



# MEDINA, WASHINGTON

## MEDINA CITY COUNCIL SPECIAL AND REGULAR MEETING MINUTES

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

**MONDAY, JULY 14, 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, and Pryde

Council Members Absent: None

Staff Present: Sauerwein, Sand, Grumbach, 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.

**ACTION:** No action was taken in Executive Session.

## **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, and Pryde

Council Members Absent: None

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

### **2. PLEDGE OF ALLEGIANCE**

The Mayor led the Pledge.

### **3. APPROVAL OF MEETING AGENDA**

ACTION: Motion Boyd second Maffei and carried by a 7:0 vote; Council approved the Consent Agenda as presented with the exception of Agenda Items 8.4, 8.6., 8.7 and 8.9 which were pulled for separate discussion.

### **4. PRESENTATIONS**

4.1 None.

### **5. PUBLIC COMMENT**

Mayor Luis opened the public comment period at 6:33 p.m. and the following individuals will address the Council:

- Cindy Adkins regarding the June 9, 2014 Special and Regular meeting and June 23, 2014 Special meeting Minutes and when they will be available. She thanked Council Member Morcos for giving instructions to City staff to go back to Independent Towers and try to negotiate a termination of the lease or other less intrusive options. She also updated Council on her conversation with staff regarding a possible SEPA appeal.
- Doug Dicharry regarding the Medina Tree Code and expressed his appreciation that Council reached a consensus at the last study session, hours of work by the tree committee and director of development. He asked Council to keep an eye on the big picture and proceed with caution.
- John Harris regarding Independent Towers cell site and complimented staff on outreach program for residents on the tree issue.
- Miles Adam regarding public safety on sidewalks and how to ask neighbors to address overgrowth on sidewalks.

- Kay Koelemay Dicharry commended Council on the successful recruitment of the new Medina Police Chief Stephen Burns. She also commented on Phase 2 of the Medina Tree Code and complimented staff on the postcard that went out to residents which seems to be generating interest and the well-developed webpage.

Mayor Luis closed the public comment period at 6:49 p.m.

## **6. COUNCIL / BOARDS AND COMMISSIONS REPORTS**

### **6.1 Mayor and Council Member Reports.**

Deputy Mayor David Lee attended an all-day Eastside Transportation Partnership Retreat. Discussion included vision and strategy going forward and advocacy versus disseminator of information.

Councilmember Morcos reported that the Tree Code Committee has held five meetings about 90 minutes per meeting. The committee has no intention to make suggestions before hearing from the public. They will collect information from the director of development services when all response from the questionnaire has been received. The next meeting has been tentatively scheduled for mid-August.

Councilmember Maffei inquired on who wrote questions for questionnaire and Grumbach reported that formulation of the questions involved several consultants and himself. Councilmember Maffei noted that there was not anything on the form identifying the responder on the questionnaire and there were concerns of people filling out the questionnaire several times.

Grumbach also noted that as of today, he has received about 100 to 110 responses to the questionnaire both online and in person.

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

Emergency Preparedness Committee Chair Kay Koelemay reported that the next meeting is tomorrow, July 15 at 7:00 p.m. following the tree code workshop/open house. Clyde Hill Council Member Marianne Klaas and other members of the Clyde Hill community who has expressed interest in Emergency Preparedness will be attending the meeting. They will be exchanging ideas on how they can work collaboratively in preparedness planning and the Points Communities as a whole.

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

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

City Manager Michael Sauerwein introduced new Chief Police Stephen Burns to Council and attendees. Steve will be joining City staff on September 2, 2014.

Acting Police Chief Dan Yourkoski reported that a suspect from a previous burglary has been apprehended in Chicago and sent back to Florida for warrants. This was due to the help with the camera system. He also reported that the City will begin recruitment again to fill the patrol officer vacancy.

Director of Development Services Robert Grumbach highlighted his report including the July 16 hearing date on the Independent Towers applications. He briefed the council on the affects a SEPA appeal might have on the hearing schedule. He also reported, along with the city manager, that the City contacted Independent Towers regarding the lease and they are open to amending the lease; however, they are not open to ending the lease. They plan to continue moving forward with their applications regardless of any discussions on amending the lease. Grumbach answered questions about the hearing process should a SEPA appeal be filed.

Grumbach also announced the July 15, 2014 open house/ workshop for the Medina Tree Code Update outreach from 4:00 p.m. to 7:00 p.m. He presented some board designs that will be included at the workshop.

Council Member Maffei requested a policy that staff reach out to residents first prior to trimming trees and bushes in the public right-of-way. Council directed staff to do more outreach to educate residents on keeping the public right-of-way clear.

Finance Director Nancy Adams reported that homes sales in Medina were \$44M during the month the June, which will bring in \$220,000 of Capital Revenue in July. She directed Council to page 25 in the agenda packet where included a quarterly cash flow fund balance for them to review. She then reported on the audit at City Hall. The Washington State Auditor's Office scheduled the 2013 Audit to begin on July 22, 2014 and they will be here for two weeks.

Public Works Director Joe Willis reported back on the hedge issue and how he handles enforcement. The City has an ordinance that says owners are required to maintain their frontage; however, he usually leaves his business card or a letter for the owners to call him. He also reported that the fire services have been installed at the new Public Works shop addition and they have paved the yard. He also noted that there are new crosswalk flags at 12<sup>th</sup> and 84<sup>th</sup>.

Councilmember Maffei noted that new buoys were put in place at Fairweather Bay and now they are gone. He inquired about posting a sign at Lake Lane dock that either says "No Speeding/No Wake Zone".

## 7.2 City Manager

City Manager Michael Sauerwein reported on the Special Events ordinance up for discussion and voting on Other Business. Council discussed options for collections for citizens not pulling permits. Medina Days finances, gave break down of expenses, develop city policies in how funds are spent. Councilmember Boyd requested another WSDOT presentation with regards to landscaping and trash pick-up at the 520 lid.

## 8. CONSENT AGENDA ITEMS

**ACTION:** Motion by Boyd second by Pryde and carried by a 7:0 vote; Council approved Consent Agenda items 8.1 through 8.5 with the exception of, 8.6, 8.7, and 8.9 which were pulled for a separate discussion.

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

- 8.1 **Subject:** Approved May 19, 2014 Park Board Meeting Minutes  
**Recommendation:** Receive and file.  
**Staff Contact:** Kristin McKenna, Deputy City Clerk
- 8.2 **Subject:** Approved May 27, 2014 Planning Commission Meeting Minutes  
**Recommendation:** Receive and file.  
**Staff Contact:** Donna Goodman, Development Services Coordinator
- 8.3 **Subject:** June, 2014 Check Register  
**Recommendation:** Approve.  
**Staff Contact:** Nancy Adams, Finance Director
- 8.4 **Subject:** 2015-2020 Six-Year Capital Improvement Projects and Transportation Improvement Program (CIP/TIP)  
**Recommendation:** Adopt.  
**Result of Recommended Action:** Action on this item will approve the plan.  
**Staff Contact:** Joe Willis, Public Works Director
- 8.5 **Subject:** ARCH 2014 Out of Cycle Trust Fund Recommendation and Authorizing the ARCH Administrating Agency to Execute Related Funding Documents  
**Recommendation:** Adopt Resolution.  
**Result of Recommended Action:** Adoption of this resolution will approve funding for King County Housing Authority and authorize the ARCH administrating agency to execute related funding documents.  
**Staff Contact:** Michael Sauerwein, City Manager
- 8.6 **Subject:** Points Cities Interlocal Agreement – Channelization and Re-Striping  
**Recommendation:** Approve.  
**Result of Recommended Action:** Approval will authorize City staff to complete the 84<sup>th</sup> 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 84<sup>th</sup> Avenue NE, NE 28<sup>th</sup> 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
- ACTION:** Council Member Boyd discussed the re-striping of 84<sup>th</sup> Avenue and the possibility of a traffic study on 84<sup>th</sup> Avenue, the roundabout to 520, and the bus stop impact. Council did not approve the Points Cities Interlocal agreement at this time.

8.7 **Subject:** The Connections Group Contract

**Recommendation:** Approve.

**Result of Recommended Action:** Approval will authorize the City Manager to enter into a contract agreement with the Connections Group for public relations services for the City of Medina in an amount not to exceed \$35,000.00.

**Staff Contact:** Michael Sauerwein, City Manager

Council and staff had a brief discussion on cost of contract and scope of work. City Manager Michael Sauerwein noted that the "not to exceed amount" was an estimate and did not expect to utilize the full amount as the contract is only through the end of the year.

**ACTION:** Motion by Morcos second by Boyd and carried by a 7:0 vote; Council approved the Connections Group contract.

8.8 **Subject:** Planning Commission Confirmation

**Recommendation:** Re-appoint Randy Reeves to the Planning Commission, Position No. 3.

**Result of Recommended Action:** Action on this item will re-appoint incumbent Randy Reeves to Position No. 3 on the Planning Commission. The term of this position is four years; beginning on July 1, 2014 and will expire on June 30, 2018. If re-appointed, Mr. Reeves will be able to attend the next Planning Commission meeting set for Tuesday, July 22, 2014.

**Staff Contact:** Aimee Kellerman, City Clerk

8.9 **Subject:** Planning Commission Confirmation

**Recommendation:** Re-appoint Jennifer Garone to the Planning Commission, Position No. 7.

**Result of Recommended Action:** Action on this item will re-appoint incumbent Jennifer Garone to Position No. 7 on the Planning Commission. The term of this position is four years; beginning on July 1, 2014 and expires on June 30, 2018. If re-appointed, Ms. Garone will be able to attend the next Planning Commission meeting set for Tuesday, July 22, 2014.

**Staff Contact:** Aimee Kellerman, City Clerk

The Mayor presented his recommendation and reasons for reappointing Jennifer Garone.

**ACTION:** Motion by Pryde second by Decker to appoint Mark Nelson to Planning Commission Position No. 7 and carried by a 4:3 (Lee, Morcos, and Mayor Luis dissented) vote; Council appointed Mark Nelson to Position No. 7 on the Planning Commission.

Councilmember Maffei requested to add a discussion to Other Business of potentially changing the operation of the Personnel Committee.

## **9. PUBLIC HEARING ITEMS**

9.1 None.



## 10. OTHER BUSINESS ITEMS

### ADDED AGENDA ITEM

#### Personnel Committee Discussion

Councilmember Maffei commented on the challenges of the process of the personnel committee and stated that everyone should have the opportunity to sit in on these interviews and have input. He suggested that interviews should be open public meetings and then any of the Councilmembers can attend and be involved.

Councilmember Boyd asked the city attorney if the vote they took was to affirm or not affirm. City Attorney Kari Sand clarified that they confirmed the Mayor's recommendation and that the Municipal Code gives the Mayor the power of appointment.

By consensus amongst the Council, the personnel committee interviews will be noticed as public meetings and anyone can attend. The Mayor will still make a recommendation to Council to be voted on.

#### 10.1 **Subject:** Marijuana Businesses and Zoning Discussion

**Recommendation:** Discussion item only; direction on how to proceed required.

**Result of Recommended Action:** Action on this item will provide guidance on developing a zoning code amendment regarding marijuana businesses and cannabis collective gardens.

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

Development Services Director Robert Grumbach reported back to Council regarding marijuana businesses and whether our zoning code allows for medical marijuana businesses to be allowed in the City. Analysis shows an argument could be made on allowing these in the SR-30 zoning or home businesses. Grumbach directed Council to the staff report for possible options and guidance on possible approaches to amending the zoning code.

**ACTION:** By consensus Council directed staff to move forward with Option B - Prepare and ordinance amending the zoning code that prohibits marijuana businesses in all zoning districts. This might be expanded to include prohibiting medical cannabis collective gardens as well.

#### 10.2 **Subject:** An Ordinance Related to Special Events Permits and Specifically Amending Section 9.40.010 and Adding Section 9.40.145 of the Medina Municipal Code

**Recommendation:** Adopt Ordinance.

**Result of Recommended Action:** Adoption of this ordinance amend section 9.40.010 and add a new section 9.40.145 of the Medina Municipal Code related to special events permits.

**Staff Contact:** Michael Sauerwein, City Manager

**ACTION:** Motion by Maffei second by Boyd and carried by a 7:0 vote; Council adopted an ordinance related to special events permits and specifically amending Section 9.40.101 and adding Section 9.40.145 of the Medina Municipal Code with the addition that we will recover attorney's and any collections fees for failure to pay.

- 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

Council cancelled the August 25, 2014 study session.

## **11. PUBLIC COMMENT**

Mayor Luis opened the public comment period at 9:44 p.m. The following individuals addressed the Council:

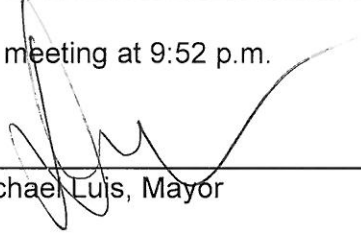
- John Harris encouraged the Council to embrace the Comprehensive Plan which specifically calls for Fairweather Park and Nature Preserve to be maintained in a natural state. He also commented that it should not be viewed as a source of revenue to be leased out to a for-profit company. He noted that the lease the previous City Manager signed is for Independent Tower's exclusive use of the property that they have leased and they have the right to build a fence around the property. He is supportive of working with T-Mobile and finding other opportunities to co-locate with other facilities.
- Cindy Adkins clarified to the Council that the situation with the cell tower at Fairweather Park was because the City contracted with Independent Towers instead of T-Mobile. She said the City negotiated terms on an agreement with T-Mobile in 2010, but ended up giving the contract to Independent Towers. She believes this should be investigated. Ms. Adkins also commented on the permit hearings coming up and about concerns with the hearing procedures. She also stated she arranged a meeting with a WSDOT team of engineers and former CEO of US West Cellular and thought they were meeting to negotiate an alternative location (for the cell tower). The engineers walked around the 520 lid and found numerous areas that would work for T-Mobile and Independent Towers rejected them all. She believes Verizon withdrew from the application; possibly, because they could not submit a new needs letter without perjuring themselves.
- Wilma Edmonds regarding long discussion on 84<sup>th</sup> Street going into Medina Circle and the request for a traffic study. Would like to see the traffic study begin when school starts. She was concerned that Council is jumping on the traffic study too soon.

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

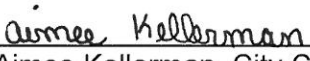


## 12. ADJOURNMENT

Motion by Boyd second by Lee; Council adjourned the regular meeting at 9:52 p.m.

  
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Michael Luis, Mayor

Attest:

  
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Aimee Kellerman, City Clerk