



CITY COUNCIL MINUTES REGULAR HYBRID MEETING MARCH 15, 2022

EXECUTIVE SESSION

At 5:00 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 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).

Mayor Nice adjourned the Executive Session at 5:50 pm.

CALL TO ORDER & ROLL CALL

Mayor Salim Nice called the regular meeting to order at 6:00 pm in the Council Chambers at City Hall, 9611 SE 36th Street, Mercer Island, Washington.

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

Councilmembers Lisa Anderl, Craig Reynolds, and Wendy Weiker participated remotely using Zoom.

PLEDGE OF ALLEGIANCE

Councilmember Weiker delivered the Pledge of Allegiance.

AGENDA APPROVAL

It was moved by Rosenbaum; seconded by Reynolds to:

Approve the agenda as presented.

PASSED: 7-0

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

STUDY SESSION

AB 6037: Island Crest Way Corridor Safety Analysis

Transportation Engineer Lia Klein and the City's consultant, Brian Chandler from DKS Associates, presented the Island Crest Way Corridor Safety Analysis.

Brian Chandler with DKS Associates presented the data from the analysis of a one-mile section of the Island Crest Way corridor from 90th Avenue SE to SE 68th Street, including input from. Mr. Chandler spoke about collision history, the public engagement process, and the input received City staff, the community, and school district staff. He noted the challenges around Island Park Elementary, lighting issues, preserving the natural environment, and maintaining safety. He spoke about the interactions between vehicles, pedestrians, and cyclists, and the SE 53rd Place and SE 68th Street intersections. He reviewed both the short-term and medium-term next steps.

City Council asked questions and discussed the Island Crest Way Corridor Safety Analysis.

SPECIAL BUSINESS

AB 6038: 2020 Financial, Federal and Accountability Audi Exit Conference

Deputy Finance Director LaJuan Tuttle introduced the State Auditor's Office staff Assistant Audit Manager Haji Adams and Audit Lead Jessica Fleming who presented the audit exit conference to the City Council to report on the results of the Financial Statement, Federal, and Accountability Audits for the year ending December 31, 2020. The purpose of the exit conference was to report the audit results to management prior to publication of the audit reports, the audited financial statements, notes to the financial statements, and required supplementary information on the SAO website.

City Council received the 2020 Financial, Federal and Accountability Audit reports.

CITY MANAGER REPORT

City Manager Bon reported on the following items:

- Council, Boards & Commission meetings update: Hybrid City Council meeting April 5, Virtual Planning Commission meeting on March 23, Virtual Parks & Recreation Commission meeting on April 7, Hybrid City Council Planning Session on March 26
- City services updates: City Hall Lobby Renovation, Mercedale Playground update, Aubrey Davis Park trail Safety Improvements Survey, Spring Recycling Event, and Thrift Shop Donations.
- Community Updates: Friends of Mercer Island Library Spring Book sale
- News: Covenant Shores Full-scale Emergency Preparedness exercise, successful recycling partnership, PROS Plan Approved by RCO

APPEARANCES

Sue Stewart (Mercer Island), spoke regarding Friends of Luther Burbank Park's opposition to a mountain bike park facility in Upper Luther Burbank Park. She urged the Council designate Upper Luther Burbank Park to be an open space park in this year's Comprehensive Plan update.

Glenn Blumstein (Mercer Island), spoke regarding living near Upper Luther Burbank and problems that he has encountered with riders coming to the park and the safety on the street with all of the cars

Tenly Tobin, spoke regarding concerns about the proposed Town Center amendments and the challenges that it could place on Town Center properties.

Kenneth Kataroff, spoke regarding concerns about the proposed Town Center amendments.

Quintin Shiers (Mercer Island), spoke regarding the bike skills area and about the benefits of having a bike skills area.

Brian Shiers (Mercer Island), head coach of Mercer Island Middle & High School Mountain Bike team, spoke regarding bike skills area and his support of this area for riders.

Kirk Griffin (Mercer Island), Neighbors in Motion, spoke regarding Island Crest Way Safety study regarding the proposed bike path and his support of a north/ south bike route.

Jim Stanton (Mercer Island), spoke about a recent bill that increases funding for active transportation projects in Washington and he offered NIM's assistance to submit a grant application for state funds to complete the north-south missing link on Island Crest Way.

Rita Moore (Mercer Island), encouraged the Council to keep Upper Luther Burbank Park an open space and oppose a bike skills area there.

Jeff Koontz (Mercer Island), member of NIM, spoke regarding the Island Crest Way Corridor Safety Analysis and the Bicycle and Pedestrian Plan. He asked that the trail work be accelerated and offered NIM's

support to apply for funding.

CONSENT AGENDA

AB 6035: February 25, 2022 Payroll Certification

Recommended Action: Approve the February 25, 2022 Payroll Certification in the amount of \$863,447.26 and authorize the Mayor to sign the certification on behalf of the entire City Council.

Certification of Claims

A. Check Register 210901-211018 | 2/25/2022 | \$529,550.66

B. Check Register 211019-211083 | 3/4/2022 | \$907,110.86

Recommendation 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 March 1, 2022

Recommended Action: Adopt the City Council Special Video Meeting Minutes of March 1, 2022 as presented.

AB 6026: 2019 Arterial and Residential Street Overlays

Recommended Action: Accept the completed 2019 Arterial and Residential Street Overlays project and authorize staff to close out the contract.

AB 6027: 2020 Arterial and Residential Street Overlays

Recommended Action: Accept the completed 2020 Arterial and Residential Street Overlays project and authorize staff to close out the contract.

It was moved by Jacobson; seconded by Weinberg 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 6040: Consider 2024 Comprehensive Plan Periodic Review Scope of Work, Master Schedule, and Public Participation Plan and related Port of Seattle Economic Development Grant Funding for 2022-23

Interim CPD Director Jeff Thomas and Senior Planner Adam Zack reviewed the resolution to adopt the 2024 Comprehensive Plan Periodic Review scope of work, master schedule, and public participation plan that was presented to the City Council on February 15, 2022. Senior Planner Zack noted that five comments were received which propose 26 separate changes the scope of work and schedule. He reviewed which changes staff recommends adding to the resolution.

Sarah Bluvas presented information about possible grant funding for 2022-2023 from the Port of Seattle Economic Development Program, which provides per-capita, reimbursement-based grant funding every year to foster economic development initiatives in King County. She noted that staff will return later this spring for authorization to accept the grant funding.

It was moved by Rosenbaum; seconded by Reynolds to:

Approve Resolution No. 1621, adopting the scope of work, master schedule and public participation plan including the establishment of the Economic Development Work Group and the Housing Work Group for the 2024 periodic review of the Mercer Island Comprehensive Plan as amended by adding Item 1 to the scope (Exhibit A) and Items 24, 25, and 26 to the public participation plan (Exhibit B) and Item 27 to the charters (Exhibit C) from AB 6040, Exhibit 2 as

follows:

1. Adding the creation of a parks zone to the scope of work (Exhibit A):
 - a. Add a Land Use Element task to Table 2 for the creation of new goal and policies to create a parks zone in the Comprehensive Plan, and
 - b. Create new development code regulations for a parks zone in Title 19 Mercer Island City Code (MICC).

Adding the following to the public participation plan (Exhibit B):

24. p. 2, stakeholder bulleted list, line 42: Above "the general public", insert "homeowners" and "renters". These groups will require different outreach strategies than the general public and are critical to distinguish.
25. p. 3, Goal 1 Tasks, line 19: Add:
 - 1.4 Invite multi-family housing property managers to share meeting notices regarding the plan, particularly the housing and economic development elements of the plan.
26. p. 4, Goal 3 Tasks, line 20: Between existing tasks 3.2 and 3.3 insert the following and renumber the remaining tasks:
 - 3.2 The Housing Work Group will partner with multi-family property managers to host a Renters Forum to share findings of the HNA and directly listen to the needs and hear ideas from the rental community.
27. Clarifying the language in Section 6.1 for Housing and Economic Development Work Group Charters (Exhibit C) by adding ", ex parte contact, or other conflict with the appearance of fairness..." after "If an actual or perceived conflict of interest..."

PASSED: 6-0-1

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

ABSTAIN: 1 (Jacobson)

It was moved by Rosenbaum; seconded by Nice to:

Direct the City Manager to ensure the legislative process for 2024 periodic review of the Mercer Island Comprehensive Plan captures the following items AB 6040, Exhibit 2:

5. **Town Center and (New) Economic Development Element:** The Town Center Goals and Policies update for proposed code changes aimed at preserving and promoting commercial businesses should be integrated with the new economic development element. These subjects are closely related and should be addressed together, along with parking.
6. **Housing Element**
 - a. Establish an ability to create additional dispersed density without undermining quality of neighborhoods. While this will not create housing for homeless or low-income people, it will increase the overall inventory of housing, and likely create some more "affordable" (by MI standards) housing.
 - b. Ensure MI is permanently committed to providing true support to ARCH for off island development of low-income housing – taking on our fair share of the responsibility.
 - c. The existing Comp Plan pays lip service to providing a range of housing options but has no specific policies or code provisions that promote housing that would actually help accommodate older and/or disabled citizens. I recommend that the City more clearly articulate that it is the City's policy to make it easier to develop and build housing that would accommodate older and/or disabled citizens, and that the City evaluate its Code to identify roadblocks to such development and create options that remove those roadblocks. For example, lot coverage/impervious surface limits on smaller lots make it harder to design and construct 1 story homes suitable for disabled or persons over 65 who seek to age in place.
7. **Transportation Element:** Consider inverting the priorities so that the more vulnerable are prioritized over convenience for automobiles.
 - a. Promote significant improvements for active transportation: bicycle infrastructure, sidewalks, and other pedestrian amenities.
 - b. Consider reducing speed limits on the Mercers by 5mph to make inevitable collisions between automobiles and pedestrians or bikes less deadly.
8. **Update the Introduction to the Plan and the Introductions to the Land Use, Housing, and Transportation Elements.**

10. Add appropriate headings to the Land Use Policies, Natural Environment (Goal 18) and Parks and Open Space Policies (Goals 19 and 20) in the Land Use Element. Reconcile Goal 20 with PROS.
11. Change the heading for Goals 26 through 29 in Land Use Policies from STAR to Climate Change.
12. Delete the last paragraph in Climate Change in the Introduction to the Land Use Element.
13. Delete Goal 26 in the Land Use Element.
15. Add the heading "Historical Preservation" to Goal 25 in the Land Use Policies.
18. Edit shaded boxes in Introduction, Vision Statement: How the Values are Manifested.
21. Housing Needs Assessment, p.5, Task 4, lines 21-23: The HNA is a document detailing the expected housing needs in the City throughout the planning period based on trends in housing affordability, information on demographic equity in housing opportunity, and the forecasted growth, existing housing stock, and land use assumptions in the Plan.
22. Transportation Element, p. 10, Attachment A, Table 2: T-6 Add policy under Transportation Element Goal 12 that establishes a prioritized implementation plan and timeline for periodic reviewing of the Pedestrian and Bicycle Facilities Plan.
23. Transportation Element, p. 10, Attachment A, Table 2: Add: T-9 Add policy under Transportation Element Goal 12 to study opportunities to expand electric bicycle infrastructure near light rail and in Town Center.

PASSED: 6-0-1

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

ABSTAIN: 1 (Jacobson)

It was moved by Rosenbaum; seconded by Jacobson to:

Direct the City Manager to pursue an economic development grant from the Port of Seattle for the 2022-2023 grant cycle to support the development and implementation of a new Comprehensive Plan Economic Development Element.

PASSED: 7-0

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

AB 6036: Development Code Amendment ZTR21-004 Town Center Retail Requirements – Ordinance No. 21C-28 (Third Reading)

Interim CPD Director Jeff Thomas introduced Development Code Amendment ZTR21-004 regarding Town Center Retail Requirements and welcomed Planning Commission Chair Dan Hubbel to present the Planning Commission's recommendation for the code amendments.

Economic Development Coordinator Sarah Bluvas presented the following legislative options for Development Code Amendment ZTR21-004 regarding Town Center Retail Requirements:

1. Do nothing.
2. Amend MICC 19.11.020(B) Figure 2 to complete surgical additions/deletion to the current map, which illustrates ground floor street frontage requirements in the TC.
3. Amend MICC 19.11.020(B) to add a "no net loss" retail square footage requirement throughout the TC for post-2005 developed parcels, administered on a parcel-by-parcel basis.
4. Amend MICC 19.11.020(B) to add a "commercial floor area ratio" requirement for parcels subject to the requirement in Figure 2 and not otherwise excluded by some other means.
5. Amend MICC 19.11.020(B) by combining Options 2-4 (above).
6. Amend MICC 19.11.020(B) by executing Ordinance No. 21C-28 with or without further amendments to combine Option 2 with a "greater than" requirement between "commercial floor area ratio" and "no net loss" for parcels subject to the requirement in Figure 2.

Following review of the options and asking questions of staff, the City Council directed staff to amend the ordinance to include option 5 (above) plus the following:

- Expand the list of eligible uses to include museums and art exhibitions; theaters; bars; financial and insurance services; recreation; and service stations (as defined by 19.16.010);
- Reinsert code language that clarifies that requirements apply to "ground floor use" and permits driveways, loading areas, parking garage entrances, and lobbies on street frontage;

- Insert code language outlining a timeline for triggering an evaluation of the effectiveness of the requirements;
- Insert code language exempting museum/art exhibition and theater uses from the 60' contiguous linear street frontage maximum; and
- Establish a cap for museums/art exhibition and theater uses that can be applied to the commercial FAR/no net loss requirement.

Staff will return mid-year for a fourth reading of the ordinance and adoption, which will allow time to amend and finalize the SEPA review, re-notice to the WA Department of Commerce (if necessary), allow for Planning Commission review and recommendation to remove Figure TC-1 from the Comprehensive Plan (if necessary); and finalize the ordinance.

AB 6041: 2022 City Council Planning Session Agenda

City Manager Jessi Bon presented the proposed agenda for the upcoming 2022 City Council Planning Session. City Manager Bon asked the Council to provide feedback by Monday on the City Council Priorities and Work Plan in preparation for the 2023-2024 biennial budget.

It was moved by Reynolds; seconded by Weinberg to:

Approved the 2022 City Council Planning Session agenda as presented.

PASSED: 7-0

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

OTHER BUSINESS

Planning Schedule

City Manager Bon spoke about upcoming meetings.

Councilmember Absences and Reports

Councilmember Jacobson spoke about the Eastside transportation Partnership meeting regarding bus routes on Mercer Island

Mayor Nice spoke about attending the ribbon cutting for FaveKitchens in Town Center.

Councilmember Reynolds thanked staff for successfully executing a hybrid meeting, upcoming K4C sessions, meeting regarding Native American land acknowledgements.

Deputy Mayor Rosenbaum thanked staff for getting hybrid meetings up and running, spoke about a meeting regarding ARPA fund uses, and the process for selecting a new MISD Superintendent.

ADJOURNMENT

The Council Meeting adjourned at 9:58 pm.

Attest:

Salim Nice, Mayor

Andrea Larson, City Clerk