

**MEDINA CITY COUNCIL**  
REGULAR MEETING MINUTES  
*Medina City Hall Council Chambers*  
*August 13, 2007; 7:00 pm*

**CALL TO ORDER**

Miles Adam called the August 13, 2007, Medina City Council Meeting to order at 7:08 pm.

**ROLL CALL**

Council Members Present: Miles Adam, Lucius Biglow, Drew Blazey, Jim Lawrence, Katie Phelps, Robert Rudolph and Pete Vall-Spinosa

City Staff Present: Mark Weinberg, City Manager; Wayne Tanaka, City Attorney, Ogden Murphy Wallace; Jeff Chen, Police Chief; Joe Willis, Director of Public Works; Joseph Gellings, Director of Development Services; and Rachel Baker, City Clerk

**EXECUTIVE SESSION**

Council recessed into Executive Session at 7:11 pm to discuss attorney-client information regarding potential litigation pertaining to the Green Store pursuant to RCW 42.30.110 (1) (i) and called the meeting back to order at 7:38 pm. No action was taken.

**APPROVAL OF AGENDA**

Motion Phelps and second Rudolph to continue Item CM-1, Historical Use Permit – Medina Store, to September 10, 2007. Motion carried 4-2 (Biglow and Blazey opposed and Lawrence recused) at 7:39 pm.

**PUBLIC COMMENT**

Resident Patti Thompson expressed her concern about landscaping at Medina Elementary School. She referred to a letter addressed to the Bellevue School District Superintendent and City Council and authored by resident Bill Kinzel and said she was speaking on his behalf as well as for numerous neighbors. She asked the Council for its support in the matter to require the school to refurbish its landscaping to the appearance in its plans and to require maintenance of the landscaping.

**REMARKS AND ANNOUNCEMENTS**

On behalf of the City Council, Mayor Adam thanked all volunteers from the Medina Days Committee and City Staff, especially the City's Police and Public Works Departments, particularly Pat Crickmore, Jeff Chen, Kris Finnigan and Linda Crum for all efforts that made Medina Days successful.

Mayor reported the State Legislature authorized a formal SR-520 mediator for west side communities and Medina will be one of several eastside communities that will be represented on the mediation committee.

Adam announced installation of the bus stop at 84<sup>th</sup> and 24<sup>th</sup> was completed.

Weinberg thanked all staff for Medina Days contributions, particularly Lieutenant Dan Yourkoski and Officer Ben Crum and Committee members Bret and Patty Jordan, Lisa Mead, and Betsy Johnson.

Weinberg described the new meeting agenda format and welcomed comments regarding it. He credited Linda Crum for the upcoming movie showing at Medina Beach Park, which will be sponsored by the Lifeguard Program.

Weinberg said a "Frequently Asked Questions" document is available to the public as a means to better inform the electorate of the issues relative to the undergrounding utilities ballot measure. Weinberg said the document will be updated as new information becomes available and the City Council expressed interest in mailing the document city-wide. Weinberg announced two additional appointments were made to the Pro Committee for the undergrounding utilities measure. He stated the Pro Committee was now full and two additional members could still be appointed to the Con Committee.

## **CONSENT AGENDA**

Lawrence requested removal Item CA-4, Budget Amendment D, from the Consent Agenda and council concurred.

**MOTION LAWRENCE AND SECOND VALL-SPINOSA TO APPROVE CONSENT AGENDA ITEMS AND THE MOTION CARRIED UNANIMOUSLY AT 7:56 PM.**

CA-1: Approval of Minutes from July 9, 2007 City Council Meeting  
CA-2: Approval of Minutes from July 23, 2007 City Council Meeting  
CA-3: Approval of July 2007 Checks/Finance Officer's Report  
CA-5: Surveillance Camera Information Technology Agreement

## **PUBLIC HEARINGS**

### View and Sunlight Ordinance (continued) (7:57 pm)

Tanaka summarized item and conveyed he consulted with resident John Ebel and Municipal Research and Services Center of Washington (MRSC) attorney Pam James regarding ordinance and thanked them for their input. He reported there was a typographical error in the ordinance included in the meeting packet on page 7, section 11, subsection 3, and stated it should read: "Evidence of the failure of initial reconciliation to resolve the dispute. The complainant must provide evidence that written attempts at reconciliation have been made and have failed. Evidence may include, but is not limited to, copies of and receipts for certified or registered mail correspondence." Council comments followed.

Adam opened floor to public comment at 8:09 pm.

Jim Noblitt stated he resides on Ridge Road, has a view, and the King County Assessor told him that if the trees below his property grown by his neighbor continue to grow and minimize his view, his property value would be affected. (8:09 pm)

Upland Road resident John Ebel relayed he was present representing his neighbors in Medina Heights and thanked Council for its continued consideration of the matter. Mr. Ebel listed reasons why he believes the original ordinance should be reinstated and explained that although he would prefer the original ordinance, he would accept the proposed ordinance before the Council. Resident addressed legal authority of ordinance by referencing California court cases. (8:12 pm)

Evergreen Point Road resident Mark Nelson reported he received a call from a North Medina resident that expressed concern regarding matter, not about views, but sunlight. Mr. Nelson reminded Council that residents outside of Medina Heights are also concerned about the ordinance and would like to have such a tool available to them. Resident urged Council to vote in favor of the ordinance. (8:20 pm)

Evergreen Point Road resident Gail Swihart said she was successful in a lawsuit filed by her neighbors over trees on her property because the court determined the trees were important for the stability of the slope and that she won't be required to top or cut them. Resident stated she would be concerned if the process were to be repeated if new neighbors move in and cited an example of a December landslide to a neighboring property as a result of tree cutting prior to property sale and reconstruction. (8:22 pm)

Overlake Drive West resident Shawn Blazey requested Council add a 13-foot height restriction to dense screening and named local examples. She said many homes on Overlake Drive West are affected by view and sunlight, not just Medina Heights. Resident reported that if power lines are undergrounded, many more views would be affected so height restrictions should be considered. Mrs. Blazey conveyed she would like to have City involvement to promote resolution when neighbors are unable to resolve matters on their own. (8:23 pm)

Comment period closed at 8:25 pm and Council discussion followed. Council addressed concerns and provided direction to Tanaka. Council indicated it would like staff to review ordinance and address concerns raised during discussion.

**MOTION VALL-SPINOSA AND SECOND LAWRENCE TO CONTINUE ITEM TO ALLOW TIME FOR STAFF TO ASK FOR ADDITIONAL INPUT INTO ORDINANCE. MOTION CARRIED 6-1 (PHELPS OPPOSED) AT 9:03 PM.**

## **OTHER BUSINESS**

### Item CA-4: Budget Amendment D (9:05 pm)

Weinberg introduced item and Council discussion followed.

MOTION LAWRENCE AND SECOND PHELPS TO APPROVE ITEM CA-4, BUDGET AMENDMENT D, AND MOTION FAILED 4-3 FOR LACK OF A SUPER-MAJORITY (ADAM, BIGLOW, LAWRENCE OPPOSED) AT 9:28 PM.

MOTION BLAZEY AND SECOND BIGLOW TO APPROVE BUDGET AMENDMENT D WITH TOTAL AMOUNT OF \$159,741.07, AND MOTION CARRIED 6-1 (PHELPS OPPOSED) AT 9:33 PM.

### 2008 Budget Discussion Items (9:35 pm)

Weinberg introduced item and requested broad-based direction from Council to assist with budget preparation, including the following:

1. Consider a cost of living adjustment (COLA) of 3.5 % (identical to union contracts) for management staff.
2. Consider moving executive salary ranges 3.5% to adjust for COLA.
3. Consider discretionary merit for executive positions.
4. Consider an amount for discretionary merit.

Mayor opened floor to public comment at 9:43 pm.

Resident Heija Nunn inquired if the school resource officer would be retained and if attention would be paid to the council communication item. She said both items are of importance to the citizenry. (9:43 pm)

Council deliberations followed.

There was Council consensus to move executive salary ranges 3.5% and to grant a 3.5% COLA to management staff.

MOTION PHELPS AND SECOND BIGLOW TO EXTEND MEETING 30 MINUTES AND MOTION CARRIED 7-0 AT 10:05 PM.

MOTION PHELPS AND SECOND RUDOLPH TO GIVE CITY MANAGER FLEXIBILITY TO WORK WITH UP TO 10% MERIT PAY AND MOTION FAILED 2-5 (PHELPS AND RUDOLPH IN FAVOR) AT 10:30 PM.

MOTION BLAZEY AND SECOND ADAM TO CREATE A MERIT POOL OF 6.5% AND MOTION CARRIED 4-3 (PHELPS, RUDOLPH AND VALL-SPINOSA OPPOSED) AT 10:31 PM.

Pitched Roof Incentives

Item not discussed due to lack of time.

City Manager's Monthly Activity Report

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

Reports were received and filed.

Agenda Calendar

Agenda calendar not discussed due to lack of time. A Special Meeting will be scheduled during September to further discuss the 2008 budget after a compatible date among the Council Members can be determined.

**NEW BUSINESS**

Resolution – Holiday Hours

Agenda item not discussed to due lack of time

**EXECUTIVE SESSION**

Council recessed into Executive Session at 10:35 pm to discuss current litigation matter per RCW 42.30.110 (1) (i) and reconvened into open session at 10:55 pm.

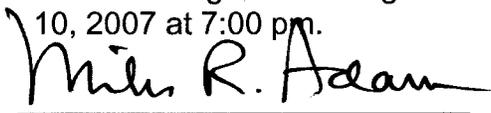
MOTION LAWRENCE AND SECOND BIGLOW TO AUTHORIZE CITY ATTORNEY TO NEGOTIATE SETTLEMENT UP TO AMOUNT DISCUSSED IN EXECUTIVE SESSION AND MOTION CARRIED 7-0 AT 10:55 PM.

**ADJOURNMENT**

THE AUGUST 13, 2007 CITY COUNCIL REGULAR MEETING ADJOURNED BY COMMON CONSENT AT 10:55 PM.

The August 13, 2007, Regular Meeting of the Medina City Council adjourned at 10:55 pm.

The next Regular Meeting of the Medina City Council will be held Monday, September 10, 2007 at 7:00 pm.



Miles R. Adam, Mayor

Attest:   
Rachel Baker, City Clerk