



CITY COUNCIL MINUTES SPECIAL MEETING JUNE 21, 2008

CALL TO ORDER:

Mayor Jim Pearman called the meeting to order at 1:02 pm in the Slater Room at the Community Center at Mercer View, 8236 SE 24th Street, Mercer Island, Washington.

ROLL CALL:

Councilmembers Bruce Bassett, Mike Cero, Mike Grady, Dan Grausz, Steve Litzow, Deputy Mayor El Jahncke and Mayor Jim Pearman were present.

SPECIAL BUSINESS

(1) AB 4324 PEAK Settlement Agreement

Development Services Director Steve Lancaster and City Attorney Katie Knight presented a proposed settlement agreement between the Islanders for Common Sense and the Boys and Girls Clubs of King County, and subject to approval by the Mercer Island School District and the City of Mercer Island, regarding the appeal by Islanders for Common Sense of the Planning Commission's Conditional Use Permit decision for the proposed PEAK project.

Under the proposed settlement agreement, Amanda Clark and Islanders for Common Sense would withdraw the currently pending appeal of the Planning Commission's CUP decision on the PEAK proposal. In exchange for this consideration, the Boys and Girls Clubs of King County, the Mercer Island School District and the City of Mercer Island would each agree to a number of specific measures. Proposed commitments by the City of Mercer Island are as follows:

- **School Bus Relocation:** the feasibility of relocating within five years the school bus parking from the existing Mercer Island High School campus to a new location will be researched by the parties. In the event that relocation occurs, the District will engage in a public process to determine the appropriate use or uses for the area now occupied by school bus parking and Islanders for Common Sense will be invited to participate in that public process.
- **Landscape Buffer:** The Boys and Girls Club will follow specific landscape buffering and screening requirements (over and above the standard requirements of the City). Further if the Club fails to satisfy its obligations under the requirements, the District and the City shall be responsible for taking appropriate enforcement action against the Club to ensure its compliance.
- **Ombudsperson:** The City will assign a member of its staff to serve as an ombudsperson to respond to and to address neighborhood concerns associated with the Project and to ensure that the City will enforce the terms of this Agreement, the Development Agreements associated with the Project, and the conditions of the CUP and will attend meetings of the Oversight Committee when requested by Islanders for Common Sense.
- **Oversight Committee:** An oversight committee will be convened to discuss and resolve club operational issues that may impact the neighborhood.
- **Off-Site Parking:** The Boys and Girls Club will be required to "reasonably cooperate with the City in the City's efforts" to prevent participants from parking unlawfully in adjoining neighborhoods. The City will assign an enforcement officer who will spend a sufficient portion of his or her time in the enforcement of parking limitations in the adjoining neighborhoods.
- **Residential Parking Zone:** The City will implement a residential parking zone in the neighborhood in the vicinity of the Project, if the City determines that an appropriate number of residents of the neighborhood desire such a restriction.

- **86th Avenue SE Transportation Issues:** A calming device shall be installed on 86th Avenue SE, south of the Project, to slow traffic down and create gaps between cars. The City will also consider the propriety of installation of a “No Left Turn” sign at the Project driveway that exits onto 86th Avenue SE.
- **Reduced Parking and Additional Landscaping:** Subject to City Council and School Board approval of an amendment to the Development Agreement for the Project, the Club and District agree that the 8 parking spaces closest to 86th Avenue SE in the adjacent parking lot immediately south of the building will be eliminated and enough of the vacated space as is necessary will be used to extend the landscape buffer so as to screen the parking lot.
- **Reduction in Size of Facility/Parking Spaces:** The agreement also includes a commitment by the Boys and Girls Club to reduce the size of the proposed facility by at least 3700 square feet (not to exceed 41, 300 square feet). This would result in an 18-space reduction in the number of parking spaces required by the City Code. The proposed reduction of eight (8) spaces would therefore still comply with the minimum parking requirements established by the City Code.

If the proposed settlement agreement is executed the Islanders for Common Sense would withdraw their appeal, the PEAK project would go before the Design Commission for further approvals and then an administrative decision on a storm water deviation for the site would be made.

Following Council discussion of requiring regulations for green buildings and LEED standards, relocation of the buses, parking enforcement around the site, the connection of the settlement agreement to the development agreement and the use of public money for private enterprise, the following motion was made:

It was moved by Councilmember Litzow; seconded by Councilmember Grausz to:

Authorize the City Manager to execute the proposed settlement agreement and direct staff to prepare a proposed amendment to the PEAK Development Agreement consistent with the provisions of Paragraph 17, for consideration by the City Council, Mercer Island School District and the Boys and Girls Clubs of King County.

Motion passed 5-1 (Councilmember Litzow dissented).

ADJOURNMENT: 1:48 pm

Jim Pearman, Mayor

Attest:

Allison Spietz, City Clerk