

**CITY OF PACIFIC
CITY COUNCIL**

**REGULAR MEETING
April 8, 2013**

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

1. CALL TO ORDER AND FLAG SALUTE

Mayor Pro-tem McMahan called the meeting of the Pacific City Council to order at 6:30 p.m. and led the Pledge of Allegiance.

Mayor: Cy Sun, absent

2. ROLL CALL OF COUNCIL MEMBERS

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

Staff Present: City Attorney Ken Luce; Acting Public Works Director Ken Barnett; Lt. Massey; Sgt. Michel Bos; Detective Newton; Public Works Maintenance Worker Bill Brookhart; and Finance Director/Acting City Clerk. Betty Garrison.

Council Member Hulsey moved and Council Member Jones seconded to excuse Council members Steiger and Walker. The Motion passed with a unanimous voice vote.

3. APPROVAL OF AGENDA

A. Council requested the following changes to the Agenda:

Additions:

Item 8.e Hiring Practices
Item 8.f Investigator Contracts
Item 8.g Media Releases
Item 10.a Update on Union Negotiations for PW Clerical Contract
 – Council President Guier
Item 10.b Collective Gardens – Pending litigation
 – Council Member Hulsey

Deletions:

Item 8.d Confirmation of Appointment of Full-Time City Clerk – as they were not

properly added to the Agenda per the Rules of Procedure.

Item 9.b Approval of Minutes for March 25, 2013 Regular Meeting

Council Member Putnam moved and Council Member Jones seconded to accept the Agenda as amended. Motion carried with a unanimous voice vote.

4. AUDIENCE COMMENT

Duwayne Gratz addressed Council expressing the opinion that Item 8.d was not properly before Council since it wasn't put on the Agenda by the Council. He submitted his letter for the Mayor to sign for his resignation. Mr. Gratz stated it was good to see Lt. Massey and expressed relief that with the Mayor being absent, he would not have to listen to the Mayor report for the Court and VRFA.

5. REPORTS

Mayor – No Report

Finance – Finance Committee will be meeting tomorrow at 6:30 pm

Court Statistics – Report distributed.

Public Safety Department – Lt. Massey wanted his comments included in the record. He is 2nd in command and was put on administrative leave without cause. He received an order from the Civil Service Commission that he was reinstated to active duty immediately. On two occasions Lt. Massey has attempted to retrieve his commission card, badge, keys, and computer access with which to do his job. Both times the Acting City Clerk, Betty Garrison, refused to return these items. Without access to his computer, he is limited in performing his duties as of last Friday. She told Lt. Massey that she has been ordered by Mayor Sun to refuse him access to these items and the computer. James McMahan, asks the City Attorney, Mr. Ken Luce about the situation. Mr. Luce responded that at this time he could not make a statement. MRSC has stated the Mayor has no jurisdiction to ignore the Civil Service Commission's decision.

Council Member Hulsey moved and Council President Guier seconded that the Officers be encouraged to document and report any suspected or apparent violation of the applicable statutes and report it to the King County Prosecutors Office. Motion carried with a unanimous voice vote.

Council President Guier requested that a meeting be scheduled to review a letter sent by a citizen regarding the conditions of the City's sidewalks.

James McMahan, acting as Mayor Pro-Tem, directed that Chief Calkins and Lt. Massey be returned all items need to perform their duties, their commission cards, their badges, their keys to their office, and access to their computers, immediately. Further, he instructed all city employees or officers to take such responsible actions as necessary to fulfill that tonight. Mayor Pro-Tem McMahan asked Lt. Massey if it could be done that evening, and he said that he didn't know the location of the items, but that the Acting City Clerk, Betty Garrison might have access to these things. Mayor Pro-Tem McMahan called for a recess after the reports have concluded in order to sort this out,

because it's important.

Public Works/Community Development – Received an opinion letter from the Landards's attorney on the right-of-way issues for Stewart Road. Can't go into particulars in public, but wanted to let the Council know that the letter was received and in the City's favor. Also, addressed article in the Auburn Reporter regarding needing two employees to go out and read the meters. This is done strictly for safety issues, and happens to be the most efficient way.

Community/Senior/Youth Services - No Report

City Council – Council President Guier attended the King County Flood District meeting last month at the Algona/Pacific Library. They discussed their future plans, and possible 2014 – 2016.

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) – Meet next week

Valley Regional Fire Authority (VRFA) – No Report

Council President Guier moved and Council Member Putnam seconded that the Council call a 10 minute recess so that Mayor Pro-Tem McMahan and City Attorney Luce could try and get access to Chief Calkins and Lt. Massey's items they need to carry out their normal job functions. Motion carried by unanimous voice vote.

The meeting was recessed at 7:14 p.m. and Mayor Pro Tem McMahan called the meeting back to order at 7:26 p.m.

6. PUBLIC HEARING

None

7. OLD BUSINESS

None

8. NEW BUSINESS

- A. Adoption of Resolution No. 13-031, a Resolution of the City of Pacific, Washington Authorizing the Correction of Utility Billing and Waiver of Utility Bill Penalties for Property Owned by Lloyd Enterprises, Inc.**

Public Works Director Barnett presented this Resolution for consideration. Council members discussed.

Council Member Putnam moved and Council Member Jones seconded the Adoption of Resolution No. 2013-031 - Authorizing the correction of Utility Billing and Waiver of Utility Bill Penalties for the Property Owned by Lloyd Enterprises.

Council Member Hulsey recused himself from the vote. The Lloyd family was a past customer, and that might construed as a conflict of interest.

ROLL CALL VOTE:

Council Member Hulsey -	Recused
Council Member Jones -	Aye
Council Member Steiger -	Absent
Council President Guier -	Aye
Mayor Pro Tem McMahan -	Aye
Council Member Putnam -	Aye
Council Member Walker -	Aye

Motion carried by unanimous vote.

- B. Approval of Signing of the Statement of Intent to Sign the ILA with King County Solid Waste.**

Director Barnett presented this Resolution for consideration. Council members discussed.

Council Member Hulsey moved and Council Member Jones seconded the Motion to Approve Signing of the Statement of Intent to Sign the ILA with King County Solid Waste. Motion carried with a unanimous voice vote.

- C. First Reading of Ordinance No. 2013-1845- Amending Pacific Municipal Code to Delete PMC 5.023.045 Exemptions and Add PMC 5.02.040 C.; requiring the licensing of all religious, charitable or benevolent societies or organizations.**

Council Member Gary Hulsey presented this Ordinance for a first reading. Council members discussed.

Council Member Hulsey moved and Council Member Putnam seconded the Motion to Amend Section 4 to provide an effective date of July 1, 2013. The Motion carried by unanimous voice vote.

Council Member Putnam moved and Council Member Hulsey seconded the

Motion to postpone final Adoption of Ordinance No. 2013-1845 - Amending Pacific Municipal Code to Delete PMC 5.023.045 Exemptions and Add PMC 5.02.040 C, as amended, requiring the licensing of all religious, charitable or benevolent societies or organizations to the City Council's next Regular Business Meeting. Motion carried by unanimous voice vote.

- D. Confirmation of Appointment of Full-Time City Clerk – Mayor Cy Sun – Removed from Agenda**
- E. Adoption of Resolution 2013-032, A Resolution of the City Council of the City of Pacific**

Council Member Putnam presented this Resolution regarding hiring practices for the Council's consideration. Council discussed.

Council Member Putnam moved and Council Member Hulseley seconded to amend Resolution 2013-032 as follows: Paragraph Six "NOW THEREFORE", Item number 1. – Remove "all City Staff" and replace with "the Mayor". Paragraph Six "NOW THEREFORE", Item number 2. – Remove "all City Staff" and replace with "the Mayor". The Motion carried by unanimous voice vote.

Council Member Putnam moved and Council Member Hulseley seconded to adopt Resolution 2013-032, as amended.

ROLL CALL VOTE:

Council Member Hulseley -	Aye
Council Member Jones -	Aye
Council Member Steiger -	Absent
Council President Guier -	Aye
Mayor Pro Tem McMahan -	Aye
Council Member Putnam -	Aye
Council Member Walker -	Aye

The Motion carried by unanimous vote.

- F. Adoption of Resolution 2013-033, a Resolution of the City Council of the City of Pacific.**

Council Member Putnam presented this Resolution regarding Investigator Contracts for the Council's consideration. Council discussed.

Council Member Putnam moved and Council Member Jones seconded to amend Resolution 2012-033 as follows: Paragraph 5, Item number 3. - strike the phrase "a personal" and replace with "an investigation". Motion carried with a unanimous voice vote.

Council Member Hulseley moved and Council Member Jones seconded to adopt Resolution 2013-033, as amended, A Resolution of the City Council of the City of Pacific.

ROLL CALL VOTE:

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

Motion carried with a unanimous vote.

G. Adoption of Resolution 2013-034, A Resolution of the City Council of the City of Pacific.

Council Member Putnam presented this Resolution regarding media releases for the Council's consideration. Council discussed.

Council Member Jones moved and Council Member Hulsey seconded the Motion to amend Resolution 2012-034 as follows: Paragraph 5 is stricken in its entirety. Motion carried with a unanimous voice vote.

Council Member Hulsey moved and Council Member Jones seconded the Motion to adopt Resolution 2013-034, as amended, A Resolution of the City Council of the City of Pacific.

ROLL CALL VOTE:

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

Motion carried with a unanimous vote.

8. CONSENT AGENDA

A. Approval of Payroll and Claim Vouchers

B. Approval of Minutes for March 25, 2013 Regular Meeting – Removed from Agenda.

Council Member Putnam moved and Council Member Hulsey seconded the Motion to approve the Consent Agenda, as amended. The motion carried with a unanimous voice vote.

Council Member Hulsey moved and Council Member Jones seconded the Motion to suspend Council Rules in order to request the Acting Clerk to provide Council

with a copy of Mayor Sun's e-mail ordering her not to give computer access to the Lt. and Chief of Police. Motion carried with a unanimous voice vote.

Council Rules Suspended.

Council Member Hulsey moved and Council Member Jones seconded the Motion to request the Acting Clerk to forward to the Council members a copy of the e-mail ordering her not to give the Lt. and Chief of Police computer access, badges, etc. Motion carried by a unanimous voice vote.

Council proceeds under Roberts Rules of Order.

9. EXECUTIVE SESSION

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

Council President Guier requested 10 minutes to update Council on contract negotiations with the Public Works Clerical Union. Information item. No action anticipated.

Council Member Hulsey requested 3 minutes to update Council on Collective Gardens – Litigation. No Action anticipated.

10. ADJOURN

Mayor Pro-tem McMahan adjourned the meeting at 8:52: p.m.

Respectfully submitted,


Betty Garrison, MMC, CPFA, Acting City Clerk