

**CITY OF PACIFIC
CITY COUNCIL MEETING
Date: June 25, 2012
Council Chambers
City Hall, 6:30PM**

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 Hulseley
Clint Steiger

Staff present: Betty Garrison, Angelica Solvang and Sgt. Pickett.

3. APPROVAL OF/ADDITIONS TO AGENDA

Councilmember Jones moved to excuse Councilmember Hulseley; Councilmember Steiger second; All ayes.

1. Councilmember McMahan added the topic: Council consideration of an Ordinance without an Ordinance No. regarding hiring and firing of employees.
2. Councilmember McMahan added the topic: Legal Services under New Business, Item C.

Councilmember Putnam moved to approve the agenda as amended; Councilmember Guier second; All the votes were ayes.

4. AUDIENCE COMMENTS-

Jeanne Fancher, 37248 55th Ave S – Jeanne gave the history of the word Shalom and was read a prayer.

Don Thompson, 416 2nd Ave SE – Mr. Thompson demanded that Mayor Sun turn in his keys.

Barbara Gustafson – Mrs. Gustafson asked the Mayor to resign.

Audrey Cruickshank, 703 3rd Ave SE – She asked the Mayor to resign.

Reva Bryant – Asked for the Mayor's resignation.

Carol Aguilar, 623 Chinook Ave S – Urged the Mayor to resign.

Shelly Thompson – Asked the Mayor to resign.

Katy Garberding, 366 White River Drive – She had wrote a letter in November 2011 to Mayor Hildreth and the Council requesting the flagpole outside Pacific City Hall be repaired. She was informed by Mayor Hildreth that there was no money budgeted for this repair. She also wrote Mayor Sun and was informed it would be repaired by the spring. She was disappointed that it was not repaired by Memorial Weekend.

Mayor Sun responded that he had hired an electrician, however the electrician left the repair in pursuit of another offer. He has found someone who is bonded to do the repair. He apologizes that it was not done on time for Memorial Weekend. Councilmember Walker would like this issue discussed at the Finance Committee meeting and to bring the issue to Council workshop next week.

Anita Scroggins, 1512 Thornton Avenue – Mrs. Scroggins had brought up a year ago when Richard Hildreth was in office the issue regarding charges on 911. She is concerned that she is being charged twice on her phone bills for both Pierce and King County.

5. EXECUTIVE SESSION-

Canfield & Associates – Council moved to executive session for 20 minutes to discuss potential litigation due to the past events at 7:02 p.m. At 7:22 p.m. Council asked for 10 more minutes. At 7:32 p.m. Council asked for 5 more minutes. Council reconvened at 7:38 p.m. Ken Luce briefs the citizens on the topic discussed in executive session. The matters includes instances that have occurred, investigation into the whistle blower, criminal conduct allegations made which need to be looked into and other issues involving contracts and liability. Canfield & Associates have no plans to cancel the insurance for the City. The Mayor is working to straighten the issues out with the Council members.

6. REPORTS

A. Mayor – No report.
B. Finance – Councilmember McMahan asks when the Council will receive an update on the City budget. Councilmember Walker states there will be a draft report discussed at the Finance Committee meeting. Mayor Sun states that Betty Garrison is working hard to close up 2011 and has done an excellent job.
C. Court Statistics – No report.
D. Public Safety Department – No report.
E. Public Works/Community Development Departments – No report.
F. Community/Senior/Youth/Services – Mayor Sun states that the Senior Center is still in operation. The next step is to advertise and interview for a director.
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. PW – Councilmember Jones stated due to the City of Sumner’s assistance, the TCC grants were modified to give the Valentine project 4 million 90 thousand dollars.
H. City Council Members – Councilmember Steiger commented that at last weeks workshop, the Mayor made a statement that he saved the City \$220,000. He points out that the Mayor makes statements that are not accurate. Councilmember Jones states that on June 18, 2012 a letter was delivered to Council from Linda Morris, the former Community

Services director. He reads the letter into the record. Councilmember Jones has a concern regarding Pacific Municipal Code 3.80. The interim Treasurer is not listed as an authorized officer and there City Clerk is not available therefore the code needs to be modified. Councilmember Jones asks the City Attorney, Ken Luce if the interim Treasurer is authorized to attest signatures of the mayor. Ken Luce replied that Betty Garrison is authorized.

Councilmember Walker asks the Mayor if he will be advertising soon for the Police Chief position. Councilmember Walker is concerned that there were discrepancies in the Pacific Municipal Code as there are two positions; Police Chief and Public Safety Director. The Mayor has not planned on advertising until he has had time to review the two job descriptions and would like the Civil Service input. There was discussion whether the positions were under Civil Service. Councilmember Steiger suggests Council discuss this topic at the next workshop and have copies of both job descriptions available to review. Ken Luce suggests to the Mayor and Council post pone the issue until after John Calkins hearing. The Mayor would like this topic discussed at the next workshop.

I. Park Board – No report.

J. Planning Commission – No report.

K. Civil Service Commission – No report.

7. OLD BUSINESS

A. Murrey’s Disposal Franchise Agreement –

Mayor Sun states to the public that Murrey’s wants to make an amendment to the past agreement and he reads it. Betty Garrison stated that King County requires a written request in order to extend the contract with them. Councilmember Walker motioned for staff to draft a letter to King County asking for an extension to August 2014; Councilmember Putnam second; Councilmember Walker asks the City Attorney to draft the letter and sent.

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

THE MOTION CARRIED 6 TO 0.

8. NEW BUSINESS

A. Emergency Consultant Services Agreement – Mayor Sun states the last building inspector he obtained via a interlocal agreement with Pierce County is on sick leave. Pierce County has also given him a 30 day notice. The Mayor states to advertise and hire another inspector will take another month. He states he has hired a contractor, from Sound Inspections, to handle the backlog of permits on an emergency basis. Mayor Sun complained about the job performance of the previous inspector. Councilmember Walker warned the Mayor to abstain from those types of comments. The Mayor defends his right to declare an emergency.

Councilmember Putnam asks about the scope of work under the contract; the consultant is to

recommend approval or disapproval and the City is responsible for final approval on the permit application. He asks who on City staff is doing the final approvals. Mayor Sun responded that Sound Inspection is working on permits that have already been approved. Frank, the Senior Structural Investigator for Sound Inspection spoke to the Council stating that they are there to do the building review and the City has their own staff to do the planning. He states that Wanda can sign off on the certificate of occupancy documents. Councilmember Jones asks why this topic did not go through workshop first to discuss the scope of work and the contractual obligations. This contract also needs approval from the union. He is concerned that there is not a Resolution presented to Council for approval. Mayor Sun states he has talked to the union today and they concur with his decision. He further states that this was an emergency as contractors were threatening to sue the City for not issuing building permits. Councilmember Walker would like to see those documents on who is threatening the City. City Attorney, Ken Luce, states the emergency declaration of the Mayor exists but his belief is this emergency does not rise to that level as stated in RCW 38.52.070. Ken Luce informs the Council that he believes this contract is not valid until the procedures of the City are followed and the City is not financially liable. Councilmember Guier states that Evie Shannon from the Teamsters union is present and asks her to speak to Council. Evie states that she agreed to the agreement between the City and Kelly Tally. She informed the Mayor today during their meeting and via letters that before he places anyone in Roger Smith's position that he needed to approach the union first. She did agree to the Mayor contracting with Sound Inspections based off of the emergency basis, however she is seeing tonight that it is not an emergency and she has concerns. Councilmember Jones asked Evie Shannon if she is giving the Mayor union authorization to allow Sound Inspections to work the remainder of the week. Evie replied that based on what the Mayor informed her, that it was an emergency and the work entailed only catching up on the back log. She did not want it to continue past that time frame. Councilmember Putnam states that the agreement as it stands now states it is through July 31st. Evie is opposed to that. Ken Luce recommends Council approve, modify or deny it. He states that there is a question of liability and insurance coverage. Councilmember Putnam made a motion that the Council request the Mayor to work with the union to resolve the issue of temporary staffing in this position and return to Council the contract for approval once the unions consent is obtained and until that time council not approved the existing contract; Ken states that this is a negative motion. Councilmember Putnam withdraws his motion. Ken recommends Council instruct administration to negotiate with the union. He further states that since the contract is not approved, Council may reject the voucher submitted for payment by Sound Inspections.

- B. Uniformed Employee's Union Agreement –**
 Councilmember Jones stated that as the Council representative on this negotiation team, they met with the Union and came up with a tentative agreement. Prior to last Council meeting, there was specific language to be worked out and that language has been agreed upon by Mark Manning and the contract lawyer Eileen. The agreement is presented to Council tonight for approval or rejection. Councilmember Jones motioned for the City of Pacific Uniformed Employee's Union contract agreement be approved; Councilmember Putnam second;

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulseley	Absent	
Councilmember Steiger	X	

THE MOTION CARRIED 6 TO 0.

C. Legal Services –

Councilmember McMahan was given a copy of a letter submitted to Ken Luce that the contract with his firm was being terminated. The termination term is a 30 day notice therefore the services would cease on July 20th. Councilmember McMahan would like Council to take up this matter and see an opportunity to continue Ken Luce’s services. Councilmember Jones states that RCW does state the Council cannot interfere of a firing of an appointed officer. Ken Luce states that Pacific Municipal Code 2.20.10 would need to be repealed. Councilmember Steiger suggests that this topic be on the next workshop. Councilmember Jones will have an Ordinance drafted to discuss.

9. ORDINANCES/RESOLUTIONS

A. Resolution No. 12-1178- Authorizing The Execution Of The Stewart Road Preload Project Change Order No. 4.

Councilmember Steiger moved to approve Resolution No. 12-1178;
Councilmember Walker second;

Council Comment: None.

Public Comment: None.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulseley	Absent	
Councilmember Steiger	X	

THE MOTION CARRIED 6 to 0.

B. Resolution No. 12-1179 – Authorizing Final Payment And Project Acceptance For The Stewart Road/Thornton Avenue Improvement Preload Stage 1 Project.

Councilmember Walker moved to approve Resolution No. 12-1179;
Councilmember Jones second;

Council Comment: None.

Public Comment: None.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulseley	Absent	

THE MOTION CARRIED 6 TO 0.

C. Ordinance No. 12-XXXX – Hiring and Firing....

Councilmember McMahan passes around an Ordinance he drafted to require Council confirmation on all appointments, hiring and firing of officers and employees of the City. He has obtained this Ordinance from the City of Tenino. Councilmember Walker moved to adopt Ordinance 12-18XX; Councilmember Putnam second; Councilmember Walker asked if the City Attorney has reviewed the Ordinance. Ken Luce states it conforms to the requirements to the Ordinances of the City. Councilmember Walker has concerns that this would open the City to legal action and asks how Council can keep the Mayor from firing people when it is his executive right to do so. Ken would be more comfortable if this is this was moved to the next meeting to make sure it is conformed to State law. Councilmember Walker withdraws his motion; Councilmember McMahan made a motion to postpone this item to the following Council meeting and add this item to the next Council workshop; Councilmember Walker second;

Public comment: None.

	Aye	Nay
Councilmember Walker	X	
Councilmember Guier	X	
Councilmember McMahan	X	
Councilmember Putnam	X	
Councilmember Jones	X	
Councilmember Hulseley	Absent	
Councilmember Steiger	X	

THE MOTION CARRIED 6 TO 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 Walker moved to approve the consent agenda; Councilmember Putnam second; All the votes were *ayes*.

Councilmember Walker points out that there is an invoice owed by the City to Form Source for business cards printed for Leanna Mason.

Council Comment: None.

Audience comment: None.

A. Claim Voucher & Payroll Approval

Approval of Payroll for period of May 30, 2012, through June 11, 2012, and Claim Vouchers for May 30, 2012 through June 11, 2012.

Payroll Expenses 6/20/12
6/20/12

Gross Amount: \$ 86,626.27

Payroll Deductions: \$ 26,799.12

Total Payroll: \$133,425.39

Paid Expenditures:

Payroll Auto Deposit	\$ 56,178.93
Payroll Checks #4517 – 4523	\$ 7,041.27
Claim Checks: 40096 - 40102	\$ 40,940.95
Claim Checks: 40103 – 40156	\$ 66,250.78
ACH Payments 373	\$ <u>10,681.10</u>

Total Claims \$ 181,093.03

- 11. ADJOURN-** Councilmember Walker moved to adjourn; Councilmember Jones second; All ayes. The meeting adjourned at 9:22 p.m.



Angelica Solvang for
Jane Montgomery, City Clerk