



# CITY COUNCIL MINUTES REGULAR MEETING SEPTEMBER 4, 2018

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## CALL TO ORDER & ROLL CALL

Mayor Debbie Bertlin called the Regular Meeting to order at 5:00 pm at City Hall, 9611 SE 36<sup>th</sup> Street, Mercer Island, Washington.

Mayor Debbie Bertlin, Deputy Mayor Salim Nice, and Councilmembers Tom Acker (arrived 5:05 pm), Bruce Bassett, Wendy Weiker (arrived 5:05 pm, departed 5:45 pm, arrived 7:00 pm), David Wisenteiner, and Benson Wong were present.

## AGENDA APPROVAL

It was moved by Nice; seconded by Wong to:

**Approve the agenda as presented.**

Passed 5-0

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

ABSENT: 2 (Acker, Weiker)

## EXECUTIVE SESSION

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

Councilmember Weiker left the Executive Session at 5:47 pm.

At 6:01 pm, Mayor Bertlin extended the Executive Session for 10 minutes.

At 6:12 pm, Mayor Bertlin adjourned the Executive Session.

## STUDY SESSION

### **AB 5469: Planning Commission's Recommendation for Procedural Land Use (Title 19) Code Amendments**

Interim Development Services Director Evan Maxim presented the proposed amendments to Title 19 of the Mercer Island City Code (MICC), explaining that they are intended to:

- 1) clarify the review process and language;
- 2) consolidate the procedural requirements and approval criteria;
- 3) ensure compliance with applicable state statutes and case law; and,
- 4) simplify the regulations for readability, ease of use, and to eliminate unintended consequences.

He noted that amendments to the substance of the criteria for land use approvals were not being proposed.

Staff summarized the recommended amendments, explaining that Title 19 of the MICC establishes the land use, and to some extent the engineering, standards for development on Mercer Island. Title 19 also establishes the procedural requirements for conducting land use reviews and the criteria for land use approvals (e.g., the process and approval criteria for subdivisions, design review, etc.).

Staff reviewed how they intended to clarify process as follows:

- Notice provided in bulletin and newspaper;
- Posted on site / mailed if specific to an individual property;
- 30-days before hearing;

- Public hearing before Planning Commission; and,
- Decision by City Council.

Additional staff recommendations included:

- Adopt language that clarifies the implementation of Comprehensive Plan amendments;
- Often policies / goals may be implemented immediately; and,
- Where significant new policies / goals are identified, additional time for review and implementation may warrant additional time.

## **SPECIAL BUSINESS**

Mayor Bertlin opened the meeting at 7:10 pm and reported that Council would go back in to Executive Session at the end of the meeting to continue discussion with legal counsel on pending or potential litigation pursuant to RCW 42.30.110(1)(i).

### **AB 5467: Day of Concern for the Hungry Proclamation**

Cindy Goodwin, Youth and Family Services Director, invited Christoph Reiner with the Church of Jesus Christ of Latter-day Saints and Michelle Carpenter with Daily Method to join her and receive the Mayor's Day of Concern for the Hungry Proclamation on behalf of the community. Reiner and Carpenter shared their involvement and planned activities, encouraging the community to participate and contribute non-perishable food items for those in need.

Mayor Debbie Bertlin proclaimed September 15, 2018 as the Mayor's Day of Concern for the Hungry in the City of Mercer Island and urged all citizens to join the Emergency Feeding Program and our local food banks to nourish those who are hungry.

### **AB 5464: Emergency Preparedness Month Proclamation**

Ed Holmes, Police Chief, and Jennifer Franklin, Emergency Manager, asked long time Emergency Volunteer Jason King to join them and receive the National Preparedness Month Proclamation on behalf of the community. Staff summarized Emergency Preparedness program and reported on the following activities planned for the month of September:

- September 5 - Community Emergency Response Team Course begins to teach teach citizens how to prepare and respond to disasters.
- September 7 - Earthquake exercise to test the City's shelter and Emergency Operation Center response capabilities.
- September 16 - Emergency preparedness booth at the Farmer's Market to teach residents how to build their emergency kits and what seven days' worth of food and water may look like.

Mayor Bertlin proclaimed September 2018 as National Preparedness Month and encouraged all Mercer Island residents and businesses to commit to be prepared for 7 to 14 days following a disaster.

## **CITY MANAGER REPORT**

City Manager Julie Underwood reported on the following items:

- Comprehensive Plan Update – Final Day to Submit Feedback:
  - Final Public Hearing – September 5 at 6 pm
  - Online Outreach – Ongoing through September
  - Email / Written Public Comment – September 5
- Arts Uncorked – Friday, September 7, 5:30 to 9 pm
- Northwest Collage Society Exhibit at Mercer Gallery – September 10 to October 26
- Classics on Film – Alijoia Theater, Friday, September 14 at 7:30 pm
- Volunteer at a Restoration Event – Luther Burbank Park, Saturday, September 15 10 am to 2 pm
- Public Hearing on Initiative 1631, Carbon Emissions Fee – Monday, September 17 at 7 pm
- Fall 2018/Winter 2019 Recreation Guide

## APPEARANCES

The following people spoke in support of keeping the Mercer Island Library Board active past the sunset date of December 31, 2018:

- Dick Winslow, 3761 77th Avenue SE
- Carvel Zwingle, 6250 East Mercer Way
- Gary Robinson, 6026 East Mercer Way

## CONSENT CALENDAR

Councilmember Wong requested to remove AB 5460: Accepting Funds from MIYFS Foundation for the Consent Calendar. Mayor Bertlin added it as the first item of Regular Business

**Payables: \$445,456.85 (08/09/18), \$1,034,556.32 (08/16/18), & \$831,689.60 (08/23/18)**

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

**Payroll: \$851,180.76 (08/17/18) & \$825,569.79 (08/31/18)**

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

**AB 5463: Interlocal Agreement with the Mercer Island School District for Counseling Services**

**Recommendation:** Authorize the City Manager to sign the Interlocal Agreement with the Mercer Island School District for Counseling Services during the 2018-2019 school year.

It was moved by Wisenteiner; seconded by Nice to:

**Approve the consent calendar and the recommendations contained therein.**

Passed 7-0

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

## REGULAR BUSINESS

**AB 5460: Accepting Funds from MIYFS Foundation**

Councilmember Wong expressed appreciation for the Mercer Island Youth and Family Services Foundation for its grant and supporting the Youth and Family Services Department.

It was moved by Wong; seconded by Nice to:

**Approve AB 5460 and accept a donation of \$50,500 in funds from the MIYFS Foundation to fund three one-time projects to enhance the work of the YFS Department.**

Passed 7-0

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

**AB 5470: Planning Commission's Recommendation for Title 19 Procedural Code Amendments (1st Reading)**

Interim Development Services Director, Evan Maxim referenced his earlier discussion with Council during the Study Session, wherein he explained the proposed amendments contained in Ordinance No. 18C-08. In summary, the amendments are intended to:

- 1) Clarify the land use review and approval process;
- 2) Consolidate the procedural requirements and approval criteria;
- 3) Ensure compliance with applicable state regulations and recent case law; and,
- 4) Simplify the regulations for readability, ease of use, and to eliminate inconsistencies and unintended consequences.

Council discussed the draft Ordinance and asked questions for clarification. Councilmember Acker explained that he was not comfortable with the proposed amendment and wanted more time to consider the information provided.

It was moved by Bassett; seconded by Wong to:

**Set Ordinance No. 18C-06 to September 17, 2018 for second reading and adoption on the Consent Calendar.**

Passed 6-1

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

AGAINST: 1 (Acker)

**AB 5452: Planning Commission's Recommendation for Code Compliance Code Amendments (1st Reading)**

DSG Ombudsman/Administrative Services Manager, Alison Van Gorp, presented the Planning Commission's recommended amendments to the Mercer Island City Code regarding code compliance. She noted that additional amendments throughout the code create consistency, update cross-references, and remove duplication related to code compliance.

She noted that in response to the Planning Commission recommendation that the amendments be reviewed in two to three years to evaluate their effectiveness in reducing the code compliance case load and improving overall code compliance within the City, staff will

- Develop operating procedures and online and print materials to clarify the City's prioritization and response to code compliance requests for the public;
- Establish target times for responding to compliance requests and track actual response times against the target times to collect data for analysis of effectiveness; and,
- Add updates of the Animal and Nuisance codes to the Development Services Group and Planning Commission work plan for 2019-2020 for modernization, additional clarity, and realignment.

It was moved by Nice; seconded by Acker to:

**Set Ordinance No. 18C-06 to September 17, 2018 for second reading and adoption on the Consent Calendar.**

It was moved by Wong; seconded by Acker to:

**Amend the previous motion and delete all references to the ability to serve notices on the responsible person's place of employment.**

Motion to amend passed 4-3:

FOR: 4 (Acker, Nice, Wisenteiner, and Wong)

AGAINST: 3 (Bassett, Bertlin, and Weiker)

Main Motion as Amended Passed 7-0

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

**AB 5461: Business License Model Ordinance Code Amendments (1st Reading)**

Assistant to the City Manager Ali Spietz reviewed the Business License Model Ordinance and presented the draft ordinance with proposed amendments. She explained that recent legislation requires cities and towns with either business licenses requirements and/or local B&O tax regulations to:

- Adopt a model business license ordinance which addresses uniform definition of engaging in business and allowing registration with no fee for businesses without a location in the city who report gross revenues of under \$2,000 per year (minimum threshold); and,
- Administer business licensing through the state's business license system (BLS) by 2027 or through the FileLocal system by 2020.

In addition to legislative requirements, additional amendments to chapter 5.01 MICC Business Licensing, were recommended to help clarify each type of license deleting the section regarding exemptions. In response to Council questions regarding business license program administration, Spietz explained that staff had researched each of the available systems and recommended BLS as it is a free service to the City.

It was moved by Bassett; seconded by Nice to:

**Set Ordinance No. 18C-09 to September 17, 2018 for second reading and adoption on the Consent Calendar.**

Passed 7-0  
FOR: 7 (Acker, Bassett, Bertlin, Nice, Weiker, Wisenteiner, and Wong)

## **OTHER BUSINESS**

### **Councilmember Absences**

There were no absences.

### **Planning Schedule**

City Manager Julie Underwood noted the following changes to the Planning Schedule:

- It may be necessary to add an Executive Session on September 17 at 5 pm.
- Three ordinances presented tonight for a first reading will be set to a second reading and adoption on the Consent Calendar at the September 17 meeting.
- A third reading of the Transportation Concurrency Ordinance is scheduled for the October 2 meeting.
- 2019-2020 Budget discussions will start with the October 16 meeting.

### **AB 5471: Design Commission Vacancies Appointments**

Mayor Bertlin reported that she and Deputy Mayor Nice, in consultation with other Councilmembers, put forth a recommendation to appoint Claire McPherson and Thomas Soeprono to the Design Commission.

Councilmember Acker enquired about the appointment criteria and expressed concern that a candidate with Urban Planning experience was not appointed.

It was moved by Bassett; seconded by Wong to:

**Affirm the Mayor and Deputy Mayor's appointments of Claire McPherson and Thomas Soeprono to the City's Design Commission.**

Passed 6-1

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

AGAINST: 1 (Acker)

### **Councilmember Reports**

There were no reports

## **EXECUTIVE SESSION**

At 9:38 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 30 minutes

At 10:11 pm, Mayor Bertlin adjourned the Executive Session.

## **ADJOURNMENT**

The Regular Meeting adjourned at 10:12 pm.

Attest:

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Debbie Bertlin, Mayor

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Deborah Estrada, City Clerk