



CITY COUNCIL MINUTES REGULAR VIDEO MEETING JUNE 2, 2020

EXECUTIVE SESSION, 5:00 PM

At 5:05 pm, Mayor Wong convened an Executive Session using a video teleconferencing platform by MS Teams for approximately 90 minutes to discuss with legal counsel litigation or potential litigation pursuant to RCW 42.30.110(1)(i) and noted that action may be taken in open session under Regular Business.

The full City Council, City Attorney Bio Park, City Manager Jessi Bon, Chief of Administration Ali Spietz, and Public Works Director Jason Kintner were present.

At 6:29 pm, Mayor Wong adjourned the Executive Session.

CALL TO ORDER & ROLL CALL, 6:30 PM

Mayor Benson Wong called the Regular Meeting to order at 6:32 pm from a remote location.

Mayor Benson Wong, Deputy Mayor Wendy Weiker and Councilmembers Lisa Anderl, Jake Jacobson, Salim Nice, Craig Reynolds, and David Rosenbaum participated remotely using a video teleconferencing platform by Zoom.

The Mercer Island City Leadership Team participated from remote locations.

City Manager Jessi Bon, and City Clerk Deborah Estrada, and Paralegal/Public Records Officer Mary Swan participated remotely from separate rooms at City Hall, 9611 SE 36th Street, Mercer Island, Washington.

PLEDGE OF ALLEGIANCE

Councilmember Lisa Anderl led the Council in the Pledge of Allegiance.

AGENDA APPROVAL

Mayor Wong noted that the agenda was previously amended to move Agenda Bill 5703, Proclamation No. 252, to the June 9 Special Meeting.

Mayor Wong further noted that the agenda was amended in Consideration of a Moratorium for recommended action at the end of Regular Business.

It was moved by Jacobson; seconded by Nice to:

Approve the agenda as amended.

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

CITY MANAGER REPORT

City Manager Bon reported on the following:

- Water Main Breaks
- Update on Coronavirus
- Thank You Assistant City Engineer Anne Tonella Howe, Retiring after 18 years
- Thank you Officer DeLashmutt, Retiring after 26 years

- Proclamation of Civil Emergency issued on June 1 and extended on June 2
- Register to receive emergency alerts from the City

After City Manager Bon's report, Police Chief Ed Holmes gave an update on police operations during the Civil Emergency

APPEARANCES

Ashley Hay, Mercer Island, thanked the City Council for the way in which they have responded to the COVID-19 pandemic. She also thanked the City Manager for the weekly briefings and the Mercer Island Fire and Police departments for their care and leadership. She further expressed her support for the ALPR proposal on the agenda and encouraged Council to support safety on the Island.

Dwight Schaeffer, Mercer Island, expressed opposition to the Transportation Improvement Plan, specifically, SP123, "North Mercer Way Park and Ride Frontage Improvements," explaining that it was too expensive, a low priority, a detriment to pedestrian safety, and redundant. He further explained that it precluded better solutions for Mercer Islanders and bus riders from the east and southeast, forced bus transfers that are not customer friendly and would cause increased indirect costs.

Mark Gollin, Mercer Island, explained that he was pleased to hear that the George Floyd vigil at Mercerdale Park was moved to 6 PM so that it is not illegal under the newly extended curfew. He further explained that he was not supportive of a four-day curfew on the Island, which he believed to be unconstitutional and a disproportionate measure that should be rescinded immediately.

Citizenofthiscity (anonymous), Lets Talk, Council Connects, registered his objection to the curfew being extended despite the absence of significant criminal activity. The commenter further stated that by extending the curfew through the end of the week, the Mercer Island government was blocking a planned non-violent protest as well as any other constitutionally protected speech.

CONSENT CALENDAR

Approve **Accounts Payable** Reports:

- Report for the period ending May 15, 2020 in the amount of \$620,734.18, and
- Report for the period ending May 22, 2020 in the amount of \$184,366.73

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

Approve **Certification of Payroll** dated May 22, 2020 in the amount of \$808,458.61

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

Approve **Minutes** of the May 19 Special Video Meeting

AB 5695: 2020 Watercourse Stabilization Project Bid Award

Recommended Action: Award the 2020 Watercourse Stabilization Project to Green Earthworks Const. Inc. in the amount of \$160,864.79, appropriate \$19,594.00 from the Stormwater Fund, set the total project budget at \$309,594.00, and direct the City Manager to execute the construction contract.

AB 5708: Ratification of Action Taken During Special Meeting on May 27, 2020.

Recommended Action: Ratify action taken during City Council Special Meeting on May 27, 2020 authorizing publication of Council's Letter to Community Re: Sound Transit's Non-Compliant Bus/Rail Interchange 60% Design.

AB 5709: Ratification of Civil Emergency Orders Issued by the Mayor*

Recommended Action: Ratify and confirm the civil emergency orders issued by the Mayor on June 1, 2020 and June 2, 2020, as set forth in Exhibits 1 and 2 to AB 5709.

It was moved by Nice; seconded by Anderl to:

Approve the Consent Calendar as presented.

A roll call vote was conducted, and the results were as follows:
Passed 7-0
FOR: 7 (Anderl, Jacobson, Reynolds, Rosenbaum, Nice, Weiker, and Wong)

REGULAR BUSINESS

AB 5699: Boards & Commissions Annual Appointments

Mayor Wong explained that there would be two parts to the Board and Commission Appointment Process. The first part would address filling the vacancies on the Open Space Conservancy Trust ("OSCT"), noting that the OSCT members are appointed by the Mayor and approved by a majority vote of the City Council as outlined in Article III of Ordinance No. 96-002.

Mayor Wong recommended the following appointments to the Open Space Conservancy Trust:

Position	Expiring Term	Appointment	New Term
1	2020	Craig Olson	2024
4	2022	Thomas Hildebrandt	2022
6	2020	Hillary Ethe	2024

It was moved by Weiker; seconded by Nice to:

Approve the approve the Mayoral recommendations for appointment to the Open Space Conservancy Trust for the positions expiring May 31, 2020 and 2022.

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

Mayor Wong explained that at its February 18, Regular Meeting, City Council changed the board and commission appointment process providing that all appointments (with the exception of the OSCT) be made by a vote of the City Council during a regularly scheduled meeting.

The applicants that receive the most votes, provided they received a minimum of four votes, would be appointed to the open seats on the board or commission. The names of the applicants would then be added to Resolution No. 1582 with final approval by a vote of the City Council.

Arts Council – Two open positions; one application received. City Clerk Estrada emailed the ballots to each Councilmember.

The ballots were tallied, and Amy Barnes received seven (7) votes to be appointed to the Arts Council.

Design Commission – Two open positions; six applications received. City Clerk Estrada emailed the ballots to each Councilmember and reminded them to cast a vote for two applicants.

The ballots were tallied, and Claire McPherson received five (5) votes and Anthony Perez received four (4) votes to be appointed to the Design Commission.

Parks & Recreation Commission – One open position; five applications received. City Clerk Estrada emailed the ballots to each Councilmember and reminded them to cast a vote for one applicant.

The ballots were tallied, and Peter Stuck received six (6) votes to be appointed to the Parks & Recreation Commission.

Planning Commission – Three open positions; seven applications received.

Mayor Wong explained that there were two open positions on the Planning Commission that would expire in 2024 and one open position that would expire in 2023. He suggested splitting the election into two elections based on the term expiration. There was Council consensus to support this recommendation.

Round 1, Term 2024 - City Clerk Estrada emailed the ballots to each Councilmember and reminded them to cast a vote for two applicants.

The ballots were tallied, and Daniel Hubbell received four (4) votes to be appointed to the Planning Commission.

Round 2, Term 2024 - City Clerk Estrada emailed the ballots to each Councilmember and reminded them to cast a vote for one applicant.

The ballots were tallied, and the following applicants received votes and moved to the next round.

- Traci Granbois
- Michael Murphy
- Lucia Pirzio-Biroli

Round 3, Term 2024 - City Clerk Estrada emailed the ballots to each Councilmember and reminded them to cast a vote for one applicant.

The ballots were tallied, and the following applicants received votes and moved to the next round.

- Traci Granbois
- Michael Murphy
- Lucia Pirzio-Biroli

Round 4, Term 2024 - City Clerk Estrada emailed the ballots to each Councilmember and reminded them to cast a vote for one applicant.

The ballots were tallied, and Lucia Pirzio-Biroli received four (4) votes to be appointed to the Planning Commission.

Mayor Wong explained that City Council would next vote to fill the one open position that would expire in 2023.

Round 1, Term 2023 - City Clerk Estrada emailed the ballots to each Councilmember and reminded them to cast a vote for one applicant.

The ballots were tallied, and Michael Murphy received four (4) votes to be appointed to the Planning Commission.

Utility Board – Two open positions; two applications received. City Clerk Estrada emailed the ballots to each Councilmember and reminded them to cast a vote for two applicants.

The ballots were tallied, and William Pokorny received seven (7) votes and Stephen Majewski received six (6) votes to be appointed to the Utility Board.

It was moved by Reynolds; seconded by Nice to:

Adopt Resolution No. 1582 appointing members to fill the vacancies on the City's advisory boards and commissions.

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

AB 5704: Temporary Change to City Council Regular Meeting Start Time

City Attorney Bio Park explained that since the various declarations of emergency and orders to stay home were issued as a result of the COVID-19 Pandemic, the City Council had been conducting its meetings remotely and starting at an earlier time. Ordinance 20C-10 would temporarily change the start time to 5 PM until December 31, 2020.

It was moved by Jacobson; seconded by Anderl to:

Suspend the City Council Rules of Procedure 6.3, requiring a second reading of an ordinance.

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

It was moved by Jacobson; seconded by Anderl to:

Adopt Ordinance 20C-10 amending section 2.06.010 of the Mercer Island City Code to temporarily change the start time of Regular Meetings of the City Council.

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

AB 5694: COVID-19 Response: 2020 Budget Adjustments

Interim Finance Director Matt Mornick explained that the budget amendment provided adjustments for revenue and expenditures that were not anticipated when the City Council adopted the original 2019-2020 budget. The amendment specifically memorialized the Phase 1 and Phase 2 cost saving measures totaling \$2,785,600 in General Fund reductions. Mornick further explained that the budget amendment appropriated \$496,000 in Contingency Funds to support ongoing emergency operations through August 31, 2020, authorized up to \$300,000 in Contingency Funds to establish an Unemployment Reserve, and authorized use of the Compensated Absences Reserve for one-time accrued benefit cash-outs up to \$300,000.

If approved, Mornick explained that staff would return to the City Council on June 9 with an updated Financial Status Report and recommendations to further address the remaining \$1.9 million General Fund projected revenue shortfall in 2020.

(City Clerk's Note: At the June 9, 2020 Special Meeting of the City Council, Agenda Bill 5712, City Council passed a motion retroactively suspending the City Council Rules of Procedure 6.3, providing for the adoption of Ordinance No. 20-08)

It was moved by Jacobson; seconded by Reynolds to:

Adopt Ordinance No. 20-08 amending the 2019-2020 budget to:

- 1) Memorialize the Phase 1 and Phase 2 cost saving measures totaling \$2,785,600 in General Fund reductions.**
- 2) Appropriate \$496,000 in Contingency Funds to support ongoing emergency operations through August 31, 2020.**
- 3) Authorize use of up to \$300,000 in Contingency Funds to establish an Unemployment Reserve.**
- 4) Authorize use of the Compensated Absences Reserve for one-time accrued benefit cash-outs in an amount not-to-exceed \$300,000.**

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

AB 5700: COVID-19 Response: YFS Fund 2020 Contingency Funds Request (Ord. No. 20-09)

Interim Finance Director Matt Mornick explained that budget amending Ordinance No. 20-09 authorized the use of the unappropriated remaining YFS Fund balance (\$329,425) and allocated up to \$250,000 from the Contingency Fund to sustain current Youth and Family Services ("YFS") operations through August 31, 2020. He further explained that adopting Ordinance 20-09 would not limit the City Council's decisions regarding future Thrift Shop operations, or an alternative course of action. He also noted that authorizing use of the unappropriated Fund Balance and the Contingency Fund would ensure the YFS Fund balance would not become negative.

Council requested that staff provide revenue projections once available.

It was moved by Weiker; seconded by Anderl to:

Suspend the City Council Rules of Procedure 6.3, requiring a second reading of an ordinance.

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

It was moved by Anderl; seconded by Reynolds to:

Adopt Ordinance No. 20-09 amending the 2019-2020 budget to:

- 1) Appropriate \$329,425 of unrestricted YFS Fund Balance.**
- 2) Authorize up to \$250,000 to be used from the Contingency Fund to sustain a positive cash balance and ensure sufficient availability of working capital in the YFS Fund through August 31, 2020.**

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

MultiFamily Tax Exemption/MICC 4.50 Discussion

(There was no agenda bill associated with this item. Councilmembers Jacobson and Nice requested that this item be added to the agenda pursuant to Section 4.2(D) of the City Council Rules of Procedure.)

Councilmembers Jacobson and Nice introduced the agenda item and explained that multifamily housing program was adopted by the City Council in 2011, which allowed the developer to pay no property taxes on the property. To date the program had not been used by developers. Both Councilmembers recommended removing it from the code.

Council debated the item at length and asked questions, to which City Manager Bon explained that the Council Rules of Procedure requires the City Council determine if the item should be brought back for discussion and/or action and that if the City Council agreed to add the item to a future agenda, staff would prepare an agenda bill based on the City Council's direction.

It was moved by Nice; seconded by Jacobson to:

Instruct the City Manager to bring back an agenda bill to strike this from the City Code.

A roll call vote was conducted, and the results were as follows:

Passed 5-2

FOR: 5 (Anderl, Jacobson, Rosenbaum, Nice, and Wong)

AGAINST: 2 (Reynolds and Weiker)

ALPR Purchase and Budget Allocation Discussion

(There was no agenda bill associated with this item. Councilmembers Anderl and Nice requested that this item be added to the agenda pursuant to Section 4.2(D) of the City Council Rules of Procedure.)

Councilmember Nice introduced the agenda item, explaining that equipping three police vehicles with Automated License Plate Reader technology would create a set of rules that would automatically scan a license plate for things such as expired tabs, driving with suspended license, a warrant, etc. Nice also explained that an ALPR system might be considered a retention tool for the department and a tool to reinforce short term parking in the Town Center. Councilmember Anderl spoke to the ALPR's success stories, noted that it cost significantly less than hiring another police officer, and would provide an effective tool for the department to help address foreseen challenges with the transit center.

Councilmember Nice agreed to provide additional information regarding funding sources to the full Council.

It was moved by Jacobson; seconded by Nice to:

Ask the City Manager to put this on an agenda bill for future discussion consistent with her priorities for staff.

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

Consideration of a Moratorium

City Manager Bon reported that the City Council amended the agenda at the beginning of the meeting to provide for a consideration of a moratorium.

Councilmember Jacobson explained that the moratorium's objective would be to establish development moratorium on the acceptance of certain building permit application in the Mercer Island Town Center and to schedule a public hearing on the moratorium as required.

City Attorney Bio Park reviewed the draft ordinance for Council consideration and noted that the moratorium did not apply to any complete application for a development proposal in effect prior to the effective date of the ordinance.

It was moved by Jacobson; seconded by Nice to:

Adopt Ordinance No. 20-12, adopting a moratorium on the acceptance of certain building permit applications in the Mercer island Town Center Zone, scheduling a public hearing, declaring an emergency, providing for severability, and establishing an immediate effective date.

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

OTHER BUSINESS

Planning Schedule

City Manager Jessi Bon reported on the following:

June 9 Special Virtual Meeting at 5 PM:

- ARCH Housing Trust Fund Project Approval
- Phase 3 Reductions

June 16 Regular Virtual Meeting at 5 PM:

- Two public hearings
- Thrift Shop remodel scenarios
- Final Action on the Shoreline Master Program

Staff is working on the Planning Schedule for July and beyond.

Councilmember Absences

There were no absences reported.

Councilmember Reports

Deputy Mayor Weiker:

- Mercerdale Vigil – June 3 at 6 pm
- Sarah Bluvast gave a great presentation to Rotary and Councilmember Jake Jacobson became a new member.
- Give \$22 on 5/22 raised over \$100,000

Councilmember Rosenbaum – Looking forward to seeing everyone at the Farmer's Market on Sunday, June 7

Mayor Wong:

- K4C Summit on June 3
- Sound Transit has scheduled virtual meeting for June 3 to discuss how they intend to realign existing projects in response to the economic downturn.

ADJOURNMENT

There being no additional business to come before City Council, the Special Video Meeting adjourned at 10:25 PM

Benson Wong, Mayor

Attest:

Deborah A. Estrada, City Clerk