



# CITY COUNCIL MINUTES REGULAR MEETING AUGUST 20, 2019

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## CALL TO ORDER & ROLL CALL

Mayor Debbie Bertlin called the meeting to order at 5:02 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Debbie Bertlin, Deputy Mayor Salim Nice, and Councilmembers Lisa Anderl (by phone), Bruce Bassett, Wendy Weiker (arrived 5:14 pm), David Wisenteiner and Benson Wong were present.

Planning Commission members present: Chair Tiffin Goodman, Vice-Chair Craig Reynolds, and Commissioners Daniel Hubbell, Carolyn Boatsman, and Ted Weinberg

Planning Commission members absent: Commissioners Jennifer Mechem and Lucia Pirzio-Biroli,

## AGENDA APPROVAL

It was moved by Wong; seconded by Nice to:

**Approve the agenda as presented.**

Passed: 6-0

FOR: 6 (Anderl, Bassett, Bertlin, Nice, Wisenteiner, and Wong)

ABSENT: 1 (Weiker)

## STUDY SESSION

### **AB 5593: Joint City Council & Planning Commission Study Session Regarding Regional Growth, Mercer Island, and VISION 2050 Comment**

Community Planning and Development Director Evan Maxim explained that the purpose of the joint Session between the City Council and the Planning Commission was to review the draft VISION 2050 and the materials prepared by the Growth Management Planning Council (GMPC) and Sound Cities Association (SCA) and to provide guidance to the City representatives of both groups as to the City's position. He further explained that this would be the first of many discussions on the regional growth and the multi-year discussion would likely culminate in 2023 with amendments to the Mercer Island Comprehensive Plan. Periodic updates to, and guidance by, the City Council and Planning Commission were anticipated over the next several years.

Director Maxim's presentation also provided an overview of the following:

1. The current legislative framework and the regional "players" in growth management and planning,
2. The possible implications for Mercer Island of VISION 2050,
3. Review and confirmation of the City's response to the draft VISION 2050, and
4. Identification of next steps for engagement.

Director Maxim noted that staff was seeking direction on this subject from Council with Agenda Bill 5596 under Regular Business.

### **AB 5594: Joint City Council & Planning Commission Study Session Regarding the Community Facility Zone and Related Code Amendments**

Community Planning and Development Director Evan Maxim explained that in 2018 the Planning Commission and City staff begun working on draft regulations for a new Community Facility zone (CFZ). The Planning Commission and City Council reviewed and adopted policy language intended to guide the development of the Community Facility zoning designation in 2018.

He went on to explain the challenges to date, including insufficient community outreach in 2018, general confusion

and misunderstandings, and the complexity in drafting CFZ regulations. He also reviewed the Community Facility zone planning work thus far, including an assessment of what went well and what had not gone well. As a result, the release of the second draft in June 2019 raised concerns for many in the community. It was therefore decided that the planning process should be paused to allow for additional discussion and reassessment of options going forward.

Director Maxim and City Council discussed alternative options and were supportive the following steps:

- Review problem statement and proposed solutions to determine if an alternative approach is warranted
- Explore alternative decision-making processes (e.g. Conditional Use Permit, Development Agreements, etc.)
- Report back to City Council for further direction

Councilmember Anderl left the meeting (conference call) after the Study Session.

## **SPECIAL BUSINESS**

Mayor Bertlin recognized former Mayor Bryan Cairns for his integrity, fairness and intelligence and read a statement from Mr. Cairns prepared on July 22, 2019.

### **AB 5591: Women's Equality Day Proclamation**

Assistant to the City Manager Ali Spietz introduced President Susan Conway and Board Members Michelle Goldberg and Sue Robboy of the Mercer Island Women's Club to accept the Women's Equality Day proclamation.

Mayor Bertlin proclaimed August 26, 2019 as Women's Equality Day and encouraged the Mercer Island community to lift up women and girls in our community and commit to gender equity for all women and girls.

## **CITY MANAGER REPORT**

Interim City Manager Jessi Bon reported on the following:

- Commuter Parking & Mixed-Use Project Partners Meetings held on July 19 and August 9, 2019
- Aspect Consulting will be installing two additional groundwater monitoring wells August 22 and 23
- Update on Cougar Sighting is not located to date. Residents are encouraged to call 9-1-1 if they see the cougar.
- Fall-Winter Recreation Guide was mailed to residents and remains the #1 marketing tool for recreation programs and services.
- Graffiti at Luther Burbank Park the week of August 12
- Knotweed Control Program
- Seafair Event Thank You to Parks & Recreation, Fire, Police, and Public Works Departments
- Seafair 17th Annual BUI Emphasis coordinated by six different agencies around Lake Washington
- Seafair Police Department's Marine and Land Response

## **APPEARANCES**

Daniel Thompson, Mercer Island, spoke about VISION 2050, re-evaluating the Town Center code requirements including building height, and the Community Facilities Zone versus conditional use permits.

Nancy Morse, Mercer Island, supports the Planning Commission and City Council working together to develop the best process to move forward with renovating the JCC and Herzl Ner Tamid.

Poornima Srinivasan and Zoya, Mercer Island, spoke about her family's involvement in the French American School and the JCC. She encouraged the Council to move forward with the planning process for the properties.

Pascal Van Dooren, Mercer Island, thanked the Police and Fire Departments for their work year-round. He spoke about the community facilities zone process and he noted that there were issues on both sides. He asked the Council to move toward a solution and not delay anymore.

Steve Dispensa, Mercer Island, Chairman of the Board of Trustees for French American School, thanked the Council and Planning Commission for their work thus far. He asked that clarity be found and decisions made so that FASPS can move forward with development.

Cheryl D'Ambrosio, Mercer Island, thanked everyone who worked on the Community Facilities zone process and for taking a pause to re-evaluate.

Jake Jacobson, Mercer Island, spoke about former Mayor Bryan Cairns. He spoke about a memorandum sent to the City Council by Robert Medved regarding Sound Transit, Metro and the City.

Claudia Goodhew, Mercer Island, expressed her opposition to the bus intercept on Mercer Island. She asked why it must be located here and why not South Bellevue.

Olivia Lippens, Mercer Island, identified herself as an advocate of stopping the bus intercept on Mercer Island. She thanked the Working Group for their effort but stated that none of the solutions were workable.

Binh King, Mercer Island, spoke about why she and her family moved to Mercer Island. She asked the Council to vote no on the bus intercept.

Ashley Hay, Mercer Island, asked the Council to reject the bus intercept and advocate for the Mercer Island community.

Kelly Weisfield, Mercer Island, expressed concern about the impact the bus intercept will have on the Mercer Island community as desirable place to live.

Jim Weisfield, Mercer Island, is against the bus intercept. He thought Mercer Island was getting a stop, not a station. He believes the corridor is way too busy to add the bus intercept and that it will change the community forever.

David Allbritton, Mercer Island, spoke about his family's involvement in the French American School. He is hopeful that the discussions will continue to improve the property.

Ashley Allbritton, Mercer Island, supports the Planning Commission and City Council's continued discussion to help the French American School and the JCC grow.

Heather Rock, Seattle, spoke about her family's involvement in the French American School and her support of Mercer Island businesses and asked the Council and Planning Commission to continue discussions to move forward.

Daniel Berg, Mercer Island, values the contributions that the French American School makes to the Mercer Island community and asked the Council to keep the process moving forward.

Amy Lavin, Mercer Island, CEO of Strom Jewish Community Center, supports the on-going effort to identify a path forward. She asked for a swift solution to help support the JCC's operations and capital improvements.

Eric Thuau, Mercer Island, spoke about the French American School's upcoming 25th anniversary. He spoke about working together to gain clear direction on how the City wants to approach master planning for community facilities.

Sarah Fletcher, Mercer Island, suggested that the French American School, JCC and MICA should join up to share facilities. She is opposed to the bus intercept. She also spoke about the noise from the freeway and the lights in the park-and-ride parking lot.

Robin Russell, Mercer Island, expressed opposition to the bus intercept and spoke about how it will change the Mercer Island community for decades to come.

Matt Goldbach, Mercer Island, thanked the Council and Planning Commission for the pause on the Community

Facilities zone. He would like to see the numbers before the regulations are set.

### **CONSENT CALENDAR**

**Payables: \$625,131.43 (07/11/2019), \$590,526.81 (07/18/2019), \$1,707,207.91 (08/01/2019), & \$271,086.66 (08/08/2019)**

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

**Payroll: \$826,928.77 (07/19/2019), \$861,390.50 (08/02/2019), & \$858,140.09 (08/16/2019)**

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

**Minutes: July 16, 2019 Regular Meeting and August 1, 2019 Special Meeting**

**Recommendation:** Approve the July 16, 2019 Regular Meeting minutes and August 1, 2019 Special Meeting minutes as written.

**AB 5600: 2019-2021 Fire (IAFF) Collective Bargaining Agreement**

**Recommendation:** Authorize the City Manager to sign the IAFF Collective Bargaining Agreement and Memorandum of Understanding with the IAFF Bargaining Unit for the period of January 1, 2019 through December 31, 2021, in substantially the form attached hereto as Exhibit 1.

**AB 5601: Sound Cities Association Public Issues Committee Position Regarding the King County Charter Regional Committees**

**Recommendation:** Support the Sound Cities Association Public Issues Committee's policy position to retain the current structure of the King County Charter regional committees.

It was moved by Bassett; seconded by Nice to:

**Approve the Consent Calendar as presented.**

Passed: 6-0

FOR: 6 (Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

ABSENT: 1 (Anderl)

### **REGULAR BUSINESS**

**AB 5589: Code Amendment to Update School Impact Fees (1st Reading and Adoption)**

Interim City Attorney Bio Park explained that school impact fees are collected by the City on behalf of the Mercer Island School District, and the amount of the fees is calculated and determined annually by the District in its Six-Year Capital Facilities Plan. He further explained that the impact fee for the Multi-Family Unit is \$0.00 because two of the multi-family projects that the District was tracking for student residence "aged out" of the formula for determining impact fees.

It was moved by Bassett; seconded by Wisenteiner to:

**Suspend City Council Rules of Procedure 6.3 requiring a second reading of an ordinance.**

Passed: 6-0

FOR: 6 (Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

ABSENT: 1 (Anderl)

It was moved by Bassett; seconded by Wong to:

**Adopt Ordinance No.19C-11 amending Mercer Island City Code 19.17.070(A) to change the amount of School Impact Fees collected by the City for the Mercer Island School District.**

Passed: 6-0

FOR: 6 (Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

ABSENT: 1 (Anderl)

**AB 5596: Confirm Approach to Engagement in Regional Growth and VISION 2050 Comment**

Community Planning & Development Director Evan Maxim spoke about the approach to review the current regional growth discussions and consider the implications of the Puget Sound Regional Council's draft VISION 2050 plan. He also noted that City Council directed staff (during the Study Session) to draft a Mercer Island-specific letter in response to the draft VISION 2050 plan.

It was moved by Wong; seconded by Bassett to:

**Confirm the approach for City staff and Mayor Bertlin (as SCA Caucus Chair on the Growth Management Planning Council), Councilmember Bassett (as a Sound Cities Association Board Member) and Councilmember Wong (as Sound Cities Association Public Issues Committee member) to engage in the regional growth discussions and comments on the PSRC VISION 2050 plan.**

Passed: 6-0

FOR: 6 (Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

ABSENT: 1 (Anderl)

### **AB 5590: Recology Solid Waste Contract Implementation Plan Update**

Public Works Director Jason Kintner, Sustainability Manager Ross Freeman, and Recology's General Manager Kevin Kelly presented an overview of key contract elements and a progress report on its implementation. Ongoing public outreach and upcoming service transition items included:

- Recology booths at community events,
- Postcard mailings and Let's Talk articles
- Local call center with customer service representatives available 7 days a week,
- Compost Service and private road letters mailed,
- Residential site visits, and
- Ads in the Mercer Island Reporter.

Collection service begins October 1, 2019 and will include:

- New carts and containers for residents and businesses,
- More frequent compost collection for residents,
- New outreach programs and resources, and
- New residential rates including a monthly option for garbage collection.

Director Kintner and Recology staff reported that approximately 30 percent of residents would experience a new service day.

### **AB 5595: Bus Intercept Working Group Update**

Public Works Director Jason Kintner provided City Council with an update regarding the progress of the Working Group and outcomes of conversations with Sound Transit ("ST"), King County Metro ("Metro"), and the Washington State Department of Transportation, explaining that the Working Group met four times to review and discuss potential options for the bus intercept. Work included assessments of the 77th Avenue Configuration proposed by ST and Metro as well as evaluating the feasibility of other potential configurations. Director Kintner further explained that the City retained Modern Traffic Consultants ("MTC") to review existing technical documentation and provide independent evaluation regarding the Mercer Island Bus Intercept facility. The City also retained KPG to assist with engineering review and drafting conceptual figures.

Director Kintner explained what the Working Group, MTC, and KPG learned about each configuration while addressing the following criteria:

- Concerns about the loss of intersection capacity,
- Concerns about pedestrian volume, pedestrian safety, and volume of crossings on North Mercer Way,
- Bicycle safety,
- Landscaping, and
- Addressing public safety and concerns about crime.

Council received the staff report and asked several questions. It was agreed that an executive session was needed to discuss the bus intercept in more detail.

## **OTHER BUSINESS**

## Councilmember Absences

There were no absences reported.

## Planning Schedule

Interim City Manager Jessi Bon reported that the October 1 Regular Meeting was canceled and that a Special Meeting on October 7 was scheduled in its place.

## Board Appointments

Mayor Bertlin reported that two applications were received to fill the vacant Design Commission position. She further explained that the City Code states that the Design Commission membership should achieve a broad-based representation by appointing members that specialize in architecture, landscape architecture, urban planning, and civil engineering. To that end, she and Deputy Mayor Nice agreed that the application deadline would be extended to September 18 to achieve a broader membership. Mayor Bertlin also reported that the Open Space Conservancy Trust had one vacancy and would be advertised at the same time.

## Councilmember Reports

Councilmember Wong reported that he attended the induction ceremony for K2 Shaw and the grand opening of Home Collaborative last Friday.

Mayor Bertlin reported that she also attended the Home Collaborative grand opening and reminded everyone of the September 9 Art Uncorked.

## EXECUTIVE SESSION

At 11:07 pm, Mayor Bertlin convened the Executive Session for approximately 60 minutes:

1. to discuss pending or potential litigation with legal counsel pursuant to RCW 42.30.110(1)(i) for approximately 15 minutes, and
2. to receive and evaluate complaints or charges brought against a public officer or employee pursuant to RCW 42.30.110(1)(f) for approximately 45 minutes, noting that Council may take action following the Executive Session the second session.

At 12:08 am, Mayor Bertlin adjourned the Executive Session and turned the meeting over to Deputy Mayor Nice.

It was moved by Wong; seconded by Bassett to:

**Find that Mayor Bertlin violated MICC 2.60.020, specifically the City's Code of Ethics requirement to comply with RCW 42.17A.555**

Passed: 6-0

FOR: 6 (Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

ABSENT: 1 (Anderl)

It was moved by Wong; seconded by Wisenteiner to:

**Authorize Deputy Mayor Nice to send a letter on behalf of the City Council to Mayor Bertlin reminding her of her obligation as a City Official to comply with MICC 2.60.020**

Passed: 6-0

FOR: 6 (Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

ABSENT: 1 (Anderl)

Deputy Mayor Nice reported that he would be signing a letter dated August 20, 2019 addressed to Mayor Bertlin and then read the letter into the record.

Mayor Bertlin thanked Council and staff for the due process and briefly addressed the complaint and her intention.

## ADJOURNMENT

The Regular Meeting adjourned at 12:12 am.

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Debbie Bertlin, Mayor

Attest:

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Deborah A. Estrada, City Clerk