



**\*REVISED\* CITY COUNCIL MINUTES**  
**SPECIAL MEETING**  
**DECEMBER 11, 2018**

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**CALL TO ORDER & ROLL CALL**

Mayor Debbie Bertlin called the meeting to order at 5:00 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Debbie Bertlin, Deputy Mayor Salim Nice, and Councilmembers Bruce Bassett, Wendy Weiker, David Wisenteiner, and Benson Wong were present.

**EXECUTIVE SESSION**

**Executive Session to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i) for approximately 60 minutes.**

At 5:01 pm, Mayor Bertlin convened the Executive Session to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i) for 60 minutes.

At 6:00 pm, Mayor Bertlin adjourned the Executive Session and the Regular Meeting reconvened.

**AGENDA APPROVAL**

It was moved by Nice; seconded by Wisenteiner to:

**Approve the agenda as presented.**

Passed 6-0

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

VACANT: 1 (Position 4)

**SPECIAL BUSINESS**

**AB 5513: 2019 Planning Commission Work Plan and Community Engagement (Joint Session with Planning Commissioners)**

Planning Commissioners Daniel Hubbel, Tiffan Goodman, Jennifer Mechem, Craig Reynolds, and Carolyn Boatsman joined the Council for a discussion about the Planning Commission's work plan and community engagement.

Community Planning and Development (CPD) Director Evan Maxim welcomed the City Council and the Planning Commission. He introduced CPD staff Admin Services Manager & Ombudsman Alison Van Gorp and Senior Planner Nicole Gaudette.

Director Maxim reviewed the work completed on the Planning Commission's 2018 work plan: Comprehensive Plan amendments, rezone, code compliance, procedural amendments, spring code cleanup, and transportation concurrency

He also reviewed the proposed work plan for 2019, including work started in 2018: critical areas, community facilities and fall code cleanup, as well as sign regulations, code cleanup, and the 2019 Comprehensive Plan amendments, Town Center subareas, climate change, economic development, and non-motorized/multi-modal transportation

Director Maxim presented a draft work plan for legislative items related to Community Planning and Development for the period between 2019 and 2021, including: green building, commuter parking, small cell, pilot program for flexible single-family development, transportation impact fees, International Building Code update, Creative Arts District, and Comprehensive Plan amendments.

He also spoke about unscheduled items that may arise over the next three years, including: park impact fee study, animal and nuisance code, development agreements, accessibility and aging in place, Town Center parking, TC-3 brownstone standards, and affordable fee-in-lieu.

Director Maxim spoke about non-legislative items that would require Planning Commission and City Council briefing or action: Urban Development Capacity Report (Buildable Lands), Growth Targets, Countywide Planning Policy updates, and Mercer Island Comprehensive Plan major update.

The Planning Commissioners and Council discussed community engagement processes and tools.

## **APPEARANCES, 7:30 PM**

Janet Pritchard, Republic Services, spoke about the newly offered three-year agreement with Republic Services.

Dwight Schaeffer, 6958 96th Avenue SE, spoke in opposition to the sustainability fee in the solid waste contract.

Jason King, 4128 93rd Avenue SE, spoke in support of Republic Services and urged Council to vote no on Recology.

Janet Delgado, Shoreline, spoke in support of Recology's services.

Jessica Green, MI Graduate, Development Director at Bike Works, reported on their partnership with Recology and the bike recycle program.

Becky Bronstein, Washington Green Schools, spoke to their partnership with Recology.

Kevin Kelly, General Manager for Recology King County, thanked Council for their careful consideration of the Recology contract and encouraged them to take action to approve the contract.

Kristine Shaefer, Mercer Island, spoke in opposition to the Recology contract.

Gary Robinson, 6026 E Mercer Way, spoke about the solid waste contract, the sustainability fee, and kickbacks to the City.

Lloyd Gilman, Mercer Island, requested that the Council suspend a decision and take more time to review the solid waste contract.

## **REGULAR BUSINESS**

### **AB 5514: New Solid Waste Contract (2nd Reading & Adoption)**

Public Works Director Jason Kintner reviewed the solid waste contract and the Request for Proposal (RFP) process with Council, explaining that the City's incumbent, Rabanco Ltd, (known to Island residents as Republic) has a 10-year contract set to expire September 30, 2019. Republic was one of four competitive proposals submitted prior to the RFP closing on September 25, 2018. On December 6, 2018, Republic emailed an unsolicited proposal to Council offering a three-year extension to the existing contract, a rate increase of 17.5%, a monthly garbage collection service level for "super diverters," \$150,000 for education and outreach services, and reimbursement of the cost of procurement. He further explained that Republic Services' December 6 offer did not include new trucks, new collection carts, a Commodity Market Adjustment, and limits the City's options for future procurement opportunities.

Jeff Brown, with Epicenter Services, which assisted the City with the development of its solid waste contract procurement, explained that if the City chose to disregard the RFP process followed, the City would need to develop a new agreement and it would create a reputational risk for itself and struggle to obtain a reasonable number of respondents to future RFPs.

Director Kintner then explained that staff's recommendation to award the contract to Recology King County, Inc.,

for a 10-year contract with the sole option for a 2-year extension included the following:

- New trucks at the beginning of the contract cycle
- New standardized collection containers to be owned by City at end of contract term
- Weekly (year-round) collection of compostables
- Weekly service to City-owned facilities (including Thrift Shop & Parks)
- Support for up to three City-sponsored public events
- Collection of up to 34 receptacles/containers in Town Center
- New (32-gallon monthly cart) service option for “super diverters”
- Local customer service with dedicated phone line for Mercer Island customers
- Higher Customer Satisfaction rating (86-89%) and Improved Diversion rates

Council discussed the two proposals at length and sought clarification regarding the proposed 3.5% Sustainability Adjustment Fee. Director Kintner explained that the 3.5% fee, sometimes referred to as an “Administrative Fee” in other communities, is utilized for different City services, that the rate varies across other jurisdictions, and is typically used to fund a range of programs and needs. The average fee charged in other existing Recology contracts is 9%. Director Kintner further explained the inclusion of the Sustainability Adjustment Fee is intended to be utilized for sustainability programming and support proactive work towards enacting the community and the Council’s stated commitment to sustainability.

It was moved by Nice; seconded by Wisenteiner to:

**Authorize the City Manager to execute the comprehensive contract for garbage, recyclables, and compostable collection services with Recology King County Incorporated and set the sustainability fee at 0%, direct the commodity value to buy down the trash collection rate and set recycling collection to every-other-week service.**

Passed 6-0

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

VACANT: 1 (Position 4)

It was moved by Bassett; seconded by Wong to:

Amend the main motion as follows:

**Authorize the City Manager to execute the comprehensive contract for garbage, recyclables, and compostable collection services with Recology King County Incorporated and set the sustainability fee at 0%, direct the commodity value to buy down the trash collection rate and set recycling collection to every-other-week service, and include contract language that would give the City an option to shift to a weekly recycling service at a later date.**

Passed 6-0

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

VACANT: 1 (Position 4)

It was moved by Bassett; seconded by Bertlin to:

Amend the main motion to:

**Set the sustainability/administrative fee at 2.1% and cap it at a maximum of 3.5% for the duration of the contract.**

Failed 3-3

FOR - 3 (Bassett, Bertlin, and Wong)

AGAINST - 3 (Nice, Weiker, and Wisenteiner)

It was moved by Nice; seconded by Wong to:

Amend the main motion as follows:

**Authorize the City Manager to execute the comprehensive contract for garbage, recyclables, and compostable collection services with Recology King County Incorporated and set the sustainability fee at 0%, to cap it at 3.5% for the life of the contract, direct the commodity value to buy down the trash collection rate and set recycling collection to every-other-week service.**

Passed 6-0

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

VACANT: 1 (Position 4)

Main Motion as Amended Passed 6-0

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

## REGULAR BUSINESS

### AB 5516 City Council Position No. 4 Vacancy – Candidate Appointment

City Clerk Deb Estrada reviewed the appointment process using paper ballots (which were read aloud) and a point system to narrow the candidate pool to fill Position No. 4 on the City Council.

The rounds of voting and points are as follows:

#### ROUND 1

##### VOTES:

**Wisenteiner:** Lisa Anderl/Jonathan Conradt

**Bassett:** Craig Reynolds/Jonathan Conradt

**Nice:** Lisa Anderl/Heather Cartwright

**Bertlin:** Craig Reynolds/Lisa Anderl

**Wong:** Craig Reynolds/Jonathan Conradt

**Weiker:** Heather Cartwright/Lisa Anderl

##### POINTS:

6 Lisa Anderl

6 Craig Reynolds

3 Heather Cartwright

3 Jonathan Conradt

0 Elizabeth Buckley

0 Darren Gold

0 Traci Granbois

0 Thomas Hildebrandt

0 Daniel Odievich

0 Kwan Wong

#### ROUND 2

##### VOTES:

**Wisenteiner:** Lisa Anderl/Jonathan Conradt

**Bassett:** Craig Reynolds/Jonathan Conradt

**Nice:** Lisa Anderl/Heather Cartwright

**Bertlin:** Craig Reynolds/Lisa Anderl

**Wong:** Craig Reynolds/Jonathan Conradt

**Weiker:** Heather Cartwright/Lisa Anderl

##### POINTS:

6 Lisa Anderl

6 Craig Reynolds

3 Heather Cartwright

3 Jonathan Conradt

#### FINAL ROUND

##### VOTES:

**Wisenteiner:** Lisa Anderl

**Bassett:** Craig Reynolds

**Nice:** Lisa Anderl

**Bertlin:** Lisa Anderl

**Wong:** Craig Reynolds

**Weiker:** Lisa Anderl

##### POINTS:

4 Lisa Anderl

2 Craig Reynolds

The final round of voting resulted in a majority vote for Lisa Anderl to be appointed to Position No. 4 on the Mercer Island City Council. Ms. Anderl will be sworn in at the December 18, 2018 Council meeting. Ms. Anderl's term expires after the results of the general election on November 5, 2019 have been certified.

Mayor Bertlin thanked the candidates who stepped forward and applied for the position. She noted that there will be five open positions on the ballot in November 2019 and encouraged the candidates to run for office. She also noted that joining one of the City's boards and commissions is a great way to get involved.

#### ADJOURNMENT

The Special Meeting adjourned at 9:13 pm.

Attest:

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Debbie Bertlin, Mayor

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Deborah A. Estrada, City Clerk