



CITY COUNCIL MINUTES REGULAR MEETING JANUARY 17, 2017

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 5:30 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Jeff Sanderson, Wendy Weiker (arrived 5:36 pm), David Wisenteiner, and Benson Wong (arrived 5:45 pm) were present. Councilmember Grausz was absent.

AGENDA APPROVAL

It was moved by Bertlin; seconded by Sanderson to:

Approve the amended agenda as follows:

1. **Move AB 5251: I-90 Loss of Mobility Negotiations Status Report to the first item of Regular Business; and**
2. **Add an Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) to the end of the meeting.**

Passed 4-0

FOR: 4 (Bassett, Bertlin, Sanderson, Wisenteiner,)

ABSENT: 3 (Grausz, Weiker, Wong)

EXECUTIVE SESSION

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

At 5:34 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 approximately 90 minutes.

At 6:54 pm, Mayor Bassett adjourned the Executive Session and the Regular Meeting reconvened. The Council took a break until 7:00 pm.

APPEARANCES

John Tiscornia, 5646 East Mercer Way, asked the Council to revoke Sound Transit's shoreline permit for Light Rail at a February Council meeting. He further asked that the Council work to keep the Island Crest Way ramp open for all traffic, not allow a bus interception, require permits for the park and ride, mitigate the 2017-2023 building timeline, add two additional access to ramp to improve pedestrian safety and access to the Island for emergency vehicles and require Sound Transit to pay based upon the I-90 Memorandum of Agreement.

Jim Lovested, 8001 84th Ave SE, asked the Council to revoke Sound Transit's shoreline permit for Light Rail at a February Council meeting.

Subeer Manhas, 4899 Forest Ave SE, asked the Council to revoke Sound Transit's shoreline permit for Light Rail at a February Council meeting. He believes that negotiations are happening in a non-transparent manner. He asked that if a deal is struck, that the Council will have a long public comment period on the terms so the residents will know what it is all about. He noted that if the deal is not a win-win, then citizens need to be able to see it.

Tom Acker, 2427 84th Ave SE, asked the Council to put the revoke Sound Transit's shoreline permit for Light Rail at a February Council meeting. He also requested answers to the questions the City has received from citizens that have not yet been answered.

Hillary Benson, 7344 Island Crest Way, asked the Council to revoke Sound Transit's shoreline permit for Light Rail at a February Council meeting. She also spoke about shutting down the Island Crest Way ramp as a trial run.

Diana Lein, 8428 SE 63rd Street and Alison Stoval, 8419 SE 82nd Street, spoke on behalf of the Lakeridge PTA General Membership and read a letter from the PTA regarding the continued efforts to mitigate the impact of light rail implementation.

Sarah Smith, 7109 84th Ave SE, welcomed Julie Underwood as the new City Manager. She asked the Council to revoke Sound Transit's shoreline permit for Light Rail and asked the Council to conduct work about negotiations during open Council meetings. She also spoke about Councilmember's individual communications regarding mobility negotiations.

Jake Jacobsen, 4033 83rd Ave SE, asked the Council to revoke Sound Transit's shoreline permit for Light Rail. He believes that an impact study to close Island Crest Way is simple and it would be nice to know what it will look like.

Darren Gold, 8429 SE 39th Street, asked the Council to revoke Sound Transit's shoreline permit for Light Rail. He also spoke about the Council upholding the principles and values from their proclamation last fall and how they relate to I-90 negotiations. He believes that the Council is in violation of #6 and #7 by adopting the proclamation.

CONSENT CALENDAR

Payables: \$82,934.12 (1/5/17) & \$79,163.82 (1/12/17)

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

AB 5249 Public Sanitary Sewer Easement Termination – Aegis Living

Recommendation: Approve the termination of the Public Easement for Sewer, King County recording numbers 4655732, 5581325, and 5593899.

It was moved by Bertlin; seconded by Wong to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 6-0

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

ABSENT: 1 (Grausz)

REGULAR BUSINESS

AB 5250 Code Amendments to Require Installation of Automatic Fire-Sprinkler Systems in New Residential Construction (2nd Reading)

Councilmember Weiker asked about how valuation for significant remodels is defined and suggested adding language to the ordinance regarding valuation. Councilmember Wong asked if staff could restate the valuation formula.

Fire Chief Steve Heitman explained that proposed valuation method for significant remodels is to use the same fee schedule that Development Services already uses, which the Council adopts by resolution each year. He stated that the current fee is \$156 per square foot and that the ordinance is written so Council can simply change the per square foot amount by resolution rather than by ordinance to changed specific code references.

It was moved by Bertlin; seconded by Wisenteiner to:

Adopt Ordinance No. 17C-01, amending Chapter 17.16 of the Mercer Island City Code requiring residential fire sprinklers to be installed in all new Single Family, Two Family, IRC Townhomes, and

substantial alterations.

Passed 5-1

FOR: 5 (Bassett, Bertlin, Sanderson, Wisenteiner, Wong)

AGAINST: 1 (Weiker)

ABSENT: 1 (Gausz)

AB 5248 Zoning Code Text Amendment Modifying MICC Title 19 Pertaining to Places of Worship and Impervious Surfaces (2nd Reading)

It was moved by Wong; seconded by Bertlin to:

Adopt Ordinance No. 17C-02 amending Chapter 19.02 of the Mercer Island City Code to provide an impervious surface exemption for residential uses at places of worship.

It was moved by Wong; seconded by Bertlin to:

Amend the previous motion as follows:

Amend Section 1 of Ordinance No. 17C-02, Amend Section 19.02.020(D)(2)(g)(i) to change the term "parcel or parcels" to "lot or lots."

Motion to Amend Passed 6-0

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

ABSENT: 1 (Gausz)

Amended Motion Passed 6-0

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

ABSENT: 1 (Gausz)

AB 5251 I-90 Loss of Mobility Negotiations Status Report

Assistant City Manager Kirsten Taylor reviewed Mercer Island's goals and negotiating principles regarding I-90 loss of mobility. She spoke about the newly restructured public meeting on January 19 at the Community Center. City Manager Julie Underwood explained that it will be an opportunity for residents to talk directly with her about their concerns and issues regarding I-90. Assistant City Manager Taylor reviewed the plans for outreach and community input in 2017 including community meetings in February and March and reaching out to community groups.

Assistant City Manager Taylor provided updates regarding the South Bellevue Park & Ride closure, the Mercer Island Station Design, updated FAQs regarding the Light Rail project, and the East Link Construction Timeline.

She stated that negotiations continue and that the City has hired law firm Harrigan, Leyh, Farmer & Thompson to provide City with legal analysis. She noted that there are regular meetings with ST, WSDOT, and FHWA to move discussions forward and that the principals from each agency are scheduled to meet this month to determine which access alternative(s) will be implemented in the short term before the center roadway closes in June 2017 and which long-term alternatives will move to the analysis phase. She further noted that if at any point the City does not make progress toward its interests in these negotiations, the City has the option to pursue legal action.

The Council asked staff to get clarity from Sound Transit on when the City will be notified of the closure of the South Bellevue Park & Ride closure. The Council directed the City Manager to make a formal request to Sound Transit to come back and make a presentation regarding what Sound Transit is doing keep additional vehicles from coming to Mercer Island once the South Bellevue Park & Ride closes and what they will do to monitor how many vehicles using the Mercer Island Park & Ride are from off Island.

AB 5247 Fire Station 92 Project Update

Public Work Director Jason Kintner provided an update for the Council about the Fire Station 92 project. He thanked staff involved in the project, provided background and history of Fire Station 92, spoke about the bidding process for the project, and showed photos of the new building. He reviewed the issue with the roof and the results of the settlement agreement following mediation sessions. He noted that the construction budget will come in 1.3% over budget and that the project will close out in March 2017, when staff returns to the Council for approval.

OTHER BUSINESS

Councilmember Absences

Councilmember Grausz' absence was excused.
Mayor Bassett will be absent February 21.

Planning Schedule

City Manager Underwood reminded the Council about the 2017 Planning Session on February 3-4 and noted she would be sending a draft agenda out.
Councilmember Wong asked staff to see if Sound Transit could do a presentation at the February 21 meeting.

Board Appointments

It was moved by Sanderson; seconded by Wong to:

Affirm the appointments of Peter Schaefer to Position #2 (expires May 2019) on the Arts Council and Sara Berkenwald to Position #5 (expires December 2018) on the Library Board.

Passed 6-0

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

ABSENT: 1 (Grausz)

Councilmember Reports

Councilmember Wong spoke about the SCA PIC meeting regarding cities legislative agendas and King County's Secure Medicine Return Program (old prescription drop-off boxes).

Councilmember Weiker spoke about the Residential Development Standards public meeting, a safety meeting where Police Chief Ed Holmes that was held at an eastside Muslim mosque spoke, and the February 1 Transit Talks meeting.

Councilmember Sanderson showed a photo of signs in yard he saw on a walk; he commended the homeowner's for living and stating their values.

Councilmember Bertlin expressed her thoughts and wishes for the community impacted in attack on a Muslim mosque in Bellevue

Mayor Bassett spoke about the upcoming Regional Transit meeting.

EXECUTIVE SESSION

At 8:40 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 approximately 60 minutes.

At 9:40 pm, Mayor Bassett extended the Executive Session for an additional 30 minutes. At 9:53 pm, Councilmember Sanderson left the Executive Session, but joined by phone at 10:10 pm.

At 10:10 pm, Mayor Bassett extended the Executive Session for an additional 30 minutes.

At 10:40 pm, Mayor Bassett extended the Executive Session for an additional 30 minutes.

At 11:01 pm, Mayor Bassett adjourned the Executive Session and the Regular Meeting reconvened.

ADJOURNMENT

The Regular Meeting adjourned at 11:01 pm.

Attest:

Bruce Bassett, Mayor

Allison Spietz, City Clerk