

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

**TUESDAY, JANUARY 12, 2010
7:00 P.M.**

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

Prior to the meeting City Attorney Smith administered the Oath of Office to Matthew Jolibois - Position 1, Chris Gruver - Position 2, Denny Waltier - Position 6 and Kathy L. McVay - Position 7.

PRESIDING OFFICER'S REPORT (CITY CLERK)

Acting City Clerk Johnson called the regular meeting to order at 7:00 P.M. and led the pledge of allegiance.

ROLL CALL

Councilmembers Matthew Jolibois, Chris Gruver, Robert Thaden, David M. Viafore, Mike Weinman, Denny Waltier and Kathy L. McVay were present.

Selection of Mayor and Mayor Pro Tempore

Johnson reviewed the process for the selection of Mayor and Mayor Pro Tempore. She stated Council had been given information from Council's Rules of Procedure on the Election of Officers and from Robert's Rules of Order relating to Nominations, Elections and Voting. Council's rules were silent as to an election procedure but since 1994 Council has chosen to use Robert's Rule of Order - Nominations and Elections. If Council concurs with using that procedure two motions are required. The first motion was to suspend Council's Rules and Procedures for this item of business and a second motion to adopt the procedure option for selecting a Mayor and Mayor Pro Tempore.

MOTION

Moved by Thaden, Seconded by Viafore, that Council suspend its Rules and Procedures for this Item of Business. Ayes: Jolibois, Gruver, Thaden, Viafore, Weinman, Waltier and McVay. Noes: None. Motion Carried.

MOTION

Moved by Thaden, Seconded by Viafore that Council adopt the Procedure Option for Election of a Mayor and Mayor Pro Tempore as listed in the information submitted by the City Manager. Ayes: Jolibois, Gruver, Thaden, Viafore, Weinman, Waltier and McVay. Noes: None. Motion Carried.

Johnson explained the process for nominations and requested nominations for Mayor for a two-year term. Jolibois nominated Viafore. Gruver nominated McVay. Thaden, Viafore, Weinman, Waltier and McVay passed. Nominations were closed.

Finance Director Corcoran distributed ballots to Councilmembers. The ballots were collected and Johnson read the votes. Jolibois, Thaden, Viafore and Waltier voted for Viafore. Gruver, Weinman and McVay voted for McVay. Johnson stated Viafore had been elected Mayor and the meeting was turned over to Viafore.

Viafore stated the selection of the Mayor Pro Tempore would follow the same procedure as the one for selection the Mayor. He called for nominations for the Mayor Pro Tempore for a two-year term. Jolibois nominated Thaden, Gruver nominated McVay. Thaden, Viafore, Weinman, Waltier and McVay passed. Nominations were closed.

Corcoran distributed ballots and Johnson read the votes. Jolibois, Thaden, Viafore, Weinman, Waltier and McVay voted for Thaden. Gruver voted for McVay. Viafore stated Thaden had been elected Mayor Pro Tempore.

CITIZEN COMMENTS

Viafore called for citizen comments. None were noted.

COMMITTEE, COMMISSION & LIAISON REPORTS

Viafore explained liaison assignments ended on December 31, 2009. He inquired if any Councilmember wished to make a report on any department. None were noted.

CONSENT CALENDAR

Viafore requested Acting City Clerk Johnson read the consent calendar as follows: approval of Voucher No. 40608 in the amount of \$2,691.45, approval of Voucher No. 40609 through Voucher No. 40692 in the amount of \$161,441.62, approval of Voucher No. \$40693 through Voucher No. 40715 in the amount of \$79,847.90, approval of Payroll Warrant No. 31711 through Payroll Warrant No. 31768 in the amount of 94,081.03, approval of Payroll Warrant No. 31769 through Payroll Warrant No. 31779 in the amount of \$5,766.31, approval of Payroll Warrant No. 31780 through Payroll Warrant No. 31830 in the amount of \$95,484.61, approval of Payroll Warrant No. 31831 through Payroll Warrant No. 31839 in the amount of \$79,287.89, Payroll Warrant No. 31711 through Payroll Warrant No. 31715 were voided, approval of minutes of December 21, 2009 Special Meeting and approval of the minutes of December 22, 2009 Regular Council Meeting

MOTION

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

PUBLIC HEARING

Proposed Solid Waste Rates

At 7:15 P.M. Viafore opened the public hearing to receive comments on the proposed new solid waste rates. He reviewed the process for the public hearing and recognized that Neil Holden from Westside Disposal was in attendance.

City Manager Brandon stated the proposed new rate changes were based on adjustments to the disposal fee and the West-B/C Urban Wage Earners and Clerical Workers Consumer Price Index (CPI). The disposal fee has increased from \$108.74 to \$112.94 per ton (\$6.79 per ton). The September to

September CPI increase was -1.6% times 85% (pursuant to contract) resulting in an annual rate adjustment of -1.36%. Residential rates will decrease as identified in agenda report documents.

Neil Holden, Westside Disposal, stated the increase on the commercial rate was modest and also benefited from the lower CPI. The dump portion of the commercial rate caused the slight increase.

Viafore called for Council comments. None were noted. Viafore called for public comments.

Kathy Owens, 545 Forest Park Drive, expressed her pleasure about the rate decrease. She complimented Westside Disposal for their support of City of Fircrest events.

At 7:19 P.M. Viafore closed the public hearing.

NEW BUSINESS

Day Reporting and Offender Work-Crew Agreement with Pierce County for 2010

Court Administrator Olsen stated Council was being asked to adopt a resolution authorizing the City Manager to execute an agreement with Pierce County for Day Reporting or Offender Work-Crew services. Projected costs are identified in the 2010 Criminal Justice budget and costs are assessed to Defendants at sentencing. In 2010 costs have increased from \$28.62 to \$29.56 for Day Reporting while the Offender Work-Crew costs have increased from \$53.48 to 55.23 per day. This was a viable alternative to incarceration in jail. Pierce County 2010 Jail rates are \$195.00 per booking and \$82.00 per day.

RESOLUTION NO. 1121

Moved by Thaden, seconded by Gruver, to adopt Resolution No. 1121, authorizing the City Manager to execute the Day Reporting and Offender Work-Crew Agreement with Pierce County. Ayes: Jolibois, Gruver, Thaden, Viafore, Weinman, Waltier and McVay. Noes: None. Motion Carried.

Pierce County Department of Assigned Counsel Agreement

Olsen stated the proposal before Council was to authorize the City Manager to execute the agreement for Public Defense Services with Pierce County Department of Assigned Counsel. The contract submitted for 2010 is for \$25,000.00 and is identified in the 2010 Budget. In 2009 the contract was for \$22,000.00. This service is required per RCW 10.101.030 and any other source would be more costly.

Responding to Waltier, Olsen confirmed \$22,000 was the amount billed for the services in 2009.

RESOLUTION NO. 1122

Moved by Thaden, seconded by Gruver, to adopt Resolution No. 1122, authorizing the City Manager to execute the Agreement for Public Defense Services for indigent legal defense services. Ayes: Jolibois, Gruver, Thaden, Viafore, Weinman, Waltier and McVay. Noes: None. Motion Carried.

Pierce County Department of Emergency Management Agreement

Emergency Management Director Gilmore stated the proposal before Council was to authorize the City Manager to execute a renewal of the interlocal agreement with Pierce County for emergency management services from 2010 through 2014. The cost is \$0.73 per capita or \$4,617 for 2010. This amount is within the budgeted amount for 2010. Optional services, for additional compensation, may include the Natural Hazard Mitigation Plan of the Disaster Mitigation Act of 2000 and the Pierce County Neighborhood Emergency Team Program.

Thaden inquired about the cost for future years. Gilmore explained the cost was based on population and set at \$0.73 per capita. If the population increases the annual cost would increase.

Viafore suggested language to identify the resolution in the recommended motion. City Attorney Smith confirmed that the motion could be changed.

McVay stated she worked for Pierce County Emergency Management and was prepared to excuse herself for this item. Smith stated this was a contract with her employer and that it was appropriate for her to recuse herself.

RESOLUTION NO. 1123

Moved by Weinman, seconded by Thaden, to adopt Resolution No. 1123, authorizing the City Manager to execute an interlocal agreement with Pierce County for emergency management services for the period of 2010 through 2014. Ayes: Jolibois, Gruver, Thaden, Viafore, Weinman and Waltier. Noes: None. Excused: McVay. Motion Carried.

Pierce County Communications Maintenance Program Agreement

Police Chief Cheesman stated Council was being asked to authorize the City Manager to execute an agreement with the Pierce County Communications Division for communications maintenance. Contracted work includes all maintenance, repair, installation and upgrading of radio communications. It also includes annual calibration of department radars.

RESOLUTION NO. 1124

Moved by McVay, Seconded by Weinman, to adopt Resolution No. 1124, authorizing the City Manager to execute an agreement with Pierce County for a communications maintenance program in 2010. Ayes: Jolibois, Gruver, Thaden, Viafore, Weinman, Waltier and McVay. Noes: None. Motion Carried.

Position Two on the Zoo/Trek Authority Board

Brandon stated Council was being asked to cast a vote from nominees to serve on the Zoo/Trek Authority Board, Position Two. At the November 24, 2009 regular meeting McVay recommended supporting Jeff Hogan from the City of Edgewood. No other nominations or objections were noted at that meeting. By selecting the appropriate person to the Board, Fircrest and other small towns and cities will ensure having a

representative voice and receiving their fair share of the one-tenths of 1% Sales and Use tax collected by Pierce County for capital and operating costs for parks.

Responding to Thaden, McVay stated she did know Hogan and he was very interested in this position. She supported his nomination. Viafore explained he has always felt that when someone wanted Council to appoint them to a position or board that person should at least provide a letter of interest and biography. Since that information was not received from the nominee he would not be voting in favor of the resolution.

RESOLUTION NO. 1125

Moved by McVay, Seconded by Thaden, to adopt Resolution No. 1125 to appoint Jeff Hogan of the City of Edgewood to the Zoo/Trek Authority Board for a three year term ending January 31, 2013. Ayes: Jolibois, Gruver, Thaden, Weinman, Waltier and McVay. Noes: Viafore. Motion Carried.

CITY MANAGER COMMENTS

Brandon asked Councilmember to submit topics they would like to be on the agenda for the joint meeting with the Planning Commission on February 2, 2010. Brandon stated the Association of Washington Cities (AWC) has a City Legislative Action Conference scheduled on January 27/28, 2010 in Olympia. He requested that Councilmembers interested in attending contact staff to be registered.

DEPARTMENT COMMENTS

Gilmore stated staff continues to contact property owners and the property management company of a former business located on Mildred. The gate at the site has been secured with a wire coat hanger and should be secured with a chain. A second issue was that the property was still littered with trash including what may be hazardous materials. Staff would confer with the City Attorney about enforcement action. Viafore stated Council suggested three weeks ago that staff take action.

COUNCIL COMMENTS

Councilmembers congratulated Mayor Viafore and Mayor Pro Tempore Thaden and re-elected and newly elected Councilmembers.

Waltier stated he was glad to be serving on Council and looked forward to being a productive member. He hoped to bring a positive attitude and good work ethic to his position. He felt his previous work experience in management at Boeing would be a benefit. Waltier stated he looked forward to working with the City Manager and Department Heads. He thanked the citizens who worked with him and supported his election to the City Council.

Weinman thanked citizens in attendance.

Viafore thanked McVay for her two years serving as Mayor and for her involvement in regional issues and organizations. He conveyed Council's thoughts and prayers to the City Clerk and his family. Viafore stated he looked forward to working with Council and the community and wanted to address citizen requests for better communication. Viafore suggested updating information in the Welcome to Fircrest information on the City website.

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Thaden thanked McVay for serving as Mayor during a very difficult time. He complimented her for maintaining her composure and for using all her management skills. He voiced appreciation for all the hard work she went through. Thaden stated he participated in the exit interview with the State Auditors. He complimented Finance Director Corcoran and her staff. He also complimented City Manager Brandon and his Department Heads for following proper procedures. The Auditor praised how operations were conducted and how procedures were followed. Thaden stated he was very proud and happy with staff.

Gruver thanked staff for the 2010 City calendar and Recreation brochure. She appreciated that new activities were highlighted in the brochure and suggested reviewing dates listed for the Daddy/Daughter dance.

ADJOURNMENT

Moved by Weinman, Seconded by Waltier, to adjourn the Regular Meeting at 7:44 P.M. Ayes: Jolibois, Gruver, Thaden, Viafore, Weinman, Waltier and McVay. Noes: None. Motion Carried.