



CITY COUNCIL MINUTES REGULAR MEETING JUNE 5, 2017

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 5:01 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, Wendy Weiker (arrived at 7:05 pm), David Wisenteiner (arrived 6:22 pm), and Benson Wong were present. Councilmember Jeff Sanderson was absent.

AGENDA APPROVAL

Mayor Bassett noted that staff requested removing AB 5310: NPDES Stormwater Code Update (2nd Reading & Adoption) from the consent calendar.

It was moved by Wong; seconded by Grausz to:

Approve the agenda as amended.

Passed 4-0

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

ABSENT: 3 (Sanderson, Weiker, Wisenteiner)

EXECUTIVE SESSION

Executive Session #1 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes.

At 5:04 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 30 minutes.

At 5:22 pm, Mayor Bassett adjourned Executive Session #1 and convened Executive Session #2 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 38 minutes.

At 6:00 pm, Mayor Bassett adjourned Executive Session #2 and the Regular Meeting reconvened.

STUDY SESSION

AB 5307 CenturyLink Cable Franchise Agreement

City Attorney Kari Sand presented a franchise agreement allowing CenturyLink to provide its new cable service – “Prism TV” – to Mercer Island residents. The franchise agreement allows CenturyLink to locate its facilities (either on utility poles or underground) in City rights-of-ways and, as part of the agreement, CenturyLink will pay a 5% franchise fee and other consideration for use of City right-of-way. She noted that staff has negotiated a proposed franchise agreement with CenturyLink with terms that comply with federal law and meet the needs and interests of the community.

City Attorney Sand introduced Torry Somers, Associate General Counsel for CenturyLink who explained the “Prism TV” product.

SPECIAL BUSINESS

The Mercer Island City Council presented the 2016 Citizen of the Year Award to Terry Moreman.

Mayor Bassett spoke about the contributions Terry has made in community during her 38 years of residence on Mercer Island. Serving on numerous boards and committees, Terry has served as an advocate for many valuable causes. He noted Terry's service as the Executive Director of the Mercer Island Chamber of Commerce for over 25 years. Bringing the community great events like Town Center trick-or-treating and Art UnCorked. In addition to building a strong and respected business core in Mercer Island, she has played a significant role in the success of organizations like the Historical Society, Sister City Association, Farmers Market, Boys and Girls Club, PTA, Mercer Island Preschool Association, Community Fund, and Mercer Island Schools Foundation.

Terry thanked the Council for the award and their kind words.

CITY MANAGER REPORT

City Manager Underwood provided a report on the following items:

- ALERT King County, the City's emergency notification system
- Thank you to Public Works and Fire for Truck Day at the JCC
- Congratulation to Youth and Family Services for being recognized by the Island-wide PTA for the Communities That Care program
- Council candidate orientation on June 15
- Farmers Market is open!

APPEARANCES

Bahrat Shyam, 8405 SE 34th Pl, thanked staff and Council for their efforts in I-90 negotiations. He thinks the Council is in a good place with a few months to work out the details of an agreement with Sound Transit. He requested the Council to consider use tolling if Congress wouldn't act to grandfather SOV access to the HOV ramp. He asked the Council to keep their focus on last mile efforts such as Island only transit, stand-alone transit, or ride services to encourage Island residents to utilize the light rail once it is complete.

Sam Shyam, 8405 SE 34th Pl, spoke about proposed installation of more stoplights in the north end. He asked Council to consider roundabouts instead to improve traffic safety and reduce traffic speeds.

Meg Lippert, 5042, read statements from Mark Hall (6018 East Mercer Way) asking the Council to consider the ramifications and cost regarding restriping 77th Ave SE and Jeff Bender (2438 74th Ave SE) expressing concern about potential dangers presented by replacing bike lanes with sharrows on 77th Ave SE.

Elizabeth Buckley, 15 Brook Bay, spoke about tentative agreement with Sound Transit regarding I-90 loss of mobility. She is satisfied with the Park & Ride and removal of a bus turnaround portions of the proposed agreement. She expressed concern that the agreement doesn't compare financially to what other communities have received as mitigation for the East Link Project.

Jackie Dunbar, 7116 82nd Ave SE, spoke about the restriping 77th Ave SE proposal and questioned why the City is considering a large restriping project when the community is trying to assess the impacts of the East Link Project. She believes this is an effort to provide parking for MICA and asked the Council and City staff to be transparent for the community.

Scott Kuznicki, 7650 SE 27th St, thanked the Council for their investment of time in negotiating with Sound Transit. He asked the Council to consider using the mitigation funds dedicated to parking improvements related to the Park and Ride to build parking above the light rail station itself.

David Youssefnia, 8214 SE 30th St, spoke briefly about Residential Code Updates and expressed support for happy, healthy, and family friendly activities. He asked the Council to support the Planning Commission's recommendation of making a gross floor area exception for pervious sports courts.

John Tiscornia, 5646 E Mercer Way, thanked the Council for work in negotiating agreement. He appreciates plans for MI parking permits. He asked the Council to ensure the parking permit program is strongly enforced. He is concerned that bike paths on Mercer Way are filled with parked cars.

Steve Orr, 7376 SE 71st St, incoming President of MI Baseball Booster Club, supports MI High School baseball team, also spoke on behalf of Becky Shaddle (President of MI Football Booster Club). He spoke about Island Crest Park field improvements and requested the Council fund turf for the new outfield and lights at the same time. He advised that MI Baseball Booster Club is willing to make a \$10,000 donation to South Field turf improvements and that the MI Football Booster Club has committed to making a \$10,000 donation as well. He noted that the MI Baseball Booster Club has also donated the funds necessary to purchase a new scoreboard for the North Field.

Jodi McCarthy, 7665 80th Pl SE, representing Nowland Premier Soccer Academy, spoke in support of option 3A (new lights, shock pad and cork fill for outfield) on the Island Crest Park Field Improvement Agenda Bill.

Dan Syrdal, 6650 East Mercer Way, spoke about the settlement agreement with Sound Transit. He is concerned that it does not solve SOV/HOV access because that decision needs to be made by the Federal Highway Administration. He requested that Council consider making a takings claim against the Federal Highway Administration demanding compensation for loss of access under the fifth amendment.

David Hoffman, representing the Master Builders Association, spoke about Residential Code Updates. He complimented the Planning Commission for their work on such a massive project. He advised that the Master Builders Association is supportive of most of the Planning Commission's draft recommendations. And he appreciated the clarity that is provided in the tree language of the draft recommendations.

Jim Eames, 2930 76th Ave SE, spoke about restriping on 77th Ave SE and asked Council to consider diagonal parking, which has shown to improve sales for local businesses.

Ira Appelman, 9039 E. Shorewood Drive, spoke in opposition to the settlement agreement with Sound Transit.

CONSENT CALENDAR

Payables: \$1,231,685.71 (05/11/2017), \$1,184,494.17 (05/25/2017), \$102,572.61 (06/01/2017)

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

Payroll: \$809,644.42 (05/26/2017)

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

Minutes: May 8, 2017 Special Meeting Minutes, May 16, 2017 Special Meeting Minutes, May 22, 2017 Special Meeting Minutes, May 23, 2017 Special Meeting Minutes, May 24, 2017 Special Meeting Minutes, and May 31, 2017 Special Meeting Minutes

Recommendation: Adopt the May 8, 2017 Special Meeting Minutes, May 16, 2017 Special Meeting Minutes, May 22, 2017 Special Meeting Minutes, May 23, 2017 Special Meeting Minutes, May 24, 2017 Special Meeting Minutes, and May 31, 2017 Special Meeting Minutes as written.

AB 5309 Arts Council 2016 Annual Report and 2017 Work Plan

Recommendation: Receive the Arts Council 2016 Annual Report and the 2017 Work Plan.

It was moved by Wisenteiner; seconded by Wong to:

Approve the Consent Calendar and the recommendations contained therein as amended.

Passed 6-0

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

ABSENT: 1 (Sanderson)

REGULAR BUSINESS

AB 5312 I-90 Loss of Mobility Status Report

City Manager Julie Underwood provided an update on I-90 Loss of Mobility. She spoke about the center roadway closure on June 3 and reported on the traffic impacts so far.

Ed Holmes, Police Chief provided a report on Monday's morning traffic due the I-90 center roadway closure.

AB 5308 CenturyLink Cable Franchise Agreement (1st Reading)

It was moved by Weiker; seconded by Bertlin to:

Set Ordinance No. 17-14 to June 19, 2017 for second reading and adoption as amended.

Passed 6-0

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

ABSENT: 1 (Sanderson)

It was moved by Grausz; seconded by Wisenteiner to:

Amend Ordinance No. 17-14 to include the Crown Castle tree and location provisions, making them only effective if similar language is included in a future Comcast agreement.

Passed 6-0

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

ABSENT: 1 (Sanderson)

AB 5311 Island Crest Park North Outfield Project

Parks & Recreation Director Bruce Fletcher and Parks Superintendent Paul West presented the Island Crest Park North Outfield project for the Council's consideration. They spoke about the projects options and alternatives and staff's recommendation of Option 3A (cork infill + shock pad + lighting for north field).

It was moved by Bertlin; seconded by Wisenteiner to:

Authorize the City Manager to proceed with Option 3A for the construction of new synthetic turf and the installation of lighting at Island Crest Park north field through the King County Directors Association purchasing cooperative, and set the project budget to \$2,596,350, with \$511,190 in additional funding coming from surplus General Fund and real estate excise tax revenues in 2015 and 2016, King County Parks, Trails & Open Space Levy monies, community donations, and other one-time funding sources and every effort will be made to replace the Mercerdale playground no later than 2020.

Passed 6-0

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

ABSENT: 1 (Sanderson)

AB 5313 Planning Commission's Recommendation for Residential Development Standards Code Amendments (1st Reading)

Planning Manager Evan Maxim presented a brief review of the Planning Commission's draft recommendations for Residential Code Updates. He noted that the Planning Commission has held 15 regular and special meetings, three Community Meetings, and one Public Hearing. He reviewed the following policies for the Council to consider during their deliberations of the recommendations:

Current Code

- 45% allowed Gross Floor Area
- 40% impervious surface with allowed deviation of 5%
- 15-foot side yard setbacks
- Reasonable best efforts for tree retention
- No limit on accessory buildings
- Generous construction hours & permit renewals

Planning Commission Recommendation

- 40% allowed Gross Floor Area; caps on maximum
- 60% landscaping required, no deviations
- Wider lots = wider setbacks
- 30% retention minimum + reasonable best efforts
- Limits on height and area
- 7PM end of construction, limited permit renewal, proactive scheduling

It was moved by Grausz; seconded by Weiker to:

Conduct Public Hearing for June 12 and Set Ordinance No. 17C-15 for a continuation of the first reading on June 19, 2017.

Passed 6-0

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

ABSENT: 1 (Sanderson)

OTHER BUSINESS

Councilmember Absences

Councilmember Sanderson's absence was excused.

Councilmember Grausz will be absent at the June 12 Special Meeting.

Planning Schedule

City Manager Julie Underwood advised that at the June 19 meeting, she is hoping to schedule a brief presentation by King County Access for All Program to explain to the community their arts proposal expected to be on the August primary ballot.

City Manager Underwood noted that she is also hoping to schedule a brief presentation by King County to explain to the community the renewal of the Veterans and Human Services levy that is expected on the November ballot.

Deputy Mayor Bertlin requested an update from staff on whether the Fire Chief will approve the sale of fireworks this summer on Mercer Island.

Board Appointments

It was moved by Bertlin; seconded by Wong to:

Confirm the appointment of the following individuals to the City Boards and Commissions:

ARTS COUNCIL

Position 7, Erin Vivion, Expiring 5/31/2021

Position 8, An Tootill, Expiring 5/31/2021

Position 11, Xi Tian, Expiring 5/31/2018

COMMUNITY SERVICES BOARD (ADULT)

Position 2, Shabai Li, Expiring 5/31/2018

Position 3, Meg Kerrigan, Expiring 5/31/2018

Position 9, Martina Kozar, Expiring 5/31/2020

Position 10, James Schwab, Expiring 5/31/2020

Position 11, Teri Jones, Expiring 5/31/

Position 12, Harry Dingwall, Expiring 5/31/2020

COMMUNITY SERVICES BOARD (YOUTH)

9th Grade, Renee White, Expiring 5/31/2019

9th Grade, Evan Dickstein, Expiring 5/31/2019

9th Grade, Liliana Szafir, Expiring 5/31/2019

11th Grade, Christopher Elliott, Expiring 5/31/2019

11th Grade, Alex White, Expiring 5/31/2019

10th Grade, Sarah Wang, Expiring 5/31/2019

DESIGN COMMISSION

Position 5, Suzanne Zahr, Expiring 5/31/2021

Position 6, Richard Erwin, Expiring 5/31/2021

OPEN SPACE CONSERVANCY TRUST

Position 5, Marie Bender, Expiring 5/31/2021

Position 7, Geraldine Poor, Expiring 5/31/2021

PLANNING COMMISSION

Position 5, Carolyn Boatsman, Expiring 5/31/2021

Position 7, Ted Weinberg, Expiring 5/31/2018

UTILITY BOARD

Position 3, Tim O'Connell, Expiring 5/31/2021

Position 4, Mary Grady, Expiring 5/31/2021

Position 5, Stephen Milton, Expiring 5/31/2021

Passed 6-0

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

ABSENT: 1 (Sanderson)

Councilmember Reports

Councilmember Weiker noted that a retirement party for MISD Superintendent Gary Plano scheduled for June 15 at 6 pm.

Mayor Bassett invited the Council to attend a high school civics class on the coming Wednesday. He thanked staff and Council for their work on I-90 negotiations.

ADJOURNMENT

The Regular Meeting was adjourned at 10:20 pm.

Attest:

Bruce Bassett, Mayor

Ellie Hooman, Deputy City Clerk