

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

April 13, 2015
6:00 p.m.

Conference Room 1E-113
Bellevue, Washington

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

ABSENT: None.

1. Executive Session

Mayor Balducci called the meeting to order at 6:09 p.m.

2. Oral Communications

- (a) Loretta Lopez, representing the Coalition of Eastside Neighborhoods for Sensible Energy (CENSE), read a request from the CENSE president asking that the Council consider and take action on a motion to delay the Puget Sound Energy (PSE) Energize Eastside project's Environmental Impact Statement (EIS) until the City's independent consultant completes its analysis of the need for the project.
- (b) Carl Vander Hoek spoke about Downtown Park parking. He noted that he sent an email to the Council earlier in the day requesting that an EIS be prepared and that the public be given the opportunity to comment on the project and EIS. He said park access has not kept pace with demand. The City is expected to add 50,000 more residents over the next 20 years, which is in addition to the 50,000 new residents since the park was adopted. He asked the Council to be forward thinking in planning for more parking.
- (c) Iris Tocher encouraged the Council to not be distracted from completing the Downtown Park. Phase 1 was completed in the 1980s and Phase 2 was completed in the 1990s. She said the need for parking along Main Street in Old Bellevue should be addressed separately.
- (d) Warren Halverson, a Bridle Trails resident, congratulated the Council on its negotiations with Sound Transit regarding the light rail Operations and Maintenance Satellite Facility (OMSF). Referring to Puget Sound Energy's Energize Eastside project, he said PSE's documents show a one percent annual growth in energy customers and a decline in consumption for all segments over the next several years. He said the region has just experienced the mildest winter in memory. Microsoft has downsized several thousand

jobs and Expedia is moving 3,000 jobs to Seattle. Noting the active development, Mr. Halverson said there is no direct correlation between this activity and an increase in electrical demand. Residential energy usage downward trends are so significant that they will largely offset growth in business usage should that occur in the future. He said PSE has not yet published its 2015 integrated resources plan. However, Seattle City Light's 2015 plan reduced their 2013 projections of future demand from 0.7 to 0.5, in spite of major development activity.

- (e) Suzanne Meston, a Bridle Trails resident, commented on the Energize Eastside project. She noted her job as the leader of a group of engineers working on new technologies. She said it is not economically viable to build new infrastructure and networks to meet forecasted demand and liability. There are energy alternatives and frequent technology advancements. She said Seattle City Light is implementing "self-healing" power lines that detect outages, isolate circuits, and reroute electricity to minimize outages for customers. Ms. Meston asked the City to explore viable alternatives as the EIS moves forward.
- (f) Charlie Klinge, representing the Meydenbauer Bay Neighborhood Association, expressed support for a more natural park setting for Meydenbauer Bay Park. The park is planned to begin west of the Chevron station and will increase parking demand that will adversely affect Old Bellevue businesses. He noted that the City-owned Bayview Village Apartments site is planned for development as a grand entrance plaza to the park. Mr. Klinge said the City also owns the Bayview East Apartments across the street and south of the Chevron station, which are not part of the park plan. He suggested that the site should be developed as a parking lot at a lower cost than the structured parking options proposed in the park plan. He spoke against proposals to eliminate or reduce street parking, close 100th Avenue SE, and to build an 8,000-square foot event center at Lake Washington Boulevard and 99th Avenue.
- (g) John W. Ellis said he was chair of the original Downtown Park Citizens Advisory Committee in 1984. The park was initially designed and constructed with private money. He said he understands there is a proposal to build an above-ground parking structure in the park to serve parking needs outside of the park. He said this option was discussed at length in 1997, and it was concluded that the park should not be used to serve parking needs outside of the park. He said an above-ground, multi-story parking garage is inconsistent with the original vision for the park. He recalled that two schools were removed from the site and there was great debate about whether it should become private land or serve a public use. He encouraged the City to complete the original park plan instead of building a parking structure.
- (h) Alex Zimmerman, representing StandUP-America, said he is not happy that the time allowed for individuals to speak changes for different Council meetings. He reiterated his ongoing request that the City Manager, who he referred to as a crook, hold question and answer sessions with residents. He is unhappy with State, County and local government.

- (i) Nils Dickmann encouraged the City to help save and move the Philbrook house. He thanked the Council for placing this issue on its agenda. He has received an estimate from a reputable company to move the house and has raised the funds to do so. He asked the Council to help save the structure.
- (j) Charlotte Weigel said she owns property on NE 19th Street north of Overlake Hospital. She and other property owners in the area have put together an assemblage of properties that they would like to sell to a developer, consistent with the City's vision for more medical offices, senior housing, and related uses. She recalled that the property owners brought this issue to the Council in December, requesting a change in the floor-area ratio (FAR) designation to justify development consistent with this vision. Property owners are concerned that they will miss the current development cycle to attract a developer to that area.
- (k) Jean Magladry, also a property owner in the area mentioned by the previous speaker, said her group previously spoke to the Council and understood that the Council directed staff to explore the requested zoning change. She observed that City staff have been resistant to addressing the issue. She said she and others accidentally received an email between staff indicating a desire to deter the property owners from pursuing their request.

Mayor Balducci asked the City Manager to follow up on this issue. She noted the need to discuss the upcoming work plan for planning staff.

Councilmember Robertson said she thought this issue was to be addressed this year by Planning Commission. She suggested that the interested parties provide contact information to be informed about the Commission's schedule for working on this issue.

- (l) Aaron Laing, speaking as an individual, expressed concern about the difficulty of parking to access Downtown Park. He said his neighborhood, Enatai, does not have a park. He spoke to the need for a park plan that looks to the future and provides sufficient parking. He said bike facilities for families and recreational riders who want safer routes/paths away from vehicle traffic are needed as well.

3. Study Session

(a) Council Business

Mayor Balducci noted a memo to the Council listing the recommended 2015 reappointments to Boards and Commissions.

→ Councilmember Lee moved to approve the following reappointments to Boards and Commissions:

Trudi Jackson – Arts Commission
Chad Davis, Cris Dreher – Library Board
John Carlson, John deVadoss – Planning Commission, and

Scott Lampe – Transportation Commission.

Councilmember Robinson seconded the motion.

Councilmember Chelminiak said he had a position for reappointment to the Human Services Commission and has confirmed the availability of the individual to continue serving. He nominated James McEachern for reappointment. The suggestion was accepted as a friendly amendment.

→ The motion to approve the reappointments carried by a vote of 7-0.

(b) Public Hearing on East Link

City Manager Brad Miyake said the purpose of tonight's public hearing is to provide input on the draft agreements negotiated with Sound Transit with regard to the East Link light rail project.

Deputy City Manager Kate Berens said tonight's public hearing anticipates Council action on April 20 on three agreements: Amended Memorandum of Understanding (MOU), Amended Transit Way Agreement, and Three-Party Agreement.

The elements of the Amended MOU are financial reconciliation, Sound Transit's Operations and Maintenance Satellite Facility (OMSF), project permitting and mitigation, and project coordination.

Ms. Berens highlighted the financial provisions. The \$100 million upfront contribution originally defined in the 2011 MOU is confirmed and includes properties and other resources. The Amended MOU eliminates the previous contingent contribution (up to \$60 million). The City receives \$25 million from Sound Transit to cover permitting and inspection fees associated with East Link and to compensate for additional property impacts for acquisitions from City that were not originally anticipated. The Amended MOU also identifies a number of property exchanges between the City and Sound Transit. One of these involves the 130th Station property in the Bel-Red corridor. Sound Transit is acquiring it now for construction staging and will transfer it to the City upon the completion of construction. This will enable mixed-use, transit-oriented development (TOD) on a site that was initially identified for a parking lot.

Ms. Berens said the Amended MOU adds a number of provisions regarding the OMSF and captures a number of interests identified last fall through the stakeholder engagement process. The facility will be developed in two phases, and Phase 2 accommodates more TOD than originally anticipated. Phase 1 allows approximately 1.6 million square feet of development. If 120th Avenue NE is aligned as proposed for Phase 2, additional parcels will provide 400,000 more square feet for development.

Ms. Berens said the Amended MOU does not waive any permitting or mitigation requirements. The Light Rail Permitting Citizens Advisory Committee (CAC) is continuing its review and provides input and advisory documents on a number of issues. The Amended MOU provides increased certainty for the City in the areas of environmental mitigation, noise mitigation and

traffic management through construction. It provides increased certainty for Sound Transit with regard to timely permitting review and approval and a fixed fee for permits and construction inspection.

Ms. Berens said the Amended MOU also provides for coordinating certain City projects with Sound Transit project elements to achieve cost savings and efficiencies in project delivery.

The City anticipates Council action on April 20. The Sound Transit Board is scheduled to take action on the Amended MOU on April 23.

Responding to Deputy Mayor Wallace, Ms. Berens confirmed that the Council received the draft agreements when they were released on Wednesday evening. He noted that a previous draft was available one to two weeks earlier. Mr. Wallace stated his understanding that Sound Transit is not open to modifying the agreements, regardless of public testimony tonight or a clear error in the agreements. Ms. Berens said a clear error in the agreements would be discussed with Sound Transit staff.

Noting that she serves on the Sound Transit Board, Mayor Balducci said the Board has not taken a position on the agreements. She observed that, when a series of agreements have been negotiated over a period of years, people ought not to think that major points will be reopened and renegotiated before the following week. Mr. Wallace said he had hoped there would be a greater opportunity to listen to the public and consider the details of the agreement before taking a vote.

- Deputy Mayor Wallace moved to open the public hearing, and Councilmember Stokes second the motion.
- The motion carried by a vote of 7-0.

Deputy Mayor Wallace read the rules for the public hearing.

1. Lincoln Vander Veen, Bellevue Chamber of Commerce, thanked the Council and staff for their work on the East Link Amended MOU. He said the Chamber remains both optimistic and concerned about traffic impacts to Bellevue Way and the long-term closure of the South Bellevue Park and Ride. He expressed support for the City's project to widen a portion of Bellevue Way SE. Efforts to increase capacity will benefit continued economic vitality and mitigate cut-through traffic for the Enatai neighborhood.
2. Eustaquio, a Tukwila resident, described vibration and noise impacts he continues to experience due to his proximity to the light rail alignment. He said light rail has created faults along I-5. He has not gotten any response or help from Sound Transit or the Washington State Department of Transportation (WSDOT).
3. Vicki Orrico said she was Chair of the Planning Commission during the study and adoption of the Bel-Red Plan which created a vision for new neighborhoods, parks, public transit, economic redevelopment, and affordable housing. She served on the

stakeholders group for Sound Transit's Operations and Maintenance Satellite Facility (OMSF). Ms. Orrico thanked the Mayor and Deputy Mayor for their role in negotiations with Sound Transit and urged the Council to approve the Amended MOU. She noted that the MOU and the tri-party agreement does not include specific terms or commitments beyond the King County study commitment. She said the OMSF project must comply with and not displace any of the transit-oriented development (TOD) capacity provided in the Bel-Red Plan. Ms. Orrico urged the City to begin negotiations on the OMSF development agreement immediately so that it is ready to be executed when Sound Transit files its record of decision (ROD) later this year. She said it is important to continue to engage the stakeholder group. She said the OMSF permitting will be administrative, potentially removing the public comment process on elements that will directly impact the development and connectivity of the neighborhood. She advised that details ensuring compliance with the Bel-Red Plan must be captured in the development agreement.

4. Greg Johnson thanked the Council and staff for their work to negotiate the Amended MOU and tri-party agreement, which largely represent Bellevue's interests very well. He was part of the OMSF stakeholder group. While that work created a framework for restoring development capacity in the Bel-Red corridor, it creates a delay between now and the issuance of the ROD before engaging in negotiations for the development agreement. He suggested it would be beneficial to amend the agreements to facilitate moving forward with the development agreement now.
5. Geoff Bidwell recalled the history of the acquisition and preservation of the Mercer Slough Nature Park. He expressed concern regarding light rail noise and visual impacts, including sound walls potentially as high as 12 feet, the extensive removal of trees and other vegetation, and difficulty in accessing the park during construction. He said the traffic flow will become intolerable with lane closures throughout six years of construction. He asked the Council to reject the Amended MOU.
6. John Hempelmann said he participated in the OMSF stakeholder process and is an advocate for transit-oriented development (TOD). He said it is a bad idea to site the OMSF in the Bel-Red corridor. However, if this must occur, he feels the Amended MOU provides a reasonable solution in the two-phased plan. He encouraged the City to start working on the development agreement now. He expressed strong support for the plan around the 130th Avenue Station in the Bel-Red corridor.
7. Erin Powell suggested a tunnel alignment or the original B7R alternative through South Bellevue. She requested that the City eliminate the South Bellevue Park and Ride and return that land to park land. She expressed concerns about impacts to wildlife in the Mercer Slough Nature Park and about the removal of trees along the alignment. She said the park plays an important role in mitigating climate change by providing shade that benefits fish and aquatic life. She said there are City documents stating that the tree canopy is a key defense against climate change and carbon pollution.

8. Jorge Gonzalez, representing AutoNation, commended the work of the Council and City staff. He was part of the OMSF stakeholder group. He expressed concerns about the potential loss of space that is important to the survival of their business. He asked the City to work with Sound Transit to determine how the loss of space can be recovered in a way that is suitable for AutoNation.
9. Bill Popp displayed slides depicting planned sound walls and mesh fencing along Bellevue Way SE and 112th Avenue SE. He expressed concern that views of the Mercer Slough Park and greenery along 112th Avenue SE will be blocked, which is not a good impression for the 40,000 daily drivers along those routes. He expressed concerns about noise impacts and increased traffic congestion during construction of the project.
10. Amy Gore, Sustainable Communities Director for FutureWise, commended the Mayor and Deputy Mayor for their visionary work. She expressed support for the Amended MOU and related agreements, and urged the Council to move forward with negotiating the development agreement. She said the MOU provides a smaller footprint of the OMSF with increased acreage set aside for housing and commercial development nearest to the transit station as well as pedestrian and bike facilities. She encouraged the Council to continue working with the stakeholder group to ensure their vision is realized, and thanked the Council for their leadership.
11. Al Cecil said he is a registered structural engineer living in the Enatai neighborhood. He investigated the applicability of a bored tunnel to Bellevue based on Sound Transit's success with Seattle tunnels. The experience gained from the University and North Link segments has reduced both costs and risks. He said cost data was shared with *The Seattle Times* of a preliminary design for Bellevue on June 7, 2012. Sound Transit engineers and planners subsequently recommended that a bored tunnel be explored further, which occurred during a special meeting of the Sound Transit capital committee on October 10, 2012. Staff's recommendation was rejected. Mr. Cecil said Sound Transit staff concluded that a bored tunnel would be less expensive than the current alignment. He said Sound Transit acknowledged, as recently as the previous Thursday in Olympia, that they did not adequately study the tunnel. He said the northern segment of the North Link project was converted to a tunnel seven years after the ROD was issued. He recommended a delay in approving the MOU to allow the Sound Transit Board to reevaluate its staff's recommendations.
12. Renay Bennett expressed concerns regarding the impacts of light rail on adjacent neighborhoods. She read a policy of the City's Southwest Subarea Plan which encourages the preservation of the existing residential and arboreal character of southwest Bellevue. She read a statement from Sound Transit's final Environmental Impact Statement (FEIS) which concludes that "none of the known visual and noise impacts would negatively impact the existing or future use of the land along Bellevue Way and 112th Avenue SE." She said this is not possible. She said the alignment is not just along the park, but parts are actually in the Mercer Slough as well as next to single-family homes. Ms. Bennett said Bellevue can have light rail while also protecting neighborhoods.

13. Hal Ferris, former Chair of the Planning Commission when the Bel-Red Plan was adopted, urged the Council to adopt the Amended MOU as negotiated. He recommended that the City continue to work with Sound Transit on a development agreement. He recalled the vision of the Bel-Red Plan to create a thriving community focused around transit nodes. He said the development agreement with Sound Transit should be specific in stating the required number of housing units, total residential square footage, and percentage of affordable housing units for low- and moderate-income households. Mr. Ferris said the OMSF site would have provided 1,100 multifamily units and 1.6 million square feet of office and commercial development. Specific requirements for housing and affordability must be identified before the marketing analysis is completed so that the value of the land correctly reflects obligations for housing and housing affordability when the market study is completed. Otherwise, he observed that Sound Transit will take the position that it needs to capture the highest value without any restrictions on the land's use.
14. Bruce Nurse, an Enatai resident, said light rail is too expensive, does too little, and takes too long. He said future transportation will change, including driverless cars and driver-assist cars, and the Puget Sound Regional Council's 2040 plan does not address this factor. He regrets the thousands of hours that City staff and City Councils have spent on developing light rail, which could have been spent on other City projects that would benefit the community. He asked the Council to monitor the light rail project to protect neighborhoods and businesses.
15. Don Davidson, former Mayor and Councilmember, said he originally voted for the MOU but now feels it was wrong to do so. The Council is now presented with a decision on the Amended MOU, which is based on an obsolete EIS dated July 2011. He referred to page ES-60 at the end of the EIS report and urged the Council to read the section on "significant and unavoidable adverse impacts" of the project. Dr. Davidson said a new EIS should be conducted, and it is never too late to make the right decision.
16. Joe Rosmann, Chair of Building a Better Bellevue, said that, eight years ago in 2007, Sound Transit's South Bellevue East Link project manager stated it would not make sense to place light rail along the BNSF rail corridor and I-405 because there are not opportunities for TOD. Mr. Rosmann believes the decision on the alignment was based on a long-term plan for increased housing density in and along south Bellevue neighborhoods. He said a senior Sound Transit staff member recently said in Bellevue City Hall: "It is generally known among all of our engineers and financial planners that our technical and financial leaders recommended a bored tunnel in South Bellevue to our organizational leaders." Mr. Rosmann said public comments received by Sound Transit from Bellevue citizens reflect that 70 percent of those individuals rejected the Mercer Slough-112th Avenue SE route.
17. Will Knedlik, representing Eastside Rail Now, said the Amended MOU improves Bellevue's situation if you disregard the OMSF. However, it does not resolve Sound Transit's lack of subarea equity that has harmed Bellevue and Eastside residents and taxpayers. He noted his testimony more than five years ago asking the Council to do

something about subarea equity. He expressed concerns regarding the negative impacts of the metal fencing, blocked views of the park, and to wildlife along the Mercer Slough. Mr. Knedlik would like the Council to require subarea equity in the MOU, in the same way it was applied in the Roosevelt area of Seattle years after initial plans were made. He said the Mercer Slough Nature Park is one of the most important natural preserves in the country. He said there is plenty of Eastside revenue to fund light rail to Redmond's central business district without any tax increase.

18. Jim Hill expressed concerns about the need to properly address traffic capacity. He said there are currently 350,000 daily person trips in and out of Downtown Bellevue, and the Puget Sound Regional Council (PSRC) expects this to increase to 650,000 daily person trips over the next 20 years. He said the City needs to work with Sound Transit to maintain capacity on Bellevue Way SE. The current construction plan is to reduce capacity by 25 percent, with one lane in each direction and a reversible lane in the peak direction. He encouraged more commitment language in the MOU about how traffic capacity will be handled through that corridor.
19. Bob Gillespie said it was November 4, 2008, when Proposition 1 was approved by more than 60 percent of the voters. The majority of voters in every precinct of the 41st District along Bellevue Way voted in favor of the East Link project. He said public transit is necessary for businesses in the downtown core and the employment needs of the community. He noted that Expedia has decided to move to Seattle. He said the type of employees Bellevue wants to attract need to be transit users. Mr. Gillespie said the Amended MOU and related agreements provide certainty, a contribution, and cooperation in planning. He urged the Council to approve the agreements.
20. Stan Mandell said he lives and works along the south Bellevue light rail alignment. He expressed concerns about the impacts of the project on the ecology and wildlife in the area. He showed slides of Great Blue Herons in a pool on the Bellefield Office Park property and described how special this area is for wildlife and the community. He said the light rail alignment will be 20-30 yards from the pool.
21. Wendy Jones, representing the Enatai Neighborhood Association, expressed concerns regarding construction impacts for five or more years. She said Sound Transit will seek permits for Noise Code variances affecting construction hours and noise levels as needed. She read Comprehensive Plan policy TR-75.1 stating that a light rail system should minimize environmental and neighborhood impacts. TR-75.2 states that the Light Rail Best Practices Report should be used to guide City actions and advocacy for developing light rail transit. Additional policies recommend noise avoidance or absorption techniques in residential areas and the implementation of noise mitigation before major street construction begins. They also call for the mitigation of air quality, noise, light and other impacts. She said the City will require new residential development in the Bel-Red area to use sound-proofing to mitigate external noise sources, and other areas along the alignment are expected to have some level of noise mitigation installed before construction begins. She expressed concern that the sound walls along Bellevue Way will deflect noise into the Enatai neighborhood. Ms. Jones asked the Council to require the

option of sound insulation packages for the approximately 44 homes adjacent to Bellevue Way and on the bluff above Bellevue Way.

22. Patrick Bannon, President of the Bellevue Downtown Association (BDA), observed that the Amended MOU provides more certainty for the City, removes the \$60 million contingency contribution, provides stronger protection for neighborhoods and businesses, and reinforces the need for robust outreach and marketing with the community during construction. He said the BDA continues to oppose siting the OMSF in the Bel-Red corridor. However, if located as currently planned by Sound Transit, he encouraged preserving development capacity in that area. Mr. Bannon urged the City to continue to collaborate with Sound Transit to ensure strong connectivity and maximum weather protection at the Downtown Station and to follow through on traffic flow and noise mitigation planning. The BDA looks forward to working with the City in marketing and outreach efforts.
23. Martin Paquette thanked the Council and staff for their hard work over the past several years. He said it is important to preserve traffic capacity on Bellevue Way throughout construction. He expressed support for the Amended MOU and looks forward to using light rail in the future.
24. Stephanie Walter requested a clear plan for a safe continuous and contiguous bike and pedestrian path along the light rail alignment. While this might not be possible along the entire line, she said now is the time to incorporate facilities to the extent possible. She envisions being able to bike to light rail and take her bike on the train to her destination. She referred the Council and the public to a community page called Bellevue Citizens for Safe East Link Rail Bike Walking Paths. She thanked the Council for so much work and attention to details.
25. Andrew McCormick, representing the Eastside Audubon Society, expressed support for the Amended MOU. He said an April survey of birds at the Mercer Slough identified 50 species of birds including migrating warblers, nesting breeding birds, and resident birds. The organization supports the plan for the relocation of the Heritage Loop Trail and is pleased with the acquisition of six acres on the east side of the park to help link the trails. He expressed support for the plans for wetland restoration in the south portion of the park and the replacement of trees. The organization appreciates that a new variety of species will be added to the park.
26. Howard Katz, a Lake Bellevue resident, noted that, in the middle of the Great Depression of the 1930s, New York City decided to not construct any more elevated trains. He believes a tunnel along Bellevue Way SE would be appropriate. He noted the need to preserve natural areas. He said his past communication to Sound Transit about wildlife on Lake Bellevue has never been acknowledged. He requested weather protection for the Hospital Station as well as higher seats and other features to better serve older light rail users. He encouraged the Council to follow the recommendations of the Light Rail Permitting Citizens Advisory Committee.

27. Michael Link, representing the Lake Bellevue Neighborhood Association and Lake Bellevue Land Use Committee, said he served on the OMSF stakeholder group. He has been following the East Link project since 2006 and there was never any mention of the currently proposed OMSF to be sited in Bellevue until last fall. He has concerns about light rail construction impacts and about the final OMSF project. He said 20 questions were submitted to Sound Transit and the City approximately one year ago and they have never received responses. He said a long list of questions about the OMSF was recently submitted as well, and he has not received a response. Mr. Link is concerned that the final design will be announced and Lake Bellevue residents will not have a chance to influence the consideration of alternatives or solutions. He encouraged City staff to answer the 20 questions submitted more than one year ago, and suggested that the Council review this information before taking a vote.
28. Shefali Ranganathan, representing the Transportation Choices Coalition, commended Councilmembers on their hard work through this long process. She expressed support for the Amended MOU and encouraged the Council to think about the benefits of light rail for future generations.
29. Steve Kasner thanked the Council for its hard work. He recalled Deputy Mayor Wallace's comments regarding the original MOU that the \$60 million contingent contribution to the East Link project would not be needed. Mr. Kasner expressed concern about whether tonight's comments will be able to influence the Amended MOU. He noted that North Link and Downtown Bellevue have been granted light rail tunnels, and he believes a tunnel would be appropriate for the Mercer Slough as well. He knows that Councilmembers care about the community and have worked hard. He asked the Council to preserve this City in a Park and observed that anticipated impacts to the Mercer Slough are unacceptable.
30. Adam Smith said the other speakers tonight have expressed most of his concerns. Additional issues of interest to him are the plan for traffic detours, the siting of the new bus stops, parking issues, and revised routes for major buses. If Sound Transit has this information, he said it is time for the agency to release it to the general public. He encouraged the Council to request this information. Mr. Smith questioned what will be done with the massive amount of material to be excavated along Bellevue Way. He expressed concern that there will be many truck trips to move the material. He encouraged the Council to consider advocating for a tunnel.
31. Anita Neil said the City granted the East Link shoreline permit for Bellevue Way SE and 112th Avenue SE. She questioned whether this is a violation of the City's Critical Areas Ordinance and State shoreline laws. She said residents are interested in knowing how the City can justify placing restrictive regulations on shoreline residential uses while allowing the violation of public land buffers. She said property owners want assurance that the City's shoreline consultant will affirm that the proposed Mercer Slough restoration will be equal to or better than slough destruction. She said the light rail alignment is within the critical areas buffer and, at some points, in the slough. She expressed concern about the removal of trees and noted her understanding that no trees

are allowed within falling distance of the rail. She is opposed to blocking visual access to public lands. Ms. Neil said she has heard that Sound Transit has released plans separate from this permit for disrupting more wetlands near I-90 for the Issaquah Link.

32. Marilyn Robertson questioned the purpose of the public hearing if the comments will not be considered or influence the proposed agreements. She said questions that residents have been posing for months and years have not been answered. She observed that the City should have listened to Kemper Freeman and his father, who have developed much of the community. She said Sound Transit does not respond to inquiries, withholds information, provides incomplete information on its plans, and consistently exceeds its budget and timelines.
- Deputy Mayor Wallace moved to close the public hearing, and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 7-0.

Councilmember Lee noted that a speaker/OMSF stakeholder referred to 20 questions for which they have never received responses from Sound Transit or City staff. He requested a list of the questions. He said Anita Skoog Neil mentioned the shoreline permit, eagles, and visual access of Mercer Slough Park. He said he would like a comment from staff on that regarding the City's shoreline regulations. How do we reconcile the differences between our expectations for Sound Transit and our residents? What is the rationale?

Mr. Lee said speakers had questions about plans for traffic, detours, parking and bus stops. There were questions about what happens after excavation of all the soil. Mr. Lee said he would like to know more. He said there might be items the Council wants to include in the Amended MOU. He believes the best leverage for negotiating is now.

Mr. Lee said the Council was previously told that there are 50 species living in Mercer Slough. What are the implications for wildlife? Do we want existing species or do we preserve nature by having new species?

Mr. Lee said there were 44 homes along the alignment for which the City would provide exceptional mitigation. He said this should be done through the MOU if it is not already addressed. He questioned how the City can protect these residents.

With regard to construction mitigation, what are the impacts to traffic capacity? How will it be addressed? What certainty does the City have? What leverage do we have? How do we put more committed language into the MOU? And what type of language are we talking about?

Mr. Lee said the public testimony included mentions of tunnels in Seattle. He said he would like to be reminded of those costs and how they compare to the current alignment. Mr. Lee said that, regardless of the action taken the following week, he would like answers to some of these questions and to articulate them for the public.

Mr. Lee recalled the slide presented by Mr. Popp showing the sound walls. Mr. Lee said he would like a simulation of how the alignment would look if riding light rail.

Councilmember Robertson observed that the route, in general, is better than it started out. She noted that it minimizes at-grade crossings. She said the rail yard is not a win but mitigation is promising. She said the financial aspects of the agreements are better for the City than the original MOU.

Ms. Robertson said she is concerned by comments that Sound Transit considers the agreements as final. She believes more work is needed on a number of details. She would like more specificity on mitigation, Bellevue Way traffic, and walking and cycling, including the future crossing of NE 8th Street for pedestrians and bicycles to the Hospital Station.

Ms. Robertson said more specificity is needed regarding noise mitigation and other impacts, including views, on Mercer Slough Park. There needs to be more specificity with regard to implementing mitigation of the rail yard in the Bel-Red corridor.

Ms. Robertson said she personally does not agree that the agreements cannot be changed. She plans to continue to review the Amended MOU and to offer comments to staff. She would like to schedule enough time the following week for Councilmembers to offer amendments to the agreement. Sound Transit can then vote on the City's recommended changes.

Councilmember Stokes observed that there are mechanisms in the Amended MOU for addressing issues and concerns. However, he acknowledged that perhaps they could be improved.

Councilmember Robinson said she is sensitive to the noise mitigation required for residents. However, she would like to know Sound Transit's timeline flexibility with regard to the noise walls. She is concerned about overbuilding the sound walls. She would like to see if it is possible to put light rail in, put in sound wall foundations, measure the actual noise level, and then install what is appropriate for noise mitigation.

Ms. Robinson suggested the City collaborate with Sound Transit and Inrix to provide real-time traffic information during construction. She knows that Inrix is ready and willing to be involved.

Councilmember Chelminiak concurred with Councilmember Robinson's concern about over engineering and overbuilding the sound walls. He would like to hear more about the development agreement referred to during public comments. He wants to understand the testimony urging the City to move forward with the development agreement as soon as possible. He would like to hear about any alternatives and whether the City can proceed with the development relatively quickly.

With regard to continuous and contiguous pedestrian-bike routes, Mr. Chelminiak said he would like City staff to pull together what is being achieved in this regard, realizing there will not be continuous routes/paths. He concurred with Councilmember Robertson that the NE 8th overpass is an important goal, which he thinks can be achieved with the Sound Transit 3 package.

Deputy Mayor Wallace said the issue of whether the mitigation is adequate is yet to be answered. He said important issues about Bellevue Way still need to be resolved. If these cannot be resolved in the Amended MOU, the CAC will continue to weigh in on the details and offer requirements for further mitigation that will be applicable unless the Director has a good reason to not approve those.

With regard to the permitting process, the Council relies on City staff to do their job, and there is an appeal process. However, Mr. Wallace said the Amended MOU still needs to cover the fundamental issues. He said this is part of the reason for his frustration and why he raised the issue of the Council and/or the public being able to influence the final agreements. Mr. Wallace said he has submitted other comments to staff. He said it is important to get more permitting details and standards in writing now to provide the assurance that the issues will be addressed properly.

With regard to Bellevue Way traffic mitigation, Mr. Wallace said there is an opportunity for determining whether the road could be restriped and regraded to maintain two lanes of travel in each direction. He would like the agreement to indicate that, if this option is reasonable and not overly expensive, it will be done.

Deputy Mayor Wallace said there is no language about prioritizing the installation of temporary noise walls, which will be provided at Northgate in Seattle. Mayor Balducci noted the difference in the shape of the noise walls for the two projects and wondered whether it is feasible to place temporary walls around elevated construction.

Mr. Wallace said the Amended MOU anticipates the issuance of noise variances without articulating any standards about the criteria and process. Similarly, the issue about insulation and mitigation for certain properties should be addressed in noise variance applications. He would like to see language in the agreements to address this issue.

With regard to the financial agreement, Mr. Wallace said the most important achievement was removing the \$60 million contingency contribution. The agreement reflects a \$100 million contribution from City. However, the agreement is not specific about the items that add up to that \$100 million. He said Exhibit J provides a map of parcels to be contributed. However, he would like to see something like that for Exhibit D. He said it is critically important to include that in the Amended MOU. Mr. Wallace said other aspects of the financial details need to be clarified, and the MOU needs to state that this is the extent of the City's contributions and nothing will be added later.

Deputy Mayor Wallace said there is no provision for Sound Transit not crossing the I-90 bridge. Is there the ability to put this on hold or to figure out something different? He expressed concern that the City could make financial contributions and find out later there cannot be light rail after all. There is a provision that, if light rail cannot go through Bellevue, something will be worked out. However, the Amended MOU needs to specifically state the alternative to be implemented if light rail cannot cross I-90.

Deputy Mayor Wallace said the Amended MOU limits the OMSF to 96 cars daily for five years only. He said there needs to be a permanent limit.

Mr. Wallace said it is not clear in every circumstance in the Amended MOU that the light rail project and the OMSF are two different projects. He said the agreements need to clarify that environmental review has been completed for the light rail alignment but not for the OMSF. He believes the Amended MOU needs to be clear that the City is not giving Sound Transit a free pass on the OMSF. He would like further discussion on this issue and more specific language in the Amended MOU.

Mayor Balducci said it is unfortunate that it has been said that the public hearing does not mean anything and will not influence the decision. She said the Council can vote “no” on the agreement and propose changes if it would like.

Ms. Balducci listed a number of topics for which she would like the following question to be addressed: What provisions exist in the Amended MOU for each of these topics and how are they handled? She asked that staff provide a list of whether and/or how these are currently addressed in the MOU:

- Stronger language in the MOU to maintain four lanes of operation on Bellevue Way and to minimize closures throughout construction.
- Mitigation input by Wendy Jones, Enatai neighborhood: What is the planned mitigation before construction, to the extent possible? Will mitigation absorb sound versus reflect/deflect sound? Are sound insulation packages addressed in the MOU, especially for homes on the bluff above Bellevue Way?
- With regard to the OMSF, are commitments in place to do what is needed to initiate the additional development capacity before we change our code? Ms. Balducci would like information responding to comments that the City should have certainty in the development agreement regarding uses and the number of housing units.
- She heard public comments urging the City to use the time between now and the Record of Decision (ROD) to nail down more information. Speakers are encouraging the City to work on the development agreement now and to not wait for the market analysis. Mayor Balducci said she would like information on the timing and how that all lays out.
- With regard to Mercer Slough mitigation, she would like to know more about planting and vegetation replacement and about the removal of trees. Will trees be significant trees? What sizes?
- Ms. Balducci noted that many of the speakers suggest changing the light rail alignment. She suggested providing a brief summary from some point in the past that itemizes the reasons and rationale for the current alignment.
- With regard to the South Bellevue Park and Ride, what are the traffic, parking, and bus stop revisions? Where will that all go? What is the process for determining solutions? How do we manage through this?
- Auto Nation requested that the City work with Sound Transit to reclaim the space they will lose. She questioned whether this could be addressed in a development agreement?

- With regard to pedestrian-bike connections, Mayor Balducci asked transportation staff to map existing bike connections, planned bike connections (especially along Bellevue Way), including what is happening on the north end. What do the City's long-term ped-bike plans say about how we connect north to south, including through the Downtown? How do we connect east to west? Mayor Balducci said she believes the City does not necessarily need paths all along the light rail alignment, but there do need to be connections at light rail stations.
- Mayor Balducci noted there were many questions about the shoreline permit. She observed that the City owes the public an explanation about the conditions placed on the permit and how those comply with environmental laws. How do the laws apply to the City and/or Sound Transit?
- With regard to Lake Bellevue residents, there were concerns about the need for weather protection at the Hospital Station and the construction impacts on the lake's water quality and lake level.
- Ms. Balducci noted that speakers asked for responses to the 20 questions they submitted some time ago.

Mayor Balducci said she likes the suggestion for regular public meetings by Sound Transit throughout construction to keep the community informed.

Councilmember Robinson said she would like more information about the possibility of a ped-bike path along Bellevue Way. She questioned whether that should be part of the MOU or the City's responsibility. She requested more details on that issue.

At 9:38 p.m., Mayor Balducci declared a brief recess.

- At 9:51 p.m., the meeting resumed and Deputy Mayor Wallace moved to extend the meeting to 10:30 p.m. Councilmember Chelminiak seconded the motion.
- The motion carried by a vote of 5-0, with Councilmembers Robertson and Stokes temporarily away from the dais.

(c) Disposition of the Philbrook House

City Manager Brad Miyake introduced discussion of the public request that the City assist in saving and moving the Philbrook House located in Old Bellevue.

Patrick Foran, Director of Parks and Community Services, said the issue is whether the City should participate in moving the Philbrook house. He recalled that Mr. Dickmann came to the City in mid-January with an interest in saving the house. He has received a number of letters of support including from the Eastside Heritage Center and the Washington Trust for Historic Preservation.

Mr. Foran recalled that a number of structures were identified in the past as candidates for historic preservation, and the Philbrook House is one of five that is left. He said the City has no

specific policies about historical preservation. However, the Winters House and a few other structures have been preserved in parks.

Mr. Foran described the expense and challenges of moving a structure that is this old, built in the 1890s. Based on the City's past experience and discussions with four moving companies, moving to a temporary location with no utilities or other work is estimated to cost \$130,000 to \$180,000. He said Mr. Dickmann has indicated a much lower price but that is not consistent with the City's experience.

Mr. Foran said there are funds in the Parks Renovation Fund if the Council chose to move forward. However, the usage of those funds would defer other identified projects. If the Council chose to move the house to a temporary location, there would be additional future costs for moving the house to a permanent location as well as functional improvements. Mr. Foran said it is possible to identify a park location. However, there has not been any public outreach in those neighborhoods to consider this proposal.

Mr. Foran said timing is critical. The property owner needs to start clearing the site May 1. If the Council does not choose to preserve the structure, an alternative is to create a historical record through photographs.

Councilmember Stokes questioned the cost of maintaining an historic structure over time. Mr. Foran said the Winters House requires considerable upkeep. Mr. Foran said there are two aspects to consider: temporary maintenance as well as renovating the structure for some permanent use. The maintenance costs for a permanent use (i.e., visitors center, museum) could be \$12,000-\$15,000 annually. In further response, Mr. Foran said there have been two additions to the house. A structural analysis would determine whether the original house could be separated from those additions, whether it would be worthwhile to move the additions, and other issues of historic value.

Councilmember Chelminiak complimented Mr. Dickmann on his efforts in raising the issue and funding. However, he noted concerns by the City about near-term and ongoing costs. He suggested that, in addition to creating a photographic record, perhaps an architectural element of the house (e.g., porch, stairway, etc.) could be saved for a future historical display or other use.

Councilmember Robinson noted that Gordon James jewelers has said for some time that anyone who wants the house can essentially have it. However, there has not been sufficient public interest. She concurred with Mr. Chelminiak's suggestion to save an architectural feature. She suggested it could be installed at some point along the light rail alignment, perhaps at the pocket park near NE 2nd Street. She suggested that the Council consider developing a process for addressing historic preservation.

Mayor Balducci said the community and the owner have known about this house but she has not. She observed that this speaks to the lack of a process for dealing with this sort of issue. She said the City cannot move that fast and would need a plan and a budget and to conduct public outreach.

Ms. Balducci expressed support for preserving any element/s that could realistically be saved. She agrees with the importance of taking photographs and suggested that the City consider whether and how to address historic preservation in the future.

Councilmember Lee commended Mr. Dickmann's efforts in pursuing something important to him. However, the City cannot move this fast. He concurred with suggestions to establish a historic preservation process rather than reacting to emergency requests. He suggested that Mr. Dickmann work with the Eastside Heritage Center to determine what aspects of the house would be best to preserve and how to best document the history of the house.

Councilmember Stokes concurred with the suggestion to discuss the topic of historic preservation and the City's potential role.

Mayor Balducci summarized the consensus that there is not sufficient time for the Council to properly address the request. However, there is support for preserving a feature of the house, if possible, as well as photographs of the structure. She noted a general consensus that the Council should determine a way to be more effectively engaged in historic preservation.

Mr. Dickmann indicated that he would have better luck with fundraising if he had a place to move the house. Mayor Balducci suggested that staff look into whether the owner could delay the deadline. Perhaps the Council could discuss a location if moving was funded and it could occur at a later date.

- Councilmember Chelminiak moved to extend the meeting to 10:45 p.m., and Councilmember Stokes seconded the motion.
- The motion carried by a vote of 6-1, with Councilmember Lee opposed.

(d) Completion of Downtown Park and Old Bellevue Parking

Mr. Miyake said the issue of parking in Old Bellevue has received a great deal of attention over the past six months.

Pam Bissonnette, Interim Deputy City Manager, said the Council received a letter last fall from the Old Bellevue Merchants asking the City to consider a joint parking venture. This concept was supported by the Bellevue Downtown Association (BDA) and the Bellevue Chamber of Commerce. A work group was identified to address a number of considerations: whether sufficient parking is planned for the completion of Downtown Park, whether parking in Old Bellevue is sufficient for visitors and employees, whether current Code provisions are appropriate, and whether a public-private partnership could be developed.

Ms. Bissonnette said the master plan for Downtown Park was adopted in 1984 and updated in 1997 through the involvement of a Citizens Advisory Group. She noted a statement from the 1997 master plan indicating that the park should not be used to solve the parking problems associated with surrounding land uses. In 2013, in preparation for completion of the Downtown

Park circle and Inspiration Playground, the Gibson study was commissioned to address parking needs for the park.

Ms. Bissonnette summarized the findings of the Gibson study, which concluded that there are currently 199 parking stalls in the park providing an excess of the park's needs during the average peak usage. The project design to complete the park replaces all but five stalls. An open house was held on March 26 to describe the Downtown Park completion project and to address parking issues.

The Transpo study was conducted in May 2014 to consider existing policies and studies, collect data within the area, and develop management strategies to improve the parking supply. The study recommended: 1) regulations that allow a closer alignment between specific uses, their parking needs, and new development parking requirements, and 2) innovative parking solutions including the use of on-street parking, shared parking agreements, and parking impact fees to fund an off-site parking supply.

Ms. Bissonnette said the BDA, Chamber and Old Bellevue Merchants Association discussed the potential for a public-private partnership to address parking in Old Bellevue. Proposals identified included: underground parking at the southeast corner of Downtown Park, additional levels of parking on the west side of Downtown Park, and additional parking on 100th Avenue south of Main Street. All options require significant policy changes for the Downtown Park, Meydenbauer Bay Park and Land Use Plan, and the City's role in public-private partnerships. No private partner has come forward with a specific proposal for the City.

Ms. Bissonnette said staff is seeking Council direction on whether to proceed with the completion of Downtown Park and the Inspiration Playground, and whether to continue working with a coalition to evaluate parking solutions for Old Bellevue if a private sponsor or financial partner emerges.

Responding to Mayor Balducci, Ms. Bissonnette said the comment period for the SEPA (State Environmental Policy Act) checklist is underway. This applies to the 1997 Downtown Park master plan, which was not subject to SEPA review, as well as current plans to complete the park. If the outcome is a determination of non-significance (DNS) or mitigated DNS, the plan is to start construction in July.

Councilmember Robertson observed that Inspiration Playground will be a unique facility for special needs children, which will have a broader regional draw than a typical park. She questioned whether the parking study took this into consideration.

Mr. Foran said they based parking needs on the expansion of the playground in square footage, but did not specifically anticipate a large draw from the public outside of Bellevue.

Ms. Robertson said she believes the playground will attract more visitors, and she noted the need for more ADA parking as well as overall parking spaces. She is not interested in slowing down the completion of the park. However, she said it is important to plan appropriately for the future. Mr. Foran said there will be more ADA spaces. Ms. Robertson questioned whether the parking

will be developed in a way that would allow future expansion if needed. Mr. Foran said the parking is a two-tiered surface level parking lot. If expanded in the future, an underground level could be added.

Turning to the issue of Old Bellevue parking, Councilmember Robertson said the City has a role in the inability to meet parking demands based on allowing new businesses to develop. As one part of the solution, she is in favor of changing the Land Use Code. She believes the City should continue to look for opportunities to develop public parking. She cautioned against adding to congestion to squeeze out one or two parking spaces.

Councilmember Robertson said she appreciated Charlie Klinge sharing the Meydenbauer Bay Neighborhood Association's support for using the Bayview East site for future parking. She has promoted that solution to the City Manager. However, staff was not supportive of the idea because it would require a rezone. Ms. Robertson suggested the site could provide an interim parking solution until Meydenbauer Bay Park is developed. She would like this option to come back to the Council as a real solution.

Mayor Balducci said she will keep track of that suggestion.

Councilmember Stokes supports moving forward to complete Downtown Park and the Inspiration Playground. He prefers addressing parking in Old Bellevue as a separate issue. He does not feel it is appropriate to place too much parking in parks, which detracts from the park experience. He said the City does need to work on options. He is not in favor of a parking structure. However, he believes it is important to support Old Bellevue.

→ At 10:45 p.m., Deputy Mayor Wallace moved to extend the meeting to 11:00 p.m., and Councilmember Stokes seconded the motion.

→ The motion carried by a vote of 7-0.

Councilmember Chelminiak concurred with moving forward with the completion of Downtown Park. He said the idea of moving people out of apartments to create parking does not sit well with him, however, and he questioned whether this is consistent with the park master plan.

Councilmember Robinson said she also would like to move forward with the completion of Downtown Park. She said the City has heard a number of ideas about how to approach parking. She would like to see the Old Bellevue Merchants Association, BDA, City, and others working together to develop a solution they can all support.

Deputy Mayor Wallace expressed support for moving forward with the Downtown Park plan. With regard to Old Bellevue parking, he suggested deferring the issue to the next budget process to be considered with competing priorities. Perhaps there can be a private solution or an LID (Local Improvement District) proposal from the private sector. Mr. Wallace expressed concern about continuing to invest City resources in the issue without first clarifying direction from the Council.

Councilmember Lee said he favors completing the Downtown Park, and he sees the broader demand for parking as a separate issue. He suggested the City needs a framework and process for how to address the broader parking issue.

Responding to Councilmember Lee, Mr. Foran said parking at the park is enforced on a complaint basis. If complaints about the inability to find parking at the park increase, the City increases ranger patrols to discourage walk-offs. However, the parking is open to the public for general use after 6:00 p.m.

Mayor Balducci noted general Council agreement to move forward with completing Downtown Park and the Inspiration Playground. With regard to Old Bellevue, she likes the idea of a public-private partnership. She would be willing to move forward with a private partner for further analysis. However, the Council would need to designate funding for further study. She concurred with the Deputy Mayor's suggestion to address parking during the next budget cycle.

At 10:56, Mayor Balducci declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

/kaw