



CITY COUNCIL MINUTES REGULAR MEETING JUNE 16, 2008

CALL TO ORDER:

Mayor Jim Pearman called the meeting to order at 7:07 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

ROLL CALL:

Councilmembers Bruce Bassett, Mike Cero, Mike Grady, Steve Litzow, Deputy Mayor El Jahncke and Mayor Jim Pearman were present. Councilmember Dan Grausz was absent.

SPECIAL BUSINESS

Mayor Jim Pearman presented Jim Trombold with the 2007 Citizen of the Year award. Mr. Trombold was nominated and selected for the award for his dedication to Mercer Island as a noted physician, community activist, Rotarian who served as president from 2005 to 2006, as chair of the Planet Earth committee, an avid lover and defender of the MI parks system and fought to preserve and improve Mercerdale Park, including the establishment of a group native garden and has been involved in numerous parks projects, including pulling ivy. Mr. Trombold thanked the Council and Mercer Island for the recognition.

APPEARANCES:

There were none.

MINUTES:

- (1) It was moved by Councilmember Litzow; seconded by Councilmember Grady to:
Approve the Study Session and Regular Meeting Minutes of June 2, 2008 as written.
Motion passed 6-0.

CONSENT CALENDAR:

Councilmember Grady moved 4312: Kiwanis Fireworks Sales Permit to Regular Business. Councilmember Cero moved AB 4321: 2007 Year-End Transfer (Final) and AB 4316: Fire Apparatus Refurbishment to Regular Business

- (2) Payables: \$754,514.52 Payroll: \$575,202.86
- (4) AB 4318 40th Street Improvements Project Bid Award
Motion: Subject to authorization from the Washington State Transportation Improvement Board to award the construction contract, award Schedules 'A' and 'B' of the SE 40th Street Improvements to Construct Company, LLC in the amount of \$1,434,930.34, set the total project budget at \$1,993,680, appropriate an additional \$301,765 from the Street Fund and direct staff to administer the construction contract.
- (5) AB 4317 Basin Drainage Improvements Project Bid Award
Motion: Award schedule 'A' and 'B' of the Basin Drainage Improvements Project to Earthwork Enterprises, Inc. in the amount of \$150,738.28, set the total project budget at \$195,260 and direct staff to administer the construction contract.

- (6) AB 4313 Summer Celebration Fireworks Display Permit
Motion: Approve the Public Fireworks Display Permit application submitted by Western International Fireworks for a fireworks display on July 12th, 2008, near Luther Burbank Park, sponsored by Summer Celebration!

It was moved by Councilmember Litzow; seconded by Councilmember Grady to:
Approve the Consent Calendar and the recommendations contained therein.
Motion passed 6-0.

REGULAR BUSINESS:

- (3) AB 4321 2007 Year-End Transfer (Final)

It was moved by Deputy Mayor Jahncke; seconded by Councilmember Litzow to:
Suspend the City Council Rules of Procedure 5.2.
Motion passed 6-0.

It was moved by Deputy Mayor Jahncke; seconded by Councilmember Litzow to:
Adopt revised Ordinance No. 08-05, that includes \$1 million for Sewer Lake Line Design, amending the 2007-2008 Budget.
Motion passed 6-0.

- (9) AB 4323 First Hill Water Utility Property Future Use Options

Development Services Director Steve Lancaster provided history of the First Hill Water Utility Property at 2976 74th Avenue SE. He spoke about the range of feasible options for future use of the property that staff identified at the May 19, 2008 meeting.

Public Comment:

Carolyn Boatsman, read comments from Anne Fox as follows: A group of residents met on June 12th regarding the options for the property. They recommend that there not be a rezone of the property, that it be preserved as open space unless it is not feasible, and then allow a portion of the property to be sold for small homes to be built. Also develop a citizen review committee for covenants on the property regarding housing scale, tree preservation and Built Green 4-Star mandates.

Jackie Liebsohm, 3206 74th Place SE, read comments from Eileen & Larry Mitchell: do not change zoning, ideally one house on property (two as the limit), leave rest of lot open space, leave the trees on the property, sell the building portion of lot with covenants. Comments from Laura & Joe Killkelly: believe that decision to change neighborhood density should be decided by entire Mercer Island electorate with a clearly outlined plan. Comments from Bob Cohen: the property should remain zoned for single family use or be considered as a public park. Ms. Liebsohm commented that she agrees with these comments.

Baron Dickey, 6809 96th Ave SE, concerned about violations of zoning statutes in the Town Center, with the Accessory Dwelling Units ordinance and spot zoning on First Hill. He believes that the Council should put changes to property regulations before the property owners.

Susie Ansel, 3426 74th Ave SE, finished Anne Fox's statement: she believes Mercer Island needs a community process to discuss an innovative housing program, but it should not be not on first hill lot. Ms. Ansel commented that she treasures the diversity of the neighborhood, and she is concerned about the large homes going up. She thinks it's a prime opportunity for the City to construct low-income housing as an obligation to the region.

Steve Bryan, 2426 70th Ave SE, would like to see a public process for the property to address need for smaller housing in our neighborhoods, without changing zoning and without increasing density.

Matt Leibsohm, 3206 74th Place SE, objects to changing zoning to accommodate greater housing zoning. He favors affordable housing for the workforce, increasing the diversity of the Island and setting a standard for more environmentally friendly, however not at the expense of the neighborhoods filled with single-family residences. He feels strongly that Mercer Island should maintain as much green and open space as possible.

Jessica Zwick, 7422 SE 32nd Street, would like the City to place covenant on the property to maintain the smaller housing scale and has environmental and sustainability requirements.

Barbara Shuman, 3434 74th Ave SE, spoke about the destruction of the canopy on Mercer Island and to see to see houses being torn down and trees as well. Her issue is to preserve tall trees on the property with a covenant.

Carrie Bell, 7440 SE 32nd Street, is highly opposed to rezoning on First Hill and is opposed to spot zoning in single housing family neighborhoods. She does not want density housing in single family neighborhoods.

Carolyn Boatsman, recommend that the Council continues the quest for housing alternatives on Mercer Island. She believes there is dissatisfaction with the size of houses in relation to lot size, which is jeopardizing trees. She would like the First Hill property to remain as open space.

Stephanie St. Mary, 7244 SE 32nd Street, agrees that most of the neighborhood wants the City to hang on to property or at least part of it for the public good. She sees a need for smaller homes on Mercer Island and for developers to have that option. She would like the First Hill property to stay open space or for the City to sell only the portion that is need for funding the emergency well.

Pauline Reiter, 3620 74th Ave SE, believes that Mercer Island is losing open space too quickly. She thinks the Council has an opportunity to set an example, by keeping as much of property as possible in the public domain.

Donna Buckingham, 7238 SE 32nd St, she believes that there is consensus in the neighborhood that the zoning should remain the same, that the property should not be considered a test project, and that if there is a way to fund the well by only selling one or two parcels and keep the third for open space, the Council should do so. She would like there to be a covenant regarding type of building that can be put on the property.

Paul Magnotto, 3204 72nd Ave SE, is opposed to density increase because of increased traffic and property value loss. He thinks the City should sell the property for the highest price for it to be developed properly

Lois Irwin, 2969 74th Ave SE, spoke about the history of the property. She doesn't think that having two to three houses in the area would be a problem, but open space would be nice too.

Scott Sims, 3230 74th Ave SE, He treasures the single-family neighborhood and believes that density housing should be in the business district not in residential areas.

Bob Medved, 7238 SE 32nd Street, stated that the neighborhood is dealing with different terms – affordable housing is one term, different from the concept of small scale housing and also different from density housing.

Callie Ridolfi, 3432 72nd Ave SE, stated that there are already lots of park and open space in the First Hill neighborhood, and she would like a demonstration housing project on the property that is of appropriate scale. As a Utility Board member she spoke about the expenses associated with the pump station and with the distribution system,

Following the discussion the Council agreed that:

- 1) There is a need to sell large portion to fund the emergency well project.
- 2) There will be no zoning change for the property.
- 3) Potential covenants for the property and their ramifications in relation to sustainability and house size should be researched.

- 4) The research should also include impacts of the covenants on the value of the land.

City Manger Rich Conrad stated that it will take time for staff to research this information and he clarified that the Council is linking the issues of funding the emergency well and the suprlusing all (or part) of the First Hill property to each other.

The Council also agreed that they would like to have the broader discussion of housing alternatives on Mercer Island in the future.

(10) AB 4319 Temporary Use Agreement with the Mercer Island Methodist Church and Tent City 4

Interim Deputy City Manager Linda Herzog presented information about Tent City 4. She recounted that in Spring 2007, the Mercer Island Clergy Association announced that the faith community intended to extend an invitation to Tent City 4 and in April 2008, the MI United Methodist Church made that invitation & it was accepted. Tent City 4 will be establishing an encampment, at the United Methodist Church the first week in August 2008 and will stay for a 3-month period.

Deputy City Manager Herzog stated that the First Amendment to the US Constitution and the Article I of the WA State Constitution protect the rights of religious freedom and within those rights, a religious congregation may offer assistance and shelter to the homeless on church property. She further stated that it is then the responsibility of municipal government to assure compliance with the ordinances and regulations that protect the health, safety and well-being of its citizens and visitors to its jurisdiction.

In collaboration, the City Manger's Office, the City Attorney's Office, Development Services, the Police Department and the Fire Department, presented a Temporary Use Agreement that recognizes the rights of the host church and the Tent City homeless encampment; protects the health, safety and well-being of the citizens of Mercer Island; assures that factual information will be available to neighbors and all the citizens of Mercer Island, and secures the commitment of the host church and the Tent City managers that they will comply with the land use and life safety regulations.

The Temporary Use Agreement requirements include:

- Verifiable identification of Tent City residents;
- Assurance that no sex offenders or individuals with an outstanding warrant may stay at the camp;
- An appropriate set-back, and sight-obscuring fencing that will protect the privacy of tent city inhabitants and the surrounding neighborhood;
- Restrictions on exterior lighting so neighbors will not be disturbed;
- A limit to the number of Tent City residents in the camp of 100;
- Prohibition against children staying overnight in the camp;
- Application of Tent City's own Code of Conduct, that prohibits alcohol or drug use, weapons, violence, intimidation, open flames, trespassing, and loitering, and requires regular attendance at camp governance meetings;
- Application of municipal codes relating to sanitation and life safety;
- Assurance of sufficient vehicle parking for the Church congregation at weekly worship services; and
- Permission for health, safety and code compliance officials to inspect the camp throughout its 3-month stay.

Public Comment:

Reverend Leslie Ann Knight, Pastor of the Mercer Island Methodist Church, spoke about the church's process in inviting Tent City 4 for three months and how the church is preparing for their arrival.

Tara Johnson, 2438 62nd Avenue SE, advocates for the homeless but feels that SHARE/WHEEL's goal is to exploit the poor for a political agenda. She thinks that dividing the homeless among the homes of the church members would be better than parading them around in public. She also would like background checks done by the Mercer Island Police Department

Jackie Leibsohm, 3206 74th Place SE, has personal experience with Tent City as a professor at Seattle U, as a former member of B'nai Torah and having served meals there. She believes in providing for homeless and that it would be good exposure for Mercer Island.

Susan Bannon, 4017 92nd Avenue SE, is a member Interfaith Task Force on Homelessness and belongs to a church in Seattle that hosted Tent City. Their experience was so positive that the Church has invited Tent City again. She believes it has been a chance for people to come together, children were present and she became friends with the residents. Tent City is self-regulating, it is clean and quiet, people have jobs and are seeking permanent housing and she welcomes Tent City to the community.

John Redifer, 2440 62nd Avenue SE, has worked hard to get here; he pays taxes and respects the laws. He disagrees with lack of notification and the misleading KING5 story. He asked about notification to residents outside of the 600 feet and notification of the Council meeting. He wants background checks done on all Tent City residents by the Mercer Island Police Department.

Barry Lewine, 19812 226th Avenue NE, Woodinville, Chair of Temple B'nai Torah Tent City 4 Taskforce, spoke in support of Tent City 4 on Mercer Island. He has been immersed in Tent City 4 issues for the last four months. He stated that while the permit process was difficult, the experience was ultimately positive.

Jackie Frank, 14040 224th Avenue SE, Woodinville, Congregation President of Temple B'nai Torah, he has been involved in both hostings of Tent City at Temple B'nai Torah. They have been safe and positive experiences because of they are self-governing board and they adhere to a very strict code of conduct. He emphasized the need to over-communicate within the congregation and community.

Jayne Judd, 2511 71st Avenue SE, stated that she was not notified of this meeting. She thanked the Council for taking the time to review the Tent City issue. Her family is compassionate about volunteering and giving to the community, but moving the homeless around is inhumane. She suggests that people of the clergy should take homeless into their own homes. She also very concerned about safety in the neighborhood.

Sal Tildon, 7015 SE 20th Street, has volunteered with Tent City through the VOICE program. He stated that they are not a threat and they are just as hard-working individuals as everyone else. For his Eagle Scout project he is organizing meals for Tent City.

Earl Jones, 410 Mt. Hubert Drive, Issaquah, lives ½ mile above where Tent City was located. He read a letter from John Rittenhouse, Issaquah City Council, about the community meetings and the regulations that were in place as well as the positive community response for Tent City. He read a letter from the minister of the Community Church of Issaquah stating that they would welcome them back any time and that any municipality that has the opportunity to host Tent City should do so.

Glo Ceteznic, 8425 SE 46th Street, stated that in response to the suggestion that church members should host the residents individually, that's not what they are asking for and that Mercer Island should respond with dignity and realize that they probably know best when they need.

Elizabeth Maupin, 100 Big Bear Place, Issaquah, Outreach Minister for the Community Church of Issaquah, spoke about the preschools located on the same site as Tent City and the way the community worked through potential concerns.

Chris Oaks, 2423 71st Avenue SE, is concerned that people who live in Tent City have profound dysfunction and as a mom of 3, she is worried about safety of children in the neighborhood. She wants to know who is responsible if something goes wrong.

Bruce Thomas, Camp Advisor and resident of Tent City 4, spoke about Tent City 4 and SHARE/WHEEL, its self-management system and that it is King County's largest supplier of shelters. He stated that the people who live in Tent City 4 are very different than the homeless who choose to self-medicate and have serious mental issues because of the extremely structure environment.

Nancy Chambers, 3637 93rd Avenue SE, a Presbyterian Minister, has been so pleased with the outreach of the religious communities to the homeless. She has only heard positive feedback about the exposure to Tent City.

Manny Batra, 2227 71st Avenue SE, does not believe that this is the proper process to impose Tent City on the neighborhood, he would like there to be input from the surrounding residents before a decision is made.

Karen McKee, 9233 SE 59th Street, she believes that many on Mercer Island try to protect children from things they don't need to be protected from. She believes that Mercer Island would benefit from the exposure to Tent City. She stated that the arguments for Tent City have come from actual experience and the arguments against seem to come from fear for trying to best for their neighborhood and from their children. She supports Tent City on Mercer Island.

Peggy Hotes, Bellevue, teacher at Carl Sandburg Elementary School, stayed in Tent City 4 one night a week for a year and every night for a year and half. She traveled with tent City to twelve different locations. She didn't see a need for extra security and she always felt safe in Tent City. She remains a volunteer for SHARE/WHEEL and Tent City since she has stopped staying there.

Steve Bryan, 2426 70th Avenue SE, needs an explanation to help understand the process that has taken place so far regarding notification. He looks forward to volunteering and participating in Tent City 4 and hopes the Mercer Island can learn from it.

Doug Byrkit, 2237 71st Avenue SE, did not expect to have to live next to the encampment when he bought his house two years ago. He does not think that housing 100 people in tents on a gravel property is a solution.

Morgan Schoenecker, 2256 71st Avenue SE, she has had opportunity to serve meals to two different tent cities. She believes the potential for compassion and learning far outweighs any negative aspects.

Morrie Loffman, MI resident, he believes that growing up on Mercer Island he has taken food, shelter and the sense of security for granted and that there is a basic moral obligation to help those who do not have the basic needs when you have them yourself.

Fred Beuthel, 2433 71st Avenue SE, not concerned about residents of Tent City, but he is concerned about the location because of high accessibility to Seattle and downtown bus lines. He stated that the neighborhood already gets casual crime and traffic and many people will be away for vacation during part of Tent City's stay.

Andy Johnson, 2438 62nd Avenue SE, hasn't been able to find any data that shows that Tent City is successful. He stated that he has heard from many that this is first time they have heard about Tent City on Mercer Island. He feels there was a concerted effort to keep it under wraps. He wants to know what is going to be done to protect citizens if anything happens.

Elma Borbe, 2438 71st Avenue SE, questions the substance and process of the proposal for Tent City. She is concerned about 100 people on one parcel in a single-family neighborhood and that there has not been enough notification. She thinks that the neighborhood should be given a chance to voice their concerns and ideas.

Susie Redifer, 2440 62nd Avenue SE, opposed to the SHARE/WHEEL program because believes it is not a compassionate or permanent solution. She insists that the Mercer Island Police Department runs background and sex offender checks, the church and Tent City holds private weekly meetings with the neighborhood, a church official escorts residents to the bus, church provide private security for 6 hours a day, daily checks by Police and Fire Department and church should take out \$1M insurance policy.

Following the closing of the public comment period, Police Chief Ed Holmes provided information on levels of crimes in the areas surrounding Tent Cities in comparison to Mercer Island crime statistics.

Rob Odle, Planning Director for the City of Redmond and Nick Sieber, Kirkland Police Lieutenant, both spoke about their experiences with Tent City in their jurisdictions.

After Council discussion the following motions were made:

It was moved by Councilmember Grady; seconded by Councilmember Bassett to:

Approve the Temporary Use Agreement with the Mercer Island United Methodist Church and SHARE/WHEEL committing the parties to manage the 2008 Tent City 4 encampment on Mercer Island in full accordance with City Codes and regulations.

It was moved by Deputy Mayor Jahncke; seconded by Councilmember Cero to:

Amend Section 2 of the temporary use agreement as follows:

2. **Length of Stay.** SHARE/WHEEL and the Church will not host, sponsor or manage more than one Temporary Homeless Encampment in Mercer Island in a twelve month period each calendar year and the length of stay for such Temporary Homeless Encampment shall not exceed 90 days. ~~When an encampment starts in one calendar year and ends in the following calendar year, such encampment shall be deemed to have occurred in the calendar year during which the greater number of days fall.~~ No more than one Temporary Homeless Encampment will be maintained by SHARE/WHEEL within the city limits at any one time.

Motion passed 6-0.

Main Motion passed 6-0.

- (11) AB 4322 2007 Mercer Island Dashboard Report

This item was moved to a future agenda.

- (7) AB 4312 Kiwanis Fireworks Sales Permit

Councilmember Grady asked about Kiwanis fundraiser.

It was moved by Councilmember Litzow; seconded by Deputy Mayor Jahncke to:

Approve permit to allow the sale of Class "C" Fireworks by the Mercer Island Kiwanis Club in conjunction with Independence Day 2008.

Motion passed 5-1 (Councilmember Grady dissented).

- (8) AB 4316 Fire Apparatus Refurbishment

It was moved by Councilmember Jahncke; seconded by Councilmember Grady to:

Table this item.

Motion passed 4-2 (Councilmembers Litzow and Bassett dissented).

OTHER BUSINESS:

Councilmember Absences:

Councilmember Grausz' absence was excused.

Councilmember Jahncke will be absent July 21.

Planning Schedule:

The 2007 Mercer Island Dashboard Report will be moved to July 7, 2008

Board Appointments:

It was moved by Councilmember Jahncke, seconded by Councilmember Bassett to:

Confirm the Mayor's 2008-2009 Board & Commission appointments as follows:

Arts Council

Helen Martin, Position 4, Term 2012

Ellen Hochberg, Position 5, Term 2012

Sandra Schillin, Position 6, Term 2012

Susan Sears, Position 8, Term 2009

Building Board of Appeals

Roxanne Navrides, Position 1, Term 2011

David Chappelle, Position 2, Term 2011

Jon Friedman, Position 3, Term 2009

Design Commission

Suzanne Foster, Position 1, Term 2011
Ann Nielson, Position 2, Term 2012
Lucia Pirzio-Biroli, Position 4, Term 2012
Bert Loosmore, Position 6, Term 2009

Open Space Conservancy Trust

Don Cohen, Position 1, Term 2012
Tina Lanzinger, Position 6, Term 2012

Planning Commission

Marc Berejka, Position 3, Term 2012
Jon Friedman, Position 4, Term 2012

Utility Board

Benjamin Levie, Position 1, Term 2012
Joel Massman, Position 2, Term 2012
Motion Passed 6-0.

Youth & Family Services Advisory Board

Rachel Hyman, Position 6, Term 2010
Joyce Hedlund, Position 9, Term 2011
Karin Miller, Position 10, Term 2011
Kenneth Urman, Position 11, Term 2011
Kevin Boileau, Position 12, Term 2011
Victor Lau, Term 2010
Anna Franklin, Term 2010
Matthew Wiens, Term 2010
Leo Phillips, Term 2009
Hallea Tse, Term 2010
Daniel Drucker, Term 2010
Lauren Prince, Term 2010

Councilmember Reports:

Councilmember Grady spoke about a meeting with MISD and PSE regarding proposal to fund a staff person to be resource manager for the School District and the City for sustainability issues.
Councilmember Cero spoke about the Public Issues Committee meeting and the King County deficit.
Deputy Mayor Jahncke spoke about the "Really Big Idea Committee" meeting.

EXECUTIVE SESSION:

The Council adjourned to Executive Session at 10:54 pm to discuss collective bargaining agreements per RCW 42.30.140(4)(a) and for approximately 30 minutes.

ADJOURNMENT: 11:25 pm

Attest:

Allison Spietz, City Clerk

Jim Pearman, Mayor