

**CITY OF FIRCREST**  
**REGULAR CITY COUNCIL MEETING MINUTES**

**TUESDAY, APRIL 26, 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, and Jason Medley were present. Councilmember Denny Waltier was excused. Councilmember Hunter T. George was absent. George arrived at 7:11 P.M.

**PRESIDING OFFICER'S REPORT**

Jolibois introduced Miae Aramori from the Tacoma Pierce County Health Department who, along with Melissa Cochran from Americorp, made a presentation about the benefits of a smoke and vape free environment. Aramori reported on being asked by Reynolds to make a presentation tonight regarding the health concerns from both cigarette and vape smoke. She reported that the health department has model policies available regarding smoke-free bans and concluded with a brief discussion about the health risks to both smoking and vaping and vaping's rising popularity.

Discussion continued on the pros and cons of adopting an ordinance that would prohibit smoking in the City's parks

**PUBLIC HEARING**

**To receive comments on proposed amendments to the Fircrest Critical Areas Ordinance**

At 7:30 P.M. Jolibois opened the public hearing to receive comments on proposed amendments to the Fircrest Critical Areas Ordinance.

Principal Planner Jeff Boers provided an overview of the GMA Periodic Update of the Critical Areas Amendments. He noted there was a package of amendments with a focus on wetland code revisions. Boers stated that the proposed critical areas amendments are intended to ensure that all wetland provisions and general critical area regulations will be consistent with current state laws. Boers provided a summary of the key wetland amendments as follows:

- Revise the list of activities allowed within a wetland;
- Revise the wetland rating system;
- Update the references for compensatory mitigation guidance;
- Provide optional alternative approaches for developing mitigation programs;
- Modify wetland buffer requirements; and
- Expand the list of uses allowed in wetland buffers.

Boers stated that the Planning Commission held a hearing on March 29, 2016 and voted 4-0 to recommend to Council approval of the draft amendments. Boers indicated that the City submitted a 60-day *Notice of Intent to Adopt a Development Regulation Amendment* to the Department of Commerce on March 7, 2016 and reported that the state agency comment period will end on May 5, 2016. Boers recommended that due to the open comment period, the hearing should be continued to May 10, 2016 in order to receive any additional comments. Boers called attention to the table and text summarizing the

amendments and buffer requirements proposed that would match the Department of Ecology and concluded his presentation.

Jolibois invited public comment. None was provided.

Responding to Surina's inquiry about the impact the amendments might have on future projects, Boers noted that existing facilities could continue to be used, repaired and revitalized, but he wasn't certain how the amendments would affect buffering requirements without seeing more specifics. Boers stated until the science is done (delineation of the wetland edge, and wetland categorization), it is difficult to know if the buffer widths are a plus or a minus in terms of more or less protection for new development. Boers further clarified that in the future, development proposals would need to be based on the best available science, to be determined on a case-by-case basis.

At 7:40 Jolibois continued the hearing to May 10, 2016.

**To receive comments on proposed amendments to Firecrest Municipal Code Title 22**

At 7:40 P.M. Jolibois opened the public hearing to receive comments on proposed amendments to Firecrest Municipal Code Title 22.

Boers stated that proposed amendments would supplement the code amendments adopted in 2015 as part of the City's Growth Management Act periodic update. Boers noted the amendments were initially termed as housekeeping due to being minor cleanups and clarifications but have since grown. Boers reported that the Planning Commission held a public hearing on March 29, 2016 and is recommending approval of the package of amendments. Boers provided a summary of the key amendments that would:

- Require electronic application submittals (in addition to paper submittals) per Ecology requirements for proposals subject to SEPA;
- Revise/simplify subdivision application submittal requirements;
- Relocate street and sidewalk standards to proposed streetscape design standards and guidelines document;
- Revise the Neighborhood Commercial zone by allowing businesses to use delivery services when located on an arterial street;
- Revise the Golf Club zone by eliminating the master plan requirement for most uses;
- Establish a new chapter 22.65 Design Standards and Guidelines for Streetscape Elements and adopt these provisions by reference in a freestanding document; and
- Establish a De Minimis Variance process that can be used to consider the granting of small variances without the need for a more time-consuming or costly process.

Boers highlighted the new streetscape design standards and guidelines that would apply to new streets and substantially improved streets and pedestrian facilities. He noted that the majority of the standards incorporate a suggested list of street trees that would be required on both sides of all newly created, widened, or substantially improved public and private streets. Boers reported that the standards would be mandatory and the guidelines are advisory. Boers concluded by recommending that the public hearing be continued to May 10<sup>th</sup> in order that the comment period remains open to receive additional comments.

Jolibois invited public comment. None was provided.

Wittner stated the proposed amendments in 22.46.003(h) required that delivery vehicles use a principal or major arterial for deliveries. Boers noted his understanding was that the code was to be modified to allow all kinds of arterials for delivery service and reported that the amendment would be modified to accommodate that change. Boers clarified for Medley that the De Minimis Variance process is to provide staff flexibility with something that is very minor.

Medley stated he was concerned with language in 22.65.004(d) that states “the city may apply these standards and guidelines to new or substantially modified multifamily development, commercial mixed use development, . . .” Medley inquired what the reasons are behind why the City is to be given such leeway in terms of classifying that something isn’t a substantial improvement and one that wouldn’t trigger design and streetscape improvements for a public project. He stated his understanding was that the City could also make a determination that a private developer’s project was a substantial improvement and one that would trigger design and streetscape improvements. Medley stated it appeared that the standard could be interpreted as not being applied fairly and expressed concern. Boers stated the language was inserted to provide the City with discretion on a case-by-case basis, as well as direction and guidance built in, to assist with determining if something is substantial or not. Medley indicated the language is fairly broad and needs to be narrowed down, as it gives the appearance that the City wins no matter what.

George complimented staff for the language providing flexibility to the City, as well as the De Minimis Variance process that is being considered that could help alleviate an expensive variance process. George voiced appreciation to the delivery services issue and concluded by stating he liked the streetscape options that seem to provide flexibility to have a future discussion about Regents Boulevard.

Surina asked that some of the things that are unique to Fircrest are incorporated into the amendments, i.e., a requirement to keep the natural contours of the land within new streets rather than going in a straight line and incorporation of the Kwanzan cherry trees into the suggested list of street trees.

Jolibois continued the public hearing to May 10, 2016.

### **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA**

John Zwosta, 914 Forrest Park Drive commented about Council following the agenda that is posted and suggested alternatives to the no-smoking ordinance that was walked onto the agenda at the last meeting.

### **COMMITTEE, COMMISSION & LIAISON REPORTS**

#### **Street, Facilities & Equipment**

Reynolds stated that the Emerson Street sidewalk project is going well.

#### **Public Safety, Court**

Medley noted that the no-smoking ordinance in the Parks is being worked on and will include a lot of modifications. He noted that Chief Cheesman and the City Attorney still need to get together to review the document and it is scheduled to be presented on May 10<sup>th</sup>. Medley stated that a Crime Prevention meeting is scheduled for May 12<sup>th</sup> and is going to address concerns by residents and some recent burglaries and break-ins in the City. George suggested that the citizenry be provided an opportunity to comment about the proposed no-smoking in the Parks ordinance, noting it isn’t an emergency and doesn’t need to be passed on

May 10<sup>th</sup>. He suggested that perhaps there be some information about the proposed ordinance provided in the next Town Topics and also to allow people to comment. George stated there isn't a rush so why not take the extra step and ask people their opinions. Medley stated he agreed with George's suggestion due to the way the ordinance was dropped onto the agenda and felt it wasn't an appropriate way to create a law. Reynolds stated she has been working closely with the legal team at the Tacoma Pierce County Health Department and they came to her with some suggested language changes to the proposed ordinance regarding some words that they want and some that they don't want used in the ordinance. Reynolds indicated a desire for City Manager Rosenbladt and City Attorney Smith to review the ordinance for concurrence with what has been suggested by Pierce County's legal team. Reynolds further commented on her understanding of some recent language that was passed that states that cities will not make any law outlawing the smoking of vaping products in certain outdoor areas. Jolibois and Surina commented about the no-smoking issue that surfaced during an advisory committee meeting approximately ten years ago and their understanding that there has been an interest from citizens for a no-smoking ordinance. George acknowledged that there has been discussion about a no-smoking ordinance at the Council level, but he felt the vast majority of the citizenry doesn't know anything about this issue and urged public participation in the process. George stated he spends a lot of time in the Parks, has never seen anyone smoking in the Parks, and would like to hear from others if they think there is a problem. Reynolds stated that getting the information out to the public is important and receiving opinions back is essential.

Discussion continued and there was interest to publish information about the no-smoking ordinance in the June Town Topics edition and to schedule the no-smoking and perhaps a no-vaping ordinance at the last regular meeting in June. Rosenbladt suggested that Reynolds provide a little more information regarding what she has learned on the issue of possibly banning vaping. Wittner stated if there is a current policy in place regarding no smoking and no vaping that signage should be in place at the Tot Lot and the wading pool. Cheesman stated the Parks and Recreation Director has so far successfully enforced the no smoking in the parks policy but an ordinance banning smoking would be an additional enforcement tool. There was Council interest for signage to be placed at the Parks regarding the no-smoking policy.

## **CONSENT CALENDAR**

Jolibois requested the City Clerk read the consent calendar as follows: approval of Voucher No. 207401 through Voucher No. 207502 in the amount of \$306,805.36; approval of Payroll Check No. 12108 through Payroll Check No. 12112 in the amount of \$93,803.14; approval of the April 12, 2016 Regular City Council meeting; and approval of the April 18, 2016 Special City Council meeting.

## **MOTION**

**Moved by Reynolds, seconded by Medley, to approve the Consent Calendar as read.**

Wittner requested that the spelling of his first name is corrected in the April 18, 2016 minutes.

## **VOTE**

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

## **CITY MANAGER COMMENTS**

Rosenbladt called attention to comments he made in last week's General Update regarding if Council is interested in making an exception to normal procedures and allowing public participation on the draft

Feasibility Study at the May study session. There was Council consensus to allow public comment at the study session. Rosenblatt provided an overview on the meeting he attended this morning regarding the upcoming City of University Place's Mildred Street project, noting that the project is anticipated to take approximately six months and the contractor will work from 7:00 a.m. to 3:00 p.m. He noted that Linden street trees will be installed and maintained by the City of University Place, the poles are going to be relocated, and the street won't be closed as this is a sidewalk project. Rosenblatt stated the large vacant parcel on Mildred, owned by the Eaton Family, will be used to stage the equipment. Rosenblatt concluded by noting that Reynolds expressed interest in attending the annual AWC Conference and inquired if there were additional Councilmembers that desired to attend. He noted that the Council rules require Council approval for training that exceeds \$150 and reported that the conference alone will exceed that amount. Surina expressed interest in attending.

## **MOTION**

**Moved by Medley, seconded by George, to approve Surina's and Reynolds' attendance at the Association of Washington Cities annual conference to be held June 21 – June 24 in Everett. Ayes: Surina, Reynolds, Wittner, Jolibois, George and Medley. Noes: None. Excused: Waltier. Motion carried.**

Rosenblatt clarified for Zwosta in regards to his previous comments that at the bottom of each Council regular meeting agenda is the phrase: "Council may add and take action on other items not listed on agenda." He further noted that the Chair moved the agenda items because no one signed in to speak under Citizen Comments and a belief that perhaps many in the audience were present to speak at the public hearings instead.

## **DEPARTMENT HEAD COMMENTS**

Public Works Director Wakefield stated that Fircrest's water is safe. He called attention to information in the media about lead that was discovered during testing at Whittier Elementary in Fircrest. Wakefield explained that Fircrest's source water is pure and there are no detectable levels of lead. He noted when there are lead and copper problems, they are most likely precipitated by issues with pipes and pumps in the delivery system. Wakefield explained that lead test results can occur when raw water comes out of the ground with a high ph level and into the pipes that have leaded joints, or drinking fountains that have leaded plumbing within the drinking fountains themselves, or goosenecks used for connections onto the main lines. Wakefield stated that Fircrest's water doesn't need to be treated to adjust the ph levels so the corrosiveness of the water is well within normal ranges and all previous tests for lead and copper have shown levels in the low range or non-detectable range in all areas. Wakefield highlighted the 53 areas at Whittier that were tested with three showing high lead levels. He noted if the source water had lead in it, all 53 areas would have tested positive for lead. Wakefield concluded by noting they are required this year by the Department of Health to do routine sampling for lead and copper and are in the process of getting that scheduled in the near future. Wakefield, in response to George, stated that they will do whatever they can to assist Tacoma Public Schools but it seems to be their plumbing issue that needs to be straightened out. Wakefield further clarified for George that goosenecks are not prevalent in the City; and when metering was done approximately 15 years ago, there was no evidence of goosenecks due to the proximity of the meters to the mains. Wakefield stated he feels pretty confidence that the goosenecks that were in the City have been eliminated. Wakefield informed Council that they are working on two grant applications and the federal funding cycle for the Puget Sound Regional Council application is this Friday. He noted they are applying for grind and overlay grants on Alameda – one from S. 19<sup>th</sup> Street to Regents and another on Alameda from Greenway to Regents. In response to Wittner, Wakefield stated the grant application wouldn't include speed bumps but if that was desired, could become part of the construction project moving forward.

**COUNCIL COMMENTS**

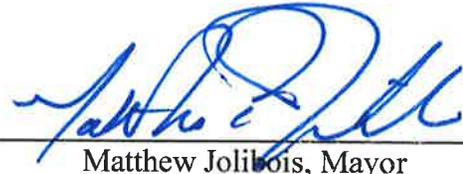
Reynolds provided an update to information she had previously provided regarding fines when caught smoking marijuana and suggested revising the amount for the penalty in the no-smoking ordinance.

Wittner thanked everyone for coming.

George stated he appreciated hearing about the upcoming Crime Prevention meeting. He suggested that information about the meeting is placed on the reader board. In response to George's inquiry about Council attending the Crime Prevention, Jolibois declared May 12, 2016 as a Special Council Meeting. George stated he appreciated the information from Wakefield about the positive test results regarding lead at Whittier Elementary School. George concluded by noting it appeared that the City of University Place (UP) Proposition regarding the creation of a Park District was failing and suggested that Parks and Recreation Director Grover take that into account during the upcoming budget process as that could present an increase in attendance and demand to Fircrest's programs due to the potential lack of recreational programs in UP.

**ADJOURNMENT**

**Moved by Reynolds, seconded by Medley, to adjourn the meeting at 8:47 P.M. Ayes: Surina, Reynolds, Wittner, Jolibois, George and Medley. Noes: None. Excused: Waltier. Motion Carried.**



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Matthew Jolibois, Mayor



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Lisa Keely, City Clerk