



CITY COUNCIL MINUTES

REGULAR HYBRID MEETING

June 21, 2022

EXECUTIVE SESSION

At 5:04 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).

Mayor Nice adjourned the Executive Session at 5:28 pm.

CALL TO ORDER & ROLL CALL

Mayor Salim Nice called the regular meeting to order at 5:34 pm in the Council Chambers at City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Salim Nice, Deputy Mayor David Rosenbaum and Councilmembers Craig Reynolds and Ted Weinberg participated in person in Council Chambers. Councilmembers Lisa Anderl, Jake Jacobson, Wendy Weiker joined by Zoom.

PLEDGE OF ALLEGIANCE

The City Council delivered the Pledge of Allegiance.

AGENDA APPROVAL

It was moved by Weinberg; seconded by Reynolds to:

Approve the agenda as presented.

PASSED: 5-0

FOR: 5 (Anderl, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

ABSENT: 2 (Jacobson and Weiker)

STUDY SESSION

AB 6100: 2022 Community Survey Results

Communications Manager Mason Luvera introduced Esther Campbell from the ETC institute. Ms. Campbell presented the 2022 Community Survey results and spoke about the purpose of the survey and the methodology that ETC used when collecting and analyzing the results. She noted that the City gained positive satisfaction in most major categories of City services and that residents continue to have a positive perception of the City. She showed how the City is leading the way in many areas compared to other communities nationally and regionally. She stated that residents perceive the City as being financially responsible and that to remain at the top, the City must continue to seek improvement in areas that are very high & high priorities to residents.

CITY MANAGER REPORT

City Manager Bon reported on the following items:

- **Council, Boards & Commission Meetings Update:** July 5 Hybrid City Council Meeting and July 29 Hybrid Planning Commission Meeting.

- **City Services Updates:** Mercedale Playground Update, City Utility Update, Pedestrian Safety Project Update.
- **Community Updates:** King County Sewer Upgrade Project, North Mercer Way Construction Update.
- **News:** Summer Celebration Sponsorship Update, Congratulations to the Newest CERT Grads, MIPD Rescues Injured Eagle, Eastside Fire and Rescue Leadership Update.

Mayor Nice spoke about his call for donations for Summer Celebration and thanked all of the donors for their donations.

APPEARANCES

Marie Bender (Mercer Island) spoke in support of the parks levy and the importance of funding to continuing preserving the open spaces on Mercer Island.

Craig Olson (Mercer Island) spoke in support of the parks levy and the importance of invasive species removal.

Jim Rivard managing partner SM Development, management owner of Tabit Village. He spoke about the proposed amendments to the Town Center code and the impacts it could have on retail in the Town Center.

Thomas Hildebrandt (Mercer Island) spoke in support of the parks levy.

CONSENT AGENDA

AB 6091: June 3, 2022 Payroll Certification

Recommended Action: Approve the June 3, 2022 Payroll Certification (Exhibit 1) in the amount of \$891,981.43 and authorize the Mayor to sign the certification on behalf of the entire City Council.

Certification of Claims:

- A. Check Register 212012-00212074 | 6/3/2022 | \$621,828.57**
- B. Check Register 212075-212142 | 6/10/2022 | \$567,743.91**

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:

- April 21, 2022 Joint Meeting with Mercer Island School Board**
- May 17, 2022 Regular Hybrid Meeting**
- June 7, 2022 Regular Hybrid Meeting**

Recommended Action: Approve the minutes of April 21, 2022, Joint Meeting with Mercer Island School Board, May 17, 2022 Regular Hybrid Meeting and June 7, Regular Hybrid Meeting.

AB 6103: Approval of the 2022-2024 AFSCME Collective Bargaining Agreement

Recommended Action: Authorize the City Manager to sign the AFSCME Collective Bargaining Agreement for the period of January 1, 2022, through December 31, 2024, in substantially the form attached hereto as Exhibit 1.

It was moved by Reynolds; seconded by Jacobson 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 6105: Parks Levy Renewal Recommendation

City Manager Bon provided a presentation on the Parks Levy renewal and the alternatives for seeking City Council approval to place a parks levy renewal on the November 8, 2022, ballot.

City Manager Bon noted that the Base Parks Levy is the 2023 proposed parks levy renewal that maintains the current funding levels and the same categories as the current parks levy including Luther Burbank Park (O&M), Parks Maintenance (O&M), Luther Burbank Small Capital Projects (Capital), Pioneer Park Forest Management (Capital), Open Space/Vegetation Management (Capital). She presented the following alternatives for Council consideration for the levy:

- **Alternative A: Base Parks Levy + Option 1B and Option 2B**
This alternative includes funding 50% of the playground replacement costs (Option 1B) and 50% of all Pioneer Park Forest Management projects, except for the second phase of tree planting (Option 2B).
- **Alternative B: Base Parks Levy + Option 1D & 2C**
This alternative includes fully funding the cost for playground replacements (Option 1D) and funding all of the Pioneer Park Forest Management Plan projects, except for the second phase of tree planting (Option 2C).
- **Alternative C: Base Parks Levy + Option 1D & 2D**
This alternative includes fully funding the cost for playground replacements (Option 1D) and funding all of the Pioneer Park Forest Management Plan projects including the second phase of tree planting (Option 2D).

It was moved by Weinberg; seconded by Reynolds to:

Direct the City Manager to bring for the City Council's consideration a draft ordinance for a November 8, 2022 special election for the renewal of the parks levy to include the base parks levy + Option 1D & 2D (Alternative C).

It was moved by Anderl; seconded by Jacobson to:

Amend the motion as follows:

...include the base parks levy + 1D & 2C (Alternative B).

MOTION TO AMEND PASSED: 5-2

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

AGAINST: 2 (Reynolds and Weinberg)

AMENDED MOTION PASSED: 7-0

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

Final motion: Direct the City Manager to bring for the City Council's consideration a draft ordinance for a November 8, 2022 special election for the renewal of the parks levy to include the base parks levy + Option 1D & 2C (Alternative B).

AB 6102: Development Code Amendment ZTR21-004 Town Center Retail Requirements (Fourth/Final Reading of Ordinance No. 22C-09)

Interim CPD Director Jeff Thomas and Economic Development Coordinator Sarah Bluvas presented the fourth reading of Development Code Amendment ZTR21-004 Town Center Retail Requirements (Ordinance No. 22C-09) which:

- Amends Figure 2, or the "pink lines map," and updates the list of eligible commercial uses to include a total of nine eligible uses.
- Adds Figure 3, which identifies parcels in the TC zone that will be required to provide a minimum Commercial FAR of .2623 of the gross lot area for ground floor street frontage for eligible uses.
- Defines a cap on the square footage of museum and art exhibition or theater use that may contribute to the achievement of the total minimum FAR requirement of the corresponding site.
- Adds Figure 4, which identifies parcels in the TC zone that will be required to provide a "No Net Loss" of existing floor area for ground floor street frontage for eligible uses.

- Establishes a review period of five years from the date of Ordinance adoption OR after 75,000 gross square feet of floor area for eligible commercial uses adjacent to street frontages has been authorized through Building Permit issuance.

It was moved by Rosenbaum; seconded by Reynolds to:

Conduct the fourth reading of and adopt Ordinance No. 22C-09 (formerly 21C-28) as presented.

It was moved by Reynolds; seconded by Jacobson to:

Amend the previous motion as follows:

Amend section 19.11.020(B)(1)(a) by replacing “six” with “twenty.”

MOTION TO AMEND PASSED: 7-0

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

AMENDED MOTION PASSED: 6-0-1

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

ABSTAIN: 1 (Anderl)

Councilmember Jacobson requested that the motion he made (Anderl seconded) and later withdrew be included in the minutes as follows: *“I move that the City Manager to be authorized to proceed immediately with the selection and hiring of an appropriately qualified by training and demonstrated experience economic development consultant to determine and advise the City staff and Council as to what reasonable opportunities and strategies exist to enable the City to enhance attraction and expedited permitting of retail businesses for the City generally and the Town Center particularly. I further move that such consultant and the City staff be authorized to conduct an in depth comprehensive survey of existing Mercer Island property owners and business operators in town Center and the sound end shopping center for the purpose of gathering and analyzing information pertinent to the economic development of our Island.”*

City Manager Bon will meet with Councilmember Jacobson regarding staff’s plan for an economic development proposal as part of the 2023-2024 biennial budget development.

AB 6104: Code Amendments Related to Allowed Occupancy of Homes, Dwelling Units, and Adult Family Homes (First Reading of Ordinance No. 22C-11 and 22C-12)

Interim CPD Director Jeff Thomas, Deputy CPD Director Alison Van Gorp and Senior Planner Adam Zack presented on the code amendments related to allowed occupancy of homes, dwelling units, and adult family homes. Senior Planner Zack noted that Ordinance No. 22C-11 will amend the definitions of family and dwelling unit established in Chapter 19.16 MICC to permanently amend the definitions as required by changes in state law and that Ordinance No. 22C-12 will amend the definition of “Adult Family Home” established in Chapter 19.16 MICC to remain consistent with ESHB 1023, allowing for the approval, in certain circumstances, of up to eight adults in an adult family home.

City Council discussed the proposed amendments and provided feedback to staff.

It was moved by Jacobson; seconded by Weinberg to:

Schedule a second reading of Ordinance Nos. 22C-11 and 22C-12 for July 19, 2022 and direct staff to come back with modified “immediate family member” language.

PASSED: 7-0

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

AB 6101: An Ordinance Amending MICC Ch. 9.30 (First Reading Ord. No. 22C-10)

City Attorney Bio Park presented the first reading of Ordinance No. 22C-10 amending MICC Ch. 9.30 a result of a ruling by the Washington Supreme Court in 2021 that held that strict liability possession statutes are unconstitutional [*State v. Blake*, 197 Wn.2d 170, 481 P.3d 512 (2021)].

It was moved by Reynolds; seconded by Weinberg to:

Schedule Ordinance No. 22C-10 for a second reading and adoption.

PASSED: 7-0

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

OTHER BUSINESS

Planning Schedule

City Manager Bon spoke about upcoming Council meetings.

It was moved by Reynolds; seconded by Weinberg to:

Cancel the August 2 and August 16 Council meetings.

PASSED: 7-0

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

Councilmember Absences and Reports

Councilmember Jacobson spoke about the recent Eastside Transportation Partnership meeting.

Councilmember Weiker thanked the Mayor for starting the sponsorship for Summer Celebration and staff for their work on the proposed parks levy.

ADJOURNMENT

The regular Council Meeting adjourned at 9:16 pm.

EXECUTIVE SESSION

At 9:22 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).

Mayor Nice adjourned the Executive Session at 9:52 pm.

Attest:

Salim Nice, Mayor

Andrea Larson, City Clerk