



# CITY COUNCIL MINUTES REGULAR MEETING JANUARY 21, 2020

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## CALL TO ORDER & ROLL CALL

Mayor Benson Wong called the meeting to order at 5:31 pm in the Council Chambers of City Hall, 9611 SE 36<sup>th</sup> Street, Mercer Island, Washington.

Mayor Benson Wong, Deputy Mayor Wendy Weiker (5:34 pm), and Councilmembers Lisa Anderl, Jake Jacobson, Salim Nice, Craig Reynolds, and David Rosenbaum (by phone) were present.

## AGENDA APPROVAL

Mayor Wong reported that due to an illness, Agenda Bill 5650 the 2019 Community Needs Assessment would be tabled to a later meeting. In its place, staff requested a brief Executive Session be scheduled for 5:30 pm to 6 pm.

It was moved by Jacobson; seconded by Nice to:

**Approve the agenda as amended.**

Passed 5-0

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

ABSENT: 2 (Rosenbaum and Weiker)

## EXECUTIVE SESSION

At 5:33 pm, Mayor Wong convened an Executive Session for approximately 30 minutes to discuss with legal counsel litigation or potential litigation to which the City is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the City pursuant to RCW 42.30.110(1)(i) and noted that no action would be taken.

At 6:03 pm, Mayor Wong adjourned the Executive Session; no action was taken.

Mayor Wong called the Regular Meeting to order at 6:06 pm.

## STUDY SESSION

### REVISED AB 5650: YFS Funding History

As amended at the start of the meeting, Agenda Bill 5650 was revised to address YFS Funding History; the 2019 Community Needs Assessment was tabled for a later meeting.

Youth and Family Services Director Cindy Goodwin introduced Terry Pottmeyer, Attorney and Human Services professional, to provide City Council with a brief overview and understanding of the history of human services, how human services are funded, and an explanation why human services are experiencing significant challenges in meeting their mission. Pottmeyer further explained that the key challenges include: Government contracts don't cover full cost of services, budgets that depend on philanthropy are built on hope, and demands that are driven by new initiatives and increasing expectations.

### AB 5651: Mercer Island Foundation Strategic Planning Report

Youth and Family Services Director Cindy Goodwin introduced Jody Kris, Mercer Island's Youth and Family Services Foundation Board President, to present a report on the strategic fundraising direction of the Foundation and its ability to support YFS core services given the City and YFS Department's funding challenges.

President Kris responded to Council questions about funding and made to request of the City:

1. Provide budget numbers to the Foundation as soon as possible so that they can plan accordingly.
2. Encourage YFS donors to give directly to the Foundation, rather than the City so that the Foundation can thank donors, invite them to events, and give them the gratitude they deserve.

## **SPECIAL BUSINESS**

### **AB 5654: Sister City 20th Anniversary Proclamation No. 248**

Senior Project Manager Kirsten Taylor invited members of the Sister City organization to join her and Mayor Wong at the podium to accept the proclamation. Ms. Jane Meyer Brahm spoke to the 20-year history between the two sister cities.

Mayor Wong proclaimed February 3-7, 2020 Mercer Island and Thonon-Les-Bains Sister City 20<sup>th</sup> Anniversary Appreciation Week and pledged Mercer Island's continued friendship, respect and commitment to maintaining a long-lasting and productive sister city relationship.

## **APPEARANCES**

Laurie Raisys, Mercer Island, and co-owner of Island Books. She reported that in 2016 the City Council redrew and reduced the retail core of the Town Center that impacted 14 businesses, including the Island Books store. She requested that Council prioritize the redraw of the redraw and consider where and how impacted businesses will relocate and asked that the Council fix the situation.

Matt Goldbach, requested that Council reject AB 5653 Rooftop Railings Code Amendment and that Council repeal Amendments 8 and 1 to the Comprehensive Plan.

Jeff Geoghagan, Mercer Island, reported that he is a police officer for a large off Island agency and is familiar with the impacts of the rail system on local jurisdictions. He encouraged Council to consider the impacts on emergency services and

Ashley Hay, Mercer Island, addressed the impacts of light rail on the adjacent neighborhood. She also encouraged Council to reject AB 5653 regarding Rooftop Railings Code Amendment.

## **CONSENT CALENDAR**

### **Payables: \$116,281.27 (12/31/2019) and \$1,295,504.86 (01/10/2020)**

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

### **Payroll: \$931,948.80 (01/17/2020),**

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

### **Minutes: December 3, 2019 Regular Meeting, December 10, 2019 Special Meeting, & January 7, 2020 Regular Meeting.**

**Recommendation:** Approve the December 3, 2019 Regular Meeting, December 10, 2019 Special Meeting, & January 7, 2020 Regular Meeting minutes as written.

It was moved by Anderl; seconded by Reynolds to:

**Approve the Consent Calendar as presented.**

Passed 7-0

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

## **REGULAR BUSINESS**

## **AB 5652: Small Cell Regulations**

Community Planning & Development Director Evan Maxim provided Council with a brief overview that outlined the FCC's new rules regulating review times, regulation of aesthetics, and anything that might "effectively prohibit" small cells. He went on to explain that prior to commencing work on the development of new code standards, staff was seeking Council confirmation of the Planning Commission's recommended scope of work on the following:

- Comprehensive review of existing regulations
- Explore adoption of additional local regulations related to small cell facilities
- Correct inconsistent language and add definitions where warranted

Director Maxim also clarified that the City has limited authority to restrict small cell facilities on public property.

It was moved by Weiker; seconded by Reynolds to:

**Confirm the scope of work for ZTR19-004, to update the wireless communication facility code as amended**

It was moved by Wong; seconded by Nice to:

**Add a fifth bullet stating, "Explore and identify the maximum permissible level of local control in the development of new code standards for small cell facilities including the location of the facilities."**

Passed 7-0

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

Passed 7-0

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

## **AB 5653: Rooftop Railings Code Amendment (Ordinance No. 20C-01, First Reading)**

Community Planning & Development Director Evan Maxim reviewed with Council the background regarding the Rooftop Railings Code Amendment and reported on the Planning Commission's recommendation, which included:

- Allow rooftop railings to exceed the 30-foot height limit if:
  - The railing is more than 6-feet from the edge of the building; or,
  - The railing is associated with a house on a constrained lot
- If allowed, rooftop railings extending about 30-feet:
  - Cannot exceed the height required by building code (typically 3 feet);
  - Should be 80 percent open area; and,
  - Should not be built of glass or other similar material.

Council discussed the proposed code amendment and asked questions of staff.

It was moved by Anderl; seconded by Nice to:

**Reject Ordinance No. 20C-01**

Passed 6-1

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

AGAINST: 1 (Reynolds)

## **OTHER BUSINESS**

### **Planning Schedule**

Interim City Manager Bon noted the following:

- Planning Session schedule for January 24 and 25
- Recommended Council group photo and headshots in February
- Planning Schedule will look somewhat light until after the Planning Session

### **Councilmember Absences**

Councilmembers Anderl and Reynolds will be absent from the March 3, 2020 Regular Meeting. Councilmember may try to call in.

### **Councilmember Reports**

Councilmember Weiker:

- PSRC Orientation on January 30 and SCA training and reception afterwards at Ivars.

Mayor Wong:

- K4C started sending out newsletters to all councilmembers; highlighting what K4C is doing and how elected officials can get involved.

### **EXECUTIVE SESSION**

At 8:18 pm, Mayor Wong convened an Executive Session for approximately 120 minutes to evaluate the qualifications of an applicant for public employment or to review the performance of a public employee; and to discuss with legal counsel litigation or potential litigation to which the City is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the City pursuant to RCW 42.30.110(1)(g) and (i). No action was taken.

At 10:15 pm, Mayor Wong adjourned the Executive Session; no action was taken.

### **ADJOURNMENT**

There being no additional business to come before City Council, the Regular Meeting adjourned at 10:20 pm.

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Benson Wong, Mayor

Attest:

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Deborah A. Estrada, City Clerk