



CITY COUNCIL MINUTES REGULAR MEETING SEPTEMBER 15, 2014

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the meeting to order at 7:00 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Councilmembers Debbie Bertlin, Jane Brahm, Tana Senn, Benson Wong, Deputy Mayor Dan Grausz, and Mayor Bruce Bassett were present. Councilmember Mike Cero was absent.

SPECIAL BUSINESS

Mayor's Day of Concern for the Hungry Proclamation

Mayor Bruce Bassett read a proclamation declaring September 27, 2014 as Mayors' Day of Concern for the Hungry and urged all citizens to join the Emergency Feeding Program of Seattle & King County's annual food drive and Mercer Island's local food banks to nourish those who are hungry.

Sari Weiss, Donor Development Officer for Youth and Family Services, thanked those who have collected and donated to the food bank at Youth and Family Services.

Roanoke Inn Day Proclamation

Mayor Bassett read a proclamation declaring September 28, 2014 as Roanoke Inn Day to recognize its 100 year anniversary of doing business on Mercer Island and he encourage all Mercer Island residents (of a legal age) to join with the Mercer Island Rotary Club in gathering for an evening of fellowship on Thursday, September 18, from 5:30 – 7:30pm, at the Roanoke Inn.

Dr. Mak Abulhosn, President of the Mercer Island Rotary Club, thanked the Council for the proclamation and for the recognition of the Roanoke Inn as an institution on Mercer Island

Recognition of Fire Chief Chris Tubbs Service to the Mercer Island Community

City Manager Noel Treat announce that Fire Chief Chris Tubbs had resigned for new position in South Marin... as the Deputy Fire Chief

Mayor Bassett read a resolution acknowledging and commending Fire Chief Chris Tubbs' service to the citizens of Mercer Island. He noted that Chief Tubbs joined the Mercer Island Fire Department in 1982, was appointed Fire Chief in 2008, and served the community dutifully for 32 years. He stated that Chief Tubbs' leadership helped shape the Mercer Island Fire Department of highly capable, skilled individuals that is recognized and respected by the fire service regionally, and that has even grown to influence the profession nationally.

Fire Chief Chris Tubbs thanked the Council for the recognition and for the wonderful experience of working for the Mercer Island community for 32 years.

Councilmembers commented on Chief Tubbs' service and thanked him for his dedication to Mercer Island.

APPEARANCES

Terry Moreman, 3628 72nd Place SE, Executive Director of the Mercer Island Chamber of Commerce, spoke about the Art UnCorked event that was held in the Town Center last week. She noted that over 500 people attended and thanked City staff that helped with all of the preparation. She noted that the event was a huge success,

that the plaza space worked well, and that more events will be planned in the future.

Tom Donahue, 2284 78th Ave SE, spoke about Sound Transit's proposal for bus integration on Mercer Island. He noted Aubrey Davis' work in the 1970s to make I-90 fit into Mercer Island so well. He also spoke about the park-and-ride site and that citizens wanted it to be on the south side of I-90, where the sculpture garden currently is. He recommended that the Council do the best thing for the Island regarding the bus integration and asked for an example of where there is a multi-storied park-and-ride immediately adjacent to a single-family home/neighborhood.

Gary Robinson, 6026 East Mercer Way, spoke about how to get the Council's attention regarding the Mercer Island Library remodel. He asked why the Concerned Citizens Committee is not getting more traction with the Council. He spoke about the rules for producing quality outcomes, which is called management with facts and data, and was encouraged that some Councilmembers have accepted the invitation to visit the library and look at the remodel plans. He noted that the proposed remodel is not what KCLS promised.

Ben Berejka, 8125 SE 79th Street, spoke on behalf of his father Mark Berejka. He thanked Councilmembers for their efforts at the last Council meeting regarding Lakeridge Elementary and passed out a diagram of the new Islander Middle School, which shows that Councilmember Wong's proposal for Lakeridge is essentially identical to how the new IMS will line up next to the Lakes neighborhood. He asked that Council compare the profile of IMS to the School District's letter, which he feels is exaggerated, and hopes that Council will vote for Councilmember Wong's proposal.

Tami Szerlip, 7804 SE 40th Street, spoke about the new elementary school, which will quickly result in growing numbers of patrons using the library after school. She asked how the current plan can be justified going forward when the remodel is clearly under capacity. She noted that Mercer Island residents will not be happy with losing the use of the library for over a year to then discover that the remodel was a quick fix that did not anticipate actual use patterns and future capacity needs. She requested that the Council ask KCLS to put its plans on hold until there is a clear sense of what is needed to best serve the future on Mercer Island.

Meg Lippert, 4052 94th Ave SE, thanked City staff for fixing the water break in her neighborhood. She spoke about the concerns regarding the library remodel plans. She spoke about signatures that have been collected for petitions and the postcards from citizens asking Council to write a letter to the KCLS Board about dropping the renovation plans and pursuing instead what citizens voted for. She noted that resolving the conflict by postponing the renovation plans would give everyone a chance to come together and develop plans that the community loves. She read some of the comments from the postcards.

Ira Appelman, 4436 Ferncroft Road, objects to the giveaway of part of Clarke Beach to a private party. He does not believe that Clarke Beach is surplus property, but the City allowed a property owner to illegally develop a part of the park. He asked why these property owners do not have to remove their encroachments. He spoke about the Clarke Beach appraisal report and that the City will be selling it for much less than it is worth. He stated that Council is giving away part of Clarke Beach.

Al Lippert, 4052 94th Ave SE, spoke about coming to the Council about three years ago and speaking about the mistreatment of the pickle ball players at the community center. He questioned why the quarterly passes are not selling when the Mercer Island pickle ball venue is the best one in the area. He stated that it is up to the Council to find out why this is happening and to fix it.

MINUTES

Regular Meeting Minutes of September 2, 2014

It was moved by Brahm; seconded by Bertlin to:

Adopt the Regular Meeting Minutes of September 2, 2014 as amended.

It was moved by Wong; seconded by Brahm to:

Amend page 5, ABs 5000 & 5001, 2nd Paragraph as follows:

Following discussion, and-debate, and a proposed amendment to the staff's recommendation as rejected by a poll of 4-3, at which point there was consensus to follow Staff's recommendation and the Council directed staff to return on September 15, 2014 for a second reading and adoption.

Motion to Amend Passed 6-0
FOR: 6 (Bassett, Bertlin, Brahm, Grausz, Senn, Wong)
ABSENT: 1 (Cero)

Amended Motion Passed 6-0
FOR: 6 (Bassett, Bertlin, Brahm, Grausz, Senn, Wong)
ABSENT: 1 (Cero)

CONSENT CALENDAR

Deputy Mayor Grausz requested removing AB 4997: Purchase and Sale Agreement Approval for a Surplus Portion of Clarke Beach Park and AB 5007: Third Amendment to the PEAK Settlement Agreement. Mayor Bassett moved AB 4997 to after the Executive Session and AB 5007 to the first item of Regular Business.

Payables: \$543,751.52 (09/03/14)

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

Payroll: \$719,999.05 (09/05/14)

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

It was moved by Bertlin; seconded by Wong to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 6-0

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

ABSENT: 1 (Cero)

REGULAR BUSINESS

AB 5007 Third Amendment to the PEAK Settlement Agreement

Councilmember Grausz asked questions about the dedicated and shared parking spaces in the agreement. MISD Project Manager Brandy Fox responded.

It was moved by Grausz; seconded by Brahm to:

Authorize the City Manager to sign the Third Amendment to the PEAK Development Agreement.

Passed 6-0

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

ABSENT: 1 (Cero)

AB 5006 Fire Station 92 Project Update

Maintenance Director Glenn Boettcher provided an update on the Fire Station 92 Project. Project Manager Amy DeDominicus spoke about issues with the contractor and at the site. She noted that the City has received a more realistic schedule, based on the timeframe and the submittals that are outstanding, in order to "dry in" the building. She spoke about the roof issues and stated that the contractor and the architect are working closely together to put the building envelope together.

Mayor Bassett expressed his concern about the issues with the contractor.

City Manager Treat noted that the City has been very focused on the contractor and that it is a challenge in having to abide by the low bid requirement in awarding construction contracts because it leaves very little room for looking at qualifications and experience. He noted that the City's project team is working very hard and diligent, and that the architect is very engaged as well. He stated that the first priority is to get the project done correctly, which is put ahead of the time element, and that damages will be sorted out towards the end of the project.

Councilmembers asked questions of staff and made comments regarding the following:

- for a further explanation of the roof situation
- stated that what is most disturbing is finding out the contractor may not have been as qualified as the City thought, and that a better process needs to be put in place for reviewing contractors
- whether the City can reasonably expect 25 or more years out of the roof
- what the effects of the extension of housing the fire station in its temporary location will be
- that City staff bring negotiation terms back to Council before any settlements are arrived at
- noted a sense of urgency with the roof due to a change in the weather

Project Manager DeDominicus described the roofing process, noting that there was debris under the cap sheet which ended up puncturing the roof and that there were areas on the roof where the glue didn't adhere. CIP Project Manager Fred Gu stated that the issues will be corrected and that the roof will have a 20 year warranty.

Project Manager DeDominicus stated that this contractor has built several other fire stations and that all of the references were good. She believes the contractor may have grown a little too fast and may have had too many jobs at the same time, and just can't keep up.

Maintenance Director Boettcher noted that the project team has gone to extraordinary lengths to help the contractor. He stated that the project has reached a point where staff has to be open about the contractor's limitations and that City staff has had to take it up another notch with the contractor.

Council asked for a Fire Station Update report at the next Council Meeting.

EXECUTIVE SESSION

To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price for approximately 15 minutes pursuant to RCW 42.30.110(1)(c)

At 8:17 pm, Mayor Bassett adjourned the Regular Meeting and convened the Executive Session to consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price for approximately 15 minutes pursuant to RCW 42.30.110(1)(c).

At 8:33 pm, Mayor Bassett extended the Executive Session for an additional 10 minutes.

At 8:40 pm, Mayor Bassett adjourned the Executive Session.

The Council took a break and the Regular Meeting reconvened at 8:50 pm.

AB 4997 Purchase and Sale Agreement Approval for a Surplus Portion of Clarke Beach Park

The Council will review this item at a future meeting.

AB 5002 Actuarial Valuation of City's Firefighters Pension Fund and LEOFF I Retiree Medical and Long-Term Care

Senior Accounting Manager LaJuan Tuttle and Finance Director Chip Corder presented the results from the actuarial valuation of the City's Firefighters Pension Fund and LEOFF I Retiree Medical and Long-Term Care. Manager Tuttle spoke about the current funding sources for the Firefighters' Pension Fund, Retiree Medical Benefits, and Retiree Long Term Care Benefits. She also presented the summaries of the total estimated liabilities for the three retiree benefits as of January 1, 2014, the assets and future revenues dedicated to pay off these liabilities, and the remaining unfunded liabilities based on two different calculations, one by the contractor (Milliman) and another by the Finance Director.

The Council asked staff to look into buying long-term care insurance for LEOFF I retirees as an alternative to funding the LEOFF 1 Long Term Care Benefits.

AB 5004 Lakeridge Elementary Zoning Code Text Amendment (2nd Reading and Adoption)

Development Service Director Scott Greenberg presented an ordinance for second reading of zoning code text amendments regarding Lakeridge Elementary.

It was moved by Brahm; seconded by Senn to:
Adopt Ordinance No. 14C-09 amending MICC 19.05.010 to change requirements for Lakeridge Elementary.
Passed 4-2
FOR: 4 (Bassett, Brahm, Grausz, Senn)
AGAINST: 2 (Bertlin, Wong)
ABSENT: 1 (Cero)

AB 5005 Lakeridge Elementary Rezone from R-9.6 (Single Family) to P (Public Institution) (2nd Reading and Adoption)

It was moved by Senn; seconded by Brahm to:
Adopt Ordinance No. 14C-10 amending the zoning map (MICC Title 19) designation of Lakeridge Elementary as specifically described from R-9.6 and R-15 Single Family Residential to P, Public Institution.
Passed 6-0
FOR: 6 (Bassett, Bertlin, Brahm, Grausz, Senn, Wong)
ABSENT: 1 (Cero)

AB 5003 Town Center Code Consultant Budget Authorization

Development Service Director Scott Greenberg presented a proposal for a Town Center Code Consultant to assist in the Town Center Visioning Council Subcommittee's top priority of "use zoning to control form and character of development." He noted that in the first phase, to be completed in 2014, the selected consultant will provide the City with recommendations for elements to include in a code amendment and in the second phase, to begin in 2015, the consultant will incorporate the recommendations into a set of design guideline revisions for the Town Center.

It was moved by Senn; seconded by Brahm to:
Appropriate \$25,000 in the Beautification Fund for professional services for phase one of the Town Center Development and Design Guidelines revisions.
Passed 6-0
FOR: 6 (Bassett, Bertlin, Brahm, Grausz, Senn, Wong)
ABSENT: 1 (Cero)

OTHER BUSINESS

Councilmember Absences

Councilmember Cero's absence was excused.
Councilmember Brahm will be absent October 6.

Planning Schedule

City Manager Treat reviewed the Planning Schedule. He noted that there is a joint meeting with the MISD Board on October 16.
Councilmember Senn asked if there would be an update on the new elementary school construction schedule at the joint meeting.
Deputy Mayor Grausz asked if the soil remediation issue would be part of the budget.

Board Appointments

The Mayor will review the Arts Council applicants and make appointments at the next meeting.

Councilmember Reports

Councilmember Wong attended the SCA PIC meeting and noted that a fair amount of time was spent talking about the funding crisis at the Seattle/KC Department of Public Health. He noted that King County is developing a

Youth Action Plan to coordinate services, which are aimed at youth, and is looking for community input from students and young people. He attended the PSRC Regional TOD Advisory Committee meeting. He noted that the Committee is in the process of trying to refine their toolkit to tailor it to local governments and are developing a policy revolving around the Regional Equitable Development Initiative (REDI) Fund to try and raise money to develop property in the TOD's for housing and will be looking for support.

Councilmember Senn noted that Art UnCorked was amazing and was thrilled the event went so well. She was impressed by the age range of people who attended. She read a letter from the Attorney General's Office regarding the library petition submitted to the City.


Councilmember Bertlin noted that Art UnCorked was great and was very well done.

Councilmember Brahm spoke about attending the Transportation Summit and noted that transportation problems are regional, need a regional approach and solution, and that buses in Seattle service the entire region. She spoke about the Arts Council meeting and noted that the Arts Council voted to support the remodeling of one of the rooms at the MICEC to accommodate messy art. She thanked everyone who helped with Art UnCorked for their amazing efforts.

Mayor Bassett stated that the Transportation Summit was a meeting called by the City of Seattle to speak about the fact that they are moving ahead with a ballot measure for a car tab tax. He spoke about a proposed op-ed piece drafted by the Sierra Club. He believes this aligns well with the general message the Council has been delivering, is supportive of signing it, and asked for Council support. He noted that PSE has some concerns about Mercer Island signing the op-ed as it is directed towards PSE. He also spoke about the meeting with WSDOT representatives to ask about how they are implementing R8A such that Mercer Island residents can maintain access to HOV lanes. He noted that the bus rider survey is in progress. He attended an announcement by the King County Executive who announced a push for integrated operations of transit services. He also attended the Mayor's of the Eastside function.

ADJOURNMENT

The Regular Meeting adjourned at 10:13 pm.



Bruce Bassett, Mayor

Attest:



Allison Spietz, City Clerk