

CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

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

PRESIDING OFFICER'S REPORT

A. Tacoma Fire Chief Toryono Green

Recently appointed Tacoma Fire Chief Toryono Green introduced himself to the Council and commented on the transition and partnership to both organizations.

B. Tacoma Fire Programs Update: Mike Fitzgerald

Tacoma Fire Department FD CARES Program Manager Laura Morris provided an overview of the opioid response plan and program, stating a mobile outreach unit would be dispatch in coordination with the Safe Station program in July. After a brief discussion, Viafore thanked retiring Tacoma Fire Department Assistant to the Chief, Budget and Finance, Michael Fitzgerald, for his years of service and the Tacoma Fire Department representatives for assisting the City's fire service.

C. Community Center and Pool Project

City Manager Pingel stated staff was working on finalizing the pool and bathhouse bid documents. Parks and Recreation Director Grover reported on the existing pool's repair progress, stating the pool opening would be delayed to June 4, 2019 due to maintenance repairs and staff training. There was a brief discussion on acknowledging ACME Roofing for the pool liner repairs and confirming that the bid would include a ductless heating/cooling system in the party room and that the commercial grade kitchen would require a fire suppression per the Health Department. Viafore requested Planning Department staff to inquire with the City's inspector to determine whether a fire suppression system would be required with an electric oven and no deep fryer.

PUBLIC HEARING

A. 2020-2025 Transportation Improvement Plan

At 7:23 P.M., Viafore opened the public hearing and Public Works Director Wakefield briefed the Council on the 2020-2025 Transportation Improvement Program (TIP), stating the TIP was a guidance document throughout the budgetary planning process, would serve as the adopted priority list of projects to be completed in the future, and that it would be included in regional and State planning documents as well. Wakefield indicated the TIP would provide staff with a guidance document to apply for grant opportunities. Wakefield called attention to updates that would be made in the final draft, which include updating the motor vehicle fuel tax fund section and allocations to #1 Major Pavement Patching in Table 1. Wakefield briefed the Council on the Department of Ecology's comments. Viafore invited councilmember comment; Surina inquired about grant opportunities for improvements along routes to schools and converting the City's acorn street lights to LED. Viafore requested to reprioritize and switch #12 Alameda Ave: 44th St to Emerson St (\$300,000 in 2022) with #14 Emerson St: Alameda Ave to Woodside Dr (\$380,000 in 2023), stating #14 should be done sooner as it served a transit line. Viafore invited public testimony; there were none. At 7:32 P.M., Viafore closed the public hearing.

PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Viafore invited public comment; there were none.

COMMITTEE, COMMISSION, AND LIAISON REPORTS

A. Parks and Recreation

Wittner was absent and no report was provided.

B. Pierce County Regional Council

Reynolds reported that the recent meeting included presentations from the cities of DuPont and University Place on infrastructure and climate change, and commented on the October 10, 2019 General Meeting and investpiercecounty.com web tool.

C. Public Safety, Courts

Surina reported on the I-1639 unfunded mandates; there was a brief discussion on public disclosure, background and mental health checks, secure lock-ups, and partnership.

D. Street, Water, Sewer, and Storm Drain

Nixon had no report to provide.

E. Other Liaison Reports

There were none.

CONSENT CALENDAR

Viafore requested the City Clerk read the Consent Calendar as follows: approval of Voucher No. 213036 through Voucher Check No. 213120 in the amount of \$452,614.30; and approval of Payroll Check No. 13642 through Payroll Check No. 13646 in the amount of \$109,223.84. **Reynolds MOVED to approve the Consent Calendar as read; seconded by Nixon. The Motion Carried (4-0).**

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

A. Ordinance: FMC 14.08 Tree Planting and Maintenance

Public Works Director Wakefield briefed the Council on the proposed amendments to Fircrest Municipal Code (FMC) 14.08 Tree Planting and Maintenance, stating these amendments would update the City's urban forestry program and a requirement to qualify for Tree City USA recognition. **Reynolds MOVED to adopt Ordinance No. 1637, amending Ordinance No. 244 Section 1 and FMC 14.08.010 relating to Purpose; adding a new section FMC 14.08.015 relating to Definitions; amending Ordinance No. 244 Section 2 and FMC 14.08.020 relating to Applicability; adding a new section FMC 14.08.025 relating to Jurisdiction; amending Ordinance No. 244 Section 3 and FMC 14.08.030 relating to Tree Care, Planting, Removing and Replacement; amending Ordinance No. 244 Section 5 and FMC 14.08.050 relating to Interfering or Hazardous Trees; amending Ordinance No. 244 Section 6 and FMC 14.08.060 relating to Enforcement; amending Ordinance No. 244 Section 7 and FMC 14.08.070 relating to Appeals; repealing Ordinance No. 244 Section 8 and FMC 14.08.080; repealing Ordinance No. 244 Section 9 and FMC 14.08.090;**

repealing Ordinance No. 244 Section 10 and FMC 14.08.100; and amending Ordinance No. 987 Section 37 and FMC 14.08.110 relating to Penalty for Violations; seconded by Nixon. Viafore invited councilmember comment; Reynolds commented on her support of the proposed amendments to the ordinance. Viafore invited public comment; none were provided. **The Motion Carried (4-0).**

B. Ordinance: Use of a Hearing Examiner

Planning and Building Administrator Stahlnecker briefed the Council on the proposed ordinance that would amend various chapters of Title 12 and Title 22 to address changes to the hearing examiner system with the City of Fircrest. Stahlnecker stated the proposal to use a hearing examiner for quasi-judicial applications was discussed by the Planning Commission at its August 16, 2018 study session and October 6, 2018 public hearing where they made a recommendation for approval. **Surina MOVED to adopt Ordinance No. 1638, to amend various chapters of Title 12 and Title 22 to address changes to the hearing examiner system with the City of Fircrest; seconded by Nixon.** Viafore invited councilmember comment; Surina inquired on the scope of the hearing examiner and whether the hearing examiner would have sole authority or could work with the Planning Commission. Stahlnecker indicated the proposed amendments would transfer quasi-judicial applications from the Planning Commission to the hearing examiner as the examiner would ensure legal procedures and land use code were followed and free the Council from the constraints of the Appearance of Fairness Doctrine. Reynolds inquired if the recommendation by the Planning Commission at its October 6, 2018 meeting was unanimous and whether this item should be deferred to a future Council meeting for consideration by a larger presence of councilmembers. Stahlnecker confirmed the Planning Commission vote was unanimous. There appeared to be a general consensus to move forward with the action item. Viafore commented on the City's success rate as it related to land use litigation and of his appreciation of the staff's efforts, and stated he would be a proponent of the proposed amendments. Viafore invited public comment; none were provided. Viafore requested a roll call vote: Nixon – Yes; Reynolds – No; Surina – Yes; Viafore – Yes. **The Motion Failed (1-3) with Reynolds casting the dissenting vote and George, Wittner, and Waltier absent.**

C. Ordinance: Amending FMC 23.08.110 Powers and Duties of the Planning Commission

Stahlnecker briefed the Council on the proposed ordinance that would amend the duties and powers of the Planning Commission to reflect the changes related to using a hearing examiner for quasi-judicial land use issues, stating this was a companion ordinance to the adopted amendments in Title 12 and Title 22. **Reynolds MOVED to adopt Ordinance No. 1639, amending Ordinance No. 798 Section 1 and FMC 23.08.110 relating to Powers and Duties; seconded by Surina.** Viafore inquired if the motion was sufficiently described; City Attorney Smith confirmed it was sufficient. Viafore invited councilmember comment; there were none. Viafore invited public comment; none were provided. **The Motion Carried (4-0).**

D. Resolution: Hearing Examiner Services Agreement

Stahlnecker briefed the Council on the proposed professional services agreement with Olbrechts & Associates, PLLC for hearing examiner services, stating Mr. Olbrechts had a schedule conflict and would be able to attend the June 11, 2019 Council meeting to introduce himself to the Council. **Reynolds MOVED to adopt Resolution No. 1587, authorizing the City Manager to execute an agreement between Olbrechts & Associates, PLLC and the**

City of Fircrest for hearing examiner services; seconded by Nixon. Viafore invited councilmember comment; Viafore commented on his concerns regarding the hearing examiner ability to appoint an alternate and stated he would not be in favor of the contract that would authorize an alternate. Pingel and Stahlnecker commented that they did not anticipate the usage of an alternate due to the anticipated infrequent need of the hearing examiner's services and that staff would coordinate the hearing examiner's and applicant's availability. City Attorney Smith indicated the proposed agreement included language that restricted subletting or assigning without the City's consent, and Pingel confirmed that the administration would not consent to an alternate per the Council's direction. Viafore invited public comment; none were provided. **The Motion Carried (4-0).**

E. Resolution: Police Copier Machine Lease Agreement

Finance Director Corcoran briefed the Council on the proposed execute a sixty month lease and maintenance agreement with Copiers Northwest to replace the current Police copier. **Surina MOVED to adopt Resolution No. 1588, authorizing the City Manager to execute a sixty month agreement with Copiers Northwest to provide a copier and maintenance agreement for the Police Department; seconded by Reynolds.** Viafore invited councilmember comment; none were provided. Viafore invited public comment; none were provided. **The Motion Carried (4-0).**

F. Mailing Machine Lease Agreement

Finance Director Corcoran briefed the Council on the proposed sixty month lease agreement with Pacific Office Automation to provide a digital mailing system. **Surina MOVED to adopt Resolution No. 1589, authorizing the City Manager to execute a sixty month agreement with Pacific Office Automation for a lease agreement to provide a digital mailing system; seconded by Reynolds.** Viafore invited councilmember comment; Viafore commented on the agenda summary not including information about the bidding results. Corcoran briefed the Council on the bid proposals. Surina commented on the transition from Pitney Bowes to Pacific Office Automation. Viafore invited public comment; none were provided. **The Motion Carried (4-0).**

G. 1st Quarter Financial Review

Corcoran briefed the Council on the on the first quarter review of the 2019 financial report as of March 31, 2019. Corcoran indicated General Fund revenues for the first quarter of 2019 were close to anticipated. Corcoran stated the total General Fund revenue was only at 20% of budget due to the property tax not being received by the City until May 2019. Corcoran briefed the Council on General Fund expenditures, stating that the City should be at 25% or less in expenditures of the total General Fund budget by the end of the first quarter. Corcoran provided a comparison of Operating revenue to expenditures, indicating operating revenue was \$70,919 less than expenditures and when including capital and non-revenues and expenditures the ending fund balance at the end of the first quarter decreased by \$304,981 due to the property tax not being received this quarter. Viafore invited councilmember comment; Surina commented on the presenting the graphics in a different way so that the large amounts would not visually distort the smaller amounts.

H. Motion: Budget Adjustment – Public Works Generator

Corcoran briefed the Council on the proposed request to reallocate the funds necessary to replace the electrical transfer panel for the Public Works generator. **Reynolds MOVED to authorize the Finance Director to reallocate the funds necessary to replace the electrical transfer panel for the Public Works generator; seconded by Nixon.** Viafore invited councilmember comment; Viafore clarified that it was understood that up to \$24,000 would be reallocated for the funds necessary to replace the electrical panel. Viafore invited public comment; none were provided. **The Motion Carried (4-0).**

CITY MANAGER COMMENTS

Pingel requested feedback from Council on the Click! Network efforts and what role the City should take. After a brief discussion, there was a general consensus to remain on the sidelines and that the City would not take any direct role.

Pingel brought attention to a citizen comment thanking the City for the flags display. There was a brief discussion on including citizen feedback in the Town Topics, and subsequently, the criteria and policy surrounding that.

DEPARTMENT HEAD COMMENTS

- Police Chief Cheesman reported on a May 27, 2019 hit and run incident in the area of Orchard and Emerson, stating there were multiple victims and no injuries, and that the suspect was apprehended and booked on for hit and run, vehicular assault, and for reckless driving. Reynolds requested that Council should be notified of such events and to notify the public that the suspect was in custody. Nixon inquired if the suspect was under the influence or diabetic; Cheesman indicated he did not appear to be intoxicated or suffering from low blood sugar, and that the suspect admitted his actions were intentional. Cheesman indicated that the Police Department would be participating in the Special Olympics Torch Run on May 31, 2019.
- Wakefield reported on the High Tank painting project progress, indicating the project would be weather dependent, initiate mid-June, and completed within a 60-day window, and that the tank color would be London fog.
- City Attorney Smith called attention to Item #10B – Ordinance: Use of a Hearing Examiner, stating that the motion had failed due it not achieving at least a majority of the whole membership of Council (4 councilmembers) as prescribed in Rule 22E in the Council Rules of Procedures. There was a brief discussion on how to bring this item back to Council for reconsideration; Smith indicated that the councilmember who casted the dissenting vote would have to bring a motion to reconsider and that he would review Roberts Rules with staff to confirm.

COUNCILMEMBER COMMENTS

- Reynolds and Nixon had no comment.
- Surina inquired about a recent rental refund; Grover indicated he would research and report back. Surina inquired if it would be possible to have a police presence in the pool and bathhouse during the off-season; Pingel indicated there were plans to have a police desk station in the community center and would look into the feasibility in the pool and bathhouse area.
- Viafore inquired if any progress had been made with residents on the 1300 block of Berkeley Buena Vista avenues regarding a sewer line; Wakefield indicated there had been no outreach efforts to date, however, that it was in this year's work plan to do. Viafore inquired if the City would have an opportunity to participate in the planning process of the new storage development on Orchard Street in the City of Tacoma; Pingel reported that the City had not been provided notice and that staff had reached out to the City of Tacoma to obtain project information. Pingel indicated staff would assemble project information and share it with Council within the next few weeks.

EXECUTIVE SESSION

None scheduled.

ADJOURNMENT

Reynolds MOVED to adjourn the meeting at 8:51 P.M., seconded by Nixon. The Motion Carried (4-0).



David M. Viafore, Mayor Pro Tempore



Jessica Nappi, City Clerk