



MEDINA CITY COUNCIL

Monday, July 22, 2024

5:00 PM – REGULAR MEETING

AGENDA

VISION STATEMENT

Medina is a family-friendly, diverse and inclusive community on the shores of Lake Washington. With parks and open spaces, Medina is a quiet and safe small city, with active and highly-engaged residents. Medina honors its heritage while preserving its natural environment and resources for current and future generations.

MISSION STATEMENT

Ensure efficient delivery of quality public services, act as responsible stewards of Medina's financial and natural resources, celebrate diversity, leverage local talent, and promote the safety, health, and quality of life of those who live, work, and play in Medina.



MEDINA, WASHINGTON

MEDINA CITY COUNCIL REGULAR MEETING

Hybrid - Virtual/In-Person
Medina City Hall - Council Chambers
501 Evergreen Point Road, Medina, WA 98039
Monday, July 22, 2024 – 5:00 PM

AGENDA

MAYOR | Jessica Rossman

DEPUTY MAYOR | Randy Reeves

COUNCIL MEMBERS | Joseph Brazen, Jennifer Garone, Harini Gokul, Mac Johnston, Michael Luis

CITY MANAGER | Stephen R. Burns

CITY ATTORNEY | Jennifer S. Robertson

CITY CLERK | Aimee Kellerman

Hybrid Meeting Participation

The Medina City Council has moved to hybrid meetings, offering both in-person and online meeting participation. In accordance with the direction from Governor Inslee, masking and social distancing will be optional for those participating in person. Individuals who are participating online and wish to speak live can register their request with the City Clerk at 425.233.6411 or email akellerman@medina-wa.gov and leave a message before 2PM on the day of the Council meeting. Please reference Public Comments for the Council Meeting on your correspondence. The City Clerk will call on you by name or telephone number when it is your turn to speak. You will be allotted 3 minutes for your comment and will be asked to stop when you reach the 3 minute limit. The city will also accept written comments. Any written comments must be submitted by 2 PM on the day of the Council meeting to the City Clerk at akellerman@medina-wa.gov.

Join Zoom Meeting

<https://medina-wa.zoom.us/j/81961696176?pwd=WjRuK3ErVy9jdmmtelAvek1VeHkzUT09>

Meeting ID: 819 6169 6176

Passcode: 689036

One tap mobile

+1 253 205 0468, 81961696176# US

1. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Council Members Brazen, Garone, Gokul, Luis, Johnston, Reeves, Rossman

2. **APPROVAL OF MEETING AGENDA**

3. **PUBLIC COMMENT PERIOD**

Individuals wishing to speak live during the Virtual City Council meeting may register their request with the City Clerk at 425.233.6410 or email dnations@medina-wa.gov and leave a message **before 2PM** on the day of the Council meeting. Please reference Public Comments for the Council Meeting on your correspondence. The City Clerk will call on you by name or telephone number when it is your turn to speak. You will be allotted 3 minutes for your comment and will be asked to stop when you reach the 3 minute limit.

4. **PRESENTATIONS**

None.

5. **CITY MANAGER'S REPORT**

None.

6. **CONSENT AGENDA**

Time Estimate: 5 minutes

Consent agenda items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a Councilmember or City staff requests the Council to remove an item from the consent agenda.

[6.1](#) Draft Meeting Minutes of:

- a) June 10, 2024, Regular Meeting;
- b) June 24, 2024, Council Retreat; and
- c) July 8, 2024, Regular Meeting.

Recommendation: Adopt Minutes.

Staff Contact: Aimee Kellerman, CMC, City Clerk

[6.2](#) City Hall Deck Repair

Recommendation: Approve.

Staff Contact: Ryan Osada, Public Works Director

[6.3](#) TIB_2024 ADA Improvements & Overlay

CO 001_77th Ave NE Ramp

Recommendation: Approve.

Staff Contact: Ryan Osada, Public Works Director

[6.4](#) Street Vacation Policy and Work Plan

Recommendation: Adopt Ordinance No. 1030.

Staff Contacts: Stephen R. Burns, City Manager and Jennifer S. Robertson, City Attorney

[6.5](#) Ordinance Amending Section 2.24.020 of the Medina Municipal Code (MMC) Related to the Parks and Recreation Board Membership
Recommendation: Adopt Ordinance No. 1031.
Staff Contacts: Aimee Kellerman, CMC, City Clerk and Jennifer S. Robertson, City Attorney

7. **LEGISLATIVE HEARING**

None.

8. **PUBLIC HEARING**

None.

9. **CITY BUSINESS**

[9.1](#) Middle Housing Engagement Consultant Update

Recommendation: Approve.

Staff Contacts: Jonathan G. Kesler, Planning Manager, Steve Wilcox, Development Services Director and Stephen R. Burns, City Manager

Time Estimate: 15 minutes

[9.2](#) Medina City Council Budget Discussion

a) 2025 Workplan Items - Estimated Costs

b) 2025 Key Department Expenditures and Requests - Presentations by Director and Estimated Costs

c) 2025 Council Priorities Discussion and Preliminary Budget Direction

d) Property Tax Levy Planning (2024 Council Work Plan Priority)

Recommendation: Discussion and direction.

Staff Contacts: Stephen R. Burns, City Manager and Ryan Wagner, Finance/HR Director

Time Estimate: 120 minutes

[9.3](#) Business License Discussion

Recommendation: Discussion and recommendations.

Staff Contact: Ryan Wagner, Finance & HR Director and Stephen R. Burns, City Manager

Time Estimate: 15 minutes

10. **REQUESTS FOR FUTURE AGENDA ITEMS AND COUNCIL ROUND TABLE**

11. **PUBLIC COMMENT**

Comment period is limited to 10 minutes. Speaker comments limited to one minute per person.

12. EXECUTIVE SESSION

RCW 42.30.110 (1)(i)

To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or 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, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

[Council may take action following the Executive Session.](#)

13. ADJOURNMENT

Next regular City Council Meeting: Monday, September 9, 2024, at 5 PM.

ADDITIONAL INFORMATION

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Medina City Hall.

The agenda items are accessible on the City's website at www.medina-wa.gov on Thursdays or Fridays prior to the Regular City Council Meeting.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (425) 233-6410 at least 48 hours prior to the meeting.

UPCOMING MEETINGS AND EVENTS

Monday, August 12, 2024 - City Council Meeting - Dark No Meeting

Monday, August 26, 2024 - City Council Meeting - Dark No Meeting

Monday, September 2, 2024 - Labor Day - City Hall Closed

Monday, September 9, 2024 - City Council Meeting (5:00PM)

Monday, September 23, 2024 - City Council Meeting (5:00PM)

Monday, October 14, 2024 - City Council Meeting (5:00PM)

Monday, October 28, 2024 - City Council Meeting (5:00PM)

Monday, November 11, 2024 - Veterans Day - City Hall Closed

Tuesday, November 12, 2024 - City Council Meeting (5:00PM)

Monday, November 25, 2024 - City Council Meeting (5:00PM)

Thursday, November 28, 2024 - Thanksgiving Holiday - City Hall Closed

Friday, November 29, 2024 - Day After Thanksgiving Holiday - City Hall Closed

Monday, December 9, 2024 - City Council Meeting (5:00PM)

Monday, December 23, 2024 - City Council Meeting (5:00PM)

Wednesday December 25, 2024 - Christmas Day - City Hall Closed

CERTIFICATION OF POSTING AGENDA

The agenda for Monday, July 22, 2024 Regular Meeting of the Medina City Council was posted and available for review on Friday, July 19, 2024 at City Hall of the City of Medina, 501 Evergreen Point Road, Medina, WA 98039. The agenda is also available on the city website at www.medina-wa.gov.



MEDINA, WASHINGTON

MEDINA CITY COUNCIL REGULAR MEETING

Hybrid - Virtual/In-Person
Medina City Hall - Council Chambers
501 Evergreen Point Road, Medina, WA 98039
Monday, June 10, 2024 – 5:00 PM

MINUTES

1. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Mayor Rossman called the regular meeting to order in the Medina Council Chambers at 5:03 p.m.

PRESENT

Mayor Jessica Rossman
Deputy Mayor Randy Reeves
Councilmember Joseph Brazen
Councilmember Jennifer Garone
Councilmember Harini Gokul
Councilmember Mac Johnston
Councilmember Michael Luis

ABSENT

None

STAFF

Burns, Robertson, Wilcox, Sass, Osada, Wagner, Kesler, and Bennett

2. APPROVAL OF MEETING AGENDA

ACTION: By consensus, the meeting agenda was approved as presented.

3. PUBLIC COMMENT PERIOD

Mayor Rossman opened the public comment period. The following individual addressed the Council:

Ty Schultz commented in opposition of Overlake Golf and Country Club's project proposal which includes a height variance for a 50 foot net fence at the driving range. He requested that if and when OGCC submits an application, that Council/staff take a hard look and consider other alternatives that don't exceed the current height restrictions.

With no other comments, the public comment period was closed.

4. **PRESENTATIONS**

- 4.1 Reports and announcements from Park Board, Planning Commission, Emergency Preparedness, and City Council.

Director of Public Works Ryan Osada reported that the Park Board is working on the pet parade for Medina Days and the Personnel Committee will be holding another interview later this week for the upcoming vacancy on the Park Board.

Planning Commission Chair Laura Bustamante reported the Planning Commission met on May 29, 2024 and had their first review of the Comprehensive Plan Preface, Introduction and Background and Context Sections.

5. **CITY MANAGER'S REPORT**

Director of Public Works Ryan Osada gave an update on the NE 12th Street project.

Director of Finance and HR reported that the Finance Committee will be meeting to discuss the upcoming Budget Retreat in July and the Personnel Committee will be meeting to discuss and review the new Personnel handbook.

Police Chief Jeff Sass gave an update on police activity in the city. Council asked questions about the closure of Viewpoint Park parking stalls and staff responded.

ACTION: Council directed staff to add Viewpoint Park Parking Stalls as a future agenda item.

Director of Development Services gave a quick up on his staff managing the department while he was out of the office. Council discussed concerns on the potential fence height variance from Overlake Golf and Country Club. Lastly, they requested that staff provide Council with information regarding the Department of Commerce grant for Middle Housing. Specifically, they would like a list of what the grant requirements are, with the deadlines, and any extensions the city has been granted.

City Manager Steve Burns gave an update on the SR 520 mediation with WSDOT.

6. **CONSENT AGENDA**

ACTION: Motion Luis second Johnston and carried by a 7:0 vote; Council approved the Consent Agenda as presented.

- 6.1 May 2024, Check Register
Recommendation: Approve.
Staff Contact: Ryan Wagner, Director of Finance and HR
- 6.2 Draft Regular City Council Meeting Minutes of May 13, 2024
Recommendation: Adopt Minutes.
Staff Contact: Aimee Kellerman, CMC, City Clerk
- 6.3 Confirmation of Appointment to the Medina Parks and Recreation Board and Planning Commission

Recommendation: Confirm the following appointments:

Parks and Recreation Board

- Dana Brekke, Partial Term Position No. 2

Planning Commission

- Julie Barrett, Position No. 6 (reappointment)

Staff Contact: Aimee Kellerman, City Clerk on behalf of the Personnel Committee

6.4 Adoption of Amended Unified Fee Schedule

Recommendation: Adopt Resolution No. 445.

Staff Contact: Aimee Kellerman, CMC, City Clerk

7. **LEGISLATIVE HEARING**

None.

8. **PUBLIC HEARING**

Director of Public Works provided an overview of the proposed 2025/2030 Six-Year CIP/TIP/Non-TIP Plan. Council discussed, asked questions, and staff responded.

Mayor Rossman opened the public hearing period. There were no speakers. Subsequently, the public hearing was closed.

ACTION: Motion Reeves to remove turf installation under the Parks Projects and retain wood chips. This was seconded by Luis and carried by a 7:0 vote.

ACTION: Motion Reeves to add post office park on the Park Board work plan as soon as the plan is created. This was seconded by Gokul and carried by a 7:0 vote.

8.1 DRAFT_2025-2030 Six Year CIP, TIP, Non-TIP

Recommendation: Conduct public hearing, receive public comments for discussion.

Staff Contact: Ryan Osada, Public Works Director

Director of Public Works walked Council through the proposed 2025/2030 Six-Year CIP/TIP/Non-TIP Plan. Council asked questions and staff responded.

Mayor Rossman opened the public hearing period. There were no speakers. Subsequently, the public hearing was closed.

ACTION: Motion Reeves to remove the \$100,000.00 for turf and replace with wood chips for Medina Park. This was seconded by Luis and carried by a 7:0 vote.

ACTION: Motion Reeves to add Post Office Park on the 2025 Park Board Work Plan for Park Board to recommend a plan to Council. This was seconded by Gokul and carried by a 7:0 vote.

9. CITY BUSINESS

9.1 Middle Housing Engagement Plan

Recommendation: Review and adopt Resolution No. 444.

Staff Contacts: Jonathan Kesler, AICP, Planning Manager and Jennifer Robertson, City Attorney

Planning Manager Jonathan Kesler gave a presentation on the Middle Housing Engagement Plan. Council discussed, asked questions, and staff responded.

ACTION: Motion Reeves to approve Resolution No. 444 to include the following revisions as stated by the city attorney:

Under "Key Messages from the State Department of Commerce"

About Middle Housing

- Under No. 1. First bullet, remove second sentence.
- Under No. 4. Revise intro phrase to start with "The Department of Commerce represents that..."
- Under No. 4., the fourth bullet should be revise to read..."20-year planning horizon".
- Under No. 5. Revise intro phrase to start with "The Department of Commerce represents that....."
- Add a number to the butlet between No. 5 and 6 and make it number 6. Additionally, start the sentence with "The Department of Commerce represents that..."
- Renumber the remaining numbers.

About the Middle Housing Land Use Code Update Project

- Under G, revise the second sentence to include "mail," before email.

ACTION: Motion Reeves second Luis to adopt Ordinance No. 444 as amended and carried by a 7:0 vote.

9.2 Public Works Project Communication Plan

Recommendation: Discussion and approval.

Staff Contacts: Ryan Osada, Public Works Director and Stephen R. Burns, City Manager

City Manager Steve Burns gave a presentation on the proposed Public Works Project Communication Plan. Council discussed, asked questions, and staff responded.

Council requested the following changes:

- Delete renderings and replace with site plan.
- Replace VMS signs with signs at the director's discretion.

ACTION: Motion Reeves to approve as amended. This was seconded by Gokul and carried by a 7:0 vote.

- 9.3 SR-520 Communication Plan
Recommendation: Discussion and direction.
Staff Contact: Stephen R. Burns, City Manager

City Manager Steve Burns gave a presentation on the proposed SR-520 Communication Plan. Council discussed, asked questions, and staff responded.

ACTION: By consensus, Council requested that staff request from Sound Cities candidate statements of the legislative bodies on the SR 520 Expansion Joints to share with the community. Additionally, they requested staff hold another public forum to encourage resident feedback and participation.

10. **REQUESTS FOR FUTURE AGENDA ITEMS AND COUNCIL ROUND TABLE**

Mayor Rossman requested to add goal setting in 2025 between the City Manager and Council to set priorities and how to work together to have effective meetings.

Add ViewPoint Park parking to future agenda.

11. **PUBLIC COMMENT**

Comment period is limited to 10 minutes. Speaker comments limited to one minute per person.

Mayor Rossman opened the public comment period. There were no speakers. Subsequently, public comments was closed.

12. **EXECUTIVE SESSION**

Council moved into Executive Session at 8:06 p.m. for an estimated time of 30 minutes to discuss the following:

ES-1 RCW 42.30.110 (1)(i)

To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or 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, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

ACTION: Motion Luis that the City of Medina increase the amount in the Interlocal Agreement of the Points Communities for lid maintenance from \$10,000.00 to \$20,000.00 second Johnston and carried by a 7:0 vote.

Council moved back into Executive Session for an estimated time of 30 minutes to discuss the following:

ES-2 RCW 42.30.110(1)(g)

To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW **42.30.140(4)**, discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public.

ACTION: Council directed the city manager to join a professional association relating to city managers. Additionally, Council requested that Burns take training courses for land use and project management.

13. **ADJOURNMENT**

Without objections, the Council adjourned the regular meeting at 8:56 p.m.



MEDINA, WASHINGTON

MEDINA CITY COUNCIL SPECIAL MEETING

Hybrid - Virtual/In-Person
Monday, June 24, 2024 – 5:00 PM

MINUTES

1. SPECIAL MEETING - CALL TO ORDER / ROLL CALL

Mayor Rossman called the special meeting to order in the Medina Council Chambers at 5:04 p.m.

PRESENT

Mayor Jessica Rossman
Deputy Mayor Randy Reeves
Councilmember Joseph Brazen
Councilmember Jennifer Garone
Councilmember Harini Gokul
Councilmember Mac Johnston
Councilmember Michael Luis

ABSENT

None

STAFF

Burns, Robertson, Osada, Wagner, Kesler, Wilcox, and Kellerman

2. SPECIAL MEETING TOPIC

2.1 Orientation to Middle Housing and ADU Land Use Code Update

Staff Contacts: Stephen R. Burns, City Manager and Jennifer S. Robertson, City Attorney

City Attorney Jennifer Robertson gave a presentation on Middle Housing and Land Use Code Update Project. Council discussed, asked questions, and staff responded.

ACTION: By consensus, the Council requested to bring back the following for further development and discussion:

- Impact Fees for Transportation and Parks.
- Transportation Benefit District.
- Light and Noise Regulations.
- Stormwater Fees.

3. **ADJOURNMENT**

By consensus, the Council adjourned the special meeting retreat at 7:06 p.m.

DRAFT



MEDINA, WASHINGTON

MEDINA CITY COUNCIL REGULAR MEETING

Hybrid - Virtual/In-Person
Medina City Hall - Council Chambers
501 Evergreen Point Road, Medina, WA 98039
Monday, July 08, 2024 – 5:00 PM

MINUTES

1. REGULAR MEETING - CALL TO ORDER / ROLL CALL

Mayor Rossman called the regular meeting to order in the Medina Council Chambers at 5:06 p.m.

PRESENT

Mayor Jessica Rossman
Deputy Mayor Randy Reeves
Councilmember Joseph Brazen
Councilmember Michael Luis

ABSENT

Councilmember Jennifer Garone
Councilmember Harini Gokul
Councilmember Mac Johnston

STAFF

Burns, Robertson (online), Osada, Wagner, Sass, and Kellerman

2. APPROVAL OF MEETING AGENDA

ACTION: Without objections, the meeting agenda was approved as presented.

3. PUBLIC COMMENT PERIOD

Mayor Rossman opened the public comment period. There were no speakers. Subsequently, public comments was closed.

4. **PRESENTATIONS**

- 4.1 Introduction to City Business Licenses by Eric Jones, Management Analyst, Washington State Department of Revenue.

Eric Jones, Department of Revenue, Management Analyst gave a presentation and introduction to city business licensing. Council asked questions and the presenter responded.

- 4.2 Reports and announcements from Park Board, Planning Commission, Emergency Preparedness, and City Council.

Police Chief Sass reported that Emergency Preparedness will staff a booth at the upcoming Medina Days events in August.

5. **CITY MANAGER'S REPORT**

Police Chief Sass introduced and welcomed new Medina officer Luis Robles. Officer Robles gave a quick self introduction. Sass also reported year-end activities with the local schools and their continuation to build on those relationships and educating new incoming parents on school drop-off and pick-up safety. Lastly, he reported that MPD has implemented the use of body worn cameras.

Director of Public Works Ryan Osada gave an update on the NE 12th Street project and the upcoming Transportation Improvement Board (TIB) ADA overlay project. Lastly, he reported that the city contracted with a company to secure goats for Fairweather Nature Preserve to eat away at the overgrown English Ivy and blackberries for 16 days, starting on August 27th. Signs will be posted at all the entrances and dogs will be required to be leashed for the duration of the 16 days. Additionally, staff will send out notices to the community in the upcoming weeks.

Director of Development Services reported on the Wildland Urban Interface Code that was recently adopted by the city and then immediately repealed following the State's action. Wilcox anticipates that this will come back to Council for adoption at some point in the future.

Director of Finance and HR Ryan Wagner reported that the business license opportunity will come back to Council at the July 22nd meeting for further discussion and direction. The Finance Committee met last week to discuss the upcoming budget retreat and what they would like to see come out of it for staff and Council.

City Manager Steve Burns reported that staff has been working on the new resident resource page on the website and reminded Council that feedback is requested by Friday, July 12th. He also reported that he and Mayor Rossman as well as leadership from the other points communities attended the WSDOT Safety Charette on the lid and WSDOT identified some safety concerns up on the lids. The next mediation with WSDOT regarding maintenance on the lids is set for Wednesday, July 31st.

6. CONSENT AGENDA

ACTION: Motion Luis second Reeve and carried by a 4:0 (Garone, Gokul, and Johnston absent) vote; Council approved the Consent Agenda as presented.

6.1 June 2024, Check Register

Recommendation: Approve.

Staff Contact: Ryan Wagner, Director of Finance and HR

6.2 Approved Park Board Meeting Minutes of:

a) March 18, 2024 Regular Meeting; and

b) April 15, 2024 Special Meeting.

Recommendation: Receive and file.

Staff Contact: Dawn Nations, Deputy City Clerk

6.3 Approved Planning Commission Regular Meeting Minutes of:

a) April 23, 2024; and

b) May 29, 2024.

Recommendation: Receive and file.

Staff Contact: Rebecca Bennett, Development Services Coordinator

6.4 Draft City Council Meeting Minutes of May 28, 2024 Special Meeting

Recommendation: Adopt Minutes.

Staff Contact: Aimee Kellerman, CMC, City Clerk

6.5 Ordinance Amending Special Events Permit Language

Recommendation: Adopt Ordinance No. 1028.

Staff Contacts: Stephen R. Burns, City Manager and Jennifer S. Robertson, City Attorney

7. LEGISLATIVE HEARING

None.

8. PUBLIC HEARING

None.

9. CITY BUSINESS

9.1 Street Vacation Work Plan Follow-up

Recommendation: Discussion and direction.

Staff Contacts: Stephen R. Burns, City Manager and Jennifer S. Robertson, City Attorney

City Attorney Jennifer Robertson gave an update on the proposed code changes and policy regarding street vacations. Council asked questions and staff responded.

ACTION: By consensus, Council directed to staff to revise Chapter 12.44 to 1) add a general policy expressing how much the City values unopened rights-of-way and that the city should rarely grant street vacations, and 2) amend 12.44.100 to require posting of

signs, mailing of postcards to properties within 300 feet of the property subject to the petition and a notice on the website when a petition for vacation is deemed complete.

9.2 2025-2030 Six Year CIP, TIP, Non-TIP

Recommendation: Approve.

Staff Contact: Ryan Osada, Public Works Director

Director of Public Works Ryan Osada gave a brief update on the proposed 2025-2030 Six-Year CIP/TIP/Non-TIP. Council asked questions and staff responded.

ACTION: Motion Reeves second Luis to approve the 2025-2030 Six-Year CIP/TIP/Non-TIP as presented. Motion carried by a 4:0 (Garone, Gokul, and Johnston absent) vote.

9.3 2024 Comprehensive Plan Update, review and approval of Section A: Preface, Section B: Introduction and Section C: Background and Context

Recommendation: Approval.

Staff Contacts: Jonathan Kesler, AICP, Planning Manager and Dane Jepsen, Planner, LDC Inc., Consultants

LDC Planning Consultant Dane Jepsen gave a presentation the 2024 Comprehensive Plan for review and approval of Section A: Preface, Section B: Introduction and Section C: Background and Context.

ACTION: Council directed the following revisions:

B. Introduction:

- Include Vision and Mission Statement.
- Revise the fourth paragraph to be broadly general and remove references to specific middle housing types.

State Planning Goals

- Retain last sentence of the last paragraph, but remove code references.

Countywide Planning Goals

- Revise fifth paragraph, third sentence: Add the word "currently" to the sentence "Additionally, the City currently participates in ARCH..."
- Revise last paragraph, third sentence to strike the word "ensures" and replace with "fosters".

C. Background and Context

- Remove attribution and replace with "Unknown" as quoted on the Post Office mural.

History

- Remove all references to specific tribes.

The council took a brief break at 8:03 p.m. A quorum of the Council recovered back into the regular meeting at 8:17 p.m.

- 9.4 Ordinance Amending Section 2.24.020 of the Medina Municipal Code (MMC) Related to the Parks and Recreation Board Membership

Recommendation: Adopt Ordinance No. 1029.

Staff Contacts: Aimee Kellerman, CMC, City Clerk and Jennifer S. Robertson, City Attorney

Mayor Rossman gave an introduction to the proposed changes to the Park Board membership.

ACTION: Motion Reeves to adopt Ordinance No. 1029, amending Medina Municipal Code Section 2.24.020 related to parks and recreation board membership, adding two alternate membership positions, providing for severability and corrections, and establishing an effective date. This was seconded by Luis and carried by a 4:0 (Garone, Gokul, and Johnston absent) vote.

- 9.5 Park Board Appointment Confirmations

Recommendation: Approve.

Staff Contact: Aimee Kellerman, CMC, City Clerk on behalf of the Personnel Committee

Mayor Rossman gave a brief introduction to the Park Board Appointments.

ACTION: Motion Reeves to appoint Michelle Lei to Position No. 6 and Mary Nelson to Alternate No. 1 on the Medina Parks and Recreation Board for a four-year term. This was seconded by Brazen and carried by a 4:0 (Garone, Gokul, and Johnston absent) vote.

- 9.6 Medina Park Board Workplan

Recommendation: N/A

Staff Contacts: City Manager Steve Burns and Public Works Director Ryan Osada

City Manager Steve Burns gave a brief introduction of the proposed Park Board Work Plan which will be going to the next Park Board meeting on July 15, 2024, for discussion. Council discussed, asked questions, and staff responded.

ACTION: Update and discussion only; no action taken.

- 9.7 City Hall Use and Public Resource Discussion

Recommendation: Discussion and direction.

Staff Contacts: Ryan Osada, Public Works Director and Stephen R. Burns, City Manager

City Manager Steve Burns gave a brief introduction to the staff report regarding City Hall current use and potential future use.

ACTION: By consensus, Council moved this item to low priority on the work plan and tabled discussion to 2025 after middle housing has been completed.

10. REQUESTS FOR FUTURE AGENDA ITEMS AND COUNCIL ROUND TABLE

Mayor Rossman requested that staff hold enough parking spaces for electeds, presenters, and citizens who would like to attend public meetings on evenings where the weather is agreeable and parking spaces are generally taken up for Medina Park beach goers.

11. PUBLIC COMMENT

Mayor Rossman opened the public comment period. There were no speakers. Subsequently, public comments was closed.

12. EXECUTIVE SESSION

RCW 42.30.110 (1)(i)

To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or 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, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

ACTION: Council deferred the Executive Session to a future meeting.

13. ADJOURNMENT

Motion Luis, second Reeves and without objections, Council adjourned the regular meeting at 8:45 p.m.



MEDINA, WASHINGTON

AGENDA BILL

Monday, July 22, 2024

Subject: City Hall Deck Repair

Category: Consent

Staff Contact: Ryan Osada, Public Works Director

Summary

This project will correct deficit work from the previous contractor and complete the City Hall Deck Repair project per plans dated September 2023. The current scope includes new waterproof deck surfacing, wood railing, composite stair decking and related work. A prior contract to YJ Construction was executed in 2023 for the City Hall Deck Repair project. Unfortunately, YJ Construction's work was defective and YJ Construction has since abandoned the worksite. The City is in the process of terminating the Contract with YJ Construction which includes a chance for YJ Construction to cure the defects and complete the work. Depending on YJ Construction's response, that termination may or may not be in effect prior to the Council meeting on July 22, 2023. Since the Council does not meet in August, the City is asking for conditional approval to allow the City Manager to award a contract to correct the deficit work for the City Hall Deck Repair project in anticipation that the YJ Construction contract may terminate. If YJ Construction successfully and timely cures the defects and completes the project, the contract to Westmark will not be awarded.

This project meets and supports Council's priorities 1-5:

1. Financial Stability and Accountability
2. Quality Infrastructure
3. Efficient and Effective Government
4. Public Safety and Health
5. Neighborhood Character

Attachment(s)

Westmark Proposal
Contract

Budget/Fiscal Impact: \$149,084.52

Recommendation: Approve.

City Manager Approval:

Proposed Council Motion: I move to authorize the City Manager to award and execute a contract with Westmark at such time as the following conditions have occurred:

1. The 2023 contract with YJ Construction for the City Hall Deck Repair project terminates due to non-performance by YJ Construction; and
2. The City Manager has confirmed that any and all cure periods for YJ Construction have passed and YJ has not performed as required under the contract.



DATE:6/20/24

**Medina Deck Repair
Proposal**

	Cost:	Comments:
DIV 01 - GENERAL REQUIREMENTS		
01-0050 Performance Bond	\$ -	Excluded
01-0005 WCI Indirect Allocations	\$ 3,591.65	
01-0040 Builder's Risk Insurance	\$ -	Excluded
01-2110 Prevailing Wage Rate Paperwork	\$ 184.08	
01-2119 Special Inspections / Testing	\$ -	Excluded
01-3050 General Superintendent	\$ 454.06	
01-3105 Site Superintendent W/ Tools	\$ 5,154.24	
01-3120 Truck Driving	\$ 1,865.34	
01-5219 Temp Toilet	\$ 687.23	
01-5623 Temp Covered Walk Way For Restrooms	\$ 2,653.21	
01-5626 Temp Fencing Allowance	\$ 1,472.64	
01-5813 Temp Project Signage	\$ -	Included
01-6490 WCI Truck / Equipment Rental	\$ 2,208.96	
01-7005 Fuels / Tolls / Parking	\$ 460.20	
01-7413 Progress Cleaning	\$ -	Included
01-7423 Final Cleaning	\$ 932.67	
DIV 02 - EXISTING CONDITIONS		
02-4100 Hard Demolition	\$ -	Excluded
02-4113 Selective Demolition	\$ 15,462.72	
02-4210 Landfill	\$ 1,472.64	
02-4220 Hazardous Waste Disposal	\$ -	Excluded
02-8213 Asbestos Remediation	\$ -	Excluded
02-8300 Lead Remediation	\$ -	Excluded
02-8500 Mold Remediation	\$ -	Excluded
DIV 06 - WOOD/PLASTICS		
06-0500 Building Materials	\$ 1,472.64	
06-0510 Fasteners / Adhesives	\$ 797.68	
06-0573 Treated Beam and Post (4)	\$ 319.07	
06-0590 General Labor	\$ 4,663.36	
06-1000 Deck Framing and Stucture Corrections	\$ 10,308.48	
06-1001 Deck Structure Material	\$ 1,963.52	
06-1113 Hand Rail Material	\$ 1,349.92	
06-1114 Hand Rail Install	\$ 10,308.48	
06-1753 Hardi Soffit	\$ 1,682.80	

	Cost:	Comments:
DIV 01 - GENERAL REQUIREMENTS		
06-1754 Hardi Soffit Install	\$ 8,246.78	
06-2000 Exterior Trim Install	\$ 6,185.09	
06-4100 Exterior Wood Trim Material	\$ 476.79	
06-4120 Composite Decking	\$ 1,472.64	
06-4121 Composite Decking Install	\$ 6,185.09	
DIV 07 - THERMAL/MOISTURE PROTECTION		
07-6000 Flashing / Sheetmetal	\$ -	Included
07-7123 Gutters / Downspouts	\$ 1,963.52	
07-8410 Exterior Caulking	\$ 1,030.85	
DIV 09 - FINISHES		
09-9113 Exterior Painting	\$ 7,117.76	
09-9500 Westcoat Deck Coating -Supply and install	\$ 21,169.20	
DIV 26 - ELECTRICAL		
26-0500 General Electrical	\$ -	Excluded
DIV 49 - PROCUREMENT & CONTRACTING		
49-0010 Architects	\$ -	Excluded
49-0020 Structural Engineers	\$ -	Excluded
Total Excluding Sales Tax	\$ 123,313.32	
Alternate #1 Prep and Recoat the rest of the Decking		
DIV 00 -		
00-0000 Deck Coating	\$ 25,771.20	



LIMITED PUBLIC WORKS CONTRACT AGREEMENT

PROJECT: CITY HALL DECK REPAIR

STATEMENT OF BIDDER'S QUALIFICATIONS / RESPONSIBILITY CRITERIA

BUSINESS INFORMATION

Name of Firm:	Westmark Construction
Address:	6102 North 9 th Street, Suite 400, Tacoma, WA 98406
Payment Address:	
Contact Phone #:	
Fax #:	
Contact Name:	Brian Johnson bjohnson@westmarkconst.com

LICENSE & REGISTRATION INFORMATION (RCW 39.04.10 Sec. 2)

State of Washington Dept. of Licensing Contractors Registration Number:	
State of Washington Unified Business Identification (UBI) Number:	
State of Washington Dept. of Employment Security Number:	
State of Washington Dept. of Labor & Industries Workers Compensation Acct. Number:	
Federal Tax ID Number:	

INSURANCE AND BONDING

Name of Insurance Company:	
Name of Insurance Agent:	
Insurance Mailing Address:	
Insurance Phone #:	
Insurance Fax #:	
Bonding Company (If Applicable):	
Name of Bond Agent:	
Bonding Company Address:	
Bonding Phone #:	

OTHER

Are you listed on any debarment lists:	<input type="checkbox"/> Y <input type="checkbox"/> N
Are you on the list of parties excluded from the Federal procurement / Non-Procurement programs	<input type="checkbox"/> Y <input type="checkbox"/> N

Signature

Title

Date

**CITY OF MEDINA
LIMITED PUBLIC WORKS CONTRACT AGREEMENT**

THIS LIMITED PUBLIC WORKS CONTRACT AGREEMENT (this "Contract") is made this **23rd** day of **July 2024**, by and between, the **CITY OF MEDINA**, a municipal corporation ("City") and **WESTMARK CONSTRUCTION**, a Washington corporation ("Contractor") (individually a "Party" and collectively the "Parties").

In consideration of the terms and conditions set forth in this Contract, the Parties agree as follows:

1. Contractor Services. The Contractor shall furnish at its own cost and expense all labor, tools, materials and equipment required to construct and complete in a good workmanlike manner, and to the satisfaction of the City, the public works project known as **CITY HALL DECK REPAIR** ("Project") in Medina, WA. The Project is detailed in the Scope of Work, Exhibit A, and the following documents, which are attached hereto and incorporated herein by reference:

- Scope of Work (Exhibit A)
- Special Provisions
- Minimum Wage Affidavit
- Guarantee Form
- W-9 Form

2. Notice to Proceed; Time of Completion. The Contractor shall commence work within ten (10) days after the City issues a written Notice to Proceed, and shall be substantially complete by **September 1, 2024**. The time of beginning, rate of progress and time of completion are essential conditions of this Contract.

3. Payment.

3.1 Payment amount and procedures. The City shall pay the Contractor for all work and services covered by this Contract in an amount that shall not exceed **One Hundred Forty-Nine Thousand Eighty-Four and Fifty-Two Cents (\$149,084.52)**, plus sales tax. The payment amount shall exclude approved change orders, in accordance with the quantity and unit prices shown on the attached bid proposal. The Contractor shall submit monthly invoices for work and services performed in a previous calendar month in a format acceptable to the City. The City shall pay for the portion of the work described in the invoice that has been completed by Contractor and approved by the City. The City's payment shall not constitute a waiver of the City's right to final inspection and acceptance of the work.

3.2 Defective or Unauthorized Work. If during the course of the Contract, the work rendered does not meet the requirements set forth in the Contract, the Contractor shall correct or modify the required work to comply with the requirements of the Contract. The City shall have

CONTRACT FORMS

the right to withhold payment for such work until it meets the requirements of the Contract. If the Contractor is unable, for any reason, to satisfactorily complete any portion of the work, the City may complete the work by contract or otherwise, and the Contractor shall be liable to the City for any additional costs incurred by the City. "Additional costs" means all reasonable costs incurred by the City, including legal costs and attorneys' fees, beyond the maximum contract price under this Contract. The City further reserves the right to deduct the cost to complete the work, including any additional costs, from any amounts due or to become due to the Contractor.

3.3 Final Payment; Waiver of Claim. Thirty (30) days after completion and final acceptance of the Project by the City as complying with the terms of this Contract, the City shall pay to the Contractor all sums due as provided by this Contract except those required to be withheld by law or agreed to in special contract provisions. THE CONTRACTOR'S ACCEPTANCE OF FINAL PAYMENT (EXCLUDING WITHHELD RETAINAGE) SHALL CONSTITUTE A WAIVER OF CLAIMS, EXCEPT THOSE PREVIOUSLY AND PROPERLY MADE AND IDENTIFIED BY THE CONTRACTOR AS UNSETTLED AT THE TIME REQUEST FOR FINAL PAYMENT IS MADE.

3.4 Retainage. The City shall hold back a retainage in the amount of five percent (5%) of any and all payments made to the Contractor for a period of sixty (60) days after the date of final acceptance, or until receipt of all necessary releases from the State Department of Revenue, the State Department of Labor and Industries and State Department of Employment Security and until settlement of any liens filed under Chapter 60.28 RCW, whichever is later.

4. Prevailing Wage. The Contractor shall comply with and pay prevailing wages as required by Chapter 39.12 RCW, as it may be amended in the future. Prevailing rate shall be paid on public works and building service maintenance contracts, funded in part or in whole with Federal funds. Federal wage laws and regulations shall be applicable. No worker, laborer or mechanic employed in the performance of any part of this Contract shall be paid less than the prevailing rate of wage as determined by the Industrial Statistician of the Department of Labor and Industries for the State of Washington.

Prior to making any payment under this Contract, the Contractor must submit to the City an approved copy of the "Statement of Intent to Pay Prevailing Wages" from the Department of Labor and Industries. It is the Contractor's responsibility to obtain and file the Statement. The Contractor shall be responsible for all filing fees. Notice from Contractor and all subcontractors of intent to pay prevailing wages and prevailing wage rates for the Project must be posted for the benefit of the workers. Each invoice shall include a signed statement that prevailing wages have been paid by the Contractor and all subcontractors. Following the final acceptance of services rendered, Contractor shall submit a "Minimum Wage Affidavit" for themselves and any subcontractors.

In case any dispute arises as to what are the prevailing rates of wages for work of a similar nature and such dispute cannot be adjusted by the parties of interest, including labor and management representatives, the matter shall be referred for arbitration to the Director of the Department of Labor and Industries of the State and his/her decision therein shall be final and conclusive and binding on all parties involved in the dispute as provided for by RCW 39.12.060, as it may be amended in the future.

CONTRACT FORMS

5. Indemnification and Hold Harmless. The Contractor shall protect, defend, indemnify and hold harmless the City, its officers, officials, employees, agents and volunteers from any and all claims, risks, injuries, damages, losses, lawsuits, judgments, and attorney's fees or other expenses of any kind arising out of or in any way connected with the performance of this Contract, except for injuries and damages caused by the sole negligence of the City. The City's inspection or acceptance of any of the work shall not be grounds to avoid any of these covenants of indemnification.

Should a court of competent jurisdiction determine that this Contract is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Contractor and the City, its officers, officials, employees, agents and volunteers, the Contractor's liability under this section shall be only to the extent of the Contractor's negligence.

It is further specifically and expressly understood that the indemnification provided under this section constitutes the Contractor's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties.

The provisions of this section shall survive the expiration or termination of this Contract.

6. Compliance with Laws. The Contractor shall comply with all federal, state and local laws and regulations applicable to the work done under this Contract. Any violation of the provisions of these applicable laws and regulations shall be considered a violation of a material provision of this Contract and shall be grounds for cancellation, termination or suspension of the Contract by the City, in whole or in part, and may result in ineligibility for further work for the City.

7. Job Safety.

7.1 Work Site Safety. Contractor shall take all necessary precaution for the safety of employees on the work site and shall comply with all applicable provisions of federal, state and local regulations, ordinances and codes. Contractor shall erect and properly maintain, at all times, as required by the conditions and progress of the work, all necessary safeguards for the protection of workers and the public and shall post danger signs warning against known and unusual hazards.

7.2 Trench Safety. All trenches shall be provided with adequate safety systems as required by Chapter 49.17 RCW and WAC 296-155-650 and 655. Contractor is responsible for providing the competent person and registered professional engineer required by WAC 296-155-650 and 655.

8. Utility Location. Contractor is solely responsible for locating any underground utilities affected by the work and is deemed to be an "excavator" for the purposes of Chapter 19.122 RCW, as amended. Contractor shall be responsible for compliance with Chapter 19.122 RCW including

CONTRACT FORMS

utilization of the “811 Call before you dig” locator system, before commencing any excavation activities.

9. Warranty and Guarantee. Contractor shall warrant and guarantee the materials and work to be free of defects for a period of one (1) year after the City's final acceptance of the entire Project. Contractor shall be liable for any costs, losses, expenses or damages including consequential damages suffered by the City resulting from defects in the Contractor's work including, but not limited to, cost of materials and labor expended by the City in making emergency repairs and cost of engineering, inspection and supervision by the City. The Contractor shall hold the City harmless from any and all claims, which may be made against the City as a result of any defective work, and the Contractor shall defend any claims at its own expense. Where materials or procedures are not specified in the Contract, the City will rely on the professional judgment of the Contractor to make the appropriate selections.

10. Correction of Defects. Contractor shall be responsible for correcting all defects in workmanship and/or materials discovered after the acceptance of this work. When corrections of defects are made, Contractor shall be responsible for correcting all defects in workmanship and/or materials in the corrected work for one year after the acceptance of the corrections of the City. The Contractor shall start work to remedy such defects within seven (7) days of the City's mailed notice of discovery, and shall complete such work within a reasonable time agreed to by both parties. In emergencies where damage may result from delay or where loss of service may result, such corrections may be made by the City, in which case the Contractor shall pay all costs incurred by the City to perform the correction. In the event the Contractor does not accomplish corrections within the time specified, the correction work will be otherwise accomplished by the City and all costs of same shall be paid by the Contractor.

11. Change Order/Contract Modification.

11.1 Amendments. This Contract, together with attachments and/or other addenda, represents the entire and integrated Contract between the parties hereto and supersedes all prior negotiations, representations, or agreements, either written or oral. This Contract may be amended, modified or added to only by written change order properly signed by both parties.

11.2 Change orders. The City may issue a written change order for any change in the work during the performance of this Contract. If the Contractor determines, for any reason, that a change order is necessary, the Contractor must submit a written change order request to the City within fourteen (14) calendar days of the date the Contractor knew or should have known of the facts and events giving rise to the requested change. If the City determines that the change increases or decreases the Contractor's costs or time for performance, the City will make an equitable adjustment. The City will attempt, in good faith, to reach agreement with the Contractor on all equitable adjustments. If the parties are unable to agree, the City will determine the equitable adjustment as it deems appropriate. The Contractor shall proceed with the change order work upon receiving the written change order. If the Contractor fails to require a change order within the time frame allowed, the Contractor waives its right to make any claim or submit subsequent change order requests for that portion of the work. If the Contractor disagrees with the equitable

CONTRACT FORMS

adjustment, the Contractor must complete the change order work; however, the Contractor may elect to protest the adjustment as provided below.

11.3 Procedure and Protest by Contractor. If the Contractor disagrees with anything required by a change order, another written order, or an oral order from the City, including any direction, instruction, interpretation, or determination by the City, the Contractor shall, within fourteen (14) calendar days, provide a signed written notice of protest to the City that states the date of the notice of the protest, the nature and circumstances that caused the protest, the provisions of the Contract that support the protest, the estimated dollar cost, if any, of the protested work and how the estimate was determined, and an analysis of the progress schedule showing the schedule change or disruption, if applicable. The Contractor shall keep complete records of extra costs and time incurred as a result of the protested work. The City shall have access to any of the Contractor's records needed to evaluate the protest. If the City determines that a protest is valid, the City will adjust the payment for work or time by an equitable adjustment.

11.4 Failure to Protest or Follow Procedures Constitutes Waiver. By not protesting or failing to follow procedures as this section provides, the Contractor waives any additional entitlement or claims for protested work, and accepts from the City any written or oral order (including directions, instructions, interpretations, and determinations).

11.5 Contractor's Duty to Complete Protested Work. In spite of any protest, the Contractor shall proceed to promptly complete work that the City has ordered.

11.6 Contractor's Acceptance of Changes. The Contractor accepts all requirements of a change order by: (1) endorsing the change order; (2) writing a separate acceptance; or (3) not protesting in the manner this section provides. A change order that is accepted by the Contractor as provided herein shall constitute full payment and final settlement of all claims for contract time and for direct, indirect, and consequential costs, including costs of delays related to any work, either covered or affected by the change.

12. Claims. The Contractor shall give written notice to the City of all claims other than change orders within thirty (30) days of the occurrence of events giving rise to the claim, but in no event later than the time of approval by the City for final payment. Any claim for damages, additional payment for any reason, or extension of time shall be conclusively deemed to have been waived by Contractor unless a timely written claim is made in strict accordance with the applicable provisions of this Contract. At a minimum, a Contractor's written claim must include the information required in Section 11.3 regarding protests.

FAILURE TO PROVIDE A COMPLETE, WRITTEN NOTIFICATION OF CLAIM IN THE TIME ALLOWED SHALL BE AN ABSOLUTE WAIVER OF ANY CLAIMS ARISING IN ANY WAY FROM THE FACTS OR EVENTS SURROUNDING THAT CLAIM.

The Contractor must, in any event, file any claim or bring any lawsuit arising from or connected to this Contract within 120 calendar days from the date the work is completed. Contractor, upon making application for the final payment, shall be deemed to have waived its right to claim for any other damages for which application has not been made, unless such claim for final payment includes notice of additional claim and fully describes such claim.

CONTRACT FORMS

13. Contractor's Risk of Loss. It is understood that the whole of the work under this Contract is to be done at the Contractor's risk, and that he/she has familiarized himself/herself with all existing conditions and other contingencies likely to affect the work, and has made his/her bid accordingly, and that Contractor shall assume the responsibility and risk of all loss or damage to materials or work which may arise from any cause whatsoever prior to completion.

14. Insurance. The Contractor shall procure and maintain for the duration of the Contract, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, employees or subcontractors.

A. Minimum Scope of Insurance. Contractor shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury, and liability assumed under an insured contract. The Commercial General Liability insurance shall be endorsed to provide the Aggregate per Project Endorsement ISO form CG 25 03 11 85. There shall be no endorsement or modification of the Commercial Liability insurance for liability arising from explosion, collapse or underground property damage. The City shall be named as an insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City using ISO additional endorsement CG 20 10 01 and CG 20 37 10 01 or substitute endorsements providing equivalent coverage.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

B. Minimum Amounts of Insurance. Contractor shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate and a \$2,000,000 products-completed operation aggregate limit.

C. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Commercial General Liability, and Builders Risk insurance:

CONTRACT FORMS

1. The Contractor's insurance coverage shall be primary insurance as respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be in excess of the Contractor's insurance and shall not contribute with it.

2. The Contractor's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

D. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A: VII.

E. Verification of Coverage. Contractor shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the Automobile Liability and Commercial General Liability insurance of the Contractor before commencement of the work.

F. Subcontractors. The Contractor shall include all subcontractors as insured under its policies or shall furnish separate certifications and endorsements for each subcontractor. All coverage for subcontractors shall be subject to all of the same insurance requirements as stated herein for the Contractor.

The Contractor's insurance shall contain a clause stating that the coverage shall apply separately to each insured against whom claim is made or lawsuit is brought, except with respects to the limits of the insured liability. The Contractor's insurance shall be primary insurance with respect to the City, and the City shall be given thirty (30) days' prior written notice of any cancellation, suspension or material change in coverage.

15. Payment and Performance Bonds. The City **may or may not waive** the bond/surety provisions of this section pursuant to RCW 39.04.155(3). If the City waives these provisions then Contractor need not complete this section. If the City does not waive these provisions then Contractor shall provide the following:

Payment and Performance bonds shall be received by the City in the amount of 100% of the Contract price and no less. The bonds must be accepted by the City prior to the execution of the Contract, and shall be in a form approved by the City. The bonds shall be released sixty (60) days after the date of final acceptance of the work performed under this Contract and receipt of all necessary releases from the Department of Revenue, Department of Labor and Industries and Department of Employment Security in settlement of any liens filed under Chapter 60.28 RCW, whichever is later.

16. Termination. This Contract shall terminate upon satisfactory completion of the work described in the Scope of Work (Exhibit A) and final payment by the City. The City may terminate the Contract and take possession of the premises and all materials thereon and finish the work by whatever methods it may deem expedient, by giving ten (10) days' written notice to the Contractor.

CONTRACT FORMS

In the event this Contract is terminated by the City, Contractor shall not be entitled to receive any further amounts due under this Contract until the work specified in the Scope of Work (Exhibit A) is satisfactorily completed, as scheduled, up to the date of termination. At such time, if the unpaid balance of the amount to be paid under the Contract exceeds the expense incurred by the City in finishing the work, and all damages sustained by the City or which may be sustained by the City or which may be sustained by the reason of such refusal, neglect, failure or discontinuance of employment, such excess shall be paid by the City to the Contractor. If the City's expense and damages exceed the unpaid balance, Contractor and his surety shall be jointly and severally liable therefore to the City and shall pay such difference to the City. Such expense and damages shall include all legal costs incurred by the City to protect the rights and interests of the City under the Contract, provided such legal costs shall be reasonable.

17. Attorney's Fees and Costs. If any legal proceeding is brought for the enforcement of this Contract, or because of a dispute, breach, default, or misrepresentation in connection with any of the provisions of this Contract, the prevailing party shall be entitled to recover from the other party, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and other costs incurred in that action or proceeding.

18. General Administration. The Project Manager of the City shall have primary responsibility for the City under this Contract to oversee and approve all work performed as well as all financial invoices.

19. Ownership of Documents. On payment to the Contractor by the City of all compensation due under this Contract, all finished or unfinished documents and material prepared by the Contractor with funds paid by the City under this Contract shall become the property of the City and shall be forwarded to the City upon its request. Any records, reports, information, data or other documents or materials given to or prepared or assembled by the Contractor under this Contract will be kept confidential and shall not be made available to any individual or organization by the Contractor without prior written approval of the City or by court order.

20. Subletting or Assigning of Contracts. Neither the City nor the Contractor shall assign, transfer, or encumber any rights, duties or interests accruing from this Contract without the prior written consent of the other. If subcontract work is needed, prior to approval by the City, the Contractor must verify that their first tier subcontractors meet the bidder responsibility criteria as written in Chapter 39.04.350 RCW.

21. Relationship of Parties. The parties intend that an independent contractor - client relationship will be created by this Contract. As Contractor is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or subcontractor of Contractor shall be or shall be deemed to be the employee, agent, representative or subcontractor of the City. None of the benefits

CONTRACT FORMS

provided by the City to its employees, including, but not limited to, compensation, insurance and unemployment insurance, are available from the City to the Contractor or his employees, agents, representatives or subcontractors. Contractor will be solely and entirely responsible for his acts and for the acts of Contractor's agents, employees, representatives and subcontractors during the performance of this Contract. The City may, during the term of this Contract, engage other independent contractors to perform the same or similar work that Contractor performs hereunder

22. Nonwaiver of Breach. The failure of the City to insist upon strict performance of any of the terms and rights contained in this Contract, or to exercise any option contained in this Contract in one or more instances, shall not be construed to be a waiver or relinquishment of those terms and rights and such terms and rights shall remain in full force and effect.

23. Written Notice. All communications regarding this Contract shall be sent to the Parties at the addresses listed below in the Contact information, unless otherwise notified. Any written notice shall become effective on delivery, but in any event on the date three (3) calendar days after the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Contract.

24. Discrimination. The Contractor agrees not to discriminate against any employee or applicant for employment or any other person in the performance of this Agreement because of race, creed, color, national origin, marital status, sex, sexual orientation, age, disability, or other circumstance prohibited by federal, state or local law or ordinance, except for a bona fide occupational qualification.

25. Term. This Contract shall be effective from the date of Contract execution through expiration of the warranty period as described in Section 9.

CONTRACT FORMS

IN WITNESS WHEREOF, the Parties have executed this Contract as of the day and year above written.

CITY OF MEDINA:

CONTRACTOR:

WESTMARK CONSTRUCTION

Signature: _____
Steve Burns, City Manager

Signature: _____

Date: _____

Print Name: _____

Title: _____

Date: _____

Taxpayer ID #: _____

CITY CONTACT:

CONTRACTOR CONTACT:

Ryan Osada, Public Works Director
City of Medina
501 Evergreen Point Road
Medina, WA 98039
Phone: 425.233.6439
Fax: 425.451.8197

Print Name: _____

Address: _____

Phone : _____

Fax: _____

Contractor License #: _____

(if this is a new contractor or if Contractor has never conducted work with the City, a W-9 form must be attached to this agreement)

EXHIBIT "A"
PROJECT - SCOPE OF WORK

SCOPE OF WORK

***See Attached Plans dated September 2023**

EXCLUSIONS / CLARIFICATIONS

***See Attached Plans & proposal**

SPECIAL PROVISIONS PROJECT - CONDITIONS

VEHICLES & EQUIPMENT

There is **NO DRIVING IN THE PARKS OR DIRECTLY ON LANDSCAPED SURFACES**, any and all vehicles will be limited to the walking trail. All equipment and tools shall be in good working order. Personnel with experience shall be on site every day work is performed. All appurtenant tools, equipment and vehicles are to be considered incidental to the associated work, available to the project as needed, and delivered to the site as a function of job mobilization.

TRAFFIC CONTROL, EROSION CONTROL & SITE CONDITIONS

1. Temporarily close all public access points in the area work is being performed using traffic control devices compliant with the current MUTCD and temporary security fencing, as described below. This closure shall be in place prior to mobilization throughout the work processes until demobilization and cleanup is complete; and
2. All private driveways and walkways to access homes will remain open during construction.
3. Place all temporary erosion control BMP's prior to commencing work
4. Temporary security fencing shall consist of orange plastic temporary construction fencing (min. 15 mil) and be installed **as needed**
5. Install temporary driving surfaces and working surfaces where deemed necessary.
6. It is the sole responsibility of the contractor to note the site conditions prior to starting work.
7. The contractor will maintain a clean and orderly site at all times during construction. If the site is left unattended then the contractor will ensure all traffic control is securely in place and maintain it throughout the duration of the project.

SITE CLEANUP & RESTORATION

1. Remove temporary security fencing, erosion control devices and all tools & equipment.
2. Restore the site to the original condition with repairing driving surfaces, removing temporary surfaces, and repairing grass landscaping surfaces. **Unless otherwise specified in the proposal.**
3. Coordinate with the City for final acceptance inspection.

CONTRACT FORMS

Minimum Wage Affidavit

STATE OF WASHINGTON)
)ss
COUNTY OF _____)

I, the undersigned, having been duly sworn, depose, say and certify that in connection with the performance of the work, payment for which each voucher is submitted, I have paid the following rate per hour for each classification of laborers, workmen, or mechanics, as indicated upon the attached list, now referred to and by such reference incorporated in and made an integral part hereof, for all such employed in the performance of such work; and no laborer, workman or mechanic so employed upon such work has been paid less than the prevailing rate of wages or less than the minimum rate of wages as specified in the principal contract; that I have read the above and foregoing statement and certificate, know the contents thereof and the substance as set forth therein is true to my knowledge and belief.

Contractor

Subscribed and sworn to before me on this _____ day of _____, 20__.

Notary Public in and for the State of Washington,
residing at _____
My Appointment expires:_____

Guarantee Form

CONTRACT FORMS

Form **W-9**
(Rev. December 2014)
Department of the Treasury
Internal Revenue Service

**Request for Taxpayer
Identification Number and Certification**

**Give Form to the
requester. Do not
send to the IRS.**

Print or type See Specific Instructions on page 2.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification; check only one of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <small>Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.</small> <input type="checkbox"/> Other (see instructions) ▶ _____	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>
	5 Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	6 City, state, and ZIP code	
	7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I Instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number									
				-			-		
OR									
Employer identification number									
				-					

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here	Signature of U.S. person ▶	Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/w9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

- certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- certify that you are not subject to backup withholding, or
- claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.



MEDINA, WASHINGTON

AGENDA BILL

Monday, July 22, 2024

Subject: TIB_2024 ADA Improvements & Overlay

CO 001_77th Ave NE Ramp

Category: Consent

Staff Contact: Ryan Osada, Public Works Director

Summary

The path entrance adjacent to 2030 77th Ave NE connects 77th Ave NE and 78th Ave NE. This cut through pathway is frequently used and has been an essential part of Medina's walkway infrastructure. Coming from the south, the sidewalk abruptly ends at a set of stairs. Coming from the north, the entrance crosses the driveway of 2030 77th Ave NE with variable slopes. Over the past year, there have been changes made to the area, which have not fully addressed ADA and ROW compliance issues. At the March 25, 2024 Council Meeting, staff presented two options for the ADA improvements. Council gave direction to move forward with Option #2. This project meets and supports Council's priorities 1-5:

1. Financial Stability and Accountability
2. Quality Infrastructure
3. Efficient and Effective Government
4. Public Safety and Health
5. Neighborhood Character

Attachment(s)

Option #2 Plans
 Option #2 Rendering
 Change Order Proposal 001

Budget/Fiscal Impact: \$110,375.00

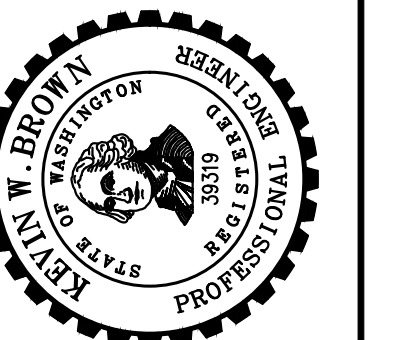
Recommendation: approve

City Manager Approval:

Proposed Council Motion: I move to authorize the City Manager to negotiate and enter into an agreement with Kamins Construction for the TIB_2024 ADA Improvements & Overlay_CO 001_77th Ave NE Ramp

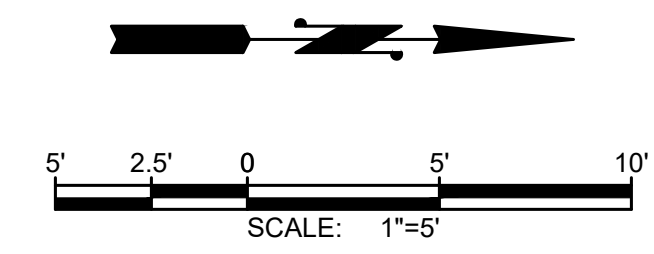
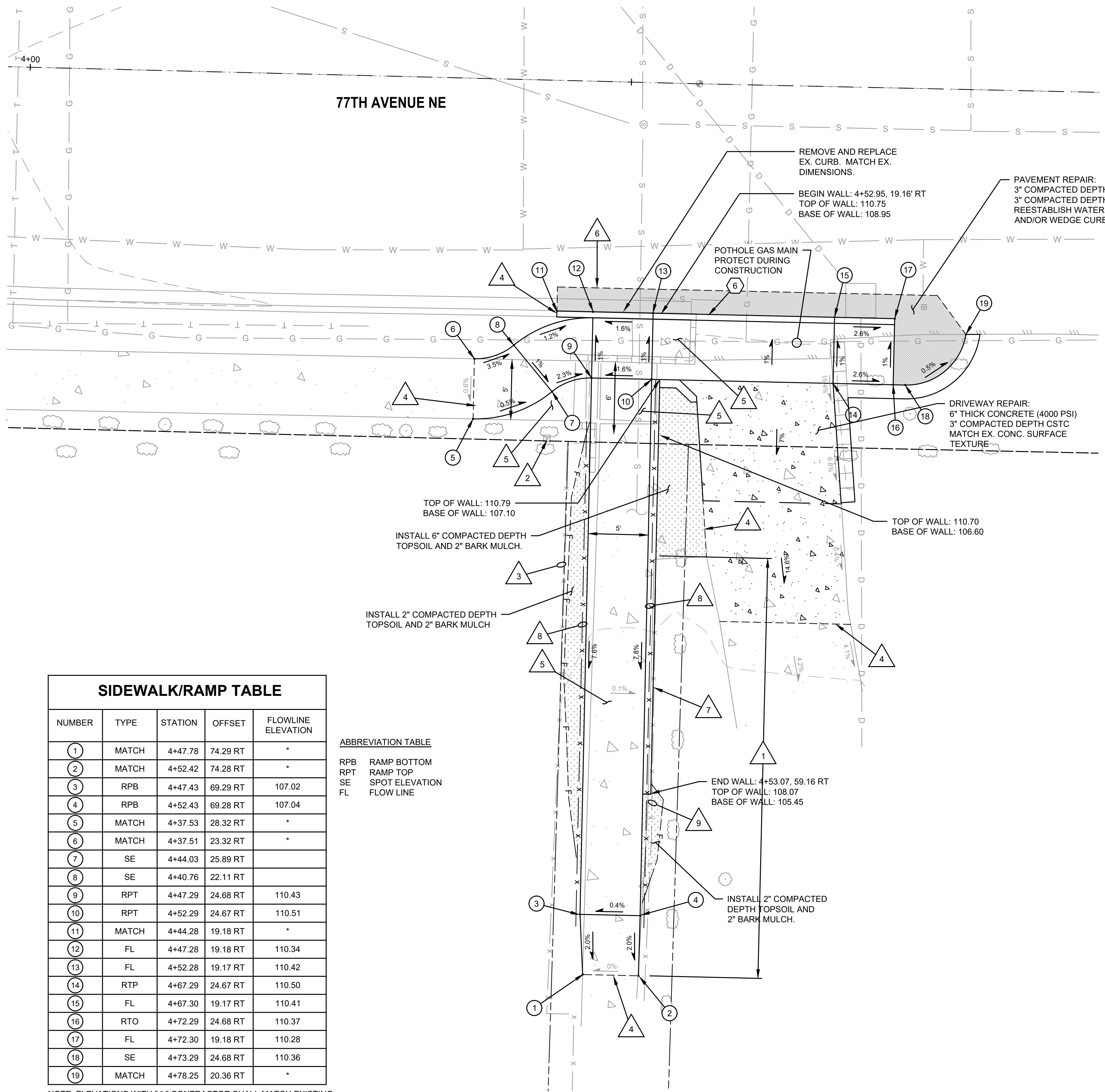
DATE: SEPT 2022	DRAWN: KWB	CHECKED: KWB	APPROVED: RWK
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	DATE	APPD
	REVISION	
	No.	



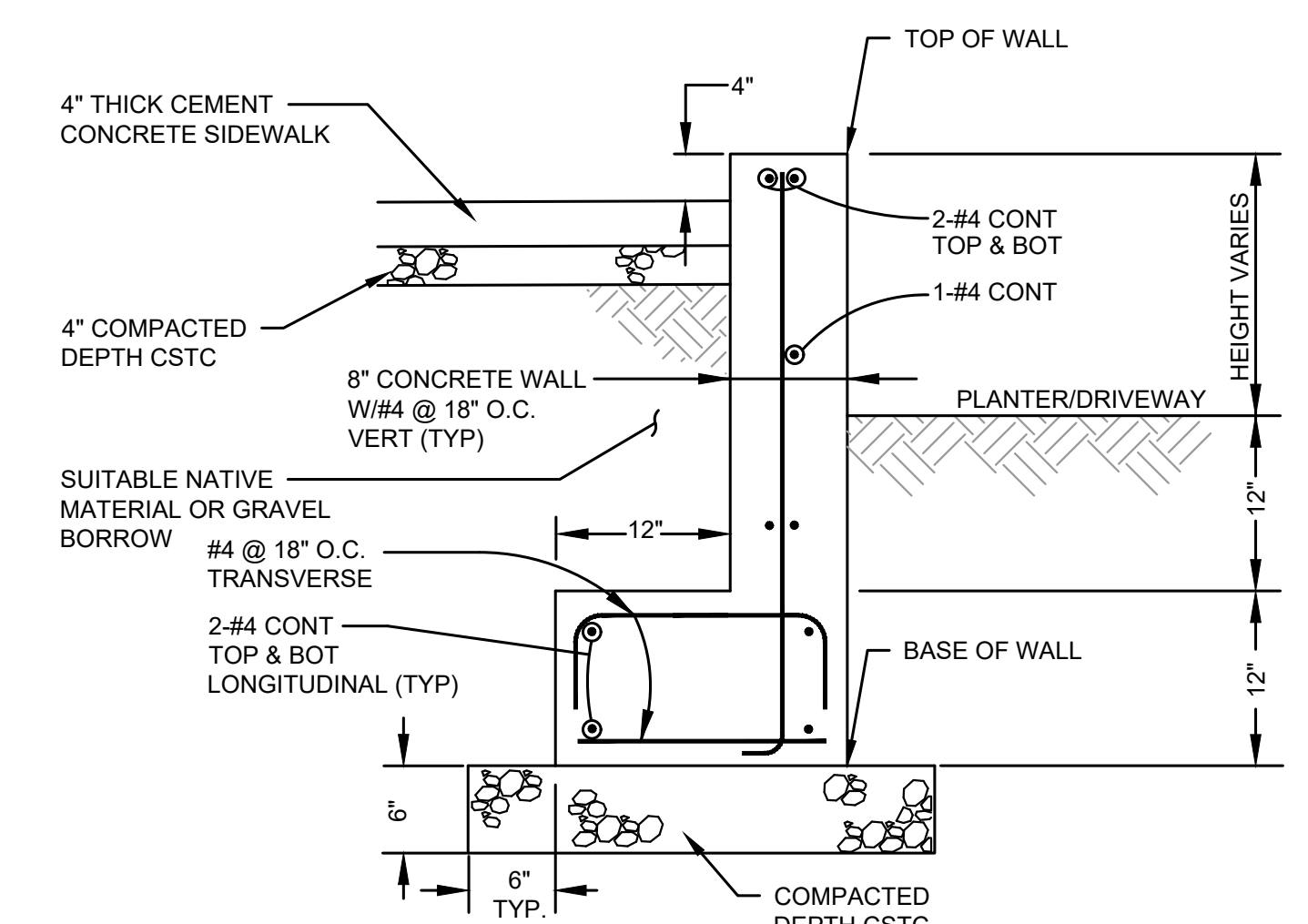
CITY OF MEDINA
 KING COUNTY WASHINGTON
77TH AVE NE STORM REPAIR - PHASE 2
 SIDEWALK RAMP PLAN

SHEET: 1
OF: 1
JOB NO.: 21575

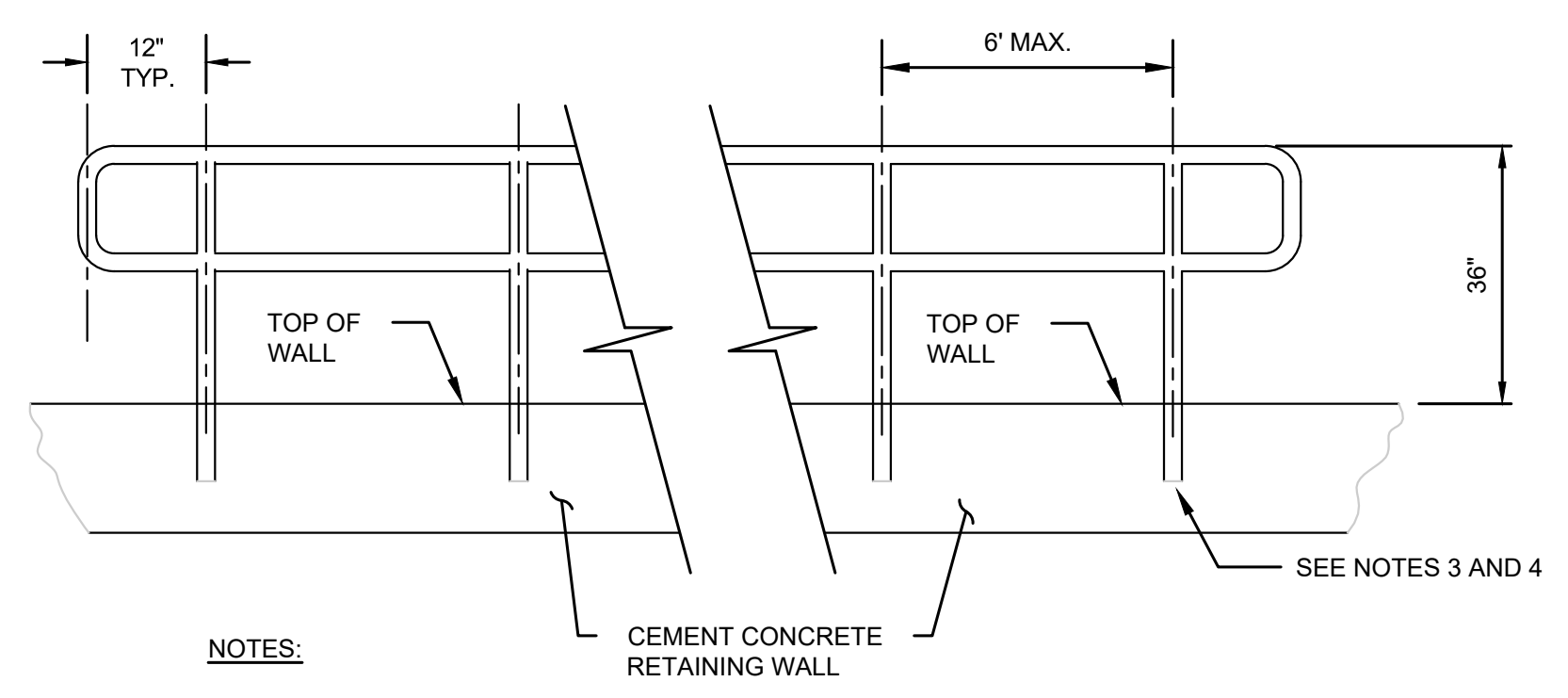


CONSTRUCTION NOTES

1. TRIM EXISTING VEGETATION AS NEEDED TO INSTALL IMPROVEMENTS.
2. PROTECT EXISTING UTILITY DURING CONSTRUCTION.
3. PROTECT EXISTING DRIVEWAY, FENCE, CURB, GUTTER, AND/OR SIDEWALK DURING CONSTRUCTION.
4. SAWCUT EXISTING CURB, GUTTER, DRIVEWAY AND/OR SIDEWALK TO NEAREST FULL JOINT AND PROVIDE CLEAN EDGE.
5. REMOVE AND WASTEHAUL EXISTING CONCRETE WALL, CURB, GUTTER, AND/OR SIDEWALK PER THE SPECIFICATIONS.
6. SAWCUT EXISTING PAVEMENT AND PROVIDE A CLEAN EDGE.
7. CONSTRUCT CONCRETE WALL PER DETAIL THIS SHEET.
8. INSTALL PEDESTRIAN RAILING PER DETAIL THIS SHEET.
9. REMOVE, PROTECT AND REINSTALL EXISTING WOOD FENCE.



CEMENT CONCRETE RETAINING WALL
 NTS



- NOTES:**
1. 1 1/4" ROUND ALUMINUM PIPE WITH MIN. WALL THICKNESS OF 0.14"
 2. WELDED WITH SMOOTH SURFACE AND JOINTS
 3. FOR POSTS ON RETAINING WALL, ANCHOR DIRECTLY TO TOP OF WALL WITH BASE PLATE OR EMBED IN THE RETAINING WALL (12" MIN.), CUT REBAR, AS NEEDED, TO ACCOMMODATE POSTS.
 4. FOR POSTS ADJACENT TO RAMP, EMBED IN CONCRETE, 8" DIA. MIN., 12" DEEP MIN.

PEDESTRIAN RAILING DETAIL
 NTS

SIDEWALK/RAMP TABLE				
NUMBER	TYPE	STATION	OFFSET	FLOWLINE ELEVATION
1	MATCH	4+47.78	74.29 RT	*
2	MATCH	4+52.42	74.28 RT	*
3	RPB	4+47.43	69.29 RT	107.02
4	RPB	4+52.43	69.28 RT	107.04
5	MATCH	4+37.53	28.32 RT	*
6	MATCH	4+37.51	23.32 RT	*
7	SE	4+44.03	25.89 RT	
8	SE	4+40.76	22.11 RT	
9	RPT	4+47.29	24.68 RT	110.43
10	RPT	4+52.29	24.67 RT	110.51
11	MATCH	4+44.28	19.18 RT	*
12	FL	4+47.28	19.18 RT	110.34
13	FL	4+52.28	19.17 RT	110.42
14	RTP	4+67.29	24.67 RT	110.50
15	FL	4+67.30	19.17 RT	110.41
16	RTO	4+72.29	24.68 RT	110.37
17	FL	4+72.30	19.18 RT	110.28
18	SE	4+73.29	24.68 RT	110.36
19	MATCH	4+78.25	20.36 RT	*

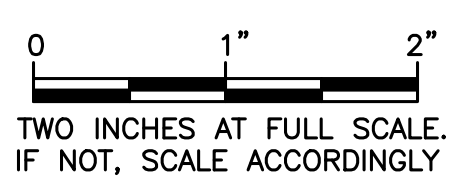
ABBREVIATION TABLE

RPB	RAMP BOTTOM
RPT	RAMP TOP
SE	SPOT ELEVATION
FL	FLOW LINE

NOTE: ELEVATIONS WITH "*" CONTRACTOR SHALL MATCH EXISTING ELEVATIONS AT EXISTING SIDEWALK TIE-INS.

BURIED UTILITIES IN AREA CALL BEFORE YOU DIG 1-811
 EXISTING UTILITIES SHOWN ARE FROM THE BEST AVAILABLE INFORMATION AND NO GUARANTEE IS MADE AS TO THE EXACT SIZE, TYPE, LOCATION OR DEPTH

RIGHT-OF-WAY DISCLAIMER
 THE RIGHT-OF-WAY AND/OR PROPERTY LINES SHOWN HEREON ARE BASED ON AVAILABLE INFORMATION, NOT ON A SURVEYED LOCATION AND ARE ONLY APPROXIMATE.









MEDINA, WASHINGTON

AGENDA BILL

Monday, July 22, 2024

Subject: Street Vacation Policy and Work Plan

Category: Consent

Staff Contacts: Stephen R. Burns, City Manager and Jennifer S. Robertson, City Attorney

Summary

On October 23, 2023 the City Council adopted a moratorium on processing right of way vacation petitions via adoption of Resolution No. 438 and extended the moratorium for additional six-month period on April 8, 2024 via Resolution No. 442 which included adopting a work plan to study the same desire to undertake the work described above without having disruptions or interruptions that would be created by the filing of any ROW vacation petition. That work plan included review of Chapter 12.44 MMC and consideration of adopting a policy regarding property vacations.

The City Attorney's office has reviewed Chapter 12.44 MMC and proposed changes to incorporate prior Council input. In addition, a proposed draft policy that may be issued by the City Manager is also included in Council materials. Please note that the policy is written so that it can also be used for vacating streets as well as for vacating utility property (which is not addressed in your code).

The attached ordinance includes the following revisions to Chapter 12.44 MMC and incorporates the changes to 12.44.025 and 12.44.100 as directed by the Council at the July 8th Council meeting:

Two new sections are added:

- 12.44.015:** Specifically allows the City Manager to adopt policies to implement the Chapter.
- 12.44.025:** Sets forth a general policy of the City Council which expresses how much the City values its unopened rights of way and expresses the policy that due to the "broad public benefits provided by public rights of way, street vacations should be rarely granted and should only approved after the city council performs meticulous review and consideration of all unintended consequences of the vacation" and that that the Council will only vacate rights of way "either as a property exchange which provides greater public benefit than existing facilities or if the council cannot foresee any possible potential future use of the property."

The following sections were changed:

- 12.44.050.D:** This fixes a typo that the code revisor found where the word "days" was missing.
- 12.44.090:** The change here allows the Council to hold extra meetings both before and after setting the public hearing (and following the public hearing).

- 12.44.100:** This section is amended to require posting of signs, mailing of postcards to properties within 300 feet of the property subject to the petition, and notice to be placed on the City website when a petition for vacation is deemed complete. This public notice will be in addition to the notice requirements that exist in the code for after the public hearing is set.
- 12.44.120.A:** This change references the new policy at MMC 12.44.025 as a required component in drafting the staff report.
- 12.44.130.B:** The change here allows the Council to take additional time following the public hearing to make a decision on the petition.
- 12.44.140:** This change references the new policy at MMC 12.44.025 as a required component of the decision on the vacation.
- 12.44.180.A:** This change confirms that the petitioner will pay all costs and fees of the vacation, in addition to the appraisal amount.

Once this ordinance is adopted, it is appropriate to terminate the moratorium that was first adopted under Resolution No. 438 and extended by Resolution No. 442. Therefore, Section 10 of the ordinance terminates the moratorium.

This meets and supports Council's priorities 2 through 5.

Council Priorities:

1. Financial Stability and Accountability
2. **Quality Infrastructure**
3. **Efficient and Effective Government**
4. **Public Safety and Health**
5. **Neighborhood Character and Community Building**

Attachments

- Ordinance No. 1030
- Policy implementing Chapter 12.44 of the Medina Municipal Code (MMC)

Budget/Fiscal Impact: N/A

Recommendation: Adopt Ordinance No. 1030.

City Manager Approval: 

Proposed Council Motion: "I move to adopt Ordinance No. 1030, amending Chapter 12.44 of the Medina Municipal Code related to street vacations."

CITY OF MEDINA, WASHINGTON
Ordinance No. 1030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, AMENDING CHAPTER 12.44 OF THE MEDINA MUNICIPAL CODE, ADDING NEW SECTIONS 12.44.015 TO ALLOW ADOPTION OF POLICIES AND 12.44.025 TO EXPRESS THE COUNCIL POLICY REGARDING STREET VACATIONS, AMENDING SECTION 12.44.050 FOR HOUSEKEEPING PURPOSES, 12.44.090 TO CLARIFY THAT COUNCIL MAY HOLD ADDITIONAL MEETINGS REGARDING A PETITION FOR STREET VACATION, 12.44.100 ADD NEW NOTICE REQUIREMENTS, 12.44.120.A TO INCORPORATE MMC 12.44.025, 12.44.130 TO CLARIFY COUNCIL'S AUTHORITY TO DEFER ACTION, 12.44.180 TO INCORPORATE PAYMENT OF COSTS AS A PREREQUISITE TO THE EFFECTIVE DATE OF A STREET VACATION, TERMINATING MORATORIUM ADOPTED UNDER RESOLUTION NO. 438 AND EXTENDED UNDER RESOLUTION NO. 442, PROVIDING FOR SEVERABILITY AND CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City's ROW are highly visible and are extremely important to the City's current and future transportation needs; and to the City's character, identity and development; and comprise a significant and valuable public asset related to the City's long term planning goals and community vision; and

WHEREAS, the City received and processed three different ROW vacation petitions in recent years, each of which presented unique issues and concerns; consumed significant City resources, staff time and expenses to review and decide; and resulted in the subsequent preparation, review and adoption of MMC modifications to better regulate and protect the City's ROW and provide better guidance to the public, City and Council concerning the issues and processes involved in such petitions; and

WHEREAS, in the process of reviewing and acting on those ROW vacation petitions the City and Council became aware of the need for further changes in the MMC to address adequate and timely public notice requirements, cost identification, limitation and recovery; and evaluation of potential gift of public funds issues; and the establishment of long-term planning and use policies which can be timely integrated into the City's ongoing 2024 Comprehensive Plan update; and

WHEREAS, on October 23, 2023 the City Council adopted a moratorium on processing right of way vacation petitions via adoption of Resolution No. 438 and extended the moratorium for additional six-month period on April 8, 2024 via Resolution No. 442 which included adopting a work plan to study the same desire to undertake the work described above without having disruptions or interruptions that would be created by the filing of any ROW vacation petition; and

WHEREAS, having undertaken the work, the City Council supports making additional changes to Chapter 12.44 MMC in order to clarify its policy regarding unopened or partially unopened rights of way and the process for considering vacation of the same; and

WHEREAS, with the adoption of this ordinance, it is appropriate and timely to terminate the moratorium that was first adopted under Resolution No. 438 and extended by Resolution No. 442; **NOW, THEREFORE**,

THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new Section 12.44.015 is hereby added to the Medina Municipal Code to read as follows:

12.44.015. Policies.

The city manager may adopt policies regarding processing of petitions for street vacation consistent with this chapter.

Section 2. A new Section 12.44.025 is hereby added to the Medina Municipal Code to read as follows:

12.44.025 General Policy on Street Vacations.

Medina is a small sylvan community with limited public space. The residents of Medina value the ability to walk within the community and value the trees, vegetation, and open space that exist within the city. Unopened or partially unopened streets and rights of way often provide landscaping which beautifies the city as well as providing trails and other recreational opportunities. These unopened or partially unopened streets and rights of way also provide future opportunities to add more public space for transportation, including walking and bicycling, and provide opportunities for expanding recreational facilities. Given the broad public benefits provided by public rights of way, street vacations should be rarely granted and should only approved after the city council performs meticulous review and consideration of all unintended consequences of the vacation. Therefore, it is the policy of the Medina city council to only vacate unopened rights of way either as a property exchange which provides greater public benefit than existing facilities or if the council cannot foresee any possible potential future use of the property.

Section 3. Section 12.44.050.D of the Medina Municipal Code is hereby amended to read as follows:

12.44.050. Petition by owners.

The owners of an interest in real estate abutting upon or underlying public ROW may petition the city council for vacation thereof in accordance with requirements of this chapter.

* * * * *

- D. Each petitioner shall be responsible to reimburse the city for the full expenses and costs incurred by the city to process the petitioner's requested vacation regardless of the outcome of the city's review and decision thereon or petitioner's withdrawal of the petition. In addition to any other provisions of the MMC or this chapter, the city manager or designee

shall keep account of all administrative time, costs and expenses incurred by city employees, contractors, consultants, legal counsel, appraisers, appointed officers and other individuals acting on behalf of or for the benefit of the city in the course of processing the petition. The city manager or designee shall periodically compile such time, costs and expenses and invoice the petitioner for payment thereof, which shall be made by petitioner not more than fifteen (15) {days} from the date of the invoice. Upon the city's final decision to grant, deny or otherwise act on the petition, the city manager or designee shall compile a final invoice for all remaining unpaid time, costs and expenses and shall present such invoice to the petitioner for prompt payment. No vacation shall become final nor be recorded until all invoices have been paid in full by the petitioner. In the event the petitioner does not make timely payment as set forth herein, the city may suspend further review and processing of the petition.

Section 4. Section 12.44.090 of the Medina Municipal Code is hereby amended to read as follows:

12.44.090. Date of public hearing.

Upon determining the application for vacation is complete, or upon passage of a resolution by the city council seeking vacation, the council shall, by resolution, fix a time when the city will hold a public hearing on the proposed vacation. The hearing will be not more than 60 days nor less than 20 days after the date of passage of the resolution scheduling the public hearing. Nothing in this section prohibits the council from holding meetings about the petition for vacation prior to passing a resolution setting the public hearing, prior to holding the public hearing, or following the date of the public hearing.

Section 5. Section 12.44.100 of the Medina Municipal Code is hereby amended to read as follows:

12.44.100. Public Notice requirements. ~~of public hearing.~~

- A. After the petition for vacation is determined to be complete, the city clerk shall post and distribute notice of the petition as follows:
1. A copy shall be posted in three conspicuous public places in the city.
 2. A copy shall be posted in a conspicuous place on the subject property or at a nearby location that can be viewed by the public.
 3. A copy shall be posted on the city's website.
 4. A copy shall be mailed to each owner of property within 300 feet of the subject property, including all the petitioners, at a local address if a resident of the city, or otherwise to the last address showing on the records of the King County assessor.

B. Upon the passage of the council resolution fixing the date and time for a public hearing, the city clerk shall give 20 days' notice of the pendency of the petition as set forth in subsections C and D below.

BC. The hearing notice shall contain the following information: a statement that a petition has been filed to vacate the subject property; the date, time and place fixed for the hearing of the petition; that interested persons may appear at the hearing and be heard for or against the petition; and that interested persons may submit written comment to the city clerk prior to or at the hearing.

CD. The city clerk shall post and distribute the hearing notice as follows:

1. A copy shall be posted in three conspicuous public places in the city.
2. A copy shall be posted in a conspicuous place on the subject property or at a nearby location that can be viewed by the public.
3. A copy shall be posted on the city's website.
4. A copy shall be published in the official newspaper of the city.
5. A copy shall be mailed to each owner of property within 300 feet of the subject property, including all the petitioners, at a local address if a resident of the city, or otherwise to the last address showing on the records of the King County assessor.

Section 6. Section 12.44.120.A of the Medina Municipal Code is hereby amended to read as follows:

12.44.120. Staff report.

- A. The planning manager and/or public works director or their designee(s) shall prepare a staff report which shall identify and address the requirements of this section, the vacation criteria in MMC 12.44.140, the council policy set forth in MMC 12.44.025, and all other pertinent issues raised by or resulting from the vacation. The staff report shall be presented to the city council at the public hearing and as otherwise requested, appropriate or necessary, and may be supplemented as needed.

* * * * *

Section 7. Section 12.44.130 of the Medina Municipal Code is hereby amended to read as follows:

12.44.130. Hearing.

- A. At the day and time appointed for the hearing of the petition or city council resolution, or at such other day and time as the same may be continued or adjourned to by the city council, the matter shall be considered and persons desiring to speak for or against the vacation shall be heard in accordance with the council's usual rules.

- B. The city council may deliberate on the merits of the petition in accordance with its usual rules, may adjourn from time to time and may recess to executive session as needed, may require additional information and evaluation from any petitioner or city staff, and may continue and resume the hearing as appropriate. At the conclusion of the city council's deliberations, the city council ~~shall~~may decide the petition in accordance with MMC 12.44.170, or may defer action to a later date.

Section 8. Section 12.44.140 of the Medina Municipal Code is hereby amended to read as follows:

12.44.140. Vacation criteria.

- A. In determining whether to vacate the subject property, the city council shall consider, but shall not be limited to, the following criteria as well as the policy set forth in MMC 12.44.025:
1. Whether a change of use or vacation of the subject property will provide a benefit to the city as determined by the council, including but not limited to any of the following examples: reduction of unnecessary ROW; preservation of streetscape character; expanding the city's property tax roll; addressing neighborhood requests related to traffic impacts; better accommodation of pedestrians, bicyclists, motorists and/or emergency responders; reservation of an easement will accommodate the city's current or projected needs.
 2. Whether the subject property is no longer required for public use or public.
 3. Whether the substitution of a new and different public way would be more or less useful to the city and/or the public.
 4. Whether conditions may or could change in the future, creating or providing a greater or different public use or need than presently exists.
 5. Whether existing property access will be restricted or denied as a result of the vacation.
 6. Whether objections to the petition or proposed vacation are made by (i) owners of private property (exclusive of petitioners) abutting or in proximity to the subject property, (ii) governmental agencies, (iii) private users of the subject property, and/or (iv) members of the general public.

Section 9. Section 12.44.180.A of the Medina Municipal Code is hereby amended to read as follows:

12.44.180. Compensation for vacation.

- A. Ordinances vacating any public ROW shall not be adopted by the city council until the owners of the property abutting the subject property shall compensate the city in the amount required by this subsection and all costs and fees have been reimbursed in accordance with MMC 12.44.050.D.

* * * * *

Section 10. Termination of Moratorium. The City Council hereby terminates the moratorium imposed by Resolution No. 438 and extended by Resolution No. 442.

Section 11. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 12. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 13. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 14. Effective Date. This ordinance shall take effect five days after publication as provided by law.

PASSED BY THE CITY COUNCIL ON THIS 22nd DAY OF JULY 2024 BY A VOTE OF ___ FOR, ___ AGAINST, AND ___ ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE ON THE 22nd DAY OF JULY, 2024.

Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder, P.S.

Attest:

Jennifer S. Robertson, City Attorney

Aimee Kellerman, City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: / AB



Administrative Policy and Procedure City of Medina, Washington

Subject: Street or Utility Vacation Procedure		
Policy No. XXXX		Pages: 6
Effective Date: August 1, 2024		
Developed by: Jennifer Robertson, City Attorney	Department Head Approval:	City Manager Approval:

1. **Purposes.** The purpose of this policy is to detail the procedure for a privately initiated street or utility vacation requests, to ensure that the city council is provided a full opportunity to consider any such petition, and to ensure that broad public notice is provided so that residents of Medina may participate in the city council consideration of any petition for vacation. While utility easement vacations are not listed in Chapter 12.44 MMC, the same procedures will be used if a property owner seeks to vacate a utility easement.
2. **Organizations affected.** Community Development Department, Public Works Department, Clerk’s Department, Legal Department, and City Council.
3. **References.**
 - Chapter 35.79 RCW
 - Chapter 12.44 MMC
4. **Definitions.** None.
5. **Responsibilities.** It is the responsibility of the Public Works staff to administer this policy and coordinate the various aspects of the street vacation process. Responsibilities for the street vacation process are spread among various members of the Executive, Clerk’s Office, Public works, Community Development/Planning, Fire, and Legal Departments, and outlined in the statement of policy and procedure.
6. **Statements of Policy and Procedures.**

6.1 Application / Review

- 6.1.1 **Petitioner:** Submits application packet including petition and legal description of property to be vacated to City Clerk.
- 6.1.2 **Clerk's Office:** Clerk routes to Public Works, Community Development and Legal
- 6.1.3 **Public Works:** evaluates application and schedules meeting with Community Development and Legal. If the application is determined to be complete, Public Works notifies the Clerk's Office to implement the notice requirements in MMC 12.44.100.
- 6.1.4 **Public Works:** Routes copies of street vacation petition to Planning Manager and Fire for review. Sets date for initial City Council study session and projected date for public hearing.
- 6.1.5 **Community Development and Fire:** Reviews Street Vacation request and provides written comments to Public Works within 2 weeks.
- 6.1.6 **Public Works:** Reviews request and comments from Community Development and Fire. Drafts staff report for study session based on criteria set forth in MMC 12.44.015 and 12.44.140. Routes to Planning and Fire for review.
- 6.1.7 **Community Development and Fire:** Provide comments on staff report within one week.
- 6.1.8 **Public Works:** Routes staff report, Agenda Bill and Resolution to the City Attorney's Office and City Manager for review.
- 6.1.9 **Legal / City Manager:** The City Attorney's Office and City Manager reviews and approves the staff report and supporting material, including the draft legislation. The Agenda Packet is then compiled and transmitted to the City Clerk by noon on the Thursday prior to a regular City Council meeting. The City Council will hold a study session on the application. The matter will then be scheduled for another Council meeting to set a date for a public hearing.

6.2 Public Hearing

- 6.2.1 **City Council:** First there is a study session meeting, then the resolution is brought to council on a subsequent date to set the public hearing. The City Council votes on Resolution to set date for Public Hearing. The date of Public Hearing must be no more than 60 and no less than 20 days after passage of resolution.
- 6.2.2 **Public Works:** Informs Clerk's Office and Community Development of date for Public Hearing.
- 6.2.3 **Community Development:** Drafts the Notice of Public Hearing and routes to City Clerk's Office to implement the public hearing notice requirements set forth in MMC 12.44.100.
- 6.2.4 **Legal:** Drafts Vacation Ordinance and routes to Public Works to ensure legal description, etc. is correct.
- 6.2.5 **Public Works:** Drafts Agenda Bill and revised Vacation Ordinance for Public Hearing and submits to City Manager for review. It is then transmitted to the City Clerk by noon on Thursday prior to Public Hearing date.

- 6.2.6 **City Council:** Conducts Public Hearing. Votes on Ordinance. Council may defer action on the Ordinance if desired, in which case, the matter will be brought back for additional review.

6.3 Appraisal / Compensation

- 6.3.1 **Public Works:** If Ordinance passes, orders an appraisal of property to be vacated. Informs Petitioner of compensation amount. Route to Clerk's office for inclusion of any unpaid fees.
- 6.3.2 **Clerk's Office:** Calculates fees and costs and adds these to the appraisal amount and informs Petitioner of compensation amount plus fees and costs, including estimate for recording.
- 6.3.3 **Petitioner:** Pays compensation amount to Clerk's Office.
- 6.3.4 **Clerk's Office:** Takes in compensation amount along with reimbursement of all fees and costs and informs Public Works when payment is complete.

6.4 Recording

- 6.4.1 **Public Works:** Informs City Clerk of completion of street vacation process.
- 6.4.2 **City Clerk:** Records Street Vacation ordinance with King County Auditor. When evidence of recording is received, City Clerk informs Public Works, Community Development and City Manager's office.
- 6.4.3 **Public Works:** Informs petitioner of recording of Street Vacation ordinance.

7. Attachments. Street or Utility Vacation Application.

PETITION FOR STREET OR UTILITY EASEMENT VACATION
(Chapter 35.79 RCW Street Vacation and RCW 35.94.040 for Utility Property)

The undersigned hereby petition to the City of Medina to vacate the following street(s) or utility property or the following portions thereof:

EACH PERSON SIGNING THIS PETITION REPRESENTS:

- A. That he or she owns an interest in real estate abutting one or more of the street(s) or utility property proposed for vacation;
- B. That he or she believes the street(s) or utility property proposed to be vacated are not and are not to be expected to be needed or useful as part of the public street or utility system of the City of Medina, and that the public will benefit by the vacation;
- C. That he or she acknowledges the filing fee paid to process this petition is non-refundable and agrees to pay any additional costs in excess of the filing fee for processing this petition, regardless of outcome.

SIGNATURES OF ALL OWNERS OF PROPERTY ABUTTING AND RECEIVING
PROPERTY RESULTING FROM THE PROPOSED VACATION

NOTE: Any entity owner requires proof of the person with signing authority and support for signing this petition by the entity.

_____ OWNERS SIGNATURE	_____ PARCEL NUMBER
_____ OWNERS PRINTED NAME	_____ DATE
_____ PARCEL ADDRESS	
_____ OWNERS SIGNATURE	_____ PARCEL NUMBER
_____ OWNERS PRINTED NAME	_____ DATE
_____ PARCEL ADDRESS	
_____ OWNERS SIGNATURE	_____ PARCEL NUMBER
_____ OWNERS PRINTED NAME	_____ DATE
_____ PARCEL ADDRESS	
_____ OWNERS SIGNATURE	_____ PARCEL NUMBER
_____ OWNERS PRINTED NAME	_____ DATE
_____ PARCEL ADDRESS	

OWNERS SIGNATURE

PARCEL NUMBER

OWNERS PRINTED NAME

DATE

PARCEL ADDRESS

OWNERS SIGNATURE

PARCEL NUMBER

OWNERS PRINTED NAME

DATE

PARCEL ADDRESS

For Official Use Only:	
Date Received _____	By _____
Fee Paid: (Yes/	Receipt No. _____



MEDINA, WASHINGTON

AGENDA BILL

Monday, July 22, 2024

Subject: Ordinance Amending Section 2.24.020 of the Medina Municipal Code (MMC) Related to the Parks and Recreation Board Membership

Category: Consent

Staff Contacts: Aimee Kellerman, CMC, City Clerk and Jennifer S. Robertson, City Attorney

Summary

On July 8, 2024, the City Council adopted Ordinance No. 1029 creating the Alternate Membership for the Parks and Recreation Board. Following passage, the ordinance was reviewed for implementation and the staff discovered that it could be clarified such that when *any* parks board member is absent, that the alternate could fully participate, including voting. Therefore, a cleanup amendment to clarify the language in MMC 2.24.020.A.2 is recommended.

Council Priorities:

1. Financial Stability and Accountability
2. Quality Infrastructure
- 3. Efficient and Effective Government**
4. Public Safety and Health
- 5. Neighborhood Character and Community Building**

Attachment

Ordinance No. 1031, amending MMC Section 2.24.020.

Budget/Fiscal Impact: N/A

Recommendation: Adopt Ordinance No. 1031.

City Manager Approval: 

Proposed Council Motion: "I move adoption of Ordinance No. 1031, amending Medina Municipal Code Section 2.24.020 related to the alternate members of the parks and recreation board, providing for severability and corrections, and establishing an effective date."

**CITY OF MEDINA, WASHINGTON
Ordinance No. 1031**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, AMENDING MEDINA MUNICIPAL CODE SECTION 2.24.020 RELATED TO THE PARKS AND RECREATION BOARD MEMBERSHIP, CLARIFYING ROLE OF ALTERNATE MEMBERS, PROVIDING FOR SEVERABILITY AND CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on July 8, 2024, the Medina City Council adopted Ordinance No. 1029; and

WHEREAS, following such passage, it was discovered that the language creating the alternate members to the Parks and Recreation Board could be clarified; and

WHEREAS, this Ordinance amends that language to clarify that an alternate member may participate and vote when there is any regular member absent from the meeting, with both alternates being able to participate if there are two regular members absent from the meeting; and

WHEREAS, the City Council adopted this ordinance at a regular council meeting; **NOW THEREFORE**,

THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 2.24.020 of the Medina Municipal Code is hereby amended to read as follows:

2.24.020. - Membership.

A. *Type and number of members.* The type and number of members of the parks and recreation board shall be as follows:

1. *Regular voting members.* The parks and recreation board shall consist of seven regular voting members, each of whom shall be appointed as set forth in this chapter for a term of four years. Terms shall expire on June 30th.

2. *Alternate members.* The council may also appoint up to two alternate members of the parks and recreation board as set forth in this chapter. The alternate member(s) shall be entitled to participate in all discussions and meetings of the parks and recreation board in an advisory capacity, but unless there is a lack of a quorum of are regular voting members ~~present-absent~~, the alternate member(s) shall not vote or count toward the quorum. If there ~~is a lack of quorum of are~~ regular voting members ~~present-absent~~, then the alternate member(s) will be treated as a regular voting member(s) for that meeting and may count towards the quorum on vote on business before the parks and recreation board. In no case shall more than seven members be considered voting members during a meeting. No alternate member may serve as

chairperson or vice chairperson. The term of the alternate member(s) shall be four years and shall expire on June 30th.

3. *Optional emeritus member.* An optional emeritus member may be appointed to the parks and recreation board as set forth in this chapter. The optional emeritus member shall be entitled to participate in all discussions and meetings of the parks and recreation board in an advisory capacity, but shall not vote, count toward the quorum, or serve as chairperson or vice chairperson. The term of the optional emeritus member shall be four years and shall expire on June 30th.

4. *Optional youth members.* Up to three optional youth members may be appointed to the parks and recreation board as set forth in this chapter. Youth members shall be between the ages of 15 and 18 and enrolled in high school. The optional youth members shall be entitled to participate in all discussions and meetings of the parks and recreation board in an advisory capacity, but shall not vote, count toward the quorum, or serve as chairperson or vice chairperson. The term of the optional youth member shall be one year and shall expire on June 30th.

B. *Appointment—Residence—Compensation.* The council personnel committee shall interview all candidates for membership and recommend appointment, which shall require confirmation by the city council, for membership on the parks and recreation board. Except for the optional emeritus member, all voting, alternate, and youth members of the parks and recreation board must reside within the city limits of Medina. Parks and recreation board members shall be selected and serve without compensation.

C. *Removal.* Any member of the parks and recreation board may be removed at any time by the mayor, with the prior consent of the city council, for neglect of duty, conflict of interest, malfeasance in office or other just cause, or for unexcused absence for more than three consecutive regular meetings. The decision of the city council shall be final and there shall be no appeal.

D. *Vacancies.* Vacancies occurring other than through the expiration of term shall be filled for the unexpired term in the same manner as for appointments as provided by this chapter.

Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance,

including but not limited to the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 5. Effective Date. This ordinance shall take effect five days after publication as provided by law.

PASSED BY THE CITY COUNCIL ON THIS 22nd DAY OF JULY, 2024 BY A VOTE OF ___ FOR, ___ AGAINST, AND ___ ABSTAINING, AND IS SIGNED IN AUTHENTICATION OF ITS PASSAGE ON THE 22nd DAY OF JULY, 2024.

Jessica Rossman, Mayor

Approved as to form:
Inslee Best Doezie & Ryder, P.S.

Attest:

Jennifer S. Robertson, City Attorney

Aimee Kellerman, City Clerk

PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.: / AB



MEDINA, WASHINGTON

AGENDA BILL

Monday, July 22, 2024

Subject: Middle Housing Engagement Consultant Update

Category: City Council Business

Staff Contacts: Planning Manager Jonathan G. Kesler, Development Services Director Steve Wilcox, and City Manager Steve Burns

Summary

The City of Medina is going through the process of hiring a Middle Housing Engagement Consultant. At the July 8 Council Meeting staff will be providing the following update:

1. Update on the hiring process,
2. Interview process,
3. Development Services Committee involvement,
4. Request for approval for the City Manager to sign a contract up to \$50,000.

“Middle Housing Engagement Consultant Update” meets and supports Council’s priorities 1, 3, and 5.

Council Priorities:

1. Financial Stability and Accountability
2. Quality Infrastructure
3. Efficient and Effective Government
4. Public Safety and Health
5. Neighborhood Character and Community Building

Attachment: Middle Housing Memo

Budget/Fiscal Impact: TBD

Recommendation: Approve.

City Manager Approval:

Proposed Council Motion: “I make a motion to allow the City Manager to sign a contract for the Middle Housing Engagement Consultant contract, not to exceed \$50,000.”

Time Estimate: 15 minutes



CITY OF MEDINA

501 EVERGREEN POINT ROAD | PO BOX 144 | MEDINA WA 98039-0144
TELEPHONE 425-233-6400 | www.medina-wa.gov

MEMORANDUM

DATE: July 22, 2024
TO: City Council
FROM: Jonathan Kesler, AICP, Planning Manager
RE: Middle Housing Engagement Consultant Update

The City of Medina is going through the process of hiring a Middle Housing Engagement Consultant. Three consulting firms responded to the Request for Qualifications (RFQ) that was published. They are: Opticos Design, Inc., of Berkeley, Cal.; Framework, located in Seattle and SCJ Alliance, with offices in Spokane and Lacey. They are all highly qualified and experienced firms in the planning field.

The DSC met and was informed of these applicants on Wednesday, July 17th and staff was directed to schedule them for interviews. As of July 18th, it appears that Tuesday, July 30th works best for these interviews. DSC members helped craft questions for the applicants to be asked.

Once interviews are complete, staff and DSC will concur on which candidate to choose. A start date sometime in early to mid-August is anticipated.

The position will be partially funded by the second-year funds of the two-year \$37,500 grant that Commerce awarded the City in 2023 for this state process. Approval from this body will be sought for the City Manager to sign a contract with the chosen consultant for up to \$50,000.



MEDINA, WASHINGTON

AGENDA BILL

Monday, July 22nd 2024

Subject: Budget Retreat Discussion

Category: Discussion and Budget Direction

Staff Contact(s): Ryan Wagner, Finance & HR Director

Summary

The Finance Director will lead a preliminary budget discussion with the Council. The goal of this meeting is to provide Council with updates to workplan items, key asks from staff for 2025, and to allow feedback from Council and the community to drive how staff prepares the 2025 budget.

The following is an outline of the meeting with time estimates.

Introduction – 5 Minutes

Workplan overview and 2025 items with cost estimates – 30 minutes

- 520 Mediation with WSDOT
- Middle Housing HB 1110 and HB 1337
- Telecom Wireless Facilities Code Update

Key 2025 asks from staff – 30 minutes

Broken down by department, includes the following:

- Second Sergeant Position
- Tree Canopy Study
- Tree Inventory Study and Tree Plotter Software
- New Servers
- Canopy Cover for Public Works Vehicles
- Increased Street Sweeping

Recommendations from Council - 40 Minutes

- Goal of this is for Council to voice their priorities for the 2025 budget and add/reorganize the workplan and staff recommendations.

Long term financial forecast – 15 Minutes

- Goal of developing a process on how to handle planning for the end of the current levy period.

Budget/Fiscal Impact: Impacts to 2025 Budget and Beyond

Recommendation: Discussion and recommendations

City Manager Approval: N/A

Proposed Council Motion: NA

Attachments:

- 1) 2025 workplan and staff asks for 2025
- 2) Levy update and financial forecasting, 2025 and beyond

City Workplan 2025 Estimated Costs

SR 520 Lid: Discussions with WSDOT – Estimated 2025 Cost \$40,000

Points Communities have retained Jack McCullough as our representative for mediation with WSDOT. Mediator selection and scheduling are ongoing in discussions between McCullough and WSDOT. Negotiations are expected to continue into 2025, at an estimated cost of \$40,000 per city. This will be funded out of the “special counsel” section of the legal budget for 2025.

Implementation of HB 1110 Middle Housing and HB 1337 ADU/DADU – Estimated Cost \$50,000

HB1110

<https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bill%20Reports/House/1110%20HBR%20APP%2023.pdf>

HB 1337

<https://app.leg.wa.gov/billsummary?BillNumber=1337&Initiative=false&Year=2023>

Funding will come partially from a housing grant from the Department of Commerce (\$35,000), the rest will be funded through saving within the city attorney budget.

Telecom Wireless Facilities Code Update – Estimated Cost \$14,000

In Spring 2023, Medina Council discussions relating to T-Mobile proposal that was unacceptable to community raised questions about whether current wireless facility code is sufficiently protective of community interests and character. When code was adopted, Council was assured that it was as protective as could be within limitations of federal law. That's no longer clear, given T-Mobile experience. Interest expressed in updating and strengthening code with this experience in mind, to prevent recurrence as best possible.

Options

1. Telecom Law Firm can update Medina' Wireless Facility Regulation for a flat rate of \$12,350. They will prepare and deliver the Small Wireless Facilities policy and Permit Application Form. Telecom is under contract to address telecom issues. They could this update when directed. Staff believes we could absorb this into the City Attorney budget.
2. City Attorney Jennifer Robertson law firm to handle the updates. Council would need to identify the priority for this since Robertson's firm has several Council Workplan items they are currently working on. Staff believes we could absorb this into the City Attorney budget.
3. Hold off on the update in 2025 and bring it back to Council for the 2026 budget.
4. Pull the subject from the workplan.



Police Department

Second Sergeant Position – Estimated Cost \$90,000/ Annually

With the vacancy of the Police Administrative Specialist, dating back to September of 2023, staff are recommending eliminating the position in favor of adding another sergeant position within the Police Department. With Medina being located in between two growing cities, with large populations, the potential for a rise in criminal activity can be expected. Adding not only another officer, but a supervisory position, allow the city to have a supervisor working seven days a week. Having additional trained managers within the department will help mitigate risk and allow for easier shift coverage. With no vacancies, the city could see up to three/four officers out at one time.

While this would not add an FTE, there is a financial cost to this move for 2025 and beyond. An expected \$50,000 increase in salary over the previous position, with up to \$22,000 in additional police guild related benefits. Another squad car would also need to be leased, which is estimated at between \$12,000 - \$18,000 annually. This increase would be covered by the estimated savings as we switch from WCIA to AWC for insurance. Also note that Hunts Point will cover about 13% of any PD related cost increases per our service agreement.

Proposed Staffing Model



(A short PowerPoint presentation will be given by Chief Jeff Sass during the retreat)



Development Services

Tree Canopy Study – Estimated Cost \$30,000 (One Time)

In 2015, Medina had a tree canopy study done to determine the coverage within the city limits. As we approach the ten-year mark, staff recommend that another study would be beneficial as a comparison to see the impact of code changes over this period, and to assess the current canopy for future discussion and action. This study would include a presentation by the contractor that will allow the Council to ask questions and to better understand the process and data collected.

To cover this cost in the 2025 budget, it will replace the Inspector vehicle that was included in the 2024 budget at \$45,000.

Tree Inventory Study – Estimated Cost \$76,000 (One Time) Plus \$14,500/ Annual Cost

As of 2024, Medina does not understand how many or what types of trees are located on city land, either in parks or in the right of way. This study would be handled by our arborist and other contractors, to document the number, type, and health of all trees located on public land. This data would be useful for future discussion and action in a few areas. Staff could utilize this information to determine what types of trees need to be planted, and to provide information to Ryan Osada on when diseased or hazardous trees need to be removed.

The cost would include the following estimated costs:

One-time 2025 expenses

- Inventory of ROW and city trees \$75,000
- “Tree Plotter” software 0 onboarding \$1,000

Annual Expenses

- City Arborist’s cost to administer \$10,000
- “Tree Plotter software access \$ 4,500



Central Services

New Servers (On Prem Vs Cloud) – Estimated Cost \$31,000 - \$41,000/ year

On premise hardware

Pros:

- Control: Complete control over hardware, software, and security configurations.
- Customization: Ability to customize hardware and software to meet specific needs.
- Performance: Potentially lower latency and better performance for certain applications, as data doesn't need to travel over the internet.
- Compliance: Easier to meet certain regulatory and compliance requirements that require data to be stored on-premises.
- Predictable Costs: Fixed costs for hardware and maintenance, making budgeting more predictable.

Cons:

- Upfront Costs: High initial investment in hardware, infrastructure, and setup.
- Maintenance: Ongoing costs and resources needed for maintenance, upgrades, and repairs.
- Scalability: Limited scalability, as adding more capacity requires purchasing and installing more hardware.
- Disaster Recovery: Requires investment in backup solutions and disaster recovery plans.
- Space and Power: Requires physical space and power, which can be costly and limited.
- Cloud Service

Pros:



- Scalability: Easily scalable, allowing you to quickly adjust resources based on demand.
- Pay-as-you-go model: reducing upfront costs and allowing for more predictable operational expenses.
- Accessibility: Access from anywhere with an internet connection, enabling remote work and collaboration.
- Maintenance: Cloud providers handle maintenance, updates, and security, reducing the burden on your IT staff.

- Disaster Recovery: Built-in disaster recovery and backup solutions provided by cloud providers.

Cons:

- Control: Less control over hardware and some aspects of security and data management.
- Latency: Potential for higher latency due to data traveling over the internet.
- Compliance: Can be challenging to meet certain regulatory and compliance requirements.
- Cost Over Time: While initial costs are lower, long-term costs can add up and may exceed the cost of on-premise solutions for some workloads.
- Vendor Lock-In: Dependency on a specific cloud provider can make it difficult to switch providers or move back to on-premise solutions.

Price Comparison

 <p>ON-PREMISE</p>	<p>On-Premise:</p> <ul style="list-style-type: none"> • Equipment: Dell + VMware Lease w/1.00 buyout • Purchase Price: \$110,000.00 (tax & freight not included) • Lease Term: 4 annual @ \$31,700/yr. • 16 quarterly @ \$8,175/qtr. • 48 monthly @ \$2,740/mo. <p>Migration costs will be minimal. Only setup and migration level of effort would be under 80 hours</p>	 <p>CLOUD</p> <p>Cloud:</p> <ul style="list-style-type: none"> • Microsoft Azure Estimate • Term: On going • Yearly 41,454.24/yr, • \$3,454.52/mo. <p>All Cloud Pricing provided is estimated and will fluctuate with utilization.</p> <p>Migration costs will require a full cloud assessment as well as setup and migration.</p> <p>Assessment and migration could be upwards of 200 hours.</p>
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Recommendation - Hybrid Infrastructure

- On-Premise hardware for Production
- Minimal Cloud for off site backup and DR.
- Available Cloud for special or short-term projects as-needed



Public Works

Canopy Cover for Public Works Vehicles – Estimated Cost \$50,000

Currently, city vehicles at the public workshop sit uncovered in the lot subject to environmental wear and tear. As the city maintains and runs its vehicles for sometimes longer than 20 years before replacement, it is important to make sure they stay in good condition. Also, the city has uncovered gas tanks which would be covered as well by this project, which is a requirement by the Department of Ecology.

This project is considered a "building improvement", therefore the funding will come directly out of the capital budget for 2025.

Increased Street Sweeping Service – Estimated Cost \$ 40,000

As of 2024, the city budgets for 5 instances of street sweeping annually. This is an ask to increase that number from 5 to 12 or even the 14-15 annually. This will allow more monthly cleanings, and for one off cleanings after winter storms. Street sweeping offers more than just cosmetic benefits to the city and its residents; clean streets also help keep our storm water system clean. This saves the city \$\$ each year, while potentially reducing flooding risk as well.



Street Sweeping can be considered road maintenance, and the cost can be covered by both REET and unrestricted Capital funds. Therefore, this should fall outside of the normal operating budget or General Fund.

Long Term Financial Forecast

2019 Levy Overview

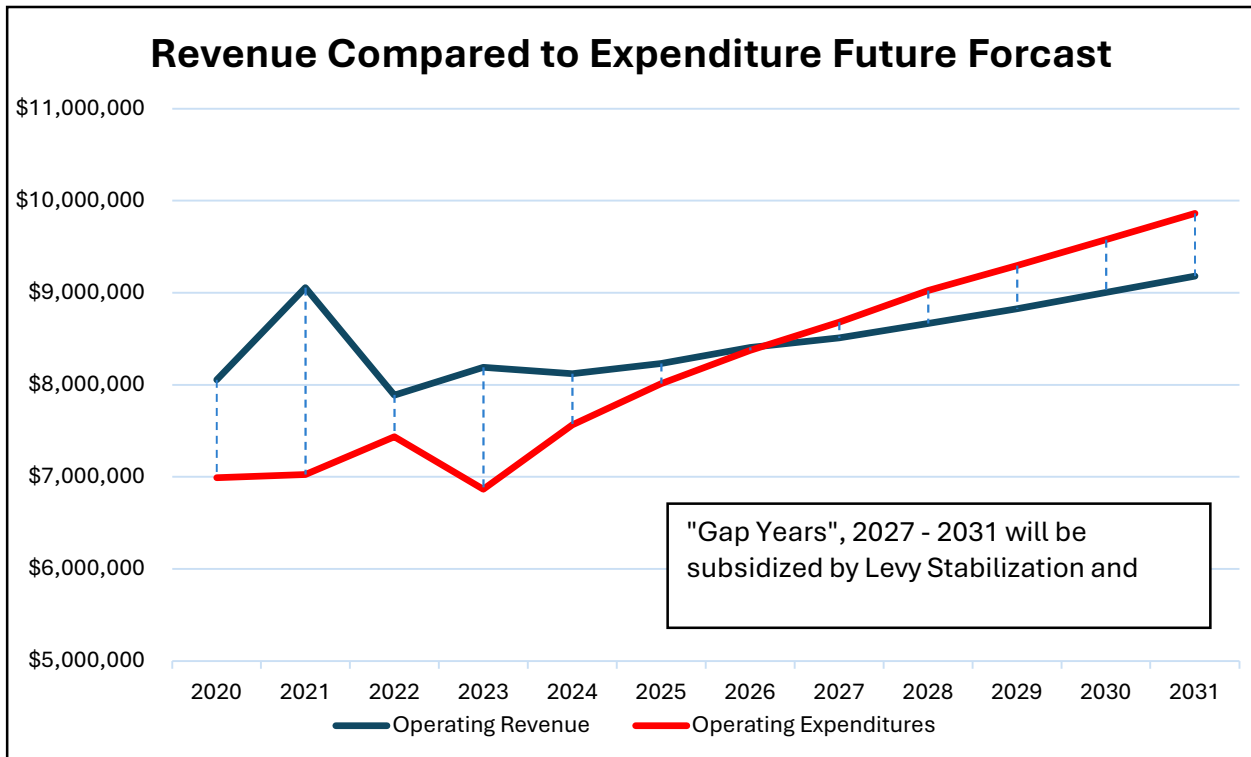
The promises that were made to the voters, if they passed the measure, are the foundation this budget was built on.

Why did we go to the ballot? The City was at a financial crossroads. Rising costs were making it difficult for the city to provide the level of services our community had come to expect. Until 2019, the city had been able to balance the budget through aggressive cost-savings measures, identifying additional revenue sources and dipping into reserves. But in looking long-term, the city determined it could no longer find efficiencies without impacting service delivery.

-Make the “bump” from the 6-year levy last at least 10-years.

Levy year 1 (2020) filled the gap and allowed services to continue without reduction. Years 2-6 (2021-25) will have budgeted transfers to a Levy Stabilization Fund in amounts that will build a minimum operating reserve of \$2.5M to draw on through at least 2030.

As you can see in the below graphic, the city is projected to start deficit spending in 2027. Therefore, it is important that Medina has a plan in place to transition to once the levy period has passed.



Potential Options for Funding

Banked Capacity

Currently the City has \$624,698 of banked capacity available that can be drawn on in future years to increase revenues. By the end of the 6-year levy lid lift period, if the City continues to bank this excess in the same manner, the total banked capacity available going into 2026 will be approximately \$800K. While that sounds significant, keep in mind that it is less than the 2020 bump of \$943K which only increased, for example, the median valued home in the City tax bill by approximately \$400 a year. Also keep in mind going into 2026, this begins the period outlined in the long-term financial planning when the City would be drawing on the Levy Stabilization Fund to fill budget gaps caused by revenues not being able to keep up with inflation's effect on expenses. It would likely be unnecessary to address the banked capacity until at least 2030, or later depending on how long it takes to deplete the Levy Stabilization Fund. After that, would be the point in the long-term financial plan that was identified as when the City would need to talk about the newly evolving difficulties balancing the budget within revenue restraints.

Ultimately, what the City wants to do with its banked capacity falls entirely within the discretion of the Council; even if they want to draw it all in next year, ignore until the end of days, or something in between.

Business Licenses

The city will discuss Business Licenses later this meeting, but it is a potential revenue option for the city.

Through the Department of Revenue, Council can utilize this route to not only gain more information about who does work within the city, but also to create another revenue source. While this is most likely not a long-term solution to financing the city after the levy, it could play a part.



MEDINA, WASHINGTON

AGENDA BILL

Monday, July 22nd 2024

Subject: Business License Discussion

Category: Discussion and Direction

Staff Contact: Ryan Wagner, Finance & HR Director

Summary

During the first July meeting, Eric Jones from the Department of Revenue gave a presentation and answered questions on Business Licenses and their potential benefit to the city.

The Finance Director will now lead a discussion with the Council on the city's options with Business Licenses, with the goal of determining whether we should go forward, and the structure that would work best for Medina. The following is an outline of the meeting with time estimates.

Introduction and summary – 10 Minutes

- A brief summary of Business Licenses, with a focus on options for Council to weigh as the city looks to make a decision on whether to move forward.

Discussion on Business Licenses with direction on template building – 20 minutes

- *Revenue Model*
 - o *A template set up to maximize potential revenue for the city through the use of a FTE based fee structure*
- *Information Model*
 - o *A template set up to maximize coverage to collect information on all businesses operating in, and out of Medina*
- *Hybrid Model*
 - o *A combination of the previous two templates, helping to bring in revenue while still allowing waivers for small business and non-profits*

Attachments:

- 1) Summary of Business License Options
- 2) Potential Business License Templates
- 3) Combined Licensing Opportunity (DOR)

Budget/Fiscal Impact: Only impact is staff time

Recommendation: Discussion and recommendations

City Manager Approval:

Proposed Council Motion: N/A

Summary of Business Licenses

Potential Fee Structures

- No Fee
- Flat Fee (Annual)
- Flat Fee Plus Fee per FTE
- Tiered Fee by Revenue Within City Limits

Examples of Fees by local Cities

City	New License Fee	Renewal Fee	B&O	Employee Fee?
Bainbridge Is	\$74	same	yes	no
Carnation	\$75	same	no	no
Clyde Hill	\$25	same	no	no
Covington	\$65	same	no	no
Duvall	\$55	same	no	no
Issaquah	\$60	same	yes	no
Kirkland	\$100 + \$130 per FTE	same	no	yes
Mercer Island	\$30	same	yes	no
Mill Creek	\$50 - \$325	same	no	yes
Newcastle	\$31	same	no	no
Sammamish	\$15	same	no	no
Tukwila	\$112 per FTE	same	no	yes
Woodinville	\$39	same	no	no

What Type of Business Would Require a License?

Discussion topic on who the city wants to capture

- Local Businesses
- Businesses Run out of Homes
- Short Term Rentals
- Contractors or Landscapers
- Non-Profits

Department of Retirement Answer to Sales Tax Tracking

“Regarding the sourcing of local sales tax, we do primarily rely on businesses to accurately source local tax to the proper jurisdiction. We provide tools such as GIS, Tax Rate Lookup to assist them with this. My team also reviews distribution monthly to attempt to catch incorrectly sourced local tax.

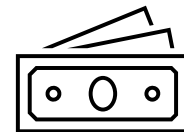
You can also reach out at any time to me or anyone here at DOR if you have concerns about a specific business, or specific return period that looks concerning. My team spends a decent amount of time researching businesses sent over by jurisdictions from their research of distribution reports.”

Revenue Model

This template is meant to maximize revenue for Medina, through heavy per FTE fees targeting all businesses operating in and out of the city. This model would require all businesses who earn revenue during the year to carry a business license.

Fee Structure

- \$100 annually, with a \$150 annual per FTE fee as well.
- \$500 annual short term rental properties within Medina.



Total projected revenue: \$50,000 - \$75,000 Annually

Information Model

This template is to be a low-cost model for the city to receive the benefit of business information while not charging annual fees. All businesses would be required to register, which would allow the city to track all commercial work done within the city and to utilize the information for decision making going forward.

- No fee (Businesses would still be required to pay \$5/year to register with DOR)

Total Projected Revenue: \$0

Hybrid Model

This is the recommended template that combines both the previous models with some included waivers that allow the city to make some money, while not being overbearing on local business.

- Tiered Fee structure based on revenue
 - o \$0 for Non-Profit of businesses making under \$6,000/year
 - o \$100 for businesses making between \$6,000 and \$100,000/year
 - o \$500 for businesses making \$100,000/year

Waivers for business licenses for all businesses not registered in Medina, and who do less than \$6,000/year within the city.

Total Projected Revenue: \$20,000/year

From Revenue's Business Licensing Service (BLS)

Subject Benefits of Washington state's free combined licensing partnership

This document describes the benefits of partnership with the state's Business Licensing Service (BLS), a clearinghouse for business licensing.

We offer our service free of charge to government regulatory programs. BLS connects local licensing with state programs in a combined process that benefits cities, counties, the regional business community, and business owners.

BLS benefits for businesses

- **One-stop licensing** – State agency licenses integrate with local licenses in a fast-and-easy process for both applications and renewals.
- **Same system** – Integrated system to manage licenses in the same portal all state taxpayers use.
- **Great service** – Free online, phone, and chat support on weekdays.
- **No travel** – Apply for business licenses with more than 200 municipal governments.
- **Easy license printing** – Print a license or other documents online anytime.
- **Check account status** – Review status and expirations online with dor.wa.gov/BusinessLookup
- **One processing fee** – Apply for any number of licenses on a single combined application with just one handling fee. Renew all the location account's licenses with just one renewal handling fee per location.

BLS benefits for government regulator

- **Reduced costs**
 - BLS processes all applications and renewals
 - BLS prints and mails paper notices, renewals, and licenses with no charge to partners
 - Follow-up collection services, both for missing information and dishonored payments
 - BLS offers direct and responsive personal assistance to partners during business hours
 - BLS self-help online services available 24/7 via a simple web-browser-based portal
- **Enhanced services**
 - Local government retains full regulatory control and authority
 - Enhanced licensing compliance and organic increases to revenues
 - Licensing services provided online with no administrative cost to government agencies
 - On-demand reporting, including financials for licensing revenues
 - GIS location – applicants within jurisdictions get the correct license auto-added to applications
 - Reallocate staff from clerical tasks to perform customer service and regulatory work

State registrations linked to other licensing

BLS is the one-stop shop for Washington state and local licensing, offering nearly 600 license endorsements representing more than 30 state agency licensing programs and 95% Washington's cities and towns that offer a general business license. The configurable web-based system is responsive to both business and government needs. Users gain system access with the familiar [Secure Access Washington](#) (SAW) portal and then easily manage business accounts with access to license data that is scalable and exportable.

The Business Licensing Service is supported by dedicated funds directed by statute. BLS collects handling fees for licensing applications, renewals, and delinquencies. Businesses pay a \$5 annual renewal processing for each license location. The \$5 is charged only once per location – not per license.

Example of licenses at a business location:

\$0 – Minor Work Permit

\$25 – City of Anycity General Business License fee

\$25 – Lottery retailer

\$5 – BLS Annual Renewal handling fee

\$55 – total for all licenses at this location for 12 months

Questions?

We also post regular business licensing updates at [BLSPartnerPost.com](#). We are available for your business licensing questions and can help you access Department of Revenue resources. Thank you.

Sincerely,

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