



CITY COUNCIL MINUTES REGULAR HYBRID MEETING MARCH 7, 2023

CALL TO ORDER & ROLL CALL

Mayor Salim Nice called the regular meeting to order at 5:00 pm in the Council Chambers at City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Salim Nice, Deputy Mayor David Rosenbaum and Councilmember Lisa Anderl and Wendy Weiker participated in person in the Council Chambers. Councilmembers Jake Jacobson, Craig Reynolds, and Ted Weinberg (5:06 pm) joined via Zoom.

PLEDGE OF ALLEGIANCE

The City Council delivered the Pledge of Allegiance.

AGENDA APPROVAL

It was moved by Anderl; seconded by Rosenbaum to:

Approve the agenda.

PASSED: 6-0

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

ABSENT: 1 (Weinberg)

CITY MANAGER REPORT

City Manager Jessi bon reported on the following items:

- **Council, Boards & Commission Meetings Updates:** Upcoming City Council meeting on March 21. Upcoming Boards and Commission meetings, Utility Board on March 14, and Planning Commission on March 22. Upcoming Prospective Candidate Workshop on March 30.
- **City Services Updates:** Update on 77th Avenue & Sunset Highway intersection improvements, new art exhibit by David Fishman "Unique Botanical Portraits" with an artist reception on March 9 at the MICEC, Nancy Stewart hosts Wednesday evening sing-alongs at the MICEC in March, March restoration events Planting Party in Gallagher Hill Open Space on March 25 and Spring Plant walk in Pioneer Park on March 30, Spring Recycling Event on March 25.
- **News:** Police Department Annual Awards congratulations to the team.

APPEARANCES

Will Orndorff, Mercer Island, spoke in support of the Country Club bringing back their temporary tennis bubble.

The following Appearances spoke about their concerns regarding the Bike Skills Areas project:

- Nancy Morse, Mercer Island
- Rachel Drake, Mercer Island
- Chris Vincent, Mercer Island
- Paul Burstein, Mercer Island
- Rosalind Schoof, Mercer Island
- Karen Grove, Mercer Island

The following Appearances spoke about their support for the Bike Skills Areas project:

- Ryder Li, Mercer Island
- Ryan Cudney, Mercer Island

- Nathan Cudney, Mercer Island
- June Bailey, Mercer Island
- Katie Bunker, Mercer Island
- Zane Shiers, Mercer Island
- Jay Greer, Mercer Island

Carolyn Boatsman, Mercer Island, spoke about the Climate Action Plan.

Alex Tsimerman, Mercer Island, spoke to the Council about public comment opportunities and fascism.

CONSENT AGENDA

AB 6231: February 24, 2023 Payroll Certification

Recommended Action: Approve the February 24, 2023 Payroll Certification (Exhibit 1) in the amount of \$940,925.26 and authorize the Mayor to sign the certification on behalf of the entire City Council.

Certification of Claims:

A. Check Register | 214824-215017 | 2/17/2023 | \$833,248.36

B. Check Register | 215018-215107 | 2/24/2023 | \$572,123.05

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 February 21, 2023 Regular Hybrid Meeting.

Recommended Action: Approve the minutes of the February 21, 2023 Regular Hybrid Meeting.

AB 6232: Second Reading of Ordinance No. 23C-02 (renews Ordinance No. 22C-14) on Interim Regulations in MICC 19.16.010 Related to Emergency Shelters and Housing, Transitional Housing, and Permanent Supportive Housing in Response to E2SHB 1220

Recommended Action: Adopt Ordinance No. 23C-02 extending the interim regulations for emergency, transitional and permanent supportive housing.

AB 6233: Open Space Conservancy Trust Annual Report

Recommended Action: Accept the 2022 Open Space Conservancy Trust Annual Report and the 2023 Work Plan.

It was moved by Rosenbaum; seconded by Anderl 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 6234: First Reading of Ordinance No. 23C-03 to End the 2.7% Interim Utility Tax on City Utilities.

Finance Director Matt Mornick presented Ordinance No. 23C-03 to sunset the 2.7% interim utility tax on City utilities that was implemented to finance the cost of litigation to enforce the terms of the City's 2017 Settlement Agreement with Sound Transit.

It was moved by Weiker; seconded by Rosenbaum to:

Set Ordinance No. 23C-03, as amended, for second reading and adoption on March 21, 2023.

It was moved by Reynolds; seconded by Jacobson to:

Amend the main motion as follows:

Amend Ordinance No. 23C-03 to extend end date of the utility tax to May 1, 2023.

MOTION TO AMEND PASSED: 4-3

FOR: 4 (Jacobson, Reynolds, Weiker, and Weinberg)

AGAINST: 3 (Anderl, Nice, and Rosenbaum)

MAIN MOTION AS AMENDED PASSED: 7-0

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

AB 6235: Climate Action Plan: Review Draft Document

City Manager Jessi Bon and Sustainability Program Analyst Ross Freeman presented the Climate Action Plan (CAP) for the City Council's review. They spoke process to date for creating the plan, discussed the public comment period and how comments were received, and the remaining steps in the process to adoption.

City Manager Bon reviewed Exhibits Nos. 3, 4, 5, and 6 regarding the newly added Executive Summary, the new callout boxes on "The Cost of Inaction" and "Green Power," and the revisions to the Natural System Section – Targets, Strategies, and Actions.

It was moved by Rosenbaum; seconded by Weinberg to:

Approve Exhibits 3, 4, 5, and 6 and direct staff to include the new text in the final Climate Action Plan. PASSED: 7-0

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

City Manger Bon discussed Exhibit No. 7 containing items recommended for City Council approval.

It was moved by Rosenbaum; seconded by Jacobson to:

Approve Exhibit 7, excluding items number 5, 15, 33, 36, 39 and direct staff to include the revisions in the final Climate Action Plan.

PASSED: 6-0

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

ABSTAIN: 1 (Jacobson)

It was moved by Weinberg; seconded by Reynolds to:

Amend Exhibit 7, Item No. 5 amend vision statement for consumption and disposal on page to read: "The Community practices circular economy principals, reducing the amount of resources used, reusing and repurposing materials, and recycling and composting almost all of what's left."

PASSED: 7-0

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

It was moved by Weinberg; seconded by Reynolds to:

Change Exhibit 7, Item No. 15 to change "wildfire smoke" to "wildfires and wildfire smoke".

PASSED: 7-0

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

It was moved by Weinberg; seconded by Reynolds to:

Add to Exhibit 7, Item No. 33 the following implementation consideration to TR2.2: "Explore options to implement additional bicycle storage facilities at park and ride stations, such as lockers or a bike room."

PASSED: 5-2

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

AGAINST: 2 (Anderl and Jacobson)

It was moved by Rosenbaum; seconded by Weiker to:

Adopt Exhibit 7 Items Nos. 36 and 39 as presented.

PASSED: 7-0

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

City Council was in recess from 6:39 pm – 6:49 pm.

It was moved by Rosenbaum; seconded by Anderl to:
Adopt Exhibit 8 Item No. 1 as presented and amended.

It was moved by Reynolds; seconded by Rosenbaum to:
Amend Exhibit 8 Item No. 1 to strike the word “financial.”
PASSED: 7-0
FOR: 7 (Anderl, Jacobson, Nic e, Reynolds, Rosenbaum, Weiker, and Weinberg)

It was moved by Jacobson; seconded by Anderl to:
Amend Exhibit 8 Item No. 1 to strike the first two sentences from proposed revision.
FAIL: 2-5
FOR: 2 (Anderl and Jacobson)
AGAINST: 5 (Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

MAIN MOTION AS AMENDED PASSED: 7-0
FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

It was moved by Rosenbaum; seconded by Anderl to:
Amend Exhibit 8 Item No. 3 to amend TR2.4 to have the plan call for banning gas powered leaf blowers.
PASSED: 5-2
FOR: 5 (Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)
AGAINST: 2 (Anderl and Jacobson)

It was moved by Rosenbaum; seconded by Nice to:
Adopt Exhibit 8 Item No. 4 as presented in staff response to add a bullet on page 38 that reads: “Report communitywide GHG emissions on a gross and per-capita adjusted basis as compared to a 2007 baseline” and modify the graph on page 19 to include a depiction of per-capita emissions data.
PASSED: 7-0
FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

It was moved by Reynolds; seconded by Weinberg to:
Amend the Climate Action Plan to include that the Bicycle and Pedestrian Plan include a KPI for bicycle lanes and other dedicated bike travel facilities.
FAIL: 3-4
FOR: 3 (Reynolds, Rosenbaum, and Weinberg)
AGAINST: 4 (Anderl, Jacobson, Nice, and Weiker)

City Council was in recess from 7:19 pm – 7:25 pm.

AB 6236: Bike Skills Area 30% Design.

Chief of Operations Jason Kintner and CIP Project Manager Sarah Bluvas presented background information on the Bike Skills Area (BSA) project. They spoke about the community outreach process and reviewed the themes gathered from the community feedback.

Mr. Kintner presented the design of the BSA and spoke about the Parks & Recreation Commission recommendations. He also discussed signage, safety features, entrance options, and restoration will be integrated during construction. He also discussed the next steps in the process including work with user groups, permitting and SEPA requirements, and finalizing design to proceed with construction.

Council discussed the proposal and asked questions of staff.

It was moved by Weiker; seconded by Nice to:
Include the Northeast entrance along with the West entrance to access the Bike Skills Area.
PASSED: 7-0
FOR: 7 (Anderl, Jacobson, Nice, Reynolds, Rosenbaum, Weiker, and Weinberg)

It was moved by Jacobson; seconded by Anderl to:

Authorize staff to proceed with the design of the Bike Skills Area subject to the motion previously made and do so with the intent of meeting the fall construction schedule.

It was moved by Reynolds; seconded by Weinberg to:

Amend main motion to add to end: "including design and construction of appropriate trail features to promote safety of all trail users in Island Crest and Deans Children's Parks."

PASSED: 7-0

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

MAIN MOTION AS AMENDED PASSED: 7-0

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

AB 6243: Approve Talking Points on SB 5466 Related to Transit Oriented Development

City Manager Jessi Bon spoke about the current State Legislative Session. She noted that there are an unprecedented number of consequential bills brought forward, especially related to housing and land use and that the City has been actively engaged with legislators on these matters.

Management Analyst Robbie Cunningham-Adams presented an updated on HB 1110 and discussed the various options the City would have for compliance with HB 1110 as currently written. Management Analyst Cunningham-Adams spoke about HB 1245 that requires cities to allow for splitting of residential lots and presented about SB 5466 which relates to Transit Oriented Development .

City Manager Bon noted that SB 5466 has passed the Senate and will be under consideration in the House. She stated that City staff, in consultation with the City's lobbyists and Council leadership, recommend the City Council take a position to support SB 5466 and that talking points had been drafted for Council's review and approval.

Council held discussion and asked questions of staff.

It was moved by Weinberg; seconded by Rosenbaum to:

Approve proposed talking points on SB 5466 (Exhibit 2).

PASSED: 6-0

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

ABSTAIN: 1 (Weinberg)

OTHER BUSINESS

Planning Schedule

City Manager Jessi Bon spoke about the March 21 City Council Meeting.

Councilmember Absences and Reports

Councilmember Reynolds thanked the Parks & Recreation Commission for their work on the Bike Skills Area project.

Deputy Mayor Rosenbaum noted that there is a SCA PIC meeting tomorrow night.

Councilmember Weiker thanked staff for the work on the Bike Skills Area Project and noted that there is a SCA Networking Dinner on March 29.

EXECUTIVE SESSION

At 8:54 pm, Mayor Nice convened an Executive Session in the Caucus 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) 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).

Mayor Salim Nice, Deputy Mayor David Rosenbaum, and Councilmembers Jake Jacobson participated in person in the Caucus Room at City Hall. Councilmembers Lisa Anderl, Craig Reynolds, Wendy Weiker, and Ted Weinberg joined via Microsoft Teams.

Mayor Nice adjourned the Executive Session at 9:54 pm.

ADJOURNMENT

The Regular Hybrid Council Meeting adjourned at 9:54 pm.

Attest:

Salim Nice, Mayor

Andrea Larson, City Clerk