



CITY COUNCIL MINUTES REGULAR HYBRID MEETING APRIL 2, 2024

CALL TO ORDER & ROLL CALL

Mayor Salim Nice called the Regular Hybrid Meeting to order at 5:05 pm in the Slater Room Council Chambers at the Mercer Island Community & Event Center, 8236 SE 24th Street, Mercer Island, Washington.

Mayor Salim Nice, Deputy Mayor Dave Rosenbaum, and Councilmembers Lisa Anderl, Jake Jacobson, Craig Reynolds, Wendy Weiker, and Ted Weinberg participated in person in the Slater Room Council Chambers.

PLEDGE OF ALLEGIANCE

The City Council delivered the Pledge of Allegiance.

AGENDA APPROVAL

It was moved by Rosenbaum; seconded by Jacobson to:

Approve the agenda as presented.

PASSED: 7-0

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

CITY MANAGER REPORT

City Manager Jessi Bon reported on the following items:

- **Council, Boards & Commission Meetings:** Next City Council Meeting – April 16 at 5:00 PM, Parks & Recreation Commission with Open Space Conservancy Trust Board – April 4 at 5:00 PM.
- **Update on City Hall Transitions:** Work continues on the City Hall campus to get the two new modular buildings which will be used to temporarily house the Police Department ready for operations. Planning work is underway for the new Public Safety and Maintenance Building.
- **City Services Updates:** Phase 1 construction on the Luther Burbank Boiler building is well underway. Work began on the water meter replacement project, to date approximately 951 meters have been installed. New signage has been installed at four Island Crest Park trail heads and adjusted sign placement within the Bike Skills Area. First Hill Park playground replacement launched an online community survey that is open through April 14.
- **Upcoming Events:** Leap for Green is on April 20 at MICEC from 10-2pm.
- **News:** Last week City employees came together for a semi-annual all staff meeting.

APPEARANCES

Addie Smith spoke about being a hate crime survivor.

Carolyn Boatsman (Mercer Island) spoke about the proposal to reconstitute the Planning Commission.

Alex Sytman (Mercer Island) spoke about his work on a community action project regarding electric scooters.

Dan Thompson (Mercer Island) spoke about the Code of Ethics complaint against Councilmember Jacobson and the proposal to reconstitute the Planning Commission.

CONSENT AGENDA

AB 6437: March 22, 2024 Payroll Certification

Recommended Action: Approve the March 22, 2024 Payroll Certification in the amount of \$849,488.42 and authorize the Mayor to sign the certification on behalf of the entire City Council.

Certification of Claims:

A. Check Register | 218990-219134 | 3/15/24 | \$2,915,483.68

B. Check Register | 219135-219194 | 3/22/24 | \$738,774.53

C. EFT Payments | January 2024 | \$3,099,490.38

D. EFT Payments | February 2024 | \$2,464,152.91

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 Regular Hybrid Meeting Minutes of March 19, 2024

Recommended Action: Approve the City Council Regular Hybrid Meeting Minutes of March 19, 2024.

AB 6438: Autism Acceptance Month, Proclamation No. 324

Recommended Action: Proclaim April 2024 as Autism Acceptance Month in the City of Mercer Island.

AB 6439: Sexual Assault Awareness Month, Proclamation No. 325

Recommended Action: Proclaim April 2024 as Sexual Assault Awareness Month in the City of Mercer Island.

AB 6440: Johnson & Johnson Opioid Settlement

Recommended Action: Authorize the City Manager to execute and submit the Participation Form for the Johnson & Johnson Settlement, substantially in the form attached as Exhibit 1 to AB 6440.

It was moved by Jacobson; seconded by Reynolds to:

Approve the Consent Agenda as presented, and the recommended actions contained therein.

PASSED: 7-0

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

REGULAR BUSINESS

AB 6443: Disposition of Code of Ethics Complaint Against Councilmember Jacobson

Mayor Nice introduced and provided background on the disposition of the Code of Ethics complaint against Councilmember Jacobson.

City Council discussed the Code of Ethics complaint.

It was moved by Anderl; seconded by Weiker to:

Reject the Hearing Examiner's conclusions and impose no penalties for the ethics violations asserted against Councilmember Jacobson.

PASSED: 4-2

FOR: 4 (Anderl, Nice, Rosenbaum, and Weiker)

AGAINST: 2 (Reynolds, Weinberg)

Pursuant to MICC 2.60.070(D), Councilmember Jacobson did not vote in open session on the matter involving himself.

AB 6444: Interim Regulations in MICC 19.16.010 Related to Emergency Shelters and Housing, Transitional Housing, and Permanent Supportive Housing (Ordinance No. 24C-03)

CPD Director Jeff Thomas presented the interim regulations related to emergency shelters, and housing,

transitional housing, and permanent supported housing presented in Ordinance No. 24C-03. He noted that a public hearing on Ordinance No. 24C-03 will be scheduled within 60 days.

It was moved by Weinberg; seconded by Reynolds to:

Adopt Ordinance No. 24C-03 for interim regulations to comply with emergency and permanent supportive housing requirements in HB 1220.

PASSED: 7-0

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

AB 6441: City Council Planning Session Follow Up Regarding Land Use Work Plan

CPD Director Jeff Thomas spoke about the consolidation of interim regulations related to temporary structures and uses and explained that these interim regulations will come back to the City Council later in the year for a public hearing and adoption.

CPD Director Thomas presented the options for reconstituting the Planning Commission from the City Council direction at the March 1 Planning Session as follows:

1. Effective Dates
2. Member Composition
3. Definition of Paid Practitioner – Non-Resident
4. Definition of Lay Person – Resident
5. Definition of Paid Practitioner – Resident
6. Annual Meeting Frequency
7. Paid Practitioner Compensation
8. Maximum Annual Amount for Paid Practitioner
9. Termination Authority
10. Code of Ethics
11. Number of Planning Commission Seats.

City Council reviewed the options and provided direction which items to be included in the reconstitution.

It was moved by Weinberg; seconded by Reynolds to:

Table Agenda Bill 6441 until such time as the authors can provide a clear definition of the problem they are trying to solve and sufficient evidence for how the solution they ultimately propose will solve it.

FAILED: 2-5

FOR: 2 (Reynolds and Weinberg)

AGAINST: 5 (Andrel, Jacobson, Nice, Rosenbaum, and Weiker)

City Council was in recess from 6:55 pm to 7:10 pm.

It was moved by Rosenbaum; seconded by Anderl to:

Reconstitute the Planning Commission as follows:

1. **Effective Date:** January 15, 2025
2. **Member Composition:** 2/2/1 Paid Practitioner – Non-Resident / Lay Person – Resident / Paid Practitioner – Resident; Any vacancy may be filled by a resident lay person if unable to find a qualified paid practitioner.
3. **Paid Practitioner – Non-Resident Definition:**
An individual not affiliated with Mercer Island entities or interests with a minimum of five years of ~~paid professional~~ experience in land use planning as well as five years of such experience in the State of Washington. Examples of qualifying positions for ~~paid professional~~ experience include land use / municipal attorney, hearing examiner, ~~or~~ urban planner, or architect, engineer, or builder with land use experience. Demonstrated experience in public service, working with the Growth Management Act (GMA), Shoreline Management Act (SMA), and State Environmental Policy Act (SEPA) as well as the drafting of land use policies and codes preferred. This position will be compensated.
4. **Lay Person – Resident Definition:**
An individual with general interest in land use planning, environmental affairs, and/or economic development. Demonstrated experience in public service and land use planning preferred. Proof of Mercer Island residency required. This position will not be compensated.

5. Paid Practitioner – Resident Definition:

An individual with a minimum of ~~five~~three years of ~~paid professional~~ experience in land use planning as well as ~~five~~three years of such experience in the State of Washington. Examples of qualifying positions for ~~paid professional~~ experience include land use / municipal attorney, hearing examiner, or urban planner, or architect, engineer, or builder with land use experience. Demonstrated experience in public service, working with the Growth Management Act (GMA), Shoreline Management Act (SMA), and State Environmental Policy Act (SEPA) as well as the drafting of land use policies and codes preferred. Proof of Mercer Island residency required. This position will be compensated.

6. Annual Meeting Frequency: 21 (11 Regular Meetings + Up To 10 Special Meetings).

7. Paid Practitioner Compensation: Flat Rate Per Meeting Completed

8. Paid Practitioner Annual Compensation Maximum Amount: Not to Exceed \$10,500 per paid practitioner (\$500 per meeting)

9. Paid Practitioner Poor Performance – Termination Authority: Only the City Council can terminate.

10. Ethics Code: Applies to all Planning Commission members.

11. Planning Commission Seats: Permanently reduce the Planning Commission to 5 seats on June 1, 2024.

It was moved by Reynolds; seconded by Rosenbaum to:

Amend Item #2 to insert the word “resident” before the second occurrence of “lay person.”

PASSED: 7-0

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

It was moved by Weinberg; seconded by Reynolds to:

Amend Item #2 to add “two resident paid practitioners apply, the Council should give preference to appointing resident paid practitioner applicants for any open non-resident practitioner positions.”

FAILED: 2-5

FOR: 2 (Reynolds and Weinberg)

AGAINST: 5 (Anderl, Jacobson, Nice, Rosembaum, and Weiker)

It was moved by Weinberg; seconded by Reynolds to:

Amend Item #11 to change the date to January 15, 2025.

FAILED: 3-4

FOR: 3 (Reynolds, Rosenbaum, and Weinberg)

AGAINST: 4 (Anderl, Jacobson, Nice, and Weiker)

MAIN MOTION:

PASSED AS AMENDED: 5-2

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

AGAINST: 2 (Reynolds and Weinberg)

OTHER BUSINESS

Planning Schedule

City Manager Jessi Bon spoke about the April 16 meeting.

Councilmember Absences and Reports

Councilmember Reynolds may be absent on April 16.

Deputy Mayor Rosenbaum thanked the Public Works crew who replaced the street sign that was knocked down in his neighborhood. He also noted that there is a SCA PIC meeting next week.

Mayor Nice noted that there was a GMPC meeting last week.

Councilmembers Reynolds, Anderl, and Jacobson spoke about the Parks & Recreation Commission and Open Space Conservancy Trust’s work on the Parks Zone.

City Council was in recess from 7:40 pm – 7:50 pm.

EXECUTIVE SESSION

At 7:50 pm, Mayor Nice convened an Executive Session in Room 103 at the Mercer Island Community & Event Center, 8236 SE 24th Street, Mercer Island, WA and via Microsoft Teams. The Executive Session was to discuss with legal counsel 1) litigation or potential litigation pursuant to RCW 42.30.110(1)(i); and 2) to consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price pursuant to RCW 42.30.110(1)(b).

Mayor Salim Nice, Deputy Mayor Rosenbaum, and Councilmembers Lisa Anderl, Jake Jacobson Craig Reynolds, Wendy Weiker, and Ted Weinberg participated in person in Room 103.

Mayor Nice adjourned the Executive Session at 8:57 pm.

ADJOURNMENT

The Regular Hybrid Council Meeting adjourned at 8:57 pm.

Attest:

Salim Nice, Mayor

Andrea Larson, City Clerk