



CITY COUNCIL MINUTES REGULAR VIDEO MEETING AUGUST 4, 2020

CALL TO ORDER & ROLL CALL

Mayor Benson Wong called the meeting to order at 5:00 pm from a remote location.

Mayor Benson 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.

The Mercer Island City Leadership Team participated from remote locations.

City Manager Jessi Bon, and City Clerk Deborah Estrada participated remotely from separate rooms at City Hall, 9611 SE 36th Street, Mercer Island, Washington.

PLEDGE OF ALLEGIANCE

Councilmember Jacobson led the Council in the Pledge of Allegiance.

AGENDA APPROVAL

It was moved by Anderl; seconded by Jacobson to:

Approve the agenda as presented.

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

CITY MANAGER REPORT

City Manager Bon reported on the following:

- Council Meeting Updates
- Board and Commission Openings
- COVID-19 Update
- City Services Updates:
 - Mercer Island Community & Event Center
 - Luther Burbank Docks Design Charrette
 - Thrift Shop Soft Opening August 16
 - Municipal Court Resuming August 24
 - Backflow Testing Update
 - Business Survey
 - New RestartMI Monthly E-Newsletter
- Parks Update & Call to Action
 - Groveland Beach Closure
 - Strained Parks Maintenance
 - Pack out garbage

APPEARANCES

Carrie Wernick-Newman, Mercer Island – Wernick-Newman thanked City Council for their June 9 proclamation for a “Renewed Commitment to Diversity, Equity, and Inclusion” in Mercer Island and encouraged City Council to continue to find ways to make Mercer Island a more diverse and inclusive environment. She advocated for a diversity, equity, and inclusion committee to oversee how race, religion, culture, and more are considered in education, planning, and other areas in the community.

Meg Lippert, Mercer Island – Lippert addressed the historical importance of the Mercer Island Recycling Center to the Mercer Island community, and on the protection of this legacy going forward. She also thanked the Council for adding video appearances to the next Council meeting.

Robin Russell, Mercer Island – Russell spoke in opposition to the expansion of the Thrift Store and the Recycling Center, noting that city revenues are down and there are too many unknowns created by COVID-19. She also expressed concern for the increased traffic in and around Mercerdale Park, noting that any work done to the Thrift Store and the Recycling Center needs to include preserving the Park.

CONSENT CALENDAR

Approve **Accounts Payable** Reports:

A) July 17, 2020 in the amount of \$111,588.35

B) July 24, 2020 in the amount of \$430,305.07

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

Approve **Certification of Payroll** dated July 31, 2020 in the amount ending \$681,410.57

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

Approve **Minutes** of the July 14, 2020 Special Video Meeting.

AB 5733: Building Access Control System Bid Award

Recommended Action: Award the Building Access Control System project to Security Solutions NW in the amount of \$150,206.00. Set the total project budget to \$199,827.00 and direct the City Manager to execute the contract.

AB 5734: Appropriation of Synthetic Turf Sinking Fund for South Mercer Turf Replacement

Recommended Action: Appropriate an amount not to exceed \$729,406 from the Synthetic Turf Sinking Fund to the Mercer Island School District for replacement of the synthetic turf at the South Mercer Playfield.

It was moved by Nice; seconded by Reynolds to:

Approve the Consent Calendar as presented.

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

REGULAR BUSINESS

AB 5720: Zayo Franchise (1st Reading)

Interim Community Planning and Development Director Patrick Yamashita introduced Daniel Kenny, Attorney with Ogden Murphy Wallace, to review the proposed Zayo Franchise Ordinance. Kenny explained that Zayo approached the City approximately on year ago requesting a franchise agreement. He further explained that it was Zayo's desire to install new wireline facilities which would initially serve existing facilities with slow connections. He emphasized that the agreement would not allow small wireless facilities, but rather wireline. Kenny continued, explaining that the initial deployment would connect eight existing locations with high speed fiber data connections and that additional deployments would be covered by the Franchise Agreement.

It was moved by Reynolds; seconded by Nice to:

Set Ordinance No. 20-16 for second reading and adoption on September 1, 2020.

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

AB 5737: Emergency Ordinance (20C-17) to Temporarily Allow Private Parking and Right-of-Way Use by

Businesses to Meet Safe Start Plan Guidelines.

Sarah Bluvas, EOC Business Liaison, explained that Phase 2 restrictions limited indoor dining to members of the same household and prohibited bar-area seating until Phase 4. In response to local business requests for additional outdoor seating that would provide ROW sidewalk or parking use as well as private sidewalk or private parking use, staff prepared Ordinance 20C-17, which would amend MICC 19.06.050 and authorize use of private parking areas for outdoor dining and waive the minimum parking regulations. Bluvas continued, explaining that the proposed ordinance would add more ways for Islanders to spend local while still adhering to Safe Start guidelines. In response to Council questions, Bluvas explained that the ordinance would remain in effect for six months following adoption or until King County moves into Safe Start Phase 4.

Council asked questions regarding the permitting process, to which Bluvas explained that the estimated review costs for a commerce on public property permit were \$347.63 and that staff recommended covering the permit fee with King County CARES Act funding. Council also asked about insurance requirements for businesses, to which staff responded and agreed to reach out to the city's insurance authority, WCIA, to determine limits and encumbrances.

It was moved by Jacobson; seconded by Rosenbaum to:

Waive second reading of Ordinance No. 20C-17 pursuant to Council Rules 6.3 and 10.1.

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

It was moved by Anderl; seconded by Jacobson to:

Adopt Ordinance No. 20C-17, as amended, providing temporary measures to allow more outdoor seating for eating and drinking establishments on City rights-of-way and on "off-street" private commercial parking areas.

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

It was moved by Nice; seconded by Anderl to:

Authorize staff to waive the permit fee and utilize King County CARES Act funding to cover the cost.

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

AB 5736: Town Center Moratorium Update and Findings of Fact

Alison Van Gorp, Deputy Community Planning & Development Director, reviewed the Findings of Fact explaining that on June 2, the City Council adopted Ordinance No. 20-12, placing a moratorium on major new construction the Town Center. The City Council subsequently held a public hearing on July 21 and directed staff to draft an ordinance amending the geographic extent of the moratorium. She went on to explain that the Consultant RFP was in development for retail analysis and that staff would return in the fall with a scope of work and a schedule and appropriation request for Council to consider. Van Gorp further noted that any amendments to the Town Center regulations or the Comprehensive Plan would require Planning Commission review, a public hearing, and adoption by the City Council.

It was moved by Jacobson; seconded by Rosenbaum to:

Set Ordinance No. 20-18 for a second reading on September 1, 2020.

A roll call vote was conducted, and the results were as follows:

Passed 7-0

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

AB 5735: Thrift Store & Recycling Center Remodel Project Update

Jason Kintner, Public Works Director, reported that at the June 16, 2020 City Council meeting, the City Council authorized staff to retain architectural services and begin the preliminary design assessment for the Thrift Store and Recycling Center to enhance and expand retail floor space at the Thrift Shop and to complete a design for the former Recycling Center to support donation processing. Eight firms responded to the Request for

Qualifications, three firms were interviewed, and Osborn Architects, Inc. (OAI) was selected. Kintner introduced Project Architect Anais Adamska and Principal Jerry Osborn as the OAI Team.

Adamska outlined the Recycling Center's and Thrift Shop's existing conditions, noting that the Thrift Shop appeared to have been expanded or modified at least three times. She further explained that the preliminary design was focused on minimizing impacts to structural walls and plumbing configurations to reduce costs. The proposed design included ADA restrooms, new office space, and improved retail floor layout.

Council asked several questions and debated options at length. City Manager Bon recommended that Council slow down the process to allow the consultants and staff to develop good analysis, to which Council agreed made sense.

AB 5738: Anti-Racism and Cultural Awareness Training and Listening Sessions Update

Chief of Administration Ali Spietz outlined the City Council's Direction and provided a training update, explaining that staff had reached out to several trainers to schedule anti-racism/implicit bias trainings for City Councilmembers and members of the City's boards and commissions. Most were fully booked for June and July; however, staff will continue to contact trainers with the goal of scheduling sessions in the fall.

Training recommendations included:

- Hold trainings virtually via the Zoom platform, due to COVID-19
- Limit the capacity for each training to create a space where people feel comfortable sharing
- Schedule 3-4 trainings with 15-20 people each, including a mix of Councilmembers and board and commission members in each training

Spietz also outlined the Listening Sessions and noted that staff will be contracting with a consultant to moderate listening sessions with the public and City Council.

Listening recommendations included:

- Schedule for 2-3 listening sessions or more if needed or desired
- Hold sessions virtually via the Zoom platform, due to COVID-19
- Require pre-registration to speak
- Set a speaking time limit
- Accept statements in advance by email
- Group speakers by topic

Spietz reported that staff recommended a goal statement for the listening sessions. A draft statement was reviewed with City Council and after some debate, the statement was revised.

It was moved by Nice; seconded by Weiker to:

Adopt goals statement language as amended.

A roll call vote was conducted, and the results were as follows:

Passed 6-0

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

Abstain: 1 (Jacobson)

OTHER BUSINESS

Planning Schedule

City Manager Bon reported on the following:

- August 18 City Council meeting is canceled
- Special City Council meeting added on October 13 for budget review
- Planning Schedule scheduled through December 31

Council expressed a desire to cancel and reschedule the November 3 Regular meeting due to the election.

Councilmember Absences

There were no absences to report.

Councilmember Reports

Mayor Wong congratulated Deputy Mayor Wendy Weiker on receiving her Certificate of Municipal Leadership through the Association of Washington Cities.

Councilmember Anderl reported that the Utility Board has not met and that the Salmon Recovery Council was meeting remotely.

Councilmember Rosenbaum reported on the Mercer Island School District and what school will look like in the fall.

Councilmember Jacobson reported that the Eastside Transportation Partnership will be meeting soon.

Councilmember Nice reported on complaints received regarding flyovers on the east channel and reminded Council that they have a voice on the Renton Airport Advisory Committee.

Mayor Wong apologized for three July 30 voice mails that were inadvertently deleted from his phone and he was subsequently unable to return those calls. On July 31, he attended a meeting regarding the East King County Foundation, which enables organizations to make donations to east King County to mitigate the impacts of COVID-19. On July 29, the KC Solid Waste Association sent a letter to SCA notifying them that they did not intend to raise rates in 2021 but may need to consider raising rates in 2022.

EXECUTIVE SESSION

Mayor Wong recessed the Regular Meeting and convened the Executive Session at 8:36 pm to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i) for approximately 60 minutes.

At 9:30 pm, Mayor Wong announced that the Executive Session would continue for an additional 15 minutes.

The Executive Session was adjourned at 9:45 pm.

ADJOURNMENT

There being no additional business to come before City Council, the Special Video Meeting adjourned at 9:45 pm.

Attest:

Benson Wong, Mayor

Deborah A. Estrada, City Clerk