

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

**TUESDAY, JUNE 9, 2009
7:00 P.M.**

**COUNCIL CHAMBERS
FIRCREST CITY HALL, 115 RAMSDELL 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 Matthew Jolibois, Chris Gruver, Mike Weinman and David M. Viafore were present. Councilmember Robert Thaden and Hans Hechtman were excused. Hechtman arrived at 7:06 P.M.

PRESIDING OFFICER'S REPORT

Liquor license renewal - Mario's Mercato Italiano Inc.

McVay stated Council was being asked to approve a motion to register no objections to the renewal of the liquor license for Mario's Mercato Italiano Inc. Their current liquor license expires August 31, 2009. No concerns were identified by staff.

MOTION

Moved by Viafore, Seconded by Weinman, to register no objections to the renewal of the liquor license for Mario's Mercato Italiano Inc. Ayes: Jolibois, Gruver, Viafore, Weinman and McVay. Noes: None. Excused: Thaden and Hechtman. Motion Carried.

CITIZEN COMMENTS

Tony Randall, 1226 Del Monte Avenue, stated he and his family were active participants of the Fircrest pool and swimming programs. Randall stated he and other pool users were uncertain when they first learned about the removal of the diving board. Now he, along with other parents and swimmers he has spoken to, hope the deep end of the pool will remain open for swimming and diving from the side of the pool. Having it open allows student swimmers to practice their diving and also provides additional deck space. Randall's recommendation was to not add any new equipment, such as a slide, to the deep end but to keep it open.

McVay thanked Randall for his comments and suggested as a member of the Community Center Advisory Committee Randall may be able to help the Pool Manager conduct a survey to identify preferences about how to best utilize the deep end of the pool. She stated she has heard similar comments from people preferring the deep end remain open. Viafore stated he was an advocate of finding something to replace the diving board right away. He appreciated Randall's feedback about his opinions and the opinions of other pool users.

COMMITTEE, COMMISSION & LIAISON REPORTS

Environment, Planning and Building

Jolibois stated, at the request of the Recreation Department, Whittier Park was assigned the street address: 921 Contra Costa. The change will be identified on map updates and the appropriate agencies will be notified.

Administration

McVay reported the City Manager and staff continue identifying cost saving measures and those recommendations will be presented at the June 15, 2009 study session. The City Manager will meet with Police Guild representatives for preliminary 2010-2011 contract discussions. Annual employee evaluations were underway.

CONSENT CALENDAR

McVay requested City Clerk Rosenblatt read the consent calendar as follows: approval of Voucher No. 39540 through Voucher No. 39618 in the amount of \$117,883.90, approval of Payroll Warrant No. 30562 through Payroll Warrant No. 30613 in the amount of \$93,966.80, approval of Payroll Warrant No. 30614 through Payroll Warrant No. 30624 in the amount of \$5,658.67, approval of Payroll Warrant No. 30625 through Payroll Warrant No. 30633 in the amount of \$74,065.51, and approval of minutes of the May 18, 2009 Special Council Meeting.

MOTION

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

PUBLIC HEARING

2010-2015 Six Year Comprehensive Street Program

Interim Public Works Director Larkin stated the Revised Code of Washington (RCW) provides that each city shall hold a public hearing to receive comments on the annual update of their Six Year Transportation Improvement Program (TIP). Within 30 days of adoption the proposed TIP will be filed with the Department of Transportation. Larkin stated following this public hearing staff will prepare the TIP for consideration and adoption at the June 23, 2009 regular meeting.

Larkin explained it was important to leverage City dollars through grant applications, especially with the decrease in funding available for transportation capital improvements. The TIP was intended to list projects for funding and to establish Council approval to submit grant applications for those projects. In order for any project to obtain State or Federal funding it must be included in the TIP. The TIP is a planning document and projects within the TIP would be evaluated separately through the budget and project review and approval processes.

Larkin stated if all of the projects were constructed as programmed the necessary City funding would deplete the Designated Light Fund money as well as require the commitment of an additional \$620,000. The \$620,000 was presently designated to come from Real Estate Excise Tax (REET) revenues. Larkin stated it was unlikely that all grant funded projects would be constructed as programmed. Within the TIP were two multi-year projects related to the Relocation of Backyard Sewer Mains Project. Adoption of the TIP does not irreversibly commit the City to construct or to fund the projects. Any project may be cancelled during the course of study or design and the TIP may be revised at any time after a public hearing and by a majority of Council.

At 7:18 P.M. McVay invited public comments. None were noted. McVay invited Council comments. None were noted. At 7:19 P.M. McVay closed the public hearing.

NEW BUSINESS

Appointment of Civil Service Commissioner

City Manager Brandon stated Council was being asked to confirm the appointment of Alexander J. Koerger to the Fircrest Civil Service Commission to fill the unexpired term of Marty Erdahl, which began on August 28, 2008 and expires on August 28, 2014. McVay noted Koerger was in attendance.

Gruver inquired how Koerger's background and experience would benefit the Commission and Police Department. She had hoped for the appointment of someone with law enforcement knowledge. Brandon stated he had considered Koerger's background, education and community involvement and explained Commissioners do not necessarily have to have a background in law enforcement to be effective. Brandon clarified there were three applications for the position and Koerger has resided in Fircrest for five years. Civil Service Examiner Rosenblatt stated police experience was not a prerequisite but it was important to appoint someone who was fair and impartial and who had a sense of the community. McVay clarified the Civil Service Commission was not involved in the hiring or firing process. Hechtman voiced appreciation to Koerger for applying for the position and for his involvement in the community.

MOTION

Moved by Weinman, Seconded by Hechtman, to confirm the City Manager's appointment of Alexander J. Koerger on the Fircrest Civil Service Commission to fill the unexpired term of R. M. "Marty" Erdahl, which began on August 28, 2008 and expires on August 28, 2014. Ayes: Jolibois, Gruver, Viafore, Weinman, Hechtman and McVay. Noes: None. Excused: Thaden. Motion Carried.

Koerger expressed appreciation for Council's trust in confirming his appointment and stated he took this position seriously and would be as fair and impartial as he could be.

Amendment to the agreement with Hammond, Collier and Wade-Livingstone Associates, Inc.

Interim Public Works Director Larkin stated the proposal before Council was to authorize the City Manager to execute an amendment to the agreement with Collier and Wade-Livingstone to provide additional survey work not included in the scope of services of the original agreement and in an amount not to exceed \$3,563.64.

Larkin explained that in the early part of the preliminary design process for the Relocation of Backyard Sewer Mains Project it was determined that it would be necessary to establish some control points in order to tie the project surveys to the State Plane Coordinate System and the City's GIS system. Also the City's GIS consultant, James Coyle, had previously requested the City establish some additional survey control points to tie various street rights-of-way, property lines, and plats to the State Plane Coordinate System and the City's GIS system. Larkin stated establishment of these control points was not contemplated as part of the scope of services for any of the three consultants. Most of the needed

control points were in the project area assigned to Hammond Collier and Wade-Livingstone who estimated the cost for the additional survey work would be \$8,563.64.

Larkin stated that price was considered reasonable. The firm was directed to proceed as provided for in Section 5: Performance of Additional Services Prior to Execution of an Addendum of the agreement, which provides for requesting additional services prior to the execution of an addendum to the original agreement. Staff was hopeful the cost for the work could be absorbed within the existing agreement amount. If it couldn't then it would be paid out of the contingency funds and if that wasn't enough anything above the \$5,000 contingency would require an addendum to the contract. Larkin explained that the preliminary design process was complete and it has been determined that the additional survey costs cannot be absorbed within the existing agreement amount, including the \$5,000 contingency. The remaining \$3,563.64 requires an addendum to the agreement.

Viafore stated this item should have come to Council sooner and he reviewed Section 5 of the contract. He explained it was not the dollar amount that concerned him but the process that was followed. At the September 23, 2008 meeting, when the consulting agreements were being considered, he had inquired about the contingency funds, about how additional services would be tracked and had requested that Council be kept informed about how the contingency funds were being spent.

McVay clarified language in the agreement identifies contingency funds were for work outside the scope of services. Viafore stated Council was to be kept informed and nothing came to Council. He noted when a consultant was asked to do work outside the scope of services that required an addendum and this work was outside the scope of services.

Larkin stated when the work was approved staff did not know whether it could be done within the agreement amount. The two other consulting contracts are coming in under the budgeted amount. When Hammond, Collier and Wade-Livingstone submitted their final bill through the end of April, it showed the additional survey work went over the contingency amount and would require an addendum. Larkin stated he mentioned this at a previous Council meeting.

Hechtman suggested staff had hoped the cost for the additional survey work would be covered in the original agreement amount. Viafore stated the problem was changes to contracts and the use of contingency funds were not coming to Council until after the fact.

Responding to Jolibois, Larkin stated the preliminary design reports were completed and he would present a summary of those reports at the June 15, 2009 study session. At this time work has stopped except Morrissette was breaking down into segments their estimates for the north end.

RESOLUTION NO. 1091

Moved by Weinman, Seconded by Hechtman, to adopt Resolution No. 1091, authorizing the City Manager to execute an amendment to the professional services agreement with Hammond, Collier and Wade - Livingstone Associates, Inc. for the purpose of performing additional survey work, which was not included in the scope of services for the original professional services agreement, in an amount not to exceed \$3,563.64. Ayes: Jolibois, Weinman, Hechtman and McVay. Noes: Gruver and Viafore. Excused: Thaden. Motion Carried.

Amendment to the agreement with Enginuity Systems, LLC

Larkin stated Council was being asked to authorize the City Manager to execute an amendment to the agreement with Enginuity Systems, LLC to prepare as-built drawings of the pool drain modifications and to provide certification that the work was performed in accordance with the plans. The amount was not to exceed \$500.00. Larkin explained the original agreement was for research and preparation of the design for drain modifications and to determine the suitability of the swimming pool diving tank. The design was submitted to the Tacoma/Pierce County Health Department. They requested installation of an audible alarm on the drain system in the wading pool and as-built drawings of the drain modifications. Enginuity Systems will prepare the as-built drawings and provide the engineer certification. This work was beyond the original agreement and none of the additional work has been done yet.

RESOLUTION NO. 1092

Moved by Weinman, Seconded by Gruver, to adopt Resolution No. 1092 authorizing the City Manager to execute an amendment to the professional services agreement with Enginuity Systems, LLC for the purpose of preparing as-built drawings of the pool drain modifications and for providing certification that the work was performed in accordance with the plans, in an amount not to exceed \$500.00. Ayes: Jolibois, Gruver, Viafore, Weinman, Hechtman and McVay. Noes: None. Excused: Thaden. Motion Carried.

Direction to move \$500 from General fund Undesignated Ending Fund Balance to Pool –Professional Services for Enginuity Systems, LLC

MOTION

Moved by Viafore, Seconded by Weinman, to direct the Finance Director to move \$500 from General Fund Undesignated Ending Fund Balance to Pool-Professional Services for the amendment to the professional services agreement with Enginuity Systems, LLC for the purpose of preparing as-built drawings of the pool drain modifications and for providing certification that the work was performed in accordance with the plans. Ayes: Jolibois, Gruver, Viafore, Weinman, Hechtman and McVay. Noes: None. Excused: Thaden. Motion Carried.

CITY MANAGER COMMENTS

City Manager Brandon complimented Recreation Director Grover and his staff for the work they have been doing. He noted the increase in participation by residents and volunteers and stated the recreation programs and events being provided have been fantastic. Brandon stated he has received numerous compliments about the changes at the Community Center. At the July 15, 2009 study session Brandon and Finance Director Corcoran would be presenting a 2009 Budget update that will include expenditure cuts submitted by Department Directors. Brandon stated he would like to follow up that presentation by meeting one on one with Councilmembers to hear their ideas. The opposing attorney for pending litigation the City was involved in has requested additional time, possibly until sometime in July. Brandon reported Tacoma Fire Department has opted out of the training burn at 542 Electron Way. Pierce County Fire District 13 in Dash Point has a fire training academy and they are interested in conducting the training burn. The City Attorney has reviewed Permission to Burn agreement and the

Risk Manager was consulting with the insurance broker. Brandon stated he was requesting Council authorization to sign the agreement.

Hechtman inquired about conducting the burn during the summer and whether it might be prudent to wait until fall. Brandon stated a permit was required from the Environmental Protection Agency (EPA) and after June the burn would not be allowed due to weather conditions. The opportune time was now because staff would have the summer to rehabilitate the property for use. Hechtman and Viafore requested staff obtain confirmation that the fir trees on the property will be protected with sprayed foam. Responding to Jolibois, Brandon stated that after the burn was completed staff would go out for bids to clean up the debris. Jolibois inquired about having the building demolished by a professional excavator. McVay stated that would be an additional expense to the City and Brandon explained there was a lot less debris after a burn. Jolibois voiced concern about air pollution from a burn. McVay stated this was a controlled burn and training exercise and takes place over several hours. Viafore inquired if the contract was between Fircrest and Pierce County Fire District No. 13 and not the Training Division. McVay clarified the Pierce County Fire District oversees the Training Division. Viafore inquired if the training burn was in compliance with the City's contract with Tacoma Fire Department. McVay believed that had been confirmed.

Leslie Ryder, 548 Contra Costa, stated there had been a training burn in the 1970s of the house opposite the one at 542 Electron. This was not the first time the City has done a training burn.

MOTION

Moved by Hechtman, Seconded by Weinman, to authorize the City Manager to execute an agreement with Pierce County Fire District No. 13 for a controlled burn of the property located at 542 Electron Way. Ayes: Jolibois, Gruver, Viafore, Weinman, Hechtman and McVay. Noes: None. Excused: Thaden. Motion Carried.

DEPARTMENT COMMENTS

Grover reported the pool party was attended by over 400 people. Kiwanis and the Community Club sold hot dogs and smoothies and Grover voice his appreciation to the two organizations for their help in making the event successful. He also reported the Community Club held their first photo contest with 147 photos submitted. Mayor McVay was one of the photo contest judges.

Police Chief Cheesman agreed that there was increased activity and participation at the Community Center. He thanked Ryder and the Community Club for their involvement. Cheesman stated he felt staff was doing an even better job about being proactive and not letting potential situations become problems.

Rosenbladt inquired if there was Council interest in using color photographs in the Town Topics. The cost for color on the front and back pages would be \$350 per issue and there were four issues per year. Color photographs in the Town Topics do appear on the website. McVay did not feel it was the time to add color when the City is trying to reduce expenditures in every way possible.

COUNCIL COMMENTS

Councilmembers complimented Recreation Director Grover and his staff for all they have accomplished including increased participation by residents and volunteers, new programs and the success of community events.

Viafore noted the passing of former Mayor Wallace Ramsdell's wife, Bernice Ramsdell, on June 5, 2009. He inquired about the status of the landscaping/screening for the Public Safety Building generator. Hechtman stated at the May 26, 2009 meeting he reported the plan was to use cedar planting at a cost of approximately \$500. Brandon felt there were funds remaining from the installation amount. Hechtman felt the best time for planting might be in the fall and Brandon stated he would find out the time frame for planting the cedars.

Viafore expressed concern that Council approved a fourth contract amendment after the fact. He stated minutes identify the concerns he had specifically expressed in the past. He was not opposed to the content of the changes but to the process. He suggested it might be helpful if the City was proactive and invited the State auditors in to review the process.

Hechtman stated he reviewed Sections 4 and 5 of the agreement with Hammond, Collier and Wade-Livingstone. It was his understanding the Public Works Director was in the process of completing the project and thought the cost of additional survey work might come in within the agreement amount. There was discussion about the open door policy of the State Auditor and how municipalities and public officials can make appointments with the auditors for their region.

Weinman expressed appreciation to Koerger for volunteering to serve on the Civil Service Commission and he thanked residents for attending this evening's meeting.

Gruver reported attending Lunch Buddies with Chief Cheesman and stated Court statistics were included in the Council packets. Gruver thanked Wellness Committee members Stahlnecker and Moreno for the Wellness Letter and thanked Leslie Ryder and Community Club for summer activities brochure and for helping out at the pool party. She stated the attendance was good at the Community Garage Sale even with a little rain. Gruver voiced concern that geraniums were planted in the hanging baskets and they would need to be cut back to grow properly. McVay stated they were trailing geraniums and she didn't think they needed to be dead-headed.

Gruver suggested National Night Out (NNO) information should be on the front page of the Town Topics and that a picture of staff at the event should show current employees. She stated the Fircrest NNO event took 5th place in the nation last year, it was the work of many volunteers and it deserved better recognition. McVay pointed out that NNO was about bringing the community together so in times of disaster and emergency people know who their neighbors are. She offered to have her Mayor's Message moved to allow both Fun Days and NNO information on the front page of the Town Topics.

Jolibois complimented Koerger and Ryder for their volunteer work in the community. He stated volunteerism was a significant heritage of Fircrest that enriches the community and makes the quality of life better for everyone.

June 9, 2009

Fircrest City Council Meeting Minutes – Regular 8

McVay stated the Community Club Photo Contest was a success. The number of photographs submitted and their quality exceeded expectations. She expressed her appreciation for being allowed to participate as a judge. Gruver suggested recognizing the winners in the Town Topic.

ADJOURNMENT

Moved by Viafore, Seconded by Weinman, to adjourn the Regular Meeting At 8:20 P.M. Ayes: Jolibois, Gruver, Viafore, Weinman, Hechtman and McVay. Noes: None. Excused: Thaden. Motion Carried.