

AGREEMENT DYNAMICS, INC.

PO Box 33640
Seattle, WA 98133
206-546-8048

TO: Members of the Mercer Island City Council
FROM: Rhonda Hilyer and Ginny Ratliff, Agreement Dynamics, Inc.
RE: 2004 City Council Retreat Summary
DATE: March 15, 2004

Thank you for the opportunity to facilitate and record your March 5-7, 2004 retreat. You agreed that you wanted to accomplish the following desired outcomes during your time together:

- Develop rules of procedures to clarify and improve Council operations
- Discuss Council's interests in budget process improvement efforts
- Review public involvement approaches for engaging the residents of Mercer Island, in particular in discussions around developing Luther Burbank Park
- Receive updates on ongoing projects involving the City of Mercer Island

You accomplished these goals while engaging in lively, robust, thoughtful debate.

FRIDAY, MARCH 5, 2004

MAYOR'S OPENING REMARKS

The Mayor stated the retreat's overall purpose was to set a path for how to best serve the citizens of Mercer Island. He suggested that this year's discussions focus on how we conduct ourselves in doing the City's business in Council meetings, during the budget process, and how we engage the public in our discussions of policy affecting their lives.

The facilitator, Rhonda Hilyer, reviewed the agenda and proposed guidelines for retreat discussions.

CITIZEN OF THE YEAR

After discussing the criteria for "Citizen of the Year", the Council unanimously selected its Citizen of the Year 2003, and agreed it would announce its selection at a future date.

RESOLVE WORKSHOP

The Council participated in Agreement Dynamics' workshop on interest-based problem solving. The workshop provided Councilmembers with tools in collaboration, decision-making, trust and relationship building, and communication.

SATURDAY, MARCH 6, 2004

RETREAT AGENDA

The Mayor kicked off the retreat by welcoming Councilmembers, staff and the public to the 2004 Council retreat.

COUNCIL RULES

The facilitator commended the Council for deciding to spend retreat time clarifying and developing rules of operation in order to maximize their effectiveness and provide clear understanding of how the Council will conduct its business from here forward.

She provided feedback to the Council about staff issues, including uncertainty that decisions made by the Council will stick over time, mixed messages about the direction being pursued by the Council, and concerns about how staff have been spoken to in public settings.

Mayor Merkle pointed to the importance of supporting staff's efforts and morale by refraining from communications that suggest staff not "go too far down the road" of implementing certain policies adopted by the Council.

Londi Lindell, City Attorney, presented draft rules that were based on discussions she had with Council and staff and by researching other Councils' rules. She indicated that once the rules are agreed upon, she will draft them into final form for the Council to ratify.

Next the group discussed the proposed Rules and agreed to the following:

- An item may be placed on the Council's meeting agenda by the Mayor, by two or more City Councilmembers requesting it of the City Manager, and/or by the City Manager. An agenda item can be added to a meeting after notice and publication of the meeting by a majority vote of the Council.
- During Council Reports, Councilmembers may not enter into debate or discussion on any item raised by a Councilmember during a Council report.
- Council Discussion Protocols
 1. Be courteous and professional at all times
 2. Avoid discourteous behavior such as lengthy sidebar discussions or disparaging actions when colleagues or staff are speaking
 3. Be recognized by the Mayor before speaking by raising of hands
 4. Be respectful of the City Manager and staff
 5. Speak in turn after being recognized
 6. Do not personally criticize other members who vote against or disagree with you
 7. Do not be repetitive in arguments
 8. Respect each others differences, honor disagreements, vote and move on.
- Citizen Appearances
 - Council agrees to adhere to the following protocols during Citizen Comment:
 1. Council shall listen attentively to citizen comments
 2. Council avoids discourteous behavior such as lengthy sidebar discussions or disparaging actions when citizens are speaking

3. The Council shall not engage in debate or discussion with any individual citizen, but may be recognized by the Mayor in order to ask clarifying questions
 4. The Mayor shall summarize at the end of citizen comment by stating either (i) that the City Manager will be responding to comments requesting staff action at the next regularly scheduled Council meeting; or (ii) that Council appreciates the citizen input on the policy matter raised
- The mayor will announce a 3-minute citizen comment time limit (5 minutes for groups) at the beginning of Appearances.
 - The City Manager will include in the Council packet written information on any responses and actions taken by staff following citizen comments.
 - The City Attorney will rewrite the rule on post-vote actions for the Council to reconsider. The draft wording developed to date is: "Councilmembers recognize that they are part of a legislative or corporeal body. As such, when the Council has voted to approve or pass an agenda item, the members agree individually not to contact staff to encourage actions inconsistent with such Council action or take other action that results in impacting staff resources. Any actions intended to alter Council decisions shall be directed solely at fellow Councilmembers. After a vote is taken on an issue, the members agree to state the Council's position, to clarify when dissenting or speaking as one individual Council member on the issue, and to direct the media or others to the City Manager for comment. Councilmembers may not bring any approved action up for reconsideration for a period of 3 months following Council review and approval of such agenda item, except by majority vote."
 - Thursday's distribution of agenda packets will continue as is.
 - The "No Surprise Rule" will be revised by the City Attorney. The Council recommended that lengthy amendments to proposals be introduced as a first reading, and that decisions on these amendments should be postponed until the next meeting. However, the Council also reserves the right to make edits of proposals during debate, and it's at the Mayor's discretion to determine which type of revision has occurred.
 - In the interest of best serving the citizens of Mercer Island, it was recommended that, if possible, Councilmembers give staff advance notice of questions they will ask at the meeting. It was also suggested that corrections to the minutes be addressed prior to the meeting.
 - Council Relations with Staff: The following was drafted, which the City Attorney will finalize for Council review:
 - “Councilmembers will focus on policy matters and not administrative issues. The City Manager is the primary point of contact between the City Council and staff.
 - “All written informational material requested by individual Councilmembers shall be delivered by City staff, after approval by the City Manager, to all Councilmembers with a notation indicating which Councilmember requested the information.
 - “Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants the processing of development applications, the granting of City licenses or permits, interpretation and implementation of Council policy, or in any other matter involving the administration of City business.

“No Councilmember shall direct the City Manager or Department Directors to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of the Council. A matter shall be deemed to be “significant” if it would require more than one hour of staff time. Once notified that a request for information or staff support would require more than one hour, the Councilmember may seek to place the request on an upcoming Council agenda.

“All ordinances, resolutions, contracts, motions, amendments and other City documents shall be reviewed by the City Attorney. An individual Councilmember may contact the City Attorney to request the preparation of motions for a Council meeting. No ordinance, resolution, or contract shall be prepared by the City Attorney for presentation to the Council unless requested by a majority of the City Council or by the City Manager.”

- The Council discussed the City Manager evaluation process and determined it was appropriate to keep it separate from these protocols. Mayor Merkle will provide information on the City Manager evaluation criteria to newly-elected Councilmember Litzow.
- Boards and Commissions: “Annually, each advisory committee shall develop a work program for the City Council’s consideration and approval. The City Council may amend the committee’s work program. Advisory committees shall not direct City staff to perform research, gather information or otherwise engage in activities involving projects or matters that are not listed on the Advisory Committee’s work plan unless an amendment to such work plan is approved by the City Council and such staff work is approved by the City Manager.”
- The roles and duties of the Council Liaisons, as outlined in the Council Bylaws, were reaffirmed.
- On the matter of sanctions for City Council rule violations, Councilmembers agreed to the following:
 - “Sanction Councilmembers for violations of these Rules by (i) calling an executive session under RCW 42.30.110(f) to discuss complaints brought against a public officer; (ii) public censure by stating in detail during a Council meeting, the Rule(s) violated and Councilmember conduct resulting in violation of the Rule; (iii) terminating committee, board or liaison assignments; and/or (iv) any other appropriate action as decided by majority of Council.”
- The City Attorney will draft a rule on Councilmember recusals.
- The group discussed the advantages and disadvantages of strictly following Roberts Rules of Order, especially as it relates to making motions. The Council agreed to follow Roberts Rules, as stated in the current bylaws, but that sometimes they may need time to discuss the matter at hand before making a motion.

BUDGET PROCESS

The City Manager initiated this discussion by asking Councilmembers how to make the process of achieving a budget meet their needs, regardless of the current financial situation. He encouraged them to discuss their “interests” and individual interest statements included:

- Upfront citizen input on their budget priorities

- Match city’s priorities with how budget is spent (e.g., public safety is a priority, yet we need an updated police dispatch system)
- Have an understanding of what the City is subsidizing and discuss if Council wants to continue to do so
- Information on what are the levels of service, alternatives and tradeoffs so we can make spending-priority decisions
- Sensitivity analysis to understand the impact of our choices (e.g., have staff recommend what could be the levels of service if we had more money or if we had less money)
- Budget that has no decrease in level of service and 1% revenue increase
- Link performance measures to the budget
- Service that provides the greatest benefit to the most constituents
- Feedback of priorities from Department directors
- More options on where to make cuts in budget
- Department budgets with a “heads up” of potential future expenditures, issues, etc.
- Zero tax increases
- Rebuild the reserves

The City Manager then showed the Council a proposed process that he, the Deputy City Manager, and Finance Director, had developed based on Governor Locke’s Priorities of Government budget process.

MARCH/APRIL

1. Define “critical results”
 - Start with community values (residential community, quality municipal services, education is the key, livability is paramount, cherish the environment)
 - Define: more detail and more direction

APRIL/MAY

2. Management team retreat
 - Organize inventory of services according to relationship to “critical results”
 - Order in priority, listed by critical results
 - Identify by “high, medium, low” groupings

MAY/JUNE

3. Present to Council
 - Explain and clarify prioritized critical results developed by staff
 - Seek input and re-sort priorities versus revenue assumptions

JUNE/JULY/AUG/SEPT

4. Staff build budget according to Council priorities
 - Status quo assumptions
 - New programs/initiatives
 - Changes in revenues
 - Find money in existing budget (“Rich’s torture chamber”)

OCTOBER

5. Present to Council for review/adoption
 - Public involvement process?

6. Adoption

- Explain and clarify prioritized critical results developed by staff
- Seek input and re-sort priorities versus revenue assumptions

The Council discussed how this approach differs from their existing budget process (steps 2 and 3 are different), the importance of feedback from the public about budget priorities, the expanded Council role in budget development, and the value of prioritized results based on community values. Councilmember Litzow recommended that public involvement be moved between steps 2 and 3.

The group engaged in a discussion of how much they hear from their constituents and acknowledged that City staff probably receive more input from citizens than the Council does. They also discussed their long-range philosophical thinking of how to align level of service and revenue. Their individual views were:

- Mayor Merkle: Maintain existing level of service through 1% tax increase
- Councilmember Goldmanis: No new tax increase
- Councilmember Cairns: 1% tax increase
- Councilmember Jahncke: Look at other revenue sources besides property tax like user fees and have goal of making Parks and Recreation and Youth and Family Services self-funding in the near future..10 years
- Councilmember Pearman: Past attempts at placing user fees on fields was met with public resistance; public feels they have paid for these services in their taxes
- Councilmember Grausz: If 1% tax increase doesn't achieve the public's preferred level of service, ask them for increases
- Councilmember Litzow: No new taxes; build up reserves

PUBLIC INVOLVEMENT

Deputy City Manager Deb Symmonds led the discussion of public involvement by first sharing what the City has done and is doing to involve the public. She also shared current research on public involvement for governments that are similar to Mercer Island's.

Rich Conrad defined "informed consent" by a citizenry to be that "people have access to the information, access and an opportunity to influence the decision, and the decision is made by the appropriate official."

Deb Symmonds asked the Council to give staff guidance on the how much public involvement and resource commitment the Council wanted to make.

The Council provided their recommendations to the staff:

Mayor Merkle recommended a survey that gauged citizen satisfaction on City levels of service before Step 3 of the budget process. He suggested it should be a practical set of tools that keeps information flowing and helps the Council make decisions. He also described Mercer

Island's French sister city newsletter, that is paid for by advertisements, as a possible way to provide information to Mercer Island residents.

Councilmember Goldmanis indicated he thought the City was on track with their public involvement effort and cited the web page, Mayor's quarterly meetings, local group meetings with Councilmembers, chamber meetings, and citizen oversight of the Park-and-Ride as examples. He also indicated that from his perspective citizen boards had not been the most effective public involvement tools.

Councilmember Cairns suggested having an ongoing, visible notification mechanism to provide information on what's happening in the City (like 1/2 page in the Reporter) as well as tailored approaches to involve the public on specific issues, like Luther Burbank Park.

Councilmember Grausz praised the City's website as a practical, cost-effective approach to public involvement and cited a recent survey that received 1000 responses. He envisioned the City's website as a virtual office of public information and recommended that the staff make a proposal to the Council about taking the website to the next level of effectiveness. He also suggested that public information should not be done in a piece meal fashion; rather one person in the government should be tasked with that job.

Councilmember Litzow suggested that feedback on the public's perceptions of "how are we doing" as a city and Council along with the best modes to get information to and from the public would be valuable to him. He suggested that hiring an outside consultant may be the best way to gather this information, and recommended the City Manager research the best way to do a citizen input plan, whether holistic or issue-specific, and the cost. He also stated that he wasn't comfortable hiring a public information officer. He shared public comments from his door-to-door campaigning about the public's perception of insufficient input into Council decisions.

Councilmember Jahncke affirmed his support for citizen involvement but expressed concern about the cost of hiring a public information officer.

Councilmember Pearman commented that citizens are most likely to participate if they have a stake in what's happening or are impacted in some way. He went on to say that the City needs to do a better job of communicating to the public about the community center building, and that would require a communication plan.

Councilmember Cairns suggested that when major decisions are made the Council needs to be more proactive in involving the public in their decisions. He also summed up what he heard from his colleagues as a strong desire to do public involvement as inexpensively as possible and to have the City Manager research and suggest how.

The Mayor closed out the discussion by posing three questions to the Council:

1. Should the city do a survey that helps gauge satisfaction with levels of service and provides feedback on spending priorities? (6-1 in favor)
2. Is a survey needed? (4-3 in favor)
3. Does the Council want Deb and Rich to bring back ideas for enhancing public involvement efforts? (unanimously in favor)

COMMUNITY CENTER

City Manager Conrad provided a status report on the Community Center development process. The construction estimate is currently at \$12.75 million (below the \$13.1 budget) and is on schedule. He also reported that Parks and Recreation are moving to Luther Burbank the last week of May so tenant improvements will begin soon on that property. He discussed saving \$20,000 in maintenance and construction costs by keeping fill dirt on site and replanting the northwest corner of the site to be a natural area. He also announced June 21 as the date for awarding a contract for demolition and voting to authorize construction bids on the Community Center.

PUBLIC COMMENT

At the suggestion of Councilmember Goldmanis the Council invited members of the audience to comment:

- Myra Lupton suggested having previous students, who are still Mercer Island residents, re-enroll in Mercer View as a way to celebrate it's demolition
- John Ewald suggested the need for a demolition event that recognizes the community center and downtown's past, and honors the changes and new look of Mercer Island.
- In response to a query about how the Council is doing on public involvement, members of the audience expressed their satisfaction about access to the Council. They said the website is good, but thought broader outreach, like through a regular newspaper column, would be better. Myra Lupton also indicated that the school district is discussing public involvement strategies.
- Wendy Giroux, from the Mercer Island Reporter, recommended a City Council Column in their local newspaper like Renton does
- Natalie Singer, from the Seattle Times, said that her editor encourages her to get more news from Mercer Island; she recommended a dedicated public information officer to forward press releases and keep website information current

Meeting adjourned at 5:00 p.m.

SUNDAY, MARCH 7, 2004

LUTHER BURBANK PARK

City Manager Rich Conrad provided the Council with an update on Luther Burbank Park and noted that 2004 had been targeted as the year for the Council to focus on development plans. He also reminded the Council that they had expressed interest in a plan that would generate revenue to offset O&M costs at the conclusion of the 6-year ballot initiative passed in November 2003. He led a discussion with the Council on how and when they wanted to engage the public in the planning process.

Mayor Merkle recommended that the process and decisions on Luther Burbank Park be concluded by 2006 because if there is some sort of revenue-generating development in the park there would be sufficient time to obtain permits and build before the levy expires in 2009.

They discussed whether or not the Council should do a comprehensive park plan, taking into account all the parks on Mercer Island, or just focus on Luther Burbank. They also discussed whether or not to develop a comprehensive plan incorporating Luther Burbank, the Community Center, the Town Center, and the neighborhood that resides between them.

Councilmember Goldmanis reminded the Council that they had promised the neighborhood between Town Center and Luther Burbank that their problems would be addressed when the planning process for Luther Burbank began. He cited the negative impacts of development all around them: the Park-and-Ride, I-90, the Community Center and the park. In response to Councilmember Goldmanis's suggestion that the neighborhood between Town Center and the Park be rezoned to allow for higher use development, the City Manager described the zoning options and the need for Planning Commission involvement. Councilmember Grausz noted that economic development in the park may be difficult to achieve, but that if this neighborhood were rezoned, the City could encourage development there whose tax base is earmarked specifically to offset park O&M costs.

The Council agreed to focus on Luther Burbank Park only at this time, and to put discussions of rezoning the neighborhood adjacent to Luther Burbank and Town Center on the Planning Commission's calendar in 2006.

The Council agreed to have the City Manager and Deputy City Manager talk with a citizen involvement expert to help define and shape a public planning process for Luther Burbank by mid 2004. The Council recommended that the first step in their process should be broad input from the public on what "the boundaries of the discussion would be for the park; what kinds of ideas are fair game for discussion and what kinds of ideas will not receive detailed consideration".

They also suggested that Rich and Deb consult with an expert to determine whether or not it's advisable to narrow the public's initial discussion by including the Council's objectives for park development. Those Council objectives are: 1) development in the park may need to generate revenue to offset O&M costs; 2) no housing in upper Luther Burbank Park; 3) the entire park would continue to be in public ownership. The Council further advised that their process should involve the public in an interest-based discussion at every step.

The City Manager cautioned against creating a public involvement process like the Community Center's that didn't include authority to prioritize or eliminate any uses, resulting in a proposed

project scope and budget that was too large to be supported at the polls. Councilmember Jahncke recommended the public involvement process include the interests of the taxpayer as an important stakeholder group.

PARK AND RIDE

Deputy City Manager Symmonds briefed the Council on Sound Transit's Park and Ride schedule. In the spring, Sound Transit plans to offer an additional open house on Mercer Island. By summer, Sound Transit will have prepared a federal environmental assessment; by fall they'll be in final design phase. In 2005 they will be applying for permits, accepting bids, and preparing for construction. At the end of 2005, the lot will close and there will be replacement parking and transit services for Mercer Island residents; the lot will reopen in 2007.

She noted the efforts being taken to avoid service disruption for Mercer Island resident users of the Park and Ride during construction. She said that at least 90-100 off-site parking spaces are being negotiated at locations like the Presbyterian and Methodist Churches as well as the possibility of other leased lot locations on Island Crest Way.

Councilmember Goldmanis expressed his concerns that the state and Sound Transit are not doing mitigation for safety and air quality at the Island Crest Way exit.

City Manager Conrad stated that Sound Transit has not yet started the environmental assessment phase of design yet, and when they do, federal environmental assessment laws will require them to do a traffic study around the Park-and-Ride lot. Sound Transit will be required to mitigate any degradation of traffic circulation the City's level of service "C". That may include an added signal and left turn pockets. He noted that if the Council wanted to do more than the law requires, it would have to be paid for by Mercer Island.

Councilmember Goldmanis stated that he wanted to retract his prior vote in support of the Park-and-Ride lot because now he wanted to be able to see the plan for mitigation and to vote on it.

The Mayor noted that by law mitigation will be done, but that they don't have to (nor realistically can) spell out mitigation efforts prior to researching and planning the project.

In response to Councilmember Goldmanis' comment that the City should put pressure on Sound Transit to do more traffic mitigation, the City Manager noted that Sound Transit has done more design mitigation for Mercer Island than for others.

I-90 UPDATE:

City Manager Conrad noted that nothing has changed on I-90 since last November, and that the proposed amendment to the Memorandum of Agreement is as the Council last saw it.

Councilmember Jahncke expressed concern about a February 29, 2004 James Vesely column [referring to an unidentified light rail proponent](#) urging light rail on I-90 be added to an upcoming tax vote. Jahncke indicated this weakened R8A, and that he had voted for R8A assuming that light rail was 20 years in the future. He also encouraged a discussion on the specifics of what Mercer Island was going to require for R8A mitigation, citing that bicycle advocates had required a bike lane and screen.

City Manager Conrad also shared information on a county-wide Regional Transportation Improvement District vote that may occur in 2005, and that includes funding for R8A. He suggested that the editorial may be in response to the elimination of RTID light rail on I-90 in order to shrink the budget to \$10 billion.

Mayor Merkle reminded the Council that the principles in the MOA are in the draft amendment, which is a strong indicator of R8A's likely success. He also noted that twice the citizens of Mercer Island have voted in support of light rail or express buses on I-90; they said "Do R8A" and we understand that when there's money, light rail may be the ultimate configuration." He said the Council needed to uphold their support.

The City Manager explained the approval process for the draft amendment, noting it is being reviewed by other jurisdictions now, but it will eventually come before the Council.

Councilmember Grausz praised the Mayor, City Manager, and Deputy City Manager for their past efforts on R8A.

OTHER ISSUES

Next the Council raised other issues for discussion.

If Councilmembers wish to have a discussion about meeting minutes on the agenda, they should call by noon on Thursday prior to the Council meeting. If members wish to have a discussion during the report section, they should put it on the agenda at the beginning of the meeting or by Thursday prior to the Council meeting.

Councilmembers discussed the advantages of holding their retreat earlier in the year (e.g., the end of January) and a retreat check-in session in six months.

Councilmember Pearman noted that the Council has had the same rate of pay for 15 years and indicated that he will bring up an agenda item to review the Council's compensation. Three other Councilmembers indicated their support for reviewing the Council's compensation. City Attorney Lindell will provide information on that process.

The retreat adjourned at 12:45 p.m.