

# GMHB EXHIBIT 3

## 2021-09-21 City Council Transcript

2:07

uh good evening mr mayor and council we are now live

2:24

mayor wong i oh i don't think benson has audio

2:43

salim can you hear my audio craig can okay

2:48

uh mr mayor we are live are you able to hear us jesse you're on you

2:54

actually i think we could all hear jesse

3:00

benson we can't hear you or we did though just a second ago

3:07

sorry that sorry my fault it's actually me okay we'll try that again mr mayor we

3:14

are now live thank you uh city manager good evening

3:19

and uh welcome to the september 21 2021 city council uh regular video meeting i'm mayor

3:26

benson wong uh tonight's virtual city council meeting is being brought to you using video conferencing technology

3:33

provided by zoom we're also broadcasting live on mi tv channel 21

3:39

and on the city's youtube channel city manager jesse bond and other staff

3:44

members will be participating in tonight's meeting in the city council chambers and maintaining the recommended

3:50

social distance public audience members are listening to the meeting by telephone or using the

3:56

zoom tile conferencing application welcome to each of you and thank you for sharing some of your evening with us

4:03

uh council members please have your microphones turned on for the roll call uh city clerk demostrata please conduct

4:10

the roll call

4:15

thank you mr mayor mayor benson wong here

4:20

deputy mayor wendy weiker here council member lisa anderle

4:26

here council member jake jacobson here

4:32

council member saleem niece here council member craig reynolds

4:37

here and council member dave rosenbaum thank you

4:44

thank you next we have the pledge of allegiance council members please stop your video

4:50

or stand away from your camera so that the u.s flag is the only thing visible

4:55

and please join me in saying the pledge of allegiance i pledge allegiance to the

5:00

flag of the united states of america and to the republic for which it stands one nation under god indivisible with

5:08

liberty and justice for all we now move to our first item of

5:15

business which is to approve the agenda there's no questions may i have a motion to improve tonight's agenda

5:22

don't move second it's been moved by council member niece and seconded by deputy mayor weiker uh

5:29

to approve tonight's agenda uh city clerk will you please conduct the roll call vote

5:36

thank you mr mayor councilmember anderall hi

5:41

mayor wong aye councilmember jacobson all right

5:47

deputy mayor weiker hi member niece

5:55

hi councilmember rosenbaum aye and councilmember reynolds

6:03

thank you thank you motion passes and the agenda is approved uh

6:08

tonight we continue to utilize the zoom platform i'll do my best to recognize you in the order that you raise your

6:15

hands and after you've been recognized then you can ask your question

6:20

next up on the agenda is the city manager's report city manager

6:27

good evening again sorry my camera is a little fussy tonight

6:33

it is september 21st give me a moment to share my screen

6:42

all right there it is all right good evening again

6:47

city council well this is there we go

6:53

i wanted to start tonight with an update on kova 19 impacts to the city organization

7:00

and a little bit about how we're retooling our services to not only

7:06

focus on essential services but also to support our community so the first thing i wanted to share is

7:12

that we did activate the emergency operations center last week to level two

7:19

uh we had been at level three which uh these are these are terms that may not mean something uh to you or the

7:24

community but it basically describes um how we are responding to the current

7:30

emergency so level three was monitoring uh we are back to level two which is a partial activation

7:36

uh what that means uh to you and the community member is that i've had to redirect more resources staff resources

7:43

to the pandemic and to support our emergency operations center obviously my

7:48

main concern is continuing to prioritize essential services and i'll remind you what essential

7:54

services are in just a moment we're led our eoc team is led by the

8:01

fabulous emergency manager jennifer franklin so she has you know pulled everyone back

8:07

together they're meeting weekly we are redirecting staff resources to support the eoc structure

8:16

i think it's important to remember that we are tracking our expenses and all of the time that is going to the emergency

8:22

uh in anticipation of you know really being eligible to seek reimbursement through fema and also potentially

8:28

applying arpa funds to the support the pandemic needs of the city

8:34

we are publishing monthly situation reports again and we post those to our next let's talk

8:40

page uh so essential services and whoops why does this matter

8:46

um i'll just share that we generally categorize our public safety operations police and fire as an essential service

8:54

roads and utilities certainly keeping them open our legal team communications our mental health services

9:01

our municipal court it's important to know that jury trials are currently suspended through the end of the year

9:07

and parks maintenance certainly during the pandemic many people have been enjoying our parks

9:12

so we want to do what we can to keep up on that and then anything else and everything else we need to do internally

9:19

to prop those teams up so so that is our primary focus you know why does this matter let me give you an example from

9:25

our maintenance team right now uh nearly the entirety of our parks maintenance team is out at the moment um

9:32

a couple due to due to good family news you know babies that were born

9:37

and the rest are related to covid impacts or kiddos at home that were exposed

9:45

you know exposed to covid so what does this mean well when we've got a whole team down we've got to pull resources

9:51

from other teams um so it's a it's a you know fine line we're juggling trying to sustain the

9:57

core most important things but considering the impact on maintenance right now

10:03

you may have seen around the city that things are starting to fall behind we'll get back at it i'm not concerned about

10:08

that these are just impacts that are happening at this moment in time so that's a good segment to say

10:14

you know we are being impacted by covid our staff teams it's both

10:21

you know we have had a couple positive cases nearly all of them are breakthrough meaning it was a staff team

10:26

member that was vaccinated we have a large number of staff with kids under the age of 12

10:33

either in school district or daycare settings and

10:39

they have been exposed and oftentimes are required to quarantine so we're doing our best everyone's

10:46

pulling together you know to really make sure that our services are continuing to be delivered

10:51

but i will say we we thank everyone for their patience right now i know it continues to be a hard time

10:58

so thank you for being flexible and understanding and if you do have any questions about service levels and where the impacts are

11:04

i'd be more than happy to talk further about that so in other news on co wood front last

11:12

week king county public health issued a health order that will take effect on october 25th

11:19

requiring verification of full vaccination or a negative test i believe it's within 72 hours

11:26

to enter certain indoor and outdoor venues it applies to indoor dining at

11:32

restaurants bars gyms arts and entertainment venues and and generally large sporting events

11:39

in terms of the city the community center will fall under this requirement because the type of

11:46

activities that we're currently running which are limited fall under the category of gyms

11:51

so i know for the businesses that are working so hard in our community to keep

11:56

going this was just another requirement we are

12:02

sarah blavis our economic development coordinator and jennifer franklin and our eoc team are doing everything we can

12:08

to compile the information we sent an email out to our business list last week

12:14

but we're also posting everything on our let's talk page so the seattle metropolitan chamber of commerce has

12:19

stepped up to help organize this and is partnering with king county to assist with the implementation so as

12:26

information is coming out from them we'll be passing it along uh we're we're pushing out information

12:32

on you know how does this work what qualify qualifies as proof of vaccine vaccination

12:38

and we understand there's a tool kit is also coming out as well so

12:44

we're here to support you businesses those of you that are impacted by this new order

12:50

and if there's any questions you have we'd be happy you know to reach out to public health

12:56

uh to try to get those questions answered so again i'd encourage um anybody that's impacted by this to go to

13:01

our let's talk page and we'd be happy to support you on this and we'll also be

13:07

ensuring this is implemented by october 25th at the community center as well

13:12

all right uh moving on from covid a quick snapshot of what's coming for city council and board and commission

13:19

meetings as a reminder the legislature did extend the proclamation relating to the open public

13:26

meetings act we continue for reasons of safety to meet virtually

13:31

i anticipate council will be in a virtual meeting setting through the end of the year and do hope to to be seeing you all in

13:38

person at some point after january 1. your next council meeting is october 5th

13:44

we have a really packed schedule of board and commission meetings from september and october the

13:49

dates are there we keep the calendar updated at the website um posted at the bottom of this page as a reminder

13:56

i will also sneak in a comment for board and commission members that we're coming or coming your way

14:02

with training on the code of ethics here very very soon so that will be deploying in october

14:10

okay and we have two open seats on our boarding commission so we're we're back

14:15

recruiting again uh one arts council position and a position on the design commission and

14:21

this is one of our specialist positions so we're specifically looking for somebody with a background in

14:27

architecture landscape architecture urban planning or civil engineering

14:32

we've reopened the recruitment the deadline is october 5th and council given the

14:38

that we're we're down to two positions now i am optimistic that we can be in front of you october 9th

14:44

hopefully filling both of those seats city service updates just a handful

14:51

for you this evening first of all a reminder we have our next

14:56

virtual public meeting on the pros plan on tuesday september 28th at 5 30. this

15:01

is a zoom meeting uh so if you'd like to participate the link below will get you

15:07

into the registration queue so so please join us this will likely be

15:12

our last public meeting on the pros plan and we've got some some fun topics hot

15:18

topics queued up uh playgrounds docks and i think the big one is the strategy to balance

15:24

new park uses while also protecting our important green space so again tuesday september 28th please

15:31

register in advance and the link is at the bottom of the screen

15:37

a project update for you we haven't touched a whole lot on stormwater projects so this is a good one last week

15:44

our public works crews began work on a stabilization project that spans over a quarter mile of stream

15:50

channel that flows into lake washington you can see a picture there of what it looks like

15:56

we had in this particular stream channel previously there were sandbags used as

16:02

temporary control measures and they've started to fail so

16:08

and certainly that was negatively impacting our habitat so um our engineers and crews designed 15

16:15

stream bed structures made of basically logs and trees very similar to that picture you see on your screen

16:21

and it's it's intended to act like a log jam so it slows down uh the water that's running through the stream channel

16:28

and protects those banks from erosion so we'll be keeping you posted on this project and i understand we have

16:34

something close to i think 20 more projects like this that will be worked over the next

16:39

several years here on mercer island my thanks to the staff for updating us on this project we've been really

16:45

focused on our transportation project updates so thanks for getting this out

16:50

also wild swing here in topics uh just a reminder uh next week the youth and

16:56

family school youth and family services school-based counselors are holding a parent support

17:02

event this month in collaboration with parent edge this is a short presentation

17:08

going over materials primarily to assist middle and high school parents and supporting their children this fall

17:14

all the kids are in a pretty big transition back to school this is monday september 27th 7 to 8 p.m and if you'd

17:21

like to join the web link is at the bottom of the screen

17:27

all right a couple good news items for you i'm getting a little ahead of myself the police chief said i'm not ready to share

17:33

this but they've done such great work i wanted to make sure we highlighted it every four years our police department

17:39

undergoes an accreditation process by the washington association of sheriffs and

17:44

police chiefs this is a review of 134 standards in use

17:50

of force code of contact and other things and it's a best practice first of all to

17:55

be accredited and get re-accredited to ensure that we're meeting you know best practices and standards

18:02

we had our on-site assessment last week it went well my compliments to chief holmes and his team

18:09

and we will receive official notification of the outcome of the accreditation process sometime in november so my thanks to the

18:16

police department they've certainly been very busy and i appreciate them prioritizing this work

18:22

uh at the thrift shop hey i i think it's just great to highlight that we're um

18:28

we're working on rebuilding the store i think we are somewhere around six or seven weeks into

18:35

reopening back to five days of sales at the thrift shop we had a really fun labor day weekend i wanted to

18:41

share with the community but before i do just a reminder we have safety protocols still in place

18:47

so if you go shop at the thrift shop and please do masks are required we have occupancy limited to 75 percent

18:55

and it is on cool days a little cool in there because we've got doors um and windows open to keep the air

19:01

circulating so that picture on the right is actually a shopper from labor day weekend uh with

19:07

a photo of her receipt and all the things she bought we had a great a great sales day it was almost six

19:13

thousand dollars in sales which is really really good considering we're just six weeks back into this

19:19

um i also have a lot of fun learning about the things that we're selling that are donated and selling so

19:24

here's a snapshot um over the last couple weeks we sewed sold a 500 pair of

19:30

gucci tennis shoes um somebody bought 120 worth of marbles i don't know a lot

19:36

about marbles so that was interesting to me and uh one of the great things is when they came to

19:42

pick up their online sales item they spent almost another 500 in the store

19:48

we've also had just an extraordinary donation of artwork and prints

19:53

and we sold a 450 print so that's that is great we're working really hard to get you know the engine

20:00

fully up and running again our focus now is turning to the donation pipeline um we've we've still just been accepting

20:06

donations one day a week but we're looking at enhancing that very soon so more information to come thank you to

20:12

our amazing thrift shop volunteers and staff i know it's been a long journey but um we're on our way

20:19

and looking forward to the winter maybe not the change of weather right now we had a great sunny day today but

20:25

illuminate mi is on deck planning efforts have begun to bring back our socially distant and safe event

20:34

in the uh town center and i think we're also going to try to engage the south end business

20:40

district you may recall from last year that a number of the trees were lit and it was a great place to walk around

20:48

in the evenings and certainly support our local businesses so stay tuned for more information by the way if

20:54

you're in the town center whether you live there or you work there you have a storefront we'd love to ask you to think about

21:01

lighting lighting up your storefront or your your window or your deck

21:06

let's let's all pull together and get into the festivities so more coming on how you might get involved

21:12

and if you're interested in sponsoring this event please reach out to sarah blavis our economic development coordinator

21:18

sneak peek our lights the lights that the city installs will be turning on the week of thanksgiving

21:25

all right and that is it for me this evening thank you all thank you jesse

21:32

as it has been in the past uh 18 months tonight's agenda will not be uh including any in-person public

21:38

appearances however individuals wishing to speak live during the appearance portion of our meeting

21:44

they do so by telephone or by using the zoom teleconferencing application as

21:49

long as they register their desire to speak with the city clerk's office by 4 pm

21:54

today our city clerk will call you by name or by telephone number when it is your turn

22:00

to speak uh it's your opportunity to speak to the city council on any item

22:07

again since it is election season i want to remind you that state law specifically rcw

22:13

42-sorry 42.178.555 prohibits the use of city facilities for

22:20

campaign-related purposes with very limited exceptions accordingly please do not make any

22:27

campaign related comments during this time all remarks will be addressed to the

22:32

council as a whole and not to an individual council member or staff member if any person makes a personal

22:38

important or slanderous remark or becomes boisterous threatened or personally abusive while addressing the

22:44

counsel i may ask that person to leave the meeting when it is your turn to address the council be sure to speak audibly and

22:52

state your name for the record your comments will be limited to three minutes a three minute timer should be

22:57

visible on your computer spring city clerk has anybody signed up to

23:03

speak before the city council yes mr mayor we have two individuals that have requested to speak we have

23:09

randy banneker and tom acker and randy is up first

23:15

great welcome

23:44

thank you mr mayor can you hear me yes we can randy mr mayor uh deputy mayor weiker members

23:50

of the council my name is randy banneker i'm reaching out to you tonight on behalf of the seattle king county

23:57

realtors in support of the proposed sign code amendment package before you

24:03

uh today first i want to say that we believe the proposed uh the proposed code

24:10

amendments comply with the united states supreme court decision of reid versus gilbert arizona

24:17

specific to to our signs i want to say that our members place a high value on the opportunity to work with home buyers

24:23

and sellers in the city of mercer island we consider consider it in our mutual interest to support the city's efforts

24:30

to maintain the high quality of life mercer island residents enjoy we appreciate the allowance to post

24:36

on-premises temporary real estate signage that advertises homes for sale rent or lease and off-premises open

24:44

house signage posted during open house hours just a few bullet points i wanted

24:50

to cover are related to real estate signs first and foremost signs play an

24:55

important role in fair housing anti-discrimination signs simply cannot discriminate a real estate sign invites

25:03

any person regardless of race creed color sex or national origin

25:08

to locate and consider the purchase or rental of the property that's available if they can afford it real estate signs

25:15

make it impossible for any broker landlord owner or organization to deny

25:21

that that property is available and hence make discrimination substantially impossible

25:28

in addition real estate science we find remain critical for buyers and sellers um we find that more than half of buyers

25:36

use signs to drive a neighborhood and get the get the look and the feel and so it's important uh it uh uh

25:43

has not been rendered or i should say technology has not rendered signage irrelevant um again people want to get

25:50

out and uh and and have that look and feel um mercer island is one of those places

25:56

where uh uh addresses can be difficult to find and so signage play a an

26:01

important role science plays an important role in just directing you to what's for sale

26:06

um and i think in doing so uh they simply speed the transaction the time on market

26:14

that's good for the city it's good for the seller um and it's good for the adjacent property owners uh lastly i

26:22

just note that we have an internal mechanism for side

26:27

code compliance if our brokers any broker is out there violating the code we have a way of contacting their

26:34

organization make sure they come into compliance and understand the specifics

26:39

of your code thank you for your time tonight thank you very much randy

26:45

city clerk mr mayor our final speaker is mr tom

26:51

macker

27:09

audio test can you hear me yes tom welcome hey benson it's really good to hear your

27:15

voice and see you again um i'm calling in just uh

27:20

to thank this county city council more than any other city council that

27:26

uh i've seen since 2012 2013 when i moved back

27:31

um insofar as we're finally getting serious like about addressing the town center

27:37

code issues um one of the things that was just phenomenal is when um i started that

27:44

save our suburbs group back in 2013 within two months we had a thousand

27:49

people on the island uh join to try and preserve the character and quality of mercer island

27:56

that was the parking garage that was being built at luther burbank was one objective the city bus turn around which

28:02

sounds like fell back on your laps but at the time we thought we had stopped it and then the heinz development project

28:08

because the retail core wasn't being was being squashed with every big

28:13

development we did a there was a big study that showed how much retail we were losing

28:19

uh so the save our suburbs morphed into the city realizing they had a problem there

28:25

was the town center visioning group and then we ran into issues with the recommendations that

28:31

nearly everybody wanted to see everybody wanted to see they just died on the vine um they

28:37

weren't listened to they were back burnered and i'm i'm really glad to see that salim knees who

28:43

council member niece who is on that town center visioning group has really stepped in and led the charge

28:49

to look at the codes anything that we can do to incentivize retail on the ground floor as well as uh

28:58

uh have intelligent design on the ground floor which means putting in uh the

29:04

right ventilation systems for uh potential restaurants just making sure

29:10

the building is built to support retail below high ceilings for the retail

29:15

spaces below any of that work that you can do and put in place in order for these

29:22

developers to go up is appreciated um the the days of the the little fountains

29:28

and the ponds that disappeared like the one out in front of i think it was the hadley building

29:33

um that i was walking by and they just took out their water feature um i told former

29:39

mayor bassett at the time well take off their fourth or fifth floor then because that's one of the features that they

29:44

used to go up but nobody noticed and and that's the problem right what they can notice and that they will

29:51

notice is that if any more buildings go in and they are going to go in that we have better retail in the downtown

29:57

center so really wanted to thank all of you and especially council member niece for

30:03

his leadership on looking at these issues and i'm looking forward to some very significant

30:09

changes in the code that will increase the retail

30:15

down in the town center and not reduce it staying where we're at isn't an option

30:20

anymore we actually need to increase it because we've lost tens and tens of thousands of square feet in retail so

30:27

thank you very much and many thanks to city manager bond as well it's been an amazing

30:33

couple years that you've had and you sort of inherited the hand grenade after the pin had been pulled and somehow you

30:40

managed to get that pin back in so thank you all for your work and i will uh

30:45

look forward to watching this meeting thank you thank you um

30:51

so there's no other speaker so now we are moving to the consent agenda um

30:57

and that consent agenda tonight uh includes approval of certification of claims for periods ending august 26

31:05

september 3 and september 9 2021 the approval of claims reporting for

31:11

electronic funds transfer for the month ending july 2021

31:16

approval of minutes for the july 6 and july 20 regular meetings and our august

31:22

24 special meeting the approval of payroll certifications

31:27

uh this is um ab5934 for the period ending august 27

31:33

2021 and also ab-5945 for the period ending september 10 2021

31:41

includes uh the consent agenda also includes ap 59-24 volunteer appreciation month

31:48

um av 5938 which is the 2021 2022 work

31:54

plan update does anybody wish to pull any item off the consent agenda

32:03

i am going to go ahead and pull agenda bill ab5924

32:08

um accordingly this agenda bill will be the first item that is discussed as part of regular

32:14

business does anybody else wish to pull any other item off consent agenda

32:22

hearing none is there a motion to approve the consent agenda as presented

32:28

thank you been moved by councilmember jacobson and segmented by councilmember  
niece to

32:33

approve the consent agenda as presented uh city uh clerk please conduct the roll

32:39

call thank you mr mr mayor council council member anderle aye

32:46

councilmember niece aye councilmember rosenbaum

32:51

aye mayor wong deputy mayor whiter hi

32:59

councilmember jacobson all right and councilmember reynolds hi

33:06

great thank you motion passes from the consent agenda is approved mr mayor may i apologize i just want to

33:13

let you know that the the timer clock is stuck right now so we have not been able to take it down uh we're working on it

33:21

here behind the scenes but i'll just suggest you keep going and if we need a short recess i will let you know

33:26

okay uh i don't think it impacts our meeting at this point i may use it and i may use

33:32

it later in the meeting so oh okay thank you for your patience

33:38

all right so the first item in regular business is ab5924 this is the volunteer appreciation month

33:45

proclamation number 276 and the reason why i pulled it off is

33:51

given the importance of volunteers to the operation of our city government

33:56

and all city services are provided to the community i could not let this proclamation

34:02

simply be adopted on the consent agenda i think as most people know we had

34:08

planned to have a in-person community-wide celebration on september 2

34:13

but had to cancel it due to the surge of the covet cases unfortunately without the pop and

34:19

circumstances that we would have had during this operation that with our heartfelt thanks on behalf

34:25

of the city council i want to thank every individual every volunteer who has served

34:31

on helping make burst island a better place those include the people who are on the

34:36

boards and commissions and people who just volunteer uh in any way they can again to help our

34:43

city uh during this past year so again thank you for all of your help and your efforts

34:49

and i like to open up this time for any other city council member who might want to say a few words

34:59

uh council member and role yeah thank you uh mayor i was

35:05

disappointed that we weren't able to do the volunteer appreciation event because i was um looking forward to

35:10

meeting a lot of the volunteers and thanking them in person and also to seeing some of my um board and

35:16

commission members where i'm the council liaison and have only seen them virtually for 18 months so i just wanted

35:23

to add my voice to yours to to thank everyone who volunteers for these positions it's um be hard to run the

35:29

city without them so thank you we're very grateful uh

35:35

i like her yeah i just want to thank you for calling this mayor wong in second lisa's comments i don't know what we would do

35:41

without our volunteers and i know a lot of folks have gone online with this pandemic and i know we're doing the best

35:47

we can with the thrift store and a lot of the other work that we're doing with being ready for emergencies and just can't thank our volunteers enough and

35:53

our staff for shipping all those resources and more importantly when we're going to need him more than ever and we finally get through this pandemic

36:00

great thank you uh councilmember rosamond yeah i'll just be real quick i'll go

36:05

what everyone else said you know i was disappointed when the i got the calendar reminder for the for the party and then remember it wasn't happening um but i

36:12

think the spirit of volunteerism here is so strong it's really admirable and um you know i just appreciate you know the

36:18

effort that you know it takes a village and appreciate everyone's here great thank you councilmember niece

36:25

yeah same here thanks for pulling it mayor uh to all the volunteers i i hope you understand and you can appreciate

36:31

how much we uh value your contributions the the breadth of experience knowledge

36:38

capability the islanders have allows us to do things that we otherwise wouldn't be able to do it's not just labor hours

36:44

that people are contributing it's experience it's uh very specific valuable

36:50

contributions to a number of operations of the city so thank you to all the volunteers

36:55

thank you councilmember jacobson uh as the council is on the parks and rec

37:01

commission uh uh i would certainly hardly endorse uh

37:07

this uh volunteer appreciation month uh that commission has done

37:14

amazing yeoman work to fill in the blanks that staff could not have done

37:19

with a prose plan with luther burbank working luther burbank working on aubry

37:25

davis master plan park street parks and rec restart and

37:32

they have made a material contribution an aspect of this island which is very

37:37

important to people that is to say the parks and recreation programs so i'm couldn't be more grateful i'm sure

37:44

anybody who uses a park or engages in a wreck program or is waiting to engage in

37:49

one shares my views thank you thank you very much well certainly at this time i'd like to

37:56

entertain a motion authorizing the mayor to proclaim september 2021 as volunteer

38:02

appreciation month in mercer island next second it's been moved by i think

38:08

was council member and wrong and seconded by councilmember reynolds um

38:14

city clerk uh please conduct the roll call vote thank you mr mayor councilmember jacobson all right

38:21

councilmember reynolds aye deputy mayor weiker hi

38:27

councilmember anderl aye member niece hi

38:34

mayor wong hi and councilmember rosenbaum hi

38:39

thank you thank you motion passes we are now moving to our second item of

38:46

regular business or item number seven on your agenda this is ab 5940 the

38:52

development code amendment ztr 19-003

38:57

signage pertaining to the ordinance number 21c uh-21 and this is our first reading

39:05

and i see his that's just popped up so welcome community platinum and development director jeff thomas and

39:12

also seen deputy director allison bangor um jeff and allison um

39:17

i think the council is well aware that uh we've had this need to update uh this city's signage ordinance for

39:24

uh the past several years frankly and given the pandemic a number of work

39:29

items on the work plan have given way to other pressing matters however the

39:35

council appreciates uh the time and effort that you and other staff members have spent on providing us with an

39:41

updated signage called language to review while it would have been a heavy lift

39:46

without the pandemic it was certainly an extraordinary lift given the pandemic and so again thank you for all that work

39:55

having said that jeff nelson do you have a presentation to make at this time

40:00

thanks mayor uh good evening council and all those listening this evening and watching um

40:06

for the record uh jeff thomas interim director of community development and planning uh allison van gork deputy

40:12

director is on the screen a couple other brief introductions to make we've had some assistance from outside

40:18

legal counsel daniel kinney he's uh joined us here on the call yet he just popped up on the screen there

40:25

and planning commission chair dan hubbell isn't available i believe until 6 30 but

40:32

he was planning on jumping on at 6 30 to provide a planning commission uh

40:38

report to the council as well for this matter so uh with that i'm gonna turn it right over to allison and um she's going to

40:46

get things rolling for us thank you all right hopefully you can see my

40:52

screen share there i'm just going to start off powerpoint

40:59

there we go um all right thanks for the introductions and

41:05

just to give a bit of an overview um the planning commission began work on a

41:12

sign code amendment back in 2020 and that work was paused um

41:17

in march of last year and then the staff brought this item back for the

41:24

docket last fall the city council did put forward a

41:29

docketed item for the work plan with a i would say

41:34

surgical type of scope of work focused on bringing the city code into compliance with the reid versus gilbert

41:41

case which we'll talk a little more about in a minute um the planning commission took up this

41:46

work in may and spent about two to three months

41:51

doing a review and holding a public hearing they finished that work at the end of july with a unanimous recommendation to

41:58

the council which we're here to review tonight

42:03

um i'm gonna hand things over to danielle kenny at this point he's going to give us a little brief overview of the

42:10

reed case and then we'll move on to an overview of the code amendment itself

42:18

and like interim director uh thomas said uh

42:23

daniel hubble will be joining us later in the evening to speak about the planning commission's recommendation and

42:29

their rationale behind what was recommended so if you have questions along those lines please hold those for

42:35

later in the meeting and we'll focus this first half more on the legal aspects well dan daniel is here and i

42:41

know that he needs to move on to another city's council meeting at 7 pm so we'll try to get through that part of it here

42:47

in the first little while all right daniel um i'll advance the slides just let me know uh when you

42:53

would like the next slide that sounds great and can everybody hear me okay yes

42:58

perfect okay who's gonna start there well again my name is daniel kenny i'm with ogden murphy wallace i was asked to

43:04

help out the team on the sign code review specifically on the legal issues related to the read versus town of

43:11

gilbert case there's a little bit more information in a memo that was provided to the planning

43:16

commission that's in your packet so if you wanted to ever review review that or reference that

43:22

that's in your materials so i'm just going to give you just kind of a q a quick summary right now of that case um

43:29

you've probably all heard about it over the years it came out in 2015 it's a united states supreme court case

43:36

that addressed the first amendment issues for sign codes so free speech issues

43:42

and that this all results revolved around the gilbert arizona sign code which had very

43:49

specific limitations based on the type of sign that was being

43:55

used and so certain outdoor signs without a permit

44:00

had a certain type of regulation and there were categories 23 other categories for different signs with

44:07

different types of regulations and so the case revolves around the good news community

44:13

church putting up temporary signs each saturday telling their church members their

44:18

community where they're going to hold their next service on sunday they did not have a permanent location and so

44:25

they would post those signs out in the community and um what happened is they just left the signs out just a little

44:31

bit too long that was one of the regulations for the for that particular type of outdoor sign was duration

44:38

and that was different than the other sign types the other 23 sign types so for their sign type the duration um was

44:46

uh expressed in the code they left it out just a little bit too long and got cited for that

44:52

that's it we're talking about the small town of city of gilbert arizona and a couple of signs for church that were

44:58

just left out a little too long and now we have a united states supreme court case that is telling us to revise our

45:04

sign codes and so that's kind of where this all cl came from and so if we could go to the next slide

45:12

so again this is the abridged bridge version but we get to what the supreme court held that the sign provisions

45:18

in gilbert arizona were content based on their face and if it's content based on the fate on

45:26

its face then it's subject to strict scrutiny which is a level of review that a court would take

45:32

in reviewing a challenge to those regulations and that is a very high standard it's rarely met and

45:40

it's nearly always fatal and so if you get yourself into a situation where you have a content-based regulation

45:47

you typically have to have very very good reasons to support that

45:53

and so each of the sign code categories were defined based on the message that the sign conveyed that's that

45:58

content-based regulation so depending on what the content of the sign was there were different

46:05

regulations like we talked about the duration and therefore they were subject to

46:10

strict scrutiny and they were not gilbert arizona was not able to identify

46:17

those um uh purposes to to withstand strict scrutiny um and so when we're

46:23

looking at our sign code we need to look to this case to say what's the rule from this case that we need to use when we're

46:29

revising this and so on the next slide is a very quick summary of of the rule the basic rule

46:37

and so the basic rule that i like how i like to think about it is if a code enforcement officer must read the

46:43

content of a sign so if they go out into the community because there's a complaint on a sign if they have to read

46:49

the content of the sign to determine which category and the code applies to those signs

46:56

then that is a content-based regulation on its face and is subject to strict scrutiny and so what we're trying to do

47:03

for non-commercial temporary signs which is this general category of signs that is

47:09

most applicable to the reed case it's your for example political signs

47:15

political signs are one category of non-commercial temporary signs

47:20

that if we have a section of code that says political signs and then time restrictions

47:26

location restrictions or anything like that we're saying you must read the sign to

47:32

know that it's political and then apply certain regulations whereas if you read the sign and it was

47:38

simply a temporary directional sign for a church for example it would have different regulations and so that's that

47:44

that's what we're trying to work with and to pull out of codes and so your code the work that we did on the

47:51

temporary signs was to get into compliance with this general rule

47:57

and i i think i see a question so mayor if um yes

48:02

councilmember ramos just a general question first would you prefer questions at the end or is it

48:08

okay to ask as we go along uh well if it's pertinent to what is being discussed right now uh go ahead

48:16

and ask okay this one is i'd just like to seek some clarification because i we had some email dialogue about this

48:21

before the meeting um the basic rule here is

48:26

i think as stated here is contradictory to what we were told elsewhere because there appear to be different

48:32

rules for commercial signs and government signs so is this statement really only

48:37

applying meant to apply to non-commercial non-government signs because you certainly need to read a

48:42

sign to know whether it's commercial or government yeah yeah absolutely so so that's a great question so we can dive into that

48:49

so in in the ninth circuit where where we are there is case law that has

48:54

retained the prior uh legal structure for commercial sign regulations and so

49:02

the read framework the read versus town of gilbert framework does not apply to

49:07

commercial signs largely the reason for that is because is because a personal expression

49:14

personal speech protected on the first amendment is protected to a different

49:19

degree than commercial speech they are differentiated under the law as different types of speech and so having

49:27

a a differentiation in the code between commercial and non-commercial

49:33

regulations or sign regulations is okay largely because of that distinction

49:39

between a type of speech and the same is true for government speech government speech is actually removed from both of

49:45

those it's it's a totally different set nobody's first amendment rights are

49:50

infringed upon when the government speaks it's not stepping on the toes of commercial or non-commercial and so we

49:57

do kind of create kind of three buckets if you will and that's consistent with case law in the ninth circuit and

50:03

nationally the differentiation between commercial and non-commercial

50:09

is different in one of the other circuits i'm trying to remember i think it's the second circuit but where we are

50:14

that's definitely the the law of the land and so what we do is we differentiate between the two of those

50:20

and and regulate from there okay very helpful thank you and just for avoidance of doubt those are the only

50:25

three buckets is that correct commercial government and everything else

50:31

um another great question i mean the way that i think about it i think it's

50:37

different than your question i like to think of temporary versus permanent signs i think those can be

50:44

unique scenarios if they're temporary and permanent and then also in the right of

50:50

way and not in the right of way but those are not differentiations in the in the way that you're talking about it

50:56

right now in terms of kind of protected speech but how you regulate

51:01

um does take into account whether it's temporary or permanent and whether it's in the right of way or not but again i

51:07

think those are different differentiations than you're looking for right now thank you

51:13

thank you um go ahead and proceed so i was actually done so there's great

51:20

timing for the for that question and so i'll pass it back over to allison and i'm of course here to answer questions

51:25

throughout great thanks thank you so i was just going to move into

51:31

kind of a high-level overview of the major changes that are included in the proposed code amendment um

51:36

i think as we go along i'm happy to take clarifying questions and then after we conclude this overview we can

51:43

get more into the details i know there's a matrix that i sent out to the city council earlier today

51:48

that answered a lot of questions from the council that came in over the weekend if if folks are interested we

51:54

can go through that in some more detail or if there's other questions um happy to do that as well

51:59

uh allison you have a question we have a few questions right now that's fine there's a question from

52:05

councilmember jacobson and then councilman renis

52:12

you're muted jake

52:18

uh this is a question from mr kinney uh as i read uh hear your remarks and read

52:24

the materials it appears to me that the new ordinance goes well beyond uh or deals with all the issues that have

52:30

nothing to do with the uh uh reid versus gilbert case or the curative actions that have to be taken

52:38

as mandated by that case is that correct you know i think i'd probably um you

52:45

know ask allison to step in a little bit but there are certainly some some uh recommended changes that are not

52:51

specific to the read case uh and allison can speak to that follow-up question and that would be it

52:58

would certainly be possible to uh have an ordinance that cures the reed

53:03

versus gilbert without going into a whole lot of details would it not

53:10

i'm sorry did you say and not go into other details and not attempt to clarify other issues

53:16

unrelated to read those which uh to which reid versus gilbert reaches

53:23

i mean yes i i think that you could identify and you know specifically

53:28

address the read issues um if you chose to thank you

53:33

councilmember niece thank you mayor um this is a question for allison as you move through this

53:40

presentation you know it came became clear to me this morning

53:45

when we touched on it that there are some components in the packet that are redlined

53:51

but they're actually not anything that was ever in the code specifically that section

53:57

talking about 10 feet from a driveway two feet from a curb two feet from the sidewalk

54:03

um that that was proposed language that maybe the commission struck yeah

54:08

correct yeah i'm wondering if you can just kind of speak to that and also the language that was struck but not in here

54:16

about 100 feet from a business door and is replaced with 100 foot from a

54:21

business and building entrance or something just so people could understand that

54:27

this document is maybe not a red line against the existing code as

54:32

much as maybe a working document yeah i think we discovered this this

54:38

morning when we were talking and i was aware of one of them uh after the packet went out um

54:44

but yeah i think what happened because we this was a working document that came through the planning commission and went

54:50

through you know multiple rounds of revision um there is at least one place in the

54:57

proposed code um it's on page the top of page four on the

55:02

copy i'm looking at uh where there was a section of code it speaks to minimum setback

55:08

requirements for public and private facilities and that was proposed by the staff and then later

55:16

removed by the planning commission in their discussion um it proposed some specific setback distances from

55:24

various things like driveways curbs sidewalks et cetera and the planning commission just chose

55:29

to go a different direction and they didn't feel that those numeric standards were appropriate

55:35

um

55:40

i wouldn't just i know that that was one issue that i had raised i think it's sort of covered in the matrix that

55:47

and so is the other item that uh councilmember niece has raised is that also something that

55:53

is also perhaps addressed in the matrix the second one is not in the matrix um it was relating

56:01

to a-frame signs for businesses in town center and i believe the existing code

56:07

has language that roughly says the signs can be replaced can be placed within 100 feet of the business

56:14

and the proposed code has more specific language um

56:19

i don't have it right in front of me but it's something about how the

56:24

signs can be within 100 feet of the main entrance of the building where the business is located

56:30

and so it's it's attempting to bring some more specificity to how the hundred feet would be measured

56:38

and i i don't think that the original code language made it through the track changes process

56:46

so maybe that's a question that needs to be asked of [Music]

56:52

mr hummel um as far as what the thought process of the planning commission was

56:57

yeah well that one was recommended by staff because in reviewing um

57:04

sign applications it had come up that it wasn't really clear um how it's measured do we measure from

57:10

the edge of the property where the business is located or the building or the door you know how do we measure the distance

57:17

in which that design can be placed and so staff had asked for a little more specificity there and then the planning

57:24

commission came up with the method for how that should be measured councilman bernice are you perhaps uh

57:31

looking for maybe thumbs up thumbs down on that particular change

57:36

well i think when we step through these changes if we get that far that we should probably discuss the unintended

57:42

consequence of the change it's just very difficult to do when you're not looking at the existing code language and then

57:48

the proposed new code language if we could have both sections so we know from where we're

57:54

coming from and going it would be easier so uh allison maybe you need to put the

58:00

proverbial pin issue back up so well we don't lose sight of it

58:07

um deputy mayor wyker yeah i just want to take us up a level and allison if you could speak to kind

58:13

of the work that the planning commission did i'm not sure dan's going to make it so i just want to remind us all that the

58:18

planning commission has run through this many times and in great detail with consultants all around and so i presume

58:25

they came up with a work product they're proud of and wouldn't need us to tinker with too extensively the planning

58:30

commission held three meetings on this topic and did extend extensively discuss

58:36

the the recommendation that's coming forward today um many of these meetings were several

58:42

hours long four to five hours long and so i we can safely say the planning commission spent at least 10 hours

58:49

discussing and deliberating about the recommendations that have come forward which they unanimously supported

58:59

okay if i may so i think i also still has um

59:05

uh a handful at least of slides to move through correct allison so maybe we could

59:10

we could forge ahead with those and then if there's questions along the way we could attempt to answer those and make

59:16

it through the slide deck here council if you would just hold your questions on what uh allison yeah so my intent here is to go through

59:24

the higher level view of the major changes and if you've got clarifying questions you can ask that but let's try

59:30

to just get through this and then we can delve into the more detailed questions

59:36

so i think i may have already said this but in addition to the read coming into

59:41

compliance with read we have also provides we have also asked the commission to

59:47

provide recommendations on um a few issues that have come up in

59:52

plan review the staff have noticed were either areas where clarification was needed or areas where the code didn't

59:59

address a issue or type of sign that is commonly requested

1:00:09

there we go okay so first i'll talk about the section of the code that refers to temporary signs and

1:00:16

this is probably where we've made the most extensive changes because as daniel was saying this is where the reed case

1:00:23

um most heavily aligned with the changes that were required in our code um so one

1:00:29

of the major changes is to shift to defining temporary signs based on the

1:00:34

type and materials rather than the duration of placement so rather than saying temporary signs are signs that

1:00:40

can be up for up to 90 days we're saying temporary signs are a-frames banners h-frame stakes

1:00:49

and you know they're made of materials that are meant to withstand the elements

1:00:54

but they're they're staked into the ground so they're easily removable um

1:01:00

and we've moved away from the time-based duration kind of regulations and that

1:01:06

has to do with some of the ways the reed case interacts with some existing state regulations and it also has to do with

1:01:13

just the enforcement it's very difficult for staff to track and and be able to observe and

1:01:20

document how long a temporary sign has been up and you know whether it's been moved or taken down and put back up it's

1:01:27

really impossible to enforce those kind of duration based regulations

1:01:34

secondly it removes the provisions related to political signs as they're content-based

1:01:41

and so political signs will now be regulated as a part of the regular temporary signs

1:01:47

they will not be a separate category of sign um it prohibits signs in parks

1:01:54

explicitly which was not in the code previously except for as permitted in the parks code and so the parks code provides

1:02:02

a permitting option for signs and parks and this is typically

1:02:07

used for what the parks folks call special event signs so when there's installations

1:02:13

related to an event or a monthly celebration or

1:02:20

something like that they're able to do it within the parks an example would be this past summer

1:02:25

there was a big juneteenth installation at mercerdale park that included several large banners and a number of smaller

1:02:31

signs that was an installation that was permitted through the parks department and allowed in the park

1:02:39

uh allison before you go on uh councilmember adderall yeah thank you are there any unpermitted

1:02:45

um allowances for signs in parks in the parks code

1:02:53

that that don't require a permit there are not um with the exception of

1:02:58

government signs those signs the city puts up or in the right of ways adjacent to parks which are open for posting of

1:03:06

temporary signs okay because well that because it's not the park right

1:03:11

okay thank you

1:03:16

um we've also added several provisions about the placement of temporary signs

1:03:22

clarifying they can't obstruct sidewalks sight lines bike facilities bus stops

1:03:27

and other things of that nature it also prohibits the signs in medians roundabouts and traffic circles

1:03:34

and i know some of the questions we had clarifying this it would prohibit signs in the medians like on island crest way

1:03:41

or on 78th in town center it also adds commercial off the

1:03:47

commercial office zone to the list of zones that allow temporary commercial signs it was unclear why this zone was

1:03:55

left off when the other commercial zones allowed this type of sign and so we just wanted to make it

1:04:03

bring it into alignment with the town center business and pbz zones which already allowed this type of sign

1:04:12

so that's it for what i had for the temporary signs for town center

1:04:18

um we've added an allowance for signs to be placed along alleyways and through block connections

1:04:24

so with the town center regulations that were adopted back in 2017 we uh created

1:04:29

this requirement for through block pedestrian um passageways yes and

1:04:36

it was it seemed that you know part of the intent of that was to create spaces along those passageways for retail um

1:04:43

and it made sense to be to allow businesses to put signs on those locations as well as on their street

1:04:49

frontages um we also added an allowance for a secondary wall sign on the primary front

1:04:55

edge of a business the thought here was that we wanted to allow things like atm machines or coffee

1:05:03

stands to be identified by a separate additional small sign on the face of the building

1:05:09

this is something that is commonly done on banks grocery stores and other

1:05:15

establishments like that and just wanted to create an allowance for something that is

1:05:20

typically already happening in many cases um

1:05:25

we also wanted to clarify that the 25 limit on window signs

1:05:31

applied to each tenant or business in the window area that faces the street so

1:05:38

window signs are allowed on 25 of the window area and we just wanted to make that clear that it was per business not

1:05:44

for the whole building um and

1:05:49

we also had a big discussion with the planning commission about the lighted sign provisions they had some interest

1:05:54

in the dark skies initiative and wanting to limit light pollution and we moved to uh just having some more

1:06:02

objective standards seeking to limit the brightness of the lighting just to what is necessary to

1:06:08

illuminate the signs and not to allow light to

1:06:13

escape beyond the face of signs when they're lit from the exterior

1:06:22

okay moving on to signs outside the town center there was a provision that helps to

1:06:27

clarify how these signs would be measured for all sign types and we added an allowance for lighted

1:06:34

signs that was the same as the one in the town center provisions and the thought from the planning

1:06:40

commission there there was kind of a variety of different regulations around lighting for signs outside of the town

1:06:46

center some places did not allow lighted signs some places only allowed signs with exterior lighting

1:06:52

and the planning commission didn't see a real distinction in the impacts of

1:06:58

neighborhoods between exterior lighted signs and interior lighted signs and they felt it was appropriate just to

1:07:04

use the same rules that they developed for the town center for other types of signs outside the town

1:07:10

center we also added an allowance for signs at neighborhood entrances and driveway

1:07:17

entrances for identification and navigation purposes um i'm sure folks are aware that it's

1:07:23

pretty common in mercer island especially along east and west mercer way to have these signs at the top of long driveways that have

1:07:29

either the the names of the folks that live down there or the address of the homes because they're

1:07:35

well down the driveway and difficult to find but these types of signs were not actually allowed by our existing code

1:07:42

and so we wanted to create that allowance and put in place some size regulations and placement

1:07:49

regulations for those signs finally we added an allowance for the

1:07:54

replacement of existing non-conforming signs so for

1:08:00

non-residential facilities that are located in residential areas like religious institutions

1:08:07

clubs other organizations like that many of them were built prior to the

1:08:13

incorporation of the city and they've had these existing signs that have been there for many many years oftentimes

1:08:18

they're non-conforming based on size or setbacks or other things like that

1:08:24

and these facilities are not able to replace the sign at its current location and size they

1:08:30

would have to move the sign off and make it a different size or shape to comply with

1:08:36

the regulations and so this allowance would allow them to replace

1:08:41

their sign um with in the same location and size of what it is now but with a

1:08:48

new sign rather than just repairing the old sign

1:08:55

okay the final thing is we added a definition of public art to the definitions section to clarify the

1:09:02

difference between public art such as murals and signs because public art is not regulated as a sign it's

1:09:09

totally separate beast and wanted to have a definition to be clear about what's different between

1:09:16

like a mural on the side of a building in town center and a sign for a business in that building

1:09:26

and that is the end of my overview and so at this point mayor i'll turn it back to

1:09:31

you and we could either just take general questions from the council or we

1:09:36

could move through the matrix of questions that came in prior to the council meeting i'll let you decide how

1:09:42

you want to manage this okay thank you allison so everybody should have received a copy

1:09:48

of the matrix um maybe should stop uh sharing or

1:09:56

any event and so i guess um i think frankly i looked at the matrix i

1:10:02

don't i think it actually will go faster than what it looks like because i think a lot of it is a lot of the things that

1:10:08

were asked or clarifying questions but perhaps at this time does anybody

1:10:14

have any general questions for allison or daniel before we weigh into the matrix

1:10:22

council member jacobson and then councilmember reynolds

1:10:28

it seems to me well my first question is uh in uh

1:10:34

0 2 0 6 the word director has been inserted or replaced code official

1:10:40

where is director defined um

1:10:46

i'm not sure where it's defined in our code um but it does refer to the community planning and development

1:10:52

director well it doesn't say that it does so how would why why couldn't i believe i believe

1:10:58

that it's defined somewhere in the development code i do not know the exact reference off the top of my head have

1:11:04

you looked at the definitions section uh 16.010

1:11:09

that includes the definition of code official which refers to the code official as the director of community

1:11:15

planning and development i don't believe you're correct in that my next question is isn't there an

1:11:22

arguable conflict between b1 and a number of other things such as

1:11:28

[Music] a5 under zero two zero

1:11:36

um could you be a little more specific i am not tracking the exact statements in each of those subsections

1:11:42

0 6.020 i says no signs in public parks does it

1:11:49

am i reading it correctly that's correct b1 under the same uh general section says

1:11:55

uh the uh are the

1:12:02

the non-commercial temporary signs are allowed in all zones

1:12:08

so i i argue that's a conflict who sorts that out

1:12:16

um well i think the the more specific provision would govern and so when

1:12:22

you're talking about prohibiting them in parks that would apply to two parks and then

1:12:28

the provision in b1 would apply to other non-park areas

1:12:35

well it says all zones okay it also says at the end jake i'm looking

1:12:41

at your v e1 it says subject to the conditions set out in subsection a

1:12:47

of this section perhaps not most artfully drafted but it looks like

1:12:54

that languages would take care or always address your issue

1:13:00

mr mayor daniel kinney's back on the screen i'd like to give daniel do you want to respond

1:13:08

you you actually just said what i was going to mayor is that subsection a is the general provisions

1:13:13

that are or apply across the board subsection b specifically refers to

1:13:20

uh the section a subsection a and says it's subject to those conditions and so we we

1:13:26

start with a and then we move on and see how other things may apply

1:13:34

council member rounds

1:13:44

councilmember yeah craig you're on mute yeah

1:13:50

that's not my dog fortunately um a couple of things i have a number of concerns but i won't go into those now

1:13:56

just kind of talk about questions the first one comes back to my question earlier about content again

1:14:02

um the the exception for neighborhood signs seems like a very reasonable one on its

1:14:08

face but isn't that regulating based on content

1:14:13

um i think it's based on location because it talks about uh signs that will be placed at the entrances to

1:14:19

neighborhoods or driveways so we can put other signs up there and

1:14:24

be okay i guess daniel did you want to jump in here

1:14:30

yeah yeah absolutely so so of the types of signs that do refer to

1:14:37

something like that this is one that you see often for safety reasons to know the community that you're in the building

1:14:43

that you're at the home that you're at et cetera and so of that very limited set of types

1:14:49

of signs that could pass trip strict scrutiny excuse me um that would be one that i think could work um and um

1:14:57

so that's generally what i like what i see with that type of regulation okay

1:15:03

and can you also just comment on this uh what the motivation is for and the

1:15:09

impact is of removing the definition of temporary signs as being signed as being

1:15:16

not being time based anymore um i'm finding that a little bit confusing

1:15:22

and for example i would never do this but would it allow a politician to keep

1:15:27

up a running for office sign forever and not you know long past the election

1:15:32

season so so this is a great question and um the topic and the answer is confusing so

1:15:39

i'm gonna do my best to to not be confusing because um it is a little bit challenging

1:15:44

um so what we have is we have uh the

1:15:50

read case that talks about content neutrality and these these temporary non-commercial signs being treated the

1:15:56

same no matter the content we also have a case in the state of washington that protects political

1:16:03

speech um and political signs um what's challenging about that is

1:16:10

when you layer the two together it doesn't really work right because you can't specifically protect and have

1:16:16

regulations for political signs even though the washington courts want that in a pre-read case

1:16:24

when you have this uh directive from from the supreme court to treat them all the same

1:16:30

so what we try to do is we try to create that bucket that will have all of these

1:16:36

temporary non-commercial signs within that bucket and then we treat that bucket in a way that that washington

1:16:42

court case doesn't get implicated and so rather than treating political

1:16:48

signs in one particular way because of the washington case we treat all temporary non-commercial signs in a way

1:16:55

that doesn't conflict with it i i appreciate that that's kind of confusing

1:17:01

and so i'm happy to dive into that further but what that means is that we try to create

1:17:08

restrictions on temporary non-commercial signs that don't step on the toes of either reed or the washington state case

1:17:16

call your case and one of the things that is very challenging is durational

1:17:22

limits for signs because you can't do so collier basically said pre-election

1:17:32

is open game after the election can have reasonable limitations on it

1:17:37

and because we can't do that just for political we have to create that bucket

1:17:43

um and so what we try to do is we try to have restrictions that actually are enforceable and for temporary signs and

1:17:50

this is kind of a related point to the to the time limits for temporary signs

1:17:55

it is extremely hard i've talked to a lot i've talked to a lot of code enforcement officials i presented at

1:18:00

their conference and talked to them afterwards knowing when a temporary sign was placed

1:18:06

particularly of those ones in the bucket that are political because they all look the same and so it's very challenging to

1:18:14

know whether that particular sign was in that particular location for any duration of time because it could be

1:18:21

a different sign it looks the exact same it could be 10 feet away it could have been removed for three days that you

1:18:27

didn't know it was removed there's just a ton of challenges and so having a set of regulations that applies

1:18:33

broadly to the temporary non-commercial signs beyond that is the focus of what we're

1:18:39

trying to do so to to clarify then or to pair it back if

1:18:44

i may i i understand the challenges of imposing a time limit on temporary signs

1:18:51

now that's very helpful am i correct that there is no time limit and i could put up a campaign sign

1:18:56

forever in this code is subject to the remaining restrictions yes

1:19:03

okay and that would similarly be true of a group sign advertising a garage sale or

1:19:08

or anything else that might be temporary in nature but nothing would stop it from being up

1:19:14

forever yeah i mean you know temporary signs are intended to be used for a limited

1:19:20

duration i know that doesn't speak to the actual duration but that's the that's the intent there's construction

1:19:26

of the sign to make sure that they're maintained in a a manner that doesn't create a safety

1:19:32

hazard and you know what we're seeing i have seen this in the last few weeks

1:19:38

there are signs that are remaining for prior political candidates out there

1:19:43

right now and they're being treated as essentially like you said an ongoing

1:19:48

political statement or campaign statement however you want to put it and they

1:19:55

the proponents of those signs are as adamant now that those signs applies apply as they did prior to the last

1:20:01

presidential election so i think we're going to see more of that i think there's going to be just constant political

1:20:07

campaigns if you want to call it that or expressions it's that's most unfortunate but we'll

1:20:14

talk about that later when we get into the discussion thank you

1:20:19

i guess i'm going to take a turn here um that is troubling i mean i guess um i

1:20:25

think we would all agree i understand what you just said daniel in terms of treating them the same but

1:20:35

what else can be done to encourage people to remove these temporary signs is there any other

1:20:42

recourse that we have tools in the tool kit because as

1:20:47

councilmember reynolds points out yeah there doesn't and as you've answered there isn't anything to prevent

1:20:54

whether it's campaign yard signs or any other signs from being

1:21:00

there for months years at a time and i don't think people are going to really

1:21:06

want to that's not a great answer saying that that's that's where i'll live with that so i'm

1:21:13

just curious whether or not you've seen in your discussions with your peers in this

1:21:19

whole area what else can be done and daniel may i just asked you as you

1:21:25

respond to this question can you talk about why setting that time limit is so challenging like  
if if the time limit is

1:21:32

two two months and i pick up and move my sign five feet i mean you already talked about  
the

1:21:37

challenges that code enforcement officials are having with duration but also the other  
silliness

1:21:43

that goes on um you know if i just move my sign five feet every

1:21:49

two months it's perhaps compliant i know you've had to tackle some of these things

1:21:55

i mean yeah it's it's i get where you're all coming from i i

1:22:00

unfortunately think about this way too much so i i do get it um so yeah i mean there there  
are a lot of

1:22:07

challenges the have seen some communities try to do

1:22:12

something with a very simple

1:22:18

permit approval or approval that really doesn't get staff time involved so

1:22:24

because you no community that i know of has has the bandwidth to do temporary sign permit

1:22:31

reviews or anything like that so but having some sort of online submittal to

1:22:36

say i'm going to put this sign in this location spits out a qr code or something like that that you put on the

1:22:42

sign that you can then go through with uh you know a device to read it a

1:22:47

cell phone or whatever and it'll tell you the duration and so you'd say this sign is good for 90 days and you get a

1:22:54

qr code and then you can go out there and do some enforcement using that based on

1:22:59

that duration but the pr the problem though is if you if somebody uses up their 90 days in

1:23:07

january because there's a some sort of

1:23:12

primary or something like that that they want to get ready for they're also going to have and i'm just using political as

1:23:18

an example it would apply across the board but if they want to use their 90 days there then they don't have their 90

1:23:24

days available to them at the general election so you really wouldn't have a provision that would say you can only

1:23:30

place a sign for 90 days it's just you can only place it for 90 days consecutively without getting the next

1:23:36

qr code the next short-term approval and so by doing that

1:23:42

you might create an enforcement mechanism that would be a tool in the

1:23:47

toolbox but again i don't think what you're you're not going to see um the ability to shut down somebody

1:23:55

from placing a sign and and and that's kind of what we're getting at is you know is there a tool

1:24:01

or a mechanism to really limit the signs and when you when you think again going kind

1:24:08

of back to the high level of what we're doing here we don't care what's on those signs so

1:24:14

whether it's a um you know a birthday party sign a political sign religious

1:24:20

sign you know an ideological sign as long as that's on itself not the content

1:24:26

but the sign itself is compliant with the code it's allowed to be out there and so what we what we don't want to do

1:24:33

is say well we don't want um an ideological sign related to a

1:24:39

specific day that's in whatever month to be up six months later

1:24:44

because it's stale at that point in our eyes we we as the as the city don't look at

1:24:51

the content we just simply say is it still safe is it located in a place that's you know permissible et

1:24:57

cetera et cetera with you know as of subsection a all the different regulations for

1:25:03

okay so okay uh i know councilmember reynolds or your hand is down you know i don't know we

1:25:08

can talk about this over and over again for ad nauseam i think i councilman reynolds i was trying to bring this one

1:25:15

trying to land it a little bit go ahead just just a quick follow-up i hope which is

1:25:21

is there a precedent are there other communities who have tried to solve this problem by just saying we're not going to allow signs other

1:25:28

than commercial or government signs and and would that pass constitutional muster because i certainly i i look at

1:25:35

the campaign signs and i view them as perhaps arguably a necessary evil but they're certainly ugly and i don't want

1:25:40

them there all the time nor do i want garage sale signs or other signs up all the time can we avoid it by disbanding

1:25:46

them all well so i i appreciate you uh with your secondary question there at the beginning

1:25:52

no i would not recommend that from a legal perspective the both in washington political speech

1:25:57

is protected free speech is protected under federal law and state law in

1:26:03

traditional public forums those being things like the parking strip sidewalks etc and so we don't have the ability to

1:26:11

just do a blanket ban on what would otherwise be first amendment protected speech and so what we're trying to do is

1:26:17

create a set of regulations on that speech that are time-placed manner restrictions those are

1:26:23

restrictions that are subject to intermediate scrutiny again if you just think about it time placed

1:26:29

manner you have to cross this hurdle to allow those regulations content-based you have to cross this hurdle to get

1:26:36

those regulations supported in court so what we're trying to do is get as many time place manner restrictions that we

1:26:43

can support that control and kind of put perimeter around

1:26:49

these signs and how they will be placed without um

1:26:54

getting too too into the content based counselors again as a first reading

1:27:01

i'm just wondering whether or not there's any consensus to perhaps ask city manager ask legal

1:27:08

counsel to look at this issue a little bit more in depth to see if there's any other

1:27:15

what change what recourse we might have i mean obviously i think there's a concern raised about

1:27:20

having these temporary signs out there for months at a time uh it's your

1:27:26

council member nice i know you have your hand up so uh i'm just looking to see if there's a so i'm i'm starting to understand um

1:27:34

the work plan because as alan allison said the top page four there were these

1:27:40

uh restrictions where signs could and couldn't be and that probably would have gone a long

1:27:45

way to speaking to this uh if if you can kind of control where

1:27:52

temporary signs could be placed you may have a better control of the situation getting out you know really getting wild

1:27:57

on you i always told the planning commission didn't want this language in because it was too restrictive

1:28:03

but it was really the only restriction against this lack of having any time base so did they understand by removing that

1:28:10

text the top of page four that they were really just opening the island up to

1:28:15

year-round permanent signage temporary signage

1:28:20

yes they did they definitely understood that we talked about this issue extensively with them as well when um commissioner

1:28:27

hubbell is able to join i'm sure he can speak to some of the different opinions we heard from the commission

1:28:34

there was definitely a wide range of thoughts on these types of issues in

1:28:39

terms of you know how to regulate how how to regulate time place and manner and what

1:28:45

the the goal was with these kinds of restrictions i think some commissioners

1:28:50

felt um we should have as many opportunities as possible for folks to express speech

1:28:57

through signs and other folks wanted to more severely restrict the places where these

1:29:02

signs could be placed because of the visual clutter that they create in the island

1:29:07

okay well to your question mr mayor i would support additional efforts to

1:29:13

uh try and put some controls around this is there a general thumbs up on i see

1:29:20

there's enough there's five c4 so city manager

1:29:26

we have other things that we want to take a look at this issue which is a significant one

1:29:32

mr mayor i i guess i i need to ask for some clarification i understand

1:29:37

that there's frustration are you asking us to put together a list of alternatives for you to consider

1:29:44

i i think so i i see the chair from the planning commission is here now but

1:29:50

before turning this over and he's asking dan to comment yeah i think so i think we're looking

1:29:56

for options i think we've heard a fairly broad consensus that people are concerned about the possibility of these

1:30:03

temporary signs being out there for an extended period of time we're not trying to

1:30:10

change or distinguish on content it's just the duration and how we can control

1:30:16

that so that's the concern so whether or not it's reinserting these uh setbacks if that's

1:30:24

the way to go maybe that's the way to go but perhaps if daniel can [Music] through his research can

1:30:31

look at other means um i think we would want to see what those options are so

1:30:36

okay well yeah we'll we'll we'll bring that back i

1:30:43

i think you're you're realizing though this there's not a magic unicorn so i think what we in respect to schedules

1:30:50

this evening i know daniel kinney has to be at another council meeting at seven o'clock uh and uh our planning chair just

1:30:56

arrived so we'll come back and we'll do a kind of a more thorough presentation on some

1:31:01

alternatives that you can consider recognizing that this one is um particularly challenging and and i see

1:31:08

the planning chairs here now so i will conclude my comments at that thank you mr hubble i don't know if you

1:31:15

caught wind of some of this recent discussion um but i want you to take

1:31:20

this opportunity to sort of tell the council the thoughts of the planning commission during this

1:31:28

process of um co-development uh yeah uh and my apologies uh mr mayor

1:31:37

and uh council i had a a medical appointment that i was unable to to move this evening so uh my apologies for for

1:31:44

my delay in arriving um i don't know what you've uh uh covered and what the discussion has been um

1:31:50

thus forth uh so i i can certainly give a dissertation but it might be better if

1:31:58

you have any questions directly i don't want to rehash anything maybe that you've gone uh gone over already

1:32:05

well i know time is running and perhaps the thing that we were spending quite a bit of time on

1:32:11

the issue of duration and the fact that the concerns raised by council members

1:32:16

about the possibility of temporary signs being out there for an extended period

1:32:22

of time and noted that some of the language that was deleted

1:32:27

including the minimum setbacks was perhaps done with the knowledge that it might in

1:32:34

fact result in these signs being out there for an extended period of time i don't know if

1:32:40

that's correct but was that discussed in terms of by the planning commissioners

1:32:47

yeah we did actually have a pretty extensive conversation around duration and i think we wrapped ourselves around

1:32:53

the same axle you probably are finding yourselves wrapped around um because it's not an easy

1:32:59

uh it's not an easy problem to solve where i think we

1:33:04

ultimately landed on this is um in the conversation of duration

1:33:11

uh the question of enforcement came up as number one so

1:33:17

how do you actually go and enforce do you know who planted it

1:33:22

when was it planted we would have to catalog and categorize if a sign was

1:33:27

moved two feet down the street is that a new installation or not

1:33:34

uh and and so we ran the the drain on that for a long time

1:33:39

ultimately we concluded that uh especially in the case of you

1:33:44

know everyone likes to talk about political signs um but as we concluded we

1:33:51

uh came to the mind that there are i think some

1:33:56

general uh guidelines that if i recall are in uh

1:34:05

that are in here around uh placement you mentioned the setbacks i think part of why we struck that

1:34:12

language and allison if you can recall i believe part

1:34:19

of the reason why we struck that language is we actually made the placement more restrictive in

1:34:24

another place and the two working together would have

1:34:30

basically made it near impossible one caused one set of problems and one

1:34:35

caused another set of problems and so the compromise was having actually more

1:34:40

restrictive placement overall and where you could put it for example not in medians

1:34:48

close to intersections and those sorts of things but if you look at some of our sidewalks for example in the town center

1:34:54

the setbacks mean that the signs would actually have to be on the sidewalk and couldn't wouldn't be

1:35:00

uh in a place that actually would have been more appropriate for the sign to be

1:35:05

so um allison uh correct me if i've missed anything but but that is my recollection

1:35:12

of that half of i recall that one of the commissioners pointed out that the recommendation had a two-foot

1:35:18

setback from the curb and a two-foot setback from sidewalks and so if you only had a four foot wide planting strip

1:35:25

you could not place a sign there and they thought that might be overly restrictive and would really reduce the

1:35:31

amount of areas where signs could be placed around the island and we did have

1:35:37

right above that section under a

1:35:43

7 8 9 10 there's a bunch of other regulations that you referred to about the places where they're

1:35:50

prohibited including the the sight line triangles of intersections roundabouts medians um

1:35:58

and then there's a whole section about bike they can't impede bike facilities bus stops things like

1:36:05

that so there were other regulations that are not numeric but

1:36:11

got to that same sort of intent of trying to address some safety concerns and also

1:36:17

reduce um the places where you could put signs okay council member nice

1:36:26

yeah first commissioner thank you for your work on this um obviously it's a heavy lift and we

1:36:32

appreciate the the many hours that went into it i wanted to ask you if you guys talked at all about a permit system

1:36:38

any sort of permit that could have i know the city doesn't want to get into the business of trying to regulate

1:36:44

permits on these but if if there was a way to do it would that not kind of

1:36:50

answer these questions um i believe we brought it up in so

1:36:57

much as it was uh pretty quickly dismissed i think on the grounds that you just mentioned if you

1:37:04

think about the number of signs that we do have around the island if you

1:37:09

think about real estate signs and garage sale signs and all of the other things it was a

1:37:15

question of how much of an imposition do we want the code to be on people who are

1:37:20

actually just trying to participate in the community with the things that they might do on a weekend

1:37:26

with the recognition that 99.9 of the people that do use temporary

1:37:33

signs on the island do so in a very respectful way to their neighbors

1:37:39

and to others and so we sort of i think the conversation ended on let's

1:37:44

not try to solve a problem that doesn't exist and um even as it

1:37:51

attaches to political signs and we do see a number of them around the island which is where most of the conversation

1:37:57

landed for the most part uh we haven't seen that there has been a

1:38:04

problem that would have necessitated uh permitting and so we spoke about it briefly enough to move past it

1:38:11

yeah and so my thought on it and obviously i'm reading the tea leaves from my council members but

1:38:16

you know there's concerns that we may create a problem with the new sign code because we are taking things out that

1:38:22

used to say remove these 48 hours after election and things like that

1:38:28

you know if you created a permit system for anyone wanting to place more than five signs you would remove a huge

1:38:34

portion of what you just kind of said would be problematic and implement all the realtors are limited to four

1:38:40

you know if you had some smart threshold you could probably reduce your volume by 90 percent

1:38:47

uh you know was it dismissed just because there wasn't a lot of discussion about how to implement it in

1:38:53

a way that creates the least amount of work but the most amount of protection

1:38:58

uh i i'll get back to the comment that uh it was mostly not uh brought up in that

1:39:06

we didn't feel that it was a problem that needed to be solved and i do get that you're uh projecting um you know the potential

1:39:13

of introducing uh poor behavior uh with some of the language being um

1:39:19

taken out but we we didn't take that um that light okay thank you commission

1:39:24

so so again maybe that thing is a this permit may be

1:39:29

requiring a permit may be an option that should be taking a look at by

1:39:35

daniel and the staff i guess that's just another option um

1:39:40

jeff thomas how did you come on the screen so did you want to weigh in just briefly to the the idea of a permit

1:39:47

program for this type of signage i've had those discussions with

1:39:52

uh multiple other city councils before and it's

1:39:58

you know it becomes a program that needs to be funded um it doesn't pay for itself

1:40:03

often it doesn't bring in anything uh because it's a it's a program that doesn't charge anything so

1:40:10

i mean that that's a big that would be a significant discussion to have with this city council and certainly one that we would want to

1:40:17

um but if at council's direction

1:40:23

put some significant uh preparation into and have that dialogue with you so it's

1:40:29

um it's not free let me let me leave you with that thought so thank you

1:40:35

um and daniel kenny you want to before we go to

1:40:41

uh councilmember jacobson do you want to weigh in yeah just just real quick i just wanted to point out that the current sign code

1:40:48

actually only really speaks to the duration for for political science and

1:40:54

saying that it's in uh a6e for for reference but it basically just says a temporary sign

1:41:00

other than a political sign may only be erected for a maximum of 90 days during a 365-day period this is your current

1:41:07

code not the draft current code um so um again in speaking to

1:41:13

you know is this an issue that the city is facing are you trying to fix something that's not present you know for from a

1:41:20

political science standpoint you don't you don't have that out there right now as a regulation and so i don't think

1:41:25

you're deviating from status quo in the way that maybe it feels like you are given that you don't have that in

1:41:32

there so i just wanted to kind of identify that thank you councilmember jacobson

1:41:40

this goes in a somewhat different direction and i've looked through here and i have not seen language that would

1:41:47

to the effect that uh the person or entity

1:41:52

uh was the beneficiary of the sign is responsible for its removal and that might be an encouragement to um

1:42:02

people to remove the remove temporary signs i know there have been times when that's been troublesome

1:42:08

i caught my constituents report uh it was okay to have these things during the campaign and there certainly

1:42:14

is a provision you could require somebody to remove it but it's also uh not always easy to find the person who

1:42:21

put up you know smith for city council signs or get a hold of smith so

1:42:27

i think that would that would be something that would speak to our constituencies um in conjunction with

1:42:33

it's a

1:42:39

it's zero 12 zero uh a12

1:42:46

a doesn't that get to the threshold

1:42:53

limit that we can't address well it simply says that somebody's

1:42:58

responsible for removing doesn't say when daniel

1:43:06

i'm i'm trying to find what the where the reference is here sorry you

1:43:12

you said a12a which is the signs in the right-of-way signs may be placed adjacent single-family only with

1:43:17

permission of the property owner right my point is that

1:43:25

when it comes time for removal

1:43:30

the party that places a sign is uh responsible to removal or the

1:43:35

beneficiary of it so if joe's shell station puts up a sign if the

1:43:41

issue ever comes about removal that joe's shell has to get that thing removed or

1:43:46

or joe smith for city council or something like that and that that i think would respond to

1:43:52

the constituents i've heard who uh who say it's tolerable during election periods of time but after that

1:43:59

you know i mean this stuff looks like garbage a lot of people don't take their signs

1:44:06

okay um you know it's getting the hour is getting late and there's still a lot to go through on this

1:44:12

these proposed uh changes and i'm going to suggest that maybe allison you would lead us

1:44:20

through the matrix and i did a first watch after a quick look and there's a lot of no action as far as i can tell

1:44:28

because a lot of the comments from councilmember reynolds and myself were clarifying questions which

1:44:35

staff has answered so i don't think it's going to take us that long but i've been wrong before

1:44:42

but if people are willing to do that let's proceed and

1:44:47

finding chair mr hubble thank you for for being here and please uh stay with us if you have

1:44:54

time uh you might be able to weigh in or at least elucidate on some of these

1:45:00

proposed changes that are in the matrix i don't know if you have a copy of that but um i think it'll be on the screen so let me

1:45:06

go ahead and proceed uh go ahead alison all right let me share my screen here again

1:45:17

and i guess i should make this a little bit bigger probably

1:45:25

all right are you able to see that yes

1:45:30

all right so this is kind of a compilation of quite a few questions i think there's

1:45:36

about 35 that came in from mayor wang and council member reynolds over the weekend i've organized them in order by

1:45:44

code section so um hopefully you can follow along in your copy of the code to

1:45:50

get a little more context as needed the first one here refers to the

1:45:55

temporary sign section under subsection a3 and

1:46:01

the question was about um impeding sight lines

1:46:08

and i referred to the subsection in a9 that includes language about the

1:46:14

clearview site triangle of intersections and prohibits temporary signs in those places so

1:46:20

that is intended to keep signs out of those sight line triangle

1:46:26

um right around basically just the area around an intersection yeah and instead of going through these

1:46:33

in such great detail i mean i there's a number of them like for instance that number one to me it's a no

1:46:39

action it's basically correct you guys clarified a question that i had so so

1:46:44

would you like me to just go through the ones that had a recommended um change code revision

1:46:50

you know for instance number two maybe we should ask councilmember reynolds are you satisfied with the response is that

1:46:56

again simply a clarifying question you had if you can just confirm bicycle

1:47:02

facilities when i read that the first time i thought it meant like bike racks for example would it include bike paths

1:47:08

and sidewalks would those be considered bicycle facilities yeah the intent there was to include things

1:47:13

like bike lanes bike paths bike racks other kinds of bike parking all of those

1:47:19

facilities that are used by bicycle riders okay i'm okay then

1:47:24

uh mayor if i might uh i had i had a similar question number one that i i

1:47:30

needed clarification on um allison when we talked this morning we talked about a site triangle can you explain to the

1:47:37

council what that is and what skills are necessary to identify a specific

1:47:43

intersection site triangle yeah this term that is used here this clearview site triangle i believe as an

1:47:50

engineering term um when our our civil engineering team looks at development

1:47:55

plans that's what they're looking for to make sure that there's clear views like say in a

1:48:01

turning action coming out of a driveway and um i believe it's actually calculated

1:48:07

specific to the context of the intersection depending on you know the angle of the roadways and whether

1:48:13

there's hills and things like that and it's just making sure that you've got adequate sight distance to make a

1:48:18

safe turn so it's clear it's clear that no layperson will ever determine this uh

1:48:24

with any sort of uh certainty but yeah we're trying to have them

1:48:30

determine it because they're placing their signs it did maybe this is a question for the commissioner but did you guys discuss

1:48:37

this and think of any other way like you know you you routinely see signs no parking

1:48:43

within 30 feet of an intersection could we have just picked 30 feet

1:48:53

your microphone's not on dan there it is i gotta push the button uh

1:49:00

yeah if that was a question for me uh councilmember niece uh i would say that we did talk about it and i think to the

1:49:07

context that um allison sort of said that every intersection really does have

1:49:12

unique circumstances quite frankly we don't have the two things that we felt were going against us as one is that we

1:49:19

are um as an enforcement body as a city typically a complaint based enforcement

1:49:26

mechanism um so that was number one and then number two

1:49:32

was uh given the context that every intersection in the city is very

1:49:37

different given the curvatures and the driveways frankly we could not think of another

1:49:44

way other than using the standard language that we use elsewhere in our code

1:49:52

but i agree with you that it is it would be difficult for anybody to understand what that means

1:49:57

yeah so just to put this one to bed it's clear that we're creating a reference that the

1:50:02

general public and layperson will not be able to adhere to and that we're going to rely on complaints and then an

1:50:08

engineer to come out determine a sight line or maybe they predetermine sight lines for these things

1:50:14

so that the sign could be removed like that's the approach that we're choosing to take here

1:50:20

or is it possible to actually insert some of

1:50:26

simplistic definition for this uh clearview site triangle

1:50:34

well that's a great point maybe we just move on from there and see what comes back at the second reading yeah yeah

1:50:40

again alison you can just note that maybe think in terms of a definition okay

1:50:45

all right um [Music] i'm going back and looking at this uh

1:50:51

number three that i'm fine that's uh again a clarifying uh

1:50:57

response my question okay

1:51:03

i don't like the answer to number four but i accept it and understand it well number four i think it will we'll come

1:51:10

back to it i mean that was we spent a lot talked about that one duration yeah

1:51:15

um number five thank you for clarifying

1:51:21

um [Music] number one again mr hubble you're there so i guess

1:51:29

talk to me about this uh increasing this square footage science

1:51:34

i guess from six feet to nine feet

1:51:43

yes just trying to click my button um we were uh

1:51:49

provided the um if you're thinking about sandwich board signs in front of our

1:51:55

businesses in the town center with lunch menus and uh those sorts of things um nine

1:52:01

square feet is the size uh would be the surface area of both

1:52:07

sides of that sign so that was the the where that metric came from so if you look at an a-frame

1:52:14

uh sort of sandwich board type of sign that you would typically see in the downtown

1:52:20

uh area uh that was the the number that we were told is the

1:52:25

size that would encompass the the calculation of the sum of both sides

1:52:32

okay all right and again not being able to distinguish between

1:52:38

a restaurant sign and another sign we have to pick a number okay

1:52:44

uh councilmember andrew

1:52:50

thanks yeah so i'm not understanding then is this sign

1:52:57

it is gonna be bigger though than what's permitted now i mean it's going up from six to nine

1:53:07

yes so so you're saying that there are all the a-frame signs that are in town right now are already non-compliant

1:53:14

and this is just we're changing the code to make the non-compliant science compliant

1:53:21

i believe that was a concern that was raised by one of the commissioners she had looked online at what is

1:53:27

commercially available you know kind of pre-made a-frame sandwich board signs and what size those

1:53:33

were and she felt that the majority of those that were easily available exceeded six square feet

1:53:41

and so she didn't want to create a burden some requirement where people would have to have custom-made signs okay a little

1:53:48

persian face i mean what what does that actually mean is doesn't that mean each side

1:53:54

or yes it's it's nine feet per like if you

1:54:00

have a two-sided a-frame it would be nine feet on each side

1:54:05

wow that seems big um it's three by three in

1:54:12

in in practical terms right but i mean that they're taking up space on the sidewalk and so i have real

1:54:19

concerns with increasing the space to that particularly with the sidewalks

1:54:24

that we have that are often um [Music] you know in some cases narrow and in

1:54:30

some cases buckled up by tree roots and in um yeah i'm

1:54:38

not i'm not i just have to go on record saying i'm not in love with this change but um

1:54:44

have we talked to the business community about this does they are they is there a demand for this

1:54:49

we did not specifically reach out to businesses as a part of this amendment process though one of our commissioners

1:54:55

is a business owner in the town center and he was able to provide some commentary on these types of issues

1:55:07

okay yeah i all right maybe i need to save my comments for a little bit later but it does seem like

1:55:15

input from businesses for what would be helpful to them um

1:55:21

would be valuable some businesses and i love the a-frames other businesses may be feeling like

1:55:27

their their neighbors a-frames are impeding access to their doorways i don't know i mean

1:55:33

it's because this is all new and we don't have input um

1:55:39

i'm feeling a little bit like i'm make we're making changes that

1:55:45

i'm i'm not sure or warranted allison are you aware with the

1:55:52

may i interrupt um just because of our outside counsel daniel canyon's availability

1:55:58

um it's going to be seven o'clock soon so if any of the council has any last quick

1:56:05

questions to daniel um and if not if we could excuse him

1:56:10

so he can attend the other council meeting that he has scheduled

1:56:17

can i ask the annual quick question daniel for the

1:56:22

for the process of issuing a permit can you regulate that somebody issued their own permit by writing on let's say a

1:56:29

sticker or a portion of their sign the applicable information that they you

1:56:36

know who they are when they place the sign when they plan on removing the sign like is that

1:56:41

allowable to create a permanent process where there is no city staff it's kind of a

1:56:47

self-issued permit yeah i mean you know i probably wouldn't

1:56:52

describe it or think of it as a permit process more of a self-certification or something like that i think when you

1:57:00

add all of that information um even the most well-intentioned folks probably

1:57:06

won't do it but they're i think we can you know i'll i'll work with staff to come up with

1:57:11

some ideas that kind of head that direction that we can kind of vet a little bit and bring back to you

1:57:18

um with some some way whether it's an auto generated number or qr code or something

1:57:26

that's possible but i think that the the thing to be mindful of and i know i've said it so i won't belabor the point but

1:57:33

you know enforcement um is time and money it's resources on the city and so

1:57:39

even if you have that information you have to have regular enforcement that is put into the

1:57:45

community to look into that but we'll build on that and of course

1:57:50

first of all thank you for your kindness and letting me attend and then and then leave now i do apologize for

1:57:57

that it was a pre-existing commitment that i have here at seven um for another council meeting so i but again i do

1:58:03

apologize you're having a very robust conversation i will be working with allison following this

1:58:09

and and of course with bo and so if you do have any follow-on questions that i can contribute to they'll take those

1:58:16

questions down and we'll make sure to get you full and complete answers so that you have that available to you

1:58:21

while in advance to your next meeting and so um i appreciate you letting me attend tonight and i do apologize for

1:58:27

having to leave thanks a lot daniel appreciate your time thank

1:58:33

thank you daniel

1:58:39

councilman council member reynolds you're on mute

1:58:44

thank you i actually one of my questions was for danielle but maybe i'll catch b.o on that one later

1:58:50

but i just uh first i just want to get a council member andrew's last comment about being

1:58:55

concerned about the sandwich boards blocking the sidewalks isn't that covered by section a4 that

1:59:01

says the sign must not obstruct the sidewalks am i missing anything else

1:59:07

it does address that concern okay thank you but my question for bo if i can quickly sneak it in is

1:59:15

recognizing that daniel said we can't ban non-commercial non-government signs

1:59:22

and recognizing it might be difficult to enforce could we impose a fee of a dollar per week per sign to have a sign

1:59:28

up or something similar you'd have to have a reasonable basis

1:59:33

while you're imposing the fee not just because you want to make money out of it but if it's a fee is related to a permit

1:59:39

that you're requiring and and it justifies the work that the government entity has to

1:59:46

uh conduct in order to issue that permit then yes but not just a blank blanket

1:59:51

fee that would not be permissible so so a fee for the express purpose of limiting the number of signs would would

1:59:58

not be acceptable i'd take it that would not be acceptable okay thank you

2:00:04

again uh just be over perhaps as you uh take a look at that issue that councilman reynolds just raised

2:00:12

it'd be helpful if people want to go that route what what needs to be what do we need to do

2:00:18

to justify the issuance of the theme okay online why we can't do it back be

2:00:25

curious under what circumstances could you do it okay so anyway uh

2:00:32

all right so let's go continue on uh allison i think we're at number uh

2:00:38

we're still on number five i guess no i'm sorry number six now um

2:00:46

you know this okay this is this is my question i guess just just an initial thumbs up thumbs

2:00:52

down i raised the issue about whether or not these signs should uh

2:00:57

we should require that these signs be made with recyclable materials or compostable materials

2:01:04

the answer is i guess we can do that but obviously there are issues so i don't know where the council is on this

2:01:11

issue whether or not there's any strong desire to require uh customer

2:01:16

rentals i i just confess i don't know if it's possible to make durable signs that are

2:01:22

recyclable or compostable if it is i'm wholly in sport of that but i don't want to legislate something that can't be done

2:01:28

okay councilman i'm deputy mayor wyker yeah and i'm going to go back to the enforcement costing time and money that

2:01:34

we don't necessarily have so i'm not in favor of this until we know if it's practical

2:01:40

okay uh anybody else want to weigh in otherwise it sounds like it's it's dying on the vine

2:01:47

um okay so let's move on then

2:01:52

okay number seven number seven this was council member

2:01:58

reynolds i i'm comfortable with their recommendation if they feel that it

2:02:03

addresses the concern i think that just clarifies i mean it's not necessarily

2:02:09

necessary but it's a simple revision that would make it very clear thank you

2:02:15

unless anybody has any objections that change will be incorporated number eight

2:02:21

another clarifying response so thank you [Music]

2:02:28

number nine

2:02:33

alison i think you've clarified that i mean i guess in my opinion it's still unclear to me what

2:02:39

interference necessarily would mean but it sounds like you guys are interpreting it

2:02:44

a certain way so i'm going to go with that in terms of sort of boundaries or the parameters

2:02:51

that you guys put on that okay okay

2:02:58

10 has been addressed we can skip that okay uh

2:03:03

number 11. again it's been addressed so thank you

2:03:08

so as long as the public know how this is in complaints how they need to be filed

2:03:18

okay number 12. i think i looked at it i'm fine with your responses

2:03:24

okay i don't think there's any action there 13.

2:03:32

again we've talked about the eight frames so this is um

2:03:40

is this the one that uh councilmember niece raised regarding the 100 foot

2:03:45

it's sort of related um so yeah i think the section he was talking

2:03:52

about might be in the town center code but they're both related to a-frame

2:03:58

signs this section talks about how

2:04:04

commercial temporary signs specifically a-frames are only allowed on property that's owned or controlled

2:04:11

by a licensed business oh yeah but this one yeah this one does have one it shall be located within 100

2:04:18

feet of the primary street level entrance of the building in which the business

2:04:24

displaying the sign is located so this is the one that counts memories okay

2:04:29

thanks for clarifying and so can i can i ask the commissioner of the question now that we got here to this point

2:04:35

so commissioner the the code was changed from 100 feet from the business entrance i understand

2:04:41

but i don't have the citation because it's not in our packet to 100 feet from the main entry of the building

2:04:48

i understand the staff is trying to solve the problem of measurability having a defined place to measure from

2:04:54

but what you've effectively done like you what what this passage would do is allow any business on any floor of

2:05:02

any building to now place an a-frame sign within 100 feet of the entrance of

2:05:08

that building so if you have a building like the globe building or or it's going to be a building town

2:05:13

center but you have the one office high-rise of the farmers every business on any floor would now be

2:05:21

able to place an a-frame sign 100 feet from the ground floor entrance saying cpa doctor dentist the lawyer

2:05:29

you know you could see all sorts of signs that wouldn't necessarily be there with this change was that intended or

2:05:35

unintended can i just clarify i don't think i think that is the case currently i don't think

2:05:41

this changes who can post the signs it simply changes how we measure it and now

2:05:46

that i'm looking at the provision on my screen which i wasn't when we spoke earlier council member niece um

2:05:52

i think what's hearing track changes is accurate the the new language that was added did not replace anything else previously

2:05:59

this section read shall be located within 100 feet of the business displaying the sign

2:06:05

and so all that was added was within 100 feet of the primary street level entrance of the building

2:06:11

in which then so if the business was on the fifth floor on the opposite side of the main

2:06:17

entrance it probably was ineligible but now is eligible i think it was just unclear before how

2:06:23

we were supposed to measure what it meant a hundred feet from the business was it from the building the property the door

2:06:30

the actual entrance to that office i understand your point i just want to make sure that we understand we are

2:06:37

creating a new class of people eligible to put signs out that weren't before

2:06:44

from the staff perspective i think we would have allowed those signs before so i don't think it's a change

2:06:50

but the code didn't and that's what we're doing here is updating the code it's not what the staff would or

2:06:56

wouldn't do it's what the code allows by making this change we are creating creating something that does not exist

2:07:09

yeah i think that's correct i mean i think with a change in the code language i think it does change things

2:07:15

um the question is whether that's good or bad so yeah i mean just sits the question was

2:07:22

posed to me i think originally and and i would say uh councilman bernice we were not thinking of it in the terms

2:07:28

that you were i think the code being silent on where it was being measured from would

2:07:35

have led to at least our interpretation of it which is why we wanted to draw clarity

2:07:41

uh and i do believe that like you're raising a good point around what that might look like when you're more

2:07:47

specific about it i think if someone were to challenge it when we looked at the code it was silent

2:07:52

therefore it most likely would have been allowed that's typically what happens when the silent when the code is silent

2:07:58

on something like this and so um we were just trying to bring some clarity to that

2:08:04

um so if you've got a different way of addressing that i think you could do that we did not

2:08:09

um see it as a change in opening something up it was strictly as uh as allison indicated it

2:08:17

our conversation related to just creating clarity to how it was measured

2:08:23

with the view that the current code would have in

2:08:29

its current form allowed it to happen right well i'm sure when it comes back for second rating staff will apply some

2:08:36

sort of options to this so when it does come out for the second

2:08:41

reading are you envisioning council member nice are you envisioning a different language or optional

2:08:48

language for us to take a look at or do we need to get a kind of a thumbs up right now from the council whether or

2:08:53

not they like the change that's being proposed or

2:08:59

i think staff could use some guidance on you know if a different language is

2:09:04

desired what direction that should take well let's just see if there's enough

2:09:09

consensus with the proposed language here if people are somewhat happy with it let's

2:09:16

just thumbs up i can't see everybody's thumb so i mean hopefully

2:09:21

deb or somebody can so who's um who would be in favor with the language

2:09:27

proposed by staff and by the planning commission who's okay with that language

2:09:36

we need to stop sharing the screen to see everyone okay let me do that

2:09:43

okay again i'm hoping everybody knows what section

2:09:48

we're talking about but uh i'm not gonna assume that's the case who's okay with what is proposed right now

2:09:56

okay i only see three dave i can't see your thumb or your

2:10:03

no but it's not up it's not i'd like to see i'd like to see some more options okay so okay that's fine so

2:10:11

uh let's see if uh allison if you can come back all right so can we be clear

2:10:16

about the problem we're trying to solve with this it's not having a clutter of signs outside of one building with multiple businesses upstairs

2:10:23

that's the specific issue or concern that might occur should we're not more careful in the code language

2:10:31

yes effectively we're we're trying not to create a problem that doesn't currently exist which is any any

2:10:39

i mean we're trying to avoid science if you could just say 100 foot from the

2:10:44

business and then find a way to define where the business is then you wouldn't create this problem

2:10:50

but by doing the main entrance you create the problem i don't mean specifically you this language right no

2:10:55

no i get it and so the problem is and we're going to have a race to get signs for a problem we don't currently have so as you try to figure out the language

2:11:02

good luck with that thank you yeah thank you so are we seeking to

2:11:07

limit which businesses are eligible for a-frames or i think that's the smartest

2:11:12

choice is we should really know by talking to the merchants who who really needs an a-frame and it does

2:11:20

some good and try and make deliver that to them not

2:11:25

a dentist or a player on the fifth floor and not regulate the requirements so we can't determine signage based on content

2:11:33

yeah i mean i really think that talking to the merchants in town center is the key to this you know we we need to

2:11:38

engage them most notably the ones in the tall buildings okay councilmember

2:11:46

yeah thanks i was just going to comment that you know this provision kind of coupled with my

2:11:51

concerns about the larger size of the a-frames and even given council member reynolds

2:11:58

um notation that you know you're not allowed to obstruct the sidewalk but what you know one at what point i mean

2:12:05

if there are three signs and they're not obstructing the sidewalk and the fourth one comes in and they're all gigantic

2:12:10

and then all of a sudden they're all obstructing the sidewalk i mean how are we going to decide on this

2:12:16

it just seems like the larger signs and the allowance

2:12:22

that anybody in the building can put one up um is gonna is gonna create a

2:12:27

congestion problem on the sidewalk or near the entrance and that's just something i wouldn't wanna see or encourage council member andrew may i

2:12:35

ask then what the suggestion is well i think

2:12:41

i think what saleem said earlier which is you know measure it from a distance from the business if if the business is

2:12:48

on the fifth floor then maybe um they need to you know rely on the

2:12:53

directory to um to direct people into their location as opposed to an a-frame sign

2:12:59

um i i don't know again you know let's see what our business community needs and wants and then try to figure it out

2:13:06

to me i would say a distance limitation um from the business itself and also the

2:13:13

consideration of um the appropriate size of an a-frame sign

2:13:18

since it is they are all kind of by definition obstructing the sidewalk and i get that

2:13:24

they're useful i don't want to prohibit them but we need to find some sort of balance thank you for that clarification

2:13:31

okay all right so staff will come back

2:13:37

with hopefully some additional language for us to take a look at so i was trying to move this along so now

2:13:43

we're at uh i think we're at number 14 and also yeah let me reshare my screen

2:13:50

yeah i think we're okay i'm okay clarifying

2:13:56

number 15. um since you're suggesting

2:14:03

you're okay with my recommendation i'm okay i guess it's up to the council somebody has a major problem say

2:14:09

something but we can keep on going i think these are more kind of uh

2:14:15

drafting issues or suggestions same thing with 16 17.

2:14:20

these are all simple corrections in the draft yeah yeah um

2:14:28

reynolds you had number 18 yeah given the answer to that one it seems to

2:14:33

me that for some buildings we're effectively saying signs on second floor offices can't be visible from the street

2:14:40

level because there would be railings that would block any sign that was below the windowsill and that strikes me as unnecessarily

2:14:46

restrictive and certainly has nothing to do with reed versus gilbert also i'll know

2:14:52

well i think this requirement was already there that all signs must be below the

2:14:58

second story okay so that's a fair point this is not a new problem but it is a problem

2:15:04

[Music] um 19 uh again

2:15:11

just minor change 20. uh again looked at it

2:15:17

uh thank you for the clarifications you know i don't see any action that needs to be done

2:15:22

um councilmember reynolds 21 yeah on this one i don't recall if this

2:15:28

was related to new code or not i think it might have been excellent code but it was just noting that we have a severe problem with parking in

2:15:34

the town center and a big part of the problem is we don't know where public parking is or most people don't

2:15:40

and i've seen other communities that have attractive parking signs that are up in the air where they're more visible

2:15:45

and i think any code that restricts those to be with only three feet off the ground or 36 inches yeah that's correct

2:15:51

it's unnecessarily restrictive

2:15:58

anybody else have any comments a response

2:16:03

is there interest from the council to make a change here

2:16:12

looks like yes okay all right thank you uh

2:16:18

19 again just a typical thing format um 20.

2:16:26

um again thank you for the clarification so um i'm fine with the explanation from

2:16:31

staff um 21 councilmember reynolds we just we

2:16:38

just talked about 21. i'm sorry we're on 22. i'm sorry we can talk about it again if you like

2:16:47

and they come out with a different response okay okay 20 22 is fine 23

2:16:55

councilmember reynolds and i had the same question regarding phone numbers so

2:17:00

again this was in the existing cone like code language so i don't know what the intent was with prohibiting phone

2:17:07

numbers perhaps it was an aesthetic issue but i just don't know why that's there

2:17:13

if there's interest from the council and removing it you could suggest that and i think we need to have a

2:17:19

philosophical discussion about whether we want to do more to the code than just comply with reid versus gilbert to come

2:17:25

back to council member jacobson's point if we're going to make a broader discussion i think that's one that's worthy of considering removing but maybe

2:17:32

we don't want to do that maybe we want to leave excellent code alone unless it's required

2:17:40

i don't think it's well i i can't answer whether or not it's required or not i suppose

2:17:46

uh i know you have a broader question than trust me reynolds but as to this particular question regarding

2:17:51

phone numbers do people care do you want people to be able to include phone numbers or not

2:17:58

so all those who are willing to allow people to insert phone numbers that they

2:18:03

want thumbs up stop sharing i guess so we can see

2:18:11

i think there's enough right i don't know i can't but mr mayor

2:18:17

and councilmember roosevelt yeah can i ask a sort of larger question around this is

2:18:22

where would what websites or social media handles would that fall under the same exclusion in the code here or is that

2:18:28

not my guess is the code might have been written before that was a thing uh so it's just me for the next reading we

2:18:34

want to consider that as well yeah i suspect this is a carryover from

2:18:40

a while ago and probably looks like social media handles didn't exist

2:18:46

allison the the mayor was trying to get a thumbs up so we need you just stop screen sharing

2:18:53

so the only issue on this one was phone numbers allowed or not so those who are going to allow phone numbers

2:19:00

thumbs up went to okay so the answer is yes but i would just want to say i i think

2:19:06

phone number's fine but i'm still hung up on the bigger question of how many changes do we want

2:19:11

to make to the code right now just to comply with reid versus gilbert and then do everything else in a phase two or you know reed versus gilbert plus

2:19:21

all the christmas tree ornaments that everybody wants to see

2:19:26

that is a question that's probably for the next council but yes i think a number of folks have raised that and

2:19:32

whether or not there needs to be a phase two probably does need to be phase two but i think what we have in hand here

2:19:38

are some specific recommended recommendations from the planning commission which i think we can act on

2:19:44

and so when we go ahead and plow through now councilmember rosenbaum brings up a

2:19:49

point regarding website addresses i don't know if that's something that alison you're going to

2:19:56

address that or i think if we it looks like we have a majority of council members that want to

2:20:02

remove the phone number provision and that would also allow

2:20:08

other types of identifying information to be on the sign

2:20:14

i would argue that the others are allowed already because they're not based okay all right

2:20:21

all right 24. um again unless somebody has major objections i'm fine with

2:20:29

what the staff is doing um 25

2:20:34

this is the one that the planning commission did not reach an agreement on and this

2:20:39

is one that they have asked us to take a look at that is again to what extent do we give

2:20:45

the design commission flexibility in waiving the signed code

2:20:52

so this is this is clearly a policy discussion

2:20:57

and i did ask some questions um that you can see the answers councilmember

2:21:02

jacobson well i don't think unelected an unaccountable people should be making

2:21:08

these kinds of decisions but you need to be you to be the staff or

2:21:14

the council and [Music] the

2:21:20

staff i think is particularly well suited to be doing this and if the staff

2:21:26

were refused to grant uh variances or wave provisions or

2:21:35

the staff's actions on these things the cops consider to be inconsistent

2:21:40

with what we view as public policy then then we can correct that but

2:21:46

uh the design commission doesn't meet very often i mean it's once a month maybe and

2:21:52

uh certainly i'm i'm confident that the staff could can answer these questions

2:21:57

just like they answer the questions that come up in a myriad of other areas and they are professionally qualified uh to

2:22:05

make making those kinds of decisions okay and before asking other council members

2:22:11

for their questions uh mr hubbell do you want to sort of just give us some background on

2:22:17

this issue i know it was not a unanimous decision or actually you guys could not

2:22:23

come to an agreement so yeah it was certainly something we flagged for uh the council to to have a

2:22:30

dialogue around um on what the uh the the pros and cons uh could and

2:22:37

should be and how you've been sort of the will that you want to take on this um and you are correct the the council

2:22:44

or the commission i should say was um split in sort of our view on this i think there's

2:22:51

one side that commissioner jacobson just uh sort of took which is you know that

2:22:56

of accountability and and who um you know who who couldn't should be

2:23:02

responsible for making the assessment of deviations

2:23:07

the counter side of that was really well it is a panel of citizens uh within the community and the

2:23:15

community members and allowing or having the design commission as a body of community

2:23:21

members that can help make decisions of what we'll call um

2:23:27

you know more uh subjective of a more subjective nature

2:23:33

um and so that's sort of what the intent of that body is um i will

2:23:39

uh in response to one comment councilmember jacobson made the planning commission is required to

2:23:45

have a certain number of people that are actually in the profession so um i think i agreed with everything you

2:23:52

were saying up into the point where you said that they weren't qualified i think that the members of the community that sit on

2:23:58

that panel um are are rightfully qualified to be a part of that uh decision-making body

2:24:04

well i didn't say they weren't qualified let's be clear about that it was trouble okay that was the way i interpreted your

2:24:10

comments on my apologies correctly um but i uh uh would say that we i think

2:24:16

are had the same challenge that uh um that we're having here which was um

2:24:22

trying to decide where as a community we feel um the authority to make these sort of

2:24:28

subjective decisions should lay and uh so yeah it was something we flagged for you to to decide hopefully

2:24:35

that's a good background for you mr perry very much uh council member news

2:24:40

you know my thought on this one was that my preference would be the design commission make the

2:24:46

recommendation to counsel and that the council would uh be the authority that

2:24:51

grants it or doesn't i think you know these are volunteers that are within the field they do

2:24:56

understand these types of design aesthetics i think they do have a good basis for making the decision but the

2:25:02

number of decisions that they're asked to make on this are so few and far between that i think you should just come to the

2:25:07

council after their recommendation is attached to it okay thank you um

2:25:15

member uh enroll yeah i think i concur with sleem on this

2:25:22

what i was curious about was what to what extent were the new seasons market and crude geoscience non-compliant with

2:25:29

the code um that they needed the waiver and i i don't expect anybody to answer that

2:25:34

today but if maybe we could get that between now and the next meeting i'd be interested in that

2:25:40

i'm able to answer it in a general sense which is i believe both of those buildings um were allowed to have a

2:25:45

second wall sign because of you know how they face on kind of more than one

2:25:51

street um they were able to have a well signed on each side well so there wasn't anything about the

2:25:57

design or anything else it was just they were able to have an extra sign that wouldn't have otherwise been

2:26:02

allowed because they were on a corner sort of a thing they faced two streets yeah i mean like in the case of new

2:26:08

seasons one side faces the street one side faces a parking lot but you can also see it from the street and so a

2:26:14

second sign was allowed there okay mr mayor i just like to jump in here i was

2:26:20

listening to the conversation about um changing the i will loosely describe it as permit

2:26:27

approval process and i would like not tonight at a future meeting to have

2:26:33

an attorney weigh in about the pros and cons of having the city council particularly involved

2:26:38

so that will be coming i will also just observe from my perch it is unlikely this is coming back on october 5th our

2:26:45

list of things to do is far too long to turn it that quickly so i'm just planting a seed ahead of time that it

2:26:51

will move out to a later date thank you uh mr thomas

2:26:56

um actually i was i was going to comment on what the city manager just commented on but go one perhaps uh one layer

2:27:04

deeper as opposed to getting the city council into the business of of doing quasi-sign

2:27:10

variances uh perhaps a more appropriate method would be to have

2:27:16

the design commission weigh in on essentially what would be a variance to a

2:27:21

assigned situation and send that to the hearing examiner who is the actual decision

2:27:27

maker on experiences today in the code so i would keep the city council out of

2:27:33

that business um keep you in the legislative business and we we can allison and i can talk with uh

2:27:41

with our legal counsel to figure out structurally exactly what that might look like and bring something back to

2:27:47

you great thank you i like that suggestion councilmember roosevelt

2:27:56

i had the same question around the variances that were granted um sorry for mine

2:28:02

okay thank you uh councilmember jacobs i think there may also be a timing

2:28:08

question here uh because a business wants to get a decision one way or another about something and you know

2:28:14

we're looking at a uh fairly long fuse on this i think if we

2:28:20

uh if we are getting another body involved and that's why

2:28:26

since the planning department makes decisions on code compliance maybe not daily but frequently and they

2:28:33

have a big background in doing it which design commission doesn't have and they can say it's a go or no go and then it

2:28:40

goes to that that has to go to uh our hearing examiner fine but it's it's

2:28:46

on a fast track and most businesses want to get these decisions made quickly rather than not

2:28:52

quickly okay councilmember reynolds yeah

2:28:58

first i was just going to make the same suggestion that mr thomas made i like that idea a lot it seems consistent with how we handle variances elsewhere in in

2:29:05

the city code but also just generally this strikes me as the sort of thing that

2:29:10

it's accident code already that it's not new code

2:29:15

along with many other things i think it's a good reason to have a phase two on this project we have have any changes to this be part of a phase two

2:29:23

okay thank you um okay so i think we can move ahead now well

2:29:31

i'm sorry sorry i i don't know if there's any consensus

2:29:36

at this time on this particular provision it does sound like we're moving away from

2:29:41

[Music] moving away from the existing language so how it comes back i guess

2:29:48

jeff and allison you'll come back with possible alternative language for us we

2:29:53

we can develop a recommendation on an alternative process for reviewing these departures from the sign requirements

2:30:00

and then bring that back next time we meet or at some point in the future okay great thank you

2:30:06

uh trying to move this as quickly as possible i'm looking at 26 to 30

2:30:12

and they're all you know unless people have a problem i think they're either no action or just again

2:30:18

staff has concurred with my suggestions and i'm fine with that so

2:30:24

um same thing with number 20 sorry number

2:30:29

31 again no action from what i can tell

2:30:35

and now we come to councilmember reynolds and the whole issue of a phase two

2:30:42

need to take another holistic approach and when might be the proper time to do

2:30:48

that and i'm i think a number of you folks have

2:30:53

made the case that maybe it needs to be another um another look uh holistic

2:30:59

approaches to be add but not trying to jump the gun here i'm just wondering whether or not

2:31:05

there's consensus maybe to put that on to the planning commission i'm sorry planning session

2:31:11

early 2022 is that something that you folks would be amenable to uh mr

2:31:17

thomas just quickly mayor thank you

2:31:22

um i've heard phase two used in a couple different contexts here this evening there were perhaps um one for sure

2:31:30

possibly two council members that used it in a context of breaking apart what's been brought to you tonight

2:31:36

into a phase one and phase two and then there's this this more broader

2:31:41

um more holistic phase two that i think councilmember reynolds uh penciled into

2:31:47

his his comments that made it into the matrix so i just wanted to make sure we were distinguishing it's it's been used

2:31:52

a few different ways so any direction provided by the council today um let's be super clear about

2:31:59

how thank you thank you thank you uh councilmember reynolds you want to go ahead and [Music] just describe what you are looking at or

2:32:07

would desire sure just starting off with it with a broad comment that i believe that getting in

2:32:14

oops i just realized my video was off sorry um getting the city into code with with the

2:32:20

court ruling as quickly as possible strikes me as very important i also see significant weaknesses and

2:32:28

flaws in this code that are inconsistent with our goal of encouraging retail

2:32:33

development in town center and and also addressing the parking problems so i think it is very important

2:32:39

to take a a fresher look at this code to make sure it is is neither micromanaging

2:32:44

nor unnecessarily vague in various places it falls victim to both of those in a way that

2:32:50

violates my prime paradigm of government regulation which is establish the outcome you want

2:32:56

do the minimum amount of regulation necessary to achieve that outcome and then stop and i and i think we've failed

2:33:02

that that paradigm in many cases with this code so i think it's fully appropriate to take a broader look at this

2:33:08

um but we should not let that stop us from adopting the current current proposed changes in order to get us in

2:33:15

compliance then let's get back to this late in 2021 or early in 2022

2:33:23

um

2:33:30

yeah i'm trying to find a path here so uh jeff if you could help me out i don't

2:33:36

want to restate anything you just said i i'm aware that an earlier version of code existed that was essentially a read

2:33:43

versus gilbert compliance code

2:33:49

the changes then got expanded a bit so i guess jeff i'm looking to you i

2:33:55

also share a goal of coming into compliance we're many years out of compliance with the supreme court court

2:34:00

decision am i am i would we be would it be

2:34:07

possible to do that by october 5th and is that what the council is looking for um i think how we split the work is

2:34:15

again at the risk of repeating what was already said it's a little difficult to see

2:34:20

which bucket things are in unless we break it very clearly in that way

2:34:28

so can i suggest to bring us into compliance we do what the planning commission has recommended and our staff

2:34:34

have backed up and and put a lot of work into and then add this to the council planning session in january so we can

2:34:41

look it in the context of all the other work that we have in front of us as we're coming out of a

2:34:46

pandemic and rebuilding our staff and uh kind of getting used to the new world order that is all our city departments

2:34:52

and getting kind of back into a new normal so i think if we can get this done on october 5th with the bare minimum we can add it to our planning

2:34:59

agenda for going forward with the new council in the context of all the other work that it'll be in front of us at that

2:35:06

point so i would recommend we go that path just given the constraints and limitations and resource

2:35:12

challenges we have that are still ongoing okay uh council member hadn't raw

2:35:19

yeah my observation was just though that what we have in front of us right now is not the bare minimum to come into compliance with um

2:35:26

reid versus gilbert it's more than that and it makes some pretty significant changes

2:35:32

i don't want to do a code amendment that tells businesses

2:35:37

that they can have these a-frame signs and they can be wherever they want and they can be a lot larger than they used

2:35:42

to be only to have us kind of upon the phase two and more consideration of it say yeah you know

2:35:48

what really wasn't what we wanted to do we didn't need to do it to comply with the supreme court decision and and then we

2:35:54

go backwards on that so i i'd be happy to do what we have to do to come into compliance with

2:36:01

the gilbert case but no more okay um deputy mayor wiker

2:36:08

and i would just add then too that um we're trying to solve some problems we don't currently have i think i heard

2:36:14

that a few times in the last two hours of this discussion so again if we could implement what our

2:36:19

planning commission and staff have worked so hard on and we've all spent a lot of time now certainly

2:36:25

benson and craig with that long list of the matrix we just went through let's see how this evolves and should we need

2:36:31

to revisit it for a deeper dive for phase two we can put that in the mid-year planning session right let's

2:36:36

see how our businesses respond and reopen and recover after covid certainly with the new restrictions coming in

2:36:41

about vaccine cars and negative covid tests they're gonna have enough challenges on their plates that um i

2:36:47

think we can sort of put this to bed now and then revisit it should we have more problems or issues going

2:36:53

forward i'm not sure this is the highest priority for our businesses i think we can adjust and be resilient and trust

2:36:59

jesse and our team to get us there should these problems arise okay

2:37:05

councilmember jacobson

2:37:10

check your mute

2:37:16

i don't want you to hear dogs barking swim on uh anyway i concur with what uh council

2:37:23

member reynolds recommends i think it's the best step forward now um and we

2:37:29

create we solve the immediate problem and the things that aren't really immediate problems we deal with in the

2:37:35

uh in priority not only on this subject but other subjects and we put them in

2:37:41

priority and deal with them later okay can i ask a question i mean i wish

2:37:47

we could ask uh or outside legal counsel but uh jeff and beal if you're there i'm

2:37:53

sure you are there so there were a number of items that were identified you know where we had a lot of discussion and so if

2:38:02

if we take those out to be addressed in phase two

2:38:09

is that are we running a foul of reid

2:38:23

whether or not we want to try to get this thing done and next meeting

2:38:28

we don't address them because they're going to require more staff time to get back to

2:38:33

um so mary sorry i didn't mean to cut you off

2:38:40

go ahead um so to to make a

2:38:46

clean break between what's been presented through the planning commission process and

2:38:51

achieving what's being coined is you know minimum compliance with rick gilbert

2:38:57

if that's the direction council would like to go is to is to chunk out

2:39:04

the planning commission recommendation to achieve minimum compliance with reid gilbert we would go back

2:39:10

uh there's i've made notes here there's there's at least a few items so we would need to go back circle the wagons on

2:39:16

with legal counsel and bring back one or more options for you um

2:39:22

we can do that um that's that's perfectly fine we would bring that jesse mentioned this a moment ago

2:39:29

a few minutes ago now um it's probably not a turn we're going to make uh here to have a packet ready for this

2:39:36

week for october 5th but i'm confident we need to have it back to you for a second reading on october 19th

2:39:43

similarly if you want to the other option at this point would be to move

2:39:49

uh the planning commission's recommendation uh in its in the book in the

2:39:55

structure that it's been presented and bring that back for a second reading um i think similarly we're probably looking

2:40:01

at october 19th to bring that back for a second reading as well so it's just it's really just

2:40:07

getting clarity from the from the council one way or the other um do you want to chunk this this uh body of work

2:40:14

from the staff and the planning commission out into two separate um items one that would move forward now

2:40:21

for minimum compliance the other that would move forward at some point to be determined or do you want to just

2:40:27

continue to move the whole thing forward as is that's i think the 64 000 question in front of the city

2:40:33

council okay and we'll come back from a legal perspective we can make either option work yeah okay okay thank you so

2:40:40

before we come back to that 64 000 question council member roosevelt

2:40:46

thanks i i'm a little i'm sort of torn on this one because on the one hand i really would like to hear from uh

2:40:52

businesses in town center and kind of get their perspective as to what would be most helpful to them

2:40:57

a fear that i have is if you sort of chunk it off and and jeff and alison if you could maybe

2:41:02

address this and i don't know if they're installing the line but uh do we run any risk of of making the code

2:41:09

practically worse and harder for for folks if we sort of make

2:41:15

the changes we need to be in compliance without going a step up as the next step here

2:41:25

i don't think it would be worse than today i think you know the changes to come into compliance with

2:41:31

read are fairly minimal um the biggest one will be related to the duration issue for temporary signs that we were

2:41:37

speaking about at the beginning of this meeting um but for the most part the other sections

2:41:42

of the code like the town center code and the signs outside of town center would remain largely unchanged and so i

2:41:50

think it's it's mostly a status quo option when you're talking about businesses in town center

2:41:57

all right thank you councilmember um i wanted to ask the director

2:42:04

we're i think one of the last cities to be trying to come into conformance with the supreme court ruling right so aren't

2:42:10

we surrounded by jurisdictions that have already made these updates and you know do we not have examples of

2:42:16

jurisdictions that have sign code that's compliant that doesn't create kind of this open-ended

2:42:22

permanency for temporary signs and if you looked at that i mean

2:42:28

[Music] could we not just adopt somebody else's design code

2:42:35

trust me adopting someone else's code doesn't doesn't come problem free um so

2:42:41

councilmember niece i i worked um in some regards it seems like yesterday

2:42:47

in other regards it seems like uh you know many many years ago but five years ago

2:42:53

i was part of an effort at another city to go through this exact process that

2:42:58

this city council is going through tonight and duration of temporary non-commercial signs was

2:43:05

discussed just as warmly as uh then in there as it is this evening

2:43:11

um i can tell you that that particular jurisdiction ended up

2:43:17

um ended up implementing into their temporary

2:43:23

signage non-commercial science regulations uh 180 day

2:43:29

time limit but that that comes fraught with you know enforcement challenges and but

2:43:35

the the conversation ended up in somewhat of a similar place where you know that council acknowledged that

2:43:42

99 of uh at least back then five years ago 99 of folks you know operate with

2:43:48

good intent and um signage comes down when the event is over or whatever

2:43:53

whatever you know the temporary uh non-commercial signage is about so um

2:43:59

yeah it there there's an option to implement a time limit um the the question then

2:44:05

becomes you know how um how stringent does the council want to

2:44:13

enforce those provisions moving forward and that opens up questions about permit programs

2:44:20

and the site those conversations have all taken place in other places and i can tell you that

2:44:27

permit programs for temporary non-commercial signage i am not aware of a singular

2:44:33

example where that's been that's been implemented uh full sail but um i would need to it's been some time

2:44:39

since i've looked at that matter as well so i believe daniel kenny allison if i can finish please perhaps

2:44:45

what we could do because we were asked earlier for alternatives is is simply to

2:44:51

share some of the code language from other cities so you can see where they landed

2:44:57

jeff i'm having ptsd i was with you the last time we talked to sign code and uh

2:45:04

it was the same conversation so this is a tough one um but i i think the ask is

2:45:09

fair if maybe actually seeing the other sample code language side by side

2:45:16

would help we'd be happy to pull that together okay thank you deputy mayor bikers

2:45:22

no this is a new hand and i just want to close this discussion by turning the floor over to dan because he and our

2:45:28

planning commission have worked on this with our staff and consultants for ungodly amounts of hours in their own

2:45:34

time and while they're in meetings so dan if you want to have the last word on this i i think we all benefit from your

2:45:39

wisdom and insight

2:45:45

uh think thank you deputy mayor i'm not sure i have anything more to add other than uh i think you guys are going

2:45:50

through the same exercise we did and trying to be thorough when you're vetting of this we struggled as well a

2:45:55

lot of trying to keep ourselves on track uh to the to the task at hand

2:46:02

um and we would welcome to do a more thorough review with the community of this in the in the future

2:46:07

when it comes to us so i certainly uh as we tried to come to you with an

2:46:13

approach that addressed uh the current legal uh situation and would love to

2:46:18

look at this again in the future thank you okay we need to give uh staff

2:46:24

direction and so as mr thomas has stated uh 64 000 questions so

2:46:32

um basically if i understand the choice that has been posed is we take what we

2:46:38

have been presented and allow the staff to come back to us

2:46:45

uh with you know their options and suggested language whatever or we chunk it up and just have them

2:46:52

come back with sort of a bare minimum in order to satisfy read

2:46:58

i based upon this conversation this thing is going to take probably a third reading one way or

2:47:04

the other so um hopefully we can get this thing done before the end of the year

2:47:10

but let's just see if there's any consensus with taking what's been presented

2:47:16

and allowing the staff to come back with suggested language options changes so

2:47:23

all those in favor of that approach thumbs up

2:47:29

okay i do not dare again i can't tell because you're too far

2:47:35

no thumb up okay so okay so it would appear that that has fallen so

2:47:41

those who are in favor of chunking it up so that staff just comes back with the bare

2:47:46

minimum or whatever is necessary to satisfy read uh thumbs up on that approach

2:47:55

okay damn i i apologize you you're you're so

2:48:00

small and i can't how how did you vote on that one

2:48:07

yeah you got to get closer yeah i'm sorry yeah sorry sorry mr mary can you can you option one can you repeat that again is

2:48:14

to come back with the extended version option one would basically if i may mr

2:48:20

mayor be continuing to work the planning commission recommendation based on the feedback we had tonight

2:48:25

as an alternative we would strip it down and come back with a recommendation and we're going to have to

2:48:31

you know massage this a little bit that is stripped down to read versus gilbert compliant

2:48:37

and and move the other changes out to a future work item

2:48:44

so right right now there's three that were in favor of the taking what we have here

2:48:50

and there are three that are in favor of chunking it and just sort of just focus on the minimum minimum for uh satisfying

2:48:57

reed and we lost jake right so jake is gone

2:49:03

jake's here jake's here i see him oh jake holden

2:49:08

i can't see jake on my screen for some reason he voted for so it's basically three three dave

2:49:17

deciding vote go for it uh

2:49:29

my my sense here is there's there's more work to do than i think we can do in the near future so i'm gonna i'm gonna go with option two and i think we should

2:49:36

put this on our agenda for uh planning session next year okay so that's the will of the council

2:49:42

um go ahead and chunk it up uh mr thomas and allison uh i guess you

2:49:49

have some direction now as far as next steps and so thank you thank you again

2:49:55

for all the work and thank you mr hubble on the planning commission you are right

2:50:00

this will come back to you for further deliberations so thank you very much it's been a very

2:50:07

lengthy discussion but a good one uh i mean so um

2:50:13

may we actually need a uh motion i'm sorry you're moving the disorders in

2:50:21

in the form that was decided on to a second reading

2:50:26

oh okay uh some of you want to try this

2:50:31

so be it would be something try it okay go ahead um i moved to set ordinance number

2:50:37

21c-21 for second reading and adoption at a council meeting on october 5th 2021

2:50:45

or soon thereafter all right

2:50:51

in the most basic form to be compliant with reid v gilbert

2:51:00

okay uh same manager and it's the attorney would is that sufficient that

2:51:05

is sufficient um you know it's sufficient just to say as discussed and directed uh at the council meeting would

2:51:12

have sufficed it also but as uh council member nice articulated that is sufficient

2:51:20

okay so the motion was made by council member niece i think it was seconded by councilmember jacobson

2:51:26

um city clerk please call the role

2:51:32

thank you mr mayor councilmember jacobson all right

2:51:39

deputy mayor wyker nay councilmember reynolds

2:51:44

hey i'm sorry hi

2:51:51

councilmember andrew hi mayor wong

2:51:56

hi councilmember niece hi and councilmember rosenbaum

2:52:06

it must be a mute hi hello okay thank you

2:52:12

okay so motion passes uh 6-1 is that right city clerk

2:52:18

that's correct okay um we're at 7 50.

2:52:24

we still have a long way to go you want to take a 10-minute break come

2:52:29

back at 8 o'clock okay so please stop your video and

2:52:35

put yourself on you see

3:02:51

oh that works

3:03:01

are we good andrea okay um mr mayor i'm not seeing everyone back

3:03:10

yet but i wanted to let you know it's 801 and we are live okay uh i think we have them yep i think we

3:03:17

have enough right now so uh we now move to the third item of regular business uh

3:03:22

this is item number eight on your agenda agenda bill 5941 state mandated code

3:03:28

amendments uh welcome back uh community planning and development

3:03:33

director jeff thomas and deputy director allison bangor i understand that you have a

3:03:39

presentation that you'd like to share council members i'd like to would like you to hold your questions

3:03:45

until after the presentation and the public hearings if possible after the public hearings we'll be able

3:03:52

to discuss each proposed ordinance uh with that jeff nelson please proceed

3:03:58

with your presentation thanks mayor and we're going to turn this right over to allison and also

3:04:03

another introduction eileen kiefer from madrona law has been helping us with this particular effort so allison take it away

3:04:11

thank you um i'm gonna share my screen and we have a short presentation eileen

3:04:17

and i will be sharing and going back and forth on this presentation we worked

3:04:22

together on this agenda bill and the code amendments um all right let me start this

3:04:31

all right so before us tonight um our three proposed amendments that relate to

3:04:36

three pieces of state legislation that have been passed by the legislature in the past two sessions

3:04:42

so the first one essb 5235 relates to the number of unrelated

3:04:49

people that can live within one dwelling and the state has

3:04:54

prohibited cities from having a limitation on the number of people unrelated people um that passed this year and then eshb

3:05:02

1023 relates to the capacity for adult family homes these are like a group

3:05:08

living situation for seniors memory care mental health and

3:05:14

those kinds of things and they now are required to serve to be able to serve up to eight people

3:05:20

and then finally e2 shb 1220 this one relates to transitional and permanent

3:05:26

supportive housing and has a number of requirements for cities to allow these types of housing

3:05:34

in terms of timing 1220 comes with a deadline of september

3:05:40

30th for cities to come into compliance the other two bills did not have a specific timeline but the city does need

3:05:47

to make code amendments to come into compliance and um i did i did want to point out that

3:05:53

1023 was passed back in 2020 so over a year ago now and we're passed you on coming into compliance with that one um

3:06:00

so that's why we're moving these all forward together because they do all need code amendments that relate to

3:06:06

um housing and the development code so they're kind of similar and it made sense just to look at these

3:06:13

all together in a consolidated review we've also made the decision to move

3:06:18

forward with interim ordinances at this time mainly in response to the september 30th

3:06:25

deadline the legislature required cities to act very quickly to develop legislation on um

3:06:33

the 1220 bill and we haven't had adequate time to do a full analysis of

3:06:40

you know how to comply with this legislation and what the impacts will be for the city and so we're kind of taking

3:06:46

a measured approach here and doing the minimum necessary to come into

3:06:52

compliance with this interim ordinance and then also bringing in place a work plan for the next year

3:06:58

which will allow the interim ordinance to extend 12 months and give us time to

3:07:03

do additional analysis legal work and and develop

3:07:09

a more robust um permanent set of regulations we plan to bring those back to the

3:07:15

council next year before the 12 months is up and the interim ordinances expire

3:07:22

okay so i'll give you just a tiny bit more information about the first two pieces of legislation and then eileen's

3:07:28

gonna jump in to talk a little bit more about 12 20. um so for 52.35

3:07:35

um again this relates to the number of unrelated people that can cohabitate in a dwelling

3:07:41

um currently the city has a limit of six unrelated people per dwelling

3:07:46

um and the state law just passed and it prohibits cities from regulating or limiting the number of unrelated people

3:07:53

occupying a house or dwelling we can still have the limits in terms of

3:07:59

the building code and the fire code that relate to safety issues

3:08:04

and we can still have the occupant occupant limits related to

3:08:09

group homes and short-term rental rentals um city of mercer island currently doesn't allow short-term rentals other than

3:08:17

airbnb or sorry other than bed and breakfast that um have a conditional use permit

3:08:24

um okay i'm gonna move on the next one 1023 relates to adult family homes and these

3:08:30

are a specific type of home you know there's other types of group

3:08:36

homes these ones the the term adult family home is defined by the state

3:08:42

and they typically serve seniors and folks with mental health issues dementia and other things

3:08:49

along those lines and this new regulation that passed last year

3:08:56

requires us to change the limit of six folks that can be served in one delp family home

3:09:03

and increase that up to eight so the state has made the decision that these

3:09:08

facilities can be licensed to serve up to eight individuals now and we just need to adjust our regulations to respond to that

3:09:17

all right eileen do you want to jump in and talk about 12 20 absolutely thank you allison

3:09:24

and good evening mayor and council e2 shb 1220 relates to both transitional

3:09:31

and permanent supportive housing and really four different categories of this type of transitional and

3:09:38

permanent supportive housing and among other things that bill establishes

3:09:43

a number of prohibitions on cities and counties of note for for our purposes tonight for

3:09:50

the interim ordinance is that cities cannot prohibit transitional or permanent supportive housing in any

3:09:56

zones that allow either residential units or hotels further with respect to indoor emergency

3:10:03

shelters or indoor emergency housing cities cannot prohibit those types of shelters or housing and any zones that

3:10:09

allow hotels unless those cities authorize such facilities the indoor emergency shelters

3:10:16

or housing in a majority of zones within a one mile proximity to transit so

3:10:21

there's a bit of an option here next slide thank you

3:10:27

um additionally with respect to e2shb 1220

3:10:33

transitional and permanent supportive housing cities are allowed to create and

3:10:39

maintain occupancy spacing and intensity of use requirements for the transitional and permanent

3:10:45

housing addressed in the bill but those requirements have to be both reasonable

3:10:50

and designed to protect public health and safety these are as you can see subjective terms and this will be

3:10:57

something that we will be looking at more closely when we adopt permanent regulations we undergo that analysis to

3:11:02

have a recommendation for permanent regulations next year and finally i note that e2shb 1220 uh

3:11:11

prohibits uh the use of these intensity of use requirements or occupancy spacing

3:11:17

requirements to prevent the sighting of the sufficient number necessary to meet projected need for housing and shelter

3:11:24

so what does sufficient number necessary to meet the projected need mean

3:11:30

at this point we don't have a precise number to present to you all i know staff has looked at

3:11:37

the point in time count and tried to look at a proportional share of that i will say department of commerce i

3:11:44

believe is studying the issue in assigning cities a certain proportion of projected need

3:11:51

if we have that before the before this interim ordinance expires we

3:11:56

will certainly bring that to council but it's also possible that we may have to come up with our own measure to meet

3:12:03

that because i think the commerce numbers are expected in 2023. so in other words we don't know what the

3:12:09

number for mercer island is at this point in time but we will be studying it um this

3:12:15

is certainly not mercer island's not the only city that's in this boat so we'll be looking closely

3:12:21

at what neighboring jurisdictions do and we will come to you with a suggestion on that front with respect to the permanent

3:12:28

rex and next slide and finally this last slide is just the

3:12:35

uh what our recommendation is for tonight as i believe the mayor already

3:12:41

noted these are three separate ordinances which will all have their own separate hearings and we're happy to

3:12:47

take questions in turn on each of the three ordinances as council considers them

3:12:52

thank you great thank you eileen

3:13:00

allison um yeah at this point we can take any questions and then

3:13:06

um we're recommending that the council approve all three of these ordinances tonight to put the interim regulations

3:13:13

in place okay so before we do that uh councilmember reynolds

3:13:19

i just want to commend staff and elaine for your creative work on this

3:13:25

in particular the definition of housekeeping units seems tight and a reasonable way around this but i'd just

3:13:31

like to confirm we're not allowed to limit the number of people that are unrelated people that

3:13:36

live together but we are kind of limiting the number of people that live unrelated people

3:13:41

live together if they're in different housekeeping units are we confident that we'll meet the the

3:13:47

letter of the law letter and intent of the law because we are in some cases limiting the number of people lived together

3:13:57

um go ahead mayor i was going to say do you want to answer that now or do we wait until we actually are

3:14:04

reviewing each ordinance i i think it's cleaner with since we are going to have a public hearing for each ordinance and

3:14:11

they are separate it may be easier to to address them in turn okay

3:14:16

let's do that so um council i'm going to go ahead and we're going to do the three public

3:14:22

hearings that we are required to hold let's stop um allison feiken yeah thank

3:14:27

you okay so the first public uh i'm sorry first public hearing is for the purpose

3:14:32

of receiving comments on ordinance number 21c-19 many personal bound code 19.16.010

3:14:42

definitions relating to the definitions of family and housekeeping units

3:14:47

individuals wishing to make a public comment on this agenda item they do so by telephone by using the zoom towel

3:14:53

conferencing application provided they have registered their desire to make a public comment with the city clerk by 4

3:15:00

pm today city clerk will call your name or telephone number when it's your turn to speak the public hearing is now open as

3:15:08

of 8 30 pm those wishing to provide public testimony please speak audibly state

3:15:14

your name and city of residence the record and limit your comments to three minutes

3:15:20

city clerk is there anyone who has signed up for public comments who wish to address

3:15:26

the council on this particular ordinance no mr mayor

3:15:31

okay um if there's no further exploring this evening the public portion of this

3:15:37

public hearing is closed and the time is now i'll say 8 14 p.m

3:15:45

okay the second public hearing is for the purpose of receiving comments on

3:15:50

ordinance number 21c-22 amending mercer island city code 19.16.010

3:15:59

no i'm sorry definitions relating to adult family homes individuals wishing to make a public

3:16:05

comment on this agenda item may do so by telephone by using the zoom telephone health conferencing application

3:16:13

as long as they register their desire to make a public comment with the city clerk by 4 pm today

3:16:18

city clerk will call you by name or by telephone number when it's your turn to speak uh public hearing is now open

3:16:26

as 8 14 p.m those wishing to provide public testimony please speak audibly

3:16:32

state the name and city of residence for the record and limit your comments three minutes

3:16:37

city clerk has anybody signed up to speak for a public comment on this

3:16:45

there's no one signed up thank you if there's no further this evening the portion of this hearing

3:16:52

is closed and the time is now 8 15 pm the third public hearing is for the

3:16:57

purpose of receiving comments on ordinance number 21c-23 of mandy mercer island city code

3:17:04

19.16.010 definitions relating to emergency

3:17:09

shelters and housing transitional i'm sorry relating to emergency shelters and

3:17:14

housing transitional housing and permanent supportive housing individuals wishing to make a public

3:17:20

comment this agenda item may do so by telephone or by using the zoom teleconferencing application as long as

3:17:28

they register their desire to speak and make a public comment with our city clerk by 4 pm today

3:17:34

city clerk will call you by name or by telephone number when it's your turn to speak public hearing is now open as of 8

3:17:42

15 p.m those wishing to provide public testimony on this ordinance please speak

3:17:47

audibly state your name and city of residence for the record and limit your comments to three minutes city clerk has

3:17:54

anybody signed up for public comment and wishes to address the city council

3:17:59

mr mayor no one has signed up for this public hearing either thank you uh there is since there's no the

3:18:06

testimony of the the public portion of this hearing is closed and the time is now 8 16 p.m

3:18:12

uh council i suspect you may have several questions for the staff or for outside counsel related to one or more

3:18:20

of these proposed ordinances i think we're going to take these ordinances one at a time so the first one is ordinance

3:18:26

number 21c-19 and councilmember reynolds uh i think

3:18:32

your question pertained to this ordinance councilmember reynolds that's correct but i apologize for

3:18:38

speaking out of turn before would you like me to repeat the question or yes would you would you please

3:18:43

okay what it came down to is my understanding is that this new state law prohibits restrictions on the number of unrelated

3:18:50

people living together and it seems that the solution you have proposed would limit the number of

3:18:56

unrelated people living together that are part of different housekeeping units and i'm just wondering if you're

3:19:02

fairly confident that will still comply with the intent of the state law

3:19:10

yes go ahead eileen if i may thank you mayor wong um councilmember reynolds i think it's a

3:19:16

good question i think you're actually asking too whether we our proposed ordinance 21c-19 conflicts with

3:19:24

21c-22 the answer is the uh

3:19:30

the legislation uh essb 5235 makes a carve out

3:19:37

for occupant limits on group living arrangements regulated under state law so therefore we've retained the um state

3:19:45

law limitation on eight unrelated adults for adult family homes because there is

3:19:50

that carve out under the bill

3:19:56

okay thank you uh i'm gonna ask a quick question so

3:20:02

eileen if you know or uh jeffer or allison so as far as these uh unrelated

3:20:09

individuals there is no limit but then it goes ahead and says but subject to for instance a fire code and

3:20:16

so for kind of a typical single-family residence what is the limit of number of people

3:20:23

who can occupy a house for the fire code requirements

3:20:30

the answer to that is quite complicated and it depends on the size of the house and the number of doors and windows and

3:20:37

other such things okay

3:20:42

is there i'm sorry is there a range i mean a grant that's complicated and it varies but i'm just curious

3:20:51

i'm not able to speak to that i don't know if eileen is i think we'd have to have our fire marshal he gave us a brief explanation in email

3:20:58

and said it was much too complicated to cover briefly right and i actually i spoke with jeremy

3:21:05

early this morning about this issue it turns out it's a international residential code issue rather than a

3:21:10

fire code issue for residences i did as you know don's out

3:21:16

so i spoke with gareth earlier today he had some thoughts

3:21:22

it is complicated i don't have a range for you without gareth here but gareth had some thoughts too about how to

3:21:28

better marry title 19 with the adopted international residential code so that's it could be

3:21:34

that there's an existing problem with the match-up between those two provisions we'll be looking at that and hoping to

3:21:40

streamline that in the permanent rigs that we bring back to you next year okay great thank you

3:21:46

any other questions uh regarding this particular ordinance

3:21:53

if if none uh councilman okay if none um is there a motion to adopt ordinance

3:21:59

number 21 c-19 amending surround city code

3:22:04

19.16.010 definitions relating to the definitions of family and housekeeping units

3:22:14

councilmember reynolds your hand is up i'm sorry yes i apologize having trouble with the

3:22:19

buttons today um i'd just like to circle back to my other question after pondering a little bit and i want to make sure i understand

3:22:27

the adult family home i i have interpreted to mean something other than just adults living

3:22:33

together that that's intended to be a a supportive care facility of some sort is that correct

3:22:39

yes okay so if

3:22:45

someone wants to put 20 people that are unrelated

3:22:51

and part of a single housekeeping unit in a home

3:22:56

given our definition of family to include a housekeeping unit as long as

3:23:02

it complied with fire codes that would be allowed with this change is that correct

3:23:08

yes i mean just in the same way that if you had an extended family living together with

3:23:14

you know a very large family with grandparents aunts and uncles and that sort of thing they already would have been allowed to live in one residence

3:23:22

but if they are not maintaining a single housekeeping unit they would not be allowed correct

3:23:29

correct if it was a more of a boarding house or roommate situation where they had separate leases

3:23:37

and separate financial arrangements that would not be allowed and so it's that latter case that i'm

3:23:44

talking about that they're they're not in a single housekeeping unit and they're not part of an adult family home

3:23:50

that would not be allowed and frankly i hope it's not uh but

3:23:56

it does seem like it conflicts with the state law doesn't it because it is imposing a limit on unrelated people

3:24:06

am i missing something so uh if i may um i read the definition i mean we've

3:24:12

had carve-outs here for uh folks that are unrelated by blood or marriage a single

3:24:18

housekeeping unit it doesn't matter how big it is and it doesn't matter your relation to it

3:24:23

um there are some exclusions but if they are they're going to be pretty clear-cut larger institutional or congregate group

3:24:30

living uh situations so dorms fraternity houses sorority houses um and then

3:24:38

allison and i's favorite the the ever-present monasteries and nunneries i don't know if there any of those are applicable on ireland i doubt it but

3:24:45

it's just an example of the kinds of things that the city would not consider to be a single housekeeping unit

3:24:52

um i do want to make clear too that the state law is essentially getting cities out of the business of defining who a

3:24:58

family is that's a long legal explanation of

3:25:03

who we define as a family there's equal protection problems historically with cities trying

3:25:09

to define what a family is so from this bill it's clear that the

3:25:14

intent of the legislature is get cities out of the business of defining a family unit and instead focus on health and

3:25:21

safety adequate parking adequate number of sanitary facilities enough ingress

3:25:27

egress to get out in case of a fire or things like that they're really trying to force cities into using their the irc

3:25:34

and the fire code rather than your zoning with respect to occupant limits

3:25:41

okay so given that background i'll agree that this is at least content consistent with the intent of the regulation if not the

3:25:48

wording so i'm comfortable with it i guess okay um

3:25:53

again i would love to entertain a motion to adopt ordinance number 21c-19

3:26:00

i just had a quick question client council members uh can somebody at the staff kind of speak to how the public

3:26:06

was informed of the three public hearings tonight and maybe just kind of convinced me that the

3:26:12

public even knew about this um we had a public notice

3:26:18

uh back in august i believe in early august that i

3:26:23

think it went to the newspaper the bulletin i can't remember exactly but it was

3:26:28

definitely the newspaper um and onto the website did the city conduct any sort outreach

3:26:36

through any of the regular communication channels um

3:26:41

i don't know if this went out in the mi weekly or social media and i know that it was on the website

3:26:50

okay thomas do you have anything to add or sitting there i do i do as a matter of fact so

3:26:56

our requirements for public noticing i think is what allison just summarized

3:27:02

well i just want to reiterate these are interim ordinances so um in other instances not only at mercer

3:27:09

island but elsewhere when these types of interim emergency ordinances are brought forward

3:27:14

and we've done this here on mercer island in my in my short time here um

3:27:21

state statute allows for the ordinance to be passed and then to have a public hearing within 60 days of the passage of

3:27:27

the actual ordinance so the interim regulations are installed

3:27:33

uh on a temporary basis and then the the governing body the city council in this case has a public hearing after the fact

3:27:41

to take public comment on it and can can certainly um uh consider additional options at that

3:27:47

point but um we're we're trying to get out of that business a little bit and have a public hearing

3:27:53

up front uh at the time of the interim ordinance the the emergency ordinance that passes so that's what you've got

3:27:58

here tonight with the associated work plan that would have them um valid for one year

3:28:05

uh and allow um then the regular legislative process which includes the

3:28:10

planning commission of course to uh commence within that time frame

3:28:19

okay thank you okay thank you councilmember jacobs uh how to answer my question thank you

3:28:26

okay thank you very much any other questions um if

3:28:32

if not again i can entertain a motion to adopt ordinance number 21c-19

3:28:39

so moved second it's a move by councilmember reynolds and seconded by councilmember jacobson

3:28:45

to adopt ordinance number 21c-19 uh any further questions

3:28:53

city clerk please uh conduct the roll call thank you mr mayor councilmember

3:28:58

jacobson aye deputy mayor whiter aye

3:29:03

councilmember reynolds aye council member andrew hi

3:29:09

councilmember niece hi councilmember rosenbaum

3:29:15

hi and mayor wong hi uh motion passes

3:29:21

um now we are going to move on to the discussion regarding ordinance number 21c-22

3:29:28

so council members does anybody have a question for staff or for

3:29:33

our outside counsel

3:29:40

i don't see anybody's hand raised if that's the case then is there a

3:29:45

motion to adopt ordinance number 121 c-22 amending mercer island city code

3:29:52

19.16.010 definitions relating to adult family

3:29:57

home who moved

3:30:06

okay it's been moved by uh councilman reynolds seconded by councilmember roosevelt i thought was

3:30:11

gonna die for a lack of a second first account okay so um any questions at this point

3:30:19

okay city clerk uh please conduct a roll call thank you mr mayor council member niece

3:30:29

hi mayor wong hi

3:30:34

council member andrew hi councilmember reynolds hi

3:30:41

deputy mayor whiter hi council member jacobson hi

3:30:46

and councilmember rosenbaum hi thank you

3:30:52

you asked me i can't yes i did sir i'm sorry okay

3:30:57

that was an eye okay thank you motion passes uh this one might um

3:31:02

get a few more questions here this is ordinance number 21c-23

3:31:08

so council members you have questions regarding this ordinance for staff or for outside

3:31:13

counsel i do

3:31:19

yes i mean we did have some

3:31:25

questions from some citizens in terms of how do these state laws really apply to mercer island

3:31:32

and i mean have we had enough time to do a thorough analysis to know that we need to adopt these code changes right now um

3:31:40

i mean that we're in a situation where we meet all the requirements where we

3:31:45

have to amend the code um with regard to these definitions i'm

3:31:52

i've read the packet i'm just not that clear

3:32:00

and i'm happy to answer this and allison you can back clean up i expected we'd have more more questions on this bill um

3:32:08

with respect to this bill we took a quick look at it because there is that looming uh september 30th 2021 deadline

3:32:16

and i'll note you know your there's no exceptions to the bill for cities of a certain size or anything like that it's

3:32:23

just cities shall comply with it i'll note that your code we looked at it and it looks fairly

3:32:30

compliant on its face you'll note that the proposed interim

3:32:35

ordinance is not long and indeed it is making clear two different definitions

3:32:41

and making it clear that they include certain types of the inner interim and

3:32:47

permanent supportive housing mentioned within this within the bill explicitly

3:32:52

to make it clear that this is these types of facilities as defined in the mercer island code are intended to

3:32:58

encompass the e-2 shb facilities i think right now um the code

3:33:05

may actually be in places more expansive than the bill allows um for with respect to the permanent

3:33:12

regs uh it may be that council wants us to take a look at some of the more targeted

3:33:17

options of the you know the one mile radius from transit

3:33:23

or just zones where hotels are allowed um i will say that right now the code kind of

3:33:29

looks at these as as two different buckets um the social service transitional housing

3:33:36

that's allowed in all zones with a conditional use permit now and then special needs group housing

3:33:42

which is outright permitted in all zones in mercer island um we're also for with

3:33:47

respect to the permanent ordinance we're going to be taking a look at the cup requirements um for the um

3:33:55

social service transitional housing to make sure those are e2 shb compliant

3:34:01

um but this is our this is our best guess as to what is compliant under the very

3:34:07

very short deadlines um you know as as you know my law firm does not just represent mercer island would represent

3:34:13

other jurisdictions there's not one ordinance that fits all we've seen all of our cities scrambling

3:34:19

to ensure compliance with the september 30 deadline so it's this is uh

3:34:26

this is our interim fix but we do you know we can come back with something a lot more targeted next year

3:34:34

okay uh city manager i guess that kind of begs the question of you know what could

3:34:40

happen in the next year if we've got a super broad ordinance and we're going to

3:34:47

go ahead and tighten it up in a year but um but what happens

3:34:52

well while a potentially overly broad ordinance is in effect

3:35:01

i saw city i'm happy to speak to that i saw city manager bond pop on i don't know if she wants to speak why don't you

3:35:06

answer that question i was actually gonna just provide a separate comment

3:35:12

sure um i think my response is your your risk with respect to

3:35:18

citing of these facilities if you adopt the interim ordinance is about the same as it is today given

3:35:24

what's on the books today in mercer island again your ordinance is already i think

3:35:29

broader than what the law requires um we have proposed wording changes to the definitions just to make explicitly

3:35:36

clear that we are being compliant with the law but if you do want to tighten it up that

3:35:41

was just something we were not able to do before to take a look at before september 30.

3:35:49

mr mayor you know the comment i was going to make is i haven't actually drafted your

3:35:54

legislative priorities yet i will just tell you in general that when regulations are passed with these

3:35:59

kinds of deadlines it it puts us in an impossible situation i will encourage all of you in speaking

3:36:06

with your legislators to remind them we're in a pandemic um giving us a handful of months to get

3:36:12

something in place is next to impossible and and puts us in this situation where we've got to

3:36:18

get interim regulations to buy us some more time i know the association of washington

3:36:23

cities attempted to work a compromise to at least get this pushed out to december i'm not intimately familiar with the

3:36:29

conversations i'm not sure why that failed um but we all want to do good work and not

3:36:35

rushed work and this was a very problematic for us um so this is our this is our path

3:36:41

forward but we'll be maybe making i'll be proposing something about that and our priorities you know to allow good

3:36:48

quality work and implementation strategies thank you

3:36:53

um you know i'm going i know that matrix again was

3:36:58

sent out by i think was from eileen so perhaps a number of them we don't have to

3:37:04

address because they pertain to ordinances that we already adopted but there are a few questions regarding this

3:37:10

particular ordinance you want to go and share [Music] matrix and we just quickly go through

3:37:17

them again only the ones that pertain to 21c 23.

3:37:25

do you want to scratch you're going to share allison okay thank you okay i can

3:37:33

i'm just getting it up on my screen one

3:37:42

moment i will say i like the matrix uh idea and i'll probably be stealing that for use with our other clients going

3:37:49

forward it's a good organizational tool i agree

3:37:54

um so the first one on this ordinance is number three and basically

3:38:00

no action is required so uh i think we can move on with that one unless somebody has a question

3:38:09

[Music] then the next one that pertains to this ordinance is number six

3:38:15

so again um this is more of a drafting issue i

3:38:20

mean you want to respond to this at all

3:38:26

sure i'm happy to speak to this this is indeed a drafting issue the bill itself is

3:38:31

a bit convoluted and contains a lot of different ideas in the same place but um it has it relates to

3:38:38

the i believe the fifth whereas clause in the draft

3:38:44

ordinance which we would be proposing now to split up into two ordinances that's

3:38:49

because there is one sentence in e2 shb hb 1220 that says cities cannot prohibit

3:38:55

transitional housing or permanent supportive housing in zones where residential dwelling units or

3:39:01

hotels are allowed and that's a complete sentence so that would be whereas clause number one or new whereas clause number

3:39:08

five um and the new whereas clause number six would say further e-2shb 1220 provides

3:39:15

the city shall not prohibit indoor emergency shelters and indoor emergency housing

3:39:20

in any zones where hotels are allowed unless you have an ordinance allowing such facilities in a majority

3:39:27

of zones with a one mile proximity to transit um so this is just would be a second

3:39:32

whereas clause because the requirements are a little bit different for these two different types of facilities

3:39:39

uh alison can you stop sharing can we just get a thumbs up if the council was okay with the

3:39:45

messages to change sort of thumbs up for that

3:39:50

okay i think there's another okay councilmember reynolds you have a question yeah i may have missed this i apologize

3:39:57

but what does a majority of zones mean does that just mean you know a number of unique zoning

3:40:04

classifications or a majority of the space or or the majority of the frontage on that one mile boundary do we know any

3:40:10

answers to that so i interpret that to just mean um

3:40:16

majority would be measured the same way we measure quorum right which is half plus one

3:40:22

um but i need to take a look that's a very good question i hadn't really thought of it but but half plus one of

3:40:28

as measured by what linear frontage feet unique different zoning categories

3:40:34

unique like you know you know rr1 versus r4 do those does

3:40:39

that count as two and you know that is a really good question um the

3:40:45

the bill doesn't give us any guidance as to how you measure that majority of zones and in fact it would i think it

3:40:51

would have been easier if they said all zones perhaps um that's something i think the interim ordinance doesn't

3:40:57

slice it like that so thankfully that's not something that you guys need to figure out tonight but it is something

3:41:03

we can give some thought to for the permanent rex that's what i was going to suggest thank you

3:41:08

okay so in keeping with that and keeping with giving staff some direction a lean

3:41:14

direction number seven i think eileen you sort of already touched on this one

3:41:21

elaborated on your response to my question regarding the meaning of within a one mile proximity

3:41:26

to transit in response you seem to give us some possible choices to think about

3:41:32

right um so first of all i'll note that the build doesn't define transit um a

3:41:38

reasonable interpretation would likely include both uh bus transit stops

3:41:43

as well as light range uh light rail excuse me

3:41:48

um again the interim ordinance doesn't use this approach because we've really piggybacked off how the how the code

3:41:55

addresses this this is but this is something that we can look at with respect to the to the

3:42:01

permanent ordinance um additionally to what we can do is

3:42:07

work with the gis staff to come up with a radii um so we would basically have them map

3:42:14

out all all of the the bus stops as well as the light rail station on the island and

3:42:20

then draw a one mile radius around there and that would give us a map

3:42:26

if we wanted to use that approach we think that that net result would likely yield a larger area that's more

3:42:33

dispersed throughout the island than if we looked at only the zones where hotels are permitted but here is one of the

3:42:39

places that the bill gives you some choices you can say look we're going to just do where hotels are permitted or

3:42:45

we're going to do this within one mile of transit approach so

3:42:50

i would expect us to come back possibly with multiple options for for council's review

3:42:55

okay maybe we can get a kind of a consensus where council might be at this point

3:43:00

um so if you can stop sharing uh allison

3:43:06

to me the question is i mean i i like the narrow scope the smaller scopes i would my preference is to try

3:43:13

to just do it based on the zones where the hotels are permitted

3:43:18

so i don't know if that's as opposed to this potential expanded uh

3:43:24

area uh council member nice

3:43:30

i was just i was gonna vote thumbs up so okay i think we're all there you got the

3:43:36

majority there okay uh councilwoman reynolds are you uh did you buy them i was just gonna note it's not clear to

3:43:42

me which one is smaller so could you just rephrase your suggestion to be to do whichever one is smaller

3:43:50

there's also a smaller uh geographic area okay let's just do it that way so

3:43:57

um i think there's enough okay all right so eileen and staff i

3:44:03

guess you have that direction when you develop the permanent regulations permanent ordinance i'm sorry okay

3:44:10

um with that in mind any other questions regarding this particular ordinance

3:44:17

if not is there a motion to adopt ordinance number 21c-23

3:44:24

subject to the additional conversation and guidance given during tonight's meeting

3:44:32

second it's been moved by councilmember jacobson and seconded by councilmember reynolds city clerk please

3:44:39

call vote thank you mr mayor councilmember jacobson aye

3:44:46

deputy mayor wiker hi councilmember reynolds aye

3:44:53

mayor wong aye councilmember anderle

3:44:58

i council member niece hi

3:45:03

and councilmember rosenbaum hi great thank you very much motion passes

3:45:10

eileen thank you for uh your help much appreciated um thank you so much

3:45:17

oh i'm sorry councilmember jacobson sorry i i would add to that i think this is an excellent job of

3:45:23

waiting through um somewhat less than perfect guidance from our legislature

3:45:29

and i very much appreciate the clarity and cogency you brought to this

3:45:34

thank you yes definitely agree with that okay so again thank you allison and jeff

3:45:42

i think you guys are coming back i think royce jeff you are uh the fourth item

3:45:48

of regular business is item number nine on the agenda agenda

3:45:53

ab5942 the second quarter 2021 financial status update

3:45:59

uh 2021 2022 budget amendments and for that we have the

3:46:05

looks like a person with a mustache now um so welcome city finance director matt

3:46:12

mornick good evening council matt mark your finance director i'm going to go ahead

3:46:17

and share my screen

3:46:23

please let me know when you see ab5942

3:46:29

got it great okay thank you mayor

3:46:34

uh tonight council i'm going to go through about a dozen slides to provide a brief overview of where revenue and

3:46:41

expenditure actuals landed at the end of june of this year then i'll walk through the handful of

3:46:48

appropriation requests before cancel tonight and that put permit revenues and general

3:46:54

funds surplus to use staff will be available to answer specific questions at the end of the

3:46:59

presentation this chart illustrates how actual

3:47:06

revenues have accumulated in 2021 compared to actual revenues from

3:47:12

last year the blue line represents 2020 while the orange bars represent 2021

3:47:19

you can see between february and march general fund revenues in 2021 began to outpace revenues from

3:47:26

last year and have continued to exceed 2020 revenues through the month of june

3:47:35

this table illustrates the same comparison of revenues through june but also conveys

3:47:41

how expenditures forgive me um

3:47:47

how expenditures are tracking in both the general fund and the utility funds

3:47:53

in general revenues are performing better than 2020 and 2021 expenditures

3:48:00

are relatively on track with spending from the prior year

3:48:07

increased revenue in the general fund is largely due to sales tax continuing to

3:48:12

outperform budget estimates compared to january through june of last year sales tax revenues are up by over

3:48:20

just over three hundred thousand dollars and this is primarily due to sustained growth in online sales

3:48:27

and a rebound in the construction sector with construction up uh permitting

3:48:33

revenues through june are also tracking higher than the prior year this is predominantly due to large one-time

3:48:40

permitting payments received for the xinhua property and town center and the

3:48:45

king county sewer project as well as administrative changes that went into effect

3:48:51

january of this year so this includes the updated permit fee schedule

3:48:56

and staff implementing a better system for employee time tracking that has resulted in more accurately

3:49:03

charging for permit related services

3:49:09

there are four appropriation requests before council tonight and i will go through each one and pause for questions

3:49:15

along the way staff recommends that council consider

3:49:21

adding new positions in the community planning and development department that keeps pace with current demand for

3:49:27

permit related services this table outlines the positions which amounted to

3:49:35

full-time equivalent employees and a half limited term equivalent employee

3:49:40

with the full-time positions being funded by permanent revenues

3:49:46

it's worth noting that this is the first time in four years that cpd revenues are

3:49:51

on track to exceed revenue estimates i welcome my colleague

3:49:57

jeff thomas to provide additional background but staff's underlying intent here is to

3:50:03

take an incremental approach to increasing service levels to address the demand for permanent related services

3:50:11

staff is going to re-evaluate service levels every six months and

3:50:16

remain flexible and adapt accordingly so are there any questions regarding the cbd staffing

3:50:23

increase counsel

3:50:31

matt i don't see anybody's hand right well we have one uh customer rentals

3:50:37

i would just like some feedback from from either uh matt or jeff the

3:50:43

what is the thinking on making these fte positions versus lte positions do we have confidence that the i i i recognize

3:50:50

the higher needs to be made because things are backed up but do we believe this is a permanent increase in need

3:50:58

yeah councilmember reynolds be happy to come in on that briefly um the first two i the first two uh

3:51:04

requests on that list that match his head up on his screen um are restoring

3:51:11

um a 1.0 fte positions that were fractured to 0.5

3:51:17

fte positions last year so a senior plans examiner as well as the

3:51:23

permit permit technician coordinator sorry i already got those confused position

3:51:29

um we have existing 0.5 ftes on our staff right now in those positions so

3:51:35

um by bringing those back to a 1.0 we'd be moving um

3:51:41

those two positions back from the 0.5 responsibility to the 1.0 responsibility

3:51:48

i can tell you with the building plans examination work the demand has always been there it's

3:51:54

that we at the time last spring i had to make some very difficult decisions about uh

3:52:01

recalibrating our expenditures to uh the funds that were available so

3:52:06

um in regards to the second request i would make a similar comment uh the work never went away

3:52:12

um it's that it's it's gotten compressed and um elongated per se where

3:52:20

things just get done on a much longer time frame than what you would with with a little bit

3:52:26

more horsepower the third position or the third request excuse me the assistant planner position

3:52:31

that was on that list um that is a new request um in terms of the

3:52:37

classification of the system planner and the request basically um

3:52:42

has has brought uh multiple positions that were eliminated last year

3:52:48

namely the planning manager a senior planner and then a planner position for a period of time and boiled those back

3:52:55

to an entry-level assistant planner position just to be candid with the council

3:53:01

with such a tough market that's out there right now everyone's trying to steal everyone else's staff

3:53:06

um we're seeing it i i i i i'm almost tempted to say daily but i'm

3:53:13

not sure if it's quite at that frequency yet but um so the strategy here is to add a low

3:53:19

cost um someone who has the appropriate education maybe some intern entry-level

3:53:24

experience to bring them in and uh you know homegrown um

3:53:30

train them up from that entry-level position and hopefully they they grow they learn they

3:53:35

grow and they stay with the organization over time so that's the strategy there that final request the lte

3:53:43

that's um that would be just to extend the existing lte

3:53:49

through next year and um you know a couple of things going on there that position with the cuts from

3:53:55

last year we we hit this gap where um we were having trouble filling

3:54:00

records requests um in an appropriate fashion and some other uh kind of administrative

3:54:06

assistant type duties um this position would continue to do those things that are being done now and

3:54:12

also help make a dent in uh catching us up with some much needed archiving work that we have going

3:54:19

on so um that is the scope of that but that would be limited term

3:54:24

uh in nature so thank you thank you councilmember

3:54:30

jacobson a couple of questions one uh the first one is for matt and that is

3:54:36

the fiscal 2021 and fiscal 20 2022 costs are those are those fully

3:54:43

burdened second question is for jeff and that is

3:54:50

the uh first two positions um are

3:54:55

are these people the current persons doing this are they working half time or are these duties split between

3:55:01

people so they're doing half time one thing and half time something else that isn't here

3:55:06

correct so um the first position the senior plans examiner position uh is half time in cpd and has been half

3:55:13

time in the city manager's office um since last year so

3:55:18

um that half time in the city manager's office would be trends i don't want to speak for jesse but

3:55:25

that the person that's doing that position now would come back to cpd as a full-time employee and then the second

3:55:31

position is half time in cpd with the the permit technician

3:55:36

role and half time with the customer service team we may provide that some runway because

3:55:43

uh we do have someone that's been working part time for us to cover a maternity leave this year who

3:55:50

uh has expressed some interest in continuing to help us out a little bit with a software upgrade that we have to do with the permitting software so

3:55:57

um that halftime cst may continue uh into next year before that full transition

3:56:04

gets made if i can add one more uh one more layer here the the spit split

3:56:10

position um i think it's i think most of you know and i feel comfortable saying that that was that's gareth's role

3:56:17

and you may recall that at the time we were making the service reductions i also had a retirement

3:56:23

and the person that was managing all the sound transit work retired from the city so we put gareth in the split position

3:56:30

and i'll be looking for a different strategy now to to cover that sound transit work so

3:56:36

but jeff needs help and i have the person half of the person with all the technical horsepower to go help him so

3:56:42

that's a natural move

3:56:47

let's remember yeah i just wanted to give um the cpd director the opportunity to kind

3:56:54

of speak to slas and the customer service aspect of clearing the backlog with these

3:57:00

resources you know if you are able to get these appropriations and get these people all in place and

3:57:06

everybody's working and rolling in the right direction do you do you want to speak to the public on

3:57:12

what they might expect in terms of a better experience or improved timelines

3:57:17

yeah this um these these requests certainly contribute

3:57:23

towards that end um that desired end um i would also say you know there's a

3:57:29

couple of different things in play here right um one is the human resource aspect of it

3:57:34

and then there's also um you know a process that we offer for

3:57:40

for different um but with the way we process permits and the way the code

3:57:45

prescribes process as well and then of course there's you know trying to i think that some of this dialogue uh here

3:57:52

earlier this evening with wanting to um look at our codes and and

3:57:57

you know look at things that make sense in our codes right and make them as sensible and as straightforward as

3:58:03

possible so there's different elements that go into the customer experience and of course then there's also the city

3:58:10

working with our customers and this i stole this phrase from someone i used to

3:58:16

work with but the phrase is building a better customer um the more straightforward we can make

3:58:22

things and uh you know present predictability that helps create a better customer to

3:58:28

get a better submittal in the door to um the whole the whole system works better

3:58:33

right from beginning to end so um having appropriate levels of human resource available to assist in these

3:58:40

efforts is definitely a big part and a big critical starting point

3:58:45

for the journey that we need to continue here to get to where we want to be

3:58:52

so to jeff councilmember niece um i'm not sure we could answer the question about how soon do we see the turn uh i

3:58:59

think we can make some fairly immediate internal kind of maneuvers and

3:59:05

pursue this as quickly as possible i don't know if there's any additional

3:59:11

comments you can offer on timeline as i know the council members yielding a lot of

3:59:17

concerns if i may about permit turn times right now

3:59:22

well um definitely again it's

3:59:27

being someone hesitant to you know to map out a timeline for you because we in some

3:59:32

regards we don't know but uh this this definitely contributes towards that and

3:59:38

um you know we are seeing with a recent hire um a principal planner position here

3:59:44

um about eight weeks ago we are definitely starting to see um some of the unlodging

3:59:50

with our planning reviews occur not only in the permit review but in the

3:59:56

customer service end up front as well where were there's just been a general improvement

4:00:01

there that's occurred with our immediate timeliness to respond to requests

4:00:06

and start to move reviews especially in the shoreline permitting area we've seen

4:00:11

some noticeable improvement here almost immediately and then

4:00:17

through into the back end of the building mr mayor if i could add one more color

4:00:23

commentary because i don't i don't want jeff to turn off his screen without acknowledging the good work he's done

4:00:30

you know we're having this conversation with you today because you know he stepped in along with matt and did a

4:00:36

deep dive into our permit fees very quickly at the end of last year and also at the same time got

4:00:44

the house in order in terms of how we were tracking our time and it's a combination of all of these things that

4:00:49

brings us here tonight to be able to say okay we know we're not meeting our service levels but now we also have the

4:00:54

revenue to support the staffing and if you recall looking back year after year we were upside down

4:01:01

and that was creating a whole nother problem for us so i'm proud of the work we've done uh we've been very thoughtful

4:01:07

and strategic and i you know appreciate you considering support for these positions so that we can get our level

4:01:13

of service back um to where i think everyone would like it to be thank you

4:01:18

manager obama i also thank you jeff i think we all know that you and your staff have been

4:01:25

working uh very hard a number of different uh arenas so um

4:01:31

so matt um go ahead i know that there's some other appropriations that are on

4:01:36

the table so matt if i may just because the toggling back and forth gets disruptive can you just go ahead and

4:01:41

finish your presentation and then we'll just break from there for the remaining questions and discussions

4:01:47

certainly thank you staff is also recommending tonight that

4:01:54

the council fund a temporary position through 2022 and the human resources division

4:02:00

to help address pandemic-related staff work finish long-standing work items and just complete

4:02:06

current projects the appropriation request amounts to 156

4:02:12

000 from the 2020 general fund year-end surplus which will fund the hr

4:02:18

specialist position through december now through december of 2022.

4:02:23

it's important to note that the hr team anticipates that staffing levels will

4:02:29

return to current levels in 2023

4:02:37

the number of special projects and litigation requiring outside legal counsel has already outpaced the

4:02:44

city attorney's 2021 expenditure budget by 120 000 so the appropriation request

4:02:52

for council is for 275 thousand dollars to cover the

4:02:57

expenditure budget overage to date and to continue to provide specialized legal

4:03:03

support to see through the city's work plan and the ongoing response to the pandemic

4:03:09

we are tracking all legal costs associated with the pandemic

4:03:15

and we are beginning to look work through opportunities to fund use federal funds

4:03:20

on these expenses so just want to add that point

4:03:25

the final appropriation request involves upgrading the video and audio

4:03:30

equipment in the police department's interview room the sixteen thousand nine hundred dollar

4:03:35

appropriation would come from the nearly a hundred thousand dollars of one-time monies that

4:03:41

the city received from the state's city assistant fund to pay for

4:03:46

the new mandates that are the result of the 2021 legislative session so this

4:03:51

equipment upgrade is required as a result of house bill 1223

4:04:00

and so in summary um this table it is it is not in the financial status update but it lays out the appropriation

4:04:07

requests before council tonight specifically in the blue rose

4:04:13

relative to prior appropriations of general fund surplus that the city council has approved

4:04:19

earlier this year so with a council's approval this

4:04:24

evening of these four appropriation requests 1.2 million of the original 2.24 million

4:04:32

dollar 2020 year-end general fund surplus will remain

4:04:39

and so the recommendation for council tonight um is to adopt ordinance 2120 as

4:04:45

described in exhibit two of the agenda build packet and at this point i will stop sharing

4:04:51

and staff is ready to answer any questions regarding the appropriation requests great thank you matt uh councilmember

4:04:58

enroll uh thank you yes my question about the

4:05:04

hr specialist do we have a person already kind of on staff as a temporary

4:05:10

person if the funding starts now don't we need some um ramp up time to find and

4:05:16

hire yeah we'll have to put the position out um

4:05:21

and we'll you know our typical time for um recruiting for sorry chief of

4:05:26

administration ali speeds thank you councilmember andrew um our usual uh recruitment time is three weeks

4:05:33

um and then of course there's the back and forth negotiation and the interview and so

4:05:40

it will take us a little time to um to get someone on board um but we're hoping to do it uh as quick as possible

4:05:47

okay and so the 150 is it 156 or 165 um is that

4:05:53

fully loaded salary and benefits salaries

4:06:02

thank you thank you any other questions or yes council member

4:06:09

jacobson it's not really a question but it's a comment that is with respect to the

4:06:14

additional funds of being a request of the city attorney's office i

4:06:20

first of all i'm i i think that's something with which i totally and wholeheartedly agree

4:06:26

secondly i think the city manager should be commended for reaching out to get the kind of expertise we we need in an

4:06:33

increasingly complex world of regulations and [Music]

4:06:38

legislatures running wild with legislation that isn't well written and

4:06:44

requiring somebody like eileen today to demystify that so i um

4:06:49

kudos to city manager for for getting these services which keep us ahead of a power curve

4:06:56

okay thank you you know i'll give a shout out we have a lot of partners right now

4:07:02

supporting us on legal work you saw two of our firms represented tonight um

4:07:08

i am appreciative of the creative way in which our we're resourcing our work right now and

4:07:14

obviously um bo uh park our city attorney is is driving that

4:07:19

that train so thank you council uh i hope that this trend doesn't increase right maybe fewer attorneys next year

4:07:25

will be our goal no offense bo hey no offense here either you know

4:07:32

good point so anyway um matt well done on presentation uh folks

4:07:40

are there any other questions uh if not i certainly would like to entertain a motion to adopt ordinance

4:07:46

number 21-20 amending the 2021-20 biannual budget

4:07:55

removed by customer nice and i give it a council member rosenbaum on the second

4:08:01

city clerk please conduct roll call vote thank you mr mayor

4:08:07

council member anderl i'm councilmember reynolds

4:08:13

aye mayor wong hi councilmember jacobson all right

4:08:20

councilmember rosenbaum hi deputy mayor whiter hi

4:08:26

and councilmember niece hi thank you great thank you uh motion passes

4:08:34

um we now move uh to the fifth item of regular business or item um number 10 on

4:08:40

your agenda this is agenda bill 5933 the town center moratorium proposed retail

4:08:47

use adjacent to street frontages commercial floor area ratio and no net loss requirements

4:08:55

um back for i don't know how many times tonight we have our community development director

4:09:02

jeff thomas and this time economic development coordinator sarah louvass jeff

4:09:08

welcome back again thank you mayor for the fourth and final time i believe um

4:09:14

so sarah um sarah's going to bring up here in just a moment uh we've got a short

4:09:19

set of slides we'd like to jog through perhaps

4:09:26

we're going to move through the first uh handful pretty quickly and then we'll spend a little bit more time on the back

4:09:31

end so um [Music] council just by way of introduction um

4:09:36

[Music] sarah has has been working on this with me at the staff level um through the

4:09:43

entire journey going back to the beginning of this year and then as you're well aware we had community attributes um

4:09:50

we still do under contract um they're not here with us tonight um we're we're kind of at the moment

4:09:56

here uh this evening where we're we're talking about amending the development code so um

4:10:03

uh elliot and ethan got the night off and um you know we'll see what comes of it

4:10:09

here this evening so ultimately tonight um ideally we'd like to get some direction from the council but uh we'll

4:10:15

see how it goes after we move through the slides and answer your questions and have a discussion about it so

4:10:20

sarah why don't you roll forward here to slide number two um first couple slides are really just you know by way of

4:10:26

background just to set the table for for those watching tonight and of course for the council

4:10:31

um we've had a uh moratorium in part of the town center outlined in red there on the map

4:10:38

dating back to june of 2020 and um you know going through those first

4:10:44

handful of meetings there in 2020 i believe it was in september of last year council got to

4:10:51

articulating that they were interested in preserving existing commercial retail space and

4:10:57

providing space to meet future demand as well so we went through the budget process last

4:11:03

fall the council appropriated some funds in this year's budget

4:11:08

to bring on some some expertise and that was by way of community attributes and

4:11:13

we'll move to the next slide so community attributes um they they did

4:11:21

some analysis there as summarized on the screen um the the conversation with them uh in

4:11:27

the city council started in april of this year and we had a couple meetings in april when um there was a presentation

4:11:36

i think a subsequent presentation definitely some robust council discussion which uh concluded that that portion of

4:11:43

it on april 20th when the council directed staff to complete additional analysis and research legislative

4:11:49

options for resolving the moratorium so that brings us through april 21 next

4:11:54

slide please we the staff along with community

4:12:00

attributes came back to you on july 6. and i'm not going to go through this

4:12:06

entire list but uh following up on the april 20th direction we presented a range of

4:12:13

options ranging from item one there do nothing to item six which was essentially mix

4:12:19

and match um various options two through five on the list next slide please

4:12:27

where the council ended up on july 6 was an expression of interest in

4:12:33

option six from the slide before which essentially was composed of the following

4:12:39

updating what's commonly referred to as the pink line map but you see the official code citation there on the

4:12:46

screen under item one so that was essentially option three from the previous slide

4:12:51

item two was a new town center commercial floor area racial requirement that was option five from the previous

4:12:57

slide and then tacked on to the end of that was to investigate the applicability of a new town center no net loss

4:13:04

requirement which was a standalone option four from the previous line so

4:13:10

beyond July 6 um staff and community attributes went to

4:13:15

work on working on those three items on that now previous slide as uh

4:13:21

sarah buzzed ahead here she took jogging literally so uh so we'll move to the next slide here

4:13:27

and i want to pause here for a minute to talk about this town center uh commercial far concept

4:13:33

um it's important before you know we get into the calculation of it here which is the seven step slide in front of you

4:13:40

um i just want to take a moment to to color commentary maybe a little bit

4:13:46

the commercial far concept here it's it's presenting a direct relationship right

4:13:51

between the retail restaurant area relative to parcel size

4:13:57

so we've talked about this previously using a one acre concept example one

4:14:03

acre parcel and then an far number will then give you a percentage of that one acre square

4:14:09

footage which is what the requirement would be um

4:14:14

this is not a [Music] kind of a shifty scenario where you take

4:14:19

some from some you know you take some from somewhere and you

4:14:25

you know give some from somewhere else this is where parcels that potentially if this moves

4:14:31

forward and becomes part of code each parcel will have a direct

4:14:37

requirement parcels that are identified to participate in this and we'll get to that in a minute to

4:14:43

contribute that proportional share to the overall income

4:14:49

so it's it's not like an exchange game or something like that this is every parcel that's identified to partake in this

4:14:56

must play its part right um and i think that's important because that's come up a

4:15:01

couple times here as we've led up to tonight's meeting um in various communications and i

4:15:07

wanted to make sure that we're all understanding that the same way so understanding the concept of the

4:15:14

commercial far you know sarah and i worked um

4:15:19

here diligently going back in the last number of weeks to really try and boil this down as simple as possible for ease

4:15:25

of digestion of the concept right so

4:15:31

we're going to expand on each of these in the next couple slides but just to kind of summarize here you know it

4:15:37

starts with the pink line because we need to figure out where we want that type of activity to occur in the town center if we want to make any changes to

4:15:44

what's in the code now you go through your you know drawing on your data sources in steps

4:15:51

um two through four step five is where you establish your

4:15:57

numerator in the equation to do the math step six is where you establish your

4:16:03

denominator with the net partial square footage and then step seven is the actual calculation itself to get the far

4:16:09

so we're gonna run through each of these in a little bit more detail in the next few slides and let's go ahead and do that now next slide for us

4:16:18

so this slide covers steps one through three okay so step one again is taking the

4:16:24

pink line map that's in the code and either affirming that it's good to

4:16:29

go as is or saying hey we're interested in making some surgical changes to it

4:16:35

so what you see here on the right hand side of the screen and it's exhibit one

4:16:41

in your agenda bill packet to the agenda bill here this evening is

4:16:46

a proposed surgical alteration to the existing pink line map

4:16:51

that's currently in the code so there's three key things here we need to

4:16:56

look at we need to look at the lines that are pink those are already in the code as pink

4:17:01

lines and here they're proposing to be unchanged then you look at

4:17:08

the kind of purplish blue type hatching that's overlaying

4:17:14

a pink line those are areas proposed to be removed from the

4:17:19

existing map that's in the code and then you look at the third type here

4:17:25

on this map and that's where you've got kind of it almost looks like a christmas line red and green a little bit it's

4:17:31

less pink and more red with the green dots those are proposed additions

4:17:37

to the pink line map in the code where we want to see

4:17:42

the regulatory authority to maintenance those types of uses that we're looking for at the street level um

4:17:52

areas for restaurant retail type uses in the future right so

4:17:58

this map will not only set in motion for you know new or redevelopments but it will also take existing developments

4:18:05

when tenant vacancies occur to make sure that we're

4:18:10

having uses come in after previous uses that are within the mix that we're looking for in the town center

4:18:17

now i will say just speaking uh briefly here to the proposed editions and

4:18:23

deletions uh the additions there at the north end of the town center in the 27th corridor

4:18:29

um those editions are existing mostly except for the tallest park so they're they're existing developments

4:18:35

for more recent type developments right so we want to add those to the map to have that kind of corridor effect coming

4:18:41

from 76 around onto 27th and then eastward to the edge of the town center

4:18:47

and then also down at the southern boundary there along the 78th corridor

4:18:52

we wanted to add in extending that 78th corridor um

4:18:58

to to add in those types of uses we want to see extend more south and have that kind of corridor type effect

4:19:04

with a few extensions that are off to the west on 29th in the east on 30th

4:19:10

the proposed deletions you see a couple dangling ends there where existing pink lines runs right over to

4:19:16

80th kind of just you know taking edges of those parcels there um

4:19:22

it was recommended by community attributes that we might want to remove those being that we're not envisioning

4:19:28

media as kind of having those types of activities and then uh the triangle tank parcel

4:19:34

there at 76th and 27th um we identified with the help of a few

4:19:39

others some potential challenges in either having new type uses come into

4:19:45

those uh the existing building or certainly that parcel redevelopment might have some some code challenges in achieving

4:19:52

that so we thought to remove that as well um the final thing i'll say about the

4:19:57

pink line map is you'll notice on 78 even though we were trying to extend that corridor effect the three parcels

4:20:03

on the east side of 78 right in the southern boundary there the pse substation the post office the

4:20:10

fire station we left off uh the pink line proposed changes as we

4:20:15

didn't see those three parcels necessarily re-evolving on a roughly a 25-year timeline which is what

4:20:22

we've been considering so um i'm gonna pause there are there

4:20:27

any questions about this step one or comments

4:20:33

uh no questions right now john okay then we'll move to step two so step two

4:20:42

councilmember um thanks so is when is the time going to be right to talk about whether there

4:20:48

are um additional areas where council members might think that um a retail

4:20:55

street frontage requirement should be put into place and i'm speaking specifically jeff when you

4:21:01

and i talked um about the i'm thinking about the east side of 77th south of 29th

4:21:10

uh no time like the present right now um yeah so that is right now that's um

4:21:18

the back of retail but since we did not extend the moratorium

4:21:26

to the farmer's building and we know there will be town homes along the west side of 77th south of

4:21:33

29th i had asked if and and proposed that it might make

4:21:38

sense to uh put a retail requirement on the east side of 77th south and 29th because

4:21:46

um there will be residential units in that area it does seem to make the street

4:21:53

um more pedestrian and friendly and consumer-friendly by

4:21:59

requiring retail there as opposed to just having um you know blank facades or uh

4:22:06

residential only on both sides of the street so i'd be interested in seeing that change

4:22:13

i don't know if others would or and mayor if i may just provide a little

4:22:20

bit of an editorial comment to that um the net effect on a potential far

4:22:25

calculation would really only be adding one additional parcel to the calculation because every other parcel on that block

4:22:32

that council members referring to is already included in the far calculation because they all have

4:22:38

potentially a pink line touching some uh boundary of those other parcels so

4:22:44

it's just that one small parcel kind of right to the right of the have ave there on 77th

4:22:51

that would actually be getting added to an far calculation so

4:22:57

so staff is staff has no objection to the suggestion um if if the majority council would like

4:23:03

to direct us to include uh run the pink line down to the side of 77th and do that

4:23:09

jeff i'm sorry i know that other council members have their hands raised but can you just remind me

4:23:15

about this why this was being excluded or not added at this time

4:23:21

uh yeah sure what what sarah and i learned here um as as this um

4:23:28

you know we've continued to learn and

4:23:39

corridor effect that's referenced there on the slide in the the first bullet under step one

4:23:46

is uh um having that type of activity on both sides of the street tends to lend itself

4:23:53

together so it is generally viewed as as

4:23:58

when you can concentrate and have this type of corridor effect uh these types of areas for retail restaurant tend to

4:24:04

be more successful so knowing what's on the west side is 77th um

4:24:11

the you know what staff put together here was to not have it on the east side of 77th but

4:24:18

again it's you've got one two three four five out of six parcels

4:24:24

will already be included in the far requirements so we'll just be adding that six parcel in this particular case

4:24:32

okay uh councilmember rosenbaum yeah uh lisa and i were in the same call

4:24:37

last week i think we sort of arrived at the same question at the same time so i i also think we

4:24:42

should consider this uh you know it seems to make sense to me and curious what the rest of the council thanks

4:24:52

okay um we're gonna stop sharing and let's see if we have any kind of general

4:24:59

consensus so council oh i see some thumbs up adding

4:25:06

adding it along the east side okay i think so all right

4:25:12

all right jeff good sarah you have that all right all right or one for one here so okay let's

4:25:21

let's move on to step two then so step step two then is is then taking

4:25:27

oh sorry you jumped ahead you need to move back a slide thank you step two then is um

4:25:34

not only adding an l to commercial in step two that we missed but uh we'll also be determining then

4:25:41

our town center wide commercial square footage inventory that's going to be

4:25:47

the starting point for developing the numerator in this calculation so with the help of community attributes we

4:25:54

were able to tap into 2021 quarter three co-star data and the answer to that question is

4:26:02

um with the parcels that are identified on this current map

4:26:08

with the proposed pink line layout the answer is 309 560 square feet so

4:26:15

that's step two it says step two is simply a data draw and community attributes did that for us

4:26:22

step three then is an update to

4:26:27

um elliot's analysis going elliot from community attributes his analysis going

4:26:33

back to april of this year um it's updating the additional

4:26:39

supportable commercial square footage town center-wide so some of you may recall way back in april

4:26:45

when when um the draft report was was presented to council

4:26:50

the number was i believe it was just a hair over 30 000 and then

4:26:56

there was some council direction in april i think council member reynolds was definitely in with some comments on

4:27:02

that uh talking about trying to uh narrow down the department of revenue data a

4:27:07

little bit more and using updated growth targets that had just kind of wrapped up there

4:27:13

in the spring with the gmtc so we went back and we changed a few variables and i think when we presented

4:27:20

in july that just over 30 000 number had been up to about 34 000

4:27:25

and then most recently uh 2020 department of revenue data has come out

4:27:31

so um we took a look at that and we used that to update number again which was

4:27:37

favorable to mercer island and so now the newest most up-to-date number is 37

4:27:44

200. so that's uh that number is really just you know a conti it's been a continual

4:27:50

update with changing variables uh updated data that's come out over a span of months to get us to that number

4:27:57

now okay uh let's

4:28:02

any any comments on either of those two things data draws in the calculation step three

4:28:10

uh nothing right now john okay sarah let's roll forward then

4:28:17

so you've got your in step two we had our commercial square foot inventory step three we had

4:28:24

identify then the additional supportable commercial square footage town center wide when you add those two

4:28:30

numbers together that is kind of the state you're driving into the ground

4:28:36

uh that you want to see ultimately in the town center at full redevelopment build out right

4:28:44

so that number is 346 and 760 square feet that's the end game essentially is

4:28:51

what the city would be looking to achieve to go through and have the parcels

4:28:58

redeveloped that are identified as part of the far population

4:29:03

so now we have to pause in step four and we have to consider oh wait a minute we've already had some

4:29:09

recent redevelopment occur right so what does that mean how much how much is

4:29:15

there what is that and so uh community attributes went back to the

4:29:20

co-star data after with help from from the city staff in identifying parcels that have

4:29:26

redeveloped and we used 2005 as the tipping point because that was

4:29:32

really when the first uh of the wave of mixed-use development came online was 2005 so we use that as

4:29:39

the baseline to work forward from post 2005 so we identified those parcels uh

4:29:46

community attributes went back to costar that 2021 data and said how much

4:29:53

of how much commercial support footage has redeveloped post 2005 in these parcels the answer to that it's a data

4:30:00

draw is 67 364. um that would include constructed and

4:30:05

invested projects uh post 2005 through today so that's step four

4:30:12

step five then is simply nothing more than a math calculation we take step two which is the three

4:30:18

hundred and nine thousand number we add step three which is the additional supportable score footage that uh was

4:30:26

calculated for elliott's report and then we subtract out the post 2005

4:30:31

development because we don't anticipate those parcels short of some sort of catastrophe we don't anticipate those

4:30:37

parcels are going to redevelop on a 25-year horizon um similar to those public owned

4:30:44

parcels down on 78. we don't anticipate that on that 25 year horizon so step five actually produces

4:30:52

the numerator here in our calculation two plus three minus four equals 279

4:30:59

396 that's what we're looking to achieve okay in terms of

4:31:06

new square footage coming online let's roll to step six next slide

4:31:15

step six is simply then [Music] let me before i get to step six let's

4:31:21

look at the map on the right hand side of the screen so the map on the right hand side of the screen

4:31:26

if you think of the three maps that we've looked at in this presentation the pink line map the map on the previous slide that had

4:31:32

orange parcels if you take all the parcels on the pink line map and have a pink line next to

4:31:38

them and you subtract the parcels on the previous slide which were orange

4:31:44

this is what you're left with every parcel identified in blue the blue parcels are the parcels

4:31:52

that the commercial far requirement

4:31:57

would be [Music] that these parcels would be subject to that requirement this is the residue

4:32:03

from the pink line map minus the already developed parcels give you this okay

4:32:08

so that 279 396 numerator that would be achieved on

4:32:15

these blue parcels so that's the numerator the denominator

4:32:21

is simply taking the partial areas of all these blue parcels going into king county assessor data and

4:32:26

just adding up the parcel errors and that number equals 1 million 65 273

4:32:34

okay that's just the total parcel area of all those blue crosses so now you've got your numerator you've

4:32:40

got your denominator and you've got the next slide

4:32:45

which is basically putting all this together okay so step seven the actual calculation

4:32:52

then again just to recap you've got your step two which is your inventory

4:32:59

your existing inventory is 309 number you're adding the additional supportable to it the 37.2

4:33:06

you're subtracting the post 2005 redevelopment that's the 673

4:33:12

to get your numerator in step 5 which is the 279. your denominator is the million 65 and

4:33:19

step six step five divided by step six

4:33:24

produces a commercial far calculation of 0.2623

4:33:31

okay i will say um someone's

4:33:36

someone significantly smarter than i uh pointed out that hey

4:33:41

um it'd be really interesting to look at the post 2005 redevelopment what's the

4:33:48

far of what's occurred so far with that mixed

4:33:53

use type of redevelopment over that 16 year period that got figured out and i will tell you

4:34:00

that it is a 0.1115 so in other words this commercial far

4:34:08

calculation here on the screen the 0.2623

4:34:13

so your future development subjecting that future development to that commercial far on the screen is about

4:34:20

2.35 times greater than the far that's been achieved so far

4:34:27

in the post 2005 redevelopments

4:34:35

so um in conclusion if we

4:34:42

were to institute this commercial far requirement remember i said back at um i don't know

4:34:49

what it was now slide four or something that the end stake in the ground is

4:34:55

achieving that 340 6760 well if we apply the commercial far

4:35:01

requirement of the 0.2623 to the parcels on the blue map from the last slide or the slide before

4:35:07

that whatever it was uh you will get to that end game of the 346 760 of full build

4:35:14

so that's what all this means i think we have one more slide for you

4:35:20

sarah you want to roll it forward i think this is um

4:35:27

more or less from your agenda bill but i'll just recap it here while we're while we're on camera on the record

4:35:32

so tonight um should council be inclined tonight to provide direction to staff

4:35:38

uh staff would be looking for the council to the right direction to proceed with necessary code amendments

4:35:44

to the municipal code chapter 1911 as follows first to provide direction to update

4:35:51

essentially the pink line map that's identified in exhibit one in your packet and we covered here in the presentation tonight

4:35:57

two would be to provide direction to run through

4:36:03

the legislative review process to institute a new town center commercial floor area racial requirement

4:36:09

um as presented or as slightly amended as a couple council members pointed out earlier with adding a potential parcel

4:36:16

from the pink line map so then that far requirement will be subject to parcels identified in exhibit

4:36:23

2 in your packet which was the parcel map with the blue shaded parcels on

4:36:30

it and then item three would be then that we haven't uh we're going to discuss right now which would be to

4:36:36

include a new selective counseling no net loss requirement to post 2005 redevelopment parcels as identified in

4:36:43

exhibit 3. so what that is the 67 000 and change number which is

4:36:52

the existing commercial space which is contributing to the end goal of the 346

4:36:57

thousand [Music] we want to make sure we don't lose that over time now again we don't anticipate

4:37:03

those parcels are going to necessarily redevelop on a 25-year time frame but

4:37:08

to ensure that if something catastrophic for example was to occur we

4:37:14

want to make sure that we don't lose anything

4:37:21

square footage wise that's there now we don't necessarily need to increase it because

4:37:26

other parcels that we'll redevelop in the future will handle that but we don't want to lose anything so that's the no

4:37:32

net loss component to this so those would be the three requests for

4:37:38

direction if council's inclined to provide it quickly the updated schedule

4:37:43

sarah and i are going to be speaking with the planning commission tomorrowland to provide some background on what's occurred today with all this

4:37:51

and to update them on what occurs here this evening um

4:37:57

then we are going to schedule a public hearing uh to be determined for either the 27th of october or november 3rd

4:38:04

to present the actual code amendments to the planning commission uh we'd be back to council in november

4:38:11

then to present the planning commission's recommendation on final code amendments to achieve this

4:38:19

and that would be on november 16th the first reading and just in the nick of time

4:38:24

uh second reading would be uh the first of december which could be potentially your last meeting of the year

4:38:30

but that mirror those hands up and i am done with what i needed to tell you

4:38:36

thank you jeff you did it very well and much appreciated um

4:38:42

councilmember reynolds yes i i know we just took this presentation down but can you bring back

4:38:49

up for a moment please

4:38:55

uh can you back up one slide i just want to well first off

4:39:01

just jeff to you and sarah thank you i think you guys did a great job both on the work and the presentation

4:39:08

um i'd like to ask about the change we talked about earlier this evening about the east side of 77th i guess it is

4:39:15

um i want to make sure i understand the ramifications of this because i think it goes in in two conflicting directions

4:39:22

and i want to make sure you can confirm my impression on that um first off if we do extend that pink

4:39:27

line map uh to the east side of 78th or 77th that would impose a retail

4:39:33

frontage requirement on that side of 77 but is not currently there which at least in theory creates the opportunity

4:39:39

for more retail but i believe it would also

4:39:44

um uh put that number in

4:39:50

to line six so that one zero six five would increase to something larger i

4:39:55

don't know how big that lot is correct so that the far requirement then would shrink

4:40:01

exactly right slightly yes do you have a sense as to how much that would shrink by

4:40:08

um by slightly i think it would probably be hovering around 0.26 but we can

4:40:15

certainly try and figure that out for you here on the fly because that's a good that's a good question i probably should have been prepared to address

4:40:20

saying i'm not yeah i i'm thinking it will still round to 0.26 but since i don't know how big that lot is i can't

4:40:27

tell you but i'd be curious to know okay

4:40:38

okay jeffrey try to do the calculation now

4:40:43

um we'll try and weave it in but let's keep going with questions

4:40:48

we can certainly circle back if sarah or somebody wants to do it in the background okay uh council member niece

4:40:54

well i first i would give jeff a little bit of time to look at a parcel up on king county parcel viewer i don't think

4:41:00

it's a very big parcel so it's not going to be very dilutive i wanted to thank jeff and sarah for

4:41:06

their staff work on this elliot did a great job supporting us from a consulting perspective but i think it was critical

4:41:13

to understand it also you know council member reynolds mayor wong were both working together with me with staff

4:41:19

on this i think it was a really it was a process that worked very

4:41:24

smoothly i think they took a lot of feedback from the group and we came out with a pretty good

4:41:30

outcome here i think that looking at the parcels that are in blue

4:41:35

and looking at the pink line map and the amendments to it you could see that we were very cognizant of the far and not trying to

4:41:42

dilute the 0.26 with anything that wasn't critical to building that number up and that meant not putting anything

4:41:48

then that has been redeveloped or that was not likely to be redeveloped and that speaks directly to that small

4:41:55

basically undevelopable triangle that's over on 76 and 27.

4:42:00

so i think it's smart to put the the retail along the east side of 77.

4:42:06

we just got the permit application or pre-application notice today for the 48 uh townhouses so it's definitely

4:42:12

something that's going on uh across the street and i think it would be a shame for you know 48 high-end townhouses to

4:42:20

face the back of basically retail stores so

4:42:25

you know in terms of trying to come up with a far number that is exactly what we want

4:42:30

it was so stark to see that in contrast to the 0.115 that we developed this morning you

4:42:36

know i woke up and i thought i wonder what the far of those parcels that have redeveloped since 2005 really

4:42:43

was the orange ones and you know it tells us that the direction that we were going in would have yielded

4:42:50

you know a contraction of half your retail restaurants and so preserving that with that

4:42:56

additional step of no net loss is critical it'd be nice to see it grow

4:43:01

maybe it will grow i think that there is some saving grace in terms of the pink line amendments

4:43:06

will return conforming uses to spaces that don't necessarily have it that are within that corridor so we're we'll see

4:43:13

some rise in restaurant retail in areas where there's non-conforming uses because of just the changes to the pink

4:43:19

line mount but i just want to thank everybody that contributed to this and thank those

4:43:25

bodies that uh the planning commission that needs to get to this for the work that they'll do because

4:43:30

this really is a huge improvement islanders are going to see effectively a doubling of restaurant retail if they

4:43:37

were to walk over to the hadley and just imagine twice the restaurants and twice the retail

4:43:43

and then add some that's what that's what you would expect in a new uh redevelopment on any of the parcels

4:43:49

that we're talking about so i'll leave it at that thank you

4:43:56

mayor if i may quickly the answer the answer to the question is by adding that parcel the far would be

4:44:02

revised to 0.2569 what was that what was the number i'm

4:44:07

sorry uh 0.2569 okay so

4:44:18

i'm willing to argue for calling for rounding that to 0.26 yeah i feel like that's too much of a

4:44:24

change for that small parcel with the overall um

4:44:31

the overall square footage it's 22 148 square feet per the king

4:44:36

county assessors data

4:44:46

jeff if you could just shoot me that the the data that you use for that math calculation i'd just like to take a look

4:44:52

at it i don't want to take any time right now admit that doesn't seem right if it's 22

4:44:59

000 divided by a million it should decrease the ratio by around 0.22 when you're saying it went up by

4:45:05

more than twice that amount something doesn't smell right

4:45:11

well so where are we going so i'm happy to send it out

4:45:18

now you've got me paranoid so i'm going to double check my math here really quick

4:45:26

yeah so to give jeff a minute to do his math without everyone looking at him i'm just going to say thank you to the

4:45:31

subcommittee of salim and benson and was it craig sorry i missed the third

4:45:36

one yes you math majors thank you very much for your great work on this and um

4:45:43

totally concur with the recommendations and thank you guys for uh for doing all that work all this time and um

4:45:49

i think it's good work and i'm excited to support it so saleem if you're ready to make a recommendation when we're done

4:45:54

doing the math um i think it's a good plan and vision going forward should i keep talking jeff or do you

4:46:00

have the number my my math was confirmed at 0.2569 so i'll send that out to the

4:46:07

council so you can see it but it's taking the 106.5 number adding 22148 to it and then

4:46:14

taking that new denominator of four 108.742 one and

4:46:22

plugging it into the calculation and getting a uh point two five six nine so i'll send that out to the council so you

4:46:28

see it but that i've done the math and i've found the same answer twice i

4:46:33

apologize you're probably right i was thinking it was an adjustment to the numerator it's the denominator that's right so it's plausible it's

4:46:39

counterintuitive uh councilmember andrew

4:46:44

um no i'm i'm just gonna i'll look at the numbers i'm not going to debate it right now

4:46:50

okay uh council member niece so i wanted to make sure the council had another option

4:46:56

the parcel that we're talking about has a small office building already constructed on it again it's not likely

4:47:01

to redevelop in probably the next 20 years uh you could add the pink line down 77th exclude that

4:47:09

parcel and keep the 0.26 because it's not dilutive to the far ratio at all by

4:47:14

not adding it in and i think if anybody's squeamish about 0.26 dropping to 0.25 it doesn't want to round you

4:47:22

know the 0.25 up we could just pick line it down 77th

4:47:28

and keep that parcel uh out of the the far calculation aren't we spot zoning then

4:47:35

spot zoning um what we're saying is basically what we're saying is that we don't expect it to redevelop in the

4:47:42

zoning horizon that we're aiming for is you never know there's an office building there it's

4:47:49

it's not like it's a vacant lot right it could be nicer those cool condos going across the street

4:47:57

okay um any inclination to um

4:48:02

[Music] follow council member neesa's suggestion

4:48:08

or are we just going to go down he said 77

4:48:13

this is what we already sort of gave our thumbs up on so councilman reynolds are you

4:48:19

suggesting carve out that one yes because i think it's helpful to

4:48:25

preserve the fur ratio i'm already a little nervous that it's as low as it is and i don't want to pull it any lower

4:48:32

okay so um thumbs up if you are i want to carve out

4:48:39

that one parcel on the east side of 77th can i just ask what

4:48:45

jeff thinks of that recommendation

4:48:50

um i think it's a reasonable no point to to move forward with

4:48:56

the great the great news about code is if we foresee it as some sort of issue

4:49:01

in the future we can always come back and address it so and the intent is to try to maintain far

4:49:08

the 0.26 so anyway all those in favor of carving

4:49:13

out that one parcel i guess i guess i'm not i'm not understanding why we're not

4:49:19

adding that parcel to the numerator as well so i'm not prepared to

4:49:26

really say one way or the other on this right now because this is happening on the fly and it's

4:49:32

it's not clear to me like i said i asked to see the calculations and so

4:49:39

um can't wait can we make this decision the next time

4:49:48

jeff you are going to go to the planning commission do you need this particular issue

4:49:54

resolved city manager uh yeah we are trying to get to a

4:50:00

handoff to the planning commission if possible this evening i i guess um

4:50:06

i i feel everyone's uh uh concerned about doing math on the fly thanks jeff uh

4:50:13

do we need a break to exchange the judy math

4:50:18

i don't know what what can we do to help at this point let me let me take a quick swing at explaining

4:50:24

it so my interest so the parcel size is 22 148 square feet

4:50:30

uh based on my understanding of the current use of the property it's not contributing any

4:50:37

square footage to the to the restaurant retail calculation that we're trying to do so that that

4:50:43

number is zero so zero's being added to the numerator but we're adding the parcel size

4:50:49

if we want to include it as part of the group of parcels that will be subject to the far requirement so then

4:50:56

the denominator needs to increase by 2 22 148

4:51:02

so when you leave the numerator static and you increase the denominator you're going to be driving your far

4:51:08

calculation down also i don't understand i you're only

4:51:15

the numerator only includes um retail not commercial

4:51:23

commercial defined defining co-star with those retail

4:51:28

restaurant uses that we're trying to achieve that was the data drive that was done by community attributes yes

4:51:35

is that 300 so office office space is not included

4:51:47

if i'm wrong about the use of the parcel then we probably need to investigate that further

4:51:58

sarah yeah that personal is a 100 commercial office use so no banking

4:52:05

it's all individual sole proprietor and other types of organizations

4:52:10

so yes just correct it would have zero retail square footage i don't yeah i don't i didn't understand

4:52:17

that that type of use would be excluded um i kind of tend to think it should be

4:52:23

included but that shifts probably sailed

4:52:28

so customer address with that not included um [Music] or

4:52:35

should we just do a thumbs up let's just say again if we were is there a consensus on excluding that

4:52:41

one particular parcel in order to maintain the far at the 0.26

4:52:49

i think you've got to be a little bit more clear about what you're asking for does it get a pink line

4:52:55

and it's blue or does it get a pink line and it's orange it's it's a

4:53:02

if it's a pink line and it's orange it's not dilutive to the 0.26 if it's a pink line and it's blue it is

4:53:08

diluted i'm interpreting the plant in the table

4:53:13

to be pink wine and orange correct that's something you're proposing that's what i'm proposing is add the

4:53:19

pink line and make the parcel orange that .26 will not be diluted

4:53:25

but if that building redevelops would be subject to a retail requirement

4:53:31

well if it's orange it'll be don't that long no net no it'll be i know but there's none so

4:53:37

it's zero but yeah right okay if you if it's pink and it's orange it's we stay

4:53:42

with the point two six two three and if it redevelops somebody has to go retail right so what's saleem said

4:53:49

yeah what celine said okay so pink line and orange okay

4:53:57

all right so there's enough concerns on that okay all right so i have one more i have one

4:54:03

more amendment i want to make sure i i'd like to make the xinhua

4:54:09

property uh i'd like to color that blue

4:54:15

so the two parcels which are xinhua which is mud bay and the king property

4:54:20

if we color those blue it will not be dilutive to the far

4:54:26

we'll leave the 0.2623 but two you know 0.2623

4:54:32

but if they lose their vesting and their permit they won't be stuck at the point one one

4:54:37

one two they will be increased to the point two six two three

4:54:42

they'll be subject to the new farm so right now they're vested they're going to be what they are

4:54:49

it's going to be way below the 0.26 but it is what it is but if they if that permit

4:54:56

lapses and they don't redevelop and some other person comes along and buys it or they come back with a new application

4:55:01

they'd be subject to 0.2623 okay

4:55:10

but i support that amendment uh council member reynolds i i'm supportive in concept but i just

4:55:18

want to help understand why would that not be dilutive to the far

4:55:23

because we're not going to include in the calculation because they're vested like we have a nexus to say

4:55:28

you don't add that parcel size to the far and cause the dilution because they're

4:55:33

vested and they're going to develop at their already planned ratio but if it falls

4:55:39

through they would be subject to old code which doesn't really determine any of this and

4:55:44

it would just it's a potential for a hanging chad we don't want i i think that makes sense so in fact

4:55:50

what you're suggesting is they're neither blue nor orange they're they're they're blue in the sense that they're

4:55:55

subject to the far but orange in the sense that they don't impact the far ratio yeah can we just ask our city attorney

4:56:02

and planning director if that's okay and compliant with how standard operating procedure works when we have somebody

4:56:09

under development actually i just i just wanted to check signals with jeff uh thank you deputy mayor wyker before you

4:56:16

thumbs up this jeff does that work for you yeah it's it's the council's pleasure

4:56:23

here to you know to to structure a proposal as they see fit um we've

4:56:30

we've provided you know the methodology and the the sideboards that we put on the methodology and it's

4:56:37

uh unless bio disagrees with me it's it's the council's pleasure to

4:56:43

to uh to make um you know to have discussion and

4:56:48

and um come up with with uh direction that they see fit so

4:56:53

thank you you just popped on i agree um provided that uh their

4:56:59

current right as vested is not being changed

4:57:05

whatever happens in if you know speculating here if they

4:57:11

lose their vesting or they abandon their project and how this is going to be developed in the future

4:57:17

um is is is not protected um so you know one thing that i would ask that

4:57:24

is you know xinhua may be the shamha project may be the only pro parcel

4:57:29

that's subject to this right now that it's the only parcel that's vested yet not developed

4:57:36

but if there is other i would uh you know ask that uh they be treated

4:57:42

accordingly and if they don't develop as well and they would be subject to the new

4:57:47

um you know fall requirements

4:57:52

thank you councilmember reynolds just agreeing okay so

4:57:58

um is there an agreement to include the xinhua property as balloon

4:58:03

okay so we have that as well okay thank you any other questions or any other proposed amendments

4:58:11

if not um we have a motion there's three parts i'd like to see if we can take this as

4:58:17

one motion is that possible to say manager or should we take that at three separate motions

4:58:24

no saleem yeah i was gonna ask somebody is going to have to i i don't know i think one motion is

4:58:31

fine unless the city attorney here jeff feels differently saleem i'm happy to make one motion so um i

4:58:38

move one to update micc 19.11.020

4:58:45

open brand b close print uh open paren for close brand retail use

4:58:50

required adjacent to street frontages as identified in exhibit one and two institute a new town center

4:58:58

commercial floor requirement as presented which will be subjected to parcels identified in exhibit two

4:59:04

as amended tonight and three include a new selective town center no net loss

4:59:09

requirement to post 2005 redevelopment parcels only as identified in exhibit

4:59:22

three all right did you second that councilmember reynolds

4:59:28

i think i i haven't had a chance okay one person at a time please

4:59:34

okay so it has been moved is there a second councilmember reynolds it was

4:59:40

it was councilmember jacobson i believe mr mayor yes councilmember jacobson did beat me to the second but i do have a question i

4:59:46

want to make sure i heard everything correctly on number one uh council member niece did

4:59:53

you did you include an as amended comment in there to make sure it's clear that the uh east side of 77th is

4:59:59

intended to be changed no but i'll take that friendly amendment okay

5:00:06

do we need that on three because uh the third one did we add a no net loss to anything

5:00:12

that's not orange [Music]

5:00:18

who didn't you it's like i i i would think you would need to say

5:00:24

yeah on any vested vested but not built projects or something to that effect

5:00:30

well that or just as discussed i mean again i'll do it as discussed yeah

5:00:36

i actually don't think you need to change three because by moving the xinhua project over to blue from orange

5:00:43

it changes one yeah they're gonna be they're gonna be subject to the the new far requirements so you don't

5:00:50

need to know net loss because you'd be increasing it by having it on blue map so i think three is fine just one and

5:00:56

two need to be as amended okay very good all right and so

5:01:01

the amendments have been accepted we need to uh do we need to second that uh say the

5:01:08

attorney city clerk jake are you gonna second this

5:01:13

okay thank you okay all right um city clerk please conduct the roll call

5:01:24

sponsor member niece hi councilmember anderle anderle

5:01:29

hi councilmember jacobson hi mayor wong hi

5:01:37

councilmember rosenbaum hi deputy mayor whiter hi

5:01:46

and councilmember reynolds hi thank you motion passes let me just say

5:01:51

that this process has a complicated issue and the process was very um

5:01:59

very interesting i mean i think it was it worked out well so i appreciate all the council members assistance and

5:02:06

all the council's involvement and of course the staff did a fantastic job so anyway thank you

5:02:13

very much look forward to getting uh some feedback from the planning commission after this

5:02:20

america eric can i just say sorry to interrupt can i just have one more quick thing

5:02:26

before you move on with the rest of your agenda so we've got our schedule for running this

5:02:31

through the legislative review process and back to council i do want the council just to be aware

5:02:37

this evening the current moratorium expires on december 1st

5:02:42

so we are going to need to come back in november um

5:02:47

the 16th i assume with a moratorium renewal to guard against

5:02:55

um some catastrophe occurring that we don't complete this on december 1st

5:03:02

so that you can keep your moratorium intact while the rest of this review process is completed so i just wanted

5:03:08

the council to be aware of that this evening um we will be back for that item as well

5:03:13

in november but uh hopefully you know it'll all work out and

5:03:18

we ultimately need it for very long so thank you and with that then i'll include a

5:03:24

possible public hearing if we have to go that route it will include the public hearing up

5:03:30

front so we have to deal with that as well so okay correct uh council we've been at it for about two hours or we

5:03:37

started to go uh i'm okay uh

5:03:43

city manager or house staff doing can we proceed

5:03:49

okay so we now move regular business uh this is

5:03:54

ab 5943 second review and adoption of the city's updated financial management policies

5:04:02

well welcome back city finance director matt mornick

5:04:07

good evening council uh for the record matt mornick your finance director i'm going to be brief this evening no no

5:04:14

presentation um before you tonight are updated financial management

5:04:20

uh policies that incorporate feedback received during the august 31st 31st city council

5:04:27

meeting exhibit one is the resolution for adoption with a clean version of the

5:04:33

latest financial management policies exhibit two is a redline version of the policy

5:04:39

document that illustrates the feedback staff incorporated from city council

5:04:44

the feedback that council provided on august 31st really rounded out the policies with additional information

5:04:51

clarification through more concise language and where appropriate more flexibility

5:04:57

with how to use budget surplus to further the city's long-term financial goals

5:05:03

so taken together these revisions really refined efforts from the six-month

5:05:08

collaboration between the finance ad hoc committee city staff and outside counsel

5:05:14

i extend my my gratitude to deputy mayor weiker councilmember niece and councilmember reynolds for their

5:05:20

commitment and creativity in drafting these policies so tonight staff is looking to address any final questions

5:05:27

regarding the policies and recommends that council adopt resolution number 1602 updating the city's financial

5:05:34

management policies i'm happy to answer any questions great thank you matt

5:05:40

any questions again this is our reading um

5:05:46

and you have been provided an updated set of the financial management policies

5:05:54

i will give it five more seconds to see if anybody has a question

5:05:59

if not um is there a motion to adopt resolution

5:06:05

number 1602 to update the city's financial management policies

5:06:10

that moved second it's been moved by deputy mayor weiker

5:06:15

and seconded by council member reynolds to [Music] adopt resolutions number 1602

5:06:22

any questions city clerk please conduct the roll call

5:06:28

vote thank you mr mayor councilmember rosenbaum aye

5:06:34

councilmember jacobson all right councilmember niece aye

5:06:41

mayor wong hi council member andrew hi

5:06:48

deputy mayor weiker hi and councilmember reynolds all right

5:06:55

ocean passes uh matt i suspect you probably expected to get some questions

5:07:01

but uh you've done such a good job and shepherding this uh

5:07:08

resolution and the policies before the council that obviously um

5:07:13

no questions were asked i want to express our special thanks on behalf of the entire city council

5:07:19

from your fine work and the fine work of other members of the finance department um obviously

5:07:25

you know working together with deputy mayor weiker and council members reynolds and east

5:07:32

prove good process for getting this done so again thank you for all your

5:07:37

leadership and your drafting of these policies i think uh you've placed the city in a much better position in terms

5:07:44

of maintaining our fiscal um sound um

5:07:49

position so thank you again okay thank you mayor we're excited to get to work thank you to the idaho committee

5:07:56

so you got you got plenty of time now so uh there's more more to do matt more to do so okay

5:08:03

so again thank you very much okay uh can you believe it okay it's only 1006 and we're actually moving to

5:08:10

the final item of regular business um this is av 5944 authorizing an appropriation in

5:08:19

appropriation for outreach services from area shelters for the homeless and

5:08:24

update implementation of ordinance uh 21c-02

5:08:30

and joining us is police chief head homes

5:08:36

hey good evening council members ed holmes your police chief and i do not have a powerpoint

5:08:42

presentation here but i do have some talking points to highlight uh the important components of agenda bill 5944

5:08:50

so very briefly as a point of reminder back in february on the 16th

5:08:55

the council adopted ordinance 21c02 which essentially prohibited camping on all public

5:09:02

property at that same council meeting you directed me to come back in six months

5:09:07

with a report on how our enforcement experience has been with this ordinance

5:09:12

so here i am about six months later and i am very pleased to report that we have

5:09:19

not made any arrests for violation of the ordinance nor have we made any uh or issued any

5:09:26

citations for violation of the ordinance but we have learned a few things

5:09:32

and one of the things we've learned is that this ordinance does give us a reason to make contact with people who

5:09:38

are experiencing homelessness we've learned that some of the people we contact will take

5:09:44

us up on our offer to connect them to the mobile crisis team even though that mobile crisis team

5:09:49

focuses primarily on behavioral health emergencies like mental health concerns

5:09:55

or substance issues they'll still take us up on some of those offers

5:10:00

and we've also learned that people experiencing homelessness can benefit greatly from the services of a

5:10:06

qualified outreach worker despite our best efforts as police officers uniformed police

5:10:12

officers we understand that not everybody always wants to talk to us so

5:10:17

connecting with someone who is qualified in outreach services can be very helpful

5:10:24

this summer a number of us staff toured two area shelters and if you've heard me talk about these

5:10:30

before you've heard me say that we were pretty much blown away by the services these shelters provide we toured the

5:10:37

sofia way which focuses primarily on women and families and we also toured

5:10:42

the congregations for the homeless which focuses primarily on men and these shelters provide so much more

5:10:50

than just a bed to rest your head these shelters provide full wrap-around

5:10:55

services they provide services that help people get their id help them get a job

5:11:00

they provide mental health counseling they provide substance abuse counseling and they provide

5:11:06

pathways toward permanent housing these shelters also have outreach

5:11:11

workers that go out in the community and connect with people experiencing homelessness

5:11:16

except mercer island is not currently in their jurisdiction their outreach

5:11:22

jurisdiction when we were at these shelters both shelters expressed an interest including

5:11:27

mercerc island if we could come to some sort of an agreement so at the the august 31 council meeting

5:11:35

the city council directed staff to research what that would look like and

5:11:41

to come back tonight with an agenda bill that would contemplate

5:11:46

entering into relationships with the sofia way and congregations for the homeless for those outreach worker

5:11:52

services so for a fee of ten thousand dollars each so a total of twenty thousand dollars

5:11:59

the sofia way and congregations for the homeless would include mercer island in their outreach worker area through

5:12:06

december 2022 so we're here tonight uh with his agenda bill asking for authorization

5:12:14

for the city manager to sign such agreements to negotiate and sign these agreements i have tambi uh cork yfs

5:12:22

administrator and mike seifert our operations commander with me here tonight if

5:12:28

so with that my interest was in keeping this brief and succinct and i am happy

5:12:33

to answer any questions

5:12:40

i think uh mr mayor i think you were actually frozen but was i frozen no all right now now you are unfrozen

5:12:49

okay wow i couldn't tell um all right i'm

5:12:54

sorry it was me not you uh deputy mayor weinker

5:13:00

yeah chief i just want to thank you for your great work in the last six seven months while you've been doing this uh

5:13:05

heavy lifting on top of your already busy schedule and workload and managing our department and i want to offer the

5:13:12

floor to mike seifert so he can tell us about the operations and how this might work with the nonprofits because it's my

5:13:17

understanding you and he has been working closely about how this might work and how this will be operational

5:13:23

and i think you both are great to have at the helm leading this work um so just want to thank you so much for

5:13:29

doing it and getting it done quickly and especially now that um winter is coming and covet is still here

5:13:35

and folks are going to be needing some shelter who might otherwise be challenged in that regard so thanks to you and mike i want to offer mike the

5:13:41

floor deputy bear thank you so for the record

5:13:46

mike seifert the operations commander here for the police department and your question specifically is just how

5:13:52

would this look on the operational way with the police um what it does so we try to contact people um as much as

5:13:59

possible we usually get a call or we'll see somebody who looks like they can use assistance or information pass along to

5:14:05

them very often as the chief said they don't want to talk to a uniformed police officer after the first amendment the other

5:14:11

thing people know most about their rights is they have a right to remain silent so when we see a police officer we tend

5:14:17

to walk away unless there's something that we want from them um we do call the mobile crisis team and

5:14:22

have had some success with mobile crisis team coming out but the mobile crisis team does not specifically

5:14:28

um help people that are that are not having a mental crisis or having a mental health issue at the time that's

5:14:35

what they're there to do they have resources they do have ways to connect people with the same sort of resources that we

5:14:41

would get through these outreach but where these outreach workers can really succeed is they can they have a plethora

5:14:47

of things they can show that the mobile crisis team focus specifically on the crisis maybe

5:14:53

wouldn't be able to do so we as officers especially when we have people that we've contacted maybe on

5:14:59

multiple occasions instead of going out and trying to talk to them ourselves or they may walk away we might not see them for a few more

5:15:05

days we could actually call the outreach workers have them come out in operations we don't know how it's going to work

5:15:11

specifically yet just because we haven't done it but in theory that's how it would work we'd have somebody who we know maybe

5:15:17

benefit from talking to the outreach worker we know the outreach worker um can speak in a manner that a uniform

5:15:22

police officer necessarily not that we can't but it's going to be received in a different way so that's how i would foresee that

5:15:28

working thank you councilmember anderl

5:15:36

um no i'm good sorry i didn't i i may have a question but i was i was just um

5:15:42

didn't have anything right at this moment okay um well there's no other question certainly

5:15:48

would like to entertain a motion if again if there's no questions council member niece your hand up

5:15:59

you're muted celine first time for everything right

5:16:07

i'll make a motion but i wanted to first just make a few thank yous i wanted to thank the chief and the commander for uh

5:16:13

organizing this agenda bill bringing it forth and for your report it's you know heartening to hear that 21 co2 has

5:16:19

allowed you to make additional connections that you you hadn't made in the past couldn't make in the past necessarily

5:16:25

and it's just heartening to see that you're able to learn more have more interactions and come back to council

5:16:31

with a really targeted kind of focus on what resources will best meet the demand

5:16:38

one thing that i have thought about the more we have kind of developed these connected services to people that have

5:16:44

uh not just experiencing homelessness and householdness but just in general the housing security needs but we have a

5:16:50

lot of programs that we're funding but we're doing it in a real disconnected way and if there would be a

5:16:57

way for maybe the finance department to aggregate these things into a bucket of

5:17:04

assistive measures to help with housing security and homelessness and houselessness i mean a few of them that

5:17:11

we've talked about just this year and we've been funding over the last couple years pretty aggressively is the yfs assistive

5:17:18

housing funds we in the pandemic increased that funding significantly the arch contributions

5:17:24

um the east side shelter assistive uh payments that we're making these

5:17:30

additional outreach officers uh yfs certainly is integrated in this effort and then the new mobile

5:17:36

integrated health you know if we had a way and those are all things that are discretely funded but in different parts

5:17:42

of the budget of trying to pull that together for future councils so they can see that that is kind of a

5:17:49

strategic outlay of resources towards this issue which is obviously a very complicated issue i

5:17:55

think it would be helpful so with that i'll make a motion to authorize the city manager to negotiate and execute an

5:18:01

agreement with both the sofia way and congregations for the homeless in an amount not to exceed twenty thousand

5:18:07

dollars ten thousand for each organization for outreach outreach worker services for

5:18:13

individuals experiencing homelessness through the end of i'll second it

5:18:19

but i would also like to speak to it for a minute yes go ahead councilman yeah

5:18:24

um i had my hand up and then it was down and now it was up again um i did want to thank ed

5:18:30

chief ed and commander for your efforts on this it is um heartening to know that that the

5:18:36

ordinance is working in the way that we hoped it would be as a tool to connect people to services um i think this is

5:18:42

this next step which is just an add-on to to the way we were hoping this would play out is is wonderful so thank you

5:18:49

for your efforts on it and the compassionate enforcement i appreciate it

5:18:54

welcome it truly has been a team effort and to include yfs and tambi's help there but i thank all of you for your

5:19:00

support great thank you you know i'm going to speak in support

5:19:06

of this motion while i will be off the council after the end of 2021 i see this motion as

5:19:14

only the start of a broader conversation discussion that this council and this community need to have

5:19:20

in determining how the city can play a bigger role in addressing the regional homelessness

5:19:26

crisis and the regional lack of affordable housing hopefully when the city has

5:19:31

opportunities in the future to help those who are less fortunate for instance through increased support for

5:19:38

arch to help address the lack of affordable housing this city and this community will continue to show the

5:19:44

compassion that has shown in the past and look for new ways to increase the amount of help that we can provide

5:19:51

council member reynolds i just wanted to briefly uh thank the chief on this i think it's a tremendous

5:19:58

opportunity a tremendous idea and i think it's it's a reflection of the fact that everybody has to recognize

5:20:04

in every organization every person where their core competencies lie and i i'm a a huge fan of the chief and the

5:20:11

mercier island police department but this is an example where he's recognized that there's an outside organization that is

5:20:17

better able to address certain situations and recognizing that and reaching out to them to make it happen is a great thing

5:20:24

and i think it's a win-win thank you

5:20:29

uh any other comments we have a motion before us that's been

5:20:34

seconded uh no other questions so at this time ask the city clerk to conduct the roll

5:20:40

call vote thank you mr mayor

5:20:46

jacobson all right councilmember reynolds aye aye

5:20:54

deputy mayor whiter aye council member anderle

5:20:59

hi mayor wong aye councilmember rosenbaum

5:21:05

hi and councilmember niece hi

5:21:10

great thank you very much thank you chief thank you commander um the

5:21:17

next regular meeting i'm sorry um sorry jesse so

5:21:23

we now move to other business and the planning schedule so uh city manager jesse vaughan

5:21:28

uh given the hour seems it seems that i always start this uh section of the agenda with that comment i will uh just

5:21:35

be brief but i do need to call out a change to the october 5th meeting shortly after publishing your packet

5:21:42

as luck would have it i had to remodel the agenda for october 5th i need to set aside a fairly big

5:21:50

chunk of time that evening for an executive session possibly one on the front side and one on at the end of the

5:21:56

meeting so we've talked internally we're moving the arpa funding discussion to october

5:22:01

19th i'm actually going to broaden that agenda item a bit to free up some time

5:22:06

also the town center moratorium showing up on october 5th is not needed um

5:22:13

so more to come council on how october 5th will look but i did want to let you know

5:22:18

i made that change and i will stop there okay thank you um any upcoming council

5:22:25

member absences to report uh i'm sorry councilmember roosevelt yeah i just had

5:22:31

a real quick question about scheduling um jesse i i was thinking back i've gotten this also assumed by councilmember

5:22:37

reports uh for the superintendent's advisory council on the pga of the city council

5:22:43

uh thinking back to our work when we decided not to put a levy on the ballot back in june

5:22:48

um there was a question about staff bringing back some potential opportunities to fund some of those positions do you have a sense as to when

5:22:54

we might be seeing that i i apologize you did send an email to me earlier this week and i have yet to

5:23:00

respond to it i anticipate that would be uh something we'd bring up at the planning session in february

5:23:07

okay thank you okay all right are there any council member

5:23:12

absences to report okay uh council member reports uh

5:23:20

council member reynolds nothing to report council member jacobson

5:23:31

uh councilmember jacobson you're on new

5:23:37

yeah nothing to report okay thank you council member niece nothing to report

5:23:44

councilmember rosemont uh i'll defer to you mr mayor you were gracious enough to cover the pick meeting which was uh held on rosh

5:23:51

hashanah okay uh emir white

5:23:56

so our mercer island high school marching band performed at the seahawks game on sunday it was epic it was

5:24:03

awesome there were a lot of proud kids and a lot of proud parents you can check out a million videos on

5:24:08

youtube i'm sure and find them on facebook um the second thing i shout out to our my yfs staff who are organizing

5:24:15

this pumpkin walk on october 23rd from five to eight and luther burbank park i'm hearing buzz about it all over the

5:24:21

place so well done i don't even have little kids anymore i know deputy mayor riker i have some late

5:24:26

breaking news it does not sound like the pumpkin walk is going to happen um i had not i just heard this afternoon from the

5:24:33

foundation so i will follow up with you and make sure i have correct information out to the

5:24:38

community i'm so sorry to cut interrupt your report oh that's important that's that'll be useful to know and get out there people might do

5:24:44

it anyway um that's it so those two cool things or maybe at least one cool thing okay thank you just two tooth

5:24:52

all right two things for me um earlier today i attended the workshop

5:24:57

number four for elected officials regarding the king county's proposed clean water plan

5:25:03

i've mentioned this clean water plan to you folks before i hope somebody really starts diving into this thing um this is

5:25:10

a long term actually it has a 40-year horizon so

5:25:15

again truly a long-term plan to basically find ways

5:25:21

to develop ways to protect the quality of our water system over the next several decades

5:25:28

the workshop number five is scheduled for october 22 okay so if you haven't attended an  
5:25:35

earlier workshop it doesn't matter okay they'll catch you up but i strongly encourage uh  
council

5:25:41

members to attend and learn more about this plan because

5:25:46

it's going to have a major impact on rate payers okay so again encourage you guys to do that

5:25:52

um yesterday i attended a webinar about an initiative to get u.s cities to

5:25:58

join the city's race to zero campaign um

5:26:04

the objective is to build momentum away from a carbonized economy and to

5:26:10

address the change of the challenge of climate change i forwarded materials to the city

5:26:17

council's sustainability committee that's council member reynolds and council member  
niece

5:26:23

and hopefully we'll have a chance to take a look at this material they are trying to

5:26:28

get cities up to a thousand cities across the country to join in this campaign

5:26:33

excuse me before november and hope that we'll be able to come back to the full council

5:26:39

for further discussion uh sometime next month so that's all i have uh the next regular

5:26:46

meeting is october 5 and there being no further business before the council the time now is 10 25

5:26:52

p.m a council member report sorry i don't

5:26:58

think he got to me oh sorry councilman no that's okay i usually don't but i'm pleased to report that we did have a

5:27:04

utility board meeting last week with a full complement of utility board members

5:27:11

and that we had a very interesting presentation from seattle public utilities about the need to replace a

5:27:17

segment of water line along 40th it's going to be expensive but there is a

5:27:23

there's really cool new technology that i think is going to it's going to come before the council to make it a decision in terms of cost

5:27:30

for two different types of solutions if anybody wants any more information on that uh it

5:27:37

i'm happy to give it to you but there is a slow moving slide going along 40th and

5:27:42

slow moving slides um you know two inches over 15 years or whatever still are very impactful to you

5:27:49

know concrete or cast iron water lines so something's got to be done there and

5:27:54

then king county or uh seattle public utilities is on it but um like i said it was a fascinating

5:28:00

presentation i just thought i'd share that and the rest of the work in the public utilities department is preceding

5:28:06

a pace as we are always reliant on them to do capital projects and improvements

5:28:11

they are wonderful at uh moving forward on these these very big expensive and important projects so

5:28:18

that's it great thank you um again no business community i know other

5:28:24

businesses for the council the time is now 10 26 and the meeting is adjourned

5:28:29

again as a reminder the council please stay seated until city staff has terminated the broadcast and given the

5:28:36

delta variant on the surgical cases please continue to be vigilant and to conduct yourselves in a way that looks

5:28:43

out for each other good evening and stay safe and healthy