



CITY COUNCIL MINUTES REGULAR MEETING MAY 5, 2014

STUDY SESSION

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

Councilmembers Debbie Bertlin, Jane Brahm, Mike Cero, Tana Senn (arrived 6:02 pm), Benson Wong, Deputy Mayor Dan Grausz, and Mayor Bruce Bassett were present.

AB 4952 2014 Biennial Citizen Survey Results

Ian Stewart from EMC Research presented the results of the biennial citizen survey. He explained that it was the sixth biennial survey conducted by EMC Research for the City of Mercer Island to help the City evaluate its performance in a variety of service areas and to track changes in performance over time. The telephone survey of registered voters in the City of Mercer Island was conducted in April 2014, with 304 total interviews and an overall margin of error +5.8 points. He reviewed the responses and key findings with the Council. He noted that tolling was the number one answer when respondents were asked what the most important problem is facing Mercer Island today, which replaced education/school funding in the previous survey. He also noted that 74% of the respondents feel the City is heading in the right direction.

Mr. Stewart also spoke about the responses for the specific questions asked regarding a public gathering place in the Town Center, the Mercer Island Center for the Arts, electric vehicle charging stations, and solar arrays.

The Study Session adjourned at 6:50 pm.

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the Regular 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.

APPEARANCES

Carol Heltzel, 8245 SE 61st St, is concerned about the blight of signs on Mercer Island. She stated that the current rules need to be enforced, perhaps by using surplus money. She would like the City to review its current policy and perhaps tighten the rules. She noted that it seems like every business has a sandwich board out, even businesses that are not located on Mercer Island. She is also concerned about the amount of weeds, specifically in the center islands on Island Crest way. She would like the City to think about cleaning up.

John Gebhart, 7360 81st Place SE, representing Mercer Island Masonic Lodge expressed his concern about banning fireworks. He believes that a ban on fireworks and enforcement would fail, and that people would get hurt as a result. He noted that the Masonic Lodge offers a safe alternative with safe fireworks. Mercer Island had zero firework related incidents last year, performing better than neighboring communities that have firework bans. He wants to make the 4th of July a safe and fun holiday for everyone by handing out educational materials. The Masonic Lodge is serious about safety and thinks that a ban is likely to fail.

Frank Sorba, 8113 SE 74th Place, commander of VFW post 5760, enjoyed working with the Masons and the Kiwanis at the fireworks booth. He heard many positive comments from residents who were appreciative about having a locally operated, convenient place to purchase safe fireworks to use on the 4th of July. Since

fireworks are legal on Mercer Island, it makes sense that the Council supports three Mercer Island service groups' efforts to provide safe and sane fireworks for residents. He mentioned that some of the money from the fireworks sale allowed the VFW to repave the front of the Post, and that it helps to keep rental rates low.

Michael Tierney, 8902 SE 56th St, spoke in support of the fireworks permit. He is an attorney who represents public entities and has seen that fireworks bans are unenforceable. He noted that, as a parent, you want your children to know that you are operating within the law and want to send the right message to your children.

Scott Anderson, 2241 72nd Avenue SE, is a Mason who is very proud of what Mercer Island is doing with fireworks. He noted that it is a long-standing proud tradition on the Island to have fireworks and offer them to the public.

MINUTES

Special Joint Meeting Minutes of April 17, 2014

It was moved by Bertlin; seconded by Brahm to:

Adopt the Special Joint Meeting Minutes of April 17, 2014 as written.

Passed 7-0

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

Study Session and Regular Meeting Minutes of April 21, 2014

It was moved by Bertlin; seconded by Brahm to:

Adopt the Study Session and Regular Meeting Minutes of April 21, 2014 as written.

It was moved by Grausz; seconded by Cero to:

Amend the previous motion as follows:

Amend Page 7, Paragraph 2 as follows:

Deputy Mayor Grausz stated that the Council has not changed what they voted on two months ago.

He noted that the Coval long plat is not going forward in the form it was presented earlier this year and that the findings of fact and conclusions of law do not preclude development or redesign of the plat, but state that it needs to be consistent with the development code.

Passed 7-0

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

Amended Motion Passed 7-0

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

CONSENT CALENDAR

Councilmember Cero requested removal of the Payables reports and Deputy Mayor Grausz requested removal of AB 4695: Extension Agreement to Interlocal Agreement with Mercer Island School District Concerning the Operation of the Mary Wayte Pool (2015-2025) from the Consent Calendar. Mayor Bassett moved them to the first items of Regular Business.

Payroll: \$753,040.31 (05/02/14)

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

AB 4951 Set Public Meeting Date for Trellis Long Plat (SUB13-014)

Recommendation: Set the public meeting date for the proposed Trellis Long Plat to May 19, 2014.

It was moved by Senn; seconded by Bertlin to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 7-0

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

REGULAR BUSINESS

Payables: \$773,787.68 (04/17/14) & \$698,242.95 (04/24/14)

Councilmember Cero asked questions about NORCOMS's additional assessment to their normal fee, questioned spending money on shopping bags, and asked for a further explanation on the watercourse assessment study expenditure.

It was moved by Cero; seconded by Wong to:

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

Passed 7-0

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

AB 4956 Extension Agreement to Interlocal Agreement with Mercer Island School District Concerning the Operation of the Mary Wayte Pool (2015-2025)

Deputy Mayor Grausz spoke about the need to write a new interlocal instead of extending the previous agreement as it needs to be cleaned up. The Council discussed the rewriting the interlocal, what the agreement would look like if the levy did not pass and the capital reserve account.

City Manager Treat stated that staff will work with the School District to clean up the agreement and address the Council's concerns.

AB 4954 False Alarm Code Amendments (3rd Reading & Adoption)

It was moved by Bertlin; seconded by Brahm to:

Un-table Ordinance No. 14C-04 amending MICC 8.10, Alarms Responded to by the Police and Fire Department and continue discussion.

Passed 7-0

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

Assistant City Attorney Christina Schuck reviewed the initial purpose of proposing the amendments to Chapter 8.10, which include deleting obsolete references, reflecting current practices, improving enforcement of false alarms, updating the penalty schedule, and clarifying the appeal procedure. She mentioned that the new proposed language regarding alarm registration is that it is encouraged but not required.

Services Commander Leslie Burns stated that the alarm registration forms will be available online and that clarifying language can be added stating that registration is a recommendation, not a requirement.

Assistant City Attorney Schuck discussed the proposed re-wording of section 8.10.040, stated that sections 8.10.050 and 8.10.060 should be deleted altogether, and that potentially section 8.10.040 could also be deleted. She reviewed the penalty schedule, flat fee vs. graduated, and the exemptions for those who are eligible for the City's utility discount program. She presented a summary of the proposed changes to the definitions and terminology and enforcement.

The Council asked questions of staff regarding the proposed amendments including questions related to providing the education piece to the public and including best practices in future legislation.

It was moved by Cero; seconded by Senn to:

Adopt Ordinance No. 14C-04 (Option 2) amending MICC 8.10, Alarms Responded to by the Police and Fire Departments.

It was moved by Grausz; seconded by Senn to:

Amend the previous motion as follows:

Delete section 8.10.040 (Alarm system operation and maintenance) and renumber subsequent sections accordingly.

Motion to Amend Passed 7-0

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

It was moved by Grausz; seconded by Bertlin to:

Amend previous motion as follows:

Replace text of Section 8.10.060, Enforcement with text from Option 1 of the proposed ordinances (flat fee structure).

Motion to Amend Failed 3-4

FOR: 3 (Bassett, Bertlin, Brahm)

AGAINST: 4 (Cero, Grausz, Senn, Wong)

It was moved by Cero; seconded by Grausz to:

Amend the previous motion as follows:

Add "in order to evaluate the effectiveness of decreasing false alarms" at the end of 8.10.050(A), Alarm dispatch request records.

Motion to Amend Failed 3-4

FOR: 3 (Cero, Grausz, Wong)

AGAINST: 4 (Bassett, Bertlin, Brahm, Senn)

It was moved by Grausz; seconded by Bertlin to:

Amend the previous motion as follows:

Delete the last sentence of 8.10.070(B): The alarm administrator may also waive or modify the fine if the alarm user is eligible for the City's utility discount program.

Motion to Amend Passed 7-0

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

Amended Motion Passed 7-0

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

AB 4945 Mercer Island Masonic Lodge Fireworks Sales Permit

Fire Chief Chris Tubbs presented a permit for the sale for consumer type fireworks by the Mercer Island Masonic Lodge, VFW and Kiwanis service groups for the 2014 4th of July holiday. He stated that last year there were no fireworks related incidents, only noise complaints. The Council discussed the times and dates for the sale of the fireworks.

It was moved by Cero; seconded by Brahm to:

Approve the Mercer Island Masonic Club's permit application to allow the retail sale of "consumer" fireworks in conjunction with Independence Day 2014.

It was moved by Bertlin; seconded by Senn to:

Amend the main motion as follows:

Approve the Mercer Island Masonic Club's permit application to allow the retail sale of consumer fireworks July 2 from 3 PM-9 PM, July 3 from 10 AM-9 PM, and July 4 from 10 AM-9 PM in conjunction with Independence Day 2014.

Motion to Amend Failed 1-6

FOR: 1 (Bertlin)

AGAINST: 6 (Bassett, Brahm, Cero, Grausz, Senn, Wong)

It was moved by Wong; seconded by Cero to:

Amend the main motion as follows:

Allow fireworks to be sold on July 4th until 10 PM.

Motion to Amend Passed 7-0

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

It was moved by Grausz; seconded by Bertlin to:

Amend the main motion as follows:

It will be required that, with every sale, written information be provided to purchasers making it clear that the discharge of fireworks is only permitted on Mercer Island between 11 AM and 11 PM on July 4th.

Amended Motion Passed 7-0

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

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

The final wording of the amended motion is as follows:

Approve the Mercer Island Masonic Club's permit application to allow the retail sale of "consumer" fireworks in conjunction with Independence Day 2014, allow fireworks to be sold on July 4th until 10 PM, and with every sale, written information be provided to purchasers making it clear that the discharge of fireworks is only permitted on Mercer Island between 11 AM and 11 PM on July 4th.

AB 4950 Fire Station 92 Project Update

Maintenance Director Glenn Boettcher provided an update to the Council on the Fire Station 92 construction project. He noted that the project is on schedule and on budget, and presented a video of the demolition.

Project Manager Amy DeDominicus noted that the steel has gone up and the hydronics on the second floor will be done soon. She stated that the full envelope of the building should be done in mid to late July.

CIP Project Manager Fred Gu noted that there has been one deductive change order, with one more on the way that will save close to \$20,000. He currently does not see any need to touch the contingency. He discussed the undergrounding of the overhead power lines, mentioning that PSE has a solution to relocate a power pole and eliminate the lines altogether.

Arts & Events Coordinator Amber Britton noted the unique nature of the art for the fire station. She mentioned that the fire department was awarded the final piece of World Trade Center artifact from the New York Port Authority. The art piece will be significant, will include a lighting component, and will serve as a gateway into the fire station. The pillars that support the beams will glow a white light to light the walkway and will turn red in an emergency.

The Council asked questions regarding the construction contingency, the change order savings, and the deletion of the small skylight over the stairway.

AB 4953 2013 Year-End Surplus Disposition

Finance Director Corder presented information to the Council about the 2013 year-end surplus and noted this is the first surplus the City has had since 2008. The surplus provides the Council with an annual opportunity to address one-time operating, capital, and reserve funding needs outside of the biennial budget process. The surplus comes from the General Fund and from surplus REET, which is split 50/50 between the Street Fund and the Capital Improvement Fund. He discussed staff's recommended uses for the surplus including the funding needs in the Street Fund and the Fire Station 92 Construction Fund. He mentioned two other funding needs that are not addressed, which include the LEOFF I retiree long-term care reserve and the fire apparatus replacement sinking fund.

The Council supported all of staff's funding recommendations with the exception of the soil remediation reimbursement (\$100,000) and the Fire Station 92 construction funding shortfall (\$181,553). The soil remediation reimbursement is on hold pending an independent review of the work performed to date by the City's consultant, Golder Associates. Regarding the Fire Station 92 construction funding shortfall, the Council directed staff to transfer the \$181,553 in surplus real estate excise tax revenue in the Capital Improvement Fund to the Capital Reserve Fund instead of the Fire Station 92 Construction Fund. Staff will return to Council for an appropriation (up to \$181,553) from the Capital Reserve Fund, if they cannot fully absorb the construction funding shortfall within the project contingency (\$310,190).

Finance Director Corder noted that he would fold the Council approved uses of the 2013 year-end surplus into the budget amending ordinance included with the First Quarter 2014 Financial Status report, which will be presented to the Council on May 19, 2014.

OTHER BUSINESS

Councilmember Absences

There were no absences.

Planning Schedule

City Manager Noel Treat noted the May 19 meeting would start at 6:00 pm to accommodate the number and length of agenda items. He also mentioned that the bus intercept study would be scheduled soon.

City Attorney Katie Knight reminded the Council that the Trellis Long Plat (Conner Townhomes) on May 19 would be a closed record quasi judicial hearing.

Board Appointments

Mayor Bruce Bassett noted that May 9 is the deadline for applications for the City's annual recruitment for boards and commissions.

Councilmember Reports

Councilmember Senn acknowledged the Parks Department for the recognition of the Luther Burbank Park playground at the recent WA Recreation and Parks Association conference. She also noted that Business & Operations Superintendent Jana Raasch was presented with the 2014 President's Award.

Deputy Mayor Grausz noted that the King County Library System Board of Trustees met on April 30th. He stated that KCLS staff will be providing revised drawings for the library renovation on May 6th and that the Island Library Committee will be meeting on May 8th to provide feedback. He mentioned that the School Board has authorized their representatives on the Ad Hoc Committee to continue discussions with Country Village about a possible extension to their lease to facilitate completion of renovations at the John L. Scott building.

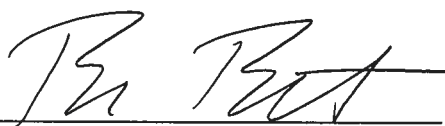
Councilmember Brahm acknowledged the rollout of the plastic bag ban. She heard no complaints and there was good notification to retirement homes and other places.

Councilmember Cero noted that the airport advisory committee met last week to talk about PSRC air transportation planning. He addressed the removal of sandwich board signs and mentioned the weeds on Island Crest Way at I-90, stating that it's unclear whether this area is the State's or the City's responsibility. He also spoke about Metro increasing efficiency and minimizing the cuts by defeating Proposition 1.

Mayor Bassett noted that campaigners need to pick up their own signs. He attended the Mercer Island Schools Foundation breakfast and attended a solid waste meeting put together by King County and the Suburban Cities Association at the MICEC.

ADJOURNMENT

The Regular Meeting adjourned at 10:08 pm.


Bruce Bassett, Mayor

Attest:


Karin Roberts, Deputy City Clerk