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next year.

Councilmember Roscoe thanked staff for organizing the entertainment.

Councilmember de Booy asked if a Golden Jubilee event is planned for August. City Manager Worthington replied the major Golden Jubilee event is the Harvest Festival scheduled for October 6, 2007, which include fireworks. Director Reuter noted National Night Out was the event scheduled for August.

**Rushforth
Construction
Presentation of a
Check for Fife Senior
Center**

Brad Nakamura, Rushforth Construction, reported the company held its 19th annual golf tournament for charity on July 27, 2007 at Lake Spanaway. The event involved 65 sponsors and 190 participants. Approximately \$57,000 was raised. Rushforth Construction is contributing to seven charitable organizations including Fife's Community Center. Mr. Nakamura presented Mayor Kelley with a check for \$7,500. He noted Rushforth Construction provided a similar contribution several years ago and received many personal thank you messages from seniors who benefited from the contribution.

Councilmembers thanked representatives of Rushforth Construction for their support.

**COUNCIL
DELEGATE
REPORT**

Councilmember de Booy reported she attended the Wapato Creek meeting and found the information enlightening and beneficial. Many members of the public attended to learn about ways to protect the creek.

Councilmember Cerqui said he attended the Wapato Creek outreach meeting with stakeholders. Concerns were raised. He thanked everyone who attended the meeting.

Councilmember Edwards reported on his attendance to the Valley Cities meeting in Auburn last week. A topic of discussion was Regional Transportation Investment District (RTID). Fife is hosting the August Valley Cities meeting. Councilmembers are welcome to attend. He said he attended an Association of Washington Cities (AWC) Employee Benefits Trust meeting in Leavenworth last week.

PUBLIC HEARING

**Vacation of 76th
Avenue East**

Copies of a letter from Washington State Department of Transportation (WSDOT) were distributed to the Council.

Assistant Director Jurica reviewed the request by Benaroya Capital Company, LLC to vacate a portion of 76th Avenue East from 20th Street East to South End to develop an industrial park. The applicant submitted a letter offering \$125,079.75 for the vacated right-of-way. City staff recommends a purchase price of \$250,159.50. An issue is that a majority of the right-of-way is under

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the proposed footprint of State Route 67. WSDOT recommends Fife retain 76th Avenue in public ownership at this time, as outlined in the letter dated August 10, 2007.

Mayor Kelley opened the public hearing at 7:25 p.m.

City Manager Worthington provided a site plan depicting the current SR 167 footprint. Benaroya owns property along both sides of the right-of-way.

Mayor Kelley closed the public hearing at 7:26 p.m.

ORDINANCES AND RESOLUTIONS

ORDINANCES

#1638-07, Vacation of 76th Avenue East

City Manager Worthington reported WSDOT is requesting the Council defer action until the Record of Decision (ROD) on the Tier II Environmental Impact Statement (EIS) is completed in September. WSDOT hopes to have purchased the property for SR 167 from Benaroya Company by the end of the year. Benaroya has agreed to pay the full value of the property if the Council decides to surplus the right-of-way at this time. Staff recommends the Council defer action on the request until after the ROD is issued.

Councilmember Roscoe commented that taxpayer dollars are involved if WSDOT purchases the property from Benaroya or Fife. The issue is whether WSDOT would pay more for purchasing property from Benaroya compared to Fife. She said she's comfortable deferring action.

Councilmember Godwin said private development and SR 167 are competing interests at the same location. City Manager Worthington replied both WSDOT and Benaroya acknowledge they are negotiating purchase of right-of-way at this time.

Discussion followed about the intent of the letter from WSDOT if the state and Benaroya are currently negotiating. City Attorney Combs said WSDOT forwarded the letter for consideration during the public hearing.

Motion

Councilmember Roscoe moved, seconded by Councilmember Edwards, to defer a decision on vacating 76th Avenue East until the Council's first regular meeting in November 2007.

Discussion ensued about deferring a decision compared to declining the request.

Councilmember Cerqui asked if the state might want to use the property during the construction phase until the SR 167 alignment is determined.

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Councilmember Johnson said if the state wants to purchase the right-of-way, it doesn't make sense for Fife to sell it to a third party. Extension of SR 167 is critical to the City's future.

The makers of the motion withdrew the motion.

Motion

Councilmember Johnson moved, seconded by Councilmember Edwards, not to approve Ordinance #1638-07.

Councilmember Godwin commented that Fife could own right-of-way in the middle of nowhere if RTID doesn't pass.

Councilmember Johnson said Benaroya could come back with the same request if the initiative fails.

Motion

Motion carried. Councilmember Cerqui opposed.

**#1640-07, Parking
Ticket Late Fees**

Judge Ringus reported late fees are authorized by state statute. Fife currently does not have an ordinance authorizing collection of delinquent fees for failure to respond to parking infraction notices. The City files a limited number of parking tickets annually. Up to now, there's been no reason to enact an ordinance for unpaid parking tickets. However, red light enforcement infractions are considered parking tickets and staff anticipates the number of parking violations will increase. A late fee encourages violators to pay fines in a timely manner.

City Clerk/Finance Director Marcotte read the title of Ordinance #1640-07:

An ordinance of the City Council of the City of Fife, Pierce, County, Washington, amending the Fife Municipal Code Chapter 10.24 and adopting a monetary penalty for failure to respond to a notice of infraction relating to parking.

Motion

Councilmember Edwards moved, seconded by Councilmember Johnson, to approve first reading of Ordinance #1640-07.

Judge Ringus reported a person has 15 days to respond to an infraction that could include setting up a payment plan. A delinquent notice triggers imposition of a \$25 late fee.

In response to a request from Councilmember Cerqui, Judge Ringus explained the timeline attached to a monetary penalty for failure to respond to a parking infraction. A delinquent notice includes a one-time \$25 penalty that is added to the initial infraction.

Councilmember de Booy asked whether amending the ordinance is in light of

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Fife installing parking meters in the future. Judge Ringus said adopting a monetary penalty should have occurred previously.

Motion

Motion carried unanimously.

#1641-07, Emergency Response/DUI Cost Recovery

Judge Ringus reported Fife currently requires the City Manager, through the Finance Department, to recover any costs associated with emergency responses. Driving Under the Influence (DUI) cases are considered emergency response incidents. Fife Municipal Court has a process available to collect and recover emergency response costs when criminal charges are filed that will relieve the City Manager and Finance Department from verifying addresses, sending certified mailings, and collecting funds. Once costs are collected and recovered by the court, the funds are remitted to the City on a regular basis. The amendment codifies a practice that has been in place for several months.

City Clerk/Finance Director Marcotte read the title of Ordinance #1641-07:

An ordinance of the City Council of the City of Fife, Pierce County, Washington, amending the Fife Municipal Code Section 3.82.030 to allow for imposition and collection of emergency costs by the Municipal Court.

Motion

Councilmember Edwards moved, seconded by Councilmember de Booy, to approve first reading of Ordinance #1641-07.

Discussion followed about the type costs that can be recovered and processing time. Judge Ringus estimated the cost is typically \$175. If convicted, the violator reimburses Fife for resources spent associated with an emergency response.

In response to a question from Councilmember Edwards, Police Chief Blackburn reported the City has collected \$6,300 to date.

Councilmember Cerqui asked if charges apply to 911 or 922 calls. Judge Ringus replied the code defines an emergency response. Generally, it involves police, fire, ambulance, and similar responses. Routine calls are not considered emergency responses. Collections would apply to cases with criminal charges and when someone is convicted of committing a crime.

City Attorney Combs clarified that the existing ordinance provides a list of specific offenses that includes vehicular homicide and negligent driving.

Motion

Motion carried unanimously.

Adopt Ordinances

#1636-07, Public

Director Marcotte outlined changes to Ordinance #1636-07 based on the

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Safety Fund

Council's feedback:

- Name of the fund was changed name to Public Safety Fund.
- Rather than a general description, the purpose section on page 2 includes a specific list of appropriate expenditures: 1) purchase and installation of school zone signs and lights; 2) pedestrian overpass design and construction costs; 3) sidewalk design and construction costs; 4) streetlight acquisition, operation and maintenance; 5) signalized pedestrian crosswalks; and 6) design and construction of similar pedestrian safety oriented improvements.

City Clerk/Finance Director Marcotte read the title of Ordinance #1636-07:

An ordinance of the City Council of the City of Fife, Pierce County, Washington, adding a new Chapter 3.85 to the Fife Municipal Code entitled "Public Safety Fund."

Motion

Councilmember Edwards moved, seconded by Councilmember Roscoe, to adopt Ordinance #1636-07.

Councilmember Edwards emphasized Fife did not initiate the red light enforcement program to generate revenue but to curb behaviors and control safety at intersections. Motorists consistently run red lights in the City. The Council is confident the program will generate additional revenue and desires to dedicate those funds for public safety oriented programs to make the City safer for its citizens.

Councilmember Cerqui said he is not a strong supporter of the red light enforcement program, but does support allocating resources as outlined in the ordinance.

Councilmember Johnson asked if it was appropriate to add bike lanes to the list of safety programs.

Councilmember Edwards said a concern is a potential to use money for infrastructure (asphalt) rather than sidewalks. The intent is to be clear about what the Council had in mind as staff and elected officials change over time. Mayor Kelley and Councilmember Roscoe agreed.

Motion

Councilmember Johnson moved, seconded by Councilmember Edwards, to amend the motion and change item 2) under Purpose to read, "pedestrian overpass/underpass design and construction costs." The amendment to the motion carried.

Motion

Motion carried unanimously.

#1635-07, Traffic

Director Smith reported Traffic Impact Fee Ordinance #1619-07 was adopted

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Impact Fee – Small Commercial

at the Council's January 23, 2007 meeting. At that meeting, staff presented an amendment to establish discounts for "community scale" commercial development. At the June 12, 2007 meeting, the Council asked that the Planning Commission review the amendment and forward a recommendation. At the Commission's July 9, 2007 meeting, members suggested replacing "bar/lounge" with entertainment uses that are "family-friendly." Staff worked with legal counsel to define "family-friendly" as outlined on page 2 of the staff report, including limiting dispensing and consuming alcoholic beverages to 25% of the total floor area. Alcohol is merely incidental and complementary to the primary service of food.

Discussion followed about restrictions associated with particular types of liquor licenses. Director Smith reviewed permitted uses section within the Community Commercial (CC) zoning district. Discounts would not apply to gasoline sales, vehicle parks, vehicle detailing, and livestock.

Councilmember de Booy expressed concerns about how the City enforces the provision. City Manager Worthington said restaurants with a lounge submit plans to the Liquor Board for approval. The plans must delineate lounge areas. Fife has access to the information. A restaurant/lounge would have to meet the 25% requirement to be eligible for a discount. Any change to the plan approved by the Liquor Board would require another approval process. Changes to a building would require plan review and a permit from the City.

City Clerk/Finance Director Marcotte read the title of Ordinance #1635-07:

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 Godwin moved, seconded by Councilmember Roscoe, to adopt Ordinance #1635-07.

Councilmember Roscoe said in response to Councilmember de Booy's concern, eligibility comes down to code enforcement and business license renewal if there is a change in use. City Attorney Combs said the ordinance relates to transportation impact fee discounts. If the use changes, the City can impose the impact fee that was discounted.

Councilmember Cerqui noted Director Smith did a good job of capturing the Council's intent.

Councilmember Johnson asked what a 30% reduction in transportation impact fees means to a 50,000 square foot grocery store. City Manager Worthington said the information is currently not available but that the discount would result in hundreds of thousands of dollars.

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Motion

Motion carried unanimously.

**#1637-07, Ashley
Park**

Director Smith reported the Council approved first reading to Ordinance #1637-07 on July 24, 2007. The ordinance grants a time extension to allow the applicant to fulfill two conditions: complete construction of the arterial along the southern end of 62nd Avenue East to Valley Avenue East; and submit a final binding site plan by November 30, 2007. 62nd Avenue East is now open. The applicant has submitted a draft binding site plan.

City Clerk/Finance Director Marcotte read the title of Ordinance #1637-07:

An ordinance of the City Council of the City of Fife, Pierce County, Washington, granting an extension to the Planned Residential Development known as Ashley Park as approved under City of Fife Ordinance No. 1454, and amending Ordinance 1454, Section 6.

Motion

Councilmember Edwards moved, seconded by Councilmember de Booy, to adopt Ordinance #1637-07.

Councilmember Godwin asked whether senior units are segregated from other housing units. Director Smith indicated that they are. A site plan drawing was presented outlining the location of the senior units. The applicant is required to secure City approval and submit and record the binding site plan prior to issuance of building permits.

Councilmember Roscoe asked whether the applicant is legally obligated to cluster senior housing. City Attorney Combs said he would be more comfortable if the applicant confirms the location of senior housing by attaching the site plan drawing to the ordinance.

Rick Neumann, J. Scott Construction, Inc., testified that the site plan represents the applicant's intent, and that the senior units are marked in pink.

Motion

Motion carried unanimously.

NEW BUSINESS

**Proposed Annexation
Notice of Intent**

Director Smith presented a map outlining the Benthien Loop proposed annexation area that encompasses approximately 42 acres and 13 parcels. Fife received notification from property owners representing more than 10% of assessed valuation of the property of their intent to circulate a petition for annexation. If the Council agrees to accept the petition, staff recommends using the entire Benthien Loop area as the annexation boundary.

Director Smith outlined decisions for the Council's consideration to include accepting the annexation and authorizing the applicants to circulate a 60%

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petition, and assume existing City indebtedness by the area to be annexed. Fife adopted pre-annexation zoning for the area as “Small Lot Residential” (SLR). The Council has 60 days to render a decision and accept or reject the annexation, establish annexation boundaries and assumption of City indebtedness. He clarified the Council is not obligated to annex the properties by accepting the petition. Staff recommends initiating an annexation study to answer questions outlined in the staff report.

City Manager Worthington said the request represents an unincorporated island within Fife’s urban growth area (UGA). An issue involves whether a zoning or land use change is appropriate. He suggested the Council determine the appropriate zoning or render a decision about zoning before property owners are faced with a decision to annex. Other issues include important financial considerations. Each department will be asked to provide information to inform the annexation study.

Mayor Kelley said he supports moving forward with a study to answer questions suggested in the staff report.

John McKinnely, 212 57th Avenue East, said a concern is that Tacoma will annex the properties first. He said he doesn’t want to be part of Tacoma.

In response to a question from Councilmember Edwards about zoning, Mr. McKinnely said he doesn’t favor commercial zoning and prefers a residential zone designation.

Councilmember Roscoe said she’d like to know more about zoning changes proposed by Pierce County.

Larry Whitman 224 55th Avenue East, reported Pierce County recently rezoned properties to Employment Center (EC), which makes no sense. He purchased two adjoining parcels and the EC zone doesn’t fit current residential uses. His residence is currently a nonconforming use and he would not be able to replace the home if destroyed by more than 40%. One side of the road is zoned residential with EC on the other. If annexed to Fife, Mr. Whitman said he prefers residential zoning.

Ron Arndt, 308 55th Avenue East, conveyed that residents consider themselves Fife citizens. Fife has made him feel welcome and he would rather be part of Fife and not Tacoma. His parcel was zoned residential when he purchased the property. It was subsequently changed to EC. At some point, he said he would like to remodel or build a new house; however, that is not possible with current zoning. Mr. Arndt added that Fife schools are top notch.

In response to an inquiry from Councilmember Edwards about whether to change zoning, City Manager Worthington said a question is whether pre-

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annexation zoning (SLR) is still appropriate. Pierce County's EC designation is a broad commercial zone. If properties are zoned SLR, other uses within the annexation boundary will become nonconforming.

City Attorney Combs acknowledged the Council's points about zoning. If the Council is entertaining a zone other than residential, it's fair that the owners know that. Staff recommends the Council consider what zone should apply for properties within the annexation boundary.

Discussion followed about existing businesses in the annexation area facing the same nonconforming issue with SLR zoning as that of residential uses with an EC designation.

Councilmember Roscoe asked how properties are zoned south of 4th Street East. Director Smith replied industrial. Councilmember Roscoe commented that industrial is an inconsistent use adjacent to residential and something to consider.

Mr. Arndt said a zone that allows residential as a permitted use would address his concerns.

Mr. McKinnely said if the Council is considering a commercial zone for the annexation area, he will not pursue annexation with his neighbors.

Larry Whitman said he's unable to rebuild if his house burns. However, he said he was told a developer could build six dwellings on his adjacent lot, which he doesn't understand.

Planner Pasinetti explained EC is an intense industrial zone that does not permit residential uses.

Councilmember Roscoe expressed concerns about residential zoning and/or uses adjacent with industrial uses. Supposedly, Radiance homeowners are horrified that industrial uses are located across from the neighborhood's main entrance. She said she supports moving forward with the process if she's the only Councilmember concerned.

Councilmember de Booy indicated the Council might consider other options if the proposal concerns new developments.

Councilmember Johnson said there is a pocket neighborhood within close proximity of Boeing Field. He pointed out the Jordan property and a mitigation strip located below 4th Street East, which will create a buffer along the south side of 4th.

Councilmember Godwin said he's addressed Councilmember Roscoe's point of view many times. However, residents are already living by industrial uses.

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He said he doesn't want to burden small business owners.

Councilmember Cerqui said the comprehensive plan is a living document. An annexation study might answer questions and provide the Council a mechanism for reviewing the issues.

Discussed ensued about a commercial zone that also allows for single family residential. Councilmember Roscoe asked if it's appropriate for residents to work with City staff. City Manager Worthington answered yes.

City Attorney Combs explained the Council can continue discussion about whether to authorize the circulation of a petition for 30 days, which would give staff time to meet with residents and discuss zoning strategies.

Motion

Councilmember Roscoe moved, seconded by Councilmember Edwards, to continue the discussion with Benthien Loop residents to the Council's first regular meeting in September. Motion carried.

RECESS

Mayor Kelley recessed the meeting from 9:02 p.m. to 9:07 p.m.

RESOLUTIONS

#1132-07, Authorize Contract – Gathering Place Economic Feasibility Study

Director Smith reported adoption of the proposed resolution authorizes the City Manager to enter into a contract with Berk & Associates to prepare a market feasibility study for the Gathering Place property and 20th Street East corridor. A market feasibility study will help inform Council decisions about future uses for the Gathering Place and how options may influence other development particularly along 20th Street. A proposed Scope of Work (SOW) is attached to the staff report. However, staff would like to have an opportunity to refine the SOW based on recent emerging issues.

City Clerk/Finance Director Marcotte read the title of Resolution #1132-07:

A resolution of the City Council of the City of Fife, Pierce County, Washington, authorizing the City Manager to execute a contract with the firm Berk & Associates to conduct a market analysis study for the Gathering Place property.

Motion

Councilmember Edwards moved, seconded by Councilmember Roscoe, to adopt Resolution #1132-07.

Councilmember Johnson asked if the SOW could include an analysis of the regional stormwater facility. Several Councilmembers agreed with the suggestion.

Councilmember de Booy asked if another vision meeting is necessary based on the Tribe's convention center project. Director Smith said another

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meeting is not scheduled. Another meeting might be appropriate after feedback from WSDOT.

City Manager Worthington said deleting a conference center from the SOW is prudent.

Councilmember Godwin said he's unable to support the resolution. Three other cities in the area are trying to build town centers and all are failing. Private enterprise will build what the market dictates. It's difficult to support spending taxpayer dollars when developers will approach Fife with plans. Freeway enhancements will change the scope and vision.

Councilmember Edwards said a significant element of the property concerns stormwater retention. The ultimate focus for the Gathering Place is to create a regional tourist attraction, provide for stormwater retention, and incorporate open space for Fife residents to enjoy. "Town center" is not a fair description.

Councilmember Cerqui expressed support of the resolution, which lends to protecting the City's assets and increasing the property value.

Councilmember de Booy favored moving forward with a market analysis that will provide guidance to developers.

Councilmember Roscoe said she likes Councilmember Cerqui's statement about enhancing City assets.

Brian Murphy, Senior Associate, Berk & Associates, said he understands the project (Gathering Place site and future development of 20th Street corridor) is important to Fife. It's an opportunity for Fife to shape the future of the City. In response to comments offered by Councilmember Godwin, Mr. Murphy stated the City owns the property and can impact the market. The analysis should prove illuminating and provide Council with strategies and choices to inform future decision-making.

Motion

#1133-07, Authorize Agreement with AllianceOne Receivable Management Inc.

Motion carried. Councilmember Godwin opposed.

Judge Ringus reported the court has not updated its collection agency contract with AllianceOne since 2002. Changes to the contract include a reduced rate assessed against a defendant by AllianceOne; i.e., from 33.3% to 19%. Additionally, Fife will receive the interest collected on account balances assigned to AllianceOne rather than the agency receiving the interest. This is an improvement because the collection agency has retained 100% of all interest received in previous years.

City Clerk/Finance Director Marcotte read the title of Resolution #1133-07:

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A resolution of the City Council of the City of Fife, Pierce County, Washington, authorizing the City Manager to enter into an agreement with AllianceOne Receivables Management, Inc., authorizing the collection of delinquent receivables in the Municipal Court.

Motion

Councilmember Edwards moved, seconded by Councilmember Roscoe, to adopt Resolution #1133-07. Motion carried.

**NEW BUSINESS,
continued - 2007
OFM Estimate**

City Manager Worthington reported the Office of Financial Management (OFM) released 2007 population allocation data last month. The statistics are used to distribute population based revenues and to assess how communities have changed. He referred to Table 1 that compares 2007 census to 2000 census. Fife's population increased 50% (1,045 additional people) from 2006 to 2007, which represents dramatic and rapid growth.

City Manager Worthington reviewed several charts showing Fife's population growth. Fife is second to Tacoma when comparing the number of new people against other cities in Pierce County. Chart 4 compares the number of new people by city between the years of 2000 and 2007. Fife is the fifth largest during that time period. Fife's ranking changed from 12th in Pierce County to 8th.

**CITY MANAGER
REPORT**

City Manager Worthington reported the community service worker program is underway. Community service workers will assist with parks maintenance activities over the next several weeks.

A public access computer is located in the lobby area at City Hall. The public can access property records and Fife's website free of charge.

62nd Street is now open. City Manager Worthington briefed Councilmembers on 20th Street project from 54th to 62nd. Construction to relocate a utility line should be completed prior to the school year commencing. Ongoing work will occur along 20th requiring a series of cuts and backfills associated with extending a sewer force main.

A Council budget retreat is scheduled on September 8, 2007.

Fife will host a joint meeting at City Hall with the cities of Milton and Edgewood Thursday, September 13, 2007, beginning at 7:00 p.m.

The Maritime Fest and Mayor's Cup Dragon Boat race is scheduled for September 15, 2007.

**COUNCILMEMBER
COMMENTS**

Councilmember Cerqui announced the Council will discuss Wapato Creek at its August 21, 2007 study session. He thanked staff for the update on 20th street construction. There are several right-of-way areas that need mowing. A resident contacted him about inconsistent traffic treatment within school

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zones. He encouraged the resident to contact City staff and/or come to the Council and ask questions.

City Manager Worthington replied signage changes are underway in conjunction with the Valley sidewalk project. Flashing lights will help clarify hours of operation.

Councilmember de Booy reported she is pleased to see that many Fife residents are signing up for library cards. The City covers costs associated with issuing library cards in Tacoma and Puyallup. The Community Center is using the new van recently purchased by the City.

ADJOURNMENT

With no further business, Mayor Kelley adjourned the meeting at 9:42 p.m.

Mike Kelley, Mayor

Steve Marcotte, City Clerk/Finance Director

Prepared by Cheri Lindgren, Recording Secretary
Puget Sound Meeting Services