



CITY COUNCIL MINUTES REGULAR MEETING DECEMBER 3, 2019

CALL TO ORDER & ROLL CALL

Mayor Debbie Bertlin called the Regular Meeting to order at 5:30 pm at City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Debbie Bertlin and Councilmembers Lisa Anderl (by phone), Bruce Bassett, Deputy Mayor Salim Nice, Wendy Weiker (7:49 pm) David Wisenteiner (5:50 pm) and Benson Wong were present.

AGENDA APPROVAL

It was moved by Nice; seconded by Bassett to:

Approve the agenda as presented.

Passed: 5-0

FOR: 5 (Anderl, Bassett, Bertlin, Nice, and Wong)

ABSENT: 2 (Weiker and Wisenteiner)

EXECUTIVE SESSION

At 5:30 pm, Mayor Bertlin convened an executive session for planning or adopting the strategy or position to be taken by the City Council 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) for approximately 30 minutes.

At 5:43 pm, Mayor Bertlin came out of executive session and announced that the primary executive session had concluded, and that Council would continue in executive session to discuss pending or potential litigation with legal counsel pursuant to RCW 42.30.110(1)(i) for the remaining 17 minutes.

No action was taken.

At 6:00 pm, Mayor Bertlin closed the executive session and reconvened the Regular Meeting at 6:01 pm.

STUDY SESSION

AB 5639: Code of Ethics Revisions (2nd Reading)

Chief of Administration Ali Spietz and Interim City Attorney Bio Park outlined changes made to Ordinance No. 19C-20 in response to Council's feedback at the November 19 meeting. Revisions addressed the following:

- Added Definitions
- Prohibited Conduct
- Advisory Opinions
- Complaint Process
- Disposition
- No Recovery of Fees or Costs

She further reported that additional revisions were made to the Code of Ethics Statement and that it reflects language replacement regarding Prohibited Conduct.

Council discussed the proposed revisions at length and directed staff to make additional changes and return

with a third reading at the December 10 meeting.

SPECIAL BUSINESS

Mayor Bertlin presented Mr. Fred Jarrett with the Key to the City for his deep commitment to public service, innovation and accountability in government, and long-time service to Mercer Island.

CITY MANAGER REPORT

Interim City Manager Jessi Bon reported on the following:

- Sound Transit Park & Ride Permit Parking Program
- 77th Avenue Walkway Closure and Construction Update
- Water Main Flushing Along EMW
- Firefighter Food Drive for MI Food Pantry
- The Lighting at Mercerdale park and Firehouse Munch
- Two Community Events on December 22:
 - Celebrate the first night of Hanukkah at Mercerdale Park
 - Argosy Holiday Ship & Boat Parade
- Mercer Island YFS & Lions Club Tree Lot
- Tree Recycling

APPEARANCES

Roberta Lewandowski, Mercer Island

Ms. Lewandowski spoke on behalf of Island Vision and encouraged Council to support the Comprehensive Plan amendments addressing sustainability.

Anumeha, Mercer Island and Arts Commission member

She advocated for the City's Aubrey Davis Park Master Plan.

Victor Raisys, Mercer Island

Mr. Raisys spoke to the Comprehensive Plan amendments and economic development on the Island. He encouraged Council to develop an economic development plan for Mercer Island, explaining that without an economic development plan the City is out of compliance with the Growth Management Act. He also encouraged the Council to engage professional and experts in economic development to develop the plan.

Jonathan Harrington, Mercer Island

Thanked Council for adopting Resolution No. 1570, which adopted updated K4C Climate commitments. He also submitted to Council a list of recommended changes to the Climate Goals and Policies for their consideration.

Jim Stanton, Mercer Island

Mr. Stanton serves on the Steering Committee for Neighbors in Motion and expressed support for the bicycle elements of the ADPMP explaining that it will increase safety for cyclists and others using the park.

Councilmember Weiker arrived after appearances.

CONSENT CALENDAR

Accounts Payable Report for the period ending November 21, 2019 in the amount of \$1,944,450.84:

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

Certification of Payroll dated November 22, 2019 in the amount of \$827,636.49

Recommendation: Certify that the materials or services specified have been received and that all fund

warrants are approved for payment.

AB 5636: CPD Development and Construction Permit Fees Update

Recommended Action: Approve Resolution No. 1567 adopting new development and construction permit fees effective January 1, 2020.

AB 5635: Public Institution Code Amendment (2nd Reading & Adoption)

Recommended Action: Adopt Ordinance No. 19C-19 amending MICC 19.05.010 to repeal Subsection B; providing for severability and establishing an effective date.

AB 5641: Acceptance of MIYFS Foundation Funds for 2020 Youth and Family Services Staffing

Recommended Action: Accept a donation of \$54,624 from the Mercer Island Youth and Family Services Foundation to fund the half time reduction in the Geriatric Specialist position from January 1, 2020 through December 31, 2020.

It was moved by Nice; seconded by Wong to:

Approve the Consent Calendar and the recommendations contained therein as presented.

Passed: 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner and Wong)

REGULAR BUSINESS

AB 5637: Public Hearing: Interim Ordinance Design and Concealment Standards for Small Cell Facilities Deployment

Evan Maxim, Community Planning and Development Director, summarized the process to date, reporting that City Council adopted an interim small cell ordinance on January 15 and scheduled a public hearing within 60 days of the interim ordinance's passage as required. Six months later the City Council held a second public hearing and passed Ordinance 19-10, which extended the interim small cell ordinance through January 14, 2020.

Director Maxim further explained that on November 20, 2019, the Planning Commission initiated its work on a recommendation for "permanent" standards regulating small cell facilities. The Planning Commission has since developed a recommended scope for the proposed update, which staff anticipates will be reviewed by the City Council in January or February of 2020.

Mayor Bertlin opened the public hearing at 7:53 pm.

There being no public comments, Mayor Bertlin closed the public hearing at 7:53 pm.

It was moved by Nice; seconded by Wong to:

Suspend the City Council Rules of Procedure 6.3, requiring a second reading of an ordinance.

Passed: 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner and Wong)

It was moved by Nice; seconded by Wisenteiner to:

Adopt Ordinance No. 19-22, extending the Interim Design and Concealment Standards for Small Cell Facilities deployment established under Ordinance No. 19C-02.

Passed: 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner and Wong)

AB 5629: Aubrey Davis Park Master Plan Adoption

Interim Parks and Recreation Director Ryan Daly and Capital Projects and Planning Manager Paul West reviewed the public engagement and City Council process to date and subsequent changes made to the ADMP since the November 4 Study Session. At Council Direction, revisions addressed:

- Vegetation – Planting Palette and Water Conservation

- Trails – Width, Optional Soft Surface Trails, Restroom Conflict Zone, ADA Requirements, and Lighting
- Improvements – New Restroom and Dog Off-leash Area
- Arts, Culture and Placemaking – Historical Context and Existing Policies on Public Art
- Project Implementation – Cost Updates, Public Engagement, and Safety as a Priority

City Council discussed the ADMP revisions at length.

It was moved by Bassett; seconded by Wisenteiner to:

Approve Resolution No 1571 adopting the Aubrey Davis Park Master Plan as revised; and

It was moved by Wong; seconded by Bertlin to:

Amend the motion to “include optional soft surface trails” in the ADMP

Failed 4-3

AGAINST: 4 (Anderl, Nice, Weiker, Wisenteiner)

FOR: 3 (Bassett, Bertlin, Wong)

It was moved by Nice; seconded by Anderl to:

Amend the motion to remove the “Criteria for prioritization of the projects included in this Master Plan mirrors the criteria used in the City’s Capital Improvement Program (CIP)” and the three bullet points that followed on page 52 of the ADMP.

Failed 5-2

AGAINST: 5 (Bassett, Bertlin, Weiker, Wisenteiner, and Wong)

FOR: 2 (Anderl, Nice)

Passed: 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner and Wong)

It was moved by Bassett; seconded by Wisenteiner to:

Direct the City Manager and the Parks and Recreation Commission to develop a recommended scope of work for the \$500,000 Washington State Department of Commerce grant to be presented to the City Council for consideration and approval in Q1 2020.

Passed: 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner and Wong)

AB 5631: 2019 Comprehensive Plan Amendments (ORD. No. 19-23, 2nd Reading & Adoption)

Community Planning and Development Director Evan Maxim summarized the Planning Commission review process and City Council direction received at the October 15, 2019 first reading. He then reviewed staff changes to policy language in consultation with the Planning Commission Chair and Vice Chair. Director Maxim also reported that CPD staff partnered with the City’s Sustainability Manager to prepare the revised language.

City Council discussed the proposed amendments and made additional amendments.

It was moved by Wong; seconded by Bertlin to:

Adopt Ordinance No. 19-23 amending the Mercer Island Comprehensive Plan Land Use, Capital Facilities, and Transportation Elements as amended.

It was moved by Bassett; seconded by Bertlin to:

Amend Land Use Element Goal 28.1 to read, Partner with the King County-Cities Climate Collaboration (K4C) “and the community” to mitigate climate change.”

Passed: 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner and Wong)

It was moved by Nice; seconded by Wong to:

Amend Land Use Element Goal 28.4 to remove “K4C recommended” and read, Evaluate and prioritize actions to reduce GHG emissions.

Passed: 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner and Wong)

It was moved by Nice; seconded by Wisenteiner to:

Amend Land Use Element Goal 28 to revise and renumber 28.1 and 28.2.

Passed: 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner and Wong)

Council Consensus to reorder the first four paragraphs under Sustainability as suggested by Dr. Jonathan Harrington.

It was moved by Wong; seconded by Bassett to:

Amend Land Use Element Goal to include a reference to the City's recent adoption of the K4Cs joint climate commitments.

Passed: 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner and Wong)

It was moved by Anderl; seconded by Bassett to:

Amend Amendment 2, V. Capital Facilities Goals and Policies, Section 1.20 to remove the word "favor" and replace it with "choose" to read ... "and choose options that have the lowest feasible carbon footprint and greatest carbon sequestration potential.

Passed: 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner and Wong)

It was moved by Anderl; seconded by Nice to:

Amend Amendment 3, Land Use Element, 14.1 to read, "Develop an Economic Development Plan, engaging internal and external resources as appropriate."

Passed: 5-1-1

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner and Wong)

AGAINST: 1 (Bertlin)

ABSTAINED: 1 (Bassett)

Passed: 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner and Wong)

AB 5630: 2019 Minor Code Amendments (1st Reading)

Community Planning and Development Director Evan Maxim outlined the draft 2019 minor code amendments outlined in Ordinance No. 19C-21, which addressed minor code amendments related to the following subjects:

- Clarification of side yard terminology;
- Clarification of roof pitch when allowing eaves into non-conforming setbacks;
- An allowance for a driveway that exceeds 30 inches in height in a yard where necessary to provide vehicle access to the house;
- Establishing a height limit in the MF-2L zone and a methodology for calculating the height limit in the MF-2, MF-3, PBZ, and CO zones;
- Correcting a grammatical error that indicated that all development should be avoided;
- Revising the term used to describe the City's determination of the amount of required parking from "variance" to "modification";
- Allowing the City to issue a decision on a project or permit review when requests for a correction are repeatedly not addressed;
- Correcting a cross reference in design review;
- Creating a definition of irregular lot;
- Amending the definition of lot coverage to include eaves and roof overhangs; and,
- Creating a process whereby any person may propose the docketing of a code amendment for review by the City Council.

Following review, the City Council provided additional direction regarding the proposed amendments for inclusion in the second reading on December 10.

It was moved by Nice; seconded by Wisenteiner to:

Set Ordinance No. 19C-21 for second reading and adoption on the December 10, 2019 Consent Calendar as amended by Council discussion.

Passed: 7-0

FOR: 7 (Anderl, Bassett, Bertlin, Nice, Weiker, Wisenteiner and Wong)1

AB 5642: Design Commission Vacancy Appointment

Mayor Bertlin reported that in March the City began its annual recruitment process for filling positions whose terms were expiring on the City's advisory boards and commissions. In response to outreach efforts last March, there was one request for reappointment to the Design Commission and no additional applications were received, leaving one vacancy. To bring balance to the Design Commission, advertising efforts continued through the summer and early fall and applicants with landscape experience were encouraged to apply. While none of the applicants had landscape experience, Ms. Sanderson had previous experience on the Design Commission.

It was moved by Wong; seconded by Wisenteiner to:

Appoint the Mayor and Deputy Mayor's recommendation of Lara Sanderson to Position No. 2 on the Design Commission.

Passed: 6-0

FOR: 6 (Bassett, Bertlin, Nice, Weiker, Wisenteiner and Wong)

ABSTAIN: 1 (Anderl)

OTHER BUSINESS

Planning Schedule

Interim City Manager Bon summarized the December 10 agenda schedule and reported that the December 17 meeting was canceled.

Councilmember Reports

SCA Legislative Agenda – Council expressed support for the SCA Legislative Agenda.

SCA Voting Delegate – It was the consensus of Council that Councilmember Bassett be the voting delegate at the December 4 meeting.

Councilmember Weiker reported on the tree lighted scheduled for December 6 and the SCA dinner on December 4.

Councilmember Bassett thanked the Council for the SCA Award nomination. He also encouraged Council to only allow councilmembers to participate by phone under extenuating circumstances.

Mayor Bertlin supported Councilmember's Bassett's comments regarding Council participation by phone and also reminded everyone to attend the December 6 Tree Lighting.

Councilmember Absences

There were no absences to report.

ADJOURNMENT

There being no additional business to come before City Council, the Regular Meeting adjourned at 10:48 pm.

Attest:

Debbie Bertlin, Mayor

Deborah Estrada, City Clerk