

**MEDINA CITY COUNCIL
REGULAR MEETING MINUTES**
*Medina City Hall Council Chambers
March 10, 2008; 6:00 pm*

CALL TO ORDER

The March 10, 2008 Regular Meeting of the Medina City Council was called to order by Mayor Nelson at 6:00 pm.

EXECUTIVE SESSION

Council recessed into Executive Session at 6:04 pm for an estimated time of thirty minutes to discuss two items of pending litigation and potential litigation, including but not limited to discussion of legal risks of a proposed action, pursuant to RCW 42.30.110(1)(i).

Council Members Biglow, Blazey, Jordan (*arrived at 6:27 pm*), Lawrence, Nelson, Rudolph, and Whitney; City Manager; City Attorney; and City Clerk were present. Stephanie Croll, attorney with Keating Bucklin & McCormack, was also in attendance. Executive Session adjourned at 6:45 pm. No action was taken.

Following a recess, the Regular Meeting was called back to order at 6:52 pm.

ROLL CALL

Council Members Present: Lucius Biglow, Drew Blazey, Bret Jordan, Jim Lawrence, Mark Nelson, Robert Rudolph, and Shawn Whitney

City Staff Present: Mark Weinberg, City Manager; Wayne Tanaka, City Attorney, Ogden Murphy Wallace; Jeff Chen, Chief of Police; Larry Frazier, Interim Planning Director; Robert Grumbach, Director of Development Services; Chris Ruiz, Roth Hill Engineering, Engineering Consultant; and Rachel Baker, City Clerk

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

APPROVAL OF AGENDA

City Manager requested addition of emergency item titled *Emergency Budget Appropriation for Totaled Police Car No. Eleven.*

<p>MOTION BIGLOW AND SECOND JORDAN TO APPROVE AGENDA AS AMENDED AND MOTION CARRIED UNANIMOUSLY AT 6:55 PM.</p>

PUBLIC COMMENT

Mayor opened floor to public comment at 6:55 pm.

Resident Katie Phelps spoke to the fact she participated in the City Manager hiring process and worked with Mark Weinberg when she was on the Council. She expressed her disappointment in his departure and read into the record a document dated February 13th addressed to current Council Members and former Mayor Miles Adam regarding Weinberg's resignation. Ms. Phelps read into the record the City Manager's quote regarding his resignation, "fundamental and irreconcilable differences with the City Council on the City's future, the role of local government and how public employees should be regarded, treated and valued." Ms. Phelps conveyed the same sentiment was echoed by Shannon Gibson, Doug Schulze, Joseph Gellings and Roger Crum prior to their departures and questioned how many respected employees and concerned citizens must tell the same message to Council before realizing the problem lies with itself. She continued by asking Council to consider taxpayers' expenses related to lawsuits involving the Green Store and a new City Manager search and to consider media coverage regarding impending Green Store lawsuits and another summer without the grocery. Resident concluded saying constituents will be much more aware that the "good old boys" elected are actually at the root of City's problems and expenses.

Resident Heija Nunn read a document into the record disclosed to her as a result of a public records request. She stated the document, circulated by a current Council Member, was titled *Owl Post, The Daily Prophet, Official Publication of the Ministry of Magic Bulletin* and was sent from looshb@aol.com to Mark Weinberg dated November 20 2007, 8:39 am. Resident asked the Council to explain the document and the Mayor indicated it was not an appropriate time to address matter.

Resident Doug Dicharry thanked Weinberg for his service to Medina. He read from a letter he wrote to the Council regarding the resignation of the City Manager after just one year and the loss to the community of someone of such integrity, talent, and experience. He expressed puzzlement over why someone of his caliber with a long, distinguished career would leave Medina after such a short time. Mr. Dicharry stated that since there has been no official word, one can only presume that certain Council Members have created an unpleasant or hostile work environment. Resident expressed that Medina has continued to get its name muddled in the press regarding issues such as the King County Library System, Clearwire antenna, Green Store lawsuits, and the harassment of the Police Chief for a job-related conference and that small town petty politics are at its worst. Mr. Dicharry claimed that matters appear to be attributable to pandering by some to the outrageous allegations of a single outspoken citizen.

Resident Connie Gerlitz remarked she was appalled by the letter read by Heija Nunn and wanted to go on record expressing her apologies to Ms. Lee and to her family on behalf of herself and her family.

Resident Emer Dooley hoped Weinberg was aware of the community support he has and stated that the Council's reputation in the community is distressing. She hoped some good would come out as a result of his resignation and that the balance would be

tipped enough for people in the community to come forward as a group and to start doing things. Resident remarked that it would be difficult and expensive to replace someone of his caliber. Ms. Dooley voiced support for Police Chief Chen and said that he has been treated unfairly and wanted him to know how many people support the work he has been doing.

Mayor closed participation period at 7:14 pm.

REMARKS AND ANNOUNCEMENTS

Mayor remarked he attended the Points Mayors' Meeting which held discussions on milfoil infestation in Hunts Point and an SR-520 project update. Mayor conveyed Medina residents may be contacted by a representative of Hunts Point to join an organization to address milfoil infestation. He stressed it was not a citywide effort and would not include a City tax.

Mayor stated the SR-520 project mitigation continues for the west side of the bridge and eastside mayors remain concerned with proposals from the west side communities. He said east side mayors will continue to remain involved with the process and that he should have more to report at the next Council meeting.

Nelson invited residents to witness the laying of the corner stone at St. Thomas School on Monday, March 24th. He said the construction project is moving very fast and school officials are planning to bring students back this June.

Lawrence issued a reminder that ballots for the school bond measure are due tomorrow.

Whitney announced that since letters received by Council Members are not included in the Council packet she would, until advised otherwise, read letters into the record. She read letter received by the City on February 29, 2008, which was addressed to the City Manager from resident Walter Howe regarding the Medina Green Store.

Weinberg expressed appreciation for outpouring of support and thanked community members for welcoming him and his wife. He said his interactions with members of the community had been the best part. Weinberg mentioned that he kept his resignation note brief by design and perhaps that unintentionally struck a chord in the community. He conveyed that members of the Council and community may realize there are systemic issues in the community and recent distractions have been products of those pursuing self-interests, including undue voice and too much credibility given to one or two people in the community.

Weinberg acknowledged that the Council dedicates much time, energy and hard work to City matters and sometimes differences occur relative to style. Weinberg listed projects accomplished by staff and the Council during the last year, including Medina Beach Park repairs, poplar tree removal and replacement on 84th Avenue, and a variety of public street improvements. Weinberg offered thanks to all City staff for their support during the past year.

Weinberg introduced new Director of Development Services, Robert Grumbach, and thanked Larry Frazier for providing interim planning services. City Manager recognized Chris Ruiz from Roth Hill Engineering, the City's engineering consultant, and Mike Caldwell, incoming Interim City Manager, who were also in attendance.

CONSENT AGENDA

Council elected to pull item "*Adoption of Resolution Revising City Council Guidelines*" to allow for discussion.

MOTION JORDAN AND SECOND WHITNEY TO APPROVE CONSENT AGENDA AS AMENDED, INCLUDING ITEMS BELOW, AND MOTION CARRIED 7-0 AT 7:29 PM.

- Approval of February 11, 2008 City Council Minutes
- Approval of February 25, 2008 City Council Minutes
- Approval of February 2008 Checks/Finance Officer's Report
- City Hall Restoration Bid
- Hunts Point Police Contract Amendment
- Approval of Budget Amendment B to Increase Professional Services Budget for a. Interim City Manager Services; b. Permanent City Manager Services; and c. Interim Team Building Services
- Approval of Professional Services Contract with Waldron and Company to Conduct Interim City Manager Services
- Approval of Professional Services Contract with Waldron and Company to Conduct Permanent City Manager Search and Interim Team Building Services

Adoption of Resolution Revising City Council Guidelines (Personnel Committee) (7:30 pm)

Rudolph recommended language amendments to resolution and Council discussed additional amendment pertaining to composition of committee.

MOTION JORDAN AND SECOND RUDOLPH TO ADOPT PROPOSED RESOLUTION WITH AMENDMENT TO BE PROVIDED BY THE CITY ATTORNEY FOR THE CREATION OF A NON-VOTING AD-HOC POSITION TO BE FILLED BY CHAIR OF BODY INTERVIEWED. MOTION CARRIED 6-0-1 (BLAZEY ABSTAINED) AT 7:34 PM.

PUBLIC HEARING

Consideration of Private Lanes, Easements, and Rights of Way in Calculating Lot Size (7:38 pm)

Interim Planning Director summarized proposal and supporting agenda materials. Frazier answered Council inquiries. Mayor opened floor to public comment at 7:54 pm.

Heija Nunn questioned setback requirements in easements, necessity for consideration of and fairness of proposal for property owners.

Forty year resident Myrle Bossart requested Council not accept recommendation of Planning Commission. She said that twenty years ago a rule was reversed which allowed five properties on a lane instead of four. She said the community did not want to increase density and the compromise was to allow five properties on a lane if driveway would not be included in square footage of property. Mrs. Bossart stated citizens have no hope against developers.

Resident Newell Bossart remarked he is proud of his community and lives in Medina because it does not have high density. He opposed ordinance and expressed his belief the community disapproves of it. He said to keep the community as is.

Frazier described how a buildable lot is measured and explained that the ordinance would allow parity between lots and was not designed to increase zoning density.

Mariette Patterson said she has been a resident since 1969 and voiced her concerns regarding construction activity on a property neighboring her own. She provided a history of the property including information about an earlier variance and the three conditions the decision imposed upon the property.

Mayor interjected that City staff and the Planning Commission would be available at another time to address issues raised regarding property and construction project.

Mayor closed comment period at 8:19 pm and Council discussion followed.

MOTION JORDAN AND SECOND BLAZEY TO ADOPT CONSIDERATION OF PRIVATE LANES, EASEMENTS, AND RIGHTS OF WAY IN CALCULATING LOT SIZE ORDINANCE AS WRITTEN. MOTION CARRIED 5-1-1 (RUDOLPH OPPOSED AND NELSON ABSTAINED) AT 8:43 PM.

OTHER BUSINESS

Appointment to Planning Commission, Position No. 4 (8:44 pm)

Item introduced by Mayor.

MOTION BIGLOW AND SECOND JORDAN TO CONFIRM NOMINATION OF PAT BOYD TO PLANNING COMMISSION POSITION NUMBER 4. MOTION CARRIED UNANIMOUSLY AT 8:45 PM.

Lot Coverage for Undersized Lots (8:47 pm)

Mayor opened public comment at 8:47 pm.

Resident Carl Lombardi said his lot fits into the anomaly section in plan and conveyed proposal would allow for a tasteful remodel of his home rather than a complete tear down to gain square footage. He expressed his support for proposal and said the proposal allows for community preservation.

Jordan said the updated packet materials at dais replace documents included in agenda packet.

Council elected to table item to April 14 meeting.

City Manager's Monthly Activity Report (8:52 pm)

- A. Police Department
- B. Development Services
- C. Public Works
- D. City Manager

City Manager provided an update to contract for ALPR-capable camera system and the 2006 audit conducted by the Washington State Auditor. When discussing current load of public records requests, Weinberg wished to state for the record that it will become necessary to supplement existing staff as staff will no longer be able to absorb additional work resulting from numerous requests.

Reports were received and filed.

Emergency Budget Appropriation Ordinance for Totaled Police Car No. Eleven (9:04 pm)

Weinberg introduced item and summarized incident resulting in accident. He requested authorization from Council in the form of a budget amendment to replace the vehicle. He anticipated the value of the vehicle would be deposited into the General Fund after an insurance review.

Chief answered Council inquiry regarding City's pursuit policy and summarized Medina's emergency response to incident.

<p>MOTION JORDAN AND SECOND BIGLOW TO APPROVE EMERGENCY BUDGET AMENDMENT ORDINANCE. MOTION CARRIED 7-0 AT 9:11 PM.</p>
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Agenda Calendar (9:11 pm)


Council discussed April 14 meeting agenda, including the following items: Lot Coverage for Undersized Lots, Planning Commission Work Plan, 2006 Washington State Auditor's Report, and discussion for solutions resulting from numerous Public Records Act requests.

ADJOURNMENT

MOTION BIGLOW AND SECOND JORDAN TO ADJOURN THE MARCH 10, 2008 CITY COUNCIL MEETING. MOTION CARRIED 7-0 AT 9:13 PM.

The March 10, 2008, Regular Meeting of the Medina City Council adjourned at 9:13 pm.

The next Regular Meeting of the Medina City Council is scheduled to be held Monday, April 14, 2008 at 6:30 pm.


Mark L. Nelson, Mayor

Attest:


Rachel Baker, City Clerk