



# CITY COUNCIL MINUTES

## REGULAR MEETING

### JANUARY 5, 2015

---

#### 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 30 minutes.

At 6:30 pm, Mayor Bassett convened the Executive Session (noted above) pursuant to RCW 42.30.110(1)(i) for approximately 30 minutes.

At 6:57 pm the Mayor adjourned Executive Session.

#### CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the Regular Meeting to order at 7:03 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

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

#### SPECIAL BUSINESS

##### Recognition of Tana Senn's Service to the Citizens of Mercer Island

Mayor Bassett read a Resolution of commendation for Tana Senn for her service to the citizens of Mercer Island. He noted the Council's accomplishments during her tenure and the boards, commissions, and regional groups to which she was a liaison. He stated that the City Council commends her for her three years of distinguished public service and extends its sincerest thanks and appreciation for her time and many contributions to Mercer Island.

Councilmember Senn noted how busy the Council was over the past three years and the number of things that were accomplished. She thanked the Council for their dedication and leadership in the community and. She thanked the City staff for their responsiveness and respect for the community. She noted that is sad to leave the Mercer Island City Council, but is excited to go to Olympia and work on many important statewide issues in the House of Representatives. She then thanked Council and staff members for their individual contributions to her experience on the Council.

Councilmembers spoke about Tana, thanked her for her service, and wished her luck in Olympia.

#### AGENDA REVIEW

Mayor Bassett added a discussion of the Interview Process for Council Vacancy Candidates to the agenda as the first item of Regular Business.

#### APPEARANCES

Bob Ellis, 4236 85th Ave SE, spoke about the parking at the Community Center proposal. He asked the Council to ask "What would Aubrey Davis do?" He noted that Mayor Davis worked with people coming in instead of

fighting them off. He believes that the City should be able to negotiate with other agencies and find a solution that is not a blight in the community.

Tom Acker, 2427 84th Ave SE, thanked the Council for pulling back on the proposal to create more parking at the Community Center. He explained that he does not want to lose park land to pavement. He spoke about the community group Save Our Suburbs and is looking forward to working with the Council to manage growth and density.

Ira Appelman, 4436 Ferncroft Road, stated that in 2006, the Council made a decision to pass a Master Plan for Luther Burbank and surrounding areas. He explained that the Plan protects West Hill and he has found that lots of people use West Hill and really enjoy it. He suggested having a naming contest for the hill and schedule events on the hill (i.e. kite flying festival). He also noted that the Council's legislative priorities do not include any public records request issues.

## MINUTES

### Study Session & Regular Meeting Minutes of November 3, 2014

It was moved by Bertlin; seconded by Brahm to:

**Adopt the Study Session & Regular Meeting Minutes of November 17, 2014 as written.**

Passed 7-0

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

### Study Session & Regular Meeting Minutes of December 1, 2014

It was moved by Brahm; seconded by Bertlin to:

**Adopt the Study Session & Regular Meeting Minutes of December 1, 2014 as written.**

Passed 7-0

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

## CONSENT CALENDAR

### Payables: \$779.86 (10/30/14), \$756,244.12 (12/05/14), & \$1,432,168.09 (12/23/14)

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

### Payroll: \$751,688.42 (12/12/14) & \$734,819.18 (12/26/14)

**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 (Wong, Bassett, Bertlin, Brahm, Cero, Grausz, Senn)

## REGULAR BUSINESS

### Interview Process for Council Vacancy Candidates

Mayor Bassett thanked each of the eleven candidates for submitting their applications to fill Tana Senn's vacancy on the City Council. He noted that the swearing-in will occur after appointment on January 20, unless the appointee would like to wait and have their family and friends present and the swearing-in can occur at the February 2 meeting. He also stated that candidates can contact Councilmembers during this process.

Mayor Bassett stated that there are questions in the packet that each candidate should answer in their 3-5 minute speech, but he suggested having each Councilmember put forth one or two additional questions which would be given to the candidates in advance. After all of the speeches tomorrow night, each candidate can choose which

question(s) to answer for up to three minutes each.

Deputy Mayor Grausz suggested having a separate question period after the speeches. He proposed having Councilmembers submit questions and then divide the candidates into three panels (4 candidates, 4 candidates, 3 candidates). Each panel will be assigned two of the questions and each candidate will respond to both questions.

Councilmember Cero suggested that after the speeches, each candidate would draw a question out of a hat and answer the random question.

The majority of the Council decided that the City Manager will choose six questions out of those submitted by Councilmembers. All six questions will be sent to the candidates and they will be told that they will be randomly assigned to a panel and each panel will randomly be assigned two of the six questions.

### **AB 5029 Commuter Parking Options Update**

City Manager Noel Treat explained that the last time the Council discussed commuter parking one of the directions was to look at alternatives to the Mercer Island Community and Event Center (MICEC) site. He noted that the City engaged a consultant to review other commuter parking options in the Town Center and a draft report should be ready soon. He also stated that the Council's sub-committee recently published its recommendation to stop further study of the option of commuter parking at the MICEC.

Mayor Bassett explained that this agenda item is to allow the full Council to provide direction to staff regarding the continued analysis of the MICEC parking site option.

There was a unanimous decision by the City Council to stop work on the analysis of commuter parking at MICEC.

City Manager Treat noted that staff will continue to work on the other options for commuter parking and a plan for public outreach.

Assistant City Manager Kirsten Taylor and Sustainability & Communications Manager Ross Freeman presented the public involvement plan regarding commuter parking options. They also noted that they will be coordinating the community engagement public involvement for several areas of work this year, including, commuter parking, bus intercept options, Town Center zoning and visioning efforts, and Metro service additions which address the 2014 bus services cuts.

### **AB 5028 Zoning Code Text Amendment Related to the Requirements for Wireless Communication Facilities (1st Reading)**

Principal Planner George Steirer presented an application by Bush Law Firm on behalf of AT&T Wireless for a Zoning Code text amendment that would modify existing regulations and create new development standards for wireless communication facilities (WCF's) on Mercer Island. The proposed ordinance would allow:

1. WCF's at Islander Middle School and South Mercer Playfields;
2. WCF's in the Multifamily zone at the corner of SE 28th Street and 61st Ave SE, where an existing WCF exists;
3. "Small cell facilities" (antennas up to three cubic feet, and associated equipment) in all zones;
4. WCF modifications without a land use permit, to comply with recent FCC requirements.

The Council asked questions about locations and what specifically is allowed. City Manager Treat reminded the Council that this is a request from an applicant and not staff driven, which is why the proposed changes are limited.

Kristen Larsen from Bush Law Firm on behalf of AT&T Wireless presented information to the Council about the application and the need to expand the AT&T Wireless network on Mercer Island. She noted that within the structure of the existing City code, revisions are needed in order to allow for a robust wireless network and enhanced service for residents. She stated that they are seeking authorization to add small cells and allow WCF's within a small portion of 84<sup>th</sup> Ave SE right-of-way for added coverage and improved capacity as well as allow modifications to existing sites within the City as allowed by federal law. She then provided information about small cells facilities.

The Council asked questions about what the need is for improving service, justification for view-blocking antennas, a map of performance issues and what the proposed amendments will address, the increase in size of facilities, the balance between changing the code to improve service and keeping WCF's out of residential areas, the number and location of small cell facilities that will be installed on the Island, if the small cell facilities need land use permits and review,

The Council took a 10-minute break.

Mayor Bassett noted that this ordinance will mostly likely require a third reading before adoption. He asked staff and the consultant to collect questions from the Council to respond to at the second reading.

The Council went through each of the elements of the code text amendments and asked questions regarding the proposed WCF allowances and small cell facilities. Their questions were regarding location, height, view restrictions, screening of WCF's, changes to non-conforming facilities, and review of regulations for small cell facilities.

Deputy Mayor Grausz noted that the Council may be asking too much of staff to research and answer questions due to current workload and large issues on the horizon. He suggested that staff returns with a pared down ordinance to adopt only what is required by changes to the federal laws and then put the remaining issues on the staff's work plan to review as time permits.

Principal Planner Steirer noted that there this is an application that the City must respond to within a 120-day timeframe, unless both parties agree in writing to extend the timeframe.

There was a majority of the Council who agreed with staff returning at the next meeting with code text amendments to allow WCF's at Islander Middle School and South Mercer Playfields and to incorporate new federal laws. The Council will then have a discussion of the remaining issues at the Planning Session.

#### **AB 5027 Zoning Code Text Amendment Related to Stage Theaters as Accessory Uses to Places of Worship (2nd Reading)**

It was moved by Senn; seconded by Brahm to:

**Adopt Ordinance No. 15C-03 amending MICC 19.02.010(A) to allow theater programs as an accessory use to places of worship.**

Passed 7-0

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

#### **AB 5030 City of Mercer Island 2015 State Legislative Priorities**

Mayor Bassett and Councilmember Senn noted a few changes and additions to the priorities.

Councilmember Cero spoke about the legislative priorities he does not support.

It was moved by Brahm; seconded by Wong to:

**Adopt the City of Mercer Island 2015 State Legislative Priorities as amended.**

Passed 6-1

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

AGAINST: 1 (Cero)

### **OTHER BUSINESS**

#### **Councilmember Absences**

There were no absences.

#### **Planning Schedule**

Mayor Bassett asked about changing council dates due to mid-winter break, spring break and Jewish holidays. The Council moved the February 17 meeting to February 23 and moved the April 6 meeting to March 31.

**Board Appointments**

There were no board appointments.

**Councilmember Reports**

Councilmember Brahm spoke about the damage to the gateway sign and artwork in the sculpture gallery in the Town Center. She also spoke about the upcoming Health and Wellness Fair at the Community Center.

Councilmember Bertlin commended the Parks Department on their quick work on taking care of a downed tree. Councilmember Senn also commented on the Parks Department stellar and quick work on a gravel issue. She also thanked the Council for their kind words and wished them luck.

Councilmember Wong spoke about attending the City's audit exit interview. He noted there were no findings and he gave kudos to the staff for their good work. He also spoke about the climate solutions meeting in December.

Mayor Bassett spoke about meetings with the City's Leadership Team for the City Manager's review. He also asked Council to provide comments. He spoke about a survey from about Metro reconstituting a bus route that was recently canceled.

Councilmember Brahm asked the City Manager what the timeline was for the Town Center Visioning code revisions and when the Council would consider a moratorium on construction. City Manager Treat stated that information about the issues would be discussed in depth at the Planning Session.

**ADJOURNMENT**

The Regular Meeting adjourned at 10:20 pm.

---

Bruce Bassett, Mayor

Attest:

---

Allison Spietz, City Clerk