



CITY COUNCIL MINUTES REGULAR VIDEO MEETING November 16, 2021

EXECUTIVE SESSION

Mayor Benson Wong called the Executive Session to order at 5:00 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, City Attorney Bio Park and other staff members participated in the executive session from a remote location using Microsoft Teams.

At 6:30 pm, City Clerk, Andrea Larson, extended the executive session for an additional 15 minutes. At 6:45 pm the City Clerk extended the executive session until 7:00 pm. At 7:00 pm the City Clerk extended the executive session until 7:10pm

Mayor Wong adjourned the executive session at 6:55 pm

CALL TO ORDER & ROLL CALL

Mayor Wong called the meeting to order at 7:10 pm from a remote location.

Mayor Benson Wong, Deputy Mayor Wendy Weiker (arrived at 8:24 pm), and Councilmembers Lisa Anderl, Jake Jacobson, 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 Jacobson to:

Approve the agenda.

Passed 6-0

FOR: 6 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, and Wong)

SPECIAL BUSINESS

AB 5981: Appreciation for Mercer Island Preschool Association Proclamation No. 286

Mayor Wong welcomed MIPA members Laura Schaps, Lesley Malakoti, Sharon Wilia and Ashley Hay to receive this proclamation. Mayor Wong read Proclamation No. 286, Appreciation for Mercer Island Preschool Association. Laura Schaps, Lesley Malakoti, Sharon Wilia and Ashley Hay thanked the Council for their partnership with MIPA

and expressed their appreciation and recognition of MIPA.

Members of Council expressed thanks to MIPA for all that they do for the community. .

It was moved by Jacobson; seconded by Reynolds to:

Approve the Consent Agenda and the recommendations contained therein.

PASSED: 6-0

FOR: 6 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, and Wong)

CITY MANAGER REPORT

City Manager Bon reported on the following items:

- Upcoming City Council meetings December 7
- Upcoming Boards and Commission meetings
- City Services updates:
 - Responding to recent storms;
 - Bike Skills Area public meeting;
 - Coyotes: Information from the Experts presentation;
 - Climate Action Plan kick off meeting December 8; Keeping trails in top shape;
 - New financial accounting software project update.
- Some good news:
 - Thrift Shop all decked out for the holidays;
 - shop local this holiday season;
 - Prairie of Possibilities outdoor display;
 - Successful restoration events, thank you volunteers;
 - Illuminate MI;
- City facilities closed for Thanksgiving

APPEARANCES

Carolyn Boatsman, Mercer Island and member of the Planning Commission, spoke to her support regarding Ordinance No. 21C-28 and encouraged City Council to approve this ordinance.

Ira Appleman, Mercer Island, he spoke about the coyote meeting and concerns that he has about the coyotes. He also spoke to his objection to AB 5956 2022 Community Event Series on Diversity, Equity, and Inclusion and his concerns about the partners that are listed in the agenda bill.

CONSENT AGENDA

AB 5972: November 5, 2021 Payroll Certification in the amount of \$810,500.58

Recommended Action: Approve the November 5, 2021 Payroll Certification (Exhibit 1) in the amount of \$810,500.58 and authorize the Mayor to sign the certification on behalf of the entire City Council.

Approval of Certification of Claims for the periods ending:

A) October 29, 2021, in the amount of \$399,857.76

B) November 5, 2021, in the amount of \$498,898.40

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.

Approve Minutes of the October 19, 2021 Regular Meeting

AB 5967: King County North Mercer Interceptor Staging Area Agreements for the I-90 Boat Launch and Luther Burbank South Parking Lot

Recommended Action: Authorize the City Manager to execute:

The Airspace Sublease Agreement with the County substantially as in the form attached as Exhibit 2.

The Airspace Lease Amendment with WSDOT substantially as in the form attached in Exhibit 4.

The License Agreement with the County substantially as in form attached as Exhibit 7.

AB 5973: 2020 Watercourse Stabilization Project Closeout

Recommended Action: Accept the completed 2020 Watercourse Stabilization Project for both schedules, Sub Basin 29.2 and Sub Basin 3b.4, and authorize staff to close out the contract.

AB 5974: Small Business Saturday Proclamation

Recommended Action: Proclaim Saturday, November 27, 2021, as Small Business Saturday in Mercer Island.

AB 5983: 2022 Legislative Priorities

Recommended Action: Adopt the 2022 State Legislative Priorities.

It was moved by Reynolds; seconded by Nice to:

Approve the Consent Agenda and the recommendations contained therein.

PASSED: 6-0

FOR: 6 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, and Wong)

REGULAR BUSINESS

Public Hearing: AB 5975: Mid-Biennial Budget; Q3 2021 Financial Status Update; 2022 Property Tax Ordinances; Ordinance to Dissolve Fund 061; NORCOM Rate Resolutions; and Hazardous Materials Cost Recovery Resolution.

Mayor Wong opened the Public Hearing at 7:53 pm

There were no public comments.

Mayor Wong closed the Public Hearing at 7:54 pm

Public Hearing: AB5976: Town Center Moratorium Renewal

Mayor Wong opened the Public Hearing at 7:54 pm

There were no public comments.

Mayor Wong closed the Public Hearing at 7:55 pm

AB 5975: Mid-Biennial Budget; Q3 2021 Financial Status Update; 2022 Property Tax Ordinances; Ordinance to Dissolve Fund 061; NORCOM Rate Resolutions; and Hazardous Materials Cost Recovery Resolution.

Matt Mornick, Finance Director, gave a presentation to Council the mid-biennial budget. He updated on the 2021 Q3 Financial Statuses update; on the fiscal year 2022 property tax levies and a property tax correction; on the dissolution of the YFS endowment fund; on the 2022 NORCOM rates; on the emergency cost recovery resolution and next steps in the mid-biennial budget process.

Jessi Bon, City Manager, spoke regarding the mid-biennial budget adjustment recommendation for a temporary staff position to support critical projects in 2022.

Council discussed the proposals.

Moved by Nice; seconded by Reynolds to:

Adopt Ordinance No. 21-29, appropriating funds and establishing the amount of Property Taxes to be levied for fiscal year 2022

PASSED: 7-0

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

Moved by Anderl; seconded by Jacobson

Amend to decline to take the 1% property tax increase, bank it, and notify the appropriate

authorities

FAILED 2-5

FOR (Anderl, Jacobson) AGAINST (Nice, Reynolds, Rosenbaum, Weiker, Wong)

Moved by Nice; seconded by Reynolds to:

Adopt Ordinance No. 21-30, establishing the dollar amount and percentage increases of the regular Property Tax levy and the levy lid lifts for fiscal year 2022

PASSED: 7-0

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

Moved by Jacobson; seconded by Nice to:

Adopt Ordinance No. 21C-32, to update City Code and dissolve the YFS Endowment Fund

PASSED: 7-0

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

Moved by Nice; seconded by Anderl to:

Approve Resolution No. 1604, approving NORCOM's 2021 budget allocation to the City of Mercer Island

PASSED: 7-0

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

Moved by Nice; seconded by Jacobson to:

Approve Resolution No. 1605, approving the Emergency Services Cost Recovery Program associated with Motor Vehicle Accidents and emergency incidents involving hazardous materials

PASSED: 7-0

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

Moved by Jacobson; seconded by Reynolds to:

Take no action with the corrected re-levy amount. Permit staff to correspond with the Department of Revenue to confirm the rationale of the correction, and its impacts to the City overtime.

PASSED: 7-0

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

Council gave a thumbs up to proceed with including recommendation for a temporary staff position to support critical projects in 2022 in the December 7 mid-biennial budget

AB 5976: Town Center Moratorium Renewal

Jeff Thomas, Interim CPD Director, and Sarah Bluvus, Economic Development Coordinator, gave a presentation to Council on the background of the Town Center Moratorium and the recommendation of renewal of the moratorium and adoption of Ordinance No. 21C-27

Moved by Nice; seconded by Jacobson to:

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

PASSED: 6-0

FOR: 6 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, and Wong)

Moved by Jacobson; seconded by Reynolds to:

Adopt Ordinance 21C-27 as presented extending the Town Center moratorium for another 6-months

PASSED: 6-0

FOR: 6 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, and Wong)

AB 5977: Development Code Amendment ZTR21-004 Town Center Retail Requirements (Ord. No. 21C-28 First Reading)

Jeff Thomas, Interim CPD Director, and Sarah Bluvus, Economic Development Coordinator gave a presentation to Council on ZTR21-004 Town Center Retail Requirements (Ord. No. 21C-28 First Reading). Sarah provided the background of this item, she spoke to what proposal was submitted to the Planning Commission: replacing figure

2: Retail Use required to adjacent street frontages with an updated “pink lines map”, insert a new MICC 19.11.020(B)(2), identifying parcels that would be required to provide a minimum Floor Area Ratio (FAR) and insert a new MICC 19.11.020(B)(3), Identifying parcels that would be held to a “no net loss” of commercial retail spaced required at redevelopment. Sarah gave an overview of the Planning Commission review process and meetings. She then discussed the recommendation that was sent to City Council from the Planning Commission (Exhibit 1b of AB 5977) of take no action as presented and of the minority opinion that was submitted.

Planning Commission Vice Chair, Ted Weinberg, gave an overview to Council of the Planning Commission’s recommendation.

Moved by Jacobson; seconded by Nice that:

The Planning Commission recommendations for the for the proposed development code amendment, ZTR21-004 Town Center retail requirements, be received and tabled.

PASSED: 6-0

FOR: 6 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, and Wong)

Moved by Nice; seconded by Jacobson to:

Motion to

Move Ord. No. 21C-28 as amended, to a second reading on December 7, 2021

PASSED: 7-0

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

Moved by Nice; seconded by Reynolds to:

Insert “and” after restaurant and before or and add “as defined by MICC 19.16” after uses to B.1; Update ‘pink lines map’ add pink line to the east side of 77th Ave; Add “or a no net loss of existing floor area on the effective date of this Ordinance, which ever is greater” after King County, Insert “and” after restaurant and before or personal service; Add “Fore the purpose of determining redevelopment, the value of redevelopment shall be an amount” to last sentence, and add “improvement” before value to B.2; Amend Figure 3 title to include “or No Net Loss Requirement”; Update Figure 3 to show parcels subject to FAR or No Net Loss requirements; Add new b under figure 3 to state “A review of this requirement shall occur five (5) years from the date of Ordinance adoption or after 75,000 square feet of floor area for retail, restaurant and/or personal service commercial uses adjacent to street frontages has been authorized through Building Permit Issuance.

PASSED: 6-0

FOR: 6 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, and Wong)

Moved by Reynolds; seconded by Nice to:

Amend to add anywhere it mentions commercial uses also insert immediately after commercial “visual or performing arts venues” in 19.11.020(B).

PASSED: 4-2

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

Moved by Wong; seconded by Nice to:

Direct staff to further conduct a further study on the minimum required depth for commercial uses along street frontages, and to also study maximum linear street frontage lengths.

PASSED: 7-0

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

Main motion passed as amended.

City Manager Bon and City Attorney Park discussed next steps for this item.

AB 5956: 2022 Community Event Series on Diversity, Equity, and Inclusion

Jessi Bon, City Manager, gave a presentation to Council on AB 5956: 2022 Community Event Series on Diversity, Equity, and Inclusion. She spoke to the purpose to discuss a possible partnership to deliver a community event series on diversity, equity, and inclusion in 2022. She spoke about the potential partners in this of One MI and Do

the Work MI. She spoke to the program roles or City/ City staff to oversee community event series, confirm topics, select and negotiate contracts with speakers, liaison with volunteer partners for program support, select and hold rental agreements for potential in-person presentations, meeting technology/ zoom support.

City Manager Bon spoke to the funds that were previously appropriated for City Council and Boards and Commission Cultural Competency training

Council discussed this item and provided feedback.

Moved by Reynolds; seconded by Nice to:

Direct city staff to prepare a \$60,000 appropriation request to include in the mid-biennial budget amendment on December 7 in support of a 2022 community event series on diversity, equity, and inclusion in partnership with ONE MI and Do the Work MI

PASSED: 5-0-2

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

OTHER BUSINESS

Planning Schedule

City Manager Bon reported that the next Council meeting is on December 7, asked the Council to hold off on canceling December 21 meeting, and that Councilmember Elect Weinberg will be sworn in on January 4, 2022.

Councilmember Absences

Councilmember Reynolds maybe absent on December 7.

Councilmember Reports

Councilmember Rosenbaum:

- PIC for November cancelled, good conversation with School district, PTA legislative meeting on Friday and he will share info from that with the Council.

Councilmember Anderl:

- Utility Board Meeting on November 17 on the utility rate proposals.

Councilmember Jacobson:

- November 4th there was a Parks & Recreation Commission worked through a good part of the draft of the PROS plan, they are meeting again in December and are hard at work on this. On Friday November 12 there was an Eastside transportation partnership meeting.

Mayor Wong:

- November 4, School district equity advisory board meeting he spoke to the importance of this committee and how it could be considered for council appointments next year.
- YFS forum??? 10:28ish

ADJOURNMENT

The Council Meeting adjourned at 10:30 PM.

Attest:

Benson Wong, Mayor

Andrea Larson, City Clerk