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**CITY OF PACIFIC
CITY COUNCIL MEETING**

**Date: March 26, 2012
Council Chambers
City Hall, 6:30PM**

ORIGINAL

MEETING SUMMARY

1. CALL TO ORDER AND FLAG SALUTE

Mayor Cy 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

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

Councilmember Jones moved to excuse Councilmember Steiger who is out due to medical reasons; Councilmember Hulsey second; All the votes were ayes.

Staff present: Maria Pierce, Angelica Solvang, Lt. Massey and Ken Luce.

3. APPROVAL OF/ADDITIONS TO AGENDA

1. Councilmember Jones requested a report on the investigation of John Calkins and a conclusion to the investigation. City Attorney Ken Luce stated there will be a report presented to Council for their review at the next Council workshop.

2. Councilmember Guier added an executive session for 15 minutes to discuss the Public Works/Clerical Union contract.

3. Maria Pierce asked that the March 19 Council meeting minutes be pulled from the agenda for further review. Councilmember Walker requested to continue tonight's meeting to next week to allow time to review the consent agenda.

4. Councilmember McMahan asked if there was a report from Mr. Luce regarding the U.S. Constitution, Article I, Section 6, Clause 1. Ken Luce states it will be available at next workshop.

All the votes were ayes.

4. AUDIENCE COMMENTS-

Carol Aguilar-

Ms. Aguilar thanked Councilmember's Guier, Hulsey, Putnam, Walker and Steiger for their participation in the St. Patrick's Parade. The Mayor of Sumner and the members of the Auburn Chamber of Commerce were in attendance; however she was disappointed that our own Mayor was not at the event although Barbara Sun was in attendance. Mrs. Aguilar had a concern that the Civil Service Commission and other vacant positions in the City were not being advertised. She encouraged the Mayor to keep government business transparent and available to all qualified candidates and not a few select people.

Reva Bryant

Ms. Bryant submitted a letter to Mayor Sun, Council and the Auburn Reporter asking for an apology from the Mayor. She asked that the letter be part of public record. The letter will be attached to the official minutes.

Audrey Cruickshank

Ms. Cruickshank submitted a letter to Mayor Sun, Council and the Auburn Reporter asking for an apology from the Mayor. She asked that the letter be part of public record. The letter will be attached to the official minutes.

Gary Nitschke

Mr. Nitschke stated that it takes him 15 seconds to sprint from his door to the Community Center. He applied for the Community Serviced Director position and had submitted his application on time. He feels there are equal opportunity issues. He received a letter last week that he was not selected for the position. He brought stacks of documents to the City Clerk, Jane Montgomery, which showed his hours of volunteer hours. He states that Jane Montgomery informed him that even though he has invested hours of volunteer service to the Community Center, the volunteer hours do not necessarily qualify him for the position. Mr. Nitschke contends otherwise and states volunteers have saved the City hundreds of dollars.

Kate Hull

Ms. Hull would like to remind Council that on April 21st, the Park Board will have an Earth Day event and will have a king or queen of trash. They have received a two thousand dollar donation from Metals Express in order to buy t-shirts, food and various items. She expects around 100 people to attend and clean up the park. Geocaching will be an event for the younger members. Councilmember Hulsey states he can provide a truck to help haul trash.

Jeanne Fancher

Ms. Fancher stated that Valley Recycling will donate a recycle bin for the park and she is in contact with King County roads to see if she can get a crew to clean up the two roads that go up and down the hill because some of that trash ends up in Pacific and West Valley Hwy.

Councilmember Guier thanked Carol Aguilar, Pacific Partnerships and the Senior Center for putting on the parade for the City of Pacific.

5. **REPORTS**

A. Mayor – There was no report.
B. Finance – Maria Pierce stated the Finance Committee will meet tomorrow night. Several items on that agenda will be brought to Council workshop.
C. Court Statistics – In the packet.
D. Public Safety Department – No report.
E. Public Works/Community Development Departments – No report.
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 – No report. VRFA – No report.

6. OLD BUSINESS 6:47 p.m.

A. Civil Service Commission Candidate- Howard Erickson-
Councilmember Putnam moved to approve Howard Erickson to the Civil Service Commission; Councilmember Walker second;

Councilmember Jones has a concern that these openings are not being posted and the City is not seeking out additional candidates from the community. The City needs to go through the process and allow all citizens in the community the opportunity to apply for these boards and committees. Councilmember Guier states she will be voting no, because she is aware of other people in the community that have expressed interest in participating in the government part of the City, and they did not know there was a vacancy. She stated that the Council never had the opportunity to get the word out to the people that were interested.

Councilmember Hulseley moved to postpone until such time that the position can be posted and more applications accepted; Councilmember Jones second;

Ken Luce, the City Attorney stated the Council Rules of Procedure that apply to vacancies on Boards and Commissions. He stated that they state that the Mayor will interview and select nominees and present candidates to the City Council for appointment. When a candidate is presented to the Council, an application should be submitted and any other pertinent paperwork. The Attorney stated that the rules say no appointment will be considered without the above mentioned paperwork. The City Attorney, Ken Luce, stated that under this rule, there is no requirement that the vacancy be posted other than the position be filled by the Mayor after interview and selection. If Council chooses to extend the time, they Mayor does not need to do anything according to the present rule, and he can re-submit it if he so chooses. If Council chooses to have more applications, then Council must reject the nomination which starts the process over again.

Councilmember Hulseley withdraws his motion; Councilmember Jones seconds it.

Councilmember Guier calls for a vote to approve Howard Erickson for the Civil Service Commission Candidate; All opposed – The motion failed.

7. NEW BUSINESS 6:53 p.m.

A. City Engineer- Temporary Hire

Maria Pierce stated that last week Brian Coleman introduced himself to Council and has met with the Mayor. The Mayor has agreed that he would like to hire Mr. Coleman to fill a temporary employee position for the City Engineer position. There are several street projects the City has underway and it is in the City's best interest that the Mayor has a part time Engineer to assist with these projects. This would be at a lesser rate than what the City would pay an engineering firm. An application and resume were submitted. This position is being proposed for approval as a temporary employee to be paid at \$30.00 an hour and hours not to exceed 30 hours a week. The Personnel Manager has advertised for the City Engineer position and applications are due this Friday and will be reviewed. The goal is to have someone in this position by the end of April.

1st Motion-Councilmember Putnam moved to approve Brian Coleman as a temporary hire; Councilmember Jones second;

Councilmember Jones would like to see a time limit on the contract terms. Councilmember Walker would like to use the same job description that is currently in place for this position.

2nd Motion-Councilmember Hulseley moved to amend the motion to include "until the position is filled permanently". Councilmember Hulseley withdraws the motion to amend.

3rd Motion- Councilmember Putnam motioned to amend the motion to read "Council approve the Mayor to hire Brian Coleman as a temporary employee under the present job description for an Engineer not to exceed 32 hours a week at the rate of \$30.00 an hour until June 30th, 2012 or until the complete hiring process for City Engineer can be completed, whichever occurs first"; Councilmember Guier second;

Councilmember Walker asked that if the contract terminates as soon as the other person is hired, does Council want to allow a transition period for a transfer of knowledge. Ken Luce recommended adding the language "including a transition of one week".

4th Motion-Councilmember Walker motioned to amend the amended motion; Councilmember Putnam second; the new motion read by Ken Luce states the amendment to the amended motion reads;

"the Mayor is authorized to hire Brian Coleman as a temporary employee utilizing the present Engineering job description for a period of time not to exceed 32 hours a week at the rate of \$30.00 an hour until June 30, 2012 or until the complete hiring process for a City Engineer can be completed which includes a transition period of one week".

Councilmember Guier calls for a vote for all those in favor of Councilmember Walker's amendment to the amended motion; All ayes.

Councilmember Guier calls for a vote on the original amended motion by Councilmember Putnam to include the amendment to the original motion which was made by Councilmember Walker; all in favor of the amendment to the amended motion.

Public comments: Audrey Cruickshank asked if one week is defined as five or seven business days. It was determined that it would be at the Mayor's discretion.

Councilmember Guier calls for a vote for all in favor of a temporary hire of a City Engineer; Councilmember McMahan votes no, all the rest of the votes are ayes. Motion carried.

B. Agreement for Legal Services- AIM

7:06 p.m. Maria Pierce stated this is a contract with AIM services. During 2011, the City and the Uniformed Employee's Union were working toward negotiating a contract. Recently, the negotiations have been moved to mediation. The City Attorney has recommended that a Labor Attorney represents the City during the mediation. Arbitration Investigation and Mediation Services has been consulted in the past in regards to this current negotiation process. Councilmember Jones has previously spoken to Council regarding using AIM for the mediation process and Council concurred at that time that this will be fine as Eileen was part of the previous negotiation that was going on. This allows for her to get started as there is a lot of work before the actual mediation meeting. Maria Pierce stated the hourly rate for AIM is \$200.00 per hour and will come from the ending fund balance as this was not a budgeted item. There is currently money in the ending fund balance that may be used for a one-time, non-recurring expense.

Councilmember Jones moved to approve the hiring of Aim services for the purposes of mediation between the City and the Uniformed Officers Union; Councilmember Walker second;

Councilmember Jones asks if Council would like a cap added to the agreement. Councilmember Walker would like to get it started immediately and recommended \$5,000 be approved and if needed, bring the agreement back for more if needed at a later time. Maria Pierce asked the Council if they feel comfortable capping it at \$7,500.

Councilmember Hulsey moved to amend contract to add a cap of \$7,500; Councilmember Putnam second; All ayes. Motion carried.

C. Suburban Cities- Call For Nominations

They are accepting nominations until March 30th for the vacant seat on the Emergency Management Advisory Committee. This Committee advises, assists, reviews and comments on emergency management and homeland security issues, regional planning and policies. Members represent cities, fire service, law enforcement, hospitals, Port of Seattle, government, special purpose districts, tribes, utilities, non-profit agencies and the private sector. Members may be electeds or staff. This appointment expires December 31, 2013. If Council would like more information Councilmember Guier has the application and form.

8. ORDINANCES/RESOLUTIONS

A. Resolution No. 12-1163- Authorizing Execution Of Supplement No. 7 With Skillings's Connolly for Additional Engineering Costs.

7:14 p.m. Maria Pierce stated this item was introduced to Council last week at the workshop. This is a resolution approving Supplement No. 7. This is primarily for storm pond related items. Tom Skillings spoke to Council and reviewed the three basic elements that this supplement covers.

Councilmember Putnam moved to approve Resolution No. 12-1163;
Councilmember Walker second;

Council Comment: Councilmember Walker confirms with Tom Skillings that for the task number 752, this originally was to be covered by the City Engineer; however Skillings & Connolly are picking it up because of lack of a City Engineer currently. Tom Skillings stated the previous City Engineer had said he would do the survey in house for the survey plates but he is no longer with the City. Councilmember Walker stated that if our Engineer did the survey in house, then it would make sense to do this.

Councilmember Jones would like to move forward with the design requirements. Tom Skillings states this is time sensitive.

Public Comment: None.

	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 5 to 1.

A. Resolution No. 12-1164 – Authorizing The Execution Of An Agreement With Skillings Connolly, Inc. to Provide On Call Engineering Services For Various City Projects.

Maria Pierce stated that the City has been without a full time Engineer since January and in order to keep in compliance and maintain the flow of work, the City is permitted to contract for "on call" professional services, thus eliminating the need to solicit qualified bids on each and every project or task order.

Having an on call agreement allows the City to respond to small project needs in a timelier fashion. The Mayor believes it would be beneficial to the City to

hire Skillings Connolly Inc., to increase efficiency and coverage for the current projects and demands within the City. Maria Pierce added that the idea behind this Resolution is that the on call Engineer would assist in bringing Brian Coleman up to speed with some of the projects. Councilmember Hulseley move to approve; Councilmember Jones second;

Council Comment: Councilmember McMahan asked where the funds for the \$25,000 for on call services would come from. Maria Pierce stated the \$25,000 would come from various funds depending on the project. We do have line items for professional services. Maria will also find out if there are certain projects the City could charge back to the project and use grant monies to reimburse it. Councilmember Jones asked does the City need Skillings Connolly on call since we have a temporary Engineer. Mayor Sun stated upon discussions he has had with Tom Skillings, the on call Engineer would work together with Brian Coleman at City Hall where they could interchange technical problems that will be involved in the Stewart Road project. With the two Engineers working together, Skillings Connolly can transfer their knowledge of the projects to our Engineer and we will have a good grasp on the project. The Mayor has reviewed the budget and determined that there were additional costs for stop work orders and he believes the City may be incurring more costs than necessary. He would like the Engineers to work together to prevent further cost overruns. Councilmember Guier believed that the City is already paying Skillings Connolly to be a project manager. Tom Skillings states that working with utility and construction costs is covered under the existing contract, the difference presently is that there are a couple of special task assignments they have been asked to do that are outside of the scope of the current contract. Councilmember Guier stated a solution could be when the Mayor assigns a different task, and then he would need to come before Council for approval instead of Council approving \$25,000. Councilmember Jones has a concern about delays and feels that coming back to Council every couple of weeks would put the City behind on a task. Tom Skillings stated that City's process takes time, and a lot of projects are very time sensitive. What was envisioned by the Mayor were items outside of the Stewart Road project, and explaining how the LID works and how it impacts the City. He would assist the Mayor with those elements.

Public Comment: Reva Bryant wanted to know if the City will be paying for two Engineers. Councilmember Jones stated the City has two other Engineering firms on call as required, AHBL and Parametrix; the City could call one of these firms to assist. Councilmember Guier stated the City does not have an open ended contract with them.

Carol Aguilar asked that if and when the City hires a permanent City Engineer; would the City be paying more to bring that person up to speed, and also where the money would come from. She wondered if it would be from the cost savings of not paying for a City Engineer and if so that might offset the other costs. Councilmember Walker states this is a separate contract with money from carry over funds so they could off set it. Councilmember Putnam states that using salary savings is not included in this Resolution.

Barbara Sun states she believes the overruns were not newly created after January 1st, but the problem was created prior to the new year. Councilmember Walker comments that it is more expensive to keep an on call Engineer at \$100.95 an hour than a City Engineer at \$30 dollars an hour. Mayor Sun believes having an on call Engineer would assist in projects running smoothly.

Councilmember Walker calls for the previous question.

	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 READ 2 TO 4. MOTION DID NOT CARRY.

The Consent agenda was pulled off and will be on the continued meeting on April 2nd, 2012.

9. CONSENT AGENDA

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

9.1

City Council Workshop Minutes from February 21, 2012; City Council Meeting Minutes from, February 27, 2012; City Council Continued Meeting of February 27th, 2012, and City Council Workshop Meeting Minutes of March 5th, 2012, City Council Meeting Minutes March 12th, 2012, City Council, City Council Workshop Minutes of March 19th, 2012.

9.2

Payroll 03/20/12	Gross Amount:	\$ 81,084.22
03/20/12	Payroll Deductions:	<u>\$ 28,301.11</u>
	Total Payroll:	\$109,385.33
Claim Nos. 39679 (portion of this expense reflected in payroll)		\$ 7,383.78
39680 (voided)		0.00
39681 – 39682(employee paid benefits & reimburse Deducted benefits)		\$ 698.66
39683 – 39739 Claims		\$ 59,174.79
Claim Nos. 357 Federal Taxes (Employer Portion included above)		<u>\$ 19,838.90</u>
358 (WA State Dept Revenue)		<u>\$ 12,508.57</u>
	Total Claims	\$ 99,604.70
		\$208,990.03

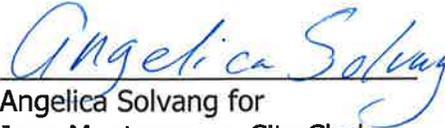
10. EXECUTIVE SESSION-

Councilmember Guier excused to executive session for 15 minutes to discuss the Public Works/Clerical Union contract for 15 minutes with no action at 7:45 p.m.

Council needs 15 more minutes.

Council reconvened at 8:14 p.m.

- 11. ADJOURN-** Councilmember Hulseby moved to continue the meeting to next Monday, April 2nd; Councilmember Putnam second; the meeting stands in recess at 8:14 p.m.


Angelica Solvang for
Jane Montgomery, City Clerk

502 Third Avenue SE
Pacific, WA 98047
March 20, 2012

Mayor Cy Sun
100 Third Ave SE
Pacific WA 98047

SUBJECT: PUBLIC APOLOGY FOR DEFAMATION OF CHARACTER

As you are well aware, I spoke out at two council meetings indicating that I wanted a public apology from you. Because you have not yet given me this courtesy, I have decided to send you this letter asking you one last time to acknowledge my request and make the apology. When you make public statements using people's names, you better make sure your statements can be proven accurate and correct.

I resent the fact you listed me as a person "of interest" for spreading the seeds of hate in Pacific. You can pretty much ask anyone who lives in Pacific about my character and the kinds of things I have done and still do for the community. Among serving on various committees and commissions for the City of Pacific, I have done, and still do, numerous volunteer jobs for the local schools and for the Rainier Vista residents. People know they can call on me and then depend on me to help them with projects, care for them if they are ill, and provide them whatever assistance is needed. These are only a few of the things I have done in this community.

Furthermore, what have I ever said or done, to you or anyone else, that gives you the idea I am opposed to an Asian being mayor of Pacific? You won the election fair and square and your race doesn't matter. What matters now is that you prove to the people who elected you that you can be a fair and square mayor, you can be unbiased, and you can fulfill the duties and obligations of leading and nurturing the residents of Pacific. I do question why you waited so long to conduct meetings but, rather, had the council president preside over them? It's understandable you might need a few weeks to get the hang of it, but we are almost at the end of the third month and you still appear to be insecure and lack knowledge of Robert's Rules of Order. You were elected as mayor and that is one of your responsibilities. I'd like to see you step up to the plate and begin doing what you were elected to do.

I am forwarding a copy of this letter to each council member and to the Auburn Reporter. I also want this letter read at the next council meeting and made a part of the minutes of that meeting. It would not have come to this if you have been man enough to apologize the first time I made the request, but it's now reached a point where my innocence and your defamation of character needs to go on record.

Sincerely,



Reva Bryant

C: Leanne Guier, Gary Husley, John Jones, James McMahan, Joshua Putnam, Clinton Steiger, Trent Walker, Jane Montgomery, and Mark Klaas

Audrey Cruickshank
703 Third Avenue Southeast
Pacific, Washington 98047-1429
Telephone: 253 833-3845

March 20, 2012

Mayor Cy Sun
City of Pacific
100 Third Ave SE
Pacific WA 98047

Mayor Sun:

After considerable thought, I have decided to send you a letter, with copies to members of the City council, stating my concerns regarding your “public meeting” of February 17, 2012, and the medals and awards you received while serving in the U.S. Military. My first concern is that your agenda was much more than simply gathering people together to show them your commendations and prove that you had earned them. Your agenda was to make sure people understand the blood and gore of war, how difficult it is, how and why people get hurt and die, and the sacrifices you made to fight for this country and become a United States citizen. Maybe your meeting should have been called a “lesson in U.S. History” rather than a public meeting to prove your worth and honesty.

When Mr. Hulsey made his original statement at the council meeting questioning the validity of your commendations, he readily and opening stated that if he found you to be the recipient of the awards, he would apologize and he would respect you forever for having earned them and for having fought for this great country. You proved your point to some degree. I believe you originally said you had four purple hearts and you only received two. And, you said you held the position of Colonel and that was certainly stretching the truth because you were not a Colonel but a Master Sergeant.

The downside of this public meeting to prove yourself as having received the awards is that you got off track with that and got carried away with several other topics and people. First of all, I contacted the Department of Elections, not to disqualify you as a candidate for mayor, but to clarify your date of birth and have it accurate and correct on the records. If you “make mistakes” regarding when you were born, it seems reasonable that you would or will “make mistakes” about any number of things. And, it was a **big mistake** when you referred to me as one of the seeds of hate in Pacific.

As I stated at the council meeting, I am one of two people who have lived in the City of Pacific longer than any other person here. In the almost 70 years I have lived here, I have served the City in a number of ways—Like you, I was a write-in candidate in the 1970s for a council position and I was elected for that seat. I have served on the Pacific Park Board, facilitated clean up projects during National Clean-up Day, organized and helped with several dinner auctions to raise money for playground equipment at the City Park, facilitated Pacific Days for several years running, transported young parents and their children to the Well Clinic in Auburn to receive immunizations and/or medical treatment for their children, walked the streets of Pacific for nearly two months taking census and donating my earnings to the Pacific Community Club, served as a volunteer three hours a day, two days a week, for a full year at Alpac Elementary

School, volunteered my help and time for school carnivals, walk-a-thons, and chaperoning field trips for various grade levels.

Also, the Auburn Area Chamber of Commerce recognized me as an outstanding volunteer and citizen a few years ago. These are only a few of the things I have done in and for my community, children, and people with greater needs than mine over the past 70 years. I don't have a check-off list so I can post my accomplishments and I don't care to be rewarded or commended for the things I do. I simply serve people because it's the way I was raised and it's what I want to do. I have helped people from all walks of life, all nationalities, and people of all colors. I am NOT a racist or consider people of other nationalities to be beneath me. We are all the same inside -- our blood is red and our hearts beat.

I would like very much to receive a public apology from you for the wrongful statements you made about me. Also, I suggest that in the future, you make sure you are correct before making accusations against me or any other citizen. Now that you have publicly slandered me, and four others, you think we should *"all work together in harmony and set aside our differences and our hate."* Mr. Sun, you are the one who initiated and made the slanderous comments and now you don't want to admit your mistake and take responsibility for defacing the very people you are here to serve. Let's repair the bridges, fill in the gaps, and move forward to make Pacific a place where people want to live and watch their children and grandchildren grow up.

Please read this letter aloud at the next council meeting and make it an official part of the minutes of the meeting and the public records.

Sincerely,



Audrey Cruickshank

Copy to: Mark Klaas, Auburn Reporter, Trent Walker, Clint Steiger, Joshua Putnam, James McMahan, John Jones, Gary Hulsey, Leanne Guier, Jane Montgomery