

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Special Meeting and Study Session

July 19, 2010
5:45 p.m.

Council Conference Room
Bellevue, Washington

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

ABSENT: None.

1. Special Meeting – Executive Session

Deputy Mayor Lee called the Special Meeting to order at 5:45 p.m., and declared recess to Executive Session for approximately 15 minutes to discuss one item of potential litigation.

The Study Session resumed at 6:08 p.m., with Mayor Davidson presiding.

2. Study Session

- (a) East Link – Review and Discussion of the City’s B7 Analysis, the *112th Avenue Light Rail Options Concept Design Report*, and the *Evaluation of Hospital Station Options Report*

City Manager Steve Sarkozy noted that the entire Study Session is devoted to discussion of the Sound Transit East Link light rail project. The Sound Transit Board has indicated that it is taking action on July 22 on a number of alignment issues affecting Bellevue, specifically Segments B and C, as well as the hospital station. He recalled that the Council commissioned consultant studies to better inform the Council’s decision making. He said that Fred Butler, Sound Transit Board Member and Chair of the Board’s capital committee has asked the City of Bellevue to provide comment on the 112th Avenue alignment and the hospital station before next week’s Board meeting.

Transportation Director Goran Sparrman explained that the primary purpose of tonight’s discussion is to review the results of the consultant’s work. He reviewed the project schedule. The Supplemental Draft EIS (environmental impact statement) will be completed this fall, and the Final EIS is expected to be released next Spring.

¹ Councilmember Balducci arrived at 6:11 p.m.

Bernard van de Kamp, Regional Projects Manager, said the four consultant contracts are the B7 DEIS Peer Review, Mercer Slough Wetlands Function Assessment, South Bellevue Station Options, and East Link Noise Analysis Peer Review. He reviewed the scope of analysis for each contract.

Mike Eidlin, David Evans and Associates, presented the B7 DEIS peer review findings. Overall, the consultant found the DEIS analysis to be balanced and consistent, and the method was generally consistent with industry standards. With regard to the traffic analysis, due to the way ridership is generated by the ridership model, the results are inconsistent when looking at the traffic impacts of the alternatives. Regarding the traffic impacts for B7 and B3, the Park and Ride size is used to generate the impact of traffic entering and existing the station area, whereas the size of the Park and Ride does not correlate exactly to the ridership that the model generates for the station. Therefore the results are slightly inconsistent.

With respect to other environmental factors and the alternative comparison for land use, the consultant felt there could have been additional analysis of land use plans and how well those plans match up for each alternative. With regard to the archaeological field survey, there was no field work conducted adjacent to the B7 BNSF corridor, which the consultant felt could have been done.

With regard to design and constructability, the consultant found the level of design to be appropriate for this phase of project development. It is conceptual design, but it has been developed using engineering practices that are standard in the industry. The cost estimate was more detailed than is often the case for projects of this kind. Sound Transit has a fairly good cost menu based on its work on the Central Link system. The consultant found this work to be consistent with the constructability review they performed. He noted that the Mercer Slough will present construction challenges. The BNSF corridor will be a challenge as well as there is currently a single track, and light rail will be two tracks and a trail.

Mr. Eidlin next reviewed the East Link DEIS peer review recommendations which essentially recommend an update of the DEIS information. For the FEIS, the consultant recommends a more detailed methodology for dealing with specific traffic impacts adjacent to station areas, additional discussion of the consistency with local land use plans, additional review of environmental justice and social impacts would be appropriate, increasing the number of visual observation points in the review of the corridor to gain a clear understanding of the impacts, additional wetland and habitat mapping, and a formal wetland delineation. The consultant recommends updating the conceptual engineering design and cost estimate, and adding geotechnical work to assess feasibility and advance design.

Mayor Davidson recalled conversations comparing B3, B2, and B7 in terms of the level of knowledge to date. There has been more analysis of the B3 alternative than for the B7. He questioned whether studying the B7 corridor, other than observations, would help to bring it up to the same design level as B2 and B3.

Mr. Eidlin said he is not sure that that is an accurate characterization. While Mr. Eidlin did a comparison of B3 and B7, he also looked at the other drawing packages and found them all to be very consistent. The consultants learned during the course of their work that additional drawings had been prepared. Mr. Eidlin said he raised in his report the issue of the cross-sections in the EIS of the B7 alignment, which portrays a 100-foot wide corridor that is essentially flat and that it is not characteristic of the BNSF alignment. He stated there were additional cross-sections in the DEIS that were prepared to support engineering work, but they were not included in the DEIS.

Mayor Davidson noted a drawing of B3 and B2 showing width and elevation. He asked if that same detail has been done on B7.

Mr. Eidlin said that was included in the BNSF corridor. There was another cross-section showing the elevated alignment along I-90. He learned that there were additional cross-sections more representative of actual conditions in the BNSF corridor, but they were not included in the DEIS.

Councilmember Chelminiak questioned the visual representation and Sound Transit's use of an abbreviated rating system instead of the typical federal rating system of visual impacts.

Mr. Eidlin noted that this is not his area of expertise. However, he said there is a detailed rating system that is often used that was not applied in the DEIS. The scope of the DEIS is large with a long alignment and numerous alternatives. As a result, the methodologies used were often appropriate to making a regional selection, but less appropriate for trying to discriminate between individual alternative alignments within the segments of the overall alignment. He said a more detailed analysis would more fully assess the impacts.

Councilmember Chelminiak noted that Mr. Eidlin's colleague suggested that the view looking north into the wetland forest and across the expanse of the Mercer Slough is the view that should be rated for visual impacts.

Responding to Mr. Chelminiak, Mr. Eidlin said Sound Transit attended a workshop hosted recently by the Washington State Department of Transportation (WSDOT), which presented information that the I-90 bridge was determined to be near collapse in 1983, 1987, and 2003. He does not know whether Sound Transit was aware of that when it conducted its DEIS.

Responding to Councilmember Chelminiak, Mr. Eidlin confirmed that this should be considered in assessing the risk associated with constructing pilings across the Mercer Slough. Mr. Eidlin said the most recent WSDOT Phase II report does not have good answers either, and they know that they need to continue to study this. It has been hypothesized that movement is influenced not only by water level changes in the lake, resulting from the change in the water level over time by the U.S. Army Corps of Engineers, but also by the placement of fill along Lake Washington Boulevard. WSDOT also noted movements associated with the construction of the flyover ramp during the most recent freeway construction. It would be expected that construction adjacent to the freeway might have an impact, but that would need to be studied.

Councilmember Degginger recalled that the reason for the consultant review was that some members of the Council were concerned that the B7 was not given appropriate attention in the course of evaluating alternatives in the DEIS. He read from the consultant's report, which finds "that Sound Transit's East Link DEIS fairly compares the B7 alignment with other Segment B alternatives". Mr. Degginger noted the separate issue of constructability and asked about the consultant's review in this area.

Mr. Eidlin stated that they are dealing with a level of design that is approximately five percent, or conceptual design, in the DEIS. It was completed for the purpose of developing comparisons of alternatives and the impacts of those alternatives. It has not progressed to the point at which it could be constructed. DEA looked at the design and identified the challenges that a contractor would face.

Reading further from the consultant's report, Councilmember Degginger read that their constructability review "finds that the B7 will be complicated by the construction of the elevated track way structures in Mercer Slough, and construction of extensive retaining structures, and substantial regarding needed to accommodate the track way and the trail within the corridor." The reports also notes a question of limited access and how that affects the expense to construct.

Councilmember Wallace questioned whether the consultant could say whether the B3 or B7 will be more expensive. Mr. Eidlin said they did not do that kind of comparison. They looked at alternative B7 to determine if it was treated in the same fashion as the other alternatives in the DEIS.

Responding to Councilmember Wallace, Mr. Eidlin said the cost estimates allow a high-level comparison at this point. There have been changes since the DEIS was completed and cost estimates were drawn, so DEA would recommend, at the very least before a decision is made, that the costs be updated.

In further response to Councilmember Wallace, Mr. Eidlin said the DEIS addresses mitigation in some areas of the report. There are "adders" for complicated situations.

With regard to noise impacts, Councilmember Wallace questioned whether there are specific plans for mitigation along Bellevue Way and 112th Avenue, as compared to mitigation along the B7 corridor alternative. Mr. Eidlin said he could check the DEIS and then provide a response.

Councilmember Wallace said it would be helpful to know if there are cost estimates for mitigation impacts, or if Sound Transit is making general estimates based on lineal feet in comparing alignments.

Mr. Eidlin responded that the analysis is very detailed. Sound Transit has a large menu of costs for the construction of various elements in different circumstances.

Councilmember Wallace next questioned construction on peat. He asked whether the consultant has experience with geotechnical work related to construction on peat. Mr. Eidlin said he is not a

geotechnical engineer. However, he is a mining engineer and he is familiar with peat mining operations.

Mr. Wallace said he called his geotechnical engineer and questioned whether it would be impossible to build the B7 line across the slough in peat. His response was that it is possible by using piles. Mr. Wallace said it would be good to have another geotechnical engineer take a look at that.

Mr. Eidlin noted that the reports state that the structures out there are founded on piles, starting with wood piles for the original bridge to steel piles, and then there are some drilled shafts that were put in for one of the last construction efforts. And those piles are shifting as a result of the geotechnical conditions out there.

Mayor Davidson questioned the challenge of constructing a four-story Park and Ride garage on the same peat as the current Park and Ride lot. Mr. Eidlin confirmed that any construction is challenged by a peat layer.

Responding to Councilmember Wallace, Mr. Eidlin said the retaining wall along the rail corridor has been priced in the DEIS. In further response, Mr. Eidlin said it is not likely to provide noise mitigation for the residences down below. He said it would be possible to raise the concrete wall to block the train line of sight from the residences. However, a higher wall will require a deeper foundation, which will be more expensive.

Deputy Mayor Lee noted that the report indicates that Sound Transit's DEIS is consistent and balanced in its analysis. He expressed concern with the DEIS regarding the traffic and ridership analysis, the lack of detailed alternative comparisons with regard to land use and visual resources, and the absence of an archeological field survey. He wants to hear more about what Sound Transit could have done with regard to a land use study. Mr. Lee feels there is a need for a greater level of detail to differentiate B7 from B3 and the other alternatives.

Councilmember Balducci said she appreciates the report, which was requested in response to the feeling that many people had that Sound Transit had done an inadequate job of studying the B7 option to the level that it had studied the other Segment B alternatives. Responding to Ms. Balducci, Mr. Eidlin reiterated that he did not come to that conclusion based on his analysis.

Ms. Balducci is interested in taking a closer look at the traffic methodology. She summarized her understanding of the consultant's findings. The B7 and B3 options were subjected to consistent and balanced analysis but there are some issues for which the City should request more information, or review in terms of the relative risks and impacts.

Ms. Balducci said this is the first time she has heard the geotechnical issue, which raises concerns separate from the light rail project. She is hearing that the right-of-way has changed since the DEIS was released, and there might be more impacts than those identified in the DEIS.

Responding to Ms. Balducci, Mr. Eidlin reiterated that his firm was not asked to examine the B3 option. They used the analysis in the DEIS to compare the approach that Sound Transit took in evaluating impacts among all of the alignments and the level of engineering work that was done to advance all of the alignments, and they determined that the work represented an essentially equivalent and consistent approach. The focus was limited to B7, with the exception of the traffic analysis in which DEA did compare the two station areas (i.e., South Bellevue Park and Ride and 118th Avenue SE).

Responding to Councilmember Balducci, Mr. Eidlin said the scope of the DEIS was extraordinary in terms of the number of alternatives that were evaluated.

Councilmember Robertson said she appreciates that the consultant's report confirmed that the B7 has the least negative impacts for construction, and only minor impacts to communities and neighborhoods. She asked about constructability on the BNSF right-of-way. If it is not used for light rail and is instead turned into a trail, she assumes they would still need to grade it, create retaining walls, and pull out the rails and the ties.

Mr. Eidlin stated that if a trail were placed where the railroad tracks currently exist, essentially all they would need to do is remove the ballast and ties and to provide access to and from the existing hiking trail. It is wide enough to accommodate a trail as it is. He said there are many examples around the country of railroad corridors being turned into hiking trails essentially just as they are, with the removal of the rails and ties.

Mr. van de Kamp noted an offer from WSDOT to brief the Council on the geotechnical information. He introduced the consultant who conducted the Mercer Slough Functional Assessment.

Dyanne Sheldon, OTAK, reported that they have not completed their analysis. They ran the functional assessment method on the existing condition of Mercer Slough, with the proposed B2M alignment on the west side and the B7 on the south and east side. As predicted, the tool is too blunt and therefore does not discern any difference between existing and proposed conditions. Ms. Sheldon stated that the functional assessment tool used is not valid for this project.

Ms. Sheldon explained that, given that information, the consultants moved forward using their best professional judgment and assigning assumed impacts based on an analysis. She noted that Mr. Eidlin reported that the DEIS comparison of alternatives was appropriate. In the DEIS, Ms. Sheldon said that analysis of both the B2M and the B7 was probably at the same five-percent development. The B7 has remained at this level of development, while B2M is not at 30 percent or higher in its development. The higher level of detail provides a much better opportunity to comment.

Ms. Sheldon said it is going to appear as if there are more things wrong with alternative B2M, and that is not the case. It is based on her having more things to evaluate for the B2M option. She explained that they looked at the two alignments and divided the anticipated impacts into three

levels: 1) Permanent direct impacts (e.g., pylon that permanently removes portion of wetland), 2) Permanent indirect impacts (e.g., impact of temporary construction bridge for more than one growing season), and 3) Temporary impacts (e.g., removal of vegetation without any soil disturbance). Ms. Sheldon noted her current work in the review of WSDOT's constructability of SR 520 through the arboretum wetland and into the lake, which informs her professional assessment of light rail wetland impacts as well.

For the B2M alignment, Ms. Sheldon said they used the February 2010 30-percent design drawings. There appear to be delineated wetland boundaries based on a field survey. The consultants identified the direct loss of wetland area due to the foot print of the structure going across it, as well as the direct loss of the buffer. Ms. Sheldon referred to the plan sheets. L-65 RP012 shows a pond placed in the wetland. She is not sure if this is a temporary sedimentation pond during construction or a permanent stormwater pond.

Continuing, Ms. Sheldon referenced sheet L-65, KP007, showing elevated groundwater. The wetland edge in that vicinity is at approximately 31 feet elevation. If groundwater coming from the west to Mercer Slough is intercepted, this will de-water the wetland downstream/down slope of that alignment. Ms. Sheldon said she will not conclude that this is going to happen, but the current plans show tracks buried in the path of that groundwater. There will be a loss of vegetation along and underneath the tracks. During construction, stormwater ponds introduce the potential for water quality impacts into the wetland from the discharge of stormwater.

For alternative B7, wetland area is lost within every footprint of the pylons that are holding the bridge. Assuming the entire area within the construction limits, the wetland will be permanently lost, per the regulatory standard of permanent impact.

There will be a loss of forested wetland and buffer under the structure (i.e., elevated final track), and long-term operation and maintenance will have continued impacts. She said it is possible that Sound Transit might have to provide stormwater treatment within that wetland crossing as well. She noted the issue of whether to convert wetlands to stormwater or discharge stormwater into wetlands.

Option B7 does not indicate significant vegetation impacts, because the proposed alignment is so high across the south end. There are relatively small impacts for the south crossing of the slough. Ms. Sheldon reported that implementing light rail in the BNSF corridor more than doubles the width of the existing alignment. Installing a retaining wall on one side to hold the slope back, and a retaining wall on the other side to create the fill to hold this plateau, involves a great deal of earth cutting and earth moving. She has no geotechnical studies for the slope. However, looking at the aerial photo of Mercer Slough and knowing the geologic history of the Pacific Northwest, she has no reason to assume that there is not groundwater coming through from the east to the west toward Mercer Slough. Excavation through there will intercept groundwater, which will need to be collected and conveyed into Mercer Slough in some way in the future.

Ms. Sheldon apologized that they have not completed their review, and stated that they have reached no conclusion about whether one alignment is better than another. This is due in part to

the iterative process of engineering design within a regulatory context. Achieving 30 percent design provides the ability to begin to identify potential impacts, such as the de-watering. Ms. Sheldon speculated that Sound Transit's engineers and biologists will address this impact and will avoid, minimize, mitigate or compensate for that groundwater interception. However, she does not know how Sound Transit plans to handle this impact.

Ms. Sheldon clarified that she cannot deduce that those wetlands are going to be de-watered because she does not know how Sound Transit is addressing the groundwater effect. Sound Transit shows it on their plans, and she assumes that it will be addressed through the normal design process.

Mayor Davidson asked whether the wetlands are essentially as described by Sound Transit. Ms. Sheldon opined that Sound Transit did an adequate and appropriate job of assessing the Mercer Slough, which was to address it as one wetland complex as did her firm.

Councilmember Degginger asked whether the questions raised will be answered in the FEIS. Ms. Sheldon responded that they generally are not. In the SEPA process, the DEIS usually steps to the Final EIS, which is simply a synopsis of what has been identified in the draft and a response to all of the comments received. In the FEIS, someone could address those issues within the context of responding to comments. However, there typically is not a redesign of the project.

Councilmember Degginger summarized his understanding that this is a normal process of developing a project; you find a problem, you develop a solution. Having heard this presentation, he feels it is not surprising that there are challenges in bringing the project into Bellevue no matter which route is chosen. Ms. Sheldon concurred with that conclusion.

Deputy Mayor Lee stated that he is hearing that the impacts will be further identified through evolving engineering. The more that engineering work progresses, the more impacts are identified to be mitigated. He observed that without a higher level of engineering and design detail, it is nearly impossible to make fair comparisons between alternatives.

Ms. Sheldon said she hoped that she has made comparisons fairly given the level of information available. She cautioned against having faith that all problems identified can be solved with engineering solutions. Certainly every attempt will be made to solve identified problems, but the SEPA process includes terminology about an unavoidable adverse effect.

Deputy Mayor Lee observed that many assumptions have been made. Sound Transit made certain assumptions based on certain engineering. We do not fully know the impact on Bellevue. He feels there is a need for the same level of engineering and analysis to be able to make comparisons between alternatives.

Responding to Councilmember Balducci, Ms. Sheldon said that EIS analyses are not typically done at a level that is particularly helpful in identifying and comparing environmental implications. The nature of the process is a very complex engineering problem. Someone has to spend the money to move the alternatives from a five percent conceptual level to a more detailed

level that will disclose the more intricate potential adverse effects. Ms. Sheldon said the DEIS reflects a fair comparison between the alternatives at a very thin level of knowledge. This is not a criticism of Sound Transit's DEIS, but a reality of most environmental impact statements.

Kit Paulsen, Stream Scientist, spoke to the potential salmon impacts related to the B7 and B2M alignments. She does not think that either alignment is fatally flawed. However, the B7 alignment has more direct impacts on salmon than alternative B2M and would likely require additional mitigation.

Mr. Paulsen described the habitat and wildlife of the Mercer Slough, noting that there is a consistent annual spawning population in the Kelsey Basin, including Chinook salmon which are protected under the Endangered Species Act. Adult salmon migrate through the main channel of Mercer Slough to the fish ladder, enter the Kelsey system under the Wilburton trestle in late August through early September, and continue migrating through this area until early December.

Ms. Paulsen said the alignments would have different impacts based on the life history uses of the system. The B7 alignment has direct impacts as identified by the wetlands specialist at the I-90 crossing, from both the temporary and permanent structures and pilings.

Responding to Councilmember Wallace, Ms. Paulsen clarified that if pilings are focused on the wetlands impacts instead of the in-water impacts, there would be less direct salmon impacts.

Responding to Councilmember Robertson, Ms. Paulsen said I-90 has pilings in the stream.

Continuing, Ms. Paulsen said the other area of direct impact under the current alignment for B7 is at the Mercer Slough fish ladder, which also includes some of the wetland impacts previously identified.

Responding to Councilmember Wallace, Ms. Paulsen confirmed the goal of keeping the construction and operation of the light rail line away from the fish ladder. With regard to the BNSF alignment, there is also the question of the additional railway widths that would need to be added to that area.

Mayor Davidson referred to the ecosystem necessary to maintain bugs for fish to eat. He questioned whether the B3 Side-Running and B2 options would affect the drainage into the side channel and adversely impact the fish ecosystem.

Ms. Paulsen said it is possible, but she cannot answer that without knowing the actual design. She said the buffer systems are important, and these range from 100 feet to 600 feet for different functions.

Councilmember Balducci asked staff to comment about where salmon congregate and how the light rail alternatives might affect them.

Ms. Paulsen responded that early research on migratory studies for adult salmon found that a number of tagged salmon at the Ballard locks swam through Lake Washington and held at the southern side of I-90. They milled around the south side of I-90, but it is not known whether they also congregated on the north side between Mercer Slough and Bellevue. They move up through the slough and into the fish ladder fairly quickly, and then into the stream system where the City conducts its spawner surveys.

The salmon move through the Kelsey Basin and spawn primarily in the main stem Kelsey Creek and Western Tributary. Following spawning and laying eggs in the stream, the eggs hatch after approximately three months. Ms. Paulsen said most salmon move back to Lake Washington and ultimately to the locks fairly quickly. Coho salmon spend approximately a year in the stream system before moving back toward the lake and the locks.

Responding to Councilmember Balducci, Ms. Paulsen said alternative B2M has the potential for affecting a small portion of juvenile Chinook salmon coming out into the slough, because they will have a tendency to move out in the cooler months and possibly rear there for a little while. The B7 alignment affects all species of fish, both adult and juvenile.

Councilmember Chelminiak questioned the implications of the report finding that option B7 is likely to adversely impact salmon.

Ms. Paulsen said the phrase “likely to adversely impact” means that there will be a degradation of habitat from that alignment. But “not likely to impact the viability of the population” is the second part of that assessment. Because Bellevue is a secondary spawning area and not a core population, the population itself would likely survive, especially with mitigation. Ms. Paulsen said it is questionable whether Sound Transit would find B2M likely to impact or not. The impact would be small.

Ron Leimkuhler, KPFF Engineers, provided an overview of the South Bellevue Station alternative location analysis. Six alternatives were initially identified and reviewed with WSDOT, Sound Transit, City staff, the Mayor, and Councilmembers. The initial screening considered transportation and accessibility (including connection to bus system), Mercer Slough Park impacts, environmental impacts, neighborhood character, constructability and risk, and regional consistency. Two alternatives initially identified for Mercer Slough were dropped after learning that federal funds used to acquire the park made it difficult to get a new facility located within the park. The consultant ultimately narrowed its focus to two alternatives.

Mr. Leimkuhler said KPFF performed a traffic study for the intersection at SE 30th Street and Bellevue Way SE, and quantified the impacts to Mercer Slough Park. They estimated project costs for each station alternative, using the Sound Transit methodology in order to create an apples-to-apples comparison. Mr. Leimkuhler described the two station alternatives (A-2 and C) and their associated costs.

Councilmember Wallace, referring to the consultant’s observation that it is not ideal to have buses 200 feet away from the station, questioned the distance between the C9T station in

Downtown Bellevue and the Bellevue Transit Center. Mr. Leimkuhler said he is not familiar with that segment of the project. Mr. Wallace suggested that this issue should be addressed with regard to Segment C.

Councilmember Balducci stated that the Council has talked at great length about the distance between the Downtown Station and the Transit Center. She said we tried to push it as close as we could, and that was as close as it could be with a tunnel. She feels it would be ideal to have it right at the Transit Center, but those tunnels were too expensive.

Councilmember Wallace opined that 200 feet between a bus drop and light rail station is not excessively long.

Mr. Leimkuhler continued his presentation of the two station alternatives. The approximate cost of Station Alternative C is \$210 million versus an estimated cost of \$170 million for Station Alternative A-2. He noted that the cost for the station on the B2M alignment is \$130 million, and the cost for the 118th Avenue station on the B7 alignment is \$114 million.

Councilmember Balducci provided context for the cost comparisons. She recalled that the costs of the B7 and B3 alternatives were approximately the same in the DEIS, with the B7 being perhaps \$10 million less. Compared to the B2 alignment, alternative B7 costs were approximately \$75 million higher. Responding to Ms. Balducci, Mr. van de Kamp confirmed that the South Bellevue station alternatives just described increase the cost differential by up to \$200 million.

Responding to Mayor Davidson, Mr. Leimkuhler said Sound Transit is aware of the challenges of construction over the slough. They had identified a 30 percent added cost for the B2M station based on poor soil conditions.

Mr. van de Kamp added that Sound Transit knew at the beginning of the environmental impact statement review that there were some poor soils in the slough, and they have been learning more information as they have moved forward. This new information from WSDOT is something Sound Transit intends to fold into the FEIS.

Councilmember Degginger noted that the potential 7-level parking structure of approximately 400,000 square feet is similar to the size of City Hall. Responding to Mr. Degginger, Mr. Leimkuhler said the stormwater on the upper deck would need to be treated and discharged to the slough area. Details of the exact configuration have not been defined.

Councilmember Degginger expressed concern about the impacts to adjacent neighborhoods. Mr. Leimkuhler described the anticipated traffic flow for the parking garage, noting that neighborhood impacts vary, depending on the specific design. In further response, Mr. Leimkuhler said bus travel times will increase with both station alternatives. He noted that the current Park and Ride layout is ideal for bus movements.

Mayor Davidson noted the need to recess to the Regular Session.

Following Councilmember Chelminiak's suggestion, the Council agreed to continue with the consultant presentations early in the Regular Session. Council will then continue its discussion, if necessary, upon completion of the remainder of the Regular Session agenda.

At 7:58 p.m., Mayor Davidson declared recess to the Regular Session.

[See Regular Session, Agenda Item 2(b), for continued presentation by the consultants and their response to Council's questions.]

At 11:19 p.m., upon completion of the Regular Session, the Council resumed discussion of the Study Session item regarding East Link light rail.

Mayor Davidson opened discussion regarding the draft letter to Sound Transit provided in Council's desk packet. He had requested that Sound Transit's deadline of July 22 for the Council's response be pushed back, but that was not successful.

→ Councilmember Robertson moved to approve and recommend the draft letter as revised and distributed the previous Friday. Deputy Mayor Lee seconded the motion.

Mayor Davidson noted that staff distributed the letter to the Council at approximately 6:30 p.m. on Friday.

Councilmember Robertson supports sending the letter as written. The Council has just spent \$250,000 of taxpayer dollars to develop information about alternative B7 and the feasibility of building a new South Bellevue Park and Ride to serve that alignment. The consultants' reports indicate that this is feasible and beneficial because we can leave the existing South Bellevue Park and Ride open during the 24-month construction period. The existing South Bellevue Park and Ride is fill built on poor soils, and could be returned to a park use later as a mitigation measure. The newly designed Park and Ride would have a lower impact on traffic congestion on Bellevue Way.

Ms. Robertson recalled that when the Council previously considered a B7 modified route, the Council was unified in supporting the B7 provided it could be served at a South Bellevue Park and Ride location near the current location. She asked the Council to unite behind this approach, which helps to protect neighborhoods from light rail impacts. The B7 is more consistent with the City's historical land use planning and protection of the transportation grid.

Ms. Robertson has spent a great deal of time reviewing the B2M option and discussing it with stakeholders. She has concluded that all B2M options are fatally flawed for a number of reasons including at-grade street crossings and bells every five to seven minutes, twenty hours a day, near single family neighborhoods. She noted that the Council has advocated for a Downtown tunnel and is making progress in seeing the tunnel become a realistic option. Ms. Robertson said other neighborhoods must be protected along with the Downtown. She asked that those who had

favored option B3 to stand with her and Bellevue neighborhoods, and to join the majority of the Council to advocate for alternative B7.

Mayor Davidson said he would like to limit the number of times a Councilmember speaks to two times.

Councilmember Balducci stated that she had hoped to have the opportunity to provide an update on what happened at the last capital committee meeting before a motion was on the floor.

→ Councilmember Balducci made a substitute motion to approve Councilmember Degginger's proposed draft letter. Councilmember Degginger seconded the motion.

Councilmember Balducci stated that we have all heard the process by which light rail will be implemented, which involves a long process. This started with a vote of citizens to implement light rail. Discussions have been focused on potential adverse impacts, but they do not stop to remember why the region is doing this in first place. She is proud of the City and the decisions that have been made by previous Councils, and she has been honored to serve in the advancement of the City's vision. This downtown did not come from a timid vision; it came from big decisions for the right reasons. The next big step forward is the introduction of this true high capacity transit system. If we wanted to build to avoid impacts, light rail would not be built. Light rail is being built to provide a needed service. Ms. Balducci said light rail will be a strong asset for the community, its land use, and its transportation system.

Ms. Balducci provided a brief history of the decision process related to light rail. The Sound Transit Board is requesting Council input before its meeting on Thursday about whether light rail should go forward with the B2M alignment. Where it should go and how it should be configured is of tremendous importance to constituents who have testified before the Council. All of the most directly affected people have asked the Council to support the 112th Avenue west side running option. If the Council should ignore their plea, then it is not representing the citizens who are most impacted by a light rail alignment.

Ms. Balducci acknowledged that at each juncture it has been hard to make decisions. She feels that the Council can support a west side alignment on 112th Avenue without abandoning its position on alternative B7. The Sound Transit Board is simply asking Bellevue to provide comment on the 112th Avenue options. If the Council chooses to not weigh in, the consequence is that Sound Transit will make a decision without Bellevue's input and continue to move forward.

Councilmember Balducci said the City and the region have been at this for years, and each step along the way it has been difficult to make decisions because Councilmembers want more information and more studies. She said the Council has the information that it is going to have to make a decision at this point. The studies presented tonight are interesting, and contain good information that will go into so much of what the Council does between now and the time that the system opens.

The final alignment decisions are still before this body. The Council will have the opportunity to respond to the Supplement DEIS, which will contain additional study of a variety of different options. Bellevue can request certain things in the Supplement DEIS, and will have another chance to weigh in on the final alignment next year. This is the opportunity to provide input regarding 112th Avenue and if the Council does not, it is not doing right by the people affected by the decision.

Ms. Balducci said that while she moved approval of Mr. Degginger's letter, she actually does not support advancing Option 4, and she is assuming that the motion is not going to get majority support. She supports advancing Option 2 because all of the most directly affected people have asked the Council for that support. More work needs to be done at the south end of 112th Avenue SE. She noted interesting testimony from the Surrey Downs community, and she fully supports looking at what the City can do to meet the principles laid out by their representatives. Of the options now on the table, Ms. Balducci believes that Option 2, with some work, is the best the Council can do with regard to providing input about 112th Avenue SE alignments.

Councilmember Degginger opined that the draft letter moved by Councilmember Robertson is flawed. He feels that Councilmember Balducci's review of where we are at in the process is important, and tonight is an important milestone. Mr. Degginger said that Mayor Davidson's proposed letter does not address the Sound Transit Board's specific request for input. Mr. Degginger recalled that a majority of Bellevue voters supported light rail. It provides the opportunity to improve mobility, enhance connectivity within the region, and to transform portions of Bellevue, including the Bel-Red and Wilburton areas, in the way that has been envisioned.

Mr. Degginger reviewed that Bellevue created a Light Rail Best Practices Committee and convened the Bel-Red planning process to involve stakeholders in the community. The Council has worked hard to develop a principle-based process to guide light rail alignment implementation. He reminded the Council of its unanimous support for a Downtown tunnel (Segment C) and for the Segment D alternative. However, there is division on the Council regarding Segment B. Early this year the Council reconsidered its preferred Segment B option, and a majority of the Council now supports B7 by a vote of 4-3.

Mr. Degginger noted that some Councilmembers are concerned that the B7 alignment is not being treated fairly. The Council agreed to a peer review of Sound Transit's review process. Independent consultants concluded that Sound Transit's methodology in the DEIS complied with industry standards and that it treated the B7 option fairly. The consultants pointed out a number of other things that are important and of concern, including that the B7 crossing has a higher level of construction risk and greater damage to the environment.

Mr. Degginger expressed his concerns with the proposed alternative station locations on the west side of Bellevue Way. He feels that they violate most of principles of the Best Practices report. Those options place a structure in a neighborhood, and create increased traffic into that neighborhood. They involve the taking of homes, constructing a tall structure suspended over the

freeway, and other construction complications. Mr. Degginger is concerned about the lack of public notice regarding the station alternatives.

Councilmember Degginger stated his concern that the letter circulated by the Mayor does not answer the question asked by the Sound Transit Board, but instead indicates that Bellevue is not going to respond regarding any preferences for an 112th Avenue SE alignment. A majority of the Council appears to be interested in continuing to talk about an alternative that thus far has lower ridership, higher costs, and constructability concerns. He is concerned about Bellevue's standing in terms of the ability to be successful in achieving our priorities, which include attaining a tunnel in the Downtown. In all of the public issues faced by the Council, there comes a time that the Council must lead.

Mr. Degginger said he is not comfortable with Mayor Davidson's letter because some of the statements are inaccurate and/or not supported by facts. The draft letter includes alternatives such as C14E, which the Council has not agreed to pursue. Many topics in the letter are irrelevant to the Sound Transit Board's current request for comment. Mr. Degginger feels that the letter prepared by staff, which is based on his input, does a better job of identifying the most plausible alternatives and routes that are being discussed. He agrees with Councilmember Balducci that the west side running option on 112th Avenue SE appears to have more viability, lesser construction risk, and more community support.

Councilmember Degginger said the Bellevue City Council has been effective in getting things done both locally and regionally. The Council is more effective when it helps to bring the community together rather than letting these kinds of battles continue to fester. He observed that the Council is not doing a good job of leading on this issue. He noted the need to find an alternative that is feasible and constructible within the cost parameters.

Mr. Degginger is concerned about how Mayor Davidson's letter will be received because it includes issues that have not been fully discussed by the Council. It is inconsistent with the City's principles for neighborhood protection. He is concerned that this will be a setback for Bellevue in terms of the ability to work with Sound Transit and to effectively deliver a light rail system that will work well for the community into the future. He is concerned that the Council is about to do something that will jeopardize its ability to be effective.

→ The substitute motion failed by a vote of 3-4, with Councilmembers Balducci, Chelminiak and Degginger in favor.

Mayor Davidson stated that the original motion remains on the table for discussion. He said this has been a difficult approach because he did weigh all of the options. He has heard the question of what is the real position of the Bellevue City Council, and has heard it misinterpreted by several people. He said that his draft letter reaffirms the Council's support of the B7 alternative.

Deputy Mayor Lee spoke to the motion and explained his position. He noted the strength of a shared vision and objectives, although Councilmembers have come to different conclusions about what is best for the community. He has lived in Bellevue for 43 years and has been on the

Council for 16 years. He wants to do what is right for Bellevue. He feels there is a misperception that when some Councilmembers support ideas that are contrary to Sound Transit's information and preferences, they are characterized as not supporting light rail. He said there is no question that Councilmembers understand the importance of the regional transportation system. Mr. Lee said his conversations with the community over the years indicate a higher level of support for the B7 alignment, in part to avoid neighborhoods. He said that Sound Transit has not demonstrated a willingness to really listen to Bellevue's interests.

Mr. Lee feels that the Council is looking at the wrong thing, which is comparing the lesser of two evils. He sees the most important priority as serving Bellevue residents and maintaining the high quality of life. He stated that Bellevue cannot back down from its preferred alignment and community priorities. He encouraged maintaining Bellevue's vision and proceeding with courage.

- Deputy Mayor Lee moved to extend the meeting by 30 minutes. Councilmember Robertson seconded the motion.
- The motion to extend the meeting carried by a vote of 7-0.

Councilmember Chelminiak referenced the letter from the Bellevue Club today, which indicated support for alternative B7 but acknowledged that it is becoming less of a reality. Mr. Chelminiak said it is even less of a reality now given information from staff today showing an estimated cost for the B7-C9T combination that is \$150-210 million higher than the B2M alignment costs.

Mr. Chelminiak said the Council originally sent a letter to Sound Transit in support of alternative B3, which also indicated that if it could not be mitigated the Council would support B7. The Council did not have the opportunity to find out if it could be mitigated before four members of the current Council opted to support the B7 as the preferred alternative, based in part on false information regarding environmental impacts. The information presented by the consultants tonight indicates that B7 is clearly more damaging to salmon than other Segment B options.

The impact of option B2M on wetlands is 150 square feet. A new report dated July 12 states that there is a serious problem on the I-90 bridge related to peat/soil movement. When looking at the sound issue, heavy trucks and articulated buses have a relative loudness of twice that of a light rail vehicle. He expressed concern regarding traffic impacts to the Enatai area with the proposed Park and Ride alternatives.

Mr. Chelminiak is concerned that Mayor Davidson's proposed letter will take the Downtown tunnel out of consideration and could result in a flyover structure over the Surrey Downs neighborhood at Main Street because it does not state Bellevue's preferences with regard to 112th Avenue options. He does not believe that the letter will be received well by Sound Transit. He noted that the consultant studies support the B2M.

Councilmember Balducci said the primary factors for any planned transportation investment are the project's service goals, how to get the best service possible, affordability, and impacts.

Several of the consultants have come to the conclusion that Sound Transit's analysis was appropriate and that the comparison of alternatives was balanced and fair. Alternative B7 serves a lower ridership at a higher cost. It could potentially serve more people if connected to a Park and Ride, but that would increase the costs even more. She noted that the budget was set by the voters.

Ms. Balducci opined that those in favor of the Mayor's letter are either unrealistic or want to obstruct this project. There are options that will meet all of the issues that have been talked about. The Council heard from the City's consultants that sound issues can be mitigated and/or avoided. Bellevue should be sending a letter advocating for a project that can be built, instead of a letter in support of a project that cannot be built.

Councilmember Balducci advised holding off on asking that any new concepts for a Park and Ride garage to be put into the Supplemental DEIS, because she does not believe that the Council knows enough at this point. Tonight the Council heard a preview of what the Enatai community might think, including concerns from people regarding a large structure proposed for their neighborhood. Ms. Balducci said the Council needs to give the public and the Council more time to review the station alternatives before requesting further study. Ms. Balducci suggested that the Council could transmit the consultant's study with a letter to Sound Transit for their review, but she believes it is premature to ask for inclusion in the SDEIS.

Ms. Balducci expressed concern regarding the paragraph entitled Cost [Page 3 of the letter]. She stated that the paragraph is getting into negotiating a memorandum of understanding, and she believes this is not strategically wise. She said the Council needs to work together to determine a unified position about how it is going to negotiate the MOU. Ms. Balducci suggested ending the Cost paragraph after the first sentence.

Continuing, Ms. Balducci opined that paragraph B, Displacements, ignores the fact that there are residents and businesses coming forward to say that these options are acceptable to them, although they might not be their favorite option. She would like the paragraph edited to note public input in favor of displacements.

Ms. Balducci cautioned against making the requests in the letter that represent significantly increased project costs. She proposed adding some acknowledgement about increasing costs, as well as a statement that Bellevue is prepared to work on ways to meet the budget challenges.

Ms. Balducci proposed deleting paragraph III of the letter regarding the C9T – 2nd Street option because she disagrees with being that specific at this point. She noted public testimony before the Council about an affordable housing project that would be eliminated under that option as well. No one from the public has testified, at least not recently, in favor of the NE 2nd Street tunnel portal option.

She asked that paragraph IV regarding the Hospital Station be removed from the letter and addressed separately. She feels that Item VI regarding alternative C14E should also be deleted.

- Councilmember Balducci moved to approve Mayor Davidson's proposed letter, as amended by her comments. Councilmember Degginger seconded the motion.

Councilmember Degginger requested, as a courtesy to those Councilmembers not supportive of the letter, that a notation be added indicating a Council vote of 4-3. He cannot remember a time in which the Council sent a letter of such significance taking positions on matters that have not been studied. The Council took a position on alternative B7 early this year but this is not the B7 anymore, this is something new. The Council just heard the first presentation of proposed South Bellevue station alternatives tonight. There has been no Study Session on the issue, and the Council does not usually do business in this manner. Similarly, the Council has not had a Study Session or discussion about C14E, yet it is advocated in this letter.

The letter makes statements that are not supported by the data from the City's consultants. He finds that troubling in terms of future credibility with Sound Transit. It appears that the B7 will not be less costly, and there could be even more mitigation required than what has been identified to date. The B7 does not avoid impacts to Enatai, but it avoids noise and visual impacts to Surrey Downs. This process is not treating all neighborhoods the same, not applying the City's criteria, and not treating people who live in condominiums in the same way that it is treating those in single-family homes. The Council is not consistently applying its own principles in the letter.

Mayor Davidson stated that he did not write the proposed letter, but that Councilmember Wallace wrote the letter.

Mr. Degginger feels that the Council needs to do better, and it needs to be truthful.

Councilmember Chelminiak requested, under the open public records act, an electronic copy of Councilmember Wallace's letter.

Councilmember Degginger continued stating his position on the proposed letter. The section about the Park and Ride is troubling as the Council has had no discussion, and the alternatives have not been fully evaluated. He attempted to revise the letter to make it work, but he could not find a way to do so, as it is fatally flawed. The letter's assertion that noise impacts cannot be mitigated is not consistent with the expert's opinion. For these reasons, Mr. Degginger cannot support the letter as written or amended.

- Councilmember Balducci withdrew her motion to amend the letter, noting that she does not want to support the letter.
- As a friendly amendment, Councilmember Degginger requested that the letter include a notation regarding the Council's vote of 4-3 on sending the letter.
- Councilmember Chelminiak moved to strike paragraph VI, and Councilmember Balducci seconded the motion.

Councilmember Chelminiak noted that removing paragraph VI from the proposed letter has already been addressed.

With regard to Item VI, Councilmember Wallace said there appears to be a budget problem, and C14E is a lower cost option. The paragraph also requests that the Red Lion Station and C14E be included in the Final EIS to enable an apples-to-apples comparison. The purpose of this paragraph is to suggest C14E as a more affordable option than the C11A.

Councilmember Chelminiak stated that he is hearing that the majority of the Council does not care about affordability, given the significantly higher costs of the B7 alternative and additional elements requested in the draft letter.

Councilmember Balducci stated that the agenda defined the discussion as a review of the B7 analysis, 112th Avenue SE design options, and the Hospital Station options. Much of the proposed letter falls fairly within those parameters but section VI does not. The Council has not given adequate public notice and has taken no public testimony. The paragraph goes beyond the scope of tonight's discussion. She supports the elimination of paragraph VI from the draft letter.

- The motion to remove paragraph VI from the letter carried by a vote of 5-2, with Councilmembers Robertson and Wallace opposed.
- Responding to Councilmember Degginger's friendly amendment, Councilmember Robertson accepted the amendment to include, as a courtesy to those Councilmembers not supportive of the letter, a notation indicating the Council vote on sending the letter.

Councilmember Chelminiak suggested, out of a courtesy to the public who have not seen the letter and have professed an interest in the Hospital Station, that the letter state that Options A, B, and C merit further study to determine which has the greatest cost-benefit ratio to the system after all necessary mitigation has been included in the costs. The request would be that all three options be advanced.

Councilmember Balducci opined that such a statement does not help, because it brings forward all three options without narrowing them any further and without any criteria except cost as the basis for a comparison.

- Deputy Mayor Lee moved to extend the meeting for 15 minutes to 12:45 a.m., and Councilmember Robertson seconded the motion.
- The motion to extend the meeting carried by a vote of 7-0.

Councilmember Wallace explained that including the Hospital Station issue was not intended to be a definitive statement. He is open to a broader discussion and addressing it in a separate letter.

Mayor Davidson noted the time constraint in being able to submit the letter to Sound Transit for the July 22 Board meeting. He recalled Council discussion concluding that Hospital Station Options A, B, and C merit further study, and he therefore believes that including the paragraph is accurate.

Councilmember Degginger said he believes that the Council said it wants to hear more about the options. The Council needs to identify key criteria including service to both the hospitals and the Wilburton area, visibility, and access to the station.

Councilmember Balducci recalled some interest from citizens in incorporating pedestrian and bicycle crossings at NE 8th Street as part of the Hospital Station, is possible. She said another important criteria is convenient pedestrian access to medical facilities.

- Councilmember Robertson moved to amend her main motion by revising the letter to add the criteria important to Bellevue with regard to the Hospital Station. These criteria are serving the Medical District and Wilburton area, pedestrian access to medical facilities, station accessibility and visibility, and providing a pedestrian and bicycle crossing. Deputy Mayor Lee seconded the motion.
- The motion to amend language in the letter related to the Hospital Station carried by a vote of 7-0.

Councilmember Wallace commented that in stepping back to the broader picture of the entire East Link light rail project, Segment B becomes a less important issue relative to the overall alignment. This is a difficult situation in trying to figure out how to get light rail around the slough in a way that protects neighborhoods, roadways, the Winters House, and the environment. In the past, there has been considerable debate over alternatives B7 and B3. Bellevue offered option B3M to protect residents and to mitigate traffic impacts. He assumes this was a compromise position.

Mr. Wallace provided a brief history of the Council's position on the B3M alternative and its change to a majority Council preference for B7. He described his opposition to Sound Transit's B2M route. His decision is not necessarily about light rail but about Bellevue neighborhoods. His support of the B7 is also about protecting neighborhoods by putting light rail in a vacant rail corridor next to a freeway, in a place in which it appears that noise can be mitigated.

With regard to the new station options at the south end of Enatai, Mr. Wallace said that it sounds like the impacts could be mitigated through proper design of the facility. He recalled that five months ago, the Council had a common interest in identifying a way to integrate a B7 light rail station with a bus transit Park and Ride. He believes it is completely appropriate to ask Sound Transit to study the new station options and how they could be integrated with the B7 alternative. He said that insufficient information is available to make a true apples-to-apples comparison of the Segment B options. Sound Transit has asked Bellevue about which of the B2M routes is acceptable, and the answer is none.

Councilmember Degginger stated for clarification that the B7 alternative described in the letter should be considered a new B7. It is not the B7 that was proposed last year.

Councilmember Wallace said the letter supports the B7 alternative, which is the Council's preferred alternative, and requests further study of the new station alternatives to determine the most economically viable station for the route.

- Councilmember Degginger moved that if the B7 alternative is not feasible as described, the Council should move to support the B2M option. Councilmember Balducci seconded the motion.
- Councilmember Robertson moved to extend the meeting until 1:00 a.m., and Deputy Mayor Lee seconded the motion.
- The motion to extend the meeting carried by a vote of 7-0.

Councilmember Robertson stated that the Council does not know what the Sound Transit Board is going to do. She is not in favor of putting an "if not, then that" statement in the letter. The Council should discuss the policy issues, but this is not the time to do so.

Councilmember Robertson called the question on the motion to amend.

Deputy Mayor Lee stated he would not support the amendment.

- Councilmember Degginger withdrew the motion to amend.

Mayor Davidson observed that Sound Transit employees are discrediting this Council and hurting the Council's ability to communicate to Sound Transit on the preferred alternative. He noted that Bellevue has a group of citizens who say that instead of dealing with light rail impacts on 112th Avenue SE, they would prefer to sell their properties. This would leave the next row of people impacted but unable to sell. All of these are unacceptable results.

Mayor Davidson said the consultant studies were presented to him last Tuesday night, at which time one of the studies was not available. All of the studies were completed and delivered by Friday night. He has not seen sufficient design on the B7 or the South Bellevue Park and Ride. He does not want to be misunderstood on this Council anymore. The draft letter represents the Council's majority opinion, and he supports sending the letter.

Mayor Davidson said that despite tonight's presentations, he still does not have adequate information on the B7 alternative. He noted his frustration that Sound Transit was not willing to give Bellevue more time to review and discuss its own consultants' reports before providing input to the Board.

- The motion to approve Mayor Davidson's letter, as amended, carried by a vote of 4-3 with Councilmembers Balducci, Chelminiak, and Degginger opposed.

At 12:50 a.m., Mayor Davidson declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

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