

CITY OF FIRCREST
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, DECEMBER 22, 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 and David M. Viafore were present. McVay stated Councilmember Hechtman was excused.

PRESIDING OFFICER'S REPORT

McVay stated Pierce County Police Sergeant Nick Hausner and Deputy Kent Mundell were wounded yesterday and remain in the hospital. She asked that everyone pray for them, for the four Lakewood Police Officers and the Seattle Police Officer who were killed and for their families.

COMMITTEE, COMMISSION & LIAISON REPORTS

Public Safety and Court

Gruver stated the Police Chief has reported no incidents at Charley's Steak and Ale in the past four weeks and perhaps changes made by Charley's owner were working.

CONSENT CALENDAR

McVay requested Acting City Clerk Johnson read the consent calendar as follows: approval of Voucher No. 40525 through Voucher No. 40607 in the amount of \$216,084.47, approval of Payroll Warrant No. 31661 through Payroll Warrant No. 31710 in the amount of \$95,278.55, approval of minutes of the November 24, 2009 Regular Meeting, approval of the minutes of the December 8, 2009 Special Meeting and setting a public hearing on January 12, 2010 at 7:15 p.m., to receive comments on proposed solid waste rates.

MOTION

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

Viafore requested that Voucher 174550 to Home Depot in the amount of \$40.00 be removed.

VOTE ON MODIFIED CONSENT CALENDAR

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

Viafore stated Voucher 174550 was to pay late fees which were one of his concerns about City credit cards and charge accounts. Finance Director Corcoran stated invoices had been turned in late. Staff attempted to have the late fees removed but the Home Depot policy was to only remove one late fee per year and that has already happened. Brandon stated a reprimand had been issued regarding turning invoices in late.

MOTION

Moved by Viafore, Seconded by Thaden, that Voucher 174550 be paid. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman and Viafore. Noes: None. Excused: Hechtman. Motion Carried.

NEW BUSINESS

Humane Society for Tacoma & Pierce County for animal sheltering services in 2010

City Manager Brandon stated the proposal before Council was to contract for animal sheltering services with the Humane Society for Tacoma and Pierce County for 2010. The termination clause identifies a 90-day written notice. The Humane Society will furnish and maintain a suitable shelter for stray, impounded and unwanted domestic animals turned over by Fircrest residents. The proposed contract requires Fircrest Animal Control Officers to perform certain functions, comply with polices and receive specified training. In 2010 Fircrest will contract with City of Tacoma for Animal Control.

RESOLUTION NO. 1116

Moved by Gruver, Seconded by Weinman, to adopt Resolution No. 1116, a resolution authorizing the City Manager to execute the agreement between the Humane Society for Tacoma and Pierce County and the City of Fircrest for Animal Sheltering Services in 2010. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman and Viafore. Noes: None. Excused: Hechtman. Motion Carried.

Information Technology Purchase Agreement with Administrative Office of the Courts

Court Administrator Olsen stated Council was being asked to authorize execution of a purchase agreement with the Administrative Office of the Courts to participate in an equipment reimbursement program. When equipment becomes eligible for replacement and funding was available the Court would be able to receive reimbursement that would be inclusive of taxes and shipping costs. In 2010 two desktop/monitor computers are eligible for replacement. The Municipal Court utilized this program in 2005.

RESOLUTION NO. 1117

Moved by Thaden, Seconded by Gruver, to adopt Resolution No. 1117, authorizing the City Manager to execute the Information Technology Primary Purchase Agreement IAA10278 with the State of Washington Administrative Office of the Courts. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman and Viafore. Noes: None. Excused: Hechtman. Motion Carried.

Vision Municipal Solutions, LLC for software support for ASP/Harris in 2010

Finance Director Corcoran stated the proposal before Council was to authorize execution of an agreement with Vision Municipal Solutions, LLC for ASP/Harris Financial application software support for 2010. The City has contracted with Vision since 2007 and the 2010 Budget identifies \$4,257 for this item. The owners of Vision are former employees of Application Software Programs (ASP) and are very knowledgeable of the system. Changes to the source code are not allowed which mean no custom changes can be made. Staff does not expect any changes to be necessary.

Viafore inquired about not being allowed to make changes. Corcoran explained that was due to a contractual agreement between Vision and ASP. Responding to Thaden, she stated the cost for this support increased \$387 from 2009.

RESOLUTION NO. 1118

Moved by Thaden, Seconded by Gruver, to adopt Resolution No. 1118 authorizing the City Manager to execute an agreement with Vision Municipal Solutions, LLC to provide software support for ASP/Harris application for the year 2010. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman and Viafore. Noes: None. Excused: Hechtman. Motion Carried.

S & B Inc. for a SCADA system for the Water and Sewer Departments

Interim Public Works Director Larkin stated there have been some delays completing the SCADA system. Everything was completed for the water system with the exception of the Weathervane booster station and all the programming was completed for the sewer lift stations as well as the Weathervane booster station. Council was being asked to authorize execution of an amendment to the Professional Services Agreement with S & B, Inc. extending the term of the agreement to December 31, 2010 and adding the development and installation of a radio communication system. The system installation will be complete by April but it may take up to eight months to obtain the necessary license from the Federal Communication Commission (FCC).

Larkin explained a \$30,000 contingency was included in the original agreement to provide for a radio communication system which staff has determined would be the most cost effective. If a repeater is necessary to serve some of the stations the estimated total additional cost would be \$40,353.56 and would require another amendment.

Responding to Weinman, Larkin stated the radio study should be completed within the next thirty days and at that time it will be known if a repeater would be necessary.

RESOLUTION NO. 1119

Moved by Thaden, Seconded by Weinman, to adopt Resolution No. 1119 authorizing the City Manager to execute Amendment #1 to the Professional Service Agreement with S & B, Inc. for development and construction services for a SCADA system for control of the City's water and sewer systems, extending the term of the agreement to December 31, 2010. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman and Viafore. Noes: None. Excused: Hechtman. Motion Carried.

J. W. Morrissette & Associates for Sewer Plan Update

Larkin stated the proposal before Council was to authorize a professional services agreement with Jerome W. Morrissette and Associates, Inc. to prepare an update to the Sewer Comprehensive Plan. The total cost would be \$76,000 and sufficient funds are in the 2010 Sewer Fund budget. The original Comprehensive Sewer Plan was completed in 2002 and should be updated every six years.

The three engineering firms working on the Relocation of Backyard Sewer Mains project were considered to prepare an update. Because Jerome W. Morrissette & Associates, Inc. prepared the 2002

Comprehensive Sewer Plan and has been involved in all extensions and improvements to the sewer system since the adoption of that original plan, they are considered the most qualified firm to prepare the proposed Sewer Plan Update. Development of the update would make the City eligible for Public Works Trust Fund (PWTF) loans and would help the City provide a stronger case for other grant or loan opportunities.

RESOLUTION NO. 1120

Moved by Thaden, Seconded by Weinman, to adopt Resolution No. 1120 authorizing the City Manager to enter into a professional services agreement with Jerome W. Morrissette & Associates, in an amount not to exceed \$76,000, for the purpose of preparing an update of the City's Sewer Plan.

Jolibois inquired if the update was a loan requirement or a lawful obligation. He stated the cost per rate payer would be approximately \$300 for the update and questioned the cost effectiveness. He felt the proposed update was missing consideration of modernization in construction technology including pipe bursting. He had submitted ideas and information regarding that but has not heard back from staff.

Jolibois believed the Sewer Plan update was being proposed so the City would be eligible for future PWTF loan funding sometime in the future and if it was not required by legal statute it was a questionable expense at this time. State Senator Carroll stated during his appearance before Council that the likelihood of obtaining PWTF funding was almost nil. Jolibois felt the \$76,000 would be better spent on actual sewer construction projects and did not support the proposal. He suggested re-evaluating the Relocation of Backyard Sewer Mains Project.

Larkin stated the Sewer Plan update was one of the requirements of the PWTF but he did not think there was a State law requiring an update every six years. The original Sewer Comprehensive Plan and the proposed update would define the next six-year capital improvement program for the sewer system. He explained that if not completing the update prevents the City from getting a PWTF loan the \$76,000 cost would seem insignificant compared to the loss of that loan funding. He acknowledged chances of obtaining a PWTF loan in the next biennium were slim.

Viafore stated it was his understanding that an updated Sewer Comprehensive Plan would be a funding requirement even if the City bonded the project. The Park's Comprehensive Plan had to be updated in order to obtain bond funding. He was willing to table this item in order to get answers about the necessity of updating the Sewer plan.

McVay stated she did not think there was any funding source that would not require an updated Comprehensive Plan. She has talked with the Association of Washington Cities and Municipal Research Service Center and almost all funding mechanisms require a current or updated plan. McVay explained funding was the issue holding up the Relocation of Backyard Sewer Mains Project and without this update there would be no funding and no project.

Thaden suggested postponing this proposal until it could be ascertained that the Sewer Plan update was necessary for funding and if there was a funding source at this time. He stated all the information for the Relocation of Backyard Sewer Mains Project has recently been obtained by the consultants. The rest of

the existing Sewer Comprehensive Plan was probably good because there have been no other sewer problems since 2002.

Larkin explained the proposal was for a minimal update and proposed videoing would be of sewers within the Right of Way identified as Condition 3 and 4 in 2002. The videoing would help determine the rate of deterioration since 2002. He stated there were sewers that need replacing that are not part of the Relocation of Backyard Sewer Mains Project and noted in the last eight years over a million dollars of sewers have been replaced. Larkin stated approximately three million dollars in sewers still need replacement outside the Relocation of Backyard Sewer Mains Project.

Thaden suggested the proposed update might be done by another source for a lower cost. Larkin stated he didn't feel there was another source that could do the update at a lesser cost than proposed by Morrissette.

MOTION

Moved by Thaden, Seconded by Jolibois, to table Resolution No. 1120 until such time Council has information answering questions that have come up but not later than the second meeting in March. Ayes: Jolibois, Thaden, McVay, Weinman and Viafore. Noes: Gruver. Excused: Hechtman. Motion Carried.

CITY MANAGER COMMENTS

City Manager Brandon stated he would be on vacation next week and Finance Director Corcoran would be Acting City Manager.

DEPARTMENT COMMENTS

Recreation Director Grover stated the Winter/Spring Recreation brochure would be mailed out next week and City calendars were in the mail now.

Planning/Building Director Gilmore distributed photographs of a closed business on Mildred Street. He stated two notices have been sent to the property owners regarding vandalism and illegal access. Since that notification a gate at the back of the property has been reconstructed and staff was informed the notices were addressed to the property managers and not the property owners. Staff wanted to inform Council legal action may be necessary after a third notice is sent with a 30 day time limit for compliance. Department of Ecology would also be notified because there are 55-gallon drums filled with unknown contents that may be hazardous material from the previous dry cleaning business. Staff has had permission from the property managers to access the site. The submitted photographs would be sent to the property managers who indicated they will inform the property owners.

Viafore explained notice had to be served on the property owners and he suggested a 30-day time limit for compliance was too long. McVay concurred and suggested staff move forward. The property owners have had previous notice and this issue had to be taken care of as quickly as possible. Corcoran voiced appreciation to Viafore for serving as liaison to Finance in 2009.

COUNCIL COMMENTS

Viafore thanked Corcoran for her help this year while he was Finance liaison. He inquired about removal of the garbage toters on the Princeton Street Right of Way behind Town Center. Brandon stated staff met with the property owner who agreed to take care of this issue. McVay stated there had been adequate discussion on this issue and it needed to be resolved. Viafore inquired about 2010 Work Plans. Brandon stated Council would receive them by mid-January. Viafore inquired about meeting with Mike Price regarding wastewater billing to municipalities by City of Tacoma. Larkin stated this item would be on the agenda for the January study session.

Viafore stated he was beginning to support the idea of recording executive sessions. He explained that in the mid-1990s the City of Fircrest sued the City of Tacoma about the landfill plume and the safety of Fircrest wells. Discussion of what was potential litigation at the time took place in executive session. Viafore disagreed with information provided by staff suggesting test hits at Well No. 5 had been caused by contamination of the samples and that there had been no hits since 1998. That was not what Fircrest attorneys and consultants had stated to Council.

Viafore voiced concern that the City was committing to negotiations relating to testing that did not comply with court orders and without consultation with Council. Fircrest was advised that the wells needed to be monitored on a regular basis and now they would only be tested once every three years.

Larkin stated staff has not committed anything to the City of Tacoma regarding testing. Tacoma had wanted to eliminate testing and other agencies agreed that was a reasonable thing to do. Staff informed them that would not be acceptable to Fircrest and Tacoma then agreed to test every three years. Tacoma records show there has never been a hit in Well No. 5. Larkin stated the landfill plume has gone south and Tacoma was still concerned about the area south of 40th Street. In the Well No. 5 area the plume has not affected anything.

Viafore stated in the 1990s he and Fircrest resident Joe Harrison were very involved in this issue and went to the landfill. Harrison worked for the company that was capping the landfill at the time. The plume was coming closer to Well No. 5 and Tacoma shut Well No. 5 down. Property owner/developer George Haddow sued the City of Tacoma and prevailed. Attorneys hired by Fircrest told Council that the plume was on the Fircrest border.

Viafore stated Council must act with due diligence. He didn't know how the proposal to test every three years came up but he didn't feel that was enough and previous legal Counsel also told the City otherwise. Viafore explained a big issue for him was the statement that the most likely cause of contaminants was the re-agent used to clean the testing equipment.

Larkin explained Tacoma has much more data now from the monitoring wells around the extraction wells. The data clearly indicates that Well No. 5 is not threatened. Viafore inquired if Tacoma would have any problem with Fircrest turning Well No. 5 back on because they had previously indicated they would never allow Well No. 5 to be turned back on except in a fire emergency.

Weinman inquired how long the attorneys had suggested monitoring should go on. Viafore stated Tacoma has been monitoring all this time and now they want to stop. He suggested Council needed

additional technical advice and support on this issue. He felt responsible for the constituents' drinking water and he had to play it safe with that water supply.

Larkin stated there was no question it had been reasonable for Fircrest to sue Tacoma for potential contamination of the water system in the late 1990s. None of the information that is available today was available at that point and with the little information that was available back then he would have supported that suit completely. Now there was much more information and monitoring wells that show the plume has not affected certain areas.

Viafore requested a study session with representatives from Tacoma so Tacoma could go on record and show Council what was going on at the land fill and what their thoughts were.

McVay stated she remembered the process the City had gone through in the past but she did have to accept what the Public Works Director was saying. A lot of things were occurring today that weren't happening in the 1990s. McVay requested this issue be brought forward at a study session.

Viafore expressed his appreciation that "Merry Christmas" had been put up on one side of the Reader Board and "Happy Holidays" on the other. His thoughts and prayers were with law enforcement personnel and their families and the City Clerk and his family.

Weinman stated he had concerns about the well testing proposal and would like for the City of Tacoma to come to a study session for a presentation and update. He thanked Grover for working with him as liaison to Parks. Weinman wished everyone happy holidays.

Thaden expressed appreciation to the City Manager for the year. He explained it wasn't always known how often Councilmembers are approached with comments and complaints by citizens. These were difficult economic times and he hoped staff appreciated Councils' responsibility to make every penny count, just as Council appreciated staffs effort to hold the line on expenditures. Together they would make it through these times.

Gruver stated the Holiday Sleigh was a success and she had new neighbors who were excited about the holiday event. She expressed appreciation to Hechtman for his service on Council and thanked Council and staff for their work.

Jolibois wished everyone health, happiness and Merry Christmas.

ADJOURNMENT

Moved by Viafore, Seconded by Thaden, to adjourn the Regular Meeting at 8:00 P.M. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman and Viafore. Noes: None. Excused: Hechtman. Motion Carried.