

**MEDINA CITY COUNCIL
SPECIAL AND REGULAR MEETING MINUTES**

Medina City Hall, Council Chambers
501 Evergreen Point Road, Medina
Monday, April 8, 2013

SPECIAL MEETING

CALL TO ORDER

Mayor Luis called the April 8, 2013 Special Meeting of the Medina City Council to order at 6:00 pm.

EXECUTIVE SESSION

Mayor recessed into executive session at 6:00 pm for an estimated time of thirty minutes pursuant to RCW 42.30.110(1)(i) for the purpose of discussing 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 members Boyd, Decker, D. Lee, J. Lee, Luis and Phelps, city attorney Sand, and city manager were present. Executive session concluded at 6:30 pm.

CALL TO ORDER

Mayor Luis called the April 8, 2013 Regular Meeting of the Medina City Council to order at 6:33 pm and then led members of the audience, council members, and staff in the Pledge of Allegiance.

ROLL CALL

Council Members Present: Patrick Boyd, Jay Decker, David Lee, Janie Lee, Michael Luis, and Katie Phelps

Council Members Absent: Doug Dicharry (excused)

City Staff Present: Donna Hanson, City Manager; Kari Sand, City Attorney, Kenyon Disend; Mark Thomas, Police Chief; Robert Grumbach, Development Services Director; Joe Willis, Public Works Director; and Rachel Baker, City Clerk

Motion proposed by council member Phelps and seconded by council member Decker to excuse absence of Doug Dicharry and motion carried unanimously at 6:33 pm.

APPROVAL OF MEETING AGENDA

Council member Phelps motioned to remove items 3 and 4 from consent agenda and replacing as other business. Motion seconded by council member Decker and carried 6-0.

Council member Phelps motioned to add an executive session at conclusion of meeting agenda to discuss a personnel matter. Motion seconded by council member Decker and carried 5-1 (J. Lee opposed, Dicharry absent).

Council member Boyd motioned to add an executive session at conclusion of meeting agenda to discuss litigation matter. Council member Phelps seconded motion and it carried 6-0 (Dicharry absent).

Council member Boyd proposed motion to approve amended meeting agenda and council member Decker seconded. Motion carried 6-0 (Dicharry absent) at 6:39 pm.

PUBLIC COMMENT

Mayor read guidelines for public comment period and opened floor at 6:39 pm.

Medina resident Dan Sheeran thanked city council members for their service. He expressed disagreement with jury's conclusion based on evidence and encouraged council not to rush into a decision and to not take precipitous action about next steps.

Medina resident Kristina Moran thanked council members for volunteering and reminded them they represent the community. She said she attended the trial and the jury's decision should be accepted. She expressed her belief the City was unprofessional in its decisions and urged the city council to obtain outside, independent counsel to advise the City how to proceed.

Medina resident Mark Nelson said he wishes the city council will take time and not rush to judgment since there are three rounds of post-trial motions remaining and a final judgment yet to be made. He urged the community to celebrate the City's accomplishments, such as the police department's accreditation, upgraded finance reporting, and completed and in-process capital improvement projects.

Medina resident Nevet Basker supported the jury's decision and hopes the city council will restore trust in the community to promote healing.

Medina resident Connie Gerlitz supported comments made by Mr. Sheeran and Mr. Nelson and expressed how much she and others in the community appreciate how hard the process has been on everyone. She said she doesn't understand the jury's verdict based on the evidence in the case. She said she doesn't like the nasty-grams circulating in the community.

Medina resident Andija Nunn would like to have a duck crossing sign at Medina Park near St. Thomas. She wants the council to remember the future of the duck population is in its hands.

Medina resident Heija Nunn assumed it was her communications which were referred to and said they are not nasty-grams but informative messages sent to others. She said some council members send intimidating and inappropriate messages without repercussions. She spoke about current litigation and how she finds it offensive the City is not telling the truth about the litigation and its resulting costs.

Medina resident Bruce Hand expressed his confidence in councils present and past and in our city manager. He said he has known Mark Nelson and Doug Dicharry for years and complimented their character and believes neither nor would the entire council have supported the termination of Mr. Chen if any racial discrimination was present in that decision. He expressed his belief the jury was wrong that the City and city manager discriminated against Mr. Chen.

Medina resident Ali Naini said he supports the legal system, right or wrong, and suggested the quickest way to resolve matter would be to change city lawyer, apologize to the community, and replace the city manager without delay.

Medina resident Terry Drayton echoed sentiments of others made this evening and spoke to the financial impacts of jury verdict on City, including increased insurance costs and risk premiums.

Resident Haelan Nunn said the jury said the city manager was discriminating based on race and doesn't understand what discussion is left to be had.

Being no further comments, mayor closed comment period at 7:04 pm.

REPORTS AND ANNOUNCEMENTS

Planning commission chair Heija Nunn promoted April hearings regarding proposed zoning code changes and encouraged attendance.

Park board chair Miles Adam reported the duck sign is on the board's work list for this summer.

Police Chief Mark Thomas reported on successful accreditation process and recognized key staff involved in the project. Council members congratulated the department's efforts and congratulated new hire who successfully graduated from the academy.

Finance director Nancy Adams provided a quarterly finance report and provided overview for proposed budget amendment on tonight's meeting agenda.

Public works director Joe Willis reported on statuses of SR 520 project and City entrance signs.

CONSENT AGENDA

MOTION BOYD AND SECOND DECKER TO ADOPT CONSENT AGENDA AS AMENDED AND MOTION CARRIED 6-0 (DICHARRY ABSENT) AT 7:26 PM.

- Approval of March 11, 2013 City Council Regular Meeting Minutes
- Approval of March, 2013 Check Register
Claim check numbers 53917 through 54003 in the amount of \$105,062.25, and payroll check numbers 3573 through 3584 in the amount of \$236,542.39
- Approval of Arbor Day Proclamation
- Receipt of Approved February 19, 2013 Park Board Meeting Minutes

OTHER BUSINESS

Confirmation of Appointment to Planning Commission, Position No. 3 (Reeves) (7:26 pm)
Confirmation of Appointment to Planning Commission, Position No. 7 (Garone)

Council member Phelps explained she pulled the items from consent in order to request a report from staff whether decreasing boards and commissions from seven to five would be worth consideration. Council determined to confirm appointments and review staff recommendation at next meeting.

MOTION J. LEE AND SECOND D. LEE TO APPROVE CONFIRMATION OF PERSONNEL COMMITTEE'S RECOMMENDATIONS TO THE MEDINA PLANNING COMMISSION: RANDY REEVES TO FILL THE REMAINING TERM OF POSITION 3 AND JEN GARONE TO FILL THE REMAINING TERM OF POSITION 7. MOTION CARRIED 6-0 (DICHARRY ABSENT) AT 7:35 PM.

Approval of Picnic Shelter in Medina Park (7:35 pm)

Public works director Joe Willis reported on proposed shelter approved by the park board.

MOTION PHELPS AND SECOND BOYD TO APPROVE THE PURCHASE OF A PICNIC SHELTER TO BE INSTALLED IN MEDINA PARK AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS TO PURCHASE THE SHELTER AND COMPLETE THE INSTALLATION. MOTION CARRIED 6-0 (DICHARRY ABSENT) AT 7:39 PM.

Authorize Call for Bids: 80th Avenue NE Overlay & Evergreen Point Road Sidewalk Improvement Projects (7:40 pm)

Public works director Joe Willis described proposed project and schedule.

MOTION PHELPS AND SECOND J. LEE TO AUTHORIZE THE CALL FOR BIDS FOR THE 80TH AVE NE ASPHALT PAVEMENT OVERLAY AND EVERGREEN POINT ROAD SIDEWALK IMPROVEMENT PROJECT. MOTION CARRIED 6-0 (DICHARRY ABSENT) AT 7:51 PM.

Mayor called for a recess at 7:51 pm and called meeting back to order at 7:57 pm.

Adoption of Budget Amendment Ordinance (7:57 pm)

MOTION DECKER AND SECOND BOYD TO APPROVE ORDINANCE AMENDING THE 2013 BUDGET AND MOTION CARRIED 6-0 (DICHARRY ABSENT) AT 7:58 PM.

City Council Agenda Calendar (7:58 pm)

A study session planned for April 22 to discuss shoreline master plan update and quorum definition. Solid waste discussion moved to May.

PUBLIC COMMENT

Mayor opened public comment period at 8:00 pm.

Resident Connie Gerlitz said she was not accusing Ms. Nunn of nasty-grams, noting the emails she has read tend to be factual. She said the nasty-grams she receives are from someone else. She expressed she does not like idea of stripes in parking area discussed this evening.

Resident Andija Nunn said she likes the trees on the sidewalk toward the beach because it offers shade in the summertime.

Resident Heija Nunn apologized to Ms. Gerlitz and congratulated Chief Thomas and his staff for reaccreditation and expressed her excitement for the picnic shelter proposed for Medina Park.

Mayor closed floor at 8:03 pm.

EXECUTIVE SESSION

Mayor recessed into executive session at 8:05 pm for an estimated time of twenty minutes pursuant to RCW 42.30.110(1)(i) for the purpose of discussing 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 members Boyd, J. Decker, D. Lee, J. Lee, Luis and Phelps, and city attorney Sand were present. Executive session concluded at 8:25 pm.

Council member Decker moved and council member Boyd seconded to have mayor Luis attend WCIA meeting on Friday, April 12. Motion carried 6-0 (Council member Dicharry absent) at 8:25 pm.

Mayor recessed into executive session at 8:26 pm for an estimated time of twenty minutes pursuant to 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. Time estimate extended fifteen minutes at 8:45 pm.

Council members Boyd, J. Decker, D. Lee, J. Lee, Luis and Phelps, and city attorney Sand were present. Executive session concluded at 9:00 pm.

Council announced it would reconvene in executive session on Wednesday, April 10, 2013 at 4:30 pm.

ADJOURNMENT

MOTION PHELPS AND SECOND BOYD TO ADJOURN THE APRIL 8, 2013 MEETING OF THE MEDINA CITY COUNCIL AND MOTION CARRIED 6-0 (DICHARRY ABSENT) AT 9:00 PM.

The April 8, 2013 Regular Meeting of the Medina City Council adjourned 9:00 pm.

The Medina City Council will hold its next regular meeting on Monday, May 13, 2013, at 6:30 pm in the Council Chambers at Medina City Hall, 501 Evergreen Point Road, Medina.

Michael Luis, Mayor

Attest:

Rachel Baker, City Clerk

Minutes approved 05/13/2013.