

**CITY OF PACIFIC
CITY COUNCIL**

**CITY COUNCIL MEETING
February 25, 2013**

**City Hall - Council Chambers
City Hall, 6:30PM**

1. CALL TO ORDER AND FLAG SALUTE

Mayor Pro Tem McMahan called the City Council Meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

Mayor: Cy Sun, absent

2. ROLL CALL OF COUNCIL MEMBERS

Leanne Guier
Gary Hulsey
John Jones
James McMahan
Josh Putnam
Clint Steiger
Tren Walker, excused

Staff present - City Clerk Patti Kirkpatrick; Finance Director Betty Garrison; Acting Public Works/Community Development Director Ken Barnett; Public Safety Director Calkins, and City Attorney Ken Luce.

Council member Jones moved and Council member Putnam seconded the motion to excuse Council member Walker. The motion carries unanimously by voice vote.

3. APPROVAL OF AGENDA

Council members added the following item:

J. Add 2013-028 Authorizing agreement with Spencer Law Firm.

Council members removed the following items:

Old Business Items A., B., C. – not properly before Council. Items were not added per adopted Council Rules and Procedures

Council members moved the February 11, 2013, minutes from the Consent Agenda to New Business

Council member Hulsey moved and Council member Putnam seconded the motion to approve the agenda, as amended. The motion carries unanimously by voice vote.

4. AUDIENCE COMMENT

Citizens were asked to hold comments on medical marijuana until the Public Hearing.

Karla Bykerk spoke regarding the bus stop in front of her house. She asked who is in charge of cleaning up the garbage? Council referred the question to the Public Works Committee. The next meeting will be on March 6th at 7 p.m. at City Hall.

Eric Wedum, owner of Performance Exhaust and a home in Pacific, addressed the Council reporting that on February 18, 2013, his truck got stolen from his business. He reported that the day before, just down the street, a truck got stolen from Western Supply. They hauled the stolen property home, came back and took a different truck. He feels like the City needs to get their police force up. We are letting criminals know that we are understaffed and open to stealing in Pacific. He is not sure if it will do any good to say anything, but he is going to get involved in this pretty heavily. He suggested Cy Sun may need to go out for a ride along with the police force to see what they go through. He has gone out with the Police on a ride along. It is crazy with a full police force; do we have anything in the works? Is it all up to the Mayor? Council advised that it has, several times, in the strongest terms asked the Mayor to fill the positions, but it is ultimately up to the Mayor.

Stacey Jackson reported that he was at Eric's shop when the vehicles were stolen. It is touching home for us residents, but we have to do something, either we have to tell the media to stop publicizing that our police force is down so everyone knows we have no police force. The shop is around the corner from Eric's shop. People are going to get armed and we don't need that. Need some type of resolution and to start patrolling the neighborhoods. It is not safe for any of us. The young kids who broke into the shop are not done, and they will continue to do this. He is not the violent type, but something drastic will happen and hopefully the Mayor will hire more officers before then.

5. REPORTS

Mayor – No Report

Finance – Ms. Garrison reported the audit report was released this morning; she has copies and can make more or give you the link. Council member Putnam noted a word of thanks to the Finance Director. The Audit did find our books were fair and accurate and met all accounting standards. It is good to know we don't have any findings for 2011.

Court Statistics – No Report

Public Safety Department – Mr. Calkins – Make a note that as of the end of last month, the auto thefts up almost 400%, had 11 and averages are 2-3 will work with the Valley Task Force on that. Auto thieves are the same that are prowling and doing commercial burglaries. Residential almost doubled as well. There is a pattern to this.

Council member Steiger asked if there was a copy of the statistics. Council member Putnam asked if the Police have a feel for how concealed weapon permits are going this year versus last year. Mr. Calkins stated that they have skyrocketed, and he will get exact numbers. Is there any indication that he is going to fill the positions?

Eric Wedum asked, "It seems that there is some public safety. Isn't there something we can do with the County or is it just us governing ourselves?" Council responded, Mayor's decision.

Gary Nishtke spoke in support of public safety and asked the Mayor to do what the Council and members of the community are asking, fill the positions.

Council member Guier moved and Council member Putnam to strongly encourage the Mayor to fill the vacant positions in the Police Department. Request carries with a unanimous voice vote.

Public Works/Community Development – Acting Public Works/Community Development Director Barnett reported that we got a compliment from a citizen regarding the striping we have done in the City.

Community/Senior/Youth Services – No Report

City Council – Council member Putnam reported the Accountability Audit was also released with no findings. The list of allegations they investigated had more than 40 claims from various sources, newspaper articles, blog postings, etc.; at end of day no improper governmental action was found. The City Policies are adequate to protect public resources.

Council member Guier reported sending an email regarding the information she gathered at AWC Legislative Conference last week. She expressed appreciation for the opportunity to attend. There were several workshops she attended, one on curbing abusive public records requests. There has been some movement in the House. There was a discussion on transportation funding, broke down into three different parts, it is moving forward, but it did look at .65 filter down to the cities, not definite from the 10%

gas tax increase. That little bit is for maintenance and repairs in our Cities. As it sits with gas tax, we get nothing. Restoring the City/County liquor revenue - ours is \$33,563 which we lost in a year's time in revenue. The Legislature is looking at maintaining current uses of local lodging taxes. Need to look at the rules, we may not be using to the fullest potential, such as Pacific Days. She will dig into that a little bit more. Use for local events. Designed for heads in beds, use it to bring tourism to your City, such as banners and other things. It was a good conference. Attended a meeting on Small Cities Issues, they were harping about how bad prevailing wages are. It was a challenging and interesting discussion. Learned a lot and networked with a few people. She made a list of cities that had Council/Manger form of government and asked about and got some feedback from cities that have gone through the process. Council member Jones asked that she provide him and Council member Hulsey with the information about the other cities she met with. Council member McMahan advised he had mail from MRSC from the City that most recently switched.

Personnel – Ms. Kirkpatrick reported about the WAPRO upcoming conference.

COMMITTEE BOARDS

Park Board – Cheri Cason, her issue is on the agenda twice, but the Park Commission is trying to organize another Earth Day, it is especially important to bring the community together and bring some good news. This is a joint venture between the Park Commission and Pacific Partnerships. They handle the funding, and they help with the food and such. There are 2 problems. One, the participation of the people putting it together want to know if they required to have event insurance, and until they know the answer, it is hard to solicit participation and money. We do need some cash to make the event come off, such as postage, etc about \$1500-2,000. She was also told the Park Board cannot do soliciting for cash donations. It is hard to get that outside of the City. Any ideas, volunteers, businesses who want to get on board and help out, you can get her phone number. Call her. In the morning is the trash pickup, in the afternoon they have four agencies/companies to hand out information, like Master Gardeners, Noxious Weeds, Lemay Shredding, etc. for the Information Fair.

Public Works – No Report

Civil Service – No Report

Planning Commission – attached in the packet.

South King County Transportation Board (SKTBD) – No Report

Pierce County Regional Council (PRCR) – No Report

Suburban Cities Association (SCA) – No Report

Valley Regional Fire Authority (VRFA) – Council member Steiger announced that citizens need to get in contact with their insurance carrier and check on their fire rating which dropped to a four; this could result in a savings on home owner insurance premiums.

6. PUBLIC HEARING

A. Public Hearing to Consider a Proposed Ordinance Extending the Moratorium on Medical Marijuana Collective Gardens and Establish a Moratorium on the Production, Processing, and Retailing of Marijuana in the City of Pacific

Acting Director Barnett provided a staff report.

At 7:01 p.m. Mayor Pro Tem McMahan opened the public hearing:

Loren Horn asked, "If with having an election on this in the State of Washington, is our new insurance going to cover us in a lawsuit on this?" The Police Department is two officers down now; looking at losing a third officer soon. From what he is reading this would require more enforcement not less. It is not adding up. What is it you hope to accomplish with the moratorium? Council member McMahan explained that the initiative that we voted on is different from the medical marijuana issue. They are two separate sets of laws. This is an ongoing issue on the medical marijuana piece, versus the recreational marijuana piece; it comes down to how it is used. Mr. Horn stated he wanted to make his voice heard on this, as he doesn't see where it helps us as a City; it makes it more complicated and will cause more problems.

Don Thomson stated his sister is 55 and she has had MS since she was 16; she uses medical marijuana, it does help; don't see anything wrong for those who need it. Newscasters have prescriptions for medical marijuana. Don't have police force to deal with this. Continue the moratorium until we are in a better position. The crime rate will become a problem that we may never recover from.

Gary Hulseley testified as a member of the public, the State is working on governing rules/regulations on this issue, he feels that the two will merge and the City should let the state develop more guidelines and rules.

Stacey Jackson said we did vote on medical marijuana. Use it for pain, also did vote for two more police officers. Opens up a big can, if we legalize and it will get into the wrong hands. Let Seattle take the lead, they have the officers, we don't. We need police officers.

If the Mayor wants this, tell him to get us the police officers. Everyone is still getting their marijuana for their health. Police officers are the number one priority not medical marijuana.

Public hearing closed at 7:07 p.m.

7. OLD BUSINESS

- A. Adoption of Ordinance No. 13-1841, Repealing Pacific Municipal Code Chapter 2.26 Public Safety Director and Re-Establishing Code Section 2.28.020 and Section 2.28.030 Creating the Position of Chief of Police – Item removed. Not properly before Council. Item was not added per adopted Council Rules and Procedures.**

- B. Confirmation of Mayoral Appointment of Howard Erickson to the Civil Service Commission. Item removed. Not properly before Council. Item was not added per adopted Council Rules and Procedures.**

- C. Adoption of Ordinance No. 13-1842, Amending Pacific Municipal Code 2.64 Civil Service Commission, Sections 2.64.010 and 2.64.020. Item removed. Not properly before Council. Item was not added per adopted Council Rules and Procedures.**

8. NEW BUSINESS

- A. Adoption of Ordinance No. 13-1843, Extending the Moratorium on Medical Marijuana Collective Gardens and Establish a Moratorium on the Production, Processing, and Retailing of Marijuana in the City of Pacific**

Acting Public Works Director Barnett presented a staff report.

Already discussed it, the extension is to establish rules, the problem is that if we don't do anything, we leave ourselves open to anything. This is why we need to address the whole policy before adopting. There are specific rules, but as far as overall need to make sure it is not in just any area.

Jeanne Fancher – perhaps since some haven't been following all along, the moratorium is to allow the planning commission to further study and develop regulations that would be enforceable by the building department and the police. This is just for development of

the regulations to control things and the planning commission will have a meeting regarding these issues.

Council member Hulseley moved and Council member Jones seconded the motion to Adopt Ordinance No. 13-1843, Extending the Moratorium on Medical Marijuana Collective Gardens and Establish a Moratorium on the Production, Processing, and Retailing of Marijuana in the City of Pacific

ROLL CALL VOTE:

Council member Hulseley -	Aye
Council member Jones -	Aye
Council member Steiger -	Aye
Council member Guier -	Aye
Council member McMahan -	Aye
Council member Putnam -	Aye
Council member Walker -	Absent

The Motion carries with a unanimous vote.

B. Adoption of Resolution No. 2013-019, Approving the 2013 Planning Commission Work Plan

Acting Public Works Director Barnett presented a staff report.

Council member Hulseley moved and Council member Putnam seconded the motion to Adopt Resolution No. 2013-019, Approving the 2013 Planning Commission Work Plan.

ROLL CALL VOTE:

Council member Hulseley -	Aye
Council member Jones -	Aye
Council member Steiger -	Aye
Council member Guier -	Aye
Council member McMahan -	Aye
Council member Putnam -	Aye
Council member Walker -	Absent

The Motion carries with a unanimous vote.

C. Adoption of Resolution No. 2013-020, Approving the Park Board Participation in Earth Day in Conjunction with Pacific Partnerships

Council asked to discuss Resolution No. 2013-020 and 2013-021 as two separate items.

Jean Fancher addressed Council acknowledging that many of you participated in Earth Day. Started with trash pickup, coloring contests, and mugs. It is a growing community event. Geo caching folks, from all over come to check out the area and pick up trash while looking for geo caches. It would be good for Pacific to be known for more than just the local politics. The Event does bring awareness of garbage, water pollution, and community issues.

Paula Wiech advised that she created the typo on the Resolution for Pacific Days; fourth whereas should reference July 12-14, 2013.

Council member Hulsey moved and Council member Jones seconded the motion to Adopt Resolution No. 2013-020, approving the Park Board Participation in Earth Day in Conjunction with Pacific Partnerships.

ROLL CALL VOTE:

Council member Hulsey -	Aye
Council member Jones -	Aye
Council member Steiger -	Aye
Council member Guier -	Aye
Council member McMahan -	Aye
Council member Putnam -	Aye
Council member Walker -	Absent

The Motion carries with a unanimous vote.

D. Adoption of Resolution No. 2013-021, Approving the Park Board Participation in Pacific Days Events in Conjunction with Pacific Partnerships.

Council member Hulsey moved and Council member Putnam seconded the motion to Adopt Resolution No. 2013-021, Approving the Park Board Participation in Pacific Days Events in Conjunction with Pacific Partnerships.

ROLL CALL VOTE:

Council member Hulsey -	Aye
Council member Jones -	Aye
Council member Steiger -	Aye
Council member Guier -	Aye
Council member McMahan -	Aye
Council member Putnam -	Aye
Council member Walker -	Absent

The Motion carries with a unanimous vote.

E. Adoption of Resolution No. 2013-022, Authorizing the Mayor to Execute a Letter to the Department of Ecology Accepting their Conditional Approval of Pacific's Shoreline Master Program

Acting Public Works Director Barnett presented a staff report and asked that it be the Mayor or Mayor Pro Tem to execute.

Council member Hulseley moved and Council member Jones seconded the motion to Adopt Resolution No. 2013-022, Authorizing the Mayor to Execute a Letter to the Department of Ecology Accepting their Conditional Approval of Pacific's Shoreline Master Program.

ROLL CALL VOTE:

Council member Hulseley -	Aye
Council member Jones -	Aye
Council member Steiger -	Aye
Council member Guier -	Aye
Council member McMahan -	Aye
Council member Putnam -	Aye
Council member Walker -	Absent

The Motion carries with a unanimous vote.

F. Adoption of Resolution No. 2013-023, Setting a Public Hearing for the Butte Properties Comprehensive Plan Map Amendment

Acting Public Works Director Barnett presented a staff report. Explaining that to do a zone change the City has to amend the Comprehensive Plan first. The change requested is from Office Park to Light Industrial. Howard Gustafson, Planning Commissioner, reported the Planning Commission held a public meeting on 2/5/13 and voted unanimously to forward this recommendation to the Council.

Council member Steiger moved and Council member Putnam seconded the motion to Adopt Resolution No. 2013-023, Setting a Public Hearing for the Butte Properties Comprehensive Plan Map Amendment.

ROLL CALL VOTE:

Council member Hulseley -	Aye
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Council member Jones -	Aye
Council member Steiger -	Aye
Council member Guier -	Aye
Council member McMahan -	Aye
Council member Putnam -	Aye
Council member Walker -	Absent

The Motion carries with a unanimous vote.

G. Adoption of Resolution No. 2013-024, Authorizing a Fund Transfer for Carner Meadows Project Improvements

Acting Public Works Director Barnett presented a staff report. Council member Jones asked where the funds will come from. Finance Director Garrison answered with the funds coming from Fund 300, Capital Improvements.

Council member Jones moved and Council member Hulsey seconded the motion to Adopt Resolution No. 2013-024, Authorizing a Fund Transfer for Carner Meadows Project Improvements.

ROLL CALL VOTE:

Council member Hulsey -	Aye
Council member Jones -	Aye
Council member Steiger -	Aye
Council member Guier -	Aye
Council member McMahan -	Aye
Council member Putnam -	Aye
Council member Walker -	Absent

The Motion carries with a unanimous vote.

H. Adoption of Resolution No. 2013-025, Authorizing the Acting Public Works Director to Sign Right-of-Way Acquisitions for Valentine Road Improvement Project

Acting Public Works Director Barnett presented a staff report.

Council member Hulsey moved and Council member Jones seconded the motion to Adopt Resolution No. 2013-025, Authorizing the Acting Public Works Director to Sign Right-of-Way Acquisitions for Valentine Road Improvement Project.

ROLL CALL VOTE:

Council member Hulsey -	Aye
Council member Jones -	Aye
Council member Steiger -	Aye
Council member Guier -	Aye
Council member McMahan -	Aye
Council member Putnam -	Aye
Council member Walker -	Absent

The Motion carries with a unanimous vote.

I. Adoption of Resolution No. 2013-026, Entering into a Hiring Freeze for the Position of Public Works Utility Lead

Council member Hulsey reported the need for a working foreman in the Public Works Department, which has been considered in the past. This was discussed while negotiating the last contract. Council wants to restructure the whole area; and with the retirement of the Public Works Lead, the City has the opportunity to consider the restructure as intended.

Council member Hulsey moved and Council member Guier seconded the motion to Adopt Resolution No. 2013-026, Entering into a Hiring Freeze for the Position of Public Works Utility Lead.

ROLL CALL VOTE:

Council member Hulsey -	Aye
Council member Jones -	Aye
Council member Steiger -	Aye
Council member Guier -	Aye
Council member McMahan -	Aye
Council member Putnam -	Aye
Council member Walker -	Absent

The Motion carries with a unanimous vote.

J. Adoption of Resolution No. 2013-027, Authorizing the City Clerk/Personnel Manager to Execute Contract for Records Management and Public Records Assistance

Ms. Kirkpatrick presented a staff report.

Council member Guier moved and Council member Putnam seconded the motion to Adopt Resolution No. 2013-027, Authorizing the City Clerk/Personnel Manager to Execute Contract for Records Management and Public Records Assistance.

ROLL CALL VOTE:

Council member Hulsey -	Aye
Council member Jones -	Aye
Council member Steiger -	Aye
Council member Guier -	Aye
Council member McMahan -	Aye
Council member Putnam -	Aye
Council member Walker -	Absent

The Motion carries with a unanimous vote.

K. Adoption of Resolution No. 2013-028, Authorizing the Council to Execute a Contract for Land Use Attorney

Council member Jones moved and Council member Hulsey seconded the motion to Adopt Resolution No. 2013-028, Authorizing the Council to Execute Contract for Land Use Attorney.

ROLL CALL VOTE:

Council member Hulsey -	Aye
Council member Jones -	Aye
Council member Steiger -	Aye
Council member Guier -	Aye
Council member McMahan -	Aye
Council member Putnam -	Aye
Council member Walker -	Absent

The Motion carries with a unanimous vote.

L. Approval of the February 11, 2013, Council Meeting Minutes.

Council member Putnam moved and Council member Jones seconded the motion to approve the Minutes of the February 11, 2013 Council meeting with a revision under Item 3. Approval of Agenda, noting that Agenda Items were not properly before Council and were removed as the Council Rules were not followed.

City Attorney stated that the requirements are set forth in the Council Rules and have been made known to the Mayor numerous times. The Mayor can add any item for any of his meetings; Council Rules must be followed for adding things or removing things from the Agenda for Council meetings.

ROLL CALL VOTE:

Council member Hulseley -	Aye
Council member Jones -	Aye
Council member Steiger -	Aye
Council member Guier -	Aye
Council member McMahan -	Aye
Council member Putnam -	Aye
Council member Walker -	Absent

The Motion carries with a unanimous vote.

9. CONSENT AGENDA

A. Approval of Claim Voucher and Payroll Approval

B. Approval of the February 19, 2013 Workshop Meeting Minutes

Council member Putnam moved and Council member Hulseley seconded the motion to approve the Consent Agenda. The Motion carried by unanimous voice vote.

10. EXECUTIVE SESSION – NONE

11. ADJOURN

Mayor Pro Tem McMahan adjourned the February 11, 2013, City Council Meeting at 7:55 p.m.

Respectfully submitted,


Patricia J. Kirkpatrick, MMC, City Clerk