



# CITY COUNCIL MINUTES

## REGULAR MEETING

### OCTOBER 5, 2015

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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.

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

#### STUDY SESSION

##### AB 5117 City Reserves Briefing

Finance Director Chip Corder presented a briefing on the City's various reserves and related budget policies. He noted that there are 3 types of reserves:

1. Working capital
  - For cash flow purposes
2. Operating reserve
  - Revenue/expenditure contingency for operations
  - For specific operating liabilities (typically long-term)
3. Capital reserve
  - Revenue/expenditure contingency for capital projects
  - Sinking fund for replacement of infrastructure, facilities, equipment, and vehicles OR for acquisition/construction of new assets

Director Corder reviewed the detailed listing of every reserve, including its purpose and balance as of December 31, 2014, employed by the City of Mercer Island; and provided additional information related to selected reserves governed by budget policy.

The Council requested additional information on the Contingency Fund, LEOFF I Long-Term Care Reserve Fund, and Revenue Stabilization Reserve Fund at the Mini-Planning Session in June 2016.

#### SPECIAL BUSINESS

##### Domestic Violence Action Month Proclamation

Mayor Bruce Bassett proclaimed October 2015 as Domestic Violence Action Month and urged all citizens to speak out against domestic violence and support efforts to prevent and end domestic abuse.

#### APPEARANCES

Marty Gale, 3404 SE 54<sup>th</sup> Street, spoke about a \$5000 payment in the Payables report to the Legal Foundation of Washington for a superior court ordered fine. She expressed concern that the City is being fined again regarding records. She questioned the integrity of the City and the Council.

Gary Robinson, 6026 East Mercer Way, spoke about his perception of apparent council variance with the interest of the community. He noted three additional concepts that may be instructive in understanding this conundrum: foot in the door phenomenon, collusion, and corruption. He noted that he is in favor of an advisory vote on MICA in Mercerdale Park.

Kristen Wesley, 5217 88<sup>th</sup> Ave SE, stated that she would like to raise chickens as a source of eggs. She noted that her residence is zoned R-9.6 and she cannot have a chicken coop because of the regulations about how far away the coop must be from residential structures even though they are allowed. She explained that Mercer Island is the only local city that lists a minimum distance from a primary residence in the code. She spoke about the benefits of raising chickens and would like the Council to consider eliminating the code regarding the minimum distance from primary residence and neighbors.

Jean Majury, 4544 88<sup>th</sup> Ave SE, spoke about the Councilmembers' oaths of office and that they swore to impartially discharge their duties as prescribed by law. She stated that Deputy Mayor Grausz is not impartial regarding MICA being located at Mercerdale park. She suggested that MICA explore other land options and would like an advisory vote regarding siting MICA on Mercerdale Park.

Michelle Goldberg, 2212 78<sup>th</sup> Ave SE, spoke about Sound Transit's decision to implement a permit program for the ten busiest park and rides. She said it will be first come, first served, no preferences will be given to residents surrounding those park and rides, and who will get the permits depends on how many apply and how they are allocated. She stated that the bus turnaround proposal is not good for Mercer Island or the region. She noted that it is difficult to understand how the City will negotiate with Sound Transit for loss of mobility and is concerned that the turnaround will be used as a bargaining chip. She asked what Mercer Island will get in exchange for the turnaround.

Meg Lippert, 4052 94<sup>th</sup> Ave SE, spoke about talking with Mercer Island residents about City parks. She spoke about the selling of Clarke Beach at a below market price and the possible contract to have a private building built on a City park. She supports a public advisory vote on the issue of MICA being sited in Mercerdale park and asked why the Council is hesitating to have a vote on the matter.

Alan Fulp, 2247 82<sup>nd</sup> Ave SE, supports permit parking on 82<sup>nd</sup> Ave SE (and the chicken coop regulation changes). He noted that residents in the North Mercer neighborhood want to preserve the integrity of the street, but would like to fix the parking situation on 82<sup>nd</sup> Ave SE.

Viril Hill, 8316 SE 57<sup>th</sup> Street, MICA Board Member, stated that MICA's location was studied for two years. He noted that it is not only \$1/year-for-land transaction, but that there are other provisions in the proposed lease. He spoke about the community in his hometown making a commitment to the arts.

Ira Appelman, 4436 Ferncroft Road, spoke about whether Councilmembers should represent the interests of Mercer Island citizens or the citizens in the greater region. He quoted Mayor Bruce Bassett regarding "serving as an ambassador to the region." He objects to this and stated that Mercer Island needs Councilmembers who support Mercer Island residents.

## MINUTES

### Regular Meeting Minutes of September 8, 2015

Councilmember Cero stated that he would like his questions and the responses from WSDOT during the Study Session documented in the minutes. The Council discussed transcribing the Study Session.

It was moved by Cero; seconded by Brahm to:

**Attach an exhibit to the 9/8/15 meeting minutes of a verbatim transcript of the Study Session.**

Passed 4-3

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

AGAINST: 3 (Bassett, Bertlin, Grausz)

### Regular Meeting Minutes of September 21, 2015

It was moved by Brahm; seconded by Wong to:

**Adopt the Regular Meeting Minutes of September 21, 2015 as written.**

Passed 7-0

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

## CONSENT CALENDAR

### **Payables: \$519,710.79 (09/17/15) & \$591,478.14 (09/24/15)**

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

### **Payroll: \$823,921.57 (10/02/15)**

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

It was moved by Bertlin; seconded by Brahm to:

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

Passed 7-0

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

## REGULAR BUSINESS

### **AB 5116 Council Consideration of King County's Best Starts for Kids Levy**

Youth and Family Services Director Cindy Goodwin spoke about King County's Best Starts for Kids Levy on the November 3, 2015 ballot. She noted that it is an initiative to improve the health and well-being of King County by investing in prevention and early intervention for children, youth, families and communities. Director Goodwin noted that she invited both of the parties listed in the voters' pamphlet, for and against the levy, to come and speak to the Council.

Michelle Sarju, campaign co-chair for the Best Starts for Kids Levy, spoke in favor of the levy. She explained that the levy is based on research about investing in prevention versus investing in criminal justice. The levy will fund early screenings for children to help identify issues at a young age and 5% of the money collected will go towards evaluating programs.

Mayor Bassett opened the public comment period for speaking in favor or against the proposed resolution.

Ira Appelman, 6213 Ferncroft Road, stated that he does not know about this levy, but he expressed concern about "one off" issues and that there is a lack of prioritization of issues.

Gary Robinson, 5654 89<sup>th</sup> Ave SE, noted that it is extremely important to invest in our children and he encouraged the Council to support the levy.

It was moved by Pottmeyer; seconded by Brahm to:

**Pass Resolution No. 1502 expressing support for King County Proposition No. 1 regular property tax levy for Children, Families, Youth and Communities on the November 3, 2015 ballot.**

Passed 7-0

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

### **AB 5118 I-90 Loss of Mobility Negotiations Status Report**

City Manager Noel Treat spoke about the next steps in the negotiations for I-90 loss of mobility. He presented a draft set of Guiding Principles for the negotiations (What We Are For and What We Want) for the Council to review. City Manager Treat asked Councilmembers to send their proposed edits to him for incorporation in the next draft.

### **AB 5115 Parks Impact Fee Rate Study**

DSG Director Scott Greenberg spoke about the process and timing of reviewing and adopting Park and Transportation Impact Fees. He introduced Lisa Grueter and Jason Hennessy from Berk Consulting who presented an overview of the parks impact fees and the preliminary results from the rate study.

The City Council considered the following policy questions:

1. Should the parks impact fees be based on residential growth only or residential and employment growth?
2. Should a low-income housing exemption be included?

There was consensus from the Council to:

1. Use both resident and employment growth and
2. Include an affordable housing exemption in the development of a Parks Impact Fee ordinance.

It was moved by Bertlin; seconded by Pottmeyer to:

**Direct staff and Planning Commission to process a Code Text Amendment and emergency, out of cycle Comprehensive Plan Amendment to add a parks impact fee program.**

Passed 7-0

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

#### **AB 5114 Transportation Impact Fee Rate Study**

DSG Director Scott Greenberg introduced Kendra Breiland from Fehr & Peers who explained what transportation impact fees are, how City transportation projects were reviewed, and four possible ways to structure the program.

The City Council considered the following policy questions regarding Transportation Impact Fees:

1. Should the eligible project list used to determine the impact fee be based on Level of Service C or D?
2. Should non-motorized projects be included?
3. Should there be a reduction in the impact fee for development in the Town Center?
4. Should a low-income housing exemption be included?

There was consensus from the Council to:

1. Base the eligible project list used to determine the impact fee on Level of Service C;
2. Include non-motorized projects;
3. Not include a reduction in the impact fee for development in the Town Center; and
4. Include an affordable housing exemption in the development of a Transportation Impact Fee ordinance.

It was moved by Bertlin; seconded by Brahm to:

**Direct staff and Planning Commission to process a Code Text Amendment to add a transportation impact fee program.**

Passed 7-0

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

#### **AB 5106 Amend Parking Restrictions in MICC 10.74.030 (1st Reading)**

Assistant City Engineer Anne Tonella-Howe and Assistant City Attorney Christina Schuck presented an ordinance to the Council to change 82<sup>nd</sup> Ave SE in the Restricted Parking District in the North Mercer Neighborhood from "prohibited" to "restricted." She also noted that the ordinance also cleans up the code by correcting omissions and mistakes, reorganizing streets in numerical order to increase clarity and consistency with other subsections, and removing superfluous words and phrases.

It was moved by Brahm; seconded by Wong 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, Pottmeyer, Wong)

AGAINST: 1 (Cero)

It was moved by Brahm; seconded by Bertlin to:

**Adopt Ordinance No. 15C-19 amending Chapter 10.74.030 of the Mercer Island City Code regarding parking restrictions in the North Mercer Restricted Parking District.**

Passed 7-0

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

## **OTHER BUSINESS**

### **Councilmember Absences**

Councilmember Cero will be absent October 8.

### **Planning Schedule**

Councilmember Cero asked about the Joint Commission meetings. City Manager Treat noted that the first meeting will be a briefing and at the second meeting, they would provide input on the work plan for finalization at the third meeting.

### **Board Appointments**

There were no appointments.

### **Councilmember Reports**

Councilmember Wong thanked the Chamber of Commerce for hosting the candidate's forum; he spoke about attending the Women's Equality Day event.

Councilmember Bertlin spoke about the upcoming Advanced Transportation Technologies Conference at the community center on October 9.

Councilmember Cero stated that he is passionate about transparency and expressed disappointment that the City is being fined for violation of discovery rules.

Councilmember Brahm spoke about the ARCH workshop she attended regarding the ARCH Trust Fund.

Councilmember Bassett responded to Councilmember Cero's comments.

## **ADJOURNMENT**

The Regular Meeting adjourned at 10:33 pm.

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Bruce Bassett, Mayor

Attest:

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Allison Spietz, City Clerk