

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

June 25, 2012
4:00 p.m.

Council Conference Room 1E-113
Bellevue, Washington

PRESENT: Mayor Lee, Deputy Mayor Robertson, and Councilmembers Balducci, Chelminiak, Davidson¹, Stokes, and Wallace

ABSENT: None.

1. Executive Session

Deputy Mayor Robertson called the meeting to order at 6:00 p.m. and declared recess to Executive Session for approximately 45 minutes to discuss two items of property disposition and one item of labor negotiations.

The meeting resumed at 7:00 p.m., with Mayor Lee presiding.

2. Oral Communications

- (a) Marty Nizlek commented on King County's Management Plan for the Sammamish Slough and activities to address flooding. He expressed concerns about flood control at Marymoor Park and described damage to residential properties.
- (b) Sam Bellomio, Stand Up America, requested Council action to eliminate red light cameras, which he believes have not changed accident rates. He spoke in favor of term limits for Councilmembers.
- (c) Alex Zimmerman, Stand Up America, commented on past prosecutions by the City and his class action lawsuit filed against the City on behalf of the disabled and elderly. He expressed frustration about his efforts to obtain records from the City regarding a Police investigation. He recalled that, last week, he served documents to the Council regarding his suit against the Mayor in small claims court. This week he submits an order regarding a suit against the Deputy Mayor in small claims court. He noted that the allegations include abuse of the system and mismanagement.

¹ Councilmember Davidson participated via speakerphone.

Councilmember Wallace noted that the speakers from Stand Up America have been commenting on the same issues for several weeks. He encouraged a resolution of their questions in order to preclude continued repetitious oral communication.

Mayor Lee asked the City Manager to prepare a response and summary of the issues that are the subject of the public comment.

- (d) Ron Bennett, speaking on behalf of the Surrey Downs community, thanked the Council for being available over recent weeks to address their concerns and to facilitate meetings with Sound Transit regarding the East Link light rail project
- (e) Erin Fleck, an Enatai resident, expressed concern about the cost-cutting options for the East Link light rail projects. She believes there is no effective mitigation for an above-ground alignment. She appreciates Councilmember Balducci's past comments about the importance of exceptional mitigation. Ms. Fleck opposes the widening of Bellevue Way and the proposed HOV lane. She said it does not make sense to add light rail as a travel option and to also widen Bellevue Way to accommodate cars.
- (f) Wendy Jones, an Enatai resident, thanked the Council for their recent time and efforts to listen to residents' concerns about the light rail project. She commented on the visual and other impacts of the project, which would be somewhat mitigated by placing light rail in a lidded trench along Bellevue Way. However, the trench alignment is now in jeopardy. She expressed concern about the new proposal to move and widen Bellevue Way, which will cause additional impacts to the neighborhood. Ms. Jones asked the Council to find a way to retain the lidded trench and the wooded hillside along the Enatai neighborhood.
- (g) Betsy Blackstock, a member of the Surrey Downs East Link Committee and the Surrey Downs Community Club Board, said the neighborhood is grateful that the elevated rail along 112th Avenue has been replaced with a road-over-rail design option. She asked the Council to retain the SE 4th Street trench to maintain access into the neighborhood while avoiding gates and bells.
- (h) Bill Popp questioned the logic of adding auto lanes on Bellevue Way to accommodate the light rail project, which provides an alternative to cars. He said the proposed HOV lane is not warranted and it will not work unless Bellevue Way and 112th Avenue are widened farther north. He believes that a general purpose lane is warranted on Bellevue Way, south of the Y, on the basis of the traffic signal at the Park and Ride lot. He noted that this was mentioned in the ARUP study. He said that expanding the Park and Ride lot will significantly increase traffic congestion. Mr. Popp said he is discouraged by the number of homes experiencing a drop in their property values due to the light rail project.

3. Study Session

- (a) Council Business and New Initiatives

Mayor Lee suggested skipping this agenda item.

(b) Regional Issues

(i) Briefing on King County's Management Plan for Sammamish Slough and Activities to Reduce Flooding in Lake Sammamish

City Manager Steve Sarkozy opened discussion regarding concerns about the Sammamish Slough and flooding around Lake Sammamish. He noted background materials in the desk packet on the related 1962 agreement between the U.S. Army Corps of Engineers and King County for flood control and drainage improvements. Mr. Sarkozy introduced Mark Isaacson, Director of King County Water and Land Resources Division; John Engel, King County Supervising Engineer for the River and Floodplain Management Section; and Steve Bleifuhs, Manager of River and Floodplain Management.

Joyce Nichols, Interim Director of Intergovernmental Relations, recalled past discussions and public comment regarding properties impacted by high lake levels. She welcomed King County staff to present their action plan for reducing the flooding.

Mr. Isaacson said a group of residents recently visited his office to discuss their concerns about Lake Sammamish. He acknowledged that King County's maintenance has not been sufficient, and recent work indicates increasing shoreline erosion and lake levels. The action plan to be presented includes mowing annually, evaluating sediment removal, and additional long-term projects. King County will remove obstructions it discovered last year and will continue working to identify any additional issues.

Mr. Bleifuhs provided an overview of the Sammamish River flood control project. The goal of the 1964 U.S. Army Corps of Engineers project was to prevent spring flooding and maintain the proper lake level. Mr. Bleifuhs described the work involved in implementing those project elements, which included constructing a weir at the upstream end of the transition zone between Lake Sammamish and Lake Washington. The weir controls low lake levels while allowing fish passage and straightened the Sammamish River for the 14 miles between the two lakes. The weir was reconstructed in 1998.

Mr. Bleifuhs described past trends in lake levels. He described the April 2011 Flood Damage Reduction Plan and work completed to date. Extensive mowing has been completed to reestablish the 10-foot buffer agreed to with the Corps of Engineers in 1993 and 2003. Project monitoring will continue, and sediment removal is targeted for 2013. The removal of downstream aquatic weeds will occur in 2012-2013.

Mr. Isaacson noted that long-term funding and monitoring is provided in the budget adopted by the King County Flood Control District. Referring to a question previously raised by the City, Mr. Isaacson said the presence or absence of compliance by King County with the maintenance

plan for the Sammamish Slough does not have any impact on Lake Sammamish property owners' ability to receive federal disaster assistance or other federal funds.

Councilmember Davidson commented on the importance of the project, including addressing salmon passage to the Issaquah hatchery.

Responding to Deputy Mayor Robertson, Mr. Bleifuhs said the weir was raised in 1998, which resulted in higher lake levels. Recent mowing lowered the lake by several inches. In further response, he said that removing the rock dam, which was constructed by an unknown party, could help lower water levels as well. Removing sediment is expected to lower the water level by approximately three inches during peak flows. Mr. Engel said the benefit of sediment removal varies depending on the flow from the lake.

Mr. Isaacson said staff will propose continued sediment removal in the next budget, and monitoring will continue.

Ms. Robertson asked staff to comment on the issue of certification with the U.S. Army Corps of Engineers. Mr. Bleifuhs said that no homeowner would be denied coverage through the National Flood Insurance Program based on the County's maintenance and operation of the weir. The issue of certification affects King County's eligibility for certain federal grant funding for flood damage repairs of the levy system. King County is not currently eligible due to vegetation conditions.

Ms. Robertson said properties along Lake Sammamish have experienced damage to docks and landscaping due to the overgrowth of vegetation and the lack of adequate water flow. A citizen recently gave her a copy of a 1998 or 1999 letter from the Corps of Engineers to King County, which indicated that the County was not in compliance with the maintenance agreement and that the County should advise the public of the repeated and potentially adverse impacts to lake elevations. She questioned whether the County communicated this to citizens.

Mr. Isaacson said he does not believe the County communicated this information to residents in 1998. A number of agreements were put in place with the Corps of Engineers to address maintenance concerns, with the most recent agreement being in 2003.

Responding to Ms. Robertson, Mr. Isaacson said the County has not found bass predation in the transition zone. In further response, Mr. Bleifuhs commented on the status of debris and sediment removal. Survey work and modeling have been completed to determine the impact of the removal, which will be proposed for the 2013 budget. The final report should be available to the public in July. Aquatic weed removal work will begin this summer.

Deputy Mayor Robertson asked King County to provide an update in the fall.

Councilmember Chelminiak suggested that the City Council submit a letter in support of the proposed work and budget for the Sammamish River transition zone.

Councilmember Balducci said she was pleased to see the April 2011 written agreement between King County and residents to address the concerns. She encouraged the County to continue to provide regular updates to residents on the issues. She noted Bellevue's contribution to the King County Flood Control District, and suggested that this project is a good candidate for funding.

Mayor Lee concurred with the suggestions to express support for the project and to keep residents informed about ongoing monitoring. He thanked staff for the presentation.

Councilmember Wallace said he is interested in learning how this issue relates to the Shoreline Management Plan work. He questioned whether the flooding has caused any loss of ecological functions and whether the action plan will improve the ecological functions. How is the flooding affecting the ordinary high water mark? Is the County's work providing the best available science with regard to the Shoreline Management Plan currently being considered by the Bellevue Planning Commission?

Mr. Sarkozy said it would be helpful if the City of Bellevue could be involved in the County's Willowmoor project with the City of Redmond as well.

Councilmember Davidson questioned whether it might be time to consider a new weir design because many changes have occurred over the years.

Councilmember Stokes thanked King County staff for the report. Responding to Mr. Stokes, Mr. Isaacson said the County will be mowing in the fall before the high water flows begin. The rock weir will be removed this summer, and the budget proposal for ongoing work will be submitted in the fall. Mr. Isaacson said there might be additional places where obstructions can be removed within the County's existing permit authority.

Responding to Mayor Lee, Mr. Isaacson agreed that the rock weir, with its unknown history of construction, could more appropriately be called an obstruction. A weir typically refers to something designed to hold back water, while the term dam refers to much larger structures.

(c) Review of Bellevue Airfield Park Master Plan Process

Mr. Sarkozy opened discussion regarding the Bellevue Airfield Park Master Plan, noting that the park name has not formally been adopted.

Glenn Kost, Parks Planning Manager, reviewed the history of the park's acquisition and past opportunities for community input regarding the Master Plan. The most frequently requested items, and competing interests, are a Little League field complex, off-leash dog area, major aquatic facility, and the preservation of the meadow. Items of agreement include picnic facilities, children's play areas, trails, maintaining residential buffers, restrooms, limiting vehicle access to 160th, and utilizing the existing parking if possible.

Mr. Kost recalled that the Council provided feedback on specific park features during the March 9, 2009 meeting. The Parks and Community Services Board developed a recommended Master

Plan and suggested the name of Airfield Park. The Master Plan responds to significant desires expressed by the community and is consistent with the Park and Open Space System Plan goals and the Council's recreational priorities identified earlier.

In early 2010, the City Council concurred with the Parks Board's recommended plan, including the expansion of the Robinswood Park off-leash facilities using funding from the Airfield Park project. The Council expressed a preference for Bellevue Airfield Park as the name.

Mr. Kost reviewed the Robinswood Park off-leash preferred alternative. It expands the off-leash area from 1.75 to 5.75 acres, separates active and timid dogs, adds a reservable area, and adds woodland trails.

Mr. Kost said that, if the Council continues to support the plan, staff will return as soon as possible to request adoption of the Master Plan and park name. Staff will seek Council approval of the Phase 1 design contract this fall. Construction is not funded in the 2011-2017 Capital Investment Program (CIP) Plan.

Deputy Mayor Robertson questioned the intent of the reservable off-leash area. Mr. Kost said the City receives requests for space to host events for specific dog breeds and their owners.

Ms. Robertson expressed strong support for Airfield Park. She suggested incorporating an airplane/airfield theme throughout the park to celebrate the history of the site.

Parks and Community Services Director Patrick Foran said the Eastside Heritage Center has expressed an interest in helping the City to develop the park along that theme.

Councilmember Stokes expressed support for the park and the proposed name. He noted that he was on the Parks and Community Services Board when the Master Plan was reviewed and the Board's recommendation was forwarded to the Council.

Councilmember Chelminiak expressed support for the Master Plan. He is pleased to see the expansion of the off-leash area at Robinswood Park in the plan. He wondered if a partnership could help fund the synthetic fields. He requested an update on the stormwater ponds, and asked whether those will be funded through the stormwater utility. If so, he suggested moving forward on that aspect of the plan if it can help the flooding situation at Phantom Lake.

Councilmember Balducci expressed support for the proposal and for the expansion of off-leash facilities at Robinswood Park. She encouraged care in designing the athletic field lighting to avoid impacts to nearby homes. Mr. Kost said the nearby homes are well buffered from the park. He noted adjacent commercial areas as well. Ms. Balducci thanked staff for their work.

Councilmember Wallace said he likes the Master Plan. He expressed concern, however, about the cost of the park. He recalled that the park was presented to voters in 2008 and approved as a \$6 million project. An additional \$4 million in capital budget funding reflects a total of \$10 million. Mr. Wallace noted that the current project cost is listed as \$23 million.

Mr. Kost acknowledged that the park is expensive infrastructure, due in part to the site's previous use as a landfill. This includes grading, methane system improvements, groundwater monitoring improvements, stormwater management, capping the landfill, construction of the athletic fields, and other activities. Mr. Kost offered to provide conceptual price estimates.

Responding to Mr. Wallace, Mr. Kost said much of Phase 1 work (\$10 million) will complete landfill-related projects and stormwater improvements. The stormwater pond area will be developed. Phase 1 anticipates completing one of the synthetic turf areas, a parking area, a playground, and potentially restrooms as well.

Mr. Wallace said he would like further discussion in the future about the costs and about efforts to reduce them.

Mayor Lee commended staff on their work and their efforts to accommodate competing uses for the park.

At 8:45 p.m., Mayor Lee declared a short break. The meeting resumed at 8:54 p.m.

(d) East Link Public Outreach Efforts

Transportation Director Dave Berg provided a brief update on public outreach activities related to the East Link light rail project. He noted meeting packet materials beginning on page 3-41 which summarize public involvement efforts. Additional documents provide questions posed by the community and staff's responses. He noted the summary of meetings that have occurred since late April [Page 3-55 of the meeting packet], which does not include the City Council's meetings and open houses and Sound Transit's public outreach. The packet also provides a list of organizations that were contacted by staff but declined a briefing.

Mayor Lee thanked staff for the information, which he believes is important to share with the public. Councilmember Stokes concurred.

Councilmember Wallace suggested grouping questions and concerns into main themes, and continuing to update and elaborate on the answers as more information is known.

(e) East Link: City Council Recommended Cost Savings Measures

Mr. Sarkozy introduced the continuation of discussion from the previous week regarding cost savings measures under consideration for the East Link project.

Kate Berens, Deputy City Attorney, noted the Cost Savings Work Plan [Attachment A, Page 3-61 of the meeting packet] recommended for submittal to the Sound Transit Board regarding which cost savings measures should continue to be evaluated affecting Bellevue Way and the Winters House, 112th Avenue SE, and the Downtown Tunnel and Station. Staff is requesting action on the work plan; the draft cover letter in the meeting packet [Attachment B, Page 3-65];

and Attachment C, a list of the City's Implementation Principles to guide the next phase of work associated with the Cost Savings Work Plan.

Bernard Van de Kamp, Assistant Director of Transportation, summarized the work plan items previously discussed with the Council and the implementation principles. The work plan recommends continued evaluation of the following cost savings measures:

- Bellevue Way alignment at Winters House - Option 1A shifting Bellevue Way to the west, with the consideration of a southbound HOV lane; and Option 1B relocating the Winters House (if the HOV lane is not pursued with Option 1A). Both options will require an analysis of noise and visual impacts and of mitigation measures.
- 112th Avenue SE – Option 2B providing a road over rail configuration and, to the extent possible, eliminating the retained cut under SE 4th Street.
- Downtown – Option 3B optimizing the Tunnel Station and minimizing surface traffic impacts; and Option 3C, NE 6th Street Station.

With regard to 112th Avenue SE, Mr. Van de Kamp said staff will continue to work with the community regarding Surrey Downs Park uses, neighborhood traffic control, and measures to mitigate any change in neighborhood access. Implementation principles for 112th Avenue SE specify maintaining access into the neighborhood from 112th Avenue SE or an appropriate alternative, avoiding a light rail crossing with gates and bells, addressing noise and visual impacts, and exploring early property acquisitions.

The evaluation of Downtown Station options includes the consideration of impacts to surface streets and to City Hall, including the parking garage and Police Department facilities.

Next steps are the Sound Transit Board meeting on June 28, at which time the Board will consider the endorsement of the Cost Savings Work Plan. It is anticipated that Sound Transit and City staff will continue to work together to evaluate and refine the options by this fall. A final decision on cost savings measures will be made in 2013.

Ms. Berens recalled that the Council considered a motion on the Cost Savings Work Plan last week, which it voted to postpone. She said staff recommends one motion to approve all three documents and submitting them to Sound Transit: 1) Cost Savings Work Plan, 2) Transmittal cover letter, and 3) Implementation Principles.

Mayor Lee noted two proposed revisions to the cover letter as stated in Ms. Berens' desk packet memo.

Councilmember Davidson said he would like to propose an amendment to the Cost Savings Work Plan, at the appropriate time.

Responding to the Mayor, City Clerk Myrna Basich said the motion from the previous week, made by Councilmember Stokes, was to adopt Attachment A (Cost Savings Work Plan)

including Councilmember Chelminiak's proposed revision shown in redline [Page 3-61 of the meeting packet].

Councilmember Stokes withdrew his motion, in the interest of instead considering one motion to approve all three documents provided by staff. Deputy Mayor Robertson, as the seconder of the motion, concurred.

The Council agreed to withdraw the motion by a vote of 7-0.

Deputy Mayor Robertson noted that the Work Plan states that Sound Transit will no longer study the SE 4th Street undercrossing to the extent possible. However, the cover letter states that work will continue on the MOU alignment, except for the overcrossing. The Implementation Principles refer to continuing to explore options for access from 112th Avenue SE.

Ms. Robertson questioned how Sound Transit will interpret the three documents. Will they continue to study the SE 4th Street undercrossing?

Mr. Van de Kamp said the MOU alignment in that area, with the trench along 112th Avenue and the SE 4th Street overcrossing, is at approximately five percent design. It has not gone through environmental review or preliminary engineering. The new ideas are not that far along. Mr. Van de Kamp said staff has discussed the need to explore other designs for a grade-separated or no-bells crossing in the vicinity of SE 4th Street without a trench. A decision will need to be made in the fall about what goes forward for environmental review. Mr. Van de Kamp said the trench concept has probably gone as far as it is going to go until design on the other options catches up to the same level of study.

Responding to Ms. Robertson, Mr. Van de Kamp confirmed that the Council will still have the opportunity to express its preference for the SE 4th Street crossing.

Mayor Lee said he believes it is appropriate that the MOU Leadership Group has the opportunity to provide input on this issue.

- Deputy Mayor Robertson moved to approve the Cover Letter, Implementation Principles, and Cost Savings Work Plan, with the amendments to the letter as set forth in the desk packet memo by Kate Berens, Deputy City Attorney; and the amendments to the Work Plan as reflected on Page 3-61 of the meeting packet. Councilmember Chelminiak seconded the motion.
- Councilmember Davidson moved to amend the Cost Savings Work Plan by revising the second sentence to indicate that the Work Plan may alter the East Link project as currently approved. Mayor Lee seconded the motion.

Dr. Davidson said that, during the North Link alignment planning, Sound Transit did ultimately alter the alignment identified in the Record of Decision. He believes that some of the cost savings measures under consideration could require amendment of the Record of Decision.

Ms. Berens said the intent of the current language is to endorse the Work Plan, but not to approve any specific alignment changes at this point.

Councilmember Stokes noted language in the Work Plan which indicates that a final decision will be made later. He believes it is important to be clear at this point that the Work Plan is not adopting any change to the project. He observed that the amendment is not necessary.

Dr. Davidson said he does not want to see any alternative removed from further study because it is not in the current Record of Decision.

Mayor Lee said he supports the language as drafted. However, another option is to remove the entire sentence.

Councilmember Chelminiak stated that the Work Plan makes it clear that it does not represent a final decision on any particular design alternative. He supports the language as drafted in the meeting packet.

→ The motion to amend failed by a vote of 1-6, with Councilmember Davidson in favor.

Deputy Mayor Robertson spoke to the main motion, stating that this is an important milestone. The documents reflect that this is not a final decision, but the work supported by the documents is intended to improve the light rail alignment and to reduce impacts. She likes language in the Implementation Principles that refers to completing certain mitigation early in the process. Ms. Robertson supports study of the proposed Bellevue Way HOV lane.

Councilmember Stokes concurred with Deputy Mayor Robertson's comments. As a member of the MOU Leadership Group, he has been pleased with the collaborative design process. He noted the importance of achieving cost savings without compromising mitigation or the optimal design. He thanked Ms. Berens, Mr. Van de Kamp, and other staff for their hard work.

Councilmember Wallace said he supports the documents as drafted, and he believes the letter adequately expresses the position of the Council. In his view, cost savings are mandatory due to the lack of funding for the project. He said Bellevue is not in the business of building light rail, and it is necessary to eliminate \$60 million through cost savings to avoid diverting funding from local projects. Mr. Wallace suggested that the cost savings should be found in the Downtown, because that segment of the project reflects the cost overruns. He reiterated his ongoing concern about the need for a better understanding of mitigation and of project contingencies.

Councilmember Chelminiak concurred that it is important going forward to identify and refine cost contingencies within the budget to get to the true cost of the tunnel. It is also important to continue to work on certain reductions that are not visible to the public and do not compromise safety. He wants to continue to ask the question of how project costs can be reduced without affecting any of the MOU baseline project, except for the road-over-rail concept for 112th Avenue SE.

Mr. Chelminiak said he would like staff to provide a briefing on project mitigation, including the timing of mitigation projects, in the near future. He noted the need for clear and accurate project information for the public. He thanked Kate Berens and other staff for their responses to the questions raised by residents.

Councilmember Balducci said she appreciates the framework that has been provided for the Council to express the work that has been underway. She reiterated that the three goals of the collaborative design work are to save money, improve the alignment, and reduce impacts. She is committed to continuing to work to identify \$60 million in cost savings, to avoid that payment in 2023. However, she does not believe that the full cost savings need to be identified now.

Ms. Balducci noted her primary concerns for the record. On the Bellevue Way segment, she is very concerned about the proposal to expand Bellevue Way into Enatai. She would like a better understanding of impacts, including visual, to the Winters House. With regard to 112th Avenue, she would like to maintain access into the neighborhood at SE 4th Street, or something similar, with grade separation. In the Downtown, she noted the \$24 million associated with engineering. She agrees with trying to find as much savings as possible there, but she also wants to ensure that changes do not degrade the project. With regard to the tunnel stations, Ms. Balducci said it is important to maintain maximum access and ridership in the Downtown.

Ms. Balducci said she supports the motion for further study of the cost savings measures.

→ Deputy Mayor Robertson moved to extend the meeting to 10:10 p.m., and Councilmember Chelminiak seconded the motion.

→ The motion to extend the meeting carried by a vote of 6-1, with Dr. Davidson opposed.

Mayor Lee said this has been a difficult process, and this is an important milestone. He noted the goal of designing the best project with the least impacts to neighborhoods. He does not want cost savings to compromise mitigation, however. Mr. Lee said this is not a final decision, but the MOU provides a basis for moving forward in the collaborative effort with Sound Transit. While many challenges lie ahead, Mayor Lee said he supports the motion. He said the Council is committed to working for a project that is best for citizens.

→ The main motion carried by a vote of 6-1, with Councilmember Davidson opposed.

At 10:09 p.m., Mayor Lee declared the meeting adjourned.

Myrna L. Basich, MMC
City Clerk

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