

**CITY OF PACIFIC
CITY COUNCIL MEETING
January 28, 2013
Council Chambers
City Hall, 6:30PM**

1. CALL TO ORDER AND FLAG SALUTE

Mayor 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

Leanne Guier
Gary Hulsey
John Jones, excused
James McMahan, arrived at 6:33 p.m.
Josh Putnam
Clint Steiger, excused
Tren Walker

Staff present: City Clerk Patti Kirkpatrick; Finance Director Betty Garrison; Acting Public Works/Community Development Director Ken Barnett; Angelica Solvang; and City Attorney Ken Luce.

Councilmember Hulsey Moved and Councilmember Putnam seconded the motion to excuse Councilmembers Jones, McMahan, and Steiger. Upon voice vote, the motion passed by unanimous voice vote.

3. APPROVAL OF AGENDA

Councilmembers added the following item:

1. Executive Session regarding the Stewart Road Project and potential litigation regarding the Civil Service matter to be held following audience comments.

Councilmembers moved the following item to the February 11, 2013 meeting:

1. Certificate of Appreciation.

Councilmember Putnam Moved and Councilmember Walker seconded the motion to approve the agenda as amended. Upon voice vote, the motion passed unanimously.

4. AUDIENCE COMMENT

Mr. Stacey Jackson encouraged the City to be consistent in regards to issuing parking tickets and where residents on his street can legally park, and invited the Council and staff to come down his street to see the issue first hand.

Dr. Jim Brass, Scout Master for Pacific Troup 835, voiced concern that his youth group will now be charged to use the gymnasium and/or senior center when before it

was at no cost. Councilmember Walker asked that this item be remanded to the Human Services Committee for further discussion and review.

At 6:38 p.m. Mayor Sun adjourned the Council meeting into Executive Session regarding potential litigation for one hour, in accordance with RCW 42.30.110(i), noting no action will be taken and invited Mr. Gary Richardson, the Acting Public Works/Community Development Director, and the City Clerk to attend. Mayor Sun noted a conflict of interest in regards to the Civil Service Litigation and recused himself from that portion of the executive session. At 7:38 pm. Mayor Sun reconvened the Council meeting.

5. **REPORTS**

Mayor – Mayor Sun reported on recent activity of the Valley Regional Fire Authority in Pacific, noting they are doing a good job. He had asked the Public Safety Director to provide statistics on drug arrests from 2006 forward and Lt. Massey explained the statistics as follows:

- 2006
 - The Police Department had 11 commissioned officers
 - 40 drug related incidents/arrests
- 2007
 - The Police Department had 11 commissioned officers
 - 45 drug related incidents/arrests
- 2008
 - The Police Department had 11 commissioned officers
 - 100 drug related incidents/arrests
- 2009
 - The Police Department had 11 commissioned officers
 - 67 drug related incidents/arrests
- 2010
 - The Police Department had 10 commissioned officers
 - 44 drug related incidents/arrests
- 2011
 - The Police Department had 10 commissioned officers
 - 41 drug related incidents/arrests
- 2012
 - The Police Department had 7 commissioned officers
 - 20 drug related incidents/arrests

In response to Councilmembers, Lt. Massey explained that the numbers are dropping due to the reduction in force/

Finance – Ms. Garrison reported that staff is still adjusting to the Springbrook software, which there were still some programming issues they are working through to make it fully functional; was working to get the Financial Statements brought current by the end of February; and she would follow up with the State Auditor regarding the final 2011 audit exit exam.

Court Statistics – No report given.

Public Safety Department – Lt. Massey voiced his concern that the hiring freeze on the police department was still in effect, noting they were functioning with seven (7) commissioned officers who were working long hours with very little relief, and there was a good possibility that one of the officers will be offered a job with the City of Kent, which will bring the department numbers down to six (6) commissioned officers.

In response to Councilmembers, Lt. Massey went over the following:

- With Director Calkins out on medical leave, he will be in the office handling paper work, continue to work on weekends to help provide some relief to the officers.
- Concerned that this is a drain on the officer's mental capacity to make sound judgment decisions when out on a call and the long shifts are putting the officer's safety and the City at a greater liability risk.
- If the department loses the one officer to Kent, they will still provide shifts, but have increased their risk factor.
- He explained the lengthy process to hire a new police officer, noting this was the only department with a hiring freeze in place.

In response to Councilmembers, Finance Director Garrison explained since the December 16, 2012 payroll period, the Police Department officers have been paid overtime wages, including some premium wages due to holidays, for 173.33 hours total over two payroll periods. Council directed the Finance Director to provide the Finance Committee with a memo on the current overtime costs for the police officers.

In response to Councilmember Walker, the Mayor stated he wanted to think some more about the hiring freeze.

Ms. Katie Garberding sought clarification from the Mayor on what he hoped to gain by not hiring additional police officers when that is what the public wants; voiced her concerns with being safe in the community; and urged him to hire the officers that were budgeted for in 2013. She wanted to know if Mayor Sun could live with himself if there was an unnecessary death that could have been avoided if he had just allowed the officers to be hired; and Mayor Sun replied that he would take her comments under consideration.

Mr. Stacey Jackson inquired if the crime rate goes up during the summer months and encouraged the Mayor to fill the vacant police officer positions. Lt. Massey stated he did not have those figures, but explained that the department was running out of time to get new officers hired and trained.

Councilmember Walker Moved and Councilmember Guier seconded the motion urging the Mayor to lift the hiring freeze for the Police Department. Councilmembers McMahan, Putnam, Walker, Guier, and Hulsey voted in favor. The motion passed.

Public Works/Community Development – Acting Public Works/Community Development Director Barnett reported the grading on 51st Street would begin the next day to smooth out the pot holes, and this treatment should last three to four years.

Community/Senior/Youth Services – No report given.

City Council – Councilmember – removed that item to the February 11th meeting it was part of the amendment of the agenda.

Personnel – City Clerk/Personnel Manager Kirkpatrick provided a brief report on the need to adopt Personnel Policy and Procedures and look at Employee Trainings, which would be brought up at the next Finance Committee meeting.

Committee Boards – No report provided.

Park Board – No report provided.

Public Works – No report provided.

Civil Service – No report provided.

Planning Commission – No report provided.

South King County Transportation Board (SKTBD) – No report provided.

Pierce County Regional Council (PRCR) – No report provided.

Suburban Cities Association (SCA) – No report provided.

Valley Regional Fire Authority (VRFA) – No report provided.

6. PUBLIC HEARING –NONE

7. OLD BUSINESS

A. Second Reading and Adoption of Resolution No. 2013-001, Amending City Council Rules and Procedures

Councilmember Putnam clarified that the old insurance carrier (CIAW) had variety of risk management/claim services that the new carrier does not include in the costs, which means the City will need to manage internally. The new claims committee will review any claims against the city and how to move forward with them. It will be composed of staff, Councilmembers, and city attorney.

Councilmember Putnam Moved and Councilmember Walker seconded the motion to adopt Resolution No. 2013-001, Amending City Council Rules and Procedures. Councilmembers Putnam, Walker, Guier, Hulsey, and McMahan voted in favor. The motion passed.

8. NEW BUSINESS

A. Adoption of Resolution No. 2013-004, Setting 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 Public Works/Community Development Director Barnett provided the staff report, noting the moratorium is appropriate until the state creates new laws and the feds have weighed in.

Councilmember Hulsey Moved and Councilmember Putnam seconded the motion to Adopt Resolution No. 2013-004, Setting a Public Hearing Extending the Moratorium on Medical Marijuana Collective Gardens and Establish a Moratorium on the Producing, Processing, and Retailing of Marijuana in the City of Pacific. Councilmembers Walker, Guier, Hulsey, McMahan, and Putnam voted in favor. The motion passed.

B. Adoption of Resolution No. 2013-005, Authorizing the Acting Public Works Director to Execute an Agreement with Olympic Environmental Resources for 2013 Recycling Collection Events

Acting Public Works Director Barnett provided the staff report, noting that the City has applied for and receive grants to host 2013 recycling collection events. In the past the City has contracted with Olympic Environmental Resources to act as the City's contractual agent for these events.

Councilmember Putnam Moved and Councilmember Guier seconded the motion to adopt Resolution No. 2013-005, authorizing the Acting Public Works Director to execute Contract No. 13-001, Memorandum of Understanding, with Olympic Environmental Resources for 2013 Recycling Collection Events. Councilmembers Walker, Guier, Hulsey, McMahan, and Putnam voted in favor. The motion passed.

C. Adoption of Resolution No. 2013-006, Acknowledging the Rate Increase from Waste Management for Solid Waste

Finance Director Garrison provided the staff report, noting that the City is in receipt of a notification letter advising that King County has increased the rates for solid waste disposal. This resolution formally acknowledges the new rates.

Councilmember Putnam Moved and Councilmember Walker seconded the motion to adopt Resolution No. 2013-006, acknowledging the new rate schedule from Waste Management for the collection and disposal services of solid waste for the King County portion of the City of Pacific. Councilmembers Guier, Hulsey, McMahan, Putnam, and Walker voted in favor. The motion passed.

D. Adoption of Resolution No. 2013-007, Authorizing the Mayor to Execute a Pre-Construction Loan Agreement with Washington State Public Works Board for the Stewart Rd/Thornton Avenue Improvement Project

Finance Director Garrison provided the staff report, noting the City was awarded a pre-construction loan from the Public Works Board for Stewart Rd/Thornton Avenue Improvement Project in the amount of \$300,000, with 1% interest over a five-year period; payments to begin on June 1st; and the loan will reimburse eligible expenses starting April 23,2013.

Councilmember Putnam Moved and Councilmember Hulsey seconded the motion to adopt Resolution No. 2013-007, authorizing the Mayor to execute a Pre-Construction Loan Agreement No. 13-002, with Washington State Public Works Board for the Stewart Rd/Thornton Avenue Improvement Project, attached and incorporated herein as Exhibit A. Councilmembers Hulsey, McMahan, Putnam, Walker, and Guier voted in favor. The motion passed.

E. Adoption of Resolution No. 2013-008, Amending the Master Fee Schedule and Repealing Resolution Nos. 942, 974, 989, 1001, and 1097

Finance Director Garrison provided a staff report, noting there was a request to add two new fees to the City's master fee schedule: 1) Notary Fee in the amount of \$10; and 2) Lien Fees in the amount of \$173.

Councilmember Guier Moved and Councilmember Putnam seconded the motion to adopt Resolution No. 2013-008, amending the Master Fee Schedule and Repealing Resolution Nos. 942, 974, 989, 1001, and 1097. Councilmembers McMahan, Putnam, Walker, Guier, and Hulsey voted in favor. The motion as amended passed.

Councilmembers noted that the Resolution appeared to allow Municipal Court to only recoup the costs of notary services and discussed changing that wording to the City of Pacific instead.

Councilmember McMahan Moved and Councilmember Putnam seconded the motion to amend Resolution No. 2013-008, by striking the words "Municipal Court" and inserting the words "City of Pacific." Councilmembers McMahan, Putnam, Walker, Guier, and Hulsey voted in favor. The motion to amend passed.

F. Adoption of Resolution No. 2013-009, Authorizing the Purchase of Email Archival Software

Councilmember Putnam noted this software will allow the City Clerk's office to efficiently search and retrieve City emails in response to public record requests. The software is a system used by the City of Auburn's Legal, Police, and City Clerk's offices and they have found it to be a useful tool in responding to record requests.

Councilmember Putnam Moved and Councilmember Hulsey seconded the motion to adopt Resolution No. 2013-009, authorizing the purchase of Barracuda Message Archiver 150 Software through the City of Auburn's Information Technology Department in the amount of \$2,886.20. Councilmembers Putnam, Walker, Guier, Hulsey, and McMahan voted in favor. The motion passed.

G. Adoption of Resolution No. 2013-010, Authorizing the Purchase of PS Alley Set Up for City Telephone System

Councilmember Hulsey noted there is an issue with police officers responding to emergency 911 calls who are being dispatched to the Police Department rather than to the City office of the person who called. Staff worked with CenturyLink and their solution was to install the PS Alley and then map out all of the extensions and addresses for upload into the 911 emergency dispatch databases.

Councilmember Hulsey Moved and Councilmember Walker seconded the motion to adopt Resolution No. 2013-010, authorizing the purchase and set up of PS Alley System so that the 911 system will be able to recognize all the different locations of the phones in the City Service Complexes (police

station, city hall, senior center, shop, and community center). Councilmembers Guier, Hulsey, McMahan, Putnam, and Walker voted in favor. The motion as amended passed.

Councilmembers discussed whether sales tax was included and to strike the wording, “in an amount not to exceed.”

Councilmember McMahan Moved and Councilmember Walker seconded the motion to amend Resolution No. 2013-010, by striking the words, “in an amount not to exceed \$270.” Councilmembers Hulsey, McMahan, Putnam, Walker, and Guier voted in favor. The motion to amend passed.

H. Adoption of Resolution No. 2013-011, Authorizing the Purchase of Three-Year Telephone Services Agreement

Finance Director Garrison provided staff report, noting the City’s current contract with CenturyLink, formerly Quest, expired in early 2012; and Staff was able to negotiate a new contract. At the January 22, 2013, Workshop, the Council directed this item be brought forward with a Three-Year Services Agreement.

Councilmember Guier Moved and Councilmember Putnam seconded the motion to adopt Resolution No. 2013-011, authorizing the purchase of Three-Year Telephone Services Agreement No. 13-003 with CenturyLink, in an amount not to exceed \$4,349.70. Councilmembers McMahan, Putnam, Walker, Guier and Hulsey voted in favor. The motion passed.

I. Approval of the January 14, 2013, City Council Meeting Minutes

This item was brought forward for approval as Councilmembers Guier and Walker were not present at the meeting.

Councilmember Putnam Moved and Councilmember Walker seconded the motion to approve the January 14, 2013, City Council Meeting Minutes. Councilmembers McMahan, Putnam, Walker, Guier and Hulsey voted in favor. The motion passed.

J. Approval of the January 22, 2013, Workshop Minutes

This item was brought forward for approval as Councilmembers Walker and Steiger were not present at the meeting.

Councilmember Putnam Moved and Councilmember Guier seconded the motion to approve the January 22, 2013, Workshop Minutes. Councilmembers Putnam, Walker, Guier, Hulsey, and McMahan voted in favor. The motion passed.

K. Discussion: Land Use Attorney

Acting Public Works Director Barnett provided a staff report, noting it has become necessary for the City to hire an attorney who specializes in land use matters to review

certain documents concerning the Stewart Rd/Thornton Avenue Improvement Project, which is time sensitive in nature.

Council discussion ensued regarding the following:

- The need to have outside counsel review land use issues
- Putting a financial cap on the amount of time/costs the land use attorney charges for the work
- Allowing the City Attorney negotiate the contract with the land use attorney for the Steward Road Project only.
- Not specify who the land use attorney will be in case the City Attorney is unable to successfully negotiate the contract; with the amount paid not to exceed \$10,000 for this specific property.

Councilmember Putnam Moved and Councilmember Walker seconded the motion to hire Carol Morris as the land use attorney for Steward Road Project. Councilmembers Walker, Guier, Hulseley, McMahan, and Putnam voted in favor. The motion as amended passed.

Mayor Sun voiced his concern with moving the project forward and assured the Council he would watch the land use attorney costs closely and report back to Council any costs that he felt were unreasonable.

Councilmembers expressed concern that the proposed contract is for full representation of the City and whether there are project funds to offset some of the attorney fees.

Ms. Jeanne Fancher noted it was wise to allow the City Attorney to negotiate the terms to ensure the attorney is only representing the City as it pertains to the Stewart Road Project.

Councilmember McMahan Moved and Councilmember Guier seconded the motion to amend the motion to read: “The Council authorizes the City Attorney to hire a land use attorney regarding the Stewart Road Project not to exceed \$10,000 without prior Council approval. Councilmembers Guier, Hulseley, McMahan, Putnam, and Walker voted in favor. The motion to amend passed.

Councilmember Walker Moved and Councilmember Hulseley seconded the motion to suspend Council Rules. Upon unanimous voice vote, the motion passed.

K. Discussion: Waive Fees for Boy Scouts to Use Gym

Council discussed waiver of the fees to use the City’s Gym and/or Senior Center by the Boys Scouts, and remanded this item to the Human Services Committee for discussion and review.

Councilmember Hulseley Moved and Councilmember Walker moved to remand to the Human Services Committee waiver of fees to the Boy Scout Troupe. Upon unanimous voice vote, the motion passed.

L. Discussion: Letter of Understanding – Teamster Local Union No. 117

Councilmembers discussed a letter of understanding submitted to the Mayor by Teamster Local Union No. 117 regarding a recent vote of the membership to increase their wage diversion into their pension fund by \$.25. There was some concern that the Mayor was entering into an agreement without Council approval and that the Mayor attended the union meeting and whether that was appropriate.

Mayor Sun stated he did not agree or make any agreement; rather the public workers met with and voted on an issue and that he had not signed the agreement. He again stated that all he did was sit there while the membership argued back and forth and that it was the Union who wrote the agreement they discussed and bring it to the City.

Council again expressed concern that the Mayor's attendance could be perceived as negotiation and the Mayor responded that the workers have a right to speak their minds and all he did was listen. Council President Guier would speak with the Union Representative to ensure the Mayor had not participated in the meeting or negotiated this item with the Union.

Council President Guier explained that the City would reopen negotiations with the Union in the spring of 2013 as agreed upon; and Council was uncomfortable with the Letter of Understanding at this time and wanted additional time to discuss the issue with the Union Representative prior to authorizing the Mayor to execute the letter.

9. CONSENT AGENDA

A. Approval of Claim Voucher and Payroll Approval/September Financial Statement

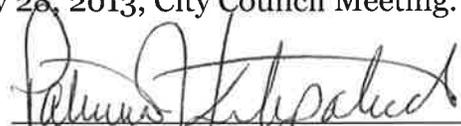
Councilmember Putnam Moved and Councilmember Jones seconded the motion to approve the Consent Agenda.

Councilmembers discussed the costs for invoices from Sousa Law Firm and purchase of Redwing Shoes for Public Work shop employees. The Acting Public Works Director would review the clothing policy.

Councilmembers Putnam, Walker, Guier, Hulsey, and McMahan voted in favor. The motion passed.

11. ADJOURN

At 9:30 p.m. Mayor Sun adjourned the January 28, 2013, City Council Meeting.


Patricia J. Kirkpatrick, MMC, City Clerk