

CITY OF FIRCREST
REGULAR CITY COUNCIL MEETING MINUTES

TUESDAY, AUGUST 11, 2009 **COUNCIL CHAMBERS**
7:00 P.M. **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, Hans Hechtman and David M. Viafore were present. Councilmember Mike Weinman was excused.

MOTION

Moved by Hechtman, Seconded by Gruver, that Councilmember Weinman be excused. Ayes: Jolibois, Gruver, Thaden, McVay, Hechtman and Viafore. Noes: None. Excused: Weinman. Motion Carried.

PRESIDING OFFICER'S REPORT

Liquor license: Royal Thai Bistro

McVay stated Council was being asked to approve a motion to register no objections to the liquor license for Royal Thai Bistro. Viafore clarified this was a new business at the same location previously occupied by the Indochine Café. Police Chief Cheesman confirmed there were no complaints about the service of alcohol found concerning the Royal Thai Bistro.

MOTION

Moved by Thaden, Seconded by Gruver, to register no objections to the liquor license for Royal Thai Bistro. Ayes: Jolibois, Gruver, Thaden, McVay, Hechtman and Viafore. Noes: None. Excused: Weinman. Motion Carried.

COMMITTEE, COMMISSION & LIAISON REPORTS

Finance and Information Technology

Viafore stated the Association of Washington Cities (AWC) sent out a copy of the Office of Financial Management's Fiscal Impact Statement for Initiative 1033. The report estimates the impact of the proposed initiative would reduce general fund revenues for cities by \$2.1 billion between 2011 and 2015. Thaden requested a copy of the report be provided to Councilmembers.

Administration

McVay stated later in the meeting staff would be presenting a recommendation to disapprove of a Special Occasion Liquor License application for an event at the Community Center. Staff was working on updating the Personnel Policies & Procedures Manual to comply with changes in the law and plans to bring proposed revisions to Council at the September 21, 2009 study session.

CONSENT CALENDAR

McVay requested City Clerk Rosenbladt read the consent calendar as follows: approval of Voucher No. 39886 through Voucher No. 39941 in the amount of, \$35,356.18, approval of Payroll Warrant No. 30971 through Payroll Warrant No. 30981 in the amount of \$5,820.14, approval of Payroll Warrant No. 30982 through Payroll Warrant No. 31069 in the amount of \$111,693.05, approval of Payroll Warrant No. 31070 through Payroll Warrant No. 31079 in the amount of \$87,709.20, , approval of Minutes of the July 20, 2009 Special Council Meeting, approval of the minutes of July 28, 2009 Regular Council Meeting, setting a public hearing on August 25, 2009 at 7:15 pm to receive comments on a recommendation by the City Planning Commission to adopt an ordinance amending Landscaping Requirements, FMC section 22.62.002 (a), (c) and (e), FMC section 22.62.004 (c), (d), (l) and deleting subsection (m) and ordinance 1246 § 17 FMC Section 22.62.011, setting a public hearing on August 25, 2009 at 7:15 pm to receive comments on a recommendation by the City Planning Commission to adopt an ordinance amending Section 22.26.010, to increase the number of off-premise real estate sandwich board signs for open houses from 3 to 4, setting a public hearing on August 25, 2009 at 7:15 pm to receive comments on a recommendation by the City Planning Commission to adopt an ordinance amending Section 22.78.004, establishing an exception to the minimum zone area requirements, setting a public hearing on August 25, 2009 at 7:15 pm to receive comments on a recommendation by the City Planning Commission to adopt an ordinance amending Section 23.08, updating “Duties of the Planning Commission” and setting a public hearing on September 8, 2009 at 7:15 pm to receive comments on an ordinance amending FMC section 22.34.005 to increase the maximum impervious coverage from 30% to 50% for all structures and impervious surfaces combined for the R4C zoning district.

MOTION

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

NEW BUSINESS

Professional Services Agreement for final design of a portion of the Relocation of Backyard Sewer Mains Project and related water main replacements

City Manager Brandon stated Council was being asked to authorize the execution of a professional services agreement with Jerome W. Morrissette & Associates, Inc. for final design services for a portion of the City’s Relocation of Backyard Sewer Mains Project and for water main replacements considered necessary in conjunction with the sewer construction. Brandon explained that staff has become aware through meetings with Department of Ecology that the Relocation of Backyard Sewer Mains Project would be looked on favorably for a State Revolving Fund loan. This agreement identifies that final design work be completed by October 31, 2009 to meet the deadline for submittal of a construction loan application. The four specific areas for the final design project included: Eldorado/South 19th, Harvard/Princeton including a lift station, Del Monte, Golden Gate/Columbia. Brandon stated a second motion authorizes the transfer of \$34,000 from Water Ending Fund Balance to Water Project Engineering for the cost of the water main design.

Responding to Viafore, City Engineer Lougheed stated consultants would be meeting with all property owners impacted in this portion of the sewer project. The consultants would also work with property owners to replace sewers in backyards where conditions were appropriate and if there was agreement by all property owner on that sewer segment. Lougheed explained all four locations would be considered one project with the exception of 19th Street which will be incorporated into a separate plan so it could be built in conjunction with the 19th Street roadway project scheduled in 2010.

Jolibois inquired about pipe bursting. Lougheed stated pipe bursting was used in sewer projects in Steilacoom, Tumwater and Olympia. Considerations include soil testing to determine the suitability of the soil, the depth of the pipe replacements and access to all connections on the segment. Depths for this project would range from six to sixteen feet. Soil borings in the North end hit hard pan at approximately four feet so replacement below twelve feet could probably not be done. With pipe bursting 40-foot insertion and retrieval pits have to be dug and depending on the length of sewer segment being burst additional retrieval pits may have to be dug between the two end pits. Under certain conditions and with the cost of excavating connections it can be less expensive to trench up the old pipe. Jolibois requested additional information be provided to Council on the feasibility of pipe bursting. McVay stated she believed all the consultants had considered use of this technique in their areas. Hechtman believed, given the physical constraints, that it would not be an cost effective option. Viafore suggested, if it would only take a couple hours, it would be worthwhile to have the additional information to confirm pipe bursting was not an option.

RESOLUTION NO. 1098

Moved by Hechtman, Seconded by Gruver, to adopt Resolution No. 1098 authorizing the execution of a professional services agreement with Jerome W. Morrisette & Associates, Inc. for the purpose of performing final design services for a portion of the City's Relocation of Backyard Sewer Mains Project, and for water main replacements considered necessary in conjunction with the sewer construction, in an amount not to exceed \$277,000. Ayes: Jolibois, Gruver, Thaden, McVay, Hechtman and Viafore. Noes: None. Excused: Weinman. Motion Carried.

Move funding from Water Ending Fund Balance to Water Project Engineering for final design services

Brandon stated the proposal before Council was to provide funding for final designs services for necessary water main replacement to be constructed in conjunction with the sewer project to take advantage of the streets being trenched open.

Viafore inquired about the water mains in this proposal. Lougheed stated existing pipe going north and south ranges from 3 to 4 inches but the standard was 8 inch pipe for fire flow and service. He explained Department of Health requires a system had to be designed so that fire flow could pull 1,000 gallons a minute and not drop any service's pressure below 20 psi. Also main transmission pipes needed to be replaced with 12-inch pipe. This improvement was identified in the Comprehensive Water Plan and was anticipated to be done as funding became available. The project could be eligible for Drinking Water State Revolving Fund (DWSRF) loans.

MOTION

Moved by Hechtman, Seconded by Thaden, to authorize the Finance Director to move \$34,000 from Water Ending Fund Balance to Water Project Engineering for the purpose of performing final design services for a portion of the City's water main replacements considered necessary in conjunction with the sewer construction. Ayes: Jolibois, Gruver, Thaden, McVay, Hechtman and Viafore. Noes: None. Excused: Weinman. Motion Carried.

Amendment to the agreement with Brown & Brown of Washington, Inc

Risk Manager Rosenblatt stated Council was being asked to authorize an amendment to extend the professional services agreement with Brown & Brown of Washington, Inc., through August 31, 2010. Brown and Brown has provided excellent service through an agreement initiated in March 2008.

Moved by Thaden, Seconded by Gruver, to adopt Resolution No. 1099 authorizing the City Manager to execute Amendment #1 to the agreement with Brown & Brown of Washington, Inc., for insurance broker services. Ayes: Jolibois, Gruver, Thaden, McVay, Hechtman and Viafore. Noes: None. Excused: Weinman. Motion Carried.

Amend Ordinance No. 551 and Fircrest Municipal Code 10.20.050 relating to firearms

Rosenblatt stated the proposal before Council was to adopt an ordinance to correct an inconsistency with Washington State law. RCW 9.41.300 preempts cities from enacting a local law prohibiting possession of firearms on city property or in city-owned facilities. Attorney General Opinion 2008 No. 8 supports that RCW. Fircrest needs to correct this inconsistency in Ordinance No. 551 to avoid potential lawsuits. Since 1966, when Ordinance No. 551 was adopted, no one has been arrested or cited for carrying a firearm in the parks.

ORDINANCE NO. 1479

Moved by Thaden, Seconded by Viafore, to adopt Ordinance No. 1479 amending Section 3 of Ordinance No. 551 and Fircrest Municipal Code Section 10.20.050 relating to the carrying of firearms in parks. Ayes: Jolibois, Gruver, Thaden, McVay, Hechtman and Viafore. Noes: None. Excused, Weinman. Motion Carried.

CITY MANAGER COMMENTS

City Manager Brandon distributed a memo on reconciling the 2009 Budget that was first submitted to Council on June 12, 2009. Brandon explained staff identified a 2009 Budget shortfall of \$180,000 to \$200,000. Approximately \$90,000 in savings has been identified and would be implemented in 2009. Council requested staff be approached concerning voluntary furlough days. Some employees were willing but for others it would create too great a financial burden. Brandon stated staff could probably handle three furlough days during the rest of 2009 creating an additional \$17,000 in savings. The furlough days would be scheduled in conjunction with recognized City holidays. He suggested use of the Undesignated Ending Fund Balance to make up the remaining shortfall.

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Viafore stated he totally supported the proposal and requested the appendix to the budget memo that was distributed.

Hechtman stated since staff was asking Council to authorize use of the reserves he would like the City Manager to defend three furlough days and to address layoffs. He noted other cities have laid off employees and he felt Council would not be meeting their fiduciary responsibility without looking at every opportunity to deliver government on time and on budget. If there was a proposal along those lines, where service levels can be maintained, he wanted to see it. Brandon stated he was prepared to bring that information to Council at the Monday, August 17, 2009 study session instead of a regular meeting.

Next Brandon addressed Viafore's request from the July 28, 2009 regular meeting regarding Council or any member of the Council violating the City Manager's right as prescribed by RCW or FMC. Brandon stated he looked on Council, the City Manager and staff as a team. He felt that things that come down from Council or up from staff needed to go through him as the City Manager. Some Councilmembers have contacted staff directly and he would appreciate it if Councilmembers would speak with him first and he would address the issues with staff.

Gruver inquired if the Councilmember Contact forms were still in use. Brandon confirmed they were still used.

Brandon stated City Clerk Rosenbladt had information on other issues Council had inquired about. Rosenbladt stated he contacted Port of Tacoma concerning early retirements. They had not offered early retirements but did offer a voluntary separation package. Forty-seven positions identified for layoffs were reduced to 30. Rosenbladt also checked with the Washington State Department of Retirement and they are not offering early retirements except with actuarially reduced benefits. There was an option for PERS II employees who were 62 years old and had 30 years of service to retire with no actuarial reduced benefit. However, this option was being contested in court.

Rosenbladt stated the City received a request from the Liquor Control Board for a Special Occasion License to sell liquor by the drink at a private event scheduled at the Community Center. The Community Center rental application specifies selling liquor by the drink was not allowed and selling liquor by the drink was prohibited in Fircrest in a 1975 election. Staff had prepared a motion to disapprove Special Occasion Liquor License No. 092635.

Viafore suggested a motion was not necessary because the law was clear that selling liquor by the drink was not allowed in this area. The Liquor Control Board did not have the authority to override the law. Hechtman concurred that Council did not have to disapprove the license. McVay agreed and suggested that unless a motion was technically necessary a letter could be sent to the Liquor Control Board reminding them of the law in Fircrest and explaining these type of applications should not be processed. No objections were noted.

DEPARTMENT COMMENTS

Police Chief Cheesman reported Police Officer Deal participated in the 2009 World Police and Fire Games in British Columbia and took third place in the decathlon event. He thanked Councilmembers for attending National Night Out.

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Recreation Director Grover thanked Councilmembers for attending the Fun Days event. He reported there were very large crowds for the New Blues Brothers and the fireworks display. He invited comments and suggestions about the event to help make the event even better next year.

COUNCIL COMMENTS

Gruver congratulated Deal on his accomplishment. She reported on the success of National Night Out and thanked Police Officers Morrison and Seeley for helping raise funds for Special Olympics by taking turns in the dunk tank. She also reported on the success of Fun Days and the appreciative audiences for Reptile Man and the New Blues Brothers.

Thaden voiced appreciation that flowers had been planted in the entry islands and stated they looked great.

Hechtman complimented staff for the success of National Night Out and Fun Days. He noted the large crowds and excellent fireworks display and reported TV stations KING and KIRO were at the events.

Viafore welcomed Mike Fitzgerald from the Tacoma Fire Department and complimented staff on National Night Out and Fun Days. He requested information on the number of sewer accounts in the 19th/Mildred business district be identified in the General Update. He requested additional cleanup work be done on the 542 Electron Way lot and voiced concern that dirt had been piled on the roots of the fir tree in the south east corner of the lot that would kill the tree. Viafore complimented staff of the flowers in the entryways and suggested taking a picture so next year there would be a record of how they should be planted. He thanked citizens and staff members for attending this evening. Viafore requested the City Manager make a written response, with a time frame, to correspondence from Fircrest resident Tom Brown concerning cherry trees on Regents Boulevard that Brown claimed were damaging his driveway.

McVay stated the fireworks at National Night Out and Fun Days were excellent.

ADJOURNMENT

Moved by Viafore, Seconded by Thaden, to adjourn the Regular Meeting at 7:58 P.M. Ayes: Jolibois, Gruver, Thaden, McVay, Hechtman and Viafore. Noes: None. Excused: Weinman. Motion Carried.