

**FIFE CITY COUNCIL
REGULAR MEETING
MINUTES**

Fife City Hall
Council Chambers

**Date: November 25, 2008
Time: 7:00 p.m.**

EXECUTIVE SESSION **Mayor Johnson convened an executive session at 6:30 p.m. for the purpose of Real Estate RCW 42.30.140 for approximately 25 minutes.**

ADJOURNMENT **Mayor Johnson adjourned the executive session at 6:55 p.m.**

CALL TO ORDER AND ROLL CALL Mayor Johnson called the regular meeting of the Fife City Council to order at 7:00 p.m. with the following Councilmembers present: Glenn Hull, Butch Brooks, Barry Johnson, Rob Cerqui, Nancy de Booy, and Kim Roscoe.

Excused absence: Richard Godwin.

Staff present: City Manager Steve Worthington, City Attorney Loren Combs, Finance Director Steve Marcotte, Municipal Court Judge Kevin Ringus, Police Chief Brad Blackburn, Public Works Director Russ Blount, Parks, Recreation & Community Services Director Kurt Reuter, Administrative Assistant Andrea Richards, Financial Analyst Dave DeGroot, Planner I Chris Pasinetti, Code Enforcement Officer Chris Larson, and Recording Secretary Cheri Lindgren.

PLEDGE OF ALLEGIANCE Councilmember de Booy led the pledge of allegiance.

CHANGES, ADDITIONS OR DELETIONS TO AGENDA Mayor Johnson removed agenda item 5.c., Set special meeting for December 6, 2008, added agenda item 5.d., continue Resolution #1258 authorizing Radiance IV LID Assessment Segregation to December 9, 2008, added agenda item 6.b., New City credit rating by Standard & Poor's, and added agenda item 8.b., American Fast Freight development agreement and continuing the public hearing to December 9, 2008.

Motion **Councilmember Brooks moved, seconded by Councilmember Roscoe, to approve the changes to the agenda. Motion carried.**

CITIZEN COMMENTS **Richard Garchow, Great American RV, 5959 Pacific Highway E,** reported his property, as well as a number of other local businesses, will be blocked from I-5 if the Washington State Department of Transportation (WSDOT) proceeds to construct 24-foot high and 1,600-foot long noise barrier wall along both sides of the freeway. Businesses rely on the visibility from I-5. Business owners help maintain the I-5 corridor by cutting grass and picking up trash several times a year. It's wrong to proceed with the noise walls. It appears only apartment owners support the proposal. There are other options to mitigate noise impacts, such as noise reduction asphalt, insulation, triple pane windows, and thicker walls, which are more amenable to the community, local businesses, and Fife. Property owners and the City were given less than 30 days to make a decision. He asked the Council to consider adopting a resolution opposing the proposed noise walls.

Mike McCann, Managing Partner, Fife Auto Plaza, and General Manager, McCann Motors and McCann Hummer, 6411 20th Street, urged the Council to investigate the issue and remember Fife is a business community. Collectively, his automobile businesses provide \$9.1 million annually in tax revenue. Fife is currently facing a revenue shortfall of \$1.5 million. The automobile industry has been severely impacted by the economy. A 24-foot high wall will completely block businesses from the I-5 corridor. Mr. McCann said his businesses also generate \$250,000 in property tax revenue as well as \$400,000 in business & occupation (B&O) taxes. The Fife Auto Plaza is invisible from the highway and there is no egress/ingress from 20th Street to the property. He said he met with the apartment owners who favor the noise wall strictly from an economics perspective. He said he made his decision to locate in Fife based on visibility from the I-5 corridor. Residents made a conscious decision to live in the apartments located within close proximity to the freeway.

PK McLane, Executive Director, Fife Regional Chamber of Commerce, 2026 54th Avenue E, expressed opposition to the proposed placement of sound barrier walls through Fife on behalf of the Chamber members and board. The walls do not address noise impacts from the construction of High Occupancy Vehicle (HOV) lanes. Property and business owners were not notified about the proposal in a timely manner. Some directly affected owners have not been notified at all. Ms. McLane asked the City to help slow the process so affected business owners have time to research alternatives. Sales are down particularly in the automobile industry. Placing a wall in front of Fife's most valued businesses and prime taxpayers will affect quality of life for all Fife citizens.

Jerry Korum, 100 River Road, Puyallup, said he's opposed to the proposed noise walls for several reasons. He has 1,000 feet of frontage at Alexander on I-5 and has not been notified about the project. Property reductions will exceed \$25 million, which is significant. A number of dealers will go out of business and many automobile manufacturers would like to locate to Fife. The wall will make Fife look like a prison. Mr. Korum urged the Council to consider the resolution as requested.

Mary Burns, previous owner of Nissan in Fife, 1700 Alexander Avenue E, and Vice-President of the State Association of Auto Dealers, spoke against the proposed noise wall. She was notified about the proposal; however, she sold the property approximately three months ago. Ms. Burns spoke about working with the state to clean up the freeway. Fife business owners located along I-5 have paid to maintain the freeway over the last 10 years to ensure Fife's attractiveness as a destination. Business owners also incurred expenses for removing and planting new trees along the corridor where the new wall is proposed. Local businesses will go under. A majority of Fife's police and fire services are funded from automobile and RV sales tax revenues.

Pat Hulsey, 4703 15th Street E, said he lives in the Willows district and can

hear noise from I-5, I-705, and the Port of Tacoma 24 hours a day. A number of the business owners don't reside in Fife. Residents need to be considered, as a solution to buffer noise impacts is needed. Mr. Hulsey said he has lived in Fife since 1927. The City changed when businesses began locating in Fife.

Melay McCann, 6411 20th Street E, owner of McCann Motors and McCann Hummer, said business owners recognize there is a noise issue, are not opposed to noise abatement, but do oppose the wall proposal. WSDOT is moving too fast. There are other treatments available such as triple pane windows, siding and roofing products, and noise reduction asphalt. Ms. McCann also encouraged the City to help slow down the process and ask WSDOT to consider other alternatives. Construction of noise walls will encourage graffiti. Another concern is crime. The noise wall will put her out of business.

John Savage, Agassi Acoustics, spoke about a new product ready for production for abating and absorbing tire pavement noise. Another viable alternative is an acoustic six-foot high guardrail to block and absorb sound while not completely blocking visibility. Testing will be conducted on December 4, 2008 to determine noise reduction levels, which could be greater than 10 decibels. He requested an opportunity to talk with City staff about other potential solutions. City Manager Worthington indicated he'll follow up with Mr. Savage.

Discussion ensued about the test location in Seattle. Mr. Savage added that there is also a product that sits on top of concrete walls and jersey barriers designed to absorb tire pavement noise. The acoustic guardrail will be tested in December. Some associate products are being used in eastern states.

Tom Davis, 13809 126th Avenue E, Puyallup, quoted from a *Tacoma News Tribune* article stating in part, "the views of the businesses and the City will be a factor in the DOT's alternate decision." He said spending \$87 million to construct the noise walls in a shaky economy doesn't make sense. An option is to place a wall around the properties directly affected, like the apartments, using water and mural elements. The state could take eminent domain. There are more urgent needs such as addressing homelessness and public safety rather than wasting taxpayer dollars in an already crippled economy. When the apartments were built, I-5 was already there. Owners and residents have chosen to live at that location. Business owners have made the decision to locate to Fife because of the visibility from I-5. A vast majority of the businesses would not have located along the freeway corridor with a noise wall. There is a more viable solution. The noise wall will create a chalkboard and WSDOT should consider related maintenance costs. Some businesses might have to relocate to maintain the same exposure and Fife will lose a majority of its sales tax revenue source. Fife needs to give back to the community by representing its citizens at the state level. Mr. Davis asked the City to take a slower approach and investigate other solutions.

Spencer Braden, 5806 Acclamation Street E, reported he witnessed a car hitting a six-year girl at a school bus stop. Fortunately the girl was not badly hurt. The accident was avoidable. Radiance Boulevard provides motorists a “straight shot” to destinations. Cars tend to travel at high speeds. Additional stop signs along the corridor would help to slow traffic especially at intersections. There are approximately 700 homes in the Radiance development and 1,400 cars. A few years ago a number of people obtained a declaration stating the railroad crossing was unsafe. He suggested constructing a sky bridge for children to access the school. Levee Road particularly between Frank Albert and 54th, is extremely narrow and is another accident waiting to happen. Mr. Braden asked why the City created choke points and allowed 700 homes in Radiance without opening up 54th Street and widening Levee Road to create a safer traveling corridor. Residents living in Radiance do not understand why 54th Street is blocked off.

Mayor Johnson shared the concerns for a potential for train derailment in close proximity to the school, which factored into the decision to close the street.

Councilmember Roscoe added the railroad was considering the construction of a double track, which would have closed 54th Street regardless of the school development.

Mayor Johnson pointed out that Radiance developers did not contribute funds for that side of the crossing, but did pay approximately \$300,000 towards a pedestrian overpass.

Mr. Braden asked why the new Radiance development was allowed. Building a sky bridge rather than an underpass would be less costly. There are more practical ways to open up 54th Street. There are safety hazards on Levee Road, Valley, and 70th. More houses are under construction. The Puyallup Tribe has plans to construct homes on Frank Albert. The problem will get worse. He said he doesn't understand why D.R. Horton was allowed to add a \$5,000 fee on home loans. His escrow agent told him the builder would take care of the fee, which was not true. D.R. Horton is planning to do the same thing with the last phase of the Radiance project. D.R. Horton should be responsible for all development costs. He asked the City to respond to the issues.

Councilmember Cerqui encouraged members of the public to contact their respective state legislators about the proposed noise wall.

Mayor Johnson said the Council doesn't believe the noise walls are a viable solution and is focused on quiet pavement and other alternatives. He asked staff to draft a resolution to WSDOT to address the issues.

CONSENT AGENDA

- a. Approval of Minutes: November 12, 2008 Council Meeting
- b. Approval of Vouchers:

Payroll: #45113 – 45164 \$697,764.66

Claim: #74338 – 74500 \$644,390.23

- c. Set Special Meeting for December 6, 2008 7:00 AM Poodle Dog Restaurant – ***Pulled***
- d. Resolution #1258 authorizing Radiance IV LID Assessment Segregation – Continue to December 9, 2008 – ***Added***

The following changes were requested to the November 12, 2008 minutes:

- Replace “Tucci and Sons” with “Tom and Dianne Tucci Family, LLC” within the last line of the eighth paragraph on page 13.
- Replace “Mayor Brooks” with “Mayor Johnson” at the bottom of page 13.
- Replace “Books” with “Brooks” within the first line of the fourth paragraph on page 14.

Motion

Councilmember Brooks moved, seconded by Councilmember Hull, to approve the consent agenda as amended. Motion carried (Councilmember Roscoe not present).

SPECIAL PRESENTATIONS

Holiday Tree Lighting Santa Visit December 9, 2008 at 6:00 p.m. at City Hall:

City Manager Worthington reported the City’s holiday tree lighting ceremony is scheduled for December 9, 2008 at 6:00 p.m. at City Hall just prior to the regular Council meeting. Children can visit Santa and pictures taken free of charge.

New Credit Rating by Standard & Poor’s

Director Marcotte reported the City has several bond ratings that were rated A-, which is a good rating for a small city in a healthy financial position. Standard & Poor’s raised Fife’s General Obligation and Water & Sewer Utility Revenue Bond ratings from A- to A+, which represents a two-step increase, which is unusual.

City Manager Worthington said the two-step increase speaks well of the Council’s policies. He acknowledged Director Marcotte for his efforts.

COUNCIL DELEGATE REPORT

Councilmember Hull said he is a guest speaker at the December 2, 2008 North Pierce County Community Coalition meeting in Milton on the City’s budget shortfall. The public is welcome to attend. The meeting begins at 4:30 p.m.

Councilmember Brooks reported on November 21, 2008 he attended a WSDOT presentation on quiet pavement in Spokane. Mike Lonergan was re-elected chair of the Pierce County Regional Council.

Councilmember Cerqui reported he attended a Port of Tacoma public hearing on the Draft Terminal Redevelopment Environmental Impact Statement (EIS).

City staff will submit written comments. He attended the November 21, 2008 candlelight vigil to remember Driving Under the Influence (DUI) victims held at Columbia Junior High School.

Councilmember de Booy attended a Community Center Advisory Committee meeting, and volunteered for the Thanksgiving dinner. She attended the November 20, 2008 Mayor's forum.

Mayor Johnson reported that he, along with Councilmembers Hull and de Booy, attended a Pierce County Library District open house last week. Good information was provided; however, attendance was low. He also participated at last week's Mayor's forum.

PUBLIC HEARING

Ordinance #1681 - Benthien Loop Annexation

Officer Larson reviewed a timeline beginning in July 2007 leading to the public hearing. The City Council approved circulation of the petitions on July 12, 2008. The petitions were signed and returned to the City on August 12, 2008, and certified by the Pierce County Assessor/ Treasurer's office on August 29, 2008. A Notice of Intent was submitted to the Pierce County Boundary Review Board (BRB). The BRB accepted and deemed the application complete on September 29, 2008. The BRB did not invoke jurisdiction during the 45-day period, which deems the annexation approved as of November 12, 2008. Fife is required to submit a certified copy of the final ordinance, along with a legal description, formally extending its boundaries to complete the annexation.

Officer Larson clarified that the City is not planning to extend utilities or improve roads at this time. Infrastructure improvements will occur with future development. Professional offices are a permitted use in the Neighborhood Commercial (NC) zone.

Mayor Johnson opened the public hearing 8:02 p.m.

CITIZEN COMMENTS

Ron Arndt, 308 55th Avenue E, testified the NC zone designation will help retain residential character and support existing businesses. He thanked the Council and Community Development Department for their efforts. Mr. Arndt encouraged the Council to approve the annexation.

Rich Lott, 5505 4th Street E, Tacoma, said he looks forward to being part of Fife and receiving police protection, as well utility services in the future. Mr. Lott said he is also looking forward to having a voice in City government and in the future of the community. He asked the Council to waive first reading of the ordinance and adopt second reading of the ordinance.

Bob Nims, 950 7th Avenue E, spoke on the proposed noise wall and the associated financial impact to taxpayers. Mr. Nims spoke in opposition of the annexation, as he would like the residential neighborhood and character

retained. He pointed out Fife didn't want the annexation unless it came in with commercial zoning. The state can take over commercial properties easier than residential parcels.

Michelle Bunker, 5905 4th Street E, commented that a flyer stated the annexation would cost property owners \$142 more a year, which equates to \$12 per month for police protection. Police protection for that price can't be beat. Owners will have more control over their property if annexed to Fife rather than remaining in Pierce County. Ms. Bunker spoke in favor of the annexation.

Jeff Lewis, 118 54th Avenue E, said he never received notification of the annexation. His property has been zoned M1 for years and he would like to retain the zoning designation. He said he's not necessarily opposed to the annexation. He pointed out his property on a map. Planner Pasinetti confirmed the property will remain industrial zoning.

Ron Strecch, 4818 North Tucson, Tacoma, spoke in favor of annexing his mother's property to Fife. Residential and commercial land use is the best use of the property.

Gary Smith, Western Equipment Repair and Welding, 115 54th Avenue E, Tacoma, asked how the annexation and proposed zoning will affect his current business, which involves fabrication and repair on big trucks. Mr. Smith said he wasn't notified about the annexation because he's not the current property owner. Planner Pasinetti said a smaller machine shop is a permitted use. Mr. Smith's fabrication and repair business would be allowed to continue as an existing nonconforming use.

Councilmember Roscoe asked staff to follow up with Mr. Smith on nonconforming use regulations that apply should he decide to abandon or discontinue his business for a period of time.

Bruce Buchanan, 301 54th Avenue E, said he owns a business within the annexation and three adjoining lots and also represents four businesses. He was not notified of the annexation. Some owners heard the City would provide water and sewer. He acknowledged the good work of Fife's Police Department. Mr. Buchanan said he opposes the annexation because of the way it was presented and that some misinformation was presented causing concerns that citizens do not have all the information. He said he circulated the flyer that was referenced earlier. He spoke about difficulties working with prior City staff when attempting to build another office building. After a second failed attempt to construct another office building, he decided to do business in Pierce County. The best use of the properties within the annexation area is commercial or manufacturing. He expressed additional concerns about Fife's development processes. He plans to construct a mirror image building on two other lots he's acquired and is not excited about doing that in Fife.

James Adney, 201 54th Avenue E, said as a resident, he's opposed to the annexation.

Gordon Erickson, Nordic Construction, 106 55th Avenue E, spoke in favor of the annexation.

Don Jaycox, 15426 141st Place East, Renton, said he owns a parcel within the annexation area and supports the annexation.

Annette Bauer, 119 57th Avenue E, expressed concerns about the NC zone. A creek runs through her property with salmon. Ms. Bauer said she doesn't want more commercial businesses and associated noise, as the neighborhood is currently flooded with noise. She said she enjoys the residential character of the area.

Mr. Lott added that the Council might not be aware that 41 of the 51 property owners signed the annexation petition representing 75.7% of the total assessed valuation.

Gary Flaggare, Astro Auto Wrecking, 101 54th Avenue E, spoke in favor of the annexation.

There was no further public testimony. Mayor Johnson closed the public hearing at 8:35 p.m.

**American Fast
Freight/Orbus
Investments LLC
Agreement**

Director Blount reported a public hearing was opened on November 12, 2008 and continued. Staff recommends the Council take public comment and continue the public hearing to December 9, 2008.

Mayor Johnson opened the continued public hearing at 8:35 p.m.

Councilmember Hull reported he has reviewed the record from the previous meeting.

There was no public comment. Mayor Johnson continued the public hearing to the Council's December 9, 2008 meeting.

**ORDINANCES AND
RESOLUTIONS**

ORDINANCES

**#1681 Benthien Loop
Annexation**

Motion

Councilmember Brooks moved, seconded by Councilmember Roscoe, to adopt first reading of Ordinance #1681; Benthien Loop Annexation.

City Clerk/Director Marcotte read the title of Ordinance #1681:

An ordinance of the City Council of the City of Fife, Pierce County, Washington annexing certain real property known as Benthien Loop to the City, requiring the annexed property to be assessed and taxed at the same rate and basis as other properties within the City, establishing its zoning, and fixing the effective date of the annexation.

Councilmember Cerqui thanked Mr. Lott for the information on the petition. He asked staff to review the zoning. Officer Larson explained the section between 55th and 54th is zoned Employment Center (essentially light industrial). The other section was Moderate Density Single Family. Councilmember Cerqui indicated that the proposed NC zone is compatible with the existing businesses and will help preserve the residential character of the neighborhood.

Discussion ensued on whether the City has tested water quality in the ditches. Director Blount said Fife has not specifically tested water quality; however, there is nothing unusual. If there were a problem, business liability would not change with annexation.

Motion

Motion carried unanimously.

#1686 2009 Budget

Motion

Councilmember Brooks moved, seconded by Councilmember Roscoe, to adopt first reading of Ordinance #1686; 2009 Budget.

City Clerk/Director Marcotte read the title of Ordinance #1686:

An ordinance of the City Council of the City of Fife, Pierce County, Washington adopting the final budget for the calendar year 2009.

Director Marcotte reported the adoption of the annual budget ordinance creates appropriations and spending limits for each of the City's funds. All required public hearings have been held. A copy of the preliminary budget is available for inspection by the public as required by law. The budget as presented is a balanced budget. The ordinance authorizes total expenditures of approximately \$50 million with an additional \$24.8 million to be retained in ending fund balances. Total expenditures for the General Fund are \$14.3 million. The fiscal impact is approximately \$75 million.

Councilmember Brooks expressed concern about the revenue projections, which might be somewhat optimistic. The Council and staff need to closely monitor revenue. Adjustments to levels of service were implemented. The City reduced staff and cancelled and/or deferred projects. It's likely Fife will have to dip into 2008 reserves. If sales tax revenues continue to decline, the

City will have to utilize reserves next year. He asked Director Marcotte to elaborate on the reserve balances, which is the difference between total available resources and new revenues minus planned expenditures. Funds remaining from end of year are considered a reserve or ending fund balance. Fife's policy is to maintain a cash reserve balance of 17% of its annual projected expenditures, or \$2.4 million. Other reserves include \$1.5 million for the Tribal Interlocal, \$89,000 for crime prevention, and \$366,000 for unreserved ending fund balance. Separate from the reserves is a \$440,000 contingency fund. It's important to save money for uncertain times and to move forward and adopt the budget.

Councilmember Cerqui complimented the Council and City Manager for finding ways to cut expenses rather than increase taxes. Growth and sales tax collections have flat lined. He suggested further scrutiny of the Public Works Department budget is warranted and whether the marketing position will become a regular position. Another concern is the Police Department. Two officers will retire. Currently, there are two other vacant positions. He asked the Council to consider filling one of the officer positions next year using red light photo enforcement revenues. Both the Council and staff have made difficult decisions to develop a balanced budget for 2009.

City Manager Worthington responded an additional police position will cost \$110,000, which includes salaries, benefits, and equipment. Director Marcotte added that the overall 2009 budget would have to be reduced to cover the costs for a police officer.

Councilmember de Booy said many cities are making cuts. The Council has been diligent to reduce expenditures without affecting major services. She agreed the Council should move ahead with the budget as proposed.

Councilmember Roscoe supported the budget as presented. She said she's concerned with a reduced police force and is open to discussions on filling a position, but not at this time and would like to review first quarter 2009 data first.

In response to comments from Councilmember Hull, City Attorney Combs provided additional information related to the agreement between the City and the Puyallup Tribe and the \$850,000 annual payment.

Councilmember Hull expressed concerns about raising property taxes and police service levels. Specific to the proposed noise wall, two thirds of Fife's tax base comes from the business community, which would be lost if businesses left the City. Some departments didn't reduce expenditures equally. He asked staff to monitor the budget, as he doesn't believe the revenue projections are accurate. He said he will support the motion.

Mayor Johnson spoke on how the Council has changed and improved the

budget planning process. The constrained budget is new for Fife. He expressed support for the draft budget. The Council and staff will continue to monitor revenues and expenditures. City Manager Worthington has made difficult decisions for reducing staff and not filling positions. An outstanding issue involves backfilling streamlined sales tax. A payment is due in early December. Councilmember Godwin is also concerned about reductions in the Police Department. Crime rates tend to increase during difficult economic times.

Discussion ensued on potential revenues sources for funding an officer. Councilmember Cerqui said he doesn't want to see the City's level of service drop significantly and would like to keep current by filling at least one officer position. He asked staff to provide additional information at the next Council meeting on options to fund a position.

Mayor Johnson acknowledged the impact to police services; however, Fife's Police Department provides good service and response time.

Councilmember Roscoe asked about the status of identifying any increase in police activity attributed by the casino. City Attorney Combs explained the myriad of agreements between Fife and the Puyallup Tribe are complex and involve a mix of impacts for different reasons. The tribe agreed to pay a voluntary impact fee when it moved the casino from the waterfront into Fife. Under the 2% provision, the City is allowed to request additional impacts above and beyond the general impacts anticipated initially. He suggested the Council review the agreements at the January work session or budget retreat. Fife receives in excess of \$1 million annually based on the agreements. The City can identify other impacts and request additional funds to cover items that were not recognized at the outset. Councilmember Roscoe suggested it's time to review the agreements.

Councilmember de Booy asked whether tribal funds can be used to fund police services. City Manager Worthington replied the \$850,000 is a Council discretionary fund. To date, there is \$1.5 million in non-committed reserves. The Council could explore using the funds to hire officers. Reserves have typically been used for capital purposes rather than funding ongoing operating expenses.

Motion

**#1688 Amendment to
Hearing Examiner
Ordinance (VSI)**

Motion

Motion carried unanimously.

Councilmember Brooks moved, seconded by Councilmember Roscoe, to waive first reading of Ordinance #1688 and approve Ordinance #1688; Amendment to Hearing Examiner Ordinance (VSI).

City Clerk/Director Marcotte read the title of Ordinance #1688:

An ordinance of the City of Fife, Pierce County, Washington, amending Fife Municipal Code section 2.92.150 relating to the timing of decisions of the Hearing Examiner.

City Attorney Combs explained Fife's code currently allows the Hearing Examiner 31 days to issue a decision. This is inconsistent with 10 days allowed under Revised Code of Washington (RCW) 35A.63.170.

Motion

Motion carried unanimously.

Adopt

**#1684 2008
Comprehensive Plan
Amendments**

Motion

Councilmember Brooks moved, seconded by Councilmember Roscoe, to give second reading and adopt Ordinance #1684; 2008 Comprehensive Plan Amendments.

City Clerk/Director Marcotte read the title of Ordinance #1684:

An ordinance of the City Council of the City of Fife, Pierce County, Washington amending the comprehensive plan for the City of Fife pursuant to the state of Washington's Growth Management Act.

Planner Pasinetti reviewed the six amendments:

- CPA 08-01 – Land use redesignation for 48th Street/70th Avenue
- CPA 08-02 – Update Developable Lands, Housing and Employment Capacities
- CPA 08-03 – Sustainable Development Goals & Policies
- CPA 08-04 – Updates to the Housing Element
- CPA 08-05 – Update to the Parks Element
- CPA 08-06 – Update to the Capital Facilities Element

The Council amended the ordinance to exclude properties on the west side of 7th Avenue from CPA 08-01 and approved first reading at the November 12, 2008 Council meeting.

Planner Pasinetti reviewed current and proposed land use designations as shown on the map exhibits. Staff recommends the Council adopt Ordinance #1684.

Councilmember Hull announced he has reviewed the public hearing testimony and is confident he can vote on ordinance.

Motion **Motion carried unanimously.**

In response to a question concerning additional public comment, City Attorney Combs pointed out the public hearing is closed. Typically, the Council does not take additional testimony. However, it is up to the Council whether to consider supplemental public comment.

CITIZEN COMMENTS

Margaret Archer, P.O. Box 1157, Tacoma, representing David and Patti Roesch, stated the parties own four acres within the rezone to Single Family Residential (SFR). She highlighted information contained in a letter delivered to the City. Ms. Archer identified the Roesch parcels. The parcels proposed for rezone to SFR include properties owned by the City of Fife and her client. She pointed to two parcels currently used for commercial purposes. All of the properties are currently zoned commercial. The Roesch's are concerned about the proposal to rezone their land to SFR, as surrounding land uses are commercial, industrial, and medium density residential in nature. She said the downzone is baffling. The Roesch property is the only privately owned property within the LID benefit area. The LID assessment was based on commercial zoning. The Roesch's did not oppose the LID with the understanding that there would be no zoning changes on the horizon. The proposed zoning is not consistent with the Growth Management Act (GMA). The SFR zone will only nominally provide additional density. One question is the benefit Fife will achieve by downzoning the property. A downzone will also result in two nonconforming uses. Ms. Archer encouraged the Council to consider retaining the commercial zone and at a minimum consider medium density consistent with zoning to the east.

City Attorney Combs stated the letter was not included in the agenda packet because the record is closed.

Motion **Councilmember Cerqui moved, seconded by Councilmember Hull, to reconsider the motion.**

Motion **Councilmember Roscoe moved, seconded by Councilmember Hull, to convene an executive session for the purpose of potential litigation for approximately 10 minutes. Motion carried.**

EXECUTIVE SESSION **Mayor Johnson convened to an executive session at 9:28 p.m. for the purpose of potential litigation for approximately 10 minutes.**

RECONVENE **Mayor Johnson reconvened the meeting at 9:35 p.m.**

City Attorney Combs advised that a motion is on the floor to reconsider

adopting Ordinance #1684.

Councilmember Roscoe said the initial motion is in the best interests of the City.

Councilmember Cerqui opposed the proposed rezone. Residential density per acre is too low for the area.

Motion **The motion to reconsider adopting Ordinance #1684 failed. Councilmember Cerqui voted in favor of the motion.**

**#1687 Rezone of 48th
Corridor**

Motion **Councilmember Brooks moved, seconded by Councilmember Roscoe, to give second reading and adopt Ordinance #1687; Rezone of 48th Corridor.**

City Clerk/Director Marcotte read the title of Ordinance #1687:

An ordinance of the City Council of the City of Fife, Pierce County, Washington changing the zoning for certain properties within the area known as the 48th Street corridor.

Planner Pasinetti reported the proposed action is consistent with the City's comprehensive plan. Staff recommends the Council adopt Ordinance #1687.

Councilmember Hull announced he reviewed the public hearing and is confident he can vote on the matter.

Motion **Motion carried. Councilmember Cerqui opposed.**

RESOLUTIONS

**#1257 Authorize ILA
Valley/Freeman Signal**

Motion **Councilmember Brooks moved, seconded by Councilmember Roscoe, to approve Resolution #1257; Authorize ILA Valley/Freeman Signal.**

City Clerk/Director Marcotte read the title of Resolution #1257:

A resolution of the City Council of the City of Fife, Pierce County, Washington approving a letter agreement with Pierce County for maintenance of a traffic signal at Freeman Road.

Director Blount reported the City annexed to the eastern right-of-way line of Freeman Road in the mid-1990s and installed a traffic signal at the Freeman

Road/Valley Avenue intersection. The east leg of the intersection on Valley Avenue is within unincorporated Pierce County. With the widening of Valley Avenue, the City applied to the county to install additional loops. County staff stated a letter agreement committing Fife to maintain the loops and limit the county's liability is required before Pierce County will process the new construction permit application. Because the City is seeking the county's approval, it's appropriate for Fife to sign the agreement first. The resolution authorizes "in the general form as attached" so that minor modifications will not require further review by the Council. Any substantive amendments would be reviewed with the Council for consideration.

Motion

Motion carried unanimously.

#1259 Authorize Purchase and Sale Agreement with Tom and Dianne Tucci Family, LLC

Motion

Councilmember Brooks moved, seconded by Councilmember Roscoe, to approve Resolution #1259; Authorize Purchase and Sale Agreement with Tom and Dianne Tucci Family, LLC.

City Clerk/Director Marcotte read the title of Resolution #1259:

A resolution of the City Council of the City of Fife, Pierce County, Washington approving the agreement with Tom & Dianne Tucci Family, LLC to purchase real property for storm drainage facility purposes.

Director Blount reported the Tucci Family, LLC owns a parcel on the north side of 26th Street East and west of 70th Avenue East. It's necessary to acquire the property for a storm water drainage facility. The Tucci Family LLC accepted the City's offer, which is equal to the appraised value. Staff recommends approval of Resolution #1259.

Councilmember Cerqui asked whether the purchase involves one or two of the parcels needed. Director Blount said the resolution is specific to the one parcel owned by Tom and Dianne Tucci Family, LLC, which completes the purchase from the owner.

Motion

Motion carried unanimously.

#1262 Authorize PSA Randy Holt

Motion

Councilmember Brooks moved, seconded by Councilmember Roscoe, to approve Resolution #1262 Authorize PSA Randy Holt.

City Clerk/Director Marcotte read the title of Resolution #1262:

A resolution of the City Council of the City of Fife, Pierce County, Washington authorizing the purchase of a portion of Tax Parcel No. 0420171064 from Randy and Barbara Holt for right-of-way and a slope easement in lieu of condemnation.

Director Blount reported it's necessary to acquire a portion of the property from Randy and Barbara Holt for the reconstruction of Valley Avenue East as part of the 70th Avenue East and Valley Avenue East road improvement project. He described where the tax parcel is located. The property is constrained by Wapato Creek and valued at approximately \$2.75 per square foot. Randy and Barbara Holt have executed and delivered the deed and other documents required to close the transaction. Staff recommends approval of Resolution #1262.

Motion

Motion carried unanimously.

**#1264 Authorize
Supplement #9 with DEA
for Valley Avenue Design**

Motion

Councilmember Brooks moved, seconded by Councilmember Roscoe, to approve Resolution #1264; Authorize Supplement #9 with DEA for Valley Avenue Design.

City Clerk/Director Marcotte read the title of Resolution #1264:

A resolution of the City Council of the City of Fife, Pierce County, Washington authorizing additional services by David Evans and Associates for design of improvements to 36th Street East and other engineering tasks associated with the 70th and Valley corridor.

Director Blount reported the supplemental agreement in the amount of approximately \$30,000 is for the preparation of engineering documents necessary to bid and construct 36th Street East, and for several smaller engineering tasks. Staff recommends approval of Resolution #1264.

Discussion ensued on the ultimate width of 36th Street East, which is basically 12 feet, the surfacing materials (asphalt at the street and gravel along the remainder of the roadway), and undergrounding utilities at the street.

Motion

Motion carried unanimously.

**#1266 Authorize Option to
Purchase Holt Well**

Motion **Councilmember Brooks moved, seconded by Councilmember Roscoe, to approve Resolution #1266; Authorize Option to Purchase Holt Well.**

City Clerk/Director Marcotte read the title of Resolution #1266:

A resolution of the City Council of the City of Fife, Pierce County, Washington approving the agreement with Randy and Barbara Holt for acquisition of well rights.

Director Blount reported the Council approved Resolution #1152 on October 9, 2007 authorizing RH2 to conduct exploratory drilling and testing of a well on property owned by Randy and Barbara Holt. The proposed agreement provides for an exclusive option to purchase the well. The term of the option expires on January 1, 2011. The City is required to exercise the option provided its well development activities achieve flow rates of more than 1,000 gallons per minute. The agreement does not bind the City to buy the well if it is deemed unsuitable for such use. Staff recommends approval of the resolution.

Councilmember de Booy asked if the City will know whether the well is viable prior to the term expiring. Director Blount responded staff will provide the Council with a status report in March 2009. If it appears the well is viable at that time, staff will draft a plan and mobilize a temporary pump that will run for several weeks to verify the draw down rate. Staff will return and seek authority to expend additional funds if the well appears to be feasible. The agreement gives the City time to work through issues.

Motion **Motion carried unanimously.**

Motion **Councilmember Roscoe moved, seconded by Councilmember Brooks, to extend the meeting until approximately 10:10 p.m. Motion carried.**

CITY MANAGER REPORT

City Manager Worthington provided an update on recent activities:

- A Fife police officer was recognized at the November 21, 2008 candlelight vigil remembering DUI victims. He recognized the good work of Judge Ringus and Chief Blackburn, who also serve on the board.
- Potential meeting dates for a retreat in January are January 23 and 24, 2009, or alternatively January 30 and 31, 2009. Staff will follow up with the Council.
- The Fife Regional Chamber of Commerce's main event is scheduled for January 23, 2009.
- The Fife pool will be closed from November 27 through November 30, 2008.

COUNCILMEMBER COMMENTS

Councilmember Hull said he was disappointed with the small turnout at the Pierce County Library District open house last week. He announced a roll out

of the Prescription Pill Drug Disposal (P2D2) program is tentatively planned for January 7, 2009 at the Police Department. He extended his appreciation to City Manager Worthington and the Council for their support of the P2D2 program.

Councilmember Brooks thanked members of the public for attending the meeting. In response to question for staff to prepare a resolution on the noise walls, City Manager Worthington said he understands the Council would like to consider a resolution opposing WSDOT's proposed noise walls and advocate quiet pavement and other sound attenuation alternatives. Staff will present the Council with a resolution at its December 9, 2008 meeting.

Councilmember Cerqui thanked citizens and business owners for their input.

Councilmember de Booy expressed opposition to the proposed noise walls and stated there must be other viable options. WSDOT typically requires noise walls as a way to mitigate noise impacts from the construction of new highways or expansion of the freeway. She thanked the public for attending the meeting.

Councilmember Roscoe said she spoke with Mr. Braden about his concerns regarding the new Radiance development, 54th Avenue, and Levee Road. She extended an ongoing invitation to residents with questions or concerns to contact Councilmembers by email or telephone. She reported she would provide a detailed report on the recent joint Zoo Trek Advisory Board and Metro Parks Board meeting at the next Council meeting. She welcomed Fife School District's newest school board member Doug Fagundes. Fife residents were invited to contact school board members with questions or concerns.

Mayor Johnson stated there were a few new faces at the Pierce County Library District open house. The library is initiating an Osprey after school program at Columbia Junior High School funded by the Audubon Society. He indicated he would forward a related email to Councilmembers and City staff. He stated he would like to see the 54th Street at grade pedestrian crossing move forward. He said he would be happy to talk with Radiance residents about the project. He congratulated new school board member Doug Fagundes.

Mayor Johnson reported the December Mayor's forum is cancelled.

ADJOURNMENT

With there being no further business, Mayor Johnson adjourned the meeting at 10:12 p.m.

Steve Marcotte, City Clerk/Finance Director

Prepared by Cheri Lindgren, Recording Secretary
Puget Sound Meeting Services