

FIFE CITY COUNCIL MINUTES

Fife City Hall
Council Chambers

Date: January 23, 2007
Time: 7:00 p.m.

CALL TO ORDER AND ROLL CALL

Mayor Kelley called the regular meeting of the Fife City Council to order at 7:01 p.m. with the following Councilmembers present: Godwin, Johnson, Edwards, Kelley, Cerqui, de Booy, and Roscoe.

Staff: Worthington, Campbell, Blackburn, Reinbold, Forbes, Smith, Blount, Richards, Gill, Reuter, Micenko, Tran, Fleming, Haney, Gentry, Cantlin, Dunn, Petitdemange, Rushmeier, Hammer, Meikle, Worswick, and Recording Secretary Cheri Lindgren.

PLEDGE OF ALLEGIANCE

Councilmember Cerqui led the pledge of allegiance.

CITIZEN COMMENTS

Mike Seeger, 5121 Pacific Highway East, thanked the Mayor, Councilmembers, and City staff for their efforts during recent inclement weather. Snow and ice removal and the sanding and salting of streets were admirable.

Councilmember Edwards extended condolences to the Chip Mudarri family, the owner of "Freddie's." Mr. Mudarri passed away last week. Chip was committed to the success of his business. Councilmember Edwards said he will personally miss Mr. Mudarri's energy and enthusiasm.

CONSENT AGENDA

- | | |
|-----------------------------|---------------------------------------|
| a. Approval of Minutes: | Date: January 9, 2007 Council Meeting |
| b. Approval of Vouchers: | |
| Claims: 2006 - #67545-67641 | \$201,449.89 |
| Claims: 2007 - #67544-67544 | \$300.00 |
| Claims: 2007 - #67642-67689 | \$159,266.87 |
| Payroll: #42109-42197 | \$487,776.29 |

Mayor Kelley reported the Council will hold an executive session after the meeting to discuss real estate acquisition.

Director Campbell requested a change to the January 9, 2007 minutes on the third line of the paragraph about the City of Fife Jubilee Proclamation on page 2 changing "Friday" to "Sunday."

Motion

Councilmember Roscoe moved, seconded by Councilmember de Booy, to approve the consent agenda as amended. Motion carried.

SPECIAL PRESENTATIONS

New Employee Introductions

Mayor Kelley introduced new employees and reviewed shared some information about their education and experience. New employees introduced included Police Officers Ryan Micenko, Pete Tran, and Randy Fleming, and Parks Worker Grounds Keeper Jeff Haney.

Employee Service

Mayor Kelley honored and awarded the following City employees for their length of

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Awards

service:

Five Years

George Schoch
Thomas Joy
Nicole Gentry
Marlyn Campbell
Deborah Cantlin
Cindy Dunn
Colin Brooks
Christie Welsh
Yvonne Petitdemange
Lindsey Wilt

Ten Years

Bonnie Rushmeier
Gary Hammer
Lynn Meikle
Jeffrey Rackley

Fifteen Years

Dianna Kilponen
Shane Farnworth

Thirty Years

Terry Worswick

**COUNCIL
DELEGATE
REPORT**

Councilmember Godwin reported he attended the Pierce County Regional Council meeting on January 17, 2007. The county is reviewing its buildable lands analysis that includes extending the planning horizon to 2030.

Councilmember Cerqui announced he attended the Mayor's gathering on January 17, 2007. Thirteen people attended the meeting.

Councilmember de Booy thanked City staff for the efficient snow and ice removal.

**ORDINANCES AND
RESOLUTIONS**

PUBLIC HEARING

**Development
Agreement – Selden's
Property at 26th
Street and 70th
Avenue**

Director Blount reported the proposed development agreement requires Selden's Warehouse LLC to dedicate 30 feet of right-of-way for 26th Street East in return for certain development considerations. The Planning Commission unanimously recommends approval of the development agreement. He reviewed background information and staff's recommendation.

Mayor Kelley opened the public hearing at 7:18 p.m. There were no comments and the hearing was closed at 7:18 p.m.

**Multi-family Zone
Code Amendment**

Director Smith reported the hearing is a continuation of the public hearing from January 9, 2007.

Mayor Kelley opened the public hearing at 7:19 p.m. There were no comments and the hearing was closed at 7:19 p.m.

ORDINANCES

**#1620-07 Multi-
family Zone Code
Amendment –
Continued**

Director Smith reviewed additional refinements to the amendment based on the Council's direction at its January 9, 2007 meeting. The additional changes are outlined in the staff report. The revisions are reflected in bill format in Ordinance #1620-07. The proposed changes affect the Small Lot Residential (SLR),

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Neighborhood Residential (NR), Neighborhood Commercial (NC), Community Commercial (CC), and Regional Commercial (RC) zoning districts.

In response to a question from Mayor Kelley about height limits, Director Smith answered that changes to height are not included in the current proposal.

Clerk-Treasurer Campbell read the title of Ordinance #1620-07:

An ordinance of the City of Fife, Pierce County, Washington, amending Title 19, Zoning, of the Fife Municipal Code by eliminating permitted uses for certain multi-family dwellings in the Small Lot Residential and Neighborhood Residential Zoning Districts, and requiring a Planned Residential Development permit for multi-family housing in the Community Commercial and Regional Commercial Zoning Districts, and eliminating certain multi-family structures as a conditional use in the Community Commercial District, and repealing Section 19.52.050.

Motion

Councilmember Edwards moved, seconded by Councilmember Johnson, to adopt Ordinance #1620-07; Multi-family Zone Code Amendment.

Discussion ensued on the lack of a code definition for “transit line.” Director Smith explained a “transit line” refers to a street served by transit. The Council could revisit crafting a definition at a later date.

Councilmember de Booy commended staff for its work on the zoning amendments.

Councilmember Cerqui asked if there is an opportunity for a Planned Residential Development (PRD) in the commercial zones for a stand-alone multi-family structure. Director Smith replied not as proposed.

Discussion followed about locating mixed-use elements along collector or principal arterials.

Councilmember Cerqui asked if there is a distinction between retirement structures and condominiums. Director Smith said the ordinance doesn’t distinguish between rental and ownership. Multi-family construction could consist of condominium and apartments.

Director Smith displayed an overhead zoning map. Further discussion ensued about a definition for transit line. City Attorney Forbes conveyed that the Revised Code of Washington (RCW) refers to transit lines, but transit itself is not defined. The term is commonly understood. Director Smith pointed out the areas zoned Regional and Community Commercial, smaller pockets of Neighborhood Commercial, and Small Lot Residential on the zoning map.

Councilmember Godwin questioned the reason for permitting agricultural uses, such as livestock, within some of the zones. A livestock use doesn’t seem to fit within commercial zones. Director Smith said the current code allows agricultural uses and

honors the traditional agricultural heritage of Fife. City Manager Worthington added agricultural uses are subject to additional restrictions.

Councilmember Cerqui asked whether the Planning Commission reviewed the proposed code amendments. Director Smith replied that the Commission has not reviewed the more recent changes. The Commission did conduct a public hearing on the amendments in late 2006.

Motion

Motion carried. Councilmember Cerqui opposed.

**#1619-07 Traffic
Impact Fees**

Director Blount reported the draft ordinance includes the changes approved by the Council on January 9, 2007. The amendments are reflected in bill draft form. Testimony during the prior public hearing included discussion about the proposed fees for community-scale commercial development. If the Council determines that a reduction in fees is warranted to promote community-scale development, staff recommends the Council take action to adopt the proposed ordinance, followed by a separate action to amend the fees for community-scale commercial development.

Clerk-Treasurer Campbell read the title of Ordinance #1619-07:

An ordinance of the City Council of the City of Fife, Pierce County, Washington, amending Chapter 20.10 of the Fife Municipal Code, adopting a transportation impact fee formula, and amending the Fife Municipal Code by creating a new Chapter 20.25 entitled "Transportation Impact Fees."

Motion

Councilmember Edwards moved, seconded by Councilmember Cerqui, to adopt Ordinance #1619-07; Traffic Impact Fees.

Motion

Councilmember Godwin moved, seconded by Councilmember Roscoe, to amend the motion to include establishing discounts for community-scale commercial development as listed in a handout from staff.

Discussion ensued about how reducing impact fees for community-scale commercial development will affect the fees proposed two weeks ago. Director Blount explained the amendment as proposed obligates the City to pick up a total of 65% (an additional 15%) of the fees calculated for community commercial type projects in accordance with the uses defined in Section 19.40.020 of the Fife Municipal Code (FMC), items J and K. The reduced fees provide an incentive to encourage community-scale commercial development. Director Blount provided a copy of Section 19.40.020, Permitted Uses for the Council's review.

Councilmember Edwards expressed a concern about reduced fees for gasoline stations. The list of community-scale commercial uses is exhaustive. Councilmember Roscoe noted each structure is limited in size to a maximum of 50,000 square feet.

Councilmember Johnson said the Council's directive was aimed at grocery stores. However, the approach to include all the uses outlined in items J and K might be a

development agreement requires Selden's to provide right-of-way and establishes a process for determining building setbacks for future development.

Councilmember Johnson asked if future development is subject to a concomitant agreement with Pierce County and whether the terms of the agreement have been fulfilled. Director Blount explained that a portion of the Pierce County requirements were waived when the properties were annexed. Much of the development in the immediate vicinity was permitted under Pierce County. A separate Fife concomitant agreement executed at the time of annexation also allowed for waiving some of the county requirements. The initial improvements as outlined in the old agreement were minimal and have already been completed. Turn lanes are required with current development.

The Council and staff discussed whether the terms of the concomitant agreements are binding to the City. Director Blount said the City has not yet issued a building permit to Selden's. Selden's is required to fulfill all of the requirements within the concomitant agreements.

City Attorney Forbes emphasized the proposed development agreement does not change regulations already in place for the development. The right-of-way and transaction costs are substantial to the City absent the proposed agreement.

Discussion ensued about the future alignment of 26th Street and a projected timeline when the street will open. Director Blount replied Selden's is voluntarily improving 26th Street to improve the marketability of the properties. Selden's is not under a timeline to complete the work with eventual dedication to the City. The owner has indicated he wants to complete the improvements by the summer.

Councilmember Cerqui asked if the Selden's warehouse is subject to traffic impact fees. Director Blount confirmed the development is subject to impact fees.

Councilmember Godwin expressed concerns about the concomitant agreement. City Manager Worthington responded the agreement was adopted in 1995. Fife accepted the agreement upon the annexation of the properties.

Councilmember Johnson questioned the urgency of adopting the resolution. City Attorney Forbes pointed out that a decision about the development agreement will not change the conditions outlined in the concomitant agreements one way or the other, or change whether the owner is required to pay traffic impact fees. Director Blount added that Selden's has not submitted a development application because they need to know what the side yard will look like.

Councilmember Johnson referred to the "Traffic Mitigation" language on page 2 of the proposed agreement that states in part that no additional traffic mitigation is required unless the City determines that traffic generated by the development exceeds the trip generation volume that was analyzed and included in the concomitant agreement.

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Councilmembers Cerqui and Godwin asked staff to research the concomitant agreement and provide the Council with additional information about traffic impact and State Environmental Policy Act (SEPA) mitigation fees.

Councilmember Godwin said industrial uses should pay their fair share of traffic impact fees. The City may have at one time given up its ability to collect the full share of impact fees for the Selden's project. The issues raised should have come before the Council prior to voting on the traffic impact fee ordinance. He said he would like to know what other concomitant agreements exist.

Councilmember de Booy said she's also interested in knowing what's contained in the concomitant agreements.

Councilmember Cerqui asked if Tract A delineated on the handout is a wetland. Director Blount answered Tract A represents a storm pond for the immediate properties.

Councilmember Johnson referred to item L on page 4 of the Pierce County concomitant agreement that states in part, "The applicant is required to widen 70th Avenue East adjacent to the project to provide a two-way left turn lane prior to the date upon which 325,000 or more square feet of building is occupied on the subject property." City Manager Worthington indicated staff will double check the status of the requirement. Councilmember Johnson said he's not ready to take an action without further details.

Motion

Councilmember Johnson moved, seconded by Councilmember Edwards, to table Resolution #1093-07 to the Council's February 13, 2007 meeting.

Councilmember Roscoe commented that the action before the Council will not have a lasting detrimental impact on the Council's concerns. She said she is honored to work with the Council and with members that know the history of the City.

Motion

Motion carried.

**#1094-07 Authorize –
Public Defense
Contract**

City Attorney Forbes reported the amendment to the Public Defense Contract is a housekeeping measure. The Council passed Resolution # 1082-06 for public defense services on December 12, 2006. Pierce County has requested removing the "interlocal agreement" language from the document to conform to the parties' intent and practices. Because the revision involves changing the agreement from an "interlocal" to a standard agreement and Council approval is required for an interlocal agreement, legal staff recommends it is best for the Council to repeal the original resolution and approve the revised agreement.

Clerk-Treasurer Campbell read the title of Resolution #1094-07:

A resolution of the City Council of the City of Fife, Pierce County, Washington, authorizing the City Manager to enter into an agreement with Pierce County for public

defense services for years 2007 and 2008, and repealing Resolution No. 1082-06.

Motion **Councilmember Edwards moved, seconded by Councilmember Cerqui, to adopt Resolution #1094-07, Authorize Public Defense Contract, and repeal Resolution #1082-06.**

Councilmember Roscoe asked if the change removes any authority from the Council to approve the contract when it comes up for renewal. City Manager Worthington said the contract renewal requires the Council's approval.

In reply to a question from Councilmember de Booy, City Attorney Forbes said the agreement provides for a two-year contract.

Motion **Motion carried.**

NEW BUSINESS

2007 Comprehensive Plan Amendments Director Smith reported the Council discussed the proposed Planning Commission work plan, including potential comprehensive plan amendments, at its January worksession.

Motion **Councilmember Edwards moved, seconded by Councilmember Roscoe, to forward the 2007 work program as shown in the staff report to the Planning Commission.**

Discussion about the types of meetings anticipated for the Wapato Creek Restoration Plan followed. Director Smith replied the dates refer to potential Planning Commission meetings. The dates are subject to change. Councilmember Godwin asked staff to keep the Council informed on the Wapato Creek Restoration Plan work.

Councilmember Cerqui said he supports the restoration project and asked that the City be cognizant of private property rights as the public process advances.

Councilmember Johnson asked that staff first involve the Council in the restoration project strategy before going to the tribe and the public. Director Smith said staff plans to present a report on the Wapato Creek Restoration Plan at the Council's February study session. Staff will seek the Council's guidance about how to proceed.

Discussion ensued about the current condition of the river mouth and a potential change in alignment along Alexander Avenue. Councilmember Johnson said a component of the project could include a financial incentive to encourage private property participation.

Motion **Motion carried.**

CITY MANAGER REPORT City Manager Worthington reported on the following activities:

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- Notices were mailed out explaining the pending 4% rate increase for water and sewer utilities.
- A 2007 voucher review schedule is available. Any comments or conflicts should be reported to staff so that adjustments can be made.
- Staff is preparing for legislative activities at the state and federal levels. A number of staff and Councilmembers will travel to Washington DC from February 13 to 16, 2007.
- On February 14, 2007, the Association of Washington Cities (AWC) is hosting a legislative caucus with state representatives. Visits to the State Capitol are planned for February 14 and 15, 2007.
- A Council retreat is scheduled for January 26 and 27, 2007. A draft agenda was distributed to Councilmembers.
- Director Campbell has been appointed as the primary contact concerning Emergency Management issues. Staff has met with Federal Emergency Management Agency (FEMA) officials and discussed the first flood event and potential reimbursement of City expenses.
- Sunday, February 11, 2007, marks the 50th anniversary of Fife's incorporation. The anniversary celebration will begin at 2:00 p.m. at the Poodle Dog Restaurant. Everyone is invited. Planned festivities include opening the time capsule that was buried at the Community Center 25 years ago.

Director Blount announced a property owner is paving the shoulder on Valley Avenue in front of Apple Recycling.

Director Campbell reminded the viewing audience that business licenses renewals are due at the end of January. Penalties will be imposed as of February 1, 2007.

COUNCILMEMBER COMMENTS

Councilmember Godwin said the "State of the Sound" mailing included in Councilmember packets contained a very interesting report. It states that the current methods used to handle stormwater will not be acceptable in the near future. Councilmember Johnson agreed and encouraged everyone to read the report. He asked staff to make copies of the low impact development portion of the report for future discussion purposes.

Councilmember Johnson said that on his way to the meeting he noticed a pedestrian stopped on the City side of the crosswalk near City Hall. He was in the left lane and stopped, but traffic on the right-hand side would not stop so the person could cross the street. City Manager Worthington noted the traffic light project will begin once the weather improves.

Councilmember Edwards said a portion of the City's stormwater utility revenues is earmarked to help meet state and federal requirements.

Councilmember Edwards reported a photo enforcement vendor is visiting City Hall on Monday, January 29, 2007, at 1:00 p.m. to talk about the program.

Councilmember Cerqui reported the Fife Lions are hosting a ham dinner on January

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28, 2007, at the Fife High School cafeteria from noon to 5:00 p.m.

Councilmember Cerqui asked staff to prepare responses to two of the questions raised at the recent Mayor's gathering.

Councilmember Cerqui said that the Fife Historical Society is working on the City's 50th anniversary, and has requested a list of former Councilmembers. City Manager Worthington responded staff is working on the request.

Councilmember Roscoe conveyed that she liked the message on the utility bill about the impending rate change.

**CITIZEN
COMMENTS**

Mike Seeger commented about a Fife Historical Society activity taking place on February 14, 2007.

**EXECUTIVE
SESSION**

Mayor Kelley recessed the meeting at 9:05 p.m. for an executive session for the purpose of Real Estate Acquisition RCW 42.30.110(b) for approximately 15 minutes. No official action is anticipated.

**RECONVENE/
ADJOURNMENT**

Mayor Kelley reconvened and adjourned the meeting at 9:20 p.m.

Mike Kelley, Mayor

Marlyn Campbell, Clerk-Treasurer

Prepared by Cheri Lindgren, Recording Secretary
Puget Sound Meeting Services