



CITY COUNCIL MINUTES

STUDY SESSION & REGULAR MEETING

MARCH 30, 2015

STUDY SESSION

Mayor Bruce Bassett called the Study Session 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, Joel Wachs, Benson Wong, Deputy Mayor Dan Grausz, and Mayor Bruce Bassett were present.

AB 5056 Water System Contamination Event Work Plan Update

Maintenance Director Glenn Boettcher introduced Melinda Friedman from Confluence Engineering who provided an update on the City's long term action plan in response to the Water System Contamination Event in the fall of 2014.

Ms. Friedman presented information to the Council regarding the long-term action plan objectives of:

- 1) Filling key data gaps identified during the Phase 1 evaluation;
- 2) Continuing with the Phase 1 Action Plan recommendations; and
- 3) Identifying new/modified system practices to minimize risk of future events.

She provided information about current practices and recommendations for disinfectant residual level increase and maintenance including booster disinfection at reservoirs, routine monitoring results, and Island-wide chlorine surveys. She also spoke about action items to reduce contamination risks, developing standard operating procedures, and current water quality monitoring.

The Study Session adjourned at 6:56 pm

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

AGENDA AMENDMENTS

Mayor Bassett made the following changes to the agenda:

- Canceled the scheduled Executive Session.
- Added an agenda item to the first item of Regular Business, titled Bus Intercept and Sound Transit Funding Update.

APPEARANCES

Cynthia Winiski, 2750 68th Ave SE, read excerpts from City Council minutes regarding parking. She noted that she has read the development code and questions why the City was not requiring developments to have more parking.

Michelle Goldberg, 2212 78th Ave SE, is surprised and disappointed that the bus intercept issues were added to the agenda at the last minute as it is an issue of concern to many Islanders. She would have liked the email from staff to say that no decision would be made at the meeting. She has read the statement and is concerned that certain language implies that the \$6.3 million mitigation fund is necessarily tied to bus intercept. She then read from a March 4 Mercer Island Reporter article. She is opposed to the bus intercept system.

Meg Lippert, 4052 94th Ave SE stated that the new KCLS Director has said that the current plans for remodeling the Mercer Island Library are off the table and they will be starting from scratch. She encouraged citizens to complete the KCLS survey regarding the library (www.kcls.org/misurvey). She noted that there will be a public meeting on April 23 and that Mercer Island needs to step up and respond to the survey.

Tom Acker, 2428 78th Ave SE, expressed his dismay at the Council putting the bus intercept discussion on the agenda at the last minute instead of further out so people could plan to be at the meeting. He stated that Sound Transit's sense of urgency or lack of planning does not constitute an emergency on the City's part. He read an email that he sent 1) regarding the message from Mercer island residents that they do not want an increase in density, overdevelopment and or mid-rise buildings in the Town Center, and 2) to document why he raised his hand during an informal vote at the Stakeholder Group meeting to support 5-storied buildings. He asked the Council to put the City's interest in front of Sound Transit's.

Ira Appelman, 4436 Ferncroft Road, stated that he is against the bus intercept proposal and is against Sound Transit parking at the King/Hines property as it is too far away. He objects to pretending that parking at that site will alleviate parking issues. He believes the Town Center Visioning process is speeding toward the mistakes of the past. He stated that the public has said that they do not like 5-story buildings and when the City asked the Stakeholder Group if they like 5-stories, they agreed, which shows that the Stakeholders Group does not represent the whole island.

MINUTES

Regular Meeting Minutes of February 23, 2015

It was moved by Brahm; seconded by Bertlin to:

Adopt the Regular Meeting Minutes of February 23, 2015 as written.

Passed 7-0

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

CONSENT CALENDAR

Deputy Mayor Grausz requested removal of AB 5059: 2015-2016 Fire Collective Bargaining Agreement from the Consent Calendar. Mayor Bassett moved it to the first item of Regular Business.

Payables: \$331,663.22 (03/12/15) & \$660,680.92 (03/19/15)

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

Payroll: \$712,349.70 (03/20/15)

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

It was moved by Wong; seconded by Brahm to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 7-0

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

REGULAR BUSINESS

AB 5059 2015-2016 Fire Collective Bargaining Agreement

Deputy Mayor Grausz asked questions regarding the agreement.

It was moved by Grausz; seconded by Brahm to:

Approve the Fire Collective Bargaining Agreement and Memorandum of Understanding with the Mercer Island Fire Union for the period of January 1, 2015 through December 31, 2016, and authorize the City Manager to sign same.

Passed 7-0

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

No AB Bus Intercept and Sound Transit Funding Update

Mayor Bassett noted that it was not ideal to add this item to the agenda at such a late hour and that the notice of item being added should have included language noting that the Council would not be making any decisions regarding the Bus Intercept and Sound Transit Funding. He also noted that the memo is posted online at www.mercergov.org/busrail.

Councilmember Cero stated that he believes the actions following the City and Sound Transit meeting on Tuesday violated the Open Public Meetings Act (OPMA). He asked the Council to be sensitive to the OPMA and recognize that “actionable items” can be defined very broadly.

City Attorney Katie Knight noted that all of the actions taken after the City and Sound Transit meeting on Tuesday were in compliance with the OPMA. She noted that there is an absolute recognition that a balance has to be struck between the right of the public to have its business conducted in the open and the need for the Council to obtain information and communicate in order to function effectively.

Deputy Mayor Grausz spoke about the memo and the need to get information out to the public about the bus intercept and commuter parking. He explained that the public has been asking for an update and this is the Council’s attempt to explain the current position, what information the City has been asking for, and what information Sound Transit has said they will provide. He also noted that the \$6.3 million mitigation is not related to the Bus Intercept proposal. He reiterated that the Council decided that the Bus Intercept would only go forward if the commuter parking issue on the Island is addressed.

Councilmember Wong noted that this is unfolding very quickly and encouraged that information be pushed out to citizens regularly and as soon as possible. He asked about the April 23 deadline in the memo.

Mayor Bassett explained that the East Link project will reach a significant milestone on April 23 when the Sound Transit Board is scheduled to adopt the project ‘Baseline’—effectively setting the scope, schedule, and budget for the entire project. He noted that Sound Transit staff intends to include Bus Intercept in the Baseline proposal. He also noted that the City has requested Sound Transit staff to make sure the Sound Transit Board understands that Bus Intercept has yet to be approved by Mercer Island and that significant issues remain to be addressed before granting that approval will be considered by the City.

Councilmembers Brahm and Wong noted that they would like Sound Transit to respond in writing regarding the \$6.3 million mitigation and that Park-and-Ride parking cannot be dedicated.

Councilmember Wong also asked if there is a need to do legal research on the Bus Intercept proposal. City Attorney Knight responded that the City has retained outside counsel to work on it.

Councilmember Cero also asked that the City gets clarification from WSDOT in writing regarding SOV access when the center lanes are closed.

Mayor Bassett stated that the City would like Sound Transit to do a public open house with answers to the questions that the public and Council have raised. In trying to determine a date before the April 23 deadline, Sound Transit stated that they need a 5-week lead time before having a meeting. He noted that Sound Transit and the City will meet later in the week to discuss accelerating the public meeting.

The Council further discussed having the Town Center Stakeholder Group provide input on the Bus Intercept proposal, the Hines property location and commuter parking, and the 15-day notice before Hines submits a building permit.

AB 5050 Open Space Vegetation Plan Ten Year Update

Natural Resources Manager Paul West presented the 10 year Open Space Evaluation and Plan Update. He noted that this is the reassessment that the 20-year plan called for, revisits the original goals of the 2004 Open Space Vegetation Plan, and recommends modifications and improvements to achieve sustainable and resilient forest landscapes. He provided data and statistics regarding managing a systematic restoration program to reduce invasive plant species, re-vegetate areas of bare soil, and plant native plants, particularly coniferous trees, to improve forest cover.

It was moved by Wachs; seconded by Brahm to:

Adopt the 2014 Open Space Vegetation Plan update to amend the 2004 Open Space Vegetation Plan.

Passed 7-0

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

AB 5060 Amendment to Solicitors Ordinance (1st Reading)

City Attorney Katie Knight presented revisions to the City's soliciting regulations which change the definition of solicitors and revise the curfew start time from 7:00 pm to 9:00 pm to settle the United States Mission's lawsuit against the City. She also noted that Section E in 5.16.010 Definitions should be stricken from the proposed ordinance.

It was moved by Cero; seconded by Grausz to:

Suspend City Council Rules of Procedure 5.2, requiring a second reading.

Passed 6-1

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

AGAINST: 1 (Cero)

It was moved by Brahm; seconded by Bertlin to:

Adopt Ordinance No. 15C-06 (as amended) amending MICC Chapter 5.16, Regulations and Licensing of Solicitors to change the definition of solicitor and to change the curfew start time.

Passed 7-0

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

OTHER BUSINESS

Councilmember Absences

There were no absences.

Planning Schedule

Assistant City Manager Kirsten Taylor noted that April 20 is a full meeting.

Councilmember Cero asked about scheduling an agenda item with Sound Transit regarding the bus intercept.

Board Appointments

There were no appointments.

Councilmember Reports

Councilmember Brahm spoke about the I-90 traffic over the past weekend saying it was not handled well and signage was poor. Deputy Mayor Grausz noted that Representatives Judy Clibborn and Tana Senn are meeting with WSDOT regarding the situation.

Councilmember Wachs handed out books to Councilmembers.

Deputy Mayor Grausz spoke about the Town Center Visioning Stakeholder Group two-day session. He noted that it was productive and the group was able to reaffirm an overall vision for the Town Center. He noted that there are no specific recommendations yet, but that there should be at the April 21 meeting.

Councilmember Cero noted that the State transportation package did not get out of committee in the legislature and he encouraged Council to get constituents to talk to Rep. Judy Clibborn to help get it out of committee.

Councilmember Bertlin congratulated Representative Tana Senn on her legislation for equal pay for women. Councilmember Wong spoke about the groundbreaking ceremonies for the 4th elementary school and Island Middle School. He also praised the Mercer Island Rotary for a well-organized half marathon. Mayor Bassett spoke about the set of DVDs that Hal Quinn sent to the Council about designing healthy communities. He encouraged the members of the Town Center Subcommittee to watch disc one.

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

This item was canceled.

ADJOURNMENT

The Regular Meeting adjourned at 9:46 pm.

Bruce Bassett, Mayor

Attest:

Allison Spietz, City Clerk