

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Regular Session

October 17, 2011  
8:00 p.m.

Council Chamber  
Bellevue, Washington

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

ABSENT: Councilmember Robertson

1. Call to Order

The meeting was called to order at 8:09 p.m., with Mayor Davidson presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers except Councilmembers Robertson and Wallace were present.<sup>1</sup>

Deputy Mayor Lee led the flag salute.

(a) Proclaiming November as Pancreatic Cancer Awareness Month

Mayor Davidson read a proclamation recognizing November as Pancreatic Cancer Awareness Month.

Brad Worley and Melanie Compton, representatives of the Pancreatic Cancer Action Network, came forward to accept the proclamation. Mr. Worley spoke about pancreatic cancer and noted that his wife, Melanie, is a rare five-year survivor. He thanked the Council for helping to raise awareness about this type of cancer.

Councilmember Degginger commented that his father passed away from pancreatic cancer. He thanked the guests for bringing this to the attention of the community, and wished Melanie well.

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<sup>1</sup> Councilmember Wallace was seated at the dais at approximately 8:20 p.m.

(b) Proclaiming October as Domestic Violence Awareness Month

Mayor Davidson read a proclamation recognizing October as Domestic Violence Awareness Month.

Monique Ruyle, Board member of Eastside Domestic Violence Program, thanked the Council for its support of the program.

3. Communications: Written and Oral

(a) History of the Development of Downtown Park

Mayor Davidson introduced Cary Bozeman, former Bellevue Mayor, and Lee Springgate, former Director of the Parks and Community Services Department, to describe the history of the Downtown Park.

Mr. Springgate recalled that the City purchased the land for the Downtown Park 28 years ago from the Bellevue School District. The City spent \$14.3 million to purchase 17.5 acres, which was a bold, innovative action at that time. Development of the park was a catalyst for the expansion of the park system to include the Lake-to-Lake Trail, Wilburton Hill Park, Bellevue Botanical Garden, Lake Hills Greenbelt, Mercer Slough, and Newcastle Beach Park.

Mr. Springgate explained that, instead of accepting the five acre donation from the Bellevue School District, the Council recognized the need to acquire a larger parcel to develop a truly significant Downtown Park. The City conducted an international design competition for the park. A private Downtown Park committee led by John Ellis raised \$2 million, leased half of the site from the City and developed it on their own, and donated it back to the City. A later bond issue helped to further develop the park. Mr. Springgate said he believes that all great cities have great park systems, and all great park systems have signature parks. Downtown Park is Bellevue's signature park.

Mr. Bozeman commented on the Council's vision in the 1970s for Bellevue's future development. He recalled that the Bellevue School District offered the City five acres at no cost, if the City would rezone the remainder of the 17 acres for commercial use. Instead, the Council decided to purchase the larger site in order to create a significant park. The acquisition was financed through a 20-year bond that was repaid within 10 years. The City failed to pass a bond issue to develop the park, falling short of the 60 percent vote needed with 59.6 percent in voter support. At this point, John Ellis and a group of private donors developed the first phase of the park. A bond issue for continued park development was successfully passed a few years later.

Mr. Bozeman remembered viewing the 100 designs submitted for the park from around the world, and encouraged the Council to complete the circle in the park. He thanked Mr. Springgate for his role in creating the park and for working hard toward his vision for Bellevue.

Mr. Springgate submitted a written report on the history of Downtown Park.

Mayor Davidson commended Mr. Bozeman, Mr. Springgate, and John Ellis for their important roles in creating the Downtown Park and other community assets.

- (b) Will Knedlik spoke to State Constitution 18<sup>th</sup> Amendment issues. He said the East Link light rail project is unconstitutional because the 18<sup>th</sup> Amendment limits the usage of bridges, highways, roads, and streets that are funded with fuel taxes, solely to highway purposes. He said the project openly defies the State Supreme Court's interpretation of that amendment more than 40 years ago. He said that WSDOT and Sound Transit are defendants in the related case pending in the Kittitas County Superior Court. He urged the City to avoid the potential liability of participating in this project with Sound Transit.
- (c) Renay Bennett expressed concerns regarding the East Link project. She recalled that in 1991 the City Council, including Mayor Davidson, former Mayor Terry Lukens, and former Mayor Cary Bozeman, voted unanimously to keep light rail off Bellevue Way and 112<sup>th</sup> Avenue, and to instead promote the Burlington Northern abandoned railroad ROW and a parallel I-405 alignment. She thanked Mayor Davidson for his consistent support of the appropriate light rail alignment and the protection of neighborhoods. She expressed concern that Bellevue has already paid for the Sound Transit project. However, Sound Transit is asking the City to contribute significant funding for the Downtown Tunnel. Ms. Bennett expressed concern that property taxes could be increased. She said Bellevue taxpayers should be treated in the same way that Sound Transit dealt with Seattle in providing its light rail system.
- (d) Kevin Kelly, Bellevue Chamber of Commerce, described the Bellevue Business Walk event this week. Approximately 250 volunteers will visit local businesses and ask them to participate in a brief survey, in order to gather information directly from local business owners and managers. He thanked City staff Gwen Rosseau and Shelly Shellabarger for their help with this project. The results of the effort will be presented on November 15.
- (e) Loyd Jacobs referred to his submittal of information to the Council at the beginning of this meeting, which includes conceptual drawings of a quiet light rail system. He said that Sound Transit rejects this quiet rail system concept and claims it has similar noise reduction features. He has submitted an additional communication to Sound Transit, and the response will be shared with the Council. Mr. Jacobs said he will continue to work for quiet rail.
- (f) Betsy Blackstock, representing residents of Surrey Downs, Enatai, Bellecrest and Bellefield, came forward with four other citizens, who displayed a series of signs reflecting their concerns about the light rail project. These included concerns about the project costs, especially related to the Downtown Tunnel, and neighborhood impacts.
- (g) Sherman Burd, noting that he did not come prepared to speak tonight, spoke against the light rail Downtown Tunnel and against an alignment along 112<sup>th</sup> Avenue SE. He spoke in favor of an alignment using the BNSF rail corridor east of the downtown with an

elevated station and parking garage at NE 8<sup>th</sup> Street, and a Downtown circulator bus to connect to the rail station. He suggested that this concept is inexpensive, simple, and effective.

- (h) Terry Foulon, Cascade Key, said she attended last week's meeting which included a presentation about soil and water testing at Newcastle Beach Park. She described the presence of metals and chemicals related to the I-405 project and the presence of heavy oils. She expressed concern that the Council was not given full information obtained by the City's consultant at a cost of \$50,000. She is frustrated with the expenditure and the lack of a satisfactory response from the City.

Deputy Mayor Lee reminded the City Manager about his request that staff address heavy oils and diesel in Newcastle Beach Park.

- (i) Robert Foulon expressed concern about staff's presentation last week regarding toxic metals and chemicals. He encouraged citizens to visit [savenewcastlebeachpark.com](http://savenewcastlebeachpark.com) for more information. He urged the City to post signs about the dangers present in the park, and to work with WSDOT to get the untreated stormwater runoff away from the park.
- (j) Bill Popp, an Enatai resident, distributed a memo and map of the Sound Transit Phase 2 regional plan, which was adopted by the Sound Transit Board in 2007 and presented to the voters for approval. The plan shows light rail along I-90 and I-405. He suggested that Bellevue voters might not have supported ST Phase 2 if they had understood that light rail would go through Bellevue neighborhoods. He expressed concern about the impact of Sound Transit's current light rail plan on overall quality of life in Bellevue. He suggested that the Council should bring the B7R/C14E alignment back to the negotiating table with Sound Transit.

4. Reports of Community Council, Boards and Commissions: None.

5. Report of the City Manager

City Manager Steve Sarkozy suggested reordering this section of the agenda. He explained that Sound Transit staff who presented during the earlier Study Session were still in attendance and available for questions from the Council.

Councilmember Balducci stated her understanding that the noise impacts for 112<sup>th</sup> Avenue's Option C are associated with the bells and with the gaps in the sound walls at the at-grade crossing. James Irish confirmed this understanding, and added that the impacts are also higher because of the proximity to homes. Ms. Balducci inquired about the areas where noise mitigation would be by residential sound insulation. Mr. Irish confirmed that sound insulation is required in certain homes to be able to consider them as mitigated.

Mayor Davidson noted that the Council decided earlier in the evening to review a draft letter next week for submittal to Sound Transit.

Deputy Mayor Lee thanked the citizens who commented during Oral Communications and offered suggestions regarding light rail. He invited Sound Transit staff to address any of the comments.

Ric Ilgenfritz talked about the overall East Link project objective to connect activity centers. Once a system plan is approved, Sound Transit will move into the environmental review process, which will eventually winnow the options to the preferred alternative.

Councilmember Wallace expressed concern about federal guidelines, and suggested using more humane guidelines with regard to noise and property impacts. Mr. Irish said the federal noise criteria are set up to protect noise levels during the day, and to protect areas where people sleep.

Don Billen said that, when it comes time to actually acquire a property, a process will be followed, including an appraisal to determine the fair market value of the property to be acquired. If partial properties are acquired, an analysis will be completed to determine whether the proximity of the light rail alignment causes damage to the property values. If so, property owners will be compensated for that damage.

Councilmember Wallace expressed concern that the federal guidelines do not adequately protect residents who will have the light rail train going through their backyard.

Mayor Davidson questioned whether, if a piece of property is made nonconforming, Sound Transit will take the whole property. Mr. Billen responded that the question is not within his area of expertise and would have to be referred to Sound Transit's real estate experts.

Councilmember Chelminiak concurred with Councilmember Wallace's concerns about impacts to residents, and doing the right thing beyond regulations. While it is hard to think that turning someone out of their home is the right thing to do, it is certainly the wrong thing to leave them with a train running 20 feet from their door. He believes that this principle applies equally to condominium owners along the rail corridor and B7 route.

Mr. Chelminiak said Bellevue residents have asked the City to stand up for their individual rights. It is difficult for him to support the project when Sound Transit is failing to provide specific details about mitigation.

Mr. Chelminiak referred to a previous submittal from Loyd Jacobs describing sound mitigation on a light rail system in South Korea, and asked whether Sound Transit has looked at his information. He observed that it appears to have some promising elements for controlling noise from the tracks, versus tall sound walls.

Mr. Irish said that Sound Transit did look at Mr. Jacobs' information. The agency responded that some aspects, such as the lower noise walls, can potentially be applied to East Link depending on the type of guideway and specific location. He said there are tradeoffs with all alternatives. Mr. Irish said that Sound Transit's walls in Tukwila are 3.5 feet tall versus the two foot height

depicted in Mr. Jacobs' submittal. They have been extremely effective and work very well on an elevated guideway. Mr. Irish said he believes that some of the elements presented by Mr. Jacobs might work with an at-grade alignment in a dedicated right-of-way. He said Sound Transit will look more closely at those ideas as the project gets into final design.

Responding to Mayor Davidson, Mr. Chelminiak clarified his statement that the B7 alignment would run approximately 20 feet outside the doors of many condominiums along the rail corridor. Mr. Chelminiak noted that the same standards should apply to all residences, and it is necessary to do the right thing for all Bellevue residents.

Deputy Mayor Lee spoke to doing the right thing for residents. He said the bottom line is the City's leverage in negotiating with Sound Transit, which is problematic because the City still does not have many details from Sound Transit. He said that many questions have not been answered. Mr. Lee expressed concern about maintaining the City's leverage in negotiating the Memorandum of Understanding with Sound Transit, without knowing specific details about what the City is contributing, how Sound Transit plans to mitigate impacts, and other issues.

Councilmember Balducci noted that the City continues to negotiate with Sound Transit about a number of issues, including mitigation. She looks forward to discussing the letter next week, and the MOU shortly thereafter.

(a) Visit Bellevue Washington Program Update

City Manager Steve Sarkozy introduced a presentation regarding the Visit Bellevue Washington program.

Sharon Linton, Marketing and Communications Manager for Visit Bellevue Washington, described the importance of attracting visitors in terms of creating and sustaining jobs, enhancing quality of life, and enhancing the image of Bellevue as a desirable place to locate. She described the Visit Bellevue Washington brand identity, logo, and program elements; and noted the Facebook page and web site, [visitbellevuewashington.com](http://visitbellevuewashington.com).

Tanja Baumann, Director of Marketing and Public Relations, Bellevue Arts Museum, described press coverage about Bellevue and Visit Bellevue Washington's media efforts. She said that Mary Pat Byrne, Arts Specialist for the City, has given public art tours around Bellevue, and Tanja has provided museum tours. Ms. Baumann noted art galleries and other cultural activities beyond the museum, all of which attract visitors. She said that Visit Bellevue Washington is continuing to fund media relations throughout the year and into next year.

Ms. Linton briefly reviewed the Visit Bellevue Washington budget, and said they will be working to develop a sustainable financial model for the organization. She recalled a previous question from the Council about marketing on the international level, which she said is very expensive to do. However, she described how Visit Bellevue Washington fits within larger regional, statewide, and national marketing and travel destination organizations' efforts.

Ms. Linton encouraged the Council to continue to develop the destination. She noted comments earlier by Mr. Springgate and Mr. Bozeman about the importance of Downtown Park. She said that Bellevue means beautiful view, and it would be wonderful to have a place to enjoy that view. She noted waterfront accessibility as a desirable goal as well.

Councilmember Degginger thanked the presenters for the update. He commented that he was looking at the web site on his iPad, and one thing he does not see is a calendar of events. Ms. Linton said that creating a calendar is a top priority, and money from the hotels will be used for this purpose. Councilmember Degginger congratulated them on their work.

Deputy Mayor Lee commented that Bellevue is a great city with a number of assets including its park system. He suggested it is important to look for opportunities to attract visitors, and to plug into the international marketing piece, including the consideration of different languages. Mr. Lee believes that the organization is on the right track. He thanked the presenters for their work.

Responding to Mayor Davidson, Ms. Linton said a 10 percent increase in weekend hotel occupancy would generate \$6 million in hotel revenues, which has a broader impact in terms of taxes collected and money spent by visitors in local businesses. Mayor Davidson concurred that this is an important effort for Bellevue's economy and quality of life.

(b) Notice of Launch Event for the Green Business Challenge

Paul Andersson, City Manager's Office, recalled the Mayor's visit to the New York Stock Exchange to accept a \$15,000 grant on behalf of Bellevue and seven Eastside cities to create the Eastside Green Business Challenge. He invited the Council and the public to the program launch party and breakfast on Wednesday, November 2. Hunter Lovins, author of *Climate Capitalism*, will be attending the event. Mr. Andersson noted the web site: [sustainableeastside.org](http://sustainableeastside.org).

(c) Winter Weather Preparedness

City Manager Sarkozy asked staff to report on the City's winter weather preparedness.

Mike Jackman, Deputy Director of Utilities, and Tony Marcum, Utilities Operations Manager, provided an overview of the City's winter weather preparedness program.

Mr. Marcum said that La Nina conditions are expected to continue, which means colder and wetter weather. He reviewed the City's objectives during winter storm events to protect public health and safety, minimize economic impacts, and minimize damage to property and the environment. Mr. Marcum described the City's equipment and response plan. He said it is important for residents and businesses to prepare for emergencies as well. He directed the public to the City's web site for more information about the extreme weather response program.

Councilmember Degginger commended the City's effectiveness in responding to past winter storms. He thanked Representative Hunter, present in the audience, for his efforts to help the City obtain funding for facility generators.

(d) Management Brief requesting Initiating Updates to the Neighborhood Business Zone

Dan Stroh, Planning Director, recalled previous Council discussions about initiating updates to the Neighborhood Business Zone designation. Staff is currently focusing on the larger neighborhood business centers. He noted a request from the owner of the Newport Hills Shopping Center to help revitalize the center.

Responding to Councilmember Chelminiak, Mr. Stroh said the shopping center properties larger than three acres are Bel-East, Northtowne, and Newport Hills. Mr. Chelminiak asked about staff's discussions with residents adjacent to the centers. Mr. Stroh explained that staff has outlined Phase 1 and Phase 2 land use amendments. The Phase 2 code amendments get into more complex issues dealing with mixed uses, dimensional standards, and potentially a more significant expansion of allowed uses. Phase 1 addresses more specific issues regarding use limitations and size restrictions.

→ Councilmember Chelminiak moved to direct staff to initiate Phase 1 of the Land Use Code Amendments to address use and size restrictions in the Neighborhood Business Zone to apply to NB zoned sites exceeding three acres in size. Councilmember Balducci seconded the motion.

Councilmember Balducci suggested some type of formalized community outreach effort in each of the three areas around the shopping centers as the planning process moves forward.

→ The motion carried by a vote of 6-0.

6. Council Business and New Initiatives

Mayor Davidson suggested that Councilmembers forego their usual reports.

7. Approval of the Agenda

→ Deputy Mayor Lee moved to approve the agenda, and Councilmember Chelminiak seconded the motion.

→ The motion to approve the agenda carried by a vote of 6-0.

8. Consent Calendar

→ Councilmember Chelminiak moved to approve the Consent Calendar, and Deputy Mayor Lee seconded the motion.

→ The motion to approve the Consent Calendar carried by a vote of 6-0, and the following items were approved:

- (a) Minutes of September 26, 2011 Extended Study Session  
Minutes of October 3, 2011 Study Session  
Minutes of October 3, 2011 Regular Session
- (b) Resolution No. 8317 authorizing execution of a second amendment to the professional services agreement between the City and Cabot Dow, extending the contract through June 30, 2012, and increasing the contract amount by \$42,000 for labor agreement negotiations and other legal services related to union matters.
- (c) Resolution No. 8318 authorizing: 1) execution of an Interlocal Agreement establishing the Community Connectivity Consortium, a public corporation whose mission is to create a vibrant and competitive region by providing connectivity services to meet the needs of community institutions; and, 2) the repeal of Resolution No. 6911 which created the Interlocal Agreement General Terms and Conditions for Sharing Fiber Optic Installation Projects.
- (d) Resolution No. 8319 authorizing consent and approval of the assignment of the Broadstripe franchise agreement to Wave Broadband Inc.
- (e) Motion to award Bid No. 11243, ADA Upgrades, as part of the Pedestrian Facilities Compliance Program, to Trinity Contractors Inc., as the lowest responsible and responsive bidder in the amount of \$38,687.00 (CIP Plan No. PW-W/B-49).

9. Public Hearings

- (a) Limited Public Comment Period and consideration of taking an official position on Washington State Initiative No. 1125 on the November 8, 2011, General Election ballot.

Washington State Initiative No. 1125

**Ballot Title**

*Initiative Measure No. 1125 concerns state expenditures on transportation. This measure would prohibit the use of motor vehicle fund revenue and vehicle toll revenue for non-transportation purposes, and require that road and bridge tolls be set by the legislature and be project-specific.*

Should this measure be enacted into law?

Yes [ ]

No [ ]

Mayor Davidson suggested extending the meeting.

→ Councilmember Chelminiak moved to extend the meeting to 10:30 p.m., and Councilmember Balducci seconded the motion.

→ The motion to extend the meeting carried by a vote of 6-0.

Deputy Mayor Lee spoke to the passing of former Governor Rossellini at the age of 101. Responding to Mr. Lee's suggestion, Mayor Davidson concurred that it would be appropriate to issue some type of recognition for his work.

Mayor Davidson introduced the limited public comment period regarding whether the Council should take a position on Washington State Initiative 1125, which has been placed on the November 8 General Election ballot.

Deputy City Attorney Kate Berens reviewed the rules for the comment period. State law authorizes the City Council, at an open public meeting, to express a collection decision or to vote upon a motion or resolution to support or oppose a ballot proposition. The City issued prior notice of the public comment opportunity, as required by state law. Members of the Council and the public must be afforded an approximately equal opportunity to express supporting and opposing views.

Mayor Davidson announced that the Council would take 15 minutes of public comment representing each side of the initiative.

→ Deputy Mayor Lee moved to open the limited public comment period, and Councilmember Wallace seconded the motion.

→ The motion carried by a vote of 6-0.

#### Public comment in support of Initiative No. 1125:

Tim Eyman noted that he is one of the co-sponsors of Initiative 1125. He recalled that, last year, Initiative 1053 was approved and many said it was stupid. However, 64 percent of voters supported it. He described the plans for tolls on regional highways and eventually other roadways. He said that Washington state has one of the highest gas taxes already, and tolls represent a double tax. He expressed concern that the public is not aware of the potential for future tolls, and he reviewed key features of Initiative 1125.

Mr. Eyman expressed concern about the lack of control over the expenditure of toll collections. He reviewed a handout that he had distributed to the Council. Initiative 1125 states that tolls must be approved by lawmakers, not bureaucrats. It says that funds collected must be used in the collecting corridor. Mr. Eyman talked about the 18<sup>th</sup> Amendment of the state constitution, which he says violates using the I-90 bridge for light rail. Mr. Eyman said the initiative ensures that tolls are uniform and consistent, and that tolls do not vary depending on the time of day.

Mr. Eyman expressed concern that tolls will disproportionately affect poor people. He referred to an article stating that toll-based borrowing funds at twice the interest rate of traditional government borrowing. He believes that tolling will cause significantly higher project costs. He suggested following the toll practices used in the past in this state, which successfully funded the SR 520 and other bridges.

Mr. Eyman opined that the Council should not take an official position, and that it is more appropriate for citizens to decide for themselves.

Public comment in opposition to Initiative No. 1125:

Representative Ross Hunter of the 48<sup>th</sup> Legislative District, Chair of the House Ways and Means Committee, urged the Council to take a position opposing Initiative 1125. He recalled the long-term planning effort of cities, the State of Washington, Bellevue Downtown Association, Bellevue Chamber of Commerce, and other stakeholders regarding the rebuilding of the SR 520 bridge. All parties agreed that there would be tolling on the bridge.

Representative Hunter addressed Mr. Eyman's comments about costs, and noted that using toll-backed bonds for the bridge preserves the State's debt capacity for other projects, including schools. He does not believe that legislators should set the tolls, because it is important to have the consistency that will be needed by an administrative agency to repay the bonds.

Representative Hunter talked about placing light rail on I-90, noting that it was supported by approximately 58 percent of Bellevue voters. He expressed concern that, if the region cannot build these projects now, it will not have the transportation infrastructure needed to support and to continue to attract jobs. The Bellevue Downtown Association, Bellevue Chamber of Commerce, Microsoft, and others are opposed to I-1125.

Patrick Bannon, representing the BDA, said the Board of Directors endorsed a no vote on Initiative 1125. He noted others opposed to the ballot measure including Microsoft and The Boeing Company. The BDA Board believes that the State should retain the option of using toll-backed revenue bonds. Mr. Bannon said the BDA supports variable tolls throughout the day. He believes that the state legislature has ensured accountability within the tolling plan, and that it is the wrong time to delay transportation funding and projects. Mr. Bannon said the BDA urges the Council to oppose Initiative 1125.

- Deputy Mayor Lee moved to close the limited public comment period, and Mayor Davidson seconded the motion.
- The motion carried by a vote of 5-0, with Councilmember Wallace temporarily away from his seat.

Responding to Mayor Davidson, Representative Hunter said that the issue of high-occupancy toll lanes on I-405 continues to be studied. Mr. Hunter said it is hard to imagine being able to pass a statewide gas tax, because so many projects would need to be developed in the east half of the

state to balance out their share of a gas tax increase. HOT lanes have been identified as the model for funding increased capacity on I-405.

Responding to Councilmember Degginger, Mr. Eyman said that Initiative 1125 does not state that it would prohibit the use of light rail on I-90. Mr. Eyman said that the initiative's prohibition on using gas tax-funded lanes for non-highway purposes applies statewide. He noted that this is already prohibited by the 18<sup>th</sup> Amendment of the state constitution.

Councilmember Degginger expressed concern that, because light rail is not specifically mentioned in the initiative, a citizen who voted in favor of light rail would not understand that Initiative 1125 could prohibit light rail across the I-90 bridge. Mr. Eyman opined that it is already prohibited by the 18<sup>th</sup> Amendment, but the initiative reinforces this.

→ At 10:26 p.m., Councilmember Chelminiak moved to extend the meeting to 10:45 p.m. Councilmember Balducci seconded the motion.

Deputy City Attorney Kate Berens said it is unusual for the Council to engage in this type of discussion. She suggested using an abundance of caution and giving both sides a chance to respond to any and all questions.

→ The motion to extend the meeting carried by a vote of 6-0.

Mayor Davidson offered Mr. Eyman the opportunity to respond to his earlier question about I-405 HOT lanes, and Mr. Eyman declined. Representative Hunter passed on responding to Mr. Degginger's questions.

Mayor Davidson suggested that tolling is an attempt to replace the gas tax and, if true, there should be a regional tolling system on all highways. He said he has paid for a number of bridges through tolling. He expressed concern about the inconsistency of tolling policies and the use of optional toll express lanes, the latter of which favors those who can afford to pay and pushes more traffic into general purpose lanes. Mayor Davidson is not willing to pre-empt citizens on this issue. He prefers that the Council not take an official position on I-1125, and to let the citizens decide for themselves.

Deputy Mayor Lee observed that tolling can be a funding mechanism or a congestion management tool. He believes that the purpose of specific tolls should be clearly articulated before they are implemented. If the goal is congestion management, he believes that a system wide approach is appropriate.

Representative Hunter reiterated that tolls are the chosen mechanism for funding the 520 bridge. He acknowledged that tolls will change people's behavior and divert traffic. However, tolls would not be used if the funding was not needed, and the tolls are not being used to change behavior. Representative Hunter said he believes there should be tolls on the I-90 bridge as well in order for the regional system to work most effectively.

Deputy Mayor Lee believes the vote on Initiative 1125 should be left to personal preference, and that the City Council should not take a formal position.

→ Deputy Mayor Lee moved to not take a formal Council position on Initiative 1125, and Mayor Davidson seconded the motion.

Councilmember Balducci thanked the speakers for their presentations. She noted the importance of Bellevue's location at the juncture of three major highways. She observed that mobility on these roadways is critical for the future of Bellevue. Ms. Balducci said it is appropriate for the City Council to take a formal position on legislation and on interest statements addressing specific objectives and priorities. She noted that Councilmembers spend a great deal of time learning about and discussing issues, and therefore, they understand the implications of policies.

Councilmember Balducci believes that Initiative 1125 represents bad policy for the City, and that it is not to Bellevue's benefit. The City has worked toward achieving high-capacity transit for many years, and the initiative undermines efforts to implement light rail.

Councilmember Balducci said she feels strongly that the Council should take a position on Initiative 1125. She noted that a number of newspapers, jurisdictions, and business groups (e.g., BDA, Bellevue Chamber, and realtors), as well as Attorney General Rob McKenna, oppose Initiative 1125.

Ms. Balducci expressed concern that the Council's discussion on this issue reflects how far Bellevue has drifted from being a regional leader in transportation. She suggested that, if there is a 3-3 split on the motion, the issue be taken up again the following week when Councilmember Robertson is present.

→ At 10:44 p.m., Councilmember Chelminiak moved to extend the meeting to 11:00 p.m. Councilmember Degginger seconded the motion.

→ The motion to extend the meeting carried by a vote of 6-0.

Councilmember Degginger spoke to the importance of funding the SR 520 project, and recalled the extraordinary regional planning effort involving multiple jurisdictions, businesses, citizens, and other stakeholders. He is troubled because he believes that Initiative 1125 is a sneaky attempt to stop light rail. He observed that this does not represent the traditional values of the City Council for the number of years that he has been a member.

Mr. Degginger said that the City Council has taken an official position on a number of issues of statewide significance, because they are significant to Bellevue as well. He believes the Council should take a formal position on Initiative 1125. He expressed concern that it does not explicitly mention light rail despite its intent to stop light rail. Mr. Degginger believes that I-1125 is a job-killing initiative. He said the region's economic viability is dependent upon maintaining transportation mobility. Councilmember Degginger said it does not speak well for the Council if a majority chooses to not take a position.

Councilmember Chelminiak believes the Council should take a stand against I-1125, because opposing the measure is consistent with every legislative agenda and interest statement supported by the Council for many years. He recalled a Council vote in 1999 in favor of using the center lane of I-90 for light rail. In 2005 or 2006, the Council voted in support of light rail on I-90. Initiative 1125 attempts to stop light rail on I-90. The City spent approximately \$600,000 on the Light Rail Best Practices Committee and \$3.5 million studying the B7 light rail alternative. Mr. Chelminiak said it would be inconsistent to now support an initiative that jeopardizes light rail.

Councilmember Chelminiak said that, in 2011, the Council supported express toll lanes on I-405 with certain conditions, and the state legislature essentially met those conditions. He recalled that one of the Council's interest statements indicates that I-90 is the City's first priority for high-capacity transit to connect Seattle, Bellevue and Redmond.

Councilmember Chelminiak said he believes it is important for the Council take a position that is consistent with past decisions and policies, and to take a position against Initiative 1125. He concurred with Councilmember Balducci's suggestion to bring the matter back for a Council vote the following week.

Councilmember Wallace concurred with the Mayor and Deputy Mayor that it is not within the purview of the Council to take a position. He observed that the approval of similar past initiatives, for example reducing the car tab fee, has not resulted in things falling apart. He believes these initiatives have been good in terms of reining in government spending, particularly at King County. He suspects the world will not be much different if Initiative 1125 passes.

Mr. Wallace opined that the Sound Transit Board is not showing appropriate accountability in its willingness to drop a light rail line through a community and its neighborhoods. He expressed concern about appointing a similar board that will set bonding limits and toll levels. He commented that having a broad-based tolling system, and avoiding the debt limit issues to generate the revenue needed for transportation projects, seems like a balanced approach.

Mr. Wallace agreed that the region needs transportation funding. If Initiative 1125 passes, he suggests it will be necessary to take a harder look at the gas tax. He believes there needs to be a harder look at how projects can be completed for less money. He questioned why the Washington State Department of Transportation pays sales tax on its labor and materials, because this drives up costs. He suggested lobbying the federal government to pass the transportation funding bill and to provide infrastructure stimulus spending.

Councilmember Wallace said he personally supports Initiative 1125. From the City's perspective, perhaps that requires a different hat, and that is why he thinks it is appropriate to not take a formal Council position.

Mayor Davidson expressed concern, if his understanding of tolling policies as they relate to new construction is correct, that I-405 from both north and south will be tolled along with both bridges, essentially cutting off toll-free access to Bellevue.

Councilmember Balducci said that tolling is scheduled for SR 520. There is a consideration for tolling I-90 if there is significant traffic diversion from 520, and/or the tolls cannot adequately fund the 520 bridge. There is no proposal to toll all lanes on I-405. She noted that the only proposal to toll all lanes of I-405 was from Kemper Freeman and the Eastside Transportation Alliance. Ms. Balducci clarified that an optional high-occupancy toll lane is under consideration for I-405, and potentially for I-5. She observed that Bellevue is not being singled out, and that this is a difficult funding environment.

Councilmember Balducci acknowledged that Councilmember Wallace has suggested pursuing alternative funding strategies. Others oppose the tolls but have not identified any potential funding options, which she believes is terrible policy making.

→ Deputy Mayor Lee moved to extend the meeting by five minutes, and Councilmember Wallace seconded the motion.

→ The motion failed by a vote of 3-3, with Mayor Davidson, Deputy Mayor Lee and Councilmember Wallace in favor.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions: None.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 11:00 p.m., Mayor Davidson declared the meeting adjourned.

Michelle Murphy, CMC  
Deputy City Clerk

/kaw