



CITY COUNCIL MINUTES

STUDY SESSION & REGULAR MEETING

DECEMBER 1, 2014

STUDY SESSION

Mayor Bruce Bassett called the Study Session to order at 6:02 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.

AB 5026 Sound Transit - Parking and Integrated Bus Options

Mayor Bassett read a statement to provide background regarding the issue, noting that no formal action would be taken tonight.

Ron Lewis, East Link Executive Project Director, presented a brief overview and update of the East Link project. He spoke about the overall Sound Transit system and specifically about the East Link project. He also spoke about the project timeline and recent progress, and presented some renditions of the Mercer Island station. He noted that Mercer Island outreach comments included more Mercer Island resident commuter parking, integrated transit service, interest in the ventilators and color, and a desire to reflect community character.

Don Billen, East Link Deputy Project Manager, spoke about integrated transit service on the I-90 corridor and the advantages of integrating transit. He described the different scenarios and noted that integrated transit service outreach produced a new Scenario 5, which basically places a mini transit center on the 80th Avenue overpass. He discussed peak hour and daily bus volumes, and spoke about the challenges associated with commuter parking. He noted that there is a strong interest in more commuter parking and spoke about the potential Sound Transit-City of Mercer Island partnership to provide more parking. He also spoke briefly about the South Bellevue replacement parking. He described the Mercer Island Community & Event Center parking study, the potential different parking concepts, the project timeline, the concerns that were brought forward at the Mercer Island commuter parking outreach meetings, and next steps.

Council asked questions regarding the following:

- why the current Park & Ride cannot be expanded and about the possibility of conducting an impartial analysis on its expansion
- if a parking pilot program was considered for Mercer Island
- using the south Luther Burbank parking lot for Mercer Island resident only parking
- the written policies on Mercer Island residents not being able to reserve parking
- further discussion on phasing construction of the current MICEC parking lot
- about potential parking at the private lot adjacent to the existing Park & Ride
- an inventory of potential sites
- a further explanation of traffic flow
- how many pedestrians will be getting off of buses and getting onto Sound Transit on Mercer Island
- who would be responsible to maintain a new parking structure
- the possibility of burying the parking structure at the Community Center and planting grass on the lid
- why South Bellevue is not a feasible alternative to bus intercept on Mercer Island and for a confirmation that buses will not be parked at the Mercer Island station
- if option 5 will show how traffic will be controlled coming off of the HOV ramps and, if adopted, whether any changes would be made to the 80th Street entrance to the light rail station
- if the parking structure at the Community Center is consistent with the Luther Burbank Master Plan and, if not, what the process is for changing the plan
- mitigation for safe and clear pedestrian pathways
- about the effectiveness of compact parking stalls and about the safety of angled parking versus straight-in parking

The Council stated the need for more parking for Mercer Islanders, that all alternatives must be looked at, that the process needs to be very clear, that minimum criteria needs to be established, and that ideally parking should serve the town center and economic development.

The Study Session adjourned at 7:16 pm.

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 7:27 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

Councilmember Bertlin recognized the City's participation in the Let's Move Cities, Towns, and Counties program which is part of the Let's Move initiative. She noted that the initiative was kicked off by the Parks and Recreation Department this year and that, out of the 457 Let's Move cities that are participating nationwide, the City of Mercer Island is ranked #10 nationally in terms of its achievements. She also noted that, at the National League of Cities conference, Recreation Superintendent Diane Mortenson received the Most Dedicated Staff Award for her leadership in the program. She also recognized the various other organizations on Mercer Island that have been very supportive and participatory in the program.

APPEARANCES

Tom Acker, 2427 84th Ave SE, spoke about going for a bike ride with kids at Luther Burbank and thinks that putting a parking garage on kite hill is ridiculous. He feels the process is rushed and not a single person is in favor of the parking proposal. He believes that Sound Transit will disregard the Mercer Island community and implored Council to represent the community and to think about a long-term strategy.

Bharat Shyam, 8405 SE 34th Street, noted that park land once lost is lost forever and spoke against the arguments from those that are in favor of developing more parking at Luther Burbank Park.

Tom Imrich, 6231 Island Crest Way, believes the proposal for a new north end Park & Ride adjacent to Luther Burbank is inappropriate, wrong, and counterproductive. He noted that Mercer Island should not be an alternative to a closed Bellevue Park & Ride, that Council's first obligation is to do no harm to Mercer Island, and that Council's second obligation is to seek a viable transportation short and long term solution that works for both Mercer Island and for the region. He asked Council to stop Sound Transit plans before the north end of the Island is destroyed.

Meg Lippert, 4052 94th Ave SE, thanked Council for their dedication and responsiveness over the past 11 months in regards to the library remodel. She stated that there is still much work to be done after the new KCLS Director starts on January 26th and groundwork to be laid before then.

Suzanne Davis, 7027 W Mercer Way, questioned why Mercer Island should provide parking for off-island commuters. She noted that additional parking for Bellevue and other off-island commuters would mean more traffic on I-90 and would take away open space. She asked why Mercer Island should lose precious open space for another parking lot while other communities and neighborhoods are gaining assets from Sound Transit. She urged Sound Transit to take a broader view for possible parking spaces that are not on Mercer Island, possibly off Richards Road in Factoria. She noted that if Sound Transit looks to Mercer Island for more parking, they should look for underutilized spaces before taking space from Luther Burbank, for example the existing south Luther Burbank parking lot.

Judith Roan, 7365 SE 38th Street, spoke about her love for kite hill. She does not like the proposed Sound Transit parking lot because it violates the 2006 Master Plan for Luther Burbank Park and the location will do nothing to

stimulate use of the core business area of Mercer Island. She noted that a Park & Ride within walking distance to the Town Center used during the day by Sound Transit and in the evening by MICA would benefit performances, restaurants, and other businesses. She likes the suggestion of putting parking underground, perhaps under the sculpture garden.

Sue Stewart, 3205 84th Ave SE, delivered an internet petition to protect Luther Burbank Park's Master Plan from being diminished by a Sound Transit funded Park & Ride structure or surface parking on park property. She noted that the Master Plan clearly specifies the park be maintained without commercial or other large scale development. She asked citizens to go online and add their name to the petition. She noted that Luther Burbank has been promised as a park and she would like it to be kept as a park.

John Scherzo, 9 Holly Lane, asked about doing a parking study to find out why Mercer Island has a parking problem. He also noted that he would like the buses to be forced to go to Bellevue.

Ian Morrison, attorney with McCullough Hill Leary, appreciates and shares the Council's objectives to ensure successful multi-modal transit, however there are significant concerns with the proposal. He noted that a commitment was made by a previous Council that Kite Hill would be a potential icon for the Island. He feels it's imperative that there is consistency with the Luther Burbank Master Plan, noted that the City has an obligation to conduct an environmental review, and reminded Council about their obligation under the open public meetings act.

Ron Moattar, 4645 88th Ave SE, thanked Council for being great facilitators and communicators. He asked Council to not rush into a decision because mistakes will be made, pointing out the short sided decision of the current Park & Ride. He spoke about a further study of sending the buses to Bellevue and noted that he would like the existing parking garage to be expanded.

Curtis Brown, 7015 80th Ave SE, sees the parking issue as an all island issue and noted that the broader issue is development. He came to Mercer Island for the suburbs, larger lot sizes and tree lined streets, and sees a lack of resistance to development. He stated that Mercer Island will always feel significant pressure to grow but that it is okay to fight that. He would like the Park & Ride to remain a need, with the solution being to start an educational campaign that encourages bicycling and increases bus access.

Kate Lampert, 8320 SE 30th Place, is a fan of public transit but is a bigger fan of open spaces and land. She is concerned that Luther Burbank will be transformed into a crowded, dangerous, and noisy space. She believes that parkland should be preserved and thinks the issue should be put to a referendum.

Ira Appelman, 4436 Ferncroft Road, opposes the construction of a parking garage at the Community Center. He believes the City Council should advocate for Mercer Island and not take Sound Transit's side. He noted that the West Hill portion of the Community Center was dedicated open space by a unanimous City Council, is protected as such in the Master Plan, and advocated for Mercer Island only parking spaces.

Judy Ginn, 7815 85th Place SE, does not oppose parking at Luther Burbank if it is done right, which means it should not look like a parking garage. She believes the bigger problem is solving downtown parking. She suggested building a parking garage to the west of QFC and on top of the planned Sound Transit building.

Lisa Belden, 8453 SE 63rd Street, is opposed to putting a parking lot on a park. She spoke about the City's code regarding impervious surface.

Ken Bostock, 5252 W Mercer Way, sees access to the Park & Ride as a significant problem. He stated that there is no way to avoid growth on the Eastside and noted that the population of Mercer Island does not support a shuttle system.

Stuart Anderson, 2417 84th Ave SE, is a regular user of Kite Hill and thinks it should be used for something other than a parking garage. He noted that the Island already has traffic issues and drawing more people into that area is a mistake. He thinks the traffic count can be reduced by enlarging the south Bellevue facility to accommodate the bus turnarounds.

Michael Spektor, 2210 82nd Ave SE, thinks a bus turnaround will change the character of Mercer Island and that parking should be on the other side of the commercial end.

Robert Medved, 7238 SE 32nd Street, stated that Luther Burbank is a treasured resource for the Mercer Island community. He noted that the underlying zoning must be looked at and that this proposal clearly violates the comprehensive plan and will not survive a challenge. He asked that the City put a litigation hold on all electronic and hard copy documents regarding Luther Burbank Park and Sound Transit in the event that litigation would ensue.

MINUTES

Executive Session and Regular Meeting Minutes of November 17, 2014.

It was moved by Brahm; seconded by Wong to:

Adopt the Executive Session and Regular Meeting Minutes of November 17, 2014 as written.

Passed 7-0

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

CONSENT CALENDAR

Councilmember Cero requested removal of AB 5012: Automated Fingerprint Identification System Interlocal Agreement from the Consent Calendar. Mayor Bassett moved it to the first item of Regular Business.

Payables: \$794,694.95 (11/13/14) & \$137,424.48 (11/20/14)

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

Payroll: \$715,597.02 (11/14/14) & \$726,997.73 (11/26/14)

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

REGULAR BUSINESS

AB 5012 Automated Fingerprint Identification System Interlocal Agreement

Councilmembers asked questions regarding the City adopting King County's policy, how personal privacy is protected in regards to the mobile device, and if the equipment is already installed.

Deputy Mayor Grausz believes that King County is washing its hand of the entire program and that the interlocal agreement is one-sided. He is concerned that this has potential civil liberties consequences and asked about implementing body cameras. He would like Council to hold off on making a decision on this as a Consent Calendar item.

Police Chief Ed Holmes assured Council that protecting civil rights is of utmost importance to the department.

It was moved by Cero; seconded by Brahm to:

Authorize the City Manager to sign the Interlocal Agreement between King County and the City of Mercer Island for use of Electronic Fingerprint Capture Equipment.

It was moved by Grausz; seconded by Bertlin to:

Amend main motion to add the following language:

The Police Department will be directed not to deploy the mobile devices without further authorization from the Council after review of its use on civil liberty issues as well as overall police militarization.

Motion to Amend Failed 2-5

FOR: 2 (Grausz, Senn)
AGAINST: 5 (Bassett, Bertlin, Brahm, Cero, Wong)

It was moved by Bertlin; seconded by Grausz to:

Amend main motion to add the following language:

The City will implement a moratorium on the mobile devices until the time Council has a full report on issues pertaining to civil liberties and the use of mobile fingerprinting.

Motion to Amend Passed 7-0

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

Main Motion as Amended Passed 7-0

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

AB 5022 Zoning Code Text Amendment Related to Youth Stage Theaters as Accessory Uses to Places of Worship (1st Reading)

DSG Director Scott Greenberg presented the Ordinance, which was unanimously recommended to Council by the Planning Commission and is a fairly simple amendment. He noted that this amendment was generated when Youth Theatre NW had to vacate their North Mercer site and relocate in a place of worship. He stated that the intent was to keep the amendment tightly focused and not open it up to other programs.

Council questioned why the amendment is limited specifically to youth and why the City is regulating what places of worship are allowed to do on their property.

It was moved by Senn; seconded by Brahm to:

Set Ordinance No. 15C-03 for second reading and adoption at the January 5, 2015 meeting.

It was moved by Cero; seconded by Wong to:

Amend main motion as follows:

Amend Section 1, Paragraph 12 as follows:

12. Places of worship may have a stage theater program for youth (ages preschool through grade twelve) as an accessory use. Stage theater programs are defined as productions of live presentations involving the performances of actors or actresses, singers, dancers, musical groups, or artists. Stage theater programs also include related classes and instructional workshops. Adequate parking must be provided, as determined by the Code Official.

Motion to Amend Passed 6-1

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

AGAINST: 1 (Grausz)

Main Motion as Amended Passed 7-0

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

Staff will update other sections in the Ordinance to reflect the Council's changes.

AB 5025 Draft 2015 Legislative Priorities

Assistant City Manager Kirsten Taylor stated that this is the second time Council will be considering creating Legislative Priorities for the City, spoke briefly about where the areas of interest originated from, and noted that Exhibit 1 contains AWC's Action Agenda items.

Councilmembers spoke about their concerns with some of the priorities and noted the following:

- being uncomfortable with some of the wording
- that some of the transportation items can be condensed and combined
- a dislike for revenue authorities raising the limit of the property tax
- a dislike for the cease reigns on infrastructure funds priority

Councilmember Brahm suggested that each Councilmember submit their top five priorities to Assistant City Manager Taylor.

Councilmember Senn spoke about not getting caught up on wording and about identifying themes and having staff narrow them down.

Mayor Bassett noted that the gun control legislative priorities and CLEW are done and should be taken off, and that the recreational immunity language is of high priority to Mercer Island.

Council directed staff as follows:

- to keep the legislative priorities to one page
- that the number one priority be I-90 tolling
- that the transportation funding legislative priorities more closely match SCA transportation funding options but still maintain no tolling on I-90 language
- to put together model language for the carbon piece of the Environmental Health Legislative Priorities
- to remove autonomous vehicles and add ARCH
- to combine the first and second items under Public Health and remove the third item (increasing the tobacco purchase age from 18 to 21).

Councilmember Senn noted that she will send Assistant City Manager Taylor more information on social/emotional health issues and adding counselors in elementary schools.

Assistant City Manager Taylor stated that the City will work off of the 2014 State Legislative Priorities and will come back to Council with the priorities in a more simplified format.

AB 5023 2015-2016 Final Budget Adoption

Finance Director Chip Corder spoke about the Final Budget Ordinance, pointing out the significant adjustments and noting that funding for the fourth YFS Counselor was not included.

Council discussed the request for an accounting of the use of counselors in the schools and also discussed staff's recommendation to increase the City's participation in Puget Sound Energy's Green Power Program by \$12,000 per year.

It was moved by Cero; seconded by Senn to:

Adopt Ordinance No. 14-15, which adopts the biennial budget for the City of Mercer Island, Washington for the years 2015-2016, adding \$32,000 to the Revenues and Expenditures columns for the Youth and Family Services Fund for the fourth elementary school counselor.

Passed 6-1

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

AGAINST: 1 (Cero)

AB 5024 3rd Quarter 2014 Financial Status Report & 2013-2014 Budget Adjustments

Finance Director Chip Corder noted that the City is on target with a similar surplus as last year, which is in the \$500,000 -\$700,000 range. He spoke briefly about the budget adjustments, specifically the fleet fund and equipment rental fund.

It was moved by Brahm; seconded by Wong to:

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

Passed 6-1

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

AGAINST: 1 (Cero)

It was moved by Brahm; seconded by Bertlin to:

Adopt Ordinance No. 14-16, amending the 2013-2014 Budget.

Passed 7-0

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

OTHER BUSINESS

Councilmember Absences

There were no absences.

Planning Schedule

The Council canceled the December 15, 2014 Regular Meeting.
Councilmember Senn asked about adding the police issues.

Board Appointments

It was moved by Senn; seconded by Brahm to:

Affirm the appointment of Jack Emick to Position #9 (expiring May 2018) on the Arts Council.

Passed 7-0

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

Councilmember Reports

Councilmember Cero distributed a master plan handout from the Renton Airport. He also spoke about receiving a brief about the seawall.

Councilmember Brahm attended an outdoor gallery meeting on November 18 which focused on revitalizing the outdoor sculpture gallery and noted that a call to artists has been put out to get new sculptures and rotate out those that are not selling. She also noted that December 5th is the tree lighting at Mercerdale Park.

Deputy Mayor Grausz spoke about Sound Cities legislative agenda items and asked Council about supporting the following:

- Whether to support a change in the County planning policy that would effectively require cities and school districts to have a discussion every two years on school capacity issues and if there were issues to discuss ways the city can help to address them
- A request to the State Legislature to increase state funding for public health, primarily whether to specify a new tax on e-cigarettes as the preferred revenue source
- Whether to support an effort by Representative Rick Larson to change the federal transportation grant program so as to allocate funds specifically for cities with populations under 60,000
- Whether to support a change in state law that would eliminate or modify the 1% cap on annual property tax increases

Council agreed to support all items.

Councilmember Senn spoke about attending the memorial service for State Representative Ida Ballasiotes. She also announced officially that she will be stepping down from the City Council, noting that her last meeting will be January 5th, so that she can focus on state issues but that she will be representing the Mercer Island community continuously.

Mayor Bassett spoke about receiving a letter from 425 Magazine asking for specific things that make Mercer Island unique and wonderful, and asked Council for some ideas. He noted that there will be an upcoming public input session for former riders of bus routes 202 and 205, and that SCA's annual meeting will be held this Wednesday night, December 3rd.

ADJOURNMENT

The Regular Meeting adjourned at 11:03 pm.

Bruce Bassett, Mayor

Attest:

Karin Roberts, Deputy City Clerk