



CITY OF MERCER ISLAND CITY COUNCIL REGULAR VIDEO MEETING

Tuesday, July 20, 2021, at 5:00 PM

COUNCIL MEMBERS:

Mayor Benson Wong, Deputy Mayor Wendy Weiker,
Councilmembers: Lisa Anderl, Jake Jacobson,
Salim Nice, Craig Reynolds, David Rosenbaum

LOCATION & CONTACT:

Mercer Island City Hall - Zoom
9611 SE 36th Street | Mercer Island, WA 98040
Phone: 206.275.7793 | www.mercerisland.gov

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 206.275.7793.

The virtual meeting will be broadcast live on MITV Channel 21 and live streamed on the City Council's [YouTube Channel](#)

Registering to Speak: Individuals wishing to speak live during Appearances will need to register their request with the City Clerk at **206.275.7793** or email the [City Clerk](#) and leave a message before 4 PM on the day of the Council meeting. Please reference "Appearances" on your correspondence. Each speaker will be allowed three (3) minutes to speak. A timer will be visible online to speakers, City Council, and meeting participants. Please be advised that there is a time delay between the Zoom broadcast and the YouTube or Channel 21 broadcast.

Public Appearances: Notify the [City Clerk](#) in advance that you wish to speak on camera and staff will be prepared to permit temporary video access when you enter the live Council meeting. Please remember to activate the video option on your phone or computer, ensure your room is well lit, and kindly ensure that your background is appropriate for all audience ages. Screen sharing will not be permitted, but documents may be [Emailed to Council](#).

Join by Telephone at 6:30 PM (Executive Session starts at 5 PM for 90 minutes): To listen to the meeting via telephone, please call **253.215.8782** and enter Webinar ID **874 0813 4210** and Password **901660** if prompted.

Join by Internet at 6:30 PM (Executive Session starts at 5 PM for 90 minutes): To watch the meeting over the internet via your computer, follow these steps:

- 1) Click this [link](#)
- 2) If the Zoom app is not installed on your computer, you will be prompted to download it.
- 3) If prompted for Webinar ID, enter **874 0813 4210**; Enter Password **901660**
- 4) The City Clerk will call on you by name or refer to your email address when it is your turn to speak. Please confirm that your audio works prior to participating.

Submitting Written Comments: Written comments may be submitted at the Mercer Island [Let's Talk Council Connects](#) page. Written comments received by 3 PM on the day of the meeting will be forwarded to all Councilmembers and a brief summary of the comments will be included in the minutes of the meeting.

EXECUTIVE SESSION I, 5 PM

To discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i) for approximately 90 minutes.

CALL TO ORDER & ROLL CALL, 6:30 PM

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

SPECIAL BUSINESS

1. 2020 Community Member of the Year Award Presentation

CITY MANAGER REPORT

APPEARANCES

CONSENT AGENDA

2. Approve **Accounts Payable** Reports for the periods ending:

 - A) July 2, 2021 in the amount of \$362,431.59
 - B) July 9, 2021 in the amount of \$802,715.11
3. Approve **Minutes** of the June 15, 2021 Regular Meeting
4. AB 5912: July 2, 2021 Payroll Certification
Recommended Action: Approve the July 2, 2021 Payroll Certification (Exhibit 1) in the amount of \$803,351.63 and authorize the Mayor to sign the certification on behalf of the entire City Council.
5. AB 5905: 2021-2022 Interlocal Agreement with the Mercer Island School District for School-Based Counseling Services
Recommended Action: Authorize the City Manager to sign an Interlocal Agreement with the Mercer Island School District for counseling services during the 2021-2022 school year.
6. AB 5914: Parks Deferred Maintenance Plan and Appropriation Request
Recommended Action: Appropriate \$200,000 from the first tranche of ARPA Fiscal Recovery Funds for parks maintenance catch-up work.
7. AB 5913: Bid Award for the Booster Chlorination System Project
Recommended Actions:

 - 1) Award Bid No. 21-28 to Harbor Pacific Contractors, Inc., a Washington-based company, for the construction of a permanent booster disinfection system for the City's Reservoir and Main Pump Station; and
 - 2) Authorize the City Manager to execute a contract with Harbor Pacific Contractors, Inc., in an amount not to exceed \$2,115,642.
8. AB 5911: First Modification to the Interlocal Agreement for the Independent Force Investigation Team – King County (IFIT-KC)
Recommended Action: Authorize the City Manager to sign the First Modification to the interlocal agreement between regional law enforcement agencies for the Independent Force Investigation Team of King County.
9. AB 5918: Illuminate MI - 2021 Appropriation
Recommended Action: Appropriate \$50,000 from the FY2020 General Fund Surplus to develop and implement Illuminate MI - 2021.
10. AB 5919: Volunteer Recognition Event Appropriation Request
Recommended Action: Appropriate \$5,000 from the 2020 General Fund Surplus to develop and implement a volunteer recognition event on Thursday, September 2, at Mercerdale Park.

REGULAR BUSINESS

11. AB 5915: Town Center Parking Study Scope of Work
Recommended Actions:

 - 1) Confirm the study goals;
 - 2) Approve the scope of work as discussed; and
 - 3) Select two or three Councilmembers to serve on the consultant selection committee.
12. AB 5903: Development Code Amendment ZTR19-004 Small Cell / Wireless Facilities (Ord. No. 21C-12 Second Reading)
Recommended Action: Adopt Ordinance No. 21C-12, amending Chapters 19.06, 19.15, and 19.16 to revise standards and communications facilities and repealing the temporary regulations contained in Ordinance 21-08.
13. AB 5917: Public Access Easement Mid-Block Pedestrian Connection – Xing-hua Project
Recommended Action: Authorize the City Manager to execute instruments, subject to approval as to form by the City Attorney, accepting a grant of a 20' public access easement to the City, substantially in the form proposed in Exhibit 3.

14. AB 5916: Acceptance of Grant of Public Access Easements for Sidewalks and Extinguishment of Public Access and Landscape Easements – Xing-hua Project

Recommended Action: Authorize the City Manager to execute instruments, subject to approval as to form by the City Attorney, accepting the grant of three new public access easements to the City for sidewalks on 77th Avenue SE, 29th Street SE and 78th Avenue SE (plus an easement replacement on the NW corner of 29th Street SE and 78th Avenue SE), as well as the extinguishing one public access easement on the corner of 29th Street SE and 78th Avenue SE and one public landscape easement on 78th Avenue SE, substantially in the form proposed in Exhibit 4.

OTHER BUSINESS

15. Planning Schedule

16. Councilmember Absences & Reports

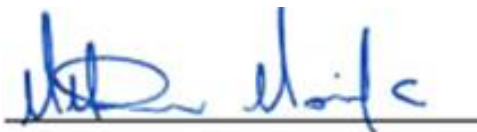
EXECUTIVE SESSION II

To discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i). No action to be taken.

ADJOURNMENT

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.



Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Check Register	208188-208249	7/2/2021	\$362,431.59
			\$362,431.59

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: 402000 - Water Fund-Admin Key</i>				
P0111441	00208207	FERGUSON ENTERPRISES LLC	INVENTORY PURCHASES	964.48
P0111453	00208243	SUPPLY SOURCE INC,THE	INVENTORY PURCHASES	957.80
	00208222	LISA & JEFF LANCTOT	REFUND OVERPAY 00524020003	528.15
P0111443	00208230	MID-AMERICA SPORTS ADVANTAGE	INVENTORY PURCHASES	857.34
	00208238	RACHEL & ADAM ORTEGA	REFUND OVERPAY 00517256002	432.02
	00208226	MEGAN & NIGEL	REFUND OVERPAY 003532901	404.70
	00208239	REITER, JACK	REFUND OVERPAY 002018275	398.06
P0111508	00208210	GRAINGER	INVENTORY PURCHASES	419.10
	00208216	JOLIN, BENOIT	REFUND OVERPAY 01083745008	362.35
P0111473	00208210	GRAINGER	INVENTORY PURCHASES	376.47
	00208194	BEUTHEL, FRED	REFUND OVERPAY 00293530006	325.17
	00208223	LYBECK, LINDA	REFUND OVERPAY 00416029001	299.57
P0111513	00208209	GEMPLER'S INC	INVENTORY PURCHASES	253.12
P0111442	00208195	CAPITAL ONE TRADE CREDIT	INVENTORY PURCHASES	220.59
	00208242	SUNDT, EJ	REFUND OVERPAY 004151530	120.62
P0111477	00208213	HOME DEPOT CREDIT SERVICE	INVENTORY PURCHASES	74.87
P0111450	00208209	GEMPLER'S INC	INVENTORY PURCHASES	68.28
<i>Org Key: 814075 - Mercer Island Emp Association</i>				
	00208229	MI EMPLOYEES ASSOC	PAYROLL EARLY WARRANTS	235.00
<i>Org Key: CA1100 - Administration (CA)</i>				
P0111478	00208236	PACIFICA LAW GROUP LLP	Invoice #68315 Professional	9,837.00
P0111479	00208224	MARTEN LAW	Invoice No. 44091723 Professio	5,392.00
P0111492	00208200	Clark Nuber PS	Professional Services INV #990	4,000.00
P0111479	00208224	MARTEN LAW	Invoice No. 44091725 Professio	190.00
P0111479	00208224	MARTEN LAW	Invoice No. 44091724 Professio	71.25
<i>Org Key: CA1150 - Attorney-Litigation</i>				
P0111480	00208225	McNaul Ebel Nawrot	Invoice #100144 Professional	68,670.61
<i>Org Key: CA1200 - Prosecution & Criminal Mngmnt</i>				
P0111455	00208214	HONEYWELL, MATTHEW V	Invoice #1221 Professional Ser	300.00
<i>Org Key: CM1400 - Communications</i>				
P0111476	00208237	PRR INC	Mercerdale Playground Public	1,840.85
<i>Org Key: CT1100 - Municipal Court</i>				
P0111498	00208215	INTERCOM LANGUAGE SERVICES INC	Intercom invoice #21-295	130.00
<i>Org Key: FN0000 - Finance Department-Revenue</i>				
	00208231	MIOPOSTO MERCER ISLAND	REFUND OVERPAY B&O 160180	1,454.38
<i>Org Key: FN4501 - Utility Billing (Water)</i>				
P0111493	00208228	METROPRESORT	JUNE 2021 PRINTING & MAILING O	144.35
P0111493	00208228	METROPRESORT	JUNE 2021 PRINTING & MAILING O	141.03
<i>Org Key: FN4502 - Utility Billing (Sewer)</i>				
P0111493	00208228	METROPRESORT	JUNE 2021 PRINTING & MAILING O	144.36
P0111493	00208228	METROPRESORT	JUNE 2021 PRINTING & MAILING O	141.03
<i>Org Key: FN4503 - Utility Billing (Storm)</i>				
P0111493	00208228	METROPRESORT	JUNE 2021 PRINTING & MAILING O	144.35

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0111493	00208228	METROPRESORT	JUNE 2021 PRINTING & MAILING O	141.04
<i>Org Key: FR1100 - Administration (FR)</i>				
P0111488	00208192	ASPECT SOFTWARE INC	Telestaff Monthly Fee/Fire	165.15
<i>Org Key: FR2100 - Fire Operations</i>				
P0111490	00208197	CASCADE FIRE EQUIPMENT	Turnouts/Campbell	5,527.02
P0111483	00208204	EASTSIDE FIRE & RESCUE	Parts/Labor 4603	845.11
P0111487	00208221	KROESENS UNIFORM COMPANY	Uniforms/Collier	630.98
P0111489	00208193	AT&T MOBILITY	MDC Charges/Fire	560.66
P0111491	00208201	COMCAST	Internet Charges/Fire	90.27
P0111484	00208201	COMCAST	Internet Charges/Fire	62.41
P0111485	00208201	COMCAST	Internet Charges/Fire	11.33
<i>Org Key: FR2500 - Fire Emergency Medical Svcs</i>				
P0111486	00208189	AIRGAS USA LLC	Oxygen/Fire	9.86
<i>Org Key: MT2100 - Roadway Maintenance</i>				
P0111497	00208218	KING COUNTY TREASURY	PROJECT # 1135621 SGNL 86 AVE	463.41
P0111467	00208213	HOME DEPOT CREDIT SERVICE	J-B WELD EPOXY PUTTY	13.83
<i>Org Key: MT2300 - Planter Bed Maintenance</i>				
P0111496	00208206	EXELTECH	PHASE 1 LANDSCAPE AND DESIGN S	12,860.23
<i>Org Key: MT3100 - Water Distribution</i>				
P0111437	00208233	NORTON CORROSION LIMITED LLC	2021 ANNUAL INSPECTION OF NORT	1,138.00
<i>Org Key: MT3150 - Water Quality Event</i>				
P0110284	00208245	LINKO TECHNOLOGY INC	2021 CROSS CONNECTION WEB TEST	1,135.00
P0110284	00208245	LINKO TECHNOLOGY INC	2021 CROSS CONNECTION WEB TEST	776.00
P0110284	00208245	LINKO TECHNOLOGY INC	2021 CROSS CONNECTION WEB TEST	329.00
P0111448	00208212	HACH COMPANY	CHLORINE 25-30MG/L 2ML, 20PK	214.09
P0111448	00208212	HACH COMPANY	WATER, DEIONIZED, 500ML	32.13
<i>Org Key: MT3300 - Water Associated Costs</i>				
P0111428	00208198	CHECK RIDE DRIVER TRAINING	DRIVER TRAINING FOR KYLE HAWKI	3,450.00
<i>Org Key: MT3400 - Sewer Collection</i>				
P0111452	00208211	H D FOWLER	FAST PATCH	940.80
P0111451	00208211	H D FOWLER	POLY MH SAFETY STEPS	204.46
<i>Org Key: MT3600 - Sewer Associated Costs</i>				
P0111428	00208198	CHECK RIDE DRIVER TRAINING	DRIVER TRAINING FOR MARCUS LOV	3,450.00
P0111423	00208248	WHISTLE WORKWARE	SAFETY BOOTS	172.00
<i>Org Key: MT3800 - Storm Drainage</i>				
P0111465	00208190	All Traffic Solutions Inc.	APP. MESSAGING SUITE FOR READE	1,045.95
P0111495	00208191	AM TEST INC	OIL & GREASE ANALYSIS	95.00
<i>Org Key: MT4101 - Support Services - General Fd</i>				
P0111506	00208203	DAILY JOURNAL OF COMMERCE	Ad for design and space SOQ	309.60
<i>Org Key: MT4150 - Support Services - Clearing</i>				
P0111422	00208202	CRYSTAL AND SIERRA SPRINGS	PW WATER DELIVERY	68.55

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: MT4200 - Building Services</i>				
P0111504	00208199	CHEMAQUA	Water treatment program for in	892.96
P0111503	00208246	ULINE	1 black brute quiet dolly	106.71
<i>Org Key: MT4300 - Fleet Services</i>				
P0111510	00208235	PACIFIC RUBBER	HOSE ASSEMBLY	201.82
<i>Org Key: MT4501 - Water Administration</i>				
P0111468	00208240	SEATTLE PUBLIC UTILITIES	MAY 2021 WATER PURCHASE	152,215.42
P0111436	00208208	GEMINI GROUP LLC	2020 CCR WATER QUALITY REPORT	7,677.48
P0111494	00208249	WILLIAMS KASTNER & GIBBS PLLC	MOUNTAIN SOUND TRANSIT CLAIM	837.00
<i>Org Key: MT6100 - Park Maintenance</i>				
P0111512	00208213	HOME DEPOT CREDIT SERVICE	20 GAL. GALVANIZED TRASH CANS	114.53
P0111511	00208241	SECURITY SAFE & LOCK	KEYS MADE	23.40
<i>Org Key: MT6500 - Luther Burbank Park Maint</i>				
P0111192	00208234	PACIFIC AIR CONTROL INC	1st quarterly billing of 4 for	827.13
<i>Org Key: MT6900 - Aubrey Davis Park Maint</i>				
P0111502	00208244	T-MOBILE	Monthly service charge for	20.00
<i>Org Key: PA0101 - Recurring Parks Minor Capital</i>				
P0111421	00208188	AARDVARK BARK BLOWING	2021 Engineered Wood Fiber	18,744.53
P0111429	00208217	KCDA PURCHASING COOPERATIVE	SWINGSET FOR DEANE'S CHILDREN'	2,714.31
<i>Org Key: PA0122 - Luther Burbank Dock Repair & R</i>				
P0107597	00208220	KPFF CONSULTING ENGINEERS	Floating Docs - Luther Burbank	547.50
<i>Org Key: PA122B - LB Shoreline Access Improvemen</i>				
P0107597	00208220	KPFF CONSULTING ENGINEERS	Access Improvements Luther Bur	1,423.00
<i>Org Key: PR4100 - Community Center</i>				
P0111501	00208234	PACIFIC AIR CONTROL INC	Invoice 40934. No cooling at M	1,615.26
<i>Org Key: SP0100 - Residential Street Resurfacing</i>				
P0111418	00208247	UNITED REPROGRAPHICS	2021 MI BOOK	15.68
<i>Org Key: SP0102 - East Mercer Way Overlay (SE 53</i>				
P0111446	00208205	EJ USA INC	6" X 24" RINGS & COVER "SEWER"	6,700.69
P0111418	00208247	UNITED REPROGRAPHICS	2021 MI BOOK	15.68
<i>Org Key: SU0113 - SCADA System Replacement-Sewer</i>				
P0111469	00208213	HOME DEPOT CREDIT SERVICE	CLAMPS, CONDUIT & FITTINGS	145.20
<i>Org Key: SW0100 - Sub Basin 42.1 & 42.1a Waterco</i>				
P0111417	00208247	UNITED REPROGRAPHICS	SUB 42 BOOK	53.75
<i>Org Key: WU0116 - RRA/ ERP Updates & Water Syste</i>				
P0109465	00208196	CAROLLO ENGINEERS INC	Risk & Resilience Assessment (19,006.53
<i>Org Key: WU0119 - Reservoir Generator Replacemen</i>				
P0110228	00208232	MURRAYSMITH INC	GENERATOR REPLACEMENT AT THE	8,217.23
<i>Org Key: YF2600 - Family Assistance</i>				
P0111482	00208227	MERCER MANOR INC	Rental assistance for EA clien	1,675.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: YF2860 - Federal STOP Grant</i>				
P0111481	00208219	KMIH Bridge Boosters Inc.	900 MI HYI student testimonial	4,000.00
Total				362,431.59

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00208188	07/02/2021	AARDVARK BARK BLOWING 2021 Engineered Wood Fiber	P0111421	12707	06/11/2021	18,744.53
00208189	07/02/2021	AIRGAS USA LLC Oxygen/Fire	P0111486	9114156280	06/08/2021	9.86
00208190	07/02/2021	All Traffic Solutions Inc. APP. MESSAGING SUITE FOR READE	P0111465	SIN028912	06/17/2021	1,045.95
00208191	07/02/2021	AM TEST INC OIL & GREASE ANALYSIS	P0111495	121939	06/15/2021	95.00
00208192	07/02/2021	ASPECT SOFTWARE INC Telestaff Monthly Fee/Fire	P0111488	ASI066242	06/06/2021	165.15
00208193	07/02/2021	AT&T MOBILITY MDC Charges/Fire	P0111489	OH014595	06/05/2021	560.66
00208194	07/02/2021	BEUTHEL, FRED REFUND OVERPAY 00293530006		062421	06/24/2021	325.17
00208195	07/02/2021	CAPITAL ONE TRADE CREDIT INVENTORY PURCHASES	P0111442	1636350834	06/25/2021	220.59
00208196	07/02/2021	CAROLLO ENGINEERS INC Risk & Resilience Assessment (P0109465	FB11492	06/14/2021	19,006.53
00208197	07/02/2021	CASCADE FIRE EQUIPMENT Turnouts/Campbell	P0111490	116184	06/10/2021	5,527.02
00208198	07/02/2021	CHECK RIDE DRIVER TRAINING DRIVER TRAINING FOR KYLE HAWKI	P0111428	LOVELL/HAWKINS	06/07/2021	6,900.00
00208199	07/02/2021	CHEMAQUA Water treatment program for in	P0111504	7408991	06/26/2021	892.96
00208200	07/02/2021	Clark Nuber PS Professional Services INV #990	P0111492	99038059	06/22/2021	4,000.00
00208201	07/02/2021	COMCAST Internet Charges/Fire	P0111491	0024124-JUN2021	06/17/2021	164.01
00208202	07/02/2021	CRYSTAL AND SIERRA SPRINGS PW WATER DELIVERY	P0111422	14555831061221	06/12/2021	68.55
00208203	07/02/2021	DAILY JOURNAL OF COMMERCE Ad for design and space SOQ	P0111506	3369211	06/18/2021	309.60
00208204	07/02/2021	EASTSIDE FIRE & RESCUE Parts/Labor 4603	P0111483	4046	06/17/2021	845.11
00208205	07/02/2021	EJ USA INC 6" X 24" RINGS & COVER "SEWER"	P0111446	110210042585	06/15/2021	6,700.69
00208206	07/02/2021	EXELTECH PHASE 1 LANDSCAPE AND DESIGN S	P0111496	2102-01	06/15/2021	12,860.23
00208207	07/02/2021	FERGUSON ENTERPRISES LLC INVENTORY PURCHASES	P0111441	0994183	06/23/2021	964.48
00208208	07/02/2021	GEMINI GROUP LLC 2020 CCR WATER QUALITY REPORT	P0111436	121-14517	06/28/2021	7,677.48
00208209	07/02/2021	GEMPLER'S INC INVENTORY PURCHASES	P0111513	INV0004473286	06/25/2021	321.40
00208210	07/02/2021	GRAINGER INVENTORY PURCHASES	P0111508	698/235/856	06/28/2021	795.57
00208211	07/02/2021	H D FOWLER FAST PATCH	P0111451	I5813771	06/16/2021	1,145.26
00208212	07/02/2021	HACH COMPANY CHLORINE 25-30MG/L 2ML, 20PK	P0111448	12496230	06/11/2021	246.22
00208213	07/02/2021	HOME DEPOT CREDIT SERVICE INVENTORY PURCHASES	P0111512	8100477	06/23/2021	348.43

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00208214	07/02/2021	HONEYWELL, MATTHEW V Invoice #1221 Professional Ser	P0111455	1221	06/15/2021	300.00
00208215	07/02/2021	INTERCOM LANGUAGE SERVICES INC Intercom invoice #21-295	P0111498	21-295	06/25/2021	130.00
00208216	07/02/2021	JOLIN, BENOIT REFUND OVERPAY 01083745008		062821	06/28/2021	362.35
00208217	07/02/2021	KCDA PURCHASING COOPERATIVE SWINGSET FOR DEANE'S CHILDREN'	P0111429	300553390	05/25/2021	2,714.31
00208218	07/02/2021	KING COUNTY TREASURY PROJECT # 1135621 SGNL 86 AVE	P0111497	112596-112596	05/31/2021	463.41
00208219	07/02/2021	KMIH Bridge Boosters Inc. 900 MI HYI student testimonial	P0111481	39212	06/25/2021	4,000.00
00208220	07/02/2021	KPFF CONSULTING ENGINEERS Floating Docs - Luther Burbank	P0107597	377558	06/12/2021	1,970.50
00208221	07/02/2021	KROESENS UNIFORM COMPANY Uniforms/Collier	P0111487	63893	06/07/2021	630.98
00208222	07/02/2021	LISA & JEFF LANCTOT REFUND OVERPAY 00524020003		062421	06/24/2021	528.15
00208223	07/02/2021	LYBECK, LINDA REFUND OVERPAY 00416029001		062521	06/25/2021	299.57
00208224	07/02/2021	MARTEN LAW Invoice No. 44091725 Professio	P0111479	44091723	06/15/2021	5,653.25
00208225	07/02/2021	McNaul Ebel Nawrot Invoice #100144 Professional	P0111480	100144	06/18/2021	68,670.61
00208226	07/02/2021	MEGAN & NIGEL REFUND OVERPAY 003532901		062421	06/24/2021	404.70
00208227	07/02/2021	MERCER MANOR INC Rental assistance for EA clien	P0111482	062421	06/24/2021	1,675.00
00208228	07/02/2021	METROPRESORT JUNE 2021 PRINTING & MAILING O	P0111493	IN634231	06/25/2021	856.16
00208229	07/02/2021	MI EMPLOYEES ASSOC PAYROLL EARLY WARRANTS		OH014594	07/02/2021	235.00
00208230	07/02/2021	MID-AMERICA SPORTS ADVANTAGE INVENTORY PURCHASES	P0111443	426326-00	06/07/2021	857.34
00208231	07/02/2021	MIOPOSTO MERCER ISLAND REFUND OVERPAY B&O 160180		062521	06/25/2021	1,454.38
00208232	07/02/2021	MURRAYSMITH INC GENERATOR REPLACEMENT AT THE	P0110228	19-2659.00-18	06/18/2021	8,217.23
00208233	07/02/2021	NORTON CORROSION LIMITED LLC 2021 ANNUAL INSPECTION OF NORT	P0111437	256885	06/17/2021	1,138.00
00208234	07/02/2021	PACIFIC AIR CONTROL INC 1st quarterly billing of 4 for	P0111501	40934	06/16/2021	2,442.39
00208235	07/02/2021	PACIFIC RUBBER HOSE ASSEMBLY	P0111510	R056836	06/23/2021	201.82
00208236	07/02/2021	PACIFICA LAW GROUP LLP Invoice #68315 Professional	P0111478	68315	06/11/2021	9,837.00
00208237	07/02/2021	PRR INC Mercerdale Playground Public	P0111476	4288.01-1	06/21/2021	1,840.85
00208238	07/02/2021	RACHEL & ADAM ORTEGA REFUND OVERPAY 00517256002		062421	06/24/2021	432.02
00208239	07/02/2021	REITER, JACK REFUND OVERPAY 002018275		062421	06/24/2021	398.06

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00208240	07/02/2021	SEATTLE PUBLIC UTILITIES MAY 2021 WATER PURCHASE	P0111468	OH014593	05/01/2021	152,215.42
00208241	07/02/2021	SECURITY SAFE & LOCK KEYS MADE	P0111511	560341	06/23/2021	23.40
00208242	07/02/2021	SUNDT, EJ REFUND OVERPAY 004151530		062421	06/24/2021	120.62
00208243	07/02/2021	SUPPLY SOURCE INC,THE INVENTORY PURCHASES	P0111453	2101608	06/22/2021	957.80
00208244	07/02/2021	T-MOBILE Monthly service charge for	P0111502	519850018-JUN21	06/08/2021	20.00
00208245	07/02/2021	LINKO TECHNOLOGY INC 2021 CROSS CONNECTION WEB TEST	P0110284	8421	06/07/2021	2,240.00
00208246	07/02/2021	ULINE 1 black brute quiet dolly	P0111503	134509957	06/03/2021	106.71
00208247	07/02/2021	UNITED REPROGRAPHICS 2021 MI BOOK	P0111417	9102696-IN	05/28/2021	85.11
00208248	07/02/2021	WHISTLE WORKWARE SAFETY BOOTS	P0111423	458861	06/19/2021	172.00
00208249	07/02/2021	WILLIAMS KASTNER & GIBBS PLLC MOUNTAIN SOUND TRANSIT CLAIM	P0111494	621948	06/11/2021	837.00
					Total	<u>362,431.59</u>

CERTIFICATION OF CLAIMS

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.



Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor

Date

<u>Report</u>	<u>Warrants</u>	<u>Date</u>	<u>Amount</u>
Check Register	208250-208333	7/9/2021	\$802,715.11
			\$802,715.11

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: 402000 - Water Fund-Admin Key</i>				
P0111519	00208321	SEATTLE PUBLIC UTILITIES	JUNE 2021 SPU CHARGE FOR RETAI	6,639.00
P0111445	00208305	MALLORY SAFETY SUPPLY	INVENTORY PURCHASES	486.88
P0111538	00208296	GRAINGER	INVENTORY PURCHASES	110.86
<i>Org Key: AS1100 - Administrative Services</i>				
P0111566	00208327	VERIZON WIRELESS	VERIZON MAY 24-JUNE 23 ANG/AL	82.04
<i>Org Key: CM1200 - City Clerk</i>				
P0110198	00208285	CODE PUBLISHING CO	Update Ord. 20-27, 20-28 and N	286.60
P0111551	00208323	SOUND PUBLISHING INC	Ntc. 2589160 Ord. 21C-10 6.23.	57.30
P0111551	00208323	SOUND PUBLISHING INC	Ntc. 2589162 Ord. 21C-13 6.23.	57.30
P0111551	00208323	SOUND PUBLISHING INC	Ntc. 2589163 Ord. 21C-14 6.23.	57.30
<i>Org Key: DS0000 - Development Services-Revenue</i>				
P0111548	00208255	BELLEVUE, CITY OF	Q2 2021 MBP charges	9,615.27
P0111557	00208301	KC RECORDS	Prepayment of recording fees f	1,598.50
	00208251	ADT LLC	PERMIT NOT NEEDED	138.43
<i>Org Key: DS1100 - Administration (DS)</i>				
P0111440	00208324	SUPERION LLC	TRAKIT ANNUAL MAINT 7/1/21-6/3	24,472.38
P0111550	00208332	Wood.	Peer review for CAO15-001	1,571.00
P0111544	00208291	ESA	Work for APL21-004	612.00
P0111564	00208327	VERIZON WIRELESS	VERIZON MAY 24-JUNE 23	497.38
P0111567	00208327	VERIZON WIRELESS	VERIZON MAY 24-JUNE 23 CM/CPD	354.44
P0111544	00208291	ESA	Review of Treehouse property	306.00
P0111567	00208327	VERIZON WIRELESS	VERIZON MAY 24-JUNE 23 CM/CPD	118.15
<i>Org Key: DS1200 - Bldg Plan Review & Inspection</i>				
P0111549	00208320	SAFEBUILT WASHINGTON LLC	Plan review for 2102-104	1,343.83
<i>Org Key: DS1300 - Land Use Planning Svc</i>				
P0111545	00208295	Galt, John	Hearing Examiner services for	16,638.75
P0111572	00208295	Galt, John	Hearing Examiner fees for APL2	31.25
<i>Org Key: FN1100 - Administration (FN)</i>				
P0111525	00208328	VERIZON WIRELESS	CITY CELL PHONES, AC, OLIVIA,	47.03
P0111525	00208328	VERIZON WIRELESS	CITY CELL PHONES, AC, OLIVIA,	42.03
<i>Org Key: FN2100 - Data Processing</i>				
P0111542	00208324	SUPERION LLC	ONESOLUTION 3RD QTR MAINT	12,331.66
<i>Org Key: FN4501 - Utility Billing (Water)</i>				
P0111369	00208307	METROPRESORT	REMINDER NOTICES 2 COLOR BLACK	106.67
P0111525	00208328	VERIZON WIRELESS	CITY CELL PHONES, AC, OLIVIA,	47.03
P0111525	00208328	VERIZON WIRELESS	CITY CELL PHONES, AC, OLIVIA,	42.03
P0111369	00208307	METROPRESORT	POSTAGE	21.13
P0111369	00208307	METROPRESORT	TAX	10.77
<i>Org Key: FN4502 - Utility Billing (Sewer)</i>				
P0111369	00208307	METROPRESORT	REMINDER NOTICES 2 COLOR BLACK	106.67
P0111369	00208307	METROPRESORT	POSTAGE	21.13
P0111369	00208307	METROPRESORT	TAX	10.77

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: FN4503 - Utility Billing (Storm)</i>				
P0111369	00208307	METROPRESORT	REMINDER NOTICES 2 COLOR BLACK	106.66
P0111369	00208307	METROPRESORT	POSTAGE	21.14
P0111369	00208307	METROPRESORT	TAX	10.78
<i>Org Key: FR1100 - Administration (FR)</i>				
	00208261	CENTURYLINK	FIRE STATION 92 T1	1,599.12
<i>Org Key: FR2100 - Fire Operations</i>				
P0111562	00208327	VERIZON WIRELESS	VERIZON MAY 24-JUNE 23 FIRE	887.73
<i>Org Key: FR2400 - Fire Suppression</i>				
	00208316	PETERS, MIKE	4 TENTS/HEADLAMPS	1,004.64
<i>Org Key: GB0103 - FS91 and FS92 Building Repairs</i>				
P0111522	00208315	PACIFIC AIR CONTROL INC	Troubleshooting Mitsubishi sys	607.75
<i>Org Key: GB0108 - FS91 Site Characterization & F</i>				
P0110294	00208292	FARALLON CONSULTING LLC	PROJECT 1292-003 FS91 SITE	41,545.62
<i>Org Key: GGM001 - General Government-Misc</i>				
P0111593	00208256	BRINKS INC	June 2021 Armored car service	2,009.83
P0111547	00208318	POT O' GOLD INC	Coffee supplies	505.61
P0111568	00208286	COMCAST	INTERNET JUNE 22-JUL 21	111.46
P0111547	00208318	POT O' GOLD INC	Water cooler	27.50
P0111593	00208256	BRINKS INC	June 2021 Disputed charges	-1,244.00
<i>Org Key: GGM004 - Gen Govt-Office Support</i>				
P0111559	00208333	XEROX CORPORATION	Copier Rental Fees May 2021 IN	1,474.97
P0111546	00208317	PITNEY BOWES	Q 2 Folder/ Stuffer lease	1,053.76
P0111526	00208250	ADOCS	Copier Service Fees INV #AR125	815.75
P0111526	00208250	ADOCS	Copier Service Fees INV #AR125	241.05
<i>Org Key: GGM005 - Genera Govt-L1 Retiree Costs</i>				
P0111541	00208329	WALLACE, THOMAS	LEOFF1 LTC Expenses	6,000.00
P0111527	00208303	LOISEAU, LERI M	LEOFF1 Retiree Medical Expense	205.66
P0111529	00208289	ELSOE, RONALD	LEOFF1 Retiree Medical Expense	51.74
P0111528	00208299	JOHNSON, CURTIS	LEOFF1 Retiree Medical Expense	31.32
P0111529	00208289	ELSOE, RONALD	LEOFF1 Retiree Medical Expense	19.20
<i>Org Key: GT0108 - Technology Equipment Replaceme</i>				
P0111515	00208260	CDW GOVERNMENT INC	2021 Monitors Equipment Replac	2,140.78
<i>Org Key: IGVO11 - Chamber of Commerce</i>				
P0111543	00208308	MI CHAMBER OF COMMERCE	Second quarter payment per 202	3,600.00
<i>Org Key: IS2100 - IGS Network Administration</i>				
P0111509	00208260	CDW GOVERNMENT INC	Commvault Annual Renewal	6,138.08
	00208262	CENTURYLINK	COMMUNITY CTR BACKUP PER T1	663.94
	00208281	CENTURYLINK	PRI SPAN	648.99
	00208273	CENTURYLINK	FIRE STAT 92	202.84
P0111524	00208328	VERIZON WIRELESS	IGS LOANERS, WIFI & ON CALL	162.12
	00208271	CENTURYLINK	COMMUNITY CENTER	124.83
	00208263	CENTURYLINK	PUBLIC WORKS RADIO	96.05

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00208275	CENTURYLINK	MAINTENANCE 911 BACKUP LINE	71.21
	00208276	CENTURYLINK	FIRE/BURGLAR ALARM	68.08
	00208268	CENTURYLINK	THRIFT STORE 911 BACKUP LINE	67.45
	00208272	CENTURYLINK	LUTHER BURBANK 911 BACKUP LINE	67.45
	00208274	CENTURYLINK	FIRE STATION 92 ELEVATOR ALARM	65.22
	00208277	CENTURYLINK	FIRE/BURGLAR ALARM	61.08
	00208278	CENTURYLINK	FIRE/BURGLAR ALARM	61.08
P0111525	00208328	VERIZON WIRELESS	CITY CELL PHONES, AC, OLIVIA,	40.01
<i>Org Key: MT2100 - Roadway Maintenance</i>				
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	1,529.43
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	349.23
P0111533	00208310	MI HARDWARE - ROW	MISC. HARDWARE FOR THE MONTH O	27.90
<i>Org Key: MT2300 - Planter Bed Maintenance</i>				
P0111520	00208312	MI UTILITY BILLS	JUNE 2021 PAYMENT OF UTILITY B	251.55
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	13.37
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	1.46
<i>Org Key: MT2500 - ROW Administration</i>				
	00208254	BARNETT, JASON	MISC. WORK CLOTHES	346.21
	00208297	HAWKINS, KYLE	CDL CLASS CHECK RIDE	232.96
<i>Org Key: MT3100 - Water Distribution</i>				
P0111518	00208298	HOME DEPOT CREDIT SERVICE	SINK & FITTINGS	283.49
<i>Org Key: MT3150 - Water Quality Event</i>				
P0111555	00208296	GRAINGER	CHEMICAL METERING PUMP	614.60
P0110185	00208252	AM TEST INC	2021 WATER QUALITY SAMPLES	100.00
P0110185	00208252	AM TEST INC	2021 WATER QUALITY SAMPLES	60.00
<i>Org Key: MT3200 - Water Pumps</i>				
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	3,209.05
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	159.68
	00208267	CENTURYLINK	FIRE VHF RADIO @ RESERVOIR	59.74
<i>Org Key: MT3300 - Water Associated Costs</i>				
P0111553	00208331	WHISTLE WORKWEAR	SAFETY BOOTS & MISC. WORK CLOT	178.57
<i>Org Key: MT3400 - Sewer Collection</i>				
P0111534	00208314	OLDCASTLE PRECAST INC	25" X 4" FLAT GRADE RING	607.75
P0111534	00208314	OLDCASTLE PRECAST INC	25" X 2" FLAT GRADE RING	561.51
<i>Org Key: MT3500 - Sewer Pumps</i>				
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	2,209.14
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	960.72
	00208264	CENTURYLINK	UTILITIES DEPARTMENT	212.40
	00208265	CENTURYLINK	UTILITIES DEPARTMENT	168.64
	00208266	CENTURYLINK	UTILITIES DEPARTMENT	124.45
P0111520	00208312	MI UTILITY BILLS	JUNE 2021 PAYMENT OF UTILITY B	41.93
P0111531	00208311	MI HARDWARE - UTILITY	MISC. HARDWARE FOR THE MONTH O	21.76
<i>Org Key: MT3600 - Sewer Associated Costs</i>				
	00208304	LOVELL, MARCUS	CDL LICENSE, DOL	315.14

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
<i>Org Key: MT3800 - Storm Drainage</i>				
P0111554	00208326	UNITED RENTALS NORTH AMERICA	MINI EXCAVATOR RENTAL	2,523.61
	00208297	HAWKINS, KYLE	COMMERCIAL DRIVERS LICENSE	97.25
<i>Org Key: MT4150 - Support Services - Clearing</i>				
P0111565	00208327	VERIZON WIRELESS	VERIZON MAY 24-JUNE 23 PUBLIC	4,340.10
P0111556	00208282	CINTAS CORPORATION #460	2021 PW COVERALL SERVICE	1,782.80
<i>Org Key: MT4200 - Building Services</i>				
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	6,083.64
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	1,356.07
P0111520	00208312	MI UTILITY BILLS	JUNE 2021 PAYMENT OF UTILITY B	675.48
P0111540	00208315	PACIFIC AIR CONTROL INC	POLICE AREA THERMOSTAT ISSUES	481.14
P0111539	00208315	PACIFIC AIR CONTROL INC	FS#91 OFFICE NOT COOLING	437.10
P0111523	00208288	DEPARTMENT OF L & I	Inspected City Hall	170.00
<i>Org Key: MT4300 - Fleet Services</i>				
P0111537	00208259	CARQUEST AUTO PARTS STORES	2021 MONTHLY FLEET PARTS	69.57
<i>Org Key: MT4501 - Water Administration</i>				
	00208280	CENTURYLINK	RESERVOIR FIRE/BURGALUR ALARM	63.47
<i>Org Key: MT4502 - Sewer Administration</i>				
P0109806	00208302	KING COUNTY TREASURY	JAN-DEC 2021 MONTHLY SEWER CHA	407,950.44
<i>Org Key: MT6100 - Park Maintenance</i>				
P0111521	00208312	MI UTILITY BILLS	JUNE 2021 PAYMENT OF UTILITY B	6,729.94
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	1,355.87
P0111552	00208331	WHISTLE WORKWEAR	SAFETY BOOTS & MISC. WORK CLOT	228.15
P0111556	00208282	CINTAS CORPORATION #460	PARKS 2021 COVERALL SERVICE	137.80
P0111532	00208309	MI HARDWARE - MAINT	MISC. HARDWARE FOR THE MONTH O	83.90
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	30.52
<i>Org Key: MT6200 - Athletic Field Maintenance</i>				
P0111521	00208312	MI UTILITY BILLS	JUNE 2021 PAYMENT OF UTILITY B	16,682.10
<i>Org Key: MT6500 - Luther Burbank Park Maint</i>				
P0111521	00208312	MI UTILITY BILLS	JUNE 2021 PAYMENT OF UTILITY B	4,376.46
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	497.51
	00208270	CENTURYLINK	LUTHER BURBANK PARK	129.50
	00208269	CENTURYLINK	LUTHER BURBANK PARK	64.74
<i>Org Key: MT6600 - Park Maint School Fields</i>				
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	301.36
<i>Org Key: MT6800 - Trails Maintenance</i>				
P0111532	00208309	MI HARDWARE - MAINT	MISC. HARDWARE FOR THE MONTH O	11.77
<i>Org Key: MT6900 - Aubrey Davis Park Maint</i>				
P0111521	00208312	MI UTILITY BILLS	JUNE 2021 PAYMENT OF UTILITY B	23,374.18
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	99.58
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	83.05
<i>Org Key: PA0123 - Luther Burbank Minor Capital L</i>				

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
P0108027	00208325	Transblue LLC	2020 Luther Burbank Waterfront	3,519.28
<i>Org Key: PA0125 - Mercerdale Playground Improvem</i>				
	00208330	WEST, PAUL	SUMMIT PARK PG EQUIPMENT	26.88
<i>Org Key: PO1100 - Administration (PO)</i>				
P0111563	00208327	VERIZON WIRELESS	VERIZON MAY 24-JUNE 23 POLICE	724.32
<i>Org Key: PO1350 - Police Emergency Management</i>				
	00208294	Franklin, Jennifer	BLOCK WATCH SIGNS PAW PATROL	405.20
P0111516	00208322	SKYLINE COMMUNICATIONS INC	JULY 2021 EOC INTERNET SERVICE	206.55
<i>Org Key: PR1100 - Administration (PR)</i>				
P0111466	00208290	Emily Moon, Consultant	Recreation Reset Services - Ma	8,225.00
<i>Org Key: PR4100 - Community Center</i>				
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	3,457.48
P0111569	00208286	COMCAST	INTERNET JUN 21 - JUL 20 COMMU	268.12
	00208279	CENTURYLINK	COMMUNITY CENTER 911 ID LINE	61.08
<i>Org Key: SP0100 - Residential Street Resurfacing</i>				
P0111457	00208283	CM DESIGN GROUP	MERCER ISLAND 2021 ARTERIAL &	25,430.52
P0111220	00208257	BUILDERS EXCHANGE OF WA	PUBLISH PROJECTS ONLINE	45.00
<i>Org Key: SP0102 - East Mercer Way Overlay (SE 53)</i>				
P0111457	00208283	CM DESIGN GROUP	MERCER ISLAND 2021 ARTERIAL &	24,803.76
P0111220	00208257	BUILDERS EXCHANGE OF WA	PUBLISH PROJECTS ONLINE	53.40
<i>Org Key: SP0126 - EMW Landslide Repair</i>				
P0111457	00208283	CM DESIGN GROUP	MERCER ISLAND 2021 ARTERIAL &	48,495.95
P0111124	00208287	DAILY JOURNAL OF COMMERCE	ADV EAST MERCER WAY LANDSLIDE	339.70
P0111220	00208257	BUILDERS EXCHANGE OF WA	PUBLISH PROJECTS ONLINE	45.00
<i>Org Key: ST0020 - ST Long Term Parking</i>				
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	12.18
<i>Org Key: SU0113 - SCADA System Replacement-Sewer</i>				
P0109257	00208258	Cabling & Technology Services	Thrift Fiber Tray Redo INVOICE	1,214.73
P0109259	00208258	Cabling & Technology Services	Fiber Re-termination S92 <-> M	1,214.73
<i>Org Key: SW0100 - Sub Basin 42.1 & 42.1a Waterco</i>				
P0106532	00208313	NATURAL SYSTEMS DESIGN	SUB BASIN 42 WATERCOURSE	2,326.41
<i>Org Key: WS713T - SCADA System Upgrade</i>				
P0111530	00208296	GRAINGER	MIXED FLOW DUCT FAN	195.50
<i>Org Key: WU0102 - SCADA System Replacement-Water</i>				
P0110385	00208253	BAINBRIDGE ISLAND ELECTRIC	21-01 SCADA WATER EQUIP REPLAC	15,765.00
P0109257	00208258	Cabling & Technology Services	Thrift Fiber Tray Redo INVOICE	1,214.73
P0109259	00208258	Cabling & Technology Services	Fiber Re-termination S92 <-> M	1,214.73
<i>Org Key: WU0103 - Water Reservoir Improvements</i>				
P0110616	00208284	COASTAL SERVICES INC	21-11 RESERVOIR IMPROVEMENTS	17,867.00
<i>Org Key: YF1200 - Thrift Shop</i>				
P0111466	00208290	Emily Moon, Consultant	Thrift Shop Financial Analysis	1,425.00

Accounts Payable Report by GL Key

PO #	Check #	Vendor:	Transaction Description	Check Amount
	00208319	PUGET SOUND ENERGY	PSE JUNE 2021	373.93
P0111517	00208293	FIRE PROTECTION INC	THRIFT STORE FIRE ALARM MAINT	148.64
<i>Org Key: YF2600 - Family Assistance</i>				
P0111570	00208306	MERCER EAST	Utility assistance for EA clie	1,079.43
P0109894	00208300	KC HOUSING AUTHORITY	Rental Assistance for Emergenc	297.00
P0109894	00208300	KC HOUSING AUTHORITY	Rental Assistance for Emergenc	173.00
Total				802,715.11

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00208250	07/09/2021	ADOCS Copier Service Fees INV #AR125	P0111526	AR12569	07/01/2021	1,056.80
00208251	07/09/2021	ADT LLC PERMIT NOT NEEDED		2007-208	07/02/2021	138.43
00208252	07/09/2021	AM TEST INC 2021 WATER QUALITY SAMPLES	P0110185	122212	06/30/2021	160.00
00208253	07/09/2021	BAINBRIDGE ISLAND ELECTRIC 21-01 SCADA WATER EQUIP REPLAC	P0110385	3	06/28/2021	15,765.00
00208254	07/09/2021	BARNETT, JASON MISC. WORK CLOTHES		061321	06/13/2021	346.21
00208255	07/09/2021	BELLEVUE, CITY OF Q2 2021 MBP charges	P0111548	39727	06/25/2021	9,615.27
00208256	07/09/2021	BRINKS INC June 2021 Armored car service	P0111593	4123486	06/30/2021	765.83
00208257	07/09/2021	BUILDERS EXCHANGE OF WA PUBLISH PROJECTS ONLINE	P0111220	1068948	05/03/2021	143.40
00208258	07/09/2021	Cabling & Technology Services Thrift Fiber Tray Redo INVOICE	P0109259	11026	05/20/2021	4,858.92
00208259	07/09/2021	CARQUEST AUTO PARTS STORES 2021 MONTHLY FLEET PARTS	P0111537	2417-1D-488705	06/09/2021	69.57
00208260	07/09/2021	CDW GOVERNMENT INC 2021 Monitors Equipment Replac	P0111509	G313576	06/30/2021	8,278.86
00208261	07/09/2021	CENTURYLINK FIRE STATION 92 T1		8993-JUNE21	07/01/2021	1,599.12
00208262	07/09/2021	CENTURYLINK COMMUNITY CTR BACKUP PER T1		5359-JUNE21	07/01/2021	663.94
00208263	07/09/2021	CENTURYLINK PUBLIC WORKS RADIO		6646-JUNE21	07/01/2021	96.05
00208264	07/09/2021	CENTURYLINK UTILITIES DEPARTMENT		6987-JUNE21	06/23/2021	212.40
00208265	07/09/2021	CENTURYLINK UTILITIES DEPARTMENT		6988-JUNE21	06/23/2021	168.64
00208266	07/09/2021	CENTURYLINK UTILITIES DEPARTMENT		6989-JUNE21	06/23/2021	124.45
00208267	07/09/2021	CENTURYLINK FIRE VHF RADIO @ RESERVOIR		2633-JUNE21	06/23/2021	59.74
00208268	07/09/2021	CENTURYLINK THRIFT STORE 911 BACKUP LINE		0818-JUNE21	06/23/2021	67.45
00208269	07/09/2021	CENTURYLINK LUTHER BURBANK PARK		0920-JUNE21	06/23/2021	64.74
00208270	07/09/2021	CENTURYLINK LUTHER BURBANK PARK		1366-JUNE21	06/23/2021	129.50
00208271	07/09/2021	CENTURYLINK COMMUNITY CENTER		0994-JUNE21	06/23/2021	124.83
00208272	07/09/2021	CENTURYLINK LUTHER BURBANK 911 BACKUP LINE		2017-JUNE21	06/20/2021	67.45
00208273	07/09/2021	CENTURYLINK FIRE STAT 92		2782-JUNE21	06/23/2021	202.84
00208274	07/09/2021	CENTURYLINK FIRE STATION 92 ELEVATOR ALARM		2988-JUNE21	06/23/2021	65.22
00208275	07/09/2021	CENTURYLINK MAINTENANCE 911 BACKUP LINE		8350-JUNE21	06/23/2021	71.21

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00208276	07/09/2021	CENTURYLINK FIRE/BURGLAR ALARM		9598-JUNE21	06/23/2021	68.08
00208277	07/09/2021	CENTURYLINK FIRE/BURGLAR ALARM		1230-JUNE21	06/24/2021	61.08
00208278	07/09/2021	CENTURYLINK FIRE/BURGLAR ALARM		3500-JUNE21	06/23/2021	61.08
00208279	07/09/2021	CENTURYLINK COMMUNITY CENTER 911 ID LINE		8035-JUNE21	06/23/2021	61.08
00208280	07/09/2021	CENTURYLINK RESERVOIR FIRE/BURGALUR ALARM		8462-JUNE21	06/20/2021	63.47
00208281	07/09/2021	CENTURYLINK PRI SPAN		2071-JUNE21	06/23/2021	648.99
00208282	07/09/2021	CINTAS CORPORATION #460 2021 PW COVERALL SERVICE	P0111556	12701643-063021	06/30/2021	1,920.60
00208283	07/09/2021	CM DESIGN GROUP MERCER ISLAND 2021 ARTERIAL &	P0111457	21013	04/29/2021	98,730.23
00208284	07/09/2021	COASTAL SERVICES INC 21-11 RESERVOIR IMPROVEMENTS	P0110616	1564CS	06/28/2021	17,867.00
00208285	07/09/2021	CODE PUBLISHING CO Update Ord. 20-27, 20-28 and N	P0110198	68558	01/01/2021	286.60
00208286	07/09/2021	COMCAST INTERNET JUNE 22-JUL 21	P0111569	0057728-JUNE21	06/11/2021	379.58
00208287	07/09/2021	DAILY JOURNAL OF COMMERCE ADV EAST MERCER WAY LANDSLIDE	P0111124	3367057	04/13/2021	339.70
00208288	07/09/2021	DEPARTMENT OF L & I Inspected City Hall	P0111523	339406	06/21/2021	170.00
00208289	07/09/2021	ELSOE, RONALD LEOFF1 Retiree Medical Expense	P0111529	070521	07/05/2021	70.94
00208290	07/09/2021	Emily Moon, Consultant Recreation Reset Services - Ma	P0111466	061521-RE	06/15/2021	9,650.00
00208291	07/09/2021	ESA Work for APL21-004	P0111544	165078	06/23/2021	918.00
00208292	07/09/2021	FARALLON CONSULTING LLC PROJECT 1292-003 FS91 SITE	P0110294	0039116	04/02/2021	41,545.62
00208293	07/09/2021	FIRE PROTECTION INC THRIFT STORE FIRE ALARM MAINT	P0111517	63446	06/23/2021	148.64
00208294	07/09/2021	Franklin, Jennifer BLOCK WATCH SIGNS PAW PATROL		061021	06/10/2021	405.20
00208295	07/09/2021	Galt, John Hearing Examiner fees for APL2	P0111545	3192	06/01/2021	16,670.00
00208296	07/09/2021	GRAINGER INVENTORY PURCHASES	P0111530	9951503664	07/01/2021	920.96
00208297	07/09/2021	HAWKINS, KYLE CDL CLASS CHECK RIDE		061021	06/10/2021	330.21
00208298	07/09/2021	HOME DEPOT CREDIT SERVICE SINK & FITTINGS	P0111518	0263414	07/01/2021	283.49
00208299	07/09/2021	JOHNSON, CURTIS LEOFF1 Retiree Medical Expense	P0111528	070521	07/05/2021	31.32
00208300	07/09/2021	KC HOUSING AUTHORITY Rental Assistance for Emergenc	P0109894	070121A	07/01/2021	470.00
00208301	07/09/2021	KC RECORDS Prepayment of recording fees f	P0111557	ESCROW#742-0721	07/07/2021	1,598.50

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00208302	07/09/2021	KING COUNTY TREASURY JAN-DEC 2021 MONTHLY SEWER CHA	P0109806	30032194	07/01/2021	407,950.44
00208303	07/09/2021	LOISEAU, LERI M LEOFF1 Retiree Medical Expense	P0111527	070521	07/05/2021	205.66
00208304	07/09/2021	LOVELL, MARCUS CDL LICENSE, DOL		062321	06/23/2021	315.14
00208305	07/09/2021	MALLORY SAFETY SUPPLY INVENTORY PURCHASES	P0111445	5117940	06/28/2021	486.88
00208306	07/09/2021	MERCER EAST Utility assistance for EA clie	P0111570	070621	07/06/2021	1,079.43
00208307	07/09/2021	METROPRESORT POSTAGE	P0111369	IN634365	07/01/2021	415.72
00208308	07/09/2021	MI CHAMBER OF COMMERCE Second quarter payment per 202	P0111543	3829	06/30/2021	3,600.00
00208309	07/09/2021	MI HARDWARE - MAINT MISC. HARDWARE FOR THE MONTH O	P0111532	560400-063021	06/30/2021	95.67
00208310	07/09/2021	MI HARDWARE - ROW MISC. HARDWARE FOR THE MONTH O	P0111533	560700-063021	06/30/2021	27.90
00208311	07/09/2021	MI HARDWARE - UTILITY MISC. HARDWARE FOR THE MONTH O	P0111531	560800-063021	06/30/2021	21.76
00208312	07/09/2021	MI UTILITY BILLS JUNE 2021 PAYMENT OF UTILITY B	P0111521	OH014599	06/30/2021	52,131.64
00208313	07/09/2021	NATURAL SYSTEMS DESIGN SUB BASIN 42 WATERCOURSE	P0106532	2021-436	06/08/2021	2,326.41
00208314	07/09/2021	OLDCASTLE PRECAST INC 25" X 4" FLAT GRADE RING	P0111534	010248839	06/22/2021	1,169.26
00208315	07/09/2021	PACIFIC AIR CONTROL INC Troubleshooting Mitsubishi sys	P0111539	41005	06/24/2021	1,525.99
00208316	07/09/2021	PETERS, MIKE 4 TENTS/HEADLAMPS		062821	06/28/2021	1,004.64
00208317	07/09/2021	PITNEY BOWES Q 2 Folder/ Stuffer lease	P0111546	3313652234	06/04/2021	1,053.76
00208318	07/09/2021	POT O' GOLD INC Coffee supplies	P0111547	0304234	06/07/2021	533.11
00208319	07/09/2021	PUGET SOUND ENERGY PSE JUNE 2021		PSE-JUNE21B	06/23/2021	22,083.27
00208320	07/09/2021	SAFEBUILT WASHINGTON LLC Plan review for 2102-104	P0111549	0078007-IN	05/31/2021	1,343.83
00208321	07/09/2021	SEATTLE PUBLIC UTILITIES JUNE 2021 SPU CHARGE FOR RETAI	P0111519	OH014597	06/01/2021	6,639.00
00208322	07/09/2021	SKYLINE COMMUNICATIONS INC JULY 2021 EOC INTERNET SERVICE	P0111516	IN46179	07/01/2021	206.55
00208323	07/09/2021	SOUND PUBLISHING INC Ntc. 2589160 Ord. 21C-10 6.23.	P0111551	8029959	06/30/2021	171.90
00208324	07/09/2021	SUPERION LLC TRAKIT ANNUAL MAINT 7/1/21-6/3	P0111542	323451	07/01/2021	36,804.04
00208325	07/09/2021	Transblue LLC 2020 Luther Burbank Waterfront	P0108027	446824	03/04/2021	3,519.28
00208326	07/09/2021	UNITED RENTALS NORTH AMERICA MINI EXCAVATOR RENTAL	P0111554	191735351-005	06/23/2021	2,523.61
00208327	07/09/2021	VERIZON WIRELESS VERIZON MAY 24-JUNE 23 ANG/AL	P0111563	9882564735	06/23/2021	7,004.16

Accounts Payable Report by Check Number

Check No	Check Date	Vendor Name/Description	PO #	Invoice #	Invoice Date	Check Amount
00208328	07/09/2021	VERIZON WIRELESS CITY CELL PHONES, AC, OLIVIA,	P0111524	9882564739	06/23/2021	380.25
00208329	07/09/2021	WALLACE, THOMAS LEOFF1 LTC Expenses	P0111541	070521	07/05/2021	6,000.00
00208330	07/09/2021	WEST, PAUL SUMMIT PARK PG EQUIPMENT		060721	06/07/2021	26.88
00208331	07/09/2021	WHISTLE WORKWEAR SAFETY BOOTS & MISC. WORK CLOT	P0111552	228785	06/29/2021	406.72
00208332	07/09/2021	Wood. Peer review for CAO15-001	P0111550	S51702772	05/24/2021	1,571.00
00208333	07/09/2021	XEROX CORPORATION Copier Rental Fees May 2021 IN	P0111559	702496316	06/25/2021	1,474.97
					Total	<u>802,715.11</u>



CITY COUNCIL MINUTES REGULAR VIDEO MEETING June 15, 2021

Item 3.

CALL TO ORDER & ROLL CALL

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

Mayor Benson Wong, Deputy Mayor Wendy Weiker (5:03), and Councilmembers Lisa Anderl, Jake Jacobson, Salim Nice, Craig Reynolds, and David Rosenbaum participated remotely using a teleconferencing platform provided 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 Jacobson delivered the Pledge of Allegiance.

AGENDA APPROVAL

It was moved by Nice; seconded by Reynolds to
Amend the agenda to include an additional 20-minute Executive Session pursuant to RCW 42.30.110(1)(b) to consider the purchase or lease of real estate when public knowledge of such consideration would cause a likelihood of increased price.

Passed 7-0

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

SPECIAL BUSINESS

AB 5895: Healthy Youth Initiative Year in Review

Staff updated City Council on the grant-funded Healthy Youth Initiative program. The grant, which was authorized in November 2019, has expanded grant-funded services while adapting to new challenges presented by the COVID-19 pandemic.

YFS staff worked with federal funders to modify the HYI strategic plan to adapt to pandemic realities, resulting in the following efforts and partnerships from March 2020 to June 2021:

- Check In with Yourself Mercer Island in partnership with UW Center for Health & Risk Behaviors
- Mental Health First Aid in partnership with Jewish Family Services
- Be Kind to Your Mind mental health promotion campaign with National League of Young Men
- Most Steer Clear radio campaign with KMIH 89.9 The Bridge
- Med Take Back Day with Mercer Island Police Department
- Incredible Years Attentive Parenting
- Be Real for Young Adults Mercer Island in partnership with UW Center for Child & Family Wellbeing
- Launched www.mihealthyyouth.com (including new branding)

CITY MANAGER REPORT

City Manager Bon reported on the following items:

- COVID-19 Update
- Council Board & Commission Updates
- City Service Updates:

- East Mercer Way Landslide Repair
- Recreation Reset Update
- Mostly Music in the Park
- Catalytic Converter Thefts
- 2021 CERT Class
- Fireworks Reminder
- Some Good News:
 - May CPR Call
 - Juneteenth Art Installation
 - Congrats Class of 2021

APPEARANCES

Darren Gold, Mercer Island – requested that the Council pass a proclamation in support of the Jewish Community.

CONSENT AGENDA

Approve Accounts Payable Reports for the period ending June 3, 2021 in the amount of \$945,694.59

Approve Claims Reporting for Electronic Funds Transfer for the months ending:

- A) April 30, 2021 in the amount of \$2,203,962.58
- B) May 31, 2021 in the amount of \$2,256,114.63

AB 5891: 6/4/2021 Payroll Certification

Recommended Action: Approve the 6/4/2021 Payroll Certification (Exhibit 1) in the amount of \$790,677.80 and authorize the Mayor to sign the certification on behalf of the entire City Council.

Approve Minutes of the May 18, 2021 Special Meeting and June 1, 2021 Regular Meeting

It was moved by Reynolds; seconded by Nice 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 5898: Code of Ethics Revisions (Ordinance No. 21C-10, Third Reading)

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. A first reading was presented to Council at its May 4, 2021, meeting. Based on the City Council's suggestions and continuing to take into account state law and other municipal jurisdictions' approaches to common issues, Pacifica presented to the City Council a revised draft ordinance for second reading on June 1, 2021.

Staff reviewed with Council the various changes requested at the June 1 meeting and Council discussed the revisions at length.

It was moved by Jacobson; seconded by Nice to:

Adopt Ordinance No. 21C-10 amending chapter 2.60 MICC to revise the Code of Ethics for officials

PASSED: 7-0

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

It was moved by Reynolds; seconded by Weiker to:

Amend 2.60.010(A)4 and strike the word "only"

PASSED: 7-0

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

It was moved by Reynolds; seconded by Rosenbaum to:

Amend 2.60.010(A)6, replacing the word "which" with "that"

PASSED: 7-0

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

It was moved by Reynolds; seconded by Weiker to:

Amend 2.60.070(I) and add to the end of the section "Any such reimbursement must not exceed reasonable actual costs incurred and professional services at the prevailing rates for such services."

FAILED: 4-3

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

FOR: 3 (Reynolds, Rosenbaum, and Weiker)

PASSED: 7-0

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

AB 5899: American Rescue Plan Act Funds Update

Finance Director Matt Mornick updated the City Council on the latest information and guidance for receipt of American Rescue Plan Act funding, noting that as of June 9, 2021, the Washington State Office of Financial Management confirmed Mercer Island would receive \$7.23 million in ARPA funding. The presentation expanded on additional findings received up and until June 15, 2021, from both the U.S. Department of Treasury and the State of Washington Office of Financial Management, which included:

- First half of allocation due end of June; second half a year later
- Funds must be committed by December 2024 and spent by December 2026
- Eligible Uses:
 - Investing in Water, Sewer, and Broadband
 - Supporting public health expenditures
 - Address local negative economic impacts
 - Replacing lost public sector revenue

Mornick also reported that would complete the requisite requirements to ensure the first half of the funds would be transferred by OFM to the City by June 27, 2021, contingent upon the OFM taking receipt of those funds from the U.S. Treasury Department. The second half of the funds would be received within twelve months thereafter. Any funds declined by NEU cities would transfer to the state.

AB 5890: Youth & Family Services (YFS) Levy Discussion

City Manager Bon reviewed the revised list of potential Youth & Family Services programs and services that could be included in a levy lid lift and Deanna Gregory, of Pacifica Law Group, provided an overview of the levy lid lift process, identified additional decisions to be made, and provided preliminary financial modeling for two levy scenarios. Staff explained that if the City Council desired to pursue a levy in November 2021, staff would need direction to proceed with development of a ballot measure ordinance for City Council consideration in July.

Council discussed the levy lid lift process at length.

It was moved by Rosenbaum; seconded by Anderl to:

Direct the staff to take no further action on a levy for the 2021 election and return to the Council with a recommendation to maintain current YFS service levels and identify potential funding alternatives for items C, D & E in AB 5890.

PASSED: 7-0

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

(Councilmember Jacobson left the meeting at 7:04 PM)

AB 5889: Wireless Communications / Small Cell City Code Amendment (ZTR19-004)

Staff reported that the Planning Commission recommended approving the proposed code amendment to repeal the existing interim wireless communications and small cell regulations contained in Mercer Island City Code 19.06 and replace with permanent regulations, as well as to adopt related clean up amendments within MICC Chapters 19.15 and 19.16.

Council provided direction to staff on several revisions to the draft code amendment and inquired about additional concealment standards for small wireless facilities in underground utility areas. In particular, there was interest in requiring concealment that makes the wireless facility/support structure look like a native conifer tree.

It was moved by Nice; seconded by Reynolds to:
Set second reading of Ordinance 21C-12 for July 6, 2021.
 PASSED: 5-0
 FOR: 5 (Anderl, Nice, Reynolds, Rosenbaum, and Wong)
 ABSENT: 2 (Jacobson and Weiker)

AB 5886: Emergency Medical Transport Policy Update

Jeff Clark, Interim Fire Chief, explained that at the March 16 City Council meeting, staff sought direction from the City Council on the policies guiding emergency medical transportation fees. After receiving input from the City Council, staff evaluated King County area transport policies and fees to inform the policy recommendation for the Council. Staff attempted to meet three overarching objectives when determining the recommendation:

1. Uniformity and consistency of application.
2. Best business and financial practices.
3. Provide financial forgiveness if qualified.

Staff further explained that the \$770 base transport fee and \$15 per mile reimbursement for MIFD emergency medical transport have remained unchanged since 2012, noting that many agencies within the region had raised emergency medical transport fees at the beginning of 2021. If approved, all patients transported would be billed consistently, according to standard medical billing practices, which included billing for co-payments and charges for insured and uninsured patients. Finally, the policy would include going to collections if necessary. The collections process would be handled through a professional collections agency within industry norms and only as a last resort. All uncollected fees would be written off as bad debt and reported to the City Council quarterly.

Based on the recommended policy set forth in Resolution No. 1599, all patients who received emergency medical transport on Mercer Island would be billed using the same practices, regardless of if MIFD, AMR, or Bellevue conducted the transport. If approved, the fees would be updated after going unchanged for ten years and an escalator would be added to keep pace with the transport market.

It was moved by Reynolds; seconded by Anderl to:
Adopt Resolution No. 1599 (Exhibit 1) updating the City's emergency medical transport billing fee.
 PASSED: 5-0
 FOR: 5 (Anderl, Nice, Reynolds, Rosenbaum, and Wong)
 ABSENT: 2 (Jacobson and Weiker)

It was moved by Nice; seconded by Reynolds to:
Adopt the Emergency Medical Billing policy substantially in the form as presented in Exhibit 2, subject to the amendment to 5.5.4 as discussed.
 PASSED: 5-0
 FOR: 5 (Anderl, Nice, Reynolds, Rosenbaum, and Wong)
 ABSENT: 2 (Jacobson and Weiker)

It was moved by Nice; seconded by Anderl to:
Adopt the Finance Assistance Form substantially in the form as presented in Exhibit 3.
 PASSED: 5-0
 FOR: 5 (Anderl, Nice, Reynolds, Rosenbaum, and Wong)
 ABSENT: 2 (Jacobson and Weiker)

AB 5893: Review Arts Council Membership

Sarah Bluvas, Community Development Coordinator and Arts Council liaison, explained that the proposed ordinance would amend MICC 3.55.030(B) to reduce the size of the Mercer Island Arts Council from its current size of nine members to seven members. It would also provide flexibility regarding term limits to allow past members having served two full consecutive terms to serve again if there was a lack of applicants who had not yet served two full consecutive terms. However, the amendment would establish a preference for applicants who had not previously served two full consecutive terms.

It was moved by Nice; seconded by Reynolds to:

Adopt Ordinance No. 21C-13 amending MICC 3.55.030(B) reducing the size of the Arts Council and revising term limits

PASSED: 5-0

FOR: 5 (Anderl, Nice, Reynolds, Rosenbaum, and Wong)

ABSENT: 2 (Jacobson and Weiker)

AB 5896: Providing Flexibility Regarding Utility Board Term Limits

Staff explained that the proposed ordinance would amend MICC 3.52.030(B) to provide flexibility regarding term limits for members of the Mercer Island Utility Board. The ordinance would allow past members having served two full consecutive terms to serve again if there was a lack of applicants who had not yet served two full consecutive terms. However, the amendment would establish a preference for applicants who had not previously served two full consecutive terms.

It was moved by Anderl; seconded by Nice to:

Adopt Ordinance No. 21C-14 amending MICC 3.52.030(B) regarding Utility Board term limits

PASSED: 5-0

FOR: 5 (Anderl, Nice, Reynolds, Rosenbaum, and Wong)

ABSENT: 2 (Jacobson and Weiker)

OTHER BUSINESS

Planning Schedule

City Manager Bon reported on the July meetings and explained that staff were looking to cancel both meetings in August. She further noted that the first meeting in September might be changed to a special meeting on August 31.

Councilmember Absences

There were no absences reported.

Councilmember Reports

Councilmember Reynolds – reported that the Senate just passed Juneteenth as a national holiday.

Mayor Wong:

- King County Regional Water Quality Committee held a workshop for elected officials on the Clean Water Plan and intend to hold more workshops for elected officials in September and October.
- On June 3, Mayor Wong, Deputy Mayor Weiker and Councilmember Reynolds attended a K4C elected officials work session.

EXECUTIVE SESSION

Mayor Benson Wong called the Executive Session to order at 8:25 pm from a remote location to discuss to review the performance of a public employee pursuant to RCW 42.30.110(1)(g) for approximately 45 minutes and to consider the purchase or lease of real estate when public knowledge of such consideration would cause a likelihood of increased price pursuant to RCW 42.30.110(1)(b) for approximately 20 minutes.

Mayor Benson Wong and Councilmembers Lisa Anderl, Salim Nice, Craig Reynolds, and David Rosenbaum participated remotely using a teleconferencing platform provided by Microsoft Teams.

Absent: Deputy Mayor Wendy Weiker and Councilmember Jake Jacobson

At 9:30 PM Mayor Wong extended the Executive Session for 30 minutes.

Mayor Wong adjourned the executive session at 10:00 pm. No action was taken.

ADJOURNMENT

The regular Council Meeting adjourned at 10:01 PM.

Benson Wong, Mayor

Attest:

Deborah Estrada, City Clerk



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 5912
July 20, 2021
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 5912: July 2, 2021 Payroll Certification	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Approve the July 2, 2021 Payroll Certification in the amount of \$803,351.63.	

DEPARTMENT:	Human Resources
STAFF:	Ali Spietz, Chief of Administration
COUNCIL LIAISON:	n/a
EXHIBITS:	1. July 2, 2021 Payroll Certification
CITY COUNCIL PRIORITY:	n/a

SUMMARY

This is an approval of the payroll certification for the City of Mercer Island for the period from June 12, 2021 through June 25, 2021 in the amount of \$803,351.63 (see Exhibit 1).

BACKGROUND

[RCW 42.24.080](#) requires that all claims presented against the City by performing labor must be certified by the appropriate official to ensure that the labor was performed as described, and that the claims are just, due, and unpaid obligations against the City, before payment can be made. [RCW 42.24.180](#) allows the payment of claims to occur prior to City Council approval to expedite processing of the payment of claims, provided, however, that review and approval of the claims' documentation occurs at the next regularly scheduled public meeting.

The Certification of Payroll details the total payment to employees for labor performed and benefits payments made for each payroll. The City is on a bi-weekly payroll schedule with payments on every other Friday.

PAYROLL INFORMATION

Each payroll varies depending on a number of factors (i.e., number of employees, pay changes, leave cash outs, overtime, etc.) In addition to regular pay for employees, the July 2, 2021 payroll has variants that are outlined on page two:

Additional payments:

- \$6,838.41 in leave cash outs for current employees.
- \$5,943.52 in leave cash outs for terminated employees.
- \$1,315.16 in allowances for current employees.
- \$61,432.92 in overtime earnings (see chart for overtime hours by department).

Overtime hours by department:

Department	Hours
Administrative Services	
City Attorney's Office	
City Manager's Office	
Community Planning & Development	13.00
Finance	
Fire	552.50
Municipal Court	
Police	203.75
Public Works	61.50
Recreation	
Youth & Family Services	
Thrift Shop	
Total Overtime Hours	830.75

FTE/LTE COUNTS

The table below shows the budgeted versus actual counts for Full Time Equivalents (FTEs) and Limited Term Equivalents (LTEs) for the current payroll. Temporary and seasonal employees are not included.

Full Time Equivalents (FTEs)	2021	
	Budgeted	Actual
Administrative Services	13.50	12.50
City Attorney's Office	2.00	2.00
City Manager's Office	3.50	3.50
Community Planning & Development	16.00	15.00
Finance	7.00	7.00
Fire	32.00	30.00
Municipal Court	3.30	3.30
Police	37.50 ¹	35.50
Public Works	61.80	55.80
Recreation	0.75	0.75
Youth & Family Services	10.07	11.43 ²
Thrift Shop	1.0	1.0
Total FTEs	188.42	177.78

Limited Term Equivalents (LTEs)	2021	
	Budgeted	Actual
Community Planning & Development	1.00	1.00
Recreation	2.00	2.00
Youth & Family Services	1.60	0.80
Total LTEs	4.60	3.80

Total FTEs & LTEs	193	181.8
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¹ 5/18/2021: Council authorized hire ahead of two officers ([AB 5874](#))

² 1/5/2021: Council authorized increase of 1.39 FTE in YFS ([AB 5795](#))

RECOMMENDATION

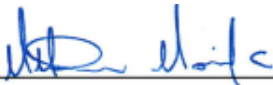
Approve the July 2, 2021 Payroll Certification (Exhibit 1) in the amount of \$803,351.63 and authorize the Mayor to sign the certification on behalf of the entire City Council.

CITY OF MERCER ISLAND CERTIFICATION OF PAYROLL

Item 4.

PAYROLL PERIOD ENDING	6.25.2021
PAYROLL DATED	7.2.2021
Net Cash	\$ 528,961.76
Net Voids/Manuals	\$ -
Net Total	\$ 528,961.76
Federal Tax Deposit	\$ 86,391.70
Social Security and Medicare Taxes	\$ 45,652.73
Medicare Taxes Only (Fire Fighter Employees)	\$ 2,721.54
State Tax (Oregon)	\$ 341.36
Family/Medical Leave Tax (Massachusetts)	\$ 0.30
Public Employees' Retirement System (PERS Plan 2)	\$ 28,342.72
Public Employees' Retirement System (PERS Plan 3)	\$ 5,499.86
Public Employees' Retirement System (PERSJM)	\$ 885.68
Public Safety Employees' Retirement System (PSERS)	\$ 218.00
Law Enforcement Officers' & Fire Fighters' Retirement System (LEOFF Plan2)	\$ 28,064.51
Regence & LEOFF Trust Medical Insurance Deductions	\$ 11,632.55
Domestic Partner Medical Insurance Deductions	\$ 547.88
Kaiser Medical Insurance Deductions	\$ 817.00
Health Care - Flexible Spending Account Contributions	\$ 1,647.83
Dependent Care - Flexible Spending Account Contributions	\$ 430.76
ICMA Roth IRA Contributions	\$ 525.00
ICMA 457 Deferred Compensation Contributions	\$ 32,877.69
Fire Nationwide 457 Deferred Compensation Contributions	\$ 16,081.66
Fire Nationwide Roth IRA Contributions	\$ 1,050.00
ICMA 401K Deferred Compensation Contributions	\$ 472.60
Child Support Wage Garnishment	\$ 869.49
Mercer Island Employee Association Dues	\$ 235.00
AFSCME Union Dues	\$ -
Police Union Dues	\$ -
Fire Union Dues	\$ 2,098.48
Fire Union Supplemental Dues	\$ 154.00
Standard - Supplemental Life Insurance	\$ -
Unum - Long Term Care Insurance	\$ 328.25
AFLAC - Supplemental Insurance Plans	\$ 388.71
Coffee Club Dues	\$ 140.00
Transportation - Flexible Spending Account Contributions	\$ 62.50
Fire HRA-VEBA Contributions	\$ 5,906.46
Oregon Transit Tax and Oregon Benefit Tax	\$ 5.61
Tax & Benefit Obligations Total	\$ 274,389.87
TOTAL GROSS PAYROLL	\$ 803,351.63

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.



 Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 5905
July 20, 2021
Consent Agenda**

AGENDA BILL INFORMATION

TITLE:	AB 5905: 2021-2022 Interlocal Agreement with the Mercer Island School District for School-Based Counseling Services	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Authorize the City Manager to sign an Interlocal Agreement with the Mercer Island School District for counseling services during the 2021-2022 school year.	

DEPARTMENT:	Youth and Family Services
STAFF:	Ali Spietz, Chief of Administration Tambi Cork, YFS Administrator
COUNCIL LIAISON:	n/a
EXHIBITS:	1. 2021-2022 Interlocal Agreement for School Counseling Services
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ 678,826
AMOUNT BUDGETED	\$ 678,826
APPROPRIATION REQUIRED	\$ n/a

SUMMARY

The purpose of this agenda bill is to authorize the City Manager to sign the Interlocal Agreement with the Mercer Island School District (District) to cooperatively provide comprehensive counseling services to students in the District.

BACKGROUND

Since 1979, Youth and Family Services (YFS) has maintained a partnership with the Mercer Island School District whereby YFS has placed mental health counselors in each of the District’s schools. This model allows for collaborative counseling programs in the four elementary schools, the middle school, and the high school to include the Crest Learning Center. For the last 25 years, the City and the District have memorialized this collaboration in an annual interlocal agreement detailing staffing and costs for the counseling services.

As part of the proposed Interlocal Agreement (see Exhibit 1), the City will provide the equivalent of seven (7) mental health and drug and alcohol school-based counseling professionals from YFS to perform services at District facilities and/or through virtual platforms. The Agreement also allows for the inclusion of graduate-level interns as part of the staffing, who may account for up to additional 0.5 FTE.

The Agreement also reflects an annual payment of \$60,000 from the District to support the seven counselors from YFS. There are no substantive changes in this year’s agreement regarding the provision of services.

STAFFING COST ESTIMATE

The adopted 2021-2022 Biennial Budget included a 20% furlough for the seven school-based counseling positions and the emergency assistance position in the YFS department. In late December, the City was notified of a successful grant application to restore the positions to full time. On January 5, 2020, the City Council accepted Washington State Department of Commerce Coronavirus Emergency Supplemental Fund grant in the amount of \$243,129 and school-based and emergency assistance staffing was increased to full time for the 2021-2022 biennium ([AB 5795](#)).

The estimate below includes the full cost of salary and benefits for the seven school counseling professionals for the 2021-2022 school calendar year.

2021-2022 ESTIMATE			
	City Share	District Share	Total
4 Elementary School Counselors	\$ 323,800	\$ 60,000	\$ 383,800
1 Middle School Counselor	102,741	-	102,741
1 High School Drug/Alcohol Specialist	96,600	-	96,600
1 R&R Place Counselor	92,885	-	92,885
Tuition & Registrations	2,800	-	2,800
	\$ 618,826	\$ 60,000	\$ 678,826

RECOMMENDATION

Authorize the City Manager to sign an Interlocal Agreement with the Mercer Island School District for counseling services during the 2021-2022 school year.

City of Mercer Island and Mercer Island School District Interlocal Agreement for 2021-2022 Counseling Services

THIS INTERLOCAL AGREEMENT (“Agreement”) is entered into by and between Mercer Island School District No. 400 (“District”) and the City of Mercer Island, a municipal corporation of the State of Washington (“City”) (collectively, “Parties”) pursuant to and as authorized by the Interlocal Cooperation Act (Chapter 39.34 RCW).

WHEREAS the District desires to obtain comprehensive counseling services in an economical and efficient manner; and

WHEREAS the City has a comprehensive counseling service available within the Department of Youth and Family Services (“YFS”); and

WHEREAS the City Council has determined that the public health, welfare, and safety is enhanced by delivering these services; and

WHEREAS the Parties desire to enter into this Interlocal Agreement to set forth the terms and conditions under which such counseling services shall be provided by the City to the District.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, to be kept, performed, and fulfilled by the respective Parties hereto, and other good and valuable consideration, it is mutually agreed as follows:

1. Purpose. The purpose of the Interlocal Agreement is to enable the City and the District to cooperatively provide comprehensive counseling services to the students of the District to the mutual advantage of the Parties and the benefit of the community.
2. Duration/Termination. This Agreement shall commence on August 23, 2021 and terminate on August 23, 2022. Provided, however, that the City or the District may terminate the Agreement upon giving thirty (30) days written notice to the other party.

If the contract is terminated as provided in this section, the District shall be liable only for payment in accordance with the terms of this Agreement for services rendered prior to the effective date of termination and the City shall be released from any obligation to provide such further service pursuant to the Agreement as of the effective date of the termination.

3. Services to be Provided.
 - 3.1 The City will provide the equivalent of seven (7) counselors from YFS to perform services at District facilities and/or through virtual platforms (i.e., remote videoconferencing). The seven counselors are as follows:
 - four elementary school counselors,
 - one middle school counselor,
 - one high school counselor, and
 - one high school alcohol/drug specialist.

- 3.2 Each counselor will provide the district 40 hours/week during the Districts 2021-22 academic year (August 23, 2021 to June 21, 2022).
 - 3.3 The counselors shall provide services which include, but shall not be limited to the following: assistance with personal problems of students; individual and group counseling with students; family and parental counseling on a short term basis; delivering group curricula as requested by school staff and when appropriate; alcohol and other drug prevention/intervention services, and consulting with the District staff concerning student behavior, including participation, when appropriate, on Student Study Teams (SST) and/or Building Guidance Teams (BGT).
 - 3.4 The City may also provide 20 hours per week of middle school mental health/prevention support services through unpaid clinical internship(s) under the direct supervision of qualified, licensed YFS staff.
 - 3.5 Services will be provided in person, in classroom, and/or via virtual platforms (or a combination of the three) determined upon mutual consideration the needs of the individual school, the District, the City and personal health and safety needs of individual City staff (per City Human Resources policy and YFS staff policy).
4. Cost Allocation. The District will pay \$60,000.00 of the total sum for the school-based counseling personnel services during the term of the Agreement and the City will pay the difference of the total sum as outlined below:

2021-2022 ESTIMATE			
	City Share	District Share	Total
4 Elementary School Counselors	\$ 323,800	\$ 60,000	\$ 383,800
1 Middle School Counselor	102,741	-	102,741
1 High School Drug/Alcohol Specialist	96,600	-	96,600
1 R&R Place Counselor	92,885	-	92,885
Tuition & Registrations	2,800	-	2,800
	\$ 618,826	\$ 60,000	\$ 678,826

The Parties’ cost allocation and payment responsibilities for 2021-2022, and any subsequent academic years, will be reviewed and discussed during the term of the Agreement by both parties prior to the development and execution of any future Interlocal Agreements.

- 5. Service Level Changes. After January 1, 2022, the number of counseling professionals and corresponding services provided by the City, as set forth above in Section 3, are contingent on receipt of sufficient revenues by the City to pay for them. If sufficient revenues are not received in the sole judgment of the City, the City may, in lieu of terminating the agreement pursuant to Section 2, modify the service levels provided in Section 3. If services levels are modified, allocation of total cost outstanding shall remain at the same ratio shown in Section 4.
- 6. Premises/Equipment. The District will provide on-site space, equipment, email accounts, and supplies necessary to provide the counseling services, at no cost to the City. Each school counselor must comply with the Acceptable Use Policy of the District.

7. Employees. All persons performing services hereunder shall be employees of the City and not the District. Nothing in this Agreement shall make any employee of the City an employee of the District, and vice versa, for any purpose, including but not limited to, withholding of taxes, payment of benefits, insurance, worker's compensation pursuant to Title 51 RCW, or any other rights or privileges accorded to either Parties' employee by virtue of their employment. At all times pertinent hereto, employees of the City are acting as City employees and employees of the District are acting as District employees.
8. Indemnification. The City will protect, defend, indemnify, and save harmless the District, its officers, employees, and agents from and against any costs, claims, actions, liabilities, judgments or awards and damages (including attorney's fees and costs) arising out of or in any way resulting from the negligent acts or omissions of the City, its officers, its employees, and agents in connection with this Agreement.

The District will protect, defend, indemnify, and save harmless the City, its officers, employees, and agents from and against any and all costs, claims, actions, liabilities, judgments or awards and damages (including attorney's fees and costs) arising out of or in any way resulting from the negligent acts or omissions of the District, its officers, employees, and agents in connection with this Agreement. The District waives any immunity that may be granted to it under the Washington State Industrial Insurance Act, Title 51 RCW. The District's indemnification shall not be limited in any way by any limitation on the amount of damages, compensation or benefits payable to or by any third party under workers compensation acts, disability benefit acts or any other benefits acts or programs.

This indemnification paragraphs shall survive the expiration or earlier termination of this Agreement.

9. Insurance.
- 9.1 The City shall maintain in full force throughout the duration of this Agreement comprehensive general liability insurance with a minimum coverage of \$1,000,000 per occurrence/\$2,000,000 aggregate for personal injury and property damage and name the District as an additional insured thereon. This requirement shall be deemed satisfied by evidence of the City's membership in a municipal self- insurance pool, including evidence of limits of coverage, exclusions, and limits of liability, satisfactory to the District.
- 9.2 The District shall maintain in full force throughout the duration of this Agreement comprehensive general liability insurance with a minimum coverage of \$1,000,000 per occurrence/\$2,000,000 aggregate for personal injury and property damage and name the City as an additional insured thereon. This requirement shall be deemed satisfied by evidence of the District's membership in a school district self-insurance pool, including evidence of limits of coverage, exclusions, and limits of liability, satisfactory to the City.
10. Standards of Performance. All services performed hereunder by the City shall be performed diligently and competently and in accordance with professional standards. The District will formally meet with the City supervisor of counselors for an end-of-year review on or before June 1 to discuss each counselor's performance. The end of year review will include input from the

school principal and the assistant superintendent for learning services and will note annual successes and opportunities for growth and development for the ensuing year(s) should the District and City extend this agreement in successive years. The District will communicate to the City supervisor of the counselors at any time when performance issues arise during the school year. The City will consult with the District when improvement plans may be needed.

The City will provide an end-of-year review that includes a summary of the issues identified that affected a counselor's ability to perform his/her duties. The review will note practices and environments which led to a successful partnership as well as any opportunities for improvement in the partnership and collaboration for the ensuing year should the District and City extend this Agreement in successive years. The District will consult with the City when improvement plans may be needed.

11. Disclosure of Student Information. In the course of consulting with District staff concerning student behavior and participation on Student Study Teams (SST), Building Guidance Teams (BGT), and/or in other formal and informal venues, counselors providing services under this agreement may receive personally identifiable information from the education records of students. Such information remains subject to the control of the District. Counselors are authorized to use this information only for the purpose of consulting with District staff concerning student behavior and participation on Student Study Teams (SST), Building Guidance Teams (BGT), and/or in other formal and informal venues. Counselors may not disclose such information for any other purpose without the consent of the parent or eligible student.
12. Summary Report. At the conclusion of the academic year, the City will provide a summary document to the Superintendent or designee that will include but is not limited to the number of District students referred to outside counseling services, the number of students counselors worked with during the year (unduplicated), the number of student contacts counselors had during the year (duplicated), and the broad themes for why students needed counselor support.
13. Severability. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law. Any provisions of this Agreement that are declared invalid, void, or illegal by a court of competent jurisdiction shall in no way affect, impair, or invalidate any other provision hereof, and such other provisions shall remain in full force and effect.
14. Assignability. The rights, duties, and obligations of either party to this Agreement may not be assigned to any third party without the prior written consent of the other party, which consent shall not be unreasonably withheld.
15. No Third-Party Rights. Except as expressly provided herein, nothing in this Agreement shall be construed to permit anyone other than the Parties hereto and their successors and assigns to rely upon the covenants and agreements herein contained nor to give any such third party a cause of action (as a third-party beneficiary or otherwise) on account of any nonperformance hereunder.
16. Entire Agreement. This Agreement constitutes the entire Agreement between the Parties. Either party may request changes in the Agreement. Proposed changes that are mutually agreed upon shall be incorporated by written amendment hereto.

- 17. Applicable Law, Venue, and Attorney’s Fees. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event of any suit or other proceeding instituted to enforce any term of this Agreement, the venue shall be King County, Washington.
- 18. Filing Requirement. This Agreement shall be filed/posted in accordance with RCW 39.34.040.
- 19. Nondiscrimination. The City will not unlawfully discriminate against any employee or applicant for employment in connection with the services provided under this Agreement because of race, creed, color, sex, sexual orientation, age, national origin, marital status, or physical and motor handicap or other unlawful basis unless based upon bona fide occupational qualifications.

The City will ensure that all employees are treated without regard to the race, creed, color, sex, sexual orientation, age, national origin, marital status, and physical and other motor handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, or recruiting advertisement, layoff, termination rates of pay or other forms of compensation, selection for training, including any apprenticeship.

- 20. Administration of Agreement. Each party shall designate an official responsible for the administration of this Agreement and negotiate with regard thereto.

In the case of the City, that official shall be the Chief of Administration or their designee.

In the case of the District, that official shall be the Assistant Superintendent of Learning Services or their designee. These officials shall communicate from time to time, as they deem necessary to discuss the services and performance of this Agreement and other relevant matters.

DATED this _____ day of July, 2021.

CITY OF MERCER ISLAND

MERCER ISLAND SCHOOL DISTRICT NO. 400

Jessi Bon, City Manager

Donna Colosky, Superintendent

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Bio Park, City Attorney

Erin Battersby, Attorney for District
Executive Director, Compliance & Legal Affairs



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 5914
July 20, 2021
Consent Agenda**

AGENDA BILL INFORMATION

TITLE:	AB 5914: Parks Deferred Maintenance Plan and Appropriation Request	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Appropriate \$200,000 from the American Rescue Plan Act (ARPA) Fiscal Recovery Funds to address the backlog of Parks Maintenance work.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	Public Works		
STAFF:	Jason Kintner, Chief of Operations Alaine Sommargren, Deputy Public Works Director		
COUNCIL LIAISON:	n/a	n/a	n/a
EXHIBITS:	n/a		
CITY COUNCIL PRIORITY:	2. Articulate, confirm, and communicate a vision for effective and efficient city services. Stabilize the organization, optimize resources, and develop a long-term plan for fiscal sustainability.		

AMOUNT OF EXPENDITURE	\$ \$200,000.00
APPROPRIATION REQUIRED	\$ \$200,000.00

SUMMARY

The purpose of this discussion item is to seek City Council authorization to appropriate American Rescue Plan Act (ARPA) Fiscal Recovery Funds to address the backlog of deferred parks maintenance work.

BACKGROUND

At the April 27, 2021, City Council Planning Session (see [AB 5857](#)), the Council provided initial input on the City’s use of allocated ARPA funds. There was support from the City Council to fund Parks Maintenance “catch-up” work to address the maintenance backlog throughout the parks system that occurred during the COVID- 19 pandemic (“Pandemic”). The impacts on the parks system from the Pandemic were widespread and included the following:

- Park maintenance work was significantly restricted in 2020 due to the State’s ‘Stay Home, Stay Healthy’ order limiting the type of work that could be performed. Full-time staff returned to full-job duties in mid-summer 2020, after the rapid spring vegetation growth period.
- Seasonal staff positions were eliminated as a budget saving measure in 2020 and the Parks Operation Manager position was also temporarily suspended.
- Use of parks and open spaces was very high in 2020 due to the closure of other indoor recreational and entertainment facilities.

The Parks Maintenance team has begun work on addressing select planter beds to bring them back to pre-pandemic conditions. The amount of work that is required to address these overgrown areas, while also focusing on maintaining the health and safety of park facilities on a daily basis, far exceeds the team's capacity.

DEFERRED MAINTENANCE WORK

During the month of June, staff inventoried all planter beds in need of significant rehabilitation and assessed the necessary landscaping tasks for each area. Taken together, these planter beds cover 17.9 acres, 16 acres of which are located in Aubrey Davis Park.

Given the scale of the park maintenance catch-up work, staff prepared a Request for Bids ("RFB") to contract for this work. In mid-June, the RFB was sent to over 200 companies identified on MRSC's Small Works Roster as contractors interested in performing landscape maintenance and/or landscape construction. Because very few companies have the capacity to handle the large amount of work included in this RFB, the scope of work was split into six separate schedules, which could be awarded separately. **Unfortunately, no bids were received by the deadline on July 2.**

Staff is currently working to retool the RFB and procure services for high priority areas. Additionally, given the backlog of work, staff overtime will be used to help address some of these highly visible areas (e.g. Aubrey Davis Park in the Town Center) while contracts are procured for the remaining work.

FINANCIAL IMPACTS AND BUDGETARY ACTIONS

On June 23, 2021, the City received \$3.6 M in ARPA funding from the Washington State Office of Financial Management. This first tranche of funds represents half of the \$7.2 M in estimated ARPA funding designated to the City, with the second half due by June 30, 2022.

During the mid-biennial budget process this fall, staff will provide the City Council with a review of eligible uses of ARPA funds along with a tool to select and prioritize allocation of these funds. Using ARPA funds to catch-up on infrastructure maintenance in Mercer Island parks is a qualified eligible use according to Section 603(c)(1)(C) of the Act.

Given the pressing need to begin parks maintenance catch-up work, staff recommends that the City Council appropriate \$200,000 from the first tranche of ARPA Fiscal Recovery Funds to fund parks maintenance work in high priority areas. Any further requests to catch-up on deferred park maintenance work will be taken as part of the budget proposal prioritization process with the City Council this fall.

RECOMMENDATION

Appropriate \$200,000 from the first tranche of ARPA Fiscal Recovery Funds for parks maintenance catch-up work.



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 5913
July 20, 2021
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 5913: Bid Award for the Booster Chlorination System Project	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Award the Booster Chlorination System project to Harbor Pacific Contractors, Inc.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	Public Works
STAFF:	Jason Kintner, Chief of Operations Rona Lin, Utilities Engineer
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Project Vicinity Map
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ 3,284,770
AMOUNT BUDGETED	\$ 3,505,000
APPROPRIATION REQUIRED	\$ n/a

SUMMARY

The objective of the Booster Chlorination System project (“Project”) is to maintain adequate levels of secondary disinfectant in the City’s water storage tanks and distribution system to prevent coliform growth. In conjunction with the Supervisory Control and Data Acquisition (“SCADA”) Water project, currently under construction, this project will strengthen the City’s water supply system and improve system operations for water quality control.

This agenda bill provides an overview of the project development, design considerations, and key elements of the construction. It describes the bid results, successful bidder’s qualifications, estimated project budget, and staff’s recommendation for awarding the project.

BACKGROUND

In September 2014, the presence of E. coli and Total Coliform bacteria was detected in various locations of the City’s water distribution system, which prompted a precautionary boil water notice (the “Water Advisory Event”). With assistance from Confluence Engineering Group LLC, the City worked to address many areas of contamination risk identified by the Department of Health in the City’s distribution system and completed a Coliform Response Action Plan (“Action Plan”). A key remaining component of this Action Plan is the construction of a Booster Chlorination System. Due to the complexity of the City’s water infrastructure and

the need to ensure the design could be used throughout the entire distribution system, additional time was needed to complete design work on the Project.

PROJECT DESCRIPTION

To boost residual chlorine levels throughout the distribution system, a number of piping modifications were identified and incorporated into the Project design. Adding these system improvements will ensure that adequate levels of chlorine can reach every segment in the water distribution system. The Department of Health approved the Project design on June 14, 2021.

Project construction work will occur at five separate locations. See Exhibit 1.

City Water Reservoir

Most of the work will be completed at the reservoir site, including the following components:

- Installation of a sodium hypochlorite generator system.
- Installation of a mixer in each of the reservoir tanks to prevent tank stratification and allow the chlorinated water to mix uniformly.
- Integration of electrical, instrumentation, and control equipment in coordination with the SCADA-Water Upgrade project.
- Piping modifications to redirect all flows from SPU pipelines into the reservoir tanks to maximize chlorinated water mixing and contact time and discharge reservoir water via the City's distribution system to all areas of the Island.

89th Ave. SE

- Interconnect the 30-inch water main with the parallel 24-inch water main to maintain redundant supply lines.

SPU Meter 68 (located at 9700 block of SE 40th Street)

- Remove two pressure reducing valve (PRV) vaults.
- Install a new PRV station and a flow meter station with SCADA connections.

Pipeline abandonment

- Decommission and abandon the existing 12-inch water main between Rotary Park and E Mercer Way, parallel to the 16-inch secondary supply line.
- Relocate and replace two fire hydrants.

BID RESULTS AND AWARD INFORMATION

Design of the Booster Chlorination System started in July 2020 and was finalized in mid-June 2021. The project was advertised for bids on June 14, 2021. The Project includes two bid schedules. "Schedule A" contains all critical and necessary components of the Project while "Additive Alternate – Schedule B" includes the replacement of a buried air vacuum release valve ("AVRV") assembly that connects to one of the two supply pipelines. Replacing the AVR assembly with current standard equipment eliminates a potential point of entry for contaminants.

Three construction bids were received and opened on July 6, 2021. Table 1 provides a summary of bid results:

TABLE 1: BID RESULTS

COMPANY NAME	SCHEDULE A	ADDITIVE ALTERNATE - SCHEDULE B	TOTAL BID AMOUNT SCHEDULE A + ADDITIVE ALTERNATE -SCHEDULE B
Harbor Pacific Contractors, Inc.	\$2,109,516	\$6,126	\$2,115,642
Award Construction	\$2,670,255	\$13,212	\$2,683,467
McClure & Sons, Inc.	\$2,910,300	\$24,222	\$2,934,522
Engineer's Estimate:	\$2,373,240	\$13,168	Range: \$2,300,000 - \$2,500,000

Note: all numbers shown above include Washington State Sales Tax of 10.1%

After evaluating bid submittals and determining bidders' qualifications, staff confirmed that Harbor Pacific Contractors, Inc. (Harbor Pacific) is a responsive low bidder. Harbor Pacific has constructed comparable water utility projects for other agencies including Clallam County PUD and the City of Bellevue. Review of the Labor and Industries (L&I) website confirms Harbor Pacific is a contractor in good standing, with no license violations, outstanding lawsuits, or L&I debt. Based on staff's review of the bid submittals, Harbor Pacific Contractors, Inc. is the lowest responsible bidder for the Project.

The total bid price, including both Schedules, from Harbor Pacific is within the approved Project budget. A contract in the amount of \$2,115,642 including both Schedule A and Schedule B will be awarded to Harbor Pacific Contractors, Inc.

PROJECT BUDGET

Adding costs for contingency, final design, construction support, project management, and inspection services brings the Project's total cost to \$3,284,770. Due to the complexity and unique nature of the Project and unpredictability of underground utility work, a 20% construction contingency is included in the project budget. Table 2 summarizes the overall project costs and available budget.

TABLE 2: TOTAL PROJECT COST/BUDGET

Booster Chlorination System Project (WU0101)	Total
Construction	\$1,921,564
Sales Tax @ 10.1%	\$194,078
Total Construction Contract	<u>\$2,115,642</u>
Contingency - (20%)	\$423,128
Final Design	\$238,000
Construction Support Services	\$128,000
Project Management/Utility Team	\$200,000
Inspection Services	\$180,000
Total Project Costs	\$3,284,770
Total Approved Budget (2021-2022)	\$3,505,000
Budget Appropriation Needed	\$0

SUSTAINABLE PRACTICES

CIP projects and the Public Works Department continue to move toward creating a more sustainable utility infrastructure aimed at saving time and money on capital projects and long-term operations while minimizing environmental impacts to the extent feasible. The range of approaches expected to be part of this Project include the following:

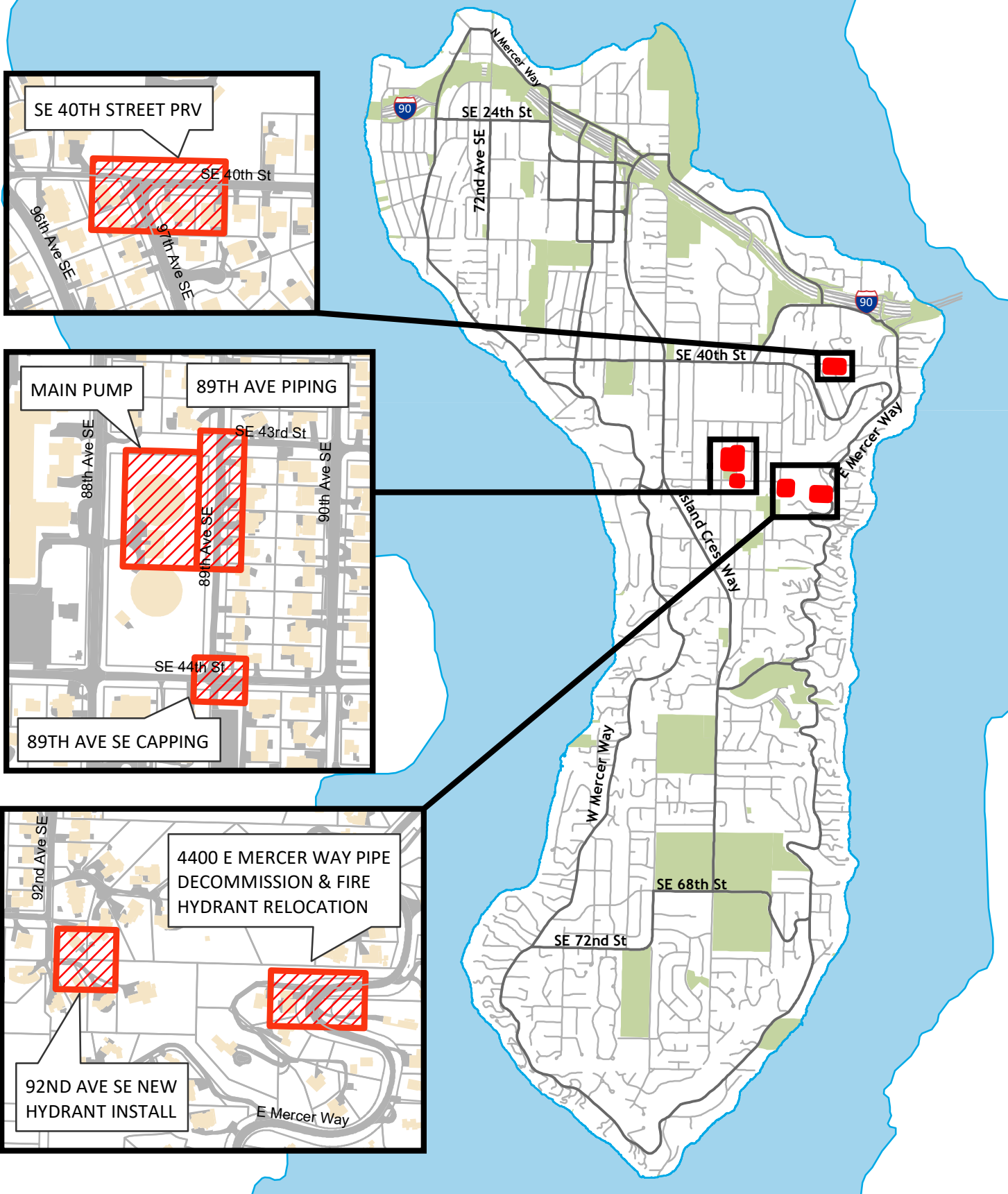
- Asphalt pavement grindings will be recycled at a regional asphalt plant for use in future construction projects.
- Local recycling of old metal infrastructure such as hydrants, cast iron pipe, valves, etc.
- Increased use of remote data-gathering and monitoring systems to minimize the need for site visits by staff and expedite troubleshooting.
- As the City's SCADA monitoring system expands in conjunction with this project, field crews will spend less time manually sampling and testing drinking water at various Island locations and will have early warning of any evolving water quality issues allowing swift intervention.
- A focus on equitable access to high-quality potable water for all Island residents and visitors. Automated booster chlorination implemented at the City's reservoirs will assure that even the most distant branches of the distribution system will receive the appropriate level of disinfectant. In addition, the City continues to focus on removing and replacing its oldest, unlined cast iron piping, due to the excessive demand for chlorination created by this material.
- Enhanced self-sufficiency and reliability in City Water Utility operations by relying less on Seattle Public Utilities' residual chlorine levels through the installation of locally controlled automated systems. Chlorine [supply chain shortages](#) can sometimes occur, as recently witnessed during an equipment failure at a major regional manufacturer this June that supplies SPU. The City's operating supplies for the booster system (such as salts) will be easy to procure locally and stockpile, improving the water system's overall resiliency.
- The pumps to be used by the new system are low-flow and not energy intensive, but energy efficiency opportunities were assessed during design.

Construction of the Booster Chlorination System project is scheduled to begin in October of 2021 and will be complete by August 2022. However, due to the ripple effect of the COVID-19 shutdown, long lead times on material supplies are expected which could extend the Project's completion date by an additional six months.

RECOMMENDATION

1. Award Bid No. 21-28 to Harbor Pacific Contractors, Inc., a Washington-based company, for the construction of a permanent booster disinfection system for the City's Reservoir and Main Pump Station; and
2. Authorize the City Manager to execute a contract with Harbor Pacific Contractors, Inc., in an amount not to exceed \$2,115,642.

Booster Chlorination Project Vicinity Map





**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 5911
July 20, 2021
Consent Agenda**

AGENDA BILL INFORMATION

TITLE:	AB 5911: First Modification to the Interlocal Agreement for the Independent Force Investigation Team – King County (IFIT-KC)	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Authorize the City Manager to sign the First Modification to the Interlocal Agreement between regional law enforcement agencies to form the Independent Force Investigation Team of King County (IFIT-KC).	

DEPARTMENT:	Police
STAFF:	Ed Holmes, Police Chief
COUNCIL LIAISON:	n/a
EXHIBITS:	1. First Modification to the Independent Force Investigation Team – King County (IFIT-KC) Interlocal Agreement
CITY COUNCIL PRIORITY:	n/a

SUMMARY

The purpose of this agenda bill is to authorize the City Manager to sign the First Modification to the Interlocal Agreement (ILA) between regional law enforcement agencies for the Independent Force Investigation Team (IFIT-KC). This modification is in response to a request by one of the member agencies, namely the Washington State Patrol (WSP) to include additional language in the ILA that prohibits member agencies from using information obtained from the WSP to engage in civil immigration enforcement activities.

BACKGROUND

On March 2, 2021, the Council approved [AB 5820](#) which authorized the City Manager to sign the [ILA](#) for the IFIT-KC. All member agencies signed the ILA with the exception of the WSP, who proposed a modification addressing a requirement from the Governor Inslee’s office that all state cabinet agencies include language in their agreements that supports the Governor’s [Executive Order 17-01](#). This Order prohibits other police agencies from using information obtained from the WSP to support or engage in civil immigration enforcement activities. This Order is consistent with [RCW 10.93.160](#) and the Mercer Island Police Department’s policy on immigration.

RECOMMENDATION

Authorize the City Manager to sign the First Modification to the interlocal agreement between regional law enforcement agencies for the Independent Force Investigation Team of King County.

FIRST MODIFICATION TO

THE INTERLOCAL COOPERATIVE AGREEMENT TO PROVIDE LAW ENFORCEMENT MUTUAL AID BETWEEN THE WASHINGTON STATE PATROL, KING COUNTY SHERIFF’S OFFICE, UNIVERSITY OF WASHINGTON, AND THE CITIES OF BELLEVUE, CLYDE HILL, DUVALL, KIRKLAND, ISSAQUAH, LAKE FOREST PARK, MEDINA, MERCER ISLAND, REDMOND, AND SNOQUALMIE/NORTH BEND FOR THE CREATION OF THE INDEPENDENT FORCE INVESTIGATION TEAM – KING COUNTY (IFIT-KC)

I. RECITALS.

WHEREAS The following agencies entered into an INTERLOCAL AGREEMENT (“Agreement”) to provide law enforcement mutual aid and mobilization between the Parties for incidents described more fully in the Agreement:

- King County Sheriff’s Office;
- Bellevue PD;
- Duvall PD;
- Kirkland PD;
- Clyde Hill PD;
- Issaquah PD;
- Lake Forest Park PD;
- Medina PD;
- Mercer Island PD;
- Redmond PD; and
- Snoqualmie/North Bend PD
- University of Washington Police Department; AND

WHEREAS, the authority of the cooperating agencies entering into the Agreement is that authority provided by Washington law including, and subject to, the general powers of the Parties, the Washington Interlocal Cooperation Act as codified in Chapter 39.34 RCW, and the Washington Mutual Peace Officers Powers Act as codified in Chapter 10.93 RCW; and

WHEREAS, the Washington State Patrol (WSP) also seeks to join in the Agreement, but requires a modification of the Agreement consistent with RCW 10.93.160 and Washington Executive Order 17-01; and

WHEREAS, paragraph 8 of the Agreement provides for modification, so long as the modification is approved, in writing, by all parties to the Agreement;

NOW THEREFORE, in consideration of the terms and provisions herein, it is agreed between the Parties that the following shall become a term of the Agreement:

II. MODIFICATION OF THE AGREEMENT

The following shall be added to the General Provisions of the Agreement:

9. USE OF INFORMATION FOR CIVIL IMMIGRATION ENFORCEMENT IS PROHIBITED. Under Washington law, and local ordinance, state and local law enforcement agencies and their personnel are generally prohibited from enforcing or assisting federal agencies engaged in civil immigration proceedings pursuant to RCW 10.93.160. Primary jurisdiction for enforcement is with the United States federal immigration authority. See RCW 10.93.160. The purpose of this modification to the Agreement is to make clear that the parties interpret the Agreement as consistent with the Washington law, including RCW 10.93.160, in that no Party or its personnel shall engage in any acts proscribed by Washington law.

Consistent with RCW 10.93.160 and Washington Executive Order 17-01, applicable to the Washington State Patrol (WSP), the Parties agree not to use or share any information obtained from the WSP, its systems, or its personnel, with any third parties to support or engage in civil immigration enforcement activities.

No other terms of the Agreement, excepted as stated herein are modified.

Consistent with the Agreement, this modification may be signed in counterparts and, if so signed, shall be deemed one integrated agreement.

The WSP, by signing below, affirms that it has reviewed and agrees to comply with all terms of the Agreement, including this First Modification relating to RCW 10.93.160 and Washington Executive Order 17-01.

IN WITNESS WHEREOF, the Parties hereto have executed this First Modification as of the latest day and year written below.

CITY OF BELLEVUE

CITY OF DUVALL

Name:
Title:
Date:
Attest:
City Clerk
Approved as to Form:
City Attorney

Name:
Title:
Date:
Attest:
City Clerk
Approved as to Form:
City Attorney

CITY OF KIRKLAND

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

CITY OF CLYDE HILL

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

CITY OF MEDINA

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

CITY OF MERCER ISLAND

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

CITY OF REDMOND

Name:

Title:

Date:

Attest:

CITY OF SNOQUALMIE

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

WASHINGTON STATE PATROL

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

UNIVERSITY OF WASHINGTON

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

City Clerk

Approved as to Form:

City Attorney

KING COUNTY SHERIFF'S OFFICE

Name:

Title:

Date:

Attest:

City Clerk

Approved as to Form:

City Attorney

CITY OF ISSAQUAH

CITY OF LAKE FOREST PARK

Name:

Name:

Title:

Title:

Date:

Date:

Attest:

Attest:

City Clerk

City Clerk

Approved as to Form:

Approved as to Form:

City Attorney

City Attorney



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 5918
July 20, 2021
Consent Agenda**

AGENDA BILL INFORMATION

TITLE:	AB 5918: Illuminate MI-2021 Appropriation	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Appropriate \$50,000 from the General Fund to develop and implement Illuminate MI-2021.	

DEPARTMENT:	Public Works
STAFF:	Jason Kintner, Chief of Operations Katie Herzog, Recreation & Operations Coordinator
COUNCIL LIAISON:	Jake Jacobson
EXHIBITS:	n/a
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ 50,000
APPROPRIATION REQUIRED	\$ 50,000

SUMMARY

The Recreation Division, in the Public Works Department, is requesting the City Council appropriate \$50,000 of previously unbudgeted funds for the *Illuminate MI - 2021* lighting installation and community event. This installation and event will be partially funded by donations, sponsorships, and vendor fees totaling \$25,000.

In April, the City Council prioritized resources specific to supporting and implementing community-wide special events and partnerships through the implementation and subsequent acceptance of the *Mercer Island Community and Event Center & Recreation Programs Strategy*. Staff propose building upon past winter events and leveraging strategic community partnerships to provide this opportunity to come together as a community and to support local businesses.

BACKGROUND

Traditionally the City coordinated the Annual Tree Lighting and Firehouse Munch. These events were offered in collaboration with the Mercer Island firefighter’s union (IAFF Local 1762) to bring the community, local businesses, and non-profits together for a winter celebration.

Following a reduction to special events in the 2019-2020 Biennial Budget, a group of community members came together in 2019 with the support of City staff and the firefighter’s union to provide a one-time alternative event similar to years past. In 2020, restrictions related to the COVID-19 global pandemic did not allow for a formal event or gathering. Instead, during a challenging year for the community, the City’s Emergency Operations Center staff created and coordinated *Illuminate MI* to brighten the downtown area, draw residents to local businesses, and create joy throughout the community. The *Illuminate MI* installation was implemented in 2020 at a total cost of \$63,000.

Public Works staff purchased and installed lights at the following locations:

- Merceddale Park Pergola, Giant Sequoia Tree, and Park Hedges
- Pedestrian Median on 27th Ave SE.
- Over 30 trees down 78th Ave SE. from Merceddale Park to 27th Ave SE.

The *Illuminate MI* installation was heavily supported by donors and sponsors and greatly appreciated by the community. Other organizations developed activities that connected to the City installation, such as the “Holiday Lights Map” provided by the Mercer Island Preschool Association (MIPA). Local businesses also joined in the event illuminating trees in front of their buildings and their storefronts. Fundraising efforts coordinated by the Community Fund, specifically for *Illuminate MI*, generated \$21,500, with over \$7,000 donated by individual community members. Organization and business sponsors contributed the remainder and included: The Mercer Apartments, RYAN Properties, Evergreen Church, Pagliacci Pizza, Rotary, Mercer Island Radio Operators, IAFF Local 1762, and the Community Fund.

ILLUMINATE MI - 2021

Staff proposes that *Illuminate MI - 2021* consist of two separate elements. The first element will be a lighting installation similar to the prior year, utilizing City owned light strands purchased in 2020 for this specific purpose. Installation will be completed by Public Works Department staff throughout the fall and the lights will be turned on during the week of Thanksgiving, remaining in place through February.

The second element will be a December 3 community event. This event is being conceptualized to include a night market, seasonal entertainment, various activities, and culminating with the lighting of the Giant Sequoia tree in Merceddale Park.

Expenditure Estimate:

Staff estimate expenses for installing and maintaining the lights, along with special equipment rentals and replacement light strands, total approximately \$25,000. Estimates for the December 3 community event, including supplies, staffing, equipment rentals and marketing total approximately \$25,000.

Revenue Estimate:

Staff anticipates \$25,000 in direct revenue through private donations, sponsorships, and vendor fees for *Illuminate MI - 2021*. This amount is realistic and in alignment with the Recreation Division’s cost recovery goals for community-wide special events. Similar to the 2020 fundraising effort, staff are in the process of coordinating a partnership with the Mercer Island Community Fund to accept donations, a process that provided an easy option for residents to donate.

NEXT STEPS:

With City Council approval, staff will begin finalizing the details of *Illuminate - 2021* including the following:

- Order replacement light strands and equipment and schedule the installation of the lights.
- Secure community partners and engage local businesses
- Develop event framework
- Develop and implement public engagement platform and a donation/sponsorship strategy.

RECOMMENDATION

Appropriate \$50,000 from the FY2020 General Fund Surplus to develop and implement *Illuminate MI - 2021*.



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 5919
July 20, 2021
Consent Agenda**

AGENDA BILL INFORMATION

TITLE:	AB 5919: Volunteer Recognition Event Appropriation Request	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
	RECOMMENDED ACTION:	
	Appropriate \$5,000 from the General Fund to develop and implement a Volunteer Recognition Event.	

DEPARTMENT:	City Council
STAFF:	Deb Estrada, City Clerk, & Ryan Daly, Operations Transition Team Manager
COUNCIL LIAISON:	n/a
EXHIBITS:	n/a
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ 5,000
AMOUNT BUDGETED	\$ 0.00
APPROPRIATION REQUIRED	\$ 5,000

SUMMARY

This is a \$5,000 appropriation request to support a volunteer recognition event on Thursday, September 2, at Mercerdale Park. This volunteer recognition event will be part of the Mostly Music in the Park event, scheduled to occur on the same night.

BACKGROUND

During the Pandemic, more than 150 volunteers stepped up, embraced virtual challenges and distancing requirements, and set a shining example of what volunteerism means. These volunteers made a difference in the Mercer Island community by supporting emergency response needs, such as staffing vaccine sites, the Mercer Island Cooling Center, and multiple mask giveaway events; sustaining limited Thrift Shop operations; and continuing the crucial work of the boards and commissions.

The 2021-2022 Biennial Budget did not include resources for a volunteer recognition event, primarily due to the uncertainties of the COVID-19 Pandemic and budget limitations. This one-time appropriation will support a modest volunteer event in 2021. Staff will evaluate volunteer recognition resource needs for 2022 and prepare a recommendation for City Council consideration as part of the Mid-Biennial Budget update, scheduled for this fall.

VOLUNTEER RECOGNITION EVENT 2021

This appropriation will be used to recognize and celebrate the great work of the City of Mercer Island volunteers and board and commission members at the September 2 Mostly Music in the Park event. Preliminary planning includes a VIP tent, light snacks and refreshments, and small mementos. There will be a short presentation honoring the volunteers.

This event will also serve as an opportunity to promote volunteerism and share the many ways community members can become involved in City programs and activities. The City Council will consider a proclamation honoring the City's volunteers at the August 31 City Council meeting. Additional communication and engagement are planned leading up to and following this event.

RECOMMENDATION

Appropriate \$5,000 from the 2020 General Fund Surplus to develop and implement a volunteer recognition event on Thursday, September 2, at Mercerdale Park.



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 5915
July 20, 2021
Regular Business**

AGENDA BILL INFORMATION

TITLE:	Town Center Parking Study Scope of Work	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	1. Confirm the study goals; 2. Approve the scope of work as discussed; and 3. Select two or three City Councilmembers to serve on the consultant selection committee.	

DEPARTMENT:	Public Works
STAFF:	Jason Kintner, Chief of Operations Ed Holmes, Chief of Police Jeff Thomas, Interim Community Planning & Development Director Sarah Bluvass, Economic Development Coordinator
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Outcomes of May 18 Project Scope Matrix Exercise 2. Draft Study Goals & Scope for Town Center Parking Study
CITY COUNCIL PRIORITY:	3. Implement an economic development program.

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ 80,000
APPROPRIATION REQUIRED	\$ 0

SUMMARY

On May 18, 2021, the City Council participated in a project scoping discussion to provide input and inform the development of the Request for Proposals (RFP) for a Town Center Parking Study ([AB 5872](#)). Tonight, staff ask the City Council to confirm the goals of the study, approve the scope of work, and select two or three Councilmembers to serve on the consultant selection committee.

PARKING STUDY GOALS AND SCOPE OF WORK

At the May City Council meeting, staff facilitated a discussion and matrix exercise (Exhibit 1) to articulate the Council’s priorities for the parking study and to identify the areas of analysis to include in the scope of work. Staff used the results to draft the following goals for the study:

1. Create a parking program that activates Town Center, supports small businesses, and enhances the Town Center visitor experience.
2. Ensure Mercer Island residents have priority access to public transportation.
3. Determine if on-site commercial parking and multi-family residential parking are adequately supplied and utilized. Identify options for increasing and/or regulating their use.

The draft scope of work also outlines the five key areas of analysis that the City Council prioritized for the parking study:

- Parking Supply
- Parking Usage
- Parking Regulations
- Parking Management
- Wayfinding

Additionally, staff recommend adding a sixth key area of analysis, Town Center Activations. This area of analysis is proposed to explore opportunities for repurposing parking for small business activities, such as outdoor dining, and updates to municipal code needed to permanently enable those opportunities. See Exhibit 2 for a draft of the complete scope of work that will be included in the RFP.

CONSULTANT SELECTION PROCESS

In addition to providing input on the study goals and scope, staff recommend that representatives from the City Council participate in the consultant selection process. Staff conferred with City Council leadership and agreed that two or three Councilmembers should be selected to serve on the consultant selection committee. Staff advised Mayor Wong to solicit interest from Councilmembers in participating in this process prior to tonight's meeting. If no Councilmembers expressed interest, staff recommend the following process for selecting these committee members tonight:

1. Open the floor for nominations. Any Councilmember may nominate a candidate; no second is needed.
2. Once there are no further nominations, the Mayor declares nominations closed.
3. The Mayor will appoint the two or three nominees to the consultant selection committee and call for a motion to confirm the appointment.
4. If more than three nominations are made, the Mayor and Deputy Mayor will discuss nominations outside of the meeting and return on August 31 to make the final appointments.

NEXT STEPS

Upon approval of the scope of work, staff will finalize the RFP and release it for submissions. The proposed timeline for consultant selection and contracting is the following:

- August 2: Release RFP
- September 7: Proposals due by 3pm PST
- October 2021: Consultant interviews
- October 19: City Council approves consultant selection and awards the contract
- November 2021: Execute contract
- December 2021: Project Kick-off

Staff anticipate that the project will complete by the end of 2022.

RECOMMENDATION

1. Confirm the study goals;
2. Approve the scope of work as discussed; and
3. Select two or three Councilmembers to serve on the consultant selection committee.

City Council Priorities

1. How do we create a parking program that activates Town Center? (supporting small businesses, TC visitor experience, etc.)
2. How do we ensure Island residents have priority access to public transportation? (commuter parking capacity)
3. Is multi-family residential parking adequately used? If not, what options do we have for increasing/regulating use?

Project Scope Matrix Exercise

Area of Analysis	Councilmember Interests	Councilmember Questions
Geographic Area	<ul style="list-style-type: none"> • Focus on TC zone boundaries for opportunities for parking trends, opportunities to expand, etc., but incorporate neighboring parking as it relates to permit program or other specific elements of the parking program 	
Parking Supply	<ul style="list-style-type: none"> • Update parking inventory (on-street and off-street parking) • Evaluate supply, use, and demand together 	<ul style="list-style-type: none"> • Can the consultant segment the inventory to lead to more accurate understanding of availability? • How should private enterprise monitor parking in TC? • What methodologies will the consultant use to measure use, demand, capacity? • Is there opportunity to increase supply of on-street parking? • What’s the value of parallel vs. angled parking?
Parking Usage	<ul style="list-style-type: none"> • Most interested in demand for future parking → Retail parking, impacts of Sound Transit commuters, etc. • Some interest in user groups • Multi-family residential → Hypothesis that residents use street/off-site parking instead of the permitted parking provided by their buildings. Is this true? 	<ul style="list-style-type: none"> • Where can employees park? • To what extent do residents use street parking vs. on-site parking for overnight? • To what extent can we change parking usage behavior (e.g. re: multi-family residential) • Can the consultant conduct a 24-hour audit of usage (rather than a few specific times)?
Code Audit	<ul style="list-style-type: none"> • Interested in actionable recommendations for Chapter 19 so code official can adequately enforce/provide options • Interested in useful regional comps • Shared parking / multi-family residential → Range of parking requirements allowed in the code. Should they be streamlined? 	<ul style="list-style-type: none"> • What is the consultant’s methodology for code review? • What regulatory authority do we have in relation to private property owners?
Parking Management	<p><i>Permit Parking Program</i></p> <ul style="list-style-type: none"> • Examine the entire program in the TC area, including north of park and ride • Interested in cost-recovery, evaluating time limits, and ensuring enforcement is adequately staffed/managed 	<ul style="list-style-type: none"> • What are best practices for parking time limits?
Other Areas of Interest	<p>Wayfinding → Recommendations for better communication parking options throughout TC</p>	

City of Mercer Island
2021/2022 Town Center Parking Study
Outcomes from May 18 Scoping Discussion with City Council

Deliverables

<i>Desired Deliverable</i>	<i>Staff Follow-Up</i>
Review of consultant approach / methodology	Staff will return in July with draft project scope for CC approval and to discuss CC involvement in selecting a consultant
Review of preliminary report	CC will have several touchpoints throughout the process

Community Engagement

- What does the public value in terms of parking supply? (on-street vs. on-site)
- Lean into internal expertise now that we have a new Communications Manager
- Segment engagement by user group
- Build off recent successful City outreach plans (PROS Plan process, etc.)

GOALS OF THE TOWN CENTER PARKING STUDY

Well-planned and sufficient parking is vital to the success of the Town Center economy and the experience of Town Center business owners, patrons, residents, and visitors. Mercer Island City Council identified the following goals for the 2021/2022 Parking Study:

1. Create a parking program that activates Town Center, supports small businesses, and enhances Town Center visitor experience.
2. Ensure Island residents have priority access to public transportation.
3. Determine if on-site commercial parking and multi-family residential parking are adequately supplied and utilized. Identify options for increasing and/or regulating their use.

AREAS OF ANALYSIS

This study will analyze perceived and actual challenges regarding Town Center parking and recommend policy, process, and implementation strategies to address those challenges. Areas of analysis should include:

- **Parking Supply** – What is the current supply of on-street and off-street parking? Are there opportunities to increase on-street parking capacity (e.g. add angled or parallel parking, etc.)?
- **Parking Usage** – What is the current and future demand for Town Center parking? How do different user groups currently use Town Center parking? To what extent can we change user behavior to better optimize parking supply and use?
- **Parking Regulations** – What are gaps or opportunities for improvement in municipal code regulating parking? How can we streamline the current range of parking requirements allowed in the code? How can we update regulatory authority to better enforce parking regulations? Do we have options for increasing/regulating use of multi-family residential parking in the Town Center?
- **Parking Management** – How is our parking management program running currently? Where do we need to improve (e.g. opportunities for cost recovery, expanded enforcement, etc.)? What are best practices for parking zone limits?
- **Wayfinding** – How can we improve signage and other wayfinding to communicate parking options throughout Town Center?
- **Town Center Activation** – Are there opportunities to repurpose parking supply to activate Town Center and support local businesses in different ways (e.g. parklet cafes, pop-up retail, etc.)? How can we improve municipal code to enable these types of opportunities?

Additionally, beginning in 2022, the City plans to undertake an effort to create an Economic Development Element for its 2024 Comprehensive Plan Update. Outcomes of the requested parking study will inform this future planning effort.

SCOPE OF WORK

The following is a preliminary scope of work that may be modified during the contract negotiations with the selected consultant.

Geographic Area: The Town Center zone occupies 76-acres on the North End of Mercer Island. For this study, consultants should focus analysis of supply, demand, usage, and regulations on the defined Town Center zone. Additionally, when studying the permit parking program, we are interested in studying both the defined Town Center zone and the adjacent zones where the permit parking program is administered (e.g. North Mercer restricted parking, etc.). The exact geographic area covered by the study will be finalized upon consultant selection.

Document Review: Consultants should be familiar with the following City documents and studies.

- [Mercer Island Town Center Vision and Goals \(Comprehensive Plan\)](#)
- [Town Center Parking Requirements \(MICC 19.11.130\)](#)
- [Parking Lot Dimension Requirements \(MICC 19 Appendix A\)](#)
- [2016 Town Center Parking Study \(conducted by BERK Consulting\)](#)
- [2015 Park and Ride Survey \(conducted by BP Squared\)](#)
- [2020 Mercer Island Business Survey Report \(conducted by Hardwick Research\)](#)

Project Management: The selected consultant is expected to provide project management services in close consultation with the City's project manager, including ensuring the project remains on schedule and within budget.

Stakeholder Engagement & Public Input: The consultant will develop and facilitate a public involvement plan to engage key stakeholders such as Town Center business owners, property managers/owners, and customers as well as the general Mercer Island public. Outreach tools may include social media, on-site surveying, one-on-one interviews, focus groups, and meetings with advisory boards and the City Council. There may also be opportunity to leverage other survey data collected concurrently with this study.

Supply & Demand Analysis: The consultant will update inventory and usage data for on-street and off-street parking to provide a better understanding of current trends and needs. Where feasible, the consultant will segment the inventory and the user groups to provide an accurate understanding of availability and usage.

Regulatory Analysis & Recommendations: The consultant will review current parking regulations outlined in the City code and other regulatory documents, identify gaps and areas for improvement, and recommend policy updates and/or development as part of the final report and implementation strategy.

Final Report & Implementation Strategy: The final report delivered by the consultant will include methodology, study findings, proposed recommendations, and relevant implementation strategies.

Town Center Parking Study Scope of Work

AB 5915 | July 20, 2021



Why a new parking study?

- City Council interest in addressing issues/concerns related to Town Center parking and forthcoming Light Rail station
- Study proposed in the 2021/2022 Work Plan
- Budget proposal approved by City Council during 2021/2022 biennium process
- Led a project scoping discussion with City Council on May 18

Tonight's Agenda

1. Confirm goals and areas of analysis for study RFP
2. Appoint Councilmembers to participate in Consultant Selection Process
3. Discuss next steps.



Goals for Town Center Parking

- Create a parking program that activates Town Center, supports small businesses, and enhances Town Center visitor experience.
- Ensure Island residents have priority access to public transportation.
- Determine if on-site commercial parking and multi-family residential parking are adequately supplied and utilized. Identify options for increasing and/or regulating their use.



Areas of Analysis Matrix

Area of Analysis	2008 Study	2016 Study	2021 Study
Geographic Area	N/S: Sunset Hwy to 32nd St E/W: 80th Ave to 76th Ave	N/S: Sunset Hwy to 32nd St E/W: ICW to 76th Ave	Item 11.
Off-Street Inventory		X	?
On-Street Inventory	X	X	
Locations of Parking		X	
Current Usage	X	X	
User Groups			
Future Demand		X	
Code/Regulations		X	
Regulatory Authority			
Permit Parking Program		X	
Enforcement		X	
Design Standards	X	X	
Wayfinding		X	
Walkability		X	
Multi-Family Inventory		X	
Sound Transit Impacts			

Results of the Matrix Exercise

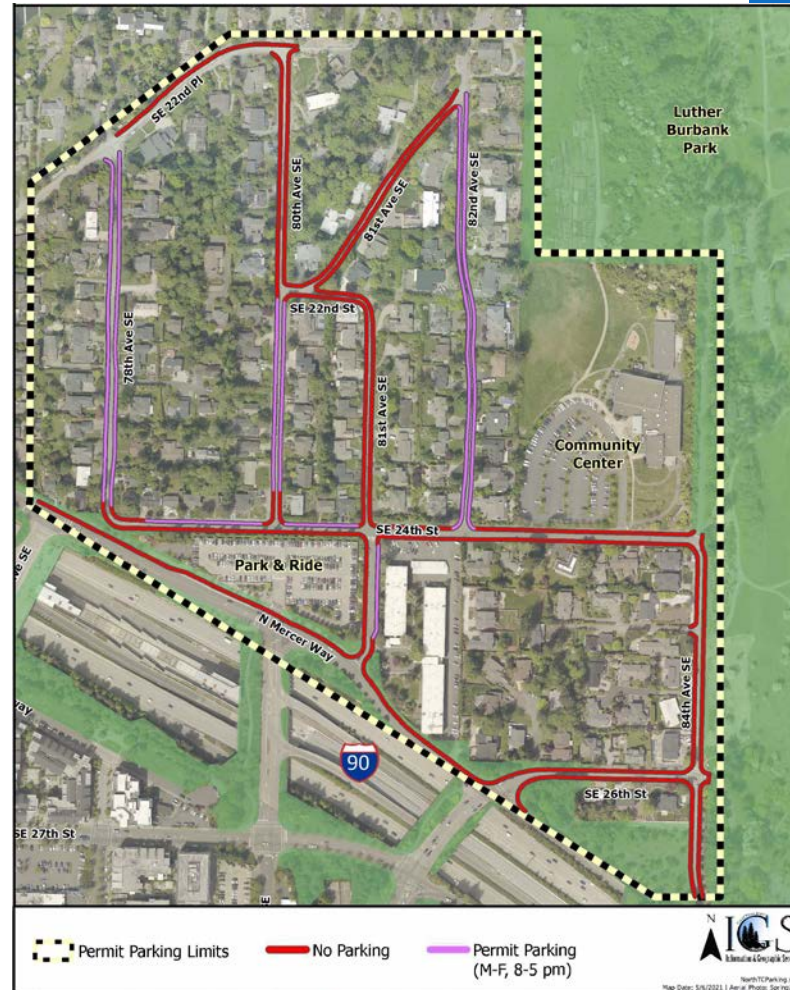
Area of Analysis	Councilmember Interests
Geographic Area	<ul style="list-style-type: none"> • Analysis of Supply, Demand, Usage, Regulations: Town Center zone • Permit Parking Program: Town Center zone + surrounding permit areas
Parking Supply	<ul style="list-style-type: none"> • Update parking inventory • Evaluate supply, use, and demand together
Parking Usage	<ul style="list-style-type: none"> • Understand future demand for parking • Segment user groups • Explore multi-family residential hypothesis
Parking Regulations	<ul style="list-style-type: none"> • Actionable recommendations for improving code and authority to regulate
Parking Management	<ul style="list-style-type: none"> • Examine entire permit parking program • Cost-recovery, time limit best practices, and adequate enforcement
Other	<ul style="list-style-type: none"> • Wayfinding

Town Center Zone

- Supply & Usage
- Regulations
- Management
- Wayfinding

North Mercer Restricted Parking District

- Permit Parking Program
(Parking Management)



Geographic Area

Areas of Analysis + Research Questions

The draft scope outlines six areas of analysis and poses “research questions” to provide more context for what we hope to learn regarding those areas.

- Parking Supply
- Parking Usage
- Parking Regulations
- Parking Management
- Wayfinding
- Town Center Activation



Areas of Analysis + Research Questions

Parking Supply

- What is the current supply of on-street and off-street parking?
- Are there opportunities to increase on-street parking capacity?

Parking Usage

- What is the current and future demand for Town Center parking?
- How do different user groups currently use Town Center parking?
- To what extent can we change user behavior to better optimize parking supply and use?



Areas of Analysis + Research Questions

Parking Regulations

- What are gaps or opportunities for improving municipal code that regulates Town Center parking?
- How can we streamline the current range of parking requirements allowed in the code?
- How can we update regulatory authority to better enforce parking regulations?
- Do we have options for increasing/regulating use of multi-family residential parking in Town Center?

Parking Management

- How is our parking permit program running currently?
- Where do we need to improve (e.g. opportunities for cost recovery, expanded enforcement, etc.)?
- What are best practices for parking zone limits?



Areas of Analysis + Research Questions



Wayfinding

- How can we improve signage and other wayfinding / messaging to communicate parking options throughout Town Center?



Areas of Analysis + Research Questions

Town Center Activation

- Not explicitly discussed during the May 18 scoping session
- Relevant to outdoor dining and other local business needs supported during the pandemic
- Are there opportunities to repurpose parking supply to activate Town Center and support local businesses?
- How can we improve municipal code to enable these types of opportunities?



Other Considerations

Consultant Methodology

- Segment inventory and other data collection (where feasible)
- Select useful regional comparisons

Stakeholder Engagement & Public Input

- Leverage existing resources (other survey data, City's communications function, etc.)
- Engage local businesses, property owners/managers, Town center visitors, general community, etc., throughout the process



Consultant Selection Process

Staff request two or three Councilmembers to participate in the selection process.

Selection Committee Tasks

- Review and score proposal submittals
- Prepare a short-list of candidates to invite for interviews
- Participate in candidate interviews and ranking
- Participate in development of candidate recommendation for Council approval

Selection Timeline

- August 2: Release RFP
- September 7: Proposals due to City
- October TBD: Candidate interviews
- October 19: Approve consultant selection and award contract



Next Steps

1. Tonight: Approve the scope of work and appoint Councilmembers to the consultant selection committee.
2. Staff will finalize the RFP and release on August 2.
3. A Let's Talk project page will also launch on August 2.





BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 5903
July 20, 2021
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 5903: Development Code Amendment ZTR19-004 Small Cell / Wireless Facilities (Ord. No. 21C-12 Second Reading)	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed:
RECOMMENDED ACTION:	Adopt Ordinance No. 21C-12, amending Chapters 19.06, 19.15, and 19.16 to revise standards and communications facilities.	<input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Interim Director Alison Van Gorp, Deputy Director Eileen Keiffer, Madrona Law Group
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 21C-12
CITY COUNCIL PRIORITY:	n/a

SUMMARY

The Planning Commission has recommended approving the proposed code amendment to repeal the existing interim wireless communications and small cell regulations contained in Mercer Island City Code (MICC) Chapter [19.06](#) and replace with permanent regulations, as well as to adopt related clean up amendments within MICC Chapters 19.15 and 19.16.

BACKGROUND

This code amendment was brought forward by City staff as a part of the annual docket submittal process in the fall of 2020, and the City Council later added it to the final docket. The proposed code amendment to [MICC 19.06](#) updates the code sections related to wireless communications and small cell regulations.

The City has had interim regulations in place since early 2019, and this update is intended to adopt permanent regulations that are consistent with recent changes to federal regulations and that are responsive to modern cellular technology and facilities. The proposed amendment repeals the existing interim regulations, and replaces them with updated permanent regulations including provisions to:

- Update language and definitions to comply with the latest regulatory developments;
- Add provisions allowing for amateur radio facilities (ham radio antennas);
- Clarify requirements for undergrounding of wires and equipment; and
- Add clarity and more objective standards to provisions related to regulating noise, design, and concealment of small wireless facilities.

City staff followed the procedures in MICC [19.15.230](#) and [19.15.260](#) related to the review of code amendment proposals that have been placed on the final docket by the City Council. On March 17, 2021, public notice was provided for the public hearing scheduled on April 21, 2021. Public notice was provided in

the newspaper and the weekly permit bulletin. A SEPA determination of non-significance was issued by staff on April 7, 2021. Staff memos (three in total) were prepared in advance of each Planning Commission meeting summarizing the proposal and providing a staff recommendation (see [AB 5889](#)).

On March 17, 2021, the Planning Commission reviewed the proposed code amendment during a public meeting. On April 21, 2021, the Planning Commission held a public hearing on the revised amendment. The Public hearing was continued to the May 19 meeting. Following the hearing on April 21, the Planning Commission requested further revisions to the proposed amendment. The Planning Commission held their final review of the proposed amendment on May 19, 2021. During this meeting, the Planning Commission completed and closed the public hearing, then deliberated on the draft code amendment, agreeing to several additional revisions. Finally, by a unanimous vote the Planning Commission recommended the City Council approve the proposed amendment as revised.

SECOND READING

The City Council conducted the first reading of Ordinance 21C-12 on June 15, 2021 (see [AB 5889](#)) and provided direction to staff on several revisions to the draft code amendment. The updated ordinance (Exhibit 1) incorporates these revisions, which are highlighted in yellow. The City Council also inquired about additional concealment standards for small wireless facilities in underground utility areas. In particular, there was interest in requiring concealment that makes the wireless facility/support structure look like a native conifer tree.

Concealment Standards & Options

Staff researched concealment standards for small wireless facilities and have not found examples of this type of application. “Monopine” style concealment is fairly common for the larger “macro” wireless facilities but does not appear to be in use for small cells. One example was found of small wireless facilities disguised as flora-- a Saguaro cactus style concealment—which obviously would not blend in with the current built and native environment on Mercer Island. It is believed the faux tree branches required for conifer style concealment may not be compatible with some small cell technologies, including 5G facilities, which operate at a higher frequency signal and are more easily blocked than previous types of antenna facilities.

Based on this research, it is not recommended to include this type of concealment standard in the revised code, at least at this time. Staff will continue to monitor developments in small cell concealment technology options and bring the matter back to City Council if and when technology and concealment standards change.

Amended Definition of “Underground Utility Areas”

Finally, staff have amended the definition of “Undergrounded Utility Areas” in MICC 19.16.010 and added clarification to MICC 19.06.070(E) that wireless facilities are prohibited on guy poles in or adjacent to Undergrounded Utility Areas. This prohibition on the use of guy poles may result in more above ground infrastructure in or near undergrounded utility areas. Given that the City cannot prohibit installation of wireless facilities in Undergrounded Utility Areas, if a wireless carrier needs to add an antenna in an undergrounded utility area, and they are prohibited from using any existing guy poles, they may need to install a new support structure in the area. The proposed code amendment includes requirements related to aesthetics of the pole and the concealment of the wireless antenna, cabling, etc.

RECOMMENDATION

Adopt Ordinance No. 21C-12, amending Chapters 19.06, 19.15, and 19.16 to revise standards and communications facilities and repealing the temporary regulations contained in Ordinance 21-08.

CITY OF MERCER ISLAND
ORDINANCE NO. 21C-12

AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON, AMENDING CHAPTERS 19.06, 19.15 AND 19.16 OF THE MERCER ISLAND CITY CODE TO REVISE STANDARDS AND REQUIREMENTS FOR SMALL AND OTHER WIRELESS COMMUNICATIONS FACILITIES; REPEALING ORDINANCE 21-08; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Federal Communications Commission issued a Declaratory Ruling and Third Report and Order (“New Rules”) relating to small cell facilities, which became effective January 15, 2019; and

WHEREAS, the New Rules significantly preempted the City’s ability to regulate the installation of small cell facilities on City-owned public rights-of-way; and

WHEREAS, Ordinance 19C-02 adopted interim design and concealment standards for the deployment of small cell facilities; and

WHEREAS, the interim design and concealment standards have been extended by City Council, most recently on May 4, 2021 through Ordinance 21-08, and the most recent extension extends the interim design and concealment standards into January 2022; and

WHEREAS, the City Council finds that deployment of small cell facilities with unregulated design and concealment standards may result in uncoordinated installations, visual blight, noise, interference with public facilities and equipment, and traffic dangers that pose harm to public health, safety, property, and welfare; and

WHEREAS, the City Council desires to adopt permanent design and concealment standards for the deployment of small cell facilities; and

WHEREAS, upon drafting of permanent design and concealment standards, City Staff identified additional areas of the Mercer Island City Code that required amendments to comply with the latest regulatory developments in the area and to clarify standards relating to processing of applications for both applicants and staff; and

WHEREAS, the City Council hereby finds that the actions set forth below are necessary to preserve the public peace, health, safety, and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment of MICC 19.06.040, Wireless Communications. MICC 19.06.040, Wireless Communications, is hereby amended in the form provided in the attached Exhibit A, which is incorporated herein by reference.

- Section 2. Repeal and replacement of MICC 19.06.070, Bonding and insurance.** MICC 19.06.070, bonding and insurance, is hereby repealed and replaced in the form provided in the attached Exhibit B, which is incorporated herein by reference.
- Section 3. Adoption of MICC 19.06.075, Small wireless facility deployments—Design and concealment standards.** MICC 19.06.075, small wireless facility deployments—design and concealment standards, is hereby adopted in the form provided in the attached Exhibit C, which is incorporated herein by reference.
- Section 4. Amendment of MICC 19.15.030, Land use review types.** MICC 19.15.030, land use review types, is hereby amended in the form provided in the attached Exhibit D, which is incorporated herein by reference.
- Section 5. Repeal of MICC 19.15.190, Permit review for 6409 eligible wireless communications facilities.** MICC 19.15.190, Permit review for 6409 eligible wireless communications facilities, is hereby repealed in its entirety.
- Section 6. Amendment of MICC 19.16.010, Definitions.** MICC 19.16.010, Definitions, is hereby amended in the form provided in the attached Exhibit E, which is incorporated herein by reference. All other definitions contained in current MICC Section 19.16.010 that are not listed in Exhibit E, shall remain unchanged.
- Section 7. Repeal of Interim Design and Concealment Standards.** Ordinance 21-08, the interim design and concealment standards for small cell facilities deployment, is hereby repealed in its entirety.
- Section 8. Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this Ordinance or its application to any other person, property, or circumstance.
- Section 9. Publication and Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force five days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS REGULAR MEETING ON JULY 20, 2021.

ATTEST:

CITY OF MERCER ISLAND

Deborah A. Estrada, City Clerk

Benson Wong, Mayor

APPROVED AS TO FORM

Bio Park, City Attorney

Date of publication: _____

Exhibit A

19.06.040 Wireless communications

This section is intended to apply to macro wireless communications facilities and other facilities that do not qualify as small wireless facilities, which are governed by MICC 19.06.070 and 19.06.075.

A. *Town Center, Commercial/Office, Business and Planned Business Zones.*

1. *Permitted Use.* Attached wireless communications facilities (“WCFs”) are permitted in the Town Center, commercial/office, business and planned business zones. WCFs with support structures are permitted in the commercial/office, business and planned business zone districts, and are not permitted in the Town Center district.

a. *Town Center Zone (TC).* The height of attached WCFs shall not exceed the height of the structure it is attached to by more than 15 feet. Wireless support structures are not allowed in the TC zone.

b. *Commercial/Office Zone (C-O).* The height of attached WCFs shall not exceed the height of the structure it is attached to by more than 10 feet. Structures shall not be located within front yard setbacks. Structures in the side and rear yards must be set back from adjacent property a distance equal to the height of the pole. New WCFs may be located on a monopole and shall not exceed 60 feet in height.

c. *Planned Business Zone (PBZ) and Business Zone (B).* The height of attached WCFs shall not exceed the height of the structure it is attached to by more than 10 feet. Structures shall not be located within the setbacks. New WCFs may be located on a monopole and shall not exceed 60 feet in height.

2. *Performance Standards.* WCFs shall comply with the standards in subsection E of this section.

B. *Public Institution Zone (I-90 Corridor).*

1. *Permitted Use.* Wireless communications facilities, including antenna support structures and equipment cabinets, are permitted. Facilities must meet all of the following criteria:

a. Antennas shall not project more than two feet in height over the nearest I-90 retaining wall, unless they are located on an existing structure, and must be screened as much as possible from public views;

b. Equipment cabinet dimensions shall not exceed 480 cubic feet, should be placed underground if feasible and shall be completely screened from pedestrian and park activities with landscaping;

c. Facilities shall be within 15 feet of the pedestrian side of the I-90 retaining wall, unless they are located on an existing structure. Facilities may be located between the retaining walls in the traffic corridor;

d. Facilities shall be at least 300 feet from any single-family dwelling, unless located between and below the top of the retaining walls in the traffic corridor;

e. Applicants shall demonstrate that they have attempted to collocate on existing structures such as other wireless support structures, rooftops, light poles, utility poles, walls, etc.

2. Performance Standard and Location. Wireless communications facilities shall comply with the standards in subsection E of this section. No wireless communications facilities are allowed along the Greta Hackett Outdoor Sculpture Gallery, defined as the south side of I-90 between 76th Avenue SE and 80th Avenue SE.

C. Island Crest Way Corridor.

1. WCFs are permitted within the right-of-way boundary along Island Crest Way from SE 40th Street to SE 53rd Place and from SE 63rd to SE 68th Street. WCFs must be attached directly to and in-line with existing utility poles, with **the smallest feasible** overhang. WCF antennas shall not exceed 96 inches in length, 12 inches in width, and 12 inches in depth. The WCF must not project over the height of the pole, but a pole with a height of up to 70 feet may replace an existing pole, or a pole with a height of up to 110 feet may replace an existing pole if the WCF is being collocated with another WCF consistent with subsection F of this section. All WCFs shall be set back from adjacent residential structures by a minimum of 40 feet.

2. Performance Standards. Wireless communications facilities shall comply with the standards in subsection E of this section. Proponents shall provide an agreement with the utility pole owner granting access to the pole.

D. Residential Districts.

1. Permitted Use. WCFs are prohibited in single-family and multifamily residential zones; provided, WCFs are permitted as stated below on the following public and utility properties:

- a. South Mercer Island Fire Station, 8473 SE 68th Street. Maximum height: 60 feet;
- b. Puget Sound Energy Power Substation, 8477 SE 68th Street. Maximum height: 60 feet;
- c. Mercer Island Water Reservoir, 4300 88th Avenue SE. Maximum height: 60 feet;
- d. Island Crest Park, if the WCF is either (i) attached to an existing ballfield light standard, or (ii) attached to a new stealth designed replacement ballfield light standard located along the eastern border of Island Crest Park.
 - i. Maximum number of support structures: A maximum of two support structures (existing or replacement ballfield light standards) with up to three antennas on each such support structure, **unless the proposed new antenna(s) qualify as a 6409 Eligible Facility, as described in Section 19.06.040(I);**
 - ii. Maximum height: 110 feet; and
- e. Certain rights-of-way adjacent to Clise Park.

- i. Maximum number of support structures: One stealth support structure with up to three antennas on such support structure located within the rights-of-way at the intersection of Island Crest Way, 84th Avenue SE and SE 39th Street, in a location at such intersection abutting trees and having the least visual impact while ensuring the maximum protection of mature trees.
- ii. Maximum number and location of equipment cabinets: Three equipment cabinets associated with such support structure located in that portion of the SE 39th Street or 84th Avenue SE rights-of-way adjacent to Clise Park, except that if such location does not permit the proper functioning of the WCF as determined by the Director of Community Planning and Development ("**Director**") then the equipment cabinet shall be located in the Island Crest Way right-of-way adjacent to Clise Park.
- iii. Maximum height: 110 feet.

WCFs on the above properties may be attached or have a monopole structure. Except as to the Puget Sound Energy Substation referred to above, equipment cabinets shall be placed underground if **feasible**. In Island Crest Park, 84th Avenue SE or SE 39th Street right-of-way, the Director may allow or require the equipment cabinets to be placed aboveground if there is a significant benefit to the parks by either the retention of trees and/or vegetation or the improvement of park uses. Any aboveground equipment cabinet must be properly screened consistent with subsection (E)(3) of this section. The setback of the support structure from any adjacent residential property line shall be equal to the height of the support structure except in Island Crest Park or those rights-of-way described in subsection (D)(1)(e) of this section, where the setback of the support structure shall be 40 feet from any residential structure.

E. Performance Standards.

1. *Attached WCFs.* Attached WCFs which are visible to the traveling public and/or neighboring residences shall be designed to blend in with the existing structure and be placed in a location which is as unobtrusive as possible to the traveling public and/or neighboring residences consistent with the proper functioning of the WCF, and use color matching to blend in with the structure to which it is attached. If the aesthetic impacts cannot be mitigated by placement and color solutions, the WCF can be required to be screened.
2. *WCFs with Support Structures.* WCFs with support structures shall be designed to blend into the existing site and be placed in a location which is as unobtrusive as possible consistent with the proper functioning of the WCF, and use colors to blend into the existing site. If the aesthetic impacts cannot be mitigated by placement and color solutions, the WCF can be required to be screened with landscaping and/or fencing.
3. *Equipment Cabinets.* Equipment cabinets that are visible to the traveling public and/or neighboring residences shall be designed to blend in with existing surroundings, be placed underground if feasible, or placed in a location as unobtrusive as possible consistent with proper functioning of the WCF, and use colors to blend in with the adjacent surroundings. Screening may be required using landscaping or fencing.

€5. Priority Locations. WCFs shall be located only in the zones and properties described in this chapter and a WCF applicant shall locate any WCF in the following siting priority consistent with proper functioning of the WCF:

- a. Public properties described in subsections B and D of this section;
- b. Town Center, commercial/office and planned business zones described in subsection A of this section; and
- c. Island Crest Way corridor described in subsection C of this section.

F. Shared Facilities and Collocation. Collocation is highly encouraged. The applicant shall collocate the WCF with an existing WCF site unless the applicant can demonstrate to the Director's satisfaction that such collocation is not feasible due to radio interference, usable signal, other engineering reason, property owner's refusal to lease property, or zoning restriction. The City also encourages WCF applicants to construct and site facilities with a view toward sharing sites and structures with other utilities, and accommodating the future collocation of other future WCFs.

G. Electromagnetic Radiofrequency Emissions. The City recognizes that the Federal Telecommunications Act of 1996 gives the Federal Communications Commission sole jurisdiction in the field of regulation of radio-frequency (RF) emissions and WCFs which meet FCC standards shall not be conditioned or denied on the basis of RF impacts. As part of a complete application under this chapter, applicants shall provide to the City an affidavit signed by a licensed RF engineer stating that the proposed installation is compliant with applicable federal RF regulations.

H. When there are more than six antennas at one site, the Director shall deem that site full and deny additional antennas, unless the antenna qualifies as a 6409 Eligible Facility.

I. *6409 Eligible Facilities*. 6409 eligible facilities shall be reviewed in accordance with 47 CFR Section 1.6100_Wireless Facility Modifications, or as hereafter amended.

1. Time Frame for Review. Within 60 days of the date on which an applicant submits a request seeking approval under this section, the City shall approve the application unless it determines that the application is not covered by 47 CFR 1.6100 (or as hereafter amended).
2. Tolling of the Time Frame for Review. The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the City determines that the application is incomplete. The time frame for review is not tolled by a moratorium on the review of applications.
 - a. To toll the time frame for incompleteness, the City must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information only to the extent reasonably related to determining whether the request meets the requirements of 47 CFR Section 1.6100 or as hereafter amended. The City cannot require an applicant to submit any other documentation, including but not limited to: documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.

b. The time frame for review begins running again when the applicant makes a supplemental submission in response to the City's notice of incompleteness.

c. Following a supplemental submission, the City will have 10 days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in subsection (2)(a) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

3. Failure to Act. In the event the City fails to approve or deny a request seeking approval under this section within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

J. *Removal of WCFs.* If a WCF becomes obsolete or unused, it must be removed **at the applicant's sole cost and expense** within six months of cessation of operation at the site. K. Amateur Radio Facilities. Amateur Radio (ham) Towers shall be permitted by right in all zones, pursuant to the FCC Order entitled Amateur Radio Preemption, 101 FCC 2nd 952 (1985). Any height restrictions applicable to Amateur Radio (ham) Towers may be waived by the Director upon a showing by the applicant that the proposed Amateur Radio (ham) Tower is the minimum necessary for the facility to function as proposed.

L. Any design criteria required to make a facility into a stealth facility (i.e. intended to make the facility look like something other than a wireless tower or base station) shall be considered concealment elements for purposes of future eligible facilities requests.

M. Temporary Wireless Communications Facilities. Temporary Wireless Communications Facilities shall be permitted in all zones and subject to the Type I land use review process pursuant to MICC Chapter 19.15. Temporary Wireless Communications Facilities may not be deployed for more than thirty (30) days except in case of emergency or natural disaster, in which case the Director may authorize a longer period of deployment.

Exhibit B

19.06.070 Small wireless facilities deployment.

The following provisions establish standards for small wireless facilities deployments; provided, however, that any small wireless facilities or small wireless facilities network component which is not exempt from SEPA review shall also comply with Chapter 19.21 MICC or as hereafter amended:

A. **Small Wireless_Facility Approval Required.** Small wireless facilities are permitted in all zoning designations subject to a Type II land use review process pursuant to Chapter 19.15 MICC. In addition to the small wireless facility approval, one or more right-of-way use permits may also be required for small wireless facility deployment.

B. **Previously Approved Small Wireless Facilities on Existing or Replacement Utility Poles.** Eligible small wireless facilities permitted under the provisions of a franchise approval prior to the adoption of these standards shall be considered to have satisfied the design and concealment standards when installed and maintained in accordance with the franchise agreement.

C. **Hollow poles that can conceal equipment and appurtenances are preferred.**

D. **Replacement Pole – Street light standard.** With the express permission of the City, a street light standard may be installed to support a new small wireless facility. The design of the street light standard shall be in accordance with the City requirements in effect at the time. Wherever feasible, all equipment and cabling shall be internal to the replacement street light standard, or concealed through the design and implementation of a concealment plan.

E. **Undergrounded Utility Areas.** An applicant desiring to locate any aboveground infrastructure in an undergrounded utility area shall provide a separate, standalone pole. Pole design must be approved by the City pursuant to MICC 19.06.075. However, notwithstanding the above, all backhaul, electricity, cabling and components of small wireless facilities other than antenna(s) and the pole shall be located underground to the extent feasible and all wiring, cabling to the antenna(s) or other equipment that cannot be undergrounded shall be internal to the standalone pole or concealed through the design and implementation of a concealment plan. Further, notwithstanding any other provision in the MICC to the contrary, guy poles located within or adjacent to Undergrounded Utility Areas shall not be used to support any small wireless facilities.

F. **Notwithstanding any provision of MICC 19.15.030,** there shall be no appeal to the Hearing Examiner of permits issued pursuant to this Section, in order to comport with the permit processing timelines set forth in 47 CFR 1.6003 (or as hereafter amended). However, nothing in this section is intended to affect any potential right of any party to any applicable judicial appeal.

Exhibit C

19.06.075 Small wireless facility deployments – Design and concealment standards.

Small wireless facility deployments, whether permitted on the right-of-way pursuant to a franchise or in accordance with this chapter, shall conform to the design standards set forth in this section.

A. Small Wireless Facility Deployment Design Standards – General Requirements. All small wireless facility deployments shall comply with the following provisions:

1. Ground-mounted equipment in the rights-of-way is prohibited unless such facilities are placed underground or the applicant can demonstrate that pole-mounted or undergrounded equipment is infeasible. If ground-mounted equipment is necessary, then the applicant shall submit a concealment plan pursuant to subsection G of this section. Generators located in the rights-of-way are prohibited, except in case of emergency or natural disaster.
2. Noiseless small wireless facilities are required if feasible. If noiseless facilities are not feasible, then the facility with the lowest noise profile is required. In any event, no small wireless facility equipment shall be operated so as to produce noise in violation of Chapter 8.24 MICC.
3. Small wireless facilities are not permitted on traffic signal poles.
4. Placement of replacement poles and new poles and any associated equipment shall comply with state and federal laws and regulations including the Americans with Disabilities Act (ADA), City construction and sidewalk standards, and shall maintain the path of travel in order to provide a clear and safe passage within the rights-of-way.
5. Consistent with the provisions of subsection (4) above, replacement poles shall be located as near as possible to the existing pole subject to approval by the City Engineer. The applicant must remove the abandoned pole promptly upon installation of the replacement pole and restore the right of way, including paving and/or sidewalks to provide clear and safe passage, **at its sole cost and expense.**
6. Any signage on equipment enclosures shall be of the minimum size and number possible to achieve the intended purpose; provided, that signs are permitted as concealment element techniques where appropriate.
7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment plan.
8. Side arm mounts for antennas or equipment are prohibited.
9. A small wireless facility on a pole shall have the least possible visible impact by utilizing the smallest antenna(s) and equipment feasible.
10. Antennas, equipment enclosures, and ancillary equipment, conduit, and cable shall be located within the building or pole to the maximum extent feasible.
11. Antennas, equipment enclosures and ancillary equipment, conduit, and cable shall match the color and visual character of the building or pole upon which they are attached to the extent City.

This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the service provider.

13. Any design criteria required to make a facility into a stealth facility (i.e. intended to make a facility look like something other than a wireless tower or base station) shall be considered concealment elements for the purposes of future eligible facilities requests.

B. Small Wireless Facilities Attached to Nonwooden Poles. Small wireless facilities attached to existing or replacement nonwooden light poles and other nonwooden poles in the right-of-way or poles outside of the right-of-way shall conform to the following design criteria in addition to the general requirements set forth in subsection A of this section:

1. Antennas and the associated equipment enclosures shall be sited and installed in a manner which minimizes the visual impact on the streetscape by either:
 - a. Fully concealing the antennas and associated equipment fully within the pole; or
 - b. Through a concealment plan which provides an equivalent or greater impact reduction pursuant to subsection G of this section.
2. All conduit, cables, wires, and fiber must be routed internally in the light pole. Conduit, cables, wires, and fiber extending outside the pole to connect with externally mounted antennas or equipment shall be located within shrouds, canisters, or sleeves color matched with the support pole.
3. An antenna on top of an existing pole may not extend more than six feet above the height of the existing pole and the diameter may not exceed 16 inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that they appear as a continuation of the original pole, including colored, powder coated, or other permanent coloration, to match the pole, and shall be shrouded or screened to blend with the pole. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole and shall color match the pole.
4. In addition to the increased antenna height allowed in subsection (B)(3) of this section, the height of any replacement pole may not extend more than 10 feet above the height of the existing pole or the minimum additional height necessary for adequate clearance from electrical wires, whichever is greater.
5. Any replacement nonwooden pole shall substantially conform to the design of the pole it is replacing, or the applicable City pole design standards, if the pole to be replaced does not comply with the City pole design standards at time of application.
6. The diameter of a replacement pole shall comply with applicable setback and sidewalk clearance requirements, ADA requirements, and if a replacement light standard then with the City's lighting requirements.
7. For facilities collocated with nonwireless uses, the use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary

function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be promptly removed at the applicant's sole cost and expense, unless a permit is obtained pursuant to MICC 19.06.070, including new review under this section MICC 19.06.075.

C. Wooden Pole Design Standards. Small wireless facilities located on wooden poles shall conform to the following design criteria in addition to the general requirements set forth in subsection A of this section:

1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that would exceed the height limits to qualify as a small wireless facility.
2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole if such an extension would exceed the height limits to qualify as a small wireless facility. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.
3. Replacement wooden poles may either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the City.
4. Antennas, equipment enclosures, and all ancillary equipment, boxes, and conduit shall be colored, powder coated, or have other permanent coloration, to match the approximate color of the surface of the wooden pole on which they are attached.
5. Panel antennas shall not be mounted on the side of a pole more than 12 inches from the surface of the wooden pole, measured from the exterior surface of the pole to the furthest extent of the panel antenna.
6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole; provided, that each antenna enclosure shall not be more than three cubic feet in volume, with a cumulative total antenna volume not to exceed 12 cubic feet.
7. In addition to the increased antenna height allowed in subsection (C)(2) of this section, a canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection (C)(1) of this section. A canister antenna mounted on the top of a wooden pole shall be consistent with the volume limit contained in the definition of small wireless facilities. Any canister antenna shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side-mounted canister antenna, so long as the inside edge of the antenna is no more than 12 inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole that is colored to match the wooden pole.
8. In addition to the increased antenna height allowed in subsection (C)(2) of this section, an omnidirectional antenna may be mounted on the top of an existing wooden pole, provided

such antenna is no more than four feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.

9. All related equipment including but not limited to: ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner. Further, all related equipment must be painted or color matched to the wooden pole.

10. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground-mounted pursuant to subsection A of this section. The equipment must be placed in the smallest enclosure possible for the intended purpose, but in no event can wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing equipment on the structure, exceed 28 cubic feet in volume. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole if such banners or road signs are allowed by the pole owner.

11. Notwithstanding the dimensional standards above, the size of any small wireless facility on the wooden pole shall be as small as feasible.

12. For facilities collocated with nonwireless uses, the use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be promptly removed at the applicant's sole cost and expense, unless a permit is obtained pursuant to MICC 19.06.070, including new review under this section MICC 19.06.075.

13. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored, powder coated, or have other permanent coloration, to match the pole. The number and size of conduits shall be minimized to the number technically necessary to accommodate the small wireless facility.

D. Small Wireless Facilities Attached to Existing Buildings. Small wireless facilities attached to existing buildings shall conform to the following design criteria:

1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.
2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.
3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if they complement the architecture of the existing building.
4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building and any brackets must match the color of the building.

5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Such skirts or shrouds must also reasonably match the color of the building. Exposed cabling/wiring is prohibited.

6. Small wireless facilities shall be painted, colored, and textured to match the adjacent building surfaces.

E. Small wireless facilities mounted on cables strung between utility poles shall conform to the following standards:

1. Each strand-mounted facility shall not exceed three cubic feet in volume;
2. Only one strand-mounted facility is permitted per cable between any two existing poles;
3. The strand-mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than six feet from the pole unless a smaller distance is infeasible or a greater distance is required by the pole owner for safety clearance;
4. No strand-mounted device shall be located in or above the portion of the roadway open to vehicular traffic or over any pedestrian walkway;
5. Ground-mounted equipment to accommodate such strand-mounted facilities is not permitted, except when placed in preexisting equipment cabinets;
6. Pole-mounted equipment for strand-mounted facilities shall meet the requirements for pole-mounted small wireless facilities; and
7. Such strand-mounted devices must be as small as technologically possible and with the minimum exterior cabling or wires (other than the original strand) necessary to meet the technological needs of the facility.

F. New Poles in the Rights-of-Way for Small Wireless Facilities.

1. New poles within the rights-of-way are only permitted if the applicant can establish that:
 - a. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower, or on a site outside of the public rights-of-way such as a public park, public property, building, transmission tower or in or on a nonresidential use in a residential zone whether by roof or panel-mount or separate structure;
 - b. The proposed wireless communications facility receives approval for a concealment plan, as described in subsection G of this section;
 - c. The proposed wireless communications facility also complies with the Shoreline Master Program and SEPA, if applicable; and
 - d. No new poles shall be located in a critical area or associated buffer required by the City's critical areas ordinance, except when determined to be exempt pursuant to said ordinance.

G. The concealment plan shall include the design of the screening, fencing, or other concealment technology for a pole or equipment structure, and all related transmission equipment or facilities associated with the proposed wireless communications facility, including but not limited to fiber and power connections.

1. The concealment plan shall minimize the visual obtrusiveness of wireless communications facility installations to the extent feasible. The proposed pole or structure shall have similar designs to existing neighboring poles in the rights-of-way, including similar height, to the extent feasible, and similar coloration and shape. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color and texture – or the appearance thereof – as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wirelines are installed internally in the structure or otherwise integrated into the design of the structure. Use of a unified enclosure equal to or less than four cubic feet in volume may be permitted in meeting these criteria. This requirement shall be applied in a manner which does not dictate the technology employed by the service provider nor unreasonably impair the technological performance of the equipment chosen by the service provider.

2. If the Director has already approved a concealment plan either for the applicant or another wireless communications facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment plan, unless it can show that such concealment plan is not feasible, or that such deployment would undermine the generally applicable design standards.

H. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts of the small wireless facility.

Exhibit D

MICC Chapter 19.15.030 Land use review types.

There are four categories of land use review that occur under the provisions of the development code.

A. *Type I.* Type I reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues.

B. *Type II.* Type II reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues. The difference between Type I and Type II review is that public notification shall be issued for Type II decisions.

C. *Type III.* Type III reviews require the exercise of discretion about nontechnical issues.

D. *Type IV.* Type IV reviews require discretion and may be actions of broad public interest. Decisions on Type IV reviews are only taken after an open record hearing.

E. The types of land use approvals are listed in Table A of this section. The required public process for each type of land use approval are listed in Table B of this section.

Table A. Land Use Review Type

Type I	Type II	Type III	Type IV
<ul style="list-style-type: none"> • Home business • Seasonal development limitation waiver • Nonmajor single-family dwelling building permits • Tree removal permit • Right-of-way permit • Special needs group housing safety determination 	<ul style="list-style-type: none"> • Modified wireless communication facilities (6409 per 47 CFR 1.40001) • Lot line revision • Setback deviations • Final plat^{2, 3} • Code official design review • Accessory dwelling unit • Parking variances (reviewed by City Engineer) 	<ul style="list-style-type: none"> • New and modified wireless (non-6409) eligible facility • SEPA threshold determination • Critical areas determination (wetland/watercourse buffer averaging/reduction) • Temporary encampment⁴ • Short plat alteration and vacations • Preliminary short plat 	<ul style="list-style-type: none"> • Preliminary long plat approval • Conditional use permit • Variance • Critical areas reasonable use exception • Long plat alteration and vacations • Parking variances (reviewed by design commission)

Type I	Type II	Type III	Type IV
<ul style="list-style-type: none"> • Tenant improvement/change of use • Shoreline exemption¹ • Critical areas determination (steep slope alteration) • Final short plat • Temporary commerce on public property • Site development permits • Transportation concurrency certificate 	<ul style="list-style-type: none"> • Small Wireless Facility Deployment 	<ul style="list-style-type: none"> • Development code interpretations • Major single-family dwelling building permit • Shoreline substantial development permit¹ • Shoreline revision (substantial development)¹ 	<ul style="list-style-type: none"> • Variance from short plat acreage limitation • Wireless communication facility height variance • Planned unit development • Design commission design review • Permanent commerce on public property • Shoreline conditional use permit (SCUP)⁵ • Shoreline variance⁵ • Shoreline revision (variance and SCUP)

...

Exhibit E

MICC Chapter 19.16.010 Definitions.

Antenna Array: A single or group of antenna elements and associated mounting hardware, feed lines, or other appurtenances that may share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna Support Structure: A vertical projection composed of metal or other material with or without a foundation that is designed for the purpose of accommodating antennas at a desired height. Types of support structures include the following:

1. Guyed antenna support structure - a style of antenna support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.
2. Lattice antenna support structure - a tapered style of antenna support structure that consists of vertical and horizontal supports with multiple legs and cross-bracing and metal crossed strips or bars to support antennas.
3. Monopole antenna support structure - a style of antenna support structure consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground. These facilities may also include flagpoles, monopines, or new utility poles and new miscellaneous poles.

Collocation: Mounting or installing an antenna facility on a pre-existing structure and/or modifying a structure for the purpose of mounting or installing an antenna facility on that structure. However, for the purposes of eligible facilities requests (6409 eligible facilities), the term shall mean as defined in 47 CFR 1.6100 (or as hereafter amended).

Equipment Enclosure: An enclosure used to house any wireless communication facility transmission related equipment other than antennas, usually located within and including cabinets, shelters, pedestals, or other similar enclosures used to contain electronic equipment for said purpose. This may include cabinets attached to a utility pole, light pole, or other type of pole.

Existing Wireless Communication Facility: A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable City zoning or siting process, or under another state or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

Macro Wireless Communications Facility: Any wireless communication facility that does not meet the definition of small wireless facility.

Pole Extender: An object affixed between a utility pole and pole top mounted equipment (e.g. a small cell antenna) for the purpose of increasing the height of the pole top mounted equipment above the pole.

Regulated Improvements: Any development of any property within the City, except:

1. Property owned or controlled by the City; or
2. Single-family dwellings and the buildings, structures and uses accessory thereto;
3. Wireless communications structures, including associated support structures and equipment cabinets; or
4. Small wireless facilities or small wireless facility networks.

Satellite Dish Antenna: A type of antenna(s) and supporting structure consisting of a solid, open mesh, or bar configured reflective surface used to receive and/or transmit radio frequency communication signals. Such an apparatus is typically in the shape of a shallow dish or cone.

Small wireless facility means a facility that meets each of the following conditions:

- (1) The facility -
 - (i) Is mounted on a structure 50 feet or less in height including their antennas; or
 - (ii) Is mounted on a structure no more than 10 percent taller than other adjacent structures; or
 - (iii) Does not extend an existing structure on which it is located to a height of more than 50 feet or by more than 10 percent, whichever is greater;
- (2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR § 1.1320(d)), is no more than three cubic feet in volume;
- (3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;
- (4) The facility does not require antenna structure registration with the Federal Communications Commission;
- (5) The facility is not located on Tribal lands, as defined under 36 CFR 800.16(x); and
- (6) The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).

Small Wireless Facility Network: a collection of interrelated small wireless facilities designed to deliver personal wireless services.

Stealth Design: Wireless communications facilities designed to resemble something other than a wireless facility. Examples of stealth design include architecturally screened roof-mounted antennas, facilities integrated into architectural elements, and facilities designed to blend with or be integrated into light poles, utility poles, trees, steeples, or flag poles.

Substantial Change, Wireless Communication Facility: A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10 percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10 percent or more than 10 feet, whichever is greater.

a. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act;

2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10 percent larger in height or overall volume than any other ground cabinets associated with the structure;

4. It entails any excavation or deployment outside the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

5. It would defeat the concealment elements of the eligible support structure; or

6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds identified in 47 CFR Section -1.6100(b)(7)(i) through (b)(7)(iv) or as hereafter amended.

Temporary Wireless Communications Facility: Facilities that are composed of antennas and a mast mounted on a truck (also known as a cell on wheels, or "COW"), antennas mounted on sleds or rooftops, or ballast mount temporary poles. These facilities are for a limited period of time, are not deployed in a permanent manner, and do not have a permanent foundation. These facilities are typically used for large-scale events, or to provide wireless coverage in the event an existing permanent WCF is removed to allow for construction activity at the underlying site.

Tower: Any structure built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and

public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Traffic Signal Pole: A Utility Pole that supports equipment used for controlling traffic including but not limited to traffic lights, rapid flashing beacons, speed radar, or school zones flasher.

Undergrounded Utility Areas: A geographic area in which existing overhead electric and communication facilities are to be or have been converted to underground facilities.

Utilities: Facilities providing infrastructure services by a public utility or private utility regulated by the state through fixed wires, pipes, or lines. Such facilities may include water, sewer, storm water facilities (lines, ditches, swales and outfalls) and private utilities such as natural gas lines, telecommunication lines, cable communication lines, electrical lines and other appurtenances associated with these utilities. "Utilities" does not include wireless communication facilities, but do include small wireless facilities.

Utility Pole: A structure designed and used primarily for the support of electrical wires, telephone wires, or television cable and may also include lighting. A new utility pole originally constructed for the purpose of providing support for a Wireless Communication Facility (WCF) shall be regulated as a new Antenna Support Structure.

Wireless Communication Facility Site: For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by the City, or a State or other local government, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the 6409(a) Eligible Facilities process.

Wireless Communications:

1. Attached Wireless Communications Facility (Attached WCF): An antenna array that is attached to an existing building or structure, including utility poles, with any accompanying attachment structure, transmission cables, and an equipment cabinet which may be located either inside or outside of the attachment building or structure.
2. Wireless Communications Facility (WCF): Any unstaffed facility for the transmission and/or reception of radio frequency signals usually consisting of antennas, an equipment cabinet, transmission cables, and a support structure to achieve the necessary elevation.
3. Wireless Communications Support Structure (Support Structure): means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services). A structure designed and constructed specifically to support an antenna array, and may include a monopole tower, lattice tower, guy-wire support tower or other similar structures.-Any structure which is used to attach an attached WCF to an existing building or structure (hereinafter "attachment structure") shall be excluded from the definition of and regulations applicable to support structures.



AB5903:

Wireless Code Amendment

July 20, 2021

Code Amendment Process



Recommended Code Amendment

- Ordinance No. 21C-12 amends MICC 19.06, 19.15 & 19.16
 - Repeals interim wireless communication and small cell regulations
 - Adopts permanent regulations that:
 - Update language and definitions to comply with latest federal regulations
 - Add provisions for ham radio antennas
 - Clarify requirements for undergrounding wires and equipment
 - Add clarity and more objective standards to for regulating noise, design and concealment of small wireless facilities

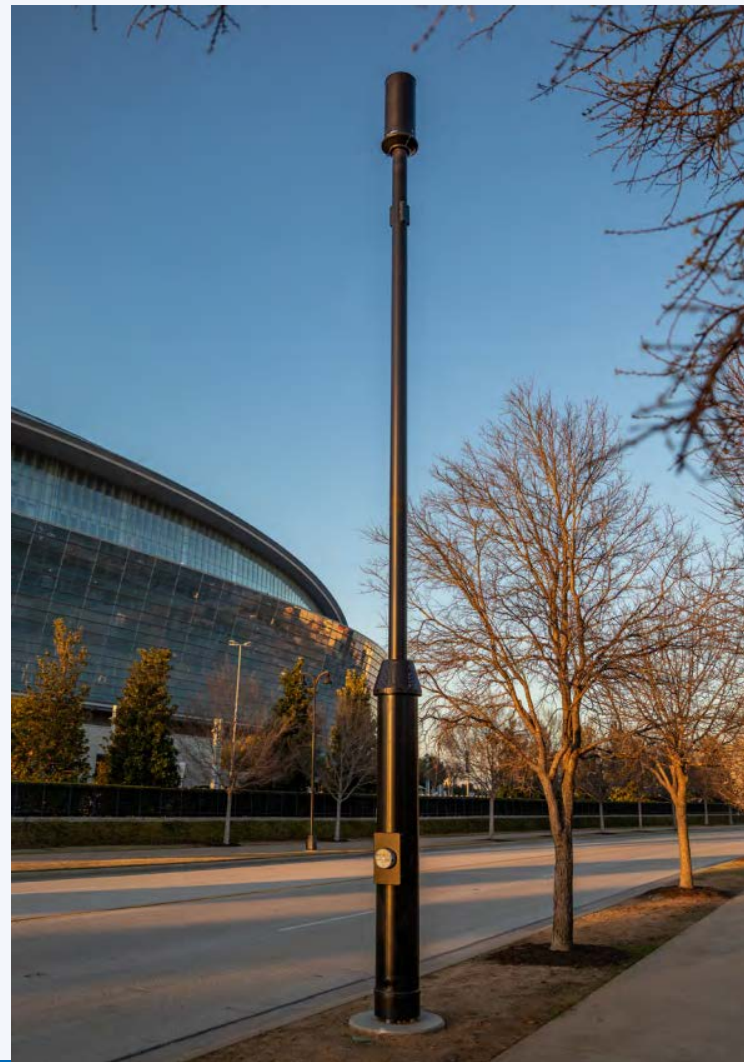


Actions Since First Reading

1. Added all revisions as directed during first reading
2. Reviewed feasibility of adding a requirement for conifer-style concealment of small cells – such a requirement is NOT included
3. Revised to the definition of Undergrounded Utility Areas
4. Added a prohibition on using guy poles within/adjacent to Undergrounded Utility Areas for small wireless facilities



Concealment Options



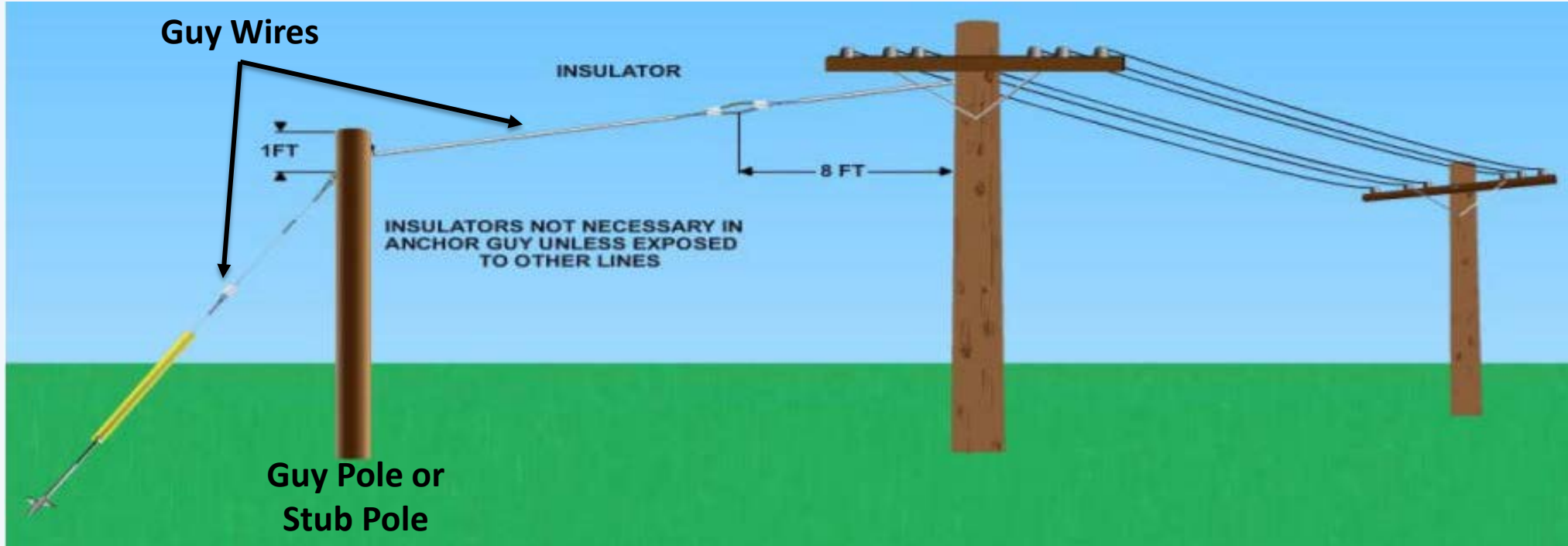
Undergrounded Utility Areas

- MICC 19.16.010 Definitions

Undergrounded Utility Areas: A geographic area in which existing overhead electric and communication facilities are to be or have been converted to underground facilities.



Guy Pole



- MICC 19.06.070(E): ...Further, notwithstanding any other provision in the MICC to the contrary, guy poles located within or adjacent to Undergrounded Utility Areas shall not be used to support any small wireless facilities.

Recommended Motion

Move to adopt Ordinance No. 21C-12, amending Chapters 19.06, 19.15, and 19.16 to revise standards for communications facilities and repealing the temporary regulations contained in Ordinance 21C-08.





BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 5917
July 20, 2021
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 5917: Public Access Easement Mid-Block Pedestrian Connection – Xing-hua Project	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Approve acceptance of grant of public access easement.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Interim Director
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Vicinity Map 2. Mid-Block Connection Location 3. Proposed Easement
CITY COUNCIL PRIORITY:	n/a

SUMMARY

This is an authorization to approve acceptance of a grant of a 20' public access easement to the City for a mid-block pedestrian connection between 77th Avenue SE and 78th Avenue SE associated with the Xing-hua project. This easement constitutes the northern most 20' of the project site spanning two existing tax parcels. Per State law, the City Council must authorize changes to property interests for all public property.

BACKGROUND

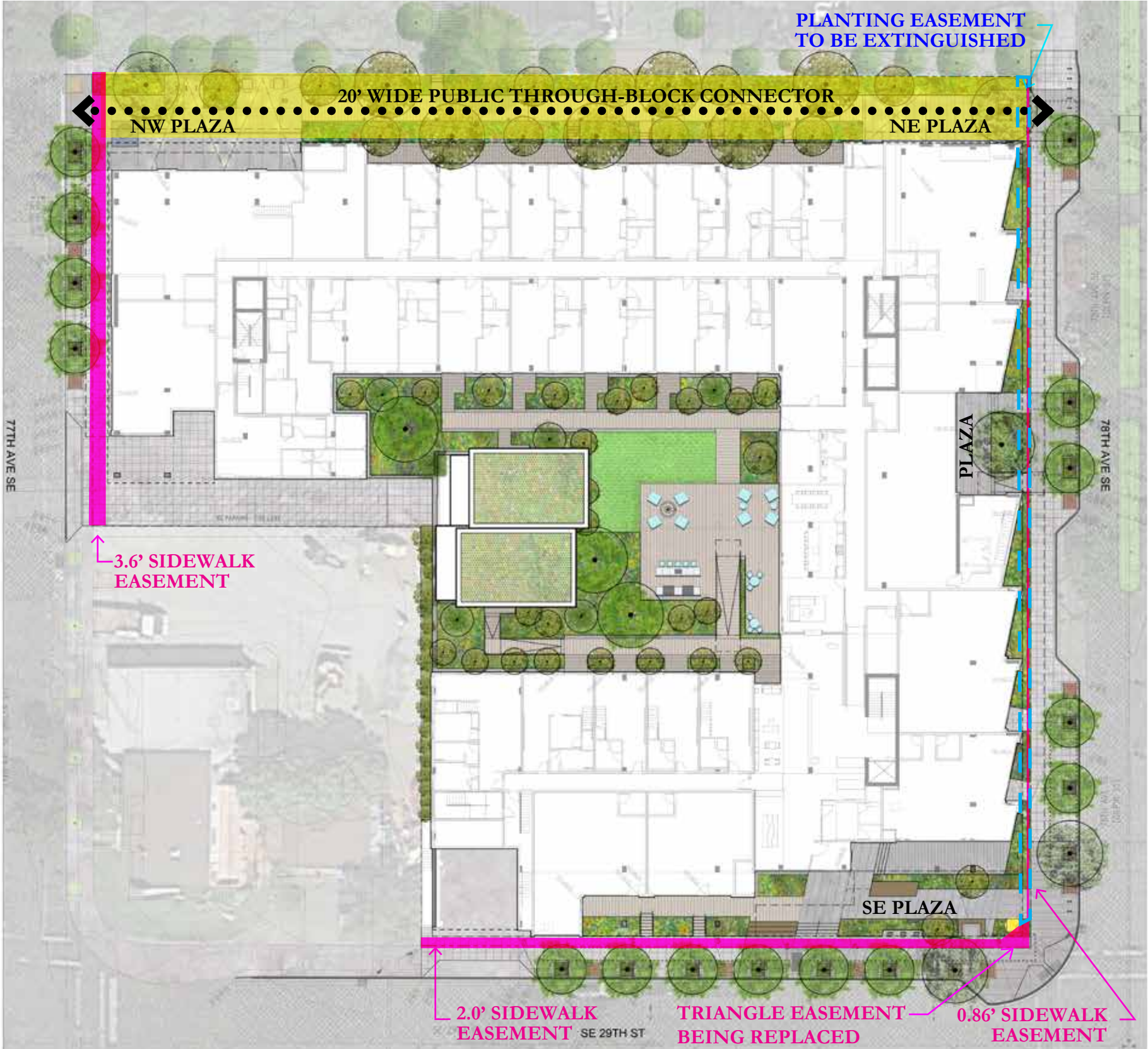
An application for Design Commission Design Review of a new four-story mixed-use building has been approved for the properties at 2750 77th Ave SE and 2885 78th Ave SE, shown on Exhibit 1 and known as the Xing-hua project. This project includes the provision of a mid-block pedestrian connection between 77th Avenue SE and 78th Avenue SE shown on Exhibit 2 in the form of a 20' public access easement as described in Exhibit 3. The provision of this connection satisfies the Major Site Feature requirement of Mercer Island City Code (MICC) 19.11.060(B) for Town Center developments.

RECOMMENDATION

Authorize the City Manager to execute instruments, subject to approval as to form by the City Attorney, accepting a grant of a 20' public access easement to the City, substantially in the form proposed in Exhibit 3.



- SITE
- MIX-USE / RESIDENTIAL
- COMMERCIAL
- PREFERRED THROUGH BLOCK CONNECTION LOCATION



Return Address:
THOMAS M. HANSEN
Oseran Hahn P.S.
929 108th Ave NE, Ste 1200
Bellevue, WA 98004

KING COUNTY AUDITOR/RECORDER'S INDEXING FORM

DOCUMENT TITLE(S): SIDEWALK EASEMENT AGREEMENT.
REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:
GRANTOR(S): XING HUA GROUP LTD., a Washington corporation
GRANTEE(S): CITY OF MERCER ISLAND, a municipal corporation
LEGAL DESCRIPTION: (abbreviated i.e. lot, block, plat, section, township, and range) Parcel 1 of Mercer Island SP No. 77-9-040 and Ptn. of Lot 5 Block 16, P. 58 Full legal description is on Exhibit A of document.
ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER: 531510-1326 531510-1316
The Auditor/Recorder will rely on information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

SIDEWALK EASEMENT AGREEMENT

THIS SIDEWALK EASEMENT AGREEMENT ("Agreement") is entered into this _____ day of July 2021, by and between XING HUA GROUP LTD., a Washington corporation ("Grantor"), and CITY OF MERCER ISLAND, a municipal corporation ("Grantee").

RECITALS

A. Grantor is the owner of two parcels of real estate commonly known as 2750 77th AVE SE and 2885 78th AVE SE, located in Mercer Island, and legally described on

F:\BCH\Clients\Lu\Mercer Island Property\Shoring Easements & Easements\Planting Easement\Sidewalk Easement (North) TMH CLN1.docx 7/7/2021

Exhibit A attached hereto (“Grantor’s Property”).

B. Grantee is the City of Mercer Island, a municipal corporation.

C. Grantor and Grantee now desire to create a twenty foot (20’) public sidewalk easement to provide public access, ingress, and egress between 77th Avenue SE and 78th Avenue SE, which may include related public amenities.

NOW, THEREFORE, for valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. GRANT OF EASEMENT. Grantor grants, conveys and warrants to the Grantee a perpetual, permanent sidewalk easement for public access, ingress and egress, under, across and over the north Twenty feet (20’) Grantor’s Property (“North Sidewalk Easement”), legally described on Exhibit B and graphically depicted on Exhibit C . The exhibits referenced herein above are attached hereto and incorporated herein by reference. Grantee and its agents, designees and/or assigns shall have the right, without prior notice to Grantor, at such times as deemed necessary by Grantee, to enter upon the Grantor’s Property to inspect, design, construct, reconstruct, repair and replace sidewalk, including, but not limited to, landscaping described in Section 19.09.030 of the Mercer Island City Code as it exists or as hereafter amended, or any other codes, rules or regulations applicable to public improvements, together with all necessary or convenient appurtenances thereto. If, however, the sidewalk is constructed with any product other than standard concrete as part of the Grantor’s design or request, such as pavers or specialty pavement, then the cost of replacing a non-standard concrete sidewalk shall be borne by the Grantor. Following the initial construction of the improvements, Grantee may from time to time construct such additional improvements as it may require. Nothing in this Agreement shall obligate the Grantee to commence or complete the improvements within a specific period of time; provided, however, the Grantee shall use diligent efforts to complete all work within, and to restore, the North Sidewalk Easement within a reasonable period of time after commencing such work.

2. ACCESS. Grantor also covenants and agrees that Grantee shall have the right of access to the North Sidewalk Easement over and across the Property to enable Grantee to exercise its rights hereunder.

3. GRANTOR'S USE OF SIDEWALK EASEMENTS. The North Sidewalk Easement shall be exclusive to Grantee; provided, however, Grantor reserves the right to use the North Sidewalk Easement for any purpose not inconsistent with Grantee's rights. Grantor shall not construct or maintain any buildings or other structures on the North Sidewalk Easement. Grantor shall not perform digging, tunneling or any other form

of construction activity on the Property, which would disturb the compaction or unearth the sidewalk or endanger the lateral support to the sidewalk or other improvements within the North Sidewalk Easement, and no blasting shall be done within fifteen (15) feet of the Easement.

4. INDEMNIFICATION. Grantor agrees to indemnify and hold the Grantee, its elected officials, officers, employees, agents, and volunteers harmless from any and all claims, demands, losses, actions and liabilities (including costs and all attorney fees) to or by any and all persons or entities, including, without limitation, their respective agents, licensees, or representatives, arising from, resulting from, or connected with the negligence or intentional misconduct of Grantor or Grantor’s agents or invitees within or with respect to the North Sidewalk Easement.

5. SUCCESSORS AND ASSIGNS. The rights and obligations described herein shall run with the land, shall inure to the benefit of the Grantor and Grantee, and shall be binding upon their respective successors, heirs and assigns.

6. APPLICABLE LAW. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. Jurisdiction over and venue of any suit arising out of or related to this Agreement shall be exclusively in the state and federal courts of King County, Washington.

7. ENTIRE AGREEMENT. This Agreement contains the entire agreement between the parties with respect to this matter. It may not be modified except in writing signed by the party against whom enforcement of the modification is sought.

8. SEVERABILITY. If for any reason, any portion of this Agreement shall be held to be invalid or unenforceable, the holding of invalidity or unenforceability of that portion shall not affect any other portion of this Agreement and the remaining portions of this Agreement shall remain in full force and effect.

DATED the date first set forth above.

GRANTOR:
XING HUA GROUP LTD.,
a Washington corporation

GRANTEE:
CITY OF MERCER ISLAND,
a Washington municipal corporation

By: _____
Guo Bin Lu
Its: President

By: _____
Name: _____
Its: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this ____ day of _____, 2021, before the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Guo Bin Lu, to me known to be the individual described in and who executed the within and foregoing instrument, and said person acknowledged that she signed this instrument, and on oath stated that she was authorized to execute this instrument and acknowledged it as the President of XING HUA GROUP LTD, a Washington corporation, to be the free and voluntary act for the uses and purposes mentioned in this instrument.

GIVEN under my hand and official seal hereto affixed the day and year first above written.

Print Name: _____
NOTARY PUBLIC in and for the state of
Washington residing in _____
My appointment expires _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this ____ day of _____, 2021, before the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the individuals described in and who executed the within and foregoing instrument, and said persons acknowledged that they signed this instrument, and on oath stated that they were authorized to execute this instrument and acknowledged it as the _____ of the City of Mercer Island, to be the free and voluntary act for the uses and purposes mentioned in this instrument.

GIVEN under my hand and official seal hereto affixed the day and year first above written.

Print Name: _____
NOTARY PUBLIC in and for the state of
Washington residing in _____
My appointment expires _____

EXHIBIT A**LEGAL DESCRIPTION OF THE GRANTOR PROPERTY**

Lot 1:

PARCEL 1 OF MERCER ISLAND SHORT PLAT NUMBER 77-9-040, RECORDED OCTOBER 25, 1977 UNDER RECORDING NUMBER [7710250620](#), IN KING COUNTY, WASHINGTON.

Lot 2:

THAT PORTION OF LOT 5, BLOCK 16, MCGILVRA'S ISLAND ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 16 OF PLATS, PAGE 58, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5;
 THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 5 A DISTANCE OF 137.75 FEET TO THE NORTHWEST CORNER OF SAID LOT 5;
 THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 5 A DISTANCE OF 173.00 FEET;
 THENCE SOUTHERLY PARALLEL TO THE WEST LINE, 100.00 FEET;
 THENCE WESTERLY PARALLEL TO THE NORTH LINE 63.00 FEET;
 THENCE SOUTHERLY PARALLEL TO THE WEST LINE 37.75 FEET TO THE SOUTH LINE OF SAID LOT 5;
 THENCE WESTERLY ALONG THE SOUTH LINE 110.00 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT THE WEST 10 FEET THEREOF AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 4955634;
 (ALSO KNOWN AS PARCEL 2 OF CITY OF MERCER ISLAND SHORT PLAT NUMBER MI-77-9-040, RECORDED UNDER RECORDING NUMBER 7710250620);
 TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS FOR MOTOR VEHICLES AND PEDESTRIANS OVER THE NORTH 20 FEET OF PARCEL 1 OF CITY OF MERCER ISLAND SHORT PLAT NUMBER HI-77-9-040, RECORDED UNDER RECORDING NUMBER 7710250620;
 TOGETHER WITH THE RIGHT TO USE THE COMMON PARKING AREA ACROSS A NORTHWESTERLY PORTION OF PARCEL 1 OF CITY OF MERCER ISLAND SHORT PLAT NUMBER MI-77-9-040, RECORDED UNDER RECORDING NUMBER 7710250323, AS SET FORTH IN AGREEMENT RECORDED UNDER RECORDING NUMBER 7710250324.

SITUATE IN THE CITY OF MERCER ISLAND, COUNTY OF KING, STATE OF WASHINGTON

EXHIBIT B

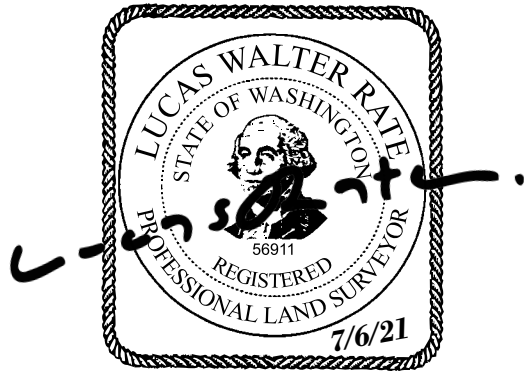
PUBLIC ACCESS EASEMENT DESCRIPTION

A PORTION OF PARCELS 1 & 2, AS LAID OUT IN THE CITY OF MERCER ISLAND SHORT PLAT SP 77-9-040 AND RECORDED UNDER INSTRUMENT NUMBER 7710250620, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THE NORTH 20.00 FEET OF SAID PARCELS 1 & 2;

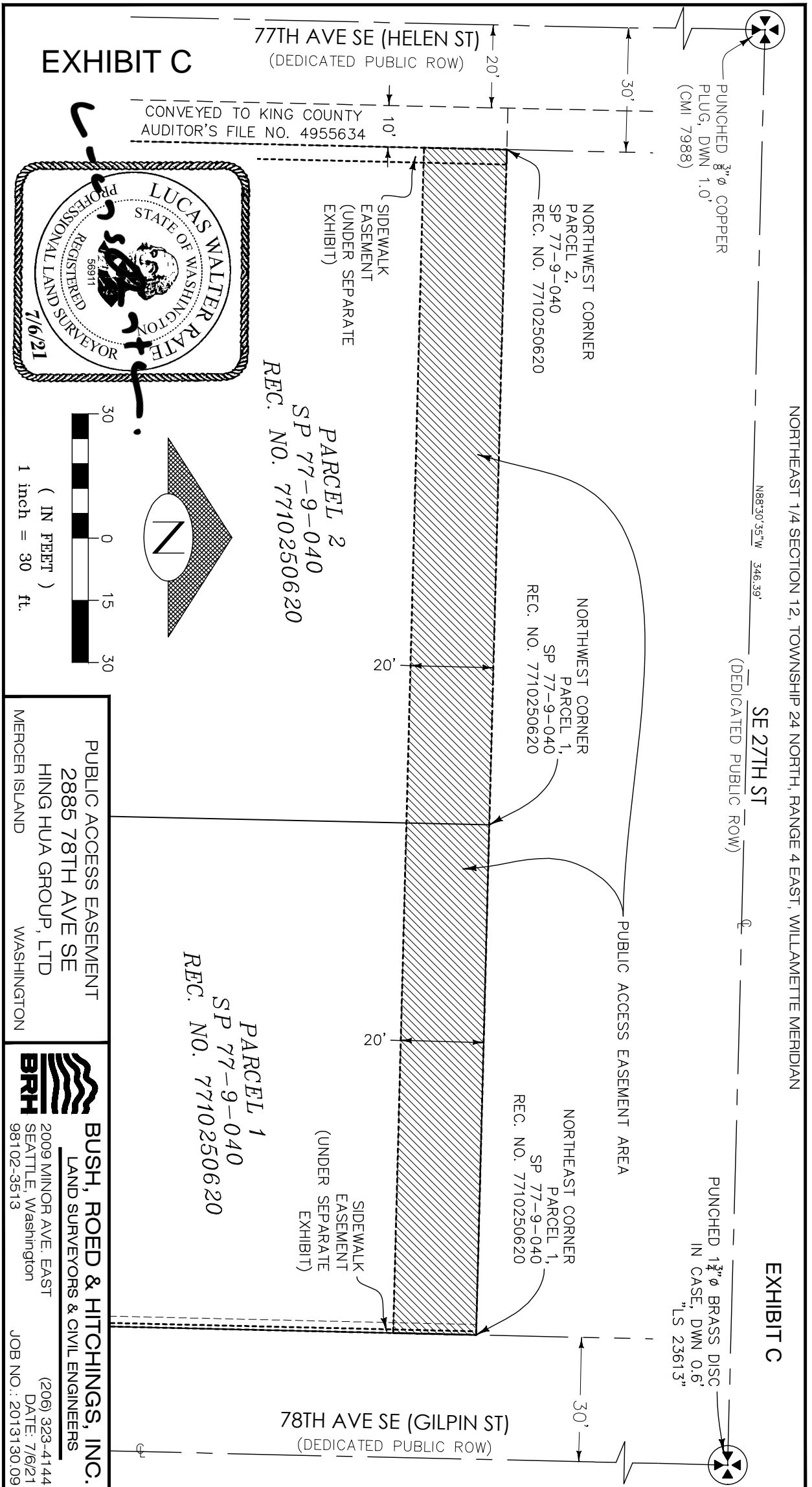
SITUATE IN THE CITY OF MERCER ISLAND, KING COUNTY, WASHINGTON.

EASEMENT AREA CONTAINS 5,721 SQUARE FEET, OR 0.1313 ACRE, MORE OR LESS.



XING HUA GROUP, LTD
2885 78TH AVENUE SE
LUCAS W. RATE, P.L.S. NO. 56911
BRH JOB NO. 2013130.09
JULY 6, 2021

BUSH, ROED & HITCHINGS, INC.
2009 MINOR AVENUE EAST
SEATTLE, WA 98102
(206) 323-4144





**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 5916
July 20, 2021
Regular Business**

AGENDA BILL INFORMATION

TITLE:	AB 5916: Acceptance of Grant of Public Access Easements for Sidewalks and Extinguishment of Public Access and Landscape Easements – Xing-hua Project	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
	RECOMMENDED ACTION:	
	Approve acceptance of grant of public access easements and extinguishment of public access and landscape easements.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Interim Director
COUNCIL LIAISON:	n/a
EXHIBITS:	<ol style="list-style-type: none"> Vicinity Map Public Access Easement Recording No. 20050902001543 Public Landscape Easement Recording No. 8201220491 Proposed Granting / Extinguishment of Easements
CITY COUNCIL PRIORITY:	n/a

SUMMARY

This is an authorization to approve the granting of three new public access easements to the City for sidewalks on 77th Avenue SE, 29th Street SE, and 78th Avenue SE (plus an easement replacement on the NW corner of 29th Street SE and 78th Avenue SE) associated with the Xing-hua project. Additionally, the extinguishment of one public access easement is proposed on the corner of 29th Street SE and 78th Avenue SE and one public landscape easement on 78th Avenue SE to accommodate these new public access easements. Per State law, the City Council must authorize changes to property interests for all public property.

BACKGROUND

An application for Design Commission Design Review of a new four-story mixed-use building has been approved for the properties at 2750 77th Ave SE and 2885 78th Ave SE, shown on Exhibit 1 and known as the Xing-hua project. This project includes the provision of sidewalks and other frontage improvements as required by the Mercer Island Municipal Code (MICC). To construct the required sidewalks, the granting of three new public access easements to the City are required as follows:

- 77th Avenue SE = 3.6'
- 29th Street SE = 2.0'
- 78th Avenue SE = 0.85' (plus an easement replacement on the NW corner of 29th Street SE and 78th Avenue SE)

Additionally, the extinguishment of two existing easements – one public access easement to be replaced as described in Exhibit 2 and one public landscape easement as described in Exhibit 3 - are proposed to accommodate these three new public access easements.

The public landscape easement was originally executed in 1981 and is for landscaping within a 2.5' strip along the eastern edge of the property, adjacent to the 78th Ave SE right-of-way, less areas currently used for driveways. To accommodate access to the new development, City Council approved amendments to this easement in January 2021 – see [AB5790](#). The resulting amended public landscape easement was not recorded, therefore never became effective.

During the subsequent civil engineering review of the development permit application for the Xing-hau project, it was determined that there was insufficient public right-of-way by 0.85' to construct the required frontage improvements on 78th Avenue SE. Due to the presence of the adjacent 2.5' public landscape easement, no additional dedication or easement can be granted to the City without further modification or extinguishment of the public landscape easement.

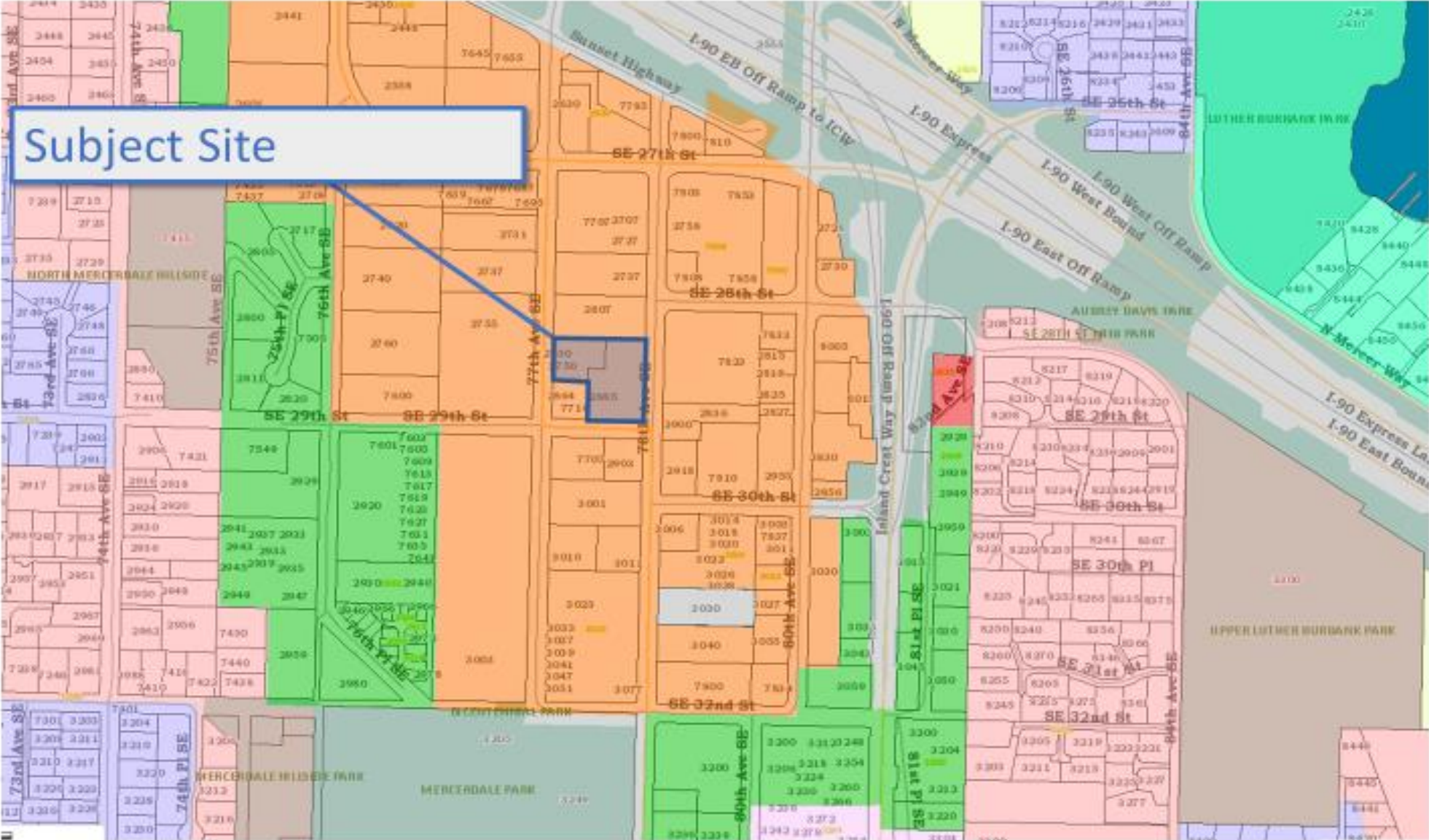
The applicant has chosen to propose the extinguishment of this public landscape easement, replaced partially with the 0.85' public access easement and generally incorporate the remaining 1.65' into their required private landscaping requirement except where access to the new development is required.

A graphic supplementing Exhibit 4 and summarizing the location of the proposed easements is under development and will be available to support the City Council discussion on July 20.

RECOMMENDATION

Authorize the City Manager to execute instruments, subject to approval as to form by the City Attorney, accepting the grant of three new public access easements to the City for sidewalks on 77th Avenue SE, 29th Street SE and 78th Avenue SE (plus an easement replacement on the NW corner of 29th Street SE and 78th Avenue SE), as well as the extinguishing one public access easement on the corner of 29th Street SE and 78th Avenue SE and one public landscape easement on 78th Avenue SE, substantially in the form proposed in Exhibit 4.

Vicinity Map - 2750 77th Ave SE and 2885 78th Ave SE



EASEMENT FOR PLANTING

The undersigned, Grantors, for and in consideration of \$ 1.00 and other valuable consideration, the receipt of which is hereby acknowledged, by these presents, bargain, sell, transfer and convey unto the City of Mercer Island, a municipal corporation of the State of Washington, Grantee, an easement for planting, over, across, along, and under the following described property situated in King County, State of Washington, to-wit:

The easterly 2.5 feet of Lots 5 and 6, Block 16 in the plat of McGilvras Island Addition as recorded in Volume 16 of plats Page 58, Records - King Co. Washington.

1% EXCISE TAX NOT REQUIRED
King Co. Records Division

By D. Resnik Deputy

Said easement being for the purpose of planting and landscaping a strip of property, two and one-half feet in width, adjacent to City ROW excluding existing points of access and egress and existing planter areas. The planting materials will be identified on the construction documents for the project. The City agrees to purchase, plant and maintain planting materials within the easement. The Grantors may perform routine maintenance in conjunction with the easement, however, the Grantors agree not to prune or remove plantings without written approval of the City of Mercer Island. The Grantors agree to allow city crews to perform such tasks as are necessary from time to time pertaining to removal of asphalt, relocation of curbing, planting and maintenance of the easement area from the Grantors' property adjacent to the easement.

DATED at Mercer Island, Washington, this 7th day of DECEMBER, 1986.

Garfield A. Dum

STATE OF WASHINGTON)
COUNTY OF KING) ss

On this 7th day of DEC., 1986, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____

Garfield A. Dum
to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged to me that HE signed and sealed the said instrument as his free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed on the day and year in this certificate first above written.

Garfield A. Dum
Notary Public in and for the State of

8201220491

Return Address:
THOMAS M. HANSEN
Oseran Hahn P.S.
929 108th Ave NE, Ste 1200
Bellevue, WA 98004

KING COUNTY AUDITOR/RECORDER'S INDEXING FORM

DOCUMENT TITLE(S): SIDEWALK EASEMENT AGREEMENT AND TERMINATION OF PLANTING EASEMENT AND PUBLIC SIDEWALK EASEMENT.
REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED: 8201220491 20050902001543
GRANTOR(S): XING HUA GROUP LTD., a Washington corporation
GRANTEE(S): CITY OF MERCER ISLAND, a municipal corporation
LEGAL DESCRIPTION: (abbreviated i.e. lot, block, plat, section, township, and range) Parcel 1 of Mercer Island SP No. 77-9-040 and Ptn. of Lot 5 Block 16, P. 58 Full legal description is on Exhibit A of document.
ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER: 531510-1326 531510-1316
The Auditor/Recorder will rely on information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

SIDEWALK EASEMENT AGREEMENT AND TERMINATION OF PLANTING EASEMENT AND PUBLIC SIDEWALK EASEMENT

THIS SIDEWALK EASEMENT AGREEMENT AND TERMINATION OF PLANTING EASEMENT AND PUBLIC SIDEWALK EASEMENT ("Agreement") is entered into this ____ day of July 2021, by and between XING HUA GROUP LTD., a Washington corporation ("Grantor"), and CITY OF MERCER ISLAND, a municipal corporation ("Grantee").

RECITALS

A. Grantor is the owner of two parcels of real estate commonly known as 2750 77th AVE SE and 2885 78th AVE SE, located in Mercer Island, and legally described on Exhibit A attached hereto (“Grantor’s Property”).

B. Grantee is the City of Mercer Island and the dominant owner under an existing Easement for Planting recorded under King County recording No. 8201220491 (“Existing Easement”).

C. Grantee is the City of Mercer Island and the dominant owner under an existing Public Sidewalk Easement recorded under King County recording No. 20050902001543 (“Public Sidewalk Easement”).

D. Grantor and Grantee now desire to terminate the Existing Easement for planting and an existing Public Sidewalk Easement and replace them with sidewalk easements on the East, South, and West sides of the Grantor’s Property (“each a “Sidewalk Easement”, and collectively the “Sidewalk Easements”).

NOW, THEREFORE, for valuable consideration, the receipt of which is hereby acknowledged, including the parties’ mutual agreement to terminate the Existing Easement and the Public Sidewalk Easement, the parties agree as follows:

AGREEMENT

1. GRANT OF EASEMENT. Grantor grants, conveys and warrants to the Grantee a perpetual, permanent sidewalk easement (“Sidewalk Easement”) for public access, ingress and egress, under, across and over that portion of Grantor’s Property legally described on Exhibits B and graphically depicted on Exhibit C (East Sidewalk Easement”), legally described on Exhibits D and graphically depicted on Exhibit E (“South Sidewalk Easement”), legally described on Exhibits F and graphically depicted on Exhibit G (“West Sidewalk Easement”). The exhibits referenced herein above are attached hereto and incorporated herein by reference. Grantee and its agents, designees and/or assigns shall have the right, without prior notice to Grantor, at such times as deemed necessary by Grantee, to enter upon the Grantor’s Property to inspect, design, construct, reconstruct, repair and replace sidewalk, including, but not limited to, landscaping described in Section 19.09.030 of the Mercer Island City Code as it exists or as hereafter amended, or any other codes, rules or regulations applicable to public improvements, together with all necessary or convenient appurtenances thereto. If, however, the sidewalk is constructed with any product other than standard concrete as part of the Grantor’s design or request, such as pavers or specialty pavement, then the cost of replacing a non-standard concrete sidewalk shall be borne by the Grantor. Following the initial construction of the

improvements, Grantee may from time to time construct such additional improvements as it may require. Nothing in this Agreement shall obligate the Grantee to commence or complete the improvements within a specific period of time; provided, however, the Grantee shall use diligent efforts to complete all work within, and to restore, the Sidewalk Easement within a reasonable period of time after commencing such work.

2. ACCESS. Grantor also covenants and agrees that Grantee shall have the right of access to the East, South, and West Sidewalk Easements over and across the Property to enable Grantee to exercise its rights hereunder.

3. GRANTOR'S USE OF SIDEWALK EASEMENTS. The East, South, and West Sidewalk Easements shall be exclusive to Grantee; provided, however, Grantor reserves the right to use the Easement for any purpose not inconsistent with Grantee's rights. Grantor shall not construct or maintain any buildings or other structures on the East, South, and West Sidewalk Easements. Grantor shall not perform digging, tunneling or any other form of construction activity on the Property, which would disturb the compaction or unearth the sidewalk or endanger the lateral support to the sidewalk or other improvements within the East, South, and West Sidewalk Easements, and no blasting shall be done within fifteen (15) feet of the Easement.

4. INDEMNIFICATION. Grantor agrees to indemnify and hold the Grantee, its elected officials, officers, employees, agents, and volunteers harmless from any and all claims, demands, losses, actions and liabilities (including costs and all attorney fees) to or by any and all persons or entities, including, without limitation, their respective agents, licensees, or representatives, arising from, resulting from, or connected with the negligence or intentional misconduct of Grantor or Grantor's agents or invitees within or with respect to the East, South, and West Sidewalk Easements.

5. TERMINATION OF PLANTING EASEMENT. Upon recording of this Agreement Grantor and Grantee hereby terminate and release the Existing Easement for planting recorded under King County Recording No. 8201220491, and such Existing Easement shall be of no further force or effect, and shall no longer bind or burden the Grantor's Property.

6. TERMINATION OF PUBLIC SIDEWALK EASEMENT. Upon recording of this Agreement Grantor and Grantee hereby terminate and release the Public Sidewalk Easement for recorded under King County recording No. 20050902001543. and such Public Sidewalk Easement shall be of no further force or effect, and shall no longer bind or burden the Grantor's Property.

7. SUCCESSORS AND ASSIGNS. The rights and obligations described herein shall run with the land, shall inure to the benefit of the Grantor and Grantee, and shall be binding upon their respective successors, heirs and assigns.

8. APPLICABLE LAW. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. Jurisdiction over and venue of any suit arising out of or related to this Agreement shall be exclusively in the state and federal courts of King County, Washington.

9. ENTIRE AGREEMENT. This Agreement contains the entire agreement between the parties with respect to this matter. It may not be modified except in writing signed by the party against whom enforcement of the modification is sought.

10. SEVERABILITY. If for any reason, any portion of this Agreement shall be held to be invalid or unenforceable, the holding of invalidity or unenforceability of that portion shall not affect any other portion of this Agreement and the remaining portions of this Agreement shall remain in full force and effect.

DATED the date first set forth above.

GRANTOR:
XING HUA GROUP LTD.,
a Washington corporation

GRANTEE:
CITY OF MERCER ISLAND,
a Washington municipal corporation

By: _____
Guo Bin Lu
Its: President

By: _____
Name: _____
Its: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this ____ day of _____, 2021, before the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Guo Bin Lu, to me known to be the individual described in and who executed the within and foregoing instrument, and said person acknowledged that she signed this instrument, and on oath stated that she was authorized to execute this instrument and acknowledged it as the President of XING HUA GROUP LTD, a Washington corporation, to be the free and voluntary act for the uses and purposes mentioned in this instrument.

GIVEN under my hand and official seal hereto affixed the day and year first above written.

Print Name: _____
NOTARY PUBLIC in and for the state of
Washington residing in _____
My appointment expires _____

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this ____ day of _____, 2021, before the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the individuals described in and who executed the within and foregoing instrument, and said persons acknowledged that they signed this instrument, and on oath stated that they were authorized to execute this instrument and acknowledged it as the _____ of the City of Mercer Island, to be the free and voluntary act for the uses and purposes mentioned in this instrument.

GIVEN under my hand and official seal hereto affixed the day and year first above written.

Print Name: _____
NOTARY PUBLIC in and for the state of
Washington residing in _____
My appointment expires _____

EXHIBIT A**LEGAL DESCRIPTION OF THE GRANTOR PROPERTY**

Lot 1:

PARCEL 1 OF MERCER ISLAND SHORT PLAT NUMBER 77-9-040, RECORDED OCTOBER 25, 1977 UNDER RECORDING NUMBER [7710250620](#), IN KING COUNTY, WASHINGTON.

Lot 2:

THAT PORTION OF LOT 5, BLOCK 16, MCGILVRA'S ISLAND ADDITION, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 16 OF PLATS, PAGE 58, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5;
 THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 5 A DISTANCE OF 137.75 FEET TO THE NORTHWEST CORNER OF SAID LOT 5;
 THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 5 A DISTANCE OF 173.00 FEET;
 THENCE SOUTHERLY PARALLEL TO THE WEST LINE, 100.00 FEET;.
 THENCE WESTERLY PARALLEL TO THE NORTH LINE 63.00 FEET;
 THENCE SOUTHERLY PARALLEL TO THE WEST LINE 37.75 FEET TO THE SOUTH LINE OF SAID LOT 5;
 THENCE WESTERLY ALONG THE SOUTH LINE 110.00 FEET TO THE TRUE POINT OF BEGINNING; EXCEPT THE WEST 10 FEET THEREOF AS CONVEYED TO KING COUNTY BY DEED RECORDED UNDER RECORDING NUMBER 4955634;
 (ALSO KNOWN AS PARCEL 2 OF CITY OF MERCER ISLAND SHORT PLAT NUMBER MI-77-9-040, RECORDED UNDER RECORDING NUMBER 7710250620);
 TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS FOR MOTOR VEHICLES AND PEDESTRIANS OVER THE NORTH 20 FEET OF PARCEL 1 OF CITY OF MERCER ISLAND SHORT PLAT NUMBER HI-77-9-040, RECORDED UNDER RECORDING NUMBER 7710250620;
 TOGETHER WITH THE RIGHT TO USE THE COMMON PARKING AREA ACROSS A NORTHWESTERLY PORTION OF PARCEL 1 OF CITY OF MERCER ISLAND SHORT PLAT NUMBER MI-77-9-040, RECORDED UNDER RECORDING NUMBER 7710250323, AS SET FORTH IN AGREEMENT RECORDED UNDER RECORDING NUMBER 7710250324.

SITUATE IN THE CITY OF MERCER ISLAND, COUNTY OF KING, STATE OF WASHINGTON

EXHIBIT B

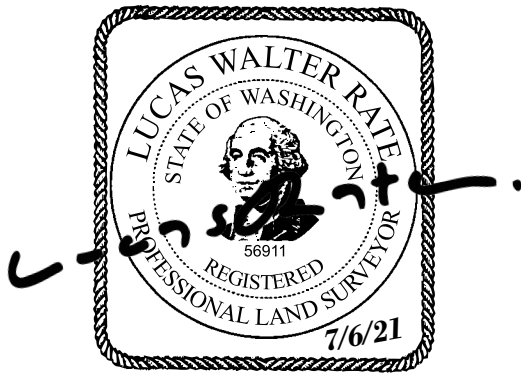
SIDEWALK EASEMENT DESCRIPTION

A PORTION OF PARCEL 1, AS LAID OUT IN THE CITY OF MERCER ISLAND SHORT PLAT SP 77-9-040 AND RECORDED UNDER INSTRUMENT NUMBER 7710250620, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL 1;
THENCE SOUTH 01°18'51" WEST, ALONG THE EAST LINE THEREOF, A DISTANCE OF 263.50 FEET;
THENCE NORTH 88°31'19" WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 7.98 FEET;
THENCE NORTH 46°23'59" EAST, A DISTANCE OF 10.06 FEET;
THENCE NORTH 01°18'51" EAST, PARALLEL WITH AND 0.85 FEET WEST OF SAID EAST LINE, A DISTANCE OF 256.38 FEET TO THE NORTH LINE OF SAID PARCEL 1;
THENCE SOUTH 88°30'46" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 0.85 FEET TO THE POINT OF BEGINNING.

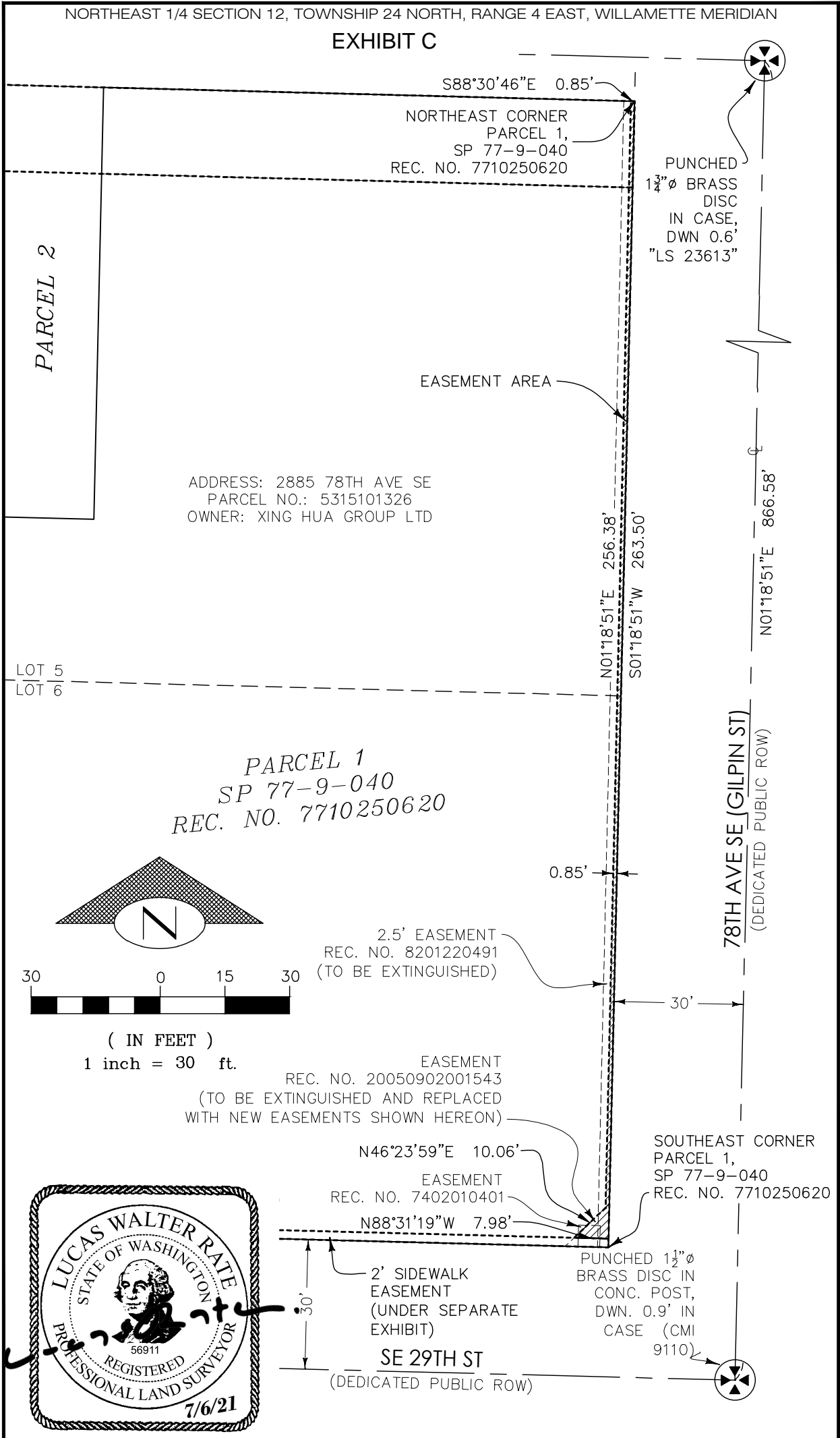
EASEMENT AREA CONTAINS 249 SQUARE FEET, OR 0.0057 ACRE, MORE OR LESS.

SITUATE IN THE CITY OF MERCER ISLAND, KING COUNTY, WASHINGTON.



XING HUA GROUP, LTD
2885 78TH AVENUE SE
LUCAS W. RATE, P.L.S. NO. 56911
BRH JOB NO. 2013130.09
JULY 6, 2021

BUSH, ROED & HITCHINGS, INC.
2009 MINOR AVENUE EAST
SEATTLE, WA 98102
(206) 323-4144



78TH AVE SE SIDEWALK EASEMENT
2885 78TH AVE SE
XING HUA GROUP, LTD
MERCER ISLAND WASHINGTON

BUSH, ROED & HITCHINGS, INC.
LAND SURVEYORS & CIVIL ENGINEERS

2009 MINOR AVE. EAST (206) 323-4144
SEATTLE, Washington DATE: 7/6/21
98102-3513 JOB NO.: 2013130.09

EXHIBIT D

SIDEWALK EASEMENT DESCRIPTION

A PORTION OF PARCEL 1, AS LAID OUT IN THE CITY OF MERCER ISLAND SHORT PLAT SP 77-9-040 AND RECORDED UNDER INSTRUMENT NUMBER 7710250620, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THE SOUTH 2.00 FEET OF SAID PARCEL 1.

SITUATE IN THE CITY OF MERCER ISLAND, KING COUNTY, WASHINGTON.

EASEMENT AREA CONTAINS 374 SQUARE FEET, OR 0.0086 ACRE, MORE OR LESS.



XING HUA GROUP, LTD
2885 78TH AVENUE SE
LUCAS W. RATE, P.L.S. NO. 56911
BRH JOB NO. 2013130.09
JULY 6, 2021

BUSH, ROED & HITCHINGS, INC.
2009 MINOR AVENUE EAST
SEATTLE, WA 98102
(206) 323-4144

NORTHEAST 1/4 SECTION 12, TOWNSHIP 24 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN

EXHIBIT E

ADDRESS: 2885 78TH AVE SE
PARCEL NO.: 5315101326
OWNER: XING HUA GROUP LTD

PARCEL 1
SP 77-9-040
REC. NO. 7710250620

2.5' EASEMENT
REC. NO. 8201220491
(TO BE EXTINGUISHED)
EASEMENT
REC. NO. 20050902001543
(TO BE EXTINGUISHED AND REPLACED WITH NEW
EASEMENTS SHOWN HEREON)

EASEMENT
REC. NO. 7402010401
(TO BE EXTINGUISHED)

2' SIDEWALK
EASEMENT AREA

2' SIDEWALK
EASEMENT AREA

SOUTHEAST CORNER LOT 1
SP 77-9-040
REC. NO. 7710250620

SOUTHEAST CORNER LOT 1
SP 77-9-040
REC. NO. 7710250620

PUNCHED 1 1/2" Ø BRASS
DISC IN CONC. POST,
DWN. 0.9' IN CASE
(CMI 91110)

PUNCHED 1 1/2" Ø BRASS DISC
IN CASE, DWN. 0.6'
"LS 23613"

78TH AVE SE (GILPIN ST)
(DEDICATED PUBLIC ROW)
N01°18'51"E 866.58'

SE 29TH ST
(DEDICATED PUBLIC ROW)

2 SIDEWALK EASEMENT
2885 78TH AVE SE
XING HUA GROUP, LTD
WASHINGTON
MERCER ISLAND

BUSH, ROED & HITCHINGS, INC.
LAND SURVEYORS & CIVIL ENGINEERS
2009 MINOR AVE, EAST
SEATTLE, Washington
98102-3513
(206) 323-4144
DATE: 7/6/21
JOB NO.: 2013130.09

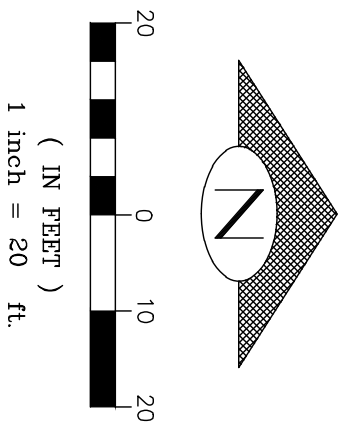
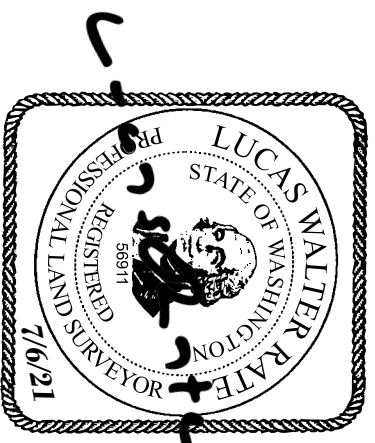


EXHIBIT E

EXHIBIT F

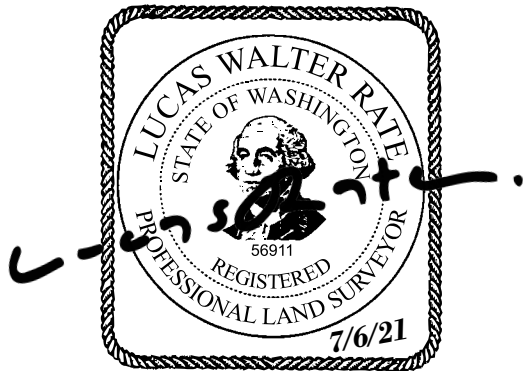
LEGAL DESCRIPTION OF THE WEST EASEMENT AREA

A PORTION OF PARCEL 2, AS LAID OUT IN THE CITY OF MERCER ISLAND SHORT PLAT SP 77-9-040 AND RECORDED UNDER INSTRUMENT NUMBER 7710250620, RECORDS OF KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THE WEST 3.60 FEET OF SAID PARCEL 1;

SITUATE IN THE CITY OF MERCER ISLAND, KING COUNTY, WASHINGTON.

EASEMENT AREA CONTAINS 496 SQUARE FEET, OR 0.0114 ACRE, MORE OR LESS.

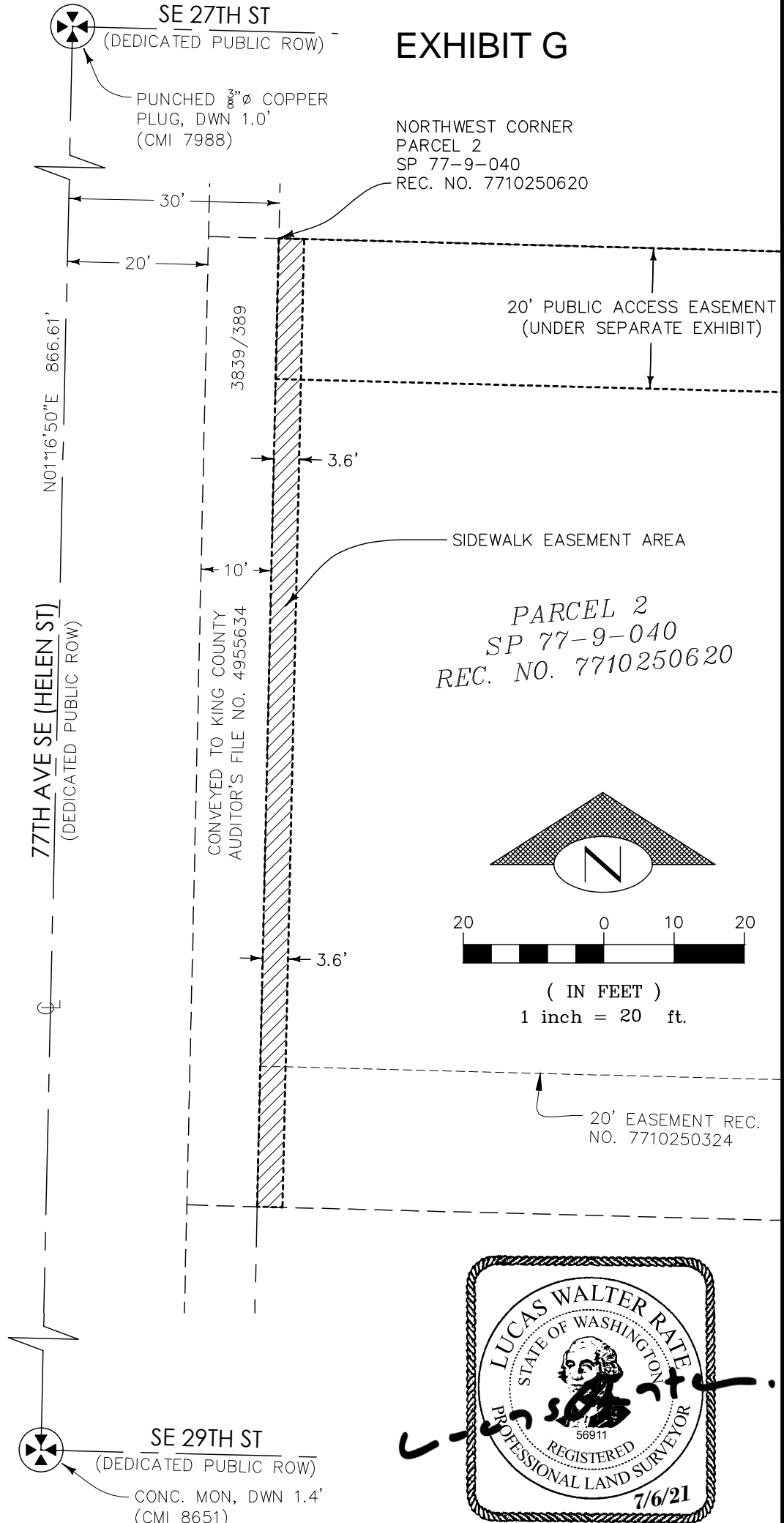


XING HUA GROUP, LTD
2885 78TH AVENUE SE
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JULY 6, 2021

BUSH, ROED & HITCHINGS, INC.
2009 MINOR AVENUE EAST
SEATTLE, WA 98102
(206) 323-4144

NORTHEAST 1/4 SECTION 12, TOWNSHIP 24 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN

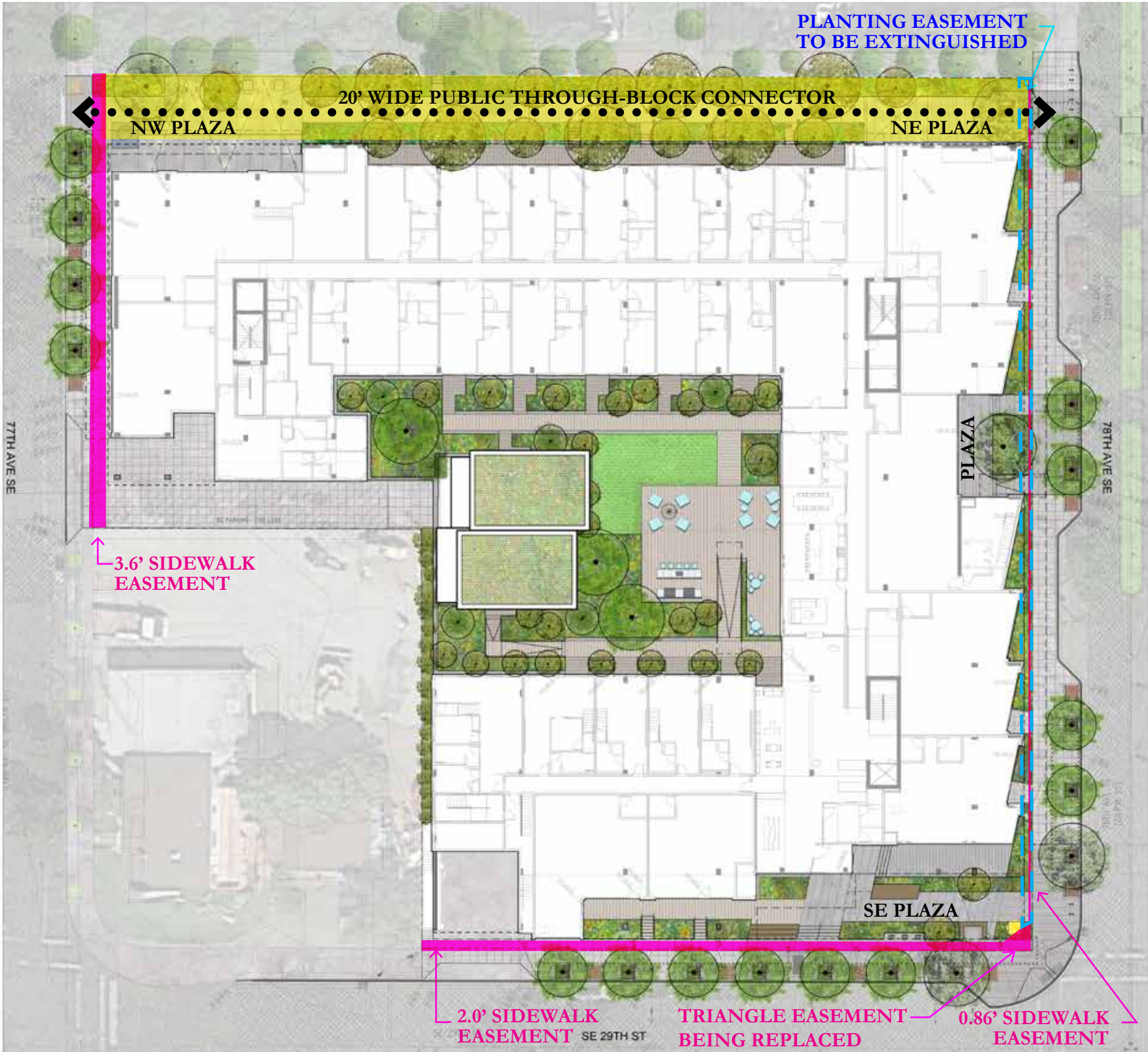
EXHIBIT G



77TH AVE SE SIDEWALK EASEMENT
 2885 78TH AVE SE
 XING HUA GROUP, LTD
 MERCER ISLAND WASHINGTON



BUSH, ROED & HITCHINGS, INC.
 LAND SURVEYORS & CIVIL ENGINEERS
 2009 MINOR AVE. EAST (206) 323-4144
 SEATTLE, Washington DATE: 7/6/21
 98102-3513 JOB NO.: 2013130.09





2021 PLANNING SCHEDULE

Item 15.

Please email the City Manager & City Clerk when an agenda item is added, moved, or removed.

NOTE - Regular Meetings begin at 5:00 pm from June 16, 2020 through December 31, 2021. Items are not listed in any particular order. Agenda items & meeting dates are subject to change.

AUGUST 3 (CANCELED) Website Calendar Updated – 7/6	DD	FN	CA	Clerk	CM
ITEM TYPE TIME TOPIC			STAFF		

AUGUST 17 (CANCELED) Website Calendar Updated – 7/6	DD	FN	CA	Clerk	CM
ITEM TYPE TIME TOPIC			STAFF		

AUGUST 31 SPECIAL MEETING ABSENCES: Dave Rosenbaum (Remote) Special Meeting Notice: Public Hearing Notice:	DD	FN	CA	Clerk	CM
ITEM TYPE TIME TOPIC			STAFF		

STUDY SESSION					
60	AB xxxx: King County Metro Presentation: East Link Service Changes	Ross Freeman/Jason Kintner/ Gareth Reece/Bio Park			
CONSENT AGENDA					
	AB xxxx: Volunteer Appreciation Proclamation No. 276	Ryan Daly/Deb Estrada			
--	AB xxxx: Childhood Cancer Awareness Month, Proclamation No. 277	Deb Estrada			
	AB xxxx: National Preparedness Month (September) Proclamation No. 278	Jennifer Franklin			
	AB xxxx: National Recovery Month (September) Proclamation No. 279	Tambi Cork/Derek Franklin			
	AB xxxx: National Suicide Prevention Month (September) Proclamation No. 280	Tambi Cork/Derek Franklin			
REGULAR BUSINESS					
15	AB xxxx: Public Hearing: on Interim Ordinance No. 21C-xx for Outdoor Dining	Sarah Bluvas			
15	AB xxxx: 2021-2022 Work Plan Update	Jessi Bon			
30	AB xxxx: Financial Management Policies (Council Ad hoc Committee)	Matt Mornick			
10	AB xxxx: Boards & Commission Appointments – Round 2 (Resolution No. XXXX)	Deb Estrada			
30	AB xxxx: Potentially Dangerous Dog Ordinance (Ord. No. 21C-XX First Reading)	Bio Park			
30	AB xxxx: Town Center Moratorium	Jeff Thomas/Sarah Bluvas			
EXECUTIVE SESSION					

SEPTEMBER 7 - CANCELED Website Calendar Updated – 7/6	DD	FN	CA	Clerk	CM
ITEM TYPE TIME TOPIC			STAFF		

SEPTEMBER 21 ABSENCES:		DD	FN	CA	Clerk	CIV
ITEM TYPE TIME TOPIC					STAFF	
STUDY SESSION						
30	AB xxxx: Youth & Family Services Emergency Assistance Update				Tambi Cork	
CONSENT AGENDA						
--	AB xxxx: Chinese American WWII Veterans Proclamation No. XXX				Deb Estrada/Benson Wong	
--	AB xxxx: Mayor's Day of Concern for the Hungry Proclamation No. XXX				Deb Estrada/Benson Wong	
	AB xxxx: Peace Day (Sept. 21) on Mercer Island Proclamation No. XXX					
--	AB xxxx: Potentially Dangerous Dog Ordinance (Ord. No. 21C-xx Second Reading)				Bio Park	
REGULAR BUSINESS						
30	AB xxxx: Public Hearing: Emergency Ordinance to address state mandated development code amendments				Jeff Thomas/Alison Van Gorp/Eileen Keiffer	
60	AB 5906: Development Code Amendment ZTR19-003 Signage (Ord. No. 21C-xx First Reading)				Jeff Thomas/Alison Van Gorp	
30	AB xxxx: Q2 2021 Financial Status Update, Budget Amending Ordinance (Ord. No. XX-XX)				Matt Mornick	
45	AB xxxx: Financial Management Policies (Council Ad hoc Committee)				Matt Mornick	
EXECUTIVE SESSION						