

CITY OF FIRCREST
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, FEBRUARY 23, 2016 **COUNCIL CHAMBERS**
7:00 P.M. **FIRCREST CITY HALL, 115 RAMSDELL STREET**

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Matthew Jolibois called the regular meeting to order at 7:00 P.M. and led the Pledge of Allegiance. Councilmembers Blake Surina, Shannon Reynolds, Brett Wittner, Hunter T. George, Denny Waltier and Jason Medley were present.

PRESIDING OFFICER'S REPORT

Jolibois introduced Darin Stavish, Principal Planner with Pierce Transit, who gave a presentation on Destination 2040, Pierce Transit's Long Range Plan. Stavish reported that Destination 2040 will serve as a comprehensive guiding document of the agency's vision and blueprint for providing dependable, safe, efficient, and fully integrated public transport services throughout the South Sound region of today, tomorrow and beyond. Stavish concluded by stating that there is an open house on Thursday, February 25th at the Lakewood Pierce Transit Training Center.

CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA

Lynn Morasch, 710 Spring Street, commented about a group that is interested in developing a Community Garden in Fircrest. Morasch stated she was hopeful that Council would be receptive and supportive to the idea in the future. Discussion continued and it was suggested that this topic be placed on the April agenda.

Jolibois stated that now is the opportunity for anyone wanting to comment on the Tot Lot to come forward and speak.

Tot Lot Improvements/RCO Grant

Bruce Viafore, 1336 Contra Costa, read a brief statement from the Kiwanis Club of Fircrest (Kiwanis):

- Kiwanis supports the RCO grant as written
- Kiwanis was approached last year to partner with Fircrest and commit funds to the project
- Kiwanis voted to go forward and raise funds for the Gene Goodwin Memorial Tot Lot Grant Improvements and honor its promise
- As a grant partner, Kiwanis is very insulted and disappointed about not being contacted regarding changes to the proposed fence design that was brought forward at the last Council meeting
- Changing the fence design will delay the project
- Kiwanis owes it to its donors to deliver what was promised
- The fence design was voted on twice and approved twice by Council
- Kiwanis' desire is that the grant improvement moves forward, as written

Michele Millsap, 914 Forrest Park Drive, voiced safety concerns regarding the proposed fence changes that include stone columns. She further indicated it isn't wise to make changes to the fence design mid-stream in the grant process.

Discussion ensued as follows:

- Council consensus was taken two weeks ago to re-visit the fence design and for Parks and Recreation Director Grover to find out if there is leeway in the grant regarding what the money can be spent on and when it can be spent
- Information has been received that there is flexibility in the RCO grant
- The PROS Plan was adopted unanimously by Council, there is a fence description for the Tot Lot fence in the Plan, and the Plan showed expanding the Tot Lot to include the underutilized adjacent vacant property
- A committee was formed, following adoption of the PROS Plan, to prioritize projects and seek out funding, but the committee varied from the Plan
- Expanding the Tot Lot to include the adjacent vacant property is an essential part of the Tot Lot plan
- The PROS Plan is a comprehensive document created to provide guidelines and recommendations, and its contents aren't to be etched in stone
- Council has had this discussion about what is included in the PROS Plan two times over the past year, and voted twice, primarily due to cost, to go forward with the black chain link fencing
- Kiwanis is a fantastic organization that has supported Fircrest over a long period of time, and Council shouldn't be supporting anything that would create any negativity with the Fircrest Kiwanis Club
- One of the comments that stood out on social media was from a woman posting about driving by the Tot Lot and being able to see kids playing through the fencing, and the last thing that should be constructed around the Tot Lot is a fence that has obstructions
- Fircrest residents are voicing concerns about changes being proposed to the Tot Lot fence and Council should be listening to those concerns
- Council meeting minutes and agendas are posted on the City's website, and copies of the recorded meeting are available as well
- We should stick with the plan that was voted on twice by Council, and approved twice by Council, and there should be some sort of decision made now to move forward
- An overview was provided of the pre-planning concepts and historical development of the City of Fircrest and the use of rocks and rock pillars in prior construction
- Include volunteers and donations for construction of the wrought iron fence with rock pillars to create community ownership
- Consider constructing the wrought iron fence along Contra Costa and Ramsdell Streets and put chain link fencing on the other two sides

Jolibois stated that he would suspending Council's rules to allow testimony.

Michele Millsap, 914 Forrest Park Drive, stated that she grew up in Fircrest and doesn't need to look at history books to know what Fircrest means to her. She noted that Fircrest means family and community and taking care of the children. Millsap stated that the safety of the children is more important than how the City looks or the way something presents itself. She stated that the priority is in the people, and not in the proposed rock structures that could present hazards.

Discussion continued as follows:

- This discussion was held two years ago when Council decided to apply for the grant, there was debate, Council voted to go forward and apply for the grant, and then Council debated again, and voted to accept the grant agreement
- Bringing forward a request for a major change in scope and cost to the project, at the last hour, lacks transparency and accountability

- Walking this item on the agenda at the last meeting didn't provide an opportunity for the public to comment, and again this item isn't on the agenda, and this subject is about one of the community's most valuable assets
- Council needs to follow proper notification procedures, and especially for something as big as this
- This is the kind of thing that should have been included in the Council packet
- There's no evidence of a big public following to change the scope of the project at this late hour and build something more expensive, but there is a lot of public participation against changing the project at this late hour
- Comments have been made from the public that if there is extra money, fix the sand box at the Tot Lot
- There are a lot of other things that Council could consider spending the public resources on, and should be done by placing the item on the agenda to provide the opportunity for the public to participate
- From the PROS Plan: *"The PROS Plan provides specific guidelines for the recreational needs for a changing population, and makes recommendations concerning property and facility improvements necessary to provide recreational opportunities in the future. It includes recommendations that give guidance for making land acquisitions and protecting open spaces, improving and establishing new facilities and instituting continuous improvement processes. Through these processes, the department will constantly and consistently review community input and proactively make the necessary changes that will help create an attractive and livable city."*
- The PROS Plan is not the bible, it is a 'wish list', and includes 'recommendations'
- An overview of the process to apply for an RCO grant was described
- The Tot Lot can't just double in size, the idea in the PROS plan was that there would be a gate tying in the Tot Lot to the vacant land adjacent to the Tot Lot
- The Tot Lot needs to be small enough so that no matter where you are you can see your toddler
- Trust isn't being built with the voters if Council votes to do something and then at the eleventh hour changes the plan. One of the top priorities of the PROS Plan was to hire experts to assess the Community Center and pool to provide options, i.e., renovate, remodel, etc. There is an assumption that the capital needs will exceed the City's budget which could necessitate the consideration of a Park bond, and the voters will be asked to help pay for the improvements.
- Constructing a wrought iron fence with stone pillars isn't a bad idea, it's just the wrong time and the wrong place to build it at the Tot Lot. The window has been missed, the policy has been voted on, and there is no compelling reason to change the fence at the Tot Lot, but there are other places where this kind of fence could be considered

John Zwosta, 914 Forrest Park Drive, stated that the people elected the Council, and Council and the committee reached out to the public to help with the design for the fence, and now Council is considering making changes to what the public wants, is recommending, and spent a lot of time on. Zwosta said when Council circumvents the system and overrides the decision of the public, and especially the Kiwanis members, could create the situation where down the road the Kiwanis won't help again. Zwosta stated that Council already put work into this project, voted on it, and suggested it could jeopardize future grant applications if another application is submitted to RCO. Zwosta concluded by stating he didn't understand why this discussion was still going on, two years down the road when it had already been decided, and Council should be working on building the trust back with the people.

Discussion continued as follows:

- The three-member committee didn't follow the PROS Plan and there should be continued review of the PROS Plan, and a month's long delay of the Tot Lot project, while that is completed

- The idea for a wrought iron fence with pillars is just an idea, but there seems to be a lot of public outcry against it, and some of the comments on Facebook about Councilmembers was insulting
- A course of action could be to place a motion on a future agenda

CONSENSUS

There was Council consensus to go forward with the play structure and to not delay the fence.

Jolibois stated he would like to withdraw his vote and place this item on a future agenda. Reynolds stated she understands there would need to be a super majority of Council for Jolibois to withdraw his vote, and that was unlikely to happen.

MOTION

It was moved by George, seconded by Medley, to authorize the Administration to proceed as originally planned on the Tot Lot project.

Jolibois requested a roll call vote.

ROLL CALL

George, Medley, Waltier and Wittner voted Aye. Reynolds, Surina, and Jolibois voted No. Motion carried.

At 8:22 P.M. Jolibois stated that Council would take a recess and convene at 8:30 P.M.

At 8:30 P.M. Jolibois reconvened the meeting.

COMMITTEE, COMMISSION & LIAISON REPORTS

Water, Sewer, Storm

Wittner stated he met with Public Works Director Wakefield and Utility Foreman Davis and one of the items discussed was the usefulness of the well site on Claremont. Wittner concluded by stating he would be taking a tour of the well sites and pump stations in the near future.

Public Safety, Court

Medley stated that things are going well in the Police Department and they discussed the website and social media. He concluded by stating that things are also going well in the Municipal Court.

CONSENT CALENDAR

Jolibois requested the City Clerk read the consent calendar as follows: approval of Voucher No. 207219 through Voucher No. 207275 in the amount of \$166,634.46; approval of Payroll Check No. 12076 through Payroll Check No. 12082 in the amount of \$94,535.72; and approval of the February 9, 2016 Regular meeting minutes.

MOTION

Moved by George, seconded by Medley, to approve the Consent Calendar as read. Ayes: Surina, Reynolds, Wittner, Jolibois, George, Waltier and Medley. Noes: None. Motion carried.

UNFINISHED BUSINESS

Ordinance granting a franchise to Astound Broadband for transmission of telecommunications

Rosenblatt stated that this is the second reading of the ordinance. He noted that per a previous request from George he checked around and very few jurisdictions receive concessions for this telecommunications franchise. Rosenblatt stated that he spoke with Astound who indicated they could provide a government rate should they provide internet access, and is better than the commercial rate, but at this point all they are doing is going through Fircrest to connect to the Pierce County library system. Rosenblatt concluded by stating this franchise will help maintain control of the operations of Astound within the City of Fircrest through the franchise provisions.

ORDINANCE NO. 1570

Moved by Medley, seconded by Wittner, to adopt Ordinance No. 1570 granting a franchise to Astound Broadband, LLC, dba Wave, for the transmission of telecommunications in, through, over, and under the rights of way of the City of Fircrest.

George thanked Rosenblatt for doing the research on any possible concessions.

Jolibois invited public comment. None was provided.

VOTE

Ayes: Surina, Reynolds, Wittner, Jolibois, George, Waltier and Medley. Noes: None. Motion carried.

NEW BUSINESS

Motion to approve Close-Out Change Order to Budget Sewer

Public Works Director Wakefield stated that the proposal is a request to provide a close-out change order for the 2015 sewer project, which is a combination of priority numbers 5, 6 and 7 in the City's sewer replacement program. Wakefield stated the job went very well and Budget Sewer did a good job getting the work, repairs and cleanup completed successfully. Wakefield concluded by noting that the project was completed approximately \$13,000 under the bid amount, this concludes the priority sewer projects, and he will be moving towards completion of the loan documents.

MOTION

Moved by Medley, seconded by Reynolds, that the City Council approve Close-Out Change Order to Budget Sewer for the 2015 Sewer Project decreasing the contract total by \$13,381.90 for the project for an adjusted total contract price of \$1,293,948.30 and acceptance of the project.

Medley stated that he appreciates the work done by Wakefield that resulted in money being saved over the course of the last few projects, and also for keeping them going in a timely manner.

George stated he, too, appreciated the work done by Wakefield and for combining the 5, 6 and 7 priority sewer projects to increase efficiency.

Jolibois stated the sewer projects have been ongoing and he has been focused on them for quite some time. He indicated he thought the original estimate for the projects was \$21,000,000, and the saving grace was the financial crisis of 2007 and 2008 and the funding being pulled from the Public Works Trust Fund. Jolibois stated that resulted in buying enough time for due diligence to be performed and following through on changing the construction method. Jolibois requested that the total amount of money spent from the backyard sewer fund, divided between construction and ‘other’, be provided in his Friday packet so that he can do an assessment and comparison between sewer projects done in the City of Shoreline to see if there is a need to look at this further. Jolibois stated he thinks this could be a case study moving forward. Jolibois concluded by stating that he believes going forward with spot repairs is an efficient and economical way to handle the sewer problems, and thanked Budget Sewer, Wakefield, and the Public Works crew.

Jolibois invited public comment. None was provided.

VOTE

Ayes: Surina, Reynolds, Wittner, Jolibois, George, Waltier and Medley. Noes: None. Motion carried.

CITY MANAGER COMMENTS

Rosenbladt inquired if there is Council interest to attend the upcoming Incident Command System 402 class that is available at no cost. Rosenbladt thanked Council for accommodating Pierce Transit Principal Planner Darin Stavish and concluded by requesting a short Executive Session on pending litigation.

COUNCILMEMBER COMMENTS

Medley thanked everyone for attending.

Waltier thanked everyone for attending. He concluded by calling attention to the passing of Anna Margaret Names, a long-time Fircrest resident. Waltier stated he attended her service and was astounded by her accomplishments.

George stated he would like a study session discussion about abstaining in Council Rule No. 22: “the general rule is that when a Councilmember refuses to vote, such member is regarded as having voted with the majority.”

Wittner stated that everyone that sits on Council loves the City of Fircrest. He thanked everyone for coming and being an active participant. Wittner stated that being a Councilmember is a thankless job but he wanted to thank Jolibois and Surina for their vision. Wittner stated that negative comments and accusations about Councilmembers made on Facebook and social media is not appreciated. Wittner asked that people be careful and think before they make those kinds of posts on Facebook, because Councilmembers have feelings and it hurts to see some of the comments.

Reynolds stated she does research and tries to do her best with decisions that she makes. Reynolds concluded by noting that leap day is approaching and added that February 29th is ‘rare disease day.’

Surina thanked the people he was able to speak with. He noted he heard every word that was said and enjoys that part of Council. Surina thanked Wakefield and the Public Works crew for their efforts with the sewer projects and thanked Council for agreeing to disagree.

Jolibois stated he spoke with Grover and Rosenblatt about a pilot project for Parks Adoption. He suggested if Surina has time to start with Thelma Gilmur Park and to refocus to see if there is interest from groups that she used to be part of might be interested in adopting Thelma Gilmur Park. Jolibois suggested formulating a revitalization plan and maintenance schedule for the park and then place some names on a sign showing that the park was adopted by them. Jolibois stated that once the website gets up and running that there be an opportunity for people in the community to volunteer in these different adoption programs. Jolibois concluded by thanking everyone for attending.

EXECUTIVE SESSION

At 8:54 P.M., Jolibois stated Council would convene into Executive Session for Item 14-A – Pending Litigation, not to exceed the hour of 9:10 P.M. City Manager Rosenblatt, City Attorney Smith, and City Clerk/Personnel Officer Keely were invited to attend.

At 8:59 P.M. Jolibois reconvened the meeting.

ADJOURNMENT

Moved by George, seconded by Medley, to adjourn the meeting at 9:00 P.M. Ayes: Surina, Reynolds, Wittner, Jolibois, George, Waltier and Medley. Noes: None. Motion Carried.

Matthew Jolibois, Mayor

Lisa Keely, City Clerk