

Fife City Council Regular Meeting

March 13, 2007

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scheduled for March 31, 2007 from 10:00 a.m. to 1:00 p.m. at the Fife Community Center. He outlined other ways citizens can provide input. Staff will be available at the workshops to answer questions. Everyone is welcome to attend, including children. The input and ideas will be used to inform future Council decision-making. He described the process used to recruit interested citizens to serve on a task force for the Gathering Place, and the task force's role in the master planning process. The task force held its first meeting in February 2007, and meets again on Friday, March 16, 2007. He encouraged the community to attend the workshop on March 31, 2007.

Councilmember Edwards named the members of the 11-member task force representing the business community, Planning Commission, City of Fife, Chamber of Commerce, Visitor Convention Bureau, and various citizen and youth groups. Additional task force volunteers are welcome.

Councilmember Cerqui said he enjoyed participating at the Council's 2008 Budget Retreat on March 10, 2007.

Councilmember de Booy reported she recently attended a Chamber of Commerce meeting. The Chamber is preparing for its annual auction event. She said she also enjoyed the budget planning retreat. She announced the Citizen Advisory Board for Pierce County has awarded \$800,000 in grant funds to date.

ORDINANCES AND RESOLUTIONS

ORDINANCES

#1624-07 – Inattention to Driving

Police Chief Blackburn introduced City Prosecutor John Rodabaugh. Prosecutor Rodabaugh reported similar "Inattention to Driving" codes are used by a number of municipalities within Washington State. "Inattention to Driving" is a lesser offense compared to negligent driving. Sometimes the activity of a driver responsible for a collision (generally rear-end accidents) doesn't warrant a negligent driving infraction, and the standard tickets of "following too close" and "speed too fast for conditions" are difficult to quantify and establish driver responsibility. The proposed ordinance helps to fill the gap, holds drivers accountable, helps to ensure safer roadways, and protects Fife and its citizens from being victimized by an ineffective traffic citation. A court record will establish fault and hold drivers accountable.

City Attorney Forbes read the title of Ordinance #1624-07:

An ordinance of the City Council of the City of Fife, Pierce County, Washington, adding a new Chapter 10.30 entitled, "Inattention to Driving" to the Fife Municipal Code.

Motion

Councilmember Edwards moved, seconded by Councilmember Godwin, to adopt Ordinance #1624-07; Inattention to Driving.

Discussion ensued about whether an "Inattention to Driving" infraction will show up on driver records as a moving violation. Prosecutor Rodabaugh explained generally not on Department of Licensing (DOL) records. However, the incident will show up on a Defendant's Case History (DCH), which is a matter of public record. Insurance companies and prosecutors have access to DCH information, and can treat driving records accordingly.

Councilmember Edwards asked under what circumstances an "Inattention to Driving" citation would be issued. Police Chief Blackburn replied generally at the time of an accident. An officer could also stop a motorist they deem is not paying attention to their driving (such as driving with a dog on their lap). The purpose of the stop is "bad" driving. The officer can determine the appropriate action. The proposed ordinance provides officers with a range of options when negligent driving might not be the most appropriate course to take.

Prosecutor Rodabaugh explained the difference between negligent driving in the first degree (criminal offense) and negligent driving in the second degree. A driving record does not distinguish between the two. The citation could have been issued for a drinking and driving violation, or simply bad driving that resulted in a collision. He explained how the CDL laws have changed since 9-11.

City Attorney Forbes clarified that the proposed ordinance does not take away the ability to issue negligent driving citations when appropriate.

Motion

Motion carried unanimously.

**#1622-07, School
Impact Fees – Second
Reading**

City Manager Worthington read the title of Ordinance #1622-07:

An ordinance of the City Council of the City of Fife, Pierce County, Washington, amending the school impact fee amount and amending Fife Municipal Code Section 20.15.010.

Motion

Councilmember Edwards moved, seconded by Councilmember

Roscoe, to adopt Ordinance #1622-07; School Impact Fees. Motion carried.

RESOLUTIONS

#1106-07, Authorize Replacement of Swim Center Roof

Director Reuter reported the request is to authorize replacement of the Fife Swim Center roof. The Council approved \$80,000 in the 2007 budget for the project. The contract award of \$52,632 is \$27,368 less than the budgeted allocation. Staff recommends approval of the resolution.

City Attorney Forbes read the title of Resolution #1106-07:

A resolution of the City Council of the City of Fife, Pierce County, Washington authorizing execution of a contract with Wright Roofing Inc., for replacement of the Fife Swim Center roof.

Motion

Councilmember Edwards moved, seconded by Councilmember de Booy, to adopt Resolution #1106-07; Authorize Replacement of Swim Center roof.

Councilmember Roscoe asked how long Wright Roofing has been in business. Mayor Kelley replied at least 20 years.

Discussion ensued about minor roof repairs. The roof was replaced in 1996.

Councilmember Godwin asked if the work comes with a leak-proof guarantee. Director Reuter said there is a warranty on the installation. The roof will be replaced with 40-year architectural free shingles. Councilmember Godwin expressed a concern about replacing a roof that was installed only 11 years ago. Director Reuter said staff will monitor the project and inspections will be made.

Councilmember Cerqui commented that a contractor will guarantee the materials but not necessarily the labor.

Motion

Motion carried unanimously.

#1104-07, Authorize Increase Size of Contingency Budget for Pool Construction

Director Reuter outlined the request to increase the contingency budget for the Fife Swim Center Remodel project. The initial contingency budget was 8%, or \$60,000. Generally, contingency budgets for similar projects run in the 10 – 14% range. Additional work is necessary due to unanticipated conditions. He referred Councilmembers to a “Change Order Log” document attached to the staff report. The log consists of 21

additional change order items, many of which are “critical path” issues. He noted three items have been “voided.” A considerable problem is plumbing inside some of the structure walls has deteriorated significantly due to not installing a “plumbing chase” when the center was built.

City Attorney Forbes read the title of Resolution #1104-07:

A resolution of the City Council of the City of Fife, Pierce County, Washington approving a contingency amount of up to \$150,000 for contingencies under the construction contract for Flag Construction Company, Inc., for the Fife Swim Center Remodel project.

Motion

Councilmember Edwards moved, seconded by Councilmember Roscoe, to adopt Resolution #1104-07; Authorize Increase Size of Contingency Budget for Pool Construction.

Councilmember de Booy asked about replacing the old pipe. Director Reuter replied that the old cast iron and steel pipe is being replaced with PVC plastic pipe that should last 30 – 40 years. The premature deterioration of the existing pipe is due to the pool environment. He described the construction for installing the new waste piping system. Staff invited Councilmembers to arrange a time with staff to visit the center and view the progress to date.

City Manager Worthington outlined potential sources available to the Council to finance the increased contingency as follows:

- General fund reserves or beginning fund balances for 2007
- Fife has received 2% funds (\$850,000) from the Puyallup Tribe available as Council discretionary funds that are not allocated

Director Reuter added the \$90,000 increase to the existing \$60,000 contingency provides for a \$15,000 cushion. Staff does not expect to encounter other detrimental conditions. The demolition phase has been completed.

Councilmember de Booy asked if the project is on schedule. Director Reuter answered yes, based on the change orders approved and the additional time the contractor needs to complete the change orders. The opening date has shifted from the end of March to the end of April 2007.

Motion

Councilmember Cerqui moved, seconded by Councilmember Godwin, to amend the motion and Resolution #1104-07, and use the 2% tribal contributions for 2007 to increase the swim center remodel

contingency by \$90,000. The amendment to the motion carried.

Councilmember Roscoe said it is prudent to make the necessary repairs. However, a concern is why some of the change orders were not considered with the initial proposal (wiring for suit and hand dryers, intrusion alarm, fire alarm panel and devices). Director Reuter explained some panels required moving from their original locations. Some of the wiring was bad and required replacing and/or upgrading. The electrical contractor, architects, and subcontractors recommend replacing the items. Some conditions in the building differ from the “as-built” plans. The intrusion alarm was not fully functional, and the extensive repairs were not expected. Councilmember Roscoe expressed frustration that the inaccurate specifications resulted in the significant number of change orders.

Motion

Motion carried unanimously.

#1105-07, Authorize Purchase of Ball Field Groomer

Director Reuter reviewed the request to purchase an infield groomer for the Parks, Recreation and Community Services Department. The machine is vitally important to provide Fife the ability to support large tournaments on Dacca Park. The groomer is specifically designed for maintenance of ball fields and will reduce the time staff needs to prepare the fields.

City Attorney Forbes read the title of Resolution #1105-07:

A resolution of the City Council of the City of Fife, Pierce County, Washington authorizing the City Manager to purchase an infield groomer for use by the Parks, Recreation and Community Services Department.

Motion

Councilmember Edwards moved, seconded by Councilmember de Booy, to adopt Resolution #1105-07; Authorize Purchase of Ball Field Groomer.

Discussion ensued about recouping the capital costs through park rental fees. Director Reuter noted there is increased interest from groups to rent the Dacca Park facilities this year. The life cycle of the machine is approximately 8 to 12 years.

Motion

Motion carried unanimously.

#1096-07, Authorize Change of Public Safety Testing – Civil Service

Assistant City Manager Reinbold reported the Public Safety Testing program would provide Fife with another option to test potential police and corrections officers, dispatchers, or police clerk candidates. Currently, the Civil Service Commission and secretary are charged with

personnel selection for law enforcement employees. Over the past several years it has been difficult to find qualified individuals to fill the vacant position. Testing is only conducted when the certified list expires. Potential law enforcement candidates must wait to test until the list expires. Public Safety Testing, a private organization, performs testing statewide for member jurisdictions. The agency could also take over advertising, recruiting, the application processes, testing (agility and written), interviews and background investigations if the Council so chooses. Staff proposes that the City consider using the service for entry level police and entry level corrections officers for a three-year period, and retain its own program for lateral entry police and corrections officers, and dispatchers and police clerks. City staff would also conduct the required background checks. Currently, it takes a full time detective to complete the background investigations for potential candidates. Another benefit is a potential candidate can take the applicable test at various locations at any time that is convenient to them rather than waiting for an opening with the City.

City Attorney Forbes read the title of Resolution #1096-07:

A resolution of the City Council of the City of Fife, Pierce County, Washington authorizing the City Manager to enter into an agreement with Public Safety Testing, Inc.

Motion

Councilmember Edwards moved, seconded by Councilmember Roscoe, to adopt Resolution #1096-07; Authorize Change of Public Safety Testing – Civil Service.

Councilmember Godwin asked if the agency provides candidates that are testing with a list of organizations looking to recruit employees. Assistant City Manager Reinbold replied that candidates can choose the agency they want to test for. The cost is \$40 an agency or a candidate could pay a \$200 fee and the test would apply statewide.

Police Chief Blackburn explained that as an example, an applicant that has applied for an entry-level police officer position will receive an e-mail letting them know that Fife is a new client and is accepting applications. The candidate can then forward their test scores to the City of Fife. An applicant that fails either the agility or written test is unable to test again for six months. Advertising costs alone for the last Civil Service entry-level police officer cost \$1,200. Public Safety Testing charges \$1,800/year, which includes advertising.

City Manager Worthington said in any given year the City engages in

three to six recruitment activities for the competitive positions.

Councilmember Johnson asked if staff proposes to utilize the testing service at this time to conduct background investigations. Police Chief Blackburn answered said not at this time. Staff will contact the Council at a future date about Public Safety Testing taking over the background checks.

Discussion ensued about the background investigation process and required staff time to conduct the checks and other duties and responsibilities of the Civil Service Commission.

City Manager Worthington clarified that the City can terminate the contract for any reason with a 45-day written notice.

Councilmember Cerqui asked how long the test is retained. Police Chief Blackburn replied Public Safety Testing conducts ongoing testing and the City's list will see continual renewal. The list expires one year from the date it is certified by the Civil Service Commission.

City Manager Worthington said a noteworthy advantage is that the City can expand its pool of potential candidates by utilizing Public Safety Testing services.

Motion

Motion carried unanimously.

NEW BUSINESS

**Fife 2007
Transportation
Construction Program**

Director Blount briefed the Council on the City's major street projects that will begin phased construction in 2007. An aerial photograph or cross section was presented for each project. A total of seven significant construction projects are scheduled in 2007 and include:

- **Signalization of the 23rd Street East and 54th Avenue East intersection.** Fife needs to order the equipment before the contractor can finalize the calculations and the agreement with Tacoma Public Utilities (TPU). The agreement with TPU will come to the Council for approval at a future meeting.
- **Construction of sidewalk along one side of Valley Avenue East, between 54th and Shellfield.** Completion of the project will provide a safe pedestrian route along the entire length of Valley Avenue East between 70th Avenue East and City Hall. Staff expects final plans within the next two weeks. Dialogue about notifying property owners once the final construction schedule is known followed.

Councilmember Godwin asked if abutting property owners would be allowed to bid out their section of sidewalk. Director Blount replied he's not sure.

- **Construction of environmental mitigation, including a new bed for Wapato Creek, in anticipation of Valley Avenue East widening between 70th and Freeman (road work to begin in 2008).** Fife acquired the “orange shaded” area a few years ago. Director Blount pointed to Wapato Creek that runs directly adjacent to Valley Avenue. There are plans to improve the roadway east of 70th. It is necessary to move and build a new creek bed away from the road to accommodate new pavement and sidewalk for Valley Avenue. The plan is to build the new creek bed this summer. Environmental law requires that the creek bed has time to “grow” through the fall of 2007 and spring 2008 before diverting the river. Staff is working to get all required permits in place. Conversation ensued about moving existing habitat.
- **Construction of large-diameter storm sewer, sanitary sewer force main and other utilities, in anticipation of widening of 20th Street East between 54th and 63rd (road work to begin in 2009).** A goal is to complete the utility work in advance of the larger street project. Director Blount noted the project is located in front of Fife High School. It is not possible to complete the utility and street components of the project within a single “school out of session” season.
- **Widening the on-ramp from Port of Tacoma Road to Interstate 5.** The project will widen the on-ramp to two lanes. Fife is working with the Washington State Department of Transportation (WSDOT) to accomplish the work. A question is whether Federal Highway Administration (FHA) approval is needed for the overall length of the ramp that was built decades ago. An “Operations Study” is underway to demonstrate that the ramp is of sufficient length that trucks can gain full speed while merging on the freeway. Mayor Kelley asked Director Blount to elaborate on the Port of Tacoma bridge project. Director Blount explained expansion of the bridge is necessary to accommodate the high occupancy vehicle (HOV) lanes on I-5. The currently funded HOV state project does include complete replacement of the structure. Fife is seeking funds on the behalf of WSDOT to expand the bridge span further to facilitate a future ramp under the structure. City Manager Worthington reminded the Council and viewing audience that the Port of Tacoma is contributing \$2 million for the interchange project components.
- **Overlay the entire length of Industry Drive.** Director Blount explained the overlay of Industry Drive encompasses the roadway between Frank Albert Road on the east and 20th Street on the north and west. Councilmember Godwin asked how old Industry Drive is.

Director Blount answered approximately 25 years old.

Councilmember Cerqui asked when the project would be completed. Director Blount replied August 2007. Construction crews will complete the work during night and weekend hours. Public outreach is planned.

- **Overlay of 62nd Avenue East, between the north City limits and the 1400 block.** Director Blount outlined the boundaries of the overlay project. Councilmember Godwin asked if Fife shares part of the road with the county. Director Blount answered no, that the county line is the east right-of-way line.

Councilmember Godwin asked if the construction of Valley Avenue is still on the schedule for 2008. Director Blount answered that it is.

Discussion ensued about the Wapato Creek project, its associated retention ponds, and that the City will provide all required buffer areas adjacent to the creek.

Councilmember Cerqui asked if the fourth leg of the traffic signal at 23rd Street East and 24th Avenue East will be installed right away. Director Blount said he's not sure. The signal will not be fully functional as long as the store remains open.

Councilmember Cerqui asked if staff has investigated the use of chip seal for resurfacing roadways. Director Blount said chip seal is appropriate for the less traveled streets (such as residential). Streets with significant truck traffic benefit from the additional two-inch overlay.

Councilmember Roscoe asked if staff is aware of privately funded construction projects. Director Blount responded that there are two new streets proposed:

- There is a strong likelihood that 62nd Avenue East, north of Valley Avenue East, will open this summer
- 26th Street East, between 70th and Freeman, may be completed and open sometime this year

City Manager Worthington pointed out that the seven projects presented and previously identified by the Council as priorities represent an investment of \$10 million.

**CITY MANAGER
REPORT**

City Manager Worthington conveyed he found the Council's recent budget retreat worthwhile. He appreciates the feedback offered both by staff and Councilmembers.

A “St. Patrick’s Day lunch” was held at City Hall earlier in the day with a good turnout from a number of departments. A purpose of the lunch was to provide a forum to talk about the voluntary United Way campaign for employees to have an opportunity to invest in their community.

Six months ago the Police Department became aware of illicit activities through the internet. It included the ability to arrange for a meeting location between prostitutes and their customers. The City has conducted four different prostitution details with the help of local hoteliers. The last detail was completed approximately three hours ago. When the City became aware of the activities and investigated a public posting board, Fife’s name came over a dozen times. City Manager Worthington said if visiting the posting site, Fife might be listed two or three times. Earlier in the day, the Police Department arrested three additional prostitutes doing business in Fife and four others on drug related charges in association with the prostitute operation.

**COUNCILMEMBER
COMMENTS**

Director Reuter announced that a 50th birthday celebration for everyone in the City turning 50 is scheduled for March 27, 2007 from 5:00 p.m. to 6:30 p.m. at the Fife Community Center. The City recently celebrated its 50th anniversary at the Poodle Dog. He encouraged the public to turn out for the birthday bash.

Councilmember Edwards announced he, too, will turn 50 on March 27, 2007. He thanked Public Works, and Parks, Recreation and Community Development staff for their earlier presentations.

Councilmember de Booy said she appreciates the City hosting the 50th birthday party event.

Councilmember Roscoe referred to the cover of the “Sound Life” section of the newspaper and an article about a young firefighter that “joined” the Milton Fire Department on Sunday, March 12, 2007. The young man, who has a degenerative brain disorder, is a friend of Councilmember Roscoe’s son. The “Make A Wish Foundation” organized the event. Milton Mayor Katrina Assay attended the affair, and declared March 12, 2007 “Ty Quandt Day.” The Milton Fire Department provided Ty with an excellent experience.

**EXECUTIVE
SESSION**

Mayor Kelley adjourned the meeting into an executive session at 8:45 p.m. for approximately 15 minutes, for the purpose of Personnel Matters RCW 42.30.110(g) and Potential Litigation RCW 42.30.110(i). No action is anticipated following the executive session.

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**RECONVENE/
ADJOURNMENT**

Mayor Kelley reconvened and adjourned the meeting at 9:05 p.m.

Mike Kelley, Mayor

Jim Reinbold, Assistant City Manager

Prepared by Cheri Lindgren, Recording Secretary
Puget Sound Meeting Services