



CITY COUNCIL MINUTES REGULAR MEETING FEBRUARY 21, 2017

CALL TO ORDER & ROLL CALL

Deputy Mayor Debbie Bertlin called the meeting to order at 5:00 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz, Jeff Sanderson, Wendy Weiker, and Benson Wong were present. Mayor Bruce Bassett and Councilmember David Wisenteiner were absent.

AGENDA APPROVAL

It was moved by Benson; seconded by Weiker to:

Approve the agenda as presented.

Passed 5-0

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

ABSENT: 2 (Bassett, 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 5:01 pm, Deputy Mayor Bertlin convened Executive Session #1 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for approximately 30 minutes.

At 5:32 pm, Deputy Mayor Bertlin adjourned Executive Session #1.

Executive Session #2 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes

At 5:33 pm, Deputy Mayor Bertlin convened Executive Session #2 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for approximately 30 minutes.

At 6:02 pm, Deputy Mayor Bertlin extended the Executive Session for an additional 10 minutes.

At 6:12 pm, Deputy Mayor Bertlin adjourned Executive Session #2, and the Regular Meeting reconvened after a 3-minute break.

STUDY SESSION

AB 5259 Update on Residential Development Standards Project

Planning Manager Evan Maxim provided an update on the progress of the Planning Commission's review of Residential Development Standards. He noted that the three most prominent findings being considered are a proposed reduction of gross floor area from 45% to 40%, impervious surface lot coverage, and tree standards.

Planning Commission Vice-Chair Richard Weinman and Commissioners Tiffin Goodman, Daniel Hubble and Jenni Mechem spoke to the Council about the Planning Commission's process and on the approach they are taking in their debate.

The Council asked questions regarding:

- If the phases are working to help the Commission meet the goals they have set forward.
- If enough resources and assets been devoted to the project to help the Commission be successful in their mission.
- If the public and stakeholders have been given enough opportunities to be informed and comment on the decisions being considered.
- What the Commission and/or Council will do if the changes do not protect the neighborhood, environment, and enhance the community enough.

APPEARANCES

Carolyn Boatsman, 3210 74th Ave SE, spoke in opposition of the Planning Commission's recommendation to remove impervious surface limitations on residential properties.

Daniel Thompson, 7265 N. Mercer Way, expressed disappointment in the plan for the residential development code recommendations. He requested the Council to have Scott Greenberg's Administrative Interpretations reviewed by outside council.

Ira Appelman, 9039 E Shorewood Drive, spoke about I-90 litigation and he spoke in opposition of MICA's use of 32nd St Right of Way and siting in Mercedale Park.

Peter Struck, 9130 SE 54th Street, spoke about advertising and naming rights proposal at the Island Crest Park Ballfields. He asked the Council to put a limit of one year approval on any decision they make, so the idea can be beta tested.

CONSENT CALENDAR

Payables: \$2,634,591.47 (01/19/17) \$489,979.60 (01/26/17), \$523,404.12 (02/09/17)

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

Payroll: \$745,512.73 (01/06/17) & \$862,881.10 (01/20/17) & \$796,322.34 (02/03/17) & \$804,451.82 (02/17/17)

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

Minutes: December 5, 2016 Regular Meeting Minutes, January 3, 2017 Regular Meeting Minutes, January 10, 2017 Special Meeting Minutes, January 12, 2017 Special Meeting Minutes, January 17, 2017 Regular Meeting Minutes, January 20, 2017 Special Meeting Minutes, February 3, 2017 Special Meeting Minutes, February 6, 2017 Regular Meeting Minutes

Recommendation: Adopt the December 5, 2016 Regular Meeting Minutes, January 3, 2017 Regular Meeting Minutes, January 10, 2017 Special Meeting Minutes, January 12, 2017 Special Meeting Minutes, January 17, 2017 Regular Meeting Minutes, January 20, 2017 Special Meeting Minutes, February 3, 2017 Special Meeting Minutes, February 6, 2017 Regular Meeting Minutes as written.

AB 5257 Open Space Conservancy Trust Board Annual Report and Work Plan

Recommendation: Receive report.

It was moved by Weiker; seconded by Sanderson to:

Approve the Consent Calendar and recommendations contained therein.

Passed 5-0

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

ABSENT: 2 (Bassett, Wisenteiner)

REGULAR BUSINESS

AB 5261 I-90 Loss of Mobility Status Report

City Manager Julie Underwood provided an update on I-90 Loss of Mobility. She advised that last week, the City filed a complaint with the King County Superior Court that would request the Court delay Sound Transit and WSDOT from closing the I-90 Center Roadway and Island Crest Way until the parties reach an agreement about mobility and access issues for Mercer Island. She noted that the City Council will hold public hearings on March 6, 2017 on the Transportation Concurrency and Essential Public Facilities Moratorium and a Public Institution Zoning Moratorium adopted by the Council on February 13, 2017.

Development Services Director Scott Greenberg spoke about the Planning Commission's schedule to review and recommend code amendments regarding transportation concurrency, essential public facilities and the P zone amendments.

City Manager Underwood also noted that City staff suspended Sound Transit's Shoreline Substantial Development Permit. She spoke about Representative Clibborn proposed House Bill 2129 that would provide access to the current westbound Interstate 90 general purpose lanes from the Island Crest Way on-ramp.

Finance Director Chip Corder provided a recommendation and explanation for how the City could fund litigation within the current budget parameters.

It was moved by Wong; seconded by Weiker to:

Appropriate \$600,000 in the General Fund for I-90/Light Rail litigation and other costs, which would be funded by an estimated \$300,000 remaining balance in the Fire Station 92 Construction Fund and approximately \$300,000 from the unallocated 2015 General Fund surplus.

It was moved by Grausz; seconded by Sanderson to:

Amend the previous motion to include:

And direct staff to come back at no later than the second April meeting with an update on finances and alternatives for revenue additions and/or expense reductions to pay for the costs of this litigation.

Motion to Amend Passed 5-0

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

ABSENT: 2 (Bassett, Wisenteiner)

Amended Main Motion Passed 5-0

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

ABSENT: 2 (Bassett, Wisenteiner)

City Manager Underwood requested feedback from the Council on the proposed Strategic and Operational Plan for addressing the I-90 Loss of Mobility.

Deputy Mayor Bertlin encouraged citizens to continue sending in their questions and comments to help encourage Sound Transit to either address citizen's concerns at a future Council meeting.

AB 5258 Island Crest Park Ballfield Advertising

Parks & Recreation Director Bruce Fletcher presented on the status of fundraising efforts to fund park reinvestment and improvement projects. He requested direction from the Council on outfield banner advertising and field naming rights as possible fundraising programs for the Island Crest Park Ballfields. He noted that the funds brought in by the proposed advertising programs would go to funding Island Crest Park improvements only.

Following Council discussion, City Manager Underwood summarized the Council's direction to have the Parks and Recreation Director return with an outline on the field naming rights program, but postpone work on the banner advertising program.

AB 5253 Code Amendment Modifying MICC Chapter 3.32 Pertaining to Emergency Management Administration (1st Reading)

City Clerk Ali Spietz presented an ordinance updating MICC 3.32 to reflect the current practice of the Police Department administering the Emergency Management function, which was changed in 2008. She noted that

pursuant to the City Council Rules of Procedure 5.2(3), the City Manager deems this a housekeeping ordinance and recommends it be adopted at first reading.

It was moved by Sanderson; seconded by Grausz to:

Suspend the City Council Rules of Procedure 5.2, requiring a second reading for an ordinance.

Passed 5-0

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

ABSENT: 2 (Bassett, Wisenteiner)

It was moved by Sanderson; seconded by Wong to:

Adopt Ordinance No. 17C-04, amending Chapter 3.32 MICC pertaining to emergency management administration.

Passed 5-0

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

ABSENT: 2 (Bassett, Wisenteiner)

AB 5252 Code Amendment Modifying MICC Chapter 4.20 Pertaining to Claims for Damages (1st Reading)

City Clerk Ali Spietz presented an ordinance updating chapter 4.20 MICC to reflect current practice required by the City's insurance authority and chapter 4.96 RCW pertaining to claims for damages. She noted that pursuant to the City Council Rules of Procedure 5.2(3), the City Manager deems this a housekeeping ordinance and recommends it be adopted at first reading.

It was moved by Wong; seconded by Weiker to:

Suspend the City Council Rules of Procedure 5.2, requiring a second reading for an ordinance.

Passed 5-0

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

ABSENT: 2 (Bassett, Wisenteiner)

It was moved by Sanderson; seconded by Weiker to:

Adopt Ordinance No. 17C-03, amending Chapter 4.20 MICC pertaining to claims for damages.

Passed 5-0

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

ABSENT: 2 (Bassett, Wisenteiner)

AB 5260 Code Amendment Adopting MICC Chapter 2.50 Pertaining to Accepting Donations (1st Reading)

City Attorney Kari Sand presented an ordinance establishing a process for the acceptance of gifts or donations. She noted that pursuant to the City Council Rules of Procedure 5.2(3), the City Manager deems this a housekeeping ordinance and recommends it be adopted at first reading.

After Council discussion, the Council recommended changes to the ordinance regarding acceptance of non-monetary donations.

It was moved by Grausz; seconded by Sanderson to:

Set Ordinance No. 17C-07 to March 3 Council meeting for second reading.

Passed 5-0

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

ABSENT: 2 (Bassett, Wisenteiner)

OTHER BUSINESS

Councilmember Absences

Mayor Bassett and Councilmember Wisenteiner absences were excused.

Planning Schedule

City Manager Underwood reviewed the March 6 agenda with the Council. Councilmember Grausz requested that ARCH staff be present at the March 6 meeting to answer questions from the Council.

Board Appointments

There were no appointments.

Councilmember Reports

Deputy Mayor Bertlin reminded the Council and public about the Residential Development Standards meeting in Saturday, February 25 at 9:30 am at West Mercer Elementary.

ADJOURNMENT

The regular meeting adjourned at 9:03 pm.

Attest:

Bruce Bassett, Mayor

Allison Spietz, City Clerk