



CITY COUNCIL MINUTES REGULAR MEETING APRIL 21, 2014

STUDY SESSION

Mayor Bruce Bassett called the Study Session to order at 6:05 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Councilmembers Debbie Bertlin, Mike Cero, Tana Senn (arrived 6:45 pm), Benson Wong, Deputy Mayor Dan Grausz, and Mayor Bruce Bassett were present. Councilmember Jane Brahm was absent.

AB 4944 Fleet Management

Finance Director Chip Corder presented the agenda for the fleet management presentation, which included how the City's fleet is managed, the replacement rate model, and the fleet focus areas. He discussed the size, value, and composition of the fleet, and the accounting mechanism for the fleet. He presented the 2014 financial summary and reviewed the various revenues and expenditures.

Maintenance Director Glenn Boettcher reviewed how the fleet committee is set-up, what the fleet committee's roles are, and other management tools including fleet policies, the green fleets plan, and the City's fleet consultant. He also discussed the vehicle/equipment replacement philosophy.

Director Corder discussed the replacement rate model for each vehicle/equipment and mentioned that the City's fleet is split into 2 sub-groups, utility vehicles and general government vehicles.

Parks Superintendent Jason Kintner discussed the parks maintenance trucks and equipment including how many of each the City has and for what they are used. He noted the current replacement costs and the green fleet improvements that have been made. He stated that the function of the vehicle/equipment, the frequency/type of use, and the direction that the department is going all influence the decision to own vs. rent.

Operations Commander Dave Jokinen mentioned that police patrol cars serve as mobile offices to deliver services to the community and are equipped with a variety of tools. He discussed the types and frequency of use, the number of patrol cars the department owns, the useful life of the patrol cars, and the current replacement costs.

Council decided to postpone the discussion until the January 2015 Planning Session, however, there will be an opportunity during the budget review process in October/November of 2014 to ask additional fleet related questions. Director Corder also provided the opportunity to meet privately to have any questions answered before the budget review process.

The Study Session adjourned at 6:58 pm.

CALL TO ORDER & ROLL CALL

Mayor Bruce Bassett called the Regular Meeting to order at 7:03 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

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

SPECIAL BUSINESS

AB 4949 Legislative Session Recap

Mayor Bassett welcomed State Senator Steve Litzow, Representative Judy Clibborn, and Representative Tana Senn to provide a 2014 Legislative Wrap-Up report to the Council.

Representative Clibborn thanked the Council for the invitation to the meeting. She spoke about her work on a revenue package for transportation for the past two years. She noted that the financing plan for SR-520 is written and that tolling pays for the first half of the bridge, but WSDOT cannot sell bonds for the first half until there is a financing plan for the second half of the bridge. The transportation package will have financing for the second half of SR-520 and she believes it will pass both the house and senate in the near future. She also spoke about the delay in the Alaskan Way tunnel project. She noted that the company doing the tunnel boring is responsible for the overage costs of the delay, not the State or WSDOT.

Senator Litzow noted that tolling on I-90 is set aside, but a statewide transportation package needs to be passed. He also noted that for the first time in 6 years there was a balanced budget, but that next year they will have to deal with the McCleary decision of how to fund K-12 within the current budget. He noted that current non-education services will need to be cut or new taxes will be needed to cover the needs for education.

Representative Senn noted that she is impressed with City of Mercer Island staff who have shown themselves as leaders of their professions at the legislature and with the number of Mercer Island citizens that came down to support various issues. She also spoke about how jobs will be impacted without a transportation package and how the new regulations regarding marijuana will impact the liquor and marijuana revenue cities receive. She also noted a few of the smaller issues around policy: a new mercury light bulb recycling program passed, the telecommunications single permitting proposal did not pass, and the littering fine has been increased to \$150.

Councilmembers and the Legislators discussed future gun legislation, the \$15 minimum wage issue, a special session for transportation after the November 2014 election, funding the second half of the SR-520 bridge, how the legislature will implement the McCleary decision, funding early learning to improve K-12 outcomes, losing the waiver for the No Child Left Behind law, and liability issues with the recent recreation use facility ruling.

The Council thanked Senator Litzow and Representatives Clibborn and Senn for providing an overview of the 2014 legislative session.

Earth Day Proclamation

Mayor Bruce Bassett read a proclamation about Earth Day and encouraged all residents and businesses to become responsible stewards of the Island and the planet. He also encouraged residents to attend the Leap for Green Community Sustainability Fair, on Saturday, April 26, Noon-4pm, at the Mercer Island Community and Event Center. Leap the Frog joined the meeting to pass out the City's new reusable shopping bags.

APPEARANCES

Marc Berejka, 8125 SE 79th Street, spoke about his on-going dispute with the City and the school district over the proposed rezoning of school properties. He stated that complaints continue to come from neighbors of Island Park, West Mercer, Islander Middle School, and Lakeridge. He is concerned with height allowances and that the buildings will be too large. He noted that despite the steps taken, many people still feel the process has been badly run. He feels that the school district and city staff have not wanted to engage in dialogue with citizens.

City Attorney Katie Knight clarified that anyone can speak during Appearances about the Coval long plat but if the Council decides to remand the Coval Long Plat back to the Planning Commission, the Council will need to disregard any comments made regarding the Coval property.

Ira Appelman, 4436 Ferncroft Road, objects to any Council reconsideration of the Coval long plat as the matter has been decided and further consideration is illegal. He stated that under MICC 19.15.020(F)(3), the Council chose to reject the permit. He believes that AB 4932 and the associated findings of fact and conclusions of law constitute a false report and read RCW 42.20.040 regarding public officers knowingly making any false or

misleading statements. He noted that the word remand does not appear in the transcript of the Council discussion, and therefore stated that the motion the Council unanimously passed is falsely reported in the procedures summary. He believes the City should hire outside professionals to write a notice of decision based on the actual February 24, 2014 Council meeting video recording.

Laurie Falterman, 4134 East Mercer Way, spoke about the closure of the Art Room at the Mercer Island Community & Event Center to make room for the preschool that is being displaced by the school district construction. She asked for another room that is suitable for artists and for the Mercer Island Sculpture Groups' needs. She believes the group is an artistic treasure for Mercer Island.

Mary Forsgaard, 3866 81st Ave SE, has been a member of the Mercer Island Sculpture Group for 20 years. It was only when she found out they were being evicted that she realized people may not even know about their group. She mentioned that the group has a full range of members, both young and old, and that it has been an important part of her life.

Claire Faltsek, 20825 80th Avenue W, Edmonds, has been coming to Mercer Island for sculpture for almost 20 years. She asked the Council to keep the arts on Mercer Island and to support the sculpture group. She mentioned that the groups' room needs are fairly modest and include an easy to clean floor, water, a sink, storage for art that is in progress, storage for benches and equipment, heaters and lighting, and window shades. She loves it here and hopes to stay.

Donna Porter, 6314 Lake Washington Blvd NE, Kirkland, teaches at after school programs on Mercer Island and is thankful for the space to teach and work. She stated that Mercer Island is known for its vision, its population of many art collectors, artists, architects, actors and those who appreciate the arts. She asked the council to continue to support the arts and find another place for the sculpture group work. She would like the groups' creative energy and spirit to stay on Mercer Island.

Connie Manson, 3902 86th Ave SE, asked the Council for traffic calming measures in the Madrona Crest neighborhood. She thanked Councilmembers Cero and Bertlin, and Mayor Bassett for their responses. She mentioned that her neighbors feel there is too much traffic and that they want to calm it down to create a safe area for kids and residents to walk. She noted that the Mercer Island Presbyterian Church parking lot is used for many purposes and asked the council to work with the church to perhaps close off the exit and entrance onto 84th and move it to Island Crest Way. She also mentioned reworking the intersection at SE 39th Street.

Wayne Brown, 5615 East Mercer Way, has been a member of the sculpture group for 16 years. He was thrilled to discover that Mercer Island had facilities for adult art classes and is very disappointed that no effort has been made by the City to help the sculpture group relocate. He hopes the City can find another facility their group and for adult art classes in general.

Richard Aramburu, 720 3rd Avenue, Seattle, attorney representing neighbors regarding the Coval long plat. He told the Council to not adopt the suggested decision presented by staff for three reasons: 1) The decision that was made on February 24th was to reject the Coval plat, there was no discussion of a remand, there has been no motion to reconsider, no new application from the applicant, and there has been no suit challenging that decision. 2) He is aware that Council is getting advice from WCIA, but WCIA has in mind its financial resources, not the good of the community. He urged the Council to receive independent legal advice. 3) In regards to the substance of the remand, he cited case law, which states that land use applications need to be substantially different from the original application. He stated that Council should adopt findings that reject the plat and should not approve any remand.

Joanie Davis, 3200 81st Place SE, resident of Ridgewood condominiums, noted that Ridgewood residents did not received notice of tonight's meeting even though they are within 300 feet of the Coval property.

Steve Strong, 4314 East Mercer Way, noted that over the years, the amount of art has declined at the Community Center and promotional efforts have faded away. He wonders if the Council knew they were getting rid of art when they made the decision to allow for the preschool. He noted that art groups cannot use rooms that are carpeted. He stated that there is no reason why the City has to terminate art programs and mentioned that rooms could be changed to accommodate groups. He would also like to see more promotion of the arts. The sculpture group is a long-term, well-established group and encouraged the council to look into finding them a space.

Tabitha Brown, 5615 East Mercer Way, is the youngest member of the Mercer Island Sculpture Group. She noted that Mercer Island as a community has always supported the arts. She expressed the need for a space for the group and knows the Council can make this happen. She noted that the current room is great for making art and knows that it is hard to find spaces like that. She trusts that the Council will help find a new space because this group needs to continue with the next generation of artists.

Richard Ferse, 3203 84th Ave SE, read quotes from Councilmembers from the Coval long plat transcription from the February 24th meeting. He believes it is obvious that the Council has made up its mind to do away with the vote of rejection and remand it back to the Planning Commission, but he would like Council to reconsider.

Albert Edmonds, 2764 71st Ave SE, asked why, if the Coval long plat was rejected on February 24, there is consideration of sending it back to the Planning Commission. He does not think it is appropriate to notify neighbors on Thursday evening of a discussion the following Monday as it does not provide adequate time to prepare.

Jay Derr, attorney for the applicant of the Coval long plat, addressed the recent letter from Mr. Aramburu. His understanding of the transcript is that the Council rejected the Planning Commissions' recommendation and that it is now up to the Council & the City Attorney to decide whether to remand. He stated that the applicant can come back with another design to address the concerns that were raised. He believes that remand is an option and asked the Council to explain what the issues are that they want to see in a revised layout for this property.

Sue Stewart, 3205 84th Ave SE, noted that Friends of Luther Burbank Park is very pleased about the grant for erosion control at Calkin's Point. She asked the Council to support AB 4946. She stated that she is distressed that, 8 weeks after a decision, it sounds like the Council is recanting. She reassured Council that their first impressions were good and that the process is very difficult when it is quasi-judicial. She hopes it is a little better understood for the citizens as to what will happen going forward.

Sara Hemphill, King Conservation District, 1107 SW Grady Way, Renton, mentioned that the District is a quasi-state agency and a special purpose district. Their mission is to work with private landowners to engage them in stewardship. The District is looking to relocate in a central location that serves all of King County. The District would love to work with Mercer Island in looking for piece of property in the neighborhood of about 5 acres.

Mayor Bassett spoke about the art room and day care issues. He mentioned that Mercer Island is facing a day care crisis. Since the school district is constructing a fourth elementary school, more than 200 daycare kids are being displaced. The Council and City staff have made the difficult decision to convert a Community Center classroom from art instruction to day care. While there is not an immediate solution for Mercer Island's artists, staff is working to try and find them a new home.

City Manager Treat noted that Parks & Recreation staff have been trying to come up with an alternative location for the art classes and is committed to this effort. The City values art and would like to keep the classes going.

MINUTES

2014 Planning Session Minutes of January 24-25, 2014

It was moved by Bertlin; seconded by Wong to:

Adopt the 2014 Planning Session Minutes of January 24-25, 2014 as written.

Passed 6-0

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

ABSENT: 1 (Brahm)

Study Session and Regular Meeting Minutes of February 24, 2014

It was moved by Bertlin; seconded by Wong to:

Adopt the Study Session and Regular Meeting Minutes of February 24, 2014 as written.

Passed 6-0

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

ABSENT: 1 (Brahm)

Regular Meeting Minutes of March 31, 2014

It was moved by Bertlin; seconded by Wong to:
Adopt the Regular Meeting Minutes of March 31, 2014 as written.
Passed 6-0
FOR: 6 (Bassett, Bertlin, Cero, Grausz, Senn, Wong)
ABSENT: 1 (Brahm)

CONSENT CALENDAR

Payables: \$592,800.64 (03/27/14), \$272,075.43 (04/03/14), \$193,737.88 (04/10/14)

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

Payroll: \$713,985.33 (04/04/14) & \$755,737.02 (04/18/14)

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

AB 4938 King County Proposition 1 Parks Levy Funding Interlocal Agreement

Recommendation: Authorize the City Manager to sign the Parks Property Tax Levy Agreement to receive the King County Proposition 1 Levy funds.

AB 4943 Open Space Conservancy Trust Board 2013 Annual Report and 2014 Work Plan

Recommendation: Receive report.

AB 4946 Resolutions Authorizing Recreation & Conservation Grant Applications for Calkins Point Shoreline and Island Crest Park

Recommendation: Adopt Resolution No. 1483, authorizing the City Manager to apply for funding for Aquatic Lands Enhancement Account project to the Recreation and Conservation Office as provided in Chapter 79.105.150, Washington Administrative Code 286, and subsequent legislative action.

Recommendation: Adopt Resolution No. 1484, authorizing the City Manager to apply for Washington Wildlife and Recreation Program Account project to the Recreation and Conservation Office as provided in Chapter 79A.15 RCW.

It was moved by Bertlin; seconded by Grausz to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 6-0

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

ABSENT: 1 (Brahm)

REGULAR BUSINESS

AB 4947 False Alarm Code Amendments (2nd Reading & Adoption)

Assistant City Attorney Christina Schuck presented a proposed ordinance for second reading of code amendments regarding the use and registration of alarm systems. She responded to Council's questions from the March 31 meeting regarding alarm registration and the public records act, stating that the information contained on the registration would be exempt from public records. She also discussed the changes to definitions, moving the alarm system operating instructions to the best practices section, and the penalty fee options, flat fee versus graduated. She noted that the exemption changed from aged 62 and older to be based upon the City's utility discount program.

The Council asked questions about the exemption for the utility discount program, alarm registration requirements and statistics, fine collection rates, and the exceptions section.

It was moved by Senn; seconded by Bertlin to:

Adopt Ordinance No. 14C-04 (Option 1) amending MICC 8.10, Alarms Responded to by the Police and Fire Departments.

It was moved by Grausz; seconded by Cero to:

Amend the main motion as follows:

8.10.070 Enforcement.

...

B. Notice of a warning or fee shall be given to the alarm user based upon the following schedule:

1. First false alarm dispatch: Registered alarm users shall receive a warning letter only, and non-registered alarm users shall be fined \$75.00. Registration shall be required to register. ...

Motion to Amend Passed 6-0

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

ABSENT: 1 (Brahm)

It was moved by Grausz; seconded by Bertlin to:

Amend the main motion as follows:

8.10.070 Enforcement.

...

B. Notice of a warning or fee shall be given to the alarm user based upon the following schedule:

1. First false alarm dispatch: Registered alarm users shall receive a warning letter only, and non-registered alarm users shall be fined \$75.00. Registration shall be required to register.

2. Second and additional false alarm dispatches: The alarm user shall receive a \$75.00 fine per dispatch.

~~3. Third false alarm dispatch: The alarm user shall receive a \$75.00 fine.~~

~~4. Fourth and additional false alarm dispatches: The alarm user shall receive a \$75.00 fine.~~

Motion to Amend Passed 6-0

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

ABSENT: 1 (Brahm)

Councilmember Wong praised and thanked the Mercer Island Fire Department when they responded to the fire at his home last month. He noted that the staff was very supportive and everything was seamless between the three fire departments that responded.

It was moved by Wong; seconded by Senn to:

Amend the main motion as follows:

8.10.040 Alarm system operation and maintenance.

A. An alarm user shall should, as a matter of best practices:

1. Register with the City; and

2. Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm dispatches; and ...

FOR: 3 (Wong, Bertlin, Senn)

AGAINST: 3 (Bassett, Cero, Grausz)

ABSENT: 1 (Brahm)

Council and staff discussed whether the best practices section should be included in the code and the value of requiring alarm users to register with the City. Council decided to send the ordinance back to staff to incorporate the proposed amendments and to bring it back for a third reading.

It was moved by Grausz; seconded by Wong to:

Table the main motion until the second Council meeting in May.

Passed 6-0

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

ABSENT: 1 (Brahm)

AB 4932 City Council Findings of Fact and Conclusions of Law for the Coval Long Plat (SUB13-009/SEP13-041)

Senior Planner Shana Crick presented the proposed findings of fact and conclusions of law for the Coval Long Plat (SUB13-009/SEP13-041) which detail the Council's decision to reject the Planning Commission's recommendation for the Coval long plat at the February 24, 2014 meeting. She noted that staff's recommendation

is to adopt the findings of fact and conclusions of law and remand the matter back to the Planning Commission.

The Council discussed remanding the matter back to the Planning Commission, that a new proposal from the developer would not require design review, and that the record would be opened again at the Planning Commission and new information could be added to the record.

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.

It was moved by Grausz; seconded by Bertlin to:

Authorize the Mayor to sign the Findings of Fact and Conclusions of Law for the Coval Preliminary Long Plat (as presented in Exhibit 1 of AB 4932) on behalf of the City Council.

Passed 6-0

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

ABSENT: 1 (Brahm)

It was moved by Grausz; seconded by Bertlin to:

Remand the project to the Planning Commission to reopen the open-record hearing, and make a further recommendation to the City Council pursuant to MICC 19.08.020(F)(3)(b) which recommendation shall include, at a minimum, a delineation of the amendments made to the application addressing the grounds for rejection of the initial recommendation.

Passed 5-1

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

AGAINST: 1 (Cero)

ABSENT: 1 (Brahm)

OTHER BUSINESS

Councilmember Absences

Councilmember Brahm's absence was excused.

Planning Schedule

City Manager Treat noted that the May 19 meeting is very full and some items may be moved around to slim the meeting down.

City Attorney Knight reminded the Council that the upcoming Conner Townhomes Long Plat is a quasi-judicial process, closed record hearing so there cannot be any conversations about it, or reviewing of anything other than the record before the Planning Commission's recommendation is made.

Mayor Bassett noted that perhaps the False Alarm Ordinance be brought back at the May 5 meeting instead of May 19.

Board Appointments

There were no appointments.

Councilmember Reports

Deputy Mayor Grausz spoke about the April 16 Library Committee meeting and the letter from Council to the KCLS board.


Councilmember Senn noted that she attended sustainability meetings, town center visioning meetings, and Parks & Recreation Committee meetings all in the past couple of weeks.

Mayor Bassett noted that the School Board-City Council ad hoc committee met and discussed the day care issue. He noted that Country Village Day Care's architect presented a schedule with the hope that things may be accelerated. There was a meeting with Sound Transit to discuss the bus intercept, with the study due out in the next couple of weeks. It was mentioned that discussion regarding this issue may take place at the Council's June planning session.

Deputy Mayor Grausz noted that unless Sound Transit solves the parking problem, Council is not interested in engaging in a discussion about the bus intercept, and until that happens, there is nothing to bring to the community.

ADJOURNMENT

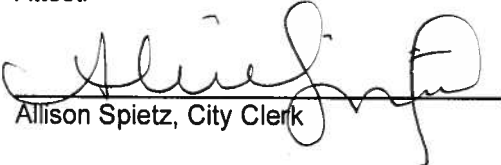
The Regular Meeting adjourned at 10:04 pm.



Bruce Bassett, Mayor



Attest:



Allison Spietz, City Clerk

