



CITY COUNCIL MINUTES REGULAR MEETING SEPTEMBER 19, 2017

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, Salim Nice, Wendy Weiker (arrived 5:29 pm), and Benson Wong (arrived 5:05 pm) were present. Councilmember David Wisenteiner was absent.

AGENDA APPROVAL

It was moved by Grausz; seconded by Bertlin to:

Amend the agenda to include a second Executive Session after the first Executive Session to discuss, with legal counsel, pending or potential litigation pursuant to RCW 42.30.110 (1)(i) for 15 minutes.

Passed 4-0

FOR: 4 (Bassett, Bertlin, Grausz, Nice)

ABSENT: 3 (Weiker, Wisenteiner, Wong)

EXECUTIVE SESSION

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for one hour

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

At 6:02 pm, Mayor Bassett adjourned Executive Session #1

Executive Session #2 to discuss, with legal counsel, pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 15 minutes.

At 6:03 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 15 minutes.

At 6:18 pm, Mayor Bassett adjourned Executive Session #2 and the Regular Meeting reconvened.

STUDY SESSION

AB 5344 Right of Way (ROW) Services Report

Public Works Director Jason Kintner, Right of Way Services Manager Brian Hartvigson and Arborist Hannah Van Pelt provided a general overview of right of way (ROW) services in over 84 miles of roadway and over 300 acres of undeveloped ROW, which are maintained by the ROW Team. Director Kintner noted that the ROW team is responsible for: pavement markings, street sign maintenance, pothole repairs, roadway shoulder work, street sweeping, street light maintenance, sidewalk maintenance, vegetation work, planter bed beautification, and special event & emergency services support.

He spoke about the ROW team staffing history, the ROW tree assessment program, and where the team is headed using new technology, revamping business process, identifying future reinvestment opportunities, and

enhancing the Town Center tree program. Public Works staff will return to Council with recommendations on service levels and input on ROW tree program during the 2019-2020 Budget development in 2018.

At 6:49 pm, the Council took a break. The Regular Meeting reconvened at 7pm.

CITY MANAGER REPORT

City Manager Julie Underwood reported on the following:

- Community Center Drainage & Asphalt Repair Project
- The deadline to submit an application for the Financial Challenges Community Advisory Group (CAG) is October 27.
- The City's first Telephone Town Hall to learn more about the City's Financial Challenges will be held on Wednesday, October 11, 2017 – 7:00-8:00 pm
- The City issued the MICA – SEPA Determination - The Planning Commission will hold a public hearing on Wednesday, October 18, 6:00 pm at City Hall
- A new art exhibit, from the Seattle Chapter of the Colored Pencil Society of America, runs through October 27, 2017 at the Community and Event Center's Mercer Gallery.
- Sand at Island Crest Park is being recycled throughout City Parks and School District fields.
- The City will launch NextRequest in October to help the public access and request public records. The goal is to implement a system that is efficient and streamlined – ultimately saving taxpayer money and requesters' time.
- Thanked the City's CERT Volunteers and expressed that thoughts are with emergency responders who are helping those throughout our country and abroad. You can help, by making a donation to the Red Cross at redcross.org. Give cash and not supplies.

Deputy Mayor Bertlin spoke about Bob Bersos, who had a long history with the City as a Volunteer Firefighter. He served eight years as an Emergency Volunteer. He also served as a Bus Driver for 13 years for the School District. She noted that Bob's service is Friday, Sept. 22, at 4:00 pm at Emmanuel Episcopal Church.

APPEARANCES

Tom Gallagher, 4243 Shoreclub Drive, builder, spoke for his clients who he does not think have been represented in the code amendments process. He stated that the following three items are a disservice to citizens: (1) eliminate concurrent review, (2) not allowing people to buy multiple lots and build large houses, (3) review idea of bigger incentive for daylight basement.

Trevor Reed, 8210 SE 65th Street, spoke in opposition to the Residential Development Standards code update. He stated that If the Council fails to allow development, then it will undermine the provision of amenities in the Town Center that citizens have come to appreciate.

Kathryn Jerkovich, BCRA Plan Designer, 414 Stewart Street, Seattle, spoke about results from analysis of proposed FAR and tree code code rewrite conducted on behalf of JayMarc Homes. BCRA found that individually each proposed change didn't have a large impact, but cumulatively they resulted in an average reduction in buildable area of 24%.

Allen Hovsepian, 4344 90th Ave SE, spoke in opposition to the Residential Development Standards code update. He asked the Council to consider the financial impact this change will have on home values on the Island.

Randy Koehler, 3056 70th Ave SE, RKK Construction, spoke in opposition to the Residential Development Standards code update. He feels that the proposed changes are too restrictive. He expressed concern with buyers choosing to purchase homes somewhere else to avoid Mercer Island's building restrictions.

Jackie Dunbar, 7116 82nd Ave SE, spoke against the portion of the Residential Development Standards code update changing the rules for long platting. She asked the Council to allow for more citizen involvement in the code rewrite process.

Carolyn Boatsman, 3210 74th Ave SE, thanked the Council for their work on the Residential Development Standards and tree code update. She spoke in support of approval of the proposed changes.

Lynn Hagerman, 3058 61st Ave SE, spoke in support of approving the proposed changes.

Manny Cawaling, Executive Director for Youth Theatre Northwest, announced that the 30th Anniversary for YTN begins in November. He advised that enrollment in the groups programs is up. To be able to allow more kids to participate the group needs a larger facility here on the Island. He asked that the Council and the community continue to support MICA so that groups like Youth Theater Northwest can remain on Mercer Island.

Ira Appelman, 9039 E. Shorewood Drive, spoke in support of the changes in the Residential Development Standards code in general. He disagreed with regulating trees on flat lots and still allowing people to purchase multiple lots and combining them to build larger homes. He asked the Council to do more to educate the community on how the code changes will affect development.

Dennis Dahl, 2530 70th Ave SE, spoke in opposition to the Residential Development Standards code update. He advised that the comments listed on the City website in support of more restrictive development codes are from only 1% of Mercer Island's population. He asked the Council to consider the impact this update will have on all of Mercer Island's residents.

CONSENT CALENDAR

Payables: \$392,835.76 (08/03/2017), \$531,223.43 (09/07/2017)

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

Payroll: \$811,962.76 (09/01/2017)

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

Minutes: September 5, 2017 Regular Meeting Minutes

Recommendation: Adopt the September 5, 2017 Regular Meeting Minutes as written.

AB 5342 Port of Seattle Grant Acceptance for Wayfinding Sign Program

Recommendation: Accept the grant from the Port of Seattle, authorize the City Manager to enter into an agreement with the Port of Seattle, and appropriate \$35,490 from the Beautification Fund for the project.

It was moved by Bertlin; seconded by Wong to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

REGULAR BUSINESS

AB 5345 Residential Development Standards Code Amendments (7th Reading and Adoption)

Planning Manager Evan Maxim presented Ordinance No. 17C-15 for adoption by the City Council.

It was moved by Wong; seconded by Grausz to:

Adopt Ordinance No. 17C-15, amending Mercer Island City Code Titles 8, 17, and 19 on Residential Development Standards as amended, which shall take effect five days after the date of publication, provided the effective date for Attachment A shall be on November 1, 2017.

It was moved by Weiker; seconded by Bassett to:

Amend the previous motion to:

Remove sections 3 and 4 of Ordinance No. 17C-15.

Motion to Amend Failed 2-4
FOR: 2 (Bassett, Weiker)
AGAINST: 4 (Bertlin, Grausz, Nice, Wong)
ABSENT: 1 (Wisenteiner)

It was moved by Grausz; seconded by Wong to:

Amend the previous motion to:

- **Amend Section 3 of Ordinance No. 17C-15 to read as follows: "Pursuant to the Revised Code of Washington (RCW) 36.70B.140, the City Council hereby excludes building and other construction permits associated with single family development from consolidated permit review. This section shall apply to all building and other construction permits associated with single family development received on or after the effective date of this ordinance."**
- **Amend Section 4 of Ordinance No. 17C-15 to read as follows: "An existing lot shall be a condition precedent for determination of complete application for a building and other construction permit associated with single family home development. This section shall apply to all building and other construction permits associated with single family development received on or after the effective date of this ordinance."**

Motion to Amend Passed 4-2
FOR: 4 (Bertlin, Grausz, Nice, Wong)
AGAINST: 2 (Bassett, Weiker)
ABSENT: 1 (Wisenteiner)

It was moved by Nice; seconded by Grausz to:

Amend the previous motion to:

Amend Attachment A to Ordinance No. 17C-15 to read as follows:

Amend the sentence starting with the word "permit" on lines 10-13 of page 50 to read: "Permit applications shall be accompanied by documentation of the imminent threat to life or property, ideally in the form of a report by a qualified arborist, but at least in the form of photographs that clearly depict the threat."

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

It was moved by Nice; seconded by Grausz to:

Amend the previous motion to:

Amend Attachment A to Ordinance No. 17C-15 to read as follows:

Amend the sentence starting with the word "permit" on lines 10-11 of page 50 to read: "Permit approval to remove one or more trees that pose an imminent threat to life or property, such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events, in which event the permit must be applied for within fourteen (14) days of the removal"

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

It was moved by Grausz; seconded by Nice to:

Amend the previous motion to:

Amend Attachment A to Ordinance No. 17C-15 to read as follows:

Amend the sentence starting with the word "permit" in footnote 1 of page 75 to read: "Tree removal associated with a development proposal and authorized through the issuance of a tree removal permit, shall not commence until the later of the end of the appeal period associated with the tree removal permit, or a decision is issued on an administrative appeal of the tree removal permit."

Motion to Amend Passed 5-1
FOR: 5 (Bassett, Bertlin, Grausz, Nice, Wong)
AGAINST: 1 (Weiker)
ABSENT: 1 (Wisenteiner)

The Council discussed “very large homes” in the R-15 zone and remanded the issue back to the Planning Commission for further review and recommendation.

It was moved by Grausz; seconded by Wong to:

Amend the previous motion to:

Amend Attachment A to Ordinance No. 17C-15 to read as follows:

Further amend Section 3 of Ordinance No. 17C-15 to read as follows: “Pursuant to the Revised Code of Washington (RCW) 36.70B.140, the City Council hereby excludes building and other construction permits associated with single family development of a preliminary short subdivision or preliminary long subdivision from consolidated permit review. This section shall apply to all building and other construction permits associated with single family development of a preliminary short subdivision or preliminary long subdivision received on or after the effective date of this ordinance.”

Motion to Amend Passed 6-0

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

ABSENT: 1 (Wisenteiner)

It was moved by Weiker; seconded by Wong to:

Amend the previous motion to:

Amend Attachment A to Ordinance No. 17C-15 to read as follows:

Amend page 25, line 38, to change 40 percent to 50 percent for the length of the structure's external walls for all new construction and remodels (MICC 19.01.050(D) regarding non-conforming structures will also need to be amended).

Motion to Amend Failed 1-5

FOR: 1 (Weiker)

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

ABSENT: 1 (Wisenteiner)

Main Motion as Amended Passed 5-1

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

AGAINST: 1 (Weiker)

ABSENT: 1 (Wisenteiner)

The Council decided to move the discussion of the Planning Commission Accompanying Recommendations to their 2018 Planning Session in January for incorporation into DSG and the Planning Commission's work plans.

It was moved by Grausz; seconded by Bertlin to:

Authorize expansion of the arborist and code compliance officer positions to full-time equivalent positions.

Passed 5-1

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

AGAINST: 1 (Weiker)

ABSENT: 1 (Wisenteiner)

It was moved by Wong; seconded by Weiker to:

Direct staff to monitor the implementation of the Residential Development Standards and report back to the City Council in 3 to 5 years on the effectiveness of the proposed amendments. Further direct staff to provide the public with information and resources on the adopted regulations and to engage in continuous improvement of the adopted regulations, using the “user group” process.

Passed 5-1

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

AGAINST: 1 (Grausz)

ABSENT: 1 (Wisenteiner)

AB 5339 2016 General Fund & REET Year-End Surplus Disposition

Finance Director Chip Corder presented the 2016 year-end surplus balances which were driven by a high level of development activity on the Island. He noted that this surplus provides the Council with an opportunity to address one-time operating, capital, and reserve funding needs outside of the biennial budget process. He explained that

the major funding are:

- Projected \$2.0 million deficit in General Fund and Youth & Family Services Fund combined.
- Contingency Fund 2017 needs \$199,115 to meet target balance goal of 10% of General Fund budgeted expenditures.
- Open Space/Vegetation Management Program needs \$160,000 in 2018 to address a dramatic increase in the cost of contracted restoration work.
- Soil remediation at Maintenance Center/Honeywell property is estimated to cost between \$392,000 and \$788,000.
- Maintenance Center renovation/expansion is estimated to cost \$5.92 million.

It was moved by Weiker; seconded by Wong to:

Direct staff to transfer all of the available General Fund surplus from the 2015 and 2016 fiscal years, which amounts to \$1,035,704, to the Contingency Fund, leaving the one-time funding there until the outcome of placing an operating levy lid lift on the November 6, 2018 ballot is known.

It was moved by Bertlin; seconded by Weiker to:

Amend the previous motion as follows:

Direct staff to transfer all of the available General Fund surplus from the 2015 and 2016 fiscal years, which amounts to \$1,035,704, to the Contingency Fund.

Motion to Amend Passed 4-2

FOR: 4 (Bassett, Bertlin, Weiker, Wong)

AGAINST: 2 (Grausz, Nice)

ABSENT: 1 (Wisenteiner)

Amended Main Motion Passed 4-2.

FOR: 4 (Bassett, Bertlin, Weiker, Wong)

AGAINST: 2 (Grausz, Nice)

ABSENT: 1 (Wisenteiner)

It was moved by Wong; seconded by Grausz to:

Direct staff to transfer \$160,000 from the 2017 REET surplus toward the City's open space vegetation management program.

Passed 4-2

FOR: 4 (Bertlin, Grausz, Nice, Wong)

AGAINST: 2 (Bassett, Weiker)

ABSENT: 1 (Wisenteiner)

OTHER BUSINESS

Councilmember Absences

Councilmember Wisenteiner's absence was excused.

Mayor Bassett will be absent October 17 and October 26.

Planning Schedule

City Manager Underwood spoke about:

- Possible Study Session on October 3 regarding the Last & First Mile Study Session
- Upcoming code amendments on October 3
- The Aubrey Davis Park Master Plan Study Session on October 17
- The Joint Meeting with the MISD Board on October 26
- Executive Sessions on October 3 starting at 5pm.

Board Appointments

There were no appointments.

Councilmember Reports

Councilmember Grausz attended the JRC meeting discussing the Community Development Block Grant Program.

Nothing of significance to report.

Deputy Mayor Bertlin attended the Eastside Transportation Partner meeting. She advised that they are currently

building their legislative agenda for 2018, and it is her hope to introduce to the group the idea of the I-90 bike/pedestrian corridor. She also noted that Former Mayor Alan Merkle was recently named as the recipient of the Chevalier de l'Ordre National du Merite by the government of France. This award confers the rank of Knight, and is one of the highest awards given to non-French natives.

Councilmember Nice, along with Deputy Mayor Bertlin and City Manager Underwood, attended an ARCH workshop. He noted that the group shared some recent accomplishments, and some unique ideas in how contributing cities can participate in the program through a fee in lieu role.

Councilmember Weiker attended an Eastside Legislative Forum, noting one of topics discussed was the impact the McCleary school funding decision will have on Eastside communities. She asked City Manager Underwood to collaborate with Superintendent Colosky to determine what these changes will look like for Mercer Island residents. She noted two upcoming candidate forums: Thursday, September 21, 2017, 12pm at the Community Center hosted by Mercer Island Chamber of Commerce and Tuesday, October 10, 2017, 7pm at West Mercer Elementary hosted by the Mercer Island League of Women Voters.

Councilmember Wong attended the Lincoln Landing Community Meeting put on by the Parks and Recreation Department. He attended the SCA Public Issues Committee meeting, noting the main topic of discussion was the opioid crisis in King County and how it ties to the rise in property crime. He plans to attend an impacts of self-driving cars training talk by Forterra on September 20, 2017.

Mayor Bassett, along with several other councilmembers attended "Meeting of the Greens". He commended Sustainability & Communications Manager Ross Freeman for his work in putting the event together.

EXECUTIVE SESSION

Executive Session to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) for one hour

This Executive Session was moved to October 3.

ADJOURNMENT

The Regular Meeting adjourned at 10:57 pm.

Attest:

Bruce Bassett, Mayor

Allison Spietz, City Clerk