CITY OF MERCER ISLAND
CITY COUNCIL MEETING AGENDA

Tuesday
January 17, 2017
5:30 PM

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

Contact: 206.275.7793, council@mercergov.org
www.mercergov.org/council

All meetings are held in the City Hall Council Chambers at 9611 SE 36th Street, Mercer Island, WA unless otherwise noticed

"Appearances" is the time set aside for members of the public to speak to the City Council about any issues of concern. If you wish to speak, please consider the following points: (1) speak audibly into the podium microphone, (2) state your name and address for the record, and (3) limit your comments to three minutes.
Please Note: The Council does not usually respond to comments during the meeting.

REGULAR MEETING

CALL TO ORDER & ROLL CALL, 5:30 PM

AGENDA APPROVAL

EXECUTIVE SESSION

Executive Session to discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes

APPEARANCES, 7:00 PM

CONSENT CALENDAR

(1) Payables: $82,934.12 (1/5/17) & $79,163.82 (1/12/17)

AB 5249 Public Sanitary Sewer Easement Termination – Aegis Living

AB 5250 Code Amendments to Require Installation of Automatic Fire-Sprinkler Systems in New Residential Construction (2nd Reading)

AB 5248 Zoning Code Text Amendment Modifying MICC Title 19 Pertaining to Places of Worship and Impervious Surfaces (2nd Reading)

REGULAR BUSINESS

(2) AB 5247 Fire Station 92 Project Update

(3) AB 5251 I-90 Loss of Mobility Negotiations Status Report

OTHER BUSINESS

Councilmember Absences
Planning Schedule
Board Appointments
Councilmember Reports

ADJOURNMENT

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

Report	Warrants	Date	Amount
Check Register	185041-185067	1/05/17	$ 82,934.12
			$ 82,934.12

S:\FINANCE\NICKIE\LISTS & WORKSHEETS\COUNCIL.DOC

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00185041	01/05/2017	ALPINE PRODUCTS INC	P93421	TM163997	12/20/2016	1,370.87
		HOT TAPE (ARROWS)				
00185042	01/05/2017	CENTURYLINK		OH007559	10/20/2016	3,061.09
		PHONE USEAGE DEC 2016				
00185043	01/05/2017	CONFIDENTIAL DATA DISPOSAL	P93463	90117	12/31/2016	100.00
		Shredding				
00185044	01/05/2017	CRYSTAL SPRINGS	P93433	13123243/122316	12/23/2016	344.29
		Coffee supplies for MICEC.				
00185045	01/05/2017	DRUSCHBA, JOHN F		OH007557	12/23/2016	17.28
		MILEAGE EXPENSE				
00185046	01/05/2017	GAVIGLIO, MIKE		OH007558	12/20/2016	14.04
		MILEAGE EXPENSE				
00185047	01/05/2017	GREATWORK/VILLACOM LLC	P93431	151/150/600	12/14/2016	8,050.00
		Communications Training for Ci				
00185048	01/05/2017	H D FOWLER	P93422	I4405510	12/22/2016	123.15
		18 X 24 CB SOLID COVER				
00185049	01/05/2017	HARRIS COMPUTER SYSTEMS	P93429	MN00095870	10/31/2016	27,197.81
		2017 ICIS Annual Support				
00185050	01/05/2017	HOME DEPOT CREDIT SERVICE	P93416	0290025015616	12/29/2016	31.69
		SCREW EXTRACTOR SETS				
00185051	01/05/2017	MI CHAMBER OF COMMERCE	P93435	OH007563	12/24/2016	1,200.00
		MONTHLY BILLING FOR SERVICES				
00185052	01/05/2017	MOLTZ, ERIC		OH007555	12/29/2016	28.08
		MILEAGE EXPENSE				
00185053	01/05/2017	ORMSBY, ANNA		OH007554	12/21/2016	78.71
		DOG TREETS FOR PATROL CARS				
00185054	01/05/2017	PACIFIC RIM EQUIPMENT RENTAL	P93427	17367A	12/21/2016	519.23
		EXCAVATOR RENTAL				
00185055	01/05/2017	POLICE EXEC RESEARCH FORUM	P93465	4297	12/20/2016	200.00
		Annual dues				
00185056	01/05/2017	PROFORCE LAW ENFORCEMENT	P93246	Q339079PF	01/03/2017	913.07
		Training Taser Warrantee's (4				
00185057	01/05/2017	PUGET SOUND ENERGY		OH007560	12/22/2016	34,236.99
		ENERGY USE DEC 2016				
00185058	01/05/2017	REMOTE SATELLITE SYSTEMS INT'L	P93460	00085242	12/15/2016	48.95
		EMAC Sat phone				
00185059	01/05/2017	RICHARDS, KIMBERLY		OH007553	12/30/2016	704.14
		FURNITURE				
00185060	01/05/2017	SCA	P93434	OH007562	01/18/2017	45.00
		Bassett SCA Dinner Registratio				
00185061	01/05/2017	SOUND SAFETY PRODUCTS	P93412	177125	12/20/2016	1,163.61
		MISC. WORK CLOTHES				
00185062	01/05/2017	SUPPLY SOURCE INC/SAMS, THE	P93414	1613986	12/20/2016	1,547.60
		INVENTORY PURCHASES				
00185063	01/05/2017	WA CITIES INSURANCE AUTHORITY	P93424	101427/428	12/28/2016	80.00
		A. Cartwright Notary Bond				
00185064	01/05/2017	WHISTLE WORKWEAR	P93426	328267	12/16/2016	442.42
		MISC. WORK CLOTHES & RAIN JACK				
00185065	01/05/2017	WILLING, ROBERT		OH007556	12/20/2016	30.24
		MILEAGE EXPENSE				
00185066	01/05/2017	X5 OPCO LLC	P93438	OH007564	12/31/2016	215.92
		MONTHLY LONG DISTANCE JAN-DEC				

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00185067	01/05/2017	VERIZON WIRELESS Cell phone bill-Dec	P93461	9777511845	12/23/2016	1,169.94
					Total	82,934.12

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
Org Key:	***402000***	***- Water Fund-Admin Key***		
P93414	00185062	SUPPLY SOURCE INC/SAMS, THE	INVENTORY PURCHASES	1,547.60
Org Key:	***CM1100***	***- Administration (CM)***		
P93431	00185047	GREATWORK/VILLACOM LLC	Communications Training for Ci	850.00
Org Key:	***CM11SP***	***- Special Projects-City Mgr***		
P93431	00185047	GREATWORK/VILLACOM LLC	I-90 Transportation Mobility P	5,200.00
P93431	00185047	GREATWORK/VILLACOM LLC	Communications Training for Ci	2,000.00
Org Key:	***CO6100***	***- City Council***		
P93434	00185060	SCA	Bassett SCA Dinner Registratio	45.00
Org Key:	***DS4550***	***- Utility Inspection (Clearing)***		
P93413	00185061	SOUND SAFETY PRODUCTS	MISC. WORK CLOTHES	491.45
Org Key:	***FN1100***	***- Administration (FN)***		
P93424	00185063	WA CITIES INSURANCE AUTHORITY	A. Cartwright Notary Bond	40.00
Org Key:	***FN4501***	***- Utility Billing (Water)***		
P93429	00185049	HARRIS COMPUTER SYSTEMS	2017 ICIS Annual Support	9,065.93
Org Key:	***FN4502***	***- Utility Billing (Sewer)***		
P93429	00185049	HARRIS COMPUTER SYSTEMS	2017 ICIS Annual Support	9,065.94
Org Key:	***FN4503***	***- Utility Billing (Storm)***		
P93429	00185049	HARRIS COMPUTER SYSTEMS	2017 ICIS Annual Support	9,065.94
Org Key:	***FNBE01***	***- Financial Services***		
P93435	00185051	MI CHAMBER OF COMMERCE	MONTHLY BILLING FOR SERVICES	1,200.00
Org Key:	***FR1100***	***- Administration (FR)***		
	00185042	CENTURYLINK	PHONE USEAGE DEC 2016	302.07
P93424	00185063	WA CITIES INSURANCE AUTHORITY	J. Judd Notary Bond	40.00
Org Key:	***IS2100***	***- IGS Network Administration***		
	00185042	CENTURYLINK	PHONE USEAGE DEC 2016	2,010.22
P93438	00185066	X5 OPCO LLC	MONTHLY LONG DISTANCE JAN-DEC	215.92
Org Key:	***MT2100***	***- Roadway Maintenance***		
	00185057	PUGET SOUND ENERGY	ENERGY USE DEC 2016	340.64
Org Key:	***MT2300***	***- Planter Bed Maintenance***		
	00185057	PUGET SOUND ENERGY	ENERGY USE DEC 2016	13.47
Org Key:	***MT2500***	***- ROW Administration***		
P93411	00185061	SOUND SAFETY PRODUCTS	SAFETY BOOTS & MISC. WORK CLOT	350.73
Org Key:	***MT3200***	***- Water Pumps***		
	00185057	PUGET SOUND ENERGY	ENERGY USE DEC 2016	3,008.38
Org Key:	***MT3300***	***- Water Associated Costs***		
	00185045	DRUSCHBA, JOHN F	MILEAGE EXPENSE	17.28
	00185046	GAVIGLIO, MIKE	MILEAGE EXPENSE	14.04
Org Key:	***MT3500***	***- Sewer Pumps***		

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00185057	PUGET SOUND ENERGY	ENERGY USE DEC 2016	3,649.56
	00185042	CENTURYLINK	PHONE USEAGE DEC 2016	502.71
P93426	00185064	WHISTLE WORKWEAR	MISC. WORK CLOTHES & RAIN JACK	50.00
Org Key:	***MT3600 - Sewer Associated Costs***			
P93426	00185064	WHISTLE WORKWEAR	MISC. WORK CLOTHES & RAIN JACK	392.42
P93412	00185061	SOUND SAFETY PRODUCTS	SAFETY BOOTS & MISC. WORK CLOT	321.43
	00185052	MOLTZ, ERIC	MILEAGE EXPENSE	28.08
Org Key:	***MT3800 - Storm Drainage***			
P93422	00185048	H D FOWLER	18 X 24 CB SOLID COVER	123.15
	00185065	WILLING, ROBERT	MILEAGE EXPENSE	30.24
Org Key:	***MT4200 - Building Services***			
	00185057	PUGET SOUND ENERGY	ENERGY USE DEC 2016	7,190.62
	00185057	PUGET SOUND ENERGY	ENERGY USE DEC 2016	6,373.10
Org Key:	***MT4501 - Water Administration***			
	00185042	CENTURYLINK	PHONE USEAGE DEC 2016	53.50
Org Key:	***MTBE01 - Maint of Medians & Planters***			
	00185057	PUGET SOUND ENERGY	ENERGY USE DEC 2016	1,134.57
Org Key:	***PO1100 - Administration (PO)***			
P93461	00185067	VERIZON WIRELESS	Cell phone bill-Dec	1,169.94
P93465	00185055	POLICE EXEC RESEARCH FORUM	Annual dues	200.00
Org Key:	***PO1350 - Police Emergency Management***			
P93460	00185058	REMOTE SATELLITE SYSTEMS INT'L	EMAC Sat phone	48.95
Org Key:	***PO1700 - Records and Property***			
P93463	00185043	CONFIDENTIAL DATA DISPOSAL	Shredding	100.00
Org Key:	***PO2150 - Police Support Officer (CJ)***			
	00185053	ORMSBY, ANNA	DOG TREETS FOR PATROL CARS	78.71
Org Key:	***PO4200 - Training (CJ)***			
P93246	00185056	PROFORCE LAW ENFORCEMENT	Training Taser Warrantee's (4	913.07
Org Key:	***PR4100 - Community Center***			
	00185057	PUGET SOUND ENERGY	ENERGY USE DEC 2016	6,883.04
P93433	00185044	CRYSTAL SPRINGS	Coffee supplies for MICEC.	344.29
	00185042	CENTURYLINK	PHONE USEAGE DEC 2016	51.13
Org Key:	***PR6100 - Park Maintenance***			
	00185057	PUGET SOUND ENERGY	ENERGY USE DEC 2016	1,666.41
P93416	00185050	HOME DEPOT CREDIT SERVICE	SCREW EXTRACTOR SETS	31.69
Org Key:	***PR6200 - Athletic Field Maintenance***			
	00185042	CENTURYLINK	PHONE USEAGE DEC 2016	90.33
Org Key:	***PR6500 - Luther Burbank Park Maint.***			
	00185057	PUGET SOUND ENERGY	ENERGY USE DEC 2016	1,731.98
	00185042	CENTURYLINK	PHONE USEAGE DEC 2016	51.13
Org Key:	***PR6600 - Park Maint-School Related***			

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00185057	PUGET SOUND ENERGY	ENERGY USE DEC 2016	797.42
Org Key:	***PR6700 - I90 Park Maintenance***			
	00185057	PUGET SOUND ENERGY	ENERGY USE DEC 2016	660.21
Org Key:	***WR111R - Pavement Markings***			
P93421	00185041	ALPINE PRODUCTS INC	HOT TAPE (ARROWS)	1,370.87
Org Key:	***XR545R - PBF-WMW and 80th Stairs***			
P93427	00185054	PACIFIC RIM EQUIPMENT RENTAL	EXCAVATOR RENTAL	519.23
Org Key:	***YF1100 - YFS General Services***			
	00185059	RICHARDS, KIMBERLY	FURNITURE	704.14
Org Key:	***YF1200 - Thrift Shop***			
	00185057	PUGET SOUND ENERGY	ENERGY USE DEC 2016	787.59
			Total	82,934.12

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Charles L. Corder

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

Report	Warrants	Date	Amount
Check Register	185068-185087	1/12/17	$ 79,163.82
			$ 79,163.82

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Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00185068	01/05/2017	CHAPTER 13 TRUSTEE		OH007568	01/06/2017	1,331.00
		PAYROLL EARLY WARRANTS				
00185069	01/05/2017	MI EMPLOYEES ASSOC		OH007566	01/06/2017	146.25
		PAYROLL EARLY WARRANTS				
00185070	01/05/2017	SHOREWOOD HEIGHTS	P89375	OH007565	01/05/2017	1,000.00
		Rental assistance for Emergenc				
00185071	01/05/2017	UNITED WAY OF KING CO		OH007567	01/06/2017	205.00
		PAYROLL EARLY WARRANTS				
00185072	01/12/2017	ACTIVE ENGINEERING		1611055	01/06/2017	95.20
		PERMIT REFUND				
00185073	01/12/2017	ALLEN, CODEE	P93469	OH007577	12/16/2016	555.00
		Photography & Editing services				
00185074	01/12/2017	BARNETT, JASON		OH007569	01/10/2017	34.00
		PESTICIDE LICENSE RENEWAL				
00185075	01/12/2017	BUSCH, RICHARD		DCI16002	01/06/2017	750.00
		PERMIT REFUND				
00185076	01/12/2017	CENTURYLINK		OH007574	01/01/2017	955.32
		PHONE USE JAN 2017				
00185077	01/12/2017	CORK, TAMBI A		OH007579	11/01/2016	5,822.85
		CADCA CONFERENCE EXPENSE				
00185078	01/12/2017	ELLIS, WILLIAM		OH007570	01/09/2017	272.46
		EOC CABINET MATERIALS				
00185079	01/12/2017	GRAINGER	P93415	9315007436	12/22/2016	64.51
		15/16" SOCKET & WRENCH				
00185080	01/12/2017	JACOBS, LUKE B		OH007585	12/12/2016	37.26
		MILEAGE EXPENSE				
00185081	01/12/2017	KEMP WEST INC		1701002	01/06/2017	1,123.73
		PERMIT REFUND				
00185082	01/12/2017	KENNEDY, MATT		OH007581	12/05/2016	187.25
		MSA IMPACT REPLACEMENT KIT				
00185083	01/12/2017	LEOFF HEALTH & WELFARE TRUST		OH007571	01/10/2017	58,466.28
		JAN 2017 FIRE RETIREES				
00185084	01/12/2017	MAIR, STEPHEN		OH007582	12/20/2016	480.00
		TUITION REIMB				
00185085	01/12/2017	PROFORCE LAW ENFORCEMENT	P93246	297244	12/23/2016	3,620.80
		Training Tasers - S26P (Black)				
00185086	01/12/2017	PUGET SOUND ENERGY		OH007578	10/30/2016	3,566.91
		ENERGY USE JAN 2017				
00185087	01/12/2017	TROY, BRIAN CASEY		OH007573	01/03/2017	450.00
		WORK CLOTHES				
					Total	79,163.82

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
Org Key:	***345000***	***- Technology-Admin Key***		
	00185081	KEMP WEST INC	PERMIT REFUND	32.73
Org Key:	***814072***	***- United Way***		
	00185071	UNITED WAY OF KING CO	PAYROLL EARLY WARRANTS	205.00
Org Key:	***814074***	***- Garnishments***		
	00185068	CHAPTER 13 TRUSTEE	PAYROLL EARLY WARRANTS	1,331.00
Org Key:	***814075***	***- Mercer Island Emp Association***		
	00185069	MI EMPLOYEES ASSOC	PAYROLL EARLY WARRANTS	146.25
Org Key:	***DS0000***	***- Development Services-Revenue***		
	00185081	KEMP WEST INC	PERMIT REFUND	1,091.00
	00185075	BUSCH, RICHARD	PERMIT REFUND	750.00
	00185072	ACTIVE ENGINEERING	PERMIT REFUND	95.20
Org Key:	***FR1100***	***- Administration (FR)***		
	00185076	CENTURYLINK	PHONE USE JAN 2017	167.10
Org Key:	***FR2100***	***- Fire Operations***		
	00185082	KENNEDY, MATT	MSA IMPACT REPLACEMENT KIT	187.25
Org Key:	***FR4100***	***- Training***		
	00185084	MAIR, STEPHEN	TUITION REIMB	480.00
Org Key:	***GGM005***	***- Genera Govt-L1 Retiree Costs***		
	00185083	LEOFF HEALTH & WELFARE TRUST	JAN 2017 FIRE RETIREES	3,943.22
Org Key:	***GX9997***	***- Employee Benefits-Fire***		
	00185083	LEOFF HEALTH & WELFARE TRUST	JAN 2017 FIRE ACTIVE	54,523.06
Org Key:	***IS2100***	***- IGS Network Administration***		
	00185076	CENTURYLINK	PHONE USE JAN 2017	488.77
Org Key:	***MT2100***	***- Roadway Maintenance***		
	00185086	PUGET SOUND ENERGY	ENERGY USE JAN 2017	3,552.29
	00185074	BARNETT, JASON	PESTICIDE LICENSE RENEWAL	34.00
	00185086	PUGET SOUND ENERGY	ENERGY USE DEC 2016	14.62
Org Key:	***MT3100***	***- Water Distribution***		
P93415	00185079	GRAINGER	15/16" SOCKET & WRENCH	64.51
Org Key:	***MT3300***	***- Water Associated Costs***		
	00185080	JACOBS, LUKE B	MILEAGE EXPENSE	24.84
Org Key:	***MT3600***	***- Sewer Associated Costs***		
	00185080	JACOBS, LUKE B	MILEAGE EXPENSE	12.42
Org Key:	***PO1350***	***- Police Emergency Management***		
	00185078	ELLIS, WILLIAM	EOC CABINET MATERIALS	134.06
	00185078	ELLIS, WILLIAM	HAM RADIO CABINETS	112.21
	00185078	ELLIS, WILLIAM	MIRO CABINET PARTS & MILEAGE	26.19
Org Key:	***PO4200***	***- Training (CJ)***		
P93246	00185085	PROFORCE LAW ENFORCEMENT	Training Tasers - S26P (Black)	2,991.81

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P93246	00185085	PROFORCE LAW ENFORCEMENT	Training Taser Batteries (Mode	211.09
P93246	00185085	PROFORCE LAW ENFORCEMENT	Training Taser Cartridges (Mod	181.86
P93246	00185085	PROFORCE LAW ENFORCEMENT	Left Hand Holster (Blackhawk #	118.02
P93246	00185085	PROFORCE LAW ENFORCEMENT	Right Hand Holster (Blackhawk	118.02
Org Key:	***PR1100 - Administration (PR)***			
	00185076	CENTURYLINK	PHONE USE JAN 2017	51.08
Org Key:	***PR4100 - Community Center***			
P93469	00185073	ALLEN, CODEE	Photography & Editing services	555.00
Org Key:	***PR6100 - Park Maintenance***			
	00185087	TROY, BRIAN CASEY	WORK CLOTHES	450.00
Org Key:	***PR6200 - Athletic Field Maintenance***			
	00185076	CENTURYLINK	PHONE USE JAN 2017	86.32
Org Key:	***YF1100 - YFS General Services***			
	00185077	CORK, TAMBI A	SHELF	74.45
Org Key:	***YF1200 - Thrift Shop***			
	00185076	CENTURYLINK	PHONE USE JAN 2017	162.05
Org Key:	***YF2600 - Family Assistance***			
P89375	00185070	SHOREWOOD HEIGHTS	Rental assistance for Emergenc	1,000.00
Org Key:	***YF2800 - Fed Drug Free Communities Gran***			
	00185077	CORK, TAMBI A	CADCA CONFERENCE EXPENSE	5,748.40
			Total	79,163.82

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA

AB 5249
January 17, 2017
Consent Calendar

PUBLIC SANITARY SEWER EASEMENT TERMINATION - AEGIS LIVING	**Proposed Council Action:** Approve termination of the pubic sanitary sewer easement.

DEPARTMENT OF	City Attorney (Kari Sand)
COUNCIL LIAISON	n/a
EXHIBITS	1. Site Plan and Sewer Exhibit 2. Existing Public Sewer Easement 3. Sewer Easement Termination (Draft) 4. Private Sewer Easement Agreement (Draft)
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	$	n/a
AMOUNT BUDGETED	$	n/a
APPROPRIATION REQUIRED	$	n/a

SUMMARY

PROJECT BACKGROUND

The Design Commission approved Aegis Living's proposal for an approximately 104,150 square feet assisted care facility located at 7445 SE 24th Street, which will include outdoor common areas, supportive dining and food service, as well as indoor recreation uses for the residents ("Aegis Property").

Aegis appeared before the Design Commission for two Study Sessions on May 3, 2015 and September 9, 2015, respectively. Following additional review on August 31, 2016, the Design Commission granted Preliminary Design Review approval. The Design Commission unanimously granted final design review on October 12, 2016. This decision is final and binding.

PROJECT SITE PROBLEM AND PROPOSAL

A public sewer main crosses the Aegis Property within a 10' wide public sewer easement originally granted in 1955. The sewer was constructed in 1964 and currently serves the Aegis Property and two uphill lots with potential to serve two undeveloped lots. The final design approved by the Design Commission will require relocation of the existing sewer main to accommodate the location of the proposed building structure and site improvements. See Exhibit 1.

<u>The problem</u>
The Aegis Property and westerly residential lots served by the sewer are subject to steep slopes (20% to 35%), trees/vegetation, an existing retaining wall, and a narrow (10') easement making access to the sewer by Public Works crews very difficult. Current Public Works standards for sewer easements require a

minimum 15' wide easement and restrictions associated with structures and large trees. Given the steep slope, a 6-foot wide gravel access path would also be required at a grade accessible by Public Works maintenance crews and equipment. However, these standards are not achievable for Aegis based on the Design Commission's approval of the design with landscaping, trees and structures within the easement area. Due to the site's existing and proposed topography, providing a gravel access path meeting this requirement is not feasible. This leaves Aegis unable to proceed with their project without addressing this conflict.

<u>The proposal</u>
Aegis proposes the following:

1. Proceed with the project as approved by the Design Commission.
2. Construct a new private sewer to serve Aegis, the two existing homes, and the two vacant lots to the west in a manner that accommodates the location of the proposed building structure.
3. Grant a new private easement for the private sewer substantially in the form of Exhibit 4.
4. Terminate the existing public sewer easement substantially in the form of Exhibit 3 after the new private sewer is constructed and easement granted.

Aegis has been in contact with the affected property owners and prepared a mutually beneficial draft private sewer easement agreement (Ex. 4).

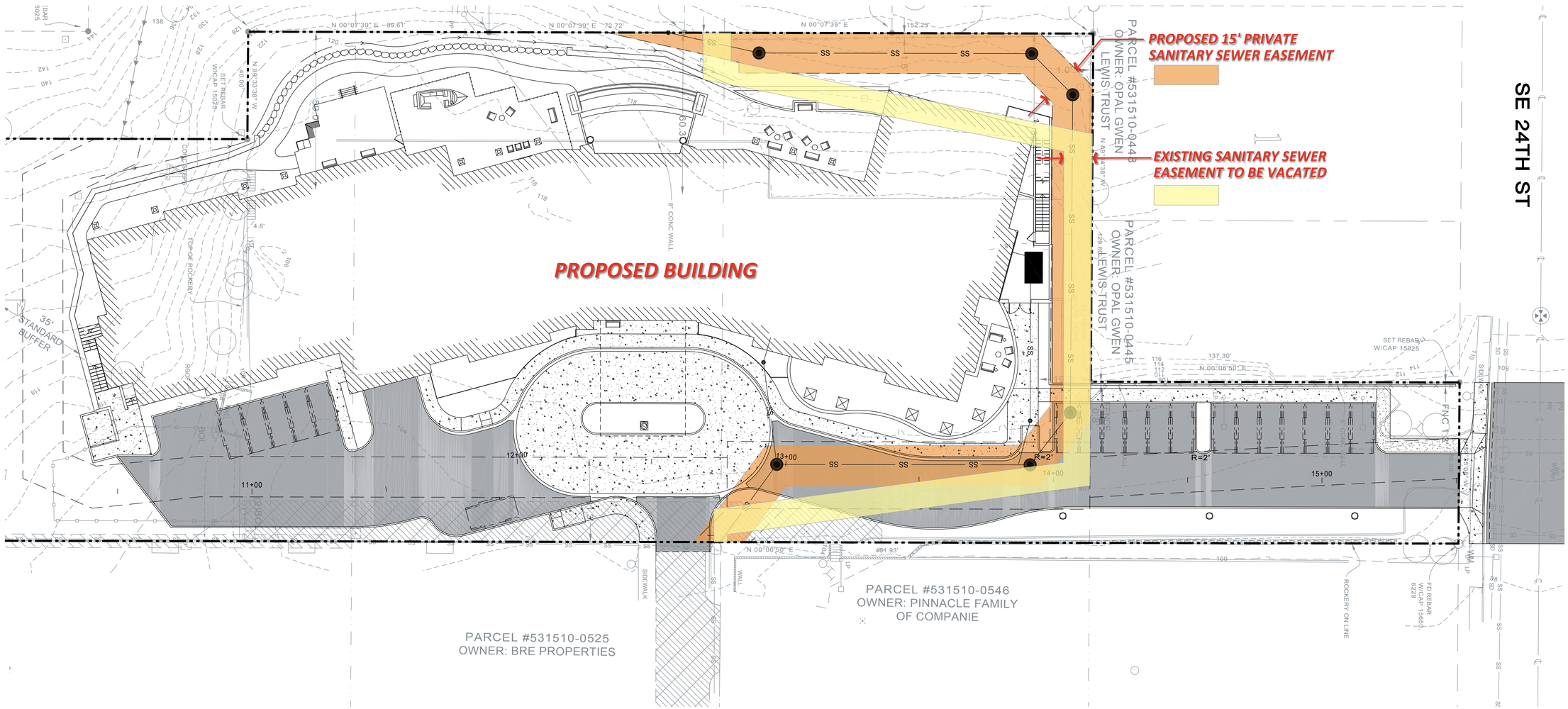
STAFF RECOMMENDATION

Staff recommends that the City Council support the proposal and approve termination of the public sewer easement substantially in the form of Exhibit 3 consistent with the proposal.

RECOMMENDATION

City Attorney

MOVE TO: Approve the termination of the Public Easement for Sewer, King County recording numbers 4655732, 5581325, and 5593899.



HORIZ. 0 10 20 40
Scale In Feet

N

CALL BEFORE YOU DIG 811
UNDERGROUND SERVICE (USA)

SEWER EXHIBIT

SYM	REVISION	DATE
	RESPONSE TO CITY COMMENTS	12/14/16

PACE
An Engineering Services Company
11255 Kirkland Way, Suite 300
Kirkland, WA 98033
p. 425.827.2014 | f. 425.827.5043
Civil | Structural | Planning | Survey
paceengrs.com

Aegis Living
17602 NE UNION HILL ROAD
REDMOND, WA 98052

AB 5249
Exhibit 1
Page 3

AEGIS MERCER ISLAND
7445 SE 24TH STREET
MERCER ISLAND, WA 98040
SEWER EASEMENT EXHIBIT

SCALE:	DATE:
AS SHOWN	12/09/2016
DESIGNED BY:	CHECKED BY:
TC	SS

JOB NUMBER 15501

SHEET: **EXHIBIT**

SHEET _____ OF

FILE NAME: P:\P15\15501 AEGIS MERCER ISLAND\CAD\ENGINEERING\FIGURES\SHEETS\F15501-SP-SEWER.DWG
SAVE TIME: 12/23/2016 8:46:23 AM
PLOT TIME: 1/13/2016 2:37 PM
USER NAME: BRIAN WAY
XREF FILES: PACE34X22.

5593899

B-2

531510-0457, 0525

5593899

AMENDMENT

TO

EASEMENT FOR SEWER

WHEREAS, on November 9, 1955, PERRY E. GROVE and MABEL A. GROVE, his wife, the then owners of the property hereinafter described, granted and conveyed unto MERCER ISLAND SEWER DISTRICT, a municipal corporation of the State of Washington, an easement over, across, along and under the property hereinafter described for the purpose of installing, constructing, maintaining, operating, repairing and replacing a sewer pipe line, which sewer pipe line was thereafter constructed and installed by the sewer district on said easement; and

WHEREAS, the property hereinafter described is now owned in fee simple by MERCERVIEW CONVALESCENT CENTER, INC., a corporation, which proposes to construct on said property a nursing home facility and has requested permission to relocate the existing six inch sewer line and to construct and install, solely at the expense of said corporation, an eight inch sewer line, which will extend around the improvement proposed to be constructed on said property, the construction of such relocated sewer line to be inspected by, and subject to the approval of, the sewer district; and

WHEREAS, it is necessary to amend said Easement for Sewer heretofore granted, and recorded in Vol. 3540 of Deeds at Page 7, King County Auditor's File No. 4655732, to permit the relocation of said sewer line;

NOW, THEREFORE, said Easement for Sewer is hereby amended to read as follows:

5503899

"EASEMENT FOR SEWER

The undersigned, Grantors, for and in consideration of One Dollar ($1.00) and other valuable consideration, the receipt of which is hereby acknowledged, by these presents bargain, sell, transfer and convey unto MERCER ISLAND SEWER DISTRICT, a municipal corporation of the State of Washington, Grantee, an easement over, across, along and under the following described property situated in King County, State of Washington, to-wit:

> Lot 2, less West 110' and Lot 3 less portion in following description: Beginning on West line Lot 2, 75' South of Northwest corner thence East 110' thence South 150' thence West 110' thence North 150' to True Point of Beginning, and Lot 10 Block 6, McGilvra's Island Addition

which is included within the following described strip fifteen (15) feet on either side of a centerline located on said property as follows:

(a) Along the margin between said Lots 3 and 10

(b) Along the North margin of said Lot 10; together with the following easement on Lots 2 and 3 beginning at the Southeast corner of Lot 2, thence West along the South line of Lot 2 a distance of five feet; thence Northwesterly 133 feet more or less to a point 6 feet South and 23 feet West of Northeast corner of Lot 2; thence West and parallel to the North line of Lot 2 a distance of 128 feet; thence Southwesterly a distance of 133 feet more or less to a point on the South line of Lot 2 located 177 feet west of the point of beginning; thence, West along the South line of Lot 2 a distance of 13 feet more or less to a point of termination 110 feet from the Southwest corner of Lot 2.

for the purpose of installing, constructing, maintaining, operating, repairing and replacing the sewer pipe line or lines and all necessary connections and appurtenances hereto, together with the right of ingress and egress to, from and across said described property for the foregoing purposes, provided that upon completion of the construction and installation of said sewer pipe line or lines,

593899

said easement shall cease and determine except as to a strip five (5) feet on either side of said centerline and provided further that in the original installation of such pipe line or lines, Grantee shall immediately after such installation restore said premises to their original condition as near as may be.

MERCERVIEW CONVALESCENT CENTER, INC.

By Mildred Weinmeister
President

By Raymond C. Shepherd
Secretary

SEAL 1962

STATE OF WASHINGTON)
COUNTY OF KING) SS.

On this 8th day of May, 1963, personally appeared Mildred Weinmeister and Raymond C. Shepherd, to me known to be the President and Secretary, respectively, of MERCERVIEW CONVALESCENT CENTER, INC., the corporation that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Claire Locke
Notary Public in and for the State of Washington, residing at ~~Seattle~~, Kirkland Washington

ACCEPTED:

MERCER ISLAND SEWER DISTRICT
King County, Washington

By [illegible] Pres.

ATTEST: [illegible] Sec.

Filed for Record June 7 1963 3:56 P.M.
Request of James Bay
ROBERT A. MORRIS, County Auditor

REGISTERED
VOL. 4417
PAGE 239
Deeds

1953 JUL 7 PM 3 56

FILED for Record at Request of

Name

Address 1612 Northern Life Tower

Seattle 1, Wash.

Amend Ent

AB 5249
Exhibit 2
Page 7

WHEN RECORDED, RETURN TO:

Pacifica Law Group LLP
1191 Second Avenue, Suite 2000
Seattle, Washington 98101
Attn: John De Lanoy

Reference Nos. of Documents Released or Assigned:	4655732; 5581325; 5593899
Grantor:	ASC Mercer Island LLC, a Washington limited liability company
Grantee:	City of Mercer Island, a municipal corporation
Legal Description:	See Exhibit A
Abbrev. Legal:	NW-12-24-4
Assessor's Tax Parcel Number(s):	531510-0457

SEWER EASEMENT TERMINATION

THIS SEWER EASEMENT TERMINATION (this "**Agreement**") is made this ___ day of January, 2017, ("**Effective Date**") by and between ASC Mercer Island LLC, a Washington limited liability company ("**Grantor**"), and the City of Mercer Island, a municipal corporation ("**Grantee**"). Grantor and Grantee may each be referred to in this Agreement collectively as the "Parties."

RECITALS:

A. Grantor, as the current owner of the real property located in King County, Washington and legally described on the attached **Exhibit A** (the "**Grantor Property**") is the Grantor under that certain Easement for Sewer recorded January 18, 1956 in the official records of King County ("**Official Records**") as Instrument No. 4655732, as amended by that certain Amendment to Easement for Sewer recorded in the Official Records as Instrument No. 5581325 and as further amended by that certain Amendment to Easement for Sewer recorded in the Official Records as Instrument No. 5593899 ("**Easement**" or "**Subject Easement**").

B. The City of Mercer Island is successor in interest to the Mercer Island Sewer District and thus the Grantee to the Subject Easement.

C. The Parties now desire to terminate the Subject Easement.

AGREEMENT

NOW THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Termination. As of the Effective Date, the Grantor's Property described herein is hereby released from the Easement, and the Easement is terminated in its entirety and of no further force or effect.

2. Counterparts. This instrument may be executed in any number of counterparts, all of which taken together shall constitute one and the same instrument.

GRANTOR: ASC MERCER ISLAND, LLC, a Washington limited liability company

By: _____
Name: _____
Its: _____
Date: _____

GRANTEE: CITY OF MERCER ISLAND, a municipal corporation

By: _____
Name: Julie Underwood, City Manager
Date: _____

STATE OF WASHINGTON)
) ss.
County of King)

On this day personally appeared before me _____, to me known to be the _____ of ASC MERCER ISLAND, LLC, a Washington limited liability company, that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, for the uses and purposes therein mentioned, and on oath stated that [he/she] was duly authorized to execute such instrument.

_____
Printed name:

_____
NOTARY PUBLIC in and for the State of Washington residing in _____
My Commission expires: _____

STATE OF WASHINGTON)
) ss.
County of King)

On this day personally appeared before me Julie Underwood, to me known to be the City Manager of the City of Mercer Island who executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed for the uses and purposes therein mentioned, and on oath stated that she was duly authorized to execute such instrument.

_____
Printed name: _____
NOTARY PUBLIC in and for the State of
Washington residing in _____
My Commission expires: _____

EXHIBIT A

LEGAL DESCRIPTION OF GRANTOR'S PROPERTY

The East 60.00 feet of Lot 1 and Lots 2 through 5, inclusive, Block 6, McGilvra's Island Addition, according to the plat thereof recorded in Volume 16 of Plats, Page(s) 58, in King County, Washington;

Except the West 110.00 feet of said Lots 2 and 3;

Except the West 110.00 feet of the North 40.00 feet of Lot 4;

Except the West 150.00 feet of that portion of said Lots 4 and 5, described as follows:

Lots 4 and 5, Block 6, McGilvra's Island Addition, according to the plat thereof recorded in Volume 16 of Plats, Page(s) 58, in King County, Washington, except the North 40.00 feet of said Lot 4.

(Also known as Parcel A, City of Mercer Island Lot Line Revision No. SUB14-011, recorded under recording number 20150528900006).

PRIVATE SEWER EASEMENT AGREEMENT
CONSENT

THIS CONSENT is entered into this __ day of January, 2017, by the undersigned (collectively, the "**Property Owners**").

RECITALS:

A. ASC Mercer Island LLC ("**Aegis**") is the owner of the real property located at 7445 SE 24th Street, Mercer Island, Washington 98040 ("**Aegis Property**") and is in the process of developing such property as an assisted care facility ("**Project**");

B. Michelle and David Woodman are the owners of the property located at 2416 74th Avenue SE, Mercer Island, Washington 98040 ("**Woodman Property**");

C. Kurt W. Morgan and Dana Hendel are the owners of the property located at 2424 74th Avenue SE, Mercer Island, Washington 98040 ("**Morgan / Hendel Property**");

D. Hynes Properties LLC owns the real property immediately to the south of the Morgan/Hendel Property with tax parcel number 5315100458 and 531500455 (collectively, "**Hynes Property**");

E. The Aegis Property, Woodman Property, and Morgan/Hendel Property are all served by a public sewer line which is located in part on the Aegis Property ("**Public Sewer Line**");

F. The Hynes properties will be served by the Private Sewer Easement if they are developed in the Future;

G. In connection with the development of the Project, the City of Mercer Island and Aegis desire to convert the Public Sewer Line into a private sewer line ("**Conversion to Private Sewer Line**");

H. The Property Owners are amenable to the Conversion to Private Sewer Line as provided herein.

NOW THEREFORE, the parties agree as follows:

1. Consent. Subject to the conditions precedent set forth in Section 2, the Property Owners hereby consent to the Conversion to Private Sewer Line.

2. Conditions Precedent. The foregoing conditions precedent must be met prior to final consent from the Property Owners:

a. An easement in form and content satisfactory to the Property Owners granting each Property Owner (other than Aegis) an easement over and across the Aegis Property for sewer line purposes.

b. Confirmation, as reasonably determined by the Property Owners, that the sewer service to be provided to each parcel following the Conversion to Private Sewer Line is equal to or better than the sewer service as provided by the Public Sewer Line.

3. Counterparts. This Consent may be executed in counterparts so that when taken together, such counterparts constitute a single fully executed document.

AEGIS: ASC Mercer Island LLC By: Aegis Senior Communities LLC Its: Manager By: _____ Its:_____ Date:_____	**WOODMAN:** _____ Michelle Woodman Date: _____ _____ David Woodman Date:_____
MORGAN: _____ Kurt W. Morgan Date:_____ _____ Dana Hendel Date:_____	**HYNES:** Hynes Properties LLC By: _____ Its:_____ Date:_____

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA

AB 5250
January 17, 2017
Consent Calendar

CODE AMENDMENTS TO REQUIRE INSTALLATION OF AUTOMATIC FIRE-SPRINKLER SYSTEMS IN NEW RESIDENTIAL CONSTRUCTION AND SUBSTANTIAL ALTERATIONS (1ST READING)	**Proposed Council Action:** Approval of MICC Ordinance No. 17C-01 requiring residential fire sprinklers to be installed in all new Single Family, Two Family, and IRC Townhomes.

DEPARTMENT OF	Fire (Steve Heitman & Herschel Rostov)
COUNCIL LIAISON	Benson Wong David Wisenteiner Jeff Sanderson
EXHIBITS	1. Proposed Ordinance No. 17C-01
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	$	n/a
AMOUNT BUDGETED	$	n/a
APPROPRIATION REQUIRED	$	n/a

SUMMARY

In 2015, as part of the required Construction Code update process, the International Residential Code (IRC) adopted language making residential sprinkler systems mandatory in all new construction. The State of Washington placed this language in Appendix V - Fire Sprinklers, which states “An approved automatic fire sprinkler system shall be installed in new one-family and two-family dwellings and townhouses in accordance with Appendix Q” and allows each individual jurisdiction to determine whether to adopt the IRC mandate. It is the Fire Chief’s responsibility to bring forth issues that potentially increase the safety of citizens, and staff believes this update will improve safety. In addition, staff also recommends requiring residential automatic sprinkler systems be required to be installed as a part of substantial alterations, which are treated as new construction.

On October 4, 2016, MIFD staff presented information on residential sprinklers systems to Council in a study session, and asked for direction in moving forward with an ordinance. Council indicated support for moving forward with the sprinkler requirement in new construction, but asked for further clarification on substantial alterations, specifically on the valuation process, and if new construction and substantial alterations could be separate ordinances. Council also requested that MIFD staff present several alternatives to the Public Safety Committee (“PSC”) on determining valuation for substantial alterations.

On November 3, 2016, MIFD staff met with and discussed how to move both recommended changes forward and further clarified the objectives of each change with the PSC. Staff determined that it would be difficult to separate new construction and substantial alteration requirements, and therefore recommended that both need to be altered for any type of new ordinance. Consequently, both new construction and substantial alteration requirements were included in the proposed ordinance presented to the PSC. The PSC considered three options to define substantial alteration: 1) a set value; 2) a percentage of renovation value; 3) and a percent value. The pros and cons for each method were shown and various case studies

rather than the current King County assessed value. This approach will provide a more accurate valuation for determining those projects considered a substantial remodel. The PSC recommended bringing both changes (new construction and substantial alteration) to the full Council.

On January 3, 2017, MIFD staff presented to Council the 1st Reading of Ordinance No. 17C-01 requiring residential fire sprinklers to be installed in all new Single Family, Two Family, Townhomes, and substantial alterations (AB 5245). Council did not propose any changes or recommendations to the proposed ordinance, and passed a 5-1 vote moving it forward to a 2nd Reading on January 17, 2017.

RECOMMENDATION

Fire Chief

MOVE TO: Adopt Ordinance No. 17C-01, amending Chapter 17.16 of the Mercer Island City Code requiring residential fire sprinklers to be installed in all new Single Family, Two Family, IRC Townhomes, and substantial alterations.

CITY OF MERCER ISLAND
ORDINANCE NO. 17C-01

AN ORDINANCE OF THE CITY OF MERCER ISLAND AMENDING MERCER ISLAND CITY CODE TITLE 17 "CONSTRUCTION CODES" REGARDING FIRE SPRINKLERS

WHEREAS, RCW 19.27.040 permits a city to amend the International Codes as they apply to that city, so long as the minimum performance standards of the codes and the objectives enumerated in RCW 19.27.020 are not diminished; and

WHEREAS, the loss of life in dwellings protected by residential fire sprinkler systems is extremely small when compared to dwellings without fire sprinkler protection; and

WHEREAS, the fire code official and fire chief have determined life-safety is substantially increased when fire service features and operational practices in the City of Mercer Island are augmented with residential fire sprinkler systems; and

WHEREAS, the regional fire code officials recommend the installation of residential fire sprinkler systems in all residences; and

WHEREAS, the International Residential Code requires residential fire sprinkler systems to be installed in all residences and the Washington State Building Code Council allows jurisdictions to adopt this requirement; and

WHEREAS, the fire code official recommends "substantial alterations" to existing buildings meet the code requirements of new construction; and

WHEREAS, substantial alteration was originally defined to mean a remodel cost that is fifty percent (50%) or greater than the King County assessed value of the structure with the intent to avoid minor alterations triggering the requirement for residential fire sprinkler systems to be installed; and

WHEREAS, this definition of substantial alteration no long fulfills the original intent because King County Assessor's Office now values structures lower than the land, resulting in smaller alterations triggering the fire sprinkler system requirement; and

WHEREAS, amending the definition of substantial alteration to mean fifty percent (50%) of the value of the residence and determining value by a method approved by the fire code official will preserve the original intent of this provision and only require residential fire sprinkler systems for significant alterations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. **Amendments to Chapter 17.01 MICC, International Building Code.** MICC 17.01 "INTERNATIONAL BUILDING CODE" is hereby amended as follows:

17.01.020 Amendments and additions.

…

E. ~~Repealed by Ord. 10C-03.~~ IBC Section 903.2 Amended – Fire Protection Systems, Automatic Sprinkler Systems, Where required. Section 903.2 of the International Building Code is hereby amended to read as follows:

> 903.2 Where required. Approved automatic sprinkler systems shall be installed in all newly constructed buildings and structures with a gross floor area of 5,000 square feet or greater and shall be provided in the locations described in Sections 903.2.1 through 903.2.12.

F. IBC Section 903.3.1.2 Amended – NFPA 13R Sprinkler Systems. Section 903.3.1.2 of the International Building Code is hereby amended to read as follows:

> Section 903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in one and two family dwellings shall be permitted to be installed throughout in accordance with NFPA 13R. One and two family dwellings 10,000 square feet and larger shall be installed in accordance with NFPA 13R or 13. Systems in accordance with NFPA 13R shall not be installed in R-1 or R-2 Occupancies.

G. IBC Section 903.4.3 Amended – Sprinkler System Monitoring and Alarms, Floor Control Valves. Section 903.4.3 of the International Building Code is hereby amended to read as follows:

> Section 903.4.3 Floor control valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor.
>
> > Exception: When approved by the Fire Code Official in NFPA 13D and NFPA 13R Systems.

H. IBC Section 907.2 Amended – Where Required – New Buildings and Structures. Section 907.2 of the International Fire Code is hereby added to read as follows:

> 907.2 Where required – new buildings and structures. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23. For all newly constructed buildings with a gross floor area of 3,000 or greater square feet an approved manual and automatic fire alarm system shall be installed.
>
> > Exceptions:
> > 1. One- and two-family dwellings, Group R-3, Group R-4, and Group U Occupancies having adequate fire flow and approved access. Dwelling units shall have interconnected single station smoke detectors in accordance with RCW 48.48.140 and WAC 212-10.

2. Buildings under 10,000 square feet that are protected throughout by an approved and monitored automatic sprinkler system installed in accordance with section 903.3.1.1 unless required by other sections of this code.

The system shall provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

A minimum of one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or water-flow detection devices. Where other sections of this code allow elimination of fire alarm boxes due to sprinklers, a single fire alarm box shall be installed.

Exceptions:
1. The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service.

2. The manual fire alarm box is not required for Group R-2 occupancies unless required by the fire code official to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. Where provided, the manual fire alarm box shall not be located in an area that is accessible to the public.

Remodels and tenant improvements. When undergoing remodel and tenant improvements, existing occupancies equipped with smoke detectors that are 10 or more years old shall have all such detectors replaced with modern units. Those occupancies without the protection of smoke detection shall add a manual and automatic fire alarm system in accordance with the applicable requirements in this section and other sections that may apply.

Additions. Additions to existing buildings shall meet the requirements of, Remodels and Tenant improvements, for the whole building and additionally provide the same coverage level to the addition as the rest of the building unless authorized by the Fire Code Official.

~~F~~. I. IBC Section 3112 Revised – Waterfront Structures. Section 3112 of the International Building Code is hereby added to read as follows:

…

~~G~~. J. IBC Appendix H, Section H101.3 Added – Signs, General, Conflict with Mercer Island City Code. Appendix H, Section H101.3 of the International Building Code is hereby added to read as follows:

…

Section 2. **Amendments to Chapter 17.02 MICC, International Residential Code.** MICC 17.02 "INTERNATIONAL RESIDENTIAL CODE" is hereby amended as follows:

17.02.010 Adoption.
The 2015 Edition of the International Residential Code (IRC), as adopted and amended by the State Building Code Council in Chapter 51-51 WAC, as published by the International Code Council, is adopted by reference with the following additions, deletions and exceptions: Provided that Chapter 1, Administration, is not adopted and the Construction Administrative Code, as set forth in Chapter 17.14 MICC, shall be used in place of IRC Chapter 1, Administration. Provided that Chapters 11 and 25 through 43 of the International Residential Code are not adopted. Provided that the energy code is regulated by Chapter 51-11R WAC; the plumbing code is regulated by Chapters 51-56 WAC; the electrical code is regulated as adopted by MICC 17.13.020. Provided, that the standards for liquefied petroleum gas installations shall be 2011 NFPA 58 (Liquefied Petroleum Gas Code) and 2014 NFPA 54 (National Fuel Gas Code). Provided that all other fuel gas installations shall be regulated by the International Mechanical Code and International Fuel Gas Code. Provided that Appendix F – Radon Control Methods, Appendix Q – Dwelling Unit Fire Sprinkler Systems, and Appendix V – Fire Sprinklers are adopted. The codes, appendices, and standards set forth in this chapter shall be filed with the city clerk and a copy made available for use and examination by the public, pursuant to RCW 35A.12.140.
…

17.02.020 Amendments and additions
…
B. IRC AV107.2 Added. International Residential Code Appendix V Section AV107.2 is hereby added as follows:

> AV107.2 Fire sprinklers in Existing Buildings. An approved automatic fire sprinkler system shall be installed throughout the residence in existing one-family and two-family dwellings (and townhouses) in accordance with Appendix Q when undergoing a remodel or addition when the construction value of all additions, alterations or repairs performed within a sixty-month period exceeds 50% of the value of the residence. Value shall be determined by a method approved by the fire code official.

C. IRC AV107.3 Added. International Residential Code Appendix V Section AV107.2 is hereby added as follows:

> AV107.3 Household Fire Alarm System. An approved Household Fire Alarm System shall be installed throughout the residence in existing one-family and two-family dwellings (and townhouses) that have deficiencies in Fire Flow, hydrants or access. This system shall be installed in accordance with NFPA 72 chapter 29 when undergoing a remodel or addition when the construction value of all additions, alterations or repairs performed within a sixty-month period is within 10% to 50% of the value of the residence. Value shall be determined by a method approved by the fire code official.

Section 3. **Amendments to Chapter 17.07 MICC, International Fire Code.** MICC 17.07 "INTERNATIONAL FIRE CODE" is hereby amended as follows:

17.07.020 Amendments and additions.

…

Q. IFC Section 507.5.1 Amended – Fire Hydrant Systems, Where Required. Section 507.5.1 of the International Fire Code is hereby amended to read as follows:

Section 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than ~~300~~ 150 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions~~s~~:

~~1. For one- and two-family dwellings and Group R-3 and Group U occupancies, the distance requirement shall be 300 feet.~~

~~2.~~ For buildings, one- and two-family dwellings and Group R-3 and Group U occupancies equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, ~~or~~ 903.3.1.2, or 903.3.1.3, the distance requirement shall be 600 feet (183 m).

…

U. IFC Section 901.4.~~7~~ Amended – Installation, ~~Additions, Change of Use, Alterations and Repairs to Buildings.~~ Section 901.4.7 of the International Fire Code is hereby added to read as follows:

901.4.7 Additions, change of use, alterations and repairs to buildings.

901.4.7.1 Additions or changes of use. Additions or changes of use to existing buildings which would result in a nonconforming building shall cause the building to be brought up to current code requirements for fire protection systems. Subject to the approval of the fire code official, a phasing plan of up to five years is permitted on sprinkler systems only.

~~Exception: A one-time exemption for additions to one- and two-family dwellings and Group R-3 and U occupancies of up to 750 square feet is permitted without compliance with this section. This exemption shall be recorded with King County Records and Elections.~~

901.4.7.2 Alterations and repairs. When the value of all alterations or repairs performed within a sixty-month period exceeds 50 percent of the ~~assessed~~ value of the building, the fire extinguishing systems and fire detection systems shall be installed throughout as for

new construction. For the purposes of this section, the value of the building shall be determined by an approved method by the fire code official.

…

V. IFC Section 903.2 Amended – Automatic Sprinkler Systems, Where Required. Section 903.2 of the International Fire Code is hereby amended to ~~remove the exception for telecommunication buildings to~~ read as follows:

Section 903.2 Where required. Approved automatic sprinkler systems shall be installed in all newly constructed buildings and structures with a gross floor area of 5,000 square feet or greater and ~~shall be provided~~ in the locations described in ~~this s~~Sections 903.2.1 through 903.2.12.

…

~~FF. IFC Appendix B, Section B105.1 Amended – Fire-Flow Requirements for Buildings, One- and Two-Family Dwellings. Appendix B, Section B105.1 of the International Fire Code is hereby amended to read as follows:~~

~~Section B105.1 One- and two-family dwellings. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet shall be 1,500 gallons per minute. Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet shall not be less than that specified in Table B105.1.~~
~~Exception: A reduction in fire-flow requirements may be approved by the Fire Code Official when the building is provided with an approved automatic fire sprinkler system and/or other approved fire-protection features.~~

~~GG. IFC Appendix B, Section B105.2 Amended – Fire-Flow Requirements for Buildings, Buildings Other Than One- and Two-Family Dwellings. Appendix B, Section B105.2 of the International Fire Code is hereby amended to read as follows:~~

~~Section B105.2 Buildings other than one- and two-family dwellings. The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.~~
~~Exception. A reduction in required fire flow of up to 50 percent, as approved, may be allowed when the building is provided with an approved fire sprinkler system installed in accordance with section 903.3.1.1 and/or other fire-protection features as required by the fire code official.~~

FF. IFC Appendix B, Table B105.2 Amended – Required Fire-Flow for buildings other than one- and two-family dwellings, group R-3 and R-4 buildings and townhouses is hereby added to read as follows:

TABLE B105.2 REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the International Fire Code	50% of the value in Table B105.1(2)[a]	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the International Fire Code	50% of the value in Table B105.1(2)[a]	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

GG~~HH~~. IFC Appendix C, Section C102 Amended – Number of Fire Hydrants. Appendix C, Section C102.2 of the International Fire Code is hereby added to read as follows:

Section C102.2 Sprinkler support hydrants. One or more fire hydrants shall be designated as sprinkler support hydrants and are not included in the required fire hydrant calculations as determined by fire-flow.

HH~~II~~. IFC Appendix D, Section D101.1 Amended – General, Scope. Appendix D, Section D101.1 of the International Fire Code is hereby amended to read as follows:

Section D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the International Fire Code. The requirements in this appendix may be modified by the fire code official if the building is provided with an approved automatic fire sprinkler system and/or other approved fire-protection features ~~are provided~~.

II~~JJ~~. IFC Appendix D, Section D105.1 Amended – Where Required. Appendix D, Section D105.1 of the International Fire Code is hereby amended to read as follows:

D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

Exception~~s~~: ~~1.~~ One- and two-family dwellings, Group R-3, and Group U Occupancies.

Section 4. **Repeal of Chapter 17.16 MICC, Automatic Fire-Sprinkler Systems.** Chapter 17.16 MICC "AUTOMATIC FIRE-SPRINKLER SYSTEMS" is hereby repealed.

Section 5: **Severability.** If any section, sentence, clause or phrase of this ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the amended code section.

Section 6: **Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 7: **Effective Date.** This Ordinance shall take effect and be in force on 30 days after its passage and publication.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the 17th day of January 2017 and signed in authentication of its passage.

CITY OF MERCER ISLAND

_____
Bruce Bassett, Mayor

Approved as to Form:

_____
Kari Sand, City Attorney

ATTEST:

_____
Allison Spietz, City Clerk

Date of Publication: _____

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA

AB 5248
January 17, 2017
Consent Calendar

ZONING TEXT AMENDMENT MODIFYING MERCER ISLAND CODE (MICC) TITLE 19 PERTAINING TO PLACES OF WORSHIP AND IMPERVIOUS SURFACES (2ND READING)	**Proposed Council Action:** Adopt Ordinance No. 17C-02 to provide an impervious surface exemption for residential uses at places of worship.

DEPARTMENT OF	Development Services Group (Nicole Gaudette)
COUNCIL LIAISON	n/a
EXHIBITS	1. Proposed Ordinance No. 17C-02
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	$	n/a
AMOUNT BUDGETED	$	n/a
APPROPRIATION REQUIRED	$	n/a

SUMMARY

BACKGROUND

The City Council recently directed staff and the Planning Commission to consider a code text amendment that would eliminate the need for places of worship to apply for a variance to allow up to 60% impervious surface pursuant to Mercer Island City Code ("MICC") 19.02.020(D)(4) when adding a residential use to their site. The proposed amendment would pertain to all areas zoned Residential (R-8.4, R-9.6, R-12, and R-15 Zone) and not just a single property.

Until 2005, the MICC required schools, places of worship, private clubs, and public facilities located in residential zones to meet the impervious surface[1] requirements for the residential zone (maximum of 40%). Recognizing that institutional uses often require more impervious surface coverage than residential uses, such as parking, in 2005 a code amendment (ZTR05-003) was approved so that schools, places of worship, private clubs and public facilities located in residential zones could apply for a variance to allow for up to 60% impervious surface.

One of the requirements adopted in 2005 to allow this extra impervious area was to comply with the <u>most recent</u> Washington State Department of Ecology Stormwater Manual (currently the 2012 manual), rather than the 1992 King County Stormwater Manual that is used for all other projects in the City. Using the 2012 manual would increase the cost of stormwater facilities for a residential use such as a rectory or parsonage[2] to a level that may become prohibitive. There is also the increased time, cost and uncertainty associated with the variance procedure. Finally, the current code treats a rectory or parsonage as an institutional use, even though it is a residential use.

[1] Any structure or hard surface that prevents or retards the entry of water into the soil or causes water to run off the surface.
[2] The residence of a religious leader.

PROPOSED CODE TEXT AMENDMENT

The recommended code text amendment (see proposed Ordinance No. 17C-02 as Exhibit 1) proposes an impervious surface exemption for residences for religious leaders located on properties of places of worship. The exemption applies to up to 4,999 square feet of impervious surface area, or 20% of the lot area, whichever is less, from the calculation of impervious surface.

PLANNING COMMISSION REVIEW PROCESS

The Planning Commission initially discussed the proposed amendment on October 19, 2016. On November 30, 2016, the Planning Commission held an open record public hearing on this matter (ZTR16-005) to obtain comments from the public and deliberate on this proposed amendment. The Planning Commission unanimously forwarded a recommendation of approval with minor modification to the proposed language to the City Council.

CITY COUNCIL REVIEW PROCESS

A Development Code amendment is a legislative action set forth in MICC 19.15.010(E). Applicable procedural requirements for a legislative action are contained within MICC 19.15.020, including the provision that the Planning Commission conduct an open record public hearing for all legislative actions. As the final decision making authority for legislative actions, the City Council must consider the matter in an open public meeting prior to taking final action. The City Council's first reading of the code amendment was January 3, 2017. See Agenda Bill 5244. The City Council recommended modifications to the proposed text amendment. The purpose of these modifications were to clarify that the impervious surface exemption applies only to lot area and not to floor area ratio, to clarify the meaning of "lot" for this provision, and to clarify that 60% lot coverage cannot be exceeded by using either this exemption or the variance provided in MICC 19.02.020(D). These changes have been incorporated into the ordinance for the second reading and are also shown below. This is the second reading and final action on the proposal by the City Council.

Below is the proposed code amendment including the modifications recommended by City Council. Language that was struck as part of the modifications is shown as crossed out. New language that was added is shown as italicized. All changes are highlighted.

g. Residences for religious leaders located on properties used by places of worship.

i. A structure primarily used as a residence for a religious leader provided by its congregation and located on the same parcel or parcels as the improvements for a church, synagogue, mosque, or other place of worship, shall be exempt from the maximum impervious surface limits, subject to the limitations under subsection "ii." below. All impervious surface areas directly and commonly associated with the residence such as, but not limited to, the footprint of the residence, an attached or detached garage, a patio and/or deck not otherwise exempted by 19.02.020(D)(2)(a) and (c), and a driveway not otherwise used for general access to the place of worship, shall be exempt.

ii. A residence and its associated impervious improvements, as described above *(i)*, may only be exempted if ~~4,999 square feet or less or up to 20% of lot area, whichever is less~~ *impervious coverage does not exceed 4,999 square feet of lot area, or up to 20% of lot area, whichever is less. For these purposes, the lot area means the lot or lots on which the place of worship is located.*

iii. Lot coverage exceeding 60% shall not be allowed whether by variance pursuant to MICC 19.02.020(D) or by this exemption.

RECOMMENDATION

Senior Planner

MOVE TO: Adopt Ordinance No. 17C-02 amending Chapter 19.02 of the Mercer Island City Code to provide an impervious surface exemption for residential uses at places of worship.

CITY OF MERCER ISLAND
ORDINANCE NO. 17C-02

AN ORDINANCE OF THE CITY OF MERCER ISLAND AMENDING CHAPTER 19.02 OF THE MERCER ISLAND CITY CODE TO PROVIDE AN IMPERVIOUS SURFACE EXEMPTION FOR RESIDENTIAL USES AT PLACES OF WORSHIP

WHEREAS, pursuant to the provisions of state law, chapter 35A.63 of the Revised Code of Washington (RCW) and chapter 36.70A RCW, the Mercer Island City Council has adopted the Mercer Island City Code (MICC), which contains Title 19, Unified Land Development Code, and section 19.02.020 MICC, Lot Requirements, which establishes development standards for single family residential properties; and

WHEREAS, in 2016, the Mercer Island City Council directed staff and the Planning Commission to consider a text amendment so that places of worship would not be required to apply for a lot coverage variance if they desired to construct a parsonage on their property.

WHEREAS, on October 24, 2016, a Public Notice of Application and SEPA Notice was published in the City of Mercer Island Permit Bulletin regarding the zoning code text amendment proposal to give public notice of the proposed text amendment and pending SEPA decision; and

WHEREAS, a public comment period was provided from October 24, 2016 through November 2, 2016 to obtain public comments regarding the proposed zoning code text amendment; and

WHEREAS, pursuant to RCW 36.70A.106, the City provided the Washington State Department of Commerce notice of the City's intent to adopt the proposed zoning code text amendment on October 24, 2016, to allow for a 30-day expedited review and comment period; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance for the proposed text amendment was issued on November 14, 2016; and

WHEREAS, on November 16, 2016, a Notice of Public Hearing was published in the Mercer Island Reporter, giving public notice of the open record hearing in front of the Planning Commission and encouraging public participation; and

WHEREAS, on November 30, 2016, the Planning Commission held a public hearing, considered public testimony, and recommended approval of proposed zoning code text amendment; and

WHEREAS, on January 3, 2017, the City Council held the first reading of the proposed zoning code text amendment and held the second reading on January 17, 2017 during the Council's regular public meetings;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON DO HEREBY ORDAIN AS FOLLOWS:

Section 1. **Amendment to Section 19.02.020 MICC (Lot Requirements).** Section 19.02.020(D)(2) (Lot coverage) is hereby amended as follows:

2. Exemptions. The following improvements will be exempt from the calculation of the maximum impervious surface limits set forth in subsection (D)(1) of this section:

a. Decks/Platforms. Decks and platforms constructed with gaps measuring one-eighth inch or greater between the boards which provide free drainage between the boards as determined by the code official shall be exempt from the calculation of maximum impervious surface limits so long as the surface below the deck or platform is not impervious.

b. Pavers. Pavers installed with a slope of five percent or less and covering no more than 10 percent of the total lot area will be calculated as only 75 percent impervious. Provided, however, that all pavers placed in driveways, private streets, access easements, parking areas and critical areas shall be considered 100 percent impervious.

c. Patios/Terraces. Uncovered patios/ terraces constructed of pavers shall be exempt from the maximum impervious surface limits.

d. Pedestrian-Oriented Walkways. Uncovered pedestrian walkways constructed with gravel or pavers not to exceed 60 inches in width shall be exempt from the maximum impervious surface limits.

e. Public Improvements. Open storm water retention/detention facilities, public rights-of-way and public pedestrian trails shall be exempt from the maximum impervious surface limits.

f. Rockeries/Retaining Walls. Rockeries and retaining walls shall be exempt from the maximum impervious surface limits.

g. Residences for religious leaders located on properties used by places of worship.

i. A structure primarily used as a residence for a religious leader provided by its congregation and located on the same parcel or parcels as the improvements for a church, synagogue, mosque, or other place of worship, shall be exempt from the maximum impervious surface limits, subject to the limitations under subsection "ii." below. All impervious surface areas directly and commonly associated with the residence such as, but not limited to, the footprint of the residence, an attached or detached garage, a patio and/or deck not otherwise exempted by 19.02.020(D)(2)(a) and (c), and a driveway not otherwise used for general access to the place of worship, shall be exempt.

ii. A residence and its associated impervious improvements, as described above (i), may only be exempted if impervious coverage does not exceed 4,999 square feet of lot area, or up to 20% of lot area, whichever is less. For these purposes, lot area means the lot or lots on which the place of worship is located.

iii. Lot coverage exceeding 60% shall not be allowed whether by variance pursuant to MICC 19.02.020(D) or by this exemption.

Section 2. **Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its applicable held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this Ordinance or its application to any other person, property or circumstance.

Section 3. **Effective Date and publication.** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days after the date of publication.

ADOPTED by the City Council of the City of Mercer Island, Washington at its regular meeting on the 17th day of January, 2017, and signed in authentication of its passage.

CITY OF MERCER ISLAND

_____
Bruce Bassett, Mayor

ATTEST:

_____
Allison Spietz, City Clerk

Approved as to Form:

_____
Kari Sand, City Attorney

Date of Publication: _____

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA

AB 5247
January 17, 2017
Regular Business

FIRE STATION 92 UPDATE	**Proposed Council Action:** Recieve update.

DEPARTMENT OF	Public Works (Fred Gu & Jason Kintner)
COUNCIL LIAISON	n/a
EXHIBITS	1. AB 4893, November 18, 2013.
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	$	n/a
AMOUNT BUDGETED	$	n/a
APPROPRIATION REQUIRED	$	n/a

SUMMARY

Construction of Fire Station 92 began at the end of December 2013 after the Council awarded the $3.50 million (before sales tax) construction contract to Corp Inc. Construction (Corp), which was the low bidder. Corp is based in Salem, Oregon. See Exhibit 1 (AB 4893, November 18, 2013 Council meeting).

Corp overcame certain non-conformance and existing site issues in the early stages of construction. By June 2014, however, additional correction items were starting to affect the overall progress of the project. In August 2014, Corp updated the City with a revised construction schedule hinting at a delay in completion. Roof work started in August 2014 on weekends. Ultimately, the city did not accept that work due to non-conformance issues (primarily non-compressible debris trapped under the roofing membrane). The City hired an outside consultant, Wetherholt & Associates, to perform independent inspections of the roof installation. At the same time, Corp continued to work toward finishing other portions of the building.

Punch list inspection for the entire building was performed by the Architect and the City in mid-April 2015. After most of the punch list correction items were completed, the roof remained an open issue. The City issued a partial Certificate of Substantial Completion to Corp with an effective date of June 10, 2015, certifying that the building was completed with the exception of the roof. Soon after, the firefighters moved into the new building, and the station became operational.

However, prior to the punch list inspection, water leakage from the roof was discovered in March 2015. Between June and August 2015, during dry weather, the affected roof area was opened incrementally for leakage inspection and repairs were performed by the contractor with Wetherholt & Associates, City staff, the City's consultant, and Corp being on site for observation. As an economical solution to provide a durable roof system, Wetherholt & Associates recommended that a new layer of roofing membrane be installed over the existing roof (overlay) to remedy the non-compressible debris after the leak was resolved and the wetted roof components were completely replaced.

In October 2015, through the Small Works Roster procurement process, NW Roofing Solutions, LLC was selected to perform the roof overlay work when the weather permitted. Prior to commencement of such work, additional roof leaks were discovered in different areas during the winter of 2015-2016. An emergency repair was performed by NW Roofing Solutions, LLC in December 2015. Due to the additional leaks, it was necessary to open up the roof again to look for wetted and damaged materials and make repairs ahead of the overlay. This work began on March 29, 2016. This corrective action revealed extensive damage and incorrect installation of the original roof which resulted in eventual removal and replacement of the entire roof system. Once all damaged materials and installation nonconformities were remedied, a new roofing membrane was installed and completed on August 12, 2016. The new roof carries a 20-year manufacture warranty.

To assist the City with delay disputes, including the non-conforming roof installation, the City hired Hedeen & Caditz back in 2014 to provide outside legal counsel. A mediation session among the City, Corp, and its surety company was held on April 13, 2016, and a settlement agreement was reached regarding the City's claims against Corp for delayed completion and Corp's claims against the City for extra work and delays. Expressly excluded from that settlement were the City's claims against Corp and its surety related to the roof, because the extent and the costs of the roof repairs were unknown at the time. During roof repairs shortly before the April 2016 mediation, the City discovered that the roofing subcontractor had omitted certain required elements (i.e., vapor barrier and gypsum board) along the north edge of the building. The settlement included a payment to Corp of $340,333.95, with an additional $75,000 payable to Corp., subject to the City's remaining roof claims being finally resolved by agreement or final court judgment. In addition, the amount of retainage held as cash was substituted by a bond in an adjusted amount of $159,666.05.

After the roof was entirely replaced by NW Roofing Solutions, LLC and all associated costs known, the City filed claims on the roof defects. A second mediation session was held on December 6, 2016. A settlement agreement was reached with Corp, its surety and various insurance companies for the general, its surety and the roofing subcontractor that resolved the City's defective roof claims for payment to the City of $330,000.00. The roof settlement amount reflects 100% cost recovery of the City's direct costs to remove and replace the roof and about half of the City's consultant and inspection costs related to the roof replacement.

Relative to a total Council approved budget of $5.34 million, the Fire Station 92 construction project is projected to be $68,977, or 1.3%, over budget when the project is finally closed out. Given the risks and legal costs associated with litigation, staff believes that this final mediated result, together with a new roof, is favorable for the City. Following is a summary of the project budget, noting the originally adopted budget, Council approved changes, and the final Council approved budget.

Project Budget

Originally adopted budget per levy lid lift ballot measure (AB 4757, 8/6/12)	$ 4,803,000
Plus projected savings on Fire Rescue Truck (AB 4878, 10/7/13)	165,000
Amended budget before project bid award	**$ 4,968,000**
Plus 2013 surplus REET transferred to Capital Reserve Fund (AB 4893, 11/18/13)	181,553
Plus 2013 excess levy lid lift proceeds (AB 4893, 11/18/13)	154,000
Plus additional savings on Fire Rescue Truck (AB 4893, 11/18/13)	30,000
Amended budget after project bid award	**$ 5,333,553**
Plus artwork transportation cost (AB 4940, 3/31/14)	10,000
Total Council approved budget	**$ 5,343,553**

A budget to actual comparison including settlement costs due to Corp, projected legal costs after December 31, 2016, and a minor correction is summarized below.

Budget to Actual Comparison

Total Council approved budget	$ 5,343,553
Less total expenditures through 12/31/16	(5,664,775)
Less estimated legal costs after 12/31/16	(15,000)
Less payment to Corp per 4/13/16 mediation settlement (after City's claims are resolved)	(75,000)
Plus correction for retainage related to deductive change order	12,245
Total amount over budget before 12/7/16 mediation settlement	**$ (398,977)**
Settlement amount per 12/7/16 mediation	330,000
Total amount over budget after 12/7/16 mediation settlement	**$ (68,977)**
% over Council approved budget	**1.3%**

The project closeout is expected to take place in February or March 2017 after the roof settlement is fully executed and the $330,000 payment to the City for the roof is received; at such time, the Council will be requested to accept the project and the contract with Corp Inc. Construction as complete.

RECOMMENDATION

Public Works Director

MOVE TO: Receive update.

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA

AB 4893
November 18, 2013
Regular Business

FIRE STATION 92 PROJECT BID AWARD	**Proposed Council Action:** Award the project.

DEPARTMENT OF	Maintenance (Glenn Boettcher)
COUNCIL LIAISON	n/a
EXHIBITS	1. Reference Check Results 2 Information about Corp Inc. Construction 3. Miller Hull Memo
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	$	5,362,305
AMOUNT BUDGETED	$	4,968,000
APPROPRIATION REQUIRED	$	394,305

SUMMARY

Bids were opened for the Fire Station 92 Project on Thursday, November 7. Fourteen bids were received. The low bidder is Corp Inc. Construction based in Salem, Oregon. The low base bid was $3,500,000. The latest construction cost estimate going into the bid process was $3.1 million.

Staff believes that re-designing the project would not be cost-effective. Throughout the design process there was a focus on building a durable, functional station. Changes to the design such as reducing the building footprint would create operational limitations, and the cost to re-design might not be recouped at rebidding.

BID RESULTS

Base bids ranged from the low of $3.5 million to a high bid of almost $4.0 million by Howard S. Wright. The table on the next page provides full bid results.

BID TABULATION

Contractor	Base Bid	Deductive Alternate 1	Additive Alternate 2	Projected Total
Corp Inc.	$3,500,000	($39,000)	$17,000	$3,478,000
Bayley	$3,642,000	($45,000)	$25,000	$3,622,000
Kassell Constr.	$3,647,000	($73,000)	$25,000	$3,599,000
M J Takasaki	$3,653,692	($79,025)	$23,996	$3,598,663
CDK	$3,682,500	($68,212)	$27,600	$3,641,888
Blews Constr.	$3,710,000	($65,000)	$13,000	$3,658,000
Construction Enterprises	$3,731,600	($70,330)	$26,208	$3,687,478
Lincoln	$3,734,200	($82,600)	$8,650	$3,660,250
Mbr LLC	$3,750,000	($71,000)	$40,000	$3,719,000
Veteran's Const.	$3,755,000	($72,000)	$16,000	$3,699,000
Kirtley Cole	$3,790,000	($77,866)	$17,000	$3,729,134
Commercial Structures	$3,850,000	($22,000)	$57,000	$3,885,000
Stetz	$3,875,222	($32,800)	$23,730	$3,866,152
Howard S. Wright	$3,987,000	($103,000)	$16,000	$3,900,000

NOTE: *Deductive Alternate 1 = Glazed Sectional Doors (instead of Bi-Fold Doors)*

Additive Alternate 2 = Underground Power Extension

Reference checks for Corp Inc. Construction indicate that the firm does good work, is fair in dealing with owners, and is proactive in solving problems (Exhibit 1). Locally, the firm recently was awarded the contract to build May Valley Road Fire Station 78 for Eastside Fire and Rescue. The construction amount for that project is $4,214,000. Station 78 will total 9,500 square feet. See Exhibit 2 for more information about Corp Inc. The firm has a solid track record of completing projects on time and within budget.

Corp's Project Manager for Station 92 would be Don Annotti, who is the company president, and the on-site Superintendent would be Robert Suchanek. Their resumes are included in Exhibit 2.

WHY HIGH BIDS?

Project Architect Miller Hull and its estimator, C&N Consultants, have analyzed the bid results (Exhibit 3). Their findings include anecdotal evidence of a bidding climate that is heating up. In particular, the bids of sub-contractors were considerably less competitive than expected. The cost of mechanical systems came in at $177,000 over the estimate, accounting for nearly half of the discrepancy between the total construction estimate and the actual bid results.

Miller Hull and C&N representatives both will be available to discuss the bid results at Monday's meeting.

PROJECT BUDGET

The project budget is covered in the table below.

FIRE STATION 92 TOTAL PROJECT BUDGET

DESCRIPTION	Authorization to Bid	Award to Corp, Inc.
Construction	3,101,903	3,500,000
Sales Tax @ 9.5%	294,681	332,500
Total Construction Contract	3,396,584	3,832,500
Construction Contingency	310,190	310,190
Other Construction Costs (tree removal, hazardous materials)	56,000	56,000
Project Management/Construction Administration	139,591	139,591
Services - Geotech, Surveys, and Inspections	63,029	63,029
Furnishings	93,057	93,057
Permits, Insurance, and other Fees	103,774	103,774
1% for Arts	30,000	30,000
Total Construction Phase	4,192,225	4,628,141
Pre-Design	107,207	107,207
Design	442,438	442,438
Temporary Quarters	150,000	150,000
Bond Issuance Costs	34,519	34,519
Total Design Phase	734,164	734,164
Total Project Budget	**4,926,389**	**5,362,305**

BID ALTERNATES

Two bid alternates were included in the project. The first would replace bi-fold doors with a less expensive design (glazed sectional doors). Staff recommends that the bi-fold doors be retained in the project. The second alternate would remove an additional pole on the northwest corner of the Fire Station 92 property as part of undergrounding power lines in front of the Station. Staff recommends that this alternate not be awarded. The impact of each alternate option on the appropriation required is detailed in the table below.

DESCRIPTION	Amount of Alternate	Construction Contract	Total Project Budget	Appropriation Required
Alternate 1 (Glazed Sectional Doors)	(39,000)	3,461,000	5,323,305	355,305
Alternate 2 (Additional Power Undergrounding)	17,000	3,517,000	5,379,305	411,305
Both Alternate 1 and Alternate 2	(22,000)	3,478,000	5,340,305	372,305

FUNDING STRATEGIES

The amount budgeted for the project is $4,968,000. This is made up of the $4,803,000 already budgeted for Fire Station 92 plus $165,000 from the Fire Rescue Truck savings (of which $125,000 was added to the project budget at authorization to bid). **The additional funding needed is $394,305.** Several funding options for this funding need are presented in the table below.

Funding Option	Additional Information	Downside
1) Use 2013 surplus revenues (General Fund & REET)	Proposed funding sources: • $250K REET surplus • $144K General Fund revenue surplus	Less $ available to address other funding needs (e.g. one-time operational & capital funding for the Thrift Shop Renovation & Expansion project)
2) Postpone replacement of fire rescue truck	Because $48K has already been committed to the manufacturer for the chassis, this option <u>temporarily</u> frees up $202K ($250K cost - $48K commitment). The $192K balance needed ($394K net budget shortfall - $202K) could come from one or more of the following: 1) deducting power line undergrounding cost ($51K) from Fire Station project; 2) net levy savings in 2013 ($154K); 3) REET surplus revenue in 2013; or 4) General Fund surplus revenue in 2013.	The fire rescue truck is a high priority replacement need. Funding would have to come from General Fund surplus revenues (REET can't be used for vehicles or equipment) in 2013-2014.
3) Use annual net levy savings	The $394K net budget shortfall could be initially covered by the Contingency Fund, which would be replenished by the annual net levy savings over a 6+ year period (i.e. by early 2019).	The annual net levy savings, which will amount to $525K for the period 2013-2021, are needed to fund the fire apparatus replacement sinking fund through 2030. Otherwise, the sinking fund balance will go negative beginning in 2016, unless another funding solution is identified (e.g. using "banked" property tax capacity).

Funding Option	Additional Information	Downside
4) Tap Contingency Fund	The Council has already tapped the Contingency Fund for $150K to oppose the proposed tolling of I-90, with another $125K being requested by staff at the 11/18/13 Council meeting.	Tapping the Contingency Fund for another $360K would reduce the Contingency Fund balance at the end of 2013 by $635K, or 27%, in total.
5) Issue debt	The $394K balance could be added to the Thrift Shop bond issue, with REET being used to fund the increase in the annual debt service: • 10 yr bonds: $45K increase • 20 yr bonds: $29K increase	A portion of the annual REET revenue stream would be diverted for 10 or 20 years, and therefore unavailable to fund other CIP needs such as PBF projects.

All things considered, staff recommends option 1. It allows the construction of Fire Station 92 and the replacement of the fire rescue truck to go forward, with no impact to: 1) the fire apparatus replacement sinking fund; 2) the Contingency Fund; or 3) the use of REET revenue in 2014 and beyond.

As an administrative step, staff will return with a budget amending ordinance including this appropriation request (and other approved appropriations) as part of a future Financial Status Report to the City Council.

RECOMMENDATION

Maintenance Director and Finance Director

MOVE TO:

1. Award the Fire Station 92 Project to Corp Inc. Construction in the amount of $3,500,000, set the total project budget at $5,362,305 and direct the City Manager to execute the construction contract.

2. Appropriate an additional $394,305 based on funding option ____.

TACOMA DESIGN
COLLABORATIVE PLLC

November 12, 2013

City of Mercer Island
9611 SE 36th St
Mercer Island, WA 98040

C/o Rich Conrad
City Manager
City of Mercer Island

Project: Fire Station 92 Redevelopment – Reference check on apparent low bidder

Dear Rich,

Having reached four of the five references listed in the packet from Corp Construction as well as an additional 3 not listed it is deemed the contractor is capable of completing this project with the skills necessary to perform the work in a timely and competent fashion. The majority of the references had commended the contractor for performing excellent work and being fair to both parties. I have also heard that they are proactive in solving problems and will provide input to help keep the project moving. It is with these references provided by the contractor as well as several not listed I would deem them to be the lowest responsible bidder for FS 92. Additional subcontractor information is being evaluated and if there are issues with major subcontractors we will bring them to the general contractors' attention.

If you have any additional info or questions on this process I will be happy to send it on as soon as the requested information becomes available.

Sincerely,

Amy E. DeDomincis, AIA, LEED BD +C

cc. Glenn Boettcher
Kate Spitzer

1120 Cliff Street, Unit #411, Tacoma, WA 98402 PH: & FAX: 253.272.4598 WEB: amydedominicisarchitect.com

CORP INC
construction

City of Mercer Island

Fire Station 92

PO Box 12606, Salem, OR 97309
Phone: 503-371-2453 : Fax: 503-371-2296
WA CCB #CORPIIC905OQ info@corpincconstruction.com
www.corpincconstuction.com

November 8, 2013

Amy DeDominici
City of Mercer Island
9611 SE 36th St
Mercer Island, WA 98040

Amy,

On behalf of our team at Corp Inc Construction, I'd like to thank you for giving us the opportunity to work with the City of Mercer Island to construct your new Fire Station. Included in this packet you will find in-depth information about our company, our history with clients, key personnel, where our experience has led us, and our project management approach. We hope you will find this information helpful.

Sincerely,

Don Annotti, President
Corp Inc Construction

FIRM BACKGROUND

Established in 1997, Corp Inc Construction is a professional Commercial General Contractor with a proven track record, specializing in a variety of projects. We have a thorough understanding of the team effort involved in the success of commercial projects. Corp Inc's experience includes design builds, new construction, commercial remodels, fire stations, schools, parks and recreation facilities, and water/sewer treatment facilities. No matter what type of project, our Project Managers and Superintendents have the background to complete them with precision and accuracy. Our support staff is well rounded and highly skilled in the completion of the tasks required on all of our different projects. The open and ongoing communication between all members of our team provides an excellent platform for sharing ideas and knowledge.

Corp Inc has grown considerably in the past sixteen years due to the dedication and planning of the entire team. Our current bonding capacity is $25 million. Every project, large or small, is approached and managed with the same commitment to excellence. We look forward to working with you on your next project.

Corporate Officer

President	Don Annotti

Key Personnel

Controller	Brandy Gray
Project Manager	Donald Annotti
Project Manager	Sam Lehrbaum
Admin Assistant	Tyler Martinmaas
Project Coordinator	Theresa Michels
Field Superintendent	Doug Zimmerman
Field Superintendent	Robert Suchanek

FIRM EXPERIENCE

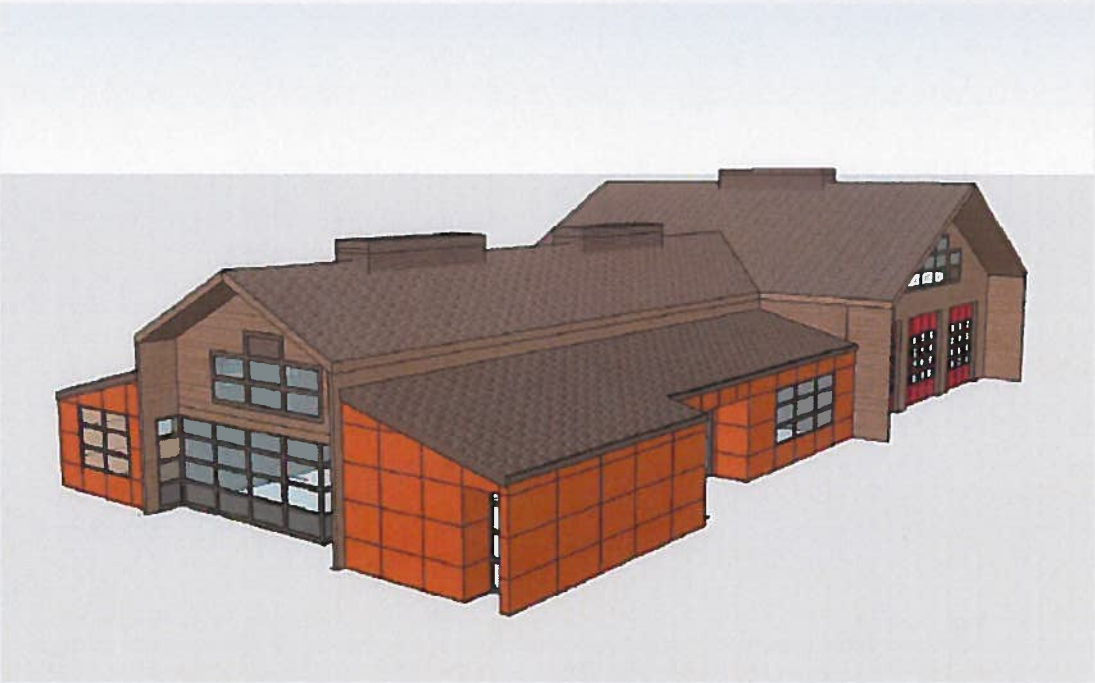
Project Name:	**Hood River Fire Station**
Owner:	**City of Hood River**
Owner Contact:	**Chief Devon Wells, 541-386-9458**
Architect:	**Group Mackenzie**
Architect Contact:	**Scott Moore, 503-224-9560**
Final Contract Amount:	**$3,356,550**
Scheduled Completion Date:	**March, 2012**
Actual Completion Date:	**March, 2012**

This project began with the demolition of the existing Fire Station structure and related site work necessary to prepare for the new building. The new, 2-story Fire Station is comprised of approximately 17,900 square feet. It is a wood framed structure with masonry veneer, fiber cement board siding, and aluminum storefront windows. Seismic rehabilitation was also completed. This was a 10 month project.

FIRM EXPERIENCE

Project Name:	**May Valley Rd Fire Station 78**
Owner:	**Eastside Fire & Rescue**
Owner Contact:	**Chief Kelly Refvem, 425-392-3433**
Architect:	**TCA Architecture**
Architect Contact:	**Darin Wate, 206-522-3830**
Contract Amount:	**$4,214,000**
Scheduled Completion Date:	**September, 2014**
Actual Completion Date:	**TBD**

The Project includes a single story building of approximately 9,500 square feet that will house fire station personnel with three (3) drive through vehicle bays and crew living and sleeping and office areas, composite asphalt shingle roofing, aluminum storefront, overhead doors, fiber cement panel siding and horizontal fiber cement board siding exterior, interior finishes, mechanical, plumbing, fire protection and electrical. The project also includes the development of the approximately 2 acres of a 5.79 acre project site which involves site clearing, retaining structures, concrete and asphalt paving, construction of site and frontage improvements and off-site improvements.



FIRM EXPERIENCE

Project Name:	**Wanapum Heritage Center**
Owner:	**Grant County PUD**
Owner Contact:	**Greg Minden, 509-754-5082**
Architect:	**Mithun**
Architect Contact:	**Chris Butler, 206-623-3344**
Contract Amount:	**$12,750,000**
Scheduled Completion Date:	**December, 2013**
Actual Completion Date:	**TBD**

The new 50,000 square foot Wanapum Heritage Center is a collaborative effort between the Wanapum Tribe of the Columbia River and the Grant County Public Utility District to preserve the story of the Wanapum people. Sited on the Columbia River, near the traditional location of the Wanapum Village, the new Museum and Heritage Center takes its formal cues from the basalt cliffs of the surrounding landscape. A simple concrete form houses the permanent exhibit and repository, while a wood and steel frame provides the backdrop for the more active and community based functions of the facility. The new Museum will house permanent and temporary exhibits, a collections repository, library and gift shop, as well as spaces for administration, active exhibits, cultural activities, community gatherings and academic conferences.

FIRM EXPERIENCE

Project Name:	**William A. Grant Water & Environmental Center Expansion**
Owner:	**Walla Walla Community College**
Owner Contact:	**Jim Peterson, 509-527-4686**
Architect:	**ALSC Architects**
Architect Contact:	**Dan Bresnahan, 509-838-8568**
Final Contract Amount:	**$5,017,409**
Scheduled Completion Date:	**July, 2011**
Actual Completion Date:	**July, 2011**

This project consisted of a single story Academic Building addition to the existing Water Center Building. The addition is approximately 14,600 square feet. It is a slab on grade wood framed structure that is adjacent to and connecting to the existing building, and designed to complement the current structure. The project obtained LEED Gold certification. This was a 15 month project.

FIRM EXPERIENCE

Project Name:	**Camas High School Addition & Remodel**
Owner:	**Camas School District**
Owner Contact:	**Heidi Rosenberg, 360-993-8818**
Architect:	**Dull Olson Weekes Arch PC**
Architect Contact:	**Tom Harris, 503-226-6950**
Final Contract Amount:	**$6,604,901**
Scheduled Completion Date:	**September, 2011**
Actual Completion Date:	**September, 2011**

This project consisted of new additions and renovations of approximately 40,000 square feet, and increased the school's capacity by 350 students. The project included a new student commons, training classroom, wrestling and dance rooms, and classroom wing, which added the equivalent of 11 classrooms. The library was also expanded and the physical education areas renovated. The building consists of 3 stories of structural steel with a masonry veneer exterior. Additionally, the front entrance was renovated to help improve security. This was a 12 month project.

FIRM EXPERIENCE

Project Name:	**WSSB New Physical Education Center**
Owner:	**Washington State School for the Blind**
Owner Contact:	**Rob Tracy, 360-606-5897**
Architect:	**Terra Architecture, PC**
Architect Contact:	**Clinton Ellinger, 503-233-8604**
Final Contract Amount:	**$8,299,217**
Scheduled Completion Date:	**January, 2009**
Actual Completion Date:	**January, 2009**

This project included demolition of the existing facility and construction of a new 37,100 square foot building with a bent steel roof structure, steel framing, and concrete tilt up construction. The facility houses a pool, gymnasium, athletic rooms, general administrative space and lobby areas. The mechanical system was designed and engineered to use the pool water to help maintain the heating of the building. This helps reduce the environmental footprint. All of the storm water from the roof and parking lot filters thru a bioswale; the largest true bioswale in the State of Washington. We were required to maintain and constantly manage the erosion control systems to help prevent any construction run off. The project obtained LEED Silver rating. This was a 12 month project.

PROJECT MANAGER QUALIFICATION

Donald G. Annotti - Project Manager

Donald G. Annotti, President of Corp, Inc. has a solid, life-long background in commercial and residential construction, being a third generation contractor. As a company owner, he has specialized in all phases of framing, excavation, concrete and masonry construction including concrete pumping and shot-crete. Prior to forming Corp Inc., Don had supervised many well-known projects such as Wal-Mart (13 total), Toys R' Us and Circuit City. Other projects included shopping strip malls, restaurants and sewer & water treatment plants.

Since the inception of Corp Inc. the list of accomplishments has grown to include commercial design-build projects, multiple school remodels and additions, several skate parks, pool and park renovations, and multiple projects with the Port of Portland at PDX, the Tillamook Forestry Headquarters and Clark College.

Don's responsibilities include but are not limited to bid review and authoring subcontractor contract agreements, drafting the job budget, drafting requests for information, reviewing and commenting on overall and look-a-head schedules, subcontractor management, progress meeting attendance, processing of all subcontractor and owner change orders, and review of submittals.

Wanapum Heritage Center	**$11,750,000**
29082 Hwy 243 S	Start Date: 09/12
Mattawa, WA	Finish Date: TBD
Lynch Elementary School	**$2,280,467**
1314 SW Kalama	Start Date: 6/05/11
Redmond, OR	Finish Date: 05/2012
Hood River Fire Station	**$3,356,550**
1785 Meyer Parkway	Start Date: 5/23/11
Hood River, OR	Finish Date: 3/07/12
William A. Grant Water and Envir Expansion	**$5,030,452**
Walla Walla Community College	Start Date: 7/25/10
Walla Walla, WA	Finish Date: 6/25/11
Deschutes Co. Fairgrounds RV Park	**$3,296,294**
3800 SW Airport Way	Start Date: 10/30/06
Redmond, OR 97556	Finish Date: 7/30/07

PROJECT MANAGER QUALIFICATION

Sam Lehrbaum - Project Manager, Estimator

Sam has over 25 years of construction experience that includes general site work, street improvements, and commercial construction. Prior to his employment with Corp Inc. in 2003, Sam was involved in the Estimating and Project Management of commercial projects including Wafer Tech, Nike, Staples Warehouse, Wal-Mart, and the High Security Access Entry at Intel. Additionally, Sam has extensive experience with street improvements, including projects such as the St. Johns Bridge, I-84 and 25th Street in Portland, Oregon.

Sam's responsibilities include but are not limited to bid review and authoring subcontractor contract agreements, drafting the job budget, drafting requests for information, reviewing and commenting on overall and look-a-head schedules, subcontractor management, progress meeting attendance, processing of all subcontractor and owner change orders, and review of submittals.

Vancouver SD New Maintenance Facility	**$4,099,662**
6014 NW Fruit Valley Rd	Start Date: 08/20/11
Vancouver, WA	Finish Date: 07/01/12
Washington State School for the Blind	**$9,057,277**
2214 E. 13th St	Start Date: 1/25/08
Vancouver, WA	Finish Date: 3/27/09
Camas High School	**$6,609,727**
26900 SE 15th St.	Start Date: 07/20/10
Camas, WA	Finish Date: 09/15/11
Deschutes Co. RV Park	**$3,296,294**
3800 SW Airport Way	Start Date: 10/30/06
Redmond, OR	Finish Date: 7/30/07
Ezra Meeker Elementary	**$5,460,000**
409 5th Street SW	Start Date: 10/17/05
Puyallup, WA	Finish Date: 11/25/06

PROJECT MANAGER QUALIFICATION

Robert Suchanek - Superintendent

In the last 20 years, Robert has had an extensive background in the construction industry beginning as a laborer and working up through all phases of construction. Prior to his arrival at Corp Inc., Robert owned and operated his own residential construction company. His responsibilities at Corp Inc. include supervision of commercial projects from beginning to closeout and warranty services. Robert has been with Corp Inc. for over 7 years. His skills from job conception to job completion have proven him adept in handling the responsibilities set forth before him in a professional and efficient manner.

Ezra Meeker Elementary School **$5,081,898.00**
409 5th St. SW, Puyallup, WA 98371
Anne Hoban, Principal, 253-841-8738

The remodel of this school was in eight phases with critical completion dates of each phase. Each room was upgraded with new cabinets, ceilings, sheet rock, paint and smart boards. A new 4,000 square foot multi purpose room was also added to the school during this project.

Fir Grove Elementary **$1,833,616.87**
6000 SW Wilson, Beaverton, OR
Zan Hess, Principal, 503-672-3530

This project consisted of the conversion of a 22,000 sf partitioned area to individual classrooms, major heating and ventilating upgrades with new boiler retrofit. Remodel of existing kitchen area and replacement of appliances.

Deschutes Public Library **$313,860.00**
601 NW Wall St, Bend, OR
Tom Hogstad, 541-419-8684

This project was divided in two phases while keeping the library facility open and accessible. Renovations included the expansion of the Bend Brooks Room and the interior reorganization of the Children's Library. The second phase encompassed the reorganization of the Adult library. New carpet is installed in select areas throughout the library.

PROJECT MANAGER QUALIFICATION

Robert Suchanek - Superintendent (cont'd)

Oregon Zoo, Family Farm **$ 876,670.84**
4001 SW Canyon Rd, Portland, OR
Lee Campbell, 503-226-2786

The Trillium Creek Family Farm is part of the Zoo's multi-feature Great Northwest exhibit, where millions of visitors can personally connect to farms, farm living and farm-related issues. This exhibit consists of a single story wood framed house and a two-story barn, along with various site amenities.

Kelso City Hall **$4,081,047.38**
123 S. Pacific St., Kelso, WA
David Sypher, 360-423-6590

An existing vacant bank building of 7,500 sf was remodeled with new construction providing the balance to create a 28,200 sf completed facility housing the new City Hall and Police Facility in Kelso, Washington.

Gregory Heights Middle School **$ 319,036.00**
7334 NE Siskiyou St., Portland, OR
Jim Davis, 503-226-0622

The Gregory Heights project was a Seismic Hazardous Reduction upgrade, completed in conjunction with the Sellwood Middle School project, consisting of all phases of construction from structural steel to painting. It also included various ADA upgrades.

Hopkins Ball Field Improvements **$ 299,481.00**
800 N. Sherwood Blvd., Sherwood, OR

Complete Ball Field facility including infield grading, soil amendments, infield sod, backstops, irrigation, scoreboards and site access. Preparatory work was also completed for future construction.

Corp Inc. Office Complex **$1,005,000.00**
5094 36th Ave SE, Salem, OR
Don Annotti, 503-931-1559
The building is an 8,400 sf concrete tilt up office with a warehouse area. Planning and design by J.C. Green and Associates has made this office a perfect fit for our company.

PROJECT APPROACH

Project Understanding

Corp Inc has been in business as a General Contractor for the past 16 years and we have successfully completed many projects, including one Fire Station, with another Fire Station currently in progress. Our company has a team of highly skilled members that each have a strong but diverse background in the construction industry. This diversity allows us to pursue and successfully complete a wide array of projects. Our approach to administering this project will be to choose our most qualified individuals for the project team and then do what we do best; complete this project on time and on budget, and to the Owner's complete satisfaction.

Innovation

A major attribute of Corp Inc's management skills and capabilities is our ability to dependably provide services of incomparable value to our clients, including cost, schedule, and quality benefits on challenging projects. Corp Inc will strive to maximize savings and avoid cost overruns through a variety of cost, quality, and schedule controls. We are experienced at value engineering as well, and welcome the opportunity to help our clients save money.

Cost and Quality Control

Corp Inc has systems in place to control both cost and quality for each project we do. We begin by obtaining bids from subcontractors prior to submitting our bid to the Owner, and we know our fixed costs up front, so we are able to provide an accurate bid for the project. Once we are awarded the project we prepare a budget and write subcontracts based on bids we received. We check references of potential subcontractors to verify past performance and we request bonding when appropriate. We use Sage 100 Contractor as our accounting and project management software which allows us to accurately track all job costs.

Quality control is accomplished several ways; through the submittal process, having a full time on-site Superintendent, and effective communication between the Owner, Architect, Project Manager, Superintendent, and Subcontractors. When we receive submittals from our subcontractors they are reviewed by the Project Manager to ensure compliance with the Specifications, then forwarded to the Architect.

Having an on-site Superintendent for the duration of the project allows us to closely monitor all work to ensure accuracy. We also hold weekly coordination meetings for all subcontractors working on the site to keep everyone up to speed.

Safety Programs

Corp Inc. takes safety seriously and implements a job specific safety program on each project. Corp Inc. holds weekly safety meetings with all tradesman onsite and addresses job specific safety concerns. In addition Corp Inc. holds a monthly safety meeting with all personnel and discusses safety issues on our projects as a team. Unannounced safety reviews are conducted throughout the project to ensure continued implementation of jobsite safety.

Drug and Alcohol Policy

It is the desire of Corp Inc to provide a drug free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. No employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs while on Corp Inc premises or while conducting business related activities off Corp Inc premises. The legal use of prescription or over-the-counter drugs taken for a current health condition is permitted on the job only if it does not impair an employee's ability to perform the job effectively and in a safe manner.

Corp Inc has the following drug testing programs in place: pre-employment, re-employment, random, post accident, periodic, for cause or reasonable suspicion, or as required by specific project contract documents. Employees who test positive or refuse to submit to alcohol and drug testing, or otherwise violate this policy may be subject to disciplinary action, up to and including termination of employment.

REFERENCES

References

1. Wanapum Heritage Center, Greg Minden, Grant County PUD, 509-754-5082
2. Hood River Fire Station, Chief Devon Wells, 541-386-9458
3. Wm. A. Grant Water & Environmental Center Expansion, Jim Peterson, 509-527-4686
4. Camas High School, Heidi Rosenberg, 360-993-8818
5. WSSB New Physical Education Center, Rob Tracy, 360-606-5897

Corporations Division - Registration Data Search

CORP INC CONSTRUCTION

Purchase Documents for this Corporation »

UBI Number	603010387
Category	REG
Profit/Nonprofit	Profit
Active/Inactive	Active
State Of Incorporation	NV
WA Filing Date	05/30/2012
Expiration Date	05/31/2014
Inactive Date	
Duration	Perpetual
Registered Agent Information	
Agent Name	FAIRCHILD RECORD SEARCH LTD
Address	3400 CAPITOL BLVD S #101
City	TUMWATER
State	WA
ZIP	98501
Special Address Information	
Address	PO BOX 1368
City	OLYMPIA
State	WA
Zip	985071368

Governing Persons

Title	Name	Address
President,Secretary,Treasurer,Chairman	ANNOTI , DON	PO BOX 12606 SALEM , OR 97309

Purchase Documents for this Corporation »

General/Specialty Contractor

A business registered as a construction contractor with L&I to perform construction work within the scope of its specialty. A General or Specialty construction Contractor must maintain a surety bond or assignment of account and carry general liability insurance.

Business and Licensing Information

Name	CORP INC CONSTRUCTION	UBI No.	603010387
Phone	5033712453	Status	Active
Address	Po Box 12606	License No.	CORPIIC905OQ
Suite/Apt.		License Type	Construction Contractor
City	Salem	Effective Date	6/1/2010
State	OR	Expiration Date	6/1/2014
Zip	97309	Suspend Date	
County	Out Of State	Specialty 1	General
Business Type	Corporation	Specialty 2	Unused
Parent Company			

Other Associated Licenses

License	Name	Type	Specialty 1	Specialty 2	Effective Date	Expiration Date	Status
CORPI**006LN	CORP INC	Construction Contractor	General	Unused	6/15/2000	10/4/2015	Active

Business Owner Information

Name	Role	Effective Date	Expiration Date
ANNOTTI, DONALD G	President	06/01/2010	

Bond Information

Bond	Bond Company Name	Bond Account Number	Effective Date	Expiration Date	Cancel Date	Impaired Date	Bond Amount	Received Date
2	Travelers Cas and Surety Co of America	103491034	09/27/2011	Until Cancelled			$12,000.00	10/04/2011
1	Travelers Cas & Surety Co	206086449	04/13/2010	10/04/2011			$12,000.00	04/28/2010

Assignment of Savings Information No records found for the previous 6 year period

Insurance Information

Insurance	Company Name	Policy Number	Effective Date	Expiration Date	Cancel Date	Impaired Date	Amount	Received Date
5	Associated Industries Ins Co I	AES1026087	04/26/2013	04/26/2014			$1,000,000.00	04/30/2013
4	ASSOCIATED INDEMNITY CORPORATI	To Be Determined	04/26/2013	04/26/2014			$1,000,000.00	04/25/2013
3	Century Surety Co	CCP745822	04/26/2012	04/26/2013			$1,000,000.00	04/25/2012
2	Century Surety Co	CCP690484	04/26/2011	04/26/2013	04/26/2012		$1,000,000.00	03/28/2012
1	First Mercury Ins Co	FMWA001345	04/26/2010	04/26/2012			$1,000,000.00	04/15/2011

Summons/Complaint Information No unsatisfied complaints on file within prior 6 year period

Warrant Information No unsatisfied warrants on file within prior 6 year period

Infractions/Citations Information No records found for the previous 6 year period

MILLER HULL

12 November 2013

Ms. Amy DeDominicis
Tacoma Design Collaborative
1120 Cliff Street, No. 411
Tacoma, WA 98402

Re: Fire Station 92 Bid Results

Dear Amy,

Per your request, we have prepared the following analysis of the design phase estimating process and the recent bid results for Fire Station 92 in preparation for the City Council Meeting scheduled for Monday, Nov. 18, 2013.

Design Phase Estimate Summary

1. Design Team estimates occurred at each major phase of the project: SD, DD & CD. At each phase, our estimate was under the project budget.
2. Cost estimates were completed by C&N Consultants, a qualified and well-respected local estimating firm. When developing cost estimates for publically design/bid/build projects, the cost estimate is intended to reflect the mid-range of the bids rather than to predict the low bid.
3. Miller Hull has worked with C&N Consultants and their lead estimators Andrew Cluness and Neil Watson for many years on a wide variety of project types. Between them, they have estimated six local fire station projects, including two with Miller Hull. For both of the Miller Hull fire stations (bid in 2009 and 2010), the low bids came in over 15% below the final project estimate and the project budget.
4. Cost estimates at each phase were completed with the input from the design team members and reviewed by City staff. The design team worked closely with C&N and the City to ensure the estimate captured the intended scope of the project (both hard and soft costs) at all phases of documentation.
5. The final design team estimate was performed on the 90% Construction Set, dated 8/26/13.
6. The 90% CD Phase estimate for the 7,987sf project, completed on 9/16/13 was $3,101,903.
7. The estimate included a 1.2% estimating contingency which is intended to cover work that was to be documented between 90-100% CD's).
8. The estimate included 4% per annum escalation which is intended to cover escalation associated with commodity/labor price increases from the time of the estimate to the bid opening.
9. The estimate was slightly below the project construction budget of $3,102,192 leading the design team and the City to believe the project was on budget at the time it went out to bid.

Bid Phase Timeline & Results

1. Three week bid period: October 17, 2013 to November 7, 2013.
2. Fourteen general contractors submitted bids.
3. The Base Bid ranged from a low of $3,500,000 ($398,097 or 12.8% over estimate) to a high of $3,987,000 million ($885,097 or 28.5% over estimate).
4. Two bid alternates were included.
    a. Alt 1 (deductive): Glazed Aluminum Sectional Doors
    b. Alt 2 (additive): Underground Power extension
5. Including both Alternates, the bids ranged from a low of $3,478,000 ($376,097 or 12.1% over estimate) to a high of $3,900,000 million ($798,097 or 25.7% over estimate).

The Miller Hull Partnership, LLP
Polson Building
71 Columbia Street – 6th Floor
Seattle, WA 98104

Contact
T: 206.682-6837
F: 206.682-5692
www.millerhull.com

Analysis of Bid Results

1. **Bid Coverage by Generals** - Fourteen bidders on a project of this size would indicate that there was adequate marketplace coverage, which is typically an indicator of a competitive bid environment often resulting in a tight bid range.

2. **Range of Bids** - The range of bids was relatively tight with 12 of the 14 general contractors being within 4.5% of the average of all bidders ($3,729,858). The low Base Bid was 6.16% below the average bid. This result points to a complete and well coordinated set of drawings and specifications.

3. **Bid Climate** - There is anecdotal evidence in the design and construction industry that the bid climate is heating up as the economy continues to improve. Typically, as the bid climate heats up, contractors are less inclined to sharpen their pencils when preparing bids. We have found that this can be especially pronounced on smaller projects (construction cost <$10m).

4. **Bid Coverage by Subs** - From anecdotal discussions with contractors following the bid, we have found some correlation showing higher than estimated costs in mechanical, plumbing, electrical, roofing, and cabinetry line items. Typically, having many general contractors bidding a project means a competitive bid environment at the sub level as well. However, we did not see that same competitiveness in the sub tiers of contractors for mechanical/plumbing and electrical trades as evidenced by the lower than typical number of product substitution requests. We believe the minimal competition at this level may have negatively impacted the overall bid, especially with these line items.

5. **Scope Additions between 90-100% CD's** - A number of items were added and/or modified during the time between the 90% CD Cost Estimate and the project going out to bid at 100% CD. Those items are noted below and the cumulative costs of these additions likely exceeded the 1.2% estimating contingency included in the 90% CD Estimate:

    - **AT&T Equipment coordination** - Work by AT+T on their equipment behind the station during this time, revealed that their sub-grade equipment was higher in elevation and more packed in than was evident on their as-built drawings. The sensitivity of their equipment and its proximity to grade will require hand or vactor truck excavation in the carefully defined vicinity of their gear.

    - **Mobile Emergency Rescue Generator** - Additional salvage and reinstallation requirements were added for the mobile emergency rescue generator and will additional require work in this vicinity.

    - **Builder's Risk Insurance** - Our estimate, per AIA standard front end specifications, assumed that builders' risk insurance would be carried in the owner's soft costs. Mercer Island opted to assign responsibility for obtaining this insurance to the contractor which is reflected in the contractor's bid .

Please contact us if you should need any additional clarification input prior to next Monday's City Council Meeting. As requested, our core architectural team and our cost estimator will be present to answer any questions the Councilors might have relative to the estimating process during the design phases and/or our analysis of the bid results.

We remain committed to assisting the City and the Fire Department in analyzing the options associated with moving this project forward in light of the unanticipated bid results.

Sincerely,

Scott Wolf, FAIA
Partner, The Miller Hull Partnership, LLP

C & N Consultants, Inc.
Construction Cost Consultants

Kate Spitzer
The Miller Hull Partnership
Polson Building
71 Columbia-Sixth Floor
Seattle, Washington - 98104

November 11th, 2013

RE: Fire Station 92

Dear Kate,

We have reviewed the bids for Fire Station 92 in comparison with our 90% Construction Documents estimate dated September 16th, 2013 with an estimated construction value of $3,101,903. As you are aware we were not requested to complete a 100% Construction Documents Estimate, so we are unable to verify any scope changes from 90% to 100%, but would expect this to be relatively minor with additional scope being captured from the Design/Estimating contingency we had included at 1.20%.

It is our understanding that the low bid for this project was $3,500,000 representing an 11.4% increase from the latest C&N Estimate or $398,097. Following our review of the apparent low bidder's schedule of values, we can confirm the following significant cost differences between the 90% Construction Documents estimate and the apparent low bidder:

- General Requirements & GC Fee + $68,000
- Site Preparation & Mechanical Utilities + $25,000
- Structural Steel Framing & Fabrications +$30,000
- Roofing +$39,000
- Skylights +$25,000
- Storefronts + $35,000
- Mechanical (Plumbing & HVAC) +$177,000

We can confirm after speaking with subcontractors and general contractors that costs are in general increasing significantly in certain trades. We are concerned that the Mechanical difference is significant. From recent bid data that we have received on projects of approximately this size we have not seen a significant difference from our estimates for mechanical or other trades, so this was surprising and we will review this further with the 100% Construction Documents to review the scope of work. We would also recommend that escalation is reviewed carefully on other future projects and we are currently in discussions with general contractors.

As you are aware we have had success on other projects that we have worked on with your office over the last 10 years, so this was very disappointing to hear that this project had not bid as we had anticipated. We would have no hesitation should you or the owner require any further assistance on this project.

Andrew Cluness
C&N Consultants

105 Main Street, Suite 300A, Seattle, WA 98104
Tele 206-624-8539, Fax 206 624-8955. www.cnconsultants.org

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND, WA

AB 5251
January 17, 2017
Regular Business

I-90 LOSS OF MOBILITY NEGOTIATIONS STATUS REPORT	**Proposed Council Action:** Receive status report.

DEPARTMENT OF	City Manager (Kirsten Taylor)
COUNCIL LIAISON	n/a
EXHIBITS	n/a
APPROVED BY CITY MANAGER	

AMOUNT OF EXPENDITURE	$	n/a
AMOUNT BUDGETED	$	n/a
APPROPRIATION REQUIRED	$	n/a

SUMMARY

The I-90 loss of mobility negotiations status report will be provided at the Council meeting.

RECOMMENDATION

Assistant City Manager

MOVE TO: Receive report. No action required.

CITY COUNCIL PLANNING SCHEDULE

All meetings are held in the City Hall Council Chambers unless otherwise noted.
Special Meetings and Study Sessions begin at 6:00 pm. Regular Meetings begin at 7:00 pm.
Items listed for each meeting are not in any particular order.

JANUARY 17 (TUESDAY) – 5:00 PM		
Item Type	**Topic/Presenter**	**Time**
Executive Session	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes	90
Consent Calendar	Public Sanitary Sewer Easement Termination – Aegis Living – K. Sand	--
Consent Calendar	Code Amendments to Require Installation of Automatic Fire-Sprinkler Systems in New Residential Construction (2nd Reading) – S. Heitman & H. Rostov	--
Consent Calendar	Zoning Code Text Amendment Modifying MICC Title 19 Pertaining to Places of Worship and Impervious Surfaces (2nd Reading)—N. Gaudette	--
Regular Business	I-90 Loss of Mobility Negotiations Status Report – K. Taylor	30
Regular Business	Fire Station 92 Project Update – K. Sand/C. Corder	30

JANUARY 24 (TUESDAY) – 9:00 AM–10:30 AM		
Executive Session	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes	90

JANUARY 31 (TUESDAY) – 9:00 AM–10:30 AM		
Executive Session	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes	90

FEBRUARY 3-4 (FRIDAY & SATURDAY)		
	2017 PLANNING SESSION (MICEC)	

FEBRUARY 6 – 5:00 PM		
Item Type	**Topic/Presenter**	**Time**
Executive Session	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes	90
Consent Calendar	ARCH Trust Fund, Work Program & Budget – A. Van Gorp	--
Consent Calendar	Department of Social & Health Services Interlocal Agreement Community Settings Respite Care – D. Mortenson	--
Regular Business	Outdoor I-90 Sculpture Gallery Name Change – D. Mortenson	30
Regular Business	I-90 Loss of Mobility Negotiations Status Report – K. Taylor	30
Regular Business	Closing Criminal Justice Fund (2017-2018 Budget Amendment) – C. Corder	30

FEBRUARY 14 (TUESDAY) – 9:00 AM–10:30 AM		
Executive Session	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes	90

FEBRUARY 21 (TUESDAY) – 5:00 PM		
Item Type	**Topic/Presenter**	**Time**
Executive Session	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes	90
Regular Business	I-90 Loss of Mobility Negotiations Status Report – K. Taylor	30
Consent Calendar	Open Space Conservancy Trust Board Annual Report and Work Plan – A. Sommargren	--

FEBRUARY 28 (TUESDAY) – 9:00 AM–10:30 AM		
Executive Session	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes	90

MARCH 6 – 5:00 PM		
Item Type	**Topic/Presenter**	**Time**
Executive Session	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes	90
Special Business	Presentation from King Council Councilmember Claudia Balducci	10
Regular Business	I-90 Loss of Mobility Negotiations Status Report – K. Taylor	30

MARCH 14 (TUESDAY) – 9:00 AM–10:30 AM		
Executive Session	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes	90

MARCH 20 – 5:00 PM		
Item Type	**Topic/Presenter**	**Time**
Executive Session	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes	90
Regular Business	I-90 Loss of Mobility Negotiations Status Report – K. Taylor	30

MARCH 28 (TUESDAY) – 9:00 AM–10:30 AM		
Executive Session	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes	90

APRIL 3 – 5:00 PM		
Item Type	**Topic/Presenter**	**Time**
Executive Session	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes	90
Study Session	NPDES Stormwater Code Update – P. Yamashita	60
Regular Business	I-90 Loss of Mobility Negotiations Status Report – K. Taylor	30
Regular Business	NPDES Stormwater Code Update (1st Reading) – P. Yamashita	60
Regular Business	General Sewer Plan Update – A. Tonella-Howe	45

APRIL 11 (TUESDAY) – 9:00 AM–10:30 AM		
Executive Session	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes	90

APRIL 17 – 5:00 PM		
Item Type	**Topic/Presenter**	**Time**
Executive Session	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes	90
Regular Business	I-90 Loss of Mobility Negotiations Status Report – K. Taylor	30
Regular Business	NPDES Stormwater Code Update (2nd Reading) – P. Yamashita	60
Regular Business	Fourth Quarter 2016 Financial Status Report & Budget Adjustments – C. Corder	45

APRIL 20 (THURSDAY)		
	JOINT MEETING WITH MISD BOARD	

APRIL 28 (TUESDAY) – 9:00 AM–10:30 AM		
Executive Session	To discuss (with legal counsel) pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 90 minutes	90

OTHER ITEMS TO BE SCHEDULED:

- Ballfield Advertising – B. Fletcher
- Code Enforcement Ordinance Update – A. Van Gorp (Q1 2017)
- Light Rail Station Design Oversight – K. Taylor
- Mercer Island Center for the Arts (MICA) Lease – K. Sand
- CenturyLink Cable Franchise – K. Sand
- PSE Electric Franchise – K. Sand
- Zayo Telecom Franchise – K. Sand
- Six Year Sustainability Plan – R. Freeman

COUNCILMEMBER ABSENCES:

- Grausz: January 3 & January 17

Memorandum

Mayor Bruce Bassett

TO: City Council

FROM: Mayor Bruce Bassett

DATE: January 12, 2017

RE: Appointments to the Arts Council & Library Board

Please affirm the appointments of:

- Peter Schaefer to Position #2 (expires May 2019) on the Arts Council; and
- Sara Berkenwald to Position #5 (expires December 2018) on the Library Board

Copies of their applications are on file in the City Clerk's Office.

MOVE TO: Affirm the appointments of Peter Schaefer to Position #2 (expires May 2019) on the Arts Council and Sara Berkenwald to Position #5 (expires December 2018) on the Library Board.