

CITY OF FIRCREST
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, JANUARY 13, 2015 **COUNCIL CHAMBERS**
7:00 P.M. **FIRCREST CITY HALL, 115 RAMSDELL STREET**

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

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

PRESIDING OFFICER'S REPORT

Viafore welcomed members of the Boy Scouts that were present to observe the Council meeting, noting they were residents of the City.

Viafore reported he attended the Pierce County Cities and Towns Association (PCCTA) meeting, also known as the Mayors' Meeting, last Thursday. He reported that the following was discussed: (1) the importance of meeting with State Representatives during the legislative session, (2) PCCTA is requesting a seat on the board of the Puget Sound Clean Air Agency due to concerns about recent increases, (3) the McCleary Decision, (4) what the single most important legislative issue each is facing in their jurisdiction, and (5) sending a letter with all their signatures regarding the top five issues they would like resolved this Legislative session (Transportation, Public Works Trust Fund Loans, Streamlined Sales Tax, Lifting of the 1% levy lid to 6%, and resolution of the conflict with the marijuana issue). Viafore stated a copy of the letter will be provided to Council once it is finalized. Viafore stated that he outlined Fircrest's bill to clarify liquor by the drink and Randy Lewis, Government Relations Director for the City of Tacoma, offered to assist Fircrest with the bill.

CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA

Mary Robertson, 1045 Arleo Lane, Fircrest, asked that a day be set aside to recognize the Fircrest Police Department. Responding to Viafore, Chief Cheesman stated that the National Night Out Event is celebrated in Fircrest for the police department, and there is also a Peace Officers Memorial Day that they could participate in. Cheesman stated he would provide information on that event and date.

COMMITTEE, COMMISSION & LIAISON REPORTS

Environment, Planning, Building

George reported that the Planning/Building Department is completing its initial review of the Conditional Use Permit application along with two variances for the new Wainwright school, and was hopeful that the Determination of Completeness would be issued soon followed by the Notice of Complete Application. George stated that was the extent of information that could be shared on the application at this time due its quasi-judicial status. George further noted that the Planning Commission will be reviewing the Introduction and Community Character elements of the City's Comprehensive Plan and copies of those elements were provided to Council.

Administration

Viafore stated that Rosenblatt is working closely with Senator O'Ban on the bill concerning liquor legislation. He reported that Rosenblatt has been communicating with Tacoma Community College (TCC) regarding their current proposal and that Public Works Director Wakefield provided comment on

the recently received Determination of Non Significance, highlighting the City's traffic concerns. Viafore outlined communications he has had with TCC officials and felt they were moving forward in a positive direction, noting it is the best communications he has had with TCC to date as an elected official. He reported that the TCC official indicated interest in meeting and Viafore stated he responded with a preference that a presentation be made to the Fircrest City Council.

CONSENT CALENDAR

Viafore requested the City Clerk read the consent calendar as follows: approval of Voucher No. 205237 through Voucher No. 205293 in the amount of \$121,940.80; approval of Voucher No. 205294 through Voucher No. 205323 in the amount of \$98,620.93; approval of Payroll Check No. 11540 through Payroll Check No. 11547 in the amount of \$89,651.29; approval of Payroll Check No. 11548 through Payroll Check No. 11556 in the amount of \$4,991.29; approval of Payroll Check No. 11557 through Payroll Check No. 11562 in the amount of \$79,839.54; approval of Payroll Check No. 11563 through Payroll Check No. 11569 in the amount of \$90,608.73; approval of the December 9, 2014 Regular meeting minutes; and approval of the December 29, 2014 Special meeting minutes.

MOTION

Moved by George, seconded by Waltier, to approve the consent calendar as read. Ayes: Jolibois, Reynolds, Goodsell, Viafore, George, Waltier and Medley. Noes: None. Motion carried.

NEW BUSINESS

Canceling the Joint City Council/Planning Commission meeting of February 3, 2015

Rosenblatt stated that Council is being asked to consider canceling the February 3, 2015 joint meeting between the Council and Planning Commission. He noted the Planning Commission is working on a large number of items including the 2015 Comprehensive Plan Update, land use applications for the new Wainwright School, and amendments to the development regulations regarding liquor. Rosenblatt also stated it might be difficult to avoid discussing subjects that might come before the Commission with the potential of an appeal to the Council.

Viafore invited public comment. None was provided.

Reynolds stated it is beneficial for the two bodies to meet during the year to discuss what the Commission is doing and provide comment.

Medley noted the last time the Planning Commission and Council met it was a productive meeting and it was good to meet and discuss ideas. He inquired when there would be an opportunity to discuss these kind of issues and felt the meeting is important.

Viafore stated that Council is in an unusual position as a quasi-judicial hearings body for appeals, as most cities use a hearings examiner. Viafore noted that as long as these large project applications continue to come to the City, the bodies should be separated as recommended by Rosenblatt and City Attorney Smith.

George noted that the three joint meetings he has attended have been interesting and enlightening, but the Planning Commission has an extensive work plan this year, they are a volunteer body and not compensated that meets only once per month, and have been tasked with GMA Comprehensive Plan

updates, the liquor review, and several other tasks. George concluded by stating that the items the Planning Commission is working on will eventually come before Council for a final decision, and Council has the option of kicking it back to the Commission for further work. He stated he understands the reasoning behind canceling the joint meeting. Rosenblatt, responding to George, stated that both he and City Attorney Smith are requesting that the meeting is canceled. He noted the Planning Commissioners had no objections to the meeting being canceled.

Reynolds stating she would propose a motion amendment to postpone the meeting instead of canceling it, noting that there would be some time during the year that could work for a joint meeting.

Waltier stated it is positive when the Council and Commission gets together but supports canceling the meeting. He stated he would like to schedule a joint session in the future based on the Planning Commission's workload.

City Attorney Smith stated that Resolution 809 is still in place, and by its terms, says annually the first Tuesday in February is a joint meeting between the Commission and Council.

George stated, as liaison to Planning, he could discuss the issue with the Planning/Building Department about the possibility of scheduling a joint meeting at another time in 2015.

Goodsell stated a special meeting could be scheduled if the February meeting is canceled.

MOTION

Moved by Goodsell, seconded by Waltier, to adopt proposed Resolution No. 1369, a resolution canceling the February 3, 2015 annual joint Fircrest City Council and Fircrest Planning Commission Meeting.

MOTION AMENDMENT

Moved by Reynolds, seconded by Jolibois, to amend the main motion to read: to postpone the February 3, 2015 annual joint Fircrest City Council and Fircrest Planning Commission Meeting. Ayes: None. Noes: Jolibois, Reynolds, Goodsell, Viafore, George, Waltier and Medley. Motion failed.

Rosenblatt, responding to Jolibois, acknowledged that he hasn't been contacted by anyone on the Planning Commission. Rosenblatt did confirm that it was his understanding that the Commission didn't have time for this meeting. Jolibois noted it was his understanding that Council's request was that there be more joint meetings annually, and perhaps two or three. He stated that separating Council and the Planning Commission is a disadvantage to the voters who voted Council in to meet with the Planning Commission to get Council's specific ideas into development. Jolibois stated that canceling the meeting is putting an iron curtain between two bodies that should meet, and noted it is easy to separate issues that can and can't be talked about by Council. He concluded by stating he thinks that the decision to cancel the meeting is based on an assumption.

RESOLUTION NO. 1369

Moved by Goodsell, seconded by Waltier, to adopt proposed Resolution No. 1369, a resolution canceling the February 3, 2015 annual joint Fircrest City Council and Fircrest Planning Commission Meeting.

Viafore requested a roll call vote.

Ayes: George, Goodsell, Viafore and Waltier. Noes: Jolibois, Medley and Reynolds. Motion carried.

Memorandum of Understanding with the Washington Traffic Safety Commission (WTSC)

Cheesman stated the resolution, if approved, would allow the City Manager to execute a Memorandum of Understanding with the Washington Traffic Safety Commission (WTSC) allowing the Police Department to assist in multi-jurisdictional DUI, distracted driving, and seat belt patrols. Cheesman noted that the Memorandum of Understanding template for Federal Fiscal Year 2015, approved on October 14, 2015, had federal language that was inadvertently omitted by the WTSC staff. He concluded by stating that Resolution No. 1348, adopted on October 14, 2015, would need to be rescinded.

Viafore invited public comment. None was provided.

RESOLUTION NO. 1370

Moved by George, seconded by Reynolds, to adopt proposed Resolution No. 1370, a resolution authorizing the City Manager to execute a Memorandum of Understanding with the Washington Traffic Safety Commission allowing the Fircrest Police Department to assist in multi-jurisdictional DUI, Distracted Driving and Seat Belt patrols, and rescinding Resolution No. 1348. Ayes: Jolibois, Reynolds, Goodsell, Viafore, George, Waltier and Medley. Noes: None. Motion carried.

Reynolds stated she was proposing a motion to schedule and hold a retreat this year to discuss each Councilmember's legislative priorities.

Viafore invited public comment. None was provided.

MOTION

Moved by Reynolds, seconded by Goodsell, to hold a special meeting, date to be determined, to discuss Council's priorities for the upcoming year. Ayes: Jolibois, Reynolds, Goodsell, Viafore, George, Waltier, Medley. Motion carried.

PUBLIC HEARING

Proposed Solid Waste Rate Adjustment

At 7:35 P.M. Viafore opened the public hearing and outlined the format.

City Manager Rosenblatt stated the public hearing is to accept public comment on the proposed new solid waste rates due to the disposal fee adjustment and the annual CPI adjustment. Rosenblatt reported the amount is based upon the collection charge listed in the contract plus 85% of the Consumer Price Index (CPI), amounting to a 1.6% increase pursuant to the ordinance and contract language. Rosenblatt stated that Neil Holden from Westside Disposal was present to respond to questions.

Viafore invited public comment. None was provided.

At 7:37 P.M. Viafore closed the public hearing.

CITY MANAGER COMMENTS

Rosenbladt noted that at next Tuesday's study session there will be a presentation by Tacoma Power and Tacoma Water on proposed rate increases. Rosenbladt called attention to the language in the proposed bill to amend the RCW regarding liquor. He outlined language in the bill, noting that if adopted, Council would have the authority to repeal a local option prohibition on the sale of liquor. He noted that language received last week was troublesome in that it removed voting rights from sections of the City that presently are allowed to serve liquor by the drink. Rosenbladt stated the newly proposed language was received a few hours ago and appears to solve the issue.

Discussion ensued regarding clarification of the voting rights issue within the prior proposed amendment and what areas of the FMC would need to be amended if Council repealed the prohibition.

At 7:47 P.M. Waltier left Council chambers.

City Attorney Smith summarized the recently received proposed language, noting that if the proposed language is passed, the Council could take action and repeal the prohibition of liquor by the drink in all areas of the City. He further clarified that the petition method still exists and there is no proposal to remove it from the RCW.

At 7:49 P.M. Waltier returned to Council chambers.

George suggested contacting the Washington State Liquor Control Board to provide them with a draft of the proposed language to get a sense from them if they agree with the proposed amendments. He further noted if the language is passed there needs to be work done with the neighborhoods before a vote is taken by Council so that the risk is minimized and there aren't angry citizens.

Viafore stated there are Fircrest citizens that are concerned about this issue and Council needs to proceed cautiously, listen to residents' concerns, and mitigate those concerns.

Waltier stated the solution seems so simple that it is worrisome.

City Attorney Smith stated the proposed legislation would affect the City as a whole, but the petition method could still be implemented. He further noted that the City could prohibit liquor by the drink in certain zoning districts in the City.

DEPARTMENT HEAD COMMENTS

Cheesman thanked Waltier for the time they spent together during their liaison meetings.

COUNCILMEMBER COMMENTS

Jolibois inquired why Rosenbladt rescinded the decision to send fluoride samples to a lab for testing. Rosenbladt stated he was unable to find a lab that tested solid material, and further noted that Council made the decision to move on with fluoride, so he thought the issue was over. Jolibois stated he is still interested in finding out exactly what is included in that. Viafore commented if Jolibois is still interested in this test being performed he should make a motion, and if carried, could direct the City

Manager to continue researching a lab to test the fluoride. Jolibois stated he will do his own research and bring forward a motion, if needed.

Responding to Viafore's inquiry about the sewer franchise with University Place, Public Works Director Wakefield stated he is presently working with the City of University Place in updating the franchise for those sewer areas. Wakefield also responded to Viafore that Thompson Electric has been contacted to fix the traffic loops at the intersection of Alameda and Regents Boulevard and he was hopeful that they would do the work at either the end of this week or early next week. Viafore suggested that negotiations begin as soon as possible with the Police Guild, as the contract expires on December 31, 2015. He concluded by stating it would be beneficial if a contract could be agreed upon prior to commencement of the budget process later in the year.

George requested an update on the Mildred Street project from the City of University Place (UP). Wakefield stated he would try to get updated design plans or invite UP Engineer Jack Ecklund to a Council meeting. George stated it is important that both cities communicate regarding construction updates. Rosenblatt clarified that he hasn't released the \$87,671 received from the Eaton Family LLC because the agreement with the Eaton Family LLC stated that Fircrest wouldn't release the money to UP until both the grant is awarded and UP has acquired all necessary right-of-way for the Mildred Street Project.

Waltier thanked Cheesman for their time spent together during the liaison assignment, noting he was impressed with the police department and he came away with the feelings that the City is fortunate to have the staff that it does. Waltier noted those comments include the Court as well. Waltier thanked everyone for attending, especially the Boy Scouts.

Medley stated that Ken Still Day is about one month away and felt that something should be done to recognize him. Discussion ensued and Reynolds volunteered to bring forward to the retreat some kind of examples of photos on the wall of fame at Stadium High School.

Viafore stated that Council needs to indicate to Rosenblatt what it wants purchased or what needs to be done regarding the recognition of individuals.

ADJOURNMENT

Moved by George, seconded by Waltier, to adjourn the meeting at 8:17 P.M. Ayes: Jolibois, Reynolds, Goodsell, Viafore, George, Waltier and Medley. Noes: None. Motion carried.



David M. Viafore, Mayor



Lisa Keely, City Clerk