



# CITY COUNCIL MINUTES

## REGULAR MEETING

### JUNE 15, 2015

---

#### CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 7:00 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.

#### SPECIAL BUSINESS

##### Sister City Resolution

Linda Todd, President of the Mercer Island Sister City Association asked the Council to approve the resolution rededicating the City of Mercer Island to the sister city relationship with the City of Thonon-les-Bains in France.

Alan Merkle spoke about his experience as Mayor during the signing of the jumelage agreement in July 2000 with the City of Thonon-les Bains. He asked the Council to approve the resolution in celebration of the 15<sup>th</sup> anniversary of the original jumelage agreement.

Mayor Bruce Bassett read a resolution to be signed by the Cities of Mercer Island and Thonon-les-Bains pledging to continue their mutual friendship, respect, and commitment to maintaining a long-lasting and productive sister city relationship.

It was moved by Grausz; seconded by Brahm to:

**Approve Resolution No 1501 regarding Mercer Island and Thonon-les-Bains' 15 year sister city relationship and authorize the Mayor to sign the Resolution on July 11, 2015 during the ceremony at Summer Celebration.**

Passed 7-0

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

##### Eagle Scout Recognition

Robert Thorpe spoke about helping Eagle Scouts with their projects on Mercer Island. He also spoke about the process they are developing for coordinating projects with staff from the City, the School District, and the Scouts.

Malcolm McLellan thanked the Council for allowing City staff to help support the Eagle Scout projects. Eagle Scouts gave brief explanations of their projects.

#### APPEARANCES

Jerry Gropp, spoke about his work as an architect on Mercer Island and his recent trip to France. He was saddened to hear that Ruby Hollerbach passed away and spoke about her upcoming memorial service. He noted that Hines Corporation has stepped into the design of Mercer Island and does not think they are the kind of company that should develop Mercer Island. He thinks the downtown area is long overdue to be made into the kind of village it should be.

Meg Lippert, 4052 94<sup>th</sup> Ave SE, is concerned about the vision for the Town Center as she does not want tall buildings in the Town Center. She believes that, if more housing units are added to the Town center, the services on the Island will not be able to keep up. She suggested conducting an Island-wide survey to collect

opinions as she does not believe the Stakeholders Group is representative of the population of the Island. She supports the idea of the City buying the King property as a location for the Mercer Island Arts Center. She also spoke about her concerns with downgrading the level of service in the TIP.

Jeff Becker, 3437 74<sup>th</sup> Ave SE, is missing an organic grocery store. He spoke in support of PCC, noting that they are about community and promoting good nutrition. He noted the tremendous response to the survey and the Facebook group that is also in support of bringing PCC to Mercer Island.

Jane Reynolds, 8105 SE 48<sup>th</sup> Street, supports bringing a PCC to Mercer Island and believes that there is a mismatch between what Mercer Islanders want in a grocery store and what is available. She asked Council to work to bring a PCC to Mercer Island.

Jeff Sanderson, 8100 Evergreen Lane, thanked the Council for adding the discussion of the Albertsons store closing to the agenda. He also spoke about the effort to bring a PCC store to Mercer Island. He suggested that the Council develop a package of incentives to bring small, local businesses to Mercer Island and that the City start an economic development office.

Terry Halverson, 7646 SE 22<sup>nd</sup> Street, is the founder and chairman of Metropolitan Market. He let the Council know that Metropolitan Market is also very interested in having a store on Mercer Island.

Vann Lanz, 4118 96<sup>th</sup> Ave SE, spoke about a street vacation for an unused tract of land near Groveland Park. He noted that he is concerned about the number of large trees in the tract and that the City cannot access it very easily. He asked the Council to initiate the vacating of the street.

Lara Sanderson, 8100 Evergreen Lane, is concerned about the additional funding for the Town Center Visioning as the progress of the Stakeholders Group is not moving very quickly. She spoke about the need for proposals and updates to be timely and the requirement of progress presentations from staff at each Council Meeting until the project is completed.

Ira Appelman, 4436 Ferncroft Road, spoke about the signing of the Magna Carta. He noted the number of times the Council has taken actions to the detriment of Islanders. He hopes the anniversary of the Magna Carta will inspire a new birth of freedom where local government of the people, by the people, and for the people will be established.

Gary Robinson, 6026 East Mercer Way, spoke about reflection and dissidence, and that there seems to be a dissidence between the Council and what the community wants. He stated that the community did not want to give the current structure of the library to KCLS even though the Council told citizens that it was KCLS' library and KCLS' money. He noted that once the Council got behind the community, what the community wanted happened. He suggested that the Mayor give a State of the City address to tell citizens what the Council agenda is. He also recommended a survey be done to find out what Islanders really want.

Al Lippert, 4052 94<sup>th</sup> Ave SE, spoke about his issues with the pickle ball program at the Mercer Island Community Center. He noted that there was no one in the gym during open gym time and asked that the pickle ball players be allowed to finish their games if they go past 2:00 pm.

Bob Medved, 7238 SE 32<sup>nd</sup> Street, agreed with Lara Sanderson's comments about the Town Center Visioning process. He also spoke about the requests for data and information in terms of what is not working and what the current code provides. He believes that there is no transparency with the process. He asked the Council to look at the process as it is concerning.

Jim Stanton, 7812 SE 78<sup>th</sup> Street, spoke in support of staff's recommendations for the bike and pedestrian elements of the Transportation Improvement Program. He also spoke about the added safety of the shoulder projects on the South end. He encouraged Council to look at improving and rerouting bicycle routes across the Island.

Tom Acker, 2427 84<sup>th</sup> Ave SE, spoke about a disconnect between what the Council wants and what the community is looking for. He read a fictitious article he wrote as part of a Stakeholders Group exercise.

## MINUTES

### Regular Meeting Minutes of May 18, 2015

It was moved by Bertlin; seconded by Brahm to:

**Adopt the Regular Meeting Minutes of May 18, 2015 as written.**

Passed 5-0

FOR: 5 (Bassett, Bertlin, Brahm, Cero, Wong)

ABSTAIN: 2 (Grausz, Pottmeyer)

## CONSENT CALENDAR

### Payables: \$163,818.76 (06/04/15)

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

### Payroll: \$ 786,838.71 (06/12/15)

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

### AB 5083 2015 Residential Street Overlay Bid Award

**Recommendation:** Award Schedules 'A', 'B', 'C', and 'D' of the 2015 Residential Street Overlays project to Lakeside Industries in the amount of \$543,628. Set the total project budget to \$642,555 and direct the City Manager to execute the construction contract.

It was moved by Wong; 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 5086 Update on Albertsons Grocery Site and Potential Grocer

Mayor Bassett noted that he asked that this agenda bill be added to the meeting. He spoke about the closing of Albertsons and their history in the Mercer Island community. He noted that there is a great deal of interest in grocery store options on Mercer Island.

City Manager Noel Treat stated that there is a serious negotiation underway with a natural food market and that it could be concluded within a few weeks. He stated that the parties involved have asked that their identities not be disclosed during negotiations. He does not think there is any specific action that the Council should take right now.

### AB 5085 Public Hearing Regarding Extending the Moratorium on Town Center Building Permits

City Attorney Kari Sand provided the history of the moratorium on Town Center building permits. She presented Ordinance No. 15-12 for the Council to adopt extending the moratorium for an additional six months.

The Mayor opened the public hearing at 8:20 pm.

Dick Winslow, 3761 77<sup>th</sup> Ave SE, stated that he feels betrayed and that the Council's vote to put Hines in the moratorium means the Council may feel betrayed too. He thought that in exchange for Hines being excluded from the moratorium the City may get Whole Foods and commuter parking, but now he knows that will not be happening. He feels like he has been tricked and is upset that what was spoken about is no longer an option. He asked Council to include Hines in any extension or renewal of the moratorium.

Meg Lippert, 4052 94<sup>th</sup> Ave SE, supports the extension of the moratorium for another 6 months with the Hines project included. She wants to preserve the character of Mercer Island.

David Brondstetter, 3742 77<sup>th</sup> Place SE, stated that Council should not be involved in the Albertsons negotiations as they are a private business. He noted that a group of citizens has done more to advance a grocery store in two weeks than Council has done in months.

Tom Acker, supports extending the moratorium and including Hines. He also supports the process for developing the code and guidelines to create a Town Center that the community wants. He stated that there are wonderful ideas that are coming out of the engagement process.

Darren Gold, 8429 SE 39<sup>th</sup> Street, spoke in favor of extending the moratorium without any exclusions. He stated that the Town Center visioning process is not finished, and without it being done there should not be any building. He feels that a wider community discussion should take place and likes the idea of a survey. He has also noticed the density increase in downtown which should be addressed.

Ira Appelman, 4436 Ferncroft Road, was disappointed that the first moratorium was only four months and is concerned that the City will still need more time after the six month extension. He would concentrate on the Town Center consultants so that in six months the City has what it needs and there is consensus to end the moratorium. He does not think this has anything to do with the King/Hines property as that exception is already off the table. He asked Council to extend the moratorium and to get the Town Center visioning process right.

John Houlihan, 3401 Evanston Ave N, spoke on behalf of Dollar Development. He passed out a rendering of the hotel proposed for the former Travel Lodge site. He asked Council to adjust the northern boundary of the moratorium to SE 27<sup>th</sup> Street. He noted that there is a need for a hotel on Mercer Island and Dollar Development would like to move this project forward.

Bob Medved, 7238 SE 32<sup>nd</sup> Street, agrees with Council extending the comp plan update and removing the exemption for Hines in the moratorium. He encouraged the Council to pass the moratorium for 6 months to continue the public engagement process.

Carrie Scull, 4035 80<sup>th</sup> Ave SE, supports extending the moratorium without any exceptions. She also thinks community participation is important to develop.

Lynn Thomas-Fruehling, 7360 Island Crest Way, noted that not everyone can get to a Council meeting to provide their input and that recent surveys have showed that residents are involved and do care about the future of their community. She is in support of extending the moratorium to get a better sense of what Mercer Island residents want in a city center.

The Mayor closed the public hearing at 8:41 pm.

It was moved by Brahm; seconded by Cero to:

**Adopt on an emergency basis Ordinance No. 15-12 to renew for six-months the moratorium adopted by Ordinance Nos. 15-04 and 15-05, and as amended by Ordinance No. 15-11, on the acceptance or processing of applications for building permits or new development or redevelopment in Town Center in order to allow additional time to complete the Town Center Visioning Process and Town Center development regulations and design guidelines pursuant to the provisions of RCW 35A.63.220 and 36.70A.390.**

Passed 7-0

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

#### **AB 5084 Town Center Visioning and Code Update Budget Authorization**

DSG Director Scott Greenberg presented the Town Center Visioning and Code Update Budget Authorization. He spoke about the upcoming timeline and the work of the consultants.

The Council discussed of the proposal for Phase 3 including the budget authorization to continue contracts with consultants. City Manager Treat noted that staff will work with the Council's Town Center Subcommittee to review the budget proposal and prepare a more detailed plan for accomplishing the Phase 3 work and will return in a couple of weeks.

## **AB 5054 Adoption of the 2016-2021 Transportation Improvement Program**

City Engineer Patrick Yamashita presented a background of the Transportation Improvement Program (TIP). He spoke about the follow up that the City has done in response to the public hearing, specifically in regards to the Covenant Shores petition for a crosswalk at North Mercer Way. He reviewed Council's direction to staff, noted the three different types of options for the TIP projects, and presented staff recommendations.

Council asked about the delineation between Town Center north and Town Center south, and about pedestrian safety and cut-through traffic at the intersection of SE 40<sup>th</sup> Street and 86<sup>th</sup> Avenue SE. Council also asked staff to assess the cut-through traffic situation and brainstorm an approach to finding solutions.

It was moved by Brahm; seconded by Wong to:

**Adopt the 2016-2021 Transportation Improvement Program as reflected in Exhibit 1.**

Passed 5-2

FOR: 5 (Bassett, Bertlin, Brahm, Pottmeyer, Wong)

AGAINST: 2 (Cero, Grausz)

## **AB 5082 Cross-Connection Control Program Code Update (2nd Reading)**

Assistant City Attorney Christina Schuck presented the Cross-Connection Control Program Code Update. She provided a high level overview of the program and summarized the changes to the ordinance.

Council spoke about changing the amount of time to correct a backflow preventer failure from 30 days to 10 days and about providing staff with a full range of enforcement upon a failed inspection.

It was moved by Bertlin; seconded by Brahm to:

**Adopt Ordinance No. 15C-09, amending MICC 15.14, Unlawful Cross-Connections as amended.**

It was moved by Grausz; seconded by Brahm to:

**Amend the previous motion to amend Ordinance No. 15C-09 as follows:**

**Amend 15.14.070(E) to: If any inspection and/or test is not performed within the time required in section A or B, or if the approved backflow preventer does not successfully pass a required test, the city may initiate enforcement proceedings for termination of water service and impose monetary penalties as set forth in 15.14.080(B), abatement procedures as set forth in 15.14.090, or both.**

Motion to Amend Passed 7-0

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

Amended Motion Passed 7-0

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

## **OTHER BUSINESS**

### **Councilmember Absences**

Councilmember Bertlin will be absent July 20.

### **Planning Schedule**

City Manager Treat noted the Mini-Planning Session on June 27 and scheduling potential dates for the Comp Plan and the Town Center.

Assistant City Manager Taylor spoke about the Sister City events that are planned for the week of July 6-July 12, 2015.

### **Board Appointments**

There were no appointments.

### **Councilmember Reports**

Councilmember Wong attended a King County Regional Water Quality Committee meeting at which there was a presentation about ocean acidification.

Councilmember Bertlin attended an ETP meeting and spoke about the Eastside Rail Corridor and transportation

funding. She also spoke about the West Mercer Elementary 2nd grade tours of City Hall. Councilmember Cero spoke about attending the high school award ceremonies. Deputy Mayor Grausz attended a Town Center Stakeholder Group meeting and spoke about the vision for the Island. Councilmember Brahm spoke about attending the Superintendent's Advisory Council meeting, the PSRC Transportation Policy Board meeting, and the PSRC Integration Summit. Mayor Bassett read a portion of a 2nd grade tour thank you letter. He spoke about meeting with Dow Constantine regarding Sound Transit challenges and about receiving a briefing from Solid Waste representatives at the Mayors of Lake Washington meeting.

**ADJOURNMENT**

The Regular Meeting adjourned at 11:15 pm.

---

Bruce Bassett, Mayor

Attest:

---

Allison Spietz, City Clerk