

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

January 3, 2011
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Davidson, Deputy Mayor Lee, and Councilmembers Balducci¹,
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 20 minutes to discuss one item of pending litigation.

The meeting resumed at 6:29 p.m., with Mayor Davidson presiding.

2. Study Session

(a) East Link Project Supplemental Draft Environmental Impact Statement (SDEIS)

City Manager Steve Sarkozy opened discussion regarding the East Link Supplemental Draft Environmental Impact Statement (SDEIS), noting that this item continues the presentation and discussion from December 13. Transportation Director Goran Sparman noted that the Council's comment letter and staff's technical comment letter on the SDEIS are due to Sound Transit by the morning of January 11.

Bernard van de Kamp, Regional Projects Manager, reviewed information provided in response to the Council's previous inquiries regarding noise and traffic impacts. He said a number of documents were distributed to the Council over the holidays including draft comment letters on the SDEIS and the noise review maps and analyses. Mr. van de Kamp described noise maps illustrating the B2M route along Bellevue Way and 112th Avenue SE, and noted potential noise impacts at SE 8th Street with the option that connects to C11A (At-grade Downtown option). For the B2M option connecting to the C9T (Downtown Tunnel), fewer noise impacts are projected, resulting in slightly lower sound walls in the design.

Mr. van de Kamp recalled the downtown traffic VISSIM analysis conducted in early 2010, and the presentation of that information to the Council and the Sound Transit Board in February. The

¹ Councilmember Balducci arrived at 6:10 p.m.

results were refined and again presented to the Council in March. The analysis compared grade-separated alternatives (C9T Tunnel and C14E Elevated) and at-grade alternatives (C9A and C11A). The conclusion of the analysis, combined with the Downtown Concept Report, was that the C9T alternative is most consistent with the February 2009 Council preferences. It eliminates street impacts, provides Downtown and Hospital/Wilburton stations, and has high ridership with minimal adverse environmental impacts.

Mr. van de Kamp said staff is requesting input from the Council regarding the draft City Council comment letter and the draft staff SDEIS technical comment letter, both of which are provided in the meeting packet.

Responding to Mayor Davidson, Mr. van de Kamp said the B2M retained cut, along Bellevue Way between the South Bellevue Park and Ride and the Y at 112th Avenue, is nearly 25 feet deep and does not need sound mitigation, according to the SDEIS analysis.

Councilmember Robertson expressed support for submitting the VISSIM analysis and the Greenbusch sound and vibration peer review to Sound Transit. She expressed concern about vibration impacts to the Winters House. Councilmember Robertson recommended mentioning the Winters House and Greenbusch study in one of the letters to Sound Transit.

Referring to the draft letter to be sent from the Council, and the statement of opposition against alternative C11A, Ms. Robertson would like to indicate that the alternative is unanimously opposed by the Council. In the last paragraph of the first page, she would like to express concern about the years of construction.

Ms. Robertson noted that one item not in the packet, but sent to the Council in the mail over the holidays, is Sound Transit's policy 2004-08, which calls out that Sound Transit shall comply with local noise requirements. She recalled Sound Transit staff saying that they had not evaluated the project's ability of complying with Bellevue's noise code. Ms. Robertson said one of the letters should state Bellevue's expectation that Sound Transit do this type of analysis. That policy also talks about noise mitigation. Sound Transit's first choice is to use operational noise impact mitigation, and after that to use path measures including alignment modifications. Only after that would they go to other forms of mitigation such as insulating homes. Ms. Robertson said there are several areas with noise walls and insulation in homes, which only mitigates interior noise impacts, that could instead be dealt with by path measures such as avoiding grade changes and bells (e.g., using the railroad track alignment). Councilmember Robertson said the SDEIS does not have a lot of detail about noise mitigation, except to say that Sound Transit will mitigate the impacts.

Regarding the staff letter, Ms. Robertson referred to page SS 2-8 of the meeting packet and the paragraph on ridership, which addresses future zoning in the Bel-Red area. One thing she is concerned about is that the ridership estimates for Segment B using the South Bellevue Park and Ride indicate 2,500 more people than could get there by car. She is wondering about the specific assumptions and whether they include more intensive development. If so, staff should let Sound Transit know that Bellevue's Comprehensive Plan does not provide for that.

Ms. Robertson is also concerned about the SDEIS ignoring Surrey Downs Park as a noise receptor. She complimented Ms. Greenbusch on her report, and thanked her for raising this issue. She expressed concern about some of the things in the report, including a comment that Sound Transit did not include raw data for the City's consultant. She would like additional information; for example, the fact that the noise is averaged to include the four hours when the train is not running. She would like to take that out and to know the actual noise levels.

Mayor Davidson recalled that the report differentiated between active and passive parks. If a passive park, sound becomes an issue. However, sound is not as much of an issue for an active park, according to the Greenbusch report.

Ms. Robertson noted that the City's parks are all in residential zones. She feels that more information is needed on this issue. She thinks a noise analysis of Surrey Downs Park would be appropriate.

Councilmember Chelminiak requested the inclusion of impacts related to park and ride closures during construction. With the Downtown surface options (C9A and C11A), there would be times when the South Bellevue Park and Ride, Bellevue Transit Center, and Overlake Park and Ride are closed. Mr. Chelminiak would like the FEIS to address the staging of the park and ride closures. With the Downtown tunnel option, Bellevue Transit Center does not close.

Mr. Chelminiak feels it is not unreasonable to ask Sound Transit to develop its entire mitigation process for all citywide lane closures. He would like to include Kit Paulsen's memo dated July 13, 2010. She was also at the July 19 Council meeting, and addressed the relative impacts of the two light rail alignments, B7 and B2M, on salmon. Mr. Chelminiak wants Sound Transit to address the findings of the consultant reports (i.e., KPFF, David Evans and Associates, OTAK, Greenbusch Group) in the Final EIS. In particular, there were some issues related to the way Sound Transit conducted its visual analysis. There is a 1 through 7 rating system that is supposed to be used, and Sound Transit rated instead as high, medium, and low. There are items from the David Evans report that have not been looked at, including crossing the slough and looking to the north.

Mr. Chelminiak wants a look at the effect of noise on parks, including the Mercer Slough. The SDEIS states that the noise effects are minimal for the B2M. He noted that perhaps the original DEIS addresses noise impacts along the B7 route as it crosses the slough. He said Surrey Downs is a very active park with recreational uses, including baseball diamonds, and associated noise.

Mayor Davidson noted his ongoing concern that the Council had a three-hour discussion about the consultant reports, but did not arrive at any conclusions about whether they were officially adopted by the Council. He said the Council has not received responses to questions raised during the three-hour discussion.

Responding to Councilmember Degginger, Mayor Davidson said he had a number of questions. For example, Ms. Paulsen's report states that placing a piling in the middle of the slough will

affect salmon, as will crossing a fish ladder. Dr. Davidson noted that the project design does not include these features.

Councilmember Degginger observed that the consultants were asked to use their expertise and to provide their findings to the Council. He is not sure that the Council needs to draw any conclusions of its own beyond accepting the reports.

Councilmember Wallace said it became apparent later that Ms. Paulsen was not fully versed on the exact B7 route. She was informed that it went on top of the fish ladder instead of elevated over it. Mr. Wallace said a number of assumptions and conclusions were not accurate. Also, the B7 Revised study will eliminate the concern. He does not mind sending the reports to Sound Transit. However, he would rather not send the Paulsen report. He feels that the reports should be sent with some explanation about the scope of the consultants' reviews.

Regarding the draft letter, Councilmember Balducci said it would be helpful to start by providing some context to the issue, and to encapsulate the major themes. She suggested referencing why the Council supports the light rail project in the first place, which is based on the fact that expanded and improved transit is critically important to Bellevue's continued growth and economic development. Bellevue is commenting on a draft study that is going to become a final study, which will become the basis for some decisions. The goal of the study and the Council's decisions is to provide excellent service and access to the people of Bellevue. Ms. Balducci suggested first addressing these concepts, and then providing comments on the SDEIS.

With regard to the issue of noise, Councilmember Balducci reported that the Sound Transit Board met after the Council's last meeting and adopted its 2011 Budget, which included a significant capital reset due to low sales tax receipts. She said the East Link light rail project was maintained at current funding levels. The scope of the project was not narrowed, and it is a key feature of Sound Transit Phase 2.

Ms. Balducci reported that she introduced an amendment to the Sound Transit Board that commissions a \$100,000 best practices study of light rail noise, which will look at ways in which other jurisdictions and professional experts have addressed and mitigated noise issues. She noted that the updated Greenbusch report indicates that Sound Transit is applying the knowledge gained through Central Link issues to design the East Link project. However, Ms. Balducci feels that more can be done. Her recommended study includes a review of safety systems that do not rely on bells, which are the most challenging problem for the Bellevue alignment.

Councilmember Balducci suggested that Bellevue request formal involvement in following along with and feeding into that study. The motion that was adopted unanimously by the Sound Transit Board also said that the findings should be made into draft policy to be implemented throughout the project.

Continuing, Ms. Balducci agrees with incorporating by reference the City's independent studies that have already been completed. She agrees with Councilmembers Chelminiak and Robertson about submitting the updated Greenbusch report and Kit Paulsen's memo. She agrees that Sound

Transit should address the findings of these studies as well. Ms. Balducci said that some of the top-level findings of the new noise study are that the methodology used by Sound Transit appears to be in line with industry standards and best practices, and that mitigation has been proposed for the crossover noises that can eliminate the impacts. She feels reassured that progress is being, and she encouraged continuing monitoring of the noise issues.

Councilmember Wallace said the City should provide its Comprehensive Plan, Light Rail Best Practices Report, the initial 2009 letter to Sound Transit and staff's comments at that point, all letters since 2009, and anything else that Bellevue has identified as germane to the project over the past few years. Whatever has been developed to date for the B7 Revised report, including the scope of work and any maps, should be submitted with the Council's comment letter as well.

Mr. Wallace commented that the second paragraph of the draft Council letter refers to the B7 Revised study, but it does not restate the Council's lack of support for the B2M alignment. He would like to restate the Council's position against the B2M. In the third paragraph, Mr. Wallace suggested addressing the lack of agreement between the City and Sound Transit about whether the Downtown alignment will utilize Main Street or NE 2nd Street. This will be studied as part of the B7 Revised study. In the second sentence of that paragraph, he feels it is an overstatement to write: "We believe that a workable solution to the C9T funding gap can be found." Mr. Wallace observed that the Council is striving to find a solution. The B7 Revised study proposes modifications that reduce the costs or are intended to do so, but the results are not yet known. Mr. Wallace said that Sound Transit has refused to provide accurate information about the cost of right-of-way within its own cost estimate.

In the third sentence of the third paragraph, he would like language stating that the Council is unanimously opposed to the C9A and the C11A alternatives. He suggested adding a reference to the impacts of years of construction in the fourth paragraph. In that same paragraph, he requested including roads and historic properties as additional negative impacts. He would like the letter to state that it is not sufficient for Sound Transit's SDEIS to state that impacts will be mitigated without identifying specific mitigation measures.

Turning to staff's technical comment letter, Councilmember Wallace noted language that the City's traffic analysis was the basis for decisions by the City Council and Sound Transit Board. He feels it was a key element of the Council's decisions, but not the basis for them. Instead of referring to "street" operations, he suggested "vehicular" or some other language.

On the second page of staff's letter, first paragraph, Mr. Wallace suggests deleting "we believe" from the sentence asking for further analysis to determine appropriate traffic mitigation. The section on noise should state that the City's noise ordinance applies. Mr. Wallace said the City needs to go through the SDEIS to identify where its noise ordinance must be considered. If they are making conclusions, for example, that noise mitigation by use of insulation will solve the problem, it will not under Bellevue's noise ordinance, and that needs to be highlighted.

Councilmember Wallace suggested that there are more opportunities to reference the B7 Revised Study that is underway, since the study is likely to produce an avoidance of impacts that are

identified with the B2M and the C9T routes in relation to the neighborhoods in Surrey Downs and Enatai. Mr. Wallace would like the letter to ask Sound Transit to hold off on its decision until they have a chance to review the B7 Revised alternative as studied by the City.

Mr. Wallace would like an analysis of the extent to which the station construction and the parking facilities need to comply with the City's building code, zoning code, etc., for example, impervious surface rules.

Councilmember Degginger observed that it would be hard to include comments about the conclusions of a study (B7 Revised) that has not been completed. He does not want to prejudge the outcomes of that study.

Mr. Wallace suggested that the letter indicate that it is possible that the B7 Revised study will avoid the impacts. He noted that the SDEIS touches on this.

Mr. Degginger said it is also possible that, if a new structure is built in South Enatai, there could be more impacts. At this point the full impacts are not known and should therefore be left out of the letter.

Continuing, Mr. Degginger referred to the Council comment letter's statement that: "We require more specific and firm commitments to address these impacts than those implied in the SDEIS." He asked staff about when these commitments will be required.

Mr. Sparrman said a better definition of impacts and mitigation measures is anticipated in the final design work. Staff envisions a separate mitigation agreement between the City and Sound Transit to detail specific mitigation requirements. Regarding the Council's questions about construction impacts, the staging of road closures, and other impacts, Mr. Sparrman said staff will request more information as part of the FEIS. Much of that detailed analysis happens as part of the final design work. He said it is a bit of a chicken and egg situation in which, as information is gained, it is possible to better define mitigation measures.

Regarding Sound Transit's policy on noise, as mentioned by Councilmember Robertson, Mr. Degginger said it states that the final identification of project noise impacts occurs at the 69 percent design level. Mr. Sparrman concurred.

Deputy Mayor Lee noted that travel outside of the country brings back a different perspective. He has observed mass transit systems in Hong Kong and Taipei. He supports the comment letter in general. However, one thing that is missing from the SDEIS is an analysis of economic impacts, during and after construction. Mr. Lee recalled his visit to Denver, and noted that light rail provides economic benefit to both the city and the region. He feels the letter to the Sound Transit Board should address the analysis of economic impacts, including those related to the construction of the project and to the different configurations (i.e., surface or grade-separated).

Responding to Mayor Davidson, Mr. Sparrman said economic development is an appropriate issue to raise in the comment letter.

Mayor Davidson noted that the next issue is the work program for the City's studies. He said he was trying to decide if it would be appropriate to include economic development in the letter, and the answer is yes. If the City is going to do something with its own dollars or someone else's dollars, Council and staff might have to discuss that within the program of work.

Councilmember Chelminiak pointed out that Ms. Paulsen's memo addresses impacts related to the fish ladder and parking structure. It does not address the further shading of the main channel of the slough that would occur if the Enatai Park and Ride were to be built instead of the South Bellevue Park and Ride. He would be interested in an analysis of those impacts. Mr. Chelminiak said the KPFF report indicates more habitat loss, more wetland loss, and shading of the main Mercer Slough channel with the A2 Station option (Enatai station).

Mayor Davidson said he likes the letter in general. He acknowledged that there have been a number of suggestions, some of which could be incorporated easier than others. Some could be included in the technical comment letter, and some might not have sufficient agreement to justify their inclusion. Mayor Davidson suggested that staff separate the comments into categories along these lines.

Responding to Mayor Davidson, Mr. Sparrman said the comment period deadline is January 10, but the Sound Transit Board is willing to accept Bellevue's comments on the morning of January 11. Staff will work on the suggested revisions and return next week to finalize the letters.

Responding to Councilmember Robertson, Mayor Davidson concurred with the expectation that the Council will have written materials articulating all of tonight's suggestions in advance of next week's meeting, and that they will be included with the normal distribution of the weekly meeting packet materials.

(b) Review of Proposed East Link Work Program

Mr. Sparrman opened staff's review of the proposed East Link work program, noting that this is the fifth year of the City's involvement in the planning process. The City's 2011-2012 work program encompasses three primary areas: 1) Joint City-Sound Transit Agreements, 2) City participation and influence, and 3) City as lead role. Agreements are anticipated to address tunnel funding, the mitigation of impacts, and construction plans and terms. The second category involves participation and/or influence in a number of activities including environmental review, review of conceptual engineering plans, third party agreements, final alignment selection, the federal Record of Decision, and final design. The City will have a lead role in station area planning; updating policies, plans, regulations and design standards; and permit processing.

Mr. Sparrman reviewed key activities to date, noting that Sound Transit has invested nearly \$50 million in planning and engineering for the East Link project since 2007. City resources have increased to keep pace with the work, expanding from 3 to 4 FTEs per year on the project in 2007 to 7 to 8 FTEs per year in 2009 and 2010. As the Council is aware, the City has increasingly spent its own funds on consultant work.

Mr. Sparrman reviewed the key goals of staff's current efforts which include supporting Council decisions with technically sound information, reviewing and commenting on Sound Transit documents, working with Sound Transit to produce joint products, engaging the community, and updating City policies and regulations. He noted that the first community meeting associated with the B7 Revised Study is scheduled for late January, and the study is underway.

The major areas of staff's East Link 2011-2012 work program are: 1) Tunnel funding memorandum of agreement (MOA), 2) Impacts and mitigation agreement, 3) Engineering review and coordination, 4) Policy and Regulatory Framework, 5) Station area planning, 6) Council support and community involvement, and 7) Other related tasks, such as the B7 Revised analysis.

Mr. Sparrman said the work program involves a number of departments, and the budget funds a total of 13.25 FTE positions for all of the departments over the 2011-2012 timeframe. This includes seven FTE positions already working on the project.

Responding to Mayor Davidson, Development Services Director Mike Brennan briefly listed some of the permits that will be required for the project. Mr. Brennan confirmed that certain impacts, such as wetlands, and their mitigation are not specifically defined until the permitting process.

Deputy Mayor Lee reiterated his suggestion that the project involve an analysis of economic development/impacts. He observed that the basis for a decision will be a cost-benefit analysis of different scenarios, including impacts and their mitigation. He suggested that mitigation cannot be fully assessed without knowing the final alignment and station locations.

Responding to Mr. Lee, Mr. Sparrman said the Transportation Department currently has approximately 100 employees.

Deputy Mayor Lee reiterated his interest in a cost-benefit analysis and a timeline for the completion of specific work items.

Responding to issues raised by Mr. Lee, Mr. Sparrman explained that five to six years ago extensive work was completed, as part of the process of updating the Downtown Implementation Plan (DIP), to explore economically feasible transportation solutions. High capacity transit was identified as a priority, and Sound Transit analyzed a number of options including bus rapid transit, monorail, and light rail. Light rail was determined to be the best outcome financially and based on performance.

Mr. Lee said he would like updated information on the benefits of light rail.

With regard to performance versus cost, Mr. Sparrman said the information currently before the Council is the most accurate information that can be developed at this point. He explained that

planning for such an extensive infrastructure investment takes a long time, and it is not practical to conduct an economic analysis every few years to update the underpinnings of the project.

Deputy Mayor Lee acknowledged that he is no expert, but he would just like the City Manager and the Council to take a look at the question he poses.

Mayor Davidson stated that a great deal of study and analysis has been done, reflecting an economic benefit for Bellevue in a number of areas over the long term. He suggested that relevant data from existing studies could be summarized into a document addressing these economic development benefits. Mr. Sparrman said staff could incorporate this into the work program, if desired.

Mayor Davidson indicated that the Council will continue this discussion later in the evening, following the Regular Session agenda.

Councilmember Robertson noted that she has questions for the consultant. The Council and the City Manager decided to bring the consultant back for a future discussion instead of asking her to stay any later this evening.

- (c) Proposed Letter to King County Council regarding Regional Transit Task Force Recommendations

[Item moved to Regular Session.]

At 8:04 p.m., Mayor Davidson declared recess to the Regular Session.

Myrna L. Basich, MMC
City Clerk

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