

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 8322

A RESOLUTION related to Sound Transit's East Link light rail project: 1) authorizing the City Manager or his designee to execute an Umbrella Memorandum of Understanding with Sound Transit establishing the terms and conditions for the City's financial contribution to the tunnel portion of East Link; 2) authorizing the City Manager or his designee to execute a Transit Way Agreement with Sound Transit granting rights to use discrete portions of the City Right of Way for East Link; 3) directing the City Manager to develop a work program that will identify for Council consideration the potential public uses for properties adjacent to 112th Avenue SE and south of Surrey Downs Park; and 4) directing the City Manager to use the Collaborative Design Process to identify substantial cost savings.

WHEREAS, the Bellevue City Council has a long history of expressing support for regional transportation projects, including high-capacity transit; and

WHEREAS, in 2005, the Bellevue Council updated its Future High Capacity Transit Interest Statement, which articulated the City's principles for an efficient, effective and reliable transit system linking Seattle, Bellevue and Redmond, and

WHEREAS, voters approved ST2 providing funding for a regional high-capacity transit system for the Central Puget Sound region in 2008; and

WHEREAS, the East Link Project was included within ST2 and establishes a high-capacity transit connection between Seattle, Mercer Island, Bellevue and Redmond; and

WHEREAS, the City has invested significant time and resources to identify the potential benefits and impacts of a high-capacity transit system, which efforts have included formation of a Light Rail Best Practices committee and the significant planning efforts for the Bel-Red corridor to complement Sound Transit's role as the regional high-capacity transit provider and to inform all decision-makers with respect to an eastside transportation project; and

WHEREAS, in previous planning work and interest statements, the Bellevue City Council has consistently indicated the importance of serving Downtown Bellevue, the region's most dynamic economic engine, with high-capacity transit; and

WHEREAS, in previous planning work and interest statements, the Bellevue City Council has consistently indicated the importance of protecting our neighborhoods from the negative impacts of high-capacity transit; and

WHEREAS, in previous planning work and interest statements, including Transportation Element Policy TR-75.5, the Bellevue City Council has consistently indicated the importance of protecting our roadway network capacity from being reduced by the installation of high-capacity transit; and

WHEREAS, the Bellevue City Council has endorsed the C9T tunnel alignment as the appropriate profile through Downtown Bellevue, because of the consistency with the Comprehensive Plan, including Light Rail Best Practices, improved system ridership, better noise mitigation, increased safety, reduced visual impacts, and avoidance of congestion and road capacity impacts offered by such a profile; and

WHEREAS, the City has consistently indicated concerns with impacts of the East Link Project on portions of the City outside of the downtown, particular with respect to impacts related to noise, transportation system impacts, visual impacts and impacts to neighborhood character; and

WHEREAS, by letter dated February 25, 2009 conveying comments on the DEIS, the City requested that Sound Transit explore alternatives to the DEIS alignments identified for the B-segment of East Link; and

WHEREAS, the Supplemental Draft Environmental Impact Statement (SDEIS) published in November 2010 identified additional alignments for the Project, including new alignments within the B-Segment. Among these additional alignments is the alignment that Sound Transit has identified as its preferred alternative (B2M); and

WHEREAS, the Sound Transit Board identified B2M as its preferred B-Segment alignment with the adoption of Resolution 2011-10 on July 28, 2011; and

WHEREAS, in August 2011 the parties executed an updated Term Sheet which established the framework for the Umbrella Memorandum of Understanding (MOU) and Transit Way Agreement, including acknowledgement that certain modifications to the B2M alignment would be further developed and reviewed for incorporation into the project; and

WHEREAS, the City Council, by motion passed on October 24, 2011, indicated its support for modifications to the B2M alignment, which modifications are incorporated into the Umbrella Memorandum of Understanding (MOU) as the "City Requested Modifications" and which result in a light rail alignment that avoids at-grade crossings of right-of-way. The City Requested Modifications ensure that the noise and traffic impacts associated with at-grade crossings are avoided along 112th Avenue SE; and

WHEREAS, the City Council recognizes that even with the City Requested Modifications, East Link will have negative impacts on certain properties adjacent to the alignment along 112th Avenue SE. The Council is committed to continued collaboration with adjacent property owners and Sound Transit to mitigate those impacts. Specifically, the City Council strongly encourages Sound Transit's careful evaluation of the complete range of impacts on such properties and a consideration of whether such impacts result in the requirement to completely acquire such properties. To the extent that it is determined that Sound Transit lacks the legal authority to completely acquire such properties following all necessary review, the City Council is committed to determining whether, given the unique character of the Surrey Downs neighborhood and Surrey Downs Park, additional mitigations or voluntary actions, including but not limited to additional city-funded property acquisitions, are warranted along 112th Avenue SE to create a linear park south of Surrey Downs Park similar to the linear park envisioned north of Surrey Downs Park; and

WHEREAS, the MOU retains the City's permitting authority over East Link, including authority to review the proposed project for compliance with City codes and regulations, and authority to ensure that once constructed, the project operates in compliance with applicable conditions of approval and code requirements; and

WHEREAS, the City has independent obligations, under applicable local and state law, to perform environmental and other reviews of the East Link Project portions which are within the city limits of Bellevue which obligations are not waived or compromised in the MOU and Transit Way Agreement; and

WHEREAS, the cooperative relationship embodied in the MOU and Transit Way Agreement between the City and Sound Transit for the life of the East Link Project represents a significant opportunity to assist Sound Transit to ensure that the Project delivers the level of service expected by the region and City residents and businesses; and

WHEREAS, the Sound Transit Board of Directors authorized execution of the MOU and Transit Way Agreement on October 27, 2011; and

WHEREAS, it is the strong expectation of the City Council that the Collaborative Design Process established in the MOU will lead the parties to identify substantial cost savings for the East Link projects, which savings will serve to reduce the potential overall city contribution to the downtown tunnel; and

WHEREAS, it is the strong expectation of the City Council that in the process of identifying these cost savings, the project will incorporate design features and elements that ensure that the project's design is sensitive to the surrounding neighborhoods and mitigates impacts, including visual and noise impacts, that might otherwise negatively impact the quality of life in the surrounding areas;

WHEREAS, certain amendments to the MOU authorized by the Sound Transit are appropriate to further strengthen the parties' commitment to saving costs on the Project, now, therefore:

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City Manager or his designee is hereby authorized to execute the Umbrella Memorandum of Understanding for Intergovernmental Cooperation between the City of Bellevue and the Central Puget Sound Regional Transit Authority for the East Link Project with the amendments directed by the City Council, which Memorandum of Understanding has been given Clerk's Receiving No. 48135.

Section 2. The City Manager or his designee is hereby authorized to execute the Transit Way Agreement between the City of Bellevue and the Central Puget Sound Regional Transit Authority for the East Link Project, which Transit Way Agreement has been given Clerk's Receiving No. 48136.

Section 3. The City Manager shall present to the City Council for approval a work plan that will allow the City Council to evaluate the potential public uses of any property along 112th Avenue SE and south of Surrey Downs park, to the extent any property immediately adjacent to 112th Avenue SE is not acquired by Sound Transit for the East Link project. Such work plan should be presented to the City Council at the same time as the Collaborative Design Process Management Plan required by the MOU.

Section 4. The City Manager shall direct any city staff or consultants working with Sound Transit through the Collaborative Design Process to work diligently to identify any and all sources of project cost savings with a goal of realizing \$60 million (2010\$) in savings on the portions of the project within the City. Such cost savings shall not compromise project mitigation that is required under city code or other applicable law or regulation to mitigate the impacts of the project from noise, visual impacts and impacts to environmentally critical areas.


Section 5. In order to comply with Section 4 above, every reasonable effort will be made to identify a number of value engineering (VE) and scope reduction options that, with all associated contingency, combine to reduce the cost of the Project by \$60 million (2010\$) or more.

Section 6. The MOU contemplates establishment of the "MOU Baseline" (as defined in the MOU) after all required costs are known. In addition, the MOU includes a number of other exhibits (e.g. Exhibits B and F) that contain summaries of information included in Sound Transit's PE cost estimate. The City Manager is directed to conduct an independent review of the cost estimate specifically included and referenced in the MOU to ensure that the figures currently reflected in the MOU can be verified in the PE cost estimate prior to acknowledging the final MOU Baseline.

Section 7. The City Manager is directed to ensure that the City independently reviews Sound Transit's 60% updated cost estimate to verify the use of the same methodology as was used for the MOU Baseline cost estimates. Any difference in methodology will be documented and the City will require confirmation that such change in methodology does not impact the City Contingency or ability to reduce the City Contingency prior to confirming the agreement as contemplated in Section 4.2(b) of the MOU.

Passed by the City Council this 14th day of November, 2011,
and signed in authentication of its passage this 15th day of November,
2011.

(SEAL)


Don Davidson, DDS
Mayor

Attest:


Myrna L. Basich, City Clerk