



CITY COUNCIL MINUTES SPECIAL HYBRID MEETING JANUARY 3, 2023

CALL TO ORDER & ROLL CALL

Mayor Salim Nice called the special meeting to order at 5:00 pm from a remote location via Zoom.

Deputy Mayor David Rosenbaum and Councilmembers Jake Jacobson, and Ted Weinberg, and Wendy Weiker participated in person in Council Chambers.

Mayor Salim Nice and Councilmembers Lisa Anderl and Craig Reynolds joined via Zoom.

PLEDGE OF ALLEGIANCE

The City Council delivered the Pledge of Allegiance.

AGENDA APPROVAL

It was moved by Reynolds; seconded by Weinberg to:

Approve the agenda.

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

STUDY SESSION

AB 6199: Roadway Pavement Condition Rating Update

Chief of Operations Jason Kintner introduced the roadway pavement conditions rating update and introduced the staff team. GIS Coordinator Leah Llamas presented the project team from Public Works, GIS, and IMS Infrastructure Management Services, who conducted the data collection in August 2022. She spoke about the composition of the different pavement types by area within the network of streets, with 99% of the network being asphalt, spoke about how pavement management is the process of planning the maintenance and repair of a roadway network to optimize pavement conditions of the overall network, discussed the lifecycle of pavement, and the target zone for maintenance and repairs.

Street Engineer Ian Powell presented the Pavement Condition Index (PCI), spoke about how ratings are made using the PCI, and presented different types of common pavement distresses. GIS Analyst II Matt Ringel presented how the data was collected using imaging and lasers and how the PCI is measured and calculated from the data that is collected. He explained the PCI scores and what levels of distress can be seen at each rating level. He spoke about how PCI score relates to the pavement lifecycle and discussed the results and trends of the PCI.

Capital Division Manager Clint Morris presented the pavement preservation plan of applying the proper repairs at the proper times, coordinating road work with other planned improvements, and adjusting paving or rehabilitation so that it occurs after major utility work. He discussed different types of pavement preservation that is done on the Island including chip sealing, hot mix asphalt overlay, and complete reconstruction. He spoke about the pavement lifecycle, how pavement preservation affects the lifecycle, and where on the PCI the City aims to complete maintenance and repair work on the streets, focusing on the streets with ratings of fair to poor.

Council discussed the presentation and asked questions of staff.

CITY MANAGER REPORT

City Manager Bon reported on the following items:

- City Manager Bon thanked the Public Works teams for all their work during the winter storms in December
- **Council, Boards & Commission Meetings Update:** Next City Council hybrid meeting on January 17, and Parks & Recreation Commission hybrid meeting on January 5.
- **City Services Updates:** Christmas Tree recycling, South Mercer Playfield project update, A/V upgrades to the Municipal Court, Transforming the Community Center, 1 January 16 City facilities are closed in observance of MLK day, MISD Planning Committee recruitment open now.
- **Upcoming Events:** Second Community Meeting on proposed Bike Skills Area on January 24, MLK Day volunteering event at Luther Burbank Park.
- **News:** MIFD got new AED Defibrillators, MIHS Broadcasting students making the Island Proud with 48 nominations for the Intercollegiate Broadcasting System's annual Golden Microphone Awards.

APPEARANCES

Alex Tsimerman, Mercer Island, spoke to the Council about public comment opportunities and fascism.

CONSENT AGENDA

AB 6201: December 2, 2022 Payroll Certification

Recommended Action: Approve the December 2, 2022 Payroll Certification (Exhibit 1) in the amount of \$929,770.63 and authorize the Mayor to sign the certification on behalf of the entire City Council.

AB 6202: December 16, 2022 Payroll Certification

Recommended Action: Approve the December 16, 2022 Payroll Certification (Exhibit 1) in the amount of \$939,712.21 and authorize the Mayor to sign the certification on behalf of the entire City Council.

Certification of Claims:

- A. Check Register | 213987-214070 | 12/2/2022 | \$382,315.66
- B. Check Register | 214071-214147 | 12/9/2022 | \$472,379.96
- C. Check Register | 214148-214218 | 12/16/2022 | \$254,348.27
- D. Check Register | 214219-214284 | 12/22/2022 | \$1,036,248.74

Recommended Action: Certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

City Council Meeting Minutes of December 6, 2022 Regular Hybrid Meeting

Recommended Action: Approve the minutes of the December 6, 2022 Regular Hybrid Meeting.

AB 6190: SCADA Sewer Equipment Replacement Project Bid Award

Recommended Action:

1. Award the Sewer SCADA equipment replacement project to Valley Electrical Co. of Mt. Vernon in the amount of \$2,446,883 and authorize the City Manager to execute a contract with Valley Electric Co. of Mt. Vernon for the construction of the Sewer SCADA Equipment Replacement project.
2. Authorize \$1,533,625 appropriation from the Sewer Fund balance for the additional cost above the 2023-2024 budget of \$2,000,000.

AB 6203: Sewer Main Easement Replacement (3 Eden Lane)

Recommended Action: Authorize the City Manager to terminate the sewer easement (recording number 5804682) through a partial easement extinguishment as depicted in Exhibit 3 in exchange for a new 20-foot-wide realigned sewer easement, both to be approved by the City Attorney substantially in the form of

Exhibits 2 and 3.

It was moved by Jacobson; seconded by Weiker to:

Approve the Consent Agenda and the recommended actions contained therein.

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

REGULAR BUSINESS

AB 6204: Acceptance of Raven by Ron Reeder (Public Art Donation by MIVAL)

CIP Project Manager Sarah Bluvas presented a Public Art overview and provided an update on the Public Art Donation policy that the Parks & Recreation Commission is in the process of updating. She presented the donation of *Raven*, a palladium print by Ron Reeder a long time Island resident, scientist, and artist, that was presented to the City by MIVAL in 2019. The Arts Council approved acceptance of the piece in 2021, and it is currently installed in the Municipal Court. She spoke about the longstanding partnership that the City has with Mercer Island Visual Arts League (MIVAL) and how critical their partnership was with the Recreation Division during the pandemic to be able to host community events and activities including, Island Lanterns in 2021 as a part of Illuminate MI, free art making activities at Summer Celebration, the return of the art gallery at the MICEC, and a new art exhibit installation at the Municipal Court.

Council discussed the presentation, asked questions, and thanked MIVAL for their partnership.

It was moved by Weinberg; seconded by Jacobson to:

Accept the donation of *Raven* by Ron Reeder into the City's public art collection.

PASSED: 6-0

FOR: 6 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, and Weinberg)

ABSENT: 1 (Weiker)

AB 6207: 2023 City Council Liaison Assignments

Mayor Nice presented the 2023 City Council Liaison assignments. Due to a scheduling conflict Councilmember Weinberg requested to swap Deputy Mayor Rosenbaum so that Councilmember Weinberg will serve on the MISD Superintendent's Community Advisory Council and Deputy Mayor Rosenbaum will serve on the Mercer Island PTA Advocacy Committee.

AB 6206: City Council Meeting Start Time Amendment (Ord. No. 23C-01)

City Clerk Andrea Larson presented the proposed Ordinance No. 23C-01 to permanently establish the City Council meeting start time to 5:00 pm. Council discussed the proposed amendment.

It was moved by Weinberg; seconded by Rosenbaum to:

Adopt Ordinance No. 23C-01 amending MICC 2.06.010 to establish the start time of Regular Meetings of the City Council at 5:00 pm.

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

It was moved by Weinberg; seconded by Rosenbaum to:

Amend the previous motion as follows:

Adopt Ordinance No. 23C-01 amending MICC 2.06.010 to establish the start time of Regular Meetings of the City Council at 5:30 pm.

FAILED: 2-5

FOR: 2 (Reynolds and Weinberg)

AGAINST: 5 (Anderl, Jacobson, Nice, Rosembaum, Weiker)

AB 6205: Review City Council Rules of Procedure

Chief of Administration Ali Spietz presented the background on the City Council Rules of Procedure and how tonight's amendments were compiled. Mayor Nice lead Council through a discussion of the proposed

amendments.

It was moved by Weinberg; seconded by Reynolds to:

Delete the extra period at the end of Section 1.5.

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

It was moved by Reynolds; seconded by Weinberg to:

Amend section 2.2 to codify ranked choice voting.

FAILED: 3-4

FOR: 3 (Reynolds, Rosenbaum, and Weinberg)

AGAINST: 4 (Anderl, Jacobson, Nice, and Weiker)

It was moved by Reynolds; seconded by Weinberg to:

Amend Section 2.3 to add “With direction from a majority of the Council” to the beginning of “The Mayor is assigned the responsibility to impose Councilmember sanctions for violation of these Rules consistent with Section 11 of these Rules.”

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

It was moved by Weinberg; seconded by Reynolds to:

Remove “or consensus” from Section 3.1.C.

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

It was moved by Reynolds; seconded by Weinberg to:

Amend Section 3.2.A to change the start time of Regular Meetings to 5:00 pm.

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

It was moved by Reynolds; seconded by Weinberg to:

Remove “celebrity” from Section 3.3.F.2.

FAILED: 1-6

FOR: 1 (Reynolds)

AGAINST: 6 (Anderl, Jacobson, Nice, Rosenbaum, Weiker, and Weinberg)

It was moved by Reynolds; seconded by Weinberg to:

Move item 3.3.G to the top of the agenda after agenda approval

Main motion was withdrawn.

It was moved by Weinberg; seconded by Reynolds to:

Amend to move Appearances ahead of Special Business but keep after the City Manager Report.

FAILED: 3-4

FOR: 3 (Reynolds, Weiker, and Weinberg)

AGAINST: 4 (Anderl, Jacobson, Nice, and Rosenbaum)

It was moved by Anderl; seconded by Rosenbaum to:

Add time limits to each item, except appearances, to Council meeting agendas, with the caveat that “all times are approximate

FAILED: 3-4

FOR: 3 (Anderl, Nice, and Rosenbaum)

AGAINST: 4 (Jacobson, Reynolds, Weiker, and Weinberg)

It was moved by Reynolds; seconded by Jacobson to:

Amend the last sentence of Section 5.1 to read “The City Clerk or City Attorney shall answer questions of a parliamentary nature that may arise during a City Council meeting. The City Attorney shall decide all questions of interpretations of these Rules.”

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

It was moved by Reynolds; seconded by Jacobson to:

Amend Section 8.12.E.1 to add to the end "If there are multiple positions open for a given Board or Commission, the position(s) with the longest term shall be voted on first."

PASSED: 7-0

FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

OTHER BUSINESS

Planning Schedule

City Manager Jessi Bon spoke about the January 17 City Council meeting, and updated that staff are working on populating the Planning Schedule for 2023

Councilmember Absences and Reports

Councilmember Anderl noted that Utility Board met on December 13 and received an update from Recology.

Mayor Nice thanked Council and staff for all of their work over the past year.

Councilmember Weiker thanked PW crew for work during snow and ice event in December.

EXECUTIVE SESSION

At 7:18 pm, Mayor Nice convened an Executive Session in the Farside Room at City Hall, 9611 SE 36th Street, Mercer Island, WA and via Microsoft Teams. The Executive Session was to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(I) and for planning or adopting the strategy or position to be taken by the City Council during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress pursuant to RCW 42.30.140(4)(b).

Deputy Mayor David Rosenbaum and Councilmembers Lisa Anderl, Jake Jacobson, and Ted Weinberg participated in person in the Farside Room at City Hall.

Mayor Salim Nice, Councilmembers Craig Reynolds and Wendy Weiker joined via Microsoft Teams.

Mayor Nice adjourned the Executive Session at 8:42 pm.

ADJOURNMENT

The special Council Meeting adjourned at 8:42 pm.

Attest:

Salim Nice, Mayor

Andrea Larson, City Clerk