

**CITY OF PACIFIC
CITY COUNCIL**

**REGULAR MEETING
March 25, 2013**

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

1. CALL TO ORDER AND FLAG SALUTE

Mayor Sun called the meeting of the Pacific City Council to order at 6:30 p.m. and led the pledge.

Mayor: Cy Sun, present

2. ROLL CALL OF COUNCIL MEMBERS

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

STAFF PRESENT - City Attorney Ken Luce; Community Services Director Sheryl Finwall; Sgt. Michel Bos; and, Finance Director/ Acting City Clerk Betty Garrison.

Council Member Hulsey moved to excuse Council Member Steiger. Council Member Jones seconded the motion which passed with a unanimous vote.

3. APPROVAL OF AGENDA

A. Council requested the following changes to the Agenda:

Delete item 8.b at the request of Acting Public Works Director Barnett.

Add an Executive Session prior to 8.c to review qualifications of an applicant for 10 minutes.

Council Member Putnam moved to accept the Agenda as amended. Council Member Jones seconded the motion.

ROLL CALL VOTE:

Council Member Hulsey -	Aye
Council Member Jones -	Aye
Council Member Steiger -	Absent
Council President Guier -	Aye
Council Member McMahan -	Aye

Council Member Putnam - Aye
Council Member Walker - Aye

The Motion carried with a unanimous vote.

4. AUDIENCE COMMENT

Audrey Cruickshank addressed Council speaking against the Mayor firing staff and putting them out of work.

Stacy Knudtson questioned putting two top police officers out on administrative leave. She played a recording of the 911 call of Mayor requesting law enforcement assistance for him to deliver termination papers to the police.

DuWayne Gratz addressed Council regarding the yellow Volkswagen with Oregon plates and tabs and asking about investigations and claims.

Mayor Sun responded to the question about the Oregon license plates stating that the car in question is owned by his wife who is an Oregon resident. The blue car is his car and it is licensed in Washington.

Bill White addressed Council regarding the City being in the news and questioning why we are in the news. He suggested taking out the trash and asked the Mayor to resign and stated it is on Council, also. He stated the city doesn't "need turmoil and controversy".

Tom Youngs addressed Council regarding squatters having more rights than landlords. For the first time he had a wonderful experience with a Police Department. His tenant failed to keep water on. Director Barnett posted the property as uninhabitable. The Police Department cited the tenant with trespassing and had the guy move immediately. He expressed his thanks to the Police Department for their help. He expressed that he was very angry about the Mayor putting the Police Department management out.

Stacy Jackson addressed Council to discuss that he heard about the firing of the Chief of Police and Lt. and now the City has citizens arguing against each other. He questioned why the Mayor used Director Barnett to help with phone call. There is a need for change. The citizens deserve more.

5. REPORTS

Mayor – no report.

Finance – no report.

Court Statistics – no report.

Public Safety Department – no report

Public Works/Community Development – no report.

Community/Senior/Youth Services - Community Services Director Sheryl Finwall reported on the planning for events at the Senior and Youth Centers. She reported on

progress with getting the computer lab up and running and work on grants.

City Council – Council Member Jones questioned the validity of the Mayor’s statement about his wife’s residency in Oregon. City Attorney Luce read an email he received from Mayor Sun identifying the need to keep the confidentiality intact with regard to the administrative leave and investigation and advising Council to not discuss the matter at this meeting. He requested that the Mayor forward to him the basis for the administrative leave. The City Attorney accused the Mayor of not following Civil Service Rules 17 and 18 and argued with the Mayor when told that the rules were followed. The City Attorney was questioned about the status of the whistle-blower complaint received in August, for which Council had urged the Mayor to investigate promptly.

Council Member Putnam reported that he did preliminary research into upgrades for the sound equipment and found inductive loop technology system could be installed for \$300.00 and for \$100.00 microphones could be added to the current system to provide one for each council member, the podium and staff table. Mayor Sun reported that he has been working with the University of Washington on his hearing issues and he would like to wait for the results and recommendations from them prior to spending City funds on changes. Council Member Hulseley asked Council Member Putnam if this is loop induction coil design. Council Member Putnam replied it was and would cover 400 square foot area, enough to serve all of Council and possibly the front of the audience.

Council Member Hulseley asked if the Mayor discussed with the Police the reasons they were put on “suspension”.

City Council – no report

Personnel – no report

COMMITTEE BOARDS

Park Board - no report

Civil Service – no report

Planning Commission - no report

South King County Transportation Board (SKTBD) - no report

Pierce County Regional Council (PCRC) - no report

Suburban Cities Association (SCA) - Council President Guier reported attending the Sound Cities networking dinner. She expressed appreciation for the opportunity to attend. The next SCA meeting will be April 13, 2013.

Valley Regional Fire Authority (VRFA) – Mayor Sun read the call report. Council Member Walker reported that they received an Assistance to Firefighters Grant for nearly \$300,000.00.

6. PUBLIC HEARING

None.

7. OLD BUSINESS

- A. Accept this as the second reading and Adoption of Ordinance No. 2013-1844 Amending Pacific Municipal Code Chapter 3.02 – Business and Occupation Tax and Chapter 3.03 – Administrative Provisions for Business and Occupation Tax**

Council Member Putnam moved to accept this as the second reading and adopt Ordinance No. 2013-1844 - Amending Pacific Municipal Code Chapter 3.02 – Business and Occupation Tax and Chapter 3.03 – Administrative Provisions for Business and Occupation Tax. Council Member Putnam explained the reason for the amendment. Council Member Hulsey seconded the motion.

ROLL CALL VOTE:

Council Member Hulsey -	Aye
Council Member Jones -	Aye
Council Member Steiger -	Absent
Council President Guier -	Aye
Council Member McMahan -	Aye
Council Member Putnam -	Aye
Council Member Walker -	Aye

The Motion carried with a unanimous vote.

8. NEW BUSINESS

- A. Motion to adopt Resolution No 2013-030 Authorizing the Waiver of Utility Bill Penalties for the Property Located at 429 Milwaukee Blvd. S.**

Yates Property Utility Bill – Mayor Sun presented this Resolution for consideration.

Council discussed and acknowledged the City's contribution to the issue in not filing the lien in a timelier manner.

Council Member Putnam moved to adopt Resolution No. 2013-030 Authorizing the Waiver of Utility Bill Penalties for the Property Located at 429 Milwaukee Blvd. S. for the property owned by C & H RE Investors, service address 429 Milwaukee Blvd. S. Council Member Jones seconded the motion.

ROLL CALL VOTE:

Council Member Hulsey -	Aye
Council Member Jones -	Aye
Council Member Steiger -	Absent
Council President Guier -	Aye
Council Member McMahan -	Aye
Council Member Putnam -	Aye
Council Member Walker -	Aye

The Motion carried with a unanimous vote.

B. Waiver of Penalty Fees for Lloyd Enterprises – REMOVED FROM AGENDA

C. Confirmation of appointment of Interim City Clerk.

Mayor Sun presented his choice for an Interim City Clerk. Ms. Paul addressed Council identifying her qualifications. Council questioned her on her experience.

EXECUTIVE SESSION

Recess to Executive Session per Title 42.30.110(f) RCW, for 10 minutes for Personnel Issue

8:03 p.m. Council recessed to Executive Session for approximately 10 minutes to discuss qualifications of the applicant for temporary appointment as Interim City Clerk/Personnel Manager.

8:13 p.m. Council requested 5 more minutes.

8:19 p.m. Council requested 5 more minutes.

8:26 p.m. Council reconvened. Mayor Sun stated that he could not chair the meeting. Mayor Pro-Tem McMahan assumed the chair per the Rules of Procedure during the absence or disability of the Mayor.

Council Member Walker moved to confirm the Mayors' appointment of Sandy Paul to the position of Interim City Clerk for a period not to exceed three (3) months. Council Member Putnam seconded the motion.

Council Member Walker stated he supports the appointment since he has worked with her in the past. Council Member Putnam stated he also had worked with her in the past and, while he is aware of other Council members' concerns, he believes she is qualified.

Council Member Jones moved to modify the contractual language to allow for thirty day window rather than 3 months. Council Member Hulsey seconded the motion.

Council Member Jones wanted proof that the hiring process was followed.

Public Comment: Don Thompson wanted to see a restriction on time that she is in office.

A voice vote was taken on the motion to amend to a 30 day limit for the appointment. The motion carried unanimously.

Council Member Hulsey requested confirmation that if confirmed for temporary hire it would still require Council confirmation prior to appointment to the permanent position.

ROLL CALL VOTE on the Motion to confirm the Mayor's appointment of Sandy Paul as temporary City Clerk for a period not to exceed 30 days:

Council MemberHulsey -	Aye
Council MemberJones -	No

Council Member Steiger -	Absent
Council President Guier -	No
Council Member McMahan -	No
Council Member Putnam -	Aye
Council Member Walker -	Aye

The Motion fails by a 3 – 3 vote.

The Mayor stated that he would be able to vote to break a tie. The Mayor Pro Tem as chair of the meeting ruled that the motion failed for lack of a majority.

C. Authorization of Contract with Intravaia Investigations LLC for investigative Services for Whistleblower complaint from August.

Mayor Sun presented information. Council Member Walker asked to postpone action.

Council Member Walker moved to authorize the contract with Intravaia Investigations LLC for investigation of the Whistleblower Complaint. Council Member Putnam seconded the motion. Council Member Walker moved to postpone consideration to a Special meeting after the Workshop on Monday, April 1, 2013. Council Member Putnam seconded the motion.

Council Member McMahan asked regarding the process and how long the company has been in business.

Council Member Putnam asked if there is an indemnification clause shielding of the City from actions of Private Investigator. He requested an Indemnification clause and an Agreement to confidentiality clause.

Council Member Hulseley stated that RCW requires investigations of the Police Department must be provided by Law Enforcement. He expressed concern regarding the person being investigated is hiring the investigator.

Don Thompson asked how many times taxpayers' money has been wasted on investigations. He said they will not restrict their investigation to one item and suggested the City go with the law and have a government agency do investigation.

Council Member Putnam questioned the right of withdrawal clause not specifying who has the authority to act for the City. He questioned the terminology "Binding upon heirs, representatives".

Attorney Luce stated that he had not gone into evaluating the contract and that they should be directed to make the scope narrower. Council Member Jones reported that was done.

Council Member Walker asked if Council was directing the Attorney to review the contract and pointed out that it is potentially wasting time and money if King County was going to do the investigation.

Council Member Jones suggested that at the conclusion of his conversation with King County he can review this contract.

Council Member Hulsey suggested State Patrol, as a few years back they did one for all Law Enforcement.

The motion carried with a unanimous voice vote.

9. CONSENT AGENDA

A. Approval of Payroll and Claim Vouchers

Council Member Putnam moved to approve Item a. of the Consent Agenda consisting of Payroll and Claim Vouchers in the amount of \$173,755.27. Council Member Jones seconded the motion.

Council Member Walker asked for time breakdown for Ken Barnett as Building Official/Code Enforcement vs. Acting Public Works Director. He compared Police Overtime to Overtime for the other City employees.

Public Comment: DuWayne Gratz questioned Vouchers for State Auditor, City Attorney, and asked that the employee paid Administrative Leave be identified.

Attorney Luce asked that the name not be released. Mr. Gratz asked if Paula Wiech is on half time at only 86.67 hours paid. (Staff advised that is full time pay – semi-monthly pay.) He asked about Council placing a lien on the Mayor's pay.

Don Thompson found it interesting that four Police Officers on patrol worked 100 hours of overtime and all City Hall only had 64 hours. He questioned having four employees reading water meters and suggested that they be put on a bicycle to save the City money.

The motion carried with a unanimous voice vote.

B. Approval of Minutes for October 30, 2012 and March 18, 2013 Workshop and March 18, 2013 Special Meeting.

Council Member Putnam moved to approve Item b. of the Consent Agenda consisting of the minutes from the October 30, 2012 Special Meeting, and the March 18, 2013 Workshop and Special Meeting. Council Member Jones seconded the motion. The motion carried with a unanimous voice

10. ADJOURN

Mayor Sun adjourned the meeting at 9:01 p.m.


for Betty Garrison, MMC, CPFA, Acting City Clerk