



CITY COUNCIL MINUTES REGULAR VIDEO MEETING April 6, 2021

CALL TO ORDER & ROLL CALL

Mayor Wong called the meeting to order at 5:00 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.

Chief of Administration Ali Spietz (Acting 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

Deputy Mayor Weiker delivered the Pledge of Allegiance.

AGENDA APPROVAL

It was moved by Nice; seconded by Rosenbaum to:

Approve the agenda.

Passed 7-0

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

STUDY SESSION

AB 5841: Town Center Moratorium - Commercial Feasibility Analysis Presentation

Jeff Thomas, Interim CPD Director, reported that in June 2020, the City Council enacted a moratorium on major new construction generally in the southeast quadrant of the Town Center zoning designation while the City evaluated potential updates and/or amendments to development regulations within the Town Center, including requirements for various types of commercial space. Subsequently, the City contracted with the firm Community Attributes, Inc (CAI). Elliot Weiss, Project Manager, for CAI was assigned to analyze the demand for additional ground floor commercial uses and the feasibility of requiring such uses in new buildings.

Weiss' presentation summarized an analysis of development feasibility across various development prototypes that would be consistent with the mandated commercial uses requirement being considered. Data presented in the draft report demonstrated a stepped increase in Town Center multi-family residential units since the mid-2000s but an 11.1% decrease of Town Center retail space since 2010.

City Council asked questions related to inputs including future population growth, per capita spending, and capitalization rates. They also asked whether the inputs could or should be modified to better reflect conditions on Mercer Island. Staff agreed to explore Council's questions at the April 20 Regular Meeting prior to completion of additional analysis.

CITY MANAGER REPORT

Chief of Administration Ali Spietz reported on the following items:

- COVID-19 Update:
 - Round Four – Working Washington Business Grants
 - Vaccine Eligibility

- Prospective Council Candidate Workshop – April 15
- City Service Updates:
 - Sign Up for Summer Camp – Registration Open
 - Meds Take Back Event – April 24
 - Mercerdale Playground Replacement Project – April 14 Public Meeting
 - Annual Transportation Improvement Program Kickoff
 - King County Sewer Upgrade Project
 - Accepting Applications for Investigative Review Board
 - Thrift Shop
- MIYFS Foundation Rise Up Fundraiser - \$535,000

APPEARANCES

There were no public appearances.

CONSENT CALENDAR

Approve Accounts Payable Reports for the periods ending:

- A) March 12, 2021 in the amount of \$707,427.42
- B) March 19, 2021 in the amount of \$359,549.07
- C) March 26, 2021 in the amount of \$266,833.50

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

Certification of Payroll dated March 26, 2021 in the amount of \$753,451.64

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

Approve the Minutes of the following meetings:

- A) February 23, 2021 Special Video Meeting
- B) March 16, 2021 Regular Video Meeting
- C) March 30, 2021 Special Video Meeting

Recommended Action: Approve the minutes as written.

AB 5834: Hopelink Day, Proclamation No. 264

Recommended Action: Mayor proclaims April 21, 2021 as Hopelink Day in the City of Mercer Island.

AB 5835: Sexual Assault Awareness Month, Proclamation No. 265

Recommended Action: Mayor proclaims April 2021 as Sexual Assault Awareness Month in the City of Mercer Island.

AB 5836: Autism Awareness Proclamation No. 266

Recommended Action: Mayor Wong proclaims April 2021 Autism Awareness Month in Mercer Island.

AB 5846: Appropriate Funding to Restart the Thrift Shop

Recommended Action: Appropriate the \$100,000 reserve to restart Thrift Shop operations and authorize the City Manager to commence planning for operations to resume and to prepare a long-term operations strategy.

Councilmember Jacobson requested that Agenda Bill 5826, 2021 Water System Improvements Project – Bid Award, be pulled off Consent.

It was moved by Reynolds; seconded by Nice to:

Approve the Consent Calendar and the recommendations contained therein as amended.

PASSED: 7-0

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

REGULAR BUSINESS

AB 5826: 2021 Water System Improvements Project – Bid Award

Councilmember Jacobson explained that he supported the bid award but had a few clarifying questions, to which Jason Kintner, Chief of Operations & Public Works Director responded.

It was moved by Jacobson; seconded by Weiker to:

Authorize a \$441,960 appropriation from the Water Fund balance to accommodate the additional costs resulting from the expanded scope of work in the 2021 Water System Improvement Project.

PASSED: 7-0

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

It was moved by Jacobson; seconded by Rosenbaum to:

Award the 2021 Water System Improvements project to Pacific Civil & Infrastructure (PCI) in the amount of \$1,082,268, set the total project budget at \$1,638,960, and authorize the City Manager to execute the construction contract.

PASSED: 7-0

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

AB 5839: Public Hearing on Emergency Ordinance No. 21C-03 establishing interim development regulations to allow more outdoor seating for eating and drinking establishments.

Mayor Wong opened the Public Hearing at 6:33 PM. There being no one registered to speak, the public hearing was closed at 6:34 PM.

Sarah Bluvus, Economic Development Coordinator, briefly explained that Ordinance No. 21C-03 reinstated interim development regulations that allow local eating and drinking establishments to use Right-of-Way and private parking to expand outdoor seating. She further noted that the ordinance assists businesses impacted by the COVID-19 Pandemic emergency in operating under the Healthy Washington Roadmap to Recovery phased guidelines for reopening.

Bluvus also reported that the City applied for additional 2021 Port of Seattle funding to provide technical and marketing support to the Town Center and South End businesses exploring outdoor options. Staff will return to Council to discuss the project scope and accept the grant award later this quarter.

AB 5840: Comprehensive Plan Land Use Plan Map Amendment

Jeff Thomas, Interim CPD Director, and Alison Van Gorp, Deputy CPD Director, reviewed the Comprehensive Plan Amendment Process. They went on to explain that a staff error was made in the land use map in the 2018 Comprehensive Plan update, wherein the south-end shopping center was incorrectly labeled as "Commercial Office." The proposed amendment, as recommended by the Planning Commission, re-designates the areas as "Neighborhood Business" thereby correcting the 2018 error. Van Gorp further explained that the amendment would not affect zoning or development regulations.

Staff continued, explaining that if Council moved to schedule the Land Use Plan Map amendment for a second reading, it would be placed "on hold" and included in a consolidated ordinance capturing all the Comprehensive Plan amendments recommended in 2021. Van Gorp reported that staff anticipate bringing an ordinance to the Council for consideration in the November 2021 timeframe.

It was moved by Jacobson; seconded by Reynolds to:

Include the recommended amendment in a consolidated ordinance amending the Comprehensive Plan and schedule a second reading in Q4 2021.

PASSED: 7-0

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

AB 5827: Revisions to City's Code of Ethics for Officials.

Chief of Administration Ali Spietz explained that in January 2021, the City Council requested an opportunity to discuss additional revisions to the Code of Ethics, and in response, Matthew Segal and Sarah Washburn of

Pacifica Law Group were hired to assist. She went on to explain that the purpose of the discussion was for the City Council to receive a progress update on Pacifica Law Group's work performed to draft a revised Code of Ethics for the City Council's consideration.

Segal and Washburn explained that Pacifica reviewed the current and prior versions of the Code of Ethics as well as relevant background information and documents, including examples of recent complaints filed under the Code. They went on to explain that they were analyzing and comparing relevant state law and other Washington jurisdictions' approaches to ethics codes, noting that the results of that analysis and Councilmembers' input would guide the completion of Pacifica's review and its recommendations regarding the Code of Ethics.

Areas for further consideration were identified as follows:

- Scope of conflicts & other substantive provisions
- Ethics statement and "intent" section of Code
- Confidentiality
- Disposition procedure
- Informal city attorney opinions
- Fees/costs recovery

OTHER BUSINESS

Councilmember Absences

There were no absences reported.

Planning Schedule

Chief of Administration Spietz reported the Planning Schedule is very busy this time of year and that the April 20 and May 4 Council meetings were full. Council Leadership and staff are working closely to set the agendas.

Councilmember Reports

Councilmember Jacobson:

Joint City Council / Parks & Recreation Commission meeting is set for April 20

Mayor Wong:

Attended the first workshop for elected official on March 31 and discussed the proposed clean water plan

ADJOURNMENT

The regular Council Meeting adjourned at 8:48 pm.

Benson Wong, Mayor

Attest:

Deborah A. Estrada, City Clerk