

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

November 15, 2010
6:00 p.m.

Council Conference Room
Bellevue, Washington

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

ABSENT: None.

1. Executive Session

Deputy Mayor Lee called the meeting to order at 6:00 p.m., and declared recess to Executive Session for approximately 30 minutes to discuss one item of property acquisition/disposition.

The meeting resumed at 6:40 p.m., with Mayor Davidson presiding.

2. Study Session

- (a) Presentation from Washington State Department of Transportation (WSDOT) regarding I-90 Two-Way Transit and HOV Project, and the South Bellevue Interchange Structure and Related Mercer Slough Soil Monitoring Program

City Manager Steve Sarkozy noted Washington State Department of Transportation (WSDOT) staff in attendance to present on I-90 projects and the Mercer Slough soil monitoring program.

Transportation Director Goran Sparrman indicated that the Council is interested in WSDOT's analysis of the geo-technical conditions in the Mercer Slough and the implications for future construction activities, including those associated with light rail.

Dave Dye, WSDOT Deputy Secretary and Chief Operating Officer, introduced Paul Bennett, Engineering Manager for I-90 and Sound Transit projects.

Mr. Bennett described the I-90 two-way transit and HOV project, which will provide 24-hour HOV lanes between Bellevue and Seattle. Stage 1 was completed in 2008, which consisted of a new westbound HOV lane and direct access ramps between Bellevue and Mercer Island. Stage 2 is under construction now and provides a new eastbound HOV lane and direct access ramps between Bellevue and Mercer Island. WSDOT is currently designing Stage 3, which completes HOV lanes in both directions between Mercer Island and Seattle.

Responding to Councilmember Wallace, Mr. Bennett said WSDOT is required, as part of the R8A project, to complete an interchange justification report involving traffic studies related to the East Link light rail project. Mr. Bennett said the information is provided in the East Link Supplemental DEIS that was recently released by Sound Transit.

Responding to Mayor Davidson, Mr. Bennett said WSDOT is currently evaluating a request for proposals regarding the construction of light rail over the track bridge section. Some solutions leave the existing expansion joints in place, and others remove one of the expansion joints on the center roadway and replace it with a track bridge.

Mr. Bennett described the four bridges over the Mercer Slough and the subsurface conditions. He responded to questions of clarification, noting that there is movement of the bridges within the peat bog. He said the piles are essentially bending, which causes east-west movement in the superstructure. There is some vertical movement, as well as seismic risks. WSDOT attributes three inches of movement to the Nisqually earthquake, but is trying to gain a better understanding of the seismic effects on the peat bog.

Mr. Bennett said the bridge is designed to move to some degree. In 1990 when shafts were drilled for the HOV structure, WSDOT noticed an accelerated movement of the peat toward the drilled shafts for a number of years.

Responding to Mayor Davidson, Mr. Bennett said Sound Transit has conducted borings to significant depths during the past year or so to better understand the underlying soils. Mr. Bennett said WSDOT documented movement in 2009 but is unsure of the cause.

Mr. Dye said WSDOT is working to fully understand the potential impacts to the 1940s bridges of a newly constructed structure within the peat flow. Much more work is needed to gain an accurate picture of how the construction of a new facility will affect the existing I-90 structure.

Mr. Bennett said WSDOT continues to monitor the bridges and test piles. The five-year Phase 2 study will continue, with an evaluation and update due in 2012. He emphasized that the bridges are safe, and the bridges and soil are continuously monitored.

Councilmember Chelminiak questioned WSDOT's thoughts and concerns with regard to the potential of building large piles in peat, a couple of hundred feet north of the current bridge, related to the construction of light rail. Mr. Dye said the biggest challenge for WSDOT is some level of unknown geo-technical conditions. WSDOT does not currently know the impacts of placing a new structure upstream of the existing structures, but is working to gain a better understanding. WSDOT is working with Sound Transit to determine the mitigation to be required for WSDOT's facilities. Sound Transit would need to carry some fair level of contingency or risk associated with this mitigation.

Councilmember Chelminiak noted that Sound Transit will make its alignment decision next year, but that WSDOT's next major update is scheduled for 2012. Mr. Dye said that WSDOT knows

that construction activities will cause some movement. However, WSDOT is not yet in a position to specify what the mitigation measures should be. Mr. Dye said he cannot ensure that WSDOT will have answers about the proper mitigation techniques before Sound Transit makes its decisions.

In further response to Mr. Chelminiak, Mr. Bennett said Sound Transit continues to study the slough but has not shared all information with WSDOT. Sound Transit's typical construction method for columns related to elevated roadways is a drill shaft. Both drill shafts and piles have impacts. However, WSDOT does not yet know what mitigation will be required.

Responding to Councilmember Wallace, Mr. Bennett said there is some peat in the area of the existing South Bellevue Park and Ride. He concurred about the need to understand the relationship between the peat and either of the two alternatives for the South Bellevue Park and Ride, whether expanding or changing the location.

Responding to Councilmember Degginger, Mr. Bennett said the Phase 2 study is looking at the movement of the bog in relation to the movement of the bridge. Mr. Dye explained that the pier caps and girder were stabilized, which ensures that the bridge is safe. However, there is a risk management issue associated with how the bridges react during a seismic event, as is the case for a number of other structures and bridges in the state.

Councilmember Balducci asked what it would be reasonable to do, given the current state of knowledge, to construct a new project in the I-90/Mercer Slough area. Mr. Dye explained that for major projects, WSDOT uses a cost estimate validation process, which is a risk-based approach to estimating project costs. WSDOT would veer away from using traditional contingencies based on the level of design work. WSDOT would instead try to estimate what it does know, and to assign probabilities and risk to those factors. Mr. Dye said that Sound Transit will be required to mitigate any negative effects to the existing I-90 bridges.

Mr. Bennett said WSDOT has not identified any fatal flaws. Consultants have been asked to account for the movement and to identify the lateral load test to be applied to drilled shafts to demonstrate what movement will occur. Mr. Bennett said it appears that there is less movement and impact with the drilled shaft versus pilings.

Mr. Sparrman said the initial peer review of the B7 alignment, by David Evans and Associates, identified some of these issues. Staff expects that the new consultant for the B7 Revised analysis will communicate with WSDOT as well.

Councilmember Balducci said she hopes this will build on previous work instead of reinventing the wheel. She recalled that David Evans and Associates found the cost estimating in the DEIS to be reasonable. With regard to further study, Ms. Balducci questioned whether it might be possible to conclude that there are no impacts, or to conclude that the impacts are too severe and that WSDOT might seek to block the light rail project.

Mr. Dye said it is unlikely that there would be no effects from construction in the peat flow. It is equally unlikely that WSDOT would be in a position to say that another agency cannot do something. His worst case but possible mitigation scenario is the complete replacement of the bridge structures with updated designs and foundations.

Responding to Ms. Balducci about the potential impacts of a light rail station north of the existing Park and Ride, Mr. Dye said that, in general, farther away from existing structures is better than closer. Councilmember Balducci thanked WSDOT staff for the presentation.

Responding to Councilmember Robertson, Mr. Bennett said the drilled shafts are in locations that are less affected by movement in the peat than where the piles would be located. Ms. Robertson questioned whether any new structures, using better methods, might improve the bridges' stability. Mr. Bennett said that any movement on the peat bog is going to move the bridge, and that is not a good thing.

Mr. Dye commented that, from an engineering perspective, a structure can be built in the slough that will perform, be safe, and carry the loads. However, it will be very expensive to do so. An additional consideration, beyond the construction impacts, is the ongoing impact of a new structure adjacent to the older I-90 structures. Responding to Councilmember Robertson, Mr. Dye said he cannot conceive of a situation in which the construction of a new structure would improve the stability of the existing bridges.

Responding to Ms. Robertson, Mr. Bennett said the light rail alignment alternative along Bellevue Way goes along the peat bog, and is outside of or along the margins of the bog.

Mayor Davidson thanked the WSDOT officials for attending.

- (b) Amendment of the Comprehensive Plan to Include the 2010 Transportation-Related Comprehensive Plan Amendment Proposals Initiated by the Council in August 2010

Mayor Davidson suggested moving this item to the Regular Session, and taking up the next agenda item now.

3. Discussion

- (a) Discussion of providing for condemnation of property rights required for 120th Avenue NE Improvements Segment 1: NE 4th Street to NE 8th Street

Mr. Sarkozy explained that this item is part of the Mobility and Infrastructure Initiative to construct capacity improvements in the Wilburton area.

Councilmember Degginger recused himself from this discussion, noting that his law firm represents one of the affected businesses.

Nancy LaCombe, Wilburton Connections Program Manager, described the improvements to be completed along 120th Avenue NE between NE 4th Street and NE 8th Street. The project is a five-lane roadway with bike lanes and sidewalks on both sides, and a planter strip between the street and sidewalk. Ms. LaCombe noted that the 120th Avenue NE project costs currently reflect a savings of approximately \$2 million, due primarily to savings in right-of-way acquisition. Ms. LaCombe briefly reviewed the project schedule.

Max Jacobs, Real Property Manager, explained that property acquisition procedures follow federal, state and City regulations in terms of treating property owners fairly and providing full information as the City enters into negotiations with them. Adoption of a condemnation ordinance gives staff the authority to negotiate with property owners. Mr. Jacobs noted that transactions in lieu of condemnation are exempt from the real estate excise tax (REET), which is somewhat of a benefit to commercial property owners.

Mr. Jacobs reviewed a map of the eight properties and seven property ownerships affected by the proposed property acquisitions. Staff's goal is to keep acquisitions as small as possible, while enabling the City to complete the project.

Mr. Jacobs said staff would like to present the 120th Avenue NE Condemnation Ordinance for Council action on December 6. He noted the alternate Ordinance provided which, in addition to granting the authority to conduct negotiations, grants the authority to enter into the transactions. Staff would like to return in January to ask the Council to consider the Condemnation Ordinance for the NE 4th Street project.

Mr. Jacobs said a public notice regarding Council action on December 6 will be published on November 22 and November 29.

Responding to Councilmember Robertson, Mr. Jacobs said the fee-based acquisitions refer to the roadway portions. Ms. Robertson asked legal staff to determine whether an easement could instead be pursued, to limit the City's liability regarding potential contamination of the property. She wondered whether the federal grant requires the fee transactions.

In further response to Ms. Robertson, Mr. Jacobs said the City's Real Property division has been communicating with property owners since September 2009. There have been multiple meetings with property owners to show them the initial design and its evolution over time. There have been three open houses for the broader community as well.

Councilmember Robertson suggested that the Ordinance include a statement that the City is not taking more property than it needs.

Responding to Councilmember Wallace about the decrease in actual right-of-way costs, Mr. Jacobs said staff sought to minimize property impacts as much as possible throughout the project design phase. Initial estimates were conservative and therefore somewhat high.

Ms. LaCombe explained that early project estimates included contingencies for unknown components. Staff is deliberately conservative initially and refines the cost estimates over time. The design of the 120th Avenue NE project is 90 percent complete.

Councilmember Wallace noted the potential for large Local Improvement District (LID) assessments because the City needs the revenue to pay for projects. It appears that these are based on conservative project estimates that, if these are going down by 60 percent, might not bear out the final costs and might reduce the need for LIDs for these projects.

Responding to Mr. Wallace, Mr. Jacobs said that if the City needed to condemn the entire Bellevue School District properties, it would be required to find an alternate facility for the District. In this case, the proposed fee and easement area is relatively small, and the City believes it does not impact the overall use of the facility to an extent that would trigger the replacement requirement. Mr. Jacobs said he will provide additional information.

Councilmember Wallace supports going forward with the condemnation authority.

Responding to Deputy Mayor Lee, Ms. LaCombe said the City is currently in a past due status on the federal grant, which does not look favorably on the City. However, the City has until September 2011 to actually obligate the funds to the project.

Councilmember Balducci wants to ensure that staff attempts to negotiate and achieve willing sellers before proceeding with condemnation.

Ms. Balducci questioned the hold-up that has placed the City in a past due status with the federal grant. Ms. LaCombe said there have been a number of factors including: 1) Project funding that was not provided until February 2010, 2) Complications associated with the project, and 3) The lack of full funding due to the pending LID issue.

At 8:00 p.m., Mayor Davidson declared recess to the Regular Session.

Myrna L. Basich, MMC
City Clerk

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