



## MEDINA, WASHINGTON

MEDINA CITY COUNCIL  
SPECIAL AND REGULAR MEETING MINUTES  
Medina City Hall, Council Chambers  
501 Evergreen Point Road, Medina  
Monday, September 14, 2015  
5:30 PM

**MAYOR**  
PATRICK BOYD

**DEPUTY MAYOR**  
DAVID LEE

**COUNCIL MEMBERS**  
JAY DECKER  
MICHAEL LUIS  
JOHN MAFFEI  
ALEX MORCOS  
CURT PRYDE

**CITY MANAGER**  
MICHAEL SAUERWEIN

**CITY ATTORNEY**  
ROBERT F. NOE

**DEPUTY CITY CLERK**  
SUNITA HALL

## MINUTES

### CITY COUNCIL MEETING

Mayor Boyd called the executive session to order in the Medina Council Chambers at 5:32 p.m. for an estimated time of one-hour.

Council Members Present: Decker, Luis, Maffei, Morcos, Pryde, and Mayor Boyd

Deputy Mayor Lee was requested to leave and re-entered executive session at 6.11 p.m.

Council Members Absent: None

Staff Present: Sauerwein, Noe, Burns, Grumbach

### EXECUTIVE SESSION

#### ES-1: RCW 42.30.110 (1)(i)

To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence of the agency.

**ACTION:** No action was taken upon exiting the executive session.

## **1. REGULAR MEETING - CALL TO ORDER / ROLL CALL**

Mayor Boyd called the regular meeting to order in the Medina Council Chambers at 6:32 p.m.

Council Members Present: Decker, Lee, Luis, Maffei, Morcos, Pryde, and Mayor Boyd

Council Members Absent: None

Staff Present: Sauerwein, Noe, Adams, Burns, Osada, Grumbach and Hall

## **2. APPROVAL OF MEETING AGENDA**

Pryde motion to postpone consideration of Agenda Item 9.1 Approval of Bocce Ball Court at Fairweather Park and remove from the agenda was not seconded. Motion failed.

**ACTION:** Motion Boyd to add item 9.5 on the Roles and Responsibilities of Deputy Mayor, second Morcos and carried by a 6:1 (Lee dissented) vote.

**ACTION:** Motion Luis to pull Agenda Item 7.8 for discussion as 9.5 in Other Business. Mayor Boyd agenda item was moved to 9.6 and City Council Calendar was moved to 9.7. Council approved the amended agenda.

## **3. PRESENTATIONS**

### **3.1 Presentation Regarding a Bocce Ball Court at Fairweather Park.**

Park Board Member Susan Flagg gave a presentation on the Bocce Ball Court project and its proposed location at Fairweather Park. The presentation covered the development of the project and the reasons for its proposed location at Fairweather Park. The concept had been developed over the course of 16 months by the Park Board and there had been several iterations as well as opportunities for public comment. Flagg stated that the Park Board had considered Medina Park originally, but precluded it because of factors such as noise levels, drainage and safety. Following advice from the Public Works Department, the Park Board considered Fairweather Park and subsequently voted in its favor. Flagg responded to council member questions.

## **4. PUBLIC COMMENT PERIOD**

Mayor Boyd opened the public comment period at 6:50 p.m. The following individuals addressed the Council:

- Wilma Edmonds requested a resolution to her letter dated May 20<sup>th</sup>, 2015, which asked for the censure of Deputy Mayor David Lee and referenced the use of Facebook.

- Shawn Schubring expressed concern over the lack of visible crosswalks on 24<sup>th</sup> Avenue and the intersection. He commented also on cheaper options for generators.
- David Yee made a request for a correction in the Tree Code. He presented suggested code language corrections. On the subject of Facebook, he stated that comments can be helpful and openness is appreciated.
- Drew Blazey stated that the issue on the Bocce Ball court was whether people will come to use it and where they would come from. He emphasized that it was vital to put the court in the right spot. He said that at the Park Board vote on the matter when two board members were absent. He expressed that there had been no re-vote on this issue and that the Park Board might not necessarily be united. He asked that this be reconsidered by the Park Board.
- Sean Blazey stated that she had followed the development of the Bocce Ball court project. She thought Medina Park was better because there was a bathroom and children can come and go. The opportunity to have a Bocce Ball court would add another dimension to the Park and she asked that Medina Park be considered as a viable option.
- Heija Nunn asked for a closer look to be given to the enforcement of any violation of mitigation provisions by the trucks on the SR 520 bridge project, particularly at the bus stops and at specific times. She agreed with the previous speaker that the Bocce Ball court could go to Medina Park. On the Cell Tower she asked that Council look to support its residents and zoning laws. On the subject of censuring, she stated that this was a subject to tread lightly and could be applied to each of the council members.

Mayor Boyd closed the public comment period at 7:07 p.m.

## **5. REPORTS AND ANNOUNCEMENTS**

### **5.1 Commissions, Boards, and Advisory Committee Reports.**

Emergency Preparedness Chair Kay Koelemay reported that there were no reports or announcements.

Planning Commission - Development Services Director Grumbach stated that he had no items to report other than on the public hearing for KGM's request for a revision to a Level 2 Tailored Construction Mitigation Plan.

Park Board Vice Chair Drew Blazey stated that he had no updates to provide.

## **6. CITY MANAGER'S REPORT**

### **6.1 Department Directors: Police, Development Services, Finance and Public Works.**

Chief of Police Stephen Burns reported that August had been the most challenging month on record since he joined the City a year ago. He reported on recent police activity including two attempted burglaries that took place in August and the department's first use of Twitter. Although the last few weeks had been particularly busy with Medina Days and Seafair, the September month appeared to be better than



August. He reported that Shredder Day and Drug Take Back was scheduled for September 26 and the City's website was in the process of being updated with emergency preparation information. Burns responded to questions from the Council.

Council Member Pryde asked if Hunts Point was happy with the Medina City Police. Burns confirmed that in his view they were very happy and that they faced similar issues as Medina.

Director of Development Services Robert Grumbach reported that the City had started to receive permits under the new Tree Code. With respect to the SR 520 Construction Ramp closures, Grumbach reported that KGM had filed an appeal challenging two conditions of approval from the Planning Commission's decision. A closed-record appeal hearing is scheduled before the Hearing Examiner on September 23rd at 1:30 pm at Medina City Hall. Grumbach also clarified that any instances of violation by KGM would be a matter for his department to investigate rather than the Police Department.

Council Member Morcos asked how the correction to the Tree Code as cited by Dr. Yee would be resolved. After discussion by the council, City Manager Michael Sauerwein said the City would initiate the process to amend the Tree Code and bring an ordinance back.

Director of Finance Nancy Adams reported that the City received a clean audit following the completion of the 2014 Annual Audit and an exit conference was held on September 10<sup>th</sup>. Adams was thanked in recognition of her work on the clean audit.

Director of Public Works Ryan Osada reported on the August windstorm including falling tree branches and power outages. Osada also said that when a significant weather event was forecasted in the future, the City would have two Public Works Staff on call.

Osada also reported the Public Works staff conducted maintenance work along NE 12th St. and Lake Washington Blvd. and has begun cleaning the ponds.

Council Member Maffei asked about work by Clyde Hill causing recent traffic disruptions on 84<sup>th</sup> Avenue NE. Sauerwein confirmed that he had made contact with Clyde Hill about the disruptions. Maffei also asked about the fiber options work at Bellevue Christian School. Osada responded that the work had been scheduled completion by September 1<sup>st</sup>.

Mayor Boyd asked City staff to take note of Shawn Schubring's concerns made in Public Comments regarding the crosswalks on 24<sup>th</sup>.

## 6.2 City Manager.

City Manager Sauerwein suggested that the fall City Council retreat in November be cancelled and an update on Walkable Medina and the Evergreen Point Road Project be provided at the November City Council meeting. Sauerwein reported that the President of China was scheduled to visit Puget Sound. Although details had not been released, it was anticipated that he would visit Medina. The Police Department had been involved in planning for the event.

In response to council questions, Sauerwein confirmed that dignitary visits required a Special Events permit and also if any events created overtime, it would be billed to the sponsors of the event. Sauerwein asked the council members who would be attending the town hall meeting scheduled for September 16, Council Member Pryde and Luis indicated they would be attending. After a brief discussion, Council Member Morcos confirmed that he would attend.

Sauerwein reported on an ARCH Workshop being held and he was looking for a Council Member to attend and anyone interested should make contact.

Sauerwein responded to Council questions including WSDOT long term maintenance of the Lid, and Wilma Edmonds's letter. Finally, Mayor Boyd referred to the Public Records Spreadsheet and asked that a future agenda item be included on the recent ruling concerning the disclosure of text messages, its ramifications and potential impact for the City.

## **7. CONSENT AGENDA**

Mayor Boyd restated that item 7.8 had been moved from the Consent Agenda to Other Business.

**ACTION:** Motion Luis second Decker carried by a 7:0 vote; Council approved the Consent Agenda.

These items will be acted upon as a whole unless called upon by a council member.

- 7.1 **Subject:** Approved July 20, 2015 Park Board Meeting Minutes  
**Recommendation:** Receive and file.  
**Staff Contact:** Sunita Hall, Deputy City Clerk
- 7.2 **Subject:** Approved July 28, Planning Commission Meeting Minutes  
**Recommendation:** Receive and file.  
**Staff Contact:** Kristin McKenna, Development Services Coordinator
- 7.3 **Subject:** August 13, 2015 Regular City Council Meeting Minutes  
**Recommendation:** Adopt Minutes.  
**Staff Contact:** Aimee Kellerman, City Clerk
- 7.4 **Subject:** August 2015, Check Register  
**Recommendation:** Approve.  
**Staff Contact:** Nancy Adams, Finance Director
- 7.5 **Subject:** Approval of Contract with Porter Foster Rorick, LLP for City Attorney Services  
**Recommendation:** Approve.  
**Result of Recommended Action:** Approval of this contract will appoint Kathleen Haggard of Porter Foster Rorick, LLP as the City Attorney for the City of Medina beginning October 1, 2015 and will authorize the City Manager to sign the contract.  
**Staff Contact:** Michael Sauerwein, City Manager

- 7.6 **Subject:** Approval of South Correctional Entity (SCORE) 2016 Jail Rates  
**Recommendation:** Approve.  
**Result of Recommended Action:** Action on this item will approve the contract amendment with the South Correctional Entity (SCORE) for inmate housing rates increases in 2016.  
**Staff Contact:** Stephen Burns, Chief of Police
- 7.7 **Subject:** King Conservation District Grant and Approval of Otak Contract  
**Recommendation:** Approve.  
**Result of Recommended Action:** Action on this item will authorize the City to utilize grant funds that was awarded to the City in 2012 from King Conservation District in the amount \$25,168 and hire a water quality consultant to evaluate and develop a project for the King County Flood Control Grant. Action on this item will also approve a contract with Otak to complete and authorize the City Manager to sign the contract.  
**Staff Contact:** Ryan Osada, Public Works Director

## 8. PUBLIC HEARING

- 8.1 **Subject:** 2015 Periodic Review Update Amending the Medina Comprehensive Plan and Development Regulations for Consistency with GMA  
**Recommendation:** Adopt Ordinance No.924.  
**Result of Recommended Action:** Adoption of this ordinance will revise the City's comprehensive plan and development regulations to ensure compliance with the Growth Management Act.  
**Staff Contact:** Robert Grumbach, Development Services Director

Director of Development Services introduced the item. He highlighted that since the last meeting, Ecology and the Department of Commerce had provided written comments and as a result there were changes that are represented in blue. He noted the most significant change being in wetlands buffers.

Mayor Boyd opened the public hearing at 7:56 p.m. The following individuals addressed the Council:

- Cynthia Adkins stated that it was difficult to readily identify the changes and see what had changed. She requested that Council Members take the time necessary to review the document.
- Heija Nunn requested that it was important to understand the impact that any changes might have on the Comprehensive Plan and Council should take a close look at the overall process and be sure of what is being approved.

Mayor Boyd closed the public hearing at 8:12 pm.

Grumbach responded to questions from Council Members. Grumbach confirmed that there were significant changes to the wetlands regulations including larger buffers in response to feedback from Ecology and the requirement to meet best available science. A discussion ensued. It was requested to have a map that would show the wetland



delineations more clearly and identify those properties that might be affected by the changes.

Council member Morcos requested to have a comparison of the new regulations with the old regulations.

City Manager Sauerwein confirmed staff would prepare a map and the comparison per the Council's requests.

**ACTION:** The Council, by consensus, agreed to table this item and continue it at the next meeting.

## **9. OTHER BUSINESS**

9.1 **Subject:** Approval of Bocce Ball Court at Fairweather Park

**Recommendation:** Approve.

**Result of Recommended Action:** Approval will allow the Public Works Director to work with a contractor and install a bocce ball court at Fairweather Park.

**Staff Contact:** Ryan Osada, Public Works Director

Council Member Maffei expressed that there appeared to be a change in opinion by Park Board.

Council Member Pryde requested that it would be better to hold off taking a vote and bring back in 30 days to allow time for a more final decision to be made. A discussion occurred on how to move forward with the issue. Mayor Boyd sought legal advice on whether Park Board could take a re-vote. City Attorney Noe confirmed that the Council can direct the board to take another vote.

**ACTION:** Motion Pryde and second Luis and carried by a 4:3 vote (Decker, Morcos, Lee dissented) for Bocce Ball to be reconsidered by Park Board at their September 21 meeting and item to be added to agenda.

9.2 **Subject:** Medina Park Pond Fountain Discussion

**Recommendation:** Approve.

**Result of Recommended Action:** Approval will allow staff to work with a contractor to install a fountain and aerators at Medina Park north pond.

**Staff Contact:** Ryan Osada, Public Works Director

City Manager Michael Sauerwein reported that City staff was tasked with finding effective methods to maintain and clean the ponds. Following the latest research the proposal is to install a fountain in North Pond and three aerators at South Pond. The overall purchase and installation cost of installing the fountain would be \$37,000. He expressed a thank you to Overlake Golf and Country Club for their donation of \$10,000.

**ACTION:** Motion Pryde second Morcos and carried by a 7:0 vote; Council approved the Medina Park Pond Fountain at North Pond.

9.3 **Subject:** Phase 3 Tree Code Update

**Recommendation:** Discussion and direction.

**Result of Recommended Action:** Following discussion, Council will provide staff with directions to move forward.

**Staff Contact:** Robert Grumbach, Development Services Director

Director of Development Services Grumbach stated that this item was a follow up to the Council's direction for a third phase to the tree code update that looked at access to views and sunlight and also looked at development of an urban forest management plan. He summarized the information in the materials included in the council packet. Mayor Boyd suggested that the City submit a proposal under the Urban Forest Initiative as well as any DNR funds that might be available.

After discussing the items, the council agreed to move forward on creating a Medina Tree Management Plan and that the work should be done under this year's budget. They also agreed with revising the view and sunlight ordinance to use the hearing examiner to settle view disputes. Grumbach noted that he will follow-up with the city attorney on the best way to process an ordinance on this subject.

**ACTION:** Discussion item only.

9.4 **Subject:** 2016 Preliminary Budget

**Recommendation:** Discussion and direction.

**Result of Recommended Action:** Council and staff will review the proposed 2016 budget and 2015 year-end forecast and make suggested changes.

**Staff Contact:** Nancy Adams, Finance Director

Director of Finance Adams presented an overview of the 2016 Preliminary Budget and 2015 year end forecast. Adams explained that the purpose of the item was to give council some preparatory material ahead of the deep dive sessions scheduled for September 28. Adams presented a series of slides on the 2015 General Fund Budget Revenue and the Comparative Summary General Fund.

Adams advised that the Finance Committee had reviewed the preliminary budget amendment that may be needed for 2015. Council Member Maffei commented that Legal fees and I.T costs stood out as being particularly high. Adams responded to council member questions. Council Member Pryde asked for a list of line by line items. City Manager and Adams to send list of items to Council Member Pryde.

Mayor Boyd asked if the public would have an opportunity to input line by line. Adams confirmed that there would be public hearings held in October and November.

**ACTION:** Discussion item only.



- 9.5      **Subject:** Trailered Back-up Generator for the Maintenance Building  
**Recommendation:** Approve.  
**Result of Recommended Action:** Action on this item will approve the purchase of a mobile back-up generator for the Public Works shop, which can be used in emergency situations at different areas of the City.  
**Staff Contact:** Ryan Osada, Public Works Director

Council Member Luis asked for an update on generators. City Manager Sauerwein provided some background information

**ACTION:** Motion Luis and second Morcos motion carried by 7:0. Council approved purchase of Trailered Back-up Generator for the Maintenance Building.

- 9.6      Mayor Addition -Roles and Responsibilities of Deputy Mayor

Mayor Boyd stated concerns he had about Deputy Mayor Lee's performance in his duties as Deputy Mayor.

**ACTION:** Mayor Boyd motion to remove Deputy Mayor Lee as Deputy Mayor, second Maffei. After a short discussion the motion was approved 4:3 (Lee, Luis, Morcos dissented).

**ACTION:** Morcos motion to nominate Council Member Decker as Deputy Mayor, seconded Pryde. The motion was approved 6:1 (Lee dissented).

- 9.7      **Subject:** City Council Agenda Calendar  
**Recommendation:** Discussion item only; no action needed.  
**Result of Recommended Action:** Council and staff will review upcoming meetings and make necessary changes as needed.  
**Staff Contact:** Michael Sauerwein, City Manager

City Manager Sauerwein confirmed that there would be a study session scheduled for September 28 and the City Council meeting on October 12.

## 10. PUBLIC COMMENT

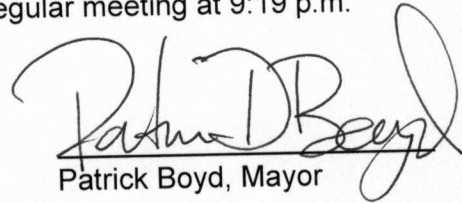
Mayor Boyd opened the public comment period at 9.15 p.m. The following individuals addressed the Council:

Heija Nunn stated that she had taken the opportunity to look at the Council Guidelines. She was concerned of the decision to replace Deputy Mayor Lee for absences. She asked if absences for all Council Members had been counted. She commented on whether in taking the stand against one person for missing an exit meeting for the state auditor was the message the Council wanted to send. She questioned whether there were other motivations that had influenced the decision to replace Deputy Mayor Lee.

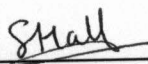
Mayor Boyd closed the public comment period at 9.17 p.m.

**11. ADJOURNMENT**

Motion Luis second Pryde; Council adjourned the regular meeting at 9:19 p.m.

  
Patrick Boyd, Mayor

Attest:

  
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Sunita Hall, Deputy City Clerk