



CITY COUNCIL MINUTES REGULAR MEETING OCTOBER 17, 2017

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 6:00 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

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

AGENDA APPROVAL

It was moved by Wong; seconded by Weiker to:

Adopt the agenda as presented.

Passed 6-0

FOR: 6 (Bertlin, Grausz, Nice, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Bassett)

EXECUTIVE SESSION

Executive Session to discuss (with legal Counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for one hour.

At 6:00 pm, Deputy Mayor Bertlin convened an Executive Session to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) for one hour.

At 6:55 pm, Deputy Mayor Bertlin adjourned the Executive Session. After a five minute break, the Regular Meeting reconvened.

SPECIAL BUSINESS

Mercer Island Fire Department Citizen Recognition

Fire Chief Steve Heitman recognized Dr. Michael Brooks, a psychiatrist, who in June 2017, performed the Heimlich maneuver on a 4-year-old boy who was choking on a carrot. He stated that although 911 had been called, and the Mercer Island Fire Department (MIFD) was responding, Dr. Brook's immediate action saved the life of this child. On behalf of the MIFD and the City of Mercer Island, Chief Heitman presented an award of appreciation to Dr. Michael Brooks, for being a hero and saving a life.

CITY MANAGER REPORT

City Manager Julie Underwood presented information on the following topics:

- Seeking Financial Challenges Community Advisory Group volunteers, deadline is Oct 27
- Telephone Town Hall recap and polling results
- MICA postponement of Zoning Text Amendment to work with City on identifying alternative locations
- Fall Recycling Event on Saturday, October 21
- Medicine Take Back Day on Saturday, October 28
- New Recycling Bins in Town Center
- City has had a clean audit for 22 years in a row!
- Emergency Preparedness for North End Businesses on Wednesday, October 18

APPEARANCES

Sue Stewart, 3205 84th Ave SE, spoke in support of the staff recommendation in AB 5352 to change the land use designation of the West Hill of Luther Burbank Park (Kite Hill) from "Public Facility" to "Park."

Leon Cohen, 9219 SE 33rd Pl, spoke in support of the staff recommendation in AB5352 to change the land use designation from "Linear Park (I-90)" to "Town Center" for a portion of the City-controlled property located on the southwest corner of 24th and 76th. He noted several more productive uses this property could have if the change is approved.

Ira Appelman, 9039 E. Shorewood Dr, spoke in support of the staff recommendation in AB5352 to change the land use designation from "Linear Park (I-90)" to "Town Center" for a portion of the City-controlled property located on the southwest corner of 24th and 76. He noted that using the City-controlled portion of the strip as a park would present a danger to children due to the presence of traffic. He spoke in opposition to Sound Transit Settlement Agreement.

Al Lippert, 4052 94th Ave SE, read a statement from Lisa Odegard questioning whether it is wise for the City to lease space to MICA for \$1.

Robin Russell, 7549 SE 29th Street, thanked City Manager and Council for pausing the MICA zoning code text amendment. She asked that citizens be included in conversations between the City and MICA to promote transparency and inclusiveness.

Jason Rogers, 2283 78th Ave SE, spoke in opposition of bus turnarounds which were added back into the Sound Transit Settlement Agreement. He expressed traffic safety concerns for the neighborhood and regret that the space needed to create these turnarounds may require the loss of two homes.

Gary Robinson, 6026 East Mercer Way, asked the Council to consider adding Mercerdale Park to the Open Space Conservancy Trust to protect it from any future plans to develop any portion of the park.

Erica Franklin, 2283 78th Ave SE, read statement from Michelle Goldberg in opposition of bus turnarounds which were added back into the Sound Transit Settlement Agreement. She noted that if the roundabout could be located further south towards the Light Rail station it could prevent the loss of the two neighborhood homes.

CONSENT CALENDAR

Payables: \$819,665.83 (10/05/2017) & \$1,235,523.49 (10/12/2017)

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

AB 5350 Freeman Avenue Roadway Repair Contract Award

Recommendation: Award the Freeman Avenue Roadway Reconstruction project to NPM Construction Company, in the amount of \$178,408, set the project construction budget at \$236,953, and direct the City Manager to execute the construction contract.

AB 5351 Madrona Crest West Project Close-Out

Recommendation: Accept the completed Madrona Crest West project and authorize staff to close out the contract.

It was moved by Weiker; seconded by Wong to:

Approve the Consent Calendar and recommendations contained therein.

Passed 6-0

FOR: 6 (Bertlin, Grausz, Nice, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Bassett)

REGULAR BUSINESS

AB 5348 Code Amendment to Prohibit Animals on Synthetic Turf Fields (1st Reading)

Parks Superintendent Paul West presented an ordinance to add “turf fields” as an unlawful place for a domestic animal, with the exception of cats or service animals, to enter or remain upon. He spoke about sanitation and public health concerns with allowing animals on synthetic turf.

Councilmember Wong asked about the public signage that will be at the field. Parks Superintendent West advised that a sign noticing the Ordinance would be added to Island Crest Park and that other turf fields used by the City are on School District property and already have signs prohibiting animals on school property.

It was moved by Wisenteiner; seconded by Weiker to:

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

Passed 6-0

FOR: 6 (Bertlin, Grausz, Nice, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Bassett)

It was moved by Wisenteiner; seconded by Nice to:

Adopt Ordinance No. 17C-25 amending chapter 7.04 of the Mercer Island City Code to add “turf fields” as an unlawful place for a domestic animal, with the exception of cats or service animals, to enter or remain upon as amended.

It was moved by Wong; seconded by Wisenteiner to:

Amend the previous motion as follows:

Amend the 3rd Whereas to read: “WHEREAS, in addition to cats, the exception should include service animals that are trained for the purpose of assisting or accommodating a person with a sensory, mental, or physical disability; and”

Motion to Amend Passed 6-0

FOR: 6 (Bertlin, Grausz, Nice, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Bassett)

Amended Motion Passed 6-0

FOR: 6 (Bertlin, Grausz, Nice, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Bassett)

AB 5349 Essential Public Facilities Code Amendment (2nd Reading and Adoption)

Planning Manager Evan Maxim presented Ordinance No 17C-20 for amending Chapters 19.06 and 19.16 of the Mercer Island City Code to provide for and regulate the siting of essential public facilities as required by the Growth Management Act. He noted the following changes that were made between first and second reading:

1. City projects have been excluded from the definition of essential public facilities, except for specific uses that are listed as essential public facilities in RCW 36.70A.200 and WAC 365-196-550.
2. “Project sponsor” and “sponsor” have been changed to “applicant” for consistency throughout the ordinance.

It was moved by Nice; seconded by Wisenteiner to:

Adopt Ordinance No. 17C-20, amending Chapters 19.06 and 19.16 of the Mercer Island City Code to provide for and regulate the siting of essential public facilities as required by the Growth Management Act.

Passed 6-0

FOR: 6 (Bertlin, Grausz, Nice, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Bassett)

AB 5352 2017 Comprehensive Plan Amendments & Accompanying Zoning Code Amendments (1st Reading)

Planning Manager Evan Maxim presented the proposed 2017 Comprehensive Plan amendments, which include the following items:

- The proposed amendments to the text of the Comprehensive Plan include:

- A) An update to the “Introduction” to update language regarding the Comprehensive Plan amendment process;
 - B) Delete Appendix B, which contained redundant and out of date language; and
 - C) Adopt a new policy supporting a trail from the south end of Luther Burbank park to the I-90 Lid Connector trail.
- The proposed land use map amendments include:
 - A) A change to the land use designation from “Public Facility” to “Park” for a portion of property located to the west of the Mercer Island Community and Event Center known as Kite Hill; and,
 - B) The proposed Cohen amendment to change the land use designation from “Linear Park (I-90)” to “Town Center” for a portion of City-controlled property located on the southwest corner of the intersection of 76th Avenue SE and SE 24th Street.

He also presented the request to rezone the City-controlled property located on the southwest corner of the intersection of 76th Avenue SE and SE 24th Street from “P - Public Institution” to “TC – Town Center” and update related maps and figures within Chapter 19.11 MICC, as a part of the proposed Cohen amendment to the land use map in the Comprehensive Plan.

Council directed the City Attorney to research and, if necessary, amend the ordinance to address legal requirements for providing park space along I-90. The Council in particular considered language noting that the changes to the land use designation from “Public Facility” to “Park” for the area known as Kite Hill (located to the west of the Mercer Island Community and Event Center) will result in more “Park” designated land area than the area that would be amended by the designation of the city owned property from “Linear Park (I-90)” to “Town Center”.

It was moved by Weiker; seconded by Wisenteiner to:

Set Ordinance Nos. 17-23 and 17C-24 for second reading and adoption on December 5, 2017.

Passed 6-0

FOR: 6 (Bertlin, Grausz, Nice, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Bassett)

AB 5346 Approval of City of Mercer Island and Sound Transit Settlement Agreement

City Manager Julie Underwood and City Attorney Kari Sand presented the final Settlement Agreement with Sound Transit as mitigation for the East Link Project for City Council approval. City Manager Underwood noted that the terms of the Settlement Agreement were given tentative approval by the City Council in May 2017 and by the Sound Transit Board in June 2017.

City Attorney Kari Sand spoke about the following terms of the Agreement:

- Traffic/Safety Enhancements & Bike/Ped Impacts
- Last Mile Pilot Projects
- Bus/Rail Integration – 77th Ave SE configuration secured
- Access to Transit - Short-term and Long-term Parking
- I-90 Emergency Response
- Aubrey Davis Park
- Mitigation package valued at a total of up to \$10,050,00
- The Agreement is not indefinite; invoices must be submitted to Sound Transit by December 31, 2025 to be eligible for reimbursement or else forfeited.

Deputy Mayor Bertlin thanked the following people for their support and guidance through the negotiations over the past few years: Mayor Bruce Bassett, former Councilmember Jeff Sanderson, former interim City Managers Pam Bissonnette and Steve Lancaster, the City’s lobbyist Tony Williams and his team, the City’s outside legal counsel at Harrigan Leyh, US Representative Adam Smith, WA State Representatives Judy Clibborn and Tana Senn, and King County Councilmember Claudia Balducci. She also recognized City staff for their work and contribution through the negotiations and to the final Settlement Agreement.

It was moved by Weiker; seconded by Wisenteiner to:

Adopt Resolution No. 1533, authorizing the City Manager to execute the “Settlement Agreement between the City of Mercer Island and the Central Puget Sound Regional Transit Authority (Sound Transit) for the East Link Project,” in substantially the form attached as Exhibit A to Resolution No.

1533.

Passed 6-0

FOR: 6 (Bertlin, Grausz, Nice, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Bassett)

OTHER BUSINESS

Councilmember Absences

Mayor Bruce Bassett's absence was excused.

Councilmember Wisenteiner will be absent November 21.

Planning Schedule

City Manager Underwood noted the following highlights and changes to the Planning Schedule:

- Joint Meeting with MISD on October 26, 2017 at 5:00 PM
- Cancel November 7, 2017 meeting date and reschedule for November 6, 2017
- Add an Executive Session to November 6, 2017 from 5-7:00 PM
- Special Meeting on November 28, 2017 discussing legislative priorities

Board Appointments

There were no appointments.

Councilmember Reports

Councilmember Wisenteiner attended Utility Board meeting. He noted that discussion took place on the need to increase rates to pay for updating the SCADA system.

Councilmember Wong attended forum with Puget Sound Regional Council discussing transportation oriented development. He also attended City Financial Challenges presentation at Mercer Island Chamber of Commerce meeting, as well as an Islander Middle school welcoming event for new families.

Deputy Mayor Bertlin attended the Eastside Transit Partnership meeting. She noted that the Council will be renewing the interlocal agreement. She noted that transportation 2040 through MSRC is planned to open for public comment in December.

ADJOURNMENT

The Regular meeting adjourned at 8:55 pm.

Attest:

Debbie Bertlin, Deputy Mayor

Allison Spietz, City Clerk