



CITY COUNCIL MINUTES REGULAR MEETING APRIL 20, 2015

STUDY SESSION

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.

Councilmembers Debbie Bertlin, Jane Brahm, Mike Cero, Benson Wong, Deputy Mayor Dan Grausz, and Mayor Bruce Bassett were present. Councilmember Joel Wachs was absent.

AB 5062 Growth Management Act Presentation and Discussion

DSG Director Scott Greenberg introduced two experts on the WA State Growth Management Act (GMA), Joe Tovar, Tovar Planning and Attorney Susan Drummond, and spoke about the nine questions collected from the public regarding the GMA.

Joe Tovar gave a brief overview of the GMA noting that there are a wide range of local choices. He spoke about when and why the legislature adopted the GMA, the GMA reflecting diverse geographic, economic, and political landscapes, and Mercer Island being in the middle of a global Metropolitan Region. He stated that the GMA is a state law which consists of planning goals and GMA requirements. He spoke about the definitions of comprehensive plan and development regulations, the GMA planning goal 11 regarding public participation, and highlighted three other GMA planning goals, 1 Urban growth, 3 Transportation, and 4 Housing. He noted the GMA requirement that all land must be designated as one of five mutually exclusive types and that the GMA requires periodic updates of plans and codes. He spoke about how to formulate and implement a comprehensive plan, county-wide planning policies and multi-county planning policies, comprehensive plan elements, and how cities have broad discretion to designate use and density on a Future Land Use Map in the Comprehensive Plan. He also spoke about goals and policies, the town center subarea concept, the GMA requirement regarding essential public facilities, and zoning codes.

Susan Drummond noted an overarching theme in cases regarding the GMA is how jurisdictions protect what matters to them in terms of their community. She noted the key components in making land use decisions include understanding the legal structure, having a solid decision containing facts, and having a good public process. She spoke about the legal structure of the GMA, providing adequate infrastructure for growth, that the local jurisdiction makes the final call on plans and regulations, and the implications of not complying with the GMA. She reiterated the importance of a good public process and crafting a very solid decision.

Council asked questions regarding zoning capacity, clarification on whether Mercer Island can choose not to accept the growth factors allocated by King County, how level of service intersects with density and GMA requirements, if Mercer Island is still in compliance if they push developers past their willingness to build, what will happen in 2017 with the new allocations, what happens when zoning is downsized in terms of litigation, what factors are used or considered when numbers are allocated to a particular city and what factors Mercer Island can use, expanding the urban growth boundary, land capacity in the Central Business District, and if a government has ever argued successfully for a reduction in their population target.

City Manager Treat spoke briefly about the questions received from the public.

The Study Session adjourned at 6:56 pm.

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 7:07 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. Councilmember Joel Wachs was absent.

Mayor Bruce Bassett asked for a moment of silence to observe the passing of longtime Mercer Island residents Homer Lupton and Phil Flash.

APPEARANCES

Dick Winslow, 3761 77th Ave SE, thanked Council for re-establishing a commuter bus system.

Frank Sorba, 8113 SE 74th Place, spoke in favor of the fireworks permit, provided a history of fireworks, and believes the fireworks booth provides a service to the community by selling safe and sane fireworks. He noted that the proceeds from fireworks sales have preserved and restored the VFW which is used often by the community.

John Gebhart, 7360 81st Place SE, with Mercer Island Masonic Lodge, spoke in support of the fireworks permit and about safety, noise, hours of operation, community support, and profits staying on the Island.

Vann Lanz, 4118 96th Ave SE, requested that the Council initiate a street vacation procedure for a portion of Wharton Road.

Jenny Mechem, 8451 SE 36th Street, thanked the City for the walkway along NE 86th Street. She asked why the decision was made to make it a gravel path as opposed to a concrete sidewalk. She noted that there is no physical demarcation between the path, the gravel driveways, and the roadway. She asked Council to consider putting in a concrete sidewalk with curbs.

MINUTES

2015 City Council Planning Session Minutes of January 23-24, 2015

It was moved by Brahm; seconded by Cero to:

Adopt the 2015 City Council Planning Session Minutes of January 23-24, 2015 as written.

Passed 6-0

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

ABSENT: 1 (Wachs)

Regular Meeting Minutes of March 30, 2015

It was moved by Brahm; seconded by Wong to:

Adopt the Regular Meeting Minutes of March 30, 2015 as written.

Passed 6-0

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

ABSENT: 1 (Wachs)

CONSENT CALENDAR

Payables: \$418,135.17 (04/02/15), \$222,613.76 (04/09/15), & \$317,664.32 (04/15/15)

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

Payroll: \$776,725.41 (04/03/15) & \$765,102.77 (04/17/15)

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 Wong to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 6-0

FOR: 6 (Bassett, Bertlin, Brahm, Cero, Grausz, Wong)
ABSENT: 1 (Wachs)

REGULAR BUSINESS

AB 5051 Mercer Island Masonic Lodge Fireworks Sales Permit

Chief Steve Heitman presented the Mercer Island Masonic Lodge Fireworks Sales Permit. He spoke about the sale and discharge dates, the City being named as an additional insured for indemnification, and the location of the fireworks stand.

It was moved by Brahm; seconded by Wong to:

Approve the Mercer Island Masonic Club's permit application to allow the retail sale of "consumer" fireworks in conjunction with Independence Day 2015.

It was moved by Wong; seconded by Grausz to:

Amend the previous motion as follows:

...and stop sales at 10:00 pm on July 4th.

Motion to Amend Passed 6-0

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

ABSENT: 1 (Wachs)

Amended Motion Passed 5-1

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

AGAINST: 1 (Bertlin)

ABSENT: 1 (Wachs)

AB 5058 Metro Mercer Island Shuttle Service Between Mercer Island and Seattle Agreement

Assistant City Manager Kirsten Taylor spoke about Metro bus service being cut dramatically last year as part of budget and service reductions made by King County. She noted that the City immediately started looking for alternatives and possible solutions.

Ashley Arai, Transportation Planner with King County Metro's Service Planning Division, spoke about the Mercer Island commuter shuttle timeline, the survey statistics from December, the commuter shuttle operations and costs, the addition of more park and ride spaces, the highlights of the transit service funding agreement, and next steps.

It was moved by Brahm; seconded by Bertlin to:

Authorize the City Manager to enter into a Mercer Island Alternative Transit Service Funding Agreement and authorize expenditures of \$47,000 in 2015 and \$80,000 in 2016 from the Street Fund.

Passed 6-0

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

ABSENT: 1 (Wachs)

It was moved by Brahm; seconded by Bertlin to:

Authorize the City Manager to enter into an agreement with the City of Seattle to receive half the cost of the Mercer Island-Seattle shuttle service.

Passed 6-0

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

ABSENT: 1 (Wachs)

AB 5065 Update on Sound Transit Bus Intercept Proposal and Commuter Parking

City Manager Noel Treat provided an update on Sound Transit's bus intercept proposal and commuter parking. He noted that, in regards to the bus intercept proposal, Sound Transit is in the process of preparing a draft EIS addendum, soliciting public comment, and will hold at least one community meeting. He explained that discussions with Sound Transit are on-going, and the City is reviewing agreements that Sound Transit has entered into with the University of Washington and the City of Bellevue regarding litigation around light-rail stations in terms of mitigation and compensation. In regards to commuter parking, he spoke about the discussions that are

underway with Hines for inclusion of Islander commuter parking, the funding discussions with Sound Transit, and about the timeline.

AB 5063 4th Quarter 2014 Financial Status Report & 2015-2016 Budget Adjustments

Finance Director Chip Corder presented the 4th Quarter 2014 Financial Status Report & 2015-2016 Budget Adjustments. He spoke about the General Fund including surplus, revenues, utility tax, sales tax, development activity, expenditures, and fund balance. He also spoke about the Utility Funds including the water fund, the sewer fund, and the storm water fund, and presented highlights from the Street Fund, the Criminal Justice Fund, the Youth & Family Services Fund, the Capital Improvement Fund, the Technology & Equipment Fund, the Fire Station 92 Construction Fund, the Capital Reserve Fund, and the Equipment Rental Fund. He spoke about the Capital Improvement Program including REET, presented some project highlights, and gave a brief overview of the Budget Adjustments.

It was moved by Brahm; seconded by Bertlin to:

Suspend the City Council Rules of Procedure 5.2 requiring a second reading for an ordinance.

Passed 5-1

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

AGAINST: 1 (Cero)

ABSENT: 1 (Wachs)

It was moved by Brahm; seconded by Bertlin to:

Adopt Ordinance No. 15-07, amending the 2015-2016 Budget.

Passed 6-0

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

ABSENT: 1 (Wachs)

OTHER BUSINESS

Councilmember Absences

Councilmember Wachs' absence was excused.

Planning Schedule

City Manager Treat noted that bus intercept and commuter parking will be added.

Board Appointments

There were no appointments.

Councilmember Reports

Councilmember Wong spoke about the SCA PIC meeting on April 8 and King County's Best Starts for Kids Levy.

Councilmember Cero spoke about hearing Michael Medved back on the radio. He also spoke about the complaints he has been hearing regarding public records requests. City Manager Treat responded.

Councilmember Brahm spoke about the Arts Council meeting on April 8. She noted that the Mostly Music in the Park brochure is out, there will be two summer movie nights, the film series is over and was very successful, and the weekend closure of I-90 went much better than two weeks ago.

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 9:54 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 30 minutes.

At 10:24 pm, Mayor Bassett extended the Executive Session for an additional 10 minutes.

At 10:34 pm, Mayor Bassett adjourned the Executive Session.

It was moved by Grausz; seconded by Brahm to:

Approve the settlement of the AT&T Mobility v. Mercer Island lawsuit for \$25, 315.52.

Passed 6-0

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

ABSENT: 1 (Wachs)

It was moved by Grausz; seconded by Brahm to:

Authorize the City Manager to sign the settlement agreement between the City and the McDonald Family Trust.

Passed 6-0

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

ABSENT: 1 (Wachs)

ADJOURNMENT

The Regular Meeting adjourned at 10:37 pm.

Bruce Bassett, Mayor

Attest:

Karin Roberts, Deputy City Clerk