

FIFE CITY COUNCIL
Regular Meeting Minutes
October 25, 2011

EXECUTIVE SESSION

An Executive Session was held in the Council Conference Room at 6:00 PM for the purpose of discussing potential litigation and personnel matters. All Council members, City Attorney Combs and City Manager Zabell were present. The Executive Session ended at 6:50 PM with no action taken.

CALL TO ORDER & ROLL CALL

Mayor Johnson called the Regular Meeting of the Fife City Council to order at 7:02 p.m.

Present: Mayor Johnson, Mayor Pro Tem Cerqui, Councilmembers Godwin, Roscoe, Hulcey and Hull.

Excused/Absent: None

Staff Present: City Manager Dave Zabell, Finance Director David DeGroot, Public Works Director Russ Blount, Community Development Planner Chris Pasinetti, Chief of Police Brad Blackburn, City Attorney Loren Combs, Acting City Clerk/Executive Assistant Andrea Edwards and Administrative Assistant Jan Kurz.

Staff Excused/Absent: Parks, Recreation and Community Services Director Kurt Reuter.

PLEDGE OF ALLEGIANCE

Councilmember Godwin led the Pledge of Allegiance.

CONSENT AGENDA

Mayor Johnson presented the following items for consideration on the Consent Agenda:

- Approval of Minutes of August 23, 2011 and September 13, 2011
- Approval of Payroll Vouchers: #48165 – 48198 \$406,508.88
- Approval of Claims Vouchers: #84265 – 84387 \$766,599.51
- Ordinance No. 1752-ORD2011 Updating FMC – 8.12 Fireworks

It was moved by Councilmember Godwin to accept the consent agenda as presented. Mayor Pro Tem Cerqui seconded the motion and the motion carried unanimously.

PRESENTATIONS & PROCLAMATIONS

Halloween Youth Carnival Promo

Police Specialists Lisa Duszynski and Edgar Sarkisyan gave a brief presentation to promote this year's carnival. The Annual Halloween Youth Carnival is sponsored by the City of Fife Police Department.

General Fund Public Works Department and Special Revenue Funds - 2012 Budget

City Manager Zabell made a brief presentation about the General Fund for the Public Works Department and Special Revenue Funds for 2012 Budget.

PUBLIC HEARINGS

First Public Hearing on the 2012 Budget

State law requires the City to hold two public hearings prior to final adoption of its annual Budget; this is the first required public hearing to take public comment on the Preliminary 2012 Annual Budget. On

October 11, 2011 Council held the required Revenue Hearing and set the annual property tax levy. The second required public hearing on the 2012 budget is scheduled for November 8, 2011.

The Preliminary 2012 Annual Budget is the City Manager's recommendation to the City Council. It was developed through an extensive process which included Council policy decisions obtained through a series of Council budget study sessions and department director requests and recommendations. Separately, a Revenue Budget was prepared which estimated the resources expected to be available during the 2012 budget period to support planned City operations. That process culminated on October 11, 2011, with a required public hearing on the Revenue Budget. The Preliminary Budget as presented is a "balanced budget" in that planned expenditures are kept within expected resources. [In balancing expenditures with revenues a change in revenues was made to the Drug Intervention Fund 110 in the amount of \$7,365.]

The Preliminary 2012 Annual Budget projects total resources for all funds at \$90,415,388 and includes planned expenditures of \$63,318,625 and planned ending fund balances of \$27,096,763. For just the General Fund, total resources are projected at \$17,306,785. Expenditures for all departments of the General Fund are planned at \$14,023,207 with \$3,283,578 projected to be remaining in ending fund balance at the close of the year.

The second required public hearing on the Preliminary Budget is scheduled for November 8, 2011. The first reading of the Budget Ordinance is scheduled for later tonight. The final reading of the ordinance and adoption of the 2012 Budget is scheduled for November 8, 2011.

ORDINANCES

Ordinance No. 1754 - Amending FMC 3.60.030 to Increase the Electrical Utility Tax to 6% - Waive 1st Reading & Pass

The City of Fife has historically attempted to keep its utility tax as low as possible while still assuring quality governmental services to its citizens and businesses. Although the City is authorized by State law to impose an electrical utility tax equal to 6% of the gross revenues of any such utility doing business within the City of Fife, it currently is imposing a tax of only 3%. Due to the current economic climate and decrease in revenues from other sources, an increase in the electrical utility tax to the statutory maximum of 6% is proposed in order to provide additional City revenue. State law provides that any change in the electric utility tax cannot take effect until the end of 60 days after enactment of the ordinance. The proposed ordinance provides for an effective date of January 1, 2012, which will require the Council to waive first reading and adopt the proposed ordinance at this meeting.

Carol Sue Bradden, resident, commented on the proposal.

It was moved by Mayor Pro Tem Cerqui to pass Ordinance No. 1754 with the sunset provision. Councilmember Hull seconded the motion and it carried unanimously.

Ordinance No. 1755 - Increasing the TPU Franchise Administrative Fee to 6% - 1st Reading

On September 23, 2003, the City Council adopted Ordinance No. 1497-03 granting to City of Tacoma, Department of Public Utilities, Light Division, a 20 year franchise granting the right, privilege and authority to construct, operate, maintain, replace, and use all necessary equipment and facilities including telecommunication infrastructure, for an electric utility system, in, under, on, across, over, through, along or below the public right-of-ways and public places located in the City of Fife ("Franchise Ordinance").

Section 19 of the Franchise Ordinance requires TPU to pay the City a franchise administrative fee equal to three percent (3%) of the total gross revenues TPU receives from TPU's electric utility service customers located within the City that are served from TPU's electric utility system. Section 19 of the

Franchise Ordinance also authorizes the City, upon at least one year notice to TPU for implementation, to increase the franchise administrative fee as long as the fee percentage does not exceed the percentage amount of tax the City may impose on a private electric utility pursuant to RCW 35.21.865 and RCW 35.21.870.

The City Council has, by Ordinance No. 1754-ODR2011, adopted October 25, 2011, increased the electrical utility tax to 6% of gross revenues. This proposed ordinance amends the Franchise Ordinance to increase TPU's franchise administrative fee to equal the rate of the City's electrical utility tax rate of 6%, effective January 1, 2013.

It was moved by Councilmember Hull to approve first reading of Ordinance No. 1755. Councilmember Hulcey seconded the motion and it carried unanimously.

Ordinance No. 1753-ORD2011 – 2012 Budget - 1st Reading

The City Council, as the elected legislative authority for the City of Fife, controls City expenditures through the annual budget process. This process, as required by State law, provides for Council oversight and citizen review through several required public hearings prior to any expenditure of City monies. By adopting the annual Budget Ordinance, Council creates "appropriations" for each fund, which serve as the limit of spending authority for each fund and expenditures cannot legally exceed the appropriations for each fund. As a matter of policy, the City of Fife adopts an annual budget at the fund level, meaning that Council establishes the total level of expenditure for each fund rather than individual line items. When adopted by Council, the attached Budget Ordinance will authorize total expenditures of \$63,318,625 for all funds, with an additional \$27,096,763 to be retained in ending fund balances. For the General Fund, total expenditures for all departments are authorized at \$14,023,207 with \$3,283,578 projected as ending fund balance.

The proposed Budget was developed through an extensive process involving a series of Council workshops to determine budget priorities. The City Manager then developed the detailed Preliminary Budget with feedback from the department directors. The Budget, as presented, is a balanced budget in that planned expenditures are kept within expected available resources. The required public hearing for the Revenue Budget was held on October 11, 2011 and the two required public hearings on the Preliminary Budget will be held on October 25, 2011 and November 8, 2011. Final reading of the Budget Ordinance is scheduled for November 8, 2011. State law requires final adoption of the annual budget ordinance by year end.

The Budget Ordinance, as presented, is the City Manager's final recommendation.

It was moved by Mayor Pro Tem Cerqui to pass Ordinance No. 1753. Councilmember Hull seconded the motion and it carried unanimously

RESOLUTIONS

Resolution No. 1440 - Approval of MOU Regarding Potential Participation in South Sound 9-1-1

The City of Fife operates one of six primary 9-1-1 dispatch centers--also known as public safety answering points (PSAPs)--within Pierce County. The existing 9-1-1 emergency communication system within Pierce County is a patchwork of public safety radio communications and dispatch centers with coverage gaps. Leaders of the five largest police and fire agencies in Pierce County have formed an agency called South Sound 9-1-1 and developed a proposal to consolidate, unify and update 9-1-1 dispatch centers in Pierce County, and develop reliable radio and wireless communications between all emergency police and fire agencies within Pierce County.

To partially fund this proposal, the Pierce County Council has proposed a county-wide one-tenth of one percent sales tax. This tax requires a vote of the people and will be considered by the Pierce County electorate on the November 2011 ballot. If approved the tax would apply to retail sales on a county-wide basis. South Sound 911 would then receive and utilize these funds to implement the proposal for participating law enforcement and fire agencies.

The purpose of this MOU is to memorialize several of the key terms on which the parties have agreed with regard to the City's potential future membership in the South Sound 9-1-1 consortium. The MOU would serve a basis for negotiating a more formal inter-local agreement in the event the City of Fife, in its sole discretion determines at a future date to pursue membership in South Sound 9-1-1.

As has been previously discussed, staff has engaged in a dialogue with SS911 representatives regarding the concerns previously raised by the City Council about this proposal. The MOU does not commit the City to any specific action, but does memorialize negotiated commitments. Should the measure pass muster with the electorate, it likely will be difficult to achieve these same commitments after the fact. These commitments would only become effective in the event Fife decides to become a member and successfully negotiates and ILA with the SS911 entity.

While the MOU provides the City Council relief to their previously stated concerns, it is anticipated that the ILA, should the City determine to go forward with membership in SS911, would be a much more complex document, and provide a platform for negotiations to address details not included within the MOU.

It was moved by Councilmember Godwin to approve Resolution No. 1440. Mayor Pro Tem Cerqui seconded the motion and it carried unanimously.

Resolution No. 1441 - Approval of Purchase of an Easement on Tax Parcel No. 0420063110 for 59th Avenue Project

In order to construct the road improvements for 59th Avenue East from 12th Street to Pacific Highway, it is necessary for the City to acquire a 378 square foot storm drainage easement on a portion of Tax Parcel No. 0420063110 owned by 5410 12 St Fife, LLC. Design and construction of the 59th Avenue East improvements are conditions of development of the EQC parking facilities and the adjacent fuel station/convenience store. The City Attorney's office negotiated the purchase of the storm drainage easement for \$2500. Pursuant to the agreement between the City and the Puyallup Tribe of Indians approved May 24, 2011 by Resolution No. 1406, the Tribe is required to reimburse the City for the costs of this acquisition. The Owner has already executed and delivered to the City Attorney's office, the storm drainage easement all other documents necessary to close the transaction, and has authorized the easement to be recorded upon payment of the purchase price.

It was moved by Councilmember Godwin to approve Resolution No. 1441. Mayor Pro Tem Cerqui seconded the motion and it carried unanimously.

Resolution No. 1442 - Approval of Purchase of a portion of Tax Parcel No. 0420063058 for 59th Avenue Project

In order to construct the road improvements for 59th Avenue East from 12th Street to Pacific Highway, it is necessary for the City to acquire a portion of Tax Parcel No. 0420063058 from Mildred J. Johnston for right of way, utilities, and a three year temporary construction easement. Design and construction of the 59th Avenue East improvements are conditions of development of the EQC parking facilities and the adjacent fuel station/convenience store. The City Attorney's office has negotiated the purchase of the right of way and temporary construction easement for the appraised value of \$25,700, which amount consists of \$13,400 for 1672 square feet of land for right of way (@\$8.00/square foot), \$2100 for a 968 square foot three year temporary construction easement, \$3600 for improvements to be

taken, and \$6600 in proximity damages. Pursuant to the agreement between the City and the Puyallup Tribe of Indians approved May 24, 2011 by Resolution No. 1406, the Tribe is required to reimburse the City for the costs of this acquisition. Mrs. Johnston has already executed and delivered to the City Attorney's office, the deed and all other documents necessary to close the transaction, and has authorized the deed to be recorded upon payment of the purchase price.

It was moved by Councilmember Godwin to approve Resolution No. 1442. Mayor Pro Tem Cerqui seconded the motion and it carried unanimously.

Resolution No. 1443 - Approval of Purchase of Easement from Fietz, Brovak, and Mauro for 62nd Avenue Sidewalks

The City Council allocated \$600,000 for the addition of curb and sidewalks on the east side of 62nd Ave East from the Bella Sonoma apartments to 20th Street East. In order to construct the sidewalk and accommodate the undergrounding of utilities it is necessary to acquire a 10' x 10' easement for right of way and utilities from the property located at 2017 62nd Avenue East, Parcel No. 0420071058.

The City Attorney's office has negotiated the purchase of the easement from the property owners Ed Fietz, Amy Brovak, Greg Mauro and Kim Mauro, for the sum of \$1500 in lieu of condemnation. The owners have already executed the easement and all other documents necessary for closing of the transaction, and have authorized the easement to be recorded upon payment of the purchase price

It was moved by Councilmember Godwin to approve Resolution No. 1443. Councilmember Roscoe seconded the motion and it carried unanimously.

Resolution No. 1444 - Accept 54th Ave Manhole Project as Complete

Badger Construction installed a 60 inch diameter manhole in 54th Ave E in 2004 and work was accepted by the City via Bill of Sale. In 2009/2010 crews observed the manhole and road surface settled 6 to 8 inches at the surface; the adjacent sidewalk cracked and PW crews removed it. In 2011 staff in-house prepared a bid package for repairs via small works roster. Two bids were received and opened on May 6, 2011-\$70,990.35-KC Equipment and \$93,399.85-Miles Resources. The project was awarded by contract to KC Equipment to be completed before start of school year at the end of August 2011; upon mobilization they observed unmarked underground utilities and filed a claim for \$51,000. Staff tracked the work via force account and negotiated a fair and reasonable compensation of \$18,680.67 for a total construction cost of \$89,671.02. KC Equipment achieved substantial completion on August 12, 2011 and reopened the road prior to start of school. The project has been inspected by City public works personnel with the determination that the project is considered complete and should be accepted as such. This resolution approves the \$18,680.67 change order and accepts the project as complete.

It was moved by Councilmember Hull to approve Resolution No. 1444. Mayor Pro Tem Cerqui seconded the motion and it carried unanimously.

NEW BUSINESS

2011 Comprehensive Plan Amendments and Work Plan Items

The Planning Commission has made recommendation regarding the 2011 Comprehensive Plan Amendments and Work Plan items for 2011.

Summaries of the Planning Commission recommendations are:

CPA11-01: Six-year Transportation Improvement Plan – This outlines a list of transportation projects for the coming years within the City of Fife. The Planning Commission has recommended approving CPA11-01.

CPA11-02: Downtown Designation – The downtown designation was suggested by the Puget Sound Regional Council during the review of last year’s Comprehensive Plan Amendments. The commission reviewed and suggested that the designation show phased areas of development. With those amendments, the Planning Commission has recommended approving CPA11-02.

CPA11-03: School Districts’ Capital Facilities Plans – The Fife and Puyallup school district plans are adopted by reference every year within the City’s Comprehensive Plan. The plans outline the school districts’ planned construction and expansion of existing and new facilities, as well as document needed funding in the form of an impact fee. Impact fees are adopted through a separate Ordinance at a later date. The Planning Commission has recommended approving CPA11-03.

CPA11-04: Transfer of Development Rights Program (TDR) – At the Council’s request, the Commission and staff researched the potential for a TDR program within the City of Fife. The Commission and staff determined that additional policies were needed within the Comprehensive Plan to address a potential TDR program in the future. The policy amendments include guidelines on sending and receiving areas within the City. The Planning Commission has recommended approving CPA11-04.

CPA11-05: 20th Street Retail Overlay – This amends the Land Use Element to include a retail overlay zoning area in a select area along 20th Street East. The amendment also includes a subsequent zoning code text amendment to the Industrial District to allow additional types and amounts of retail sales within the retail overlay zone. The Planning Commission has recommended approving CPA11-05.

CPA11-06: 20th Street Road Standard – This amends the Transportation Element along 20th Street from 54th Avenue to 70th Avenue. This amendment changes the street design from a “minor arterial” to a “minor arterial with parking.” The Planning Commission has recommended approving CPA11-06.

CPA11-07: Industrial Zone Policy and Zoning Text Amendment – This amends the Land Use Element to include new policies regarding manufacturing and warehousing uses within the City. The amendment would also amend the Industrial District, allowing warehousing uses as Conditional Uses. The Planning Commission has recommended denial of CPA11-07 as it stands.

CPA11-08: Parks Plan Element – This amends the Parks Plan Element detailing specific statistical amendments regarding Open Space. Specifically, this amendment separates Wapato Creek from the Brookville Gardens development project, and removes the Gathering Place property from within the City’s Open Space calculations. The Planning Commission has recommended approving CPA11-08.

CPA11-09: Capital Facilities Element – This amends the Capital Facilities Element to include needed maintenance, repairs and replacement/upgrades of certain structures, as well as certain transportation projects within the City. This would allow the City to use REET (Real Estate Excise Tax) funds to cover the cost of maintaining these facilities. The Planning Commission has recommended approving CPA11-09.

WP11-09: Rezone two City-owned Park properties to Public Use/Open Space (POS) – The City owns two properties that are stream and wetland buffers. One property is the Millard mitigation site located along the Helios Creek. The other property is located south of Gensco near the Frank Albert Parkway, where Wapato Creek flows through a small property owned by the City. The Planning Commission has recommended approving WP11-09.

WP11-10: Shoreline Master Program (no documents to present) – This is a Work Plan item that is carried forward from last year and will continue through 2012, where the completed Shoreline Master Program will be processed through the Comprehensive Plan Amendments for that year. The Planning Commission will make a recommendation as part of the 2012 Comprehensive Plan Amendments.

WP11-11: Parking Code Text Amendment – This amends the parking code to require off-street parking stalls for religious activities within the City. This amendment is needed because an earlier Ordinance inadvertently removed the requirement. The Planning Commission has recommended approving WP11-11.

CITY MANAGER REPORT

City Manager Zabell reported on:

- Governor’s key messages during press conference will be re the 28th session focusing on budget and the regular session focusing on job creation;
- City’s Legislative Action Conferenced scheduled for January 25th & 26th;
- Andrea Edwards will return to her Executive Assistant job full-time with the arrival of the new City Clerk next week;
- Recap Spooky Celebration through the Parks & Recreation Department;
- Progress on the 20th Street changes.

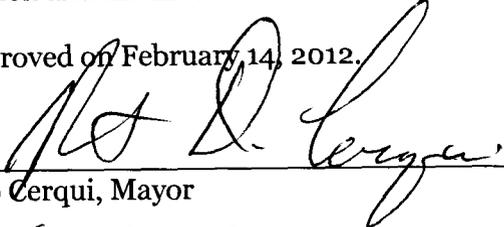
COUNCILMEMBER COMMENTS

Councilmember Hull will not be able to attend the Festival due to other commitments, and Mayor Pro Tem Cerqui remarked on the great article on 9/11 written by Chief Blackburn.

ADJOURNMENT

Councilmember Hull moved for an adjournment at 8:28 p.m. Mayor Pro Tem Cerqui seconded the motion and the motion carried unanimously.

Approved on February 14, 2012.



Rob Cerqui, Mayor



Carol Etger, City Clerk