



# MEDINA, WASHINGTON

## MEDINA CITY COUNCIL SPECIAL AND REGULAR MEETING MINUTES

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

**MONDAY, JUNE 9, 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 Council Chambers at 5:32 p.m. for an estimated time of one hour.

Council Members Present: Boyd (in at 5:35 p.m.), Decker, Lee, Morcos, and Pryde

Council Members Absent: Maffei

Staff Present: Sand and Sauerwein

### EXECUTIVE SESSION

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

RCW 42.30.110 (1)(g): To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee.

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

### ADJOURNMENT

Mayor Luis adjourned the Executive Session to the regular meeting in the Council Chambers at 6:10 p.m.

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

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

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

Council Members Absent: Maffei

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

**ACTION:** Motion by Morcos second by Decker and carried by a 6:0 (Maffei absent) vote; Council excused the absence of Council Member Maffei.

## **2. PLEDGE OF ALLEGIANCE**

The Mayor led the Pledge.

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

**ACTION:** Motion by Boyd second by Morcos and carried by a 6:0 (Maffei absent) vote; Council approved the meeting agenda as presented.

## **4. PRESENTATIONS**

4.1 None.

## **5. PUBLIC COMMENT**

Mayor Luis opened the public comment period at 6:31 p.m. and the following individuals addressed the Council:

- Cindy Adkins regarding Independent Towers cell tower application. She owns property adjacent to Fairweather Park and said she will be greatly impacted by the project. She wanted to clear up rumors that WSDOT was "out of the cell leasing business". She spoke with Robin Curl, WSDOT Property Management Specialist, who said WSDOT is bound by state and federal law to accommodate wireless requests where feasible. Ms. Adkins noted that carriers were asked to vacate and temporarily locate to other sites during the SR-520 construction and she confirmed areas will be available once construction is completed. She also wanted to clear up the rumor that because the City has a lease with Independent Towers, the City somehow has less standing. She wants the applicant to provide full and complete information the same as all other building applicants and cited Article 26, paragraph D and E of the lease about liability. She requested that the City Council support the City Manager and staff and fully and faithfully enforce the building and zoning laws, as well as issue a statement to that effect – no favors. She also requested the City hold a town hall meeting, so that all citizens can be involved and heard going forward.

- John Harris regarding lease with Independent Towers for the cell tower. He expressed concerns about setting a precedence compelling the City to accommodate additional cell towers and equipment at Fairweather Park. He also addressed concerns about the project's impact on the values of homes, radiated emissions and other hazards in close proximity of cell sites as well as servicing of these sites at night between 1:00 a.m. and 4:00 a.m. He requested that the City engage an attorney with specific domain expertise in representing the City interest with cellular carriers, encouraged the City to deem the application for the tower incomplete, and encouraged the City to explore terminating or buying out and terminating the cell tower lease.
- Sheree Wen regarding the phase one tree code, the analysis of the size of trees and according to Washington State Ecology guidance and policy trees should be smaller, and commented on a study of surrounding cities and their mitigation fees.
- David Yee regarding his previous request to Council to amend the tree code to allow a tree to be removed when it is blocking a pre-existing driveway easement. He also commented on the cell site project and asked for Council to keep an eye out for the proposed project and allow for more public input.
- Wilma Edmonds regarding Phase 1 tree code and moving forward with proposed tree code Phase 2. She also was opposed to spending \$30,000 to hire additional help in Development Services.
- Miles Adam regarding sidewalks and asked Council to direct the Planning Commission to conduct a study on how to ask citizens of Medina to keep their bushes, shrubs and plantings away from sidewalks.
- Donn Foreman regarding cost comparisons of the tree code and asked Council to consider \$39,000 to be excessive and putting a maximum limit of \$5,000 on tree mitigation.
- Hao regarding the proposed tree code and the high cost of tree removal mitigation.

Mayor Luis closed the public comment period at 6:59 p.m.

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

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

Mayor Luis commented on a Yahoo article about Washington being the best place in the country to earn a living. The picture used in the article was taken in Medina from the new 520 lid. He also reported on the Points Mayor's meeting and guest speaker Julie Meredith, Project Manager for 520. The discussion included the starting process of negotiations for who will be responsible for paying for the maintenance of the lids. The four Cities held the position that WSDOT should pay for maintenance of it. They will look at hiring outside help to get a contract with WSDOT for the maintenance of the lids. He also noted that he and Council Member Boyd attended the Eastside Transportation meeting.

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

### a) Park Board Mid-Year Report.

Park Board Chair Miles Adam reported to Council that the Park Board has its full seven member board for the first time in two years and thanked Council for their help in recruiting members. He reported on the dedication of the new picnic shelter at Medina Park and gave Council an update on the Park Board mid-year report. Adam invited Council to the Annual Park Beautification Day on Saturday, July 19, 2014.

Emergency Preparedness Committee Chair Kay Koelemay commended the City Council Members that checked in on Sunday nights with their radios and learned how to use them in case of a real emergency. She noted that the next Emergency Preparedness meeting is Tuesday, July 15, 2014 right before Medina Day and purpose of meeting is to complete plan for Medina Days activities, which includes emergency planning resources, representatives from the American Red Cross, CPR demonstration and participation, and several learning activities for kids.

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

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

Acting Police Chief Dan Yourkoski reported on the May police activity report and the corrections from what was provided in the initial agenda packets. The police as well as the rest of City Hall will be hosting about 100 kids from Medina Elementary tomorrow. He updated Council on the patrol officer vacancy and that we have an applicant that made it through the oral boards that is currently going through the background check that may fill that position.

Development Services Director Robert Grumbach reported on PSE's plan to replace the transformer at their site south of the site. He then presented on noise and power tool prohibition during extended hours and recommended waiting on this until after wrapping up on the tree code update. There was a consensus by the council agreeing with this approach.

Director Grumbach then reported on the request regarding information on the wireless communication tower at Fairweather Park. He briefed the council on the lease and the permit process. He noted that written public comments would be forwarded to the hearing examiner and included in the record. He also briefed the council on the comments about the lease and said the city attorney reviewed the issues raised and concluded the lease is in effect. He informed the council about the issue raised about SEPA and the lease and the city's conclusion that the signing of the lease was exempt. He noted the application on the tower does require SEPA and this is being included in the processing of the applications.

The Mayor inquired about the role of public comments in a permitting process. Grumbach clarified that public comments are for completing the record. It is intended to identify specific issues and gave examples of what is a useful comment and what is not. Councilmember Morcos inquired about the approval criteria and Grumbach provided a response. Councilmember Decker asked what influence the council has

over the hearing examiner and Grumbach noted that through the city's ordinances, the council as a body does not have influence on the hearing examiner's decision.

Councilmember Morcos then inquired about having the tower moved to a place that might be less intrusive. Grumbach replied that was an issue regarding the terms of the lease. He noted that would require negotiations with Independent Towers. Councilmember Pryde commented a problem is that the lease always expected difficulty with meeting zoning requirements such as the 500-foot setback. Grumbach noted that variance and special use permits are common because there are only a few places where a 500-foot setback standard can be met. Councilmember Morcos then returned to his inquiry about moving the tower. He suggested moving the facility away from the sports court and hide it under the WSDOT lid. Councilmember Pryde noted mitigation requirements. Councilmember Boyd commented on the measures taken to mitigate for the facility and the goal of getting reliable revenue for the City.

Councilmember Morcos discussed making a motion about moving the facility, which the council discussed. Grumbach noted that the discussion to move seemed to focus on hiding the equipment facility, but he noted the tower would continue to be visible and that seemed to be the focus of public concern.

**ACTION:** Motion Morcos second by Lee and carried by a 5:1 (Maffei absent) (Boyd dissented) vote; Council authorized the City Manager to get in contact with Independent Towers to explore options to move the cell tower to a different location.

Finance Director Nancy Adams reported on the May Finance report.

Public Works Director Joe Willis reported on pavement overlays and sidewalk improvements. Staff held an open house for the Evergreen Point Road sidewalk project and 10 citizens attended. He also reported that the street crack seal project is complete; Windsong is now mounted in the new picnic shelter at Medina Park, and updated Council on the SR-520 delays.

## 7.2 City Manager

### a) Noise and Garden Power Tools Briefing

## 8. CONSENT AGENDA ITEMS

**ACTION:** Motion by Morcos second by Pryde and carried by a 6:0 (Maffei absent) vote; Council approved the meeting agenda as presented.

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

- 8.1 **Subject:** Approved April 21, 2014 Park Board Meeting Minutes  
**Recommendation:** Receive and file.  
**Staff Contact:** Kristin McKenna, Deputy City Clerk

- 8.2     **Subject:** April 14, 2014 City Council Special and Regular Meeting Minutes  
**Recommendation:** Adopt.  
**Staff Contact:** Aimee Kellerman, City Clerk
- 8.3     **Subject:** May, 2014 Check Register  
**Recommendation:** Approve.  
**Staff Contact:** Nancy Adams, Finance Director
- 8.4     **Subject:** King County Housing and Community Development Interlocal Agreement  
**Recommendation:** Approve.  
**Result of Recommended Action:** Action on this item will approve an Interlocal Agreement regarding the Community Development Block Grant Program and authorize the Mayor to sign the Interlocal Agreement.  
**Staff Contact:** Michael Sauerwein, City Manager
- 8.5     **Subject:** Local Government Investment Pool (LGIP) Resolution  
**Recommendation:** Adopt resolution.  
**Result of Recommended Action:** Action on this Resolution will provide for the City of Medina to continue to participate in the State of Washington Local Government Investment Pool (LGIP).  
**Staff Contact:** Nancy Adams, Finance Director
- 8.6     **Subject:** Award 2014 Asphalt Pavement Overlay and Evergreen Point Road Sidewalk Improvement Project  
**Recommendation:** Approve.  
**Result of Recommended Action:** Approval will award the 2014 asphalt pavement overlay to Watson Asphalt Paving Company and the Evergreen Point Road Sidewalk Improvement Project to Combined Construction, Inc. and authorize the Director of Public Works to administer the projects.  
**Staff Contact:** Joe Willis, Public Works Director

## 9. PUBLIC HEARING ITEMS

- 9.1     **Subject:** 2015-2020 Six-Year Capital Improvement Plan (CIP) and Transportation Improvement Program (TIP)  
**Recommendation:** Review the 2015-2020 Six-Year CIP/TIP and take public testimony.  
**Result of Recommended Action:** This item will be added to the July 14, 2014 regular meeting for adoption of the plan.  
**Staff Contact:** Joe Willis, Public Works Director

Public Works Director Joe Willis gave a brief summary of the six-year plan which includes street pavement overlays, storm drainage projects, sidewalk repairs, and park improvements.



Mayor Luis opened the Public Hearing period at 8:19 p.m. The following individual addressed the Council:

- Wilma Edmonds commented on the sidewalk projects and asked Council to consider completing the project on Evergreen Point Road.

Mayor Luis closed the Public Hearing period at 8:20 p.m.

**ACTION:** Motion by Boyd second by Lee and carried by a 6:0 (Maffei absent) vote; Council directed staff to place the proposed 2015-2010 Capital Improvement Plan and Transportation Improvement Plan on the Council's July 14<sup>th</sup> agenda for final action.

## **10. OTHER BUSINESS ITEMS**

- 10.1 **Subject:** Ordinance Repealing and Readopting the Medina Tree Code  
**Recommendation:** Approve.  
**Result of Recommended Action:** Action on this item will adopt the phase one tree code updates with the changes incorporated from the May 12 council meeting.  
**Staff Contact:** Robert Grumbach, Development Services Director

Development Services Director Robert Grumbach gave a brief summary of the May 12<sup>th</sup> public hearing and of the proposed ordinance for adoption. He noted an error in the ordinance language regarding the definition of "Hazard Tree" to change TRAQ to TRACE.

Councilmember Pryde offered a motion to lower the hazard rating to 10, 11 and 12. The City Attorney clarified that the current motion would need to fail before this motion could be offered.

**ACTION:** Motion by Boyd second by Morcos and carried by a 4:2 (Maffei absent) (Morcos and Pryde dissented) vote; Council approved ordinance repealing and re-adopting and amending the Medina Tree Code, adopting a list of suitable tree species, and amending various other sections of the Medina Municipal Code pertaining to the tree code, including the administrative correction given to Council regarding the definition of "Hazard Tree".

- 10.2 **Subject:** Phase Two Tree Code Amendment Update  
**Recommendation:** Approve Phase Two, Schedule and Budget.  
**Result of Recommended Action:** Approval will authorize the City Manager to move forward on a process to develop proposed phase two tree code amendments and authorize the expenditure of up to \$30,200 (add survey expenditures if desired) to support the public outreach program and tree inventory.  
**Staff Contact:** Robert Grumbach, Development Services Director

Development Services Director Robert Grumbach referenced the packet materials and gave Council a brief summary of a proposed process for the second phase of updating the tree code, which will include public outreach, two workshops, Medina Days public outreach booth, and tree canopy inventory. He discussed possible options for the tree inventory.

**ACTION:** Motion by Boyd second by Morcos and carried by a 6:0 (Maffei absent) vote; Council authorized the City Manager to move forward on a process to develop proposed phase 2 tree code amendments and authorized the expenditure up to \$32,200 to support the public outreach program and tree inventory.

At this point Council Member Morcos proposed forming a small tree code committee which will include Council Members, members of the public, and members of the Planning Commission to write a proposed tree code policy. Council Member Morcos, Pryde, and Lee joined this committee.

- 10.3    **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

**ACTION:** Motion by Boyd second by Lee and carried by a 6:0 (Maffei absent) vote; Council tabled this item to the July 14, 2014 City Council meeting.

- 10.4    **Subject:** Periodic Review of the Medina Comprehensive Plan and Public Participation Plan  
**Recommendation:** Discussion item on the update process and action on the public participation plan.  
**Result of Recommended Action:** Action on this item will provide guidance on moving forward with review and updates to the Medina Comprehensive Plan and adopt a public participation plan supporting this process.  
**Staff Contact:** Robert Grumbach, Development Services Director

Development Services Director Robert Grumbach gave a brief summary of the Medina Comprehensive Plan which included a checklist from the Department of Commerce, public participation program, and the GMA grant in which the City received \$10,000 to support the mandated review.

**ACTION:** Motion by Lee second by Boyd and carried by a 6:0 (Maffei absent) vote; Council approved the public participation plan outlined in the June 9, 2014 Comprehensive Plan Update – Public Participation Program Memorandum.

- 10.5    **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:** Councilmember Boyd asked that the September 22, 2014 special meeting be noticed appropriately so that Council if needed can take action on agenda items at that meeting.



## 11. PUBLIC COMMENT

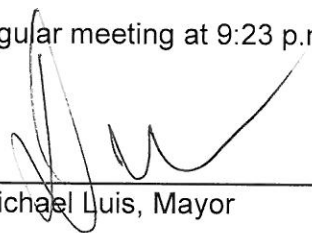
Mayor Luis opened the public comment period at 9:17 p.m. The following individuals addressed the Council:

- Cindy Adkins thanked Council for hearing input on Independent Towers.
- Kay Koelema commented on the vote of the Phase 1 Tree Code ordinance and educating the citizens of Medina about trees and the process of making decisions.
- Wilma Edmonds commented on the newly formed tree code committee.
- Sheree Wen commented on the tree code and thanked Council for taking the issue seriously and doing a comprehensive survey.

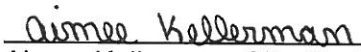
Mayor Luis closed the public comment period at 9:22 p.m.

## 12. ADJOURNMENT

Motion by Decker second by Pryde; Council adjourned the regular meeting at 9:23 p.m.

  
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Michael Luis, Mayor

Attest:

  
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Aimee Kellerman, City Clerk