

MEDINA CITY COUNCIL
REGULAR MEETING MINUTES
Medina City Hall Council Chambers
May 14, 2007

EXECUTIVE SESSION

The City Council convened in Executive Session at 6:00 pm to discuss contract negotiations for professional services per RCW 42.30.110 (1)(d) and labor negotiations per RCW 42.30.110 (1)(e). Those in attendance included City Councilmembers Adam, Biglow, Lawrence, Phelps, Rudolph and Vall-Spinosa; City Attorney Tanaka; City Manager Weinberg; and Director of Development Services Gellings. Executive Session adjourned at 7:00 pm and no action was taken.

CALL TO ORDER

Mayor Adam called the May 14, 2007, Medina City Council Meeting to order at 7:02 pm.

ROLL CALL

Councilmembers Present: Miles Adam, Lucius Biglow, Jim Lawrence, Katie Phelps, Robert Rudolph, and Pete Vall-Spinosa

Councilmembers Absent: Drew Blazey (*excused*)

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

ANNOUNCEMENTS

Mayor thanked the Public Works Department for a successful Arbor Day tree planting at Medina Beach Park.

Adam provided two State Route 520 updates:

- Hunts Point proposed an alternative to interchange located at 84th Avenue Northeast and SR 520 entrance ramp to reduce impacts to Hunts Point. He said discussions regarding the proposal would continue during design meetings
- The quieter pavement test was extended 325 feet west, which would be the limit due to swing gate in median and cost.

Tanaka advised councilmembers of regulations and restrictions for an upcoming quasi-judicial matter that is scheduled to go before the City Council. Tanaka summarized that Mrs. Lee filed an application with the City for a revision to the Medina Store Historical Use Permit (HUP) and the public hearing is scheduled before the Planning Commission May 23. Tanaka answered council inquiries regarding subject.

CONSENT AGENDA

MOTION/SECOND TO APPROVE CONSENT AGENDA ITEMS:

- Minutes from April 9, 2007 City Council Regular Meeting
- April 2007 Checks/Finance Officer's Report
- Revised 2007 Budget Amendment A (To increase Capital Projects Fund expenditures for approved 84th Avenue Northeast poplar tree removal/replacement contract)

MOTION CARRIED 6-0 AT 7:13 PM.

Revised budget amendment ordinance was a supplemental agenda packet document and distributed to council prior to vote.

AUDIENCE PARTICIPATION

Mayor opened floor to audience participation for non-agenda items at 7:13 pm.

Resident Henry Paulman questioned city attorney regarding procedure for the Medina Store public hearing, specifically if the hearing period would remain open after the case goes before the Planning Commission in order to allow additional public comment. Tanaka replied that if the Planning Commission were to leave the record open or hold the meeting open for specific information then it would be allowed for that purpose.

Resident John Ebel requested Council reconsider the action taken on March 26 that repealed the View and Sunlight Ordinance. Mr. Ebel expressed concern there was not sufficient public notice provided prior to action taken by the Council and supported the Ordinance for the protection it provided to citizen rights for protection of views and sunlight in Medina Heights. Adam requested Weinberg follow up on the matter with Mr. Ebel.

Resident Dick Hansen commented he once was able to view the lights of Seattle from his home and recently the King County Assessors Office informed him that he no longer has a view of Seattle and his property taxes would reflect that. Mr. Hansen supported comments expressed by Mr. Ebel and conveyed public notice is necessary when the City takes rights away from its residents without first soliciting public comment.

Resident Heijja Nunn thanked the Public Works Department for its efforts during the Arbor Day celebration and for adding fresh wood chips to the Medina Park playground. Ms. Nunn requested a status of Council's involvement in Medina Days and requested beach access for public use during construction and restoration at Medina Beach Park. She asked for reconsideration of the replacement of both docks at the Beach Park and suggested there was not enough public comment solicited prior to the dock decision.

Ms. Nunn indicated Mr. Paulman suggested it may be advantageous to delay the decision regarding the Medina Store HUP and suggested it should be an applicant's right for a fair and timely consideration of the matter. Mr. Tanaka conveyed that was not his interpretation of Mr. Paulman's inquiry, but that if the public hearing was held open for general purposes by the Planning Commission, all public comment could be submitted.

Adam conveyed the City website and monthly newsletter would provide Beach Park updates to the community and the City's intention to keep the Beach Park open to the furthest extent possible during construction. He conveyed the construction window was dictated by federal and state agencies and the City has been working within the constraints of the legal system. Phelps said the City would not be able to provide lifeguard services on a consistent basis due to Beach Park project timeline, but updates would be provided to citizens.

Adam said the City would continue to support Medina Days as it has done in the past with financial, administrative, police, and public works aid.

REPORTS

Police Department (7:28 pm)

Lawrence asked if the sidewalk on the corner of Evergreen Point Road and Northeast Eighth Street extended too far into the road for vehicles to navigate. Chen responded that patrol cars are able to negotiate the turn and that larger vehicles would need to be cautious.

Responding to Biglow, Chen stated officers are currently in field training with Acting Lieutenant Yourkoski and that has resulted in an increased police presence in the community.

Phelps congratulated Chief on recent hires, especially the lateral officer and questioned if additional VIPS (Volunteers in Police Service) training would be provided. Chief summarized VIPS program and reported there would be another offering to allow for as much community participation as possible.

Development Services (7:34 pm)

Gellings confirmed for council no final action would be needed for Ordinance 800 as city attorney advised there would be enough room for interpretation.

Public Works (7:35 pm)

Adam thanked Willis for new meeting boards displayed in the community and Willis remarked additional sandwich board signs would be fabricated.

Willis indicated action by the Council would be necessary to proceed with the City Hall generator contract included in meeting packet.

MOTION PHELPS/SECOND ADAM TO ACCEPT BID FROM QUINN CONSTRUCTION FOR EMERGENCY GENERATOR. MOTION CARRIED 5-1 (BIGLOW OPPOSED) AT 7:40 PM.

Phelps commended Seattle Tree Preservation for the successful removal and replacement of poplar trees, indicating the work was completed in a timely manner and the result looks nice. Rudolph expressed he had received no adverse comments from the public regarding the project and Willis confirmed he had not either.

Willis responded to Lawrence's earlier inquiry regarding the corner of Northeast Eighth Street and Evergreen Point Road indicating the corner was designed to protect parking pockets for the store.

Willis confirmed the Beach Park restoration project construction window would be July 16 to September 30, and he expected final approvals to arrive during May. Weinberg indicated approval has been received from all regulatory agencies, however comment is still needed from the Muckleshoot Tribe. Willis conveyed the City's preference would be to begin work at north end of park and then southward and construction fencing could be reduced as project work moves south.

Adam inquired about Windsong carving and Willis indicated it is currently under restoration. Answering Phelps's inquiry, Willis said game tables at Medina Park would be installed after irrigation installation is completed.

Park Board (7:46 pm)

Park Board Chair, Roger Ngouenet presented a ten minute slide show to the Council which summarized the Board's duties and processes and project considerations for 2007 and 2008.

City Manager (8:03 pm)

Weinberg reported he observed the issue of traffic patterns and school parking circulation at Medina Elementary and recently hosted a meeting at City Hall to discuss the matter with school officials, district officials and city staff to explore options to remedy the situation. He conveyed the district would explore engineering options as the next step in the process since enforcement and behavior changes have been addressed.

Weinberg reported the State Supreme Court ruled in favor of Medina's appeal to the courts regarding an arrest jurisdiction challenge. He stated he met with former Medina Days Chairs Bret and Patty Jordan to discuss Medina Days, stating they have a conflict in their schedule during July, but will help gather volunteers for this year's celebration.

Weinberg said he anticipates a revised cable television franchise agreement to go to Council during June or July for approval. He passed out Tree City USA pins to councilmembers and said additional pins were on order.

Weinberg summarized Emergency Committee report and answered council inquiries.

PUBLIC HEARINGS

Upland Road Street Vacation Request (8:22 pm)

Adam opened the public hearing. Willis summarized petition received by citizens residing at 414, 426, and 438 Upland Road. Willis recommended the street vacation request be reduced from 30 feet to 20 feet due to location of utilities and a portion of the roadway on a portion of the right of way to be vacated. He stated the appraiser valued the property at \$326,700.

Adam opened the floor to public comment at 8:24 pm.

Petitioner Everil Loyd distributed a letter to the Council stating petitioners' position on the matter and their response to the appraisal. Mr. Loyd conveyed the appraiser did not include the value of the strip as is to the City and indicated the value is unrealistic as it was determined during a peak in the market and as a result are considering withdrawing the application if that is determined to be the property value.

Mr. Loyd conveyed the Hansens received an unsolicited offer for their property, but the offer was withdrawn when prospective buyers discovered the 30-foot right of way and it was then the property owners learned of the right of way and felt the sale of their properties and valuations would be impacted as well.

Discussion followed regarding petitioners' proposal for trade of land on Overlake Drive in exchange for Upland Road right of way, and street vacations that occurred during early City history.

Petitioner Marc Neumann conveyed his research revealed that 60 percent of Upland Road has been vacated. He said it would be ridiculous to pay \$55 per square foot for the land and that it should be discounted at least 70 percent since it is narrow, has very limited use, and has restricted easements running through it. He expressed the comparables used by the appraiser were not comparable parcels.

Petitioner Don Hansen said he assumed the property line was in line with neighbors' until recently and expressed his belief that the strip did not originally become a part of the lots due to a King County error at least 50 years ago. He said the primary reason to continue with the petition would be because he and his wife plan to continue to live in their residence and would like to improve the property by adding a detached garage if the vacation request were successful.

Adam opened floor to audience comment, however no comment was presented. Council deliberations began at 8:50 pm. Council discussed merits of a land trade, the appraised value and historical cases of street vacations in Medina.

<p>MOTION VALL-SPINOSA/SECOND ADAM TO ADOPT ORDINANCE VACATING A PORTION OF UPLAND ROAD RIGHT OF WAY WITH COMEPENSATION IN SECTION TWO AS \$163,000 AND TO BE PAID IN SECTION THREE BY NOVEMBER 1, 2007. MOTION CARRIED 6-0 AT 9:13 PM.</p>
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Traffic Mitigation Ordinance Modification to Mitigate Traffic Impacts Caused by Nonresidential Uses (9:14 pm)

Adam reminded Council the item was discussed April 9 and there was agreement by Council majority at that time to approve ordinance prior to Council learning the modification required a public hearing.

Adam opened floor to public and council comment, however there was none.

MOTION VALL-SPINOSA/SECOND ADAM TO ACCEPT ORDINANCE AS WRITTEN.
MOTION PASSED 5-0-1 (PHELPS ABSTAINED) AT 9:17 PM.

OTHER BUSINESS

Overhead Utility Line Conversion Project (9:18 pm)

Willis summarized report and estimated conversions costs would be approximately \$22 million. He recommended the City retain a consulting engineer to finalize engineering costs.

Lawrence distributed a list identifying 12 firms that were contacted to submit a proposal for project financing. He reported proposals were received from eight firms and Adam and Weinberg interviewed successful candidates. Lawrence conveyed he, Adam and Weinberg ultimately recommended K & L Preston Gates Ellis for bond counsel and financial advisors Alan Daschen and Susan Musselman. He indicated both could speak at the May 29 City Council meeting.

Lawrence invited no more than two councilmembers to attend meeting with financial advisor on May 24 at his office. Council discussion followed.

Enhanced Public Safety System (9:33 pm)

Weinberg summarized research he has taken into the proposed project and suggested Council considers the limitations of the proposed technology. He recommended Council consider a pilot project initially to introduce technology, to determine its value, and issue an RFQ process in order to obtain the best-qualified firm at the best price. Council expressed goal to have pilot program in place by year-end.

Adam opened floor to public comment at 9:45 pm.

Daryl Hunt of Wireless Fidelity Networks commented about the City Manager's memo included in the packet and requested the record reflect a correction to page two, paragraph two, that "consultant fees are not incremental" and additionally regarding the April 4 meeting between city manager and consultant that the comment made regarding slowing process down was "made via email April 20". He said that other facts in the document require clarification too and requested a separate meeting with Council to discuss those. Adam indicated the Council would come back to the issue.

Weinberg said he could not locate the item Mr. Hunt referred to as "slowing down of the project" in the statement. He indicated that he advised Mr. Hunt his services were not under contract or billable hours. Mr. Hunt suggested that statement was not made.

Gene Morgan, President of Secur Focus, remarked that his company installed camera system at Hunts Point and would be interested in the project and is familiar with the technology since he has been in the business for 30 years. He stated the RFQ process would be a wise decision for the City of Medina.

Resident Henry Paulman indicated he is in favor of the proposed project and was impressed with the report the city manager compiled and that it confirmed the research he had already done.

Capital Improvement Plan (9:51 pm)

Willis conveyed the deadline to submit the City's six-year plan to the State is July 1 and the plan must include street improvement and sidewalk/pathway improvement projects. Willis summarized report to the Council and answered Council inquiries.

Council Agenda Calendar (10:04 pm)

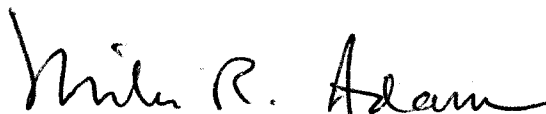
Council discussed preliminary agenda items for the May 29 meeting, including building code updates, election signs, living fences and undergrounding utilities financing.

ADJOURNMENT

MOTION AND SECOND TO ADJOURN THE MAY 14, 2007 CITY COUNCIL REGULAR MEETING. MOTION CARRIED UNANIMOUSLY AT 10:07 PM.

The May 14, 2007, Regular Meeting of the Medina City Council adjourned at 10:07 pm.

The date of the next Regular Meeting of the Medina City Council has been changed in observance of Memorial Day. The next meeting will be held Tuesday, May 29, 2007 at 7:00 pm.


Miles R. Adam, Mayor

Attest:


Rachel Baker, City Clerk