



CITY COUNCIL MINUTES REGULAR MEETING OCTOBER 2, 2018

CALL TO ORDER & ROLL CALL

Mayor Debbie Bertlin called the meeting to order at 5:00 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Debbie Bertlin, Deputy Mayor Salim Nice, and Councilmembers Bruce Bassett (5:05 pm), Wendy Weiker (5:15 pm), David Wisenteiner, and Benson Wong were present.

Position #4 is vacant.

AGENDA APPROVAL

Mayor Bertlin amended the agenda explain that King County Councilmember Claudia Balducci would not be available to present to the Council under Special Business.

It was moved by Wong; seconded by Wisenteiner to:

Approve the agenda as amended.

Passed 4-0

FOR: 4 (Bertlin, Nice, Wisenteiner, and Wong)

ABSENT: 2 (Bassett and Weiker)

VACANT: 1 (Position 4)

EXECUTIVE SESSION

Executive Session to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 60 minutes.

At 5:02 pm, Mayor Bertlin convened the Executive Session to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i) for approximately 60 minutes.

At 6:05 pm, Mayor Bertlin adjourned the Executive Session and recessed the meeting for five minutes.

STUDY SESSION

AB 5481: Transportation Concurrency Revised Ordinance

Mayor Bertlin started the Study Session at 6:11 pm.

Interim Development Services Director Evan Maxim provided a brief overview of concurrency, summarized the first reading and Council's direction at its October 3, 2017 meeting, and the Transportation Concurrency revised ordinance. He further explained that impact fees are assessed per vehicle trip and that concurrency mitigation is only required when an intersection fails to meet level of service (LOS) post development.

The revised ordinance does the following:

- Requires a concurrency certificate on all development generating a net new vehicle trip;
- Allows for denial of a concurrency review, and describes remedies available to an applicant; and
- Creates a basis for timely updates to the transportation model and associated LOS.

The Concurrency Ordinance relies on the Transportation LOS and will take effect on December 3, 2018.

Michael Lapham, consultant with KPG, responded to Council questions regarding planned improvement projects and the Six-Year Transportation Improvement Plan.

The Council discussed proposed amendments to the ordinance as suggested by Councilmember Wong.

The Study Session concluded and Mayor Bertlin recessed the meeting until 7:00 pm.

SPECIAL BUSINESS

AB 5484: Domestic Violence Action Month Proclamation

YFS Senior Programs Manager and Clinical Supervisor Derek Franklin introduced Ward Union, Social Change Manager with Lifewire to join him and Mayor Bertlin and receive the proclamation.

Mayor Bertlin proclaimed October 2018 as Domestic Violence Action Month and called upon residents of Mercer Island to speak out against domestic violence and support efforts to prevent and end domestic abuse and the indifference that sustains it.

CITY MANAGER REPORT

City Manager Julie Underwood reported on the following items:

- **Aubrey Davis Park Master Plan** process going on now through the fall of 2019
- **Coffee with a Cop**, Wednesday, October 3, 4 pm to 6 pm
- **Mercer Island's Proposition 1 Pro & Con Committee Forums:**
 - Monthly Chamber Luncheon, Thursday, October 4, 12 pm to 1:30 pm
 - Mercer Island Beach Club, Tuesday, October 9, 7 pm to 8 pm
- Final **Farmers Market** of the Season, Sunday, October 7, 10 am to 3 pm, Mercerdale Park
- **MICA's Community Visioning Report Session**, Monday, October 8, 7 pm to 8:30 pm, Mercer Island Boys & Girls Club
- Final **Solarize 2.0 Meeting**, Tuesday, October 9, 6 pm to 7:30 pm, Mercer Island Congregational Church
- Proposed "**Community Facilities**" **Listening Session**, Thursday, October 11, 6 pm, Mercer Island Community Center
- **Birding Trip**, Hawks Fall Color, Back Roads, Thursday, October 11, 6:30 am to 6:00 pm, depart from Community Center
- **Arbor Day & Tree Planting Celebration**, Saturday, October 20, 9 am to 2 pm, Luther Burbank Park
- **ARCH** (A Regional Coalition of Housing) Seeking Volunteers, visit www.archhousing.org for more information
- **Commuter Parking & Town Center Project Open House**, Monday, October 22, 6 pm to 9 pm, Community Center Mercer Room
- YFS: Celebrating 30 Years, Sharing 30 Stories, February 13, 2019, **MIYFS Foundation Annual Breakfast**
- Congratulations **Roanoke Inn**, 2018 King County Executive's John D. Spellman Excellence in Historic Preservation Award

APPEARANCES

Judy Ross, Bellevue, spoke to the Council regarding the changes she has seen to Mercer Island over the past 50 years.

The following people spoke in opposition to Comprehensive Plan Amendment 8 (Private Community Facilities):

- Julie Garwood, Mercer Island
- Ryan Rahlfs, Mercer Island
- John Hall, Mercer Island

Rene Stratton, Mercer Island, spoke in support of Comprehensive Plan Amendment 6 (Arts and Culture).

The following people spoke in favor of Comprehensive Plan Amendment 8 (Private Community Facilities):

- Joel Mezistrano, Mercer Island
- Carin Jacobson, Mercer Island
- Eric Thuau, Mercer Island
- Tristan Vingtdoux, Mercer Island, French/American School Alum
- Ben Orillon, Mercer Island, French/American School Alum
- Liz Friedman, Stroum Jewish Community Center Board Chair
- Laura Mousseau, Bellevue, French/American School Administrator
- Amy Lavin, Mercer Island, Stroum Jewish Community Center CEO

Cheryl D'Ambrosio, Mercer Island, apologized for not being available to meet with Mayor Bertlin and City Manager Underwood. She expressed concern regarding traffic safety by her home.

Daniel Thompson, Mercer Island, provided his opinions on the Comprehensive Plan amendments.

Mark Coen, Mercer Island, spoke in opposition to Comprehensive Plan Amendments 1 (Land Use Designations), 6 (Arts and Culture), 8 (Private Community Facilities), 10 (Universal Design, Disability Access, and Age-Friendly Planning), 11 (Green Building Introduction), 13 (Town Center Height & Public Amenities), 14 (PUD / Pilot Program), and 15 (Commuter Parking in Town Center) as they are inconsistent with the law, injurious to his property, and prejudicial towards him.

Ira Appleman, Mercer Island, spoke in opposition Comprehensive Plan Amendments 6 (Arts and Culture) and 8 (Private Community Facilities).

CONSENT AGENDA

Payables: \$1,019,581.67 (09/13/2018) & \$1,213,880.17 (09/20/2018)

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

Payroll: \$801,612.14 (09/28/18)

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

Minutes: July 17, 2018 Regular Meeting

Recommendation: Adopt the July 17, 2018 Regular Meeting Minutes as written.

It was moved by Wisenteiner; seconded by Wong to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 6-0

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

VACANT: 1 (Position 4)

REGULAR BUSINESS

AB 5482: Code Amendment Regarding Transportation Concurrency (2nd Reading)

It was moved by Wong; seconded by Nice to:

Adopt Ordinance No. 18C-12 establishing a new Chapter 19.20 and amending Chapters 19.15 and 19.16 of the Mercer Island City Code to provide for a Transportation Concurrency Management System as required by the Growth Management Act.

It was moved by Wong; seconded by Wisenteiner to:

Amend the previous motion to:

Amend the following sections of the ordinance as follows:

1. **MICC 19.20.050(A):** change “subsection D” to “subsection C”
2. **MICC 19.20.050(B):** add to (B)(1): “A project shall be deemed abandoned by the City, if an applicant does not proceed under subsection 2 or 3 below.”
3. **MICC 19.20.050(C)(1)(a):** change “may” to “shall”
4. **MICC 19.20.050(C)(2):** change “may” to “shall”
5. **MICC 19.20.050(C)(2): (a):** add “schedule that is satisfactory to the code official.” at the end and (b): add “performance that is satisfactory to the code official.” at the end.
6. **MICC 19.20.070(B):** add “to” between “impact” and “other”
7. **MICC 19.20.080(B):** change “shall” to “should” and delete “, provided funding for the update is available”

Motion to Amend Passed 6-0

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

VACANT: 1 (Position 4)

Main Motion Passed 6-0

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

VACANT: 1 (Position 4)

AB 5483: 2018 Comprehensive Plan Amendments and Accompanying Zoning Code Amendments (1st Reading)

Interim DSG Director Evan Maxim presented the Planning Commission’s recommendation on fifteen amendments to the Comprehensive Plan. Michael Lapham from KPG reviewed the proposed amendments to the Transportation Element. Planning Commissioner Chair Daniel Hubbel assisted in answering questions from the Council.

The Council discussed the proposed Amendments in the following order:

- Amendment 3: Transportation Element Update
- Amendment 8: Community Facilities (SJCC / FASPS / Herzl-Ner Tamid)
- Amendment 6: Arts & Culture
- Amendment 15: Tully’s / Parcel 12 Re-Designation and Zoning
- Amendment 7: Critical Areas Update
- Amendment 10: Universal Design
- Amendment 12: STAR Analysis Framework
- Amendment 14: Pilot Program / PUD
- Amendment 1: Land Use Map Clarification
- Amendment 2: CIP Cross Reference
- Amendment 4: Private Conservation / PBRs
- Amendment 5: NPDES Policy Support
- Amendment 9: Disaster Planning
- Amendment 11: Green Building

In addition to minor edits to the Amendments, the Council directed staff to make the following major edits:

- **Amendment 3: Transportation Element Update**
The Council discussed the rumble strips recommendation. Staff noted that the Planning Commission’s discussion was focused on the traffic pattern changes, number of vehicles traveling on the roadway, and felt it warranted more discussion. Mayor Bertlin noted that this discussion and any changes should be part of the Transportation Improvement Program review and an updated Bicycle and Facilities Plan. Council directed staff to remove references to rumble strips.
- **Amendment 8: Community Facilities (SJCC / FASPS / Herzl-Ner Tamid)**
Following staff’s presentation on the proposed Community Facilities zoning designation the Council asked questions about who could ask for this designation and expressed desire to have a collaborative process. Council directed staff to delete “private” from the proposed zoning designation.
- **Amendment 6: Arts and Culture**
The Council discussed incorporating public arts in to capital projects versus using the 1% for the Arts Fund and directed staff to propose language for second reading.

Director Maxim noted that on October 11, 2018 the City would be hosting a community meeting regarding Amendment 8 – Community Facilities and that all are welcome to attend. He stated that the second reading of the amendments would be on October 16, 2018. He anticipates Department of Commerce approval on November 11, 2018, allowing for Council's third reading and adoption of the amendments on November 20, 2018.

It was moved by Bassett; seconded by Weiker to:

Set Ordinance Nos.18-13 and 18C-14 for second reading on October 16, 2018.

Passed 6-0

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

VACANT: 1 (Position 4)

AB 5487: City Council Vacancy Process and Timeline for Position #4

Mayor Bertlin reviewed the proposed process and timeline for appointment to vacant Position #4 on the Mercer Island City Council as follows:

The City will advertise the vacancy and replacement process in the Mercer Island Reporter, on the City's website, the City's social media accounts, and to the Council's agenda email list. The proposed timeline for filling the Council vacancy is as follows:

- Monday, October 8, 2018: Advertising begins and applications available
 - Wednesday, November 21, 2018: Applications due to City Clerk by 5:00 pm
 - Thursday, December 6, 2018 (Special Meeting, 6:00 pm): Candidate speeches/interviews; Council deliberation in Executive Session to follow
 - Tuesday, December 11, 2018 (Special Meeting, 6:00 pm): City Council vote prior to Joint Meeting with MISD)
 - Tuesday, December 18, 2018: Swearing in of new Councilmember (Regular Meeting)*
- *The selected candidate will be expected to stay and participate in this meeting.

It was moved by Bassett; seconded by Nice to:

Approve the proposed process and timeline for appointment to vacant Position #4 on the Mercer Island City Council as outlined in AB 5487 and direct staff to begin advertising.

Passed 6-0

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

VACANT: 1 (Position 4)

OTHER BUSINESS

Councilmember Absences

Councilmember Bassett and Councilmember Wisenteiner will be absent October 16.

Planning Schedule

There were no changes.

Board Appointments

There were no appointments.

Councilmember Reports

Councilmember Wong thanked Evan Maxim for his work and presentation on the Comprehensive Plan.

Councilmember Bassett spoke about the recent K4C meeting.

Councilmember Wisenteiner gave a shout out to MI Junior Football team who beat Bellevue, the first team to do that in 14 years.

ADJOURNMENT

The Regular Meeting adjourned at 11:39 pm.

Debbie Bertlin, Mayor

Attest:

Deborah A. Estrada, City Clerk