

CITY OF FIRCREST
REGULAR CITY COUNCIL MEETING MINUTES

TUESDAY, APRIL 14, 2009 **COUNCIL CHAMBERS**
7:00 P.M. **FIRCREST CITY HALL, 115 RAMSDALL STREET**

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Kathy L. McVay called the regular meeting to order at 7:00 P.M. and led the Pledge of Allegiance. Councilmembers Robert Thaden, Mike Weinman, Hans Hechtman and David M. Viafore were present. McVay stated Councilmember Matthew Jolibois was excused. Councilmembers Chris Gruver was absent. Gruver arrived at 7:02 P.M.

PRESIDING OFFICER'S REPORT

Proclamation – Sexual Assault Awareness Month

Police Chief Cheesman stated the Sexual Assault Center of Pierce County has asked the City of Fircrest to support Sexual Assault Awareness month by approving this proclamation. Weinman read the Walk a Mile in Her Shoes and Sexual Assault Awareness Month proclamation.

MOTION

Moved by Viafore, Seconded by Weinman, to authorize the Mayor's signature on a proclamation proclaiming April 24, 2009 as Walk A Mile In Her Shoes Day and the month of April as Sexual Assault Awareness Month in the City of Fircrest. Ayes: Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Excused: Jolibois. Motion Carried.

McVay stated the Finance Director was on bereavement leave and the Public Works Director was going on vacation leave. Due to their anticipated absence and the agenda for the April 20, 2009 study session consisting of Finance and Public Works items the suggestion has been made for Council to consider canceling that study session. Viafore suggested other staff might present the scheduled study session update on the Relocation of Backyard Sewer Mains Project so Council would be aware of information received by property owners at the recent neighborhood meetings. McVay suggested Interim Public Works Director Larkin could cover that topic this evening during Department Head Comments. She also noted Acting Finance Director Thomas was in attendance.

MOTION

Moved by Thaden, Seconded by Weinman, to cancel the Fircrest City Council study session for April 20, 2009. Ayes: Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Excused: Jolibois. Motion Carried.

COMMITTEE, COMMISSION & LIAISON REPORTS

Recreation

Weinman pointed out photographs in The News Tribune from the Fircrest Easter Egg Hunt and complimented Recreation staff on the successful event.

Finance and Information Technology

Viafore voiced concern about the economy and complimented Thomas on her responses to his recent inquires about current financial issues. Viafore suggested obtaining Council approval for a training request for McVay to attend the Association of Washington Cities (AWC) Mayors Spring Summit.

Administration

McVay stated she has been in communication with the City Manager regarding budget issues and the Relocation of Backyard Sewer Mains Project. McVay welcomed Acting City Attorney Comfort.

PRESIDING OFFICER'S REPORT CONTINUED

McVay explained the AWC Mayors Spring Summit had been scheduled in March when she would have been unable to attend. She had approved a training request for Brandon to attend. The Summit date has been changed to April so she will be available to attend and was requesting Council approval.

MOTION

Moved by Weinman, Seconded by Thaden, to approve the Mayor's attendance at the Mayor's Spring Summit in Bremerton. Ayes: Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Excused: Jolibois. Motion Carried.

CONSENT CALENDAR

McVay requested City Clerk Rosenbladt read the consent calendar as follows: approval of Voucher No. 39281 through Voucher No. 39364 in the amount of \$211,224.09, Voucher No. 39273 was voided, approval of Payroll Warrant No. 30312 through Payroll Warrant No. 30363 in the amount of \$96,062.28, approval of Payroll Warrant No. 30364 through Payroll Warrant No. 30374 in the amount of \$5,443.37, approval of Payroll Warrant No. 30375 through Payroll Warrant No. 30383 in the amount of \$74,428.79, Approval of Minutes of March 16, 2009 Special Council Meeting and March 24, 2009 Regular Council Meeting.

MOTION

Moved by Thaden, Seconded by Gruver, to approve the Consent Calendar as read.

Viafore requested the vouchers be removed from the consent calendar.

VOTE ON THE MODIFIED CONSENT CALENDAR

Ayes: Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Excused: Jolibois. Motion Carried.

Viafore voiced concern about the vouchers given current economic conditions and encouraged Council to review the voucher reports included in the Agenda packets. He felt more emphasis was needed on

cutting expenditures and noted the year was almost one-third over and not much cutting had been made. Viafore explained his main concern has always been the employees and he was worried about layoffs. He cautioned staff to not expend funds unless it was absolutely necessary.

Viafore questioned a \$2,300 invoice from Public Works to General Fund for work performed around the Public Safety Building generator. Thomas explained the invoice would be paid by a General Ledger transaction and was not in the vouchers. Viafore explained the invoice was for Public Works utility employees' wages and benefits and equipment used to assist Facilities with the installation of the generator. He also noted the purchase of an instant hot water faucet for the break room. Larkin stated the invoice was from Streets which was funded by General Fund. Viafore inquired why this work was not done by Facilities employees and why equipment invoiced included Public Works pickup trucks. Larkin stated he had not approved this invoice or signed the Purchase Order yet. Brandon stated staff would review the invoice and bring forward additional information.

Viafore stated the City contracted for installation of the generator and all that was to be done in-house was site preparation. He felt Facilities employees could have accomplished the site preparation. Viafore clarified that Facilities workers cannot perform utility functions and utility workers should not be performing Facilities work. Viafore inquired if, since Facilities was now supervised by Public Works, General Fund would be invoiced for work done by utility employees but not budgeted and would have to be paid from reserves. He stated he hasn't seen this kind of invoicing during his years on Council. He wanted to know where funding of the \$2,300 would come from and who authorized it. He explained Council has priorities for General Fund and this type of invoicing competes with those Council priorities.

Hechtman stated this was all funded from General Fund. Viafore clarified Street Fund was funded by a General Fund transfer of 15% of the property taxes revenues. Larkin stated Street Fund was General Fund expenditure and was not a proprietary fund like the utilities. Brandon explained this was a unique circumstance and that in the normal course of business utilities and facilities employee tasks are kept separate.

MOTION

Moved by Viafore, Seconded by Weinman, to approve the vouchers and payroll warrants as read in Item 7A-Consent Calendar. Ayes: Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Excused: Jolibois. Motion Carried.

NEW BUSINESS

Agreement with Pierce County for a Communications Maintenance

Police Chief Cheesman stated Council was being asked to authorize execution of an agreement with Pierce County Communications for communications maintenance in 2009. The hourly rate of \$100.00 was not increased this year and for several years the City has had a good working relationship with the Pierce County Communications.

RESOLUTION NO. 1085

Moved by Weinman, Seconded by Gruver, to adopt Resolution No. 1085, authorizing the City Manager to execute an agreement with Pierce County for a communications maintenance program in 2009. Ayes: Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Excused: Jolibois. Motion Carried.

Introduction of Budget Adjustment Ordinance

Acting Finance Director Thomas stated this was the first reading of a request for additional appropriations for anticipated expenditures not foreseen at the time of filing the 2009 Preliminary Budget and not provided for in the Adopted 2009 Budget. She noted explanations for the expenditures were provided in the History section of the Agenda Report.

Viafore voiced concern about the proposed transfer of approximately \$3,100 from Parks Small Tools & Minor Equipment and Parks Repairs & Maintenance to Street Beautification and Street Beautification- Small Tools & Minor Equipment for the Cherry Tree program. He inquired about who would do the work explaining Facilities employees could not because their salary split did not include Street Beautification. He noted this transfer would take money out of General Fund but leave the expenditures in General Fund. Discussion followed relating to capital and operating expenses.

Brandon explained the change identifies that the tools for the Cherry Tree program are properly allocated in Street Beautification and not in Facilities. Viafore stated it also shifted the labor from Facilities employees to utility employees. He voiced concern that Facilities could lose maintenance positions because their work was shifted to utility employees. If the expenditures remained in General Fund both utility and maintenance employees can perform the work.

McVay clarified this budget adjustment was not about who would perform the work but about tracking the expenditures of the Cherry Tree program. Council determined that program would be supported through Street Beautification. Thomas clarified the Hanging Baskets program was also in Street Beautification. Viafore stated Street Fund has invoiced General Fund for work done on the Hanging Basket program. He explained the Adopted 2009 Budget for Street Beautification has no Facilities employees identified. That indicates the only employees who can do the work are in the Street Department unless the work was invoiced.

Brandon stated staff would bring additional information forward at the April 28, 2009 meeting. McVay stated these issues should be clarified prior to bringing back this budget adjustment for a second reading and action at the next meeting.

Identity Theft Prevention Program

Thomas stated Council was being asked to adopt a resolution to approve the proposed Identity Theft Prevention Program and delegate the program administration to the Finance Director.

RESOLUTION NO. 1086

Moved by Thaden, Seconded by Gruver, to adopt Resolution No. 1086 approving and adopting an Identity Theft Prevention Program and delegating program administration to the Finance Director. Ayes: Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Excused: Jolibois. Motion Carried.

Amending FMC Chapter 5.04 regarding business licenses

Thomas stated the proposed ordinance before Council was to amend Fircrest Municipal Code (FMC) Chapter 5.04 Business Licenses. Council discussed the proposed changes at the February 16, 2009 and March 16, 2009 study sessions. Responding to Hechtman, Thomas clarified the requirement to purchase a new license when a business changes address was changed. There will be no charge but businesses do have to submit an application with the new address.

ORDINANCE NO. 1475

Moved by Hechtman, Seconded by Viafore, to adopt Ordinance No. 1475 amending FMC Chapter 5.04 Business Licenses. Ayes: Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Excused: Jolibois. Motion Carried.

Amending FMC Chapter 5.08 regarding transient merchants

Thomas stated the proposal before Council was to adopt a proposed ordinance amending FMC Chapter 5.08 Transient Merchant Registration. This item was also discussed by Council at the February 16, 2009 and March 16, 2009 study sessions.

ORDINANCE NO. 1476

Moved by Thaden, Seconded by Weinman, to adopt Ordinance No. 1476 amending FMC Chapter 5.08 Transient Merchant Registration. Ayes: Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Excused: Jolibois. Motion Carried.

Agreement with the State of Washington for the Master License Service

Thomas stated the proposed agreement was with the State of Washington Department of Licensing, Master License Service to act as the City's agent for business licensing activities.

RESOLUTION NO. 1087

Moved by Thaden, Seconded by Weinman, adopt Resolution No. 1087, a Resolution of the City of Fircrest, Washington, authorizing the City Manager to execute an agreement with the State of Washington Department of Licensing Master License Service to act as the City's agent for business licensing activities. Ayes: Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Excused: Jolibois. Motion Carried.

Professional Services Agreement with Enginuity Systems, LLC - Municipal pool drain system and diving tank

Larkin stated Council was being asked to authorize execution of a Professional Service Agreement with Enginuity Systems, LLC for the investigation of the drain systems and diving tank to determine if these elements of the pool are in compliance with existing regulations. Enginuity Systems was selected based on their experience with public pools, similar work they performed for the Tacoma Metropolitan Park District and their close working relationship with the Tacoma-Pierce County Health Department, the agency that regulates public pools. Approval of the proposed agreement was necessary so all required work would be completed to bring the pool drain system into compliance by May 22, 2009 for the pool to open Memorial Day weekend. The new pool drain regulations went into effect December 2008 and were in response to accidents and drownings that occurred when the suction created by water entering a pool drain trapped a child under water.

Larkin explained that because of the time frame between receipt of a proposal from Enginuity Systems and the April 14, 2009 Council meeting, verbal authorization was given to Enginuity Systems to proceed with the necessary investigations. Therefore, the Professional Services Agreement is backdated to March 23, 2009. Larkin noted because the drain cover regulations affect all municipal pools across the country there was also a supply issue. In addition construction may be necessary on the three drains in the swimming and wading pools. Staff is hopeful the construction work can be performed in-house.

Larkin also explained the swimming pool diving tank did not meet State regulations and the diving board had been removed. Viafore commented on a letter from Enginuity Systems regarding a request to provide an analysis of the pool diving tank. He stated the pool was built in compliance with the Washington State Administrative Code (WAC) and the high dive had been removed when those WACs changed. Viafore voiced concern about City insurance carriers not identifying the problem. Larkin explained diving tank issues have been covered by the media for years and the regulations changed in 2005.

Viafore voiced concern this agreement being verbally executed on March 23rd and stated instead it should have been walked on at the March 24, 2009 Council meeting. He inquired about funding and when the report from Enginuity was expected. Larkin stated the report was due this week. City Engineer Lougheed would handle the project during Larkin's absence.

RESOLUTION NO. 1088

Moved by Thaden, Seconded by Weinman, to adopt Resolution No. 1088 authorizing the City Manager to execute an agreement with Enginuity Systems, LLC in an amount not to exceed \$4,180.00. Ayes: Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Excused: Jolibois. Motion Carried.

CITY MANAGER COMMENTS

Brandon noted April 21, 2009 was the start date for early registration for the Association of Washington Cities (AWC) 2009 Annual Conference and requested Councilmembers inform staff if they wished to have reservations made. McVay and Hechtman stated they planned to attend the conference.

MOTION

Moved by Viafore, Seconded by Gruver, to approve the registration of Councilmember Hechtman and Mayor McVay for the 2009 Annual AWC Conference. Ayes: Gruver, McVay, Weinman, Hechtman and Viafore. Noes: Thaden. Excused: Jolibois. Motion Carried.

DEPARTMENT COMMENTS

Larkin updated Council on the Relocation of Backyard Sewer Mains Project. Nine neighborhood meetings were held with each of the consulting firms making presentations at the meetings for neighborhoods in their assigned area. The consultants explained many of the backyard sewers that were old, in poor condition and allowed infiltration and root intrusion. Repair and replacement options include: leaving in place the lines that are in good enough condition, relining lines that meet requirements, replacing lines in their existing backyard locations if expanded easements can be obtained and relocating sewers to the right-of-way. The cost for turnarounds on private property would range between approximately \$5,000 to \$10,000. Property owners were informed that it will not be practical to serve all locations by gravity lines and some grinder pumps would have to be installed. By Council directions grinder pumps would be kept to a minimum while creating a cost effective design. Also discussed with the property owners were project financing, the project schedule and the status of the ongoing design process. Property owners would be notified when the sewer reconstruction in their area was completed and they would then have a specified time period to make their connection either utilizing bids submitted to the City or by contracting on their own. Low interest, long term loan funding may be available for connections made within the specified time period.

McVay stated the meetings went well in general and most property owners left with their concerns addressed. She stated many property owners did not attend and they would probably still have unresolved concerns. Larkin stated the consultants had begun the individual property owner contacts. Viafore complimented Larkin on the presentations and concurred with McVay that not as many property owners attended the meetings as anticipated. He stated he had already received compliments on individual meetings with a member of the Morrissette staff. Thaden clarified where the public sewer lines were 70 plus years old and in poor condition the side sewer connections were probably also that old, in poor condition and in need of replacement. Discussion followed on specific areas, possible additional easement widths and dual side sewer options.

COUNCIL COMMENTS

Councilmembers conveyed their condolences to Finance Director Corcoran. They welcomed Acting Finance Director Thomas.

Gruver congratulated Officer Deal on being selected as Officer of the Year and she congratulated Police Chief Cheesman and Officer Seeley for being inducted into the Circle of Honor for their fund raising efforts for Special Olympics. She complimented Recreation Director Grover for the successful Easter Egg Hunt and youth Easter activities. Gruver stated she and McVay participated in the Junior Daffodil Parade.

Viafore noted the passing of Fircrest resident Gerald Filkins, who was instrumental in the annexation of the Fircrest Golf Club. Viafore requested a report in the next 45 days on the location of Tacoma fire

April 14, 2009

Fircrest City Council Meeting Minutes – Regular 8

hydrants within Fircrest. Viafore felt some of the hydrants might serve City of University Place and not Fircrest. Larkin stated Tacoma billed Fircrest based on their service area wide costs. The Water Fund line item for Hydrant Maintenance indicates actual costs for the entire Fircrest system averages \$400-\$500 annually. He would be asking Tacoma to bill on actual costs and not on their area wide costs. Staff was working on locating the Tacoma hydrants. Viafore also requested a legal opinion from the City Attorney on the Supreme Court decision concerning General Fund being charged for fire hydrants instead of Water Fund. He voiced concern about General Fund funding this expense three years in arrears at a 12% interest rate.

Viafore suggested Council consider screening the unsightly generator at the Public Safety Building. He inquired about the impact of improvement proposed by the Fircrest Soccer Club on other programs. He complimented Grover on his interaction with youths at the Community Center. Viafore inquired about Arbor Day activities and suggested plans be made for Arbor Day 2010.

EXECUTIVE SESSION

McVay requested Council move into executive session at 8:40 P.M. not to exceed the hour of 9:40 P.M. to discuss Item 14A-pending litigation with the City Attorney , Land Use Attorney, City Manager and Planning/Building Director invited to attend followed by Council consideration of Item 14B-City Manager performance evaluation. She stated no action would take place following the executive session except to adjourn. At 9:21 P.M. McVay reconvened the meeting.

ADJOURNMENT

Moved by McVay, Seconded by Thaden, to adjourn the Regular Meeting At 9:23 P.M. Ayes: Gruver, McVay, Weinman, Hechtman and Viafore. Noes: Thaden. Excused: Jolibois. Motion Carried.