

**MEDINA CITY COUNCIL
REGULAR MEETING MINUTES**

*Bellevue Christian School, Three Points Elementary
Multi-Purpose Room, 7800 NE 28 St, Medina
November 8, 2010; 6:30 pm*

CALL TO ORDER

Bret Jordan called the November 8, 2010 Regular Meeting of the Medina City Council to order at 6:31 pm.

ROLL CALL

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

City Staff Present: Donna Hanson, City Manager; Jeff Chen, Police Chief; Joe Willis, Public Works Director; Robert Grumbach, Development Services Director; Nancy, Adams, Finance Director; and Rachel Baker, City Clerk

APPROVAL OF MEETING AGENDA

MOTION BOYD AND SECOND NELSON TO APPROVE AGENDA AS WRITTEN AND MOTION CARRIED 7-0 AT 6:32 PM.

PRESENTATION

Washington State Department of Transportation State Route 520 HOV and Bridge Replacement Program design team consisting of Craig Stone, Julie Meredith, John White, and Daniel Babuca presented an overview of project status and information concerning tolling implementation. Team members responded to inquiries from audience and council members regarding tolling, project status and 84 Avenue Northeast ramp design.

MOTION PHELPS AND SECOND LEE, THE CITY OF MEDINA VOTE ON SUPPORT FOR LOOP RAMP DESIGN AS PREFERABLE TRAFFIC ENHANCEMENT CHOICE. MOTION CARRIED 4-3 (BOYD, DICHARRY, NELSON OPPOSED) AT 8:06 PM.

PUBLIC COMMENT

Mayor opened public comment period at 8:08 pm.

Hunts Point resident Marianne Jones thanked council for its vote and pointed out Exhibit D in the WSDOT agreements on council's consent agenda reflects the diamond ramp design and not the preferred loop design.

Hunts Point resident Dan Niles thanked council for support of the loop design and expressed the design allows for continued separation of regional bike trail and loop trail walking path.

Medina resident Daniel Lipkie suggested amplification and speakers be high on priority list for future meetings so council can be heard by audience and expressed thanks for work on budget proposal.

Medina resident John Connors thanked council members for running for office and spoke to the proposed budget and tax increase saying to reduce expenditures there should be staff cuts, salary reductions, and police outsourcing to a private security company or the city of Bellevue.

Medina resident Brad Husick thanked council for decision concerning recommendation to WSDOT for loop design and voiced the design affects those residing west of Medina Circle as well and that the goal should be the right decision for those most impacted by the design, not necessarily consensus among the Points communities.

Medina resident MJ Smith thanked council for arriving at a solution regarding ramp design and agreed with Mr. Husick's comments.

Mayor closed public comment period at 8:19 pm.

REPORTS AND ANNOUNCEMENTS

Allyson Jackson provided a Part 150 FAA briefing update. Ms. Jackson recommended city council consider hiring a technical consultant to represent the City of Medina during the review process to work with the FAA and Port air traffic control manager to resolve matter that is favorable for Medina. She provided name of candidate. Jordan agreed a letter needs to be sent to the FAA to determine if using a technical consultant would be allowed.

Planning commission chair Judie O'Brien and development services director Grumbach summarized planning commission recommendation concerning angled setbacks (formerly pitched roof incentives). Council accepted recommendation to not move forward with work plan item.

Staff responded to council questions related to department reports.

CONSENT AGENDA

MOTION DICHARRY AND SECOND LEE TO ADOPT CONSENT AGENDA WITH AMENDMENT TO AGREEMENT 6495, EXHIBIT D, UPDATED TO REFLECT LOOP RAMP DESIGN AND MOTION CARRIED 7-0 AT 8:49 PM.

- Approval of October 11, 2010 City Council Regular Meeting Minutes
- Approval of October 25, 2010 City Council Special Meeting Minutes
- Approval of October, 2010 Check Register
- WSDOT GCA Agreement Numbers 6495 and 6496
- 2011 Fee Schedule and Resolution to Adopt 2011 Fee Schedule
- Resolution to Adopt NORCOM 2011 Annual Budget
- Receipt of Park Board September 20, 2010 Meeting Minutes
- Receipt of Emergency Committee September 15, 2010 Meeting Minutes
- Receipt of Planning Commission September 28, 2010 Meeting Minutes

PUBLIC HEARINGS/OTHER BUSINESS

Public Hearing for 2011 Property Tax Levy (8:49 pm)

Hanson summarized levy proposal. Mayor opened public hearing at 8:51 pm.

Resident Connie Gerlitz stated that if it is not needed then do not spend the money. She said there are residents that can not afford another penny of tax and to reconsider expenditures.

Mayor closed public hearing at 8:55 pm.

Adoption of 2011 Property Tax Levy Resolution (8:55 pm)

Nelson called attention to revised resolution distributed to council prior to meeting.

MOTION LEE AND SECOND DICHARRY TO APPROVE RESOLUTION ADOPTING THE 2011 PROPERTY TAX LEVY FOR THE CITY OF MEDINA SETTING FORTH THE ESTIMATED LEVY AMOUNT. MOTION CARRIED 7-0 AT 9:00 PM.

Public Hearing for 2011 Annual Budget, Budget Ordinance and Salary Schedule (9:00 pm)

Mayor opened public hearing at 9:00 pm. No public comment was presented and the mayor subsequently closed the hearing at 9:01 pm.

Discussion Concerning 2011 Annual Budget, Budget Ordinance and Salary Schedule (9:01 pm)

MOTION PHELPS AND SECOND LEE TO TABLE ITEM UNTIL DECEMBER MEETING AND MOTION CARRIED 7-0 AT 9:05 PM.

Mayor called for a break at 9:05 pm and called the meeting back to order at 9:12 pm.

Ordinance Amending Chapter 5.04 MMC and Adopting a New Chapter 5.06 MMC Relating to Franchise Fees (9:13 pm)

Grumbach provided item summary. Council discussion followed.

MOTION WHITNEY AND SECOND JORDAN TO APPROVE ORDINANCE ADOPTING AN ORDINANCE AMENDING CHAPTER 5.04 AND ADOPTING SUBSECTION C OF A NEW CHAPTER 5.06.020 OF THE MEDINA MUNICIPAL CODE RELATING TO FRANCHISE FEES WITH RATE RESETTING TO ZERO AT END OF 2011. WHITNEY WITHDREW MOTION AT 9:26 PM.

MOTION WHITNEY AND SECOND JORDAN TO ADOPT ORDINANCE AMENDING CHAPTER 5.04 AND ADOPTING A NEW CHAPTER 5.06 OF THE MEDINA MUNICIPAL CODE RELATING TO FRANCHISE FEES AND WITH THE CHANGE OF SECTION 5.06.020 C THAT FRANCHISE RATES RESET TO ZERO AT END OF EVERY CALENDAR YEAR BEGINNING IN 2011. MOTION CARRIED 5-2 (BOYD AND PHELPS OPPOSED) AT 9:31 PM.

Ordinance Amending Chapter 5.04 Relating to Utility Taxes (9:31 pm)

Grumbach introduced item and council discussion followed.

MOTION PHELPS AND SECOND DICHARRY TO APPROVE ADOPTING AN ORDINANCE AMENDING MMC 5.04.030 ADOPTING NEW UTILITY TAX RATES AT RATE OF THREE PERCENT. MOTION FAILED 2-5 (BOYD, PHELPS IN FAVOR) AT 9:45 PM.

Dicharry offered friendly amendment to Phelps' motion to allow resetting to zero at the end of every calendar year at 9:44pm. Phelps did not accept amendment.

MOTION DICHARRY AND SECOND NELSON TO TABLE MOTION UNTIL NEXT MEETING AND TO DIRECT STAFF TO INSERT LANGUAGE FOR EXCEPTIONS TO THE UTILITY TAX. DICHARRY WITHDREW MOTION AT 9:38 PM.

MOTION DICHARRY AND SECOND LEE TO APPROVE ADOPTING AN ORDINANCE AMENDING MMC 5.04.030 ADOPTING NEW UTILITY TAX RATES AT THREE PERCENT WITH THE PROVISION THAT THE RATES EXPIRE AND RESET TO ZERO AT THE END OF EVERY CALENDAR YEAR.

Jordan offered a friendly amendment to reset rates on January 31 instead of end of calendar year. Dicharry accepted amendment at 9:47 pm.

MOTION DICHARRY AND SECOND LEE TO APPROVE ADOPTING AN ORDINANCE AMENDING MMC 5.04.030 ADOPTING NEW UTILITY TAX RATES AT THREE PERCENT WITH THE PROVISION THAT THE RATES EXPIRE AND RESET TO ZERO ON JANUARY 31 EVERY CALENDAR YEAR. MOTION CARRIED 5-2 (BOYD AND PHELPS OPPOSED) AT 9:48 PM.

MOTION NELSON AND SECOND PHELPS TO DIRECT STAFF TO LOOK AT CARVE OUTS OF PROVIDING EXEMPTIONS OR DISCOUNTS OR REBATES FOR PERSONS WITH LOW INCOMES OR PERSONS WITH DISABILITIES AND SENIORS. MOTION CARRIED 7-0 AT 9:48 PM.

2010 Budget Amendment A (9:49 pm)

Chen provided background of budget amendment ordinance.

MOTION BOYD AND SECOND NELSON TO APPROVE ORDINANCE NUMBER 862 AUTHORIZING A BUDGET AMENDMENT OF THE 2010 APPROVED BUDGET AND MOTION CARRIED 7-0 AT 9:53 PM.

ATC Outdoor DAS Lease Agreement of City Property (9:53 pm)

Grumbach provided summary of lease agreement.

MOTION DICHARRY AND SECOND LEE TO AUTHORIZE CITY MANAGER TO SIGN LEASE AGREEMENT WITH ATC OUTDOOR DAS FOR USE OF CITY PROPERTY TO LOCATE ELECTRONIC RADIO AND SWITCHING EQUIPMENT FOR A DAS NETWORK SYSTEM SUBJECT TO A MONTHLY LEASE FEE OF \$1,440 PAID MONTHLY OR ANNUALLY AND AN AGREEMENT ON A WORK PLAN CONSISTENT WITH THE TERMS OF THE LEASE.

Whitney offered a friendly amendment to motion to include "...an annual lease fee of \$17,280 with a three-percent escalator rate." Dicharry accepted amendment at 10:01 pm.

AMENDED MOTION CARRIED 6-1 (NELSON OPPOSED) AT 10:03 PM.

Ordinance for ATC Outdoor DAS Franchise Agreement (9:09 pm)

Grumbach provided background on item.

MOTION PHELPS AND SECOND DICHARRY TO AUTHORIZE CITY MANAGER TO SIGN FRANCHISE AGREEMENT GRANTING ATC OUTDOOR DAS A NONEXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO CONSTRUCT AND OPERATE A DISTRIBUTED ANTENNA SYSTEM. MOTION CARRIED 7-0 AT 10:07 PM.

Council Agenda Calendar (10:07 pm)

Calendar discussed. Council elected not to hold a November 22 study session.

EXECUTIVE SESSION

Council recessed into executive session at 10:19 pm for an estimated time of fifty 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; city manager; development services director, and city attorney were present.

Council met in executive session pursuant to RCW 42.30.110 (1)(g) to review the performance of a public employee. City council members Boyd, Dicharry, Jordan, Lee, Nelson, Phelps, and Whitney; and city attorney were present.

Council extended executive session five minutes at 11:09 pm. Executive session adjourned and council resumed regular meeting at 11:14 pm.

ADJOURNMENT

MOTION DICHARRY AND SECOND PHELPS TO ADJOURN THE NOVEMBER 8, 2010 REGULAR MEETING AND MOTION CARRIED 7-0 AT 11:15 PM.

The November 8, 2010 Regular Meeting of the Medina City Council adjourned at 11:15 pm.

The Medina City Council will hold its next Regular Meeting on Monday, December 13, 2010, at 6:30 pm.

Bret Jordan, Mayor

Attest:

Rachel Baker, City Clerk

Minutes approved by city council 12/13/2010.