

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Extended Study Session

April 25, 2016  
6:00 p.m.

Conference Room 1E-113  
Bellevue, Washington

PRESENT: Mayor Stokes, Deputy Mayor Chelminiak<sup>1</sup>, and Councilmembers Lee, Robertson, Robinson, and Wallace

ABSENT: Councilmember Slatter

1. Executive Session

The meeting was called to order at 6:09 p.m., with Mayor Stokes presiding. There was no Executive Session.

2. Approval of Agenda

→ Councilmember Robinson moved to approve the agenda, and Councilmember Robertson seconded the motion.

→ The motion carried by a vote of 5-0.

(a) Legislative Session Update – Representative Patty Kuderer

State House Representative Patty Kuderer, representing the 48<sup>th</sup> District, provided an update on her first legislative session. She said education was the main issue and will continue to be for the next legislative session. The Education Opportunity Gap Bill will do a number of things including addressing the cultural differences in how discipline is applied. Minority and low-income children tend to be disciplined and expelled more frequently than other students. The bill makes expulsion almost obsolete in terms of a disciplinary option in order to keep children in school and provide them with an education.

Ms. Kuderer said there is a severe teaching shortage in Washington state due in part to salaries. School districts are losing beginning teachers within a few years. She said teacher pay was not increased. However, new legislation provides incentives for retaining teachers beyond 3-5 years.

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<sup>1</sup> Deputy Mayor Chelminiak arrived at 7:25 p.m. during Agenda Item 4(b)(1).

Representative Kuderer said the primary issue for the state legislature next year will be funding education to comply with the McCleary Decision. The Governor established a task force to review alternatives, including potential revenue sources to make up an estimated \$3.5 billion shortfall. Ms. Kuderer said there is no agreement at this point about funding sources. She is reviewing information compiled by Ross Hunter, former State Representative for the 48<sup>th</sup> District, based on a number of work sessions he held to address basic education funding.

Ms. Kuderer said she was disappointed that the breakfast after the bell legislation did not pass. This would have enabled students to eat their breakfast during the day's first period. Certain individuals are concerned that this would distract students from learning. However, she noted that adults are able to read a morning newspaper while eating breakfast. Ms. Kuderer said she hopes this issue comes back for reconsideration.

Representative Kuderer said the state legislature addressed concerns regarding the new toll lanes on I-405, and a number of changes were implemented by the Washington State Department of Transportation (WSDOT) through emergency rulemaking. She said entry and exit points were added. However, the problem caused by vehicles exiting the HOT lanes to SR 520 has not yet been addressed. She said WSDOT removed the tolls for nights and weekends and more changes are anticipated going forward.

Ms. Kuderer noted that she formerly practiced law in the area of public records. During the legislative session, she worked on a proposed bill to address the adverse impacts of requests for a large volume of records, including requests for all records produced by a local government. The bill was not adopted. However, Ms. Kuderer suggested that the most expeditious way to address this problem might be to focus on the definition section of the Public Records Act.

Representative Kuderer said she worked on the law enforcement body camera bill proposed by Representative Drew Hansen and passed by the legislature. She said many stakeholders were involved in this effort including citizen groups, law enforcement, cities, counties, media and others.

She said there were discussions about when an officer should turn the camera on and how long it should stay on. There was a concern about the cost involved in editing recordings in response to public record requests. She said Washington State adopted the first Public Records Act in the nation in 1972, largely in response to the Watergate scandal, and it has not been substantively amended since that time. Under the body cam bill, a requester will be required to pay for the eight hours of editing time required to produce one hour of video unless the requester is a subject in the video recording.

Ms. Kuderer said the bill provides privacy protections for minors and other specific types of incidents (e.g., domestic matters). A task force was established to monitor the use of body cams for two years before creating legislative guidelines. The state legislature encourages Police Departments and cities to work collaboratively with other jurisdictions and the public in establishing local policies applicable to body cam usage.

Representative Kuderer said she was fortunate to have three bills that passed regarding the legal obligation to print and file documents, language for massage therapy professionals, and a

technical fix to state law regarding fiscal agents. A companion bill, modified by the Senate, addressed the Public Records Act and exempts the release of criminal background information on employees who work for private cloud service providers that contract with the federal government to handle confidential law enforcement data. In the 48<sup>th</sup> District this applies primarily to Microsoft employees.

Representative Kuderer said her other priorities include affordable housing, homelessness, and ensuring that children with developmental disabilities are properly served by public education.

Councilmember Robertson thanked Ms. Kuderer for the update and for supporting homeless shelter funding for Bellevue.

Ms. Robertson referred to the issue of the McCleary Decision and levy equalization concept. She said she sees comparisons of jurisdictions based on the local school levy rate per \$1,000 assessed valuation. Ms. Robertson noted that, while the levy rate might be lower in certain school districts, the actual dollar amount paid by the average household might be higher than the amount paid by a household in a district with a higher levy rate.

Ms. Robertson said Bellevue, Seattle, and other school districts in this area are concerned that property taxes could increase significantly while the local school districts would actually receive less money. Ms. Robertson said this increases the cost of housing as well for both owned and leased housing. She asked Ms. Kuderer to consider this perspective in her work on future legislation.

Representative Kuderer said she is concerned about the property tax impact and she hears concerns from residents in both the 41<sup>st</sup> and 45<sup>th</sup> Districts. She does not want to see an increase in the property tax and a decrease in the quality of local education. She said the task force established to address this issue is developing options for consideration next year, which includes alternatives with revenues other than the property tax.

Councilmember Robertson thanked Ms. Kuderer for her work on public records issue. Ms. Robertson noted that, when the Public Records Act was enacted, there were few electronic documents. As a result, current electronic searches for records will not find all documents and a jurisdiction could be penalized for not providing all records.

Ms. Robertson suggested that the legislature consider a protection for a good faith effort to identify and provide all records. She noted that the penalty was increased to a rate per page, and she suggested revising the law to indicate a fee per document. Ms. Robertson said certain smaller cities are experiencing significant adverse impacts from requests for huge volumes of public records.

Ms. Robertson noted her support for the privacy of certain information related to the use of body cams by law enforcement.

Representative Kuderer said she is a former city attorney with experience in handling public records requests. She said one legal provision defined in other states but not in Washington State

is the legitimate purpose standard. She concurred with the need for modifications, while not sacrificing transparency and accountability. Councilmember Robertson said there are parties who are submitting public records requests to every city in Washington. She expressed support for considering the legitimate purpose standard and concurred with the importance of maintaining access to public records.

Councilmember Robinson thanked Representative Kuderer for the update and said she should request assistance from the Council on relevant issues. Ms. Kuderer asked the Council to provide its legislative agenda and to contact her at any time.

Ms. Robinson questioned whether the crowdfunding bill related to startup companies that was passed last year will be revisited. Ms. Kuderer said she is familiar with the bill and has not heard discussions about potential modifications. She will research the status of that issue.

Councilmember Wallace referred to the \$3.5 billion shortfall in education funding to be addressed next year. Responding to Mr. Wallace, Representative Kuderer observed that new revenue will be needed to comply with the McCleary Decision or there will be severe reductions to social services programs. She does not believe the latter is a realistic solution. Ms. Kuderer said that defunding social services programs for youths and families is counter to the goal of providing education and opportunity for children. She said the Governor's Task Force has been charged with identifying recommendations for revenue sources to avoid serious impacts to other services.

Mr. Wallace said ideas discussed by the Senate last year would increase the Bellevue School District property tax for a \$675,000 home by \$1,000 annually. He observed that other taxes (e.g., sales tax increase, income tax) would have comparable impacts. He noted that, later in the evening, the Council will be discussing the Sound Transit 3 package, which includes a property tax. Mr. Wallace expressed concern about the cumulative impact of property tax increases for a number of initiatives.

Representative Kuderer said both issues are very complex and she would need to conduct further analysis before offering an opinion. She noted interest by certain parties within the legislature to study waste, fraud and abuse before considering tax increases, and others are interested in reviewing outdated tax loopholes. She said there are a number of factors to be studied to address funding needs. She will be interested in reviewing the recommendations of the Governor's Task Force and in talking to the Office of Program Research (OPR) staff about education funding. Ms. Kuderer said Ross Hunter, Director of the State Department of Early Learning, has been a good resource for her as well.

Councilmember Wallace asked Representative Kuderer to continue to monitor both the ST3 tax impacts and education funding needs during the next legislative session. She noted that education funding is constitutionally mandated and transportation is important for the region.

Responding to repeated interruptions, the Mayor asked security staff to escort Alex Zimmerman from the meeting.

Councilmember Lee concurred with his colleagues' concerns about education funding in Bellevue. He said it is important to make sure that in the Bellevue School District's high standards are maintained while raising the standards of education statewide. Representative Kuderer reiterated that the state constitution requires education funding for all children, and the objective is to maintain high standards for all children.

3. Oral Communications

- (a) Bill Hirt urged the Council to tell Sound Transit that the proposed ST3 package does not meet the transit needs of Eastside cross-lake commuters. He said the majority of I-90 commuters will not be able to access the trains, and bus rapid transit (BRT) is the only way to provide the needed commuter capacity on both the I-90 and SR 520 bridges. He said BRT could be implemented at 1/10 of the cost of light rail and could begin operation in 2017 versus 2023. Mr. Hirt said BRT and the addition of Park and Ride facilities would significantly reduce congestion. He submitted his comments in writing.
- (b) Curtis Allred said he was pleased to hear that Bellevue is competing for the Georgetown University Energy Prize and is tied for 4<sup>th</sup> place with Bellingham. He congratulated Bellevue's leadership and community support. He said he was also recently surprised to hear that the Energize Eastside Phase 2 Environmental Impact Statement (EIS) scoping document does not include the most green, efficient, and cost-effective project alternative. Mr. Allred said the Coalition of Eastside Neighborhoods for Sensible Energy (CENSE) submitted Alternative 2B, which was not studied or acknowledged. He believes that Puget Sound Energy (PSE) is choosing a design that will be most profitable for the utility. He observed that PSE is not familiar with the latest power grid technology in use around the country. Mr. Allred submitted his comments in writing.
- (c) Barbara Braun spoke in favor of Alternative 2B submitted by CENSE for the Energize Eastside project. She said she received an email from the Assistant City Manager in response to her email expressing her concerns to the Council. His email indicated that Alternative 2B has not been eliminated from consideration in the ongoing EIS process. Ms. Braun said she is disappointed that the City has no role in approving or reviewing the EIS. She expressed concern that there is no transparency in terms of who will make decisions on the Energize Eastside project. She acknowledged that the City is attempting to provide transparency. She said that, if Alternative 2B and other options will be considered in the EIS, they should be reflected in the scoping documents. Ms. Braun submitted copies of the emails referenced in her comments.
- (d) Michelle Wannamaker, an Eastgate resident, expressed concern about increased cut-through traffic and speeding in the area, even though there has not been any growth in Eastgate for decades. She said growth in other areas of Bellevue affects Eastgate neighborhoods because people use it as an alternative travel route. She said residents will be moving into the Spring District in the BelRed corridor within the next year. However, light rail will not be completed for many years. Ms. Wannamaker said the City's Transportation Department staff indicated to her that no traffic improvements are planned

for the Eastgate area over the next 12 years. Ms. Wannamaker submitted her comments in writing.

- (e) Queen Pearl, a Seattle resident, expressed concerns about racism and social justice. She noted the controversy regarding Bellevue High School's football program and vandalism at a church in Seattle where the majority of the congregation is African-American. She said everyone talks about equality toward diversity in Bellevue. However, she believes that is not true.
- (f) Michael Fuller expressed concerns regarding discrimination under the federal Immigration and Nationality Act, Section 8 USC. He expressed concern about homeless veterans and said they are treated with indifference. He expressed concern about the improper entry of aliens in Black Lives Matter communities.

#### 4. Study Session

##### (a) Council Business and New Initiatives

Mayor Stoke opened discussion regarding Council adoption of its 2016-2017 priorities. He said the vision and target areas remain unchanged. He said he and Deputy Mayor Chelminiak would be presenting the priorities during the Bellevue Downtown Association (BDA) meeting the following morning. Mayor Stokes noted that the Council has discussed the priorities in the past.

- Councilmember Robinson moved to approve the 2016-2017 Council priorities as presented, and Councilmember Robertson seconded the motion.

Councilmember Robinson expressed support for the list of priorities based on the Council's previous discussions. She said she appreciated the performance measures used and reported for economic development activities.

Councilmember Lee referred to the economic development section and suggested revising the second item to refer to both public and private regional networks. Councilmember Robinson expressed support for the suggestion.

- Councilmember Lee moved to amend the motion to revise the Council priorities as described. Councilmember Wallace seconded the motion.

- The motion carried by a vote of 5-0.

Continuing, Mr. Lee referred to the transportation and mobility section and item four referring to "safety and connectivity with a particular emphasis on sidewalks, crosswalks, and traffic calming." He suggested adding the words "other options." Mayor Stokes opined that the language as drafted does not exclude other options. He noted that the language is consistent with previous Council discussion. Mr. Lee agreed to leaving the language as written.

- The main motion, as amended, carried by a vote of 5-0.

(b) Regional Issues

(1) King County Metro Long-Range Plan

City Manager Brad Miyake introduced discussion regarding regional issues.

Joyce Nichols, Director of Intergovernmental Relations, introduced King County Metro staff Victor Obeso, Deputy General Manager, and Stephen Hunt, Transportation Planner, to describe the Metro Connects long-range plan. The plan was released one week earlier for public comment through May 20.

Mr. Obeso said the Metro Connects integrated transportation system plan builds on a strong foundation. Six RapidRide lines have been established since 2010, and ridership on those lines has increased 50-90 percent. Metro has one of the largest fleets of hybrid buses. Metro implemented a pilot program of battery powered electric buses on two routes in Bellevue, and recently received a grant to expand those routes and to add additional charging infrastructure.

Mr. Obeso said the Metro Connects plan was developed with input from all cities in King County. He said the City of Bellevue's Transit Master Plan was a significant asset in developing the plan.

Mr. Hunt said the plan attempts to address growth through the year 2040 and anticipates a 70-percent increase in Metro services from 3.5 million service hours to 6 million service hours within that same time period. Benefits across King County include doubling transit ridership, tripling the percentage of people close to frequent service, increasing connectivity between buses and Link light rail, increasing access to transit in low-income or minority areas, and reducing emissions with 300,000 fewer cars on the roadways every weekday.

Responding to Councilmember Wallace, Mr. Hunt confirmed that Metro will have frequent bus service to light rail stations. Mr. Obeso said Metro has a history of modifying its bus service to support light rail implementation in south Seattle/King County, Capital Hill, and the University of Washington.

Mr. Hunt recalled discussion with the Council last September about the concepts of frequent service, express service and local service. The long-range plan blends those services and reflects two time horizons: 2025 and 2040. Mr. Hunt described the expansion of the availability of frequent service, new RapidRide lines, and new frequent connections between Redmond and parts of Kirkland and along the 148<sup>th</sup> Avenue corridor.

*[Councilmember Chelminiak arrived at 7:25 p.m.]*

Responding to Councilmember Wallace, Mr. Obeso said the Metro Connects plan is a vision for the future and there is not a specific financial plan. In further response, Mr. Obeso said the 600,000 bus service hours in Sound Transit's Phase 3 (ST3) Plan are largely placed on freeway corridors. Mr. Hunt said Metro worked with Sound Transit in developing the Metro Connects plan.

Mr. Hunt described examples of bus travel times from Downtown Bellevue for the years 2016, 2025, and 2040. He noted that service expands significantly by 2025, which includes expanded bus service connecting to light rail and bus rapid transit (BRT) on I-405. Similarly, he described examples of travel times from the Eastgate Park and Ride lot and from the Factoria area for 2016, 2025, and 2040.

Mr. Hunt said Metro's planning incorporated the elements of convenient, frequent, efficient, simple, direct, and regionally connected service reflected in the concept of abundant access in Bellevue's Transit Master Plan.

Mr. Hunt said Metro also considered input from Bellevue and other Eastside cities through their comments on the ST3 draft system plan. He described maps depicting Eastside cities' proposed high-capacity service network and the 2025 and 2040 Metro Connects Eastside service networks.

He said the long-range plan includes other investments to help buses run faster and to stay on schedule including dedicated bus lanes, traffic signal priority, roadway investments, and strong partnerships with cities. In addition, an expanded range of options includes alternate types of service where traditional local service does not fit, new products through research and development (e.g., driver-less technology), easier ORCA payments, and streamlined connections between Metro and transit partners.

Mr. Hunt said Metro looks forward to working with cities on transit-oriented development intended to take advantage of the transit network. This includes effective pedestrian and bicycle connections and the expansion of park and ride access. Mr. Hunt said Metro and Sound Transit park and ride capacity is anticipated to increase by 40 percent by 2040.

Councilmember Wallace confirmed the need for more park and ride lots on the Eastside and questioned who is responsible for park and ride facilities and funding. Mr. Obeso said all of the transportation agencies recognize the importance of park and ride lots. He said Sound Transit plans to build parking facilities at some of its light rail stations.

Mr. Obeso acknowledged that areas farther from Seattle tend to have a greater need for parking access to transit. However, he said that, 10 years ago, approximately 40 percent of Bellevue-based daily trips on transit originated from Park and Ride lots. Currently, approximately 18 percent of Bellevue transit trips originate from Park and Ride lots. This is due in part to development that has occurred in Bellevue as well as the expansion and availability of bus service.

Councilmember Wallace observed that it would be more effective to have one entity responsible for all regional park and ride facilities. Mr. Obeso said the overall issue of access to transit, including pedestrian, bike, and parking access, is being addressed by the Puget Sound Regional Council (PSRC). However, he acknowledged that agencies have their own interests and parking needs as well.

Continuing with the presentation, Mr. Hunt described a map depicting the 2040 conceptual network of major transit hubs and stations. He said this includes the expansion of Metro's bus

and van fleet, trolley network, bus layover space, and bus bases/support facilities. Mr. Hunt said that implementing the vision will require substantial capital and service investments.

Mr. Hunt said the public comment period for the Metro Connects plan ends May 20. Upcoming open house community meetings include April 26 at West Seattle High School, April 27 at the Old Redmond Schoolhouse, April 28 at Seattle's Union Station, and April 28 at Todd Beamer High School in Federal Way. A Metro open house is scheduled at Bellevue City Hall for May 11, 5:30 p.m. to 7:30 p.m.

Mayor Stokes noted that Council will finalize its comment letter on the Metro Connects plan on May 16 to meet the May 20 deadline.

Councilmember Lee said he has served on the Regional Transit Committee for a number of years. Responding to Councilmember Lee, Mr. Hunt said Metro continues to study public-private partnerships and other transit options. Mr. Lee said it would be interesting to hear more details on alternatives in a future update, including information on how cities might be able to help. Mr. Obeso said 1,900 employers subsidize transit usage, which generates nearly half of Metro's fare revenues.

Councilmember Lee noted the need for increased bus service in the Factoria area to benefit businesses and the public. He said Newport Hills is largely overlooked as well.

Deputy Mayor Chelminiak questioned the criteria for a Metro route versus a Sound Transit bus route. Mr. Obeso said Sound Transit's regional buses are primarily freeway-based with limited stops. Metro supplements some of those routes during peak traffic periods, including along I-90. Mr. Obeso said Sound Transit and Metro coordinate their bus services to Downtown Seattle, the University of Washington, and the SR 522/Lake City Way corridor.

Responding to Deputy Mayor Chelminiak, Mr. Obeso said that, when East Link light rail begins operating, Metro will likely terminate buses at the Mercer Island and the South Bellevue Park and Ride lots to transfer riders to light rail. Metro is following a similar approach for north and south King County bus routes and light rail segments.

In further response to Mr. Chelminiak, Mr. Obeso said Metro recently modified its bus routes with the opening of light rail at the University of Washington. For a number of historic routes between north and downtown Seattle, Metro eliminated most of the all-day service and maintained peak connections utilizing the freeway. Mr. Obeso said that tripled the number of households in northeast Seattle with access to a bus every 15 minutes.

Deputy Mayor Chelminiak said he is pleased that Metro used Bellevue's Transit Master Plan in its planning efforts. Mr. Chelminiak noted the need for all-day service and shorter wait times when transferring buses.

Councilmember Robinson recalled that she was Chair of the Parks and Community Services Board in 2012 and involved in some of the transportation forums that led to the creation of Bellevue's Transit Master Plan. She commended Franz Loewenherz, Senior Planner, for his

work on the plan, and thanked Metro for embracing the plan. Ms. Robinson thanked Metro for collaborating with Bellevue College to continue bus service to the campus

Councilmember Wallace said Metro bus service is especially important for the Eastside because there are many areas that will not be served by light rail or Sound Transit regional buses. He noted RapidRide lines between West Seattle and Downtown Seattle, and between Downtown Seattle and Ballard. He said these are the same routes as proposed light rail extensions with significantly higher costs. He questioned what will happen to the RapidRide lines if light rail is built along those routes.

Mr. Obeso said Metro's 2025 network assumes that Sound Transit 2 projects will be completed. This will enable Metro to shorten some routes from the Eastside to Seattle, and to re-deploy those buses to increase service within the Eastside. He said Metro has considered Sound Transit's longer term future plans as well in Metro's 2040 network. If ST3 changes before going to the voters or is not approved, Metro will adjust its plan to other regional plans.

Councilmember Wallace said the RapidRide bus lines are working well and heavily used. Yet, there is a plan to replace those bus lines with light rail at a much higher cost. Mr. Obeso said Metro will maintain the RapidRide lines to West Seattle and Ballard, with a greater focus on local connections, after light rail is implemented.

Mayor Stokes thanked Mr. Obeso and Mr. Hunt for the presentation.

At 8:08 p.m., Mayor Stokes declared a short break. The meeting resumed at 8:20 p.m.

## (2) Comment Letters on Draft Sound Transit 3 System Plan

Ms. Nichols recalled discussion the previous week regarding the Council's comment letter on the draft Sound Transit 3 System Plan. She noted three versions of the letter in the Council's desk packet: staff's draft on gray paper, a revised draft on gray paper, and Councilmember Wallace's version on yellow paper.

Ms. Nichols noted revisions requested by the Council regarding bus rapid transit (BRT) proposed for the length of I-405. The letter also focuses on the need for enhanced contact and collaboration regarding how the plans of Sound Transit, the Washington State Department of Transportation (WSDOT), and the cities along I-405 will be coordinated. Ms. Nichols noted added language regarding subarea equity and the importance of transparency for voters about the content and costs of the ST3 package.

Councilmember Wallace said staff's draft letter was distributed to the Council on Friday, and he submitted his draft earlier in the day. He said his highest priority is unity between the Council and City staff. He highlighted the importance of preserving subarea equity, and he has serious concerns about the violation of this principle in the current ST3 proposed plan. His analysis of the plan determined that the East King Subarea contributes approximately \$1.3 billion more than it receives in projects. The Pierce Subarea is approximately \$1.4 billion short. Snohomish County receives \$1.7 billion above its contributions and the North King Subarea receives \$1.2 billion above its contributions.

Mr. Wallace suggested working with Eastside cities to advocate for subarea equity. He said that Eastside revenues contribute 24 percent of the ST3 package, and 24 percent of the projects should benefit the East King Subarea.

Mr. Wallace suggested eliminating the property tax, which would be achieved by reducing the ST3 package by 10-12 percent. He said this would preserve the property tax for other priorities including the State's obligations for education funding and the City's public works projects. He said the overall taxes for the ST3 plan are too high, but he is most concerned about using the property tax.

Mr. Wallace said the plan anticipates the completion of light rail to Ballard by 2038 and to Issaquah by 2041. He suggested that Sound Transit reduce the proposed ST3 package to the following first phase of the full package: 1) fund the projects that can be completed by 2030 (e.g., bus rapid transit, RapidRide lines), and 2) fund the design of projects that could be completed beyond 2030. At that time, the voters and the state legislature could evaluate the status of the transit system and education funding obligations before moving forward with a second phase.

Mr. Wallace expressed support for the staff letter's comments regarding bus rapid transit (BRT) along I-405. He emphasized the need for adequate parking facilities to access transit. He said the options of BRT versus light rail for Bellevue to Issaquah transit service should be presented to the voters for consideration. He said BRT could be completed at a significantly lower cost and would likely provide equivalent services.

Mr. Wallace said there are designs in the ST3 package that connect the Issaquah route, whether BRT or light rail, to the South Bellevue Park and Ride/Station. He said this would be the lower impact options for Bellevue versus the optional light rail alignment using SE 8<sup>th</sup> Street and 112<sup>th</sup> Avenue SE.

Mr. Wallace suggested that the letter highlight the importance of the early wins and bus hours to be added for Bellevue. He said the increased bus service could be implemented by 2018/2019 versus light rail projects slated for completion in 2041.

Deputy Mayor Chelminiak concurred with Councilmember Wallace's suggestion for an interim package between ST2 and ST3. He said Sound Transit did not deliver the full ST1 and ST2 packages.

Mr. Chelminiak believes individuals in Snohomish County are concerned that, if ST3 does not contain a significant number of projects, their area will never receive projects because voters in the Seattle area and the Eastside will be satisfied with their services and unwilling to approve an additional ballot measure. He opined that this is part of what is driving Sound Transit to design a large package. However, he believes that the agency should consider completing the remainder of the system in phases.

Mr. Chelminiak said he was unsure about whether the City should focus on the property tax issue and competing priorities for the use of the property tax. However, if the ST3 project is divided into two phases, perhaps the property tax component could be avoided, at least for the first phase.

Mr. Chelminiak concurred with the strong comments advocating for BRT in the letter. He supports the near-term implementation of bus service from Issaquah to Kirkland, including into Downtown Kirkland as requested by the Kirkland City Council. He said a two-phased ST3 plan would allow further consideration of BRT versus light rail for the long-term future. If light rail is ultimately implemented for that route, Mr. Chelminiak said it should be placed along the east side of I-405. He said it is not possible to cross the Mercer Slough to the South Bellevue Station with light rail.

Mr. Chelminiak suggested moving the section on subarea equity to later in the letter. He concurred with the importance of delivering early wins with ST3 implementation.

Councilmember Lee expressed support for the topics addressed in the letter: subarea equity, BRT, flexibility in considering options, and dividing the ST3 plan into phases. He supports Councilmember Wallace's comments on the property tax, which is related to saving money and considering more cost-effective options. Mr. Lee said it is important to emphasize subarea equity and to express concern about the impacts to the Surrey Downs area of Sound Transit's light rail option along SE 8<sup>th</sup> Street and 112<sup>th</sup> Avenue SE. He could support staff's letter, but he would prefer to see some of Mr. Wallace's comments incorporated as well.

Councilmember Robinson expressed support for Councilmember Wallace's revisions to the first paragraph of staff's letter. Her highest priority is to advocate for north-south and east-west BRT routes using center lanes, before moving forward with light rail to Issaquah. She said BRT connecting to the South Bellevue Station might be the most efficient option for travelers and the region. This would reduce the cost of the package and the demand on tax revenues.

Councilmember Robertson said she agreed with much of what has been said. She supports Councilmember Wallace's revisions to the first paragraph regarding the recent East Link groundbreaking. She suggested adding a reference to the joint comment letter from I-405 cities.

Ms. Robertson suggested avoiding comments about specific routes. However, she does agree with some of the comments in Mr. Wallace's letter. She has read a number of options under consideration including along Richards Road or 148<sup>th</sup> Avenue.

Ms. Robertson expressed support for comments in the letter ensuring that the ST3 package includes adequate funding for mitigation. She expressed support for Mr. Wallace's language regarding subarea equity and suggested moving it to later in the letter. Ms. Robertson expressed support of Mr. Wallace's analysis of subarea contributions versus the distribution of ST3 projects.

Ms. Robertson recommended that the City's government relations staff and/or Councilmembers, as appropriate, seek assistance from the East King County representatives and Pierce County representatives to ensure that the final package is fair and balanced. Councilmember Robertson

expressed support for language in the letter regarding the importance of transparency for voters. She said there is information and misstatements in the package that are confusing for voters. For example, there is a statement that the transit plan will carry the equivalent capacity of 14 lanes on I-5. Ms. Robertson said an article in *The Seattle Times* indicated that this is absolutely not true.

Councilmember Robertson concurred with highlighting the need for Park and Ride facilities. She supports the emphasis on early wins including near-term BRT implementation.

She concurred with comments on splitting the ST3 package into two or more phases.

Responding to Ms. Robertson, Ms. Nichols said staff will revise the letter based on this discussion.

Mayor Stokes concurred in general with the Council's comments. He said it is important to be careful with the tone of the letter. He agreed that subarea equity is an important issue. However, he suggested not including the analysis of dollar amounts. He noted that this is a regional system and it is important for Bellevue to support the system in order to meet its own needs.

Mr. Stokes expressed support for the comments about transparency for voters. He likes Councilmember Wallace's additions to the first paragraph of the comment letter. He supports the importance of BRT and early wins as well as the suggestion for phasing the ST3 package.

Mayor Stokes concurred that relying on property taxes is not a very rational way to finance this type of package. He would like the final letter to incorporate themes of the Council's comments, with less rhetoric, while clearly articulating Bellevue's interests.

Councilmember Wallace suggested not including comments about transparency as that could be a somewhat subjective and sensitive topic.

With regard to Ms. Robertson's suggestion to be less specific about routes, Mr. Wallace said there is a BRT route with specific stations identified in the proposed ST3 plan, which he feels is important. He also believes it is important to state opposition to the potential light rail alignment along SE 8<sup>th</sup> Street and 112<sup>th</sup> Avenue NE and to advocate for routing light rail from Issaquah to the Hospital/Wilburton Station. He said Sound Transit's current options include an elevated guideway over I-405 to SE 8<sup>th</sup> Street and along 112<sup>th</sup> Avenue NE.

Given the lack of subarea equity with the implementation of ST2, Mr. Wallace opined that it is fair to emphasize the importance of this principle. Mayor Stokes concurred but cautioned against providing too many details.

Deputy Mayor Chelminiak said he likes the first paragraph addition by Mr. Wallace. He suggested that the highest priority for Bellevue is the completion of light rail to Redmond, and this could be highlighted as an example of an element of the ST2 plan that will not be completed. The next priority is the implementation of true BRT along I-405 using a dedicated lane.

Mr. Chelminiak suggested that the next portion of the letter address subarea equity without going into too many details. He said this is an area in which transparency is critically important.

He proposed that the next section of the letter suggest that the Sound Transit Board “should consider” splitting the proposed ST3 plan into two separate votes/packages.

Mr. Chelminiak concurred with Councilmember Wallace’s comment that the potential light rail option using SE 8<sup>th</sup> Street and 112<sup>th</sup> Avenue SE should not be considered. Mr. Chelminiak suggested that the Issaquah-Bellevue-Kirkland route be an Eastside-only line with transfers to transit connecting to Seattle.

Councilmember Robinson said her goal is to emphasize the completion of light rail to Redmond and the implementation of BRT, using a center lane, along I-405 and along an east-west route.

Councilmember Robertson concurred with Deputy Mayor Chelminiak’s summary of the Council’s comments. She suggested adding references to the early wins and the need for expanded Park and Ride capacity.

Councilmember Lee said the letter should incorporate the proposed addition to staff’s letter (i.e., revised version on gray paper) referencing the importance that “Sound Transit allow maximum flexibility that will address changes over time to ensure the best options are considered for implementation.”

Mayor Stokes said he and the Deputy Mayor would work with staff to revise the letter based on the discussion. Mr. Stokes said all cities along I-405 place a high priority on implementing BRT along the corridor.

Moving on, Transportation Director Dave Berg requested Council feedback to finalize the proposed joint comment letter from I-405 corridor cities. He recalled previous discussion with the Council on April 18. He said the letter highlights the high priority placed on BRT along I-405.

Mayor Stokes complimented staff on their work with other cities. He noted a Council consensus in support of the letter.

Responding to Councilmember Wallace, Mayor Stokes agreed that it would be a good idea for him and the Mayor of Renton to attend the next Sound Transit Board meeting to comment on the importance of BRT on I-405.

(c) Discussion of Proposed Updates to Local Building and Fire Codes as required by State Law

City Manager Miyake introduced discussion regarding proposed updates to local building and fire codes as required by state law.

Mike Brennan, Director of the Development Services Department (DSD), said the construction and fire codes are updated every three years. International codes are adopted through a

nationwide process and subsequently adopted by the State. The updated codes will go into effect on July 1, 2016. The City may amend the State's minimum code requirements but cannot make them less restrictive.

Gregg Schrader, Building Official, described the City's adoption process, which included three open houses for community stakeholders. A primary purpose of the public meetings was to solicit input regarding past code amendments and recommendations for local code updates. Stakeholders who participated included architects, engineers, developers, and builders. Discussion topics included sprinklers in single-family homes, the new Washington State Energy Code, and issues related to commercial buildings.

Mr. Schrader said the State continues to update the energy code to achieve a higher level of energy conservation in new buildings. All jurisdictions are required to enforce the International Energy Conservation Code; it cannot be amended locally.

Ken Carlson, Fire Marshal, described a State code amendment that goes into effect on July 1, 2017, which will require fire alarm systems to be reviewed either by a licensed design professional or an individual certified in fire alarms. All inspection, testing, maintenance and programming shall be completed by a certified individual as well. The current requirements allow electricians to perform this work.

Mr. Carlson said the revised codes allow five-story wood frame buildings over two stories of concrete construction with a maximum height of 70 feet. He noted new requirements for carbon dioxide use in beverage dispensing and marijuana production and processing. He said the retail industry is changing from using pressurized carbon dioxide to liquified carbon dioxide, which changes the potential volume of carbon dioxide in the space. Carbon dioxide can be an asphyxiant and the code adds requirements for ventilation and other protections.

Responding to Councilmember Wallace, Mr. Carlson said the 70-foot maximum building height is measured to the roof level. Mr. Wallace said the 70-foot height is beneficial in maximizing development for affordable and workforce housing. He noted that Seattle limits the building height to 65 feet, which restricts the ability to achieve the maximum density.

Mr. Carlson noted that staff evaluated feedback from stakeholders and worked with area cities to align the code amendments wherever possible.

Mr. Schrader said staff proposes adding project phasing language to BCC 23.05 to facilitate large projects that are designed and constructed over multiple years and to provide more certainty for developers. A second proposal for Council consideration is whether to adopt voluntary solar ready provisions for newly constructed one- and two-family buildings. The proposal states the criteria for incorporating solar ready elements at an estimated cost of less than \$2,000 per average house. This feature could be used as a selling point by developers.

Mr. Schrader noted a proposed code update to clarify the requirements for roof-top amenity areas on multifamily buildings.

Mr. Carlson described a proposal regarding emergency responder radio coverage. He said the current code requires that most new buildings have a built-in emergency responder radio system, which are expensive to install beginning at approximately \$100,000. Staff is currently evaluating the effectiveness of mobile repeaters. He said a jurisdiction in the Portland area allows developers to pay into a fee-in-lieu fund that help buy mobile repeaters instead of requiring expensive installations. The City will test a mobile repeater and, if effective, come back to the Council with a proposal for consideration. Mr. Carlson said this solution would not be effective for all buildings.

Responding to Councilmember Lee, Mr. Carlson said the mobile repeaters would be required for new buildings and they would be carried by public safety personnel. Under the proposal, a building owner would have the option to pay a fee in lieu toward the purchase of mobile repeaters instead of being required to install a permanent system in their building. Mr. Lee suggested considering them for older buildings as well.

Responding to Councilmember Robinson, Mr. Carlson confirmed that the Fire Department will conduct extensive testing to determine which buildings are good candidates for the mobile repeaters. Mr. Carlson said the units will likely not be effective in high-rise buildings.

Councilmember Wallace expressed support for the concept.

Mr. Carlson highlighted additional code proposals regarding mobile food vendors and construction mitigation for large buildings. The latter requires the installation of fire walls and applies to buildings with: 1) more than 350,000 square feet, 2) 200,000 square feet with a building height above 50 feet, or 3) 80,000 square feet when exposures (i.e., adjacent structures) exist within 60 feet.

Responding to Deputy Mayor Chelminiak, Mr. Carlson said developers have indicated that the requirements are reasonable with sufficient advance notice before construction.

Mr. Carlson said staff proposes outsourcing the oversight of alarm confidence testing effective January 1, 2017. This will require Council approval of an interlocal agreement and a contract. It would significantly increase the percentage of fire and life safety systems that are inspected, tested, and repaired as required. He said the proposed vendor has a strong track record in the effective and efficient performance of those services.

Councilmember Robertson questioned the requirement for an interlocal agreement. Mr. Carlson said the City of Bellevue would join an existing contract in place in Oregon.

Responding to Councilmember Robinson, Mr. Carlson said the vendor creates a database. When companies test alarm systems, they send their reports to the vendor and pay \$10 per report. The vendor keeps that money. He said the City may add a fee if desired. Staff is contemplating adding a \$15 fee to offset the additional workload for Fire Department staff related to oversight of the increased number of inspections. He said the cities of Redmond and Mercer Island anticipate working with the same vendor beginning September 1.

Councilmember Robinson questioned how the requirements regarding fire alarm systems will impact construction. Mr. Carlson said those provisions would not go into effect until July 1, 2017, so developers will have time to plan for the change. He said the code change will increase building safety and improve the inspection process. In further response, Mr. Carlson said he hopes the State will take the lead on educating the public about the code change. However, the City will conduct its education efforts as well.

Councilmember Robertson referenced the energy code and said the City received public comments that Washington State's energy code is based on regulations in southern states with climates that are different than the Pacific Northwest.

Mr. Schrader said the State is required to demonstrate to the federal Department of Energy that its energy code meets or exceeds the national standard. He said the City's code exceeds the national standard. For single-family houses, total energy use is approximately eight percent lower than the federal government requirement. He said Washington State is a national leader in its energy code for commercial structures as well.

In further response to Ms. Robertson, Mr. Brennan said the State's codes are designed for this climate. He said the energy code drives the manufacture of windows, materials used in insulation, and other items. She asked staff to follow up with a written response to the public comments on this topic.

Ms. Robertson said an applicant to the City proposed installing a permanent bubble over a swimming pool and was told that would not comply with the energy code. She requested a written response on that matter.

Ms. Robertson said she wants to ensure that, when individuals install alarms under a building permit, they are receiving information about alarm registration.

Ms. Robertson questioned whether the building code provides guidance on universal design for use by individuals with different abilities. Mr. Brennan said the codes comply with the Americans with Disabilities Act (ADA) standards. Ms. Robertson said ADA standards are not exactly the same as universal design. She asked staff to follow up with the Council on that topic. While she would not anticipate requiring additional features, perhaps it could work in the same way as providing solar ready elements in new construction.

Councilmember Wallace noted that, with regard to affordable housing, the two code changes over the past five years that are noticeably driving up housing costs are the energy code and the stormwater code. He suggested that the City encourage the State to look at these issues in the effort to produce more affordable housing.

Mr. Brennan said he will follow up on the Council's questions and schedule adoption of the code updates on a future Regular Session agenda.

## 5. Council Discussion of Upcoming Items

Mayor Stokes requested Council approval to move forward on preparing the final documents for the City to join the Sound Cities Association (SCA). He recalled that this was discussed during the Council retreat. He said that he, Deputy Mayor Chelminiak, Councilmember Wallace, and staff have met with SCA representatives to discuss a number of details. The SCA Board has agreed that Bellevue will pay a prorated share of its yearly dues.

Mayor Stokes noted Council support to direct staff to come back with the formal paperwork for finalizing the City's membership in the Sound Cities Association.

6. Continued Oral Communications: None.

Mayor Stokes declared the meeting adjourned at 9:48 p.m.

Kyle Stannert  
City Clerk

/kaw