



## CITY COUNCIL MINUTES SPECIAL MEETING MAY 31, 2017

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### CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the Special Meeting to order at 5:10 pm at City Hall, 9611 SE 36<sup>th</sup> Street, Mercer Island, WA.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz, Jeff Sanderson (Left the meeting at 8:10 pm and rejoined by phone at 11:30 pm), and Benson Wong were present. Councilmembers Wendy Weiker (Joined in person at 5:20 pm) and David Wisenteiner (Joined in person at 5:25 pm, left the meeting at 8:10 pm) initially participated by phone.

### SPECIAL BUSINESS

#### **Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes.**

At 5:10 pm, Mayor Bassett convened the Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for one hour.

At 6:30 pm, Mayor Bassett extended the Executive Session for 30 minutes.

At 7:00 pm, Mayor Bassett extended the Executive Session for 30 minutes.

At 7:30 pm, Mayor Bassett extended the Executive Session for 90 minutes.

At 9:00 pm, Mayor Bassett extended the Executive Session for 60 minutes.

At 10:00 pm, Mayor Bassett extended the Executive Session for 60 minutes.

At 11:00 pm, Mayor Bassett extended the Executive Session for 30 minutes.

It was moved by Bertlin; seconded by Weiker to:

**Accept the mitigation package including assumptions set forth in the attached Exhibit A to redress the City's concerns about the loss of mobility for traffic to and from Mercer Island consistent with the 1976 Memorandum Agreement and 2004 Amendment thereto, and in full and final settlement of the pending legal disputes, including appeals, between the City of Mercer Island, Sound Transit and the Washington State Department of Transportation; provided, however, this acceptance is contingent on approval of the final agreement by the Mercer Island City Council and Sound Transit's Board and it is further contingent on Sound Transit staying all of its pending legal actions and not commencing any further proceedings or new litigation while approval is pending. City staff is further directed to strike the City's motion for a preliminary injunction and to stay its appeals to the Supreme Court before the commencement of the hearings scheduled for June 1, 2017 and take all steps necessary to fulfill the requirements of Exhibit A. The City will not commence any further proceedings or new litigation related to the East Link Light Rail project while approval is pending.**

Passed 5-1

FOR: 5 (Bassett, Bertlin, Grausz, Sanderson, Weiker)

AGAINST: 1 (Wong)

ABSENT: 1 (Wisenteiner)

It was moved by Bertlin; seconded by Grausz to:

**Authorize City staff to work collaboratively with Sound Transit staff to prepare a Memorandum Agreement to formally memorialize the terms set forth in Exhibit A.**

Passed 5-1  
FOR: 5 (Bassett, Bertlin, Grausz, Sanderson, Weiker)  
AGAINST: 1 (Wong)  
ABSENT: 1 (Wisenteiner)

At 11:30 pm, Mayor Bassett adjourned the Executive Session.

#### **ADJOURNMENT**

The Special Meeting adjourned at 11:35 pm.

Attest:

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Bruce Bassett, Mayor

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Ellie Hooman, Deputy City Clerk

DRAFT Mercer Island Offer Sheet - May 22, 2017

Offer expires 11:59 PM- 5/31/2017

| Item   | ST Offer- 5/22   |
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| <p><b>Short-term (construction) parking</b></p> <p>Title in 5/20/17 MI Offer doc: <i>Construction Period Parking</i></p> <p>Cost:<br/>\$ 240,000</p> <p>Sum of items:<br/>\$ 240,000</p> | <ul style="list-style-type: none"> <li>• Sound Transit will lease, consistent with the parameters of leased lots in Bellevue, Renton and Redmond (if feasible), stalls for transit user parking, with a goal of securing 100 stalls which are either within a 1/3-mile walkshed of the P&amp;R or will be served by transit/shuttle service. ST will continue pursuing spaces beyond June 3, with the goal of reaching 100 stalls by August 1, 2017.</li> <li>• Any unused money is transferable to the “Traffic congestion &amp; bike/ped impacts” allocation of \$5.1M</li> </ul>  |
| <p><b>Bus/rail Integration</b></p> <p>Title in 5/20/17 MI Offer doc: <i>Bus/Rail Integration</i></p> <p>Cost:<br/>\$N/A</p> <p>Sum of items:<br/>\$ 240,000</p>                          | <ul style="list-style-type: none"> <li>• The 77<sup>th</sup> Ave SE configuration will be accepted modified as follows: <ul style="list-style-type: none"> <li>• No pick-up/drop-off on 80<sup>th</sup> Ave. SE.</li> <li>• Bus volumes on North Mercer Way both during peak periods and on a daily basis would not exceed current volumes (excluding, for these purposes, both current and future MI-only buses)</li> <li>• Buses (other than MI-only buses) would not drive through the MI Town Center via SE 27<sup>th</sup> Street except in emergency or unexpected situations (<u>e.g.</u>, to get around a traffic accident).</li> </ul> </li> </ul> <p>In addition, the City expects the following additional operational provisions but is willing to consider modifications based on King County Metro operational concerns:</p> |

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|  | <ul style="list-style-type: none"> <li>• All pick-up/drop-off (other than local Mercer Island buses) would be on the south side of North Mercer Way between 77<sup>th</sup> Ave. SE and 80<sup>th</sup> Ave. SE.</li> <li>• Bus layovers limited to no more than 15 minutes and would only occur incident to the PM peak hour operation.</li> <li>• Except as to buses running entirely on electrical (battery) power, no idling of buses other than during actual pick-up or drop-off times.</li> </ul>   |
| <b>Traffic congestion &amp; bike/ped impacts</b><br><br>Cost:<br>\$5,100,000<br>Sum of items:<br>\$5,340,000   | <ul style="list-style-type: none"> <li>• ST will complete all traffic mitigation work identified in the FEIS and Addendum, consistent with those environmental documents.</li> <li>• Sound Transit will make reimbursable contributions to the City not to exceed \$5,100,000 for traffic safety enhancements as determined by the City which could include temporary and permanent improvements to intersections, signage, traffic calming, crosswalks, etc. Unencumbered funds, if any, may be applied to improving last mile transit access or Aubrey Davis Park improvements.</li> <li>• ST is willing to coordinate with the City to mutually study and address traffic safety enhancements and intersection improvements, subject to the overall maximum contribution of \$5,100,000 set forth above.</li> </ul> |
| <b>I-90 Emergency Response</b><br><br>Title in 5/20/17 MI Offer doc:<br><i>I-90 Emergency Response (included under "Ancillary Agreements" section)</i> | <ul style="list-style-type: none"> <li>• Include MI in ST's existing multi-city/multi-agency Fire Life Safety Committee which comprehensively addresses these concerns</li> <li>• Sound Transit will provide funding for police and fire training as previously agreed</li> </ul>  |

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| <p>Cost:<br/>\$ 23,100<br/>Sum of items:<br/>\$5,363,100</p>  |   |
| <p><b>Long-Term Parking</b></p> <p><i>This item is addressed in two different ways in the 5/20/17 MI Offer doc, based on the approach of either Option 1 (Access to Transit Funding) or Option 2 (Transit Oriented Development)</i></p> <p>Cost:<br/>\$4.41 million<br/>Sum of items:<br/>\$9,773,100</p> | <ul style="list-style-type: none"> <li>• Upon completion of the new, expanded South Bellevue Park and Ride, ST will terminate the short-term commuter lot leases referenced in “Short-term parking (construction) parking”.</li> <li>• ST will make a reimbursable contribution to one or more City-led TOD projects and/or structured parking projects. The contribution for transit user parking stalls will be 49% of the construction cost per stall of approximately \$45,000/stall (\$22,050.00), for each stall provided by the City up to a maximum of 200 stalls and a total not to exceed amount of \$4,410,000.</li> <li>• \$45K/stall goes up by inflation annually. To the extent this results in more than \$4.41 million being spent, the excess would be deducted from the “Traffic congestion &amp; bike/ped impacts” allocation. This means that the overall total of \$10,050,000 is not exceeded.</li> <li>• Any unused portion of the \$4.41M for long-term parking may be transferred to the “Traffic congestion &amp; bike/ped impacts” allocation.</li> </ul> |
| <p><b>Aubrey Davis Park</b></p> <p>Title in 5/20/17 MI Offer doc:<br/><i>Aubrey Davis Park (included under “Ancillary Agreements” section)</i></p> <p>Cost:</p>   | <ul style="list-style-type: none"> <li>• Sound Transit will contribute not to exceed \$50,000 to City’s Aubrey Davis Park Master Plan; any remaining funds from the \$50,000, if any, may be used for implementation of the Aubrey Davis Park Master Plan</li> <li>• Sound Transit will assign appropriate staff to assist in development of plan</li> <li>• In the proximity of 77<sup>th</sup> and 80<sup>th</sup> Ave, ST will ensure safe and equitable access to the LRT station which will include the re-routing of the I-</li> </ul>  |

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| <p>\$50,000</p> <p>Sum of items:</p> <p>\$9,823,100</p>  | <p>90 bicycle route in the same proximity to avoid conflicts with the MI Park and Ride on North Mercer Way, and such costs will not count against the above allowances.</p>   |
| <p><b>Additional Staffing through Construction</b></p> <p>Title in 5/20/17 MI Offer doc:</p> <p><i>Staffing Assistance (included under “Ancillary Agreements” section)</i></p> <p>Cost:</p> <p>N/A</p> <p>Sum of items:</p> <p>\$9,823,100</p> | <ul style="list-style-type: none"> <li>• Work closely with the City to develop and implement community information measures required by the FEIS and ROD</li> <li>• ST community outreach staff will spend 15 hours per week at City-provided work space to develop and implement community outreach and communication measures.</li> </ul> |
| <p><b>Last Mile Pilot Project with King County Metro</b></p> <p>Cost:</p> <p>\$226,900</p> <p><b>Sum of items:</b></p> <p><b>\$10,050,000</b></p>  | <ul style="list-style-type: none"> <li>• Sound Transit and the City will partner with King County Metro to launch a pilot project to improve last mile transit access for Mercer Island residents and that would potentially have regional applicability</li> </ul>   |

Assumptions:

This proposal is not binding and subject to Sound Transit Board and Mercer Island City Council approval.

The proposal will have to be turned into a formal agreement. ST and City staff can make minor language clarifications as may be necessary and agreed.

Sound Transit will require a high degree of certainty that the East Link Project elements in the City will continue to move forward within the approved scope, schedule and budget, including City Council

approval before Thursday (June 1, 2017) that all applicable permit conditions and mitigation requirements, including parking, necessary to issue the building permit and other permits for the project are fulfilled by the mitigation provided in this settlement.

Among the matters that should be addressed in the final agreement is a commitment by the City to promptly issue the building permit and any other permits necessary for the East Link Project without any additional requirements for parking or other mitigation that are not otherwise included in this settlement.

The City will agree to strike its motion for an injunction and stay its appeals to the Supreme Court before Thursday's hearings. The City will further stay all current proceedings and not commence any further proceedings or new litigation or new regulatory action impacting the East Link project while approval is pending.

Sound Transit will stay all current proceedings and not commence any further proceedings or new litigation while approval is pending.

If a final settlement agreement is approved by both parties, the current lawsuit and appeals will be dismissed with prejudice. If the settlement is not approved, the lawsuit will continue.

The City and Sound Transit will work together to ensure that there is a clear and collaborative path forward for timely issuance of permit decisions and construction of the Mercer Island Station, all East Link facilities in the City, and the bus/rail integration facility serving the Mercer Island Station.