

**FIFE CITY COUNCIL
Regular Meeting Minutes
November 12, 2013**

EXECUTIVE SESSION

At 6:00 PM an Executive Session was convened for the purpose of discussing Collective Bargaining and Personnel per RCW 42.30.110(1)(g), and Real Estate per RCW 42.30.110(1)(b).

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 Roscoe, Curtis, Dukes-Gethers, Hulsey 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 and Administrative Assistant Merlino.

PLEDGE OF ALLEGIANCE

Councilmember Dukes-Gethers led the Pledge of Allegiance.

CHANGES, ADDITIONS & DELETIONS

No changes were received at this time.

CONSENT AGENDA

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

- a. **Approval of Meeting Minutes of:** October 15, 1013 and October 22, 2013
- b. **Approval of Payroll Vouchers** as reviewed by the Voucher Committee:
#49960 – 50004 in the amount of \$681,682.63
- c. **Approval of Claims Vouchers as reviewed by the Voucher Committee:**
#91302 – 91616 in the amount of \$2,345,551.96

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

PRESENTATIONS & PROCLAMATIONS

Presentation – Recognition of Outgoing Councilmembers Roscoe and Dukes-Gethers

City Manager Zabell formally recognized Councilmember Dukes-Gethers for all her accomplishments while fulfilling the remainder of an unexpired term of Councilmember Nancy de Booy, Position 6, which was vacated upon her resignation. Zabell also recognized Councilmember Kim Roscoe and her accomplishments while fulfilling the remainder of an unexpired term of Councilmember Dick Godwin, Position 1. Mr. Godwin passed away earlier this year. Zabell reported that Councilmember Roscoe previously served on the Fife City Council for two terms from 2002-2009.

Employee Introduction – Corrections Officers

Police Chief Blackburn introduced three new Corrections Officers. Corrections Officer Phil Watson was hired in January of 2013 to fill a vacancy created by a retirement. Corrections Officer Travis Stevens was hired in April of 2013, and Corrections Officer Ryan Beck was hired in May of 2013. Chief Blackburn welcomed the three new officers to the City of Fife.

Halloween Carnival Recap

Chief Blackburn reported the Carnival was once again a success. Police Specialists Lisa Duszynski and Steve Van Zanten provided a power point presentation illustrating the overview of the activities and thanked the various sponsors for their contributions.

COMMITTEE REPORTS/COUNCIL DELEGATE

Mayor Pro Tem Hull reported on the Pierce Transit open house that was held at Fife City Hall and his delegation to Olympia. Councilmember Dukes-Gethers congratulated Winston and Bryan on their upcoming appointment on the City Council. Councilmember Hulcey reported on his attendance at the Voucher Review Committee and attended the Association of Washington Cities (AWC) regional meeting in Olympia and the City of Milton's Veterans Memorial Ceremony. Mayor Cerqui reported on his attendance at the South Sound 911 meeting and the City of Milton's Veterans Memorial Ceremony.

PUBLIC HEARINGS

2013 Comprehensive Plan Amendments

Mayor Cerqui opened the Public Hearing at 7:25 PM

Associate Planner Passinetti reported the Growth Management Act (GMA) requires certain cities and counties within the State of Washington to adopt comprehensive plans (and development regulations) meeting certain requirements (RCW 36.70A). The GMA further limits comprehensive plan amendments to occur, except in limited circumstances, no more frequently than once per year. Passinetti reported the public was invited to submit applications to amend the City of Fife's Comprehensive Plan for the 2013 plan amendment cycle from November 2012 through March 2013. Passinetti reviewed this year's comprehensive plan amendments as follows:

1. The Fife and Puyallup School District Capital Facilities Plan
2. The City of Fife 2013-2019 Transportation Improvement Program (Six Year TIP)
3. Capital Facilities Element
4. Updated Public Participation Program
5. Panattoni Comprehensive Plan Amendment

Passinetti commented the Planning Commission conducted a Public Hearing on September 9, 2013 and continued it to October 7, 2013 to allow for further testimony. The Public Hearing was closed on October 7, 2013, with the recommendation from the Planning Commission to approve all of the 2013 Comprehensive Plan Amendments, including the Panattoni Comprehensive Plan Amendment request.

On October 22, 2013 staff presented to the Planning Commission their recommendations for denial of the Panattoni Comprehensive Plan Amendment as follows:

- The proposed amendment is not consistent with Policy 13.1 as the request is directly located along the 20th Street Corridor
- The proposed amendment is inconsistent with the Land Use Element Goal 3 and Policy 3.1 because it will increase the imbalance between residential, commercial and industrial by increasing the amount of Industrial designated lands and reducing the amount of commercially designated lands by 10 acres.
- The application does not include information showing a need for additional Industrial lands within the City of Fife.
- The application is not consistent with the Comprehensive Plan regarding balance between residential and commercial/industrial growth.
- The application is not consistent with the Countywide Planning Policies in determining a reasonable “jobs/housing” balance based on the findings of employment capacity and future employment needs within the City.

At this time, Mayor Cerqui called for audience comments.

Dave Miner, property owner along 70th and 20th, provided a brief historical background on the increasing taxes imposed on the property over the years. Mr. Miner further commented, due to the proximity of the proposed extension of Highway 167, and the existing industry surrounding his property, it has been unsalable. Mr. Miner urged the Council to consider the zoning in the area.

Bart Brynstad, speaking on behalf of Panattoni Comprehensive Plan, reported there is not enough industrial land in Fife for developers. He advised of his request to purchase property from Union Pacific Rail Road (UPRR) along the Puyallup River. UPRR declined any offer. Mr. Brynstad presented a rendering of the proposed development. City Attorney Combs cautioned Mr. Brynstad that this public hearing was for comprehensive plan amendments only.

Brian Devereux, Facilities Planner for the Puyallup School District, requested Council’s support of the Puyallup School District’s Capital Facilities Plan. Mr. Devereux spoke about the two upcoming school levies:

- Educational Programs and Operations Replacement Levy - \$49.5 million – 4-year - Levy
- School Facility Improvements and Technology Upgrades Levy \$46 million – 6-Year Levy

Ballots will arrive in resident mailboxes on January 24th.

Donald Marcy urged Council to approve the Panattoni Comprehensive Plan amendment. Mr. Marcy reported on several of the changes relative to the condition of the property east of 70th, including the property that was recently acquired by WSDOT. Mr. Marcy advised WSDOT is proposing a new freeway that will be potentially 20 to 30 feet high next to the property in question. The amendment meets the conditions of the countywide planning policies and affects only 10 acres of property.

Edna Kelso and Michael Gross, property owners along 20th Avenue, testified that they have tried to sell their property, however due to the current zoning, they have been unsuccessful. They acknowledged the best use of the property is Industrial, which will help in marketing this property. Ms. Kelso and Mr. Gross urged the Council to approve the Comprehensive Plan Amendment.

With no further testimony, the public hearing was closed at 8:23 PM. The first reading of the ordinance adopting the 2013 Comprehensive Plan Amendments is scheduled for November 26th, with passage on December 10, 2013.

PUBLIC HEARING

Panattoni Rezone

City Attorney Combs noted the public hearing is on the rezone application. He reminded the Council that they are sitting as a quasi-judicial body for this hearing and asked Council if they have had any discussion with the applicant or any citizens since the application was filed.

Mayor Pro Tem Hull disclosed he had a recent conversation with the applicant regarding a development agreement. Mayor Pro Tem Hull advised he could be fair and impartial in considering this rezone application.

Combs requested Council disclose any legal, financial or other arrangements they may have with the applicant or the property subject to the rezone – all Councilmembers answered no.

Combs asked the audience if they feel the Council can be fair and impartial on the rezone application that is before them this evening. No response was received from the audience.

Mayor Pro Tem Hull moved and Councilmember Wolfrom seconded the motion to postpone the Panattoni Rezone until the City Council makes a final decision on the 2013 Comprehensive Plan Amendments.

Councilmember Curtis and Mayor Cerqui urged the Council to open the Public Hearing to gather more information, which may allow for a better understanding of the Comprehensive Plan Amendments.

Councilmember Wolfrom requested the Council not open the public hearing and finalize the Comprehensive Plan Amendments first then hear the rezone.

Mayor Pro Tem Hull asked that the rezone be postponed and that Council not make a quick decision this evening.

Councilmember Roscoe supported Pro Tem Hull's motion to postpone the Public Hearing, due to the fact that the Comprehensive Plan Amendments are a legislative document, and the rezone is a policy document, these issues should remain separate.

Upon vote, the motion passed with 4 ayes and 3 nay votes. Councilmembers Roscoe, Dukes-Gethers, Wolfrom and Pro Tem Hull voting in the affirmative.

ORDINANCES

Ordinance No. 1848 - Passage

Amending McChord Pipeline Inc.'s Petroleum Pipeline Franchise

Mayor Protem Hull moved and Councilmember Wolfrom seconded a motion to pass Ordinance No. 1848.

City Attorney Combs advised the proposed ordinance reflects a request from McChord Pipeline to amend the original Franchise ordinance to include sections of the pipeline that are currently within City right-of-way but not included in the original legal description.

David Rietmann, Chief Financial Officers for US Oil and representing McChord Pipeline Inc., advised the pipeline was built in 1968 and according to policy is required to be inspected every 5 years. Most recently it was inspected two years ago.

Upon vote, motion carried unanimously.

Ordinance No. 1850 – Waive First Reading and Pass

Authorizing Condemnation of Real Property for Transportation and Storm Drainage Purposes

Pro Tem Mayor Hull moved and Councilmember Dukes-Gethers seconded a motion to waive first reading and pass Ordinance No. 1848.

City Attorney Combs advised the proposed ordinance would authorize condemnation of the property for future transportation, storm drainage, public parks and trail purposes. It is requested that if the Council decides to authorize the condemnation, that the Council waive first reading and adopt the proposed ordinance as presented.

City Attorney reported that Assistant City Attorney Greg Amann tried to negotiate with the property owner and was not able to reach an agreement. According to law the City has the right to condemn property after paying a fair compensation to the property owner.

Mike Boespflug, property owner, urged Council to not move forward with the condemnation as the property is not for sale. Mr. Boespflug advised they purchased the property in February 2013 and have completed the permitting process to build their new home. Mr. Boespflug presented several options to the City rather than condemning this property.

Mr. Boespflug also commented the process was held up for 10 months due to a lot line adjustment.

Russ Blount, Public Works Director, responded there was an error in the legal description of the original deed. The City hired a surveyor and corrected the discrepancy and rerecorded the deed. Blount acknowledged that Mr. Boespflug has received a copy of the corrected deed.

Councilmember Curtis asked why the City did not buy the property prior to Mr. Boespflug. Blount commented that in January 2013 according to the City's Transportation Improvement Program this property was number 24 on the list; however in June of 2013 Council moved this priority up to number 8, therefore directing staff to review this priority.

Upon vote, motion carried with 4 ayes and 3 nays. Mayor Pro Tem Hull and Councilmembers Dukes-Gether and Wolfrom voted in the affirmative.

Ordinance No. 1850

Amending the 2013-2014 Biennial Budget, as Adopted.

Councilmember Wolfrom moved and Councilmember Dukes-Gethers seconded a motion to pass Ordinance No. 1848.

Finance Director DeGroot provided a brief background on the series of public meetings and hearings the City Council has been involved in over the past four months. DeGroot discussed the proposed amendments to the 2013-2014 Biennial Budget.

Upon vote, motion carried unanimously.

MEETING EXTENSION

At 10:00 PM, Councilmember Roscoe moved and Councilmember Wolfrom seconded a motion to extend the meeting for an additional 15 minutes. Upon vote, the motion passed unanimously.

NEW BUSINESS

4th Street Water Main – Additional Water Main on 55th, 56th, 57th, and 58th Ave.'s

Public Works Director Blount provided background information, reminding the Council that the City recently received \$750,000 in federal grant funds for the 54th Avenue East Preservation adjacent to 4th Street East. Blount reported that approximately 20 residents, in the Benthien Loop neighborhood lacked public water and that the ground water wells serving the homes were shallow wells and produced low quality drinking water. The Mayor and Council thanked Russ for moving the project forward.

CITY MANAGER REPORT

City Manager Dave Zabell reported on the following issues:

- City Clerk's Office recently sent out 1,277 business licenses renewals
- Port of Tacoma announced a plan to complete the Wapato Creek/12th Street culvert replacement in 2013
- The Fife Community Center in cooperation with the Tacoma Chapter of the American Red Cross operated an emergency housing shelter from November 6th through Saturday, November 9th
- Attendance at the AWC Legislative meeting
- The Edgewood Sewer Interlocal Agreement has been finalized
- The City Council will have a Special Meeting on Tuesday, November 19th

COUNCILMEMBER COMMENTS

Councilmember Roscoe stood by her decision regarding the condemnation of property, noting it was a hard decision to make, but necessary for the good of the City. Mayor Pro Tem Hull recognized and thanked Councilmembers Dukes-Gethers and Roscoe for the tremendous efforts on the City Council. Mayor Pro Tem Hull spoke about the Pierce County Transportation Committee and the many improvements. Councilmember Dukes-Gethers

acknowledged the hard decision that was just made regarding the condemnation of property and reaffirmed her position, due to the good of the City.

Councilmember Wolfrom thanked City Manager Dave Zabell for speaking with Mr. and Mrs. Boespflug, soon after the decision was made. Councilmember Hulcey reported on his visit to the Community Center while the Red Cross was operating the emergency housing shelter.

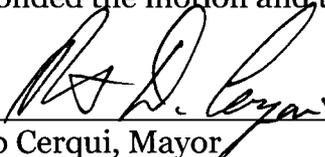
MEETING EXTENSION

Councilmember Roscoe moved and Mayor Pro Tem Hull seconded the motion to continue the meeting for an addition five minutes. Upon vote, motion passed unanimously.

Mayor Cerqui thanked the Council for the good discussion on several issues that were presented this evening and also thanked Councilmembers Dukes-Gethers and Roscoe for their commitment on the City Council.

ADJOURNMENT

Mayor Pro Tem Hull moved for an adjournment at 10:20 PM. Councilmember Dukes-Gethers seconded the motion and the motion carried.



Rob Cerqui, Mayor



Michelle Merlino, Administrative Assistant