



# CITY COUNCIL MINUTES REGULAR MEETING NOVEMBER 21, 2017

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## CALL TO ORDER & ROLL CALL

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

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz (arrived at 5:02 pm), Salim Nice (arrived at 5:02 pm), Wendy Weiker, and Benson Wong were present. Councilmember David Wisenteiner was absent.

## AGENDA APPROVAL

It was moved by Wong; seconded by Weiker to:

**Approve the Agenda as presented.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

## EXECUTIVE SESSION

**Executive Session #1: Executive Session for planning or adopting the strategy or position to be taken by the City Council during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress pursuant to RCW 42.30.140(4)(b) for approximately 15 minutes.**

At 5:02pm, Mayor Bassett convened Executive Session #1 for planning or adopting the strategy or position to be taken by the City Council during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress pursuant to RCW 42.30.140(4)(b) for approximately 10 minutes.

At 5:12 pm, Mayor Bassett adjourned Executive Session #1.

**Executive Session #2: Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 45 minutes.**

At 5:13 pm, Mayor Bassett convened Executive Session #2 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 45 minutes.

At 5:52 pm, Mayor Bassett announced that Executive Session #2 would continue after the Regular Meeting. The Council recessed until 6:00 pm.

## STUDY SESSION

### AB 5357 Aubrey Davis Park Master Plan

Parks Superintendent Paul West reviewed the general framework of a proposed master plan process for Aubrey Davis Park and noted the unique challenges and ownership obligations this park presents. The process will need to be coordinated with representatives from WSDOT, who owns portions of the park.

The Council provided the following recommendations for the draft master plan:

- Provide more details on public engagement process
- Have consultant review and design to address bus/bicycle/pedestrian conflicts in the plaza
- Define maintenance needs and capital improvements, and clarify each stakeholder's financial commitment

## CITY MANAGER REPORT

Assistant City Manager Kirsten Taylor reported on the following:

- November 13 Windstorm
- New Code Enforcement Staff
- November 15 CAG Kick-Off Meeting
- Legislative Priorities Special Meeting - November 28 (6:00-7:30 pm)
- Transportation and Mobility Open House - November 29 (Council Chambers, 6:30 pm)
- Reception for Councilmember Grausz - December 5 (Council Chambers, 6:00-7:00 pm)

## APPEARANCES

Mayor Bassett noted that comments for the 2017-2018 Mid-Biennial Budget Review should be held until the public hearing and that no comments regarding the Pratt Preliminary Long Plat could be taken as the record is closed.

There were no appearances.

## CONSENT CALENDAR

Councilmember Grausz requested removing AB 5353: Confirmation of Municipal Court Judge Reappointment from the Consent Calendar. Mayor Bassett moved it to the first item of Regular Business.

### **Payables: \$413,011.15 (11/02/2017), \$226,782.78 (11/08/2017)**

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

### **Minutes: October 26, 2017 Special Meeting Minutes**

**Recommendation:** Adopt the October 26, 2017 Special Meeting Minutes as written.

It was moved by Wong; seconded by Bertlin to:

**Approve the Consent Calendar and the recommendations contained therein.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

## REGULAR BUSINESS

### **AB 5353 Confirmation of Municipal Court Judge Reappointment**

Councilmember Grausz thanked Judge Wayne Stewart for his service to the Mercer Island community. Judge Stewart thanked the Council for the opportunity to serve Mercer Island for 34 years.

It was moved by Grausz; seconded by Nice to:

**Adopt Resolution No. 1540 confirming the reappointment of Judge Wayne Stewart to continue as Mercer Island Municipal Court Judge for a four-year term beginning January 1, 2018 through December 31, 2021, and authorizing the City Manager to sign the Municipal Court Judge Employment Agreement in substantially the form attached as Exhibit A thereto.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

**AB 5363 Public Meeting to Consider the Hearing Examiner's Recommendation for the Pratt Preliminary Long Plat (SUB16-007)**

Mayor Bassett opened the public meeting, stating that pursuant to state law, specifically RCW 58.17.100, the purpose of the meeting was for the City Council to consider the Hearing Examiner's recommendation and either:

1. Adopt the recommendation with conditions granting approval of the preliminary long plat,
2. Remand it back to the Hearing Examiner for further review, or
3. Reject the recommendation and deny the preliminary long plat based on the record established at the open record public hearing held on October 19, 2017.

He stated that the record is closed, meaning no new information or evidence would be received or considered.

He reviewed the ground rules for the closed record meeting and the process as follows:

- Appearance of Fairness questioning, conducted by the City Attorney;
- Clarifying questions of City staff, if any;
- Discussion/deliberation by Council; and
- Final decision by Council to (1) Adopt, (2) Modify or (3) Reject the Hearing Examiner's recommendation.

City Attorney Kari Sand addressed the appearance of fairness doctrine for this project by asking if any Councilmembers have a personal or financial interest in the Platt project or if they have had any ex parte (off the record) contacts with the applicant or the citizens of record. All Councilmember responded that they did not have a personal or financial interest in the Platt project. Mayor Bruce Bassett, Councilmember Grausz, Councilmember Wong, and Councilmember Nice noted ex parte contacts, mostly asking clarifications of City staff, and all stated that the contact did not affect their ability to be fair and impartial. City Attorney Sand asked if there are any challenges to the contacts that Mayor Bassett, and Councilmembers Grausz, Wong, and Nice disclosed. There were no challenges.

Council asked questions about the following:

- Scrivener's error in the Hearing Examiner's recommendation: reference to Condition 3 should be to Condition 4.
- Scrivener's error in the Staff Recommend Conditions of Approval, Engineering, 8. Easements: change "extend" to "extent"
- Pedestrian gravel trail within the existing 5 foot pedestrian easement on The Lakes subdivision adjacent to the east side of the subject property

It was moved by Weiker; seconded by Wong to:

**Adopt the Hearing Examiner's recommendation and grant preliminary approval of the Pratt Long Plat (SUB16-007) as amended.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

It was moved by Bertlin; seconded by Grausz to:

**Amend the previous motion as follows:**

**Include the following amendments to the Hearing Examiner's recommendation:**

- **AB 5363, Exhibit 1, Page 5 (Hearing Examiner's recommendation):**  
***"The long subdivision application is recommended for preliminary approval subject to the conditions listed in Section V of the Staff Report, ~~with the exception of Condition 3, which duplicates Condition 8.~~"***
- **AB 5363, Exhibit 1, Page 27 (Staff Recommend Conditions of Approval, Engineering, 8. Easements):**  
***"III. All new public utility easements shall be exclusive and not shared with private utilities except to the ~~extend~~ extent approved by the City Engineer."***

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

It was moved by Grausz; seconded by Bertlin to:

**Amend the previous motion as follows:**

**Add the following sentence to AB 5363, Exhibit 1, Page 27, Staff Recommend Conditions of Approval,**

**Engineering, 7(g) Pedestrian Facilities:**

**“Enter into and record an agreement with the owner of property to the east of the plat providing for a minimum 5 foot pedestrian walkway, open to the public, extending from the existing pedestrian walkway next to the SE portion of the plat and extending to SE 72nd.”**

Passed 5-1

FOR: 5 (Nice, Bassett, Bertlin, Grausz, Wong)

AGAINST: 1 (Weiker)

ABSENT: 1 (Wisenteiner)

**AB 5361 Code Amendment to Update School Impact Fees (1st Reading)**

Assistant City Attorney Bio Park presented an ordinance regarding the codification of school impact fees in the Mercer Island City Code.

Councilmember Nice requested information from MISD about why the new impact fees are lower.

It was moved by Weiker; seconded by Bertlin to:

**Set Ordinance No. 17C-29 to December 5, 2017 for second reading and adoption.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

**AB 5362 Public Hearing: 2017-2018 Mid-Biennial Budget Review**

Finance Director Chip Corder reviewed RCW 35.34.130 which requires the City to conduct a mid-biennial review and public hearing of the City's adopted budget before the end of the first year.

The Mayor opened the public hearing at 9:00 pm.

Ira Appelman, 9039 E. Shorewood Drive, believes the City needs to average past unexpected revenues and add a line item to the budget.

The Mayor closed the public hearing at 9:01 pm

Director Corder reviewed the following:

- Third Quarter 2017 Financial Status Report, including:
  - General Fund revenues
  - General sales tax
  - Utility tax
  - Development activity
  - General Fund expenditures
  - Real estate excise tax
  - 2017-2018 Budget amending ordinance
- 2018 NORCOM budget resolution
- 2018 utility rate resolutions for water, sewer, storm water, and EMS.
- 2018 property tax ordinances

Utility Board Vice-Chair Tim O'Connell spoke about the proposed utility rate increases. He noted the recommendations are supported by the majority of the Utility Board. The Utility Board gave consideration to the aging infrastructure of both the water and sewer systems, and aimed to conservatively raise rates to spread the impending replacement costs over time.

Public Works Director Jason Kintner advised the City has experienced several major utility emergency disasters over the year and staffing levels are a limiting factor for how aggressive water and sewer replacement projects can be taken on.

Finance Director Corder reviewed the proposed 2018 Property Tax Levy rate increase which is capped by state law at the implicit price deflator or 1%, whichever is less. He noted the Seattle area CPI-W for the first half of 2017 was 3.2% which is how labor contract COLAs are formulated. This imbalance will further deepen projected deficits

if the 1% levy rate increase is not passed.

It was moved by Wong; seconded by Bertlin to:

**Pass Resolution No. 1539, which approves NORCOM's 2018 budget allocation to the City of Mercer Island.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

It was moved by Wong; seconded by Bertlin to:

**Pass Resolution No. 1535, which establishes classifications of water users and a schedule of charges for water usage, a schedule of rates for fire service, a schedule of special service charges, meter and service installation charges, and connection charges effective January 1, 2018 and thereafter.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

It was moved by Wong; seconded by Bertlin to:

**Pass Resolution No. 1536, which establishes rates and connection charges for sewerage disposal services provided by the City of Mercer Island effective January 1, 2018 and thereafter.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

It was moved by Wong; seconded by Bertlin to:

**Pass Resolution No. 1537, which establishes the bi-monthly service charge for storm and surface water services provided by the City of Mercer Island effective January 1, 2018 and thereafter.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

It was moved by Wong; seconded by Bertlin to:

**Pass Resolution No. 1538, which establishes the bi-monthly utility fee for the emergency medical and ambulance services supplied by the City of Mercer Island effective January 1, 2018 and thereafter.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

It was moved by Wong; seconded by Bertlin to:

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

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

It was moved by Wong; seconded by Bertlin to:

**Adopt Ordinance No. 17-26, amending the 2017-2018 Budget.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

It was moved by Wong; seconded by Bertlin to:

**Adopt Ordinance No. 17-27, which establishes the amount of property taxes to be levied for the year 2018.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

It was moved by Wong; seconded by Bertlin to:

**Adopt Ordinance No. 17-28, which identifies the dollar amount and percentage increases of the regular property tax levy and the levy lid lifts for the year 2018.**

Passed 6-0  
FOR: 6 (Nice, Bassett, Bertlin, Grausz, Weiker, Wong)  
ABSENT: 1 (Wisenteiner)

## **OTHER BUSINESS**

### **Councilmember Absences**

Councilmember Wisenteiner's absence was excused.  
Councilmember Nice will be absent on November 28.

### **Planning Schedule**

Assistant City Manager Kirsten Taylor spoke about the Special Meeting on November 28 from 6:00-7:30 pm to discuss Legislative Priorities. She reviewed the agenda for the December 5 Regular Meeting and noted that the January 2018 Council meetings will be on January 9 and January 22 (2nd and 4th Tuesdays).

### **Board Appointments**

There were no appointments.

### **Councilmember Reports**

Deputy Mayor Bertlin spoke about the Eastside Transportation Partnership meeting.  
Councilmember Weiker spoke about the King County Conservation District meeting and tree canopy assessment.  
Mayor Bassett spoke about the King County Regional Transportation Committee meeting and the process for the City Manager's annual performance review. He also read a statement about not seeking the Mayor position in 2018-2019, but instead serving the last two years of his third term as a Councilmember.

## **EXECUTIVE SESSION**

At 10:06 pm, Mayor Bassett reconvened Executive Session #2 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes.

At 10:36 pm, Mayor Bassett extended the Executive Session for 20 minutes.

At 10:56 pm, Mayor Bassett adjourned Executive Session #2.

## **ADJOURNMENT**

The Regular Meeting adjourned at 10:56 pm.

Attest:

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Bruce Bassett, Mayor

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Allison Spietz, City Clerk