

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

June 18, 2012
6:00 p.m.

Council Conference Room
Bellevue, Washington

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

ABSENT: None.

1. Executive Session

The meeting was called to order at 6:10 p.m., with Mayor Lee presiding. There was no Executive Session.

Mayor Lee noted the intention to continue the East Link discussion to the Regular Session as Agenda Item 11(a). This will provide an opportunity for the public to comment on the East Link cost saving options earlier in the Regular Session.

2. Study Session

(a) Development of East Link Cost Savings Measures

City Manager Steve Sarkozy opened discussion regarding the cost savings work related to the East Link Memorandum of Understanding (MOU) with Sound Transit. He noted that the Council is being asked to identify cost savings measures for further study. However, this does not represent a final decision by the City or Sound Transit.

Transportation Director Dave Berg recalled that the MOU identified the objective of reducing costs for the East Link project, while also delivering a high-quality project on schedule and in compliance with applicable codes and standards. During the past six months, the City and Sound Transit have been working through the collaborative design process to identify options for cost savings. This has involved activities to encourage public input including two open houses and numerous neighborhood and business association briefings.

Mr. Berg said the purpose of the evening's discussion was to review the MOU Leadership Group's recommendation, joint cost savings work plan, and proposed communication to the

Sound Transit Board of Directors. He noted that the action requested of the Council at this time is to endorse specific cost saving options to move forward for further engineering analysis. Action on the work plan and letter to Sound Transit is anticipated during the later Regular Session.

Deputy City Attorney Kate Berens reiterated that the action requested tonight does not represent a final alignment decision. The Council is asked to take action on the proposed communication to the Sound Transit Board [Meeting packet, Page SS 2-9, Attachment C] and joint agency Cost Savings Work Plan [Page SS 2-15, Attachment D].

Bernard Van de Kamp, Assistant Director of Transportation, reviewed the cost savings ideas included in the proposed work plan. Working from the south to the north of the East Link alignment in Bellevue, Option 1a shifts Bellevue Way to the west for a potential savings of \$6 million to \$10 million. This extends the elevated segment north of the South Bellevue Park and Ride lot to enable access to the blueberry farm and the Winters House.

Mr. Van de Kamp said the Council will decide in July about whether to include the Bellevue Way southbound HOV lane in the Transportation Facilities Plan environmental review. If so, Option 1a is the preferred design alternative. If the HOV lane project is not chosen, the work plan reflects studying Option 1b, which relocates the Winters House. The design options chosen for further study will be subject to the environmental review process, which will include an analysis of noise and other impacts.

Mr. Van de Kamp recalled the Council's interest in reducing the length of the elevated guideway; optimizing the access location for the blueberry farm and Winters House; and addressing noise, visual, and traffic impacts.

For the segment going north along the Surrey Downs area, Mr. Van de Kamp recalled that the MOU adopted alignment elevates the rail line to cross over 112th Avenue. The work plan advances cost savings Option 2b, which places light rail at grade or slightly below and elevates 112th Avenue over the rail line. This results in a lower overall height and a reduction in the length and overall size of the elevated portion. Mr. Van de Kamp said the cost of this modification is thought to be comparable to the adopted design.

Mr. Van de Kamp said there is a need for further study of design options that provide access into the Surrey Downs neighborhood from 112th Avenue SE.

Deputy Mayor Robertson noted that the work plan refers to avoiding any further development of the option for a retained cut at SE 4th Street. She said the Leadership Group is interested in continuing to study options for neighborhood access that do not involve gates and bells, including at SE 4th Street.

Mr. Van de Kamp concurred that access into Surrey Downs is a major consideration, and the work plan calls for continued discussion with the community to review a number of issues in the area. He said the City has heard some interest from residents in reducing the level of

programmed activity (i.e., sportsfields) at Surrey Downs Park to lessen traffic impacts. Mr. Van de Kamp noted the need to gain a better sense of the current function of SE 4th Street and how that could be replicated without causing adverse effects (e.g., gates, bells). He noted the potential savings of \$9 million to \$16 million with an at-grade alignment instead of the adopted retained cut at SE 4th Street. Impacts to be studied include noise, traffic, visual, construction, and property.

Mr. Van de Kamp said the project team is looking at completing at least some of the mitigation (i.e., sound walls) earlier in the construction process to minimize impacts. He said there is a strong interest in providing neighborhood access from 112th Avenue without creating adverse impacts.

Responding to Dr. Davidson about the rationale for the East Main Station, Mr. Van de Kamp said there are approximately 2-1/2 miles between the South Bellevue and Downtown Stations. The East Main Station supplements the Downtown Station and provides better access for a number of businesses, residents, and other destinations.

Responding to Councilmember Chelminiak, Mr. Van de Kamp confirmed that the exact cost difference between elevating 112th Avenue or elevating light rail has not been quantified, but it is thought to be roughly cost neutral. Eliminating the retained cut is expected to save \$9 million to \$16 million. Either elevated option is compatible with the retained cut or the at-grade alignment along 112th Avenue.

Responding to Mr. Chelminiak, Mr. Berg said the last traffic counts on 112th Avenue at the crossing of SE 4th Street were collected in 2000. At that time, the daily volume was roughly 700 vehicles per day. Mr. Chelminiak noted that he does not like the idea of gates and bells, but he would like to weigh the overall costs and benefits.

Responding to Dr. Davidson, Mr. Van de Kamp said the mitigation allowance has not been modified as a part of the collaborative design process. Dr. Davidson noted that certain design options might include higher mitigation levels, and he questioned how that is factored into the cost estimates.

Councilmember Chelminiak reiterated that he would like further study of the pros and cons of gates and bells. He observed that a number of homes are a distance away from SE 6th Street.

Continuing, Mr. Van de Kamp reviewed the Stacked Tunnel configuration (Cost saving idea 3b) for the Downtown Station, which has an estimated cost savings of \$8 million to \$13 million.

Responding to Mr. Chelminiak, Mr. Van de Kamp said the option eliminates one southbound lane on 110th Avenue NE, north of NE 4th Street. Mr. Chelminiak noted that the study estimates five percent congestion associated with losing the lane. He said the impact is eight seconds based on his commute to City Hall this evening.

Councilmember Wallace said he attended the Bellevue Chamber's Transportation Committee meeting. One idea discussed there was that keeping the station portal on private property on the west side of 110th might increase costs, but it would preserve the roadway.

Mr. Van de Kamp said the Stacked Tunnel has platforms on the east side of the station. However, he said that additional study could identify other options for moving access to the west side of the street.

Mr. Chelminiak said it is hard to imagine that 600 feet of lost lane capacity could not be mitigated.

Councilmember Wallace noted his concern about the construction impacts of the Stacked Tunnel option.

Councilmember Stokes reminded the group that the purpose of the current work is to identify options for further study. Deputy Mayor Robertson concurred and noted that additional data will help in making decisions.

Councilmember Chelminiak said he would like to continue to consider all options, including gates and bells if they have compelling benefits over other options.

Ms. Robertson noted that no loss of lane capacity for the East Link project has been an official Council policy since 2005 or earlier. She believes that articulating principles is helpful to staff, and she is open to continuing to consider all options.

Mayor Lee said it is important that the Council and staff continue to vet the options and priorities. He encouraged continued dialogue which will involve some value judgments. Ultimately the Council will need to balance all of the values and objectives.

Mr. Lee recalled that the Downtown Transportation Plan and Downtown Livability Plan have not been updated. He agreed with his fellow Councilmembers about wanting to continue to consider all options. However, he believes the Council needs to make recommendations with a recognition of the work that will need to be done.

Dr. Davidson expressed concern that there is a default solution, the alignment adopted by Sound Transit, because he believes this restricts the effort of finding cost savings to amending a specific design. He noted that Sound Transit is ready to move forward to 60 percent design on the default solution.

Mayor Lee suggested that perhaps the Leadership Group could provide some context on the issue of flexibility in moving forward.

Councilmember Wallace, a member of the Leadership Group, recalled that the purpose of the MOU was to work with Sound Transit to find \$60 million in cost savings by modifying the adopted alignment. He observed that the collaborative process has gone well in terms of

identifying options. He said the cost savings estimates do not include the allocated contingencies, which is an important factor and provides greater opportunity for additional savings.

Responding to Mayor Lee, Mr. Wallace said his view is that there are three goals: 1) Saving \$60 million, 2) Providing exceptional mitigation, and 3) Delivering a high-quality light rail system. The areas of focus for modifications are Bellevue Way/Winters House, 112th Avenue, and the Downtown Station. He believes it is possible to achieve these three goals, and the next step is to submit the City's recommendations to the Sound Transit Board for their input and decision.

Councilmember Stokes concurred and said he is interested in considering all options. He is eager to move forward.

Deputy Mayor Robertson recalled that the Council approved the MOU by a unanimous vote, which launched the collaborative design process. The resulting work created a menu of choices for potential further study. However, the goal has been to narrow the list for the best use of design dollars.

Ms. Robertson suggested that having a principled approach is important. The undercrossing of 112th Avenue originated from a Leadership Group meeting which articulated the principles of crossing the road while avoiding gates, bells and an imposing elevated viaduct. Staff designed options based on these principles. Ms. Robertson said it would be helpful to staff for the Council to articulate specific principles for each option chosen for further study in the work plan. She said the overall objective is to identify cost savings measures and to provide guidance on how they can improve the project and/or reduce impacts.

Councilmember Balducci said she appreciates that everyone has been open to exploring options for cost savings, improvements to the alignment and transit experience, and the mitigation of impacts. She observed that it is not possible to maximize all three of these criteria in all locations of the light rail line. However, this does not negate the exploratory process agreed to by the MOU.

Ms. Balducci expressed concern about the written materials, which contain statements she does not agree with and omits information that she would add. She believes it overstates some of the benefits and understates some of the impacts in certain areas. There are qualitative statements she does not agree with, as well as sentences that could be interpreted as restricting certain aspects of the additional analysis.

Process-wise, Ms. Balducci said she hopes to move forward to vote on whether the options should receive further consideration. She is open to adding general principles for further guidance. She reiterated that she believes the written materials are understating some of the impacts.

Mayor Lee concurred with Ms. Balducci's comments and suggested including them as the preamble or context for the transmittal to Sound Transit.

Ms. Balducci requested a clarification about the recommendation regarding Option 1b (Relocating the Winters House). She said it is not mentioned in Attachment C (Transmittal to Sound Transit), but it is included in Attachment D (Work Plan).

Mr. Van de Kamp said the recommendation of both the Steering Committee and the Leadership Group was to pursue Option 1a (Shifting Bellevue Way to the west near the Winters House), subject to the City advancing the Bellevue Way HOV lane. If the latter is not approved, the fallback position is relocating the Winters House.

Councilmember Stokes expressed support for Ms. Balducci's comments.

Mayor Lee said there would be continued discussion on this topic during the Regular Session.

(b) Medical Marijuana Collective Gardens Work

City Manager Sarkozy noted the challenge for local government related to the confusion between federal and state regulations for medical marijuana. He recalled that, on May 7, the Council adopted Ordinance No. 6058 implementing interim zoning control for medical marijuana collective gardens.

City Attorney Lori Riordan said that staff will be seeking Council direction following the July 2 public hearing on the regulation of medical marijuana collective gardens.

Catherine Drews, Legal Planner, referred the Council to the meeting packet [Page SS 2-21] for a list of jurisdictions and their approaches to regulating medical marijuana. The table shows a range of options, with the City of Seattle allowing medical cannabis businesses in compliance with local laws, and other cities prohibiting collective gardens in all zoning districts. Ms. Drews said that written comments received by the City will be provided to the Council before the July 2 public hearing.

Ms. Drews said Initiative 502 to legalize marijuana will be on the general election ballot on November 6. She noted that the City's current interim zoning control will expire on November 7. She explained that Initiative 502 does not amend the medical marijuana act, which allows collective gardens in Washington state. If Initiative 502 is approved, the question of collective gardens will be moot and the public would be able to buy marijuana through an outlet similar to a liquor store. If I-502 fails, there is no impact on collective gardens.

Ms. Riordan said that proponents of medical marijuana are expected to testify during the July 2 public hearing before the Council. Staff will present the options for the Council's consideration, which range from making the interim regulations permanent, extending the term of the interim regulations, or devising other permanent regulations by November.

Ms. Riordan asked the Council to also be thinking about whether it would like to keep this issue on its work plan or to refer it to the Planning Commission.

Dr. Davidson stated that this is the craziest thing he has ever heard and the worst public policy he has ever seen. He is currently renewing his license to prescribe drugs, and he noted questions on the application regarding one's background, including experience with abuse or addiction. He is very concerned about the prospect of unlicensed individuals selling a mind-altering substance from a collective garden. This is the worst public policy he has ever seen come forth from the state legislature. He cannot understand moving in this direction given the drug addiction problems that already exist in society. Dr. Davidson said he cannot believe that society is reducing cigarette smoking but considering legalizing marijuana.

Deputy Mayor Robertson requested, before July 2, information on litigation involving the City of Kent, which was sued for prohibiting collective gardens. She would like staff's input on the option of referring the issue to the Planning Commission with regard to the estimated workload for both or either of the Council and the Commission (i.e., Planning Commission's capacity for the project, anticipated public outreach, etc.).

Councilmember Balducci said it would be helpful to obtain a legal analysis of both the current statute and the impact of Initiative 502, if approved. Given the possibility that Initiative 502 will supersede any regulations on collective gardens, Ms. Balducci said it might be preferable to wait until after the election. She would like to know the specific impacts of Initiative 502.

Mayor Lee acknowledged that this is a difficult policy issue, and more information will be helpful to the Council.

At 7:38 p.m., Mayor Lee declared recess to the reception welcoming recently annexed South Bellevue residents, to be followed by the Regular Session.

Myrna L. Basich, MMC
City Clerk

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