



# CITY COUNCIL MINUTES

## REGULAR MEETING

### MAY 2, 2016

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#### CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 6:00 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, David Wisenteiner, and Benson Wong were present.

#### AGENDA APPROVAL

It was moved by Wong; seconded by Bertlin to:

**Approve the agenda as presented.**

Passed 7-0

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

#### STUDY SESSION

##### **AB 5178 Town Center Vision and Development Code Update Briefing from Joint Commission**

Development Services Director Scott Greenberg introduced the Design and Planning Commission members who presented the Town Center Vision and Development Code Update briefing.

Planning Commission Chair Jon Friedman spoke about what the Joint Commission did, what the Joint Commission heard, the Town Center Vision, the Comprehensive Plan, subareas and building height, and other recommendations.

Design Commission Chair Richard Erwin spoke in greater detail about the issue of subareas and building height.

Development Services Director Greenberg introduced Morgan Shook from ECONorthwest who spoke about the City's bonus height provisions and ground floor restrictions.

#### APPEARANCES

Mayor Bassett spoke about appearances at this meeting and at the next couple of meetings in regards to the Town Center. He noted that, since the May 9 meeting has been added specifically to hear public comment, there will be no public appearances on May 16.

Debra Westwood, the new Cluster Manager for the King County Library system which includes the Mercer Island Library, presented an update on the Mercer Island Library remodel project.

Tenley Tobin, co-owner of the Islandia Center, expressed concerns regarding the new requirements for redevelopment in the proposed Comprehensive Plan.

Leon Cohen, 9219 SE 33<sup>rd</sup> Place, expressed concern about irregular shaped lots and the new requirements for redevelopment in the proposed Comprehensive Plan.

Ira Appelman, 4436 Ferncroft Road, spoke about the Town Center Visioning process. He does not think that the process has been honest and the description of building height is deceptive.

John Houlihan, on behalf of Dollar Development, 2737 78<sup>th</sup> Ave SE, thinks the code update and Comprehensive Plan update are a product of good public input and process.

## **CONSENT CALENDAR**

### **Payables: \$653,128.44 (04/14/16) & \$209,034.11 (04/21/16)**

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

### **Payroll: \$789,565.94 (04/15/16) & \$745,750.81 (04/29/16)**

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

### **Minutes: April 4, 2016 Regular Meeting Minutes, April 7, 2016 Joint Meeting with MISD Board Minutes, & April 18, 2016 Regular Meeting Minutes**

**Recommendation:** Adopt the April 4, 2016 Regular Meeting Minutes, the April 7, 2016 Joint Meeting with MISD Board Minutes, and the April 18, 2016 Regular Meeting Minutes as written.

### **AB 5172 Interlocal Agreement with the State of Washington Department of Enterprise Services for Surplus Operations Services**

**Recommendation:** Authorize the Interim City Manager to execute the interlocal agreement between the State of Washington Department of Enterprise Services and the City of Mercer Island, allowing the City to utilize Surplus Operations in order to sell surplus assets.

### **AB 5176 Madrona Crest West Project Construction Bid Award**

**Recommendation:** Award the Madrona Crest West project to Thomco Construction, Inc. in the amount of \$1,376,614.11. Set the project budget at \$2,009,153, with an appropriation of \$85,605 from the Street Fund and an appropriation of \$60,492 from the Storm Water Fund, and direct the City Manager to execute the construction contract.

### **AB 5177 Planting and Landscape Easement Relinquishment and Termination - Pagliacci Pizza Project**

**Recommendation:** Approve the relinquishment and termination of the Easement for Planting, King County recording number 7808030986 to meet the minimum sidewalk width of 12 feet consistent with MICC 19.11.110(B)(4)(a)(i).

It was moved by Bertlin; seconded by Wong to:

**Adopt the Consent Calendar and the recommendations contained therein.**

Passed 7-0

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

## **REGULAR BUSINESS**

Mayor Bassett read a statement about the conflict of interest provision regarding the Town Center discussions.

City Attorney Kari Sand stated that, as the Council considers the recommended Town Center Development Code Amendments and Comprehensive Plan update, Council is acting in their legislative capacity, not in a quasi-judicial capacity.

Councilmember Sanderson noted that he has a 1% interest in Homegrown restaurant.

### **AB 5174 Town Center Vision and Development Code Update**

Development Services Director Scott Greenberg introduced Jeff Arango from Berk Consulting who spoke about the parking study and Bob Bengford from Makers Architecture & Urban Design who spoke about the design elements of the code.

Development Services Director Greenberg spoke about affordable housing, green building, streetscapes, ground floor retail, and the upcoming City Council meetings.

Councilmember Grausz provided a framework for moving forward by identifying the major issues which Council needs to make a decision on. Council agreed to proceed with this framework going forward.

### **AB 5175 Periodic Comprehensive Plan Update**

Development Services Director Greenberg presented the 2015 Periodic Comprehensive Plan Update. He spoke about the scope of work approved by Council in July 2014, population growth, and Town Center purpose. He also spoke about transportation level of service including level of service criteria for intersections and the potential improvements that could be made to meet level of service D. He noted what other cities are doing in terms of level of service and the implications of continuing with level of service C.

Council directed staff to add language regarding housing diversity.

## **OTHER BUSINESS**

### **Councilmember Absences**

There were no absences.

### **Planning Schedule**

Deputy Mayor Bertlin asked if the Development Cost of Service Study scheduled for May 16 needs to be pushed further out. Assistant City Manager Kirsten Taylor noted that she will know this week if it will be ready to go.

Councilmember Grausz asked about the start time for the City Manager interviews.

### **Board Appointments**

There were no appointments.

### **Councilmember Reports**

There were no reports.

It was moved by Bertlin; seconded by Grausz to:

**Continue the Council Meeting past 10:00 pm.**

Passed 7-0

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

## **EXECUTIVE SESSION**

### **Executive Session #1 to discuss potential or pending litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes**

At 10:18 pm, the Mayor adjourned the Regular Meeting and convened Executive Session #1 for a period of 15 minutes to discuss potential or pending litigation pursuant to RCW 42.30.110(1)(i)). He noted that the Council may take final action following this Executive Session.

At 10:32 pm the Mayor adjourned the Executive Session and the Regular Meeting reconvened.

It was moved by Weiker; seconded by Bertlin to:

**Approve a settlement agreement negotiated between the City of Mercer Island and Corp Inc. Construction, the general contractor for the Fire Station 92 project, and to authorize the Interim City Manager to execute the settlement agreement on behalf of the City. As stated in the settlement agreement, all of the City's claims and defenses arising out of or related to the roof are reserved.**

Passed 7-0

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

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

At 10:33 pm, the Mayor adjourned the Regular Meeting and convened Executive Session #2 for a period of 15 minutes to discuss potential or pending litigation pursuant to RCW 42.30.110(1)(i)). He noted that the Council is not expected to take final action following this Executive Session.

At 10:50 pm the Mayor adjourned the Executive Session and the Regular Meeting reconvened.

**ADJOURNMENT**

The Regular Meeting adjourned at 10:50 pm.

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Bruce Bassett, Mayor

Attest:

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Allison Spietz, City Clerk