



MEDINA, WASHINGTON

MEDINA CITY COUNCIL SPECIAL AND REGULAR MEETING MINUTES

Medina City Hall, Council Chambers
501 Evergreen Point Road, Medina

MONDAY, AUGUST 11, 2014

6:30 PM

MAYOR
MICHAEL LUIS

DEPUTY MAYOR
DAVID LEE

COUNCIL MEMBERS
PATRICK BOYD
JAY DECKER
JOHN MAFFEI
ALEX MORCOS
CURT PRYDE

CITY MANAGER
MICHAEL SAUERWEIN

CITY ATTORNEY
KARI SAND

CITY CLERK
AIMEE KELLERMAN

MINUTES

EXECUTIVE SESSION - CALL TO ORDER / ROLL CALL

Mayor Luis called the Executive Session to order in the Medina Council Chambers at 5:30 p.m.

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

Council Members Absent: None

Staff Present: Sauerwein, Sand, Grumbach, Willis, Adams, and Kellerman

EXECUTIVE SESSION

Council met in Executive Session for an estimated time of one hour to discuss the following:

RCW 42.30.110 (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 to the agency; and

RCW 42.30.140 (4) To review the progress of collective bargaining negotiations.

ACTION: Executive Session was continued to the end of the regular meeting.

ADJOURNMENT

Mayor Luis adjourned the Executive Session to the Regular meeting in the Medina Council Chambers at 6:24 p.m.

1. REGULAR MEETING - CALL TO ORDER / ROLL CALL

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

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

Council Members Absent: None

Staff Present: Sauerwein, Sand, Grumbach, Adams, Willis, Yourkoski, and Kellerman

2. PLEDGE OF ALLEGIANCE

Mayor Luis led the Pledge.

3. APPROVAL OF MEETING AGENDA

Council Member Maffei requested to pull Agenda Item 8.2 (June 23, 2014 Special Meeting Minutes) for clarification.

Council Member Morcos made a motion to approve the nomination made by Mayor Luis at the July 14, 2014 City Council meeting to reappoint Jennifer Garone to the Planning Commission. This was added as a discussion item following the vote to approve the amended agenda.

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

ADDED AGENDA ITEM

ACTION: Motion by Morcos second by Decker to approve the nomination made by Mayor Luis at the July 14, 2014 City Council meeting to reappoint Jennifer Garone to the Planning Commission.

Council Member Maffei raised an objection to the motion and after giving a brief testament asked the city attorney for clarification.

City Attorney Kari Sand stated that the motion was out of order. She cited Robert's Rules of Order under which the City Council's procedures for the conduct of orderly meetings are governed. Sand confirmed the Mayor's nomination of Jennifer Garone at the July 14, 2014 City Council meeting to be reappointed to the Planning Commission. She also confirmed a defect in the nomination procedures that followed. She clarified that after the Mayor made his nomination; the City Council should have voted on it. However, the Mayor was the presiding officer at the meeting with the power of appointment and chose not to stop the proceedings and the motion and vote to appoint Mark Nelson to the Planning Commission. Sand noted that a motion for reconsideration on a vote can only be brought by someone on the prevailing side that voted yes to appoint Mark Nelson.

Sand also stated that the Council could choose to make a motion to ratify Mark Nelson's confirmation, if they wanted it to be the final voice of the Council on this topic, but the outcome could be different.

Council Member Morcos provided testament on why he believed the motion was illegal per RCW 35.63.020 and why it was inconsistent with City Council guidelines. He stated he talked to MRSC and they stated that this was done incorrectly and the motion made by the Mayor needs to be voted on.

Sand agreed that procedurally the process was done incorrectly; but she reiterated her earlier comment, including Council Member Morcos's motion being out of order. However, she noted that it was the Mayor and the City Council's decision on how to proceed.

Council Member Maffei stated his opinion that the Council already voted 4/3 and does not need to ratify Mark Nelson's appointment and that the will of the Council has spoken.

Council Member Pryde stated his opinion that the city council needs to move on.

Mayor Luis acknowledged the irregularity of the vote, but confirmed that the will of the Council has spoken and ended the discussion.

4. PRESENTATIONS

4.1 None.

5. PUBLIC COMMENT

Mayor Luis opened the public comment period at 6:47 p.m. The following individuals addressed the Council:

- Miles Adam regarding the proposed tree code and upcoming Hearing Examiner meeting on a redwood tree. Adam asked that Council look carefully at the tree code and protect the large trees such as the large redwood that is coming up in the Hearing Examiner's meeting in Medina.
- Steve Preston regarding the cell tower site at Fairweather Park, his letter to Council that identified three issues for Council to consider and asked Council

- to put a temporary moratorium in place for any new wireless facilities permits.
- Cynthia Adkins thanked Laurel and Steve Preston for their research regarding the previous Council's actions on wireless facility at Fairweather Park and commented that the former City Council did not have the knowledge that the current City Council now has due to the Preston's research. She seconded Mr. Preston's suggestion for a temporary moratorium and review the original draft of the code and find out what they meant when they said Fairweather Nature Preserve adjacent to the 520.
- Skip Voorhees (letter read into the record by Cynthia Adkins) requesting that Council enact a temporary moratorium at Fairweather Park and Nature Preserve for permits for cellular facilities and take action to clarify issues that have been brought to Council's attention.
- Sheree Wen regarding small gathering at her house to get feedback from citizens on the tree code and walked Council through the survey questions and answers given.
(At this point 6:57 p.m. Mayor Luis left the meeting)
- Steve Burnstead regarding the tree code ordinance and its limit on property owner rights.

6. COUNCIL / BOARDS AND COMMISSIONS REPORTS

6.1 Mayor and Council Member Reports.

Council Member Boyd reported that he along with City Manager Michael Sauerwein and airport noise consultant Alyson Jackson attended a meeting with FAA personnel at the Port of Seattle.

Council Member Morcos reported that he and Council Member Pryde attended Sheree Wen's gathering on the tree code and citizens shared their opinions of the tree code with them. They will try and summarize these opinions at a future tree committee meeting. He also commented to the public that if there are others out there who would like to host these types of meetings and would like some Council Members to attend, that the Council Members would be open to attending.

Council Member Maffei asked for feedback from the Medina Days Medina Tree Code booth. Director of Development Services, Robert Grumbach commented that he was out of town and had not gotten an update from the consultants. An update will come to Council at the September 8, 2014 City Council meeting.

6.2 Commissions, Boards, and Advisory Committee Reports.

None.

7. CITY MANAGER'S REPORT

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

Acting Police Chief Dan Yourkoski reported to Council on the July police report and theft of campaigns signs. He noted that an E-alert will go out to the community to not take the signs. He also commented that the police department recovered a stolen car at the end of July that had two runaway teenagers, who were returned back to their parents in Idaho.

Development Services Director Robert Grumbach reported that the record for Independent Towers Holding's public hearing closed today and a decision is expected in the next couple of weeks. Grumbach also noted that the City is looking for a new building inspector consultant since Clyde Hill is no longer providing building inspection services.

Finance Director Nancy Adams reminded Council that the auditor is here at City Hall and is conducting the 2013 audit. They have scheduled an entrance conference for August 18, 2014 at 4:00 p.m.

Public Works Director Joe Willis reported that the Park Board held their annual park beautification day on Saturday, July 19 and the Public Works crew has been busy preparing for the upcoming Medina Days events.

Council Member Maffei commented on the Lake Lane dock and asked staff to create "No Speeding" or "No Wake Zone" signs and post them on the dock.

7.2 City Manager

City Manager Michael Sauerwein thanked Sheree Wen for hosting a tree meeting at her home and for the opportunity to meet with citizens one-on-one. He also noted that the overtime for President Obama's visit cost the City \$1,295.72 in police overtime and will be billed to the person that hosted the event. He also thanked all the volunteers for Medina Days and recognized their efforts for putting the event together.

Council Member Boyd commented on the paperless agenda packet the City Clerk put together for the iPad and requested a cost estimate for implementation to go paperless. This item will come to Council at the October 13 City Council meeting.

8. CONSENT AGENDA ITEMS

These items will be acted upon as a whole unless called upon by a Council Member.

ACTION: Council Member Maffei made corrections to the June 23, 2014 Special Meeting Minutes to include the word "Action" in front of Council Member Maffei requested a policy regarding private special events permits and charging overtime for Medina Police Officers for private special events. He clarified that this was a recommendation where he felt that the citizens shouldn't carry the cost of someone who owns a private fundraiser at a private function.

ACTION: Motion Boyd second by Pryde and carried by a 6:0 (Mayor Luis absent) vote; Council approved the Consent Calendar as modified by Council Member Maffei.

8.1 **Subject:** June 16, 2014 Approved Park Board Meeting Minutes

Recommendation: Receive and file.

Staff Contact: Kristin McKenna, Deputy City Clerk

8.2 **Subject:** Meeting Minutes of:

a) June 9, 2014 Special and Regular Meeting;

b) June 23, 2014 Special Meeting;

c) July 14, 2014 Regular Meeting; and

d) July 28, 2014 Special Meeting.

Recommendation: Adopt.

Staff Contact: Aimee Kellerman, City Clerk

8.3 **Subject:** July 2014, Check Register

Recommendation: Approve.

Staff Contact: Nancy Adams, Finance Director

9. PUBLIC HEARING ITEMS

9.1 **Subject:** Early Public Input for Preparation of Draft Preliminary 2015 Annual Budget

Recommendation: None. This is an opportunity for public input.

Result of Recommended Action: Council and staff will review and consider input.

Staff Contact: Nancy Adams, Finance Director

Finance Director Nancy Adams reported on the draft preliminary 2015 annual budget which included the General Fund budget and Capital Fund budget. She noted that the Capital Reserve Fund balance of approximately \$1.9 million dollars has remained untouched through all of 2014. Adams also reported that the 2015 Direct Labor is expected to increase by 2.2% and that the labor negotiations are underway.

Deputy Mayor Lee opened the public hearing period at 7:39 p.m. The following individuals addressed the Council:

- Miles Adam regarding Park Board projects, budget for the Park Board and support from Council for funding for 2015 budget.
- Steve Burstead regarding the center island along 84th Street, lack of maintenance and adding budget to maintain it. He also requested that Council budget for the treatment of milfoil along the waterfront.
- Wilma Edmonds regarding budget for trapping nuisance rabbits.

Deputy Mayor Lee closed the public hearing period at 7:52 p.m.

10. OTHER BUSINESS ITEMS

- 10.1 **Subject:** Points Cities Interlocal Agreement Regarding Channelization Plan for 84th Avenue NE and NE 28th Street/Points Drive NE

Recommendation: Approve.

Result of Recommended Action: Approval will authorize City staff to complete the 84th Avenue Project which includes the "Channelization Plan" that addresses concerns about ingress and egress from local streets near Medina Circle and Hawthorne Court and re-striping of 84th Avenue NE, NE 28th Street, and Points Drive NE. Washington State Department of Transportation (WSDOT) has tentatively agreed to reimburse the City of Medina, Clyde Hill, and the Town of Hunts Point if we do the channelization and re-striping work ourselves.

Staff Contact: Michael Sauerwein, City Manager

City Manager Michael Sauerwein reported back to Council regarding the channelization plan for 84th Avenue NE and NE 28th Street/Points Drive NE.

Council Member Pryde commented on previous discussions and waiting until school starts to conduct a new traffic study.

Council Member Boyd commented that the metering light has been turned at the 520 lid and the timing between red and green are not consistent.

Council Member Maffei had concerns about the project and how it would affect Medina residents that could potentially get backed up coming eastbound on 84th.

ACTION: Motion Boyd second by Maffei and carried by a 6:0 (Luis absent) vote; Council directed staff to contact WSDOT about redoing a transportation traffic study about the effective metering of the on-ramp onto SR-520 and authorized the City Manager to contract for services for a traffic study if needed in an amount not to exceed \$15,000.

- 10.2 **Subject:** Phase 2 Medina Tree Code Update

Recommendation: Discussion item only; no action needed.

Result of Recommended Action: Direction on next steps in the update process

Staff Contact: Robert Grumbach, Development Services Director

Development Services Director Robert Grumbach gave a brief update of the Phase 2 Medina Tree Code public process. He noted that we have completed the initial public notice; the questionnaire has been completed and the receipt of responses is ongoing. The first public workshop was held in July and the Medina Days outreach booth was on Saturday, August 9, 2014.

By consensus Council directed staff to work on a second public workshop for the tree code around the week of September 15.

Council and staff discussed releasing the results of the questionnaire before the City Council could review them. Grumbach noted a summary of the results will be presented at the September 8 City Council meeting. Council felt the data should be released early to the tree committee and the public.

Grumbach also presented on maps prepared by the Watershed Company containing a tree canopy coverage assessment of the entire community. He noted that a full analysis and report is being prepared and should be complete by the end of the month and will also be presented at the September 8 City Council meeting

10.3 **Subject:** City Council Calendar

Recommendation: Discussion item only; no action needed.

Result of Recommended Action: Council and staff review upcoming meetings and make necessary adjustments as needed.

Staff Contact: Michael Sauerwein, City Manager

ACTION: Council added Council sets policy direction for the tree code at the September 8 City Council meeting and Council Member Boyd requested solid waste to be added to a future agenda.

11. PUBLIC COMMENT

Deputy Mayor David Lee opened the public comment period at 8:28 p.m. The following individual addressed the Council:

- Laurel Preston regarding the Independent Towers cell site application and encouraged the City Council to enact a moratorium on any new cell tower application.
- Kay Koelemay commented the confusing signage on the roundabouts; specifically the 84th Street sign.
- Wilma Edmonds encouraged Council to send out another notice regarding the next public tree code meeting and to hold it in a larger facility.

Deputy Mayor Lee closed the public comment period at 8:33 p.m.

Deputy Mayor Lee adjourned the regular meeting back to Executive Session at 8:33 p.m. for an estimated time of 15 minutes to discuss the following:

RCW 42.30.140 (4) To review the progress of collective bargaining negotiations.

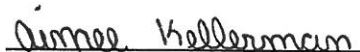
ACTION: No action was taken in Executive Session.

12. ADJOURNMENT

Motion by Boyd second by Maffei; Council adjourned the regular meeting at 9:55 p.m.


David Lee Deputy Mayor

Attest:


Aimee Kellerman, City Clerk