



# CITY COUNCIL MINUTES

## STUDY SESSION & REGULAR MEETING

### FEBRUARY 3, 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, Jane Brahm, Mike Cero, Tana Senn, Benson Wong, Deputy Mayor Dan Grausz, and Mayor Bruce Bassett, were present.

#### **AB 4916 Presentation and Discussion of Draft Growing Transit Communities Strategy**

Development Services Director Scott Greenberg and Ben Bakkenta, Program Manager in the Growth Management Planning Department at Puget Sound Regional Council (PSRC), presented the Growing Transit Communities Strategy. They explained that the Strategy was developed by the Growing Transit Communities Partnership, whose purpose was to develop best practices and recommendations for high-capacity transit investments, secure equitable outcomes for all of the region's communities, and address barriers to implementing the region's framework growth plans—VISION 2040, Transportation 2040, and the Regional Economic Strategy. They further noted that the Growing Transit Communities Partnership focused on three overarching goals to advance regional goals and implement adopted regional plans:

- Attract more of the region's residential and employment growth near high-capacity transit;
- Provide housing choices affordable to a full range of incomes near high-capacity transit; and
- Improve equitable access to education, employment, mobility, health and neighborhood services and amenities for existing and future community members in transit communities.

The Council discussed various elements of the proposed strategy, such as parking, transit-oriented development, affordable housing, and density in the Town Center. The Council also discussed how the proposed strategy would align with Mercer Island plans and other regional plans already in effect.

Director Greenberg noted that, if the City Council would like to be a partner in the regional effort, the next step would be to pass a resolution authorizing the Mayor to sign the Regional Compact, which is a statement of continued commitment for signatories to work collaboratively to implement the region's adopted plans for growth.

A majority of the Council supported staff bringing back a resolution to support the Growing Transit Communities Regional Compact.

#### 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.

King County Councilmember Jane Hague (District 6) spoke to the City Council about her focus for 2014 of continued transparency and regular communication for a regional focus and strong partnerships surrounding transportation. She noted that a collective voice improves local infrastructure, the economy, and the quality of life for all. She thanked Councilmembers for their leadership in so many regional issues. She spoke in detail about the proposed transportation benefit district for King County, comprehensive planning for solid waste, and eastside rail corridor projects.

Mayor Bassett noted that the Mercer Island City Council supports the County's proposal for a ballot measure for local transportation funding through the King County transportation district and has sent a letter to the King County Council stating their support.

## APPEARANCES

Mayor Bassett read a statement stating that the Council cannot take additional comments regarding the Coval Long Plat. He asked the audience to refrain from making any statements regarding the Coval Long Plat as it is a quasi-judicial matter and the Council is constrained in what they may hear from others regarding the issue.

Nancy Spaeth, 8320 SE 34th Street, stated that 84th Ave SE is dangerous to walk on as there are no lights. She also spoke about the footprint of the new houses being built, mentioning that they are too big and that there is no yard. City Attorney Knight asked that Ms. Spaeth not continue her comments as they were related to the Coval Long Plat.

Meg Lippert, 4052 94th Ave SE, thanked the Council and City Manager for listening to citizens who expressed concerns about the library remodel plans. She also thanked the Council for drafting the letter asking the KCLS board to delay the project to work with staff and citizens regarding the proposed remodel plans.

Bharat Shyam, 8405 SE 34th Place, stated that he worked in government and observed government staff in Olympia driven by the public spirit and wanting to do the right thing, just like City staff. He also noted that they were very intimidated by big business or someone coming in with lots of money, which prevented them from being good negotiators. He asked the Council to keep this in mind. He thanked Deputy Mayor Grausz for his email about improving the City code and asked that the City enforce the code, as it exists today, and to not be scared of big business. City Attorney Knight asked that Mr. Shyam not continue his comments as they were related to the Coval Long Plat.

Terry Pottmeyer, CEO of Friends of Youth, encouraged the City Council to approve the proposed ARCH recommendations to help create two homes for foster youth and foster care in Kirkland. She mentioned that Friends of Youth is the primary provider of services to homeless youth and young adults on the Eastside and noted that the two new homes will be a place where ten foster youth can become self-sufficient adults.

Beverly Bridge, 8400 SE 34th Place, expressed concerns about traffic in the area by a big project. She asked why the neighborhood was not able to talk about the plans. City Attorney Knight asked that Ms. Bridge not continue her comments as they were related to the Coval Long Plat. She stated that she would be happy to address Ms. Bridge's concerns and questions outside of the Council meeting.

## MINUTES

### Study Session and Regular Meeting Minutes of January 21, 2014

It was moved by Bertlin; seconded by Brahm to:

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

Passed 7-0

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

## CONSENT CALENDAR

Councilmember Cero requested removal of AB 4923: 2013 Arterial and Residential Chip Seal Project Close Out from the Consent Calendar. Mayor Bassett moved AB 4923 to the first item of Regular Business.

Deputy Mayor Grausz asked about the meaning of the term "public meeting date" as it is used in AB 4914. City Attorney Knight explained what the code states about setting the closed record hearing regarding the Planning Commission's recommendation for the Coval long plat.

Councilmember Cero asked if the City is limiting first amendment rights by not allowing the public to comment regarding the Coval long plat during Appearances. City Attorney Knight stated that the closed record hearing

regarding the Coval long plat is a quasi-judicial proceeding and therefore, public comment regarding the topic outside of the open record hearing is not allowed.

Staff will provide the Council with the entire Coval long plat packet early, including all comments from the open record hearing, so the Council will have ample time to review it.

Mayor Bassett suggested that staff provide further information about quasi-judicial hearings. He also noted that it is not appropriate for Councilmembers to speak to anyone about the Coval long plat before the closed record hearing on February 24, and that if they do, they will have to disclose the conversation(s) before the hearing.

City Manager Treat noted that staff is working on how to handle public testimony at the February 24 Council meeting as part of Appearances and the hearing.

**Payables: \$1,819,648.49 (01/24/14)**

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

**Payroll: \$691,338.94 (01/24/14)**

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

**AB 4912 Set Public Meeting Date for the Coval Long Plat (SUB13-009)**

**Recommendation:** Set the public meeting date for the proposed Coval Long Plat to February 24, 2014.

**AB 4922 2013 Arterial and Residential Street Overlays Project Close Out**

**Recommendation:** Accept the completed 2013 Arterial and Residential Street Overlays project and authorize staff to close out the contract.

**AB 4918 A Regional Coalition for Housing (ARCH) 2013 Trust Fund Recommendations**

**Recommendation:** Approve the use of up to \$17,608 from the City's ARCH Housing Trust Fund to fund the Habitat for Humanity Sammamish Cottage Demonstration, the Providence/SRI Redmond Senior Apartments, and the Friends of Youth Extended Foster Care Homes, with conditions as recommended by the ARCH Executive Board, and authorize the City Manager or the Administering Agency of ARCH on behalf of the City of Mercer Island to execute any related agreements and documents.

**AB 4917 A Regional Coalition for Housing (ARCH) 2014 Administrative Budget and Work Program**

**Recommendation:** Approve the ARCH 2014 Administrative Budget and Work Program and authorize expenditure of \$29,882 for Mercer Island's contribution to the 2014 ARCH Administrative Budget.

It was moved by Bertlin; seconded by Brahm 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 4923 2013 Arterial and Residential Chip Seal Project Close Out**

Councilmember Cero pointed out that Street Engineer Clint Morris did a good job of managing the project, as the contingency was only 8%.

It was moved by Cero; seconded by Brahm to:

**Accept the completed 2013 Arterial and Residential Chip Seal project and authorize staff to close out the contract.**

Passed 7-0

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

## AB 4924 Police & Police Support 2014–2015 Collective Bargaining Agreements

Human Resources Director Kryss Segle and Police Chief Ed Holmes presented the police and police support collective bargaining agreement for 2014-2015 for Council approval. Director Segle noted the cost of living adjustments, shift schedule changes, incentive pay, and longevity schedule changes.

Police Chief Ed Holmes spoke about the plan to determine the success of the Patrol Division's trial schedule change to 12-hour shifts by:

- Running a parallel hypothetical 6-on/3-off schedule to the actual 12-hour shift schedule on a monthly basis throughout the trial period;
- Calculating actual shift coverage levels for the trial period and compare with prior years;
- Calculating overtime expenditures and comp time accruals related to meeting minimum staffing levels for the trial period and compare with prior years;
- Accounting for resignations/retirements and/or new hires in the examination of this information; and
- Providing quarterly updates to the Council's Public Safety Committee regarding the impact of the schedule change.

Councilmembers asked questions regarding the 12-hour shift model, the analysis for comparing the models, and how overtime and comp time are calculated.

Deputy Mayor Grausz asked if staff could provide overtime and comp time numbers by month for past the 2 years (actual number of hours, not dollars spent) as it would be useful over the first few months of the new shift schedule to see past data. He suggested that staff produce the first report of data comparison for the June Mini-Planning Session.

Councilmember Jane Brahm recused herself, as her son-in-law is a member of the Mercer Island Police Department.

It was moved by Senn; seconded by Bertlin to:

**Authorize the City Manager to sign the Police Collective Bargaining Agreement and Memorandum of Understanding with the Mercer Island Police Guild for the period of January 1, 2014 through December 31, 2015.**

It was moved by Grausz; seconded by Cero to:

**Amend the previous motion as follows:**

**...and direct the City Manager to develop and implement accurate metrics to evaluate the economic and officer coverage consequences of the 12-hour shift schedule.**

Motion to Amend Passed 5-1

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

AGAINST: 1 (Bassett)

ABSTAIN: 1 (Brahm)

Amended Motion Passed 6-0

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

ABSTAIN: 1 (Brahm)

*The final language of the motion is as follows:*

*Authorize the City Manager to sign the Police Collective Bargaining Agreement and Memorandum of Understanding with the Mercer Island Police Guild for the period of January 1, 2014 through December 31, 2015 and direct the City Manager to develop and implement accurate metrics to evaluate the economic and officer coverage consequences of the 12-hour shift schedule.*

It was moved by Senn; seconded by Bertlin to:

**Authorize the City Manager to sign the Police Support Collective Bargaining Agreements with the Mercer Island Police Guild for the period of January 1, 2014 through December 31, 2015.**

Passed 6-0

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

ABSTAIN: 1 (Brahm)

## **AB 4921 Senior Advisory Board Transition**

Youth and Family Services Director Cindy Goodwin provided a historical timeline of the senior representation on Mercer Island in the past few years and her recommendation to discontinue the existing Senior Advisory Board and include senior representation through the designation of four of the twelve adult seats on the Youth and Family Services (YFS) Advisory Board for seniors. She further requested renaming the YFS Advisory Board the "Youth, Senior and Family Services (YSFS) Advisory Board".

It was moved by Senn; seconded by Bertlin 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 Senn; seconded by Bertlin to:

**Adopt proposed Ordinance No. 14C-02 repealing MICC 3.39, Senior Advisory Board and amending MICC 3.54, Youth and Family Services Board.**

Passed 7-0

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

## **AB 4919 2015 Comprehensive Plan Update - Draft Scope of Work**

Development Services Group Director Scott Greenberg presented the draft scope of work for the 2015 update to the Comprehensive Plan, which identifies the primary items within each element that need review and possible revision. Director Greenberg noted that Mercer Island is considered a built-out community and the draft scope of work focuses on updates of data and information throughout the document. He stated that policy changes would be proposed where necessary to maintain or achieve consistency with State, regional, and countywide policies. He also presented a preliminary schedule showing time allotted for staff work, Planning Commission review, and Council review over the next year.

The Council discussed the draft scope of work, how some of the tasks listed apply to Mercer Island, Council's opportunity to "weigh in" on the plan, the public outreach plan, the impact of the Comp Plan update on the work being done on the Town Center Plan, the use of staff time and budgeted funds for consultants, and population projections and growth.

There was consensus from the Council to move forward with the proposed scope of work and timeline for updating the City's Comprehensive Plan. The Council requested a "review light" of the Plan to reduce staff time and dollars spent on the update. They also requested that staff provide Councilmembers a copy of the materials given to the Planning Commission at the time of their review.

Director Greenberg responded to comments about the Comprehensive Plan's significance and stated that he wants the adopted document to be relevant to the City Council and be useful in future decision-making.

## **OTHER BUSINESS**

### **Councilmember Absences**

There were no absences.

### **Planning Schedule**

City Manager Treat noted that the February 24 meeting has a full agenda. He also noted that the department directors are working through the action items and work plan from the Planning Session.

### **Board Appointments**

Mayor Bassett appointed:

- Councilmember Bertlin to the School District Advisory Board
- Deputy Mayor Grausz and Councilmembers Senn and Wong to the Town Center Vision Scope Committee
- Deputy Mayor Grausz and Councilmembers Bertlin and Wong to the KCLS-MI Library Remodel Proposal Committee

- Councilmember Bertlin and Councilmember Senn to the Economic Development Booster Committee

### Councilmember Reports

Deputy Mayor Grausz spoke about attending the AWC City Action Days in Olympia last week with Mayor Bassett and Councilmember Cero and about meeting with legislators and other City officials.

Councilmember Bertlin spoke about the KCLS board meeting and the incredible representation from Mercer Island during the public comment period. She noted that the board discussed the potential for community input on the library remodel.

Councilmember Senn spoke about the AWC City Action Days in Olympia: AEC City action days. She noted that it is evident what regional players Mercer Island Councilmembers are and the great respect there is for their leadership. She noted that it is National School Counseling Week and that Mercer Island has amazing school counselors.

Councilmember Wong spoke about the recent sustainability meeting and the reception of the six-year sustainability plan as presented by Sustainability & Communications Manager Ross Freeman.

Mayor Bassett noted that the King County Council public hearing on the proposed transportation benefit district is on February 4. He also noted that he, other local Mayors, and King County Executive Dow Constantine would be meeting about regional sustainability goals on February 13 at the Community Center.

### EXECUTIVE SESSION

**Executive Session #1: To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, pursuant to RCW 42.30.110(1)(b).**

At 9:28 pm Mayor Bassett convened the first executive session to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price, pursuant to RCW 42.30.110(1)(b) for approximately 15 minutes.

At 9:43 pm, Mayor Bassett extended the Executive Session of an additional 15 minutes.

At 9:58 pm, Mayor Bassett extended the Executive Session of an additional 30 minutes.

At 10:33 pm, Mayor Bassett adjourned the first Executive Session.

**Executive Session #2: To discuss with legal counsel representing the agency, litigation or potential litigation to which the agency is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency pursuant to RCW 42.30.110(1)(i).**

At 10:33 pm, Mayor Bassett convened the second executive session to discuss with legal counsel representing the agency, litigation or potential litigation to which the agency is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency, pursuant to RCW 42.30.110(1)(i) for approximately 30 minutes.

At 10:56 pm, Mayor Bassett adjourned the second Executive Session.

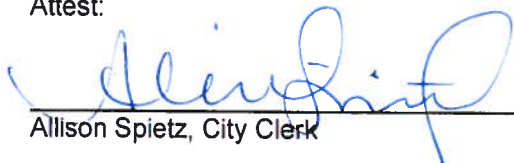
### ADJOURNMENT

The Regular Meeting adjourned at 10:57 pm.



Bruce Bassett, Mayor

Attest:



Allison Spietz, City Clerk