



**\*REVISED\* CITY COUNCIL MINUTES  
REGULAR MEETING  
APRIL 17, 2017**

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**CALL TO ORDER & ROLL CALL**

Mayor Bruce Bassett called the meeting to order at 5:02 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Wendy Weiker, Jeff Sanderson, David Wisenteiner (arrived 5:10 pm), Dan Grausz and Benson Wong were present.

**AGENDA APPROVAL**

It was moved by Wong; seconded by Bertlin to:

**Approve the agenda as presented.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

**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 5:04 pm, Mayor Bassett convened an Executive Session 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 suspended the Executive Session to allow the study session to begin.

**STUDY SESSION**

**AB 5285 SE 40th Street Traffic Analysis - Island Crest Way to 88th Ave SE**

Assistant City Engineer Anne Tonella-Howe explained the purpose and objectives of the traffic study that was conducted on SE 40<sup>th</sup> Street from Island Crest Way to 88<sup>th</sup> Ave SE, and introduced Michael Lapham from KPG who presented the study findings. He summarized staff's recommendations to delay the construction of a dedicated right-turn lane at 86<sup>th</sup> Ave SE and to continue to monitor queue lengths and operations, as well as complete phase 2 work including curb, gutter, sidewalk, and asphalt overlay on SE 40<sup>th</sup> St as adopted in the 2017-2018 CIP.

Following discussion, the Council agreed with staff recommendations to combine the SE 40th Street projects (east and west leg), remove the right turn lane from the scope, and incorporate bicycle facilities. Present the project with updated scope and cost in the draft 6 Year TIP scheduled for May 15. Continue to monitor traffic operations to determine if the right turn lane is needed in the future.

**AB 5287 2017-2018 City Council Goals and Work Plan**

City Manager Julie Underwood reviewed the proposed 2017-2018 City Council Goals and Work Plan that was developed from the 2017 Planning Session.

Discussion took place regarding the wording of Goal 2. Ultimately, there was consensus from the Council to accept the proposed Goals as written.

## APPEARANCES

William Knedlik, I-90 Users Coalition, spoke about a written letter addressed to the Office of the Attorney General alleging Sound Transit's violations of the Open Public Meetings Act. The letter was presented to the Council.

Elizabeth Buckley, 15 Brookbay Rd, spoke about maintain mobility and transit options for I-90 petition which has 2,700 signatures from citizens of Mercer Island. Written petition provided for Council distribution.

Kurt Dammeier, 7828 SE 22<sup>nd</sup> Pl, spoke about the value of having useable baseball fields in the community.

Brooke Hamilton, 7010 82nd Ave SE, spoke about sports field improvements at Island Crest Park. Requested Council to focus on the North field and do quality renovation rather than trying to spread the funding over both the North and South fields.

Maurice Drayton, 4824 88th Ave SE, spoke about need for turf sports fields in the community. He noted that the sports fields are used for many different sports, including baseball and football and with the current state of the fields it inhibits the ability to hold practices and leaves youth at a disadvantage against their peers from other cities.

Melissa Near, 8412 85th Ave SE, supported City's effort to improve sports fields in the City. Requested Council consider organic infill and to include shock pads to help prevent injuries to players.

Tom Gallagher, 4243 Shoreclub Drive, thanked the Council for taking the time to come out to the fields to see first-hand the situation on the sports fields in Island Crest Park. Requested Council focus the renovation dollars on the North field and allow advertising on the baseball fields to help fund needed improvements.

Grant Janson, Janson Incorporated, advised his company is the apparent low bidder on Island Crest Park ballfield improvement project. Spoke about an email his company sent to the City with suggested changes that could be made to the project to help reduce cost of the project and help bring bids under the budget set forth for the project. Mayor Bassett requested staff forward this email or a summary of its content to the Council.

Becky Shaddle, 2734 West Mercer Way, spoke in support of option 4 for Island Crest Park North field.

Nate Luce, 3211 84th Ave SE, spoke in support of both option 4 and 5 for Island Crest Park ballfield improvements.

Scott Barber, 4742 90th Ave SE, spoke on behalf of Mercer Island FC about the shortage of turfed fields on Mercer Island. Asked Council to ensure that at a bare minimum improvements are made to the North Field.

Jack Smith, High School Senior, spoke about disappointment of not being able to play on a home field due to having no acceptable field available. Spoke in support of option 4.

Martha White, 4227 85th Ave SE, spoke about safety concerns with using synthetic materials on sports fields. Asked Council to choose to use organic infill and shock pad for sports field improvements.

## CONSENT CALENDAR

### **Payables: \$372,720.52 (04/06/17)**

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

### **Payroll: \$801,944.04 (03/31/17), \$836,659.11 (04/14/17)**

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

**Minutes: February 4, 2017 Planning Session Minutes, March 20, 2017 Regular Meeting Minutes, April 3, 2017 Regular Meeting Minutes, April 10, 2017 Special Meeting Minutes**

**Recommendation:** Adopt the February 4, 2017 Planning Session Minutes, March 20, 2017 Regular Meeting Minutes, April 3, 2017 Regular Meeting Minutes, and April 10, 2017 Special Meeting Minutes as written.

**AB 5268 Regional Animal Service of King County Interlocal Agreement**

**Recommendation:** Authorize the City Manager to sign the 2018 Regional Animal Services Interlocal Agreement with King County for the period of January 1, 2018 through December 31, 2022 in substantially the form attached hereto as Attachment 1.

It was moved by Wisenteiner; seconded by Bertlin to:

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

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

**EXECUTIVE SESSION (continued)**

At 6:58 pm, Mayor Bassett noted that the Regular Meeting could not continue until 7:30 pm as was posted on the agenda. Therefore, the Council resumed the Executive Session for 30 minutes.

At 7:27 pm, Mayor Bassett adjourned the Executive Session and the Regular Meeting reconvened.

**REGULAR BUSINESS**

It was moved by Bertlin; seconded by Wisenteiner to:

**Amend the agenda to have Island Crest Park Sportsfield Improvements Bid Award as the first item of Regular Business.**

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

**AB 5277 Island Crest Park Sportsfield Improvements Bid Award**

City Manager Julie Underwood advised that all of the bids received were over the proposed budget for the project and requested feedback on Council preferences regarding how staff should move forward with field improvements.

Parks and Recreation Director Bruce Fletcher provided a brief history of the City's efforts to improve sports fields in recent years. Parks Superintendent Paul West, presented a detailed summary of the bids received for the project. He asked the Council to consider whether the City should reject all of the bids received allowing discussion of alternative options. Discussion took place on the different options presented. Council's preference was option 4.

It was moved by Wisenteiner; seconded by Bertlin to:

**Reject all bids for the Island Crest Park Sportsfield Improvement project and direct the City Manager to enter into Purchasing Cooperative agreement with King County Directors' Association (KCDA) and focus on turf replacement on North field.**

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

**AB 5282 I-90 Loss of Mobility Status Report & Funding Options for Litigation & Other Costs**

City Manager Julie Underwood spoke about the three lawsuits underway regarding the East Link project. Go through agenda item and include detailed update on the suits.

Finance Director Chip Corder presented funding source options that could be used directly to fund litigation costs, or indirectly free up funds to could be redirected to fund litigation costs.

Discussion took place on what funding sources staff should move forward with. Council consensus was to have staff return with a proposal for a tax ordinance that would increase Utility taxes by 2% to fund the \$700,000 of litigation costs that exceed the initial \$400,000 appropriated by Council in the budget. They also directed staff to include a sunset clause of 24 months.

Deputy Mayor Bertlin requested staff return with an estimate of what the City's supplemental EIS is expected to cost.

It was moved by Wong; seconded by Bertlin to:

**Authorize the filing of a Notice of Appeal of the trial court's decision on April 7, 2017 related to the City's shoreline permit, specifically the issue of whether State law allows the City to address adverse impacts of Sound Transit's East Link project that occur outside the City's shoreline jurisdiction, and to seek direct review of this issue by the Washington State Supreme Court.**

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

It was moved by Weiker; seconded by Sanderson to:

**Extend the meeting beyond 10:00 pm.**

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

#### **AB 5288 Adopt Interim Zoning Ordinance to Amend the I-90 Right of Way Portion of the P-zone to Allow Light Rail Facilities as a Permitted Use**

City Attorney Kari Sand explained that the proposed ordinance relates to MICC Ordinance No. 17-05 establishing a moratorium on development in a portion of the Public Institution Zoning Classification, which was passed by the Council at the Special Meeting held on February 13, 2017. She noted that this Ordinance will require a super majority of the Council, meaning 5 yes votes to pass.

It was moved by Grausz; seconded by Wisenteiner to:

**Adopt final version of Ordinance No. 17C-10, adopting a six-month interim zoning ordinance to allow light rail facilities within the Mercer Island I-90 Right of Way portion of the Public Institution zoning classification.**

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

#### **AB 5286 Interlocal Agreement with Mercer Island School District for the Use, Maintenance, and Improvements of Certain School District Sports Fields**

Parks Director Bruce Fletcher advised that the current interlocal agreement between the City of Mercer Island and the Mercer Island School District has expired. He spoke about the cost sharing and time management benefits this interlocal agreement will offer both the City and the School District.

It was moved by Bertlin; seconded by Weiker to:

**Authorize the City Manager to sign and execute the Interlocal Agreement between the City of Mercer Island and the Mercer Island School District for the Use, Maintenance, and Improvement of Certain School District Sports Fields (as corrected).**

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

### **OTHER BUSINESS**

#### **Councilmember Absences**

There were no absences.

#### **Planning Schedule**

City Manager Julie Underwood noted that Joint Meeting with the School Board on Thursday, April 20 will begin at 5pm and that an Executive Session will be added after the Joint Meeting at 7pm. She also noted that there is a Special Meeting planned for May 8th from 6pm - 9pm regarding the Residential Development Standards Code Amendments.

Mayor Bassett requested to hold a 1 hour Executive Session at 5:30 pm on April 24, 2017. The Council concurred.

**Board Appointments**

There were no appointments.

**Councilmember Reports**

Councilmember Wong advised of an upcoming ARCH Trust Fund meeting scheduled for April 26.

Councilmember Weiker noted that a City Council election is approaching and requested staff continue with plans for a City Council Candidate orientation.

Councilmember Grausz advised about the Planning Commission's upcoming meeting and their review of the Residential Development Standards. He noted that the revised draft is currently available online. He also requested a memo from Public Works Director Kintner providing an update on what happened to the street trees during the Pagliacci development.

**ADJOURNMENT**

The Regular Meeting adjourned at 10:12 pm

Attest:

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Bruce Bassett, Mayor

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Ellie Hooman, Deputy City Clerk