



CITY COUNCIL MINUTES REGULAR MEETING JANUARY 15, 2019

CALL TO ORDER & ROLL CALL

Mayor Debbie Bertlin called the meeting to order at 5:01 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Debbie Bertlin, Deputy Mayor Salim Nice, and Councilmembers Lisa Anderl, Bruce Bassett (5:05), Wendy Weiker (5:05), David Wisenteiner, and Benson Wong were present.

AGENDA APPROVAL

Mayor Bertlin reported that City Manager Underwood had informed Council that the agenda needed to be amended to include, under Regular Business, consideration and potential adoption of an emergency ordinance establishing interim design and concealment standards for deployment of small cell facilities.

It was moved by Nice; seconded by Wong to:

Approve the agenda, as amended.

Passed 5-0

FOR: 5 (Anderl, Bertlin, Nice, Wisenteiner, and Wong)

ABSENT: 2 (Bassett and Weiker)

EXECUTIVE SESSION

Executive Session to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) for 60 minutes.

At 5:02 pm, Mayor Bertlin convened the Executive Session to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) for approximately 60 minutes. Councilmembers Bassett and Weiker participated via phone.

At 6:01 pm, Mayor Bertlin reported that the Executive Session was extended for a period of ten minutes until 6:10 pm.

At 6:11 pm, Mayor Bertlin adjourned the Executive Session.

Mayor Bertlin reiterated that the agenda was amended to include consideration and potential adoption of an Emergency Ordinance establishing Interim Design and Concealment standards for Deployment of Small Cell Facilities.

STUDY SESSION, 6:00 PM

AB 5525: Aubrey Davis Park Master Plan Update

Parks Operations Superintendent Paul West and Acting Parks and Recreation Director Ryan Daly introduced Juliet Vong, President, and Merit Oviir, Associate Partner, with HBB Landscape Architecture and explained that the purpose of the study session was to update City Council on the progress of the Aubrey Davis Park Master Plan ("Plan") and preview the vision and goals for the plan. They further noted that the update is in advance of the first public open house on the master plan, which will take place on Thursday, February 7 at the Mercer Island Community and Event Center.

HBB reviewed the geographic extent of the plan, the site analysis, and the public engagement process. They further noted that there are regional partners and projects impacted by or impacting the Plan, including:

- WSDOT Partnership,
- North Mercer Interceptor Coordination,
- Proposed Commuter Parking & Mixed-Use Project (Tully's Site/Parcel 12), and
- Greta Hackett Sculpture Gallery 4Culture Creative Consultancy.

HBB went on to explain the draft vision statement and goals for the Plan, explaining that the vision statement sets a long-term vision for how Aubrey Davis Park could be perceived and experienced by the public. The goals and objectives follow the same focus areas that were used as an organizing principle for the public forums. The vision statement and goals will be presented to the public at an open house scheduled on February 7, where a larger audience can review and validate the direction, and offer comments before HBB beings developing design alternatives.

At 7:10 pm, Mayor Bertlin recessed the meeting for 10 minutes.

SPECIAL BUSINESS

Swearing in Ceremony - Councilmember Lisa A. Anderl

City Clerk Deborah Estrada administered the Oath of Office to newly appointed Councilmember Lisa Anderl.

CITY MANAGER REPORT

City Manager Julie Underwood reported on the following items:

- Bicycle and Pedestrian Safety Project completed in late 2018
- Congratulations to the MIHS Marching Band for their performance at the Rose Bowl Parade
- YFS Staff Led at Washington Healthy Youth Coalition, presenting on the correlation between youth use of vape and marijuana use
- Mercer Island Chamber of Commerce 2018 Business of the Year – Congratulations to Aljoja
- Town Center Mixed Use Project – 2nd Study Session, Wednesday, January 23 at 7 pm
- Community Outreach Meeting – Community Facilities Zone – Thursday, January 24 at 6 pm
- Beat the Winter Blues Senior Lunch – Thursday, January 17 at 12 pm
- Upcoming Events:
 - Youth Theatre Northwest presents Mary Poppins Jr., January 18 – February 3 at SJCC
 - Parent Edge hosts Diversity Expert Rosetta Lee, Wednesday, January 23 at 11:30 am and 7 pm
 - Sister City Art & Architecture Lecture – Tuesday, January 29 at 7 pm
- Volunteer Events:
 - Homestead Park – Saturday, January 19 from 10 am to 1 pm
 - Wildwood Park – Saturday, January 26 from 10 am to 2 pm
- City Facilities Closed – January 21 in honor of Martin Luther King, Jr. Day

APPEARANCES

Jonathon Harrington, 9514 SE 68th Street, representing Island Vision and Sustainable Mercer Island, thanked the City for adopting sustainability as a key objective and encouraged the City to continue its support of a sustainability plan.

Daniel Thompson, 7265 N. Mercer Way, expressed his support for the Tully project and MICA; however, he believes that the emergency rezone is flawed and that an appeal is likely. Going forward, he would like to see a process that better reflects a performing arts center for that site. He further noted that the RFQ, as written, misunderstood northern facade. He went on to explain that the Study Session presentation on the Aubrey Davis Park Master Plan was not similar to the focus groups held.

Meg Lippert, 4052 94th Avenue SE, Mercer Island, expressed concern for the width of the proposed pathway in the Aubrey Davis Master Park Plan, explaining that it would impact safety and greenery. She also expressed concern with the closure of the Community Center on Sundays.

Brian Hildebrandt, 6880 W. Mercer Way, 1) disagreed with having to sign in to speak to Council and believes that citizens should be able to speak regardless when they arrive, 2) addressed the Park Plan and felt that

two seven-foot paths (one for pedestrians and one for cyclists) is the best option, and 3) excited to hear that the Council is moving forward with the Tully's project and disappointed to hear that there might be a legal challenge.

Gary Robinson, 6026 E. Mercer Way, read and delivered a statement to Council regarding "social capital" and encouraged Council to increase the Island's social capital and bring the Island together.

Jacki Dunbar, 7116 82nd Ave. SE, attended all four of the Aubrey Davis focus groups and asked that Council to review the comments made by citizens before making any decisions.

Ava Upson, 2448 60th Avenue SE, requested that Council consider changing existing leash laws and require that dogs not be allowed more than eight feet from its owner.

Peter Struck, 9130 SE 54th Street, referenced the MOU for the Proposed Commuter Parking & Town Center Mixed-Use Project, and recommended that Council destroy the existing MOU with MICA prior to proceeding with the new MOU. He expressed concern that the Council and City staff understand the cost of the MOU and funding expectations.

Paul Shoemaker, MICA team, expressed excitement for the opportunity to partner with the City and Mainstreet to move the project forward for Arts on the Island. He further noted that MICA will have a public process and is very committed to listening to anyone who wants to talk about the project.

Carol Friends, 3260 80th Avenue S., expressed a desire to thank City staff and Council for all of the work on the MOU.

CONSENT CALENDAR

Payables: \$733,184.48 (12/24/2018), \$233,185.95 (12/27/2018), & \$625,389.56 (01/03/2019)

Recommendation: Certify that the materials or services hereinbefore specified have been received and that all warrant numbers listed are approved for payment.

Payroll: \$865,264.19 (12/21/2018), \$22,292.29 (12/28/2018), & \$832,986.79 (1/04/2019)

Recommendation: Certify that the materials or services specified have been received and that all fund warrants are approved for payment.

AB 5524: Boards & Commissions Code Amendments (2nd Reading & Adoption)

Adopt Ordinance No. 19C-01 amending Title 3 MICC regarding membership criteria for the Design Commission, Planning Commission, Utility Board and Arts Council and creating a Parks & Recreation Commission and approve the revised Boards & Commissions application.

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

AB 5523: SE 22nd ST & SE 22nd PL Water System Improvements Project Bid Award

Award the SE 22nd Street & SE 22nd Place Water System Improvements project to Rino Construction in the amount of \$835,068.60, set the total project budget at \$1,248,809, and direct the City Manager to execute the construction contract.

It was moved by Wisenteiner; seconded by Wong to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

REGULAR BUSINESS

AB 5527: Memorandum of Understanding ("MOU") for the Proposed Commuter Parking & Town Center Mixed-Use Project

City Manager Julie Underwood summarized the Memorandum of Understanding for the Proposed Commuter Parking & Town Center Mixed-Use Project, which is intended to solve a lack of sufficient commuter parking

to access transit. She specifically addressed:

- The funding structure for the proposed project using Sound Transit Settlement Funds.
- How the City would fund its 51% share by leveraging the land as its share of the capital needed to construct parking.
- Overview of the RFQ Process resulting in two RFQ Finalists (Mainstreet Property Group and Shelter Holdings/Weinstein), and a joint proposal to merge both proposals.

She further outlined a phased negotiation process, explaining that Phase 1 would involve negotiating a MOU wherein both parties identify terms and/or deal breakers over a period of six to nine months. Phase 2 would involve preparing the Development Agreement and is anticipated to take two to three months.

Council responded and asked several questions about dedicated parking spaces. Underwood reiterated that there would be several opportunities for Council to review the MOU prior to proceeding. She further noted that Tom Brubaker, an attorney with development experience, would be assisting the City with the process.

It was moved by Bassett; seconded by Wong to:

Pass Resolution No. 1558, authorizing the City Manager to negotiate a Memorandum of Understanding (“MOU”) exclusively with MainStreet Property Group LLC for the Proposed Commuter Parking & Town Center Mixed-Use Project, which MOU will be subject to future Council review and approval.

Passed 6-1

FOR: 6 (Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

AGAINST: 1(Anderl)

AB 5526: Adoption of an Emergency Ordinance Establishing Interim Design and Concealment Standards for Deployment of Small Cell Facilities.

Community Development and Planning Services Director Evan Maxim introduced the emergency ordinance explaining that the FCC issued a new rule on September 27, 2018 which would significantly change the City’s authority to regulate new Small Cell facilities. He went on to explain that the emergency is based on a requirement to publish standards in advance and that the City has reason to believe small cell applications are imminent. Maxim further outlined the design standards summarized in the emergency ordinance and the procedural component.

Maxim noted that for the emergency ordinance to take effect immediately, it required unanimous City Council approval. If adopted, a public hearing would be scheduled for March 5, 2019. He also explained that the Planning Commission’s schedule is full and that Council should anticipate an extension in May 2019.

The overall intent of the emergency ordinance:

- Provides a short-term solution, that expires after 6 months unless extended with a plan to develop permanent standards,
- Establishes design standards intended to mitigate aesthetic impacts while also complying with FCC’s new rule, and
- Develops design standards based on standards in other nearby cities.

Looking forward, Maxim explained that the Federal situation is still evolving. He anticipates significant community engagement, a need to review and revise all wireless communication facility regulations, and anticipates that the Planning Commission will initiate their review in late fall 2019.

It was moved by Nice; seconded by Weiker to:

Declare that an emergency exists necessitating that Ordinance No. 19-02 take effect immediately upon passage by the City Council.

Passed 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

It was moved by Nice; seconded by Wisenteiner to:

Suspend the City Council Rules of Procedure 6.3, requiring a second reading of an ordinance.

Passed 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

It was moved by Nice; seconded by Wong to:

Adopt Ordinance No. 19-02, establishing interim design and concealment standards for small cell facilities deployment.

Passed 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

It was moved by Nice; seconded by Wisenteiner to:

Schedule a public hearing on Ordinance No. 19-02 for March 5, 2019 at 7:00 p.m.

Passed 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

AB 5528: 2019 Q1 Sustainability Update

Sustainability and Communications Manager Ross Freeman provided an update on the past nine months of work in the City's sustainability program, notable developments in the STAR community rating system, challenges in making consistent advances, and upcoming steps in the City's various greenhouse gas reduction initiatives.

He further explained that in the coming year, he expects to focus on updating data in the Scope 5 GHG tracking system (and continuing to seek the best early action GHG-reduction initiatives), advancing the community-assisted drafting of a Sustainability Action Plan, supporting K4C work to advance climate bills in Olympia, and assisting with the City's transition to a new 10-year waste/recycling/compost franchise with Recology King County.

OTHER BUSINESS

Councilmember Absences

Councilmember Bassett will be absent February 26.

Planning Schedule

City Manager Julie Underwood reviewed the proposed agenda for the February 2 Planning Session. She further reported that there would not be a February 2 Study Session, but instead a 2-hour Executive Session.

Mayor Bertlin requested, on behalf of Council, an additional hour for the executive session to review the City Manager's evaluation.

Council consensus was to change the February 19 meeting to February 26. Councilmember Bassett noted that he would not be available.

Board Appointments

Mayor Bertlin requested that Council submit their preferred appointments to Deborah Estrada, listing the first three choices (1,2,3), in an email, and send to Estrada by February 25 for consideration at the March 5 meeting.

Councilmember Reports

Councilmember Weiker reported on the Rotary Marathon scheduled for March 24, the AWC Action days on February 13–14, the King County Conservation District strategic planning process, and the King County Emergency Management Advisory Committee.

Council briefly discussed the costs of events that may be cut.

Councilmember Wong reported on the Mercer Island Chamber of Commerce lunch and King County Parks Levy Renewal.

Council directed the City Manager to get a copy of the City of Kirkland's letter regarding their support of an enhanced King County park levy.

Mayor Bertlin reported on the Puget Sound Regional Council Transportation Policy Board and encouraged Council to attend their next meeting in Bellevue.

ADJOURNMENT

The Regular Meeting adjourned at 10:34 pm.

Debbie Bertlin, Mayor

Attest:

Deborah A. Estrada, City Clerk