

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

March 14, 2011
6:00 p.m.

Council Conference Room 1E-113
Bellevue, Washington

PRESENT: Mayor Davidson, Deputy Mayor Lee¹, and Councilmembers Balducci, Chelminiak, Degginger, Robertson, and Wallace

ABSENT: None.

1. Executive Session

The meeting was called to order at 6:05 p.m., with Mayor Davidson presiding. There was no Executive Session.

2. Communications: Written and Oral

Mayor Davidson acknowledged that this is an emotionally packed meeting and requested civility on the part of all participants.

- (a) Betsy Blackstock spoke to the discord at the Council table, and encouraged moving forward with full transparency and cooperation. She asked all to agree to an independent review of the allegations regarding Councilmembers. She asked the Council to move toward true collegial cooperation and collaboration.
- (b) Robin Ray commented about the group known as Move Bellevue Forward, asserting that it is sponsored by Sound Transit and run by Greg Nickels' former deputy mayor, Tim Ceis. He noted problems with Sound Transit in Tukwila, and spoke about misinformation by Move Bellevue Forward. Mr. Ray submitted his comments in writing.
- (c) Betina Finley commented that the Council has been plagued with a seeming lack of ethics over the past year, which is unlike Councils in previous years. She expressed concern about previous allegations regarding conflicts of interest, compliance with the open meetings act, and further study of the B7 light rail alignment. Ms. Finley said she was

¹ Deputy Mayor Lee participated via speakerphone, and disconnected from the meeting at approximately 7:30 p.m.

disappointed with Councilmember Wallace's failure to immediately disclose to the City Attorney his company's financial interests in a long-term eastside rail corridor. She said that Mr. Wallace and GNP signed a memorandum of understanding which reflects an intent to end the rail-banked status [under the federal Rails to Trails Act] of the entire eastside rail corridor, which includes Bellevue. Ms. Finley said the City spent \$200,000 for an initial independent study of the B7 alignment, and now has a contract with ARUP for further study. She noted the issue of wages paid to City staff for work related to the rail corridor, and expressed concern about the cost of an investigation into this matter. She believes that money could be better spent, and she wants to see the integrity of the Council restored.

- (d) Bo Barker, a retired attorney, asked Councilmember Wallace to make available all files and records related to the subjects addressed in the 27-page memorandum of understanding that he signed on December 13, 2010, with GNP Railway for the development of an eastside rail corridor. He asked that Councilmember Wallace refrain from voting on any matter relating to light rail in Bellevue until the investigation into his alleged conflict of interest is completed, and/or that the Mayor and Council refrain from voting on light rail issues until the completion of all appropriate investigations. He noted that the GNP agreement specifically provides that, upon execution, Mr. Wallace would obtain a legal opinion to determine whether any conflict of interest exists with regard to his position as a Bellevue City Councilmember. Mr. Barker submitted his comments in writing, as well as a copy of the GNP memorandum of understanding.
- (e) Will Knedlik said he regrets the unfortunate circumstances [Earthquake, Tsunami, and impacts to nuclear power plant] affecting Bellevue's Sister City in Japan. He recalled his previous communications to the Council expressing concern about attacks on the Council's majority, which he believes are originating from Sound Transit. He noted the provision in the GNP memorandum of understanding about Mr. Wallace's agreement to obtain a legal opinion about his participation, and questioned how this could be viewed as legally inadequate. Mr. Knedlik suggested that, if public funds are to be used to investigate the matter involving Mr. Wallace, the review should be expanded to include potential conflicts of interest by Councilmembers Balducci and Degginger. He asked Councilmembers Balducci and Degginger to recuse themselves from both appearances and actual conflicts of interest.
- (f) Peter Marshall, an Enatai resident, said he supports the Move Bellevue Forward group but is speaking as an individual. He attended the consultant's briefing about the B7 Revised route and A2 station, and remains to be convinced about the merits of the alternative. He cautioned that, if the consultant's report at the tipping point includes a number of disclaimers attached to any recommendation to continue with further study, the Council should be very careful, as he suspects that those items would be the failures that would come back to haunt everyone. Regarding the potential conflict of interest, Mr. Marshall believes that it should disqualify Councilmember Wallace from participating in voting on the tipping point decision, unless the investigation is completed by then and Mr. Wallace has been cleared of the conflict of interest issue. Mr. Marshall believes that

the appearance of fairness issue would make a fourth vote on the tipping point decision very suspect, and he encouraged Mr. Wallace to recuse himself from that vote.

- (g) Renay Bennett said she supports an investigation into the potential conflicts of interest with regard to Councilmembers Balducci, Degginger, and Wallace. Ms. Bennett said that Councilmember Degginger is an owner and shareholder of the Lane Powell law firm, which has represented Sound Transit for many years. He has personally represented Sound Transit and lists this in his biography on the firm's web site. Ms. Bennett said Mr. Degginger has recused himself from participating in the Wilburton Local Improvement District (LID) issue because his law firm represents one of the property owners, Home Depot. She said that Mr. Degginger noted that he was not personally representing Home Depot, but he recused himself to avoid the appearance of a conflict of interest. Ms. Bennett observed that, if his law firm currently receives money from Sound Transit as it does with Home Depot, why the double standard? Ms. Bennett expressed concern about the politics of this matter.
- (h) Terry Foulon noted that she has been before the Council previously to discuss the serious problem at Newcastle Beach Park of untreated stormwater runoff from the I-405 road widening project. She expressed concern that the City will be opening the beach to swimming in three months. She asked the City to look at the missing permits. She said WSDOT did not obtain permits and did not construct stormwater facilities as required by the City of Bellevue, the State, and the federal government.

City Manager Steve Sarkozy said staff will schedule this topic for an upcoming Study Session.

Ms. Foulon encouraged the Council to review the materials she has submitted, and to ask the necessary questions of staff.

- (i) Ken Seal said he is interested in an open discussion about the technical aspects of the light rail project instead of focusing on allegations about conflict of interest.
- (j) Susan Hazemann said she is not in favor of investigation because she feels that would be a waste of taxpayer monies. She suggested that Councilmember Wallace should resign for keeping certain information from the public that she feels should have been public knowledge.
- (k) Larry Graham questioned how Sound Transit will fit a light rail train between the Winters House and the other side of the street, how a train will travel along Bellevue Way and 112th Avenue SE every seven minutes, and how traffic impacts will be mitigated. He expressed concern about the adverse aesthetic and environmental impacts of the project. Mr. Graham testified about noise associated with light rail in Seattle. He said that Sound Transit spent \$13 million trying to mitigate noise in Seattle and it failed. He said Sound Transit is now paying residents to close the windows in their homes and to take other measures to muffle the noise. Mr. Graham is extremely concerned about the future impacts of light rail to his neighborhood.

3. Study Session

(a) Council Business and New Initiatives

Councilmember Chelminiak announced that the Economic Development District and Prosperity Partnership are sponsoring a bus tour of the fashion and apparel industry on Friday, April 15.

Councilmember Robertson questioned whether the Council is going to address public comments related to the investigation.

Councilmember Chelminiak asked that the City Attorney be present for the discussion.

Councilmember Robertson noted the public's interest in the issue surrounding Councilmember Wallace. She commented that Bellevue has experienced a great deal of growth in recent years, and the light rail project is the largest project in Bellevue's history. She said the Council does not have an ethics code, and she believes it should have one. She would like to see a process put in place to handle allegations about ethics and conflicts of interest. She wants an open and transparent process that will assure everyone that the Council is conducting its business with the community's best interests at heart.

City Attorney Lori Riordan joined the meeting.

Councilmember Balducci stated that the reason for tonight's discussion is the release of information that was not previously disclosed. She is somewhat surprised to hear public comments tonight questioning information that has been previously disclosed by Councilmembers, however. Ms. Balducci recalled that on October 11, 2010, Councilmembers addressed allegations about potential conflicts of interest. She asked the City Attorney to speak to accusations related to Ms. Balducci's employment with King County and her role on the Sound Transit Board.

Ms. Riordan reviewed information she presented on October 11 regarding state law and conflicts of interest. One provision is that Councilmembers not be parties to contracts directly with the City, except in very limited circumstances. That is not applicable to the current issue. One provision of RCW 42.23.070 is that elected officials should not disclose secrets or confidences that they gain through their position as an elected official. They should not accept private business that would cause a Councilmember to disclose confidences. No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others. Public officials are also prohibited from accepting gratuities or gifts.

Ms. Riordan opined that Councilmember Balducci's position as the director of King County jails does not raise any issues under state law. She is not aware of allegations involving facts that would lead her to conclude that any violation has occurred. Similarly, Ms. Riordan said no facts have been brought forward that would lead her to the conclusion that Ms. Balducci's service as a Sound Transit Board Member and a Bellevue City Councilmember are in conflict. She has not

heard allegations that Ms. Balducci has used her position on the Sound Transit Board to gain any special exemptions for herself as a Bellevue City Councilmember, or vice versa.

Ms. Riordan observed that confusion about these issues might stem from a common law doctrine known as the doctrine of incompatible offices, which is not codified under Washington state law. Judges have referred to the principle in some cases, but state courts have never applied it to disqualify someone from office. Ms. Riordan said that Sound Transit was created as a result of certain laws passed in the early 1990s, and the Board was constituted according to statute. Members of the Board are required to be elected officials, and it is therefore appropriate for a person to serve in both capacities. When applied, the doctrine of incompatible offices does not focus on an individual but instead on the specific nature of the two or more positions. Ms. Riordan said this doctrine does not apply to this situation.

Councilmember Balducci stated her understanding of the City Attorney's opinion that there is no conflict of interest for her in terms of participating in decisions about light rail. City Attorney Riordan confirmed this understanding.² Councilmember Balducci noted that she always recuses herself from discussions and decisions about jail issues. She commented on her concerns about transparency, and expressed support for an independent investigation into recent allegations and newly released information.

Deputy Mayor Lee said he was having trouble hearing the Council's comments via speakerphone.

Councilmember Wallace noted that questions have been raised about a potential conflict of interest with respect to his responsibility as a Bellevue City Councilmember and his role as a private business person. He agreed that the questions need to be answered, and he supports an independent investigation. He feels the review will show that there has been no conflict of interest or inappropriate behavior.

Mr. Wallace explained that his company entered into a non-binding memorandum of understanding with GNP Railway in December to explore business opportunities related to the operation of the rail corridor. The focus was on restoring freight service in the corridor between Snohomish and Redmond. Any obligations under the MOU would not have moved forward without a legal opinion concluding that there was no conflict of interest. Soon after signing the MOU, it became clear that the business opportunity would not materialize and the MOU terminated.

Mr. Wallace said that the GNP matter has no relationship to his advocacy of the B7 light rail alignment for more than two years. Since December 2008, he has been publicly saying that the B7 alignment is the best option for bringing light rail to the Eastside, while also protecting neighborhoods in South Bellevue. It is important for citizens to know that Councilmembers take their responsibilities seriously and are executing them appropriately. Mr. Wallace believes that the investigation will show that he has done just that.

² Minutes were approved by City Council, as revised, on April 18, 2011. See revisions on pages 5, 6, and 7.

Councilmember Chelminiak agreed with the need for an ethics ordinance, and noted that the Council is governed by the state ethics statute as well. He observed that this discussion is not about Sound Transit but about the public trust, which he believes has been shattered. He appreciates that Councilmember Wallace will cooperate with the investigation, as the issues are serious. Mr. Chelminiak recalled that during the Council's February retreat, Mr. Wallace reported that GNP was planning on running rail all the way down to Wilburton. This comment occurred during a discussion about the potential of a rezone on the Bel-Red corridor. Mr. Chelminiak said this brings into question a number of Councilmember Wallace's votes. It brings into question whether staff was conducting due diligence for Mr. Wallace's private company.

Mr. Chelminiak observed that all Councilmembers are part-time elected officials, and all have private business. However, Councilmembers make a personal choice when they run for office. A Councilmember can choose to influence public policy and to profit from it. A Councilmember can choose to serve his or her community and to put the profit motive aside to do what is in the best interest of the community as an elected official. However, a Councilmember cannot do both. When a potential conflict arises, a Councilmember's first call should be to the City Attorney.

Councilmember Chelminiak said he has always been proud to hand out his business card as a Bellevue City Councilmember due to the City's reputation as a pinnacle of good government. One of the City's core values is integrity, which must be kept by all Councilmembers. Mr. Chelminiak asked the Mayor to ensure that the investigation is focused on the new issue before the Council, that the results will be made public, and that the Council will receive facts to be used as a basis for any decisions.

Deputy Mayor Lee reiterated that he was having trouble hearing all of the comments.

Councilmember Degginger said this is the hardest meeting he has had to attend in his 11 years on the Council. He believes it is important to again address allegations directed toward him about conflicts of interest. He has always called the City Attorney to discuss any potential conflicts of interest issues. Councilmember Degginger recalled that on April 27, 2010, he discussed with the City Attorney and the public that he had represented Sound Transit in one case in 2002 and 2003, which related to a matter in Tacoma. However, he has not personally represented the agency since that time. His firm and others in the Seattle area, including two that have employed Councilmember Wallace, have represented Sound Transit on a number of matters. Mr. Degginger's firm has never represented Sound Transit with regard to any work in Bellevue.

Responding, Ms. Riordan confirmed [her conversation in July with Councilmember Degginger related to that issue](#), her [legal](#) opinion that no conflict [existed](#), and, that there is no reason for him to not participate in deliberations about Sound Transit. Councilmember Degginger stated his understanding that in early September 2010, the City Attorney was asked by the City Manager, at the request of the Mayor, to look into these same issues and whether they posed a conflict of interest. [Continuing her response, Ms. Riordan confirmed that she](#) had already looked at the issue.³

³ Minutes were approved by City Council, as revised, on April 18, 2011. See revisions on pages 5, 6, and 7

Continuing, Councilmember Degginger said that on September 9, the City Attorney had a conversation with the Mayor and Councilmember Wallace in which Mr. Popp's proposal regarding B7 was discussed. At that time, the Mayor and Mr. Wallace questioned whether Mr. Degginger had a conflict of interest. Ms. Riordan confirmed that this discussion occurred, and that she informed the Mayor and Mr. Wallace that there was no conflict of interest. Mr. Degginger stated that in late September it is his understanding that, Ms. Riordan had finalized a memo regarding her opinion. Ms. Riordan confirmed that she had provided a written opinion following the public testimony alleging a conflict of interest for Mr. Degginger.⁴

Responding to Mr. Degginger, Ms. Riordan said her opinion has remained consistent throughout the multiple inquiries. She explained that, in early October, she was asked to provide a presentation to the Council about conflict of interest law and the appearance of fairness doctrine. In preparation for that presentation, Ms. Riordan said she sent three memoranda to a law firm in Issaquah. A member of the firm is the former City Attorney for Bellingham and Shoreline, and currently represents the City of Sammamish and many other small municipalities. He reviewed Ms. Riordan's legal opinions regarding conflict of interest allegations against Councilmembers Balducci, Degginger and Wallace, and he concluded that she had accurately interpreted the law and that none of the Councilmembers had a conflict of interest based on information known at that time.

Councilmember Degginger reiterated that the City Attorney was asked to review the issue by the City Manager, Councilmember Wallace, and Mayor Davidson, and further stated that outside counsel reviewed and supported Ms. Riordan's legal opinion.

Councilmember Degginger noted comments from a citizen tonight regarding his recusal from discussions about the Wilburton Local Improvement District (LID) because his law firm represents Home Depot. Ms. Riordan confirmed that he conferred with her on this matter two to three years ago, when the issue of extending NE 4th Street first arose, and on the appropriateness of recusal.

Mr. Degginger observed that it is easy to vet these issues and to confer with the City Attorney. As a result, he was surprised and disappointed to hear about the allegations involving Councilmember Wallace, and to be placed in a predicament that could have been prevented. Mr. Degginger is disturbed that the GNP memorandum of understanding was signed without having a review by the City Attorney. He noted the ease with which this issue could have been vetted with the City Attorney as the offices of Wallace Properties are located across the street from City Hall. Mr. Degginger said he endorsed Councilmember Wallace when he ran for office, and he would have expected more diligence in this situation.

Mr. Degginger expressed concern that Mr. Wallace's characterization of the GNP matter is different from how others have characterized the agreement, including submissions to the bankruptcy court. The documents refer to three months of negotiations during the fall, when the Council was actively discussing light rail issues and potential conflicts of interest. Councilmember Degginger said the documents reflect that the GNP MOU was necessary in

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order to gain approval from the Surface Transportation Board for rights to reinstitute rail service. He is troubled by all of these discussions about rail in the BNSF corridor at the same time that the Council was discussing light rail in the corridor.

Councilmember Degginger said it is an honor to serve on the Bellevue City Council. Councils have worked hard to do positive things for the community, and the City needs to get these issues resolved in order to move forward with conducting the public's business.

Councilmember Wallace pointed out that the Surface Transportation Board application was related to the Redmond spur. The MOU was a non-binding agreement that was subject to a legal review for potential conflict of interest.

Councilmember Degginger responded to Councilmember Wallace, stating that Mr. Jones indicated that the investors had worked on a number of drafts of the MOU. Mr. Degginger said it appears that the MOU was more than a casual agreement, and it was necessary to be filed with the Surface Transportation Board. Mr. Degginger noted that the MOU was filed under seal, and he questioned why a non-binding agreement would be filed in that manner. He looks forward to the investigation addressing these issues.

Councilmember Wallace said he looks forward to the independent review and will cooperate fully.

Mayor Davidson observed that this discussion is vetting frustrations and concerns. He said he has been trying to get the Council to work together over the past year and a half. He recalled previous issues regarding the open meetings act, ethics, conflicts of interest, and appearance of fairness, and noted that these issues make it difficult for him to pursue his goals for the Council. Mayor Davidson expressed concern that the community is now similarly divided. He suggested going beyond the investigation of allegations, noting that it could result in either healing or making things worse.

Dr. Davidson has been involved in public service for more than 20 years and wants to resolve these issues. He wants to provide the opportunity for an independent investigation, and to continue to move forward. He noted that any citizen could have a potential conflict of interest, although he does not recall any previous allegations about Councilmembers.

Councilmember Robertson agreed with the Mayor that it has been corrosive to the public process to have citizens coming forward with allegations. She said that the City Attorney's previous report was not made public, and that the process was not open and transparent. She expressed concern about an apparent rush to judgment by some within the community and on the Council. She wants to move forward by letting the independent reviewer compile the facts.

Councilmember Chelminiak asked the City Attorney whether she proposed bringing in an outside investigator, or whether she was pressured to do so. Ms. Riordan said she was not pressured and that she reached the decision independently.

Deputy Mayor Lee reiterated that he has not heard the Council's full comments due to the quality of the telephone connection. He feels this is an unfortunate situation. He looks forward to gaining full information from the investigation, and to moving forward with what is best for the community.

Councilmember Degginger observed that this has been a stressful and tense discussion for everyone. It is not characteristic of how the Council has traditionally conducted business. Mr. Degginger suggested taking a brief recess before moving forward with regular business.

At 7:28 p.m., Mayor Davidson called for a short recess. Deputy Mayor Lee disconnected from the meeting.

The meeting resumed at 7:44 p.m.

Councilmember Balducci reported that she would be out of town on business on March 21, and then absent the following week for a scheduled vacation. She asked to be allowed to call into the meetings.

→ Councilmember Chelminiak moved to allow Councilmember Balducci to participate remotely in the March 21 and March 28 meetings. Councilmember Balducci seconded motion.

Councilmember Robertson noted that she previously called into a meeting when she was sick. However, she recalled discussion during the Council's February retreat that remote participation would be allowed only for a limited scope of issues. As a result, she did not call in while she was on vacation.

Mayor Davidson acknowledged that a number of important votes are coming up, and no one wants to miss them. He noted the difficulty of fully hearing the discussions via speakerphone. While he would prefer to limit remote participation in the long term, he feels it is appropriate to allow it now while working through some difficult issues.

→ The motion to allow Councilmember Balducci to participate remotely in the March 21 and March 28 meetings carried by a vote of 6-0.

(b) Review of the Integrated Design Approach, Key Considerations, and Interrelationships that define the NE 15th/16th Street Multi-Modal Corridor

City Manager Steve Sarkozy opened discussion regarding the NE 15th/16th Street multi-modal corridor. The purpose of tonight's discussion is to better identify the cross-section of the street and the interconnections with the pedestrian corridor and bike trail.

Transportation Director Goran Sparrman recalled that the project was identified within the Mobility and Infrastructure Initiative and the Bel-Red Comprehensive Plan Amendment adopted in February 2009. He said that early discussions resulted in Council direction to staff to work on

narrowing the width of the multi-modal corridor and making it more user friendly. He continued to review the process leading to tonight's discussion, including the City's partnership with Wright Runstad to deal with the retained cut alternative through the Spring District, an updated traffic analysis, and the development of cross-section alternatives.

Mr. Sparrman briefly reviewed the policy direction and guiding principles for the NE 15th/16th Street multi-modal corridor. Key elements of the corridor include Sound Transit's East Link light rail, non-motorized facilities, landscaping and green space.

Mr. Sparrman noted the project's integrated design process to achieve a number of objectives including motorized and non-motorized needs, integration with light rail, engineering challenges, placemaking and character elements, open space and natural drainage opportunities, and fire and life safety. Staff has been working to identify the most efficient use of the right-of-way and of capital funds to achieve multiple objectives. Key considerations are the appropriate use of on-street parking, landscaping in median and buffers, and bicycle facilities.

Dan Stroh, Interim Director of Planning and Community Development, briefly reviewed the adopted land use plan, which reflects development nodes at 120th Avenue and 130th Avenue. He described the urban design framework for NE 15th/16th Street, as well as parks and open space features in the 2009 Subarea Plan.

Mr. Sparrman commented on topographic considerations related to designing the project.

Dave Berg, Deputy Director of Transportation, reported that a public open house was held on February 2 to share information about the project and solicit community input. Ninety notices were mailed to businesses and interested parties, 31 individuals attended the open house, and three written response forms were returned. Information is available on the City's web site, and links to the web site have been provided using other sources. Additional comments have been received via social media.

Mr. Berg reviewed the corridor concept plan, which encompasses five zones between 116th Avenue NE and NE 20th Street. Zone 1 is between 116th Avenue NE and 120th Avenue NE, and includes the BNSF corridor.

Responding to Mayor Davidson, Mr. Berg described the bicycle trails in greater detail.

Mr. Sparrman noted that the Washington State Department of Transportation (WSDOT) is building a significant project on I-405, which will extend the multi-modal path across I-405 on NE 12th Street.

Responding to Mayor Davidson, Mr. Sparrman said the public walkways will be ADA compliant.

Mr. Berg summarized that Zone 1 is a 76-foot typical cross-section with a 16-foot multipurpose pathway on the north side, landscape strip, and elevations/setbacks consistent with rail-banking provision of the BNSF corridor.

Moving on to Zone 2 between 120th and 124th Avenues NE, Mr. Berg described two alternatives reflecting different overall widths (122 feet and 135 feet) and cross-section designs. Staff recommends Alternative A, which is the narrower width and includes wider sidewalks, widened landscape strips for Natural Drainage Practices (NDP), a multipurpose path, and short-term on-street parking on the north side only.

Alternative B has separate bike lanes on both sides of the roadway, additional landscaping, lower sidewalk capacity, and short-term on-street parking on the north side.

Councilmember Balducci asked about discussions with business owners on both sides of the street regarding on-street parking. Mr. Sparrman stated that, in general, short-term on-street parking is valued. He believes that Wright Runstad is in agreement with plans for on-street parking on the north side only.

Councilmember Balducci questioned how the proposed multi-modal corridor design relates to the goals of the citywide Pedestrian and Bicycle Plan. Mr. Sparrman said that both Zone 2 alternatives accomplish the key objectives of the plan, while also integrating well with the growing regional system.

Mayor Davidson noted his ongoing concern about on-street parking due to its disruption of traffic flow. He questioned whether passenger loading zones could be placed elsewhere.

Mr. Sparrman noted that the design is trying to meet a number of objectives in terms of supporting future land uses. A guiding principle for the corridor is to create a new arterial, but not a high-speed, high-volume environment. Mr. Sparrman observed that short-term on-street parking might be beneficial in terms of slowing traffic down somewhat. At the same time, the limited amount of on-street parking would probably not interfere with traffic to a great extent.

Mr. Stroh commented that on-street parking provides a lifeline for many businesses and uses. It also provides a buffer between the roadway and sidewalk.

Councilmember Robertson questioned the measured impact of street parking on traffic flow. Mr. Sparrman said there is no specific analysis methodology to quantify the impact. Ms. Robertson questioned whether there is a need for on-street parking, in addition to parking to be provided by developers. Mr. Sparrman said the functionality of on-street and garage parking is different. Individuals are more likely to use on-street parking for quick errands.

Councilmember Robertson commented that it is appropriate to have passenger loading zones (i.e., Kiss and Rides) around the Spring District station. However, she would like more information about other on-street parking.

Councilmember Chelminiak noted that he is a Downtown resident and he likes the concept of on-street parking, but he knows that it does disrupt traffic to some extent. He believes it is beneficial for retail uses, and it is also necessary to have passenger loading zones. Mr. Chelminiak said it is important to keep in mind that the NE 15th/16th Street corridor is more than a roadway; it is also about creating a placemaking feature and livable environment.

Mr. Berg moved on to Zones 3, 4 and 5 (Segment 2 of the corridor project). These zones are east of 124th Avenue NE, where the four-lane cross-section transitions to a two-lane configuration. Zone 3 is primarily open space leading east to 130th Avenue NE, which is one of two development nodes.

Responding to Councilmember Robertson, Mr. Sparrman said that City staff is continuing to work with Sound Transit on the design of light rail elements within the corridor.

Mr. Berg continued to describe Zone 3, which involves a 64-foot cross-section, landscaping strips, standard shoulders for cycle use, and a 14-foot multipurpose pathway separated from the roadway.

Councilmember Robertson questioned the cost differential of Zone 3 elevated and Zone 3 at-grade. Mr. Sparrman recalled that the cost estimates are fairly comparable, with the at-grade design being slightly less expensive (\$500,000 to \$1 million). Mr. Berg said the cost of the at-grade design is not significantly less expensive due to right-of-way implications.

Mr. Berg summarized staff's recommendation for Zone 3, which is the option for an at-grade crossing of the westbound travel lane and the light rail guideway. The alternative is an undercrossing or overcrossing of the light rail guideway.

Responding to Councilmember Chelminiak, Mr. Sparrman said that financing for side streets, including 128th Avenue, has not been determined. It might be that developers will provide this financing as they develop their projects.

Councilmember Wallace questioned how the construction of Zone 3 will be coordinated with the construction of light rail. Mr. Sparrman said the two agencies will begin working together early in the process. He noted that it is possible to construct them independently, but there are cost savings with working together. The details of coordination have not been worked out, and will be dependent upon Sound Transit's schedule.

Mayor Davidson noted that Sound Transit plans to open light rail operations in 2021. He would like to understand how the City will finance the cost of its Zone 3 project in order to coordinate it with the East Link project.

Councilmember Robertson would like to avoid intersections involving both light rail trains and cars. She is concerned about the elevated roadway segment, where there is a 20-30 degree angle between the train and the automobile traffic, in terms of traffic impacts.

Mr. Sparrman concurred with the preference to avoid at-grade crossings. However, staff's recommendation is based on a balance between the tradeoffs of safety, traffic capacity, environmental considerations, and noise.

Responding to Councilmember Wallace, Mr. Sparrman said the width of Zone 3 is 64 feet for the roadway. However, if light rail is added to the median, a minimum of an additional 30 feet will be needed.

Mr. Berg described Zone 4, which is the section between 130th Avenue NE and 136th Place NE. The width of this zone varies and it includes a light rail station, protected bike lanes, landscape strips, and 12-foot sidewalks. He noted that the bike lanes provide space to comply with fire code requirements for emergency access.

Councilmember Robertson noted the landscape strips along the light rail alignment, and questioned whether the trees would provide a buffer of noise and light, or whether it would be more enclosed and therefore less safe on the station platform. Mr. Sparrman said that this is a fairly common treatment in Europe, and it is consistent with the objective of creating a green corridor. He acknowledged that Sound Transit has concerns in general about vegetation potentially impacting their system. Mr. Sparrman said the choice of the type of trees is important and would be worked out with Sound Transit. In terms of safety, staff is not proposing a densely landscaped buffer that would interfere with pedestrian visibility.

Ms. Robertson suggested offset station platforms to save on right-of-way acquisition costs and to narrow the profile. Mr. Sparrman said that option was discussed early in the process. There would be significant problems with that. Even though it would narrow the profile in one particular block, additional right-of-way would be needed at other locations. Mr. Sparrman said that type of design is not very user friendly and is confusing to users of the system. Sound Transit has made it clear that they are not interested in offset station platforms.

Councilmember Degginger said he sees similarities to systems in Helsinki and Toronto. He continues to be somewhat concerned about the overall width of the multi-modal corridor. Responding to Mr. Degginger, Mr. Sparrman explained that the benefit of the separation between the bike lane and sidewalk is fairly significant, not only in terms of the green environment but for enhanced safety.

Mr. Stroh commented that Zone 4 is a predominately residential environment. The hope is that there will be commercial and retail uses at street level, which works better when bicycles and pedestrians are separated. Mr. Stroh said staff wanted to design a corridor that would work well for both serious bicyclists and recreational/family bicyclists. The green strips also provide the opportunity for natural drainage practices. Referring to Ms. Robertson's earlier comment, Mr. Stroh said Zone 4 is an urban environment, and he concurred that it is important to provide sight lines into stations to enhance safety.

Responding to Councilmember Degginger, Mr. Sparrman said the analysis of low impact development is ongoing and more information will be shared as it becomes available. From early

findings, it appears that the recommended landscape treatment provides sufficient space to solve the drainage problem with natural drainage practices. This would result in significant cost savings as well.

Councilmember Balducci noted that the types of bike path vary throughout the corridor. Responding to Ms. Balducci, Mr. Berg said the recommendations have not yet been presented to the Transportation Commission. Ms. Balducci said she will be interested to hear the Commission's comments and input. Mr. Sparrman noted that staff wanted the Council to hear the information first.

Regarding the transitions along the corridor, Mr. Sparrman said staff tried to minimize design changes. He reviewed the bike path throughout the corridor, and noted that the regional bike facility is separate and parallels SR 520. He described the City's project as a subregional bike path which serves beyond the immediate Bel-Red area. He reiterated that the bike lanes provide the total width needed by the Fire Department while also serving bicyclists. The bike lanes have pervious surface treatments to enhance storm drainage.

Councilmember Balducci expressed concern that excessive landscaping could require too much water and maintenance. Mr. Sparrman said those issues remain to be worked through.

Mayor Davidson expressed concern about the lack of left-turn pockets. Mr. Sparrman said staff believes that there is adequate space for left turns to store two or three vehicles. It was considered a reasonable compromise between the different design objectives. Adding a left-turn pocket imposes a different geometry to the design and widens the cross-section.

Mr. Berg continued to describe Zone 4, and responded to questions of clarification regarding the bike lanes and their relationship to vehicle lanes.

Noting the 10 feet required for parking, Mayor Davidson said he would be interested in knowing the cost of acquiring the right-of-way for 20 feet. Mr. Sparrman said staff will provide an estimate of the incremental costs of on-street parking and landscape buffers.

Mr. Berg described the design for Zone 5, 136th Place NE to NE 20th Street. The area will remain commercial in nature, and the corridor provides bike lanes, landscape strips, 8-foot sidewalks, and no on-street parking.

Responding to Councilmember Robertson, Mr. Berg said there will be driveway access to businesses.

Mr. Berg presented conceptual plan cost estimates in 2009 dollars. The estimated cost of Segment 1 (Zones 1 and 2) is \$74 million, and the cost of Segment 2 (Zones 3, 4 and 5) is \$99.9 million, for a total cost of \$173.9 million.

Mayor Davidson expressed concern about the costs, especially within the context of Sound Transit's East Link schedule.

City Manager Steve Sarkozy said staff will provide a strategic proposal of potential revenues for a future discussion with the Council about this and other major transportation projects.

Responding to Councilmember Wallace, Mr. Sparrman said Sound Transit is currently defining its budget based on constructing the East Link project separately from the City's projects. However, there have been and will continue to be discussions about coordinating efforts to reduce costs for both agencies and projects.

Councilmember Balducci suggested that the next discussion address funding and project phasing. She said it might make sense to build from east to west, to better coordinate with Sound Transit. She thanked staff for their work to date on this project, and for designs that respond to previous input from the Council.

Responding to Councilmember Robertson, Mr. Sparrman confirmed that the Council may direct staff to review the proposal with the Transportation Commission. Ms. Robertson said that, when the project comes back to the Council, she would like cost information on the alternatives under consideration, including a breakdown of costs for specific design elements (e.g., on-street parking, bike lanes).

Mayor Davidson spoke in favor of engaging the Transportation Commission, but expressed concern about the project timeline.

Responding to Councilmember Wallace, Mr. Sparrman said that the current Capital Investment Program (CIP) Plan provides 15 percent design costs for Zone 1 and 60 percent design costs for Zone 2. Segment 2 (Zones 3, 4 and 5) is funded to five percent design.

Noting a funding gap of approximately \$168 million, Councilmember Wallace observed that there is a need to look at state and federal funding opportunities.

Mr. Sparrman confirmed that staff will take the proposal to the Transportation Commission before the next discussion with the Council.

(c) 2011 State Legislative Session – Update on I-405 Express Toll Legislation

Diane Carlson, Director of Intergovernmental Relations, reported on the status of EHB 1382, I-405 Express Toll legislation, which moved out of the House on a vote of 52-46. She noted her memo in the meeting packet, as well as the updated comparison between Bellevue's Legislative Agenda and EHB 1382. Ms. Carlson said that the current bill specifies that toll revenues are to be used for projects in the I-405 corridor.

Mayor Davidson noted that the City has been working with Senator Litzow to integrate the amendments of interest to Bellevue.

Councilmember Wallace thanked staff for the update and encouraged continuing to push for the identified amendments.

Councilmember Chelminiak noted work underway to bring the University of Washington Physicians and Valley Medical Center together. This involves a concept for creating a different board structure. Bellevue has a number of residents living within that hospital district who do not access services from facilities in the district. He asked staff to review the issue, and suggested it might be appropriate for the Council to adopt a resolution on the issue.

Mayor Davidson recalled that the Council discussed this issue in the past. Bellevue residents within that hospital district actually primarily utilize Overlake Hospital Medical Center facilities.

Responding to Councilmember Degginger, Ms. Carlson stated her understanding that the merger of the two hospitals does not require specific legislation.

Councilmember Robertson voiced support for seizing the opportunity to influence this issue to the extent possible.

At 9:57 p.m., Mayor Davidson declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

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