



CITY COUNCIL MINUTES REGULAR HYBRID MEETING DECEMBER 5, 2023

CALL TO ORDER & ROLL CALL

Mayor Salim Nice called the Regular Hybrid Meeting to order at 5:02 pm from a remote location.

Mayor Salim Nice, Deputy Mayor Rosenbaum, and Councilmembers Lisa Anderl, Jake Jacobson, Craig Reynolds, Wendy Weiker, and Ted Weinberg participated remotely using Zoom.

PLEDGE OF ALLEGIANCE

The City Council delivered the Pledge of Allegiance.

AGENDA APPROVAL

It was moved by Weinberg; seconded by Jacobson to:

Approve the agenda as presented.

PASSED: 7-0

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

SPECIAL BUSINESS

Fire Promotions Recognition

Eastside Fire and Rescue Chief Ben Lane and Deputy Chief Doug McDonald recognized the newly promoted Fire personnel.

2022 Community Member of the Year

Mayor Nice presented Lola Deane with the 2022 Community Member of the Year award. He read Proclamation No. 321 and thanked Lola for her many years of service to Mercer Island and the organizations she helped start.

City Council thanked Lola for her service to the Mercer Island community.

Statement on Recent Antisemitism

Deputy Mayor Rosenbaum read a statement on recent antisemitism into the record. Mayor Nice thanked the Deputy Mayor and moved this item to the first item of Regular Business for the Council to approve for public communications.

CITY MANAGER REPORT

City Manager Jessi Bon reported on the following items:

- **Accessing City Services:** Reminder how to access City Services through the Customer Service Team.
- **Council, Boards & Commission Meetings:** Next City Council meeting is January 2, 2024. Planning Commission is meeting on December 6.
- **Update on City Hall Closure:** Slater Room at the Community Center will be ready to host in-person City Council meetings beginning on January 2. Work continues on the facilities conditions assessments and long-range facility planning.

- **City Services Updates:** MIPD conducting emphasis patrols and will be attending various holiday season events scheduled throughout the island, Water Utility Team has handled four water main breaks in the last week and had staff on island all weekend during the storm to expedite responses to any additional water main breaks, Geotechnical work in Luther Burbank Park will be occurring this week and into mid-December, work is progressing on the Sewer Basin 40 project.
- **Upcoming Events:** Illuminate MI and Toy Drive.
- **News:** YFS has helped numerous families throughout this holiday season; the Fire House Munch and Tree lighting were well attended!

APPEARANCES

The following individuals spoke in support of the Mercer Island Country Club Docket item:

- Dan Nordale
- Jacquie Hartmann
- Jayne Tintle
- Audry Tintle

Carolyn Boatsman, Mercer Island, spoke against proposed Docket Item No. 16.

Dan Thompson, Mercer Island, spoke regarding Docket Items Nos. 1-5.

CONSENT AGENDA

AB 6374: November 17, 2023 Payroll Certification

Recommended Action: Approve the November 17, 2023 Payroll Certification in the amount of \$996,791.39 and authorize the Mayor to sign the certification on behalf of the entire City Council.

Certification of Claims:

A. Check Register | 217738-217880 | 11/17/2023 | \$2,039,506.23

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 November 21, 2023 Regular Hybrid Meeting

Recommended Action: Approve the City Council Meeting minutes of the November 21, 2023 Regular Hybrid Meeting.

AB 6381: Island Private Meadows Long Plat - Final Plat Approval (SUB17-005)

Recommended Action: Approve Resolution No. 1654 authorizing the Mayor to sign the final plat for the Island Private Meadows Long Plat.

AB 6384: 2024 Fee Schedule Adoption

Recommended Action: Approve Resolution No. 1656 adopting the 2024 Fee Schedule.

AB 6390: 2022 Community Member of the Year, Proclamation No. 321

Recommended Action: Approve Proclamation No. 321 proclaiming Lola Deane as the 2022 Community Member of the Year.

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

Statement on Recent Antisemitism

Mayor Nice asked for a motion to approve the statement for use in public communication.

It was moved by Weinberg; seconded by Anderl to:

Approve the statement on recent antisemitism as presented by the Deputy Mayor.

PASSED: 7-0

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

AB 6383: 2023-2024 Mid-Biennial Budget Amendments

Finance Director Matt Mornick presented the mid-biennial budget amendments from the November 21 meeting for adoption..

It was moved by Rosenbaum; seconded by Jacobson to:

Adopt Ordinance No. 23-20, amending the 2023-2024 Biennial Budget.

PASSED: 7-0

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

AB 6389: Review Proposed Amendment No. 18 – Land Use Map Amendment and Rezone of the Stroum Jewish Community Center (SJCC) Property for 2024 Docket (Including Public Comment Period on Proposed Amendment No. 18).

Mayor Nice presented an overview of the quasi-judicial process for the review of Proposed Amendment No. 18 for the 2024 Comprehensive Plan and Development Code Amendment Docket.

Appearance of Fairness Questions

Outside Legal Counsel Kim Adams Pratt from Madrona Law asked the following Appearances of Fairness questions of all Councilmembers:

1. Do you have any interest in the property or the application, or own property within 300 feet of the property subject to the proposal?
2. Does your employer have an interest, financial or otherwise, in the outcome of this proceeding?
3. Is there any prospective employment for you or a member of your family as a result of the outcome of this proceeding?
4. Do you have any familial, social, or business relationships or connections with any of the parties or non-parties who have an interest in the outcome of this proceeding?
5. Do you stand to gain or lose any financial benefit as a result of the outcome of this proceeding?
6. Prior to tonight's meeting, have you disclosed in writing any appearance of conflict under the Mercer Island Ethics Code?
7. Have you engaged in any ex-parte communications with either proponents or opponents of the proposal?
 - a. If yes, please disclose the contents of those communications.
 - b. If yes, are you confident that in spite of the communication, that you can impartially render a decision?
8. Can you hear and consider the proposal in a fair and objective manner?

Councilmember Disclosure Statements

- Jacobson disclosed he
 - has social relationships or connections with the parties or non-parties who have an interest in the outcome of this proceeding but that he has not discussed the substance of the proposed amendment.
 - received emails regarding the proposed amendment, that he did not read the substance of the emails, and that despite receiving the emails he can still impartially render a decision.
- Reynolds disclosed he
 - has social relationships or connections with the parties or non-parties who have an interest in the outcome of this proceeding.

- provided written disclosure of appearance of conflict to the City Clerk prior to the meeting pursuant to the Mercer Island Code of Ethics.
- received emails regarding the proposed amendment, that he did not read the substance of the emails, and that despite receiving the emails he can still impartially render a decision.
- Weiker disclosed she
 - has social relationships or connections with the parties or non-parties who have an interest in the outcome of this proceeding.
 - received emails regarding the proposed amendment, that she did not read the substance of the emails, and that despite receiving the emails she can still impartially render a decision.
- Weinberg disclosed he
 - was previously as a member of the Planning Commission in 2018 and 2019 met with parties who have an interest in the outcome of this proceeding, but that he has not discussed the current proposal with them.
 - reviewed the entire record once it became part of the official record, and that he can impartially render a decision.
- Nice disclosed he
 - has social relationships or connections with the parties or non-parties who have an interest in the outcome of this proceeding.
 - provided written disclosure of appearance of conflict to the City Clerk prior to the meeting pursuant to the Mercer Island Code of Ethics.
 - received emails regarding the proposed amendment, that he did not read the substance of the emails, and that despite receiving the emails he can still impartially render a decision.
- Rosenbaum disclosed he
 - has social relationships or connections with the parties or non-parties who have an interest in the outcome of this proceeding.
 - provided written disclosure of appearance of conflict to the City Clerk prior to the meeting pursuant to the Mercer Island Code of Ethics.
 - received emails regarding the proposed amendment, that he did not read the substance of the emails, and that despite receiving the emails he can still impartially render a decision.
- Anderl disclosed she
 - has social relationships or connections with the parties or non-parties who have an interest in the outcome of this proceeding.
 - received emails regarding the proposed amendment, that she did not read the substance of the emails, and that despite receiving the emails she can still impartially render a decision.

Opportunity for Challenges

There were no challenges raised.

Public Comment

The following individuals spoke in support of Proposed Amendment No. 18:

Elaine Kraft	Adam Atkins	Harriet Mendels	Aaron Goldfeder
Ed Weinstein	Sam Blum	Lisa Fain	Abe Wilner Martin
Denise Joffee	Jon Newman	Doug Rosen	Scott Porad
Hart Cole	Paul Burstein	Alex Gamoran	
Liz Friedman	Paul Manner	Amy Lavin	

The following individuals spoke against Proposed Amendment No. 18:

John Hall
Anastasia Mironova
Pavel Sterba
Dan Thompson

Presentation for Proposal Proponents

Jessica Clawson spoke to Proposed Amendment No.18 on behalf of the Stroum Jewish Community Center.

Presentation from City

CPD Deputy Director Alison Van Gorp presented the docketing criteria and process for docket requests, discussed criteria as outlined in the Mercer Island City Code that are used to review docket proposals, and presented the Planning Commission recommendation.

Rebuttal

Jessica Clawson provided rebuttal in support of Proposed Amendment No. 18.

The City had no rebuttal.

City Council Deliberations

City Council discussed Proposed Amendment No. 18 and asked questions of staff.

It was moved by Weiker; seconded by Weinberg to:

Adopt the PC findings, conclusions, and recommendation and a recommendation to place Proposed Amendment No. 18 on the 2024 final docket, as amended.

It was moved by Nice; seconded by Weiker to:

Amend the motion under paragraph H of section 19.15.230 of the MICC with the specific addition of the properties generally referred to as the Mercer Island Country Club and affirm that the criteria for expanding the geographic scope of a land use map amendment as outlined in paragraph H have been met.

City Council discussed the proposed amendment to the main motion.

City Council was in recess from 8:44 pm – 8:55 pm.

It was moved by Rosenbaum; seconded by Weiker to:

Enter into Executive Session to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(I) for 15 minutes until 9:15pm.

PASSED: 7-0

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

EXECUTIVE SESSION

At 9:00 pm, Mayor Nice convened an Executive Session via Microsoft Teams. The Executive Session was to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i).

Mayor Salim Nice, Deputy Mayor Rosenbaum and Councilmembers Lisa Anderl, Jake Jacobson, Craig Reynolds, Wendy Weiker, and Ted Weinberg participated via Microsoft Teams.

Mayor Nice adjourned the Executive Session and reconvened the meeting at 9:15 pm.

City Council Deliberations Continued

Councilmember Weinberg recused himself from the discussion as he is a member of the Mercer Island County Club. Councilmember Weinberg left the meeting at 9:17 pm.

City Council continued the discussion on the amendment to the main motion.

MOTION TO AMEND THE MAIN MOTION PASSED: 5-1
FOR: 5 (Anderl, Jacobson, Nice, Rosenbaum, and Weiker)
AGAINST: 1 (Reynolds)
RECUSED: 1 (Weinberg)

City Manager Bon requested a recess for staff to prepare an amended resolution.

City Council was in recess from 9:26 pm – 9:42 pm.

City Manager Bon discussed the process on the main motion and proceeding vote on Resolution No. 1657.

MAIN MOTION AS AMENDED PASSED: 4-0-2
FOR: 4 (Nice, Reynolds, Rosenbaum, and Weiker)

ABSTAIN: 2 (Anderl, Jacobson)
RECUSED: 1 (Weinberg)

Final text of main motion as amended:

“Adopt the PC findings, conclusions, and recommendation and a recommendation to place Proposed Amendment No. 18 on the 2024 final docket including an amendment to paragraph H of section 19.15.230 of the MICC with the specific addition of the properties generally referred to as the Mercer Island Country Club and affirm that the criteria for expanding the geographic scope of a land use map amendment as outlined in paragraph H have been met.”

City Clerk Andrea Larson read Resolution No. 1657 into the record.

It was moved by Reynolds; seconded by Nice to:

Adopt Resolution No. 1657 as presented.

PASSED: 4-0-2

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

ABSTAIN: 2 (Anderl, Jacobson)

RECUSED: 1 (Weinberg)

Councilmember Weinberg rejoined the meeting at 9:52 pm.

AB 6382: 2024 Comprehensive Plan and Development Code Amendment Docket

CPD Director Jeff Thomas spoke about the process for the 2024 docket and CPD Deputy Director Alison Van Gorp presented the process for Comprehensive Plan and Development Code amendment docket, discussed the docketing review criteria, reviewed the current items on the work plan, and spoke about the proposed amendments that were received for the 2024 docket.

Planning Commission Chair Mike Murphy spoke about the Planning Commission’s recommendation and answered questions from the City Council.

City Council discussed the proposed docket amendments.

It was moved by Reynolds; seconded by Weinberg to:

Accept the Planning Commission recommendation minus Proposed Amendment No. 16.

FAILED: 3-4

FOR: 3 (Reynolds, Rosenbaum, and Weinberg)

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

City Council reviewed the proposed docket proposals and gave a thumbs up on the items to include on the 2024 docket.

City Council was in recess from 10:45 pm – 10:50 pm.

It was moved by Weinberg; seconded by Reynolds to:

Enter into 10-minute Executive Session to discuss with legal counsel legal risk to the City.

FAILED: 3-4

FOR: 3 (Reynolds, Rosenbaum, and Weinberg)

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

It was moved by Reynolds; seconded by Jacobson to:

Approve Resolution No. 1655 to include items Nos. 7, 8, 9, 10, 14, and 15 setting the docket of Comprehensive Plan and Development Code amendments for 2024.

PASSED: 6-0-1

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

ABSTAIN: 1 (Weinberg)

OTHER BUSINESS

Planning Schedule

City Manager Jessi Bon spoke about the January 2, 2024 meeting.

It was moved by Jacobson; seconded by Anderl to:

Cancel the December 19 City Council Regular Hybrid Meeting

PASSED: 7-0

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

Councilmember Absences and Reports

Councilmember Weiker will be absent for the February 6, 2024 City Council Meeting.

Councilmember Weiker noted that there is a SCA meeting in Renton on December 6

Councilmember Weinberg noted he is attending the SCA meeting on December 6.

ADJOURNMENT

The Regular Hybrid Council Meeting adjourned at 10:58 pm.

Attest:

Salim Nice, Mayor

Andrea Larson, City Clerk