



CITY COUNCIL MINUTES

REGULAR VIDEO MEETING

June 1, 2021

EXECUTIVE SESSION

Mayor Benson Wong called the Executive Session to order at 5:00 pm from a remote location to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(i) for approximately 60 minutes.

Mayor Benson Wong, Deputy Mayor Wendy Weiker and Councilmembers Lisa Anderl, Jake Jacobson, Salim Nice, Craig Reynolds, and David Rosenbaum participated remotely using the teleconferencing platform Microsoft Teams.

City Manager Jessi Bon and City Attorney Bio Park participated in the executive session from a remote location using Microsoft Teams.

At 6:00 pm, the City Clerk extended the Executive Session to 6:15 pm.

Mayor Wong adjourned the executive session at 6:14 pm

CALL TO ORDER & ROLL CALL

Mayor Wong called the meeting to order at 6:16 pm from a remote location.

Mayor Benson Wong, Deputy Mayor Wendy Weiker, and Councilmembers Lisa Anderl, Jake Jacobson (5:34 pm), Salim Nice, Craig Reynolds, and David Rosenbaum participated remotely using a video teleconferencing platform by Zoom.

Jessi Bon, 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

Councilmember Anderl 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)

CITY MANAGER REPORT

City Manager Bon reported on the following items:

- City Council and Boards & Commissions Meeting Schedule
- City Service Updates
 - Eat Out to Help Out – June 8
 - IFIT Community Representatives
 - Welcome Firefighter Campbell
 - Boat Launch Payment System
 - Median Renovation Project Update
 - Road Construction Season

- MI Youth Learn to Be Kind to Your Mind
- City Instagram

APPEARANCES

Dan Glowitz, Mercer Island, spoke in support of funding Youth and Family Services on the Island and urged the Council to support a levy.

Addie Smith, Mercer Island, explained that she and her daughter were victims of hate crimes and stated that the police department refused to report it.

Ira Appelman, Mercer Island, requested that the Council postpone the Youth and Family Services levy discussion for another year due to its current fund balance. He further indicated that he was not supportive of Agenda Bill 5883 and the focus on infrastructure funding.

CONSENT AGENDA

Approve Accounts Payable Reports for the periods ending:

- A) May 14, 2021, in the amount of \$718,983.38
- B) May 21, 2021, in the amount of \$487,226.03

Approve Minutes of the May 4, 2021, Regular Meeting

AB 5888: 5/21/2021 Payroll Certification

Recommended Action: Approve the 5/21/2021 Payroll Certification (Exhibit 1) in the amount of \$891,429.19 and authorize the Mayor to sign the certification on behalf of the entire City Council.

AB 5885: Juneteenth Proclamation No. 272

Recommended Action: Mayor Wong proclaims June 19, 2021 as Juneteenth in Mercer Island.

AB 5887: Gun Violence Awareness Day, Proclamation No. 273

Recommended Action: Mayor Wong proclaims June 4, 2021 as Gun Violence Awareness Day in Mercer Island.

AB 5882: King County Sewer North Mercer Enatai Interceptor Interagency Agreement

Recommended Action: Authorize the City Manager to sign the interagency agreement with King County.

AB 5881: 2021 Arterial and Residential Street Overlays Bid Award

Recommended Action: Award Schedules 'A' and 'B' of the 2021 Arterial and Residential Street Overlays project to Watson Asphalt Paving Company in the amount of \$1,063,567.00. Set the total project budget to \$1,346,559 and direct the City Manager to execute the construction contract.

AB 5879: Mercer Island School District Easement Encroachment

Recommended Action: Authorize the City Manager to sign the Easement Encroachment License Agreement substantially in the form of Exhibit 2.

AB 5880: Accept Public Drainage Easements for Watercourse Improvement Projects

Recommended Action: Accept the public drainage easements for watercourse improvement projects SW0100 and SW0101 as reflected in Exhibits 2 and 3.

It was moved by Jacobson; seconded by Anderl to:

Approve the Consent Agenda and the recommendations contained therein.

PASSED: 7-0

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

REGULAR BUSINESS

AB 5853: Public Hearing: continued from May 4 meeting, 2022-2027 Six-Year Transportation Improvement Program (TIP) Review

Mayor Wong opened the Public Hearing at 6:42 PM.

Steven Hanna, Mercer Island, explained that he lives on a small cul-de-sac and expressed concern that other streets with seemingly less issues were repaved sooner. He requested that his subdivision be prioritized and accelerated for repaving.

Ted Weinberg, Mercer Island, addressed the prioritization of repaving the 5600 block of 19th Avenue explaining that he had observed several dips and depressions in the pavement. He expressed concern for the condition of the pavement and the risk that it might deteriorate significantly between now and when it is scheduled to be addressed in the TIP.

Ira Appelman, Mercer Island, opposed the corridor safety studies, explaining that the City had spent huge amounts of money on it already. He further expressed his opposition to the I90 funds being used to fund bike lanes on the south end of the Island.

Mayor Wong closed the Public Hearing at 6:51 PM

AB 5849: Code of Ethics Revisions (Ordinance No. 21C-10, Second Reading)

Staff reported that at the January 19, 2021 Council Meeting, the City Council directed the City Manager to prepare an ordinance amending chapter 2.60 MICC – the City's Code of Ethics. Matthew Segal and Sarah Washburn of Pacifica Law Group were hired to assist the City and evaluate and recommend revisions to the current Code of Ethics.

Pacifica reviewed 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. In March, Pacifica interviewed each member of the City Council to gain insight into procedural and substantive issues that had arisen in applying the Code of Ethics. The results of that analysis, as well as the Councilmembers' input, guided Pacifica's work and informed the recommendations regarding the Code of Ethics, which addressed the following:

- Policy Section
- Prohibited Conduct
- Advisory Opinion
- Complaint, Hearing, and Enforcement Procedures
- Fees and Costs
- Confidentiality Provisions

Councilmembers Jacobson and Reynolds introduced several amendments for Council consideration. The proposed revisions were discussed and those items that received Council Consensus moved forward. Staff and Pacifica Law recommended that the proposed amendments be brought back for a third reading prior to Council approval.

It was moved by Rosenbaum; seconded by Reynolds to:

Place the adoption of Ordinance No. 21C-10 amending chapter 2.60 MICC to revise the Code of Ethics for officials for a third reading (the date to be determined by City Manager).

PASSED: 7-0

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

It was moved by Rosenbaum; seconded by Nice to:

Amend the agenda and go into Executive Session to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) for approximately 60 minutes. No action was taken.

PASSED: 7-0

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

Mayor Benson Wong called the Executive Session to order at 8:31 pm from a remote location to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) for approximately 60 minutes. No action will

be taken.

Mayor Benson Wong, Deputy Mayor Wendy Weiker and Councilmembers Lisa Anderl, Jake Jacobson, Salim Nice, Craig Reynolds, and David Rosenbaum participated remotely using the teleconferencing platform Microsoft Teams.

Mayor Wong adjourned the executive session at 9:31 pm

REGULAR BUSINESS CONT.

AB 5884: 2021 Board and Commission Appointments

Mayor Wong explained that there would be two parts to the Board and Commission Appointment Process. The first part would address filling the vacancies on the Open Space Conservancy Trust (“OSCT”), noting that the OSCT members are appointed by the Mayor and approved by a majority vote of the City Council as outlined in Article III of Ordinance No. 96-002.

Mayor Wong recommended the following appointments to the Open Space Conservancy Trust:

Position	Expiring Term	Appointment	New Term
5	2021	Marie Bender	2025
7	2021	Geraldine Poor	2025

Open Space Conservancy Trust.

It was moved by Weiker; seconded by Nice to:

Approve the Mayor Wong’s recommendations for appointment to the Open Space Conservancy Trust for the positions expiring May 31, 2025

PASSED: 6-0

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

ABSENT: 1 (Rosenbaum)

Mayor Wong explained that the applicants that receive the most votes, provided they received a minimum of four votes, would be appointed to the open seats on the board or commission. The names of the applicants would then be added to Resolution No. 1598 with final approval by a vote of the City Council.

Arts Council – Four (4) open positions; no timely applications received.

Design Commission – Two (2) open positions; two (2) applications received.

Mayor Wong explained that while two applications were received, it did not appear that the applicants qualified for the “specialist” positions in accordance with the City Code. Staff acknowledged that the recruitment process did not satisfactorily identify the qualifications needed to meet the requirements of city code and intend to improve the recruitment process and revise the application to specifically identify the qualifications required to serve on the Design Commission.

It was moved by Weiker; seconded by Reynolds to:

Direct the City Manager to open the process for soliciting candidates for consideration for the Design Commission who have the specialties called for in the Code and to include the current two applicants in the pool of candidates to be considered.

PASSED: 7-0

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

Parks & Recreation Commission - Two (2) open positions; one (1) application received.

City Clerk Estrada emailed the ballot to each Councilmember. The ballots were tallied, and Sara Marxen received seven (7) votes to be appointed to the Parks & Recreation Commission.

Planning Commission – Three (3) open positions; four (4) applications received.

Mayor Wong explained that there were three open positions on the Planning Commission that would expire in 2025, 2024, and 2022. He suggested splitting the election into three elections based on the term expiration. There was Council consensus to support this recommendation.

Round 1, Position 5 - Term 2025 - City Clerk Estrada emailed the ballots to each Councilmember with a list of the following applicants:

- Carolyn Boatsman
- Jordan Friedman
- Matt Goldbach
- Victor Raisys

The ballots were tallied and Carolyn Boatsman and Victor Raisys advanced to Round 2:

- Carolyn Boatsman (3) – Reynolds, Rosenbaum, and Wong
- Jordan Friedman (1) – Weiker
- Matt Goldbach (0)
- Victor Raisys (3) – Anderl, Jacobson, and Nice

Round 2, Position 5 - Term 2025 - City Clerk Estrada emailed the ballots to each Councilmember:

The ballots were tallied and Victor Raisys' name was placed on Res. No. 1598 for a vote by the City Council:

- Carolyn Boatsman (3) – Reynolds, Weiker, and Wong
- Victor Raisys (4) – Anderl, Jacobson, Nice, and Rosenbaum

Round 1, Position 4 - Term 2024 - City Clerk Estrada emailed the ballots to each Councilmember with a list of the following applicants:

- Carolyn Boatsman
- Jordan Friedman
- Matt Goldbach

The ballots were tallied and Carolyn Boatsman and Matt Goldbach advanced to Round 2:

- Carolyn Boatsman (3) – Reynolds, Weiker, and Wong
- Jordan Friedman (1) – Rosenbaum
- Matt Goldbach (3) – Anderl, Jacobson, and Nice

Round 2, Position 4 - Term 2024 - City Clerk Estrada emailed the ballots to each Councilmember.

The ballots were tallied and Carolyn Boatsman's name was placed on Res. No. 1598 for a vote by the City Council:

- Carolyn Boatsman (4) Reynolds, Rosenbaum, Weiker, and Wong
- Matt Goldbach (3) – Anderl, Jacobson, and Nice

Round 1, Position 6 - Term 2022 - City Clerk Estrada emailed the ballots to each Councilmember with a list of the following applicants:

- Jordan Friedman
- Matt Goldbach

The ballots were tallied, and Jordan Friedman's name was placed on Res. No. 1598 for a vote by the City Council.

- Jordan Friedman (4) – Reynolds, Rosenbaum, Weiker, and Wong
- Matt Goldbach (3) – Anderl, Jacobson, and Nice

Utility Board - Three (3) open positions; one (1) application received.

City Clerk Estrada emailed the ballot to each Councilmember. The ballots were tallied, and George Marshall received seven (7) votes to be re-appointed to Position 4 on the Utility Board.

Mayor Wong read the appointments listed in Resolution No. 1598 into the record.

It was moved by Weiker; seconded by Nice to:

Adopt Resolution No. 1598 appointing members to the Mercer Island Boards and Commissions.

PASSED: 6-0

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

ABSENT: 1 (Rosenbaum)

It was moved by Jacobson; seconded by Nice to:

Direct the City Manager to commence a recruitment process to fill the remaining vacancies on the Arts Council, Parks & Recreation Commission and Utility Board.

PASSED: 7-0

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

AB 5878: Adoption of 2022-2027 Six-Year Transportation Improvement Program (Public Hearing continued from May 4 Meeting and Adoption).

Patrick Yamashita, Deputy Public Works Director, briefly reviewed the Transportation Improvement Program (TIP) timeline. Yamashita explained that the following changes were made to the draft TIP:

- West Mercer Way Chip Seal
 - Remove HMA overlay option for now.
 - Survey the public to solicit feedback on use of HMA vs chip seal for roadway resurfacing.
 - Provide results to Council prior to proceeding with the chip seal project (scheduled in 2023). Gives Council time to decide how to proceed with the project.
- Add a new project – Island Crest Way Corridor Safety Analysis
 - ICW from 90th Ave. SE, south through SE 68th Street
 - Focus on safety related items and present results to Council in Q1 2022
 - \$75,000 in 2021 and \$25,000 in 2022 (estimate)
- North-South Bike Route
 - Shift the start of this project by one year from 2022 to 2023 to account for timing of ICW Corridor Safety Analysis.
 - Analysis will inform the future scope of this project.

It was moved by Nice; seconded by Jacobson to:

Adopt the 2022-2027 Transportation Improvement Program, as reflected in Exhibit 2.

PASSED: 7-0

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

It was moved by Nice; seconded by Jacobson to:

Appropriate \$100,000 from the Fund Balance in the Street Fund for the Island Crest Way Corridor Safety Analysis.

PASSED: 7-0

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

AB 5883: American Rescue Plan Funds Update

Matthew Mornick, Finance Director, discussed with City Council the latest information and guidance for American Rescue Plan Act funding as of May 26, 2021. Staff explained eligible and ineligible uses of the funds based on the rules set forth by the U.S. Treasury Department and sought clarification from the City Council on potential funding priorities. Staff committed to return to the City Council later this year to share more detailed project information and a recommendation for appropriating the City's share of these funds.

AB 5875: City Council Voting Delegates for the 2021 AWC Business Meeting

It was moved by Jacobson; seconded by Anderl to:

Appoint Deputy Mayor Weiker and Councilmember Rosenbaum as the City of Mercer Island voting delegates for the Association of Washington Cities Business Meeting on June 24, 2021.

PASSED: 7-0

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

OTHER BUSINESS

Councilmember Absences

There were no absences reported.

Planning Schedule

Due to the late time, City Manager Bon explained that she would provide a Planning Scheduled update via email.

Councilmember Reports

Councilmember Reynolds addressed the importance of Gun Violence Awareness Month and his personal experience with gun violence.


Councilmember Nice reported that the King County Growth Management Planning Council met last week.

Deputy Mayor Weiker reminded everyone that June is Pride Month and recognized City Manager Jessi Bon for speaking to SCA in support of the Women’s Leadership Academy.

Mayor Wong encouraged everyone to wear orange on June 4 in support of Gun Awareness Month.

ADJOURNMENT

The regular Council Meeting adjourned at 11:15 PM.


Benson Wong, Mayor

Attest:


Deborah Estrada, City Clerk