



CITY COUNCIL MINUTES REGULAR MEETING JULY 21, 2008

CALL TO ORDER:

Mayor Jim Pearman called the meeting to order at 7:02 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

ROLL CALL:

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

Communications Coordinator Joy Johnston spoke about the first broadcasting of the Mercer Island Council Meetings and MI-TV (Channel 21).

Police Chief Ed Holmes presented talking points from the community meeting that was held about Tent City 4 on July 9th. He spoke about the Police's Department plan for keeping the residents of the surrounding neighborhood and the residents of Tent City 4 safe during the stay.

Mayor Jim Pearman made comments about the role of the City and future processes regarding the Tent City on Mercer Island.

APPEARANCES:

Phil Flash, 3005 69th Ave SE, has visited current tent city in Bellevue and has never heard anything negative surrounding Tent City. Thanked Council and staff for a great Summer Celebration! He also showed his patriotic costume off as it was the first meeting to be broadcast on TV.

Tara Johnson, 2438 62nd Ave SE, presented a graph comparing other eastside cities permits and ordinances regarding temporary housing encampments. She encouraged council to look at other cities when creating an ordinance. She also presented police reports for Kirkland and Issaquah regarding Tent City. She expressed concern about those who will be turned away.

Joe Wallis, 8730 SE 48th Street, commented on AB 4331: Luther Burbank Shoreline Project. He spoke about the monetary value of the loss of shoreline and he thanked the Council and staff for their work to restore it.

Mannie Batra, 2227 71st Ave SE, thanked the Council for the opportunity to express his concerns. He believes there is a lack of concern by the City Council for the residents' concerns. He believes that if charity is the issue then let the camp be on public property.

Steve Oaks, 2423 71st Ave SE, responded to remarks by the police chief saying that some of the information is short and shallow. He stated that he has found more incidents than chief has and he encouraged the Council to look at collection of incidents that were presented to them. Regarding the Mayor comments, he believes that great efforts have not gone into what needs are of the residents as no one comments were heard before the decision was made. He wants to know what the specific duties of the liaison are.

Christine Oaks, 2723 71st Ave SE, stated that an email from the Deputy Mayor said that City leadership has been discussing Tent City for 3 years with the MI Clergy Association and that the Council failed by not having a public hearing on a temporary use ordinance. She stated that she has tried to keep her focus on the issue with process. She stated that she is insulted that her neighborhood has to be the guinea pig for Tent City and they have been left out of the process. She believes that the church has a right to invite Tent City, but the City officials have duty to make sure community is protected.

Eileen Mitchell, 2956 74th Ave SE, believes that Mercer Island as a community is a caring and giving community. She is disappointed that the community as a whole was not involved in the process from the beginning. She thinks it's hypocritical that other churches are willing to help with meals, but to not host Tent City. She also thinks that Tent City should be on larger property so all can see it and be reminded to come out and serve the purpose of why Tent City is on Mercer Island.

Jason Lin, lives two houses from the Church, he supports temporary housing for homeless, but he is upset about process. He believes in the right of religious organizations to do as they wish on their property, but without the public process the Church has imposed their beliefs on the neighborhood.

Arienne Davison, 4400 86th Ave SE, a priest at Emmanuel Episcopal Church, believes that Mercer Island United Methodist Church's invitation to Tent City is a commendable act of faith. She stated that the clergy at Emmanuel endorsed Methodist to host Tent City and they take the concerns of the citizens seriously. She believes the City acted as good stewards by not prohibiting Tent City.

Karen Morris, 15788 NE 4th Street, Bellevue, stated that Tent City has been in her neighborhood three times. She stated that Tent City supporters will tell the Council how wonderful Tent City is, but she urged the Council to seek out info about Tent City as there is more negative information out there than has been presented. She stated that she has repeatedly heard statements she knew to be untrue. She asked the Council to look at other programs to help end homelessness.

Greg Asimakoupoulous, 5308 Landsdowne Lane, president of MI Clergy Association, read a poem about supporting Tent City on Mercer Island.

Karen Griffin, 3426 72nd Ave SE, is shocked about Tent City coming to her neighborhood and that there was no warning or no chance for public comment. She gave a summary of an incident in from the Kirkland Police Department which involved a Tent City resident. She stated that she does not feel secure because the Council did not notify the residents of Tent City coming to the neighborhood.

Jayne Judd, 2511 71st Ave SE, showed a map of Mercer Island showing where the Councilmembers live and that only one of them lives in the North part of the Island, where most of the churches are located. She proposed that each Councilmember brings some of the homeless into their communities.

John, Kirkland, believes that the homeless need structured help, social services and shelter. He believes the risk to the community is massive. He read information about a Kirkland Police incident at Tent City. He believes Tent City is a deliberate exploitation of the homeless.

Judy Mitchell, 6925 96th Ave SE, has been frustrated that religion cannot be used in schools on Mercer Island, but now church and state are not separate with Tent City on Mercer Island.

Joci Besecker, 2445 62nd Ave SE, voiced her opposition to Tent City and the actions of the Council. She believes they made a mistake in approving the temporary use agreement without involving the community. Doesn't believe that homeless people at the end of her street is the answer to homelessness. She asked The Council to do more research to look at both sides, revoke permit, bring issue to public and address the concerns of the neighborhood. She is concerned about safety and the assurance from the Police is not good enough. She is asking for accountability, asking for a process and asking to be listened to.

Michelle Usef, 8412 NE 121st Place, Kirkland, stated that Tent City fails to follow their own policies. She asked the Council to take time to read documents presented with Kirkland and Issaquah Police incidents. Her concern is about Tent City returning to same neighborhoods repeatedly. She believes that children are put at risk and the neighborhood is forced to deal with police issues. She believes that SHARE is not doing checks and those that are turned away are left in the neighborhood. She asked the Council to listen to neighbors as their comments are based on facts not on fear.

Steven Pyeatt, co-founder of King County Communities for Fair Process, stated that the Council has placed the residents of Mercer Island at extreme risk. He believes that SHARE will be bringing escalation of crime around the camp and their code of conduct is violated often. He spoke about documented cases of crimes and the police's definition of non-event is varying. He asked the Council to say no to Tent City until a citizen commission can be formed to recommend reasonable rules and restriction for the safety of the community.

Ira Appelman, 6213 83rd Place SE, believes that the Council has become more secretive as there have been more executive sessions than in the past. He is shocked that Council will consider citizens comments after the fact, but not before. He believes it is an act of bad faith on the part of the Council to make the decision on Tent City before hearing comments from the neighborhood.

Mimi Rice, 2501 71st Ave SE, has never encountered this and is not happy about Tent City coming to her neighborhood, she has little dogs and there are young children in the neighborhood. She doesn't want to have to put No Trespassing signs on her property or to have people wandering her neighborhood.

Andy Johnson, 2438 62nd Ave SE, believes that Tent City or the Church is going to have to prove to neighborhood that their processes are successful. He is upset that the Council gets to do an analysis on community after the fact and determine what success is and how it will be measured.

Councilmember Dan Grausz asked that the Police Chief provide regular updates to the Council and post those updates and notices of incidents/violations on Tent City webpage.

MINUTES:

- (2) It was moved by Councilmember Litzow; seconded by Councilmember Bassett to:
**Approve the Study Session & Regular Meeting Minutes of July 7, 2008 as amended:
Page 1, Call to Order:
Mayor Jim Pearman Deputy Mayor El Jahncke called the meeting to order at 6:02 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.**
Motion passed 5-0.

CONSENT CALENDAR:

Councilmember Cero asked that AB 4320: 2009-2011 CDBG and HOME Consortium Interlocal Agreement be moved to regular business.

- (2) Payables: \$245,808.86 Payroll: \$612,514.69
- (3) AB 4333 2008 North Mercer Way Resurfacing Bid Award
Motion: Award the 2008 North Mercer Way Resurfacing project to Lakeridge Paving Company in the amount of \$469,469. Appropriate \$70,000 from the Street Fund for use on the project. Set the total project budget at \$620,000 and direct staff to administer the construction contract.

It was moved by Councilmember Litzow; seconded by Councilmember Bassett to:
Approve the Consent Calendar and the recommendations contained therein.
Motion passed 5-0.

REGULAR BUSINESS:

- (6) AB 4335 Taser Funding

Police Chief Ed Holmes introduced Detective Sergeant Marc Marcroft and Patrol Sergeant Brian Noel who presented information on Taser technology, use of force definitions and showed a video demonstration of how tasers are used.

It was moved by Councilmember Litzow; seconded by Councilmember Cero to:
Authorize the expenditure of \$18,000 from the Criminal Justice Fund (Federal Seizure reimbursement) for the initial training and purchase of Tasers.
Motion passed 4-1 (Councilmember Grausz dissented).

- (4) AB 4320 2009-2011 CDBG and HOME Consortium Interlocal Agreement

Councilmember Cero asked about the urgency in passing the interlocal agreement.

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

Authorize the City Manager to sign the Interlocal Agreement between the City of Mercer Island and King County regarding the Interlocal Cooperation Agreement Regarding the Community Development Block Grant Program for the 2009-2011 funding years.

Motion passed 4-1 (Councilmember Cero dissented).

- (5) AB 4331 Luther Burbank Shoreline Project Phase I Bid Award

Assistant City Manager/Parks and Recreation Director Pete Mayer presented information on the locations of the projects included in the bid. He spoke about the current conditions of shoreline, the shoreline project purpose to restore 1500 feet of shoreline erosion, habitat enhancement, improving public access, the off-leash area current conditions, improving surface and drainage conditions, improving water access areas, upgrading and expanding fencing and creating shy dog and seating areas.

It was moved by Councilmember Grausz; seconded by Councilmember Cero to:

Award Schedule A, B and D (base bid and Alternates DA1 and DA2) to Pacific Earthworks, Inc. in the amount of \$981,090.40 (including sales tax). Set the total project budget at \$1,340,700, and direct staff to administer the construction contract. In addition, based on costs actually incurred or expected to be incurred, have staff return to the Council in a timely manner to propose a mean to accomplish the landscaping provided for in alternate DA3 using Pacific Earthworks, volunteer labor or other alternatives.

Motion passed 5-0.

- (7) AB 4332 Commerce on Public Property in the Town Center Code Amendments (1st Reading)

Development Services Director Steve Lancaster presented an ordinance for first reading regarding amendments to Section 19.06.050 of the Mercer Island City Code that will revise the guidelines for the regulation of commerce on public property in the Town Center, and are specifically related to occasional, temporary commercial operations. At present, the code does not differentiate between temporary and permanent commercial uses of public property in the Town Center, and thus, all commercial uses must be reviewed by the Design Commission. The proposed amendments will exempt occasional, temporary commercial use of public property in the Town Center zone from Design Commission review.

It was moved by Councilmember Litzow; seconded by Councilmember Grausz to:

Conduct first reading of Ordinance No. 08C-06; continue public meeting until August 4, 2008 for second reading and adoption.

Motion passed 5-0.

OTHER BUSINESS:

Councilmember Absences:

Deputy Mayor Jahncke and Councilmember Grady's absences were excused.

Councilmember Litzow will be absent August 4th.

Planning Schedule:

Add Tent City Status Report on August 18th.

Add a verbal report on Tent City to every agenda during Tent City's stay.

Councilmember Grausz asked that the Island Crest Way/Merrimount Drive intersection be before the Council again on a future agenda. He would like there to be a public information strategy and forum for the intersection. City Manager Conrad responded that the final design will come before the Council before going to bid.

Councilmember Cero asked for staff time to provide more data and analysis to the Council regarding the Island Crest Way/Merrimount Drive intersection. The Council concurred that staff would provide the

requested analysis up to 2 hours of work.
Councilmember Litzow asked that a discussion of security at Tent City on August 4th meeting agenda. The Council concurred.

Board Appointments:

There were no appointments.

Councilmember Reports:

Mayor Pearman reported on the upcoming 520 tolling meeting.

ADJOURNMENT: 10:49 pm

Jim Pearman, Mayor

Attest:

Allison Spietz, City Clerk