

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

**TUESDAY, JUNE 23, 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, Robert Thaden, Mike Weinman and David M. Viafore were present. Councilmember Hans Hechtman was excused.

PRESIDING OFFICER'S REPORT

TAPCO Proclamation

Weinman read a proclamation recognizing the 75th Anniversary of TAPCO Credit Union.

MOTION

Moved by Viafore, Seconded by Gruver, to authorize the Mayor's signature on a proclamation extending congratulations to TAPCO Credit Union on their 75th Anniversary. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman and Viafore. Noes: None. Excused: Hechtman. Motion Carried.

Councilmembers congratulated TAPCO Chief Executive Officer Bechtholt and recognized the contributions TAPCO has made to the City of Fircrest and Bechtholt's involvement with the Economic Development Board. McVay presented the proclamation to Bechtholt. He voiced his appreciation for the recognition of TAPCO's anniversary and complimented the Police Department for the work they do.

Planning Commission Appointment

McVay stated she would entertain a motion to reappoint Jim Otness to the Planning Commission.

MOTION

Moved by Viafore, Seconded by Thaden, to appoint Planning Commissioner Jim Otness to a second term on the Planning Commission. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman and Viafore. Noes: None. Excused: Hechtman. Motion Carried.

COMMITTEE, COMMISSION & LIAISON REPORTS

Water, Sewer and Storm

Thaden stated the date for controlled burn at 542 Electron Way was not firmly set at this time.

Public Safety and Court

Gruver reported Police Chief Cheesman would attend a Liquor Control Board meeting on July 23, 2009, police presence was scheduled for summer events at Fircrest Park. Gruver would be meeting with

police and court staff to review their budgets. YWCA of Pierce County plans a booth at National Night Out with information on domestic violence.

Pierce County Regional Council (PCRC)

McVay reported the PCRC selected the 19th/Columbia Street project for funding.

CONSENT CALENDAR

McVay requested Acting City Clerk Johnson read the consent calendar as follows: approval of Voucher No. 39619 through Voucher No. 39712 in the amount of \$208,937.68, approval of Payroll Warrant No. 30634 through Payroll Warrant No. 30705 in the amount of \$101,263.50 and approval of minutes of the May 26, 2009 Regular Meeting and approval of the minutes of the June 9, 2009 Regular Meeting

MOTION

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

NEW BUSINESS

2010-2015 Six Year Comprehensive Street Program

Interim Public Works Director Larkin stated the proposal before Council was to adopt the 2010-2015 Six Year Transportation Improvement Program (TIP). Adoption was a state requirement and a copy of the adopted TIP would be filed with the Department of Transportation. Adoption does not irreversibly commit the City to construct the projects or to provide funding. The TIP may be modified at any time by a majority of Council after a public hearing.

Larkin stated PCRC did approve the grind and overlay project for 19th/Columbia with a total cost of \$660,000. The Federal portion would be \$570,900 with a City match of \$89,100. This project was identified in the TIP for 2010.

RESOLUTION NO. 1093

Moved by Thaden, Seconded by Gruver, to adopt Resolution No. 1093, adopting the 2010-2015 Six-Year Transportation Improvement Program and authorizing staff to submit this plan to the appropriate agencies and jurisdictions as required or requested. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman and Viafore. Noes: None. Excused: Hechtman. Motion Carried.

Purchase of a High Pressure Water Root Cutter

Larkin stated Council was being asked to authorize the purchase of a high pressure water root cutter in an amount not to exceed \$2,565. He explained that during the preliminary design effort for the Relocation of Backyard Sewer Mains Project it was found that the existing steel bladed root cutter was not capable of clearing extremely heavy root intrusion out of City sewer mains. A vendor demonstrated

a high pressure water root cutter that removed large root masses in two locations where the steel bladed root cutter had been unable to cut through.

Responding to Viafore, Corcoran explained this item was before Council because it was a purchase of capital equipment. Larkin responded to Gruver and Viafore confirming Public Works staff was capable of utilizing this equipment. Viafore voiced concern about the use of a high pressure water cutter without training and because of the deteriorated condition of some of the City's sewer mains. Larkin stated there was a possibility that any root cutter could further damage the deteriorated mains. Thaden inquired about other firms who make this type of equipment and he and Viafore inquired about obtaining bids. Larkin stated he wasn't aware of another firm that made this equipment but other vendors sell it. Larkin stated he thought three bids were obtained.

MOTION

Moved by Thaden, Seconded by Weinman, to authorize the Public Works Department to purchase a High Pressure Water Root Cutter under the Machinery and Equipment line item in the Sewer Fund 2009 budget, in an amount not to exceed \$2,565. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman and Viafore. Noes: None. Excused: Hechtman. Motion Carried.

Authorization to move \$480 from the Sewer Fund Undesignated Ending Fund Balance to the Sewer Fund - Machinery and Equipment line item

Larkin stated this item was to move the additional \$480 necessary to make this purchase. Viafore noted it was a change for Council to authorize line item changes as long as the department stayed within their budget. Corcoran stated it was because this was a capital equipment purchase.

MOTION

Moved by Thaden, Seconded by Weinman, to direct the Finance Director to move \$480 from the Sewer Fund Undesignated Ending Fund Balance to the Sewer Fund, Machinery & Equipment line item for the purpose of purchasing a High Pressure Water Root Cutter. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman and Viafore. Noes: None. Excused: Hechtman. Motion Carried.

New Fircrest Municipal Code Section 9.52.150 - Inattention Driving Infraction

Police Chief Cheesman stated Council was being asked to adopt a new ordinance making it unlawful for any person to operate a vehicle in an inattentive manner in the City of Fircrest. He explained this ordinance would most often be used to cite a driver at an accident scene. Currently drivers are cited for negligent driving which carries a \$550 fine and goes on a driver's permanent driving record. The new offense carries a \$250 fine and does not go on the permanent driving record. The judge and prosecutor can also reduce a negligent driving citation to an inattention driving infraction. Fines would go to the Fircrest Municipal Court.

Viafore voiced appreciation to staff for bringing this item forward so quickly after he brought it up. He inquired about Police Officers having this discretion and felt the Judge or Prosecuting Attorney should exercise that discretion after reviewing the entire case. Cheesman explained after reviewing similar infraction language from other municipalities just one identified only the prosecutor or judge had that

discretion. City Attorney Smith explained Negligent Driving 1st Degree involves alcohol and Negligent Driving 2nd Degree involves serious driving problems but does not involve alcohol. This infraction involves driving that isn't necessarily negligent. Court Administrator Olsen stated Judge Miller was very positive about this ordinance.

ORDINANCE NO. 1477

Moved by Weinman, Seconded by Gruver, to adopt Ordinance No. 1477, adding a new Section 9.52.150 to the Fircrest Municipal Code to make inattention to driving an infraction punishable by a fine of \$250. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman and Viafore. Noes: None. Excused: Hechtman. Motion Carried.

Public Safety Building HVAC system

Brandon stated the heat pump for the HVAC system at the Public Safety Building failed last week and staff was requesting to bring forward that issue at this time. No objections were noted.

Larkin stated the existing equipment was installed in 1984 and parts were no longer available to perform repairs. He explained the best bid figure to date for purchase and installation was \$9,415 but additional bids may come in. Council was being asked to authorize the purchase and installation price not to exceed \$9,415 with the understanding a lower bid might be submitted. The purchase and installation of the equipment would not proceed until three bids were received. Replacement equipment was available and installation was expected to take two days. The new equipment comes with a one year warranty on parts and labor and a five year warranty on the compressors. This purchase was not identified in the 2009 Budget and would require a transfer of funds from the General Fund Undesignated Ending Fund Balance.

Viafore suggested keeping the maximum cost at \$10,525 so all bids could be included and clarified authorization should be for the Facilities Department to make the purchase.

MOTION

Moved by Viafore, Seconded by Weinman, to authorize the Facilities Department to purchase a 3-Ton Heat Pump, along with necessary auxiliary equipment and installation, for the Public Safety Building HVAC system, in an amount not to exceed \$10,525. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman and Viafore. Noes: None. Excused: Hechtman. Motion Carried.

Finance Director Corcoran clarified language in the next motion should read, "Facilities Department" instead of "Facilities Fund." Responding to Gruver, Viafore stated the heat pumps were located on the side of the Public Safety Building, above the generators.

MOTION

Moved by Thaden, Seconded by Viafore, to authorize the Finance Director to move up to \$10,525 from the General Fund Undesignated Ending Fund Balance to the Facilities Department - Machinery & Equipment line item, for the purpose of purchasing a 3-Ton Heat Pump, along with necessary auxiliary equipment and installation, for the Public Safety Building HVAC system.

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

CITY MANAGER COMMENTS

Brandon reported the training burn on Electron should occur on June 29, 2009 and would be conducted by the Tacoma Fire Department. He stated the Government Finance Officers Association annual conference was in Seattle this year and he would be authorizing Finance Director Corcoran to take advantage of this opportunity that would not require travel or lodging. Brandon felt the benefits justified attending even at a time when training expenditures were being kept to a minimum. Brandon voiced his appreciation to Councilmembers for meeting with him to discuss their ideas about the City's financial situation.

DEPARTMENT COMMENTS

Police Chief Cheesman stated the Police Department would be conducting weapons testing tomorrow with .223 caliber rifles that were being considered to replace the HK-MP5 rifles the department currently uses. Cheesman explained the advantages and disadvantage of the rifles. He invited anyone interested to attend the testing at the new Lakewood range.

Recreation Director Grover stated the Strawberry Feed and Band Concert event was scheduled for June 28, 2009 and invited Councilmembers to attend. Viafore inquired what happened to the grass at Whittier Park. Cheesman reported landscape maintenance was mowing the grass when soccer teams showed up for practice. Landscape maintenance mowed around the teams creating the circle pattern in the grass.

Planning/Building Director Gilmore reported rumors have been circulating but staff has not received any application from a national chain store for Village Square.

COUNCIL COMMENTS

Gruver reported the City Manager, Public Works Director and Police Chief discussed concerns relating to the proposed signaling on 34th/Orchard Street. She expressed appreciation to Court and Police staff for keeping her informed as their liaison.

Thaden suggested it would be good public relations to take photographs when proclamations or awards are presented to individuals. The photographs could be used in press releases and/or autographed and sent to the recipients.

EXECUTIVE SESSION

McVay stated Item 14A - pending litigation, has been removed and suggested rescheduling Item 14B - City Manager performance evaluation, for when all Councilmembers are in attendance. Viafore stated it cannot be determined when all Councilmembers will be in attendance at a given meeting. McVay explained other reasons included Council just completing the City Manager's annual evaluation and allowing Thaden to get home to attend to family matters. Viafore stated City Manager performance evaluations were set quarterly and he objected to removing this item from the agenda.

Viafore called a Point of Order noting Council had to approve removing an item from the agenda.

MOTION

Moved by McVay, Seconded by Weinman, to remove Item 14B – To discuss City Manager performance evaluation, from tonight's agenda.

Viafore called a Point of Order and explained Robert's Rule identify that when a Point of Order is called no motion can be made until the Point of Order is addressed. He noted there was no objection to removing Item 14A. City Attorney Smith stated Item 14B was on the agenda for executive session subject to a motion to remove it.

Viafore stated City Manager quarterly evaluations were recommended by legal counsel, they have been ongoing and he and another Councilmember came prepared for that discussion. Weinman stated the Mayor had noted that it would be more productive to reschedule this item because Council had just completed a City Manager evaluation. Weinman did not object to rescheduling this item for the next regular Council meeting. Jolibois noted there was no guarantee that the full Council would be in attendance at any meeting. This item was on the agenda and any excused Councilmember could arrange a time to met with the City Manager to discuss performance evaluation or could have submitted written comments. Thaden stated he was able to remain in attendance, that full Council attendance can rarely be guaranteed but he also agreed that Council had just completed a City Manager evaluation and felt it would be more productive to defer Item 14A.

MOTION VOTE

Ayes: Thaden, McVay and Weinman. Noes: Jolibois, Gruver and Viafore. Excused: Hechtman. Motion Failed.

EXECUTIVE SESSION

McVay requested Council move into executive session at 7:58 P.M. not to exceed the hour of 8:15 P.M. to discuss City Manager performance evaluation. The City Manager was invited to attend. She stated no action would take place following the executive session except to adjourn. At 8:09 P.M. McVay reconvened the meeting.

ADJOURNMENT

Moved by Weinman, Seconded by Gruver, to adjourn the regular meeting At 8:09 P.M. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman and Viafore. Noes: None. Excused: Hechtman. Motion Carried.