

**MEDINA CITY COUNCIL  
REGULAR MEETING MINUTES**  
*Medina City Hall Council Chambers  
July 12, 2010; 6:30 pm*

**CALL TO ORDER**

Bret Jordan called the July 12, 2010 Regular Meeting of the Medina City Council to order at 6:33 pm.

**ROLL CALL**

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

City Staff Present: Donna Hanson, City Manager; Bruce Disend, City Attorney, Kenyon Disend; Nancy Adams, Finance Director; Robert Grumbach, Development Services Director; Joe Willis, Public Works Director; Daniel Yourkoski, Police Lieutenant; and Pamela Greytak, Administrative Assistant

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

**APPROVAL OF MEETING AGENDA**

Boyd requested moving consent agenda item seven, *Authorization to Negotiate a Solid Waste Contract with Allied Waste* to other business, and Phelps requested moving consent agenda item six, *Authorize Negotiations with T-Mobile for Lease at Fairweather Park* to other business. The amended meeting agenda was approved by council consent.

**PRESENTATIONS AND AWARDS**

Mayor acknowledged the service provided by exiting volunteer Karen Sparks for time served on the Medina Planning Commission.

Medina Days Chairperson Matt Kochel responded to council's inquiries and discussed various ways to publicize that Medina Days donations are needed.

Kochel reported the park board would be inventorying park assets during a field trip to city parks during its July 19 meeting.

**PUBLIC COMMENT**

Mayor opened public comment period at 6:43 pm.

Doug Kearney spoke on behalf of American Tower Corporation regarding Distributed Antenna Systems. He thanked staff and council for how quickly the ordinance revision was being completed. Mr. Kearny reviewed illustrations and summarized a letter that he distributed. He asked council to allow the DAS hub to be located aboveground at the PSE substation. Mr. Kearny indicated that ATC could provide landscaping surrounding the hub, or if necessary, house the hub in a structure. He requested that council concur with staff regarding not implementing a time limit on the SUP, or if not, to tie it to the franchise agreement with a ten year closing date. Mr. Kearney indicated that ATC is providing an investment that is approaching over one million dollars for the system to provide good coverage for multiple carriers with minimal visual impact.

Medina resident Heija Nunn spoke against the plan to discontinue seasonal lifeguard services at Medina Beach Park on August 16 which is when city hall construction is scheduled to begin and two weeks before school starts. Ms. Nunn also stated her disapproval regarding plans to keep a portion of the park open during city hall construction with no lifeguards on duty.

Mayor closed public comment period at 6:48 pm.

## **REPORTS AND ANNOUNCEMENTS**

Boyd expressed enthusiasm regarding the DAS project and thanked staff for its speedy effort with the code revision.

Planning commission chair Judie O'Brien stated there were no items to report.

City manager expressed thanks to Grumbach for working so hard on the code revision for the wireless project.

Willis followed-up with council regarding resident's questions and comments concerning maintenance of the following:

*Fairweather Nature Preserve:* Summer employees and the Earth Corp volunteer positions were eliminated in 2008 due to budget constraints. Earth Corp worked in Fairweather removing invasive trees and plants.

*Medina Park ponds:* Debris is floating on top of the pond water, but because of the sonic transmitters used in 2009 the water is clear. Organic additives are being used to control the ponds top growth, and the water will be sampled to determine exactly what needs to be treated.

*NE 24<sup>th</sup> Street:* The cause of problem with the plantings along NE 24th Street is that the area lacks an irrigation system.

*City rights of way:* Medina municipal code stipulates that maintenance of foliage planted in the rights of way by current or previous owners are the owner's responsibility. The crew trims plant overgrowth on a complaint basis, and when it impedes walking paths and visibility.

Phelps and Willis discussed resident's suggestion of asking volunteers to help with maintenance of Fairweather Park. Phelps recommended asking residents either by mail or in person to help with maintaining public areas.

## **CONSENT AGENDA**

### **MOTION NELSON AND SECOND DICHARRY TO ADOPT CONSENT AGENDA AS MODIFIED. MOTION CARRIED 7-0 AT 6:59 PM.**

- Approval of June 14, 2010 City Council Regular Meeting Minutes
- Approval of May 2010 Check Register  
*Claim check numbers 50447 through 50549 in the amount of \$137,750.43 and payroll checks numbers 3064 through 3076 in the amount of \$211,501.03. Voided AP check number: 75862. There were no voided payroll checks.*
- Surplus Resolution, Public Works Vehicle
- Set August 9, 2010 Public Hearing Date for 2011 Budget
- Confirmation of Planning Commission, Position Number 3
- Acceptance of May 17, 2010 Park Board Minutes
- Acceptance of May 19, 2010 Emergency Committee Minutes
- Acceptance of May 24, 2010 Planning Commission Minutes

## **PUBLIC HEARINGS/OTHER BUSINESS**

### Proposed Ordinance to Amend Administrative Review Procedures (7:00 pm)

Mayor opened public hearing at 7:00 pm. Grumbach provided summary of proposed ordinance related to administrative review procedures. Grumbach explained that one aspect of the ordinance is to comply with Washington Cities Insurance Authority's requirement to add vesting of permit provisions.

Overlake Drive East resident Arthur Dietrich stated that several years ago his property was rezoned from R-20 to R-16 by mistake and without his knowledge. Mr. Dietrich said he was told by city officials that in order to have his property returned to R-20 he would need to petition for it and pay associated costs. Mr. Dietrich suggested that the proposed amendment specify that affected property owners be notified prior to a rezone. Mr. Dietrich inquired about the possibility of having his property returned to R-20 zone.

Public hearing was closed at 7:06 pm.

### **MOTION DICHARRY AND SECOND NELSON TO ADOPT ORDINANCE RELATING TO ADMINISTRATIVE REVIEW PROCEDURES FOR PROJECT PERMITS, TEXT AMENDMENTS TO DEVELOPMENT REGULATIONS, AND COMPREHENSIVE PLAN AMENDMENTS. (7:06 PM)**

Grumbach responded to council's inquiries regarding notification requirements related to property owners involved in an area-wide rezone. Nelson spoke about Mr. Dietrich's contention that the city made a mistake by rezoning property.

### **MOTION DICHARRY AND SECOND BOYD TO AMEND ORDINANCE THAT AREA-WIDE REZONES OF EACH PROPERTY AFFECTED BE REQUIRED TO BE NOTIFIED UNDER NOTICE SECTION 28.20.060 AT 7:17 PM.**

MOTION PHELPS AND SECOND BOYD TO AMEND ORDINANCE TO MOVE NON-ADMINISTRATIVE SPECIAL USE PERMITS AND HISTORICAL USE PERMITS FROM HEARING EXAMINER TO CITY COUNCIL AS THE DECISION AUTHORITY. SEE TABLE MMC 20.80.060 (C) AT 7:17 PM.

MOTION PHELPS AND SECOND BOYD TO AMEND PREVIOUS MOTION TO INCLUDE CONDITIONAL USE PERMITS AND TO READ AS FOLLOWS: AMEND ORDINANCE TO MOVE NON-ADMINISTRATIVE SPECIAL USE PERMITS, CONDITIONAL USE PERMITS AND HISTORICAL USE PERMITS FROM HEARING EXAMINER TO CITY COUNCIL AS THE DECISION AUTHORITY. SEE TABLE 20.80.060(C). MOTION FAILED 3-4 (PHELPS, BOYD, WHITNEY IN FAVOR) AT 7:44 PM.

During discussion of the motion council members offered pros and cons regarding proposed changes to MMC 20.80.060(c) and determined they would place the topic on a future agenda to be discussed at a later time.

MOTION DICHARRY AND SECOND NELSON TO APPROVE AN ORDINANCE RELATING TO ADMINISTRATIVE REVIEW PROCEDURES FOR PROJECT PERMITS, TEXT AMENDMENTS TO DEVELOPMENT REGULATIONS, AND COMPREHENSIVE PLAN AND TO INCLUDE THAT AREA-WIDE REZONES OF EACH PROPERTY AFFECTED BE REQUIRED TO BE NOTIFIED UNDER NOTICE SECTION 28.20.060. MOTION CARRIED 6-1 (BOYD OPPOSED) AT 7:44 PM.

#### Proposed Amendment to Divisions of Land and Lot Line Adjustments (7:45 pm)

Grumbach provided summary of proposed ordinance.

Mayor opened public hearing at 7:46 pm. No public comments were presented and the hearing was subsequently closed.

MOTION NELSON AND SECOND BOYD TO ADOPT ORDINANCE REPEALING TITLE 16 MMC AND ADOPTING CHAPTERS 20.73 AND 20.90 MMC RELATING TO DIVISIONS OF LAND AND LOT LINE ADJUSTMENTS. MOTION CARRIED 7-0 AT 7:46 PM.

#### A Code Amendment Relating to Permit Fees (7:46 pm)

Grumbach provided summary of proposed ordinance related to permit fees and stated that it would not go into effect until the city fee schedule was updated.

Mayor opened public hearing at 7:49 pm. No public comments were presented and the hearing was subsequently closed.

Whitney inquired about the possibility of finance director's workload increasing as a result of requiring deposits from permit holders. Grumbach indicated that the new

development services software would coordinate with finance software, and deposits would only be required from property owners that use city consultants.

MOTION NELSON AND SECOND LEE APPROVE AMENDING CHAPTER 17.44 OF THE MEDINA MUNICIPAL CODE RELATING TO DEVELOPMENT FEES.  
MOTION CARRIED 7-0 AT 7:58 PM

## **OTHER BUSINESS**

### Adoption of Six-Year Construction Improvement Plan/Transportation Improvement Plan (7:58 pm)

Willis introduced improvement plans and responded to council member's inquiry.

MOTION PHELPS AND SECOND LEE TO ADOPT THE 2011 THROUGH 2016 CIP/TIP PROGRAM AND DIRECT THE PUBLIC WORKS DIRECTOR TO FORWARD THE PROGRAM TO THE STATE SECRETARY OF TRANSPORTATION AND THE TRANSPORTATION IMPROVEMENT BOARD.  
MOTION CARRIED 7-0 AT 7:59 PM

### Continued Discussion Regarding Draft Code Amendment Regarding Wireless Communication Facilities (7:59 pm)

Grumbach presented an overview of the revised draft code amendment and responded to council's inquiries. Doug Kearney also answered questions from the city council. Council directed Grumbach to send final draft to planning commission for its recommendation, to be provided to council at its August meeting.

### Bid Award: City Hall Expansion and Renovation Project (8:26 pm)

Willis summarized facilities committee direction to staff regarding the city hall construction bids and budget. Hanson stated that she had arranged for bond counsel to attend the August council meeting at no cost to discuss funding options, bonds, and debt. Hanson indicated council could potentially choose a funding mechanism and award a bid at its September meeting. Council's discussion included construction timeframe, bid data, construction costs, and budget.

MOTION PHELPS AND SECOND NELSON TO REJECT ALL BIDS AND AUTHORIZE VALUE ENGINEERING AND A CALL FOR NEW BIDS FOR THE CITY HALL EXPANSION AND RENOVATION PROJECT. MOTION CARRIED 7-0 AT 8:39 PM.

Mayor requested council discuss the scope of the project and funding options at its August meeting.

Contract Approval, Temporary City Hall Lease with St. Thomas Church (8:44 pm)

Nelson discussed matters concerning construction activities of temporary city hall site occurring at the beginning of the school year. There was discussion among staff and council regarding costs related to temporary city hall facility.

MOTION WHITNEY AND SECOND BOYD TO TABLE *CONTRACT APPROVAL FOR TEMPORARY CITY HALL LEASE WITH ST. THOMAS CHURCH* FOR DISCUSSION AT A FUTURE MEETING. MOTION CARRIED 6-1 (NELSON OPPOSED) AT 8:49 PM.

Contract Approval, Temporary City Hall Modular Office Lease (8:50 pm)

MOTION NELSON AND SECOND BOYD TO TABLE *CONTRACT APPROVAL FOR TEMPORARY CITY HALL MODULAR OFFICE LEASE*. MOTION CARRIED 7-0 AT 8:50 PM.

Authorize to Negotiate a Solid Waste Contract with Allied Waste (8:50 pm)

Council established that negotiating a contract with Allied Waste would provide the city with the opportunity to change service levels.

MOTION BOYD AND SECOND NELSON AUTHORIZE TO NEGOTIATE A SOLID WASTE CONTRACT WITH ALLIED WASTE. MOTION CARRIED 7-0 AT 8:53 PM.

Authorize Negotiations with T-Mobile for Lease at Fairweather Park (8:55 pm)

Grumbach responded to council's inquiries regarding the design of the wireless communication facility.

MOTION NELSON AND SECOND DICHARRY TO AUTHORIZE NEGOTIATIONS WITH T-MOBILE FOR LEASE AT FAIRWEATHER PARK. MOTION CARRIED 7-0 AT 8:59 PM

Council Agenda Calendar (9:00 pm)

Council confirmed the following agenda calendar updates: 1) Continued discussion regarding city hall funding options added to August meeting. 2) City hall project bid award topic added to September meeting. 3) Special Use Permits, Historical Permits, and Conditional Use Permits decision authority as noted in MMC 20.80.060(c) to be discussed in October.

Bob Simeone representing St. Thomas Church spoke briefly about the volume of vehicles significantly increasing once school starts which could affect construction activities on the city hall temporary site.

*Mayor recessed meeting for a break at 9:06 pm and called the meeting back to order at 9:12 pm.*

## EXECUTIVE SESSION

The city council recessed into executive session at 9:12 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; public works director, development services director, city attorney, and city manager were present. No action was anticipated.

Executive session adjourned and council resumed its regular meeting at 9:45 pm. No action was taken.

## ADJOURNMENT

THE JULY 12, 2010 REGULAR MEETING WAS ADJOURNED BY CONSENSUS AT 9:45 PM.
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The July 12, 2010 Regular Meeting of the Medina City Council adjourned at 9:45 pm.

The Medina City Council will hold a study session Monday, August 9, 2010, at 5:00 pm and will hold its next regular meeting Monday, August 9, 2010, at 6:30 pm.

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Bret Jordan, Mayor

Attest:

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Pamela Greytak, Administrative Assistant

*Minutes approved by city council 08/09/2010.*