

**MEDINA CITY COUNCIL  
SPECIAL MEETING MINUTES**  
Medina City Hall, Council Chambers  
501 Evergreen Point Road, Medina  
Tuesday, June 12, 2012; 6:00 pm

**CALL TO ORDER**

The June 12, 2012 Special Meeting of the Medina City Council was noticed pursuant to RCW 42.30.080.

Mayor Luis called meeting to order at 6:04 pm and immediately recessed into Executive Session pursuant to RCW 42.30.140(4)(a) and (b) for the purpose of labor negotiations for an estimated time of 26 minutes.

Council members Boyd, Decker, Dicharry, D. Lee, J. Lee, Luis, and Phelps; city manager, city clerk, and special counsel Cabot Dow were present.

Executive Session expired at 6:30 pm at which time it concluded.

**ROLL CALL**

Council Members Present: Patrick Boyd, Jay Decker, Doug Dicharry, David Lee, Janie Lee Michael Luis, and Katie Phelps

City Staff Present: Donna Hanson, City Manager; Bruce Disend, City Attorney, Kenyon Disend; Mark Thomas, Police Chief; Robert Grumbach, Development Services Director; Joe Willis, Public Works Director; Nancy Adams, Finance Director, and Rachel Baker, City Clerk

At 6:32 pm, mayor called meeting to order and led members of the audience, council members, and staff in the Pledge of Allegiance.

**APPROVAL OF MEETING AGENDA**

MOTION DICHARRY AND SECOND DECKER TO APPROVE AGENDA AS PRESENTED AND MOTION CARRIED 7-0 AT 6:33 PM.
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**PUBLIC COMMENT**

Mayor read guidelines concerning public comment period and opened floor to public comment at 6:34 pm. No public comments were brought forward and mayor subsequently closed public comment period.

## REPORTS AND ANNOUNCEMENTS

Council member Dicharry reported he recently attended the Eastside Transportation Partnership (ETP) meeting and during the last meeting received the Puget Sound Regional Council (PSRC) report on county-wide regional grant competitions and suggested City consider looking into this and into the East King County Transportation Improvement Board funding for grants. He also said there was an update for Sound Transit East Link and he can provide the online link for anyone who may be interested.

Mayor said he and council member D. Lee attended the annual PSRC meeting.

Dicharry said the emergency committee radio group took part in the Evergreen Quake disaster exercise on June 5. He reported contact was made with King County Zone One through the Bellevue Emergency Operations Center and it was successful participating in a drill for request for services.

Staff responded to inquiries from council related to department reports. Council said city manager could send letter to the state Department of Transportation about State Route 520 bridge openings without bringing to council first.

## CONSENT AGENDA

MOTION PHELPS AND SECOND DECKER TO ADOPT CONSENT AGENDA AS PRESENTED AND MOTION CARRIED 7-0 AT 6:43 PM.

- Approval of May 14, 2012 City Council Regular Meeting Minutes
- Approval of May, 2012 Check Register  
*Claim check numbers 52931 through 53032 in the amount of \$478,474.62, payroll check numbers 3420 through 3431 in the amount of \$227,351.14, voided AP check number 53005 (Ham Radio Outlet VOIDED)*
- Acceptance of NE 12 Street/Lake Washington Traffic Safety Improvement Project
- Resolution Approving Employee Wellness and Recognition Program
- Authorization to Surplus and Auction Police Vehicle Number 9
- Receipt of Approved 02/27/2012 Park Board Meeting Minutes
- Receipt of Approved 03/19/2012 Park Board Meeting Minutes
- Receipt of Approved 03/21/2012 Emergency Committee Meeting Minutes
- Receipt of Approved 04/24/2012 Planning Commission Meeting Minutes

## PUBLIC HEARINGS / OTHER BUSINESS

### Shoreline Master Plan (SMP) Public Hearing (6:43 pm)

Development services director summarized process undertaken to develop City's draft Plan and described steps which remain.

Mayor opened public hearing at 6:56 pm.

Fairweather Lane property owner, Tim Panos, remarked waterfront lots at north end of Medina are irregular and are affected by changes in the SMP. He expressed disappointment in process, lack of advocacy for waterfront property owners and resulting loss of property rights. He said the City should represent Medina and not the Department

of Ecology. He urged the Council to submit the planning commission's March 27 draft and recommended incorporating RCW 90.58.620 into Medina's SMP.

Evergreen Point property owner Chris Marker said he and his wife, Susan, were founding members and funders of Medina Now. He supported Medina Now's agenda and its objective not to diminish property rights.

Aaron Laing, attorney with Shwabe, Williamson & Wyatt, emphasized community identity, suggested forwarding the March 27 planning commission draft to the Department of Ecology with incorporation of changes suggested by staff, including dredging and adding RCW 90.58.620, and encouraged elimination of provisions for public access.

Overlake Drive East property owner, Steve Burnstead, said he has been involved in process from the citizen advisory committee meetings, throughout planning commission meetings, and has been a part of Medina Now. He said his main concern with the SMP is incorporation of the current tree ordinance. He suggested updating accepted tree list by addressing only native trees and to reconsider mitigation costs for tree removal. Mr. Burnstead also encouraged Council to simplify definition for pervious surface in the SMP and to remove bonding requirements outlined in tree code.

Evergreen Point Road property owner, Suzanne Cohen, thanked development services director for his efforts to respond to citizen concerns, to recognize public participation as a part of the process and his professionalism. She expressed her preference for the March 27 planning commission draft with incorporation of amendments she suggested in her June 11 letter in relation to buffers, public access and inclusion of SSB 5451 language. Alternatively she offered if council elects not to adopt the March 27 draft, to instead make changes development services director suggested and consider incorporation of additional substantive language she provided specifically related to publicly owned lands and public path around Medina shoreline. Resident voiced support for continued public participation and an open process.

Overlake Drive West property owner Pam Lyford expressed worry about non-conforming language and how it relates to her property. She advocated for cautious language to Department of Ecology and for City to defend property rights.

Medina resident Grace Cheng was present and in lieu of speaking, requested her support of Medina Now be included in the public record.

Mayor closed public hearing at 7:16 pm.

#### Ordinance Related to Shoreline Master Plan (7:16 pm)

At 7:17 pm, a motion was presented by council member D. Lee and seconded by council member Decker to approve the March 27 planning commission draft incorporating amendments recommended by development services director (on sheet titled "Possible Motions" distributed to council) and RCW 90.58.60. Council discussion followed and a roll call vote determined the motion failed 3-4 (Boyd, Dicharry, Luis, and Phelps opposed) at 7:41 pm.

Development services director confirmed statement will be included with submittal to Department of Ecology about pending tree code updates.

MOTION DICHARRY AND SECOND PHELPS TO APPROVE AN ORDINANCE (1) REPEALING THE EXISTING SHORELINE MASTER PROGRAM, (2) ADOPTING A REVISED SHORELINE MASTER PROGRAM, (3) ADOPTING CHAPTERS 20.60 THROUGH 20.67 OF THE MEDINA MUNICIPAL CODE TO IMPLEMENT AND CODIFY THE REVISED SHORELINE MASTER PROGRAM, AND (4) AMENDING THE MEDINA COMPREHENSIVE PLAN TO IMPLEMENT REVISIONS TO THE SHORELINE MASTER PROGRAM; AND AUTHORIZING STAFF TO SUBMIT THE ORDINANCE AND ALL RELATED DOCUMENTS FOR SUBMISSION TO THE DEPARTMENT OF ECOLOGY WITH THE FOLLOWING AMENDMENTS, INCLUDING AMENDING TABLE 20.62.030 TO ADD DREDGING FOR MAINTENANCE OF EXISTING PRIVATE OR PUBLIC MOORAGE AND TO LIST IT AS A PERMITTED USE IN ALL SHORELINE ENVIRONMENT DESIGNATIONS, AND AMENDING SECTION 20.66.040(A) TO REVISE THE LANGUAGE AS SET FORTH IN THE RESPONSE TO SUZANNE COHEN JUNE 7 LETTER MEMORANDUM DATED JUNE 12, 2012; SPECIFICALLY "PUBLIC ACCESS IS REQUIRED FOR THE FOLLOWING: SHORELINE DEVELOPMENT BY PUBLIC ENTITIES INVOLVING PUBLIC LANDS INCLUDING BUT NOT LIMITED TO THE CITY, STATE, AGENCIES, AND PUBLIC UTILITY DISTRICTS," AND STRIKING ITEM TWO "RESIDENTIAL DEVELOPMENT ON PLAN DEVELOPMENT INVOLVING FIVE OR MORE PARCELS OR FIVE OR MORE NEW DWELLINGS," AND INSERTING "RESIDENTIAL DEVELOPMENT OF FIVE OR MORE NEW DWELLING UNITS BEING CONSTRUCTED AND THREE SUBDIVISION OF LAND AND FIVE OR MORE LOTS." ALSO INCLUDED IN THE AMENDMENT TO AMEND TABLE 20.62.030 TO PROHIBIT THE USE OF SINGLE FAMILY DWELLINGS IN THE TRANSPORTATION ENVIRONMENT DESIGNATION. AND TO AMEND SECTION 20.67.090(F) TO ADD A SUBSECTION (C) TO READ AS FOLLOWS: "AS A GENERAL RULE CRITICAL AREA BUFFERS ARE NOT REQUIRED ALONG LAKE WASHINGTON, EXCEPT BUFFERS MAY BE REQUIRED CONSISTENT WITH THIS SECTION IF A SPECIFIC AREA WITHIN THE LAKE IS IDENTIFIED AS A FISH AND WILDLIFE HABITAT CONSERVATION AREA. THE DETERMINATION OF A SPECIFIC AREA BEING A FISH AND WILDLIFE HABITAT CONSERVATION AREA SHALL BE MADE ON A SITE SPECIFIC, CASE-BY-CASE BASIS." MOTION CARRIED 7-0 AT 7:50 PM.

#### Six-Year CIP/TIP, 2013-2018 (7:50 pm)

Public works director summarized draft six-year CIP/TIP.

He provided brief status on conditions of crosswalks at five-corner intersection, offered repair solutions and associated costs noting replacement is not in plan, and work could be competed in 2012.

Mayor opened public hearing at 8:02 pm.

Suzanne Cohen inquired if storm water quality entering Lake Washington will be addressed in the CIP/TIP.

Mayor closed public hearing at 8:03 pm.

Public works director said water quality funding is managed through National Pollutant Discharge Elimination System (NPDES) and therefore does not show as a project.

## **OTHER BUSINESS**

### Award Phase 2 Surveillance Camera Contract (8:04 pm)

Public works director and police chief were present to respond to questions from council members related to program.

MOTION PHELPS AND SECOND DICHARRY TO AWARD THE ENHANCED PUBLIC SAFETY SURVEILLANCE AND ALPR RECOGNITION SYSTEMS PHASE II PROJECT TO STATEWIDE SECURITY. MOTION CARRIED 6-1 (BOYD OPPOSED) AT 8:16 PM.

### Tree Code Discussion (8:16 pm)

Development services director summarized code amendment options for council.

Direction received from council to address administrative changes and simple code amendments during 2012, hold a study session in 2012 to discuss updates, and to pass along significant legislative changes to planning commission for review prior to council's action in 2013.

### City Council Agenda Calendar (8:34 pm)

A study session to discuss tree code update and 2013 preliminary budget will be scheduled for July or September.

## **PUBLIC COMMENT**

Mayor opened public comment period at 8:37 pm

Medina resident Steve Burnstead expressed appreciation for opportunity to open up the tree ordinance for a comprehensive review.

Mayor closed public comment period at 8:38 pm.

## ADJOURNMENT

MOTION DICARRY AND SECOND LUIS TO ADJOURN THE JUNE 12, 2012  
SPECIAL MEETING OF THE MEDINA CITY COUNCIL. MOTION CARRIED 7-0 AT  
8:40 PM.

The June 12, 2012 Special Meeting of the Medina City Council adjourned at 8:40 pm.

The Medina City Council will hold its next meeting on Monday, July 9, 2012, at 6:30 pm in the Council Chambers at Medina City Hall, 501 Evergreen Point Road, Medina.

  
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Michael Luis, Mayor

Attest:

  
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Rachel Baker, City Clerk