

**CITY OF FIRCREST  
REGULAR CITY COUNCIL MEETING MINUTES**

**TUESDAY, APRIL 28, 2009  
7:00 P.M.**

**COUNCIL CHAMBERS  
FIRCREST CITY HALL, 115 RAMSDALL STREET**

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**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 Matthew Jolibois, Chris Gruver, Robert Thaden, Mike Weinman, Hans Hechtman and David M. Viafore were present.

McVay requested Council move into executive session at 7:02 P.M. not to exceed the hour of 8:02 P.M. to discuss Item 14A - pending litigation with the City Manager, Land Use Attorney, Planning Commission, City Attorney and Planning/Building Director invited to attend and 14B - City Manager performance evaluation with the City Manager invited to attend.

Viafore suggested hearing Item 14B at the end of the regular meeting so the City Attorney could be excused prior to the second executive session. There was consensus of Council to hear Item 14B at the end of the meeting.

At 7:41 P.M. McVay reconvened the meeting.

**PRESIDING OFFICER'S REPORT**

**Kinship Caregiver Day Proclamation**

Weinman read the Kinship Caregiver Day Proclamation.

**MOTION**

Moved by Thaden, Seconded by Weinman, to authorize the Mayor's signature on a proclamation proclaiming May 20, 2009 as Kinship Caregiver Day in the City of Fircrest. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Motion Carried.

**2010 Census Partner Proclamation**

Thaden read the 2010 Census Bureau Proclamation.

**MOTION**

Moved by Weinman, Seconded by Thaden, to authorize the Mayor's signature on a proclamation committing to partnering with the U.S. Census Bureau to help ensure a full and accurate census count in 2010 in the City of Fircrest. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Motion Carried.

## **COMMITTEE, COMMISSION & LIAISON REPORTS**

### **Public Safety and Court**

Gruver stated Council received a municipal court report with updated statistics, that grant funding was approved for Fircrest Police participation in nighttime seatbelt patrols and that Officers raised over \$2,500 for Special Olympics at a fund raising event at the Red Robin restaurant. Police Chief Cheesman commented on how realistic a fake gun looked in a photograph provided to Council. He noted the gun was an exact replica of the gun worn by Fircrest officers.

### **Pierce County Regional Council (PCRC)**

McVay reported PCRC approved stimulus grant applications list for transportation projects. The Fircrest Columbia Street project was fairly far down on the list. Seattle has agreed to loan funding they will not be using this year, which may go to a City of University Place project. Discussion followed on criteria and how projects are scored.

## **CONSENT CALENDAR**

McVay requested City Clerk Rosenblatt read the consent calendar as follows: approval of Voucher No. 39365 through Voucher No. 39426 in the amount of \$348,188.26, approval of Payroll Warrant No. 30384 through Payroll Warrant No. 30435 in the amount of \$97,930.96, and approval of Minutes of the April 14, 2009 Regular Meeting.

## **MOTION**

**Moved by Thaden, Seconded by Gruver, to approve the Consent Calendar as read. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Motion Carried.**

## **UNFINISHED BUSINESS**

### **Ordinance authorizing a Budget Adjustment for emergency expenditure of funds**

Finance Director Corcoran stated this was the second reading of the proposed budget adjustment to the 2009 Budget. She reviewed changes from the first reading of the ordinance including Parks Salaries and Wages and Parks Personnel Benefits related to the Cherry Tree program that were being moved from General Fund to Street Beautification.

Corcoran stated there was a question at the first reading of the ordinance about a Public Works invoice for assistance in installing the Public Safety Building generator. She explained that any unexpended funds remaining after the \$39,000 budget adjustment would go to General Fund Ending Fund Balance and not to Street Fund Ending Fund Balance.

**ORDINANCE NO. 1477**

**Moved by Hechtman, Seconded by Thaden, to adopt Ordinance No. 1477, authorizing emergency expenditures of funds for matters not foreseen at the time of filing of the preliminary budget for 2009 and not provided for in the annual budget for 2009.**

Hechtman inquired about the adjustment to Street Fund Overtime and Benefits for snow removal in December. Corcoran explained those wages were paid in January and from the 2009 Budget.

Viafore inquired about moving \$16,415 from Parks Fund to Street Fund Ending Fund Balance. Corcoran explained the funds were for the Cherry Tree program and Street Beautification was included in Street Fund Ending Fund Balance. Viafore voiced concern about expenditures on the installation of the Public Safety Generator, which was budgeted for \$39,000. An invoice from Public Works that was not approved by the Public Works Director came forward. He noted invoiced wages and benefits have already been paid from time sheets and he inquired again about \$900 invoiced for Public Works pickup trucks. Viafore stated when he voted for the generator project he was assured the generator would be screened or esthetically landscaped but that has not happened to date. He also inquired about an expenditure of \$300 for rocks on the project.

Brandon stated the rocks were used in lieu of a \$1,500 curb and the City Engineer agreed to the change, which provided the same safety purpose as a curb. The screening has not been done but there are still funds available for doing that. Brandon stated he met with Jolibois and discussed a screening fence with some planted vegetation. The expenditures invoiced from Public Works would be addressed when the Public Works Director returns. Viafore inquired if there were enough savings in the \$39,000 to do the screening. Corcoran stated there was \$1,100 remaining and if the Public Works invoice was adjusted, additional funds would be available. Any of the \$39,000 remaining when the project was completed would roll back into the Ending Fund balance.

**VOTE ON ORDINANCE NO. 1477**

**Ayes: Thaden, Weinman, Heckman and McVay. Noes: Gruver, Jolibois and Viafore. Motion Failed. (Required majority vote plus one vote. to pass)**

Viafore clarified that a super majority was required for a budget amendment to pass. He noted Roberts Rules do not allow a motion to be brought back unless it is altered and then only if the prevailing side brings it back for reconsideration. Viafore stated he was willing to reconsider the ordinance once he knows what the final Public Safety Generator site will look like. City Attorney stated this motion had been defeated and the prevailing side would have to move for reconsideration.

**CITY MANAGER COMMENTS**

City Manager Brandon stated Thompson Smitch has requested Councilmembers email Federal Legislators regarding STAG grant funding for the Relocation of Backyard Sewer Mains project. McVay confirmed emails should be sent to the Legislators staff. Hechtman stated he would be in Washington

D.C. and could meet with Legislators and requested Thompson Smith work on arranging those meetings. Brandon encouraged Councilmembers to contact the Legislators.

Brandon inquired about Council interest in acknowledging event sponsors and/or including their website links on event announcements on the City's website. The hope was that this type of acknowledgement would encourage sponsors. He requested Councilmembers input about this idea.

Brandon stated funding of the Public Works Trust Fund was cut in the State biennium budget but Legislators did fund projects that were already committed to. Competitive grant opportunities were still available.

#### **DEPARTMENT COMMENTS**

Recreation Director Grover stated staff was busy preparing for summer programs and activities. Interviews are taking place for seasonal positions. Staff was considering a ten-visit punch pass for residents and non-residents. Responding to Viafore, Grover explained the fee for the card would sell for \$20.00 for residents and \$40.00 for non-residents. There had also been discussion about implementing a non-resident season swim pass. The fees would be \$98.00 for the first family member and \$64.00 for additional family members.

Hechtman complimented staff developing alternative revenue ideas and voiced concerned about losing revenue due to the diving board being removed. He noted gates have been left unlocked at the tennis courts and reported that expansion joint material and the top layer of the Whittier courts were cracking and flaking, which created debris and a potential slipping or tripping hazard.

Viafore inquired if an alternative to the diving board, such as a slide, would be in place by opening day of the pool. Grover stated staff was considering alternatives and what would be allowed in place of the diving board. Brandon stated he would include in Council packets the final engineer report that explained why the pool diving board had to be removed. Recreation staff was researching what has worked for other municipalities as a replacement for diving boards that had to be removed. That information could be available by the May 12, 2009 meeting. Viafore voiced concern that an alternative to the diving board would not be in place until mid-summer and pool revenues would be impacted. Responding to Gruver, Grover stated at this time he couldn't say when an alternative to the diving board would be installed or if it might be installed by City employees.

Thaden inquired about the report on resident and non-resident signups for youth baseball. Grover stated the majority of players were residents.

Police Chief Cheesman reported the Tacoma/Pierce County Health Department opened their Emergency Operations Center in response to the Swine flu. Police staff will attend an Emergency Management meeting on May 1, 2009.

Responding to Thaden, Cheesman discussed information about a flashlight that can be made into a shotgun and that can be purchased on the internet. Cheesman reported there has been a huge increase in the cost of ammunition. Discussion followed about gun sales and regulations on the sale of ammunition.

## COUNCIL COMMENTS

Jolibois stated due to issues with the Public Safety Building generator he wanted to once again suggest forming a Municipal Development Committee to ensure architectural design criteria were met when planning municipal projects. Having the committee would preempt these types of issues because plans, designs and design options could be addressed. He wanted to find out what Roy Thompson envisioned for the architecture of Fircrest. Through his research Jolibois found out about a movement in architecture and municipal development called The City Beautiful movement by William. He thought having a committee to do the research and planning prior to municipal projects would be beneficial to the citizens of Fircrest, Council and staff. Jolibois suggested this could be a study session item.

Gruver welcomed Leslie Ryder and complimented her on the Fircrest Flyer. Gruver commented on an article in The News Tribune about Fircrest resident Ted Massitier. She voiced support for acknowledging event sponsors on the City website. Gruver reported the passing of a Fircrest resident Raonda Walton and noted Walton's active participation in the community. She inquired about interest in the Village Square store and about issues at Wheelz Skate Arena. Planning/Building Director Gilmore stated no applications have been received for Village Square properties and the issues at Wheelz Skate Arena are still being investigated. Gruver strongly urged this issue at Wheelz Skate Arena be resolved and not allowed to continue.

Weinman thanked residents who were in attendance.

Hechtman inquired about improving the appearance of the Town Topics and noted the recent Recreation brochure with color photos. Rosenblatt stated staff has looked at alternatives and has requested quotes for adding color but current funding would have to be increased for these enhancements. Viafore suggested there could be saving by consolidating the column formatting. Rosenblatt said staff could research proposals and costs and schedule this item for discussion at a study session. He also noted publishing the Town Topics on the City website could create savings. McVay invited Councilmembers to the quarterly Town Topics meetings.

Viafore supported acknowledging event sponsorship on the City website but explained concerns were previously expressed about allowing advertising and a policy would be needed to determine what would be allowed. He again requested staff look into Pierce County not paying for their sewer franchise and asked that Council be kept informed on this issue. Viafore stated he was looking forward to the engineering report on the diving board and noted Fircrest resident Bonnie Blair researched with the Health Department and received a paper about diving boards and pool size requirements. He stated the May study session would include a financial report that he hoped would include sewer finances and future funding possibilities for the Relocation of Backyard Sewer Mains project. Viafore stated City Attorney Smith would be attending a conference where funding of fire hydrants would be discussed and he looked forward to Smith's report. Viafore also noted the passing of Ronda Walton and stated she was always a strong supporter of the Police Department. He requested staff continue researching the dangerous dog ordinance and he suggested looking into the City of Orting ordinance. Cheesman stated this issue would be brought forward at a study session. He explained Fircrest has a good ordinance in place that addresses the animal's actions and not necessarily dog breeds. Viafore felt information about what was happening on the borders of Fircrest was not getting to Council but he was hearing about it

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from Tacoma. He emphasized Fircrest wants to encourage business people about coming to Fircrest. Viafore expressed condolences to Finance Director Corcoran on her recent loss.

**EXECUTIVE SESSION**

McVay requested Council move into executive session at 8:42 P.M. not to exceed the hour of 9:42 P.M. to discuss City Manager performance. The City Manager was invited to attend. She stated no action would take place following the executive session except to adjourn. At 8:54 P.M. McVay reconvened the meeting.

**ADJOURNMENT**

**Moved by Thaden, Seconded by Weinman, to adjourn the Regular Meeting At 8:54 P.M. Ayes: Jolibois, Gruver, Thaden, Viafore, Weinman, Heckman and McVay. Noes: None. Motion Carried.**