



CITY COUNCIL MINUTES REGULAR MEETING SEPTEMBER 21, 2015

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.

Councilmembers Debbie Bertlin, Jane Brahm, Mike Cero, Terry Pottmeyer, Benson Wong, Deputy Mayor Dan Grausz, and Mayor Bruce Bassett were present.

EXECUTIVE SESSION

To discuss with legal counsel representing the agency litigation or potential litigation to which the agency is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency pursuant to RCW 42.30.110(1)(i).

At 6:00 pm, Mayor Bassett convened the Executive Session to discuss with legal counsel representing the agency litigation or potential litigation to which the agency is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency pursuant to RCW 42.30.110(1)(i) for approximately 60 minutes.

Mayor Bassett adjourned the Executive Session at 6:59 pm. The Regular Meeting resumed at 7:02 pm.

SPECIAL BUSINESS

Recognition of Nancy Lee for Lock It or Lose It Program

Police Chief Ed Holmes recognized Nancy Lee for the Lock It or Lose It Program. He spoke about the Public Safety Committee discussing different ways to address burglaries on Mercer Island. He noted that Nancy volunteered her time to look at data and organize a citizen survey in order to come up with a creative way to deal with burglaries. He also noted that the one thing people can do to prevent burglaries is to lock their doors and windows.

Mayor Bassett recognized Nancy Lee for volunteering her time to help keep Mercer Island a safe place to live. He noted that Nancy used her strong background in social marketing to create the Lock It or Lose It campaign.

Nancy Lee spoke about how fortunate Mercer Islander citizens are to have a Police Department that was willing to take the time to look through five years of data to determine a behavior.

APPEARANCES

Carv Zwingle, 6250 E Mercer Way, stated that now is the time for the City Council to show vision and leadership. He spoke about creating a vibrant Town Center by creating a city park or plaza. He believes that Mercerdale Park should be improved upon not encroached upon and spoke about emulating Bryant Park in New York. He stated that Mercer Island deserves a great city core park and that Youth Theatre Northwest deserves a proper venue, not a money pit. He asked Council to find a proper home for Youth Theatre Northwest and to make Mercerdale Park even greater.

Meg Lippert, 4052 94th Ave SE, spoke about an email she received from Deputy Mayor Grausz. She noted that she is not focused on stopping MICA, that she supports both the arts and Youth Theatre Northwest, and that her efforts are focused on protecting Mercerdale Park. She does oppose giving public park land to a private

group without an advisory vote by the citizens. She asked for a public apology from Deputy Mayor Grausz for attacking her integrity, noting that in a democracy there is room for all points of view and for gathering and sharing as much information as possible so the electorate can make well informed choices.

Bob Still, 4011 93rd Ave SE, spoke about Mercer Island's population growth. He also spoke about the various citizen groups on Mercer Island getting together to discuss vehicular and pedestrian traffic, and parking. He believes that priorities must be set to allow for transparency, that the process should slow down, and that projects should be tied together to keep costs down. He stated that planning should be comprehensive, should have uniformity of design as a goal, and should seek uniqueness.

Al Lippert, 4052 94th Ave SE, spoke about receiving a phone message regarding a MICA survey. He believes it was an unfair survey and was designed by MICA to push its cause.

Matt Galvin, 8307 SE 41st Ave, one of the owners of Pagliacci Pizza and Macrina Bakery, noted that he and his business partner have a long term commitment to Mercer Island. He thanked Council and staff for their consideration of the proposed zoning text amendment.

Wayne Lowe, Gull Industries, thanked staff and Council's willingness to consider a zoning text amendment.

Richard Floisand, 3518 Woodlawn Avenue, Seattle, architect representing Pagliacci Pizza and Macrina Bakery, noted his appreciation for Council's attention to the zoning text amendment and feels that this waiver for small projects fits with the planning of the Town Center.

Gary Robinson, who spoke on behalf of Erik Swenson, 8541 E Mercer Way, spoke about the MICA lease. He noted that Mercerdale Park is threatened with encroachment and that a public vote should be taken as it should be a community decision. He questioned why the City Council is unwilling to hold a citizen advisory vote on an issue that has been a recurring point of community concern for three decades.

Ira Appelman, 4436 Ferncroft Road, spoke about the Concerned Citizens for Mercer Island Parks group whose goal is to protect all parks with a public vote. He noted that the group is starting out by petitioning the City Council to not sell, lease, or locate significant buildings in a park unless the Council has first received approval from an all-Island advisory vote. He spoke about Islander rejected projects and noted that many people believe that Mercer Island parks are protected. He stated that Islanders would like a vote and that the final decision should be made by the voters.

Tom Acker, 2427 84th Ave SE, cautioned Council about giving the Town Center visioning report too much credence. He spoke about Seth Harry moving the Town Center Visioning Group towards a hidden agenda and felt that it was a frustrating exercise.

Terry Moreman, 3628 72nd Place SE, spoke on behalf of the Mercer Island Chamber of Commerce and MIVAL. She spoke about Art Uncorked, noting that the evening was a great success with over 500 people attending. She noted that New Seasons Market introduced themselves to the community and thanked everyone at the City and all of the volunteers for their support. She noted that next year's event will be on September 9, 2016.

MINUTES

Mini-Planning Session Minutes of June 27, 2015

It was moved by Brahm; seconded by Bertlin to:

Adopt the Revised Mini-Planning Session Minutes of June 27, 2015 as written.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Pottmeyer, Wong)

CONSENT CALENDAR

Payables: \$592,055.18 (09/03/15) & \$122,158.66 (09/10/15)

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

Payroll: \$734,826.39 (09/18/15)

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

It was moved by Bertlin; seconded by Brahm to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Pottmeyer, Wong)

REGULAR BUSINESS

AB 5109 Mercer Island In Motion Program with King County Metro

Sunny Knott, In Motion Program Manager, noted that In Motion has been in existence for 10 years and their main objective is to get information out about available travel options. She noted that the Mercer Island campaign will last for about 3 months. She spoke about outreach events, what In Motion can achieve, and the Mercer Island campaign goals.

Lori Burchett, Transportation Planner III, spoke about the Route 630 shuttle which was developed to help mitigate the 2014 reduction in services. She also spoke about the daily rider numbers, the TripPool program, and the Community Van program.

Councilmembers asked how riders register for the TripPool, where the vans will be parked, who provides accident and liability insurance, and when an evaluation of the Route 630 shuttle will be done. They also asked about extending Route 630 further south, what a rider would pay for the TripPool, and who drives the Community Van.

AB 5110 Town Center Visioning and Development Code Update

Public Process Consultant Karen Reed spoke about the Town Center Community Engagement Process recommendations. She noted the goal and values and provided an overview of her recommendations. She spoke about the 4 major strategic objectives that she identified for completing the Town Center Vision and Development Code Update. She also spoke about the recommended joint commission work plan scope and key components.

DSG Director Scott Greenberg spoke about the projected study costs and the key next steps.

Councilmembers asked about the outcome of the work fulfilling the community desires, doing a stress test of the code with developers and the Council, and the capacity of staff to do the work that has been outlined. They also asked for clarity around when the moratorium will end and how that might impact the unfolding of this process, if Seth Harry has anything left in his contract that he needs to deliver, and about having Karen Reed involved in communications going forward. Council further asked about starting the joint meetings after the election, why the process is being disrupted by combining the Planning and Design Commissions, and about not addressing density.

Council directed staff to do a stress test with developers, complete the process in an expeditious manner, and schedule a Council update at their Annual Planning Session in January.

It was moved by Grausz; seconded by Brahm to:

Approve the proposed strategic objectives and supporting actions on pages 13-22 of Exhibit 1 for the Town Center Visioning and Development Code Update with the changes as discussed.

Passed 6-1

FOR: 6 (Bassett, Bertlin, Brahm, Grausz, Pottmeyer, Wong)

AGAINST: 1 (Cero)

AB 5112 I-90 Loss of Mobility Negotiation Status Report

City Manager Noel Treat provided an update on the I-90 Loss of Mobility negotiations. He spoke about the listening tour and next steps, which include agreeing on a list of issues and actions, conducting further negotiations, final agreements between the parties, and implementation of any agreed to measures. He also

spoke briefly about the City Project Team.

Council asked questions about a supplemental EIS being done on the bus turnaround, accommodating Park and Ride users while the South Bellevue Park and Ride is closed, and delaying the closing of the center lane on I-90 as long as possible until Council is assured that the safety and engineering issues are resolved.

AB 5107 Zoning Text Amendment Modifying Mercer Island City Code (MICC) Title 19 Pertaining to Walk-Off Parking in the Town Center (2nd Reading)

Principal Planner Shana Restall spoke about the proposed Zoning Text Amendment pertaining to walk-off parking in the Town Center. She spoke about limiting the total amount of gross floor area that could be exempted from the walk-off parking requirement.

Council asked how it was determined to set the cap at 10% of the total gross floor area and confirmed that the Pagliacci Pizza project would be required to put in three minor site features and add canopies to their building.

It was moved by Bertlin; seconded by Brahm to:

Adopt Ordinance No. 15C-18 amending Chapter 19.11 of the Mercer Island City Code regarding public walk-off parking.

It was moved by Grausz; seconded by Cero to:

Amend the main motion as follows:

Amend the third WHEREAS as follows:

WHEREAS, unintended economic consequences for ~~small businesses~~ minor new development that is effectively a small addition to an existing development were created in the Town Center resulting from walk-off parking requirements; and.

Motion to Amend Passed 7-0

For: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Pottmeyer, Wong)

It was moved by Wong; seconded by Cero to:

Amend the main motion as follows:

Amend Section 1 as follows:

e. Public parking under this provision shall not be required for a new mixed use or nonresidential development of that is: (i) two stories or less, and (ii) no greater than 10% of the total gross floor area of all existing structures on the parcel as of October 30, 2015.

Motion to Amend Passed 7-0

For: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Pottmeyer, Wong)

Amended Motion Passed 6-1

FOR: 6 (Bassett, Bertlin, Brahm, Grausz, Pottmeyer, Wong)

AGAINST: 1 (Cero)

AB 5105 City Council Rules of Procedure Amendment Regarding Councilmember Communications

City Attorney Kari Sand spoke about the City Council Rules of Procedure. She noted that the proposed policy is intended as a guideline for Councilmember communications both in person and through social media forums. She spoke about the disclaimer, the Open Public Meetings Act, and avoiding serial meetings through social media. She stated that the proposed protocols establish that social media should not be used by Councilmembers to conduct City business, to post quasi-judicial issues, or to post comments or links to any content that endorses or opposes political candidates or ballot propositions.

Council asked whether these amendments are guidelines or requirements and expressed concern about guest editorials being provided to the City Council. They also asked for clarification around supporting or opposing political viewpoints and how the RCW's are applicable to this policy. Council further expressed concern about the disclaimers and asked how this is actually being followed by the City of Kirkland City Councilmembers.

City Manager Treat spoke about folding this amendment into an overall discussion of the City Council Rules of Procedure at the Annual Planning Session in January.

OTHER BUSINESS

Councilmember Absences

Councilmember Cero will be absent October 8.

Planning Schedule

Councilmember Cero asked about scheduling the MICA lease discussion. Council directed staff to research the pros and cons of an advisory vote.

Board Appointments

There were no appointments.

Councilmember Reports

Councilmember Wong spoke about attending the North Mercer Island and Enatai Sewer Upgrade Project meeting and attending the Emergency Well Operation training at Rotary Park.

Councilmember Bertlin spoke about the City being recognized for the Let's Move program at the White House.

She spoke about being able to speak about what the community had done, not just what an individual or city staff had done.

Councilmember Brahm spoke about attending the Arts Council meeting and noted the juried art show at the Community Center. She also spoke about attending the PSRC's Transportation Policy Board meeting in which the passage of the recent transportation package and a report on traffic was discussed. She reminded everyone of Women's Equality Day on September 30 at Mercerdale Park and reiterated the success of Art Uncorked.

Mayor Bassett noted that he will be signing, in advance, a proclamation regarding domestic violence. He spoke about attending a Leadership Eastside Mayors Luncheon, noted a newspaper article entitled "Troopers group says carpools unenforceable", and spoke about sending a letter to WSDOT regarding the need to engage with the City on the listening tour process.

ADJOURNMENT

The Regular Meeting adjourned at 10:39 pm.

Bruce Bassett, Mayor

Attest:

Karin Roberts, Deputy City Clerk