



CITY COUNCIL MINUTES SPECIAL VIDEO MEETING December 9, 2021

EXECUTIVE SESSION

Mayor Benson Wong called the Executive Session to order at 4:09 pm from a remote location to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(i) for approximately 120 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 6:00 pm, City Clerk, Andrea Larson, extended the executive session for an additional 10 minutes. At 6:10 pm the City Clerk extended the executive session until 6:15 pm.

Mayor Wong adjourned the executive session at 6:04 pm

CALL TO ORDER & ROLL CALL

Mayor Wong called the meeting to order at 6:16 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.

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

Mayor Wong delivered the Pledge of Allegiance.

AGENDA APPROVAL

It was moved by Nice; seconded by Weiker to:

Approve the agenda.

Passed 7-0

FOR: 67(Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Wong)

SPECIAL BUSINESS

Resolution No. 1611: Appreciation for Judge Wayne Stewart's Service to the Mercer Island Community

Mayor Wong welcomed Judge Wayne Stewart and his family and thanked him for his service to the Mercer Island Community. Mayor Wong read Resolution No. 1611: Appreciation for Judge Wayne Stewart's Service to the Mercer Island Community.

City Manager Bon thanked Judge Stewart for his long service to the City of Mercer Island.

It was moved by Anderl; seconded by Rosenbaum to:

Approve Resolution No. 1611: Appreciation for Judge Wayne Stewart's Service to the Mercer Island Community

PASSED: 7-0

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

Resolution No. 1610: Appreciation for Mayor Wong

Deputy Mayor Weiker welcomed Mayor Wong and his family and thanked him for his service to the City of Mercer Island. Deputy Mayor Weiker read Resolution No. 1610: Appreciation for Mayor Wong.

Councilmembers thanked Mayor Wong for his service on the City Council and to the Mercer Island Community.

City Manager Bon thanked Mayor Wong for his service to the Mercer Island Community.

It was moved by Jacobson; seconded by Reynolds to:

Approve Resolution No. 1610: Appreciation for Mayor Wong

PASSED: 7-0

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

CITY MANAGER REPORT

City Manager Bon reported on the following items:

- Upcoming Boards & Commission meetings through the end of the year, with meetings canceled for the latter half of the month.
- Upcoming Virtual City Council meetings will be discussed at the first meeting in January
- Island Crest Way Corridor safety analysis, survey open on Let's Talk through the end of December
- Mercer Island Thrift Shop parking lot repairs and repaving
- Mercerdale Playground update
- Mercer Island Climate Action Plan kickoff
- MICEC Update, will be closed December 24- January 2 for annual maintenance. Will be coming back with expanded hours and services in January
- PROS Plan Update, preliminary draft going to PRC on December 9, with final draft going in beginning of January and then handed off to City Council in January. Aiming for plan adoption in March 2022.
- Illuminate MI in addition to lighting up the Town Center there is also a MIPA Holiday Lights Driving Tour and Lights Up at the J. Mercer Island Girl Scouts and Toys for Tots, Storybook walk at Mercerdale, Carolers at the Thrift Shop, MIHS Choir performance at Mercerdale park.
- Thank you, Illuminate MI Title Sponsors
- MIYFS Tree Lot is open through December 12
- Chanukah at Mercerdale last Thursday was a very well attended event. Thank you Chabad for hosting this wonderful community event.
- Successful Holiday Merchant Walk
- MIPD Welcomes two new officers
- City Facilities will be closed December 24 & 31.

APPEARANCES

Jane Meyer Brahm, Mercer Island, spoke in recognition of Mayor Wong and his service to the community.

Audry Covner, Mercer Island, spoke regarding agenda item no. 16, AB5994, in support of the proposed docket amendment submitted by Herzl-Ner Tamid requesting an amendment to Title 19 to be consistent with the Comprehensive plan.

Anjali Grant, architect working with Herzl-Ner Tamid, spoke regarding agenda item no. 16, AB5994, in support of the proposed docket amendment submitted by Herzl-Ner Tamid requesting an amendment to Title 19 to be consistent with the Comprehensive plan.

Mina Laban, Mercer Island, spoke regarding agenda item no. 16, AB5994, in support of the proposed docket

amendment she submitted, item no. 5 of the docket requests, regarding the critical area code and how it is preventing even modest changes to their home.

Carolyn Boatsman, Mercer Island and a Planning Commissioner, spoke regarding agenda item no. 16, AB5994, she voiced her concerns about the process that was conducted by the Planning Commission regarding the docket. She also spoke about comments she submitted regarding the proposed Residential development standards review.

CONSENT AGENDA

AB 5995: November 19, 2021 Payroll Certification in the amount of \$801,923.36

Recommended Action: Approve the November 19, 2021 Payroll Certification (Exhibit 1) in the amount of \$801,923.36 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) November 12, 2021 in the amount of \$557,788.06

B) November 19, 2021 in the amount of \$321,933.24

C) November 26, 2021 in the amount of \$659,308.19

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 Claims Reporting for Electronic Funds Transfer for the month ending:

A) October 31, 2021 in the amount of \$2,008,208.54

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 November 1, 2021 Special Meeting

AB 5989: 2022-2024 Mercer Island Police Association (MIPA) Agreements

Recommended Action: Authorize the City Manager to sign the Police and Police Support Collective Bargaining Agreements with the Mercer Island Police Association for the period of January 1, 2022, through December 31, 2024, in substantially the form attached hereto as Exhibit 1 and Exhibit 2. Authorize the City Manager to sign the agreement to convert the marine support officer to a fully commissioned police officer position in substantially the form attached hereto as Exhibit 3.

AB 5990: Resolution No. 1613: Confirming Appointment of the Municipal Court Judge

Recommended Action: Adopt Resolution No. 1613 confirming the appointment of Jeff Gregory to serve as the Mercer Island Municipal Court Judge for a four-year term, effective January 1, 2022 through December 31, 2025, and authorize the City Manager to sign the Municipal Court Judge Employment Agreement in substantially the form attached as Exhibit A thereto.

AB 5986: Interlocal Agreements between the City and Medina and Hunts Point for Marine Patrol Services

Recommended Action:

Authorize the City Manager to sign the Interlocal Agreement between the City and Medina for Marine Patrol Services substantially in form attached as Exhibits 1 to AB 5986.

Authorize the City Manager to sign the Interlocal Agreement between the City and Hunts Point for Marine Patrol Services substantially in form attached as Exhibits 2 to AB 5986.

Appropriate \$60,000 from the General Fund to cover the additional Marine Patrol services.

AB 5991: Disposal of Surplus Property

Recommended Action: Declare the vacant one-story structure at 4004 Island Crest Way as surplus.

Authorize the City Manager to negotiate and execute an agreement in an amount not to exceed \$45,000 to deconstruct, salvage, demolish, and fully remove the one-story surplus structure at 4004 Island Crest Way. Appropriate \$45,000 in Street Fund available fund balance to deconstruct the surplus vacant structure located at 4004 Island Crest Way.

AB 5980: Third Reading of Ordinance No. 21C-18 Amending Chapter 7.04 MICC – Animal Code.

Recommended Action: Adopt Ordinance No. 21C-18, amending Chapter 7.04 MICC – Animal Code, as set forth in Exhibit 1 to AB 5980. Authorize Mayor Wong to send on behalf of the City Council a letter to the

King County Council, substantially in the form attached as Exhibit 2 to AB 5980 regarding the planned revision of King County Code Title 11.

AB 5996: Acceptance of Amended Deed for Parcel 12 and Acquisition of Surplus Real Property from WSDOT Using REET Funds

Recommended Action: Adopt Resolution 1612 authorizing the City Manager to execute documents to accept an amended deed for Parcel 12 and to acquire certain surplus real property from WSDOT using REET revenues in the Capital Improvement Fund.

It was moved by Jacobson; seconded by Reynolds 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 5984: Ordinance No. 21C-25, updating interim development regulations to allow more outdoor seating for eating and drinking establishments, adopting a work plan, and setting a Public Hearing date

Jeff Thomas, Interim CPD Director and Sarah Bluvas, Economic Development Coordinator, gave a brief overview on the history of the interim outdoor dining regulations and the recommendation for adoption of Ordinance No. 21C-25, updating interim development regulations to allow more outdoor seating for eating and drinking establishments, adopting a work plan, and setting a Public Hearing date for January 18, 2022.

Council had no questions or comments regarding the agenda bill.

It was moved by Anderl; seconded by Jacobson to:

Adopt Ordinance 21C-21, updating the interim regulations to allow more outdoor seating for eating and drinking establishments, establishing a work plan, and setting a public hearing date of January 18, 2022.

PASSED: 7-0

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

AB 5992: 2021-2022 Mid-Biennial Budget Amendments and Utility Rate Resolutions

Matt Mornick, Finance Director, gave a presentation on the 2021-2022 biennial budget resulting from the feedback received during the mid-biennial budget review. It also presents the proposed utility rate increases for water, sewer, storm water, and emergency medical services for FY 2022. All proposed utility rate changes were unanimously approved by the Utility Board on November 17, 2021.

Council asked questions about the proposed 2021-2022 Mid-Biennial Budget Amendments and Utility Rate Resolutions

Tim O'Connell, Utility Board Chair, spoke to the Utility Boards recommendation to adopt the utility rate resolutions.

Council discussed the proposed 2021-2022 Mid-Biennial Budget Amendments and Utility Rate Resolutions

Moved by Nice; seconded by Weiker to:

Adopt Ordinance No. 21-31, which encompasses amendments to the City of Mercer Island's 2021-2022 biennial budget.

PASSED: 7-0

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

Moved by Anderl; seconded by Nice to:

Approve Resolutions Nos. 1606, 1607, 1608 and 1609, copies of which are attached as Exhibits 2, 3, 4, and 5, respectively to Agenda Bill 5992.

PASSED: 7-0

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

AB 5993: Updating the 2022 Development and Construction Fee Schedule and the 2022 Building Valuation Data - Resolution No. 1614

Jeff Thomas, Interim CPD Director, gave a presentation overviewing the Development and Construction Fee Schedule including the Building Permit Calculation Table as well as Building Valuation Data Table for 2022, which are included in Resolution No. 1614 (Exhibit 1) and will take effect January 1, 2022. Cost recovery targets will remain consistent with those adopted in 2019. All fees and valuations are proposed to increase by 3.3% in 2022 to reflect an annual cost of services increase. Additionally, some modest changes from 2021 are proposed for 2022 to the basis for determining fees for planning services including adjusting planning services from a deposit to instead being a minimum fee, and some new fee categories that are being added and consolidated together.

Council discussed the proposed fee schedule and building valuation data and asked questions of staff.

Moved by Nice; seconded by Weiker to:

Approve Resolution No. 1614 to update the 2022 Development and Construction Fee Schedule and the 2022 Building Valuation Data Table effective January 1, 2022.

PASSED: 7-0

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

AB 5994: 2022 Comprehensive Plan and Development Code Amendment Docket

Jeff Thomas, Interim CPD Director, and Alison Van Gorp, Deputy CPD Director, gave a presentation to Council on the 2022 Comprehensive Plan and Development Code Amendment Docket. Items placed on the final docket will be added to the work plan for further consideration by staff, the Planning Commission, and the City Council in 2022 and gave an overview of the docket requests that were received, and an overview of the staff recommendations and Planning Commission recommendation regarding the docket requests.

City Council discussed and asked questions about the proposed docket items and what items to include on the 2022 docket.

Moved by Nice; seconded by Jacobson to:

Approve Resolution No. 1615 and adopting the final docket of Comprehensive Plan and Development Code Amendments for 2022, a copy of which is attached as Exhibit A to the resolution which lists items. Nos. 4, 14, 15 and 16.

PASSED: 6-1

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

AGAINST: 1 (Anderl)

Moved by Rosenbaum; seconded by Nice to:

Amend main motion to add item No. 4 to the 2022 docket.

PASSED: 5-2

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

AGAINST: 2 (Anderl and Jacobson)

Council discussed the proposed amendment.

Main motion passed as amended.

AB 5977: Development Code Amendment ZTR21-004 Town Center Retail Requirements (Ord. No. 21C-28 Second 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 Second 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 section into the MICC. Sarah gave an overview of the Planning Commission review process and meetings.

Council discussed and asked questions about the Town Center Retail Requirements and how they would like to

proceed with this proposed amendment.

Council would like the Planning commission to review and send back for a third reading.

Moved by Anderl; seconded by Reynolds to:

Remand Ord. No. 21C-28 with the proposed amendments below back to the Planning Commission for new public hearing and recommendation, which shall be presented to the City Council at a regular business meeting on or before March 15, 2022, during a third reading of this ordinance.

Direct Planning Commission to work with Staff to reconcile the definition of Personal Services as defined in MICC 19.16.010 and for the Planning Commission to work with staff to add a definition for Visual or Performing Arts Center.

Exempt visual or performing arts centers from the 60' contiguous street frontage requirement.

Establish a 5000 square foot cap for visual or performing arts centers that can be applied to the FAR or No Net Loss Requirement.

PASSED: 7-0

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

OTHER BUSINESS

Planning Schedule

City Manager Bon asked to entertain a motion to cancel the December 21 City Council meeting.

Moved by Nice; seconded by Weiker to:

Cancel the December 21 City Council meeting.

PASSED: 7-0

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

City Manager Bon asked for a thumbs up for Deputy Mayor Weiker to attend the SCA North Caucus meeting on December 15 as the City's voting member.

Council gave a unanimous thumbs up for Deputy Mayor Weiker to attend the SCA North Caucus meeting on December 15 as the City's voting member.

Councilmember Absences and Reports

There were no absences reported.

Councilmember Rosenbaum:

- There was a Chamber of Commerce meeting last week, there is a PIC meeting tomorrow night, December 8.

Councilmember Jacobson:

- Parks and Recreation Commission meeting this Thursday, December 9.

Deputy Mayor Weiker:

- Seattle Chamber of Commerce is holding an elected officials event on Thursday, December 9.

Mayor Wong:

- December 1, Regional water quality meeting, King County has paused the Clean Water Plan until further notice. Tomorrow night, December 8, is the Climate Action Plan kick off meeting. Next week there are the meetings with elected officials.

ADJOURNMENT

The Council Meeting adjourned at 10:05 PM.

Benson Wong, Mayor

Attest:

Andrea Larson, City Clerk