



CITY COUNCIL MINUTES

REGULAR MEETING

APRIL 3, 2017

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 5:03 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, David Wisenteiner, Dan Grausz and Benson Wong (arrived 5:04 pm) were present. Councilmember Jeff Sanderson was absent.

AGENDA APPROVAL

It was moved by Bertlin; seconded by Wisenteiner to:

Approve the agenda as presented.

Passed 5-0

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

ABSENT: 2 (Sanderson, Wong)

EXECUTIVE SESSION

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 60 minutes.

The Mayor advised the two Executive Sessions noted on the agenda are under the same RCW and would be merged.

At 5:05 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 6:00pm, Mayor Bassett suspended the Executive Session to allow the study session to begin.

STUDY SESSION

AB 5272 NPDES Stormwater Code Update

City Engineer Patrick Yamashita provided an Overview of Low Impact Development Code Integration and Stormwater Manual Adoption. He then introduced Rebecca Dugopolski from Herrera Environmental Consultants to lead the presentation.

Rebecca Dugopolski provided background on the Department of Ecology's permit under the National Pollutant Discharge Elimination System (NPDEA), requiring municipalities to create and implement a Stormwater Management Program. She advised that Mercer Island's program includes the required elements, but the City's plan requires updates to comply with more recent best management practices that became effective in August 2013.

Following questions and discussion the Council requested to have a future discussion regarding the preservation of natural vegetation and trees to help prevent landslides on the island.

SPECIAL BUSINESS

Sexual Assault Awareness Month Proclamation

Mayor Bassett proclaimed April 2017 Sexual Assault Awareness Month and he encouraged all citizens to join advocates and communities across the country in taking action to prevent sexual violence and create change for the future. Al Smith from King County Sexual Assault Resource Center received the proclamation and spoke about KCSARC's activities regarding Sexual Assault Awareness Month.

APPEARANCES

John Rose, 3066 67th Ave SE, read from a written letter regarding a stormwater runoff concern with a neighboring property. A copy of the letter was provided to the Council.

Mike Cero, 8300 Avalon Drive, spoke about the I-90 outer roadway. Provided the Council with a written article from the Cincinnati Enquirer about the Brent Spence Bridge in Cincinnati and compared this failed bridge to the future of the I-90 bridge.

Richard Tait, 3312 81st Pl SE, spoke about safety concerns in the pedestrian crossing on Island Crest Way at SE 32nd.

Victor Bishop, Eastside Transportation Association Bellevue, requested Council support of Senate Bill 5096 and House Bill 1157 that would delay closing of I-90 center lanes for up to two years to give time to consider impacts of the East Link Project.

Elizabeth Buckley, 15 Brook Bay Drive, spoke about what R8A will look like on Mercer Island. Requests the Council to work with Representative Clibborn to help delay the project to give time for further consideration to public safety concerns.

Sarah Smith, 7109 84th Ave SE, spoke about concerns with post tensioning on I-90 bridge. Requested for the Council to join Representative Clibborn in getting safety concerns with I-90 addressed.

John Tiscornia, 5646 East Mercer Way, spoke about need to work at decreasing the length time with the planned closures related to the Sound Transit East Link Project.

CONSENT CALENDAR

Payables: \$141,827.46 (03/15/17), \$823,831.81 (03/21/17), \$165,414.26 (03/30/2017)

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

AB 5278 Fire Station 92 Close Out

Recommendation: Accept the completed Fire Station 92 Replacement project and authorize staff to close out the construction contract.

AB 5275 Island Crest Way Crosswalk Enhancement – SE 32nd St. Bid Project Award

Recommendation: Award the Island Crest Way Crosswalk Enhancement – SE 32nd project to NPM Construction Co. in the amount of \$228,891, set the project construction budget at \$341,574 and direct the City Manager to execute the construction contract.

AB 5279 2015 Residential Street Overlays Project Close Out

Recommendation: Accept the completed 2015 Residential Street Overlay project and authorize staff to close out the contract.

AB 5280 2015 SE 40th Street Overlay Project Close Out

Recommendation: Accept the completed 2015 SE 40th Street Overlay project and authorize staff to close out the contract.

AB 5281 Roadside Shoulder Improvements East Mercer Way Phase 9 Project Close Out

Recommendation: Accept the completed Roadside Shoulder Improvements East Mercer Way Phase 9 project and authorize staff to close out the contract.

AB 5283 Code Amendment Adopting Chapter 3.04 MICC Pertaining to Indemnification of City Employees and Officials (2nd Reading)

Recommendation: Adopt Ordinance No. 17C-08, establishing a new Chapter 3.04 MICC pertaining to indemnification of City employees, officials, and volunteers.

It was moved by Wisenteiner; seconded by Bertlin to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 6-0

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

ABSENT: 1 (Sanderson)

REGULAR BUSINESS

AB 5284 I-90 Loss of Mobility Status Report

City Manager Julie Underwood advised that on Friday, March 10, 2017, the City Attorney and outside counsel defended a countersuit from Sound Transit seeking to lift the City's suspension of the Shoreline Substantial Development Permit. Judge Beth Andrus issued an order on Monday, March 13, stating that both sides have the opportunity to submit additional evidence. Another hearing is set for Friday, April 7, at 10:00 am.

She advised that negotiations with Sound Transit have resumed. Sound Transit Board Member Claudia Balducci introduced Motion No. M2017-38, which would appoint up to three board members to meet with the City of Mercer Island elected officials. The Councilmembers selected to represent the City in these meetings are Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz and Jeff Sanderson.

She spoke about a proposed agreement with Washington Business Alliance for the "Last Mile" parking app that would aid commuters by providing an Airbnb-type solution for parking vehicles on private property. The proposal cost is approximately \$43,000 for the discovery phase and can be funded through the City's I-90 funds. The discovery phase is expected to take approximately four months.

After discussion, several Councilmembers advised they would be supportive of the app in the community, but they didn't feel that the City should fund this type of project without additional scoping and survey of community interest.

AB 5273 NPDES Stormwater Code Update (1st Reading)

City Engineer Patrick Yamashita guided the Council through a discussion about the proposed code updates to the City's stormwater code.

Councilmember Grausz expressed a desire to keep the old 500 sf net new standard as well as adding the new requirement of 2,000 sf new plus replaced impervious surface to ensure that we are not missing any projects that previously would have been subject to stormwater mitigation. He also requested that staff look at best management practices for preserving trees to help mitigate stormwater runoff. The Council concurred with these requests and asked staff to return at second reading with proposed language.

It was moved by Bertlin; seconded by Wong to:

Conduct first reading and provide staff direction to finalize Ordinance No. 17C-09 for second reading and adoption as amended on June 5, 2017.

Passed 6-0

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

ABSENT: 1 (Sanderson)

AB 5276 General Sewer Plan Update

Anne Tonella-Howe Assistant City Engineer introduced Lara Kammereck and Dan Reisinger from Carollo Engineers. Ms. Kammereck presented an overview of the work that has been accomplished to date, and a look ahead at the next steps for the Council to consider. She also provided a summary of recommendations for repair and replacement projects. She spoke about the next steps of confirming Capital Improvement Plan projects prioritization, returning to the Council with a presentation on the draft Capital program and 20-year capital plan and financial strategy to fund reinvestment in the sewer system, and then bringing the plan back to the Council for final approval once comments have been received and incorporated from SEPA review agencies.

OTHER BUSINESS

Councilmember Absences

Councilmember Sanderson's absence was excused.

Deputy Mayor Bertlin will be absent at the July 10th meeting and possibly the July 17th meeting.

Planning Schedule

DSG Director Scott Greenberg presented changes to the schedule for the Planning Commission and City Council's review of the Residential Development Standards, Appeals and Process Code Amendments, and the Moratoria Ordinances.

City Manager Underwood advised that staff recommends cancelling the July 3rd meeting due to the 4th of July holiday and hold a special meeting July 10th to replace it.

Board Appointments

There were no appointments.

Councilmember Reports

Deputy Mayor Bertlin attended the GMPC meeting last week.

Councilmember Wong spoke about a community meeting on immigration issues on March 29 facilitated by Chief Ed Holmes. He also attended the Leap for Green event on April 1.

Mayor Bassett advised that he, Chief Holmes, and City Manager Underwood attended an immigration presentation put on by King County. He also attended the Sound City Association networking dinner with Councilmember Weiker and City Manager Underwood.

EXECUTIVE SESSION (Continued)

At 9:30 pm, Mayor Bassett continued the Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for approximately 1 hour.

At 10:00 pm, Mayor Bassett adjourned the Executive Session.

ADJOURNMENT

The Regular Meeting adjourned at 10:00 pm.

Bruce Bassett, Mayor

Attest:

Ellie Hooman, Deputy City Clerk