



CITY COUNCIL MINUTES REGULAR HYBRID MEETING MAY 7, 2024

CALL TO ORDER & ROLL CALL

Mayor Salim Nice called the Regular Hybrid Meeting to order at 5:01 pm in the Slater Room Council Chambers at the Mercer Island Community & Event Center, 8236 SE 24th Street, Mercer Island, Washington.

Mayor Salim Nice, Deputy Mayor Dave Rosenbaum, and Councilmembers Lisa Anderl, Jake Jacobson, Wendy Weiker, and Ted Weinberg participated in person in the Slater Room Council Chambers. Councilmember Craig Reynolds attended via Zoom.

PLEDGE OF ALLEGIANCE

The City Council delivered the Pledge of Allegiance.

AGENDA APPROVAL

It was moved by Anderl; seconded by Jacobson to:
Approve the agenda as presented.

It was moved by Weinberg; seconded by Reynolds to:
Remove Agenda Bill 6440 the reconstitution of the Planning Commission from the Agenda.

FAILED: 2-5

FOR: 2 (Reynold and Weinberg)

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

PASSED: 7-0

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

SPECIAL BUSINESS

City Manager Jessi Bon presented Support Services Manager Jaime Page with a City Manager's Award. Support Services Manager Page has been instrumental since the closure of City Hall and City Manager Bon wished to recognize her for her work.

City Council thanked Support Services Manager Page for her work and service.

CITY MANAGER REPORT

City Manager Jessi Bon reported on the following items:

- **Council, Boards & Commission Meetings:** Next City Council Meeting – May 21 at 5:00 PM, Planning Commission – May 8 at 6:00 PM, Utility Board – May 14 at 5:00 PM, Planning Commission May 15 at 6pm, and Design Commission on May 16 at 6pm.
- **Update on SPU Water Supply Pipeline Repair:** On April 3, 2024 the Emergency Operations Center was activated due to a leak in the underground Seattle Public Utilities (SPU) water main that supplies water to the island. The City and SPU are evaluating plans for the repair work. Additional evaluation is needed and being completed including assessing hydrology, capacity, and slope stability. Water conservation will likely be needed this summer as planning for the pipeline repair continues. Updates will be posted to Let's Talk.
- **Update on City Hall Transitions:** Police Staff have begun moving into the locker rooms in the Police modular buildings, staff are continuing work to get card readers online.

- **City Services Updates:** Work continues on the Luther Burbank Boiler Building including seismic retrofits, chimney reinforcement, and renovations of the bathrooms. West Mercer Way Shoulder Improvement Project is underway, construction is anticipated to be completed in June. Councilmembers went on a preview line of the Sound Transit Link 2 Line from Bellevue to Redmond. City contractors will be collecting parking inventory usage and data around Town Center on May 9 and May 11.
- **Upcoming Events:** PRIDE in the Park and Puppy parade on June 15, Juneteenth Celebration on June 19, Shakespear in the Park in June, July and August, Summer Celebration on July 13, and Mostly Music in the Park in July and August.
- **News:** MIPA Circus was a success, City teams supplied multiple tractors, a street sweeper, and a fire truck. The City received a \$3.2 million Public Work Board Low-interest loan for the Booster Chlorination Project.

APPEARANCES

Don Cohen (Mercer Island) spoke about the proposal to reconstitute the Planning Commission.

Orm Sherwood (Mercer Island) spoke about the proposal to reconstitute the Planning Commission.

Suzanne Skone (Mercer Island) spoke about the proposal to reconstitute the Planning Commission.

Carolyn Boatsman (Mercer Island) spoke about the proposal to reconstitute the Planning Commission.

Dan Thompson (Mercer Island) spoke about the proposal to reconstitute the Planning Commission.

Lucia Pirzio-Biroli (Mercer Island) spoke about the proposal to reconstitute the Planning Commission.

Jason Trout, spoke about the proposal to ban fireworks.

Alan Markle (Mercer Island) spoke about the proposal to reconstitute the Planning Commission.

Katrina Dohn, spoke about the proposal to ban fireworks.

Jenni Mechem (Mercer Island) spoke about the proposal to reconstitute the Planning Commission.

Adam Ragheb (Mercer Island) spoke about the proposal to reconstitute the Planning Commission.

CONSENT AGENDA

AB 6457: April 19, 2024 Payroll Certification

Recommended Action: Approve the April 19, 2024 Payroll Certification in the amount of \$842,066.77 and authorize the Mayor to sign the certification on behalf of the entire City Council.

Certification of Claims:

A. Check Register | 219348-219412 | 4/11/24 | \$171,088.32

B. Check Register | 219413-219479 | 4/19/24 | \$682,158.90

C. Check Register | 219480-219547 | 4/26/24 | \$836,209.83

D. EFT Payments | March 2024 | \$2,315,825.71

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 Regular Hybrid Meeting Minutes of April 16, 2024

Recommended Action: Approve the City Council Regular Hybrid Meeting Minutes of April 16, 2024.

AB 6456: Island Crest Way Crosswalk Improvements Bid Award

Recommended Action: Award the Island Crest Way Crosswalk Improvements construction contract to Active Construction Inc.

AB 6458: Affordable Housing Week (Proclamation No. 328)

Recommended Action: Approve Proclamation No. 328 proclaiming the week of May 13 to 17, 2024 as Affordable Housing Week.

AB 6459: 1% for Art in Public Places – Public Art Restorations

Recommended Action: Appropriate \$20,000 from the 1% for Art in Public Places Fund to restore Totem by Bernard Hosey and the Luther Burbank Park Mosaic Murals by Sandy Glass and José Orantes.

AB 6461: Utility Rate Modeling Appropriation

Recommended Action: Appropriate \$18,360 from the Water Fund, \$18,360 from the Sewer Fund, and \$4,080 from the Storm Water Fund (total of \$40,800) for the Utility Rate Model Update.

AB 6465: Luther Burbank Sport Courts Renovation Appropriation Request and Update on Lighting Design

Recommended Action: Appropriate \$240,000 from the Capital Improvement Fund and \$136,190 in ARPA funds to construct the Luther Burbank Park Sport Courts Renovation.

AB 6466: Ratification of Local Emergency Orders Issued by the City Manager

Recommended Action: Ratify and confirm the Local Emergency Orders issued by the City Manager on April 3, 2024 in Proclamation No. 327 for the emergency declaration to remain in effect until the SPU water main repair can be completed.

It was moved by Jacobson; seconded by Weinberg to:

Approve the Consent Agenda as presented, and the recommended actions contained therein.

PASSED: 7-0

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

REGULAR BUSINESS

AB 6460: Reconstitution of the Planning Commission – Consideration of Amendments to MICC, Chapter 3.46 (Ordinance No. 24C-06, Second Reading and Adoption)

City Council discussed the proposed ordinance to reconstitute the Planning Commission.

It was moved by Rosenbaum; seconded by Jacobson to:

Move to adopt Ordinance No. 24C-06 amending MICC Chapter 3.46 to reconstitute the Planning Commission.

It was moved by Rosenbaum; seconded by Jacobson to:

Amend the previous motion by striking section A(4) and adding language shown in section B(1).

A. Qualifications

...

~~4. Any vacancy may be filled by a resident lay person if unable to find a qualified paid practitioner. If two resident paid practitioners apply, the council should give preference to appointing resident paid practitioner applicants for any open non[1]resident practitioner positions.~~

B. Membership

1. Number. The planning commission shall consist of five members, serving in nonpartisan positions as follows:
 - a. Two Paid Practitioner Non-Resident.
 - b. Two Lay Person Resident.
 - c. One Paid Practitioner Resident.

Notwithstanding the above, any vacancy may be filled by a resident lay person if unable to find a qualified paid practitioner. Additionally, the council should give preference to appointing resident paid practitioner applicants for any open Planning Commission positions.

MOTION TO AMEND PASSED: 7-0

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

It was moved by Weinberg; seconded by Reynolds to:

Keep the Planning Commission as volunteer Island residents and use the \$1500 per meeting for a non-voting consultant to advise the Planning Commission.

MOTION TO AMEND FAILED: 2-5

FOR: 2 (Reynold and Weinberg)

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

MAIN MOTION PASSED AMENDED: 5-2

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

AGAINST: 2 (Reynolds and Weinberg)

AB 6463: Puget Sound Regional Council (PSRC) General Assembly Voting Delegate

Mayor Nice explained that the Puget Sound Regional Council (PSRC) General Assembly meeting is on May 30 and asked if any Councilmember would be interested in attending and being the voting delegate. Councilmember Weinberg volunteered.

It was moved by Rosenbaum; seconded by Weiker to:

Appoint Councilmember Weinberg as the voting delegate at the PSRC General Assembly on May 30, 2024.

PASSED: 7-0

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

AB 6462: 2024 Board & Commission Appointments (Resolution No. 1659)

Mayor Nice reviewed the process for board and commission appointments noting that the applicants that receive the most votes, provided they received a minimum of four votes, would be appointed to the vacant positions on the board or commission. The names of the applicants would then be added to Resolution No. 1644 with final approval by a vote of the City Council.

Arts Council – Two open positions; three applications received.

Position 5 - Term 2028 - City Clerk Larson distributed ballots to each Councilmember with a list of the following applicants: Daniel Becker, Irene Rajagopal, and John Shute.

The ballots were tallied, and Daniel Becker received seven votes to be appointed to the Arts Council, Position 5, expiring May 31, 2028.

Position 5 Ballot Results:

Anderl - Becker

Jacobson - Becker

Nice - Becker

Reynolds - Becker

Rosenbaum - Becker

Weiker - Becker

Weinberg - Becker

Position 6 - Term 2028 - City Clerk Larson distributed ballots to each Councilmember with a list of the following applicants: Daniel Becker, Irene Rajagopal, and John Shute.

The ballots were tallied, and Irene Rajagopal received six votes to be appointed to the Arts Council, Position 6, expiring May 31, 2028.

Position 6 Ballot Results:

Anderl - Rajagopal
Jacobson - Rajagopal
Nice - Rajagopal
Reyolds - Rajagopal
Rosenbaum - Shute
Weiker - Rajagopal
Weinberg - Rajagopal

Mayor Nice reminded Council that in accordance with City Code City Council should seek to fill the open position on the Design Commission with an urban planner.

Design Commission – Two open positions; two applications received.

Position 3 - Term 2028 - City Clerk Larson distributed ballots to each Councilmember with a list of the following applicants: Laura Uskevich and Yang (John) Xu.

The ballots were tallied, and Laura Uskevich received six votes to be appointed to the Design Commission, Position 3, expiring May 31, 2028.

Position 1 Ballot Results:

Anderl - Uskevich
Jacobson - Uskevich
Nice - Uskevich
Reyolds - Uskevich
Rosenbaum - Uskevich
Weiker - Uskevich
Weinberg - Xu

Position 4 - Term 2028 - City Clerk Larson distributed ballots to each Councilmember with a list of the following applicants: Laura Uskevich and Yang (John) Xu.

The ballots were tallied, and Yang (John) Xu received six votes to be appointed to the Design Commission, Position 2, expiring May 31, 2028.

Position 2 Ballot Results:

Anderl - Xu
Jacobson - Xu
Nice - Xu
Reyolds - Xu
Rosenbaum - Xu
Weiker - Xu
Weinberg - Uskevich

Open Space Conservancy Trust – Two open positions; five applications received.

Position 1 - Term 2028 - City Clerk Larson distributed ballots to each Councilmember with a list of the following applicants: Hillary Ethe, Brian Gaspar, Kirk Griffin, Craig Olson, and Mark Weyna.

The ballots were tallied, and Hillary Ethe received six votes to be appointed to the Open Space Conservancy Trust, Position 1, expiring May 31, 2028.

Position 1 Ballot Results:

Anderl - Ethe
Jacobson - Ethe
Nice - Gaspar
Reyolds - Ethe
Rosenbaum - Ethe
Weiker - Ethe
Weinberg -Ethe

Position 6 - Term 2026 - City Clerk Larson distributed ballots to each Councilmember with a list of the following applicants: Hillary Ethe, Brian Gaspar, Kirk Griffin, Craig Olson, and Mark Weyna.

The ballots were tallied, and Brian Gaspar received five votes to be appointed to the Open Space Conservancy Trust, Position 6, expiring May 31, 2028.

Position 6 Ballot Results:

Anderl - Gaspar
Jacobson - Gaspar
Nice - Gaspar
Reynolds - Gaspar
Rosenbaum - Gaspar
Weiker - Griffin
Weinberg - Griffin

Parks & Recreation Commission – One open position; seven applications received.

Position 7 - Term 2028 - City Clerk Larson distributed ballots to each Councilmember with a list of the following applicants: Brian Gaspar, Courtney Hampson, Larry Sarchin, John Shute, Barbara Smith, Peter Struck, and Mark Weyna.

The ballots were tallied, and Peter Struck received seven votes to be appointed to the Parks & Recreation Commission, Position 7, expiring May 31, 2028.

Position 7 Ballot Results:

Anderl - Struck
Jacobson - Struck
Nice - Struck
Reynolds - Struck
Rosenbaum - Struck
Weiker - Struck
Weinberg - Struck

Utility Board – Two open positions; four applications received.

Position 1 - Term 2028 - City Clerk Larson distributed ballots to each Councilmember with a list of the following applicants: Craig Olson, Sarry Sarchin, Todd White, and Yang (John) Xu.

The ballots were tallied, and Craig Olson received five votes to be appointed to the Utility Board, Position 1, expiring May 31, 2028.

Position 1 Ballot Results:

Anderl - Olson
Jacobson - White
Nice - Olson
Reynolds - Olson
Rosenbaum - White
Weiker - Olson
Weinberg - Olson

Position 2 - Term 2028 - City Clerk Larson distributed ballots to each Councilmember with a list of the following applicants: Craig Olson, Sarry Sarchin, Todd White, and Yang (John) Xu.

The ballots were tallied, and Todd White received six votes to be appointed to the Utility Board, Position 2, expiring May 31, 2028.

Position 2 Ballot Results:

Anderl - White
Jacobson - White
Nice - White
Reynolds - White
Rosenbaum - White
Weiker - White
Weinberg - Sarchin

City Clerk Larson read the appointments section of Resolution No. 1659.

It was moved by Jacobson; seconded by Weinberg to:

Approve Resolution No. 1659, appointing those voted on to fill the vacancies on the Arts Council, Design Commission, Open Space Conservancy Trust, Parks & Recreation Commission, and Utility Board.

PASSED: 7-0

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

AB 6467: Permanent Fireworks Ban (Ordinance No. 24C-10 First Reading)

City Manager Jessi Bon spoke about the temporary order that was issued on May 1 temporarily banning the use of fireworks on Mercer Island for this summer, about emergency Proclamation No. 329 that was also issued on May 1, 2024 regarding water capacity issues, and about the proposal to permanently ban fireworks on Mercer Island. She discussed the risks associated with fireworks including the increased risk of ignition of fires, depletion of water resources, and major fire spread have grown greatly due to increasingly hotter and drier summers. City Manager Bon spoke about how most cities in King County have a ban on fireworks, how permitted public displays of fireworks will still be allowed under the proposed code amendment and spoke about how the changes made in the ordinance will go into effect one year after approval.

Eastside Fire & Rescue Chief Ben Lane spoke about how Mercer Island is the only jurisdiction in Eastside Fire & Rescue service area where fireworks are allowed, and about how banning fireworks is the safest way to protect life and property.

Police Chief Ed Holmes spoke about the concerns around safety with fireworks, how the City sees an increase in people coming to the Island to light fireworks, and about the difficulty in distinguishing between legal and illegal fireworks.

City Council discussed the proposal and asked questions of staff.

It was moved by Rosenbaum; seconded by Weiker to:

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

PASSED: 7-0

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

It was moved by Weinberg; seconded by Rosenbaum to:

Adopt Ordinance No. 24C-10.

PASSED: 7-0

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

AB 6451: Fiscal Year 2023 Year-End Financial Status Update and Budget Amending Ordinance

Finance Director Matt Mornick presented the 2023 year-end financial status update and provided an overview of the funds included in the fund balance. He discussed the unassigned funds in the General Fund, remaining ARPA Funds, and the Utilities Fund. Finance Director Mornick spoke about the Contingency Fund balance, the Street Fund, and the Capital Improvement Fund. He discussed a decline in REET revenues, Mercer Island Thrift Shop revenues that exceeded revenue targets, License, Permit, and Zoning revenues. He discussed the special revenue fund for Community Planning & Development. Finance Director Mornick spoke about Parks & Recreation revenues that continue to increase, the budget to actual revenues versus the amended budget that showed revenues exceeded expenditures, and the year over year growth that has continued in general sales tax. He presented the interest earnings that were earned in 2023 and looked at the schedule this fall for the development and adoption of the 2025-2026 biennial budget.

City Council asked questions of staff.

It was moved by Rosenbaum; seconded by Jacobson to:

Adopt Ordinance No. 24-04, amending the 2023-2024 Biennial Budget

PASSED: 7-0

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

It was moved by Rosenbaum; seconded by Anderl to:

Appropriate unassigned General Fund balance and direct the City Manager to include in a subsequent budget amending ordinance that includes:

- a. **\$150,000 to the YFS Operating Fund Balance.**
- b. **\$2,400,000 to the Municipal Facility Replacement Fund.**
- c. **\$150,000 to long-term support for facility-related work.**

PASSED: 7-0

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

OTHER BUSINESS

Planning Schedule

City Manager Jessi Bon spoke about the May 21 meeting and noted that the July 2 meeting would be held.

Councilmember Absences and Reports

Councilmember Jacobson may be absent on July 2.

Deputy Mayor Rosenbaum noted that on May 8 both the PTA Council and the SCA PIC are meeting. Councilmember Weinberg noted that the Superintendent's Advisory Council met in April. Councilmember Reynolds noted that the Comprehensive Plan Open House was last week.

City Council was in recess from 7:41 pm – 7:51 pm.

EXECUTIVE SESSION

At 7:51 pm, Mayor Nice convened an Executive Session in Room 104 at the Mercer Island Community & Event Center, 8236 SE 24th Street, Mercer Island, WA and via Microsoft Teams. The Executive Session was to discuss with legal counsel litigation or potential litigation pursuant to RCW 42.30.110(1)(i).

Mayor Salim Nice, Deputy Mayor Rosenbaum, and Councilmembers Jake Jacobson and Ted Weinberg participated in person in Room 104. Councilmembers Lisa Anderl, Craig Reynolds and Wendy Weiker attended via Microsoft Teams.

Mayor Nice adjourned the Executive Session at 8:54 pm.

ADJOURNMENT

The Regular Hybrid Council Meeting adjourned at 8:54 pm.

Attest:

Salim Nice, Mayor

Andrea Larson, City Clerk