



CITY COUNCIL MINUTES

REGULAR MEETING

MAY 1, 2017

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 5:01 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Wendy Weiker (arrived at 5:03 pm), Jeff Sanderson, David Wisenteiner, Dan Grausz and Benson Wong were present.

AGENDA APPROVAL

It was moved by Bertlin; seconded by Wong to:

Approve the agenda as presented.

Passed 6-0

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

ABSENT: 1 (Weiker)

EXECUTIVE SESSION

At 5:04 pm, Mayor Bassett convened an Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 60 minutes.

At 6:04 pm, Mayor Bassett suspended the Executive Session and the Regular Meeting reconvened.

STUDY SESSION

AB 5269 City Council Rules of Procedures Amendments

Assistant City Manager Kirsten Taylor, Police Chief Ed Holmes and City Clerk Ali Spietz provided an overview of proposed changes to the City Council Rules of Procedures. Ms. Taylor noted that at the January 2016 City Council Planning Session, a Council Effectiveness Subcommittee ("Subcommittee") was formed to review and propose amendments to the Rules. Councilmembers Grausz, Weiker, and Wisenteiner, along with staff representatives Assistant City Manager Taylor and Police Chief Holmes were assigned to the subcommittee. The subcommittee discussions included topics identified by the full Council and updates suggested by the City's staff Leadership Team. Ms. Taylor noted that the proposed updates were either policy recommendations, simple non-policy updates and new language proposed by staff to further clarify Council meeting guidelines or other procedures.

The Council reviewed and discussed eight policy recommendations and directed staff to memorialize the following changes in the rules:

- Change the regular Council meeting day from the first and third Mondays of the month to the first and third Tuesdays of the month, beginning September 2017
- Eliminate the hour of adjournment rule
- Add a City Manager Report to each Council meeting before Appearances
- Add the Appearances follow-up procedure to have the City Manager direct staff to follow up with speakers as appropriate
- Discontinue paper agenda packets delivery and give Councilmembers 24/7 access to pick up their packets at City Hall.

Council asked staff to return with a proposal for handling Councilmember absences and determining excused

versus unexcused absences. Ms. Taylor noted that staff will update the rules to reflect the Council's desired actions and bring the amended Rules back for adoption on the Consent Calendar in the next few months.

SPECIAL BUSINESS

Affordable Housing Week Proclamation

Mayor Bassett proclaimed May 15 – 22, 2017 as Affordable Housing Week. He noted that the City of Mercer Island recommits itself to ensuring that our community thrives with opportunity, and that all people in it live with dignity in safe, healthy, and affordable homes. Geoff Spelman from Housing Development Consortium of Seattle received the proclamation and briefing spoke about the need for awareness in the community.

APPEARANCES

Bart Dawson, 8812 SE 77th Pl, spoke about two options listed in Sound Transit's supplemental impact statement. Requested Council reject 80th Ave lid option and accept the 77th Ave traffic circle option.

Daniel Thompson, 7265 N Mercer Way, spoke about need for public notice on building permits. Expressed concern with language that defines who is able to file an administrative appeal. Recommended that SEPA appeals get sent to the Seattle hearing examiner instead of the Planning Commission.

Janet Prichard, Republic Services, praised the efforts of Mercer Island Fire Fighters when the cargo in a garbage truck caught fire. Fire Chief Steve Heitman spoke briefly about the incident and praised the actions of both the fire personnel on the scene as well as public works staff that came to help with the aftermath cleanup.

Tom Acker, 74th Ave SE, spoke in support of the notice of application on certain land use actions. Praised Council's efforts in negotiating with Sound Transit, and asked that they consider all mitigation options.

CONSENT CALENDAR

Payables: \$184,130.47 (04/13/2017), \$1,018,977.65 (04/24/2017), \$183,564.61 (04/27/2017)

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

Payroll: \$786,924.78 (04/28/2017)

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

Minutes: Special Meeting Minutes of April 13, 2017, Regular Meeting Minutes of April 17, 2017, Special Joint Meeting Minutes of April 20, 2017 (5:00 pm), Special Meeting Minutes of April 20, 2017 (7:00 pm), Special Meeting Minutes of April 24, 2017 (8:00 am), and Special Meeting Minutes of April 24, 2017 (5:30 pm)

Recommendation: Adopt the April 13, 2017 Special Meeting Minutes, April 20, 2017 (5:00 pm) Special Joint Meeting Minutes, April 20, 2017 (7:00 pm) Special Meeting Minutes, April 24, 2017 (8:00 am) Special Meeting Minutes, April 24, 2017 (5:30 pm) Special Meeting Minutes as written. Adopt April 17, 2017 Regular Meeting Minutes as amended.

AB 5290 Adoption of 2017-2018 City Council Goals and Work Plan

Recommendation: Adopt the 2017-2018 City Council Goals and Work Plan as presented in Exhibit 1.

It was moved by Sanderson; seconded by Bertlin to:

Approve the Consent Calendar and recommendations therein.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

REGULAR BUSINESS

AB 5292 I-90 Loss of Mobility Status Report

City Manager Julie Underwood provided an update on the City's ongoing litigation regarding the East Link Light Rail project. She advised that in a hearing on April 21, the judge ruled in favor of Sound Transit, granting the motion for a preliminary injunction and application for statutory writ and ordered the City to process the building permit for the station. In a special meeting on April 24, the Council voted unanimously to appeal the ruling by King County Superior Court Judge Beth Andrus and seek direct review by the State Supreme Court.

On April 24, Deputy Mayor Bertlin and Councilmembers Grausz and Sanderson met with Sound Transit Board representatives to discuss negotiating an agreement that includes project mitigation. The parties' first meeting focused on exploratory discussions to learn what is important to each party. The discussion resulted in Sound Transit passing a motion to broaden the authority of their negotiation representatives to allow their board members to discuss a global settlement. The deadline that Sound Transit has set for negotiations is May 25.

Staff is currently working with Representative Clibborn and Secretary Millar on drafting two letters to the USDOT explaining the need for an exception to the August 5, 2016 Federal Highway Administration ruling limiting Island Crest Way westbound on-ramp to HOVs. This exception would ensure I-90 access from Island Crest Way for single occupant vehicles.

Sound Transit has agreed to install temporary intersection improvements prior to the center roadway closure. These include temporary traffic signals at 77th Ave SE/North Mercer Way, and the North Mercer Way westbound onramp to I-90 (along with other ramp improvements). Island Crest Way will be restriped to gain longer left turn lanes between SE 27th Street and North Mercer Way. Sound Transit will also install traffic cameras at SE 27th St. and Island Crest Way, SE 27th St. and 80th Ave SE, North Mercer Way and 80th Ave SE, and North Mercer Way and Island Crest Way to improve WSDOT ability to manage signals.

Staff is working with Sound Transit to get them to come to Mercer Island and hold a community meeting to communicate to citizens what can be expected with the closure of the center roadway and construction of the new light rail station.

AB 5289 Public Hearing: Temporary Increase in Utility Tax Rate on Water, Sewer, and Storm Water Utilities

Finance Director Chip Corder presented two funding source options for financing I-90 litigation and other related costs.

Mayor Bassett opened the public hearing at 7:46 pm.

Dan Thompson, 7265 N Mercer Way, spoke in support of this temporary tax increase to fund I-90 litigation. Requested Council also consider a \$20 car tab fee to help pay for experts and studies.

John Tiscornia, 5646 East Mercer Way, praised Council's efforts regarding I-90 litigation. Requested Council look at organizations that may be negatively impacted financially by Mercer Island's mobility being limited, and get those organizations behind our cause.

Tom Acker, 74th Ave SE, spoke in support of the temporary tax increase as well as instituting a car tab fee.

Bart Dawson, 8812 SE 77th Pl, spoke in support of the tax increase.

Mayor Bassett closed the public hearing at 7:54 pm.

Finance Director Chip Corder advised that the staff recommendation is option 2 so that the contingency fund can be replenished as soon as possible.

It was moved by Grausz; seconded by Weiker to:

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

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

It was moved by Wisenteiner seconded by Grausz to:

Set Ordinance No. 17C-11 (Option 2), which temporarily increases the utility tax rate on water, sewer, and stormwater utilities from 5.3 percent to 8.0 percent for an 18-month period effective July 1, 2017 through December 31, 2018.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

It was moved by Bertlin; seconded by Grausz to:

Transfer \$700,000 from the Contingency Fund to the General Fund, appropriating \$700,000 for I-90 litigation and other related costs, and reimburse the Contingency Fund through the approved temporary increase in the utility tax rate on the City's water, sewer, and storm water utilities.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

AB 5293 Appeals and Review Processes Code Amendments (1st Reading)

DSG Director Scott Greenberg provided a brief presentation on the proposed establishment of procedures for the review and appeal of various permits and approvals. He noted the benefits of having a professionally trained hearing examiner who is free from political influences conduct appeal hearings, as they are trained to make objective quasi-judicial decisions that are supported by adequate record. It can also potentially reduce local government liability exposure by creating a more consistent and legally sustainable quasi-judicial decision. This would also free up the Planning Commission to concentrate on policy-making discussions.

Staff and Council agreed with the changes recommended in section 1 & 4.

In Section 10, Council requested that staff come back with language that will ensure the City code allows staff to have discretion in the places where the word "may" is used as is the Council's intent.

For item 3 in Section 10, Council and staff agreed that code interpretations should be changed from ministerial to administrative actions. Which would require staff to issue a notice of application before the interpretation is issued and then a notice of decision after the interpretation is issued.

Discussion took place regarding item 4 in Section 10. The Council consensus was to remand the building permit appeal issue to the Planning Commission for further review.

Discussion took place regarding requiring a notice for certain single-family building permits. The Council consensus was to require a notice of application.

Discussion took place regarding 19.15.010(E) as it pertains to SEPA threshold determinations. The Council consensus was to preserve administrative remedy and have these appeals sent to the hearing examiner prior to going to superior court.

It was moved by Wong; seconded by Bertlin to:

Set Ordinance No. 17C-12 for second reading and adoption on May 15, 2017.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

AB 5296 Fourth Quarter 2016 Financial Status Report & Budget Adjustments

Finance Director Chip Corder presented a brief presentation on needed budget adjustments.

It was moved by Weiker; seconded by Wisenteiner to:

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

Passed 5-0

FOR: 5 (Bassett, Sanderson, Weiker, Wisenteiner, Wong)

NO VOTE: 2 (Grausz, Bertlin)

It was moved by Wisenteiner; seconded by Weiker to:

2. Adopt Ordinance No. 17-13, amending the 2017-2018 Budget.

Passed 6-0

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

NO VOTE: 1 (Bertlin)

OTHER BUSINESS

Councilmember Absences

There were no absences.

Planning Schedule

Mayor Bassett advised that there are three Councilmembers who are expected to be absent at the July 10 meeting. He requested staff consider moving the meeting to either July 5 or June 26.

City Manager Underwood noted the Special Meeting with Planning Commission from 6 to 9pm on May 8th for a study session regarding residential development standards code amendments.

Board Appointments

There were no appointments.

Councilmember Reports

There were no reports.

EXECUTIVE SESSION (continued)

At 10:04 pm, Mayor Bassett resumed the Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes.

At 10:30 pm, Mayor Bassett extended the Executive Session for 30 minutes.

At 10:55 pm, Mayor Bassett adjourned the Executive Session.

ADJOURNMENT

The Regular Meeting adjourned at 10:55 pm

Attest:

Bruce Bassett, Mayor

Ellie Hooman, Deputy City Clerk