

**MEDINA CITY COUNCIL
REGULAR MEETING MINUTES**
*Medina City Hall Council Chambers
October 11, 2010; 6:30 pm*

CALL TO ORDER

Bret Jordan called the October 11, 2010 Regular Meeting of the Medina City Council to order at 6:35 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 and audience members in the Pledge of Allegiance.

APPROVAL OF MEETING AGENDA

Boyd requested consent agenda item "Authorize City Manager to Negotiate Lease Agreement with Independent Towers Holding for Use of City Property at Fairweather Nature Preserve to Locate a Wireless Communication Facility" be discussed during other business item "Discussion Concerning Policy Direction on Number of Wireless Communication Towers at Fairweather Nature Preserve" and consent agenda item "Authorize City Manager to Negotiate a Lease Agreement with ATC Outdoor DAS for Use of City Shop Building to Locate Electronic Radio and Switching Equipment for a Distributed Antenna System" be renumbered as Item OB-9, while remaining items move down agenda in sequence.

<p>MOTION NELSON AND SECOND BOYD TO APPROVE AGENDA AS MODIFIED. MOTION CARRIED 7-0 AT 6:37 PM.</p>
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PUBLIC COMMENT

Mayor opened public comment period at 6:37 pm.

Hunts Point resident Dan Niles read a statement to the council concerning SR 520 ramp design at 84 Avenue Northeast. Resident asked council members to support Hunts Point for loop design and for project to continue without delay.

Hunts Point resident Marianne Jones wanted council to be aware of WSDOT David Dye's comments to Governor concerning ramp design and that if anything said

contrary to those while he speaks, council ask those hard questions to ensure consistent statements are being expressed.

Hunts Point resident Jan Deaton said that on September 10 she attended a meeting regarding the SR 520 84 Avenue Northeast ramp design with the Governor and named others in attendance. She summarized discussion stressing the Governor was informed there would be no time delay nor would additional dollars be needed to revert to the loop design option. She remarked the Governor expressed that if other towns were in favor of loop design it would not be a problem to change back. Ms. Deaton asked council to consider the option.

Medina resident Daniel Lipkie addressed three topics to the council. First, he spoke about mailing labels generated for development notices. He requested staff check with Medina Post Office to determine whether mail should be forwarded to a post office box to ensure delivery to property owner. Second, he said access to the King County Library should be available to all and not by subscription. Third, he referenced Item CA-4 noting a site plan and elevation were not included with agenda materials.

Mayor closed public comment period at 6:46 pm.

REPORTS AND ANNOUNCEMENTS

Nelson reported he attended an eastside mayors meeting conducted by WSDOT on October 5 after attending the Points communities mayors breakfast. For council's consideration, Nelson said he typed up a review of what was stated and presented in relation to the Transpo report during the WSDOT meeting.

Planning commission chair Judie O'Brien thanked council for the appointment of David Lee to the commission, stating he is a good fit.

Emergency committee chair Kay Koelemay provided a brief report regarding the Sound Shake regional exercise. She said the amateur radio operators participated in the exercise and recapped their efforts.

Willis summarized progress of temporary city hall installation, specifically site work and lease for portable trailers. He noted the move is scheduled for October 22.

CONSENT AGENDA

MOTION NELSON AND SECOND DICHARRY TO ADOPT CONSENT AGENDA AS AMENDED. MOTION CARRIED 7-0 AT 6:56 PM.

- Approval of September 13, 2010 City Council Regular Meeting Minutes
- Approval of September 2010 Check Register
Claim check numbers 50765 through 50871 in the amount of \$179,075.65 and payroll checks numbers 3121 through 3136 in the amount of \$218,369.39. Voided AP check number(s) include 50809 in the amount of \$413.00 and canceled AP check number(s) include 50664 in the amount of \$192.00. There were no voided payroll checks.
- Receipt of Approved July 21, 2010 Emergency Committee Minutes
- Receipt of Approved June 21, 2010 Park Board Minutes
- Receipt of Approved August 24, 2010 Planning Commission Minutes

PUBLIC HEARINGS/OTHER BUSINESS

Public Hearing for a Franchise Agreement for Telecommunication Facilities Proposed by ATC Outdoor DAS, LLC (6:56 pm)

Grumbach summarized status of franchise agreement, listed highlights and areas still under composition. Grumbach predicted negotiations will be completed prior to next meeting and responded to council inquiries concerning matter.

Mayor opened public hearing for proposed franchise agreement at 7:00 pm.

Medina resident Daniel Lipkie inquired if cell coverage would be better, if there would be any dead spots, if any remedies would be available, and the timeframe for residents to realize better coverage. He suggested these items be included in the agreement.

Molly Lawrence from Gordon Derr was present representing American Tower Outdoor DAS. Ms. Lawrence addressed the franchise term and the question regarding lease for HUB site. Ms. Lawrence requested the term negotiated for HUB site be commensurate with franchise agreement. She asked council to consider accepting the special use permit applications subject to conditions that the permits would not be issued until franchise is done rather than delaying the process.

Mayor closed public hearing at 7:06 pm. Following advice from city attorney, mayor reopened public hearing in order to continue it to the next regular meeting scheduled for November 8.

Public Hearing for Proposed Arterial Street Design Standards Ordinance (7:07 pm)

Grumbach provided summary of proposed ordinance and noted the planning commission recommended approval following review during its September meeting.

Mayor opened public hearing at 7:08 pm. No public comment was presented and the mayor subsequently closed the hearing at 7:08 pm.

Discussion/Action Concerning Proposed Arterial Street Design Standards Ordinance (7:08 pm)

MOTION PHELPS AND SECOND DICHARRY TO APPROVE ORDINANCE OF THE CITY OF MEDINA AMENDING SECTION 12.08.030 OF THE MMC RELATING TO THE ADOPTION OF INTERIM ARTERIAL STREET DESIGN STANDARDS. MOTION CARRIED 7-0 AT 7:10 PM.

Public Hearing for Preliminary 2011 Annual Budget (7:10 pm)

Mayor opened public hearing at 7:11 pm. No public comment was presented and the mayor subsequently closed the hearing at 7:11 pm.

Discussion Concerning Preliminary 2011 Annual Budget (7:12 pm)

City manager requested council direction on revenue options and said the preliminary budget was updated since council's September meeting reflecting previous direction for reductions. Council members stated individual positions for potential revenues and expenditures to fill in 2011 budget gap, including franchise fees and utility tax percentages, further expenditure reductions and amount to transfer from the reserve fund. Mayor summarized comments, noting there was a consensus of the council to implement utility taxes and franchise fees.

Mayor conveyed further cuts need to be made including identifying what \$150,000 in staff reductions would look like, to plan on implementation of utility taxes and franchise fees, and to fill the remainder of the gap from the reserve fund. Council members also requested information on furlough definitions, the resulting service impacts, and salary savings, and to hold salaries steady without step increases.

MOTION BOYD AND SECOND DICHARRY TO DIRECT THE CITY MANAGER TO DRAFT ORDINANCE RELATED TO FRANCHISE FEES AND UTILITY TAX FOR PROPOSED RATES OF 5% EACH. MOTION CARRIED 5-2 (JORDAN AND PHELPS OPPOSED) AT 7:56 PM.

City manager confirmed direction from council noting the following: a total of \$150,000 additional cuts coming in form of staff reductions, utility tax and franchise fee projections broken down in percentages, in addition to the 5% recommendation, and to break down step increases prominently on the budget document.

Discussion Concerning Proposed 2011 Fee Schedule (8:03 pm)

Grumbach provided background on subject. Council members provided individual feedback. Acceptance of schedule was general council consensus along with recommendation to reduce administrative tree review fee. Grumbach stated the schedule would be updated and presented to council November 8 with accompanying resolution for adoption.

Discussion/Action Concerning 2011 Marine Patrol Services Contract (8:26 pm)

Council discussed proposal and Chen responded to inquiries.

MOTION DICHARRY AND SECOND WHITNEY TO AUTHORIZE CITY MANAGER TO ENTER INTO A ONE YEAR CONTRACT WITH THE SEATTLE POLICE DEPARTMENT RENEWABLE YEAR BY YEAR OR AS MUTUALLY AGREEABLE FOR MARINE PATROL SERVICES FOR THE CITY OF MEDINA WHICH WOULD COMMENCE JANUARY 1, 2011. MOTION CARRIED 6-1 (NELSON OPPOSED) AT 8:35 PM.

Mayor called for a break at 8:35 pm and called the meeting back to order at 8:42 pm.

Discussion on Allowing Wireless Communication Facilities in City Parks (8:42 pm)

Grumbach introduced item and answered questions from council members. Grumbach expressed matter will be forwarded to the planning commission and return to council in 2011.

Discussion on Allowing Temporary Wireless Communication Facilities (8:52 pm)

Grumbach introduced subject and answered council questions. Grumbach recommended adding matter to the current chapter relating to temporary use permit process which would allow for administrative review of applications.

Discussion Concerning Policy Direction on Number of Wireless Communication Towers at Fairweather Preserve (9:09 pm)

Grumbach provided background on matter and requested policy direction. Council discussion followed. Mayor summarized discussion noting preference to recommend one tower and to negotiate with multiple providers.

Authorize City Manager to Negotiate Lease Agreement with Independent Towers Holding for Use of City Property at Fairweather Nature Preserve to Locate a Wireless Communication Facility (9:19 pm)

MOTION BOYD AND SECOND PHELPS TO AUTHORIZE CITY MANAGER TO NEGOTIATE A LEASE AGREEMENT WITH INDEPENDENT TOWER HOLDING WITH INPUT FROM CITY CONSULTANT AND STAFF AND ITS AGENT FOR THE USE OF CITY PROPERTY AT FAIRWEATHER NATURE PRESERVE TO LOCATE A WIRELESS COMMUNICATION FACILITY AND IF A LEASE IS SUCCESSFULLY NEGOTIATED TO BRING IT BACK TO THE CITY COUNCIL FOR CONSIDERATION. MOTION CARRIED 7-0 AT 9:21 PM.

Authorize City Manager to Negotiate a Lease Agreement with ATC Outdoor DAS for Use of City Shop Building to Locate Electronic Radio and Switching Equipment for a Distributed Antenna System (9:21 pm)

Grumbach distributed site plan to council members and provided overview of matter.

MOTION DICHARRY AND SECOND LEE TO AUTHORIZE CITY MANAGER TO NEGOTIATE A LEASE AGREEMENT WITH ATC OUTDOOR DAS FOR USE OF CITY PROPERTY TO LOCATE ELECTRONIC RADIO AND SWITCHING EQUIPMENT FOR A DISTRIBUTED ANTENNA SYSTEM AND IF LEASE IS SUCCESSFULLY NEGOTIATED TO BRING IT BACK FOR CITY COUNCIL CONSIDERATION. MOTION CARRIED 7-0 AT 9:29 PM.

Discussion Concerning City Manager Annual Performance Review Process (9:29 pm)

Phelps relayed plan to distribute city manager evaluation form to council members during October meeting and for completed forms to be returned to mayor for tabulation no later than October 25. She specified results will be presented November 8 in executive session and mayor added he will schedule time with city manager to discuss self evaluation. Phelps said review of contract will be planned for December.

Council Agenda Calendar (9:33 pm)

Calendar discussed.

Council consented to allow council member Whitney to deliver on behalf of the city council as a whole, the budget newsletter she developed.

EXECUTIVE SESSION

Council recessed into executive session at 9:46 pm for an estimated time of ten 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; and city attorney were present.

Council extended executive session ten minutes at 9:56 pm and five minutes at 10:01 pm. Executive session adjourned and council resumed regular meeting at 10:06 pm.

ADJOURNMENT

MOTION DICHARRY AND SECOND PHELPS TO ADJOURN THE OCTOBER 11, 2010 REGULAR MEETING AND MOTION CARRIED 7-0 AT 10:06 PM.

The October 11, 2010 Regular Meeting of the Medina City Council adjourned at 10:06 pm.

The Medina City Council will hold its next Regular Meeting on Monday, November 8, 2010, at 6:30 pm.

/s/

Bret Jordan, Mayor

Attest:

/s/

Rachel Baker, City Clerk

Minutes passed by city council 11/08/2010.