

**FIFE CITY COUNCIL
STUDY SESSION
MINUTES**

**Fife City Hall
Council Chambers**

**Date: February 20, 2007
Time: 7:00 p.m.**

**CALL TO ORDER AND
ROLL CALL**

Mayor Kelley called the Fife City Council study session to order at 7:03 p.m. with the following Councilmembers present: Godwin, Johnson (7:15 p.m.), Edwards (8:00 p.m.), Kelley, Cerqui, and de Booy.

Excused: Councilmember Roscoe

Staff Present: Worthington, Reinbold, Blount, Combs, Smith, Campbell, Blackburn, Richards, and Recording Secretary Tate.

**PLEDGE OF
ALLEGIANCE:**

Councilmember de Booy led the pledge of allegiance.

STUDY SESSION

**Transit Bus Shelter
Advertising**

Scott Morris, Pierce Transit Marketing Manager, briefed the Council on the Pierce Transit Advertising Shelter Program. In 2002, the State of Washington amended codes to allow advertising shelters along state highways in unincorporated areas. Currently, 70 advertising shelters have been installed in Pierce County.

The need for additional shelters is the number one complaint of transit users. Shelter advertising is a national trend. The City of Fife has the potential to become a successful advertising market.

Mr. Morris reviewed a map showing potential sites for advertising shelters within the City of Fife. Residential zones are not suitable for advertising shelters. Commercial zones are the most suitable locations.

The City of Fife prohibits political advertising. Pierce Transit is willing to cooperate with the City through contracting with advertisers. Generally, advertisers understand it's best to avoid controversy. Pierce Transit has never had a problem with the removal of controversial ads. Pierce Transit does not allow advertisements promoting tobacco, alcohol, or firearms.

Agreements can take several forms such as sponsored advertising shelter programs or specified year renewal agreements. Pierce Transit works closely with the City and does not have the right to place advertisements anywhere in the City.

Councilmember Johnson arrived.

Councilmember de Booy expressed support for the program. Shelters are a wonderful convenience for residents. She asked how vandalism of shelters and advertisements is addressed.

Monica Adams, Pierce Transit, Bus Stop Program Manager, explained shelters are photo monitored 24 hours a day. The shelters are thoroughly cleaned weekly and power-washed monthly. Offensive graffiti is removed within 24 hours. Graffiti that is not offensive is removed within several days.

City Manager Worthington added that community events can also be advertised on bus shelters. Mr. Morris indicated Pierce Transit supports incorporation of community advertising. Shelters can also help incorporate streetscape designs. However, Fife has always been very consistent about what is allowed in City rights-of-way. If the program is approved, there would be some erosion of authority in City rights-of-way. In time, it might be a challenge to restrict political advertising.

Councilmember Cerqui spoke in favor of the program. He commented that he never had an issue with signage being in City rights-of-way. He said he liked the idea of using advertising to fund shelters and suggested expanding the program along 70th Avenue and Valley Avenue over time. Ms. Adams said the avenues could be potential locations if they are properly zoned. The biggest obstacles include electrical right-of-way. Pierce Transit is pursuing solar power for shelters.

Councilmember de Booy asked whether garbage cans are secured. Ms. Adams replied that all shelters have a garbage can, which is bolted to the ground or pole mounted.

Councilmember Johnson expressed support of the program and said he likes the idea of utilizing advertising to assist with funding shelters.

Councilmember Godwin said he likes idea of shelters. He encouraged the City to consult with businesses to ensure proper placement. Ms. Adams stated the majority of shelters are replaced in existing locations. Some shelters are shifted to ensure safety and adequate lighting.

Mr. Morris reported the Council will have the opportunity to provide input regarding shelter design.

Mayor Kelley expressed support of the program.

Councilmember Johnson asked whether the Planning Commission has

reviewed the proposal. City Manager Worthington indicated the Fife Planning Commission did not review the proposal. Mr. Morris added that he will provide the Fife Planning Commission with a presentation on the proposal.

Consensus

There was a general consensus for staff to pursue the Transit Bus Shelter Advertising Program.

Funding Underground Wet Utilities – Valley Avenue

Director Blount reported the widening and reconstruction of Valley Avenue has been a top priority of the City of Fife for a number of years. Fife has obtained nearly \$10 million in county, state, and federal funding for the project. Preliminary design has been completed and the process for obtaining federal environmental permits necessary for construction of street improvements is nearly completed.

After federal environmental permits are obtained, funding partners can release funds for right-of-way acquisition. The current project schedule shows construction beginning in summer 2007.

Development will assist areas that need improvement, clean-up, and improve the reduction of crime.

It will be far less disruptive for traffic if water and sewer mains are installed under Valley Avenue during the road construction project.

No property owners or developers have volunteered to construct water and sewer lines at private expense. Fife's recent changes to the zoning code reduced the extent to which properties along Valley Avenue east of 70th Avenue East could be developed for multi-family housing. Fife's imposition of traffic impact fees increased the cost of such development. These changes have reduced the level of interest for private development along the corridor. The reduced interest is likely to translate into a reduction in private funding available for utility construction.

There is still a potential to collect funding from benefiting property owners and developers through one or a combination of methods such as a Local Improvement District (LID), Utility Local Improvement Districts (ULID) that access a specific rate surcharge or an area specific general facility surcharge. Each of these options can generate cash flow over time after the initial expense. Options for obtaining the initial funds include bank loans, bond sales, or loans from the Public Works Trust Fund.

Options such as county development grants, regional sewer trunk lines, and state or federal appropriations are unlikely to provide adequate

funding before the road is constructed.

If water and sewer main construction is deferred until private developer funding occurs, the total cost will be higher because of the cost to demolish and rebuild the completed roadway. Developers would be entitled to request latecomers agreement to receive reimbursement from non-participating property owners. The cost to such property owners, including small property owners might be higher than if the work is completed during the construction of Valley Avenue. It is very likely that if the utilities are installed concurrently with road improvements, a mix of public and private funding will be required, with most of the public funding derived from the City of Fife from Enterprise Funds.

Director Blount reviewed a table showing City of Fife Funding Alternatives for Extension of Water and Sewer Utilities to Serve Properties Adjoining and Near Valley Avenue East Between 70th Avenue East and Freeman Road East. The table identifies the pros and cons of each alternative.

Councilmember Godwin expressed concerns about property owners who are not beneficiaries of the project who might be required to assist with funding. He said he did not want to see citizens paying to benefit a developer. Director Blount stated higher GFC and rates are future funding and not guaranteed, which means a back-up funding program must be developed from either the utility ratepayer or tax payer. Councilmember Godwin said in that case the City should construct Valley Avenue without the underground utilities. It is not right for the community to pay for future development. Director Blount responded that the City is not anticipating the general taxpayer will provide long-term funding.

Councilmember Edwards arrived.

City Manager Worthington clarified that a more in-depth study is warranted in terms of funding options. At this point, there is a \$2 million gap in funding. The City must decide whether it is the appropriate time to install utility infrastructure.

Mayor Kelley asked staff to identify the service areas. Director Blount identified the areas and indicated the areas currently zoned for development will not develop without utilities.

Mayor Kelley stated some property owners will be forced to sell due to inflation costs. Councilmember Cerqui agreed. The proposal will affect small landowners. Councilmember Cerqui said he strongly disagrees with

staff's earlier comment regarding the potential for development to "clean-up" some areas of the City. Citizens could clean up their own areas if taxes were cut. Developers will not pay for those types of tasks. The City should advocate a mid-way proposal that will not push out small landowners or consider not pursuing the proposal at all.

Councilmember Johnson said the land was rezoned for development. Councilmember Cerqui said not everyone supported the rezone and some small landowners will not be able to afford to keep their land.

Discussion followed regarding project beneficiary areas.

Director Blount clarified that the most important issue is the widening of Valley Avenue. If the Council wants to pursue the undergrounding of utilities during the project, a timely decision is necessary.

Councilmembers Godwin and de Booy asked staff to provide an estimate of how many parties are interested in the proposal. Director Blount acknowledged the request.

Mayor Kelley asked staff to also discuss the issue with the Puyallup Tribe for potential assistance in funding. Director Blount acknowledged the request.

**Wapato Creek
Restoration**

Director Smith reported one 2007 Council goal is partnering with the Puyallup Tribe and the Pierce County Conservation District for the restoration of Wapato Creek. There has been interest in Wapato Creek restoration for some time. There have been significant previous efforts including discussions between City elected officials and staff and with other governmental agencies on potential restoration plans or as part of permitting development adjacent to the creek. In 1999, Pierce County published its "Restoration Site Catalogue," which includes several potential projects involving Wapato Creek. Presently, the City is coordinating with the Puyallup Tribe and agencies on wetland mitigation connected to Wapato Creek as a Category II wetland, which requires a 100-foot buffer on each side.

To begin coordination with potential partners, staff scheduled an initial meeting to include representatives of the Puyallup Tribe, Pierce County Conservation District, and Washington State Department of Fish and Wildlife. The meeting is scheduled for February 22, 2007 at 10:00 a.m. at Fife City Hall.

Director Smith reviewed nine "Potential Additional Goals or Strategies

for Achieving Goals” and asked for the Council’s input on priorities:

1. Restore Wapato Creek to a condition of biological health that supports native vegetation, fish and wildlife, improved water quality, and provides opportunities for public access, enjoyment and nature education while also protecting private property rights.
2. Prepare a “comprehensive” restoration plan for the entire creek within the City, including existing information, locations and general recommendations for restoration activities along the creek and areas outside the City.
3. Design and implement specific restoration plans at specific sites on City-owned or other publicly owned lands (with owner’s permission).
4. Encourage voluntary restoration projects on private property.
5. Encourage involvement in restoration projects by other agencies and jurisdictions outside of Fife, recognizing that the creek is a continuous system that depends on a uniform level of environment integrity to function properly.
6. Coordinate the restoration plan with the City’s Park and Recreation Plans and include areas where public parks, trails or access points are recommended for public enjoyment of the creek and environmental education.
7. Encourage agreements with other entities for cost sharing of enhancement activities including long-term maintenance.
8. Use existing regulations, such as the City’s Critical Areas Ordinance, to the maximum extent possible to control development impacts and to implement restoration activities.
9. Strive for compatibility with traditional uses of the creek, such as farm uses and drainage district uses, subject to the overall goal of environmental restoration of the creek.

Mayor Kelley said he favors items 1 and 9.

Councilmember Johnson said he would like additional emphasis placed on stormwater management opportunities.

Councilmember Godwin suggested the City needs to be model for others. He asked staff to clarify impacts of the area that flows behind Portac Lumber. City Manager Worthington said the area may be Port property. Director Smith added the concern to the nine items.

**Brookeville Garden Park
– Master Plan**

Staff distributed a handout of a draft layout of the park.

Director Reuter reported staff is seeking the Council’s input on the types

of amenities that will be considered when conducting the master planning process for the Brookville Gardens site.

The City purchased the property in 2001 for the purpose of eventually constructing a community park. Since the purchase, the property has been leased to local farmers. This was done to generate income from the property until a master plan was developed and a timeframe established for construction of the community park. The property contains several buildings and is currently used by the Parks Maintenance Division to store materials, supplies, and small equipment.

The Brookville site is adjacent to the property that will be developed into a new Federal Express distribution hub. City staff is working with the developers to coordinate the construction of the stormwater facility to complement the planned trail extension to 70th Avenue East.

Site amenities discussed include a large green space, picnic area(s), a children's play structure, pedestrian overpass to a five-acre park in the Radiance development, and an interpretive area that may include a salmon habitat enhancement project.

Councilmember de Booy said she favors the large green space for small gatherings and would also like to see a large gazebo or covered areas for smaller gatherings. She asked if the park will include restrooms. Director Reuter affirmed the park will include restrooms. Councilmember de Booy asked that restrooms also be identified in the plan.

Councilmember Cerqui said he agrees with project and with Councilmember de Booy's comments. He said he envisions a passive park site and would like the Park's Board involvement with the project. Director Reuter stated the Park's Board will be involved with the project.

Mayor Kelley agreed with Councilmembers Cerqui and de Booy's comments and would also like to see a small salmon spawning ground, picnic shelters with barbeques, a parking lot within walking distance, a baseball backstop without an infield, poles for a small sports net, and a horseshoe pit.

Councilmember de Booy suggested the salmon spawning habitat include an informational kiosk nearby.

Councilmember Johnson stated he would prefer to see the entire park as a natural area with a salmon-rearing pond and a trail to tie in with the walkable community vision. He said he agreed with the idea of small

picnic shelters but not a parking lot. He suggested the City communicate with the Fire Department regarding the idea.

Councilmember Godwin said he envisioned spawning habitat and some picnic shelters. He said he would also like to see a trail along the creek with picnic shelters by the water including barbeques. The park also needs seeding to maintain the park-like effect. He suggested planting trees on the railroad side to reduce noise impacts.

Director Reuter asked the Council for input regarding a children's play area.

Councilmember de Booy said she was opposed to the idea and expressed concerns with the potential for liability issues.

Councilmember Cerqui asked about the potential to allow dogs in the park. City Manager Worthington explained an amendment to the ordinance would be required to allow an off-leash area.

Director Reuter reported staff is scheduling a community meeting to seek input from citizens.

Councilmember Godwin said he's not opposed to having a children's play structure in the park. Most new developments do not have adequate yard space for children to play and the park will provide space for children.

Street Illumination

Director Blount reported the City of Fife has no formal standards for street illumination by street type. Recent public improvement projects have included no illumination for the 1999 reconstruction of Pacific Highway East between Willow and Alexander, and decorative illumination for 2002, 2004, and 2006 projects on 54th Avenue north and south of Valley Avenue and Pacific Highway E between Alexander and the Port of Tacoma.

Illumination of new public and private streets built or improved by developers has been required and negotiated with developers through Planned Residential Development (PRD), platting, or State Environmental Policy Act (SEPA) processes. Four residential projects with new public streets such as Wapato Creek, Radiance, Ashley Park, and Saddle Creek, included cobra head illumination. For Stonebrook, a residential plat with new private streets, a decorative luminary was installed that does not match the luminaries installed on public streets.

Staff developed a draft ordinance establishing illumination standards and

proposed code revisions.

The cost to illuminate Pacific Highway East, between Alexander Avenue East and Port of Tacoma Road exceeds \$450,000. Of that amount, the premium cost for using decorative rather than cobra-head luminaries was approximately \$150,000. That includes the unit-for-unit cost increase and the fact that more luminaries were required.

Many residential neighbors expressed satisfaction with existing illumination and do not like the glare of street illumination at night.

Councilmember Edwards said he understood Councilmember Roscoe addressed the issue not for retrofitting but to set a standard for the future.

Mayor Kelley asked what type of illumination will be installed on Valley Avenue. Director Blount indicated the City will use the cobra-head style. Mayor Kelley commented that it would look nice to use decorative lighting in the area, but perhaps spread them out to achieve a lesser degree of lighting. Mayor Kelley asked staff to review illumination options for the area from Alexander Avenue to the Poodle Dog Restaurant. City Manager Worthington indicated the Council will be provided the information during its upcoming retreat.

Councilmember Johnson said he likes the idea of establishing standards for consistency.

City Manager Worthington reported to Council will discuss the issue in March 2007.

**Concomitant Agreement
& Traffic Mitigation**

Director Blount reported Ordinance 1619-07 was adopted on January 23, 2007 and became effective on February 1, 2007. The ordinance defines City-wide traffic impact fee calculations based on proposed development land use and size of development. Fife's preexisting municipal code required fees to be paid or credited at the time of building permit issuance, with credit against such fees for "the present value of any dedication of land (and) for...system improvements provided by the developer" with the amount of credit "determined at the time of building permit issuance" (FMC 20.10.100).

Additionally, on January 23, 2007, the Council held a public hearing on a potential development agreement with Selden's Warehouse LLC, proposed for parcels 0420087004 and 0420087001. Those parcels are subject to a Concomitant Agreement originally authorized by Pierce County in 1987 and adopted by the City of Fife in 1995 through

Ordinance 1205. The Council deferred action on Resolution 193-07, which would have authorized the development agreement, pending a general discussion on the concomitant agreements.

For properties subject to a concomitant agreement that described transportation improvements, certain dedication of land and system improvements were required by the concomitant agreement. The concomitant agreement limits the City's ability to impose further agreements.

A current developer of property subject to such an agreement would be entitled to present value of those improvements installed by the original developer who executed the agreement or his successors.

Director Blount reviewed the land area governed by the concomitant agreement authorized by Ordinance 1205. He emphasized that the development agreement with Seldon's does not change.

Councilmember Godwin clarified that he never specifically questioned Seldon's property. The issue was that staff did not provide adequate answers and information in the past when questioned.

Discussion followed regarding concomitant agreement details and process.

FUTURE AGENDA TOPICS

Inattention to Driving Ordinance

Police Chief Blackburn reported several cities have had a similar ordinance in effect for years. The ordinance gives officers and prosecutors the ability to utilize it if warranted. The City of Fife has limited tools for enforcement in the field and in the courtroom. Prosecutor Rodabaugh and Judge Ringus researched the issue and found it could be a useful tool for officers and the prosecutor.

Currently, the traffic code does not provide for provable adequate remedies regarding some traffic collisions. The current practice is to cite for either "following too close" or "speeding to fast for conditions." Each of these traffic infractions create difficult methods of proof and carry an inadequate penalty.

A driver inattention ordinance will ease the burden of proof regarding the responsible driver, better hold people accountable for damage, and increase penalties to realistic amounts.

The ordinance also provides an intermediate step for officers who observe multiple infractions that do not rise to the level of negligent driving or reckless driving. The ordinance can be used for a variety of incidents that are more serious than each individual infraction, such as a speeding driver who runs a red light while on a cell phone. Speed alone or red light infraction alone is not enough, but with the driver inattention ordinance, the officer has a middle ground to cite the offender before charging a “negligent driver” charge.

Councilmember Cerqui asked for examples of an inattentive driver. Police Chief Blackburn stated some examples are drivers with pets on their lap, putting on makeup, using a cell phone, or eating. Anything that distracts a driver and impacts driving can be used as an example.

Consensus

There was a general consensus for staff to pursue development of a driver inattention ordinance.

OTHER BUSINESS

City Manager Worthington reported the City of Fife has been chosen to participate in the local broadcast of “My Hometown.” Production will begin in the near future. He encouraged Councilmembers to provide staff with any comments or suggestions.

City Manager Worthington thanked staff for their work during his absence while on a trip to Washington, D.C.

Staff distributed an informational handout on the upcoming Ninth District Day Conference in Washington D.C. City Manager Worthington encouraged interested Councilmembers to contact staff.

Installation of the new cameras in the Council Chambers is scheduled for March 6, 2007 and March 7, 2007.

EXECUTIVE SESSION: Mayor Kelley adjourned the meeting into an executive session at 9:50 p.m. for approximately 45 minutes, for the purpose of Potential Litigation RCW 42.30.110 (i) and Real Estate Matters RCW 42.30.110 (b). No action is anticipated following the executive session.

**RECONVENE/
ADJOURNMENT: Mayor Kelley reconvened the meeting at 10:35 p.m. Mayor Kelley adjourned the meeting at 10:35 p.m.**

Fife City Council Study Session

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Mike Kelley, Mayor

Jim Reinbold, Assistant City Manager

Prepared by Jessica Tate, Recording Secretary
Puget Sound Meeting Services