

ORIGINAL

**CITY OF PACIFIC
CITY COUNCIL MEETING
Date: March 12th, 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 6:33pm 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, Sgt Jim Pickett, and Ken Luce.

3. APPROVAL OF/ADDITIONS TO AGENDA

1. Tren Walker - Council Rules of Procedure. – New Business
2. John Jones- Union Contract- Old business
3. Tren Walker- Job Descriptions, Public Works Director, Community Services Director and City Engineer under Council business – New business
4. Tren Walker- Hansen Litigation- Old Business.

Councilmember Guier moved approval of the agenda as amended; Councilmember Walker second

4. AUDIENCE COMMENTS

Reva Bryant-

Ms. Bryant asked the Mayor to apologize for accusations that he made about her at his February 17, 2012 meeting. She asked for him to make an apology and put it in the Auburn Reporter. She considered his comments to be slander. She asked to verify his date of birth and she stated that she had not slandered him but stated that as a voter she has the right to ask for clarification.

Carol Aguilar

Ms. Aguilar commented that she was thankful that some members of the City Council would be participating in the St. Patrick's Day Parade as this is good for the community. She stated that everywhere she goes she hears negative reports about the City and this is a positive event. She said that the Community at large has not met face to face with the City Council members. She asked Mayor Sun to be the Grand Marshall.

Jeanne Fancher

Ms. Fancher reminded everyone that Earth Day is on April 21st, and that the City Council had approved participation by the Parks Board members. She encouraged involvement as this event is dependent on Volunteers. She stated that at last year's event; 2 tons of trash was picked up. She encouraged Council participation and told the Council events like this allow them to be seen as real human beings. She is all about promoting communication and urged the Council to think about what can be done to improve communication with the citizens of Pacific. She also urged everyone to get to know each other and work together. She encouraged a positive attitude and living the golden rule.

5. REPORTS

A. Mayor- No Report
B. Finance- No Report
C. Court Statistics- In Packet
D. Public Safety Department- No Report.
E. Public Works/Community Development Departments – John Jones stated that they had met last Wednesday and had a full group. The mayor attended along with all three of the City’s engineering firms, Mike Dahlem from the City of Sumner and Dick Egolf from the Department of Transportation. There was a good discussion about Stewart Road, issues about the gas station, and WSDOT requirements.
F. Community/Senior/Youth/Services- No Report
G. Boards and Committees South King County Transportation Board (SKTBD) – No Report Pierce County Regional Council (PCRC) –No Report SCA – Councilmember Guier had attended the PIC meeting, and the members had voted to endorse changing Marijuana from a schedule 2 drug to a schedule 1 drug so that it can be delivered by a prescription. VRFA – No Report

6. OLD BUSINESS

6:46pm

1. Union Contract Mediation

Councilmember Jones has talked with Elaine Bartucci, attorney, and with the City attorney, Ken Luce, about the City’s concerns position on the Uniformed Contract. Ms. Bartucci would like to meet the full Council at an executive session. She also plans to meet with the Union prior to mediation. He wants an executive session at the next workshop and it will be lengthy.

2. Hansen Litigation

Councilmember Walker stated that at the last workshop Mr. Luce gave the opinion that Al Abuan should continue to litigate the Hansen matter. He wanted to know why it had been pulled from the agenda as Council had moved it forward. Mr. Luce stated that he had recommended that Al abuan handle this as it would be cost effective. The Mayor has indicated to him since the last meeting that he would like Mr. Luce to handle it and he stated he had not had a chance to discuss this with the Mayor yet. Mayor Sun said that he needed more time to talk about the matter as he would prefer to settle this out of court. The Mayor made some additional comments and Councilmember Walker felt he was treading into legal matters and asked the City Attorney to caution the Mayor in this regard. The City Attorney stated that Mr. Hansen had called him directly and he could not talk to him because the normal process would be a legal appeal. He plans on further discussion with the Mayor. Councilmember McMahan wanted to know if it had to be discussed at the meeting and the City Attorney indicated that it did not. Council decided that further discussion on the matter would not be advisable and they would continue the discussion in an executive session at the next meeting. Council also advised that any further discussion with Mr. Hansen should go through the City’s attorney.

7. NEW BUSINESS

1. Job descriptions

Councilmember Walker does not know if there is an Ordinance that says the City Council has to approve job descriptions; he would like that to happen. The Mayor stated that he would like to find a public works director first, get input from the person he likes and then submit a job description to the City Council. He stated he plans of changing things so that he can establish a control system. He stated he has gotten positive feedback from the City's engineering firms. He is doing this because he would like to eliminate engineering changes that can be costly. He stated that he has interviewed a number of candidates for a position in the Public Works department. He has gleaned information from his talks and will use this when he composes his job description. Councilmember Walker asked to move this discussion in regard to job descriptions for the Public works Director and City Engineer job description forward to the next workshop.

2. Council Rules of Procedure

Councilmember Walker handed out a revised copy of the Council Rules of Procedure. He discussed his proposed changes and got feedback from Council. He asked the City Clerk for feedback on deadlines for agenda items. The Council wants this on the next workshop again for discussion.

8. ORDINANCES/RESOLUTIONS

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 Steiger would like to pull the workshop minutes from March 5th for discussion which is Item 9.2 and also Item 9.1 Water leak at Cobble Court.

Councilmember Walker wanted more information on the \$1276.00 restock fee, for the items not used on the Police vehicles. Sgt. Pickett stated that the equipment was not purchased but he did not have the information with him as to the total cost. The Finance Committee will follow up on this.

Councilmember Putnam made a motion to approve the amended agenda and Councilmember Steiger second; All the votes were ayes.

1. Approval of Water Leak Adjustment for Cobble Court.-

2. City Council Workshop Minutes of February 21st, 2012, City Council Meeting - Minutes from, February 27, 2012; City Council Continued Meeting of February 27, 2012, City Council Workshop Minutes of March 5th, 2012.

9.1 Leak Adjustment.

The Finance Director explained the request for approval of a water leak adjustment for Cobble Court. She stated that this was an item from last week. She said that Cobble Court had a leak in three of their meters. The policy says to take two different years to compare usage which she did. She read the adjustments to the Council. There was discussion about this being the same account but leaks identified for three different meters. It is her understanding that leaks should be allowed per meter not per customer. She stated the system is an umbrella but meters can be different.

Audience Comments

An unidentified citizen asked why there was a fine for a water leak. The Finance Director stated that it was not a fine but a credit to the account.

Councilmember Putnam made a motion to approve the water leak adjustment; Councilmember Hulsey second; All the votes were ayes.

9.2- Council Minutes- All the Minutes pulled off but the only minutes discussed were the minutes of the March 5th Workshop. Councilmember Steiger stated that he wanted to review the March 5th, Workshop minutes. He said that the Mayor had stated that in that meeting that Noffke had the Chief backing them up. Councilmember Steiger wanted it noted that he had responded to that comment during the meeting by saying that the Chief had asked to be removed from that decision. He would like that reflected in the minutes. The City Clerk will review the tape and amend the minutes to reflect the request.

Audience Comments

Matt Noffke wanted to know who was in charge of assigning the tow company. He also wanted to know the definition of local business.

Mr. Luce, the City Attorney introduced his son Zach Luce; who reviewed this issue. Zach Luce addressed Mr. Noffke and the Council. He stated that he wrote a brief; there were multiple issues. He stated that there is no definition of local in Resolution No. 709, passed by Council. It speaks about agriculture and manufacturing but does not provide for services. Towing is a service. Towing does not fall within an ordinance. Towing may not even be applicable.

Councilmember Putnam asked if they should fall back to the RCW. The RCW states that the Chief has the authority, but even that is not a good analogy. James McMahan stated that there is a Chiefs position that is not filled or funded and John is a Public Safety Director. The City Attorney asked the question, does the ordinance apply in this case and then he said that no, it does not apply. He spoke about a case from DesMoines versus Petersen. He said that the question is, if the city can adopt a resolution to hire only one tow company. In this situation he said the question is who is in charge. He said for now the Mayor is in charge so he has the authority until such time and if, council changed the policy. Councilmember Jones asked if the Council wanted to discuss the purchasing resolution and try to define what local is. He asked Sgt. Pickett to provide him with the latest letter from the Mayor in regard to towing. He thinks the Mayor has authorized towing on a rotation basis. Councilmember Putnam suggested that they repeal the definition of police chief. He would like that chapter of the code updated and brought back to the Council. Councilmember Jones wanted to bring the issue to the Public Safety Committee and then bring it back to the Council They will let the City Clerk know so she can bring it back.

Councilmember Jones wanted to know what the situation was with John Calkins. He stated there needed to be an end point. The City Attorney stated that the City's insurance company has been in contact with the Mayor and him, and they anticipate that in the next week or two; the matter will be brought to a conclusion.

9.3 Approval of Payroll for periods of March 5, 2012, through February 29, 2012, and Claim Voucher f or February 14, 2012 through March 12, 2012.

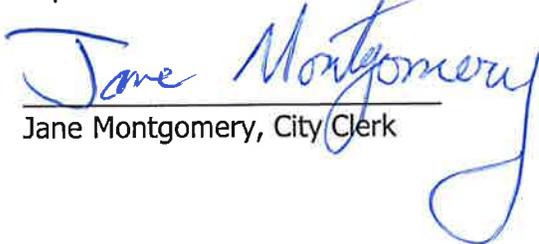
Payroll	03/05/12	Gross Amount:	\$ 85,042.96
	03/05/12	Payroll Deductions:	\$ <u>28,540.48</u>
		Total Payroll:	\$113,583.44
Claim Nos.	39602 – 39606 (employee paid benefits)		\$ 3,274.55
	39607 (majority of this expense reflected in payroll)		\$ 32,534.43
	39608 – 39663 Claims		
	\$137,821.92		

	39664 – 39676 Claims	
\$348,245.05		
50.00	39677 (employee paid benefits)	\$
	39678 Claims	
\$141,516.16		
	Claim Nos. 354-355 Federal Taxes (Employer Portion included above)	\$
<u>21,314.53</u>		
	356 (majority of this expense reflected in payroll)	\$
<u>9,641.77</u>		
	Total Claims	
\$694,398.41		
<u>Budget Impact:</u> Payroll and Claims for the above period total		\$807,981.85
<u>Recommendation:</u> The Finance Director recommends approval of the Payroll and Claim Vouchers lists through the approval of the consent agenda items.		

10. EXECUTIVE SESSION

Councilmember Walker moved to adjourn, Councilmember Jones second.

11. ADJOURN-Mayor Sun adjourned the meeting at 7:39pm


 Jane Montgomery, City Clerk