

ORIGINAL

**CITY OF PACIFIC
CITY COUNCIL MEETING
Date: February 27, 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 6:33 p.m. and led the Pledge of Allegiance.

2. ROLL CALL OF COUNCIL MEMBERS

Tren Walker
Leanne Guier
Josh Putnam
James McMahan
John Jones
Gary Hulsey
Clint Steiger- Absent

Councilmember Hulsey moved to excuse Councilmember Steiger; Councilmember Putnam and Councilmember McMahan are running late; Councilmember Jones second; All the votes were ayes.

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

3. APPROVAL OF/ADDITIONS TO AGENDA

1. Councilmember Jones added an Executive Session- Police Union Contract with the Mayor and Council present

Councilmember Hulsey moved approval of the agenda as amended; Councilmember Jones second; All the votes were ayes.

4. AUDIENCE COMMENTS-

6:42pm

John Jones-

Councilmember Jones addressed the Mayor, Cy Sun. He read a letter he had prepared in regards to the Mayor's statements about himself, Reva Bryant and Audrey Cruickshank at the Mayor's February 17, 2012 meeting. Specifically, he took issue with the Mayor's comment "The hate seed in the City of Pacific started when Reva Bryant, Audrey Cruickshank and John Jones went to the King County voting Commissioner, Julie Wise, to disqualify me from running as a write-in Candidate".

Councilmember Jones stated that he was slandered and labeled as a racist. Councilmember Jones denied the statements made by the Mayor and he told the Mayor that unless he received a written apology from the Mayor, he would seek legal counsel on filing a defamation of character/slander suit against him.

Ken Scroggins-

Mr. Scroggins addressed the Council and said that the City is broke. He stated that the Mayor is helping with the budget. He said he never has heard the Council try to cut back on anything. He said they should not burden the wagon but get out and pull it. He told Councilmember Hulsey that he had insulted every veteran when he called Cy Sun a liar and said that if he had any pride he would get up and leave the council chamber.

Reva Bryant-

Ms. Bryant stated that she was very upset regarding the Mayor's accusations against her. She stated that she has been in the City of Pacific for 40 years, and worked for the Auburn School District for 30 years. She stated that she was going to seek legal counsel in regards to what the Mayor had said about her. She is not okay with what he said and considers it slander.

Chris Bayron-

Mr. Bayron said he had heard the news about a councilmember being a felon and he wanted to know if a felon could serve on the Council. He wants to know if a recall can be done. He does not know who the felon is.

Audrey Cruickshank-

Ms. Cruickshank spoke to the Council and stated she was in attendance because according to the Mayor, she is one of the seeds that got the hate started. Ms. Cruickshank listed her qualifications, some of which were that she has been a registered voter since she was 20; has lived in Pacific for 70 years; walked the streets census in the 70's and donated money; served on the Park Board, and volunteered at the school. She stated she has been a volunteer all her life. She stated she has worked for her county and community, and she said she has no problem with peoples' nationality or religion. She stated she was upset with his statement. She addressed Councilmember Hulseley and understood that his record had been cleared up. She said many people who were in Vietnam suffered from post traumatic stress syndrome and to this day people are committing suicide because of what they saw.

Dennis Stevenson-

Mr. Stevenson said the he knows the Mayor has provided information to substantiate his claims, and he knows that Councilmember Hulseley had done bad things, and has paid the price. He stated that as a City we need to move on and grow and all of this is water under the bridge.

Lois Hulseley-

Mrs. Hulseley stated that she had been married to Frosty (Gary Hulseley) for 25 years. She stated that she received something in the mail and it was her husband's complete record. She said it was unnecessary as she knew everything already. She stated that her husband works hard for the city and in spite of his heart condition; he works very long hours. She stated that when he has a nightmare she gets up. She stated that when they go out to eat he has to sit with his back to the wall. She told the Council that her grandson is going to Afghanistan and she does not want him to go. She told the Council that at one time her husband had been hospitalized for PTSD and she said that there is no cure for it and a person has to learn to live with it. She said she wondered who would have been so petty to send her his papers in the mail.

Barbara Sun

Mrs. Sun said that when she attended her husband's first workshop as Mayor, Mr. Sun was accused by Gary Hulseley of not having his medals. She now admires Councilmember Hulseley for the fact the he did apologize. She is sorry about how Reva Bryant, John Jones and Audrey Cruickshank feel about Cy saying they planted the seeds of hatred, but she stated that Reva, John and Audrey did go to the Elections Committee and Cy did receive an email from the Elections Committee stating that they were trying to negate him. She told Councilmember Hulseley that she was glad she knows him and she stated that she and the Mayor did not do anything to hurt him. She said the paperwork mailed out did not come from the Mayor or herself.

Jane Adamson-

Ms. Adamson told the Council that she is a member of VFW. Ms. Adamson stated that if everybody took a page out of Gary Hulseley's book, it would be a heck of a world right now. She stated Councilmember Hulseley was honorable and he cares. She stated that Gary Hulseley had dedicated his life to helping others, in the Marines and the VFW. She said that there is not a one of us who does not have a bad spot.

Gary Gieesen-

Mr. Gieesen stated that he has known Councilmember Hulsey for 15 years. He said that Gary Hulsey has helped the community, and when first flood came he was the first person to get there. He feels he has paid his dues.

Reva Bryant-

Ms. Bryant said that she initially contacted Mayor Sun as numbers did not add up. The woman in charge of the Elections Committee had asked to see the emails that she had made with him. She stated that someone said that she and Audrey Cruickshank are on a recall petition and she said that she is not on that petition.

Anita Scroggins-

Ms. Scroggins said that she would like to see this negative energy of hatred put toward good use. She said it is expensive to the city and because of it many have left us. She said there are good suggestions that can come from the citizens. She said she did not want to say much, but thought maybe Pacific should just annex with Auburn or Sumner.

5. REPORTS

A. 7:02 –Mayor – Mayor Sun asked the citizens to forget and move on. Mayor Sun went to Councilmember Hulsey’s home and they talked and buried the hatchet. There is nothing more to argue about and he wants to work on the future.

Councilmember Hulsey commented that he did have a long talk with Mayor Sun. He stated that they had resolved the issues between the two of them. He did spend time in prison, and took a life and served his time. He stated he had his rights restored in 1992. He has tried to work in the community. He would like Pacific to become a place where we can live and grow. If citizens do not feel he can contribute, he will leave. Before he took the job as a Councilmember he sat down and explained it. He does not hide from what he did but he said he will not tattoo it on his forehead. He thanked the Mayor as well.

B. Finance – The Finance Committee has not met. Maria Pierce is working on year end close out.

C. Personnel Manager- Current Recruitments- The Community Services Director position was discussed. The Personnel Manager is currently recruiting for this position.

D. Court Statistics- No Report.

E. Public Safety Department- No Report.

F. Public Works/Community Development Departments- The Public Works Committee meeting is held the first Wednesday of the month. Dick Egoff will want to be there. The IT meeting will be held on March 7th at 6:00 p.m.

G. Community/Senior/Youth/Services- No report.

H. Boards and Committees

South King County Transportation Board (SKTBD)

Pierce County Regional Council (PCRC) – Pierce County Transit will hold an open meeting.

Councilmember Jones will communicate that date with the City Clerk so the date can be posted and put on the City website.

SCA – No Report

VRFA – No Report

6. OLD BUSINESS

A. Discussion- Public Works Department/Staffing/Projects- 7:17pm

Councilmember McMahan is still concerned about vacancies in the Public Works Department. There is currently no City Engineer, Code Enforcement or Public Works Director and he is not happy with no recruitment efforts. He is skeptical with University of Washington's efforts. Councilmember Walker stated that there is a list of projects in the packet.

Mayor Sun commented that he is still working on the infrastructure; water, sewer and storm systems and other issues. He has been out on the streets and sees the problems. Mayor Sun invited the Council to take a 1/2 day off to come see the problems. He would like University of Washington students to work on the City's systems as money is hard to come by. The Mayor's priority is to repair the streets first. On a weekend, the Mayor would like Council to tour the City to see the problems. He wants to get these problems worked with the State, County and Federal Government. The Mayor is concerned future availability of water to the citizens and the monies for repair of systems. He believes the City can go to the State with a study.

Councilmember Putnam is still concerned that the City is in danger of not meeting grants for the Stewart Road project. Mayor Sun stated the City is not at risk. He has read the whole project and believes the design for Valentine Avenue is faulty. He has spoken to Skillings Connolly and Parametrix. Everything is on budget and on time. Maria Pierce stated that the City is not late on paying consultants or contractors. Maria Pierce stated the Council wants updates. Councilmember Putnam commented that someone has to do a status report on the granting project. The Mayor responded that is why he wants the Council to go out on a tour with him. Councilmember Putnam wants a status of grants so money is not pulled from us. The Mayor said he will appraise them.

Councilmember Walker asked why the engineer from Parametrix was not present at the meeting. Mayor Sun responded that they were not here because the design is inadequate. Councilmember Walker stated that if projects are going to stop, then the money goes away and if they do stop, we need to do it without paying \$500,000. The Mayor stated that it is in acquisition right now.

Maria Pierce stated that the CERB grant does have a deadline by April 2012 for construction at the end of the year. She has worked with Mike Dahlem to extend the contract. At this point, the City of Sumner and Pacific want to extend the deadlines. The Mayor wants to make sure this is reported at the workshop and the Public Works Committee. The Mayor stated that the City is not in jeopardy as far as forfeiting our responsibility. He is working with Skillings Connolly and is confident in seeing projects completed on Valentine Avenue and Stewart Rd.

7. NEW BUSINESS

A. Resolution No. 12-1158- A Resolution Of The City Of Pacific, Washington, Authorizing The Execution Of The Stewart Road Preload Project Change Order #2

Gerry Smith from Skillings Connolly is the Construction Manager for the preload on Stewart Road. He informed the Council that the work is done and they are measuring. There is a change order and it is a delay claim. The utility companies could not get out of the way and Reed Trucking was delayed in December and January for 9 days. Reed Trucking believed it was 13 days. He tried to negotiate it with them, however they will not talk. His request for impact costs is \$32,876.96. Mr. Smith reviewed the analysis of the dispute and compensation.

Councilmember Putnam moved to approve Resolution No. 12-1158; Councilmember Jones second;

Councilmember Hulsey asked Gerry Smith if he was confident in materials out there. Gerry Smith replied that he was confident in materials. Councilmember Jones asked about the delay related to PSE and Century Link and if there was any consequence on their part and if the City had any recourse. Gerry Smith replied that the Mayor and he met with them and they had excuses; however any pursuit will cause more delays and they need more right of way in the future. Mr. Smith said at this point it is beneficial to get along with them. When Gerry met with Reed Trucking it was determined that his variable cost were too high. Mr. Smith has settled on a price that he feels is fair. He feels Reed Trucking will accept the price. The offer is \$9,000 lower than what Reed Trucking had asked for. The Mayor feels they will not go to court over \$9,000. Gerry Smith stated that he is doing an equitable settlement. That is what the contract reads.

Councilmember Walker asked what liability Skilling Connolly has. Gerry Smith stated that they did not do anything and Reed Trucking worked hard to work around it and there is no liability. Councilmember Walker asked if the City could have avoided this. Gerry Smith replied that they negotiated this a year ago, but there had been change orders. The Mayor said that he has put together a master schedule. The Mayor stated that part of the problem was due to projects not being managed. He wants to coordinate the entire project so this will not happen again. He plans on talking to Parametrix and Skillings Connolly. The Mayor says he will show the problem and then he will come around and give a solution to stop the problem. He does not like that this happened. The City Attorney was asked if signing off on this puts the City at risk and he was told no. The City Attorney stated that the Engineer can make a decision. It seems to Mr. Luce that this is a full and complete settlement. The Engineer can make an equitable judgment and he has no difficulty with that. The burden is on Reed Trucking to show they are entitled to an additional amount. The City can be sued by Reed Trucking but by paying the amount, the risk is lessened by paying it. The Council wanted to recess for 5 minutes so the City Attorney could talk to the Mayor about protocol issues.

Council was recessed for 5 minutes at 8:30 p.m.
8:35pm- back in session

The Council began talking again about the negotiation with Reed Trucking. Councilmember Walker asked Ken Luce if the debt belongs to the utility. Mr. Luce's belief is the City has to go to PSE and Century Link in the future for City business. If Council votes no, it may affect future acquisitions. Councilmember McMahan is worried that the City attorney has not fully reviewed the contract. Ken Luce stated that he believes the City would be in a better position if they pay it. If Reed Trucking comes after the City for the rest, then the City could go after PSE and Century Link. This is his recommendation however he does not set the policy. He wanted to clarify that he is not the Mayor's attorney but the City's attorney.

Public Comment: No Comments.

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

THE MOTION CARRIED UNANIMOUSLY 6-0.

8. ORDINANCES/RESOLUTIONS

A. Resolution No. 12-1159- Authorizing use of Hotel/Motel funds
Leanne Guier

Councilmember Walker moved to approve Resolution No.12-1159; Councilmember Jones second; the votes were as follows: All the votes were ayes.

Councilmember McMahan asked if the Hotel/Motel Committee has formally recommended the Resolution. Councilmember Guier stated that they have.

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

THE MOTION CARRIED UNANIMOUSLY 6-0.

B. Resolution No. 12-1160- Approving the 2012 Planning Commission Work Plan

Paula Wiech stated that the Planning Commission annually prepares its Work Plan for City Council review. The recommendation is for Council to approve the 2012 Planning Commission Work Plan.

Public Comment: Jeanne Fancher approves the Resolution.

Councilmember Putnam moved to approve Resolution No.12-1160; Councilmember Jones 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		absent

THE MOTION CARRIED UNANIMOUSLY 6-0.

9. CONSENT AGENDA

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

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

1. Ordinance No. 12-1820- An Ordinance Of The City Of Pacific, King County, Washington, Establishing And Authorizing A Traffic Safety School To Be Administered In Conjunction With The Pacific Police Department And The Pacific Municipal Court. Under The Provisions Of Chapter 46.83 Of The Revised Code Of Washington.

Councilmember McMahan asked Lt. Massey Question if this Ordinance had already been done before. Lt. Massey stated that it had not and stated that Judge Rochon brought up the issue that an Ordinance was necessary to make it 100% legal.

2. Resolution No. 12-1161- Approving The Park Boards Participation in the 2012 Pacific Day's Event.

3. Resolution No. 12-1162- Approving The Park Boards Participation in the 2012 Earth Day Event.

4. Meeting Minutes from January 23, 2012, Workshop Minutes from February 6, 2012, Meeting Minutes from February 13, 2012.

5. Claim Voucher & Payroll Approval

Payroll	2/17/12	Gross Amount:	\$ 87,928.61
	2/17/12	Payroll Deductions:	\$ 29,047.24
		Total Payroll:	\$116,975.85

Claim Nos. 39422 – 39527 (employee paid benefits)	\$ 36,221.42
39532 (majority of this expense reflected in payroll)	\$ 4,788.73
39533 (employee paid benefit)	\$ 50.00
39534 – 39601	\$102,793.59
Total Claims	\$143,853.74

Council Pulled the minutes of the February 21st, and the Altus traffic Management Invoice- Check # 39536.

Tren Walker made a motion to refund Mayor Sun's deposit on the rental of the gym for his February 17, 2012 meeting. He felt that because Councilmember Hulsey's comments were made during a City Council meeting that the fees should be waived because this was City business. The City Attorney stated that he thinks it should stay as is. Councilmember Walker withdrew his motion.

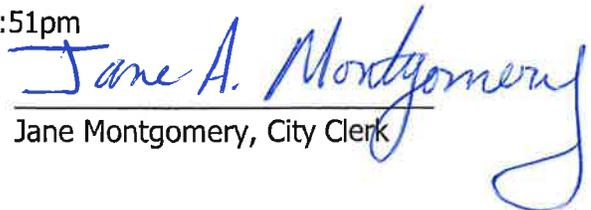
Councilmember Walker made a motion to approve the amended consent agenda, Councilmember Jones second; All the votes were ayes

10. **EXECUTIVE SESSION-**

Council went into executive session for 10 minutes to discuss the Uniformed Officers Union Contract at 8:30 p.m. Council asked for 10 more minutes. City Council meeting back in session at 8:50 p.m.

Councilmember Hulsey moved to recess the meeting until next Monday. Councilmember Jones second;

11. **ADJOURN-**Mayor Sun continued the meeting at 8:51pm


Jane Montgomery, City Clerk