

FIFE CITY COUNCIL MINUTES

Fife City Hall
Council Chambers

Date: June 12, 2007
Time: 7:00 p.m.

CALL TO ORDER AND ROLL CALL

Mayor Kelley called the regular meeting of the City Council to order at 7:00 p.m. with the following Councilmembers present: Godwin, Johnson, Kelley, Cerqui, de Booy, and Roscoe.

Councilmember Edwards was excused.

Staff: Worthington, Reinbold, Blackburn, Marcotte, Combs, Smith, Reuter, Blount, Richards, Farris, Moody, and Recording Secretary Jessica Tate.

PLEDGE OF ALLEGIANCE

Councilmember de Booy led the pledge of allegiance.

CONSENT AGENDA

- a. Approval of Minutes: Date: May 22, 2007 Council Meeting
- b. Approval of Vouchers:
 Payroll: #42728 – 42798 \$253,180.66
 Claim: #68840 – 68984 \$369,053.44
- c. Set a Special Meeting for June 19, 2007 Study Session

MOTION

Councilmember Cerqui moved, seconded by Councilmember Godwin, to approve the consent agenda as presented. Motion carried.

SPECIAL PRESENTATIONS

Life Saving Awards

Police Chief Blackburn reported on March 1, 2007, Assistant Chief Kevin Farris and Officer Ray Moody responded to an aid call for a man not breathing at a local motel. As the first personnel to arrive at the scene, the officers performed emergency resuscitation efforts. Their actions prevented possible asphyxiation, which could have resulted in brain injury or death. They also hooked the patient to an AED unit, which advised against performing shock treatment. The machine provided valuable information to medical personnel arriving on scene.

The quick life saving actions of the officers helped fire personnel provide care the patient needed and expedited transport to the emergency room. Their actions were instrumental in a favorable outcome for the patient.

Police Chief Blackburn presented Assistant Chief Farris and Officer Moody with Life Saving Awards and commended them for their actions.

Appreciation Plaque

Mayor Kelley reported longtime Planning Commissioner Mandel Hardy

recently resigned from the Planning Commission. Commissioner Gerald Neilson reports that Mr. Hardy was a dependable Commissioner, who was appointed in December 1988. He served as the Chair for a number of years.

Mayor Kelley accepted the Appreciation Plaque on behalf of Mr. Hardy.

**Public Service Excellence
Award**

Mayor Kelley reported the Public Service Excellence Award Program initiated in 2006 by the City Manager recognizes community members who have made significant contributions to the community and the City.

Mayor Kelley named the nominees and reported the Council selected Dale Rees for his service on the Parks Board and for his help with the Fife-Milton Community float. He was also instrumental in the success of Parks Appreciation Day. Several comments from the nominations for Mr. Rees stated:

- “Dale has continually done what was asked of him by the community.”
- “Never says no when he is called upon to help.”
- “In the short time that I have been with the City of Fife, I have realized that Dale is an integral part of our City and community.”

Mayor Kelley presented Mr. Rees with a Public Service Excellence Award plaque.

Mr. Rees said he enjoys being a part of such a great community. He thanked the Council and the community for their consideration.

**COUNCIL DELEGATE
REPORT**

Councilmember Cerqui reported the Lodging Tax Advisory Tax Committee met and discussed the 2007 timeline. An update will be provided at the Council’s next meeting.

Councilmember de Booy reported on her recent activities. She attended the Pierce County Advisory Board Grant Program meeting. The main emphasis will regard homelessness and low-cost housing. She attended a going away party for Krista, who has been very busy in the community, and will be missed. Councilmember de Booy reported she plans to attend the Association of Washington Cities (AWC) Conference and participate in several seminars about funding infrastructure on Thursday, June 14, 2007. She said she will represent the City and attend a benefit luncheon for the Sexual Assault Center on Friday, June 15, 2007.

Councilmember de Booy thanked the City for the renovated Swim Center.

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Councilmember de Booy reported the Fife Community Center was selected to receive shopping coupons funded by federal, state and county agencies. The coupons can be used by individuals with disabilities, elderly citizens, and low-income citizens. The coupons can be used at the Puyallup Farmers Market to purchase food items.

Councilmember de Booy reported on June 21 and 22, 2007, the Council will attend a practice burning exercise of the Kingdom of Fife Inn.

Councilmember Roscoe reported on her attendance to the Fife School Board meeting. Discussion occurred about the numerous upcoming staff changes within the district. During the Zoo Trek Advisory Board meeting, members discussed the accreditation audit process, which resulted in no significant findings. The meeting ended at the shark tank exhibit where divers answer questions from visitors weekly. The Communities and Schools meeting was postponed to next week. Councilmember Roscoe said she attended the opening of the Veterans Memorial in the City of Milton. The Zoobilee is on Friday, July 20, 2007.

PUBLIC HEARING

58th Avenue Vacation

Public Works Director Blount reported the Puyallup Tribe of Indians owns property on both sides of the street and would like to acquire street right-of-way to extend the existing casino hotel into existing right-of-way. The overall plan includes development of a four-story parking garage east of 58th Avenue and a major expansion of the casino hotel to the west.

The City of Fife owns and maintains a water main, sanitary sewer, and storm sewer in existing right-of-way. Qwest, Comcast, Tacoma Public Utilities, and Puget Sound Energy (PSE) maintain telephone, cable television, electric transmission and distribution, and natural gas facilities in the existing right-of-way. Fife informed the utilities that a response is warranted regarding whether they have reached agreement with the Tribe for relocating utilities. The City did not receive any notice about approval for relocating the utilities and the Tribe did not submit a plan for relocating City utilities. In the absence of approved plans for utility relocation, the street vacation is subject to City retention of a utility easement over the entire area of the existing right-of-way.

Director Blount recommended continuing the public hearing to June 26, 2007 to provide additional PSE information.

Mayor Kelley opened the public hearing at 7:24 p.m.

Public Testimony

Randy Heiberg, BCE Engineers, Fife, indicated he is working with the utilities associated with the vacation. Tacoma Public Utilities (TPU) and the substation have utilities crossing the area. BCE Engineers is working to provide a relocated link. He provided information about Qwest and Comcast and the status of service to Great American RV.

Director Blount reported that the ordinance will be revised upon agreement. He recommended the Council postpone action until its next meeting. The retail value of the property based on the appraisal is \$45,000.

Mayor Kelley continued the public hearing to June 26, 2007 meeting.

Traffic Impact Fee – Small Commercial

Director Smith reported the ordinance establishes potential discounts of the City's traffic impact fees for some types of land uses in specific areas meeting criterion that is "community scale commercial development." The ordinance also updates the traffic impact fee ordinance to include an appeal process through the Hearing Examiner.

Key provisions of the proposed amendment include the following:

- Maximum discount on traffic impact fees is 30% of the standard fee.
- The amount of the fee discounted must be paid by public funds.
- To qualify, businesses must not be greater than 50,000 square feet in size.
- Businesses must meet the definitions of uses contained in FMC 19.40.020 J and K.
- Businesses must be within a certain geographic area.

Mayor Kelley opened the public hearing at 7:33 p.m.

Councilmember Johnson said he understood the Planning Commission also recommended inclusion of entertainment uses. He asked why entertainment was not included in staff's recommendation. Director Smith indicated the Planning Commission did specifically discuss the use and that there was some vagueness about specific legitimate entertainment uses.

Councilmember de Booy said she understood the City must absorb the discounts. She asked how the City will absorb the costs to provide substantial discounts to businesses. City Manager Worthington indicated funds received through traffic impact fees are allocated to a future construction fund for specific road projects. The City has used other public dollars to make up the difference. The question is whether the discounts are warranted. Councilmember de Booy expressed support of

the ordinance.

Mayor Kelley closed the public hearing at 7:35 p.m.

**ORDINANCES AND
RESOLUTIONS**

ORDINANCES

**#1631-07; 58th Avenue
Vacation**

The ordinance was deferred for discussion and action to the June 26, 2007 meeting.

#1623-07; Traffic Impact Fees

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

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 appeal process, and amending Chapter 20.25 of the Fife Municipal Code, adopting impact fee discounts.

Motion

Councilmember Roscoe moved, seconded by Councilmember de Booy, to approve first reading of Ordinance #1623-07; Traffic Impact Fees – Small Commercial.

Director Smith indicated he will discuss the issue of legitimate entertainment uses with the Planning Commission and provide an update at the Council's study session.

Councilmember Roscoe clarified that the intent is to review potential entertainment uses that are not prohibited elsewhere in the City's code. Director Smith acknowledged the request.

Councilmember Roscoe requested including restaurants as entertainment uses. Director Smith said that generally, restaurants are included under the food category but that staff will review and clarify the language.

Councilmember Johnson suggested utilizing the term "family-oriented entertainment" as a guide to achieve desired uses in the City. The term "video store" is still an issue of concern and should be clarified. The intent for a pedestrian-oriented area must also be included.

Councilmember Cerqui asked that the Planning Commission consider uses such as plant nurseries and roadside stands. Director Smith acknowledged the request.

Councilmember Godwin said he would like to ensure there is adequate

parking in the area. Director Smith acknowledged the request and indicated the idea is for customers to park near the area and walk during their shopping experience.

Councilmember Godwin expressed concerns about a situation where a business owner who is leasing space does not comply with use requirements. Discussion followed regarding the legalities surrounding the issue and how traffic impact fee discounts might be applied.

Director Smith reported he will review the issues with the Planning Commission. However, the zoning amendment will not be discussed until later in the fall.

City Attorney Combs suggested first reading approval of the ordinance rather than adopting the ordinance.

Councilmember Roscoe reported general agricultural use is not conducive for a walkable community. However, a roadside stand or plant nursery does adhere with the intent.

Motion

Adopt: #1630-07; Right-of-Way Condemnation 70th Avenue/43rd Street

Motion carried unanimously.

Director Blount indicated two out of the three partners have signed the offer provided by the City.

Director Marcotte read the title of Ordinance #1630-07:

An ordinance of the City Council of the City of Fife, Washington, authorizing the condemnation and acquisition of real property for transportation and utility improvements to 70th Avenue East (south segment); providing for payment of the cost and expense of acquiring the property; and directing the initiation of appropriate condemnation proceedings in the manner provided by law.

Motion

Councilmember Roscoe moved, seconded by Mayor Kelley, to adopt Ordinance #1630-07; Right-of-Way Condemnation 70th Avenue/43rd Street.

Councilmember Cerqui asked about the estimated cost per square foot. Director Blount replied that the estimated cost per square foot is slightly above \$11. The ordinance does not set a final price. The price will be established through the condemnation process.

Motion

Motion carried unanimously.

RESOLUTIONS

#1121-07 Authorize – Award of LID Special Benefits Study

Staff distributed a letter addressing the scope of work proposed from RH2 Engineering Planning Scientists.

Director Blount reported the overall proposal is for \$68,167 to include professional engineering and appraisal services. A key procedural difference between the City's 1998 efforts and Tacoma's regular efforts is that Fife did not complete either engineering or appraisal feasibility studies prior to forming the LID.

Director Marcotte read the title of Resolution #1121-07:

A resolution of the City Council of the City of Fife, Pierce County, Washington authorizing the City Manager to execute a contract with RH2 Engineers Planners Scientists for engineering and appraiser's feasibility studies for local improvement districts to fund extension of water mains and sanitary sewers along Valley Avenue East and 48th Street East, each from 70th Avenue East to Freeman Road East.

Motion

Councilmember Roscoe moved, seconded by Councilmember Johnson, to adopt Resolution #1121-07; Authorize – Award of LID Special Benefits Study.

Councilmember de Booy asked about the timeframe for the process. Director Blount indicated public hearings are anticipated in September 2007. Councilmember de Booy requested including a timeline to ensure the process begins as soon as possible. Director Blount acknowledged the request.

Councilmember Johnson expressed concerns that the City will be obligated for tasks four and five in the RH2 proposal following completion of task three. City Attorney Combs indicated the \$68,167 also covers a draft contract. The City can halt the process at any time.

Friendly Amendment

Councilmember Roscoe offered a friendly amendment to conduct the public hearings by September 2007. The makers of the motion did not agree to the friendly amendment.

Councilmember Godwin asked for an inclusion of a penalty if the deadline is not met. City Manager Worthington acknowledged the request.

Motion

Motion carried unanimously.

#1123-07 Authorize – Award

Director Reuter reported it has been several years since the exterior of

**Contract Exterior Painting
Community Center & Pool**

both the Community Center and the Swim Center was painted. Both buildings are in need of painting to improve their appearance and to protect the structures from weather.

Staff obtained quotes from four painting contractors. Jones Painting, Inc. provided the lowest quote at \$17,244.80.

Director Marcotte read the title of Resolution #1123-07:

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

Motion

Councilmember Roscoe moved, seconded by Councilmember de Booy, to adopt Resolution #1123-07; Authorize – Award Contract Exterior Painting Community Center and Swim Center.

Councilmember de Booy asked about the quality and reputation of the company. Director Reuter indicated staff conducted a reference check with favorable results received for the company.

Director Reuter reported the staff report incorrectly reflects the wrong quote. The correct quote is \$17,244.

Councilmember de Booy asked about completion of the project. Director Reuter said timing for completion of the project will be discussed with the company after approval of the project by the Council.

Councilmember Roscoe asked about a notation indicating a portion of the balance may be used for replacement of the Swim Center gutter. Director Reuter indicated the cost of the gutters was higher than anticipated as they are specifically manufactured for the Swim Center.

Councilmember Cerqui asked if the City is obligated to select the business providing the lowest bid. City Attorney confirmed that the City selects the lowest, responsible bidder.

Councilmember Johnson suggested staff check with the Better Business Bureau in the future prior to the recommended selection of a vendor.

Motion

Motion carried unanimously.

City Manager Worthington indicated the next study session will include a review of the City's purchasing policy and how lowest, responsible bids are selected.

Councilmember Godwin suggested staff also utilize information from the Department of Labor and Industries when selecting a contractor.

**#1117-07 Authorize – Award
Purchase & Sales Agreement
with ACO**

The resolution was deferred to the next meeting.

NEW BUSINESS

**Gathering Place Economic
Feasibility Request for
Proposal**

Director Smith reported an economic feasibility study by a qualified consultant will be useful to the City in a number of ways. For example, an economic feasibility study will reveal market demand for preferred uses that are commercially oriented and will help establish a value for the property and allow the Council to negotiate future agreements for the property. The study can also provide options for the City's involvement in future development, such as, whether the City should sell the property outright to a developer who commits to build in accordance with the City's vision for the Gathering Place, retain property ownership under a lease arrangement, or a combination of the two. Another important issue is how the Gathering Place and 20th Street East corridor will influence each other, based on City land use policy and development patterns. A draft Request for Proposal (RFP) for advertising for the study includes elements in a study and an estimated timeline, which would conclude with a final report to the City by November 2007.

Bidders will be reviewed by a rating committee. The rating committee will most likely consist of Councilmembers and Gathering Place Task Force members.

Mayor Kelley asked that the feasibility study also document the potential taking of City property by the state for SR167. City Manager Worthington reported the feasibility study can adjust the acreage to show the likely net amount available to the City.

City Manager Worthington referred to Attachment B showing the point value for each suggested use, which must be decided upon in terms of inclusion in the project.

Consensus

The Council agreed to consider items included in Attachment B with a point value of six and above.

Motion

Councilmember Roscoe moved, seconded by Mayor Kelley, to authorize a RFP for a Gathering Place Economic Feasibility Study. Motion carried.

**Drainage District #21
Easements**

Director Blount reported the most recent Drainage District #21 meeting was held on May 21, 2007. Several of the Commission's comments represent a change in direction from Amendment 1 to the interlocal agreement. Staff recommends the Council authorize the distribution of the draft easement language to affected parties so that property owner concerns can be addressed prior to further efforts to obtain property owner signatures.

Motion

Councilmember Godwin moved, seconded by Councilmember Johnson, to schedule a stakeholders meeting to receive citizen input and move forward per the interlocal agreement.

Councilmember Godwin indicated a great deal of consideration has gone into the issue. The district has reached a point where it can no longer function in an urban environment and has called upon the City to take over the responsibility. He expressed concerns about the three Commissioners signing the agreement and cited reasons for his concerns. It's time to enforce the interlocal agreement brought to the Council to achieve a settlement by the end of summer 2007.

Councilmember Johnson suggested scheduling a stakeholder meeting as soon as possible. Mayor Kelley agreed. Councilmember Cerqui agreed a stakeholders meeting should be held. He expressed continuing concerns about the issue but agreed an interlocal agreement is the next step in the process.

Councilmember de Booy commented that a stakeholders meeting should have been held much earlier in the process. The meeting must be scheduled as soon as possible. She said she continues to be concerned about the issue but agrees an interlocal agreement is the next step in the process. Councilmember Roscoe agreed a stakeholder meeting is necessary. Councilmember de Booy emphasized that the main issue is to keep the creek clean. She said she is unsure how the situation turned negative.

City Manager Worthington assured the Council that he will schedule a stakeholders meeting as soon as possible. The meeting will include review of the background of the Drainage District and the current situation. The district will be invited to attend the meeting.

Public Comment

Doug Skelly, Commissioner, Drainage District #21, spoke on behalf of the Commission and commented that he does not appreciate Councilmember Godwin's degrading comments about the three Commissioners who signed the agreement. He said even though he has the least experience as a Commissioner, he does have 27 years experience in the utility business.

The Commission would like to retract the third bullet listed on the memo based on the original Interlocal Agreement Section 6.2.5. and 4.1, as they negate that bullet.

The district also is adamant about scheduling a stakeholder meeting. The issue of addressing the public must be dealt with.

The district appreciates the invitation to the meeting.

Councilmember Johnson replied that the Council doesn't agree with bullet four as listed on the memo.

City Manager Worthington advised that staff will schedule the stakeholder meeting within 60 days.

Motion

Motion carried. Councilmember Cerqui opposed.

CITY MANAGER REPORT

City Manager Worthington reported the rededication of the Fife Swim Center is scheduled for Saturday, June 16, 2007 at 10:00 a.m. Representatives of the Puyallup Tribe are invited to attend. The Tribe provided key funding for the project.

The City of Fife recently made national news. The link is available on the City's website.

The AWC Conference will take place later in the week.

Earlier in the day, three police officers were promoted during a ceremony. Judge Ringus presided over the ceremony.

The newest fleet vehicle is on display in front of City Hall and will soon be in service.

The Kingdom of Fife Inn will be ignited during a supervised event on June 21, 2007. The inn has been an eye sore and the center of crime in the community for many years.

**COUNCILMEMBER
COMMENTS**

Councilmember Godwin suggested utilizing the new City van as a free shuttle for seniors who are unable to drive when it is not scheduled for other uses.

Mayor Kelley reported the cricket field project will begin next week. The Mayor's gathering will be held on June 21, 2007 at 7:00 p.m.

Councilmember Cerqui agreed with Councilmember Godwin's

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suggestion about the van. He asked about scheduling a future study session to discuss senior services and programs. City Manager Worthington acknowledged the request.

Councilmember Cerqui requested an update regarding bus shelter advertising at a future meeting. City Manager Worthington acknowledged the request.

Councilmember Cerqui said he attended the Veterans Memorial dedication event at the City of Milton. Over 1,500 people attended. He commended all those involved with the wonderful event.

Councilmember de Booy indicated there is an abundance of senior services and programs within the City. She suggested that further outreach may be warranted.

EXECUTIVE SESSION

Real Estate Acquisition RCW 42.30.110 (b) and Potential Litigation RCW (i)

City Manager Worthington advised the Council that the scheduled executive session is unnecessary.

ADJOURNMENT

There being no further business, Mayor Kelley adjourned the meeting at 9:10 p.m.

Mike Kelley, Mayor

Steve Marcotte, Finance Director

Prepared by Jessica Tate, Recording Secretary
Puget Sound Meeting Services