of how a light rail track could actually be converted to be used for freight rail, as well as the cost of such a conversion. Mr. Sparrman said that, under the rail banked conditions, it must be demonstrated that the track could be converted back to freight rail.

Councilmember Degginger asked staff to send him a copy of Change Order 3.

Mr. Degginger recalled that a significant issue previously discussed was constructability. Construction and operational impacts were considered significant as well. He noted his frustration and suggested that perhaps it is time to terminate the study and move on. He is unclear as to the funding source for completing more work, as well as the usefulness of the analysis if it is not completed in a timely manner.

Mr. Sparrman said staff can ask ARUP to do what Councilmember Degginger is requesting, which is to opine, as best as they can, in terms of the conclusions they are drawing.

Mr. Degginger said it would have been nice to know, at the time of Change Order 3, that the Council would not receive answers to the identified questions.

Mayor Davidson said he was not aware of Change Order 3. However, he knew about the study of the additional alternative for the BNSF corridor that would accommodate heavy rail.

Councilmember Degginger said he would like to know the date of Change Order 5.

Councilmember Balducci requested clarification on what staff is asking of the Council tonight. Her understanding is that tonight's agenda item relates to obtaining Council direction about finalizing the report and holding the third public hearing on June 29. She questioned whether this represents the cost of \$50,000.

Mr. Welaye said that staff is requesting direction about how to finalize the B7-Revised Concept Report. The \$50,000 represents the cost estimate for work commencing June 1 to finalize the report. Following the completion of the Interim Report on May 16, the consultants continued to work until the end of May. He recalled that the final product was to be a Concept Design Report, and the scope of work was referred to as similar to Sound Transit's 112th Avenue Concept Design Report. The report was to be a standalone document that would not have an apples-to-apples comparison. It would essentially cover the B7-Revised alternative. When staff talked about ending the study sooner, the thought was to take the Interim Analysis Report and finalize it as a Final Report, instead of producing another document. This would incorporate comments from staff, Council, and Sound Transit.

Responding to Ms. Balducci, Mr. Welaye confirmed that completing the final report will cost \$50,000. It would not include any information about utilities, noise wall locations, pier and abutment locations, and it would not include most of Task 6 related to the Environmental Screening Analysis (e.g., transportation analysis, visual rendering, analysis of construction and operational impacts, and constructability analysis).

Continuing, Councilmember Balducci asked how much more it would cost, beyond the \$50,000, to complete the tasks listed by Mr. Welaye. The response was \$35,000.

Councilmember Balducci recalled that she voted against the study before it was initiated. She did not and does not believe it is a good investment of City funds. She would not support any additional expenditures.

Councilmember Wallace concurred with concerns about the cost of work to date. His original interest was to determine whether alternative B7 ridership could be improved and project costs could be reduced. He recalled that the original cost estimate of \$670,000 was a sensitive issue, and expressed concern about change orders without Council approval. With regard to pier and

abutment locations, Mr. Wallace said these are key to understanding mitigation measures for the B7-Revised alternative.

Mr. Sparrman commented that he is not sure how much the analysis would settle the mitigation issue. To date, ARUP has laid out a general approach for the spacing of piers. However, ARUP has not field located them, which would require a high level of detailed work.

Noting that a full apples-to-apples comparison of the B7 and B7-Revised will not be achieved, Councilmember Wallace observed that there is probably sufficient information about the park and environmental impacts for an apples-to-apples comparison discussion, without pursuing additional information.

Mr. Sparrman replied in the negative. He said that alternative B2M, Sound Transit's preliminary preferred alternative, was studied through the full DEIS process. The B7-Revised option has not been studied to this extent. Mr. Sparrman referred back to the comprehensive study originally proposed by staff and ARUP, which is what would be needed to create a B7 alignment that is comparable to Sound Transit's DEIS work on the B2M. This includes an extensive environmental analysis component with an estimated cost of \$450,000.

Responding to Councilmember Wallace, Mr. Sparrman confirmed that analyzing pier refinements would not get the Council much closer to a full comparison.

Councilmember Wallace noted his understanding that Sound Transit has released updated cost estimates for the B2M and C9T alignments. Mr. Sparrman confirmed this understanding, and added that these are based on the new 30 percent preliminary engineering phase. In further response, Mr. Sparrman said the 30 percent engineering work will provide much greater detail than the DEIS work.

In further response to Mr. Wallace, Mr. Sparrman explained that ARUP met with Sound Transit to compare ARUP's five percent level of engineering estimate, using the same assumptions used by Sound Transit with regard to the B2M alternative. The two organizations used the same methodology. However the analysis of engineering detail was different, and ARUP attempted to make sure that the cost estimating methodology was consistent. Mr. Berg said that ARUP, in working with Sound Transit, went back to the DEIS five percent work.

Moving on, Councilmember Wallace said the City looked at the 2011 ROW evaluation, which was lower than in 2007. However, the lower number was not included in the cost estimate for the B7-Revised study, even though it is a more recent figure. Mr. Berg confirmed that the ARUP study was based on 2007 dollars reflected in Sound Transit's DEIS. Mr. Wallace questioned whether there is a way to update B7-Revised cost estimates to 2011 dollars.

Mr. Berg said that normally cost estimates become more specific as the engineering design level advances, which is based on the specific features and items for an individual alternative. Therefore, it might be very difficult to take a 30 percent design cost estimate for the B2M, and to

try to extrapolate that information to the B7-Revised alternative for comparison purposes. Each alignment has different specific elements that contribute to overall costs.

Councilmember Wallace said he would like staff to explore whether this would be possible, in order to allow an apples-to-apples comparison. The ARUP report is showing that the 2011 figures are lower than the 2007 cost estimates, at least with respect to ROW acquisition. Mr. Wallace believes that this suggests that other costs could be lower as well.

Moving to the curved station option for Segment B, Mr. Wallace said the idea of the NE 2nd Street tunnel portal was that it would reduce costs because it is shorter in length. In his view, the tipping point in the Council's discussion should have been the point at which City staff found out from Sound Transit that the agency would not consider that alternative, and that the City could not design a track that did not destroy two hotels and cut a trench through the Sheraton site as well. Mr. Wallace said it would be interesting to have an analysis about the feasibility of a curved station and whether it might reduce project costs. He would like to know whether it can or cannot be done.

Mr. Wallace said that, other than the issue addressed in the previous paragraph, he does not see much value in continuing to study the B7-Revised option through Segment C. The idea was to try to reduce the cost, and it does not reduce the costs for Segment C. He would prefer to look separately at Segment B and the B7-Revised option, which includes moving the Greenbaum station to the A2 station. When compared to the original B7 alternative, the cost differential for the B7-Revised is nothing. The cost differential between B2M and B7 is \$35 million.

Mr. Wallace commented that Segment B is viable but Segment C is not, unless the curved station saved significant costs. He would like ARUP or City staff to show how the B7-Revised option could be connected at the Segment B border at SE 6th Street, at exactly the same elevation and angle as Sound Transit's B7 design. There could then be a conversation about how the B7-Revised connects to C9T and other Segment C alignments.

Responding to Councilmember Balducci, Mr. Berg confirmed that the border between Segments B and C is the same for all alignments. Ms. Balducci questioned the suggestion to study the costs of Segment B separately from Segment C.

Mr. Sparrman said staff has talked with ARUP about Segment C costs. He stated that he understands Mr. Wallace's comment to be that the Segment B options should be compared using the same boundary, rather than defining the B7-Revised to include connection into the Downtown. From the boundary of Segments B and C, the options for connecting into the Downtown are roughly the same cost when tunnel costs and ROW/property acquisitions are considered, because the two types of expenses offset each other.

Councilmember Wallace questioned whether the B7-Revised is at a different elevation than Sound Transit's B7. Mr. Sparrman said that Sound Transit's original B7 option in the DEIS is elevated over 112th Avenue and enters the tunnel at Main Street. He noted that elevated structures are more expensive than at-grade configurations.

Mayor Davidson said he was not aware of the dollar amounts of the change orders, and he asked staff to comment. Mr. Sparrman said that staff reported to Council that studying a second BNSF option was added and would involve an additional cost. The change order was not presented for Council approval because the dollar amount of the increase was within staff's authority to approve.

Mayor Davidson said he does not want to spend any more money on the study, and he would like to move forward. He is interested in seeing information about the feasibility and impacts of the B2M alternative.

Deputy Mayor Lee observed that he is not sure whether spending the additional \$35,000 would achieve helpful information at this point. He expressed concern about the change orders, and about what was gained with the study's overall expenditures. He said it is important to let staff do their work, based on what the Council wishes to accomplish. Mr. Lee said that staff should know that the Council would like to implement the B7 route and should look at it to compare whether it can be viable. At this point, he is not in favor of spending more money.

Councilmember Balducci suggested that, in follow up to Mr. Lee's comments, staff and the Council would want to know about the constructability of the A2 station over the active ramps of I-90. She believes that this would directly address viability and feasibility. The B7-Revised alternative is essentially dependent upon the A2 station.

Councilmember Wallace said that he understands Councilmembers' interest in finalizing the report and moving forward. He observed that certain issues have not been resolved, and suggested that these be submitted to Sound Transit for discussion. Mr. Wallace opined that the ARUP report indicates that the B7-R route is viable.

Mayor Davidson commented that two engineering firms have now said that the route is viable. He concurred with Councilmember Balducci that the parking garage over the I-90 ramps has not yet been confirmed to be viable.

Councilmember Balducci said there are parties who believe that the facility is not constructible. Mr. Sparrman said that ARUP has drafted a design. However, more work is needed to draw final conclusions. He acknowledged concerns by ARUP and the Washington State Department of Transportation about the soils in the area.

Ms. Balducci recalled that WSDOT is not willing to close the ramps, so the station would need to be constructed while the I-90 ramps continued to operate. She said that Sound Transit is aware of the ARUP study, and the agency will not want to discuss it as a viable alternative unless the City can identify resources for the additional \$140 million in project costs.

Councilmember Chelminiak said he remains concerned that a \$670,000 project has exceeded that cost. He would like to see the dates of the change orders, as well as emails and correspondence

related to the change orders and/or any meetings about the change orders. He noted that the original project definition and budget were altered without the Council's explicit approval.

Mayor Davison summarized that the Council is not willing to spend any more money, and that Councilmembers want information on the contract change orders. He suggested approving a cover letter to transmit the final report to Sound Transit.

Referring to the draft letter provided to the Council, Councilmember Degginger suggested that it makes certain conclusions that are not fully addressed in the ARUP report.

Councilmember Robertson suggested that the letter highlight the ridership of the B7-Revised option. She suggested it would be helpful to have another joint meeting with the Sound Transit Board to focus on resolving and/or reaching an agreement on specific issues.

With regard to funding, Ms. Robertson observed that the Council has not discussed subarea equity for some time. The East Subarea is paying for the East Link project beginning at the Rainier Station in Seattle, which includes a significant amount of track outside of the East Subarea. She believes those costs should be borne by the West Subarea, which would leave adequate funding to properly build light rail through Bellevue. Ms. Robertson noted that the system will serve both sides of the lake, and both sides should contribute to the costs. She questioned the prospect of achieving subarea equity.

Responding to Mayor Davidson, Councilmember Degginger suggested amending the letter to state that the B7-R alternative might be a viable albeit more expensive alternative. He recalled that the previous joint meeting with the Sound Transit Board involved a fairly significant amount of effort and time. He suggested there would be a greater benefit to spending that time working through the issues as a Council and City, rather than doing something that might result in consequences that the Council does not want. Mr. Degginger anticipates that the Council would hear a great deal about the South Subarea's concerns about delivering light rail farther south, and he would rather spend the time more productively.

Deputy Mayor Lee concurred that a joint meeting is unlikely to be very productive in meeting the City's needs. However, the Council and City should continue to transmit their input in other ways.

Councilmember Wallace clarified that the B7-R can be designed to connect to any Segment C alternative, which he believes is a key part of the discussion. Sound Transit previously cited the lower ridership of the B7 route, but the recent study now reflects higher ridership. Mr. Wallace said the project costs of the B7-R are comparable to the original B7 alternative. He observed that the B7-R option works and is within Sound Transit's budget.

Councilmember Balducci stated her understanding from staff's presentation that there is no connection to any Segment C alternative that is as expensive as the B7-R. She observed that, if the Mayor and other Councilmembers want to write a letter stating that the B7-R costs are comparable to Sound Transit's B7 alternative costs, she would prefer to not participate. If

possible, she would like to write a minority opinion letter. She believes that making such a statement threatens the credibility of the Bellevue City Council.

Deputy Mayor Lee suggested leaving the letter more open, given that there are a number of issues for further study and analysis.

Councilmember Chelminiak suggested simply submitting the report for Sound Transit's consideration, and allowing them to draw their own conclusions. He expressed frustration with the protracted discussion about Councilmembers' differences of opinion.

Mayor Davidson expressed support for Councilmember Degginger's suggested revision to the letter.

Councilmember Robertson would like to add language about ridership and opportunities for savings identified in the ARUP report.

Mayor Davidson noted a sentence stating that the B7-R appears to have the potential for favorable performance compared to the other Segment B alignments. He suggested revising this to refer specifically to ridership and travel speeds.

Responding to the Mayor, Mr. Berg said the schedule anticipates finalizing the report by the third week of June and before the June 29 open house.

- Councilmember Robertson moved to approve the cover letter to the ARUP report, amended to incorporate Councilmember Degginger's suggested language that alternative B7-R "might be a viable option, albeit more expensive," and Ms. Robertson's revisions highlighting ridership and travel speed. Councilmember Wallace seconded the motion.
- The motion carried by a vote of 5-2, with Deputy Mayor Lee and Councilmember Balducci opposed.
 - (d) Resolution No. 8247 authorizing execution of an amendment to the Professional Services Agreement with Hillis Clark Martin & Peterson to increase the contract amount by \$75,000, for a total contract amount of \$175,000 for legal services.
- Councilmember Robertson moved to approve Resolution No. 8247, and Councilmember Wallace seconded the motion.

City Manager Sarkozy referred to page 3-61 of the meeting packet for information regarding a requested amendment to the Professional Services Agreement with Hillis Clark Martin & Peterson, for a total contract amount of \$175,000, for legal services related to the Sound Transit East Link light rail project.

Responding to Councilmember Chelminiak, Deputy City Attorney Kate Berens noted that the total contract amount, including amendments, is shown on page 3-68. This includes funding for the ARUP study.

Deputy Mayor Lee said he will not support the motion because he requested the scope of work for the \$6.2 million East Link work plan and has not received that information.

- The motion carried by a vote of 5-2, with Deputy Mayor Lee and Councilmember Balducci opposed.
- Councilmember Chelminiak moved to extend the meeting for 15 minutes, and Councilmember Balducci seconded the motion.
- The motion to extend the meeting carried by a vote of 7-0.
- Councilmember Chelminiak moved to reconsider Resolution No. 8247, and Councilmember Degginger seconded the motion.
- The motion to reconsider failed by a vote of 3-4, with Councilmembers Balducci, Chelminiak, and Degginger voting in the affirmative.

At 11:02 p.m., Mayor Davidson declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

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