

REGULAR CITY COUNCIL MEETING

January 27, 2009

A. Call to Order – Pledge of Allegiance Mayor Gainer called the Regular City Council meeting to order at 6:00 p.m.

B. Roll Call – Excused Absences Councilmembers present included Councilmember Mather, Councilmember Nixon, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, and Councilmember McKeehan. Staff members present included Ms. Fisher, Ms. Niemeier, Mr. Schwartz, Mr. Jennings, Ms. MacDonald, Mr. Sale, Mr. Simmons, Mr. Ableman, Mr. Noland, Mr. Smick, Mr. Mather, Ms. Rodriguez, Ms. Hale, and Mr. Wahl.

C. Minutes of the Regular City Council meeting of January 13, 2009 were approved as distributed.

D. Claims and Vouchers nos. 97426 through 97550 in the amount of \$661,085.73 were approved as read. Expenditures for 2008 were \$85,557.75. Expenditures for 2009 were \$575,527.98.

E. Claims for Damages Ms. Niemeier stated that there are three claims for damages. The first is from Stacia Lee Parks for \$740.89. The claims from Musgrave and Specialty Management were sent to our insurance carrier and do not require action. Councilmember Overhauser moved to deny the Parks claim because it should be passed back to the towing company. Councilmember Stockton seconded. Councilmember McKeehan asked if the towing company has to pay it. Ms. Fisher stated that she will write a letter referring it to the towing company. It will be brought back if there are further issues. Carried unanimously.

F. Small Contracts Ms. Niemeier stated that the small contract is with Budinger and Associates in an amount not to exceed \$5,000. Councilmember Overhauser moved to approve the small contract. Councilmember Trulove seconded. Carried unanimously.

G. Information Items Mayor Gainer proclaimed February 6, 2009 as Wear Red for Heart Day. Mayor Gainer stated that he will accept public comment on cameras. Mr. Sale stated that we have received \$69,000 in funding from the Department of Homeland Security. It is project specific money. Other cities that use cameras are Tacoma, Post Falls, and Liberty Lake. The Ninth Circuit Court has said there is no expectation of privacy in a public place and there is no right to challenge it. Cameras do not reduce all crimes. They can have an impact on catching criminals. The Light Department has spent approximately \$30,000 dollars fixing vandalized equipment downtown. We are starting to see increased crime in that area. The cameras would be there to assist and complement what we currently do. It is an unbiased recording of what occurred. The video would be looked at if there is an investigation. They could also be used for training. First Street is completely different from 10 pm to 3 am. Tom Davis, 2610 Bethany St, stated that he believes we should take advantage of the opportunity to enhance our community. The cameras would be beneficial. Graeme Webster, 522 Cambridge Ln, stated that he is in favor of this. Anything we can do to help the Police Department is to the benefit of the city. He cannot see turning down money that is being given to us. It is a public domain so there is no privacy issue. Councilmember Huff stated that he was approached by six people. Four of them were for this and two were against. Councilmember McKeehan stated that one of the things the video said is that the cameras have no impact on alcohol and drug related activities. That is what our problem is. Mr. Sale stated that a camera will not stop them, but it could help in our investigation. Councilmember Overhauser stated that everything presented would be after the fact, but the video from Baltimore was all live. That is inconsistent. Mr. Sale stated that it could be viewed live, but we are not going to monitor it all the time. Councilmember Overhauser stated that it seems that it is an issue of people being over served downtown. Maybe the issue should be addressed in the businesses. Councilmember McKeehan stated that he had three people contact him against this and they are all opposed. Councilmember Trulove stated that all of the people that contacted him were opposed. He asked what would happen when this money is gone and we do not have money in future years. Mr. Sale stated that it will have no impact. There are no additional personnel cost. There may be issues if the cameras need service. Mayor Gainer stated that the Merchants Association was in favor of this because of vandalism. Councilmember Trulove stated that businesses have the opportunity to put in their own camera systems. Councilmember Nixon stated that this is why we have police. Councilmember Trulove stated that he does not feel we should put in cameras for businesses. Councilmember Stockton asked about the time frame to

apply for the grant. Mr. Sale stated that the money was awarded to us in November. It is a public works project because we have to hang something on a pole. We have about a year to get the installation done. We need to tell the committee that we either want the money or not. Councilmember Overhauser stated that this money is usually given for terrorism. She questioned if that is part of this. Mr. Sale stated that the State of Washington gets money and they funnel it down to Spokane County. The County received \$500,000. A committee of police chiefs decides how to use the money. We would keep the recordings for no longer than 72 hours. Councilmember Huff stated that if we do this in house we do not have to pay prevailing wage. Mr. Sale stated that the Public Works employees will do some of the labor, but we have to send it out for a Request for Proposals. Mr. Webster asked how many cameras we will have. Mr. Sale stated that there will be one at First Street and College Avenue and possibly one that is portable. Councilmember Huff moved to bring this back at the next meeting for a vote. Councilmember Overhauser seconded. Carried unanimously.

Councilmember Overhauser moved to move Item 10 to now and add the change order for the Wren Pierson building. Councilmember McKeehan seconded. Carried unanimously.

1. 09-016 – Ordinance V-03 – 2009 Budget Amendment Ms. Niemeier stated that this is the first budget amendment for 2009. The Street Division dump truck purchase was budgeted in the Street Equipment Reserve Fund and needs to be moved to the Street Fund. The well house did not get started in 2008 and is going to be a 2009 project. It needs additional funding. Councilmember Huff moved for the first reading of Ordinance V-03 in title and summary form only, that reading considered the second and third, and placed before Council for final passage. Councilmember Overhauser seconded. Carried unanimously. Yes votes: Councilmember Mather, Councilmember Nixon, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. Ordinance V-03 passed.

Mr. Jennings stated that the nuisance ordinance will be brought to the next meeting. He would like to have three separate readings to get as much public comment as possible. They held an open house in November. They reworked the language in the previous code and made provisions for appeals. This provides a better definition of nuisance. Councilmember Huff questioned why we would have this as an information item now if it is coming back later. Mr. Jennings stated that the topic is a sensitive one and he wants as much discussion as possible.

Mr. Ableman presented the water loss report. He stated that we made progress in 2008. In 2005, we noticed that we were up in water loss. They asked the Fire Department to provide the amount of water they use for their training. They made repairs to the system. They found that hydrant permits were not getting back into the computer as a whole. There were some meter multipliers that were adjusted. That was a fairly small amount. They still have a 20.4% water loss. In 2009, they will look at meter deficiencies and water theft. Water leaks are scheduled for repair. We recently found a water main break when a plow hit a fire hydrant. He is estimating that it might have been a long term leak. A pressure isolation test shows that it is a 150 GPM leak. He does not know how long it has been leaking. If this is a good source of repair, that could drop our unaccounted water to below 10%. He assigned one water staff to account for unmetered water. They will conduct water audits every one to three years. They will continue with radio read meters. That will help us to possibly eliminate estimates during winter. They may meter hydrants that get a lot of use. Councilmember Huff stated that he thinks they are doing a good job, but the water jumped in one year. That was five years ago. Mr. Ableman stated that he believes that indicates a water leak. They had not found one until recently. The water in the latest leak was going down a drainage facility. Councilmember Overhauser asked how we determine water usage when the firefighters fight fires. Mr. Ableman stated that one proposal is to put a six inch meter in areas so we can monitor fire usage. They have been talking about ways to address it. We have over forty-two miles of water mains and over 12,000 joints that could be leaking. We have sections of town that are aging. The goal is to be under 10% water loss. Zone isolation will help. Councilmember Overhauser asked what amount of water loss other jurisdictions have. Mr. Ableman stated that the leak detection company has had difficulty with our PVC pipe because it is quiet. Pasadena began with 42% unaccounted water in 2002 and are just now getting it under 10%.

Ms. Fisher stated that Ms. Niemeier provided a spreadsheet for storm expenses from December 18 to January 9. During the State of Emergency, we were running twelve hour shifts. It is difficult to get the equipment back for breaks. It is easier to allow them to get meals. There was a question whether that was a good use of public funds. The Attorney General's Office wrote a report that it is considered an unusual but allowable

expense. Our total storm expenses were \$140,476.62. Hourly usage on our equipment was \$63,220.00. We moved a lot of snow at a cost effective price. Councilmember Nixon asked if we are still removing snow. Ms. Fisher stated that we are not having anyone help us, but we are using trucks from other companies to move snow. Councilmember Trulove commended Ms. Fisher and city staff on snow removal. He thinks the cost is a bargain. He congratulated Mr. Ableman on being appointed Public Works Director. Councilmember Overhauser asked if we purchased chains for the vehicles because we have never had them. Ms. Fisher stated that some of them are replacements because they break during use. Mr. Ableman stated that we were able to run one set of chains prior to the snow fall. After last year, we got a second set. The goal is to get a third set.

H. Change Orders Ms. Fisher stated that there is a change order to the Mo Mike contract for demolition of part of the Wren Pierson building. They are taking down a 40x80 foot portion. The cost went down because of the size, but there was asbestos found throughout the building. That increased the cost. The total cost is \$43,442. That is within the change order parameters, but she would like Council to approve it in its entirety. Councilmember Trulove moved for approval of the revised contract with Mo Mike Demolition. Councilmember McKeehan seconded. Councilmember Mather asked if this is just for the upper portion. Ms. Fisher stated that it is for the multipurpose room area. It looks like there is more damage than they originally thought. There will probably be additions to this contract. Carried unanimously.

I. Appointments Mayor Gainer stated that he would like to reappoint Don Nichols to the Civil Service Commission. Councilmember Huff moved to approve the re-appointment. Councilmember Overhauser seconded. Carried unanimously.

J. Citizen Comments Daniel Wilson, 411 First St, stated that he is an elected representative of ASEWU. He questioned why the Greek students were not informed of the discussion about the cameras. They are strongly against it at this time because it has not created a dialogue with the affected parties.

K. Action Items

2. 09-004 – Resolution D-575 – Cheney Recycling Facility – Spokane Recycling Products Contract Mr. Ableman stated that this was taken to the Public Works and Utilities Committee. He initially proposed a three year contract, but now he is proposing a one year contract with two one year extensions. The cost for hauling is going up about \$6 per ton. Our recycling income took an 80-85% hit in November and December. We are losing income. He will monitor that through 2009. It is still a lower cost than the tipping fee at the incinerator. Councilmember Huff moved for approval of Resolution D-575. Councilmember Trulove seconded. Councilmember Trulove stated that there is no longer a market for glass, but having it in the waste stream would cost us more. Councilmember Mather stated that this was discussed at the Public Works and Utilities Committee. We are losing money fast enough that we are going to be in the hole. Reducing this to a one year contract gives us time to decide if we have other options. Councilmember Trulove stated that we do not have an option of doing anything else. Councilmember Huff stated that he thinks this is something we have to do. Carried unanimously.

3. 09-017 – Resolution D-585 – Intergovernmental Agreement for Library Services Ms. Fisher introduced Michael Wirt from the Spokane County Library District. Mr. Wirt stated that they have had a contract with the city since 1967. The contract was last revised in 1995. At that time, there were bonds. The contract was tied in with the bond issue. Currently we have three agreements. They would like a single agreement. This agreement is the same minus the irrelevant parts. They will also take over some of the maintenance. It is easier for them to take over the operational maintenance. They will take over the lights, bathrooms, plumbing, and the HVAC contract so they are consistent with the other libraries. It will save the city money. Councilmember Huff moved for approval of Resolution D-585. Councilmember Stockton seconded. Carried unanimously.

4. 09-001 – Resolution D-583 – Wellness Grant Application Mr. Simmons stated that last year the employees took a health survey and AWC sent us a report stating that stress was the highest problem. AWC will provide matching funds. Councilmember Huff moved for approval of Resolution D-583. Councilmember Stockton seconded. Carried unanimously.

5. 09-015 – Resolution D-582 – Well City Award Application Mr. Simmons stated that we received the Golden Apple award last year. This year we would like to submit an application for a Well City award.

Councilmember Overhauser moved for approval of Resolution D-582. Councilmember Huff seconded. Carried unanimously. Councilmember Huff asked when the next Wellness barbecue will be. Mr. Simmons stated that we will have a barbecue sometime in the spring or summer. The will be a Wellness breakfast in the middle of March.

6. 09-018 – Resolution D-584 – Police Guild Memorandum of Understanding Mr. Sale stated that this will be added to the current contract. It defines a ten hour and forty minute work period and when overtime would be included in that schedule. It is an alternative schedule. It is not mandated. It is a schedule that many entities use. Councilmember Huff asked if it will cut overtime. Mr. Sale stated that we will not incur overtime for training or vacation coverage unless he loses an employee. Councilmember Huff moved for approval of Resolution D-584. Councilmember McKeehan seconded. Councilmember Overhauser asked if we might have an issue with fatigue. Mr. Sale stated that this only adds another forty minutes per day. It should not be a problem. Carried unanimously.

7. 09-019 – Resolution D-586 – Public Defense Grant Funds Ms. Fisher stated that this is to accept grant funds in the amount of \$15,000 for indigent public defender services. Councilmember Huff moved for approval of Resolution D-586. Councilmember McKeehan seconded. Carried unanimously.

8. 09-010 – Ordinance U-97 – Amending Title 21, Zoning Ms. Rodriguez stated that she has made presentations on this at three previous meetings. All of the proposed changes are to remove conflict, standardize language, and make it easier to read. There are no policy changes. The code has been shortened by approximately forty pages. This went to the Planning Commission and it had a public hearing. They recommended approval. Councilmember Huff moved for the first reading of Ordinance U-97 in title and summary form only, that reading considered the second and third, and placed before Council for final passage. Councilmember Stockton seconded. Councilmember Nixon stated that he would like copies of the old ordinance. Ms. Rodriguez stated that the code is available on the website and the amendments have been there since December. Carried unanimously. Yes votes: Councilmember Mather, Councilmember Nixon, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. Ordinance U-97 passed.

9. 09-011 – Ordinance U-98 – Amending Title 22, Subdivisions Councilmember McKeehan moved for the first reading of Ordinance U-98 in title and summary form only, that reading consider the second and third, and placed before Council for final passage. Councilmember Trulove seconded. Carried unanimously. Yes votes: Councilmember Mather, Councilmember Nixon, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. Ordinance U-98 passed.

10. 09-012 – Ordinance U-99 – Amending Title 23, Development Code Administration Councilmember Stockton moved for the first reading of Ordinance U-99 in title and summary form only, that reading considered the second and third, and placed before Council for final passage. Councilmember Huff seconded. Carried unanimously. Yes votes: Councilmember Mather, Councilmember Nixon, Councilmember Overhauser, Councilmember Huff, Councilmember Stockton, Councilmember Trulove, Councilmember McKeehan. Ordinance U-99 passed.

L. Council Reports Councilmember Nixon stated that Russ Menke is now the director of Spokane Regional Solid Waste. They have been discussing the cost of garbage. The plant will be paid off in ten months. Councilmember Overhauser stated that she would like updated sheets for Council committees. Councilmember Huff thanked Mr. Ableman for the water report. He thanked Ms. Fisher for explaining the storm expenses to him. He has received several emails from people concerned about the museum. Councilmember McKeehan stated that he thinks we need to get on top of the museum issue. Councilmember McKeehan congratulated Mr. Ableman on his new position. Mayor Gainer stated that they interviewed Mr. Ableman and three other candidates. Mr. Ableman was chosen as the new Public Works Director.

M. Staff Reports Mr. Simmons stated that he, Councilmember Huff, and Jera Donner went to Olympia to talk about the Recreation Association platform. They also brought to our legislators' attention the crisis we are in regarding the community center. They had five meetings throughout the day. They talked about the services that are displaced. The legislators were responsive. They are working on a capital facilities request form. They sent emails to our federal legislators. They got the attention of the people in Olympia. Ms. Fisher

stated that they were very effective. We were getting calls before they were finished with the meetings. She has attended many meetings recently.

N. Mayor's Report Mayor Gainer stated that he will be in Olympia in a couple weeks. They are concerned about what is happening in Cheney. He also is passionate about the museum and the history of Cheney.

O. Executive Session None

P. Adjournment Councilmember McKeehan moved to adjourn the meeting. Councilmember Huff seconded. Carried unanimously. The meeting was adjourned at 7:27 p.m.

City Clerk

Mayor