



**Motion**

**Councilmember Edwards moved, seconded by Councilmember Roscoe, to approve the consent agenda. Motion carried.**

**SPECIAL  
PRESENTATIONS**

**Proclamation – Parks  
Appreciation Day  
April 28, 2007**

Mayor Kelley invited citizens to participate in a cleanup activity at Fountain Memorial Park and the Brookville Gardens property beginning at 9:00 a.m. on Saturday, April 28 2007.

Mayor Kelley read a proclamation honoring Parks Appreciation Day, April 28, 2007.

**Proclamation – Arbor  
Day**

Mayor Kelley read a proclamation honoring Arbor Day, April 11, 2007.

Councilmember Johnson announced that staff has obtained 200 Colorado blue spruce seedlings to give away during the Parks Appreciation Day event.

**Proclamation –  
Telecommunicator's  
Week**

Mayor Kelley read a proclamation recognizing National Telecommunicators Week, April 8-14, 2007. Each year, Fife City Council recognizes the efforts and diligence of their Communications Officers by issuing a proclamation of support each year during National Telecommunicators Week. Mayor Kelley presented the proclamation to a Fife Communications Officer.

**Fife Float  
Opportunities**

Mayor Kelley reported Fife will have a float in the Daffodil Parade to preserve the City's heritage and school's participation. He acknowledged the efforts of Parks Boardmember Del Reese and Councilmember Dick Godwin.

**COUNCIL  
DELEGATE  
REPORTS**

Councilmember Johnson reported on his attendance to the Puget Sound Regional Council (PSRC) General Assembly meeting in Seattle. Senator Murray attended the meeting and highlighted some of the major issues facing the state with education as an area of emphasis. Approximately 16% of all engineering positions are located within the State of Washington. The state only educates approximately 3% of all engineers. Another main issue is transportation funding, which will be limited this year. PSRC approved its budget and recognized and awarded five projects of significance.

Mayor Kelley reported the next Mayor's meeting is on April 19 2007 at 7:00 p.m.

Mayor Kelley reported he and City Manager Worthington visited with Representative Adam Smith earlier in the day at the Port of Tacoma. He confirmed that federal transportation dollars will be limited this year.

Councilmember Cerqui reported on the first Lodging Tax Advisory Committee meeting. The committee developed a timeline and a plan for the applications process for this year's budget. There will be efforts to notify hoteliers about the program and to receive feedback.

Councilmember Roscoe reported the Zootrek Advisory Board recently met. The Board is predicting to be impacted by Streamlined Sales Tax legislation. Members received a budget update. The Board is planning a meeting at Northwest Trek and the Point Defiance Zoo in late summer and fall. Construction on the final phase of "Kids Zone" is scheduled in 2008. The Zoobilee and the Fashion Tea fundraising events are scheduled in July. Councilmember Roscoe invited citizens to contact her with any questions regarding the meetings.

## **ORDINANCES AND RESOLUTIONS**

### **ORDINANCES**

#### **#1623-07 – Networks Franchise**

Director Blount reported staff recommends adoption of Ordinance #1623-07 – Networks Franchise.

Interim Finance Director Marcotte read the title of Ordinance #1623-07:

*An ordinance of the City Council of the City of Fife, Pierce County, Washington, granting to 360Networks (USA) Inc., a domestic Nevada corporation, a non-exclusive franchise to use the public rights of way to provide noncable telecommunications service, subject to certain conditions and duties as specified, consistent with Title 11, Fife Municipal Code.*

#### **Motion**

**Councilmember Edwards moved, seconded by Councilmember Cerqui, to adopt Ordinance #1623-07; Networks Franchise. Motion carried.**

#### **#1626-07 Abovenet Franchise**

Director Blount reported staff recommends adoption of Ordinance #1626-07 – Abovenet Franchise.

Interim Finance Director Marcotte read the title of Ordinance #1626-07:

*An ordinance of the City Council of the City of Fife, Pierce County, Washington, granting to Abovenet Communications, Inc., a Delaware corporation, a non-exclusive franchise to use the public rights of way to provide noncable telecommunications service, subject to certain conditions and duties as specified, consistent with Title 11, Fife Municipal Code.*

**Motion**

**Councilmember Edwards moved, seconded by Councilmember Roscoe, to adopt Ordinance #1626-07; Abovenet Franchise. Motion carried.**

**RESOLUTIONS**

**#1109-07, Painting Contract for Parks & Recreation**

City Manager Worthington briefed the Council on the proposed action to approve the painting contract for the Fife Community Center and Fife Swim Center

Interim Finance Director Marcotte read the title of Resolution #1109-07:

*A resolution of the City Council of the City of Fife, Pierce County, Washington authorizing execution of a contract with Sullivan Painting Service Inc., for interior and exterior painting of the Fife Swim Center and exterior painting of the Fife Community Center.*

**Motion**

**Councilmember Edwards moved, seconded by Councilmember Godwin, to adopt Resolution #1109-07; Painting Contract for Parks & Recreation.**

Councilmember Johnson commented that he reviewed the bids and found that there were differences in terms of the services offered by the painting companies. City Manager Worthington indicated staff will need to review specifications within the bid to determine the type of services required.

**Motion**

**Councilmember Roscoe moved, seconded by Councilmember Edwards, to table the motion until the Council's next regularly scheduled meeting on April 24, 2007. Motion carried.**

**NEW BUSINESS**

**Use of City Property for Joint Detention & Treatment**

City Manager Worthington reported no action is requested from the Council at this time. The briefing is to solicit direction by the Council.

Director Blount explained that real estate transactions are different

because public assets are involved. The proposal is favorable in terms of the public benefit as proposed by the owner of property located at the southwest corner of Valley and 70<sup>th</sup> Avenue.

Director Blount reviewed a drawing submitted to the City by the applicant. He outlined the location of the proposal. South of the property is a narrow strip that is approximately 50 feet wide that is owned by the City of Fife. The property was deeded to the City at no cost as a condition of property located on the other side of the railroad tracks. The applicant approached the City several years ago about how to move forward in the treatment of stormwater. The City's number priority in the transportation plan is to improve 70<sup>th</sup> Avenue and Valley Avenue. The City is budgeted to move for storm drainage for the street. The City consultant reviewed the cost of treating stormwater for the public street as a separate matter at an estimate of over \$360,000. The applicant proposes extending its stormwater facility to treat all the street stormwater resulting in a combined facility.

If the Council approves moving forward, staff will move forward with a public process to ascertain if there are potentially better uses for the property.

Councilmember Godwin inquired about the required setback from Wapato Creek. Director Blount said generally the setback is 100 feet with no improvements and 75 feet with landscape improvements. The proposal entails a 75-foot setback to include a soft surface trail within the buffer zone.

Mayor Kelley referred to the future of Wapato Creek after improvements in flow and said he envisioned the City's property to act an overflow area to bypass the loop that goes underneath the railroad tracks as the culverts are not at a proper elevation to handle overflow. If the Council approved the proposal, the City would lose that opportunity to install a bypass overflow for emergency situations. Another concern involves ongoing work with the railroad to acquire several miles of clear track from 70<sup>th</sup>. At 54<sup>th</sup> Street there are ditches on each side of the tracks, which will be difficult to divert around the underpass. It might be possible to reverse the water and use the City property as a pond for the railroad to treat water.

Councilmember Cerqui asked about the responsibility for maintenance of the facility. Director Blount reported the applicant would be responsible for maintenance. He noted that if the Council approved the proposal, the City would not need any other storm facilities between the intersection

and the other purchased sites. However, it will be difficult to connect stormwater flows to the other sites as they are too far and too flat. The City would still need to do something in the vicinity in the absence of the proposal.

Councilmember Roscoe asked whether the proposal will cover the City's Brookville property and the Fed Ex site. Director Blount reported the proposal will only handle the Fed Ex site and street stormwater.

Councilmember Roscoe asked whether a bridge over Wapato Creek at the west end of the property is addressed. Director Blount reported a bridge is not part of the proposal.

### **Public Comment**

**Bruce Valentine, Neil Walter Company, P.O. Box 2181, Tacoma,** commented that the property owners have been working on the project for some time. The original SEPA agreement was received. The mitigation that the proposal is providing for the site for traffic is much less than what was approved. The City asked for some amendments to provide benefits. The City additionally included other items, which was approved by the parties to include the trail. The applicant was not responsible for a trail but has agreed to add a trail.

Councilmember Roscoe conveyed that she would like to see a bridge.

Councilmember Johnson referred to the proximity of the ponds to the railroad tracks and asked if there were any engineering issues regarding the stability of the tracks. Director Blount said the railroad has 100 feet of right-of-way and sufficient area to build additional track. He indicated staff has asked the geotech consultant to provide the analysis. The proposal does not have the pond placed at the edge of the right-of-way, but rather the trail is located along the edge providing 30 to 40 feet to the top of the slope. The railroad bed in the area has over 100 years of stability associated with Wapato Creek, which does flood periodically. Staff will request the applicant study the issue to adequately address the concern.

Councilmember Roscoe conveyed thanks to the parties for negotiating the proposal and agreeing to maintain the facility. She reemphasized her desire to ensure Fife becomes a walkable community and reiterated the need to include a bridge over Wapato Creek within the proposal.

### **Red Light Photo Enforcement**

Police Chief Blackburn provided a presentation on automated red light photo enforcement. He displayed photos of older technology and newer technology. The system works by a car crossing and disturbing a sensor that trips a digital camera to take a picture of the car. The technology is

digital imaging technology. The system is connected to a computer, which feeds the pictures back to the computer using wireless technology. The image is clear and is an image of the rear of the car. The RCW provides the City with the authority for school zone violations, speed, railroad crossings, and red light photo enforcement.

Councilmember Edwards asked whether the City has monitored any intersections to ascertain the degree of the problem. City Manager Worthington advised that staff did monitor an intersection for a period of time. The results indicate that there is a substantial volume of infractions occurring. Chief Blackburn said the City's lifeguard conducted the monitoring after receiving instruction from the Police Department. The monitoring took place on Thursday, March 15, 2007 from 7:30 a.m. to 10:30 a.m. on southbound 54<sup>th</sup>. There were 63 violations during that period. On westbound Highway 99 at 54<sup>th</sup>, there were 52 violations. On Friday, March 16, 2007 from 3:40 p.m. to 6:30 p.m. on southbound 54<sup>th</sup> there were 42 violations. On westbound Highway 99 at 54<sup>th</sup> there were 86 violations. Chief Blackburn described three different types of violations of blocking the intersection, entering upon red, and not clearing the intersection. Photo enforcement applies to cars entering the intersection on a red light.

Judge Ringus reported Court Administrator Dowdy prepared different charts for the Council's review. She reviewed different figures from jurisdictions that employ photo light enforcement from Seattle, Lakewood, and Auburn. A comparison was undertaken resulting in an estimate for Fife. Depending upon the number of approaches that will have a camera, the Court anticipates an 11% request for hearing rate. Out of the violations that are sent out, approximately 10% to 12% will request a hearing, which will eventually level out. The Court recommends accepting those violations that request a hearing and have the photo enforcement company handle those violations that are paid. At the end of the pilot period, if the level is lower, the Court could accept more responsibility. A pilot period is recommended to gauge the performance of the cameras and how they are impacting the Court. If the Court reaches a threshold, the Court may ask for additional staff.

City Manager Worthington said the next step is determining how to process the infractions. The infractions are not considered a moving violation. However, some people may object to them. The issue is how the City will initially process the infractions and contested infractions. The data suggests an initial spike on the court system. Cities that have employed photo enforcement for a year or more have experienced a violation decrease by approximately 30%. It has been demonstrated to

modify behavior and create safer intersections. After the initial learning curve and people become aware of how the system works, they are less likely to offend, and those that offend are less likely to contest the infraction.

Councilmember Godwin pointed out that motorists that are stopped by a police officer for running a red light receive a moving infraction that follows the person's driving record while an infraction issued through photo enforcement is not included on the person's driving record. Councilmember Godwin said the disparity is troubling. Staff noted the City follows the RCW pertaining to both situations.

Councilmember Johnson asked staff to check on the recent adverse ruling in Minnesota concerning automated red light photo enforcement prior to enacting the system in Fife to ensure the City does not have a challenge filed against the City.

Councilmember Edwards said he agrees with the Court's recommendation of an initial pilot period with the vendor handling the majority of the infractions. The argument and concern that the Court will become overloaded proves the reason for needing photo enforcement.

Mayor Kelley commented on the need to properly sign the intersections.

Councilmember Cerqui said he is somewhat concerned about the load the system might create for the Court. He said he is also concerned about people running red lights and the safety aspect but is also concerned about vehicles that are following trucks that are blocked from viewing the lights who inadvertently also run a red light.

Councilmember Roscoe expressed support for photo enforcement but does not support any changes to the sign ordinance for increasing the size of signs at intersections with photo enforcement.

***A majority of the Council agreed to continue moving forward with the process. The Council concurred that during the initial phase to seek services from the vendor for processing initial fractions.***

## **Drainage District Easements**

City Attorney Combs briefed the Council on the proposal to seek easements for creek drainage maintenance. Pierce County Drainage District 21 has maintained a drainage system in and around the City to flow water through the City to Commencement Bay to alleviate flooding in the area. The issue is decades old. As the Drainage District transitions out and the City assumes responsibilities, the District wants to ensure that

the valley is properly drained and citizens and businesses are protected. The Drainage District has a network of drainage systems. In 2004, the City decided to assume the system in the City and assist the Drainage District in perfecting its existing system. The issue does not involve takings of private property but does acknowledge drainage easements that already exist.

Over the last several months, staff has tried to refine the easements. The direction was also clear to take whatever action was necessary to perfect the existing easements and make them of record. The proposed documents are the proposed easements that staff recommends using. The proposed easement is narrower and is 10 feet from the centerline of the creek.

Director Blount displayed and described several photographs depicting a 20-foot pipe placed across the creek to demonstrate the proposed easement width.

City Attorney Combs noted that the proposed easement, in many cases, is less than what has been maintained. In some corridors the existing easement exceeds 70 feet. The proposed easement is less than what the Drainage District would have required through the prescriptive process. The proposal allows replanting if vegetation is removed to clear the corridor but it does not allow fresh plantings. The proposal requires the City and the Drainage District to restore any plantings that are removed. The easement does not restrict the property owner's use of their land.

The proposal involves the City acquiring the easements in the name of the District with an existing agreement requiring the District to transfer the easements to the City since the City is maintaining the ditches.

Councilmember Godwin noted the proposed drainage easement does not appear to refer to 10 feet. Staff directed him to language in the draft that describes the 10-foot easement. Councilmember Godwin recommended staff call out the specifics of the easement to property owners.

Mayor Kelley indicated the proposed easement is acceptable. He commented on future restoration efforts to restore Wapato Creek and that in most instances, property owners will allow access. He questioned how the City will address property owners who do not cooperate. City Manager Worthington said the intent of the proposal is separating the restoration process from the drainage easement. There will be a second phase inviting people who would like to see the creek restored to participate in a voluntary opportunity to be part of a program.

City Attorney Combs added the task is perfecting the drainage easement system in and around the City. Restoration of the creek is larger vision that is not a component of the current work assignment regarding drainage easements.

Councilmember Johnson suggested using the opportunity to have a meeting with the stakeholders, discuss the easements, and a potential partnership with the City to improve Wapato Creek.

City Attorney Combs agreed perhaps a public outreach process could occur to address both the easements and the City's desire to undertake restoration efforts to improve the creek.

Councilmember Godwin commented on recent information he learned concerning how development occurring in the City of Puyallup is impacting the creek as Puyallup restricts flows during the summer impacting dissolved oxygen levels while in the winter, flows are not restricted creating flooding in the City. The issue needs to be resolved prior to pursuing easements.

Councilmember Cerqui commented that restoration efforts will take the efforts of many to include the City, Port of Tacoma, Puyallup, Puyallup Tribe, and the Drainage Districts. Some of the bigger issues should be considered prior to pursuing easements. He asked about the difference between prescriptive versus perfected easements. There is historical data showing the Drainage District has maintained the area and easements. The City's Critical Areas Ordinance protects the creek and provides additional enforcement. Some areas are already developed that will require working with the landowners, while there are other small landowners that are caught in between large development and developed properties. The action might encumber their property. He asked whether the Drainage District has the right to authorize the City to change the easements from a prescriptive easement to a perfected easement, and whether the City really needs to record the easements.

City Attorney Combs replied that under state statute, the City can enter into an interlocal agreement to perform tasks that another governmental agency can perform. The Drainage District has the ability to have the City perform the task for the District. Prescriptive versus perfected easements are not a property rights issue as it is not a taking. The problem is that a prescriptive easement is in essence a "handshake" that hasn't been officially recorded. The purpose of recording the easement is for fairness to all future property owners and to ensure that there are no

disputes in the future. That is why in 2004, both the City and the Drainage District agreed perfected easements are necessary. However, it is also a policy decision by the Council.

Councilmember Cerqui pointed out that the prescriptive easements have been observed historically and even with new landowners, the Drainage District has exercised the easement without any problems. City Attorney Combs commented that the City or the Drainage District would not have any legal recourse if a new property owner forbids access for maintenance. There is nothing of record to show the City has the right to access the property to maintain the creek. The situation would only create a hostile circumstance with the property owner, which does not need to happen. Prescriptive easements are only effective until someone stops the use of them.

Councilmember Cerqui said his concern is that restoration and drainage are two different issues and as the City moves towards restoration it may do so with willing property owners and the Tribe.

Councilmember Roscoe asked for the original copy of the letter the City sent to property owners regarding the easements. The action is just another step for improving all the drainage within the City of Fife. The Council does its best to respond to citizen issues. In some cases it includes providing verbal direction to Public Works to work with citizens to resolve issues. City government is operating in the best interests of its citizens and often some people will blame government when certain "handshake" issues haven't worked out. It is important to inform citizens of what is expected of the City as well as informing citizens of what they can expect from the City. It is important for the City to have guidelines as well as providing opportunities for citizens to address issues that have not been resolved. Recording the easements is in the best interest of the citizens. She agreed restoration is a separate issue.

Director Blount reported the Drainage District Commission's meeting is scheduled on Monday, April 16, 2007. Prior to any notification to property owners, the Commission will sign and approve the action. The Council's action is not necessarily leading to a mailing to property owners but rather to the Commission.

**Public Comment**

**Jim Call, 2804 Holm Road E**, commented on plans Columbia Junior High School had for working on fisheries within the creek. The creek does have a small fish run. He agreed a 10-foot easement is needed. Development in Puyallup is impacting Fife and the creek and needs to be addressed. He expressed support for the Council to support the proposed

easements and for having a community meeting.

**Doug Scully, Edgewood, Commissioner, Drainage District 21**, reported he is a property owner along Wapato Creek and owns property on both sides of the creek. Mr. Scully commented that he researched prescriptive rights and that the definition of prescriptive rights includes, “the operation of the law whereby rights may be established by long exercise of their corresponding powers or extinguished by prolonged failure to exercise such powers.” Other information he obtained says that easements may be created in a number of ways. In most of the United States using someone else’s property using ingress and egress over a certain number of years, regularly and without the consent of the property owner can give the use of the right to continue using the property for the same purpose for as long as the user wishes. This method of acquiring an easement is called a prescriptive easement or easement by prescription. The period of continuous use for a prescriptive easement to become binding is generally between five and thirty years depending upon local laws usually based on the statute of limitations on trespassing. Once they become legally binding after that period, easements by prescription hold the same legal weight as written or implied easements. Mr. Scully said he has no issue with the idea of having ingress and egress rights, but as a stakeholder he said he is representing stakeholders. It is important to recognize that there are many stakeholders who are older property owners who have been very willing to allow ingress and egress without any problems. He said he has not heard of any instance where there have been any problems with performing maintenance. The issue is to determine whether the description of a prescriptive easement is true. There will be some resistance based on emotions because encumbering a title typically generates an emotional reaction. Mr. Scully said he recommended to the Commission an option of grandfathering current landowners with prescriptive easements and as property titles transfer, encumber the property with a perfected easement. He said he favors a stakeholder meeting to receive input.

Councilmember Johnson commented that once the Drainage District ceases operation in Fife, prescriptive easements may not transfer to the City. City Attorney Combs confirmed they would not transfer but would be extinguished.

City Attorney Combs reviewed possible next steps:

- Conduct a stakeholders meeting.
- Seek voluntary signatures for drainage maintenance easements for 20 feet.

- Encourage people to restore the creek in a partnership with the City and other stakeholders.

City Attorney Combs said he envisions a meeting with the Commissioners and developing a mass mailing to all stakeholders inviting them to the stakeholder meeting.

Councilmember Johnson recommended extending an invitation to Drainage District 23 and the City of Edgewood City Council.

Councilmember Cerqui expressed an interest in the suggestions by Mr. Scully for possible exemptions. Perhaps the stakeholder meeting is the forum to work out some of the issues.

***The majority of the Council concurred to pursue an approach to conduct a meeting with stakeholders to address the minimum storm drainage easement in a public presentation to include discussions about restoration efforts to undertake for Wapato Creek.***

Councilmember Godwin requested staff conduct fact gathering regarding the issues associated with Puyallup and creek flows. City Manager Worthington said he is initiating some of the same discussions with the Puyallup City Manager in a meeting next week.

Director Blount reported another stakeholder active in analyzing Wapato Creek is the Washington State Department of Transportation (WSDOT) because of new construction of SR 167, which crosses Wapato Creek. WSDOT is modeling Puyallup's reach of Wapato Creek and WSDOT staff is aware of the City's concerns and issues. WSDOT is seeking ways to obtain credit for environmental enhancement to mitigate some of the project's environmental impacts. Staff has suggested improving Wapato Creek and maintaining the creek as mitigation.

City Manager Worthington recommended addressing the issue at the Council's June study session.

**2007 Budget  
Amendment Briefing  
&  
Cash Carry Over**

Interim Finance Director Marcotte briefed the Council on the proposed 2007 budget amendment and cash carry over.

The proposed actions are a normal process at the beginning of each budget process to amend the budget to correct beginning cash balances and to correct any budget oversights. Previously, the budget amendment and cash carry over have been included in a single ordinance. This year, the proposal is for two ordinances to address the actions separately.

The proposed cash carry over ordinance corrects the beginning cash balances for the current budget year. The 2007 budget was prepared in fall 2006 and adopted at the end of the year using a best estimate on the cash carry over. The proposed ordinance adjusts the estimate to reflect the actual figure.

The proposed ordinance to amend the 2007 budget corrects the budget. The budget ordinance that was originally adopted included a scrivener's error in the list of appropriations by fund totaling \$65,249,270. Within the separate funds, the item listed for Recreation and Pedestrian Capital Facilities was inadvertently listed as \$60,103 rather than \$360,103 although the total did add to \$65,249,270. The proposed amendment corrects the error as well as a number of items as listed on Exhibit A.

**Moratorium  
Recommendation from  
Planning Commission**

Director Smith reported at the Council's March 27, 2007, Planning Commission Chair Albertson provided comments during the public comment segment about the Planning Commission's motion at its February meeting to recommend the City Council consider a moratorium on industrial development. At that time, it was not an official agenda item and staff did not have the opportunity to provide a recommendation. Staff is now seeking direction from the Council on whether to proceed with a moratorium and a public hearing.

Director Smith displayed a map of the proposed area affected by a potential moratorium. The proposal encompasses the area involving all commercial/industrial development greater than 50,000 square feet located south of 20<sup>th</sup> and east of 54<sup>th</sup>. Vested development proposals would not be affected.

Councilmember Godwin noted a developer recently constructed a new street between Freeman and 70<sup>th</sup>. The area is included in the recommended moratorium area.

Councilmember Edwards asked how many projects are under consideration within the area. City Manager Worthington indicated there are a number of projects but most of them are not vested.

Discussion followed about the definition of a vested project.

Mayor Kelley indicated any moratorium action is too late. Many of the farms have been sold and the properties have been resold. A property owner recently spent millions of dollars constructing a road. The area is the last and largest industrial site within Fife. It is inappropriate at this

time to consider a moratorium in that area.

Councilmember Cerqui said there isn't much land remaining that does not have any development plans. A moratorium might initiate a reaction by the submission of development applications. The City's adopted comprehensive plan has undertaken a public process and lays out land uses. He said he is confident with the plan and the proposed zoning. It would be difficult to justify a moratorium. One possible alternative in slowing development is looking at impact fees. He asked staff if there is a way to consider the proposal other than a moratorium.

Director Smith replied the Planning Commission has a work item on its planning docket to conduct an overview of the City's zoning, which could be the vehicle for the Planning Commission to consider the area and potential development with recommendations to the Council later in the year.

Councilmember Roscoe commented that the proposal appears to be drastic and could create property rights issues. She suggested consideration for reviewing the issue in another forum other than a moratorium.

Councilmember Godwin noted the action is too late by 10 years. Additionally, when the area was annexed, the property owners were promised industrial zoning. He indicated he cannot support the proposal.

Councilmember Johnson agreed the proposal may be past its time. He said he is concerned that most of the property is locked up and vested and would like to know which of the properties are vested and which ones could be potentially rezoned.

Councilmember Edwards echoed similar comments.

#### **Public Comment**

**Jim Call, 2804 Holm Road E**, reported at the last Council meeting, the Chair of the Planning Commission addressed the Council about two separate unanimous votes by the Commission, taken over a period of three months, to forward a recommendation for a moratorium on industrial and large commercial developments in the City of Fife until the Commission can address the impacts of future developments such as the Benaroya proposal for three to three and half million square feet of warehouse near 20<sup>th</sup> Street and Freeman Road, and other future proposals.

The Planning Commission cited several reasons for a moratorium, but not all the reasons were incorporated into the minutes of the Commission. Of

great concern is the dropping from the SR 167 proposal of the interchange with Interstate 5, leaving access to I-5 to the intersection of I-509 at 54<sup>th</sup> Avenue East. The impacts to Pacific Highway and the ramps to I-5 are very apparent. Mr. Call said it his belief that without a moratorium, the impacts to the City of further industrial and large commercial development, unless properly planned for, will hinder the growth the single family residential, increase truck traffic exponentially, and increase costs dramatically to the City as it tries to manage traffic and improve and repair roads.

The tremendous demand for housing in Fife is apparent from the recent activity by D.R. Horton in Radiance and Saddle Creek, and others, building single family homes by the hundreds. There have been negative comments at the Commission regarding the huge warehouse development across the street from Radiance. Many residents in Radiance appeared to be surprised and a bit chagrined when that construction began. It is readily apparent that the adjacent siting of industrial and residential developments do not represent the best in planning.

It is important that a balance be found between the competing demands for commercial, industrial, and residential development. Giving the community and the Planning Commission a six-month period to address these demands would not irreparably harm the City and would improve the community to the benefit of all.

Mr. Call requested the Council hold a special community meeting to address just this issue and hear the thought and ideas from residents and businesses regarding a moratorium and the future of the City.

Mr. Call cited other reasons for pursuing a moratorium to afford time for the Planning Commission to study and forward a recommendation to the Council. He cited impacts to current infrastructure with new development. Developing the area as industrial will create problems for the City and its residents. Allowing development to occur without addressing impacts is not practical.

Mr. Call thanked the Public Works and Park Recreation Departments for replacing "Dawn to Dusk" no parking signs with the "Dusk to Dawn" parking signs at Wedge Park. He thanked the Council and staff for the new speed limit in school zones.

**Motion**

**Councilmember Roscoe moved, seconded by Councilmember Johnson, to extend the meeting to 11:00 p.m. Motion carried.**



state law. The City of Fife's proposal follows state law.

City Manager Worthington reported on the following:

- Acknowledgement to the Lions Club in partnership with the City, Mitzel's Restaurant, and Mill Ridge Village for contributions to the City's Easter Egg Hunt.
- Streamlined Sales Tax legislation passed and was signed by the Governor. As the City prepares its baseline 2008 budget, staff will ensure the base is established accurately as future mitigation will be based on the figures. The bill includes full mitigation to some cities, such as Fife. There are also future implications to land use policies.
- Substitute House Bill 1669 recently passed both houses. The bill provides new standards for municipal judicial liability setting a gross negligent standard. The bill has been an important matter to cities such as Fife with municipal courts. The Association of Washington played a significant role in the passage of the bill. The bill is pending the Governor's signature. Fife supported the bill.
- A new police dog – Maggie has been added to the Police Department.
- For the May 15, 2007 study session, a quorum will not be available. No agenda has been established at this time. The Council discussed pending agenda items and agreed to schedule May 1, 2007 as the Council's study session.
- The next budget retreat will likely be on June 2, 2007 rather than May 19, 2007 because of travel schedules.

**COUNCILMEMBER  
COMMENTS**

Councilmember Godwin requested the addition of study session topics. One issue concerns residential development in the floodway. One concern is that the policy across the river prohibits the rebuilding of a house if the house should burn down. He asked how the City of Fife established such a policy without Council approval.

City Manager Worthington replied that Pierce County designated the area as a floodway.

Councilmember Godwin referred to water billings and some concerns by some of the Council of shortening the due date for payment of water bills. The window is approximately 10 days. The City needs to review the policy and afford more time for payment of utility bills. The Council expressed interest in revisiting the timing of the utility payment billing and payment.

City Manager Worthington clarified that there is a distinction between floodway and floodplain. The City does not allow construction within the floodway.

Councilmember Johnson referred to several newspaper articles that identified several local taverns and bars that were connected with many DUIs. One tavern in Fife was included on the list. Two weeks ago the newspaper published another article about an organization that was created from the fatality of a young lady caused by a drunk driver. The parents established the organization and work with bars and taverns to fund taxi rides for patrons who have drunk too much. He suggested inviting the organization to provide a briefing and well as working with local establishments to participate in the program.

Councilmember Cerqui thanked Mandel Hardy for his years of service to Fife as a Planning Commissioner.

Councilmember Cerqui requested a copy of the SST legislation. City Manager Worthington confirmed the request.

Councilmember Cerqui mentioned that "My Hometown" about Fife is currently broadcasting on Comcast Channel 76.

Staff clarified for Councilmember Roscoe the times for the new speed limit in the school zone on Valley. The time is from 6:00 a.m. to 4:00 p.m. seven days a week. The speed zone on 20<sup>th</sup> is observed only during the flashing lights. Police Chief Blackburn advised that the City has applied for a grant to fund a lighted sign that displays a driver's speed. The City should receive notice within the next six weeks whether the grant was approved.

Mayor Kelley commented on the recent death of a member of the community.

The Mayor's gathering will be held on April 19 at 7:00 p.m.

Mayor Kelley reported the Daffodil Junior Parade is on April 21, 2007 followed by the Daffodil Parade on April 28, 2007.

City Manager Worthington provided an update on the status of the pool construction. Some of the supplies and equipment for the project are lagging from the suppliers, which is delaying the estimated completion of the pool remodel. Staff is working on options. It does not appear the pool

will open until mid-May.

**RECESS**

**Mayor Kelley recessed the meeting to an executive session for the purpose of Real Estate Acquisition RCW 42.30.110 (b) and Personnel Matters RCW 42.30.110 (g) and Potential Litigation RCW 42.30.100 (i) for approximately 60 minutes and no official action will be taken.**

**RECONVENE/  
ADJOURNMENT**

**Mayor Kelley reconvened and adjourned the meeting at 11:30 p.m.**

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Mike Kelley, Mayor

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Jim Reinbold, Assistant City Manager

Prepared by Valerie Gow, Recording Secretary  
Puget Sound Meeting Services