

ORIGINAL

CITY OF PACIFIC  
CITY COUNCIL MEETING  
Date: February 13, 2012  
Council Chambers  
City Hall, 6:30PM

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MEETING SUMMARY

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

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

2. **ROLL CALL OF COUNCIL MEMBERS**

Tren Walker  
Leanne Guier  
Josh Putnam  
James McMahan  
John Jones  
Gary Hulse  
Clint Steiger

Staff present: Maria Pierce, Jane Montgomery, Paula Wiech, Lt. Massey, and Al Abuan.

3. **APPROVAL OF/ADDITIONS TO AGENDA**

1. Councilmember Walker would like to add under New Business an update on a personnel matter.
2. Maria Pierce asked to remove both sets of minutes. The City Clerk needs time to review them.

Councilmember Jones moved approval of the agenda as amended; Councilmember Putnam second; All ayes.

4. **AUDIENCE COMMENTS-**

1. Gerald McBreen- Poet Laureate- Mr. McBreen attended a Valentine day workshop at the White River Valley Museum on the 7<sup>th</sup> of February. He will be putting a poem in the City Hall lobby every month. He read his Valentine Poem to the Council and audience titled "Be my valentine".
2. Audrey Cruickshank- Thanked whoever was responsible for the yard debris containers which were brought in during the recent ice storm. She informed the Council that the St. Patrick's Day Parade information was sent to the schools so they could participate as well.
3. Reva Bryant- Ms. Bryant had an etiquette question. She wanted to know why there was a group of people that sit with their backs to the audience. She was referring to the staff table. Mayor Sun responded that if the audience increases, it is the City's responsibility to accommodate them and would like to accommodate them in a better manner. The City Clerk told her that the table had been moved to accommodate the larger audiences, but she will work on another solution to the problem.
4. Clarence Wilson- Mr. Wilson would like to see Council sit closer together in order to make more room.
5. William Broderson- Mr. Broderson commented on the group with the backs to the audience. The Mayor stated that the problem would be addressed.
6. Kate Hull- Ms. Hull asked for help to clean up the City Park. She was also hopes the Police Chief is not out on administrative leave for a lengthy period of time as was the case with another City who had an employee out for a year.
7. Don Duncan- Mr. Duncan told the Council that he was asked by Linda Morris to read a letter. He read the letter to the Council. Mr. Duncan stated he thought she should receive a commendation not a termination.
8. Don Thompson- Reads a letter that he gave to Mayor Sun. He asked the Mayor what direction he was going in and thought the Mayor had demonstrated hostility and a hostile work environment for Linda Morris. He believes the Mayor has caused undue stress to seniors and the handicapped and requested the Mayor's resignation.

9. Joanne Wilson- Ms. Wilson stated that during the last ice storm; no one informed the community that the Senior Center was open as a warming center. She just found out that Linda Morris had been terminated. She volunteered for the Community Center when Linda asked her. She is disappointed and is concerned about services. A volunteer resigned who was there for five years. She would like to talk to the Mayor.

## 5. **REPORTS**

A. Mayor- Mayor Sun stated that he is happy that attorney Ken Luce is here.
<b>B.</b> Finance- The Finance Committee has not met, however the bulk of work is on the consent agenda. Maria Pierce is working on year end items.
C. Court Statistics- In the packet.
D. Public Safety Department- Councilmember Jones asked to report on the event on Oakhurst Drive last week. Lt. Massey told him that it was a swat event handled by an outside agency. The Police Department had been informed and they were on standby in the event they were needed. The Lt. had sent the Mayor a memo about the event.
E. Public Works/Community Development Departments- Paula Wiech commented that she is doing the best she can to keep things going in the department. She is trying not to miss grant deadlines and is identifying and tracking projects. She looks forward to more stability.
F. Community/Senior/Youth/Services- No Report.
G. Boards and Committees South King County Transportation Board (SKTBD) No Report. Pierce County Regional Council (PCRC) – Councilmember Jones stated that there is a meeting this Wednesday. SCA – No Report. VRFA – Councilmember Walker reported on the Washington State ratings bureau for fire insurance ratings. The VRFA is ready to submit their information to the bureau but it is a 2-3 months process. Councilmember Walker will keep the Council and Mayor up to date. The City may be upgraded and that would be good news because there would be a drop in premiums. PW – Councilmember Jones stated there is a Public Works Committee meeting on February 6.

## 6. **OLD BUSINESS**

**A.** Park Board Appointments- Kate Hull introduced the nominees. She said that Cheri Cason stated she is very connected to the community. She thanked the Mayor for referring her to this committee.

Councilmember Jones moved to approve both candidates; Councilmember Hulsey second; the votes were as follows: All the votes were ayes.

Jonathan Myrick addressed the Council. He stated that he attends Auburn Riverside High School. He said that he loves music and the performing arts and is interested in getting into politics. He wants to see what has to be done to help a community. He also stated that serving on a Park Board would look good on his college application.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey	X	
Councilmember Steiger	X	

**THE MOTION CARRIED UNANIMOUSLY 7-0.**

**B.** Contract for Legal Services- Councilmember Steiger asked to be excused from the discussion. Mr. Luce has been his personal attorney. Councilmember Jones asked Mr. Luce who was in his law firm. Ken Luce stated that himself and his son Zachary who was in the audience. His son is a graduate of University of Puget Sound. Mr. Luce stated he was the City Attorney for Pacific in the past. He has been the City Judge in the City of Fife, and the City Attorney and Judge for the City of Milton. Currently, he does limited criminal work. Per the Cities contract the City will have access to his entire firm. They have Paralegals who the City can utilize and that will lower costs to the City. Council wanted to know if he has any conflicts with being the Attorney for Pacific. Mr. Luce stated he was not aware of any. There was discussion about his experience in Municipal Law. He stated he has experience and was last employed by a Municipality 7 or 8 years ago. Council wanted to know if he had Attorneys who dealt with land use issues. Mr. Luce stated that Doug Lineberry has experience in that area.

Councilmember Walker moved to approve; Councilmember Hulsey second;

Councilmember Walker commented that the rates are higher. Maria Pierce stated that we would have to do some monitoring. Councilmember Walker asked if a Paralegal could do the review of Ordinances and Resolutions. Mr. Luce stated no. If Mr. Luce is requested to be present, then the contract language should be changed if Council wants to require it. The Council discussed making it mandatory for the Attorney to be present at meetings. Mr. Luce is concerned about that being a burden to the City. The Council wanted to make a change to the current contract language. Councilmember McMahan wants to change section 4, #5 to state that both the Mayor and the Council President can approve the Attorney's presence at regular meetings.

Councilmember McMahan made a motion to make a friendly amendment; Councilmember Hulsey second; to state in section 4, #5; attend all regular City Council meetings, unless excused there from by the Mayor and the Council President; To remove "the other meetings" from the sentence.

The votes were as follows to approve the amended contract with Ken Luce:

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan		X
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulsey		X
Councilmember Steiger	abstained from the vote	

**THE MOTION CARRIED UNANIMOUSLY 4-2.**

## 7. **NEW BUSINESS**

Councilmember Walker stated that there is currently not an active search to replace the Public Works Director and the City Engineer positions. There are active projects on Butte Avenue, Valentine Avenue and Stewart Rd. He would like a status update on those positions and an update on the Public Safety Director position. The Mayor stated that he does not want to give an update on the matter at this time. The Mayor will give an update two weeks from now. Councilmember Putnam asked for an update from the Public Works Committee. Paula Wiech stated she is currently receiving emails from Jay Bennett and Jim Morgan's and she is concerned about projects that might be lost and is hoping for additional support.

Councilmember Walker is concerned about grants and tight timelines. He stated that if we do not meet the deadlines, the City will have to pay back 1.2 million. Councilmember Stieger commented that the Public Works Director position is urgent and he said that the City cannot wait two weeks. He stated that the City could hire a consultant and possibly the City of Sumner has a recommendation. Councilmember McMahan agrees that two weeks is too long to wait to be informed of the Mayor's plans. Council would like to compel action, however Councilmember McMahan would like to ask in a friendly way. Mayor Sun responded that he is working with the University of Washington for a Public Works consultant and will be speaking with their board. Mayor Sun stated that the infrastructure of the Cities roads is bad and he is currently looking for grants to service the road. He reported that the water and sewer systems are in bad condition. The pump station did not work in the last storm. He reviewed systems with Parametrix and sees deficiencies. He stated that he has experience in Engineering. He discussed water and sewer issues. The Mayor said that he conferred with Bob Boyd who stated that the majority of the street issues are underneath the surface.

Councilmember McMahan stated that it sounds like the Mayor is looking at engineering issues and not Public Works Director position. Mayor Sun stated that he should work on grants. He asked the Water Manager what will happen if the pump dies and he stated that we would start a new pump. Mayor Sun questioned him as to what guarantee does the City have that the 2<sup>nd</sup> pump will work. The Mayor stated that the sewer is seeping into the peat bog. He said he called the County to come out and inspect the issue, however no one came. He looked at the White River and was informed that the County wants to enlarge the White River. Mayor Sun said conferred with a retired Engineer who felt that would do incredible damage.

Councilmember McMahan wanted to know if the Mayor was trying to get a Director from the University of Washington. Councilmember Putnam stated that someone is needed to do the current grant paperwork. In general Council is concerned about the current road projects and who is taking oversight of them. Councilmember Walker asked if Mayor Sun was stating that an engineering company was taking care of reports. The Mayor stated that the reports could wait. The Finance Director commented that with grant paperwork there are status reports that the engineer and the director typically work together on to keep up on the status of the project. Tom Skillings told the council that he is working on the Stewart road project and is working with the Transportation Improvement Board engineer to make sure paperwork is filed and funding is intact. Councilmember McMahan asked whether it is normal to report it that way to the City. Tom replied that he always works with the City to make sure everyone is on task and there are no gaps. Dan McReynolds from Parametrix stated that there are some concerns on the grant for the Valentine Avenue project and he attended a CERB board meeting and at that meeting the joint partnership asked to extend the time frame. There is a key hearing in March to extend the deadline. Councilmember McMahan asked the City Attorney if Council has a way to compel the Mayor to action. Al Abuan directed Council to the Pacific Municipal Code which states that it is the Mayor's responsibility to fill the positions. In pursuant to the code, Council may ask the Mayor to fill the position, however Council cannot do any hiring if the Mayor does not. The execution of policies is the Mayor's responsibility. Al Abuan further stated if Council has passed Ordinances and the requirements are not met by the Mayor, then they have to list and identify them and get a punch list from the Mayor. Councilmember Steiger commented that he believes the plans the Mayor has with the University Of Washington are all well and good but that is long term. He stated that we need someone right now to step in and assist the City to make sure projects are on schedule. He further commented that he understands what Mayor Sun is

trying to accomplish, however he stated that right now the City needs to have to someone on an interim basis to make sure it all clicks together. Councilmember Hulsey would like check with the City of Sumner and ask for assistance from their Public Works Department. Councilmember Jones commented that this is a tough situation for employees. He recommends that the City have an interim person to oversee our portion of the grants as this is an urgent need. Mayor Sun stated that he has not fallen back on any payments on a contract. He is considering a consultant for the Public Works Department. Dan McPherson from Parametrix stated that the biggest danger is not having to pay back money from the CERB board. Tom Skillings of Skillings Connolly said yes he is working that problem. Anita Scroggins commented that offered people The City might consider hiring a person to write grants.

Action Taken: Move to the next workshop.

**8. NEW BUSINESS-No new business**

**9. ORDINANCES/RESOLUTIONS**

**A. Pay Range- City Clerk/Personnel Manager- Ordinance No. 1818-** Maria Pierce presented to Council at the February 6<sup>th</sup> Workshop the option to change the City Clerk/Personnel Manager's pay range. Councilmember's present at the Workshop had some concerns and asked to show where the money to fund the increase would come from. There will be an approximate increase in wage and benefits expenses of \$7,261. The allocation /cost for the City Clerk/Personnel Manager is as follows:

1. \$500 in postage savings in Finance Department.
2. Amount budgeted for utilities in the Parks Department are \$1,000 more than the past few years. It is estimated that a reduction of \$1,000 in the Parks Department budget can be made.
3. Computer support was budget in two areas. It is estimated that a reduction of \$5,000 in the Central Services budget for computer services can be made.
4. Water Fund      10%    \$726.00
5. Sewer Fund      10%    \$726.00
6. Garbage Fund    5%    \$363
7. Storm water     10%    \$726.00
8. General Fund    60%    \$4,357.00
9. Street Fund      5%    \$363.00

Maria Pierce stated she is comfortable to say that the funds are okay. She recommends that Council authorize an amendment to the adopted 2012 Salary Schedule and budget to reflect the City Clerk/Personnel Manager's pay to a range 25, step C.

Councilmember Hulsey moved to approve Ordinance No. 1818; Councilmember Jones second;

Maria Pierce stated that by June, she will know the revenues and expenses. She will study the pay range comparables for 2012 and will make an adjustment to present to Council. Councilmember Jones had a concern that this will not affect negotiations. Maria Pierce stated that the manager's pay issues are left behind.

Kate Hull- Commented that there are three additional Parks that the City is maintaining and that is why the utilities in the budget line were increased.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan		X
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulse	X	
Councilmember Steiger	X	

**THE MOTION CARRIED 6-1.**

**B. Ordinance No. 12-1823-** Adopting A Moratorium On The Establishment Of Medical Marijuana Collective Gardens

Al Abuan recommended that Council not let the moratorium lapse and to pass the Ordinance. There is a plan attached to the Ordinance.

The Council discussed permitting and zoning compliance issues with regards to the dispensaries. Al Abuan states that like any other zoning issue, this needs to go to the Planning Commission.

**Public Comments**

Russ Sorkness – Commented that medical marijuana is used for end of life patients.

As a natural drug, marijuana has proven to give them comfort. As a business owner, he is trying to start a dispensary. Customers would pick up the medicine and leave. In Seattle, there are some people who are doing things the wrong way; however wants to help patients.

Ken Scroggins- Commented that he is against allowing a medical marijuana dispensaries in the City of Pacific.

Angie Rand- Would like to hold off on passing the Ordinance.

Josh Putnam- Explained that the question is about adopting regulations to decide where Collective Gardens should be produced and time for that discussion. If the City doesn't adopt a moratorium we would be making rules without discussion. Paula Wiech stated that this is an ambitious schedule and she will try to follow through. This issue is scheduled to be heard at the February 28<sup>th</sup> Planning Commission at 6:00pm

Anita Scroggins- Is against a medical marijuana dispensary.

Councilmember Putnam moved to approve Ordinance No. 1823; Councilmember McMahan second; The votes were as follows: All the votes were ayes.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulse	X	
Councilmember Steiger	X	

**THE MOTION CARRIED UNANIMOUSLY 7-0.**

## 10. CONSENT AGENDA

*(The Mayor shall place matters on the Consent Calendar which are so routine or technical in nature that passage is likely.)*

Councilmember Jones moved to approve the consent agenda; Councilmember Walker second; All the votes were *ayes*.

A. Ordinance No. 12-1821- An Ordinance Of The City Of Pacific Washington, Amending Pacific Municipal Code Section 14.01.010 Utility Billing To Eliminate Customer Deposits, Add Lien Language, Update The Order In Which Utility Payments Are Applied, And Modify Language In Sections D, F, G, And H.

B. Ordinance No. 12-1819- Amending Regulations Regarding Water And Sewer Utility Leak Adjustments

C. Ordinance No. 12-1822 An Ordinance Of The City Of Pacific, Washington Amending Pacific Municipal Code Sections 14.48.050 Sewer, 14.88.030 Water, 24.16.050 Storm water, And Section 8.04.235 Garbage Regarding Reduced Utility Rates For Low Income Senior Citizen And/or Low Income Disabled Customers.

D. Resolution No. 12-1157 – Approving Expenditure For Month End Consulting Services/Utility Billing/ Gerina Dahl.

E. Resolution No. 12-1150- Authorizing The Mayor To Execute A Loan Agreement Extension With The State Of WA Dept Of Ecology For Financing Of The White River Storm water BMP

F. Resolution No. 12-1151- Accepting A Department OF Ecology Storm water Grant

G. Resolution No. 12-1152- Right Of Way Appraisals, for Valentine /136<sup>th</sup> Avenue Improvement Project.

H. Resolution No. 12-1153- Authorizing Execution Of Supplement No. 6- Skillings Connolly For Additional Engineering Costs Associated With Completion Of Phase I And Phase II Construction Documents For The Stewart Road/Thornton Avenue Improvement Project

I. Resolution No. 12-1154- Accepting A WASPC Grant For Traffic Safety

J. Resolution No. 12-1155- A Resolution Of The City Council Of The City Of Pacific, Washington, Accepting The Funds From A Cash Donation From Southend Senior Care

K. Resolution NO. 12-1156-A Resolution Of The City Council Of The City Of Pacific, Washington, Accepting The Funds From A Cash Donation From Soroptomists International Of Auburn.

L. Resolution No. 12-1148- Contract To Negotiate Extension On Current Solid Waste Contracts

M. The Minutes were pulled from the consent agenda.

N. Claim Voucher & Payroll Approval

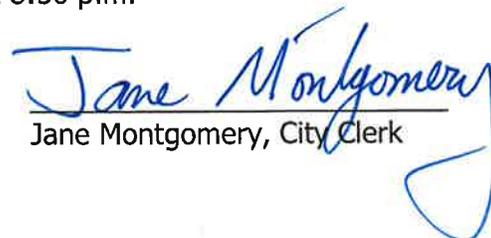
Payroll 2/03/12	Gross Amount: \$102,716.94
2/03/12	Payroll Deductions: \$ 33,769.92
	Total Payroll: \$136,486.86
2/07/12	Gross Amount: \$ 3,477.56
2/07/12	Payroll Deductions: \$ 344.19
	Total Payroll: \$ 3,821.75
Claim Nos. 39428 – 39531	\$ 555, 599.72
ACH Payments (341-348)	\$ 84,988.61

**11. EXECUTIVE SESSION-**

The City Attorney asked Council to suspend the rules so he could speak. Al Abuan stated that his contract was terminated by the new Mayor, Cy Sun. He spoke about the rule of law and why that makes this country unique. He stated he was thankful for his time serving the City of pacific. He informed the Council that it is not unusual to change Attorneys. He said his goodbyes and wished the Council well.

Councilmember McMahan moved to adjourn, Councilmember Walker second;

**12. ADJOURN-** Mayor Sun adjourned the meeting at 8:50 p.m.

  
Jane Montgomery, City Clerk