

EXECUTIVE SESSION

An executive session was held from 6:00 PM to 6:44 PM in the Council conference room for the purpose of discussing Potential Litigation per RCW 42.30.110(1)(i) and Real Estate per RCW 42.30.110(1)(b). All Councilmembers were present along with City Manager Zabell and City Attorney Combs.

CALL TO ORDER & ROLL CALL

Mayor Cerqui called the Regular Meeting of the Fife City Council to order at 7:00 PM.

Present: Mayor Cerqui, Mayor Pro Tem Hull, Councilmembers Godwin, Curtis, Hulcey, Dukes-Gethers, and Wolfrom.

Staff Present: City Manager Zabell, Finance Director DeGroot, Public Works Director Blount, Community Development Director Osaki, Parks, Recreation and Community Services Director Reuter, Chief of Police Blackburn, City Attorney Combs, Executive Assistant Edwards and City Clerk Etgen.

PLEDGE OF ALLEGIANCE

Councilmember Wolfrom led the Pledge of Allegiance.

CONSENT AGENDA

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

- a) Approval of Minutes of June 26, 2012
- b) Approval of Payroll Vouchers: #48777 - 48816 in the amount of \$611,530.95
- c) Approval of Claims Vouchers: #86662 - 86786 in the amount of \$345,085.16
- d) Ordinance No. 1777 – Passage – Housekeeping Ordinance
- e) Ordinance No. 1779 – Passage – Extended Weight Restriction
- f) Ordinance No. 1780 – Passage - Electric Vehicle Infrastructure

Mayor Pro Tem Hull moved to approve the Consent Agenda as presented. Councilmember Dukes-Gethers seconded and motion carried unanimously.

Resolution No. 1487

Memorial Fountain Recognition Process

With no one offering any objection, Mayor Cerqui requested a suspension of rules to move the consideration of Resolution No. 1487 on the agenda in order to address it at this point.

Mayor Pro Tem Hull moved to adopt Resolution 1487. Councilmember Wolfrom seconded the motion.

Recreation and Community Services Director Reuter reported the Memorial Fountain plaque program was initiated in 1989 when several names were memorialized. In 2003 four more names were added.

Jay Marks, Parks, Recreation and Community Services (PRCS) Board Member thanked Council for appointing him to the Parks Board. He stated the proposal before Council had been thoughtfully and thoroughly discussed by the Board. Mr. Reuter explained the process would involve acceptance of applications, a required presentation by the applicant before the PRCS Board and then a final

recommendation sent to Council. There are four names for placement on plaques previously approved, and Mr. Reuter proposes four names be considered this year. There is adequate space for additional plaques.

Upon vote, motion carried unanimously.

PRESENTATIONS & PROCLAMATIONS

Relay for Life of Fife-Milton-Edgewood Event Recap

Bonnie Rushmeier, Community Development staff member, reported on the proceedings and turnout for the Relay for Life event. A Certificate of Appreciation was presented to the Mayor and Council. Mayor Cerqui thanked Ms. Rushmeier for her hard work and support of the event. Lisa Duszynski, Police Department staff member, also participated in the event and expressed her gratitude for the opportunity to participate.

COMMITTEE REPORTS/COUNCIL DELEGATE

Mayor Pro Tem Hull reported the pro and con committees have been formed by Pierce County for Transit's ballot measure. Mayor Cerqui noted his attendance at the South Sound 911 Policy Board meeting and the Small Cities and Towns meeting.

PUBLIC HEARING

Shoreline Master Program

Chris Pasinetti, Community Development, reported on the process to adopt the Shoreline Master Program. The phases include:

- 1) Preliminary Assessment of Shoreline Jurisdiction and Public Participation Plan;
- 2) Shoreline Inventory, Analysis & Characterization;
- 3) Complete Draft SMP and Cumulative Impacts Analysis;
- 4) Restoration Planning, Revisiting Phase 3 Products as Necessary;
- 5) Local SMP Adoption Process;
- 6) State Adoption.

The City of Fife's existing Shoreline Master Program was adopted in 1974, and is outdated with respect to meeting State requirements. On May 7, 2012, the City of Fife Planning Commission held a public hearing on a updated Shoreline Master Program (SMP) and made a recommendation to the City Council. City of Fife shorelines subject to the requirements of the Shoreline Management Act include the Puyallup River and Hylebos Creek.

In addition to the Planning Commission public hearing, the SMP update public outreach process included an open house at the Community Center (January 2010), a public meeting with the Planning Commission (June 2011) for Phase 3 updates and other updates as necessary throughout the process. Each public meeting included notification and direct mailings to all properties affected.

The next step will be Council's consideration of a Resolution expressing the City's intent to adopt the Draft SMP and authorizing staff to transmit the document to the Department of Ecology for its formal review process at a subsequent City Council meeting.

Mayor Cerqui opened the public hearing at 7:32 PM. With no one coming forward to testify, the hearing was immediately closed.

ORDINANCES

Ordinance No 1781

Moratorium Extension for Marijuana Collective Gardens - Waive First Reading & Pass

Mayor Pro Tem Hull moved and Councilmember Dukes-Gethers seconded a motion to waive first reading and pass Ordinance No. 1781.

City Attorney Combs presented the matter to Council. On August 9, 2011, the Council adopted Ordinance No. 1750, as an emergency ordinance effective immediately, temporarily prohibiting collective gardens, as authorized by E2SSB 5073 within the City. The moratorium was effective until January 26, 2012.

On January 24, 2012 the City Council passed Emergency Ordinance No. 1765 extending the moratorium on medical marijuana collective gardens established by Emergency Ordinance No. 1750 for an additional six month period to July 24, 2012. The City has not yet completed study of the potential impacts of medical marijuana collective gardens and needs more time to do so. An extension of the moratorium would also allow time to assess the impact of Initiative 502 (I-502), related to "marijuana reform," scheduled to appear on the November 2012 general election ballot on medical marijuana collective gardens.

Mr. Combs stated the Council could revisit the moratorium at any time.

Motion carried unanimously.

RESOLUTIONS

Resolution No. 1460

KS Family Development Agreement

Mayor Pro Tem Hull moved and Councilmember Hulcey seconded a motion to adopt Resolution No. 1460.

City Attorney Combs stated a public hearing on this proposed development agreement was held on February 28, 2012. The Development Agreement has been signed by the property owner and is consistent with existing ordinances that allow for and encourage redevelopment of the business areas. This is for the redevelopment of the "Hometel" site.

In responding to a question from Councilmember Curtis, Mr. Combs stated the credit terms are contingent upon the development as outlined in the agreement, and would not apply if the conditions of the agreement change without approval by Council.

Motion carried unanimously.

Resolution No. 1477

Ratifying Purchase and Sale Agreement with the Stephen and Helen Franich Living Trust

Councilmember Wolfrom moved and Mayor Pro Tem Hull seconded a motion to adopt Resolution No. 1477.

Public Works Director Blount reported the Franich property is an underdeveloped parcel that has recently come on the market as part of a pending probate in Pierce County Superior Court, and is located on 20th Street adjacent to the new library. The acquisition of the property would also position the City to construct an ADA compliant pedestrian crossing to the multifamily complexes across the street from the library that will provide greater pedestrian safety for the library patrons that live across 20th Street from the library. The library would also be able to close its current access, thus reducing the number of access points onto 20th St., which also supports pedestrian safety.

In lieu of condemnation, the City Attorney's office has negotiated an agreement with the Trustee of the Stephen and Helen Franich Living Trust for acquisitions of the property for \$410,000, which is approximately 8.2% greater than the City's appraised value, but approximately 36% less than the owner's initial offer. The property is subject to a right of first refusal, so the agreement is subject to the non-exercise of the right of first refusal. The property is currently in probate in pierce county superior court, so the agreement is also subject to court approval in the probate action. A hearing to approve the agreement will be held within 30 days of council ratification.

Councilmember Godwin expressed concern about this action being the first step towards further condemnation in the area with the intent of a connection to 26th for an industrial property at the cost of eight to ten million dollars. City Attorney Combs stated there is no plan to build a road to 26th, nor any obligation on the City's part to do so.

Councilmember Curtis noted the purchase of this property is necessary for the building of a crosswalk. Councilmember Hulcey stated restated Councilmember Godwin's concern about the industrial property access and the creation of truck traffic on 20th if the property is developed.

City Manager Zabell reported the advantage of purchasing this property include concentrating access to the 30 acres at that location to one place rather than multiple driveway cutouts. The issue of a future or shorter stub road to 26th is not being considered at this time.

In response to questions from Mayor Pro Tem Hull, City Attorney Combs explained the difference between a bargain and sale warranty versus a warranty deed. He stated the difference is not as important with the long history available for property in current times as it used to be.

City Attorney Combs stated the appraised value was \$379,000 plus a residual of \$25,000 on January 12, 2012. The inclusion of the notation in the agreement that the purchase was being made in lieu of condemnation provides an advantage to the taxpayer and does not impact the City. This agreement is consistent with other condemnation proceedings the City has negotiated in the past.

Upon vote, motion carried with Mayor Cerqui, Mayor Pro Tem Hull, Councilmembers Curtis, Dukes-Gethers, and Wolfrom voting yes and Councilmembers Godwin and Hulcey voting no.

CITY MANAGER REPORT

Chief Blackburn reported on the 4th of July stating there were a lot of people in town and in spite of an apartment fire and a couple of minor calls, calls were only up by about 10 percent. According to vendors fireworks sales were down by 25 to 30 percent. No citations were issued and there were no injuries.

Mayor Cerqui thanked Laurel Potter, Economic Development Specialist for doing a good job in getting the message out about where to set off fireworks.

City Manager Zabell reported:

- The official population figure for Fife is now 9,235, up 15 residents from the Census;
- Public Works is working on Pacific Highway between Willow and 52nd through Saturday at night;
- Four crews are currently out on 70th, right of way has been cleared and underground conduit and utilities are to be installed;
- Bids for the 67th Avenue sidewalk project will be opened next month;
- Preliminary plans for Sheffield Trail extension are under review and will go to bid soon;
- The grant funding awarded for 54th from Pacific Highway to the City limits will be used for the

project next year;

- Council's budget meeting will be on Saturday the 14th from 9 AM to 1:30 PM;
- A capital outlay update will be provided at next week's Council meeting; and,
- Parks, Recreation and Community Services Director Reuter has been nominated and installed as the President of the Fife Milton Rotary Club.

Public Works Director Blount reported the copper wiring will be replaced in the Saddle Creek Community in the next couple of weeks; he addressed the various security measures being discussed to avoid further incidents of wire theft.

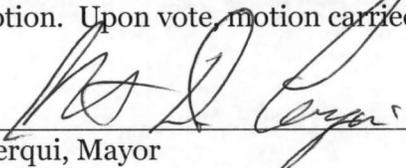
COUNCILMEMBER COMMENTS

Councilmembers comments included:

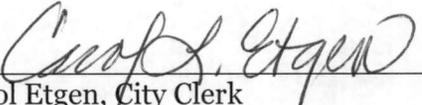
- Thanks to those who participated in the Saddle Creek Park renovation;
- Appreciation for the Puyallup Tribe's fireworks show; and
- The Seattle Men's Invitational Softball Tournament was a success.

ADJOURNMENT

Mayor Pro Tem Hull moved for an adjournment at 8:26 PM. Councilmember Dukes-Gethers seconded the motion. Upon vote, motion carried.



Rob Cerqui, Mayor



Carol Etgen, City Clerk

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GENERAL INFORMATION

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ADDITIONAL COMMENTS

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