

MEDINA CITY COUNCIL
REGULAR MEETING MINUTES
Medina City Hall Council Chambers
April 14, 2008; 6:30 pm

CALL TO ORDER

The April 14, 2008 Regular Meeting of the Medina City Council was called to order by Mayor Nelson at 6:37 pm.

ROLL CALL

Council Members Present: Drew Blazey, Bret Jordan, Jim Lawrence,
Mark Nelson, Robert Rudolph, and Shawn Whitney

Council Members Absent: Lucius Biglow (*excused*)

City Staff Present: Mike Caldwell, Interim City Manager; Wayne Tanaka, City Attorney, Ogden Murphy Wallace; Jeff Chen, Chief of Police; Robert Grumbach, Director of Development Services; Joe Willis, Director of Public Works; Jan Burdue, Finance Officer; and Rachel Baker, City Clerk

Mayor Nelson led Council, staff and audience members in the Pledge of Allegiance.

APPROVAL OF AGENDA

Agenda approved as written by unanimous consent of the Council at 6:40 pm.

PRESENTATION

Caldwell introduced Chuck Pfeil, Director of State and Local Audits, Washington State Auditor's Office; Wendy Wang, Assistant Audit Manager, Washington State Auditor's Bellevue Regional Office; and Beth Mauch, Regional Office Manager, Washington State Auditor's Bellevue Regional Office.

Mr. Pfeil described the 2006 Financial Statement and Accountability Audit Reports performed by the State Auditor's Office and reported that the final reports had been published to State Auditor's website. He said the accountability report identified one condition regarding a weakness in procurement card controls and the Auditor's Office identified one procurement card and questioned over \$17,000 in charges made to it. He explained that during the course of the audit sufficient documentation was not located to support expenditures; however the report did not conclude purchases were inappropriate. Mr. Pfeil detailed targeted charges.

Mr. Pfeil stated the City's travel policy complies with State law; however internal controls were not in place in the City to ensure policy compliance. He remarked the concerns

were centered on inadequate controls and the recommendation would be to follow policy and to ensure internal controls are in place.

Caldwell conveyed guidelines and safeguards have been instituted to ensure compliance with the Auditor's recommendation and that continued improvements will be considered to strengthen procedures. He expressed his belief that all expenses have been accounted for and that he would continue to work with Auditor's Office to reconcile any differences. Caldwell and Pfeil responded to Council inquiries.

Council discussed the idea of forming an audit committee and the format of finance reports presented in Council agenda packets. Caldwell conveyed he would report to Council during the May meeting regarding completion of staff training.

PUBLIC COMMENT

Mayor opened floor to public comment at 7:28 pm.

Resident Rob Fleming commented on the temporary City Hall site proposed for Medina Park and reminded Council of its motion to consider commercial space first for a temporary location. He stated he did not want trailers in the park near his residence, and that installation of additional gravel for access to and from the site, and police department activity would be disruptive, unpleasant and could devalue his property. Mr. Fleming suggested consideration be given to relocating to the north area of the park instead, if relocation must occur in Medina Park.

Addressing Council and audience members, Caldwell summarized relocation needs and potential options for proposed City Hall project.

Thirteen-year resident Christopher Smythies spoke of temporary City Hall location and claimed he would be most impacted since the parking lot would be located against the fence of his property. Mr. Smythies voiced that no one has known of the proposal, that park views would be trashed, that Council should instead find an office space in an office building, and told Council not to turn the park into a trailer park.

Resident Ching-Pi Wang said he returned from vacation only to find a note on his doorstep identifying the temporary City Hall location. Resident addressed concerns regarding the safety of walkers and park users in the area due to short sight distance of hill and drivers driving too fast. Mr. Wang expressed that the cost of risk had not been considered and safety is more practical than dollars saved.

Resident Doug Dicharry commented that a temporary relocation to Medina Park would cause significant traffic pattern changes near Medina Elementary School. Mr. Dicharry summarized memorandum in packet from public works director regarding proposed relocation. He stated that despite searching, he could obtain no other information regarding matter and requested the City develop a public information policy to keep citizens informed in an effort to allow access to information, and to allow for informed discussions.

Resident Cindy Pigott suggested Council either find commercial space outside the City that would work for everyone or to consider convenient commercial space within the City.

Fifteen-year resident Kirk Beardsley remarked the City and Council owe Chief Chen a formal written apology and that personal apologies should also be rendered. He said it is clear that inadequate policies were in place, there had been a lack of employee training and that all receipts in question had been chased down. He expressed that Chen had been victimized and the purpose of the audit was confused. Resident conveyed his concern that morale of the entire department may be damaged. He concluded saying the City is lucky to have someone of Chen's caliber and urged Council not to make the mistake of losing him, as it did the city manager.

Resident Henry Paulman asked if auditors plan to repeat audit type for 2007 and the auditors responded that a follow up will be performed. Mr. Paulman said the propriety of expenses has yet to be determined. He stated the city of Seattle required repayment of expenses not compensated for.

Resident Heija Nunn said the Park Board received an email regarding City Hall temporary site in order to provide feedback and she said she responded to the city manager by phone. Ms. Nunn stated the City should receive better and broader community input, should explore other alternatives, and advise residents of important decision in advance. Resident conveyed she would be concerned about children getting to and from school if trailers were to be placed in the park. Ms. Nunn agreed an apology is owed to Chief Chen. Regarding the audit, she inquired if there was a finding of misuse and the auditor responded that no evidence of fraud was identified. Resident inquired if the trip to Amsterdam was approved and Caldwell responded that verbal approval was given.

Resident Wilma Edmonds inquired if the City would take a position regarding tolling on bridge.

Mayor responded that concerns have been discussed among Points' mayors. He continued to say that the issue has not yet been clarified by the State, and thus there is nothing to respond to in order to formulate a position statement.

Mayor closed participation period at 8:00 pm.

REMARKS AND ANNOUNCEMENTS

Mayor welcomed Officer Ismael Ramirez back to work from active military duty following a 17-month tour in Iraq. Nelson summarized his tour of duty.

Mayor said there would be an Arbor Day celebration on April 25 at 2:45 pm.

Lawrence summarized audit process and stated the focus was on the City and how it handled its operating procedures. He expressed the Chief currently has and always had total support.

Whitney said she was advised by the previous city manager that letters could no longer be read into the record. She said a letter was received by the Council; however she would not read it into the record.

Jordan conveyed personal harassment of the Chief has occurred in the community and expressed his opinion that much of it stems from his ethnicity. He reminded Council Members to respond to all citizens, not just to a particular citizen who continues to persecute the Chief. Jordan remarked the City is fortunate to have someone of Chief Chen's caliber and he would be difficult to replace.

Rudolph pointed out item on agenda which would allow for a detailed discussion regarding the unauthorized release of the draft audit report.

CONSENT AGENDA

MOTION JORDAN AND SECOND RUDOLPH TO APPROVE CONSENT AGENDA, AND MOTION CARRIED 6-0 AT 8:12 PM.

- Approval of March 10, 2008 City Council Minutes
- Approval of March 26, 2008 City Council Minutes
- Approval of March 2008 Checks/Finance Officer's Report

Historical Use Permit No. 2007-01, Medina Store (8:13 pm)

Council Member Lawrence recused self from meeting at 8:13 pm. Mayor read procedure for closed-record hearing regarding property owner's application to allow additional office use at the Medina Store. Mayor requested disclosures from Council Members in accordance with the Appearance of Fairness Doctrine.

Whitney disclosed she listened to and had discussions with constituents regarding the Green Store during her campaign. She said she had twice met with and listened to Council Member Biglow regarding his ideas for the store since her election, and once with the Mayor prior to being sworn into office. She said she had twice received calls from a resident wishing to lobby against the property owner and she explained she abruptly ended the calls and referred resident to the city attorney.

Whitney claimed she would not be influenced by the conversations one way or the other and would be able to make a fair decision based solely on the record as provided by the city attorney.

Mayor asked for further declarations and none were provided. Mayor asked if the applicant or members of the audience chose to challenge any member of the Council. No challenges were made.

Tanaka summarized Order of Remand and answered Council inquiries. Council discussion followed.

MOTION RUDOLPH AND SECOND WHITNEY TO APPROVE HUP 2007-01 FOR THE MEDINA GREEN STORE; TO ADOPT FINDINGS OF FACT, CONCLUSIONS AND RECOMMENDATIONS OF THE MEDINA PLANNING COMMISSION DATED JULY 12, 2007, AS MODIFIED *; AND RESOLUTION NUMBER 333 (CORRECTED VERSION OF EXHIBIT NUMBER 89). MOTION CARRIED 5-0 (BIGLOW ABSENT AND LAWRENCE RECUSED) AT 9:15 PM.

* Friendly amendment proposed by Jordan (and approved by Rudolph) to modify the Findings of Fact, Conclusions and Recommendations of the Medina Planning Commission dated July 12, 2007 to amend paragraph one, second sentence on page three to read:

The term "office use" shall be defined as a separately defined space occupied by (delete balance of paragraph and replace with):

"Administrative offices" which is defined as an office use in which services are provided to customers primarily by phone or mail, by going to the customer's home or place of business, or on the premises by appointment; or in which customers are limited to holders of business licenses. Examples of services provided include general contracting, janitorial and housecleaning services; legal, architectural, and data processing; broadcasting companies, administrative offices of businesses, unions or charitable organizations; and wholesalers and manufacturer's representatives' offices. Administrative offices may include accessory storage, but not the storage of building materials, contractor's equipment or items, other than samples, for wholesale sale.

The use of an office does not include retail sales, manufacture of goods, medical or dental use, or customer service offices. "Customer service office" is defined as an office use in which on site customer services are provided in a manner which encourages walk in clientele and in which generally an appointment is not needed to conduct business. Examples include bank branches, travel agencies, airline ticket offices, brokerage firms, real estate offices, and government agencies which provide direct services to clients.

Mayor recessed meeting at 9:16 pm and called the meeting back to order at 9:24 pm. Council Member Lawrence returned to meeting at 9:24 pm.

OTHER BUSINESS

Lot Coverage for Undersized Lots (9:24 pm)

MOTION BLAZEY AND SECOND JORDAN TO POSTPONE DISCUSSION OF LOT COVERAGE FOR UNDERSIZED LOTS UNTIL NEXT REGULAR MEETING. MOTION CARRIED UNANIMOUSLY AT 9:24 PM.

COUNCIL INITIATIVES

Unauthorized Release of Draft Washington State Audit Report dated January 1 to December 31, 2006 (9:24 pm)

Rudolph led Council in discussion regarding unauthorized release of draft audit to the public and to the press. He stressed Council must act responsibly with confidential matters in order to effectively work together and for city government to function effectively. Rudolph explained confidential matters include not only draft audit but also executive session proceedings. Council discussion followed.

Motion Jordan and second Whitney to extend meeting fifteen minutes and motion carried 6-0 at 9:35 pm.

Whitney stated for the record that she attended audit meeting, had a copy of the draft report and did not give it to one single person. She asked every member of the Council to make a statement for the record.

Lawrence stated for the record that his report never left his folder until today.

Blazey stated he took report home and it sat in his house and did not go anywhere. He said his wife did not look at it.

Nelson said he never gave it to anyone or talked to anyone about it, except to Council Members by telephone.

Jordan expressed he was under the impression he did not have the document.

Rudolph stressed importance of discussion and the importance of maintaining confidentiality in order to work together as a Council.

City Manager's Monthly Activity Report (9:37 pm)

- A. Police Department
- B. Development Services
- C. Public Works
- D. City Manager

City Manager summarized reports and Council discussed content. A lengthy discussion occurred between staff and Council regarding City Hall project.

Motion Jordan and second Blazey to extend meeting another fifteen minutes. Motion carried 6-0 at 9:57 pm.

Council voted to hold a special meeting April 17 to discuss City Hall project. The vote carried 4-0-2 at 10:16 pm. Lawrence and Rudolph abstained from the vote.

Reports were received and filed.

Agenda Calendar (10:20 pm)

Council discussed agenda items for May 12 meeting, including: Lot Coverage for Undersized Lots, discussion of forming a Council audit committee, and staff recommendation regarding traffic calming request on Northeast 12th Street.

EXECUTIVE SESSION

Council recessed into Executive Session at 10:24 pm for an estimated time of fifteen minutes to discuss compensation of a specific public employee, pursuant to RCW 42.30.110(1)(g). No action was anticipated.

Council Members Blazey, Jordan, Lawrence, Nelson, Rudolph, and Whitney; City Manager; City Attorney; and City Clerk were present. Executive Session adjourned at 10:41 pm. No action was taken.

The Regular Meeting was called back to order at 10:41 pm.

ADJOURNMENT

MOTION BLAZEY AND SECOND RUDOLPH TO ADJOURN THE APRIL 14, 2008 CITY COUNCIL MEETING. MOTION CARRIED 6-0 AT 10:42 PM.

The April 14, 2008, Regular Meeting of the Medina City Council adjourned at 10:42 pm.

The City Council will hold a Special Meeting Thursday, April 17, 2008, at 6:30 pm.

The next Regular Meeting of the Medina City Council is scheduled to be held Monday, May 12, 2008, at 6:30 pm.



Mark L. Nelson, Mayor

Attest: 

Rachel Baker, City Clerk