

CITY OF FIRCREST
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, NOVEMBER 24, 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 Shannon Reynolds, Brett Wittner, Denny Waltier and Jason Medley were present. Councilmember Matthew Jolibois was excused. Councilmember Hunter T. George was absent. George arrived at 7:02 P.M.

PRESIDING OFFICER'S REPORT

Viafore welcomed Wittner to Council.

Liquor License Application – Orchard Market Group LLC (OMG)

Viafore stated Council was being asked to approve a motion to register no objections to the liquor license application for Orchard Market Group LLC.

MOTION

Moved by Medley, seconded by Waltier, to register no objections to the liquor license application for Orchard Market Group LLC (OMG).

Viafore invited public comment. None was provided.

VOTE

Ayes: Reynolds, Wittner, Viafore, George, Waltier and Medley. Noes: None. Excused: Jolibois. Motion Carried.

Viafore reported that Item 7C would be removed from the agenda.

CONSENT CALENDAR

Viafore requested the City Clerk read the consent calendar as follows: approval of Voucher No. 206765 through Voucher No. 206831 in the amount of \$332,204.70; approval of Payroll Check No. 11996 through Payroll Check No. 12001 in the amount of \$91,725.42; and approval of the November 10, 2015 Regular meeting minutes.

MOTION

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

NEW BUSINESS

Agreement for Jail Services with the City of Fife

Cheesman stated that Council is being asked to adopt a resolution authorizing the City Manager to execute the agreement for Jail Services with the City of Fife. He noted that the \$98.00 daily cost for booking a defendant at the Fife Jail is considerably less in cost than the booking and daily rates with the Pierce County Jail.

RESOLUTION NO. 1398

Moved by Medley, seconded by Waltier, to adopt proposed Resolution No. 1398, a resolution authorizing the City Manager to execute an Agreement for Jail Services with the City of Fife.

Viafore invited public comment. None was provided.

VOTE

Ayes: Reynolds, Wittner, Viafore, George, Waltier and Medley. Noes: None. Excused: Jolibois. Motion Carried.

Agreement for Public Defense Services with the Department of Assigned Counsel

Cheesman 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. He noted that the contract allows continuation of public defense services with the Pierce County Department of Assigned Counsel, as there has been a contract in existence for a number of years for indigent defense representation.

RESOLUTION NO. 1399

Moved by Reynolds, seconded by George, to adopt proposed Resolution No. 1399, a resolution authorizing the City Manager to execute an Agreement for Public Defense Services with Pierce County for indigent legal defense services.

Viafore invited public comment. None was provided.

VOTE

Ayes: Reynolds, Wittner, Viafore, George, Waltier and Medley. Noes: None. Excused: Jolibois. Motion Carried.

Amendment to the Professional Services Agreement with Jeff Boers

Permit Coordinator Stahlnecker stated that Council is being asked to authorize an amendment to the professional services agreement with Jeff Boers, Jeff Boers and Associates, extending the term of said agreement through December 31, 2016. She noted that the City needs a qualified professional to serve

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as the principal planner for the City and Jeff Boers has existing knowledge of Firecrest's land use codes and experience working on GMA required Comprehensive Plan updates.

RESOLUTION NO. 1400

Moved by Medley, seconded by Waltier, to adopt proposed Resolution No. 1400, a resolution authorizing the City Manager to amend the professional services agreement with Jeff Boers (Jeff Boers and Associates) extending the term of said Agreement through December 31, 2016.

Viafore invited public comment. None was provided.

VOTE

Ayes: Reynolds, Wittner, Viafore, George, Waltier and Medley. Noes: None. Excused: Jolibois. Motion Carried.

Amendment to the Professional Services Agreement with NW GIS Consulting, LLC

Stahlnecker stated that Council is being asked to authorize an amendment to the professional services agreement with NW GIS Consulting LLC, extending the term of said agreement, and removing the reference to the 2015 budget amount. She noted that the budget allocates funding for the GIS update and that funds are available in the Planning, Water, Sewer, Storm and Street Professional Services line items.

RESOLUTION NO. 1401

Moved by Medley, seconded by George, to adopt proposed Resolution No. 1401, a resolution authorizing the City Manager to amend the professional services agreement with NW GIS Consulting, LLC to provide on call GIS support services through December 31, 2016.

Viafore invited public comment. None was provided.

VOTE

Ayes: Reynolds, Wittner, Viafore, George, Waltier and Medley. Noes: None. Excused: Jolibois. Motion Carried.

Amendment to the Professional Services Agreement with Sound Inspection LLC

Stahlnecker stated that Council is being asked to authorize an amendment to the professional services agreement with Sound Inspection LLC to extend the date of the agreement to December 31, 2016. She noted the City has had a relationship with Sound Inspection LLC since 2003.

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RESOLUTION NO. 1402

Moved by George, seconded by Medley, to adopt proposed Resolution No. 1402, a resolution authorizing the City Manager to amend the professional services agreement with Sound Inspection LLC extending term of said Agreement through December 31, 2016.

Viafore invited public comment. None was provided.

VOTE

Ayes: Reynolds, Wittner, Viafore, George, Waltier and Medley. Noes: None. Excused: Jolibois. Motion Carried.

Budget Adjustment Motion

Corcoran stated that Council is being asked to approve the motion to move \$81,680 from the General Fund Ending Fund Balance to the line items listed and \$50,500 from the Sewer Ending Fund Balance to the Sewer Treatment Expenditure line. She noted that most of these items have been pre-approved throughout the year. Corcoran reported that explanations for each line item are included in the History section of the agenda summary.

MOTION

Moved by George, seconded by Waltier, to authorize the Finance Director to reallocate \$81,680 from General Ending Fund Balance and \$50,000 from Sewer Ending Fund Balance to expenditure lines for matters not foreseen at the time of filing of the 2015 Budget.

Viafore invited public comment. None was provided.

Viafore reported he would not be supporting the motion, as his preference was that this was approved through a Budget Amendment and that revenues are shown. He noted that the motion doesn't reflect that the budget numbers are in the black and that revenues came in.

Viafore requested a roll call vote.

ROLL CALL

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

PUBLIC HEARING

Proposed Amendments to Title 22 Development Amendments Governing Sale of Liquor by the Drink for On-Premises Consumption

At 7:17 P.M. Viafore opened the public hearing and outlined the format.

Principal Planner Boers stated the City of Fircrest is proposing to amend its zoning regulations pertaining the sale of liquor by the drink and is in response to passage of Special Election – Proposition 1 in the November 3, 2015 election. Boers noted the Planning Commission had conducted a public hearing on the matter and was recommending three amendments:

- Amend the Neighborhood Commercial (NC) District to allow restaurants that serve beer and/or wine, or spirits, beer, and wine, as defined by the Washington State Liquor and Cannabis Board (WSLCB)
- Amend the NC District by prohibiting taverns, nightclubs, sports entertainment facilities and lounges, as defined by the WSLCB
- Establish performance standards in a new Section 22.58.026 that would apply to NC District establishments serving liquor by the drink for on-premise consumption

Boers stated the specific amendments recommended by the Planning Commission were provided as Attachment 3 to the Agenda Summary provided to Council. Boers noted that the text amendments are classified as a Type V Legislative Amendment which are subject to public hearing, review and recommendation by the Planning Commission, along with a final decision by Council. Boers noted that the Commission held a study session on September 15, 2015 to review a working draft and solicit initial public input, and considered a number of proposed performance standards that applied to establishments that desired to serve liquor by the drink at outdoor locations. Boers reported that notification was mailed to all residents of the City in advance of the meeting. He noted that the Commission conducted its public hearing on October 6, 2015 and considered public comment on a revised draft that was slightly different from what was presented at the study session. Boers reported that the Commission voted to recommend to Council approval of the amendments heard on October 6th, with minor revisions. Boers noted that after considering input, the Commission recommended against allowing outdoor seating for consumption of liquor by the drink, resulting in the removal of those performance standards in the draft that was presented to Council. Boers described the procedural issues and notifications required by the state of Washington, noting that the City had not received any agency comments or notices of appeal.

Viafore provided a copy of an email from Carolyn Osborne, 430 Berkeley Avenue, with a request that it be made part of the public record.

Viafore invited public comment.

The following proponents and opponents provided comment regarding the proposed amendments:

Linda Still, 1210 Princeton, Fircrest WA
Bonnie Blair, 521 Monterey Lane, Fircrest WA
Derek Vandyke, 802 San Juan, Fircrest WA

Viafore responded to a question by one of the audience members regarding the possibility of the code being amended by a future Council.

In response to Viafore, Boers noted that there are provisions within the Performance Standards of the Fircrest Municipal Code that were amended in October 2015 that state that new and substantially new redevelopment would be required to screen existing refuse and recycling facilities, but those standards

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wouldn't be triggered for existing businesses that opted to start serving liquor by the drink, if approved. Boers noted that the code recommended by the Planning Commission further addressed the outdoor handling of bottles. Boers, in response to Viafore, stated that language could be added that would trigger the screening performance standards for existing businesses if they chose to enhance their business by selling alcohol.

At 7:33 P.M. Viafore closed the public hearing.

PUBLIC HEARING

Growth Management Act Periodic Update to the Comprehensive Plan

At 7:34 P.M. Viafore opened the public hearing and outlined the format.

Boers stated the City of Fircrest is proposing to update the City's Comprehensive Plan by amending the Introduction Chapter, establishing a Community Character Element, and amending the Land Use, Housing, Transportation, Utilities, Capital Facilities, and Park Recreation and Open Space Elements in partial fulfillment of Growth Management Act periodic update requirements. Boers noted the proposal would also amend the Land Use Map as contained in the Land Use Element, and repeal the Community Description chapter and Quality of Life Element. Boers stated the City is using a phased approach to complete the periodic update, noting that Council initiated the process in December of 2014 when the Council adopted amendments to the Housing and Capital Facilities Elements and adopted the Park, Recreation and Open Space (PROS) Element. Boers noted that the current phase covers amendments to the Comprehensive Plan Elements that were not updated in 2014 plus some minor edits to those elements that were either updated or established in 2014. Boers reported the final phase will be next year with updates to the Critical Areas regulations. Boers stated the 2015 Plan Amendments are intended to ensure consistency with the Growth Management Act as amended, the Puget Sound Regional Council VISION 2040 growth strategy and multicounty planning policies, the updated Pierce County Countywide Planning Policies, as well as internal consistency with each other. Boers stated that tonight's amendments are Type V legislative proposals subject to hearing by the Planning Commission and Council before Council takes final action. Boers reported that the state agency comment period wouldn't close until the 21st of December and recommended that Council allow any additional input into the record before closing the public hearing.

It was suggested that Exhibit 5, U-8, includes the 1300 block on Contra Costa and that the Community Character Element, CC-3, policy CC1.2 – is reviewed to ensure consistency with the development regulations that are being proposed to prohibit outdoor seating for the serving of alcohol. Boers noted that corrections to U-8 would be made and noted that the goals and policies of the Comprehensive Plan apply in general terms to the City that encourages these types of gathering places, but doesn't spell out where in the community it is allowed, as that is accomplished within the zoning code.

Viafore invited public comment. None was provided.

MOTION

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Moved by Reynolds, seconded by Wittner, to continue the public hearing to December 8, 2015 at 7:15 P.M. or shortly thereafter.

Viafore invited public comment.

Derek Vandyke, 802 San Juan, Fircrest WA commented on the Community Character Element included within the proposed amendments.

VOTE

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

NEW BUSINESS

Salaries of Casual and Seasonal Employees

Corcoran stated that at the November 10, 2015 Council meeting, Council directed by motion to increase the City of Fircrest's Maintenance Worker and Pool Cashier positions to match the City of Tacoma's minimum \$10.35 per hour rate. Corcoran stated the proposed ordinance increases two of the City's positions to match the \$10.35 minimum wage amount.

ORDINANCE NO. 1567

Moved by George, seconded by Reynolds, to adopt proposed Ordinance No. 1567, an ordinance amending Section 2 of Ordinance No. 1564 and FMC 2.44.090 relating to hourly rate of pay for casual and seasonal employees.

Corcoran clarified that the minimum rate will increase by \$0.05 for one position and \$0.25 for another.

Viafore invited public comment. None was provided.

VOTE

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

Amendment #9 to the Agreement with Summit Law Group

City Manager Rosenblatt stated the amendment would extend the existing agreement with Summit Law through 2016 personnel and other services, noting their attorneys have worked with Fircrest since 2007.

RESOLUTION NO. 1403

Moved by Medley, seconded by George, to adopt proposed Resolution No. 1403, a resolution authorizing the City Manager to execute Amendment #9 to the agreement with Summit Law Group to provide personnel services.

Rosenblatt clarified the rates increased approximately \$5.00 per hour.

Viafore invited public comment. None was provided.

VOTE

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

Amendment #9 to the agreement with Morris Law, P.C.

Rosenblatt stated the agreement would be for special legal services for land use matters and environmental law. He noted that Attorney Carol Morris has been utilized in the past to represent the City and has considerable experience in land use matters.

RESOLUTION NO. 1404

Moved by Medley, seconded by Waltier, to adopt proposed Resolution No. 1404, a resolution authorizing the City Manager to amend the professional services agreement with the law firm of Morris Law, P.C., for special legal counsel services in land use matters and environmental law through December 31, 2016.

Viafore invited public comment. None was provided.

VOTE

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

Equipment Use and Hold Harmless Agreement with the Town of Steilacoom

Police Chief Cheesman stated that Council is being asked to authorize the City Manager to execute an Equipment Use and Hold Harmless Agreement with the Town of Steilacoom for use of the Holiday Sleigh. Cheesman noted the sleigh has been utilized for 15 years and City employees and volunteers have dressed up in costumes and ridden the sleigh throughout the City. Cheesman concluded by noting that in addition to the Tree Lighting Ceremony, they will be traveling throughout the community on December 16th and 17th handing out holiday wishes, donated toys, and candy canes.

RESOLUTION NO. 1405

Moved by Reynolds, seconded by Medley, to adopt proposed Resolution No. 1405, a resolution authorizing the City Manager to execute an Equipment Use and Hold Harmless Agreement between the Town of Steilacoom and the City of Fircrest for the use of the Holiday Sleigh.

Viafore invited public comment. None was provided.

VOTE

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

CITY MANAGER COMMENTS

Rosenblatt stated that traditionally at this time of year he requests authorization to close City buildings for the annual employee wellness lunch, Christmas Eve and New Year's Eve.

MOTION

Moved by Waltier, seconded by George, to authorize the City Manager to close City Hall, the police station office and the public works office from 11:30 a.m. to 1:30 p.m. on December 18, 2015 for the purpose of an Employee Wellness luncheon.

Viafore invited public comment. None was provided.

VOTE

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

MOTION

Moved by Waltier, seconded by Medley, to authorize the City Manager to close the Roy H. Murphy Community Center at 5:00 p.m. on December 31, 2015.

Viafore invited public comment. None was provided.

VOTE

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

MOTION

Moved by Waltier, seconded by Medley, to authorize the City Manager to close all City buildings at noon on December 24, 2015.

Viafore invited public comment. None was provided.

VOTE

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

Rosenblatt noted that Council might wish to consider cancelling the regular meeting of December 22, 2015 and move agenda items to the special meeting of December 21, 2015. Rosenblatt stated a resolution could be brought forward at the December 8th meeting to cancel the regular meeting of December 21, 2015, as required by the Fircrest Municipal Code. Discussion continued and there was general agreement to cancel the December 22, 2015 meeting and hold a special meeting on December 21, 2015 at 6:00 p.m. Rosenblatt indicated he would bring forward a Resolution to cancel the December 22, 2015 regular meeting.

DEPARTMENT HEAD COMMENTS

Cheesman stated the officers attended and completed firearms training and qualifications last week at the range and in addition, the city's insurance carrier brought in a training simulator and they all attended 'shoot, don't shoot' training which was realistic and enlightening.

COUNCILMEMBER COMMENTS

Reynolds invited everyone to the City's tree lighting ceremony on December 6th at 7:00 p.m. at Alice Peers Park. Reynolds acknowledge the Piercy brothers that were in attendance and noted their smiling faces were always seen at the tree lighting event.

Wittner stated he was sworn in today as a Fircrest City Councilmember and indicated he was excited to be here. Wittner commented that the City did a great job with the new decorations recently installed on Regents Boulevard.

Viafore welcomed Wittner to Council and thanked everyone for attending. He indicated that based on comments received tonight the City could do a better job of communicating important issues. Viafore requested that an east and west traffic count is conducted on Regents Boulevard noting that traffic count drives retail. Viafore stated he received an email from fellow mayors regarding the City's recent award of a Transportation Improvement Board (TIB) grant for Emerson Street improvements. Public Works Wakefield summarized the application process for the grant and indicated that he received notification last Friday that the TIB selected Fircrest's project for funding and indicated he would be bringing the information forward at a future meeting. Responding to Viafore, he noted the project includes sidewalks on both sides of Emerson, and would fill in the gaps. Viafore concluded by wishing everyone a safe holiday and Happy Thanksgiving.

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George thanked Cheesman and the police department for allowing his participation in the simulator training, noting he observed Cheesman attend the training and watched him successfully go through the ‘shoot, don’t shoot’ training. George stated he was glad that the insurance carrier provides this valuable training and that the officers were able to attend and participate. George stated there were over 100 children in The Commons neighborhood that will benefit from sidewalks being installed on Emerson and stated it was fantastic that the City was awarded the grant. George stated the voters of Tacoma recently approved a road package that raised utility taxes. He reported that Tacoma utility customers outside of the City of Tacoma are going to see their tax rate increase by 1.5%. George noted that pursuant to the foresight of previous Councils, when Fircrest sold the light utility, the Purchase and Sale Agreement between Fircrest and Tacoma included language that if Tacoma raises the amount of the tax it collects, that additional money stays in Fircrest. George stated that due to the ongoing unanticipated revenue that will be received, he noted that once the Fircrest Guild negotiations have been completed, he is considering bringing forward the hiring of an additional police officer. Wakefield, in response to George, stated that the street sweeper experienced mechanical trouble this past week, they were presently using a demo to sweep the streets, and concluded by stating he was preparing for a January study session regarding the street sweeper and were reviewing all scenarios regarding temporary street sweeping. George congratulated Wittner and thanked the members in the audience that were present.

Waltier thanked everyone for coming and welcomed Wittner to Council.

Medley congratulated Wittner, wished everyone a Happy Thanksgiving, and thanked everyone for coming.

ADJOURNMENT

Moved by Reynolds, seconded by Medley, to adjourn the meeting at 8:21 P.M. Ayes: Reynolds, Wittner, Viafore, George, Waltier and Medley. Noes: None. Excused: Jolibois. Motion carried.



David M. Viafore, Mayor



Lisa Keely, City Clerk