

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

Mayor Hunter T. George called the regular meeting to order at 7:00 P.M. and led the Pledge of Allegiance. Councilmembers David M. Viafore, Shannon Reynolds, Brett Wittner, Blake Surina, and Jason Medley were present. Councilmember Denny Waltier was absent and excused.

PRESIDING OFFICER'S REPORT

None was provided.

CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA

George invited public comment. None were provided.

COMMITTEE, COMMISSION AND LIAISON REPORTS

A. Parks and Recreation

Surina provided a brief update on the pool repair evaluation and the upcoming holiday sleigh event, and deferred to the Parks and Recreation Director for more information under the Department Head comments.

B. Environment, Planning and Building

Medley reported that he met with the Planning and Building Administrator and anticipated having a discussion on the Development Code Update.

C. Finance, IT

Reynolds reported that Finance had closed on the August financial report and was moving onto the September quarterly report. Reynolds reported that she had received information from a provider that is capable of doing a parks registration system and emergency management maps and plans. George requested Reynolds provide that information to staff as they consider this information as part of the City's business systems.

D. Administration

Wittner welcomed and introduced City Manager Pingel.

CONSENT CALENDAR

George requested the City Clerk read the Consent Calendar as follows: approval of Voucher No. 210420 through Voucher No. 210470 in the amount of \$50,161.96; approval of Payroll Check No. 13002 through Payroll Check No. 13012 in the amount of \$6,027.72; approval of Payroll Check No. 13013 through Payroll Check No. 13018 in the amount of \$84,336.59; approval of Payroll Check No. 13019 in the amount of \$253.99; approval of Payroll Check No. 13020 through Payroll Check No. 13025 in the amount of \$91,339.98; and approval of the November 20, 2017 special Council meeting minutes and the November 28, 2017 regular Council meeting minutes. **Medley MOVED to approve the Consent Calendar as read; seconded by Surina. The Motion Carried Unanimously.**

PUBLIC HEARING

No public hearing was scheduled.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

A. Motion: Budget Amendment

Finance Director Corcoran briefed the Council on the proposed budget amendment to reallocate \$10,530 in funds for the damages to the Public Safety building that occurred in July 2017. Corcoran stated that the fiscal impact of this proposal would be an increase in expenditures with a corresponding decrease in Ending Fund Balance. **Medley MOVED to authorize the Finance Director to reallocate the funds as listed in the City Council Agenda summary dated December 12, 2017; seconded by Wittner.** George invited councilmember comment; Viafore requested more information about whether the City was made whole from the insurance settlement. City Clerk/Risk Manager Nappi and Corcoran reported that even though staff was able to significantly reduce the financial gap with the driver's insurance company, the former Interim City Manager ultimately decided to settle with the insurance company with no additional recourse for the loss and absorb the difference out of respect to the former Mayor and Councilmember. Council expressed concern over the precedence of not pursuing additional recourse for the loss when the City is not made whole especially when it concerns an elected official and expressed caution moving forward. After a brief discussion on pursuing recourse to recover the difference, Council asked for more information about the decisions made related to this claim and City Manager Pingel raised the question of how much time staff should spend on this as staff had already spent an inordinate amount of time to negotiate with the insurance company. George invited public comment; none were provided. **The Motion Carried 5-1 with Viafore casting the dissenting vote.**

B. Motion: Liquor License Renewal – Spring Lake Café

City Manager Pingel briefed the Council on the request by the Washington State Liquor and Cannabis Control Board to register any objections to the liquor license renewal for Spring Lake Café at 616 Regents Boulevard. Pingel indicated there were no problems regarding liquor sales at this place of business and that the Finance, Planning and Building, and Police departments had no objections regarding the renewal of this license. **Medley MOVED to move to register no objections to the liquor license renewal for Spring Lake Café at 616 Regents Boulevard; seconded by Viafore.** George invited councilmember comment; none were provided. George invited public comment; none was provided. **The Motion Carried Unanimously.**

C. Resolution: December 26, 2017 Regular Council Meeting Time Change

Pingel briefed the Council on the proposed resolution changing the time of the December 26, 2017 regular Council meeting from 7:00 P.M. to 4:30 P.M. **Medley MOVED to adopt Resolution No. 1510, changing the time of the December 26, 2017 regular Council meeting from 7:00 P.M. to 4:30 P.M.; seconded by Wittner.** George invited councilmember comment; Viafore asked for clarification of Fircrest Municipal Code (FMC) 2.12.010, whether this meeting time adjustment would change the meeting to a special meeting. City Attorney Smith stated that the FMC requires regular meetings to be held on the second and fourth Tuesdays of each month and the Council can determine a different meeting time if it is different than beginning at 7:00 P.M. George invited public comment; none was provided. **The Motion Carried Unanimously.**

Smith advised that the oaths of office for the four newly elected officials be administered at the last regularly scheduled meeting or no earlier than 10 days prior to assuming office since the terms begin on January 1st. Smith recommended the newly elected officials coordinate with

the City Clerk if they could not be available to take the Oath of Office during the meeting of December 26, 2017.

D. Resolution: Legal Services for City Attorney and City Prosecutor Services Contract

Pingel briefed the Council on the proposed amendment to the contract with Comfort, Davies & Smith, P.S. for City Attorney and City Prosecutor legal services at the rate of \$169 per hour in 2018. Pingel stated the proposed rate increase was 3% and was budgeted in the 2018 Budget. **Medley MOVED to adopt Resolution No. 1511, authorizing the City Manager to execute an amendment to the contract for Legal Services with Comfort, Davies and Smith, P.S. for City Attorney and City Prosecutor services in 2018; seconded by Wittner.** George invited councilmember comment; none were provided. George invited public comment; none was provided. **The Motion Carried Unanimously.**

E. Resolution: Summit Law Group Professional Services Agreement

Pingel briefed the Council on the proposed amendment to the professional services agreement with Summit Law Group to extend the agreement to December 31, 2018 and update the schedule of rates. Pingel stated the City's primary counsel was retiring and the City's new primary contact person would be at a lower hourly rate. **Medley MOVED to adopt Resolution No. 1512, authorizing the City Manager to execute Amendment #11 to the agreement with Summit Law Group to provide personnel services in 2018; seconded by Wittner.** George invited councilmember comment; Viafore questioned the experience newly assigned counsel to the City. Pingel stated that the newly assigned counsel came highly recommended by the retiring assigned counsel, and clarified that the contract was with the firm. George invited public comment; none was provided. **The Motion Carried Unanimously.**

F. Resolution: Planning Fee Structure – Short Term Rentals

Planning and Building Administrator Stahlnecker briefed the Council on the proposed resolution to create a \$90 permit fee for short-term rentals. Stahlnecker stated the Council adopted regulations creating a short-term rental permit and as there was no fee to accompany that permit, this resolution would establish a permit fee for the newly created short-term rental permit. Stahlnecker indicated that based on its similar nature to home occupation permits and how they are going to be processed, staff recommended a fee of \$90. **Medley MOVED to adopt Resolution No. 1513, adding a short-term rental permit fee to the planning services fee schedule; seconded by Wittner.** George invited councilmember comment. There was a brief discussion regarding enforcement policies to ensure compliance, to which Stahlnecker indicated that the City would notify residents of this new permit via the City website and Town Topics as well as follow current practices and communicate with those establishments that the City was aware of. George requested a Roll Call Vote: Voting aye – Viafore, Wittner, George, Surina, Medley (5); Voting nay – Reynolds (1). **The Motion Carried 5-1.**

G. Ordinance: 2017 Development Code Update

Stahlnecker briefed the Council on the proposed ordinance to amend zoning and subdivision regulations contained in various chapters of Title 22 Land Development. Stahlnecker indicated that the proposed amendments would clarify code administration, fine tune regulations, respond to input and direction received since the most recent rounds of amendments in 2015-2016, and further the goals of the Comprehensive Plan. **Medley MOVED to adopt Ordinance No. 1611, amending Fircrest Municipal Code Title 22 Land Development Regulations; seconded by Wittner.** George invited councilmember comment.

There was a discussion regarding the proposed amendments to the Commercial Mixed Use (CMU) district related to administrative use versus condition use as well as the proposed height maximum change to FMC 22.34.005 and the proposed change to remove vehicle repair facilities from FMC 22.50.004. After a brief discussion, there was a consensus to bring the vehicle repair facilities item to the Planning Commission and to the jointing meeting in February 2018 as part of the overall discussion on uses in the CMU. Principal Planner Boers distributed a map illustrating the general critical areas for the R-4C area to facilitate the discussion on the proposed height maximum change to FMC 22.34.005. After some discussion, there was a consensus to remove the proposed language as it related to the proposed height maximum change to FMC 22.34.005 and the proposed language relating to administrative use versus condition for light industrial and drive-through facilities. **Medley MOVED to table Ordinance No. 1611; seconded by Reynolds. The Motion Carried Unanimously.** George invited public comment; the following individuals provided comment:

- Nancy Atwood, 1204 Farallone Avenue, provided comments regarding the impact to the environment.
- Yolanda Brooks, 6448 19th Street W #B, provided comments regarding protecting the wetlands, development bordering the Fircrest/University Place city line, and sufficient parking for commercial uses.

H. Ordinance: Potential Annexation of 62nd Ave W and 44th St W Area

Stahlnecker provided the Council a revised ordinance to reflect draft language regarding the effective date and briefed the Council on the proposed ordinance to annex the potential annexation of 62nd Avenue W and 44th Street W area. Stahlnecker stated this ordinance would annex the real property with a 45-day effective date and identify the property that would be subject to the Comprehensive Plan, Zoning Code, taxes, and indebtedness. Stahlnecker stated this ordinance would establish the land use designation and zoning district, as well as establish the addressing. **Medley MOVED to adopt Ordinance No. 1612, annexing certain real property, identified as the “62nd Avenue West and 44th Street West Potential Annexation Area” into the City of Fircrest, pursuant to RCW 35A.14.460, providing for the assumption of indebtedness and zoning regulations, providing for addressing, and providing for the effective date of the annexation; seconded by Wittner.** George invited councilmember comment; George inquired about the efforts staff anticipated taking to notify property owners and tenants about the addressing. George invited public comment; Yolanda Brooks, 6448 19th Street W #B, commented on the development’s drainage system. **The Motion Carried Unanimously.**

CITY MANAGER COMMENTS

Pingel reported that the City is participating in the preparation for the 2020 Census Local Update of Census Addresses Operation with Pierce County. Pingel stated that staff was working on the Bond Reimbursement Declaration of Intent and indicated that at the recommendation of the bond underwriter, he would engage a bond attorney as the City moves forward with the Bond Reimbursement Declaration of Intent resolution. Pingel provided the dates he anticipated he would be taking personal leave as part of his relocation process.

DEPARTMENT HEAD COMMENTS

- Grover provided an update on the pool repair investigation and stated that four consultant firms will be interviewed for the RFQ Community Center and Pool Design.

- Cheesman reported that the City was awarded grant funds from the Washington Traffic Safety Commission to participate in DUI-emphasis patrols during the holidays, and stated that the Santa Sleigh Ride event is scheduled for December 19th and 20th and thanked volunteers.
- Corcoran briefed the Council on the scrivener's error for:
 - Ordinance No. 1600 for the Police Records Tech. CSO I maximum amount, which should have read 4,361 instead of 4,296.
 - November 28, 2017 Budget Amendment ending fund balance, which should have read 91,070 instead of 91,670.

Corcoran indicated that she had spoken with the City Attorney and they requested this information be reflected in the record.

COUNCILMEMBER COMMENTS

The Council welcomed the new City Manager, thanked the public for their attendance, and expressed happy holidays to all. Additional councilmember comments included:

- Viafore thanked Public Works and Police departments for handling the street light outages and provided information on an existing street light outage. Viafore commented on public facility postings and on reimbursement to damages to public property.
- George commented on the management of the meeting.

EXECUTIVE SESSION

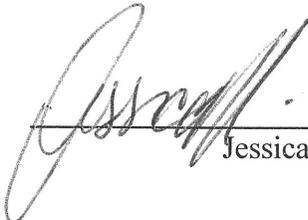
There was none.

ADJOURNMENT

Reynolds Moved to adjourn the meeting at 9:07 P.M., seconded by Medley. The Motion Carried Unanimously.



Hunter T. George, Mayor



Jessica Nappi, City Clerk