

**MEDINA CITY COUNCIL  
REGULAR MEETING MINUTES**  
*St. Thomas School, Commons Room  
8300 NE 12 Street, Medina  
December 13, 2010; 6:30 pm*

**CALL TO ORDER**

Bret Jordan called the December 13, 2010 Regular Meeting of the Medina City Council to order at 6:32 pm.

**ROLL CALL**

Council Members Present: Patrick Boyd, Doug Dicharry, Bret Jordan, Janie Lee, Mark Nelson, Katie Phelps, and Shawn Whitney

City Staff Present: Donna Hanson, City Manager; Jeff Chen, Police Chief; Joe Willis, Public Works Director; Robert Grumbach, Development Services Director; Nancy, Adams, Finance Director; and Rachel Baker, City Clerk

Mayor led council, staff, guests and audience members in the Pledge of Allegiance.

**APPROVAL OF MEETING AGENDA**

Whitney requested Consent Agenda item *Contract Addendum for Immobili Consulting Services* be pulled and replaced on agenda as Other Business item eight and Other Business item eight renumbered to nine.

MOTION NELSON AND SECOND DICHARRY TO APPROVE MEETING AGENDA AS MODIFIED AND MOTION CARRIED 7-0 AT 6:34 PM.
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**PUBLIC COMMENT**

Mayor opened public comment period at 6:35 pm. No comments were presented and the comment period was subsequently closed.

**REPORTS AND ANNOUNCEMENTS**

There were no reports or announcements presented by the mayor or council. No representatives were available to present for boards, commissions or committees.

Hanson introduced Medina City Hall construction manager, David Clark. Mr. Clark provided an update on construction project and addressed structural issues and remedies, discovery of oil tank leak and corrective action, permit revisions and change orders, construction budget, and current construction schedule. Mr. Clark conveyed he met with the facilities committee and upon advice of the committee suggested:

1. Single construction change orders exceeding ten percent of remaining contingency budget require council approval.
2. Design changes with no time constraints require presentation to council for review and consideration.
3. Cumulative change orders shall be presented in construction manager's monthly reports.
4. Emergency change orders which violate above parameters and are needed to preserve immediate health, safety and welfare are to be executed immediately and presented to council as soon as possible.

Grumbach introduced Jeffrey Meyers, an attorney representing WCIA, who presented information regarding pros and cons of the hearing examiner system. Following presentation outlining liability risks and other considerations, Mr. Meyers recommended retaining hearing examiner system.

Hanson introduced Chris Bacha, an attorney with Kenyon Disend, who was present to address matter concerning fixed and low income residents and senior citizen discounts for city utility tax and briefly summarized report in agenda packet. It was recommended the city not provide further discounts or rebates as qualified discounts are already offered through the utilities.

Willis addressed concerns pertaining to maintenance of vegetation in city rights of way, which by city code requires maintenance responsibilities by the homeowner and assigns financial penalties for violations. He pointed out report item of the opportunity to utilize joint grant funds with Clyde Hill to overlay 84 Avenue Northeast and the potential opportunity to enhance the roadway in 2012.

Phelps thanked public works for lighted tree display in Medina Park.

Allyson Jackson provided an update regarding Part 150 process and said the city has not received a response to its letter requesting use of an aviation expert. Hanson noted funds available in budget and authorization in code for projected contract amount allows approval by city manager should council choose to utilize aviation expert.

Whitney requested council members be provided with Govdelivery logo and link for email signature blocks and expressed thanks for use of Commons at St. Thomas School for council meetings.

Lee communicated her intent for staff to initiate new strategies to increase electronic communication subscription base.

Chen answered questions concerning department report.

Phelps questioned parking on grass in Medina Park, especially on Sundays and wondered if signage or ticketing should be implemented.

## CONSENT AGENDA

Dicharry suggested the following correction to motion regarding support for loop ramp design as preferable traffic enhancement choice on page one of the November 8, 2010 Regular Meeting minutes: *vote carried 4-3, and Boyd, Dicharry, Nelson were opposed*

Whitney requested correction to the spelling of the name Babuca in the November 8, 2010 Regular Meeting minutes.

A friendly amendment to accept corrections was accepted by sponsor and seconder of motion.

### MOTION BOYD AND SECOND NELSON TO ADOPT AMENDED CONSENT AGENDA AND MOTION CARRIED 7-0 AT 7:48 PM.

- Approval of November 8, 2010 City Council Special Meeting Minutes
- Approval of Corrected November 8, 2010 City Council Regular Meeting Minutes
- Approval of November 2010 Check Register  
Claim check numbers 50974 through 51072 in the amount of \$570,500.49, payroll check numbers 3151 through 3167 in the amount of \$214,940.89. There were no voided or canceled AP or payroll checks
- Interlocal Agreement for Inmate Housing between Yakima County and the City of Medina
- Proposed Ordinance Amendment: Traffic Infractions – MMC, 10.76
- Contract for City Prosecution Services between Lynn Moberly and Sarah Roberts, PLLC and the City of Medina
- Acceptance of August 31, 2010 Civil Service Commission Minutes
- Acceptance of October 18, 2010 Park Board Minutes
- Acceptance of October 26, 2010 Planning Commission Minutes

## PUBLIC HEARINGS/OTHER BUSINESS

### Repeal and Re-Adopt Chapter 17.60 MMC Relating to Nonconforming Uses, Lots and Structures (7:48 pm)

Grumbach provided background on matter.

Mayor opened public hearing at 7:49 pm.

Charles Klinge, an attorney representing Mr. and Mrs. Charles Simonyi, spoke in favor of proposed ordinance adding that the Simonyis support changes and asked council to adopt. Mr. Klinge distributed a document detailing his remarks for the record. He suggested adding option of a six month extension for extenuating circumstances and for recognition of vesting rights after an application is submitted.

Mayor closed public hearing at 7:54 pm.

Nelson requested changing terms detrimental and abandonment in ordinance language. City attorney suggested deleting term in third line of 17.60.010 A where it begins “are” and sentence would read *these nonconformities should eventually be converted to conformity status*. Regarding term abandonment attorney recommended maintaining use of it.

Sponsor and seconder of motion agreed to amend motion to delete use of word detrimental as recommended by city attorney but to maintain term abandonment.

MOTION PHELPS AND SECOND DICHARRY TO APPROVE ADOPTING AN ORDINANCE REPEALING AND RE-ADOPTING CHAPTER 17.60 OF THE MEDINA MUNICIPAL CODE RELATING TO NONCONFORMING LOTS, USES AND STRUCTURES. MOTION CARRIED 7-0 AT 8:02 PM.

Amend MMC 17.90.030 & 17.90.060 Relating to Allowing Wireless Communication Antennas in City-Owned Parks (8:02 pm)

Grumbach introduced item.

Mayor opened floor to public comment at 8:03 pm. No participation was received and the hearing was subsequently closed.

MOTION NELSON AND SECOND BOYD TO APPROVE ADOPTING AN ORDINANCE AMENDING MMC 17.90.030 AND MMC 17.90.060 RELATING TO WIRELESS COMMUNICATION ANTENNAS IN CITY-OWNED PARKS. MOTION CARRIED 7-0 AT 8:04 PM.

Amend Chapter 17.56B MMC Relating to the Placement of Temporary Wireless Communication Facilities (8:05 pm)

Grumbach summarized matter.

Mayor opened public hearing at 8:07 pm. No public comment was presented and the hearing was subsequently closed.

MOTION LEE AND SECOND DICHARRY TO APPROVE ADOPTING AN ORDINANCE AMENDING CHAPTER 17.56B RELATING TO THE PLACEMENT OF TEMPORARY WIRELESS COMMUNICATION FACILITIES. MOTION CARRIED 7-0 AT 8:07 PM.

## **OTHER BUSINESS**

Letter to WSDOT Regarding 84 Avenue/Points Drive Configuration (8:08 pm)

Jordan recapped his meeting with Points communities' mayors and WSDOT's David Dye and Julie Meredith noting Dye's comment that consensus among Points communities was not reached concerning ramp design and WSDOT would move forward with the Half Diamond configuration unless dissenting cities supporting the Half Diamond design changed vote. Jordan conveyed that following a meeting with Clyde Hill it became clear mayors of Clyde Hill and Yarrow Point continue to support the Half Diamond design and have no intention to change decision.

Jordan pointed out that in an effort to build consensus council member Nelson is presenting a third design, a preliminary design evaluated by WSDOT in 2007 coined the Fly Over Ramp design, to the communities. Jordan said that based on preliminary

conversations with mayors from Hunts Point, Clyde Hill, and Yarrow Point there is support for option as a compromise and that Meredith unofficially believes it is an option WSDOT can support if consensus among communities can be realized.

Nelson detailed option in a Power Point presentation and council discussion followed.

Phelps pointed out corrections in draft letter, first, item four on second page, add *merge lanes on northbound side of 84 Avenue Northeast remain as depicted on same drawing for Medina Circle residents to exit 84 Avenue Northeast into Medina Circle* instead of exit northbound to Medina Circle; and second, first sentence of summary paragraph corrected to read: *the Medina City Council has always commissioned its support* instead of his support.

Dicharry suggested item three on first page and item five on second page of draft letter note *lid construction must be at least equal size*.

Jordan suggested amending letter so mitigation items one through eight are listed as required mitigation for Flying Ramp option.

MOTION NELSON AND SECOND DICHARRY TO ADD THE FOLLOWING STATEMENT TO BEGINNING OF LETTER:

*The Medina Council believes that the newly proposed Fly Over ramp option for the 84 Avenue Northeast onramp has merit and should be studied and evaluated as an alternate to the Half-Diamond and the Loop designs previously considered. The Fly Over ramp alternative appears to resolve the street traffic issues plaguing Hunts Point, Clyde Hill and Medina, addresses the concerns about the location of the Points Loop Trail and the Regional Bike Path relative to Hunts Point residents and achieves the connectivity and open space amenity of the Half-Diamond loop design. It appears to be a win-win solution for all the Points Communities.*

MOTION CARRIED 6-1 (PHELPS OPPOSED) AT 8:49 PM. PHELPS CHANGED VOTE TO AYE AT 8:51 PM AFTER RE-READING STATEMENT.

MOTION DICHARRY AND SECOND NELSON TO SEND LETTER. MOTION CARRIED 6-1 (BOYD OPPOSED) AT 8:54 PM.

*Mayor called for a break at 8:55 pm and called the meeting back to order at 9:04 pm.*

2011 Annual Budget, Ordinance to Adopt 2011 Annual Budget and Salary Schedule (9:04 pm)

Hanson summarized budget document.

Council member Whitney addressed operating gap and proposed changes prior to budget adoption.

MOTION WHITNEY AND SECOND LEE TO ELIMINATE TWO TRANSFERS OUT OF THE RESERVE FUND AND HAVE ALL ENDING GAP PAID FROM THE ENDING FUND BALANCE IN THE GENERAL FUND. MOTION FAILED 2-5 (WHITNEY AND LEE IN FAVOR) AT 9:20 PM.

Whitney requested the record reflect she proposed cuts for the budget.

MOTION WHITNEY AND SECOND LEE TO PROPOSE TO AMEND THE 2010 BUDGET AS PRESENTED AND MOTION FAILED 2-5 (WHITNEY AND LEE IN FAVOR) AT 9:36 PM.

MOTION PHELPS AND SECOND DICHARRY TO APPROVE ORDINANCE ADOPTING THE 2011 BUDGET FOR THE CITY OF MEDINA SETTING FORTH THE SUMMARY OF ESTIMATED REVENUES AND EXPENDITURES FOR EACH FUND AND THE 2011 SALARY SCHEDULE. MOTION CARRIED 5-2 (WHITNEY AND LEE OPPOSED) AT 9:41 PM.

Mayor offered to hold discussion at next meeting to evaluate items presented by council member Whitney after staff has opportunity to fully vet proposals. Jordan stated council consider budget amendment proposal in January.

Ordinance to Adopt Leasehold Excise Tax (9:42 pm)

Grumbach summarized item.

MOTION PHELPS AND SECOND NELSON TO APPROVE ADOPTING AN ORDINANCE AMENDING MMC 5.04.030 ADOPTING A NEW LEASEHOLD EXCISE TAX. MOTION CARRIED 7-0 AT 9:45 PM.

Authorization for City Manager to Sign Agreement for State Administration of Leasehold Excise Tax (9:45 pm)

Grumbach provided background on item.

MOTION BOYD AND SECOND NELSON TO APPROVE THE AGREEMENT WITH THE WASHINGTON STATE DEPARTMENT OF REVENUE FOR THE PURPOSE OF ADMINSTRATING THE LEASEHOLD EXCISE TAX; AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT. MOTION CARRIED 7-0 AT 9:46 PM.

Contract Addendum for Immobili Consulting Services (9:46 pm)

Grumbach and Hanson responded to council inquires.

MOTION DICHARRY AND SECOND NELSON TO APPROVE THE CONSULTANT SERVICES CONTRACT ADDENDUM WITH IMMOBILI AND AUTHORIZE THE CITY MANAGER TO SIGN THE CONTRACT ADDENDUM. MOTION CARRIED 7-0 AT 9:51 PM.

### Council Agenda Calendar (9:51 pm)

Council discussed calendar. The following items were added:

2010 public records request summary (January)  
2011 Budget discussion (January)  
2011 planning commission work plan (January)  
2011 council meeting schedule and retreat (January)  
2011 park board work plan (February)

After determining a quorum of the council would not be available for the regular meeting date of Monday, January 10, 2011, council rescheduled its meeting to a special date of Tuesday, January 11, 2011 at 6:30 pm.

### **EXECUTIVE SESSION**

Council recessed into executive session at 9:57 pm for an estimated time of thirty minutes, pursuant to RCW 42.30.110 (1)(i) 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. City council members Boyd, Dicharry, Jordan, Lee, Nelson, Phelps, and Whitney; city manager; city attorney and city clerk were present.

Council met in executive session pursuant to RCW 42.30.110 (1)(g) to review the performance of a public employee. City council members Boyd, Dicharry, Jordan, Lee, Nelson, Phelps, and Whitney; and city attorney were present.

Council extended executive session ten minutes at 10:27 pm, twenty minutes at 10:37 pm, and ten minutes at 10:57 pm. Executive session adjourned and council resumed its regular meeting at 11:07 pm.

### **ADJOURNMENT**

MOTION BOYD AND SECOND NELSON TO ADJOURN THE DECEMBER 13, 2010 REGULAR MEETING AND MOTION CARRIED 7-0 AT 11:07 PM.
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The December 13, 2010 Regular Meeting of the Medina City Council adjourned at 11:07 pm.

The Medina City Council canceled its next Regular Meeting scheduled for Monday, January 10, 2011, at 6:30 pm and rescheduled a Special Meeting for Tuesday, January 11, 2011 at 6:30 pm.

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/s/  
Bret Jordan, Mayor

Attest:

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/s/  
Rachel Baker, City Clerk

*Minutes approved 01/11/2011.*