

**CITY OF FIRCREST**  
**REGULAR CITY COUNCIL MEETING MINUTES**  
**TUESDAY, DECEMBER 8, 2009** **COUNCIL CHAMBERS**  
**7:00 P.M.** **FIRCREST CITY HALL, 115 RAMSDALL STREET**

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

Mayor Kathy L. McVay called the regular meeting to order at 7:00 P.M. and requested people remain standing after the Pledge of Allegiance for a moment of silence to honor the lives of the four Lakewood Police Officers who were slain. Councilmembers Matthew Jolibois, Robert Thaden, Mike Weinman, Hans Hechtman and David M. Viafore were present. Councilmember Gruver was excused. Gruver arrived at 7:37 P.M.

**PRESIDING OFFICER'S REPORT**

McVay reported she, Councilmember Gruver, Fircrest Police Officers and their families attended the memorial service today for the four slain Lakewood Police Officers. McVay stated the County lost four excellent Police Officers and County residents are profoundly shocked by the murders. The memorial service today was a tribute to honor those Officers and their families. McVay recognized the exceptional efforts of the Fircrest Police Department to assist the Lakewood Police Department. She received many compliments from Lakewood City and Police officials for the 24-hour security Fircrest Officer's provided at one of the family's home. She asked that people keep the families and all Police Officers in their thoughts and prayers and that they thank our Officers when they see them.

Viafore thanked McVay, Gruver and Fircrest Police Officers and their families for attending the memorial on behalf of the City of Fircrest. He noted when he was with Police Chief Cheesman this week, Cheesman received many calls from other jurisdictions seeking his leadership and advice.

**COMMITTEE, COMMISSION & LIAISON REPORTS**

**Environment, Planning and Building**

Jolibois reported staff has submitted a grant application for \$16,975 to State Department of Commerce for updating the Comprehensive Plan in conformance with the Growth Management Act. State law requires that Comprehensive Plans be reviewed and updated every seven years. The current Comprehensive Plan should be updated by December 1, 2011 but there is discussion at the State level to extend that date. There was no assurance grant funding would be available.

**CONSENT CALENDAR**

McVay requested City Clerk Rosenblatt read the consent calendar as follows: approval of Voucher No. 40458 through Voucher No. 40524 in the amount of \$67,339.80, of Payroll Warrant No. 31592 through Payroll Warrant No. 31640 in the amount of \$93,535.64, approval of Payroll Warrant No. 31641 through Payroll Warrant No. 31651 in the amount of \$5,551.02, approval of Payroll Warrant No. 31652 through Payroll Warrant No. 31660 in the amount of \$63,785.07 and approval of Minutes of November 16, 2009 special meeting.

**MOTION**

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

**UNFINISHED BUSINESS**

**Ordinance authorizing emergency expenditure of funds**

Corcoran stated this was the second reading of a budget adjustment for General Fund and Storm Fund. Revenues in General Fund and expenditures in Police Reimbursable Programs would increase \$10,643 due to a grant received from the American Recovery and Reinvestment Act, Department of Justice, Office of Justice Program for the Police Department computer technology. Revenues in Storm Fund and expenditures in Storm Professional Services would increase \$59,555 due to a grant received in 2009 for the National Pollutant Discharge Elimination System.

**ORDINANCE NO. 1486**

**Moved by Thaden, Seconded by Weinman, to adopt Ordinance No. 1486, authorizing emergency expenditures of funds for matters not foreseen at the time of filing of the preliminary budget for 2009 and not provided for in the annual budget for 2009. Ayes: Jolibois, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Excused Gruver. Motion Carried.**

**Budget discussion**

Finance Director Corcoran stated the 2010 Budget was on the agenda for adoption this evening. If there were any additional questions staff was available to respond to them.

Thaden questioned the decision to reduce the full time Community Service Officer (CSO) II position, which had been filled for many years, to part time with the loss of medical benefits while retaining the two part time CSO I positions. He did not think that was fair to the people involved and requested the CSO II position be reinstated as a full time position.

McVay stated there was discussion and Council consensus regarding this issue at the November 24, 2009 regular meeting.

**NEW BUSINESS**

**Ordinance Adopting the 2010 Budget**

Corcoran stated Council received a memo dated December 2, 2009 that included a spreadsheet showing changes to the 2010 Preliminary Budget. Study sessions and public hearings have been held on this budget and it was before Council for adoption.

Viafore stated he would be voting no on this ordinance because of the reduction in the hours for the CSO II position that also resulted in the loss of medical benefits. He found the funding but was then told the

position wasn't needed full time anyway. Viafore stated seven years ago the Police Chief stated he needed additional help. About five years ago the Emphasis Patrol program was introduced. Now there were more citations and requirements but no explanation why the full time was reduced to a part time position. He respected that staff made their decision but he was elected by the people and the people have told him they don't think this was acceptable.

Viafore stated the Mayor made a comment in August that whatever decision was made regarding layoffs staff should make sure Council was supportive so the 2010 Budget would be adopted. The hours of a 23 year veteran employee were reduced that resulted in the loss of medical benefits for the purpose of saving money. The money is there so he wanted an explanation why the full time position was no longer needed. Viafore stated he would be very frustrated if management tries to slowly increase the hours of police administration staff over the next few years.

Jolibois stated the priorities of Fircrest citizens have always been the Police and Parks. He felt that with the 2010 Budget the City was moving away from that priority and making the Planning/Building Department the priority. Based on a citizen's comments Jolibois reviewed figures that indicate the Planning/Building Department was subsidized this year and would be subsidized again in 2010. The City Manager of the City of Edgewood informed Jolibois their first cuts were in the Planning Department. He questioned that funding was found to keep the Planning/Building Department open full time when the activity level has dropped but the citizens priorities were Police and Parks. He did not feel the proposed 2010 Budget represented the best interests of the citizens and he would be voting no on this ordinance.

**ORDINANCE NO. 1487**

**Moved by Thaden, Seconded by Weinman, to adopt Ordinance No. 1487, an ordinance of the City of Fircrest, Washington, adopting the annual budget for the City of Fircrest for the fiscal year 2010. Ayes: McVay, Weinman and Hechtman. Noes: Jolibois, Thaden and Viafore. Excused: Gruver. Motion Failed.**

Responding to Viafore, City Attorney Smith stated the motion was to adopt the proposed budget and that motion has failed. Some change to the budget would have to be made to bring it back. Responding to Hechtman, Smith stated the change could be made by Council or staff. Smith noted there were timeline requirements for the adopted budget to be published and to provide notice to the Auditor's Office.

Discussion followed regarding reconsideration of the ordinance, setting a special meeting and Councilmember schedules. McVay stated she would work with staff to set a special meeting for action on December 21, 2009, the regularly scheduled study session. That would mean the December 22, 2009 regular meeting was also available to take action. Viafore suggested researching the Fircrest Municipal Code (FMC) about adopting the budget at a meeting other than a regular 2<sup>nd</sup> and 4<sup>th</sup> Tuesday meetings.

**Ordinance Revising Landscape Requirements**

Planning/Building Director Gilmore stated this proposal was a recommendation of the Planning Commission to amend landscaping requirements. This proposal keeps all the current standards for landscaping that are applicable to commercial, industrial, institutional, public, quasi-public building and planned residential developments and subdivisions of five or more lots. Some exceptions were made relating to infill lots for single family residences. The current standard of a minimum 25% of native vegetation and a maximum 50%

of lawn has been eliminated with some general language that applies to landscaping requirements for single family dwellings and infill developments. These requirements do not apply to regular developments. Also a modification was made to distinguish between permanent and temporary irrigation systems and specifies the requirements for permanent irrigation systems.

McVay invited comment. None were noted.

**ORDINANCE NO. 1487**

**Moved by Thaden, Seconded by Weinman, to adopt Ordinance No. 1487, an ordinance amending Fircrest Municipal Code Sections 22.62.002, 22.62.004 and 22.62.011, revising the landscape requirements for single family infill lots, parking areas for existing development and clarifying requirements for permanent irrigation systems. Ayes: Jolibois, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Excused Gruver. Motion Carried.**

At 7:37 P.M. Gruver arrived.

**Ordinance Providing an Exception to the Minimum Zone Area Requirements**

Gilmore stated this proposal was a recommendation by the Planning Commission to provide an exception to the minimum zone area requirement. The current minimum rezone area requirement was one acre. This proposal would allow an exception if a subject property of the requested rezone would be identical to the adjacent zoning district. This expectation would allow a City owned property to potentially be brought into the park system and would apply to any other potential rezone in the City.

Responding to Viafore, Gilmore stated the rezone is determined by the actual size of the property, the private property, not the right of way. Rezones would still have to go through the public review process of the Planning Commission. Jolibois inquired about language in the ordinance that identifies staff recommended the Planning Commission consider adopting this exception and asked how this would apply to accessory dwelling units. Gilmore confirmed staff recommended this change to the Planning Commission and they recommended it to Council. Gilmore stated this was not specific to accessory dwelling units and that accessory dwelling units were allowed in all residential districts now.

McVay invited public comments. None were noted.

**ORDINANCE NO. 1488**

**Moved by Thaden, Seconded by Weinman, to adopt Ordinance No. 1488, an ordinance amending Fircrest Municipal Code 22.78.004 providing an exception to the minimum zone area requirements. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Motion Carried.**

**Ordinance Relating to the Duties of the Planning Commission**

Gilmore stated this proposal would establish a process for cancelling a regular Planning Commission meeting, delete the requirement for the Commission to prepare an annual budget and delete the criteria for a variance. He explained the Commission does not prepare the annual budget and the criteria for a variance has been updated and addressed in FMC Chapter 22.74.

Responding to Viafore, Gilmore stated although it doesn't happen often sometimes citizens do make comments at a Planning Commission meeting. Viafore explained that his concern was canceling or changing the schedule for regular meetings could made it difficult for citizens to find the forum to make their comments.

McVay invited public comments. None were noted.

**ORDINANCE NO. 1489**

**Moved by Thaden, Seconded by Weinman, to adopt Ordinance No. 1489, an ordinance amending Fircrest Municipal Code Sections 23.08.090 and deleting Sections 23.08.100 and 23.08.120 relating to duties of the Planning Commission. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Motion Carried.**

**Ordinance to Increase the Number Of Off-Premise Real Estate Sandwich Board Signs for Open Houses**

Gilmore stated the Planning Commission recommended this proposal to permit a maximum of four off-premise real estate sandwich board directional signs for open houses. The current code allows a maximum of three signs and those signs can only be displayed on a daily basis during an open house. Gilmore stated an issue sometimes occurs with compliance and then becomes an enforcement issue but allowing one additional sign would probably not impact that situation.

McVay invited comments. None were noted.

**ORDINANCE NO. 1490**

**Moved by Thaden, Seconded by Weinman, to adopt Ordinance No. 1490, an ordinance amending Fircrest Municipal Code Sections 22.26.008 and 22.26.010 to increase the number of off-premise real estate directional signs for open houses from 3 to 4. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Motion Carried.**

**Agreement with the Fircrest Police Officers Guild**

City Manager Brandon stated Council was being asked to adopt a resolution authorizing execution of an agreement with the Fircrest Police Officers Guild for a three-year term starting January 1, 2010 and ending December 31, 2012. He explained changes to the existing contract were identified in the agenda report and he had discussed them with Council. Two items that might require future negotiations were changes to medical insurance programs that were anticipated in 2011 and the possible impacts of changes in Federal regulations.

Viafore inquired about adding the language, "Each officer shall be required to work at least two (2) different rotations during a two (2) year period based on eight (8) week rotation. The rotations consist of day shift, swing shift and grave shift." to Section 9.3.3, Scheduling. He asked if that meant an officer might not work all three of the shifts for that period. He explained current contract language stated Officers must work all three shifts so they are familiar with Fircrest during all shifts. Brandon stated

the change to working at least two shifts was a request from the Guild and had been brought to Council's attention during negotiations.

Thaden complimented the City Manager and the Police Guild on getting very close to collaborative bargaining and he felt that was the way to have success. Viafore concurred and requested the Council's compliments be conveyed to Guild members.

McVay invited public comments. None were noted.

**RESOLUTION NO. 1114**

**Moved by Thaden, Seconded by Gruver, to adopt Resolution No. 1114, authorizing the City Manager to execute an agreement by and between the City of Fircrest and the Fircrest Police Officers Guild for the period January 1, 2010 through December 31, 2012. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Motion Carried.**

Brandon stated it was a pleasure working with the Guild on this agreement and affirmed the City of Fircrest does have a fantastic Police Department. He was very proud of the assistance they provided to the Lakewood Police Department.

Council Clarification

Hechtman inquired if the budget ordinance could be reconsidered this evening. Rosenblatt explained the budget ordinance was defeated and a request to reconsider would have to be come from the prevailing side. Viafore stated McVay would be meeting with staff and they would bring back with another ordinance that Council could take action on.

**Amendment to the Agreement with Summit Law Group**

Rosenblatt stated Council was being asked to authorize an amendment to the agreement with Summit Law Group to extend the date of the agreement to December 31, 2010 and authorize a decrease in rates from \$285 to \$280 per hour. Summit Law can provide personnel services to Fircrest should the need arise.

McVay invited comments. None were noted.

**RESOLUTION NO. 1115**

**Moved by Thaden, Seconded by Weinman, to adopt Resolution No. 1115 authorizing the City Manager to execute Amendment #3 to the agreement with Summit Law Group to provide personnel services. Ayes: Jolibois, Gruver, Thaden, McVay, Weinman, Hechtman and Viafore. Noes: None. Motion Carried.**

**CITY MANAGER COMMENTS**

Brandon stated that traditionally City buildings have been closed for half a day on Christmas Eve and New Year's Eve. He requested Council authorize closing the building on those days and allowing employees to take vacation leave for those hours. Responding to Viafore, Rosenblatt stated City buildings did close early on New Year's Eve last year. Viafore voiced concern about employees not taking leave and going home but remaining at work and not working the second half of the day.

### **MOTION**

**Moved by Viafore, seconded by Thaden, to close City facilities at 12:00 Noon on December 24, 2009 and January 31, 2009. Ayes: Jolibois, Gruver, Thaden, Viafore, Weinman, Heckman and McVay. Noes: None. Motion Carried.**

### **DEPARTMENT COMMENTS**

Sergeant Villamor stated he and Police Chief Cheesman were very proud of Fircrest Officers for pulling together and adjusting their shifts and volunteering their time to provide security for one of the families of the slain Lakewood Police Officers.

Recreation Director Grover reported the Tree Lighting ceremony went very well and thanked the Mayor and Councilmembers who attended. Viafore suggested investing in a new speaker prior to the event next year. He complimented McVay on her speech.

### **COUNCIL COMMENTS**

Councilmembers voiced appreciation to Fircrest Police Officers for their service and for their support of the Lakewood Police Department.

Gruver apologized for being late to the meeting and shared booklets from the memorial service for the Lakewood Police Officers. She voiced appreciation to Parks staff for the successful Tree Lighting event and for the police presence. She reported the National Night Out event was awarded fourth place in the nation in its category.

Hechtman reported a new fence section was installed by Whittier Park with the long closure bracket to hold the gates shut installed upside down. The problem was an old chain being used to hold the gates shut left an opening between the gates was wide enough for an adult to fit through. Viafore inquired if a voucher for payment of fence repairs approved this evening was related to that fence. Larkin stated staff would look into this and make sure it is fixed. Hechtman reported that on the school bus route on Contra Costa, near the Whittier fields, an Isuzu Trooper has been parked for years and there is an accumulation of gas cans and car parts debris.

Viafore complimented McVay and staff for the Tree Lighting ceremony. He inquired about the garbage totes still on the Princeton Street sidewalks behind Town Center. Gilmore stated staff would meet with the owner again and explain the need to keep the sidewalks clear. If that fails to get results the issue will be turned over to the City Attorney for prosecution. Gilmore stated a meeting could take place within ten days. Viafore inquired about the status of the contract for renewing the lease on the High Tank. Larkin stated a copy of the most current agreement and the existing At&T agreement were provided to

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the City Attorney. He confirmed the agreements are basically the same. An amendment to the proposed agreement has been drafted and will be sent to the City Attorney for review. Viafore inquired if a meeting had been set with Mike Price regarding Tacoma wastewater billing and credits. Larkin stated he had met with Price and would provide information to Council next week. Larkin explained an internal Tacoma audit was performed but staff questioned the process.

Viafore stated information provided to Council on the flowering pear trees was incorrect. The trees were represented by the landscaper as dwarf trees that would not impede traffic around the island. Gruver noted the City had paid extra to have dwarf trees. Viafore requested staff do additional research on this issue and locate the invoice for the island landscaping. Rosenblatt stated pictures of the island show bushes and the pear trees were impeding clear vision for vehicles and were becoming a risk.

Viafore thanked Grover for the P-1 report provided to Council and inquired about identifying staff time in that report. Grover stated on this P-1 staff time for employees other than regular scheduled staff was \$40.00 and was identified in the report. Viafore inquired about the date for the Liquor Control Board hearing. Brandon stated the Board was still gathering information but he would inform Council when the hearing would take place.

**EXECUTIVE SESSION**

McVay requested Council move into executive session at 8:23 P.M. not to exceed the hour of 8:50 P.M. to discuss City Manager performance evaluation. The City Manager was invited to attend. She stated no action would take place following the executive session except to adjourn. At 8:27 P.M. McVay reconvened the meeting.

**ADJOURNMENT**

**Moved by Viafore, Seconded by Gruver, to adjourn the Regular Meeting at 8:27 P.M. Ayes: Jolibois, Gruver, Thaden, Viafore, Weinman, Heckman and McVay. Noes: None. Motion Carried.**