



CITY COUNCIL MINUTES

REGULAR MEETING

DECEMBER 7, 2015

EXECUTIVE SESSION

Mayor Bruce Bassett convened the Executive Session at 6:30 pm to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency pursuant to RCW 42.30.110(1)(l) for approximately 30 minutes.

Mayor Bassett adjourned the Executive Session at 6:55 pm.

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 7:00 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Councilmembers Debbie Bertlin, Jane Brahm, Mike Cero, Jeff Sanderson, Benson Wong, Deputy Mayor Dan Grausz, and Mayor Bruce Bassett were present.

SPECIAL BUSINESS

Swearing-In of Jeff Sanderson as Councilmember

City Clerk Ali Spietz administered the oath of office to Jeff Sanderson for a two-year term in Position #4 on the Mercer Island City Council.

Recognition of Councilmember Mike Cero's Service to the Citizens of Mercer Island

Mayor Bassett read a resolution of acknowledgement and commendation of Councilmember Mike Cero's service to the citizens of Mercer Island. He spoke about accomplishments during Councilmember Cero's tenure and about his contributions to Council discussions and decisions. He presented a plaque to Councilmember Cero memorializing his service.

Councilmembers spoke about Councilmember Cero and thanked him for his service to Mercer Island. Councilmember Cero thanked the Council and citizens for the opportunity to serve and spoke about the things he will and will not miss.

Recognition of Councilmember Jane Brahm's Service to the Citizens of Mercer Island

Mayor Bassett read a resolution of acknowledgement and commendation of Councilmember Jane Brahm's service to the citizens of Mercer Island. He spoke about accomplishments during Councilmember Brahm's tenure and about her contributions to Council discussions and decisions. He presented a vase to Councilmember Brahm memorializing her service.

Councilmembers spoke about Councilmember Brahm and thanked her for her service to Mercer Island. Councilmember Brahm thanked the Council and citizens for the opportunity to serve. She gave gifts to each of the Council from her "toolbox."

APPEARANCES

Carv Zwingle, 6250 East Mercer Way, spoke about line item MICA's 4Culture grant application listing a \$2 million

contribution to the capital budget from the City of Mercer Island.

Peni Schwartz, 4656 86th Ave SE, objects to the way the Council added the proposed moratorium to the agenda.

Tom Imrich, 6231 Island Crest Way, supports the proposed moratorium, opposes the MICA lease until issues are finalized, and expressed concern about tax increases after the election, but before new elected are sworn-in.

Sam DeBord, Seattle King County Realtors, opposes the proposed moratorium.

Baron Dickey, 6809 96th Ave SE, supports the proposed moratorium.

Charlie, opposes the proposed moratorium.

Robert Thorpe, 2737 SE 28th St, spoke about proposed moratorium and about reduced impact fees for non-profit organizations

Bob Still, 4011 93rd Ave SE, spoke about the MICA lease and issues with the project.

Larry Sargent, 2920 76th Ave SE, thanked Councilmember Cero for his service, and supports the proposed moratorium.

Eric Radman, 9043 SE 50th St, supports the proposed moratorium.

Mark Hall, 6018 East Mercer Way, opposes the proposed moratorium.

James Rudolf, 5222 West Mercer Way, opposes the proposed moratorium.

Katherine Taylor, Senior Local Government Affairs Representative from Puget Sound Energy, spoke about PSE's legislative priority to transition away from coal and would like to schedule a briefing with the Council.

Carolyn Boatsman, 3210 74th Ave SE, supports the proposed moratorium.

Jim Karambelas, 3655 West Mercer Way, opposes the proposed moratorium.

Lynn Hagerman, 3058 61st Ave SE, supports maintaining the character of neighborhoods and encouraged transparency and communication in dealing with code changes.

Erik Swenson, 8541 East Mercer Way, spoke about the MICA lease and issues with the project.

David Hoffman, representing Master Builders Association of King County, opposes the proposed moratorium.

Tom Alexander, 9103 SE 50th St, supports the proposed moratorium.

Mike Fink, 9012 SE 50th St, supports the proposed moratorium.

Jeremy Knievel, supports the proposed moratorium, if there is a process for exceptions.

Tom Acker, 2427 84th Ave SE, supports the proposed moratorium. He presented an award to Councilmember Cero on behalf of Mercer Islanders in recognition of his service.

Monica Wallace from Wallace Properties, spoke about the impact of the proposed transportation impact fees on new retail and restaurants on Mercer Island.

William Lowe from Gull Industries, expressed concern about imposing transportation impact fees for retail stores.

Kerry Nichol森 with Legacy Partners, spoke about the impact of the proposed transportation impact fees on new retail and restaurants on Mercer Island

Meg Lippert, 4052 94th Ave SE, thanked Councilmember Brahm and City Manager treat for their service to Mercer Island citizens. She presented a certificate to Councilmember Cero thanking him for his service.

Courtney Kaylor from McCullough Hill Leary (represents JayMarc Homes), stated that JayMarc Homes opposes the proposed moratorium.

Marc Russo from JayMarc Homes, opposes the proposed moratorium.

Barbara Winkelman, 6004 East Mercer Way, supports the proposed moratorium.

Tom Gallagher, 4243 Shoreclub Drive, opposes the proposed moratorium.

Nick Grojean, an 8th grader at Islander Middle School, spoke about growth and the impacts on future generations.

John Gordon Hill, MICA Board President, spoke about the support for MICA on the Island.

Gary Pratt, is not opposed to the moratorium, but is concerned about those in the middle of development.

Al Lippert, 4052 94th Ave SE, spoke about the City code and how it relates wetland issues and MICA.

Janice Cohen, 4655 90th Ave SE, spoke about the MICA lease and issues with the project.

John Kahan, 5656 East Mercer Way, opposes the proposed moratorium.

Ira Appelman, 4436 Ferncroft Road, supports the proposed moratorium, MICA's 4Culture grant application, and the legislative priorities regarding public records act provisions.

Traci Granbois, 8440 SE 82nd St, read statements from candidates regarding transparency and encouraged the Council to have more information online, conduct discussions at reasonable hours during a meeting and create a spreadsheet of Council votes.

Cynthia Winiski, 2750 68th Ave SE, supports the proposed moratorium.

Bob Medved, 8501 SE 82nd St, supports the proposed moratorium.

MINUTES

Regular Meeting Minutes of November 16, 2015

It was moved by Brahm; seconded by Bertlin to:

Adopt the Regular Meeting Minutes of November 16, 2015 as written.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Sanderson, Wong)

CONSENT CALENDAR

Payables: \$760,094.82 (11/19/15), \$714,329.88 (11/24/15), & \$363,513.66 (12/03/15)

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

Payroll: \$755,875.23 (11/25/15)

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

AB 5108 Interlocal Agreement with Bellevue Relating to Marine Patrol & Other Services

Recommendation: Authorize the City Manager to sign the Interlocal Agreement between the City of Mercer Island and the City of Bellevue relating to Marine Patrol and other services.

It was moved by Wong; seconded by Brahm to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Sanderson, Wong)

REGULAR BUSINESS

AB 5137 Proposed Moratorium on New Applications for Preliminary Short and Long Plats and Lot Coverage Deviations (2nd Reading)

Development Service Group Director Scott Greenberg presented an ordinance for a six-month moratorium on the acceptance of new applications for preliminary short and long plats and lot coverage (impervious surface) deviations. He explained the importance of defining the problem and its scope before adopting a moratorium. He stated that considering and adopting regulatory changes to fully and appropriately address protection of neighborhood character is likely to be time-consuming, costly and controversial so a well-defined scope of work is needed. He also spoke about the need for long-range planning and additional resources in Development Services to undertake this work.

Director Greenberg presented three options to the Council for setting over or adopting the moratorium, hiring staff to help with long-range planning and communications and/or directing staff to prepare a work plan and resource plan for re-writing the single-family residential development standards for discussion at the Council's 2016 Planning Session in January.

It was moved by Cero; seconded by Grausz to:

- 1. Direct staff to recruit a new, higher-level long-range planning position for the Development Services Group and to fund the \$168,000 total estimated cost of the position by increasing the development fee cost recovery targets for planning and engineering services from 60% to 80-85% in 2016.**
- 2. Appropriate \$50,000 from the 2015 General Fund surplus to hire a strategic communications consultant.**
- 3. Adopt Ordinance No. 15-28 establishing a six-month moratorium on the acceptance, processing or approval of new applications for preliminary short or long plats or lot coverage deviations in single-family residential zones.**
- 4. Direct staff to prepare a work plan and resource plan for re-writing the single-family residential development standards for discussion at the Council's 2016 Planning Session in January.**

Failed 2-5

FOR: 2 (Cero, Grausz)

AGAINST: 5 (Bassett, Bertlin, Brahm, Sanderson, Wong)

It was moved by Bertlin; seconded by Brahm to:

- 1. Set over proposed Ordinance No. 15-28 for further discussion at the Council's 2016 Planning Session in January.**
- 2. Direct staff to prepare a work plan and resource plan for re-writing the single-family residential development standards with particular focus on deviations for discussion at the Council's 2016 Planning Session in January.**

Passed 4-3

FOR: 4 (Bassett, Bertlin, Brahm, Sanderson)

AGAINST: 3 (Cero, Grausz, Wong)

Mayor Bassett and City Attorney Kari Sand reminded the Council that City Council Rules of Procedure 2.1 requires Council meetings to adjourn no later than 10:00 p.m. They noted that the Rules allow for the Council to continue past this time of adjournment by a two-thirds (2/3) vote of the Councilmembers in attendance at the meeting.

It was moved by Cero; seconded by Bertlin to:

Continue the meeting until midnight.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Sanderson, Wong)

AB 5136 Transportation Impact Fees Ordinance (2nd Reading & Adoption)

Development Service Director Scott Greenberg presented a transportation impact fees ordinance for second reading. He provided, per Council's direction at the previous meeting, options for adding exemptions for senior housing, shelters and dwelling units for temporary placements, accessory dwelling units and transitional housing facilities, but noted that there would be policy and budget impacts to adding those exemptions.

The Council discussed the merits of exempting all non-residential uses or only retail and restaurant uses from paying the proposed transportation impact fees. Staff was directed to provide options for these exemptions for Council consideration at the January 4 meeting.

AB 5135 Parks Impact Fees Ordinance (2nd Reading & Adoption)

It was moved by Wong; seconded by Cero to:

Adopt Ordinance No. 15C-22 establishing a new chapter 19.18 of the Mercer Island City Code, entitled "Parks Impact Fees."

Passed 7-0

FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Sanderson, Wong)

AB 5139 Public Hearing Regarding an Ordinance Assuming the Mercer Island Transportation Benefit District

The Mayor opened the public hearing at 11:21 pm. There were no comments and the Mayor closed the public hearing.

It was moved by Brahm; seconded by Grausz to:

Suspend the City Council Rules of Procedure 5.2 requiring a first and second reading of all ordinances.

Passed 6-1

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

AGAINST: 1 (Cero)

It was moved by Brahm; seconded by Bertlin to:

Adopt Ordinance No. 15C-24 authorizing the City to assume the rights, powers, functions, immunities and obligations of the Mercer Island Transportation Benefit District and amending sections 3.26.010 and 3.26.030 of the Mercer Island City Code.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Sanderson, Wong)

AB 5141 Town Center Parking Study Budget Authorization

Development Service Director Scott Greenberg presented a recommendation from the Planning and Design Commissions (Joint Commission) for an appropriation for scaled back parking study in the Town Center.

It was moved by Cero; seconded by Brahm to:

Appropriate \$42,900 from the 2015 General Fund surplus for a Town Center Parking Study update.

It was moved by Cero; seconded by Brahm to:

Call the question.

Passed 7-0

FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Sanderson, Wong)

Main Motion Passed 4-3

FOR: 4 (Brahm, Cero, Sanderson, Wong)

AGAINST: 3 (Bassett, Bertlin, Grausz)

AB 5138 2016 Legislative Priorities

Assistant City Manager Kirsten Taylor presented the draft 2016 Legislative Priorities for the City of Mercer Island. She noted that the legislature will be focused on education during the upcoming session and therefore the priorities are more general. Council will provide comments and additions to Assistant City Manager Taylor for incorporation in the final version to be presented at the January 4, 2016 meeting.

OTHER BUSINESS

Councilmember Absences

There were no absences.

Planning Schedule

Council agreed to cancel December 21 meeting.

Board Appointments

There were no appointments.

Councilmember Reports

Councilmember Brahm spoke about the Communities that Care forum, the Giving Tree is at MICEC, the MIVAL holiday show.

City Manager Treat provided a brief Sound Transit update.

Councilmember Grausz spoke about the annual holiday tree lighting and commended staff on a great job

Councilmember Cero expressed his appreciation and enjoyment for his time serving on the Council and wished City Manager Treat good luck in his new job.

Mayor Bassett spoke about signing a letter drafted by the City of Seattle regarding flexibility in promoting low cost housing and about the upcoming Economic Summit at Microsoft. He also spoke about moving forward in City Manager Treat's absence. He noted that a group of Councilmembers and City Staff will be meeting soon to talk about hiring an interim City Manager, with the authorization to hire being brought to the first Council meeting in January. He stated that once an interim City Manager is in place, the City will work on a permanent hire.

ADJOURNMENT

The Regular Meeting adjourned on Tuesday, December 8, 2015 at 12:10 am.

Bruce Bassett, Mayor

Attest:

Allison Spietz, City Clerk