



CITY COUNCIL MINUTES REGULAR MEETING MAY 21, 2019

CALL TO ORDER & ROLL CALL

Mayor Debbie Bertlin called the meeting to order at 6:30 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Debbie Bertlin, Deputy Mayor Salim Nice, and Councilmembers Lisa Anderl (arrived at 6:31), Bruce Bassett, Wendy Weiker, David Wisenteiner, and Benson Wong were present.

AGENDA APPROVAL

It was moved by Wisenteiner; seconded by Wong to:

Approve the agenda as presented.

Passed: 6-0

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

ABSENT: 1 (Anderl)

EXECUTIVE SESSION

At 6:31 pm, Mayor Bertlin convened the Executive Session to discuss pending or potential litigation with legal counsel pursuant to RCW 42.30.110(1)(l) for approximately 30 minutes.

At 7:00 pm, Mayor Bertlin adjourned the Executive Session and Council took a brief break.

Mayor Bertlin convened the Regular Meeting at 7:03 pm.

SPECIAL BUSINESS

AB 5561: National Safe Boating and Paddling Week Proclamation

Police Operations Commander Dave Jokinen introduced fellow staff Sergeants Greg Levinson and Sergeant Brian Noel, the US Coast Guard Auxiliary, and Mr. Carter Harrington, Mercer Island resident, to accept the proclamation.

Mayor Bertlin proclaimed May 25-30, 2019 as Safe Boating and Paddling Week and encouraged all of Mercer Island's residents to dedicate themselves to learning about and practicing safe boating and paddle sports, including wearing life jackets.

CITY MANAGER REPORT

City Manager Julie Underwood reported on the following:

- Back to School Days – Neighbors in Motion (NIM) shared safe bicycling information with elementary schools.
- City Facilities will be closed Memorial Day
- National Trails Day & Letterboxing – Saturday, June 1 at Pioneer Park
- Restoration Event – Saturday, June 1 at Clarke Beach and Luther Burbank
- Farmers Market returns June 2

APPEARANCES

Pashmi Vaney, Mercer Island, spoke in opposition of the roof top deck railing height limitations and urged Council

to reconsider the proposed changes.

Josh Knopp, Mercer Island, spoke to the Shoreline Master Plan and its impact on their decking service. He encouraged City Council to consider changing it so that he and other property owners can maintain their docks.

Ryan Thomas, Attorney with Perkins Coie, spoke on behalf of Citizens for Reasonable Shoreline Policies and their opposition to the non-conforming dock provision of the Shoreline Master Program, which they believe is overly burdensome and will adversely impact voluntary environmental upgrades. Mr. Thomas asked that the City consider amending the provision by decoupling the deck portion from the structure portion.

Callie Ridolfi, Mercer Island, spoke in support of sustainability and encouraged the City Council to support a carbon footprint reduction on the Island.

Owen Sun, Mercer Island, explained that he is planning to build a home and a rooftop deck on a steep slope. He requested that the Council reconsider their position on rooftop decks or allow exceptions based on materials used.

CONSENT CALENDAR

Payables: \$948,058.00 (05/02/2019) & \$315,100.15 (05/09/2019)

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

Payroll: \$965,070.83 (05/10/2019)

Recommendation: Certify that the materials or services specified have been received and that all fund warrants are approved for payment.

Minutes: April 30, 2019 Special Meeting & May 7, 2019 Regular Meeting

Recommendation: Adopt the April 30, 2019 Special Meeting & May 7, 2019 minutes as written.

Councilmembers Bassett and Weiker asked that AB 5568: Planning Commission's Recommendation Code Cleanup Amendments be pulled from the Consent Calendar and placed under Regular Business.

It was moved by Nice; seconded by Wong to:

Approve the Consent Calendar as amended

Passed: 7-0

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

REGULAR BUSINESS

AB 5568: Planning Commission's Recommendation for Code Cleanup Amendments (2nd Reading & Adoption)

City Council reviewed the Planning Commission's recommendation and debated rooftop deck railing heights and allowable building materials at length.

It was moved by Nice; seconded by Wong to:

Adopt Ordinance No. 19C-04 amending Title 19 MICC to clarify development standards and rename the Development Services Group to the Community Planning and Development Department.

It was moved by Weiker; seconded by Bassett to:

Amend the main motion to:

allow decks to extend beyond rooftop heights when constrained by steep slopes and critical area buffers.

Motion to Amend Failed: 4-3

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

FOR: 3 (Basset, Bertlin, Weiker)

Main Motion Passed: 7-0

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

Council directed staff to discuss allowing roof top railings to exceed the 30-foot height limit in special circumstances such as when a lot is constrained by steel slopes and/or critical area buffers and initiate Planning Commission review as part of their 2019 work program.

AB 5559: ARCH 2019 Administrative Budget and Work Program

Community Planning & Development Ombudsman Alison Van Gorp and ARCH Executive Director Lindsay Masters reviewed the 2019 ARCH Administrative Budget and Work Program with Council. Ombudsman Van Gorp provided the following updates:

- ARCH Administrative Budget
- Housing Trust Fund Budget
- 2019 ARCH Work Program
 - Project Assistance
 - Housing Policy Planning
 - Housing Program Implementation
 - Education and Outreach
 - Administration
- Work Program Priority Objectives
- ARCH Mercer island Work Program

City Manager Underwood provided Council with an update on HB 1406, which would allow a portion of the REET funds to create a revenue sharing partnership between the state and cities and counties for affordable housing.

It was moved by Bassett; seconded by Bertlin to:

Approve the ARCH 2019 Administrative Budget and Work Program and authorize an expenditure of \$33,327 for Mercer Island's contribution to the 2019 ARCH Administrative Budget.

Passed: 6-1

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

AGAINST: 1 (Anderl)

AB 5569: First Quarter 2019 Financial Status Report & 2019-2020 Budget Adjustments

Finance Director/Assistant City Manager Chip Corder introduced the First Quarter 2019 Financial Status Report, which focused on the General Fund, Real Estate Excise Tax (REET), and budget adjustments.

Director Corder explained that General Fund revenues are down \$250K, or 4.6% and that expenditures are flat. He also reviewed the status of the general sales tax, utility tax, and development activity. Meanwhile, the REET is down by \$96K over the same period in 2018. He also reviewed the deficit spending reductions in the General Fund and YFS Fund and various budget adjustments, which included funding additional soil remediation and restoring elementary school counselors through December 2020 and the YFS Administrative Assistant through December 2019.

It was moved by Anderl; seconded by Nice to:

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

Passed: 7-0

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

It was moved by Anderl; seconded by Wong to:

Adopt Ordinance No. 19-09, amending the 2019-2020 Budget

Passed: 7-0

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

Mayor Bertlin and Councilmember Wong left the meeting at 9:08 pm

AB 5566: Planning Commission's Recommendation for Critical Areas code, Shoreline Master Program, SEPA, and Ancillary Amendments (1st Reading)

In response to public comments provided, City Council directed staff to explore modifying the dock repair standards in the Shoreline Master Program and incorporate amendments requested by some of the public comment into the second reading draft. Community Planning and Development Director Evan Maxim responded, explaining that any modifications to the dock repair standards would require the Department of Ecology's review.

It was moved by Anderl; seconded by Wisenteiner to:

Set Ordinance Nos. 19C-05, 19C-06, and 19C-07 for second reading and adoption on June 4, 2019

Passed: 5-0

FOR: 5 (Anderl, Bassett, Nice, Weiker, and Wisenteiner)

ABSENT: 2 (Bertlin and Wong)

AB 5572: Interim City Manager Appointment Process and Timeline

Human Resources Director Kryss Segle reviewed a comparison of options for appointing an Interim City Manager and explained the impacts that should be considered when appointing an internal candidate versus an external candidate.

It was moved by Weiker; seconded by Wisenteiner to:

Affirm the appointment of Parks & Recreation Jessi Bon as Acting Interim City Manager by the Mayor and Deputy Mayor.

Passed: 5-0

FOR: 5 (Anderl, Bassett, Nice, Weiker, and Wisenteiner)

ABSENT: 2 (Bertlin and Wong)

It was moved by Weiker; seconded by Wisenteiner to:

Direct the Mayor and Deputy Mayor to enter into agreement negotiations with Jessi Bon for the Interim City Manager position.

Passed: 5-0

FOR: 5 (Anderl, Bassett, Nice, Weiker, and Wisenteiner)

ABSENT 2 (Bertlin and Wong)

OTHER BUSINESS

Councilmember Absences

None

Planning Schedule

City Manager Julie Underwood reported that an Executive Session to discuss pending or potential litigation was added to the June 4 meeting from 5 pm to 6 pm.

Board Appointments

There were no appointments.

Councilmember Reports

Councilmember Weiker congratulated the Mercer Island Girls Lacrosse Team.

EXECUTIVE SESSION

Executive Session to evaluate the qualifications of an applicant for public employment for approximately 60 minutes pursuant to RCW 42.30.110(1)(g)

At 10:31 pm, Deputy Mayor Nice convened the Executive Session to evaluate the qualifications of an applicant for public employment for approximately 60 minutes pursuant to RCW 42.30.110(1)(g).

At 10:45 pm, Deputy Mayor Nice adjourned the Executive Session and Council took a brief break.

Deputy Mayor Nice convened the Regular Meeting at 10:47 pm.

ADJOURNMENT

The Regular Meeting adjourned at 10:47 pm.

Debbie Bertlin, Mayor

Attest:

Deborah A. Estrada, City Clerk