



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

May 5, 2014
Monday

Workshop
6:30 p.m.

1. **CALL TO ORDER/PLEDGE OF ALLEGIANCE**
2. **ROLL CALL OF COUNCIL MEMBERS**
3. **ADDITIONS TO/APPROVAL OF AGENDA**
4. **DISCUSSION ITEMS**
 - A. **AB 14-078: Appointment to City of Pacific Civil Service Commission** (5 min.)
(Mayor Guier)
 - B. **AB 14-079: Interview of Applicants for Council Vacancy** (20 min.)
(Mayor Guier)
 - C. **AB 14-080: Legal Services Interviews** (20 min.)
(Council Member Knudtson)
 - D. **AB 14-081: Resolution No. 2014-151:** Authorizing the execution of an agreement with Catholic Community Services to continue to provide the senior lunch program (5 min.)
(Darcie Thach)
 - E. **AB 14-082: Resolution No. 2014-152:** Authorizing the surplus of the ice machine located in the Senior Center. (5 min.)
(Darcie Thach)
 - F. **AB 14-083: Resolution No. 2014-153:** Authorizing the execution of an amended Interlocal Agreement with the City of Auburn for Information Services Technology. (5 min.)
(Richard Gould)
 - G. **AB 14-084: Resolution No 2014-154:** Approving the development agreement with Gordon Pacific, LLC, and L&V Gordon, LLC , and authorizing the Mayor to execute the agreement on behalf of the City. (5 min.)
(Ken Barnett)
 - H. **AB 14-085: Resolution No. 2014-155:** Authorizing the execution of an agreement with KPG, Inc. for construction management services for the Stewart Road Project. (5 min.)
(Ken Barnett)
 - I. **AB 14-086: Approval of the Victory of Live Church Tent Revival** (5 min.)
(Ken Barnett)
 - J. **AB 14-087: Ordinance No. 2014-1861:** Amending Chapter 20.82.050(F) of the Pacific Municipal Code regarding parking area design. (5 min.)
(Ken Barnett)
 - K. **AB 14-088: PLACEHOLDER: Adopting International Fire Code** (5 min.)
(Ken Barnett)
5. **ADJOURN**



Agenda Bill 14-078

TO: City Council Members
FROM: Mayor Guier
MEETING DATE: May 5, 2014
SUBJECT: Civil Service Commission Appointment

ATTACHMENTS: Application of Terry Robinson

Previous Council Review Date: N/A

Summary: There is currently a vacancy on the Civil Service Commission. Terry Robinson has submitted an application for the vacancy and Mayor Guier is recommending the appointment.

This appointment is for a six year term ending December 31, 2018.

Recommendation: The mayor recommends this appointment.

Motion for Consideration: I move to confirm the appointment of Terry Robinson to the Civil Service Commission for a six-year term ending December 31, 2018.

Budget Impact:

Alternatives:



CITY OF PACIFIC
100 3RD AVE SE
PACIFIC, WA 98047

APPLICATION FOR BOARD/COMMISSION/COMMITTEE POSITION

PLEASE PRINT

I WOULD LIKE TO APPLY FOR:

Planning Commission Park Board Lodging Tax Committee Civil Service Commission

NAME: Terry Robinson DATE: 04/30/2014

ADDRESS: _____ HOME PHONE: _____

Pacific Wa 98047 WORK PHONE: _____

CITY RESIDENT? YES NO HOW LONG? 24yrs REGISTERED VOTER? YES NO
(YOU ARE A RESIDENT IF YOU RESIDE WITHIN THE PACIFIC CITY LIMITS)

NAME AND ADDRESS OF EMPLOYER (& type of business):

VRFA 1101 Dst NE Auburn Wa 98002 (Fire Department)

EDUCATIONAL BACKGROUND (include year of graduation and any degrees obtained):

Federal Way High 1981

PROFESSIONAL EXPERIENCE:

10 yrs vol as city of pacific fire fighter

15 yrs city of auburn / vrfa fire fighter

Boeing Company

ORGANIZATION AFFILIATIONS:

NOTE A RESUME MAY BE ATTACHED IF DESIRED

WHY ARE YOU SEEKING APPOINTMENT?

Experience for possible future council position

GENERAL REMARKS:

PLEASE RETURN COMPLETED APPLICATION TO:

CITY OF PACIFIC CITY CLERK
100 3RD AVE SE
PACIFIC, WA 98047


SIGNATURE



Agenda Bill No. 14-079

TO: City Council Members
FROM: Mayor Guier
MEETING DATE: May 5, 2014
SUBJECT: City Council Vacancy

ATTACHMENTS: Applications of:
Katherine Garberding
Howard Gustafson
Richard Woodall
Michael Hollenbeck

Previous Council Review Date: N/A

Summary: Council Member Hulsey has resigned from Council effective May 1, 2014, leaving a vacancy on City Council. According to City Council Rules of Procedure, Part 13, Section A, "the position must be advertised for a period of not less than two weeks." The position was advertised on April 11 and April 18, 2014.

Four applications have been received for the vacancy and the applicants will be available to be interviewed by the Council during the workshop. Council may convene to executive session to discuss the qualifications of each candidate. Appointment of the selected candidate will occur on May 12, 2014, with Judge Rachon administering the oath of office.

The person who is appointed shall serve until a person is elected at the next election where the person elected shall take office immediately upon certification and serve the remainder of the unexpired term – in this case, through December 31, 2015.

Recommendation/Action:

Motion for Consideration: "I move to..."

Budget Impact:

Alternatives:



CITY OF PACIFIC
100 3RD AVE SE
PACIFIC, WA 98047

RECEIVED
CITY OF PACIFIC

APR 18 2014

CITY CLERK
PERSONNEL MANAGER

APPLICATION FOR BOARD/COMMISSION/COMMITTEE POSITION

PLEASE PRINT

I WOULD LIKE TO APPLY FOR:

 Planning Commission Park Board Lodging Tax Committee Civil Service Commission
Council seat X

NAME: Katherine Garberding DATE: 4/18/2014

ADDRESS: [REDACTED] HOME PHONE: [REDACTED]

Pacific WA 98047 WORK PHONE: [REDACTED]

CITY RESIDENT? YES NO HOW LONG? REGISTERED VOTER? YES NO
(YOU ARE A RESIDENT IF YOU RESIDE WITHIN THE PACIFIC CITY LIMITS)

NAME AND ADDRESS OF EMPLOYER (& type of business): CERTIFIED PUBLIC ACCOUNTANTS
Rlw Graham & Assoc. 12600 SE 38th St #240, Bellevue 9800

EDUCATIONAL BACKGROUND (include year of graduation and any degrees obtained):
Class of 1979 - 2yr college

PROFESSIONAL EXPERIENCE:

ORGANIZATION AFFILIATIONS:

NOTE A RESUME MAY BE ATTACHED IF DESIRED

WHY ARE YOU SEEKING APPOINTMENT?

GENERAL REMARKS:

PLEASE RETURN COMPLETED APPLICATION TO:

CITY OF PACIFIC CITY CLERK
100 3RD AVE SE
PACIFIC, WA 98047

Katherine Garberding
SIGNATURE

Memo



To: Mayor Leanne Guier and Council Members: John Jones, Gary Hulse, Tren Walker, Clinton Steiger, Joshua Putnam, Stacey Knudtson & Vic Kave

From: Katie Garberding

Date: April 18, 2014

Re: City of Pacific - Council Seat Vacancy

In light of the upcoming resignation of Council Member Gary Hulse, and soon to be vacancy of his seat, please accept this memo to formally request your consideration for my possible appointment to fill the vacancy and finish out his term.

Having previously been appointed to Pacific City Council in August of 2013, if you will have me, it would be an honor to be placed back on Council to assist with moving our city forward. Granted, my previous term was just under 5 months, and I did not assist much in "changing the world", but I learned much of how the city functions and was proud to be part of such a group that has ability to build and protect the community in which I have made my home and I look forward to working for and with my community once again.

Follows are a few qualifications

- I have been a resident of the City of Pacific for 5 years.
- I have volunteered my time, and donations, with the Senior Center and other various city functions and fund raisers.
- I am a registered voter in the City of Pacific, County of King.
- I have been attending council meetings for 3 and ½ years this April, missing only a few.
- I have a strong sense of community.
- I have the ability to organize and facilitate.
- I have the ability to speak my mind, and stand up for what is just.
- I have the ability to carry out the above in a professional manner.
- I have no felonies or arrests.
- Lastly, I have a great desire to participate in keeping our city on a healthy, functional and positive track.

I look forward to interviewing with you for this position.

My contact information is provided above.

Katie Garberding



CITY OF PACIFIC
100 3RD AVE SE
PACIFIC, WA 98047

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04.25.14
FINANCE DEPT

APPLICATION FOR BOARD/COMMISSION/COMMITTEE POSITION

PLEASE PRINT

I WOULD LIKE TO APPLY FOR:

 Planning Commission Park Board Lodging Tax Committee Civil Service Commission

CITY COUNCIL *

NAME: HOWARD A Gustafson DATE: 4-24-14

ADDRESS: [REDACTED] HOME PHONE: [REDACTED]

PACIFIC WA 98047 WORK PHONE:

CITY RESIDENT? YES NO HOW LONG? 40 yrs REGISTERED VOTER? YES NO
(YOU ARE A RESIDENT IF YOU RESIDE WITHIN THE PACIFIC CITY LIMITS)

NAME AND ADDRESS OF EMPLOYER (& type of business):

RETIRED - BOEING CO.

EDUCATIONAL BACKGROUND (include year of graduation and any degrees obtained):

BA - ANDREWS UNIVERSITY BERRINGSPRINGS MI

PROFESSIONAL EXPERIENCE: GRADUATE STUDIES - UW
US ARMY FOOD INSPECTOR, BOEING, ~~IND. ENG~~ IND. ENG
INTERNAL AUDITOR WASH CONF SDA
PLANNING COMMISSION - CITY OF PACIFIC

ORGANIZATION AFFILIATIONS:

TREASURER - AUBURN CITY SDA CHURCH
FINANCE CHAIR BUENA VISTA ELEM SCHOOL

NOTE A RESUME MAY BE ATTACHED IF DESIRED

WHY ARE YOU SEEKING APPOINTMENT?

I HAVE BEEN ON THE PLANNING COMMISSION FOR 14

GENERAL REMARKS: YEARS AND WOULD LIKE TO BE INVOLVED WITH THE
BIGGER PICTURE OF THE CITY

PLEASE RETURN COMPLETED APPLICATION TO:

CITY OF PACIFIC CITY CLERK
100 3RD AVE SE
PACIFIC, WA 98047

Howard A Gustafson
SIGNATURE



CITY OF PACIFIC
100 3RD AVE SE
PACIFIC, WA 98047

RECEIVED

APR 22 2014

FINANCE DEPT

APPLICATION FOR BOARD/COMMISSION/COMMITTEE POSITION

PLEASE PRINT

I WOULD LIKE TO APPLY FOR:

Planning Commission Park Board Lodging Tax Committee Civil Service Commission
 City Council Position

NAME: Richard Woodrill DATE: 4/19/2014

ADDRESS: [REDACTED] HOME PHONE: [REDACTED]

Pacific Wa 98047 WORK PHONE: _____

CITY RESIDENT? YES NO HOW LONG? 4.5 yrs REGISTERED VOTER? YES NO
(YOU ARE A RESIDENT IF YOU RESIDE WITHIN THE PACIFIC CITY LIMITS)

NAME AND ADDRESS OF EMPLOYER (& type of business):

Retired military/Boeing

EDUCATIONAL BACKGROUND (include year of graduation and any degrees obtained):

1993 Bachelors Bus Administration
2009 Masters Certificate Supply Chain Management

PROFESSIONAL EXPERIENCE:

see resume

ORGANIZATION AFFILIATIONS:

78th American Legion (Auburn), Apics, AARP

NOTE A RESUME MAY BE ATTACHED IF DESIRED

WHY ARE YOU SEEKING APPOINTMENT?

want to serve the citizens of Pacific, 22yrs military

GENERAL REMARKS:

Public Service
see Resume

PLEASE RETURN COMPLETED APPLICATION TO:

CITY OF PACIFIC CITY CLERK
100 3RD AVE SE
PACIFIC, WA 98047

[Signature]
SIGNATURE

To: Hiring Manager

From: Richard W. Woodall

[REDACTED] Se

Pacific WA 98047

EMAIL: [REDACTED]

Subject: Supply Chain Management, Transportation and Distribution Management

I am seeking employment in the Supply Chain Management field. In my capacity as a supervisor I handled a wide array of duties to include work scheduling, rate negotiations, purchasing and procurement, goal setting and performance evaluations. I was directly responsible for the training, supervision and well being of over 40 people. I handled many programs in my military duties and I have achieved a very successful record. I have many of the skills and training requirements relative to the disciplines your company is seeking to fill.

I have extensive knowledge of Safety and Mishap prevention procedures and policies combined with military and civilian managerial training that I believe would be a true asset to your firm. I would like to offer your company the benefits of the education and experience that I have gained during a 22 year career as a Air Force Senior Noncommissioned Officer. This background has helped me develop those characteristics I feel your company may find useful: the leadership to get things moving and to produce excellent results under challenging or unusual conditions; an understanding of and sensitivity to peoples' needs; the preference for working in a collaborative, team-style environment; and a facility for interacting with ease at all levels of an organization.

A more detailed resume can be provided on request. On the other hand, I would enjoy the privilege of sitting down with you to discuss how my qualifications could benefit your company. Thank you for your time and interest.

Sincerely,

///Signed///

Richard W. Woodall

Richard W. Woodall

PACIFIC WA 98047

Home Phone Number:

Email:

Experience Summary:

Air Force Specialty Code 2T271, NCOIC Ramp Services, Terminal Shift Manager, Air Mobility Team Chief, Ramp Service Shift Supervisor, Air Mobility Team Chief, Passenger Service Assistant Shift Supervisor, Technical Training Instructor, Air Cargo Specialist

Experience:

March 2008-Jan 2014

Worked for Boeing as a Supply Chain Management Analyst. Purchased and Procured Aircraft parts, maintained inventory levels. Surplused excess and obsolete inventory. Ensured Bill of Materials accurately reflected most current engineering requirements. Quality Assured drawings and tech data for most current revision levels. Coordinated with customers both internal and external to insure maximum satisfaction. Skilled in Non Conformance Management Systems to provide solutions to correct issues or destroy nonconforming parts.

August 2006- November 2007

Logistics Team Lead managing receiving/shipping processes for an aerospace company. Manage OSD systems, freight claims, rate negotiations with large and small package carriers. Manage section safety program, ensure Hazardous Material and Customs compliance. Prepare and maintain metrics to measure company goals; ensure product delivery reliability and customer service objectives are achieved. Recommend process changes and make budget recommendations to ensure maximum resource objectives are met.

December 2005 to April 2006

After retiring from the Air force Reserves I went to Kuwait as an Operations Manager for a Maytag Aircraft Corporation. I was promoted to Interim Station Manager. The Contract was for Air Terminal Ground Handling Services on behalf of Air Mobility Command. Managed 108 employees and contract value was \$50 Million.

March 2003 to September 2005

Activated in support of Operation Iraqi Freedom. Performed deployed duties at Kuwait City International Airport as Superintendent of ATOC. Deployed to Baghdad International Airport and was Superintendent of Aerial Port Flight for 90 day rotation. While nondeployed at Travis acted as a Terminal Manager(Duty Officer) for 60th Aerial Port Squadron.

October 1997 to March 2003

NCOIC Ramp Services, Master Sergeant (MSGT), E7, 82nd Aerial Port Squadron, Travis AFB, CA, Senior Master Sergeant Veronica Cador, DSN 837-7050

Responsible for the management of activities involving the loading/unloading of aircraft. Establishes performance standards for functional area and sets priorities for work accomplishments.

Exercises necessary safety and security precautions in handling and storing dangerous materials. Implements and monitors the OJT training program and reviews on-the-job training records of personnel being trained. Responsible for implementation and motivation of a progressive safety program.

September 1996 to October 1997

Air Mobility Team Chief, Technical Sergeant (TSgt), E6, 62nd Aerial Port Squadron, McChord AFB, WA, Master Sergeant Lionel Edwards, DSN 932-2668

Lead deployment teams in support of various North Atlantic Treaty Organization, Department of Defense, Joint Chiefs of Staff, and group requirements, often working in remote locations and under austere conditions. Coordinated the processing of passengers and cargo for airlift at deployment locations. Loaded and unloaded military transport aircraft and various types of commercial aircraft. Inspected hazardous materials for air shipment. Inventoried and assembled mobility kits. Maintained necessary publications. Configured and operated 463L Material Handling Equipment for airlift. Responsible for monitoring the mechanical condition of the 463L Material Handling Equipment worth and estimated two million dollars. Practiced all safety regulations while working on and around the aircraft.

September 1995 to September 1996

Ramp Services Shift Supervisor, Technical Sergeant (TSgt), E6, 631 Air Mobility Support Squadron, Osan AB, ROK, Master Sergeant Michael Miller, DSN 784-1854

Provided leadership and supervision for eight military and ten Korean National personnel during aircraft loading operations. Ensured use of proper procedures and performance standards for on-the-job Material Handling Equipment training. Determined and implemented necessary safety and security precautions for handling and storing general, hazardous, special cargo and mail. Responsible for ensuring all cargo and mail selected for movement was properly identified and assembled. Established priorities for work accomplishment. Supervised operations involving materials handling, cargo handling, and equipment used to load and unload aircraft. Ensured cargo was properly secured aboard aircraft with appropriate devices and equipment as prescribed in applicable

directives. Additional duties included; Unit Exercise Evaluation Team Member, Flight Material Handling Equipment Trainer, and Unit Top 4 Association Secretary.

August 1994 to August 1995

Air Mobility Team Chief, Technical Sergeant (TSgt), E6, 615th Aerial Port Squadron, Travis AFB, CA, Master Sergeant Charles Mogayzel, DSN 837-5280

Led deployed teams in support of various North Atlantic Treaty Organization, Department of Defense, Joint Chiefs of Staff, and group requirements, often working in remote locations and austere conditions. Coordinated the processing of passengers and cargo for airlift at deployment locations. Loaded and unloaded military transport aircraft and various types of commercial aircraft. Inspected hazardous materials for air shipment. Inventoried and assembled mobility kits. Maintained necessary publications. Configured and operated 463L Materials Handling Equipment for airlift. Responsible for monitoring the mechanical condition of 463L Materials Handling Equipment.

July 1993 to May 1994

Passenger Service Assistant Shift Supervisor, Staff Sergeant (SSgt), E5, 60 Aerial Port Squadron, Travis AFB, CA, Master Sergeant Freddy Alacazar, DSN 837-4044

Responsible to the shift supervisor for the operational control of all assigned civilian and military personnel. Assisted in compiling duty rosters and assigning duties to shift personnel, monitoring flight schedules, disseminating new or revised information pertaining to foreign clearance requirements, and securing money collected for all flight meals and head tax. Ensured timely preparation and accuracy of manifests. Coordinated all terminal operation activities with agencies concerned. Conducted briefings to include safety, government vehicle requirements, and vehicle operator responsibilities. Assumed responsibility as shift supervisor in their absence. Performed Temporary Duty as required supporting contingency operations. Additional duties included: Alternate Funds Custodian, Air Passenger Terminal Supervisor during exercises.

November 1988 to July 1993

Technical Instructor, Transportation, Staff Sergeant (SSgt), E5, 3760th Technical Training Group, Sheppard AFB, TX., Master Sergeant Charles McNew, DSN 676-3353

Conducted worldwide training in the preparation, packaging, and certification of hazardous materials for surface and air shipment. Responsible for providing instruction to personnel in the Department of Defense, Department of Transportation, the National Aeronautics and Space Administration, and ten foreign country governments. Managed all facets of student documentation for over 600 non-resident students per year. Recommended and conducts Special Individual Assistance. Accomplished student-training records. Counseled students and recommended actions for elimination or advancement. Assisted in development and use of training aids applicable for instruction. Conducted research to assure currency of curriculum. Applied instructional system development techniques to course design and curriculum.

Maintained currency in and provided input to all Department of Defense regulations governing the transportation of hazardous materials.

November 1986 to October 1988

Hazardous Cargo Inspector, Sergeant (Sgt), E4, 6th Aerial Port Squadron, Howard AB, PN, Master Sergeant, Eric Tucker, DSN 284-1841

Inspected all shipments for correct documentation, packing, marking, and labeling. Referred all discrepancies to the Airlift Clearance Authority for corrective action. Accepted, quality controls, processes, and palletizes special cargo. Assured safety, security, and expeditious movement of shipments. Responsible for monitoring the unit's supply accounts. Set up reoccurring stock levels and coordinated with base activities for issue of supplies. Worked with the squadron resource advisor on prioritizing equipment orders. Also was responsible for the loading and down loading of aircraft. Operated Materials Handling Equipment during preparation, positioning, and loading of aircraft. Provided information for manifesting aircraft loads. Received, stored, and palletized cargo and mail as required. Provided fleet service for aircraft. Additional duties included: Unit Supply Custodian, Equipment Custodian, Alternate Building Custodian, and Technical Order Monitor.

January 1985 to October 1986

Air Cargo Specialist, Airman First Class (A1C), E3, 6th Aerial Port Squadron, Howard AB, PN, Staff Sergeant, Michael Rankin, DSN 284-4001

Responsible for loading and off-loading aircraft. Operated Material Handling Equipment during preparation, positioning, and loading of aircraft. Provided information for manifesting aircraft loads, receiving, storing, and palletizing cargo and mail as required. Provided fleet service for aircraft.

Formal Education:

BS, Business Administration, Wayland Baptist University, Plainview TX., 1993, GPA: 3.8, Semester Hours: 145

Specialized Training:

60K Loader Tunner Course, 10 Days, Nov 1999

Hazardous Material Preparer Course, 10 Days, Feb 1995

Air Terminal Managers Course, 10 Days, Jan 1994

NCO Academy, 45 Days, Dec 1993

Technical Training Instructor Course, 27 Days, Feb 1989

Intermediate Air Cargo Course, 14 Days, Jan 1988

NCO Preparatory School, 14 Days, Aug 1987

Intermediate Wartime Contingency Course, 7 Days, Jun 1986

Air Transportation Course, 28 Days, Apr 1985

License/Certificates:

Technical Training Instructor, Hazardous Material Transporter

Awards:

Department of the Air Force, Global War On Terrorism Expeditionary Medal

Department of the Air Force, Global War On Terrorism Medal
Department of the Air Force, Operation Enduring Freedom Medal with Bronze Star
Department of the Air Force, Iraqi Battle Campaign Medal with Bronze Star
Department Of The Air Force, Kuwaiti Liberation Medal
Department Of The Air Force, Desert Storm Service Medal, Saudi Arabia
Department of the Air Force, Meritorious Service Medal With Bronze Oak Leaf Cluster
Department of the Air Force, Southwest Asia Service Medal With Valor Device
Department of the Air Force, Korean Service Medal
Department of the Air Force, Commendation Medal With Three Bronze Oak Leaf Clusters
Department Of Defense, Joint Meritorious Service Medal With Oak Leaf Cluster
Department Of Defense, Humanitarian Service Medal With Two Oak Leaf Clusters
Department Of The Air Force, National Defense Medal With One Oak Leaf Cluster
Department of the Air Force, Achievement Medal With Three Oak Leaf Clusters
Department of the Air Force, Over Seas Long Tour Medal
Department of The Air Force, Over Seas Short Tour Medal With One Oak Leaf Cluster
Department of the Air Force, Good Conduct Medal With One Silver Oak Leaf and Two Bronze Oak Leaf Clusters
Department Of The Air Force, Outstanding Unit Award Three Bronze Oak Leaf Clusters
Department Of The Air Force, Weapons Marksmanship Expert With Five Oak Leaf clusters
Department Of The Air Force, Basic Training Honor Graduate
Department Of The Air Force, Air Force Basic Training Medal
Airman of the Quarter, Southern Air Division, Howard AB PN, 1987
Airman of the Quarter, 60th Military Airlift Group, Howard AB PN, 1987
Airman of the Quarter, 6 Aerial Port Squadron, Howard AB PN, 1987
Distinguished Graduate NCO Preparatory, Howard AB PN, 1987

RICHARD W. WOODALL



PACIFIC WA 98047

Phone 

OBJECTIVE

Seeking a position in Supply Chain Management using skills and education that offers growth with increasing responsibility.

CAREER HISTORY

More than 25 years documented success at supervisory and mid-level management of military and civilian related Transportation/Distribution functions. Hands-on experience allocating and managing revenue-generating resources in material distribution networks. Expertise in developing and managing associated labor costs, analyzing rates, and writing competitive solicitations. Unique perspective as both line user and staff provider of management information systems tailored to analyze patterns for statistical data.

Supply Chain Management Analyst, Boeing Company(Yoh Aviation), March 2008- January 2014

Applies change and planning decisions to arrive at optimal solutions. Applies Supply chain Management (SCM) methodologies to ensure coordination in the supply chain. Coordinates with company customer support representatives, contract administration, purchasing, engineering, Quality Assurance, traffic warehousing suppliers and customers. Incorporates Bills of Material (BOM) and schedules into a production plan. Coordinates part number attributes. Verifies the released engineering BOM has been correctly implemented in the material planning system. Releases and maintains orders. Documents and resolves order delinquencies. Reports schedule adherence issues. Applies developed solutions to inventory plans. Analyzes and disposes excess and obsolete inventories. Creates schedules for products and services. Coordinates and supports process. Experience in production control. Good organizational skill. 26 years experience in materials management and supply chain logistics disciplines. Skilled problem solver: develops solutions to a variety of problems of moderate scope and complexity. Refers to policies, procedures, and practices for guidance. Posses' strong communication and interpersonal skills

RICHARD W. WOODALL, Page Two

Logistics Team Lead, Thales Avionics, August 2006- November 2007

Managed receiving/shipping processes for an aerospace company. Utilized OSD systems, freight claims, and rate negotiations with large and small package carriers. Manage section safety program, ensure Hazardous Material and Customs compliance. Prepare and maintain metrics to measure company goals; ensure product delivery reliability and customer service objectives are achieved. Recommend/Implemented process changes and made budget recommendations to ensure maximum resource objectives are achieved.

Contract Terminal Manager, Maytag Aircraft Corporation, December 2005 to April 2006

After retiring from the Air force I went to Kuwait as an Operations Manager for a Maytag Aircraft Corporation. I was promoted to Interim Station Manager. The Contract was for Air Terminal Ground Handling Services on behalf of Air Mobility Command. Managed 108 employees and contract value was \$50 Million.

CUSTOMER SERVICE

Installed a Total Quality Management (TQM) program in Transportation and Distribution organization. Established supervisory training and assigned Process Action Teams to improve service through functional analysis and Pareto Chart display. Increased report and documentation accuracy by 18% and timeliness of submission by 10%.

SOFTWARE EXPERIENCE

Windows 2010, Microsoft Word 7.0, Excel, PowerPoint, Enterprise Resource Planning (ERP/LN), Compass Contract, Nonconformance Management System, Manufacturing Execution System (MES), Capp, PDM, SAP, Oracle Based Warehouse Management Systems, Transportation Management Systems

EDUCATION

Bachelor of Science, Business Administration

Wayland Baptist University, 1993

Master Certificate Course, Supply Chain Management

San Francisco University, 2009



CITY OF PACIFIC
100 3RD AVE SE
PACIFIC, WA 98047

RECEIVED
04.28.14
FINANCE DEPT

APPLICATION FOR BOARD/COMMISSION/COMMITTEE POSITION

PLEASE PRINT

I WOULD LIKE TO APPLY FOR:

Planning Commission Park Board Lodging Tax Committee Civil Service Commission

City Council Position

NAME: Michael Duane Hollenbeck DATE: 4/28/2014

ADDRESS: [REDACTED] HOME PHONE: [REDACTED]

Pacific, WA 98047 WORK PHONE: _____

CITY RESIDENT? YES NO HOW LONG? 2.5 yrs REGISTERED VOTER? YES NO
(YOU ARE A RESIDENT IF YOU RESIDE WITHIN THE PACIFIC CITY LIMITS)

NAME AND ADDRESS OF EMPLOYER (& type of business):

None (Disabled)

EDUCATIONAL BACKGROUND (include year of graduation and any degrees obtained):

10th grade High School Education AAAS Degree (Horticulture)
Spokane Community College 1991

PROFESSIONAL EXPERIENCE:

Worked as a detailer and lot manager for several Car Dealerships in Spokane for nearly 15 yrs.

ORGANIZATION AFFILIATIONS:

None at this time

NOTE A RESUME MAY BE ATTACHED IF DESIRED

WHY ARE YOU SEEKING APPOINTMENT?

To help this city rebuild its Police Department

GENERAL REMARKS:

PLEASE RETURN COMPLETED APPLICATION TO:

CITY OF PACIFIC CITY CLERK
100 3RD AVE SE
PACIFIC, WA 98047

Michael D. Hollenbeck
SIGNATURE



AGENDA ITEM NO. 4C

Agenda Bill No. 14-080

TO: Mayor Guier and City Council Members

FROM: Governance Committee

MEETING DATE: May 5, 2014

SUBJECT: Professional Legal Services

ATTACHMENTS: Submitted RFPs from:

- Kenyon Disend, PLLC
- Morris Law/Summit Law PC

Previous Council Review Date: February 18, 2014, March 3, 2014

Summary: After issuing the RFP for a 14-day time period, the timeframe was extended another 14 days to gather more responses. Three responses were received and then reviewed by Mayor Guier and the Governance Committee on April 28, 2014. Two firms were selected for review by the entire Council: Kenyon Disend, PLLC, and Morris Law/Summit Law, PC.

Recommendation/Action: Move forward for further discussion/selection of legal services.

Motion for Consideration:

Budget Impact:

Alternatives:



Michael R. Kenyon
Bruce L. Disend
Shelley M. Kerslake
Kari L. Sand
Chris D. Bacha
Rachel B. Turpin
Ann Marie J. Soto
John P. Long, Jr.
Danielle M. Evans
Kim Adams Pratt

April 24, 2014

Ms. Amy Stevenson-Ness
City Clerk
City of Pacific
100 3rd Avenue SE
Pacific, WA 98047

Re: Response to Request for City Attorney-Legal Services Proposal

Dear Ms. Stevenson-Ness:

Thank you for the opportunity to submit a proposal for the provision of legal services to the City of Pacific. We look forward to meeting with the Mayor, Councilmembers and City staff to discuss the City's needs and our qualifications in greater detail. In the meantime, please consider the following responses to the City's Request.

I. GENERAL INFORMATION

We founded Kenyon Disend, PLLC in 1993 for the express purpose of serving Washington cities. We now serve well over fifty cities, counties, and other public agencies as city attorneys and special counsel in litigation and other matters.

- We are the only firm in the state with a practice devoted to municipal law services, to the virtual exclusion of all other areas of law. *We do not represent developers or others who take positions adverse to cities.*

- Our firm currently serves as city attorneys for the cities of Algona, Cle Elum, DuPont, Duvall, Gold Bar, Kelso, Lake Forest Park, Medina, North Bend, Orting, Ridgefield, Roslyn, Sammamish, Sultan, and Tukwila, and for the Town of Hunts Point.

- Our special counsel services, including litigation, tort defense, eminent domain, land use, code enforcement, labor and employment, telecommunications and cable, public records, open meetings, public contracting, water law, municipal tax law, and a wide variety of other legal services, are or have been provided to cities including Auburn, Bellevue, Bellingham, Bothell, Burien, Des Moines, Everett, Federal Way, Granger, Kalama, Kennewick, Kent,

Ms. Amy Stevenson-Ness
City Clerk
April 24, 2014
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Kirkland, Lakewood, Longview, Olympia, Pullman, Puyallup, Renton, Richland, Ridgefield, Seattle, Shoreline, Spokane, Sumner, Sunnyside, Tacoma, Toppenish, Union Gap, University Place, Walla Walla, Washougal, and West Richland, and to Lewis, Mason, and Pend Oreille Counties.

In providing municipal legal services, our firm is dedicated to the following three core values: Access, Timeliness of Response, and Value.

Access. Our accessibility, when you need it, has always been a hallmark of our service excellence.

Timeliness of Response. We provide timely, thorough responses to legal issues facing our clients. We move quickly to solve problems efficiently.

Value. Simply stated, no other municipal law firm compares to us with respect to value and service level received, in exchange for fees earned.

As proof of our commitment to these core values, we happily stand on our impeccable reputation for first-class municipal legal services at highly competitive rates. Our rates directly reflect the savings to our clients realized by foregoing extraneous marketing costs, downtown Seattle skyscraper office rent, and other easily controllable expenses.

We likewise invite you to review our website (www.KenyonDisend.com) for further information about our firm, our practice philosophy, and our clients. In particular, our clients will provide information far more useful than anything concocted in a marketing department about the firm's people and services.

II. QUALIFICATIONS & EXPERIENCE

This firm exists solely to provide timely, professional, and comprehensive legal services to Washington cities and counties. The following briefly describes a portion of our more recent experience:

A. Municipal Legal Advice. We currently provide these services on an exclusive basis to seventeen cities as city attorneys, and to many others as special counsel. Our experience includes advice and counsel to mayors, city councils, planning commissions, civil service commissions, and many other advisory bodies. In addition, our service regularly entails advice and counsel to all city departments and managers.

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B. Litigation. In addition to our regular general counsel services, please consider the following representative sampling of recent cases involving general municipal issues in which we have served as counsel:

- *Tukwila School District v. Tukwila*, 139 Wn. App. 1011 (2007). We successfully defended Tukwila in a matter challenging the validity of the City's stormwater utility. Until the Court of Appeals affirmed Tukwila's position, this case had been widely viewed as a precursor to challenges state-wide to the continued existence of stormwater utilities of many other cities.

- *Burns, et al. v. Seattle, et al.* As lead counsel in superior court and on direct review in the Washington Supreme Court, we successfully defended the cities of Burien and Tukwila, and coordinated the joint defense efforts of all other suburban cities named in the suit, in a class action attempt to invalidate fees paid by Seattle City Light to suburban cities pursuant to a franchise fee agreement. Specifically, the class representatives sought entry of a declaratory judgment that payments made by Seattle City Light to each of the suburban cities pursuant to franchise agreements between them constituted an illegal utility tax and, accordingly, were void and unenforceable, as well as an injunction enjoining any future payments by Seattle City Light to the suburban cities. In August 2007, the Supreme Court ruled in our favor, affirming the Superior Court's summary judgment order of dismissal.

- *Primm v. Medina*, 160 Wn.2d 430 (2006). In another recent Supreme Court victory for Washington cities, we successfully resisted a challenge to the authority of cities to conduct municipal court services by interlocal agreement.

- *New Cingular Wireless Litigation*. We currently represent a consortium of jurisdictions in Washington State, in an action filed against 132 municipal defendants seeking refunds of utility tax payments.

- *Clear Channel v. Tacoma*. We defended the constitutionality of the City's billboard removal program, assisted the City in policy development and code drafting to ban digital billboards, and successfully negotiated the removal of a substantial number of billboards City-wide.

C. Land Use. A substantial portion of our practice involves land use matters, including drafting ordinances, permit processing, administrative hearings, negotiating development agreements, and litigation. We regularly provide advice and guidance to city councils, planning agencies, and staff throughout the review and adoption process. We have significant knowledge and experience working with SEPA, the Growth Management Act, the Shoreline Management Act, zoning codes, and other key statutes and regulations. The firm has successfully handled numerous matters before the Growth Management Hearings Board, the Shoreline Hearing Board, the Pollution

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Control Hearings Board, and other state appellate boards, as well as LUPA cases in counties around the state. Mike Kenyon and Kim Adams-Pratt lead our land use team, and are recognized leaders in this field.

The firm has been responsible for the conduct of more than 75 contested land use matters over the past several years. A representative sampling includes:

- *City of Federal Way v. Town & Country Real Estate, LLC*, 161 Wn. App. 17, 252 P.3d 382 (Div. II 2011). In this case, the developer appealed a SEPA Mitigated Determination of Nonsignificance (“MDNS”) issued by the City of Tacoma, arguing that an MDNS condition requiring payment of traffic and stormwater mitigation fees to the City of Federal Way exceeded permissible SEPA mitigation. We assisted the City at the SEPA appeal hearing. The Hearing Examiner affirmed as to the stormwater fees, but ruled that traffic mitigation fees were improper. We filed a land use petition on behalf of Federal Way, and the Pierce County Superior Court reversed the Hearing Examiner and reinstated the traffic mitigation fees. We then also successfully defended the Superior Court’s decision on appeal, and obtained a published opinion saving Federal Way over \$250,000 in traffic mitigation fees.

- *National Wildlife Federation v. Federal Emergency Management Agency*. In this litigation brought under the Endangered Species Act (“ESA”), we represent fourteen cities in support of the Federal Emergency Management Agency (“FEMA”). The National Wildlife Federation (“NWF”) alleged that FEMA was violating the ESA’s requirements to avoid taking listed salmon species, and was failing to properly “consult” with the agency with jurisdiction (here, the National Marine Fisheries Service, or “NMFS”), with respect to FEMA’s National Flood Insurance Program. We helped organize a coalition of responding cities, filed a successful motion to intervene, and along with FEMA and a property owners’ coalition, helped persuade the Court to deny NWF’s requested preliminary injunction, which sought to bar the issuance of new flood insurance policies in most western Washington cities.

- *BD Lawson Partners, LP et al. v. Central Puget Sound Growth Management Hearings Board*, 165 Wn. App. 677, 689-90, 269 P.3d 300 (Div. I 2011); *rev. denied*, 173 Wn.2d 1036 (2012). In this complex land use decision, we represented the City of Black Diamond when it issued two Master Planned Development (“MPD”) Permit approvals for a total of 6,000 residential units and over one million square feet of commercial space. A citizen group challenged the MPD Permit approvals before both the Growth Management Hearings Board and in superior court (*see TRD v. Black Diamond*, below). After the Growth Management Hearings Board initially ruled that it had jurisdiction over the case, the Court of Appeals reversed, ruling that the MPD Permit was a permit and that project opponents may not collaterally attack prior legislative policy decisions during a permit appeal. The Supreme Court denied review.

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- *Toward Responsible Development v. City of Black Diamond*. In this companion case to *BD Lawson Partners*, we also defended a citizen group's LUPA petition challenging the City of Black Diamond's approval of two MPD Permits and the adequacy of the Final Environmental Impact Statements on which they were based. The LUPA petition included civil rights claims under 42 U.S.C. §1983, alleging denial of Petitioners' First Amendment rights to petition their elected officials. The case was removed to federal court, but the state law (LUPA and SEPA) claims were subsequently remanded to superior court with the federal court retaining jurisdiction over the federal civil rights claims. The federal law claims were dismissed on motion without opposition following the Court of Appeals' decision in *BD Lawson Partners* (above). On August 27, 2012, after receiving over 200 pages of briefing from Petitioners alone, the Superior Court denied the land use petition.

- *Jones v. Hunts Point*. We defended the Town of Hunts Point's decision to reject a short plat application due to language on the face of the underlying, recorded plat effectively barring reduction in the size of the lots. The Town's Hearing Examiner affirmed, and the property owners filed a LUPA petition. We successfully defended the Town's decision before the Superior Court and the Court of Appeals, and the Supreme Court denied review, and recovered the Town's attorney fees, as well as its consultant and hearing examiner expenses incurred at the administrative level.

- *Heller v. Bellevue*, 147 Wn. App. 46 (Div. I 2008). We defended a City stop-work order issued to halt work on a commercial remodel in excess of that allowed by the applicable building code. We assumed the City's defense after the trial court granted the property owner's LUPA petition. On appeal, we persuaded the Court of Appeals to reverse the trial court's erroneous ruling, and obtained a published decision reaffirming cities' rights to invalidate improperly granted building permit amendments.

- *R.D. Manning v. Kenmore*. Here, the City hearing examiner invalidated City permit conditions requiring the developer of a large multi-family development to acquire private property from adjacent landowners for subsequent dedication to the City as road right-of-way to serve the project. We represented the City in its LUPA appeal, and the examiner's decision was reversed on the merits.

- *Heller, et al. v. City of Sammamish and John F. Buchan Homes, Inc.* We defended Sammamish in this multi-week, multi-party challenge to the City's approval of a 132-lot subdivision located on 56 acres. Issues raised in the matter included SEPA and transportation concurrency. We successfully defended the City's SEPA determination and plat approval at hearings conducted before the City hearing examiner and in King County Superior Court.

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D. Eminent Domain. Over the recent past, we have been involved in the successful negotiation or litigation of literally dozens of cases in eminent domain. Representative recent cases include:

- *Bellevue NE 4th Extension Improvements*. We represent the City of Bellevue regarding this important transportation improvement project that involves acquisitions from several significant commercial property owners, including Best Buy, Home Depot, the Port of Seattle and Burlington Northern Railroad.

- *Bellevue 120th Avenue NE Improvements*. We successfully represented the City of Bellevue in completing the Phase 1 acquisitions, including three petitions in eminent domain involving operating commercial and retail properties. We have also been retained to begin work on Phase 2, which involves more than 10 additional acquisitions.

- *Kenmore Flood Reduction Improvements*. We represented the City in its acquisition of a total of six parcels by pre-condemnation negotiation and successful mediation.

- *Puyallup – 39th Avenue Extension*. We successfully negotiated with five commercial property owners for multi-million dollar total acquisitions necessary for construction of a new five lane street in the heart of the South Hill retail corridor, and obtained a highly favorable verdict after trial with the sixth property owner. The project involved complex negotiations with WSDOT and private property owners in order to resolve multi-million dollar claims by the property owners that the project substantially impaired access to and from a state route and city streets. Our services also resulted in the successful relocation and retention within the City of an operating bank and large home improvement center.

- *Newcastle – Coal Creek Parkway and Transit Center Projects*. We represented Newcastle in this regionally significant project involving the completion of a four-lane arterial, which provides substantial congestion relief for traffic that would otherwise use Interstate 405.

- *Sammamish – 244th Avenue Extension Project*. We represented Sammamish in the acquisition by both voluntary negotiation and eminent domain of four parcels to complete this important new north-south arterial necessary to relieve significant peak hour traffic congestion.

E. Labor and Employment Law. The firm has substantial experience with employment litigation, employment investigations (e.g., workplace harassment complaints), union negotiations, grievance and disciplinary matters, PERC hearings, and Civil Service Commission matters. A few representative examples of the firm's experience are:

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- *Kirby v. City of Tacoma, et al.*, 124 Wn. App. 454 (Div. II 2004). Here, plaintiff alleged discrimination on the basis of a perceived disability, age, and for engaging in protected Union activity. The case was dismissed on the City's motion for summary judgment and affirmed by the Court of Appeals.

- *Fassel v. City of Tacoma*. In this case, plaintiff claimed discrimination in the hiring process for a firefighter position. The case was dismissed upon a summary judgment motion and the Court of Appeals upheld the decision.

- *Wurzbach v. City of Tacoma*, 104 Wn. App. 894 (Div. II 2001) *rev. denied*, 144 Wn. 2d 1017 (2001). Here, plaintiff claimed discrimination in a promotional process due to a disability. After trial, a judgment was entered in favor of the City, and the decision was upheld by the Court of Appeals.

- *Hankins/Smalls v. City of Tacoma, et al.* In this matter, plaintiffs claimed race discrimination, denial of promotional opportunities, and that they were disciplined more harshly than their white counterparts. The case was dismissed on summary judgment.

- We served as City bargaining representative for the City of Bonney Lake with Police and general bargaining units.

- We serve as bargaining representative for the cities of Duvall, DuPont, North Bend, Orting, and Union Gap in collective bargaining with Police, Fire and general bargaining units.

- We are frequent lecturers on personnel law at conferences conducted by the Washington State Association of Municipal Attorneys.

F. Code Enforcement. As city attorneys, our firm has extensive experience in code enforcement, both at the district court and superior court levels. We negotiate resolutions to code enforcement issues with literally dozens of property owners every year. In unusual cases, where negotiations are unsuccessful, we are well equipped to litigate these issues. Three recent cases include:

- *Burien v. Lipscomb*. The City brought a lawsuit for nuisance abatement against the property owners of an apartment complex for multiple violations of the municipal code, housing code, and building code. We obtained an injunction requiring the evacuation and relocation of the apartment tenants, and also recovered \$200,000 for the City in costs and penalties.

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- *Burien v. Traut*. After attempting to work cooperatively with property owners who had constructed a garage and living quarters in the right-of-way, the City obtained a judgment and injunction requiring removal of the structure and reimbursement of the City's legal and other fees.

- *Bothell v. Suarez and Flanagan*. Similar to the *Burien v. Lipscomb* matter, the City brought lawsuit for nuisance abatement against the property owners of an apartment complex for multiple violations of the municipal code, housing code, and building code. The City obtained an injunction and other relief, including the evacuation and relocation of the apartment tenants, and the currently on-going rehabilitation of the apartment complex in compliance with all applicable code provisions. The City prevailed on summary judgment, and the Court entered a Judgment in favor of the City and against the property owners for almost \$90,000 in costs and penalties. The Court of Appeals affirmed the Judgment in the City's favor.

G. Telecommunications, Cable, Open Video, and Private Communications Issues as Applied to Municipal Governments. Chris Bacha is a recognized leader in this field. We have substantial experience with, and advised multiple cities on, telecommunications, cable, and private communication issues and related right-of-way management issues. We have drafted and negotiated franchise agreements and agreements for use of a city's institutional network. We are regularly involved in negotiation of cable and telecommunication franchise agreements and site lease agreements for placement of wireless communication facilities, as well as other common carrier public rights-of-way issues.

H. Public Construction Law. Given the breadth of our municipal practice, we are regularly involved with the pre-design, design, construction, and maintenance of public works projects of many sizes and types. Our experience includes large and small street and sidewalk projects, water and sewer LIDs, waste water treatment plant reconstruction and expansion, acquisition and construction of several city halls, and much more.

A few representative examples of the firm's experience include:

- We were instrumental in the multi-million dollar property acquisitions and street improvements on SR 522 along the northern shore of Lake Washington, and assistance with multi-million dollar acquisitions and property assemblages for significant downtown redevelopment projects in Burien, Tukwila, and Kenmore.

- "D" Street Overpass Project (Tacoma). This was a \$28,000,000 FAST corridor grade separation project to remove an existing at-grade crossing located at the intersection of East "D" Street and the Burlington Northern Santa Fe ("the BNSF") mainline to support and enhance freight mobility. This project utilized multiple federal, state, and regional funding sources, and required coordination of rail, utility, and right-of-way improvements, the

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acquisition of property rights, and the development of construction and bid documents complying with, among other things, local employment and apprenticeship requirements of the different federal funding sources.

- Sound Transit Light Rail. We served as lead attorney for the City of Tacoma and the City of Tukwila on this \$80,000,000 project which involved the construction of a 1.6 mile light rail line by Sound Transit in Tacoma, and over one mile of line and a light rail station in Tukwila. The project required development of multiple agreements for the use and occupancy of the public right-of-way for construction and operation of the light rail line and related relocation of public utilities.

- Greater Tacoma Convention and Trade Center. This \$120,000,000 project involved the construction of the 277,000 square foot convention and trade center in downtown Tacoma.

- Sound Transit Commuter Rail Line (Tacoma). This project involved the reconstruction of a 1.7 mile portion of the Tacoma Rail Mountain Division Rail Line for use by Sound Transit for passenger commuter rail operations as part of the Sound Transit Commuter Rail operations. This project required negotiation of multiple agreements with Sound Transit for construction of the passenger rail improvements and operation of passenger rail service within the Tacoma Rail freight rail corridor.

I. Tort Defense. Our substantial experience includes:

- *Quackenbush v. City of Tacoma*. An eighteen-year-old boy was killed in an intersection accident. The estate claimed that the accident was caused by poor sight distance at the intersection. The case settled at mediation for \$29,000.

- *Massner v. LESA, et al.* Plaintiff sustained a broken back and a head injury when she ran into a dump truck and trailer that was abandoned in the middle of the roadway in rural Pierce County. The case against the City and LESA was dismissed on the City's motion for summary judgment.

- *Reyes v. City of Tacoma*. Plaintiff claimed that the Fire Department failed to provide adequate medical care. The case was dismissed on the City's motion for summary judgment.

- *Weiss v. City of Tacoma*. Plaintiff's car, which was stopped in the middle of the roadway, was struck by a speeding patrol officer who did not have his siren activated. Plaintiff suffered massive facial injuries and head trauma. Plaintiff claimed two million dollars in damages (he was a high-income professional snowboarder). The case settled for \$262,000 prior to trial.

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- *Huggler v. City of Tacoma*. Plaintiff was hit with a plexiglass enclosure at a hockey game, suffering a closed head injury. He claimed a disability and a diminution in earning capacity as a highly successful businessperson. The case settled for \$500,000. The City subsequently recovered all monies paid to the plaintiff, as well as all attorney fees, from the insurer of the hockey event.

J. Civil Rights. Claims for violation of constitutional and other civil rights may not be subject to insurance coverage and are often the responsibility of the City Attorney. We have been involved in more than 50 civil rights cases. A few representative examples include:

- *Corley v. City of Bellevue, et al.*, 195 Fed. App. 667 (2006). Plaintiff alleged false arrest, prosecutorial misconduct and impropriety on the part of the judiciary. The case was dismissed on summary judgment, and the dismissal was upheld by the 9th Cir. Court of Appeals.

- *Watts, et al. v. City of Tacoma, et al.* Plaintiffs brought a section 1983 claim and seven other tort claims alleging excessive force during an altercation with an officer effectuating a DV arrest. After a three-week trial, the jury rendered a defense verdict.

- *Ali, et al. v. City of Tacoma*. Three plaintiffs made 230 claims against 32 individually named police officer defendants, including violations of the 1st, 4th, 8th and 14th Amendments. Plaintiffs further alleged racial profiling against the City, as well as claims for negligent hiring, training, and supervision. After a six-week trial, a defense verdict was entered on all but one claim, and only nominal damages were awarded on that claim.

- *Chambers v. City of Tacoma, et al.* Plaintiff was shot in the back of the head and killed by a Tacoma police officer as he fled a domestic violence scene. A jury rendered a defense verdict.

- *Tolson, et al. v. City of Tacoma, et al.*, 133 Wn.2d 1004 (1997). Plaintiffs claimed 4th Amendment violations and excessive force. The case was dismissed on the City's summary judgment motion.

- *Dotolo v. City of Tacoma and Pierce County*. Plaintiffs claimed that the use of their home for the staging of a SWAT operation amounted to a constitutional taking under the state and federal constitutions. The case was dismissed on the City's motion for summary judgment.

K. Open Public Meetings Act and Public Records. Given the exclusive municipal nature of our practice, we advise clients on a routine basis regarding the application of the OPMA and the Public Records Act, and their exceptions and exemptions. Our firm provides regular training to public agencies and public officials regarding these Acts, and members of our firm frequently serve

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as guest lecturers on these issues. In the unfortunate event of an OPMA or public records lawsuit, we have been retained by several cities across the state to resolve those matters.

III. PROPOSED TEAM

If selected to provide legal services to Pacific, Chris Bacha would serve as lead counsel. Chris would also have the full resources of Kenyon Disend, including all other lawyers and legal staff, available to assist him with the City's legal services as appropriate. A resume for Chris Bacha is enclosed, and copies of the biographies for all other firm attorneys posted on our website are also enclosed.

IV. HOURLY RATES

In limiting our practice to municipal law, we have developed efficiencies and economies of scale that provide substantial value to our clients. Our substantial experience usually allows us to perform a task in less time than attorneys who represent cities on a less than full-time basis. In many instances, our paralegal staff can initially prepare a document or otherwise undertake certain services for which other firms would assign attorneys at substantially higher rates.

It is understandably difficult for us to propose a meaningful flat fee until a baseline level of service has been established, normally after six to twelve months. However, we understand that the City is seeking a proposal for an annual fixed-fee retainer to be billed on a monthly basis and that assumes the need for approximately forty hours of legal services per month. In response, we propose the following options:

1. Attorneys will provide the first forty hours of services monthly for a flat fee of \$8,000.00/mo. Any additional work performed by an attorney under this Agreement, and all work performed by a paralegal, will be billed at the Attorneys' and paralegals' regular hourly rates; or
2. Attorneys will provide the first thirty hours of services monthly for a flat fee of \$6,000.00/mo. Any additional work performed by an attorney under this Agreement, and all work performed by a paralegal, will be billed at the Attorneys' and paralegals' regular hourly rates.

A copy of the firm's hourly rate schedule for 2014 is enclosed. We review and typically update our hourly rates on an annual basis and will advise the City of an increases in our hourly rates for the following year by November 1.

Attorneys will not charge the City for travel time to and from Pacific to attend City Council meetings. Attorneys will charge for all other travel time spent to provide services to the

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City. Attorneys will not charge for mileage reimbursement or for long-distance telephone charges.

We also charge fifteen cents per page for photocopying and facsimile transmissions, and seek reimbursement for legal messenger services, computerized legal research charges, filing fees advanced on behalf of City, and other direct expenses without markup.

V. STATEMENT OF CONTRACT COMPLIANCE

Kenyon Disend, PLLC maintains professional liability and other forms of insurance that meet the City's requirements set forth in Section VI(F) of the Request for Proposal. If selected to provide legal services to Pacific, we will provide proof of the same upon execution of a Professional Services Agreement.

VI. REFERENCES

We invite you to contact any of our clients, including the following references, to discuss our services:

Mayor Jim Haggerton
City of Tukwila
6200 Southcenter Blvd.
Tukwila, WA 98188
Phone: (206) 433-1800

Mr. Ben Yazici, City Manager
City of Sammamish
486 - 228th Avenue NE
Sammamish, WA 98074
Phone: (425) 295-0550

Ms. Kate Berens
Deputy City Attorney
City of Bellevue
450 - 110th Ave. NE
P.O. Box 90012
Bellevue, WA 98009
Phone: (425) 452-4616

Ms. Londi Lindell, City Administrator
City of North Bend
P.O. Box 896
North Bend, WA 98045
Phone: (425) 888-1211

VII. QUESTIONS/ADDITIONAL INFORMATION

The following responds to some of the questions/requests for information set forth in Section VI.E of the City's Request for Proposals for which information has not already been provided in the preceding Sections:

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2. Describe philosophy of “due process.” Due process is a legal standard associated with action by government that affects a property or liberty interest. As City Attorney, our role is to ensure that the actions of the City by and through its council, mayor, officials and employees comport with due process requirements.

3. Describe any conflicts of interest (real or perceived) that may be incurred with this appointment, and how you propose to address or mitigate them. Our firm is the only firm in the state with a practice devoted to municipal law services, to the virtual exclusion of all other areas of law. We do not represent developers or others who take positions adverse to cities and therefore conflicts are rare, but do occur from time to time. Currently, our firm contracts to provide legal services to the City of Algona. We envision that from time to time potential conflicts may arise. In such cases, we will inform the City of the potential conflict and take appropriate measures to ensure that we are able to provide competent and diligent representation to the City of Pacific.

6. Describe experience in working with forfeiture/seizure hearing; code enforcement and abatement; police liability issues; and change in police policy. Mr. Bacha was assigned for six years to the Special Investigations Division of the Tacoma Police Department which assignment included representation of the Department in asset seizure and property forfeiture actions, including the seizure and forfeiture of both real and personal property. In addition, and as described in Section II.F above, code enforcement and abatement proceedings are a regular part of our firm’s practice.

7. Discuss experience in providing solutions to municipal government issues and how you keep abreast of changes in the law affecting municipalities; and your experience in overcoming these challenges to comply and resolve conflicts and gain cooperation among groups with divergent interests.

8. Discuss experience in working with public record requests. All attorneys in our firm work routinely with our clients to respond to public records requests. In particular, our firm has litigated public records cases. For example, see, Forbes v. City of Gold Bar, 171 Wn. App. 857 (2012).

10. Discuss experience in working with the City on reducing liability/exposure to the City. The function of the City Attorney includes a risk management role. We fill that role by identifying risk issues present in proposed legislative and administrative actions and providing risk analysis and options to city decision and policy makers. We also provide training for staff and for elected officials when requested and otherwise make ourselves readily available to respond to questions by telephone, e-mail and in person. We maintain staff in our office with knowledge and experience in different areas of the law to ensure we have the resources available to provide expedient and competent legal advice to assist decision and policy makers in making fully informed decisions.

12. Discuss experience in working on public property acquisitions and public/private partnerships. As described in Section II.D, above, our firm has represented a number of municipalities in condemnation actions to acquire property for public improvement projects. Mr. Bacha has also been involved in real property acquisitions for public projects and has participated in public/private partnership agreements. For example, Mr. Bacha represented the City of Tacoma in the acquisition and development of real property for the construction of the Greater Tacoma Convention Center; negotiated agreements with Sound Transit for use of the public right of way for construction and operation of light rail through Tacoma; represented the Tacoma Rail Mountain Division Short-line Railroad in rail transportation agreements; represented the City of Tacoma in negotiations with private development for re-development of the Thea Foss Waterway; represented the City of Burien in negotiations with the King County Library District for joint ownership and development of Burien City Hall and a branch of the King County Library; and represented the City of Tukwila in negotiation of a Development Agreement with a private party for the acquisition and development of city-owned property for residential and commercial use.

14. Discuss experience in working on Stormwater/NPDES permitting and administration matters. Mr. Bacha has worked with a number of cities to revise their stormwater codes to conform to current requirements. He has also participated on behalf of Kenyon Disend clients in the first Phase II NPDES permit appeal.

18. Provide each attorney's Washington State Bar Admittance Number.

Chris D. Bacha - WSBA No. 16714
Michael R. Kenyon – WSBA No. 15802
Bruce L. Disend – WSBA No. 10627
Shelley M. Kerslake – WSBA No. 21820
Kari L. Sand – WSBA No. 27355
Rachel B. Turpin – WSBA No. 40007
Ann Marie J. Soto – WSBA No. 42911
John P. Long, Jr. – WSBA No. 44677
Danielle M. Evans - WSBA No. 39925
Kim Adams Pratt – WSBA No. 19798

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Please do not hesitate to contact me if you have any questions regarding our proposal, or require additional information. Thank you.

Very truly yours,

KENYON DISEND, PLLC

A handwritten signature in black ink, appearing to read "Chris D. Bacha", with a long horizontal line extending to the right.

Chris D. Bacha

Enclosures

Cc: Mike Kenyon
Shelley Kerlake

**KENYON DISEND, PLLC
HOURLY RATE SCHEDULE FOR YEAR 2014**

ATTORNEYS:

Partners and Senior Attorneys:

Michael R. Kenyon	\$280.00
Bruce L. Disend	\$280.00
Shelley M. Kerslake	\$250.00
Chris D. Bacha	\$245.00
Kim Adams Pratt	\$245.00
Kari L. Sand	\$230.00
John "Jay" P. Long Jr.	\$230.00

Associate Attorneys:

Rachel B. Turpin	\$155.00
Danielle M. Evans	\$155.00
Ann Marie Soto	\$150.00

PARALEGALS:

Margaret C. Starkey	\$115.00
Sheryl A. Loewen	\$100.00
Pam M. Odegard	\$100.00
Mary A. Swan	\$100.00
Terry T. Curran	\$100.00
Kathy I. Swoyer	\$100.00

CHRIS D. BACHA

Chris@KenyonDisend.com

11 Front Street South, Issaquah, Washington 98027 - (425) 392-7090, Ext. 2193

LEGAL EXPERIENCE

KENYON DISEND, PLLC

2006 - Present

Serves as City Attorney to the City of Orting. Advises client cities in all areas of municipal law, with an emphasis on telecommunications, cable, interstate rail transportation and other common carrier regulations, franchises, economic development, land use and real property transactions, storm and surface water management, right of way management, and municipal contracting. While with Kenyon Disend, Chris has assisted Kenyon Disend clients negotiate franchise agreements for telecommunications, cable, power, sanitary sewer and water utility services and lease agreements for wireless facilities. Chris has also represented a large number of Washington cities in on-going disputes over telecommunication utility tax refund claims.

SENIOR ASSISTANT CITY ATTORNEY TACOMA CITY ATTORNEY'S OFFICE CIVIL DIVISION

1988 - 2006

Advised a number of departments within the City of Tacoma, including the Public Works Department, the Information Technology Department, and the Community and Economic Development Department. Within the Public Works Department, served as general counsel for the Environmental Services Division (sewer utility), Streets and Grounds Division, and Engineering Division, and also provided general legal counsel for the Asset Management Division and the Tacoma Rail Mountain Division ("TRMW"), a 131.5 mile common carrier short-line railroad. Within the Information Technology Department, provided general legal counsel for the Communications Division, which included franchise administration, telecommunications and technology services. Within the Community and Economic Development Department, provided general legal counsel for public-private development activities, brownfield and other real property development projects, housing and urban development lending and grant programs, other housing and home ownership programs, and community initiatives.

As counsel to the Community and Economic Development Department, worked in an advisory capacity for the City relative to the activities of the Foss Waterway Development Authority ("FWDA") and the Tacoma Community Redevelopment Authority ("TCRA"), both public development authorities. The FWDA was created to facilitate redevelopment of brownfield properties located on the Foss waterway and the TCRA was created to administer lending and grant programs for federal funds awarded the City. Also worked with Steve Victor to draft the organic documents creating the Greater Tacoma Convention and Trade Center Public Facilities District providing the conduit for funding, construction, and operation of the \$120 million convention center.

DEPUTY PROSECUTING ATTORNEY LEWIS COUNTY

1987 - 1988

Juvenile Court prosecution and advisor to the Lewis County Sheriff's Department.

EDUCATION

University of Puget Sound School of Law - J.D, 1986
University of Washington - B.A., Cum Laude, 1983

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Michael R. Kenyon

Email: Mike@KenyonDisend.com
Phone: (425) 392-7090, ext. 2197

Paralegal Contact:
Margaret@KenyonDisend.com

Experience & Practice Area.

Mike Kenyon co-founded Kenyon Disend, PLLC in 1993. Mike's practice focuses on all areas of municipal law, including land use, constitutional law, open public meetings and public records, and dispute resolution. He currently serves as the City Attorney for the Cities of Sammamish, North Bend and Cle Elum.

Education.

University of Puget Sound, J.D., Cum Laude, 1985
Western Washington University, B.A., Cum Laude, 1981

Admitted to Practice.

Washington, 1986
U.S. District Court, Western District of Washington, 1986
U.S. District Court, Eastern District of Washington, 2009
U.S. Court of Appeals, Ninth Circuit
United States Supreme Court, 1992

Professional Activities.

Washington State Association of Municipal Attorneys
Washington State Bar Association
King County Superior Court Arbitrator
Municipal Courts Options Group
King County Executive's Task Force on Inquest Proceedings
The Dean's Advocacy Council, Western Washington University
Athletic Director's Council, Western Washington University
Frequent guest speaker and lecturer on municipal issues

**KENYON
DISEND**
The Municipal Law Firm

KENYON DISEND, PLLC
11 Front Street South
Issaquah, Washington 98027-3820
TEL: (425) 392-7090
FAX: (425) 392-7071
Info@KenyonDisend.com

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Bruce L. Disend

Email: Bruce@KenyonDisend.com

Phone: (425) 392-7090, ext. 2195

Paralegal Contact:

Sheryl@KenyonDisend.com

Experience & Practice Area.

Bruce joined Kenyon Disend, PLLC in 1999 and became a partner in 2000. Bruce's practice focuses on all areas of municipal law, including land use and labor and employment law. Bruce brings a focused city perspective to his legal work, having served as in-house City Attorney for over 14 years with the Cities of Bellingham, Puyallup and Shoreline.

Education.

Boston University, J.D., 1972

Franklin and Marshall College, Department of Government Honors, B.A., 1969

Admitted to Practice.

Washington, 1980

Delaware, 1973

Massachusetts, 1972

U.S. Court of Appeals, Ninth Circuit, 1987

U.S. District for Western District of Washington, 1980

U.S. District for District of Delaware, 1973

Professional Activities.

President of Washington State Municipal Attorneys Association, 2010 - 2011

American Bar Association

Washington State Bar Association

King County Bar Association

Former Special District Counsel for Washington State Bar Association

Frequent guest speaker and lecturer on municipal land use and personnel issues

Program Co-Chair for Law Seminars International's Impact Fees and Concurrency Workshop

Recognized by Law and Politics Magazine as a Washington Super Lawyer

Recognized by Stanford Who's Who as an honored member

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 FAX: (425) 392-7071
Info@KenyonDisend.com

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Shelley M. Kerslake

Email: Shelley@KenyonDisend.com
Phone: (425) 392-7090, ext. 2198

Paralegal Contact:
Kathys@KenyonDisend.com

Experience & Practice Area.

Shelley Kerslake joined Kenyon Disend, PLLC in 2003. Prior to joining Kenyon Disend, Shelley served as an Assistant City Attorney for the City of Tacoma for eleven years. Shelley's practice involves a full range of municipal issues, including constitutional law, public records, employment law, employee misconduct and harassment investigations, dispute resolution in the employment context and representing clients in both state and federal court. She currently serves as the City Attorney for Tukwila.

Education.

University of Puget Sound, J.D., 1992
University of Washington, B.A., 1989

Admitted to Practice.

Washington, 1992
U.S. District Court, Western District of Washington, 1996
U.S. Court of Appeals, Ninth Circuit, 1997

Professional Activities.

Washington State Association of Municipal Attorneys
Washington State Bar Association

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Info@KenyonDisend.com

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Danielle M. Evans

Email: Danielle@KenyonDisend.com

Phone: (425) 392-7090, ext. 2211

Paralegal Contact:

Sheryl@KenyonDisend.com

Experience & Practice Area.

Prior to joining Kenyon Disend, PLLC, Danielle worked for five years at a downtown Seattle law firm representing a wide array of clients in employment, professional malpractice, complex commercial, construction, and insurance matters and litigation. Danielle's municipal practice includes litigation, land use, Public Records Act and Open Public Meetings disputes, and the full range of other municipal law issues.

Education.

Rutgers University School of Law, J.D., 2007

Alfred University, B.A., Cum Laude, 2002

Admitted to Practice.

Washington, 2008

Professional Activities.

King County Bar Association

Mother Attorneys Mentoring Association of Seattle

Washington Defense Trial Lawyers

Washington State Association of Municipal Attorneys

Washington State Bar Association

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The Municipal Law Firm

KENYON DISEND, PLLC

11 Front Street South

Issaquah, Washington 98027-3820

TEL: (425) 392-7090

FAX: (425) 392-7071

Info@KenyonDisend.com

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John (Jay) P. Long, Jr.

Email: Jay@KenyonDisend.com

Phone: (425) 392-7090, ext. 2199

*Paralegal Contact:

Mary@KenyonDisend.com

Experience & Practice Area.

Prior to joining Kenyon Disend, PLLC in 2013, Jay worked for three years as a Metropolitan Attorney for the City of Nashville, TN, and seven years at a private Nashville law firm that represented corporations, municipalities, utilities, and other entities. His Nashville municipal and private practice focused on complex tort litigation, environmental, land use, employment, code enforcement, contract and other areas. Prior to his work in Tennessee, Jay also worked as a staff attorney for the Texas Commission on Environmental Quality in Austin, TX. Jay is also a LEED AP (Leadership in Energy and Environmental and Design Accredited Professional). He serves as the City Attorney for the City of DuPont and handles special projects for various other cities.

Education.

Chicago-Kent College of Law, J.D., 1999

Rhodes College, B.A., 1993

Admitted to Practice.

Washington, 2012

Tennessee, 2002

Texas, 2000

Professional Activities.

Washington State Association of Municipal Attorneys

Washington State Bar Association

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DISEND**

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KENYON DISEND, PLLC
 11 Front Street South
 Issaquah, Washington 98027-3820
 TEL: (425) 392-7090
 FAX: (425) 392-7071
 Info@KenyonDisend.com

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Kim Adams Pratt

Email: Kim@KenyonDisend.com

Phone: (425) 392-7090, ext. 2208

Paralegal Contact:

Margaret@KenyonDisend.com

Experience & Practice Area.

Prior to joining Kenyon Disend, Kim spent 11 years as an Assistant City Attorney for the City of Kent and 10 years before that as a real estate and land use attorney in private practice. While at the City of Kent, Kim's practice also heavily emphasized land use and real estate, and she will continue that focus on behalf of the firm's clients. In addition to her land use and real estate work, Kim handles a variety of special projects for numerous cities.

Education.

Seattle University School of Law, J.D., Cum Laude, 1990

University of Puget Sound, B.A., Magna Cum Laude, 1987

Admitted to Practice.

Washington, 1990

Professional Activities.

Washington State Association of Municipal Attorneys

Washington State Bar Association

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DISEND**
The Municipal Law Firm

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11 Front Street South
Issaquah, Washington 98027-3820
TEL: (425) 392-7090
FAX: (425) 392-7071
Info@KenyonDisend.com

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Kari L. Sand

Email: Kari@KenyonDisend.com

Phone: (425) 392-7090, ext. 2204

Paralegal Contact:

Mary@KenyonDisend.com

Experience & Practice Area.

Kari Sand joined Kenyon Disend, PLLC in 2005. Prior to joining Kenyon Disend, Kari served as an Assistant City Attorney for the City of Tacoma for six years and as an associate attorney for two years at a general practice firm in Tacoma. Kari's practice focuses on all areas of municipal law, with particular emphasis on local taxation and tax litigation, condemnation, fair housing and anti-discrimination laws, public bidding, public disclosure and FMLA, ADA and employment law matters. She currently serves as City Attorney for the Cities of Algona and Medina, Assistant City Attorney for the Cities of Sammamish and Tukwila, and handles special projects for various other cities.

Education.

University of Oregon, J.D., 1997

University of Washington, B.A., Cum Laude, 1993

Admitted to Practice:

Washington, 1997

U.S. District Court, Western District of Washington, 1997

Professional Activities.

Washington State Association of Municipal Attorneys

Washington State Bar Association

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FAX: (425) 392-7071
Info@KenyonDisend.com

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Ann Marie Soto

Email: AnnMarie@KenyonDisend.com
Phone: (425) 392-7090, ext. 2205

Paralegal Contact:
Mary@KenyonDisend.com

Experience & Practice Area.

Ann Marie joined Kenyon Disend, PLLC in 2010, after graduating from the University of Washington School of Law and becoming a member of the Washington State Bar. Prior to joining Kenyon Disend as an associate, she interned at Kenyon Disend in 2009. Ann Marie is the City Attorney for the Cities of Gold Bar, Roslyn, and Sultan.

Education.

University of Washington, School of Law, J.D., 2010
University of Toledo, B.A., cum laude, 2004

Admitted to Practice.

Washington, 2010

Professional Activities.

Washington State Association of Municipal Attorneys
Washington State Bar Association
King County Bar Association's Housing Justice Project

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Issaquah, Washington 98027-3820
TEL: (425) 392-7090
FAX: (425) 392-7071
Info@KenyonDisend.com

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Rachel B. Turpin

Email: Rachel@KenyonDisend.com

Phone: (425) 392-7090, ext. 2210

Paralegal Contact:

Mary@KenyonDisend.com

Experience & Practice Area.

Rachel Turpin started her legal career as a Rule 9 intern with Kenyon Disend in 2006, and subsequently was hired by the firm as an associate attorney. Rachel's current practice focuses on all areas of municipal law, with particular emphasis on municipal contracting and public disclosure. She serves as the City Attorney for the City of Duvall and as an Assistant City Attorney for the City of Tukwila. Rachel also handles special projects for various other cities.

Education.

University of Washington Information School, M.L.I.S., 2009

Seattle University School of Law, J.D., cum laude, 2007

University of Washington, B.A., cum laude, 2004

Admitted to Practice.

Washington, 2008

Professional Activities.

Washington State Association of Municipal Attorneys

Washington State Bar Association

Washington Association of Public Records Officers

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Issaquah, Washington 98027-3820
TEL: (425) 392-7090
FAX: (425) 392-7071
Info@KenyonDisend.com

April 25, 2014

Ms. Amy Stevenson-Ness, City Clerk
City of Pacific
100 – 3rd Avenue S.E.
Pacific, WA 98047

Re: Response to City Attorney RFP

Dear Ms. Ness:

The following is the response of Morris Law, P.C. to the City of Pacific City Attorney RFP.

A. Firm/practice name, address and phone number. Morris Law, P.C., 3304 Rosedale Street N.W., Suite 200, Gig Harbor, WA 98335-1805 – 253-851-5090. Our website is <http://carolmorrislaw.com>.

B. Summary of firm's qualifications as they relate to the desired qualifications. Carol Morris is the president/owner of Morris Law, P.C., and Jennifer Robertson is an associate attorney. Both are members of the Washington State Bar.¹

1. *Carol Morris.* Carol Morris has spent the last 25 years representing cities and towns as the city attorney and assistant city attorney. She is currently the City Attorney for Black Diamond and Vader.

Carol provides land use services to other cities under contract, such as Pacific, Edmonds, Fircrest, Yakima and Bremerton. In the past, Carol Morris has been the Town/City Attorney for Gig Harbor, Carnation, Hunts Point, Kenmore, Kalama, Ruston and Eatonville. She has worked “in house” for the City of Kent as an Assistant City Attorney, and a Rule 9 intern/paralegal with the City of Seattle. Carol also provided Assistant City Attorney services for a number of cities while an associate and later, a member, of Ogden Murphy Wallace LLC, (including, but not limited to, Bothell, Clyde Hill, Mukilteo, Edmonds, Issaquah, Poulsbo and Redmond). In addition, Carol was an adjunct professor at Seattle University Law School, and taught municipal law for two semesters.

Since 1994, Carol has been hired by the Association of Washington Cities Risk Management Services Agency (AWC-RMSA) to represent the pool cities in land use litigation. She has handled land use lawsuits involving damage claims for a number of cities, including but not limited to, Algona, Airway Heights, Brier, DuPont, Ellensburg, Ferndale, Friday Harbor, Gig Harbor, Gold Bar, Hunts Point, Kalama, North Bend, Oak

¹ Carol's bar number is 19241.

Harbor, Orting, Port Orchard, Poulsbo, Ridgefield, Ruston, Sequim, West Richland and Yelm. As part of her services to AWC-RMSA, she provides land use training seminars (about 6 per year) for city councilmembers, planning commission members and city staff. She has provided advice and/or represented the following non-RMSA pool cities in litigation and administrative appeals: Bremerton, Colville, Fircrest, Kent, Maple Valley and Mercer Island.

Carol has also developed a model development code for use by small cities, which is partially annotated with case law and updated on a regular basis to ensure consistent compliance with law. AWC-RMSA hires her to craft ordinances for use by the cities and towns in the insurance pool to address new legal issues (such as marijuana and recent legislative amendments to the State Subdivision Act).

In addition to her experience drafting ordinances of practically every type, covering a multitude of subjects, such as business licenses, animal control, nuisances, traffic codes, criminal codes, water, sewer and storm water codes, zoning codes, enforcement ordinances, building codes, critical areas, SEPA, impact fees, concurrency, procedures for small works rosters, public works purchases and contracting, Carol provides daily advice to her clients on implementation of these ordinances, as they relate to individual enforcement actions/permit applications. Carol has assisted cities in annexations, drafting, negotiation and execution of pre-annexation agreements, challenges to the Boundary Review Board of annexations, review of annexation petitions, etc.

Issues relating to public records arise on a daily basis and Carol has substantial experience assisting cities in responding to public records requests, drafting ordinances relating to public records procedures and preparing documents for release. She has handled lawsuits challenging cities' responses to public records requests.

Carol was involved in code enforcement at the Seattle City Attorneys' Office before she attended law school. Since that time, she has performed numerous building code, dangerous buildings code, general nuisance or zoning code enforcement actions that ended in compliance, administrative appeals or appeals to court. Her efforts have resulted in court orders forcing compliance, abatement or the collection of penalties (in one case, penalties of over \$250,000.)

With regard to contracts, Carol has written contracts for every possible purpose needed by cities, including, but not limited to, interlocal agreements for services (jail, police, drug task force, mutual aid, building permit inspection) between the county and city after incorporation or annexation, contracts for purchase of police boats, fire trucks, emergency vehicles, public works equipment, contracts for purchase of property, development agreements associated with development proposals, contracts for the construction of transportation improvements worth over 40 million dollars to contracts for quilting workshops in the amount of \$75.00, etc.

As city attorney, she reviews and provides recommendations on staff reports, to assist final decision makers and provide advice on issues such as appearance of fairness,

conflict of interest, legislative and quasi-judicial authority, constitutional matters and the drafting of the final land use decision of the city. She has drafted numerous ordinances amending comprehensive plans, zoning codes, permit processing procedures, SEPA, concurrency, impact fees, transfers of development rights, critical areas and code enforcement. Carol has attended hundreds of city council and planning commission meetings as city attorney or special land use counsel (for the purpose of assisting the decision-makers in the drafting of findings and conclusions to support land use decisions).

Carol has represented a number of cities in administrative actions such as appeals before the Growth Management Hearings Board involving appeals relating to concurrency, denials of comprehensive plan amendments, inter and intra-jurisdictional consistency of development regulations, annexation issues, designation of urban growth areas, etc. She has also been asked to represent cities challenging county comprehensive plan amendments, based on deficiencies relating to SEPA and GMA compliance.

Carol was hired by AWC-RMSA to develop a training manual for cities on moratoria and interim zoning, complete with model ordinances, which is available on her website at <http://carolmorrislaw.com>. More recently, she wrote a report on Marijuana Regulation (also available on her website) and was asked by the insurance pool to develop model ordinances for cities relating to medical marijuana. This Marijuana Regulation report has been used by municipalities throughout Washington, as well as the Washington County Prosecuting Attorneys' Association (in Oregon). She is currently finalizing a handbook explaining the process for zoning and building code enforcement for cities and towns.

Many city attorneys are involved in the front end of the development process, advising the city on code adoption, review of permit applications and land use decision-making. When a lawsuit is filed, the city's insurance carrier usually assumes defense of the lawsuit, and assigns a new attorney to handle the litigation. As a result, many city attorneys do not have the ability to handle the lawsuit from "cradle to grave," which eliminates the perspective that is so beneficial when providing advice to clients. Carol's experience is much broader because she has filled the role of both city attorney and the attorney assigned to handle defense of a damage lawsuit arising from the advice she gave as the city attorney. This breadth of experience allows her to "see around corners," and prevent unnecessary litigation and/or disputes.

2. *Jennifer Robertson.* Jennifer Robertson is the City Attorney for Ruston. Jennifer has 18 years of experience in municipal law. She has served as the City Attorney for Ruston and Clyde Hill, Attorney for Snohomish County Fire District No. 1-11 and Island County Fire District No. 3, as well as Assistant City Attorney for several jurisdictions including Clyde Hill, Hunts Point, Bothell, Gig Harbor, and Mukilteo. She has served as special legal counsel performing legal services, including litigation services for the cities of Eatonville, Kent and Tukwila.

In addition to her work as legal counsel for cities, Jennifer has worked as a public official for the City of Bellevue since 2003. She served six years on the Bellevue Planning

Commission; co-chaired Bellevue's Light Rail Best Practices Committee; and has been member of the Bellevue City Council since 2009, including serving a term as Deputy Mayor for 2012 and 2013. In her capacity as a public official, she has also served on several regional boards, including the Puget Sound Regional Council Growth Management Policy Board (2010-2014); King County Growth Management Planning Council (2010-present); Municipal Research Services Center Board of Directors (2014-present); Puget Sound Regional Council Economic Development District Board (2014-present); and the Washington State Heritage Trust Board of Trustees (2014-present).

C. Exclusions. Land use² and personnel matters are the two greatest areas of liability exposure for cities. A city attorney's workload is generally 75% or more land use-related. Rather than attempt to develop expertise in both land use/municipal law *and* personnel law, the latter of which comprises a much smaller portion of a city attorney's workload, we take a different approach. A city can hire Morris Law to handle city attorney representation, which includes attendance at council meetings, and the provision of general advice on all municipal issues *with the exception of personnel matters*. Then, when the need arises, the city can hire an attorney with expertise in personnel matters. Enclosed with our response to the City's RFP are the materials from a personnel attorney, Sofia Mabee, who is available and could be hired by Pacific for this purpose. Or, the City could hire another attorney whose area of practice is personnel, collective bargaining and labor matters. Morris Law does not provide any advice on personnel, collective bargaining and labor matters.

In addition, Morris Law does not provide any criminal prosecution services. Civil forfeiture hearings can usually be done by the City's criminal prosecutor at a lower rate, so Morris Law does not handle forfeiture/seizure hearings.

D. Proposed City Attorney and Assistant City Attorney.

Carol Morris is proposed as the City Attorney for Pacific. Jennifer Robertson is proposed as the Assistant City Attorney. Enclosed is a Response to the RFP from Sofia Mabee of Summit Law for the personnel, labor and collective bargaining matters.

E. Philosophy of Due Process.

Due process essentially requires the opportunity to be heard at a meaningful time and in a meaningful manner. It imposes constraints on governmental actions and decision-making which deprive individuals of liberty or property interests that are within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment.

Due process is implicated in many situations because it is a flexible concept. The courts have developed a test for determining what process is due in a given situation which

² In this definition, we generally include the following matters: nuisance, zoning, building, permitting, code enforcement related to nuisance, zoning and building, environment, annexation, growth management, shorelines, comprehensive planning, impact fees, concurrency, public facilities such as transportation, water, sewer, property purchases, condemnation, hazardous waste, marijuana issues, etc.

requires consideration of factors such as the private interest involved, the risk that the current procedures will erroneously deprive a party of that interest and the governmental interest involved. *Downey v. Pierce County*, 165 Wash. App. 152, 165, 267 P.3d 445 (2011). A review of recent court decisions discloses that the courts are broadening the scope of due process on a regular basis. In *Downey*, the court found that the County's imposition of a \$500 fee to appeal a dangerous dog determination to the hearing examiner violated due process. *Id.*, 165 Wash. App. at 164-65. In *Weinberg v. Whatcom County*, 241 F.3d 746 (9th Cir. 2001) (a case in which Carol Morris was hired to defend the Whatcom County Community Development Director), the court found that the County was required by due process to hold a hearing before the Community Development Director issued a stop work order to a property owner who had obtained preliminary plat approval and removed a vegetative buffer, contrary to the plat conditions.

Based on the above, the city attorney's advice on the subject of due process should be expansive, especially with regard to issues like notice. Public perception is also a consideration, because in some situations it is better to provide additional notice (or go beyond what is required by law) to demonstrate transparency.

F. Conflicts of Interest. Morris Law perceives no conflicts of interest will arise from representation of the City as City Attorney.

G. Working Relationships. As described above, Jennifer Robertson is an elected official and is active in a number of different organizations and committees. Because Morris Law has been hired to represent Pacific in its land use matters, Carol Morris has been working with Ken Barnett and Jim Morgan.

The City has recently engaged AWC-RMSA as its insurance provider. Lynda Hummel at AWC-RMSA has already hired Carol Morris to provide legal advice and assistance to the Pacific City Clerk and City Planner on a few issues.

H. Negotiations with unions, police guilds, police liability. See the attached response to the RFP from Sofia Mabee. Morris Law does not provide any advice or representation regarding personnel, labor or collective bargaining matters.

Carol Morris has drafted and/or reviewed a number of contracts for the city police department on mutual aid, special task forces, etc., all of which involve liability and indemnification issues.

I. Forfeiture/Seizure Hearings; Code Enforcement and Abatement. Carol Morris performed at least 15 civil forfeiture/seizure hearings at the City of Gig Harbor. Because her hourly rate was higher than the City's criminal prosecutor, she recommended that the criminal prosecutor take over such actions.

With regard to code enforcement, Carol has had substantial experience in this arena, beginning with the City of Seattle. As a paralegal and Rule 9 intern in the Seattle City Attorneys' Office, she handled over 20 code enforcement cases a week involving non-

compliance by the property owner, for a period of about five years between 1984 through 1988. This involved preparing the case for trial, contacting witnesses, gathering evidence, and eventually, when she was Rule 9 qualified, taking the case to trial on behalf of the City. After that point in time, Carol has handled a number of code enforcement cases. In Kent, she handled two major abatement cases – in one case she obtained a judgment against the property owner requiring that a large commercial building be completely demolished. In another case involving a house that had been moved into the City and held over the ground on stilts for years (and never set down on a foundation), the court action she brought against the property owner resulted in a decision resulting in compliance and awarding Kent over \$250,000 in penalties. Since then, she has handled a number of code enforcement cases involving a property owner's construction of an addition to a house over the height limit (resulted in a court order requiring removal and penalties awarded to the City, which became a lien on the property), nuisance actions involving gun clubs (stray bullets traveling into adjacent residential neighborhoods), actions against slumlords under the drug abatement laws, and many others.

Carol has written a model code enforcement chapter, as well as an instructional handbook for city staff to follow in zoning, building and nuisance actions.

J. Providing Solutions to Municipal Government Issues – Keeping Updated. For years, Carol was hired by the AWC RMSA insurance pool to answer questions from cities on the Land Use Hotline. AWC RMSA has recently eliminated the hotline, but now asks Carol to provide pre-litigation advice on a number of issues, from land use, zoning, subdivisions, permitting, code enforcement, flooding, marijuana, nuisances, property law (adverse possession, prescriptive rights), street vacations, legislative authority, contracting, handling administrative appeals, etc. In addition, Carol provides land use training for the cities in the pool on a regular basis.

Carol keeps updated first through her participation in the Washington State Municipal Attorneys' Association's (WSAMA) bi-annual meetings. In addition, she is on the WSAMA Legislative Committee, and is asked by the Committee and members of AWC to provide input on draft bills as they are proposed by various interest groups and the Legislature. At the end of each legislative session, she reviews all of the bills that passed to determine whether any changes need to be made to her client's ordinances or the model code.

K. Public record requests. Carol has been handling public records requests for cities since the law was adopted. She is asked to provide assistance on public records requests that are submitted to the City at least three times a week. While she was the Gig Harbor City Attorney, she had experience processing very large and frequent public records requests related to litigation and the Brame shootings. Carol handled one lawsuit involving public records for the City of Mercer Island years ago.

L. Experience with Human Resource, Employment Law. This is covered by the response to the RFP by Sofia Mabee.

M. Experience in working with the City on reducing liability/exposure to the City. Carol has had much experience working with many different cities, from the smallest towns to the largest city in the State of Washington. These cities and towns have much in common, and because Carol has worked for so many municipalities, she has had the opportunity to view the manner in which each one deals with similar situations. As a result, she can suggest procedures successfully used in one city to correct a problem before the problem arises in her client city.

In addition, Carol's experience in administrative appeals and litigation have provided her with the ability to advise her clients in a way to avoid similar appeals and litigation. For example, as a result of the *Weinberg* case identified earlier as involving due process, she has developed a code enforcement procedure in the model code which addresses the need for an expedited appeal hearing for stop work orders – something that is not even considered by most municipalities when they issue stop work orders.

Many problems arise in cities and towns because codes are out of date or inconsistent with law. The model code (and updates thereto) address this problem. Correct administration of the code is also important, and Carol's substantial experience with municipal law has allowed her to provide advice to her clients to prevent unnecessary appeals and lawsuits.

Because Carol has spent so much time litigating municipal issues, she understands the importance of prevention of appeals and lawsuits. Even though there may be case law addressing an issue arising out of a lawsuit, it is better to prevent the lawsuit because litigation is so uncertain. Litigation is also time consuming and costly, so it is best avoided whenever possible.

N. Experience in Land Use Permitting Matters. Carol's entire career – 25 years -- has been spent advising cities, towns, counties and municipal corporations on land use permitting, advising planning commissions and city councils on permitting in open and closed record hearings, drafting the findings of fact and conclusions for the decision-makers on land use permits, handling the appeal of the final decision to superior court, addressing related damage claims, representing the city through the appeals to the Court of Appeals and Supreme Court or the federal courts in both the Western and Eastern District of Washington and the 9th Circuit Court of Appeals. In addition, Carol has been involved in settlement of various land use permitting matters, advising the city after settlement or resolution of the court action, and making any necessary changes to the code and/or procedures.

In the training sessions she provides to city officials and staff (about 6 a year), Carol explains the entire process from the drafting of the comprehensive plan and development regulations, through the legislative adoption process, then to the permitting process from start (the submission of a complete application, how vesting works, SEPA, imposing conditions on permits, holding the open record hearing, explaining the appearance of fairness doctrine, describing what must be included in the findings of fact and conclusions for adequacy) to finish.

O. Public Property Acquisitions and Public/Private Partnerships. Carol has handled a number of public property acquisitions ranging in size from two additional feet for a roadway extension, to large property purchases for massive city hall projects (the City Hall in Gig Harbor was the latest one). As city attorney or assistant city attorney, she has also filed condemnation actions for various public uses.

P. Federal Highway Administration and Washington Department of Transportation Projects. Carol has advised cities on a number of transportation projects with participation by the FHA and WDOT. In addition, she has reviewed contracts from these agencies to approve as to form. She has been asked to review grant documents and to ensure that the grantee city complies with all requirements associated with the grant for the duration of the project.

Q. Stormwater/NPDES permitting and administration matters. Carol has been involved in the review, revision and adoption of the stormwater drainage codes adopted by various cities, including the enforcement sections. In addition, she has handled at least four recent lawsuits and/or claims involving stormwater drainage issues (taking and nuisance claims based on flooding on to private property).

R. Urban Growth Boundary matters. Carol has handled at least 15 appeals to the Growth Management Hearings Board involving urban growth boundary and GMA matters. These included the representation of cities challenging the UGA of other cities, as well as the county's refusal to extend the UGA of her client city. She has also been asked to prepare legal opinions on UGA issues involving the extension of urban services outside the UGA into rural areas, such as water and sewer.

S. Annexations and Street Vacations. Annexations and street vacations are frequent subjects of the advice that Carol gives to her clients. As a city attorney, she has had to provide advice to her client cities on each stage of the annexation process, from submission of the petition (or council resolution) to adoption of pre-annexation zoning, execution of pre-annexation agreements, through finalization of annexation. In addition, she has been hired by one city to defend the city in a lawsuit with a damage claim involving a pre-annexation agreement.

With regard to street vacations, Carol has been advising cities on this subject since 1985. She has had experience with street vacations under the "non-user" statute as well. Because this is an issue that frequently arises in cities, she has substantial experience reviewing street vacation ordinances, advising on procedure, etc. She recently has written a model code describing the street vacation procedure.

T. Proposed Fee Structure.

Morris Law does not enter into any contracts for city attorney work on a lump sum or fixed fee basis. However, we ask that before you dismiss the possibility of entering into

a contract with us based on an hourly rate, that you contact our existing clients and ask whether they are satisfied with their bills from our firm.

The hourly rate for Carol Morris during the first three years of the contract with the City would be \$200.00. Jennifer Robertson's hourly rate is \$190.00. Carol Morris will be the city attorney, and Jennifer Robertson will be the assistant city attorney. Carol will handle all council meetings. Jennifer will provide services as assigned by Carol where there is a cost savings to be gained or in the event Carol was ill or on vacation. The monthly fees for city attorney services shall not exceed \$7,000.00 per month, without prior authorization from the Mayor.

The above proposed fee structure does not include litigation services. If the City required litigation services, the hourly rate for the attorneys would be the same, but there would not be a monthly limit of \$7,000.00 on fees.

Morris Law, P.C. does not bill for long-distance telephone, legal research costs or mileage. Pacific will only be billed for the firm's out-of-pocket costs, such as filing fees, legal messenger fees, large photocopying projects or bulk mailing (without markup).

U. Professional References -- Carol.

1. Steve Ekberg. Steve is a Gig Harbor City Council Member, and was on the Council for many years while Carol Morris was City Attorney. He is also the President of the Board of Directors for the Association of Washington Cities Risk Management Services Agency. His contact information is as follows:

Steve Ekberg
7411 Stinson Ave.
Gig Harbor, WA 98335
253-851-7937
Cell: 253-380-0287

2. Derek Bryan. Derek is the Program Manager for Association of Washington Cities Risk Management Services Agency. Derek has worked with Carol for at least five years, assigning her work for the insurance pool.

Derek Bryan
Association of Washington Cities
1076 Franklin Street S.E.
Olympia, WA 98501-1346
800-562-8981

3. Roger Lubovich. Roger is the City Attorney for the City of Bremerton. Bremerton has hired Carol to provide land use advice as needed to Bremerton. In addition, Roger was the City Attorney for the City of Kent and Carol's supervisor in the early 1990's when she was an Assistant City Attorney in Kent.

Roger Lubovich
City of Bremerton
345 – 6th Street, Suite 600
Bremerton, WA 98337
360-473-2335

V. Professional References -- Jennifer.

1. Mitch Wasserman. Mitch is the City Administrator for the City of Clyde Hill. He worked closely with Jennifer Robertson during her time as City Attorney there and has also worked with Carol when she provided legal services to Clyde Hill.

Mitch Wasserman
City of Clyde Hill
9605 NE 24th Street
Clyde Hill, WA 98004
425-453-7800

2. Rob White. Rob is the Planning Director for the City of Ruston. He has worked closely with Jennifer for the past three years during her time as City Attorney for Ruston. Rob formerly worked for Gig Harbor and worked with Carol when she was City Attorney there.

Rob White
Planning Director
City of Ruston
5117 N. Winnifred Street
Ruston, WA 98407
253-307-5739

W. Personal References.

1. James Fearn. James is the General Counsel for the Seattle Housing Authority and was the Land Use Division Director in the Seattle City Attorneys' Office when Carol was a paralegal – Rule 9 intern at the City of Seattle. He has known Carol since 1984.

James Fearn.
Seattle Housing Authority
206-615-3570 work
206-328-2105 home

2. Mark Hoppen. Mark is a friend of Carol's and was the City Administrator in Gig Harbor for the 14 years in which Carol served as the Gig Harbor City Attorney.

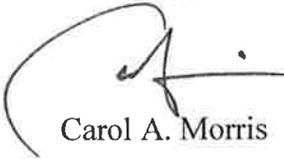
Mark Hoppen
8133 Shirley Avenue
Gig Harbor, WA 98332
253-279-2415

3. Steve Osguthorpe. Steve is a friend of Carol's and is also the Planning Director for the City of Yakima. Steve worked as a Planner in Gig Harbor while Carol was City Attorney there. Since that time, Steve has hired Carol to represent his employers – Shelton and now Yakima – in land use matters.

Steve Osguthorpe
City of Yakima
129 N. 2nd Street
Yakima, WA 98901
509-575-6000

Thank you for the opportunity to respond to the RFP.

Sincerely,



Carol A. Morris

CAROL A. MORRIS
Morris Law, P.C.

3304 Rosedale Street N.W., Suite 200, Gig Harbor, WA 98335
(253) 851-5090 F: (360) 850-1099
carol@carolmorrislaw.com
website: carolmorrislaw.com

EDUCATION

Juris Doctorate 1988
University of Puget Sound, Tacoma, WA (Seattle University)

Bachelor of Science 1984
Major: Legal Administration
City University, Seattle, WA

AFFILIATIONS

Washington State Bar Association; Washington State Association of Municipal Attorneys
United States District Court, Eastern and Western Washington, 9th Circuit Court of Appeals,
United States Supreme Court

EXPERIENCE

Owner/President/Attorney 1998- present
Morris Law, P.C.

Represent cities and towns by providing a full range of civil legal services (excluding employment and criminal prosecution) with a special emphasis on land use. Served as city/town attorney or assistant city attorney for over 19 cities in the last 24 years. Currently serves as the Black Diamond and Vader City Attorney.

Handle land use damage and tort litigation for the 80+ cities in the Association of Washington Cities Risk Management Services Agency (AWC-RMSA) insurance pool (since 1994). Provide additional services for the pool cities, such as code review (to ensure codes are consistent with law), code revision, pre-litigation advice and representation, as requested by AWC-RMSA. Provide land use training seminars as requested by AWC-RMSA at the Association of Washington Cities annual conference and provide general land use training seminars for cities throughout the state (average of 4-5 per year).

Of Counsel 1998
Kenyon Law Firm
Issaquah, WA
Same general municipal practice – city attorney representation, land use and tort litigation.

CAROL A. MORRIS

Adjunct Professor of Law

1998-1999

University of Puget Sound (Seattle University), Tacoma, WA
Taught municipal law at the UPS law school for two semesters.

Member

1996-1998

Ogden Murphy Wallace, PLLC

1601 – 4th Ave., Seattle, WA 98401

Same general municipal practice – represented Kenmore, Gig Harbor, Carnation, Hunts Point as city/town attorney, handled land use and tort litigation for cities in the AWC-RMSA insurance pool.

Associate

1992-1996

Ogden Murphy Wallace, PLLC

(see above)

Same general municipal practice – represented Bothell, Clyde Hill, Mukilteo, Edmonds, Redmond, Issaquah as assistant city attorney.

Assistant City Attorney

1990-1992

City of Kent

Kent, Washington

In-house assistant city attorney, assigned to departments of planning and public works. Provided advice, drafted ordinances/resolutions, handled condemnation actions, administrative appeals, code enforcement, etc.

RECENT PRESENTATIONS:

Land use training for city councils, planning commissions and staff, sponsored by Association of Washington Cities Risk Management Services Agency (at least 3-4 per year)

Marijuana Law, King County Bar Association, Seattle, 2013

Marijuana Law, Washington State Municipal Attorneys' Association, Suncadia, 2013

Marijuana Law in Washington, Washington State Bar Association-CLE, Seattle, 2012

Land Use Toolbox, Annual Association of Washington Cities conference in Spokane, 2011

Medical Marijuana Local Regulation, AWC-RMSA sponsored workshop, Bellevue, 2011

Law Seminars, Seattle, development agreements, 2011

University of Washington Law School Foundation, Seattle, presentations on concurrency, subdivisions, development agreements, takings, impact fees, permit conditioning, SEPA, 2006, 2007, 2008, 2009, 2010

Appellate Judges' Spring Program, Regulatory Takings and Damages, 2003

RECENT ARTICLES

Author, "Recreational and Medical Marijuana Uses – Local Regulation," 2013; "Moratoria Handbook for Municipalities" 2005; "Concurrency and Moratoria" 2006; "Completion and Maintenance of Subdivision Improvements" 2007; "Subdivisions, Imposing Conditions" 2008; "Code Enforcement" 2009; "Development Agreements" 2011. Articles are posted on website: carolmorrislaw.com.

JENNIFER S. ROBERTSON
Morris Law, P.C.

3304 Rosedale Street N.W., Suite 200, Gig Harbor, WA 98335
(253) 851-5090 office (206) 919-5283 direct
jsrobertson@comcast.net
website: carolmorrislaw.com

EDUCATION

Doctorate of Jurisprudence, cum laude (6/150) 1993
Certificate in Dispute Resolution
Willamette University College of Law, Salem OR

Bachelor of Arts 1990
Major: Economics; *Minors:* Mathematics and English
President of Omicron Delta Epsilon, Economics Honor Society
University of Puget Sound, Tacoma WA

AFFILIATIONS

Washington State Bar Association 1993 – present
United States District Court, Western Washington 1994 – present
Washington State Association of Municipal Attorneys 1996 – present

EXPERIENCE

Attorney 2010 – present
Morris Law, P.C.
Gig Harbor, WA

Represent small cities and towns by providing a full range of civil legal services with a special emphasis on land use. Duties include drafting ordinances and resolutions; advising city councils, planning commissions, and staff; reviewing and drafting contracts and interlocal agreements; advising on public works issues, drafting agreements and bid packages; advising on city-operated utilities, including drafting ordinances and customer information materials; advising on land use applications and decisions, including drafting decisions and recordable documents.

City Councilmember 2009 – present
(Deputy Mayor 2012-2014)
City of Bellevue
Bellevue, WA

Elected to serve the citizens of Bellevue to provide oversight and policy direction for the City, including setting the City budget. Elected in 2009 and re-elected in 2011. Represent Council on the Light Rail Leadership Group which successfully negotiated with Sound Transit and led the Council on the following issues: the \$160 million tunnel funding MOU, the land use code overlay, and the final system alignment through Bellevue. Current regional appointments include: PSRC Economic Development District Board, King County Growth Management Planning Council and Executive Committee, Municipal Research Services Center Board of Directors, Association of

JENNIFER S. ROBERTSON

Washington Cities Nominating Committee, and Washington State Heritage Trust Board of Trustees. Serve as Council Liaison to Environmental Services Commission, Library Board, Bellevue School Board and Bellevue Sister Cities Association.

Planning Commissioner 2003 – 2009
(Chairperson 2007-2008)
City of Bellevue
Bellevue, WA

Prepared recommendations to City Council regarding land use and zoning issues, including conducting public hearings and evaluating information from staff. Completed the award-winning Bel-Red Plan update during time as chair.

Co-Chair Light Rail Best Practices Committee 2007 – 2008
City of Bellevue
Bellevue, WA

Studied and evaluated light rail development and design. Crafted a set of policies, guidelines and regulations for Council consideration on light rail, including land use regulations and Comprehensive Plan Amendments to facilitate “best practices” for light rail design and implementation.

Attorney 1996 – 2000
Ogden Murphy Wallace, PLLC
Seattle, WA

Practiced municipal law and land use litigation. Duties included drafting ordinances and resolutions; advising city councils, planning commissions, and boards of adjustment; reviewing and drafting contracts and interlocal agreements; performing all aspects of telecommunications work; litigating land use matters, including Land Use Petition Act appeals, 42 U.S.C. §1983 damage claims, code enforcement, and condemnation claims.

Attorney 1993 – 1996
Davies Pearson, PC
Tacoma, WA

Practiced in the areas of civil litigation, general business, and estate planning/trusts. Litigation practice included business law, domestic relations, employment law and debt collection.

Court Certified Law Clerk 1992 – 1993
Marion County District Attorney’s Office
Salem, OR

Represented Marion County in prosecuting juvenile offenders for felonies and misdemeanors and in terminating parental rights.



SUMMIT
LAW GROUP

a professional limited liability company

315 Fifth Ave S Suite 1000

Seattle, Washington 98104

phone · 206.676.7000

fax · 206.676.7001

SOFIA D. MABEE

DID: (206) 676-7112

E-MAIL: Sofiam@summitlaw.com

April 24, 2014

Amy Stevenson-Ness, City Clerk
City of Pacific
100 3rd Avenue SE
Pacific, WA 980147

Re: Response to City Attorney-Legal Services Proposal

Dear Ms. Stevenson-Ness:

Thank you for the opportunity to submit this proposal to work with the City of Pacific. These materials provide information about Summit Law Group, our Labor and Employment practice, and the individual lawyers in the firm who would provide services to the City. If you should need any additional information, please do not hesitate to let me know.

Organizational Background

Summit Law Group was formed in 1997 with the goal of revolutionizing the way legal services are provided to law firm customers. Most law firms provide legal services in the same way they did twenty-five years ago. Those firms focus on lawyers, not customers. Their practice model relies on large numbers of people billing large numbers of hours, often without regard for the value of the work to the customer. At Summit, we rejected the traditional law firm model and started from scratch to design a modern law firm founded on a single principle: customer service. Our mission is to think creatively and proactively in formulating the most effective and efficient solutions to our customers' legal needs.

Summit Law Group is a professional limited liability company made up of 35 attorneys and 22 employees, each of whom is committed to the firm's ideals. Our business structure is unique: every person at Summit is a legal professional who shares in the firm's success, and every attorney at the firm is an equity member. As a result, everyone at Summit feels a sense of ownership, responsibility and accountability to our customers that is unparalleled at other firms. We achieve great results by forming small, efficient and creative teams to assist our customers, and have eliminated from our business the trappings of traditional law firms – the leveraged partner/associate hierarchy, gilded office space, and endless overhead charges – that detract from serving our customers or add unnecessary cost or inefficiency to our service.

In order to make clear that our customer commitment is more than just words alone, we allow our customers to adjust the amount billed in any month. That is, if you feel that the service provided was not worth what we charged, you have the ability to write *down* the amount billed to a level you believe is appropriate, and only pay that amount. Of course, you also have the flexibility to write *up* the bill if you choose. In short, we want our customers to be satisfied with the fees they are being charged.

Summit's Public Sector Labor Practice

Since the firm was founded, Summit Law Group's labor and employment lawyers have assisted literally hundreds of Washington employers with labor and employment matters. A significant portion of our labor and employment practice is devoted to work for public sector agencies. A list of those customers would be prohibitively long, but includes counties, cities spanning the state, a large majority of Washington's transit agencies, all of Washington's public universities, numerous health departments and districts, many fire and other special purpose districts, and a range of other agencies such as park districts, emergency dispatch centers and water districts. By way of example, below is a list of cities that Summit attorneys have worked with in the last few years:

Anacortes	Marysville
Arlington	Mercer Island
Auburn	Monroe
Bainbridge Island	Mount Vernon
Battle Ground	Mountlake Terrace
Bellevue	Mukilteo
Bellingham	Ocean Shores
Boise	Olympia
Bothell	Pasco
Bremerton	Port Angeles
Burlington	Pullman
Edmonds	Renton
Federal Way	Ridgefield
Fircrest	Seatac
Kennewick	Seattle
Kent	Snohomish
Kirkland	Snoqualmie
Lacey	Spokane
Lake Stevens	Tukwila
Lakewood	Vancouver
Longview	Walla Walla
Lynnwood	Wenatchee

One indication of the depth of our expertise in public sector labor and employment law is the fact that we are called on repeatedly by the Washington State Department of Personnel, the Washington State Transit Training Coalition, the Association of Washington Cities, the Washington State Association of Municipal Attorneys, and many other public agencies and organizations to provide training on topics in this field.

Experience of Particular Relevance

All of our labor and employment attorneys have substantial experience with public labor and employment law. We have been involved in all facets of labor law/employee relations, including bargaining, counseling, training, administrative actions before the Public Employment Relations Commission, the National Labor Relations Board, the Washington State Human Rights Commission, the Equal Employment Opportunity Commission, and litigation in state and federal court. Our approach is practical in nature. We try to work with our customers to fashion cost-effective creative solutions to problems.

In order to provide prompt answers to our customers' questions, we function as a team so that our customers can call on any of the group's attorneys to provide timely advice and assistance. For this engagement, we suggest that Sofia Mabee represent the City, with others available to assist as appropriate. Sofia began her practice in 2001 as an Assistant City Attorney for the City of Yakima and joined Summit Law Group in 2009. Sofia has been a lead negotiator for the City of Bainbridge Island, Woodinville Fire & Rescue District, the City of Bellingham, the City of Lynnwood, and other public entities. As an Assistant City Attorney, Sofia performed a full range of municipal legal work, including Public Records Act matters.

Our Support Capability

Summit's support capability includes Linda Swanson, a retired human resources professional from the City of Longview with a wealth of bargaining and interest arbitration experience, who assists us in preparing and analyzing comparables for use in bargaining and interest arbitration. Linda's experience, combined with her lower cost as a non-attorney, makes her a valuable resource for our customers.

Our Style and Philosophy regarding Labor Relations

We are firm believers that employers need to view labor relations as a long road. Employers or unions that take a short-term view of bargaining rarely enjoy constructive relationships. We try to assist our customers by emphasizing practical approaches to problem solving and a long-term point of view, both of which help improve and solidify

productive working relationships with their employees. We work hard to ensure that we leave the relationship better than we found it.

Many of our customers seek out our services precisely because of our practical, “big picture” approach to labor relations. Working with public sector employers, or many of our high-profile private sector customers, we often conduct labor negotiations in the public eye or in politically-charged atmospheres. Particularly in such settings, negotiators who take an unnecessarily adversarial approach or view negotiations purely as a “zero-sum game” risk damaging relationships that must continue long after the consultants leave the premises. Simply put, if you are looking for someone to belittle your employees or berate your union representatives, you should work with someone else.

Fees and Expenses

We will build a working partnership with you to enable you to maintain control over the scope and cost of your legal work. In most cases, we charge for our services by the billable hour. We bill in tenth-hour increments. We significantly discount our rates for public sector agencies. Our fees generally increase each January, with the amount of increase being about the same as the increase in the Seattle Consumer Price Index. Unlike most other law firms, we do not charge for telephone, telefax, photocopying, computerized legal research, or other costs that are properly part of our cost of doing business. We do charge our actual out-of-pocket costs for travel, high volume photocopying jobs, overnight courier service and other extraordinary out-of-pocket expenses. Our billings are monthly, unless otherwise agreed. Our 2014 public sector rates are as follows:

Attorney	Rate	Bar No.	Attorney	Rate	Bar No.
Sofia Mabee	\$270	31679	Otto Klein	\$300	7061
Peter Altman	\$225	40578	Shannon Phillips	\$270	25631
Kristin Anger	\$270	25317	Bruce Schroeder	\$300	13874
Denise Ashbaugh	\$250	28512	Rodney Younker	\$295	21218
Michael Bolasina	\$270	19324	Linda Swanson	\$125	non-attorney
Beth Kennar	\$270	25432			

References

The following individuals have worked with Summit Law Group and worked personally with Sofia Mabee within the last five (5) years:

Morgan Smith, Assistant City Manager
City of Bainbridge Island

Amy Stevenson-Ness
April 24, 2014
Page 5

280 Madison Ave. N., Bainbridge Island, WA 98110
(206) 780-8620
msmith@bainbridgewa.gov

Lorna Klemanski, Human Resources Director
City of Bellingham
210 Lottie Street
Bellingham, WA 98225
(360) 778-8230
lklemanski@cob.org

Joan Montegary, Chief Administrative Officer
Woodinville Fire & Rescue
17718 Woodinville Snohomish Rd.
Woodinville, WA 98072
(425) 483-7912
jmontegary@wf-r.org

Exceptions to Request for Proposals

Summit Law Group is not aware of any conflicts of interest that would prohibit our ability to provide legal advice regarding the City's labor & employment and public records matters. We are not able to declare that we will represent the City of Pacific to the exclusion of all other clients having potential conflicts with the interests.

Summary

We appreciate the opportunity to provide this information, and would welcome the chance to work with the City of Pacific.

Very sincerely,

SUMMIT LAW GROUP PLLC



Sofia D. Mabee

Enclosures



SUMMIT
LAW GROUP

1000 1st Avenue, Suite 1000, Seattle, WA 98101



Sofia D. Mabee

Labor/Employment
(206) 676-7112
sofiam@summitlaw.com

Profile Introduction

Sofia represents public and private entities in a wide range of labor and employment matters, including collective bargaining, grievances, unfair labor practice complaints, federal and state employment law compliance, wage and hour claims, and wrongful termination. Sofia appears before a wide range of federal and state agencies, including PERC, the NLRB, the EEOC, and in state and federal courts. Sofia began her practice as a criminal prosecutor and later served as an assistant city attorney. She continues to assist her public clients with general municipal law matters, including compliance with public records law.

Publications & Speaking Engagements

- Speaker, Labor and Employment Relations Association, "Every Move You Make: Security Cameras at the Workplace." April 2014
- Speaker, NPELRA Labor Relations Academy II, "Role of Arbitration in Union/Management Relations and Responding to Grievances Before Arbitration," September 2013
- Speaker, NPELRA Labor Relations Academy I. "Duty to Bargain and the Scope of Bargaining," September 2013
- Speaker, Association of Washington Cities (AWC) Labor Relations Institute, "Fitness-for-Duty: Walking the Medical-Legal Tightrope," May 2013
- Speaker, Washington Association of Public Records Officers (WAPRO) Spring Conference, "Personnel Records: Hot Issues and Practical Solutions," April 2013
- Panelist, Washington Public Employer Labor Relations Association (WAPELRA) Spring Conference, "Clear Contract Language," March 2013
- Speaker, Association of Washington Cities (AWC) Labor Relations Institute, "Employee Information and Public Records Disclosure Obligations," April 2012



SUMMIT LAW GROUP

THE WASHINGTON STATE BAR ASSOCIATION

Panelist, Washington Association of Public Records Officers (WAPRO) Spring Training, "Public Records Requests and Personnel Records," April 2012
Speaker, Washington Public Employer Labor Relations Association (WAPELRA) Fall Conference, "Are your Fitness for Duty Practices Fit for Duty?," September 2011
Speaker, National Business Institute, "Current Challenges in Local Government Law: Human Resources Issues," November 2010
Panelist, Washington Association of Public Records Officers (WAPRO) Fall Training, "Personnel Records," October 2010
Speaker, Association of Washington Cities (AWC) Labor Relations Institute, "Legal Ramifications of the Social Media Explosion, An Employer's Guide" April 2010
Speaker, Washington State Transit Insurance Pool (WSTIP) webinar, "Curbing Absenteeism: Using Recent Change to the FMLA to the Employer's Advantage." December 2009
Speaker, Washington Public Employer Labor Relations Association (WAPELRA) Fall Conference, "FLSA Hot Topics: Donning and Doffing, Furloughs, Take Home Vehicles & Training," September 2009
Panelist, MAMAS Brown Bag Luncheon, "Perceptions of Women in the Legal Profession," May 2009

Memberships

American Bar Association
Washington State Bar Association
King County Bar Association
Washington State Association of Municipal Attorneys (WSAMA)
WSAMA Amicus Committee

Honors

Seattle University School of Law Presidential Scholarship
Seattle University School of Law Dean's List honors
Four CALLI awards for first in class at Seattle University School of Law
Georgetown University Dean's List honor

Community Service

Yakima YWCA (board member, 2004–2008, Treasurer 2005–2007)
Seattle Repertory Theatre Crew (board member, 2009–2010)

Education

Seattle University School of Law (J.D., 2001, *summa cum laude*)
Georgetown University (B.A., history and philosophy, 1996)

Bar Admissions

Washington State
United States District Court, Western District of Washington



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LAW GROUP

United States District Court, Eastern District of Washington
United States Court of Appeals for the Ninth Circuit



Agenda Bill No. 14-081

TO: Mayor Guier and City Council Members
FROM: Darcie Thach, Assistant Director Community Services
MEETING DATE: May 5, 2014
SUBJECT: Catholic Community Services contract

ATTACHMENTS: Resolution No. 2014-151

Previous Council Review Date: none

Summary: Renewal of Catholic Community Services contract for senior lunch program, 60 years of age or older. To be served Tuesday through Friday at noon.

Recommendation/Action: Renewal of Catholic Community Services contract for senior lunch program.

Motion for Consideration: I move to renew Catholic Community Services senior lunch program for the year 2014.

Budget Impact: None.

Alternatives: Find another lunch program for our Pacific, Algona senior citizens Tuesday through Friday.

**PACIFIC
WASHINGTON
RESOLUTION NO. 2014-151**

**A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON,
RENEWING THE AGREEMENT WITH CATHOLIC COMMUNITY
SERVICES FOR THE SENIOR LUNCH PROGRAM**

WHEREAS, the City Council of the City of Pacific wishes to renew the annual contract with Catholic Community Services; and

WHEREAS, Catholic Community Services provides senior, 60 years of age or older, lunches for Pacific Algona Senior Center, Tuesday through Friday; and

WHEREAS, the term of the Catholic Community Services shall be from January 1, 2014 to December 31, 2014.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City of Pacific, Washington, for the year 2014 is hereby amended to reflect the renewal of contract term of the Catholic Community Services shall be from January 1, 2014 to December 31, 2014.

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

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE
12th DAY OF MAY, 2014.**

APPROVED

Leanne Guier, Mayor

ATTEST:

Amy Stevenson-Ness City Clerk

APPROVED AS TO FORM:

Kenyon Luce, City Attorney



Agenda Bill No. 14-082

TO: Mayor Guier and City Council Members
FROM: Darcie Thach, Assistant Director Community Services
MEETING DATE: May 5, 2014
SUBJECT: Surplus of ice maker

ATTACHMENTS: Resolution No. 2014-152

Previous Council Review Date: none

Summary: Surplus Pacific Algona Senior Center counter top ice maker. Had a repair person out to fix the ice maker, and due to the fact the ice maker is old and the parts are expensive, it is more expensive to fix then to purchase a new ice maker.

Recommendation/Action: Surplus old counter top ice maker

Motion for Consideration: I move to surplus the old counter top ice maker in the Pacific Algona Senior Center.

Budget Impact: None. New counter top ice maker \$200 was bought with money that was donated for improvements to the Pacific Algona Senior Center.

Alternatives: none

**City of Pacific
Washington**

RESOLUTION NO. 2014- 152

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC, WASHINGTON
AUTHORIZING A COUNTER TOP ICE MAKER IN THE PACIFIC ALGONA SENIOR
CENTER.**

WHEREAS, the counter top ice maker in the Senior Center is no longer working, and

WHEREAS, the cost to repair the ice maker is more than purchasing a new one due to the age of the equipment and cost of replacement parts;

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
PACIFIC, WASHINGTON**

Section 1. Authorize the surplus of the old, non-functioning, counter top ice maker located in the Pacific Algona Senior Center.

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 12th DAY
OF MAY 2014**

CITY OF PACIFIC

Leanne Guier, Mayor

Attest:

Amy Stevenson-Ness, City Clerk

Approved as to form:

Kenyon Luce, City Attorney



Agenda Bill No. 14-083

TO: Mayor Guier and City Council Members
FROM: Richard A. Gould, Finance Director
MEETING DATE: May 05, 2014
SUBJECT: Resolution to approve the continuing Interlocal Agreement between the City of Pacific and the City of Auburn for Information Services Technology, amended version.

ATTACHMENTS: Proposed Amended Interlocal Agreement for Information Services Technology

Previous Council Review Date:

Summary: The City Council approved the Interlocal Agreement (ILA) with the City of Auburn for information services technology at the Council Meeting on April 14, 2014. However there was a provision that this was dependent upon the City Council approving the ILA. They did approve it later in April, however with a couple of changes. Those changes are included in the amended ILA for the City Council of Pacific to review. These changes are email address corrections and Exhibit B clarification. There is a slight annual increase to cost of \$140.

Recommendation/Action: Staff recommends the Council move this item forward to the May 12, 2014, regular meeting for approval.

Motion for Consideration: I move to approve Resolution number 2014-153 authorizing the Mayor to execute the (continuing) Amended-Interlocal Agreement between the City of Pacific and the City of Auburn for Information Services Technology.

Budget Impact: This has been budgeted for in the preparation of the 2014 budget. Should there be any increases, they will be adjusted for in the amended budget during 2014.

Alternatives:

**CITY OF PACIFIC
WASHINGTON
RESOLUTION NO. 2014-153**

**A RESOLUTION OF CITY COUNCIL OF THE CITY OF PACIFIC,
WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT
BETWEEN THE CITY OF PACIFIC AND THE CITY OF AUBURN FOR INFORMATION SERVICES
TECHNOLOGY**

WHEREAS, the City Council approved Resolution No. 2014-134 at the April 14, 2014 Council meeting, contingent upon the City of Auburn's Council approval of said ILA; and

WHEREAS, The Auburn City Council approved the ILA with two changes; and

WHEREAS, staff has prepared an amended ILA for Council to review; and

WHEREAS, the Mayor directed City of Pacific staff to bring this amended-ILA before the City Council; and

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

Section 1. Authorize the Mayor to execute the new amended-Interlocal Agreement for Information Technology Services with the City of Auburn for a 36 month period (from January 1, 2014).

Section 2. This Resolution replace Resolution 2014-134 and shall take effect and be in force immediately upon its passage.

**PASSED BY THE CITY OF PACIFIC CITY COUNCIL AT A REGULAR MEETING THEREOF ON
May 12, 2014.**

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

KENYON LUCE, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
EFFECTIVE DATE:
PUBLISHED:
RESOLUTION NO. 13-????



Agenda Bill No. 14-084

TO: Mayor Guier and City Council Members
FROM: Public Works
MEETING DATE: May 5, 2014
SUBJECT: Gordon Pacific, LLC Developer Agreement

ATTACHMENTS: Resolution

Previous Council Review Date: Public Works Committee 12/4/13

Summary: The City has been working to construct needed improvements to the Stewart Road corridor. A critical element of the project was the acquisition of a portion of the Gordon Pacific property. This agreement approves the long term development plans for Gordon Pacific and purchase of the needed right-of-way.

Recommendation/Action: Staff recommends Council approve Resolution No. 2014-154.

Motion for Consideration: Move to approve Resolution No. 2014-154, A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, APPROVING A DEVELOPMENT AGREEMENT FOR PROPERTY OWNED BY GORDON PACIFIC, LLC AND L&V GORDON, LLC NORTH OF STEWART ROAD AT THORNTON AVENUE SW.

Budget Impact: The City will receive a pro rata share of the Stewart Thornton Signal project and The City will pay for the right-of-way required for the Stewart Road Project.

Alternatives: This agreement allows the City to finalize the right-of-way acquisition for the Stewart Road project.

**CITY OF PACIFIC
WASHINGTON**

RESOLUTION NO. 2014 - 154

**A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, APPROVING A
DEVELOPMENT AGREEMENT FOR PROPERTY OWNED BY GORDON PACIFIC,
LLC AND L&V GORDON, LLC NORTH OF STEWART ROAD AT THORNTON
AVENUE SW.**

WHEREAS, Gordon Pacific, LLC and L&V Gordon LLC own an approximately 45.3-acre site north of Stewart Road SW at Thornton Avenue SW in Pacific, and

WHEREAS, Gordon Pacific, LLC and L&V Gordon LLC has requested that the City and Gordon Pacific, LLC enter into a development agreement in order to set forth the development standards and other provisions that will govern and vest the development, use, and mitigation of more than 26 acres of anticipated new development on the aforementioned Gordon Pacific, LLC property, and

WHEREAS, pursuant to RCW 36.70B.200, the Pacific City Council held a public hearing on the proposed agreement on January 27, 2014, and after considering all testimony presented at the public hearing, determined that a development agreement for the aforementioned Gordon Pacific, LLC and L&V Gordon LLC property should be approved, now, therefore,

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

Section 1. Development Agreement Approved. That certain agreement entitled, " Gordon Pacific, LLC and L&V Gordon LLC Development Agreement" attached hereto as Exhibit A and incorporated herein by this reference as if set forth in full, is hereby approved and shall govern development of the aforementioned Microsoft property described in said agreement. The Mayor is hereby authorized to execute the development agreement on behalf of the City.

Section 2. Recording. As provided in RCW 36.70B.190, a signed original of the agreement shall be recorded with the real property records of Pierce County, Washington and shall be binding on the parties and their successors and assigns.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

KEN LUCE, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
RESOLUTION NO:



AGENDA BILL NO. 14-085

TO: Mayor Guier and City Council Members
FROM: Public Works
MEETING DATE: May 12, 2014
SUBJECT: KPG Agreement for Construction Management Services for Stewart Road.

ATTACHMENTS: Resolution

Previous Council Review Date:

Summary: The City is or will be involved in three construction projects that interconnect. The Cities of Sumner and Pacific need to assure the stakeholders that the construction of these projects is well coordinated to reduce change orders and costs. Retaining the services of a single construction management firm will assist the cities achieve this result as well as manage any documentation that may be required by our funding partners.

Recommendation/Action: Staff recommends Council approve Resolution No. 2014-155.

Motion for Consideration: Move to approve Resolution No. 2014-155, A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING THE EXPENDITURE OF FUNDS WITH KPG, INC. FOR CONSTRUCTION MANAGMENT SERVICES FOR THE STEWART ROAD PROJECT.

Budget Impact: \$_____ from Stewart Road Project funds.

Alternatives: The City can choose to not hire this firm for the project.

CITY OF PACIFIC
WASHINGTON

RESOLUTION NO. 2014-155

**A RESOLUTION OF THE CITY OF PACIFIC, WASHINGTON, AUTHORIZING
EXPENDITURE WITH KPG, INC FOR CONSTRUCTION MANAGEMENT SERVICES
FOR THE STEWART ROAD PROJECT**

WHEREAS, the City of Pacific is prepared to begin construction of the traffic signal and associated intersection improvements on Stewart Road and Thornton Avenue S; and

WHEREAS, the project will entail the day to day inspection/documentation services of the construction activity, processing contractor pay requests (compliance with federal payroll standards), reviewing contractor submittals, answering "Requests For Information", weekly property owner communications, surveying, and project closeout activities; and

WHEREAS, KPG, Inc. was interviewed by the staff from the Cities of Pacific and Sumner and selected as the most qualified firm to provide construction management services for the Stewart Road, Valentine Avenue and Stewart Road Trail projects. A portion of the costs are eligible to be paid from the project grants,

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

Section 1. The Pacific City Council hereby authorizes the expenditure of funds in the estimated amount of _____ with KPG, Inc. for Construction Management services for the Stewart Road/Thornton Avenue S Improvement project, as defined in the scope of services, attached as Exhibit A.

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

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

KENYON LUCE, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:



Agenda Bill No. 14-086

TO: Mayor Guier and City Council Members
FROM: Paula Wiech, Planner
MEETING DATE: May 5, 2014
SUBJECT: Life of Victory Church 2014 Tent Event

ATTACHMENTS: Current Event Application,
2014 site layout and event details,
Permits issued in 2012 and 2013,
Tent specifications.

Previous Council Review Date: August 12, 2013

Summary: In September 2012, Life of Victory Church held a Tent Revival event on property owned by John Welch at 535 West Valley Highway for 12 days over 3 weeks time. In September 2013, the church held an event on 9 consecutive days. In 2014, Life of Victory Church wishes to have another revival from June 26th through the 29th at the same location.

During the 2012 Revival, two complaints were received regarding the loudness of the music: one from a resident on the West Hill, and one from a resident on 6th Avenue SW. The Police Department looked into both complaints. In 2013, Life of Victory representative, Anatoly Petrik, had the sound system repositioned to direct the music into the tent, so as to not disturb anyone. One complaint was received by my department, from the resident on 6th Avenue SW.

Lt. Massey reviewed and commented on the 2012 and 2013 events. The Police assisted with traffic control both years, and are willing to work with the church again. In 2013, Lt. Massey suggested "a permit that will limit the use of these (amplified) devices after a certain hour."

VRFA reviewed the tent specifications, location, and set up in 2012 and 2013, and have been asked to do so again in 2014.

Recommendation/Action: Forward to the May 12th meeting for approval, with limits on the decibel levels audible from outside the tent, and the ending of amplified music at a certain hour.

Motion for Consideration: Motion to forward to the May 12th meeting for approval, with limits on the decibel levels audible from outside the tent, and the ending of amplified music at a certain hour.

Budget Impact: None

Alternatives:



000008-12-066

PERMIT APPLICATION BUILDING DEPARTMENT

APPLICANT	JOB ADDRESS <i>555 West Valley Highway S. (J. Welch property)</i>			PROJECT VALUATION:
	LEGAL DESC.	LOT NO.	BLK	TRACT OR PARCEL
	OWNER <i>John Welch Sr., 535 West Valley Highway S, Pacific, WA 98047</i>	MAIL ADDRESS		PHONE <i>253-333-0313</i>
	ARCHITECT/DESIGNER <i>Membrane Structures, per. description of specifications</i>	MAIL ADDRESS		PHONE <i>506-427-7374</i>
	CONTRACTOR <i>Life of Victory Church, c/o Anatoly Petrik, 25010 39th Ave S, Auburn, WA 98001</i>	MAIL ADDRESS		PHONE <i>253-831-1111</i> STATE LICENSE NUMBER
TYPE OF PERMIT	<input checked="" type="checkbox"/> BUILDING <input type="checkbox"/> RESIDENTIAL OR <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> MECHANICAL <input type="checkbox"/> PLUMBING <input type="checkbox"/> MOBILE HOME <input type="checkbox"/> SIGN <input type="checkbox"/> FILL/GRADE			CLASS OF WORK <input type="checkbox"/> NEW <input type="checkbox"/> ALTERATION <input type="checkbox"/> MOVE <input type="checkbox"/> ADDITION <input type="checkbox"/> REPAIR <input type="checkbox"/> DEMO
DESCRIBE WORK: <i>Erect 125'x50' tent for relig. assem. bldg. Sept 6-9, 13-16, 20-23</i>				TYPE OF HEAT AND ENERGY SOURCE: <input type="checkbox"/> Electricity <input type="checkbox"/> Heat Pump/Others

P L A N R E V I E W	BUILDING		PLUMBING			MECHANICAL		
	TYPE OF CONST.	OCCUPANCY GROUP	NO.	ITEM	FEE	NO.	ITEM	FEE
	FLOOR AREA	NO. OF STORIES		Water Closet-Urinal			Forced Air Heat BTU	
	BUILDING HEIGHT	USE ZONE		Sink-Fountain			Floor-Wall Heater	
	NO. OF DWELLING UNITS	OCCUPANT LOAD		Tub-Shower			Boiler or Heat Pump	
	PERMIT FEE <i>\$200.00</i>	PLAN CHECK FEE <i>\$130.00</i>		Clothes Washer-Dishwasher			Air Conditioner-Unit Cooler	
				Water Heater-Floor Drain			Ventilation System-Exhaust Hood	
				Lawn/Fire Sprinkler			Gas Piping	
				Pool-Hot Tub				
				PERMIT			PERMIT	
				TOTAL			TOTAL	

NOTICE TO APPLICANT

This permit becomes null and void if the work or construction authorized is not commenced within 180 days, or if work or construction is suspended or abandoned for 180 days at any time after work is commenced or if work is not completed within two years from date of issue.

All work shall be done in accord with the approved plans, except, where such approval is in conflict with other codes. The approved plans shall not be changed or modified without the prior approval of the Building Official.

It is the responsibility of the permittee to obtain the required inspections. Failure to notify this department that the work is ready for inspection may necessitate the removal of some of the construction materials at the owners expense in order to perform such inspection. The following inspections are required by Section 109 of the IBC and IRC LOCAL ORDINANCE.

- FOUNDATION — When forms are in place, prior to placement of any concrete.
- FOUNDATION AND ROOF DRAINS — Prior to backfilling.
- CONCRETE SLAB, GROUNDWORK — When all service equipment and piping is in but prior to placement of any concrete.
- FRAMING — After all framing, bracing, blocking, piping, wiring and ducting are complete, but prior to covering.
- INSULATION
- DRYWALL — After drywall is in place, prior to taping or covering of fasteners.
- FINAL — Work completed, but prior to occupancy.

FOR INSPECTION, CALL (253) 929-1110
24 HOUR NOTICE REQUIRED FOR ALL INSPECTIONS.

I hereby certify that I have read and examined this application and know the same to be true and correct. All Provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other State or local law regulating construction or the performance of construction.

Anatoly Petrik 9/6/2012
Signature of OWNER/CONTRACTOR/OR AUTHORIZED AGENT (DATE)

PERMIT IS APPROVED FOR WORK DESCRIBED ABOVE IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS.

- Approved for Issuance - Planning Department
By *F. Wick*
- Approved for Issuance - Building Department
By _____

Conditions *Per PDC 70.69.160 RE: Noise, lighting.*
* Per attached City of Pacific Police dept. letter dated 7/25/12;
Approved verbally by VRFA 7/26/12; (Mike Lee)
Per Assembly Instructions and subject to inspection. \$5000 Bond prior to issuance (PW)
Applicant Signature *Anatoly Petrik*

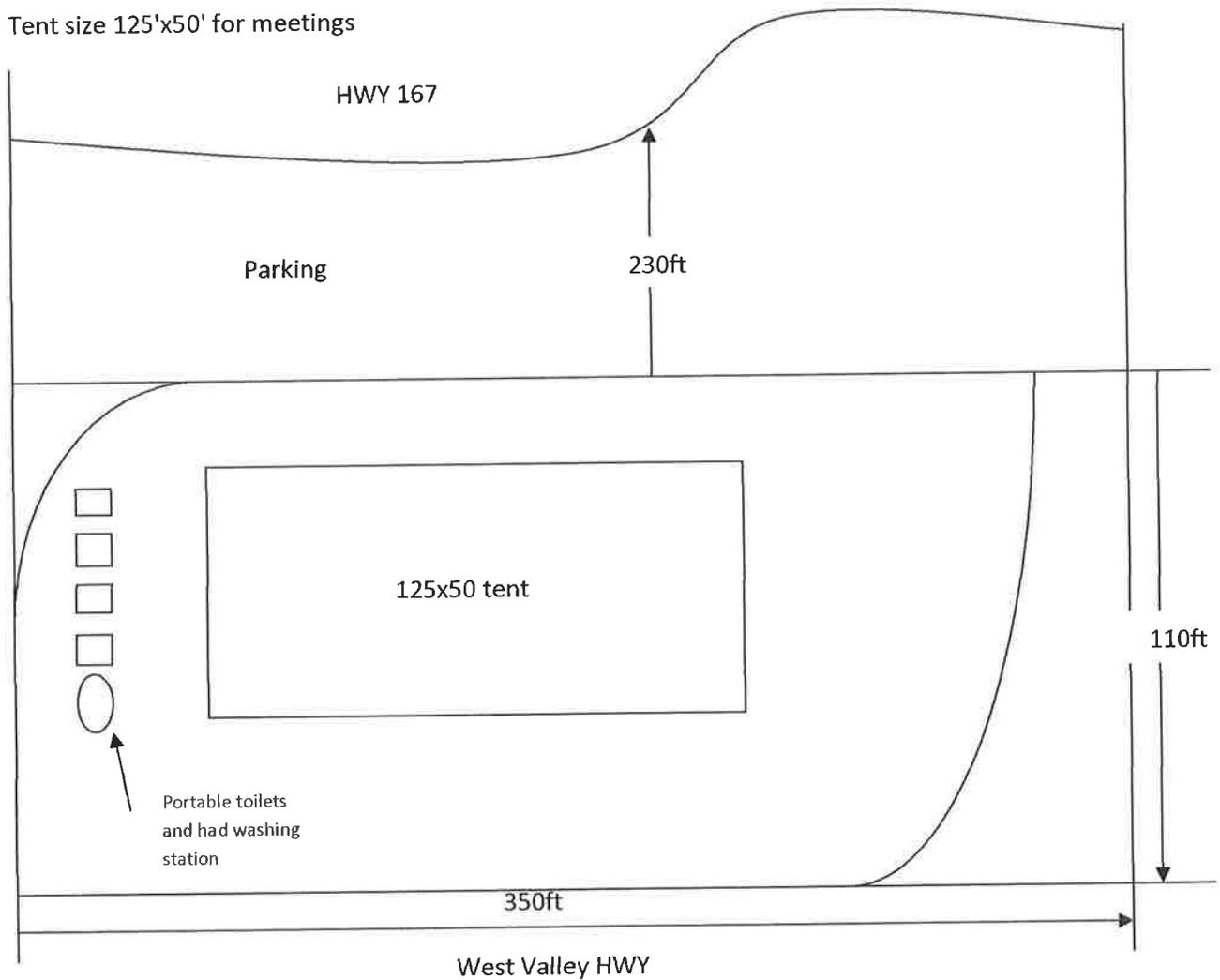
Effective August 1, 1987 - Building permits to be surcharged \$4.50

FEES COLLECTED	DATE	AMOUNT	RECEIPT NO.
PLUMBING & MECHANICAL	<i>8/9/12</i>	<i>\$350.00</i>	<i>021155</i>
PERMIT AND PLAN CHECK <i>VRFA</i>	<i>9/6/12</i>	<i>\$200.00</i>	<i>0211693</i>

Proposed Event: Youth Outreach Meetings on June 26, 27, 28, 29 of 2014

535 W Valley Hwy Pacific WA

Tent size 125'x50' for meetings



Hours of operation:

Thursday- Friday 6pm-9:30pm

Saturday and Sunday 6pm-10pm

Expecting to have 150-200 people on Thursday and Friday

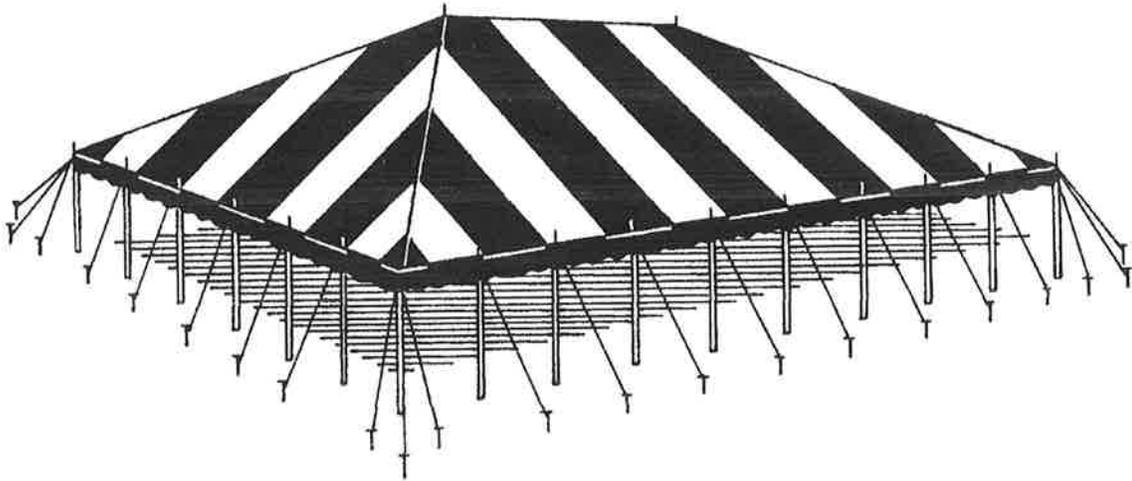
Expecting to have 250-400 people on Saturday and Sunday

This event will have live music

This event will NOT have food, or items for sale, or any exchange of money

We will employ Police service to help manage traffic on Saturday and Sunday

Assembly Instructions



Party® Tents and Party® Mate 12' through 60' Wide Systems With Expandable Middle Sections



SALES OFFICES:
1100 BURCH DR.
P.O. BOX 3477
EVANSVILLE, IN 47733 USA

PHONE 812-867-2421
FAX 812-867-0547
1-800-544-4445

PRODUCTION FACILITIES:
BRADENTON, FL
EVANSVILLE, IN

Quality, Craftsmanship and Service since 1892

PART-396
Copyright © Anchor Ind.



Thank you for purchasing an Anchor product. In return, we pledge quality, service and craftsmanship and are available for any questions you may have or assistance you may need.

Phone Number
812 /867-2421

Fax Number
812 /867-0547

Anchor products are of superior design and operate best within the parameters of these instructions. It is imperative that the instructions be carefully read and completely followed.

Caution:

1. For each installation, the installer is solely responsible for evaluating the site and the proper securing method determined. Some soils require different staking or securing than that provided with the tent. Due to this variety of soil conditions, these are the manufacturer's suggested sequence of installation procedures. Anchor's responsibility is limited to the construction of the tent. We are not responsible for methods that installers may choose to secure the tent to the ground.
2. Inasmuch as the weather is unpredictable, good judgment and common sense must be incorporated within installation guidelines. It is the responsibility of the tent installer/maintainer to determine the severity of the weather, proper time and method of installation and/or erection and disassembly. This product has been manufactured for use as a temporary structure. For the safety of all occupants, evacuation is recommended if threatening weather occurs, or if there is any doubt concerning the safe use of this product.
3. Proper safety equipment should be used at all times to ensure a safe installation and take down. We suggest a careful evaluation be made to determine safety equipment needed, such as hard hats, steel toe shoes, safety glasses and other as required.
4. Disclaimer - Anchor Industries disclaims and excludes all express or implied warranties of merchantability and fitness for a particular purpose. The product is sold "as is" and no warranty shall apply. The user shall determine the suitability of the product for the intended use and assumes all risk and liability. Anchor Industries shall not be liable in tort or in contract for any loss or damage, direct, incidental or consequential arising out of the use of or the inability to use the product.

6

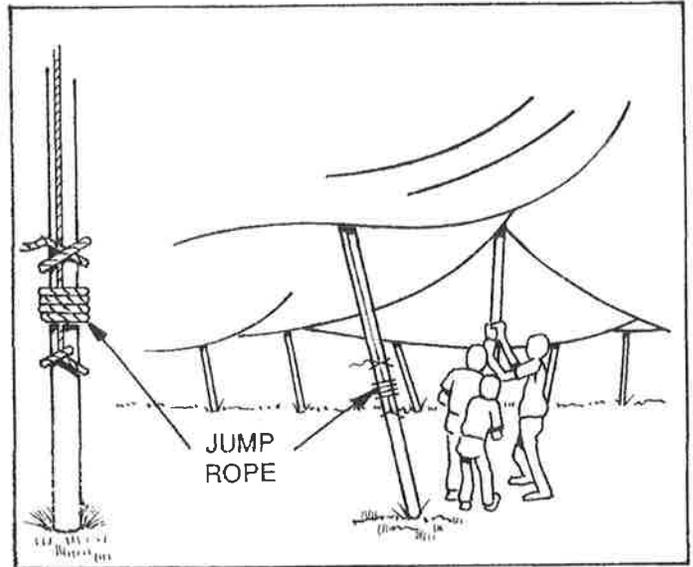
RAISE QUARTER AND CENTER POLES

Note: Quarter Poles for Large Tents are raised BEFORE Center Poles.

QUARTER poles will be approximately 2'-0" less than perpendicular with base of pole set in toward center of tent.

Raise poles nearest to wind direction to approximate position. One installer to guide center pole pin through hole to prevent snagging or tearing of fabric as pole is being raised to position. Tie jump ropes after all center poles are in approximate position. Adjust poles to exact location.

CAUTION: At this point, it is required to properly anchor bases of all center and quarter poles to prevent movement.

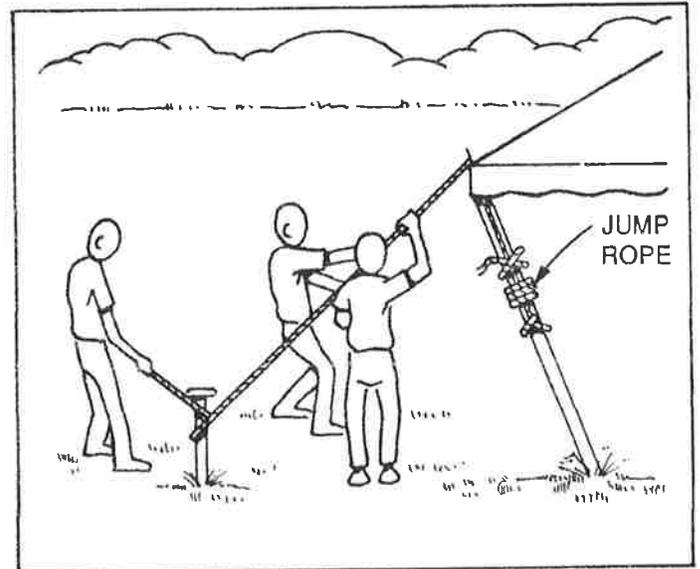
**7**

FINAL SIDE POLE ADJUSTMENT

Adjust side poles to exact position with taut guy ropes starting with corner pole.

Tighten ropes while pole is on angle then set pole into vertical position. Due to changes in climatic conditions, periodic inspection and adjustment should be made.

Protective covers recommended for all stakes.

**8**

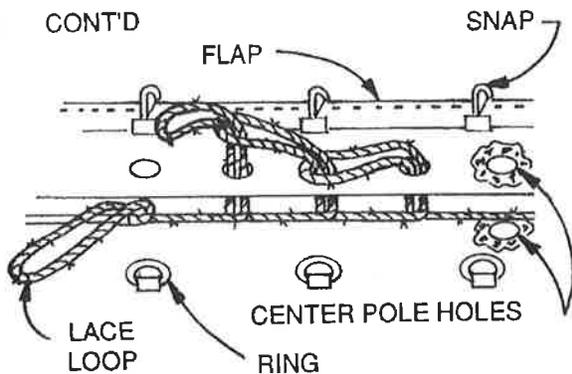
TAKE DOWN USE EXTREME CAUTION REMOVING ALL POLES

1. Spread ground cover.
2. Slant side poles inward.
3. Remove center and side poles.
4. Reverse installation steps.

IMPORTANT:

Check Guy Ropes periodically for tightness and maintaining of good condition. Stakes provided are for average soil conditions. Sandy soil or asphalt may require additional staking. Proper installation suitable to site conditions is the responsibility of the installer. Store tent in a cool, dry area. Never store while wet or damp.

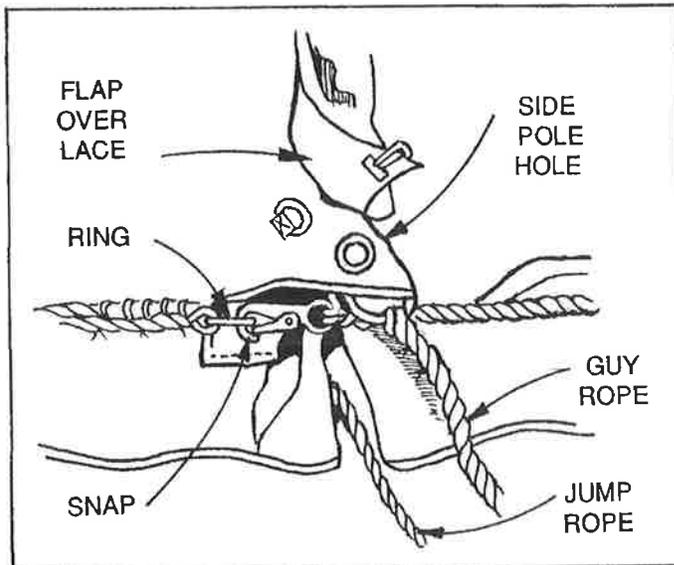
3



Tie off the last long lacing loop.

Attach snap to ring at eave. Repeat lacing steps on opposite side.

Note: Loops lace up on one side and down on opposite side.



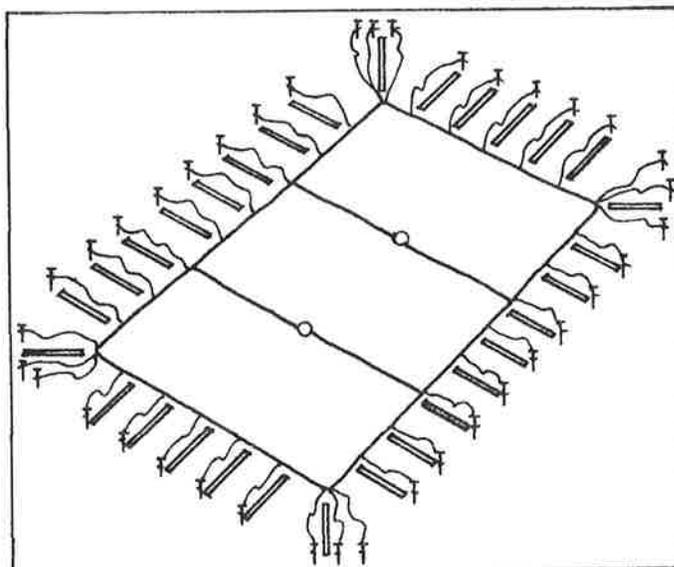
4

TIE DOWN AFTER LACING

After lacing and snapping sections, tie-off guys loosely about 2' from the end of each guy rope.



Half hitch knot for quick tie down and easy adjustment on stakes.



5

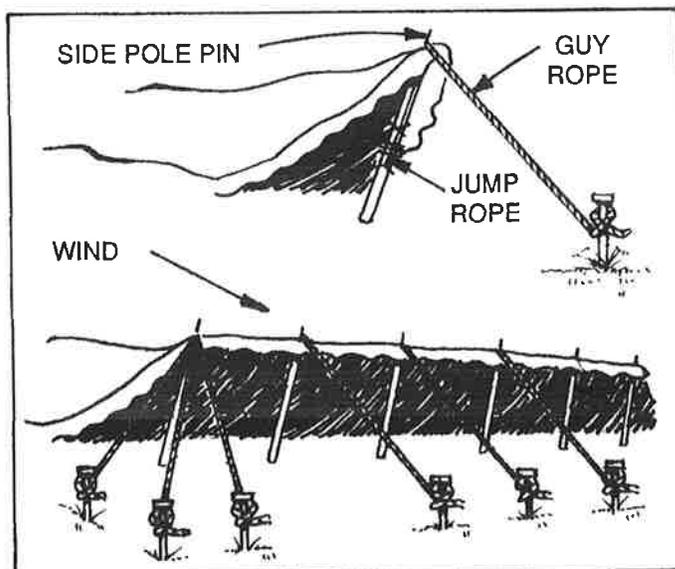
RAISE SIDE POLES

Start at side opposite wind. Insert each side pole pin into side pole hole and raise slightly less than perpendicular. Bottom of each pole should be pointed inward toward center of tent.

Wall ropes are to be outside of corner and side posts.

Tie jump rope around each side pole as it is inserted in pole hole.

Continue around tent.

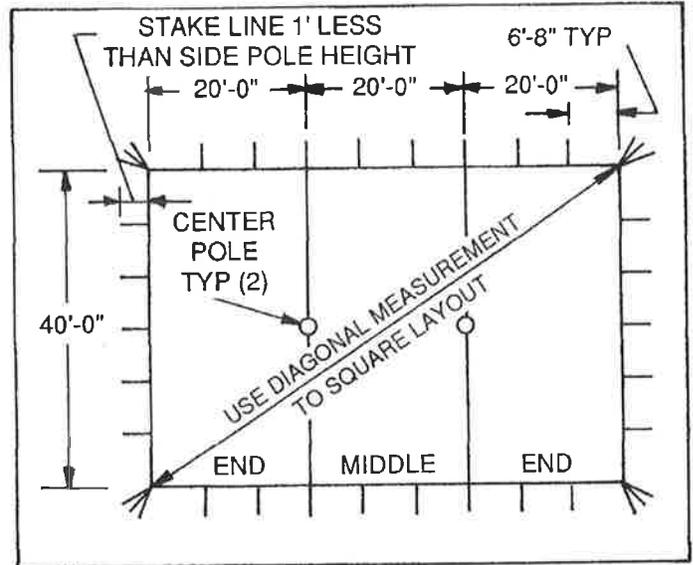
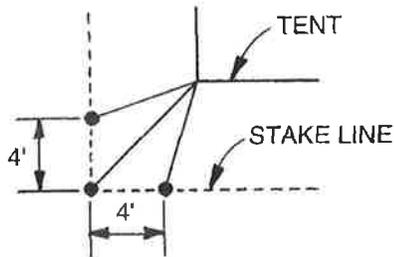


1

MEASURE LAYOUT

Mark locations of stakes, side poles and center poles.

40' x 60' tent used as example. For other sizes, refer to tent sections for pole spacing.



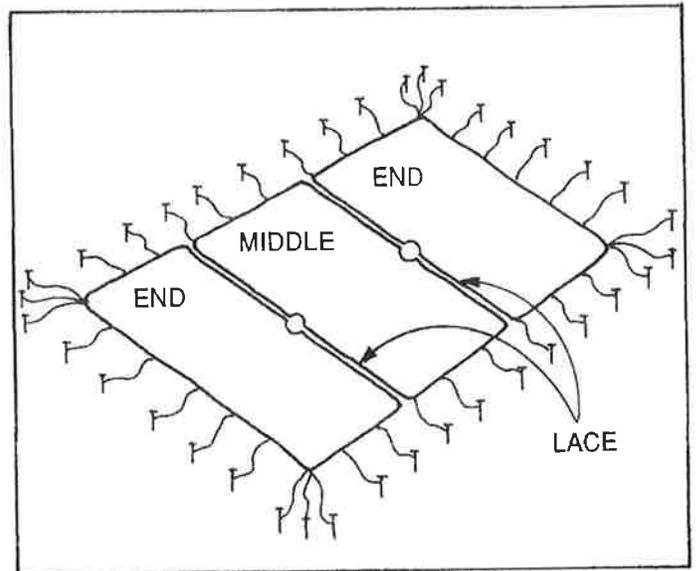
2

LAYOUT AT SITE

Drive stakes vertically at points located.

Spread drop cloths and unroll tent.

Any objects with sharp projections which must remain on site under the tent should be padded and taped.



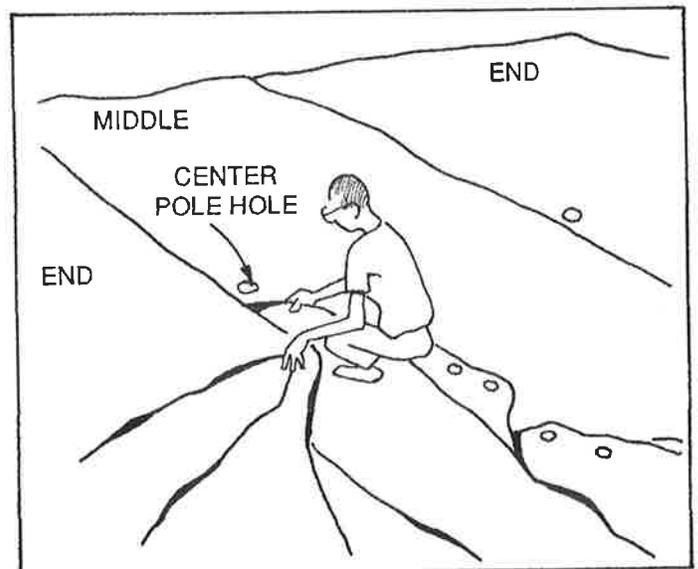
3

LACING INSTRUCTIONS

With tent sections on ground, overlap center pole hole with grommet side on top. Starting at ridge, push first loop through corresponding grommet.

Continue lacing process and cover lacing with protective flap and snap to rings or rope as you move down tent section.

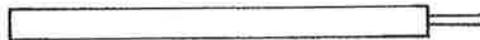
NOTE: One piece tops do not require lacing.



PARTY® TENT PARTS LIST



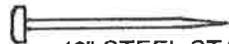
CENTER POLE



QUARTER POLE
(when applicable)



SIDE POLE



42" STEEL STAKES

MANPOWER REQUIRED

Two experienced installers should be able to assemble up to a 30' wide tent, three for a 40' wide tent, and four for 50' & 60' wide tents.

TOOLS REQUIRED

Sledge Hammers/
Stake Driver
2 Measuring Tapes

INSPECT SITE

CAUTION:

Consult local utility company prior to installation.

Prior to actual tent assembly, be sure to look up, down, above & below for obstacles, pipes, wires, trouble, etc.

LAYOUT & CHECK

Utilize parts list for a quick I.D. and a check list to ensure that you have all the parts.

QUANTITIES FOR PARTY® TENTS & PARTY MATE

TENT SIZE	PITCH	SIDE POLES	QUARTER POLES	CENTER POLES	STAKES
12 x 12 SQ. END - 1 PC	3' 6"	8	0	1	12
14 x 14 SQ. END - 1 PC	4' 0"	8	0	1	12
14 X 20 SQ. END - 1 PC	4' 0"	10	0	2	14
16 x 16 SQ. END - 1 PC	4' 6"	8	0	1	12
20 x 20 RD. END - 2 PC	6' 0"	8	0	1	12
20 x 20 SQ. END - 2 PC	6' 0"	8	0	1	12
20 x 10 MID SECTION	6' 0"	2	0	1	2
20 x 20 MID SECTION	6' 0"	4	0	2	4
30 x 30 RD. END - 2 PC	9' 0"	14	0	1 (A)	18
30 x 30 SQ. END - 2 PC	9' 0"	16	0	1 (A)	20
30 x 15 MID SECTION	9' 0"	4	0	1 (A)	4
30 x 20 MID SECTION	9' 0"	6	0	1 (A)	6
30 x 30 MID SECTION	9' 0"	8	0	2 (A)	8
40 x 40 RD. END - 2 PC	11' 0"	18	0	1 (A)	22
40 x 40 SQ. END - 2 PC	11' 0"	24	0	1 (A)	32
40 x 20 MID SECTION	11' 0"	6	0	1 (A)	6
50 x 50 RD. END - 2 PC	13' 0"	22	6	1 (A)	26
50 x 50 SQ. END - 2 PC	13' 0"	32	8	1 (a)	40
50 x 25 MID SECTION	13' 0"	8	2	1 (A)	8
50 x 30 MID SECTION	13' 0"	8	4	2 (A)	8
60 x 60 RD. END - 2 PC	17' 0"	26	6	1 (A)	30
60 x 60 SQ. END - 2 PC	17' 0"	32	8	1 (A)	40
60 x 20 MID SECTION	17' 0"	6	2	1 (A)	6
60 x 30 MID SECTION	17' 0"	8	4	1 (A)	8

(A) = Aluminum Center Poles, otherwise wood is furnished



Agenda Bill No. 14-087

TO: Mayor Guier and City Council Members
FROM: Public Works
MEETING DATE: May 5, 2014
SUBJECT: Ordinance for revisions to the City of Pacific Parking Code

ATTACHMENTS: Ordinance 2014-1861

Previous Council Review Date: April 28, 2014 – Public Hearing

Summary: The current City Code prohibits the use of pervious parking. The NPDES II permit issue to the City by the Department of Ecology requires the City to encourage low impact development (LID) stormwater systems. Pervious parking is an opportunity to meet the LID requirements. Therefore, the City needs to revise the Code. Revisions to code impacting development standards must be submitted to the State for review per GMA.

Recommendation/Action: Staff recommends Council approve Ordinance No. 2014-1861.

Motion for Consideration: Move to approve Ordinance No. 2014-1861, AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, REVISING PACIFIC MUNICIPAL CODE 20.72.050(F).

Budget Impact: There is no budget impact in passing this ordinance.

Alternatives: The code revisions could be postponed. However, this will potentially reduce the opportunities for Ecology and other grants in the future.

CITY OF PACIFIC
WASHINGTON

ORDINANCE NO. 2014-

**AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON AMENDING CHAPTERS
20.72.050 F OF THE PACIFIC MUNICIPAL CODE PARKING AREA DESIGN**

WHEREAS, the State of Washington Department of Ecology has issued to the City of Pacific an NPDES Phase II permit; and

WHEREAS, the City Council of the City of Pacific has adopted by reference numerous stormwater codes for the health safety and welfare of the citizens as set forth in Pacific Municipal Code (PMC) Titles 19 and 24; and

WHEREAS, the City Council has adopted parking standards as set forth in Pacific Municipal Code (PMC) Titles 20.72; and

WHEREAS, the City Council wishes to amend these PMC Title 20.72.050 in order to eliminate conflicts in the Code,

NOW, THEREFORE, THE CITY COUNCIL OF PACIFIC, WASHINGTON, DOES ORDAIN AS FOLLOWS

(repealed language is noted by strike through and new language is in bold)

Section 1. That Chapter 20.72.050 F relating to parking area design is amended to read as follows:

20.72.050 Parking area design.

F. All public and private parking areas, except those in conjunction with a single-family dwelling or a duplex on a single lot, shall be hard-surfaced with ~~a minimum of two inches of asphalt concrete over four inches of crushed rock and six inches base material~~ **materials meeting the requirements of WA Department of Ecology for low impact development (LID)**. Such surfacing requirement shall also apply to vehicle storage areas and loading areas; ~~provided, that areas used for long-term storage of vehicles and/or equipment may, at the city's discretion, be improved with an impervious surface other than asphalt.~~ (Ord. 1302 § 1, 1996; Ord. 1009 § 1, 1987; Ord. 485 § 11.02.04, 1971).

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional 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 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days after the date of publication.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 12th DAY OF MAY, 2014.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

AMY STEVENSON-NESS, CITY CLERK

APPROVED AS TO FORM:

KENYON LUCE, CITY ATTORNEY

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO: