

**City of Pacific Regular Council Meeting Agenda for February 25, 2013  
6:30 p.m., at 100 3rd Ave SE, Pacific ~ City Hall ~ Council Chambers**

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**1. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. APPROVAL OF AGENDA**

**4. AUDIENCE COMMENT**

*(Please limit your comments to 3 minutes for items not up for Public Hearing. 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.)*

**5. REPORTS**

- A. Mayor
- B. Finance
- C. Court Statistics
- D. Public Safety Department (attached)
- E. Public Works/Community Development
- F. Community/Senior/Youth Services
- G. City Council
- H. Personnel
- I. Committee Boards
  - i. Park Board
  - ii. Public Works
  - iii. Civil Service
  - iv. Planning Commission (attached)
  - v. South King County Transportation Board (SKTBD)
  - vi. Pierce County Regional Council (PCRC)
  - vii. SCA
  - viii. VRFA

**6. PUBLIC HEARING**

- A. Public Hearing to Consider a Proposed Ordinance Extending the Moratorium on Medical Marijuana Collective Gardens and Establish a Moratorium on the Production, Processing, and Retailing of Marijuana in the City of Pacific (Acting Public Works/Community Development Director)

**7. OLD BUSINESS**

- A. Adoption of Ordinance No. 13-1841, Repealing Pacific Municipal Code Chapter 2.26 *Public Safety Director* and Re-Establishing Code Section 2.28.020 and Section 2.28.030 Creating the Position of *Chief of Police* (Mayor)
- B. Confirmation of Mayoral Appointment of Howard Erickson to the Civil Service Commission (Mayor)
- C. Adoption of Ordinance No. 13-1842, Amending Pacific Municipal Code 2.64 *Civil Service Commission*, Sections 2.64.010 and 2.64.020 (Mayor)

**8. NEW BUSINESS**

- A. Adoption of Ordinance No. 13-1843, Extending the Moratorium on Medical Marijuana Collective Gardens and Establish a Moratorium on the Production, Processing, and Retailing of Marijuana in the City of Pacific (Acting Public Works/Community Development Director)
- B. Adoption of Resolution No. 2013-019, Approving the 2013 Planning Commission Work Plan (Acting Public Works/Community Development Director)

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Please turn off cell phones during meeting and hold your questions for staff until the meeting has been adjourned.

The Council may consider other ordinances and matters not listed on the Agenda, unless specific notification period is required. Meeting materials are available on the City's website at: [www.cityofpacific.com](http://www.cityofpacific.com) or by contacting the City Clerk's office at (253) 929-1105.

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- C. Adoption of Resolution No. 2013-020 and Resolution No. 2013-021, Approving the Park Board Participation in Earth Day and Pacific Days Events in Conjunction with Pacific Partnerships (Acting Public Works/Community Development Director)
  - D. Adoption of Resolution No. 2013-022, Authorizing the Mayor to Execute a Letter to the Department of Ecology Accepting their Conditional Approval of Pacific's Shoreline Master Program (Acting Public Works/Community Development Director)
  - E. Adoption of Resolution No. 2013-023, Setting a Public Hearing for the Butte Properties Comprehensive Plan Map Amendment (Acting Public Works/Community Development Director)
  - F. Adoption of Resolution No. 2013-024, Authorizing a Fund Transfer for Carner Meadows Project Improvements (Acting Public Works/Community Development Director)
  - G. Adoption of Resolution No. 2013-025, Authorizing the Acting Public Works Director to Sign Right-of-Way Acquisitions for Valentine Road Improvement Project ((Acting Public Works/Community Development Director)
  - H. Adoption of Resolution No. 2013-026, Reducing the Budgeted Staffing Level for Public Works Utility Lead from 1.0 to 0.00 Full Time Equivalents (Councilmember Hulsey)
  - I. Adoption of Resolution No. 2013-027, Authorizing the City Clerk/Personnel Manager to Execute Contract for Records Management and Public Records Assistance (City Clerk/Personnel Manager)
- 9. CONSENT AGENDA** *(The Mayor shall place matters on the consent agenda, which are routine in nature that passage is likely)*
- A. Approval of Payroll and Claim Vouchers
  - B. Approval of the February 11, 2013, Council Meeting Minutes
  - C. Approval of the February 19, 2013, Workshop Meeting Minutes
- 10. EXECUTIVE SESSION** *Pursuant to RCW 42.30.110, the City Council may hold an executive session. The topic(s) and the session duration will be announced prior to the executive session.*

**11. ADJOURN**

**COMMITTEE MEETINGS**

Finance Committee	February 26, 2013 6:30 p.m.	City Hall
Change to Council/Manager Form of Government Committee	February 23, 2013 4:00 p.m.	City Hall
Park Board	March 5, 2013 6:00 p.m.	City Hall
Public Works Committee	March 6, 2013 7:00 p.m.	City Hall
Planning Commission	February 26, 2013 6:00 p.m.	City Hall
Technology Committee	TBD 6:30 p.m.	City Hall

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# PACIFIC POLICE DEPARTMENT

## FEBRUARY 2013 MONTHLY REPORT

### ACTIVITY

Dispatch calls-Jan	346
Self-initiated contacts	107
Agency assists	68

### TRAFFIC ENFORCEMENT

		<u>LAST MONTH</u>
Verbal Warnings	53	61
Infractions	34	44
Criminal Traffic	8	04

### SUPERIOR COURT FILINGS

Adult	1
Juvenile	0

### ARRESTS

Traffic	23
Non Traffic	14
Felony	2

### OFFENSES/CRIMES

Burglaries-Residential	4	Assault-DV	5
Burglaries-Commercial	4		
Thefts	13	Malicious mischief-DV	3
Robbery	0	Disputes-DV	4
Motor vehicle theft	11	Violation of orders	1
Motor vehicle recovery	5	Sex offenses	1
Recovered property	0	Mental health referral	4
Poss stolen property	2	Threats/harassment	4
Vehicle prowl	3	Suicidal subject	1
Weapons violation	2	Death investigation	3
Reckless burning/arson	0	Homicide	0
DUI	2	Runaway/missing	1
Drug/liquor violation	3	Warrant arrests	2
Vehicle impound	0	CPS/APS investigation	1
Vehicle collision	4	Criminal trespass	2
Assault	2	Hit and run	0
Malicious mischief	6	Bomb threat	0
Eluding	0	Fraud	1

<b>Total Cases:</b>	<b>121</b>	<b>Year to Date:</b>	<b>170</b>
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# **PACIFIC PLANNING COMMISSION**

## **Meeting of January 29, 2013 Minutes**

### **Call to Order**

Chairman Boyd called the meeting to order at 6:15 PM.

### **Attendance**

Commissioners Present: Howard Gustafson, Don Blackwell, John Boyd, Scott Newbold  
and Wayne Strong

City Staff: Paula Wiech, City Planner; Gail Bennett, Secretary

### **Approval of Agenda**

Commissioner Strong moved to approve the agenda as presented, seconded by  
Commissioner Blackwell. MOTION CARRIED UNANIMOUSLY.

### **Approval of Minutes**

Commissioner Gustafson moved to approve the December 20, 2012 Regular Meeting  
minutes as presented, seconded by Commissioner Newbold. MOTION CARRIED  
UNANIMOUSLY.

### **Audience Participation**

There was none.

### **Proposed Comprehensive Plan Amendment CP-11-002: Butte Properties**

Paula Wiech confirmed that the Planning Commission is scheduled to hold a Public Hearing  
on the proposal on February 5, 2013 at 6:00 at City Hall. AHBL Engineering is the State  
Environmental Protection Agency (SEPA) official for the City and has prepared a written  
staff report on the project that will be presented at the hearing.

Paula noted that Megan's Meadow Subdivision, Habitat for Humanity, has withdrawn their  
application for a Comprehensive Plan Amendment.

### **Confirm 4<sup>th</sup> Tuesday for Regular Planning Commission Meetings**

All the Commissioners agreed the regular meetings will take place on the 4<sup>th</sup> Tuesday of the  
month.

## **2013 Planning Commission Work Plan**

The Commissioners discussed the draft work plan Paula had prepared that included:

Comprehensive Plan Amendment Proposal CP11-002 and Rezone RE-12-001, Butte Properties Redistrict/Rezone from Office Park to Light Industry, Public Hearing and Recommendation to City Council;

City of Pacific 6-Year Transportation Improvement Plan Update (2014 – 2019);

PMC Regulations regarding Impact Fees;

PMC Regulations regarding Manufactured Home Width Standards (later removed);

PMC Code Regulation of Medical Marijuana collective gardens, and the production, processing and dispensing of Medical Marijuana;

PMC Regulations for a Public Use District;

Residential Open Space (RO) District PMC 20.36 Regulations, which now only addresses steep slopes, and not White/Stuck River wetlands and other conditions in this district;

Political signage, and a possible Special Highway Sign District.

Commissioner Strong moved to approve the 2013 Planning Commission Work Plan as presented with the removal of regulations regarding Manufactured Home Width Standards, seconded by Commissioner Blackwell. MOTION CARRIED UNANIMOUSLY. Paula will forward the Work Plan to the City Council for approval.

### **Medical Marijuana**

The City Council is setting a Public Hearing considering a proposed ordinance that would extend a moratorium on medical marijuana collective gardens and establish a moratorium on the producing, processing and retailing of marijuana in the City of Pacific.

Paula provided the Commission with sample medical marijuana ordinances from the neighboring cities of Auburn, Edgewood and Sumner along with PMC 5.02.135 and PMC 5.02.138 indicating “businesses in the City of Pacific must comply with all federal, state and city statutes, laws, ordinances and regulations relating to the business premises and the conduct of the business thereon”. (PMC 5.02.138 C2.)

### **Tabled until further notice**

Filling Youth Position  
Potential Annexation into Pacific  
Recycling Processing Development Code

**Other Items of Interest to Planning Commissioners:**

Commissioner Blackwell, Park Board Liaison to the Planning Commission, will discuss with the Park Board the possibility of proposing liquidation of City owned properties that have no long term benefit to the City because of the size and location of the pieces of property within the City.

**Adjournment**

There being no further business, the meeting was adjourned at 7:15 pm.

Prepared by  
Gail Bennett, Secretary

Approved \_\_\_\_\_ 2013 by \_\_\_\_\_  
Date Planning Commission Chairperson  
John Boyd

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# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>Public Hearing 6A</u>	Meeting Date:	<u>February 25, 2013</u>
	<u>To Consider a Proposed Ordinance</u>		
Subject:	<u>Extending the Moratorium on Medical</u>	Prepared by:	<u>Ken Barnett, Acting</u>
	<u>Marijuana Collective Gardens and</u>		<u>Public Works Director</u>
	<u>Establish a Moratorium on the</u>		
	<u>Production, Processing, and Retailing</u>		
	<u>Of Marijuana in the City of Pacific</u>		

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**Summary:** RCW 35A.63.220 regulates the adoption of moratoriums and interim zoning controls. A moratorium or interim zoning ordinance may be renewed for one or more six-month period, “but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium of or interim zoning ordinance may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.”

Pacific City Council passed Ordinance No. 1804, adopting a six-month moratorium on the establishment of Medical Marijuana Collective Gardens on August 8, 2011. February 6, 2012, Council held a Public Hearing to consider an extension of the moratorium. February 13, 2012, Council adopted Ordinance No. 12-1823, extending that moratorium by twelve months and authorizing the Community Development Director to implement a work plan for the Planning Commission and City Council. The Planning Commission then reviewed federal and state law, the ordinances of other jurisdictions, potential changes to Washington State regulation of Medical Marijuana proposed for the November 2012 ballot, posted legal opinions, the opinions of and presentations by Medical Marijuana advocates, and other available information.

Marijuana is considered an illegal drug by the Federal Government. The Planning Commission recommended that Council adopt Medical Marijuana regulations that agree with Pacific Municipal Code (PMC) 5.02.135 which states: “The city license office may deny an application for a business license or revoke a business license previously issued upon the following grounds: (A) In addition to the other penalties provided by law, any business license issued under the provisions of this chapter...may be denied, revoked or suspended at any time...[3] If the licensee violates any applicable city, state or federal law”; and PMC 5.02.138 (C) Standards of Conduct. “Every licensee under this chapter shall: [1] Permit reasonable inspections of the business premises by governmental authorities for the purpose of enforcing the provisions of this chapter; [2] Comply with all federal, state and city statutes, laws, ordinances and regulations relating to the business premises and the conduct of the business thereon...”

Due to other pressing issues before the City Council, a joint City Council/Planning Commission Public Hearing was not held. In the interim, the Cities of Auburn, Edgewood, and Sumner have passed ordinances that regulate not only collective gardens, but also address the processing, production and distribution of medical marijuana in their jurisdictions.

**Recommendation:** Open the Public Hearing on the Moratorium.

**Budget:** None.

**Attachments:** Ordinance No. 13-1843

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**CITY OF PACIFIC, WASHINGTON**

**ORDINANCE NO. 13-1843**

**AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, EXTENDING THE MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE GARDENS; ESTABLISHING A MORATORIUM ON THE PROCESSING, PRODUCTION, AND DISPENSING OF MEDICAL MARIJUANA; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING THAT THE MORATORIUM WILL SUNSET WITHIN SIX (6) MONTHS OF THE DATE OF ADOPTION**

**WHEREAS**, the City Council of the City of Pacific passed Ordinance 1804 on August 8, 2011, which established a six (6) month moratorium on the issuance of permits or licenses for medical marijuana collective gardens, and;

**WHEREAS**, the City Council of the City of Pacific passed Ordinance 12-1823 on February 13, 2012, which established a twelve (12) month moratorium on the issuance of permits or licenses for medical marijuana collective gardens, and;

**WHEREAS**, the moratorium was established in order to allow the City of Pacific Planning Commission to plan, process and provide the City Council with draft zoning regulations that would address the issues of permitting medical marijuana in use categories that would be compatible with the permitted uses of the zone(s), and;

**WHEREAS**, recent amendments to Chapter 69.51A RCW, relating to the medical use of marijuana (cannabis), have expanded the scope of certain activities involving the use of marijuana for medical purposes that are permitted under state law, and;

**WHEREAS**, the Planning Commission has not yet provided the City Council with draft regulations, and;

**WHEREAS**, the City Council held a public hearing on February 25, 2013 to consider an extension of the moratorium for medical marijuana collective gardens, and establish a moratorium on the production, processing and dispensing of Medical Marijuana, and was presented with a plan that will provide the Council with the desired draft zoning regulations, and;

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

**Section 1.** The recitals set forth above are hereby adopted as the Pacific City Council's findings in support of the extension of the moratorium imposed by Ordinance 1804 and Ordinance 12-1823, and the establishment of a moratorium on the processing, production, and dispensing of Medical Marijuana.

**Section 2.** Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, an extension of the zoning moratorium established by Ordinance 1804 and extended by Ordinance 12-1823 is hereby enacted in the City of Pacific prohibiting the licensing, establishment, maintenance or continuation of any medical marijuana collective garden. A "medical marijuana collective garden" is an area or garden where qualifying patients engage in the production, processing, transporting and delivery of marijuana for medical use as set forth in the E2SSB 5073 and subject to the limitations therein.

**Section 3.** Medical marijuana collective gardens as defined in Section 2 are hereby designated as prohibited uses in the City of Pacific. In accordance with the provisions of RCW 35A.82.020 and Pacific Municipal Code 5.02.138 (3), no business license shall be issued to any person for a collective garden, which is hereby defined to be a prohibited use under the ordinances of the City of Pacific.

**Section 4.** Pursuant to the provisions of RCW 35A.63.220 a zoning moratorium is hereby enacted in the City of Pacific prohibiting the licensing, establishment, maintenance or continuation of any medical marijuana processor, producer, or retailer, as defined by RCW 69.50.101 (as amended by 2013 c 3): (t) "Marijuana processor" means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers. (u) "Marijuana producer" means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers. (w) "Marijuana retailer" means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

**Section 5.** Medical marijuana processors, producers, and retailers as defined in Section 4 are hereby designated as prohibited in the City of Pacific. In accordance with the provisions of RCW 35A.82.020 and Pacific Municipal Code 5.02.138 (3), the processing, production, or retailing of marijuana are hereby defined to be prohibited uses under the ordinances of the City of Pacific.

**Section 6.** The moratorium set forth in this Ordinance shall be in effect for a period of six (6) months from the date this Ordinance is passed and shall automatically expire on that date, unless terminated sooner by the Pacific City Council.

**Section 7.** The Public Works/Community Development Director is hereby

authorized and directed to implement the plan attached herein as "Attachment A".

**Section 8. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 9.** This ordinance shall be in full force and take effect five (5) days after its publication according to law.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25<sup>th</sup> DAY OF FEBRUARY, 2013.

CITY OF PACIFIC

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Cy Sun, Mayor

ATTEST:

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Patricia J. Kirkpatrick, MMC, City Clerk

APPROVED AS TO FORM:

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Kenyon Luce, City Attorney

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# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>Old Business 7A</u>	Meeting Date:	<u>February 25, 2013</u>
Subject:	<u>Adoption of Ordinance No. 13-1841,</u>	Prepared by:	<u>Cy Sun</u>
	<u>Repealing Pacific Municipal Code Chapter</u>		<u>Mayor</u>
	<u>2.26 <i>Public Safety Director</i> and Re-</u>		
	<u>Establishing Code Sections 2.28.020 and</u>		
	<u>2.28.030 Creating the Position of <i>Chief of</i></u>		
	<u><i>Police</i></u>		

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**Summary:** On February 21, 2013, the Mayor directed Staff to place this item on the agenda for further discussion and review by the Council.

**Recommendation:** The Mayor would like the Council to adopt the ordinance as attached.

**Motion for consideration:** I move to adopt Ordinance No. 13-1841, Repealing Pacific Municipal Code Chapter 2.26 *Public Safety Director* and re-establish code sections 2.28.020 and 2.28.030 creating the position of *Police Chief*.

**Budget:** May affect the salary scale and require a budget adjustment.

**Attachments:** Ordinance No. 13-1841

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**CITY OF PACIFIC, WASHINGTON**  
**ORDINANCE NO. 13-1841**

**AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, RE-  
REPEALING PACIFIC MUNICIPAL CODE CHAPTER 2.26 PUBLIC  
SAFETY DIRECTOR AND RE-ESTABLISHING CODE SECTIONS  
2.28.020 AND 2.28.030 CREATING THE POSITION OF CHIEF OF  
POLICE**

**WHEREAS**, the City of Pacific no longer has a City Fire Department, making the position of Public Safety Director obsolete; and

**WHEREAS**, it is in the best interest of the City of Pacific to re-establish the position of Chief of Police; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1.** That Pacific Municipal Code Chapter 2.26 *Public Safety Director* is hereby repealed in its entirety.

**Section 2.** Section 2.28.020 and 2.28.030 are hereby re-established as set forth below:

2.28.020 Chief of Police.  
2.28.030 Police Chief – Bond and oath.

2.28.020 Chief of Police.

A. The position of Chief of Police is hereby established as a full time paid position within the City. The Chief of Police shall be a full commissioned Police Officer and the executive head of the Police Department.

B. The Mayor shall appoint the Police Chief, subject to confirmation by a majority of all members of the City Council. The positions shall be an at-will position and the employee holding the position shall serve at the pleasure of the Mayor.

C. The Police Chief shall receive compensation in an amount fixed by the City Council in the annual budget ordinance.

2.28.030 Police chief – Bond and oath.

A. The person appointed to fill the office of Police Chief shall qualify before entering upon the duties of the office by furnishing an official bond in the amount of \$50,000 at the expense of the City, and by filing with the County division of records and elections an Oath to support the governments of the United States of America, the State of Washington, and the City of Pacific, and to faithfully perform the duties of Chief of Police.

B. The Chief of Police shall have all of the powers granted and duties imposed by State law and City Ordinances, now existing or hereinafter adopted. The position shall have a job description by the City Council, which provides general direction.

**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4. Effective Date.** This ordinance shall be in full force and take effect five (5) days after its publication according to law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25TH DAY OF FEBRUARY, 2013.

CITY OF PACIFIC

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Cy Sun, Mayor

ATTEST:

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Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to form:

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Kenyon Luce, City Attorney

# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>Old Business 7B</u>	Meeting Date:	<u>February 25, 2013</u>
	<u>Confirmation of Mayoral Appointment</u>		
Subject:	<u>Of Howard Erickson to the Civil Service</u>	Prepared by:	<u>Cy Sun</u>
	<u>Commission</u>		<u>Mayor</u>

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**Summary:** On February 21, 2013, the Mayor directed the Staff to place this item on the agenda for further discussion on his appointment of Mr. Howard Erickson to the Civil Service Commission.

**Recommendation:** I recommend appointing Howard Erickson to the Civil Service for a term of six years.

**Motion for consideration:** I move to confirm the Mayoral appointment of Howard Erickson to the Civil Service Commission for a term ending December 31, 2018.

**Budget:** None

**Attachments:** Application of Mr. Howard Erickson

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CITY OF PACIFIC  
100 3<sup>RD</sup> AVE SE  
PACIFIC, WA 98047

RECEIVED  
CITY OF PACIFIC

JAN 18 2013

FINANCE  
DEPARTMENT

APPLICATION FOR BOARD/COMMISSION/COMMITTEE POSITION

PLEASE PRINT

I WOULD LIKE TO APPLY FOR:

     Planning Commission      Park Board      Lodging Tax Committee       Civil Service Commission

NAME: Howard Erickson DATE: 1-18-13

ADDRESS: 324 Botte Ave HOME PHONE: 253-218-5319

PACIFIC WA 98047 WORK PHONE:     

CITY RESIDENT? YES  NO  HOW LONG? 60 yrs REGISTERED VOTER? YES  NO   
(YOU ARE A RESIDENT IF YOU RESIDE WITHIN THE PACIFIC CITY LIMITS)

NAME AND ADDRESS OF EMPLOYER (& type of business):

Retired

EDUCATIONAL BACKGROUND (include year of graduation and any degrees obtained):

1 Year 12 Auburn High School 1951

PROFESSIONAL EXPERIENCE:

Journeyman Electric former Mayor & Council Person

ORGANIZATION AFFILIATIONS:

Buckley Eagles

NOTE A RESUME MAY BE ATTACHED IF DESIRED

WHY ARE YOU SEEKING APPOINTMENT?

To provide an unbiased rules to people under civil service

GENERAL REMARKS:

RECEIVED  
CITY OF PACIFIC

JAN 18 2013

PLEASE RETURN COMPLETED APPLICATION TO:

CITY CLERK  
PERSONNEL MANAGER

CITY OF PACIFIC CITY CLERK  
100 3<sup>RD</sup> AVE SE  
PACIFIC, WA 98047

Howard Erickson  
SIGNATURE

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# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	Old Business 7C	Meeting Date:	February 25, 2013
Subject:	Adoption of Ordinance No. 13-1842,	Prepared by:	
	Amending Pacific Municipal Code		Cy Sun
	Chapter 2.64 <i>Civil Service Commission</i> , Sections 2.64.010 and 2.64.020		Mayor

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**Summary:** On February 21, 2013, the Mayor directed Staff to place this item on the agenda for further review to change the civil service section of the Pacific Municipal Code to align with the re-establishment of the Chief of Police position.

**Recommendation:** I recommend adopting the ordinance as drafted.

**Motion for consideration:** I move to adopt Ordinance No. 13-1842, Amending Pacific Municipal Code 2.64 *Civil Service Commission*, Sections 2.65.010 and 2.64.020.

**Budget:** None

**Attachments:** Draft ordinance

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**CITY OF PACIFIC, WASHINGTON**  
**ORDINANCE NO. 13-1842**

**AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON,  
AMENDING PACIFIC MUNICIPAL CODE CHAPTER 2.64 CIVIL  
SERVICE COMMISSION, SECTIONS 2.64.010 AND 2.64.020**

WHEREAS, RCW 41.12.050(2)(b) regulates the employees that must be included in the Civil Service; and

WHEREAS, the City Council finds that it is in the best interest of the City to exclude the Public Safety Director/Police Chief and other administrative staff from the Civil Service,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 2.64.010 is hereby amended to read as follows:

2.64.010 Creation.

- A. In accordance with the provisions of Chapters 41.08 and 41.12 RCW, there is created a civil service commission composed of five persons appointed by the mayor and confirmed by the city council to exercise the powers and to perform the duties established by that state law in connection with the selection, appointment and employment of all full-paid police officers, excluding the chief of police.
- B. Three members of the civil service commission shall constitute a quorum and the votes of any three members of the commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission.

Section 2. Section 2.64.020 is hereby amended to read as follows:

2.64.020 Governing provisions.

Except as hereinafter specifically provided, the provisions of Chapters 41.08 and 41.12 RCW shall control the selection, appointment, and employment of all full-paid employees of the police department of the city, excluding the chief of police and public safety director.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared

unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall be in full force and take effect five (5) days after its publication according to law.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11TH DAY OF FEBRUARY, 2013.

CITY OF PACIFIC

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Cy Sun, Mayor

ATTEST:

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Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to form:

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Kenyon Luce, City Attorney

# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8A</u>	Meeting Date:	<u>February 25, 2013</u>
Subject:	<u>Adoption of Ordinance No. 13-1843,</u> <u>Extending the Moratorium on Medical</u> <u>Marijuana Collective Gardens and</u> <u>Establish a Moratorium on the</u> <u>Production, Processing, and Retailing</u> <u>Of Marijuana in the City of Pacific</u>	Prepared by:	<u>Ken Barnett, Acting</u> <u>Public Works Director</u>

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**Summary:** A public hearing was held earlier this evening regarding RCW 35A.63.220 regulates the adoption of moratoriums and interim zoning controls. A moratorium or interim zoning ordinance may be renewed for one or more six-month period, “but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium of or interim zoning ordinance may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.”

As noted earlier in the evening, due to other pressing issues before the City Council, a joint City Council/Planning Commission Public Hearing was not held. This extension will allow the City of Pacific to create legislation regarding medical marijuana within the City.

**Recommendation:** Extend the moratorium on Medical Marijuana Collective Gardens, and establish a moratorium on the processing, production and distribution of Medical Marijuana in the City of Pacific, to allow time for Pacific Municipal Code regulations to be developed and adopted.

**Motion for Consideration:** I move to adopt Ordinance No. 13-1843, extending the moratorium on the establishment of medical marijuana collective gardens; establishing a moratorium on the processing, production and dispensing of medical marijuana; establishing an effective date; and providing that the moratorium will sunset within six (6) months of the date of adoption.

**Budget:** None.

**Attachments:** Ordinance No. 13-1843

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**CITY OF PACIFIC, WASHINGTON**

**ORDINANCE NO. 13-1843**

**AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, EXTENDING THE MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA COLLECTIVE GARDENS; ESTABLISHING A MORATORIUM ON THE PROCESSING, PRODUCTION, AND DISPENSING OF MEDICAL MARIJUANA; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING THAT THE MORATORIUM WILL SUNSET WITHIN SIX (6) MONTHS OF THE DATE OF ADOPTION**

**WHEREAS**, the City Council of the City of Pacific passed Ordinance 1804 on August 8, 2011, which established a six (6) month moratorium on the issuance of permits or licenses for medical marijuana collective gardens, and;

**WHEREAS**, the City Council of the City of Pacific passed Ordinance 12-1823 on February 13, 2012, which established a twelve (12) month moratorium on the issuance of permits or licenses for medical marijuana collective gardens, and;

**WHEREAS**, the moratorium was established in order to allow the City of Pacific Planning Commission to plan, process and provide the City Council with draft zoning regulations that would address the issues of permitting medical marijuana in use categories that would be compatible with the permitted uses of the zone(s), and;

**WHEREAS**, recent amendments to Chapter 69.51A RCW, relating to the medical use of marijuana (cannabis), have expanded the scope of certain activities involving the use of marijuana for medical purposes that are permitted under state law, and;

**WHEREAS**, the Planning Commission has not yet provided the City Council with draft regulations, and;

**WHEREAS**, the City Council held a public hearing on February 25, 2013 to consider an extension of the moratorium for medical marijuana collective gardens, and establish a moratorium on the production, processing and dispensing of Medical Marijuana, and was presented with a plan that will provide the Council with the desired draft zoning regulations, and;

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

**Section 1.** The recitals set forth above are hereby adopted as the Pacific City Council's findings in support of the extension of the moratorium imposed by Ordinance 1804 and Ordinance 12-1823, and the establishment of a moratorium on the processing, production, and dispensing of Medical Marijuana.

**Section 2.** Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, an extension of the zoning moratorium established by Ordinance 1804 and extended by Ordinance 12-1823 is hereby enacted in the City of Pacific prohibiting the licensing, establishment, maintenance or continuation of any medical marijuana collective garden. A "medical marijuana collective garden" is an area or garden where qualifying patients engage in the production, processing, transporting and delivery of marijuana for medical use as set forth in the E2SSB 5073 and subject to the limitations therein.

**Section 3.** Medical marijuana collective gardens as defined in Section 2 are hereby designated as prohibited uses in the City of Pacific. In accordance with the provisions of RCW 35A.82.020 and Pacific Municipal Code 5.02.138 (3), no business license shall be issued to any person for a collective garden, which is hereby defined to be a prohibited use under the ordinances of the City of Pacific.

**Section 4.** Pursuant to the provisions of RCW 35A.63.220 a zoning moratorium is hereby enacted in the City of Pacific prohibiting the licensing, establishment, maintenance or continuation of any medical marijuana processor, producer, or retailer, as defined by RCW 69.50.101 (as amended by 2013 c 3): (t) "Marijuana processor" means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers. (u) "Marijuana producer" means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers. (w) "Marijuana retailer" means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.

**Section 5.** Medical marijuana processors, producers, and retailers as defined in Section 4 are hereby designated as prohibited in the City of Pacific. In accordance with the provisions of RCW 35A.82.020 and Pacific Municipal Code 5.02.138 (3), the processing, production, or retailing of marijuana are hereby defined to be prohibited uses under the ordinances of the City of Pacific.

**Section 6.** The moratorium set forth in this Ordinance shall be in effect for a period of six (6) months from the date this Ordinance is passed and shall automatically expire on that date, unless terminated sooner by the Pacific City Council.

**Section 7.** The Public Works/Community Development Director is hereby

authorized and directed to implement the plan attached herein as "Attachment A".

**Section 8. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 9.** This ordinance shall be in full force and take effect five (5) days after its publication according to law.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 25<sup>th</sup> DAY OF FEBRUARY, 2013.

CITY OF PACIFIC

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Cy Sun, Mayor

ATTEST:

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Patricia J. Kirkpatrick, MMC, City Clerk

APPROVED AS TO FORM:

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Kenyon Luce, City Attorney

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# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8B</u>	Meeting Date:	<u>February 25, 2013</u>
Subject:	<u>Adoption of Resolution No. 2013-019, Approving the 2013 Planning Commission Work Plan</u>	Prepared by:	<u>Ken Barnett, Acting Public Works/Community Development Director</u>

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**Summary:** Per RCW 35A.63 and PMC 2.36, the Planning Commission serves an advisory body to the City Council, and has the following duties and responsibilities:

- A. Preparation and review of the Comprehensive Plan of the City;
- B. Review of, and preparation of recommendations on amendments to the Comprehensive Plan, official Zoning Map, and zoning and other regulations of the City; and
- C. Such other advisory duties as may be assigned by the City Council.

To fulfill the above duties and responsibilities within budget and staff limitations, the Planning Commission has worked with staff to create a 2013 Work Plan for the approval of City Council. A Public Hearing was held on February 5th for Comprehensive Plan Amendment proposal CP-11-002, and the Planning Commission recommended approval by City Council.

The 6-Year Transportation Improvement Plan (TIP) is developed by Staff in conjunction with other agencies then brought to the Planning Commission for their review and recommendation. The 2014 – 2019 TIP must be adopted by Council by the end of June 2013.

The City of Pacific Impact fee ordinance must be updated to reflect the *Pacific Parks, Open Space, Recreation and Trails* chapter of the Comprehensive Plan, which was updated in 2011.

An Ordinance to regulate Medical Cannabis must be created, reviewed by an attorney, then move through the Planning Commission. A timetable for this activity must be developed and accompany the Ordinance extending the current Moratorium on collective gardens.

City of Pacific Comprehensive Plan and Zoning maps identify certain properties as “Public Use,” but the PMC does not define or give regulations for a “Public Use District.” The PMC also does not adequately define the RO District. King County currently owns several properties with the RO designation along the White River, and zoning for the residential properties purchased by the County for flood control purposes needs to change to reflect a change in use.

City regulation of signage is being rolled over from prior years.

City regulation of membrane and other portable structures has been of concern to Building Officials for several years, and was added to the 2013 Work Plan by Ken Barnett.

**Recommendation:** move to adopt the work plan as outlined.

**Motion for Consideration:** I move to adopt Resolution No. 2013-019 approving the 2013 Planning Commission work plan.

**Budget:** None

**Attachments:** Resolution No. 2013-019

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**CITY OF PACIFIC, WASHINGTON**

**RESOLUTION NO. 2013-019**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, APPROVING THE 2013 PLANNING COMMISSION WORK PLAN**

**WHEREAS**, the Planning Commission is established pursuant to Chapter 35A.63 RCW and serves as an advisory body to the City Council; and

**WHEREAS**, the Planning Commission prepares and reviews the comprehensive plan of the city, reviews and makes recommendations on amendments to the comprehensive plan, official zoning map, and zoning and other development regulations of the City; and

**WHEREAS**, the City Council receives monthly minutes of the Planning Commission meetings; and

**WHEREAS**, the Planning Commission met on January 29, 2013, developed their slate of activities, and is recommending approval by the City Council of the 2013 Planning Commission Work Plan, which includes the following items:

- 1) Comprehensive Plan Amendment Proposal CP-11-003, carried over from 2012, redefining “Open Space” District(s) and creating a “Public Lands” District (Text and Map amendments), followed by:
  - A) Revised Development Code for Residential Open Space (RO) District(s) (now PMC 20.36), which has only ever addressed steep slopes, and not the White/Stuck River wetlands or other conditions in areas with this district designation; and
  - B) Creation of Pacific Municipal Code Regulations for a Public Use/Public Lands District.
- 2) Review of the City of Pacific 6-Year Transportation Improvement Plan Update (2014-2019) prior to a Public Hearing and Council adoption by June 30, 2013.
- 3) Review of updated Pacific Municipal Code regulations, including Appendices, for Fire and Park Impact Fees (Title 22), prior to a Public Hearing and Council adoption.
- 4) Recommending Pacific Municipal Code regulation of Medical Marijuana collective gardens, and the production, processing and dispensing of Medical Marijuana.

- 5) Review of Political and other Signage regulations, and the possible creation of a Special Highway Sign District; and

**WHEREAS**, City Staff recommends that the Planning Commission also consider Pacific Municipal Code regulations for membrane and other portable structures.

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

**Section 1.** The Pacific City Council hereby approves the 2013 Planning Commission Work Plan as stated above.

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

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE 25TH DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

\_\_\_\_\_  
Cy Sun, Mayor

ATTEST:

\_\_\_\_\_  
Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kenyon Luce, City Attorney

# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8C</u>	Meeting Date:	<u>February 25, 2013</u>
Subject:	<u>Adoption of Resolution No. 2013-020,</u>	Prepared by:	<u>Ken Barnett, Acting</u>
	<u>And Resolution No. 2013-021, Approving</u>		<u>Public Works/Community</u>
	<u>The Park Board Participation in Earth</u>		<u>Development Director</u>
	<u>Day and Pacific Days Events in</u>		
	<u>Conjunction with Pacific Partnerships</u>		

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**Summary:** Park Board duties are established by Pacific Municipal Code Chapter 2.38.050 Powers and duties; and 2.38.050 (D) provides that the Board shall perform such other services and studies as may be requested by the City Council.

**Earth Day Event Resolution:** The City provides Parks, Open Space and Trails that require maintenance and debris removal. To engage the community to take pride in and help clean up their facilities, the Park Board has co-sponsored (with other organizations such as Friends of the Lower White River and Pacific Partnerships) an annual "Earth Day" Clean Up for many years. This year's event includes a lunch and other activities to involve all members of the community, and is scheduled for April 27, 2013, from 9:00 a.m. to 4:00 p.m.

**Pacific Days Event, Resolution:** Pacific Partnerships has annually hosted "Pacific Days" for several years. This event provides community building, tourism and participation in the City Parks. The Park Board would like to co-sponsor the 2013 event with Pacific Partnerships in Pacific City Park. The event is slated to be held July 12th – 15th 2013.

**Recommendation:** move to adopt the two Resolutions as drafted.

**Motion for consideration:** I move to adopt Resolution No. 2013-020 and Resolution No. 2013-021, approving the Park Board Participation in Earth Day and Pacific Days Events in conjunction with Pacific Partnerships.

**Budget:** None.

**Attachments:** Resolution No. 2013-020 Earth Day Event  
Resolution No. 2013-021 Pacific Days Event

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**CITY OF PACIFIC, WASHINGTON**

**RESOLUTION NO. 2013-020**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, APPROVING THE PARK BOARD'S PARTICIPATION IN THE 2013 EARTH DAY EVENT**

**WHEREAS**, the Park Board duties are established by Pacific Municipal Code Chapter 2.38.050 Powers and duties; and

**WHEREAS**, 2.38.050 (D) provides that the Board shall perform such other services and studies as may be requested by the City Council; and

**WHEREAS**, the City provides Parks, Open Space and Trails that require maintenance and debris removal; and

**WHEREAS**, as a mechanism to engage the community of Pacific to take pride in and help clean up their facilities, the Park Board would like to co-sponsor (with other organizations such as Friends of the Lower White River and Pacific Partnerships) the annual "Earth Day" Clean Up event of Pacific's Parks and Trails. The event, **which will also include a lunch and other activities to educate and involve all members of the community**, is slated to be held on **April 27, 2013**; and

**WHEREAS**, as a result of this "sponsorship" and the benefit to City facilities, fees associated with the use of the **City Hall Campus** facilities, will be gratis in accordance with the terms of the most recently adopted City Fee Schedule; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AS FOLLOWS:**

**Section 1.** The Pacific City Council hereby requests the Park Board to co-sponsor, assist in the planning and to participate in the annual Earth Day Park Clean Up event, to be held on **April 27, 2013**.

**Section 2.** This Resolution shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE 25TH DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

\_\_\_\_\_  
Cy Sun, Mayor

ATTEST:

\_\_\_\_\_  
Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kenyon Luce, City Attorney

FILED WITH THE CITY CLERK: 2.12.13  
PASSED BY THE CITY COUNCIL: 2.25.13  
EFFECTIVE DATE: 2.25.13  
RESOLUTION NO. 2013-020

**CITY OF PACIFIC, WASHINGTON**

**RESOLUTION NO. 2013-021**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, APPROVING THE PARK BOARD'S PARTICIPATION IN THE 2013 PACIFIC DAYS EVENT**

**WHEREAS**, the Park Board duties are established by Pacific Municipal Code Chapter 2.38.050 Powers and duties; and

**WHEREAS**, 2.38.050 (D) provides that the Board shall perform such other services and studies as may be requested by the City Council; and

**WHEREAS**, Pacific Partnerships annually hosts "Pacific Days" that provides community building, tourism and participation in the City Parks; and

**WHEREAS**, the Park Board would like to co-sponsor with Pacific Partnerships the **2013** annual "Pacific Days" event, held in Pacific's River Park. The event is slated to be held **July 12-15, 2013**; and

**WHEREAS**, as a result of this "sponsorship" and the benefit to the City and its' facilities, fees associated with the use of the City facilities will be gratis in accordance with the terms of the most recently adopted City Fee Schedule,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AS FOLLOWS:**

**Section 1.** The Council hereby requests the Park Board to co-sponsor, assist in the planning, and to participate in the annual Pacific Days event.

**Section 2.** This Resolution shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE 25TH DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

\_\_\_\_\_  
Cy Sun, Mayor

ATTEST:

\_\_\_\_\_  
Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kenyon Luce, City Attorney

FILED WITH THE CITY CLERK: 2.14.13  
PASSED BY THE CITY COUNCIL: 2.25.13  
EFFECTIVE DATE: 2.25.13  
RESOLUTION NO. 2013-021

# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8D</u> <u>Adoption of Resolution No. 2013-022,</u>	Meeting Date:	<u>February 25, 2013</u> <u>Paula Wiech, Planner for</u>
Subject:	<u>Authorizing the Mayor to Execute</u> <u>Letter Approving Pacific's Shoreline</u> <u>Master Program</u>	Prepared by:	<u>Ken Barnett, Acting</u> <u>Public Works/Community</u> <u>Development Director</u>

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**Summary:** City of Pacific staff, in conjunction with a grant-funded consultant from Parametrix, began working on an update to the City of Pacific 1974 Shoreline Master Program in 2010. After several reviews by the Department of Ecology and Planning Commission, open houses for community input, presentations to the Planning Commission and City Council, and a Public Hearing, the Planning Commission recommended adoption by City Council.

Council approved the Amended Shoreline Master Program (SMP) and directed staff to forward the documents comprising the SMP to the Washington State Department of Ecology for approval with City of Pacific Resolution No. 1089, passed by the City Council on September 12, 2011.

The Department of Ecology then brought the documents through an additional review and hearing, after which the City received a final correction letter and list of corrections for the City to incorporate or dispute. City staff, Paula Wiech, has been in correspondence with Ecology's Project Manager, Joe Burcar, through this process.

On December 14, 2012, Paula Wiech received an email from Mr. Burcar at Ecology, informing her of the impending issuance of a "conditional approval letter" from the Director of the Department of Ecology. Paula forwarded this information to the City Clerk and Mayor on December 18, 2012.

The Conditional Approval letter arrived from the Department of Ecology to Mayor Cy Sun, with a copy to Paula Wiech, on February 6, 2012. Now the City of Pacific must send the Department of Ecology a letter either agreeing to the proposed changes, or submitting an alternative proposal within 30 days.

Most of Ecology's proposed corrections are either typing errors, changes in language for clarity, or due to state or other agency requirements. At a later date, the City's description of the White/Stuck River shoreline "edge" may change as a result of future King County flood control projects; and when FEMA issues new FIRM maps for Pacific, a "floodway" may be defined within our jurisdiction. Staff takes no exception to any of Ecology's proposed changes based on current conditions within the City of Pacific Shoreline Jurisdiction.

**Recommendation:** Adopt the Resolution authorizing the Mayor to sign a letter of approval.

**Motion for consideration:** I move to adopt Resolution No. 2013-022, authorizing the Mayor to execute letter approving Pacific's Shoreline Master Program.

**Attachments:** Resolution No. 2013-022  
Letter to Department of Ecology approving the Shoreline Master Program  
CP-09-005 Application to Amend Comprehensive Plan  
Resolution No. 1089  
February 4, 2013 letter from the Department of Ecology

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**CITY OF PACIFIC  
WASHINGTON**

**RESOLUTION NO. 2013-022**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC,  
WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE A  
LETTER TO THE DEPARTMENT OF ECOLOGY ACCEPTING THEIR  
CONDITIONAL APPROVAL OF PACIFIC'S SHORELINE MASTER  
PROGRAM**

**WHEREAS**, the City of Pacific was required by the State of Washington to update the City of Pacific 1974 Shoreline Master Program by the end of 2011, and hired a consultant to draft the documents for the Program; and

**WHEREAS**, after several reviews of these documents by the Department of Ecology and the Pacific Planning Commission, open houses for community input, presentations to the Planning Commission and City Council, and a Public Hearing, the Planning Commission recommended adoption of the Program by City Council; and

**WHEREAS**, the City Council approved the Amended Shoreline Master Program and directed staff to forward the documents comprising the Program to the Washington State Department of Ecology for approval with City of Pacific Resolution No. 1089 on September 12, 2011; and

**WHEREAS**, the Department of Ecology then brought the documents through an additional review, after which City Staff received a final correction letter and list of corrections for the City to incorporate into the Program or dispute; and

**WHEREAS**, City Staff agreed to the Department of Ecology's final corrections, therefore Ecology sent a Conditional Approval to the City of Pacific on February 4, 2012 that requires the City to send the Department of Ecology a letter either agreeing to the proposed changes, or submitting an alternative proposal within 30 days; and

**WHEREAS**, Community Development/Public Works staff takes no exception to any of the Department of Ecology's proposed changes; and

**WHEREAS**, the City of Pacific City Council finds that this Resolution furthers and is necessary for the promotion of public health safety and welfare; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF  
THE CITY OF PACIFIC, WASHINGTON:**

**Section 1.** The Pacific City Council hereby adopts Resolution 2013-022, authorizing the Mayor, or Mayor Pro Tem to execute a letter accepting the Department of Ecology's Conditional Approval of the City of Pacific Shoreline Master Program.

**Section 2.** This Resolution shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE 25TH DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

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Cy Sun, Mayor

ATTEST:

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Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form

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City Attorney

FILED WITH THE CITY CLERK: 2.22.13  
PASSED BY THE CITY COUNCIL: 2.25.13  
EFFECTIVE DATE: 2.25.13  
RESOLUTION NO. 2013-022



**CITY OF PACIFIC**

100 3<sup>rd</sup> Avenue SE, Pacific, WA 98047

(253) 929-1105

(253) 939-6026 Fax

February 25, 2013

Ms. Polly Zehm, Acting Director  
WA State Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-6700

RE: City of Pacific's Comprehensive Shoreline Master Program Update –  
Conditional Approval, Resolution No. 1089

Dear Ms. Zehm:

The City of Pacific received the Department of Ecology's Conditional Approval dated February 4, 2013. The City accepts your proposed changes.

Thank you for your Department's guidance, and for the special efforts of your Regional Planner, Joe Burcar, through this lengthy process.

Sincerely,

Cy Sun  
Mayor

**CITY OF PACIFIC  
WASHINGTON**

**RESOLUTION NO. 1089**

**A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON APPROVING THE AMENDED SHORELINE MASTER PROGRAM AND DIRECTING THE COMMUNITY DEVELOPMENT DEPARTMENT TO FORWARD THE DOCUMENTS COMPRISING THE SHORELINE MASTER PROGRAM TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR APPROVAL**

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**WHEREAS**, the people of the State of Washington enacted the Shoreline Management Act (RCW 90.58) by a vote of the people in 1971; and

**WHEREAS**, the Growth Management Act (RCW 36.70A.480) adds the goals and policies of the Shoreline Management Act as set forth in RCW 90.58.020 as one of the goals of the Growth Management Act without creating an order of priority; and

**WHEREAS**, the Shoreline Management Act (RCW 90.58.080) provides a timetable that requires the City to amend its master program by December 1, 2011, and the City received a grant from the Department of Ecology to support the update process; and

**WHEREAS**, the City developed a comprehensive public involvement plan that provided public notice and held periodic public workshop meetings and a public hearing with the Planning Commission between late fall 2009 and Spring 2011 and a presentation at a City Council meeting in 2010; and

**WHEREAS**, the City developed a Shoreline Inventory and Characterization document and distributed it for agency and public review in June 2010 and compiled and responded to comments and issued a final document; and

**WHEREAS**, the City issued a Draft Shoreline Master Program in February 2011 and considered and responded to government agency and public comments and prepared a Revised Draft Shoreline Master Program in June 2011; and

**WHEREAS**, the City issued a Draft Cumulative Impacts Analysis in April 2011 and considered and responded to government agency and public comments; and

**WHEREAS**, the City issued a Draft Restoration Plan in March 2011 and considered and responded to government agency and public comments; and

**WHEREAS**, the City's Responsible Official issued a Determination of Non- Significance on the proposed Shoreline Master Program on March 25, 2011; and

**WHEREAS**, all development standards within the Shoreline Master Program, were reviewed and found to be in compliance with the Shoreline Management Act; and

**WHEREAS**, once the City approves the Shoreline Master Program, it will be sent to the Washington State Department of Ecology for their final review and approval, a process which will entail a Public Hearing and may entail further changes and amendments to the documents of the Shoreline Master Program; and

**WHEREAS**, upon Department of Ecology approval, the City will adopt the Shoreline Master Program by ordinance; Projects vested to the regulations and development standards prior to the

**WHEREAS**, projects vested to the regulations and development standards prior to the adoption of the ordinance are not subject to these standards unless substantial modification of the project is proposed which result in new application for development of the project.

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

Section 1. The City Council approves the Shoreline Master Program, which is comprised of the documents and proposed amended code provisions attached hereto as Exhibits A-F, and directs the Community Development Department to forward the following documents to the State Department of Ecology for their review and approval:

- Exhibit A: Shoreline Management Element of the Comprehensive Plan
- Exhibit B: Shoreline Inventory and Characterization Report
- Exhibit C: Shoreline Environment Overlays Map
- Exhibit D: Shoreline Restoration Plan
- Exhibit E: Shoreline Cumulative Impacts Analysis
- Exhibit F: New PMC Title 21 Shorelines and Amended PMC Title 23 Critical Areas codes

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

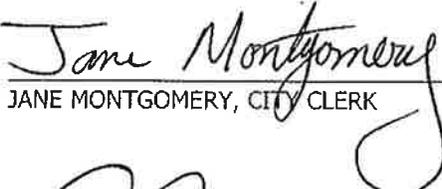
PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 12th DAY OF SEPTEMBER, 2011.

CITY OF PACIFIC



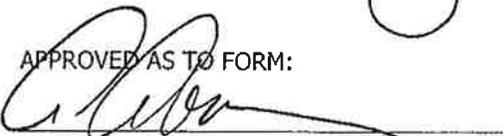
RICHARD HILDRETH, MAYOR

ATTEST/AUTHENTICATED:



JANE MONTGOMERY, CITY CLERK

APPROVED AS TO FORM:



ALBERT A. ABUAN, CITY ATTORNEY



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 4, 2013

The Honorable Cy Sun  
City of Pacific  
100 Third Avenue Southeast  
Pacific, WA 98047

**RE: City of Pacific's Comprehensive Shoreline Master Program Update --  
Conditional Approval, Resolution No. 1089**

Dear Mayor Sun:

I would like to take this opportunity to commend the City of Pacific (City) for its efforts in developing the proposed comprehensive Shoreline Master Program (SMP) update. It is obvious that a significant effort was invested in this update by your staff and community.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) has identified specific changes necessary to make the proposal approvable. These changes are detailed in Attachment B. Ecology's findings and conclusions related to the City's proposed SMP update are contained in Attachment A.

Pursuant to RCW 90.58.090 (2)(e) at this point the City may:

- Agree to the proposed changes, or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally submitted by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and Guidelines requirements.

Please provide your written response within 30 days to the Director's Office at the following address:

WA State Department of Ecology  
Attention: Director's Office  
PO Box 47600  
Olympia, WA 98504-6700

Ecology appreciates the dedicated work that you, the City Council, Building and Planning Department staff, and the Planning Commission have put into the Shoreline Master Program update.



The Honorable Cy Sun  
February 4, 2013  
Page 2

Thank you again for your efforts. We look forward to concluding the SMP update process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Joe Burcar, at [Joe.Burcar@ecy.wa.gov](mailto:Joe.Burcar@ecy.wa.gov) or (425) 649-7145.

Sincerely,

  
Polly Zehm  
Acting Director

Enclosures (2)

By Certified Mail [7012 1010 0003 3028 3027]

cc: Paula Wiech, City of Pacific  
Joe Burcar, Ecology  
Peter Skowlund, Ecology  
Geoff Tallent, Ecology

**ATTACHMENT A: FINDINGS AND CONCLUSIONS -**  
COMPREHENSIVE UPDATE TO THE CITY OF PACIFIC SHORELINE MASTER PROGRAM

**SMP Submittal December 6<sup>th</sup>, 2011<sup>1</sup>, Resolution No. 1089**  
Prepared by Joe Burcar, on November 26, 2012

**BRIEF DESCRIPTION OF PROPOSED AMENDMENTS:**

The City of Pacific (City) submitted to Ecology a comprehensive amendment to their Shoreline Master Program (SMP) to comply with the Shoreline Management Act (SMA) at RCW 90.58 and the SMP Guidelines requirements at WAC 173-26 (Part Three). The updated master program submittal contains locally tailored shoreline management policies, regulations, environment designation maps, administrative provisions as well as integration of applicable sections of the City's Critical Areas Ordinance into the updated Master Program as provided in "Section III Amendment to Title 23, Critical Areas" of the updated SMP.

**FINDINGS OF FACT**

**Need for amendment:** The proposed amendment is necessary to comply with the statutory deadline provided in RCW 90.58.100 that requires local governments to complete a comprehensive update to their Shoreline Master Program. The City's existing SMP has not been comprehensively updated since the original adoption of the program in February of 1974 (Parametrix, 2010). This SMP update is necessary to address land use changes that have occurred along the City's shorelines over the past 38-years and to provide consistency between the updated SMP and the environmental protection and land use management policies/practices provided by the City's Critical Areas Ordinance, Comprehensive Plan, Flood Management Plan and Zoning Ordinance.

Section 1 of the City's SMP provides the following overall goal of the Master Program related to "Shoreline Management";

**Goal LU 25:** *Provide for Management of Shorelines in Accordance with the Shoreline Management Act RCW 90.58.*

Further, the SMP defines the "Purpose" of the Master Program in Section 21.01 and as follows;

**The City adopts the goals and principles of the Shoreline Management Act as provided in RCW 90.58.020 and as particularly relevant to Pacific:**

- 1. The Shoreline is one of the most valuable and fragile of the City's natural resources.*
- 2. There is a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the City's shoreline jurisdiction.*
- 3. The City's shoreline policies are intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.*
- 4. In the implementation of the Shoreline Master Program, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines shall be preserved to the greatest extent feasible consistent with the overall best interest of the state, the county, and the people generally. To this end, uses shall be preferred which control pollution and prevent damage to the natural environment, or are unique to or dependent upon use of the state's shoreline.*

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<sup>1</sup> Ecology completed verification of a complete submittal on December 6, 2011 pursuant to WAC 173-26-110.

This comprehensive SMP update is intended to entirely replace the City's existing SMP. According to the City's *Inventory & Analysis Report* (Parametrix, 2010) the updated SMP will cover approximately 41-acres of; riverine aquatic areas, floodplain and associated wetland<sup>2</sup> within shoreline jurisdiction of the White River. The planning area includes both the City's existing municipal boundary as well as the Urban Growth Area (UGA). The White River is listed as a "Shorelines of the State" pursuant to RCW 90.58.030, as mean annual flow of the river is greater than 20-cubic feet per second (cfs) (Parametrix, 2010).

Therefore, the aquatic areas of the White River, adjacent floodplains within 200-feet of levee (flood control structures) along the river, and wetland areas associated with the White River within the City's jurisdictional boundaries<sup>3</sup> are subject to compliance with the Shoreline Management Act (RCW 90.58). The City chose not to include the optional expansion of the SMP to critical area buffers extending outside of SMA jurisdiction. Therefore, these critical areas and buffers will continue to be managed by the City's existing Critical Areas Ordinance. However, as referenced above, the City has pre-designated future annexation areas as part of this SMP update pursuant to WAC 173-26-150. Therefore, once the UGA area is formally annexed the City will not need to amend the SMP, as the SMP designations for these areas will be established through approval of this SMP amendment.

#### **CURRENT CONDITIONS DOCUMENTED:**

Documentation of current shoreline conditions is vital to achieving the no net loss standard of the state SMP Guidelines (WAC 173-26-186). To complete this component of the SMP update the City produced a *Characterization Report* dated October 2010 (Parametrix, 2010), which provides a description existing shoreline conditions including identification of preliminary restoration and protection opportunities within the City. This report serves as the primary tool in establishing the jurisdictions' baseline, for which development of the following SMP components are based from; (1) proposed environment designations, (2) identification of existing and future uses appropriate for locating within shoreline jurisdiction, (3) identification of relevant policies and regulations to include in the updated SMP to properly manage future shoreline development consistent with the SMP-Guidelines, and (4) necessary protection measures to include in the updated SMP to ensure that no net loss of shoreline ecological functions results from future shoreline development.

The City's *Characterization Report* provides both an ecosystem-wide (watershed) and reach-level analysis of existing shoreline (natural and built) environment conditions as well as recommendations related to future protection and/or restoration opportunities (Parametrix, 2010).

**Description of Shorelines of the State** The 2003 Guidelines at WAC 173-26 require a baseline inventory be developed to establish a reference condition for consideration of updated policies and regulations proposed as part of the updated SMP to offset cumulative impacts associated with future shoreline development. The following descriptions of current shoreline conditions are based on the City's *Shoreline Inventory and Analysis Report* (Parametrix, 2010) and the *Cumulative Impact Assessment* (Parametrix, 2011b) prepared as part of the City's Comprehensive SMP update.

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<sup>2</sup> City has noted that this estimate includes 'mapped' associated wetlands, which does not include "potentially associated wetlands", which may be discovered through additional field work.

<sup>3</sup> Jurisdictional Boundaries include areas within the City's UGA, as the City has decided to "pre-designate" these areas pursuant to WAC 173-26-150.

The **White River** meanders through the City’s **existing** municipal boundary and the UGA, and is described as 1.42-miles<sup>4</sup> of freshwater stream, designated as a “**shoreline of the state**” based on a mean annual flow of 821-cfs, well in excess of the minimum 20-cfs defining a Shoreline of the State, but less than the 1000-cfs minimum to qualify as a Shoreline of Statewide Significance (Parametrix, 2010). The City notes that shoreline jurisdiction as determined by defining shorelands<sup>5</sup> as; the floodway + 200-feet or the floodplain within 200-feet of the Ordinary High Water Mark (OHWM) are essentially the same, as existing flood control facilities limit the floodway to within a few feet of the OHWM (Parametrix, 2010).

For the purposes of characterizing shoreline functions within shoreline management areas of the White River, the City has divided the planning area into seven separate shoreline segments called “reaches” as shown in **Figure 1** from the City’s *Shoreline Inventory and Analysis Report* (Parametrix, 2010).

**Figure 1: City of Pacific Shoreline Planning Area, adapted from Parametrix, 2010**

Shoreline	Reach No.	General Description	Linear Distance (feet)	Approximate Size (acres) <sup>a</sup>	Approximate Percentage of City’s Shoreline
White River	A	Extends from the east City Limits to the south side of the BNSF right-of-way (ROW) on the right bank (west) of the river	420	1.93	2.9%
White River	B	Extends from the BNSF ROW to the north side of City Park on the right bank (west) of the river	1,050	4.82	7.2%
White River	C	Includes the City Park on the right bank (west) of the river	1,600	7.35	11.0%
White River	D	Extends from the south side of City Park to the King/Pierce County Line on the right bank (west) of the river	1,500	6.89	10.3%
White River	E	Extends from the King/Pierce County Line to southwest to Steward Rd SW on the right bank (west) of the river	3,000	13.77	20.6%
White River	F	Extends from the BNSF ROW to the King/Pierce County Line on the left bank (east) of the river	4,000	18.37	27.5%
White River	G	Extends from the King/Pierce County Line to Steward Rd SW on the left bank (east) of the river	3,000	13.77	20.6%

<sup>a</sup> Does not include open water areas; however, does include floodways, and floodplains within 200 feet of floodways based on existing mapping sources (see Map 1).

Land-use within the planning area adjacent to the White River are generally characterized as “*...a mix of residential, parks, recreation and open space, government/institutional, and undeveloped lands*” (Parametrix, 2010; 4-12). According to the City, most of the City’s shoreline area is publically owned, for which 5 of the 7 reaches contain land that is more than 50% publically owned

**Shoreline Ecological Functions:** The City’s Inventory and Analysis (Parametrix, 2010) describe the current condition of shoreline ecological functions **within the City’s jurisdictional area** as largely affected

<sup>4</sup> According to the City, shoreline jurisdiction covers approximately 4,750 linear feet or 0.85 miles within the City limits and 3,000 linear feet or 0.57 miles within the UGA (Parametrix, 2010), for a total of approximately 1.42 miles of shoreline area.

<sup>5</sup> The City determined the extent of “**shoreland**” areas based on identification of; “*lands within 200-feet of the mapped edges of the mainstream... [of the White River], all floodplains associated with the areas above, and those portions of the 100-year floodplain currently mapped by the Federal Emergency Management Agency (FEMA) that are within 200 feet of the mapped floodway*” (Parametrix, 2010; 2-2).

by impacts throughout the watershed (i.e., outside of the City's jurisdiction) as the City of Pacific is located very low within the White River watershed and therefore water quality and water quantity functions are outside of the City's control. In reference to habitat functions, the City summarize a range of riparian functions, for which the City's Cumulative Impact Analysis (Parametrix, 2011b) anticipate ecological improvements to occur over time as future development opportunities within the City's shoreline area are very limited and King County have proposed significant levee setback restorations projects within the City's SMP jurisdiction.

*Ecology finds that the City's 2010 Inventory and Analysis report provided a sufficient assessment of existing shoreline conditions to adequately inform the SMP update process, as well as provide a basis for future protection and restoration opportunities within the City's shoreline jurisdiction. The 2010 report appears to be consistent with State Guideline requirements of (WAC) 173-26-201 (3) (c) and (d).*

**Shoreline Environment Designations:** Assignments of Environment Designation are a fundamental aspect of the SMP update. Every stretch of shoreline has characteristics that can be used to determine what degree of natural shoreline ecological functions have been altered over time. The SMP update must factor in how lands have been used historically, including a general distinction between presently developed areas compared to relatively undisturbed shoreline areas within or surrounding a particular jurisdiction. SMP-Guideline criteria provided in WAC 173-26-211 typically serve as the primary determinant for assignment of different shoreline environment designations, along with reference to zoning and other regulatory or built environment overlays.

Through development of the updated SMP, the City identified the Urban Conservancy and Aquatic environment designations as appropriate to protect ecological functions and manage future shoreline development within the City's jurisdictional area. According to the City's Cumulative Impact Analysis (Parametrix, 2011b), the existing land-use pattern within shoreline jurisdictional areas consisting primarily of open space, public recreation and other low-intensity uses, are well established, are consistent with the City's *Comprehensive Plan* and therefore are not anticipated to change in the future. The City concluded that through implementation of the updated Shoreline Environment Designations, Shoreline Modification Standards, and applicable Use Standards the SMP will result in no net loss of shoreline ecological functions (Parametrix, 2011b).

*Ecology finds that a substantive basis for designation of Shoreline Environments was appropriately conducted and assignment of designations within the SMP appear to be appropriately assigned.*

**Shoreline Uses:** As part of the City's *Cumulative Impact Analysis* (Parametrix, 2011b), the City does not anticipate any significant changes to current uses that are currently well established within the City's boundaries. Therefore, the City concludes that the updated SMP is consistent with existing pattern of development, which primarily consists of Open Space, Public Recreation and other Low-Intensity Land-Uses.

*Ecology finds that the City has adequately considered SMA preferred uses and the potential for use conflicts consistent with WAC 173-26-201 (3) (d) (ii).*

**Shoreline Modifications:** Pursuant to WAC 173-26-231, "... Shoreline modifications are generally related to construction of physical elements such as a dike, breakwater, dredged basin, or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal." WAC 173-26-231 (2) (b), states as a general principle that Master programs should; "Reduce

*the adverse effects of shoreline modifications, and, as much as possible, limit shoreline modifications in number and extent.”* These shoreline modification principles are reinforced through associated Mitigation Sequencing (WAC 173-26-201.2.e) and No Net Loss (WAC 173-26-186) requirements of the SMP-Guidelines.

The City’s Cumulative Impact Assessment (Parametrix, 2011b) provide general conclusions related to the SMP update. These conclusions serve as the City’s bases for meeting the no net loss of shoreline ecological function requirement and are subject to adherence to Shoreline Modification and Shoreline Use development standards provided within the updated SMP (Parametrix, 2011b).

The updated SMP provides development standards applicable to Shoreline Modifications such as grading and shoreline stabilization, which are consistent with mitigation sequencing requirements and no net loss standards from the SMP-Guidelines.

*Assuming the City’s acceptance of required changes listed in Attachment B, Ecology finds that the City’s Shoreline Modification standards within the SMP appear consistent with mitigation sequencing principles provided for in WAC 173-26-201 (2) (e). Further, the City’s Cumulative Impact Assessment has identified and analyzed anticipated future development allowed through the updated SMP and have concluded that the program is consistent with the no net loss goal.*

**Cumulative Impact Evaluation:** Listed as a Governing Principle of the SMP Guidelines, WAC 173-26-186 (8) (b) states, *“Local master programs shall include policies and regulations designed to achieve no net loss of those ecological functions.”*

As described within Chapter 21.20 of the City’s updated SMP, all shoreline development must be consistent with general standards of the SMP provided in section 21.20.01 ensuring no net loss of shoreline ecological functions and application of mitigation sequencing to avoid, minimize or mitigate impacts from future shoreline development. Further, specific SMP-standards required by applicable shoreline environment policies and specific use standards are also intended to minimize cumulative impacts. Therefore, all proposed shoreline uses must be consistent with the SMP and RCW 90.58, which establishes that new shoreline modifications must be consistent with the SMP and in support of an allowed shoreline use.

*Subject to the City’s acceptance of the Required Changes (Attachment B), Ecology finds the City’s Cumulative Impact Assessment provides adequate analysis of anticipated development and potential effects on shoreline ecological functions. This finding is based on review of analysis of Shoreline setback standards, setback reduction standards, Shoreline stabilization standards, which are shown to satisfy no net loss of shoreline ecological function requirements as provided by the SMP Guidelines.*

**Restoration Plan:** Pursuant to WAC 173-26-201 (2) (c), *“Master programs shall also include policies that promote restoration of ecological functions, as provided in WAC 173-26-201 (2) (f), where such functions are considered impaired based on as jurisdictions Inventory and Characterization as described in WAC 173-26-201(3) (d) (i).*

It is intended that local governments contribute to restoration planning through the master program update as well as through implementation of other regulatory and non-regulatory programs. The SMP-Guidelines suggest that such restoration occur through a combination of public and private programs and actions. Local governments should identify restoration opportunities through the shoreline

inventory process and authorize, coordinate and facilitate appropriate public or privately initiated restoration projects. The goal of this effort is to produce master programs which include planning elements that serve to improve the overall condition of habitat and resources within the shoreline area of each city and county.

The City has identified priority restoration planning actions consistent with the requirements of the SMP Guidelines through production of a *Shoreline Restoration Plan* (Parametrix, 2011a). The plan builds on information gathered through the *City's Inventory and Characterization Report* and provides a framework to guide future improvements to shoreline ecological functions of impaired shoreline areas within the City of Pacific.

*Ecology finds that the Final Shoreline Restoration Plan is based on appropriate technical information available to the City during the SMP update. The Final Restoration Plan can serve as an effective tool for the City, non-profit organizations and the public to collectively improve shoreline conditions over time. Such restoration efforts are understood to help achieve the no-net-loss standard of the SMP-Guidelines (WAC 173-26-186).*

#### **AMENDMENT HISTORY AND REVIEW PROCESS:**

The City initiated the comprehensive SMP update consistent with a scope of work described within *SMA Grant No. G1000050*. The grant agreement provided \$40,000 in state funding to be allocated to the City between July 1<sup>st</sup>, 2009 and June 30<sup>th</sup>, 2011. Throughout this time period the City provided Ecology with quarterly progress reports and deliverables listed within the grant agreement. The City submitted their final payment request on June 27, 2011, completing the grant process just prior to the June 2011 deadline.

**Amendment History:** As part of this effort, the City prepared an inventory of shoreline features, characterizing shoreline conditions throughout the City's jurisdictional area. Based on the *Inventory/Characterization* report, the City then prepared shoreline environment designations, corresponding policies and regulations as part of a *Draft SMP*. Finally, the City prepared a *Restoration Plan* and *Cumulative Impact Assessment* to analyze anticipated future development based on the draft SMP policies and regulations. The *Cumulative Impact Assessment* is intended to support a final conclusion related to the programs consistency with the No Net Loss of shoreline ecological function policy goal of the SMP-Guidelines.

The City carried the comprehensive SMP-update through 2-years of local development and approval by their City Council on September 12<sup>th</sup>, 2011 through adoption of Resolution No. 1089.

The City's SMP update process began through hosting of "Public Information Meetings" with the City's Planning Commission. According to the SMP-update materials, the City held seven workshops, study sessions or open house events with either the Planning Commission or the City Council, for which notice providing a invitation was provided to the general public and all stakeholders with interest in the SMP-update. The Planning Commission also held a final Public Hearing on April 26, 2011, after which the Commission finished their review of the SMP by forwarding a recommendation to the City Council to consider the draft SMP for local approval. The City Council reviewed the draft SMP through two City

Council Workshops<sup>6</sup> and subsequently passed Resolution No. 1089 on September 12<sup>th</sup>, 2011, authorizing City staff to forward the SMP on to Ecology for formal review and adoption of the updated SMP.

Independent of the public process described above, notice throughout the SMP-update was also provided **on the City's website**<sup>7</sup>, as well as mailings and advertisements that were distributed to interested parties to encourage participation throughout the development of the SMP.

Ecology received an initial submittal of the SMP amendment on September 26<sup>th</sup>, 2011. Consistent with WAC 173-26-120, Ecology reviewed the submittal for completeness and notified the City on October 17<sup>th</sup>, 2011 requesting additional information necessary to initiate formal review of the SMP. The City provided the requested materials to Ecology on November 23, 2011, for which Ecology responded to the City on December 6, 2011 confirming that the submittal was complete, thus initiating formal state review of the SMP-amendment.

*Ecology finds that the City satisfied the minimum SMP-Guideline standards related to public process (WAC 173-26-201 (3) b) and submittal (WAC 173-26-110) of the SMP to the Department for review.*

#### **DEPARTMENT OF ECOLOGY REVIEW PROCESS**

Ecology acknowledged the complete submittal of the City's SMP amendment and supporting materials as consistent with WAC 173-26-110 in a letter to the City dated December 6<sup>th</sup>, 2011, initiating formal State review of the proposed SMP.

Notice of the State (Ecology) comment period was distributed<sup>8</sup> to approximately 70 individual state task force members and local interested parties identified by the City in compliance with the requirements of WAC 173-26. In addition to individual notices mailed to interested parties, Ecology also provided notice on the agencies Public Involvement Calendar and created a webpage<sup>9</sup> that provides information related to the City's SMP-update and notice of the Ecology comment period. Ecology provided an opportunity for the public to submit comments **on the City's SMP between** January 10<sup>th</sup> and February 10<sup>th</sup>, 2012. Ecology did not receive any comments **on the City's SMP** update during the public comment period.

**Summary of Issues Identified by Ecology as Relevant To Its Decision:** Based on review of locally approved SMP for consistency with applicable SMP-Guideline requirements, required changes listed in Attachment B range from corrections to typographical errors to sticking of critical areas exemptions that are not consistent with applicable SMP-Guideline provisions.

*Therefore, Ecology finds that the SMP can be amended to be consistent with the SMP-Guidelines through the City's acceptance of "Required Changes" listed within Attachment B.*

**Consistency with Chapter 90.58 RCW:** The proposed amendments have been reviewed for consistency with the policy and procedural requirements of RCW 90.58.020 and the approval criteria of RCW 90.58.090.

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<sup>6</sup> According to the City the Council Workshops were held on August 15 and September 6, 2011.

<sup>7</sup> <http://cityofpacific.com/shoreline.html>

<sup>8</sup> Notice postcards were mailed to Interested Parties on January 3, 2012.

<sup>9</sup> Ecology - City of Pacific SMP update website, available for public viewing as of December 12, 2011:  
<http://www.ecy.wa.gov/programs/sea/shorelines/smp/mycomments/Pacific.html>

**Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III):** The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program guidelines (WAC 173-26-171 through 251 and -020 definitions; see especially WAC 173-26-201, WAC 173-26-221 General Master Program provisions, WAC 173-26-231 Shoreline Modifications and WAC 173-26-241 Shoreline Uses. This included review of the final SMP Submittal Checklist dated August 2011, which was completed by the City and submitted to Ecology for review.

**Consistency with SEPA Requirements:** The City submitted evidence of SEPA compliance. The City published notice for a Determination of Non-Significance (DNS) for the proposed SMP amendment on March 25, 2011. As a part of the DNS notice the general public and interested parties were provided an opportunity to comment within 14-days of issuance of the DNS or SEPA-addendum. Ecology did not provide comment to the City on the DNS.

**Other Studies or Analyses supporting the SMP update:** In addition to multiple drafts of the proposed SMP (Policies & Regulations), Ecology reviewed the following reports, studies, map portfolios and data prepared by the City in support of the SMP amendment:

- *City of Pacific Shoreline Inventory & Analysis* dated October 2010 (Parametrix, 2010);
- *City of Pacific SMP Update Cumulative Impacts* dated April, 2011 (Parametrix, 2011b);
- *City of Pacific SMP Update Restoration Plan* dated April, 2011 (Parametrix, 2011a); and
- Final SMP-checklist dated August 2011.

#### REFERENCES

Parametrix. (2010) *City of Pacific Shoreline Master Program Characterization Report*. Prepared for the City of Pacific Shoreline Master Program Update, Bellevue, Washington.

Parametrix. (2011a) *City of Pacific Shoreline Master Program Restoration Plan*. Prepared for the City of Pacific Shoreline Master Program Update, Bellevue, Washington.

Parametrix. (2011b) *City of Pacific Shoreline Master Program Cumulative Impact Report*. Prepared for the City of Pacific Shoreline Master Program Update, Bellevue, Washington.

## CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City's SMP proposal, subject to and including Ecology's required changes (itemized in **Attachment B**), is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions that is anticipated to result from implementation of the new master program amendments (WAC 173-26-201 (2) (c)).

Ecology concludes that the proposed SMP amendment, subject to the required changes in Attachment B satisfy the intent of the provision for no net loss of shoreline ecological functions (WAC 173-26-201 (2) (c)).

Ecology concludes that the City of Pacific chose not to exercise the option pursuant to RCW 90.58.030 (2) (f) (ii) to increase shoreline jurisdiction to include land necessary for buffers for critical areas located within shorelines of the state. Therefore, as required by RCW 36.70A.480 (6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the City's critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas (with buffers NOT extending beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP.

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090 (5)).

Ecology concludes that the City of Pacific have complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City of Pacific have complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP amendment process.

Ecology concludes that the City of Pacific have complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City of Pacific have complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City of Pacific SMP amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201 (3) (a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in WAC 173-26-120.

**DECISION AND EFFECTIVE DATE**

Based on the preceding, Ecology has determined the proposed amendment is consistent with the policies of the Shoreline Management Act, the applicable guidelines and implementing rules, once changes set forth in **Attachment B** are accepted by the City. Ecology's approval of the proposed amendment including required changes will become effective 14-days after the date at which Ecology receives written notice that the City has agreed to the required changes.

As provided in RCW 90.58.090 (2) (e) (ii) the City may choose to submit an alternative to all or part of the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action on the amendment.

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The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III);

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES [underline-additions, <del>strike-throughs</del> -deletions]	ECOLOGY - DISCUSSION/RATIONAL
1	Shoreline Master Program Section Description (Pg. 1)	Section 3 Critical Areas - Amended	City of Pacific, Shoreline Master Program Section 1, Amendment of the Comprehensive Plan Section 2, Amendment of the Pacific Municipal Code, Title 21, Shoreline Management Section <del>23</del> , Amendment of Pacific Municipal Code, Title 23, Critical Areas	Typographic error, in reference to three sections of the SMP.
2	Section 1- Comprehensive Plan Goal LU 25	Shoreline Management Goal (Pg. 1)	<b>Shoreline Management</b> Goal LU 25: Provide for Management of Shorelines in Accordance with the Shoreline Management Act RCW 90.43-58	Typographic error, for which it is assumed that the City intended to provide a reference to the Shoreline Management Act at RCW 90.58.
3	21.08.060 Definitions F:	Floodway Definition (Pg. 14)	Floodway means the area, as identified in a master program, that <del>either (i) has been established in Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) or floodway maps; or (ii) consists of those portions of a river valley lying waterward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood risk reduction devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. See Shoreline Jurisdiction description in Section 21.10.07.</del>	Amendments to the "Floodway" definition are necessary to ensure consistency with the Shoreline Jurisdiction description provided in Section 21.10.07 of the Master Program (also see item 4 - below). Since FEMA FIRM-maps are not available for the City of Pacific, the City does not have the option of referencing a FEMA Floodway, for which the reference should be removed from this definition.
4	21.10.07 Shoreline Overlay District, Maps and Boundaries	Shoreline Jurisdiction Description (Pg. 26)	The following "Shoreline Environment Descriptions" <del>shall constitute the official</del> provide general written descriptions of the geographic extent of each of the Individual Shoreline Environment Designations within areas subject to compliance with this Master Program. <del>limits of all City Shorelands as defined by RCW 90.58.030.</del> Federal Emergency Management Agency (FEMA) Flood Insurance Rating Maps (FIRM) do not delineate a Floodway boundary within the City of Pacific. Therefore, for the purpose of defining the landward extent of SMP jurisdiction, the City shall consider the waterward edge of flood control (levee) structures, as the point from which Shoreline Jurisdiction extends 200-feet landward along a horizontal line extending in all directions.	The updated Shoreline Master Program needs to clearly describe jurisdictional and geographic boundaries for which the program applies. The subject amendment is necessary to identify the point from which the 200-foot upland extent of shoreland jurisdiction is to be considered.
5	21.20.02.A Critical Areas within Shoreline Jurisdiction	Critical Areas Ordinance Reference (Pg. 28)	The following critical areas shall be regulated within Shoreline Management Act jurisdiction in accordance with the provisions of Section 3 of this Master Program, <del>PAC Chapter 23</del> which include applicable sections of the City's Critical Areas Ordinance, <del>which are adopted by reference. The provisions of such chapters adopted are those in effect as of the initial date of City Council adoption of this code, the day of _____, 2011, and are considered part of this Master Program:</del> 23.30-Critical Aquifer Recharge Areas 23.40-Flood Control 23.50-Geologically Hazardous Areas Definitions for "Buffer" and "Wetlands" from 23.10.030 23.10.140 Variances 23.20 including subsections .040 – Wetlands, .050 - Wetland Mitigation, .060 – Small Wetlands, and .070 – Wetland Buffer Averaging. 23.60.050 (K – O) Habitat Conservation Areas	The subject amendments are necessary to establish the scope of the Master Program for which Critical Areas provisions are to be applied within shoreline jurisdiction as provided in Section III of the stand-alone SMP, without formal reference to the City's CAO.

ATTACHMENT B – DEPARTMENT OF ECOLOGY REQUIRED CHANGES TO THE CITY OF PACIFIC, SEPTEMBER 12, 2011 SMP AMENDMENT - (RESOLUTION NO. 1089)

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES [underline, additions; strike-through, deletions]	ECOLOGY - DISCUSSION/RATIONAL
6	21.20.02. B Critical Areas within Shoreline Jurisdiction	Critical Areas Ordinance Reference (Pg. 29)	<p>The provisions of PMC 23.40 relating to wetlands are adopted by reference except for the Standard Buffer Widths in 23.20.040.B, except for the specific provisions adopted in accordance with Section III of this ordinance. Amendment to Title 23, Critical Areas - the provisions of PMC 23.40 adopted are those in effect as of the Department of Ecology approval of this code, the ___ day of ___ 2011.</p>	Wetland provisions provided in Section III of this Master Program are referenced above and therefore this provision would be redundant and is not needed.
7	23.10.140 Section III Variance	Critical Areas Ordinance Reference (Pg. 71)	<p><b>23.10.140 Variances.</b> The city may grant variances from this title's standards in accordance with <u>Chapter 21.50.16 for Critical Areas within Shoreline Jurisdiction and Chapter 16.36 PMC for all other areas of the City</u>, if the criteria in subsection (A) or (B) of this section are met. A. The variance conforms with the variance criteria stated in <u>Chapter 21.50.16, WAC 173-27-170 for Critical Areas within Shoreline Jurisdiction, and PMC 16.36.020 for all other areas of the City</u>, plus the variance:  <ol style="list-style-type: none"> <li>1. Conforms with the purpose of this title;</li> <li>2. Does not impact anadromous fish habitat; and</li> <li>3. Is justifiable in light of the best available science.</li> </ol> <p><del>B. Reasonable use (conformance with PMC 16.36.020 criteria is not required):</del></p> <ol style="list-style-type: none"> <li>1. The application of this critical areas code would otherwise deny all reasonable economic use of the property;</li> <li>2. The city does not offer to compensate the owner for the denial of reasonable economic use;</li> <li>3. No other reasonable economic use of the property or development design has less impact on the critical area;</li> <li>4. The proposal does not pose an unreasonable threat to the public health, safety, or welfare;</li> <li>5. The proposal conforms with other applicable regulations;</li> <li>6. Impacts to critical areas are mitigated; and</li> <li>7. The application is sufficiently documented (for example, critical areas report, mitigation plan, permit applications, and environmental documents) to make a determination regarding these criteria. (Ord. 1592 § 1, 2004).</li> </ol> </p>	As stated by the City within the locally adopted SMP, "Reasonable Use Exemptions" common to Critical Areas Ordinances are not authorized through the SMP-Guidelines (WAC 173-26). Therefore, modification to Critical Areas Ordinance development standards for projects located within a Shoreline Jurisdiction are to be evaluated through a Shoreline Variance to ensure consistency with applicable policies of the Shoreline Management Act.
			<p>Reasonable use provisions shall not apply within the jurisdiction of the Shoreline Management Act. A shoreline variance is required to accomplish the purposes of this subsection. Within the jurisdiction of the Shoreline Management Act, the procedures and criteria in PMC Title 21 shall apply in addition to these provisions.</p>	

# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8E</u>	Meeting Date:	<u>February 25, 2013</u>
Subject:	<u>Adoption of Resolution No. 2013-023,</u> <u>Setting a Public Hearing for the Butte</u> <u>Properties Comprehensive Plan Map</u> <u>Amendment</u>	Prepared by:	<u>Ken Barnett, Acting</u> <u>Public Works Director</u>

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**Summary:** The application for Proposed Comprehensive Plan Amendment CP-11-002, Butte Properties re-district from Office Park to Light Industrial, was submitted to the City of Pacific on December 5, 2011, and put on the Planning Commission's Work Plan for 2012. After review, the Planning Commission held a Public Hearing on April 24, 2012 and recommended Council approval for the Amendment. It was discovered afterwards that State Environmental Policy Act (SEPA) review had not taken place prior to the Public Hearing. The City had no SEPA Official on staff, so AHBL was assigned the task by Mayor Sun. After SEPA review by AHBL, they issued and noticed their determination, and a second Public Hearing was held by the Planning Commission at a Special Meeting on February 5, 2013. After the Hearing closed, the Planning Commission recommended approval of CP-11-002 by Council.

**Recommendation:** Move to adopt the Resolution setting a Public Hearing to March 11, 2013.

**Motion for consideration:** I move to adopt Resolution No. 2013-0123, Setting a Public Hearing prior to consideration of an ordinance to amend the Comprehensive Plan Map at the regularly scheduled Council meeting on Monday, March 11, 2013.

**Budget:** None.

**Attachments:** Resolution No. 2013-023

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**CITY OF PACIFIC  
WASHINGTON**

**RESOLUTION NO. 2013-023**

**RESOLUTION OF THE CITY COUNCIL SETTING A PUBLIC HEARING FOR THE PURPOSES OF TAKING PUBLIC TESTIMONY PRIOR TO CONSIDERING A PROPOSED ORDINANCE THAT WOULD AMEND THE CITY OF PACIFIC COMPREHENSIVE PLAN MAP BY CHANGING THE DESIGNATIONS OF TWO PARCELS ADDRESSED AS 768 AND 732 BUTTE AVENUE S. FROM OFFICE PARK TO LIGHT INDUSTRIAL DISTRICT WITH A MANUFACTURING INDUSTRIAL CENTER DESIGNATION OVERLAY**

**WHEREAS**, The application for Proposed Comprehensive Plan Amendment CP-11-002, Butte Properties re-district from Office Park to Light Industrial, was submitted to the City of Pacific on December 5, 2011, and put on the Planning Commission's Work Plan for 2012; and

**WHEREAS**, After reviewing the Proposal and materials supplied by City staff, the Planning Commission held a Public Hearing on April 24, 2012, then recommended Council approval for the Amendment; and

**WHEREAS**, It was then discovered that State Environmental Policy Act (SEPA) review had not taken place prior to the Public Hearing due to the fact that the City had no SEPA Official on staff; and

**WHEREAS**, AHBL was assigned the duties of SEPA Official by Mayor Sun, then conducted SEPA review and issued and noticed their Determination of Nonsignificance for Comprehensive Plan Amendment Proposal CP-11-002 in December 2012; and

**WHEREAS**, A second Public Hearing was held by the Planning Commission at a Special Meeting on February 5, 2013, and after the Public Hearing closed, the Planning Commission recommended approval of CP-11-002 by City Council.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON:**

**Section 1.** The Pacific City Council hereby establishes a Public Hearing prior to consideration of an Ordinance to amend the Comprehensive Plan Map at the regularly scheduled Council meeting on Monday, March 11, 2013, in the Pacific City Hall located at 100 3rd Avenue SE, Pacific, Washington 98047.

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

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE 25<sup>th</sup> DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

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Cy Sun, Mayor

ATTEST:

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Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form

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City Attorney

# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8F</u>	Meeting Date:	<u>February 25, 2013</u>
Subject:	<u>Adoption of Resolution No. 2013-024, Authorizing a Fund Transfer for Carner Meadows Project Improvements</u>	Prepared by:	<u>Ken Barnett, Acting Public Works Director</u>

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**Summary:** Carner Meadows was never completed per City specifications by the developer, as a result it now falls to the City to complete the project. Staff has reviewed the uncompleted project and found that street lights and final paving is needed to complete it. The amount needed to complete this project should not exceed \$50,000, and the budget for street improvements has less than \$6,000 listed in the 2013 budget. Staff is seeking a fund transfer of \$50,000 in order for the City to complete this project.

**Recommendation:** adopt the resolution authorizing a fund transfer of \$50,000.

**Motion for consideration:** I move to adopt Resolution No. 2013-024, authorizing the Finance Director to transfer \$50,000 into the street improvement line item with funds to be used to complete the needed improvements to Carner Meadows Project, and further direct Staff to release the bonds and/or accounts held for this project upon completing and final inspection.

**Budget:** The City holds an assignment of funds in the amount of \$30,000, plus we have placed liens on Carner Properties at an additional \$30,000 for a total of \$60,000 to cover the cost of street lights and final paving improvements. The City is required to pay for the improvements before funds can be released.

**Attachments:** Resolution No. 2013-024

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**CITY OF PACIFIC, WASHINGTON**

**RESOLUTION NO. 2013-024**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AUTHROZING A FUND TRANSFER FOR CARNER MEADOWS PROJECT IMPROVEMENTS**

**WHEREAS**, in January, 2006, the City approved the plat for Carner Meadows; and

**WHEREAS**, the owner of Carner Meadows project provided an assignment of funds in the amount of \$30,000, to ensure the needed improvements would be done; and

**WHEREAS**, the City placed a lien against Carner Meadows in the amount of \$30,000 on February, 2013 as the needed improvements for street lights and paving were not completed; and

**WHEREAS**, Staff has recently learned that insufficient funds were allocated in the 2013 budget's street improvement line item. Staff will need an additional \$50,000 added to the street improvement line item in order to complete the Carner Meadows Improvement Project; and

**WHEREAS**, the City needs to do the improvements in order to release the bonds or accounts held for this project,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AS FOLLOWS:**

**Section 1.** The Finance Director is directed to transfer \$50,000 into the street improvement line item with funds to be used to complete the needed improvements in Carner Meadows Project; and further direct Staff to release the bonds and/or accounts held for this project upon completion and final inspection.

**Section 2.** This Resolution shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE 25TH DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

\_\_\_\_\_  
Cy Sun, Mayor

ATTEST:

\_\_\_\_\_  
Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kenyon Luce, City Attorney

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# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8G</u>	Meeting Date:	<u>February 25, 2013</u>
Subject:	<u>Adoption of Resolution No. 2013-025,</u>	Prepared by:	<u>Ken Barnett, Acting</u>
	<u>Authorizing the Acting Public Works</u>		<u>Public Works Director</u>
	<u>Director or Mayor Pro Tem to Sign</u>		
	<u>Right-of-Way Acquisitions for</u>		
	<u>Valentine Road Improvements</u>		

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**Summary:** The City of Pacific started planning for Valentine Road improvements in 1999 and is now in the right-of-way acquisition phase of this project. The City has designated the City of Sumner as the lead agency on this project. In order to move forward with the right-of-way acquisitions, the City needs to designate a signing authority for this project. All offers and/or settlements of right-of-way acquisitions will go before the Finance Committee for review and/or direction. Staff recommends the Acting Public Works Director or the Mayor Pro Tem be designated as authorized signers for this portion of the project.

**Recommendation:** Approve Resolution No. 2013-025.

**Motion for Consideration:** I move to adopt Resolution No. 2013-025, authorizing the Acting Public Works Director or the Mayor Pro Tem to sign right-of-way acquisition documents for the Valentine Road Improvements Project and further directing that the Finance Committee shall review all settlement offers.

**Budget:** Cost for the right-of-way will come from Valentine Road Improvement Fund.

**Attachments:** Resolution No. 2013-025

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**CITY OF PACIFIC, WASHINGTON**

**RESOLUTION NO. 2013-025**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING THE ACTING PUBLIC WORKS DIRECTOR OR MAYOR PRO TEM TO SIGN RIGHT-OF-WAY ACQUISITIONS FOR VALENTINE ROAD IMPROVEMENTS**

**WHEREAS**, the City started in 1999 to plan for Valentine Road Improvement Project; and

**WHEREAS**, the City is now at the right-of-way acquisition phase of the project; and

**WHEREAS**, the City of Pacific has designated the City of Sumner to lead in the Valentine Road Improvements Project; and

**WHEREAS**, the City needs to delegate signing authority in order to settle the purchasing of right-of-way acquisitions; and

**WHEREAS**, the Council finds it to be in the City's best interest to authorize the Acting Public Works Director and/or the Mayor Pro Tem to be the designated signee for the Valentine Road Improvements Project right-of-way acquisitions; and

**WHEREAS**, the Council further finds it appropriate for the Finance Committee review all right-of-way offers and/or settlement in regards to the Valentine Road Improvements Project prior to any documents being executed by the designated signee;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON:**

**Section 1.** The Council hereby authorizes the Acting Public Works Director or the Mayor Pro Tem to sign for settlement of right-of-way acquisitions for the Valentine Road Improvements Project.

**Section 2.** Further, the Council directs that all offers and/or settlements of right-of-way acquisitions for the Valentine Road Improvements Project shall be reviewed by the Finance Committee before being executed by the designated signee.

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

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING  
THEREOF ON THE 25TH DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

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Cy Sun, Mayor

ATTEST:

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Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form

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City Attorney

# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8H</u>	Meeting Date:	<u>February 25, 2013</u>
Subject:	<u>Adoption of Resolution No. 2013-026,</u>	Prepared by:	<u>Gary Hulsey</u>
	<u>Reducing the Budgeted Staffing Level</u>		<u>Councilmember</u>
	<u>For Public Works Utility Lead from</u> <u>1.0 to 0.00 Full Time Equivalents</u>		

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**Summary:** At the February 19, 2013, workshop, the Council determined it to be in their best interest to reduce the funding level for the Public Works Lead in order to allow the Acting Public Works Director to develop a new job description within the Public Works Shop, upon approval of Teamsters Local No. 117 and the City Council. Councilmember Hulsey agreed to draft the resolution for consideration.

**Recommendation:** Move to adopt the resolution.

**Motion for Consideration:** I move to adopt Resolution No. 2013-026, reducing the budgeted staffing level for Public Works Utility Lead from 1.0 to 0.00 full time equivalents.

**Budget:** None

**Attachments:** Resolution No. 2013-026

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**CITY OF PACIFIC, WASHINGTON**

**RESOLUTION NO. 2013-026**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, REDUCING THE BUDGETED STAFFING LEVEL FOR PUBLIC WORKS UTILITY LEAD FROM 1.0 TO 0.00 FULL TIME EQUIVALENTS**

**WHEREAS**, the position of Public Works Utility Lead was vacant due to administrative leave for the better part of the past year; and

**WHEREAS**, the position Public Works Utility Lead is now vacant since the retirement of the previous lead; and

**WHEREAS**, the Council has previously considered eliminating the position; and

**WHEREAS**, a new job description for this position will be negotiated with Teamsters Local No. 117 when the collective bargaining agreement is reopened in April 2013; and

**WHEREAS**, the Council finds that it is not fiscally prudent to fill this position until after the new job description is approved by the City Council and Teamsters Local No. 117,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AS FOLLOWS:**

**Section 1.** The Council hereby reduces the budgeted staffing level for Public Works Utility Lead from 1.0 to 0.00 Full Time Equivalents.

**Section 2.** This Resolution shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE 25TH DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

\_\_\_\_\_  
Cy Sun, Mayor

ATTEST:

\_\_\_\_\_  
Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kenyon Luce, City Attorney

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# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No.	<u>New Business 8I</u>	Meeting Date:	<u>February 25, 2013</u>
Subject:	<u>Adoption of Resolution No. 2013-027,</u>	Prepared by:	<u>Patti Kirkpatrick, MMC</u>
	<u>Authorizing the City Clerk/Personnel</u>		<u>City Clerk/Personnel</u>
	<u>Manager to Execute Contract for</u>		<u>Manager</u>
	<u>Records Management and Public</u>		
	<u>Records Assistance</u>		

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**Summary:** As you may recall, during the budget discussions in November it was indicated that if funding became available the City Clerk could seek funding to contract for assistance in records management and public records requests in that office. This matter was brought to the Finance Committee and was discussed at the February 19, 2013, workshop as Staff finds she is unable to bring the existing files up to date in order to efficiently respond to public record requests while performing other essential functions of the office.

The City Clerk/Personnel Manager met with two potential candidates and selected Ms. Charlie Knoll to assist her with records management and public record requests as outlined in the scope of services attached to the proposed professional services contract. The contract amount is \$18.50/hour, not to exceed a total of 420 hours, with a cost of \$7,770, through the end of this year or December 31, 2013.

**Recommendation:** approve the resolution to contract with Charlie Knoll.

**Motion for consideration:** I move to adopt Resolution No. 2013-027, authorizing the City Clerk/Personnel Manager to execute contract with Charlie Knoll for records management and/or public records assistance as set forth in the contract and scope of services attached hereto and incorporated herein as Exhibit A.

**Budget:** Public Record Requests and Records Management are expenses that are funded through the General Fund. These invoices would be recorded to the BARS Account 001.000.514.20.41.0. The 2013 budget did not allocate funds for this expense. Even though there are funds allocated to Fund 001.000.514, those funds are specific for the Audit, Advertising, Banking and Investing. This will require a budget amendment with the funding source identified.

**Attachments:** Resolution No. 2013-027  
Professional Services Contract  
Letter of Interest – Ms. Charlie Knoll

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**CITY OF PACIFIC, WASHINGTON**

**RESOLUTION NO. 2013-027**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING THE CITY CLERK/PERSONNEL MANAGER TO EXECUTE CONTRACT WITH CHARLIE KNOLL FOR RECORDS MANAGEMENT AND PUBLIC RECORDS ASSISTANCE**

**WHEREAS**, the City Clerk/Personnel Manager is the only department with no staff to support the administrative operations of the department; and

**WHEREAS**, the City Clerk/Personnel Manager has received several large public records requests and in order to sufficiently perform essential functions of her office finds that she needs assistance in bringing her office current; and

**WHEREAS**, the Finance Committee reviewed Staff's request to contract for records management and public records requests assistance and determined it was in the City's best interest to bring forward such contract; and

**WHEREAS**, staff met with two individuals who expressed an interest in the contract and selected Ms. Charlie Knoll,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AS FOLLOWS:**

**Section 1.** The Council Authorizes the City Clerk/Personnel Manager to execute a contract with Ms. Charlie Knoll for records management and public records assistance as set forth in the contract and scope of services attached hereto and incorporated herein as Exhibit A.

**Section 2.** This Resolution shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF ON THE 25TH DAY OF FEBRUARY 2013.**

CITY OF PACIFIC

\_\_\_\_\_  
Cy Sun, Mayor

ATTEST:

\_\_\_\_\_  
Patricia J. Kirkpatrick, MMC, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kenyon Luce, City Attorney



## **SERVICE PROVIDER / PROFESSIONAL SERVICES AGREEMENT**

THIS AGREEMENT is made and entered into in duplicate this \_\_\_\_ day of February, 2013 by and between the City of Pacific a Washington Municipality, hereinafter referred to as "CITY" and Charlie Knoll hereinafter referred to as the "SERVICE PROVIDER".

### **WITNESSETH:**

WHEREAS, the CITY desires to have certain services and/or tasks performed as set forth below and in the scope of services, incorporated herein as Exhibit A, requiring specialized skills and other supportive capabilities; and

WHEREAS, the SERVICE PROVIDER represents that the SERVICE PROVIDER is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise, where required, to perform the services and/or tasks set forth in this Agreement; and

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance measures contained herein, the parties hereto agree as follows:

### **1. SCOPE OF SERVICES**

The SERVICE PROVIDER shall perform such services and accomplish such tasks, including the furnishing of all materials and equipment necessary for full performance thereof, as are identified and designated as SERVICE PROVIDER responsibilities throughout this Agreement and as detailed in Exhibit "A" attached hereto and incorporated herein.

### **2. TERM**

A. The term of this agreement shall not exceed one year or December 31, 2013.

B. This Agreement may be terminated by the CITY when the CITY determines that the scope of work has been satisfied or that the services of the SERVICE PROVIDER are no longer necessary.

C. In the event of termination of this Agreement by either party, the CITY shall within thirty (30) calendar days of termination pay the SERVICE PROVIDER for all services rendered up to the date of termination, in accordance with the payment provisions of this Agreement.

### **3. COMPENSATION AND METHOD OF PAYMENT**

A. Payments for services provided hereunder shall be made following the performance of such services, unless otherwise permitted by law and approved in writing by

CITY. The total amount of payment to the SERVICE PROVIDER shall not exceed 420 hours, at \$18.50 per hour with a total not to exceed cost of \$7,770.

B. No payment shall be made for any service rendered by the SERVICE PROVIDER except for services identified and set forth in this Agreement and in the attached Scope of Services, Exhibit A, and incorporated herein.

C. The SERVICE PROVIDER shall submit to the City Clerk a monthly invoice for services rendered during the service period. CITY shall initiate authorization for payment after receipt of said approved voucher or invoice and shall make payment to the SERVICE PROVIDER within approximately thirty (30) days thereafter.

#### **4 INDEPENDENT SERVICE PROVIDER RELATIONSHIP**

A. The parties intend that an independent SERVICE PROVIDER relationship will be created by this Agreement. CITY is interested primarily in the results to be achieved; subject to paragraphs herein, the implementation of services will lie solely with the discretion of the SERVICE PROVIDER. The SERVICE PROVIDER shall not be deemed to be an employee, servant or representative of CITY for any purpose and not entitled to any of the benefits the CITY provides for its employees except as otherwise expressly provided herein. SERVICE PROVIDER will not be eligible for any Federal Social Security, State Workman's Compensation, unemployment insurance or retirement system benefits from payments made as a part of this contract.

B. In the performance of the services herein contemplated the SERVICE PROVIDER is an independent contractor who shall report directly to the City Clerk/Personnel Manager and all work performed for CITY shall be subject to the City Clerk's review to secure the satisfactory completion thereof.

C. As an independent contractor, SERVICE PROVIDER shall be responsible for any federal or state taxes applicable to payments received pursuant to this Agreement.

D. CITY shall report the total amount of all payments to SERVICE PROVIDER, including any expenses, in accordance with Federal Internal Revenue Service and State of Washington Department of Revenue regulations.

#### **5. ADMINISTRATION OF AGREEMENT**

This Agreement shall be administered by Patti Kirkpatrick, City Clerk/Personnel Manager or designee on behalf of CITY. Any written notices required by the terms of this Agreement shall be served on or mailed to the following addresses:

CITY OF PACIFIC  
Patti Kirkpatrick, City Clerk/Personnel Manager  
100 3rd Avenue SE  
Pacific, Washington 98047  
253-929-1105 Phone  
253-939-6026 Fax  
Email: pkirkpatrick@ci.pacific.wa.us

SERVICE PROVIDER  
Charlie Knoll  
P O Box 269  
Pacific, WA 98047  
360-616-1235 (Cell)  
ckalaska@gmail.com

**6. HOLD HARMLESS AND INDEMNIFICATION**

A. No liability shall attach to CITY by reason of entering into this Agreement except as expressly provided herein.

**7. INSURANCE**

A. The SERVICE PROVIDER shall provide proof of insurance to the CITY that she is insured. Any payment of deductible shall be the sole responsibility of the SERVICE PROVIDER.

**8. OWNERSHIP OF RECORDS AND DOCUMENTS**

The written, graphic, mapped, photographic, or visual documents prepared by the SERVICE PROVIDER under the scope of work of this Agreement are instruments of the contractor's services for use by the CITY with respect to this Agreement and, unless otherwise provided, shall be deemed the property of the City, provided that the SERVICE PROVIDER shall have no liability for the use of the SERVICE PROVIDER work product outside of the scope of its intended purpose.

**9. ENTIRE AGREEMENT**

The parties agree that this Agreement is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. Further, any modifications of this Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. It is also agreed by the parties that the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of any other of the provisions of this Agreement.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

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Patricia J. Kirkpatrick, MMC, City Clerk  
100 3<sup>rd</sup> Ave SE  
Pacific, WA 98047  
253-929-1105

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Charlie Knoll  
P O Box 268  
Pacific, WA 98047  
360-616-1235

## **EXHIBIT “A”**

### **SCOPE OF WORK**

- Locate, store, scan, and index City ordinances and resolutions; ensuring appropriate documents are attached to the original ordinance or resolution; updating the appropriate Database to include cross reference when one document replaces or supersedes another. Assist in transferring paper documents to the Washington State Archivist for storage, as needed. Electronic, signed scanned documents will be stored in the appropriate folder on CITY'S system.
- Assist in responding to large public records requests, to include reviewing emails, compiling electronic and paper documents responsive to the request; creating exemption logs, redaction of documents for the City Clerk's review and approval prior to sending out; and updating the public records database and master database.
- Locate, store, scan and prepare minutes for posting to City's Website once approved and signed. May include sending older paper minutes to Washington State Archivist for storage. Scanned minutes will be saved in the appropriate electronic folder on CITY's system.
- Assemble and properly label all contracts, agreements, and interlocal agreements, deeds, vehicle titles, etc as directed by the City Clerk. May include archiving documents that are no longer active. All contracts, agreements, and interlocal agreements will be scanned and stored on CITY's system in the appropriate folder(s).
- Perform an inventory of all departmental records, including those records ready for disposal per the State's retention schedule and updating the master file database.

Charlie Knoll  
PO Box 268  
Pacific, WA 98047  
360.616.1235  
ckalaska@gmail.com

February 13, 2013

CITY OF PACIFIC  
Patti Kirkpatrick, City Clerk/Personnel Manager  
100 third Ave SE  
Pacific, WA 98047  
pkirkpatrick@ci.pacific.wa.us

Re: Service Provider - Document /Records Management

Dear Patti,

After our discussion of last week regarding your pressing need for records management assistance, I would like to let you know I am interested in the contract position for the City.

I have 20+ years in a large medical clinic working with records and database management. My specialty includes storage and retrieval using manual and electronic database; alphabetic, subject, and numerical records management as well as geographic storage methods and record controls. I am methodical and accurate while being easy to work with. You will find me flexible in adapting to a system you have designed specifically for the needs of running the City.

Thank you for your time and consideration. I look forward to speaking with you about this exciting opportunity.

Sincerely,

Charlie Knoll

# CITY OF PACIFIC

## Agenda Staff Report

Agenda Item No. Consent Agenda 9A Meeting Date: February 25, 2013  
Subject: Approval of Payroll and Claim Prepared by: Betty J. Garrison, CPFA  
Vouchers Finance Director

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**Summary:** Approval of Payroll for the period of \* \*, 2013, through \* \*, 2013; Claims Vouchers for \* \*, 2013 through \* \*, 2013.

Payroll Auto Deposit \$  
Payroll Checks

Electronic Claims

Claims Checks  
Claims Checks

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Total Expenditures \$

**Recommendation:** Approve the payment of Payroll and Claims.

**Motion for Consideration:** I move to approve the payment of Payroll and Claims Vouchers.

**Attachments:** Check registers and Payroll expense itemization

**CITY OF PACIFIC**

**Agenda Staff Report**

Agenda Item No. Consent Agenda 9A Meeting Date: February 25, 2013  
Claim Voucher & Payroll Betty J Garrison, CPFA  
Subject: Approval / Sept Financial Stmt Prepared by: Finance Director

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**Summary:**

Approval of Payroll for the period of February 1, 2013 through February 15, 2013; Claims Vouchers for February 12, 2013 through February 25, 2013.

Payroll Auto Deposit	\$	55,747.46
Payroll Checks # 4646 - 4648		1,730.80
Electronic Claims # 431 - 432		22,893.98
Claims Checks # 41407 - 41472		226,136.39
		<hr/>
Total Expenditures	\$	306,508.63

**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.

# Payroll

## Pay Type Register



User: padams  
Printed: 02/22/2013 - 11:09AM  
Check Date Range: 02/20/2013 to 02/20/2013  
Period Date Range: All  
Batch Info: All  
Pay Types: AD, B, C, CA, CD, CO, CP, DS, E2, E4, EO, ET, F, FH, FL, FT, H, HO, HP, L, MP, OC, OD, OO, OT, P, PC, PO, R, RF, RM, RP, S, SB, SP, TC, U, V, VP, ZA, ZB, ZC, ZD, ZM, ZP, ZS

Pay Type	Description	Hours	Amount
C	Comp time taken	1.00	24.18
CA	Cleaning allowance	0.00	210.00
E2	Education Premium 2%	0.00	57.03
E4	Education Premium 4%	0.00	368.44
L	Longevity	0.00	1,417.50
OC	Work Out of Class	0.00	429.32
OO	Out of Class OT	0.00	98.01
OT	Overtime	73.50	2,484.80
PC	Police Comp taken	29.00	954.39
PO	Police Overtime	88.00	5,299.03
R	Regular	2,229.59	61,998.76
RM	Reimbursement	0.00	-16.76
RP	Retro Pay	12.00	630.07
S	Sick leave	134.25	5,488.08
TC	Police Wages - Traffic Contro	0.00	300.00
V	Vacation	110.00	2,406.54
ZC	Contract Benefits-Retirement	0.00	236.42
ZM	Contract Benefits-Medical	0.00	559.35
		<hr/>	<hr/>
<b>Report Total</b>		<b>2,677.34</b>	<b>82,945.16</b>
		<hr/>	<hr/>

# Payroll

## Deduction Register - Totals Only



User: padams  
Printed: 2/22/2013 - 11:11 AM  
Check Date Range: 02/20/2013 to 02/20/2013  
Period End Range: All  
Batch Info: All  
Deductions: Den-R, FICAR, FICARR, H UnR, Hlth-R, L&I-R, LOEFFR, LTD-R, MEDIR, PERS1R, PERS3R, PERSR, PERSXR,  
VisionTotals Only

	<u>Amount</u>
<b>Den-R:</b> Dental Ins-Employer	141.67
<b>FICAR:</b> FICA Employer Portion	5,142.62
<b>H UnR:</b> Health Ins-Union Employer	14,247.40
<b>Hlth-R:</b> Health Ins-Employer Non-Union	1,300.10
<b>L&amp;I-R:</b> Workers Comp-Employer	1,101.99
<b>LOEFFR:</b> LOEFF-Employer	1,526.41
<b>LTD-R:</b> LTD-employer	259.41
<b>MEDIR:</b> Medicare Employer Portion	1,202.74
<b>PERS1R:</b> Pers 1-Employer	240.76
<b>PERS3R:</b> Pers 3-Employer	179.51
<b>PERSR:</b> PERS 2 Employer	2,936.82
<b>Vision:</b> Vision Ins-Non-Union	50.46
	<hr/> <hr/>
Report Total:	28,329.89
	<hr/> <hr/>

# Payroll

## ACH Check Register

User: 'padams'  
Printed: 02/15/2013 - 11:11AM  
Batch: 502-2-2013  
Include Partial: TRUE



Check Date	Check Number	Partial ACH	Employee No	Employee Name	Amount
02/20/2013	0	False	ADAMP	Pamela Walasek	1,652.07
02/20/2013	0	False	BARNC	Charles Barnes	243.52
02/20/2013	0	False	BARNK	Kenneth Barnett	1,870.88
02/20/2013	0	False	BOS M	Michel Bos	2,755.51
02/20/2013	0	False	BROOB	Bill Brookhart	1,767.24
02/20/2013	0	False	CALKJ	John Calkins	3,807.29
02/20/2013	0	False	CYSUN	Cy Sun	685.07
02/20/2013	0	False	FINWS	Sheryl Finwall	1,863.47
02/20/2013	0	False	FUTJA	Jack Futch	1,545.72
02/20/2013	0	False	FUTJO	Joanne Futch	1,111.22
02/20/2013	0	False	GALER	Roger Gale	2,180.00
02/20/2013	0	False	GARRB	Betty Garrison	2,487.30
02/20/2013	0	False	GNEHM	Travis Gnehm	1,277.27
02/20/2013	0	False	GUIERL	Leanne Guier	91.25
02/20/2013	0	False	Hong	Joshua Hong	2,601.81
02/20/2013	0	False	JONEJ	John Jones	91.25
02/20/2013	0	False	KIM	Michael Kim	1,788.04
02/20/2013	0	False	KORAS	Steven Koransky	145.67
02/20/2013	0	False	LARSG	Gary Larson	1,701.91
02/20/2013	0	False	MASSE	Edwin Massey Jr	4,037.69
02/20/2013	0	False	MCCUT	Thomas McCulley Jr	1,531.09
02/20/2013	0	False	MCMAN	James McMahan	92.08
02/20/2013	0	False	NEWTD	David Newton	3,326.66
02/20/2013	0	False	PKIRKP	Patricia Kirkpatrick	1,797.49
02/20/2013	0	False	PUTNJ	Joshua Putnam	92.08
02/20/2013	0	False	RODRM	Michael Rodriguez	2,020.16
02/20/2013	0	False	RYDBK	Kelly Rydberg	1,514.81
02/20/2013	0	False	SCHUJ	James Schunke	1,914.14
02/20/2013	0	False	SHERR	Raymond Sherman	172.85
02/20/2013	0	False	SHOOS	Stephanie Shook	1,793.00
02/20/2013	0	False	SOLVA	Angelica Solvang	1,626.06
02/20/2013	0	False	THACD	Darcie Thach	1,240.33
02/20/2013	0	False	WALKT	Trenity Walker	69.05
02/20/2013	0	False	WESJS	Joe West	2,712.81
02/20/2013	0	False	WIECP	Paula Wiech	906.49
02/20/2013	0	False	WILDC	Corrine Wildoner	1,234.18

Total Employees:

36

Partial ACH: 0.00  
Regular ACH: 55,747.46  
Total: 55,747.46

718244

# Payroll

## Computer Check Register

User: padams

Printed: 02/15/2013 - 11:08AM

Batch: 00502-02-2013 Computer



Check No	Check Date	Employee Information	Amount
4646	02/20/2013	HULSG Gary Hulsey	92.08
4647	02/20/2013	STEIC Clinton Steiger	92.08
4648	02/20/2013	FLARW Wanda Flarity	1,546.64
Total Number of Employees: 3		Total for Payroll Check Run:	1,730.80

# Bank Reconciliation

## Checks by Date

User: bgarrison  
Printed: 02/22/2013 - 12:11PM  
Cleared and Not Cleared Checks



Check No	Check Date	Name	Comment	Module	Clear Date	Amount
431	2/14/2013	Wa St Dept of Licensing		AP		306.00
432	2/20/2013	Internal Revenue Service		AP		22,587.98
						<hr/> <hr/>
						Total Check Count:
						2
						<hr/> <hr/>
						Total Check Amount:
						22,893.98
						<hr/> <hr/>

# Accounts Payable

## Check Register Totals Only



User: asolvang  
 Printed: 2/22/2013 - 1:47 PM

Check	Date	Vendor No	Vendor Name	Amount	Voucher
41407	02/25/2013	City Alg	City of Algona	5,164.11	0
41408	02/25/2013	Alpi Pro	Alpine Products Inc	380.95	0
41409	02/25/2013	APPL A L	Apply A Line Inc	2,491.92	0
41410	02/25/2013	AWC	Assoc Of Washington Cities	75.00	0
41411	02/25/2013	City Aub	City of Auburn	3,724.04	0
41412	02/25/2013	Gai Ben	Gail Bennett	300.00	0
41413	02/25/2013	Bra Wea	Brat Wear	96.82	0
41414	02/25/2013	Cen Lin	CenturyLink	174.64	0
41415	02/25/2013	CenLin 2	CenturyLink	1,587.64	0
41416	02/25/2013	CHOU 001	Kwang S. Chough	123.17	0
41417	02/25/2013	Chu Off	Chuckals Office Products Inc	368.36	0
41418	02/25/2013	Ci Ins A	Cities Insurance Association	81,823.00	0
41419	02/25/2013	Aub Util	City of Auburn	1,000.00	0
41420	02/25/2013	Data Inc	Databar Incorporated	1,871.35	0
41421	02/25/2013	EmpSecDe	Employment Security Department	64.48	0
41422	02/25/2013	ExtendIT	Extend IT Solutions	465.07	0
41423	02/25/2013	Fin Lin	Finish Line Cleaning	2,660.00	0
41424	02/25/2013	Fir Pro	Fire Protection Inc	1,311.81	0
41425	02/25/2013	GLASSMAN	Glass Man Inc	902.88	0
41426	02/25/2013	Issaq Ja	Issaquah Police	450.00	0
41427	02/25/2013	Joh Dee	John Deere Company	48,418.61	0
41428	02/25/2013	KAUR2	Dr Jasbir Kaur	150.00	0
41429	02/25/2013	KC I-NET	KC Finance I-Net	439.00	0
41430	02/25/2013	KC Fin L	KC Finance Liquor Excise	298.96	0
41431	02/25/2013	KC Reco	KC Recorder's Office	64.00	0
41432	02/25/2013	UB*00720	PAUL & BERTALOU KELLEY	50.12	0
41433	02/25/2013	KCDA	King County Directors' Assoc	143.95	0
41434	02/25/2013	KC DOT	King County Finance	234.79	0
41435	02/25/2013	Jos Cut	Law Office of Joseph B Cutter	150.00	0
41436	02/25/2013	LEV INFO	Leverage Information Systems	2,377.49	0
41437	02/25/2013	LexNex	LexisNexis	284.15	0
41438	02/25/2013	Ed Mass	Edwin Massey	429.08	0
41439	02/25/2013	McL Har	McLendon Hardware	124.83	0
41440	02/25/2013	Ori Tra	Oriental Trading	49.29	0
41441	02/25/2013	City Pac	City of Pacific	506.77	0
41442	02/25/2013	Param	Parametrix, Inc.	379.02	0
41443	02/25/2013	Per Exh	Performance Exhaust LLC	24.62	0
41444	02/25/2013	Perrin	Elizabeth Perrin	250.00	0
41445	02/25/2013	Petro	Petrocard Systems Inc	2,661.40	0
41446	02/25/2013	PAO	Prosecuting Attorneys Office	270.68	0
41447	02/25/2013	City Pu	City of Puyallup	195.00	0
41448	02/25/2013	Quil	Quill Corporation	77.80	0
41449	02/25/2013	SAMS CL2	SAM'S CLUB/GEMB	78.72	0
41450	02/25/2013	Jam Schu	James Schunke	61.28	0
41451	02/25/2013	SCORE	SCORE	11,430.00	0
41452	02/25/2013	Sen	Sensus USA	574.86	0
41453	02/25/2013	Sexton	Colleen Sexton	30.00	0
41454	02/25/2013	Shred	Shred-It USA Inc.	99.00	0
41455	02/25/2013	Ski Con	Skillings Connolly Inc	9,435.52	0
41456	02/25/2013	Sou Pub	Sound Publishing Inc	367.29	0

Check	Date	Vendor No	Vendor Name	Amount	Voucher
41457	02/25/2013	Spri Sof	Springbrook Software, Inc.	251.00	0
41458	02/25/2013	Sprint	Sprint	1,256.66	0
41459	02/25/2013	WA ST AU	State Auditor's Office	2,835.67	0
41460	02/25/2013	DeptofEn	State Of WA Dept Of Enterprise	100.00	0
41461	02/25/2013	Termin	Terminix Processing Center	154.40	0
41462	02/25/2013	Uni USA	Univar USA Inc	5,890.66	0
41463	02/25/2013	Metrocal	USAMOBILITY	14.10	0
41464	02/25/2013	Uti Und	Utilities Underground Locate	32.76	0
41465	02/25/2013	Val Comm	Valley Communications	12,674.97	0
41466	02/25/2013	WA Trea	Wa St Treasurer	14,105.57	0
41467	02/25/2013	WA Tran	WA State Dept of Transportation	322.45	0
41468	02/25/2013	WA He Re	Washington State Dept of Health	2,657.68	0
41469	02/25/2013	WA Pat 1	Washington State Patrol	346.50	0
41470	02/25/2013	Wat Mana	Water Management Lab Inc	185.00	0
41471	02/25/2013	Wells Fa	Wells Fargo Financial Leasing	179.50	0
41472	02/25/2013	Wescom	Wescom Communications	438.00	0
Check Total:				226,136.39	

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**CITY OF PACIFIC  
CITY COUNCIL MEETING  
February 11, 2013  
Council Chambers  
City Hall, 6:30PM**

**1. CALL TO ORDER AND FLAG SALUTE**

Mayor Sun called the City Council Meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

**2. ROLL CALL OF COUNCIL MEMBERS**

Leanne Guier  
Gary Hulseley  
John Jones  
James McMahan, excused, arrived at 6:34 p.m.  
Josh Putnam  
Clint Steiger  
Tren Walker

Staff present: City Clerk Patti Kirkpatrick; Finance Director Betty Garrison; Acting Public Works/Community Development Director Ken Barnett; Utility Billing Clerk Angelica Solvang, Community Services Director Sheryl Finwall, Lt. Ed Massey, Court Administrator Kelly Rydberg, Police Records Specialist Stephanie Shook, and City Attorney Ken Luce.

**Councilmember Jones Moved and Councilmember Hulseley seconded the motion to excuse Councilmember McMahan. Upon voice vote, the motion carried by unanimous voice vote.**

**3. APPROVAL OF AGENDA**

Councilmembers added the following item:

- 7A. Job Description of Utility Billing Clerk
- 8P. Payment of Attorney Fees for Mayor Sun

Councilmembers removed the following items:

- 5Gii. Manager Form of Government Update
- 8A. Ordinance No. 13-1841 and was moved to the February 19, 2013 Workshop
- 8B. Civil Service Commission Appointment
- 8C. Ordinance No. 13-1842 and was moved to the February 19, 2013 Workshop

**Councilmember Guier Moved and Councilmember Hulseley seconded the motion to approve the agenda as amended. Upon voice vote, the motion carried by unanimous voice vote.**

Mayor Sun spoke to his reasons of why he brought forward New Business Items A, B, and C and voiced his displeasure at Council for removing those three items.

Councilmembers advised the Mayor he was out of order and Mayor Sun passed the gavel to Mayor Pro Tem McMahan and left the meeting at 6:46 p.m.

Mayor Pro Tem McMahan called the meeting back to order.

Councilmembers clarified some of the Mayor's remarks, explaining that Ordinance No. 13-1841 was brought to Workshop on February 4th, with Council seeking a legal analysis for further discussion at the February 19th Workshop; the appointment to the Civil Service did not move from Workshop; and Ordinance No. 13-1842 had not been to Workshop as stated in the Council's Rules and Procedures.

Council President Guier stated that she had emailed the Mayor regarding placement of items on the agenda and provided him with a copy of the Rules both by email and in hard copy.

#### 4. AUDIENCE COMMENT

**Mr. Rob De Sario** stated the City of Pacific needs to disincorporate in order to get rid of the City Council and Police Department.

**Ms. Lois Hulsey** inquired about the City Park being closed, noting she spoke to King County Parks who advised they had no issue with the park being open, and thanked Lt. Massey and the Police Department for all the good work they do. Acting Public Works Director Barnett will meet with Ms. Hulsey regarding opening of the park.

**Mr. Tom Halseth** inquired as to how you manage a police department that is down to four officers on a 24/7 schedule and encouraged the Mayor and Council to fill the vacant positions.

**Ms. Audrey Cruickshank** voiced disappointment to not speak with the Mayor about his behavior on television and requested the City Park be open year-round.

**Ms. Katy Garberding** read a statement into the record regarding the downsizing of the police department and how it affects public safety; and urged the Mayor to fill the vacant police officer positions.

**Mr. Don Thomson** provided an update on the Recall issue, and clarified that ten charges were filed; two stuck, and five were declared of a serious concern by Superior Court. The 41 charges number comes from the number of exhibits attached to the original petition filed with Superior Court. This matter is before the Washington State Supreme Court who will be hearing the case on April 4, 2013.

**Mr. Duwayne Gratz** inquired as to what options doe the citizens have to force the Mayor to hire police officers before someone is killed or seriously hurt needlessly.

**Mr. Pat Perry** voiced his concern with the shortage of police officers and encouraged the citizens and council to figure out how to overcome this problem.

Councilmember Putnam clarified that the City is on the record with the Court regarding mandating the Mayor to hire police officers; however, it was the Court's decision that it is within the Mayor's discretion to hire additional officers. Further discussion on this matter would be covered under New Business Item 8P.

**Councilmember Walker Moved and Councilmember Guier seconded the motion to strongly encourage the Mayor to hire the budgeted police positions.**

Councilmembers noted the following concerns:

- Mayor not hiring budgeted officers is perceived as retaliation against the police department.
- In the most recent pay period one officer worked twelve days without a break and there was 57 hours of overtime reported in a 16-day period. This is not a schedule that promotes safety or retains valuable employees.
- City could hire at least one full-time officer based on the overtime alone.
- Due to seriousness of the hiring freeze, police department would look at hiring a lateral officer first, then an entry level second due to the time it takes to train entry level officers.

**Mr. Don Thomson** noted that the overtime is costing the City a lot of money and inquired at what point does the overtime become double overtime.

**Mr. Stacey Jackson** inquired if there was a police union that could help the officers find some relief; and noted the current insurance company is watching and reading about Pacific and this could jeopardize coverage again. He encouraged the Mayor to hire the additional officers for public safety as he did not want to see someone get shot before the Mayor realizes the need for more officers.

**Councilmembers Jones, McMahan, Putnam, Steiger, Walker, Guier and Hulseley voted in favor. The motion carried.**

## 5. **REPORTS**

**Mayor** – No report given.

**Finance** – Ms. Garrison reported on the State Audit exit interview, noting the City received no findings, no letters to management and no reasonable cause to suspect improper government action occurred for 2011.

Councilmember Putnam elaborated in that the audit went over budget due to the volume of allegations and investigations the auditors had to do; and thanked staff for their patience in dealing with the depth of questions for the 2011 audit.

In response to Councilmember McMahan, Finance Director Garrison indicated the exit interview is public record and the audit and final report will be available on the State Auditor's website once completed.

**Court Statistics** – Report was attached to Council's packet.

**Public Safety Department** – Lt. Massey thanked the community for its support and clarified that the City has four patrol officers and three senior officers to compliment the patrol officers. He stated police staff morale is very low, with most of them, including himself who are angry with the hiring freeze, the overtime being worked with no relief in sight, and wondered what the magic number will be where someone will allow the hiring of new officers.

Councilmembers thanked the police department for all they do, noting it is not an easy job.

Councilmember Guier advised the Public Safety Committee met earlier this evening and they are working on some temporary solutions to help the police department out.

**Public Works/Community Development** – Acting Public Works/Community Development Director Barnett reported Pierce County sent a letter committing funds for the Steward Rd/Thornton Avenue Improvement Project; and he is working with the City Attorney to hire a land use attorney to review the Stewart Rd project; and public work crews are getting out filling pot holes and other projects that have been neglected.

**Community/Senior/Youth Services** – Councilmember Jones reported on their recent meeting where he was appointed the Chair and they worked on policy and procedures to be developed with various non profit associations. Community Services Director Finwall announced the City passed its audit with King County Metro regarding their van driver program; and staff is working on scheduling spring break and summer programs.

**City Council** – Council President Guier presented a Certificate of Appreciation to Stephanie Shook for all her volunteer work on last year's National Night Out event. Ms. Shook thanked the Council and stated she and Sergeant Bos recently raised money for Special Olympics by jumping into Lake Union.

Councilmember Steiger voiced his appreciation that the exit audit found no findings of illegal activity or wrongdoing; and noted that the Mayor was incorrect in his My Turn 6, in that it was the City's insurer, CIAW, who initiated the settlement of Ms. Montgomery's litigation.

Councilmember Hulsey advised Lt. Massey that the magic number is to reduce the City by one asset in order to get your police officers.

**Personnel** – City Clerk/Personnel Manager Kirkpatrick reported on Association of Washington Cities legislation that pertains to cities, specifically House Bill (HB) 1313, which sets minimum standards for how much sick and safe leave an employer must award to employees; HB 1440, addressing wage issues and classification of independent contractors; and HB 1128, which pertained to changes in the public records act regarding enjoining a public record request, and allowing local government to adopt a policy limiting the number of hours it devotes to public records requests.

**Committee Boards**

**Park Board** – No report provided.

**Public Works** – No report provided.

**Civil Service** – No report provided.

**Planning Commission** – No report provided.

**South King County Transportation Board (SKTBD)** – No report provided.

**Pierce County Regional Council (PRCR)** – No report provided.

**Suburban Cities Association (SCA)** – No report provided.

**Valley Regional Fire Authority (VRFA)** – Councilmember Walker advised the Board will meet on Thursday, February 14, 2013.

**6. PUBLIC HEARING –NONE**

**7. OLD BUSINESS**

**A. Discussion: Utility Billing Clerk Job Description**

At the request of Councilmember Steiger, this matter was remanded to the February 19, 2013, Workshop.

**8. NEW BUSINESS**

**A. Adoption of Ordinance No. 13-1481, Re-Establishing the Position of Chief of Police by Reinstating Sections 2.28.020 and Section 2.28.030; and Repealing Chapter 2.26 Public Safety Director of the Pacific Municipal Code**

This item was removed from the agenda and remanded to the February 19, 2013, Workshop.

**B. Confirmation of Civil Service Appointment**

This item was removed from the agenda.

**C. Adoption of Ordinance No. 13-1482, Amending Pacific Municipal Code 2.65, Sections 2.64.010 and 2.64.020**

This item was removed from the agenda and moved to the February 19, 2013, Workshop.

**D. Adoption of Resolution No. 2013-010, Repealing Resolution No. 2013-004 and Re-Setting a Public Hearing to Consider a Proposed Ordinance Extending the Moratorium on Medical Marijuana Collective Gardens and Establish a Moratorium on the Production, Processing, and Retailing of Marijuana in the City of Pacific**

Acting Public Works/Community Development Director Barnett provided the staff report, noting the public hearing had inadvertently been set to a workshop and it was more appropriate to hold the public hearing at a regular meeting.

**Councilmember Hulsey Moved and Councilmember Walker seconded the motion to Adopt Resolution No. 2013-010, Repealing Resolution No. 2013-004 and Re-Setting a Public Hearing to Consider a Proposed Ordinance Extending the Moratorium on Medical Marijuana Collective Gardens and Establish a Moratorium on the Production, Processing, and Retailing of Marijuana in the City of Pacific. Councilmembers McMahan, Putnam, Steiger, walker, Guier, Hulsey, and Jones voted in favor. The motion carried.**

**E. Adoption of Resolution No. 2013-011, Authorizing the Mayor to Execute Letter of Understanding with Teamsters Local Union No. 117, Increasing Employee Contribution Rates to Pension Trust Fund**

A PW Director Barnett provided a report, noting it was brought forward by the union workers to increase the amount of funds by \$.25.

**Councilmember Jones Moved and Councilmember Putnam seconded the motion to adopt Resolution No. 2013-011, Authorizing the Mayor to Execute Letter of Understanding with Teamsters Local Union No. 117, Increasing Employee Contribution Rates to Pension Trust Fund. Councilmembers Putnam, Steiger, Walker, Guier, Hulsey, Jones, and McMahan voted in favor. The motion as amended carried.**

**F. Adoption of Resolution No. 2013-012, Authorizing the Council President to Execute Letter of Understanding with Teamsters Local Union No. 117, Opening Collective Bargaining**

City Clerk/Personnel Manager Kirkpatrick reported during the last round of union negotiations, it was agreed that the collective bargaining agreement would be reopened in the spring of 2013. There have been several items that require the opening of the union agreement and the letter of understanding merely formalizes the process.

**Councilmember Jones Moved and Councilmember Putnam seconded the motion to adopt Resolution No. 2013-012, authorizing the Council President to execute Letter of Understanding with Teamsters Local Union No. 117, Opening Collective Bargaining. Councilmembers Guier, Hulsey, Jones, McMahan, Putnam, Steiger, and Walker voted in favor. The motion carried.**

**G. Adoption of Resolution No. 2013-013, Authorizing the Mayor to Execute a Preventative Maintenance Agreement with ACCO Engineered Systems – HVAC System**

Lt. Massey provided the staff report, noting the City annually contracts for preventative maintenance and services for the HVAC system housed within the police/fire station. ACCO Engineered Systems is the company used by Valley Regional Fire Authority and it would be a shared cost to add the City to their contract.

**Councilmember Steiger Moved and Councilmember Jones seconded the motion to adopt Resolution No. 2013-013, authorizing the Mayor to execute**

**a preventative maintenance agreement with ACCO Engineered Systems - HVAC. Councilmembers Hulsey, Jones, McMahan, Putnam, Steiger, Walker and Guier voted in favor. The motion as amended carried.**

Council asked that city clerk add “mayor pro tem” to future resolutions and contracts that relate to the police department.

**Councilmember Steiger Moved and Councilmember Hulsey seconded them motion to amend by adding “the Mayor or Mayor Pro Tem may sign.” The motion to amend carried by unanimous voice vote.**

**H. Adoption of Resolution No. 2013-014, Authorizing the Mayor to Execute a Lease Agreement with Pacific Office Automation for Police Department Copier**

Lt. Massey provided staff report, noting this is a new lease agreement, which will be a cost savings of \$64.42 per month with a newer machine.

**Councilmember Hulsey Moved and Councilmember Jones seconded the motion to adopt Resolution No. 2013-014, authorizing the Mayor to execute a lease agreement with Pacific Office Automation for Police Department Copier. Councilmembers McMahan, Putnam, Steiger, Walker, Guier, Hulsey, and Jones voted in favor. The motion as amended carried.**

**Councilmember Hulsey Moved and Councilmember Steiger seconded the motion to amend by adding “the Mayor or Mayor Pro Tem may sign.” The motion to amend carried by unanimous voice vote.**

**I. Adoption of Resolution No. 2013-015, Authorizing Councilmember Guier to Attend Association of Washington Cities’ *City Legislative Conference***

City Clerk/Personnel Manager Kirkpatrick provided staff report, noting Councilmember Guier is seeking reimbursement of travel expenses in accordance with the City’s travel policy to attend the annual AWC *City Legislative Conference*, being held in Olympia February 13-14, 2013.

**Councilmember Hulsey Moved and Councilmember Putnam seconded the motion adopting Resolution No. 2013-015, authorizing Councilmember Guier to attend the Association of Washington Cities’ *City Legislative Conference*. Councilmembers Steiger, Walker, Hulsey, Jones, McMahan, and Putnam voted in favor; Councilmember Guier abstained. The motion carried.**

Council discussion ensued regarding the City’s travel policy and it was confirmed that the mileage is more than 50 miles one way and it was therefore appropriate to reimburse for hotel expenses.

**J. Adoption of Resolution No. 2013-016, Authorizing the Mayor to Execute Agreement with Association of Washington Cities' Drug and Alcohol Consortium**

City Clerk/Personnel Manager Kirkpatrick provided staff report, noting it is a federal requirement that all personnel required to have a commercial driver license be subject to random drug testing. The Association of Washington Cities has a consortium that Pacific can belong to that will provide random drug testing, and help the City create its own policy to meet the federal requirements outlined in 49 CFR Part 40.

**Councilmember Guier Moved and Councilmember Putnam seconded the motion to adopt Resolution No. 2013-016, authorizing the Mayor to execute agreement with Association of Washington Cities' Drug and Alcohol Consortium. Councilmembers Walker, Guier, Hulseley, Jones, McMahan, Putnam, and Steiger voted in favor. The motion as amended carried.**

**Mr. Don Thomson** voiced his surprise that a drug and alcohol policy was not already in place and urged the Council to pass the resolution.

Council discussion ensued regarding their belief that the Mayor would not sign the resolution or the Agreement with AWC and determined it was appropriate to have the Mayor Pro Tem sign the resolution and Agreement due to the seriousness of the issue.

**Councilmember Jones Moved and Councilmember Steiger seconded the motion to amend the resolution by deleting the word "Mayor" and adding "Mayor Pro Tem" as the authorized signer. The motion to amend carried by unanimous voice vote.**

**K. Adoption of Resolution No. 2013-017, Approving City Personnel Policies**

City Clerk/Personnel Manager Kirkpatrick provided staff report, noting these policies need to be adopted as they are the ones the Mayor and staff have been operating under. Staff will continue to work on updating the personnel policy over the course of the year with an updated version for consideration towards the end of the year or early 2014.

**Councilmember Hulseley Moved and Councilmember Putnam seconded the motion to adopt Resolution No. 2013-017 approving City Personnel Policies. Councilmembers Hulseley, Jones, McMahan, Putnam, Steiger, Walker and Guier voted in favor. The motion as amended passed.**

**Councilmember Hulseley Moved and Councilmember Steiger seconded the motion to amend by adding the Mayor Pro Tem to sign the resolution. The motion carried by unanimous voice vote.**

**L. Adoption of Resolution No. 2013-018, Authorizing the Mayor to Execute Letter to CIAW Regarding Extended Reporting Insurance Coverage for Wrongful Acts**

City Clerk/Personnel Manager Kirkpatrick provided staff report, noting that the Resolution authorizes the Mayor to bind extended reporting period endorsement coverage for wrongful acts with CIAW for a twelve or twenty-four month policy period.

**Councilmember Jones Moved and Councilmember Putnam moved to adopt Resolution No. 2013-018, authorizing the Mayor to execute letter to CIAW bidding Extended Reporting Insurance Coverage for Wrongful Acts for twelve-month policy. Councilmembers McMahan, Putnam, Steiger, Walker, Guier, Hulsey, and Jones voted in favor. The main motion as amended carried.**

Councilmember discussion ensued:

- Three year extension was denied by CIAW.
- Beneficial to cover elected and employees for the additional two years.
- Employees currently reluctant to file a claim may do so later on and two years would provide better protection.

**Councilmember Putnam Moved and Councilmember Walker seconded the motion to amend the Resolution for a Twenty-Four month Extended Reporting Insurance Coverage for Wrongful Acts in the amount of \$81,823. Councilmembers Putnam, Steiger, Walker, Guier, Hulsey, Jones, and McMahan voted in favor. The motion to amend as amended carried.**

City Attorney Luce recommended the letter by signed by either the Mayor or Mayor Pro Tem.

**Councilmember Putnam Moved and Councilmember Jones seconded the motion to amend by adding Mayor Pro Tem as signatory on the letter to CIAW. The motion to amend as amended carried by unanimous voice vote.**

**Councilmember Hulsey Moved and Councilmember Putnam seconded the motion to amend the Resolution, Section 1 by adding the words “Mayor Pro Tem to sign the letter.” The motion to amend carried by unanimous voice vote.**

**M. Approval of the January 28, 2013, City Council Meeting Minutes**

This item was brought forward for approval as Councilmembers Jones and Steiger were not present at the meeting.

**Councilmember Walker Moved and Councilmember Jones seconded the motion to approve the January 28, 2013 Council Meeting Minutes. Councilmembers Jones, McMahan, Putnam, Steiger, Walker, Guier, and Hulsey voted in favor. The motion passed.**

**N. Approval of the February 4, 2013, Workshop Meeting Minutes**

This item was brought forward for approval as Councilmember Walker was not present at the meeting.

**Councilmember Jones Moved and Councilmember Putnam seconded the motion to approve the February 4, 2013 Workshop Meeting Minutes. Councilmembers McMahan, Putnam, Steiger, Walker, Guier, Hulsey, and Jones voted in favor. The motion passed.**

**O. Approval of the October 22, 2012, Council Meeting Minutes**

This item was brought forward for approval as Councilmember Walker was not present at the meeting.

**Councilmember Jones Moved and Councilmember Putnam seconded the motion to approve the October 22, 2013 Council Meeting Minutes. Councilmembers Putnam, Steiger, Walker, Guier, Hulsey, Jones, McMahan voted in favor. The motion passed.**

**P. Discussion: Payment of Attorney Fees for the Mayor's Attorney**

City Attorney Luce provided a brief report on the status of the Mayor's attorney, Tyler Firkins, as follows:

- Issue of Attorney fees incurred for the Writ of Mandate. He noted that Mr. Firkins submitted a bill to the City approximately \$40-50,000, which included fees for working on the recall, legal advice on city matters, and the appeal costs on the Calkins civil service decision. The Court had ordered the City to pay reasonable attorney fees specific to the Writ of Mandate and to date Mr. Luce has not received a response from Mr. Firkins regarding separating out the Writ's associated costs. Mr. Luce noted that Mr. Firkins motioned the Court to discuss attorney fees on February 22, 2013, and as Mr. Firkins is out of the Country, it is likely that his assistant, Mr. Jarvis, may do the arguing.
- Discretionary review of the trial court's denial of the Mayor's motion to disqualify Kenyon Luce & Associates as counsel for the City. The Court of Appeals ruled that Mayor Sun' has not shown that review is warranted and denied review. The Court of Appeals further opined that there "...was nothing in the materials provided to the Court, beyond Sun's bald assertion, to suggest that Luce improperly influenced the City Council's selection of him as City Attorney." This decision came down after Mr. Firkin's filed his motion for attorney fees in all matters that he is representing the Mayor on.

Mr. Luce explained that the City is moving forward with the hearing on attorney fees, as well as going back to Court regarding the non-hiring of police officers, and other items that are in violation of his oath of office, which requires him to fulfill the mandatory obligation of his duties. Further, he estimated that of the \$40-50,000 Firkins attorney invoice, approximately \$10,000 was just on the Calkins appeal. His office is looking through the entire invoice submitted by Mr. Firkins to separate out the Writ of Mandate portion.

- Conflict of Interest and Public Records Requests. Mr. Luce explained that Mr. Firkins says he is not representing the City, but Court documents show he is representing the City of Pacific through the Mayor. Further, Mr. Firkins had

advised he would hold the failure to comply with Public Records Request in abeyance, then sends an email advising the City needs to file their response as he was moving that matter forward. Mr. Luce has asked for clarification on the Public Records Request suit, wondering if Mr. Firkins does represent the City how he could then submit an invoice for those costs. Mr. Luce recommended that the Council look at only paying for those matters associated with the Writ and pay nothing that has to do with Calkins appeal.

Councilmember discussion ensued:

- City Attorney Luce clarified that the Mayor is seeking reimbursement by the City for payments he has made to his attorney. Further, all billings to date have been redacted so it is unknown how much has been paid by the Mayor and when.
- City Attorney Luce clarified that the demand to have him removed is part of the writ of mandate in that he, Luce, violated the rules in conflict of clients. However, the Court ruled that the Mayor failed to understand that Mr. Luce represents the entity, not an individual, and it is difficult to give advice when the Mayor doesn't read his emails or says "hello".
- City Attorney Luce advised that he will be seeking clarification of Mr. Firkins' attorney fees for the Writ of Mandate as well as asking the Court for attorney fees in the Calkins matter on the 22nd.
- Would it be appropriate to have the City Attorney file a formal bar complaint against Mr. Firkins regarding his misrepresentation of the City Council. City Attorney Luce noted a bar complaint is a serious issue and there are options for the Bar Association to take under advisement when a complaint is made.
  - Bar complaints can be filed by anyone.
  - There are two areas of concern. The first is the Calkins matter where Mr. Firkins has claimed representation of the City of Pacific through its Mayor Cy Sun, and it was determined by the Court, appropriate for the Council to intervene. The other is Mr. Firkins' claim to represent the city in regards to Mr. Luce's potential conflict of interest.
  - Mr. Luce has spoken to Mr. Firkins several times trying to explain the gravity of the Council's position and that if directed a bar complaint could be eminent.
  - There is no best case scenario when a bar complaint is filed.
  - The Bar can reprimand, suspend, or disbar the individual.
  - There is no benefit to the City to file the complaint other than to hold Mr. Firkins accountable for his inappropriate actions.
- This issue has gone beyond the point of civility and a bar complaint may be the next step to take and the longer the Council doesn't take action continues to cost money.
- Some felt the Mayor was holding the citizens hostage and it was time to start fighting these issues.

**Councilmember Jones Moved and Councilmember Steiger seconded the motion that the Council directs the City Attorney to file a complaint with the Bar Association for misrepresentation of the City by Attorney Tyler Firkins. Councilmembers Steiger, Guier, Hulsey, Jones, McMahan, and Putnam voted in favor; Councilmember Walker opposed. The main motion as amended carried.**

**Mr. Don Thomson** noted that the Mayor will throw every obstacle he can at the Council regarding any further litigation and to be prepared for that to happen.

**Councilmember Putnam Moved and Councilmember Hulseley seconded the motion to amend that Councilmember Jones files the bar complaint with assistance from the City attorney as requested. The motion to amend carried by unanimous voice vote.**

City Attorney Luce left the meeting at 9:25 p.m.

**9. CONSENT AGENDA**

- A. Approval of Claim Voucher and Payroll Approval/September Financial Statement**
- B. Approval of the October 9, 2012 Council Meeting Minutes**
- C. Approval of the October 15, 2012 Workshop Meeting Minutes**

**Councilmember Hulseley Moved and Councilmember Jones seconded the motion to approve the Consent Agenda. Motion carried by unanimous voice vote.**

**10. EXECUTIVE SESSION – NONE**

**11. ADJOURN**

At 9:26 p.m. Mayor Pro Tem McMahan adjourned the February 11, 2013, City Council Meeting.

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Patricia J. Kirkpatrick, MMC, City Clerk

**CITY OF PACIFIC  
CITY COUNCIL**

**WORKSHOP MEETING  
February 19, 2013**

**City Hall ~ Council Chambers  
City Hall, 6:30 pm**

**1. MEETING MINUTES**

**Roll Call**

Leanne Guier, absent  
John Jones  
Tren Walker, absent  
James McMahan, Mayor Pro Tem  
Josh Putnam  
Gary Hulse  
Clint Steiger

Mayor  
Cy Sun, absent

**Staff Present:** Acting Public Works/Community Development Director Ken Barnett; City Clerk Patti Kirkpatrick; Finance Director Betty Garrison; and Lt. Edwin Massey.

Mayor Pro Tem McMahan called the meeting to order at 6:30 p.m.

**2. CHANGES/ADDITIONS**

Agenda Items Added:

4M Discussion: Staffing Realignment  
4N Discussion: Boeing contamination Issue  
4O Discussion: Citizen Request  
4D Update: Valentine Road Improvement Project – Moved to first item for discussion

**3. EXECUTIVE SESSION – NONE**

**4. AGENDA ITEMS**

**A. Update: Valentine Road Improvement Project**

Mr. Ted Hill, City Engineer for the City of Sumner provided a brief update on the Valentine Road Project, noting the project was in the right-of-way acquisition phase and requested the City of Pacific designate an authorized signatory for settled acquisitions along the Valentine Road.

Council discussion ensued regarding appropriate person to designate at the signee for right-of-way acquisitions, due to the opposition of Mayor Sun regarding this project. It

was suggested that the Acting Public Works Director and/or the Mayor Pro Tem be designated signees for the Valentine right-of-way acquisitions.

Direction: Council directed this item be moved forward to the next Council meeting by Resolution appointing the Acting Public Works Director as the designated signee for the Valentine Road Improvement Project right-of-way acquisitions.

**B. Update: Amending Pacific Municipal Code Chapter 2.28 Police Department – Re-Establish Police Chief Position**

Mayor Sun was not present at the meeting. Councilmember Jones provided a brief report regarding the authority for job descriptions, noting that in 2007 the Council adopted an ordinance for both a police chief and public safety director to be a part of the civil service commission. Further, the Mayor does not do the hiring for a Police Chief and/or Public Safety Director as it is done through the Civil Service Commission, rather the Mayor selects a candidate from the Civil Service list which is usually the top five candidates. This item and the proposed amendment to the Civil Service Commission are not necessary as nothing has changed. If the City chose to hire a new police chief it can only do that upon a vacancy as Mr. Calkins is grandfathered into the position until he leaves employment. That does not change and therefore the Council did not feel it was appropriate to change City Code. The Council could restructure this position, but not until Mr. Calkins is no longer in that position.

Direction: This item was not moved forward and the Council indicated they would not entertain further discussion on this matter.

**C. Discussion: Confirmation of Civil Service Appointment**

Mayor Sun was not present at the meeting. Mayor Pro Tem McMahan advised he had received an email from the Mayor regarding his appointment of Mr. Howard Erickson to the Civil Service Commission.

Direction: The Council declined to move this matter forward.

**D. Discussion: Amending Pacific Municipal Code 2.64 Civil Service Commission, Sections 2.64.010 and 2.64.020**

Mayor Sun was not present at the meeting.

Direction: This item was not moved forward and the Council indicated they would not entertain further discussion on this matter.

**E. Discussion: Utility Billing Clerk Assisting the Mayor During Regular Council Meetings**

Councilmember Steiger voiced concern that the Mayor was utilizing staff to assist him with his hearing impairment. He was concerned with using staff who is not experienced as a hearing impaired interpreter, where the funds would come from, and that after one year, the Mayor simply does not know how to run a meeting despite all attempts to assist him.

Council discussion ensued regarding the American Disabilities Act (ADA) and that the Mayor needs to follow the appropriate ADA recommendations such as a teleprompter, hearing devices, sign language, etc. Should the Mayor wish to pay a staff member overtime to assist him at meetings, that is within his scope; and as the Chief Administrator of the City he can run it as badly as he wants to so long as he stays within the approved budget.

Direction: Mayor Pro Tem McMahan would ask Council President to connect with the union in relation to whether assisting the Mayor at Council meetings is within the duties of that position. No further direction was given on this matter.

#### **F. Discussion: Planning Commission 2013 Work Plan**

Acting Public Works/Community Development Director Barnett noted that the planning commission serves as an advisory board to the City Council, and annually brings forward their work plan for the coming year for discussion and approval by the Council.

Direction: Council directed that this item be brought forward to the next regular meeting for approval.

#### **G. Discussion: Butte Properties Comprehensive Plan Map Amendment**

Acting Public Works/Community Development Director Barnett explained that after the Council had approved the Amendment, that State Environmental Policy Act (SEPA) review had not taken place prior to the public hearing. The City had no SEPA official on staff, so AHBL was assigned that task by Mayor Sun. After SEPA review by AHBL, they issued and noticed their determination, and a second public hearing was held by the Planning Commission at a special meeting on February 5, 2013, with a recommendation for Council approval of CP-11-002.

Discussion: Council directed that this item be brought forward to the next regular meeting to set the Public Hearing for March 11, 2013.

#### **H. Discussion: Approving Park Board Participation in 2013 Events**

Acting Public Works/Community Development Director Barnett noted that the Park Board shall provide such other services and studies as may be requested by the Council; in the past those have included participation in Earth Day and Pacific Days.

Council discussion ensued regarding liability insurance for these events, noting in the past when under CIAW, an insurance pool, the City provided event liability insurance. Concern voiced with whether or not the new insurance will cover these events

Direction: Council directed the two resolutions be moved forward and that the City Clerk will determine who is responsible for event liability insurance and estimated costs.

#### **I. Discussion: Final Approval of Pacific's Shoreline Master Program (CP-09-005, Resolution No. 1089)**

Acting Public Works/Community Development Director Barnett noted that staff, in conjunction with a grant-funded consultant from Parametrix, began working on an update

to the City's 1974 Shoreline Master Programs in 2010. After several reviews by the Department of Ecology and Planning Commission, it is being brought forward for Council review and approval.

Direction: Council directed that a letter accepting the updated Shoreline Master Plan be brought forward to the next regular meeting.

**J. Discussion: Requesting a Fund Transfer for Carner Meadows Project Improvements**

Acting Public Works/Community Development Director Barnett noted Carner Meadows was never completed per City specifications by the developer; as a result it now falls to the City to complete the project. Staff reviewed the uncompleted project and found that street lights and final paving is needed to complete it. The amount needed to complete the project should not exceed \$50,000 and the budget for street improvements has less than \$6,000 listed in the 2013 budget. Staff is seeking a fund transfer of \$50,000 in order to complete the required project improvements.

Direction: Council directed this item be moved forward to the next regular meeting.

**K. Discussion: Amendment No. 2 to Interlocal Agreement with City of Auburn for Web Hosting and Maintenance**

City Clerk/Personnel Manager Kirkpatrick explained that she had met with Auburn's IT web design team and discussed a new look for the website as well as the ease in which to upload information. It was recommended that the City pay the \$300 all inclusive web hosting and maintenance package for the first three months in order to allow staff time to make significant changes to their web pages. Once that was done, the contract would revert to the \$75 per hour rate as needed for assistance with larger items such as creation/links to new pages, etc. This will also allow department directors more time to determine who within their department will be responsible for updating their departmental pages.

Direction: Council directed that this item be brought forward with confirmation that the amendment will be for all inclusive web maintenance for three months at \$300 and then \$75 per hour, as needed, for remainder of the year.

**L. Discussion: Approval of Professional Services Contract for Records Management and Public Records Assistance in the City Clerk/Personnel Manager's Office**

City Clerk/Personnel Manager Kirkpatrick explained that this matter was discussed during the 2013 budget process, with Council stating to bring forward after the first of the year a proposal to contract for assistance in bringing the City Clerk/Personnel Manager's office current. Staff met with two potential candidates and selected Ms. Charlie Knoll to assist her with bringing the office current. The Contract amount is \$18.50/hour, not to exceed a total of 420 hours, with a total cost of \$7,770 needed to bring in the contractor.

Council discussion ensued noting a concern with confidentiality and asked that the Contractor sign a confidentiality agreement.

Direction: Council directed that this item be moved forward to the next regular meeting.

### **M. Discussion: Staffing realignment**

Councilmember Hulseley explained that for the last six months of 2012, the Public Works Shop was operating without a utility lead and recommended eliminating the funding until a job description could be worked out between the union and City for a Shop Foreman.

Council discussion ensued, noting the union was favorable to a Shop Supervisor who would have more duties and would be further discussed during the open bargaining session in April. Further, this was a good opportunity to realign the position to the City's current needs.

Direction: This item was moved forward with Councilmember Hulseley to draft the resolution for approval at the next regular meeting.

### **N. Discussion: Boeing Contamination**

Acting Public Works Director Barnett reported he received a memo from his staff regarding the Boeing contamination, noting the plume is moving north of Algona and to date, testing has not shown there is any contamination in Pacific's water supply.

Council discussion ensued in that Boeing chose not to community with the City of Pacific until last Friday, and asked Mr. Barnett to follow up with Boeing about being included in future notifications as we are a neighboring community.

Direction: Acting Public Works Director will work with Boeing to ensure the City is properly notified of future spills or contamination issues that may affect the City's water source.

### **O. Discussion: Citizen Request**

Acting Public Works Director Barnett received a request from Mr. Rich Hildreth who asked that the City return a photo and art work that was donated by a citizen.

Council discussion ensued regarding whether or not it was appropriate to return the items to someone other than the donator.

Direction: The Council directed that should the person who donated the artwork asked for it back, and the City was not using it, they would deal with it at that time.

Councilmember Putnam voiced his appreciation that the Treasurer provided overtime hours for the police department, noting it appears overtime is down as are infractions. Lt. Massey reported that the City of Kent was conducting background checks on one officer and it was likely we would lose that officer soon; that there is a concern regarding the increase in the number of property crimes and they are working internally to add a swing shift when officers are available to work it with the understanding they have to have at least one full day's rest for that week.

**5. ADJOURN**

At 7:42 p.m. Mayor Pro Tem McMahan adjourned the meeting.

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Patricia J. Kirkpatrick, MMC, City Clerk

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