

FIFE CITY COUNCIL MINUTES

Fife City Hall
Council Chambers

Date: February 26, 2008
Time: 7:00 p.m.

EXECUTIVE SESSION

Mayor Johnson convened an executive session at 6:30 p.m. for the purpose of Labor Negotiations RCW 42.30.140(g) for approximately 35 minutes.

ADJOURNMENT

Mayor Johnson adjourned the executive session at 7:05 p.m.

CALL TO ORDER AND ROLL CALL

Mayor Johnson called the regular meeting of the Fife City Council to order at 7:05 p.m. with the following Councilmembers present: Richard Godwin, Barry Johnson, Glenn Hull, and Nancy de Booy.

Excused: Councilmembers Rob Cerqui, Butch Brooks, and Kim Roscoe.

Staff present: Assistant City Manager Jim Reinbold, Finance Director Steve Marcotte, Public Works Director Russ Blount, Confidential Administrative Assistant Andrea Richards, City Attorney Loren Combs, Community Development Director Carl Smith, Parks & Recreation Director Kurt Reuter, Police Chief Brad Blackburn, Assistant City Engineer Ken Gill, Matt Wood, Information Services, Code Compliance Inspector Chris Larson, and Recording Secretary Valerie Gow.

PLEDGE OF ALLEGIANCE

Councilmember Hull led the pledge of allegiance.

CHANGES, ADDITIONS OR DELETIONS TO AGENDA

There were no changes to the agenda. The Council received some additional agenda materials.

CITIZENS COMMENTS

Alton Macdonald representing National Action Network, a civil rights organization established by Reverend Al Sharpton, addressed an issue involving the City of Fife as well as City Manager Worthington and Police Chief Blackburn. The Council received a copy of the incident report. The incident occurred at Bud's Bar and Grill Pub in Milton. Five police officers were present when the incident occurred. The incident involved a Milton Police Officer who violently assaulted an African-American female because she asked a simple question. Additionally, an officer from the City of Fife filed charges against the female for assaulting an officer. He said he's never seen anyone beaten and arrested for asking a question. It is unconscionable to have an officer arrest someone for simply asking a question. Out of courtesy, the officer should have responded kindly and not decked her in the collar and striking her face causing lacerations. Mr. Macdonald said no human being should treat another human being like that especially a police officer entrusted by the citizens of Fife to carry and badge and a gun and then turn around and violate citizen's rights because they can hide behind the shield. He asked Mayor Johnson to consider the issue seriously and that the conduct of the officer is unacceptable. Even fabricating a document to support the misconduct

of another officer because they are in "blue" is wrong, illegal, and criminal. He said he hopes that the officer involved is investigated by an outside body other than the Chief. He indicated he hopes it his last time to bring an issue to the Council, but if necessary he will come back again and bring the forces that are needed to let the Council and the City of Fife know that when a police officer operates outside the scope of their responsibility and duty, then it is the citizen's civil right to order full accountability when someone violates the law. He said he will wait for a response in terms of the investigation and asked the Council to place the officer involved in the incident on administrative leave until conclusion of the investigation. He acknowledged the duties of police officers, but officers should operate within the confines of the law when executing their duties.

Rich Lott, 5505 4th Street East, Tacoma, said he is a resident of the Benthien Loop area. He attended the February 19 2008 study session on the presentation of the Benthien Loop annexation and boundary lines. After having an opportunity to review the presentation material with his wife and other community members he called Director Smith to discuss the presentation materials. During the meeting with Director Smith, Planner Pasinetti, and Code Compliance Inspector Chris Larson, the discussion focused on the annexation boundary lines and the possibility of including the four remaining parcels which border Hylebos Creek and 57th Street at the far northeast corner of the loop. Mr. Lott identified the owners of the parcels and provided some historical information on the parcels in terms prior agreements with Pierce County and the City of Tacoma. The residents do not believe there is any need to incorporate the parcels within the annexation. However, if they were to be included, it wouldn't make any difference one way or the other. At the meeting, Mr. Lott said he requested a breakdown of the \$11 million for infrastructure cost improvements, which residents believe is extremely high and has caused residents some concern as a potential expenditure of the annexation.

Mr. Lott said the Benthien Loop area is a large cul-de-sac with one entrance and exit at 4th Street East and 54th. There virtually is no traffic except for local residents. When the 40 acres across the street were annexed, the costs were absorbed by the commercial business owners along 8th Street. Residents believe no cost impact related to 4th Street East should be included in the Loop annexation cost impacts.

Another large cost of \$270,000 is included in the \$11 million, which the community believes is excessive. Mr. Lott reported Fife is scheduling a meeting with Benthien Loop residents on March 20, 2008. He noted a number of Benthien Loop residents are currently hooked up to sewer.

Mayor Johnson advised Mr. Lott the Council will consider the community's comments and concerns.

**CONSENT
AGENDA**

- a. Approval of Minutes: Date: February 12, 2008 Council Meeting
b. Approval of Vouchers:
 Payroll: #44089-44094 \$44,094.00
 Claim: #71423 – 71739 \$338,274.38
 Adopt Ordinance:
c. #1663 – Adjusting Non-Represented Salary Ordinance
d. #1664 – Fee Ordinance
e. Set a Special Meeting for March 4, 2008 Study Session
f. Set a Special Meeting for March 8, 2008 Budget Retreat

A correction of Councilmember Hull's name on page 19 of the February 12, 2008 minutes was requested.

Motion

Councilmember de Booy moved, seconded by Councilmember Godwin, to approve the consent agenda as amended. Motion carried.

**SPECIAL
PRESENTATIONS**

**Pierce County
Department of
Emergency
Management
(PCDEM)**

Assistant City Manager Reinbold reported Pierce County Department of Emergency Management received a grant of \$657,500 to assist local jurisdictions in completing local Hazard Mitigation Plans as required by the Disaster Mitigation Act of 2000. He introduced Luke Meyers, Pierce County Department of Emergency Management (PCDEM), who presented the City's draft Hazard Mitigation Plan.

Mr. Meyers reviewed the Pre-Disaster Mitigation (PDM) Grant Program process beginning in November 2004 when the program provided guidance for planning grants. At the end of February 2005, PCDEM submitted an application on behalf of 40 plus jurisdictions to FEMA. There are 48 jurisdictions in Pierce County representing a city/town group, a fire group, an education group, and a utility group.

Mr. Meyers reviewed local mitigation planning requirements:

- Documentation of the planning process used to develop the plan.
- Profile – a snapshot of the jurisdiction to include base maps, politician boundaries, fiscal information.
- Capabilities Identification – those mechanisms in place to reduce hazard vulnerability.
- A hazard identification risk assessment.
- A mitigation strategy that provides a blueprint for reducing the potential losses identified in the risk assessment.
- A plan maintenance process

Mr. Meyers reviewed the components of Fife's draft Hazard Mitigation Plan:

- Section 2 – Profile Section
- Section 3 – Capability Identification Requirements
- Section 4 - Risk Assessment Requirements
- Section 5 – Mitigation Strategy Requirements
- Section 6 – Infrastructure Section – not disclosed to the public because of homeland security
- Section 7 – Plan Maintenance Section

Mr. Meyers asked for the Council's input or recommendations on the plan.

Councilmember de Booy said the volume of the report makes it difficult to absorb the information. She inquired about the length of the process. Mr. Meyers said the grant process is a 30-month process with three months remaining. Councilmember de Booy commented on the number of semi trucks carrying hazardous material to the Port of the Tacoma and asked if that type of potential disaster is included in the plan. Mr. Meyers said it wasn't identified as a threat but jurisdictions were allowed to identify mitigation measures. He said he's unsure if the hazard was included, but that it could be included if there is a recommended practice or policy. Additionally, the county is working closely with the City on manmade threats. Councilmember de Booy reiterated that it's a major concern. Mayor Johnson added that there is also hazardous exposure through the rail lines.

Mayor Johnson referred to page 5-3 which represents a matrix of mitigation measures and lead jurisdiction/department. He commented that the table lacks county and state contributions. Assistant City Manager Reinbold clarified that the plan focuses on what the City can do within its jurisdiction. The plan represents actions by the City.

Mr. Meyers reported the goal is to release the plan by April 13, 2008 to the State Department of Emergency Management for a 30-day review, which is then forwarded to FEMA Region 10 for its 45-day review. The Council will be asked to approve a formal resolution sometime in June adopting the plan.

Assistant City Manager Reinbold recognized the work and efforts of Police Lt. Kevin Farris and Fire Marshal Carl Durham on drafting the plan.

New Employee Introductions

Mayor Johnson introduced welcomed Code Compliance Inspector Chris Larson. Mayor Johnson shared information on his education and professional experience. Councilmembers welcomed Mr. Larson to the City of Fife.

COUNCIL DELEGATE REPORT

Councilmember Godwin reported on his attendance to a low impact development seminar with Mayor Johnson and Councilmember Cerqui. He also represented the Council on an interview panel to select a contractor for assisting the City in developing a low impact development ordinance.

Councilmember de Booy reported she attended a breakfast meeting with the group involved in the renovation of the train caboose that will be displayed next to the Fife Historical Museum. The group is very excited about the renovation project. There is also the potential opportunity to secure a railroad engine as a companion piece to the caboose. Trains used to bring lumber to the City and are an important part of Fife's history. Councilmember de Booy reported she attended Jane Longley's 90th birthday party.

Mayor Johnson reported he also attended the low impact development seminar sponsored by the City of Sumner Water Department. He also attended the train meeting and issued a call for volunteers to help work on the caboose. The last Mayor's Forum on Thursday, February 20 included attendance of approximately six residents who asked good questions.

PUBLIC HEARING

Pre Annexation Zoning Benthien Loop

Director Smith reported the public hearing is one of two required public hearings to consider a change in annexation zoning for the Benthien Loop area. A petition for annexation of the area was first presented to the Council in 2007. During the Council's August 14, 2007 meeting, the question of appropriate zoning for the area was addressed. The Council directed staff to meet with the residents of Benthien Loop to determine what zone would best fit the area. A majority of the residents indicated Neighborhood Commercial (NC) is the appropriate zoning for the area. As part of the 2007 comprehensive plan amendments, the Council amended the Land Use Designation for the area from Small Lot Residential to Mixed Medium Density Residential/Commercial, which includes the zoning of Neighborhood Commercial, Neighborhood Residential, and Community Commercial. Staff is requesting the final step of a zoning change from Small Lot Residential (SLR) to Neighborhood Commercial (NC). No ordinance is included because of the requirement to wait an additional 30 days for the second public hearing.

Director Smith advised that the Council's action has no bearing on the Council's annexation decision.

Mayor Johnson opened and closed the public hearing at 8:01 p.m. There was no public testimony.

ORDINANCES AND RESOLUTIONS

ORDINANCES ADOPT:

#1661 Update School Impact Fees

Director Smith reported the action is for the second reading and adoption of Ordinance #1661 – Update School Impact Fees.

City Clerk/Finance Director Marcotte read the title of Ordinance No.1661:

An ordinance of the City Council of the City of Fife, Pierce County, Washington, amending the school impact fee amount and amending Fife Municipal Code Section 10.15.010.

Motion

Councilmember Godwin moved, seconded by Councilmember hull, to table the matter until a full Council is present. Motion failed (2/2).

Councilmember de Booy commented that the ordinance has come before the Council for first reading and she doesn't believe there's any reason to delay action.

Motion

Councilmember de Booy moved to adopt Ordinance No 1661; Update School Impact Fees. The motion died due to the lack of a second.

RESOLUTIONS

**#1185 Authorize
Contract Low Impact
Development Codes
Assistance**

Director Smith reported approval of Resolution No. 1185 will authorize a contract with the firm SVR Design to assist the City in preparing Low Impact Development (LID) Codes and Standards for Fife. The project would directly address one of the Council's 2008 goals under the holistic stormwater program goal in zoning since low impact development techniques use a combination of land use regulations and incentives to reduce the impacts off stormwater from development.

The City selected five firms for interviews from seven proposals received by the City. Councilmembers Cerqui and Godwin participated on the interview panel. The interview panel selected SVR Design as the most qualified to perform the work. Director Smith asked for the Council's approval of the resolution.

City Clerk/Finance Director Marcotte read the title of Resolution No.1185:

A resolution of the City Council of the City of Fife, Pierce County, Washington, authorizing a contract with the firm SVR Design Company to aid in the preparation of low impact development codes and standards.

Motion

Councilmember Godwin moved, seconded by Councilmember de Booy, to adopt Resolution No. 1185; Authorize Contract Low Impact Development Codes Assistance.

Councilmember de Booy asked whether any contingency is included in the contract in the event the work exceeds \$40,000. Director Smith reported the budget authorized by the Council is \$50,000, and that the City Attorney will ensure language is included in the contract to ensure the contract amount is not

exceeded.

Peg Staeheli, SVR Design Company, commented on how the City is setting an example, as there are not many cities that have stepped up and developed codes for low impact development. It's really an important process.

Motion

Motion carried unanimously.

#1186 MRSC Small Works Roster

Assistant City Manager Reinbold reported that previously the City developed a small works roster allowing the City to select vendors for small public works projects under \$200,000. Previously, the City used the list developed by the City of Lynnwood. The City of Lynnwood has decided not to develop the list and Municipal Research Service Center has agreed to administer the program at a nominal fee for participating cities on a statewide basis. The fee for participation is \$100 for projects totaling \$5 million each year.

City Clerk/Finance Director Marcotte read the title of Resolution No.1886:

An ordinance of the City Council of the City of Fife, Pierce County, Washington, authorizing the City Manager to execute an agreement with Municipal Research and Services Center for maintaining and publishing small works and consulting services rosters.

Motion

Councilmember Hull moved, seconded by Councilmember Godwin, to adopt Resolution No. 1186; MRSC Small Works Roster.

Councilmember Hull inquired about the fiscal impact for projects over \$5 million. Director Blount reported under the City's code, projects are limited to \$200,000 for projects pursued under the small works roster. The statewide cap is \$5 million for any participant. However, for the City, the Council has only authorized projects up to \$200,000. Director Blount explained the benefits of participating in the program as it enables more of a choice in contractors for specialized services often needed by the City.

Director Blount answered questions on the costs associated with developing bid packages versus utilizing the list.

Motion

Motion carried unanimously.

#1187 Authorize Transportation Plan Update

Director Blount reported Assistant City Engineer Gill worked on the project. Engineer Gill reported the existing Transportation Comprehensive Plan was produced in 2002 by David Evans and Associates, which involved traffic counts and updating the transportation model. DEA is proposing to undertake similar work in the update of the plan. The City solicited for qualified firms with three firms responding. An interview panel interviewed the firms and selected David Evans and Associates as the most qualified firm to complete the work. The budget amount is \$80,000. The proposal is for \$79,915 for the first phase of the

project. Additional services will be required in the subsequent phase.

City Clerk/Finance Director Marcotte read the title of Resolution No. 1187:

A resolution of the City Council of the City of Fife, Pierce County, Washington, authorizing the City Manager to execute a contract with David Evans and Associates, Inc. for professional services associated with the 2009 Transportation Comprehensive Plan Update.

Motion

Councilmember Godwin moved, seconded by Councilmember de Booy, to approve Resolution No. 1187; Authorize Transportation Plan Update. Motion carried.

NEW BUSINESS

**Election of Official
for Zoo/Trek
Authority Board**

Assistant City Manager Reinbold reported Pierce County Regional Council contacted the City to seek a nomination or vote on a person presently nominated to fill Position 1 of the Zoo/Trek Authority Board. Councilmember Roscoe currently serves on the Board representing small cities. The request is for the at-large representative. Bobbi Allison from the Town of Eatonville was nominated for the position. Staff recommends the Council vote for Ms. Allison.

Councilmember de Booy inquired about Ms. Allison's standing in the community. Assistant City Manager reported Ms. Allison is a Councilmember for the Town of Eatonville. Councilmember de Booy indicated she was interested in the position but is unable to assume the responsibility entailed in serving on another intergovernmental body.

Motion

Councilmember de Booy moved, seconded by Councilmember Godwin, to vote for Bobbi Allison to fill Position 1 of the Zoo/Trek Authority Board. Motion carried.

**CITY MANAGER
REPORT**

Assistant City Manager Reinbold reported City Manager Worthington and Councilmembers Roscoe, Cerqui, and Brooks are in Washington, D.C. advocating for the needs of the City.

Assistant City Manager Reinbold referred to the copy of the Stormwater Drainage Report that the Council will be discussing at a special meeting on March 4, 2008. He provided options to the Council for receiving the report in either hard copy or CD.

Director Reuter provided an update on the first Teen Activity Night program held on February 22, 2008 at Columbia Junior High School. It is the first of two programs offered this year. The program was authorized in the 2008 budget and is one of the efforts by the department to expand programming to youths within the community. The program was an overwhelming success with

approximately 150 students (6th and 7th grades) attending the program. Director Reuter said he attended as a chaperone and attested to the success of the evening. Students were well behaved during the three-hour program from 7:00 p.m. to 10:00 p.m. The program included basketball and games in the gym and a large inflatable obstacle course, video games, and a DJ. The Parents in Education Group (PIE) provided concessions and a small snake bar. Director Reuter commented on the great cooperation of school staff and custodians as well as the City's recreational staff. The second event is scheduled on April 18, 2008 for 8th and 9th grade students.

Councilmember de Booy offered to volunteer for the second event.

Assistant City Manager Reinbold reported the City is holding a public meeting for naming parks at Columbia Junior High School on Thursday, February 28, 2008 at 7:00 p.m. He encouraged citizens to attend.

Redflex, the red light photo enforcement program was initiated on Pacific Highway and Alexander effective February 25 2008. The program begins with a month of warnings followed by enforcement of infractions.

Councilmember de Booy asked about the experience factor in terms of the number of motorists running red lights. Police Chief Blackburn advised that the City undertook a 30-day testing period. Most of the recent infractions occurred by semi-truck drivers who clearly crossed the intersection on a red light. The intersection is posted as a red light photo enforcement zone.

Mayor Johnson inquired about the timing for installing red light photo enforcement at other City intersections. Assistant City Manager Reinbold said the City is waiting for a permit from the state because the traffic lights are owned by the state. Director Blount said the issue is also about securing access to state property. It's been approximately two months since Redflex submitted drawings to the state.

Councilmember Hull said he noticed a tree obscures one of the advisory signs.

Assistant City Manager Reinbold reported staff is interviewing several vendors for development of the Stormwater Plan. He invited the Council to participate in the interviews.

Councilmember Godwin requested an explanation of the project. Director Blount reported the Council authorized the development of the low impact development standards and an update of the City's Storm Comprehensive Plan to include developing a program for cost effective ways to deal stormwater runoff from existing streets and other measures that can be undertaken short of full construction. The interviews are scheduled for March 6, 2008.

Councilmember Godwin said his concerns pertain to working on the two

programs in opposition rather than jointly, because stormwater and low impact development go hand-in-hand. There needs to be coordination between the two programs. Director Blount acknowledged the comments and noted the Council approved both items. Staff recognizes there will be much coordination between the two programs. Low impact development is a new development standard and not typically a retrofit standard, and there will be decades before those standards are in actual play throughout the City. Many current conditions in Fife will also be in existence in the next decades and it's important to complement low development standards with stormwater management. Staff understood the Council's direction to examine the current stormwater plan as well as considering retrofit possibilities within the existing infrastructure of the City.

Councilmember Godwin said he'd like to delay any action until after the March 4, 2008 study session. He said he's not in favor in moving forward until the Council receives some answers at the March 4, 2008 study session.

Mayor Johnson clarified that the intent is retrofitting existing older facilities. Director Blount said that's essentially correct. It recognizes the high cost of new street construction and staff is working to meet good standards and is advertising for cost effective strategies. Engineer Gill is managing the City's stormwater efforts and has prepared the City's annual stormwater report, which will be distributed for the March 4, 2008 study session.

Engineer Gill said the two programs are on parallel paths and stormwater efforts are focusing on the worst areas in Fife that need water quality improvements. The solutions may be low impact development or traditional methods. He encouraged the Council to participate on the interview panel and ask questions of the vendors.

Councilmember Godwin referred to the reference of water quality and pointed out the City does not pursue water quality efforts, which is why he is concerned about the presentation. He said he's concerned with how stormwater is handled today and doesn't see a parallel process in updating the plan and developing low impact standards.

Assistant City Manager Reinbold suggested pursuing the interview date of March 6, 2008 as the Council will be discussing stormwater issues on March 4, 2008. He encouraged the Council to participate on the panel to obtain a better understanding of the program. Councilmember Hull offered to participate as an observer.

Assistant City Manager Reinbold referred to the public notice in the newspaper concerning Praxair in anticipation of a public hearing on a proposed zoning change. Praxair approached the City about installing another tower, but it's not allowed in the current zone because of height requirements. The public hearing notice is for a public hearing on March 11, 2008.

Director Smith reported Praxair contacted the City about a proposed new tower for the company's air intake process. He shared an illustration of the existing tower and the proposed location of a 240-foot tower that will expand the capacity.

Assistant City Manager Reinbold commented on recent changes in wall colors in the Council Chambers. He asked the Council to provide input on whether the wall behind the Council should be darker to provide more contrast.

Assistant City Manager Reinbold advised member of a code update to Fife Municipal Code.

There are vacancies on the Parks Board and the Planning Commission. Assistant City Manager Reinbold asked for direction from the Council on filling the vacancies. The Council agreed to utilize a Council subcommittee to interview applicants

COUNCILMEMBER COMMENTS

Councilmember Hull commented on the school impact fees. He said he has researched the issue and that much of the discord on the Council is likely due to his comments he made during his interview for the Council position, specifically referring to the boundary lines that the Puyallup and Fife School Districts share. He said he has spoken with both school superintendents and attended the Fife School Board meeting the previous evening. On the surface and from an outside perspective, he agreed the boundaries don't make sense. However, there are reasons for the current boundaries and both districts have legitimate concerns. Puyallup School District has approximately 20,000 students while Fife School District has approximately 3,400 students. It's a goal of the Fife School District to maintain a 2% growth in the number of enrollments. A directive for change in policy regarding the Radiance boundary would have an immediate impact of approximately 18% on the Fife School District. He said that as a resident of Radiance he understands that Washington is a choice state. If a student chooses to attend a different public school and the school accepts the student, the state's compensation of \$4,700 follows the student to the new school. There is an un-negotiated agreement between the two school districts to allow both to serve their needs financially. He said his intent is not to oppose impact fees.

Councilmember Hull said he's met with several departments and directors to become more familiar with the City. He thanked everyone for their assistance and patience in helping him learn more about the City.

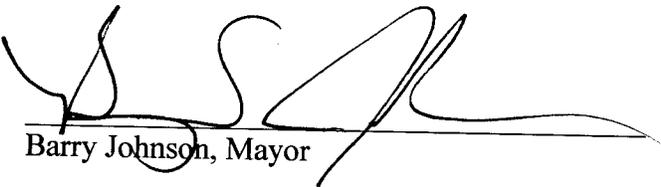
Councilmember de Booy referred to several *Tacoma News Tribune* news articles about school zone signs. She said she understands funds from the red light photo enhancement program will support a public safety account. She said she would like the funding to go toward school signage. The article comments on the need for consistency in school zone signs. She noted the

number of different signs along Fife streets, which can create a driving hazard. She said she's a proponent of flashing school signs.

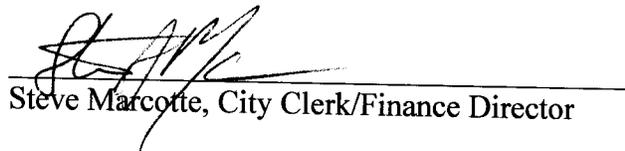
Mayor Johnson reported he toured the history museum to see the recent improvements to the museum. He acknowledged the work of Councilmember Godwin in helping in the removal of a ceiling as well as Director Reuter. The museum currently has some interesting exhibits. He encouraged citizens to visit the museum.

ADJOURNMENT

With there being no further business, Mayor Johnson adjourned the meeting at 9:00 p.m.



Barry Johnson, Mayor



Steve Marcotte, City Clerk/Finance Director

Prepared Valerie Gow, Recording Secretary/President
Puget Sound Meeting Services