



# CITY OF MERCER ISLAND

## CITY COUNCIL MEETING AGENDA

**Monday  
March 20, 2017  
5:00 PM**

**Mayor Bruce Bassett**

**Deputy Mayor Debbie Bertlin**

**Councilmembers Dan Grausz, Jeff Sanderson,**

**Wendy Weiker, David Wisenteiner  
and Benson Wong**

Contact: 206.275.7793, [council@mercergov.org](mailto:council@mercergov.org)  
[www.mercergov.org/council](http://www.mercergov.org/council)

All meetings are held in the City Hall Council Chambers at  
9611 SE 36th Street, Mercer Island, WA unless otherwise noticed

"Appearances" is the time set aside for members of the public to speak to the City Council about any issues of concern. If you wish to speak, please consider the following points:  
(1) speak audibly into the podium microphone, (2) state your name and address for the record, and (3) limit your comments to three minutes.

*Please note: the Council does not usually respond to comments during the meeting.*

## REGULAR MEETING

### CALL TO ORDER & ROLL CALL, 5:00 PM

### AGENDA APPROVAL

### EXECUTIVE SESSION

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 2 hours.

### APPEARANCES, 7:00 PM

### CONSENT CALENDAR

(1) Payables: \$272,340.28 (03/09/17)

Payroll: \$772306.34 (03/10/17)

Minutes: February 21, 2017 Regular Meeting Minutes, March 6, 2017 Regular Meeting Minutes, March 9, 2017 Special Meeting Minutes

### REGULAR BUSINESS

(2) AB 5274 I-90 Loss of Mobility Negotiations Status Report

(3) AB 5271 Consider Parks and Recreation Name Change

(4) AB 5266 Closing Criminal Justice Fund

(5) AB 5270 Code Amendment Adopting MICC Chapter 3.04 Pertaining to Indemnification of City Employees and Officials (1st Reading)

### OTHER BUSINESS

Councilmember Absences

Planning Schedule

Board Appointments

Councilmember Reports

### ADJOURNMENT

## CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

  
\_\_\_\_\_  
Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Check Register	185896-186010	3/09/2017	\$ 272,340.28
			<b>\$ 272,340.28</b>

**Accounts Payable Report by Check Number**

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00185896	03/09/2017	ABBOTT, RICHARD LEOFF1 Medicare Reimb		APR2017B	03/06/2017	104.90
00185897	03/09/2017	ACTORS GROUP LTD, THE Lecture/cooking Demo - Cynthia	P94129	1843	02/27/2017	378.50
00185898	03/09/2017	ADAMS, RONALD E LEOFF1 Medicare Reimb		APR2017B	03/06/2017	109.00
00185899	03/09/2017	ADT LLC PERMIT REFUND		1609.024	03/06/2017	95.20
00185900	03/09/2017	ALLIED PRODUCTS INVENTORY PURCHASES	P94127	0368737IN	01/27/2017	248.70
00185901	03/09/2017	ANIMAL ENCOUNTERS Indoor Petting farm at MICEC	P94143	OH007833	02/23/2017	500.30
00185902	03/09/2017	ARSCENTIA Banner for Community Coffee Ho	P94188	201700661	02/23/2017	145.64
00185903	03/09/2017	AUGUSTSON, THOR LEOFF1 Medicare Reimb		APR2017B	03/06/2017	110.00
00185904	03/09/2017	BACKFLOW MANAGEMENT INC CCCP WITH SOP AND PUBLIC EDUCA	P92471	121417	12/30/2016	3,500.00
00185905	03/09/2017	BAKER, DENNIS L FLEX SPEND REIMB		3MAR17	03/03/2017	777.70
00185906	03/09/2017	BARNES, WILLIAM LEOFF1 Medicare Reimb		APR2017A	03/06/2017	1,913.15
00185907	03/09/2017	BARNETT, JASON MILEAGE EXPENSES		OH007858	02/22/2017	67.20
00185908	03/09/2017	BEEHIVE WORKSHOP Graphic Design for Spring/Summ	P93222	20170223	02/23/2017	2,625.00
00185909	03/09/2017	BLUMENTHAL UNIFORMS ANSI SAFETY VEST (2)	P94197	006953444	02/08/2017	127.03
00185910	03/09/2017	BOOTH, GLENDON D LEOFF1 Medicare Reimb		APR2017B	03/06/2017	104.90
00185911	03/09/2017	CALLAGHAN, MICHAEL LEOFF1 Medicare Reimb		APR2017B	03/06/2017	125.30
00185912	03/09/2017	CAMDEN GARDENS Aljoia & Aubrey Davis Park Sha	P94071	61097/61430	01/01/2017	845.88
00185913	03/09/2017	CDW GOVERNMENT INC HR Scanner	P93994	GVC9907	02/09/2017	1,450.06
00185914	03/09/2017	CENTURYLINK PHONE USE FEB 2017		OH007863	02/20/2017	3,945.02
00185915	03/09/2017	CESSCO REPAIR & SERVICE CHECK OUT EQU	P94160	6318/19/20/21/22	02/03/2017	1,035.60
00185916	03/09/2017	CHIEF SUPPLY CORP Flashlights	P93103	430469	02/13/2017	1,042.40
00185917	03/09/2017	CINTAS CORPORATION #460 2017 Rug cleaning services for	P93815	460799149/80738/	01/12/2017	90.35
00185918	03/09/2017	CLIFTON, CURTIS MILEAGE EXPENSE		OH007856	03/06/2017	107.00
00185919	03/09/2017	CLOUD 9 SPORTS LLC LOGO FOR SAFETY VEST	P94121	DMSH2482	02/21/2017	272.11
00185920	03/09/2017	COMCAST Internet Charges/Fire	P94194	OH007835	02/18/2017	168.59
00185921	03/09/2017	CONTRACT HARDWARE IT DOOR REKEY	P94153	SPI037386	02/09/2017	233.02

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00185922	03/09/2017	COOPER, ROBERT LEOFF1 Excess Benefit		APR2017A	03/06/2017	1,712.19
00185923	03/09/2017	CORK, TAMBI A NAT'L COALITION ACADEMY EXPENS		OH007852	02/28/2017	512.90
00185924	03/09/2017	CUMMINS INC PS 17, 18 , 24 GENERATOR PURCH	P91927	00136385	12/29/2016	42,590.03
00185925	03/09/2017	DAILY JOURNAL OF COMMERCE Advertising for Island Crest	P94130	3322036	02/16/2017	564.00
00185926	03/09/2017	DEEDS, EDWARD G LEOFF1 Medicare Reimb		APR2017B	03/06/2017	111.00
00185927	03/09/2017	DEVENY, JAN P LEOFF1 Medicare Reimb		APR2017B	03/06/2017	111.00
00185928	03/09/2017	DOWD, PAUL LEOFF1 Medicare Reimb		APR2017B	03/06/2017	111.00
00185929	03/09/2017	ELSOE, RONALD LEOFF1 Medicare Reimb		APR2017B	03/06/2017	117.30
00185930	03/09/2017	EXCEL SUPPLY COMPANY INVENTORY PURCHASES	P94125	83924	02/21/2017	330.01
00185931	03/09/2017	FASTSIGNS SEATTLE THRIFT SHOP SIGNS	P94150	20673263	12/02/2016	5,909.93
00185932	03/09/2017	FBI-LEEDA Leadership training-Magnan	P94142	200004724	01/30/2017	650.00
00185933	03/09/2017	FORSMAN, LOWELL LEOFF1 Medicare Reimb		APR2017B	03/06/2017	104.90
00185934	03/09/2017	GENTINO, CATHERINE L FLEX SPEND REIMB		3MAR17	03/03/2017	114.58
00185935	03/09/2017	GOLDER ASSOCIATES INC FUEL CLEAN UP	P85591	465097	11/21/2016	2,169.87
00185936	03/09/2017	GOODMAN, J C LEOFF1 Medicare Reimb		APR2017B	03/06/2017	110.00
00185937	03/09/2017	GRAINGER INVENTORY PURCHASES	P94128	9368677127	02/22/2017	128.74
00185938	03/09/2017	H D FOWLER INVENTORY PURCHASES	P94168	I4435496	02/23/2017	8,103.25
00185939	03/09/2017	HAGSTROM, JAMES LEOFF1 Medicare Reimb		APR2017B	03/06/2017	124.60
00185940	03/09/2017	HARTMAN CCR, KAREN LYNN Transcription of 2/13/17 Counc	P94208	KH1702	02/27/2017	913.00
00185941	03/09/2017	HARTVIGSON, BRIAN W PLANNING EVENT EXPENSES		OH007848	03/01/2017	106.76
00185942	03/09/2017	HAWLEY, C J TRAINING CLASS TUITION		OH007854	03/06/2017	85.00
00185943	03/09/2017	HEALTHFORCE PARTNERS LLC Telemedicine Consultation	P94192	10219	01/31/2017	200.00
00185944	03/09/2017	HEATH, SCOTT C MILEAGE EXPENSE		OH007857	02/17/2017	38.52
00185945	03/09/2017	HEITMAN, STEVE PER DEIM REIMBURSEMENT		OH007845	03/07/2017	170.90
00185946	03/09/2017	HERRERA ENVIRONMENTAL CONSULT NPDES Ph. 2 permit implementat	P94214	39878	02/10/2017	922.59
00185947	03/09/2017	HOLMES, EDWARD J PER DEIM REIMBURSEMENT		OH007846	03/06/2017	170.90

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00185948	03/09/2017	HOME DEPOT CREDIT SERVICE INVENTORY PURCHASES	P94144	0240148015861	02/24/2017	59.83
00185949	03/09/2017	HONEYWELL, MATTHEW V Professional services - Invoic	P94190	961	02/28/2017	900.00
00185950	03/09/2017	HOOMAN, ELLIE FLEX SPEND REIMB		3MAR17	03/03/2017	217.39
00185951	03/09/2017	JAYMARC LUXURY HOMES LLC PERMIT OVERCHARGE REFUND		1609204	02/27/2017	4,180.00
00185952	03/09/2017	JOHNSON, CURTIS LEOFF1 Medicare Reimb		APR2017A	03/06/2017	1,117.08
00185953	03/09/2017	KENWORTHY, LES PER DIEM REIMBURSEMENT		OH007844	03/07/2017	170.90
00185954	03/09/2017	KIA MOTORS FINANCE DSG 2016 KIA SOUL LEASE	P88915	1513237377	02/15/2017	263.96
00185955	03/09/2017	KING COUNTY FINANCE INV 82313 82315 SIGNAL SERVICE	P94204	8231382315	01/31/2017	819.69
00185956	03/09/2017	KPG I-90 Traffic Analysis January	P94210	115417	02/08/2017	13,515.28
00185957	03/09/2017	KRAZAN & ASSOCIATES INC ROADSIDE SHOULDER IMPROV. EMW	P94118	I6083505832	01/31/2017	1,400.00
00185958	03/09/2017	KROESENS UNIFORM COMPANY Patch Jumpsuit	P94139	42204	02/03/2017	333.65
00185959	03/09/2017	KUHN, DAVID LEOFF1 Medicare Reimb		APR2017B	03/06/2017	110.00
00185960	03/09/2017	LEE, WALLACE LEOFF1 Medicare Reimb		APR2017B	03/06/2017	109.00
00185961	03/09/2017	LEOFF HEALTH & WELFARE TRUST APRIL 2017 FIRE RETIREES		OH007841	03/07/2017	58,548.58
00185962	03/09/2017	LEOPOLD, FREDERIC LEOFF1 Medicare Reimb		APR2017B	03/06/2017	146.90
00185963	03/09/2017	LEYDE, CASEY MILEAGE EXPENSE		OH007861	02/28/2017	78.12
00185964	03/09/2017	LITTLE DROPS ORPHANAGE FUND Refund of deposit and other	P94148	21880	02/27/2017	481.25
00185965	03/09/2017	LOISEAU, LERI M LEOFF1 Medicare Reimb		APR2017B	03/06/2017	107.00
00185966	03/09/2017	LYONS, STEVEN LEOFF1 Medicare Reimb		APR2017B	03/06/2017	135.60
00185967	03/09/2017	MAIR, STEPHEN 50% TUITION REIMBURSEMENT		OH007862	03/08/2017	960.00
00185968	03/09/2017	MAKERS ARCH & URBAN DESIGN LLP Residential Development Standa	P94183	16363	02/08/2017	4,165.00
00185969	03/09/2017	MERCER ISLAND REPORTER MI Reporter Subscription for D	P94180	OH007838	03/01/2017	59.00
00185970	03/09/2017	MI UTILITY BILLS PAYMENT OF UTILITY BILLS FOR W	P94212	OH007836	02/28/2017	869.08
00185971	03/09/2017	MICROFLEX January 2017 Tax Audit Program	P94119	00022541	02/16/2017	799.23
00185972	03/09/2017	MILLARD, COLE THOMAS Gallery Sales 1/19/17-2/24/17	P94176	OH007837	03/01/2017	281.25
00185973	03/09/2017	MYERS, JAMES S LEOFF1 Medicare Reimb		APR2017B	03/06/2017	104.90

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Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00185974	03/09/2017	NCL-LAKE WA CHAPTER Refund of deposit from event r	P94184	22948	02/27/2017	50.00
00185975	03/09/2017	PERRONE CONSULTING INC PS Engineering Consultation-	P94182	1710101/1511408	01/26/2017	856.68
00185976	03/09/2017	PIGSKIN UNIFORMS Jumpsuits for five patrol offi	P94146	201708	02/24/2017	3,041.26
00185977	03/09/2017	PLATT ELECTRIC OUTSIDE ENTRANCE COURT LIGHTS	P94154	L307205	02/09/2017	154.80
00185978	03/09/2017	POLHEMUS, GRANT PARENT'S NIGHT OUT EXPENSES		OH007849	02/27/2017	94.70
00185979	03/09/2017	POT O' GOLD INC Water Cooler	P94181	0092870/0092724	02/17/2017	642.46
00185980	03/09/2017	POTTERF, MARK BOOTS		OH007847	02/03/2017	87.60
00185981	03/09/2017	PREMIER CABLING LLC Public Works Office Reconfigur	P94045	1483	02/13/2017	2,555.38
00185982	03/09/2017	PROVOST, ALAN LEOFF1 Excess Benefit		APR2017A	03/06/2017	1,599.32
00185983	03/09/2017	PUGET SOUND ACCESS 1/3 Council Mtg Broadcast	P94274	2548	03/06/2017	1,360.00
00185984	03/09/2017	RAMSAY, JON LEOFF1 Medicare Reimb		APR2017A	03/06/2017	682.58
00185985	03/09/2017	REID MIDDLETON INC Peer review for Sessler reside	P94178	1702024	01/06/2017	2,506.25
00185986	03/09/2017	REMOTE SATELLITE SYSTEMS INT'L Monthly EMAC SAT Cell service	P94137	00086321	02/08/2017	48.95
00185987	03/09/2017	RENTON FISH & GAME CLUB INC Range Fees -Rutter Post Academ	P94141	OH007839	02/03/2017	50.00
00185988	03/09/2017	RICOH USA INC Cost Per Copy/Fire	P94195	5047218020	02/22/2017	69.36
00185989	03/09/2017	ROBARGE, JAMES H CAPT LICENSE EXPENSES		OH007851	02/23/2017	469.20
00185990	03/09/2017	ROXIE GLASS INC WINDOW REPLACEMENT	P94170	8311	02/26/2017	35,621.15
00185991	03/09/2017	RUCKER, MANORD J LEOFF1 Medicare Reimb		APR2017B	03/06/2017	127.00
00185992	03/09/2017	SCHMALHOFER, GEORGE F CLEANING SUPPLIES		OH007850	02/24/2017	24.07
00185993	03/09/2017	SCHOENTRUP, WILLIAM LEOFF1 Medicare Reimb		APR2017A	03/06/2017	1,024.63
00185994	03/09/2017	SINGLETERRY, LEE RECORDING FEE REFUND		OH007843	03/01/2017	76.00
00185995	03/09/2017	SMITH, RICHARD LEOFF1 Medicare Reimb		APR2017B	03/06/2017	200.80
00185996	03/09/2017	SOLOMON, MEARA FLEX SPEND REIMB		3MAR17	03/03/2017	961.55
00185997	03/09/2017	STARBUCK'S TOWING Tow charges for three impound	P94135	32490/32394/7326	09/16/2016	628.41
00185998	03/09/2017	SUNGARD PUBLIC SECTOR INC ONESOLUTION GLOBAL CORE IFAS M	P94272	113505	12/31/2015	46.54
00185999	03/09/2017	TAWNEY, LAURA FLEX SPEND REIMB		3MAR17	03/03/2017	115.92

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Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00186000	03/09/2017	TERRY SMITH ART Gallery Sales 1/19/17 - 2/24/1	P94177	OH007840	03/01/2017	851.25
00186001	03/09/2017	THOMPSON, JAMES LEOFF1 Medicare Reimb		APR2017B	03/06/2017	123.30
00186002	03/09/2017	THOMSON REUTERS - WEST Background Investigation Charg	P94134	835556604	02/01/2017	302.00
00186003	03/09/2017	TOOLEY, NORMAN LEOFF1 Medicare Reimb		APR2017B	03/06/2017	107.00
00186004	03/09/2017	TRINITY CONTRACTORS INC ROADSIDE SHOULDER IMPROVEMENTS	P93290	#2	02/28/2017	40,042.06
00186005	03/09/2017	TRITECH SOFTWARE SYSTEMS Crime Mapping Subscription: In	P94198	IN0010594	02/13/2017	657.00
00186006	03/09/2017	UNITED SITE SERVICES 2017 Portable Toilet Rentals &	P94171	1144991936/7/8	02/14/2017	583.16
00186007	03/09/2017	WALLACE, THOMAS LEOFF1 Medicare Reimb		APR2017B	03/06/2017	109.00
00186008	03/09/2017	WALTER E NELSON CO Carpet Release Rinse.	P94091	368986	02/17/2017	22.89
00186009	03/09/2017	WEGNER, KEN LEOFF1 Medicare Reimb		APR2017B	03/06/2017	104.90
00186010	03/09/2017	WHEELER, DENNIS LEOFF1 Medicare Reimb		APR2017B	03/06/2017	104.90
					Total	<u>272,340.28</u>

**Accounts Payable Report by GL Key**

PO #	Check #	Vendor:	Transaction Description	Check Amount
<b>Org Key: 001000 - General Fund-Admin Key</b>				
P94148	00185964	LITTLE DROPS ORPHANAGE FUND	Refund of deposit and other	481.25
P94184	00185974	NCL-LAKE WA CHAPTER	Refund of deposit from event r	50.00
<b>Org Key: 402000 - Water Fund-Admin Key</b>				
	00185951	JAYMARC LUXURY HOMES LLC	PERMIT OVERCHARGE REFUND	4,180.00
P94161	00185938	H D FOWLER	INVENTORY PURCHASES	3,504.97
P94162	00185938	H D FOWLER	INVENTORY PURCHASES	3,374.00
P94164	00185938	H D FOWLER	INVENTORY PURCHASES	701.80
P94125	00185930	EXCEL SUPPLY COMPANY	INVENTORY PURCHASES	330.01
P94127	00185900	ALLIED PRODUCTS	INVENTORY PURCHASES	248.70
P94163	00185938	H D FOWLER	INVENTORY PURCHASES	207.11
P94128	00185937	GRAINGER	INVENTORY PURCHASES	128.74
P94144	00185948	HOME DEPOT CREDIT SERVICE	INVENTORY PURCHASES	59.83
<b>Org Key: CA1200 - Prosecution &amp; Criminal Mngmnt</b>				
P94190	00185949	HONEYWELL, MATTHEW V	Professional services - Invoice	600.00
P94174	00185949	HONEYWELL, MATTHEW V	Professional services - Invoice	300.00
<b>Org Key: CM11SP - Special Projects-City Mgr</b>				
P94210	00185956	KPG	I-90 Traffic Analysis January	13,515.28
<b>Org Key: CO6100 - City Council</b>				
P94208	00185940	HARTMAN CCR, KAREN LYNN	Transcription of 2/13/17 Counc	913.00
P94274	00185983	PUGET SOUND ACCESS	2/13 Council Mtg Broadcast	408.00
P94274	00185983	PUGET SOUND ACCESS	1/3 Council Mtg Broadcast	382.50
P94274	00185983	PUGET SOUND ACCESS	2/21 Council Mtg Broadcast	314.50
P94274	00185983	PUGET SOUND ACCESS	1/17 Council Mtg Broadcast	255.00
<b>Org Key: CR1100 - CORe Admin and Human Resources</b>				
P94039	00185913	CDW GOVERNMENT INC	HR Scanner	517.38
<b>Org Key: DS0000 - Development Services-Revenue</b>				
	00185899	ADT LLC	PERMIT REFUND	95.20
	00185994	SINGLETERRY, LEE	RECORDING FEE REFUND	76.00
<b>Org Key: DS1100 - Administration (DS)</b>				
P94183	00185968	MAKERS ARCH & URBAN DESIGN LLP	Residential Development Standa	4,165.00
P94178	00185985	REID MIDDLETON INC	Peer review for Sessler reside	2,506.25
P93993	00185913	CDW GOVERNMENT INC	Acrobat DC Pro	415.30
P94180	00185969	MERCER ISLAND REPORTER	MI Reporter Subscription for D	59.00
<b>Org Key: DS1200 - Bldg Plan Review &amp; Inspection</b>				
P94182	00185975	PERRONE CONSULTING INC PS	Engineering Consultation-	594.18
P94182	00185975	PERRONE CONSULTING INC PS	Engineering Consultation-	262.50
	00185980	POTTERF, MARK	BOOTS	87.60
P94121	00185919	CLOUD 9 SPORTS LLC	LOGO FOR SAFETY VEST	10.40
<b>Org Key: FN2100 - Data Processing</b>				
P94272	00185998	SUNGARD PUBLIC SECTOR INC	ONESOLUTION GLOBAL CORE IFAS M	46.54
<b>Org Key: FN4501 - Utility Billing (Water)</b>				
P94121	00185919	CLOUD 9 SPORTS LLC	LOGO FOR SAFETY VEST	6.24



**Accounts Payable Report by GL Key**

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: FN4502 - Utility Billing (Sewer)</i>				
P94121	00185919	CLOUD 9 SPORTS LLC	LOGO FOR SAFETY VEST	6.26
<i>Org Key: FN4520 - Cross Connection Control Progr</i>				
P92471	00185904	BACKFLOW MANAGEMENT INC	CCCP WITH SOP AND PUBLIC EDUCA	3,500.00
<i>Org Key: FNBE01 - Financial Services</i>				
P94119	00185971	MICROFLEX	January 2017 Tax Audit Program	799.23
<i>Org Key: FR1100 - Administration (FR)</i>				
P93994	00185913	CDW GOVERNMENT INC	S91 Scanner	517.38
	00185914	CENTURYLINK	PHONE USE FEB 2017	300.36
	00185945	HEITMAN, STEVE	PER DIEM REIMBURSEMENT	170.90
	00185953	KENWORTHY, LES	PER DIEM REIMBURSEMENT	170.90
P94194	00185920	COMCAST	Internet Charges/Fire	106.27
P94195	00185988	RICOH USA INC	Cost Per Copy/Fire	69.36
P94193	00185920	COMCAST	Internet Charges/Fire	62.32
<i>Org Key: FR2100 - Fire Operations</i>				
P94197	00185909	BLUMENTHAL UNIFORMS	ANSI SAFETY VEST (2)	127.03
<i>Org Key: FR4100 - Training</i>				
	00185967	MAIR, STEPHEN	50% TUITION REIMBURSEMENT	960.00
P94192	00185943	HEALTHFORCE PARTNERS LLC	Telemedicine Consultation	200.00
<i>Org Key: GGM001 - General Government-Misc</i>				
P94181	00185979	POT O' GOLD INC	Coffee Supplies	615.08
P94181	00185979	POT O' GOLD INC	Water Cooler	27.38
<i>Org Key: GGM005 - Genera Govt-L1 Retiree Costs</i>				
	00185961	LEOFF HEALTH & WELFARE TRUST	APRIL 2017 FIRE RETIREES	4,025.52
	00185995	SMITH, RICHARD	LEOFF1 Medicare Reimb	200.80
	00185906	BARNES, WILLIAM	LEOFF1 Medicare Reimb	163.70
	00185962	LEOPOLD, FREDERIC	LEOFF1 Medicare Reimb	146.90
	00185952	JOHNSON, CURTIS	LEOFF1 Medicare Reimb	143.30
	00185984	RAMSAY, JON	LEOFF1 Medicare Reimb	136.20
	00185966	LYONS, STEVEN	LEOFF1 Medicare Reimb	135.60
	00185991	RUCKER, MANORD J	LEOFF1 Medicare Reimb	127.00
	00185911	CALLAGHAN, MICHAEL	LEOFF1 Medicare Reimb	125.30
	00185939	HAGSTROM, JAMES	LEOFF1 Medicare Reimb	124.60
	00186001	THOMPSON, JAMES	LEOFF1 Medicare Reimb	123.30
	00185929	ELSOE, RONALD	LEOFF1 Medicare Reimb	117.30
	00185926	DEEDS, EDWARD G	LEOFF1 Medicare Reimb	111.00
	00185927	DEVENY, JAN P	LEOFF1 Medicare Reimb	111.00
	00185928	DOWD, PAUL	LEOFF1 Medicare Reimb	111.00
	00185903	AUGUSTSON, THOR	LEOFF1 Medicare Reimb	110.00
	00185936	GOODMAN, J C	LEOFF1 Medicare Reimb	110.00
	00185959	KUHN, DAVID	LEOFF1 Medicare Reimb	110.00
	00185898	ADAMS, RONALD E	LEOFF1 Medicare Reimb	109.00
	00185960	LEE, WALLACE	LEOFF1 Medicare Reimb	109.00
	00186007	WALLACE, THOMAS	LEOFF1 Medicare Reimb	109.00
	00185993	SCHOENTRUP, WILLIAM	LEOFF1 Medicare Reimb	108.00

**Accounts Payable Report by GL Key**

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00185965	LOISEAU, LERI M	LEOFF1 Medicare Reimb	107.00
	00186003	TOOLEY, NORMAN	LEOFF1 Medicare Reimb	107.00
	00185896	ABBOTT, RICHARD	LEOFF1 Medicare Reimb	104.90
	00185910	BOOTH, GLENDON D	LEOFF1 Medicare Reimb	104.90
	00185933	FORSMAN, LOWELL	LEOFF1 Medicare Reimb	104.90
	00185973	MYERS, JAMES S	LEOFF1 Medicare Reimb	104.90
	00186009	WEGNER, KEN	LEOFF1 Medicare Reimb	104.90
	00186010	WHEELER, DENNIS	LEOFF1 Medicare Reimb	104.90
<b>Org Key: GGM606 - Excess Retirement-Fire</b>				
	00185906	BARNES, WILLIAM	LEOFF1 Excess Benefit	1,749.45
	00185922	COOPER, ROBERT	LEOFF1 Excess Benefit	1,712.19
	00185982	PROVOST, ALAN	LEOFF1 Excess Benefit	1,599.32
	00185952	JOHNSON, CURTIS	LEOFF1 Excess Benefit	973.78
	00185993	SCHOENTRUP, WILLIAM	LEOFF1 Excess Benefit	916.63
	00185984	RAMSAY, JON	LEOFF1 Excess Benefit	546.38
<b>Org Key: GX9997 - Employee Benefits-Fire</b>				
	00185961	LEOFF HEALTH & WELFARE TRUST	FIRE ACTIVE APRIL 2017	54,523.06
<b>Org Key: IS2100 - IGS Network Administration</b>				
	00185914	CENTURYLINK	PHONE USE FEB 2017	2,687.15
<b>Org Key: MT2100 - Roadway Maintenance</b>				
P94204	00185955	KING COUNTY FINANCE	INV 82313 82315 SIGNAL SERVICE	819.69
P94160	00185915	CESSCO	REPAIR & SERVICE CHECK OUT EQU	258.90
P94121	00185919	CLOUD 9 SPORTS LLC	LOGO FOR SAFETY VEST	43.69
<b>Org Key: MT2300 - Planter Bed Maintenance</b>				
P94212	00185970	MI UTILITY BILLS	PAYMENT OF UTILITY BILLS FOR W	195.17
<b>Org Key: MT2500 - ROW Administration</b>				
	00185941	HARTVIGSON, BRIAN W	PLANNING EVENT EXPENSES	106.76
	00185907	BARNETT, JASON	MILEAGE EXPENSES	67.20
	00185963	LEYDE, CASEY	MILEAGE EXPENSE	39.06
	00185944	HEATH, SCOTT C	MILEAGE EXPENSE	38.52
<b>Org Key: MT3100 - Water Distribution</b>				
P94160	00185915	CESSCO	REPAIR & SERVICE CHECK OUT EQU	258.90
	00185918	CLIFTON, CURTIS	MILEAGE EXPENSE	85.60
P94121	00185919	CLOUD 9 SPORTS LLC	LOGO FOR SAFETY VEST	43.69
	00185918	CLIFTON, CURTIS	MILEAGE EXPENSE	21.40
<b>Org Key: MT3400 - Sewer Collection</b>				
P94160	00185915	CESSCO	REPAIR & SERVICE CHECK OUT EQU	258.90
P94121	00185919	CLOUD 9 SPORTS LLC	LOGO FOR SAFETY VEST	16.64
<b>Org Key: MT3500 - Sewer Pumps</b>				
	00185914	CENTURYLINK	PHONE USE FEB 2017	502.71
P94168	00185938	H D FOWLER	REPAIR PARTS FOR SUMP PUMPS AT	315.37
P94160	00185915	CESSCO	REPAIR & SERVICE CHECK OUT EQU	258.90
P94212	00185970	MI UTILITY BILLS	PAYMENT OF UTILITY BILLS FOR W	32.53
P94121	00185919	CLOUD 9 SPORTS LLC	LOGO FOR SAFETY VEST	10.40

**Accounts Payable Report by GL Key**

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: MT3810 - NPDES Phase 2 Prog Developmt</i>				
P94214	00185946	HERRERA ENVIRONMENTAL CONSULT	NPDES Ph. 2 permit implementat	922.59
<i>Org Key: MT4150 - Support Services - Clearing</i>				
P94045	00185981	PREMIER CABLING LLC	Public Works Office Reconfigur	2,555.38
<i>Org Key: MT4200 - Building Services</i>				
P94212	00185970	MI UTILITY BILLS	PAYMENT OF UTILITY BILLS FOR W	641.38
P94153	00185921	CONTRACT HARDWARE	IT DOOR REKEY	233.02
P94154	00185977	PLATT ELECTRIC	OUTSIDE ENTRANCE COURT LIGHTS	154.80
<i>Org Key: MT4300 - Fleet Services</i>				
P88915	00185954	KIA MOTORS FINANCE	DSG 2016 KIA SOUL LEASE	263.96
<i>Org Key: MT4420 - Transportation Planner Eng</i>				
P94121	00185919	CLOUD 9 SPORTS LLC	LOGO FOR SAFETY VEST	10.40
<i>Org Key: MT4450 - Cust Resp - Clearing Acct</i>				
	00185963	LEYDE, CASEY	MILEAGE EXPENSE	39.06
<i>Org Key: MT4501 - Water Administration</i>				
	00185914	CENTURYLINK	PHONE USE FEB 2017	53.43
<i>Org Key: MTBE01 - Maint of Medians &amp; Planters</i>				
P94121	00185919	CLOUD 9 SPORTS LLC	LOGO FOR SAFETY VEST	10.40
<i>Org Key: PO1100 - Administration (PO)</i>				
P94198	00186005	TRITECH SOFTWARE SYSTEMS	Crime Mapping Subscription: In	657.00
	00185947	HOLMES, EDWARD J	PER DEIM REIMBURSEMENT	170.90
<i>Org Key: PO1350 - Police Emergency Management</i>				
P94137	00185986	REMOTE SATELLITE SYSTEMS INT'L	Monthly EMAC SAT Cell service	48.95
<i>Org Key: PO2100 - Patrol Division</i>				
P94146	00185976	PIGSKIN UNIFORMS	Jumpsuits for five patrol offi	3,041.26
P94135	00185997	STARBUCK'S TOWING	Tow charges for three impound	628.41
P94139	00185958	KROESENS UNIFORM COMPANY	RCW Pocket Guided for Patrol	295.32
P94133	00185958	KROESENS UNIFORM COMPANY	Patch Jumpsuit	38.33
	00185992	SCHMALHOFER, GEORGE F	CLEANING SUPPLIES	24.07
<i>Org Key: PO2200 - Marine Patrol</i>				
	00185989	ROBARGE, JAMES H	CAPT LICENSE EXPENSES	469.20
<i>Org Key: PO3100 - Investigation Division</i>				
P94134	00186002	THOMSON REUTERS - WEST	Background Investigation Charg	302.00
<i>Org Key: PO4100 - Training</i>				
P94141	00185987	RENTON FISH & GAME CLUB INC	Range Fees -Rutter Post Academ	50.00
<i>Org Key: PO4200 - Training (CJ)</i>				
P93103	00185916	CHIEF SUPPLY CORP	Flashlights	1,042.40
P94142	00185932	FBI-LEEDA	Leadership training-Magnan	650.00
	00185942	HAWLEY, C J	TRAINING CLASS TUITION	85.00
<i>Org Key: PR0000 - Parks &amp; Recreation-Revenue</i>				

**Accounts Payable Report by GL Key**

PO #	Check #	Vendor:	Transaction Description	Check Amount
P94177	00186000	TERRY SMITH ART	Gallery Sales 1/19/17 - 2/24/1	851.25
P94176	00185972	MILLARD, COLE THOMAS	Gallery Sales 1/19/17-2/24/17	281.25
<i>Org Key: PR1100 - Administration (PR)</i>				
P93222	00185908	BEEHIVE WORKSHOP	Graphic Design for Spring/Summ	2,625.00
<i>Org Key: PR2100 - Recreation Programs</i>				
	00185978	POLHEMUS, GRANT	PARENT'S NIGHT OUT EXPENSES	94.70
<i>Org Key: PR2104 - Special Events</i>				
P94143	00185901	ANIMAL ENCOUNTERS	Indoor Petting farm at MICEC	500.30
P94129	00185897	ACTORS GROUP LTD, THE	Lecture/cooking Demo - Cynthia	378.50
<i>Org Key: PR4100 - Community Center</i>				
P94188	00185902	ARSCENTIA	Banner for Community Coffee Ho	145.64
	00185914	CENTURYLINK	PHONE USE FEB 2017	51.08
P94091	00186008	WALTER E NELSON CO	Carpet Release Rinse.	22.89
<i>Org Key: PR6100 - Park Maintenance</i>				
P94121	00185919	CLOUD 9 SPORTS LLC	LOGO FOR SAFETY VEST	37.45
<i>Org Key: PR6200 - Athletic Field Maintenance</i>				
	00185914	CENTURYLINK	PHONE USE FEB 2017	90.33
P94121	00185919	CLOUD 9 SPORTS LLC	LOGO FOR SAFETY VEST	6.24
<i>Org Key: PR6500 - Luther Burbank Park Maint.</i>				
	00185914	CENTURYLINK	PHONE USE FEB 2017	259.96
P93815	00185917	CINTAS CORPORATION #460	2017 Rug cleaning services for	90.35
<i>Org Key: PR6700 - I90 Park Maintenance</i>				
P94071	00185912	CAMDEN GARDENS	Aljoya & Aubrey Davis Park Sha	845.88
P94171	00186006	UNITED SITE SERVICES	2017 Portable Toilet Rentals &	356.36
P94171	00186006	UNITED SITE SERVICES	2017 Portable Toilet Rentals &	151.20
P94121	00185919	CLOUD 9 SPORTS LLC	LOGO FOR SAFETY VEST	6.24
<i>Org Key: PY4616 - Flex Admin 2016</i>				
	00185905	BAKER, DENNIS L	FLEX SPEND REIMB	777.70
	00185934	GENTINO, CATHERINE L	FLEX SPEND REIMB	114.58
<i>Org Key: PY4617 - Flex Spending Admin 2017</i>				
	00185996	SOLOMON, MEARA	FLEX SPEND REIMB	961.55
	00185950	HOOMAN, ELLIE	FLEX SPEND REIMB	217.39
	00185999	TAWNEY, LAURA	FLEX SPEND REIMB	115.92
<i>Org Key: WG104R - Thrift Shop Repairs</i>				
P94150	00185931	FASTSIGNS SEATTLE	THRIFT SHOP SIGNS	5,909.93
<i>Org Key: WG107R - Luther Burbank Admin Bldg Rep</i>				
P94170	00185990	ROXIE GLASS INC	WINDOW REPLACEMENT	35,621.15
<i>Org Key: WG550R - Fuel Clean Up</i>				
P85591	00185935	GOLDER ASSOCIATES INC	FUEL CLEAN UP	2,169.87
<i>Org Key: WP107R - Island Crest Park Repairs</i>				
P94130	00185925	DAILY JOURNAL OF COMMERCE	Advertising for Island Crest	282.00

**Accounts Payable Report by GL Key**

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: WP115S - ICP South Synthetic Field</i>				
P94130	00185925	DAILY JOURNAL OF COMMERCE	Advertising for Island Crest	282.00
<i>Org Key: WP122P - Open Space - Pioneer/Engstrom</i>				
P94171	00186006	UNITED SITE SERVICES	2017 Portable Toilet Rentals &	75.60
<i>Org Key: WP122R - Vegetation Management</i>				
P94121	00185919	CLOUD 9 SPORTS LLC	LOGO FOR SAFETY VEST	64.06
<i>Org Key: WS901G - Sewer System Generator Repl</i>				
P91927	00185924	CUMMINS INC	PS 17, 18 , 24 GENERATOR PURCH	42,590.03
<i>Org Key: XR543C - WMW Shoulders (7400-8000 Blk)</i>				
P93290	00186004	TRINITY CONTRACTORS INC	ROADSIDE SHOULDER	40,042.06
P94118	00185957	KRAZAN & ASSOCIATES INC	ROADSIDE SHOULDER IMPROV. EMW	1,400.00
<i>Org Key: YF2800 - Fed Drug Free Communities Gran</i>				
	00185923	CORK, TAMBI A	NAT'L COALITION ACADEMY EXPENS	512.90
Total				<u>272,340.28</u>



## CITY OF MERCER ISLAND CERTIFICATION OF PAYROLL

**PAYROLL PERIOD ENDING** **3.10.17**  
**PAYROLL DATED** **3.17.17**

Net Cash	\$	489,789.10
Net Voids/Manuals	\$	7,232.55
<b>Net Total</b>	<b>\$</b>	<b>497,021.65</b>
Federal Tax Deposit - Key Bank	\$	92,659.27
Social Security and Medicare Taxes	\$	44,774.55
Medicare Taxes Only (Fire Fighter Employees)	\$	2,179.26
Public Employees Retirement System 1 (PERS 1)	\$	-
Public Employees Retirement System 2 (PERS 2)	\$	22,375.17
Public Employees Retirement System 3 (PERS 3)	\$	5,905.15
Public Employees Retirement System (PERSJM)	\$	616.04
Public Safety Employees Retirement System (PSERS)	\$	179.18
Law Enforc. & Fire fighters System 2 (LEOFF 2)	\$	24,556.60
Regence & LEOFF Trust - Medical Insurance	\$	14,912.76
Domestic Partner/Overage Dependant - Insurance	\$	1,269.89
Group Health Medical Insurance	\$	928.28
Health Care - Flexible Spending Accounts	\$	2,265.83
Dependent Care - Flexible Spending Accounts	\$	1,974.55
United Way	\$	230.00
ICMA Deferred Compensation	\$	28,508.80
Fire 457 Nationwide	\$	13,876.62
Roth - ICMA	\$	50.00
Roth - Nationwide	\$	620.00
401K Deferred Comp	\$	1,750.00
Garnishments (Chapter 13)	\$	1,331.00
Child Support	\$	852.57
Mercer Island Employee Associationa	\$	147.50
Cities & Towns/AFSCME Union Dues	\$	2,461.32
Police Union Dues	\$	2,323.86
Fire Union Dues	\$	1,870.34
Fire Union - Supplemental Dues	\$	155.00
Standard - Supplemental Life Insurance	\$	343.70
Unum - Long Term Care Insurance	\$	944.30
AFLAC - Supplemental Insurance Plans	\$	729.84
Coffee Fund	\$	68.00
Transportation	\$	105.00
HRA - VEBA	\$	4,320.31
Miscellaneous	\$	-
<b>Tax &amp; Benefit Obligations Total</b>	<b>\$</b>	<b>275,284.69</b>

<b>TOTAL GROSS PAYROLL</b>	<b>\$ 772,306.34</b>
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I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

*Charles L. Corder*

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date



## CITY COUNCIL MINUTES REGULAR MEETING FEBRUARY 21, 2017

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### CALL TO ORDER & ROLL CALL

Deputy Mayor Debbie Bertlin called the meeting to order at 5:00 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz, Jeff Sanderson, Wendy Weiker, and Benson Wong were present. Mayor Bruce Bassett and Councilmember David Wisenteiner were absent.

### AGENDA APPROVAL

It was moved by Benson; seconded by Weiker to:

**Approve the agenda as presented.**

Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

### EXECUTIVE SESSION

#### **Executive Session #1 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes**

At 5:01 pm, Deputy Mayor Bertlin convened Executive Session #1 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for approximately 30 minutes.

At 5:32 pm, Deputy Mayor Bertlin adjourned Executive Session #1.

#### **Executive Session #2 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes**

At 5:33 pm, Deputy Mayor Bertlin convened Executive Session #2 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for approximately 30 minutes.

At 6:02 pm, Deputy Mayor Bertlin extended the Executive Session for an additional 10 minutes.

At 6:12 pm, Deputy Mayor Bertlin adjourned Executive Session #2, and the Regular Meeting reconvened after a 3-minute break.

### STUDY SESSION

#### **AB 5259 Update on Residential Development Standards Project**

Planning Manager Evan Maxim provided an update on the progress of the Planning Commission's review of Residential Development Standards. He noted that the three most prominent findings being considered are a proposed reduction of gross floor area from 45% to 40%, impervious surface lot coverage, and tree standards.

Planning Commission Vice-Chair Richard Weinman and Commissioners Tiffin Goodman, Daniel Hubble and Jenni Mechem spoke to the Council about the Planning Commission's process and on the approach they are taking in their debate.

The Council asked questions regarding:

- If the phases are working to help the Commission meet the goals they have set forward.
- If enough resources and assets been devoted to the project to help the Commission be successful in their mission.
- If the public and stakeholders have been given enough opportunities to be informed and comment on the decisions being considered.
- What the Commission and/or Council will do if the changes do not protect the neighborhood, environment, and enhance the community enough.

## **APPEARANCES**

Carolyn Boatsman, 3210 74th Ave SE, spoke in opposition of the Planning Commission's recommendation to remove impervious surface limitations on residential properties.

Daniel Thompson, 7265 N. Mercer Way, expressed disappointment in the plan for the residential development code recommendations. He requested the Council to have Scott Greenberg's Administrative Interpretations reviewed by outside council.

Ira Appelman, 9039 E Shorewood Drive, spoke about I-90 litigation and he spoke in opposition of MICA's use of 32<sup>nd</sup> St Right of Way and siting in Mercerdale Park.

Peter Struck, 9130 SE 54th Street, spoke about advertising and naming rights proposal at the Island Crest Park Ballfields. He asked the Council to put a limit of one year approval on any decision they make, so the idea can be beta tested.

## **CONSENT CALENDAR**

**Payables: \$2,634,591.47 (01/19/17) \$489,979.60 (01/26/17), \$523,404.12 (02/09/17)**

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

**Payroll: \$745,512.73 (01/06/17) & \$862,881.10 (01/20/17) & \$796,322.34 (02/03/17) & \$804,451.82 (02/17/17)**

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

**Minutes: December 5, 2016 Regular Meeting Minutes, January 3, 2017 Regular Meeting Minutes, January 10, 2017 Special Meeting Minutes, January 12, 2017 Special Meeting Minutes, January 17, 2017 Regular Meeting Minutes, January 20, 2017 Special Meeting Minutes, February 3, 2017 Special Meeting Minutes, February 6, 2017 Regular Meeting Minutes**

**Recommendation:** Adopt the December 5, 2016 Regular Meeting Minutes, January 3, 2017 Regular Meeting Minutes, January 10, 2017 Special Meeting Minutes, January 12, 2017 Special Meeting Minutes, January 17, 2017 Regular Meeting Minutes, January 20, 2017 Special Meeting Minutes, February 3, 2017 Special Meeting Minutes, February 6, 2017 Regular Meeting Minutes as written.

**AB 5257 Open Space Conservancy Trust Board Annual Report and Work Plan**

**Recommendation:** Receive report.

It was moved by Weiker; seconded by Sanderson to:

**Approve the Consent Calendar and recommendations contained therein.**

Passed 5-0

FOR: 5 (Berlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

## **REGULAR BUSINESS**

**AB 5261 I-90 Loss of Mobility Status Report**



City Manager Julie Underwood provided an update on I-90 Loss of Mobility. She advised that last week, the City filed a complaint with the King County Superior Court that would request the Court delay Sound Transit and WSDOT from closing the I-90 Center Roadway and Island Crest Way until the parties reach an agreement about mobility and access issues for Mercer Island. She noted that the City Council will hold public hearings on March 6, 2017 on the Transportation Concurrency and Essential Public Facilities Moratorium and a Public Institution Zoning Moratorium adopted by the Council on February 13, 2017.

Development Services Director Scott Greenberg spoke about the Planning Commission's schedule to review and recommend code amendments regarding transportation concurrency, essential public facilities and the P zone amendments.

City Manager Underwood also noted that City staff suspended Sound Transit's Shoreline Substantial Development Permit. She spoke about Representative Clibborn proposed House Bill 2129 that would provide access to the current westbound Interstate 90 general purpose lanes from the Island Crest Way on-ramp.

Finance Director Chip Corder provided a recommendation and explanation for how the City could fund litigation within the current budget parameters.

It was moved by Wong; seconded by Weiker to:

**Appropriate \$600,000 in the General Fund for I-90/Light Rail litigation and other costs, which would be funded by an estimated \$300,000 remaining balance in the Fire Station 92 Construction Fund and approximately \$300,000 from the unallocated 2015 General Fund surplus.**

It was moved by Grausz; seconded by Sanderson to:

**Amend the previous motion to include:**

**And direct staff to come back at no later than the second April meeting with an update on finances and alternatives for revenue additions and/or expense reductions to pay for the costs of this litigation.**

Motion to Amend Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

Amended Main Motion Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

City Manager Underwood requested feedback from the Council on the proposed Strategic and Operational Plan for addressing the I-90 Loss of Mobility.

Deputy Mayor Bertlin encouraged citizens to continue sending in their questions and comments to help encourage Sound Transit to either address citizen's concerns at a future Council meeting.

#### **AB 5258 Island Crest Park Ballfield Advertising**

Parks & Recreation Director Bruce Fletcher presented on the status of fundraising efforts to fund park reinvestment and improvement projects. He requested direction from the Council on outfield banner advertising and field naming rights as possible fundraising programs for the Island Crest Park Ballfields. He noted that the funds brought in by the proposed advertising programs would go to funding Island Crest Park improvements only.

Following Council discussion, City Manager Underwood summarized the Council's direction to have the Parks and Recreation Director return with an outline on the field naming rights program, but postpone work on the banner advertising program.

#### **AB 5253 Code Amendment Modifying MICC Chapter 3.32 Pertaining to Emergency Management Administration (1st Reading)**

City Clerk Ali Spietz presented an ordinance updating MICC 3.32 to reflect the current practice of the Police Department administering the Emergency Management function, which was changed in 2008. She noted that

pursuant to the City Council Rules of Procedure 5.2(3), the City Manager deems this a housekeeping ordinance and recommends it be adopted at first reading.

It was moved by Sanderson; seconded by Grausz to:

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

Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

It was moved by Sanderson; seconded by Wong to:

**Adopt Ordinance No. 17C-04, amending Chapter 3.32 MICC pertaining to emergency management administration.**

Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

#### **AB 5252 Code Amendment Modifying MICC Chapter 4.20 Pertaining to Claims for Damages (1st Reading)**

City Clerk Ali Spietz presented an ordinance updating chapter 4.20 MICC to reflect current practice required by the City's insurance authority and chapter 4.96 RCW pertaining to claims for damages. She noted that pursuant to the City Council Rules of Procedure 5.2(3), the City Manager deems this a housekeeping ordinance and recommends it be adopted at first reading.

It was moved by Wong; seconded by Weiker to:

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

Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

It was moved by Sanderson; seconded by Weiker to:

**Adopt Ordinance No. 17C-03, amending Chapter 4.20 MICC pertaining to claims for damages.**

Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

#### **AB 5260 Code Amendment Adopting MICC Chapter 2.50 Pertaining to Accepting Donations (1st Reading)**

City Attorney Kari Sand presented an ordinance establishing a process for the acceptance of gifts or donations. She noted that pursuant to the City Council Rules of Procedure 5.2(3), the City Manager deems this a housekeeping ordinance and recommends it be adopted at first reading.

After Council discussion, the Council recommended changes to the ordinance regarding acceptance of non-monetary donations.

It was moved by Grausz; seconded by Sanderson to:

**Set Ordinance No. 17C-07 to March 3 Council meeting for second reading.**

Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

### **OTHER BUSINESS**

#### **Councilmember Absences**

Mayor Bassett and Councilmember Wisenteiner absences were excused.

#### **Planning Schedule**

City Manager Underwood reviewed the March 6 agenda with the Council. Councilmember Grausz requested that ARCH staff be present at the March 6 meeting to answer questions from the Council.

**Board Appointments**

There were no appointments.

**Councilmember Reports**

Deputy Mayor Bertlin reminded the Council and public about the Residential Development Standards meeting in Saturday, February 25 at 9:30 am at West Mercer Elementary.

**ADJOURNMENT**

The regular meeting adjourned at 9:03 pm.

Attest:

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Bruce Bassett, Mayor

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Allison Spietz, City Clerk



## **CITY COUNCIL MINUTES REGULAR MEETING MARCH 6, 2017**

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### **CALL TO ORDER & ROLL CALL**

Mayor Bruce Bassett called the meeting to order at 5:04 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz, Jeff Sanderson, Wendy Weiker, and Benson Wong were present. Councilmember David Wisenteiner was absent.

### **AGENDA APPROVAL**

Mayor Bassett added a presentation by Chief Holmes to the agenda before the appearances section to discuss the recent bomb threat at the Strom Jewish Community Center. Mayor Bassett also advised the Consent Calendar would be moved before the appearances section to allow for ARCH staff to leave and attend another City's Council meeting as well.

It was moved by Wong; seconded by Bertlin to:

**Approve the agenda as amended.**

Passed 6-0

FOR: 6 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wong) ABSENT: 1 (Wisenteiner)

### **EXECUTIVE SESSION**

**Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 2 hours.**

At 05:06 pm, Mayor Bassett convened an Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.3110(1)(i) for 2 hours.

At 6:56 pm, Mayor Bassett adjourned the Executive Session and the Regular Meeting reconvened. The Council took a break until 7:00 pm.

### **CONSENT CALENDAR**

Councilmember Grausz requested removal of AB 5255: ARCH 2016 Trust Fund Recommendations. The Mayor noted that the Council would discuss AB 5255 before Appearances.

**Payables: \$1,276,101.72 (02/23/17) & \$286,410.56 (03/02/17)**

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

**Payroll: \$809,359.35 (03/03/17)**

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

**Minutes: February 13, 2017 Special Meeting Minutes, February 16, 2017 Special Meeting Minutes & February 27, 2017 Special Meeting Minutes**

**Recommendation:** Adopt the February 13, 2017 Special Meeting Minutes, February 16, 2017 Special Meeting Minutes, February 27, 2017 Special Meeting Minutes as written.

**AB 5240 Department of Social & Health Services Interlocal Agreement for Respite Care Services Reimbursement**

**Recommendation:** Authorize the City Manager to sign the interlocal agreement with the Washington State Department of Social & Health Services, Division of Development Disabilities, for respite care services reimbursement.

**AB 5254 ARCH 2017 Administrative Budget and Work Program**

**Recommendation:** Approve the ARCH 2017 Administrative Budget and Work Program and authorize expenditure of \$31,400 for Mercer Island's contribution to the 2017 ARCH Administrative Budget.

It was moved by Bertlin; seconded by Grausz to: **Approve the Consent Calendar and the recommendations contained therein.**

Passed 6-0

FOR: 6 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 1 (Wisenteiner)

**AB 5255 ARCH 2016 Trust Fund Recommendations**

Councilmember Grausz asked Arthur Sullivan, ARCH Program Manager, about how the remaining \$64,000 of Mercer Island's contribution is forecasted to be utilized. Mr. Sullivan clarified that the \$25,948 allocation as part of this agenda bill was previously allocated by the Council in 2016. He explained that for the increased contribution the Council has allocated in 2017, ARCH is working on leveraging funds that are becoming available through King County, and determining a location for shelters on the Eastside. He noted that the shelter is expected to be in an Eastside city sometime in 2017 or 2018.

It was moved by Grausz; seconded by Bertlin to:

**Approve the use of up to \$25,948 from the City's share of the ARCH Housing Trust Fund to support two projects, Imagine Housing 30Bellevue (\$16,211) and Imagine Housing Esterra Park Block 6B (\$9,737), with conditions as recommended by the ARCH Executive Board, and authorize the City Manager or the Administering Agency of ARCH on behalf of the City of Mercer Island to execute any related agreements and documents.**

Passed 6-0

FOR: 6 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 1 (Wisenteiner)

**Report from Police Chief**

Chief Holmes provided an update related to the bomb threat received at the Strom Jewish Community Center last week.

**SPECIAL BUSINESS**

**Presentation from King Council Councilmember Claudia Balducci**

King County Councilmember Claudia Balducci provided the Council with a brief update King County Council issues and initiatives. She advised that the significant projects impacting Mercer Island have been human services, youth and family homelessness prevention, and regional transit long range plans. The King County Council is currently working to reauthorize the Veteran's and human services levy this year. She also expressed that she is hopeful for Sound Transit and the City of Mercer Island to find a compromise that protects the interests of both Islanders and the region.

**APPEARANCES**

Meg Lippert, 4052 94th Ave SE, spoke in opposition of proposal to rename the Parks and Recreation Department.

Charon Gooding, 5412 96th Ave SE, read a prepared statement from Peter Struck opposing the proposal to rename the Parks and Recreation Department.

Jane Brahm, 7420 N Mercer Way, invited citizens, staff, and Councilmembers to attend upcoming Chamber of Commerce event recognizing Executive Director Terry Moreman's retirement. She also spoke in favor of changing the name of the I-90 Outdoor Sculpture Gallery.

Nancy Hewitt Spaeth, 8320 SE 34th St, spoke in support of renaming the Parks and Recreation Department to the Parks, Arts, and Recreation Department. She noted this would better represent the needs of both male and female children in the community.

Ira Appelman, 9039 E Shorewood Dr, spoke in opposition of Council's support for MICA. He also made allegations of misappropriations and backdoor dealings.

John Tiscornia, 5646 E Mercer Way, thanked the Council for voting to take legal action to preserve the safety and mobility of Mercer Island residents.

Tom Acker, 2427 84<sup>th</sup> Ave SE, praised Chief Holmes and Mercer Island PD for their response to the JCC bomb threat. He encouraged Council to keep separation between the Arts Council and the Parks and Recreation Department to ensure fiscal controls.

## **REGULAR BUSINESS**

### **AB 5264 Public Hearing for Moratorium Regarding Development of Construction Activity within the I-90 Right of Way Portion of the Public Institution Zone**

DSG Director Scott Greenberg provided background information on the moratorium regarding development of construction activity within the I-90 Right of Way portion of the Public Institution zone.

City Attorney Kari Sand advised of a letter received from Sound Transit's Senior Legal Counsel Stephen Sheehy in opposition of the moratorium.

Mayor Bassett opened the Public Hearing at 8:01 pm.

Ira Appelman, 9039 E Shorewood Dr, spoke about concerns with transit center planning.

Sarah Smith, 7109 84th Ave SE, spoke in support of the Council's decision to litigate I-90 mitigation.

Hillary Benson, 7344 Island Crest Way, spoke in support of the Council's decision to litigate I-90 mitigation.

Elizabeth Buckley, 15 Brook Bay Road, spoke in support of the Council's decision to litigate I-90 mitigation. She expressed support of the moratorium.

Tom Acker, 2427 84<sup>th</sup> Ave SE, praised the Council's decision to impose the moratorium. He expressed safety concerns with the R8A project.

Cara Perla, 5320 W Mercer Way, spoke in support of the Council's decision to litigate I-90 mitigation.

Cher Hiskin, 8806 SE 78th St, requested her comments be considered for both public hearings. Expressed safety concerns for children and pedestrians due to increased traffic congestion from closing Island Crest Way's ramp.

Mayor Bassett closed public hearing at 8:16 pm.

Councilmember Wong asked about moving up Planning Commission and Council review of proposed "P-Zone" code amendments. Director Greenberg noted that Residential Development Standards schedule would need to be postponed to accommodate moving up the "P-Zone" code amendments.

## **AB 5265 Public Hearing for Moratorium Regarding Transportation Concurrency and Siting of Essential Public Facilities**

DSG Director Scott Greenberg provided background information on the moratorium related to transportation concurrency and siting of Essential Public Facilities.

City Attorney Kari Sand advised of a letter received from Sound Transit's Senior Legal Counsel Stephen Sheehy in opposition of the moratorium.

Mayor Bassett opened the Public Hearing at 8:25 pm.

Councilmember Grausz asked whether it is appropriate to have two public speaking opportunities, or if it should just be assumed that the citizens who spoke intended for their comments to be considered for both public hearings. City Attorney Kari Sand indicated that the City should not assume that people wanted their comments to be considered in both public hearings. Mayor Bassett noted that at the end of the Public Hearing he would ask if there were citizens who wanted their comments noted for both public hearings and they would be noted in the minutes.

Cher Hisken, 8806 SE 78<sup>th</sup> St, requested her comments be considered for both public hearings. Expressed safety concerns for children and pedestrians due to increased traffic congestion from closing Island Crest Way's ramp.

Sarah Smith, 7109 84th Ave SE, commented on schedule for code amendments. Asked for clarification on what the moratorium would mean to construction. Director Greenberg responded that the 60-day requirement for a public hearing was met tonight, and the only other deadline would be the expiration of the current moratorium in August.

Tom Acker, 2427 84th Ave SE, requested his testimony during the first public hearing be considered in both. He praised the Council's decision to impose the moratorium. He expressed safety concerns with the R8A project.

Ira Appelman, 9039 E Shorewood Dr, spoke in support of developing an amendment to the City code related to transportation concurrency. Requested Council to consider MICA development in their deliberations regarding transportation concurrency.

John Tiscornia, 5646 E Mercer Way, asked the Council to have staff prioritize the code amendments related to the moratoria over the other work such as residential development zoning currently being reviewed by the Planning Commission.

Elizabeth Buckley, 15 Brook Bay Road, requested for her comments during the first public hearing be considered in the second as well. She spoke in support of the Council's decision to litigate I-90 mitigation. She expressed support of the moratorium.

Hillary Benson, 7344 Island Crest Way, spoke in support of the Council's decision to litigate I-90 mitigation.

Sarah Smith, 7109 84th Ave SE, commented on schedule for code amendments. Asked for clarification on what the moratorium would mean to construction. Director Greenberg responded that the 60-day requirement for a public hearing was met tonight, and the only other deadline would be the expiration of the current moratorium in August.

Mayor Bassett requested a show of hands for those wishing for their comments to be include in both hearings. Tom Acker, Hillary Benson, Sarah Smith, Elizabeth Buckley responded.

Mayor Bassett closed the Public Hearing at 8:47 pm.

## **AB 5267 I-90 Loss of Mobility Status Report**

She advised that on February 17 the Sound Transit Board approved a motion to authorize litigation against the City and that they sent the City Council a letter in response to the City's recent actions. The City Council followed with another letter explaining how, from the City's perspective, the negotiations stalled and included the March 2016 Terms Sheet.

She noted that on February 16 the City suspended Sound Transit's Shoreline Substantial Development Permit for East Link Light Rail and on February 22 notified Sound Transit that the City is unable to continue review of the building permit for the Mercer Island Station for light rail.

She spoke about Representative Clibborn's bill (HB 2129) to "grandfather" the current westbound I-90 general purpose lanes from the Island Crest Way on-ramp for single occupant vehicles and meetings with various citizens to update and strategize. She stated that staff are preparing and responding to legal challenges and that the Planning Commission is preparing to propose code amendments on public institution zone, transportation concurrency, and siting of essential public facilities.

#### **AB 5241 Outdoor I-90 Sculpture Gallery Name Change**

Kai Fulginiti Special Events & Arts Coordinator introduced Public Arts Chair Erin Vivion. Erin provided background and history on the outdoor art gallery. She noted the Art Council's recommendation to change the name of the I-90 Outdoor Sculpture Gallery to the Greta Hackett Outdoor Sculpture Gallery would honor a citizen who dedicated her life to arts in Mercer Island.

Greta Hackett's daughter Joan spoke about her mother's dedication to the community and stated that Greta's family would be honored to have the outdoor sculpture gallery named in her honor.

It was moved by Sanderson; seconded by Wong to: **Approve the I-90 Outdoor Sculpture Gallery name change to the Greta Hackett Outdoor Sculpture Gallery.**

Passed 6-0

FOR: 6 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 1 (Wisenteiner)

#### **AB 5263 Consider Parks & Recreation Department Name Change**

Parks and Recreation Director Bruce Fletcher provided background information about the Council's desire to possibly change the name of the Parks and Recreation Department. He spoke about potential names, staff's desire to keep the current name, and department titles in other cities, and provided information about the impacts and costs of a name change.

It was moved by Bertlin; seconded by Grausz to:

**Provide direction to the Parks and Rec Director to change the name from Parks and Recreation to Parks, Arts, and Recreation Department.**

It was moved by Grausz; seconded by Bertlin to:

**Table (postpone) AB 5263 to the next Council meeting.**

Passed 4-2

FOR: 4 (Bassett, Bertlin, Grausz, Wong)

AGAINST: 2 (Sanderson, Weiker)

ABSENT: 1 (Wisenteiner)

#### **AB 5262 Code Amendment Adopting MICC Chapter 2.50 Pertaining to Accepting Donations (2nd Reading)**

City Attorney Kari Sand distributed a revised version of Ordinance No. 17C-07 and spoke about the proposed changes regarding accepting donations.

It was moved by Grausz; seconded by Wong to:

**Adopt Ordinance No. 17C-07, establishing a new Chapter 2.50.20 MICC pertaining to donations as amended.**

Passed 6-0

FOR: 6 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 1 (Wisenteiner)



## **OTHER BUSINESS**

### **Councilmember Absences**

Councilmember Wisenteiner absence was excused.

### **Planning Schedule**

City Manager Julie Underwood advised of a special meeting on March 9 for an Executive Session. She noted that a Study Session will be added on March 20 regarding amendments to the City Council Rules of Procedure.

Deputy Mayor Bertlin asked if the moratorium extension needs to be added. City Clerk Spietz noted that they have been tentatively added to the August 7 meeting.

### **Board Appointments**

There were no appointments.

### **Councilmember Reports**

Councilmember Sanderson advised that due to scheduling conflicts, he and Councilmember Wisenteiner have switched liaison assignments. Councilmember Wisenteiner is now the Open Space Conservancy Trust Liaison and Councilmember Sanderson is now the PTA Advisory Liaison. He also noted that April 25 is the Mercer Island School's Foundation breakfast.

Councilmember Weiker advised that YFS Director Cindy Goodman is hosting a community meeting on effective parenting on March 15.

Councilmember Wong congratulated the Mercer Island Girls' Basketball Team for winning the state championship. He also advised that the King County regional water committee received an update on the expected cost of damage repair to the West Point treatment plant.

## **ADJOURNMENT**

The Regular Meeting adjourned at 10:09 pm.

Attest:

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Bruce Bassett, Mayor

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Allison Spietz, City Clerk



## **CITY COUNCIL MINUTES SPECIAL MEETING MARCH 9, 2017**

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### **CALL TO ORDER & ROLL CALL**

Mayor Bruce Bassett called the Special Meeting to order at 8:37 am in the City Hall Council Chambers, 9611 SE 36<sup>th</sup> Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin and Councilmembers Dan Grausz, Jeff Sanderson, Wendy Weiker, and Benson Wong were present. Councilmember Dave Wisenteiner was absent.

### **SPECIAL BUSINESS**

**Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for two and a half hours.**

At 8:38 am, Mayor Bassett convened the Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for approximately two and a half hours.

At 11:00 am, Mayor Bassett adjourned the Executive Session.

### **ADJOURNMENT**

The Special Meeting adjourned at 11:00 am.

Attest:

\_\_\_\_\_  
Bruce Bassett, Mayor

\_\_\_\_\_  
Allison Spietz, City Clerk



**BUSINESS OF THE CITY COUNCIL  
CITY OF MERCER ISLAND, WA**

**AB 5274  
March 20, 2017  
Regular Business**

**I-90 LOSS OF MOBILITY STATUS REPORT**

**Proposed Council Action:**

No action necessary. Receive report.

**DEPARTMENT OF**

City Manager (Julie Underwood)

**COUNCIL LIAISON**

n/a

**EXHIBITS**

1. Judge Andrus' Ruling Dated March 13, 2017

**APPROVED BY CITY MANAGER**

<b>AMOUNT OF EXPENDITURE</b>	\$	n/a
<b>AMOUNT BUDGETED</b>	\$	n/a
<b>APPROPRIATION REQUIRED</b>	\$	n/a

**SUMMARY**

This June, Sound Transit's East Link Project is scheduled to close the I-90 reversible center roadway to begin construction on the light rail line. To replace the loss of the I-90 center roadway, the I-90 mainline between Mercer Island and Seattle will be restriped and lanes narrowed to change the configuration from 3-lanes to 4-lanes in each direction. The new I-90 lanes are referred to as R8A lanes. The traffic analysis for the East Link Project assumed that the R8A lanes would be designated as HOV lanes and that single occupancy vehicles (SOVs) traveling to or from Mercer Island would be allowed to use these lanes and the accompanying access ramps.

The City, Washington State Department of Transportation (WSDOT) and Sound Transit have historic agreements dating back to 1976 regarding Mercer Island's SOV use of HOV lanes between Mercer Island and Seattle. Additionally, the Final Environmental Impact Statement (FEIS) for the East Link Project anticipated the continued access for SOVs in the new R8A lanes. The impacts of the closure and the resulting loss of mobility were anticipated and have been the subject of negotiations with Sound Transit for over two years.

In August 2016, the Federal Highway Administration (FHWA) informed the City of Mercer Island about the restriction of Mercer Island SOVs from the I-90 R8A lanes, leading to the restriction of SOVs using the Island Crest Way on-ramp to westbound I-90, because it is proposed to connect to a HOV lane. The SOV restriction at the Island Crest Way westbound on-ramp would result in traffic diverting to other I-90 on-ramps, specifically the West Mercer Way on-ramp and the 76<sup>th</sup> Avenue on-ramp. This diversion would increase traffic volumes on Mercer Island local streets and negatively impact traffic operations and safety in and around the Town Center, through school zones and along West Mercer Way.

**Litigation**

On Friday, March 10, 2017, the City Attorney and outside counsel defended a countersuit from Sound Transit seeking to lift the City's suspension of the Shoreline Substantial Development Permit (SSDP). Judge Beth Andrus issued her decision on Monday, March 13 (see Exhibit 1). Judge Andrus ruled that both sides

have the opportunity to submit additional briefing and/or evidence and another hearing is set for Friday, March 31 at 10:00 am.

It is worth noting that at the March 10 hearing, Sound Transit's legal counsel stated that Sound Transit was preparing a SEPA addendum to address the East Link project changes that showed probable, significant adverse impacts, if any, could be mitigated to a level of insignificance. The City previously had been informed that Sound Transit was preparing a Loss of Mobility study, but the March 10 hearing was the City's first notice that Sound Transit was preparing a SEPA addendum to the FEIS. It remains to be seen whether or not the proposed mitigation identified in Sound Transit's SEPA addendum will adequately address Loss of Mobility impacts locally.

### **Regulatory Authority**

On Monday, March 6, the City Council conducted two public hearings on the Transportation Concurrency and Essential Public Facilities Moratorium and the Public Institution Zoning Moratorium, both of which are in place for up to six months each. These moratoria will preserve the status quo until new regulations can be adopted to ensure that the expected impacts from diverted traffic will be adequately mitigated and not cause a decline in the City's adopted transportation level of service (LOS) standards for local streets.

### **Legislative Remedy**

As a possible legislative remedy, State Representative Judy Clibborn has sponsored a bill (co-sponsored by Representative Tana Senn), HB 2129, to "grandfather" the current westbound I-90 general purpose lanes from the Island Crest Way on-ramp for single occupant vehicles. This bill has been introduced and is in the Transportation Committee currently.

### **Communications and Outreach**

On Wednesday, March 8, the City Manager and staff met with a small group of citizen "advisors." This first meeting included the following residents:

- Tom Acker
- Joe Barer
- Hilary Benson
- Tiffin Goodman
- Steve Marshall
- Bob Olson
- Craig Olson
- Alison Stovall
- Peter Struck
- Carv Zwingle

The discussion involved a legal and political update, a review of the traffic analysis and the public safety impacts, and a range of ideas and strategies focused on potential mitigation measures. City staff will continue to host future meetings with these residents as well as others.

## **RECOMMENDATION**

*City Manager*

No action is required. Receive report.

SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

CENTRAL PUGET SOUND REGIONAL  
TRANSIT AUTHORITY, a regional transit  
authority, dba SOUND TRANSIT,

Plaintiff,

v.

CITY OF MERCER ISLAND,  
WASHINGTON, a municipal corporation,

Defendant.

No. 17-2-05193-4

ORDER FINDING ADEQUATE CAUSE  
TO ISSUE WRITS OF MANDAMUS  
AND PROHIBITION

On March 6, 2017, Plaintiff Central Puget Sound Regional Transit Authority (Sound Transit) filed a petition for a writ of mandamus and prohibition against Defendant City of Mercer Island and sought an expedited hearing on the application for the writs. The Court granted Sound Transit's motion to shorten time for the consideration of the application, set an expedited briefing schedule, and conducted a hearing on Friday, March 10, 2017.

The issues presented by the pending application are:

1. Is there adequate cause to grant either a writ of mandamus or prohibition?
2. If so, should the Court rule on the merits of the legal claims asserted by Sound Transit based on the pleadings before it (as advocated by Sound Transit) or should it issue a case schedule and set a dispositive motions hearing within 30 days as contemplated by LCR 98.40(d) and (e) (as advocated by Mercer Island)?

ORDER FINDING ADEQUATE CAUSE TO ISSUE  
WRITS - 1

The Court finds adequate cause to issue the requested writs. Because the proceedings occurred on such an expedited basis, the Court has decided that it will issue a case schedule and set a hearing on dispositive motions under LCR 98.40(d) and (e) to allow both parties the opportunity to submit additional briefing if either party so desires.

The date and time of the hearing shall be:

Date: March 31, 2017

Time: 10:00 a.m.

Location: W-719, King County Courthouse

Briefing schedule: Either party may submit additional briefing and/or evidence they would like the Court to consider as follows: (1) any additional motions to be filed by March 20, 2017; (2) any responsive pleadings to new motions or to pending application to be submitted by March 27, 2017; (3) any reply pleadings to new motions or to pending application to be submitted by March 29, 2017.

ENTERED this 13<sup>th</sup> day of March, 2017.

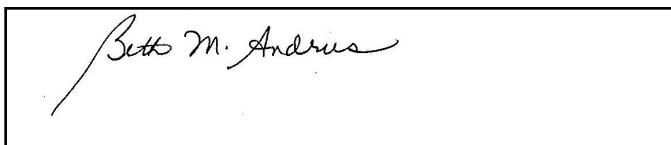
*Electronic signature attached*

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Honorable Beth M. Andrus

King County Superior Court  
Judicial Electronic Signature Page

Case Number: 17-2-05193-4  
Case Title: CENTRAL PUGET SOUND RTA ET ANO VS CITY OF  
MERCER ISLAND WASHINGTON  
Document Title: ORDER ADEQUATE CAUSE FINDING  
  
Signed by: Beth Andrus  
Date: 3/13/2017 9:00:00 AM

A rectangular box containing a handwritten signature in cursive script that reads "Beth M. Andrus".

Judge/Commissioner: Beth Andrus

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: D92F76D12132FF531AF16720A721F097AC7A50B6  
Certificate effective date: 7/29/2013 12:26:48 PM  
Certificate expiry date: 7/29/2018 12:26:48 PM  
Certificate Issued by: C=US, E=kcscefiling@kingcounty.gov, OU=KCDJA,  
O=KCDJA, CN="Beth  
Andrus:dE53Hnr44hGmww04YYhwmw=="

Page 3 of 3



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND, WA

AB 5271  
March 20, 2017  
Regular Business

### CONSIDER PARKS AND RECREATION DEPARTMENT NAME CHANGE

#### Proposed Council Action:

Discuss and vote on the motion to "Provide direction to the Parks and Rec Director to change the name from Parks and Recreation to Parks, Arts, and Recreation Department."

DEPARTMENT OF	Parks and Recreation (Bruce Fletcher)
COUNCIL LIAISON	Dan Grausz Debbie Bertlin Wendy Weiker
EXHIBITS	1. AB 5263 (3/6/2017)
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

### SUMMARY

At the March 6, 2017 meeting, the City Council discussed a possible name change for the Parks and Recreation Department (see Exhibit 1). Deputy Mayor Bertlin moved, and Councilmember Grausz seconded, to "Provide direction to the Parks and Rec Director to change the name from Parks and Recreation to Parks, Arts, and Recreation Department."

Following discussion, Councilmember Grausz moved, and Councilmember Bertlin seconded, to "Table (postpone) AB 5263 to the next Council Meeting." It is staff's understanding that Councilmember Grausz' intention was to postpone the main motion to change the department name until the March 20, 2017 meeting.<sup>1</sup> The motion to postpone passed with a majority vote.

On Monday night, the original main motion to "Provide direction to the Parks and Rec Director to change the name from Parks and Recreation to Parks, Arts, and Recreation Department" will be on the table for the Council to discuss and vote on.

### RECOMMENDATION

Discuss and vote on the main motion to "Provide direction to the Parks and Rec Director to change the name from Parks and Recreation to Parks, Arts, and Recreation Department."

<sup>1</sup> The subsidiary motion to "postpone definitely," puts off the question (main motion) until an expressed time; this appeared to be the intent of Councilmember Grausz' motion even though he referenced "tabling" the main motion. (For procedural clarification, the subsidiary motion "lay on the table" or "table the motion," interrupts the current business to introduce urgent business immediately, it should not be used to postpone debate or a vote on a motion.)





**BUSINESS OF THE CITY COUNCIL  
CITY OF MERCER ISLAND, WA**

**AB 5263  
March 6, 2017  
Regular Business**

**CONSIDER PARKS AND RECREATION  
DEPARTMENT NAME CHANGE**

**Proposed Council Action:**

Provide direction to the P&R Director regarding the potential name change to the P&R Department.

<b>DEPARTMENT OF</b>	Parks and Recreation (Bruce Fletcher)
<b>COUNCIL LIAISON</b>	Dan Grausz Debbie Bertlin Wendy Weiker
<b>EXHIBITS</b>	n/a
<b>APPROVED BY CITY MANAGER</b>	

AMOUNT OF EXPENDITURE	\$	n/a
AMOUNT BUDGETED	\$	n/a
APPROPRIATION REQUIRED	\$	n/a

**SUMMARY**

The City Council discussed a name change for the Parks and Recreation Department (P&R Department) at the June 11, 2016 City Council Planning Session. The Council noted that since the P&R Department has many art activities and events, the P&R Director should look at adding the word "arts" into the P&R Department name.

The City Manager directed the P&R Director to come back to the City Council with suggested name changes to include "arts" in the P&R Department name. The P&R Director was asked to talk with the department staff to solicit feedback about a name change.

There are several different P&R Department names around the state and a few potential titles are:

1. Parks, Arts and Recreation Department
2. Parks, Arts, Recreation and Community Services Department
3. Parks, Recreation and Cultural Services Department

When soliciting ideas from the current MI P&R Department, the staff recommendation was to keep the Department's name unchanged. They also supported adding a tag-line such as "*Celebrating Community, Parks, Arts and Recreation since 1960*". Department staff believe that the "Parks and Recreations" name has strong brand recognition and support in the community.

There are a variety of programs, facilities and events that encompass the current name of Parks and Recreation, including: parks, opens space, trails, camps, special events, festivals, fitness, sports, arts, senior programs, trips, arts council, art gallery, and aquatics.

The arts have a long and rich history with the P&R Department, adding to the quality of life on the island. The Arts Council is staffed by the P&R Department and provides enjoyment of the arts through performing, visual, events and art education.

As the Council considers changing the Department's name, a few options include:

1. Keep the status quo:  
The Mercer Island Parks and Recreation Department
2. Add a tag-line below the name:  
The Mercer Island Parks and Recreation Department  
*Celebrating Community, Parks, Arts and Recreation since 1960*
3. Modify the name:  
The Mercer Island Parks, Arts and Recreation Department

If the City Council elects to change the P&R Department's name, the cost for new park signs would be approximately \$60,000, if updated all at once. However, there is currently no funding available for this expenditure. Absent a budget appropriation, a slow roll-out would phase in signage (replace at the end of current lifecycle) and exhaust all letterhead before re-ordering. A slow roll-out process would have a minimal budget impact, but would take several years (or decades for expensive parks signage) to implement.

## RECOMMENDATION

*Parks and Recreation Director*

Provide direction to the P&R Director regarding the potential name change to the P&R Department.



**BUSINESS OF THE CITY COUNCIL  
CITY OF MERCER ISLAND, WA**

**AB 5266  
March 20, 2017  
Regular Business**

**CLOSING THE CRIMINAL JUSTICE FUND**

**Proposed Council Action:**

Close Criminal Justice Fund, moving the 2017-2018 budget to the General Fund, the reserves to the General Fund and the Technology & Equipment Fund, and the unreserved fund balance to the General Fund.

**DEPARTMENT OF** Finance (Chip Corder)

**COUNCIL LIAISON** n/a

**EXHIBITS** n/a

**APPROVED BY CITY MANAGER**

<b>AMOUNT OF EXPENDITURE</b>	\$	n/a
<b>AMOUNT BUDGETED</b>	\$	n/a
<b>APPROPRIATION REQUIRED</b>	\$	n/a

**SUMMARY**

Following the November 21, 2016 Council meeting, at which the Council completed its review of the 2017-2018 Preliminary Budget, staff learned that a "non-supplanting" provision related to the criminal justice sales tax had been removed by the state legislature back in 2010. This change, which was handled as a "housekeeping" measure by the state legislature, escaped the notice of both the Finance and Police Departments.

Why is this significant? First, it removes the primary reason for having a Criminal Justice Fund, which accounts for the criminal justice sales tax and its uses for specific Police Department costs, such as two Hire Ahead Patrol Officers, a Police Support Officer, and a School Resource Officer. Second, and most importantly, it gives the City more flexibility in addressing the projected 2018 deficits in the General Fund and Youth & Family Services Fund, though the criminal justice sales tax must still be used for criminal justice purposes. Accordingly, the Criminal Justice Fund can be folded into the General Fund, providing the following one-time and ongoing funding sources respectively for the Police Department's 2017-2018 budget:

- Available (i.e. unreserved) fund balance at the end of 2016 of \$945,173 (note: this is not a final audited number and is subject to change); and
- Net budgeted revenues of \$127,284 in 2017 and \$138,803 in 2018.

Doing this will free up an equivalent amount (\$1.21 million) of General Fund tax revenues in 2017 and 2018, which were originally used to fund the Police Department's 2017-2018 budget and which can now be used to:

- Bridge the 2018 projected deficits of \$505,195 in the General Fund and \$343,886 in the Youth & Family Services Fund (\$849,081 total); and
- Bring the Contingency Fund (i.e. the City's Rainy Day reserve), which has a balance of \$2.63 million, up to its 2017 target level, which is \$2.94 million; provide additional funding for I-90 loss of mobility litigation costs; or address other one-time funding needs (\$362,179 balance).

Regarding I-90 loss of mobility litigation costs, staff will return to the Council on April 17, 2017 to discuss funding options, which include using the \$362,179 balance from closing the Criminal Justice Fund.

The disposition of the Criminal Justice Fund's 2016 ending funding balance is summarized below.

Fund Balance Component	12/31/16 Balance	Transfer To
Unreserved balance	\$945,173	General Fund (unreserved)
Jail Account Group (JAG) reserve	79,437	General Fund (JAG reserve)
Eastside Narcotics Task Force (ENTF) reserve	41,345	General Fund (ENTF reserve)
U.S. Treasury reserve	34,697	Technology & Equipment Fund (Treasury reserve)
<b>Total</b>	<b>\$1,100,652</b>	

The Criminal Justice Fund's 2017-2018 budget, which is summarized below, will be moved to the General Fund effective January 1, 2017.

Description	2017 Budget	2018 Budget
<b>Revenues:</b>		
Criminal justice sales tax (0.1%)	\$662,000	\$695,000
State shared revenues	35,880	36,960
Intergovernmental services (MISD)	24,845	25,565
Public safety services	4,000	4,000
<b>Total revenues</b>	<b>\$726,725</b>	<b>\$761,525</b>
<b>Expenditures:</b>		
Hire Ahead Patrol Officers	\$214,901	\$230,919
School Resource Officer	145,852	150,028
Police Support Officer	106,102	109,189
Police training	44,000	44,000
Regional radio & replacements	35,886	35,886
Administration	24,000	24,000
Special operations/bike patrol	18,700	18,700
Domestic violence	10,000	10,000
<b>Total expenditures</b>	<b>\$599,441</b>	<b>\$622,722</b>
<b>Net revenues</b>	<b>\$127,284</b>	<b>\$138,803</b>

As part of the Fourth Quarter 2016 Financial Status Report, which will be presented to the Council at its April 17, 2017 meeting, staff will prepare a budget amending ordinance to close the Criminal Justice Fund

and to effect the budgetary changes noted above. In addition, this budget amending ordinance will balance the General Fund and Youth & Family Services Fund budgets in 2018, using the 2017-2018 General Fund tax revenues that will be freed up by closing the Criminal Justice Fund.

## **RECOMMENDATION**

*Finance Director*

MOVE TO: Prepare a 2017-2018 budget amending ordinance to close the Criminal Justice Fund, moving the 2017-2018 budget to the General Fund, the \$34,697 U.S. Treasury reserve to the Technology & Equipment Fund, the \$79,437 JAG and \$41,345 ENTF reserves to the General Fund, and the \$945,173 unreserved fund balance to the General Fund, and to balance the General Fund and Youth & Family Services Fund budgets in 2018 using the 2017-2018 General Fund tax revenues that will be freed up by closing the Criminal Justice Fund.



**BUSINESS OF THE CITY COUNCIL  
CITY OF MERCER ISLAND, WA**

**AB 5270  
March 20, 2017  
Regular Business**

**CODE AMENDMENT ADOPTING CHAPTER 3.04  
MICC PERTAINING TO INDEMNIFICATION OF  
CITY EMPLOYEES, OFFICIALS AND  
VOLUNTEERS (1<sup>ST</sup> READING)**

**Proposed Council Action:**

Set Ordinance No. 17C-08 to April 3, 2017 for second reading.

**DEPARTMENT OF**

City Attorney (Kari Sand)

**COUNCIL LIAISON**

n/a

**EXHIBITS**

1. Proposed Ordinance No. 17C-08

**APPROVED BY CITY MANAGER**

<b>AMOUNT OF EXPENDITURE</b>	\$	n/a
<b>AMOUNT BUDGETED</b>	\$	n/a
<b>APPROPRIATION REQUIRED</b>	\$	n/a

**SUMMARY**

RCW 4.96.041 provides that whenever an action or proceeding for damages is brought against any past or present officer, employee, or volunteer of the city, arising from acts or omissions while performing or in good faith purporting to perform his or her official duties, such officer, employee, or volunteer may request the city to authorize the defense of the action or proceeding at the expense of the city. The RCW further provides that the City Council may adopt procedures by ordinance or resolution regarding such indemnification requests, including procedures to determine whether the acts or omissions of the officer, employee or volunteer were, or in good faith purported to be, within the scope of his or her duties.

King County cities that have adopted indemnification code provisions include, but are not necessarily limited to, the following:

Algona	Chapter 2.78, Indemnification of City Officials
Auburn	Chapter 2.90, Indemnification for City Officials, City Employees and City Volunteers
Bellevue	Chapter 3.81, Legal Actions Brought Against City Officials and Employees
Black Diamond	Chapter 2.66, Indemnification of Employees
Bothell	Chapter 2.25, Indemnification of Employees and Officers
Burien	Chapter 2.70, Indemnification of City Employees, Officials and Volunteers
Clyde Hill	Chapter 2.25, Indemnification of Employees and Officers
Covington	Chapter 2.55, Defense of Elective Officer
Des Moines	Chapter 2.24, Legal Representation for City Employees
Enumclaw	Chapter 2.106, Indemnification of City Officials and Employees
Federal Way	Chapter 2.05, Government in General, Article II. Indemnification
Hunts Point	Chapter 2.25, Indemnification of Employees and Officers
Issaquah	Chapter 2.70, Legal Representation of City Officials and Employees
Kenmore	Chapter 2.50, Indemnification of Employees and Appointed and Elected City Officials
Kent	Chapter 2.96, Indemnification
Kirkland	Chapter 3.72, Officers, Employees and Volunteers

Lake Forest Park	Chapter 2.50, Defense and Indemnification of City Officers, Employees and Volunteers
Maple Valley	Chapter 2.80, Indemnification of Officials and Employees
Medina	Chapter 2.76, Indemnification of Employees and Officials
Milton	Chapter 2.96, Indemnification of Employees
Newcastle	Chapter 2.45, Legal Representation
Normandy Park	Chapter 2.68, Legal Defense for City Officials
North Bend	Chapter 2.53, Legal Defense for City Employees, Elected Officials and Volunteers
Redmond	Chapter 2.06, Indemnification of City Employees and Officials
Renton	Chapter 9, Defense of Employees, Officials, and Volunteers
Sammamish	Chapter 2.20, Legal Defense of City Employees, Officials, and Volunteers
SeaTac	Chapter 2.06, Indemnification of Employees and Officers
Seattle	Chapter 4.64, Defense of City Officers and Employees
Shoreline	Chapter 2.40, Legal Representation
Skykomish	Chapter 2.25, Defense and Indemnification of Town Officials
Woodinville	Chapter 2.18, Legal Actions Brought Against City Officials and Employees

Currently, the Mercer Island City Code (“MICC”) does not have provisions for the indemnification of city employees, officials or volunteers; therefore, it is recommended that the City Council adopt an ordinance setting forth such provisions consistent with RCW 4.96.041. The recommended new Chapter 3.04 MICC (see proposed Ordinance No. 17C-08 attached as Exhibit 1) establishes a process for employee, official and volunteer indemnification and procedures for the City Council to determine whether the acts or omissions of said officer, employee or volunteer were, or in good faith purported to be, within the scope of his or her official duties.

RECOMMENDATION

*City Attorney*

MOVE TO:     Set Ordinance No. 17C-08 to April 3, 2017 for second reading.

**CITY OF MERCER ISLAND  
ORDINANCE NO. 17C-08**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND ADOPTING A  
NEW CHAPTER 3.04 OF THE MERCER ISLAND CITY CODE ENTITLED  
INDEMNIFICATION OF CITY EMPLOYEES, OFFICIALS AND  
VOLUNTEERS**

WHEREAS, RCW 4.96.041 provides that whenever an action or proceeding for damages is brought against any past or present officer, employee, or volunteer of the city, arising from acts or omissions while performing or in good faith purporting to perform his or her official duties, such officer, employee, or volunteer may request the city to authorize the defense of the action or proceeding at the expense of the city; and

WHEREAS, RCW 4.96.041 further provides that if the City Council of Mercer Island as the legislative authority of the City using a procedure created by ordinance or resolution, finds that the acts or omissions of the officer, employee, or volunteer were, or in good faith purported to be, within the scope of his or her official duties, the request to authorize the defense of the action or proceeding at the expense of the City shall be granted and the necessary expenses of defending the action or proceeding shall be paid by the City; and

WHEREAS, Title 3 of the Mercer Island City Code ("MICC") contains code provisions regarding personnel of the city; and

WHEREAS, proposed Ordinance No. 17C-08 creates a new chapter 3.04 MICC entitled Indemnification of City Employees, Officials and Volunteers to specify that officers, employees or volunteers of the city performing official duties in good faith and within the scope of those duties shall be provided such legal representation as reasonably necessary to defend a claim or lawsuit filed against such employee, official or volunteer; and

WHEREAS, proposed Ordinance No. 17C-08 creates a procedure for the City Council to determine if the acts or omissions of the employee, officer or volunteer were, or in good faith purported to be, within the scope of his or her official duties;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON DO HEREBY ORDAIN AS FOLLOWS:

**Section 1.     Adoption and Codification of the New Chapter 3.04 MICC, Indemnification of City Employees, Officials and Volunteers.** A new Chapter 3.04, Indemnification of City Employees, Officials and Volunteers of the Mercer Island City Code, is hereby adopted as follows:



## **Chapter 3.04**

### **Indemnification of City Employees, Officials and Volunteers**

#### **Sections:**

- 3.04.010 Purpose.
- 3.04.020 Definitions.
- 3.04.030 Legal representation.
- 3.04.040 Exclusions.
- 3.04.050 Determination of exclusion.
- 3.04.060 Representation and payment of claims — Conditions.
- 3.04.070 Effect of compliance with conditions.
- 3.04.080 Failure to comply with conditions.
- 3.04.090 Reimbursement of incurred expenses.
- 3.04.100 Conflict with provisions of insurance policies.
- 3.04.110 Pending claims.

#### **3.04.010 Purpose.**

The purpose of this chapter is to protect city officers, employees and volunteers acting in good faith purporting to perform his or her official duties and to authorize the defense of any action or proceeding against such officer, employee or volunteer and to create a procedure to determine whether or not the acts or omissions of the officer, employee, or volunteer were, or in good faith purported to be, within the scope of his or her official duties.

#### **3.04.020 Definitions.**

Unless the context indicates otherwise, the words and phrases used in this chapter shall have the following meanings:

E

“Employee” means any person who is or has been employed by the city. “Employee” does not include independent contractors.

O

“Official” means any person who is serving or has served as an elected city official, and any person who is serving or has served as an appointed member of any city board, commission, committee or other appointed position with the city. “Official” does not include independent contractors performing the duties of appointed positions.

V

“Volunteer” means any person who performs his or her services gratuitously for the benefit of the city and has no employer-employee relationship with the city.

#### **3.04.030 Legal representation.**

A. As a condition of service or employment with the city of Mercer Island, the City shall provide to an official, employee or volunteer, and any spouse or registered domestic partner of an official, employee or volunteer to the extent the community, as community is defined in

Chapter 26.16 RCW is implicated, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official, employee or volunteer may have concluded service or employment with the city, such legal representation as may be reasonably necessary to defend a claim or lawsuit filed against such official, employee or volunteer resulting from any conduct, act or omission of such official, employee or volunteer performed or omitted on behalf of the city in his or her capacity as a city official, employee or volunteer, which act or omission is within the scope of their service or employment with the city.

B. The legal services shall be provided by the office of the city attorney unless:

1. Any provision of an applicable policy of insurance or self-insurance plan provides otherwise; or
2. A conflict of interest or ethical bar exists with respect to said representation; or
3. The city manager determines that the assignment of counsel other than the city attorney is necessary or prudent under the circumstances.

C. In the event that outside counsel is retained under subsection (B)(2) of this section, the city shall indemnify the official, employee or volunteer from the reasonable costs of defense; provided, that in no event shall the officer, employee or volunteer be indemnified for attorney's fees in excess of the hourly rates established by the city's contract with the attorney selected by the city. The officer, employee or volunteer shall be liable for all hourly charges in excess of said rate.

#### **3.04.040 Exclusions.**

A. In no event shall protection be offered under this chapter by the city to:

1. Any dishonest, fraudulent, criminal, willful, intentional or malicious act or course of conduct of an official, employee or volunteer;
2. Any act or course of conduct of an official, employee or volunteer which is not performed on behalf of the city;
3. Any act or course of conduct which is outside the scope of an official's, employee's or volunteer's service or employment with the city; and/or
4. Any lawsuit brought against an official, employee or volunteer by or on behalf of the city.

Nothing herein shall be construed to waive or impair the right of the city council to institute suit or counterclaim against any official, employee or volunteer, nor to limit its ability to discipline or terminate an employee.

B. The provisions of this chapter shall have no force or effect with respect to any accident, occurrence or circumstance for which the city or the official, employee or volunteer is insured

against loss or damages under the terms of any valid insurance policy or self-insurance program; provided, that this chapter shall provide protection, subject to its terms and limitations, above any loss limit of such policy. The provisions of this chapter are intended to be secondary to any contract or policy of insurance owned or applicable to any official, employee or volunteer. The city shall have the right to require any official, employee or volunteer to utilize any such policy protection prior to requesting the protection afforded by this chapter.

#### **3.04.050 Determination of exclusion.**

The determination of whether an official, employee or volunteer shall be afforded a defense by the city under the terms of this chapter shall be finally determined by the city council on the recommendation of the city manager. The city council may request the city attorney to provide an opinion or recommendation concerning the determination. The decision of the city council shall be final as a legislative determination of the council. Nothing herein shall preclude the city from undertaking an officer's, employee's or volunteer's defense under a reservation of rights.

#### **3.04.060 Representation and payment of claims — Conditions.**

The provisions of this chapter shall apply only when the following conditions are met:

A. In the event of any incident or course of conduct potentially giving rise to a claim for damage, or the commencement of a suit, the official, employee or volunteer involved shall, as soon as practicable, give the city risk manager written notice thereof, identifying the official, employee or volunteer involved, all information known to the official, employee or volunteer involved, all information known to the official, employee or volunteer with respect to the date, time, place and circumstances surrounding the incident or conduct giving rise to the claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses.

B. Upon receipt thereof, the official, employee or volunteer shall forthwith deliver any claim, demand, notice or summons or other process relating to any such incident or conduct to the city attorney, and shall cooperate with the city attorney, or an attorney designated by the city, and, upon request, assist in making settlement of any suit and enforcing any claim for any right of subrogation against any persons or organizations that may be liable to the city because of any damage or claim of loss arising from the incident or course of conduct, including but not limited to rights of recovery for costs and attorneys' fees arising out of state or federal statute upon a determination that the suit brought is frivolous in nature.

C. Such official, employee or volunteer shall attend interviews, depositions, hearings and trials and shall assist in securing and giving evidence and obtaining attendance of witnesses all without any additional compensation to the official, employee or volunteer and, in the event that an employee has left the employ of the city, no fee or compensation shall be provided. The city shall pay reasonable out-of-pocket expenses and costs (e.g., travel expenses, parking expenses, etc.) incurred by employees, officials and volunteers (including former employees, former officials and former volunteers) in connection with such attendance. All such expenses shall be approved by the city manager, or designee, and the city manager's determination shall be final.

D. Such official, employee or volunteer shall not accept nor voluntarily make any payment, assume any obligations, or incur any expense relating to the claim or suit, other than for first aid to others at the time of any incident or course of conduct giving rise to any such claim, loss or damage.

**3.46.070 Effect of compliance with conditions.**

If legal representation of an official, employee or volunteer is undertaken by the city attorney, all of the conditions of representation are met, and a judgment is entered against the official, employee or volunteer, or a settlement made, the city shall pay such judgment or settlement; provided, that the city may, at its discretion, appeal as necessary such judgment.

**3.04.080 Failure to comply with conditions.**

In the event that any official, employee or volunteer fails or refuses to comply with any of the conditions of Section 3.04.060, or elects to provide his/her own representation with respect to any such claim or litigation, then all of the provisions of this chapter shall be inapplicable, and have no force or effect with respect to any such claim or litigation.

**3.04.090 Reimbursement of incurred expenses.**

A. If the city determines that an official, employee or volunteer does not come within the provisions of this chapter, and a court of competent jurisdiction later determines that such claim does come within the provisions of this chapter, then the city shall pay any judgment rendered against the official, employee or volunteer and reasonable attorneys' fees incurred in defending against the claim. The city shall pay any attorneys' fees incurred in obtaining the determination that such claim is covered by the provisions of this chapter.

B. If the city determines that a claim against a city official, employee or volunteer does not come within the provisions of this chapter, and a court of competent jurisdiction later finds that such claim does not come within the provisions of this chapter, then the city shall be reimbursed by the official, employee or volunteer for costs or expenses incurred in obtaining the determination that such claim is not covered by the provisions of this chapter.

**3.04.100 Conflict with provisions of insurance policies or self-insurance plan.**

Nothing contained in this chapter shall be construed to modify or amend any provision of any policy of insurance or self-insurance plan where any city official, employee or volunteer thereof is the named insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance or self-insurance plan, the policy or plan provisions shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any official's, employee's or volunteer's right to full coverage pursuant to this chapter, it being the intent of this chapter and section to provide the coverage detailed in this chapter outside and beyond insurance policies that may be in effect, while not compromising the terms and conditions of such policies by any conflicting provision contained in this chapter.

**3.04.110 Pending claims.**

The provisions of this chapter shall apply to any pending claim or lawsuit against an official, employee or volunteer, or any such claim or lawsuit hereafter filed, irrespective of the date of the events or circumstances which are the basis of such claim or lawsuit.

**Section 2. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its applicable held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or its application to any other person, property or circumstance.

**Section 3. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 4. Effective Date.** This Ordinance shall take effect and be in force 5 days after passage and publication.

ADOPTED by the City Council of the City of Mercer Island, Washington at its regular meeting on March 20, 2017, and signed in authentication of its passage.

CITY OF MERCER ISLAND

\_\_\_\_\_  
Bruce Bassett, Mayor

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Allison Spietz, City Clerk

\_\_\_\_\_  
Kari Sand, City Attorney

Date of Publication: \_\_\_\_\_



# CITY COUNCIL PLANNING SCHEDULE

All meetings are held in the City Hall Council Chambers unless otherwise noted.  
Special Meetings and Study Sessions begin at 6:00 pm. Regular Meetings begin at 7:00 pm.  
Items listed for each meeting are not in any particular order.

## MARCH 20 – 5:30 PM

Item Type	Topic/Presenter	Time
<i>Executive Session</i> (5:00-7:00 pm)	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 2 hours	120
<i>Regular Business</i> (7:00 pm)	I-90 Loss of Mobility Negotiations Status Report – J. Underwood	30
<i>Regular Business</i>	Closing Criminal Justice Fund – C. Corder	30
<i>Regular Business</i>	Consider Parks and Recreation Name Change – B. Fletcher	30
<i>Regular Business</i>	Code Amendment Adopting MICC Chapter 3.04 Pertaining to Indemnification of City Employees and Officials (1st Reading) – K. Sand	10

## APRIL 3 – 5:30 PM

Item Type	Topic/Presenter	Time
<i>Executive Session</i> (5:30-6:00 pm)	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes	30
<i>Study Session</i> (6:00-7:00 pm)	NPDES Stormwater Code Update – P. Yamashita	60
<i>Consent Calendar</i> (7:00 pm)	Fire Station 92 Close Out – F. Gu	--
<i>Consent Calendar</i>	Island Crest Way Crosswalk Enhancement – SE 32 <sup>nd</sup> St. Bid Project Award – A. Tonella-Howe	--
<i>Regular Business</i>	I-90 Loss of Mobility Negotiations Status Report – J. Underwood	30
<i>Regular Business</i>	General Sewer Plan Update – A. Tonella-Howe	45
<i>Regular Business</i>	NPDES Stormwater Code Update (1 <sup>st</sup> Reading) – P. Yamashita	60
<i>Regular Business</i>	Code Amendment Adopting MICC Chapter 3.04 Pertaining to Indemnification of City Employees and Officials (2 <sup>nd</sup> Reading) – K. Sand	10

## APRIL 17 – 5:30 PM

Item Type	Topic/Presenter	Time
<i>Executive Session</i> (5:30-6:00 pm)	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes	30
<i>Study Session #1</i> (6:00-6:45 pm)	SE 40 <sup>th</sup> & 86 <sup>th</sup> Ave SE Analysis – A. Tonella-Howe	45
<i>Study Session #2</i> (6:45-7:30 pm)	2017-2018 City Council Goals – J. Underwood	45
<i>Regular Business</i> (7:30 pm)	I-90 Loss of Mobility Negotiations Status Report – J. Underwood	30
<i>Regular Business</i>	Fourth Quarter 2016 Financial Status Report & Budget Adjustments – C. Corder	30
<i>Regular Business</i>	Regional Animal Service of King County (RASKC) Interlocal Agreement – D. Jokinen	30
<i>Regular Business</i>	Island Crest Park Sportsfield Improvements Bid Award – B. Fletcher	30
<i>Regular Business</i>	I-90 Loss of Mobility Litigation Funding – C. Corder	30

**APRIL 20 (THURSDAY)****JOINT MEETING WITH MISD BOARD****MAY 1 – 6:00 PM**

Item Type	Topic/Presenter	Time
<i>Study Session (6:00-7:00 pm)</i>	CenturyLink Cable Franchise – K. Sand	60
<i>Regular Business</i>	CenturyLink Cable Franchise (1 <sup>st</sup> Reading) – K. Sand	60
<i>Regular Business</i>	Planning Commission's Recommendation for Residential Development Standards Code Amendments (1 <sup>st</sup> Reading) – E. Maxim	90

**MAY 8 (MONDAY) – 6:00 PM**

Item Type	Topic/Presenter	Time
<i>Public Hearing</i>	Public Hearing on Residential Development Standards Code Amendments – E. Maxim	120

**MAY 15 – 6:00 PM**

Item Type	Topic/Presenter	Time
<i>Study Session (6:00-7:00 pm)</i>	Residential Development Standards Code Amendments– E. Maxim	60
<i>Regular Business (7:00 pm)</i>	Public Hearing and Preview of the 6 Year Transportation Improvement Program – P. Yamashita	90
<i>Regular Business</i>	CenturyLink Cable Franchise (2 <sup>nd</sup> Reading) – K. Sand	30
<i>Regular Business</i>	Residential Development Standards Code Amendments (1 <sup>st</sup> Reading) – E. Maxim	60
<i>Regular Business</i>	First Quarter 2017 Financial Status Report & Budget Adjustments – C. Corder	15

**JUNE 5 – 6:00 PM**

Item Type	Topic/Presenter	Time
<i>Study Session (6:00-7:00 pm)</i>	City Council Rules of Procedures Amendments – K. Taylor	60
<i>Regular Business (7:00 pm)</i>	NPDES Stormwater Code Update (2 <sup>nd</sup> Reading) – P. Yamashita	60
<i>Regular Business</i>	2016 General Fund & REET Year-End Surplus Disposition – C. Corder	30
<i>Regular Business</i>	Residential Development Standards Code Amendments (2 <sup>nd</sup> Reading) – E. Maxim	30

**JUNE 17 (SATURDAY) - 8:30 AM-5:00 PM****MINI-PLANNING SESSION (MICEC)****JUNE 19**

Item Type	Topic/Presenter	Time
<i>Study Session (6:00-7:00 pm)</i>	To be determined	60
<i>Regular Business</i>	Adoption of the 6 Year Transportation Improvement Program – P. Yamashita	45

JULY 3		
Item Type	Topic/Presenter	Time
<i>Regular Business</i>	P Zone Amendment-Light Rail Use (1 <sup>st</sup> Reading) —S. Greenberg	60
<i>Regular Business</i>	Essential Public Facilities Code Amendment (1 <sup>st</sup> Reading) — S. Greenberg	60
<i>Regular Business</i>	Transportation Concurrency Code Amendment (1 <sup>st</sup> Reading) –S. Greenberg	60

JULY 17		
Item Type	Topic/Presenter	Time
<i>Regular Business</i>	P Zone Amendment-Light Rail Use (2 <sup>nd</sup> Reading) — S. Greenberg	30
<i>Regular Business</i>	Essential Public Facilities Code Amendment (2 <sup>nd</sup> Reading) — S. Greenberg	30
<i>Regular Business</i>	Transportation Concurrency Code Amendment (2 <sup>nd</sup> Reading) –S. Greenberg	30

JUNE 19		
Item Type	Topic/Presenter	Time
<i>Study Session (6:00-7:00 pm)</i>	To be determined	60
<i>Regular Business</i>	Adoption of the 6 Year Transportation Improvement Program – P. Yamashita	45

AUGUST 7		
Item Type	Topic/Presenter	Time
<i>Public Hearing</i>	<i>(if needed)</i> Public Hearing to Extend Moratorium Regarding Development of Construction Activity within the I-90 Right of Way Portion of the Public Institution Zone – K. Sand	60
<i>Public Hearing</i>	<i>(if needed)</i> Public Hearing for Extend Moratorium Regarding Transportation Concurrency and Siting of Essential Public Facilities – K. Sand	60

AUGUST 21		
Item Type	Topic/Presenter	Time
	<i>Potentially Canceled</i>	

**OTHER ITEMS TO BE SCHEDULED:**

- Code Enforcement Ordinance Update – A. Van Gorp (Q1 2017)
- Light Rail Station Design Oversight – K. Taylor
- Mercer Island Center for the Arts (MICA) Lease – K. Sand
- PSE Electric Franchise – K. Sand
- Zayo Telecom Franchise – K. Sand
- Six Year Sustainability Plan – R. Freeman

**COUNCILMEMBER ABSENCES:**

- Sanderson: April 3