

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

February 4, 2013
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Lee and Councilmembers Chelminiak, Davidson and Wallace

ABSENT: Deputy Mayor Robertson and Councilmembers Balducci and Stokes

1. Call to Order

The meeting was called to order at 8:00 p.m., with Mayor Lee presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers except Deputy Mayor Robertson, Councilmember Balducci, and Councilmember Stokes were present. Mayor Lee noted that three Councilmembers were sick with the flu.

Councilmember Davidson led the flag salute.

(a) State of the County Report

Mayor Lee welcomed King County Councilmember Reagan Dunn to provide a State of the County report.

King County Councilmember Dunn provided an update on the County's activities. The King County Council unanimously passed a \$7.6 billion budget, with 73 percent of the general fund going to law enforcement and criminal justice. Staffing levels for District Court and Superior Court were preserved, and the County was able to avoid staffing reductions in the Prosecutor's Office due to efficiencies. He reported that King County maintained its AAA bond rating despite the economic challenges.

Councilmember Dunn said he is chairing the Regional Transit Committee again, and he thanked Mayor Lee for his service on that committee. Mr. Dunn will serve as Vice Chair of the County's Transportation, Economy and Environment Committee this year. He said there are significant maintenance needs for roads in the unincorporated areas of King County. Mr. Dunn serves as Chair of the King County Flood Control District, which is a separate government entity that protects levees and properties. King County Flood Control District is contributing \$8.5 million to the Coal Creek project in Bellevue.

King County Councilmember Dunn reported that Metro received a four-year regional mobility grant from the Washington State Department of Transportation, which added service to Route 245 serving Factoria, Bellevue College, Crossroads, Overlake, and into Kirkland. Grant funds were also allocated to Route 240 serving Renton, Newcastle, Factoria, Eastgate, and Downtown Bellevue. Those grants expire in June 2013, and Metro is in discussions with Bellevue, Kirkland and Redmond about maintaining service in some way. The County \$20 car tab fee expires in June 2014. Mr. Dunn said Metro is working to improve bus service along the I-90 corridor.

Mr. Dunn said he sponsored anti-human trafficking legislation which focuses on law enforcement and social services providers, including a toll-free number for assistance to citizens, and provides public service ads on Metro buses to raise awareness. Mr. Dunn said he and Mayor McGinn of Seattle launched a public billboard campaign last year as well. He thanked Councilmember Wallace for his work on this issue.

Councilmember Dunn described legislation establishing an internship program for veterans, a group experiencing higher than average unemployment. The HERO (Heroes Employment Reintegration Opportunity) program provides paid positions to help veterans transition to new careers.

Mayor Lee commended Councilmember Dunn's leadership and active involvement in many areas. Mayor Lee noted Bellevue's longtime interest in obtaining direct representation on King County's regional committees. Mr. Dunn said he supports that objective as well. He noted that, as Chair of the Regional Transit Committee, he welcomes Bellevue's participation in those meetings.

Councilmember Davidson said he is pleased to see Councilmember Dunn as Chair of the Flood Control District. Mr. Dunn thanked Dr. Davidson for his involvement with Flood Control District issues. He reported that State audits of the District are conducted annually and have come back as clean audits every time.

Mayor Lee thanked Councilmember Dunn for the report.

3. Communications: Written and Oral

- (a) Chris Benis recalled that he spoke to the Council late last year about the Lorge-Benis Comprehensive Plan Amendment (CPA) proposal. His sense was that, while the Council denied the CPA, the Council had an interest in working on a way to discuss the redevelopment of those parcels. He requested consideration of this objective and said he would give his information to the City Clerk.

City Manager Steve Sarkozy said he became aware of the issue just this evening and he has asked to be included on the email string from Dr. Lorge and Mr. Benis.

- (b) Tracy Skinner said his property overlooks Bellevue Way. He commented on concerns regarding the light rail project including noise, pollution, environmental, and

neighborhood protection issues. He said the light rail project should be held to the same standards as would be applied to residents developing or redeveloping their properties. He asked for protection from construction noise and noted that, in the past, residents have been able to hear construction workers' conversations late at night.

- (c) Wendy Jones, representing the Enatai Neighborhood Association, read an email from a neighbor who expressed concern about being contacted by Sound Transit with a request to dig holes on their property. Ms. Jones said she has started to review the Light Rail Overlay (LRO) provisions which still are not addressing issues of mitigation including noise standards, construction noise and other impacts, tree impacts, and traffic impacts. She expressed concern that the permitting process will occur behind closed doors with a decision by the Director of the Development Services Department. She suggested that the Hearing Examiner's process would be more transparent. Ms. Jones said neighbors are concerned that the Overlay allows Sound Transit to install landscaping on private property that will become owners' responsibility after one year. She asked the Council to provide the exceptional mitigation it has promised in the past.

Mayor Lee thanked Ms. Jones for her comments and said the Council continues to listen to residents. He believes that the Council and residents have shared goals with regard to the implementation of light rail and neighborhood protection.

Councilmember Chelminiak said Ms. Jones raises an issue on the alignment that he would like to address during Council Business.

- (d) Will Knedlik, representing Eastside Rail Now, said he wants to be sure that attention is being given to the tunnel spoils issue as it relates to the other major construction projects that appear likely to be returning to Bellevue. He said the lawsuit by Jim Horn and Kemper Freeman will be heard by the Washington Supreme Court on February 19, which he believes will end the light rail project. If not, Bellevue will be faced with tons of tunnel spoils. Mr. Knedlik said the community has lost rail freight trackage because the Wilburton tunnel was removed by WSDOT and 100 yards of railroad track in Kirkland have been removed with the anticipation that Kirkland will remove the rest of the trackage for a five-mile segment. This eliminates an exceptional way to dispose of tunnel spoils. Mr. Knedlik said the Mayor of Snohomish has asked the City of Kirkland to not remove the tracks until the end of 2013 in order to allow a careful analysis of the utility of those tracks for freight and other purposes. He said the rail corridor has existed since the 1880s, and he suggested that Bellevue consider cooperating with the City of Snohomish to preserve rail freight.

Mayor Lee questioned the Council's interest in addressing this topic with the full Council.

Councilmember Chelminiak said he disagrees with Mr. Knedlik's position. Mr. Chelminiak said he sees no reason that Bellevue would want to attract dirt trucks.

Dr. Davidson opined that it would be easier to move the spoils on rail than on trucks. He is interested in exploring the issue further and identifying options.

Councilmember Wallace said the City does not have a project that involves removing spoils. However, he encouraged Sound Transit to look into this issue.

- (e) Students from Bellevue High School invited the Council to its annual Soup4Simpson fundraiser for the New Horizons homeless teen shelter. The 8th annual event will be held on February 13 at 12:30 p.m. The students are working to expand this beyond a school event to the public.

Mayor Lee commended the youth for their efforts. Responding to the Mayor, Kathy Adams, a former Bellevue High teacher, confirmed that the young Hunter was the grandson of Hunter Simpson on Mercer Island. Ms. Adams said she taught at Bellevue High for 38 years. Hunter was diagnosed with brain cancer at the beginning of his senior year, and students have raised \$28,000 so far from the seven annual events.

- (f) Joe Rosmann, representing Building a Better Bellevue, thanked the Council and City staff for the progress that has been made on the Light Rail Overlay. He questioned what the Council has proposed for the mitigation of items that Sound Transit does not adequately mitigate. Mr. Rosmann said he is a contractor/remodeler, and he observed that Sound Transit's plan to maintain landscaping for one year is not sufficient. He said the threshold should be three to five years, and that landscaping should be replaced at Sound Transit's expense if it does not survive that long. Mr. Rosmann said he would return to comment during the following week's public hearing.
- (g) Chris Jordan, an Enatai resident, thanked Councilmember Wallace for meeting with the Enatai Homeowners Association. He said Mr. Wallace spent a few hours listening to residents and answering questions. Mr. Jordan said the complexity of the light rail project is scary for residents.
- (h) Robert Rosell, an Enatai resident, commented on fear in the neighborhood about the light rail project. He and others who live on the Bellevue Way ridge are finding that their land values are going down while the home values are going up, which is an anomaly in the area. Residents are receiving phone calls and visits from individuals who are pressuring residents to sign documents allowing access to their properties. He signed because he wanted to be cooperative; however, he regrets that decision. He said residents are distrustful of Sound Transit and concerned about whether exceptional mitigation will be provided by the City. The project on Bellevue Way initially involved a trench and an effort to keep trains away from homes to the extent possible. Two current proposals provide an at-grade alignment and expand Bellevue Way toward Enatai homes.
- (i) Eddie Lin, an attorney with Perkins Coie, spoke on behalf of Best Buy with regard to the NE 4th Street extension project [Agenda Item 8(b)]. Best Buy, with a store on 120th Avenue NE in Bellevue, continues to oppose the project and to maintain that certain relevant information has not been properly presented to the City Council. Mr. Lin said the consultant determined that the design of NE 4th Street exceeds the maximum recommended grade under the adopted design guidelines for an arterial. Additional issues

are of concern as well, including critical areas regulations. In the past, the City indicated that four lanes would satisfy the project objectives. Best Buy objects to the current five-lane configuration.

4. Reports of Community Council, Boards and Commissions: None.
5. Report of the City Manager
 - (a) Update on Growing Transit Communities Partnership [Moved from Study Session]

Mr. Sarkozy opened staff's update on the Growing Transit Communities (GTC) Partnership and noted that Councilmember Davidson serves on the GTC Oversight Committee. He welcomed staff from the Puget Sound Regional Council (PSRC), as well as City staff Emil King and Paul Inghram, to provide a presentation on the project.

Emil King, Strategic Planning Manager, reported that he and Paul Inghram, Comprehensive Planning Manager, serve on the GTC East Corridor Task Force to lend their knowledge and technical expertise to the study. Separate task forces deal with the north and south corridors.

Mr. King reviewed previous Council interaction with this effort. Mayor Lee and Councilmember Davidson attended the September 2011 kickoff meeting at the University of Washington. PSRC staff provided a presentation to the Council during the February 27, 2012 Study Session. The City subsequently joined a consortium partner agreement on June 12, 2012. Additional Council discussion was held during the September 24, 2012 Study Session, and PSRC hosted the October 2012 Implementation Strategies Workshop.

Mr. Inghram described the six Bellevue East Link light rail stations included in the GTC study. No transit oriented development (TOD) is planned for the South Bellevue or East Main stations.

Responding to Dr. Davidson, Mr. Inghram confirmed that two bus rapid transit (BRT) related sites are included in the TOD study for total of eight locations.

Responding to Mayor Lee, Mr. Inghram said the study is looking at light rail stations with the potential for TOD in the Hospital District, Bel-Red corridor (120th Avenue NE and 130th Avenue NE), and Redmond's Overlake area.

Mr. Inghram acknowledged that staff is well aware that the City Council is opposed to potential TOD at South Bellevue. However, the City continues to hear concerns from the community. He noted that Comprehensive Plan policy TR 75.19, which came out of Light Rail Best Practices work, prevents TOD at South Bellevue.

Mr. Inghram introduced Mary Pat Lawlor and Michael Hubner from PSRC.

Ms. Lawlor explained that the overall study is looking at the future full buildout of the light rail system to Everett, Redmond and Tacoma. She talked about matching community investments in

TOD to transit investments.

Ms. Lawlor described the GTC study area map. The purpose of the study is to achieve the highest benefit from \$15 billion in transit investments. She commented on the role of effective transit in economic development. The study will address barriers to implementing transit plans, resources for demonstration projects, roles for key stakeholders, new financial tools and resources, and increased public participation.

Ms. Lawlor commented on the East Corridor Task Force's work. Focus areas are:

1) Transportation access and connectivity, 2) Business attraction and retention, 3) Public and private partnership strategies, and 4) Housing affordability. The study is now into the second phase of this work and is focusing on the 130th Avenue NE node in Bellevue as well as Overlake Village in Redmond. Ms. Lawlor noted that the grant ends in June.

Mr. Hubner said he works primarily with the South Corridor Task Force but he is working with all three task forces to some extent. This work potentially leads to a Growing Transit Communities Compact, which is a voluntary agreement to address regional plans and investments around transit, affordable housing, and equitable economic, educational and quality of life opportunities. The earlier consortium agreement between cities, nonprofits and business groups to apply for grant funds became a memorandum of understanding (MOU) that has governed the Oversight Committee. Mr. Hubner noted that the intent of this regional effort is to build on existing regional plans (i.e., Vision 2040 and Transportation 2040).

Mr. Hubner described Corridor Action Strategies to be developed for each station area. These will highlight 25-30 action areas with several strategies under each organized into four sections: 1) Overarching strategies, 2) Attracting growth, 3) Housing choices, and 4) Access to opportunity. The strategies will identify roles for PSRC, transit agencies, local governments and private sector partners.

Mr. Hubner reviewed the next steps. The project anticipates the submittal of draft Corridor Action Strategies to the Oversight Committee in April. A public comment period will be held in May, and final action on the strategies will be taken this summer.

Mr. King requested Council feedback on the study and related activities.

Councilmember Davidson explained that he requested a presentation to the Council because the process is moving forward. He asked about participants in the study.

Responding to Dr. Davidson, Mr. Inghram said East Corridor participants include the cities of Seattle, Mercer Island and Redmond; Microsoft; Group Health Hospital; Hal Ferris (Current Bellevue Planning Commission member); Doug Matthews (former Planning Commission member and former Bel-Red Steering Committee member); and Arthur Sullivan, A Regional Coalition for Housing (ARCH).

Ms. Lawlor said she will send a full list of the members. Meetings are open to the public and meeting materials are released before meetings.

Mayor Lee thanked PSRC staff for their work and Dr. Davidson for his participation. Mr. Lee questioned the outcomes of the project, whether it will become an ongoing program funded by the federal government and/or PSRC, and the role of local communities.

Mr. Hubner said the current effort is grant funded through June. He and other GTC staff are housed at PSRC but function separately from PSRC. GTC staff will develop their own recommendations based on the study. The Oversight Committee has expressed some interest in an ongoing governance structure. He said PSRC could potentially provide technical and informational assistance going forward. Local government's role is being on the front line of creating TOD and other projects.

Ms. Lawlor noted that the study has identified legislative barriers with regard to housing, in particular, which it will address in its recommendations. She said a regional equity grant has facilitated increased grassroots involvement.

Responding to Mayor Lee, Mr. Hubner said the Growing Transit Communities Partnership is intended to break down the divisions between transportation, land use and economic development.

Councilmember Chelminiak said that local control over land use is a primary purpose of the City Council, and some members of the community are worried by this study. Mr. Chelminiak said he would like to help reassure the public that local control will remain. He expressed support for a number of goals represented by this effort including providing affordable housing for workers.

Councilmember Wallace said an important issue for him is the infrastructure cost issues related to the GTC vision. He observed that PSRC can play an important role in recognizing that TOD projects place a greater burden on smaller cities in terms of funding infrastructure.

Mr. Wallace opined that TOD would work well with a strong Park and Ride focus. He believes that Park and Rides at light rail stations will better enable people to get from single-family neighborhoods to light rail. He observed that the four potential station locations in Bellevue are more than adequate to provide the density that the region needs in Bellevue to meet growth targets. He said the local control issue is important. It is also important to recognize that Bellevue's plans are already focusing growth in specific areas of the community.

Dr. Davidson commented on the concept of social equity, which goes beyond housing affordability to include economic development, education, and quality of life opportunities.

Mayor Lee thanked staff for the update.

6. Council Business and New Initiatives

Councilmember Chelminiak said he wanted to address the issue raised during Oral Communications about the light rail alignment on Bellevue Way SE. He noted the cost savings option under consideration to eliminate the light rail trench and to expand the roadway west

toward homes with the addition of a southbound HOV lane. He suggests pulling the HOV lane project from the City's Transportation Facilities Plan (TFP) to save money and to lessen neighborhood impacts. He said there is no reason to have Sound Transit and their consultants out seeking access to private properties if the light rail configuration outside of the trench and at street level (and the related HOV lane) is not going to be supported by the Council and/or Sound Transit.

Councilmember Wallace clarified what he discussed with Enatai residents, which was continuing to study the design of the HOV project and to pursue answers to everyone's questions through the EIS process before making a decision.

Responding to Mayor Lee, Councilmember Chelminiak reiterated his interest in removing the cost savings at-grade option which includes the Bellevue Way SE HOV lane. Mr. Chelminiak suggested preparing a motion that would remove the project from the TFP.

Councilmember Wallace disagreed and said he would not support that proposal until further study can be conducted on the HOV project. He noted a busy schedule before the Council with review of the Light Rail Overlay Land Use Code Amendment.

Mayor Lee suggested reviewing notes from the Council Retreat to get a sense of the Council's comments at that time. However, regardless of that discussion, Mr. Lee said that Councilmember Chelminiak could make a motion the following week for Council consideration.

Mayor Lee noted that Chinese New Year is on February 10.

7. Approval of the Agenda

- Councilmember Chelminiak moved to approve the agenda, and Councilmember Wallace seconded the motion.
- The motion to approve the agenda carried by a vote of 4-0.

8. Consent Calendar

- Councilmember Davidson moved to approve the Consent Calendar, and Councilmember Wallace seconded the motion.
- The motion to approve the Consent Calendar carried by a vote of 4-0, and the following items were approved.
 - (a) Minutes of January 14, 2013 Extended Study Session
Minutes of January 22, 2013 Study Session
Minutes of January 22, 2013 Regular Session
 - (b) Ordinance No. 6098 authorizing and providing for property acquisition, including through condemnation, of certain property rights required for the NE 4th Street

Extension Project, Phase 2, extending NE 4th Street from the Burlington Northern Santa Fe (BNSF) railway corridor to 120th Avenue NE (CIP Plan No. PW-R-160).

- (c) Ordinance No. 6099 authorizing 1) execution of a Department of Homeland Security (DHS) Subgrant Agreement with the Washington State Military Department to accept grant funds in the amount of \$235,052 for vulnerable populations planning, public preparedness education and outreach, UASI program coordination and grant management/administration; 2) amending the 2013-2014 budget of the Operating Grants, Donations, and Special Reserves Fund in the amount of \$235,052; 3) appropriating unanticipated and future revenues to that fund; and 4) authorizing expenditures of said grant funds.
- (d) Resolution No. 8509 approving the 2013 A Regional Coalition for Housing (ARCH) Budget and Work Plan.
- (e) Resolution Nos. 8510 and 8511 authorizing execution of all documents necessary to enter into agreements for the Imagine Housing Totem Lake (Phase 2) Senior Apartments in the amount of \$250,000, and for the Friends of Youth Transitional Housing for Homeless Young Adults in the amount of \$16,008 (with the ability to increase to \$44,000 to offset reduction in Redmond or King County CDBG funds) as recommended by the ARCH (A Regional Coalition for Housing) Executive Board.
- (f) 2013 Guidelines for Eastside Arts Partnerships and Special Projects funding programs.
- (g) Motion to award Bid No. 12258 for Trenchless Sanitary Sewer Repair and Rehabilitation (2012), to Insituform Technologies, LLC, as lowest responsible and responsive bidder in the amount of \$182,454.38 (CIP Plan No. S-24).

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 8512 ratifying the proposed 2012 King County Countywide Planning Policies (CPPs) updating existing policies, including appendices and map amendments.

Mr. Sarkozy suggested delaying this item and item 12(a) until the full Council is back.

Mayor Lee noted the Council's agreement with that course of action.

12. Unfinished Business

- (a) Discussion on the draft Mayors Transportation Forum Letter to the Legislature regarding New Transportation Revenue package

Mayor Lee said some Councilmembers are not comfortable with the draft Mayors Transportation Forum letter to the state legislature regarding the new transportation revenue package.

Councilmembers agreed that a discussion is needed.

Councilmember Davidson said this raises a broader issue regarding regional coalitions. He suggested that Bellevue consider submitting its own letter addressing its priorities instead of signing onto the group letter.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session

At 9:51 p.m., Mayor Lee declared recess to Executive Session for approximately 30 minutes to discuss one item of labor negotiations.

16. Adjournment

At 10:04 p.m., Mayor Lee declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw