

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

October 15, 2012
8:00 p.m.

Council Chamber
Bellevue, Washington

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

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:10 p.m., with Mayor Lee presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers were present. Councilmember Stokes led the flag salute.

(a) Recognition of Corporate Partners for September 11 *Honoring Our Elders* Event

Mayor Lee read commendations into the record recognizing the partnership of The Microsoft Store and the Bellevue Hyatt Regency in sponsoring the *Honoring Our Elders* breakfast on September 11. Bellevue Police Officers and Fire Fighters, as well as other City staff, participated in this event for 180 attendees.

Chad Mack, representing Microsoft, expressed appreciation to the Hyatt Hotel and its staff and to City staff for their great work in producing this event. He noted Microsoft's commitment to engaging with the local community.

Rolf Osterwalder, General Manager of the Hyatt, thanked the City for the recognition and the opportunity to partner with both Microsoft and City.

(b) Recognition of the *100 Best Communities for Young People* Award

Mayor Lee announced that Bellevue has been named one of the nation's *100 Best Communities for Young People* by the America's Promise Alliance and ING Financial Services. This is the sixth time that Bellevue has received this award.

Mayor Lee read a proclamation declaring that Bellevue be celebrated as one of the *100 Best Communities for Young People*.

Jordon LaPier, representing the America's Promise Alliance, congratulated the City's extraordinary work to improve the lives of youth in the community.

Michelle Mattson-Hamilton, Youth Link Adult Co-Chair, commended the City's ongoing efforts to involve and provide opportunities for youth.

(c) NOAA National Weather Service StormReady Recognition

Mayor Lee announced that Bellevue has earned the NOAA National Weather Service StormReady recognition based on its strong emergency preparedness program involving the City, residents, and visitors.

Ted Buehner, Warning Coordination Meteorologist, described the StormReady program and congratulated the City for its leadership.

3. Communications: Written and Oral

- (a) Sam Bellomio, Stand Up America, noted his ongoing objection to red light cameras. He received information about the red light cameras before tonight's meeting. He quoted one of the documents which indicates that the photo enforcement program has proven to reduce injury accidents throughout the city. Mr. Bellomio said there were 267 injury accidents citywide in 2008 and 267 again in 2011. There were four injury accidents at the photo enforcement location in 2008 and four again in 2011. He said the data does not reflect a reduction in accidents. He noted that, in August, the City received 45 percent of the ticket revenue, which has since been reduced to 40 percent.
- (b) Alex Zimmerman, Stand Up America, said he has been asking for the cost of a criminal case for six months. He estimates that the 330-page investigation cost \$50,000. He noted that he has received two answers from the City. He said he has been prosecuted in the past by the City for his two class action lawsuits. He reiterated his request for the cost of the Police investigation, which has been underway for three years.
- (c) Sue Baugh, President of Move Bellevue Forward, said the group is a non-partisan, grassroots citywide coalition of residents, businesses, nonprofit organizations, and community leaders dedicated to a progressive long-term vision for Bellevue. She commented on the process to identify East Link cost savings, which they believe should be spread throughout the entire alignment. Ms. Baugh said that maintaining effective access to the Downtown Station is a top priority, and the group supports the Optimized Adopted 110th Avenue tunnel station. The group does not believe that the NE 6th Street Station option is adequate or acceptable. Should this option be selected for further environmental review, Move Bellevue Forward requests that Sound Transit and the City conceptually design and cost out a station with options for better pedestrian connectivity to the west, effective rain protection, and enhanced urban design. She spoke against a

station design that would preclude the potential for future transit-oriented development. Move Bellevue Forward supports an at-grade alignment along Bellevue Way and does not support the addition of a southbound HOV lane until the project is fully studied and vetted with the public. With regard to 112th Avenue SE, the group supports the road over rail design and an at-grade alignment on the west side of 112th Avenue. Ms. Baugh encouraged the City and Sound Transit to find reasonable access solutions for the Surrey Downs neighborhood. She thanked the City and Sound Transit for their diligent work to find cost savings.

- (d) Loretta Lopez, Co-Vice President of the Bridle Trails Community Club, said the club has filed a written request to the Sound Transit Board for an extension of the comment period deadline of October 22 related to locating a rail maintenance yard in the Bel-Red corridor. The club requests extending the deadline to November 20.

Speaking as an individual, Ms. Lopez said the proposed 25-acre rail yard came as a surprise to residents. Many of them attended the October 8 Sound Transit meeting and were given a description of the proposal. Her understanding is that Sound Transit will make a decision quickly. She noted the City's extensive efforts over several years to rezone the Bel-Red corridor from light industrial to residential and office uses as an urban center. She said it does not make sense to allow a maintenance facility under the new Bel-Red Plan, and she strongly opposes the current Fred Meyer site as a potential location. Ms. Lopez said that maintenance will occur after midnight and the trains will leave the facility at 4:00 a.m. She asked the Council to request more time for public involvement and to communicate to Sound Transit that some of the proposed locations are unacceptable.

Mayor Lee said the Council has requested an extension of the public comment period.

Deputy Mayor Robertson said this topic is on the Council agenda for November 5 for a formal presentation and discussion.

Councilmember Chelminiak said the Council believes that the comment period will be extended.

City Manager Steve Sarkozy said that Sound Transit has postponed its consideration of this facility until early November, which allows the City Council to address the proposal on November 5. City staff has drafted a letter to Sound Transit, which will be circulated to the Council for input. Sound Transit is seeking comment on four potential sites in Bellevue, as well as two sites in Lynnwood. Mr. Sarkozy said staff was somewhat surprised by the proposal as well.

- (e) Howard Katz said he attended the Sound Transit meeting referenced by Ms. Lopez and addressed two things: 1) Light rail is coming through Lake Bellevue, which is a flood zone, and 2) Sound Transit has known about the maintenance facility for several years. Mr. Katz observed that Sound Transit should have worked with the Planning Commission on this issue. He was told by Sound Transit officials that the City Council wants to work directly with the agency. Mr. Katz expressed concern that there are four

potential maintenance facility locations in Bellevue and that none of this was communicated earlier.

- (f) Patrick Bannon, Bellevue Downtown Association, noted that the BDA sent a letter last week to both the City and Sound Transit on the East Link cost savings ideas. The BDA continues to support the adopted tunnel alignment and Downtown Station. However, given the potential cost savings with the NE 6th Street Station, the BDA believes it warrants further review. The BDA encourages a similar level of review for those two options. The BDA's letter provides additional details on recommended project elements including the mitigation of impacts. Mr. Bannon said the BDA encourages the City to continue to work with residents to address concerns related to the Bellevue Way and 112th Avenue SE segments.
- (g) Peter Marshall, an Enatai resident, said he attended a meeting earlier in the month with Move Bellevue Forward and Sound Transit staff. A comment was made that it would be technically possible to look at more light rail options, but it is not likely to occur. With regard to the Bellevue Way alignment, he believes it would be a mistake to move the Winters House, and he would like for more options to be considered. Mr. Marshall provided his comments in writing which address 112th Avenue SE as well.
- (h) Bill Popp, an Enatai resident, followed up on his comments from the previous week before the Council. He expressed concern about the City's liability for a portion of the Downtown tunnel costs and noted that the North Link project is almost entirely a tunnel. He said that South Bellevue neighborhoods are being asked to absorb most of the cost savings through options that are actually increasing adverse impacts. He observed that a center-loading platform for the NE 6th Street Station idea would save more money than the side-loading platform.
- (i) Betsy Blackstock, representing the Surrey Downs East Link Committee and the Surrey Downs Community Club Board, noted their October 14 letter to the Council. She said the trench design at SE 4th Street is the only acceptable mitigation for light rail along the boundary of their neighborhood. She asked the City Council to read the letter and to be open-minded about the alignment options.

4. Reports of Community Council, Boards and Commissions

(a) Transportation Commission CIP Recommendations

Ernie Simas, Chair of the Transportation Commission, reviewed the memo in the Council packet [Page 4-1] providing the Commission's feedback on the Preliminary 2013-2019 Capital Investment Program (CIP) Plan.

Scott Lampe, Commission Vice Chair, commented that when he saw the CIP projects that have been deferred due to funding constraints, such as the Downtown Fire Station, he recognized that there are a number of hard budget decisions to be made.

5. Report of the City Manager

- (a) Management Brief on Winter Weather Preparedness and Response

[Materials in packet; no discussion.]

- (b) Management Brief on Initiating the Update to the Comprehensive Plan

[Materials in packet; no discussion.]

- (c) Continued East Link Discussion [Study Session Item 2(b)]

City Manager Steve Sarkozy noted the Council's interest in continuing the East Link cost savings presentation from the earlier Study Session.

Bernard van de Kamp, Assistant Director of Transportation, said the Steering Committee recommends advancing for additional analysis the cost saving idea for Bellevue Way that would shift the roadway to the west and add an HOV lane. The Committee recommends the road over rail option for 112th Avenue SE at SE 15th Street, and no further work on the rail flyover.

Chris Salomone, Director of Planning and Community Development, described the Steering Committee's recommendation for emergency access only at SE 4th Street on 112th Avenue SE, which represents a cost savings of \$9 million to \$16 million. The Committee recommends no further work on the trench under SE 4th Street. The Committee believes it will be possible to mitigate the impacts and to create a graceful gateway that enhances and provides the future option for an at-grade crossing. The Committee concluded that the Texas-T option presented an expansive wall along the west side of 112th Avenue SE and pedestrian options had not been fully explored.

Mr. Salomone said the City plans to hire its own consultant to study mitigation measures, as it has for other options related to the Sound Transit project. The City will hire sound and visual impacts consultants for an independent assessment of the impacts.

Mike Brennan, Director of Development Services, reviewed the Downtown Station options considered which were the Optimized Adopted project, Stacked Tunnel cost saving idea, and NE 6th Street Station cost saving idea. With regard to the Optimized option, Mr. Brennan noted a solution to move the north station entrance to the west side of 110th Avenue to bring it closer to the existing Transit Center.

Mr. Brennan said the Steering Committee recommends advancing the NE 6th Street Station for environmental review and design to inform the 2013 alignment decision. Desired enhancements include a "centerpiece" station design, improved pedestrian facilities, and improved light rail operations. The NE 6th Street Station provides the opportunity for co-development of the site with other uses.

Mr. van de Kamp presented design animations and described the options in further detail.

Responding to Councilmember Balducci, Ron Lewis, Sound Transit, said the cross braces in the tunnel are structural. Thicker and stronger walls would be required without them and would be more expensive.

Staff responded to questions of clarification as the Council viewed the animations.

Mr. van de Kamp noted that there are some homes that would be acquired at 112th Avenue SE and SE 4th Street. The animations do not realistically depict the final project including landscaping.

Responding to Councilmember Chelminiak, Mr. van de Kamp said that the homes closest to 112th Avenue SE along the west side of the road will be acquired to make room for the train.

Responding to Deputy Mayor Robertson, Mr. van de Kamp said the City envisions that the courts will be relocated by the time the light rail project is built. Surrey Downs Park will be accessed from the interior of the neighborhood and active programming will likely be discontinued.

→ Deputy Mayor Robertson moved to extend the meeting until 10:30 p.m., and Councilmember Wallace seconded the motion.

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

Councilmember Balducci noted that she would need to leave the meeting soon. Mayor Lee asked whether she would like to provide comments before she goes.

Ms. Balducci said the decision making approach outlined earlier by the Deputy Mayor is reasonable. She believes it is important to remember that this is a process of gradually narrowing options for further engineering and environmental work. She cautioned against eliminating favorable alternatives at this point because it would likely be harder to bring them back later.

Ms. Balducci observed that the MOU collaborative design process is progressing well toward the cost savings goal. She is sympathetic to the argument from neighborhoods that the MOU is focused on paying for the Downtown tunnel, potentially at the expense of further impacts outside of the Downtown. She would prefer to retain the adopted alignment for Bellevue Way, but is open to the recommended cost saving idea if preferred by a majority of the Council. If the HOV lane is to be added, Ms. Balducci observed that now is the time to move forward with a study of that option.

With regard to 112th Avenue SE, Ms. Balducci said she can support advancing for further design both the SE 4th Street trench and the Steering Committee's recommendation for emergency access only at SE 4th Street. She supports continued analysis of the Optimized Adopted Downtown Station design and the Steering Committee's recommendation for the NE 6th Street Station.

→ Deputy Mayor Robertson moved to direct the City Manager to ask Sound Transit to move into environmental review the following options on the cost savings menu: 1) Bellevue Way, moving the train out of trench and out of the wetlands, coupled with the HOV lane; 2) Road over rail option at SE 15th which would supplant the flyover option; 3) SE 4th Street at-grade alignment; 4) Light rail trench under SE 4th Street; 5) Optimized Adopted Downtown tunnel and station; and, 6) the Relocated Station to NE 6th Street; as well as the “just take it” ideas advanced for further engineering; and to direct staff to bring a letter forward for approval of the Council next week with this recommendation and the basis therefore, based on Council discussion. Councilmember Wallace seconded the motion.

Councilmember Stokes offered a friendly amendment to add language referencing “environmental review and design advancement.”

Deputy Mayor Robertson accepted the amendment, noting that she expects the City will also be receiving impact and mitigation analysis during environmental review.

Councilmember Davidson questioned whether change to the alignment would trigger a supplemental environmental impact statement (EIS).

Mr. Lewis said the environmental team will take a look at all of the potential options under consideration for advancement and make a determination about what environmental analysis is needed. Sound Transit will look at the balance of all options and take them through an environmental review.

Dr. Davidson observed that he feels like he never gets a straight answer regarding environmental review.

Mayor Lee apologized for putting Sound Transit staff on the hot seat, and questioned whether City staff is tracking the Council’s questions.

Mr. Brennan said that staff records the Council’s concerns and questions, and is in the process of compiling responses to all of them. With regard to environmental review, Mr. Brennan said staff can provide a better idea of what environmental analysis will be required once the list of options is narrowed.

Dr. Davidson said it is difficult to make a good decision without having all of the information.

Councilmember Chelminiak noted that support of the motion should not be seen as an endorsement of the options to be studied. He will reserve the right to oppose any of the options upon further study.

Deputy Mayor Robertson spoke in support of the motion and the need to move forward with the MOU process. She noted concerns about neighborhood impacts and believes it is important to

continue to study multiple options. She looks forward to more advanced design and environmental work, including enhanced animations for the Council and the public.

Councilmember Stokes concurred with the comments that have been made in support of the motion. He believes the MOU effort has been a good process, and he thanked City and Sound Transit staff for their work with the Council. He expressed support for the motion.

Councilmember Wallace referred to Councilmember Balducci's suggestion to retain the adopted alignment along Bellevue Way. He wondered whether Sound Transit would prefer that option due to the complexity and potential risk associated with the cost saving idea. He observed that, after the South Bellevue Park and Ride is expanded, residents will likely wish for extra lane capacity on Bellevue Way. He questioned whether the adopted alignment includes adding a lane.

With regard to 112th Avenue SE, Mr. Wallace said the at-grade option is not acceptable. He believes that the trench option works well. He is open to exploring additional solutions that would better mitigate noise impacts, but the current cost savings ideas do not.

Mr. Wallace said he will support the motion, but he believes the project cannot put an at-grade train in residents' backyards.

Mayor Lee said this is not just an issue of cost savings. In general, he concurs with Councilmember Balducci. Mr. Lee said he agrees with Councilmember Wallace about 112th Avenue SE, but he noted that this is still a fact-finding exercise and the Council is not finalizing a choice. He supports moving forward and continuing to collaborate with Sound Transit.

→ The motion carried by a vote of 6-1, with Councilmember Davidson opposed.

At 10:13 p.m., Mayor Lee called for a short break.

[Councilmember Balducci left the meeting.]

The meeting reconvened at 10:15 p.m.

Mayor Lee noted that Agenda Items 5(a) and 5(b) would be postponed until the following week.

6. Council Business and New Initiatives

Mayor Lee suggested foregoing Council reports due to the lateness of the hour.

7. Approval of the Agenda

→ Deputy Mayor Robertson moved to approve the agenda, and Councilmember Chelminiak seconded the motion.

→ The motion to approve the agenda carried by a vote of 6-0.

8. Consent Calendar

→ Deputy Mayor Robertson moved to approve the Consent Calendar, and Councilmember Chelminiak seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 6-0, and the following items were approved.

- (a) Minutes of September 10, 2012 Extended Study Session
- (b) Resolution No. 8458 authorizing approval of payment in the amount of \$52,330.72 for a Release of All Claims in final settlement against the City by Puget Sound Energy for property damage to their gas main and equipment caused by a water system failure.
- (c) Ordinance No. 6077 repealing and replacing Ordinance No. 6057 and memorializing settlement terms and approval, with conditions of the Planned Unit Development and Preliminary Conservation Subdivision for the Application of David Shih and the Shih Family Limited Partnership under Permit File Nos. 08-135645 and 11-1-3630 LO.
- (d) Resolution No. 8459 authorizing execution of: 1) a one-year labor agreement extension (including an agreement to give back paid leave in lieu of mandatory furloughs) by the Bellevue Police Support Guild; and, 2) a Settlement Agreement between the same parties regarding a grievance claim.
- (e) Ordinance No. 6078 authorizing adoption of the recommendations for the use of 2013 Community Development Block Grant (CDBG) funds as transmitted by the Human Services Commission; authorizing submittal of a proposal to the United States Department of Housing and Urban Development (HUD) for the 2013 CDBG Program; authorizing the acceptance of a grant award contract with HUD; creating a new project series within the Operating Grants and Donations Fund into which these funds shall be deposited; authorizing entering into agreements with grant subrecipients; and authorizing expenditures of said grant funds.
- (f) Resolution No. 8460 authorizing execution of a professional services agreement with Design Concepts, in an amount not to exceed \$91,300, for architectural and engineering design services for the Downtown Park Playground.
- (g) Motion to award Bid No. 12210 to Fidalgo Paving and Construction, as the lowest responsible and responsive bidder, in the amount of \$98,657.00, for the Bellevue Golf Course Cart Path Installation and Overlay project (CIP No. P-R-11).
- (h) Resolution No. 8461 authorizing execution of an amendment to the professional engineering service agreement with HDR Engineering, Inc., increasing the total contract amount from \$818,512 to \$1,568,776 to advance the engineering level

from 30% to 60% level, including developing design plans, specifications, and cost estimates for future improvements on 124th Avenue NE, between the proposed NE 15th/16th Street Extension and Northup Way (CIP Plan No. PW-R-166).

- (i) Motion to award Bid No. 12000, Bellevue Way NE and NE 24th Street Traffic Signal Upgrade to Kamins Construction, as the lowest responsible and responsive bidder, in the amount of \$501,866.00 (CIP Plan Nos. PW-M-1, PW-M-19, and PW-NEP-1).
- (j) Resolution No. 8462 authorizing the purchase of Lateral and Mainline Probe video inspection equipment from Cues Corporation, in the amount of \$57,049.50 from Sewer Fund 4450.
- (k) Resolution No. 8463 authorizing execution of a professional services agreement with Site Development Associates, LLC, in an amount not to exceed \$200,000, for engineering services associated with the Commercial Water Meter Replacement (2012-2013) Design project (CIP Plan No. W-98).

(l) Newport Water Pump Station Rehabilitation

Motion to award Bid No. 12176 for Newport Water Booster Pump Station Rehabilitation, to Omega Contractors, Inc., as the lowest responsible and responsive bidder, in the amount of \$792,259.80 (CIP Plan No. W-91).

Resolution No. 8464 authorizing execution of a professional services agreement with Kennedy/Jenks Consultants, Inc., in an amount not to exceed \$60,000, for engineering services during construction of the Newport Pump Station Rehabilitation Project (CIP Plan No. W-91).

- (m) Motion to award Bid No. 12160 for AC Water Main Replacement (2012) - Phase 2, to Earthwork Enterprises, Inc., as the lowest responsible and responsive bidder, in the amount of \$1,423,770.78 (CIP Plan No. W-16).

9. Public Hearings

- (a) Consideration of the Vacation of a Portion of NE 28th Street

Patti Ebert, Senior Real Property Agent, described the request for a right-of-way vacation submitted by The Little School on May 1. Departments have reviewed the request and recommend approving the street vacation. The right-of-way is a portion of NE 28th Street between 116th Avenue NE and 120th Avenue NE. The ROW is 30 feet wide, and The Little School owns property on both sides of the area requested to be vacated.

Ms. Ebert described the site plan. She explained that The Little School recently received a stop work order related to its efforts to add parking. The City is delaying a decision on the permit

until a street vacation decision is made. The City received one public request for information regarding the ROW and the school's parking plans. The City does not know where parking will be located. If the vacation is approved, the City proposes conditions to retain two easements (Utilities and Pedestrian). Puget Sound Energy has overhead lines and has requested obtaining its own easement for the area.

→ Deputy Mayor Robertson moved to open the Public Hearing, and Councilmember Stokes seconded the motion.

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

The following citizens came forward to comment:

1. Peter Berner-Hays, Director of The Little School, said the school has been at the same site for 40 years and has 160 students. He clarified that the school is requesting a vacation of two-thirds of the right-of-way. He said that, several months ago, the school installed a gravel lot mistakenly without permits. Vacation of the ROW will allow the school to fully use the property and to enhance both parking and safety for children on the site.

2. Joe Notarangelo, President of The Little School Board of Trustees, spoke in support of the right-of-way vacation. He said the school would like to evaluate the feasibility of putting in a complying parking area. The school believes that the ROW vacation will provide better opportunities for parking facilities.

→ Deputy Mayor Robertson moved to close the Public Hearing, and Councilmember Stokes seconded the motion.

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

Deputy Mayor Robertson questioned whether the City would be vacating only a portion of the ROW.

Responding to Mayor Lee, Ms. Ebert explained that a small segment of the ROW is fairly steep and wooded.

Nora Johnson, Director of the Civic Services Department, said staff recommends retaining an easement for a possible pedestrian trail in the future. Responding to Councilmember Chelminiak, Ms. Johnson said the ROW connects to 120th Avenue immediately before it goes into a private road.

→ Deputy Mayor Robertson moved to direct staff to proceed with drafting legislation approving the requested street vacation with the retention of the two easements for existing utilities and pedestrian/non-motorized uses. Councilmember Wallace seconded the motion.

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

10. Land Use: None.
11. Other Ordinances, Resolutions and Motions: None.
12. Unfinished Business: None.
13. Continued Oral Communications: None.
14. New Business: None.
15. Executive Session: None.
16. Adjournment

At 10:29 p.m., Mayor Lee declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw