

**FIRCREST CITY COUNCIL  
REGULAR MEETING AGENDA**

**TUESDAY, DECEMBER 27, 2016  
7:00 P.M.**

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

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1. **CALL TO ORDER BY PRESIDING OFFICER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PRESIDING OFFICER'S REPORT**
5. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA**  
(Please sign the **Public Attendance Roster/Public Hearing Sign-Up Sheet** if you wish to speak during the meeting.)
6. **COMMITTEE, COMMISSION & LIAISON REPORTS**
  - A. Water, Sewer, Storm
  - B. Street, Facilities & Equipment
  - C. Public Safety, Court
  - D. Pierce County Regional Council
7. **CONSENT CALENDAR**
  - A. Approval of vouchers/payroll checks
  - B. Approval of minutes: [December 13, 2016 Regular meeting](#)  
[December 19, 2016 Special meeting](#)
8. **PUBLIC HEARING 7:15 P.M.**
9. **UNFINISHED BUSINESS**
  - A. [Ordinance authorizing emergency expenditure of funds for matters not foreseen at the time of filing the Preliminary Budget for 2016 and not provided for in the Annual Budget for 2016](#) – Acting Finance Director Thomas
10. **NEW BUSINESS**
  - A. [Resolution authorizing the City Manager to execute an agreement with South Sound 911 to provide technical support services](#) – City Manager Rosenblatt
  - B. [Resolution authorizing the City Manager to execute Amendment 1 to the Professional Services Agreement with Apex Engineering LLC for providing on call engineering services for surveying and mapping type projects](#) – Public Works Director Wakefield
  - C. [Resolution authorizing the City Manager to execute Amendment 1 to the Memorandum of Agreement with Pierce County for deicing and anti-icing supplies](#) – Public Works Director Wakefield
11. **CITY MANAGER COMMENTS**
12. **DEPARTMENT HEAD COMMENTS**
13. **COUNCILMEMBER COMMENTS**
14. **EXECUTIVE SESSION**
  - A. Pending Litigation (Not subject to Open Meetings Act)
  - B. Labor negotiations (Not subject to Open Meetings Act)
  - C. To discuss City Manager performance evaluation (Not subject to Open Meetings Act)
15. **ADJOURNMENT**

**CITY OF FIRCREST**  
**REGULAR CITY COUNCIL MEETING MINUTES**  
**TUESDAY, DECEMBER 13, 2016** **COUNCIL CHAMBERS**  
**7:00 P.M.** **FIRCREST CITY HALL, 115 RAMSDELL STREET**

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**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 stated that Council is being asked to approve a motion to register no objections to the liquor license renewal for Regents Café LLC (Spring Lake Café).

**MOTION**

**Moved by Medley, seconded by Waltier, to register no objections to the liquor license renewal for Regents Café LLC (Spring Lake Café).**

Jolibois invited public comment. None was provided.

**VOTE**

**Upon vote, motion carried unanimously.**

**COMMITTEE, COMMISSION & LIAISON REPORTS**

**Parks & Recreation**

Surina gave an update on the efforts and progress of the Community Center and Pool Advisory Committee.

**CONSENT CALENDAR**

Jolibois requested the City Clerk read the consent calendar as follows: approval of Voucher No. 208576 through Voucher No. 208664 in the amount of \$51,715.50; approval of Payroll Check No. 12472 through Payroll Check No. 12478 in the amount of \$89,669.51; approval of Payroll Check No. 12479 through Payroll Check No. 12482 in the amount of \$5,107.58; approval of Payroll Check No. 12483 through Payroll Check No. 12488 in the amount of \$78,696.71; approval of Payroll Check No. 12489 through Payroll Check No. 12497 in the amount of \$91,516.40; approval of Payroll Check No. 12498 through Payroll Check 12502 in the amount of \$17,224.00; approval of the November 22, 2016 Regular City Council meeting and setting a public hearing on January 10, 2017 at 7:15 p.m. to receive comments on a proposed solid waste rate adjustment.

## **MOTION**

**Moved by George, seconded by Medley, to approve the consent calendar as read. Upon vote, motion carried unanimously.**

## **NEW BUSINESS**

### **Ordinance amending Fircrest Municipal Code Title 22 prohibiting marijuana retailers, producers, processors, and researchers in all zoning districts**

Planning and Building Administrator Stahlnecker referenced the ordinance proposed to be adopted that dealt with regulations governing marijuana uses. She noted that public hearings were held by the Planning Commission and City Council. Stahlnecker noted that staff's original proposal to the Planning Commission allowed marijuana in certain areas with regulations and performance standards and that the Planning Commission had recommended a resolution prohibiting marijuana uses in all zones. She stated that pursuant to concerns previously expressed, staff had visited stores in the area and concluded that the stores were clean, there was no loitering, and no strong odors. Regarding concerns surrounding criminal activity and police calls, the City of Tacoma reported that there weren't demonstrated trends related to an increase in criminal activity and the marijuana retail stores seemed to mimic and mirror the neighborhoods where they were located. Stahlnecker stated that the City of Buckley has two stores and they haven't seen significant problems or enforcement issues. Stahlnecker further indicated that some cities that had previously banned marijuana sales are now considering opening stores. Regarding fiscal impacts, Stahlnecker reminded Council if marijuana sales and uses are prohibited in all zones, the City of Fircrest wouldn't receive any excise or sales tax revenue. She reported if marijuana stores are allowed, but if one doesn't exist in the City, Fircrest would still receive a portion of the excise tax which this year resulted in approximately \$4,000. Stahlnecker noted that the City of Buckley received \$100,000 in tax revenue from their store and anticipates \$350,000 or more in 2017 with the addition of another store. Stahlnecker concluded by stating that Council can take action and adopt the proposed ordinance that is based on the Planning Commission's recommendation or direct staff to bring back an Ordinance with amended language.

## **ORDINANCE NO. 1592**

**Moved by Medley, seconded by Reynolds, to adopt Ordinance No. 1592 amending Ordinance 1246 Section 9 and FMC 22.46.007, Ordinance 1311 Section 17 and FMC 22.50.007, and adding new section FMC 22.58.030 prohibiting marijuana uses in all zoning districts.**

Council comments were expressed both in favor of and opposed to the proposed ordinance.

Police Chief Cheesman reported that police chiefs from other cities have stated that a marijuana retail store hasn't generated any more calls for service than other stores in the general vicinity to the marijuana stores.

The following individuals provided comment:

Karen Reynolds, 1576 Woodside Court; and Leonard Smith, 1570 Weathervane Drive, spoke in favor of the ordinance

Evan Lee, 514 Ramsdell Street, spoke against the ordinance

Jolibois requested a roll call vote.

**AYES: Medley, Reynolds and Surina. Noes: George, Waltier, Wittner and Jolibois. Motion failed.**

Discussion continued on staff bringing forward an alternate proposal that (1) uses the suggested restrictions and performance measures that were offered to the Planning Commission, (2) reduces buffers along the Mildred Street corridor and maintain buffers from residential properties.

At 7:43 P.M. Reynolds left Council Chambers and was excused.

At 7:44 P.M. Jolibois stated that Council was in recess.

At 8:23 P.M. Jolibois reconvened the meeting and stated that items 10B and 10C would be heard tonight and the remaining new business items would be added to the agenda for the December 19, 2016 special meeting.

**Resolution authorizing the City Manager to execute an agreement with the Pierce County Department of Assigned Counsel to provide legal representation to indigent defendants**

Court Administrator Olsen stated that Council is being asked to adopt a resolution authorizing the City Manager to execute the Agreement for Public Defense Services with Pierce County through the Department of Assigned Counsel. She reported that the contract submitted for 2017 is \$33,000.00 and that amount is allocated in the 2017 Legal Services Budget. Olsen stated that the Court is required to provide this service to all defendants that are indigent per RCW 10.101.030.

**RESOLUTION NO. 1458**

**Moved by George, seconded by Medley, to adopt Resolution No. 1458 authorizing the City Manager to execute an Agreement for Public Defense Services with Pierce County for indigent legal defense services.**

Jolibois invited public comment. None was provided.

**VOTE**

**Upon vote, motion carried unanimously.**

**Introduction of an ordinance authorizing emergency expenditure of funds for matters not foreseen at the time of filing the Preliminary Budget for 2016 and not provided for in the Annual Budget for 2016**

Acting Finance Director Thomas stated that this is a request for additional appropriations for anticipated revenues and expenditures not foreseen at the time of filing the 2016 Preliminary Budget and not provided for in the Adopted 2016 Budget. She noted that two readings are required and this would be presented for approval at the December 27, 2016 regular meeting.

## **ADJOURNMENT**

**Moved by Medley, seconded by Waltier, to adjourn the meeting at 8:25 P.M. Ayes: Surina, Wittner, Jolibois, George, Waltier and Medley. Noes: None. Excused: Reynolds. Motion carried.**

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Matthew Jolibois, Mayor

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Lisa Keely, City Clerk

**CITY OF FIRCREST**  
**SPECIAL CITY COUNCIL MEETING MINUTES**  
**MONDAY, DECEMBER 19, 2016** **COUNCIL CHAMBERS**  
**6:00 P.M.** **FIRCREST CITY HALL, 115 RAMSDELL STREET**

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**CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL**

Mayor Matthew Jolibois called the special meeting to order at 6:00 P.M. and led the Pledge of Allegiance. Councilmembers Blake Surina, Shannon Reynolds, Brett Wittner, Denny Waltier and Jason Medley were present. Councilmember Hunter T. George was excused.

**NEW BUSINESS**

**Resolution authorizing the City Manager to execute an agreement with Sound Publishing Inc., dba Tacoma Daily Index for services as the official newspaper of the City of Fircrest**

City Manager Rosenblatt stated that the Tacoma Daily Index (TDI) is the City's official newspaper. He noted that TDI has provided services to Fircrest for quite some time. Rosenblatt stated that the City of Fircrest and the City of Tacoma have agreed to a cooperative governmental purchasing agreement using City of Tacoma's competitively awarded contracts. He reported that this agreement with the Tacoma Daily Index will use the competitive bid done by the City of Tacoma. Rosenblatt stated that TDI is increasing their rates ten percent, which is the first time they have raised their rates in 12 years. He noted that the rates in the agreement won't be raised during the six-year term. He concluded by stating that business done by Fircrest with TDI averages from \$2,200 to \$2,700 and recommended approval of the agreement.

**RESOLUTION NO. 1459**

**Moved by Medley, seconded by Wittner, to adopt Resolution No. 1459 authorizing the City Manager to execute an agreement with Sound Publishing Inc., dba Tacoma Daily Index for official City legal newspaper services for the City of Fircrest.**

Jolibois invited public comment. None was provided.

**VOTE**

**Upon vote, motion carried unanimously.**

**Resolution authorizing Amendment #10 to the Agreement with Summit Law Group to provide personnel services**

Rosenblatt stated the amendment is an extension of the existing agreement for negotiations and personnel issues.

**RESOLUTION NO. 1460**

**Moved by Medley, seconded by Waltier, to adopt Resolution No. 1460 authorizing the City Manager to execute Amendment #10 to the agreement with Summit Law Group to provide personnel services.**

Jolibois invited public comment. None was provided.

## **VOTE**

**Upon vote, motion carried unanimously.**

### **Resolution Authorizing a Time & Temperature Sign Sponsorship Agreement with Columbia Bank**

Rosenblatt stated that the agreement is with Columbia Bank, noting they had hoped it would be for more money. He reported that they had reviewed the costs to swap out the sign with another business but those costs were fairly substantial. Rosenblatt concluded by reporting there had been a long-term relationship with Columbia Bank and recommended approval.

## **RESOLUTION NO. 1461**

**Moved by Medley, seconded by Reynolds, to adopt Resolution No. 1461 authorizing the City Manager to execute a Time and Temperature Sign Agreement with Columbia Bank.**

Staff responded to Council inquiries.

Jolibois invited public comment. None was provided.

## **VOTE**

**Upon vote, motion carried unanimously.**

### **Resolution authorizing the City Manager to execute Amendment 1 to the Professional Services Agreement with KPG, P.S. for the Emerson Sidewalk Project**

Public Works Director Wakefield reported that the current contract with KPG expires December 31, 2017. He noted that the bid date for the project has been extended to include bidding the project in early 2017 and necessitates extending the contract for the consultant to continue their work through the construction phase of the project.

## **RESOLUTION NO. 1462**

**Moved by Medley, seconded by Reynolds, to adopt Resolution No. 1462 authorizing the City Manager to execute Amendment 1 to the Professional Services Agreement with KPG, P.S. for the Emerson Sidewalk Project.**

Jolibois invited public comment. None was provided.

## **VOTE**

**Upon vote, motion carried unanimously.**

### **Resolution to Enter Into an Agreement with the Humane Society for Tacoma and Pierce County to Provide Animal Sheltering Services for 2017**

Police Chief Cheesman stated that the Resolution, if approved, would authorize the City Manager to execute an agreement between the Humane Society for Tacoma and Pierce County and the City of Fircrest for animal sheltering services in 2017. He noted that the proposed contract requires that Fircrest Animal Control Officers perform certain functions, and comply with certain policies, and receive specified training. Cheesman stated that in 2017 we will once again be contracting with Tacoma for Animal Control and we are assured that their Animal Control Officers will be in compliance with the Humane Society's requirements. Tacoma will also have a contract with the Humane Society for Tacoma and Pierce County for sheltering services. Cheesman stated that the cost to the City for these services in 2017 will be \$ 7,932.00 which is a \$141.60 increase over what was paid this year.

#### **RESOLUTION NO. 1463**

**Moved by Medley, seconded by Reynolds, to adopt Resolution No. 1463, 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 for 2017.**

Staff responded to Council inquiries.

Jolibois invited public comment. None was provided.

#### **VOTE**

**Upon vote, motion carried unanimously.**

#### **Resolution to Execute an Agreement for a Communications Maintenance Program**

Cheesman stated that Council is being asked to adopt a resolution allowing the City Manager to execute an agreement with Pierce County for radio communications maintenance for the years 2017 through 2021. He stated the County Communications rate has not increased this year and the City of Fircrest will reimburse the County for its services at the rate of \$125.00 an hour again this year. He reported that Fircrest has have entered into an agreement for communication maintenance with Pierce County Communications for several years. Cheesman stated that the contract work performed by Pierce County includes all maintenance, repair, installation, and the upgrading of radio communications and it sometimes includes work performed on our vehicles. He concluded by reporting that it also encompasses the work performed on the radars including their yearly calibration.

#### **RESOLUTION NO. 1464**

**Moved by Medley, seconded by Reynolds, to adopt Resolution No. 1464 authorizing the City Manager to execute an agreement with Pierce County for a communications maintenance program for the years 2017-2021.**

Jolibois invited public comment. None was provided.

#### **VOTE**

**Upon vote, motion carried unanimously.**



## **ADJOURNMENT**

**Moved by Medley, seconded by Reynolds, to adjourn the meeting at 6:12 P.M. Upon vote, motion carried unanimously.**

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Matthew Jolibois, Mayor

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Lisa Keely, City Clerk

## FIRCREST CITY COUNCIL AGENDA SUMMARY

**COUNCIL MEETING DATE:** December 27, 2016

**SUBJECT:** Budget Amendment

**FROM:** Michelle Thomas, Acting Finance Director

Reviewed by: \_\_\_\_\_City Manager \_\_\_\_\_Finance Director \_\_\_\_\_City Attorney

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**RECOMMENDED MOTION:** I move to adopt Ordinance No. \_\_\_\_\_, authorizing emergence expenditures of funds for matters not foreseen at the time of filing the 2016 Preliminary Budget and not provided for in the Adopted 2016 Budget.

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**PROPOSAL:** This is a request for additional appropriations for anticipated revenues and expenditures not foreseen at the time of filing the 2016 Preliminary Budget and not provided for in the Adopted 2016 Budget.

**FISCAL IMPACT:** The fiscal impact of this proposal would be increases in expenditures with corresponding increases in revenue or corresponding decreases in undesignated fund balances as follows:

|                                  | <u>Increase/ (Decrease)</u> |
|----------------------------------|-----------------------------|
| <u>General Fund</u>              |                             |
| Revenues                         |                             |
| Plan Checking                    | \$9,000                     |
| (001.345.83.00.00)               |                             |
| Expenditures                     |                             |
| Bldg Insp/Plan Review            | \$9,000                     |
| (001.524.20.41.01)               |                             |
| Dues, Membership – Non-Dept      | \$1,200                     |
| (001.518.10.49.00)               |                             |
| Rep & Maint - Pool               | \$2,450                     |
| (001.576.20.48.00)               |                             |
| Community Events                 | \$400                       |
| (001.573.90.49.01)               |                             |
| Casual/Seasonal – Pool           | \$1,800                     |
| (001.576.20.12.00)               |                             |
| Overtime – Pool                  | \$800                       |
| (001.576.20.11.00)               |                             |
| Personnel Benefits – Pool        | \$1,130                     |
| (001.576.20.20.00)               |                             |
| Police O & M                     | \$7,000                     |
| (548.65.48.08)                   |                             |
| Undesignated Ending Fund Balance | (\$14,780)                  |
| (001.508.80.00.01)               |                             |

ERR Fund

## Revenues

|   |         |
|---|---------|
| Transfer In from General Fund for O & M<br>(501.348.30.08.00) | \$7,000 |
|---|---------|

## Expenditures

|  |         |
|--|---------|
| ERR O & M - Police<br>(501.548.65.48.08) | \$7,000 |
|--|---------|

The City of Fircrest adopts an annual budget at the fund level. The above adjustments will result in an Amended 2016 Budget by fund as follows:

| 2016 REVENUES, EXPENDITURES & BALANCES BY FUND |                 |                |                |                |
|--|-----------------|----------------|----------------|----------------|
| <u>FUND</u>                                    | <u>ORIGINAL</u> | <u>MAR ADJ</u> | <u>DEC ADJ</u> | <u>AMENDED</u> |
| General  | 7,719,513       | 116,578        | (14,780)       | 7,821,311      |
| Street   | 783,124         | 724,237        | 0              | 1,507,361      |
| Storm Drain                                    | 1,091,300       | 15,896         | 0              | 1,107,196      |
| Water  | 1,777,870       | -2,189         | 0              | 1,775,681      |
| Sewer  | 3,457,800       | 48,109         | 0              | 3,505,909      |
| BYSM   | 1,562,114       | -9,675         | 0              | 1,552,439      |
| ERR  | 1,882,970       | 37,215         | 7,000          | 1,927,185      |
| Police Investigation                           | 11,470          |                | 0              | 11,470         |
| REET   | 1,311,800       | -32,514        | 0              | 1,279,286      |
| Cumulative Reserve                             | 3,530,763       |                | 0              | 3,530,763      |
|  |                 |                |                |                |
| Total  | 23,128,724      | 897,657        | (7,780)        | 24,018,601     |

**ADVANTAGE:** This proposal will provide necessary funds for expenditures.

**DISADVANTAGES:** A decrease in Ending Fund Balances in the General fund.

**ALTERNATIVES:** Deny some or all of the expenditures.

**HISTORY:** The following is an explanation for each of the above budget adjustments:

1. Increase of \$9,000 to Plan Checking revenues from increase fees on the Whittier School project
2. Increase of \$9,000 in Building Insp/Plan Review for school inspections.
3. Increase of \$1,200 in Dues, Membership – Non-Dept for eCivis software service.
4. Increase of \$2,450 in Repair/Maint Pool for the pool leak detection.
5. Increase of \$400 in Community Events due to higher than expected costs.
6. Increase in Pool Casual/Seasonal, Overtime and Benefits due to additional staff time needed for lifeguard coverage.
7. Increase of \$7,000 in Police O & M and ERR due to repairs to a police vehicle.
8. Decrease of \$14,780 to the Ending Fund Balance due to unforeseen expenditures.

**Attachment(s):** Ordinance

**CITY OF FIRCREST  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON,  
AUTHORIZING EMERGENCY EXPENDITURES OF FUNDS FOR  
MATTERS NOT FORESEEN AT THE TIME OF FILING THE  
PRELIMINARY BUDGET FOR 2016 AND NOT PROVIDED FOR IN  
THE ANNUAL BUDGET FOR 2016**

**WHEREAS**, the City anticipates certain revenues and expenditures not foreseen at the time of filing the Annual Budget for 2016; and;

**WHEREAS**, the City of Fircrest adopts an annual budget at the fund level and;

**WHEREAS**, it is necessary to amend the adopted 2016 budget to defray the anticipated expenditures; Now, Therefore,

**THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS FOLLOWS:**

**Section 1.** These revenues and expenditures are not one of the emergencies specifically enumerated in RCW 35A.33.080.

**Section 2.** The anticipated revenues and expenditures are as follows:

|                                  | <u>Increase/ (Decrease)</u> |
|----------------------------------|-----------------------------|
| <u>General Fund</u>              |                             |
| Revenues                         |                             |
| Plan Checking                    | \$9,000                     |
| (001.345.83.00.00)               |                             |
| Expenditures                     |                             |
| Bldg Insp/Plan Review            | \$9,000                     |
| (001.524.20.41.01)               |                             |
| Dues, Membership – Non-Dept      | \$1,200                     |
| (001.518.10.49.00)               |                             |
| Rep & Maint - Pool               | \$2,450                     |
| (001.576.20.48.00)               |                             |
| Community Events                 | \$400                       |
| (001.573.90.49.01)               |                             |
| Casual/Seasonal – Pool           | \$1,800                     |
| (001.576.20.12.00)               |                             |
| Overtime – Pool                  | \$800                       |
| (001.576.20.11.00)               |                             |
| Personnel Benefits – Pool        | \$1,130                     |
| (001.576.20.20.00)               |                             |
| Police O & M                     | \$7,000                     |
| (548.65.48.08)                   |                             |
| Undesignated Ending Fund Balance | (\$14,780)                  |
| (001.508.80.00.01)               |                             |

ERR Fund

## Revenues

Transfer In from General Fund for O & M  
(501.348.30.08.00)

\$7,000

## Expenditures

ERR O & M - Police  
(501.548.65.48.08)

\$7,000

The City of Fircrest adopts an annual budget at the fund level. The above adjustments will result in an Amended 2016 Budget by fund as follows:

| 2016 REVENUES, EXPENDITURES & BALANCES BY FUND |                 |                |                |                |
|--|-----------------|----------------|----------------|----------------|
| <u>FUND</u>                                    | <u>ORIGINAL</u> | <u>MAR ADJ</u> | <u>DEC ADJ</u> | <u>AMENDED</u> |
| General  | 7,719,513       | 116,578        | (14,780)       | 7,821,311      |
| Street   | 783,124         | 724,237        | 0              | 1,507,361      |
| Storm Drain                                    | 1,091,300       | 15,896         | 0              | 1,107,196      |
| Water  | 1,777,870       | -2,189         | 0              | 1,775,681      |
| Sewer  | 3,457,800       | 48,109         | 0              | 3,505,909      |
| BYSM   | 1,562,114       | -9,675         | 0              | 1,552,439      |
| ERR  | 1,882,970       | 37,215         | 7,000          | 1,927,185      |
| Police Investigation                           | 11,470          |                | 0              | 11,470         |
| REET   | 1,311,800       | -32,514        | 0              | 1,279,286      |
| Cumulative Reserve                             | 3,530,763       |                | 0              | 3,530,763      |
|  |                 |                |                |                |
| Total  | 23,128,724      | 897,657        | (7,780)        | 24,018,601     |

**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST, WASHINGTON,**  
at a regular meeting thereof this 27<sup>th</sup> day of December 2016.

APPROVED:

Matthew Jolibois, Mayor

ATTEST:

Lisa Keely, City Clerk

APPROVED AS TO FORM:

Michael B. Smith, City Attorney

Publication Date: December 30, 2016

Effective Date: January 4, 2017

## FIRCREST CITY COUNCIL AGENDA SUMMARY

**COUNCIL MEETING DATE:**

**December 27, 2016**

**SUBJECT:**

**Resolution authorizing the City Manager to execute an Agreement with South Sound 911 to provide technical support services on an as-needed basis**

**FROM:**

**Rick Rosenblatt – City Manager**

Reviewed by:

\_\_\_\_\_City Manager

\_\_\_\_\_Finance Director

\_\_\_\_\_City Attorney

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**RECOMMENDED MOTION:** I move to adopt Resolution No. \_\_\_\_\_ authorizing the City Manager to execute an Agreement with South Sound 911 to provide technical support services on an as-needed basis.

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**PROPOSAL:** Council is being asked to authorize the City Manager to enter into an agreement with South Sound 911 (SS911) for as-needed technical support services (repairs or maintenance, troubleshooting and other miscellaneous technical support services).

**FISCAL IMPACT:** SS911 will charge \$85.00 per hour, billed in 30-minute increments, for technical support services when the part-time Information Services employee is unavailable and away from the office.

**ADVANTAGES:** In the event the City's part-time Information Services employee is away from the office for a period of time, the City will have someone to contact who has experience and expertise to assist with technical support services.

**DISADVANTAGES:** Additional costs if emergencies arise when the part-time Information Services employee is away and unavailable.

**ALTERNATIVES:** Contract with a different vendor. However, an outside contractor will not be as familiar with the City's system and would also need a background investigation.

**HISTORY:** The Information Systems (IS) employee has been employed since 2004 on a part-time basis to keep the City's hardware and software running smoothly. Having someone on staff who can handle the everyday emergencies that arise with computers is invaluable. The IS employee provides regular, consistent and proactive oversight necessary for the proper operation of the City's Information Systems. However, there have been instances when that position is vacant due to vacations and other leave. In those situations, there has been no one available to troubleshoot problems when they arise. SS911 can provide the necessary technical support in the event of an emergency in the Information Services department.

Enclosures: Resolution  
Agreement

**CITY OF FIRCREST  
RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON, AUTHORIZING THE CITY  
MANAGER TO EXECUTE AN AGREEMENT WITH SS911 FOR  
TECHNICAL SUPPORT SERVICES**

**WHEREAS**, the City of Fircrest has need of specialized technical support services; and

**WHEREAS**, South Sound 911 has the required experience and expertise to provide such services; Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:**

**Section 1.** The City Manager is hereby authorized and directed to execute the agreement with South Sound 911 to provide technical support services.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
FIRCREST, WASHINGTON**, at a regular meeting thereof this 27<sup>th</sup> day of December 2016.

APPROVED

\_\_\_\_\_  
Matthew Jolibois, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Keely, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael B. Smith, City Attorney

## CONTRACT FOR TECHNICAL SUPPORT SERVICES

**THIS AGREEMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between **SOUTH SOUND 911**, hereinafter referred to as "SS911," and the **CITY OF FIRCREST** hereinafter referred to as "AGENCY."

The AGENCY and SS911 agree as follows:

1. Scope of Services/Work. SS911 agrees to provide Technical Support Services described in Exhibit A (referred to as "Service") according to the terms of this agreement.
2. Term. This Contract shall be in full force and effect for a period commencing on \_\_\_\_\_ and ending on \_\_\_\_\_ unless sooner terminated under the provisions herein.
3. . Compensation. SS911 shall charge the AGENCY \$85.00 per hour, billed in 30 minute increments, for performance of Technical Support Services listed in Exhibit A. SS911 will notify the AGENCY thirty (30) days in advance, in writing, of annual service rate changes. SS911 will bill the AGENCY with terms of net cash, payable within thirty (30) days after the invoice date. Non-payment of Services shall result in the termination of the Services.
4. . Indemnification.
  - A. The AGENCY shall defend, indemnify and hold harmless SS911, its officers, officials, agents, employees, and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the AGENCY in performance of this Contract, except for injuries and damages caused by the sole negligence of SS911.
  - B. Should a court of competent jurisdiction determine that this Contract is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the AGENCY and SS911, its officers, officials, employees, and volunteers, the AGENCY's liability, including the duty and cost to defend, hereunder shall be only to the extent of the AGENCY's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the AGENCY's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purpose of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Contract.
5. Termination. Either party may terminate this Contract at will upon ten (10) days' prior written notice.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the day and year first written above.



## SOUTH SOUND 911

|   |      |
|---|------|
| Andrew E. Neiditz<br>Executive Director | Date |
|---|------|

Approved as to Budget:

Janet Caviezel  
Budget & Finance Manager

Approved as to Form:

Peter Beckwith  
Legal Advisor

**CITY OF FIRCREST**

|                                 |      |
|---------------------------------|------|
| Rick Rosenblatt<br>City Manager | Date |
|---------------------------------|------|

Address:

115 Ramsdell Street

Fircrest, WA 98466

## **EXHIBIT A**



### **Technical Support Services**

All services listed in this Exhibit are offered but may not be applicable. The services provided by South Sound 911 and/or requested by the AGENCY will be billed at the contract rate set forth in Section 2. Compensation and billed in 30 minute increments. The Technical Support Services listed in this Exhibit are services not provided or covered by any other existing Contract between South Sound 911 and the AGENCY.

#### ***Repair or Maintenance***

Repair or Maintenance including but not limited to the following:

- Computer
- Laptop
- Printer
- Other Equipment

#### ***Installation***

Installation including but not limited to the following:

- Operating System
- Software

#### ***Troubleshooting***

Troubleshooting including but not limited to the following:

- Hardware
- Software
- Other

#### ***Other***

- ☐ Miscellaneous Technical Support Services

## **FIRCREST CITY COUNCIL AGENDA SUMMARY**

**COUNCIL MEETING DATE:**

**December 27, 2016**

**SUBJECT:**

**Resolution authorizing the City Manager to execute an amendment 1 to the Professional Services Agreement with Apex Engineering LLC for providing on call engineering services for surveying and mapping type projects as needed.**

**FROM:**

**Jerry Wakefield, Public Works Director**

Reviewed by: \_\_\_\_\_City Manager \_\_\_\_\_Finance Director \_\_\_\_\_City Attorney

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**RECOMMENDED MOTION:** I move to adopt Resolution No. \_\_\_\_\_ authorizing the City Manager to execute an amendment 1 to the Professional Services Agreement with Apex Engineering LLC for providing on call engineering services for surveying and mapping type projects as needed.

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**PROPOSAL:**

Council is being asked to authorize the City Manager to execute an amendment to the Professional Services Agreement with Apex Engineering LLC to provide on call engineering services for surveying and mapping type projects as needed. The work elements of this agreement will be authorized by task order.

**FISCAL IMPACT:**

The agreement does not have a contract amount as the work will be authorized by task order for each task. This total cost is to be within the budgeted amount for professional services for this department.

**ADVANTAGES:**

**Since Apex Engineering has provided the City on call services in 2016 and by having an on call engineer that specialize in the area of expertise required by the City, the amendment 1 allows the City to continue to use the services as needed and authorize that work by task order in accordance with previous agreement.**

**DISADVANTAGES:**

By not having an on call engineer for services, the City would be required to delay the work for the selection process and also provide a professional services agreement for each task required throughout the year.

**ALTERNATIVES:**

Not to have an on call engineer for services and either not use the budgeted services or prepare a professional services agreement for each task needed.

**HISTORY:**

The City contracted with Apex for on call engineering services for the year 2016. Both the City and Apex have had success this last year in those services. Exhibit B has been changed to reflect the 2017 schedule of charges. The City and Apex wish to continue this on call contract for another year.

**Attachment:** Resolution  
Amendment 1  
Exhibit B – Schedule of charges

**CITY OF FIRCREST  
RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIRCREST,  
WASHINGTON, AUTHORIZING THE CITY MANAGER TO EXECUTE  
AN AMENDMENT 1 TO THE PROFESSIONAL SERVICES AGREEMENT  
WITH APEX ENGINEERING LLC FOR ON CALL ENGINEERING  
SERVICES FOR SURVEY AND MAPPING TYPE PROJECTS AS NEEDED.**

**WHEREAS**, the City of Fircrest had contracted with Apex Engineering LLC to provide on call engineering services for survey and mapping type projects in 2016; and

**WHEREAS**, the City of Fircrest has budgeted fund for these services in the annual budget; and

**WHEREAS**, the City wishes to contract with Apex Engineering LLC, to provide the on call engineering services for survey and mapping type projects; Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST THAT:**

**Section 1.** The City Manager is hereby authorized and directed to execute an amendment 1 to the professional services agreement with Apex Engineering LLC, for the on call engineering services for survey and mapping type projects as needed.

**APPROVED AND ADOPTED** this 27nd day of December 2016 at a regular meeting of the City Council of the City of Fircrest.

APPROVED

\_\_\_\_\_  
Matthew Jolibois, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Keely, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael B. Smith, City Attorney

**FIRST AMENDMENT  
TO THE CITY OF FIRCREST  
CONSULTING SERVICES AGREEMENT**

**FOR ON CALL ENGINEERING SERVICES**

This first amendment is hereby made and entered into this 27<sup>th</sup> day of December 2016, by and between the City of Fircrest, a political subdivision of the State of Washington, hereinafter referred to as the "City" and Apex Engineering LLC, hereinafter referred to as "Consultant", to be effective January 1, 2017.

**WITNESSETH:**

1. **Purpose**

The purpose of this first amendment is to amend the March 22, 2016 agreement. This amendment is limited to the amendments as set forth herein. All of the remaining terms and conditions of the March 22, 2016 agreement shall remain in full force and effect. The amendments are as follows:

2. **Term** is hereby amended to read as follows:

The term of this Agreement shall be from March 22, 2016, until December 31, 2017, and may be extended or modified by mutual consent of the parties.

3. Exhibit B is hereby replaced with a new Exhibit B to reflect the 2017 schedule of charges.

4. All remaining provisions of the March 22, 2016 agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties to these presents have executed this contract in three counterparts, each of which shall be deemed as originals, in the year and day first above mentioned.

**CITY OF FIRCREST**

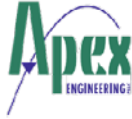
**APEX ENGINEERING LLC**

By \_\_\_\_\_  
City Manager

By \_\_\_\_\_

Approved as to Form:

By \_\_\_\_\_  
City Attorney



2601 South 35th Street, Suite 200  
(253) 473-4494 Phone

(253) 473-0599 Fax (253) 473-0599 Fax

## **APEX ENGINEERING PROFESSIONAL SERVICES FEE SCHEDULE**

### **Office**

### **Standard Hourly Rate**

|                          |          |
|--------------------------|----------|
| Principal                | \$170.00 |
| Senior Project Manager   | \$165.00 |
| Senior Project Surveyor  | \$150.00 |
| Professional Engineer    | \$150.00 |
| CAD Designer             | \$120.00 |
| Project Manager          | \$125.00 |
| Survey Field Coordinator | \$125.00 |
| Survey Technician        | \$130.00 |
| Project Expeditor        | \$100.00 |
| Administrative           | \$60.00  |
| Senior CAD Designer      | \$130.00 |
| Design Engineer          | \$100.00 |
| Planning Technician      | \$125.00 |

### **Field**

|   |          |
|---|----------|
| Survey Crew Chief                               | \$145.00 |
| 2- Person Survey Crew                           | \$180.00 |
| 3-Person Survey Crew <b><u>Reimbursable</u></b> | \$250.00 |

### **Expenses**

|  |                       |
|--|-----------------------|
| Mileage                                      | Standard Federal Rate |
| Deliveries                                   | Cost plus 15%         |
| Misc. Outside Costs                          | Cost plus 15%         |
| Photography/Special Materials                | Cost Plus 15%         |
| Copies (1-sided)                             | \$0.05/Each           |
| Copies (2-sided)                             | \$0.10/Each           |
| Foam Core (Sq Ft)                            | \$1.30                |
| Prints - Black & White (Sq Ft)               | \$0.33                |
| Prints - Color (Sq Ft)                       | \$1.00                |
| Mylars                                       | \$10.20               |
| Public Notice Posting Boards                 |                       |
| Large (36" x 48") Yellow                     | \$16.00/each          |
| Small (12" x 24" Yellow) / (18" x 24" White) | \$5.00/each           |

## **FIRCREST CITY COUNCIL AGENDA SUMMARY**

**COUNCIL MEETING DATE:**

**December 27, 2016**

**SUBJECT:**

**Resolution authorizing the City Manager to execute a first amendment to the Memorandum of Agreement CC-91901 between Pierce County and the City of Fircrest.**

**FROM:**

**Jerry Wakefield, Public Works Director**

Reviewed by: \_\_\_\_\_City Manager \_\_\_\_\_Finance Director \_\_\_\_\_City Attorney

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**RECOMMENDED MOTION:** I move to adopt Resolution No. \_\_\_\_\_ authorizing the City Manager to execute a first amendment to the Memorandum of Agreement CC-91901 between Pierce County and the City of Fircrest.

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### **PROPOSAL:**

Council is being asked to authorize the City Manager to execute a first amendment to the memorandum of agreement CC-91901 between Pierce County and the City of Fircrest. This amendment extends the memorandum of agreement for one year until December 2017. This agreement is for the purchase of road supplies, primarily brine, used for deicing the roads.

### **FISCAL IMPACT:**

The purchase of the brine product in this agreement is budgeted in the 2017 budget.

### **ADVANTAGES:**

**This provides a continuation of the agreement to purchase road materials from Pierce County as we have done in the past.**

### **DISADVANTAGES:**

By not having this agreement, the City would have to look for other sources of this material and the costs and availability could limit the City's ability to obtain this material.



**ALTERNATIVES:**

The City of Tacoma also provides an alternative for the source of this material. This source requires us to pick up the product and is limiting to the amount we can get. Pierce County delivers and fills our storage unit.

**HISTORY:**

The City has previously obtained the brine for deicing from Pierce County and wishes to do the same as it has done the last 4 years. It provides the City with delivery of the material to fill our storage container to have the material on site as needed.

**Attachment:** Resolution  
First Amendment

**CITY OF FIRCREST  
RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIRCREST,  
WASHINGTON, AUTHORIZING THE CITY MANAGER TO EXECUTE A  
FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT CC-  
91901 BETWEEN PIERCE COUNTY AND THE CITY OF FIRCREST**

**WHEREAS**, the City of Fircrest had executed a memorandum of agreement CC-91901 with Pierce County dated December 10, 2013; and

**WHEREAS**, the City of Fircrest has budgeted funds to purchase road materials per this agreement; and

**WHEREAS**, the City wishes to continue to purchase road materials for deicing from Pierce County; Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST THAT:**

**Section 1.** The City Manager is hereby authorized and directed to execute a first amendment to the Memorandum of Agreement CC-91901 between Pierce County and the City of Fircrest.

**APPROVED AND ADOPTED** this 27<sup>th</sup> day of December 2016 at a regular meeting of the City Council of the City of Fircrest.

APPROVED:

\_\_\_\_\_  
Matthew Jolibois, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Keely, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael B. Smith, City Attorney

**FIRST AMENDMENT  
TO MEMORANDUM OF AGREEMENT CC-91901  
BETWEEN PIERCE COUNTY AND THE CITY OF FIRCREST**

**THIS FIRST AMENDMENT** to Memorandum Agreement CC-91901 is entered into between **PIERCE COUNTY**, a political subdivision of the State of Washington, hereinafter referred to as “**COUNTY**,” and the undersigned, **CITY OF FIRCREST, a municipal corporation** of the State of Washington (herein referred to as “**CITY**”)

WHEREAS, the parties have previously entered into a Memorandum Agreement No. CC-91901 dated December 10, 2013, regarding Provision of Road Maintenance Supplies; and

WHEREAS, the parties desire to execute the first amendment to the Agreement by modifying Section 6. Duration, to automatically renew on January 1<sup>st</sup> of each year for an additional one-year term; and

NOW, THEREFORE, the parties desire to amend the Agreement in consideration of the mutual benefits and advantages to be derived by each of the parties,

IT IS HEREBY AGREED as follows:

1. The Memorandum Agreement No. CC-91901 shall be amended to modify Section 6, Duration, to automatically renew on January 1<sup>st</sup> of each year for an additional one-year term.
2. ALL OTHER TERMS AND CONDITIONS OF THE ORIGINAL AGREEMENT AND ALL SUPPLEMENTS, MODIFICATIONS, AND AMENDMENTS THERETO SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, the parties hereto have caused this amendment to be duly executed, such parties acting by their representatives being thereunto duly authorized.

**PIERCE COUNTY CONTRACT SIGNATURE PAGE for CC-91901**

CONTRACT NAME: Provision of Road Maintenance Supplies

IN WITNESS WHERE OF, the parties have executed this Agreement this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF FIRCREST**

By: \_\_\_\_\_  
City Manager, City of Fircrest Date

**PIERCE COUNTY:**

**Approved as to legal form only:**

By:  12/13/16  
Deputy Prosecuting Attorney Date

**Recommended:**

By: \_\_\_\_\_  
Budget & Finance Date

**Approved:**

By: \_\_\_\_\_  
Department Director Date  
(less than \$250,000)

By: \_\_\_\_\_  
Pierce County Executive Date  
(\$250,000 or more)