



# CITY COUNCIL MINUTES REGULAR MEETING MARCH 6, 2017

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## CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 5:04 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, Jeff Sanderson, Wendy Weiker, and Benson Wong were present. Councilmember David Wisenteiner was absent.

## AGENDA APPROVAL

Mayor Bassett added a presentation by Chief Holmes to the agenda before the appearances section to discuss the recent bomb threat at the Strom Jewish Community Center. Mayor Bassett also advised the Consent Calendar would be moved before the appearances section to allow for ARCH staff to leave and attend another City's Council meeting as well.

It was moved by Wong; seconded by Bertlin to:

**Approve the agenda as amended.**

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 2 hours.**

At 05:06 pm, Mayor Bassett convened an Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.3110(1)(i) for 2 hours.

At 6:56 pm, Mayor Bassett adjourned the Executive Session and the Regular Meeting reconvened. The Council took a break until 7:00 pm.

## CONSENT CALENDAR

Councilmember Grausz requested removal of AB 5255: ARCH 2016 Trust Fund Recommendations. The Mayor noted that the Council would discuss AB 5255 before Appearances.

**Payables: \$1,276,101.72 (02/23/17) & \$286,410.56 (03/02/17)**

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

**Payroll: \$809,359.35 (03/03/17)**

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

**Minutes: February 13, 2017 Special Meeting Minutes, February 16, 2017 Special Meeting Minutes & February 27, 2017 Special Meeting Minutes**

**Recommendation:** Adopt the February 13, 2017 Special Meeting Minutes, February 16, 2017 Special Meeting Minutes, February 27, 2017 Special Meeting Minutes as written.

**AB 5240 Department of Social & Health Services Interlocal Agreement for Respite Care Services Reimbursement**

**Recommendation:** Authorize the City Manager to sign the interlocal agreement with the Washington State Department of Social & Health Services, Division of Development Disabilities, for respite care services reimbursement.

**AB 5254 ARCH 2017 Administrative Budget and Work Program**

**Recommendation:** Approve the ARCH 2017 Administrative Budget and Work Program and authorize expenditure of \$31,400 for Mercer Island's contribution to the 2017 ARCH Administrative Budget.

It was moved by Bertlin; seconded by Grausz to: **Approve the Consent Calendar and the recommendations contained therein.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

**AB 5255 ARCH 2016 Trust Fund Recommendations**

Councilmember Grausz asked Arthur Sullivan, ARCH Program Manager, about how the remaining \$64,000 of Mercer Island's contribution is forecasted to be utilized. Mr. Sullivan clarified that the \$25,948 allocation as part of this agenda bill was previously allocated by the Council in 2016. He explained that for the increased contribution the Council has allocated in 2017, ARCH is working on leveraging funds that are becoming available through King County, and determining a location for shelters on the Eastside. He noted that the shelter is expected to be in an Eastside city sometime in 2017 or 2018.

It was moved by Grausz; seconded by Bertlin to:

**Approve the use of up to \$25,948 from the City's share of the ARCH Housing Trust Fund to support two projects, Imagine Housing 30Bellevue (\$16,211) and Imagine Housing Esterra Park Block 6B (\$9,737), with conditions as recommended by the ARCH Executive Board, and authorize the City Manager or the Administering Agency of ARCH on behalf of the City of Mercer Island to execute any related agreements and documents.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

**Report from Police Chief**

Chief Holmes provided an update related to the bomb threat received at the Strom Jewish Community Center last week.

**SPECIAL BUSINESS**

**Presentation from King Council Councilmember Claudia Balducci**

King County Councilmember Claudia Balducci provided the Council with a brief update King County Council issues and initiatives. She advised that the significant projects impacting Mercer Island have been human services, youth and family homelessness prevention, and regional transit long range plans. The King County Council is currently working to reauthorize the Veteran's and human services levy this year. She also expressed that she is hopeful for Sound Transit and the City of Mercer Island to find a compromise that protects the interests of both Islanders and the region.

**APPEARANCES**

Meg Lippert, 4052 94th Ave SE, spoke in opposition of proposal to rename the Parks and Recreation Department.

Charon Gooding, 5412 96th Ave SE, read a prepared statement from Peter Struck opposing the proposal to rename the Parks and Recreation Department.

Jane Brahm, 7420 N Mercer Way, invited citizens, staff, and Councilmembers to attend upcoming Chamber of Commerce event recognizing Executive Director Terry Moreman's retirement. She also spoke in favor of changing the name of the I-90 Outdoor Sculpture Gallery.

Nancy Hewitt Spaeth, 8320 SE 34th St, spoke in support of renaming the Parks and Recreation Department to the Parks, Arts, and Recreation Department. She noted this would better represent the needs of both male and female children in the community.

Ira Appelman, 9039 E Shorewood Dr, spoke in opposition of Council's support for MICA. He also made allegations of misappropriations and backdoor dealings.

John Tiscornia, 5646 E Mercer Way, thanked the Council for voting to take legal action to preserve the safety and mobility of Mercer Island residents.

Tom Acker, 2427 84<sup>th</sup> Ave SE, praised Chief Holmes and Mercer Island PD for their response to the JCC bomb threat. He encouraged Council to keep separation between the Arts Council and the Parks and Recreation Department to ensure fiscal controls.

## **REGULAR BUSINESS**

### **AB 5264 Public Hearing for Moratorium Regarding Development of Construction Activity within the I-90 Right of Way Portion of the Public Institution Zone**

DSG Director Scott Greenberg provided background information on the moratorium regarding development of construction activity within the I-90 Right of Way portion of the Public Institution zone.

City Attorney Kari Sand advised of a letter received from Sound Transit's Senior Legal Counsel Stephen Sheehy in opposition of the moratorium.

Mayor Bassett opened the Public Hearing at 8:01 pm.

Ira Appelman, 9039 E Shorewood Dr, spoke about concerns with transit center planning.

Sarah Smith, 7109 84th Ave SE, spoke in support of the Council's decision to litigate I-90 mitigation.

Hillary Benson, 7344 Island Crest Way, spoke in support of the Council's decision to litigate I-90 mitigation.

Elizabeth Buckley, 15 Brook Bay Road, spoke in support of the Council's decision to litigate I-90 mitigation. She expressed support of the moratorium.

Tom Acker, 2427 84<sup>th</sup> Ave SE, praised the Council's decision to impose the moratorium. He expressed safety concerns with the R8A project.

Cara Perla, 5320 W Mercer Way, spoke in support of the Council's decision to litigate I-90 mitigation.

Cher Hisken, 8806 SE 78th St, requested her comments be considered for both public hearings. Expressed safety concerns for children and pedestrians due to increased traffic congestion from closing Island Crest Way's ramp.

Mayor Bassett closed public hearing at 8:16 pm.

Councilmember Wong asked about moving up Planning Commission and Council review of proposed "P-Zone" code amendments. Director Greenberg noted that Residential Development Standards schedule would need to be postponed to accommodate moving up the "P-Zone" code amendments.

## **AB 5265 Public Hearing for Moratorium Regarding Transportation Concurrency and Siting of Essential Public Facilities**

DSG Director Scott Greenberg provided background information on the moratorium related to transportation concurrency and siting of Essential Public Facilities.

City Attorney Kari Sand advised of a letter received from Sound Transit's Senior Legal Counsel Stephen Sheehy in opposition of the moratorium.

Mayor Bassett opened the Public Hearing at 8:25 pm.

Councilmember Grausz asked whether it is appropriate to have two public speaking opportunities, or if it should just be assumed that the citizens who spoke intended for their comments to be considered for both public hearings. City Attorney Kari Sand indicated that the City should not assume that people wanted their comments to be considered in both public hearings. Mayor Bassett noted that at the end of the Public Hearing he would ask if there were citizens who wanted their comments noted for both public hearings and they would be noted in the minutes.

Cher Hisken, 8806 SE 78<sup>th</sup> St, requested her comments be considered for both public hearings. Expressed safety concerns for children and pedestrians due to increased traffic congestion from closing Island Crest Way's ramp.

Sarah Smith, 7109 84th Ave SE, commented on schedule for code amendments. Asked for clarification on what the moratorium would mean to construction. Director Greenberg responded that the 60-day requirement for a public hearing was met tonight, and the only other deadline would be the expiration of the current moratorium in August.

Tom Acker, 2427 84th Ave SE, requested his testimony during the first public hearing be considered in both. He praised the Council's decision to impose the moratorium. He expressed safety concerns with the R8A project.

Ira Appelman, 9039 E Shorewood Dr, spoke in support of developing an amendment to the City code related to transportation concurrency. Requested Council to consider MICA development in their deliberations regarding transportation concurrency.

John Tiscornia, 5646 E Mercer Way, asked the Council to have staff prioritize the code amendments related to the moratoria over the other work such as residential development zoning currently being reviewed by the Planning Commission.

Elizabeth Buckley, 15 Brook Bay Road, requested for her comments during the first public hearing be considered in the second as well. She spoke in support of the Council's decision to litigate I-90 mitigation. She expressed support of the moratorium.

Hillary Benson, 7344 Island Crest Way, spoke in support of the Council's decision to litigate I-90 mitigation.

Sarah Smith, 7109 84th Ave SE, commented on schedule for code amendments. Asked for clarification on what the moratorium would mean to construction. Director Greenberg responded that the 60-day requirement for a public hearing was met tonight, and the only other deadline would be the expiration of the current moratorium in August.

Mayor Bassett requested a show of hands for those wishing for their comments to be include in both hearings. Tom Acker, Hillary Benson, Sarah Smith, Elizabeth Buckley responded.

Mayor Bassett closed the Public Hearing at 8:47 pm.

## **AB 5267 I-90 Loss of Mobility Status Report**

She advised that on February 17 the Sound Transit Board approved a motion to authorize litigation against the City and that they sent the City Council a letter in response to the City's recent actions. The City Council followed with another letter explaining how, from the City's perspective, the negotiations stalled and included the March 2016 Terms Sheet.

She noted that on February 16 the City suspended Sound Transit's Shoreline Substantial Development Permit for East Link Light Rail and on February 22 notified Sound Transit that the City is unable to continue review of the building permit for the Mercer Island Station for light rail.

She spoke about Representative Clibborn's bill (HB 2129) to "grandfather" the current westbound I-90 general purpose lanes from the Island Crest Way on-ramp for single occupant vehicles and meetings with various citizens to update and strategize. She stated that staff are preparing and responding to legal challenges and that the Planning Commission is preparing to propose code amendments on public institution zone, transportation concurrency, and siting of essential public facilities.

#### **AB 5241 Outdoor I-90 Sculpture Gallery Name Change**

Kai Fulginiti Special Events & Arts Coordinator introduced Public Arts Chair Erin Vivion. Erin provided background and history on the outdoor art gallery. She noted the Art Council's recommendation to change the name of the I-90 Outdoor Sculpture Gallery to the Greta Hackett Outdoor Sculpture Gallery would honor a citizen who dedicated her life to arts in Mercer Island.

Greta Hackett's daughter Joan spoke about her mother's dedication to the community and stated that Greta's family would be honored to have the outdoor sculpture gallery named in her honor.

It was moved by Sanderson; seconded by Wong to: **Approve the I-90 Outdoor Sculpture Gallery name change to the Greta Hackett Outdoor Sculpture Gallery.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

#### **AB 5263 Consider Parks & Recreation Department Name Change**

Parks and Recreation Director Bruce Fletcher provided background information about the Council's desire to possibly change the name of the Parks and Recreation Department. He spoke about potential names, staff's desire to keep the current name, and department titles in other cities, and provided information about the impacts and costs of a name change.

It was moved by Bertlin; seconded by Grausz to:

**Provide direction to the Parks and Rec Director to change the name from Parks and Recreation to Parks, Arts, and Recreation Department.**

It was moved by Grausz; seconded by Bertlin to:

**Table (postpone) AB 5263 to the next Council meeting.**

Passed 4-2

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

AGAINST: 2 (Sanderson, Weiker)

ABSENT: 1 (Wisenteiner)

#### **AB 5262 Code Amendment Adopting MICC Chapter 2.50 Pertaining to Accepting Donations (2nd Reading)**

City Attorney Kari Sand distributed a revised version of Ordinance No. 17C-07 and spoke about the proposed changes regarding accepting donations.

It was moved by Grausz; seconded by Wong to:

**Adopt Ordinance No. 17C-07, establishing a new Chapter 2.50.20 MICC pertaining to donations as amended.**

Passed 6-0

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

ABSENT: 1 (Wisenteiner)

## **OTHER BUSINESS**

### **Councilmember Absences**

Councilmember Wisenteiner absence was excused.

### **Planning Schedule**

City Manager Julie Underwood advised of a special meeting on March 9 for an Executive Session. She noted that a Study Session will be added on March 20 regarding amendments to the City Council Rules of Procedure. Deputy Mayor Bertlin asked if the moratorium extension needs to be added. City Clerk Spietz noted that they have been tentatively added to the August 7 meeting.

### **Board Appointments**

There were no appointments.

### **Councilmember Reports**

Councilmember Sanderson advised that due to scheduling conflicts, he and Councilmember Wisenteiner have switched liaison assignments. Councilmember Wisenteiner is now the Open Space Conservancy Trust Liaison and Councilmember Sanderson is now the PTA Advisory Liaison. He also noted that April 25 is the Mercer Island School's Foundation breakfast.

Councilmember Weiker advised that YFS Director Cindy Goodman is hosting a community meeting on effective parenting on March 15.

Councilmember Wong congratulated the Mercer Island Girls' Basketball Team for winning the state championship. He also advised that the King County regional water committee received an update on the expected cost of damage repair to the West Point treatment plant.

## **ADJOURNMENT**

The Regular Meeting adjourned at 10:09 pm.

Attest:

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Bruce Bassett, Mayor

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Allison Spietz, City Clerk