

**FIRCREST CITY COUNCIL
REGULAR MEETING AGENDA**

**TUESDAY, AUGUST 28, 2018
7:00 P.M.**

**COUNCIL CHAMBERS
FIRCREST CITY HALL, 115 RAMSDELL STREET**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PRESIDING OFFICER'S REPORT**
 - A. [Proclamation: Fircrest Swim Team Championship](#)
 - B. [Community Center and Pool Presentation: ARC Architects](#)
- 5. CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA**

(Please sign the **Public Attendance Roster/Public Hearing Sign-Up Sheet** if you wish to speak during the meeting.)
- 6. COMMITTEE, COMMISSION & LIAISON REPORTS**
 - A. Parks & Recreation
 - B. Pierce County Regional Council
 - C. Public Safety, Court
 - D. Street, Water, Sewer, and Storm Drain
 - E. Other Liaison Reports
- 7. CONSENT CALENDAR**
 - A. Approval of [vouchers](#)/payroll checks
 - B. Approval of minutes: [July 16, 2018 Special Minutes](#)
 [July 24, 2018 Regular Minutes](#)
- 8. PUBLIC HEARING 7:15 P.M.**
 - A. [Stormwater Management Program \(SWMP\) Plan](#)
- 9. UNFINISHED BUSINESS**
- 10. NEW BUSINESS**
 - A. [Liquor License Renewal: Orchard Market Group, LLC](#)
 - B. [Liquor License Renewal: Viafore's Italian Delicatessen](#)
 - C. [Resolution: Approval of Council Rules of Procedures Amendments](#)
 - D. [Motion: Unfreeze the 2nd Sergeant Position](#)
- 11. CITY MANAGER COMMENTS**
 - A. [Accessory Dwelling Unit and Utility Billing](#)
- 12. DEPARTMENT HEAD COMMENTS**
- 13. COUNCILMEMBER COMMENTS**
- 14. EXECUTIVE SESSION**
 - A. To discuss potential litigation per RCW 42.30.110(1)(i)
- 15. ADJOURNMENT**

PRESIDING OFFICER'S REPORT: Proclamation: Fircrest Swim Team Championship
ITEM: 4A

FROM: Jeff Grover, Parks and Recreation Director

RECOMMENDED MOTION: I move to authorize the Mayor's signature on a proclamation proclaiming Fircrest Amateur Swim Team as South Sound Summer Swim League champions, and encourage all citizens to join the City of Fircrest and the Fircrest Parks and Recreation Department in applauding this accomplishment.

PROPOSAL: The Council is being asked to approve the proclamation proclaiming Fircrest Amateur Swim Team as South Sound Summer Swim League champions.

FISCAL IMPACT: None.

ADVANTAGE: Demonstrates support for the Fircrest Amateur Swim Team.

DISADVANTAGES: None known.

ALTERNATIVES: None.

HISTORY: The Fircrest Amateur Swim Team competed against Metro Parks Tacoma to win the South Sound Summer Swim League championship on August 9, 2018.

ATTACHMENT: [Proclamation](#)



THE CITY OF FIRCREST

Office of the Mayor

PROCLAMATION

WHEREAS, the Fircrest Amateur Swim Team is a recreational summer swim team that gathers between June and August at the Fircrest Pool; and

WHEREAS, the Fircrest Amateur Swim Team competed in the South Sound Summer Swim League and qualified to compete in the league championship meet; and

WHEREAS, the Fircrest Amateur Swim Team competed against Metro Parks Tacoma to win the South Sound Summer Swim League championship on August 9, 2018.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FIRCREST, does hereby proclaim

Fircrest Amateur Swim Team as South Sound Summer Swim League champions, and encourages all citizens to join the City of Fircrest and the Fircrest Parks and Recreation Department in applauding this accomplishment.

Passed this 28th day of August 2018

Hunter T. George, Mayor

SCHEDULE

Dates	
May 29, 2018	Public Meeting #1 Project understanding, vision
June- July 2018	Design coordination Options and Financial review
August 2018	Public Meeting #2 and Survey Review of options and design ideas
September 2018	City Council Review and Guidance
October 2018	Project schematic design complete
Oct/ Nov. 2018	City Council decision on project and bond
Nov. 2018 – April 2019	Update contract and design development
April 2019	Ballot measure - approval
Spring/Summer 2019	Permits and Bidding
Fall 2019	Construction begins

SITE DESIGN - MASTERPLAN



SITE DESIGN - MASTERPLAN



POOL OPTION A - TWO TANK

AMENITIES:

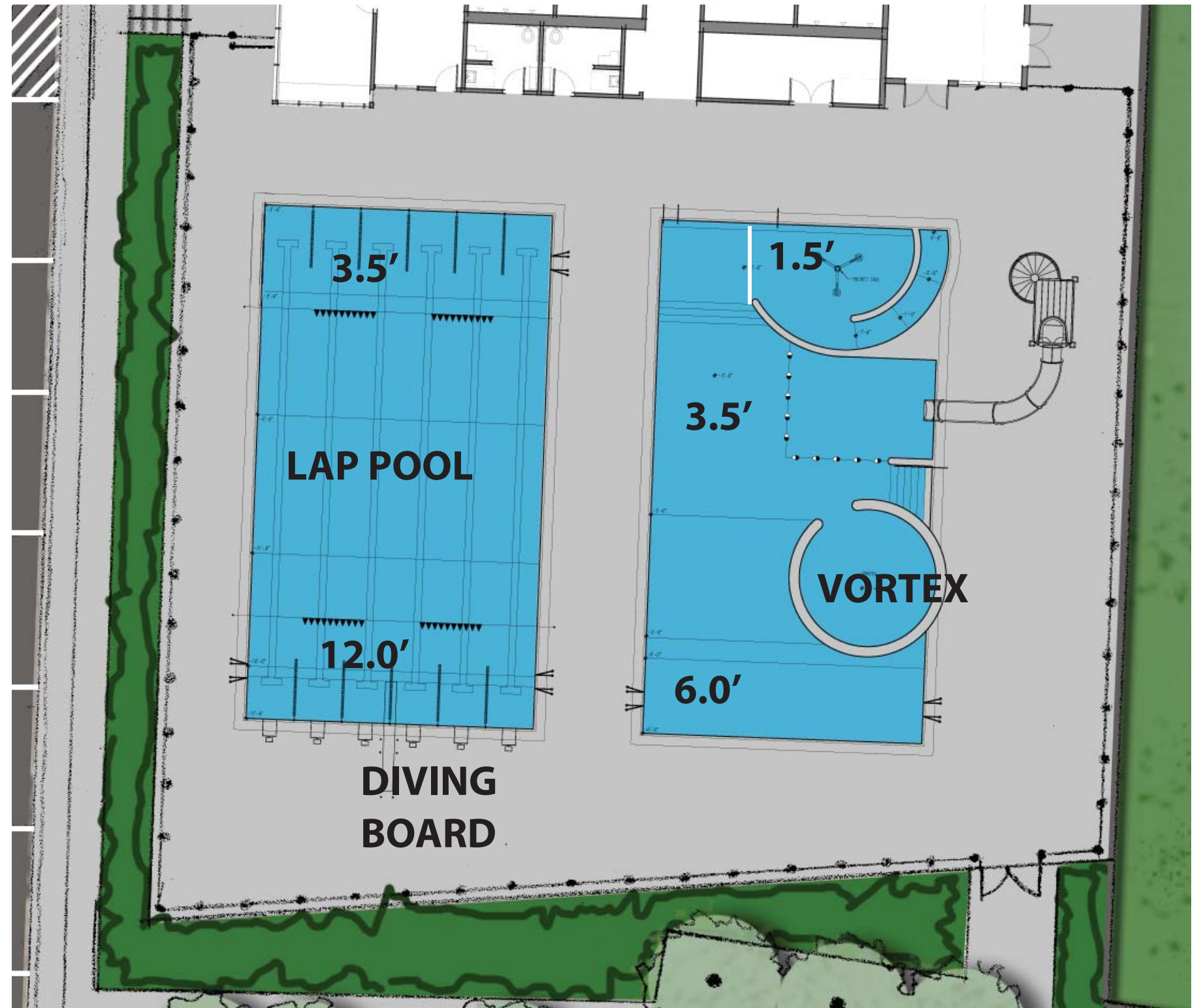
- 25-YD LAP LANES
- DIVING BOARD
- SMALL SLIDE
- VORTEX
- WIDE STAIRS FOR PLAY & TEACHING
- TODDLER PLAY WITH RAILING

PROS:

- 2 TANKS FOR 2 WATER TEMPERATURES
- WARMER WATER FOR KIDS, LESSONS, AND SENIOR ACTIVITIES
- COOLER WATER FOR LAPS & TRAINING

CONS:

- TODDLER POOL NOT SEPARATE WATER



POOL OPTION B - ONE TANK & SEPARATE TODDLERS

AMENITIES:

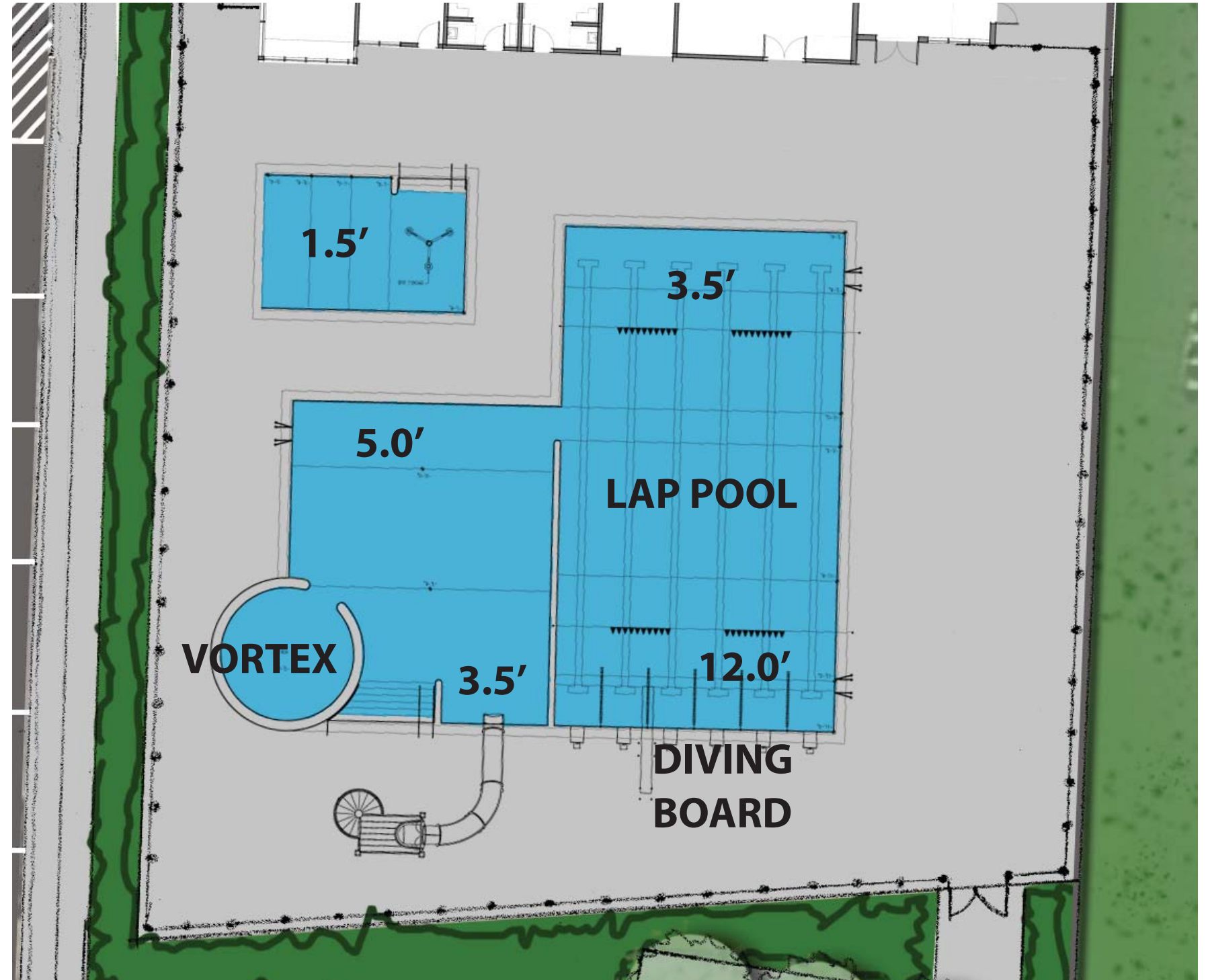
- 25- YD LAP LANES
- DIVING BOARD
- SMALL SLIDE
- VORTEX
- WIDE STAIRS FOR PLAY & TEACHING
- SEPARATE TODDLER POOL

PROS:

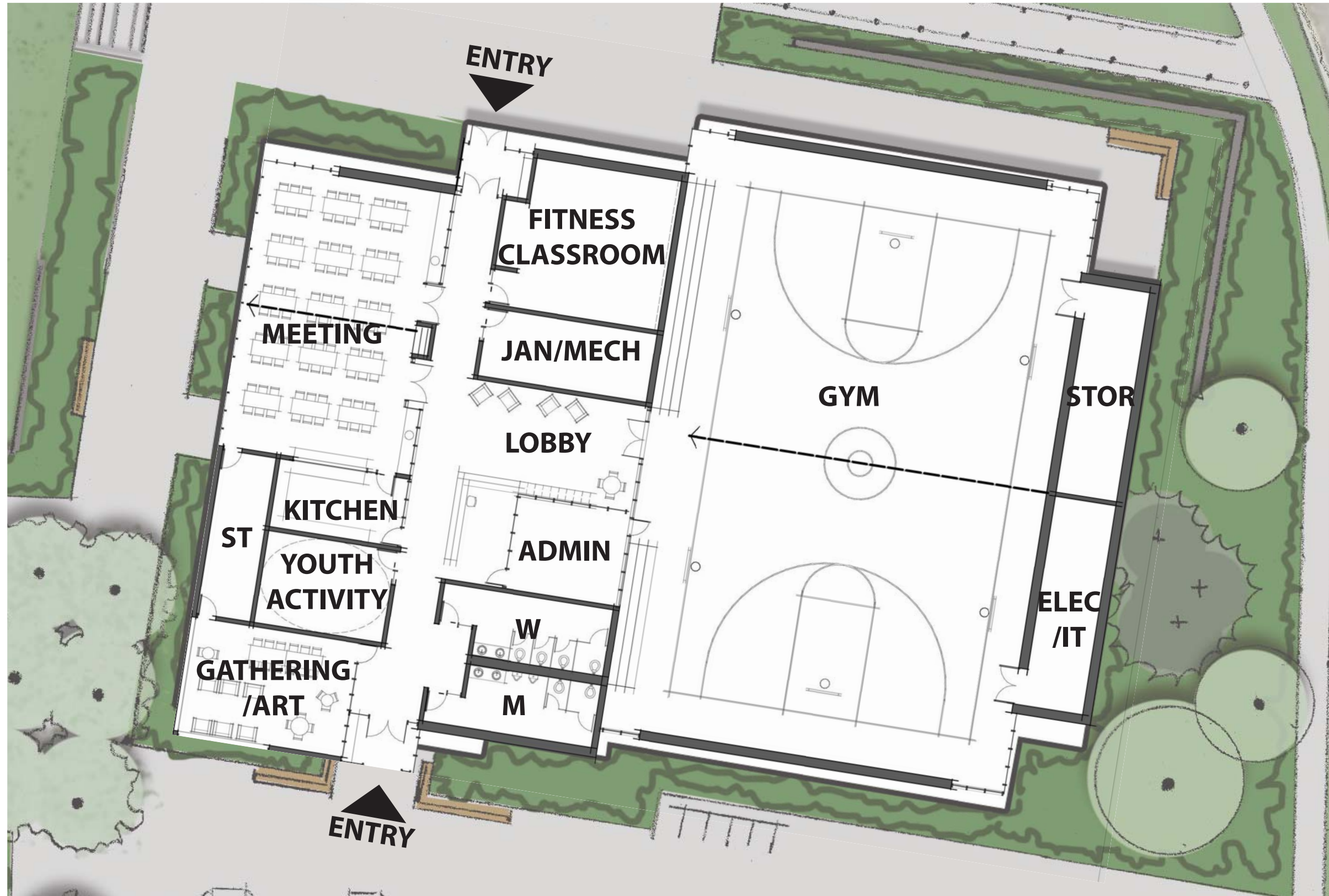
- TODDLER POOL SEPARATE

CONS:

- ONE WATER TEMPERATURE
- SMALLER RECREATION AREA



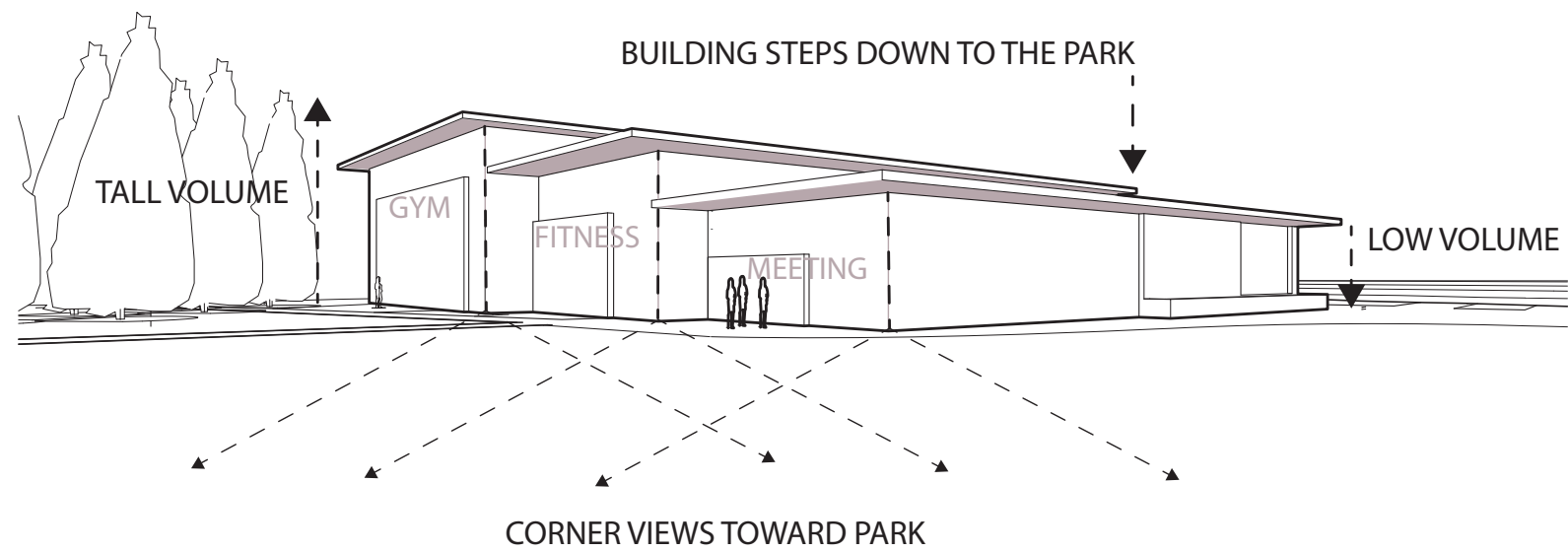
COMMUNITY CENTER DESIGN



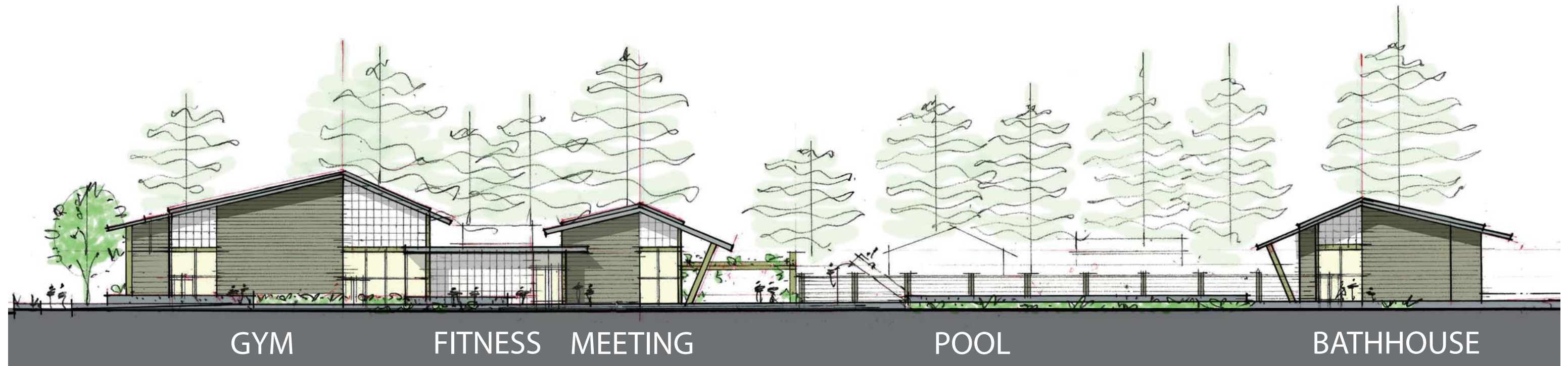
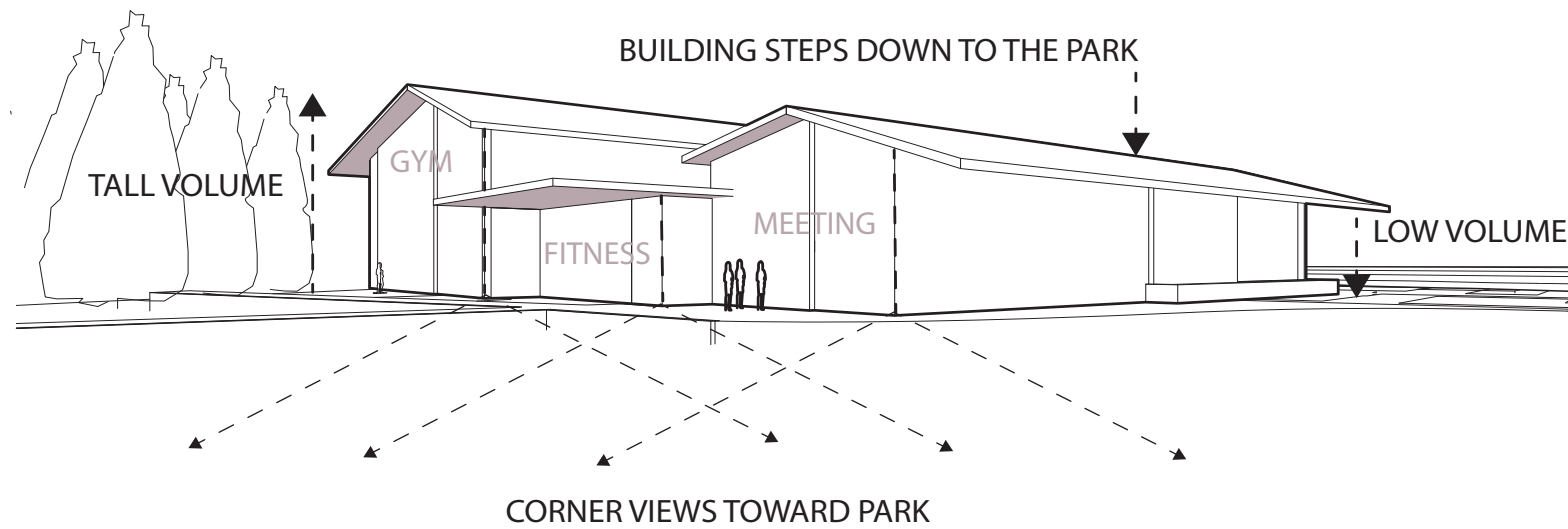
PUBLIC MEETING - AUGUST 13, 2018

COMMUNITY CENTER & POOL DESIGN

DESIGN - OPTION B



DESIGN - OPTION A



FINANCIALS

- Council is reviewing all options for levy / bond
- Anticipate pursuing a bond in April 2019
- Gathering public input and financial plan
- Design team input on schematic design costs and phasing

LEVY OPTIONS :

\$ 4 - \$13 MILLION

PAY BACK OPTIONS :

LEVEL DEBT OR LEVEL LEVY

1 BOND ISSUE OR 2 BOND ISSUES

10 YEAR OR 20 YEAR OR LONGER

ACCOUNTS PAYABLE PAID

City Of Fircrest
MCAG #: 0583

08/28/2018 To: 08/28/2018

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Accts

Pay #	Paid On	Year	Trans	Vendor ID	Vendor	Amount	Memo
17376	08/28/2018	2018	5681	4298	AWC Employee Benefit	631.64	September Retired Medical
	521 22 20 01				LEOFF I Medical Premiums 001 000 521 General Fund	631.64	September Retired Medical
17321	08/28/2018	2018	5682	1470	Beasley, Christine	28.55	02-01800.8 - 215 ALAMEDA AVE
	343 10 00 00				Storm Drain Fees & Charges 415 000 340 Storm Drain	-22.93	
	343 40 00 00				Sale Of Water 425 000 340 Water Fund (depart	-8.70	
	343 50 00 00				Sewer Revenues 430 000 340 Sewer Fund (depar	3.08	
17335	08/28/2018	2018	5683	7709	Buffalo Soldiers of Seattle	650.00	Fircrest National Night Out - History Lesson, Horseback Riding, Drills And Demonstrations
	521 22 49 05				Reimbursable Programs 001 000 521 General Fund	650.00	Fircrest National Night Out - History Lesson, Horseback Riding, Drills And Demonstrations
17389	08/28/2018	2018	5684	6018	Canon Financial Services Inc	563.79	Copier Rental (August 2018) - City Hall, Public Works, Parks, Rec And Court
	512 50 45 00				Oper Rentals - Copier - Court 001 000 512 General Fund	140.95	Copier Rental (August 2018)
	518 10 45 00				Oper Rentals - Copier - Non Dept 001 000 518 General Fund	140.95	
	531 50 45 00				Oper Rentals - Copier - Storm 415 000 531 Storm Drain	35.24	
	534 10 45 02				Oper Rentals - Copier - Water 425 000 534 Water Fund (depart	35.23	
	535 10 45 00				Oper Rentals - Copier - Sewer 430 000 535 Sewer Fund (depar	35.24	
	542 30 45 00				Oper Rentals - Copier - Street 101 000 542 City Street Fund	35.24	
	571 10 45 01				Oper Rentals - Copier - Rec 001 000 571 General Fund	126.85	
	576 80 45 00				Oper Rentals - Copier - Parks 001 000 576 General Fund	14.09	
17336	08/28/2018	2018	5685	4288	Carnival Time	362.23	NNO - Jumparoo, Obstacle Course, Joust Arena And Dunk Tank
	521 22 49 05				Reimbursable Programs 001 000 521 General Fund	362.23	NNO - Jumparoo, Obstacle Course, Joust Arena And Dunk Tank
17390	08/28/2018	2018	5686	3994	CenturyLink	44.85	Long Distance Usage & Access Line
	518 10 42 00				Communication - Non Dept 001 000 518 General Fund	44.85	Long Distance Usage & Access Line
17391	08/28/2018	2018	5686	3994	CenturyLink	137.61	Direct Inward Dial - City Hall
	518 10 42 00				Communication - Non Dept 001 000 518 General Fund	137.61	Direct Inward Dial - City Hall
17392	08/28/2018	2018	5686	3994	CenturyLink	73.45	Parks Primary 911
	576 80 42 00				Communication - Parks 001 000 576 General Fund	73.45	Parks Primary 911
17393	08/28/2018	2018	5686	3994	CenturyLink	69.88	Public Works Fax
	531 50 42 00				Communication - Storm 415 000 531 Storm Drain	17.47	Public Works Fax
	534 10 42 00				Communication - Water 425 000 534 Water Fund (depart	17.47	
	535 10 42 01				Communication - Sewer 430 000 535 Sewer Fund (depar	17.47	

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	542 30 42 00				Communication - Street	17.47	101 000 542 City Street Fund
17394	08/28/2018	2018	5686	3994	CenturyLink	136.35	Police BA Machine / Modem
	521 22 42 00				Communication - Police	136.35	001 000 521 General Fund Police BA Machine / Modem
17337	08/28/2018	2018	5687	331	Cheesman, John G	1,281.43	Chief For A Day - Gift Cards And Misc Prizes & Supplies
	521 22 49 05				Reimbursable Programs	1,281.43	001 000 521 General Fund Chief For A Day - Gift Cards And Misc Prizes & Supplies
17379	08/28/2018	2018	5688	7682	Christian, Chris	91.49	07-00122.2 - 1533 COTTONWOOD AVE
	343 10 00 00				Storm Drain Fees & Charges	-20.41	415 000 340 Storm Drain
	343 40 00 00				Sale Of Water	-21.62	425 000 340 Water Fund (depart
	343 50 00 00				Sewer Revenues	-49.46	430 000 340 Sewer Fund (depart
17380	08/28/2018	2018	5689	8144	Chu, John	92.09	06-02720.1 - 1510 CYPRESS POINT AVE
	343 40 00 00				Sale Of Water	-92.09	425 000 340 Water Fund (depart
17329	08/28/2018	2018	5690	4318	City of Fircrest Treasurer	14,406.33	July 2018 - Interfund
	518 30 47 00				Public Utility Services - City H	876.43	001 000 518 General Fund City Hall
	531 50 47 02				Public Utility Services/Bldg - S	17.07	415 000 531 Storm Drain Storm
	531 50 47 02				Public Utility Services/Bldg - S	360.44	415 000 531 Storm Drain Storm
	534 10 47 00				Utility Services/Building - Wat	360.44	425 000 534 Water Fund (depart Water
	534 80 47 01				Utility Services/Pumping	541.94	425 000 534 Water Fund (depart Pumping
	534 80 47 03				Public Utility Services/Meter	10.10	425 000 534 Water Fund (depart Water - Meter
	535 10 47 00				Utility Services/Building - Sew	360.44	430 000 535 Sewer Fund (depart Sewer
	535 80 47 04				Public Utility Services/Meter	10.10	430 000 535 Sewer Fund (depart Sewer - Meter
	542 30 47 02				Electricity & Gas/Bldg - Street	4.33	101 000 542 City Street Fund Street
	542 30 47 02				Electricity & Gas/Bldg - Street	360.44	101 000 542 City Street Fund Street
	542 80 47 00				Public Utility Services-St Beau	313.39	101 000 542 City Street Fund St Beaut
	548 65 47 00				Utilities ShopGarage	33.50	501 000 548 Equipment Rental l ERR
	576 20 47 00				Public Utility Services - Pool	2,191.95	001 000 576 General Fund Pool
	576 80 47 00				Public Utility Services - Parks/	8,965.76	001 000 576 General Fund Parks / Rec
17412	08/28/2018	2018	5691	4322	City of Tacoma - Utilities	4,110.32	Utilities Various Locations #2
	534 80 47 01				Utility Services/Pumping	123.79	425 000 534 Water Fund (depart 123.79
	534 80 47 01				Utility Services/Pumping	2,236.98	425 000 534 Water Fund (depart 2,236.98
	535 80 47 01				Utility Services/Pumping	335.64	430 000 535 Sewer Fund (depart 335.64
	542 30 47 03				Electricity/Traffic Lights	18.57	101 000 542 City Street Fund 18.57
	542 63 47 00				Electricity/Street Lights	11.36	101 000 542 City Street Fund 11.36
	576 80 47 00				Public Utility Services - Parks/	1,383.98	001 000 576 General Fund 1,383.98 Utilities Various Locations #2
17338	08/28/2018	2018	5692	3565	Comfort Davies & Smith	6,117.80	July 2018
	515 30 41 01				City Attorney	1,605.50	001 000 515 General Fund Admininstration

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	515 30 41 03				City Prosecutor	001 000 515	General Fund	4,512.30	Police Court
17339	08/28/2018	2018	5693	7918	Contreras, Alejandra	120.00	2 Hrs Spanish Interpreting		
	512 50 41 03				Prof Svcs - Interpreter	001 000 512	General Fund	120.00	2 Hrs Spanish Interpreting #7Z0927334
17402	08/28/2018	2018	5693	7918	Contreras, Alejandra	120.00	Spanish Interpreting 2 Hrs.		
	512 50 41 03				Prof Svcs - Interpreter	001 000 512	General Fund	120.00	Spanish Interpreting 2 Hrs.8Z0776151 & 7Z0927334
17340	08/28/2018	2018	5694	3573	Copiers Northwest Inc	57.25	Operating Rentals / Copier - Police		
	521 22 45 00				Oper Rentals - Copier - Police	001 000 521	General Fund	57.25	Operating Rentals / Copier - Police
17381	08/28/2018	2018	5695	363	Corcoran, Colleen T	133.32	Wellness Picnic, Licence M/C 2745EX		
	517 90 31 01				Health Program - Supplies	001 000 517	General Fund	24.07	Wellness Picnic (Beans)
	594 48 64 08				Police - ERR Capital	501 000 548	Equipment Rental 1	109.25	Registration For M/C 2745EX
17382	08/28/2018	2018	5696	3589	Databar Inc	2,156.49	August Billing Statements, Postage And Town Topics		
	518 10 49 01				Town Topics/Citizen Commun	001 000 518	General Fund	65.62	August Billing Statements, Postage And Town Topics
	531 50 42 01				Postage - Storm	415 000 531	Storm Drain	267.01	
	531 50 49 06				Mailing Service - Storm	415 000 531	Storm Drain	429.94	
	534 10 42 01				Postage - Water	425 000 534	Water Fund (depar	267.02	
	534 10 49 06				Mailing Service - Water	425 000 534	Water Fund (depar	429.94	
	535 10 42 02				Postage - Sewer	430 000 535	Sewer Fund (depar	267.01	
	535 10 49 05				Mailing Service - Sewer	430 000 535	Sewer Fund (depar	429.95	
17383	08/28/2018	2018	5696	3589	Databar Inc	3,215.95	Public Meeting #2 For Community Center		
	518 10 49 01				Town Topics/Citizen Commun	001 000 518	General Fund	3,215.95	Public Meeting #2 For Community Center
17341	08/28/2018	2018	5680	3599	Dept Of Licensing	8.75	Title Transfer- Motorcycle HD		
	594 48 64 08				Police - ERR Capital	501 000 548	Equipment Rental 1	8.75	Title Transfer- Motorcycle HD
17342	08/28/2018	2018	5697	8232	Eagle Leather	214.99	Police - Motor Cycle Helmet (Celis)		
	521 22 49 01				Uniforms/Clothing/Laundry	001 000 521	General Fund	214.99	Police - Motor Cycle Helmet (Celis)
17399	08/28/2018	2018	5698	6995	Endicott, Cynthia J.	14.00	Silver Sneakers Yoga Instruct & Chair Yoga		
	571 20 49 06				Instructor Fees	001 000 571	General Fund	14.00	Silver Sneakers Yoga Instruct & Chair Yoga Correction
17343	08/28/2018	2018	5699	3621	Entertainment Masters	500.00	NNO - Mini Golf, Shaved Ice, Concessions		
	521 22 49 05				Reimbursable Programs	001 000 521	General Fund	500.00	NNO - Mini Golf, Shaved Ice, Concessions
17372	08/28/2018	2018	5700	3351	Estate of J L Peterson	89.97	11-02010.0 - 1307 BERKELEY AVE		

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343 10 00 00	Storm Drain Fees & Charges	415 000 340	Storm Drain			-89.97	
17330	08/28/2018	2018	5701	1694	France, Lorraine	151.30	03-00560.0 - 342 REGENTS BLVD
343 10 00 00	Storm Drain Fees & Charges	415 000 340	Storm Drain			-34.48	
343 40 00 00	Sale Of Water	425 000 340	Water Fund (depart			-36.44	
343 50 00 00	Sewer Revenues	430 000 340	Sewer Fund (depar			-80.38	
17331	08/28/2018	2018	5702	1695	France, Lorraine	53.88	03-00565.0 - 342 REGENTS BLVD IRRIG
343 40 00 00	Sale Of Water	425 000 340	Water Fund (depart			-53.88	
17334	08/28/2018	2018	5703	8094	Garrett, John	59.70	03-00720.1 - 137 AMHERST ST
343 10 00 00	Storm Drain Fees & Charges	415 000 340	Storm Drain			-30.25	
343 40 00 00	Sale Of Water	425 000 340	Water Fund (depart			-21.18	
343 50 00 00	Sewer Revenues	430 000 340	Sewer Fund (depar			-8.27	
17344	08/28/2018	2018	5704	5368	Gollinger, Barbara	93.56	City Picnic - Wellness
517 90 31 01	Health Program - Supplies	001 000 517	General Fund			93.56	City Picnic - Wellness
17355	08/28/2018	2018	5704	5368	Gollinger, Barbara	21.79	City Wellness Picnic
517 90 31 01	Health Program - Supplies	001 000 517	General Fund			21.79	City Wellness Picnic
17384	08/28/2018	2018	5705	6774	Greenleaf Landscaping 1 Inc	351.68	July 2018 Monthly Lawn Maintenance For Emerson St Northside Landscaping (New) Acquired From Emerson St. Sidewalk Project
542 80 49 03	Beautification Services (contra	101 000 542	City Street Fund			351.68	Northside Landscaping (New) Acquired From Emerson St. Sidewalk Project
17395	08/28/2018	2018	5705	6774	Greenleaf Landscaping 1 Inc	4,049.58	August 2018 Landscaping
518 30 41 01	Contract Maintenance	001 000 518	General Fund			2,996.69	August 2018 Landscaping
542 80 49 03	Beautification Services (contra	101 000 542	City Street Fund			1,052.89	
17345	08/28/2018	2018	5706	3692	Home Depot Credit Services	21.89	Rain Bird Rotor Sprinkler - City Hall
518 30 31 04	Oper Sup/CH	001 000 518	General Fund			21.89	Rain Bird Rotor Sprinkler - City Hall
17346	08/28/2018	2018	5707	4131	Humane Society - Tacoma	415.98	August Boarding Contract
554 30 41 00	Animal Control	001 000 554	General Fund			415.98	August Boarding Contract
17369	08/28/2018	2018	5708	7470	Inland Answering Service Inc	111.72	Customer Message Service - Overage
531 50 42 00	Communication - Storm	415 000 531	Storm Drain			27.93	
534 10 42 00	Communication - Water	425 000 534	Water Fund (depart			27.93	Customer Message Service - Overage
535 10 42 01	Communication - Sewer	430 000 535	Sewer Fund (depar			27.93	
542 30 42 00	Communication - Street	101 000 542	City Street Fund			27.93	

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17347	08/28/2018	2018	5709	1755	Johnson, Mariclair	59.00	1 Yr Library Reimbursement
	572 21 49 00		Library Services		001 000 572 General Fund	59.00	1 Yr Library Reimbursement
17348	08/28/2018	2018	5710	3751	KPG, PS	1,132.85	Storm Water Mgmt Plan Update
	531 50 41 00		Prof Svcs - Storm		415 000 531 Storm Drain	1,132.85	Storm Water Mgmt Plan Update
17411	08/28/2018	2018	5711	8233	Kapowsin Air Sports, LTD	750.00	Demonstration Jump For NNO
	521 22 49 05		Reimbursable Programs		001 000 521 General Fund	750.00	Demonstration Jump For NNO
17349	08/28/2018	2018	5712	154	Koltes, Svitlana O	59.00	1 Yr Library Reimbursement
	572 21 49 00		Library Services		001 000 572 General Fund	59.00	1 Yr Library Reimbursement
17350	08/28/2018	2018	5713	7337	Larsen, Roman A	59.00	1 Yr Library Reimbursement
	572 21 49 00		Library Services		001 000 572 General Fund	59.00	1 Yr Library Reimbursement
17332	08/28/2018	2018	5714	7714	Laurendau, Nancy	26.44	02-01750.8 - 123 ALAMEDA AVE
	343 10 00 00		Storm Drain Fees & Charges		415 000 340 Storm Drain	-5.90	
	343 40 00 00		Sale Of Water		425 000 340 Water Fund (depart	-6.25	
	343 50 00 00		Sewer Revenues		430 000 340 Sewer Fund (depar	-14.29	
17400	08/28/2018	2018	5715	3776	Lemay Mobile Shredding	98.40	Shredding Court - Finance
	512 50 49 00		Miscellaneous - Court		001 000 512 General Fund	33.40	Shredding - Court
	514 23 49 00		Miscellaneous - Finance		001 000 514 General Fund	65.00	Shredding - Financing
17414	08/28/2018	2018	5716	3791	Lowe's Company-#338954	92.67	BarcadeFence, Paint , Tamper Proof Star Sockets
	518 30 31 02		Oper Sup/PSB Bldg		001 000 518 General Fund	3.85	Paint
	518 30 35 00		Small Tools & Equip-Fac		001 000 518 General Fund	26.13	Tamper Proof Star Sockets
	576 80 31 02		Oper Supplies - Parks		001 000 576 General Fund	62.69	Barcade Fence
17353	08/28/2018	2018	5716	3791	Lowe's Company-#338954	14.61	Duct Tape - Fac, Water Hose Repair - CH
	518 30 31 00		Oper Sup/Facilities		001 000 518 General Fund	9.40	Duct Tape - Fac,
	518 30 31 04		Oper Sup/CH		001 000 518 General Fund	5.21	Water Hose Repair - CH
17354	08/28/2018	2018	5716	3791	Lowe's Company-#338954	15.84	Combonation Lock PW Building
	518 30 31 02		Oper Sup/PSB Bldg		001 000 518 General Fund	15.84	Combonation Lock PW Building
17351	08/28/2018	2018	5717	5484	Mishko, Abby	59.00	1 Yr Library Reimbursement
	572 21 49 00		Library Services		001 000 572 General Fund	59.00	1 Yr Library Reimbursement

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17385	08/28/2018	2018	5718	3923	Orca Pacific Inc	481.25	Chlorine For All Wells
	534 80 31 03		Oper Supplies - Chlorine		425 000 534 Water Fund (depart	481.25	Chlorine For All Wells
17356	08/28/2018	2018	5719	3937	Pape & Sons Construction Inc	71,502.00	Drake Street Liftstation Project #50
	594 35 63 01		Other Improvements Sewer Ca		432 000 594 Sewer Improvemer	71,502.00	Drake Street Liftstation Project #50
17357	08/28/2018	2018	5720	5210	Perry, Kristi E	65.96	Gym Membership Reimbursement May - August
	512 50 20 00		Personnel Benefits-Court		001 000 512 General Fund	65.96	Gym Membership Reimbursement May - August
17378	08/28/2018	2018	5721	8035	Pollinger, Lisa	72.80	02-02350.0 - 720 YALE ST
	343 10 00 00		Storm Drain Fees & Charges		415 000 340 Storm Drain	-16.24	
	343 40 00 00		Sale Of Water		425 000 340 Water Fund (depart	-17.20	
	343 50 00 00		Sewer Revenues		430 000 340 Sewer Fund (depar	-39.36	
17358	08/28/2018	2018	5722	3989	Puget Sound Regional Council	2,077.00	Annual Membership Dues July 1st 2018- June 30th 2019
	511 60 49 02		Dues, Memberships, Subscripti		001 000 511 General Fund	2,077.00	Annual Membership Dues July 1st 2018- June 30th 2019
17359	08/28/2018	2018	5723	337	Roberts, Christopher	153.86	Partol Boots - Christopher Roberts
	521 22 49 01		Uniforms/Clothing/Laundry		001 000 521 General Fund	153.86	Partol Boots - Christopher Roberts
17360	08/28/2018	2018	5723	337	Roberts, Christopher	984.00	Tuition Reimbursement - Christopher Roberts
	521 22 49 02		Reg & Tuition - Police		001 000 521 General Fund	984.00	Tuition Reimbursement - Christopher Roberts
17361	08/28/2018	2018	5724	4035	Sarco Supply	127.15	Jaitorial Supllies
	518 30 31 04		Oper Sup/CH		001 000 518 General Fund	127.15	City Hall
17386	08/28/2018	2018	5724	4035	Sarco Supply	436.23	Janitorial Supplies
	518 30 31 01		Oper Sup/Rec Bldg		001 000 518 General Fund	376.06	Janitorial Supplies - Rec
	576 20 31 02		Janitorial Supplies - Pool		001 000 576 General Fund	60.17	Janitorial Supplies - Pool
17401	08/28/2018	2018	5724	4035	Sarco Supply	180.51	Janitorial Supplies
	576 20 31 02		Janitorial Supplies - Pool		001 000 576 General Fund	180.51	Janitorial Supplies - Paper Products
17362	08/28/2018	2018	5725	6088	Sentinel Pest Control Inc	192.33	Rodent Control Public Works Building
	531 50 48 00		Rep & Maint - Storm		415 000 531 Storm Drain	48.08	
	534 50 48 01		Rep & Maint - Water Maint		425 000 534 Water Fund (depart	48.09	
	535 50 48 00		Rep & Maint - Sewer Maint		430 000 535 Sewer Fund (depar	48.08	Rodent Control Public Works Building
	542 30 48 01		Rep & Maint - Street Maint		101 000 542 City Street Fund	48.08	
17415	08/28/2018	2018	5725	6088	Sentinel Pest Control Inc	109.90	Pest Control - May 2018

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	518 30 48 01		Rep & Maint - Rec Bldg		001 000 518 General Fund	109.90	Pest Control - May 2018
17416	08/28/2018	2018	5725	6088	Sentinel Pest Control Inc	109.90	Pest Control - July 2018
	518 30 48 01		Rep & Maint - Rec Bldg		001 000 518 General Fund	109.90	Pest Control - July 2018
17398	08/28/2018	2018	5726	7308	SiteCrafting Inc	99.00	Word Press Managed Hosting - Monthly Cityoffircrest.net
	518 81 41 02		Web Design & Maintenance		001 000 518 General Fund	99.00	Word Press Managed Hosting - Monthly Cityoffircrest.net
17363	08/28/2018	2018	5727	4068	Smith, Wayne	462.98	Medical Expense Reimbursement - LEOFF 1
	521 22 20 03		LEOFF I Other Medical Costs		001 000 521 General Fund	462.98	Medical Expense Reimbursement - LEOFF 13(8-454)
17375	08/28/2018	2018	5728	4084	Staples Business Advantage	60.14	Court Operating Supplies
	512 50 31 00		Office & Oper Sup-Court		001 000 512 General Fund	60.14	Court Operating Supplies
17364	08/28/2018	2018	5729	8139	Stream, Peter	59.00	1 Yr Library Reimbursement
	572 21 49 00		Library Services		001 000 572 General Fund	59.00	1 Yr Library Reimbursement
17365	08/28/2018	2018	5730	4097	Streun, Gregor	59.00	1 Yr Library Reimbursement
	572 21 49 00		Library Services		001 000 572 General Fund	59.00	1 Yr Library Reimbursement
17413	08/28/2018	2018	5731	4107	Summit Law Group	702.00	July Legal Consulting
	521 22 41 00		Prof. Services/Consulting		001 000 521 General Fund	702.00	July Legal Consulting
17366	08/28/2018	2018	5732	4328	Systems for Public Safety Inc	1,057.08	Brakes, Rotors & Replace Sensor - 52951D
	548 65 48 08		O & M - Police		501 000 548 Equipment Rental 1	1,057.08	Brakes, Rotors & Replace Sensor - 52951D
17403	08/28/2018	2018	5733	4139	Tapco Visa Card	1,022.05	Laptop Computer - Court To Be Reimbursed By AOC
	512 50 35 00		Small Tools & Equip-Court		001 000 512 General Fund	1,022.05	Laptop Computer - Court To Be Reimbursed By AOC
17404	08/28/2018	2018	5733	4139	Tapco Visa Card	120.25	Wellness Lunch
	517 90 31 01		Health Program - Supplies		001 000 517 General Fund	120.25	Wellness Lunch
17405	08/28/2018	2018	5733	4139	Tapco Visa Card	241.73	Motorcycle Boots - Victor Celis
	521 22 49 01		Uniforms/Clothing/Laundry		001 000 521 General Fund	241.73	Motorcycle Boots - Victor Celis
17406	08/28/2018	2018	5733	4139	Tapco Visa Card	208.80	File Cabinet
	521 22 35 00		Small Tools & Equip - Police		001 000 521 General Fund	208.80	File Cabinet
17407	08/28/2018	2018	5733	4139	Tapco Visa Card	70.33	Giant Jenga - Rec

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	571 10 31 01				Oper Supplies - Rec	70.33	Giant Jenga - Rec
17408	08/28/2018	2018	5733	4139	Tapco Visa Card	51.96	Wellness Lunch - Brats
	517 90 31 01				Health Program - Supplies	51.96	Wellness Lunch - Brats
17409	08/28/2018	2018	5733	4139	Tapco Visa Card	50.00	Annual Fee
	518 10 49 00				Miscellaneous - Non-Dept	50.00	Annual Fee
17410	08/28/2018	2018	5733	4139	Tapco Visa Card	86.13	Car Show - Gift Bags
	573 90 49 01				Community Events	86.13	Car Show - Gift Bags
17367	08/28/2018	2018	5734	6749	Tri-Tec Communications Inc	105.50	Set Up Mitel Administration For New Computer For Access To PBX
	518 81 41 01				Prof Svcs - I/S	105.50	Set Up Mitel Administration For New Computer For Access To PBX
17333	08/28/2018	2018	5735	2782	Tucker, Charles R	33.26	06-01140.1 - 1521 WEATHERVANE CT
	343 10 00 00				Storm Drain Fees & Charges	-177.22	
	343 40 00 00				Sale Of Water	129.06	
	343 50 00 00				Sewer Revenues	14.90	
17387	08/28/2018	2018	5736	7155	Turcotte, Jesse	29.49	02-01430.5 - 213 BERKELEY AVE
	343 10 00 00				Storm Drain Fees & Charges	-6.58	
	343 40 00 00				Sale Of Water	-6.97	
	343 50 00 00				Sewer Revenues	-15.94	
17368	08/28/2018	2018	5737	4176	Univar USA Inc	2,661.12	Fluoride For All Wells
	534 80 31 01				Fluoride	2,661.12	Fluoride For All Wells
17417	08/28/2018	2018	5738	4178	University Place Refuse Inc	1,013.85	Yard Waste Street Sweeping
	531 50 47 01				Dumping Fees - Storm	709.38	Yard Waste
	542 30 47 01				Dumping Fees - Street	304.47	Street Sweeping
17396	08/28/2018	2018	5739	4188	Verizon Wireless LLC	274.86	08/02/18 - 09/01/18 Air Cards (10); Public Works Plan (9 Phones) & Global Positioning System Air Card (1)
	531 50 42 00				Communication - Storm	68.72	Public Works Phones & GPS Air Card - Storm
	534 10 42 00				Communication - Water	68.72	Public Works Phones & GPS Air Card - Water
	535 10 42 01				Communication - Sewer	68.71	Public Works Phones & GPS Air Card - Sewer
	542 30 42 00				Communication - Street	68.71	Public Works Phones & GPS Air Card - Street
17418	08/28/2018	2018	5739	4188	Verizon Wireless LLC	440.29	Communications - Police

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	521 22 42 00				Communication - Police	001 000 521	General Fund	440.29	Communications - Police
17370	08/28/2018	2018	5740	339	Villamor, John	20.20	Postage- Crash Dummies To Washington State Traffic Safety		
	521 22 49 07				Community Outreach	001 000 521	General Fund	20.20	Postage- Crash Dummies To Washington State Traffic Safety
17371	08/28/2018	2018	5740	339	Villamor, John	23.76	NNO Radio Batteries		
	521 22 31 00				Office & Oper Sup - Police	001 000 521	General Fund	23.76	NNO Radio Batteries
17397	08/28/2018	2018	5741	4196	Visi-Printing & Signs	793.76	Recreation Receipt Books		
	571 10 49 01				Printing & Binding - Rec	001 000 571	General Fund	793.76	Recreation Receipt Books
17377	08/28/2018	2018	5742	5321	Ward, Kristine	55.19	07-00022.0 - 1407 CHERRY AVE		
	343 10 00 00				Storm Drain Fees & Charges	415 000 340	Storm Drain	-12.31	
	343 40 00 00				Sale Of Water	425 000 340	Water Fund (depart	-13.04	
	343 50 00 00				Sewer Revenues	430 000 340	Sewer Fund (depar	-29.84	
17388	08/28/2018	2018	5743	5542	West, Alvina	41.95	06-01030.0 - 1425 WEATHERVANE DR		
	343 10 00 00				Storm Drain Fees & Charges	415 000 340	Storm Drain	-9.36	
	343 40 00 00				Sale Of Water	425 000 340	Water Fund (depart	-9.91	
	343 50 00 00				Sewer Revenues	430 000 340	Sewer Fund (depar	-22.68	
17374	08/28/2018	2018	5744	4246	Whistle Workwear	98.07	Work Pants - Tim And Bryce		
	531 50 20 01				Contract Benefits - Storm	415 000 531	Storm Drain	24.52	
	534 10 20 01				Contract Benefits - Wtr Admin	425 000 534	Water Fund (depart	24.52	
	535 10 20 01				Contract Benefits - Swr Admin	430 000 535	Sewer Fund (depar	24.52	
	542 30 20 01				Contract Benefits - Street Reg	101 000 542	City Street Fund	24.51	Work Pants - Tim And Bryce
17373	08/28/2018	2018	5745	4252	Wimbles Logging & Tree	4,154.22	Tree Removal, Stump Grinding And Chip & Haul Debris		
	531 50 48 00				Rep & Maint - Storm	415 000 531	Storm Drain	2,263.94	Tree Removal - Whittier Park By Botchi Courts
	542 30 48 01				Rep & Maint - Street Maint	101 000 542	City Street Fund	1,890.28	Tree Removal - 1420 Weathervane Dr

Total: 133,715.28

Fund

001 General Fund	41,287.02
101 City Street Fund	4,529.35
415 Storm Drain	5,828.24
425 Water Fund (department)	7,492.76
430 Sewer Fund (department)	1,867.33
432 Sewer Improvement Fund	71,502.00
501 Equipment Rental Fund	1,208.58

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This report has been reviewed by:

REMARKS:

Signature & Title

Date

McClain's Soil Supply
3773 South 74th
Tacoma, WA 98409

City Of Fircrest

Check: 211457 Amount:
Date: 06/26/2018
For: Duplicate Payment (Void Check No.
211457 from 06/26/18) McClain's Soil

McClain's Soil Supply
3773 South 74th
Tacoma, WA 98409

City Of Fircrest

Check: 211457 Amount:
Date: 06/26/2018 Account:
For: Duplicate Payment (Void Check No. 211457
from 06/26/18) McClain's Soil Supply

Invoices:

211457

*****Zero and 00/100*****

06/26/2018

*****0.0

McClain's Soil Supply
3773 South 74th
Tacoma, WA 98409

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Hunter T. George called the special meeting to order at 6:00 P.M. and led the pledge of allegiance. Councilmembers David M. Viafore, Shannon Reynolds, Brett Wittner, Denny Waltier, Blake Surina, and Jamie Nixon were present.

AGENDA MODIFICATIONS

There were none.

SALARY SURVEY METHODOLOGY

City Clerk/Personnel Officer Nappi briefed the Council on the 2018 salary survey methodology for the City's non-represented job classifications. The presentation included background and methodology, comparable localities, the City's 2018 non-represented job classifications, an example of the kind of information that the analysis would be provided, next steps, the Council's compensation philosophy, defining a market position, and suggested compensation philosophy statements.

There was a brief discussion on defining a compensation philosophy and there was a general consensus to include the value of insurance benefits as part of the overall evaluation of the salary survey and for staff to coordinate with a Council committee on the survey. Nappi and City Manager Pingel requested feedback from Council for what options they would like to see besides the 50th percentile (median). Viafore had commented that it had been the City's compensation goal in the past to be above the average and be around the 80th percentile.

There was a brief discussion on refining the comparable cities and the general consensus was to select cities with similar tax structures and remove the cities of Enumclaw, Fife, Gig Harbor, and Port Orchard. Additional discussion including considering additional benefits evaluation such as VEBA health reimbursement accounts, options for those classifications with few comparables, and including household income as part of the background information.

FROZEN POLICE SERGEANT POSITION

Pingel indicated staff would brief the Council on this item and stated staff intended to bring this item back to Council at a future meeting for consideration for action. Police Chief Cheesman briefed the Council on the background, historical context, succession planning concerns, comparable localities, scheduling proposal with two sergeants, proposal benefits, annual budget impact over a three year period, and next steps.

There was a brief discussion regarding the cost saving impact of entry level officers replacing retiring officers, the internal hiring process, addressing the Ruston Court situation with the schedule, and whether the proposal was a management or union right. Viafore recommended the City obtain a letter of understanding from the Guild. There was a general consensus in favor of the proposal and to move forward with discussing the implications with the labor attorney and for staff to obtain a letter of understanding. Waltier requested Council to consider adding another officer during the upcoming budget cycle.

LAND USE HEARINGS EXAMINER

Planning and Building Administrator Stahlnecker briefed the Council on the option to use a hearing examiner for quasi-judicial public hearings and approval, which included a background of the current system and how it would work if a planning hearing examiner was used to review land use applications. Stahlnecker stated the recommendation initially came from the City’s land use attorney as a way to reduce liability exposure, ensure all legal procedures were followed, and free the City Council from the Appearance of Fairness Doctrine when questioned by constituents on hot topics. Stahlnecker indicated the Council would maintain local control, by establishing the rules and procedures the hearing examiner would adhere to, and the Planning Commission would maintain its legislative role as the research and fact-finding agency for the Council. Stahlnecker referred to an evaluation that localities with similar population as the City utilized a hearing examiner, noting that the City and Steilacoom were the only two localities that did not use a hearing examiner. Stahlnecker stated that if the Council supported staff’s recommendation to move forward with transitioning to a hearing examiner system, the Planning Commission would develop draft amendment recommendations for the Council to consider for final approval.

Surina inquired how the hearing examiner would be paid, to which Stahlnecker replied she anticipated the hearing examiner would be paid per the terms of a contract and bill the City for the hours spent. Stahlnecker indicated that any additional cost would be the responsibility of the applicant per the City’s fee schedule. Surina inquired whether implementing a hybrid system could be possible, to which Stahlnecker indicated the use of a hearing examiner would need to be consistent within each type of application. Viafore commented on reserving funds in the budget for councilmembers and commissioners to become educated in the quasi-judicial process, and recommended included reserving a date within the contract for the hearing examiner to set aside specifically for the City. There was a brief discussion regarding the motion sensor lights at Wainwright and the design of the public building; Stahlnecker recommended proactively reviewing relevant design guidelines within the City code.

Reynolds stated she was not in support of the recommendation but was amenable, and George, Nixon, Wittner, Waltier, and Surina were generally in support of moving forward with transitioning to a hearing examiner and requested more information and that the Council be involved in the RFP/RFQ and hiring of a hearing examiner. Viafore and Reynolds recommended more training opportunities for councilmembers and commissioners regardless of whether the City transitioned to a hearing examiner. Reynolds encouraged councilmembers, commissioners, staff, and the public to attend a short course on local planning in conjunction the PCRC meeting on August 16, 2018.

ADJOURNMENT

Reynolds MOVED to adjourn the meeting at 7:34 P.M., seconded by Waltier. The Motion Carried (7-0).

Hunter T. George, Mayor

Jessica Nappi, City Clerk

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

Mayor Hunter T. George called the regular meeting to order at 7:01 P.M. and led the Pledge of Allegiance. Councilmembers David M. Viafore, Shannon Reynolds, Brett Wittner, Denny Waltier, Blake Surina, and Jamie Nixon were present.

PRESIDING OFFICER’S REPORT

A. Proclamation: National Night Out

Police Chief Cheesman briefed the Council on the National Night Out event and proclamation, and Reynolds **MOVED to authorize the Mayor’s signature on a proclamation proclaiming August 7, 2018 as “National Night Out” in the City of Fircrest; seconded by Wittner.** George read the proclamation into the record. George invited councilmember comment; Waltier commented on his granddaughter singing the national anthem. Wittner thanked Cheesman and the committee for their hard work. George invited public comment; none were provided. **The Motion Carried (7-0).**

B. Community Center and Pool Update

Grover briefed the Council on the current condition of the pool, stating it was operating well for this time of year, and that the water and chlorine usage compared less than last year. Grover stated that the public meeting for the community center and pool project was scheduled for August 13, 2018 at 6:00 P.M. and that ARC Architects would present to Council at its August 28, 2018 regular meeting. Viafore **MOVED to set a special meeting of the Fircrest City Council on August 13, 2018 at 6:00 P.M. at the Roy H. Murphy Community Center located at 555 Contra Costa Avenue for the community center and pool discussion; seconded by Reynolds.** George invited councilmember comment; none were provided. George invited public comment; none were provided. **The Motion Carried (7-0).** Grover indicated post cards would be mailed out to notify the public of the public meeting, and stated that pool revenues were in line with last year’s.

George requested to set a public hearing to review the 2018 updated stormwater management plan. George **MOVED to set a public hearing on August 28, 2018 at 7:15 P.M. to review the 2018 updated stormwater management plan; seconded by Wittner.** George invited councilmember comment; none were provided. George invited public comment; none were provided. **The Motion Carried (7-0).**

CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA

George invited public comment. None were provided.

COMMITTEE, COMMISSION, AND LIAISON REPORTS

A. Parks and Recreation

Wittner reported that the Steering Committee met the previous week and was well attended, and commented on the pool’s usage, upcoming events such as the National Night and Fun Days, and Movie in the Park. Wittner indicated that the tennis courts repair were underway as the contractor was remedying the improvements that were supposed to be made per the contract. There was a brief discussion regarding the contract’s stipulations and City’s options for recourse if the contractor violated the terms of the contract.

B. Pierce County Regional Council

Reynolds indicated that there was no meeting and had no report to provide.

C. Public Safety, Court

Viafore reported Ruston was reviewing the proposed municipal court contract and was working out internal issues with their personnel. Pingel indicated the contract start date was postponed to November 2018. Viafore commented on the upcoming National Night Out event and Cheesman's involvement in the Law Enforcement Youth Camp (LEYC), and stated that the final arrangements were being made on the motorcycle trade with the City of DuPont.

D. Street, Water, Sewer, and Storm Drain

Surina reported that staff was working on the crack sealing, painting street and school markings, updating the stormwater management plan, reviewing the Chik-fil-A site development plan, and working with Puget Sound Soundkeepers and the City's GIS coordinator. Surina indicated the Drake Street pump station project was moving forward, and that Council should consider a future discussion on the water meter technology. Surina commented on the tank mural status, ground utilities in the public right of way for the golf course condominium project and the coordinated efforts with the Police Department for traffic control. Reynolds departed at 7:28 P.M. and returned at 7:30 P.M.

Wittner requested staff to communicate with the City of Tacoma to repaint the turn arrows at the intersection of 19th Street and Mildred going into Fircrest; Cheesman indicated he had communicated with Tacoma in the past and had not seen any progress, and stated he would coordinate with Public Works Director Wakefield to communicate with Tacoma to address the issue. Waltier departed at 7:30 P.M. and returned at 7:31 P.M. Viafore inquired on how roadways were prioritized for the crack sealing; Wakefield indicated staff identified areas needed for crack sealant and budgets for it. Viafore requested to have the areas sealed this year and proposed for next year identified during the upcoming budget development. Viafore inquired if it was possible to restrict the construction in the right of way during peak hour traffic to reduce the impact on traffic; Wakefield indicated the construction hours of work was being done within the confines of the Fircrest Municipal Code and that staff had provided the developer the opportunity to work nights and weekends to reduce the impact on traffic. Wakefield indicated the developer had submitted a traffic control plan and that there was a Police Officer around the work zone. Wakefield indicated the Council could restrict the hours of work and commented that the City could pay a higher premium for the work due to the restrictions and that City work would also have to work within those confines.

E. Other Liaison Reports

Reynolds reported the last meeting of the Puget Sound Regional Council Economic Development Board for 2018 was scheduled for October 3, 2018, and that commercial space sector study and aerospace competitive economics study were discussed at the recent meeting. There was a brief discussion on the value of the aerospace industry in the State.

George reported that the Investment Committee had met and reviewed staff's analysis of available funds for the pool and community center project. George indicated that approximately \$700,000 in City funds could be dedicated for the project based off of current numbers.

Nixon reported that the Council committee of himself, George, and Waltier had met with staff to discuss the salary survey for non-represented job classifications and requested councilmembers to individually meet with staff over the next week to review staff's analysis to

date. Reynolds requested to include the mean household income as part of the background information of the report. Viafore commented on the U.S. Census long form.

CONSENT CALENDAR

George requested the City Clerk read the Consent Calendar as follows: approval of Voucher No. 211561 in the amount of \$945.18; approval of Voucher No. 211562 through Voucher Check No. 211651 in the amount of \$422,804.56; and approval of Payroll Check No. 13268 through Voucher Check No. 13299 in the amount of \$118,498.22. **Reynolds MOVED to approve the Consent Calendar as read; seconded by Nixon.** Viafore removed voucher numbers 17083 and 17115 for discussion and to be voted on separately. George indicated voucher numbers 17083 and 17115 were removed from the voucher report and considered the question called to approve the Consent Calendar as modified; **The Motion Carried As Modified (7-0).** Viafore inquired about the repairs for Police bay garage doors #3 and #2; Cheesman and Corcoran indicated the engine on the automatic doors were broken and the cost difference was due to scope of work for each door. **Viafore MOVED to authorize payment of accounts payable 17083 and 17115 both to Vortex Industries, Inc. in the amounts of \$848.87 and \$471.36; seconded by Reynolds.** George invited councilmember comment; none were provided. George invited public comment; none were provided. **The Motion Carried (7-0).**

PUBLIC HEARING

None scheduled.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

A. National Night Out 2018 Fireworks Display

Cheesman briefed the Council on a proposed resolution that would authorize an agreement with Alpha Pyrotechnics to provide a firework display for the City's August 7, 2018 National Night Out event. Cheesman indicated the cost of the fireworks display was \$6,200 and would be paid for with donated funds. **Reynolds MOVED to adopt Resolution No. 1539, authorizing the City Manager to execute an agreement with Alpha Pyrotechnics, for a fireworks display on August 7, 2018, for an amount not to exceed \$6,200; seconded by Waltier.** George invited councilmember comment; Viafore expressed his concerns regarding the event exceeding the City's Fun Days event. Cheesman indicated the event utilized the money that was donated and that the goal was to have a great show and not outdo Fun Days. Surina commented on Rob Freeman. George invited public comment; none were provided. **The Motion Carried (7-0).**

B. Fun Days 2018 Fireworks Display

Grover briefed the Council on a proposed resolution that would authorize an agreement with Alpha Pyrotechnics to provide a firework display for the City's August 11, 2018 Fun Days event. Grover indicated the 2018 Budget included \$5,200 in the "Community Events" line item specifically for a fireworks display. **Reynolds MOVED to adopt Resolution No. 1540, authorizing the City Manager to enter into agreement with Alpha Pyrotechnics for a firework display on August 11, 2018 for an amount not to exceed \$5,200; seconded by Wittner.** George invited councilmember comment; George commented previous efforts to revive Fun Days and stated that staff should review rescheduling future Fun Days events so

that it was not so close to the National Night Out event. Grover indicated that he and the Community Event Coordinator will review the event and strategize how to improve the event for next year. Reynolds stated she had received comments from constituents to have an event around July 4th. George invited public comment; none were provided. **The Motion Carried (7-0).**

C. Fun Days 2018 Agreements

Grover briefed the Council on the proposed resolution that would provide control of expenditures and provide flexibility for performers at the 2018 Fun Days event. **Reynolds MOVED to adopt Resolution No. 1541, authorizing the City Manager to execute agreements with vendors and entertainers for 2018 Fun Days not to exceed \$10,200; seconded by Waltier.** George invited councilmember comment; Viafore commented on the omission of “for an amount not to exceed \$10,200” in Section 1 of the resolution. **Viafore MOVED to amend Resolution No. 1541 to add “not to exceed the amount of \$10,200” in Section 1 after the word “Fun Days”; seconded by Wittner.** George invited councilmember comment; Reynolds commented on the community center and pool project and having these events in the new space. George invited public comment; none were provided. **The Motion Carried as Amended (7-0).**

D. Budget Amendment, 1st Reading

Corcoran briefed the Council on the first reading of the budget amendment, stating it was the second budget amendment of the year. Corcoran indicated the amendment would not change the operating to expenditure revenues and that it was a net zero effect on the General Fund. Viafore departed at 8:10 P.M and returned at 8:11 P.M. Corcoran indicated the amendments included:

- Grant revenue and expenditure for speed feedback sign
- Move Salaries & Wages for part time employee from Administration to Planning and Building
- Correct Budget Amendment # 1- Fund Balance should have been a decrease
- Additional funds required for Drake Street Lift Station contract (3/27/18 Council meeting)
- Grant revenue and expenditure for two radars and rear antenna for police cars

Corcoran indicated the budget was adopted by funds and that the new amended budget was in the amount of \$27,950,797. Viafore inquired about the facilitator expense for the City Council Workshop; Corcoran indicated it was a line item adjustment within the budget fund so a budget amendment was not required, and that staff was monitoring the budgeted line items.

CITY MANAGER COMMENTS

A. Council Audio

Pingel reported that that the \$300 cost to make the Council meeting audio accessible online would not require a budget amendment and that staff would like to move forward with acquiring the software to make the audio accessible on the City’s website. Viafore stated he supported it and commented on his frustration of the process in which certain items move forward and stated it was not a work program goal for the year nor identified as a Council goal during the Workshop. Reynolds sympathized with Viafore, and Waltier inquired who would listen to the Council audio; Nixon commented that it would be a transparency effort and would

address accessibility issues for those who could not read the minutes. There was a brief discussion regarding the process of bringing items for Council consideration.

B. 19th Street Center Lane

Pingel reported that staff was in concurrence with the improvements that were being requested, and that the proposal was an improvement to what was there and that it would provide better access to 64th Street in Fircrest. Pingel indicated that staff would like to move forward with that concurrence, and that staff would continue to find solutions to improve the center pylons. George indicated that he and Pingel met with Dr. Harrell, the new President of Tacoma Community College, who stated he wanted to have a great relationship with the City and was open to do more with that area. George agreed with staff's recommendation, stating it was an improvement and a good faith effort, and that there was an opportunity to do more. George invited councilmember comment; there were none.

C. Council Workshop Goals

Pingel requested feedback on the Workshop goals in order to program them appropriately. Viafore commented that the Council should focus on high priority projects and housekeeping items, and fine tuning the City's services. Reynolds requested assumptions, constraints, and dependencies in order to identify enabling projects and complementary projects that can be accomplished. Pingel indicated there were some goals that did not have a budget impact or a high budget impact such as Planning Commission items. George indicated he would like some items assigned to the Planning Commission for their review and work in partnership with them. Pingel requested to remove Complete Streets as the policy was already in place; there was a general consensus to remove this goal. Pingel requested feedback regarding the neighborhood major remodel and infill/rebuild guidelines and/or standards as it had been addressed recently; Surina commented he would like for the Planning Commission to have input on the metal marine site. Nixon indicated he would like City consider green energy codes for new construction and would like more information; Surina and George were interested in more information as well. Waltier inquired if there would be enough development to warrant the efforts to change the code. Nixon commented that it was a long-term effort and over time it would make a difference. Surina commented on the energy efficiency programs and benefits he saw through his business, and recommended the City review the possibility of implementing energy efficient strategies. Pingel indicated that some of the goals would be brought before the joint Council/Planning Commission meeting in February. Waltier departed at 8:40 P.M. and returned at 8:42 P.M.

DEPARTMENT HEAD COMMENTS

- Grover reported that the Kiwanis club installed a table top chessboard at Fircrest Park and that the chess pieces could be checked out from the Parks and Recreation Department. Wittner added the Kiwanis club added a checkboard to one of the picnic tables at the tot lot.
- Stahlnecker reported that the Planning Commission approved the three resolutions for the Chik-fil-A project and that there was a 14-day appeal period. Stahlnecker indicated the public would be notified via the City's website and Facebook and a notice would be sent to anyone who had submitted a comment. Stahlnecker reported on the golf course condominium project status, indicating staff was waiting for the final design plans. George commented on notifying the neighbors regarding the 19th Street center lane project.

COUNCILMEMBER COMMENTS

- Viafore reported that Innovative Fitness changed principal owners, and requested to fast track the review of the GFC rates to ensure the rates were up to today’s standards. Viafore reported that former Fircrest City Councilmember Gruver was in the hospital and University Place Councilmember Grassi was in the hospital as well. Viafore commented that there was a fir tree limb covering the speed limit sign on Alameda Avenue near Baylor Street and suggested trimming the limb.
- Reynolds commented on staff providing Council more information on the tree city program.
- Wittner and Waltier thanked the audience for their attendance.
- Surina concurred with Reynolds and commented that the hedge around the mall should be trimmed as well. Surina recommended contacting the owner of the mall regarding trimming a bush near the stop sign.
- Nixon commented on Grassi’s wellbeing and spoke of his character.
- George appreciated the updates on Gruver and Grassi, and commented on his recent meeting with resident Nancy Atwood on behalf of the Citizen’s Climate group.

EXECUTIVE SESSION

George stated Council would convene into Executive Session at 8:53 P.M. after a five minute recess, not to exceed the hour of 9:13 P.M. with Pingel to discuss labor agreement pursuant to RCW 42.30.140 with no action upon reconvening. George announced his departure and Mayor Pro Tempore Waltier took over as Presiding Officer.

The Council reconvened into regular session at 9:02 P.M.

ADJOURNMENT

Wittner MOVED to adjourn the meeting at 9:02 P.M., seconded by Reynolds. The Motion Carried (6-0).

Hunter T. George, Mayor

Jessica Nappi, City Clerk

PUBLIC HEARING: Stormwater Management Program (SWMP) Plan
ITEM: 8A

FROM: Jerry Wakefield, Public Works Director

RECOMMENDED MOTION: No motion; public hearing only.

PROPOSAL: This is a public hearing on the Stormwater Management Program (SWMP) Plan. Attached is a copy of the plan. The purpose of this hearing is to solicit public input to the plan.

FISCAL IMPACT: None at this time. This is a planning document and therefore is not anticipated to have any significant, direct fiscal impact. The programs within the Plan will have a fiscal impact, however, these will be evaluated separately through the budget and work plans.

ADVANTAGE: The Stormwater Management Program will ensure compliance with the requirements relative to the NPDES Western Washington Phase II Municipal Stormwater Permit requirements. This is an annual update.

DISADVANTAGES: None known.

ALTERNATIVES: None.

HISTORY: As part of the compliance of the City of Fircrest NPDES Western Washington Phase II Municipal Stormwater Permit requirements, a Stormwater Management Program (SWMP) should be prepared for the City. The first program was developed in March of 2009. This plan has been updated annually since that time. Each year, programs are reviewed and updated to remain current with the permit requirements. As the permit requirements continues to be updated, the current programs had been updated to meet those requirements. There will be some update modification to the City's FMC's that will need to be done to remain in compliance with the permit and consistent with the SWMP. Those changes will be presented to the Council in the near future with an ordinance revisions. The plan has also been posted on the City's website are part of the requirements.

ATTACHMENT: [Stormwater Management Program \(SWMP\) Plan – Final Draft](#)



STORMWATER MANAGEMENT PROGRAM (SWMP) PLAN – FINAL DRAFT



2018

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Acronyms and Abbreviations

AKART	All Known and Reasonable Technologies
CESCL	Certified Erosion and Sediment Control Lead
Ecology	Washington State Department of Ecology
EPA	United States Environmental Protection Agency
FMC	Fircrest Municipal Code
IDDE	Illicit Discharge Detection and Elimination
LID	Low Impact Development
MEP	Maximum Extent Practicable
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
SWMMWW	Stormwater Management Manual for Western Washington
SWMP	Stormwater Management Program
SWPPP	Stormwater Pollution Prevention Plan

CHAPTER 1 – INTRODUCTION

1.1 THE STORMWATER MANAGEMENT PROGRAM PLAN DOCUMENT

This Stormwater Management Program (SWMP) Plan has been prepared to satisfy Special Condition S5 of the current Western Washington Phase II Municipal Stormwater Permit (Permit), of which the City of Fircrest is a Permittee.

Section S5.A.2 of the Permit states:

Each Permittee shall prepare written documentation of the SWMP, called the SWMP Plan. The SWMP Plan shall be organized according to the program components in S5.C or a format approved by Ecology, and shall be updated at least annually for submittal with the Permittee's annual reports to Ecology. The SWMP Plan shall be written to inform the public of the planned SWMP activities for the upcoming calendar year.

The current Permit became effective on August 1, 2013. Although the current expiration date is July 31, 2018, the Washington State Department of Ecology (Ecology) intends to extend the expiration date another year, until July 31, 2019.

This SWMP Plan has been organized as follows:

- **Chapter 1** provides an introduction to underlying permit requirements, required program components, City stormwater codes, stormwater utility, and a description of how the program is managed in Fircrest.
- **Chapter 2** provides an overview of the City of Fircrest's land use and stormwater infrastructure.
- **Chapters 3 – 7** address each of the five SWMP elements required by the Permit, including a summary of the specific permit requirement and current City activities to comply.

1.2 NPDES PHASE II MUNICIPAL STORMWATER PERMIT

1.2.1 PERMIT BACKGROUND

In 1987 the US Congress revised the Clean Water Act to include stormwater discharges in the National Pollutant Discharge Elimination System (NPDES) Permit program. The US Environmental Protection Agency (EPA) developed rules for the implementation of the new stormwater requirements and separated them into two phases. The State of Washington, through Ecology, implements these stormwater rules through the Municipal Stormwater Permit

program. As an owner and operator of a small municipal separate storm sewer system (MS4), Fircrest is required to be covered by, and comply with, the current Western Washington Phase II Municipal Stormwater Permit (Permit). The Permit allows Fircrest to discharge stormwater from its MS4 into waters of the State of Washington.

1.2.2 REQUIRED SWMP COMPONENTS

The Permit requires the development and implementation of a SWMP to control discharge into and from the City's system. The SWMP includes five specific elements that are designed to reduce the discharge of pollutants from the Fircrest's MS4 to the maximum extent practicable:

- Permit Section S5.C.1 - Public Education and Outreach
- Permit Section S5.C.2 - Public Involvement and Participation
- Permit Section S5.C.3 - Illicit Discharge Detection and Elimination
- Permit Section S5.C.4 - Controlling Runoff from New Development, Redevelopment and Construction Sites
- Permit Section S5.C.5 - Municipal Operations and Maintenance

1.3 FIRCREST'S STORMWATER PROGRAM

1.3.1 STORMWATER CODES

Legal authority for several components of the stormwater program was established by ordinances approved by City Council and incorporated into the City of Fircrest Municipal Code (FMC).

The following municipal code sections establish a surface water utility and associated funding:

- FMC 20.16 – Storm Drainage Service Charge
- FMC 20.17 – Storm Drain Credit for Low-Income Seniors and Low-Income Disabled Persons
- FMC 20.20 – Surface Water Drainage System

FMC 20.24 – Storm Water Management – adopts stormwater management standards for use in Fircrest.

FMC 20.25 – Illicit Discharge Detection and Elimination System – defines allowable and prohibited discharges in the City's storm drainage system and other provisions needed to help implement the Illicit Discharge Detection and Elimination System requirement of the Permit.

FMC 22.58.008(k) – Specific Use and Structure Regulations, Performance Standards, Stormwater Management – adopts stormwater management standards and requirement for use of Low Impact Development (LID) practices where feasible.

FMC 22.63.005 – Adopts design guidelines and includes specifications for implementation of LID element.

1.3.2 STORMWATER UTILITY RATE STRUCTURE

The present rate structure as specified in FMC 20.16 includes a fixed fee and an impervious surface fee. The fixed fee for single family customers in 2018 is \$33.50 bimonthly, with no impervious surface supplement. The fee for all other customers is \$26.00 bimonthly, per month fixed rate, plus \$0.001437 per square foot of impervious surface, including roof areas.

Funds collected as the Storm Drain Service Charge are paid into and accounted for as part of the surface water utility fund for the City.

Credits against utility rates are offered for properties with flow control facilities. Credits of 25% and 50% on the impervious surface portion of the fee are allowed depending on the level of flow control installed.

In order to retain the credit, the facility owner must provide an annual certification of conformance with the conditions imposed by the approved operation and maintenance plan, prepared and submitted by a licensed civil engineer annually and within 30 days of the anniversary date of the initial granting of the credit.

1.3.3 COORDINATION AND RESPONSIBILITY

Managing the stormwater program and achieving compliance with Permit mandates requires coordination between, and documentation by, several City Departments. These efforts will be coordinated by the Public Works Department, with program administration the responsibility of the Public Works Director.

As the City is small and nearly completely developed, interdepartmental coordination and organization is far less involved than that required by larger cities. As such, regularly scheduled interdepartmental meetings are used as the first method of coordination between the departments responsible for Planning, Public Works, Recreation, Finance/Administration and the City Attorney. Additional meetings and presentations are organized when needed.

Coordination mechanisms are also needed with surrounding jurisdictions that have interconnected systems, or which share water bodies or water courses, specifically the City of Tacoma, as it owns and operates the regional stormwater holding basin located in the southeast corner of the City, and the City of University Place, into which nearly all stormwater runoff from Fircrest flows via Leach Creek. Fircrest has ongoing discussions and coordination with both of these entities.

1.3.4 GRANTS

As the NPDES Phase II permit is a mandatory requirement of the State and Federal governments, financial aid is often provided to local jurisdictions to aid in the performance of the studies and analyses required to develop the management plan and utility. Fircrest's first SWMP Plan was prepared under a Centennial Clean Water Grant of \$75,000 from Ecology. Subsequently, Ecology has provided additional funding through its biennial Municipal Stormwater Capacity Grant program. Most recently, the City received a \$50,000 grant through this program for the 2017-2018 biennium.

DRAFT

CHAPTER 2 – STORMWATER IN FIRCREST

2.1 LAND USE AND DEVELOPMENT

The City of Fircrest is a small incorporated municipality in Pierce County with a population of 6,640 (2017, est.) and a land surface area of 1.6 square miles. Fircrest adjoins the City of Tacoma to the north and east, and the City of University Place to the south and west. The City is approximately 98% built-out to current zoning, consisting primarily of single-family residential, with smaller areas of multi-family residential, commercial, and institutional land use. Open spaces consisting of the Fircrest Golf Club and six public parks account for approximately 20% of the City's land area. It is estimated that about 16 acres (< 2%) are currently available for commercial/industrial redevelopment, and 30 acres (3%) available for residential development.

The City has experienced very light development activity the past several years (typically two redevelopment applications per year), a pattern that is expected to continue.

2.2 STORMWATER SYSTEM

2.2.1 DRAINAGE BASINS

Fircrest is located almost entirely within the Leach Creek drainage basin. Leach Creek flows from north to south and is a tributary of Chambers Creek, which discharges into Puget Sound. Storm drainage systems in the northern two-thirds of the city discharge into Tacoma's Leach Creek Holding Basin, a regional flow control facility that forms the headwaters of Leach Creek. Storm drainage systems in the southern third of the city discharge directly into Leach Creek, either via outfalls within the City of Fircrest or further downstream in the City of University Place.

2.2.2 LEACH CREEK HOLDING BASIN

The Leach Creek Holding Basin was constructed in 1961 by the City of Tacoma, with major improvements made in 1991. Although completely surrounded by Fircrest, the holding basin itself is within Tacoma's corporate limits. The holding basin receives runoff from Tacoma, Fircrest, University Place, and WSDOT (SR 16), and is operated such that during heavy rainfall events stormwater is pumped from the holding basin to the Thea Foss drainage basin to avoid sending high flows to Leach Creek. The City of Tacoma also uses the Holding Basin to augment the flow in Leach Creek during periods of low flow as part of Tacoma Landfill remediation efforts.

2.2.3 COLLECTION AND CONVEYANCE SYSTEMS

The City's stormwater collection and conveyance system consists of 530 catch basins, storm sewer pipes between 4" and 60" in diameter, and open ditches.

2.2.4 OUTFALLS

A 60" storm drain pipe along Contra Costa Avenue conveys upstream runoff from Tacoma, Fircrest and a small portion of University Place south into the Leach Creek Holding Basin. This 60" outfall and a second, 30" outfall are both operated and maintained by the City of Tacoma. Five smaller outfalls into the holding basin between 12" and 24" in size are operated and maintained by the City of Fircrest. Downstream from the holding basin, there are approximately 10 outfalls that discharge from Fircrest's MS4 directly into the main stem of Leach Creek or disperse runoff into adjacent, connected wetlands.

2.2.5 STORMWATER MANAGEMENT FACILITIES

Fircrest was developed prior to requirements for stormwater management facilities. As a result, existing stormwater flow control and runoff treatment facilities are typically part of commercial and multi-family residential sites developed since the 1990s. There are currently 14 privately-maintained stormwater management facilities within the City. The City of Fircrest currently operates and maintains two stormwater treatment facilities: one located at the public works yard and the other at the Drake Street outfall to Leach Creek. In addition, the City maintains permeable sidewalks that were constructed in 2017 along Emerson Street.

2.2.6 MAPPING

Developing and maintaining map of the City's stormwater system and outfalls is required as part of the Illicit Detection and Elimination System component of the Permit discussed in Chapter 7. The current AutoCAD based stormwater map was completed in 2013 and was last updated in February 2014. Planned upgrades include conversion to a GIS format and continued refinements.

Figure 1 is a simplified map of the City's stormwater system showing locations of storm drain pipes, the City of Tacoma Leach Creek Holding Basin, and Leach Creek. Complete mapping is available from the City's Public Works department.

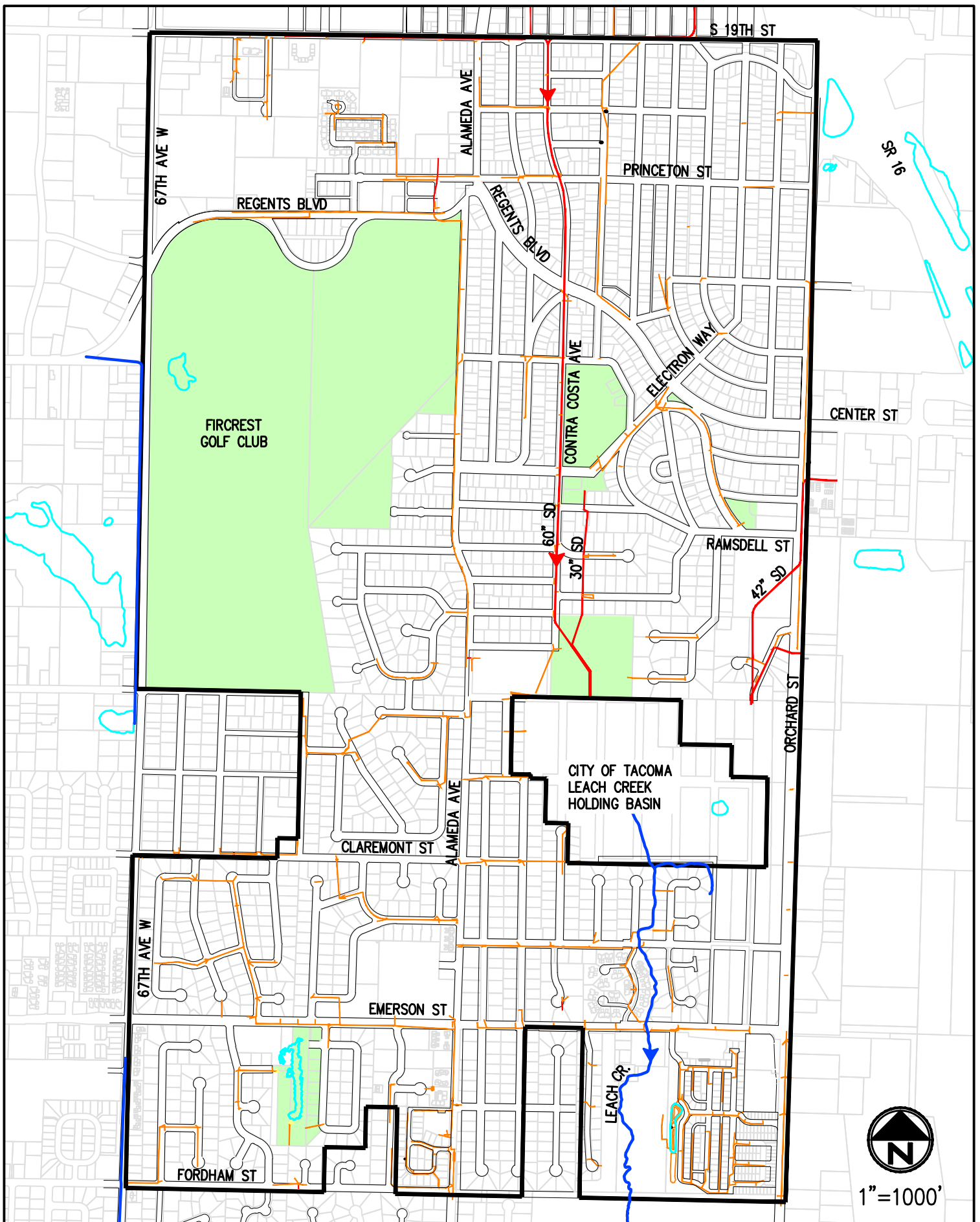


FIGURE 1
EXISTING STORMWATER SYSTEMS

CHAPTER 3 – PUBLIC EDUCATION AND OUTREACH

3.1 PERMIT REQUIREMENTS

Section S5.C.1 of the Permit requires the City’s stormwater program to include an education and outreach program designed to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts, and encourage the public to participate in stewardship activities. The Permit allows for the education and outreach program to be developed and implemented by the local municipality, or as part of a regional effort.

The City’s education and outreach program is specifically required to:

- i. Build general awareness, selecting from the following target audiences and subject areas:
 - a. General public and businesses:
 - General impacts of stormwater on surface waters
 - Impacts from impervious surfaces
 - Impacts of illicit discharges and how to report them
 - Low impact development (LID) principles and LID BMPs
 - Opportunities to become involve in stewardship activities
 - b. Engineers, contractors, developers and land use planners:
 - Technical standards for stormwater site and erosion control plans
 - LID principals and LID BMPs
 - Stormwater treatment and flow control BMPs/facilities
- ii. Effect behavior change, selecting from the following target audiences and BMPs:
 - a. General public and businesses:
 - Use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps and other hazardous materials
 - Equipment maintenance
 - Prevention of illicit discharges
 - b. Residents, landscapers and property managers/owners:
 - Yard care techniques protective of water quality
 - Use and storage of pesticides and fertilizers and other household chemicals
 - Carpet cleaning and auto repair and maintenance
 - Vehicle, equipment and home/building maintenance
 - Pet waste management and disposal
 - LID principles an LID BMPs

- Stormwater facility maintenance
- Dumpster and trash compactor maintenance

The City must also create stewardship opportunities and/or partner with existing organizations to encourage residents to participate in activities such as stream teams, storm drain marking, volunteer monitoring, riparian plantings and education activities.

The City is required to measure the understanding and adoption of the targeted behavior for at least one target audience in at least one subject area. No later than February 2, 2016, the resulting measurements were to be used direct education and outreach resources most effectively, as well as to evaluate changes in adoption of the targeted behaviors.

3.2 2018 PROGRAM ACTIVITY

3.2.1 BUILDING GENERAL AWARENESS

Activity Calendar Artwork

Target Audience: General Public including school-age children

Subject Areas: General Impacts of Stormwater on Surface Waters

To help build general stormwater awareness in 2018, the City will continue its annual program to develop and distribute an activities calendar that includes artwork with stormwater pollution prevention themes for each month. This effort targets the general public, including not only the school-age children who develop the artwork, but also the residential population and city employees that the calendar is distributed to.

The program will be run as follows:

An entry form will be supplied to each child that attends the one elementary school that lies within the City. The children will be able to pick from multiple categories focusing on pollution prevention.

All entries will be evaluated, with the top rated entries published in the City of Fircrest Calendar (grand prize winner on the cover, 12 top rated entries will be featured during each month, and approximately 12 selected for “honorable mention” at the end of the calendar). The grand prize winner will receive a pizza feed for their entire class, and all other artists will attend an ice cream social at the school. Once the calendars are produced, each child at the school will be provided with a calendar, and a calendar will be delivered to every residence within the City of Fircrest.

Fircrest Fund Days Booth, 8/10/18 & 8/11/18
National Night Out Booth, 8/7/18

Target Audience: General public

Subject Areas: General impacts of stormwater on surface waters, impacts of illicit discharges, and how to report them

The City will continue to staff a booth at Fircrest Fun Days and National Night Out Against Crime to provide information regarding a variety of stormwater and pollution prevention topics. Specific information provided at the booth includes:

- How to flyers:
 - Rain Gardens
 - Rain Barrels
 - Let the Rain Soak In – Pervious & Porous
- Brochure on how to be a Salmon Friendly Gardener
- Car wash kit
- Promotional items:
 - Puget Sound Starts Here water bottle
 - Doogie Bags in a dog bone shaped container (includes 10 bas in each)

3.2.2 EFFECTING BEHAVIOR CHANGE

Fish-Friendly Car Wash Kit

Target Audience: General Public, including school-age children

BMPs: Correct use of carwash soaps

The City of Fircrest received a local grant from Pierce County Surface Water Program to provide a “Fish Friendly Car Wash” kit that is available for any organization that wishes to check out the kit for fund-raising car wash events. The car wash kit is advertised on the City’s website.

Utility Billing Flyers and Town Topics Articles

Target Audience: Residents

BMPs: Yard care techniques protective of water quality; use and storage of pesticides and fertilizers; pet waste management and disposal

The spring and fall utility billing flyers for 2018 and one Town Topics article will be chosen from the topics listed in Section 3.3 of this document.

Resources from the Take Action section of the Puget Sound Starts Here website www.pugetsoundstartshere.org may be used as a source of educational information.

3.2.3 CREATING STEWARDSHIP OPPORTUNITIES

The following stewardship opportunities will be provided in Fircrest during 2018:

Thelma Gilmur Park Habitat Stewardship Work Parties (held monthly) provide opportunities for resident volunteers to help remove invasive plants near the trail system. In cooperation with Pierce Conservation District. These work parties are advertised on the City's activities calendar.

Other regional stewardship opportunities exist through the following organizations:

Pierce Conservation District:

www.piercecountycd.org

Pierce Conservation District's programs focusing on water quality improvement include:

- Storm Drain Curb Marking
- Rain Garden Assistance
- Urban Tree Planting
- Habitat Stewardship Program

Chambers-Clover Watershed Council:

www.co.pierce.wa.us/1860/Chambers---Clover-Watershed-Council

Chambers-Clover Creek Watershed Council (Pierce County) promotes the protection and enhancement of the Chambers-Clover Creek Watershed, in which Fircrest is located. The Council provides an opportunity for local agencies and citizen groups to coordinate their efforts to benefit the watershed.

3.2.4 MEASURING UNDERSTANDING AND ADOPTION OF TARGETED BEHAVIORS

Positive feedback received on the activity calendar program and a lack of illicit discharge incidents provides an indication of the general effectiveness of the City's public education and outreach program. To further assess the impact of the education and outreach effort in 2018, questions will be asked of members of the public that visit the Fircrest Fun Days and National Night Out booths, with results documented. This information will be used to tailor the program for the following year.

Questions to be asked of booth visitors may include:

1. Have you noticed the pollution-prevention message in the annual activities calendar?
2. Have you noticed or benefited from stormwater messages included in utility billings in the spring and fall?
3. Are you aware that the city has a car wash kit available for check out for car wash fundraising events?

4. Do you know what is considered an “illicit discharge” into the storm drainage system and how to report one?

3.3 EDUCATION AND OUTREACH RESOURCES

This section provides a list of potential topics and target BMPs for current and future year utility billing flyers and Town Topics articles.

3.3.1 POTENTIAL GENERAL AWARENESS ARTICLE TOPICS

- Stormwater utility and spill control contact information
- Informational articles relating to water quality improvement
- Gardening and lawn care educational materials
- Irrigation and water use recommendations
- Waste disposal and household hazardous waste information (pickup times and drop off locations)
- Low Impact Development (LID) educational materials
- Pet waste disposal

3.3.2 POTENTIAL TARGET BMPS

The following lists of target audience groups and BMPs can be used for current and future public education and outreach efforts:

Target Audience: Residential

- Lawns & Landscaping, including grading, soil transfer, vegetation removal, pesticide and fertilizer applications, and watering. Stormwater contaminants from landscape and lawn related sources include toxic organic compounds, heavy metals, oils, total suspended solids, coliform bacteria, fertilizers, herbicides, fungicides and pesticides.
- Pet Waste: typically contains coliform bacteria, nutrients, and total suspended solids.
- Parking, Storage and Washing of Vehicles: can be sources of oils and greases, toxic hydrocarbons, heavy metals, soluble organics, soaps, detergents and other organic compounds, and suspended solids.
- Storage of Liquids, Food Waste, Cleaning Chemicals and other hazardous materials. Leaks and spills of pollutant materials during handling and storage are a primary source of pollution, including cleaning compounds, toxic organic compounds, heavy metals, oils, fertilizers, herbicides, fungicides and pesticides.
- House and Roof Cleaning and Treatment, including scraping and pressure washing of dwelling exterior wall and roof areas, and treatment with growth retardant chemicals and strips. Stormwater contaminants from this type of activity include detergents, soaps, petroleum products, toxic chemicals, organic matter, metals, herbicides, fungicides and suspended solids.

- Impacts of Impervious Surfaces, including concentration of pollutants, increased runoff, increased runoff rates and lost runoff treatment opportunities, generating more direct transfer of pollutants, suspended solids and surficial erosion.
- Low Impact Development, including green systems, green home remodel programs, products for reduction of water usage, promotion of natural site retention, and the preservation and maintenance of mature trees
- Recycling of waste materials from home improvement and yard projects, as well as solvents, coolants, oil, degreasers, batteries and other hazardous materials and items.
- Illicit Discharges, including identification of these discharges and reporting of incidents.

Target Audience: Business - Commercial/Industrial

- Parking, Storage and Washing of Vehicles – can be sources of oils and greases, toxic hydrocarbons, heavy metals, soluble organics, soaps, detergents and other organic compounds, and suspended solids.
- Spills, including appropriate spill cleanup, cleanup materials, disposal of cleanup materials – relating the value of absorption as opposed to dilution, and reporting opportunities.
- Storage of Liquids, Food Waste, Cleaning Chemicals and other hazardous materials – leaks and spills of pollutant materials during handling and storage are a primary source of pollution, including cleaning compounds, toxic organic compounds, heavy metals, oils, fertilizers, herbicides, fungicides and pesticides.
- Structure and Roof Cleaning and Treatment, including scraping and pressure washing of building exterior walls and roof areas, and treatment with growth retardant chemicals and strips. Stormwater contaminants from this type of activity include detergents, soaps, petroleum products, toxic chemicals, organic matter, metals, herbicides, fungicides and suspended solids.
- Impacts of Impervious Surfaces, including concentration of pollutants, increased runoff, increased runoff rates and lost runoff treatment opportunities, generating more direct transfer of pollutants, suspended solids and surficial erosion.
- Maintenance of Pollutant Collection Systems, including grease traps, oil/water separators and other similar system with specific attention to spill prevention during use, cleanout and other forms of maintenance, along with proper disposal of harvested materials.
- Illicit Discharges, including identification of these discharges and reporting of incidents.
- Low Impact Development, including green systems and products for reduction of water usage, promotion of natural site retention, and the preservation and maintenance of mature trees.
- Employee Training in the identification of potentially dangerous products and other pollutant sources. Environmental Stewardship activities.

Target Audience: City Planning and Development Staff

- Impacts of Impervious Surfaces, including concentration of pollutants, increased runoff, increased runoff rates and lost runoff treatment opportunities, generating more direct transfer of pollutants and suspended solids, as well as surficial erosion.
- Source Control BMP's, including familiarity with Volume IV of the *Stormwater Management Manual for Western Washington* with specific reference to the BMP's described for the other audience groups.
- Runoff Treatment BMP's, including familiarity with Volume V of the *Stormwater Management Manual for Western Washington*.
- Flow Control BMP's, including familiarity with Volume III of the *Stormwater Management Manual for Western Washington*.
- Illicit Discharges, including identification of these discharges and reporting of incidents.
- Low Impact Development, including green systems and products for reduction of water usage, promotion of natural site retention, and the preservation and maintenance of mature trees.
- Coordinating Agencies and Organizations, and applicable documents and regulations, including Ecology's Water Quality Program, Underground Injection Control Program, Friends of Leach Creek, and Puget Sound Water Quality Management Plan.
- Environmental Stewardship activities.

CHAPTER 4 – PUBLIC INVOLVEMENT AND PARTICIPATION

4.1 PERMIT REQUIREMENTS

Section S5.C.2 of the Permit requires the City to provide ongoing opportunities for public involvement participation through advisory councils, public hearings, watershed committees, participation in developing rate-structures or other similar activities. The City must comply with applicable state and local public notice requirements when developing elements of the SWMP.

Minimum performance measures are:

- a. Create opportunities for the public to participate in the decision-making processes involving the development, implementation and update of the City's SWMP.
- b. Post on City website the SWMP Plan and the annual report required under S9.A of the Permit no later than May 31 each year.

4.2 2018 PROGRAM ACTIVITY

4.2.1 Decision-Making Process Opportunities

The SWMP will be presented to the City Council at a regular meeting. During the meeting, any member of the public who wishes to comment on the SWMP will be given the opportunity to provide comments.

4.2.2 SWMP and Annual Report Posting

This SWMP Plan document will be posted on the City's website in the current year when the update is complete, expected by July 2018. In future years, the SWMP Plan and annual report will be posted on the City's website by the May 31 deadline.

CHAPTER 5 – ILLICIT DISCHARGE DETECTION AND ELIMINATION

5.1 PERMIT REQUIREMENTS

Section S5.C.3 of the permit requires the SWMP to include an ongoing program designed to prevent, detect, characterize, trace and eliminate illicit connections and illicit discharges into the MS4. The required program has several components as summarized below (see Permit for complete text):

- a. Ongoing mapping of the MS4, including (by 2/2/18):
 - i. Known MS4 outfalls and discharge points
 - ii. Receiving waters other than groundwater
 - iii. City-owned stormwater treatment and flow control BMPs
 - iv. Tributary conveyance systems to all known outfalls and discharge points, with a 24-inch nominal diameter or larger
 - v. All connections to the MS4 authorized by the City after 2/16/07
 - vi. Connections between the City's MS4 and MS4s owned by other municipalities or public entities
 - vii. Areas served by the City's MS4 that do not discharge to surface waters
 - viii. Provide mapping to Ecology upon request (preferred electronic format with fully described mapping standard per example on website)
 - ix. Provide mapping to federally-recognized Indian Tribes upon request
- b. Implement an ordinance or other regulatory mechanism to effectively prohibit non-stormwater, illicit discharges into the Permittee's MS4 to the maximum extent feasible under Federal law, including allowable discharges, conditionally allowable discharges, escalating enforcement procedures and actions, compliance strategy implementation. The ordinance or other regulatory mechanism must be updated to meet these requirements not later than 2/2/18.
- c. Implement an ongoing program designed to detect and identify non-stormwater discharges and illicit connections into the City's MS4, including the following components:
 - i. Procedures for conducting investigations of the City's MS4, including field screening and methods for identifying potential sources, implementation of a field screening methodology, and completing field screening for at least 40% of the MS4 by 6/30/18 and 12% of the MS4 each year thereafter
 - ii. A publicly listed and publicized hotline or other telephone number for public reporting of spills and other illicit discharges
 - iii. An ongoing training program for a municipal field staff

- d. Implement an ongoing program designed to address illicit discharges, including spills and illicit connections, into the City's MS4, including:
 - i. Procedures for characterizing the nature and potential public environmental threat of an illicit discharge
 - ii. Procedures for tracing the source of an illicit discharge
 - iii. Procedures for eliminating the illicit discharge
 - iv. Meet the following timelines in addressing illicit discharges:
 - Immediate response to illicit discharges, including spills, which are determined to constitute a threat to human health, welfare, or the environment
 - Investigate within 7 days, on average, any complaint, report or monitoring information that indicates a potential illicit discharge
 - Initiate an investigation within 21 days of any report or discovery of a suspected illicit connection
 - Upon confirmation of an illicit connection, use the compliance strategy in a documented effort to eliminate the illicit connection within 6 months
- e. Train staff responsible for identification, investigation, termination, cleanup, and reporting of illicit discharges, including spills, and illicit connections, to conduct these activities. Provide follow-up training as needed. Document and maintain records of training.
- f. Recordkeeping: Track and maintain records of the activities conducted to meet the requirements for illicit discharge detection and elimination (IDDE).

5.2 2018 PROGRAM ACTIVITY

5.2.1 MS4 Mapping

The City of Fircrest's MS4 has been previously mapped as described in Chapter 2 and includes the elements required by the current Permit, with the exception of the two stormwater treatment facilities operated and maintained by the City. The locations of these facilities will be added to the map in 2018.

In future years, the City plans to convert the AutoCAD-based map to GIS.

5.2.2 IDDE Ordinance

The lists of allowable and conditionally allowable discharges in Fircrest Municipal Code 20.25 will be revised by ordinance to match Section S5.C.3 of the Permit.

5.2.3 Program to Detect and Identify Illicit Discharges

Currently, the City's program for detection and identification of illicit discharges relies on complaints from the public or identification by City staff during system maintenance. To comply with the current Permit, the following program enhancements will be made:

Field Screening Methodology

The City will utilize the field screening methodologies outlined Chapter 3 of the *Illicit Connection and Illicit Discharge Field Screening and Source Tracing Guidance Manual*, May 2013, prepared by Herrera Environmental Consultants for the Washington State Department of Ecology (IC/ID Guidance Manual). This manual and related training resources are available on-line at the Washington Stormwater Center website:

<http://www.wastormwatercenter.org/illicit-connection-illicit-discharge>

The following field screen methodologies will be utilized:

- **Business Inspections** – to identify pollutant-generating sources at commercial and multi-family properties. General business inspections focus on material storage and site activities for conformance with FMC 20.25 and source control BMPs per Volume IV of the Department of Ecology's *Stormwater Management Manual for Western Washington*. Commercial properties without annually-inspected flow control and water quality treatment facilities will be prioritized in this effort.
- **Catch Basin/Manhole Inspections** – to observe if flow, odor, color, or other visual indicators of illicit discharges are present during dry weather. This effort will be performed in conjunction with the MS4 operation and maintenance inspections required by Section S5.C.5 of the Permit. This work will be performed during dry weather by City maintenance staff following specific training in this screening methodology.
- **Ditch Inspections** – to help identify illicit discharges in areas of Fircrest that do not have piped storm drainage systems. This work will be performed during dry weather by City maintenance staff following specific training in this screening methodology.
- **Outfall Inspections** – to observe if outfall flow, odor, color, or other visual indicators of illicit discharges are present during dry weather. This effort will focus on Fircrest's outfalls to City of Tacoma's Leach Creek Holding Basin as well as to direct discharges to Leach Creek downstream from the Holding Basin.

Hotline for Public Reporting of Spills and other Illicit Discharges

The City Hall telephone number will be identified on the City's website specifically for reporting spills and other illicit discharges. The City Hall phone number is monitored 24 hours.

Illicit Discharge Public Education

Illicit discharge public education to inform public employees, businesses, and the general public of hazards associated with illicit discharges and improper storage of waste will be integrated into the public education efforts described in Chapter 3 of the SWMP.

5.2.4 Program to Address Illicit Discharges

The City will utilize the following procedures to address illicit discharges reported by the public or detected through field screening:

- When a spill or illicit discharge is reported or detected that has an obvious nature based on distinct odors, colors, or visual indicators, the Public Works Director or designee will take appropriate action to minimize the threat to human health, welfare, and/or the environment, and will comply with the reporting requirements of General Condition G3 of the Permit. If the nature of the spill or illicit discharge constitutes a threat to human health, welfare, or the environment, action will be taken immediately. Other potential illicit discharges will be investigated within 7 days.
- When an illicit discharge is detected that is not obvious in nature or threat level, indicator sampling will be carried out in accordance with Chapter 4 of *Illicit Connection and Illicit Discharge field Screening and Source Tracing Guidance Manual*, May 2013, prepared by Herrera Environmental Consultants for the Washington State Department of Ecology (IC/ID Guidance Manual). A private contractor will be utilized to perform indicator sampling, when required.
- The source of reported or detected illicit discharges will be traced in accordance with the methodologies described in Chapter 5 of the ID/IC Guidance Manual, utilizing City maintenance staff and/or private contractors, as required.
- Illicit connections, when reported or discovered, will be investigated within 21 days to determine the source of the connection, nature and volume of the discharge through the connection, and the party responsible for the connection.
- Illicit connections will be remedied within 6 months of detection in accordance with FMC 20.25.090.

5.2.5 Illicit Discharge Training

Illicit discharge training will be provided to City maintenance staff and others personnel involved in carrying out IDDE activities. The following resources will be utilized:

- Washington Stormwater Center training videos and power point presentation for the 2013 ID/IC Guidance Manual <http://www.wastormwatercenter.org/illicit-connection-illicit-discharge/#ICIDtraining>
- Individual study of the 2013 ID/IC Guidance Manual
- If supplemental resources are determined to be needed, the following documents will be utilized:

- *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments*, Center for Watershed Protection, October 2004.
- NPDES Stormwater Webcasts on the EPA website:
<https://www.epa.gov/npdes/npdes-stormwater-webcasts>

5.2.6 Illicit Discharge Recordkeeping

All recordkeeping associated with the City's IDDE program will be maintained by the Public Works Director or designee. Records will include the following:

- Field Screening Data Sheets
- Records of all detected illicit discharges and actions taken
- Reports of all reported spills and illicit discharges and actions taken
- Records of illicit connections and actions taken
- Records of IDDE training provided and staff trained

CHAPTER 6 – CONTROLLING RUNOFF FROM NEW DEVELOPMENT, REDEVELOPMENT AND CONSTRUCTION SITES

6.1 PERMIT REQUIREMENTS

Section S5.C.4 of the Permit requires that the City implement and enforce a program to reduce pollutants in stormwater runoff to its MS4 from new development, redevelopment and construction site activities. The program must apply to both private and public development, including roads. The program is required to have several components as summarized below (see Permit for complete text):

- a. Implement an ordinance or other enforceable mechanism that addresses runoff from new development, redevelopment, and construction site projects, no later than 12/31/16, that includes:
 - i. The Minimum Requirements, thresholds, and definitions in Appendix 1 or a program approved by Ecology under the 2013 NPDES Phase I Municipal Stormwater Permit, for new development, redevelopment, and construction sites. Adjustment and variance criteria equivalent to those in Appendix 1 shall be included.
 - ii. The local requirements shall include the following requirements, limitations, and criteria that, when used to implement the minimum requirements in Appendix 1 (or program approved by Ecology under the 2013 Phase I Permit), will protect water quality, reduce the discharge of pollutants to the MEP, and satisfy the State requirement under chapter 90.48 RCW to apply AKART prior to discharge:
 - Site planning requirements
 - BMP selection criteria
 - BMP infeasibility criteria
 - LID competing needs criteria
 - BMP limitationsPermittees who choose to use the requirements, limitations, and criteria above in the *Stormwater Management Manual for Western Washington*, or a program approved by Ecology under the 2013 Phase I Permit, may cite this choice as their sole documentation to meet this requirement.
 - iii. The legal authority, though the approval process for new development and redevelopment, to inspect and enforce maintenance standards for private stormwater facilities approved under the provisions of this section that discharge to the City's MS4.
- b. The program shall include a permitting process with site plan review, inspection and enforcement capability to meet the following standards:
 - i. Review of all stormwater site plans for proposed development activities

- ii. Inspect, prior to clearing and construction, all permitted development sites that have a high potential for sediment transport as determined through plan review based on definitions and requirements in Appendix 7 of the Permit, or all construction sites that meet the minimum thresholds in Appendix 1 of the Permit.
 - iii. Inspect all permitted development sites during construction to verify proper installation and maintenance of required erosion and sediment controls.
 - iv. Inspect all permitted developments upon completion of construction and prior to final approval or occupancy to ensure proper installation of permanent stormwater facilities.
 - c. The program shall include the following provisions to verify adequate long-term operation and maintenance (O&M) of stormwater treatment and flow control BMPs/facilities:
 - i. Implementation of an ordinance or other enforceable mechanism that clearly identifies the party responsible for maintenance, requires inspection of facilities, and establishes enforcement procedures.
 - ii. Establish maintenance standards that are as protective or more protective of facility function than those specified in Chapter 4 of Volume V of the *Stormwater Management Manual for Western Washington*.
 - iii. Annual inspection of stormwater treatment and flow control BMPs/facilities.
 - iv. Inspection of all permanent stormwater treatment and flow control BMPs/facilities and catch basins in new residential development every six months until 90% of the lots are constructed.
 - v. Maintain inspection records. Compliance during the Permit period is determined by achieving at least 80% of scheduled inspections.
 - vi. When an inspection identifies and exceedance of the maintenance standard, maintenance shall be performed:
 - Within 1 year for typical maintenance of facilities, except catch basins
 - Within 6 months for catch basins
 - Within 2 years for maintenance that required capital construction of less than \$25,000
 - vii. Include a procedure of keeping records of inspection and enforcement actions.
 - d. The program shall make available as applicable copies of the “notice of Intent for Construction Activity” and copies of the “Notice of Intent for Industrial Activity” to representatives of proposed new develop and redevelopment. The City is required to continue to enforce local stormwater ordinance for sites that are also covered by Ecology permits.
 - e. Training shall be provided for staff whose primary job duties are implementing the program and records maintained of the training provided and staff trained.

- f. Low impact development code-related requirements.
 - i. No later than 12/31/16, the City was required to review, revise, and make effective its local development-related codes, rules, standards or other enforceable documents to incorporate and require LID principles and LID BMPs, with the intent to make LID the preferred and commonly-used approach to site development.
 - ii. No later than 3/31/17, the City was required to submit a summary of the results of the review and revision process to incorporate LID.

6.2 2018 PROGRAM ACTIVITY

The City of Fircrest has an established program for controlling runoff from new development, redevelopment and construction sites that will continue in 2018. The following sections describe existing program elements to comply with Permit requirements, as well as specific program enhancements planned for 2018.

6.2.1 Stormwater Ordinance

Fircrest Municipal Code (FMC) 20.24 and 22.58.008(k) adopt the most recent version Ecology's *Stormwater Management Manual for Western Washington* (SWMMWW). Currently the City enforces the requirements in the SWMMWW for all development and redevelopment. By adopting the SWMMWW, the City is complying with the requirement of S5.C.4.a.ii of the Permit to include requirements, limitations, and criteria for site planning and BMPs for protection of water quality and reduction of pollutant discharge.

The legal authority to inspect and enforce maintenance standards for private stormwater facilities through the approval process for new development and redevelopment is currently established by FMC 22.95.

In 2018, the City will revise the stormwater code language in FMC 20.24 to clarify that the SWMMWW applies to new development, redevelopment and construction sites, both public and private, including roads. The code amendment will also explicitly adopt the Minimum Requirements, and definitions in Appendix 1 of the Permit to more clearly comply with section S5.C.4.a.i. The legal authority to inspect and enforce maintenance standards for private stormwater facilities will also be more clearly stated in FMC 20.24.

6.2.2 Stormwater Permitting Process

The City will continue its current stormwater permitting process with plan review, inspection and enforcement capability to ensure compliance with code requirements for both private and public projects, using qualified personnel. This includes:

- Review of all stormwater site plans
- Inspection of all submitted development sites that have a high potential for sediment transport prior to clearing and construction

- Inspection of all permitted development sites during construction to verify proper installation and maintenance of required erosion and sediment controls with enforcement as necessary, based on the inspections
- Inspection of all permitted development sites upon completion of construction and prior to final approval or occupancy to ensure proper installation of permanent stormwater controls, such as stormwater facilities and structural BMPs
- Verification that a maintenance plan has been completed and responsibility for maintenance has been assigned with enforcement as necessary, based on the inspections
- Ensure compliance with inspection requirements by the presence and records of an established inspection program that is designed to inspect all sites and achieve at least 80% of scheduled inspections

6.2.3 Operation and Maintenance of Permitted Stormwater Facilities

The City will continue its maintenance and inspection program for permitted, privately-maintained stormwater facilities within Fircrest, which utilizes the maintenance standards set forth in Chapter 4, Volume V of the current Ecology *Stormwater Management Manual for Western Washington*.

The City requires inspection reports to be submitted for all privately-maintained stormwater facilities on commercial and multi-family residential sites. Records of these inspections, including follow-up inspections by City personnel and any enforcement actions, are maintained by the Public Works Director or designee.

In 2018, the City will amend the stormwater code language in FMC 20.24 to clarify the party responsible for maintenance of permitted stormwater facilities and establish enforcement procedures, as required section S5.C.4.a.iii of the Permit.

6.2.4 Enforcement of Stormwater Ordinance for Sites with Ecology Permits

The City will enforce local ordinances controlling runoff from sites that are also covered by stormwater permits by Ecology.

6.2.5 Training

City staff currently responsible for stormwater site review and inspection are familiar with the requirements of the SWMMWW to residential, commercial and industrial development sites. If needed due to staff change or to enhance knowledge, additional training will be provided.

At least one individual from the City field staff is scheduled to be enrolled in training as a Certified Erosion and Sediment Control Lead (CESCL) - Training and Certification Program.

Records of training provided, staff that received training are maintained by the Public Works Director or designee.

Certified Erosion and Sediment Control Lead (CESCL) Training, if determined to be needed, is available from the American General Contractors (AGC) Education Foundation <https://constructionfoundation.org/classes/catalog> and the Building Industry Association of Washington https://www.biaw.com/Education_CESCL.aspx

Training for the Stormwater Management Manual for Western Washington is periodically available from the Department of Ecology. However no training seminars are currently scheduled.

6.2.6 Low Impact Development

The city undertook a process to revise its codes and standards in 2015 to incorporate Low Impact Development (LID), as required by section S5.C.4.f of the Permit. This process involved the City's Planning Director, Planning Administrator, Public Works Director, and City Manager. Planning Commission hearings were held for the proposed code changes on 8/18/15 and 9/1/15, followed by City Council adoption on 10/13/15 as Ordinance 1562. The following code changes resulted to implement LID:

FMC 22.58.008 includes the following subsection:

(k) Stormwater Management. Stormwater facilities shall be designed to meet or exceed the standards outlined in the latest edition of the Department of Ecology Stormwater Management Manual for Western Washington. Plans demonstrating compliance with the manual shall be submitted for approval by the director and city engineer prior to issuance of site development permits. Consistent with NPDES Western Washington Phase II Municipal Stormwater Permit requirements, Low Impact Development (LID) designs and LID BMPs shall be required in areas where soils and geology support it. Larger projects triggering the manual's requirements for water quality treatment and/or flow control shall incorporate LID components to the extent practicable consistent with The Low Impact Development Technical Guidance Manual for Puget Sound.

FMC 22.63.005 adopts by reference the City of Fircrest *Design Standards and Guidelines for Small Lot and Multi-Family Development*, which provides detailed guidelines for implementing LID concepts into development proposals.

In 2018, the City will continue to review development proposals in accordance with adopted codes and standards, so that LID is implement to the maximum extent feasible.

CHAPTER 7 – MUNICIPAL OPERATIONS AND MAINTENANCE

7.1 PERMIT REQUIREMENTS

Section S5.C.5 of the Permit requires that the City implement an operations and maintenance (O&M) program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. The program is required to have several components as summarized below (see Permit for complete text):

- a. Implement maintenance standards that are as protective, or more protective, of facility function than those specified in Chapter 4 of Volume V of the *Stormwater Management Manual for Western Washington*. For facilities which do not have maintenance standards, the City is required to develop a maintenance standard. Maintenance standards were required to be implemented no later than December 31, 2016.
 - i. The purpose of the maintenance standard is to determine if maintenance is required.
 - ii. When an inspection identifies an exceedance of the maintenance standard, maintenance is required to be performed:
 - Within 1 year for typical maintenance of facilities, except catch basins
 - Within 6 months for catch basins
 - Within 2 years for maintenance that requires capital construction of less than \$25,000
- b. Perform annual inspection of all City-owned or operated permanent stormwater and flow control BMPs/facilities, taking appropriate maintenance actions in accordance with the adopted maintenance standards.
- c. Perform spot checks of potentially damaged permanent stormwater treatment and flow control BMPs/facilities after major storm events (24 hour storm event with a 10 year or greater recurrence interval).
- d. Inspect all catch basins and inlets owned and operated by the City at least once no later than 8/1/17, and every two years thereafter. Clean catch basins if the inspection indicates cleaning is needed to comply with maintenance standards.
- e. Compliance with inspection requirements is determined by the presence of an established inspection program designed to inspect all sites and achieving at least 95% of inspections.
- f. Implement practices, policies and procedures to reduce stormwater impacts associated with runoff from all lands owned or maintained by the City, and road maintenance activities under the control of the City. The following activities shall be addressed:
 - Pipe cleaning

- Cleaning of culverts
 - Ditch maintenance
 - Street cleaning
 - Road repair and resurfacing, including pavement grinding
 - Snow and ice control
 - Utility installation
 - Pavement striping maintenance
 - Maintaining roadside areas, including vegetation management
 - Dust control
 - Application of fertilizers, pesticides, and herbicides according to the instructions for their use, including reducing nutrients and pesticides using alternatives that minimize environmental impacts
 - Sediment and erosion control
 - Landscape maintenance and vegetation disposal
 - Trash and pet waste management
 - Building exterior cleaning and maintenance
- g. Implement an ongoing training program for City employees whose primary construction, operations or maintenance job functions may impact stormwater quality. The training program shall address the importance of protecting water quality, operation and maintenance standards, inspection procedures, selecting appropriate BMPs, ways to perform their job activities to prevent or minimize impacts to water quality, and procedures for reporting water quality concerns. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staffing. Permittees shall document and maintain records of training provided and the staff trained.
- h. Implement a Stormwater Pollution Prevention Plan (SWPPP) for all heavy equipment maintenance or storage yards, and material storage facilities owned or operated by the Permittee in areas subject to this Permit that are not required to have coverage under the General NPDES Permit for Stormwater Discharges Associated with Industrial Activities. A schedule for implementation of BMPs shall be included in the SWPPP. The SWPPP shall include periodic visual observation of discharges from the facility to evaluate the effectiveness of the BMP
- i. Maintain records of inspections and maintenance or repair activities conducted by the City.

7.2 2018 PROGRAM ACTIVITY

The City of Fircrest has an established program for municipal operation and maintenance, which will continue in 2018. The following sections describe existing program elements to comply with Permit requirements, as well as specific program enhancements planned for 2018.

7.2.1 Maintenance Standards

The City utilizes the maintenance standards specified in Section 4.6 of Volume V of the *Stormwater Management Manual for Western Washington* for operation and maintenance of the City's stormwater systems. Currently, city-maintained stormwater facilities consist of conveyance systems (catch basins, ditches, pipes, and energy dissipaters), flow control and runoff treatment facilities, and permeable pavement.

7.2.2 Inspection of Municipal Stormwater Facilities

Annual Inspections – There are currently two publicly-maintained stormwater treatment and flow control facilities in the City of Fircrest that require annual inspection. One LID BMP also exists, permeable pavement sidewalks along Emerson Street, which will continue to be inspected annually.

Spot Checks – Spot checks will be performed at culvert crossings along Leach Creek after each major storm event (10-year, 24-hour storm event). The two City-maintained treatment and flow control facilities will also be checked if the potential for damage is suspected.

Catch Basin Inspections and Cleaning – City staff will continue to inspect and clean all catch basins at least once every two years, with half of the City completed in each year of the two-year cycle. Decant water from the catch basin cleaning effort will be disposed of in accordance with the requirements set forth in Permit Appendix 6, Street Waste Disposal.

7.2.3 Stormwater Impact Reduction Procedures

The City has implemented the following practices, policies, and procedures to reduce stormwater impacts:

City Parks

City of Fircrest Parks and Recreation Department operates six park sites. Practices, policies, and procedures to reduce stormwater impacts at these sites consist of the following, which will be continued in 2018:

- Use fertilizers, pesticides, and herbicides according to the manufactures specifications. All applications follow state and local and guidelines and are used only after consultation with the Management Team and Public Works Department.
- Regularly consult with the Management Team and Public Works Department and receive specific guidelines from Pierce Conservation District regarding landscape maintenance and vegetation removal.
- Use environmentally friendly cleaning solutions for all exterior cleaning and maintenance.

Road and Street Maintenance

- Clean existing catch basins, pipes, and ditches in accordance with the findings of the facilities inspection program described in Sections 7.1.1 and 7.1.2
- Perform street sweeping on a schedule that will service all of the City streets at least once per month
- Implement effective sediment and erosion control practices in accordance with *Volume II of the Stormwater Management Manual for Western Washington* for all maintenance projects
- Perform road repair and resurfacing, including pavement grinding as required to prevent pavement raveling and contribution of sediments into the stormwater system
- Perform snow and ice control as required, using manufacturer's application rate for minimally environmentally toxic deicing chemicals
- Strict control of utility installation, encouraging the use of trenchless procedures, such as directional drilling, pipe bursting, slip lining and other techniques that minimize surface cuts and excavation
- Maintain pavement striping by minimizing paint application and using reflective pavement buttons
- Maintain roadside areas and vegetation minimizing use of pesticides
- Implement dust control practices

7.2.4 Training

Pollution prevention training will be continued by sending appropriate staff, when needed due to staff change or to increase knowledge, to training courses related to the *Stormwater Management Manual for Western Washington*.

Ongoing facilities review staff training will follow-on from the initial training, consisting of more advanced courses related to the stormwater manual, manufacturer's courses relating to proprietary products, and specialized courses in source control BMPs, low impact stormwater designs, and permanent and temporary erosion control over the next 3 years.

7.2.5 Stormwater Pollution Prevention Plan (SWPPP)

A SWPPP has been prepared for the City's main maintenance/storage facility located on Ramsdell Street. A copy is kept on-site.

7.2.6 Municipal O&M Recordkeeping

The Public Works Director or designee will maintain records of all inspections and maintenance activities.

NEW BUSINESS: **Liquor License Renewal: Orchard Market Group, LLC**
ITEM 10A.

FROM: **Scott Pingel, City Manager**

RECOMMENDED MOTION: I move to register no objections to the liquor license renewal for Orchard Market Group, LLC.

PROPOSAL: The Council is being asked to approve a motion to register no objections to the liquor license renewal for Orchard Market Group at 4040 Orchard Street W., Suite 118. There were no problems regarding liquor sales at this restaurant. Finance, Planning and Building, and Police departments have expressed no concerns regarding renewing the license.

FISCAL IMPACT: None.

ADVANTAGE: Allows Council input on the liquor license renewal.

DISADVANTAGES: None.

ALTERNATIVES: Council could object to renewing the liquor license renewal.

HISTORY: The Washington State Liquor and Cannabis Control Board sent notification of the liquor license application. This allows the City the opportunity to make comments and recommendations regarding approval or disapproval to the Board. Unless Council has objections, the license will be issued.

ATTACHMENTS: [Liquor License Renewal Notification](#)
[Staff Response Forms](#)

C091080-2

WASHINGTON STATE LIQUOR AND CANNABIS BOARD

DATE: 08/06/2018

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF FIRCREST
(BY ZIP CODE) FOR EXPIRATION DATE OF 20181130

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1. VIAFORE'S ITALIAN DELICATESSEN	VIAFORE'S 604 REGENTS BLVD FIRCREST WA 98466 0000	355916	GROCERY STORE - BEER/WINE
2. ORCHARD MARKET GROUP LLC	OMG FOOD MART 4040 ORCHARD ST W STE 118 FIRCREST WA 98466 6610	421187	GROCERY STORE - BEER/WINE

CITY OF FIRCREST
AUG 08 2018
RECEIVED



**Washington State
Liquor and Cannabis Board**

PO Box 43098, 3000 Pacific Ave. SE, Olympia WA 98504-3098, (360) 664-1600
www.liq.wa.gov Fax #: (360) 753-2710

August 06, 2018

Dear Local Authority:

RE: Liquor License Renewal Applications in Your Jurisdiction - Your Objection Opportunity

Enclosed please find a list of liquor-licensed premises in your jurisdiction whose liquor licenses will expire in about 90 days. This is your opportunity to object to these license renewal requests as authorized by RCW 66.24.010 (8).

1) Objection to License Renewal

To object to a liquor license renewal: fax or mail a letter to the Washington State Liquor and Cannabis Board (WS-LCB) Licensing Division. This letter must:

- o Detail the reason(s) for your objection, including a statement of all the facts upon which your objection or objections are based. You may include attachments and supporting documents which contain or confirm the facts upon which your objections are based.
- o Please note that whether a hearing will be granted or not is within the Board's discretion per RCW 66.24.010 (8)(d).

Your letter or fax of objection must be received by the Board's Licensing Division at least 30 days prior to the license expiration date. If you need additional time you must request that in writing. Please be aware, however, that it is within the Board's discretion to grant or deny any requests for extension of time to submit objections. Your request for extension will be granted or denied in writing. If objections are not timely received, they will not be considered as part of the renewal process.

A copy of your objection and any attachments and supporting materials will be made available to the licensee, therefore, it is the Local Authority's responsibility to redact any confidential or non-disclosable information (see RCW 42.56) prior to submission to the WSLCB.

2) Status of License While Objection Pending

During the time an objection to a renewal is pending, the permanent liquor license is placed on hold. However, temporary licenses are regularly issued to the licensee until a final decision is made by the Board.

3) Procedure Following Licensing Division Receipt of Objection

After we receive your objection, our licensing staff will prepare a report for review by the Licensing Director. The report will include your letter of objection, as well as any attachments and supporting documents you send. The Licensing Director will then decide to renew the liquor license, or to proceed with non-renewal.

4) Procedure if Board Does Not Renew License

If the Board decides not to renew a license, we will notify the licensee in writing, stating the reason for this decision. The licensee also has the right to request a hearing to contest non-renewal of their liquor license. RCW 66.24.010 (8)(d). If the licensee makes a timely request for a hearing, we will notify you.

The Board's Licensing Division will be required to present evidence at the hearing before an administrative law judge to support the non-renewal recommendation. You may present evidence in support of your objection or objections. The administrative law judge will consider all of the evidence and issue an initial order for the Board's review. The Board members have final authority to renew the liquor license and will enter a final order announcing their decision.

5) Procedure if Board Renews License Over Your Objection

If the Board decides to renew the license over your objection, you will be notified in writing. At that time, you may be given an opportunity to request a hearing. An opportunity for a hearing is offered at the Board's discretion. If a hearing is held, you will be responsible for presenting evidence before an Administrative Law Judge in support of your objection to license renewal. The Board's Licensing Division will present evidence in support of license renewal. The Licensee may also participate and present evidence if the licensee desires. The administrative law judge will consider all of the evidence, and issue an initial order for the Board's review. The Board members have final authority to renew the liquor license and will enter a final order announcing their decision.

For questions about this process, contact the WSLCB Licensing Division at (360) 664-1600 or email us at wslcb@liq.wa.gov.

Sincerely,

Rebecca Smith

Rebecca Smith, Director,
Licensing and Regulation Division

LIQ 864 07/10



115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

Applicant Information

Liquor License Renewal

Applicant Name	Orchard Market Group, LLC		
Establishment Name	OMG Food Mart		
Address	4040 Orchard St W Ste 118		
Comments			
No concernse per Finance			
Director Signature	<i>Colleen Corcoran</i>		
Date	8/9/2018	Department	Finance



THE CITY OF FIRCREST

115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

Applicant Information

Liquor License Renewal

Applicant Name	Orchard Market Group LLC		
Establishment Name	OMG Food mart		
Address	4040 Orchard Street #118 (Emerson Court)		
Comments			
Zoned Commercial Mixed Use. This is a permitted use. Planning/Building has no objection to the license renewal.			
Director Signature	<i>Angelie Stahlnecker</i>		
Date	08/11/18	Department	Planning/Building



THE CITY OF FIRCREST

115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

Applicant Information

Liquor License Renewal

Applicant Name	OMY FOOD MART		
Establishment Name			
Address	4040 ORCHARD ST W FIRCREST		
Comments			
OK TO RENEW			
ACTING CHIEF			
Director Signature	John F. Villanueva #2		
Date	082218	Department	POLICE DEPARTMENT

NEW BUSINESS: **Liquor License Renewal: Viafore's Italian Delicatessen**
ITEM 10B.

FROM: **Scott Pingel, City Manager**

RECOMMENDED MOTION: I move to register no objections to the liquor license renewal for Viafore's Italian Delicatessen.

PROPOSAL: The Council is being asked to approve a motion to register no objections to the liquor license renewal for Viafore's Italian Delicatessen at 604 Regents Boulevard. There were no problems regarding liquor sales at this restaurant. Finance, Planning and Building, and Police departments have expressed no concerns regarding renewing the license.

FISCAL IMPACT: None.

ADVANTAGE: Allows Council input on the liquor license renewal.

DISADVANTAGES: None.

ALTERNATIVES: Council could object to renewing the liquor license renewal.

HISTORY: The Washington State Liquor and Cannabis Control Board sent notification of the liquor license application. This allows the City the opportunity to make comments and recommendations regarding approval or disapproval to the Board. Unless Council has objections, the license will be issued.

ATTACHMENTS: [Liquor License Renewal Notification](#)
[Staff Response Forms](#)

C091080-2

WASHINGTON STATE LIQUOR AND CANNABIS BOARD

DATE: 08/06/2018

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF FIRCREST
(BY ZIP CODE) FOR EXPIRATION DATE OF 20181130

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	PRIVILEGES
1. VIAFORE'S ITALIAN DELICATESSEN	VIAFORE'S 604 REGENTS BLVD FIRCREST WA 98466 0000	355916	GROCERY STORE - BEER/WINE
2. ORCHARD MARKET GROUP LLC	OMG FOOD MART 4040 ORCHARD ST W STE 118 FIRCREST WA 98466 6610	421187	GROCERY STORE - BEER/WINE

CITY OF FIRCREST
AUG 08 2018
RECEIVED



**Washington State
Liquor and Cannabis Board**

PO Box 43098, 3000 Pacific Ave. SE, Olympia WA 98504-3098, (360) 664-1600
www.liq.wa.gov Fax #: (360) 753-2710

August 06, 2018

Dear Local Authority:

RE: Liquor License Renewal Applications in Your Jurisdiction - Your Objection Opportunity

Enclosed please find a list of liquor-licensed premises in your jurisdiction whose liquor licenses will expire in about 90 days. This is your opportunity to object to these license renewal requests as authorized by RCW 66.24.010 (8).

1) Objection to License Renewal

To object to a liquor license renewal: fax or mail a letter to the Washington State Liquor and Cannabis Board (WS-LCB) Licensing Division. This letter must:

- o Detail the reason(s) for your objection, including a statement of all the facts upon which your objection or objections are based. You may include attachments and supporting documents which contain or confirm the facts upon which your objections are based.
- o Please note that whether a hearing will be granted or not is within the Board's discretion per RCW 66.24.010 (8)(d).

Your letter or fax of objection must be received by the Board's Licensing Division at least 30 days prior to the license expiration date. If you need additional time you must request that in writing. Please be aware, however, that it is within the Board's discretion to grant or deny any requests for extension of time to submit objections. Your request for extension will be granted or denied in writing. If objections are not timely received, they will not be considered as part of the renewal process.

A copy of your objection and any attachments and supporting materials will be made available to the licensee, therefore, it is the Local Authority's responsibility to redact any confidential or non-disclosable information (see RCW 42.56) prior to submission to the WSLCB.

2) Status of License While Objection Pending

During the time an objection to a renewal is pending, the permanent liquor license is placed on hold. However, temporary licenses are regularly issued to the licensee until a final decision is made by the Board.

3) Procedure Following Licensing Division Receipt of Objection

After we receive your objection, our licensing staff will prepare a report for review by the Licensing Director. The report will include your letter of objection, as well as any attachments and supporting documents you send. The Licensing Director will then decide to renew the liquor license, or to proceed with non-renewal.

4) Procedure if Board Does Not Renew License

If the Board decides not to renew a license, we will notify the licensee in writing, stating the reason for this decision. The licensee also has the right to request a hearing to contest non-renewal of their liquor license. RCW 66.24.010 (8)(d). If the licensee makes a timely request for a hearing, we will notify you.

The Board's Licensing Division will be required to present evidence at the hearing before an administrative law judge to support the non-renewal recommendation. You may present evidence in support of your objection or objections. The administrative law judge will consider all of the evidence and issue an initial order for the Board's review. The Board members have final authority to renew the liquor license and will enter a final order announcing their decision.

5) Procedure if Board Renews License Over Your Objection

If the Board decides to renew the license over your objection, you will be notified in writing. At that time, you may be given an opportunity to request a hearing. An opportunity for a hearing is offered at the Board's discretion. If a hearing is held, you will be responsible for presenting evidence before an Administrative Law Judge in support of your objection to license renewal. The Board's Licensing Division will present evidence in support of license renewal. The Licensee may also participate and present evidence if the licensee desires. The administrative law judge will consider all of the evidence, and issue an initial order for the Board's review. The Board members have final authority to renew the liquor license and will enter a final order announcing their decision.

For questions about this process, contact the WSLCB Licensing Division at (360) 664-1600 or email us at wslcb@liq.wa.gov.

Sincerely,

Rebecca Smith

Rebecca Smith, Director,
Licensing and Regulation Division

LIQ 864 07/10



THE CITY OF FIRCREST

115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

Applicant Information

Liquor License Renewal

Applicant Name	Viafore's Italian Delicatessen		
Establishment Name	Viafore's		
Address	604 Regents Blvd		
Comments			
No concernse per Finance			
Director Signature	<i>Colleen Corcoran</i>		
Date	8/9/2018	Department	Finance



THE CITY OF FIRCREST

115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

Applicant Information

Liquor License Renewal

Applicant Name	Viafore's Italian Delicatessen		
Establishment Name	Viafore's		
Address	604 Regents Boulevard		
Comments			
Zoned NC [Neighborhood Commercial]. This is a permitted use. Planning/Building has no objection to the license renewal.			
Director Signature	<i>Angelie Stahlnecker</i>		
Date	08/11/2018	Department	Planning/Building



THE CITY OF FIRCREST

115 RAMSDELL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

Applicant Information

Liquor License Renewal

Applicant Name	VIA FORES		
Establishment Name			
Address	604 REGENT BLVD FIRCREST		
Comments			
OK TO RENEW			
ACTING CHIEF			
Director Signature	John A. Villanov #2		
Date	082218	Department	POLICE DEPARTMENT

NEW BUSINESS: Approval of Council Rules of Procedure Amendments
ITEM 10C.

FROM: Scott Pingel, City Manager

RECOMMENDED MOTION: I move to adopt Resolution No. _____, rescinding Resolution No. 1076 relating to City Council Rules of Procedure and adopting new City Council Rules of Procedures.

PROPOSAL: The Council is being asked to adopt the attached resolution, which would rescind Resolution No. 1076 and would make revisions to the Council Rules of Procedure. The recommended updates include clarifications, corrections to Scribner's errors, and opportunities to conduct meetings in a more efficient manner while still providing the public with the opportunity to participate meaningfully in the discussion of City business.

FISCAL IMPACT: The proposed updates will have no direct fiscal impact.

ADVANTAGE: The Council's Rules of Procedure would be updated.

DISADVANTAGES: None of great significance.

ALTERNATIVES: Make no changes and continue to operate under the existing Rules of Procedures.

HISTORY: The City Council adopted the City Council Rules of Procedure on June 6, 1990 (Resolution No. 441) and made revisions to the Rules of Procedure in 1994 (Resolution No. 528), 2003 (Resolution No. 760), 2008 (Resolution No. 1027), and 2009 (Resolution No. 1076).

ATTACHMENTS: [Resolution Council Rules of Procedure \(tracked changes\)](#)
[Council Rules of Procedure \(updated final\)](#)

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**CITY OF FIRCREST
RESOLUTION NO. ____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON, RESCINDING RESOLUTION NO.
1076 RELATING TO THE CITY COUNCIL RULES OF
PROCEDURE AND ADOPTING NEW CITY COUNCIL RULES OF
PROCEDURES.**

WHEREAS, the City Council of the City of Fircrest adopted Resolution No. 441 on June 26, 1990 which constituted the City Council's Rules of Procedure; and

WHEREAS, the City Council of the City of Fircrest adopted Resolution No. 528 on May 10, 1994 which rescinded Resolution No. 441 and made revisions to the City Council's Rules of Procedure; and

WHEREAS, the City Council of the City of Fircrest adopted Resolution No. 760 on January 14, 2003 which rescinded Resolution No. 528 and made revisions to the City Council's Rules of Procedure; and

WHEREAS, the City Council of the City of Fircrest adopted Resolution No. 1027 on March 11, 2008 which rescinded Resolution No. 760 and made revisions to the City Council's Rules of Procedure; and

WHEREAS, the City Council of the City of Fircrest adopted Resolution No. 1076 on February 10, 2009 which rescinded Resolution No. 1027 and made revisions to the City Council's Rules of Procedure; and

WHEREAS, the City Council wishes to make changes to the Rules of Procedure, which were adopted on February 10, 2009, and finds it is in the public interest to provide a more effective means of conducting the business of the City. Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FIRCREST:

Section 1. Resolution No. 1076 is hereby rescinded.

Section 2. The attached City Council Rules of Procedures, hereto referred to as Exhibit A, and by this reference thereto incorporated herein as if fully set forth, are hereby adopted effective immediately.

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**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF
FIRCREST, WASHINGTON,** at a regular meeting thereof this 28th day of August
2018.

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APPROVED:

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Hunter T. George, Mayor

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ATTEST:

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Jessica Nappi, City Clerk

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APPROVED AS TO FORM:

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Michael B. Smith, City Attorney

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FIRCREST CITY COUNCIL RULES OF PROCEDURES
RESOLUTION NO. _____

SECTION I – GENERAL PROVISIONS

RULE 1. COUNCIL MEETING - LOCATION

All meetings of the City Council shall be held at the location (City Hall) specified in FMC 2.12.020 or other such location within the City as may be designated by resolution. ~~Committee~~ ~~Of of The the~~ Whole meetings, study sessions, or retreats may be held at places that are reasonably accessible to the general public, whether within or without the corporate limits of the City.

RULE 2. COUNCIL MEETING - TIME

The regular meetings of the City Council shall be held at the times (2nd and 4th Tuesdays at 7:00 P.M.) specified in FMC 2.12.010. If a meeting falls on a holiday, it shall be held the next business day unless otherwise provided by Council. As specified in Rule 20(O), regular meetings of the City Council are not permitted to continue beyond 10:30 P.M. without approval of the majority of the Councilmembers who are present and eligible to vote.

RULE 3. COUNCIL MEETINGS - OPEN TO THE PUBLIC

All meetings of the City Council and of committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140 as amended.

RULE 4. ELECTION OF OFFICERS

Procedures for election officers are as follows:

- A. Biennially, at the first meeting of the new Council, the members thereof shall choose a chair from among their number who shall have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a vacancy occurs in the Office of Mayor, the members of the Council at their next regular meeting shall select a Mayor from among their number for the unexpired term. (RCW 35A.13.030)
- B. In conjunction with the above election, a Mayor Pro Tempore shall also be elected for a two-year term. An alternate Mayor Pro Tempore may also be elected periodically. (RCW 35A.13.035)
- C. The City Clerk shall call the meeting to order and shall chair the meeting until a new Mayor is elected.
The above elections shall be by affirmative motion.

RULE 5. PRESIDING OFFICER

- A. The Mayor shall preside at all meetings of the Council, and be recognized as the head of the City for all ceremonial purposes. The Mayor has no regular administrative or executive purposes.
- B. Mayor Pro Tempore.
In case of the Mayor's absence or temporary disability, the Mayor Pro Tempore shall act as Mayor during the continuance of the absence. In case of the absence or temporary disability of the Mayor and the Mayor Pro Tempore, the City Clerk shall call the meeting to order and shall chair the meeting

until an alternate A-Mayor Pro Tempore is selected by members of the Council. The alternate Mayor Pro Tempore shall act as Mayor during the continuance of the absences or disabilities. An alternate Mayor Pro Tempore may be selected by the members of the Council.

C. The Mayor, Mayor Pro Tempore and Alternate Mayor Pro Tempore are referred to as "Presiding Officer" from time to time in these Rules of Procedure. (RCW 35A.13.030)

C.D. Presiding Officer's Duties.

It shall be the duty of the Presiding Officer to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Control discussion in an orderly manner.
 - a. Every Councilmember who wishes an opportunity to speak must be recognized by the Chair.
 - b. Permit audience participation at the appropriate times.
 - c. Require all speakers to speak to the question and to observe the rules of order.
4. State each motion before it is discussed and before it is voted upon.
5. Put motions to a vote and announce the outcome.

D.

RULE 6. QUORUM

At all meetings of the Council, four (4) Councilmembers, who are present and eligible to vote, shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, provided that written notice of said adjournment be posted on the exterior City Hall front entry doors per RCW 42.30.090. Council meetings adjourned under the previous provision shall be considered to have been duly conducted for all purposes.

RULE 7. ATTENDANCE, EXCUSED ABSENCES

RCW 35A.12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Presiding Officer prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Presiding Officer, the member shall contact the City Manager or designee, who shall convey the message to the presiding Officer. Following roll call, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and excuse the member's absence. The Clerk will make an appropriate notation in the minutes. If another Councilmember questions the member's absence, the Presiding Officer shall inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes.

RCW 35A.13.035 provides that in the event of extended excused absence or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the absence or disability.

RULE 8. SPECIAL COUNCIL MEETINGS

- A. A special meeting may be called by the Mayor or any four (4) members of the Council.
- B. Notice of the special meeting shall be prepared in writing by the Clerk. The notice shall contain the following information about the meeting: time, place, and business to be transacted.
- C. The notice shall be delivered by mail or personally to each Councilmember, the City Manager, and the business office of each local newspaper and radio and television station which has on file a written request for notice of special meetings. The notice must be delivered personally or by mail at least twenty-four (24) hours prior to the meeting.
- D. The notices provided in this section may be dispensed with in the circumstances provided by RCW 42.30.080, that is:
 - 1. As to any member who at or prior to the time of the meeting convenes files with the Clerk a written waiver of notice,
 - 2. As to any member who was actually present at the meeting at the time it convenes, and
 - 3. In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.
- E. Final disposition shall not be taken on any other matter.

RULE 9. REGULAR COUNCIL MEETING AGENDA

- A. The City Manager or designee shall arrange a list of such matters ascending to the order of business and prepare an agenda for the Council with the concurrence of the Mayor.
- B. A copy of the agenda and Council packets containing supporting materials shall be prepared for Councilmembers and the City Manager on or before 4:30 P.M. two working days before a regular Council ~~Meeting~~meeting.
- C. A copy of the agenda shall be prepared for the press on or before 4:30 P.M. two working days before a regular Council meeting.
- D. The Council shall have the option of deleting any item from the agenda or deferring an item on the agenda to a subsequent Council meeting. The Presiding Officer, one Councilmember, or the City Manager may introduce a new item to the agenda.

RULE 10. STUDY SESSIONS

- A. ~~Special s~~Study sessions may be designated as ~~Committee Of of The the~~ Whole Study Sessions where no official action is contemplated. Study sessions may be held for the purpose of considering current issues of the City, coordinating the work of the City Council, and discussing draft ordinances, resolutions, and policy issues in detail. The City Clerk, under the direction of the City Manager and concurrence of the Mayor, shall arrange a Council ~~Work work~~ Study-study Session-session agenda for the Study Session. The Council ~~Study-study Session-session~~ agenda shall list the topics of discussion. After the proposed Council ~~Study-study Session-session~~ agenda has been approved by the City Manager, a copy of it along with any supporting materials shall be prepared for Councilmembers and the City Manager on or before 4:30 P.M. at least 24 hours before the Council ~~Study-study~~ Session-session.
- B. During the Council ~~Study-study Session-session~~, the Presiding Officer may:
 - 1. introduce the subject and give background information;

2. identify the eventual goal of the study session;
 3. act as facilitator to keep the meeting discussion focused to the subject; and
 4. alert the Council when it is appropriate to call for a motion or other official direction of the Council.
- C. Minutes shall be taken of Council ~~Study-study Sessions-sessions~~ recording the names of Councilmembers present, motions made, actions taken, and an account of business discussed.
- D. Standing ~~Study-study Sessions-sessions~~ may be set by the majority vote of the Council for specific dates and times.
- D.E. Study sessions shall be held to a two-hour time limit unless extended by a motion and voice vote.

RULE 11. CITY MANAGER

~~A.~~—The City Manager shall have the powers and duties listed in RCW 35A.13.080, including having general supervision over the administrative affairs of the City and attending all meetings of the Council at which his/her attendance may be required by that body unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in the discussions of the Council, but shall have no vote. When the City Manager has an excused absence, the designee shall attend the meeting.

RULE 12. CLERK OF THE COUNCIL

The City Clerk shall be ex-officio Clerk of the Council and shall see that minutes are kept and shall perform such other and further duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk, the City Manager shall appoint another qualified person to act as Clerk of the Council.

RULE 13. CITY ATTORNEY

The City Attorney shall attend all regular meetings of the Council unless excused by the City Manager who will notify the Presiding Officer of the excused absence. The City Attorney shall, upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian and decide all questions of order. The Acting City Attorney shall attend meetings when the City Attorney has been excused if his/her attendance is required.

SECTION II – DUTIES AND PRIVILEGES OF MEMBERS

RULE 14. FORMS OF ADDRESS

The Mayor shall be addressed as "Mayor (surname)", "Your Honor", or "Mr./Madam Mayor". The Mayor Pro Tempore, when acting for the Mayor, shall be addressed as "Mayor Pro Tem (surname)". Members of the Council shall be addressed as "Councilmember (surname)".

RULE 15. SEATING ARRANGEMENT

Councilmembers shall occupy the respective seats in the Council Chambers assigned to them by the Mayor.

RULE 16. APPEARANCE OF FAIRNESS DOCTRINE AND ITS APPLICATION

A. Appearance of Fairness Doctrine Defined.

1. "When the law which calls for public hearings gives the public not only the right to attend but the right to be heard as well, the hearings must not only be fair but must appear to be so. It is a situation where appearances are quite as important as substance. The test of whether the appearance of fairness doctrine has been violated is as follows: Would a disinterested person, having been apprised of the totality of a board member's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided." *Zehring v. Bellevue*, 99 Wn.2d 488 (1983).

B. Types Of Hearings To Which Doctrine Applies.

1. The Appearance of Fairness Doctrine shall apply only to those actions of the Council which are quasi-judicial in nature. Quasi-Judicial actions are defined as actions of the City Council which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding.
2. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community or neighborhood plans or other land use planning documents, or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance. (RCW 42.36.010).
3. Some examples of quasi-judicial actions which may come before the Council are:
 - rezones or reclassifications of specific parcels of property;
 - appeals from decisions of the Planning Commission~~ns~~;
 - substantive appeals of threshold decisions under the State Environmental —Protection Act, subdivisions, street vacations, and special land use permits.

C. ~~C.~~ Obligations of Councilmembers, Procedure.

1. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember or a Councilmember's business associate or a member of the Councilmember's immediate family. It could involve ex parte (outside the hearing) communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the

Councilmember's employer with the proponents or opponents, announced predisposition, and the like.

2. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If a potential violation exists, no matter how remote, the Councilmember should disclose such facts to the City Manager who may seek the opinion of the City Attorney as to whether a potential violation exists. The City Manager shall communicate such opinion to the Councilmember and to the Presiding Officer.
3. Anyone seeking to disqualify a Councilmember from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known or reasonably should have been made known prior to the issuance of the decision; upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Councilmember shall state with specificity the basis for disqualification; for example: demonstrated bias or prejudice for or against a party to the proceedings, a monetary interest in the outcome of the proceedings, prejudgment of the issue prior to hearing the facts on the record, or ex parte contact. Should such challenge be made prior to the hearing, the City Manager shall direct the City Attorney to interview the Councilmember and render an opinion as to the likelihood that an Appearance of Fairness violation would be sustained in superior court.
4. Should such challenge be made in the course of a quasi-judicial hearing, the Presiding Officer shall call a recess to permit the City Attorney to make such interview and render such opinion.
5. The Presiding Officer shall have sole authority to request a Councilmember to excuse himself/herself on the basis of an Appearance of Fairness violation. Further, if two (2) or more Councilmembers believe that an Appearance of Fairness violation exists, such individuals may move to request a Councilmember to excuse himself/herself on the basis of an appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other Councilmembers shall give due regard to the opinion of the City Attorney.
6. Notwithstanding the request of the Presiding Officer or other Councilmembers, the Councilmember may participate in any such proceeding.

D. Specific Statutory Provisions.

1. Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning. (RCW 42.36.040)
2. A candidate for the City Council who complies with all provisions of applicable public disclosure and ethics laws shall not be limited under the Appearance of Fairness Doctrine from accepting campaign contributions to finance the campaign, including outstanding debts. (RCW 42.36.050)
3. During the pendency of any quasi-judicial proceeding, no Councilmember may engage in ex parte communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember:
 - a. places on the record the substance of such oral and written communications; and
 - b. provides that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his or her elected official if the correspondence is made a part of the record, when

it pertains to the subject matter of a quasi-judicial proceeding. (RCW 42.36.060)

E. E. Procedure ~~On~~ Application.

Any person making application for any action leading to a quasi-judicial hearing shall be provided with a document containing the following information:

1. the names and addresses of all members of the City Council, and the Planning Commission; ~~and;~~
2. a statement that if the applicant intends to raise an Appearance of Fairness issue, the applicant should do so at least two weeks prior to any public hearing. The applicant shall acknowledge receipt of such document.

RULE 17. DISSENTS AND PROTESTS

Any Councilmember shall have the right to express dissent from or protest against any ordinance or resolution of the Council and have the reason therefore entered in the minutes.

RULE 18. RULES OF ORDER

~~Robert's Rules of Order Newly Revised shall be used as the guideline for conduct of Council Meetings, except in those cases where specific provisions contrary to Robert's Rules are provided in these rules. Rules of order not specified by statute, ordinance, or resolution shall be governed by Robert's Rules of Order, Newly Revised~~

RULE 19. MOTIONS

All ordinances, resolutions, contracts and items of business that require Council approval prior to the expenditure of funds shall be in the form of an affirmative motion.

RULE 20. ORDER OF BUSINESS

The business of all regular meetings of the Council shall be transacted as follows; provided, however that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously. Further, any Councilmember may request additions, corrections, or other modifications to the agenda prior to or during a regular Council meeting.

- A. Call to order by the Presiding Officer.
- B. Pledge of Allegiance.
- C. Roll Call. (See Rule 7 for procedure to excuse an absence).
- D. Presiding Officer's Report.
- E. ~~Citizen~~ Public Comments (for items not on the agenda).
 1. Subjects either on the Consent Calendar or not on the current agenda. Any member of the public may request time to address the Council after first stating their name, address, and the subject of their comments. The Presiding Officer may then allow the comments subject to such time limitations as the Presiding Officer deems necessary, generally five (5) minutes. Following such comments the Presiding Officer may place the matter on the current agenda or a future agenda, or refer the matter to the City Manager for investigation and report.
 2. Subjects on the current agenda. Any member of the public who wishes to address the Council on

an item on the current agenda shall make such request to the Presiding Officer at the time when comments from the public are requested. As an option, the Presiding Officer may invoke the sign-in procedure defined in Rule 21(A). The Presiding Officer shall rule on the appropriateness of public comments as the agenda item is reached. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings, e.g. proponents, opponents, adjacent owners, vested interests, etc.

3. Any ruling by the Presiding Officer relative to the preceding two subsections may be overruled by a vote of a majority of members present.

F. Committee, Commission, and Liaison Reports.

G. Consent Calendar.

1. The City Manager, in consultation with the Mayor, shall set the following items of business on the Consent Calendar. Consent Calendar items shall consist of items that have been previously discussed or policies set by the Council and/or are so routine or technical in nature that passage is likely, such as, but not limited to, the following:
 - a. approval of vouchers/payroll warrants;
 - b. approval of minutes;
 - c. setting public hearings;
 - d. Communications requiring no action (e.g. liquor license renewals); and
 - ~~e.~~ Other items designated by the City Council by super majority vote of the City Council.
2. The Clerk of the Council shall read the Consent Calendar.
3. The proper Council motion on the Consent Calendar is as follows: "I move for adoption of the Consent Calendar." This motion is non-debatable and will have the effect of moving to adopt all items on the Consent Calendar. Since adoption of any item on the Consent Calendar implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent Calendar.
4. Therefore, prior to the vote on the motion to adopt the Consent Calendar, the Presiding Officer shall inquire if any Councilmember wishes an item to be withdrawn from the Consent Calendar. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for the current or a future meeting. Items not removed shall be adopted by unanimous vote of the Councilmembers present without discussion.

H. Public Hearings (see Rule 21 for procedural details).

I. Unfinished Business.

1. All matters of business that have been presented to Council previously but which have not reached closure will be listed as sub-parts.
2. All necessary ordinances or resolutions will be included with sub-parts and listed by title.

J. New Business.

1. All matters of new business will be listed as sub-parts.
2. All necessary ordinances or resolutions will be included with sub-parts and listed by title.

K. City Manager Comments.

L. Department Head Comments.

M. Councilmember Comments.

N. Executive Session(s).

O. Adjournment.

No meeting shall be permitted to continue beyond 10:30 P.M. without approval of the majority of the Councilmembers who are present and eligible to vote. A new time limit must be established before taking a Council vote to extend the meeting. In the event that a meeting has not been closed or continued by Council vote prior to 10:30 P.M., the items not acted on shall be deferred to the next regular Council meeting, unless the Council, by majority vote of the members present, determines otherwise.

RULE 21. ACTIONS FOR A PUBLIC HEARING

(See appendix for full procedures):

~~A.~~

~~B.A.~~ Presiding Officer:

1. May require speakers to sign in with Clerk and may set time limits.
2. Asks Councilmembers if any reason requiring member to excuse themselves pursuant to Appearance of Fairness Doctrine. If answered in the affirmative, Councilmember excuses himself/herself and exits the Council Chamber.
3. Introduces item, opens hearing, announces rules of order:
 - If zoning amendment or zoning reclassification, asks parties to limit presentation to information within scope of legal standards and may ask Planner to announce legal standards.
- ~~4.~~ Asks City Manager to describe matter under consideration.
- ~~4.5.~~ Calls for proponents in quasi-judicial proceedings and speakers in non-quasi-judicial proceedings.
 - If zoning amendment or zoning reclassification may ask Planner to announce that site plans, artistic renditions, etc. in support of zoning amendment should be avoided and such plans are to go through the City's design review process through the Planning Commission.
- ~~5.6.~~ Calls for additional proponents 3 times.
- ~~6.7.~~ Call for opponents.
- ~~7.8.~~ Calls for additional opponents 3 times.
- ~~8.9.~~ Calls for proponents to speak in rebuttal.
- ~~9.10.~~ Calls for Administration to introduce any material to subjects raised by proponents or opponents or alter initial recommendations.
- ~~10.11.~~ Asks Councilmembers if questions and if so, appropriate person is recalled to podium.
- ~~11.12.~~ Closes public hearing.
- ~~12.13.~~ Asks if motion by any Councilmember
 - Must be in the form of affirmative motion.
 - Then ask for discussion by ~~council~~ Council.
 - Asks administration for final comments/recommendations.

- May ask ~~clerk~~ Clerk to conduct a roll call vote.

RULE 22. VOTING

The votes during all meetings of the Council shall be transacted as follows:

- A. Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Councilmember, a roll call shall be taken by the Clerk. The Clerk shall call the names in an alphabetical sequence with the Mayor, as Presiding Officer, voting last. Names for subsequent votes will go down the alphabetical list and the Clerk will call on the next name in alphabetical sequence with the Mayor, as Presiding Officer, voting last. This rotating alphabetical sequence will be continued throughout the meeting during voting sequences.
- B. In case of a tie in votes on any proposal, the proposal shall be considered lost.
- C. Every member who was in the Council Chambers when the question was put, shall give their vote unless the Council, for special reasons, shall excuse the member by motion or unless the Councilmember is excused in accordance with Rule 16.
- D. The general rule is that when a Councilmember refuses to vote, such member is regarded as having voted with the majority.
 1. Neutrality in voting is frowned upon except when a Councilmember has a direct or pecuniary interest that would result in a conflict of interest or when participation is prevented due to the Appearance of Fairness Doctrine. In that instance, the refusal to vote shall not be considered as an affirmative vote.
 2. In all other instances, except as hereinafter noted, the rule is that when a quorum is present, members present and not voting are deemed to have voted with the majority.
 3. If the vote is tied with a member abstaining, such member will be considered as voting in the affirmative so that the proposition being considered passes.
 4. However, when an affirmative vote of a majority is required by statute or ordinance, a failure to indicate a yea or nay vote will be considered as a negative indication, as abstention cannot be considered in fulfilling such affirmative vote requirement. Most matters before Council merely require a concurrence of a majority and this would be considered to be an exception to the general rule.
 5. When abstaining from voting, Councilmembers must explain the basis for their abstention. If the reason involves a legitimate rationale for not voting, the abstention will not be considered as a vote for the majority. If the rationale does not involve disqualifying circumstances, the abstention will be counted as a vote with those voting in the majority, unless the noted exception outlined previously applies.
- E. The affirmative vote of at least a majority of the whole membership of the Council (4 Councilmembers) is required for the passage of:
 - ordinances;5
 - grant or revocation of franchise or license;5
 - any resolution for the payment of money;5
 - any approval of warrants;5 and
 - any resolution pertaining to personnel actions.

- F. The affirmative vote of at least a majority of the whole Council plus one (5 Councilmembers) is required for the passage of:
- public emergency ordinances (which take effect immediately);
 - expenditures for any calamity, violence of nature, riot, insurrection, or war; and
 - budget amendments.
- G. The affirmative vote of at least a majority of the membership of Council who are present and eligible to vote is required for the passage of:
- motions or resolutions not subject to the provisions of RCW, FMC, or these rules as amended.

RULE 23. COMMITTEES

All Committee meetings shall be open to the public. The Committee structure of the Council and the procedures governing all committees shall be as follows:

- A. Committee ~~Of of The the~~ Whole.
1. The only standing committee of the Council shall be the Committee ~~Of of The the~~ Whole (COW), composed of the entire Council sitting as a legislative study committee. The Committee of the Whole shall not take any official action while in committee.
 2. The Presiding Officer chairs the COW.
- B. Special Ad Hoc Council Study Committees.
1. Special Ad Hoc Council Study Committees may be created by the Council for a particular purpose, or when the issue is so complex and time consuming that it cannot be reasonably handled at a Council or COW meeting.
 2. Ad Hoc Study Committees shall consist of three Councilmembers appointed by the Mayor.
 3. The Mayor shall appoint the Chair of Ad Hoc Study Committees.
 4. Special Ad Hoc Council committees shall sunset at the end of their mission, but no later than the end of each calendar year unless specifically continued by the Council thereafter for a specified time period.
- C. Special Ad Hoc Citizen Advisory Committees.
1. Special Ad Hoc Citizen Advisory Committees may be created by the Council for a particular purpose. Committee members shall be appointed by the Mayor, with the advice and consent of the Council.
 2. The Mayor shall appoint the Chair of the Committee.
 3. Ad Hoc Citizen Advisory Committees shall sunset at the end of each calendar year unless specifically continued by the Council thereafter for a specified time period.
 4. At least one Councilmember will be appointed as a member and liaison of a Citizen Advisory Committee.
- D. Committees may make recommendations on proposed programs, services, ordinances, and resolutions within their area of responsibility before action is taken by the Council. The Committee Chair may present the recommendations of the committee during the discussion of the item of business.

- E. Employees shall staff the various committees as directed by the City Manager, but no staff person shall serve as a member of a Council or citizen study committee.
- F. Minutes need not be taken of committee meetings, except for the Committee ~~Of of The the~~ Whole.

RULE 24. COUNCIL LIAISONS

- A. In order to build additional Council expertise in various areas of City operations, the Mayor shall designate functional areas and appoint a Councilmember, at the beginning of the fiscal year, to serve as a liaison to the City Manager. Functional areas for liaison assignments may include the following, though specific areas may be adjusted depending on the organization of the City:
 - Parks and Recreation
 - Environment, Planning, Building
 - Administration
 - Finance, IT
 - Water, Sewer, Storm
 - Public Safety, Court
 - Streets, Facilities & Equipment
- B. The City Manager and respective department heads shall strive to provide liaisons with additional information beyond that normally provided to the Council as a whole, and to keep the liaisons abreast of developments, trends, conditions and issues in the various functional areas of City government.

RULE 25. ENACTED ORDINANCES, RESOLUTIONS, MOTIONS, AND PROCLAMATIONS

- A. An enacted **ordinance** is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.
- B. An enacted **resolution** is an internal legislative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.
- C. An enacted **motion** is a form of action taken by Council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.
- D. An enacted **proclamation** is an official announcement made by either the City Council or the Mayor on non-controversial events which have a major city-wide impact. Controversy is defined as a dispute, especially a lengthy and public one, between sides holding opposing views.

RULE 26. PROCLAMATIONS

- A. City Council Proclamations.
City Council proclamations shall be publicly read at a City Council meeting and presented to a representative of the event during the Council meeting.
- B. Mayor's Proclamations.
Are requested by a special interest group from within the City. Mayor's proclamations are signed by the Mayor and forwarded to a representative of the event.
- C. The Mayor and City Manager shall determine if the proclamation request is for a City Council proclamation or a Mayor's proclamation.

RULE 27. RESOLUTIONS

- A. Except for franchise resolutions as provided under Rule 28(B), a resolution may be put to its final passage on the same day on which it was introduced.
- B. The Presiding Officer will read a summary statement of the Resolution prior to its passage; provided, should a majority of the Councilmembers present request that the entire resolution or certain of its sections be read, such requests shall be granted.
- C. Printed copies shall be made available upon request to any person attending a Council meeting.
- D. Resolutions take effect immediately after they are approved by the vote of the Council, unless otherwise provided.

RULE 28. ORDINANCES

The procedure for ordinances is as follows:

- A. With the exception of franchise ordinances as provided below, an ordinance may be put to its final passage on the same day on which it was introduced.
 - 1. The Presiding Officer will read a summary statement of the Ordinance prior to its passage; provided, should a majority of the Councilmembers present request that the entire ordinance or

certain of its sections be read, such requests shall be granted.

2. Printed copies shall be made available upon request to any person attending a Council meeting.
3. No ordinance shall contain more than one subject.
4. An ordinance does not take effect until five days after date of publication, except for emergency situations.

B. Franchises.

All resolutions and ordinances granting a franchise require two readings prior to adoption. The second reading must be at least five (5) days after the first reading.

1. All franchise ordinances and resolutions may be passed only at a regular meeting of the Council; and at least four (4) Councilmembers must vote in favor of the franchise.

C. Emergency Ordinances.

By vote of one more than the majority (5 Councilmembers), the City Council may, without notice or hearing, adopt an emergency ordinance authorizing expenditures for a public emergency as defined and prescribed in RCW 35.33.081.

D. A Councilmember may, in open session, request of the Presiding Officer that the Council study the wisdom of enacting a particular ordinance. By affirmative motion, the Council may assign the proposed ordinance to a specific committee or the Committee ~~Of of The the~~ Whole for study and consideration. The committee shall report its findings to the Council.

E. If a motion to pass an ordinance fails, the ordinance shall be considered lost.

F. Any ordinance amending or repealing any portion of the FMC shall also amend or repeal the respective portions of any underlying ordinance(s).

RULE 29. PERMISSION TO ADDRESS THE COUNCIL

Persons other than Councilmembers and management shall be permitted to address the Council upon introduction by the Presiding Officer or the chair of the appropriate Council committee.

RULE 30. RECONSIDERATION

A. Any action of the Council, including final action on applications for changes in land use status; but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table or to take from the table, or a vote electing to office one who is present and does not decline; shall be subject to a motion to reconsider.

1. Such motions can be made only by a member of the prevailing side on the original action.

B. A motion to reconsider must be made no later than the next succeeding regular Council meeting.

C. A motion to reconsider is debatable only if the action being reconsidered is debatable.

D. Upon passage of a motion to reconsider, the subject matter is returned to the table anew for any action the Council deems advisable.

RULE 31. COMPLAINTS AND SUGGESTIONS TO COUNCIL

When citizen complaints or suggestions are brought before the City Council not on an agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

- A. If legislative and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to a committee, Administration or the Committee of the Whole for study and recommendation.
- B. If administrative and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the City Manager, the Presiding Officer should then refer the complaint directly to the City Manager for his/her review if said complaint has not been so reviewed. The City Council may direct that the City Manager brief or report to the City Council when his/her response is made.

RULE 32. FILLING COUNCIL VACANCIES

- A. If a vacancy occurs in the office of Councilmember, the Council will follow the procedures outlined in RCW 42.12.070.
- B. To hold office as a Councilmember, the person must be a registered voter and a Fircrest resident for a period of at least one year prior.
- C. Where one position is vacant, the remaining members of the Council shall appoint a qualified person to fill the vacant position.
- D. Where two or more positions are vacant and two or more Councilmembers remain in office, the remaining Councilmembers shall appoint a qualified person to fill one of the vacant positions.
 - 1. The remaining Councilmembers and the newly appointed Councilmember shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled.
 - 2. If less than two Councilmembers remain in office, the County Council shall appoint a qualified person or persons to the Council until the Council has two members.
- E. If the City Council fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the County Council shall appoint a qualified person to fill the vacancy.
 - 1. If the County Council fails to appoint a qualified person to fill the vacancy within 180 days, the governor may be petitioned to appoint a qualified person to fill the vacancy.
- F. As provided in RCW 29A.24.191 and 29A.52.240, each person appointed serves until a qualified person is elected at the next Council election that occurs 28 days or more after the occurrence of the vacancy.
 - 1. A primary is held if time exists and more than two candidates file for the vacant office; otherwise, a primary shall not be held and the person receiving the greatest number of votes is elected.
 - 2. The person elected takes office immediately when qualified and serves the remainder of the unexpired term.
 - 3. If an election for the position that became vacant would otherwise have been held at this general election date, only one election to fill the position shall be held and the person elected to fill the succeeding term for that position shall take office immediately when qualified and shall serve both the remainder of the unexpired term and the succeeding term.

RULE 33. PHOTOGRAPHS, MOTION PICTURES, VIDEO TAPE -- PERMISSION REQUIRED FOR ARTIFICIAL ILLUMINATION

No photographs, motion pictures, or video tapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at City Council meetings without the consent of the Presiding Officer or a majority of the Council.

RULE 34. COUNCIL TRAVEL

- A. The Council may appropriate funds for Council travel in the legislative department of the annual City budget.
1. Any Councilmember who desires to expend Council travel funds, where the cost of such travel, lodging and meals would exceed \$150, shall complete the regular City "Training Attendance Request" form.
 2. Upon receipt by the City Manager, the completed form will be put in the Council packets for the next regular meeting. The City Manager shall bring the item to the floor under City Manager's Reports/Comments, and the Council shall act to approve, disapprove, or modify the request.

RULE 35. APPROVAL OF CITY MANAGER TRAVEL EXPENSE CLAIMS AND PERSONNEL ACTION FORMS

The Presiding Officer or designee will approve City Manager travel expense claims and Personnel Action forms.

RULE 36. VACANCIES IN COMMISSIONS AND BOARDS

Notices will be posted at all public buildings when vacancies exist in Commission-commission and Board board positions. Notices will request letters of interest and list any required qualifications.

RULE 37. PUBLICATION AND POSTING OF NOTICES FOR HEARINGS AND FORTHCOMING COUNCIL MEETINGS

- A. Public Hearings.
Except where a specific means of notifying the public of a public hearing is otherwise provided by law or ordinance, notice of upcoming public hearings before the City Council shall be given by one publication of notice containing the time, place, and date when the hearing is to be held and subject thereof, in the City's official newspaper at least ten (10) days before the date set for the hearing.
- B. Council Meetings.
The public shall be notified of the preliminary agenda for a forthcoming Council meeting by posting a copy of the agenda at the following four (4) public places at least twenty-four (24) hours in advance of the meeting:
1. Fircrest City Hall
 2. Fircrest Recreation Center Building
 3. Fircrest Public Safety Building
 4. Fircrest Public Works Facility

RULE 38. COUNCILMEMBERS' MAIL AND MESSAGES

- A. The majority of Council's mail is sent to City Hall. Unless marked "personal" or "confidential", staff opens and date stamps all mail unless notified by a Councilmember to leave it sealed. Each Councilmember is assigned a mail and message box, which is located in City Hall. All mail and messages will be included in Council packets.
- B. A message box will be maintained for "General Council Information" and will be located near the individual Councilmembers' mail and message boxes.
- C. Phone messages will be taken and placed in Council mail and message boxes. Councilmembers' home and work telephone numbers will be given to the general public upon request, unless a Councilmember has an unlisted phone number or requests that a number not be given.

RULE 39. REQUESTS FOR LEGAL OPINIONS

- A. It is the policy of the City that all requests for legal assistance from the City Attorney's Office which require a written response (opinion, resolution, or ordinance) be processed through the City Manager's office or with the approval of the Mayor in recognition that the City Attorney also serves the City Council as a whole.
- B. This policy shall not apply to requests made by motion of the Council or to routine matters that can be addressed over the phone or in person without a formal written response.

RULE 40. CODE OF ETHICS

The conduct of Councilmembers will be in compliance with F.M.C. 2.46 Conduct ~~Of~~of Public Officials. (See attachment)

RULE 41. MISCELLANEOUS

When Councilmembers register to attend an official conference requiring voting delegates, such as the annual National League of Cities or Association of Washington Cities, the Council shall designate the voting delegate(s) and alternate voting delegate(s) during a public meeting, by a majority vote; when possible, said selection of voting delegate(s) shall be done on a rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate.

RULE 42. SUSPENSION AND AMENDMENT OF RULES

Any provision of these rules not governed by state law or ordinance, may be temporarily suspended by a majority vote of the Council.

These rules may be amended, or new rules adopted, by a majority vote of the Council.

**FIRCREST CITY COUNCIL RULES OF PROCEDURES
RESOLUTION NO. ____**

SECTION I – GENERAL PROVISIONS

RULE 1. COUNCIL MEETING - LOCATION

All meetings of the City Council shall be held at the location (City Hall) specified in FMC 2.12.020 or other such location within the City as may be designated by resolution. Committee of the Whole meetings, study sessions, or retreats may be held at places that are reasonably accessible to the general public, whether within or without the corporate limits of the City.

RULE 2. COUNCIL MEETING - TIME

The regular meetings of the City Council shall be held at the times (2nd and 4th Tuesdays at 7:00 P.M.) specified in FMC 2.12.010. If a meeting falls on a holiday, it shall be held the next business day unless otherwise provided by Council. As specified in Rule 20(O), regular meetings of the City Council are not permitted to continue beyond 10:30 P.M. without approval of the majority of the Councilmembers who are present and eligible to vote.

RULE 3. COUNCIL MEETINGS - OPEN TO THE PUBLIC

All meetings of the City Council and of committees thereof shall be open to the public, except as provided for in RCW 42.30.110 or RCW 42.30.140 as amended.

RULE 4. ELECTION OF OFFICERS

Procedures for election officers are as follows:

- A. Biennially, at the first meeting of the new Council, the members thereof shall choose a chair from among their number who shall have the title of Mayor. In addition to the powers conferred upon him/her as Mayor, he/she shall continue to have all the rights, privileges and immunities of a member of the Council. If a vacancy occurs in the Office of Mayor, the members of the Council at their next regular meeting shall select a Mayor from among their number for the unexpired term. (RCW 35A.13.030)
- B. In conjunction with the above election, a Mayor Pro Tempore shall also be elected for a two-year term. An alternate Mayor Pro Tempore may also be elected periodically. (RCW 35A.13.035)
- C. The City Clerk shall call the meeting to order and shall chair the meeting until a new Mayor is elected. The above elections shall be by affirmative motion.

RULE 5. PRESIDING OFFICER

- A. The Mayor shall preside at all meetings of the Council, and be recognized as the head of the City for all ceremonial purposes. The Mayor has no regular administrative or executive purposes.
- B. Mayor Pro Tempore.
In case of the Mayor's absence or temporary disability, the Mayor Pro Tempore shall act as Mayor during the continuance of the absence. In case of the absence or temporary disability of the Mayor and the Mayor Pro Tempore, the City Clerk shall call the meeting to order and shall chair the meeting

until an alternate Mayor Pro Tempore is selected by members of the Council. The alternate Mayor Pro Tempore shall act as Mayor during the continuance of the absences or disabilities. An alternate Mayor Pro Tempore may be selected by the members of the Council.

C. The Mayor, Mayor Pro Tempore and Alternate Mayor Pro Tempore are referred to as "Presiding Officer" from time to time in these Rules of Procedure. (RCW 35A.13.030)

D. Presiding Officer's Duties.

It shall be the duty of the Presiding Officer to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. Control discussion in an orderly manner.
 - a. Every Councilmember who wishes an opportunity to speak must be recognized by the Chair.
 - b. Permit audience participation at the appropriate times.
 - c. Require all speakers to speak to the question and to observe the rules of order.
4. State each motion before it is discussed and before it is voted upon.
5. Put motions to a vote and announce the outcome.

RULE 6. QUORUM

At all meetings of the Council, four (4) Councilmembers, who are present and eligible to vote, shall constitute a quorum for the transaction of business. A less number may adjourn from time to time, provided that written notice of said adjournment be posted on the exterior City Hall front entry doors per RCW 42.30.090. Council meetings adjourned under the previous provision shall be considered to have been duly conducted for all purposes.

RULE 7. ATTENDANCE, EXCUSED ABSENCES

RCW 35A.12.060 provides that a Councilmember shall forfeit his/her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Members of the Council may be so excused by complying with this section. The member shall contact the Presiding Officer prior to the meeting and state the reason for his/her inability to attend the meeting. If the member is unable to contact the Presiding Officer, the member shall contact the City Manager or designee, who shall convey the message to the presiding Officer. Following roll call, the Presiding Officer shall inform the Council of the member's absence, state the reason for such absence, and excuse the member's absence. The Clerk will make an appropriate notation in the minutes. If another Councilmember questions the member's absence, the Presiding Officer shall inquire if there is a motion to excuse the member. This motion shall be non-debatable. Upon passage of such motion by a majority of members present, the absent member shall be considered excused and the Clerk will make an appropriate notation in the minutes.

RCW 35A.13.035 provides that in the event of extended excused absence or disability of a Councilmember, the remaining members by majority vote may appoint a Councilmember Pro Tempore to serve during the absence or disability.

RULE 8. SPECIAL COUNCIL MEETINGS

- A. A special meeting may be called by the Mayor or any four (4) members of the Council.
- B. Notice of the special meeting shall be prepared in writing by the Clerk. The notice shall contain the following information about the meeting: time, place, and business to be transacted.
- C. The notice shall be delivered by mail or personally to each Councilmember, the City Manager, and the business office of each local newspaper and radio and television station which has on file a written request for notice of special meetings. The notice must be delivered personally or by mail at least twenty-four (24) hours prior to the meeting.
- D. The notices provided in this section may be dispensed with in the circumstances provided by RCW 42.30.080, that is:
 - 1. As to any member who at or prior to the time of the meeting convenes files with the Clerk a written waiver of notice,
 - 2. As to any member who was actually present at the meeting at the time it convenes, and
 - 3. In the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.
- E. Final disposition shall not be taken on any other matter.

RULE 9. REGULAR COUNCIL MEETING AGENDA

- A. The City Manager or designee shall arrange a list of such matters ascending to the order of business and prepare an agenda for the Council with the concurrence of the Mayor.
- B. A copy of the agenda and Council packets containing supporting materials shall be prepared for Councilmembers and the City Manager on or before 4:30 P.M. two working days before a regular Council meeting.
- C. A copy of the agenda shall be prepared for the press on or before 4:30 P.M. two working days before a regular Council meeting.
- D. The Council shall have the option of deleting any item from the agenda or deferring an item on the agenda to a subsequent Council meeting. The Presiding Officer, one Councilmember, or the City Manager may introduce a new item to the agenda.

RULE 10. STUDY SESSIONS

- A. Study sessions may be designated as **Committee of the Whole Study Sessions** where no official action is contemplated. Study sessions may be held for the purpose of considering current issues of the City, coordinating the work of the City Council, and discussing draft ordinances, resolutions, and policy issues in detail. The City Clerk, under the direction of the City Manager and concurrence of the Mayor, shall arrange a Council work study session agenda for the Study Session. The Council study session agenda shall list the topics of discussion. After the proposed Council study session agenda has been approved by the City Manager, a copy of it along with any supporting materials shall be prepared for Councilmembers and the City Manager on or before 4:30 P.M. at least 24 hours before the Council study session.

- B. During the Council study session, the Presiding Officer may:
 - 1. introduce the subject and give background information;
 - 2. identify the eventual goal of the study session;
 - 3. act as facilitator to keep the meeting discussion focused to the subject; and
 - 4. alert the Council when it is appropriate to call for a motion or other official direction of the Council.
- C. Minutes shall be taken of Council study sessions recording the names of Councilmembers present, motions made, actions taken, and an account of business discussed.
- D. Standing study sessions may be set by the majority vote of the Council for specific dates and times.
- E. Study sessions shall be held to a two-hour time limit unless extended by a motion and voice vote.

RULE 11. CITY MANAGER

The City Manager shall have the powers and duties listed in RCW 35A.13.080, including having general supervision over the administrative affairs of the City and attending all meetings of the Council at which his/her attendance may be required by that body unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in the discussions of the Council, but shall have no vote. When the City Manager has an excused absence, the designee shall attend the meeting.

RULE 12. CLERK OF THE COUNCIL

The City Clerk shall be ex-officio Clerk of the Council and shall see that minutes are kept and shall perform such other and further duties in the meeting as may be required by the Council, Presiding Officer, or City Manager. In the absence of the City Clerk, the City Manager shall appoint another qualified person to act as Clerk of the Council.

RULE 13. CITY ATTORNEY

The City Attorney shall attend all regular meetings of the Council unless excused by the City Manager who will notify the Presiding Officer of the excused absence. The City Attorney shall, upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian and decide all questions of order. The Acting City Attorney shall attend meetings when the City Attorney has been excused if his/her attendance is required.

SECTION II –DUTIES AND PRIVILEGES OF MEMBERS

RULE 14. FORMS OF ADDRESS

The Mayor shall be addressed as "Mayor (surname)", "Your Honor", or "Mr./Madam Mayor". The Mayor Pro Tempore, when acting for the Mayor, shall be addressed as "Mayor Pro Tem (surname)". Members of the Council shall be addressed as "Councilmember (surname)".

RULE 15. SEATING ARRANGEMENT

Councilmembers shall occupy the respective seats in the Council Chambers assigned to them by the Mayor.

RULE 16. APPEARANCE OF FAIRNESS DOCTRINE AND ITS APPLICATION

A. Appearance of Fairness Doctrine Defined.

1. "When the law which calls for public hearings gives the public not only the right to attend but the right to be heard as well, the hearings must not only be fair but must appear to be so. It is a situation where appearances are quite as important as substance. The test of whether the appearance of fairness doctrine has been violated is as follows: Would a disinterested person, having been apprised of the totality of a board member's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided." *Zehring v. Bellevue*, 99 Wn.2d 488 (1983).

B. Types Of Hearings To Which Doctrine Applies.

1. The Appearance of Fairness Doctrine shall apply only to those actions of the Council which are quasi-judicial in nature. Quasi-Judicial actions are defined as actions of the City Council which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding.
2. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community or neighborhood plans or other land use planning documents, or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance. (RCW 42.36.010).
3. Some examples of quasi-judicial actions which may come before the Council are:
 - rezones or reclassifications of specific parcels of property
 - appeals from decisions of the Planning Commission
 - substantive appeals of threshold decisions under the State Environmental Protection Act, subdivisions, street vacations, and special land use permits

C. Obligations of Councilmembers, Procedure.

1. Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember or a Councilmember's business associate or a member of the Councilmember's immediate family. It could involve ex parte (outside the hearing) communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents or opponents, announced predisposition, and the like.

2. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If a potential violation exists, no matter how remote, the Councilmember should disclose such facts to the City Manager who may seek the opinion of the City Attorney as to whether a potential violation exists. The City Manager shall communicate such opinion to the Councilmember and to the Presiding Officer.
3. Anyone seeking to disqualify a Councilmember from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known or reasonably should have been made known prior to the issuance of the decision; upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. The party seeking to disqualify the Councilmember shall state with specificity the basis for disqualification; for example: demonstrated bias or prejudice for or against a party to the proceedings, a monetary interest in the outcome of the proceedings, prejudgment of the issue prior to hearing the facts on the record, or ex parte contact. Should such challenge be made prior to the hearing, the City Manager shall direct the City Attorney to interview the Councilmember and render an opinion as to the likelihood that an Appearance of Fairness violation would be sustained in superior court.
4. Should such challenge be made in the course of a quasi-judicial hearing, the Presiding Officer shall call a recess to permit the City Attorney to make such interview and render such opinion.
5. The Presiding Officer shall have sole authority to request a Councilmember to excuse himself/herself on the basis of an Appearance of Fairness violation. Further, if two (2) or more Councilmembers believe that an Appearance of Fairness violation exists, such individuals may move to request a Councilmember to excuse himself/herself on the basis of an appearance of Fairness violation. In arriving at this decision, the Presiding Officer or other Councilmembers shall give due regard to the opinion of the City Attorney.
6. Notwithstanding the request of the Presiding Officer or other Councilmembers, the Councilmember may participate in any such proceeding.

D. Specific Statutory Provisions.

1. Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning. (RCW 42.36.040)
2. A candidate for the City Council who complies with all provisions of applicable public disclosure and ethics laws shall not be limited under the Appearance of Fairness Doctrine from accepting campaign contributions to finance the campaign, including outstanding debts. (RCW 42.36.050)
3. During the pendency of any quasi-judicial proceeding, no Councilmember may engage in ex parte communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember:
 - a. places on the record the substance of such oral and written communications; and
 - b. provides that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a citizen and his or her elected official if the correspondence is made a part of the record, when it pertains to the subject matter of a quasi-judicial proceeding. (RCW 42.36.060)

E. Procedure on Application.

Any person making application for any action leading to a quasi-judicial hearing shall be provided with a document containing the following information:

1. the names and addresses of all members of the City Council, and the Planning Commission; and
2. a statement that if the applicant intends to raise an Appearance of Fairness issue, the applicant should do so at least two weeks prior to any public hearing. The applicant shall acknowledge receipt of such document.

RULE 17. DISSENTS AND PROTESTS

Any Councilmember shall have the right to express dissent from or protest against any ordinance or resolution of the Council and have the reason therefore entered in the minutes.

RULE 18. RULES OF ORDER

Robert’s Rules of Order Newly Revised shall be used as the guideline for conduct of Council Meetings, except in those cases where specific provisions contrary to Robert’s Rules are provided in these rules.

RULE 19. MOTIONS

All ordinances, resolutions, contracts and items of business that require Council approval prior to the expenditure of funds shall be in the form of an affirmative motion.

RULE 20. ORDER OF BUSINESS

The business of all regular meetings of the Council shall be transacted as follows; provided, however that the Presiding Officer may, during a Council meeting, rearrange items on the agenda to conduct the business before the Council more expeditiously. Further, any Councilmember may request additions, corrections, or other modifications to the agenda prior to or during a regular Council meeting.

- A. Call to order by the Presiding Officer.
- B. Pledge of Allegiance.
- C. Roll Call. (See Rule 7 for procedure to excuse an absence).
- D. Presiding Officer's Report.
- E. Public Comments (for items not on the agenda).
 1. Subjects either on the Consent Calendar or not on the current agenda. Any member of the public may request time to address the Council after first stating their name, address, and the subject of their comments. The Presiding Officer may then allow the comments subject to such time limitations as the Presiding Officer deems necessary, generally five (5) minutes. Following such comments the Presiding Officer may place the matter on the current agenda or a future agenda, or refer the matter to the City Manager for investigation and report.
 2. Subjects on the current agenda. Any member of the public who wishes to address the Council on an item on the current agenda shall make such request to the Presiding Officer at the time when comments from the public are requested. As an option, the Presiding Officer may invoke the sign-in procedure defined in Rule 21(A). The Presiding Officer shall rule on the appropriateness of public comments as the agenda item is reached. The Presiding Officer may change the order of

speakers so that testimony is heard in the most logical groupings, e.g. proponents, opponents, adjacent owners, vested interests, etc.

3. Any ruling by the Presiding Officer relative to the preceding two subsections may be overruled by a vote of a majority of members present.

F. Committee, Commission, and Liaison Reports.

G. Consent Calendar.

1. The City Manager, in consultation with the Mayor, shall set the following items of business on the Consent Calendar. Consent Calendar items shall consist of items that have been previously discussed or policies set by the Council and/or are so routine or technical in nature that passage is likely, such as, but not limited to, the following:
 - a. approval of vouchers/payroll warrants;
 - b. approval of minutes;
 - c. setting public hearings;
 - d. Communications requiring no action (e.g. liquor license renewals); and
 - e. Other items designated by the City Council by super majority vote of the City Council.
2. The Clerk of the Council shall read the Consent Calendar.
3. The proper Council motion on the Consent Calendar is as follows: “I move for adoption of the Consent Calendar.” This motion is non-debatable and will have the effect of moving to adopt all items on the Consent Calendar. Since adoption of any item on the Consent Calendar implies unanimous consent, any member of the Council shall have the right to remove any item from the Consent Calendar.
4. Therefore, prior to the vote on the motion to adopt the Consent Calendar, the Presiding Officer shall inquire if any Councilmember wishes an item to be withdrawn from the Consent Calendar. If any matter is withdrawn, the Presiding Officer shall place the item at an appropriate place on the agenda for the current or a future meeting. Items not removed shall be adopted by unanimous vote of the Councilmembers present without discussion.

H. Public Hearings (see Rule 21 for procedural details).

I. Unfinished Business.

1. All matters of business that have been presented to Council previously but which have not reached closure will be listed as sub-parts.
2. All necessary ordinances or resolutions will be included with sub-parts and listed by title.

J. New Business.

1. All matters of new business will be listed as sub-parts.
2. All necessary ordinances or resolutions will be included with sub-parts and listed by title.

K. City Manager Comments.

L. Department Head Comments.

M. Councilmember Comments.

N. Executive Session(s).

O. Adjournment.

No meeting shall be permitted to continue beyond 10:30 P.M. without approval of the majority of the Councilmembers who are present and eligible to vote. A new time limit must be established before taking a Council vote to extend the meeting. In the event that a meeting has not been closed or continued by Council vote prior to 10:30 P.M., the items not acted on shall be deferred to the next regular Council meeting, unless the Council, by majority vote of the members present, determines otherwise.

RULE 21. ACTIONS FOR A PUBLIC HEARING

(See appendix for full procedures):

A. Presiding Officer:

1. May require speakers to sign in with Clerk and may set time limits.
2. Asks Councilmembers if any reason requiring member to excuse themselves pursuant to Appearance of Fairness Doctrine. If answered in the affirmative, Councilmember excuses himself/herself and exits the Council Chamber.
3. Introduces item, opens hearing, announces rules of order:
 - If zoning amendment or zoning reclassification, asks parties to limit presentation to information within scope of legal standards and may ask Planner to announce legal standards.
4. Asks City Manager to describe matter under consideration.
5. Calls for proponents in quasi-judicial proceedings and speakers in non-quasi-judicial proceedings.
 - If zoning amendment or zoning reclassification may ask Planner to announce that site plans, artistic renditions, etc. in support of zoning amendment should be avoided and such plans are to go through the City's design review process through the Planning Commission.
6. Calls for additional proponents 3 times.
7. Call for opponents.
8. Calls for additional opponents 3 times.
9. Calls for proponents to speak in rebuttal.
10. Calls for Administration to introduce any material to subjects raised by proponents or opponents or alter initial recommendations.
11. Asks Councilmembers if questions and if so, appropriate person is recalled to podium.
12. Closes public hearing.
13. Asks if motion by any Councilmember
 - Must be in the form of affirmative motion.
 - Then ask for discussion by Council.
 - Asks administration for final comments/recommendations.
 - May ask Clerk to conduct a roll call vote.

RULE 22. VOTING

The votes during all meetings of the Council shall be transacted as follows:

- A. Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Councilmember, a roll call shall be taken by the Clerk. The Clerk shall call the names in an alphabetical sequence with the Mayor, as Presiding Officer, voting last. Names for subsequent votes will go down the alphabetical list and the Clerk will call on the next name in alphabetical sequence with the Mayor, as Presiding Officer, voting last. This rotating alphabetical sequence will be continued throughout the meeting during voting sequences.
- B. In case of a tie in votes on any proposal, the proposal shall be considered lost.
- C. Every member who was in the Council Chambers when the question was put, shall give their vote unless the Council, for special reasons, shall excuse the member by motion or unless the Councilmember is excused in accordance with Rule 16.
- D. The general rule is that when a Councilmember refuses to vote, such member is regarded as having voted with the majority.
 1. Neutrality in voting is frowned upon except when a Councilmember has a direct or pecuniary interest that would result in a conflict of interest or when participation is prevented due to the Appearance of Fairness Doctrine. In that instance, the refusal to vote shall not be considered as an affirmative vote.
 2. In all other instances, except as hereinafter noted, the rule is that when a quorum is present, members present and not voting are deemed to have voted with the majority.
 3. If the vote is tied with a member abstaining, such member will be considered as voting in the affirmative so that the proposition being considered passes.
 4. However, when an affirmative vote of a majority is required by statute or ordinance, a failure to indicate a yea or nay vote will be considered as a negative indication, as abstention cannot be considered in fulfilling such affirmative vote requirement. Most matters before Council merely require a concurrence of a majority and this would be considered to be an exception to the general rule.
 5. When abstaining from voting, Councilmembers must explain the basis for their abstention. If the reason involves a legitimate rationale for not voting, the abstention will not be considered as a vote for the majority. If the rationale does not involve disqualifying circumstances, the abstention will be counted as a vote with those voting in the majority, unless the noted exception outlined previously applies.
- E. The affirmative vote of at least a majority of the whole membership of the Council (4 Councilmembers) is required for the passage of:
 - ordinances;
 - grant or revocation of franchise or license;
 - any resolution for the payment of money;
 - any approval of warrants; and
 - any resolution pertaining to personnel actions.

- F. The affirmative vote of at least a majority of the whole Council plus one (5 Councilmembers) is required for the passage of:
- public emergency ordinances (which take effect immediately);
 - expenditures for any calamity, violence of nature, riot, insurrection, or war; and
 - budget amendments.
- G. The affirmative vote of at least a majority of the membership of Council who are present and eligible to vote is required for the passage of:
- motions or resolutions not subject to the provisions of RCW, FMC, or these rules as amended.

RULE 23. COMMITTEES

All Committee meetings shall be open to the public. The Committee structure of the Council and the procedures governing all committees shall be as follows:

- A. Committee of the Whole.
1. The only standing committee of the Council shall be the Committee of the Whole (COW), composed of the entire Council sitting as a legislative study committee. The Committee of the Whole shall not take any official action while in committee.
 2. The Presiding Officer chairs the COW.
- B. Special Ad Hoc Council Study Committees.
1. Special Ad Hoc Council Study Committees may be created by the Council for a particular purpose, or when the issue is so complex and time consuming that it cannot be reasonably handled at a Council or COW meeting.
 2. Ad Hoc Study Committees shall consist of three Councilmembers appointed by the Mayor.
 3. The Mayor shall appoint the Chair of Ad Hoc Study Committees.
 4. Special Ad Hoc Council committees shall sunset at the end of their mission, but no later than the end of each calendar year unless specifically continued by the Council thereafter for a specified time period.
- C. Special Ad Hoc Citizen Advisory Committees.
1. Special Ad Hoc Citizen Advisory Committees may be created by the Council for a particular purpose. Committee members shall be appointed by the Mayor, with the advice and consent of the Council.
 2. The Mayor shall appoint the Chair of the Committee.
 3. Ad Hoc Citizen Advisory Committees shall sunset at the end of each calendar year unless specifically continued by the Council thereafter for a specified time period.
 4. At least one Councilmember will be appointed as a member and liaison of a Citizen Advisory Committee.
- D. Committees may make recommendations on proposed programs, services, ordinances, and resolutions within their area of responsibility before action is taken by the Council. The Committee Chair may present the recommendations of the committee during the discussion of the item of business.
- E. Employees shall staff the various committees as directed by the City Manager, but no staff person shall serve as a member of a Council or citizen study committee.

F. Minutes need not be taken of committee meetings, except for the Committee of the Whole.

RULE 24. COUNCIL LIAISONS

- A. In order to build additional Council expertise in various areas of City operations, the Mayor shall designate functional areas and appoint a Councilmember, at the beginning of the fiscal year, to serve as a liaison to the City Manager. Functional areas for liaison assignments may include the following, though specific areas may be adjusted depending on the organization of the City:
- Parks and Recreation
 - Environment, Planning, Building
 - Administration
 - Finance, IT
 - Water, Sewer, Storm
 - Public Safety, Court
 - Streets, Facilities & Equipment
- B. The City Manager and respective department heads shall strive to provide liaisons with additional information beyond that normally provided to the Council as a whole, and to keep the liaisons abreast of developments, trends, conditions and issues in the various functional areas of City government.

RULE 25. ENACTED ORDINANCES, RESOLUTIONS, MOTIONS, AND PROCLAMATIONS

- A. An enacted **ordinance** is a legislative act prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs of the municipality. Council action shall be taken by ordinance when required by law, or to prescribe permanent rules of conduct which continue in force until repealed, or where such conduct is enforced by penalty.
- B. An enacted **resolution** is an internal legislative act which is a formal statement of policy concerning matters of special or temporary character. Council action shall be taken by resolution when required by law and in those instances where an expression of policy more formal than a motion is desired.
- C. An enacted **motion** is a form of action taken by Council to direct that a specific action be taken on behalf of the municipality. A motion, once approved and entered into the record, is the equivalent of a resolution in those instances where a resolution is not required by law.
- D. An enacted **proclamation** is an official announcement made by either the City Council or the Mayor on non-controversial events which have a major city-wide impact. Controversy is defined as a dispute, especially a lengthy and public one, between sides holding opposing views.

RULE 26. PROCLAMATIONS

- A. City Council Proclamations.
City Council proclamations shall be publicly read at a City Council meeting and presented to a representative of the event during the Council meeting.
- B. Mayor's Proclamations.
Are requested by a special interest group from within the City. Mayor's proclamations are signed by the Mayor and forwarded to a representative of the event.

- C. The Mayor and City Manager shall determine if the proclamation request is for a City Council proclamation or a Mayor's proclamation.

RULE 27. RESOLUTIONS

- A. Except for franchise resolutions as provided under Rule 28(B), a resolution may be put to its final passage on the same day on which it was introduced.
- B. The Presiding Officer will read a summary statement of the Resolution prior to its passage; provided, should a majority of the Councilmembers present request that the entire resolution or certain of its sections be read, such requests shall be granted.
- C. Printed copies shall be made available upon request to any person attending a Council meeting.
- D. Resolutions take effect immediately after they are approved by the vote of the Council, unless otherwise provided.

RULE 28. ORDINANCES

The procedure for ordinances is as follows:

- A. With the exception of franchise ordinances as provided below, an ordinance may be put to its final passage on the same day on which it was introduced.
 - 1. The Presiding Officer will read a summary statement of the Ordinance prior to its passage; provided, should a majority of the Councilmembers present request that the entire ordinance or certain of its sections be read, such requests shall be granted.
 - 2. Printed copies shall be made available upon request to any person attending a Council meeting.
 - 3. No ordinance shall contain more than one subject.
 - 4. An ordinance does not take effect until five days after date of publication, except for emergency situations.
- B. Franchises.

All resolutions and ordinances granting a franchise require two readings prior to adoption. The second reading must be at least five (5) days after the first reading.

 - 1. All franchise ordinances and resolutions may be passed only at a regular meeting of the Council; and at least four (4) Councilmembers must vote in favor of the franchise.
- C. Emergency Ordinances.

By vote of one more than the majority (5 Councilmembers), the City Council may, without notice or hearing, adopt an emergency ordinance authorizing expenditures for a public emergency as defined and prescribed in RCW 35.33.081.
- D. A Councilmember may, in open session, request of the Presiding Officer that the Council study the wisdom of enacting a particular ordinance. By affirmative motion, the Council may assign the proposed ordinance to a specific committee or the Committee of the Whole for study and consideration. The committee shall report its findings to the Council.
- E. If a motion to pass an ordinance fails, the ordinance shall be considered lost.
- F. Any ordinance amending or repealing any portion of the FMC shall also amend or repeal the respective portions of any underlying ordinance(s).

RULE 29. PERMISSION TO ADDRESS THE COUNCIL

Persons other than Councilmembers and management shall be permitted to address the Council upon introduction by the Presiding Officer or the chair of the appropriate Council committee.

RULE 30. RECONSIDERATION

- A. Any action of the Council, including final action on applications for changes in land use status; but excluding a reconsideration of any action previously reconsidered, motions to adjourn, motions to suspend the rules, an affirmative vote to lay on the table or to take from the table, or a vote electing to office one who is present and does not decline; shall be subject to a motion to reconsider.
 - 1. Such motions can be made only by a member of the prevailing side on the original action.
- B. A motion to reconsider must be made no later than the next succeeding regular Council meeting.
- C. A motion to reconsider is debatable only if the action being reconsidered is debatable.
- D. Upon passage of a motion to reconsider, the subject matter is returned to the table anew for any action the Council deems advisable.

RULE 31. COMPLAINTS AND SUGGESTIONS TO COUNCIL

When citizen complaints or suggestions are brought before the City Council not on an agenda, the Presiding Officer shall first determine whether the issue is legislative or administrative in nature and then:

- A. If legislative and a complaint about the letter or intent of legislative acts or suggestions for changes to such acts, and if the Council finds such complaint suggests a change to an ordinance or resolution of the City, the Council may refer the matter to a committee, Administration or the Committee of the Whole for study and recommendation.
- B. If administrative and a complaint regarding administrative staff performance, administrative execution or interpretation of legislative policy, or administrative policy within the authority of the City Manager, the Presiding Officer should then refer the complaint directly to the City Manager for his/her review if said complaint has not been so reviewed. The City Council may direct that the City Manager brief or report to the City Council when his/her response is made.

RULE 32. FILLING COUNCIL VACANCIES

- A. If a vacancy occurs in the office of Councilmember, the Council will follow the procedures outlined in RCW 42.12.070.
- B. To hold office as a Councilmember, the person must be a registered voter and a Fircrest resident for a period of at least one year prior.
- C. Where one position is vacant, the remaining members of the Council shall appoint a qualified person to fill the vacant position.
- D. Where two or more positions are vacant and two or more Councilmembers remain in office, the remaining Councilmembers shall appoint a qualified person to fill one of the vacant positions.
 - 1. The remaining Councilmembers and the newly appointed Councilmember shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled.
 - 2. If less than two Councilmembers remain in office, the County Council shall appoint a qualified person or persons to the Council until the Council has two members.

- E. If the City Council fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the County Council shall appoint a qualified person to fill the vacancy.
 - 1. If the County Council fails to appoint a qualified person to fill the vacancy within 180 days, the governor may be petitioned to appoint a qualified person to fill the vacancy.
- F. As provided in RCW 29A.24.191 and 29A.52.240, each person appointed serves until a qualified person is elected at the next Council election that occurs 28 days or more after the occurrence of the vacancy.
 - 1. A primary is held if time exists and more than two candidates file for the vacant office; otherwise, a primary shall not be held and the person receiving the greatest number of votes is elected.
 - 2. The person elected takes office immediately when qualified and serves the remainder of the unexpired term.
 - 3. If an election for the position that became vacant would otherwise have been held at this general election date, only one election to fill the position shall be held and the person elected to fill the succeeding term for that position shall take office immediately when qualified and shall serve both the remainder of the unexpired term and the succeeding term.

RULE 33. PHOTOGRAPHS, MOTION PICTURES, VIDEO TAPE -- PERMISSION REQUIRED FOR ARTIFICIAL ILLUMINATION

No photographs, motion pictures, or video tapes that require the use of flash bulbs, electronic flashes, flood lights, or similar artificial illumination shall be made at City Council meetings without the consent of the Presiding Officer or a majority of the Council.

RULE 34. COUNCIL TRAVEL

- A. The Council may appropriate funds for Council travel in the legislative department of the annual City budget.
 - 1. Any Councilmember who desires to expend Council travel funds, where the cost of such travel, lodging and meals would exceed \$150, shall complete the regular City "Training Attendance Request" form.
 - 2. Upon receipt by the City Manager, the completed form will be put in the Council packets for the next regular meeting. The City Manager shall bring the item to the floor under City Manager Comments, and the Council shall act to approve, disapprove, or modify the request.

RULE 35. APPROVAL OF CITY MANAGER TRAVEL EXPENSE CLAIMS AND PERSONNEL ACTION FORMS

The Presiding Officer or designee will approve City Manager travel expense claims and Personnel Action forms.

RULE 36. VACANCIES IN COMMISSIONS AND BOARDS

Notices will be posted at all public buildings when vacancies exist in commission and board positions. Notices will request letters of interest and list any required qualifications.

RULE 37. PUBLICATION AND POSTING OF NOTICES FOR HEARINGS AND FORTHCOMING COUNCIL MEETINGS

A. Public Hearings.

Except where a specific means of notifying the public of a public hearing is otherwise provided by law or ordinance, notice of upcoming public hearings before the City Council shall be given by one publication of notice containing the time, place, and date when the hearing is to be held and subject thereof, in the City's official newspaper at least ten (10) days before the date set for the hearing.

B. Council Meetings.

The public shall be notified of the preliminary agenda for a forthcoming Council meeting by posting a copy of the agenda at the following four (4) public places at least twenty-four (24) hours in advance of the meeting:

1. Fircrest City Hall
2. Fircrest Recreation Center Building
3. Fircrest Public Safety Building
4. Fircrest Public Works Facility

RULE 38. COUNCILMEMBERS' MAIL AND MESSAGES

A. The majority of Council's mail is sent to City Hall. Unless marked "personal" or "confidential", staff opens and date stamps all mail unless notified by a Councilmember to leave it sealed. Each Councilmember is assigned a mail and message box, which is located in City Hall. All mail and messages will be included in Council packets.

B. A message box will be maintained for "General Council Information" and will be located near the individual Councilmembers' mail and message boxes.

C. Phone messages will be taken and placed in Council mail and message boxes. Councilmembers' home and work telephone numbers will be given to the general public upon request, unless a Councilmember has an unlisted phone number or requests that a number not be given.

RULE 39. REQUESTS FOR LEGAL OPINIONS

A. It is the policy of the City that all requests for legal assistance from the City Attorney's Office which require a written response (opinion, resolution, or ordinance) be processed through the City Manager's office or with the approval of the Mayor in recognition that the City Attorney also serves the City Council as a whole.

B. This policy shall not apply to requests made by motion of the Council or to routine matters that can be addressed over the phone or in person without a formal written response.

RULE 40. CODE OF ETHICS

The conduct of Councilmembers will be in compliance with F.M.C. 2.46 Conduct of Public Officials. (See attachment)

RULE 41. MISCELLANEOUS

When Councilmembers register to attend an official conference requiring voting delegates, such as the annual National League of Cities or Association of Washington Cities, the Council shall designate the voting delegate(s) and alternate voting delegate(s) during a public meeting, by a majority vote; when possible, said selection of voting delegate(s) shall be done on a rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate.

RULE 42. SUSPENSION AND AMENDMENT OF RULES

Any provision of these rules not governed by state law or ordinance, may be temporarily suspended by a majority vote of the Council.

These rules may be amended, or new rules adopted, by a majority vote of the Council.

PUBLIC HEARING PROCEDURES

The procedures for a public hearing are as follows:

- A. Prior to the start of the “Comments from the Public” portion of the public hearing, the Presiding Officer may requires that all persons wishing to be heard shall sign in with the Clerk, giving their names and addresses, the agenda item, and whether they wish to speak as proponent, opponent, or otherwise. Any person who fails to sign in shall not be permitted to speak until all those who signed have done so. At any public hearing all persons who have signed in and wish to be heard shall be heard. However, the Presiding Officer shall be authorized to establish speaker time limits and otherwise control presentations to avoid repetition. In public hearings that are not of a quasi-judicial nature, the Presiding Officer, subject to concurrence of the majority of the Council, may establish time limits and otherwise control presentations. The Presiding Officer may change the order of speakers so that testimony is heard in the most logical groupings (i.e. proponents, opponents, adjacent owners, vested interests, etc.).
- B. The Presiding Officer introduces the agenda item, opens the public hearing, and announces the following Rules of Order.
 - (1) “ All comments by proponents, opponents, or the public shall be made from the speaker’s rostrum and any individual making comments shall first give their name and address. This is required because an official record of the public hearing is being made. If there is any appeal to Pierce County Superior Court, the court must make its decision on the basis of what was said here.”
 - (2) “It is not necessary to be a proponent or opponent in order to speak. If you consider yourself neither a proponent nor opponent, please speak during the proponent portion and identify yourself as neither a proponent nor an opponent.”
 - (3) “No comments shall be made from any other location, and anyone making ‘out of order’ comments may be subject to removal from the meeting.”
 - (4) “There will be no demonstrations during or at the conclusion of anyone’s presentation.”
 - (5) “These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and do ensure that no individual is embarrassed by exercising their right of free speech.”
- C. When Council conducts a hearing to which a Rule 16 (Appearance of Fairness) applies, the Presiding Officer will ask if any Councilmembers knows of any reason, which would require such member to excuse themselves pursuant to Rule 15. The form of the announcement is as follows: “ All Councilmembers should now give consideration as to whether they have:
 - (1) a demonstrated bias or prejudice for or against any party to the proceedings;
 - (2) a direct or indirect monetary interest in the outcome of the proceedings;
 - (3) a prejudgment of the issue prior to hearing the facts on the record; or
 - (4) ex parte contact with any individual, excluding Administrative staff, with regard to an issue prior to the hearing.

- E. The Presiding Officer calls upon City Management to describe the matter under consideration.
- F. The Presiding Officers calls for proponents in quasi-judicial proceedings and for speakers in non-quasi-judicial proceedings. When considering a zoning amendment or zoning reclassification the Presiding Officer or representative from the City's Planning Department shall announce;

“Site plans, artistic renditions, and the like in support of the zoning amendment should be avoided except as they help explain the terms of a concomitant agreement. Any graphic representations should be used for illustrative purposes only the Planning Commission or City Council should avoid indicating approval or disapproval of such plans, because the City of Fircrest has established a design review process through the City Planning Commission for such purposes.”

- G. The proponents or speaker now speak. (Note: If the City of Fircrest is the proponent, a member or members of the Administration shall be designated to give proponent and rebuttal testimony.)
- H. The Presiding Officer calls for additional proponents or speakers three times.
- I. In non-quasi-judicial proceedings, the Presiding Officer calls for opponents by announcing the following:
 - “At this time the opponents will have an opportunity to speak. Should any opponent have questions to ask of the proponents, ask the questions during your presentation? The proponents shall note the questions asked, and answer such questions when the proponent speaks in rebuttal. The proponent shall be required to answer any reasonable question, provided that the Presiding Officer reserves the right to rule any question out of order.”
- J. Opponents speak.
- K. The Presiding Officer calls for additional opponents three times.
- L. The Presiding Officer calls for proponents to speak in rebuttal. A proponent speaking in rebuttal shall not introduce new material. If the proponent does, or is allowed to do so, the opponents shall also be allowed to rebut the new elements.
- M. The Presiding Officer announces the following;
 - “At this time, I will inquire of the Administration as to whether there have been any misstatements of fact or whether the Administration wishes to introduce any material as to subjects raised by the proponents or opponents or alter in any regard its initial recommendations.”
- N. The Presiding Officer inquires as to whether any Councilmembers have any question to ask the proponent, opponents, speakers, or administration. If any Councilmember has questions, the appropriate individual will be recalled to the podium.
- O. The Presiding Officer closed the public hearing.
- P. The Presiding Officer inquires if there is a motion by any Councilmembers. If a motion is made, it shall be in the form of an affirmative motion. Following the motion and its section, discussion occurs among Councilmembers. The Presiding Officer may call on individual Councilmembers in the discussion.
- Q. The Presiding Officer inquires if there is any further discussion by the Councilmembers.
- R. The Presiding Officer inquires if there are any final comments or recommendations from Administration.

Chapter 2.46 CONDUCT OF PUBLIC OFFICIALS

Sections:

- 2.46.010 Purpose.
- 2.46.020 Definitions.
- 2.46.030 Acceptance of gift.
- 2.46.040 Interest in contracts prohibited – Exceptions.
- 2.46.050 Remote interests.
- 2.46.060 Personal or private interest (Optional).
- 2.46.070 Listing of real property.
- 2.46.080 Abstention at debate.
- 2.46.090 Confidentiality.
- 2.46.100 False charge of misconduct.
- 2.46.110 Violation – Penalty.

2.46.010 Purpose.

This title shall be known as the code of ethics of the city of Fircrest. It is recognized and established that high moral and ethical standards among city officials are vital and essential to provide unbiased, open and honest conduct within all phases and levels of government; that a code of ethics is a helpful aid in guiding city officials and to eliminate actual conflicts of interest in public office and to improve and elevate standards of public service so as to promote and strengthen the confidence, faith and trust of the people of the city of Fircrest in their local government. (Ord. 858 § 1, 1987).

2.46.020 Definitions.

For the purpose of interpreting and enforcing the code of ethics of the city of Fircrest the following definitions shall apply:

- (a) “Compensation” means anything of economic value, however designated, which is paid, loaned, advanced, granted or transferred for or in consideration of personal services to any person.
- (b) “Contract” includes any contract or agreement, sale, lease, purchase, or any combination of the foregoing.
- (c) “Contracting party” includes any person, partnership, association, cooperative, corporation, whether for profit or otherwise, or other business entity which is a party to a contract with the municipality.
- (d) “Public official” means all elected city officials, together with all appointed officers, including their deputies and assistants, who determine or are authorized to determine, policy within their respective office and who exercise or undertake to exercise any powers or functions of a municipal officer. (Ord. 858 § 2, 1987).

2.46.030 Acceptance of gift.

No public official shall receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor, from any person if such public official has reason to believe the donor would not grant or give such a gift, gratuity or favor but for the public official’s office or position within the city of Fircrest. (Ord. 858 § 3, 1987).

2.46.040 Interest in contracts prohibited – Exceptions.

No public official shall be beneficially interested, directly or indirectly, in any contract which may be made by, through, or under the supervision or direction of such public official, in whole or in substantial part, or which may

be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. The foregoing shall not apply to the exceptions specified in RCW 42.23.030 which are incorporated herein as if fully set forth. (Ord. 858 § 4, 1987).

2.46.050 Remote interests.

(a) A municipal officer shall not be deemed to be interested in a contract within the meaning of this chapter if he has only a remote interest in the contract and if the fact and extent of such interest is disclosed to the governing body of the city and noted in the official minutes or similar records of the city prior to the formation of the contract, and thereafter the governing body authorizes, approves or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer having the remote interest. As used in this section, a "remote interest" is:

- (1) That of a nonsalaried officer of a nonprofit corporation;
- (2) That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
- (3) That of a landlord or tenant of a contracting party;
- (4) That of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

(b) None of the provisions of this section shall be applicable to any officer interested in a contract, though his interest be only remote, who influences or attempts to influence any other officer of the city to enter into a contract. (Ord. 858 § 5, 1987).

2.46.060 Personal or private interest (Optional).

(a) Every public official who has a financial or other private or personal interest in any ordinance, resolution, contract, proceeding or other action pending before the city council or any of its committees, shall promptly disclose such interest at the first public meetings when such matter is being considered by the city council, on the records of the official council minutes, the nature and extent of such personal or private interest and the same shall be incorporated in the official minutes of the city council proceedings. Such disclosure shall include, but not be limited to, the following information which shall be submitted in writing by the public official, sworn to under penalty of perjury, to wit:

- (1) The name and address of any private business corporation, firm or enterprise affected by such council action of which the public official is or has been during the preceding 12 months a shareholder, bondholder, secured creditor, partner, joint entrepreneur or sole proprietor, whenever the total value of his individual or undivided legal and equitable financial interest therein is or at any time during the preceding 12 months has been in excess of \$1,500.
- (2) The name of any such private business or corporation, firm or enterprise of which such public official or his relatives are or have been during the preceding 12 months as officer, director, partner, attorney, agent, or employee, who, for services rendered during such preceding 12 months or to be rendered in any such capacity, has received or has been promised compensation in excess of \$1,500.
- (3) Every official or directorship held by such public official or his spouse in any corporation, partnership, sole proprietorship or like business enterprise, which conducts its business activities within the boundaries of the city of Fircrest and which is subject to any regulation or control by the city of Fircrest, and from which

such public official has received compensation or has been promised compensation during the preceding 12-month period in excess of \$1,500, or services or any other thing of value in excess of said amount.

(b) The foregoing provisions shall not apply to policies of life insurance issued to such public official or his spouse or members of his family, accounts in any commercial bank, savings and loan association or credit union, or similar financial institutions subject to regulation by the state of Washington or any other governmental agency having jurisdiction thereover. (Ord. 858 § 6, 1987).

2.46.070 Listing of real property.

Every public official of the city of Fircrest shall file with the city clerk a list containing a correct legal description of any and all real property located within the city limits in which any such public official has any interest whatsoever, as owner, purchaser, optionee, optionor, or any other proprietary interest, whenever such proprietary interest is in excess of \$1,500. The section does not apply to the resident's home of such official. (Ord. 858 § 7, 1987).

2.46.080 Abstention at debate.

Any such public official who is disqualified by reason of such personal, private or similar conflict of interest in any matter as defined, in this chapter, shall, after having made the required disclosure as set forth in this chapter, remove himself from his customary seat during such debate and, by permission of the presiding officer, leave the council chamber until such time as the matter at hand, from which such public official has been disqualified, has been disposed of in the regular course of business. (Ord. 858 § 8, 1987).

2.46.090 Confidentiality.

No public official shall disclose confidential information acquired by him by reason of his official position, nor shall he otherwise use such information for his personal gain and benefit. (Ord. 858 § 9, 1987).

2.46.100 False charge of misconduct.

Any person charging misconduct on the part of any public official, knowing such charge to be false or to have been recklessly made without a reasonable attempt to determine relevant facts and circumstances, shall be guilty of a misdemeanor. (Ord. 858 § 10, 1987).

2.46.110 Violation – Penalty.

Any contract made in violation of the provisions of this act shall be void and the performance thereof, in full or in part, by a contracting party shall not be the basis of any claim against the city. In addition, any officer violating the provisions of this act shall be liable to the city of Fircrest for a penalty in the amount of \$500.00, in addition to such other civil or criminal liability as may otherwise be imposed upon him by law. In addition to all other penalties, civil or criminal, the violation by any public officer of the provisions of this chapter shall work a forfeiture of his office. (Ord. 858 § 11, 1987).

The Fircrest Municipal Code is current through Ordinance 1613, passed January 23, 2018.

Disclaimer: The City Clerk's Office has the official version of the Fircrest Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

NEW BUSINESS: Motion to Unfreeze the 2nd Sergeant Position
ITEM 10D.

FROM: Scott Pingel, City Manager

RECOMMENDED MOTION: I move to unfreeze the second Sergeant position and direct the City Manager to work with the Civil Service Commission in hiring for the position.

PROPOSAL: This motion is to unfreeze the second Sergeant position, which would result in promoting one of our current police officers to Sergeant after going through a competitive process with the Civil Service Commission. The Memorandum of Agreement regarding Sergeant scheduling has been executed.

FISCAL IMPACT: The cost impact of promoting one of our current officers to Sergeant will be very minimal in 2018 since it is likely that we will not promote the new Sergeant until October or November. The impact in 2019 is approximately \$4,460.

ADVANTAGE: Adding the second Sergeant position has several advantages. It will allow for administrative duties to be split in a more effective manner, which will allow both sergeants to be in the community, on the road and helping other officers more often. This also brings our span of control closer to best practices. It also provides an opportunity for an additional sergeant to learn from Chief Cheesman and take advantage of leadership training.

DISADVANTAGES: The main disadvantage to adding the second Sergeant is the fiscal impact.

ALTERNATIVE: Not unfreeze the second Sergeant position, which keeps the Police Department at the status quo.

HISTORY: The second Sergeant position was budgeted for in the 2018 Budget. In discussing the need and benefits of the position, the City Council decided to freeze the position until the new City Manager came on board. Chief Cheesman discussed the need for and benefits of the position with the City Council at the July 16, 2018 study session where the general consensus of the council was that the Council should unfreeze the position as long as there was understanding with the Police Officers' Guild that the Sergeant shifts would not be bargained.

ATTACHMENT: [Memorandum of Agreement between the City and Police Officers' Guild](#)

MEMORANDUM OF AGREEMENT
BY AND BETWEEN
CITY OF FIRCREST, WASHINGTON
AND
FIRCREST POLICE GUILD
(Second Sergeant Position)

THIS MEMORANDUM OF AGREEMENT (MOA) is by and between the City of Fircrest, Washington ("City") and the Fircrest Police Guild ("Guild"), collectively the "parties," as follows:

WHEREAS, the City seeks to create a second Sergeant position for the Fircrest Police Department ("Department") to enhance officer supervision and law enforcement operations.

NOW, THEREFORE, the parties acknowledge and agree as follows:

1. If the 2018 budget provides sufficient funding, the City intends to hire a second Sergeant position;
2. The City has the right and sole discretion to hire or layoff; assign working hours and shifts; organize and reorganize the Department; determine job classifications and rank based upon duties assigned; and select, promote, or transfer of employees to supervisory or other managerial or technical positions;
3. The City has notified the Guild about its intention to hire a second Sergeant for the Department;
4. The Guild makes no demand to bargain the City's decision or effects of the second Sergeant position, including the assignment of this position's work and scheduling of work hours; and
5. This MOA is made on a nonprecedent setting basis.

WHEREFORE, this MOA is effective upon the final signature by the parties.

CITY OF FIRCREST, WASHINGTON

FIRCREST POLICE GUILD



Scott Pingel, City Manager



Chris Roberts, Guild President

8/17/18

Date

8/17/18

Date

Utility Billing and Accessory Dwelling Units (ADU's)

On 2/1/2017 the utility rate adjustment became effective and as a result we began an audit of all the billing processes. Accounts with an ADU were among those that were audited to ensure the proper billing procedure was being used. During this audit four accounts with an ADU were identified as being billed as Single Family Residential (SFR) and not as Multi-Family (MF). These four accounts holders were notified of this and the adjustments made to their utility fees and charges going forward. Notifications were mailed out on March 9, 2017. All but one account accepted the adjustment in their utility billing fees.

The one account that questioned the billing process was reviewed by staff and the correspondence to the account from the Public Works Director dated April 11, 2017 (see attached) and the City Attorney dated June 1, 2017 (see attached) explains the City's position. A water connection is equivalent to a dwelling unit.

As a result of this interpretation, staff reviewed the current code wording to see if further clarification could be done. It was found that Chapter 21.04.030 could be modified to further clarify how the billing is done based on dwelling units. See attached red line changes for this section. This billing method is consistent with all accounts that have more than one dwelling unit served by a meter.

In doing a comparison of utility rates, staff also inquired with other utilities on how they handle utility billing for ADU's. The utilities that were contacted were the same as those utility rates that were reviewed. Those utilities bill based on following:

1. STEILACOOM:
Bills as a pro-rated rate based on SFR and MF (Single Family Detached Apt)
2. ORTING:
Bills Based on the # of meters at a location for all accounts (SFR and MF)
3. GIG HARBOR:
Bills as Multi-Family and are consistent with the City of Fircrest billing procedures for ADU's.
4. PUYALLUP:
Bills as Multi-Family and are consistent with the City of Fircrest billing procedures for ADU's.
5. TACOMA:
Bills as Multi-Family and are consistent with the City of Fircrest billing procedures for ADU's.



THE CITY OF FIRCREST

PUBLIC WORKS

April 11, 2017

Brian L. McCoy

13554 So Medina Circle

Riverton, UT. 84065

Re: Robert McCoy, Acct. no. 2088

Property address 106 Holly Ct.

Dear Mr. McCoy.

I am in receipt of your letter of April 3, 2017 regarding the above referenced account. First let me say that in the past year, the City has been reviewing our rates and billing procedures as they were in need of updating as they have not been updated in the last 10 years. As a result of this review, the Accessory Dwelling Unit billing was reviewed and evaluated. The letter you received from Vicky Walston was to provide you notification of this updated information.

As part of the review, all codes were reviewed and updated. In accordance with our codes, the ADU is billed as a multiple dwelling unit as defined in FMC 21.04.060.

While I can certainly understand your father's situation and appreciate your concerns, the City must conform to the FMC and standards we have adopted and be consistent in billing each account accordingly. If exceptions were to be made than the billing system would not work.

The City will not be rolling back the increase nor how we bill ADU's for this isolated account. Therefore the conditions of Vicky Walston's letter remain.

Sincerely,



Jerry Wakefield

Public Works Director

Cc: Robert McCoy

Vicky Walston



THE CITY OF FIRCREST

115 RAMSDALL STREET • FIRCREST, WASHINGTON 98466-6999 • (253) 564-8901 • FAX (253) 566-0762

June 1, 2017

Mr. Brian McCoy
13554 S. Medina Circle
Riverton UT 84065

Dear Mr. McCoy:

Re: Robert McCoy, Acct no. 2088, Property Location: 106 Holly Ct.

Thank you for giving us the opportunity to look into, meet with and discuss the matter with our staff and attorney. In your letter(s) you quote codes located in the Fircrest Municipal Code (FMC) chapter 22 which is for Land Development and not FMC chapter 20 & 21 which pertains to Utility Billing.

The standards and criteria listed in FMC 22.58.012(c) are intended to address appearance and functionality, not how utilities are billed.

With respect to Mr. McCoy's account, we completed an audit where it was found his account was not being charged as per our FMC as it relates to utility billing. This is the reason his rate "doubled".

Sewer Charges

According to FMC 20.12.010 (a) In-City Residential, Residential and multiple dwelling units located within the city limits and connected to the sewer system of the city shall pay a bimonthly sewer service base charge plus a sewage treatment user charge, *per dwelling unit*. The City of Fircrest bills a sewer service base charge at \$39.60/month for each dwelling unit plus a sewage treatment user charge at \$30.20/month for each dwelling unit, utility bills are generated and billed on a bimonthly billing cycle.

Storm Water Charges

Storm water charges remain the same with the exception of the rate increase.

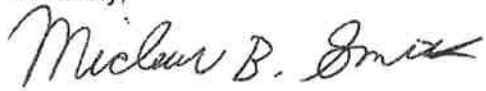
Water Charges

According to FMC 21.04.030 (a) "A bimonthly ready to serve charge for each meter regardless of size, *per connection*, shall be billed per the following table." Although there is only one meter, the code states there may be more than one connection per meter. Connection in this context is interpreted to mean each individual unit using the meter. This has been the City's consistent practice and mirrors how sewer is billed. That is why you are billed for two ready to serve charges. The City of Fircrest bills a water ready to serve charge at \$17.00/month for each connection (dwelling unit). Again utility bills are generated and billed on a bimonthly billing cycle.

Mr. Brian McCoy
June 1, 2017
Page 2

I hope this provides clarification of this account. We would also like to point out that once an error has been identified, we are obligated to fix it. Our goal has only been to rectify the error moving forward and we have no intent to address past bills.

Sincerely,

A handwritten signature in cursive script that reads "Michael B. Smith". The signature is written in black ink and is positioned above the typed name.

Michael B. Smith
City Attorney

Chapter 21.04

DRAFT

SERVICE WITHIN CITY

DRAFT

Sections:

- 21.04.010 Title and citation.
- 21.04.020 Applicability.
- 21.04.030 Residential rate.
- 21.04.031 *Repealed.*
- 21.04.040 Commercial rate.
- 21.04.050 Separate irrigation service.
- 21.04.060 Multiple dwellings defined.
- 21.04.080 Commercial use of portion of dwelling unit.
- 21.04.090 Connection size.
- 21.04.100 Meters – Right of entry.
- 21.04.110 *Repealed.*
- 21.04.120 Connections required by the city – Notice to consumer.
- 21.04.130 Service connection fee and meter drop-in fee.
- 21.04.140 Temporary service.
- 21.04.170 Costs of making connection – Extension of mains charge.
- 21.04.180 Connections to be made by city employees only.
- 21.04.190 Repairs and trouble calls.
- 21.04.200 Resale prohibited.
- 21.04.210 City not liable for private damage.
- 21.04.240 Fluoridation of water.
- 21.04.250 Sprinkling regulations authorized – Penalty for violation.
- 21.04.260 Severability.

DRAFT

21.04.010 Title and citation.

This title shall be known and may be cited or referred to as the water ordinance of the city. (Ord. 279 § 1, 1955).

21.04.020 Applicability.

The city will supply and sell water when and as available, both for domestic and commercial use and consumption within and without corporate limits of the city. (Ord. 941 § 1, 1989; Ord. 279 § 2, 1955).

21.04.030 Residential rate.

Water furnished by the city of Fircrest for single-family residential and multiple dwelling units use ~~and consumption~~ within ~~and outside Fircrest~~ city limits ~~shall be furnished through metered connections and~~ shall be charged ~~for on the following basis as follows:~~

(a) ~~In-City Residential Ready to Serve Charge. A bimonthly ready to serve charge for each meter regardless of size, per connection, Residential and multiple dwelling units located within the city limits shall pay a bimonthly ready to serve charge, per dwelling unit, regardless of meter size, and~~ shall be billed in accordance with the following schedule:

Residential and Multiple Dwelling Water Ready to Serve Charge

Year	2017	2018	2019
Ready to Serve Charge	\$34.00	\$35.50	\$37.00

(b) ~~Water Consumption. A charge for w~~Water consumed through each meter shall be billed in accordance with the following schedule ~~and shall be calculated based on the number of dwelling units:~~

Consumption Tier for Residential and Multiple Dwelling Units

DRAFT

	2017	2018	2019
Tier 1 (0 – 1,000 cf)	\$0.0100	\$0.0104	\$0.0109
Tier 2 (1,001 – 4,000 cf)	\$0.0150	\$0.0157	\$0.0163
Tier 3 (4,001 – + cf)	\$0.0250	\$0.0261	\$0.0272

DRAFT

(c) Water furnished by the city of Fircrest for single-family residential and multiple dwelling units use and consumption outside the Fircrest city limits shall be charged as outlined in subsections (a) and (b) of this section with an additional bimonthly surcharge of \$25.00 per dwelling unit.

(d) All rates and charges imposed by this section shall be collected in full for service furnished during any month or fractional month. (Ord. 1589 § 1, 2016; Ord. 1446 § 1, 2007; Ord. 1365 § 1, 2005; Ord. 1287 § 1, 2001; Ord. 1119 § 1, 1996; Ord. 1086 § 1, 1994; Ord. 1016 § 1, 1992; Ord. 979 § 1, 1990; Ord. 891 § 1, 1988; Ord. 745 § 1, 1980).

21.04.031 Nonresidential rate.

Repealed by Ord. 1365. (Ord. 941 § 2, 1989).

21.04.040 Commercial rate.

Water furnished by the city of Fircrest for commercial or industrial use and consumption within the Fircrest city limits ~~shall be furnished through metered connections and~~ shall be charged ~~for on the following basis as follows:~~

(a) Commercial or Industrial Ready to Serve Charge. Commercial and Industrial businesses located within the city limits shall pay a bimonthly ready to serve charge ~~for each meter regardless of size, per connection, shall be in~~ accordance with the following schedule:

Commercial Water Ready to Serve Charge

Year	2017	2018	2019
Ready to Serve Charge	\$34.00	\$35.50	\$37.00

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(b) A charge for water consumed through each meter shall be in accordance with the following schedule:

Consumption Tier for Commercial Units

	2017	2018	2019
Tier 1 (0 – 2,000 cf)	\$0.0120	\$0.0124	\$0.0129
Tier 2 (2,001 – 4,200 cf)	\$0.0170	\$0.0177	\$0.0183
Tier 3 (4201 – + cf)	\$0.0270	\$0.0281	\$0.0292

(c) Where more than one commercial business, suite or establishment receives water through a single metered connection, each separate ~~commercial business~~ commercial suite or establishment shall be charged a separate ready to serve charge that will include the same rate schedule as listed above.

(d) All rates and charges imposed by this section shall be collected in full for service furnished during any month or fractional month. (Ord. 1589 § 2, 2016; Ord. 1287 § 2, 2001; Ord. 1119 § 2, 1996; Ord. 1098 § 3, 1995; Ord. 1086 § 2, 1994; Ord. 1016 § 2, 1992; Ord. 979 § 2, 1990; Ord. 891 § 2, 1988; Ord. 745 § 2, 1980).