

MEDINA CITY COUNCIL
REGULAR MEETING MINUTES
Medina City Hall Council Chambers
July 23, 2007; 7:00 pm

CALL TO ORDER

Miles Adam called the July 23, 2007, Medina City Council Meeting to order at 7:04 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

APPROVAL OF AGENDA

Mayor proposed a reordered agenda to reflect the following order of Other Business Items: 1, 3, 4, 5, 7, 2, and 6 and Council concurred.

Phelps said improper procedure was followed to bring the King County Library System item back to agenda as the matter was considered closed based on Council consensus last month. Phelps described how matter was introduced July 9 prior to placement on the July 23 agenda and asked the City Manager and Mayor to oversee and follow the procedures as outlined for the City Council.

ANNOUNCEMENTS

Mayor Adam requested feedback from the City Council regarding SR-520 pedestrian bridge proposal.

Rudolph summarized his tour of the SR-520 Bridge on July 14, when the bridge was closed for annual maintenance. He conveyed the presentations on the bridge's surface included vulnerability and safety issues of the new bridge versus the old bridge, such as wind tolerance, and catastrophic failure planning such as after a windstorm or earthquake; environmental issues, such as stormwater drainage and quieter pavement and fish and wildlife preservation; and pontoon construction. Rudolph said WSDOT expects construction to begin during 2013 and to be open to traffic by 2018 and, if everything goes as planned, completion by 2020.

Phelps said she noticed an amazing difference since the quieter pavement was laid on SR-520 and encouraged residents to provide feedback on the project to WSDOT through the link provided on City's website. Rudolph suggested placing information in the City newsletter to further encourage citizen response.

AUDIENCE PARTICIPATION

Heija Nunn expressed her disappointment in the move from two docks to one and inquired why the City didn't have a conditional use permit (CUP) regarding the change and stated there was a CUP hearing for a variance and substantial development permit in December 2005, but when the number of docks changed there was not a hearing. She asked for a definition of the process and for a reason why the decision was made not to have a public hearing after project changed to one dock. (7:14 pm).

PUBLIC HEARINGS

View and Sunlight Ordinance Modification (7:15 pm)

Adam announced the hearing would be continued to August 13 at the request of the City Manager and City Attorney.

OTHER BUSINESS

Historical Use Permit – Medina Store (7:16 pm)

Adam summarized procedures for discussion and asked for disclosures from City Council Members in accordance with the Appearance of Fairness Doctrine.

Lawrence revealed he lives within 300 feet of the Store and would be able to exercise a fair decision in the matter. Vall-Spinosa admitted he once worked in the Store.

Kristine Wilson, Perkins Coie, stated she is the attorney representing Mrs. Lee with respect to the application and expressed to Council Member Lawrence that there was evidence from a prior hearing to indicate he had a financial interest in the Store, based upon his proximity to the Store, and that her client had a concern with that situation. She challenged Lawrence's participation in the matter based upon his financial interest and his proximity to the store. (7:24 pm)

Tanaka conveyed the challenge would be valid and recommended Lawrence recuse himself from the matter. Lawrence recused himself at 7:30 pm.

Biglow inquired if new evidence not contained in the record of the hearing before the Planning Commission could be introduced and considered by the City Council as the Commission improperly excluded the evidence to the record according to MMC 17.94.110 C. Tanaka answered that a noticed public hearing would be required for such action.

Gellings summarized the historical use permit application and the expanded uses requested; traffic and parking analysis reports; and the conditions and findings of the staff report which were adopted by the Planning Commission.

Gellings answered inquiries from the City Council beginning at 7:36 pm. After deciding sufficient evidence had been provided and another public hearing would not be needed, the City Council began deliberations at 7:59 pm.

MOTION PHELPS AND SECOND RUDOLPH TO APPROVE HISTORICAL USE PERMIT APPLICATION 2007-01 AND TO ADOPT RESOLUTION ASSOCIATED WITH PERMIT APPLICATION. MOTION FAILED 2-3-1 (ADAM, BIGLOW BLAZEY OPPOSED AND VALL-SPINOSA ABSTAINED AND LAWRENCE RECUSED) AT 8:42 PM.

MOTION BIGLOW AND SECOND BLAZEY TO DENY HISTORICAL USE PERMIT APPLICATION. MOTION CARRIED 3-2-1 (PHELPS AND RUDOLPH OPPOSED AND VALL-SPINOSA ABSTAINED AND LAWRENCE RECUSED) AT 8:56 PM.

Biglow distributed draft findings of fact he prepared to the City Council and the applicant. Tanaka summarized rules and procedures for quasi-judicial matters and conveyed the suggested conclusions and findings of fact would be presented at the next City Council meeting for adoption and final action by the City Council.

Mayor called for a recess at 9:02 pm and called the meeting back to order at 9:11 pm. Council Member Lawrence rejoined the meeting at 9:11 pm.

King County Library System (KCLS) (9:11 pm)

Council Member Blazezy introduced agenda item stating the initiative was raised as an opportunity for voters to decide where tax dollars should be spent and suggested the matter go to the General Election ballot in November. Blazezy summarized his report and answered inquiries from Council Members.

Adam opened floor to public comment at 9:22 pm.

Bill Ptacek, Director of the King County Library System, stated the Seattle Public Library is funded as a part of the overall city government structure and partly through property tax, and sales tax. He said the budget is about \$40 million per year.

Mr. Ptacek commented that the \$104,000 quoted in letter referenced by Council Member Blazezy reflected the difference in levels of use, adding that the difference in levels of usage is in the millions of dollars between the King County and Seattle library systems. He said that King County asked Seattle for \$1 million to make up the difference, but Seattle couldn't, so a system was developed to stop giving the district reserves which then reduced the bill to \$100,000 and made up the difference in levels of use between the two systems. Mr. Ptacek stated the King County reciprocal agreement is offered only to citizens that are a part of a library district or reside in a city that provides library services.

Mr. Ptacek said that if Medina votes to remove itself from the library system, King County would not offer reciprocal agreements to residents or allow them to use the King County Library System. He said he was not clear whether or not a Seattle Public Library card could be purchased by a Medina resident, however there would be no reciprocity with Medina residents if the City was not a part of the library district.

Mr. Ptacek conveyed citizens of Medina are not paying for the bond issue that passed in 1988 since it was not a part of the library system at that time, even though those funds helped build the Bellevue Library. He said Medina residents voted to approve a levy lift in 2002 and voted to support a bond issue in 2004 for \$172 million. He said that prior to 1991 the City paid contract rates for services with the library system before the library board demanded all cities to pay the same rates and to be a part of the library system. He said many cities annexed into the system at that time. (9:22 pm)

Resident Ron Sher conveyed he is a supporter of the library system and that it is an interesting and innovative library system. He continued to say that because Medina is affluent might not realize the benefits of the System's literacy and outreach programs to the poor communities. He expressed that by joining and supporting the library system shows to the community we are good citizens. He said that it is embarrassing to think of dropping out of the library system and hoped the City Council decides not to put it on the ballot. (9:32 pm)

Resident Daniel Lipkie addressed comments regarding Blazey's report and resolution in the packet and stated that there aren't only books to borrow but also periodicals, web access, reference books, out of print books, and interlibrary loans. He stated that it is misleading to state that money would be saved buying books rather than using the library system. He added that homeowners in Medina are paying the same rate as other taxpayers in the district. He also said that he is a University of Washington (UW) alumni and the only way to access the UW library is to be a current student or to be a member of the Alumni Association. (9:33 pm)

Resident Henry Paulman said allowing residents to vote on whether or not to participate would serve as an affirmation and asked the City Council to allow people the chance to vote on the matter privately. (9:37 pm)

Resident Betsy Johnson said the community supports the library as was expressed by an overwhelming sentiment last year when the issue was raised. She said the last 15 years the community has had opportunities to vote in support of the library and three years ago the community voted to increase the amount paid to the library by an overwhelming majority and that it is time to move on to other issues. (9:38 pm)

Resident Shawn Whitney said the reason this issue came up again was because it didn't go to a Special Election last year. She said the reason was because it would cost \$3,000, but that Medina could have afforded that. She continued to say that in 1991 Medina became part of the King County Library System and whether taxes are paid through the City or property taxes, people still have to pay and taxpayers have chosen to do that time and time again. She stated that the estimated amount for undergrounding utilities is an estimate and should not be use as a comparison. (9:39 pm)

Resident Janie Lee stated she has lived in the community for 17 years and her six-year old child made a poster to share, but he went home. She said the poster was made to allow access to the library for residents. Ms. Lee said life is now driven by technology and parents are fighting to keep the library because the library is an institution of learning. She expressed that undergrounding utilities cannot be compared to the library

and that she would be embarrassed as a citizen of Medina if the library was taken away because the library stands for education and a better way to move out of poverty. She expressed her belief that every great leader has supported education and the City Council are elected officials and are leaders and have the option to take a stance to support education. Ms. Lee continued to say that residents are educated and have the ability to make their own decisions and if an email is received and not agreed with or supported it would not be forwarded. (9:41 pm)

Resident Heija Nunn said her feelings were hurt when Blazey spoke about her emails and if City Council communication was more thorough and available then she would not need to send so many emails. She said she was offended to stand before the Council about this matter and Blazey's memo and report were full of inaccuracies. She stated the relationship described with Seattle seemed tenuous and unusual. Ms. Nunn summarized letters received from the Seattle City Attorney's Office regarding Board of Trustees Authority of use for non-residents. She stated it would be an embarrassing initiative and read from a letter from the KCLS and expressed that she hoped available tools would be used in the future before placing matters before the public. She continued to say that this matter has been before the public three times in a year and wonder where the influence is coming from. (9:44 pm)

Resident Roberta Goodnow recalled that the City Council looked around at other communities and asked for the outcome of that research. Vall-Spinosa responded to her that one city responded and Adam said most communities had no interest or did not respond. (9:48 pm)

Resident Lori Hambling spoke that she believes in voting and feels strongly about having access to the library and that this should not go on the ballot. She said her family uses the library and those with grown children may not use it as much. Ms. Hambling claimed this to be a strong issue and a waste of time. She stated that such a fine community not having access to the library would be an embarrassment. (9:49 pm)

Adam closed comment period and City Council discussion followed at 9:51 pm.

Bill Ptacek answered City Council inquiries regarding the tax rate and the amount Medina residents pay. (10:02 pm)

MOTION BLAZEY AND SECOND PHELPS TO CONTINUE MEETING 30 MINUTES. MOTION CARRIED 6-1 (ADAM OPPOSED) AT 10:08 PM.

MOTION PHELPS AND SECOND RUDOLPH TO DENY THE RESOLUTION FOR THE CITY COUNCIL TO PUT THE KING COUNTY LIBRARY SYSTEM ON THE NOVEMBER 2007 BALLOT. MOTION CARRIED 4-3 (ADAM, BIGLOW, AND BLAZEY OPPOSED) AT 10:12 PM.
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Utility Undergrounding Pro/Con Committee Appointments (10:14 pm)

Weinberg stated the City Council may appoint residents to serve on pro and con committees for the utility undergrounding ballot measure and summarized committee duties and responsibilities.

Weinberg nominated Mark Nelson to serve on the pro committee and Arthur Dietrich to serve on the con committee.

MOTION LAWRENCE AND SECOND ADAM TO APPROVE NOMINATION OF MARK NELSON TO THE PRO COMMITTEE AND ARTHUR DIETRICH TO THE CON COMMITTEE FOR THE UNDERGROUNDING UTILITIES BALLOT MEASURE; AND IF OTHERS COME FORWARD (UP TO THREE EACH) TO VOLUNTEER ON EITHER COMMITTEE SHOULD BE ADDED AT THE DISCRETION OF THE CITY MANAGER. MOTION CARRIED 7-0 AT 10:17 PM.

Upland Road Street Vacation (10:17 pm)

Additional information was provided to the City Council in the meeting packet. Willis recommended not to take any further action on the matter.

MOTION BLAZEY AND SECOND RUDOLPH THAT THE CITY COUNCIL TAKE NO ACTION. MOTION CARRIED 6-0-1 (BIGLOW ABSTAINED) AT 10:19 PM.

Speed Limit Reductions – Local Access Streets (10:20 pm)

Willis summarized report and City Council discussed that a variety of measures can be employed to ensure compliance with speed laws and modifying the speed limit as one measure would be an option the City Council would be receptive to.

Historical Use Permit (HUP) Ordinance (10:30 pm)

Lawrence suggested the City Council consider revising the HUP ordinance requiring future hearings to be heard by the Hearing Examiner and not the City Council. City Council agreed to place item on a future meeting agenda.

2008 Budget Calendar 10:30 pm

Weinberg asked the City Council to consider approving the 2008 budget calendar.

MOTION PHELPS AND SECOND BIGLOW TO APPROVE 2008 BUDGET CALENDAR. MOTION CARRIED 7-0 AT 10:32 PM.

ADJOURNMENT

MOTION RUDOLPH AND SECOND VALL-SPINOSA TO ADJOURN THE JULY 23, 2007 CITY COUNCIL REGULAR MEETING. MOTION CARRIED 7-0 AT 10:32 PM.

The July 23, 2007, Regular Meeting of the Medina City Council adjourned at 10:32 pm.

The next Regular Meeting of the Medina City Council will be held Monday, August 13, 2007 at 7:00 pm.



Miles R. Adam, Mayor

Attest:


Rachel Baker, City Clerk