



PACIFIC CITY COUNCIL MEETING AGENDA
Council Chambers - City Hall. 100 3rd Ave. SE

September 14, 2015
Monday

Regular Meeting
6:30 p.m.

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**
2. **ROLL CALL OF COUNCIL MEMBERS**
3. **ADDITIONS TO/APPROVAL OF AGENDA**
- (4) 4. **PROCLAIMING SEPTEMBER 2015 AS PROSTATE CANCER AWARENESS MONTH**
5. **EXECUTIVE SESSION PER RCW 42.30.110(1)(H): To evaluate the qualifications of a candidate for appointment to elective office.**
6. **APPOINTMENT OF NEW COUNCIL MEMBER**
7. **OATH OF OFFICE**
8. **AUDIENCE COMMENT**

(Please limit your comments to 3 minutes for items not on the agenda. When recognized by the Mayor, please state your name and address for the official record. It is asked that you do not speak on the same matter twice.)
9. **REPORTS**
 - (5) A. Mayor
 - (7) B. City Administrator
 - (9) C. Court
 - D. Community/Senior/Youth Services
 - E. Public Works Department
 - F. Community Development Department
 - (10) G. Public Safety Department
 - H. City Council Members
 - I. Boards and Committees
 - i. Finance Committee
 - ii. Governance Committee
 - iii. Human Services Committee
 - iv. Public Safety Committee
 - v. Public Works Committee
 - vi. Technology Committee
 - vii. Park Board

- viii. Planning Commission
- ix. Pierce County Regional Council (PCRC)
- x. Sound Cities Association (SCA)
- xi. South County Area Transportation Board (SCATBd)
- xii. Valley Regional Fire Association (VRFA)

10. OLD BUSINESS

- (11) **A. Ordinance No. 2015-1906:** Repealing Chapter 8.04 of the Pacific Municipal Code and creating Chapter 14.02 relating to solid waste practices.
- (21) **B. AB 15-122: MOTION:** Solid Waste Public Hearings Findings of Fact
- (25) **C. Ordinance No. 2015-1907:** Updating the Pacific Municipal Code Chapter 13.16-Street and Alley Vacations
- (34) **D. Resolution No. 2015-283:** Repealing Resolution No. 2015-279 and amending the estimated costs of the Milwaukee Boulevard Improvement Project
- (38) **E. Resolution No. 2015-284:** Authorizing Change Order No. 8 to the Stewart Road Contract with Icon Materials for Outfall Conflict Resolution.
- (44) **F. Resolution No. 2015-285:** Authorizing the execution of a collective Bargaining Agreement between the City and teamsters Local 117, Uniformed Employees, effective July 1, 2014 through June 30, 2017.

11. NEW BUSINESS

12. CONSENT AGENDA

- (69) **A. Payroll and Voucher Approval**
- (76) **B. Minutes of the workshops of August 3 and August 17, 2015 and meetings of July 27 and August 10, 2015**

13. ADJOURN

Council may add other items not listed on this agenda unless specific notification period is required.
 Please turn off cell phones during meeting and hold your questions for staff until the meeting has been adjourned.
 Meeting materials are available on the City's website at: www.cityofpacific.com or by contacting the City Clerk's office at (253) 929-1105.



For ADA accommodations, please contact City Hall at (253) 929-1105 prior to the meeting.

City of Pacific Meeting Schedule

Finance Committee Garberding, Kave, Walker Meets: 3 rd Tuesdays	September 15, 2015 6:30 p.m.	City Hall
Governance Committee Kave, Oliveira, Putnam Meets 1 st Tuesday	October 6, 2015 6:30 p.m.	City Hall
Human Services Committee Garberding, Oliveira, Steiger Meets 4 th Tuesday	September 22, 2015 6:30 p.m.	Senior Center
Park Board Meets 3 rd Tuesday	September 15, 2015 6:30 p.m.	City Hall
Planning Commission Meets 4 th Tuesday	September 22, 2015 6:00 p.m.	City Hall
Public Safety Committee Garberding, Kave, Steiger Meets 2 nd Wednesday	TBD 6:30 p.m.	City Hall
Public Works Committee Jones, Putnam, Steiger Meets 1 st Wednesday	October 7, 2015 7:00 p.m.	City Hall
Technology Committee Jones, Oliveira, Walker Meets: 3 rd Thursday	September 17, 2015 5:00 p.m.	City Hall

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P R O C L A M A T I O N

“Prostate Cancer Awareness Month”

WHEREAS, September is national Prostate Cancer Awareness Month; and

WHEREAS, prostate cancer is the second leading cause of cancer death in men; recognizing that while all men are at risk for prostate cancer, African American and Hispanic men have the highest incidence and mortality of prostate cancer in the world; and

WHEREAS, in 2014 there were 5,400 new cases of prostate cancer diagnosed and 730 deaths from prostate cancer in Washington State; and

WHEREAS, the Washington State Prostate Cancer Coalition along with the Tacoma Prostate Cancer Support Group provide programs and materials to advocate and educate men to have an informed discussion with their healthcare provider about prostate cancer by age 50 and by age 45 if they have a family history of the cancer,

NOW, THEREFORE, I, LEANNE GUIER, MAYOR OF THE CITY OF PACIFIC, WASHINGTON, do hereby proclaim September 2015 as Prostate Cancer Awareness Month in the City of Pacific and encourage all citizens to join in activities that will increase awareness and prevention of prostate cancer.

Signed this 14th Day of September, 2015

Leanne Guier
Mayor, City of Pacific

COUNCIL MEETING ADMINISTRATOR REPORT: 9-14-2015

- The next executive session for CBA related items will be Monday September 21st. Council will be presented with the most recent and updated proposal from the Public Works/Clerical Union. Lance and I will also have recommendations to help Council in preparing the City's counterproposal.
- The next negotiations meeting with the Public Works/Clerical Union is scheduled for September 24th at 9am in City Hall. The last negotiation meeting was held on August 20th and went quite well. Good progress was made and both sides seem pleased with the negotiations to this point. We are hopeful that an agreement may be reached by November.
- It has been brought to my attention that certain Councilmembers have had connection problems with their Microsoft Surface Tablets. I have brought this to Auburn IT staff's attention and they are working on defining what could be causing this. Please let me know if you are having any problems logging on or for any other reason.
- Budget preparation continues now as staff is busy working on completing the Proposed Preliminary Budget for 2016 which is due to the Council by October 5th. Staff is also working on completing answers to the Council's questions from the Budget Workshop on August 31st.
- Auburn IT has finally received the new switch and will be installing it sometime in the next two weeks. In addition, they also discovered another problem that is related to the City's connection with King County's I-Net (provides internet access). The City's border router is at the end of its life and will need to be upgraded (\$1,009). Once this is completed and the switch is set up, all of the City Center Campus buildings will function properly regarding internet connectivity.

- The State Audit for 2014 will begin on either Tuesday or Wednesday of this week.
- Staff has posted the two RFPs approved by Council for a new AV System and Website redevelopment services. The closing dates for vendors to make a submittal for these two RFPs is September 25th at the close of business. We are working with some potential Vendors to measure their level of interest in working with the City.
- Staff is working with a company named Granicus regarding their platform for Council/Court recording system as well as use with the City's new website in 2016. Their reps are working on a presentation for the City Clerk and Court Administrator.
- The Finance Staff will be out of the office most of Tuesday through Thursday next week, attending the Washington's Finance Officers Association 2015 Conference in Tacoma, for training. The Office window will be covered by the Office Assistant in addition to staff when they are not at training during the week.

PACIFIC MUNICIPAL COURT
Memorandum

TO: Judge Rochon

CC: Mayor Guier, Pacific Council Members, Managers

From: Kelly Rydberg

Date: 9/1/15

Re: August 2015

The court:

- Held 396 hearings - 280 for Pacific and 116 for Algona.
- Collected Pacific monthly revenues of **\$35,188.09**; of which **\$26,464.04** is the local portion, \$158.79 is the County portion and **\$8565.26** is the State portion. Year to date revenues for the City of Pacific are **\$189,403.40**.
- Collected Algona monthly revenues of **\$12,455.12**; of which \$4141.79 is the local portion, \$3513.38 is the Pacific split for costs, \$65.73 is the County portion and \$4734.22 is the State portion. Year to date revenues for the City of Algona are **\$42,791.53**.

Pacific monthly filings:

Traffic infractions filed:	147	violations filed:	182
Criminal citations filed:	23	violations filed:	30

Algona monthly filings:

Traffic infractions filed:	59	violations filed:	76
Criminal citations filed:	9	violations filed:	10

GENERAL FUND/RECOUPMENT COLLECTED

	PACIFIC MONTH	PACIFIC YTD	ALGONA MONTH	ALGONA YTD
Warrant fees	1948.59	12138.07	49.13	1116.82
Record Check Fees	9209.73	64260.29	PACIFIC KEEPS	
Jail Recoupment	2161.95	16896.09	287.25	3605.82
Insurance Fees	114.05	1276.41	PACIFIC KEEPS	
Parking Fees	125.00	1475.00	0	110.00
PD Recoupment	1173.89	10,888.19	211.84	2024.45
Interpreter Recoupment	49.12	5720.39	196.99	2100.78
Credit Card Convenience Fee	264.76	1748.10	PACIFIC KEEPS	
Interest/Bank Charges	1046.84	10,154.68	377.92	2158.89
Misc court fines and costs	5250.11	41,196.18	3018.66	31674.77
Algona court costs **	2640.00	19,930.00	3513.38	38,335.94
Traffic School costs	2480.00	3720.00	N/A	N/A
TOTAL	\$26,464.04	\$189,403.40	\$7655.17	\$81,127.47

**** The total in the Pacific column is for JULY services; the total in the Algona column is costs split that Pacific keeps for AUGUST.**

Cities of Pacific & Algona; Municipal Court
100 3rd AVE SE; Pacific WA 98047
(253) 929-1140; (253) 929-1195 fax

Thursday, September 10, 2015

City of Algona
Attention: Julie
402 Warde St
Algona WA 98001

Dear Julie,

Please submit for compensation to Pacific Municipal Court \$2478.13 for AUGUST 2015 filings and interpreter or detention billing reimbursement, as noted below.

Interpreter billing for this period is \$463.13.
Detention billing for this period is \$.
(Copies attached)

FILINGS:

59 Infractions @ 25.00	\$1475.00
9 Criminal Citations @ 60.00	\$540.00
Total Due	\$2015.00

Monthly Revenues collected \$12,455.12.

COSTS RETAINED BY PACIFIC MUNICIPAL COURT FROM MONTHLY REVENUES:

Split of warrant fees	\$49.12
Monitoring / Record check fees	\$3355.47
Mandatory insurance costs	\$60.68
Credit card convenience fee	\$48.11
NSF fees	\$0
Copy/CD fees	\$0
Total	\$3513.38

Remittance check due Algona:
\$4141.79

Remittance check to King County paid:
\$65.73

Remittance check to State paid:
\$4734.22

Please contact us if you have any questions. Thank you.
Sincerely,

Kelly Rydberg
Court Administrator

CC: Algona Police Chief; month end file

MONDAY CITY COUNCIL 9-14-15

Community Services Report

Mayor Guier and City Council

Human Services Committee meeting will be held Tuesday September 22nd at 6:30 in the Mayor's office.

On Friday 25th 10:00am to noon, we have our annual flu shot clinic sponsored by Bartells, and hosted by the City of Pacific. The clinic will be held in the Multi Purpose Room in the Senior Center. All ages are welcome; please bring your insurance cards. If no insurance, there are two options. The high dose for seniors is \$57.99, and the regular dose for less than 60 years of age is \$34.99.

The Senior Center bus will be going to the Washington State Fair in Puyallup on Tuesday the 15th. The bus leaves from the Senior Center at 11:30 and the return trip is at 2:00.

Tuesday the 22nd at 11:30 our senior bus is going out to lunch at the Red Lotus in Auburn.

Soon will be the time for open reenrollment for Medicare Insurance programs. Statewide Health Insurance Benefits Advisor (S.H.I.B.A.) will be at the Senior Center on Tuesday the 22nd, in the morning. This is a program supported by Medicare for any questions about health insurance.

Senior Center Chess Club meets the first Wednesday of the month at 2:00. Come join the fun!!

New this fall, in the East Room: Spanish Story Time sponsored by K.C.L.S. and hosted by the City of Pacific. The first was held on Monday, September 14, at 10:30am. This is a family program, all ages welcome. Come and enjoy stories, fun songs and rhymes in Spanish.

Thank you,
Respectfully submitted

Darcie Thach
JoAnne Futch

PACIFIC POLICE DEPARTMENT

AUGUST 2015 MONTHLY REPORT

ACTIVITY

Dispatch calls 414
 Self-initiated contacts 214
 Agency assists 86

TRAFFIC ENFORCEMENT

		<u>LAST MONTH</u>
Verbal Warnings	76	93
Infractions	179	186
Criminal Traffic	12	20

SUPERIOR COURT FILINGS

Adult 3
 Juvenile 0

ARRESTS

Traffic 12
 Non Traffic 13
 Felony 4

OFFENSES/CRIMES

Burglaries-Residential	0	Assault-DV	2
Burglaries-Commercial	2		
Thefts	10	Malicious mischief-DV	0
Robbery	0	Disputes-DV	2
Motor vehicle theft	3	Violation of orders	2
Motor vehicle recovery	3	Order Service	2
Recovered property	0	Mental health referral	4
Poss stolen property	0	Threats/harassment	3
Vehicle prowl	5	Suicidal subject	0
Weapons violation	0	Death investigation-DOA	0
Reckless burning/arson	0	Homicide	0
DUI	0	Runaway/missing	2
Drug/liquor violation	1	Warrant arrests	19
Vehicle impound	0	CPS/APS investigation	2
Vehicle collision	8	Criminal trespass	4
Assault	2	Hit and run	3
Malicious mischief	2	Suspicious Circ	1
ID Theft	1	Fraud	0

Total Cases: 104 Year to Date: 736

SEX OFFENSE- 3
 TRAFFIC INCIDENT- 3
 ALARM- 1
 CHILD ABUSE- 1



TO: Mayor Guier and City Council Members
FROM: Richard Gould, City Administrator
MEETING DATE: September 15, 2015
SUBJECT: Adoption of Solid Waste Ordinance No. 2015-1906

ATTACHMENTS: Solid Waste Ordinance No. 2015-1906

Previous Council Review Date: N/A

Summary: It has been determined that Chapter 8.04 of the Pacific Municipal Code, dealing with solid waste collection needs updating. A new Chapter 14.02 has been drafted to replace Chapter 8.04 to address the deficiencies in the existing code.

Recommended Action: Adopt the Solid Waste Ordinance No. 2015-1906

Motion for Consideration: I move to adopt the Solid Waste Ordinance No. 2015-1906 amending the Pacific Municipal Code, repealing Chapter 8.04 and adopting Chapter 14.02 regarding solid waste practices..

Budget Impact: None

Alternatives: Continue regulating solid waste under the existing Chapter 8.04 PMC which does not reflect current solid waste practices.

CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. 2015-1906

AN ORDINANCE OF PACIFIC, WASHINGTON, RELATING TO SOLID WASTE, RECYCLABLES AND COMPOSTABLES, REQUIRING CITIZENS TO OBTAIN CONTAINERS FOR SOLID WASTE AND TO UTILIZE THE SOLID WASTE DISPOSAL SERVICE, ADDING DEFINITIONS, ESTABLISHING THE CHARGES FOR SOLID WASTE DISPOSAL; ESTABLISHING THE EFFECTIVE DATE FOR A NEW RATE INCREASE; REPEALING CHAPTER 8.04 OF THE PACIFIC MUNICIPAL CODE AND ADOPTING A NEW CHAPTER 14.02 IN THE PACIFIC MUNICIPAL CODE RELATING TO SOLID WASTE.

WHEREAS, the City's rates and charges for solid waste were included in resolutions, adopted as required by law; and

WHEREAS, the City desires to adopt a new chapter in the code to insert such rates and charges into an ordinance so that such rates and charges are codified; and

WHEREAS, certain sections of Chapter 8.04 in the Pacific Municipal Code relating to Garbage, ordained in 1972, do not reflect current operations for solid waste collection and need to be repealed; Now, Therefore,

IT IS HEREBY ORDAINED BY THE PACIFIC CITY COUNCIL AS FOLLOWS:

Section 1. Chapter 8.04 is hereby repealed from the Pacific Municipal Code.

Section 2. A new Chapter 14.02 is hereby added to the Pacific Municipal Code, which shall read as follows:

**CHAPTER 14.02
SOLID WASTE COLLECTION**

Sections:

- 14.02.010 Definitions.**
- 14.02.020 Restrictions.**
- 14.02.030 Allowing Solid Waste to Accumulate.**
- 14.02.040 Notice to Remove Accumulated Solid Waste.**
- 14.02.050 Contract to Collect Solid Waste.**
- 14.02.060 Administration.**
- 14.02.070 Compliance Required.**

- 14.02.080 Container Required.**
- 14.02.090 Collection Frequency.**
- 14.02.100 Service – Recordkeeping.**
- 14.02.110 Charges.**
- 14.02.120 Reduced Rates for Low Income Senior Citizens and/or Low Income Disabled Customers.**
- 14.02.130 Failure to Pay.**
- 14.02.140 Violation – Penalty.**

14.02.010 Definitions. The following definitions shall be applied to the interpretation of the terms of this Chapter:

“Commercial premises” means all non-residential premises in the City, including businesses, institutions, governmental agencies and all other users of commercial-type Solid Waste collection services.

“Compostables” means all Yard Debris except sod with reinforcement netting, dirt, rocks and bricks; and all food waste including all paper products soiled with food waste and shredded paper.

“Commercial premises” means all non-residential premises in the City, including businesses, institutions, governmental agencies and all other users of commercial-type Solid Waste collection services.

“Curb or curbside” means on the homeowner’s property, within five feet of the public street without blocking sidewalks, driveways or on-street parking. If extraordinary circumstances preclude such a location, curbside shall be considered a placement suitable to the resident, convenient to the Solid Waste Contractor’s equipment and mutually agreed to by the City and Solid Waste Contractor.

“Food Waste” means vegetable and other food scraps, including meat, dairy products, grease and bones, paper which has been contaminated with food; fat or grease; and compostable paper including paper towels, paper plates, tissue and waxed paper, but shall exclude any items which cannot be accepted for processing the Solid Waste Contractor’s third party compost processing facility.

“Garbage Can” means a container that is a water tight galvanized sheet metal or plastic container not exceeding 96 gallons. All containers shall be rodent and insect proof and kept in a sanitary condition at all times.

“Hazardous Waste” means any substance that is:

- A. Defined as hazardous by 40 C.F.R. Part 261 and regulated as Hazardous Waste by the United States Environmental Protection Agency under Subtitle C of the Resource Conservation and Recovery Act (“**RCRA**”) of

1976, 42 U.S.C. § 6901 *et seq.*, as amended by the Hazardous and Solid Waste Amendments (“**HSWA**”) of 1984; the Toxic Substances Control Act, 15 U.S.C. § 2601 *et seq.*; or any other federal statute or regulation governing the treatment, storage, handling or disposal of waste imposing special handling or disposal requirements similar to those required by Subtitle C of RCRA.

- B. Defined as dangerous or extremely hazardous by Chapter 173-303 WAC and regulated as dangerous waste or extremely Hazardous Waste by the Washington State Department of Ecology under the State Hazardous Waste Management Act, Chapter 70.105 RCW, or any other Washington State statute or regulation governing the treatment, storage, handling or disposal of wastes and imposing special handling requirements similar to those required by Chapter 70.105 RCW.

“Multi-Family Complex” means all multiple-unit residences with three (3) or more attached or unattached units, and billed collectively for Solid Waste collection Services.

“Private Road” means a privately-owned and maintained way that allows for access by a service truck and that serves multiple residences.

“Public Street” means a public right-of-way used for public travel, including public alleys.

“Recyclables” or “Recyclable Material” means the following:

- Aluminum cans
- Corrugated Cardboard
- Glass Containers
- Mixed Paper
- Newspaper
- Plastic Containers
- Poly-coated Cartons and Boxes
- Scrap Metal
- Tin Cans

“Scrap Metal” means ferrous and non-ferrous metals not to exceed two feet in any direction and thirty-five (35) pounds in weight per piece.

“Single-Family Residence” means all one-unit houses and mobile homes that are billed individually for Solid Waste collection services and located on a Public Street or Private Road.

“Solid Waste” means, other than Compostables, all putrescible and nonputrescible solid, semi-solid and liquid wastes, including residential garbage, trash, refuse, paper, rubbish, ashes, demolition and construction wastes,

discarded home and industrial non-recyclable appliances, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semi-solid wastes but excluding Hazardous Waste.

"Solid Waste Collector" means the person or persons entering into contract with the city for the removal of refuse as provided by this chapter.

"Yard Debris" means leaves, grass and clippings of woody, as well as fleshy plants.

14.02.020 Restrictions.

A. It is unlawful for any person to burn, dump, collect, remove, or in any other manner dispose of solid waste upon any street, alley, public place or private property within the city otherwise than as provided in this chapter.

B. It is unlawful for any person to bury, burn or dump wastepaper, boxes, rubbish and debris, grass, leaves, weeds and cuttings from trees, lawns, shrubs and gardens, upon any street, alley, or public place in the city.

14.02.030 Allowing Solid Waste to Accumulate.

It is unlawful for any person, firm, company or corporation to allow solid waste or debris of any kind to accumulate on property which the person, company or corporation owns or leases or uses in the city, including the use of city property.

14.02.040 Notice to Remove Accumulated Solid Waste.

It shall be the duty of the Code Enforcement Officer, upon receiving notice of any dead animal, solid waste, or of any debris lying upon or accumulated upon or inside of any property located in the city, to notify the owner of the property or the person occupying the property to remove or have removed immediately the dead animal or accumulated solid waste or debris. Twenty-four hours after such notice has been given and such dead animal, animals, solid waste or debris, as the case may be, is not removed by the person responsible for the same, the Code Enforcement Officer may order the removal of the dead animal, animals, solid waste or debris, as the case may be, from the premises by duly authorized persons.

14.02.050 Contract to Collect Solid Waste.

A. The city may, in the discretion of the city council, contract every ten years or less with a private operator for the collection, removal and disposal of all garbage, waste, refuse and other like substances within the city limits, except for those areas subject to municipal contract for solid waste collection with a private operator.

B. Selection of a private operator may be accomplished through the solicitation of bids, proposals, or such other means as the city council deems appropriate to secure a qualified operator.

C. Each selected operator shall furnish a corporate surety bond to the city in an appropriate amount determined by the Director of Public Works, conditioned upon the faithful performance of the contract and compliance with all ordinances of the city and all rules, regulations and matters relating to the maintenance of any dump or sanitary fill.

14.02.060 Administration. The Director of Public Works is authorized and directed to administer this solid waste and recyclable material collection system.

14.02.070 Compliance Required. The City has a system of universal compulsory solid waste, compost and recyclable material collection. Every person in possession, charge, or control of any single-family residence or multi-family complex shall be charged for solid waste, compost and recyclable material collection at the rates specified in this chapter, for the level of service selected by the person, whether such person uses such service or not. Every person in possession, charge or control of commercial premises shall be charged for solid waste collection at the rates specified in this chapter. If any person chooses not to use such service, he/she shall be charged for the service of checking to see whether he or she has solid waste, compost and recyclable material to be collected.

14.02.080 Container Required. Every person in possession, charge or in control of any single family residence, multi-family complex or commercial premises where solid waste and/or recyclable materials are created or accumulated, to at all times keep or cause to be kept garbage cans in which to deposit the solid waste and/or recyclable materials. The Solid Waste Collector shall provide each single-family premises and residents in appropriate multi-family premises with one garbage can for garbage, one can for recyclables and one can for compostables.

14.02.090 Collection Frequency. The solid waste collector shall collect Solid Waste from the residences on a weekly basis and Recyclables and Compostables from residences on an every-other-week basis on alternating weeks. Solid waste shall be collected from multifamily and commercial properties on a weekly basis. All garbage cans shall be set out at the curb for collection, on the appropriate day and by the appropriate time established by the solid waste collector for collection.

14.02.100 Service – Recordkeeping. The solid waste collector shall maintain accurate records of the types of services and solid waste charges for premises within the City.

14.02.110 Charges.

A. The Solid Waste Collector shall be responsible for billing and collection of all charges, fees and taxes for the collection of Solid Waste, Recyclables and Compostables. Billing cycles shall not exceed quarterly collection. The Solid Waste Collector shall notify all affected persons of the billing frequency.

B. The Solid Waste charges to be imposed for each type of service are set forth in Exhibit A, which is attached hereto and incorporated herein by this reference.

C. The Solid Waste Collector shall propose any changes to Solid Waste charges at least 45 days prior to the effective date of the change, and shall notify all affected customers at least 45 days prior to the effective date of the change.

14.02.120 Reduced Rates for Low Income Senior Citizens and/or Low Income Disabled Customers.

Any full-time occupant responsible for the payment of a city solid waste billing shall be granted a 15 percent discount from the otherwise applicable rate if the person is at least 62 years of age, and/or is 18 years of age or older and has been awarded in writing a 50 percent or higher disability rating from any state of Washington and/or federal agency/program, and meets the low-income guidelines as determined by the U.S. Department of Housing and Urban Development (HUD) for taxable household income and has properly filled out an application as required requesting such reduction. Staff is directed to establish and implement a review/re-application process to ensure the integrity of those accounts receiving the discount.

14.02.130 Failure to Pay. Upon failure to pay such charges and upon delinquency, the amount thereof shall become a lien against the property for which the solid waste collection service is rendered. Pursuant to RCW 35A.21.150, the City may exercise the powers relating to the imposition and foreclosure of liens in chapter 35.67 RCW.

14.02.140 Violation – Penalty. Any person violating any of the provisions of this chapter commits a civil infraction. The procedures for issuance of a notice of infraction, hearings, assessment and payment of monetary penalties shall be in accordance with the provisions of Chapter 7.80 RCW, adopted by reference, including any future amendments, additions thereto and repeals thereof, and incorporated herein by this reference as if set forth in full.

Section 3. Effective Date of Charges. The City shall provide notice of the charges in this Ordinance as provided in RCW 35A.21.152. The notice may be mailed to each affected ratepayer or published once a week for two consecutive weeks in a newspaper of general circulation in the collection area. The notice

shall be available to affected ratepayers at least forty-five (45) days prior to the proposed effective date of the rate increase.

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 6. Effective Date. This Ordinance, excluding the Charges in Section 14.02.110, shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of Pacific this 14th day of September, 2015.

Leanne Guier, Mayor

AUTHENTICATED:

Amy Stevenson-Ness, City Clerk.

APPROVED AS TO FORM:
Office of the City Attorney

Carol Morris, City Attorney

PUBLISHED:
EFFECTIVE DATE:

EXHIBIT A

SERVICE RATE SCHEDULE

City of Pacific
Service Rate Schedule - page 1 of 2 -
Waste Management

	Service Level	New Service Rates			
		Disposal Fee	Collection Fee	Total Service Fee	
Weekly Residential Curbside Service (includes embedded Recycling & Yard/Food Waste collected EOW)	1 - 10 gal, Micro Can	\$ 1.31	\$ 9.35	\$ 10.66	
	1 - 20 gal, Cart (35 gallon Cart with 20 gal insert)	\$ 2.61	\$ 11.47	\$ 14.08	
	1 - 35 gal Cart	\$ 4.57	\$ 18.98	\$ 23.55	
	1 - 64 gal Cart	\$ 9.14	\$ 30.12	\$ 39.26	
	1 - 96 gal Cart	\$ 13.70	\$ 37.25	\$ 50.95	
	Extra solid waste, bags/cans/boxes (32/35 gallon equivalent)	\$ 1.05	\$ 5.77	\$ 6.82	
	Additional Yard/Food Carts each (second cart and more)		\$ 6.50	\$ 6.50	
	Miscellaneous Services				
	Return Trip		\$ 7.00	\$ 7.00	
	Carry-out surcharge per month (one fee for MSW, REC, YDW)		\$ 1.20	\$ 1.20	
	Overweight Cart (per p/u)		\$ 5.75	\$ 5.75	
	Clean/Deodorize Cart + Redelivery		\$ 32.80	\$ 32.80	
	Redelivery Charge of carts		\$ 17.80	\$ 17.80	
	Lost Cart Charge if unable to retrieve from customer. Charge reversed if Cart is subsequently retrieved within 45-days after charge is applied		\$ 55.00	\$ 55.00	
	Temporary (90-days or less) Container Service Solid Waste (All Customers)	Temporary Detachable Container Service Solid Waste - per pick up			
Temporary 1 Yard Container		\$ 7.57	\$ 22.05	\$ 29.62	
Daily Rent			\$ 1.20	\$ 1.20	
Delivery Fee			\$ 79.80	\$ 79.80	
Temporary 2 Yard Container		\$ 15.15	\$ 34.82	\$ 49.97	
Daily Rent			\$ 1.30	\$ 1.30	
Delivery Fee			\$ 79.80	\$ 79.80	
Temporary 3 Yard Container		\$ 22.72	\$ 44.95	\$ 67.67	
Daily Rent			\$ 1.40	\$ 1.40	
Delivery Fee			\$ 79.80	\$ 79.80	
Temporary 4 Yard Container		\$ 30.30	\$ 56.48	\$ 86.78	
Daily Rent			\$ 1.45	\$ 1.45	
Delivery Fee			\$ 79.80	\$ 79.80	
Temporary 6 Yard Container		\$ 45.45	\$ 71.55	\$ 117.00	
Daily Rent			\$ 1.80	\$ 1.80	
Delivery Fee		\$ 79.80	\$ 79.80		
Temporary 8 Yard Container	\$ 60.59	\$ 91.68	\$ 152.27		
Daily Rent		\$ 2.00	\$ 2.00		
Delivery Fee		\$ 79.80	\$ 79.80		
Weekly Collection Commercial/ Multi-family Solid Waste Service (MultiFamily includes Embedded Cart Recycling collected EOW)	Commercial and Multi-family Service				
	1 - 35 gal Cart	\$ 5.20	\$ 21.88	\$ 27.08	
	1 - 64 gal Cart	\$ 10.40	\$ 31.46	\$ 41.86	
	1 - 96 gal Cart	\$ 15.60	\$ 37.57	\$ 53.17	
	1 - 1 yard container	\$ 32.82	\$ 76.45	\$ 109.27	
	1 - 1.5 yard container	\$ 49.23	\$ 100.62	\$ 149.85	
	1 - 2 yard container	\$ 65.64	\$ 120.71	\$ 186.35	
	1 - 3 yard container	\$ 98.47	\$ 155.81	\$ 254.28	
	1 - 4 yard container	\$ 131.29	\$ 195.80	\$ 327.09	
	1 - 6 yard container	\$ 196.93	\$ 248.05	\$ 444.98	
	1 - 8 yard container	\$ 262.57	\$ 317.83	\$ 580.40	
	Extra solid waste, per each 32/35-gal. Equivalent	\$ 1.20	\$ 9.13	\$ 10.33	
	Extra solid waste, per yard	\$ 7.57	\$ 10.02	\$ 17.59	
	Miscellaneous Services	Return Trip, per pick up		\$ 17.30	\$ 17.30
		Relocate Container Charge while driver on site.		\$ 25.00	\$ 25.00
Carry-out surcharge per month, per cart			\$ 1.20	\$ 1.20	
Roll-out Container more than 5 feet, but less than 25 feet per pick up			\$ 3.60	\$ 3.60	
Roll-out Container over 25 feet, the charge will be the charge for 25 feet plus \$0.50 per increment of 5 feet per pick up			\$ 4.30	\$ 4.30	
Overage/Clean up Service, per yard + extra solid waste charge per yard			\$ 25.00	\$ 25.00	

Gate Opening/Closing, per pick up		\$ 3.70	\$ 3.70
Unlock/Lock container, per pick up		\$ 3.70	\$ 3.70
Redelivery Fee, per delivery		\$ 79.80	\$ 79.80
Steam Cleaning per yard + Redelivery Fee per container		\$ 3.00	\$ 3.00

City of Pacific
Service Rate Schedule - page 2 of 2 -
Waste Management

	Service Level	New Service Rates		
		Disposal Fee	Collection Fee	Total Service Fee
Will Call/ Special Pick up Commercial/ Multi-Family Solid Waste Service	Commercial and Multi-family Service			
	1 - 35 gal Cart	\$ 1.20	\$ 6.31	\$ 7.51
	1 - 64 gal Cart	\$ 2.40	\$ 9.08	\$ 11.48
	1 - 96 gal Cart	\$ 3.60	\$ 10.84	\$ 14.44
	1 - 1 yard container	\$ 7.57	\$ 22.06	\$ 29.63
	1 - 1.5 yard container	\$ 11.36	\$ 29.03	\$ 40.39
	1 - 2 yard container	\$ 15.15	\$ 34.82	\$ 49.97
	1 - 3 yard container	\$ 22.72	\$ 44.95	\$ 67.67
	1 - 4 yard container	\$ 30.30	\$ 56.48	\$ 86.78
	1 - 6 yard container	\$ 45.45	\$ 71.55	\$ 117.00
	1 - 8 yard container	\$ 60.60	\$ 91.68	\$ 152.28
Yard/Food Waste	1 - 96 gal. Cart, collected Every-other-Week		\$ 18.28	\$ 18.28
	Permenant Solid Waste Service			
	Compactor & Non-Compacted Roll-Off, Boxes			
Permenant Service Compactor/□ Roll-Off Boxes	10 - 40 yard, per Round Trip Haul			\$ 196.28
	10 yard Roll-off box, Monthly Rent			\$ 42.62
	20 yard Roll-off box, Monthly Rent			\$ 57.66
	30 yard Roll-off box, Monthly Rent			\$ 70.20
	40 yard Roll-off box, Monthly Rent			\$ 83.99
	Disposal charge per ton (125% of current King County tipping fees)	\$ 150.21		
	Temporary Solid Waste Service (Less than 90-days)			
	Compactor & Non-Compacted Roll-Off, Boxes			
Temporary Service Compactor/□ Roll-Off Boxes	10 - 40 yard, per Round Trip Haul			\$ 235.54
	10 yard Roll-off box, Daily Rent			\$ 1.42
	20 yard Roll-off box, Daily Rent			\$ 1.92
	30 yard Roll-off box, Daily Rent			\$ 2.34
	40 yard Roll-off box, Daily Rent			\$ 2.80
	Delivery Charge			\$ 79.80
	Disposal charge per ton (125% of current King County tipping fees)	\$ 150.21		
Miscellaneous Services	Return Trip		\$ 42.60	\$ 42.60
	Connect/Disconnect Fees on compactors - per haul		\$ 22.20	\$ 22.20
	Additional Mileage Charge per mile - applies to hauls over 5 miles		\$ 4.40	\$ 4.40
	Turn-Around (dirver must turn container/compactor around in order to haul)		\$ 23.60	\$ 23.60
	Relocate Charge while driver on site. Customer requested		\$ 25.00	\$ 25.00
	Steam Cleaning/Pressure Washing per yard + Delivery Charge		\$ 3.00	\$ 3.00
	Stand-by Time per minute (over 5 minute wait)		\$ 1.82	\$ 1.82



Agenda Bill No. 15-122

TO: Mayor Guier and City Council Members
FROM: Richard Gould, City Administrator
MEETING DATE: September 14, 2015
SUBJECT: Solid Waste Contract Findings of Fact

ATTACHMENTS:

- Solid Waste Collection Contract Findings of Fact

Previous Council Review Date: N/A

Summary: The City of Pacific issued a Request for Proposals on April 3, 2015. Two submittals were received, Waste Management, Inc., and DM Disposal/Murrey's Disposal, Inc. After careful review, Waste Management was selected as the finalist. A public hearing was held on July 27, 2015 and continued to August 10, 2015, to receive public comment regarding the solid waste collection contract with Waste Management.

Part of the process of selecting a solid waste carrier is for the City Council to adopt Findings of Fact regarding the RFP and selection process.

The attached findings of fact need to be adopted by motion of the City Council.

Recommended Action: Adopt the findings of fact.

Motion for Consideration: "I move to adopt the findings of fact from the Solid Waste Public Hearing regarding the solid waste collection contract with Waste Management."

Budget Impact:

Alternatives:

CITY OF PACIFIC, WASHINGTON
SOLID WASTE COLLECTION REQUEST FOR PROPOSAL PROCESS
SUPPLEMENTAL FINDINGS

I. Background

These Findings supplement and incorporate information provided in the Findings adopted by the City Council on July 13, 2015. Since that time, DM Disposal/Murrey's Disposal, Inc (Murrey's) submitted documentation, spreadsheets and an *Independent Accountant's Report on Agreed-Upon Procedures* prepared by McGladrey, LLC, dated July 6, 2015 (McGlandrey Report), in support of their assertion that their bid for solid waste collection and recycling services was approximately \$1.9M less over the 10-year contract than the other bidder, Waste Management, Inc. Waste Management, Inc., also provided a spreadsheet to analyze the assertion.

Richard Gould, Pacific City Administrator, prepared a Solid Waste Services Agreement Financial Analysis dated July 22, 2015 (Staff Financial Analysis) to review Murrey's assertion. That report concluded that the data used to support the assertion lacked consistency and therefore credibility, due to the variance percentages from the numerous sources provided and the potential of the recycling savings for the business community was not factored into the comparisons with Waste Management. It also concluded that while some businesses may see an increase in their rates under the new agreement, the majority of the customers in the City will see decreases as is reflected in the utility taxes and franchise fees projected losses to the General Fund of nearly \$420K over the life of the contract (10 years).

Resolution 2015-270 authorizes the Mayor to enter into a contract with Waste Management, Inc., for solid waste and recycling collection services. The Council approved Resolution 2015-270 on August 10, 2015.

II. Public Hearing

On August 10, 2015, the City held an additional public hearing to hear comments regarding the solid waste collection contract with Waste Management. The following summarizes the comments:

Mr. Don Thomson, 2nd Avenue South, Pacific, stated the comparisons are done well but he has an issue with a ten-year contract. Additionally, he has an issue with third-party recycling and inquired if a citizen can opt out of recycling/composting. He stated the franchise fee doesn't include profits made by the contractor from compost or recyclable sales and inquired why the city doesn't receive three percent of the fees for that. The contract is bad for the City, citizens, and businesses, it's only good for the contract. He urged Council to vote against the contract and stated a ten-year obligation should go before citizens for a vote.

Ms. Laura Moser, Waste Management, Auburn, WA, stated Waste Management is ready and able to provide service by October 5, 2015. She was in attendance hoping for a positive Council vote on the contract.

City Clerk Amy Stevenson-Ness read a letter from Steven Gordon, President, Gordon Trucking, Inc. and Valley Freightliner, Inc. in support of Murrey's Disposal and urged Council to vote to retain Murrey's Disposal Service in Pacific.

III. Findings

Based on a review of the information provided to date, including the RFP, McGlandrey Report, Financial Analysis, City staff and public comment, the City finds that:

- Murrey's assertion that their bid is \$1.9M less over 10 years than the Waste Management bid is not credible due to inconsistencies in data provided and ambiguity with respect to potential recycling savings.
- Financial impact was only one of several evaluation criteria considered by the Solid Waste Committee.
- It is in the best interest of the City to proceed with the solid waste collection franchise contract with Waste Management.

FINDINGS BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF SEPTEMBER 14, 2015.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, City Clerk

Approved as to form:

Carol Morris, City Attorney



Agenda Bill No. 15-123

TO: Mayor Guier and City Council Members
FROM: Lance Newkirk, Public Works Manager
MEETING DATE: September 14, 2015
SUBJECT: Municipal Code Update (Chapter 13.16 – Street and Alley Vacations)

ATTACHMENTS: Ordinance 2015-1907

Previous Council Review Date: N/A

Summary: After City Attorney review of Pacific Municipal Code Chapter 13.16 it was discovered that current code is not consistent with state law (RCW 35.79.030). As a result, Chapter 13.16 needs to be updated in order to be consistent with state law. Therefore, the attached ordinance brings the City into conformance with state law in regards to street vacations.

Recommendation/Action: Staff recommends Council approve Ordinance No. 2015-1907. AN ORDINANCE OF PACIFIC, WASHINGTON, RELATING TO VACATION OF STREETS, ALLEYS, PUBLIC PLACES OR PORTIONS THEREOF, DESCRIBING THE PROCESS FOR PETITIONING THE COUNCIL FOR A STREET VACATION, INCLUDING THE REQUIREMENT FOR AN APPRAISAL, NOTICE OF THE PUBLIC HEARING, THE LEGISLATIVE FACTORS INVOLVED IN THE DECISION TO VACATE, PROCEDURE FOR THE PUBLIC HEARING, DESCRIBING CONDITIONS THAT MAY BE PLACED ON A VACATION, DESCRIBING THE METHOD OF COMPENSATION FOR VACATIONS, LIMITING VACATIONS OF WATERFRONT STREETS, RECORDING OF THE VACATION ORDINANCE, AND REPEALING AND REENACTING CHAPTER 13.16 TO THE PACIFIC MUNICIPAL CODE.

Motion for Consideration: Move to approve Ordinance No. 2015-1907, AND REPEAL AND REENACT CHAPTER 13.16 TO THE PACIFIC MUNICIPAL CODE IN ORDER TO CONFORM WITH STATE LAW PERTAINING TO STREET VACATIONS.

Budget Impact: No budget impact.

Alternatives: None.

CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. 2015-1907

AN ORDINANCE OF PACIFIC, WASHINGTON, RELATING TO VACATION OF STREETS, ALLEYS, PUBLIC PLACES OR PORTIONS THEREOF, DESCRIBING THE PROCESS FOR PETITIONING THE COUNCIL FOR A STREET VACATION, INCLUDING THE REQUIREMENT FOR AN APPRAISAL, NOTICE OF THE PUBLIC HEARING, THE LEGISLATIVE FACTORS INVOLVED IN THE DECISION TO VACATE, PROCEDURE FOR THE PUBLIC HEARING, DESCRIBING CONDITIONS THAT MAY BE PLACED ON A VACATION, DESCRIBING THE METHOD OF COMPENSATION FOR VACATIONS, LIMITING VACATIONS OF WATERFRONT STREETS, RECORDING OF THE VACATION ORDINANCE, AND REPEALING AND REENACTING CHAPTER 13.16 TO THE PACIFIC MUNICIPAL CODE.

WHEREAS, the effect of the dedication to the public of street in plats is to grant an easement for purposes of public travel (RCW 58.08.050, 58.08.015, *Burmeister v. Howard*, 1 Wash. Terr. 207 (1867)); and

WHEREAS, owners of an interest in real estate abutting a street or alley that has been dedicated in this manner may petition the City Council to vacate the easement for public travel (chapter 35.79 RCW); and

WHEREAS, the City existing street vacation procedure in chapter 13.16 is outdated and must be revised to conform to chapter 35.79 RCW; and

WHEREAS, the SEPA Responsible Official has determined that this Ordinance is categorically exempt under SEPA, WAC 197-11-800(19) as a program relating solely to governmental procedures and containing no substantive standards respecting use or modification of the environment; and

WHEREAS, the City Council considered this ordinance during its regular meeting of September 14, 2015; Now, Therefore,

IT IS HEREBY ORDAINED BY THE PACIFIC CITY COUNCIL AS FOLLOWS:

Section 1. Pacific Municipal Code 13.16, as currently enacted, is hereby repealed.

Section 2. A new chapter 13.16 is hereby added to the Pacific Municipal Code, which shall read as follows:

CHAPTER 13.16

STREET AND ALLEY VACATIONS.

Sections:

- 13.16.010 Petition for vacation.**
- 13.16.020 Petition fees.**
- 13.16.030 Appraisals.**
- 13.16.040 Notice of hearing.**
- 13.16.050 Hearing.**
- 13.16.060 Compensation.**
- 13.16.070 Vacation of waterfront streets.**
- 13.16.080 Recording.**

13.16.010 Petition for vacation.

A. Petitions. The owners of an interest in real estate abutting upon any street, alley, public place or portion thereof created by easement may petition the City Council for a vacation of such area. The petition shall include a description of the property to be vacated, as prepared by a licensed surveyor. In addition, the petitioners shall provide evidence that the public has an easement upon such street or alley (and that the property is not owned in fee by the City). The petition shall be filed with the City Clerk.

B. Council Resolution. The City Council may propose a vacation of a street, alley, public place or portion thereof, without requiring that the abutting property owners make payment to the City for such vacation, where:

1. The street, alley or public place was not acquired at public expense;
2. The City Council determines that the street, alley or public place is not needed for public travel now or in the foreseeable future; and
3. The City's maintenance or upkeep of the street, alley or public place is unrelated to any use of the street, alley, or public place for public travel.

C. Notice of Proposed Vacation. If the petition is signed by the owners of more than two-thirds of the property abutting upon the part of the street or alley sought to be vacated, or after the City Council's own motion and Resolution for a vacation, the City Council shall adopt a Resolution fixing a time when the petition will be heard and determined. The time set for hearing shall not be more than 60 days nor less than 20 days after the date of the passage of the Resolution.

13.16.020 Petition fees.

A. Prehearing fee. Every petition for the vacation of any street, alley or public place, or any portion thereof, shall be accompanied by a nonrefundable fee, as established by the City Council in its fee resolution. This fee is for the purpose of defraying the administrative costs associated with the processing of the vacation petitions.

B. Appraisal fee. If the City Council passes a Resolution as described in Section 13.16.010(C) setting the date for a public hearing, the petitioner shall deposit sufficient funds to cover the City's estimated cost of a full appraisal of the subject street, alley, public place or portion thereof to be vacated. In the event that the appraisal cost is less than the amount deposited, the vacation compensation paid by the petitioner to the City shall be reduced by the difference between the deposit and the actual cost, or, in the alternative, such difference shall be refunded. In the event the actual cost of the appraisal is more than the amount deposited, the vacation compensation payable to the City by the petitioner shall be increased by the difference between the deposit and the actual appraisal cost.

13.16.030 Appraisals.

A. If the City Council passes the Resolution described in Section 13.16.010(C), the public works director is authorized to obtain appraisals from qualified, independent appraisers for the fair market value of such streets, alleys or public places. The director is also authorized to obtain appraisals from qualified, independent real estate appraisers for the fair market value of alternate right-of-way land proposed to be granted or dedicated to the City in lieu of a cash payment, as described in Section 13.16.060. For appraisals of alternate right-of-way land, an additional appraisal deposit fee shall be paid for the appraisal of such property.

B. After the appraisal has been performed, the public works director shall notify the petitioner of the amount of compensation required, based on the criteria in Section 13.16.060, deducting therefrom any remaining appraisal fee deposit. The payment shall be delivered by the property owner(s) to the Finance Director for deposit.

13.16.040 Notice of Hearing.

A. Notice to be Provided. Upon the passage of the Resolution described in Section 13.16.010, the City Clerk shall give 20 days' notice of the pendency of the petition by a written notice posted in three of the most public places in the City (Algona-Pacific Library, City Hall Notice Board and City website), and a like notice in a conspicuous place on the street, alley or public place sought to be vacated and City website.

B. Elements of Notice when Petition Initiated by Abutters. The notice shall contain a statement that a petition has been filed to vacate the street or alley described in the notice, together with a statement of the time and place fixed by the City Council for the hearing on the petition. The notice will state that the Council shall hold a public hearing on the proposed vacation in the manner required by this Chapter. In addition, the notice posted on the alley or street proposed to be vacated shall indicate that such area is public access, that it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or submit written testimony to the City Council indicating his or her objection prior to such hearing.

C. Elements of Notice when Petition initiated by City Council. When the proceeding is initiated by Resolution of the City Council without a petition having been signed by the abutting property owners of more than two-thirds of the abutting property owners, the City Clerk shall provide by mail, the notice described in Section 13.16.004(B) above, at least fifteen days before the date fixed for the hearing, to the owners or reputed owners of all lots, tracts or parcels of land or other property abutting upon any street, alley or any part thereof sought to be vacated, as shown on the rolls of the county treasurer, directed to the address thereon shown.

13.16.050 Hearing.

A. Objections – Council Prohibited from Proceeding. If fifty (50) percent of the owners of property abutting the street, alley, public place or portion thereof subject to the vacation petition or Council Resolution for vacation file written objections to the proposed vacation with the City Clerk, prior to the time of the public hearing, the City shall be prohibited from proceeding with the vacation.

B. Staff Report. The staff shall prepare a report and recommendation on the proposed vacation, which shall include: (1) the history of private and public use of the area sought to be vacated, including the type of use (pedestrian, vehicular, etc.) and length of time such use has occurred; (2) a description of the manner in which the area sought to be vacated was acquired (whether by dedication, public expense, etc.); (3) a description of all utilities or other public services that currently utilize the area sought to be vacated, whether by easement or otherwise; (4) the staff's recommendation on the functionality of the area sought to be vacated for public purposes; (5) references to any planning document, such as the City's Comprehensive Plan, the Transportation Element of the Comprehensive plan, the 6-Year Road Plan or the Capital Facilities Element of the Comprehensive Plan that mention the area sought to be vacated for any purpose; (6) the staff's recommendation whether the area sought to be vacated will be needed in the future as part of the City's transportation system (pedestrian, bicycle or vehicular).

C. Hearing. The City Council shall hold a public hearing on the proposed vacation and consider the written recommendations of staff, abutters, the public and all testimony provided at the hearing. The City Council shall whether the public interest is served by such vacation and either grant the vacation or deny it. Written findings and conclusions shall be adopted by the Council to support its decision.

D. Ordinance. If the City Council decides to grant a vacation petition, the Ordinance granting such vacation may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate the City for such vacation as provided in Section 13.16.060. The Ordinance may be conditioned on the retention of easements by the City or other public service/utility providers, as described in Section 13.16.060(E)

13.16.060 Compensation. Ordinances vacating any street, alley, public place or portion thereof shall not be adopted by the City Council until the owners of the property abutting such area shall compensate the City in the amount required by this Section.

A. If the street, alley, public place or portion thereof has **not** been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property to be vacated was **not** acquired at public expense, the owners of property abutting the street shall compensate the City in an amount that does not exceed one-half of the appraised value of the street.

B. If the street, alley, public place or portion thereof has been part of a dedicated public right-of-way for twenty-five years or more, or if the subject property to be vacated was acquired at public expense, the City may require the owners of the property abutting the street to compensate the City in an amount that does not exceed the full appraised value of the area vacated.

C. The full fair market value, as shown on the appraisal, shall be paid upon vacation of any streets, alleys or public places abutting upon bodies of water.

D. In-Lieu Transfers of Property. Conveyances of other property acceptable to the City may be made in lieu of the payment required by this Section, whether required to mitigate adverse impacts of the vacation or otherwise. When such a transfer is proposed for street purposes, the value of the property (as determined in subsections A, B or C above shall be credited to the required payment. When the value of the in-lieu parcel is less than the payment required by subsection A, B or C of this Section, the petitioner shall pay the difference to the City. When the value of the in-lieu parcel exceeds the payment required by subsections A, B or C of this Section, the City shall pay the difference to the petitioner. In addition, the petitioner shall be responsible for all costs associated with this transfer, in the same manner as a property purchase,

including but not limited to, title insurance, attorney review of the title, hazardous materials/waste testing, etc.

E. Vacations of Streets subject to 1889-90 Laws of Washington, Chapter 19, Section 32 (non-user statute). The City Council's adoption of a vacation ordinance for those streets and alleys subject to the 1889-1890 Laws of Washington, Chapter 19, Section 32 (non-user statute) shall not require compensation by the abutting owners. However, the property owners initiating such vacation shall pay the City's administrative fees relating to research and processing of the vacation request.

F. The ordinance may provide that the City shall retain an easement or the right to exercise and grant easements with respect to the vacated land for the construction, repair, and maintenance of public utilities and services.

G. Use of Proceeds. One-half of the revenue received by the City as compensation for the area vacated must be dedicated to the acquisition, improvement, development and related maintenance of public open space or transportation capital improvements in the City.

13.16.070 Vacation of waterfront streets.

A. The City shall not vacate any street or alley if any portion of the street or alley abuts a body of fresh or salt water unless:

1. The vacation is sought to enable the City to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses;

2. The City Council adopts a Resolution which declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: Port, beach or water access, boat moorage, launching sites, park, public view, recreation or education; or

3. The vacation is sought to enable the City to implement a plan, adopted by resolution or ordinance, that provides a comparable or improved public access to the same shoreline area to which the streets or alleys sought to be vacated abut, had the properties included in the plan not been vacated.

B. Before adopting a resolution vacating a street or alley under subsection (A)(2) of this Section, the City shall:

1. Compile an inventory of all rights-of-way within the City that abut the same body of water that is abutted by the street or alley sought to be vacated;

2. Conduct a study to determine if the street or alley to be vacated is suitable for use by the City for any of the following purposes: Port, boat moorage, launching sites, beach or water access, park, public view, recreation or education;

3. Hold a public hearing on the proposed vacation in the manner required by this Chapter, where in addition to the normal requirements for publishing notice, notice of the public hearing is posted conspicuously on the street or alley sought to be vacated, which posted notice indicates that the area is public access, it is proposed to be vacated, and that anyone objecting to the proposed vacation should attend the public hearing or send a letter to a particular official prior to the hearing, indicating his or her objection; and

4. Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under B(2) of this subsection, and that the vacation is in the public interest.

C. No vacation shall be effective until the fair market value has been paid for the street or alley or portion thereof to be vacated. Monies received from the vacation may be used by the City only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, or acquiring additional moorage or launching sites.

13.16.080 Recording. Posting and mailing of the notices described in this Chapter shall be the responsibility of the City Clerk. As required by RCW 35.79.030, a certified copy of the ordinance vacating the street, alley, public place or portion thereof shall be recorded by the City Clerk with the Office of the King County Records and Elections, after all fees and the value of the property, as determined in Section 13.16.060 have been paid to the City.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality 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. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of _____ this ____ day of _____, 2015.

Leanne Guier, Mayor

AUTHENTICATED:

Amy Stevenson-Ness, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Carol Morris, City Attorney

PUBLISHED:
EFFECTIVE DATE:



Agenda Bill No. 15-283

TO: Mayor Guier and City Council Members**FROM:** Public Works**MEETING DATE:** September 14, 2015**SUBJECT:** Transportation Improvement Board (TIB) – Grant Application for Milwaukee Boulevard Improvements

ATTACHMENTS: Resolution 2015-283
Grant Application

Previous Council Review Date: N/A

Background: Pursuant to RCW 35.77.010, the City is required to maintain a perpetual advanced Six-Year Transportation Improvement Plan (TIP). Maintenance of this plan requires that the City conduct an annual review of its Six-Year TIP to assure that it is consistent with the City's Comprehensive Plan and the Transportation Element of the Comprehensive Plan.

Prior to taking action to confirm the TIP, state law requires that a public hearing be conducted. The city's public hearing was held on June 22, 2015 and the 2016-2021 TIP was adopted by Resolution No. 2015-265. A copy of the 2016-2021 TIP amendments accompanies this agenda bill.

Projects on the adopted City TIP are eligible to receive Federal and State transportation funding. Because road preservation is on the adopted Six-Year TIP it is eligible to pursue grant funding through the TIB 2015 Arterial Preservation program. The 2015 TIP includes \$1,300,000 for the Milwaukee Boulevard Improvements, from Ellingson Road to 5th Avenue South. This includes a city match of \$222,000.

Under RCW 36.70A.120, the City is required to perform its activities and make capital budget decisions in conformity with its comprehensive plan. The City's adopted capital facilities plan (CFP) shows that the City has budgeted \$850,000 in 2012-2013. The loss of a past Federal Grant has postponed the project. The proposed project is a portion of the full CFP project.

Summary: Previous Resolution No. 2015-279 needs to be repealed in order to correct the dollar amounts listed in the grant application.

City staff recommends that the City submit an Urban Arterial Grant request is for funds to repair and improve the Milwaukee Boulevard corridor between 3rd Avenue South and 5th Avenue South in the amount of \$480,440, with the City providing matching funds of \$86,632. There are two segments listed in the application: Butte Avenue to Pacific Avenue and

Interurban Trail to Chicago Boulevard. The project cost to complete the construction is approximately \$567,072.

Recommendation/Action: Staff recommends Council approve Resolution No. 2015-283.

Motion for Consideration: Move to approve Resolution No. 2015-283, A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, A REPEALING RESOLUTION NO. 2015-279, OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING THE SUBMITTAL OF THE TRANSPORTATION IMPROVEMENT BOARD GRANT APPLICATION FOR MILWAUKEE BOULEVARD IMPROVEMENTS; AMENDING THE ESTIMATED COSTS OF THE PROJECT.

Budget Impact: The project cost to complete the construction is approximately \$567,072. The local match funded by Pacific (\$86,632 from storm and street funds).

Alternatives: Deny this application and either not submit to TIB or prepare a new application for a different project.

**CITY OF PACIFIC
WASHINGTON**

RESOLUTION NO. 2015-283

A RESOLUTION REPEALING RESOLUTION NO. 2015-279, OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING THE SUBMITTAL OF THE TRANSPORTATION IMPROVEMENT BOARD GRANT APPLICATION FOR MILWAUKEE BOULEVARD IMPROVEMENTS; AMENDING THE ESTIMATED COSTS OF THE PROJECT.

WHEREAS the Transportation Improvement Board (TIB) is accepting applications for their FY 2015 grant programs; and

WHEREAS Staff proposes to submit a grant application for the Urban Arterial Program (UAP) to construct improvements including: pavement, sidewalks and ADA curb ramps at various locations on Milwaukee Boulevard from 3rd Avenue South to 5th Avenue South; and

WHEREAS, on August 3, 2015, the City staff proposed to the City Council that it authorize the City staff to submit a grant application, showing the estimated costs of the proposed project, which estimated costs were erroneous; and

WHEREAS, on August 10, 2015, the City Council passed Resolution No. 2015-279, which authorized the City staff to submit a grant application for the proposed project in the erroneous amounts; and

WHEREAS the correct estimated costs of the proposed projects are:

TIB Urban Sidewalk Program - Milwaukee

Project Cost:	\$ 567,072
TIB Ask:	\$ 480,440
City Match:	\$ 86,632

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Resolution No. 2015-279 is hereby repealed and of no effect.

Section 2. The Pacific City Council hereby authorizes the City staff to submit a grant applications to the Transportation Improvement Board (TIB) for consideration of funding of the project proposals known as the Urban Arterial Program (UAP) – Milwaukee Boulevard for the amounts shown above.

Section 3. This Resolution shall take effect and be in full force upon passage and signatures hereon.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

CAROL MORRIS, CITY ATTORNEY



TO: Mayor Guier and City Council Members
FROM: Public Works
MEETING DATE: September 14, 2015
SUBJECT: Stewart Road Change Order 8 – Stewart Road

ATTACHMENTS: Resolution No. 2015-284
 Change Order Proposal

Previous Council Review Date:

Summary: The City of Pacific Council previously authorized expenditures in the amount of \$2,941,126.61 with ICON Materials for Stewart Road / Thornton Avenue Improvements Project, Bid No. TR0903 for roadway reconstruction per plans and specifications developed by Skillings Connolly. The City of Pacific has authorized Change Order No. 1 – 7 in the amount of \$131,092.10 increasing the contract to \$3,072,218.71.

The construction of the stormwater outfall was impeded by the location of a buried power line. The power line was deeper than shown on the construction plans and in direct conflict with the location of the stormwater pipe. The buried power line did not have adequate extra length to be easily relocated out of the stormwater outfall area.

The contractor was required to make multiple excavations to permit the Puget Sound Energy to modify the buried power line. The added time and materials required to complete the installation of the stormwater outfall, due to this conflict were recorded by the construction management firm. Credits were applied for time and materials not required to complete the field revised outfall project.

The required contractor change will increase the cost of construction by approximately \$51,976.59, increasing the contract amount to \$3,124,195.30.

Recommendation/Action: Staff recommends Council approve Resolution No. 2015-284.

Motion for Consideration: Move to approve Resolution No. 2015-284, A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING CHANGE ORDER NO. 8 TO THE STEWART ROAD CONTRACT WITH ICON MATERIALS FOR OUTFALL CONFLICT RESOLUTION

Budget Impact: \$51,976.59. A portion of these costs may be recoverable from Puget Sound Energy.

Alternatives: None.

**CITY OF PACIFIC
WASHINGTON
RESOLUTION NO. 2015 -284**

A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING CHANGE ORDER NO. 8 TO THE STEWART ROAD / THORNTON AVENUE IMPROVEMENT PROJECT, INCREASING THE CONTRACT AMOUNT BY \$51,976.59.

WHEREAS, the City of Pacific Council previously authorized expenditures in the amount of \$2,941,126.61 with ICON Materials for Stewart Road / Thornton Avenue Improvements Project, Bid No. TR0903 for roadway reconstruction per plans and specifications developed by Skillings Connolly; and

WHEREAS, the City of Pacific authorized Change Order No. 1 for Stormwater Pond Fencing Modifications in the amount of \$8,335.96 increasing the contract to \$2,949,462.57;

WHEREAS, the City of Pacific authorized Change Order No. 2 for Utility Conflict Resolutions in the estimated amount of \$ 49,500.00 increasing the contract to \$2,998,962.57;

WHEREAS, the City of Pacific authorized Change Order No. 3 for Water Line Modifications in the amount of \$16,543.40 increasing the contract to \$3,015,505.97;

WHEREAS, the City of Pacific authorized Change Order No. 4 for Traffic Signal Modifications in the amount of \$78,805.19 increasing the contract to \$3,094,311.16;

WHEREAS, the City of Pacific authorized Change Order No. 5 for Street Light Modifications in the amount of \$5,051.08 increasing the contract to \$3,099,362.24;

WHEREAS, the City of Pacific authorized Change Order No. 6 for Roadway Structural Embankment in the amount of \$27,658.75 decreasing the contract to \$3,071,703.49;

WHEREAS, the City of Pacific authorized Change Order No. 7 for Bollard Changes in the amount of \$515.22 increasing the contract to \$3,072,218.71;

WHEREAS, the construction of the stormwater outfall was impeded by the location of a buried power line. The power line was deeper than shown on the construction plans and in direct conflict with the location of the stormwater pipe. The buried power line did not have adequate extra length to be easily relocated out of the stormwater outfall area;

WHEREAS, The contractor was required to make multiple excavations to permit the Puget Sound Energy to modify the buried power line. The added time and materials required to complete the installation of the stormwater outfall, due to this conflict were recorded by the construction management firm. Credits were applied for time and materials not required to complete the field revised outfall project.

WHEREAS, all materials and methods will comply with the approved project specifications with the change limited to the added labor and materials required to assist in the relocation of the power line.

WHEREAS, the proposed contractor change will increase the cost of construction by approximately \$51,976.59;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Pacific City Council hereby authorizes Change Order No. 8 to the Stewart Road/Thornton Avenue Improvement Project, which will increase expenditures with ICON Materials for the added work required to install the stormwater outfall due to the conflict with a buried Puget Sound Energy power line, resulting in a cost increase of approximately \$51,976.59, increasing the contract amount to \$3,124,195.30.

Section 2. This Resolution shall take effect and be in full force upon passage and signatures hereon.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF SEPTEMBER, 2015.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, City Clerk

APPROVED AS TO FORM:

CAROL MORRIS, CITY ATTORNEY

Change Order 8

Project Number:	TA0903	KPG Project Number:	14057
Project Name:	Stewart Rd. SE & Thornton Ave SW Improvements		
Change Order Number:	008 – Outage/Power Work Added Days		
Prime Contractor:	Icon Materials		

Ordered by the Engineer under the terms of Section 1-04.4 of the Standard Specification

Change proposed by Contractor

Endorsed by	Surety Consent (if required)
_____ Contractor	_____ Attorney on Fact
_____ Date	_____ Date

Original Contract Amount \$2,941,126.61
Current Contract Amount \$3,072,218.71
Estimated Net Change This Order \$51,976.60.
Estimated Contract Total After Change \$3,124,195.31

Original Contract Duration 225 working days
Current Contract Duration 232 working days
Additional Contract Days This Order +9 working days
Proposed Contract Duration 241 working days

<input type="checkbox"/> Approval Recommended <input type="checkbox"/> Approved _____ Resident Engineer – Daniel Clark _____ Date	<input type="checkbox"/> Approval Recommended <input type="checkbox"/> Approved _____ Contractor – Icon Materials _____ Date
<input type="checkbox"/> Approval Recommended <input type="checkbox"/> Approved _____ Project Owner – City of Pacific _____ Date	<input type="checkbox"/> Approval Recommended <input type="checkbox"/> Approved _____ Project Owner – City of Pacific _____ Date

Background:

The contractor was in the process of installing storm piping from CB57-1 to the outfall at Soatin Creek. They encountered existing buried power and telephone conduit in conflict with the proposed storm pipe. The plans showed the existing conduits in a different location than what was encountered in the field. This forced the contractor to stop work on the storm piping, wait for a decision to be made by the City of Pacific on how to proceed, and then assist PSE to complete work to relocate the existing conduits clear of the proposed storm line.

Due to the location of the conduit and its proximity to the DOE right of way (Soatin Creek), the properties it fed, how it was installed (running under the box culvert for the creek), meetings and completing all the requirements prior to being allowed to work the issue, It took a total of 9 additional working days to complete the unscheduled work.

Description of Change:

Existing conduit was not in the same location as shown in the plans which forced an additional 9 working days not on the schedule to allow the contractor to continue with the scheduled installation of the storm piping. The existing conduit was relocated by PSE and Icon. The outfall area was dug up 3 times due to PSE. The area had to be hand dug in some areas due to the 3 phase power line. The original existing bid item work for the outfall will be deleted in this change order and replaced with the actual work performed. This work was tracked time and material.

Working Days:

This will add 9 additional days to the contract

Change Order 8

Measurement and Payment

SUMMARY OF QUANTITIES

Item no.	BI Description	BI Price	Unit	QTY	Total Deleted Contract Cost	Material FA Total Cost	Unit	QTY Used	Total FA Cost
21	Light Loose Rip Rap	\$55.00	CY	-5	(\$275.00)	\$13.31	TN	30.07	\$400.23
27	Inline Check Valve	\$15,000.00	EA	-1	(\$15,000.00)	\$11,313.50	EA	1	\$11,313.50
28	Streambed Cobbles	\$75.00	CY	-1	(\$75.00)	\$15.73	TN	3.7	\$58.20
34	Testing Storm Sewer Pipe	\$3.50	LF	-45	(\$157.50)	\$0.00			\$0.00
39	Conc. Storm Pipe 36"	\$125.00	LF	-45	(\$5,625.00)	\$74.42	LF	45	\$3,348.68
41	Removal & Replacement of Unsuitable Material	\$100.00	CY	-35	(\$3,500.00)	\$0.00	0	0	\$0.00
42	Bank Run Gravel for Trench Backfill	\$20.00	CY	-5	(\$100.00)	\$0.00	0	0	\$0.00
65	CSBC	\$16.00	TN	-299.75	(\$4,796.00)	\$11.80	TN	299.75	\$3,536.30
66	CSTC	\$16.00	TN	-47.47	(\$759.52)	\$11.80	TN	47.47	\$560.03
					(\$30,288.02)				\$19,216.94
CO-008.1	Force Account for Labor, Equipment & Trucking (Markup included)					LS	LS	1.00	\$58,581.68
Deletion of Existing Bid Item Qty									(\$30,288.02)
Material for Outfall									\$19,216.94
Equipment, Labor & Trucking for Outfall									\$58,581.68
Subtotal									\$47,510.60
Tax @ 9.4%									\$4,466.00
Total									\$51,976.60



Agenda Bill No. 15-128

TO: Mayor Guier and City Council Members
FROM: Richard Gould, City Administrator
MEETING DATE: September 14, 2015
SUBJECT: Approval of Collective Bargaining Agreement

ATTACHMENTS:

- Resolution 2015-285
- Collective Bargaining Agreement with Teamsters Union No. 117, Uniformed Employees

Previous Council Review Date: Several meetings since July 2014

Summary: The City negotiators started meeting with the Uniformed Union negotiators in June of 2014. After meeting multiple times and bringing back to the City Council the proposed collective bargaining agreement (CBA), the City and the Union reached an impasse. Both parties agreed on taking the negotiations to PERC for mediation as per the CBA. Mediation began in February 2015 and lasted through July 2015 where both parties' negotiators were able to reach a tentative agreement which has also been presented to the City Council in an executive session. The union agreement has been reviewed by both parties' attorneys and is now ready for the City Council.

Recommended Action: Approve the negotiated Collective Bargaining Agreement

Motion for Consideration: "I move to approve Resolution No. 2015-285 authorizing the Mayor to execute the collective bargaining agreement (CBA) between the City of Pacific and the Teamsters Local 117, Uniformed Employees."

Budget Impact: \$85,000.00

Alternatives: Do not approve the proposed agreement and continue to arbitration.

**CITY OF PACIFIC
WASHINGTON**

RESOLUTION NO. 2015 - 285

A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND TEAMSTERS LOCAL 117, UNIFORMED EMPLOYEES, EFFECTIVE JULY 1, 2014 THROUGH JUNE 30, 2017.

WHEREAS, the City of Pacific has adopted the policy of collective bargaining between the labor organizations representing employees; and

WHEREAS, this resolution allows for the execution of the proposed Collective Bargaining Agreement (CBA) between the City and Teamsters Local 117, Uniformed Employees, on behalf of the employees represented by said Union; and

WHEREAS, it appears to be in the best interest of the City that the proposed CBA negotiated by said Union and the City be approved;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Pacific City Council hereby authorizes the Mayor to execute the Collective Bargaining Agreement between the City and Teamsters Local 117, Uniformed Employees, effective July 1, 2014 through June 30, 2017, which is attached hereto as Exhibit A, and incorporated herein by this reference.

Section 2. This Resolution shall take effect and be in full force upon passage and signatures hereon.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF SEPTEMBER, 2015.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

SOFIA MABEE, CITY ATTORNEY

AGREEMENT
By and Between
CITY OF PACIFIC, WASHINGTON
And
TEAMSTERS LOCAL UNION NO. 117
Representing Uniformed Officers
July 1, 2014 through June 30, 2017

ARTICLE 1 – GENERAL

The City of Pacific shall hereinafter be referred to as the Employer, and Teamsters Local Union No. 117 shall hereinafter be referred to as the Union.

ARTICLE 2 – RECOGNITION

The Employer hereby recognizes the Union as the sole and exclusive bargaining representative of those employees in classifications listed in Appendix A to this Agreement, for the purpose of bargaining with respect to those items set forth in Chapter RCW 41.56.

ARTICLE 3 – UNION SECURITY

3.01 Only members in good standing in the Union shall be retained in employment. For the purpose of this Section, members in good standing shall be defined to mean employee members of the Union who tender the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership.

3.02 All employees covered by this Agreement shall become members of the Union within thirty-one (31) days from the effective date of this Agreement or within thirty-one (31) days from the date of employment, whichever is later, and shall remain members of the Union in good standing as a condition of continued employment, provided that the right of non-association based on bonafide religious tenets or teachings of a church or religious body of which a public employee is a member is safeguarded as per RCW 41.56.122.

3.03 The Employer shall notify the Union of new hires.

3.04 Probation for commissioned employees shall be one (1) year from the completion of the Police Academy or one (1) year from their hire date, whichever is the longer. During the probation period the employee does not have recourse to the grievance procedure to appeal a disciplinary action or discharge.



3.05 The Agreement shall apply to all employees covered by this Agreement irrespective of membership or non-membership in the Union.

ARTICLE 4 – DISCIPLINE, DISCHARGE – JUST CAUSE

4.01 It is understood and agreed that the Employer shall not discipline or discharge any employee except for just cause and that no employee shall be discharged or discriminated against in any way because of their membership in or activities on behalf of the Union. Further, the Employer shall give reasons for the discipline or discharge of any member upon demand of the Union.

Further, it is agreed that generally, complaints against the Officers shall be presented to the City in writing and signed by the complainant to be consider valid. The complaint shall be presented within thirty (30) calendar days of the event unless intervening circumstances have prevented the complaint from being presented in a timely manner.

No complaint or threat of a complaint shall be used to intimidate, retaliate against an Officer or interfere with the duties of an Officer.

4.02 Employees covered by this Agreement shall be subject to the Alcohol and Drug Use Policy (Policy 1012) as provided for in the Pacific Police Department Policy Manual, as adopted on 2010/10/1.

ARTICLE 5 – PAYROLL DEDUCTION

5.01 Union Dues and Fees - Upon the written authorization by an employee and approved by the Union, the Employer agrees to deduct from the wages of each employee the sum certified as initiation fees, assessments, and union dues and deliver the sum to the Union's Secretary-Treasurer each month, together with a list of those employees involved. If an employee is not to receive a wage or the wage is not a sum sufficient to satisfy the assignment, no collection shall be made from the employee for said month. If dues are not deducted in one (1) month for any reason, they shall be deducted the following month. The amount of such dues, initiation fees and assessments are those currently in effect as may hereinafter be established. The deduction of initiation fees may be split as specified on a payroll deduction form.

5.02 Indemnification and Hold Harmless – The Union shall indemnify and hold the Employer harmless against any and all claims, demands, suits or other forms of liability that shall arise out of or by reason of action taken or not taken by the Employer in reliance upon signed authorization cards furnished to the Employer by the Union or for the purpose of complying with any of the provisions of this Article.



5.03 The authorization and assignment shall be irrevocable for the term of the applicable contract between the Union and the Employer, or for one (1) year, whichever is lesser, unless the employee gives written notice to the Employer and the Union at least sixty (60) days and not more than seventy (70) days before the periodic renewal date of the authorization and assignment of any desire to revoke the same.

5.04 DRIVE - The Employer agrees to deduct from the paycheck of all employees covered by this Agreement voluntary contributions to DRIVE. DRIVE shall notify the Employer of the amounts designated by each contributing employee that are to be deducted from his/her paycheck on a weekly basis for all weeks worked. The phrase “weeks worked” excludes any week other than a week in which the employee earned a wage. The Employer shall transmit to DRIVE National Headquarters on a monthly basis, in one check the total amount deducted along with the name of each employee on whose behalf a deduction is made, the employee’s social security number and the amount deducted from the employee’s paycheck.

5.05 The City of Pacific agrees to deduct from the paycheck of each member covered by this Agreement who has so authorized it by signed notice submitted to the City, the necessary fee, assessments, and regular monthly fees to provide for participation in the Teamsters Legal Defense Fund. The City shall transmit such fees made payable to “Teamsters Legal Defense Fund” and send to “American Legal Services, Inc.” once each month on behalf of the members involved.

5.06 Overpayments – In the event that a member of the bargaining unit covered under the Uniformed Employees Agreement receives an overpayment of wages The City of Pacific agrees to follow the State procedure governing such condition as provided for under RCW 49.48.210.

ARTICLE 6 – CREDIT UNION DEDUCTION

Upon written authorization by an employee, the Employer agrees to deduct from the wages of each employee the sum certified on such authorization and deliver same to the Seattle Metropolitan Credit Union, monthly together with a list of those employees involved and the amount deducted for each employee.

ARTICLE 7 – SENIORITY LIST

7.01 The Police Chief/Public Safety Director shall establish a seniority list which shall be brought up to date prior to January 31st of each year and shall post it immediately thereafter for a period of not less than thirty (30) days. A copy of the seniority list shall be mailed to the Secretary-Treasurer of the Union. Any objections to the seniority list shall be reported to the City within twenty (20) calendar days of posting or stand approved. In general, employees shall be listed on the seniority list according to date of hire.



7.02 Seniority for Civil Service employees shall be defined in the applicable Civil Service Regulations.

ARTICLE 8 – BULLETIN BOARDS

The City shall provide a bulletin board, located conspicuously in the Departments, for the posting of notices relating to Local Union business and Local Union activities. Materials posted on Union bulletin boards must be related to official Union business.

ARTICLE 9 – HOURS OF WORK

9.01 Work periods for commissioned employees shall be prepared by the Police Chief/Public Safety Director or authorized designee and will be on a twenty-four (24) hour seven (7) day a week rotating shift schedule.

9.02 Shifts may rotate monthly. There shall be at least eight (8) hours between shifts.

9.03 Commissioned Officers/Hours Worked - Employees regular hours of work include eighty (80) hours during a fourteen (14) day period, beginning January 1st of each year. The City and Union acknowledge the City has adopted the FLSA 7(k) exemption for the purpose of calculating overtime pay as defined in Article 10.

Normal work schedules shall be composed of twelve (12) hour shifts, with an eight (8) hour shift on Sundays, averaging eighty (80) hours of work in a fourteen (14) day period. Other schedules may be implemented with the Chief/Public Safety Director's authorization.

9.03.1 The Police Chief/Public Safety Director shall provide at least seven (7) calendar days' notice prior to changing the shift or work hours of commissioned officers, except in an emergency. If less than seven (7) days' notice, penalty hours shall be paid at the rate of time and one-half (1½) times for the scheduled hours worked. Penalty hours shall be defined as any number of hours less than the seven (7) calendar days, or one hundred sixty eight (168) hours, required notice prior to changing the shift or work hours of commissioned officers as provided above.

9.03.2 "Emergency" shall be defined as "a spontaneous or unplanned occurrence which could present a public hazard." An event with advanced notice would not be considered an emergency and penalty hours would apply if the officer did not receive seven (7) days' notice, e.g. monthly shift changes, court, adjustments for patrol coverage due to vacation.

9.04 Daily hours of work schedules shall not be changed to avoid the payment of overtime.



9.05 Notwithstanding the provisions of Sections 9.03.1, 9.04 and 10.2, the seven (7) day notice requirement and the overtime rate of pay requirement may be waived by mutual agreement between the City and the employee after notification to the Union. Additionally, in those instances (e.g. holidays, special national or regional detail), such as the “Click-it-or-Ticket” campaign, where additional manning is necessary, the City may change an individual’s daily shift without the seven (7) day notice, provided that as much advance notice as possible is provided.

ARTICLE 10 – OVERTIME

10.01 Overtime shall be compensated based upon actual hours worked. Overtime shall be paid at the rate of one and one half (1½) times the officer’s regular rate of pay for actual hours worked. Regular rate of pay will include all non-discretionary pay (i.e. longevity, education incentive). For the purposes of this Agreement, actual hours worked will include holidays identified in Article 14.01, regardless of whether those hours were actually worked; however, the holiday premium shall not be included in the officer’s “regular rate of pay” for the purpose of calculating overtime pay.

10.02 Overtime will be computed once an officer exceeds eighty (80) hours of work in a fourteen (14) day period, as described in Article 9.03. Overtime will also be computed when an officer is scheduled or approved to work on days that are outside his or her regularly scheduled hours of work.

10.03 In the event a need for overtime should occur, an attempt shall be made to distribute extra hours as evenly as possible.

ARTICLE 11 – WORKING OUT OF CLASSIFICATION

When an employee is assigned by the Employer to perform the skills and scope of duties of a higher classification for a period of more than three (3) hours in any one shift before returning to his/her regular duties, such employee will be paid at the pay grade step of the higher classification that insures at least a ten percent (10%) pay increase, up to the maximum of the pay range, payable retroactively from the first hour and until he/she returns to the duties of his/her previous position. The employee must have the authorization for the out of classification pay in advance, except where there is an emergency situation, in which case the pay may be granted at the time of the emergency as deemed necessary or as soon after the fact as the approving authority can be notified.

ARTICLE 12 – EMERGENCY CALL BACK / COURT TIME

An off-duty full time employee shall be compensated for a minimum of three (3) hours when called back to work or required to appear in court during their off hours. The minimum time



guarantee shall begin when the employee receives the call and shall end when the employee returns home from the call.

ARTICLE 13 – COMPENSATORY TIME

13.01 Compensatory time for overtime worked shall be accumulated at the rate of time and one-half (1½) per hour worked.

13.02 Full time employees shall be allowed to bank a maximum of one hundred-sixty (160) hours of compensatory time. Any accrued compensatory time in excess of one hundred-sixty (160) hours will be paid to the employee at the straight time hourly rate of pay within the current pay period.

13.03 Full time employees may elect to receive compensatory time off from work in lieu of pay, subject to approval by the Police Chief/Public Safety Director.

13.04 Accrued compensatory time may be cashed out at the request of the employee. Requests for cash out must be submitted no later than October 31st of the calendar year. Cash out of banked compensatory time will be limited to ninety (90) hours in a calendar year, with the exception of mitigating circumstances agreed upon by management or separation from employment.

ARTICLE 14 – HOLIDAYS

14.01 Each full time employee shall be entitled to one (1) day's salary on each of the following days declared as official holidays:

- | | |
|----------------------------|-------------------------|
| New Year's Day* | Columbus Day |
| Martin Luther King Jr. Day | Thanksgiving Day* |
| Presidents' Day | Day after Thanksgiving* |
| Memorial Day | Veterans' Day |
| Independence Day* | Day before Christmas* |
| Labor Day | Christmas Day* |

14.02 Holiday Pay - If a holiday falls on an employee's day off, that employee shall receive one (1) day of holiday pay in addition to their regular monthly rate of pay. If an employee is assigned to work on any holiday they shall receive, in addition to their regular monthly rate of pay, one and one-half (1½) times their regular rate of pay for all time worked on the holiday. When an employee is assigned to work on New Year's Day, Independence Day, Thanksgiving Day, the Day after Thanksgiving, the Day before Christmas or on Christmas Day, they shall receive, in addition to their regular monthly rate of pay, two (2) times their regular rate of pay for all hours worked on these "premium" (*) holidays If an employee is assigned to



work overtime on a premium (*) holiday, the employee shall receive, in addition to their regular monthly rate of pay, two and one-half (2.5) times their regular rate of pay for all hours worked on the premium (*) holiday.

14.03 Employees who are scheduled to work on an official holiday shall have the option of taking a different day off, subject to reasonable approval, at their regular rate of pay.

ARTICLE 15 – VACATION

15.01 Vacation Earnings - Vacation shall be earned according to the following schedule:

1 through 3 years	8.0	hours/month
4 through 9 years	12	hours/month
10 through 14 years	14	hours/month
15 or more years	16	hours/month

15.02 Vacation pay shall be calculated in the following manner:

$$\text{Annual wage}/2080 = \text{hourly rate}$$
$$\text{Hourly rate} \times \text{hours of vacation requested} = \text{vacation pay.}$$

15.03 Employees shall be allowed to accumulate vacation hours up to a maximum of twice their allowed vacation earnings per year of service. Vacation hours earned after maximum accumulation shall be paid to the officer as cash in place of vacation accrual. Prior to any action to consider pay in place of accrual of vacation hours in excess of the maximum, the City shall provide thirty (30) days grace period for the employee to potentially utilize vacation hours to reduce their bank to under the maximum.

15.04 The Chief of Police/Public Safety Director shall establish a vacation schedule for the department. If two (2) or more employees request vacation for the same day(s), the employee with the greatest seniority in service to the City shall have first choice. The Chief of Police/Public Safety Director shall submit vacation schedules with the Mayor for approval. Mayoral approval must be granted before a vacation schedule becomes effective. Vacation periods may be granted in a manner causing the least interference with the performance of the regular work within the City.

15.05 Two (2) days notice is required prior to requesting one (1) day of vacation. Two (2) weeks notice is required prior to requesting two (2) days or more of vacation.

ARTICLE 16 – BEREAVEMENT LEAVE

16.01 In the event of a death in the immediate family, full time employees shall be granted up to three (3) days bereavement leave with pay. This leave shall not be accumulated.



16.02 Immediate family is defined to be persons related by blood, domestic partner relationship or marriage to an employee as follows: grandmother, grandfather, mother, father, husband, wife, son, daughter, legal parent/guardian, legally adopted child, brother, sister, grandchild, in-laws and any persons for whose financial or physical care the employee is principally responsible for.

ARTICLE 17 – JURY DUTY

Employees who are required by due process of law to render jury service shall receive their pay during such period. If any other payment, besides mileage reimbursement for use of a personal vehicle is received for jury duty, such pay will be reimbursed to the City or deducted from the employee's paycheck.

ARTICLE 18 – SICK LEAVE

18.01 Full time employees shall earn sick leave at the rate of eight (8) hours per month to a maximum of nine hundred sixty (960) hours. Upon the retirement of an employee one-third (1/3) of the accumulated sick leave shall be paid.

18.02 Any employee eligible for sick leave with pay shall be granted such leave for the following reasons:

18.02.1 Personal illness or physical or mental incapacity resulting from causes beyond employee's control.

18.02.2 Forced quarantine of the employee in accordance with community health requirements.

18.02.3 Illness of a member of the employee's immediate family. It shall be the responsibility of the employee, with the assistance of the Employer, to file the appropriate paperwork.

18.03 A sick slip shall be filled out upon the return of an employee to work. After three (3) consecutive days of sick leave, a doctor's certificate may be required to return to work. Any employee found to have abused the sick leave privilege by falsification or misrepresentation may be subject to corrective action up to and including termination.

18.04 Shared Leave – The Union and the City agree to meet to jointly develop a city-wide shared leave policy.

ARTICLE 19 – WAGES

19.01 The wage schedule shall be as listed in Appendix A, Section A.1, of this



Agreement.

19.02 The wage schedule of Section A.1, shall be amended, effective July 1, 2014 by an increase of three and twenty five percent (3.25%).

19.03 The wage schedule of Section A.1 shall be amended effective July 1, 2015 by an increase of two percent (2%).

19.04 The wage schedule of Section A.1 shall be amended effective July 1, 2016 by an increase of two percent (2%).

ARTICLE 20 – LONGEVITY

20.01 Full time employees covered by this Agreement shall receive the following longevity compensation in addition to their base rate of pay:

20.01.1 From the start of the thirty-seventh (37th) full month to and including the sixtieth (60th) full month of continuous employment, permanent employees shall be paid a longevity premium of seventy dollars (\$70.00) per month.

20.01.2 From the start of the sixty-first (61st) full month to and including the one hundred twentieth (120th) full month of continuous employment, permanent employees shall be paid a longevity premium of one hundred and fifty dollars (\$150.00) per month.

20.01.3 From the start of the one hundred twenty-first (121st) full month to and including the one hundred eightieth (180th) full month of continuous employment, permanent employees shall be paid a longevity premium of two hundred and fifty dollars (\$250.00) per month.

20.01.4 From the start of the one hundred eighty-first (181st) full month of continuous employment, permanent employees shall be paid a longevity premium of three hundred and fifty dollars (\$350.00) per month.

ARTICLE 21 – MEDICAL, DENTAL & VISION

21.01 Effective July 1, 2014 (June 2014 hours), the Employer agrees to contribute to the Northwest Administrators, Inc. for each full-time employee who received compensation for eighty (80) hours or more in the previous month the necessary funds to provide for one hundred percent (100%) of the cost to maintain the current benefit levels:



21.01.1	<u>HEALTH & WELFARE:</u>	
	Medical – Continue Teamsters Plan “A” (including 3 – month premium waiver)	\$1,293.90
	Time Loss Plan “A”	<u>\$ 16.00</u>
	Subtotal	\$1,309.90
21.01.2	<u>DENTAL:</u>	
	Dental – Continue Teamsters Plan “B”	\$ 87.50
21.01.3	<u>VISION:</u>	
	Vision – Continue Teamsters Vision Plan EXT	\$ 14.90
	For a total monthly contribution of:	\$1,402.30

Effective January 1, 2016 the Employer agrees to pay ninety five (95%) percent and the employees shall pay five (5%) percent for maintenance of benefits for the duration of the Agreement. The employee portion of the premium shall not exceed one hundred dollars (\$100.00) per month for medical, dental, vision and time loss premiums.

21.02 Maintenance of Benefits: The Trustees may modify benefits or eligibility of any plan for the purpose of cost containment, cost management, or changes in medical technology and treatment. The City shall be responsible for the timely remittance each month to the Trust of the entire premium necessary for the continuation of the benefits set forth in Article 21.01 above.

21.03 The City requests that they be notified by Northwest Administrators, Inc., forty-five (45) days in advance of any increase in premium levels.

21.04 The above payments shall be made to the administrative office of the Trust by the tenth (10th) day of each month. The City further agrees that upon receiving thirty (30) day's notice from the Trust of any delinquency in any of the above payments, that should the Fund be required to take legal action to collect the City's contribution due under this Agreement, that it shall be liable for all the necessary costs of such litigation.

Article 22 – WESTERN CONFERENCE OF TEAMSTERS PENSION TRUST

22.01 Employees from the City of Pacific, Washington Uniform Employees who are represented by Teamsters Local Union No. 117 shall begin participating in the Western Conference of Teamsters Pension Trust (WCTPT) effective January 1, 2015.

22.02 Contributions shall be by payroll diversion based on all compensated hours and shall be uniform by classification. The Employer agrees to administer the designated diversion



through their payroll system and remit these monies to Western Conference of Teamsters Pension Trust Fund as indicated below. The contributions rates shall be as follows:

- Police Officer \$? per hour
- Sergeant \$? per hour
- Lieutenant \$? per hour

22.03 The total amount due for each month shall be remitted in a lump sum not later than the 20th day of the following month. The Employer agrees to abide by such rules as may be established by the Trustees of the Trust to facilitate the prompt and orderly collection of such amounts, and the accurate reporting and recording of such amounts paid on account of each member of the bargaining unit.

ARTICLE 23 – LONG TERM DISABILITY

The City shall provide long term disability benefits for employees covered by this Agreement.

ARTICLE 24 – GRIEVANCE PROCEDURE

24.01 A grievance shall be defined as a dispute or disagreement raised by an employee and the Union against the City involving the interpretation or application of specific provisions of this Agreement. Grievances, as herein defined, shall be processed in the following manner:

24.02 Should any employee or group of employees, and the Union feel aggrieved as a result of any condition arising out of the interpretation of this Agreement, resolution shall be sought with the assistance of the Union if it determines that the grievance is justified.

24.03 No settlement of a grievance presented by an employee shall contravene the provisions of this Agreement. The matter shall first be discussed orally with the employee's immediate supervisor within ten (10) calendar days of the occurrence. If such discussion does not resolve the grievance, it may be processed to the next step within ten (10) calendar days of the date that the discussion failed to resolve the grievance.

24.04 The grievance shall then be presented to the Union who may within fifteen (15) calendar days present the grievance in writing to the Chief of Police. The grievance shall contain a brief outline explaining the incident, the specific Section of the Agreement which was allegedly violated, names of witnesses, the remedy requested, and any other information deemed necessary by the Employer to sufficiently investigate the grievance. The Chief of Police shall within fifteen (15) calendar days arrange for such meetings and make such investigations as are necessary to come to a conclusion regarding the grievance. A copy of the Chief's determination shall be provided to the aggrieved employee(s) and the Union. If this determination does not resolve the grievance to the satisfaction of the Union, it may be processed to the next step within fifteen (15) calendar days from receipt of the Chief of Police's



written response.

24.05 If the grievance remains unresolved, the grievance shall be presented in writing to the Mayor within fifteen (15) calendar days. A copy of the Mayor's determination shall be given to the aggrieved employee(s) and the Union. Should the grievance not be resolved at the Mayor's level, within five (5) working days either party has an absolute right to submit the matter to arbitration, and if such right is exercised, the party shall request the Federal Mediation and Conciliation Service to submit a list of seven (7) names of arbitrators for the purpose of determining the dispute. The decision of the Arbitrator shall be final and binding upon the parties. The expense of the Arbitrator will be shared equally between the City and the Union. The City and the Union will be responsible for the costs of presenting their own cases respectively, including attorney's fees.

24.06 Failure on the part of either party to meet any of the above time limits shall automatically advance the grievance to the next step.

24.07 In no event shall this Agreement alter or interfere with disciplinary procedures followed by the City or provided for by City Charter, Ordinance, or Law; provided however, regarding disciplinary action processed through the contract grievance procedure; an employee covered by this Agreement must upon initiating objections relating to disciplinary action use either the contract grievance procedure contained herein or pertinent procedures regarding disciplinary appeals under the City Personnel ordinance, including Civil Service procedures. Under no circumstances may an employee use both the contract grievance procedure and Personnel Ordinance procedure, including Civil Service procedures, with regard to the same disciplinary action. Employees who are serving their probationary period shall have no appeal rights.

24.08 Time limits may be extended by mutual agreement and must be confirmed in writing.

24.09 Should any employee who is covered by Civil Service choose to appeal disciplinary action through the Commission they hereby waive the right to appeal the action to the grievance procedure.

ARTICLE 25 – BUSINESS REPRESENTATIVE OF THE UNION

The Business Representative of the Union shall be allowed access to all facilities of the Employer wherein the employees covered by this Agreement may be working, for the purpose of conducting necessary Union business and investigating grievances, provided that the City official in charge of the premises is notified of such entry on the premises, and provided further that such Representative does not interfere with normal work processes. No Union meetings shall be held on City property during normal working hours.

ARTICLE 26 – UNIFORMS AND EQUIPMENT



26.01 Newly employed full time commissioned Police officers shall be issued the uniform and equipment needed to perform their duties.. The City shall provide each full time commissioned Police officer a monthly uniform cleaning allowance of sixty dollars (\$60.00). Effective July 1, 2015, the uniform allowance shall be increased by fifteen dollars (\$15.00) per month, and this new seventy-five dollar (\$75.00) allowance shall be rolled into the employee's base wage as shown in Appendix A. Once rolled into the base wage on July 1, 2015, the separate uniform cleaning allowance payments will cease.

26.02 There shall be a uniform quarter master system for each full time employee. Departmental clothing or departmental equipment lost, damaged, or worn beyond repair shall be replaced at City expense, provided the loss or damage was not the result of negligence or carelessness on the part of the employee.

26.03 All equipment purchased by the City shall remain City property, and shall be returned upon termination of employment with the City.



26.04 The City shall provide for the cleaning of clothing used in the performance of the employee's duty by no later than October 1, 2015. In the event the City does not establish a cleaning account, the City shall provide each employee a monthly uniform cleaning allowance of seventy-five dollars (\$75.00) until an account is established.

26.05 Each fulltime office shall receive a monthly allowance of one hundred (100) rounds of 230gr FMJ .45CP training ammunition.

26.06 The parties agree to meet in Labor Management meeting to review and develop an operational guideline for replacement of damaged and/or loss of personnel property that happens in the line of duty.

ARTICLE 27 – ANTI-STRIKE CLAUSE

27.01 It is understood and agreed that services performed by employees covered by this Agreement are essential to the public health, safety, and welfare of the City. Therefore, the Union agrees that it shall not authorize, instigate, aid, condone, or engage in any strike, work stoppage, or other action at any time, including upon termination of this Agreement, which will interrupt or interfere with the operations of the City. No employee shall cause or take part in any strike, work stoppage, slowdown, or other action which interrupts or interferes with the operations of the City. In the event of a violation of this Agreement, the Union agrees to take affirmative steps with the employee(s) concerned, such as letters, bulletins, telegrams, and employee meetings to bring about an immediate resumption of normal work.

ARTICLE 28 – AMENDMENTS TO THE AGREEMENT

28.01 The Employer and the Union may amend this Agreement upon mutual agreement.

28.02 Attachments and/or Amendments, Appendices, Letters of Understanding or Memoranda of Understanding may be attached to and shall be incorporated in the Agreement by this reference.

ARTICLE 29 – POLICE OFFICERS' BILL OF RIGHTS

29.01 All law enforcement personnel within the bargaining unit shall be entitled to the protection of what shall be hereafter termed as the "Police Officers' Bill of Rights". This Bill of Rights shall be considered a part of departmental policy. The wide ranging powers and duties given to the Police Department involve its members in all manners of contacts and relationships with the public. In the event a complaint is made against a member of the department, the Chief of Police or his designee may be required to perform an immediate investigation. In an effort to insure that such investigations are conducted in a manner conducive to good order and discipline, the following guidelines are promulgated:



29.02 Any law enforcement employee involved as a party to an investigation shall prior to an interview be notified in writing of the nature of the investigation, and provided with any information necessary to reasonably make an assessment of any charges or allegations against him/her.

29.03 Any interview of an employee shall be at a reasonable hour, preferably when the employee is on duty unless the circumstances of the investigation dictate otherwise. Where practicable, interview shall be scheduled for departmental business hours.

29.04 Interviews shall not violate an employee's constitutional rights and, when practicable, shall take place at a City facility. The employee shall be afforded the opportunity and means to contact and consult privately with an attorney of his/her own choosing at the employee's expense, and/or with a representative of the Union prior to being interviewed. At the employee's request, an attorney of his/her own choosing and/or a representative of the Union may be present during the interview.

29.05 Interviews shall not be unreasonably long and the employee shall be entitled to such reasonable intermissions as he/she shall request for personal necessities, meals, telephone calls, and rest periods.

29.06 The employee shall not be subjected to any offensive language or be threatened with dismissal, transfer, or other disciplinary action in an effort to persuade the employee to resign, nor shall he/she be intimidated in any other manner. No promises or rewards shall be offered as an inducement to answer questions.

ARTICLE 30 – MANAGEMENT'S RIGHTS

30.01 The Union recognizes the prerogative of the City to operate and manage its affairs in all respects in accordance with its lawful mandate and the powers of authority which the City has not otherwise specifically abridged, delegated, or modified by this Agreement are retained by the City, including but not limited to the right to contract for services of any and all types. The direction of its working force is vested exclusively in the City. This shall include, but not be limited to the right to:

30.01.1 Direct employees:

- a. Hire, promote, transfer, assign, and retain employees.
- b. Suspend, demote, discharge or take legitimate disciplinary action against employees for just cause.
- c. Relieve employees from duty because of lack of work or other legitimate



reasons.

- d. Maintain the efficiency of the operation entrusted to the City.
- e. Determine the methods, means, and personnel by which such operations are to be conducted.
- f. Take any actions necessary in conditions of emergency regardless of prior commitments, to carry out the mission of the agency, provided however, that items (a) through (f) shall not be in conflict with City ordinances, personnel rules and the terms of this Agreement.

ARTICLE 31 – SAVINGS CLAUSE

If any provisions of this Agreement or the application of such provisions should be rendered or declared invalid by any court action or by reason of any existing or subsequently enacted legislation, the remaining parts or portions of this Agreement shall remain in full force and effect.

ARTICLE 32 – FALSE ARREST AND LIABILITY

False arrest insurance shall be provided by the City for commissioned employees. Liability insurance shall continue to be provided for City employees acting in the normal course of their duties.

ARTICLE 33 – NONDISCRIMINATION

It is mutually agreed that there shall be no unlawful discrimination because of race, color, religion, sex, age, marital status, national origin, or physical, mental, or sensory handicaps that do not prevent proper performance of the job, unless based upon a bona fide occupational qualification. Furthermore, it is mutually agreed that there shall be no unlawful discrimination based upon Union activity. The Union and management representatives shall work cooperatively to assure the achievement of equal employment opportunity. Employees who feel they have been discriminated against shall be encouraged to use the grievance procedure set up under this Agreement prior to seeking relief through other channels.

ARTICLE 34 – SUBORDINATION OF AGREEMENT

It is understood that the parties hereto and the employees of the City are governed by the provisions of applicable State Law, the City Charter, and City Ordinances. When any provisions thereof are in conflict with or are different than the provisions of this Agreement, the provisions of said State Law, City Charter, or City Ordinances are paramount and shall prevail, provided that where such conflict exists, the parties shall enter into immediate negotiations to resolve any such conflicts.



ARTICLE 35 – NEW EMPLOYEE CLASSIFICATIONS

New Classifications - Should the Employer establish a new bargaining unit classification during the term of this Agreement, it shall establish wage rates for the classification which are in proper relationship to wage rates paid similar classifications or requirements of other classifications within the facility. Before implementing these wage rates, the Employer will negotiate them with the Union and attempt to arrive at mutual agreement on wage rates for the new bargaining unit classification.

ARTICLE 36 – LABOR MANAGEMENT COMMITTEE

36.01 Labor Management - The Employer and the Union agree that a need exists for closer cooperation between labor and management, and further, from time to time suggestions and complaints of a general nature affecting the Union and the Employer require consideration. To accomplish this objective, the Employer and the Union agree that no more than three (3) duly authorized representatives of the Union shall function as one-half (1/2) of a Labor-Management Committee, the other half being no more than three (3) certain representatives of the Employer named for that purpose. The committee shall meet periodically for the purpose of discussing and facilitating the resolution of all problems which may arise between the parties.

36.02 Should the Union and Employer mutually agree to change, add, or delete any provision of this Agreement, such change shall be set forth in an Appendix to the Agreement.

ARTICLE 37 – DURATION

This Agreement shall be in effect from July 1, 2014 through June 30, 2017, and from year to year thereafter, unless either party shall serve written notice at least sixty (60) days prior to the termination or anniversary thereof of desire to change or cancel the Agreement.

**CITY OF PACIFIC, WA
UNIFORMED EMPLOYEES**

**TEAMSTERS LOCAL UNION
NO. 117, IBT**

LEANNE GUIER
Mayor

JOHN SCEARCY
Secretary-Treasurer

Date

Date



APPENDIX A

THIS APPENDIX is by and between the City of Pacific, Washington, (the “Employer”) and Teamsters Local Union No. 117 (the Union), representing the Police Officers.

A.1 Effective July 1, 2014, the classifications of work and the monthly rates of pay shall be increased annually thereafter as provided for under Article 19, as follows:



Rates to be effective 7/1/14 - 3.25% Increase

<u>Classification</u>	<u>Step 1</u> 00 – 06m	<u>Step 2</u> 07 – 12m	<u>Step 3</u> 13 – 24m	<u>Step 4</u> 25m +
Police Officer	\$ 4,498.92	\$ 5,011.33	\$ 5,523.73	\$ 6,036.12
Sergeant	\$ 6,721.70	\$ 6,955.36	\$ 7,189.03	\$ 7,423.88
Lieutenant	\$ 7,763.10	\$ 8,131.99	\$ 8,500.88	\$ 8,868.57

Rates effective 7/1/15 - 2% Increase¹

<u>Classification</u>	<u>Step 1</u> 00 – 06m	<u>Step 2</u> 07 – 12m	<u>Step 3</u> 13 – 24m	<u>Step 4</u> 25m +
Police Officer	\$ 4,663.89	\$ 5,186.55	\$ 5,709.20	\$ 6,231.84
Sergeant	\$ 6,931.13	\$ 7,169.46	\$ 7,407.81	\$ 7,647.35
Lieutenant	\$ 7,993.36	\$ 8,369.62	\$ 8,745.89	\$ 9,120.94

Rates effective 7/1/16 - 2% Increase

<u>Classification</u>	<u>Step 1</u> 00 – 06m	<u>Step 2</u> 07 – 12m	<u>Step 3</u> 13 – 24m	<u>Step 4</u> 25m +
Police Officer	\$ 4,757.16	\$ 5,290.28	\$ 5,823.38	\$ 6,356.47
Sergeant	\$ 7,069.75	\$ 7,312.84	\$ 7,555.96	\$ 7,800.29
Lieutenant	\$ 8,153.22	\$ 8,537.01	\$ 8,920.80	\$ 9,303.35

A.1.1 Promotion – An officer who is promoted from one classification to another shall move to the pay step of the new classification that provides for not less than a five percent (5%) pay increase above his/her current wage.

A.2 Detective – Any officer assigned the duties of Detective shall receive premium pay in the amount of six percent (6%) above his/her regular monthly rate of pay.

¹ These rates reflect the movement of the \$75.00 uniform allowance into base wages effective 7/1/15, prior to application of the 2% increase, pursuant to Article 26.01.



A.2.1 The officer assigned the duties of Detective shall receive a yearly allowance of seven hundred fifty dollars (\$750.00) for the purpose of purchasing clothing to be worn in lieu of the standard uniform while performing the responsibilities of the Detective classification.

A.3 Employees who are hired at a higher pay step than Step 1 shall advance to the next pay step after one (1) year of service at that pay step and shall continue to progress through the steps annually.

A.4 Field Training Officer/Patrol Training Officer – Any officer assigned the duties of training a new officer shall receive premium pay in the amount of four percent (4%) above his/her regular rate of pay for all hours so assigned.

A.5 Education Premium – Beginning upon ratification of this Agreement, in addition to the base wage rate and other wage adjustments set forth herein, those officers that have completed the requirements at an accredited institution of higher education and receive a diploma stating the same, shall receive a premium as set forth below:

Associates Degree	2%
Bachelor Degree	4%

Effective the first pay period after signing of this Agreement each employee shall receive a one-time economic incentive payment of seven hundred and fifty dollars (\$750.00) in gross wages.



LETTER OF AGREEMENT

By and Between

CITY OF PACIFIC

And

**TEAMSTERS LOCAL UNION NO. 117, IBT
(REPRESENTING UNIFORMED EMPLOYEES)**

Re: OVERTIME DISTRIBUTION (Article 10.03)

The Parties signatory to the current Collective Bargaining Agreement agree that the process outlined below shall be utilized on a trial basis for six (6) months after which time the parties will review the process for potential continuation or discontinuation. The Overtime Wheel as described below shall begin being utilized upon the effective date of the Agreement which will trigger the commencement of the six (6) month trial period.

In the event a need for overtime should occur, hours it shall be offered and distributed utilizing an Overtime Wheel as outlined below:

Overtime Wheel – An overtime wheel will be established to provide equal access to scheduled overtime opportunities by full-time regular employees. Scheduled overtime is overtime scheduled in advance which is not part of a normal work day. Employees will be placed on the overtime wheel based on their bargaining unit seniority, in descending order. The person at the top of the overtime wheel will be offered the scheduled overtime opportunity. That person moves to the bottom of the list, whether he or she accepts the overtime or not.

The initial implementation of the Overtime Wheel shall be done as a trial and will be under a six (6) month Trial Period. The parties will revisit the procedure in a Labor Management Committee at the conclusion of the Trial Period and evaluate the merits of continuing with the procedure.

Any and all other provision of the Agreement shall remain in full force and effect during the effective dates of the Agreement.

**CITY OF PACIFIC, WA
UNIFORMED EMPLOYEES**

**TEAMSTERS LOCAL UNION
NO. 117, IBT**

**LEANNE GUIER
Mayor**

**JOHN SCEARCY
Secretary-Treasurer**

Date

Date

Fully Recommended Settlement Offer
By and Between



CITY OF PACIFIC (UNIFORMED EMPLOYEES)
Teamsters Local Union No. 117

Agenda Bills

Agenda Item No.	Consent Agenda 10A	Meeting Date:	September 14, 2015
<u>Subject:</u>	<u>Claim Voucher & Payroll</u> <u>Approval</u>	Prepared by:	Richard Gould Finance Director

Summary:

Approval of Payroll for the period of August 16, 2015 through August 31, 2015; Claims Vouchers for August 25, 2015 through September 14, 2015.

Payroll Auto Deposit	\$	67,341.06
Payroll Checks #4900 – 4901		1,271.47
		<u>\$78,043.23</u>
EFT'S		
Claim Checks 45574 – 45663	\$	915,273.26
		<u>915,273.26</u>
Claim Checks Voided #45573, 45396,44979		\$651.48
		<u>\$651.48</u>
Total Expenditures	\$	<u>\$1,061,929.02</u>

Recommendation: Approval of payment for Payroll and Claims

Motion: move to approve the Consent Agenda including approval of Payroll and Claims Vouchers.

Attachments:

Check Registers and Payroll Expense itemization.

CHECK REGISTER

City Of Pacific
MCAG #: 0423

08/25/2015 To: 09/14/2015

Time: 14:35:08 Date: 09/10/2015
Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5235	09/04/2015	Payroll	1	EFT		151.68	August 16-31 Payroll
5236	09/04/2015	Payroll	1	EFT		2,475.75	August 16-31 Payroll
5237	09/04/2015	Payroll	1	EFT		2,053.51	August 16-31 Payroll
5238	09/04/2015	Payroll	1	EFT		4,053.32	August 16-31 Payroll
5239	09/04/2015	Payroll	1	EFT		2,192.15	August 16-31 Payroll
5240	09/04/2015	Payroll	1	EFT		2,151.86	August 16-31 Payroll
5242	09/04/2015	Payroll	1	EFT		1,231.86	August 16-31 Payroll
5243	09/04/2015	Payroll	1	EFT		2,114.72	August 16-31 Payroll
5244	09/04/2015	Payroll	1	EFT		92.08	August 16-31 Payroll
5245	09/04/2015	Payroll	1	EFT		3,192.58	August 16-31 Payroll
5246	09/04/2015	Payroll	1	EFT		318.14	August 16-31 Payroll
5247	09/04/2015	Payroll	1	EFT		871.75	August 16-31 Payroll
5248	09/04/2015	Payroll	1	EFT		508.50	August 16-31 Payroll
5249	09/04/2015	Payroll	1	EFT		2,409.88	August 16-31 Payroll
5250	09/04/2015	Payroll	1	EFT		91.68	August 16-31 Payroll
5251	09/04/2015	Payroll	1	EFT		92.08	August 16-31 Payroll
5252	09/04/2015	Payroll	1	EFT		2,220.80	August 16-31 Payroll
5253	09/04/2015	Payroll	1	EFT		81.68	August 16-31 Payroll
5254	09/04/2015	Payroll	1	EFT		171.53	August 16-31 Payroll
5255	09/04/2015	Payroll	1	EFT		1,531.19	August 16-31 Payroll
5256	09/04/2015	Payroll	1	EFT		1,377.29	August 16-31 Payroll
5257	09/04/2015	Payroll	1	EFT		1,293.52	August 16-31 Payroll
5258	09/04/2015	Payroll	1	EFT		2,826.09	August 16-31 Payroll
5259	09/04/2015	Payroll	1	EFT		1,523.40	August 16-31 Payroll
5260	09/04/2015	Payroll	1	EFT		787.94	August 16-31 Payroll
5261	09/04/2015	Payroll	1	EFT		2,400.59	August 16-31 Payroll
5262	09/04/2015	Payroll	1	EFT		2,703.32	August 16-31 Payroll
5263	09/04/2015	Payroll	1	EFT		1,275.47	August 16-31 Payroll
5264	09/04/2015	Payroll	1	EFT		92.08	August 16-31 Payroll
5265	09/04/2015	Payroll	1	EFT		220.31	August 16-31 Payroll
5266	09/04/2015	Payroll	1	EFT		2,066.24	August 16-31 Payroll
5267	09/04/2015	Payroll	1	EFT		1,718.59	August 16-31 Payroll
5268	09/04/2015	Payroll	1	EFT		1,594.05	August 16-31 Payroll
5269	09/04/2015	Payroll	1	EFT		1,933.48	August 16-31 Payroll
5270	09/04/2015	Payroll	1	EFT		1,027.38	August 16-31 Payroll
5271	09/04/2015	Payroll	1	EFT		2,107.93	August 16-31 Payroll
5272	09/04/2015	Payroll	1	EFT		1,508.62	August 16-31 Payroll
5274	09/04/2015	Payroll	1	EFT		2,205.35	August 16-31 Payroll
5275	09/04/2015	Payroll	1	EFT		1,687.82	August 16-31 Payroll
5276	09/04/2015	Payroll	1	EFT		1,112.85	August 16-31 Payroll
5277	09/04/2015	Payroll	1	EFT		1,524.18	August 16-31 Payroll
5278	09/04/2015	Payroll	1	EFT		92.08	August 16-31 Payroll
5279	09/04/2015	Payroll	1	EFT		2,207.19	August 16-31 Payroll
5280	09/04/2015	Payroll	1	EFT		1,304.91	August 16-31 Payroll
5281	09/04/2015	Payroll	1	EFT		1,401.27	August 16-31 Payroll
5282	09/04/2015	Payroll	1	EFT		1,342.37	August 16-31 Payroll
5301	09/04/2015	Payroll	1	EFT	AFLAC	719.30	08/20/2015 To 09/04/2015 - AFLAC ACC Pre; 08/20/2015 To 09/04/2015 - AFLAC CAN Pre; 08/20/2015 To 09/04/2015 - AFLAC STD Post; 08/20/2015 To 09/04/2015 - AFLAC PSI Pre; 08/20/2015 To 09/04/2015 - AFL
5302	09/04/2015	Payroll	1	EFT	INTERNAL REVENUE SERVICE	25,774.83	941 Deposit For 09/04/2015 - 09/04/2015

CHECK REGISTER

City Of Pacific
MCAG #: 0423

08/25/2015 To: 09/14/2015

Time: 14:35:08 Date: 09/10/2015

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5303	09/04/2015	Payroll	1	EFT	WA ST DEPT RETIREMENT SYSTEM	28,913.56	09/04/2015 To 09/04/2015 - DCP - DRS; 08/20/2015 To 09/04/2015 - PERS 2; 08/20/2015 To 09/04/2015 - PERS 3; 08/20/2015 To 09/04/2015 - LEOFF 2
5304	09/04/2015	Payroll	1	EFT	WA STATE SUPPORT REGISTRY	229.00	09/04/2015 To 09/04/2015 - Child Support
5305	09/04/2015	Payroll	1	EFT	ASSOC OF WASHINGTON CITIES	9,517.95	08/20/2015 To 09/04/2015 - Medical - Directors
5374	09/11/2015	Claims	1	EFT	WA ST DEPARTMENT OF REVENUE	12,888.59	Excise Tax August 2015
5241	09/04/2015	Payroll	1	4900		1,179.39	August 16-31 Payroll
5273	09/04/2015	Payroll	1	4901		92.08	August 16-31 Payroll
5306	09/04/2015	Payroll	1	45573	AMERICAN LEGAL SERVICES		Wrong check amount
5307	09/04/2015	Payroll	1	45574	TEAMSTERS LOCAL 117	2,089.99	08/20/2015 To 09/04/2015 - Union Dues; 08/20/2015 To 09/04/2015 - Initiation Fees
5308	09/04/2015	Payroll	1	45575	WESTERN CONFERENCE OF TEAMSTERS PENSION	1,848.16	08/20/2015 To 09/04/2015 - Union Pension
5309	09/04/2015	Payroll	1	45576	NW ADMIN TRANSFER ACCOUNT	40,728.70	08/20/2015 To 09/04/2015 - Medical - Police; 08/20/2015 To 09/04/2015 - Medical- Clerical Union
5310	09/04/2015	Payroll	1	45577	AMERICAN LEGAL SERVICES	57.92	08/20/2015 To 09/04/2015 - Legal Fee
5383	09/14/2015	Claims	1	45578	ACCO ENGINEERED SYSTEMS	3,969.38	POLICE: HVAC REPAIRS
5384	09/14/2015	Claims	1	45579	AGRO TREE SERVICE, INC.	2,421.81	PW: TREE REMOVAL & TRIMMING
5385	09/14/2015	Claims	1	45580	AHBL INC	19,425.72	
5386	09/14/2015	Claims	1	45581	ALGONA COURTS	4,141.79	ALGONA COURT AUGUST 2015
5387	09/14/2015	Claims	1	45582	CAROLYN ALLEN	250.00	YOUTH: RENTAL DEPOSIT REFUND
5388	09/14/2015	Claims	1	45583	ALPINE PRODUCTS INC	1,035.33	PW: SUPPLIES
5389	09/14/2015	Claims	1	45584	CITY OF AUBURN	300.00	DECANT ADMIN FEE
5390	09/14/2015	Claims	1	45585	AUS WEST LOCKBOX	151.73	CITY HALL & POLICE: DOOR MATS
5391	09/14/2015	Claims	1	45586	AUTO ADDITIONS, INC.	3,235.46	POLICE: UPFITTING FOR NEW PATROL VEHICLES
5392	09/14/2015	Claims	1	45587	GAIL BENNETT	300.00	AUG. 2015 CIVIL SERVICE COMMISSION SECRETARY
5393	09/14/2015	Claims	1	45588	BUD CLARY CHEVROLET	26,386.21	PW: NEW SERVICE TRUCK
5394	09/14/2015	Claims	1	45589	CENTURYLINK	1,204.51	
5395	09/14/2015	Claims	1	45590	CENTURYLINK	47.61	
5396	09/14/2015	Claims	1	45591	CITY OF AUBURN	141.72	
5397	09/14/2015	Claims	1	45592	COLUMBIA BANK CARDMEMBER SERVICE	2,728.82	
5398	09/14/2015	Claims	1	45593	COPIERS NORTHWEST INC	1,517.27	COPY MACHINE LEASES & EXPENSES (INVOICE #1254084, 08/31/15)
5399	09/14/2015	Claims	1	45594	DATABAR INCORPORATED	1,661.05	AUG. 2015 UTILITY BILLING

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5400	09/14/2015	Claims	1	45595	DEPARTMENT OF COMMERCE	173,976.05	CONTRACT #00-65120-020 (CORROSION CONTROL PROJECT) & CONTRACT #01-65101-018 (RESERVOIR PROJECT)
5401	09/14/2015	Claims	1	45596	DMCMA	50.00	COURT: 2015 FALL REGIONAL TRAINING
5402	09/14/2015	Claims	1	45597	ENVIRO-CLEAN EQUIPMENT, INC.	96.20	PW: VACTOR TRUCK REPAIRS
5403	09/14/2015	Claims	1	45598	EVERSON'S ECONO-VAC INC	773.16	PW: VACTOR TRUCK TO CLEAN LIFT STATIONS
5404	09/14/2015	Claims	1	45599	FERGUSON ENTERPRISES, INC.	7,698.52	PW: SUPPLIES; PW: SUPPLIES; PW: SUPPLIES; PW: SUPPLIES; PW: LOCATOR & LINE TRANSMITTER; PW: SUPPLIES
5405	09/14/2015	Claims	1	45600	FINISH LINE CLEANING	3,225.00	CITY HALL, REC CENTER, SR. CENTER & PD JANITORIAL SERVICES
5406	09/14/2015	Claims	1	45601	GENUINE AUTO GLASS OF AUBURN LLC	323.03	POLICE: WINDOW TINTING
5407	09/14/2015	Claims	1	45602	GOSNEY AUTO PARTS, INC.	108.98	PW: SUPPLIES; PW: SUPPLIES
5408	09/14/2015	Claims	1	45603	GRAINGER	589.38	PW: CITY HALL & PARKS SUPPLIES; PW: CITY HALL & PARK SUPPLIES
5409	09/14/2015	Claims	1	45604	H D FOWLER CO INC	285.67	PW: SUPPLIES; PW: SUPPLIES
5410	09/14/2015	Claims	1	45605	HONEY BUCKET	1,175.55	PW: HONEY BUCKET RENTAL; PW: HONEY BUCKET RENTALS; HONEY BUCKET RENTAL
5411	09/14/2015	Claims	1	45606	MARK HUGHS	18.50	Reissue Of Payable From February 2014
5412	09/14/2015	Claims	1	45607	ICON MATERIALS	142,647.85	STEWART RD/THORNTON AVE IMPROVEMENTS - MONTHLY PROGRESS ESTIMATE #13 (06/21/15 - 07/20/15) **GRANT**
5413	09/14/2015	Claims	1	45608	IMAGE MASTERS INC	55.02	FINANCE: JOHN JONES PLAQUE
5414	09/14/2015	Claims	1	45609	IMS INFRASTRUCTURE MANAGEMENT SERVICES	7,950.00	PW: PAVEMENT MANAGEMENT INSPECTION, CONDITION RATING & REPORTING SERVICES
5415	09/14/2015	Claims	1	45610	INTERCOM LANGUAGE SERVICES	283.70	COURT: INTERPRETER SERVICES
5416	09/14/2015	Claims	1	45611	JEFF JONES	2,325.00	YOUTH: RESURFACING GYM AND EAST ROOM FLOORS & PICKLE BALL LINES
5417	09/14/2015	Claims	1	45612	LAW, LYMAN, DANIEL, KAMERRER & BOGDANOVICH, P.S.	250.52	LEGAL SERVICES: WEST VS CITY OF PACIFIC
5418	09/14/2015	Claims	1	45613	KC FINANCE I-NET	375.00	SEPT. 2015 I-NET SRVICES

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5419	09/14/2015	Claims	1	45614	ELENA KERRIGAN	850.00	COURT: INTERPRETER SERVICES
5420	09/14/2015	Claims	1	45615	KING COUNTY DIRECTORS' ASSOC	176.92	PW: OFFICE SUPPLIES; POW/MIA & US FLAGS FOR CITY HALL; POLICE: SUPPLIES
5421	09/14/2015	Claims	1	45616	KING COUNTY FINANCE	110,064.76	WASTEWATER TREATMENT
5422	09/14/2015	Claims	1	45617	KPG	8,300.48	INTERURBAN/STEWART TRAIL ROW AQUISITION ***GRANT***; PROJECT 15104 TOPOGRAPHIC SURVEY FOR STEWART ROAD PROPOSED TRAIL ***GRANT***
5423	09/14/2015	Claims	1	45618	LAB/COR INC	200.00	PW: 2015 ASBESTOS TESTING
5424	09/14/2015	Claims	1	45619	LES SCHWAB TIRE CENTER	360.32	PW: FLAT REPAIR FOR SERVICE TRUCK; PW: BACK HOE REPAIRS; PW: TIRE REPAIRS
5425	09/14/2015	Claims	1	45620	LOWE'S COMPANIES, INC	117.79	PW: SUPPLIES
5426	09/14/2015	Claims	1	45621	MCLENDON HARDWARE	343.40	PW: SUPPLIES; PW: SHOP SUPPLIES; PW: SUPPLIES
5427	09/14/2015	Claims	1	45622	MORRIS LAW P.C.	4,395.00	CITY ATTORNEY SERVICES: AUG. 2015
5428	09/14/2015	Claims	1	45623	MOUNTAIN MIST	157.70	BOTTLED WATER
5429	09/14/2015	Claims	1	45624	MOUNTAIN STATES NETWORKING	1,760.10	
5430	09/14/2015	Claims	1	45625	NOFFKE'S TOWING	164.10	POLICE: VEHICLE TOW
5431	09/14/2015	Claims	1	45626	O'REILLY AUTOMOTIVE, INC.	462.04	PW: SUPPLIES; PW: SERVICE TRUCKS; PW: SUPPLIES
5432	09/14/2015	Claims	1	45627	PACIFIC OFFICE AUTOMATION	129.51	POLICE: COPY MACHINE LEASE
5433	09/14/2015	Claims	1	45628	CITY OF PACIFIC	575.49	
5434	09/14/2015	Claims	1	45629	PARAMETRIX, INC.	471.55	
5435	09/14/2015	Claims	1	45630	PETROCARD SYSTEMS INC	2,297.00	
5436	09/14/2015	Claims	1	45631	PMI TRUCK BODIES, INC.	19,464.45	PW: SPARE TIRE HOLDER FOR NEW PW TRUCK; PW: UTILITY SERVICE BODY FOR NEW PW TRUCK
5437	09/14/2015	Claims	1	45632	PROSECUTING ATTORNEYS OFFICE	206.10	Algona Courts' August 2015; Pacific Court For August 2015
5438	09/14/2015	Claims	1	45633	PROVIDENCE COMMUNITY CORRECTIONS	387.00	POLICE: INDIGENT JAIL ALTERNATIVE FEES FOR JULY/AUG. 2015
5439	09/14/2015	Claims	1	45634	PUGET SOUND ENERGY	254,075.57	STEWART RD. RELOCATION 111019225
5440	09/14/2015	Claims	1	45635	PUGET SOUND REGIONAL COUNCIL	1,924.00	2016 MEMBER DUES
5441	09/14/2015	Claims	1	45636	RIVERTON CONTRACTORS INC	7,500.00	PW: STORMWATER & STREET SWEEPING DEBRIS DISPOSAL
5442	09/14/2015	Claims	1	45637	ROBINSON NOBLE, INC	3,630.00	PROJECT ID: 1700-006C PACIFIC; CONSTRUCTION DEWATERING

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5443	09/14/2015	Claims	1	45638	L STEPHEN ROCHON	3,120.00	COURT: JUDGE SERVICES
5444	09/14/2015	Claims	1	45639	GLEN ROSS	20.41	Reissue Of Payable From February 2014
5445	09/14/2015	Claims	1	45640	SAM'S CLUB	557.53	
5446	09/14/2015	Claims	1	45641	SCORE	4.93	POLICE: JULY 2015 OUTSIDE HEALTH SERVICES
5447	09/14/2015	Claims	1	45642	SENSUS USA	1,771.11	PW: AUTOREAD SOFTWARE ANNUAL SUPPORT PROGRAM
5448	09/14/2015	Claims	1	45643	SHRED-IT USA INC.	119.60	POLICE: SHREDDING SERVICES; COURT & FINANCE: SHREDDING SERVICES
5449	09/14/2015	Claims	1	45644	SMASH PICKLEBALL	218.10	YOUTH: PICKLEBALL NET W/STAND
5450	09/14/2015	Claims	1	45645	SOUND PUBLISHING INC	532.04	PARKS & CD: LEGAL AFFADAVITS
5451	09/14/2015	Claims	1	45646	SUMMIT LAW GROUP	1,121.50	LEGAL SERVICES: TEAMSTERS LOCAL 117
5452	09/14/2015	Claims	1	45647	SUMNER LAWN 'N SAW	76.50	PW: WEED EATER
5453	09/14/2015	Claims	1	45648	CITY OF SUMNER	1,849.79	METRO ANIMAL SERVICES, SEPT. 2015
5454	09/14/2015	Claims	1	45649	T M G SERVICES INC	301.85	PW: WELL REPAIRS
5455	09/14/2015	Claims	1	45650	DENNIS I TATE	11.71	Reissue Ch# 40638. Unclaimed Funds Process
5456	09/14/2015	Claims	1	45651	TOTAL AUTO CARE	441.36	POLICE: AUTO REPAIRS/MAINTENANCE
5457	09/14/2015	Claims	1	45652	UNIVAR USA INC	9,282.87	PW: CAUSTIC SODA
5458	09/14/2015	Claims	1	45653	US BANK N.A. - CUSTODY TREASURY DIV.	70.00	FINANCE: CUSTODY CHARGES FOR AUG. 2015
5459	09/14/2015	Claims	1	45654	VALLEY COMMUNICATIONS	1,010.68	POLICE: 800 MHz AUG. 2015 (44 UNITS)
5460	09/14/2015	Claims	1	45655	VERIZON WIRELESS	728.82	
5461	09/14/2015	Claims	1	45656	WA ST DEPT ENTERPRISE SERVICES	425.00	COURT: WALK THRU METAL DETECTOR
5462	09/14/2015	Claims	1	45657	WA ST TREASURER	11,763.93	Algona Court For August 2015; Pacific Court August 2015
5463	09/14/2015	Claims	1	45658	WASHINGTON STATE PATROL	59.00	POLICE: BACKGROUND CHECKS
5464	09/14/2015	Claims	1	45659	WATCH GUARD VIDEO	5,220.00	POLICE: CAMERA SYSTEM FOR NEW POLICE VEHICLES
5465	09/14/2015	Claims	1	45660	WATER MANAGEMENT LAB INC	1,001.00	PW: TOTAL COLIFORM
5466	09/14/2015	Claims	1	45661	WELLS FARGO FINANCIAL LEASING	218.94	PW: PLOTTER LEASE
5467	09/14/2015	Claims	1	45662	KRISTA C WHITE-SWAIN	1,350.00	COURT: PUBLIC DEFENSE
5468	09/14/2015	Claims	1	45663	MICHAEL ZHELEZNYAK	133.00	COURT: INTERPRETER SERVICES

001 General Fund	178,367.97
098 General Fund Equipment Reserve	425.00
101 Street	27,479.99
301 Roads Capital Improvements	12,507.03
305 Parks Capital Improvement	134.48
308 Valentine Road Project	3,630.00
309 West Valley	13,759.17
310 Stewart/Thornton Ave Rd Projec	367,100.34
401 Water	222,591.67
402 Sewer	134,036.10

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		406			Water Capital Improvement	15,658.97	
		409			Storm	18,415.89	
		499			Utilities Equipment Reserve	50,156.84	
		630			Developer/Senior/Youth/Hydrant Deposit	250.00	
		640			Algona Court	7,378.77	
		800			Payroll EE Benefit Clearing	10,036.80	
						<hr/>	
						1,061,929.02	Claims: 883,437.08 Payroll: 178,491.94

Voucher Approval

We, the undersigned Council members of the City of Pacific, do hereby certify that the Vouchers specified were reviewed and were approved for payment at the Regular Council Meeting

on: _____.

Council Member: _____

Council Member: _____

Council Member: _____

Reviewed for Accuracy

Finance Director: _____



City Council Minutes

Regular Meeting
July 27, 2015
6:30 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Guier called the regularly-scheduled meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

ROLL CALL

Present: Council Members Garberding, Kave, Oliveira, Council President Walker, Mayor Pro Tem Putnam, and Mayor Guier

Absent: Council Members Jones and Steiger

COUNCIL MEMBER WALKER MOVED to excuse Council Members Jones and Steiger. Seconded by Council Member Garberding.

Voice vote was taken and carried 5-0.

STAFF PRESENT

Public Safety Director John Calkins, Community Development Manager Jack Dodge, Public Works Manager Lance Newkirk, City Administrator Richard Gould, and City Clerk Amy Stevenson-Ness.

ADDITIONS TO/APPROVAL OF AGENDA

The agenda was approved unanimously by Council.

RECOGNITION

Mayor Guier presented a certificate of recognition to Ms. Ann Smith for Pacific Partnerships' presentation of Pacific Days and provided City of Pacific lapel pins to the members of Pacific Partnerships.

PUBLIC HEARING

A. Solid Waste Contract

Mayor Guier opened the public hearing at 6:35 p.m.

Mr. Gould provided a staff report and explained the Findings of Fact adopted by Council on July 13, 2015. Mr. Gould stated the public hearing would be continued to the meeting on August 10, 2015.

Ms. Laura Moser, Waste Management, provided a statement regarding rates and services to be provided by Waste Management.

Speaking before Council:

Mark Gingrich, Murrey's/DM Disposal	Recognized the Waste Management drivers in the audience. Said there is a \$1.9 million variance in rates over 10 years. The information was taken from the city's website. Murrey's will provide service enhancements including larger garbage carts provided at lesser costs. Several businesses spoke up in opposition in June 22 and he asked that Council listen to those businesses.
Charlotte Ryan; 38024 236 th Ave SE, employee of Waste Management	Attended to attest to the changes made by Waste Management. Would like to continue to service the City of Pacific.
Don Thomson, 416 2 nd Ave SE	10 year contract is concerning; contract should be 2 years for guaranteed rates
Debra Morris, 213 Pacific Ave S	10 years seems to be a long time to make a commitment. Residents would like to see numbers they can understand. Has no problem with Waste Management. Urged Council to look at rates to see how it will affect the residents and save them money.

At 7:00 p.m., Mayor Guier continued the public hearing to August 10, 2015.

At 7:11 p.m., Mayor Guier reopened the public hearing to have the city clerk read letters into the record. The public hearing was continued again at 7:15.

B. **Continued Public Hearing from June 22, 2015:** Revisions to the Comprehensive Plan, Chapter 3 – Natural Environment Element and to Chapter 8 – Transportation.

Mayor Guier opened the public hearing at 7:01 p.m.

Mr. Dodge requested a continuation of the public hearing to November 9 or November 23 to give the city time to discuss information received from Department of Commerce.

COUNCIL MEMBER PUTNAM MOVED to hold the continued public hearing at the first meeting in November. Seconded by Council Member Oliveira.

Voice vote was taken and the motion carried 5-0.

Speaking before Council:

None

AUDIENCE COMMENT

Speaking before Council:

Tracy Larson, 425 Ellingson Road, Owner of Dairy Queen	Spoke regarding drug issues, panhandlers, needle issues in Pacific. Requested the City do something about this so police can stop people from panhandling/ selling drugs.
Barbara Lourdes, Auburn, WA	Partnerships is hard up for volunteers. She appreciates Council members that attended Pacific Days. Stated she needs to meet with Chief Calkins regarding obtaining the information on her issue. Stated it would be nice to speed up the process of providing information.
Jeanne Fancher, 37248 55 th Ave S	Provided an observation that it seems all the details of issues are getting worked out in public comments. Requested more of an open meeting process for committee meetings including getting input from the public.

REPORTS

A. Mayor

Mayor Guier reported:

- This is a continuation of the Partnerships recognition begun previously. Almost all City departments participated: VRFA brought Sparky; Youth and Senior Center held the pancake breakfast; Public Works made the park look good; Jim Schunke was out with stormwater education; the Park Board provided trail maps; and business participation – the kids' parade was sponsored by Dairy Queen and owner Tracy Larson.
- Council will see a line item added in the 2016 budget for \$10,000 toward Pacific Days as a community event. This amount will be partnered with tourism money to benefit the community.

B. Finance/City Administrator

City Administrator Gould reported:

- Met with mediator and the uniformed union. The results will be discussed in executive session.
- He and Mr. Newkirk have a meeting scheduled for the PW/Clerical union. These items will be discussed in executive session before the next meeting.
- Met with the Finance Committee on July 21.
- Met with the Technology Committee on July 17.
- Working with Auburn IT to correct problems with the wireless network.
- August is budget preparation month. He is working with department heads on a targeted list of projects.
- August 31 is perfect date to have workshop and will dovetail nicely with budget preparation season.

C. Court

No reports.

D. Community/Senior/Youth/Services

- Report provided in the packet

E. Public Works Department

Public Works Manager Lance Newkirk reported:

- Stewart Road Project major activities – contract crews will do wrap up on concrete work; the following week, final paving occurring along Stewart Road segment; will lay striping with substantial completion around Labor Day.
- Water main break last week; on Tacoma, crews took care of in same day
- Service line break near Cobble Court; corrected that day.

F. Community Development Department

Community Development Manager Jack Dodge reported:

- Update on marijuana businesses. He received 3 out of 4 appeals. The property owner is looking to evict. This will come before the hearing examiner in September.

- The Freeway Sign District ordinance is on hold while the city attorney works on a model sign ordinance. It will be coming forward in the future.
- Planning Commission will be reviewing revisions to the subdivision code. A public hearing with the Planning Commission will be set in August.
- Our Code Enforcement officer is out quite often. He has delivered a tall grass door knocker letting people know their grass is too long and needs to be mowed. He is looking at enforcement action for a trucking business located in the City of Pacific.
- The Lane Morgan Property has short plat paperwork submitted for King County and will get an exemption for platting fees from the County if part of the property goes to a municipality.

G. Public Safety Department

Public Safety Director Calkins reported:

- A report has been completed regarding Bias Based Racial Profiling. This is a new report for 2015. It provides information regarding demographics and enforcement actions.
- A search warrant was executed on 5th Avenue South on a very large, professional grow operation. Suspects are in custody and the case is under investigation. They seized a very large amount of equipment used.
-

H. City Council Members

Council Member Walker inquired about the water turn off process and what the policy or process is regarding shut offs.

I. Boards and Committees

i. Finance Committee

Council Member Kave reported the committee met on July 21, 2015.

Items discussed were:

- Little Angel Childcare Conditional Use Permit and Building Permit – Jack Dodge is following up with the Angel Daycare due to the permit cost owed due to prior owners not properly applying for them. They owe approximately \$12,000 and the committee asked that a payment plan be set up that goes no longer than 18 months, with interest.
- Christopher Cook asked for a waiver on utility fees due to a fire at his home – The committee agreed that this could only be done if Mr. Cook paid the cost of removing the utilities infrastructure (\$5,000). They also directed the City Administrator to talk with the Mayor about moving this back to council regarding having the Public Works committee review the current cost of infrastructure removal.

- Murrey’s assertions regarding the solid waste proposed contract with Waste Management – Staff presented an analysis of the proposed savings by Murrey’s versus Waste Management’s proposed contract. The numbers provided were inconclusive due to the lack of verifiability. The committee approved moving forward with the contract negotiations with Waste Management. They also asked to see Waste Management’s old rates versus their proposed new rates, which were provided on Thursday, which showed citywide savings.

Council Member Kave then read into the record the scoring of the Request for Proposal submittals from DM Disposal/Murrey’s and Waste Management.

- City Council identified Goals and objectives for the Finance Committee –They include: (1)Researching the viability of a Levy Lid Lift, (2)Adding (cost) security cameras to City hall, (3)Creating consortium style services among small cities located around Pacific, (4)Unfunded mandate compliance (identify them and the associated cost) and (5)A five year budget forecast (Financial Master Plan).

The next Finance Committee meeting is scheduled for the 26th of August at 6:30pm.

ii. Governance Committee

The next meeting will be held on August 4, 2015, at 6:30 p.m. to discuss sick leave policies with the attorney present by phone.

iii. Human Services Committee

Council Member Garberding reported the meeting will be held on July 28, 2015, at 6:30 p.m. to discuss the end of the year fundraiser.

Council President Walker will be in attendance.

iv. Public Safety Committee

Council Member Garberding reported the meeting has been rescheduled to July 28, 2015, at 6:30 p.m.

v. Public Works Committee

Council Member Jones reported a meeting was held on August 5.

vi. Technology Committee

Council Member Walker reported the committee met on July 23, 2015, at 5:00 p.m.

- Website Building - Committee discussion on the Website and RFPs. The committee discussed the draft RFP that staff presented. Recommended changes were made and the Committee hope to present this RFP at the Council

Workshop on August 17th. The committee discussed possible vendors to build the website and setting up presentations from them.

- Portable audiovisual sound system update - Committee discussion on the Sound System RFPs. Staff presented a draft RFP that the Committee reviewed and recommended changes to be made. Discussion about a possible vendor “JayMark” was also held. Staff will be meeting with them in the next two weeks to see if they are interested in responding to the RFP. The committee is also hopeful to bring this before the Council on the 17th of August.
- Granicus recording support – Granicus will be making a presentation at the next committee meeting. Discussion was held on how they can help the City’s website on council meeting presentations.
- City Council identified goals and objectives for the Technology Committee - Discussion on battery backup, the Wi-Fi network and cloud backup for the server and State regulations will be tied to the 2016 budget after discussion with IT and presented at the August committee meeting.
- Other – The committee also discussed BIAS security for the cloud and evaluating IT performance by the use of a predetermined scoring method. The committee discussed the possibility of holding “porta-court” by video offsite and saving the City on transport expenditures. Wireless problems were discussed and staff was directed to see if bandwidth issues could be the root cause.

The Technology Committee will next meet on Thursday, August the 20th at 5pm in Mayor Guier’s office at City Hall.

vii. Park Board

Jack Dodge reported

- The annual park tour was held on July 25, 2015. A matrix had been assembled and reviewed at special meeting on June 26th.

viii. Planning Commission

- Reported earlier in meeting under the Community Development manager’s report.

ix. Pierce County Regional Council (PCRC)

Mr. Newkirk stated the meeting will be held on August 6, 2015.

x. Sound Cities Association (SCA)

Mayor Guier reported:

- There is no SCA meeting in August.
- A networking breakfast with Patty Murray on August 10 and she encourage all council members to attend if they are able.

xi. South County Area Transportation Board (SCATBd)

Mr. Newkirk reported

- Met on July 21. Two presentations from Puget Sound Regional Council were presented trend of traffic studies in region.
- There was a discussion about WSDOT regarding freight and goods mobility.
- SCATBd is the sponsor of an advance transportation seminar on October 9.

xii. Valley Regional Fire Association (VRFA)

Council Member Walker reported:

- VRFA adopted a small works roster, a purchasing and small works policy, and accepted proposal for a pumper truck they wish to purchase.

OLD BUSINESS

A. Resolution No. 2015-276: Authorizing the execution of an agreement with Infrastructure Management Services (IMS), in the amount of \$37,895.00, for pavement management inspection, condition rating and reporting services.

Mr. Newkirk stated received good feedback from Council. Objective look at street network, numerical rating and cost to bring up to acceptable standards. Also available is a sign study to rate signs from excellent to poor and where to focus limited monies. The costs are clearly identified and he will proceed with the baseline survey plus the sign inventory.

COUNCIL MEMBER PUTNAM MOVED to approve Resolution No. 2015-276 authorizing the execution of an agreement with Infrastructure Management Services (IMS), in the amount of \$37,895.00, for pavement management inspection, condition rating and reporting services. Seconded by Council Member Walker.

Roll call vote was taken resulting as follows:

Ayes: Garberding, Kave, Oliveira, Putnam, Walker

Nays:

Absent: Jones, Steiger

The motion carried 5-0.

B. MOTION: Setting the date for a City Council Budget Workshop on August 31, 2015, at 6:30 p.m.

Mr. Gould advised targeting the date for a proposed preliminary budget; requested feedback and ideas on how the meeting will run. He stated the budget is the single most important policy document to be passed for the coming year.

COUNCIL MEMBER KAVE MOVED to set the date for a City Council Budget Workshop on August 31, 2015, at 6:30 p.m. Seconded by Council Member Garberding.

Voice vote was taken and carried 5-0.

CONSENT AGENDA

- A. Payroll and Voucher Approval
- B. Minutes of the workshop of July 6, 2015, the special meeting of July 6, 2015, and the meeting of June 8, 2015.

COUNCIL MEMBER PUTNAM MOVED to approve the Consent Agenda.
Seconded by Council Member Kave.

Voice vote was taken and carried 5-0.

EXECUTIVE SESSION

Collective Bargaining per RCW 42.30.140 (4)(a) for 10 minutes.

At 8:26 p.m., Mayor Guier announced an executive session for Collective Bargaining per RCW 42.30.140 (4)(a) for 10 minutes.

At 8:36 p.m., Mayor Guier extended the executive session for 10 minutes.

Mayor Guier called the regular meeting back to order at 8:46 p.m.

ADJOURN

Being no further business, Mayor Guier adjourned the meeting at 8:46 p.m.

Amy Stevenson-Ness, City Clerk



City Council Minutes

Workshop
Monday, August 3, 2015
6:30 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Council President Walker called the regularly-scheduled meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

ROLL CALL

Present: Council Members Garberding, Kave, Oliveira, Steiger,
Mayor Pro Tem Putnam, Council President Walker, and Mayor
Guier

Absent: Council Member Jones

STAFF PRESENT

City Attorney Jim Kelly, Community Development Manager Jack Dodge,
Public Works Manager Lance Newkirk, City Administrator Richard Gould, and
City Clerk Amy Stevenson-Ness

ADDITIONS TO/APPROVAL OF AGENDA

The agenda was approved unanimously by Council.

AGENDA ITEMS

A. AB 15-107: Resolution No. 2015-270: Authorizing the execution of an agreement with Waste Management for solid waste services in the City of Pacific.
(Council Member Putnam arrived here at 6:33 p.m.)

City Administrator Gould discussed the proposed contract with Waste Management. He provided Council with a comparison between the rates for Waste Management and DM Disposal.

Direction by consensus of Council: Move forward to the special meeting on August 10, 2015.

B. AB 15-109: Resolution No. 2015-278: Authorizing the submittal of the Transportation Improvement Board grant application for 3rd Avenue South preservation.

Mr. Newkirk discussed the TIB grant application for 3rd Avenue preservation. This application is part of the TIB arterial preservation program. The city is proposing to continue the preservation work started in 2014. This will require a city match of \$50,000.

Direction by consensus of Council: Move forward to the meeting on August 10, 2015.

C. AB 15-110: Resolution No. 2015-279: Authorizing the submittal of the Transportation Improvement Board grant application for Milwaukee Boulevard Improvements.

Mr. Newkirk stated this grant application is due to the Transportation Improvement Board on August 21, 2015. This grant is for developing the street section along Milwaukee from 3rd to 5th. There is also potential water main replacement required which is outside the scope of the grant and would be funded from the water utility directly. The total grant amount is approximately \$484,000 with a city match of \$86,000.

Direction by consensus of Council: Move forward to the meeting on August 10, 2015.

D. Resolution No. 2015-280: Anthem Heights Final Plat

Mr. Dodge provided a brief PowerPoint presentation about the plat and provided background information. Confirm trail area before 8/24.

Direction by consensus of Council: Move forward to the meeting on August 24, 2015.

E. AB 15-106: Resolution No. 2015-277: Authorizing the surplus of equipment that has been or is in need of being replaced.

Mr. Gould explained how the vehicles would be disposed of and the valuation of the vehicles. He will ask Mr. Calkins to provide documentation for valuation of the monitors. Will check to see if monitors are of any worth to the youth center.

Direction by consensus of Council: Move forward to the meeting on August 10, 2015.

F. AB 15-112: Ordinance No. 2015-1903: Accepting a donation of \$500 from Don Kuzmer, Metals Express, to be used for community events such as the Bike Rodeo and Police Department Open House.

Mr. Gould stated the City received a check from Metals Express to be used for community events. It is required to come before Council for approval.

Direction by consensus of Council: Move forward to the meeting on August 10, 2015.

G. AB 15-113: DISCUSSION: Waiver for beer garden for Valley Professional Firefighters annual picnic in City Park.

Council President Walker stated there was issue regarding granting a waiver for alcohol in City Park. City Clerk Amy Stevenson-Ness provided background information on the concerns of our city attorney and our risk pool to having a beer garden.

Direction by consensus of Council: Do not move forward to the meeting of August 10, 2015. Ms. Stevenson-Ness will talk to the requestor and if they choose to move their picnic from City Park, Council will address a waiver of fees at the meeting on August 10, 2015.

It was also requested to send the topic to the Governance Committee to review alcohol use in City parks.

ADJOURN

Council President Walker adjourned the workshop at 7:16 p.m.

Amy Stevenson-Ness, City Clerk



City Council Minutes

**Regular Meeting
August 10, 2015
6:30 p.m.**

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Guier called the regularly-scheduled meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

ROLL CALL

Present: Council Members Garberding, Jones, Oliveira, Steiger, Council President Walker, Mayor Pro Tem Putnam, and Mayor Guier

Absent: Council Member Kave

Council Member Jones moved to excused Council Member Kave. Seconded by Council Member Walker.

Voice vote was taken and carried 6-0.

STAFF PRESENT

Public Safety Director John Calkins, Public Works Manager Lance Newkirk, City Administrator Richard Gould, Assistant City Attorney Jim Kelly, and City Clerk Amy Stevenson-Ness.

ADDITIONS TO/APPROVAL OF AGENDA

The amended agenda was approved unanimously by Council.

PUBLIC HEARING

A. Solid Waste Contract

Mayor Guier opened the public hearing at 6:31 p.m.

Mr. Gould stated the numbers provided from Murray's/DM Disposal are not reliable and presented information to substantiate his statements.

Speaking before Council:

Don Thomson, 416 2 nd Ave S	Comparisons are done well but he has an issue with a 10-year contract. He also has an issue with third party recycling. Inquired if a citizen can opt out of recycling/
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	composting. Stated the City's franchise fee doesn't include profits made by the contractor from compost or recyclable sales and inquired why the city isn't receiving 3% on that. He stated the contract is bad for the city, customers, citizens and businesses and it's only good for the contractor. He urged council to vote against the contract. He said a 10-year obligation should go before citizens for a vote.
Laura Moser, Waste Management, 701 2 nd St. NW	Stated she is in attendance hoping for positive council vote on the contract.

City Clerk Amy Stevenson-Ness read a letter from Steven Gordon, President, Gordon Trucking, Inc. and Valley Freightliner, Inc.

Mayor Guier closed the Public Hearing at 6:45 p.m.

AUDIENCE COMMENT

Speaking before Council:

Barbara Lourdes, Auburn, WA	Expressed that she still has Issues with the Pacific Police Department
Lloyd Rector, 221 x Blvd South	Read a letter written to the Public Safety Committee regarding Lt. Massey working on the day shift.
Jeanne Fancher, 37248 55 th Ave S, West Hill	Requested that Council please use microphones. Discussed the marking of police cars and asked why the Police Department has more than the law allows. Request city either enforces provision or repeal it. Mayor Guier referred the issue to the Public Safety Committee.

REPORTS

A. Mayor

Mayor Guier reported:

- Attended the SCA networking breakfast on August 10. Senator Patty Murray attended. Stated it was a nice, intimate scenario. Discussed was transportation, veteran homelessness, and education.
- Staff has begun working on the next quarterly newsletter. The goal is to have it in mailboxes in time for the Police Department Open House on September 18.
- Invited everyone to the Terry Home Car Show on August 15 in City Park. Free to spectators.

B. Finance/City Administrator

City Administrator Gould reported:

- The next executive session to discuss the collective bargaining agreements will be on August 17.
- Next negotiations with Public Works/Clerical will be held on August 20.
- The wireless network has been stabilized. The city is still waiting for equipment to extend and provide more stability.
- Budget preparations are in full swing. A preliminary draft will be presented on at the Budget Workshop scheduled for August 31.
- Draft second quarter report will be brought to Council at the next workshop. The city's position increased by approximately \$750,000.
- Presenting Website and Audio RFPs for consideration at the workshop on August 17 and 24.

C. Court

July reports are provided with the packet.

D. Community/Senior/Youth/Services

- July reports are provided with the packet.

E. Public Works Department

Public Works Manager Lance Newkirk reported:

- Follow up from earlier meeting: Council Member Kave had requested information about hydrant maintenance in Cobble Court. The hydrants are private hydrants and the property management needs to make repairs.
- BNSF Rail submitted a petition for Right of way vacation. He will be scheduling an upcoming hearing and is in the process of making make sure materials submitted are deemed complete. The vacation process is light on procedures and need to make sure they are in complete compliance with state statute;
- Pavement Management Study: The firm will be out next week to do the road network/analysis. The exact date and time of demonstration and objectives on how they're rating pavement is not yet known.
- Stewart Rd project: The final lift of the asphalt paving is completed. The next step is to wrap up the sidewalk and striping. They are looking at a September date to have the project wrapped up.

F. Community Development Department

- No report

G. Public Safety Department

Public Safety Director Calkins reported:

- Reviewed monthly report. Residential and commercial burglaries are up. In an incident over the weekend, the victim claims loss close to \$400K. The department is looking for a reason in the upswing.
- The new vehicles are not on the road yet. The vendor that equips the vehicles hadn't started so the department changed vendors to a place in Oregon that can have them equipped and on the road in mid-October. There is nothing in the contract with the original vendor that will provide damages for the delay but the new place will cost \$3,000 less for installation.

H. City Council Members

- Council Member Jones announced he will be leaving office due to health issues. August 24 will be his last City Council meeting. He stated he will miss participating in civic duties and City Council and thanked everyone for the support that has been given to him.

COUNCIL MEMBER PUTNAM MOVED to suspend the rules to add recognition of Council Member Jones. Seconded by Council Member Walker.
Voice vote was taken and carried 6-0.

Council Member Putnam stated it has been a pleasure to work with Council Member Jones and thanked him for his service.

Council Member Steiger thanked Council Member Jones for his work on the Valentine project. When someone needed to make themselves available for multiple meetings and travelling to numerous places, he stepped up. He was a tremendous help in saving the project.

Mayor Guier stated she started with Council Member Jones on the Planning Commission and worked together quite a bit, including the Manufacturing Industrial Center. City and citizens should be grateful to Council Members Jones and Steiger for saving the Valentine project. She stated when Council Member Jones makes a decision, you can always count on it being what's best for the city.

Speaking before Council:

Don Thomson, 416 7 th Avenue	Cannot say enough good things about John Jones. You will be missed. You've been a driving force in this town and wish you the best.
Jeanne Fancher	Good job, John!

I. Boards and Committees

i. Finance Committee

Mr. Gould said they will be meeting on August 26, 2015.

ii. Governance Committee

Council Member Oliveira stated the next meeting will be held on September 1, 2015, at 6:30 p.m. The attorney was unable to attend the meeting by phone. Employee leave policies were discussed as well as the issue of alcohol in the parks.

iii. Human Services Committee

Council Member Oliveira reported they met on July 28, 2015, at 6:30. The committee discussed community involvement and how to get the public involved. They also discussed holding a monthly bingo/taco night. They are currently looking into pricing food. The committee is seeking bingo prize donations new/unused in box.

iv. Public Safety Committee

Council Member Garberding reported the meeting will be held on August 12 at 6:30 p.m.

v. Public Works Committee

Council Member Steiger reported a meeting was held on August 3, 2015. Items discussed are being researched before coming to Council.

vi. Technology Committee

Council Member Walker reported the committee will meet on August 26, 2015, at 5:00 p.m.

vii. Park Board

No report

viii. Planning Commission

No report

ix. Pierce County Regional Council (PCRC)

Mr. Newkirk stated there is nothing new to report and the next meeting will be held on September 10, 2015.

x. Sound Cities Association (SCA)

Mayor Guier stated there is nothing to report as there is no August meeting.

xi. South County Area Transportation Board (SCATBd)

Mr. Newkirk stated there is nothing to report

xii. Valley Regional Fire Association (VRFA)

Council Member Walker reported the meeting will be on August 10, 2015.

OLD BUSINESS

A. Resolution No. 2015-270: Authorizing the execution of an agreement with Waste Management, Inc. for solid waste and recycling collection services.

Mr. Gould reviewed the process taken to reach the final contract.

COUNCIL MEMBER PUTNAM MOVED to authorize the execution of an agreement with Waste Management, Inc. for solid waste and recycling collection services. Seconded by Council Member Oliveira.

Speaking before Council:

Laura Moser, Waste Management	Provided clarification regarding rates.
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Roll Call vote was taken resulting as follows:

Ayes: Garberding, Jones, Oliveira, Putnam, Steiger, Walker

Nays:

Absent: Kave

The motion carried 6-0.

B. Resolution No. 2015-278: Authorizing the submittal of the Transportation Improvement Board Grant application for the 3rd Avenue South Preservation.

Mr. Newkirk stated this item was discussed at the workshop. He explained the agenda bill information presented and stated this is part of the arterial preservation program for smaller cities. The program would complete two segments on 3rd Avenue from the trail to the park to allow asphalt preservation on 3rd Avenue.

COUNCIL MEMBER PUTNAM MOVED to approve Resolution No. 2015-278 authorizing the submittal of the Transportation Improvement Board Grant application for the 3rd Avenue South Preservation. Seconded by Council Member Walker.

Roll call vote was taken resulting as follows:

Ayes: Garberding, Jones, Oliveira, Putnam, Steiger, Walker

Nays:

Absent: Kave

The motion carried 6-0.

C. Resolution No. 2015-279: Authorizing the submittal of the Transportation Improvement Board Grant application for the Milwaukee Boulevard Improvements.

Mr. Newkirk advised this is for the urban arterial program. Because this is in a different category, there shouldn't be a penalty for two grant submittals in the same category. This will not complete the entire Milwaukee corridor to Ellingson but will get the ball rolling.

COUNCIL MEMBER JONES MOVED to approve Resolution No. 2015-279 authorizing the submittal of the Transportation Improvement Board Grant application for the Milwaukee Boulevard Improvements. Seconded by Council Member Oliveira

.Jeanne Fancher– striping, paving, leveling would be appreciated

Roll call vote was taken resulting as follows:

Ayes: Garberding, Jones, Oliveira, Putnam, Steiger, Walker

Nays:

Absent: Kave

The motion carried 6-0.

D. Resolution No. 2015-277: Authorizing the surplus of the listed equipment and removing it from the Police Department as the equipment has outlived its useful life and been replaced.

Mr. Calkins stated the method of sale for the dump trailer and surplus cars has not been determined. Previously the methods used were a sealed bid auction done by the police department as well as sale of the surplus items at Whitey's Auction. The last estimate to fix the car being surplus was \$8,000. The monitors are being replaced as Auburn IT said it needed to be done.

COUNCIL MEMBER STEIGER MOVED to approve Resolution No. 2015-277 authorizing the surplus of the listed equipment and removing it from the Police

Department as the equipment has outlived its useful life and been replaced Seconded by Council Member Garberding.

Roll call vote was taken resulting as follows:

Ayes: Garberding, Jones, Oliveira, Putnam, Steiger, Walker

Nays:

Absent: Kave

The motion carried 6-0.

E. Ordinance No. 2015-1903: Accepting a donation of \$500 from Don Kuzmer, Metals Express, to be used for community events such as the Bike Rodeo and Police Department Open House.

Mr. Calkins stated the donation was given by Mr. Kuzmer for community events.

COUNCIL MEMBER WALKER MOVED to adopt Ordinance No. 2015-1903 Accepting a donation of \$500 from Don Kuzmer, Metals Express, to be used for community events such as the Bike Rodeo and Police Department Open House. Seconded by Council Member Oliveira.

Roll call vote was taken resulting as follows:

Ayes: Garberding, Jones, Oliveira, Putnam, Steiger, Walker

Nays:

Absent: Kave

The motion carried 6-0.

COUNCIL MEMBER WALKER MOVED to suspend the rules to add an item regarding the refund of IAFF fees for use of City Park under new business. Seconded by Council Member Putnam.

Voice vote was taken and carried 6-0.

NEW BUSINESS

A. Motion: Refund of IAFF Fees for the use of City Park

COUNCIL MEMBER WALKER MOVED to provide a refund of park fees to IAFF. Seconded by Council Member Oliveira.

Voice vote was taken and carried 6-0.

CONSENT AGENDA

A. Payroll and Voucher Approval

B. Minutes of the meeting of July 13, 2015.

COUNCIL MEMBER PUTNAM MOVED to approve the Consent Agenda.
Seconded by Council Member Walker.

Voice vote was taken and carried 6-0.

ADJOURN

Being no further business, Mayor Guier adjourned the meeting at 8:02 p.m.

Amy Stevenson-Ness, City Clerk



City Council Minutes

Workshop
Monday, August 17, 2015
6:30 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Council President Walker called the regularly-scheduled meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

ROLL CALL

Present: Council Members Garberding, Kave, Oliveira, Steiger, Mayor Pro Tem Putnam, Council President Walker, and Mayor Guier

Absent: Council Members Jones and Garberding (arrived at 6:31 p.m.)

STAFF PRESENT

Public Works Manager Lance Newkirk, City Administrator Richard Gould, and City Clerk Amy Stevenson-Ness

ADDITIONS TO/APPROVAL OF AGENDA

Mayor Guier added item E to the agenda for a discussion of the appointment of a council member.

The amended agenda was approved unanimously by Council.
(Council Member Garberding arrived here at 6:31 p.m.)

AGENDA ITEMS

A. AB 15-114: Discussion: FTE Schedule Adjustment: City Engineer

Mr. Newkirk stated this item has been discussed with the Public Works Committee. As presented to the committee it was a $\frac{3}{4}$ time proposal but after doing some work with the budget, there is funding available to increase to a full-time position. There is a lot of capital

work going on where increased time of the city engineer would be beneficial. This would go into effect on September 1, 2015.

Direction by consensus of Council: Move forward to the meeting on August 24, 2015.

B. AB 15-115: Resolution No. 2015-281: Authorizing the staff to draft, issue and publish a Request for Proposal for audio video system design and installation services for the City of Pacific.

Mr. Gould discussed the proposed RFP provided to Council. The Technology Committee has met many times to discuss this process. He has spoken to one vendor who estimated that a system could be in place by the end of October based on the timelines discussed.

Council President Walker asked for a clarification of the wording in Section 1 General Information and Section 2 Council Chambers/Court Room to ensure the companies submitting RFPs understand that it is one room and not two separate.

He also suggested in the section under council chambers, to put what would be future state (ie. Monitors, tv for presentations) and to provide specifics for the loop system for hearing assistance.

Direction by consensus of Council: Move forward to the meeting on August 24, 2015.

C. AB 15-116: Resolution No. 2015-282: Authorizing the staff to draft, issue, and publish a Request for Proposal for website redesign, development and implementation for the City Of Pacific.

Mr. Gould discussed the proposed RFP provided to Council. He has looked into one vendor who made a presentation but upon checking references, discovered that other cities have issues with the company. There are other good companies out there that may be available so a request for proposal should be issued.

Direction by consensus of Council: Move forward to the meeting on August 24, 2015.

D. AB 15-117: Motion to approve the Second Quarter Financial Reports

Mr. Gould discussed the second quarter financial reports provided to Council. The numbers look good and he is pleased with the way 2015 started off. Property tax revenues are just over 50% and B&O tax receipts are higher because the Finance Tech is doing an audit. Expenses are higher than last year and legal expenses are higher than budgeted but are covered by higher revenues. There are no concerns heading into the third quarter. He is pleased with the way departmental budgets are being managed.

Direction by consensus of Council: Move forward to the meeting on August 24, 2015.

E. Council Appointment

Mayor Guier stated the opening has been posted and the city is accepting applications through August 31. The schedule for Council to review them and interview applicants is tentatively scheduled for September 8 and making a decision/appointment on September 14. She will be speaking with Shawn Skager on August 18 for an article regarding Council Member Jones and the application process.

Direction by consensus of Council: Leave the tentative schedule of September 8 and September 14 in place to see how many applications are received.

Additionally, Council Member Steiger will fill Council Member Jones's position on VRFA.

EXECUTIVE SESSION For Collective Bargaining per RCW 42.30.140 (4)(a) for 15 minutes. (Public Works/Clerical Union)

At 7:20 p.m., Council President Walker recessed the Workshop to convene to executive session for 15 minutes.

At 7:35, the executive session was extended 15 minutes.

At 7:50, the executive session was extended 15 minutes.

Council President Walker reconvened the Workshop at 8:05 p.m.

ADJOURN

Council President Walker adjourned the workshop at 8:05 p.m.

Amy Stevenson-Ness, City Clerk