



CITY COUNCIL MINUTES SPECIAL VIDEO MEETING August 31, 2021

EXECUTIVE SESSION

Mayor Benson Wong called the Executive Session to order at 4:00 pm from a remote location to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(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) for approximately 90 minutes.

Mayor Benson Wong, Deputy Mayor Wendy Weiker and Councilmembers Lisa Anderl, Jake Jacobson, Salim Nice, Craig Reynolds, and David Rosenbaum participated remotely using the teleconferencing platform Microsoft Teams.

City Manager Jessi Bon and City Attorney Bio Park participated in the executive session from a remote location using Microsoft Teams.

At 5:33 pm, the City Clerk extended the Executive Session to 5:45 pm.

Mayor Wong adjourned the executive session at 5:45 pm

CALL TO ORDER & ROLL CALL

Mayor Wong called the meeting to order at 5:46 pm from a remote location.

Mayor Benson Wong, Deputy Mayor Wendy Weiker, and Councilmembers Lisa Anderl, Jake Jacobson (5:34 pm), Salim Nice, Craig Reynolds, and David Rosenbaum participated remotely using a video teleconferencing platform by Zoom.

Jessi Bon, City Manager, participated remotely from City Hall, 9611 SE 36th Street, Mercer Island, Washington. The City Attorney and Mercer Island City Leadership Team participated from remote locations.

PLEDGE OF ALLEGIANCE

Councilmember Nice delivered the Pledge of Allegiance.

AGENDA APPROVAL

It was moved by Nice; seconded by Rosenbaum to:

Approve the agenda.

Passed 7-0

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

CITY MANAGER REPORT

City Manager Bon reported on the following items:

- COVID-19 Response
 - Implementing Additional COVID-19 Protective Measures
 - City Hall Reopening Later this Fall
 - City Council & Board and Commission Meetings Remain Virtual
 - Changes to Recreation Programs & Ongoing Programs
 - Thrift Shop Operational Changes

- Board & Commission Updates
- City Service Updates
 - Cooling Center Re-Opened for August heat wave
 - Mercerdale Playground Project Update
 - PROS Plan Community Survey
 - Traffic Safety Improvements
 - Calling All Comp Plan and Code Amendment Docket Requests
 - 2021 Business Needs Assessment
 - Mercer Island Firefighters Deployed to Yakima
- Community News - King County Redistricting
- Good News
 - Au Courant Back2School Shoe Drive & Fundraiser Benefiting YFS
 - MIFD & MIPD Celebrate with Mercer Island Centenarian
 - Mostly Music in the Park

APPEARANCES

Danielle Reynard, Mercer Island, requested that the City Council ensure that the police department is fully trained in handling criminal protection orders. She referenced several upcoming changes regarding protection orders and wanted reassurance that police officers will receive training. She also expressed concern that the police department is discriminating against such cases.

Robert Klein, Mercer Island, spoke to his personal experience with a dangerous dog on the island and requested that Council pass an enforceable dangerous dog law.

Addie Smith, Mercer Island, spoke in favor of first amendment rights and what she felt was a violation of her rights to speak in support or against campaigns. She further reported that she was a victim of a hate crime.

CONSENT AGENDA

Approval Certification of Claims for the periods ending:

- A) July 15, 2021, in the amount of \$138,354.98
- B) July 23, 2021, in the amount of \$553,232.72
- C) July 30, 2021, in the amount of \$736,324.56
- D) August 6, 2021, in the amount of \$452,429.39
- E) August 12, 2021, in the amount of \$702,240.03
- F) August 19, 2021, in the amount of \$628,014.72

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

Approval of Claims Reporting for Electronic Funds Transfer for the month ending June 30, 2021 in the amount of \$2,605,762.23

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.

Approval of the Payroll Certification for the following periods ending:

- AB 5920: July 16, 2021, Payroll Certification, in the amount of \$818,465.97
- AB 5922: July 30, 2021, Payroll Certification, in the amount of \$782,252.21
- AB 5937: August 13, 2021, Payroll Certification, in the amount of \$772,439.02

Recommended Actions: Approve the July 16, July 30, and August 13, 2021, Payroll Certifications and authorize the Mayor to sign the certifications on behalf of the entire City Council.

AB 5925: Childhood Cancer Awareness Month, Proclamation No. 277

Recommended Action: Mayor Wong proclaims September 2021 Childhood Cancer Awareness Month in Mercer Island.

AB 5926: National Preparedness Month Proclamation No. 278

Recommended Action: Mayor Wong proclaims September 2021 National Preparedness Month in Mercer Island.

AB 5927: National Recovery Month Proclamation No. 279

Recommended Action: Mayor Wong proclaims September 2021 National Recovery Month in Mercer Island.

AB 5928: National Suicide Prevention Awareness Month Proclamation No. 280

Recommended Action: Mayor Wong proclaims September 2021 National Suicide Prevention Month in Mercer Island.

AB 5929: Wireless Small Cell Code Amendment

Recommended Action: Adopt Ordinance No. 21C-17, amending Chapters 19.06, 19.15, and 19.16 to revise standards and requirements for communications facilities, and repealing Ordinances 21-08 and 21C-12.

It was moved by Jacobson; seconded by Nice to:

Approve the Consent Agenda and the recommendations contained therein.

PASSED: 7-0

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

REGULAR BUSINESS

AB 5923: Chinese American WWII Veterans Proclamation No. 281

Recommended Action: Mayor Wong proclaims November 13, 2021, Chinese American WWII Veterans Day in Mercer Island.

It was moved by Jacobson; seconded by Nice to:

Authorize the Mayor to proclaim November 12, 2021 Chinese American WWII Veterans Day in Mercer Island.

PASSED: 7-0

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

AB 5930: Public Hearing on Ordinance No. 21C-16 establishing interim development regulations to allow more outdoor seating for eating and drinking establishments.

Mayor Wong opened the Public Hearing at 6:44 PM.

Joseph Kennedy, Mercer Island, owner of Barrels, encouraged the City Council to consider providing Barrels with a right-of-way permit into 2023, rather than six months, that would allow the business to continue using the existing right-of-way for outside seating.

Mayor Wong closed the Public Hearing at 6:49 PM

Jeff Thomas, Community Planning & Development Interim Director, and Sarah Bluvus, Economic Development Coordinator, explained that Ordinance No. 21C-16 updates and replaces the previous interim development regulations allowing local eating and drinking establishments the use of public property and private parking to expand outdoor seating. The updated ordinance would permit outdoor seating for eating and drinking establishments during the declared COVID-19 emergency even if no indoor seating restrictions were effective.

Staff further explained that the City is currently in the process of engaging a consultant to conduct a new Town Center Parking Study, which would include a code audit and exploration of opportunities for ROW and private parking activations, including the potential long-term use of ROW for outdoor dining. Staff recommended engaging the parking study consultant before taking any further action on permanent code changes related to parking, noting that the parking study and the long-term outdoor dining permanent code amendments may complement each other.

The updated timeline was outlined as follows:

- September 29 – deadline for Parking Study RFP submittals

- Q4 2021 - Selection Committee returns to City Council for consultant approval and staff communicate next steps for implementing long-term outdoor dining support
- January 6 – Ordinance No. 21C-16 expires

AB 5931: First Review of the City’s Updated Financial Management Policies

Matt Mornick, Finance Director, explained that the purpose of the agenda bill was to provide the City Council background on the resulting body of work and to solicit feedback from the City Council on the draft Financial Management Policies, with specific emphasis on section “6.2 Replenishment Guidance” of the Reserves and Fund Balance section. Mornick outlined former budget policies and a list of new policies, noting that the ad hoc committee met on six occasions to deliberate and review the proposed new policies:

- Background & Purpose
- Fiscal Sustainability Philosophy
- Operating Budget
- Revenues & Expenditures
- Capital Budget
- Reserves & Fund Balance
- Long-term Financial Planning
- Accounting, Financial Reporting, & Auditing
- Investments
- Debt Management

The policies were also reviewed by city leadership and outside counsel.

Council reviewed and provided feedback to staff. Revisions that were supported by a majority of City Council would be incorporated in the second review scheduled for the September 21 City Council meeting.

AB 5932: 2021 Board and Commission Appointments

Arts Council – Three (3) open positions; two (2) applications received.

It was moved by Reynolds; seconded by Nice to:

Suspend Section 8.12 of the Council Rules of Procedure relative to the Arts Council and to split the Arts Council election into two elections.

PASSED: 7-0

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

Round 1, Position 7 - Term 2025 - City Clerk Estrada emailed the ballots to each Councilmember with a list of the following applicants:

- Elizabeth Mitchell
- Rosemary Moore

The ballots were tallied, and Elizabeth Mitchell received six (6) votes to be appointed to the Arts Council, Position 7, expiring May 31, 2025.

Ballots: 6 (Anderl, Nice, Reynolds, Rosenbaum, Weiker, and Wong; Jacobson abstained.)

Round 2, Position 6 - Term 2024 - City Clerk Estrada emailed the ballots to each Councilmember with a list of the following applicants:

- Rosemary Moore

The ballots were tallied, and Rosemary Moore received six (6) votes to be appointed to the Arts Council, Position 6, expiring May 31, 2024.

Ballots: 6 (Anderl, Nice, Reynolds, Rosenbaum, Weiker, and Wong; Jacobson abstained.)

Design Commission - Two (2) open positions; one (1) application received.

Round 1, Position 5 – Term 2025 - City Clerk Estrada emailed the ballots to each Councilmember with a list of the following applicants:

- Suzanne Zahr

The ballots were tallied, and Suzanne Zahr received six (6) votes to be appointed to the Design Commission, Position 5, expiring May 31, 2025.

Ballots: 6 (Anderl, Nice, Reynolds, Rosenbaum, Weiker, and Wong; Jacobson abstained.)

Parks & Recreation Commission - One (1) open position; four (4) applications received.

Round 1, Position 6 - Term 2025 - City Clerk Estrada emailed the ballots to each Councilmember with a list of the following applicants:

- Paul Burstein
- Adam Ragheb
- Robin Russell
- Robert Weissman

The ballots were tallied, and Paul Burstein received four (4) votes to be appointed to the Parks & Recreation Commission, Position 6, expiring May 31, 2025.

Ballots: 4 Burstein (Reynolds, Rosenbaum, Weiker, and Wong)

2 Ragheb (Nice and Anderl)

1 Russell (Jacobson)

Utility Board - Three (3) open positions; three (3) applications received.

It was moved by Weiker; seconded by Anderl to:

Suspend the Council Rules of Procedure Section 8.12 and to split the Utility Board election into two elections.

PASSED: 7-0

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

Round 1, Position 3 and 5 - Term 2025 - City Clerk Estrada emailed the ballots to each Councilmember with a list of the following applicants:

- Craig Degginger
- Steve Milton
- Tim O'Connell

The ballots were tallied, and Steve Milton (Position 3) and Tim O'Connell (Position 5) received six (6) votes to be appointed to the Utility Board to serve in Position 3 and Position 5, expiring May 31, 2025.

Ballots: 6 Milton (Anderl, Jacobson, Reynolds, Rosenbaum, Weiker, and Wong)

6 O'Connell (Anderl, Jacobson, Nice, Reynolds, Weiker, and Wong)

2 Degginger (Nice and Rosenbaum)

Round 2, Position 7 - Term 2022 - City Clerk Estrada emailed the ballots to each Councilmember with a list of the following applicants:

- Craig Degginger

The ballots were tallied, and Craig Degginger received seven (7) votes to be appointed to the Utility Board, Position 7, expiring on May 31, 2022.

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

Mayor Wong read the appointments listed in Resolution No. 1601 into the record.

It was moved by Reynolds; seconded by Weiker to:

Adopt Resolution No. 1601 appointing members to the Mercer Island Boards and Commissions.

PASSED: 7-0

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

It was moved by Jacobson; seconded by Reynolds to:

Direct the City Manager to commence a recruitment process to fill the remaining vacancies on the Arts Council and the Design Commission.

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

AB 5921: First Reading of Ordinance No. 21C-18 Amending Chapter 7.04 MICC – Animal Code.

Bio Park, City Attorney, Eileen Keiffer, Special Counsel, and Mike Seifer, Police Operations Commander, addressed the Council, explaining that the current city code (chapter 7.04 MICC) lacked provisions for determining and declaring an animal to be a potentially dangerous dog. It also lacks a method for appeals of decisions by the City relating to potentially dangerous dogs and dangerous dogs, which is required by State statute and applicable caselaw in order to provide the requisite due process protections.

Staff outlined a summary of proposed amendments, noting that the proposed amendments establish necessary procedures and due process protections for dog owners. Additionally, the amendments streamline and standardize procedures for the City to administer its Animal Code.

City Council requested several changes to the proposed ordinance for consideration in a second reading. City Council also requested that the community be made aware of the proposed code changes and had an opportunity to provide feedback prior to adoption.

It was moved by Jacobson; seconded by Reynolds to:

Set Ordinance No. 21C-18 for second reading and adoption at the Council Meeting on September 21, 2021, or soon thereafter.

PASSED: 7-0

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

No AB: Pursuant to Section 4.2D of the City Council Rules of Procedure, City Council to discuss a request to establish a partnership with Sophia Way and Congregations for the Homeless to provide outreach services to individuals experiencing homelessness on Mercer Island and to seek an appropriation of approximately \$20,000 to support this partnership through the remainder of the 2021-2022 biennium.

Chief Holmes explained that since the adoption of Ordinance No. 21C-02, which prohibited camping within any public property, MIPD officers had made contact with people that may be experiencing homelessness on average about three times per week. Holmes continued, noting that the Sophia Way focuses on serving women and families, while Congregations for the Homeless focuses on serving men. Both shelters provide full services to include beds for sleeping, case management, counseling services, employment assistance, and pathways towards stable housing. Both shelters also have outreach workers that serve the community and connect with those experiencing homelessness with resources, however Mercer Island is not part of their current service areas.

Council directed the City Manager to prepare a request to establish a partnership with The Sophia Way and Congregations for the Homeless to provide outreach services to individuals experiencing homelessness on Mercer Island, and to seek an appropriation of approximately \$20,000 to support the partnership through the remainder of the 2021-2022 biennium.

It was moved by Jacobson; seconded by Rosenbaum to:

Direct the City Manager to bring this item back with an agenda bill for further consideration.

PASSED: 7-0

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

OTHER BUSINESS

Councilmember Absences

There were no absences reported.

Planning Schedule

City Manager Bon reported that the November 2 meeting is election night and encouraged Council to reschedule the meeting to November 1.

It was moved by Weiker; and duly seconded to:

Change the first meeting in November from November 2 to November 1 due to the election.

PASSED: 7-0

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

City Manager Bon expressed a desire to have the City Attorney research in the first quarter of 2022 a revision to the City Code that would address and remedy the conflict between the Council meeting schedule and the November election.

City Manager Bon also asked that Council consider staying virtual until 2022. It was agreed that the decision could be made at the next City Council meeting.

Councilmember Reports

Councilmember Nice:

- Thanked Matt Mornick, Finance Director, for his work on the Financial Management Policies
- Mercer Island population per the census

Councilmember Reynolds:

- Thanked Matt Mornick, Finance Director, for his leadership during the Financial Management Policies development.
- Reminded the community that there is still an Arts Council and Design Commission opening and encouraged individuals to apply.

Councilmember Rosenbaum:

- August PIC meeting was canceled
- Express his gratitude to staff and the City Council for their willingness to reschedule the first meeting in September due to Rash Hashanah

Deputy Mayor Weiker:

- Expressed support for City Manager's Bon suggestion to stay virtual until 2022.
- September 10 – Art Uncorked Event

Councilmember Jacobson:

- Expressed his gratitude for Matt Mornick, Finance Director, and his work on the Financial Management Policies
- Eastside Transportation Partnership has requested input regarding the future governance of ETP
- Parks & Recreation Commission will meet on September 9 to discuss the PROS Plan

ADJOURNMENT

The Council Meeting adjourned at 10:46 PM.

Benson Wong, Mayor

Attest:

Deborah Estrada, City Clerk