



CITY COUNCIL MINUTES

REGULAR MEETING

FEBRUARY 2, 2015

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the Regular Meeting to order at 7:05 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

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

SPECIAL BUSINESS

Swearing-In of Councilmember Joel Wachs

City Clerk Ali Spietz administered the Councilmember Oath of Office to Joel Wachs. He was appointed by the City Council to Position #4 (vacated by Tana Senn) at the January 20, 2015 meeting. Mayor Bassett and the Council welcomed him aboard.

APPEARANCES

Mayor Bassett asked those who wished to comment on AB 5036: Proposed Moratorium on Town Center Building Permits to wait until the public comment period after the staff presentation.

Tom Imrich, 6231 Island Crest Way, asked the Council to oppose any Sound Transit Eastside bus/rail transfer scheme on Mercer Island, take action to allocate the park and ride primarily for Mercer Island use only, and reset the Council priorities away from supporting the growth vision. He thinks the moratorium should be enacted and the entire zoning code should be changed to reflect as-built densities to preserve Mercer Island.

Gary Robinson, 6026 East Mercer Way, recommended that the Mayor present a State of the City statement once a year which clearly lays out his platform and what he is seeking to accomplish, so that all citizens would have the benefit of knowing ahead of time and would be able to take appropriate action.

Deanna Killeen, 2055 82nd Ave SE, is not opposed to growth but is concerned about the process. She wants to know how growth will occur and what type of growth it will be. She spoke about Houston, Texas' inadequate vision and planning for the long-term impact of development. She asked the Council to protect Mercer Island's unique character and amenities. She believes the scale of Sound Transit's Light Rail project is way overbuilt, that Bellevue should become the turnaround hub for buses, and would like to see the moratorium enacted.

CONSENT CALENDAR

Payables: \$236,274.78 (01/15/15) & \$544,884.74 (01/22/15)

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

Payroll: \$697,463.47 (01/23/15)

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

It was moved by Brahm; seconded by Bertlin to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 7-0
FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Wachs, Wong)

REGULAR BUSINESS

AB 5036 Proposed Moratorium on Town Center Building Permits

Development Services Group Director Scott Greenberg presented the Proposed Moratorium on Town Center Building Permits. He noted that the Town Center design and development regulations started with a large visioning process in 1994. In 2014, the City Council created a Town Center Subcommittee with three Councilmembers to look at the vision and embark upon a process with stakeholders to provide input and information on what was and was not working well in the Town Center. He also spoke briefly about a public engagement process that is being developed.

City Attorney Katie Knight spoke about the moratorium and briefly described what is involved. She also spoke about the draft ordinance and about the two alternatives.

At 7:38 pm the Mayor opened the public comment period.

Ira Appelman, 4436 Ferncroft Road, asked Council to adopt a 6-month moratorium on new projects in the Town Center. He believes that Town Center guidelines are broken and need to be fixed. He noted that problems with the Town Center guidelines aren't recent and that the City Council should declare a 6 month moratorium and fix the guidelines to protect the health and safety of this island. He also noted that a single project should not be singled out for special treatment.

Lindsay Fromme, spoke on behalf of Forterra's Policy Director, 901 5th Ave Seattle, noting that at the heart of Forterra's mission is the Cascade Agenda which protects important landscapes and creates great communities. She spoke about Forterra supporting policies that create attractive, walkable, and prosperous communities. She noted that Mercer Island's plan to update its design standards is a positive step and should reflect public input and advance the vision for Town Center.

Steven Chapman, 2729 73rd Ave SE, supports growth management and voted for Sound Transit. He is opposed to vague statutes that create loopholes and asked the Council to take 6 months out and fix them.

Michelle Goldberg, 2212 78th Ave SE, is concerned about residential growth. She appreciates the City's efforts to solicit public input, however adequate time is needed to synthesize and process the input. She asked the City to put construction on hold and would like to work together to create a thoughtfully planned downtown center.

Helen Vinding-Nyden, 6935 SE 34th St, believes that downtown development can be positive. She prefers a friendly accessible village feel over domineering structures, noting that rarely are high rises successful in creating a pleasant environment. She stated that residents are the stakeholders who should have a voice in how the Town Center is developed and asked the Council for more time.

Tom Acker, 2427 84th Ave SE, noted that the Save Our Suburbs Coalition is not against development. He would like to protect the interests of the community and does not want to lose the character on Mercer Island. He stated that a moratorium buys time to evaluate the data and make prudent decisions, and asked Council to plan for the future versus reacting to the present.

Paul Manner, 2222 78th Ave SE, stated that Mercer Island is already high density and doesn't need more people with no amenities, no facilities, and no infrastructure. He also spoke about development that reflects the neighborhood and the community.

Matt Galvin, 8307 SE 41st Street, spoke about Pagliacci's opportunity to come to Mercer Island. He asked Council to consider excluding this minor small type of project from the moratorium.

Lisa Straub, stated that Mercer Island schools are overcrowded and will potentially become more crowded. She asked the City Council to examine impact fees and look to developers as a reasonable source of fees for building new schools so that the community does not have to bear the entire burden.

Cynthia Winiski, 2750 68th Ave SE, believes Mercer Island needs a moratorium and does not want any project excused. She spoke about the law supporting a moratorium, the uniqueness of Mercer Island's geographical makeup and area, and the infrastructure analysis.

Sarah Norman Elbaum, 7808 SE 28th Street Apt E44, spoke about her surprise at the level of crowding in Mercer Island schools considering the rent prices on Mercer Island. She would like Council to ask for better public amenities as part of the building approval process. She believes density can be good but also believes in design. She asked that developers be required to give back to the community to support infrastructure and schools.

Steve Wolsanak, 5819 Oberlin Ave NE, as a contractor has built in municipalities that have adopted temporary moratoriums. He believes that exempting projects is counterproductive and urged Council to pass a temporary 6-month moratorium without the addendum to exclude any projects.

Bill Low, represents the property owner that owns the Rite Aid shopping center, asked Council to consider excluding small projects from the moratorium. He applauds the City for taking a step back and looking at the City's codes. He stated that parking needs to be addressed as it is inappropriate to put the burden to provide public parking on private property owners.

Peter Orser, 4606 Forest Ave SE, would like a vibrant, vital, and diverse downtown. He noted that no code is perfect and you cannot regulate character, taste, and charm. He believes the City has a wonderful foundation, has the tools to engage in the vision, and does not believe a moratorium is the answer.

Sandra Schilling, 4150 85th Ave SE, is passionate about landscaping and would like to see something green. She asked that the code have a mandatory greenspace requirement for each development.

Elaine Kavalok, 5908 East Mercer Way, expects Council to do what is right by its constituents and would like a temporary moratorium. She asked the City Council to keep the island unique, not be pressured to acquiesce to the surrounding urban development, and take the time to get Mercer Island in balance.

Jenny Mechem, 8451 SE 36th Street, asked Council to consider whether a moratorium is the best tool to achieve the goals of thoughtful planning in the Town Center. She noted that the re-visioning process for the Town Center should be broadened to include a vision for the entire island.

Kevin Scheid, 6189 92nd Ave SE, spoke in support of a moratorium as he believes it is important to get it right the first time. He believes the Town Center has too many cars, too much congestion, lower air quality, and is not pedestrian friendly. He noted that the Town Center seems to be dividing the island because there is not enough parking. He stated that the Town Center has less character, there is no central gathering place, and residents are paying more for a lower level of service. He challenged the City Council to aim high.

Tom King, 4117 83rd Ave SE, believes the Hines project is the best project for that area of Mercer Island. He noted that on the project site are three buildings that are over 50 years old with deferred maintenance. He would like to see something much more vibrant that attracts businesses and makes the Town Center better.

Doris Cassan, 5623 80th Ave SE, stated that instituting a moratorium will hinder more than help. She noted that the citizens of Mercer Island need to be engaged and understand the consequences the decisions the City Council makes. She suggested allowing Hines to work with staff and deliver a great project.

Ty Bennion, 2624 E Aloha St Seattle, Senior Partner for Hines, asked that the Hines project not be subject to the moratorium. He spoke briefly about fees that would be paid to City for this project.

Christine Oaks, 2423 71st Ave SE, believes there is a strong benefit to pursuing a moratorium noting that what will be done will be permanent. She does not want to make exceptions or exclusions.

Richard Floisand, architect for Pagliacci Pizza, noted that the project is very small and is not a major development. He would like to encourage an exemption for small, single story projects.

Steve Marshall, 8150 West Mercer Way, stated that the Comprehensive Plan should be reviewed by Council before further development is allowed.

Robert Medved, 7238 SE 32nd Street, stated that the code is too ambiguous to implement a vision and that a moratorium will give the Council time to fix it. He noted that the moratorium must be narrowly drawn and cannot single anyone out.

Richard Erwin, 2811 75th Place SE, does not believe that a moratorium will alleviate the issue. He stated that the Design Commission has been vigilant about holding developers to the City's code and noted that the City is constantly reviewing projects. He believes that there will be a backlog of developments awaiting review after a moratorium has ended, which is where it is more likely to see pressure applied and mistakes made.

Laura Parris Reymore, would like to employ a timeout to regroup and review the code to make it sure it matches the vision that the citizens want.

Anne Corely, 2430 76th Ave SE, spoke about the traffic along 76th Ave SE. She asked for rumble strips to slow people down.

Annie Hearon, 8019 SE 20th Street, asked Council to impose an immediate 6-month moratorium on any proposed construction over two stories, noting that this is a small town and a small island.

Marie Bender, 7890 81st Place SE, supports a moratorium and believes the process is really important. She is concerned that the comprehensive plan is on a different track than the visioning process and the development code. She would like to design a good development plan while thinking about who and how it is going to be implemented.

David Witman, 6114 92nd Ave SE, is not in support of a moratorium as he believes that in six months the City will be right back in the same place as it is now. He asked Council to work within the current structure to move forward and solve the problems. He believes that implementing a moratorium will not be moving forward, but will be moving backwards.

Mark Meinzingler, 5915 80th Ave SE, noted that a moratorium is not going to hurt anything, that no development on Mercer Island creates value on the island, that there is no point in over impacting the schools, and that infrastructure is poor and should not be added to. He asked Council to please support a moratorium.

Jeff Geoghagan, 7515 85th Ave SE, lives on Mercer Island because of the small community. He asked Council to support a moratorium to make sure that the vision is consistent with the Mercer Island community.

Salim Nice, 5619 89th Ave SE, thinks it is important to remember where Mercer Island came from in terms of density. He suggested that a significant public amenity might include a school.

Scott Stone, 9023 SE 50th Street, asked Council to take the time and effort to plan accordingly for increased density.

Colin Brandt, 7323 Mercer Terrace Drive, thinks it is important to consider the unintended consequences of a moratorium. He is concerned that if the moratorium goes beyond six months, the pressure to make decisions may actually be more intense.

Gary Lewis, 1048 W Lake Sammamish Pkwy NE, a minor partner in one of the Hines properties, asked how to involve people on a day to day basis. He loves the idea of participation, but is frustrated when the participation is not well informed and comes with a bandwagon at the last minute. He encouraged Council to stay with the visioning process.

Eva Zempenyi, 6188 92nd Ave SE, a moratorium will allow residents the time to ask questions and provide input now so that development is something that everyone can live with.

At 9:05 pm the Mayor closed the public comment period.

Council asked questions of staff including an update on the timeframe for the visioning process, what the staff obligations are at the end of a moratorium, what the consequences are if the comprehensive plan is not completed by the deadline, an explanation of the two different ways to calculate SEPA fees, the capacities of the Growth Management Act, a definition of major new construction, and what the City would not be covered for should litigation occur.

City Attorney Knight spoke about the legal ramifications of imposing a moratorium.

It was moved by Cero; seconded by Bertlin to:

Adopt Ordinance No. 15-04 (Proposal 3) implementing a moratorium on the acceptance or processing of applications for building permits in Town Center.

Failed 1-6

FOR: 1 (Cero)

AGAINST: 6 (Bassett, Bertlin, Brahm, Grausz, Wachs, Wong)

Council spoke about waiving second reading of the ordinance, applying the moratorium to projects over two stories in height, limiting the moratorium to four months, and exempting the Hines project from the moratorium.

The Council took a break for staff to incorporate the proposed changes. When the meeting resumed, City Attorney Knight reviewed the changes that were made to the ordinance.

It was moved by Grausz; seconded by Brahm to:

Adopt Ordinance No. 15-04 (Alternative 4) implementing a moratorium on the acceptance or processing of applications for building permits in Town Center.

It was moved by Wong; seconded by Brahm to:

Amend the previous motion to change Section 3D as follows: That the moratorium does not apply to the Hines Project because agents of the Hines Project have committed to working with the City and communicating with the community to create a vibrant Town Center, while meeting the needs and incorporating the aesthetic considerations desires of its citizens, as indicated in the letter to the City Manager dated January 30, 2015. This recognizes that the January 30, 2015 letter reflects the Hines project commitment to 15 days advance notice prior to submitting its building permit application.

Motion to amend passed 6-1

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

AGAINST: 1 (Cero)

Main Motion as Amended Passed 6-1

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

AGAINST: 1 (Cero)

AB 5037 City Manager 2014 Performance Review

Mayor Bassett spoke briefly about the City Manager performance review process.

It was moved by Brahm; seconded by Bertlin to:

Approve a compensation increase for City Manager Noel Treat of 3% per his employment contract and a Pay for Performance award of \$3,500 based upon his 2014 performance review.

Passed 7-0

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

OTHER BUSINESS

Councilmember Absences

Mayor Bassett will be absent February 23.

Planning Schedule

City Manager Treat noted that the Community Engagement Plan will be presented at the February 23 meeting.

Board Appointments

It was moved by Bertlin; seconded by Grausz to:

Affirm the appointment of Joy Liechty to Position #10 (expiring May 2018) on the Arts Council.

Passed 7-0

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

Councilmember Reports

Councilmember Wong spoke about attending the Sound Cities Association Committee orientation on January 28th and about the Safe Place program that is designed to provide safe havens for young people. He noted that the MIYFS Giving from the Heart breakfast will be held on February 11 and that the Mercer Island half marathon will be on March 22.

Councilmember Cero spoke about attending an Eagle Scout ceremony with Jake Willard. He noted that the Boys & Girls Club breakfast last week had a good turnout. He spoke about Representative Clibborn's comment about I-90 tolling that it "remains on the table", and requested an I-90 steering committee meeting.

Councilmember Wachs noted that he met with Representative Clibborn. She stated that, while still on the table, tolling is very far from a possibility, and does not believe it will come up at all as she chairs the transportation committee.

Deputy Mayor Grausz spoke about meeting with the new KCLS director, Gary Wasdin, to talk about next steps and stated that he seems very willing to work with the community. He noted that Director Wasdin will try to lay out a process for going forward which he is committed to share with the City and the Library Board.

Councilmember Brahm spoke about the recent Arts Council meeting and the planning for this summer's Mostly Music in the Park and Classics on Film programs. She also spoke about the new sponsorship program that the Parks and Recreation Department and the Arts Council is working on.

City Attorney Knight followed up on Councilmember Cero's question regarding the estimated time for the Attorney General's opinion on the library petition, the response being that they do not give ETAs.

ADJOURNMENT

The Regular Meeting adjourned at 11:37 pm.

Bruce Bassett, Mayor

Attest:

Karin Roberts, Deputy City Clerk