



# CITY COUNCIL MINUTES REGULAR HYBRID MEETING NOVEMBER 15, 2022

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## CALL TO ORDER & ROLL CALL

Mayor Salim Nice called the regular meeting to order at 5:00 pm in the Council Chambers at City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Salim Nice, Deputy Mayor David Rosenbaum and Councilmembers Lisa Anderl, Jake Jacobson, Craig Reynolds, and Ted Weinberg participated in person in Council Chambers.

Councilmember Wendy Weiker joined via Zoom.

## PLEDGE OF ALLEGIANCE

The City Council delivered the Pledge of Allegiance.

## AGENDA APPROVAL

It was moved by Jacobson; seconded by Reynolds to:

**Approve the agenda.**

PASSED: 7-0

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

## STUDY SESSION

### **AB 6180: Climate Action Plan: Survey Results and Update**

City Manager Jessi Bon introduced the Climate Action Plan presentation and reviewed the goals for the evening. Sustainability Analyst Ross Freeman presented an overview of the Climate Action Plan (CAP) outreach. Sustainability Analyst Freeman spoke about the timeline of the CAP survey, the method of distribution and format of participation for the survey, and the survey response statistics.

Addie Bash, Cascadia Consulting Group, presented the survey results. She spoke about the trends across the survey groups (statical and general public), the most and least supported strategies, demographic findings, and the key priorities as ranked by respondents to the survey. Ms. Bash spoke about the next steps for the CAP going into 2023.

City Council discussed the results and provided feedback to staff.

## CITY MANAGER REPORT

City Manager Bon reported on the following items:

- **Council, Boards & Commission Meetings Update:**
  - Special Hybrid City Council Meeting on November 29
  - Regular Hybrid City Council Meeting on December 6
  - Parks & Recreation Commission Hybrid Meeting on December 1
  - Design Commission Hybrid Meeting on December 7
  - Planning Commission Hybrid Meeting on December 14
  - Planning Commission went hybrid in Council Chambers on November 9.
- **City Services Updates:**
  - Update on the Parks Levy Renewal

- Bike Skills Area – November 17
- Climate Action Plan Workshop – November 29
- Prioritizing Safety at City Intersections
- Coffee with a Cop
- Decking the Thrift Shop Halls
- Chief Clark Retirement/Welcome EF&R Fire Chief Ben Lane
- City Facilities Closed for Thanksgiving
- **Upcoming Events:**
  - Illuminate MI & Firehouse Munch – December 2
- **News:**
  - Mercer Island awarded a \$3.28 million low-interest loan for the booster chlorination system project.
  - Drug Take Back Event – October 29
  - Recycling Event – October 29
  - Officer Anna Ormsby outstanding service

## APPEARANCES

Alex Tsimerman, Mercer Island, spoke to the Council about public comment opportunities and fascism.

Tom Alberts, Mercer Island, addressed the City Council about his neighborhood's frustration with the new Sound-Transit constructed roundabout and the lack of noise and sound barriers between the neighborhood and the roundabout.

## CONSENT AGENDA

### AB 6181: November 4, 2022 Payroll Certification

**Recommended Action:** Approve the November 4, 2022 Payroll Certification (Exhibit 1) in the amount of \$945,067.49 and authorize the Mayor to sign the certification on behalf of the entire City Council.

#### Certification of Claims:

**A. Check Register | 213646-213694 | 10/27/2022 | \$401,815.81**

**B. Check Register | 213695-213748 | 11/04/2022 | \$314,784.50**

**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 1, 2022, Regular Hybrid Meeting**

**November 1, 2022, Special Hybrid Meeting (Executive Session).**

**Recommended Action:** Approve the minutes of the November 1, 2022 Regular Hybrid Meeting and of the November 1, 2022, Special Hybrid Meeting (Executive Session).

### AB 6182: Accept Easements for Stormwater Capital Projects

**Recommended Action:** Authorize the City Manager to accept drainage easements as generally depicted and substantially in the form as drafted in Exhibits 2, 3, and 4, for watercourse improvement projects SW0104 and SW0106, and culvert replacement project SW0120.

### AB 6183: Reservoir Standby Generator Replacement Project Bid Award

#### Recommended Action:

1. Authorize a \$1,245,279 appropriation from the Water Fund balance to accommodate the additional costs resulting from the expanded scope of work in the Reservoir Standby Generator Replacement

- Project.
- Award the Reservoir Standby Generator Replacement project to McClure and Sons, Inc. in the amount of \$1,138,555.11, set the total project budget at \$1,605,279, and authorize the City Manager to execute the construction contract.

It was moved by Jacobson; seconded by Reynolds to:

**Approve the Consent Agenda and the recommended actions contained therein.**

PASSED: 7-0

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

## REGULAR BUSINESS

### **AB 6184: Public Hearing: Adoption of NORCOM and Utility Rate Resolutions; First Reading of the 2023 Property Tax Ordinances; and Second Public Hearing for the 2023-2024 Biennial Budget.**

Mayor Nice opened the Public Hearing at 6:16 pm. There being no public comment Mayor Nice closed the Public Hearing at 6:16 pm.

### **AB 6187: Public Hearing on Ordinance No. 22C-18, Extending Interim Development Regulations to Allow Outdoor Dining Expansion by Eating and Drinking Establishments.**

Mayor Nice opened the Public Hearing at 6:17 pm. There being no public comment Mayor Nice closed the Public Hearing at 6:17 pm.

Interim CPD Director Jeff Thomas provided a brief presentation on Ordinance No. 22C-18, extending interim development regulations to allow outdoor dining expansion by eating and drinking establishments through July 1, 2023.

It was moved by Anderl; seconded by Jacobson to:

**Set Ordinance No. 22C-18 for a second reading and adoption on December 6, 2022**

PASSED: 7-0

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

### **AB 6195: Sound Cities Association Annual Meeting Voting Delegate**

Mayor Nice explained that Council needed to select a member to attend the SCA Annual meeting on November 30 as the voting delegate for Mercer Island.

It was moved by Reynolds; seconded by Rosenbaum to:

**Appoint Councilmember Jacobson as the voting delegate at the SCA Annual Meeting on November 30, 2022.**

PASSED: 7-0

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

### **AB 6185: Financial Status Update for the Third Quarter of 2022 and Budget Amending Ordinance**

Finance Director Matt Mornick presented the third quarter 2022 Financial Status update. He reviewed the 2023-2024 biennial budget schedule and remaining meetings. Finance Director Mornick spoke about General Fund Revenues and Expenditures in Q3 2022, and a financial summary showing the General Fund is on track to end fiscal year 2022 within budget.

It was moved by Reynolds; seconded by Anderl to:

**Adopt Ordinance No. 22-19 amending the 2021-2022 biennial budget.**

PASSED: 7-0

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

### **AB 6184: Adoption of NORCOM and Utility Rate Resolutions; First Reading of the 2023 Property Tax Ordinances; and Second Public Hearing for the 2023-2024 Biennial Budget.**

Finance Director Matt Mornick presented Ordinance Nos. 22-20 and 22-21 for first reading, which set the property tax rate and amount that is levied for 2023. He discussed the portion of General Fund Revenues that are from property tax and presented the preliminary budget assumptions. Finance Director Mornick gave a brief overview of Proposition No. 1. He presented the election results from the November 8 General Election as of November 14 showing Proposition No. 1 passing with over a 64% approval rating and presented the updated budget assumptions following the November 8 General Election.

Finance Director Mornick presented the proposed 2023 Utility Rate adjustments, the process that the Utility Board went through to determine the rates, the rate study that was conducted for Water, Sewer, and Stormwater rates this fall, and the key factors included in establishing the rate adjustment for 2023. He spoke about the Utility Board recommendation.

Utility Board Chair Tim O'Connell spoke about the Utility Board process and recommendation.

Finance Director Mornick presented the 2023 NORCOM Budget. City Council discussed the budget.

It was moved by Reynolds; seconded by Weinberg to:

**Set Ordinance No. 22-20 for a second reading and adoption on November 29, 2022.**

PASSED: 7-0

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

It was moved by Weinberg; seconded by Jacobson to:

**Set Ordinance No. 22-21 for a second reading and adoption on November 29, 2022.**

PASSED: 7-0

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

It was moved by Anderl; seconded by Reynolds to:

**Adopt the following utility rate resolutions:**

- a. **Adopt Resolution No. 1637, establishing classifications of water users and a schedule of charges for water usage, a schedule of rates for fire service, a schedule of special service charges, meter and service installation charges, and connection charges effective January 1, 2023 and thereafter.**
- b. **Adopt Resolution No. 1638, establishing rates and connection charges for sewage disposal services provided by the City of Mercer Island effective January 1, 2023 and thereafter.**
- c. **Adopt Resolution No. 1639, establishing the bi-monthly service charge for storm and surface water services provided by the City of Mercer Island effective January 1, 2023 and thereafter.**
- d. **Adopt Resolution No. 1640, establishing the bi-monthly utility fee for the emergency medical and ambulance services supplied by the City of Mercer Island effective January 1, 2023 and thereafter.**

PASSED: 7-0

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

It was moved by Weinberg; seconded by Jacobson to:

**Adopt Resolution No. 1636, approving NORCOM's 2023 budget allocation to the City of Mercer Island**

PASSED: 7-0

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

### **AB 6179: 2023 Fee Schedule Adoption**

City Manager Jessi Bon presented the 2023 Fee Schedule. She presented how historically City Rate fees have been presented and how the 2023 Fee Schedule will centralize the City's various fees into on document that will be updated annually. City Manager Bon spoke about the different ways that fees are set and established within the City, spoke about the new fee for GIS services for maps and custom GIS dataset inquires, and new construction and development permit fees, and the process for future yearly updates to the Fee Schedule.

City Council received the presentation and asked questions.

It was moved by Jacobson; seconded by Rosenbaum to:

**Adopt Resolution No. 1653 adopting the 2023 Fee Schedule**

PASSED: 7-0

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

### **AB 6186: Affordable Housing Unit Allocation Comment Letter**

Interim CPD Director Jeff Thomas presented the Housing Unit Allocation Comment Letter to the Growth Management Planning Council (GMPC). City Council discussed the letter to GMPC.

It was moved by Rosenbaum; seconded by Anderl to:

**Authorize the Mayor to sign a comment letter to the King County Growth Management Planning Council (GMPC) as amended.**

It was moved by Reynolds; seconded by Jacobson to:

**Amend the letter to 1) deemphasize the policy laboratory comment and instead emphasize the unfunded mandate 2) remove the reference to multifamily tax exemption, and 3) emphasize the substantial cost associated with option 1, just as there is with option 3.**

PASSED: 7-0

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

PASSED: 7-0

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

### **AB 6188: Compost Procurement Ordinance**

Sustainability Analyst Ross Freeman presented Ordinance No. 22C-22 which amends Chapter 4.04 of the Mercer Island City Code to add a new section identifying how and when the City will use compost in public works projects and educate the public on these activities. He spoke about the background of the State legislation that requires Mercer Island to enact the new legislation with the intention of achieving a reduction in food and yard wastes in landfills by 2030. Sustainability Analyst Freeman spoke about the requirements in the new legislation for local governments to prioritize purchasing of compost, use of compost in public projects, public education on composting, and reporting every other year to the Department of Ecology.

It was moved by Rosenbaum; seconded by Weinberg to:

**Set Ordinance No. 22C-22 for a second reading and adoption on December 6, 2022.**

PASSED: 7-0

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

## **OTHER BUSINESS**

### **Planning Schedule**

City Manager Bon reminded Council that a special meeting was scheduled for November 29 at 4:00 pm. She summarized the December 6, 2022 Regular Meeting, explaining that the 2023-2024 Biennial Budget was scheduled for adoption. It is undecided if the December 20 Regular Meeting will be canceled.

### **Councilmember Absences and Reports**

Councilmember Reynolds will likely be late to the December 6 meeting.

Councilmember Weiker will be traveling but plans to attend the December 6 meeting.

Councilmember Jacobson attended Coffee with a Cop on November 12

Councilmember Reynolds encouraged everyone to attend Bike Skills Open House and Sustainability Forum. He also spoke about discovering a typo in King County Assessment Data.

Deputy Mayor Rosenbaum spoke about the SCA PIC Meeting and their Legislative Priorities.

## **ADJOURNMENT**

The regular Council Meeting adjourned at 7:22 pm.

## **EXECUTIVE SESSION**

At 7:33 pm, Mayor Nice convened an Executive Session in the Farside Room at City Hall, 9611 SE 36th Street, Mercer Island, WA and via Microsoft Teams. The Executive Session was to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(l).

Mayor Nice adjourned the Executive Session at 8:20 pm

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Salim Nice, Mayor

Attest:

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Deborah Estrada, Deputy City Clerk