



CITY COUNCIL MINUTES REGULAR MEETING AUGUST 1, 2016

CALL TO ORDER & ROLL CALL

Deputy Mayor Debbie Bertlin called the meeting to order at 5:30 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Deputy Mayor Debbie Bertlin and Councilmembers Dan Grausz, Jeff Sanderson, Wendy Weiker (arrived 5:35 pm), David Wisenteiner, and Benson Wong were present. Mayor Bruce Bassett was absent.

AGENDA APPROVAL

Deputy Mayor Bertlin removed AB 5205: Interlocal Agreement with MISD for Counseling Services from the agenda to be rescheduled at a later date.

It was moved by Wisenteiner; seconded by Wong to:

Approve the agenda as amended.

Passed 6-0

FOR: 6 (Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Bassett)

EXECUTIVE SESSION

At 5:31 pm, Deputy Mayor Bertlin convened Executive Session #1 pursuant to RCW 42.30.110(1)(i) to discuss with legal counsel pending or potential litigation for 30 minutes.

At 6:03 pm, Deputy Mayor Bertlin adjourned Executive Session #1.

At 6:03 pm, Deputy Mayor Bertlin convened Executive Session #2 pursuant to RCW 42.30.110(1)(i) to discuss with legal counsel pending or potential litigation for one hour.

At 6:59 pm, Deputy Mayor Bertlin extended the Executive Session for an additional 15 minutes.

At 7:13 pm, Deputy Mayor Bertlin adjourned Executive Session #2.

The Regular Meeting reconvened at 7:16 pm.

SPECIAL BUSINESS

Women's Equality Day Proclamation

Deputy Mayor Bertlin proclaimed August 25, 2016 as Mercer Island Women's Equality Day and invited all Mercer Island residents to join together at Mercerdale Park on August 25, 2016 at 6:00 pm to celebrate with live music, food, and local guest speakers.

National Night Out

Deputy Mayor Bertlin noted that August 2, 2016 is National Night Out, an annual community building event that promotes partnerships between police and the communities that they serve. It is a time to build relationships and work together to make our community a better place to live, work, and play. She noted that the City will be hosting an event at the Sculpture Garden from 5:00-8:00 pm that will include food and live music.

APPEARANCES

Bart Dawson, 8812 SE 77th Place, Vice-Chair of the Mercer Island Library Board, spoke about the Mercer Island Library renovation and re-opening and thanked the Council for their support. He also thanked KCLS Director Gary Wasdin, the library users who participated in Gary's survey concerning library changes, and Councilmembers Bertlin, Grausz, and Wong who advocated on behalf of Mercer Island.

Sue Stewart, 3205 84th Ave SE, spoke in support of AB 5207 and asked Council to preserve West Hill/Kite Hill as park land on the land use map with the Comprehensive Plan. She also spoke about the 10% affordable housing requirement and the 16 homes being built on the Coval property.

Alan Reid, Emmanuel Episcopal Church, 4400 86th Ave SE, thanked the Council for looking at the residential development standards and for including a review around the needs of religious institutions.

Lynn Hagerman, 3058 61st Ave SE, asked that the residential development scope include multiple lot development. She also asked that the public process be expanded to include more than one public hearing.

Mary Mahoney, 3024 60th Ave SE, spoke about the house being built across the street from hers and the impact it is having on her neighborhood. She noted that neighborhood character is disappearing with the building of these enormous homes.

Cheryl Schumacher, 3040 60th Ave SE, spoke about the character of her neighborhood and thanked the Council for addressing the issue of residential development standards.

Ka Anderson, 6004 SE 32nd Street, spoke about the Proctor Landing Project and the effect on the neighborhood and quality of life. She noted that commercial sized projects do not belong in neighborhoods.

Marianne Bond, 3014 60th Ave SE, spoke about the Proctor Landing Project and invited Council to spend a day in her front yard.

Mark Cohen, 1st Hill, spoke about the reduction in permeable surfaces on Mercer Island and the benefits of trees. He also spoke about developers and private homeowners who push the limits of best practices by asking for impervious deviations and taking down large trees. He noted that it is easier to protect what we have now than to replace what we have lost later.

CONSENT CALENDAR

Payables: \$547,975.34 (7/21/16) & \$378,549.76 (7/27/16)

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

Payroll: \$808,165.97 (7/22/16)

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

Minutes: July 19, 2016 Regular Meeting Minutes

Recommendation: Adopt the July 19, 2016 Regular Meeting Minutes as written.

It was moved by Wong; seconded by Weiker to:

Adopt the Consent Calendar and the recommendations contained therein.

Passed 6-0

FOR: 6 (Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Bassett)

REGULAR BUSINESS

AB 5206 Single-Family Residential Development Standards - Scope of Work, Approach, and Public Engagement Plan

Planning Manager Evan Maxim presented the Single-Family Residential Development Standards Plan. He spoke about the policy based approach, evaluation forms, and the scope of work. He noted two exceptions to the scope of work; religious institutions in residential zones and a comprehensive review of all residential standards, including multi-family. He also spoke about the public engagement plan, the schedule parameters, and next steps.

It was moved by Grausz; seconded by Sanderson to:

Approve the proposed approach, scope of work, and public engagement plan for the Single-Family Residential Development Standards code amendment, and in addition, (1) obtain further public input to determine if other issues need to be addressed, and (2) include additional issues as noted by the Council.

Passed 6-0

FOR: 6 (Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Bassett)

AB 5207 Zoning Text Amendment Modifying MICC Title 19 Pertaining to Procedures for Amending the Comprehensive Plan (1st Reading)

DSG Director Scott Greenberg presented the Zoning Text Amendment ordinance modifying MICC Title 19 pertaining to procedures for amending the Comprehensive Plan. He spoke about the Comprehensive Plan amendment process, the docketing process, including the preliminary docket and the final docket, and the schedule going forward.

It was moved by Wong; seconded by Weiker to:

Set Ordinance No. 16C-13 for second reading and adoption at the September 6, 2016 City Council meeting.

Passed 6-0

FOR: 6 (Bertlin, Grausz, Sanderson, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Bassett)

OTHER BUSINESS

Councilmember Absences

Mayor Bassett's absence was excused.

Planning Schedule

Interim City Manager Bissonnette spoke about the Interlocal Agreement with the Mercer Island School District and the dates for the Micro-Planning Session.

The next City Council Meeting will be Tuesday, September 6.

Councilmember Grausz asked for a report back from the August 17 meeting with the School District regarding road projects. He also asked for an update on the MICA lease.

Board Appointments

There were no appointments.

Councilmember Reports

Councilmember Weiker recognized Youth Development Coordinator Tambi Cork for organizing the Summer Volunteer Program (SVP) and the Volunteer Outreach in Communities Everywhere (VOICE) program.

Councilmember Sanderson spoke about the library re-opening, summer concerts in the parks, and the Open Space Conservancy Trust's ongoing dog leash issue.

Deputy Mayor Bertlin noted that National Night Out is tomorrow and provided an update on the City Manager recruitment process.

ADJOURNMENT

The Regular Meeting adjourned at 9:19 pm.

Bruce Bassett, Mayor

Attest:

Karin Roberts, Deputy City Clerk



CITY COUNCIL MINUTES REGULAR MEETING SEPTEMBER 19, 2016

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 5:00 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz, Jeff Sanderson, Wendy Weiker, David Wisenteiner, and Benson Wong were present.

AGENDA APPROVAL

It was moved by Weiker; seconded by Bertlin to:

Approve the agenda as presented.

Passed 7-0

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

EXECUTIVE SESSION

Executive Session #1 to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 60 minutes.

At 5:01 pm, Mayor Bassett convened Executive Session #1 pursuant to RCW 42.30.110(1)(i) to discuss, with legal counsel, pending or potential litigation for 60 minutes.

At 6:01 pm, Mayor Bassett extended the Executive Session for an additional 15 minutes.

At 6:18 pm, Mayor Bassett adjourned Executive Session #1.

The Regular Meeting reconvened at 6:20 pm.

STUDY SESSION

AB 5215 Small Cell License Agreements

Assistant City Attorney Christina Schuck and Development Service Director Scott Greenberg presented information to the Council regarding Crown Castle's applications to install small cell facilities, on Puget Sound Energy utility poles, in 38 locations throughout the City to address a significant gap in coverage for its client T-Mobile. She spoke about the City and Crown Castle's negotiations regarding a franchise agreement that would allow Crown Castle access to the right-of-way to install small cell facilities.

Representatives from Crown Castle spoke about the significant gaps in T-Mobile's service on Mercer Island and where the small cells would be located to improve that service.

Following questions and discussion, the Council requested additional information regarding the franchise terms and policies and requested another review before first reading of the franchise.

APPEARANCES

Meg Lippert, 4052 94th Ave SE, spoke about MICA's 501(c)(3) status and questioned Councilmember Grausz' legal opinion about MICA being a public organization. She also questioned the fairness to taxpayers of singling out one private entity when others must pay.

Traci Granbois, asked the Council to think about their role in interfering with business competition and whether the results are likely to be beneficial. She spoke about the changes to the City code that MICA has requested, specifically about placing a private development in a public zone.

Tom Acker, noted the improvement in the sound quality of Council meetings on TV; thanked Councilmembers Wisenteiner and Weiker for their genuine dialogue and asking questions at the last Council meeting; believes that communications from the City on NextDoor should be vetted by community members before being posted; requested that the Council vote on whether or not to support ST3; thanked Mayor Bassett for working on Mercer Island dedicated spots at the park-and-ride; asked that a new EIS be issued for ST2 and that the Council conduct a comprehensive traffic engineering study.

Nancy Hewitt-Spaeth, 8320 SE 34th Street, expressed her concerns about getting on and off the Island with the closure of the center lanes. She asked how the Council will protect Island residents' access and mobility during light rail construction.

CONSENT CALENDAR

Payables: \$898,535.21 (09/01/16) & \$508,270.78 (09/12/16)

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

Payroll: \$753,452.48 (09/02/16)

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

Minutes: September 6, 2016 Regular Meeting Minutes

Recommendation: Adopt the September 6, 2016 Regular Meeting Meetings as written.

AB 5218 AFSCME 2016-2017 Collective Bargaining Agreement

Recommendation: Authorize the Interim City Manager to sign the AFSCME Collective Bargaining Agreement with the AFSCME Bargaining Unit for the period of January 1, 2016 through December 31, 2017, in substantially the form attached hereto as Exhibit 1.

It was moved by Wong; seconded by Wisenteiner to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 7-0

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

REGULAR BUSINESS

AB 5216 Mercer Island Library Board Resolution and Charter Update

Parks & Recreation Director Bruce Fletcher presented a Resolution, which would extend the Mercer Island Library Board's charter until December 21, 2018. He stated that the proposed two-year extension allows time for the MILB to transition from a focus on library renovations to a focus on more traditional Library Board agendas to ensure that library services and facilities meet the needs of Mercer Island residents.

Mary Kay Woolsten, MI Library Board Chair, spoke to the Council about what the Board is working on and what they would like to focus on in the future.

It was moved by Sanderson; seconded by Weiker to:

Authorize Resolution No. 1519 to extend the Mercer Island Library Board to sunset on December 31,

2018 as amended.

It was moved by Bertlin; seconded by Grausz to:

Amend Section 2, number 3 of the Charter as follows:

3. **To ensure that any significant proposed changes in Mercer Island Library services and facilities, as determined by the Library Board, are only implemented after input has been provided from Mercer Island residents.**

Motion to Amend Passed 6-1

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

AGAINST: 1 (Weiker)

Amended Motion Passed 6-1

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

AGAINST: 1 (Weiker)

AB 5214 Residential Development Standards Community Engagement Update

DSG Administrative Services Manager Alison Van Gorp presented the community engagement plan for the residential development standards code update. She spoke about the outreach staff has already done and the key findings from discussions with each Councilmember about their feedback on the Town Center process, as well as ideas for improved public engagement going forward. She reviewed each of the three phases for the Residential Development Standards Update Process and provided a timeline for each phase as follows:

Phase 1: Project Kick Off

Phase 2: Policy Analysis and Recommendations (Planning Commission)

Phase 3: Review and Approval of Code Update (City Council)

She also presented an optional budget allocation which would enable staff to engage consultant resources for meeting facilitation as well as to develop graphics for use in community meetings, Planning Commission discussions, and ultimately inclusion in the updated code as several Councilmember's expressed the importance of these.

Council asked about the timeline and whether it could be compressed. Staff responded that ten months from kick-off to code adoption is needed in order to conduct thorough outreach to all residents and thorough review of the proposed changes by the Planning Commission.

It was moved by Weiker; seconded by Wong to:

Approve the \$21,500 optional budget request, which would be funded by the 2015 General Fund surplus, for graphic development and meeting facilitation for the community engagement plan related to the single family residential development code update.

Passed 6-1

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

AGAINST: 1 (Wisenteiner)

AB 5217 I-90 Loss of Mobility Negotiations Status Report

Assistant City Manager Kirsten Taylor presented a draft presentation that staff will be sharing with the community over the next few months regarding Mercer Island I-90 Access & East Link Light Rail Project Update. The presentation covered the historical context of I-90 formal agreements, current negotiation topics, how this affects Island residents, upcoming outreach, and opportunities for the community to give input.

AB 5213 City Council Requests for 2017 Comprehensive Plan Preliminary Docket

Planning Manager Evan Maxim spoke about the recently created process for adding items to the Comprehensive Plan preliminary docket and noted that this is the Council's only opportunity to add items to be studied and debated in 2017.

Following discussion of the telecommunication policies in the Utilities Element, the Council did not place any items on the 2017 preliminary docket.

OTHER BUSINESS

Councilmember Absences

There were no absences.

Planning Schedule

Interim City Manager Bissonnette spoke about upcoming Special Meetings on 9/23, 9/30, and 10/13.

Board Appointments

It was moved by Bertlin; seconded by Weiker to:

Affirm the appointment of Matt Lome to Position #6 (expiring May 2020) on the Arts Council and Tim Ong to Position #3 (expiring December 2016) on the Mercer Island Library Board.

Passed 7-0

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

Councilmember Reports

Councilmember Wong: thanked the Chamber, MIVAL, and the other sponsors of Art Uncorked for a great event; spoke about a letter regarding the Healthy Youth Initiative; asked Council for a response regarding a SCA PIC request for direction on issues.

Councilmember Weiker: thanked staff for the Island Crest Way paving project; invited all to the YFS Open House on October 2 at Luther Burbank Park; invited all to the Pumpkin Walk hosted by MIPA on October 22 in Pioneer Park.

Councilmember Sanderson: gave kudos to staff on the Island Crest Way paving project.

Deputy Mayor Bertlin: spoke about the upcoming Growth Management Planning Committee meeting.

Councilmember Grausz: spoke about a recent Regional Policy Committee where they discussed the mental illness and drug dependency levy.

Councilmember Wisenteiner: spoke about the recent Utility Board meeting.

Deputy Mayor Bertlin: asked for an update on the intersection of SE 40th Street and 86th Ave SE and an update on the MICA SEPA process estimated timeline.

Mayor Bassett: spoke about the agenda for the Joint Meeting with the School Board on October 13; asked the Council Effectiveness Committee to review the guideline for who comments during Appearances should be directed to and if the chair should enforce the guideline.

EXECUTIVE SESSION

Executive Session #2 to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 60 minutes.

At 9:15 pm, Mayor Bassett convened Executive Session #2 pursuant to RCW 42.30.110(1)(i) to discuss, with legal counsel, pending or potential litigation for 60 minutes.

At 9:52 pm, Mayor Bassett adjourned Executive Session #2 and the Regular Meeting reconvened.

ADJOURNMENT

The regular meeting adjourned at 9:52 pm.

Bruce Bassett, Mayor

Attest:

Allison Spietz, City Clerk



CITY COUNCIL MINUTES REGULAR MEETING FEBRUARY 21, 2017

CALL TO ORDER & ROLL CALL

Deputy Mayor Debbie Bertlin called the meeting to order at 5:00 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz, Jeff Sanderson, Wendy Weiker, and Benson Wong were present. Mayor Bruce Bassett and Councilmember David Wisenteiner were absent.

AGENDA APPROVAL

It was moved by Benson; seconded by Weiker to:

Approve the agenda as presented.

Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

EXECUTIVE SESSION

Executive Session #1 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes

At 5:01 pm, Deputy Mayor Bertlin convened Executive Session #1 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for approximately 30 minutes.

At 5:32 pm, Deputy Mayor Bertlin adjourned Executive Session #1.

Executive Session #2 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 30 minutes

At 5:33 pm, Deputy Mayor Bertlin convened Executive Session #2 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for approximately 30 minutes.

At 6:02 pm, Deputy Mayor Bertlin extended the Executive Session for an additional 10 minutes.

At 6:12 pm, Deputy Mayor Bertlin adjourned Executive Session #2, and the Regular Meeting reconvened after a 3-minute break.

STUDY SESSION

AB 5259 Update on Residential Development Standards Project

Planning Manager Evan Maxim provided an update on the progress of the Planning Commission's review of Residential Development Standards. He noted that the three most prominent findings being considered are a proposed reduction of gross floor area from 45% to 40%, impervious surface lot coverage, and tree standards.

Planning Commission Vice-Chair Richard Weinman and Commissioners Tiffin Goodman, Daniel Hubble and Jenni Mechem spoke to the Council about the Planning Commission's process and on the approach they are taking in their debate.

The Council asked questions regarding:

- If the phases are working to help the Commission meet the goals they have set forward.
- If enough resources and assets been devoted to the project to help the Commission be successful in their mission.
- If the public and stakeholders have been given enough opportunities to be informed and comment on the decisions being considered.
- What the Commission and/or Council will do if the changes do not protect the neighborhood, environment, and enhance the community enough.

APPEARANCES

Carolyn Boatsman, 3210 74th Ave SE, spoke in opposition of the Planning Commission's recommendation to remove impervious surface limitations on residential properties.

Daniel Thompson, 7265 N. Mercer Way, expressed disappointment in the plan for the residential development code recommendations. He requested the Council to have Scott Greenberg's Administrative Interpretations reviewed by outside council.

Ira Appelman, 9039 E Shorewood Drive, spoke about I-90 litigation and he spoke in opposition of MICA's use of 32nd St Right of Way and siting in Mercedale Park.

Peter Struck, 9130 SE 54th Street, spoke about advertising and naming rights proposal at the Island Crest Park Ballfields. He asked the Council to put a limit of one year approval on any decision they make, so the idea can be beta tested.

CONSENT CALENDAR

Payables: \$2,634,591.47 (01/19/17) \$489,979.60 (01/26/17), \$523,404.12 (02/09/17)

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

Payroll: \$745,512.73 (01/06/17) & \$862,881.10 (01/20/17) & \$796,322.34 (02/03/17) & \$804,451.82 (02/17/17)

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

Minutes: December 5, 2016 Regular Meeting Minutes, January 3, 2017 Regular Meeting Minutes, January 10, 2017 Special Meeting Minutes, January 12, 2017 Special Meeting Minutes, January 17, 2017 Regular Meeting Minutes, January 20, 2017 Special Meeting Minutes, February 3, 2017 Special Meeting Minutes, February 6, 2017 Regular Meeting Minutes

Recommendation: Adopt the December 5, 2016 Regular Meeting Minutes, January 3, 2017 Regular Meeting Minutes, January 10, 2017 Special Meeting Minutes, January 12, 2017 Special Meeting Minutes, January 17, 2017 Regular Meeting Minutes, January 20, 2017 Special Meeting Minutes, February 3, 2017 Special Meeting Minutes, February 6, 2017 Regular Meeting Minutes as written.

AB 5257 Open Space Conservancy Trust Board Annual Report and Work Plan

Recommendation: Receive report.

It was moved by Weiker; seconded by Sanderson to:

Approve the Consent Calendar and recommendations contained therein.

Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

REGULAR BUSINESS

AB 5261 I-90 Loss of Mobility Status Report

City Manager Julie Underwood provided an update on I-90 Loss of Mobility. She advised that last week, the City filed a complaint with the King County Superior Court that would request the Court delay Sound Transit and WSDOT from closing the I-90 Center Roadway and Island Crest Way until the parties reach an agreement about mobility and access issues for Mercer Island. She noted that the City Council will hold public hearings on March 6, 2017 on the Transportation Concurrency and Essential Public Facilities Moratorium and a Public Institution Zoning Moratorium adopted by the Council on February 13, 2017.

Development Services Director Scott Greenberg spoke about the Planning Commission's schedule to review and recommend code amendments regarding transportation concurrency, essential public facilities and the P zone amendments.

City Manager Underwood also noted that City staff suspended Sound Transit's Shoreline Substantial Development Permit. She spoke about Representative Clibborn proposed House Bill 2129 that would provide access to the current westbound Interstate 90 general purpose lanes from the Island Crest Way on-ramp.

Finance Director Chip Corder provided a recommendation and explanation for how the City could fund litigation within the current budget parameters.

It was moved by Wong; seconded by Weiker to:

Appropriate \$600,000 in the General Fund for I-90/Light Rail litigation and other costs, which would be funded by an estimated \$300,000 remaining balance in the Fire Station 92 Construction Fund and approximately \$300,000 from the unallocated 2015 General Fund surplus.

It was moved by Grausz; seconded by Sanderson to:

Amend the previous motion to include:

And direct staff to come back at no later than the second April meeting with an update on finances and alternatives for revenue additions and/or expense reductions to pay for the costs of this litigation.

Motion to Amend Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

Amended Main Motion Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

City Manager Underwood requested feedback from the Council on the proposed Strategic and Operational Plan for addressing the I-90 Loss of Mobility.

Deputy Mayor Bertlin encouraged citizens to continue sending in their questions and comments to help encourage Sound Transit to either address citizen's concerns at a future Council meeting.

AB 5258 Island Crest Park Ballfield Advertising

Parks & Recreation Director Bruce Fletcher presented on the status of fundraising efforts to fund park reinvestment and improvement projects. He requested direction from the Council on outfield banner advertising and field naming rights as possible fundraising programs for the Island Crest Park Ballfields. He noted that the funds brought in by the proposed advertising programs in would go to funding Island Crest Park improvements only.

Following Council discussion, City Manager Underwood summarized the Council's direction to have the Parks and Recreation Director return with an outline on the field naming rights program, but postpone work on the banner advertising program.

AB 5253 Code Amendment Modifying MICC Chapter 3.32 Pertaining to Emergency Management Administration (1st Reading)

City Clerk Ali Spietz presented an ordinance updating MICC 3.32 to reflect the current practice of the Police Department administering the Emergency Management function, which was changed in 2008. She noted that

pursuant to the City Council Rules of Procedure 5.2(3), the City Manager deems this a housekeeping ordinance and recommends it be adopted at first reading.

It was moved by Sanderson; seconded by Grausz to:

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

Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

It was moved by Sanderson; seconded by Wong to:

Adopt Ordinance No. 17C-04, amending Chapter 3.32 MICC pertaining to emergency management administration.

Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

AB 5252 Code Amendment Modifying MICC Chapter 4.20 Pertaining to Claims for Damages (1st Reading)

City Clerk Ali Spietz presented an ordinance updating chapter 4.20 MICC to reflect current practice required by the City's insurance authority and chapter 4.96 RCW pertaining to claims for damages. She noted that pursuant to the City Council Rules of Procedure 5.2(3), the City Manager deems this a housekeeping ordinance and recommends it be adopted at first reading.

It was moved by Wong; seconded by Weiker to:

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

Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

It was moved by Sanderson; seconded by Weiker to:

Adopt Ordinance No. 17C-03, amending Chapter 4.20 MICC pertaining to claims for damages.

Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

AB 5260 Code Amendment Adopting MICC Chapter 2.50 Pertaining to Accepting Donations (1st Reading)

City Attorney Kari Sand presented an ordinance establishing a process for the acceptance of gifts or donations. She noted that pursuant to the City Council Rules of Procedure 5.2(3), the City Manager deems this a housekeeping ordinance and recommends it be adopted at first reading.

After Council discussion, the Council recommended changes to the ordinance regarding acceptance of non-monetary donations.

It was moved by Grausz; seconded by Sanderson to:

Set Ordinance No. 17C-07 to March 3 Council meeting for second reading.

Passed 5-0

FOR: 5 (Bertlin, Grausz, Sanderson, Weiker, Wong)

ABSENT: 2 (Bassett, Wisenteiner)

OTHER BUSINESS

Councilmember Absences

Mayor Bassett and Councilmember Wisenteiner absences were excused.

Planning Schedule

City Manager Underwood reviewed the March 6 agenda with the Council. Councilmember Grausz requested that ARCH staff be present at the March 6 meeting to answer questions from the Council.

Board Appointments

There were no appointments.

Councilmember Reports

Deputy Mayor Bertlin reminded the Council and public about the Residential Development Standards meeting in Saturday, February 25 at 9:30 am at West Mercer Elementary.

ADJOURNMENT

The regular meeting adjourned at 9:03 pm.

Attest:

Bruce Bassett, Mayor

Allison Spietz, City Clerk



***REVISED* CITY COUNCIL MINUTES**
SPECIAL MEETING
JUNE 12, 2017

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 6:04 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Jeff Sanderson, Wendy Weiker (arrived at 6:05 pm), David Wisenteiner and Benson Wong (arrived at 6:20 pm) were present. Councilmember Grausz was absent.

SPECIAL BUSINESS

AB 5314 Public Hearing on Residential Development Standards Code Amendments

Mayor Bassett opened the public hearing at 6:05 pm.

Planning Manager Evan Maxim provided a brief presentation reviewing the Planning Commission's recommended residential code amendments.

David Hoffman, 335 116th Ave SE, Bellevue, Master Builders Association, thanked the Planning Commission and Council for their work on the updates proposed. Master Builder's Architects are concerned about changes made to the floor area ratio recommendations.

Marc Rousso, 8020 SE 34th, Jaymarc Homes, advised that comments have been sent in to staff and Council via email regarding the 88 pages of recommendations published on June 2nd. Councilmember Wisenteiner requested specifics on what changes Mr. Rousso and Jaymarc Homes have made in past project on 74th to show good faith in developing in a way that is acceptable to the community. Mr. Rousso advised they chose to decrease the facade and how the garage was presented to make it more appealing to the neighbors and reduced the floor area.

George Steirer, 7233 Douglas Ave SE, Snoqualmie, Planned Permits, expressed concern about the process for code interpretations. While the Council may agree with the current staff's intent with code interpretations, it is hard to know what future staff's intent may be if there isn't clear direction. Doesn't believe that utility easements should be taken out of net lot area.

Allen Housepian, 4344 90th Ave SE, spoke about the need to have additional space in homes as more and more people work from their homes. Advised that there is no hope of Mercer Island retaining a character in the future of development. Restrictions will only lower property values.

Phil McCullough, from McCullough Architects in Seattle, spoke about a plans document that was distributed to the Council. Expressed concerns about single story homes with daylight basements being excluded under the new code recommendations. Spoke in support of the May draft and expressed concern about the updated draft published.

Randy Koehler, 3056 70th Ave SE, spoke in opposition of the draft and the process. Expressed concern about hidden agendas. Asked Council to take an approach to work with homeowners to utilize their property how they wish in a way that is sustainable.

Mark Coen, 3220 73rd Ave SE, stated that he supports growth that is responsible and reflective of citizens' needs. He encouraged the Council to listen to what people are saying and have that reflected in the code updates. He thinks this code rewrite is not as restrictive as it could be in certain areas. He recognized that developers follow the rules, but believes that the issue is that the rules are not balanced.

Vickie Carper, 9827 SE 42nd Pl, provided a picture to the Council, and read a Alfred Skinner quote. Spoke about homes recently developed where trees were removed and are now ugly. Expressed concerns about diminished property value due to larger homes blocking other properties views.

David Youssefnia, 8214 SE 30th St, spoke in support of the Planning Commission's recommendation to make sports courts exempt from lot area restrictions. Displayed how sports courts do allow water to drain and requested Council to allow them in the new code.

Jim Hummer, 3058 61st SE, spoke about spacing of trees. Asked Council to consider changing set-backs to a sliding scale dependent on house size. Spoke in favor of requiring a construction management plan on large developments.

Dick Winslow, 3761 77th Ave SE, spoke in support of responsible development in the City of Mercer Island retaining the character of the community.

Kristin Hart, 17 Brook Bay Road, spoke about the difficulty that is already in place when a citizen wants to remodel or build a new home. Requested the Council delay changing the code to provide more time for discussion.

Lynn Hagerman, 3058 61st Ave SE, spoke about community interest and support for reasonable code changes addressing massive buildings. Asked the Council to approve the recommended changes presented by the Planning Commission. Support staff's recommendation to remove the sports field exemption. Requests Council limit construction to 2 years.

Lucia Pirzio-Biroli, 4212 West Mercer Way, advised that Mercer Island is the most restrictive development code in any jurisdiction she has worked. Most contentious portion of the recommendation has to do with the reduction of building height.

Carolyn Boatsman, 3210 74th Ave SE, spoke about the need for reduction of maximum building height. Expressed concerns with removing trees 10" or larger.

Barbara Shuman, 3434 74th Ave SE, spoke about frustration with having 7 different construction sites near her home for most of the last year. Advised that that construction crews are creating large ugly staging areas with storage for heavy equipment. Expressed concerns about open pits at the construction sites posing a danger to neighborhood children.

Mary "Molly" Mahoney, 3024 60th Ave SE, presented the Council with a video on her cell phone of construction visible from her front door.

Dan Thompson, 7265 North Mercer Way, expressed concerns that the code recommendations will still allow for larger houses than are presently allowed under the code. Requested Council reject the covered parking restriction reduction.

Charles Zwick, 7422 SE 32nd Street, expressed concerns with restricting covered parking. Vehicles will be forced to park on the already congested streets. More vehicles parked on the street will also present additional dangers to runners and cyclists using the roads.

Suzanne Skone, 2834 60th Ave SE, requested the Council to respect the process the Planning Commission went through and approve the recommendations as presented.

Nancy H Spaeth, 8320 SE 34th St, spoke about homes being torn down at 8400 SE 37th St. Expressed concerns about developers pressuring longtime residents to sell and leave the island.

Shauna Youssefnia, 8214 SE 30th St, requested to support the comments of speaker David Youssefnia regarding sport courts exemption in code recommendations.

Dennis Su, 4184 Crestwood Pl, expressed concerns about the trend of certain large developers in the community requiring the need for strict guidelines. Requested Council have the Design Commission review all plans instead of setting specific percentages or numbers for development.

Robert Thorpe, 5800 W Mercer Way, expressed concern about added complexity for obtaining building permits. Spoke in support of the Planning Commission's recommendations.

Phyllis Chang, 2988 74th Ave SE, expressed the view that additional changes need to be made to the code updates before they are approved. Requested the Council consider the future of the Island.

Erik Jansen, 9428 SE 54th St, spoke in support of neighborhood rights. Asked Council to keep the code simple and enforce it strictly.

Tom Acker, 2427 84th Ave SE, spoke in support of preserving the character of the neighborhood in a way that is respectful of private property rights. Expressed concerns with limiting the amount of covered parking on property.

Mayor Bassett closed the public hearing at 7:47 pm.

Planning Manager Maxim reviewed the schedule of upcoming hearings regarding the residential code amendments.

After discussion, the Council requested staff create a running document to capture questions from Councilmembers as they come up.

ADJOURNMENT

The meeting was adjourned at 7:55 pm.

Bruce Bassett, Mayor

Attest:

Ellie Hooman, Deputy City Clerk



****REVISED** CITY COUNCIL MINUTES**
REGULAR MEETING
JUNE 19, 2017

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 5:02 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz, Jeff Sanderson, Wendy Weiker (arrived at 5:03 pm), David Wisenteiner, and Benson Wong were present.

AGENDA APPROVAL

It was moved by Wong; seconded by Bertlin to:

Approve the agenda as presented.

Passed 7-0

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

STUDY SESSION

AB 5318 Residential Development Standards Code Amendments (continued 1st Reading)

Planning Manager Evan Maxim, DSG Director Scott Greenberg, and DSG Administrative Services Manager Alison Van Gorp presented on the various topics addressed in the Planning Commission's Residential Code Update recommendations to the Council. Council discussion took place regarding the following topics:

- Gross Floor Area;
 - There was Council consensus that gross floor area should not be based upon net lot area.
 - There was Council consensus on limiting gross floor area to 40%.
 - There was Council consensus allowing an increase in gross floor area by 5% for an Accessory Dwelling Unit (ADU)
 - The increase in gross floor area cannot exceed 4,500 sqft on the resulting main home and a 900 sqft limit on the ADU.
 - The allowance for increased gross floor area associated with ADUs will apply to both new and remodeled homes.
 - The Council eliminated the gross floor area allowance for accessible homes.
 - The Council directed staff to return with a plan to incentivize single story construction or maintain current single-story homes. The Council also requested staff to return with suggestions on best practices for gross floor area restrictions on lots (less than 7,000 sqft).
- Building Height;
 - There was Council consensus regarding raising the ceiling height threshold to 12 feet to allow for more builder creativity within the size of the building.
 - The Council accepted the Planning Commission's recommendations regarding limiting maximum building height for homes on a slope to 30 feet measured from the downhill facing façade.
 - The Council modified the average building elevation measurement, to require that it be taken from the existing grade or finished grade (whichever is less).
- Lot Coverage;
 - There was Council consensus to move forward with the staff recommendation of removing the sport court exemption from the Planning Commission's lot coverage recommendations.
 - There was Council consensus to limit hardscape surfaces in the landscaped portion of a lot to 15%.
 - The Council discussed but did not approve having Maker's produce updated example drawings with the changes being proposed under the Residential Code Updates.
 - The Council directed staff to return with examples of developments to look at what could have been built under the current code and what could be built with the proposed changes to the code.

SPECIAL BUSINESS

AB 5322 King County's "Access for All" Ballot Measure Presentation

Executive Director Jim Kelly, from 4Culture provided a brief presentation on Access For All program and future ballot measure that the King County Council and County Executive plan to put forward to the voters.

Prior to the presentation beginning, Mayor Bassett issued a reminder that Council Rules prohibit political statements during Council Meetings. He asked Mr. Kelly to ensure that the presentation is limited to an explanation of what the program is and what the ballot measure is intended to accomplish.

CITY MANAGER REPORT

City Manager Julie Underwood asked citizens to beware of car prowls in City parks. She noted that valuables should never be left in vehicles and to call 911 if you see a crime in progress.

City Manager Underwood made note of the following upcoming community events:

- Shakespeare in the Park: Thursday - Sunday in July & August.
- Mostly Music in the Park: Thursdays, 7 - 8:30 pm in July & August.
- Summer Celebration: Mercerdale and Luther Burbank Parks on July 8 & 9.
- Skateboarding Competition: July 9.

She thanked the Mercer Island Preschool Association for their donation of playground equipment for the South Mercer Playfields.

APPEARANCES

Carolyn Boatsman, 3210 74th Ave SE, spoke about the Residential Code Update and asked Council to reconsider reducing height maximums to 25 feet with an exception for peaked roofs.

Lynn Hagerman, 3058 61st Ave SE, spoke about the Residential Code Update and asked the Council to go back to the original objectives of addressing mass of the buildings and lot coverage to ensure Mercer Island retains its character.

Allen Hovsepian, 4344 90th Ave SE, spoke about the Residential Code Update and asked Council not to legislate how property owners utilize their private property. He stated that character of the neighborhood has to do with the people in the community, not in the design of the homes.

David Youssefnia, 8214 SE 30th St, spoke about Residential Code Update and asked Council to consider keeping the Planning Commission's recommendation of making an exception for sports courts.

Ira Appleman, 9039 E Shorewood Drive, expressed displeasure with the Council's decision to allow the Access for All presentation. He spoke in support of reducing the scale of homes on the Island. He asked the Council and city staff to provide the community with examples of what would be approved under new code amendments as opposed to what would be approved under the current code.

David Hoffman, Master Builders Association, spoke about Residential Code Update and expressed concern about the ability of the code being proposed to address the community's concerns regarding bulk and scale of new construction and remodels. He advised in other jurisdictions that have taken the steps being discussed here have resulted in more construction of buildings with flat roofs.

Gary Robinson, 6026 E Mercer Way, spoke about Residential Code update and asked Council to consider the effects code updates will have on the small town/village feel of the Island.

CONSENT CALENDAR

Mayor Bassett moved AB 5321: City Council Rules of Procedure Amendments Adoption to the first item of Regular Business.

Payables: \$182,856.75 (06/08/2017), \$747,796.80 (06/15/2017)

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

Payroll: \$805,367.66 (06/09/2017)

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

Minutes: May 15, 2017 Regular Meeting, June 12 Special Meeting.

Recommendation: Adopt the May 15, 2017 Regular Meeting Minutes and June 12, 2017 Special Meeting Minutes as written.

AB 5310 NPDES Stormwater Code Update (2nd Reading & Adoption)

Recommendation: Adopt Ordinance No. 17C-09, amending chapters 15.09, 15.10, and 15.11 MICC relating to stormwater management standards and stormwater low impact development.

AB 5315 2017 Arterial and Residential Street Overlays Bid Award

Recommendation: Award Schedules 'A', 'B', 'C', and 'D' of the 2017 Arterial and Residential Street Overlays project to Lakeridge Paving Company in the amount of \$1,143,313. Set the total project budget to \$1,377,211 and direct the City Manager to execute the contract.

AB 5295 Adoption of the 6 Year Transportation Improvement Program

Recommendation: Adopt the 2018-2023 Transportation Improvement Program as reflected in Exhibit 1 to AB 5295.

It was moved by Bertlin; seconded by Weiker to:

Approve the Consent Calendar and recommendations therein as amended.

Passed 7-0

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

REGULAR BUSINESS

AB 5321 City Council Rules of Procedure Amendments Adoption

Mayor Bassett requested removal of changes to attendance rules, reference to "hour of adjournment", and change the language regarding proclamation approval.

It was moved by Grausz; seconded by Wisenteiner to:

Approve the Council Rules of Procedure as amended.

Passed 7-0

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

AB 5316 Public Hearing on Freeman Avenue Street Vacation

Public Works Director Jason Kintner provided information about the proposed street vacation of a portion of Freeman Avenue SE. He noted that pursuant to state law and the Mercer Island City Code, a public hearing is required prior to vacating the right-of-way.

Mayor Bassett opened the public hearing at 7:52 pm.

Ira Appleman, 9039 E Shorewood Drive, spoke in opposition of the street vacation. He questioned the property valuation provided in the agenda bill.

Lynn Hagerman, 3058 61st Ave SE, spoke in opposition of the street vacation. She asked Council to preserve all public access points if possible.

Mayor Bassett closed the public hearing at 7:54 pm.

It was moved by Grausz; seconded by Wisenteiner to:

Adopt Ordinance No. 17-16 vacating a portion of Freeman Avenue SE in the City of Mercer Island, Washington.

Passed 7-0

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

AB 5317 I-90 Loss of Mobility Status Report

City Manager Underwood spoke about the upcoming community meeting regarding the settlement agreement with Sound Transit, which was just approved by their Board, is scheduled on June 22 from 7-8:30pm at the West Mercer Elementary School gymnasium. City Manager Underwood also reviewed the results of the community transportation survey.

City Manager Underwood requested that the Council appropriate \$300,000 to fund a Traffic Mitigation Plan which is anticipated to be reimbursed by funds from the Sound Transit settlement.

It was moved by Grausz; seconded by Bertlin to:

Appropriate \$300,000 for a scope of work for a Traffic Congestion Mitigation and Safety Improvement Plan, which will be funded by the Sound Transit settlement funds, with an initial expenditure of no more than \$50,000 until the Sound Transit Agreement has been signed, and to have staff return with the work plan that will be included in the agreement.

Passed 4-3

FOR: 4 (Bassett, Bertlin, Grausz, Wong)

AGAINST: 3 (Sanderson, Weiker, Wisenteiner)

AB 5319 CenturyLink Cable Franchise (2nd Reading & Adoption)

City Attorney Kari Sand presented the proposed ordinance for Cable Franchise Agreement with CenturyLink for second reading. Torry Somers with Century Link addressed Councilmember Grausz's question regarding the requirement of Qwest conducting tree trimming in the City.

It was moved by Grausz; seconded by Bertlin to:

Amend section 1.1.4 on Page 9 of the Agenda Bill to delete the text beginning on line 6 with the word however through the period after the words applicable law.

Failed 1-6

FOR: 1 (Grausz)

AGAINST: 6 (Bassett, Bertlin, Sanderson, Weiker, Wisenteiner, Wong)

It was moved by Wong; seconded by Weiker to:

Adopt Ordinance No. 17-14, approving a cable franchise agreement with CenturyLink.

Passed 5-1

FOR: 5 (Bassett, Sanderson, Weiker, Wisenteiner, Wong)

AGAINST: 1 (Grausz)

ABSTAIN: 1 (Bertlin)

AB 5320 Refunding of Outstanding 2009B Long Term General Obligation (LTGO) Bonds

Finance Director Chip Corder presented an opportunity to save the City over \$500,000 by refunding outstanding 2009B Long Term General Obligation Bonds. He advised that these bonds primarily benefit the sewer fund and this savings will help mitigate the need to raise sewer utility rates for funding of anticipated sewer plan capital improvements.

Financial Advisor Justin Monway from PiperJaffray, and City Bond Counsel Deanna Gregory from Pacifica Law Group attended and were available for questions from the Council.

It was moved by Bertlin; seconded by Weiker to:

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

Passed 7-0

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

It was moved by Bertlin; seconded by Weiker to:

Adopt Ordinance No. 17-17, authorizing the issuance of limited tax general obligation refunding bonds in the aggregate principal amount of not to exceed \$7,000,000 to refund certain outstanding limited tax general obligation bonds of the City and to pay costs of issuing the bonds; providing the form, terms, and covenants of the bonds; delegating authority to approve the final terms of the bonds; and providing for other matters related thereto.

Passed 7-0

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

OTHER BUSINESS

Councilmember Absences

There were no absences.

Planning Schedule

City Manager Julie Underwood noted the change to add a Special Meeting on July 5, to continue the first reading of the Residential Code Update.

Board Appointments

There were no appointments.

Councilmember Reports

Councilmember Wong requested feedback on Veteran's levy to be able to provide to Sound Cities Association. The Council consensus was there is general support of the levy, but there isn't strong feeling one way or there other regarding whether the levy should be 10 cents or 12 cents.

Councilmember Weiker noted the meet the candidates at Northwood Elementary for new Superintendent on Wednesday afternoon.

Deputy Mayor Bertlin and Mayor Bassett attended the retirement celebration for Superintendent Gary Plano.

EXECUTIVE SESSION

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 15 minutes

At 10:25 pm, Mayor Bassett convened the Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 15 minutes.

At 10:40 pm, Mayor Bassett adjourned the Executive Session.

ADJOURNMENT

The Regular Meeting was adjourned at 10:40 pm.

Bruce Bassett, Mayor

Attest:

Ellie Hooman, Deputy City Clerk



CITY COUNCIL MINUTES SPECIAL MEETING JULY 5, 2017

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, and Councilmembers Dan Grausz, Jeff Sanderson, Wendy Weiker (left at 9:49 pm), David Wisenteiner, and Benson Wong were present.

AGENDA APPROVAL

Mayor Bassett added appearances and other business to the agenda.

It was moved by Bertlin; seconded by Wisenteiner to:

Approve the agenda as amended.

Passed 7-0

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

SPECIAL BUSINESS

Parks and Recreation Month Proclamation

Mayor Basset proclaimed July 2017 as Parks and Recreation Month and encourages all citizens to participate in and support the many recreation activities, events, programs and facilities by public and private agencies on Mercer Island and by attending Summer Celebration! this weekend at Mercerdale and Luther Burbank Parks.

APPEARANCES

Johan Valentin, 4346 East Mercer Way, spoke about the side-yard setback portion of the Residential Development Standards. He requested the Council consider creating an exemption to the side-yard setback rules for properties that border greenbelts.

Vicky Harper, 9829 SE 42nd Place, spoke about the new house in her neighborhood that it "sticks out like a sore thumb." Asked Council to protect neighborhood character.

Jason & Melinda Moss, 6550 80th Ave SE, spoke about the amendment to the Crown Castle franchise agreement. Mr. Moss asked the Council to delay approving the amendment as the proposed locations of the small cell facilities violate Mercer Island City Code and Comprehensive Plan.

Charles Czech, 8434 SE 39th Street, spoke about the Residential Development Standards. He asked the Council to keep the development standards the City has today to preserve property values on Mercer Island.

Sue Sherwood, 7444 West Mercer Way, spoke about sister city, Thonon-les-Bains. She thanked the Public Works Department for the flowers in the town center.

David Hoffman, Master Builders Association, 335 116th Ave SE Bellevue, spoke about the Residential Development Standards. He presented a packet of information for the Council to review regarding the proposed code amendments. He asked the Council to focus on design aspects of development.

Dennis Dahl, 2530 70th Ave SE, read a statement from Allen Hovsepian (4344 90th Ave SE) regarding personal property rights. He believes the Residential Development Standards changes should be put in front of the

voters for approval.

Lynn Hagerman, 3058 61st Ave SE, spoke about the Residential Development Standards. She encouraged the Council to stand behind the proposed changes.

David Youssefnia, 8214 SE 30th Street, thanked the Council for their efforts in regards to the Residential Development Standards code update. He advised that the reduction of hardscape in lot coverage makes it difficult to utilize the lot and enjoy outdoor activities on the property. He asked the Council to raise the hardscape allowance to 25%.

Jenni Mechem, 8451 SE 36th Street, spoke about ADA exemption to gross floor area previously discussed by the Council. She believes that the Council should reconsider the ADA exemption with the focus being on encouraging builders to create accessible entries and doorways, to assist in travel to and inside the house.

Greg Hart, 17 Brook Bay Road, advised the Residential Development Standards code update is an important issue for all Islanders and should be put to a vote. He asked the Council to gauge whether the proposed changes would fall in line with the desire of the community, by looking at the percentage of current lots that would be in violation of the new residential development standards. He also noted that many lots have long driveways and the proposed regulations would remove the flag lot allowance, making it difficult for those home owners to do anything with their lot.

Stewart Wallin, 2248 77th Ave SE, spoke about a tree located at the 77th Ave SE Landing. He expressed concern that the tree may be in danger due to the shoreline erosion. He concurred with Jenni Mechem's comments relating to the importance of improving home accessibility.

Suzanne Skone, 2834 60th Ave SE, spoke about the Residential Development Standards code update. She asked the Council to support reducing gross floor area to 40%. She asked the Council to reject the ADU exemption to the gross floor area standard, because there is no guarantee that once the structure is built that it will be used for affordable housing.

Kristin Hart, 17 Brook Bay, does not agree with not allowing any deviations for impervious surfaces requirements. She would like the full community to provide their opinion on the issue of Residential Development Standards by putting it to a vote.

Ira Appelman, 9039 E. Shorewood Drive, doesn't believe that zoning regulations fall under personal property rights. He feels the city staff is too friendly with developers and the Residential Development Standards should be straight forward to eliminate any flexibility in the code. He asked the Council to only regulate tree in lots with new development or redevelopment, and flat lots should be exempt.

Daniel Thompson, 7265 North Mercer Way, expressed concern that the Town Center process is being recreated in the Residential Development Standards process. He concurred with Jenni Mechem's accessibility comments, but didn't agree that a gross floor area exemption is needed for those accessibility improvements to be made. He advised that the Council is not going to be able to limit the scale of homes being built without limiting gross floor area and building height.

Marc Coen, 3220 73rd Ave SE, spoke in support of a letter sent to the Council by Dan Thompson about arborist and enforcement concerns. He feels that the City is lacking in effective tree management both with retention and with strategic removal for safety concerns. He asked the Council to make developers responsible for canopy assessment on individual property, so there is no expense to the City. He asked the Council to consider modeling the Mercer Island tree code after the current tree code in the City of Sammamish.

Nancy Hewitt Spaeth, 8320 SE 34th Street, spoke in opposition to requiring one car garages. She feels that residents need the ability to have larger garages for storage purposes and to prevent vehicles from parking on the streets.

CONSENT CALENDAR

Mayor Bassett moved AB 5323: SE 47th Open Space Drainage Easement Exchange for Trail Easement and AB 5326: Amendment to Small Cell Franchise Agreement with Crown Castle (WA - CLEC, LLC), as requested by

Councilmembers Wong and Grausz, to the first items of Special Business.

AB 5324 2017 Summer Celebration Fireworks Display Permit Approval

Recommendation: Approve the public fireworks display permit for July 8, 2017, sponsored by Summer Celebration!

It was moved by Wisenteiner; seconded by Bertlin to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 7-0

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

SPECIAL BUSINESS

AB 5323 SE 47th Open Space Drainage Easement Exchange for Trail Easement

Councilmember Wong spoke about an amendment to the indemnification provision of the public trail easement.

It was moved by Wong; seconded by Bertlin to:

Grant the proposed private drainage easement in the SE 47th Open Space Property to Millad II LLC in exchange for receiving the proposed public trail easement on the Millad II LLC property at 4709 East Mercer Way, amending the indemnification provision (section 4) in the public trail easement agreement by adding the following language to the end of the first sentence: "but only to the extent that the claims, demands, losses, actions or liabilities do not arise or result from the Grantor's negligence or willful misconduct." and authorize the City Manager to sign the easements.

Passed 7-0

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

AB 5326 Amendment to Small Cell Franchise Agreement with Crown Castle (WA – CLEC, LLC)

Councilmember Grausz asked about the public comment received regarding whether an anchor poles is a utility pole. Planning Manager Evan Maxim noted that guide poles are not defined specifically one way or the other in the franchise agreement.

It was moved by Weiker; seconded by Wong to:

Adopt Ordinance No. 17-18, amending the City's small cell franchise agreement with WA – CLEC LLC (Crown Castle) to revise page 1 of Exhibit C to the agreement in order to properly depict, consistent with NESC standards, the sections and measurements of a typical PSE utility pole in the City of Mercer Island.

Passed 7-0

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

It was moved by Grausz; seconded by Wisenteiner to:

Direct staff to engage with Crown Castle on a possible further amendment to the Crown Castle agreement that would clarify that guide poles and underground utility areas should not be used for small cell facilities

Passed 5-2

FOR: 5 (Bertlin, Grausz, Sanderson, Wisenteiner, Wong)

AGAINST: 2 (Bassett, Weiker)

Councilmember Weiker encouraged staff to consult with PSE as well as Crown Castle regarding the poles.

AB 5325 Residential Development Standards Code Amendments (continued 1st Reading)

Evan Maxim, Planning Manager, continued review of the remaining policies for the Council to address in the proposed ordinance of code amendments for Residential Development Standards as follows:

Lot Coverage - Minimum Allowances:

- Councilmember Grausz' proposal: 60% landscape required and lots with 6,000 sqft or less can have 20%

hardscape, reducing by 1% every 400 sqft, and not less than 10% (594 to 900 sqft)

- Alternative: 60% landscape required and hardscape is greater of 10% of landscape or 600 sqft

Council Direction: Asked to prepare a graph that would depict lot coverage as related to lot area before providing final direction.

Gross Floor Area - Minimum Allowance:

- Councilmember Grausz' proposal: For 45% GFA allowance for 6,000 sqft, 1% reduction in allowed GFA for every 600 sqft of lot area and a minimum allowed GFA of 40%.
- Alternative: Where the allowed GFA is the greater of 40% or 3,000 sqft.

Council Direction: Support alternative where the allowed gross floor area is the greater of 40% or 3,000 sqft, but not more than 45%.

Variance Criteria:

- Planning Commission Recommendation: prohibit / limit variances to GFA, minimum lot size, height, fence height and staff does not recommend adopting this amendment
- Alternative: Limit variance approvals to those circumstances where a house could not otherwise be built on a legal, residential lot and remove ambiguous language regarding groundcover, trees, physical condition of the lot from "d."

Council Direction: Staff propose a solution for "flag lots." Support alternative to limit variance approvals to those circumstances where a house could not otherwise be built on a legal, residential lot and remove ambiguous language regarding groundcover, trees, physical condition of the lot from "d."

Code Interpretations:

- Proposed amendment to allow for an appeal of a code interpretation whenever it relates to a land use project approval.

Council Direction: Support the proposal to allow for an appeal of a code interpretation whenever it relates to a land use project approval.

Tree Code:

Tree Permit and Retention Thresholds

- Planning Commission's Recommendation: Tree permits are not required for trees over 10 inches in diameter. Trees over 10 inches in diameter are subject to retention
- Alternative: Require tree permits for 10-inch trees

Council Direction: Support alternative to require tree permits for 10-inch trees.

Exemptions from Tree Permit

- Planning Commission's Recommendation: Several types of trees are exempt from tree code
- Alternative: Reduce exemptions, and require "after the fact" permit for hazardous tree removal

Council Direction: Support alternative to reduce exemptions and require "after the fact" permit for hazardous tree removal. Also require a permit to remove nuisance trees greater than 10 inches.

Tree Removal and Approval and Tree Retention for Development

- Planning Commission's Recommendation: Code is organized based upon project type (not consolidated)
- Alternative: Consolidate and clarify these sections

Council Direction: Support alternative to consolidate and clarify the tree removal and approval and tree retention for development sections.

Tree Removal Not Associated with a Development Proposal

- Planning Commission's Recommendation: Tree replacement or retention is not required for trees removed if removal is not part of development
- Alternative: Prohibit removal of exceptional trees and require replacement of all removed trees regardless of whether tree removal results from development

Council Direction: Require replacement, but not retention for tree removal not associated with a development proposal.

Tree Removal with a Development Proposal

- Planning Commission's Recommendation: No specific standards for multifamily tree removal
- Alternative: Clarify that tree retention is required for single family and multifamily development. Staff

recommends adopting this amendment

Council Direction: Support alternative to clarify that tree retention is required for single family and multifamily development.

Tree Retention Requirements and Reasonable Best Efforts

- Planning Commission's Recommendation: Require a minimum of 30% retention + reasonable best efforts
- Alternative: Define reasonable best efforts based on GFA and lot / unit limitations

Council Direction: Staff propose further clarifications regarding "reasonable best efforts" to retain trees.

Tree Replacement (Ratio)

- Planning Commission's Recommendation: Replace removed trees at 1:1, 2:1, and 4:1
- Alternative: Replacement trees increased 2:1, 3:1, and 4:1 respectively

Council Direction: Support alternative to replace removed trees at 2:1, 3:1, and 4:1.

Tree Replacement (Size)

- Planning Commission's Recommendation: Allow for limited tree replacement with smaller replacement trees
- Alternative: Clarify that smaller trees cannot be shrubs and limit smaller replacement trees to 20% of required plantings

Council Direction: Support alternative to clarify that smaller trees cannot be shrubs and direct staff to bring back information regarding trees versus shrubs.

Tree Protection Standards

- Planning Commission's Recommendation: Specific tree protection standards + additional ISA Best Management Practices
- Alternative: Eliminate specific protection measures and require compliance with ISA. Staff recommends adopting this amendment

Council Direction: Support alternative to eliminate specific tree protection measures and require compliance with International Society of Arborists (ISA) best management practices.

Trees on Public Property (Parks)

- Planning Commission's Recommendation: Annual tree removal permit for Parks is required
- Alternative: Require replacement trees at same ratio as private development. Staff does not recommend adopting this amendment

Council Direction: Support Planning Commission's Recommendation to require a permit, but not replacement of trees removed on public property (parks).

Tree Removal on Public Property (ROW)

- Planning Commission's Recommendation: Allow for removal on public street by private property owner in some circumstances
- Staff Alternative: Further reduce removal allowances on public street

Council Decision: Support alternative to further reduce allowances for tree removals on public property (ROW).

The Council decided to continue the First Reading to the July 17, 2017 Council Meeting and the August 7, 2017 meeting if needed. Councilmember Weiker asked for visuals to be posted in City Hall with the proposed changes.

Mr. Maxim noted areas of further review, as requested by Council, to be discussed at the July 17 meeting:

- Master Builders Association proposal
- ADUs and Gross Floor Area
- Parking
- Net Lot Area calculations
- Noise regulations
- Other Council proposed edits

OTHER BUSINESS

City Manager Underwood noted that the Arts Council would like to have a Councilmember on the artist selection committee for a mural project. Councilmember Wisenteiner volunteered.

Councilmember Grausz spoke about an incident on the 630 bus route.

City Manager Underwood spoke about canceling the July 24 special meeting. The Council concurred.

ADJOURNMENT

The Special Meeting adjourned at 10:57 pm

Attest:

Bruce Bassett, Mayor

Allison Spietz, City Clerk



CITY COUNCIL MINUTES REGULAR MEETING JULY 17, 2017

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 6:00pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz, Jeff Sanderson (left at 7:40 pm), Wendy Weiker (arrived at 6:03 pm), David Wisenteiner, and Benson Wong were present.

AGENDA APPROVAL

It was moved by Bertlin; seconded by Wong to:

Approve the agenda as presented

Passed 6-0

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

ABSENT: 1 (Weiker)

STUDY SESSION

AB 5332 Proposed Public Engagement Plan on City's Operating & Capital Funding Challenges

Finance Director Chip Corder noted several challenges the City is facing due to an anticipated budget deficit. He presented a proposed public engagement plan and timeline. He thanked the YFS Foundation for their commitment to donating 10% of the YFS budget to help supplement the budget shortfall related to both the City and School District decreasing funding of mental health counselors in the schools due to budget constraints. He explained if after the public engagement process the Council chooses to move forward with a Levy Lid lift, the staff recommendation is to put it on the February 2018 ballot.

Council discussion took place regarding the need to build a diverse citizen committee with a broad spectrum of perspectives and that they be presented with structural change or alternative delivery model options as well as the possibility of a Levy.

Council consensus was to move forward with the February 2018 timeline. Supporting the staff recommended public engagement approach to gauge community support for both an Operating and Capital Improvements Levy.

The Council also decided to assemble a Council Subcommittee made up of Deputy Mayor Bertlin and Councilmembers Weiker and Nice to help direct content for the planned community survey as well as feedback on staff recommendations prior to returning to the full Council.

SPECIAL BUSINESS

Commendation for Jeff Sanderson's Service to the Citizens of Mercer Island

Mayor Bassett read resolution of acknowledgement and commendation of Councilmember Jeff Sanderson. He noted some of Jeff's major accomplishments during his time on the City Council. Councilmembers individually expressed their appreciation for Jeff's service to the community.

Councilmember Sanderson thanked the Council, City staff, and the citizens of Mercer Island for their commitment to making Mercer Island a better place.

CITY MANAGER REPORT

City Manager Underwood introduced Summer Intern Lauren Hansen who is working with the City Manager's Office on several communications projects for the next several weeks.

City Manager Underwood noted the following upcoming events in the community:

- Shakespeare in the Park – July through August
- Mostly Music in the Park – July through August
- Movies in the Park – July 22 & August 19
- Free Workshop on Voice Control over your dog – Tuesday, August 1, 7:00-8:00 pm at Island Crest Park Sportsfield
- Launch of the 8th Annual Letterboxing program in Pioneer Park
- National Night Out, Tuesday, August 1, 5:00-8:00pm

Intern Hansen presented a short video clip on 2017 Summer Celebration event.

APPEARANCES

Johan Valentine, 4346 E Mercer Way, spoke about Residential Development Standard relating to side yard depth requirement. He asked the Council to consider adding an exception to side yard requirements for properties that do not border other dwellings, and there are no plans for a dwelling.

Meg Lippert, 4052 94th Ave SE, spoke about concerns for the native garden in Mercerdale Park that may be removed by MICA development on the site.

Shauna Youssefnia, 8214 SE 30th St, thanked the Council for their commitment to the community. She spoke about Residential Development Standards and asked the Council take their time to give the code revisions the careful thought required. She spoke in opposition to the Council's rejection of the Planning Commission's recommendations regarding sports courts.

David Youssefnia, 8214 SE 30th St, spoke about Residential Development Standards and asked the Council take their time to give the code revisions the careful thought required. He asked the Council to reconsider their rejection of the Planning Commission's recommendation relating to sports courts. He asked the Council to consider increasing the hardscape allowance in lot coverage requirements from 10% to 25% of landscaped area to allow residents to build a deck, patio or sports court.

Scott Swerland, 4304 92nd Ave, spoke about concerns with the level of difficulty to run businesses here on the Island. He spoke in support of allowing home owners the freedom to develop their property how they want to.

Carolyn Boatsman, 3210 74th Ave SE, spoke in support of tree regulation outside of development code. She asked the Council to consider a tree removal rate regulation, and the introduction of a heritage classification for large historical trees in the community unless it poses a safety hazard. Asked the Council to add language to code regarding the Federal requirement to protect Eagle's nests.

Brandy Fox, Mercer Island School District, 4160 86th Ave SE, spoke about concerns with the work hour restrictions being considered in the Residential Development Standards code update. She noted that there are times that the school district has very few options on the timing for when construction takes place, and how long they take to complete. She asked the Council to consider including language for a type 4 administrative variance that would apply to public projects. Allowing for a legal pathway for the district to comply with the changes to the work hour restrictions in the code.

David Hoffman, Master Builders Association, 335 116th Ave SE Bellevue, spoke about item 7 in the Residential Development Standards code update. He felt that the current draft code would have little to no impact on the bulk and size of homes. He recommended that the Council consider promoting optional design elements, such as those provided to the Council before the meeting. He expressed concern with the drafted tree language in the code, noting that he didn't feel the Planning Commission had enough time to give it thorough consideration. In light of other jurisdictions having seen unintended consequences from rushed tree code language, he asked the Council to take their time when reviewing the updates.

Scott Dixon, 2438 62nd Ave SE, spoke about Residential Development Standards. He expressed concerns with how restrictive the 40% gross floor area can be on a smaller lot. He advised that he recently added a master bedroom onto his home to allow his two children to have their own rooms, and the resulting 3 bedroom home took up 45% of the gross floor area on the lot. This remodel wouldn't be allowed under the new code. He asked the Council to consider the impacts this decision will have on the needs of growing families.

Peter Struck, 9130 SE 54th St, thanked Councilmember Sanderson for his service on the Council. He asked the Council to support the appointment of Salim Nice to Councilmember Sanderson's position interim until the election for position 4 is complete. He spoke about the financial challenges the City faces.

Ira Appelman, 9039 E Shorewood Dr, spoke in opposition to the City's public engagement plan. He felt that the City should make cuts to services rather than forcing a tax onto Islanders.

Tom Acker, 2427 84th Ave SE, commended Councilmember Sanderson on his service to the community. He spoke in support of the Council's plan to get the community involved in the budget conversation. He asked the Council to consider the adverse impact an increase of density on the Island will have on demand for public services.

CONSENT CALENDAR

Payables: \$982,842.27 (6/22/2017), \$261,288.64 (6/29/2017), \$182,425.02 (07/06/2017), & \$463,068.93 (07/13/2017)

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

Payroll: \$858,689.09 (6/23/2017) & \$905,795.85 (07/07/2017)

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

Minutes: June 5, 2017 Regular Meeting Minutes, June 19, 2017 Regular Meeting Minutes, & July 5 Special Meeting Minutes

Recommendation: Adopt the June 5, 2017 Regular Meeting Minutes, June 19, 2017 Regular Meeting Minutes, & July 5, 2017 Special Meeting Minutes as written.

AB 5305 Accept MIYFS Foundation Donation

Recommendation: Accept a donation in the amount of \$66,880 from the MIYFS Foundation to restore the Youth Development Coordinator from half-time to full-time status for the 2018 calendar year and to fund additional administrative services rendered by YFS Department staff on behalf of the Foundation.

It was moved by Grausz; seconded by Wisenteiner to:

Approve the Consent Calendar and the recommendations therein as amended.

Passed 6-0

FOR: 6 (Bassett, Bertlin, Grausz, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Sanderson)

REGULAR BUSINESS

AB 5328 City Council Vacancy Options

City Manager Underwood presented three options for filling the vacancy on the Council left by Councilmember Sanderson's resignation.

It was moved by Bertlin; seconded by Wisenteiner to:

Suspend the Council Rules of Procedure and appoint Salim Nice to fill the Council vacancy. To be sworn in on July 18th or an acceptable date thereafter before August 7, 2017.

Passed 6-0

FOR: 6 (Bassett, Bertlin, Grausz, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Sanderson)

AB 5331 I-90/East Link Project Update

City Manager Underwood spoke about the Sound Transit Board's approval of the tentative settlement agreement on June 22nd. She noted that Sound Transit hosted its Light Rail Construction Kick-off meeting on July 12. Sound Transit has identified two additional sites in Bellevue with 50 parking spaces each to help mitigate the closure of South Bellevue Park and Ride. The City is continuing to work with Sound Transit to identify additional parking sites on Mercer Island to alleviate some of the pressures our park and ride is facing.

City Manager Underwood spoke about a federal lobbying strategy in an attempt to get congressional legislation to grandfather Island Crest Way onramp with SOV access.

Council consensus was to follow staff's recommendation to maintain current lobbyist to monitor opportunities, and get a second opinion with other lobbyists on strategies.

AB 5329 Open Space Vegetation Management Biennium Report

Parks Natural Resources Manager Alaine Sommargren presented an update on the Open Space program. She reviewed the 10-year evaluation report and recommendations on how the program could improve going forward. She noted that in the 2015-2016 budget cycle, there was a \$50,000 per year cut to the Open Space program to move to a maintenance only approach. Even at a maintenance only level, City staff has found that costs to perform this work are increasing over time due to the current bidding climate. Because much of the maintenance work is performed through small bid contracts, the current funding levels are not sufficient to meet the maintenance needs of the program.

The Council requested this item be brought back at the September financial update and adjustment and directed staff to spend time on building a plan to eliminate knotweed on the Island

AB 5334 Residential Development Standards Code Amendments (continued 1st Reading)

Evan Maxim, Planning Manager, continued review of the remaining policies for the Council to address in the proposed ordinance of code amendments for Residential Development Standards as follows:

Lot Coverage - Minimum Hardscape Allowance:

Council Direction: Support alternative allowing lot coverage hardscape minimum that is the greater of 15% required landscape area or 800 sqft, but not more than 20%.

Gross Floor Area – Minimum Allowance:

Council Direction: Support alternative allowing gross floor area is the greater of 40% or 3,000 sqft, but not more than 45%.

Planning Manager Maxim reviewed the summary of a case analysis regarding five recently issued building permits with a mix of lot sizes, zoning designations, and lot configurations, where he evaluated lot coverage, gross floor area, building height, and side setbacks. The analysis found that most projects saw a reduction in gross floor area, lot coverage allowance, and required adjustment to building height.

Eagle Nest Tree Code Language:

Council Direction: Add language back into the tree regulations regarding federal requirements when dealing with Eagle nests.

Side Yard Setback:

Council discussion took place addressing citizen comments regarding side yard setback restrictions when property borders a green belt, open space tract, or City park.

Council Direction: Do not have staff propose revisions to the side yard setback exemption.

Master Builders Association Proposal:

Council Direction: Do not move forward with Master Builders Association proposal to reduce bulk through design tradeoffs.

ADUs and Gross Floor Area:

Council Direction: No changes.

Parking:

Council Direction: Reject the Planning Commission's recommendation. Require two parking stalls, one of which is covered, for homes with an area of less than 3,000 square feet of gross floor area. For homes 3,000 sqft or greater, keep the current code language.

Noise Regulations:

Council Direction: Provide an exception to the noise regulations only in exceptional or emergency circumstances and have staff return with language to address non-permitted construction noise.

Timeline for Residential Development Standards Code Update:

Council Direction:

- Extend the timeline for the Residential Development Standards Code Update and build a community outreach plan to ensure the public understands what changes have been made.
- Requested staff return with a summary sheet of the changes that have been made to this point and what items the Council has not yet discussed.

AB 5327 Council Meeting Day Change

The Council reviewed a proposed ordinance regarding changing the day of regular City Council meetings. City Attorney Kari Sand advised that this is a housekeeping item, as it has been previously discussed by the Council.

It was moved by Weiker; seconded by Wong to:

Suspend City Council Rules of Procedure 6.3 requiring a second reading of an ordinance. Adopt Ordinance No. 17C-19 amending chapter 2.06 of the Mercer Island City Code to change the regular Council meeting day to the first and third Tuesdays of the month.

Passed 6-0

FOR: 6 (Bassett, Bertlin, Grausz, Weiker, Wisenteiner, Wong)

ABSENT: 1 (Sanderson)

OTHER BUSINESS**Councilmember Absences**

There were no absences.

Planning Schedule

City Manager Underwood advised that the Residential Development Standards will be continued at the August 7 meeting. She also noted that there will be an Executive Session on August 21 for her six-month performance check-in.

Board Appointments

There were no appointments.

Councilmember Reports

Deputy Mayor Bertlin and Councilmember Grausz attended the recent Parks and Recreation Subcommittee meeting. She noted that she also attended the Eastside Transportation Partnership meeting. Mayor Bassett attended Summer Celebration. He thanked City staff for their hard work putting the event together.

ADJOURNMENT

The Regular Meeting was adjourned at 10:20 pm.

Bruce Bassett, Mayor

Attest:

Ellie Hooman, Deputy City Clerk



CITY COUNCIL MINUTES REGULAR MEETING AUGUST 7, 2017

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, and Councilmembers Dan Grausz, Salim Nice, Wendy Weiker, David Wisenteiner, and Benson Wong were present.

AGENDA APPROVAL

It was moved by Wisenteiner; seconded by Wong to:

Approve the agenda as presented.

Passed 7-0

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

SPECIAL BUSINESS

Swearing-In of Councilmember Salim Nice

City Clerk Ali Spietz conducted the ceremonial swearing-in of Councilmember Salim Nice.

Women's Equality Day Proclamation

Mayor Bruce Bassett proclaimed August 24, 2017 as Mercer Island Women's Equality Day and invited all Mercer Island residents to join together at the Music in the Park concert featuring local band Lemola at Mercerdale Park on August 24, 2017 at 7:00 pm to celebrate Women's Equality Day.

Marine Patrol Recognition

Councilmember Wisenteiner spoke about his experience during Seafair while riding along with Marine Patrol. He spoke about how professional and respectful the officers were when making contact with boaters. He thanked the Police Department and Marine Patrol for all of their work over the weekend.

Police Chief Ed Holmes introduced Marine Patrol Technician Greg Levinson and Sergeant Chad Schumacher. He thanked the Council for the recognition and the support from the community.

CITY MANAGER REPORT

City Manager Julie Underwood provided her report regarding:

- City in the News!
 - Emergency Planning Program on King5
 - Adventure Playground at Island Crest Park on King5
- Seeking financial challenges Community Advisory Group volunteers – deadline to apply Tue, Aug 15
- Mercerdale Hillside utility underground project
- Marine Patrol and CERT - lakeside demonstration of near-shore rescue and overview of marine patrol operations and water safety - Sat, Aug 12
- Cyclemates sculpture unveiling - Sun, Aug 13
- Other Updates
 - Island Crest Park Field Turf Project Underway
 - Communications Assessment - online survey launching in August
 - City Council Meetings move to Tuesdays in September

APPEARANCES

Jean Cole, 3049 71st Ave SE, spoke on behalf of 30 residents who are opposed to the proposed restriping of 77th Ave SE. Because businesses along 77th already having ample parking in their own lots and 77th is too far from the Park and Ride for commuters.

Carolyn Boatsman, 3210 74th Ave SE, spoke about tree code standards both within development code and tree removal when it is not part of any other development. She expressed concerned about the very large trees that may come down and how to protect them. She asked the Council to take a look at Chapter 20.52 of Medina's Tree Management Code, specifically how they address the removal of "Legacy Trees".

Jane Meyer Brahm, 7420 North Mercer Way, spoke about Cyclemates program and the unveiling of the Cyclemates sculpture on Sunday, August 13 from 1-3 pm in front of the mound at Aljoya.

Lloyd Gilman, 7217 80th Ave SE, spoke about transparency hopes for the Citizen Advisory Group being assembled. He spoke about his desire for the City to keep programs like Cyclemates, Soulmates, and Trailmates going.

David Youssefnia, 8214 SE 30th Street, spoke about the Residential Development Code and the unintended consequences of the amendments. Asked the Council to redefine the term hardscape in the code, or go back to the 20% recommendation from the Planning Commission. He believes the proposed amendment is too restrictive.

Traci Granbois, 8440 SE 82nd Street, spoke about commuter parking options being discussed. She expressed concern with the distance between 77th and the Park and Ride.

Ira Appelman, 9039 East Shorewood, spoke in opposition of commuter parking at 77th. He referenced a study conducted by Sound Transit in 2012, where they decided that the 77th location was too far from the Park and Ride to be viable. He believes this proposal is a misuse of funds.

Robin Russell, 7549 SE 29th Street, spoke in opposition to the proposed restriping of 77th Ave SE. She expressed public safety concerns with the removal of bike lanes to add more parking spots.

Sue Sherwood, 7444 West Mercer Way, serves as a board member for Mercer Island Center of the Arts (MICA), spoke about the online commentary of the proposed restriping of 77th Ave SE. She clarified that the proposal to restripe 77th Ave SE is not related to MICA.

CONSENT CALENDAR

Payables: \$1,043,565.55 (07/20/2017) & \$518,544.84 (07/27/2017)

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

Payroll: \$818,795.33 (07/21/2017) & \$812,255.46 (08/04/2017)

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

Minutes: July 17, 2017 Regular Meeting Minutes

Recommendation: Adopt the July 17, 2017 Regular Meeting Minutes as written.

AB 5304 Interlocal Agreement with MISD for Counseling Services

Recommendation: Authorize the City Manager to sign the Interlocal Agreement with the Mercer Island School District for Counseling Services during the 2017-2018 school year.

It was moved by Bertlin; seconded by Wisenteiner to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 7-0

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

REGULAR BUSINESS

AB 5335 Residential Development Standards Code Amendments (5th Reading)

Evan Maxim, Planning Manager, provided an overview of the Community Outreach that has been conducted. He reviewed the remaining policies for the Council to address in the proposed ordinance of code amendments for Residential Development Standards as follows:

Hardscape – Correction:

Council Direction: Staff return with a simpler math formula to address landscaped area increases as slope on property increases. Council will table the issue for now and possibly revisit during the final review.

Tree Code:

Council Direction: Reduce current 50% GFA threshold for exceptional tree removal to 25%. Regarding tree replacement standards, keep the fee in lieu language from current draft code. Require additional replacement trees for exceptional trees. Remand non-development tree retention requirement to the Planning Commission.

Other Council Direction:

ADU Exception on GFA: Councilmember Wong requested the ADU exception on GFA be removed from the RDS amendments because it was not included in the original topics sent to the Planning Commission for consideration. There was Council discussion. Council consensus was to keep the GFA incentive for ADUs in the draft recommendations.

Softscape Devoid of Invasives Requirement: Councilmember Nice requested staff return with language be added to page 22, section 3 to prescribe clearing of invasives in softscape for new single family development. A list of invasives would need to be included. There was Council consensus.

Flag Lot Exception: Councilmember Grausz requested to replace page 22, lines 29-31 with language similar to, “A development proposal on a flag lot that, taking into account driveway routing and width, requires a driveway that occupies more than 25% of the otherwise allowed lot coverage area, in which event the adjustment shall in no event exceed the driveway-occupied lot area greater than 25% of the otherwise allowed lot coverage area; and” There was Council consensus.

Accessible Entry Path: Councilmember Grausz requested “an accessible entry path” be added to the list of preferred practices on page 45, line 36. Council discussion took place. Council consensus was to require an accessible entry path for single story homes that will receive an increased lot coverage.

Timing for Tree Replacement: Councilmember Grausz requested language be added to page 47, line 44 to address when tree replacement should take place so that it is not attempted while construction is still ongoing. Council consensus was to have staff return with language to set a standard that tree replacement should take place at the start of the rainy season unless otherwise advised by the City Arborist.

View Easement Tree Removal: Councilmember Grausz requested that view easement trees on page 48, lines 26-28 be removed from the list of exemptions so that a permit is required for it, and the tree replacement requirement is triggered. There was Council consensus.

Tree Retention – Exceptional Trees: Councilmember Grausz requested the Council look at clarifying this language. Council consensus was to remove the word copse from page 49, line 44. Also to remove section 3(b) from page 50, lines 3-5.

Net Lot Area – Definition: Councilmember Grausz requested a definition be added to page 90, lines 30-31 to void double counting or abuse of common driveway exemptions. Council consensus was to have staff return with language to achieve this goal. There was also Council consensus to eliminate incentives for retaining prioritized trees and to require prioritized trees be a part of the retention criteria.

Tree Replacement in ROW: Councilmember Grausz requested the Council to add a requirement for the City to replace trees that are removed from the ROW, preferably in the same location. City Manager Underwood advised that the ROW team was reduced by 2 FTEs during the recession, which leaves a maintenance burden on staff if

Careful thought isn't given to this type of requirement. She requested to have a policy discussion at a study session in the fall. Council consensus to bring the topic back for a study session in the fall.

DSG Administrative Services Manager Alison Van Gorp spoke about the following community outreach schedule:

- August to early September
 - Short 3 to 5 minutes online videos
 - A primer highlighting the major changes in the draft code
 - Promoted via social media
 - Community workshops with stakeholders
- September 5
 - Council review of feedback
- September 19
 - Council final reading and adoption

Council requested that staff provide prior to the Council final reading a summary sheet to help the public understand the changes with table comparison of the current code and the proposed amendments, an executive summary in plain language, graphics and illustrations.

It was moved by Grausz; seconded by Wong to:

Set Ordinance No. 17C-15, amending the City's Residential Development Standards, for 6th reading on September 5, 2017.

Passed 7-0

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

AB 5333 Short Term Commuter Parking Plan Options

Assistant City Manager Kirsten Taylor presented the following short-term parking solutions being considered:

- Solution A: Sound Transit leases satellite parking on existing routes (served by Metro routes 630, 201, and/or 204).
- Solution B: Sound Transit leases spaces in town center lots controlled by Diamond Parking.
- Other commuter parking options on City properties
 - 77th Ave SE On-Street Parking between SE 27th St and SE 32nd St
 - Luther Burbank Park – South Parking Lot
- Other parking and transit solutions
 - South Bellevue Park & Ride Replacement Parking
 - Metro 630 Shuttle Service Improvements
 - King County Metro Multi-Family Park & Ride Program
 - New Amazon Shuttle

Mayor Bassett requested staff conduct a needs analysis of the community prior to having Sound Transit enter into leases for satellite parking or Diamond Parking options.

The Council directed staff to:

- Increase marketing efforts to encourage use of the 38 underutilized parking stalls in existing leased lots.
- Monitor private parking and private shuttle activities and return to the Council with a proposed code amendment process after six months.
- Return with additional information and cost estimate for using Luther Burbank South lot for commuter parking.

OTHER BUSINESS

Councilmember Absences

There were no absences.

Planning Schedule

City Manager Underwood suggested canceling the August 21 Council meeting, moving the Executive Session which was scheduled for that meeting to September 5 at 5:00 pm.

It was moved by Weiker; seconded by Wisenteiner to:

Cancel the Regular Council Meeting of August 21.

Passed 7-0

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

Board Appointments

There were no appointments.

Councilmember Reports

Councilmembers Weiker and Wong and Mayor Bassett thanked Emergency Manager Jennifer Franklin, Police Chief Ed Holmes and the Police Department for a great National Night Out event.

ADJOURNMENT

The Regular Meeting adjourned at 11:37 pm.

Attest:

Bruce Bassett, Mayor

Allison Spietz, City Clerk



CITY COUNCIL MINUTES REGULAR MEETING SEPTEMBER 5, 2017

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 5:00 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz, Salim Nice (arrived at 5:06 pm), Wendy Weiker (arrived at 5:09pm), David Wisenteiner (arrived at 5:04pm), and Benson Wong were present.

AGENDA APPROVAL

It was moved by Grausz; seconded by Bertlin to:

Approve the Agenda as presented.

Passed 4-0

FOR: 4 (Bassett, Bertlin, Grausz, Wong)

ABSENT: 3 (Nice, Weiker, Wisenteiner)

EXECUTIVE SESSION

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(I) for 60 minutes.

At 5:04 pm, Mayor Bassett convened an Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 60 minutes.

At 6:00 pm, Mayor Bassett extended the Executive Session for 60 minutes.

At 6:55 pm, Mayor Bassett adjourned the Executive Session and the Regular Meeting resumed.

It was moved by Grausz; seconded by Bertlin to:

Move the Executive Session regarding review of the performance of a public employee to the end of the regular meeting.

Passed 4-0

FOR: 4 (Bassett, Bertlin, Grausz, Wong)

ABSENT: 3 (Nice, Weiker, Wisenteiner)

SPECIAL BUSINESS

AB 5343 Letter to the Community – Speaking Out Against Hate Groups and Defending Fundamental Rights

Councilmember Grausz spoke about recent events in Charlottesville, Virginia and elsewhere, which inspired counter-protests and comments from many elected officials. He also spoke of disappointment with the subsequent response from some national leaders and particularly the President which were not only factually incorrect but morally reprehensible. He then read the letter which commits to the residents of Mercer Island that the Council will “remain vigilant in the defense of the fundamental rights of every person in this country to live without fear of retribution or discrimination because of their race, religion, sex, national origin, color, disability, sexual orientation or gender identity.”

It was moved by Grausz; seconded by Bertlin to:

Approve the letter to the community speaking out against hate groups and defending fundamental rights, and direct staff to widely distribute it to the community.

Passed 7-0

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

Flash Family Inspiration Award

Mayor Bassett spoke about the history of the Flash Family Inspirational Award, which recognizes a senior adult member of the community who exemplifies good sportsmanship, and showcases the positive impact that can be made by seniors in our community. Mayor Bassett commended 2017 Award recipient Jack Sameshima for his outstanding work with organizing pickle ball on Mercer Island and creating a welcoming presence for others who might be interested in playing. He spoke of Jack's passion, sportsmanship and winning attitude.

Acting YFS Director Derek Franklin thanked Jack for his leadership keeping elderly citizens active in the community. He advised that Jack's name will be added to the Flash Family Award Historical Plaque which is housed at the Mercer Island Community and Event Center.

Mayor's Day of Concern for the Hungry Proclamation

Mayor Bassett proclaimed September 16, 2017 as Mayor's Day of Concern for the Hungry. The Mayor asked citizens to join in support of the Emergency Feeding Program of Seattle and King County and our local food banks to nourish those who are hungry.

National Recovery Month Proclamation

Mayor Bassett proclaimed September, 2017 as National Recovery Month. The Mayor encouraged the community to observe National Recovery Month by participating in upcoming awareness events and educational programming.

Acting YFS Director Derek Franklin spoke about both the Mayor's Day of Concern for the Hungry Proclamation, the National Recovery Month Proclamation. He thanked the Council for their support of the Youth and Family Services Programs which aim to help members of the community achieve happy and healthy lifestyles, both physically and mentally.

Councilmember Wong advised of King County's upcoming Behavioral Health Legislative Forum on Wednesday, November 8, 2017 from 6-8:30pm at the Seattle Center Exhibition Hall. The Forum is open to the public and a great venue to connect directly with legislators and county councilmembers.

CITY MANAGER REPORT

City Manager Julie Underwood provided her report regarding:

- Lincoln Landing Design Meeting – Wednesday, Sept 5 from 6-8pm at MICEC, Room 102.
- Fall CERT Training – Sept 6 through Oct 18, every Wednesday from 6:30-9:30pm at Mercer Island City Hall Emergency Operations Center.
- Art Uncorked – Friday, Sept 8 from 5-9pm, at Town Center (Between 78th Ave & Sunset Blvd).
- Mercer Island Police Immigration Status Policy.
- "Gathering of the Greens", Updated Date! Monday, Sept 18 from 6-9:00 pm at Mercer Island City Hall.
- Volunteer opportunities:
 - Senior Transportation Program
 - Annual Statewide Bike & Pedestrian County
- Other updates:
 - \$20,000 King County "Get Active/Stay Active" Grant for Island Crest Park Project.
 - \$23,660 Port of Seattle Economic Development Grant to fund new wayfinding signs for Town Center.
 - \$233,240 estate donation to Mercer Island Fire Department from resident Mary Vacchieri.
 - Lemonade stand fundraiser for Mercer Island Fire Department.
 - Changes to community shuttle Route 630.
 - OPEIU Local 8 on strike.

APPEARANCES

Dick Winslow, 3761 77th Ave SE, spoke about a mailing received threatening about threat to property values. Spoke in support of Residential Development Standards code update.

Brian Hilderbrandt, 6880 West Mercer Way, spoke in support of Residential Development Standards code update. He expressed concern regarding issues with over full parking lots at Mercer Island Park and Ride.

Carolyn Boatsman, 3210 74th Ave SE, spoke about Residential Development Standards code update and tree code updates. She felt that most Islanders want exceptional trees to be preserved.

David Youseffnia, 8214 SE 30th St, spoke about concern with the numbering in the Council Meeting agenda of the Residential Development Standards code. He also spoke in opposition to hardscape standards in the code update. He feels the code update is too restrictive.

Mark Denmark, 4810 West Mercer Way, spoke in opposition to Residential Development Standards code update. He feels the code update is too restrictive.

Lynn Hagerman, 3058 61st Ave SE, spoke in support of Residential Development Standards code update.

Randy Bannecker, Seattle King County Realtors, expressed concern that the Residential Development Standards code update may be too restrictive. Asked the Council to take more time before approval, or remove the tree code updates from the code update.

Dan Thompson, 7265 North Mercer Way, spoke in support of Residential Development Standards code update. He asked the Council to approve the code update as soon as possible.

Olivia Lippens, 2740 West Mercer Way, spoke in opposition of Residential Development Standards code update. She expressed concerns with the timeline. She felt that there are many residents who are still unaware of the updates being discussed.

Suzanne Skone, 2834 60th Ave SE, spoke in support of the Residential Development Standards code update. She asked the Council to approve the code update as soon as possible.

Mark Russo, 7525 SE 24th St, spoke about Residential Development Standards code update. He asked the Council to table the vote on this ordinance to give the code update further consideration.

Mike Leahey, 9852 Mercerwood Drive, spoke in support of the Residential Development Standards code update.

David Hoffman, Master Builders Association, 335 116th Ave SE Bellevue, expressed concern that the Residential Development Standards code update may be too restrictive. Asked the Council to take more time before approval and reconsider the recommendations provided by Master Builders Association earlier in the process.

CONSENT CALENDAR

Councilmember Grausz requested AB 5337 to be removed from the Consent Calendar. Mayor Bassett moved it to the first item of Regular Business.

Payables: \$559,196.63 (08/10/2017), \$1,018,138.25 (08/17/2017), \$334,581.37 (08/24/2017), \$713,215.89 (08/31/2017)

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

Payroll: \$868,741.09 (08/18/2017)

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

Minutes: August 7, 2017 Regular Meeting Minutes

Recommendation: Adopt the July 17, 2017 Regular Meeting Minutes as written.

It was moved by Wong; seconded by Wisenteiner to:

Approve the Consent Calendar and the recommendations therein as amended.

Passed 7-0

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

REGULAR BUSINESS**AB 5337 Vacchiery Estate Gift to the Mercer Island Fire Department**

Council discussion took place regarding using this type of gift for Fire Department overtime costs or the fire apparatus sinking fund.

It was moved by Grausz; seconded by Nice to:

Accept the Vacchiery Estate Gift on behalf of the Mercer Island Fire Department and appropriate the full \$233,240 to the fire apparatus sinking fund.

Passed 7-0

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

AB 5341 Residential Development Standards Code Amendments (6th Reading)

Evan Maxim, Planning Manager, provided an overview of the Community Outreach that has been conducted and informed the Council of feedback that has been received from the public. He sought direction from the Council on the following;

Additional Code Amendments:

Council Direction: Support recommended corrections provided in errata sheet and suggested updates to Hardscape standard and Appendix G.

Effective Date of Code Updates:

Council Direction: New code shall go into effect on October 30, 2017.

Additional Resource Allocations:

DSG Director Scott Greenberg spoke about Department need for the part-time Arborist and part-time Code Compliance Officer positions to be made full time to accommodate the increase in their workloads. He advised this increase will be fully funded by permit fee revenue in 2017-2018.

Council Direction: Staff return with agenda bill making the formal request for staffing increase.

Permit Vesting:

Council Direction: Staff return with additional information regarding how vesting would work under the new code when permits are applied for before a lot determination has taken place.

Finance Director Chip Corder addressed some misinformation in the community regarding development revenues, and the impact that changes to the Town Center or residential code have had on them.

It was moved by Bertlin; seconded by Nice to:

Set Ordinance No. 17C-15, amending the City's Residential Development Standards, for 7th reading and adoption on September 19, 2017.

Passed 6-1

FOR: 6 (Bassett, Bertlin, Grausz, Nice, Wisenteiner, Wong)

AGAINST: 1 (Weiker)

AB 5340 Revised Public Engagement Plan on City's Operating & Capital Funding Challenges

Finance Director Chip Corder presented the updated timeline for previously approved public engagement plan regarding the City's operating and capital funding challenges. There was Council consensus to move forward with the revised plan.

AB 5338 Second Quarter 2017 Financial Status Report & Budget Adjustments

Finance Director Chip Corder presented the 2017 2nd Quarter Financial Status Report & Proposed Budget Adjustments, reviewing the following:

- General Fund (revenues, general sales tax, utility tax, licenses, permits and zoning fees, expenditures)
- Utility Fund (water, sewer, stormwater)
- All Other Funds (YFS Fund, Street Duns, Capital Improvement Fund: REET & Project Highlights)
- 2017-2018 Budget Adjustments (previously approved and new requests)

Councilmember Grausz proposed moving \$50,000 of REET funds to Open Vegetation Management program. The Council consensus was to reject the proposal at this time.

It was moved by Wong; seconded by Grausz to:

Adopt Ordinance No. 17-22, amending the 2017-2018 Budget.

Passed 4-3

FOR: 4 (Bassett, Nice, Wisenteiner, Wong)

AGAINST: 3 (Berlin, Grausz, Weiker)

It was moved by Grausz; seconded by Wisenteiner to:

Table AB 5339 to the Regular City Council Meeting on September 19, 2017.

Passed 7-0

FOR: 7 (Bassett, Berlin, Grausz, Nice, Weiker, Wisenteiner, Wong)

OTHER BUSINESS

Councilmember Absences

There were no absences.

Planning Schedule

City Manager Julie Underwood advised that there will be a Study Session on September 19 regarding right of way services and trees.

It was moved by Bassett; seconded by Grausz to:

Move Executive Session #1 to 5pm at the Regular City Council Meeting on September 19, 2017.

Passed 7-0

FOR: 7 (Bassett, Berlin, Grausz, Nice, Weiker, Wisenteiner, Wong)

Board Appointments

Deputy City Clerk Ellie Hooman advised of an Arts Council Vacancy. The City will be accepting applications from interested citizens until September 15, 2017. Applications can be located on the City's website on both the Arts Council page and the Boards and Commissions page. An appointment is expected at the October 3, 2017 Regular City Council Meeting.

Councilmember Reports

Councilmember Wisenteiner noted the Swim Across America-Seattle fundraiser benefiting Seattle Cancer Care Alliance. The event will take place at Luther Burbank Park on Saturday, September 9, 2017.

ADJOURNMENT

The Regular Meeting adjourned at 11:40 pm.

Bruce Bassett, Mayor

Attest:

Ellie Hooman, Deputy City Clerk



CITY COUNCIL MINUTES REGULAR MEETING SEPTEMBER 19, 2017

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 5:00 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Bruce Bassett, Deputy Mayor Debbie Bertlin, and Councilmembers Dan Grausz, Salim Nice, Wendy Weiker (arrived 5:29 pm), and Benson Wong (arrived 5:05 pm) were present. Councilmember David Wisenteiner was absent.

AGENDA APPROVAL

It was moved by Grausz; seconded by Bertlin to:

Amend the agenda to include a second Executive Session after the first Executive Session to discuss, with legal counsel, pending or potential litigation pursuant to RCW 42.30.110 (1)(i) for 15 minutes.

Passed 4-0

FOR: 4 (Bassett, Bertlin, Grausz, Nice)

ABSENT: 3 (Weiker, Wisenteiner, Wong)

EXECUTIVE SESSION

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for one hour

At 5:02 pm, Mayor Bassett convened Executive Session #1 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 60 minutes.

At 6:02 pm, Mayor Bassett adjourned Executive Session #1

Executive Session #2 to discuss, with legal counsel, pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 15 minutes.

At 6:03 pm, Mayor Bassett convened Executive Session #2 to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 15 minutes.

At 6:18 pm, Mayor Bassett adjourned Executive Session #2 and the Regular Meeting reconvened.

STUDY SESSION

AB 5344 Right of Way (ROW) Services Report

Public Works Director Jason Kintner, Right of Way Services Manager Brian Hartvigson and Arborist Hannah Van Pelt provided a general overview of right of way (ROW) services in over 84 miles of roadway and over 300 acres of undeveloped ROW, which are maintained by the ROW Team. Director Kintner noted that the ROW team is responsible for: pavement markings, street sign maintenance, pothole repairs, roadway shoulder work, street sweeping, street light maintenance, sidewalk maintenance, vegetation work, planter bed beautification, and special event & emergency services support.

He spoke about the ROW team staffing history, the ROW tree assessment program, and where the team is headed using new technology, revamping business process, identifying future reinvestment opportunities, and

enhancing the Town Center tree program. Public Works staff will return to Council with recommendations on service levels and input on ROW tree program during the 2019-2020 Budget development in 2018.

At 6:49 pm, the Council took a break. The Regular Meeting reconvened at 7pm.

CITY MANAGER REPORT

City Manager Julie Underwood reported on the following:

- Community Center Drainage & Asphalt Repair Project
- The deadline to submit an application for the Financial Challenges Community Advisory Group (CAG) is October 27.
- The City's first Telephone Town Hall to learn more about the City's Financial Challenges will be held on Wednesday, October 11, 2017 – 7:00-8:00 pm
- The City issued the MICA – SEPA Determination - The Planning Commission will hold a public hearing on Wednesday, October 18, 6:00 pm at City Hall
- A new art exhibit, from the Seattle Chapter of the Colored Pencil Society of America, runs through October 27, 2017 at the Community and Event Center's Mercer Gallery.
- Sand at Island Crest Park is being recycled throughout City Parks and School District fields.
- The City will launch NextRequest in October to help the public access and request public records. The goal is to implement a system that is efficient and streamlined – ultimately saving taxpayer money and requesters' time.
- Thanked the City's CERT Volunteers and expressed that thoughts are with emergency responders who are helping those throughout our country and abroad. You can help, by making a donation to the Red Cross at redcross.org. Give cash and not supplies.

Deputy Mayor Bertlin spoke about Bob Bersos, who had a long history with the City as a Volunteer Firefighter. He served eight years as an Emergency Volunteer. He also served as a Bus Driver for 13 years for the School District. She noted that Bob's service is Friday, Sept. 22, at 4:00 pm at Emmanuel Episcopal Church.

APPEARANCES

Tom Gallagher, 4243 Shoreclub Drive, builder, spoke for his clients who he does not think have been represented in the code amendments process. He stated that the following three items are a disservice to citizens: (1) eliminate concurrent review, (2) not allowing people to buy multiple lots and build large houses, (3) review idea of bigger incentive for daylight basement.

Trevor Reed, 8210 SE 65th Street, spoke in opposition to the Residential Development Standards code update. He stated that if the Council fails to allow development, then it will undermine the provision of amenities in the Town Center that citizens have come to appreciate.

Kathryn Jerkovich, BCRA Plan Designer, 414 Stewart Street, Seattle, spoke about results from analysis of proposed FAR and tree code code rewrite conducted on behalf of JayMarc Homes. BCRA found that individually each proposed change didn't have a large impact, but cumulatively they resulted in an average reduction in buildable area of 24%.

Allen Hovsepian, 4344 90th Ave SE, spoke in opposition to the Residential Development Standards code update. He asked the Council to consider the financial impact this change will have on home values on the Island.

Randy Koehler, 3056 70th Ave SE, RKK Construction, spoke in opposition to the Residential Development Standards code update. He feels that the proposed changes are too restrictive. He expressed concern with buyers choosing to purchase homes somewhere else to avoid Mercer Island's building restrictions.

Jackie Dunbar, 7116 82nd Ave SE, spoke against the portion of the Residential Development Standards code update changing the rules for long platting. She asked the Council to allow for more citizen involvement in the code rewrite process.

Carolyn Boatsman, 3210 74th Ave SE, thanked the Council for their work on the Residential Development Standards and tree code update. She spoke in support of approval of the proposed changes.

Lynn Hagerman, 3058 61st Ave SE, spoke in support of approving the proposed changes.

Manny Cawaling, Executive Director for Youth Theatre Northwest, announced that the 30th Anniversary for YTN begins in November. He advised that enrollment in the groups programs is up. To be able to allow more kids to participate the group needs a larger facility here on the Island. He asked that the Council and the community continue to support MICA so that groups like Youth Theater Northwest can remain on Mercer Island.

Ira Appelman, 9039 E. Shorewood Drive, spoke in support of the changes in the Residential Development Standards code in general. He disagreed with regulating trees on flat lots and still allowing people to purchase multiple lots and combining them to build larger homes. He asked the Council to do more to educate the community on how the code changes will affect development.

Dennis Dahl, 2530 70th Ave SE, spoke in opposition to the Residential Development Standards code update. He advised that the comments listed on the City website in support of more restrictive development codes are from only 1% of Mercer Island's population. He asked the Council to consider the impact this update will have on all of Mercer Island's residents.

CONSENT CALENDAR

Payables: \$392,835.76 (08/03/2017), \$531,223.43 (09/07/2017)

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

Payroll: \$811,962.76 (09/01/2017)

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

Minutes: September 5, 2017 Regular Meeting Minutes

Recommendation: Adopt the September 5, 2017 Regular Meeting Minutes as written.

AB 5342 Port of Seattle Grant Acceptance for Wayfinding Sign Program

Recommendation: Accept the grant from the Port of Seattle, authorize the City Manager to enter into an agreement with the Port of Seattle, and appropriate \$35,490 from the Beautification Fund for the project.

It was moved by Bertlin; seconded by Wong to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 6-0

FOR: 6 (Bassett, Bertlin, Grausz, Nice, Weiker, Wong)

ABSENT: 1 (Wisenteiner)

REGULAR BUSINESS

AB 5345 Residential Development Standards Code Amendments (7th Reading and Adoption)

Planning Manager Evan Maxim presented Ordinance No. 17C-15 for adoption by the City Council.

It was moved by Wong; seconded by Grausz to:

Adopt Ordinance No. 17C-15, amending Mercer Island City Code Titles 8, 17, and 19 on Residential Development Standards as amended, which shall take effect five days after the date of publication, provided the effective date for Attachment A shall be on November 1, 2017.

It was moved by Weiker; seconded by Bassett to:

Amend the previous motion to:

Remove sections 3 and 4 of Ordinance No. 17C-15.

Motion to Amend Failed 2-4
 FOR: 2 (Bassett, Weiker)
 AGAINST: 4 (Bertlin, Grausz, Nice, Wong)
 ABSENT: 1 (Wisenteiner)

It was moved by Grausz; seconded by Wong to:

Amend the previous motion to:

- **Amend Section 3 of Ordinance No. 17C-15 to read as follows: “Pursuant to the Revised Code of Washington (RCW) 36.70B.140, the City Council hereby excludes building and other construction permits associated with single family development from consolidated permit review. This section shall apply to all building and other construction permits associated with single family development received on or after the effective date of this ordinance.”**
- **Amend Section 4 of Ordinance No. 17C-15 to read as follows: “An existing lot shall be a condition precedent for determination of complete application for a building and other construction permit associated with single family home development. This section shall apply to all building and other construction permits associated with single family development received on or after the effective date of this ordinance.”**

Motion to Amend Passed 4-2
 FOR: 4 (Bertlin, Grausz, Nice, Wong)
 AGAINST: 2 (Bassett, Weiker)
 ABSENT: 1 (Wisenteiner)

It was moved by Nice; seconded by Grausz to:

Amend the previous motion to:

Amend Attachment A to Ordinance No. 17C-15 to read as follows:

Amend the sentence starting with the word “permit” on lines 10-13 of page 50 to read: “Permit applications shall be accompanied by documentation of the imminent threat to life or property, ideally in the form of a report by a qualified arborist, but at least in the form of photographs that clearly depict the threat.”

Motion to Amend Passed 6-0
 FOR: 6 (Bassett, Bertlin, Grausz, Nice, Weiker, Wong)
 ABSENT: 1 (Wisenteiner)

It was moved by Nice; seconded by Grausz to:

Amend the previous motion to:

Amend Attachment A to Ordinance No. 17C-15 to read as follows:

Amend the sentence starting with the word “permit” on lines 10-11 of page 50 to read: “Permit approval to remove one or more trees that pose an imminent threat to life or property, such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events, in which event the permit must be applied for within fourteen (14) days of the removal”

Motion to Amend Passed 6-0
 FOR: 6 (Bassett, Bertlin, Grausz, Nice, Weiker, Wong)
 ABSENT: 1 (Wisenteiner)

It was moved by Grausz; seconded by Nice to:

Amend the previous motion to:

Amend Attachment A to Ordinance No. 17C-15 to read as follows:

Amend the sentence starting with the word “permit” in footnote 1 of page 75 to read: “Tree removal associated with a development proposal and authorized through the issuance of a tree removal permit, shall not commence until the later of the end of the appeal period associated with the tree removal permit, or a decision is issued on an administrative appeal of the tree removal permit.”

Motion to Amend Passed 5-1
 FOR: 5 (Bassett, Bertlin, Grausz, Nice, Wong)
 AGAINST: 1 (Weiker)
 ABSENT: 1 (Wisenteiner)

The Council discussed “very large homes” in the R-15 zone and remanded the issue back to the Planning Commission for further review and recommendation.

It was moved by Grausz; seconded by Wong to:

Amend the previous motion to:

Amend Attachment A to Ordinance No. 17C-15 to read as follows:

Further amend Section 3 of Ordinance No. 17C-15 to read as follows: “Pursuant to the Revised Code of Washington (RCW) 36.70B.140, the City Council hereby excludes building and other construction permits associated with single family development of a preliminary short subdivision or preliminary long subdivision from consolidated permit review. This section shall apply to all building and other construction permits associated with single family development of a preliminary short subdivision or preliminary long subdivision received on or after the effective date of this ordinance.”

Motion to Amend Passed 6-0

FOR: 6 (Bassett, Bertlin, Grausz, Nice, Weiker, Wong)

ABSENT: 1 (Wisenteiner)

It was moved by Weiker; seconded by Wong to:

Amend the previous motion to:

Amend Attachment A to Ordinance No. 17C-15 to read as follows:

Amend page 25, line 38, to change 40 percent to 50 percent for the length of the structure's external walls for all new construction and remodels (MICC 19.01.050(D) regarding non-conforming structures will also need to be amended).

Motion to Amend Failed 1-5

FOR: 1 (Weiker)

AGAINST: 5 (Bassett, Bertlin, Grausz, Nice, Wong)

ABSENT: 1 (Wisenteiner)

Main Motion as Amended Passed 5-1

FOR: 5 (Bassett, Bertlin, Grausz, Nice, Wong)

AGAINST: 1 (Weiker)

ABSENT: 1 (Wisenteiner)

The Council decided to move the discussion of the Planning Commission Accompanying Recommendations to their 2018 Planning Session in January for incorporation into DSG and the Planning Commission’s work plans.

It was moved by Grausz; seconded by Bertlin to:

Authorize expansion of the arborist and code compliance officer positions to full-time equivalent positions.

Passed 5-1

FOR: 5 (Bassett, Bertlin, Grausz, Nice, Wong)

AGAINST: 1 (Weiker)

ABSENT: 1 (Wisenteiner)

It was moved by Wong; seconded by Weiker to:

Direct staff to monitor the implementation of the Residential Development Standards and report back to the City Council in 3 to 5 years on the effectiveness of the proposed amendments. Further direct staff to provide the public with information and resources on the adopted regulations and to engage in continuous improvement of the adopted regulations, using the “user group” process.

Passed 5-1

FOR: 5 (Bassett, Bertlin, Nice, Weiker, Wong)

AGAINST: 1 (Grausz)

ABSENT: 1 (Wisenteiner)

AB 5339 2016 General Fund & REET Year-End Surplus Disposition

Finance Director Chip Corder presented the 2016 year-end surplus balances which were driven by a high level of development activity on the Island. He noted that this surplus provides the Council with an opportunity to address one-time operating, capital, and reserve funding needs outside of the biennial budget process. He explained that

the major funding are:

- Projected \$2.0 million deficit in General Fund and Youth & Family Services Fund combined.
- Contingency Fund 2017 needs \$199,115 to meet target balance goal of 10% of General Fund budgeted expenditures.
- Open Space/Vegetation Management Program needs \$160,000 in 2018 to address a dramatic increase in the cost of contracted restoration work.
- Soil remediation at Maintenance Center/Honeywell property is estimated to cost between \$392,000 and \$788,000.
- Maintenance Center renovation/expansion is estimated to cost \$5.92 million.

It was moved by Weiker; seconded by Wong to:

Direct staff to transfer all of the available General Fund surplus from the 2015 and 2016 fiscal years, which amounts to \$1,035,704, to the Contingency Fund, leaving the one-time funding there until the outcome of placing an operating levy lid lift on the November 6, 2018 ballot is known.

It was moved by Bertlin; seconded by Weiker to:

Amend the previous motion as follows:

Direct staff to transfer all of the available General Fund surplus from the 2015 and 2016 fiscal years, which amounts to \$1,035,704, to the Contingency Fund.

Motion to Amend Passed 4-2

FOR: 4 (Bassett, Bertlin, Weiker, Wong)

AGAINST: 2 (Grausz, Nice)

ABSENT: 1 (Wisenteiner)

Amended Main Motion Passed 4-2.

FOR: 4 (Bassett, Bertlin, Weiker, Wong)

AGAINST: 2 (Grausz, Nice)

ABSENT: 1 (Wisenteiner)

It was moved by Wong; seconded by Grausz to:

Direct staff to transfer \$160,000 from the 2017 REET surplus toward the City's open space vegetation management program.

Passed 4-2

FOR: 4 (Bertlin, Grausz, Nice, Wong)

AGAINST: 2 (Bassett, Weiker)

ABSENT: 1 (Wisenteiner)

OTHER BUSINESS

Councilmember Absences

Councilmember Wisenteiner's absence was excused.

Mayor Bassett will be absent October 17 and October 26.

Planning Schedule

City Manager Underwood spoke about:

- Possible Study Session on October 3 regarding the Last & First Mile Study Session
- Upcoming code amendments on October 3
- The Aubrey Davis Park Master Plan Study Session on October 17
- The Joint Meeting with the MISD Board on October 26
- Executive Sessions on October 3 starting at 5pm.

Board Appointments

There were no appointments.

Councilmember Reports

Councilmember Grausz attended the JRC meeting discussing the Community Development Block Grant Program.

Nothing of significance to report.

Deputy Mayor Bertlin attended the Eastside Transportation Partner meeting. She advised that they are currently

building their legislative agenda for 2018, and it is her hope to introduce to the group the idea of the I-90 bike/pedestrian corridor. She also noted that Former Mayor Alan Merkle was recently named as the recipient of the Chevalier de l'Ordre National du Merite by the government of France. This award confers the rank of Knight, and is one of the highest awards given to non-French natives.

Councilmember Nice, along with Deputy Mayor Bertlin and City Manager Underwood, attended an ARCH workshop. He noted that the group shared some recent accomplishments, and some unique ideas in how contributing cities can participate in the program through a fee in lieu role.

Councilmember Weiker attended an Eastside Legislative Forum, noting one of topics discussed was the impact the McCleary school funding decision will have on Eastside communities. She asked City Manager Underwood to collaborate with Superintendent Colosky to determine what these changes will look like for Mercer Island residents. She noted two upcoming candidate forums: Thursday, September 21, 2017, 12pm at the Community Center hosted by Mercer Island Chamber of Commerce and Tuesday, October 10, 2017, 7pm at West Mercer Elementary hosted by the Mercer Island League of Women Voters.

Councilmember Wong attended the Lincoln Landing Community Meeting put on by the Parks and Recreation Department. He attended the SCA Public Issues Committee meeting, noting the main topic of discussion was the opioid crisis in King County and how it ties to the rise in property crime. He plans to attend an impacts of self-driving cars training talk by Forterra on September 20, 2017.

Mayor Bassett, along with several other councilmembers attended "Meeting of the Greens". He commended Sustainability & Communications Manager Ross Freeman for his work in putting the event together.

EXECUTIVE SESSION

Executive Session to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) for one hour

This Executive Session was moved to October 3.

ADJOURNMENT

The Regular Meeting adjourned at 10:57 pm.

Attest:

Bruce Bassett, Mayor

Allison Spietz, City Clerk