



# CITY COUNCIL MINUTES REGULAR MEETING MAY 19, 2014

## 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, Tana Senn (arrived 7:45 pm), Benson Wong, Deputy Mayor Dan Grausz, and Mayor Bruce Bassett were present.

## AGENDA REVIEW

Mayor Bassett reviewed the agenda and moved Appearances to after AB 4966 regarding the Trellis Long Plat Closed Record Hearing. He also removed AB 4972 regarding the Mary Wayte Pool interlocal agreement from the agenda. He noted that there would be a public hearing for AB 4948 regarding the Transportation Improvement Plan and that there would be public comment periods for AB 4967 and AB 4968 regarding the rezoning of school district properties.

## MINUTES

### Study Session & Regular Meeting Minutes of May 5, 2014

It was moved by Bertlin; seconded by Brahm to:

**Adopt the Study Session & Regular Meeting Minutes of May 5, 2014 as amended.**

It was moved by Grausz; seconded by Brahm to:

**Amend the main motion as follows:**

**On Page 4, the second motion to amend should state: Allow fireworks to be sold until 10:00 pm on July 4<sup>th</sup> until 10 PM.**

Motion to Passed 6-0

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

ABSENT: 1 (Senn)

It was moved by Cero; seconded by Grausz to:

**Amend the main motion as follows:**

**On Page 5, AB 4950: Fire Station 92 Project Update add the following language after the last sentence:**

**Councilmember Cero pointed out that the project being "on budget" is a misnomer, in that the budget has been adjusted several times and future references should be to the "adjusted-adjusted budget."**

Motion to Amend Failed 2-4

FOR: 2 (Cero, Grausz)

AGAINST: 4 (Bassett, Bertlin, Brahm, Wong)

ABSENT: 1 (Senn)

Main Motion as Amended Passed 6-0

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

ABSENT: 1 (Senn)

## CONSENT CALENDAR

AB 4972 (Third Extension Agreement to Interlocal Agreement with Mercer Island School District Concerning the Operation of the Mary Wayte Pool) was pulled from the agenda and will be discussed at a future meeting.

### **Payables: \$214,688.79 (05/01/14) & \$152,227.48 (05/08/14)**

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

### **Payroll: \$721,245.49 (05/16/14)**

**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 6-0

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

ABSENT: 1 (Senn)

## REGULAR BUSINESS

### **AB 4966 Trellis Closed Record Public Hearing for a Proposed Eighteen Lot Long Plat (SUB13-014)**

Mayor Bassett read a statement regarding the process and ground rules for the closed record hearing for a proposed eighteen lot long plat (Trellis/SUB13-014).

City Attorney Katie Knight asked questions of the Council regarding the appearance of fairness as the approval of the long plat is a quasi-judicial action. There were no objections to the answers provided by Councilmembers.

Principal Planner George Steirer presented information to the Council about the proposed long plat.

Charlie Conner of Conner Homes and Steve Calhoon of Pace Engineers represented the applicant and provided information on the project.

The Council asked questions of staff and the applicant regarding the project.

It was moved by Bertlin; seconded by Grausz to:

**Grant preliminary approval to the Trellis Long Plat as detailed in the Planning Commission's recommended conditions of approval and authorize the Mayor to sign the Findings of Facts and Conclusions of Law (as presented in Exhibit 1 of AB 4966) on behalf of the City Council.**

Passed 6-0

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

ABSENT: 1 (Senn)

## APPEARANCES

The following individuals spoke about the KCLS Mercer Island Library Renovation Project, the upcoming KCLS Board and their review of the revised renovation plans, and the remaining issues with the renovation plans. Many asked for the Council to send a letter to the KCLS Board requesting that KCLS present the renovation plans to the City Council prior to approval and for the Council to establish a library advisory board:

- Bryan Cairns, 7628 79th Ave SE
- Ira Appelman, 4436 Ferncroft Road
- Al Lippert, 4052 94th Ave SE
- Bart Dawson, 8812 SE 77th Place
- Marcia Dawson, 8812 SE 77th Place
- Janice Cohen, 4655 90th Ave SE
- Carv Zwingle, 6250 East Mercer Way

- Kim Kendall, 6731 West Mercer Way
- Mindy Jefferson, 3200 West Concord Way
- Tami Szerlip, 7804 SE 40th Street
- Meg Lippert, 4052 94th Ave SE
- Sarah Petrie, 4640 East Mercer Way
- Helena Steinhardt, 7825 SE 63rd Place
- Gary Robinson, 6026 East Mercer Way
- Daniel Paull, 4120 94th Ave SE
- Joel Wachs, 7635 SE 29th Street
- Nancy Spaeth, 8320 SE 34th Street
- Eva Zemplenyi, 6188 92<sup>nd</sup> Ave SE

Beverly Bridge, 8400 SE 34th Place, stated that she and her neighbors are pleased about the proposal to put a gravel path down 84<sup>th</sup> Ave SE, but would like it moved up as priority in the TIP. She would like the project to be done before all of the construction begins at the Coval property and before the school renovations at the North Mercer Campus.

## REGULAR BUSINESS (CONTINUED)

### No AB Mercer Island Library Remodel Discussion

Deputy Mayor Grausz, Councilmember Wong, and Councilmember Bertlin thanked the public for their testimony, the concerned citizens who brought the library renovation issues to the Council, and those who have served on the Mercer Island Library Committee. Deputy Mayor Grausz noted that the proposed changes are not as complete as most would like and some of the changes are still yet undefined. He proposed that the Council should convey concern to KCLS that certain issues still need to be adequately addressed.

It was moved by Brahm; seconded by Grausz to:

**RESOLVED, that the Mercer Island City Council appreciates the work done by KCLS, the Mercer Island Library Committee and City staff to address concerns raised by Islanders to the Mercer Island library renovation project as proposed in January, 2014:**

- (i) **but recognizes that there are remaining issues that KCLS is still addressing in response to concerns raised by the MI Library Committee;**
- (ii) **authorizes Councilmembers Bertlin, Grausz and Wong to continue reviewing the work product of KCLS with the other members of the MI Library Committee; and**
- (iii) **based on that review, advise the KCLS Interim Director and Board of Trustees as to whether they believe the work product sufficiently addresses the concerns previously raised by the MI Library Committee and, if not, what changes should be made.**

Passed 7-0

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

### AB 4948 2015-2020 Transportation Improvement Program Preview & Public Hearing

City Engineer Patrick Yamashita presented the Six-Year Transportation Improvement Program (TIP), which is a planning tool used to identify specific projects that work together to maintain, preserve, and maximize use of the existing roadway and trail systems. He spoke about the TIP's recent financial history, noteworthy changes to the TIP including new projects that have been added, and changes in the timing and scope of projects.

City Engineer Yamashita presented information about three key issues:

- Comprehensive Plan update and transportation level of service standards decision
- Street Fund deficit and a Transportation Benefit District as a funding option
- MISD construction and new development impacts to SE 40th Street and proposed project

He also spoke about a need to restore the Transportation Manager/Engineer position as citizen requests and other transportation work will continue to increase with the improving economy. He noted that some work may need to be scaled back, delayed, reprioritized, and/or may require engaging consultants to "get by" in 2015-2016.

City Engineer Yamashita asked for Council input on the following three questions:

1. Does the Council support staff's recommended approach to delay identifying and adding LOS improvement projects in the TIP until after the Council makes a decision on LOS in the Comprehensive Plan update?
2. Does the Council support adding the SE 40th Street Corridor project?
3. Does the Council support a Mercer Island \$20 TBD? If so, in 2015 or 2016?

The Mayor opened the public hearing at 9:19 pm.

Don Sitkus, 3927 86<sup>th</sup> Ave SE, spoke about the Madrona Crest neighborhood. He expressed concern that the usage of the intersection of SE 40<sup>th</sup> Street and 86<sup>th</sup> Ave SE will increase and cause traffic to back up into his neighborhood. He also spoke about children being able to walk safely to school through the neighborhood and the limited line of sight in certain areas.

Katharine Lamperti, 8320 SE 30<sup>th</sup> Place, thanked staff for including the gravel pathway on 84<sup>th</sup> Ave SE. She asked that the project be moved up in the plan to have it built sooner as so many people use the road.

Shelly Boyle, 8410 SE 36<sup>th</sup> Street, expressed concern with an increase in traffic due to the Coval project and the school construction in the Madrona Crest neighborhood. She would also like the road improvement projects moved up in the plan.

Connie Manson, 3902 86<sup>th</sup> Ave SE, spoke about a neighborhood petition for traffic calming measures and is thankful for the first phase with a sidewalk. She also questioned the traffic evaluation and the number of cars that travel through the neighborhood.

Mark Clausen, 6107 SE 32<sup>nd</sup> Street, spoke about a failure of leadership at the federal and state levels to approve transportation funding. He believes it is important to invest in and maintain current transportation infrastructure and to start thinking about how to make the community better than it was last year.

Ira Appelman, 4436 Ferncroft Road, expressed concerned about the Council creating another tax by creating a transportation benefit district. He thinks the County and State will be putting transportation packages forward in the near future. He noted that real estate activity will continue to go up and REET will help support the Street Fund. He disagrees with degrading the transportation level of service on the Island.

Jim Stanton, 7812 SE 78<sup>th</sup> Street, spoke about the proclamation for best practices for autos, cyclists, and pedestrians to share the road. He complimented staff for their help in understanding how the TIP works and is funded. He spoke about where the cyclists are and how the dollars can be used most efficiently for shoulders to promote safety. He is in favor of the \$20 car tab to help fund more projects.

The Mayor closed the public hearing at 9:38 pm.

Following questions of staff and discussion, there was consensus from the Council to:

- support staff's recommended approach to delay identifying and adding LOS improvement projects in the TIP until after the Council makes a decision on LOS in the Comprehensive Plan update;
- support improvements to pedestrian and bicycle facilities on SE 40th Street, but have staff take another look at the proposed roadway improvements approaching the SE 40th Street/86th Avenue SE intersection to find lower cost options; and
- consider a transportation benefit district in the TIP for planning purposes (starting in 2015).

#### **AB 4967 Zoning Code Text Amendments Related to Public Schools (1st Reading)**

DSG Director Scott Greenberg presented the Planning Commission's recommendation for code text amendments for public schools in the Public Institution (P) zone, which is designed for public uses such as government facilities, public schools and public parks. He noted that current zoning standards for schools in the R-9.6 and R-15 zones do not allow the flexibility needed to carry out the projects approved by voters (Mercer Island School District Proposition 1 passed in the February 2013 special election). He further explained that as an alternative to seeking variances at each school site, a code text amendment and rezones to the P zone were proposed to facilitate school construction and render the zoning more consistent with the Public Institution Comprehensive Plan land

use designation for District-owned properties.

Director Greenberg spoke about the public input process, summarized the Planning Commission's recommended standards for each school, and detailed other components reviewed during the process (i.e. parking, privacy, screening, etc).

The Mayor opened the public hearing at 11:05 pm.

Ira Appelman, 4436 Ferncroft Road, opposes the P zone amendments and rezoning residential properties to the P zone. He believes it is spot zoning and will destroy the residential zones surrounding the properties, that is illegally discriminates against religious schools, and that, instead of writing zoning code, the amendments are actually six separate variances. He objects to the City being the applicant for the project as it should be the School District.

MISD Superintendent Gary Plano, read a letter from the District to the City requesting that the Council remand the code text amendment related to Lakeridge Elementary to the Planning Commission to reopen the open-record hearing as they received concerned comments from the public over the weekend regarding Lakeridge.

Marie Bender, 7890 81st Place SE, lives next to Lakeridge Elementary. She spoke about the difficult process that ultimately resulted in solutions that achieve the District goals and protect the neighborhoods. She expressed disappointment and frustration that she was given no notice that the District is requesting remanding Lakeridge back to the Planning Commission, as she and her neighbors worked very hard to come to a solution that all agreed upon.

Marc Berejka, 8125 SE 79th Street, lives next to Lakeridge Elementary. He believes there have been legal flaws with the process. He stated that the initial notice was flawed and did not give the recipients enough information about the proposal. He believes that City staff has lost its independence as it is working in conjunction with the School District and that an institutional conflict of interest has been created. He noted that the Planning Commission did a great job of going through each parcel individually to work with the residents to preserve the surrounding neighborhoods.

Ralph Jorgenson, 8040 84<sup>th</sup> Ave SE, stated that he wrote a letter to the District this weekend regarding the Lakeridge Elementary setbacks as he thinks they are inequitable for the neighbors abutting the property. He would like the District to have the flexibility to flip the footprint if needed.

The Mayor closed the public hearing at 11:21 pm.

Following discussion the Council asked staff to:

- Address the setback issue around the detention area along the west side of Islander Middle School.
- Provide criteria for flexibility in parking standards.
- Clarify that for impervious surface purposes, the fire lanes can be impervious.
- Determine which structures would become nonconforming under the proposed Ordinance, and clarify existing rules related to non-conforming structures.

It was moved by Cero; seconded by Bertlin to:

**Set Ordinance No. 14C-06 for second reading and adoption at the June 2, 2014 meeting.**

It was moved by Bertlin; seconded by Brahm to:

**Amend the previous motion as follows**

**...and remand the rezone related to Lakeridge Elementary to the Planning Commission and reopen the open record hearing.**

Passed 6-1

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

AGAINST: 1 (Cero)

Main Motion as Amended Passed 7-0

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

The Council directed the Planning Commission to consider the following during their review of the Lakeridge Elementary setbacks: (1) requiring a minimum 45 foot or 65 foot setback from the west property line, and (2) limiting the maximum height within the setback from the west property line to no taller than what is currently allowed.

### **AB 4968 School Property Rezones (1st Reading)**

DSG Director Scott Greenberg presented an ordinance for first reading, which would approve a series of rezones affecting properties owned by the Mercer Island School District ("District") and one private property adjacent to West Mercer Elementary. He stated that the proposed rezones would change the zoning of each school site from Single-Family Residential (R-9.6 and R-15) to the P zone (designed for public uses such as government facilities, public schools, and public parks) and change the zoning of the private property from R-9.5 to R-15.

Director Greenberg noted that the Planning Commission passed a motion to have the City Council confirm the parking plan at Islander Middle School as there was concern that the District had not fully committed to what was presented. He then read a letter from the District stating that the design the Planning Commission reviewed of Islander Middle School's current parking, student drop off, and school bus parking will remain the same.

The Mayor opened the public comment period at 12:23 am.

Marc Berejka, 8125 SE 79th Street, expressed concern about how and why the Council decided to remand Lakeridge Elementary rezoning back to the Planning Commission. He spoke about the differences in the landscape on each side of the property. He noted that he worked hard with the District to get a buffer that would not adversely affect his property. He thinks that the Council's remand has undone a lot of work that the parties did to reach an agreement.

Marie Bender, 7890 81st Place SE, stated that she is disappointed that the Council did not wait to decide to remand the Lakeridge Elementary rezone until the next meeting so the Council could hear the correct facts. She asked the Council to reconsider the remand so all of the facts could be presented by all parties involved.

Ira Appelman, 4436 Ferncroft Road, asked that his comments from the public comment period for AB 4967 and the Planning Commission be added to this public comment period.

Dr. Gary Plano, MISD Superintendent, explained the purpose and reason that the District asked for the remand. They would like the Planning Commission to look at the plans for Lakeridge Elementary again and he would like more public input about the Lakeridge rezoning.

The Mayor closed the public comment period.

It was moved by Cero; seconded by Brahm to:

**Set Ordinance No. 14C-07 for second reading and adoption at the June 2, 2014 meeting.**

It was moved by Grausz; seconded by Bertlin to:

**Amend the previous motion as follows**

**...and remand the rezone related to Lakeridge Elementary to the Planning Commission and reopen the open record hearing.**

Passed 6-1

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

AGAINST: 1 (Cero)

Main Motion as Amended Passed 7-0

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

### **AB 4971 1st Quarter 2014 Financial Status Report & 2013-2014 Budget Adjustments**

Finance Director Chip Corder presented the Financial Status Report for the first quarter of 2014. He provided a summary budget-to-actual comparison of revenues and expenditures for the General Fund, the status of real

estate excise tax (REET) collected, and proposed budget adjustments.

It was moved by Wong; seconded by Senn to:

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

Passed 6-1

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

AGAINST: 1 (Cero)

It was moved by Wong; seconded by Brahm to:

**Adopt Ordinance No. 14-08, amending the 2013-2014 Budget**

Passed 7-0

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

## OTHER BUSINESS

### Councilmember Absences

There were no absences.

### Planning Schedule

City Manager Treat noted that efforts would be made to ensure future meeting agendas are not as full as tonight's meeting agenda.

### Board Appointments

Mayor Bassett noted that he will be making decisions about the annual appointments to the City's boards and commissions in the next few weeks.

### Councilmember Reports

Councilmember Cero spoke about Carl Lind and the VFW Post 5760 receiving the John D. Spellman award for rehabilitation and stewardship of the 1922 Keewaydin Clubhouse.

Councilmember Brahm spoke about the Arts Council meeting presentation by Freehold Theatre Lab who brings Shakespeare to non-traditional venues. She also noted that information will be out soon about an app, STQRY, that will provide information about public art on Mercer Island.

Councilmember Senn thanked the staff at the Thrift Shop and Mercer Island firefighters for their help earlier in the evening with a family emergency.

Councilmember Wong asked about adding SCA issues to the Council's agenda to discuss and decide Mercer Island's position on them.

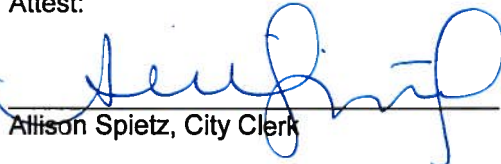
Mayor Bassett spoke about King County's proposal to allow cities to purchase bus services from Metro. He also spoke about Sound Transit's bus intercept proposal. He suggested active Council outreach to get feedback from different groups of citizens about the proposal. City Manager Treat will provide the Council with talking points.

## ADJOURNMENT

The Regular Meeting was adjourned on Tuesday, May 20 at 12:45 am.

  
\_\_\_\_\_  
Bruce Bassett, Mayor

Attest:

  
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Allison Spietz, City Clerk