



# CITY COUNCIL MINUTES SPECIAL HYBRID MEETING July 18, 2023

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## EXECUTIVE SESSION

At 5:01 pm, Mayor Nice convened an Executive Session via Microsoft Teams. The Executive Session was to discuss with legal counsel (1) for planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress pursuant to RCW 42.30.140(4)(b), (2) to discuss with legal counsel litigation or potential litigation pursuant to RCW 42.30.110(1)(i), and (3) to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) .

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

Mayor Nice adjourned the Executive Session at 6:10 pm.

## CALL TO ORDER & ROLL CALL

Mayor Salim Nice called the Special Hybrid Meeting to order at 6:30 pm from a remote location.

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

## PLEDGE OF ALLEGIANCE

The City Council delivered the Pledge of Allegiance.

## AGENDA APPROVAL

It was moved by Jacobson; seconded by Weiker to:

**Approve the agenda.**

PASSED: 6-0

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

ABSENT: 1 (Rosenbaum)

## CITY MANAGER REPORT

City Manager Jessi Bon reported on the following items:

- **Council, Boards & Commission Meetings:** Update on upcoming City Council meetings August recess, next City Council meeting on September 5. Open Space Conservancy Trust July 20 and Planning Commission on July 26. Arts Council recruitment open through August 25.
- **City Services Updates:** Update on planning for Seafair weekend August 4-6, Comprehensive Plan Economic Development Element public comment period open through July 19, Bike Skills Area update, Luther Burbank Shoreline Restoration Project, upcoming Playground replacements at Deane's Children's Park and Roanoke Park, King County I-90 Trail work continues.
- **Upcoming Events:** Mostly Music in the Park continues for the next 5 weeks, Shakespeare in the Park upcoming performances on July 23 and August 3-5.
- **News:** Summer Celebration recap thanking everyone who worked on the event. Thank yous to the numerous individuals, groups, business, and community organizations who helped put on this event.

## **APPEARANCES**

Addie Smith spoke about being a hate crime survivor.

## **CONSENT AGENDA**

### **AB 6298: June 30, 2023 Payroll Certification**

**Recommended Action:** Approve the June 30, 2023 Payroll Certification in the amount of \$978,577.05 and authorize the Mayor to sign the certification on behalf of the entire City Council.

#### **Certification of Claims:**

**A. Check Register | 216299-216392 | 6/30/2023 | \$529,748.61**

**B. Check Register | 216393-216449 | 7/07/2023 | \$438,407.53**

**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 July 5, 2023 Special Hybrid Meeting**

**Recommended Action:** Approve the minutes of the July 5, 2023 Special Hybrid Meeting.

### **AB 6299: 81st Avenue SE Backyard Sewer Improvements Phase 2 Project Closeout**

**Recommended Action:** Accept the 81st Avenue SE Backyard Sewer Improvements Phase 2 Project and authorize staff to close out the contract.

### **AB 6300: 2023 Water System Improvements Project Bid Award**

**Recommended Action:** Award the 2023 Water System Improvements project to Kar-Vel Construction, authorize the City Manager to execute a contract with Kar-Vel Construction in an amount of \$3,584,335 and set the total project budget at \$4,657,092.

### **AB 6301: SE 22nd Street & SE 22nd Place Water System Improvements Project Closeout**

**Recommended Action:** Accept the completed SE 22nd Street & SE 22nd Place Water System Improvements project and authorize staff to close out the contract.

### **AB 6302: Comprehensive Plan Periodic Review - Housing Element Update Supplemental Scope and Schedule**

**Recommended Action:** Accept the completed 2022 Street Related Utility Improvements project and authorize staff to close out the contract.

### **AB 6309: Pickleball Court Configuration for Luther Burbank Park Sport Court Renovation (PA0143)**

**Recommended Action:** Approve the pickleball court configuration as part of the Luther Burbank Park Sport Court Renovation capital project (PA0143) and direct staff to complete the project.

### **AB 6310: Interlocal Agreement with Mercer Island School District No. 400 for Enrollment of City Employee's Children/Dependents**

**Recommended Action:** Authorize the City Manager or designee to execute an interlocal agreement with the Mercer Island School District No. 400 for enrollment of City employee's children/dependents substantially in the form attached as Exhibit 1.

### **AB 6311: Public Display of Firework Permit Issuance**

**Recommended Action:** Approve the City of Mercer Island Fire Marshal's recommendation to issue an

operational permit for Pyro Spectaculars North for the public display of fireworks to be discharged per the permit conditions on August 19, 2023, at approximately 2235hrs (10:35 pm) pursuant to MICC 8.35.020(C).

Councilmember Reynolds pulled AB 6303: 4004 ICW Property Transportation Improvement Project Funding Appropriation from the Consent Agenda. Mayor Nice moved it to the first item of Regular Business.

It was moved by Reynolds; seconded by Jacobson to:

**Approve the Consent Agenda, as amended, and the recommended actions contained therein.**

PASSED: 6-0

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

ABSENT: 1 (Rosenbaum)

## **REGULAR BUSINESS**

### **AB 6303: 4004 ICW Property Transportation Improvement Project Funding Appropriation**

Council asked questions of staff regarding the project.

It was moved by Reynolds; seconded by Weinberg to:

**Direct City staff to revisit the landscape design for the 4004 ICW property to provide options to the Council for less expensive landscaping that might be more consistent with an expected limited lifespan of any landscaping improvements for this property.**

FAILED: 2-4

FOR: 2 (Reynolds and Weinberg)

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

ABSENT: 1 (Rosenbaum)

It was moved by Jacobson; seconded by Weiker to:

**Appropriate \$250,000 from the Street Fund balance to fund construction of the 4004 ICW Property Transportation Improvement project.**

PASSED: 5-1

FOR: 5 (Anderl, Jacobson, Nice, Weiker, and Weinberg)

AGAINST: 1 (Reynolds)

ABSENT: 1 (Rosenbaum)

### **AB 6312: Memorandum of Understanding with IAFF Local 1762 Related to Regionalization of Fire and Emergency Medical Services**

It was moved by Anderl; seconded by Jacobson to:

**Approve, provided the same is also approved and ratified by IAFF Local 1762, the tentatively agreed upon Memorandum of Understanding resolving all matters related to impacts of regionalization of fire and emergency medical services, and pending unfair labor practices complaint, interest arbitration, and collective bargaining agreement negotiations.**

PASSED: 5-0-1

FOR: 5 (Anderl, Jacobson, Nice, Weiker, and Weinberg)

ABSTAIN: 1 (Reynolds)

ABSENT: 1 (Rosenbaum)

### **AB 6304: Public Hearing: Interim Regulations Related to Outdoor Dining (Ordinance No. 23C-09)**

Mayor Nice opened the Public Hearing at 7:06 pm. There being no public comment, Mayor Nice closed the public hearing at 7:06 pm.

CPD Director Jeff Thomas reviewed the interim regulations regarding outdoor dining in Ordinance No. 23C-09 adopted by the Council in June and he discussed the process to develop permanent regulations.

**AB 6305: Public Hearing: Interim Regulations Related to Permit Processing in Chapters 19.15 and 19.16 MICC (Ordinance No. 23C-10)**

Mayor Nice opened the Public Hearing at 7:11 pm. There being no public comment, Mayor Nice closed the public hearing at 7:11 pm.

CPD Director Jeff Thomas spoke about the purpose of Ordinance No. 23C-10 to comply with SB 5290 regarding permit processing. Senior Planner Adam Zack presented the amendments to MICC 19.15.030, to MICC 19.15.070, and to MICC 19.16.010. Director Thomas discussed the next steps and process to develop permanent regulations.

It was moved by Reynolds; seconded by Jacobson to:

**Adopt Emergency Ordinance No. 23C-10 for interim regulations related to permit processing in Chapter 19.15 and 19.16 MICC.**

PASSED: 6-0

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

ABSENT: 1 (Rosenbaum)

**AB 6306: Public Hearing: Renew Interim Regulations in MICC 19.16.010 Related to Emergency Shelters and Housing, Transitional Housing, and Permanent Supportive Housing (First Reading of Ordinance No. 23C-11)**

Mayor Nice opened the Public Hearing at 7:24 pm. There being no public comment, Mayor Nice closed the public hearing at 7:24 pm.

CPD Director Jeff Thomas presented interim regulations for renewal related to emergency shelters and housing, transitional housing, and permanent supportive housing in response to E2SHB 1220. He spoke about the direction that was received from the Department of Commerce and discussed the status of the review by the King County Planning Council.

It was moved by Jacobson; seconded by Weiker to:

**Move to set Ordinance No. 23C-11 for second reading and adoption at the September 5, 2023 City Council Meeting.**

PASSED: 6-0

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

ABSENT: 1 (Rosenbaum)

**AB 6308: City Hall Closure Update**

City Manager Jessi Bon introduced the staff team and consultants who have been working on the closure of City Hall, presented the preliminary cost estimate to complete the work to abate and re-occupy City Hall, and spoke about the facilities conditions assessment for City Hall and several other City facilities.

Support Services Manager Jaime Page presented the timeline of discovery of asbestos in City Hall and discussed the investigation and testing process to date. She spoke about the testing and results for air testing, settled dust testing, presented the locations that testing was conducted, and spoke about the condition of the ducts and why abatement is not feasible. Support Services Manager Page spoke about the good faith inspection that was conducted to survey all potential asbestos-containing materials in City Hall and presented the findings from the testing and good faith inspection.

David Cutler and Aaron Young from NW Studio presented concept level scope of work and cost estimate.

Allan Montpellier from PAE Engineers presented the existing heating and cooling system, discussed the existing ventilation system, and spoke about replacement with a new HVAC hydronic system.

Mr. Young spoke about the work needed to remove and replace the HVAC system in City Hall, discussed the cost estimate overview, and spoke about the estimated timeframe for the project from design and permitting through to move-in. Mr. Young and Mr. Montpellier also presented the Police Department HVAC system and options to use the Police Department without re-occupying the rest of City Hall.

City Council asked questions of staff and the consultants.

## OTHER BUSINESS

### Planning Schedule

City Manager Jessi Bon spoke about the August recess.

It was moved by Reynolds; seconded by Weiker to:

**Cancel the August 1 and August 15 City Council Meetings.**

PASSED: 6-0

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

ABSENT: 1 (Rosenbaum)

### Councilmember Absences and Reports

It was moved by Weiker; seconded by Weinberg to:

**Excuse Deputy Mayor Rosenbaum's absence from the July 18 meeting**

PASSED: 6-0

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

ABSENT: 1 (Rosenbaum)

Councilmember Jacobson spoke about the July 11 Utility Board meeting and the election of Tim O'Connell and Will Quantz as Chair and Vice Chair, and the presentation on upcoming CIP work.

Councilmember Reynolds noted that the Parks & Recreation Commission elected Peter Struck and Paul Burstein as Chair and Vice Chair, and thanked staff for their work on Summer Celebration.

Deputy Mayor Rosenbaum, Councilmember Weiker, and Councilmember Weinberg each thanked staff for all the work on Summer Celebration.

## ADJOURNMENT

The Special Hybrid Council Meeting adjourned at 8:43 pm.

  
Salim Nice, Mayor

Attest:

  
Andrea Larson, City Clerk