

**FIFE CITY COUNCIL**  
**Regular Meeting Minutes**  
**November 8, 2011**

**EXECUTIVE SESSION**

An Executive Session was held in the Council Conference Room at 6:00 PM for the purpose of discussing real estate. 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 7:04 p.m.

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

**Staff Present:** City Manager Dave Zabell, Finance Director David DeGroot, Public Works Director Russ Blount, Community Development Director Carl Durham and Parks, Recreation and Community Services Director Kurt Reuter, Chief of Police Brad Blackburn, City Attorney Loren Combs, Acting City Clerk/Executive Assistant Andrea Edwards and Administrative Assistant, Jan Kurz.

**PLEDGE OF ALLEGIANCE**

Councilmember Hulcey led the Pledge of Allegiance.

**CHANGES, ADDITIONS & DELETIONS**

Carol Etgen was ill this evening, her swearing in will occur at the next meeting.

Councilmember Hull moved that item 14B was added. Councilmember Roscoe seconded and motion carried unanimously.

**CITIZENS COMMENTS**

A citizen commented about loose dogs in the neighborhood.

**CONSENT AGENDA**

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

- Approval of Minutes – September 20, 2011 Regular City Council Meeting
- Approval of Payroll Vouchers No. 48199 – 48227 \$393,851.06
- Approval of Claims Vouchers No. 84388 - 84522 \$805,988.63

It was moved by Councilmember Godwin to accept the consent agenda as presented. Councilmember Hull seconded the motion and the motion carried unanimously.

**PRESENTATIONS & PROCLAMATIONS**

Halloween Recap: Recap of the annual Halloween event. This is the 15th year that the City of Fife has provided this positive alternative. The event was held at the cafeteria of the Fife High School in partnership with the Parks and Recreation Department.

**PUBLIC HEARINGS**

**Second Public Hearing on the 2012 Budget**

State law requires the City to hold two public hearings prior to final adoption of its annual Budget.

Tonight is the second 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 first required public hearing on the 2012 budget was held on October 25, 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.

There were no changes to the preliminary budget as presented during the first reading of the budget ordinance. 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 reading of the Budget Ordinance is scheduled for later in the meeting.

### **2011 Comprehensive Plan Amendments**

The Planning Commission held a public hearing on July 25, 2011 and a follow-up meeting on August 22, and the Commission made its recommendations to the City Council for the 2011 Comprehensive Plan Amendments. The 2011 Comprehensive Plan Amendments included nine Comprehensive Plan Amendments and three Work Plan items.

Summaries of the Planning Commission recommendations are below:

**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 Milgard mitigation site located along the Hylebos 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 2012. 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.

As part of the Comprehensive Plan Amendment cycle a Public Hearing is required prior to adoption. The amendment packet was distributed to the Council for the October 25th, 2011 meeting; additional copies are available upon request.

### **Rezone of the Gensco and Milgard Wetland Properties**

The Planning Commission held a public hearing on July 25, 2011 and a follow up meeting on August 22, and the Commission made its recommendations to the City Council for the 2011 Comprehensive Plan amendments. As part of those amendments the Planning Commission has recommended rezoning two city owned wetland properties from Industrial (I) zoning to Public Use/Open Space (POS) zoning.

A Public Hearing is required prior to adoption of any zoning map amendments.

## **Retail Overlay Zoning Map and Text Amendment**

The Planning Commission held a public hearing on July 25, 2011 and a follow up meeting on August 22, the Commission made its recommendations to the City Council for the 2011 Comprehensive Plan Amendments. As part of those amendments the Planning Commission has recommended a zoning map amendment to include a retail overlay zone along 20th Street East as well as a zoning text and map amendment within the Industrial District. This would include additional retail uses within this certain geographical area. The DRAFT Ordinance includes a map and proposed zoning text amendments.

A Public Hearing is required prior to adoption of any zoning map and text amendments.

## **ORDINANCES**

### **An Ordinance Increasing the TPU Franchise Administrative Fee to 6%, Ordinance No.**

#### **1755**

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.

The ordinance contains a sunset provision that changes the franchise administrative fee rate back to 3% effective January 1, 2020. RCW 35A.47.040 provides that franchise ordinances may not be adopted on the day of their introduction. First reading was held on October 25, 2011. Second reading is being held tonight.

It was moved by Councilmember Godwin to pass Ordinance No. 1755 seconded by councilmember Hull. The motion carried unanimously.

### **2012 City of Fife Budget (Including 2012 Lodging Tax Uses) Ordinance, Second Reading: No. 1753-ORD2011**

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 (except for programming lodging taxes and other revenues in the Stadium & Convention Tax Fund). There were no changes to the preliminary budget proposed during first reading.

When adopted by Council, the 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. The first of two required public hearings on the Preliminary Budget was held on October 25, 2011. It included Lodging Tax Advisory Committee (LTAC) and citizen comments on the use of lodging tax revenues. The second reading of the Budget Ordinance is scheduled for tonight.

It was moved by Councilmember Hull to pass Ordinance No. 1753-ORD2011 and seconded by Councilmember Godwin. The motion carried unanimously.

**An Ordinance Amending FMC 15.12.103 regarding Plumbing Code Plan Review Fees Ordinance, 1st Reading: No. 1756-ORD2011**

A typographical error resulted in the number 25% being entered into Section 15.12.103 in the description of the plumbing code plan review fee when the number 65% is the accurate percentage that should be listed.

It was moved by Councilmember Roscoe to pass Ordinance No. 1756-ORD2011 and seconded by Mayor Pro Tem Cerqui. The motion carried unanimously.

**Authorizing the Issuance of Limited Tax G.O. & Refunding Bonds 2011 Ordinance, 1st Reading: No. 1757-ORD2011**

The electricity utility tax has been increased to provide revenues for the repayment of the new Ltd. G.O. bonds net of the savings on the refunded bonds. Grants have already been accepted for the construction project and grant funding starts expiring in August 2012.

It was moved by Councilmember Roscoe to pass Ordinance No. 1757-ORD2011, seconded by Councilmember Hulcey. The motion carried unanimously.

**RESOLUTIONS**

**Approval of Agreement for Purchase of a Portion of Property for 59th Ave. Project Resolution: No. 1445-RES2011**

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. 6605000013, located at 5913 15th Street East, from Jonathan and Misty Simons 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 a purchase and sale agreement for the right of way and temporary construction easement for the appraised value of \$15,200, which amount consists of \$6100 for 611 square feet of land for right of way (@\$10.00/square foot), \$1600 for a 597 square foot three year temporary construction easement, \$3600 for improvements to be taken, and \$3900 in proximity damages. The project will require relocation of the existing driveway and parking area and decommissioning of the septic system. Because relocation of the septic system is not feasible, the City will be providing a sewer connection for the single family residence on the property as additional consideration. 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.

It was moved by Councilmember Hull to approve Resolution No. 1445-RES2011 seconded by councilmember Hulcey. The motion carried unanimously.

**Declaration To Reimburse Expenditures for the 70th Ave E Phase 2 Improvement Project from Tax-Exempt Bonds - Resolution: No. 1446-RES2011**

City of Fife Declaration of Official Intent to reimburse itself for prior construction expenditures for the 70th Avenue East Phase 2 Street Improvement Project from tax-exempt bond proceeds up to \$7.5 million.

It was moved by Councilmember Hull to approve Resolution No. 1446-RES2011 and seconded by Mayor Pro Tem Cerqui. The motion carried unanimously

**Approval of Purchase of portion of Parcel No. 0420082008 for the 70th Ave. Project Resolution: No. 1447-RES2011**

Priority No. 1 on the City's Transportation Improvement Plan is the reconstruction of 70th Avenue East from approximately 20th Street East to Valley Avenue East.

In order to construct the Project it is necessary for the City to acquire 3973 square feet of land in fee from Tax Parcel No. 0420082008, owned by Michael A. Gross and Edna C. Kelso. The City Attorney's office has negotiated a purchase of the property for a total of \$45,700, which is approximately \$11.50/square foot and 10% greater than the City's appraised value. The owners previously entered into a possession and use agreement with the City, which was approved by the council on August 23rd. Pursuant to the possession and use agreement, the City has already paid the owners \$41,800, which will be credited to the purchase price. Michael A. Gross and Edna C. Kelso have executed and delivered to the City Attorney's office, a statutory warranty deed and all other documents necessary to close the transaction, and have authorized the deed to be recorded upon payment of the balance of the purchase price.

It was moved by Mayor Pro Tem Cerqui to approve Resolution No. 1447-RES2011 and seconded by Councilmember Hull. The motion carried unanimously

**Approval of Agreement with Service Steel for Dedication of Right of Way Resolution: No. 1448-RES2011**

Service Steel Aerospace Corp. is the owner of the real estate located on the southeast corner of 70th Avenue East and 45th Street Court East, identified as Pierce County tax parcel nos. 0420173044 and 0420177001 (the "Property"). Service Steel has requested permits from the City to allow it to construct a new truck bay door on the west side of the existing building on parcel no. 0420173044 and to construct a new truck driveway approximately 40 feet north of the existing 70th Avenue driveway on the Property. As a condition of approval, the City has requested that Service Steel dedicate an 8561 square foot portion of the Property for right of way and utilities for future improvements to 70th Avenue East (the "Right of Way"). City Staff as negotiated an agreement with Service Steel, in which Service Steel agrees to dedicate and the City agrees to accept dedication of the Right of Way as a condition of permit issuance on the terms and conditions set forth in the Agreement. The conditions include the city granting a right of way permit for a new driveway access on 70th, closing of the existing access, and granting Service Steel traffic impact fee credits for the value of the property dedicated, which was agreed to total \$94,684.66 at \$11.06 per square foot, which credits may be used on future development or redevelopment of the property.

It was moved by Councilmember Hulcey to approve Resolution No. 1448-RES2011, seconded by Councilmember Hull. The motion carried unanimously.

**NEW BUSINESS**

Public Works Director Blount discussed the study on school zone speed limits.

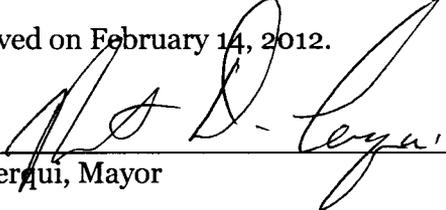
**CITY MANAGER REPORT**

City Manager, Dave Zabell, briefed Council on several topics including the AWC meeting, Pierce County Mayors Meeting, Valley City Meetings and recent partnerships with the YMCA to reduce gang activity.

**ADJOURNMENT**

Mayor moved for an adjournment at 9:07 p.m. Councilmember Roscoe seconded the motion and the motion carried unanimously.

Approved on February 14, 2012.



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Rob Cerqui, Mayor



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Carol Etgen, City Clerk