



PACIFIC CITY COUNCIL MEETING AGENDA
Council Chambers - City Hall. 100 3rd Ave. SE

September 22, 2014
Monday

Regular Meeting
6:30 p.m.

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**
2. **ROLL CALL OF COUNCIL MEMBERS**
3. **ADDITIONS TO/APPROVAL OF AGENDA**
- (3) 4. **PROCLAMATION: National Constitution Week, September 17-23, 2014**
5. **AUDIENCE COMMENT**

(Please limit your comments to 3 minutes for items not up for public hearing. When recognized by the Mayor, please state your name and address for the official record. It is asked that you do not speak on the same matter twice.)

6. REPORTS

- A. Mayor
- B. City Administrator
- C. Court
- D. Public Safety Department
- E. Public Works/Community Development Department
- () F. Community/Senior/Youth/Services – Reports
- G. City Council Members
- H. Boards and Committees
 - i. Finance Committee
 - ii. Governance Committee
 - iii. Human Services Committee
 - iv. Public Safety Committee
 - v. Public Works Committee
 - vi. Technology Committee
 - vii. Park Board
 - viii. Planning Commission
 - ix. Pierce County Regional Council (PCRC)
 - x. Sound Cities Association (SCA)
 - xi. South County Area Transportation Board (SCATBd)
 - xii. Valley Regional Fire Association (VRFA)

7. OLD BUSINESS

- (9) **A. Ordinance No. 2014-1875:** Adopting Findings of Fact regarding Ordinance No. 14-1866, the interim zoning ordinance relating to medical and recreational marijuana, and justifying its continued imposition or repealing the ordinance.

- (19) **B. Resolution No. 2014-201::** Authorizing the mayor to execute the 2014-2019 King County Special Property Tax Levy agreement to provide funds for acquiring and developing parks, open space, and trails of regional significance.
- (41) **C. Ordinance No. 2014-1873:** Transferring the existing rates and charges for sewer service, connection fees and inspection fees from resolution form to an ordinance.
- (47) **D. Ordinance No. 2014-1874:** Transferring the existing rates and charges for water service, both inside and outside city limits, water meter installation fees, water general facilities charges and surcharges for customers of the city formerly served by the Webstone Water District from resolution form to an ordinance.

8. NEW BUSINESS

9. CONSENT AGENDA

- (53) **A. Payroll and Voucher Approval**
- (59) **B. Approval of the minutes from the meeting of August 25 and September 8, 2014, and the workshop of September 2, 2014.**

10. ADJOURN

Finance Committee Garberding, Jones, Kave Meets: 2 nd Tuesdays	October 14, 2014 6:30 p.m.	City Hall
Governance Committee Kave, Knudtson, Putnam	TBD 5:30 p.m.	City Hall
Human Services Committee Jones, Knudtson, Walker Meets 1 st Tuesday	October 7, 2014 5:30 p.m.	Senior Center
Park Board Meets 1 st Tuesday	October 7, 2014 6:30 p.m.	City Hall
Planning Commission Meets 4 th Tuesday	September 23, 2014 6:00 p.m.	City Hall
Public Safety Committee Garberding, Kave, Steiger (alt: Knudtson)	September 25, 2014 6:30 p.m.	City Hall
Public Works Committee Garberding, Putnam, Steiger Meets 1 st Wednesday	October 1, 2014 7:00 p.m.	City Hall
Technology Committee Jones, Knudtson, Walker Meets 3 rd Thursday	October 16, 2014 5:00 p.m.	City Hall



PROCLAMATION

Constitution Week

Whereas, September 17, 2014, marks the two hundred twenty-seventh anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Leanne Guier, by virtue of the authority vested in me as Mayor City of Pacific, Washington do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals of the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 22nd day of September, 2014.

Leanne Guier
Mayor, City of Pacific

Youth Services Council Report

2014

June

Y.T.D.

Unduplicate Count

5

224

Education & Learning

Tiny Tot Program

28

508

Computer Lab

38

135

Arts & Crafts

28

178

Board Games & Cards

22

111

Story Time / KCLS

0

65

Parent Participation

17

81

Exercise

Bounce House & Exercise

14

383

Open Gym

126

983

Zumba

21

114

Social Events

Movie Day

0

24

Wii Video Games

18

40

Nutrition

Summer Lunch Program

47

47

Nutrition Snack Program

119

643

Pop Corn Fridays

21

169

Taco Tuesdays

43

391

Special Events

2

48

Summer Activities

0

0

Rental Revenue

665.00

6,120.00

Donations

500

3,450.00

Fundraising

0

1

381

Volunteers

0

0

0

MONTHLY TOTALS

Date: June	2013	2014
Participation Counts		
Demographics		
Pacific:	538	490
Algona:	164	117
Auburn:	112	87
Other:	242	212
Total Demographics	1056	908
Activity		
Stone Soup:	97	129
Senior Nutrition Lunch:	368	284
Trips:	8	86
Transportation:	164	51
Drop-Ins:	194	106
Bread/Pantry:	131	98
Touch of Home/Crafts:	35	42
Cards/Puzzles/Games:	21	230
Volunteer:	201	174
Music/Jam Session:	265	235
Health Care: Hair Cuts, Foot, Exercise:	4	4
Meetings:	5	0
S.H.I.B.A.:	0	0
Bus Passes:	0	0
Meals on Wheels	3	3
Information	0	5
Movies and Bingo	0	25
Total Activities	1488	1472
Unduplicated:	0	30
Volunteer Hours		410.25
Donations		
Stone Soup: \$34.50		
Gas for Trip: \$7.00		
Craft: \$5.00		
Coffee: \$19.96		
General Money Donation: \$27.00		



Agenda Bill No. 14-162

TO: Mayor Guier and City Council Members

FROM: Carol Morris, City Attorney

MEETING DATE: September 22, 2014

SUBJECT: Marijuana – adoption of Findings and Conclusions to support interim zoning Ordinance No. 2014-1866 adopted July 28, 2014

ATTACHMENTS: Ordinance No. 2014-1875

Previous Council Review Date: N/A

Summary: The City has adopted a number of moratoria and interim zoning ordinances on the subject of medical and recreational marijuana uses since 2011. On July 28, 2014, the City adopted a six month extension of an interim zoning ordinance which prohibits all medical and recreational marijuana uses. During this time, the City Council will be considering the Planning Commission's recommendation on several draft ordinances that they were directed to consider in a public hearing. The recommendation has been received by the City Council.

Under RCW 36.70A.390 and RCW 35A.63.220, the City is required to hold a public hearing to consider whether the interim zoning ordinance should be continued. On September 8, 2014, the City Council held this public hearing.

The City is also required to adopt findings and conclusions to support the extension of the interim zoning ordinance. Attached to this Agenda Bill is a draft ordinance which incorporates findings and conclusions to support this extension.

Recommended Action:

1. The Council can vote to authorize the Mayor to sign the attached ordinance.
2. As an alternative, the Council can amend the attached ordinance. For example, the Council may decide to shorten the time period for the interim zoning ordinance, keeping in mind that it was adopted on July 28, 2014 to be in effect for six months thereafter.
3. Not recommended: The Council can take no action.

Motion for Consideration: "I move to approve Ordinance No.2014-1875 and to authorize the Mayor to sign it.

Budget Impact: \$0.00

Alternatives: see above

**CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. 2014-1875**

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, RELATING TO THE RECREATIONAL AND MEDICAL USE OF MARIJUANA, ADOPTING FINDINGS AND CONCLUSIONS TO SUPPORT THE EXTENSION OF THE INTERIM ZONING ORDINANCE ADOPTED UNDER ORDINANCE NO. 2014-1866, WHICH PROHIBITED THE SITING, ESTABLISHMENT AND OPERATION OF ANY STRUCTURES, PROPERTY OR USES RELATING TO RECREATIONAL OR MEDICAL MARIJUANA PRODUCTION, PROCESSING, CULTIVATION, STORAGE, SALE, DELIVERY, EXCHANGE OR BARTERING, TO BE IN EFFECT FOR SIX MONTHS BEGINNING ON JULY 28, 2014.

MEDICAL MARIJUANA

WHEREAS, since 1970, federal law has prohibited the manufacture and possession of marijuana as a Schedule I drug, based on the federal government's categorization of marijuana as having a "high potential for abuse, lack of any accepted medical use, and absence of any accepted safety for use in medically supervised treatment." *Gonzales v. Raich*, 545 U.S. 1, 14 (2005), Controlled Substance Act (CSA), 84 Stat. 1242, 21 U.S.C. 801 et seq; and

WHEREAS, the voters of the State of Washington approved Initiative 692 (codified as RCW 69.51A in November 1998); and

WHEREAS, the intent of Initiative 692 was that qualifying "patients with terminal or debilitating illnesses who, in the judgment of their physicians, would benefit from the medical use of marijuana, shall not be found guilty of a crime under state law," (RCW 69.51A.005), but that nothing in the law "shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of marijuana for non-medical purposes" (RCW 69.51A.020); and

WHEREAS, the Washington State Legislature passed ESSSB 5073 in 2011, which directed employees of the Washington State Departments of Health and Agriculture to authorize and license commercial businesses that produce, process or dispense cannabis; and

WHEREAS, this bill required that the Department of Health develop a secure registration system for licensed producers, processors and dispensers, but these provisions, together with the provisions relating to dispensaries and the definitions, were vetoed by the Governor; and

WHEREAS, ESSSB 5073 provided that a qualifying patient or his/her designated care provider are presumed to be in compliance, and not subject to criminal or civil

sanctions/penalties/consequences, under certain defined circumstances (participation in the registry, possession of a limited number of plants or usable cannabis, cultivation of a limited number of plants in the qualifying patient or designated care provider's residence or in a collective garden); and

WHEREAS, Washington's Governor vetoed all of the provisions relevant to medical marijuana dispensaries in ESSSB 5073 but left the provisions relating to cultivation of marijuana for medical use by qualified patients individually within their residences and in collective gardens; and

WHEREAS, ESSSB 5073 was codified in chapter 69.51A RCW; and

WHEREAS, RCW 69.51A.130 allows local jurisdictions to adopt zoning requirements, business license requirements, health and safety requirements, and to impose business taxes on the production, processing or dispensing of medical cannabis or cannabis products, which the Washington Court of Appeals has interpreted to authorize complete bans on medical marijuana uses, such as collective gardens (*Cannabis Action Coalition v. City of Kent*, 322 P.3d 1246, 1253 (2014)); and

RECREATIONAL MARIJUANA

WHEREAS, In November of 2012, the Washington voters passed I-502, which directed the Washington State Liquor Control Board (LCB) to regulate recreational marijuana by licensing and taxing recreational marijuana producers, processors and retailers; and

WHEREAS, on the LCB adopted regulations (chapter 314-55 WAC) which: prohibit the establishment of recreational marijuana businesses within 1,000 feet of certain identified sensitive uses, require criminal history background checks for licensees, establish qualifications for licensees, limits the amount of space available for recreational marijuana production, describes the manner in which marijuana growing may take place,¹ limits the average inventory on the licensed premises at any time, limits the number of retailers within counties and cities within the counties based on estimated consumption and population data, establishes insurance requirements for licensees, describes the security requirements, requires employees to wear badges, requiring alarm and surveillance systems on the licensed premises, requires that licensees track marijuana from seed to sale, establishes the manner in which free samples of marijuana may be provided, prohibits the sale of soil amendments, fertilizers and other crop production aids, identifies transportation requirements, sign requirements, recordkeeping requirements, identifies a mechanism for enforcement of violations, including the failure to pay taxes, specifies marijuana infused product serving

¹ Under WAC 314-55-075, recreational marijuana production must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier. To obscure public view of the premises, outdoor production must be enclosed by a sight obscure wall or fence at least eight feet high. Outdoor producers must meet security requirements described in WAC 314-55-083.

sizes, maximum number of servings and limitations on transactions, identifies marijuana waste disposal restrictions, describes the process for quality assurance testing, extraction and the requirements for packaging and labeling, describes advertising limitations, explains the process for licensing suspension, revocation and penalties for violations; and

WHEREAS, according to the administrative rules, the LCB will determine whether the recreational marijuana business licensee is within 1,000 feet of the sensitive uses identified in WAC 314-55-050(10) and shall not issue the license if it is within this area; and

WHEREAS, the LCB has begun issuance of licenses for recreational marijuana uses; and

WHEREAS, on January 14, 2014, the Washington State Attorney General issued an opinion finding that local governments are not preempted by state law from banning the location of a recreational marijuana business, even if the business has been licensed by the LCB (AGO 2014 No. 2); and

WHEREAS, in the same Attorney General Opinion, the Attorney General also gave the opinion that cities could establish restrictions on recreational marijuana businesses licensed by the LCB, even if such restrictions made it “impractical for a licensed marijuana business to locate within their jurisdiction” (AGO 2014 No. 2); and

WHEREAS, the City adopted Ordinances 1804, 1823, 1843, 1848 and 1855, adopting moratoria or interim zoning on marijuana uses (including recreational marijuana uses); and

WHEREAS, the detailed licensing and comprehensive regulatory system for recreational marijuana in I-502 is substantially different from what little remains in chapter 69.51A RCW to regulate medical marijuana after the Governor’s veto; and

WHEREAS, on August 29, 2013, the U.S. Department of Justice (DOJ) issued a Memorandum to all United States Attorneys, acknowledging that several states had adopted laws authorizing marijuana production, distribution and possession by establishing a regulatory scheme for these purposes; and

WHEREAS, in this Memo, the DOJ advised that in recent years, the DOJ has “focused its efforts on certain law enforcement priorities that are particularly important to the federal government,” such as: (a) preventing the distribution of marijuana to minors; (b) preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; (c) preventing the diversion of marijuana from states where it is legal under state law in some form to other states; (d) preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; (e) preventing violence and the use of firearms in the cultivation and distribution of marijuana; (f) preventing drugged driving and the exacerbation of other adverse public health consequences associated with

marijuana use; (g) preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and (h) preventing marijuana possession or use on federal property; and

WHEREAS, in this Memo, the DOJ warned that “[i]f state enforcement efforts are not sufficiently robust to protect against the harms [identified above] the federal government may seek to challenge the regulatory structure itself in addition to continuing to bring individual enforcement actions, including criminal prosecutions, focused on those harms”; and

WHEREAS, in this Memo, the DOJ warned that a regulatory system adequate to this task “must not only contain robust controls and procedures on paper, it must also be effective in practice”; and

WHEREAS, in this Memo, the DOJ advised that “in exercising prosecutorial discretion, prosecutors should not consider the size or commercial nature of a marijuana operation alone as a proxy for assessing whether marijuana trafficking implicates the Department’s enforcement priorities [listed above]” and that federal prosecutors “should continue to review marijuana cases on a case-by-case basis and weigh all available information and evidence, including, but not limited to, whether the operation is demonstrably in compliance with a strong but effective state regulatory system”; and

WHEREAS, a comparison of the LCB’s rules for recreational marijuana and chapter 69.51A RCW for medical marijuana demonstrates that there is virtually no state regulatory system for medical marijuana, and that even if local governments decided to adopt the type of medical marijuana system that would protect against the harms identified in the federal government’s enforcement priorities, most local governments do not have the resources to be able to enforce such regulations; and

WHEREAS, after considering the August 29, 2013 DOJ Memo, the City has determined that even if the City decided to adopt an ordinance on the subject of medical marijuana in order to provide the type of regulatory system that the DOJ might find adequate to protect against the harms identified in the federal government’s enforcement priorities, the City does not have the resources to enforce such a system; and

WHEREAS, the City adopted Ordinances 1804, 1823, 1848, 1855 and 1866, adopting moratoria or interim zoning on marijuana uses; and

WHEREAS, on September 8, 2014, the Council held a public hearing to extend the interim zoning ordinance on marijuana uses in Ordinance 2014-1866 for another six months; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF PACIFIC DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The Council adopts all of the “whereas” sections of this Ordinance as findings to support this interim zoning ordinance, as well as the following:

A. The purpose of the interim zoning ordinance adopted in Ordinance 2014-1866 is to maintain the status quo while the City drafts, considers and adopts a new ordinance on the subject of medical cannabis/marijuana and recreational marijuana.

B. The City will consider adoption and enforcement of such an ordinance during the next six months, while the interim zoning ordinance (2014-1866) is in effect. During the period of time that the interim zoning ordinance is in effect, the City will also consider the manner in which the negative impacts and secondary effects associated with the marijuana uses (on-going or predicted) in the City can be ameliorated, including but not limited to, the demands that will be placed upon scarce City policing, legal, policy and administrative resources; neighborhood disruption, increased transient visitors and intimidation; the exposure of school-age children and other sensitive residents to marijuana, illegal sales to both minors and adults; fraud in issuing, obtaining or using medical marijuana prescriptions, murders, robberies, burglaries, assaults, drug trafficking and other violent crimes.

C. The State of Washington has adopted a strict regulatory and enforcement system for the cultivation, processing and sale of recreational marijuana. The Liquor Control Board has recently begun issuing the licenses, but it is still too early to determine whether (or the manner in which) the State will enforce these rules. The Council also acknowledges that the State has not performed any environmental analyses that will assist cities, towns and counties in the adoption of local regulations addressing marijuana uses, or the environmental impacts associated with individual licenses and that municipalities must therefore either develop their own analyses or observe these impacts after-the-fact (or, *after* these marijuana uses locate and begin operation in cities, towns and counties throughout Washington.) Then, the municipalities will be required to “fix” the problems stemming from these uses with their already scarce resources.

D. No part of this ordinance is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 *et seq.*, the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation. This ordinance is not intended to address or invite litigation over the question whether the State of Washington’s medical or recreational marijuana laws (or this City’s laws) satisfy the federal government’s enforcement priorities. Nothing in this ordinance shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of medical cannabis or recreational marijuana in any manner not authorized by chapter 69.51A RCW or chapter 69.50 RCW. Nothing in this interim ordinance shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance, as defined herein. It is the intention of the City Council that this ordinance be interpreted to be compatible with federal and state enactments and in furtherance of the public purposes that those enactments encompass.

Section 2. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the City Council held a public hearing on the interim zoning ordinance on September 8, 2014.

Section 3. Testimony. The following persons provided information and testimony during the public hearing:

A. Carol Morris, City Attorney provided the staff report. She recommended that the City extend the ordinance because the City Council is in the middle of the process of deciding what legislation should be enacted on the subject of marijuana. She was asked by Council member Putnam whether the City needed to extend the interim zoning ordinance for a full six months, or whether it could be extended for a shorter period. She said that a shorter period was acceptable.

B. Dwayne Gratz. Mr. Gratz stated that the City should not adopt any further moratoria. He would like something to happen. He believes that the moratoria are taking up everyone's time and people's livelihoods depend on this.

C. Mark Gause. Mr. Gause testified that the extension of the interim zoning is the right action for the community now because the process needs to be sorted out. He stated that democracy takes time and there is a paradigm shift when it comes to dealing with drugs – you will never be done talking about it.

D. Jeanne Fancher. Ms. Fancher explained that she had heard on NPR that one physician commented that one in nine will become an addicted marijuana user. She believes that the City should stay with the interim ban and go slow.

E. Gary Nitchke. Mr. Nitchke supported the ordinance and agreed that the process takes time.

Section 4. Based on the above findings and testimony, the City Council voted to extend the interim zoning ordinance for another six months, beginning on the date the extension was adopted (July 28, 2014).

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 7. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of Pacific this 22nd day of September, 2014.

Leanne Guier, Mayor

AUTHENTICATED:

Amy Stevenson-Ness, City Clerk.

APPROVED AS TO FORM:
Office of the City Attorney

Carol Morris

PUBLISHED:
EFFECTIVE DATE:



Agenda Bill No. 14-159

TO: Mayor Guier and City Council Members
FROM: Jack Dodge, Community Development Manager
MEETING DATE: September 22, 2014
SUBJECT: King County 2014-2019 Special Tax Levy Agreement

ATTACHMENTS:

- Resolution No. 2014-201, Authorizing the Mayor to execute the 2014-2019 King County/City of Pacific Special Property Tax Levy Agreement;
 - Proposed 2014-2019 King County/City of Pacific Special Property Tax Levy Agreement;
 - Resolution No. 736, Authorizing the 2008-2013 King County/City of Pacific Special Property Tax Levy Agreement.
-

Previous Council Review Date: September 15, 2014

Summary:

On May 27, 2008, the City Council passed Resolution No. 736, authorizing then mayor, Richard Hildreth to sign the 2008-2013 King County/City of Pacific Special Property Tax Levy Agreement, which provided funds for acquiring and developing parks, open space, and trails of regional significance.

On August 6, 2013, King county voters approved Proposition No. 1 Parks Levy that authorized an additional six year Property Levy Tax. King County has now provided an updated 2014-2019 King County/City of Pacific Special Property Tax Levy Agreement for the Mayor's signature.

Recommendation/Action: Staff recommends Council approve Resolution No. 2104-201.

Motion for Consideration: Move to approve Resolution No. 2014-201, a resolution of the City Council of the City of Pacific, Washington, authorizing the mayor to execute the King County Special Property Tax Levy agreement.

Budget Impact: The City will receive funding of approximately \$10,950 per year for years 2014 to 2019 for the purpose of acquiring and developing parks, open space, and trails of regional significance.

Alternatives: Deny the measure and do not accept the funds.

CITY OF PACIFIC, WASHINGTON

RESOLUTION NO. 2014-201

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE THE KING COUNTY/CITY OF PACIFIC SPECIAL PROPERTY TAX LEVY AGREEMENT

WHEREAS, on August 21, 2007, the voters of King County approved a six year Special Property Tax Levy that provided for an inflation adjusted property tax lid lift for the acquisition of additional park, open spaces and improvements to trail facilities within the County; and

WHEREAS, this Levy provided a portion of funds to be returned to the cities for local activities that are consistent with the enacting King County Ordinance; and

WHEREAS, the Agreement provided over \$9,200 in annual funds distributed to the City for acquisition of parks and open space, and acquisition and development of City trails that are of regional significance; and

WHEREAS, the Agreement required the City of Pacific to provide an annual reporting to King county, delineating the use of and accounting of Levy funds; and

WHEREAS, on August 6, 2013, the voters of King County approved Proposition No. 1 Parks Levy that authorized an additional six year Property Tax Levy; and

WHEREAS, King County has now provided an updated Parks Property Tax Levy Agreement between King County and the City of Pacific, and estimates of approximately \$10,950 in annual funds; and

WHEREAS, "City Projects" shall mean the City's local park system projects consistent with King County Ordinance 17568,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, AS FOLLOWS:

Section 1. The Council hereby authorizes the Mayor to execute a Special Property Tax Levy Agreement between King County and the City of Pacific relating to terms and conditions of the distribution, expenditure, accounting and reporting of funds for the 2014 to 2019 Agreement period.

Section 2. This Resolution shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY COUNCIL AT ITS REGULAR MEETING THEREOF
ON THE 22ND DAY OF SEPTEMBER 2014.**

CITY OF PACIFIC

Leanne Guier, Mayor

ATTEST

Amy Stevenson-Ness, City Clerk

Approved as to Form:

Carol Morris, City Attorney

PARKS PROPERTY TAX LEVY AGREEMENT

between

KING COUNTY & THE CITY OF PACIFIC

This Parks Property Tax Levy Agreement (the “Agreement”) is made and entered into as of _____, 2014, by and between KING COUNTY, a political subdivision of the state of Washington (the “County”) and the City of Pacific, a State of Washington municipal corporation (“CITY”).

RECITALS

- A. The County owns and operates a park system with over twenty-eight thousand (28,000) acres of regional parks and open spaces and over one hundred seventy-five (175) miles of regional trails. In addition, the County is the provider of local parks in the rural area and is the transitional provider of local parks in the urban incorporated areas.
- B. Since 2003, on recommendation of the Metropolitan Parks Task Force and direction from the County Executive and County Council, the County's Parks and Recreation Division has focused on managing a system of regional parks, open spaces and trails and a limited set of regional active recreation assets.
- C. Consistent with its role as a regional and local rural service provider under Countywide Planning Policies and the State Growth Management Act, the County has divested itself of local parks and facilities in urban unincorporated areas as these areas incorporate or annex to cities.
- D. In November 2006, the County Executive created the Parks Futures Task Force to recommend a funding plan for the current County park system, and to examine what steps should be taken, if any, regarding future park system acquisitions.
- E. In June of 2012, the County Executive convened the King County Parks Levy Task Force to recommend a funding plan for the current park system and to examine how to address the parks and recreation needs of King County residents in the future.
- F. The King County Parks Levy Task Force recommended that the County replace the expiring levies and put a ballot measure before the voters in 2013 that requests a six-year inflation adjusted property tax levy lift at a total rate of \$0.1901 per one thousand dollars of assessed value with a percentage of the levy proceeds to be distributed to cities for their local parks system projects.
- G. On April 30, 2013, the King County Council adopted Ordinance 17568 which called for a special election in accordance with RCW 29A.04.321 to authorize an additional 6-year property tax levy for specified park purposes..

H. On August 6, 2013, King County voters approved Proposition No. 1 Parks Levy that authorized an additional six year property tax levy at a rate of \$0.1877 in the first year, with subsequent levies adjusted by inflation for the purpose of: maintaining and operating King County's parks system, improving parks, recreation and mobility by acquiring open space, expanding park and recreation opportunities, continuing to develop regional trails; repairing, replacing, and improving local parks and trails in King County's cities; and funding environmental educations, maintenance, conservation, and capital programs at the Woodland Park Zoo.

NOW, THEREFORE, in consideration of the mutual promises and undertakings hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

AGREEMENT

1.1 Definitions. As used in this Agreement, the following terms shall have the following meanings:

- A. "Annual Report" shall mean the annual report prepared by the CITY and provided to the County annually by May 1 beginning in 2015 setting forth a summary of city projects for the preceding year, along with a complete financial accounting for the use of County Levy Proceeds, and a listing of all capital investments made at the CITY funded in whole or in part by County Levy Proceeds, and for the 2015 annual report the CITY shall identify the dollar amount of the CITY's Existing Funds.
- B. "CITY" shall mean the City of Pacific, State of Washington, and all of its boards, commissions, departments, agencies and other subdivisions.
- C. "CITY Proceeds" shall mean seven percent (7%) of the total County Levy Proceeds collected by King County and any interest earnings on these funds
- D. "CITY Projects" shall mean the City's local park system projects consistent with Ordinance 17568.
- E. "County" shall mean King County, State of Washington, and all of its boards, commissions, departments, agencies and other subdivisions.
- F. "County Council" shall mean the County Council of King County, State of Washington.
- G. "County Levy" means the annual King County property tax levy for park purposes imposed by the King County Council and authorized by Proposition No. 1 Parks Levy

that was approved by the County voters on August 6, 2013 that replaced two levies expiring at the end of 2013.

- H. "County Levy Proceeds" shall mean the principal amount of the County Levy collected by the County.
 - I. "Executive" shall mean the King County Executive or his or her functional successor.
 - J. "Existing funds" shall have the meaning, as defined by RCW 84.55.050.
 - K. "Regional trail system" shall mean the system-wide non-motorized network of designated off-road, shared-use paths, trails, or greenways for recreation and regional mobility.
2. Term of Agreement. The term of this Agreement (the "Term") shall be for a period commencing on the Effective Date (the "Commencement Date"), and expiring on December 31, 2019 (the "Termination Date").
3. Receipt of County Levy Proceeds.
- A. Generally. Each year the County shall distribute the CITY's proportionate share of the CITY Proceeds to the CITY as authorized by Ordinance 17568, subject to Council appropriation.
 - B. Receipt and Distribution of Levy Proceeds.
 - 1. Payment Schedule. Beginning in 2014 and through 2019, the County shall transfer the CITY Proceeds to the CITY on a quarterly basis. The annual amounts transferred shall never exceed the CITY's proportionate share of the CITY Proceeds actually collected and appropriated by King County.
 - 2. Administrative Fee. The Parties agree that the County has authority to deduct a portion from CITY Proceeds for eligible expenditures related to the administration of the distribution of County Levy Proceeds, consistent with Ordinance 17568.
4. Use of County Levy Proceeds. The City shall only use the transferred City Proceeds for its City Projects. On or before May 1 of each year throughout the Term of this Agreement, the CITY shall provide the County with a copy of the Annual Report and provide any further documentation showing that the City Proceeds were expended on CITY Projects. The City shall maintain financial records to account separately for the City Proceeds.
5. Representations and Warranties. The CITY represents and warrants that all CITY Proceeds received by the CITY shall be used only for specific CITY Projects as defined in this Agreement and that such funds shall not be used to supplant Existing Funds. The CITY

represents and warrants that all CITY Projects shall be consistent with the requirements in King County Ordinance 17568. The CITY represents and warrants that in addition to the CITY's proportionate share of the CITY's Proceeds, the CITY shall annually expend on CITY Projects an amount equal to the CITY's Existing Funds.

6. Title to Improvements. All appurtenances, fixtures, improvements, equipment, additions and other property attached to or installed in the City's local parks system during the Term shall be and remain the properties of CITY and shall not be deemed property of the County under any circumstances.

7. Notices. All notices required to be given hereunder shall be in writing and either delivered personally or sent by certified mail to the appropriate address listed below, or at such other address as shall be provided by written notice. Notice shall be deemed communicated upon actual receipt. For convenience of the parties, copies of notices may also be given by other means; however, neither party may give official or binding notice except by personal delivery or by certified mail.

If to the CITY:

CITY's Contact and Title: Mayor Leanne Guier

City Name: The City of Pacific

Mailing Address1: 100 - 3rd Avenue S.E.

Mailing Address2:

City, State, Zip Code: City of Pacific, WA 98047

If to King County:

Kevin R. Brown, Division Director

King County Parks and Recreation Division

Department of Natural Resources and Parks

201 South Jackson

Mailstop: KSC-NR-0700

Seattle, WA 98104

8. Compliance with Laws. The CITY shall comply and conform with all applicable laws and all governmental regulations, rules and orders.

9. CITY Agreement to Comply with Audit Finding or Repay. The CITY agrees that it is financially responsible for the lawful use of the levy funds distributed under this contract. The City agrees that if the State Auditor makes an audit finding that the levy proceeds have not been spent properly, the City shall comply with the State Auditor's audit finding and correct any improper expenditure or, at the sole discretion of the County, repay any indicated amounts to the County. This duty to comply with the audit finding or repay shall

not be diminished or extinguished by the prior termination of the Agreement pursuant to the Duration of Agreement or the Termination Sections.

10. Miscellaneous.

- A. Liability of the County. The County's obligations to the CITY under this Agreement shall be limited to the terms and conditions set forth herein. Notwithstanding any other provision in this Agreement to the contrary, in no event shall the County be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including without limitation lost profits, arising out of or in connection with this Agreement or the services performed in connection with this Agreement.
- B. Dispute Resolution. In the event of a dispute between the CITY and the County regarding any term of this Agreement, the parties shall attempt to resolve the matter informally through the following mechanism: the CITY (reps.) or their respective designee(s), shall meet with County (reps) or their respective designee(s) to review and discuss the matter(s) in dispute; if the CITY (reps) and County (reps) are unable to reach a mutual resolution, the Executive and the mayor, or their respective designee(s) shall meet to review and discuss the matter(s) in dispute. If such persons are unable to resolve the matter informally, either party may submit the matter to a non-binding, structured mediation procedure fashioned by persons or organizations experienced in alternative dispute resolution ("ADR") procedures. The mediation may be requested by any party and shall be initiated within thirty (30) days from the date of the request unless extended by agreement of both parties. The alternative dispute resolution procedures utilized for the mediation shall include the exchange of written claims and responses, with supporting information, at least seven (7) days prior to the actual mediation. The positions expressed and mediator's recommendations shall not be admissible as evidence in any subsequent ADR or legal proceeding. If the matter is submitted to mediation and the matter is not resolved, an affected party shall be entitled to pursue any legal remedy available. Any disputes involving the lawful expenditure of levy proceeds shall be resolved by King County Superior Court if the parties cannot agree.
- C. No Implied Waiver. No failure by either party hereto to insist upon the strict performance of any obligation of the other party under this Agreement or to exercise any right, power or remedy arising out of a breach thereof, irrespective of the length of time for which such failure continues (except in cases where this Agreement expressly limits the time for exercising rights or remedies arising out of a breach), shall constitute a waiver of such breach or of that party's right to demand strict compliance such term, covenant or condition or operate as a surrender of this Agreement. No waiver of any default or the performance of any provision hereof shall affect any other default or performance, or cover any other period of time, other than the default, performance or period of time specified in such express waiver. One or more written waivers of a default or the performance of any provision hereof shall

not be deemed to be a waiver of a subsequent default or performance. The consent of either party hereto given in any instance under the terms of this Agreement shall not relieve the other party of any obligation to secure the consent of the other party in any other or future instance under the terms of this Agreement.

- D. Headings and Subheadings. The captions preceding the articles and sections of this Agreement and in the table of contents have been inserted for convenience of reference and such captions in no way define or limit the scope or intent of any provision of this Agreement.
- E. Successors and Assigns. The terms, covenants and conditions contained in this Agreement shall bind and inure to the benefit of the County and the CITY and, except as otherwise provided herein, their personal representatives and successors and assigns. There are no third party beneficiaries to this Agreement.
- F. Agreement made in Washington. This Agreement shall be deemed to be made in and shall be construed in accordance with the laws of the State of Washington. Venue of any action brought by one party against the other to enforce or arising out of this Agreement shall be in King County Superior Court.
- G. Integrated Agreement; Modification. This Agreement contains all the agreements of the parties hereto relating to the subject matter addressed herein, and cannot be amended or modified except by a written agreement approved by the King County Council and mutually executed between each of the parties hereto.
- H. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.
- I. Time of Essence. Time is of the essence of each provision of this Agreement.
- J. Signage. For each capital project funded with County Levy Proceeds, the CITY shall provide a sign including the following language: This project was funded (or as applicable, funded in part) with proceeds from the Proposition No. 1 Parks Levy approved by King County voters in August 2013 under an Agreement with King County Parks and Recreation Division.

DATED this ____ day of _____, 2014.

KING COUNTY, a Washington municipal corporation

By _____

Its _____

By authority of Ordinance No. 17568
CITY OF PACIFIC, a
Washington Municipal Corporation

By _____
Leanne Guier

Its Mayor

CITY OF PACIFIC

CITY HALL • 100 3rd Avenue SE Pacific WA 98047
253.929.1100 253.939.6026 (f)

Agenda Item Cover Sheet

Agenda Item No. _____ Meeting Date: May 27, 2008
Resolution No:736 Prepared by: Bennett
Subject: _____

Summary: By authorization of the resolution, the City of Pacific will receive approximately \$9,200 per year for 6 years for acquisition and development of parks, trails and open spaces. The funds are distributed to the City by King County from Special Tax Levy revenues.

Recommendation: Staff recommends Council approve Resolution No.736.

Motion for consideration: Move to approve Resolution No. 736, A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE THE KING COUNTY/CITY OF PACIFIC SPECIAL PROPERTY TAX LEVY AGREEMENT.

Budget Impact: The City will receive approximately \$9,200 per year in revenue for Parks, Open Space and Trail acquisition and development. There would be approximately \$50.00 in City staff time to prepare and file the annual report required in the Agreement.

Alternatives: Deny the measure and do not accept the funds

Attachments:

- Resolution No. 736
- Special Property Tax Agreement

For City Clerk Use:

Distribution:

PW/CD
Finance
Public Safety
MRSC
King County
Code Publishing
Tacoma News Tribune

**CITY OF PACIFIC
WASHINGTON
RESOLUTION NO. 736**

**A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING
THE MAYOR TO EXECUTE THE KING COUNTY/CITY OF PACIFIC SPECIAL
PROPERTY TAX LEVY AGREEMENT**

WHEREAS, on August 21, 2007, the voters of King County approved a 6 year Special Property Tax Levy that provided for inflation adjusted property tax lid lift for the acquisition of additional park, open spaces and improvements to trail facilities within the County; and

WHEREAS, this Levy provided a portion of funds to be returned to the cities for local activities that are consistent with the enacting King County Ordinance; and

WHEREAS, the Agreement provides approximately \$9,200 in annual funds (less the County's 1% annual administrative deduction) distributed to the City for acquisition of park and open space; and acquisition and development of City Trails that are of regional significance; and

WHEREAS, the Agreement requires the City of Pacific to provide an annual reporting to King County, delineating the use of and accounting of Levy funds.

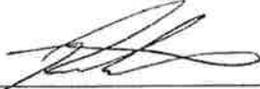
**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DOES
RESOLVE AS FOLLOWS:**

Section 1. The Pacific City Council hereby authorizes the Mayor to execute a Special Property Tax Levy Agreement between King County and the City of Pacific relating to terms and conditions of the distribution, expenditure, accounting and reporting of funds.

Section 2. This Resolution shall take effect and be in full force upon passage and signatures hereon.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 27th Day of May, 2008

CITY OF PACIFIC



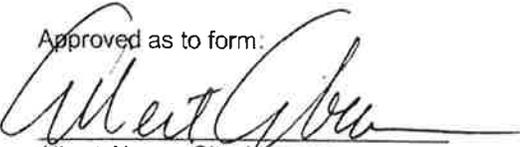
Mayor Richard Hildreth

ATTEST/AUTHENTICATED:



Sandy Paul - Lyle, City Clerk

Approved as to form:



Albert Abuan, City Attorney

EXHIBIT "A"

**KING COUNTY & CITY OF PACIFIC
SPECIAL PROPERTY TAX LEVY AGREEMENT**

This Special Property Tax Levy Agreement (the "Agreement") is made and entered into as of _____, 2008, by and between KING COUNTY, a political subdivision of the state of Washington (the "County") and the City of Pacific, a State of Washington municipal corporation. ("City").

RECITALS

WHEREAS, the County owns and operates a park system with over twenty-five thousand (25,000) acres of regional parks and open spaces and over one hundred seventy-five (175) miles of regional trails. In addition, the County is the provider of local parks in the rural area and is the transitional provider of local parks in the urban incorporated areas; and

WHEREAS, since 2003, on recommendation of the Metropolitan Parks Task Force and direction from the County Executive and County Council, the County's Parks and Recreation Division has focused on managing a system of regional parks, open spaces and trails and a limited set of regional active recreation assets; and

WHEREAS, consistent with its role as a regional and local rural service provider under Countywide Planning Policies and the State Growth Management Act, the County has divested itself of local parks and facilities in urban unincorporated areas as these areas incorporate or annex to cities; and

WHEREAS, in November 2006, the County Executive created the Parks Futures Task Force to recommend a funding plan for the current County park system, and to examine what steps should be taken, if any, regarding future park system acquisitions; and

WHEREAS, the Task Force recommended, among other things, that the County place before the voters a recommendation for a new \$0.05, six-year, inflation adjusted property tax lid lift to expand park and recreation opportunities, one cent of the five-cent acquisition levy proceeds be distributed to cities for acquisition and development of open space and natural lands and city trail projects that support connections to the regional trail system, defined to include both county regional trails and city trails that are regional in nature, and may specifically include local trails in underserved areas linking to city of county trails that connect to regional trails; and

WHEREAS, under state law, the Special Property Tax Levy funds may not supplant certain existing funds, as defined in RCW 84.55.050, used for the same purposes; and

WHEREAS, on May 7, 2007, the King County Council adopted Ordinance 15760 which called for a special election in accordance with RCW 29A.04.321 to consider the Special Property Tax Levy; and

WHEREAS, on August 21, 2007, the voters of King County approved the Special Property Tax Levy;

NOW, THEREFORE, in consideration of the mutual promises and undertakings hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

AGREEMENT

1. Definitions. As used in this Agreement, the following terms shall have the following meanings:

- 1.1 "Annual Report" shall mean the annual report prepared by the City and provided to the County annually by May 1 beginning in 2009 setting forth a summary of city projects for the preceding year, along with a complete financial accounting for the use of County Levy Proceeds, and a listing of all capital investments made at the City funded in whole or in part by County Levy

Proceeds, and for the 2009 annual report the City shall identify the dollar amount of the City's Existing Funds.

- 1.2 "City" shall mean the City of Pacific, State of Washington, and all of its boards, commissions, departments, agencies and other subdivisions.
- 1.3 "City proceeds" shall mean twenty percent (20%) of the total County Levy Proceeds collected by King County, specifically allocated by King County Ordinance 15760 for city projects.
- 1.4 "City projects" shall mean the acquisition of open space and natural lands and the acquisition and development of county regional trails or City trails that are regional in nature, and may specifically include local trails in underserved areas linking to city or county trails that connect to regional trails, consistent with Ordinance 15760.
- 1.5 "County" shall mean King County, State of Washington, and all of its boards, commissions, departments, agencies and other subdivisions.
- 1.6 "County Council" shall mean the County Council of King County, State of Washington.
- 1.7 "County Levy" means the Open Space, Regional Trails, and Woodland Park Zoo levy lid lift approved by the County voters on August 21, 2007.
- 1.8 "County Levy Proceeds" shall mean the principal amount raised by the County Levy, any interest earnings on the funds and the proceeds of any interim financing.
- 1.9 "Executive" shall mean the King County Executive or his or her functional successor.
- 1.10 "Existing funds" shall mean those funds, as defined by RCW 84.55.050, from the City's actual operating expenditures for the calendar year 2007 used to fund City projects. Actual operating expenditures shall not include lost federal funds, lost or expired state grants or loans, extraordinary events not likely to re-occur, and major nonrecurring capital expenditures.
- 1.11 "Regional trail system" shall mean the system-wide non-motorized network of designated off-road, shared-use paths, trails, or greenways for recreation and regional mobility.

2. Term of Agreement. The term of this Agreement (the "Term") shall be for a period commencing on the Effective Date (the "Commencement Date"), and expiring on December 31, 2014 (the "Termination Date").

3. Receipt of County Levy Proceeds.

3.1 Generally. The County shall distribute the City's proportionate share of the City Proceeds to the City pursuant to the schedule identified in Section 3.2 below; provided that, the County shall only have a duty to distribute the City Proceeds in accordance with the requirements of King County Ordinance 15760.

3.2 Receipt and Distribution of Levy Proceeds.

3.2.1 Payment Schedule. Throughout the term of the Levy, the County shall transfer the City Proceeds to the City on a monthly basis. Annual amounts shall be adjusted as set forth in the Levy, but the actual amounts transferred shall never exceed the City's proportionate share of the City Proceeds actually received by the County.

3.2.2 Administrative Fee. The Parties agree that the County has authority to deduct up to one percent (1%) from City Proceeds for expenditures related to the administration of the distribution of County Levy Proceeds.

- 4.1 Use of County Levy Proceeds. On or before May 1 of each year throughout the Term of this Agreement, the City shall provide the County with a copy of the Annual Report and provide any further documentation showing that the County Levy Proceeds were expended on City Projects.
- 4.2 Representations and Warranties. The City represents and warrants that all City Proceeds received by the City shall be used only for specific City Projects as defined in this Agreement and that such funds shall not be used to supplant Existing Funding. The City represents and warrants that all City Projects shall be consistent with the requirements in King County Ordinance 15760. The City represents and warrants that in addition to the City's proportionate share of the City's Proceeds, the City shall annually expend on City Projects an amount equal to the City's Existing Funds.
5. Title to Improvements. All appurtenances, fixtures, improvements, equipment, additions and other property attached to or installed in the Premises during the Term shall be and remain the properties of City and shall not be deemed property of the County under any circumstances.
6. Notices. All notices required to be given hereunder shall be in writing and either delivered personally or sent by certified mail to the appropriate address listed below, or at such other address as shall be provided by written notice. Notice shall be deemed communicated two City business days from the time of mailing if mailed as provided in this section. For convenience of the parties, copies of notices may also be given by other means; however, neither party may give official or binding notice except by personal delivery or by certified mail.

If to the City:

City Clerk
City of Pacific
100 3rd Avenue SE
Pacific, WA 98047

If to King County:

Kevin Brown, Division Director
King County Parks and Recreation Division
Department of Natural Resources and Parks
201 South Jackson, Suite 700
Seattle, WA 98104

- 7.1 Compliance with Laws. The City shall comply and conform with all applicable laws and all governmental regulations, rules and orders.
- 7.2 City Agreement to Repay. The City agrees that it is financially responsible for and shall repay King County all indicated amounts following an audit exception that occurs due to the negligence, intentional act, and/or failure, for any reason, to comply with the terms of this Agreement by the WPZS, its officers, employees, agents, and/or representatives. This duty to repay King County shall not be diminished or extinguished by the prior termination of the Agreement pursuant to the Duration of Agreement or the Termination Sections.
8. Miscellaneous.
 - 8.1 Liability of the County. The County's obligations to the City under this Agreement shall be limited to the terms and conditions set forth herein. Notwithstanding any other provision in this Agreement to the contrary, in no event shall the County be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages,

including without limitation lost profits, arising out of or in connection with this Agreement or the services performed in connection with this Agreement.

- 8.2 Dispute Resolution. In the event of a dispute between the City and the County regarding any term of this Agreement, the parties shall attempt to resolve the matter informally through the following mechanism: the City (reps.) or their respective designee(s), shall meet with County (reps) or their respective designee(s) to review and discuss the matter(s) in dispute; if the City (reps) and County (reps) are unable to reach a mutual resolution, the Executive and the mayor, or their respective designee(s) shall meet to review and discuss the matter(s) in dispute. If such persons are unable to resolve the matter informally, either party may submit the matter to a non-binding, structured mediation procedure fashioned by persons or organizations experienced in alternative dispute resolution ("ADR") procedures. The mediation may be requested by any party and shall be initiated within thirty (30) days from the date of the request unless extended by agreement of both parties. The alternative dispute resolution procedures utilized for the mediation shall include the exchange of written claims and responses, with supporting information, at least seven (7) days prior to the actual mediation. The positions expressed and mediator's recommendations shall not be admissible as evidence in any subsequent ADR or legal proceeding. If the matter is submitted to mediation and the matter is not resolved, an affected party shall be entitled to pursue any legal remedy available.
- 8.3 No Implied Waiver. No failure by either party hereto to insist upon the strict performance of any obligation of the other party under this Agreement or to exercise any right, power or remedy arising out of a breach thereof, irrespective of the length of time for which such failure continues (except in cases where this Agreement expressly limits the time for exercising rights or remedies arising out of a breach), shall constitute a waiver of such breach or of that party's right to demand strict compliance such term, covenant or condition or operate as a surrender of this Agreement. No waiver of any default or the performance of any provision hereof shall affect any other default or performance, or cover any other period of time, other than the default, performance or period of time specified in such express waiver. One or more written waivers of a default or the performance of any provision hereof shall not be deemed to be a waiver of a subsequent default or performance. The consent of either party hereto given in any instance under the terms of this Agreement shall not relieve the other party of any obligation to secure the consent of the other party in any other or future instance under the terms of this Agreement.
- 8.4 Headings and Subheadings. The captions preceding the articles and sections of this Agreement and in the table of contents have been inserted for convenience of reference and such captions in no way define or limit the scope or intent of any provision of this Agreement.
- 8.5 Successors and Assigns. The terms, covenants and conditions contained in this Agreement shall bind and inure to the benefit of the County and the City and, except as otherwise provided herein, their personal representatives and successors and assigns. There are no third party beneficiaries to this Agreement.
- 8.6 Agreement made in Washington. This Agreement shall be deemed to be made in and shall be construed in accordance with the laws of the State of Washington. Venue of any action brought by one party against the other to enforce or arising out of this Agreement shall be in King County Superior Court.
- 8.7 Integrated Agreement; Modification. This Agreement contains all the agreements of the parties hereto relating to the subject matter addressed herein, and cannot be amended or modified except by a written agreement approved by the King County Council and mutually executed between each of the parties hereto.
- 8.8 Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.
- 8.9 Time of Essence. Time is of the essence of each provision of this Agreement.

9.0 Signage. For each capital project funded with County Levy Proceeds, the City shall provide a sign including the following language: This project was funded (or as applicable, funded in part) with proceeds from the Open Space, Regional Trails, and Woodland Park Zoo levy lid lift approved by King County voters in August 2007 under an Agreement with King County Parks and Recreation Division.

DATED this 27th day of May, 2008

KING COUNTY, a Washington municipal corporation

CITY OF Pacific, a Washington municipal corporation

By _____

By  _____

Its _____

Its Mayor _____

By authority of Ordinance No. 15760



Agenda Bill No. 14-160

TO: Mayor Guier and City Council Members

FROM: Public Works

MEETING DATE: September 22, 2014

SUBJECT: Sewer Rates

ATTACHMENTS: Ordinance 2014-1873

Summary: The City Council last increased the Sewer Rates effective April 1, 2014. However they were passed by resolution and the City Attorney has advised the City Staff to pass any utility rate increases by ordinance. The proposed Ordinance would not affect the current rates effective April 1, 2014. This is simply a matter of "housekeeping" adopting a new section 14.24.001, amending 14.24.010 and 14.24.020 to the Pacific Municipal Code rendering resolutions 14-104 & 14-105 of no force and effect.

Recommendation/Action: Staff recommends Council approve Ordinance No. 2014-1873

Motion for Consideration: Move to approve Ordinance No.2014-1873, an ordinance of the City of Pacific, Washington, relating to rates for sewer service, connection fees and inspection fees, transferring the existing rates and charges from resolution form to an ordinance.

Budget Impact: none.

Alternatives: N/A

CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. 2014-1873

AN ORDINANCE OF PACIFIC, WASHINGTON, RELATING TO RATES FOR SEWER SERVICE, CONNECTION FEES AND INSPECTION FEES, TRANSFERRING THE EXISTING RATES AND CHARGES FROM RESOLUTION FORM TO AN ORDINANCE, WITHOUT ANY CHANGE TO THE EXISTING RATES AND CHARGES, AS A HOUSEKEEPING ISSUE, ADOPTING A NEW SECTION 14.24.001, AMENDING 14.24.010 AND 14.24.020 TO THE PACIFIC MUNICIPAL CODE RENDERING RESOLUTION NO. 2014-105 OF NO FORCE AND EFFECT.

WHEREAS, the City's rates and charges for sewer service were included in resolutions, adopted as required by law; and

WHEREAS, the City desires to insert such rates and charges into ordinance form and to codify such rates and charges; Now, Therefore,

IT IS HEREBY ORDAINED BY THE PACIFIC CITY COUNCIL AS FOLLOWS:

Section 1. The rates and charges in City of Pacific Resolution No. 14.105 are hereby included in this Ordinance, and Resolution No. 14.105 has no force and effect after the effective date of this Ordinance.

Section 2. A new Section 14.24.001 is hereby added to the Pacific Municipal Code, which shall read as follows:

14.24.001 Monthly Sanitary Sewer Rate.

A. The monthly sanitary sewer rate for single-family homes, single-family residences, manufactured homes and mobile homes shall be: \$59.79 for each residential unit (\$39.79 Metro charge and \$20.00 city of Pacific charge).

B. The monthly sanitary sewer rate for non-residential and multiple residential uses shall be based on water usage as determined by water meter readings with a basic unit price of \$59.79 charged for the first 700 cubic feet of water consumption. Fractions of cubic feet over 700 cubic feet will be charged at \$8.54 per 100 cubic feet. A minimum \$59.79 will be charged for non-residential and multi-family residential use (duplexes, apartments, mobile home parks, etc.).

Section 3. Section 14.24.010 of the Pacific Municipal Code is hereby amended to read as follows:

14.24.010 New connection – fee. ~~There shall be a fee as established by city resolution for every new connection to the sewer system of the city.~~ Every new connection to the City sewer system shall be charged as follows:

General Facility Charges

1. Charge per ERU (Inside City Limits) \$2,000.00
Charge per ERU (Outside City Limits) \$3,000.00
2. ERUs shall be calculated per the King County Department of Natural Resources and Parks Wastewater Treatment Division Residential Sewer Use Certification Sewage Treatment Capacity Charge” or “Non-Residential Sewer Use Certification” worksheets.
3. The minimum Charge shall be 1 ERU.

Section 4. Section 14.24.020 of the Pacific Municipal Code is hereby amended to read as follows:

14.24.020 Inspection – fee. ~~There shall be an inspection fee as established by city resolution for all connections to the sewer system.~~ Prior to connection to the City’s sewer system, all new connections shall be inspected and the following charges imposed:

Sewer Installation Inspection \$150.00

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 6. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of Pacific this 22nd day of September, 2014.

Leanne, Guier, Mayor

AUTHENTICATED:

Amy Stevenson-Ness, City Clerk.

APPROVED AS TO FORM:
Office of the City Attorney

Carol Morris, City Attorney

PUBLISHED:
EFFECTIVE DATE:



Agenda Bill No. 14-161

TO: Mayor Guier and City Council Members
FROM: Public Works
MEETING DATE: September 22, 2014
SUBJECT: Water Rates

ATTACHMENTS: Ordinance 14 – 1874

Previous Council Review Date: September 15, 2014

Summary: The City Council last increased the Water Rates effective April 1, 2014. However they were passed by resolution and the City Attorney has advised the City Staff to pass any utility rate increases by ordinance. The proposed Ordinance would not affect the current rates effective April 1, 2014. This is simply a matter of “housekeeping” amending 14.56.060, 14.56.070 and adopting a new section 14.88.010 to the Pacific Municipal Code rendering resolutions 14-104 & 14-105 of no force and effect.

Recommendation/Action: Staff recommends Council approve Ordinance No. 14-1874

Motion for Consideration: Move to approve Ordinance No.14 – 1874, an ordinance of the City of Pacific, Washington, relating to rates for water service both inside and outside city limits, water meter installation fees, water general facilities charges and surcharges for customers of the city formerly served by the Webstone Water District, transferring the existing rates and charges from resolution form to an ordinance.

Budget Impact: None.

Alternatives: N/A

CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. 2014-1874

AN ORDINANCE OF PACIFIC, WASHINGTON, RELATING TO RATES FOR WATER SERVICE BOTH INSIDE AND OUTSIDE CITY LIMITS, WATER METER INSTALLATION FEES, WATER GENERAL FACILITIES CHARGES AND SURCHARGES FOR CUSTOMERS OF THE CITY FORMERLY SERVED BY THE WEBSTONE WATER DISTRICT, TRANSFERRING THE EXISTING RATES AND CHARGES FROM RESOLUTION FORM TO AN ORDINANCE, WITHOUT ANY CHANGE TO THE EXISTING RATES AND CHARGES, AS A HOUSEKEEPING ISSUE, AMENDING PACIFIC MUNICIPAL CODE SECTIONS 14.56.060, 14.56.070 AND ADOPTING A NEW SECTION 14.88.010; RENDERING RESOLUTION NO. 2014-104 OF NO FORCE AND EFFECT.

WHEREAS, the City's rates and charges for water service were included in resolutions, adopted as required by law; and

WHEREAS, the City desires to insert such rates and charges into ordinance form and to codify such rates and charges; Now, Therefore,

IT IS HEREBY ORDAINED BY THE PACIFIC CITY COUNCIL AS FOLLOWS:

Section 1. The rates and charges in City of Pacific Resolution No. 14.104 are hereby included in this Ordinance, and Resolution No. 14.104 has no force and effect after the effective date of this Ordinance.

Section 2. The general facilities charges for water in City of Pacific Resolution No. 482 are hereby included in this Ordinance, and Resolution No. 482 has no force and effect after the effective date of this Ordinance.

Section 3. Subsections 14.56.060(A) through (C) of the Pacific Municipal Code are hereby amended to read as follows:

14.56.060 Installation – Fees and regulations.

A. All water services within the city limits and without the city limits shall be metered. There shall be a fee for meter installation ~~as established by city resolution~~ as follows:

<u>Meter Size (Drop In)</u>	<u>Amount</u>
5/8" to 3/4"	\$400.00
1"	\$450.00

1 1/2"	\$650.00
2"	\$850.00

Full Installation (Tap, Meter, Setter) Cost plus time and materials

B. Materials used are to be at the discretion of the public works director or designee. There shall be an additional charge for the installation of any meter in an existing sidewalk area as established above. ~~By city resolution.~~ The director shall have the final decision as to the meter location.

C. In addition to other applicable fees, the City shall charge property owners applying to the City's water system a General Facilities Charge ~~as established by city resolution.~~ as follows:

1. Charge per ERU (Inside City Limits) \$5,000.00
- Charge per ERU (Outside City Limits) \$6,000.00
2. Non-Residential ERU Basis:

Restaurants	2.0 per 1,000 sq. ft.
Retail	0.2 per 1,000 sq. ft.
Office	0.5 per 1,000 sq. ft.
Warehouse	0.3 per 1,000 sq. ft.
Laundromat	0.4 per washing machine
Car Wash (automated)	5.0 each
Car Wash (small/hand)	3.0 each
Church	2.0 each
Daycare	2.0 each
Auto Service Station	2.0 each
Elementary School	3.0 per classroom
Junior High School	3.0 per classroom
High School	3.0 per classroom
Hotel – Motel	3.0 per classroom
Recreation Facilities w/ Pool	4.0 each
3. The minimum Charge shall be 1 ERU.

...

Section 4. Subsection 14.56.070(A) of the Pacific Municipal Code is hereby amended to read as follows:

14.56.070 Water Service Deposit.

A. There shall be a water service deposit ~~as established by city resolution~~ of \$_____ deposited with the city clerk for each connection. The deposit shall be made by the property owner prior to installation of service.

...

Section 5. A new section 14.88.010 is hereby added to the Pacific Municipal Code, to read as follows:

14.88.010 Water Rates.

A. The monthly rate for water supplied by meter inside the City limits shall be as follows:

<u>In City</u>				
Meter Size Base (inches)	Base Rate	Tier 1	Tier 2	Tier 3
5/8	\$ 12.00	\$2.00/CCF	\$3.00/CCF	\$4.00/CCF
1	\$ 24.00	1-7	7.1-14	>14.1
1.5	\$ 51.00	1-14	14.1-28	>28.1
2	\$ 79.00	1-49	49.1-98	>98.1
3	\$147.00	1-91	91.1-182	>182.1
4	\$248.50	1-154	154.1-308	>308.1
6	\$497.00	1-308	308.1-616	>616.1

Multi-family units are charged a base rate for each living unit on the receiving side of the meter. Tier rates are multiplied by the number of base units charged (*i.e.*, a triplex will be charged the first tier rate for 1-21 CCF, second tier rates for 21.1-42 CCF, etc.)

B. The monthly rates for water supplied outside the City limits shall be as follows:

<u>Outside City</u>				
Meter Size Base (inches)	Base Rate	Tier 1	Tier 2	Tier 3
5/8	\$ 13.20	\$2.20/CCF	\$3.30/CCF	\$4.40/CCF
1	\$ 26.40	1-7	7.1-14	>14.1
1.5	\$ 56.10	1-14	14.1-28	>28.1
2	\$ 86.90	1-49	49.1-98	>98.1
3	\$161.70	1-91	91.1-182	>182.1
4	\$273.35	1-154	154.1-308	>308.1
6	\$546.70	1-308	308.1-616	>616.1

C. The following surcharges shall continue in effect for those customers of the City formerly served by the Webstone Water District:

User Category	Base Charge	Use Charge
Residential (5/8" meter)	\$ 5.00	\$0.50
Commercial (5/8" meter)	\$ 5.00	\$0.50
Commercial (1" meter)	\$ 10.00	\$0.50
Commercial (1-1/2 meter)	\$ 25.00	\$0.50
Commercial (2" meter)	\$ 35.00	\$0.50
Commercial (3" meter)	\$ 65.00	\$0.50
Commercial (4" meter)	\$110.00	\$0.50
Commercial (6" meter)	\$220.00	\$0.50

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 8. Effective Date. This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

PASSED by the City Council of Pacific this 22nd day of September, 2014.

Leanne Guier, Mayor

AUTHENTICATED:

Amy Stevenson-Ness, City Clerk.

APPROVED AS TO FORM:
Office of the City Attorney

Carol Morris, City Attorney

PUBLISHED:
EFFECTIVE DATE:

43460
CITY OF PACIFIC

Agenda Bills

Agenda Item No.	<u>Consent Agenda 10A</u>	Meeting Date:	<u>September 22, 2014</u>
	<u>Claim Voucher & Payroll</u>		<u>Richard Gould</u>
Subject:	<u>Approval</u>	Prepared by:	<u>Finance Director</u>

Summary:

Approval of Payroll for the period of September 1, 2014 through September 15, 2014; Claims Vouchers for September 9, 2014 through September 22, 2014.

Payroll Auto Deposit	\$ 62,337.97
Payroll Ch#'s 4810– 4816	\$ 5,426.97

Claim Checks: #43978 – 44039	\$323,634.06
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EFT's	40,049.37
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Total Expenditures	<u>\$ 431,448.37</u>
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Recommendation: Approval of payment for Payroll and Claims

Motion: move to approve the Consent Agenda including approval of Payroll and Claims Vouchers.

Attachments:

Check Registers and Payroll Expense itemization.

CHECK REGISTER

City Of Pacific
MCAG #: 0423

09/09/2014 To: 09/22/2014

Time: 11:01:53 Date: 09/18/2014

Page: 1

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5362	09/12/2014	Claims	1	EFT	WA ST DEPT OF REVENUE	14,579.51	Excise Tax For August 2014
5415	09/19/2014	Payroll	1	EFT		227.25	September 1 - 15 Payroll
5416	09/19/2014	Payroll	1	EFT		1,844.47	September 1 - 15 Payroll
5417	09/19/2014	Payroll	1	EFT		2,862.93	September 1 - 15 Payroll
5419	09/19/2014	Payroll	1	EFT		4,044.18	September 1 - 15 Payroll
5421	09/19/2014	Payroll	1	EFT		373.59	September 1 - 15 Payroll
5423	09/19/2014	Payroll	1	EFT		1,164.39	September 1 - 15 Payroll
5424	09/19/2014	Payroll	1	EFT		2,595.26	September 1 - 15 Payroll
5425	09/19/2014	Payroll	1	EFT		92.10	September 1 - 15 Payroll
5426	09/19/2014	Payroll	1	EFT		3,231.91	September 1 - 15 Payroll
5427	09/19/2014	Payroll	1	EFT		317.96	September 1 - 15 Payroll
5428	09/19/2014	Payroll	1	EFT		875.12	September 1 - 15 Payroll
5429	09/19/2014	Payroll	1	EFT		896.45	September 1 - 15 Payroll
5430	09/19/2014	Payroll	1	EFT		3,254.61	September 1 - 15 Payroll
5431	09/19/2014	Payroll	1	EFT		91.50	September 1 - 15 Payroll
5432	09/19/2014	Payroll	1	EFT		239.88	September 1 - 15 Payroll
5433	09/19/2014	Payroll	1	EFT		46.04	September 1 - 15 Payroll
5434	09/19/2014	Payroll	1	EFT		2,640.83	September 1 - 15 Payroll
5435	09/19/2014	Payroll	1	EFT		81.50	September 1 - 15 Payroll
5436	09/19/2014	Payroll	1	EFT		261.87	September 1 - 15 Payroll
5437	09/19/2014	Payroll	1	EFT		1,761.60	September 1 - 15 Payroll
5439	09/19/2014	Payroll	1	EFT		3,111.56	September 1 - 15 Payroll
5440	09/19/2014	Payroll	1	EFT		1,849.86	September 1 - 15 Payroll
5441	09/19/2014	Payroll	1	EFT		1,869.77	September 1 - 15 Payroll
5443	09/19/2014	Payroll	1	EFT		2,121.27	September 1 - 15 Payroll
5444	09/19/2014	Payroll	1	EFT		1,445.87	September 1 - 15 Payroll
5445	09/19/2014	Payroll	1	EFT		92.10	September 1 - 15 Payroll
5446	09/19/2014	Payroll	1	EFT		1,644.52	September 1 - 15 Payroll
5447	09/19/2014	Payroll	1	EFT		1,670.37	September 1 - 15 Payroll
5448	09/19/2014	Payroll	1	EFT		1,914.64	September 1 - 15 Payroll
5449	09/19/2014	Payroll	1	EFT		965.99	September 1 - 15 Payroll
5450	09/19/2014	Payroll	1	EFT		1,632.36	September 1 - 15 Payroll
5451	09/19/2014	Payroll	1	EFT		2,049.29	September 1 - 15 Payroll
5452	09/19/2014	Payroll	1	EFT		1,546.57	September 1 - 15 Payroll
5454	09/19/2014	Payroll	1	EFT		2,544.63	September 1 - 15 Payroll
5455	09/19/2014	Payroll	1	EFT		1,697.72	September 1 - 15 Payroll
5456	09/19/2014	Payroll	1	EFT		1,180.88	September 1 - 15 Payroll
5457	09/19/2014	Payroll	1	EFT		1,588.44	September 1 - 15 Payroll
5458	09/19/2014	Payroll	1	EFT		46.04	September 1 - 15 Payroll
5459	09/19/2014	Payroll	1	EFT		2,496.13	September 1 - 15 Payroll
5460	09/19/2014	Payroll	1	EFT		1,306.39	September 1 - 15 Payroll
5461	09/19/2014	Payroll	1	EFT		1,354.70	September 1 - 15 Payroll
5462	09/19/2014	Payroll	1	EFT		1,305.43	September 1 - 15 Payroll
5538	09/18/2014	Payroll	1	EFT	INTERNAL REVENUE SERVICE	24,443.76	941 Deposit For 09/19/2014 - 09/19/2014
5539	09/18/2014	Payroll	1	EFT	INTERNAL REVENUE SERVICE	246.04	941 Deposit For 09/18/2014 - 09/18/2014
5540	09/18/2014	Payroll	1	EFT	INTERNAL REVENUE SERVICE	155.06	941 Deposit For 09/08/2014 - 09/08/2014
5541	09/22/2014	Payroll	1	EFT	WA ST DEPT RETIREMENT SYSTEM	625.00	09/08/2014 To 09/19/2014 - DCP - DRS
5418	09/19/2014	Payroll	1	4810		2,034.94	September 1 - 15 Payroll
5420	09/19/2014	Payroll	1	4811		259.63	September 1 - 15 Payroll
5422	09/19/2014	Payroll	1	4812		1,291.24	September 1 - 15 Payroll

CHECK REGISTER

City Of Pacific
MCAG #: 0423

09/09/2014 To: 09/22/2014

Time: 11:01:53 Date: 09/18/2014

Page: 2

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5438	09/19/2014	Payroll	1	4813		445.17	September 1 - 15 Payroll
5442	09/19/2014	Payroll	1	4814		317.17	September 1 - 15 Payroll
5453	09/19/2014	Payroll	1	4815		92.10	September 1 - 15 Payroll
5465	09/18/2014	Payroll	1	4816		986.72	Newkirk special payroll
5466	09/22/2014	Claims	1	43978	ACCO ENGINEERED SYSTEMS	217.91	POLICE: HVAC REPAIRS
5467	09/22/2014	Claims	1	43979	ADVANCED SAFETY & FIRE SERVICES	366.55	ANNUAL FIRE EXTINGUISHER SERVICE & MAINTENANCE; POLICE: ANNUAL FIRE EXTINGUISHER SERVICE & MAINTENANCE (PATROL CARS X4 & 3 OTHERS), 5 NEW EXTINGUISHERS)
5468	09/22/2014	Claims	1	43980	AHBL INC	42,629.09	
5469	09/22/2014	Claims	1	43981	ALPINE PRODUCTS INC	295.81	PW: "NOTICE TRAFFIC FINES DOUBLE IN WORK ZONE" SIGNS (3)
5470	09/22/2014	Claims	1	43982	AUS WEST LOCKBOX	92.29	POLICE: DOOR MATS; CITY HALL: DOOR MATS; POLICE: DOOR MATS; CITY HALL: DOOR MATS; POLICE: DOOR MATS
5471	09/22/2014	Claims	1	43983	BLUMENTHAL UNIFORMS	100.63	POLICE: UNIFORMS
5472	09/22/2014	Claims	1	43984	MICHEL BOS	409.57	POLICE: REIMBURSEMENTS TO M. BOS
5473	09/22/2014	Claims	1	43985	BROTHER MOBILE SOLUTIONS INC	110.88	POLICE: CITATION PAPER FOR PATROL CARS
5474	09/22/2014	Claims	1	43986	CARPINITO BROTHERS INC	945.29	PW: TOPSOIL; PW: TOP SOIL & PLAY CHIPS
5475	09/22/2014	Claims	1	43987	CASH & CARRY	200.34	YOUTH: END OF SUMMER BBQ
5476	09/22/2014	Claims	1	43988	CENTURYLINK	90.59	POLICE: LOBBY PHONE (253) 887-9643
5477	09/22/2014	Claims	1	43989	CITY OF AUBURN	136.94	UTILITIES
5478	09/22/2014	Claims	1	43990	COASTAL WEAR PRODUCTS	273.75	PW:
5479	09/22/2014	Claims	1	43991	COPIERS NORTHWEST INC	1,358.98	COPY MACHINE LEASE OVERAGES
5480	09/22/2014	Claims	1	43992	DATABAR INCORPORATED	1,629.48	AUG 2014 UTILITY BILLING
5481	09/22/2014	Claims	1	43993	DEPARTMENT OF COMMERCE	176,309.87	DRINKING WATER STATE REVOLVING FUND
5482	09/22/2014	Claims	1	43994	FERGUSON ENTERPRISES, INC.	2,015.02	PW: METERS
5483	09/22/2014	Claims	1	43995	FORMSOURCE INC	112.46	BUSINESS CARDS: K. GARBERDING
5484	09/22/2014	Claims	1	43996	H D FOWLER CO INC	237.06	PW: YARD DRAIN GRATE; PW: TOOLS/SUPPLIES
5485	09/22/2014	Claims	1	43997	HONEY BUCKET	489.85	PW: HONEY BUCKET RENTALS
5486	09/22/2014	Claims	1	43998	INTERCOM LANGUAGE SERVICES	338.96	COURT: INTERPRETER SERVICES
5487	09/22/2014	Claims	1	43999	STEPHEN G JOHNSON	400.00	COURT: PUBLIC DEFENSE

CHECK REGISTER

City Of Pacific
MCAG #: 0423

09/09/2014 To: 09/22/2014

Time: 11:01:53 Date: 09/18/2014

Page: 3

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5488	09/22/2014	Claims	1	44000	KC DOT ROAD SRVC DIV	9,969.41	PROJECT #1120310/RSD PA0005 BSC SGL VAL/STEWART; PROJECT #1123386/RSD PA-010 2014 OVERLAY 3 AVE S (**GRANT**)
5489	09/22/2014	Claims	1	44001	KC FINANCE I-NET	375.00	I-NET SERVICES
5490	09/22/2014	Claims	1	44002	ELENA KERRIGAN	500.00	COURT: INTERPRETER SERVICES
5491	09/22/2014	Claims	1	44003	KING COUNTY DIRECTORS' ASSOC	411.01	POLICE: OFFICE SUPPLIES; PW: OFFICE SUPPLIES; PW: BATHROOM SUPPLIES; POLICE: CASE ASSOCIATED SUPPLIES
5492	09/22/2014	Claims	1	44004	KPG	21,065.61	PROJECT #14057: STEWART RD/THORNTON AVE IMPROVEMENT - CM SERVICES (**GRANT**))
5493	09/22/2014	Claims	1	44005	LIBERTY ASSISTS LLC	303.00	PW: VEHICLE MAINTENANCE
5494	09/22/2014	Claims	1	44006	MCLENDON HARDWARE	272.45	PW: 72 GAL TANK STOCK; PW: CROSSFIRE TRIM LINE; PW: SHOP SUPPLIES; PW: CHAINSAW FILING & OIL
5495	09/22/2014	Claims	1	44007	MOUNTAIN MIST	138.19	BOTTLED WATER
5496	09/22/2014	Claims	1	44008	NATIONAL SAFETY INC	393.32	PW: MISC. SUPPLIES
5497	09/22/2014	Claims	1	44009	NEOPOST NORTHWEST	371.20	INK CARTRIDGE FOR POSTAGE MACHINE; RATE SOFTWARE UPDATE FOR POSTAGE MACHINE
5498	09/22/2014	Claims	1	44010	O'REILLY AUTOMOTIVE, INC.	118.43	PW: MISC. PARTS; PW: MISC. PARTS FOR SERVICE TRUCK
5499	09/22/2014	Claims	1	44011	OWEN EQUIPMENT	1,034.54	PW: VAPOR TRUCK REPAIRS/MAINTENANCE
5500	09/22/2014	Claims	1	44012	PACIFIC OFFICE AUTOMATION	164.29	POLICE: COPY MACHINE
5501	09/22/2014	Claims	1	44013	CITY OF PACIFIC	574.88	UTILITIES; UTILITIES
5502	09/22/2014	Claims	1	44014	PETROCARD SYSTEMS INC	2,776.08	FUEL SERVICES
5503	09/22/2014	Claims	1	44015	PLATT ELECTRIC SUPPLY	23.54	PW: SUPPLIES
5504	09/22/2014	Claims	1	44016	PUGET SOUND CLEAN AIR AGENCY	2,250.75	2014 CLEAN AIR ASSESSMENT - Q2, Q3 & Q4
5505	09/22/2014	Claims	1	44017	PUGET SOUND ENERGY	13,181.63	ACCT #220003203878 (TACOMA BLVD. N & 1ST AVE. NW)
5506	09/22/2014	Claims	1	44018	QUILL CORPORATION	71.07	POLICE: USB DRIVES
5507	09/22/2014	Claims	1	44019	SAM'S CLUB/GEMB	360.82	POLICE: CREDIT CARD
5508	09/22/2014	Claims	1	44020	JAMES SCHUNKE	47.94	PW: J. SCHUNKE REIMBURSEMENTS
5509	09/22/2014	Claims	1	44021	STEPHANIE SUE SHOOK	83.18	POLICE: S. SHOOK REIMBURSEMENTS; POLICE: S. SHOOK REIMBURSEMENTS
5510	09/22/2014	Claims	1	44022	SHOPE ENTERPRISES, INC.	2,229.88	PW: PAVING RINGS & VALVE RISER RINGS (**GRANT**)
5511	09/22/2014	Claims	1	44023	SHRED-IT USA INC.	178.66	SHREDDING SERVICES; POLICE: SHREDDING SERVICES; POLICE: SHREDDING SERVICES

CHECK REGISTER

City Of Pacific
MCAG #: 0423

09/09/2014 To: 09/22/2014

Time: 11:01:53 Date: 09/18/2014

Page: 4

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
5512	09/22/2014	Claims	1	44024	SPRINT	2,110.22	POLICE: WIRELESS SERVICES
5513	09/22/2014	Claims	1	44025	STAPLES BUSINESS ADVANTAGE	172.07	FINANCE & ADMIN OFFICE SUPPLIES
5514	09/22/2014	Claims	1	44026	SUMNER LAWN 'N SAW	83.69	PW: SHARPEN CHAIN SAW
5515	09/22/2014	Claims	1	44027	CITY OF SUMNER	1,774.50	SEPT. 2014 METRO ANIMAL SERVICES
5516	09/22/2014	Claims	1	44028	TOTAL AUTO CARE	771.38	PW: 2004 CHEVY SILVERADO (BLOWER MOTOR RESISTOR); POLICE: REMOVE LIGHTS & RADIO FROM POLICE TRUCK; POLICE: 2013 CHEV TAHOE OIL CHANGE; PW: 2001 GMC SIERRA (AC/HEATER CONTROLS); PW: 2006 FORD RANG
5517	09/22/2014	Claims	1	44029	UNIVAR USA INC	9,282.97	PW: CAUSTIS SODA
5518	09/22/2014	Claims	1	44030	USAMOBILITY	25.20	PW: PAGER SERVICES
5519	09/22/2014	Claims	1	44031	UTILITIES UNDERGROUND LOCATE	47.73	PW: EXCAVATION NOTIFICATION FOR AUG. 2014 (37)
5520	09/22/2014	Claims	1	44032	VALLEY COMMUNICATIONS	19,225.40	POLICE: AUG. 2014 - 800 MHz (44 UNITS); AUG 2014 911 CALLS (495)
5521	09/22/2014	Claims	1	44033	VERIZON WIRELESS	472.74	CELL PHONE SERVICES
5522	09/22/2014	Claims	1	44034	VORTEX INDUSTRIES, INC.	1,607.46	POLICE: EMERGENCY SERVICE TO STEEL SECTIONAL DOOR
5523	09/22/2014	Claims	1	44035	WASHINGTON STATE PATROL	49.50	POLICE: BACKGROUND CHECKS
5524	09/22/2014	Claims	1	44036	WATER MANAGEMENT LAB INC	147.00	PW: COLIFORM
5525	09/22/2014	Claims	1	44037	KRISTA C WHITE-SWAIN	2,050.00	COURT: PUBLIC DEFENSE
5526	09/22/2014	Claims	1	44038	MICHAEL ZHELEZNYAK	133.00	COURT: INTERPRETER SERVICES
5527	09/22/2014	Claims	1	44039	SAMANTHA M. ZINSLI	25.00	POLICE: REIMBURSEMENT FOR EVIDENCE APPRAISAL
						120,378.65	
001 General Fund						22,616.38	
101 Street						21,940.60	
301 Stewart/8th St Corridor						1,105.90	
305 Parks Capital Improvement						41,328.18	
308 Valentine Road Project						208,063.20	
401 Water						15,782.49	
402 Sewer						2,015.02	
406 Water Capital Improvement						6,947.53	
409 Storm						-8,729.58	
800 Payroll EE Benefit Clearing						431,448.37	
						Claims:	338,213.57
						Payroll:	93,234.80

CHECK REGISTER

City Of Pacific
MCAG #: 0423

09/09/2014 To: 09/22/2014

Time: 11:01:53 Date: 09/18/2014

Page: 5

Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
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Voucher Approval

We, the undersigned Council members of the City of Pacific, do hereby certify that the Vouchers specified were reviewed and were approved for payment at the Regular Council Meeting

on: _____.

Council Member: _____

Council Member: _____

Council Member: _____

Reviewed for Accuracy

Finance Director: _____



City Council Minutes

Regular Meeting
Monday, August 25, 2014
6:30 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Guier called the regularly-scheduled meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

ROLL CALL

Present: Council Members Kave, Oliveira, Steiger, Council President Putnam, Mayor Pro Tem Jones, and Mayor Guier

Absent: Council Member Garberding (arrived at 6:32 p.m.)

STAFF PRESENT

Lt. Edwin Massey, Engineer Jim Morgan, Assistant Director Senior Center Darcie Thach, Court Administrator Kelly Rydberg, City Administrator Richard Gould, City Clerk Amy Stevenson-Ness

ADDITIONS TO/APPROVAL OF AGENDA

The agenda was approved by the consensus of Council.

PROCLAMATION

Mayor Guier read the proclamation declaring September as “2014 – National Recovery Month” and presented the proclamation to Mr. Daniel Floyd, Program Manager, DCHS/Mental, Chemical Abuse and Dependency Services Division. (Council Member Garberding arrived here at 6:32 p.m.)

AUDIENCE COMMENT

Speaking before Council:

Jeanne Fancher	Presented spike she found in Centennial Park Almost hit on Stewart turning north onto Valentine – Hard to see where white line is on Stewart. Was almost hit turning onto Valentine. Need more clarity in the signals and striping. Requested that the city offer defensive driving courses again.
Debbie Black/Terry Oswald	Requesting a waiver of fees for the use of City Park for Family Fun Day with the Kent Eagles

REPORTS

A. Mayor

Mayor Guier:

- Thank staff for their donations and participation with ice bucket challenge, \$337 donated. Had a blast and a great way to raise awareness for ALS
- Valentine Avenue groundbreaking was held. Thank you to Council Members Jones and Steiger for their work to keep the project alive.
- Reminded everyone that school will be starting and to be mindful of children

B. City Administrator

Mr. Gould reported:

- The 2015 budget calendar is available. The first date is September 8 to request budget proposals. He can provide budget calendar to Council if requested.
- The SurfacePro Tablets arrived. They are in Auburn and will be ready in early to mid September. The Technology Committee is talking about technology policies.
- Provide a uniformed negotiations update

C. Court

Ms. Rydberg reported:

- The month end will be on Friday, August 29 and will be included in the meeting packet for September 8.

D. Public Safety Department

LT. Massey reported:

- A car was stolen last week
- On 08/21 a fleeing suspect from Lakeland Hills was stopped. A DUI occurred near City Hall involving heroin. A suspect was arrested for escape/warrant and possession of crystal meth.
- The department is working on accreditation. A preliminary inspection has occurred. September 18 is the scheduled date for WASPC's on-site inspection.
- Two officers were injured during training in the past two weeks.
- Officers will be out in high visibility vests for the first couple days of school. The radar trailer will be set up to remind people to slow in school areas.

E. Public Works/Community Development Department

- No Report

F. Community/Senior/Youth/Services

- Friday, August 22 was the last day of the summer lunch program. There was an excellent picnic for the end of the lunch program.
- Joanne is back to her regular schedule.
- Flu shot clinic will be held on September 22. The deadline to sign up is September 19.
- There will be two bus trips to the fair.
-

G. City Council Members

Council Member Steiger suggested the committee meetings not be recorded and don't need to be.

H. Boards and Committees

i. Finance Committee

Council Member Kave reported the committee is scheduled to meet on September 9 at 6:30 pm.

ii. Governance Committee

Council Member Oliveira reported meetings will be scheduled as there are things to review.

iii. Human Services Committee

Council Member Jones reported a meeting is scheduled for September 2 at 6:00 p.m.

iv. Public Safety Committee

Council Member Garberding stated the committee met on August 13. Items discussed included helmet laws and bicycle conduct as well as police staffing. Two additional officers and one additional sergeant are needed. The City would get more coverage to keep overweight trucks off the streets.

The staffing item was referred to the Finance committee and they will pull numbers from the 2007 budget for review.

Also discussed was the speed limit on Frontage Road. The committee agreed that 25 is best and think it should stay that way. Due to the congestion on Frontage Road because of parking along the road, the issue was referred to Acting Public Works Director Ken Barnett for follow up.

Council Member Kave stated the City needs to eliminate the title of safety director and go to Police Chief.

v. Public Works Committee

Council Member Steiger stated the next meeting date will depend on Mr. Barnett's health. He advised CURB is requesting quarterly updates from the City of Sumner and any serious updates regarding the projects.

vi. Technology Committee

Council Member Walker reported the committee discussed replacing the microphones. The tablets are in Auburn being prepared for distribution. The committee is reviewing the Mobile device, social media and tablet policies. The next meeting is on September 18 but the committee may meet earlier if they can get information.

vii. Civil Service Commission

-No Report

viii. Park Board

Kerry Garberding reported that the Park Board meeting time was changed to 6:00 p.m.

ix. Planning Commission

-No Report

x. Pierce County Regional Council (PCRC)

-No Report

xi. Sound Cities Association (SCA)

Mayor Guier reported the August meeting was cancelled.

xii. South County Area Transportation Board (SCATBd)

Mayor Guier reported the August meeting was cancelled.

xiii. Valley Regional Fire Association (VRFA)
Council Member Walker reported it was a short meeting to pay bills and hear reports.

OLD BUSINESS

A. Ordinance No. 2014-1868: Amending Pacific Municipal Code Chapter 20.82 regarding Code Enforcement.

COUNCIL MEMBER STEIGER MOVED to adopt Ordinance No. 2014-1868 amending Pacific Municipal Code Chapter 20.82 regarding Code Enforcement. Seconded by Council Member Walker

Roll Call vote was taken resulting as follows:

Ayes: Garberding, Jones, Oliveira, Putnam, Steiger, Walker

Nays: Kave

The motion carried 6-0.

B. Ordinance No. 2014-1870: Authorizing the mayor to enter into an amendment of the franchise agreement with Waste Management of Washington, Inc. for solid waste collection services to extend the agreement from August 28, 2014 through June 30, 2015 to allow for a new franchise agreement to be negotiated.

Mr. Gould advised Council the extension will allow for a new agreement to be negotiated.

COUNCIL MEMBER KAVE MOVED to adopt Ordinance No. 2014-1870 authorizing the mayor to enter into an amendment of the franchise agreement with Waste Management of Washington, Inc. for solid waste collection services to extend the agreement from August 28, 2014 through June 30, 2015 to allow for a new franchise agreement to be negotiated. Seconded by Council Member Putnam.

Roll Call vote was taken resulting as follows:

Ayes: Garberding, Jones, Kave, Oliveira, Putnam, Steiger, Walker

Nays: None

The motion carried 7-0.

C. Ordinance No. 2014-1871: Authorizing the mayor to enter into an amendment of the franchise agreement with Murrey's Disposal for solid waste collection services

Mr. Gould advised Council this extension would allow for continued collection while a new contract is negotiated.

Speaking before Council:

Keith Koblenko, Murrey's Disposal	Would like the opportunity to service the entire city.
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COUNCIL MEMBER KAVE MOVED to adopt Ordinance No. 2014-1871 authorizing the mayor to enter into an amendment of the franchise agreement with Murrey's Disposal for solid waste collection services. Seconded by Council Member Oliveira.

Roll Call vote was taken resulting as follows:

Ayes: Garberding, Jones, Kave, Oliveira, Putnam, Steiger, Walker

Nays: None

The motion carried 7-0.

D. AB 14-148: Confirmation of the Mayor's appointment of a Community Development Manager

Mayor Guier introduced Mr. Jack Dodge and invited him to address Council. Council asked questions of Mr. Dodge.

Mr. Dodge stated he has lived in Pacific since 1990. He is familiar with the City of Pacific and was a council member. He has been in planning for over 30 years. He provided his employment background. He stated he is excited to work in the community he lives in and is looking forward to the opportunity to work here.

Mayor Guier advised there would be an executive session at the end of the meeting to evaluate the qualifications of Mr. Dodge with possible action taken.

CONSENT AGENDA

A. Payroll and Voucher Approval

B. Approval of the minutes from the meeting of July 14, 2014, and the workshop of July 21, 2014.

COUNCIL MEMBER PUTNAM MOVED to approve the Consent Agenda. Seconded by Council Member Walker. Voice vote was taken and carried 7-0.

EXECUTIVE SESSION

At 7:34, Mayor Guier recessed the regular meeting and announced an executive session to evaluate the qualifications of an applicant for public employment per RCW 42.30.110(1)(g) for 15 minutes. She advised that action is expected after the executive session. She convened the executive session at 7:34 p.m.

At 7:49, Mayor Guier reconvened the meeting.

COUNCIL MEMBER GARBERDING MOVED to confirm the Mayor's appointment of Mr. Jack Dodge as the Community Development Manager. Seconded by Council Member Oliveira.

Roll Call vote was taken resulting as follows:

Ayes: Garberding, Jones, Kave, Oliveira, Putnam, Walker

Nays: None

Recused: Steiger

The motion carried 6-0.

ADJOURN

Mayor Guier adjourned the meeting at 7:51 p.m.

Amy Stevenson-Ness, City Clerk



City Council Minutes

Workshop
Tuesday, September 2, 2014
6:30 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Council President Putnam called the regularly-scheduled meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

ROLL CALL

Present: Council Members Garberding, Jones, Oliveira, Putnam, Steiger, Walker, and Mayor Guier

Absent: Council Member Kave

STAFF PRESENT

City Administrator Richard Gould; Public Safety Director John Calkins, Associate Planner Paula Wiech, and City Clerk Amy Stevenson-Ness.

ADDITIONS TO/APPROVAL OF AGENDA

Council Member Steiger added a discussion of police coverage as Item H.
Council Member Garberding added a discussion of the 3rd Avenue Work as Item I.
City Administrator Gould removed the executive session from the agenda.

The amended agenda was approved unanimously by Council.

AGENDA ITEMS

- A. Discussion: AB 14-149:** Request of a fee waiver for use of City Park by Kent Fraternal Order of Eagles, #362 on September 27, 2014.

City Clerk Amy Stevenson-Ness advised Council that Terri Oswald and Tammy Black from the Kent Fraternal Order of Eagles #362 are requesting the waiver of park usage fees for City Park for an event to be held on September 27. The event will be free and open to the public and will include family-friendly events as well as live music and food.

The purpose of the event is to help raise money for the club and their charities and to inform people of the FOE. The fundraising will be by donation.

Direction by consensus of Council: Move forward to the meeting on September 8, 2014.

B. Discussion: AB-153: Resolution No. 2014-198: Authorizing an agreement with Washington Association of Sheriffs and Police Chiefs for final on-site accreditation assessment.

Public Safety Director John Calkins stated in order for WASPC to perform the on-site assessment, the City is required to sign a contract for the inspection and will cost approximately \$800.

Direction by consensus of Council: Move forward to the meeting on September 8 2014.

C. Discussion: AB 14-154: Pierce County Countywide Planning Policies Amendment Interlocal Agreement from Pierce County Regional Council.

Ms. Stevenson-Ness outlined the proposed planning policies amendment ILA and the process for either approval or opposition.

Direction by consensus of Council: Forward to new Community Development Manager Jack Dodge for review on September 15.

D. Discussion: AB 14-150: Resolution No. 2014-196: Authorizing an amendment to an Interlocal agreement with King County for a 2011 Conservation Futures Grant for the Pacific Hatch Habitat Project.

Associate Planner Paula Wiech stated before the City could be reimbursed for Hatch property purchase expenses, the Mayor needs to sign and return an Amendment to the City's Interlocal Agreement with King County for a 2011 Conservation Futures (CFT) grant for the Pacific Hatch Habitat project, approved in November, 2010 by King County.

Direction by consensus of Council: Move forward to the meeting on September 8, 2014.

E. Discussion: AB 14-151: Planning Commission Recommendations –Marijuana Uses Ordinances.

Ms. Wiech advised Council of the Planning Commission's recommendations regarding the marijuana ordinances.

Council discussed the recommendations from the Planning Commission.

Mayor Guier requested direction from Council on how to proceed.

Direction by consensus of Council:

1. Ordinance A will be separated into two ordinances, one for production and processing and one for retail then brought back to workshop for discussion.
2. Bring the medical ban back to Council dependent on the city attorney's advice.
3. Send a postcard to citizens announcing the next public hearing.

F. Discussion: AB 14-152: Resolution No. 2014-197: Authorizing the execution of a contract with Parametrix for Interurban Trail design and permitting services in the amount of \$186,918.00.

Ms. Wiech stated completing the design will help fulfill a portion of the city's obligation to complete interurban trail segments using federal funds. The completed design will also provide more accurate cost information for soliciting future grants to complete the construction. The city will receive approximately \$125,000 from WSDOT grant.

After discussion regarding the actual cost of the project, the direction by a consensus of Council: Send item back to Engineer Jim Morgan for further research and bring back to a future workshop.

G. AB 14-155: Discussion: Waste Management composting fee increase:

Mr. Gould stated on advice of legal counsel, the item needs to be taken back to staff. The attorney would like to make this an amendment to the agreement rather than a Letter of Understanding.

Direction by a consensus of Council: Bring back to future workshop.

H. Police coverage

Council Member Steiger stated at a Public Safety Committee meeting, police staffing was brought up and referred to the Finance Committee. He inquired if the committee had met and come up with any information yet. He was advised that the committee had not met yet.

Council Member Steiger said the city needs to take real immediate action to increase staffing in the police department and expressed his concerns about the bars on windows and doors at a convenience store in the neighborhood and an incident at a business in the city that occurred the previous weekend.

Council Member Jones advised the topic is on the Finance Committee agenda for discussion on September 9.

I. Paving on 3rd Avenue

Council Member Garberding expressed her concerns about the flaggers working on the 3rd Avenue repaving project. She stated she was almost hit trying to get onto 3rd Avenue and the flagger that should have been paying attention was disrespectful to her.

Mr. Gould will talk to the company regarding the flaggers and the project.

J. Council rule to listen to audio if you miss meeting.

Council Member Garberding asked if a rule could be made wherein if you miss a Council meeting, you need to listen to the recording of the meeting prior to the next meeting.

She was advised that the way to do that is to amend the council rules.

EXECUTIVE SESSION

Council President Putnam recessed the workshop at 7:41 p.m. for an executive session for collective bargaining per RCW 42.30.140(4)(a) for 5 minutes. The executive session ended at 7:46 p.m.

Council President Putnam reconvened the workshop at 7:47 p.m.

Council Member Steiger stated that Shawn Skager from the Auburn Reporter called him to apologize for an article in the Reporter with incorrect information. Council Member Steiger said Mr. Skager told him a new article would be in the next edition of the paper.

ADJOURN

Council President Putnam adjourned the workshop at 7:48 p.m.

Amy Stevenson-Ness, City Clerk



City Council Minutes

Regular Meeting
September 8, 2014
6:30 p.m.

CALL TO ORDER/PLEDGE OF ALLEGIANCE

Mayor Guier called the regularly-scheduled meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

ROLL CALL

Present: Council Members Garberding, Kave, Oliveira, Steiger, Council President Putnam, Mayor Pro Tem Jones, and Mayor Guier
Absent: Walker (arrived at 6:54 p.m.)

STAFF PRESENT

Public Safety Director Calkins, Engineer Jim Morgan, Planner Paula Wiech, Court Administrator Kelly Rydberg, City Administrator Richard Gould, City Clerk Amy Stevenson-Ness

ADDITIONS TO/APPROVAL OF AGENDA

COUNCIL MEMBER PUTNAM MOVED to approve the agenda. Seconded by Council Member Kave. Voice vote was taken and carried 6-0

PUBLIC HEARING

City Attorney Carol Morris provided information regarding the interim zoning ordinance. She recommended the extension of the ordinance because the city council is in the middle of the process of deciding what legislation should be enacted regarding marijuana in the City of Pacific. Recommended that testimony be limited to

Mayor Guier opened the public hearing at 6:34 p.m.

Speaking before Council:

Dwayne Gratz, 122 3 rd Ave NW	Stated there should be no more moratoriums. He would like to see something happen. He believes the moratoria are taking up a lot of everyone's time and peoples' livelihoods depend on this.
Mark Gause, 603 3 rd Ave SE	Said the extension is the right action for the community right now. The process needs to be sorted out. Democracy takes time and there is a paradigm shift when it comes to dealing with drugs; you will never be done talking about it.

Jeanne Fancher, 37248 55 th Ave S	Heard on NPR that one in nine people will become an addicted marijuana user. She believes the City should stay with the interim ban and go slow.
Gary Nitchke, 102 Butte Ave	Supports the ordinance and that the process takes time.

Mayor Guier closed the public hearing at 6:43 p.m.

AUDIENCE COMMENT

Speaking before Council:

Angie Dire, 722 3 rd Ave NE, Pacific	Spoke about the proposed closing of Public Health offices in Auburn, Federal Way, White Center, North Shore and satellite clinics. 10,000 clients are served out of the Auburn location and would be \$2.5 million in projected loss of revenue. She is asking for council to discuss the problems and impacts of clinics closing and to find a way to support and oppose the closing of clinics.
Dana Rudicil, 213 3 rd Ave, Pacific	Would like to hold a 5K run in Pacific to support the youth programs at the Y.
Kate Hull, 102 Alder Lane S	; Requesting proclamation for September 17-23 Constitution Week

REPORTS

A. Mayor

- No report this evening.

B. Finance/City Administrator

City Administrator Gould reported:

- Start of budget season. Notices were sent out for estimated revenues and expenditures and are due back to the City Clerk by September 22; then will go to the mayor for final review.
- Tablets will be ready for Council on Monday with a training at the workshop on September 15. The tablets will make a lot of what is done for agenda seamless.
- Ordinances addressing water and sewer rates will be brought before Council on September 15.
- Working with a realtor on the Tri-Delt property. They have a buyer and are working to take care of the delinquencies and liens on the property.
- Visit from Darryl, from the State Auditor's office. They will be here the second week of October to begin the audit process.

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C. Court

Court Administrator Kelly Rydberg reported:

- August stats are in the packet for review.

D. Public Safety Department

- No report.

E. Public Works/Community Development Department
Engineer Jim Morgan reported: (Council Member Walker arrived here at 6:54 p.m.)

- The 3rd Avenue overlay is done. Striping will come in the next few days.
- Stewart Road is progressing.
- Valentine clearing is beginning.

F. Community/Senior/Youth/Services

- No Report

G. City Council Members

- No Report

H. Boards and Committees

i. Finance Committee

Council Member Kave reported a meeting will be held on September 9.

ii. Governance Committee

Council Member Oliveira reported no meeting was held.

iii. Human Services Committee

Council Member Jones reported the committee met on September 2 where they discussed a Halloween costume parade for kids, a seniors Halloween party, and the bazaar. Also discussed were parental consent forms and liability for events.

iv. Public Safety Committee

Council Member Garberding reported that no meeting was held.

v. Public Works Committee

Council Member Steiger reported no meeting was held.

vi. Technology Committee

Council Member Walker said the committee will meet on September 11 at 5:00.

vii. Civil Service Commission

- No Report

viii. Park Board

Kate Hull-Pease reported a decision has been made to purchase the Morgan Morgan property in the urban growth area.

She also advised that Make a Difference Day will be held on the 4th Saturday in October, the 26th from 9:00 a.m. to 1:00 p.m.

ix. Planning Commission

- No Report

x. Pierce County Regional Council (PCRC)

- No Report

xi. Sound Cities Association (SCA)

Mayor Guier said the August meeting was cancelled. They will meet on September 10.

- xii. South County Area Transportation Board (SCATBd)
Mayor Guier said the August meeting was cancelled but they will meet next week.
- xiii. Valley Regional Fire Association (VRFA)
Council Member Walker said they will meet on September 9.

OLD BUSINESS

A. AB 14-149: Request of a fee waiver for use of City Park by the Kent Fraternal Order of Eagles, #362 on September 27, 2014..

City Clerk Amy Stevenson-Ness advised the City Terri Oswald and Tammy Black from the Kent Fraternal Order of Eagles #362 are requesting the waiver of park usage fees for City Park for an event to be held on September 27. The event will be free and open to the public and will include family-friendly events as well as live music and food.

The purpose of the event is to help raise money for the club and their charities and to inform people of the FOE. The fundraising will be by donation.

COUNCIL MEMBER WALKER MOVED to approve the waiver of the fee for the Fraternal Order of Eagles #362 for their picnic on September 27, 2014. Seconded by Council Member Putnam.

Roll Call vote was taken resulting as follows:

Ayes: Garberding, Jones, Kave, Oliveira, Putnam, Steiger, Walker

Nays: None

The motion carried 7-0.

B. Resolution No. 2014-196: Authorizing an amendment to an Interlocal Agreement with King County for a 2011 Conservation Futures Grant for the Pacific Hatch Habitat Project.

Planner Paula Wiech recommended the adoption of the resolution.

COUNCIL MEMBER PUTNAM MOVED to approve Resolution No. 2014-196 authorizing the execution of an Interlocal Agreement Amendment with King County for a 2011 Conversation Futures Grant. Seconded by Council Member Walker.

Roll Call vote was taken resulting as follows:

Ayes: Garberding, Jones, Kave, Oliveira, Putnam, Steiger, Walker

Nays: None

The motion carried 7-0.

C. Resolution No. 2014-198: Authorizing the execution of an agreement with Washington Association of Sheriffs and Police Chiefs (WASPC) for final on-site accreditation assessment.

Public Safety Director John Calkins stated in order for WASPC to perform the on-site assessment, the City is required to sign a contract for the inspection and will cost approximately \$800.

COUNCIL MEMBER JONES MOVED to approve Resolution No. 2014-198 authorizing the execution of an agreement with WASPC for final on-site accreditation assessment. Seconded by Council Member Kave.

Roll Call vote was taken resulting as follows:

Ayes: Garberding, Jones, Kave, Oliveira, Putnam, Steiger, Walker

Nays: None

The motion carried 7-0.

D. AB 14-156: Confirmation of the Mayor's appointment of a Public Works Manager and **Resolution No. 2014-199:** Authorizing the payment of a recruitment incentive for the Public Works Manager position.

Mayor Guier introduced Mr. Lance Newkirk, the candidate for the Public Works Manager position. Council posed questions to Mr. Newkirk.

Mr. Newkirk stated he was very happy to be in Pacific and outlined his career in the Public Works field. He stated Public Works has been his entire career with 30 years' experience - 15 years managerial/supervisory and 15 years on the street.

Mayor Guier stated Council will address the resolution after the executive session.

CONSENT AGENDA

A. Payroll and Voucher Approval

B. Approval of the minutes from the meeting of July 28, 2014 and August 11, 2014, and the workshops of August 4, 2014, and August 18, 2014.

COUNCIL MEMBER PUTNAM MOVED to approve the Consent Agenda. Seconded by Council Member Walker. Voice vote was taken and carried 7-0.

EXECUTIVE SESSION

At 7:20 p.m., Mayor Guier recessed the regular meeting and announced two executive sessions: one per RCW 42.30.140(4)(a) for collective bargaining negotiations for 5 minutes and one to review the qualification of an applicant for public employment or performance of a public employee per RCW 42.30.110(1)(g) for 15 minutes. She convened the executive session at 7:20 p.m.

At 7:40, Mayor Guier reconvened the meeting.

COUNCIL MEMBER WALKER MOVED to confirm the Mayor's appointment of Lance Newkirk as the City of Pacific Public Works Manager. Seconded by Council Member Garberding.

Roll Call vote was taken resulting as follows:

Ayes: Garberding, Jones, Kave, Oliveira, Putnam, Steiger, Walker

Nays: None

The motion carried 7-0.

City Administrator Gould discussed Resolution No. 2014-199 regarding the recruitment incentive for Lance Newkirk.

COUNCIL MEMBER PUTNAM MOVED to adopt Resolution No. 2014-199 authorizing the payment of a recruitment incentive to Lance Newkirk in the amount of \$1,200. Seconded by Council Member Walker.

Roll Call vote was taken resulting as follows:

Ayes: Garberding, Jones, Kave, Oliveira, Putnam, Steiger, Walker

Nays: None

The motion carried 7-0.

ADJOURN

Mayor Guier adjourned the meeting at 7:47 p.m.