

**CITY OF PACIFIC
CITY COUNCIL MEETING**

**Date: July 23, 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 Hulsey
Clint Steiger

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

3. APPROVAL OF/ADDITIONS TO AGENDA

1. Councilmember Jones added the topic: Veto of the Mayor on Ordinances as item D under Old Business.
2. Councilmember Guier added an executive session regarding the litigation of Jane Montgomery; to be moved after audience comment for 10 minutes with possible vote.

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

4. AUDIENCE COMMENTS-

Gary Nisthke, 113 3rd Ave SE – Gary submitted an incident briefing to the Mayor and Council. He states there was an incident at the Community Garden where he was accused of assault by a Park Board member which he states did not happen. There is now a no trespass sign there and he would like this matter resolved.

Gerald McBreen, Poet Laureate for The City Of Pacific, 733 4th Ave SE – Gerald recites a poem that was created in the memory of the young man who was murdered at Cobble Court Apartments.

James Snyder, 141 4th Ave SW – James has lived here for 45 years and this is the 3rd meeting he's ever attended. He asks the Council to give the Mayor a chance.

Russell Tyree, 230 Skinner Rd – Russell has lived in the City for 38 years and came here to start the Valley Bible Church. He does not want to lose the City.

Ken Scroggins, 1512 Thornton Ave SW – He is in support of the Mayor.

Mindy O'Hara – Informs the Council, Mayor and the public that there will be an event on August 4th to clean up City Hall. She also states that Pacific Partnerships had asked her to take over the garden and she had communicated that with Joanne Futch of the Youth Department.

Rachel Kringle, 233 3rd Ave SW – Rachel feels that the most important thing is community. She has changed her web page, Taking Back Pacific, to reflect more community building efforts and she

asks that anyone who comes up with an idea to make the community better to post a blog.

Tim Parker, 116 Frontage Rd – He viewed the KOMO webpage and stated that 80 percent of the comments were in favor of the Mayor and asked the Mayor to stick in there.

5. EXECUTIVE SESSION-

Council moved to Executive Session at 6:48 p.m. to discuss a personnel issue; the litigation matter of Jane Montgomery, with her lawyer present, for consideration of Jane Montgomery's return to work with a possible decision afterward. Council asked for 15 more minutes at 6:58 p.m. Council asked for ten more minutes at 7:14 p.m. Council reconvenes at 7:24 p.m. Ken Luce reports that as the Council will undertake the review of the whistle blower policy. Ken Luce further reports that the Mayor stated he did not terminate the Clerk and the Mayor will forward to Ken Luce his recommendations on how the work status relationship with the Mayor and Clerk can be held to accommodate the ADA act.

6. REPORTS

A. Mayor – Mayor Sun stated that he was voted in to straighten up the City and he is ready to do a reorganization. He stated he does not intend on losing the City and he wants to build a strong and viable City. He asks the citizens to be patient as it takes a while to work out the problems that have existed.
B. Finance – Betty Garrison states there is a Finance Committee meeting tomorrow night.
C. Court Statistics – No report.
D. Public Safety Department – No report.
E. Public Works/Community Development Departments – Mayor Sun states the Public Works staff is hard at work keeping the City up to par.
F. Community/Senior/Youth/Services – Councilmember Guier, chair of the Human Services Committee, received a letter from Food Lifeline that they will discontinue the services for the Senior programs such as Meals on Wheels and the food commodities for stone soup since there is not a director and no trained staff. The Human Services Committee and the Finance Committee has met and now Council has the plan. The Committees would like to hire someone with a professional services agreement. Councilmember Guier reviews the points of the plan with the suggestion of hiring Sheryl Finwall for 60 days and post the position as well. Councilmember McMahan move to suspend the rules to allow a motion; Councilmember Jones second; Councilmember Guier made a motion to approve a professional services agreement with Sheryl Finwall for 60 days for the stated salary; Councilmember Putnam second; Councilmember Walker makes a friendly amendment to point out a typo in section 3 and under the insurance section 7 part B, change the liability limits; Councilmember Guier second; Councilmember Walker makes a motion to amend the contract to part 3 to replace the Water Manager with Treasurer and section C and section 7 part B with liability insurance for ½ million dollars; Councilmember Guier second; All ayes.
Public Comment: Rachel Kringle – Asks if she can assist.
Desiree: She would like to that Stone Soup and Meals on Wheels is separate from Food Lifeline.

Gary Nishtke - He is against the vote.

	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 6 to 1.

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.

H. City Council Members – Councilmember Steiger was disturbed at seeing Public Works staff on the news. Councilmember Guier states that on Saturday the Boy Scouts were working on the flag pole, getting it ready and the light should be in this week thanks to troop 540 and donations from the citizens.

I. Park Board – No Report.

J. Planning Commission – No Report.

K. Civil Service Commission – Councilmember Steiger states there will be a Civil Service meeting tomorrow at 6:00 p.m.

7. OLD BUSINESS

A. Waste Management – Effective September 1, 2012 Waste Management will be taking over the billing and customer service for garbage service in the King County area of Pacific. Waste Management will be paying the City administrative fee. On September 1, 2012 their CPI rate increase takes effect. The Council has two decisions: to absorb the increase in the administrative fee and not pass it on to customers or leave the administrative fee as is and have Waste Management bill the consumers the new rate including the CPI. Councilmember Hulsey move to include the CPI as being absorbed by the City; Councilmember Putnam second; Councilmember Hulsey moved to amend his motion to require a yearly review; Councilmember Putnam second; All ayes.

	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 7 to 0.

B. Application For NPS RTCA Assistance – Kate Hull, 102 Alder Lane S – Kate stated the Park Board would like to send in this for this grant and it is at no additional cost to the City. Councilmember Hulsey move to approve the application for NPS RTCA Assistance; Councilmember Jones second;

	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 7 to 0.

C. Reservoir Leak – The City of Pacific’s concrete water reservoir has a weeping floor joint that needs to be repaired. Research was done to find options for repair. The anticipated repair cost is \$3,000. The Water Operation & Maintenance fund 2012 budget allocated \$10,000 for repairs and maintenance. As of this meeting \$9,978.33 has been expended. The balance of funds allocated for the year is \$21.67. Staff recommends that the repair be authorized and note be made by staff that this needs to be included in the Budget Amendment to appropriate an additional \$10,000 for this line item. Councilmember Jones move to approve; Councilmember Steiger second; Councilmember Jones states that the Public Works Committee has reviewed the options and recommend the City repair the leakage at this time. All the votes were ayes.

D. Veto Of The Mayor, Ordinances – Councilmember Jones briefs the Council that on July 16th Council received vetoes on Ordinances No. 1826, 1827 and 1830 by the Mayor. Councilmember Jones motioned to override the Mayor’s veto of Ordinance 1826; Councilmember Hulsey second; Councilmember Jones reads the Mayor’s points on why he vetoed the Ordinance. All the votes were ayes.

Gary Nisthke – Believed the Mayor had previously agreed to the three Ordinances.

Tim Parker – Stated this was a tactic to take power away from the Mayor.

Russell Tyree – States that it sounds reasonable and is in favor of the Ordinances.

Councilmember Jones made a motion to override the Mayor’s veto on Ordinance 1827; Councilmember Guier second; All ayes.

Councilmember Jones motion for Council to override the Mayor’s veto on Ordinance 1830; Councilmember Walker second; All ayes.

E. Contract For Legal Services – A contract between the City of Pacific and Luce Lineberry & Kenney, P.S. is presented. Councilmember Jones states he has prepared a Resolution and reads the summary. Councilmember Hulsey moved to approve Resolution No. 12-1182; Councilmember Jones second; Councilmember Putnam moved to amend the Resolution to clarify that the contract is between the City of Pacific and Luce Lineberry and Kenney, P.S. and the contract in section two to end the first sentence with “after work for the City” and strike “under the direction of the City Council”; Councilmember Jones second; All ayes on the amendment.

	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 7 to 0.

F. City Insurance Status – Mayor Sun states he is working on reinstating the insurance. Councilmember Walker asks Mayor Sun if he has contacted Phil Ritchie of Canfield. Mayor Sun responded that he has to get the interlocal agreement before he goes and talks to the insurance company. Mayor Sun stated he will present his organizational chart at the next Workshop. Councilmember Guier asks the Mayor to have the interlocal agreement with Auburn presented at the Workshop. Mayor Sun requests Ken Luce to confer with the City of Auburn’s City Attorney and draft an interlocal agreement to bring before Council. Councilmember Walker confirms that the Union has agreed to a 30 day agreement with whomever the Council approves. Mayor Sun states that he brought in the contractor on an emergency basis and he has brought in thousands of revenue. Councilmember McMahan asks the City Attorney if he was aware that there is a contractor providing building services. Ken Luce states he had informed the Mayor that he was subjecting that person to personal liability and they may not be covered by our insurance policy. Councilmember McMahan asks the City Attorney what Council can do to mitigate the liability a person performing building inspections without proper authorization such as a cease and desist letter. Ken Luce states you can send a cease and desist letter or Council can bring a mandate to the Mayor to fulfill his duties and to fill the positions and get a court order making him go through the process of posting, interviewing and hiring. Councilmember Hulsey moved that the Council authorize the Council President to direct the City Attorney to pursue a Writ of Mandamus directing the Mayor to fulfill the duties of his office; Councilmember Walker second; discussion ensued. Councilmember McMahan amends the motion to authorize the Council President to direct the City Attorney to file a Writ of Mandamus; Councilmember Hulsey second;

Russell Tyree – Has concerns for the City.

Gary Nishtke – Believe the Code Inspector position is important.

Audrey Cruickshank, 703 3rd Ave SE – Believes the Mayor thinks he is above the law and does not want to follow the rules.

	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 6 to 1.

G. Thrasher Tractor – Councilmember Jones states the Public Works Committee discussed the Thrasher and they would like to meet with Bob Boyd to talk about the proposal they want to bring forward. Councilmember Jones asked if there was funds budgeted for purchase. Betty Garrison states it is appropriated at \$130,000. Councilmember Walker states it does have to come to Council because it is a contract. Councilmember Walker asks the Mayor if he has a contract in place. Mayor Sun states he wanted to receive approval from Council and then pursue the contract. Councilmember Walker would like to see the contract first. Councilmember Putnam move to approve the purchase of the Thrasher pursuant to the purchase agreement presented to Council; Councilmember Jones second;

	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 7 to 0.

H. City Lock & Key For Joanne Futch – Joanne is present to ask Council to approve a budget to rekey City Hall. There are liability concerns with keys that are unaccountable for such as rental keys and keys from past employees. Joanne believes there are possibly 50 to 100 keys unaccountable for. The Mayor would like White Knight to give the City an estimate. Councilmember Steiger motion for suspension of rules to discuss White Knight as a vendor; Councilmember Putnam second; All ayes. Councilmember Steiger is not going to approve any vendor that is going to file a suit against the City. Councilmember McMahan would like to see estimates at the next workshop and a matrix of what volunteers and employees have keys to. Councilmember Steiger moved to prevent the City in engaging in services from White Knight who may have potential litigation against the City; Councilmember Jones second; Ken Luce recommends against the motion passing.

	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 DOES NOT PASS.

8. NEW BUSINESS

9. ORDINANCES/RESOLUTIONS

A. Resolution No. 12-12-1181 – City Council Expressing Their Support For Voter Approval Of The Valley Regional Fire Authority (VRFA) Proposition To Continue A Voter-Authorized Benefit Charge Each Year For An Additional Six (6) Years.

Councilmember Hulsey moved to approve Resolution No. 12-1181;
Councilmember Jones second;

Council Comment: Councilmember Hulsey states this shows the Council support of the initiative.

Public Comment: Gary Nisthke – Asks Council to vote yes.

	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 6 to 1.

B. Ordinance No. 12-1831 – Amending Pacific Municipal Code Sections 14.48.050, Sewer, 14.88.030 Water, 24.16.050 Stormwater, And Section 8.04.235 Garbage Regarding Reduced Utility Rates For Low Income Senior Citizens And/Or Low Income Disabled Customers.

Councilmember Jones moved to approve Ordinance No. 12-1831;
Councilmember Walker second;

Council Comment: Councilmember Hulsey states it excludes as consideration for income Veterans compensation and it is also in definitions under RCW as excludable from household income for taxation purposes.

Public Comment:

	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 7 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.)

A. City Council Meeting Minutes from June 25, 2011; City Council Workshop Meeting Minutes from July 2, 2012; City Council Special Meeting Minutes from July 2, 2012.

B. Approval of Payroll for period of June 26, 2012, through July 9, 2012, and Claim Vouchers for June 26, 2012 through July 9, 2012.

Payroll Expenses 7/20/12	Gross Amount:	\$ 79,997.10
7/20/12	Payroll Deductions:	\$ 26,162.40
	Total Payroll:	\$106,159.50

Paid Expenditures:

Payroll Auto Deposit	\$ 51,278.78
Payroll Checks #4532- 4539	\$ 7,542.08
Claim Checks: 40228-4023	\$ 15,470.11
Claim Checks: 40231- 40256	\$ 186,139.58

Total Claims \$ 260,430.55

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

Councilmember Putnam moved to suspend the rules to add one 3 minute comment; Councilmember Guier second; All ayes.

Jack French - He would like to see money spent on better microphones.

11. ADJOURN- The meeting adjourned at 10:21 p.m.



 Angelica Solvang, Interim City Clerk