



# CITY COUNCIL MINUTES

## REGULAR MEETING

### JANUARY 19, 2016

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#### 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.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin (arrived 6:09), and Councilmembers Dan Grausz, Jeff Sanderson, David Wisenteiner, Wendy Weiker, and Benson Wong were present.

#### STUDY SESSION

##### **AB 5147 Water Advisory Event Update**

Utilities Operation Manager Brian McDaniel and Melinda Friedman from Confluence Engineering Group provided a brief history of the water advisory event and an update on the work that has been completed or is currently underway in the Long-Term Action Plan.

There was unanimous support from the Council for moving forward with hiring a contract employee to monitor water quality and implement/manage the Cross Connection Control Program. This position will be funded through 2018 from a portion of the rate funded \$550,000 per year previously authorized by Council to address the specific operating and capital improvements following the Water Advisory Event.

#### AGENDA AMENDMENT

It was moved by Sanderson; seconded by Weiker to:

**Amend the agenda to include a Regular Business item to discuss and pass a Resolution regarding State Officials compliance with the Supreme Court's orders in the McCleary case (Paramount Duty Resolution).**

Passed 7-0

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

#### APPEARANCES

Jeff Bender, 2438 71st Ave SE, is opposed to MICA being located at Mercerdale Park and changing park use.

Verl Hill, 8316 SE 57th Street, spoke about his professional experience and role as a MICA board member and his support of the MICA project and lease.

Claudia Balducci, King County Councilmember for District 6, spoke in support of the MICA project.

Tom Acker, 2427 84th Ave SE, and Nancy Hewitt-Spaeth, 8320 SE 34th Street, spoke about (1) communication and outreach, (2) if the people involved with decision makings stand to benefit from the decisions, and (3) Town Center up-zoning.

June Dunbabin, 3049 71<sup>st</sup> Ave SE, supports MICA and read a statement from her son, Rob Dunbabin, 3666 93<sup>rd</sup> Ave SE, who supports YTN, but has concerns about the lease and location of MICA.

Derek Poppy, 788 110th Ave SE, Bellevue, a YTN alum, spoke on behalf of YTN Executive Director Manny Cawaling about the importance of MICA for YTN.

Steve Parkinson, 7646 North Mercer Way, spoke about his professional experience and role as a MICA board member and his support of the MICA project and lease.

Cyrus Fiene, 20311 92nd Ave, Edmonds, Interim President for the Russian Chamber Music Foundation of Seattle, spoke about his and the organization's support for MICA.

Kathy Gersch, 9146 SE 54th Street, spoke in favor of the lease and the MICA project.

Yvonne Willard, 7520 86th Ave SE, supports the MICA lease.

Robin Parkinson, 7646 North Mercer Way, spoke in favor of YTN and the lease for MICA.

Dirk Van Der Burch, 3204 74th Ave SE, spoke about his professional experience and role as a MICA board member and his support of the MICA project and lease.

Bruce Lorig, 12 Evergreen Lane, supports the lease for MICA.

Susan Zahniser, 7433 West Mercer Way, founding MICA Board Member, supports YTN and the MICA lease.

Jane Hargarft, 7660 SE 40th Street, spoke in support of the MICA lease.

Becky Snellenberg, 8845 SE 37th Street, spoke in favor of the MICA lease and read a letter from AMS consulting group attesting to MICA's projected operating plan and budget.

Peter Hutt, 7232 93rd Ave SE, spoke about his professional experience and role as a MICA board member and his support of the MICA project and lease.

Kyle Gerstel, 2937 74th Ave SE, spoke about his support for YTN and MICA.

Jessi Wasson, 4180 West Mercer Way, a YTN alum and current Development Director for YTN, spoke on behalf of Hillary (a YTN alum) who supports YTN and MICA.

Sue Sherwood, 7444 West Mercer Way, spoke about her professional experience and role as a MICA board member and her support of the MICA project and lease.

Jim Eanes, 76th Ave SE, spoke in favor of the MICA project and lease.

Al Lippert, 4052 94th Ave SE, does not think the lease should be signed until June 2016 per the current agreement between the City, YTN and MICA.

Meg Lippert, 4052 94th Ave SE, spoke about her questions and concerns regarding the draft MICA lease document.

Duane Matthews, 7817 SE 75th Place, spoke in favor of the MICA project and lease.

Karen Beck, 4813 East Mercer Way, spoke about her support for the MICA project and lease.

Ira Appelman, 4436 Ferncroft Road, spoke about defending parks and campaigns he has led for fighting the changing of uses in parks.

Peter Struck, 9130 SE 54th Street, spoke about his concerns with the draft MICA lease.

Alma Borbe, 2438 74th Ave SE, spoke in opposition to changing the use in Mercerdale park.

Bernel Goldberg, 5232 88th Ave SE, spoke about his professional experience and role as a MICA board member and his support of the MICA project and lease.

Traci Granbois, 8440 SE 82nd Street, spoke in opposition to siting MICA at Mercerdale Park.

Ben Pariser, 3861 80th Ave SE, spoke about his professional experience and role as a MICA board member and his support of the MICA project and lease.

Markus Kunz, 4220 91st Ave SE, spoke about his professional experience and role as a MICA board member and his support of the MICA project and lease.

Anna Gorden, 3856 81st Ave SE, spoke about her professional experience and role as a MICA board member and her support of the MICA project and lease.

Josh Rosenstein, 9789 SE 41st Street, spoke about his professional experience and role as a MICA board member and his support of the MICA project and lease.

Debbie Gerstel, 2937 74th Ave SE, spoke about her experience in environmental technology and about doing other things that impact the earth than saving one wetland. She supports YTN and MICA as they provide services to kids who do not play sports.

Liz Sanderson, 3985 92nd Place SE, spoke in favor of the MICA project and lease.

Lesley Bain, 4180 West Mercer Way, spoke about the 1994 Town Center Vision that called for a theater in the middle of the downtown area.

John Gordon Hill, 8914 SE 56th Street, spoke about his professional experience and role as a MICA board member and his support of the MICA project and lease.

Lloyd Gilman, 80th Ave SE, spoke in opposition to MICA being located at Mercerdale Park.

James Bellitto, 8761 Island Heights Lane, stated that MICA could promote diversity.

Bob Medved, 7238 SE 32nd Street, spoke about his concerns with the draft MICA lease.

## **CONSENT CALENDAR**

### **Payables: \$150,909.19 (01/07/16)**

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

It was moved by Wong; seconded by Bertlin to:

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

Passed 7-0

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

## **REGULAR BUSINESS**

### **AB 5149 Discuss Ground Lease with the Mercer Island Center for the Arts ("MICA") for use of the Recycling Center site at Mercerdale Park**

City Attorney Kari Sand presented the proposed ground lease with MICA for use of the Recycling Center site at Mercerdale Park. The revised lease incorporated Council feedback from the November 16, 2015 meeting, and the recent redesign by MICA changing the layout and location of the Center to avoid direct impacts to the nearby Category III wetland.

There was consensus from the Council to support the lease as the instrument for moving forward with MICA and review any issues with the lease, but not approve the lease at this meeting.

The Council reviewed the lease in detail and provided feedback to staff regarding certain provisions. Staff will return with a revised lease for Council's consideration at a future meeting.

It was moved by Wong; seconded by Sanderson to:  
**Extend the City Council meeting past 10:00 pm to finish the agenda.**  
Passed 7-0  
FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Wisenteiner, Weiker, Wong)

#### **AB 5140 Conservation Easements Presentation**

City Attorney Kari Sand presented information about conservation easements prior to scheduling the Coval Long Plat for final approval. She noted that there are two tree conservation easements (TCEs) proposed for the Coval Long Plat and that the purpose of these TCEs is to restrict the use and development of the easement area to promote the public health, safety and general welfare of the citizens of Mercer Island, including minimizing the risk of erosion and landslides, preserving trees for the reduction of noise, wind protection, slope stabilization, animal habitat, and reduction of air pollution. She also noted that the Coval lot owners, not the City, would be in the best position to manage the tree conservation easement areas.

#### **AB 5150 City Manager Recruitment Firm Selection**

Human Resources Director Kryss Segle presented information regarding the general process that the Council can expect from an executive-level recruitment process. She also spoke about each of the four (out of nine) firms who responded to the request for proposals, who most closely matched the City's recruitment needs.

It was moved by Wong; seconded by Wisenteiner to:  
**Authorize the Mayor to sign a recruitment services agreement with the Prothman Company for the position of City Manager.**  
Passed 7-0  
FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Wisenteiner, Weiker, Wong)

#### **AB 5148 Maintenance Department Fleet and Organizational Performance Audit**

Maintenance Director Jason Kintner presented the scopes of work and consultant costs for the fleet and organization audit for the Maintenance Department.

It was moved by Grausz; seconded by Wisenteiner to:  
**Authorize staff to enter into a contract for consultant services for the Maintenance Department fleet audit and organizational performance audit.**  
Passed 7-0  
FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Wisenteiner, Weiker, Wong)

#### **No AB Paramount Duty Resolution**

Councilmember Sanderson presented a resolution for the City Council to consider requesting that State Officials promptly and fully comply with the Supreme Court's orders in the McCleary case. He proposed adding language to the resolution that mirrors the City's 2016 Legislative Priorities.

It was moved by Sanderson; seconded by Grausz to:  
**Pass Resolution No. 1511 (as amended) requesting that State Officials promptly and fully comply with the Supreme Court's orders in the McCleary case.**  
Passed 7-0  
FOR: 7 (Bassett, Bertlin, Grausz, Sanderson, Wisenteiner, Weiker, Wong)

### **OTHER BUSINESS**

#### **Councilmember Absences**

There were no absences.

#### **Planning Schedule**

The Council moved the February 16 meeting to February 22.

Mayor Bassett noted that the 2016 Planning Session will be held at the Mercer Island Community & Event Center this weekend, January 22-23.

Councilmember Grausz asked to have the MICA lease on February 22. The Council discussed timing, revisions to the lease and SEPA.

**Board Appointments**

There were no appointments

**Councilmember Reports**

Councilmember Weiker noted that the MIYFS Giving from the Heart breakfast is on February 11.

**EXECUTIVE SESSION**

At 12:07 am, Mayor Bassett convened an Executive Session pursuant to RCW 42.30.140(4)(b) for approximately 10 minutes to discuss planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

At 12:17 am, the Mayor adjourned the Executive Session and the Regular Meeting reconvened.

**ADJOURNMENT**

The Regular Meeting adjourned on Wednesday, January 20, 2016 at 12:17 am.

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Bruce Bassett, Mayor

Attest:

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Allison Spietz, City Clerk