



CITY COUNCIL MINUTES REGULAR HYBRID MEETING FEBRUARY 7, 2023

EXECUTIVE SESSION #1

At 5:00 pm, Mayor Nice convened an Executive Session in the Caucus 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)(I).

Mayor Salim Nice, Deputy Mayor David Rosenbaum and Councilmembers Lisa Anderl, Jake Jacobson, Craig Reynolds and Ted Weinberg participated in person in the Caucus Room at City Hall. Councilmember Wendy Weiker joined via Microsoft Teams.

Mayor Nice adjourned the Executive Session at 5:26 pm.

CALL TO ORDER & ROLL CALL

Mayor Salim Nice called the regular meeting to order at 5:31 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 the Council Chambers. Councilmembers 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:

Amend the agenda to include consideration of settlement in Rosenzweig v. City of Mercer Island.

PASSED: 7-0

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

STUDY SESSION

AB 6225: King County Crisis Care Centers Levy Presentation

Chief of Administration Ali Spietz introduced Leonardo Flor, Director of the King County Community and Human Services Department to present information about the Crisis Care Centers Levy.

Mr. Flor spoke about the service needs that lead to the Crisis Care Centers Levy, discussed what the levy would fund in King County, presented projected costs for the 9-year countywide levy, and discussed the timeline for the levy.

Council discussed the levy and asked questions of Mr. Flor.

It was moved by Jacobson; seconded by Weinberg to:

Ask the City Manager to schedule consideration of Council endorsement of the King County Crisis Care Centers levy for a future Council meeting, notice the meeting including the title and number of the levy proposition, prepare the resolution, and invite those having an opposing view to present to the Council.

FAILED: 2-5
FOR: 2 (Reynolds and Weinberg)
AGAINST: 5 (Anderl, Jacobson, Nice, Rosenbaum, Weiker)

SPECIAL BUSINESS

AB 6221: Public Hearing on Draft Climate Action Plan

Chief of Operations Jason Kintner introduced the Draft Climate Action Plan and briefly presented the process for the evening, presented the comment period duration, and discussed the next steps in the process.

Mayor Nice opened the Public Hearing at 6:00 pm.

Chris Goelz, Mercer Island, spoke in support of the Climate Action Plan.

Jonathan Harrington, Mercer Island, spoke in support of the Climate Action Plan.

Randy Bannecker, Seattle King County Realtors, spoke in opposition to the Climate Action Plan.

Carolyn Boatsman, Mercer Island, spoke in support of the Climate Action Plan.

Don Rogers, Mercer Island, spoke in opposition to the Climate Action Plan.

Roberta Lewandowski, Mercer Island, spoke in support of the Climate Action Plan.

Mike Cero, Mercer Island, spoke in opposition of the Climate Action Plan.

Robert Laing, Mercer Island Realtor, spoke in opposition of the Climate Action Plan.

There being no further public comment Mayor Nice closed the Public Hearing at 6:24pm.

CITY MANAGER REPORT

Chief of Administration Ali Spietz reported on the following items:

- **Council, Boards & Commission Meetings Updates:** Upcoming City Council Regular Hybrid Meeting on February 21. Upcoming Boards & Commission meetings, Planning Commission Regular Hybrid Meeting February 22, Design Commission Regular Hybrid Meeting March 1, Parks & Recreation Commission Regular Hybrid Meeting March 2.
- **City Services Updates:** Booster Chlorination Station project update, Turf blanket piolet project, South Mercer Playfields update, Kirk Robinson Skate Park repairs, Irrigation system getting ready for Spring, Decant Facility quarterly water testing and maintenance, Catch basin inspections, New bike rack in Pioneer Park, and Emergency Shelter training at MICEC.
- **Upcoming Events:** Tomorrow MIYFS Foundation Breakfast at MICEC, Energy Efficient Workshop on March 8, and Spring Recycling Event on March 25.
- **News:** Island Lanterns and Mayor nice visits second graders at Island Park Elementary.

APPEARANCES

Kian Bradley, Mercer Island, spoke in support of HB 1110.

CONSENT AGENDA

AB 6213: January 13, 2023 Payroll Certification

Recommended Action: Approve the January 13, 2023 Payroll Certification (Exhibit 1) in the amount of

\$998,971.58 and authorize the Mayor to sign the certification on behalf of the entire City Council.

AB 6214: January 27, 2023 Payroll Certification

Recommended Action: Approve the January 27, 2023 Payroll Certification (Exhibit 1) in the amount of \$973,028.02 and authorize the Mayor to sign the certification on behalf of the entire City Council.

Certification of Claims:

- A. Check Register | 214493-214553 | 1/13/2023 | \$482,943.51**
- B. Check Register | 214554-214636 | 1/20/2023 | \$391,065.40**
- C. Check Register | 214637-214732 | 1/27/2023 | \$644,088.35**

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 January 17, 2023 Regular Hybrid Meeting.

Recommended Action: Approve the minutes of the January 17, 2023 Regular Hybrid Meeting.

AB 6217: Community Conversations Series Wrap-Up.

Recommended Action: Receive report. No action necessary.

AB 6211: Reservoir Improvement Project (WU0103) Bid Award

Recommended Action:

1. Award the Reservoir Improvement Project to Paso Robles Tank, Inc. in the amount of \$5,791,413, set the total project budget at \$7,119,602, and authorize the City Manager to execute the construction contract.
2. Authorize a \$1,564,602 expenditure budget carry-forward in the Water Fund from the 2021-2022 project budget savings.

AB 6219: 2022 Countywide Planning Policy Amendments.

Recommended Action: Approve Resolution No. 1643 ratifying proposed amendments to the King County Countywide Planning Policies.

AB 6224: 2023 Aerial Mapping Project Interlocal Agreement.

Recommended Action: Authorize the City Manager to enter and execute the interlocal agreement with eCityGov Alliance and other area jurisdictions for the 2023 Aerial Mapping Project substantially in the form attached as Exhibit 1.

It was moved by Reynolds; seconded by Jacobson 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

No AB #: Settlement Agreement

It was moved by Jacobson; seconded by Reynolds to:

Authorize settlement in the litigation between Rosenzweigs and City of Mercer Island, King County Superior Court Cause Number 21-2-15816-8, per terms discussed in Executive Session with legal counsel, and to appropriate \$19,150 for the settlement.

PASSED: 6-0-1

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

ABSTAIN: 1 (Anderl)

AB 6218: 2023 City Council Liaison to Mercer Island Chamber of Commerce

Mayor Nice explained that the City Council Liaison to the Mercer Island Chamber of Commerce was inadvertently left out. After consulting with Deputy Mayor Rosenbaum, Mayor Nice appointed Deputy Mayor Rosenbaum as the 2023 City Council Liaison to the Mercer Island Chamber of Commerce and asked the City Clerk to update the 2023 appointment list.

AB 6223: ARCH Housing Trust Fund Project Approval

CPD Director Jeff Thomas and Deputy CPD Director Alison Van Gorp presented background on the ARCH Housing Trust Fund (HTF), spoke about the HTF application and selection process for proposed projects, and presented the seven projects that the ARCH Executive Board has recommended for funding.

Council discussed the work plan and asked questions.

It was moved by Weinberg; seconded by Rosenbaum to:

Approve the use of \$127,600 from the City's contributions to the ARCH Housing Trust Fund as recommended by the ARCH Executive Board and authorize execution of any related agreements and documents.

PASSED: 7-0

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

AB 6220: WA State Legislative Session Update

City Manager Jessi Bon introduced the State Legislative Session update. Management Analyst Robbie Cunningham-Adams presented an overview of the 2023 Legislative Session timeline and the 2023 City of Mercer Island Legislative Priorities. He spoke about bills that the City is tracking regarding capital budget requests, Police, and our request to fund vessel replacement for Marine Patrol.

City Manager Bon discussed the bill for an increase in the property tax cap for local governments and the Public Works assistance account bill.

CPD Director Jeff Thomas presented the housing bills related to permitting that the City has been tracking and discussed housing bills related to zoning and land use. Director Thomas provided an overview of HB 1110 and presented the draft letter that in opposition on HB 1110.

Council discussed the proposed letter stating the City's opposition to HB 1110.

It was moved by Jacobson; seconded by Rosenbaum to:

Approve letter of opposition to HB1110, regarding increasing middle housing in areas traditionally dedicated to single-family detached housing, substantially in the form attached as Exhibit 2.

MAIN MOTION PASSED: 7-0

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

It was moved by Weinberg; seconded by Reynolds to:

Amend the main motion as follows:

Re-word page 2, paragraph 2 to read as follows:

"If the legislature stands by the affordable housing goals created in 2021, all housing legislation must comply with the affordable housing target mandates prescribed by HB 1220, up to and including allowing cities to require that any up zoning of single-family zones shall include affordable housing."

MOTION TO AMEND FAILED: 2-4

FOR: 2 (Reynolds and Weinberg)

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

ABSENT: 1 (Weiker)

It was moved by Anderl; seconded by Jacobson to:

Call the question.

FAILED: 2-4

FOR: 2 (Anderl and Jacobson)
AGAINST: 4 (Nice, Reynolds, Rosenbaum, and Weinberg)
ABSENT: 1 (Weiker)

It was moved by Weinberg; seconded by Reynolds to:

Amend the main motion as follows:

Re-word this 2nd sentence to read as follows:

“HB 1110’s potential to double the island’s population without first funding the modernization of its aging infrastructure, such as the elimination of asbestos-concrete pipes and the replacement of the lake line, creates significant risks to life and safety. We’ve already seen in Bellevue the impacts of keeping asbestos-concrete piping in the ground beyond its life expectancy. A rupture in the lake line due to overdevelopment could create much more far-reaching life safety, health, environmental, and quality-of-life issues for all cities bordering Lake Washington.”

MOTION TO AMEND FAILED: 2-5

FOR: 2 (Reynolds and Weinberg)

AGAINST: 5 (Anderl, Jacobson, Nice, Rosenbaum, and Weiker)

It was moved by Anderl; seconded by Jacobson to:

Call the question.

FAILED: 4-3

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

AGAINST: 3 (Reynolds, Rosenbaum, and Weinberg)

It was moved by Weinberg; seconded by Reynolds to:

Amend the main motion as follows:

Re-word page 2, paragraph 6 to read as follows:

“Other utility infrastructure impacts may result from this legislation, including water utility infrastructure issues, water storage capacity issues, and our ability to maintain enough water pressure to put out a house fire.”

MOTION TO AMEND FAILED: 2-5

FOR: 2 (Reynolds and Weinberg)

AGAINST: 5 (Anderl, Jacobson, Nice, Rosenbaum, and Weiker)

It was moved by Weinberg; seconded by Reynolds to:

Amend the main motion as follows:

Re-word page 2 paragraph 7 to read as follows:

“Under HB 1110, Mercer Island will be required to plan to provide infrastructure for all residential lots (more than 7,000), which will require multiple studies, modeling, and significant work for staff who already have a multi-year backlog of work including many state-mandated policy reviews and code changes.”

MOTION TO AMEND FAILED: 2-5

FOR: 2 (Reynolds and Weinberg)

AGAINST: 5 (Anderl, Jacobson, Nice, Rosenbaum, and Weiker)

It was moved by Weinberg; seconded by Reynolds to:

Amend the main motion as follows:

Re-word page 3 paragraph 5 to read as follows:

“Rushing HB 1110 into implementation without ensuring its compliance with the affordable housing requirements of HB 1220 disregards the long-held collaborative planning framework set forth by the GMA while creating yet another unexpected multi-year planning exercise for Washington cities.”

MOTION TO AMEND FAILED: 2-5

FOR: 2 (Reynolds and Weinberg)

AGAINST: 5 (Anderl, Jacobson, Nice, Rosenbaum, and Weiker)

It was moved by Weinberg; seconded by Reynolds to:

Amend the main motion as follows:

Expand the first word of the letter from “We” to “We, the unanimous City Council of Mercer Island and include the signatures of all 7 council members – or all the council members who

vote in favor of the letter as a whole – at the bottom of the letter.

MOTION TO AMEND FAILED: 2-5

FOR: 2 (Reynolds and Weinberg)

AGAINST: 5 (Anderl, Jacobson, Nice, Rosenbaum, and Weiker)

The main motion passed as stated.

It was moved by Rosenbaum; seconded by Weinberg to:

Adopt the revised 2023 State Legislative Priorities as presented in Exhibit 3.

PASSED: 7-0

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

OTHER BUSINESS

Planning Schedule

Chief of Administration Ali Spietz spoke about the February 21 Regular Hybrid Meeting and the March 7 Regular Hybrid Meeting.

Councilmember Absences and Reports

Deputy Mayor Rosenbaum noted he was looking forward to seeing people at the MIYFS Foundation Breakfast tomorrow.

Councilmember Weinberg thanked for the work on the Community Conversation series, reported on the Arts Council first quarterly meeting of 2023, and on the MISD Superintendents Advisory Committee meeting.

EXECUTIVE SESSION #2

At 7:55 pm, Mayor Nice convened an Executive Session in the Caucus 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)(I) and 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).

Mayor Salim Nice, Deputy Mayor David Rosenbaum, and Councilmembers Lisa Anderl, Jake Jacobson, Craig Reynolds, and Ted Weinberg participated in person in the Farside Room at City Hall. Councilmembers and Wendy Weiker joined via Microsoft Teams.

Mayor Nice adjourned the Executive Session at 9:12 pm.

ADJOURNMENT

The Regular Hybrid Council Meeting adjourned at 9:12 pm.

Attest:

Salim Nice, Mayor

Andrea Larson, City Clerk