



MEDINA, WASHINGTON

MEDINA CITY COUNCIL
REGULAR MEETING MINUTES
Medina City Hall, Council Chambers
501 Evergreen Point Road, Medina
Monday, July 13, 2015
6:30 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

CITY CLERK
AIMEE KELLERMAN

MINUTES

1. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Mayor Boyd called the regular meeting to order in the Medina Council Chambers at 6:30 p.m.

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

Council Members Absent: None

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

2. APPROVAL OF MEETING AGENDA

ACTION: Motion Morcos to pull Agenda Item 7.7 for discussion as 9.4 in Other Business. City Council Calendar was moved to 9.5. This was seconded by Maffei.

ACTION: Motion Maffei second Morcos and carried by a 7:0 vote; Council approved the agenda as amended by Council Member Morcos.

3. PRESENTATIONS

None.

4. PUBLIC COMMENT PERIOD

Mayor Boyd opened the public comment period. The following individuals addressed the Council:

- Toni Esparza announcing that Eastside Academy, a non-profit, alternative high-school that provides at-risk youth with an opportunity to turn their lives around, is inviting Council and citizens to tour the facility at any time.
- Denise Lane thanked staff cutting down a diseased hedge in the right-of-way along the north side of NE 24th. She also commented on the tree code, specifically the section on "Land Not Under Development" and noted she has a significant amount of right-of-way land with vegetation. She asked that more tree species be included for credit. She also disapproved of the fee for permits and suggested changing back to "tree removal" and not "activity" in the proposed tree code. Finally, she questioned the timing of the third-party consultant review with the effective date of the ordinance.
- David Yee commented that it would be advantageous for the Council to wait for the third-party consultant to review the tree code before passing the Phase Two Tree Code. Yee also commented on the proposed fee schedule and the increased cost of simple tree removal permits.
- Sheree Wen commented that she was delighted to hear that the City Council is hiring a consultant to review the proposed tree code and would like to see the consultant consider the nuisance law of RCW 7.48.120 Nuisance defined.
- Delphine Stevens is also pleased about the consultant reviewing the tree code. She has concerns about lighting striking trees over 50 inches DBH and that the tree code doesn't account for this. She doesn't want there to be a restriction on being able to remove these trees.
- Shawn Schubring commented about striping and having no parking zones in the round-about at 84th. He also commented about the tree code and having the one free tree removal.
- Rush Reece read from the view and sunlight ordinance. He asked the council to be mindful of the importance of the economic impact the tree code would have on property. Finally, he commented on being in favor of the third party review of the tree code and that it be done before adopting the code.

5. REPORTS AND ANNOUNCEMENTS

5.1 Commissions, Boards, and Advisory Committee Reports.

Park Board Chair Miles Adam reported that the Park Board held a very success open house for citizen comments on two capital budget proposals. The two projects proposed was landscaping for the post office, which was agreeable to all surrounding neighbors and the Medina Park expansion to include a new piece of equipment for the older children in the 5 to 8 age range.

Adam also asked on behalf of the Park Board that Council look at investing in our parks before investing in things that are not in Medina.

Planning Commissioner Shawn Schubring commented that the tree code has been handed over to the City Council and the Planning Commission is moving forward with working on the Medina Comprehensive Plan.

Emergency Preparedness Chair Kay Koelemay reported that the radio exercises on Sunday nights are going well and Doug Dicharry will be sending out the quarterly report of who has participated and the numbers remain better than usual. The next emergency preparedness meeting is July 21, 2015. Chief Burns will not be in attendance as he has been accepted to take the Chief Executive Officer training in the National Center for Missing and Exploited Children. She stated that Chief Burns is interested in doing this because Medina has three schools with more than 1200 students in schools during the day and feels this training will help him and the EPC prepare better for emergency preparedness.

6. CITY MANAGER'S REPORT

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

City Clerk Aimee Kellerman introduced new City employee Sunita Hall as the new Administrative Assistant/Deputy City Clerk.

City Manager Michael Sauerwein reported that for the first time in a number of years that City staff is 100 percent filled and introduced new City employee Ryan Osada as the new Director of Public Works. He also introduced the City's contract engineering team Greg Hill and Tim Tobin from Stantec. Sauerwein also thanked Public Works Supervisor Pat Crickmore for stepping in as Acting Public Works Director for six months while the City was recruiting for permanent Public Works Director.

Police Chief Steve Burns reported that there were two car prowls and one burglary this year in Medina compared to a combined seven last year. He reported that the numbers this year are down from last year. He has asked the officers to be more visible and traffic stops are up. Traffic stops is a tool and they write less than 20 percent of the people they stop. He has also asked the public to call the police department if they see something unusual and they have received 90 calls so far this year compared to 61 from last year.

Burns reported that they had "Coffee with a Cop" in Hunts Point, where approximately 25 residents from Medina, Clyde Hill, and Hunts Point showed up. He commented that Officers Brady Halverson and Emmet Knott did a great job and they also had a Seattle Harbor Patrol Officer there as well to answer marine questions.

Burns also reported that all the officers just went through Active Shooter training with the City of Bellevue and Clyde Hill. The training was a full day where officers trained on hostile situations both in schools and homes.

Lastly, Burns reported that he is on a committee "Building Communities of Trust". With everything that's been going on across the country, the King County Police Chief's Association has put together a work group to put together a tool box. He felt that our community is so far ahead of other communities because of the positive dialogue here.

Director of Development Services Robert Grumbach reported that at the next Planning Commission, City Clerk Aimee Kellerman will be there to present on iPads and going to paperless packets. He also reported that the Construction Mitigation Plan revision for the 520 ramp closure notice was sent out to 649 property owners, both in Medina and Clyde Hill, notifying them that there are plans to shut the ramps down subject to revisions in the Construction Mitigation Plan. He commented that if there are any objections to the revision, then this will go to a public hearing, which will most likely be at the Planning Commission meeting on August 25.

Director of Finance Nancy Adams thanked the Finance Committee for attending the meeting last week. She also reminded Council that the City is currently undergoing a Washington State audit, a Financial Statement and Accountability audit. The auditor will be here for two weeks and should be complete by July 24, 2015. Council can expect an email inviting them to an Exit Conference once the onsite work is complete.

Director of Public Works Ryan Osada reported that they have begun the clean-up project of the Medina Park ponds, which is going to part of an ongoing maintenance plan. Public Works has received several calls regarding overgrowth in right-of-ways and visibility issues and they have been taking care of them. Osada also commented on the seasonal employees and expressed appreciation for their help this summer season.

6.2 City Manager.

City Manager Michael Sauerwein reported that at the last City Council meeting the Boys and Girls Club in Bellevue made a presentation and asked that the City contribute one thousand dollars to their capital campaign. City staff is recommending that Council table the item for a couple of months until we get into budget process. A recommendation will come with the 2016 budget. Sauerwein also reported that this Friday, July 17 is the deadline for the City Attorney RFP. City staff will review proposals and interviews will be scheduled on Monday, August 10 before the City Council meeting. Council Members Decker, Maffei, and Pryde volunteered to participate on the interview panel.

7. CONSENT AGENDA

ACTION: Motion Maffei second Morcos and carried by a 7:0 vote; Council approved the amended Consent Agenda.

Council Member Morcos thanked the City Clerk for providing summary Minutes instead of action Minutes from the last City Council meeting.

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

- 7.1 **Subject:** Approved April 28, 2015 Planning Commission Minutes
Recommendation: Receive and file.
Staff Contact: Kristin McKenna, Development Services Coordinator

- 7.2 **Subject:** Meeting Minutes of:
a) June 8, 2015 Regular Meeting; and
b) July 6, 2015 Special Meeting.
Recommendation: Adopt Minutes.
Staff Contact: Aimee Kellerman, City Clerk
- 7.3 **Subject:** June 2015, Check Register
Recommendation: Approve.
Staff Contact: Nancy Adams, Finance Director
- 7.4 **Subject:** Confirmation of Appointment to the Medina Park and Recreation Board
Recommendation: Appoint Sarah Gray to Position No. 2.
Result of Recommended Action: Action on this item will confirm the appointment of Medina resident Sarah Gray to the Medina Park and Recreation Board, Position No. 2. Following appointment, Ms. Gray will attend her first meeting as a Board Member on Monday, July 20, 2015.
Staff Contact: Aimee Kellerman, City Clerk
- 7.5 **Subject:** Approval of St. Thomas Church Settlement Agreement
Recommendation: Approve.
Result of Recommended Action: Approval will close out a claim for damages from St. Thomas Church in the amount of \$41,282.44 and will also close out Public Records Request No. 2015-052.
Staff Contact: Michael Sauerwein, City Manager
- 7.6 **Subject:** Contract with Imagenet, LLC for Scanning and Imaging Services
Recommendation: Approve.
Result of Recommended Action: Approval will allow the City to enter into a contract agreement with ImageNet, LLC for scanning services and will authorize the City Manager to sign the contract.
Staff Contact: Aimee Kellerman, City Clerk

8. PUBLIC HEARING

- 8.1 **Subject:** 2016-2021 Six-Year Capital Improvement Plan and Transportation Improvement Program (CIP/TIP)
Recommendation: Conduct public hearing and receive public comments for discussion.
Result of Recommended Action: This item will be discussed in Other Business for adoption of the plan.
Staff Contact: Michael Sauerwein, City Manager

City Manager Michael Sauerwein reported on the six-year Capital Improvement Plan and Transportation Improvement Program (CIP/TIP). Discussion focused on 2016 projects, which included street improvements, sidewalks on Evergreen Point Road, non-transportation improvement projects – building restoration and improvements, Medina Park project and Medina Post Office landscaping project. The budget for the Medina Park project is estimated at \$100,000. Sauerwein commented that the Park Board is

open to the idea of fundraising and he will meet with the Park Board chair to discuss fundraising to offset some of the costs.

Mayor Boyd opened the public hearing period at 7:49 p.m. There were no speakers. Mayor Boyd closed the public hearing period at 7:49 p.m.

9. OTHER BUSINESS

- 9.1 **Subject:** 2016-2021 Six Year Capital Improvement Plan and Transportation Improvement Program (CIP/TIP)

Recommendation: Adopt.

Result of Recommended Action: Action on this item will approve the plan.

Staff Contact: Michael Sauerwein, City Manager

ACTION: Motion Luis second Decker and carried by a 7:0 vote; Council approved Agenda Item 9.1 approving the 2016-2021 Six-Year CIP/TIP.

- 9.2 **Subject:** 2015 Budget Review

Recommendation: Discussion item only; no action needed.

Result of Recommended Action: Director of Finance Nancy Adams will review the 2015 budget, year-to-date IT expenditures, and accomplishments as of June 30, 2015.

Staff Contact: Nancy Adams, Finance Director

Director of Finance Nancy Adams reported on the 2015 budget overview. Discussion included the 2015 General Fund with revenue and expenditures being favorable as of June 30, 2015. Other discussion included 2015 IT services expense summary, 2015 post office overview, 2015 street fund, 2015 tree fund, 2015 capital reserve fund, and 2015 capital projects fund. For IT services there will be 2015 budget amendment estimated at \$65,311. The street fund expense is lower than budget due to the absence of a Public Works Director for five months. The 2015 tree fund revenue and expenditures are both favorable as of June 30, 2015. Lastly, the Capital Projects Revenues are lower than budget due to King County Flood Control Grant Revenue (timing).

ACTION: Discussion item only; no action taken.

At this point (8:17 p.m.) Mayor Boyd acknowledged all of the candidates running for City Council at the November 3, 2015 Primary Election. Candidates include Cynthia Adkins, Sheree Wen and Shawn Schubring. He also acknowledged incumbents David Lee and Jay Decker.

Council took a brief recess at 8:18 p.m. The full Council reconvened at 8:20 p.m.

- 9.3a **Subject:** Selection of Third Party Review of Proposed Tree Code

Recommendation: Approve.

Result of Recommended Action: Action on this item will approve the selection of The Watershed Company to conduct a review of the proposed tree code and provide feedback to the City Council.

Staff Contact: Michael Sauerwein, City Manager

City Manager Michael Sauerwein reported that at the last Council meeting Council voted to retain a third-party consultant to review the proposed tree code. Following the meeting, City staff asked tree consultant Tom Early for recommendations. Three consultants were recommended: Terra Firma Consulting, The Watershed Company, and VanNess Feldman LLP. Sauerwein commented that a scope of work was not included in the last motion. City staff developed a scope of work to include: a kick off meeting between staff and interested Council Members to understand the project's goals and priorities, review the tree code for internal inconsistency, develop real world scenarios relating to properties that are under development and not under development and apply both proposed and current tree codes to each scenario, suggest amendments and alternative approaches to the proposed tree code, then draft and present a memo outlining the results of their analysis to the City Council. The proposed budget for this work is set to not exceed \$25,000. City staff recommends The Watershed Company due to the fact that they already work closely with the City.

Council Member Morcos asked about integrating view and sunlight access into the code and why it was not part of the proposed scope of work. He also what the timeline is for doing the work, coming back and approving it by Council and why this was not done in 30 days per the last motion.

Sauerwein responded that view and sunlight access was not discussed with the consultants and viewed it as a separate issue and noted that he expressed at the last meeting that it would most likely take staff 30 days to find a consultant. Sauerwein hopes to have something back by the August 10, 2015 City Council meeting.

Pryde asked about Clyde Hill's new tree ordinance which includes view and sunlight access in the code, which is shorter than our proposed code and felt that we are trying to reinvent the wheel with not including it in our proposed code.

ACTION: Motion Maffei to accept the tree code as written with the consultant review on a timeline to be discussed.

Council Member Morcos asked to make additional suggestions to Council Member Maffei's motion and proposed to include the sunlight and view access, in a year review what we are achieving now to see how the results are in a year's time and have the Director of Development Services remind Council in a year to look at Phase Two.

ACTION: Council Member Maffei rescinded his motion to allow Council Member Morcos to make a new motion.

Council Member Pryde felt the motion takes Council on a different track. His understanding of the motion passed was to get a quick look at what we have on the table from a third party consultant. He commented that Council could narrow the scope and have the consultant look at what is currently on the table and do a fatal flaw check and get something back to Council in the next three weeks with recommendations to make it better and then decide based on recommendation whether it's worthwhile and what the steps should be with Phase Three.

ACTION: Motion Morcos to accept the tree code as written, hire a third party consultant to review the tree code over a one-year timeframe, and at the same time have the Planning Commission work on Phase 3 of the tree code to include view and sunlight access and the Urban Forestry Plan. Maffei seconded the motion.

ACTION: Council tabled the pending motion until after the discussion of 9.3b.

9.3b **Subject:** Ordinance Amending the Medina Tree Code and Setting an Effective Date of July 31, 2015

Recommendation: Adopt Ordinance No. 923.

Result of Recommended Action: Adoption of this ordinance would amend the Medina Tree Code by adopting a new performance and tree retention requirements for properties under development, adopting new tree replacement requirements properties not under development, adopting new mitigation and performance requirements for city trees in the right-of-way; and amend other sections of the municipal code for consistency with the amended tree code. Action on this item will also set an effective date of July 31, 2015.

Staff Contact: Robert Grumbach, Development Services Director

Director of Development Services Robert Grumbach gave a brief summary of his staff report, which included alternative options for the proposed ordinance amendments discussed at the previous council meeting.

Council Member Morcos proposed the following motion with proposals on options 3, 5, and 7.

ACTION: Motion Morcos to approve Phase Two Tree Code with the following eight amendments: Option 1b, Option 2 as presented, Proposed Option 3d to use 50% for the tree mitigation ratio, everything else as presented, Proposed Option 4b, Proposed Option 5 and 6 as presented, and Proposed Option 7c Use \$25 per inch for all trees in the right-of-way, seconded by Maffei and carried by a 4:3 (Pryde, Luis, and Lee Dissented) vote.

9.4 **Subject:** 2015 Fee Schedule Amendment

Recommendation: Adopt Resolution.

Result of Recommended Action: Adoption of this resolution will amend the 2015 Fee Schedule.

Staff Contact: Robert Grumbach, Development Services Director

Director of Development Services Robert Grumbach gave a brief summary of the proposed fee schedule amendment and informed Council that the fees are based only on cost recovery. He highlighted the city's policy of development paying for development and he noted that the City is not allowed to make a profit off of these fees. Grumbach explained that the name changed to activity in the right-of-way from tree removal due to performance standards.

Discussion ensued about what fees to charge. Grumbach noted that the fee schedule is reviewed annually during the city's budget process and these fees will be evaluated again at that time.

ACTION: Motion Maffei to charge \$29.95 (\$10 permit fee plus \$19.95 technology fee) on the first tree permit under MMC 20.52.150 per lot until December 31, 2015, seconded by Morcos and carried by 5:2 (Lee and Pryde dissented) vote.

City Clerk Aimee Kellerman reread the motion for 9.3a for Council to take action on.

ACTION: Motion Morcos to accept the tree code as written, hire a third party consultant to review the tree code over a one-year timeframe, and at the same time have the Planning Commission work on Phase 3 of the tree code to include view and sunlight access and the Urban Forestry Plan. Maffei seconded and motion carried by a 6:1 (Pryde dissented) vote.

9.5 **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

ACTION: Council reviewed upcoming meetings. There were no changes.

10. PUBLIC COMMENT

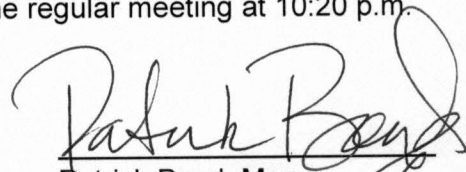
Mayor Boyd opened the public comment period at 10:09 p.m. The following individual addressed the Council:

- Cynthia Adkins thanked those on the Council who spoke in favor of the participatory democracy and the rule of law. She also commented that she is really disappointed that she learned from the City's consultant that last December 3rd or 4th was when the City first decided to rubberstamp the T-Mobile application that was denied by the hearing examiner. She commented that she has seen the City's expert first report and he stated that it could support a 65 foot pole and felt that the City Council only saw the second report that stated it could support the 85 foot tower. Lastly, she asked that Respect Medina be able to come and present to Council just like T-Mobile was able to do.
- Sheree Wen expressed disappointment regarding the tree code vote and felt that Council took citizens opinions down to the trash. She also commented that she could not view the City Council packet on the website because it asked for a password on the website to view the document.
- Doug Dicharry thanked Council for their work on the Phase Two tree code.
- Wilma Edmonds complimented the Planning Commission, starting with when Council Member Morcos was on there and felt that they really listened to the citizens and also thanked Council for all their work on the tree code. She also thanked the Police Department because an officer identified as Officer Brady Halverson by Chief Burns, did a safety check on them, because their door was open and the blinds were drawn.

Mayor Boyd closed the public comment period at 10:20 p.m.

11. ADJOURNMENT

Motion Morocs second Pryde; Council adjourned the regular meeting at 10:20 p.m.


Patrick Boyd, Mayor

Attest:

Aimee Kellerman
Aimee Kellerman, City Clerk