



CITY COUNCIL MINUTES REGULAR MEETING SEPTEMBER 2, 2014

CALL TO ORDER & ROLL CALL

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

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

SPECIAL BUSINESS

2014 Flash Family Award Recognition

Mayor Bassett spoke about the Flash Family award, which is to honor a Mercer Island senior adult who exemplifies the spirit of good sportsmanship or community leadership and who possesses an optimistic attitude and friendly demeanor while acting as a role model to others. He stated that the 2014 award honors two outstanding individuals, Rabbi Bob Maslan and Bob Zimmerman, affectionately known as "The Bobs". He spoke about the "The Bobs", noting that they have been lifelong educators, teaching with enthusiasm, optimism, and a respect for the young people in their classes. They have conveyed an excitement for knowledge and have created an exceptional classroom that has fostered learning and growth.

YFS Director Cindy Goodwin acknowledged Rabbi Bob Maslan and the family of Bob Zimmerman for all they have given to the Island youth and the greater community.

2014 National Recovery Month Proclamation

YFS Director Cindy Goodwin spoke about the proclamation, which acknowledges Mercer Island joining cities across America to recognize that prevention of mental and/or substance use disorders works and treatment is effective. She noted that people can recover from mental illness and substance abuse, and that Mercer Island has a number of resources for people in need.

Mayor Bassett read the proclamation declaring the month of September as National Recovery Month and called upon citizens to observe this month with appropriate programs, activities, and ceremonies to support this years' recovery month.

APPEARANCES

Bob Still spoke on behalf of Meg Lippert at 4052 94th Avenue SE, stating that there is no member on the Library Board who represents professional authors and researchers. She requested reconsideration of her application and appointment to the Library Board.

Gary Robinson, 6026 E Mercer Way, spoke about the library noting that the Concerned Citizens group continues to await a response from the City regarding the ballot initiative to establish a Mercer Island municipal library. He urged the City to move forward, stating that Mercer Islanders do not want the wholesale remodeling of their library.

Ira Appelman, 4436 Ferncroft Road, questioned whether this City Council intends to keep its promises, mentioning parking at the Mercer Island Community and Event Center and MICA's use of a portion of Mercedale Park. He stated that if the Council continues to shirk its duty with respects to the Mercer Island Library, it will be clear to Islanders just what City Council promises are worth.

MINUTES

Mini-Planning Session Minutes of June 14, 2014

It was moved by Bertlin; seconded by Brahm to:
Adopt the Mini-Planning Session Minutes of June 14, 2014 as written.
Passed 7-0
FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Senn, Wong)

Regular Meeting Minutes of August 4, 2014

It was moved by Bertlin; seconded by Brahm to:
Adopt the Regular Meeting Minutes of August 4, 2014 as written.
Passed 7-0
FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Senn, Wong)

CONSENT CALENDAR

Councilmember Senn requested removing AB 4999: 2014-2015 Interlocal Agreement with MISD for Counseling Services from the Consent Calendar. Mayor Bassett moved it to the first item of Regular Business.

Payables: \$488,927.56 (07/31/14), \$287,847.69 (08/07/14), \$327,324.86 (08/14/14), & \$1,024,881.12 (08/21/14)
Recommendation: Certify that the materials or services hereinbefore specified have been received and that all warrant numbers listed are approved for payment.

Payroll: \$741,920.88 (08/08/14) & \$738,734.96 (08/22/14)
Recommendation: Certify that the materials or services specified have been received and that all fund warrants are approved for payment.

It was moved by Bertlin; seconded by Wong to:
Approve the Consent Calendar and the recommendations contained therein.
Passed 7-0
FOR: 7 (Bassett, Bertlin, Brahm, Cero, Grausz, Senn, Wong)

REGULAR BUSINESS

AB 4999 2014-2015 Interlocal Agreement with MISD for Counseling Services

Councilmember Senn noted that this is a large shift in the provision of counseling services in that elementary schools will now have 2½ school counselors as opposed to 3 full-time school counselors.

YFS Director Cindy Goodwin mentioned that 15 hours per week of a consultant is being added in. She does not consider this a reduction, but a different configuration. Finance Director Chip Corder stated that the City can no longer rely on Thrift Shop sales to balance the YFS budget.

Councilmembers spoke about the need to retain counseling services and are disheartened by the reduction, asked about increasing thrift shop revenue through volunteer hours, mentioned that there should be a discussion with the School District about prioritizing expenditures, and stated that the expectation is to have one counselor per school next year.

It was moved by Brahm; seconded by Bertlin to:
Authorize the City Manager to sign the Interlocal Agreement for the Mercer Island School District Counseling Services during the 2014-15 school year.
Passed 6-1
FOR: 6 (Bassett, Bertlin, Brahm, Cero, Grausz, Wong)
AGAINST: 1 (Senn)

No AB Fire Station 92 Project Update

Maintenance Director Glenn Boettcher gave a brief Fire Station 92 update. He mentioned that substantial completion is moved out to December 15, 2014, with final completion set for January 16, 2015. He also spoke about the change order for additional excavation for the public art piece. He stated that over the past few weeks, with the new schedule in place, there are signs of a better pace of work and the roof is nearly done.

Councilmembers asked if there was any financial consideration for the City agreeing to extend the completion date and discussed the liquidated damages provision.

AB 4993 Public Hearing: Resolution on Initiative 594

Ballot Title: "This measure would apply currently used criminal and public safety background checks by licensed dealers to all firearm sales and transfers, including gun show and online sales, with specific exceptions. Should this measure be enacted into law?"

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

David McCann, 8182 W Mercer Way, thanked the City for supporting Mayors Against Illegal Guns. He asked the Council to take leadership tonight and stand by this legislation.

Cornelia Schneider, 8541 E Mercer Way, asked Council to endorse 594. She stated that, while her family is a gun family, they support background checks because they believe that with every right comes responsibility. She also noted that background checks have been proven to save lives.

Jessica Apodaca, 3621 72nd Avenue SE, asked Council to endorse Initiative 594. Her family moved to Mercer Island because of the excellent schools and a safe family friendly environment. She spoke about gun statistics, noted that Initiative 594 is a common sense initiative that will reduce gun violence by closing the background check loophole that exists in Washington State, and that it represents a small step in improving public safety.

Mindy Smith, 4710 81st Avenue SE, believes this is a common sense law, appreciates the Council taking the time to hear public comment, and encourages Council to show support for Initiative 594.

Cyril Baumgartner, 4851 90th Place SE, noted that this initiative does protect 2nd Amendment rights and proposed that the Council formally declare its support for Initiative 594.

Mina Larsen, 7831 SE 71st Street, is on the board of grandmothers against gun violence and feels very strongly that she has the responsibility to create a safer world for her children and grandchildren. She asked the Council to endorse Initiative 594.

Marjorie Offer, 2980 76th Avenue SE, relayed information about a school shooting that occurred in Winnetka Illinois and stated that, while there is no way to predict abhorrent behavior, you must take every precaution possible to protect yourself.

Kevin Peck, 6825 84th Avenue SE, supports Initiative 594 and feels he has a moral imperative to work to help regulate gun ownership through appropriate background checks. He asked the Council to please endorse Initiative 594.

Eric Swenson, 8541 E Mercer Way, urged Council to endorse Initiative 594. He noted that more people in Washington State die from guns than from car accidents, that gun violence takes an enormous physical and emotional toll on all victims, and believes that even a single life saved is worth the effort. He stated that Initiative 594 will save lives and represents no meaningful infringement on responsible gun ownership.

Eileen Bennhoff, 3460 77th Avenue SE, defined happiness in its simplest form by stating that no parent should outlive their child. She trusts that the Council will vote yes to officially endorse Initiative 594.

Carolyn Boatsman, 3210 74th Avenue SE, asked the Council to endorse Initiative 594 and wanted to draw particular attention to the need by victims of domestic violence and sexual assault for the requirements of Initiative 594 to be written into state law. She stated that background checks will reduce access to guns to those under protection orders.

Susan Morrison, read a charter that speaks to the responsibility to care for the community. She noted that all people should act with a shared accountability for the wellbeing of the human family and that with increased freedom, knowledge, and power comes increased responsibility to promote the common good. She asked the Council to act unanimously in support of Initiative 594 and noted that safety must be the number one concern of those who set policies.

Pam O'Brien, 2760 76th Avenue SE, spoke about a shooting that happened this past July at a hospital in Spokane. She noted that this law is just the beginning but is at least a step. She pleaded that we bring some common sense back into this country and at least start with background checks.

Sarah Ford, 8405 SE 34th Place, thanked the Council for putting together this resolution, which is a very simple and logical requirement. She spoke about the national groups that endorse this initiative and mentioned that, in states that require background checks for private handgun sales, 39% fewer law enforcement are shot to death. She believes this is a simple, logical step and encouraged the Council to endorse it.

The Mayor closed the public hearing at 8:23 pm.

The following motion was made and Council discussed the Initiative:

It was moved by Brahm; seconded by Senn to:

Endorse Initiative 594 (Adopt Resolution No. 1487, concerning requiring criminal and public safety background checks for firearm sales and transfers by unlicensed sellers).

Passed 5-2

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

AGAINST: 2 (Brahm, Cero)

AB 5000 Lakeridge Elementary Zoning Code Text Amendment (1st Reading)

AB 5001 Lakeridge Elementary Rezone from R-9.6 (Single Family) to P (Public Institution) (1st Reading)

Development Services Group Director Scott Greenberg presented first reading of Ordinance No. 14C-09, stating that the Planning Commission has recommended approval. He spoke about the public review and input on the school projects as well as the rezoning. He presented a vicinity map of the Lakeridge neighborhood and discussed the Lakeridge west property line, noting that the only changes are in the setback and height limits. He also spoke about the east property line, mentioning that a building could be built 15 feet closer to the property line and could be a maximum height of 43 feet tall.

The Mayor opened the public comment period at 9:29 pm.

Marie Bender, 7890 81st Place SE, briefly discussed the current recommendation and questioned whether it is fair to all neighbors bordering Lakeridge. She noted that staff did not follow the process established at every other school sight of tailoring zoning conditions to the needs of the School District and the physical characteristics of the sight. She asked that the initial height at 65 feet be changed to 12 feet while retaining the remainder of the recommendation.

Marc Berejka, 8125 SE 79th Street, mentioned that this whole proceeding has been about preserving the Island's residential look and feel while accommodating the school district's programmatic needs. He noted that the City's Comprehensive Plan places primacy on the Island's entire residential quality, including schools. He believes it is Council's job to look at the totality of the circumstances, to think about the residential look and feel. He stated that Islander Middle School will diminish property values and that there is no need for his home to suffer the same type of harm. He fully endorses the 12-foot proposal.

Brandy Fox, Mercer Island School District, 4160 86th Avenue SE, pointed out that the intent of this rezoning process was to enable the school district to build schools without variances. She mentioned that a 65-foot setback gives neighbors an additional 30 feet from what exists today.

The Mayor closed the public comment period at 9:40 pm.

Councilmembers spoke about the following:

- the School District wanting both flexibility in their ability to develop in the future and uniformity and consistency in the zoning;
- that recognition should be given to those who live on the perimeter;
- proposing a compromise of a 15 foot height limit at 65 feet;
- the implications of putting this property in the P Zone, but not changing the setbacks;
- the neighbors to the west of the school property having a built in height advantage;
- school property is a precious asset and it is not a service to the citizens to restrict the School District; and
- the P Zone should have consistency and uniformity in that a tailored approach is taken for each site.

Following discussion and debate, there was consensus to follow Staff's recommendation and the Council directed staff to return on September 15, 2014 for a second reading and adoption.

AB 5000 and AB 5001 were discussed together.

AB 4998 2nd Quarter 2014 Financial Status Report & 2013-2014 Budget Adjustments

Finance Director Chip Corder presented the 2nd Quarter 2014 Financial Status Report. He spoke about the general fund including total revenues and total expenditures through June 30, 2014, and projected a revenue surplus at the end of the year of 2.5-3.0%, which is primarily being driven by development activity. He mentioned that General Fund revenues are up \$525,000 through June 30, 2014 and spoke about sales tax, utility tax, development activity, and the YFS Fund. He gave a financial overview of Real Estate Excise Tax (REET) and noted some project highlights of the Capital Improvement Program. He mentioned that Thrift Shop sales may have reached a plateau and that staff is having difficulty maintaining the high level of volunteer hours the Thrift Shop has depended on for its success.

The Council asked for an update on the Calkins Landing project, if any CIP project is exceeding budgetary expenditures, the stormwater projects and the Army Corps of Engineers backlog, why the emergency management coordination contract was not budgeted, and for a Police Department overtime contract analysis.

It was moved by Wong; seconded by Grausz to:

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

Passed 6-1

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

AGAINST: 1 (Cero)

It was moved by Wong; seconded by Brahm to:

Adopt Ordinance No. 14-12, amending the 2013-2014 Budget.

Passed 7-0

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

OTHER BUSINESS

Councilmember Absences

Councilmember Cero will be absent September 15.

Councilmember Brahm may be absent October 6.

Planning Schedule

City Manager Treat noted that the actuarial valuation is scheduled for September 15, that there will be a meeting with the School Board on October 16, with the YFS budget issue being one of the major agenda items, and that October 27 is being held as a special meeting in the event that a TBD is created. Council asked for an update on the soil remediation issue.

Board Appointments

It was moved by Brahm; seconded by Grausz to:

Affirm the appointment of Leann Tse to the Mercer Island Library Board.

Passed 7-0

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

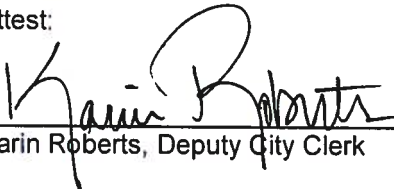
Councilmember Reports

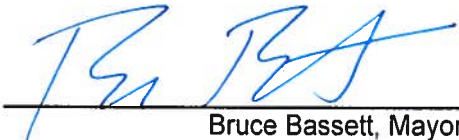
- Councilmember Cero noted that he attended the Issaquah Sound Transit briefing, and does not feel that Issaquah will be giving much support to Mercer Island.
- Councilmember Brahm noted that at the last Arts Council meeting there was an update on the tennis wall mural, which looks to be about halfway done, and mentioned that Kenton Pies has put a final coating on the dragon at Dragon Park. She attended the solar installation at the Auto Spa, the first business to participate in the Solarize campaign. She noted that on September 8 firefighters will hold their Fill the Boot campaign for Muscular Dystrophy research. She also spoke about the Art UnCorked event in the Town Center and thanked the City for its participation.
- Deputy Mayor Grausz mentioned that the MI Library Board had its first meeting in August, noting that the purpose of the board transcends the renovation and that dialogue is needed going forward which enables Islanders to comment on operations. He stated that KCLS has agreed to retain the book drop and are willing to look at color recommendations from the MI Library Board. He feels this is indicative of a change in approach and is cautiously optimistic that a corner has been turned with KCLS.
- Councilmember Bertlin noted that the Parks & Recreation Sub-Committee met last week and discussed Community Center finances. She also noted that the feedback from the public was strong in terms of a substantial rebuild of Groveland Beach, and the potential for substantial work at Clarke Beach.
- Councilmember Senn mentioned that she attended the Parks and Recreation Sub-Committee meeting and that there have been a number of Town Center meetings in the past few weeks.
- Councilmember Wong spoke about the Solarize ribbon cutting at the Auto Spa and hopes that other businesses in the Town Center will follow.
- Mayor Bassett mentioned the upcoming City Council/School Board Sub-Committee meeting on October 18. He asked for Council and staff support to construct alternative policy position language for the next SCA Policy Issues Committee meeting. He spoke about meeting with some engaged citizens regarding bus cuts and next steps, and noted that a survey of Islanders riding the buses will happen in the next few weeks with signage being posted at bus stops. He gave a reminder to drivers to slow down as school is back in session.

ADJOURNMENT

The Regular Meeting adjourned at 11:31 pm.

Attest:


Karin Roberts, Deputy City Clerk


Bruce Bassett, Mayor