



## MEDINA, WASHINGTON

MEDINA CITY COUNCIL  
SPECIAL AND REGULAR MEETING MINUTES  
Medina City Hall, Council Chambers  
501 Evergreen Point Road, Medina  
Monday, June 8, 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

**CITY CLERK**  
AIMEE KELLERMAN

### MINUTES

#### SPECIAL MEETING

Mayor Boyd called the executive session to order in the Medina Council Chambers at 5:30 p.m. for estimated time of one hour.

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

Attorney for Council Member Lee

Council Members Absent: None

Staff Present: Sauerwein, Noe, Mike Kenyon (Kenyon Disend, PLLC), Grumbach, and Kellerman

#### 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; and

**ES-2: RCW 42.30.110 (1)(f)**

To receive and evaluate complaints or charges brought against a public officer or employee. However, upon request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge.

**ACTION:** No action was taken in executive session.

**ADJOURNMENT**

Council adjourned the executive session to the regular meeting at 6:29 p.m.

**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, Mike Kenyon (Kenyon Disend), Adams, Burns, Crickmore, Grumbach, and Kellerman

**2. APPROVAL OF MEETING AGENDA**

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

**3. REPORTS AND ANNOUNCEMENTS**

**3.1 Commissions, Boards, and Advisory Committee Reports.**

Park Board Chair Miles Adam reported that the Park Board has submitted their request for funds for the 2016 Capital Projects to City Manager Michael Sauerwein for City Council approval in the 2016 Budget.

**4. PRESENTATIONS**

**4.1 Presentation in recognition of City volunteers, Susan Loren-Taylor, Heija Nunn, and Peter May.**

Mayor Boyd presented Certificates of Appreciation to outgoing Park Board Member Susan Loren-Taylor, outgoing Planning Commission Member Peter May, and former Planning Commission Chair Heija Nunn and thanked them for their time and efforts serving the citizens of Medina.

#### 4.2 Presentation by Peter Becker of Time Value Investments.

Peter Becker with Time Value Investments gave an overview on potential investments for the City outside of the LGIP fund.

#### 4.3 Presentation by Robbie Bach regarding the Bellevue Boys and Girls Club.

Robbie Bach gave a presentation on funding needs for the Bellevue Boys and Girls Club.

### **5. PUBLIC COMMENT PERIOD**

Mayor Boyd opened the Public Comment period at 7:08 p.m. The following individuals addressed the Council:

- Joe Sabey commented on traffic at the 84<sup>th</sup> Street roundabout.
- Ian Morrison thanked Council for their leadership and for calling all parties involved to meet together and discuss the settlement agreement.
- Miles Adam commented on the walkability of Medina and the overgrowth of shrubbery on the sidewalks. He also commented on a former legal issue and thanked Council for their work.
- Cynthia Adkins concurred with Ian Morrison's comments and thanked Council for giving the community a chance to pause and revisit and find a solution that works for the both the north side and south side neighbors.
- Roger Frey thanked Council for their time and reiterated his opposition to the cell tower site at Fairweather Park. He stated that if there is a need to have a site in Medina, there are other locations that can be used both away from residents and in line with Medina's land use codes and regulations. He also commented that he appreciates the progress that Council has made on this issue and asked Council to continue working in good faith to come to the best solution possible. Lastly, he asked Council to reconsider their previous vote on the settlement agreement.
- Kay Koelemay commented on the cell tower issue and her previous email to Council supporting Council's 6:0 decision to settle the lawsuit with T-Mobile and Independent Towers. She disagreed with the comments that came in stating that Council made a hasty decision. She felt that it was a very responsible decision given the information that Council had. Koelemay commented she would support a decision by the Medina Coalition if it would end the cell tower lawsuit. Lastly, she commented in defense of the difficult decision that Council made on the settlement and that placement to site the cell tower at the edge of the park was made with much deliberation, research, consideration of all the options, without any opposition at the time with a different Council.
- Heija Nunn commented that she appreciates all the nice comments regarding Council's work on the cell tower issue and agreed that their volunteer time is extremely valuable. She asked Council to reconsider the vote on the settlement agreement and stated that if Council passes the opportunity to reconsider their vote on the settlement is to say they support the settlement. Nunn also commented that there were no drawings from the first proposal that represents what the community was going to get and felt that Council needs to go through and understand all the things that happened on the way up to this lease. She



commented that Council may not understand all the things that represent a conflict of interest with the City's previous cell tower consultant Jeff Langdon.

Mayor Boyd closed the public comment period at 7:24 p.m.

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

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

Police Chief Burns reported on police activity in May. Linda Crum is retiring July 2 and the Police department will hold an open house on July 1 from 3:30 p.m. to 6:30 p.m. honoring her years of service in Medina.

Council Member Morcos thanked the police department for catching the hit and run driver from a previous report.

Director of Development Services Robert Grumbach reported that the Planning Commission at the next meeting will be discussing the Mandatory Comprehensive Plan Update Amendments.

Director of Finance Nancy Adams reminded Council of two upcoming audits for the City. The first one is the Washington State Auditors and the second one is WCIA, the City's insurance agency who will be focusing on Personnel, Public Works, and Police.

Acting Director of Public Works Pat Crickmore thanked Council and citizens that attended the Public Works open house and barbeque on Friday, June 6. He also responded to complaints regarding sidewalk overgrowths. Milfoil is coming on strong and he has contacted a contractor to spray milfoil.

He also commented that one of the Public Works Seasonal Maintenance workers has started and the second one will come on board June 23 for about two months each, totaling four months between the two.

### **6.2 City Manager.**

City Manager Michael Sauerwein reported that the City will be going out for an RFP for city attorney services and thanked the citizens and Council who participated in the Public Works Director interviews last week and hopes to make a final decision by the end of the week or early next week. Sauerwein also commented on the new and improved Points Loop Trail map, which is available online and at City Hall.

## **7. CONSENT AGENDA**

**ACTION:** Motion Morcos second Maffei and 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:** April 20, 2015 Approved Park Board Meeting Minutes  
**Recommendation:** Receive and file.  
**Staff Contact:** Jen Newton, Deputy City Clerk
- 7.2 **Subject:** City Council Meeting Minutes of:  
a) May 4, 2015 Special Meeting;  
b) May 11, 2015 Regular Meeting; and  
c) May 18, 2015 Special Meeting.  
**Recommendation:** Adopt Minutes.  
**Staff Contact:** Aimee Kellerman, City Clerk
- 7.3 **Subject:** May 2015, Check Register  
**Recommendation:** Approve.  
**Staff Contact:** Nancy Adams, Finance Director
- 7.4 **Subject:** Civil Service Commission, Park Board and Planning Commission Reappoint and Appointment Confirmation  
**Recommendation:** That Council:  
a) Reappoint Dan Becker to the Civil Service Commission, Position No. 2;  
b) Reappoint Drew Blazey to the Park Board and Recreation Board, Position No. 5;  
c) Reappoint Collette McMullen to the Park and Recreation Board, Position No. 7;  
d) Reappoint Jeanne Carlson to the Planning Commission, Position No. 2; and  
f) Appoint Seethu Babu to the Planning Commission, Position No. 4.  
**Result of Recommended Action:** Action on this item will fill all upcoming vacancies on both the Civil Service Commission and the Planning Commission. The Park Board will have one vacancy until filled.  
**Staff Contact:** Aimee Kellerman, City Clerk
- 7.5 **Subject:** Approval of Interlocal Agreement Between the City of Medina and the City of Bellevue  
**Recommendation:** Approve.  
**Result of Recommended Action:** Approval of this Interlocal agreement will allow the City of Bellevue Police Department to provide specialty law enforcement services such as Special Weapons and Tactics Team (SWAT), Hostage Negotiation Team (HNT), and Accident Investigations Unit if the need arises in Medina.  
**Staff Contact:** Stephen Burns, Chief of Police
- 7.6 **Subject:** An Ordinance Adopting an Indigent Defense Standards  
**Recommendation:** Adopt Ordinance No. 922.  
**Result of Recommended Action:** Adoption of this ordinance will adopt the new Standards for Indigent Defense as was adopted by the Supreme Court of Washington on June 15, 2012. Action on this item will also update Section 4.04.010 of the Medina Municipal Code.  
**Staff Contact:** Stephen Burns, Chief of Police

- 7.7 **Subject:** Resolution Authorizing the City Manager to Sign a Contract for Indigent Defense Services  
**Recommendation:** Adopt Resolution No. 379.  
**Result of Recommended Action:** Adoption of this resolution will approve the indigent defense standards contract and authorize the City Manager to sign the contract.  
**Staff Contact:** Stephen Burns, Chief of Police

## 8. PUBLIC HEARING

- 8.1 **Subject:** Ordinance Adopting Phase Two Tree Code Amendments  
**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 for 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.  
**Staff Contact:** Robert Grumbach, Development Services Director

Director of Development Services Robert Grumbach gave a short summary of the proposed phase two tree code and walked Council through a couple of examples that were posted on the City's website.

Mayor Boyd opened the public hearing period at 8.16 p.m. The following individuals addressed the Council:

- Sheree Wen commented on the proposed tree code and addressed concerns which include inconsistencies with Washington State Nuisance Laws, RCW 7.48.120 Nuisance defined.
- Pete Valspinosa commented on simplifying the proposed tree code and remove deciduous trees from the tree code.
- Paul Saad commented on the proposed tree code and the disconnect between trees and views. He asked to integrate the Urban Forest Management Plan into the tree code. Saad also commented on his disagreement about payment to the tree fund for removing a tree in the right-of-way.
- Mark Neuman commented on the proposed tree code and felt that Council should table this and start over. He also felt the tree fees were too high and that the arborist had too much power.
- David Yee urged Council not to adopt the proposed ordinance and commented that the staff presentation did not address substitute relief for people with tree problems. He also commented that he recently submitted to Council a possible way to preserve the length of the tree code and at the same time provide relief for people with tree problems.
- Heija Nunn commented that as one of the people who worked on the tree code, she felt that the City may have missed the mark and also felt that it could be salvageable. She expressed concerns about how the City will classify a significant tree and how we protect them. She would like to see a process that preserves the homeowner's ability to go further than "no". She would also like to see protection for heritage trees that are contributing some way to the public,



good or to the landscape or to the City's character might be worth considering specific protection.

- Mark Nelson commented on the criticism on the proposed tree code and said he is anxious to move forward with the new code and begin to improve upon it. He is not in favor of delaying action and felt that the Planning Commission did everything they were asked to do. Nelson felt that the City has gone two phases of a three phase process. The third phase would be to address the view and sunlight issues that came up in previous comments. Lastly, he would like to see a game plan and budget that would allow the City to move forward with the Urban Forest Management Plan.
- Doug Dicharry commended the Planning Commission for working through a very long process and asked Council to move forward with adopting the ordinance tonight.
- Kay Koelema commented on the proposed tree code and supports this effort, the approach, and the preservation of the canopy and the sylvan character of the City and asked Council to consider adopting the ordinance.
- Dave Paisley commented on the proposed tree code and the ability to protect property value through removing trees because you want to improve a view.

Council discussed the proposed tree code and the possibility of having an independent consultant review the proposed tree code.

**ACTION:** Motion Pryde second Lee; Council directed staff to hire a third party consultant to review the proposed tree code and provide additional feedback, integrate regulations for view and sunlight protection into the Phase Two Tree Code.

**ACTION:** Motion Pryde to amend the previous motion to include a 30 day timeframe at the point of when Council is ready to vote on the tree code, that there is satisfactory proposals on sunlight and views access that can be incorporated into the tree code at that time and be ready for vote as well; second by Lee and carried by a 4:3 (Morcos, Boyd, Decker dissented) vote.

## **9. OTHER BUSINESS**

9.1 **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 Michael Sauerwein commented that there is an upcoming Personnel Committee meeting on Thursday, June 11. The City will be hosting a Medina Elementary Kids Tour on Friday, June 12, and Thursday, June 18 will be the Facilities Committee meeting.

## 10. PUBLIC COMMENT

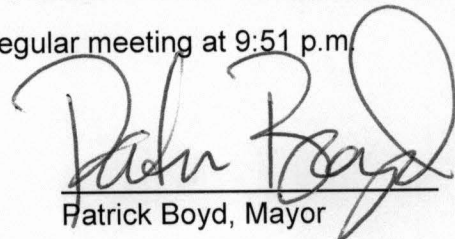
Mayor Boyd opened the public comment period at 9:49 p.m. The following individuals addressed the Council:

- Sheree Wen thanked Council on their work on the proposed tree code would like Council to still consider some of the issues that she mentioned in her earlier comments.
- Heija Nunn thanked Council on their discussion regarding the proposed tree code and reminded Council that the Medina Citizen group offered \$140,000 in park improvements in regards to the cell tower site at Fairweather Park.

Mayor Boyd closed the public comment period at 9:51 p.m.

## 11. ADJOURNMENT

Motion Luis second Pryde; Council adjourned the regular meeting at 9:51 p.m.



Patrick Boyd, Mayor

Attest:

Aimee Kellerman  
Aimee Kellerman, City Clerk