



CITY COUNCIL MINUTES REGULAR VIDEO MEETING DECEMBER 1, 2020

EXECUTIVE SESSION

At 5:01 pm, Mayor Wong convened an Executive Session for approximately 60 minutes to discuss with legal counsel litigation or potential litigation pursuant to RCW 42.30.110(1)(i) and to receive and evaluate complaints or charges brought against a public officer or employee RCW 42.30.110(1)(f).

Mayor Benson Wong, Deputy Mayor Wendy Weiker, and Councilmembers Lisa Anderl, Jake Jacobson, Salim Nice, Craig Reynolds, and David Rosenbaum participated remotely using a teleconferencing platform provided by Microsoft Teams.

City Manager Jessi Bon participated from City Hall and City Attorney Bio Park participated in the executive session from a remote location.

At 5:58 pm, City Clerk Estrada announced that the Executive Session was extended to 6:10 pm.

At 6:06 pm, City Clerk Estrada announced that the Executive Session was extended to 6:15 pm.

At 6:15 pm, Mayor Wong adjourned the Executive Session.

CALL TO ORDER & ROLL CALL

Mayor Wong called the meeting to order at 6:19 pm from a remote location.

Mayor 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.

City Manager Bon 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 Jacobson; seconded by Nice to:

Move to amend the agenda to add a new item: Action on King County Superior Court matter, Morgan v. City of Mercer Island

Passed 7-0

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

It was moved by Jacobson; seconded by Reynolds to:

Approve the agenda as amended.

Passed 7-0

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

CITY MANAGER REPORT

City Manager Jessi Bon reported on the following items:

- COVID-19 Update & WA Notify App'
- Council and Boards & Commissions Updates - Virtual Schedule

- City Service Updates:
 - Landslide near 5600 Block of E. Mercer Way
 - House Fire on 3800 Block of W. Mercer Way
 - City Art Vandalized
 - Recycling Cardboard
 - Thrift Shop Remodel Project
 - Thrift Shop Donations Protocols
 - YFS Program Updates
 - YFS Winter Holiday Gift Program
 - YFS Foundation Tree Lot
- Some Good News:
 - Thank you for supporting YFS
 - MIFD Food Drive
 - Illuminate MI Installation and Donations Update
 - MI Holiday Lights Driving Route
 - Letters to Santa
 - Thanksgiving Thank You

APPEARANCES

Addie Smith, Mercer Island, addressed the Council, explaining that she and her daughter are victims of hate crimes. She went on to explain that crime exists on the Island and that accountability is lacking at the city among Council and its staff.

Meg Lippert, Mercer Island, suggested that the City consider locating the Recycling Center behind City Hall to preserve public parkland. She also asked several questions regarding the public process discussed at the November 17 meeting and requested that Council direct the City Manager to locate a site for the Thrift Shop Recycling Center that will preserve public parkland. Ms. Lippert ended her comments by wishing Nathan Rosenbaum a happy one-month birthday.

Robin Russell, Mercer Island, addressed the article on “New Bargains and Old Cloths” and expressed concern for the City’s decision to expand the Thrift Shop when so many retailers are selling used clothing, thereby creating competition for the Thrift Shop.

Ira Appelman, Mercer Island, expressed appreciation that the City Council paused the Thrift Shop and Recycling Center expansion project to allow an opportunity to find an alternate location. He went on to explain that while Islanders consider parks to be one of the most important reasons for moving to the Island, senior staff do not share the same value.

There being no additional public comments, Mayor Wong closed Appearances.

CONSENT CALENDAR

Payables: \$134,788.08 (11/13/2020), \$478,021.71 (11/20/2020) & \$369,230.48 (11/25/2020)

Recommended Action: Certify that the materials or services hereinbefore specified have been received and that all warrant numbers listed are approved for payment.

Payroll: \$747,193 (11/20/2020)

Recommended Action: Certify that the materials or services specified have been received and that all fund warrants are approved for payment.

AB 5782: Interagency Agreement for Inmate Housing with the City of Issaquah.

Recommended Action: Authorize the City Manager to sign the updated Interagency Agreement for Inmate Housing between the City of Mercer Island and the City of Issaquah.

It was moved by Nice seconded by Anderl to:

Approve the Consent Calendar and the recommendations contained therein.

Passed 7-0

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

REGULAR BUSINESS

AB 5787: Public Hearing: Interim Ordinance Design and Concealment Standards for Small Cell Facilities Deployment (Legal Notice – 10/28/2020)

Mayor Wong opened the public hearing at 7:12 pm.

There being no additional public comments, Mayor Wong closed the public hearing at 7:13 pm.

It was moved by Reynolds; seconded by Jacobson to:

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

Passed 7-0

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

It was moved by Nice; seconded by Reynolds to:

Adopt Ordinance No. 20-28, extending the Interim Design and Concealment Standards for Small Cell Facilities deployment established under Ordinance No. 19C-02

Passed 7-0

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

AB 5785: Comprehensive Plan and Code Amendment Docket

Interim Community Planning and Development Director Jeff Thomas and Deputy Director Alison Van Gorp reviewed the proposed Comprehensive Plan and code amendments for 2021 with City Council. It was explained that the public notice for the docketing period was issued in the City's permit bulletin and in the newspaper on August 19, 2020. However, the term "code amendment" was inadvertently omitted, indicating that only comprehensive plan amendments, not code amendments, were being invited. Staff were alerted to this omission toward the end of September and extended the deadline for submitting proposals to November 2, 2020.

Thomas and Van Gorp further explained that staff recommended that the Planning Commission docket the 5 staff generated amendments to the Comprehensive Plan and the development code. They continued, explaining that staff also recommended to forgo further amendments to the Comprehensive Plan in 2020 and that staffing reductions in June 2020 reduced capacity for policy and legislative work.

Council discussed the 2021 Preliminary Comprehensive Plan and Code Amendment Docket at length. City Manager Bon recommended that staff return to the City Council at the second meeting in January with more information and determine what City Council would like to see as part of the RDS scoping process.

There was **Council consensus** to put the Residential Development Standards study on the docket and discuss the sequence of staff work at the January meeting.

It was moved by Reynolds; seconded by Rosenbaum to:

Approve Resolution No. 1594, as amended, to include Docket items 1 through 9 and number 15, adopting the final docket of Comprehensive Plan and code amendments for 2021.

Passed 7-0

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

AB 5784: Extend Temporary Change to City Council Regular Meeting Start Time

City Clerk Deborah Estrada explained that due to the COVID-19 Pandemic, the City Council had been holding meetings remotely and had agreed to change the start time from 6:30 pm to 5:00 pm. Estrada further explained that it was likely that meetings would need to continue remotely for much of 2021 and therefore it was recommended that Council extend the temporary change to the start time until the end of December 2021.

It was moved by Nice; seconded by Weiker to:

Suspend 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 Wong)

It was moved by Jacobson; seconded by Nice to:

Adopt Ordinance No. 20C-27 amending MICC 2.06.010 to extend until December 31, 2021 the temporary change to the start time of Regular Meetings of the City Council.

Passed 7-0

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

AB 5786: 2021-2022 Biennial Budget Adoption

Interim Finance Director Matt Mornick summarized the 2021-2022 Biennial Budget process, which included 9 public meetings and 3 public hearings. Mornick continued, explained that the budget reflects the collective decisions made by the City Council over the past several months with \$147 million in expenditures across all funds. Staffing was reduced by 25.5 FTE's in 2021 compared to the 2020 adopted budget. Mornick further noted that of the proposals brought by staff and Councilmembers, the City Council approved 30 different investments:

- One-time contributions to paydown City's long-term liabilities.
- One-time startup resources for Thrift Shop, MICEC, and recreation programs.
- Restore Town Center and Park maintenance service levels.
- Fund required projects, special projects, and one-time investments.
- Phase-in new positions that keep pace with evolving community needs.

It was moved by Nice; seconded by Anderl 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 Wong)

It was moved by Reynolds; seconded by Rosenbaum to

Amend the city budget to include an allocation of \$14,400 from the unallocated fund balance to subsidize the Mercer Island Chamber of Commerce operations for calendar year 2021, subject to approval by the city manager of an appropriate 2021 work plan for the Chamber, together with a required set of deliverables and to include a City Council liaison to the Chamber.

Passed 4-3

FOR: 4 (Reynolds, Rosenbaum, Weiker, and Wong)

AGAINST: 3 (Anderl, Jacobson, and Nice)

It was moved by Reynolds; seconded by Weiker to:

Adopt Ordinance No. 20-29, as amended, which encompasses the biennial budget for the City of Mercer Island, Washington, for fiscal years 2021-2022.

Passed 7-0

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

The agenda was previously amended to add the following agenda item:

No AB Available: Action on King County Superior Court matter, Morgan v. City of Mercer Island (Item added to the agenda after Executive Session)

There was no discussion by Council.

It was moved by Jacobson; seconded by Anderl to:

Authorize the City Attorney and WCIA to settle the lawsuit entitled Morgan v. City of Mercer Island, King County Cause No. 20-2-10225-1, per the terms discussed during Executive Session.

Passed 7-0

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

OTHER BUSINESS

Councilmember Absences

There were no absences.

Planning Schedule

City Manager Bon reminded Council that the December 15 meeting was canceled and wished everyone a happy holiday.

Councilmember Reports

Councilmember Rosenbaum reported that the Farmer's Market was successful and that the Mercer Island PTA met last week.

Councilmember Jacobson wished everyone good holiday wishes.

Councilmember Nice wished everyone the best of holidays and thanked staff for all their hard work.

Mayor Wong wished everyone a happy holiday and urged everyone to be careful during the months ahead.

ADJOURNMENT

The regular Council Meeting adjourned at 10:22 pm.

Benson Wong, Mayor

Attest:

Deborah A. Estrada, City Clerk