

CITY OF FIRCREST
SPECIAL CITY COUNCIL MEETING MINUTES

MONDAY, JANUARY 19, 2010 **COUNCIL CHAMBERS**
6:00 P.M. **FIRCREST CITY HALL, 115 RAMSDALL STREET**

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor David M. Viafore called the special meeting to order at 6:00 P.M. and requested everyone remain standing after the Pledge of Allegiance for a moment of silence in honor of Bob Whitsell, former Fircrest Fire Chief. Whitsell was also a longtime Fircrest resident and business owner who passed away January 14, 2010. Viafore led the Pledge of Allegiance. Councilmembers Matthew Jolibois, Chris Gruver, Robert Thaden, Mike Weinman, Denny Waltier and Kathy L. McVay were present.

Tacoma Monitoring Requirements for Fircrest Well 5

Interim Public Works Director Larkin introduced Calvin D. Taylor from the City of Tacoma who would make a presentation regarding the Landfill plume and Fircrest Well 5.

During his presentation Taylor utilized a diagram depicting the landfill and surrounding area with data based on a 2009 annual report and a graph of well test results. Taylor stated Tacoma entered into a consent decree with the Environmental Protection Agency (EPA) and the State of Washington Department of Ecology (DOE) in 1991. Under that decree, Tacoma agreed to remediate the impacts of the landfill operations to include capping a majority of the landfill and installing gas extraction wells to control methane gas production. In addition, 22 groundwater extraction wells were installed along the point of compliance (the boundary of the landfill) and 13 wells near Leach Creek because the groundwater plume had left the landfill by the time the investigations were done.

Taylor indicated Fircrest Well 5 was west of the landfill and north of the solid waste area. Groundwater that flows through that area comes down from the north. That pattern repeats back to the earliest contours he had seen from 1992. The groundwater flow heads southwest and occasionally a little south east. Farther south of the landfill the groundwater flows off to the west. Taylor pointed out that Tacoma landfill monitoring Well 2A has never had a hit and it sits between the landfill and Fircrest Well 5.

Taylor reviewed the analytical groundwater data graph for Well 5 for samples from 1986 to 2010. The graph identified volatile organic compound concentration in parts per billion vs. years. He noted that prior to 1995 other labs did the analytical work on Well 5. Since 1995 Tacoma has analyzed the groundwater samples. He explained methylene chloride and vinyl chloride were the only hits of concern for the well. The two hits for Well 5 were 2 parts per billion in 1991 and .6 parts per billion in 2009. Methylene chloride was listed as a chemical of concern but has not been an issue relating to the groundwater plume. It is a chemical reagent that is used in the extraction of semi-volatile compounds and a common lab cross contaminant that causes an occasional hit. The methylene chloride groundwater drinking standard is 5 parts per billion. Taylor stated the one hit of vinyl chloride on Fircrest Well 5 was in 1987 and was 1.3 parts per billion. That data was flagged with an asterisk in the report, which indicates there may have been an issue whether it was actually vinyl chloride and what its concentration was. Tacoma does not believe there had been any impact on Fircrest Well 5.

Discussion included:

- Fircrest consultants identified in 1994 the concern was not necessarily the normal flow of groundwater but the flow when there were drought conditions and the aquifer lowers could draw the plume

- The concern about drawing the plume in drought conditions was the reason Well 5 was taken offline and replaced by Well 9
- Identifying Well 2A was across the street from City Hall on the east side of Orchard
- Concern increased over hits in Tacoma Well 2A, the well off 35th Street and on the Miller property
- The location and depth of certain wells
- Well 5 is designated for emergency use or for City of Tacoma to use their intertie in an emergency
- Hits on Well 1A would indicate monitoring of Fircrest wells should be continued
- Fircrest consultants stated if Well 5 was brought back on line and used as it was previously it would affect the flow of the aquifer
- The flow of the plume
- Cost for testing
- Fircrest tests Well 5 every three years, operating wells are tested monthly
- Support to continue testing
- Suggestion to test Fircrest Well 5 quarterly when Tacoma tests their wells
- Request for staff to confirm test history of Tacoma Wells 1A and 2A
- Suggestion for a contingency agreement to start re-monitoring Fircrest Well 5 if Wells 1A and 2A have an increase in hits and during drought situations
- Fircrest consultants also warned about the landfill cap being penetrated
- Well 5 was off-line and not used for drinking water or any other water use
- Inquiry if the Seattle consultants submitted a report identifying their concerns
- Suggestion to request Tacoma test annually or Tacoma to test once every three years as offered and Fircrest to test the other two years

Taylor's responses included:

- The City of Fircrest's complaint had been the well field was in jeopardy, not that Well 5 had been impacted
- Tacoma took Well 5 offline and built Fircrest Well 9 to replace it
- Well Tacoma 2A and 2C are shallower than Fircrest Well 5
- Tacoma Well 2A, nearest to Fircrest Well 5, has not had any hits
- Tacoma Well 1A has had hits and there have also been hits on the Miller property
- Under the consent decree Tacoma can shut down the extraction wells and monitor for rebound after they have had one year with no hits in a contaminated well
- Well 5 sampling that has been conducted was under the consent decree and directed by the Tacoma/Pierce County Health Department
- The Health Department reviewed the 23 years of clean testing data and determined that sampling could cease
- The EPA and DOE agreed with the Health Department
- The hits on Wells 1A and 2A were considered "non-detect", the hits were below the 2 parts per billion allowed in drinking water
- Groundwater flow is primarily from the north and swings down and around to the southwest and farther south to the west
- Data from 1992 to 2009 shows the flow pattern is the same
- The only thing that would impact the flow would be extraction or injection wells
- The groundwater flow will shift in slight variations but it wouldn't make a U turn back north
- Monthly testing could cost \$5,000 per year or more

- A mediation process was identified if Well 5 was brought back online
- Tacoma Well 1A and 2A have been tested monthly but will be tested quarterly in the future
- Test results from 1A and 2A are sent to Fircrest
- The decision to stop testing was not based on cost but on the data
- Data indicates no detections in 23 years and very, very low risk
- Whether there is a drought or not the primary groundwater flow direction was not going to change significantly
- A drought would not mean groundwater would flow back north
- The landfill has been recapped and monitoring wells will pick up if more of the plume is driven out
- The recap was done in anticipation of construction and because the original cap settled over the years
- Tacoma wells are approximately 100 to 120 feet deep
- Tacoma monitoring wells are still going to be tested
- Tacoma had offered to test every three years for three times (nine years)
- The consent decree states Tacoma monitoring wells will be tested quarterly
- The contamination of Tacoma Well 17A, near Home Depot, was determined to come from a leaking cistern and solvents from Bowling Alley that was located near there

Viafore stated if Tacoma was following the consent decree regarding testing, Fircrest would have to accept their decision. He suggested budgeting for annual testing during the summer months and felt testing would be more affordable than indicated. However, if there was a hit, Fircrest would have to consider how to reinstate testing identified in the consent decree.

Interim Public Works Director Larkin stated he reviewed the settlement agreement between Tacoma and Fircrest. The agreement states there was never any contamination of Fircrest Well 5 and there was never expected to be any contamination. It was identified that to assure the City of Fircrest and to make certain there would never be contamination of Fircrest drinking water, Tacoma agreed to install Well 9 and take Well 5 off line except for emergency service. The agreement identifies a process for bringing Well 5 back on line. If Well 5 were brought back on line Fircrest would increase the testing to monthly.

Viafore suggested Tacoma/Pierce County Health Department should have communicated with Fircrest about any decision to discontinue testing. Taylor stated he wrote the letter notifying Fircrest testing would cease but the Health Department received a copy of that letter and concurred with that decision.

Viafore thanked Taylor and his staff for the presentation.

The Commons and Fircrest Greens Storm Fee Credit

Larkin reviewed a memo provided to Council relating to the rescission of the storm drain rate credit for single family properties in The Commons and Fircrest Greens. He stated the credit given to those two developments was not legal according to the Fircrest Municipal Code (FMC). In the storm drain rate credit program the only instances where a credit was given was to developments that meet minimum requirements. Larkin stated there was discussion about the homeowners paying for the maintenance of the storm drain system in these developments but that was a requirement of the development approval.

Greg Roberts, The Commons Homeowners Association (HOA) Secretary, stated it was his understanding from Larkin's comments that the credit was illegal but he was not aware of The Commons

ever receiving a credit. Larkin explained the utility billing goes to the individual homeowners and their storm drain fee went from \$4.50 to \$9.00. Roberts stated The Commons was supposed to do annual storm system testing. Larkin stated the City Engineer has inspected that system.

Doug Rohner, 1519 Cypress Point, inquired if Fircrest Greens wasn't paying twice by paying HOA dues for maintenance of the storm drain system and the homeowners paying storm drain fees. The HOA paid \$9,700 in 2007 for maintenance of their storm drain system and annually budgets for future maintenance. Larkin stated the homeowners were required to pay the storm fee and for the maintenance of those storm drain facilities as a condition of the initial development approval. Fircrest Greens storm drainage still goes into the Fircrest system.

Discussion included:

- The storm drain credit has been in effect since 1999
- The current FMC does not allow for the credit and the credit would not be extended
- The streets in The Commons and Fircrest Greens are public streets
- In 1999 the Interim Public Works Director amended two sections of the FMC relating to storm drainage systems specific to The Commons
- There are multi-family dwellings and duplexes in The Commons
- The original development concept changed as The Commons was built
- The City has not received any complaints from homeowners in The Commons
- Suggestion for The Commons HOA to receive a copy of the City Engineer's inspection
- The explanation given to Council had been that developments that put in storm drain systems and maintained them would given a credit because those storm system did not impact the City system as much the other storm customers
- The developers of The Commons and Fircrest Greens were informed of the credit and built the systems with the assumption there was going to be a credit to the homeowners

Larkin's comments included:

- FMC identifies the credit consists of a reduction in the Impervious Surface Fee and there are no impervious surface fees for single family dwellings
- 1999 amendments would be reasonable if the storm drainage control was above and beyond minimum standards
- The Commons were considered single family dwellings, called zero lot line development
- Maintenance of the storm drain facilities was a condition of the approval of the development; to rescind that might create legal problem

Viafore stated Larkin's explanation of the legal issues clarifies rescinding the storm drain fee credit for The Commons and Fircrest Greens.

Hangin Baskets - Interim PWD Larkin

Larkin reviewed four options regarding the 2010 Hanging Baskets:

1. Do the same as last year
2. Hang larger baskets at major intersections with single color plantings similar to those used in University Place and single color plantings in the smaller baskets in other areas. (Staff's recommendation)

3. Hang larger baskets only at major intersections with single color plantings.
4. Plant single color baskets using the same size baskets as last year.

Discussion included:

- Planting "Super-tunias"
- Suggestion to use the "Steilacoom" mix and the highest quality soil
- Suggestion for multi-colored flowers, not a single color
- Vibrant colors, no yellow
- Consider scale and the height the baskets are hung
- No trailing petunias
- Suggestion for single color baskets but multiple baskets of each color
- 2009 donations were rolled over to 2010
- Agreement to use larger baskets on buildings and main intersections and smaller baskets in other areas
- Baskets should be ordered as soon as possible
- Determination what size baskets the brackets would hold

34th & Orchard Street Traffic Signal

Larkin stated Council has expressed concerns regarding the proposed traffic signal at South 34th and Orchard Streets. The City of Tacoma has agreed to everything Fircrest has asked for. Larkin reviewed the commitments made by Tacoma.

Commitments made by the City of Tacoma:

1. The only refuse truck traffic that will use South 34th Street will be those exiting the landfill to make their afternoon runs, and a couple of inbound trips daily from southwest Tacoma.
2. No refuse trucks will use South 34th Street during the AM and PM peak hours.
3. No long haul vehicles (semi trucks) will use South 34th Street.
4. An ordinance will be presented to the Tacoma City Council to lower the speed limit on northbound Orchard Street, from Emerson Street to Ramsdell Street, from 40MPH to 35MPH.
5. The City of Tacoma has defined both sides of Orchard Street between Ramsdell Street and South 35th Street as a "primary" snow removal route. A "primary" snow removal route is the highest level of service provided by the Public Works Department and means every effort will be made to keep the route clear during a snow and ice event. The City of Tacoma Public Works Department also has added this section to the City's anti-icing routes and it will be treated prior to any anticipated snow or ice event in the future.
6. The signal system will use mast arms, not span wires.
7. The signal strain poles will include fluted bases and will be painted green similar to those in University Place.

Discussion included:

- Suggestion the strain poles be the deep hunter green color used by Tacoma on Pacific Avenue near South 25th Street (Federal Court and Historical Museum area)
- Concern about enough room for stacking
- Tacoma approved the Holly Drive site plan

- Fircrest had previously suggested to Tacoma that if a light was going to be installed in this area that when 34th Street was opened it should be aligned with Holly Court
- Tacoma responded they did not intend for a light there
- Now 34th and Holly Court are not aligned and Tacoma wants to install the signal light
- Tacoma made light of Fircrest concerns regarding an offset intersection, the sight issue and lowering the speed limit
- Recommendation not to issue a permit until Tacoma meets some of their commitments
- Concern about future problems with the unaligned street, stacking and the sight issue
- Identifying how the signal would be sequenced and the amount of traffic
- Impact on the situation if future development used Holly Drive
- Development on Bourgaize property would use Holly Drive
- Indication by Tacoma there would be significant future development in the landfill area
- Traffic analysis would be required for any development
- Major future development may require side by side left turn lanes
- The existing sidewalk on the Fircrest side goes up to the crosswalk
- Concern there was no commitment that precludes the future use of long-haul vehicles.

Waltier suggested Fircrest's response should identify Council concerns including the impact of future development. Viafore felt the signal could create a liability and he was opposed to the proposal. He explained that unless there was Council consensus not agree with this proposal staff intended to issue a right of way permit to Tacoma. Larkin confirmed the commitments made by Tacoma were in writing but Tacoma staff could not guarantee the actions of the Tacoma Council. Thaden suggested including with the permit approval that the approval was based on the written commitments. Thaden requested Council be provided with the signed document with Tacoma's commitments.

Liaison Appointments

Viafore made the following 2010 Council liaison appointments. Responding to Council comments, City Manager Brandon stated he had no concerns about making the appointments this evening.

Environment, Planning and Building: Gruver

Public Safety and Court: Thaden

Recreation: McVay

Finance and IT: Weinman

Street, Facilities and Equipment: Waltier

Water, Sewer and Storm: Jolibois

Administration: Viafore

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ADJOURNMENT

Moved by Gruver, Seconded by Thaden, to adjourn the meeting at 7:41 P.M. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman, Waltier and Viafore. Noes: None. Motion Carried.