

EXECUTIVE SESSION

An executive session was held from 6:00 PM to 7:08 PM in the Council conference room for the purpose of discussing Collective Bargaining, 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 Acting City Manager Mukerjee, City Attorney Loren Combs and Assistant City Attorney Jennifer Combs.

CALL TO ORDER & ROLL CALL

Mayor Curtis called the Regular Meeting of the Fife City Council to order at 7:11 PM.

Present: Mayor Curtis, Deputy Mayor Hulcey, Councilmembers Yambe, Johnson, Cerqui, Marsh and Wolfrom.

Staff Present: Acting City Manager Mukerjee; Finance Director DeGroot; Public Works Director Blount; Community Development Director Osaki; Parks, Recreation and Community Services Director Reuter; Chief of Police Blackburn; City Attorney Loren Combs and Assistant City Attorney Jennifer Combs; Executive Assistant Rota and City Clerk Etgen.

PLEDGE OF ALLEGIANCE

Deputy Mayor Hulcey led the Pledge of Allegiance.

CITIZEN COMMENTS

Carol Sue Braaten noted the City Council agenda was missing from the Fife Flyer.

CONSENT AGENDA

City Clerk Etgen presented the following items for consideration on the Consent Agenda:

- a. Approval of Meeting Minutes of May 13, 2014, May 20, 2014 and May 27, 2014
- b. Approval of Payroll Vouchers as reviewed by the Voucher Committee: #50543-50571 in the amount of \$422,298.13
- c. Approval of Claims Vouchers as reviewed by the Voucher Committee: #93536-93637 in the amount of \$269,713.74
- d. Ordinance No. 1868 – Prohibiting Motor Vehicles with a Combined Overall Trailer Length Greater than 28 feet from Traveling on 66th Ave East, South of North Levee Road East, or Traveling Eastbound on North Levee Road East from the Western City limits to 70th Avenue East

Deputy Mayor Hulcey moved to approve the Consent Agenda as presented. Councilmember Wolfrom seconded, and motion carried unanimously.

PRESENTATIONS & PROCLAMATIONS

Recognition of 70th Avenue East Design and Construction Team for Excellent Work in Completing the American Public Works Association 2014 Transportation Project of the Year, in the \$5 to \$25 million Category

Deputy City Manager Mukerjee and Council congratulated Public Works Director Blount along with Public Works employees Ken Gill and Cary Maschner, and companies David Evans and Associates and ACI, who participated in the work culminating in the achievement of the American Public Works Association 2014 Transportation Project of the Year award.

2014 National Public Works Week Event Recap

Public Works Superintendent Kurt Hospenthal reviewed the Public Works Week events which included "Touch a Truck" at Discovery Primary School in Milton. Hospenthal thanked Public Works staff Melissa Pattee and Yvonne Petitdemange along with the staff and principal at Discovery.

Public Facilities Board Update

Phil Waldner, Fife's representative on the Public Facilities Board, briefly reviewed the history of the Public Facilities Board and Fife's participation on the Board. The Board has moved from meeting yearly to quarterly, with the primary focus being on reduction of the debt service and bonds for the Tacoma Convention Center. The Board is considering a partnership with the Association of Washington State Public Facilities District which would require a Charter change and permission from participating entities. Waldner thanked the Council for allowing him to participate on the Board.

COMMITTEE REPORTS/COUNCIL DELEGATE

Councilmembers reported on activity with the City's Wellness Committee meeting; the Website Advisory Committee meeting; Pierce Transit's Fife Milton Edgewood Community Investment Team; the Fife School Board; the Freight Mobility Strategic Investment Board; the Association of the US Army; the Parks, Recreation and Community Development Board; Tree Commission; Hermann Dillon Memorial; Puget Sound Regional Council meeting; South Sound 9-1-1 Advisory Board meeting; SR 167 Coalition meeting; Valley Cities Mayors meeting; and the Pierce County Flood Control Board meeting.

PUBLIC HEARINGS

Zoning Code Amendment – Marijuana Land Uses

Community Development Director Osaki stated the purpose of this public hearing is to take testimony regarding the proposed Planning Commission recommendation for Zoning Code amendments regarding marijuana land uses. A moratorium against marijuana-related land uses was passed by Fife City Council on August 13, 2013 and expires on August 13, 2014. A public hearing is required and in order to meet the moratorium deadline Council will need to take action before August 13th.

Osaki provided a "draft" map outlining the Planning Commission's zoning recommendations. He noted it is merely a draft because there may be specific parcels which were inadvertently included or excluded and it is only a recommendation with Council holding the ultimate decision-making authority. The map showed the regional commercial zoning district lying along Pacific Highway East and on the north side of 20th Street E (on the south side of I-5) and the industrial zoning district.

Osaki noted medical marijuana and collective gardens are addressed in a different part of State Statute and there is a question about whether they are authorized by State law. A court case was an integral part of the Planning Recommendation for medical marijuana and collective gardens.

Osaki reported the Washington State Liquor Control Board (WSLCB) will not issue a recreational marijuana business license if the business is within 1000 feet of:

- Elementary or secondary school;
- Playground;
- Recreation center or facility;
- Child care center;
- Public park;
- Public transit center;
- Library; or
- Game arcade admission not restricted to persons aged twenty-one years or older.

The Department of Early Learning provided the City with a list of six licensed daycares within the City of Fife; two are located side-by-side on 62nd and 20th St E (Munchkinland) and another is across the street (All Saints Church). Three are located in residential areas; one in Radiance, one in Saddle Creek and one in Valley Haven. Other daycares on the list are identified as closed.

The Planning Commission held a publicly advertised community meeting on January 27th for the purpose of taking public input. The Planning Commission met again on February 3rd and March 3rd, and held another public meeting to accept public input on May 5th before submitting a final recommendation to Council.

The Planning Commission recommends permitting retail stores in regional commercial zones subject to obtaining a State WSLCB license and City of Fife business license. Only properties with frontage on Pacific Highway E will be authorized to apply for a retailer license; the purpose is to make sure there is public exposure for safety. The retailers must be separated by 2500 feet to avoid aggregation of the businesses within the City. Pacific Highway E is approximately 14,000 feet long and therefore no more than approximately five businesses would be permitted on the street. The retailers could not be located within 1,000 feet of public or open space except for properties which are used fully for utility purposes. State law defines parks as having playground equipment, so this section of the proposed ordinance ensures all parks within Fife meet the separation requirement.

Businesses must meet the requirements of Title 69 of the Revised Code of Washington and Chapter 314-55 of the Washington Administrative Code. There would be no allowance for a home occupation permit for this type of business.

The Planning Commission recommendation permits producers and processors to operate within industrial zones subject to requirements that they obtain a WSLCB license and City of Fife business license and are not within 1000 feet of property zoned as public/open space except for properties used solely for utility purposes. Requirements also include:

- Shall not be located contiguous to a lot contiguous to one of these that tend to be lower used zones - zoned either: Single-Family Residential, Small Lot Residential, Medium Density Residential, High Density Residential, Neighborhood Residential, Neighborhood Commercial, Community Commercial or Community Mixed Use. – contiguous means touching so even if across street would still be eligible;
- Shall be subject to all applicable requirements of Title 69 RCW and Chapter 314-55 WAC; and
- Shall not be permitted as a home occupation.

The Planning Commission's recommendation is that collective gardens be prohibited on a citywide basis.

Marijuana retailers may apply for a variance from frontage requirements on Pacific Highway E or the 2500 foot separation from another retailer requirement. The variance must be justified and a public hearing with public notice shall be held in front of a Hearings Examiner who will make the final decision on whether or not to allow the variance.

No prior claim for nonconformance may be used, and no conversion of existing non-conforming uses made be made. Parking and landscaping requirements are also addressed in the recommended zoning ordinance.

Osaki reported there is very little information or research available about the impacts of marijuana businesses on economic development. One hotel developer was asked and it was their opinion higher class hotels would not operate in an area where marijuana businesses were located. The information, however, was not based on a study, and all Fife hotels were advised of the public hearing.

Mayor Curtis opened the public hearing at 8:13 PM.

Carol Sue Braaten stated she was supportive of the moratorium and that the THC levels are high in marijuana. She discussed commercial hemp and expressed concern about the number of truck drivers and children in Fife that may be impacted. Public safety should be considered and she agreed collective garden businesses should not be allowed in Fife. Braaten does not want commercial growing operations in Fife because of their electricity usage.

Ted Wetherbee reported the Planning Commission did an exemplary job in looking at the pro's and con's of the issue and in protecting sensitive areas for users. He stated they were open to information and asked great questions. Wetherbee stated he had a good working relationship with them and hoped to continue it with Council. He stated he has a retail license and plans to operate a business at 4500 Pacific Highway E, Suite G. The landlord and other tenants are happy to have them and they are excited about coming to Fife. Their business, an art gallery, will also sell marijuana. He stated they intend to do whatever they need to do to answer questions or alleviate public concerns about their business.

Corey Edwards, speaking as a member of the public and not as the Planning Commission Chair, stated he did not feel the public vote mandated that marijuana sales had to be in the City

of Fife. He stated councilmembers and Fife's public officers, including police officers, swore to uphold the rules of the United States and should until those laws change.

Mayor Curtis expressed concern about children staying in hotels and the proximity of marijuana businesses to the hotels. Deputy Mayor Hulcey noted there are three blocks of residential neighborhoods behind Pacific Highway E which could be eligible for a licensed marijuana use under the Planning Commission recommendation.

With no further testimony, the hearing was closed at 8:32 PM.

Portside Business Center Development Agreement Amendment

Associate Planner Pasinetti introduced proposed amendments to the Portside Development Agreement. The Type 4 application requires a recommendation from the Planning Commission and final decision from Council.

City Attorney Combs noted the quasi-judicial hearing required all councilmembers to state on the record whether they had any ex-parte communication with anyone relative to the application and asked if they had any financial interest in the project. In addition, he asked if anyone felt they could not make a fair and impartial decision in regard to this matter. No councilmembers responded in the affirmative.

Associate Planner Pasinetti stated on June 2, 2014 the Fife Planning Commission unanimously recommended approval of the proposed amendments to the Development Agreement. Historically, Ordinance No. 1667 was approved April 8, 2008. The originally approved Development Agreement has been amended several times; including the exclusion of a parcel for the Fife Library, removal of a portion of the property for the extension of Sheffield Trail, development standard variations and an extension of the deadline for building permit applications. On May 12, 2014 a mitigated determination of non-significance (MDNS) was issued for the proposed amended development agreement.

Pasinetti reviewed the existing uses near the site. The Willow Green apartments are to the north of the site along with the Larsen Cadillac dealership. To the east are the Mayfair condominiums and an existing warehouse. On the south side is an existing warehouse and on the west side are the Bella Sonoma apartments. A vacant piece of land is directly to the west of the property. The Comprehensive Plan designation for a majority of the site is mixed commercial high density residential, excluding the southern portion of the site which is industrial. The zoning designation is community mixed use and on the south industrial. To the west is community mixed use and high density residential. To the north is community mixed use.

The existing development agreement called for nine buildings – to the south a 160,000 square foot warehouse; all buildings in the middle required less than 55,000 square feet and along the front less than 20,000 square foot buildings. The proposed amendment does not change the requirements for building in the center or front, however building H is changed to roughly 251,000 square feet. The two buildings located on 20th Street are removed and replaced with a stormwater pond and park, which will tie directly into Sheffield Trail. It is intended to provide an open space amenity to Fife Library users and the multifamily developments on the north side of 20th.

The amendments also include construction and completion of 66th Ave E between 20th St E and 26th St E, allowing truck traffic from the development to exit to the south rather than using 20th St E. 26th Ave E would extend to 70th Ave. A proposed Local Improvement District (LID) would fund street improvements. Improvements to 66th Ave E are on the City's Six-Year Transportation Improvement Project (TIP). As part of the required findings the amendment must bear a substantial relationship to the public health, safety, morals and welfare and be consistent with the City's development regulations and the Comprehensive Plan.

The proposed amendments provide a walkable community along 20th St E and the stormwater pond and park will buffer the buildings to the south and provide amenities to residents and library patrons. Development agreements are authorized in the municipal code under Chapter 19.68.110 and compliance with detailed zoning and other applicable development applications will be evaluated when the building permit applications are submitted for review.

The proposal was found to be consistent with the land use element which encourages development of quality industrial areas through master planning. New industrial areas are to develop according to a master plan and include such features as open space, landscaping, integrated architecture and signs and traffic control. The proposal is consistent with the City's transportation element to provide truck routes to assure industrial areas are adequately served with minimizing impacts of truck traffic on residential streets and as mentioned, it is on the City's Six-Year TIP.

Mayor Curtis opened the public hearing at 8:45 PM.

Jeff Davis, proponent, stated the project started in 2008 and failed due to the economy and some fatal flaws in the current development agreement. Currently the 27 acres is overgrown and overshadows the Library with incomplete street improvements on either side. There is 1300 feet of frontage with no sidewalks or access to the Library. The current development agreement allows access for ingress and egress to the east and west through what is known as the French property with the City paying for the street construction. The current agreement provides for buffering to the east and west for multifamily developments and is contiguous to the Community Mixed Use (CMU) zoning which requires buffering and an eight-foot tall landscape buffer or mound as well as an eight-foot tall fence on top of that.

Davis reported there are two major changes being proposed including building out 66th to 26th using current development and construction street standards. The City acquired right of way property to the south for stormwater retention would be used for the 66th St project. In order to speed the project along, the formation of an LID will allow for a connection to 26th St E within months of the project being built. Davis estimates their project will be roughly 14 months from start to finish, and an LID is a 12 to 18 month process. There would be no City funding or need to acquire additional right of way. Costs would be borne by the project and others who benefit from the street project. Davis stated his firm is prepared to absorb up to \$250,000 in excess LID costs.

Davis pointed out the old stormwater pond site was excessively expensive and had little to no demand. A trail connecting the pond to Sheffield Trail protects both the builder and City from liability. A hardscaped plaza is proposed on the northeast corner of the project as a congregation or gathering area. There will be picnic tables and benches throughout the area

with two water features in the pond to help aerate and move the water. Portside will be responsible for ongoing maintenance of the pond and park. Traffic counts are decreased by 20% with the new plan and uses. The Planning Commission gave 100% approval to the proposal. Two letters were received in support of the project from D. L. Hendricksen, a Fife business since 1948 currently employing 75 people, and Rushforth Construction, located in Fife since 1951 and employing 215 people. Because they are up against construction timeframes, Davis requested Council consider the request by the June 24th meeting.

In response to a question by Mayor Curtis regarding soundproofing and truck activity, Davis responded that they would comply with City noise ordinance requirements and planned to build a concrete wall with a fence which would be well above Sheffield Trail. Mayor Curtis asked if the Library's driveway could be relocated to 66th; Davis responded they have been in contact with the library and could take it into consideration.

Pasinetti briefly addressed the integrated architectural requirements which will include an administrative design review process.

In response to a question from Councilmember Johnson, Davis stated they came up with \$250,000 in covered overruns by calculating 9 to 10 percent for the project.

Councilmember Johnson expressed concern about the stormwater ponds taking up frontage on 20th St E; Davis stated he could only afford to absorb the economic costs/risks associated with one building over the next several years.

Councilmember Cerqui noted the LID timeline seemed to be quite aggressive. Public Works Director Blount stated construction timeframes vary and it would most likely be between 18 and 24 months. City Attorney Combs stated additional time would be needed if there was a need to condemn property for right of way. If the special benefit created by an LID formation were to create a shortfall even with the \$250,000 from the developer, the City could decide to not move forward or choose to fund the excess costs.

Carol Sue Braatan turned in several maps to the Clerk and stated she had sent e-mails with attachments to Councilmembers. City Attorney Combs advised her that if the City Clerk did not receive the attachments they would not be considered part of the record for this public hearing. Braatan addressed her concerns with the critical areas, sensitive areas, liquefaction areas and tsunami dangers, stating the buildings will collapse and impact emergency exit routes for citizens if built. In response to a question from Councilmember Wolf from she stated there was a tsunami in 1700 and the delta was lost in the 1940's.

Dave Boitano spoke in support of the project stating it is synergistic; the jobs will be good for the tax base, traffic on 20th will be lessened, and the park will benefit Sheffield Trail.

With no further public testimony, the hearing was closed at 9:28 PM.

ORDINANCES

Ordinance No. 1863 – Passage Creation of the Detention Services Department

Deputy City Manager Mukerjee noted the Ordinance was original passed for first reading in April and would separate the jail and electronic home monitoring program from the Police Department.

Corrections Sergeant White spoke on behalf of the non-commissioned bargaining guild, objecting to the removal of the corrections staff from Civil Service and the Police Department. He stated the corrections staff receives training, financial and equipment support from the Police Department. White said the quality of employees would be reduced with the removal of the Civil Service process.

Mukerjee responded by stating the funding level would not change for the jail and that the hiring process would not be compromised. City Attorney Combs noted the guild members would still have employment protections through their union memberships with collective bargaining rights.

Councilmember Wolfrom moved to pass Ordinance No. 1863. Councilmember Johnson seconded and upon vote, motion failed with Mayor Curtis, Deputy Mayor Hulcey and Councilmembers Cerqui and Yambe voting no. Councilmembers Johnson, Marsh and Wolfrom voted yes.

Ordinance No. 1870 - 1st Reading

Formally establishing a Speed Limit of 35 Miles Per Hour on North Levee Road East between the East City Limits and 54th Avenue East

Public Works Director Blount stated the speed limit on North Levee Road East between the East City Limits and 54th Avenue East has been posted with a speed limit of 35 miles per hour at least since the area was annexed to the City of Fife from Pierce County in 1997, for the area between Freeman Road East and 70th Avenue East and in 1998, for the area between 70th Avenue East and 54th Avenue East.

The City of Fife has never formally adopted a speed limit for this section of road when the area was annexed to the city, or since, and passage of this ordinance is needed to bring the Fife Municipal Code into conformance with the posted speed limits.

Councilmember Wolfrom moved and Councilmember Yambe seconded a motion to pass Ordinance No. 1870 for first reading and place on the consent agenda for the next meeting. Upon vote, motion carried unanimously.

RECESS AND EXTENSION OF MEETING

Councilmember Wolfrom moved and Councilmember Johnson seconded a motion to take a 5 minute recess and to add 10 minutes to the adjournment time. Upon vote, motion carried unanimously.

Council went into recess at 9:55 PM, reconvening into session at 10:02 PM.

RECONSIDERATION OF VOTE ON ORDINANCE NO. 1863

Mayor Curtis moved and Councilmember Marsh seconded a motion to reconsider the vote on Ordinance No. 1863. Upon vote, motion carried with Mayor Curtis and Councilmembers

Johnson, Marsh and Wolfrom voting yes. Deputy Mayor Hulcey and Councilmembers Cerqui and Yambe voted no.

Mayor Curtis asked if Council could receive clarification about the commissioning of Corrections Officers if they were not a part of the Police Department.

Councilmember Johnson moved and Councilmember Marsh seconded a motion to postpone the consideration of the motion to pass Ordinance No. 1863 to the meeting of June 24, 2014. Upon vote motion carried unanimously.

RESOLUTIONS

Resolution No. 1599

Local Government Investment Pool (LGIP) Participation Agreement

Councilmember Johnson moved and Deputy Mayor Hulcey seconded a motion to adopt Resolution No. 1599. Upon vote, motion carried unanimously.

Resolution No. 1600

2015 – 2020 Transportation Improvement Program

Public Works Director Blount noted a public hearing was held at the Council's last regular meeting to consider the Transportation Improvement Plan as reviewed by the Planning Commission.

Councilmember Wolfrom moved and Deputy Mayor Hulcey seconded a motion to adopt Resolution No. 1600. Upon vote, motion carried unanimously.

EXTENSION OF MEETING TIME

Deputy Mayor Hulcey moved and Councilmember Wolfrom seconded a motion to extend the meeting for another 15 minutes. Upon vote, motion carried unanimously.

NEW BUSINESS

Appointment of AWC Voting Delegates

Council agreed by consensus to appoint Mayor Curtis, Deputy Mayor Hulcey and Councilmember Yambe as the three voting delegates to represent Council at the Association of Washington Cities business meeting with City Manager Zabell to serve as an alternate.

CITY MANAGER REPORT

Acting City Manager Mukerjee reported:

- Non-Signalized Crosswalks/ADA Ramp Project has 35 of the 48 new ramps done with all concrete work projected to be finalized by the middle of July and the entire project complete around end of July;
- A new Public WI-FI is available for citizens and patrons in City Hall, Community Center and Swim Center;
- The Fife Swim Center is hosting a Water Safety Day on Saturday, June 21st;
- Fife/Milton/Edgewood Chamber member luncheon tomorrow;
- Fife Public Arts Commission meeting tomorrow; and
- June 21st is the Relay for Life of Fife/Milton/Edgewood event.

COUNCILMEMBER COMMENTS

Councilmembers commented on the Mayor's speech at the Memorial Day event, congratulated Fife High School graduates, noted attendance at Hermann Dillon's memorial ceremony and expressed appreciation of the Planning Commission member's attendance at the meeting and work performed.

ADJOURNMENT

With no objection from Council, Mayor Curtis adjourned the meeting at 10:24 PM.



Tim Curtis, Mayor



Carol Etgen, City Clerk