

**CITY OF PACIFIC
CITY COUNCIL**

**REGULAR MEETING MINUTES
August 12, 2013**

**City Hall ~ Council Chambers
City Hall, 6:30 p.m.**

1. CALL TO ORDER:

Mayor Leanne Guier called the meeting of the Pacific City Council to order at 6:30 p.m. and led the **PLEDGE OF ALLEGIANCE.**

2. ROLL CALL:

Council members present: Tren Walker, John Jones, Josh Putnam, James McMahan, Gary Hulsey, and Clint Steiger.

Staff Present: City Attorney Elizabeth Thompson; Lieutenant Edwin Massey, Water Manager Jim Schunke, Associate Planner Paula Wiech, Contract Interim Finance Director Richard Gould and Finance Director Betty Garrison.

3. APPROVAL OF AGENDA:

Council discussed changing the Agenda as follows:

Add – Old Business: a. Selection of a Council President

The Agenda as amended was approved by consensus of the Council.

4. AUDIENCE COMMENT:

Gary Olinger, with Golden Show Time Palace, expressed interest starting a theater in Pacific. Referred to the Public Works Committee.

Allison Bolin, 505 4th Ave SE, Apt C, addressed Council explaining that she moved to Pacific for the access to the Park, but there are sand bags in the way. Referred to the Park Board.

Don Duncan, 732 Valentine Ave SE, requested Valentine Avenue be striped while the weather holds. Referred to the Public Works Committee.

Kenneth R. Scroggins, 1512 Thornton Avenue, asked Mayor Guier who sent the letter or contacted her from King County advising that the City was going to lose grants if the City didn't hire an Engineer.

5. REPORTS:

a. Mayor – Mayor Guier reported:

- i. Proclamation proclaiming September as National Recovery Month.
- ii. Suspicious package at City Hall; building was evacuated and the Bomb Squad was called in. Lt. Massey will report further.
- iii. Saturday night the Marines 100 mile-run for Veteran Awareness. Thanks to all who participated and cheered them on.
- iv. Terry Home Show-n-Shine in the Park this week-end.
- v. Working with Auburn and Algona HR staff as interview team to hire a City Clerk.

vi. Requested a motion from Council to confirm Betty Garrison, Finance Director, as acting City Clerk to meet legal requirements until a City Clerk can be hired. **Council member Jones moved to confirm Betty Garrison as acting City Clerk until the position is filled. Council member Hulsey seconded the motion.**

Council member Jones stated that it is necessary to have someone in the position to sign legal documents. Council member McMahan stated that she is certified as a City Clerk. Council member Putnam stated that she has been doing both for awhile. **The motion carried with a unanimous vote.**

vii. Still planning to hire for the position of Activity Coordinator/Bus Driver.

viii. Richard Gould was introduced as the Interim Finance Director. He has been tasked to have Budget numbers by the Council meeting on the 26th. He stated Pacific is a pretty City and the Staff is great. (He left the meeting at 6:50 p.m.)

ix. Council member Walker is working to get Channel 21 up and running.

b. Finance –

c. Court - Reports distributed.

d. Public Safety Department – Report Distributed. Lieutenant Massey thanked the Mayor for organizing the welcoming committee for the runners, there were comments that they were not expecting the reception and they were overwhelmed by the support. Recently two officers were hired, one is on the street handling calls and working a regular shift, the other is in his 10th day of a three month Field Training period. They are thankful to be able to provide service to the citizens. At 12:06 this afternoon they received the call regarding a suspicious parcel. They were contacted by a City employee. They shut down traffic and called the Federal Way Bomb Disposal Unit. At 2:15 it was determined that it was safe and the roadways were again opened. The City employee reporting the suspicious parcel did the right thing. September 20th the Police Department is planning an Open House between 5 p.m. and 8 p.m., they will incorporate National Recovery Month. Council member McMahan asked if this exercise worked following Emergency procedures or if issues came to light that need to be addressed. Lt. Massey reported that Officer West was on duty and did well securing the scene and acting as Incident Commander until a senior officer was on the scene. Everything was done appropriately.

e. Public Works/Community Development – No report, Acting Public Works Director is on his honeymoon.

f. Community/Senior/Youth Services – Mayor Guier reported that she had asked that Darcy Thatch, Community Services Assistant attend the next meeting to report to Council. Council member Jones reported that he will contact her to set up a meeting for the Human Services Committee.

g. City Council – No report.

h. Personnel – No report.

i. Committee Boards

i. Park Board – No report.

ii. Public Works – No report.

iii. Civil Service – No report.

iv. Planning Commission – No report.

v. South King County Transportation Board (SSKTBD) – No report.

vi. Pierce County Regional Council (PCRC) – Council member Jones reported the meeting is cancelled for this month.

vii. Sound Cities Association (SCA) – No report.

viii. VRFA – Council member Walker reported attending the meeting, they surplused

old equipment, funded asphalt repairs at two stations and got a briefing on the Budget.

6. PUBLIC HEARING:

a. Medical Marijuana Moratorium – Mayor Guier opened the Public Hearing at 7 p.m. Associate Planner Wiech reported that there is a case at the State level that is arguing regulations similar to the City’s proposed regulations. This proposed Moratorium is to allow time for regulations to get sorted out. Attorney Elizabeth Thompson concurred with Ms. Wiech and suggested that the City wait and see what the Court does prior to trying to enact regulations.

Heather Cauffman, 222 Hawthorne Avenue, addressed Council in opposition to extending the Moratorium.

Jeff Bagsby, Milwaukee Blvd, addressed Council in opposition to extending the Moratorium.

Mayor Guier invited additional comments and no one responded. The Hearing was closed at 7:08 p.m.

b. Right-of-way Condemnation – Mayor Guier opened the Public Hearing at 7:09 p.m. Ted Hill, Engineer from the City of Sumner reported on the shrinking number of parcels with issues of concern with regard to the right-of-way. This project is at a critical stage and must move forward or the CERB funding will be in jeopardy. There is a deadline in November that must be met with the project being out to bid. To that end this is a necessary action. Attorney Taraday from Lighthouse Law Group was available to answer questions.

Ken Scroggins – 1512 Thornton Avenue, addressed Council expressing concerns regarding the Sewer lines under Valentine and recommending that they be replaced as part of the project. He stated that the sewer lines were camera-ed to identify the issues. He stated that in the past there have been problems that were so bad the smell was evident from the manholes. He stated that if the City covers up the problem instead of fixing it the Council and Mayor could be held personally liable.

Charles Dietsch - Tri-Delt, Inc, addressed Council as the owner of three parcels on Valentine for the past 30 years. He stated that they could not do anything with the property until this project is done. The City needs the development. It is time for this project to move forward. The majority of the property owners are in favor of the improvements.

Mayor Guier invited additional comments and no one responded. The Hearing was closed at 7:19 p.m.

7. OLD BUSINESS:

a. Selection of a Council President. **Council member Hulsey moved to nominate Council member Jones to the position of Council President. Council member Jones declined the nomination. Council member McMahan moved to nominate Council member Walker to the position of Council President. Council member Jones seconded the motion.** Council member McMahan stated that Council member Walker was effective in the position in the past. Council member Jones expressed that Council member Walker would do a good job and make a good team with Mayor Guier. **The motion carried with a unanimous vote.**

8. NEW BUSINESS:

a. Waste Management Consumer Price Index (CPI) Adjustment Options – Effective for billing 9/1/2013. Laura Moser from Waste Management presented three options for

Council consideration. Option 1 would be to subsidize the CPI for 2012 and 2013. Option 2 maintains the subsidy from last years CPI and passes on the CPI for 2013. Option 3 stops the subsidy and passes the CPI from 2012 and 2013 on to the citizens. **Council member Hulsey moved to approve option 2, which maintains the subsidy from last year and passes on the CPI for this year only. Council member Jones seconded the motion.** Council discussed the options and compared the cost to the citizens and the City. **Council member Putnam moved to amend the motion to approve option 3. Council member McMahan seconded the motion.** Council discussed. Audience comments received from Jeanne Fancher suggesting that when negotiations open Council consider including recycling in the base rate. Council discussed timing with this being the last year of the current contract. **The motion to amend passed with a unanimous vote. The motion as amended roll call vote:**

Council member Walker - Aye
Council member Jones - Aye
Council member Putnam - Aye
Council member McMahan - Aye
Council member Hulsey - Nay
Council member Steiger - Aye

b. Resolution No. 2013-064 – Authorizing the Mayor to sign and enter into a Local Agency Standard Consultant Agreement with AHBL, Inc. for engineering services on the West Valley Highway Road Project. Sean Comfort, Engineer, AHBL, Inc presented this Consultant Agreement for Council consideration. This would bring the Design phase to 60% for the West Valley Highway Road Project. They will be looking for additional Grant opportunities and to possibly partner with other jurisdictions to move the project forward in the future. AHBL will work with other consultants with specific expertise for technical assistance. **Council member Putnam moved to approve Resolution No. 2013-064 – Authorizing the Mayor to sign and enter into a Local Agency Standard Consultant Agreement with AHBL, Inc. for engineering services on the West Valley Highway Road Project. Council member Hulsey seconded the motion.** Council discussed the value of the project, that this is a standard agreement, that there is a Grant to cover the majority of the cost and expressed support of the regional approach to move the project forward in the future. The Citizens spoke in support of the project and asked if it would tie into the Trail project. Council also discussed the partnership with Department of Transportation and their support of Pacific projects. **Roll call vote on the motion:**

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

c. Resolution No. 2013-057 – Authorizing the execution of a partnership agreement between State Health Insurance Benefits Advisors (SHIBA) Washington State Office of the Insurance Commissioner and the City of Pacific. Mayor Guier presented this Resolution for Council consideration. **Council member Steiger moved to adopt Resolution No. 2013-057 – Authorizing the execution of a partnership agreement between State**

Health Insurance Benefits Advisors (SHIBA) Washington State Office of the Insurance Commissioner and the City of Pacific. Council member Hulsey seconded the motion. Council discussed the benefit this agreement provides to the seniors.
Roll call vote:

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

d. Resolution No. 2013-058 – Authorizing the execution of an Accessible Services Vehicle Agreement between King County and the City of Pacific. Mayor Guier presented this Resolution for Council consideration. **Council member Jones moved to adopt Resolution No. 2013-057 – Authorizing the execution of an Accessible Services Vehicle Agreement between King County and the City of Pacific. Council member Steiger seconded the motion.** Council discussed the vital service this agreement provides to the citizens of Pacific and the advantage of maintaining the agreement. **Roll Call vote:**

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

e. Resolution No. 2013-061 – Authorizing the execution of the South County Area Transportation Board (SCATBd) Agreement. Mayor Guier presented this Resolution for Council consideration. Membership cost \$100.00 per year and participation in this organization is of value to the City. **Council member Putnam moved to adopt Resolution No. 2013-061 – Authorizing the execution of the South County Area Transportation Board (SCATBd) Agreement. Council member Jones seconded the motion.** Council discussed the advantage of continuing the City participation in this association. **Roll call vote:**

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

f. Ordinance No. 1847 – Authorizing the City Attorney of the City of Sumner, acting as Special Counsel to the City of Pacific, to acquire by negotiation and/or to prosecute an action in the Superior Court of the State of Washington in and for Pierce County under the right of eminent domain for acquisition of certain rights in real estate for the purpose of providing transportation system improvements known as the 136th Avenue/Valentine Avenue Improvement Project, increasing public safety by widening the road and the construction of curb, gutter and sidewalk, and declaring an emergency. Jeff Taraday, Attorney from Lighthouse

Law Group offered to answer any questions. Council questioned the listing of properties that are anticipated to have issues and verified that all attorneys involved had reviewed and approved this Ordinance. **Council member Hulseley moved to adopt Ordinance No. 1847 – Authorizing the City Attorney of the City of Sumner, acting as Special Counsel to the City of Pacific, to acquire by negotiation and/or to prosecute an action in the Superior Court of the State of Washington in and for Pierce County under the right of eminent domain for acquisition of certain rights in real estate for the purpose of providing transportation system improvements known as the 136th Avenue/Valentine Avenue Improvement Project, increasing public safety by widening the road and the construction of curb, gutter and sidewalk, and declaring an emergency. Council member Jones seconded the motion.** Council discussed the need to move the project forward and to not jeopardize funding. Citizens addressed Council questioning the advisability of fixing the problems with the sewer while the road is torn up. Engineer Ted Hill in response to the question agreed that it sounds good in theory, however, the sewer lines are really deep; they did review the video and there are some issues, however, the estimate to replace the sewer line is six million plus. More investigation is still ongoing and some issues will be addressed. The replacement of the entire line cannot happen within the timeline and available funding. **Roll call vote:**

- Council member Walker - Aye**
- Council member Jones - Aye**
- Council member Putnam - Aye**
- Council member McMahan - Aye**
- Council member Hulseley - Aye**
- Council member Steiger - Aye**

g. Ordinance No. 1848 – Extending the Moratorium on the establishment of Medical Marijuana Collective Gardens; extending the Moratorium on the processing, production, and dispensing of Medical Marijuana; extending the effective date; and providing that the Moratorium will sunset within six (6) months of the date of adoption. Associate Planner Wiech presented this Ordinance for Council consideration. Council clarified that the reason for this Moratorium is to allow time for the Supreme Court to rule on a current case that could change the regulations that the City of Pacific adopts. **Council member Hulseley moved to adopt Ordinance No. 1848 – Extending the Moratorium on the establishment of Medical Marijuana Collective Gardens; extending the Moratorium on the processing, production, and dispensing of Medical Marijuana; extending the effective date; and providing that the Moratorium will sunset within six (6) months of the date of adoption. Council member Jones seconded the motion.** Council characterized this as an opportunity to develop options. Attorney Thompson explained that this is a complex issue and that a Plan B is in the development stages. She further explained that there is a difference in the handling of the medical marijuana issue vs. the retail marijuana issue. Council clarified that this is not about if it should be legal or not, that has already been decided, it is about how and where it should be regulated and we need to wait for the existing legal case to be decided prior to moving forward so that we do not end up in a legal battle unnecessarily. **Roll call vote:**

- Council member Walker - Aye**
- Council member Jones - Aye**
- Council member Putnam - Aye**

Council member McMahan - Aye
Council member Hulsey - Aye
Council member Steiger - Aye

h. Outdoor Music Permit for Life of Victory Church Tent Revival September 7 – 15, 2013. Associate Planner Wiech reported this was brought forward at the last Work Session, 15 requirements have been identified by Fire Code and a permit issued for the construction of the Tent; the Fire Department will inspect prior to the revival. The issue for Council consideration is authorization for an Outdoor Music Permit. **Council member McMahan moved to authorize the Outdoor Music Permit for Life of Victory Church Tent Revival. Council member Jones seconded the motion.** Council discussed that this is a repeat of the event last year. They complied with regulations, addressed issues and were a good neighbor. Council acknowledged that the City does not have a sound meter and that maybe the purchase of one should be researched. **The motion carried with a unanimous vote.**

i. Resolution No. 2013-060 – Accepting DOE Grant Funds. Water Manager Jim Schunke presented Resolution No. 2013-060 for Council consideration. He explained that the City did not utilize the entire available Grant funding last year. This year there is a plan to partner with the City of Auburn to enhance the educational portion of this grant and to clean catch basins as mandated. Due to staffing the cleaning of the catch basins may be contracted out. **Council member Hulsey moved to adopt Resolution No. 2013-060 – Accepting DOE Grant Funds. Council member Putnam seconded the motion.** Council discussed the advantage of Grant funding to further efforts with stormwater management. **Roll call vote:**

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

j. Resolution No. 2013-062 - Authorization for Mayor to hire a temporary employee to perform some of the City Clerk duties in the absence of a City Clerk. Mayor Guier presented this Resolution for Council consideration so that she can hire someone to bring the missing minutes current. Council asked if the Resolution as presented needs to be modified as a result of the confirmation of Betty Garrison as Interim Acting City Clerk. Council specified that Ms. Garrison should update the signature lines on the Resolutions and Ordinances that she signs. **Council member Putnam moved to adopt Resolution No. 2013-062 – Authorizing the Mayor to hire a temporary employee to perform some of the City Clerk duties in the absence of a confirmed City Clerk. Council member Hulsey seconded the motion.** Council discussed the need to get the work done. **Roll call vote:**

Council member Walker - Aye
Council member Jones - Aye
Council member Putnam - Aye
Council member McMahan - Aye

Council member Hulsey - Aye
Council member Steiger - Aye

Council member Walker moved to suspend the rules and skip to item M. Council member Hulsey seconded the motion. Council discussed changing the order of business to allow for the public to leave if they wish since there is an anticipated executive session with item K. **The motion carried with a unanimous vote.**

m. Resolution No. 2013-063 – Authorizing submission of Two (2) Grant Applications to the Transportation Improvement Board (TIB) for funding of street improvement projects. Water Manager Schunke presented this Resolution for Council consideration. Council member Walker asked if there was funding available in the Street Fund for the City match on these projects. Finance Director Garrison responded that the funding is not available in the Street Fund, however, there is some funding available in the Capital Projects Fund. **Council member Putnam moved to adopt Resolution No. 2013-063 – Authorizing submission of Two (2) Grant Applications to the Transportation Improvement Board (TIB) for funding of street improvement projects. Council member Hulsey seconded the motion.** Council discussed Grant funding helping the City complete street projects and the Street Fund being underfunded. **Roll call vote:**

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

l. Confirmation of Mayoral Appointments to the Park Board. Mayor Guier presented Council with her two choices for appointment to the Park Board and requested Council confirmation of her appointments. **Council member Hulsey moved to confirm the Mayors appointment of DuWayne Gratz and Kerry Garberding to fill the two vacancies on the Park Board. Council member Putnam seconded the motion.** Mr. Garberding thanked the City for allowing him to give back. Mr. Gratz expressed that he was looking forward to doing what he can for the City. **The motion carried with a unanimous vote.**

k. Interview, selection and installation of a person to fill vacant Council position #4 until certification of the next general election. Mayor Guier explained the process of allowing each of the candidates the opportunity to address Council then Council recessing into Executive Session to discuss qualifications.

Dave Stookey addressed Council outlining his reasons for deciding to run for City Council.

Barbara Lourdes addressed Council with her reasons for seeking appointment to the vacant Council position.

Howard Gustafson addressed Council with his reasons for seeking appointment to the vacant Council position.

Katie Garberding addressed Council with her reasons for seeking appointment to the vacant Council position.

Vic Kave is on vacation and unavailable to address Council.
Eddie Aubrey withdrew his name from consideration for the position.

10. EXECUTIVE SESSION –

Mayor Guier recessed the meeting to Executive Session to discuss qualifications or the candidates for appointing to a vacant Council position. This recess is expected to last 15 minutes, after which Council will reconvene and expects to take action. Meeting recessed at 8:56 p.m.

Council extended the Executive Session for an additional 10 minutes.

Mayor Guier reconvened the Council meeting at 9:23 p.m.

Council member Hulse moved to appoint Katie Garberding to fill vacant Council Position No. 4 until the next general election. Council member Jones seconded the motion. Council discussed the quality of the applicants for the position and thanked everyone for applying and taking an interest in our City. Council discussed the short term for this appointment and the unique situation that it places them in when choosing someone to fill the position. The motion carried with a unanimous vote.

9. CONSENT AGENDA:

- a. Approval of Payroll and Claim Vouchers
- b. Approval of Minutes for July 22, 2013 Regular Meeting
- c. Approval of Minutes for August 5, 2013 Workshop
- d. Approval of Minutes for August 5, 2013 Special Meeting

Council member Putnam moved to approve the consent agenda. Council member Jones seconded the motion. Council brought attention to the fact that there are three sets of minutes included in the Consent Agenda for approval. The motion carried with a unanimous vote.

11. ADJOURN

Mayor Guier adjourned the meeting at 9:30 p.m.



Betty Garrison, MMC, CPFA, Interim Acting
City Clerk

