

MOTION NO. M2016-73
Implementation Agreement with City Of Bellevue Pursuant To the Amended & Restated Umbrella Memorandum and Understanding for East Link Project

MEETING:	DATE:	TYPE OF ACTION:	STAFF CONTACT:
Capital Committee	07/14/2016	Recommendation to the Board	Ahmad Fazel, DECM Executive Director Miles Haupt, Executive Project Director - OMSF
Board	07/28/2016	Final Action	Jon Mihkels, Deputy Project Director - OMSF

PROPOSED ACTION

Authorizes the chief executive officer to execute an Implementation Agreement with the City of Bellevue regarding the Link Operations and Maintenance Satellite Facility.

KEY FEATURES SUMMARY

The Implementation Agreement contains the following:

- The OMSF/RFP will include provisions to ensure that Sound Transit and the City's common interest of optimizing potential TOD on the Phase I Parcels is clearly weighed and evaluated as part of the OMSF/RFP evaluation and selection process, including points allocated to scoring criteria.
- Opportunities for the City to participate in a meaningful way, including a voting member, in Sound Transit's OMSF and TOD procurements;
- Agreement regarding development goals for the Phase I Parcels that are consistent with the Bel-Red TOD Planning Principles and 120th Station Area/OMSF TOD Planning Principles approved by the Bellevue City Council on January 25, 2016;
- A collaborative process for identifying potential additional design elements that will optimize integration of the OMSF with TOD which will be brought forward for future consideration by the Sound Transit Board as adjustments to the baseline;
- Sound Transit's commitment to submit a Master Development Plan to the City for the entire OMSF site, including the future Phase I Parcels and the proposed additional design elements; and
- A one year extension of the deadline from October 1, 2016 to October 1, 2017, for Sound Transit and the City to complete negotiations of either a property conveyance and construction agreement for transfer of the 130th Avenue NE parcels from Sound Transit to the City or revisions to the MOU.

BACKGROUND

Sound Transit and the City of Bellevue entered into the Amended and Restated Umbrella Memorandum of Understanding for the East Link Project, dated May 6, 2015 (the "MOU"), which includes terms to address items of mutual concern related to the Sound Transit Board's future selection of an OMSF site in Bellevue.

On October 22, 2015 the Board adopted Resolution No.R2015-26 formally selecting the BNSF alternative located in Bellevue as the project to be built for the OMSF.

The MOU included a goal of enabling potential development of Transit Oriented Development (TOD) on property which is required for construction of the OMSF but which after construction is

sufficiently complete, is expected to become surplus to Sound Transit to the extent that it is no longer necessary to support construction or operation of the OMSF. This property is generally described in the MOU as the Phase I Parcels (the “Phase I Parcels”). The MOU committed the agency to integrate and advance planning for TOD concurrent with the OMSF project design with the goal of ensuring timely development concurrent with, or as close in time as practicable with, commencement of East Link operations.

The MOU contemplated that Sound Transit and the City would complete and execute a development agreement concurrent with the baselining of the OMSF. The development agreement is intended to set forth the provisions that would apply to potential TOD Phase 1 Parcels. Because the OMSF project has now adopted a design-build procurement method, project baselining is taking place earlier in the project timeline and in advance of the level of design necessary to complete negotiations for a development agreement. To maintain certainty of outcome, Sound Transit and City staffs have negotiated a MOU Implementation Agreement for the Board’s consideration at the time of OMSF project baselining, instead of the development agreement contemplated in the MOU.

The OMSF project baseline, which is the subject of a separate Board action, includes the TOD-supportive design elements listed in Section 20.2 of the MOU. The OMSF project will design for an integrated TOD master plan supportive of the Bel-Red plan and the 120th Street Spring District station area planning goals for TOD. Based upon the plans and OMSF design, potential additional design elements that enable timely TOD on the Phase 1 Parcels will be identified for the Board to consider and baseline the scope, schedule and budget for such TOD enabling design elements in the future.

FISCAL INFORMATION

Although this action has no direct fiscal impact, the implementation of the MOU will have a future financial impact given the results of OMSF design and design elements that enable timely TOD on identified parcels.

SMALL BUSINESS/DBE PARTICIPATION AND APPRENTICESHIP UTILIZATION

Not applicable for this action

PUBLIC INVOLVEMENT

Sound Transit and City of Bellevue staff have coordinated on a number of public outreach activities including stakeholder meetings and the environmental outreach process. Since 2012, Sound Transit has hosted public meetings, stakeholder briefings, and facility tours. In addition, the agency coordinated with the cities of Lynnwood and Bellevue to provide project information for distribution through local newsletters and social media outlets, sent emails to related notification subscription lists, and created and mailed a tri-fold project update folio to addresses adjacent to all four sites evaluated in the EIS. Other activities included:

- Work with social service providers to provide project information to traditionally underrepresented populations in Bellevue and Lynnwood.
- Inclusion of an OMSF resource table and staff at East Link Extension final design public meetings (8 total).

TIME CONSTRAINTS

A one month delay would not create a significant impact to the project schedule.

PRIOR BOARD/COMMITTEE ACTIONS

Motion No. M2015-33: Authorized the chief executive officer to (1) execute amendments to the Umbrella Memorandum of Understanding and Transit Way Agreement with the City of Bellevue to address permitting, project coordination, a potential Bellevue OMSF, financial terms, and maintenance of the East Link project; and (2) execute a new Three Party Agreement with the City of Bellevue and King County to collaboratively plan and determine the feasibility of a potential city project to re-align 120th Avenue NE.

Resolution R2015-26: Selected the project to be built for the Link Light Rail Operations and Maintenance Satellite Facility.

Motion No. M2014-51: Identified the preferred site for the Link Operations and Maintenance Satellite Facility Final Environmental Impact Statement and approving Gate 3 - Identifying Preferred Alternative within Sound Transit's Phase Gate process.

Resolution R2012-24: Established a policy to guide assessment and facilitation of transit-oriented development (TOD) during planning, design, construction and operation of the high-capacity transit system and supersedes Motion No. M99-60 and Motion No. 98-25.

ENVIRONMENTAL REVIEW

JI 07/08/2016

LEGAL REVIEW

SS 07/11/2016

MOTION NO. M2016-73

A motion of the Board of the Central Puget Sound Regional Transit Authority authorizing the chief executive officer to execute an Implementation Agreement with the City of Bellevue regarding the Link Operations and Maintenance Satellite Facility.

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The MOU included a goal of enabling potential development of Transit Oriented Development (TOD) on property which is required for construction of the OMSF but which after construction is sufficiently complete, is expected to become surplus to Sound Transit to the extent that it is no longer necessary to support construction or operation of the OMSF. This property is generally described in the MOU as the Phase I Parcels. The MOU committed the agency to integrate and advance planning for TOD concurrent with the OMSF project design with the goal of ensuring timely development concurrent with, or as close in time as practicable with, commencement of East Link operations.

The MOU contemplated that Sound Transit and the City would complete and execute a development agreement concurrent with the baselining of the OMSF. The development agreement is intended to set forth the provisions that would apply to potential TOD Phase 1 Parcels. Because the OMSF project has now adopted a design-build procurement method, project baselining is taking place earlier in the project timeline and in advance of the level of design necessary to complete negotiations for a development agreement. To maintain certainty of outcome, Sound Transit and City staff have negotiated a MOU Implementation Agreement for the Board's consideration at the time of OMSF project baselining, instead of the development agreement contemplated in the MOU.

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The MOU Implementation Agreement contains the following:

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MOTION:

It is hereby moved by the Board of the Central Puget Sound Regional Transit Authority that the chief executive officer is authorized to execute an Implementation Agreement with the City of Bellevue regarding the Link Operations and Maintenance Satellite Facility.

APPROVED by the Board of the Central Puget Sound Regional Transit Authority at a regular meeting thereof held on July 28, 2016.


Pat McCarthy
Board Chair Pro Tem

ATTEST:


Kathryn Flores
Board Administrator