



CITY COUNCIL MINUTES

REGULAR MEETING

JUNE 1, 2015

EXECUTIVE SESSION

To discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity 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 6:15 pm, Mayor Bassett convened the Executive Session to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity 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 45 minutes.

At 6:50 pm, Mayor Bassett adjourned the Executive Session.

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, Benson Wong, Deputy Mayor Dan Grausz, and Mayor Bruce Bassett were present.

AGENDA AMENDMENTS

Mayor Bruce Bassett noted that there were two items to add to the agenda.

It was moved by Bertlin; seconded by Brahm to:

Add the following item to the meeting agenda:

An Ordinance of the City of Mercer Island, Washington relating to land use and zoning amending the terms of a moratorium on the acceptance of applications for building permits or new development or redevelopment in the Mercer Island Town Center zone.

Passed 6-0

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

It was moved by Grausz; seconded by Brahm to:

Add the following item to the meeting agenda:

AB 5081: Metro Mercer Island Shuttle Service and Park and Ride Lot Agreement

Passed 6-0

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

APPEARANCES

Cynthia Winiski, 2750 68th Ave SE, spoke about the Design Commission appointments and the make-up of the Commission.

Tim Bernard, 8817 61st Street SE, spoke in support of a life/peace zone on Mercer Island.

Tom Acker, 2428 78th Ave SE, spoke about the legal concerns associated with the Council vacancy appointment

process and also expressed his concern with the Design Commission appointment.

Hui Tian, 4249 Shoreclub Drive, expressed her disappointment over her replacement on the Design Commission.

Ira Appelman, 4436 Ferncroft Road, spoke about the Magna Carta and sovereign powers. He also spoke about the Hines exemption and urged Council to stand up for its citizens and not cave in to special interests. He noted that there have been no advisory votes on Mercer Island in 30 years and hopes that sometime soon, major issues will be decided by the people.

John Houlihan, 3401 Evanston Ave N, spoke on behalf of Sunset Hwy LLC and Dollar Development. He noted his clients' plans to develop a hotel in the Town Center and asked Council to include them as an exemption or adjust the boundaries of the moratorium to allow their project to proceed.

Lloyd Gilman, 7217 80th Ave SE, expressed his concerns about the Executive Session.

MINUTES

Regular Meeting Minutes of May 4, 2015

It was moved by Brahm; seconded by Bertlin to:

Adopt the Regular Meeting Minutes of May 4, 2015 as written.

Passed 6-0

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

CONSENT CALENDAR

Councilmember Bertlin requested removal of AB 5079: SE 40th Street Overlay Bid Award. Mayor Bassett moved it to the first item of Regular Business.

Payables: \$648,289.76 (05/21/15) & \$677,618.56 (05/28/15)

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

Payroll: \$768,588.50 (05/29/15)

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

AB 5066 Puget Sound Emergency Radio Network Memorandum of Agreement

Recommendation: Authorize the City Manager to sign the Puget Sound Emergency Radio Network Memorandum of Agreement.

AB 5071 Open Space Conservancy Trust Board 2014 Annual Report and 2015 Work Plan

Recommendation: Receive report.

It was moved by Bertlin; seconded by Brahm to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 6-0

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

REGULAR BUSINESS

AB 5079 SE 40th Street Overlay Bid Award

Councilmember Bertlin asked why the City only received two bids and why there were both over the engineers estimate.

Street Engineer Clint Morris stated that both bidders have proven to be low bidders that are capable of getting the

work done on time and within their bid amount. He noted that there are not very many asphalt paving companies in Puget Sound and thus a limited audience to seek bids from. He also provided an explanation as to why the bids were above the engineering estimate.

Councilmember Cero asked that, when this project is briefed in the future, it be briefed to the original budget amount.

It was moved by Bertlin; seconded by Brahm to:

Award Schedules 'A' and 'B' of the SE 40th Street Overlay project to Lakeside Industries in the amount of \$646,490.20. Set the project budget to \$836,759, with an appropriation of \$48,567 from the Street Fund, and direct the City Manager to execute the construction contract.

Passed 6-0

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

No AB Ordinance Related to Land Use & Zoning

City Manager Treat stated that this Ordinance would add the Hines project into the existing Town Center moratorium. He noted that the City has been unable to reach an agreement with Hines for certain public amenities and that Hines has confirmed that they will be unable to secure a large high end grocery store. He also spoke about Hines indicating that they plan to file for their building permit on June 12. He restated that the proposed ordinance would add Hines to the moratorium due to Hines being unable to incorporate the public amenities that they had promised.

It was moved by Cero; seconded by Bertlin to:

Approve Emergency Ordinance 15-11, An Ordinance of the City of Mercer Island, Washington relating to land use and zoning, amending the terms of a moratorium on the acceptance of applications for building permits or new development or redevelopment in the Mercer Island Town Center zone on an emergency basis.

Passed 6-0

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

AB 5081 Metro Mercer Island Shuttle Service and Park and Ride Lot Agreement

City Manager Treat stated that Metro and the Congregational Church have not been able to come to an agreement and thus he is proposing that the City enter into a lease with the Church for park and ride spaces. He noted that this is being brought before Council on an expedited basis because the shuttle service is planned to start on June 8.

It was moved by Brahm; seconded by Bertlin to:

Authorize the City Manager to execute a parking space lease agreement for park and ride use at the Congregational Church and an amended Alternative Transit Service Funding Agreement with Metro to provide for Metro's reimbursement of the rent costs.

Passed 6-0

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

AB 5078 City Council Vacancy - Candidate Appointment

Mayor Bassett spoke about Councilmember Wachs' resignation from the Council and the method in which Council decided on his replacement. There was further discussion amongst the Council regarding the appointment.

It was moved by Brahm; seconded by Wong to:

Appoint Terry Pottmeyer to Position #4 of the Mercer Island City Council.

Passed 5-1

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

AGAINST: 1 (Cero)

Deputy City Clerk Karin Roberts conducted the Oath of Office for Terry Pottmeyer for Position #4. Councilmember Pottmeyer then joined the Council at the dais.

AB 5075 Resolution Delaying the 2015 Periodic Comprehensive Plan Update Process

Principal Planner Shana Restall spoke about the Resolution delaying the 2015 Periodic Comp Plan Update. She noted that the deadline for adoption of the Periodic Comprehensive Plan Update is June 30, 2015 and that the Resolution details the substantial progress that the City has made towards the Comprehensive Plan Update.

Council asked questions about the month in which the visioning process began, being more specific on a timeframe, if a date could be contingent upon the Town Center code adoption, the potential consequences and risks of delaying too long, and the Town Center Development Code being consistent with the Comp Plan. Council requested that the Comp Plan be calendared on the Planning Schedule.

It was moved by Brahm; seconded by Bertlin to:

Adopt Resolution No. 1500 to delay the periodic 2015 Comprehensive Plan Update process.

Passed 7-0

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

AB 5076 Update on Town Center Community Engagement

DSG Director Scott Greenberg spoke about the Town Center Community Engagement process. He reviewed the Spring/Summer 2015 schedule, noting the three additional stakeholder group meetings, the two opportunities for public input, the City display booth at Summer Celebration, and the Open House. He spoke about having joint meetings with the Planning Commission and Design Commission, and about surveying the participants in the Town Center Stakeholder Group and the Town Center Liaison Group for feedback on what worked and what didn't work in terms of the process.

Council asked questions regarding how the vision statement will be drafted, if the City has a list of what studies have been requested and how the City is planning to handle these requests for data, and how the City is going to aggregate and synthesize the information for the broader community. They also asked why the Open House and the Report to City Council are scheduled on the same day, if the City has enough staff to get information out to the public, if the City is satisfied with the response time from the consultants, and about the opportunities to push information out to the public.

It was moved by Wong; seconded by Cero to:

Approve the Town Center community engagement schedule shown on Exhibit 2.

Passed 7-0

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

It was moved by Bertlin; seconded by Grausz to:

Amend the previous motion as follows:

...with amendment to include soliciting stakeholder input as to the next phase of the process, in advance of and at the June 10 meeting, in order to ensure its relevance and effectiveness.

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)

AB 5077 Cross-Connection Control Program Code Update (2nd Reading)

This item was moved to a future Council meeting agenda.

AB 5080 2014 General Fund & REET Surplus Disposition

Finance Director Chip Corder spoke about the excess REET in the Street Fund and the Transportation Planner/Engineer position. City Engineer Patrick Yamashita also provided information about the Transportation Planner/Engineer position and responded to Council questions.

Council asked questions regarding funding the part-time public records support position, the projected YFS deficit, when the City last used investment interest to bump up the contingency fund, and the increase in compensated absences.

Finance Director Corder also spoke about the three funding needs that are not addressed: I-90 loss of mobility and bus intercept analysis/negotiations, MICEC technology and equipment sinking fund, and soil remediation reimbursement (Honeywell property) to the Equipment Rental Fund.

Council approved staff's recommendation for disposition of the 2014 General Fund & REET Surplus with one change: dedicate \$40,291 to fund I-90 loss of mobility and bus intercept analysis/negotiations instead of increasing the Contingency Fund balance to 2014 target level.

OTHER BUSINESS

Councilmember Absences

Councilmember Bertlin will be absent July 20.
Deputy Mayor Grausz will be absent Aug 3.

Planning Schedule

City Manager Treat noted that the Cross-Connection Control Program will come back before Council on June 15, discussion and direction on Impact Fees is scheduled for July 6, and the Town Center and Comp Plan will be scheduled for a future Council meeting.

Councilmember Wong and Councilmember Pottmeyer spoke in support of King County's Best Starts for Kids levy and asked that Council take a formal position to support it.

Board Appointments

Mayor Bassett spoke about the overall appointment process and specifically about the Design Commission appointments. There was further discussion amongst Council regarding the board appointment process.

It was moved by Grausz; seconded by Brahm to:

Confirm the 2015 Board & Commission appointments as follows:

Arts Council

Allie Roodman, Position 1, Term 2019
Suzanne Zahniser, Position 2, Term 2019

Design Commission

Susanne Foster, Position 1, Term 2019
Hui Tian, Position 2, Term 2019

Planning Commission

Tiffin Goodman, Position 1, Term 2019
Bryan Cairns, Position 2, Term 2019

Utility Board

William Pokorny, Position 1, Term 2016

Youth & Family Services Advisory Board (Adult)

Doris Cassan, Position 1, Term 2018
Susan Lund, Position 4, Term 2018

Youth & Family Services Advisory Board (Youth)

Richard Chess, Term 2016
Roberto White, Term 2017
Ethan Chen, Term 2017
Penny Kierstead, Term 2017
Christopher Elliott, Term 2017
Alex White, Term 2017

Passed 7-0

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

Councilmember Reports

Councilmember Brahm mentioned the Chamber of Commerce luncheon this coming Thursday. She attended the Parks & Rec Subcommittee meeting on May 21 and noted that the Calkins Landing improvement is going out to bid with the work scheduled for completion by the end of September. She also spoke about the events planned for Summer Celebration.

Deputy Mayor Grausz expressed his appreciation to the Congregational Church for their understanding during the park and ride discussions.

Councilmember Cero spoke about getting the Tolling Committee together and the amazing week that Mercer Island High School athletics had.

Councilmember Bertlin spoke about finding funding for both the light replacement at Island Crest Park and the Groveland dock.

Councilmember Wong noted that June 7 is the start of the Farmers Market. He also attended a Kids for Peace

event at Emmanuel Episcopal Church on religious tolerance.
Mayor Bassett attended a tour of the 520 bridge project and also spoke about the Mercer Island High School lacrosse game.

ADJOURNMENT

The Regular Meeting adjourned at 10:40 pm.

Bruce Bassett, Mayor

Attest:

Karin Roberts, Deputy City Clerk