FIFE CITY COUNCIL
STUDY SESSION
MINUTES

Fife City Hall
Council Chambers

Date: June 16, 2009
Time: 7:00 p.m.

CALL TO ORDER AND ROLL CALL

Mayor Pro Tem Brooks called the study session of the Fife City Council to order at 7:14 p.m. with the following Councilmembers present: Barry Johnson, Butch Brooks, and Kim Roscoe.

Councilmembers excused: Richard Godwin, Rob Cerqui (subsequently arrived late), Glenn Hull, and Nancy de Booy.

Staff present: City Manager Steve Worthington, City Attorney Loren Combs, Deputy City Clerk Helen Ware, Police Chief Brad Blackburn, Public Works Director Russ Blount, Confidential Administrative Assistant Andrea Richards, Parks, Recreation, and Community Services Director Kurt Reuter, Financial Analyst Dave DeGroot, Acting Community Development Director Carl Durham, Assistant City Engineer Ken Gill, and Recording Secretary Valerie Gow.

Motion

Mayor Johnson moved, seconded by Councilmember Roscoe, to defer the meeting to July 7, 2009 because of the lack of a quorum.

Councilmember Roscoe said she's not able to attend the July 7, 2009 meeting and offered an alternate meeting date of July 8 or July 9, 2009.

RECESS:

Councilmember Roscoe moved, seconded by Mayor Johnson, to recess the meeting at7:16 p.m. to attain a meeting quorum.

Councilmember Cerqui arrived at the meeting.

RECONVENE

Mayor Pro Tem Brooks reconvened the meeting at 7:35 p.m.

WITHDRAWAL OF MOTION

Mayor Johnson and Councilmember Roscoe withdrew the original motion.

PLEDGE OF ALLEGIANCE

Councilmember Cerqui led the pledge of allegiance.

CHANGES, ADDITIONS, OR DELETIONS TO AGENDA

A City Manager's report was added to the agenda.

STUDY SESSION

Park Policies & Ordinance Review

Director Reuter reported the Park, Recreation and Community Services (PRCS) Citizens Advisory Board has spent time and effort reviewing park policies, as well as discussing growth within the City's park system and

increases in park usage. The Board believes it's time to review existing ordinances and update where necessary to reflect current usage and to account for new facilities.

Director Reuter distributed and described several copies of materials for reference.

City Manager Worthington recommended the Council consider minimizing the number of ordinances as much as possible to afford easier enforcement and reducing costs associated with publishing ordinances. For those issues requiring a higher level of discretion, the Council may want to consider establishing a policy.

Director Reuter reviewed a list of existing and proposed ordinances and policy revisions. The column titles reflected the current Fife Municipal Code (FMC), modified FMC, new ordinance, and policy.

Director Reuter reviewed proposed changes to FMC Section 12.22.020 Park Ordinances:

A. **Scope of article** – outlines the purpose of the ordinances.
B. **Responsibility for violation** – outlines penalty provisions.
C. **Enforcement** – addresses traffic violations committed within the parks involving motorized vehicles or foot scooters.
D. **Removal or destruction of park property** – minor changes to existing language. No major modification.
E. **Pets on city park facilities** – this provision generated much discussion with the Board, staff, and users. The language as proposed specifies to a greater detail what is allowed in terms of pets in parks. Existing language is too vague. The proposed language expands the section to include dogs, pets, or domestic animals, length of allowed leash, and that pet owners are responsible for cleanup of pets. It also provides the Director with the authority to authorize a temporary off-leash area for various programs or special events. The Board believes the provision needs further definition. *Mayor Pro Tem Brooks asked about the enforcement aspect. City Manager Worthington advised that police officers will enforce the ordinance. Mayor Johnson recommended striking "designated picnic area or play areas in any park" in (a) as the provision effectively bans any pet owner from using the picnic area, which is unreasonable. Sections (b) and (c) provide the enforcement necessary to address behaviors. Director Reuter said the play areas were included to prevent pets from using those areas to defecate. Mayor Johnson suggested posting a ban on pets in play areas. Councilmember Roscoe noted that it will be important to define play areas. Discussion followed on the adequacy of a 10-foot leash. It was noted that many people*

use the ball fields to let their pets run off leash. As currently written, (b) wouldn't allow that activity. Discussion followed on enforcement issues associated with the length of the leash and dogs off leash. Mayor Pro Tem Brooks said the provisions would be acceptable if the City ensured there were some off leash areas for pet owners. Councilmember Roscoe disagreed with allowing dogs to run off leash in open areas that are considered multi-use areas. City Manager Worthington commented that staff can continue to refine the language and account for some of the concepts offered by the Council. He commented on the difficulty of enforcing violations by owners of different kinds of pets in addition to dogs.

F. **Capturing, molesting or feeding animals** – the provision is self-explanatory and violations do not occur frequently in parks. However, there are instances where citizens feed wildlife in parks, which should be discouraged as it creates a nuisance because it attracts ducks and geese to ponds, which leads to animal droppings creating an unpleasant and unhealthy environment for everyone.
G. **Firearms and fireworks** – there are no changes to the existing provision.
H. **Prohibiting concession sales or advertising without a permit** – some changes were made to the existing provision.
I. **Alcoholic beverages prohibited** – there are no changes to the provision.
J. **Refuse and/or storage of personal property** – this is a new provision because as the park system expands and the City adds more developed and undeveloped areas, there are more residents abutting City properties. It's important for citizens to understand encroachment issues and that storing items on City property is prohibited.
K. **Closing hours – Unlawful entry** – the provision was changed to reflect park closure during hours of darkness. Director Reuter added that he reviewed the proposed provisions with the Police Commandeer as well. Some of the language is based on feedback from the Commander in terms of enforceability by police officers.
L. **Disorderly conduct** – referenced in the FMC
M. **Unlawful public exposure** – referenced in the FMC.
N. **Loitering** – referenced in the FMC and additional language included about park restrooms and recreation facilities.
O. **Expulsion from parks** – this is a new ordinance clearly defining penalties and how a user could be expelled from parks for impropriate behavior. The ordinance defines the kinds of behaviors that could be considered for expulsion or notice of trespass.

Director Reuter said Section 12.22.030 Adoption of rules and regulations by director is a carte blanche provision allowing the director to address

issues as they occur and providing some administrative authority over issues that may or may not be addressed by an ordinance or policy.

Director Reuter said some sections within the code are recommended for transitioning to policies as opposed for inclusion within the code. Staff will develop a policy manual for the Council's review. He reviewed proposed sections recommended for conversion to a policy:

- **Agreement for use of park** – provides the director the authority to contract with sports organizations and others for tournaments or special events at parks.
- **Agreements for athletic, recreational facilities and activities** – same as above.
- **Feeding of wildlife**.
- **Boats and other watercraft** – the City doesn't have many instances where this provision would be applicable.
- **Camping** – enables director to allow camping by permission.
- **Circus, carnival or exhibitions** – requires a permit.
- **Concession sales** – permission or contract with the City is required.
- **Fires** – open fires not allowed in parks unless posted or designated by the director. Currently, there are no posted areas allowing fires within City parks. Propane BBQs are not specifically addressed.
- **Game fish** – state game commission regulations apply. No areas within the **City are posted for fishing.**
- **Games** and sports – this is a safety issue and pertains to exercising good judgment by users.
- **Golf and archery** – have significant safety risks to passive park users.
- **Meetings – Religious and political** – not allowed to hold or organize any religious or political meetings in parks without first obtaining a permit.
- **Model aircraft, boats, hydroplanes and other motorized models** – cannot fly or operate devices without obtaining permit. Currently, there is no charge to obtain a permit. Mayor Johnson commented that a permit should be required by groups but not for individual users.
- **Park scheduling, permits and fees** – priority afforded to City-sponsored programs and reservation scheduling processes for community special events.
- **Pedestrian right-of-way** – designates that pedestrians have the right-of-way at all times within parks over motorized vehicles, bicycles, or scooters.
- **Riding vehicles or animals, and illegal parking** – outlines what is allowed within park areas.
- **Signposting** – unlawful to post signs in parks without prior

consent. City Attorney Combs commented that the City of Fife has effectively and efficiently restricted signs in public places to avoid becoming an open forum for advertising unlike the City of Tacoma, which allowed public right-of-ways to be used for signage, which the City cannot restrict in terms of the type of signage. Not allowing Pierce Transit to advertise on bus stops was because allowing the advertisement in a public places the City in a position of losing protection and the right to restrict signs. Allowing some advertising or encroachment and not others, the City carves away the clear line the City has established in maintaining clear rights-of-way. He recommended the Council not allow any advertising for any offsite function. The provision should be restated to indicate that signposting is illegal except for a permitted use approved by the director on park property in connection with an onsite event. The Council asked the City Manager to draft language addressing signposting.

- **Use of bicycles; skateboards, coasters; in-line skates; rollers skates; and motorized foot scooters and similar devices** – pertains to the safety issue and ensures users of such equipment should observe posted notices and operate devices in a safe manner. The Council discussed the language with staff agreeing to refine and clarify the intent.
- **Smoking** – no smoking allowed in public buildings. Councilmember Roscoe questioned whether the policy is necessary as state law prohibits smoking in public buildings. She suggested revising the policy's title to reflect, "No smoking except in designated areas." The Council agreed to strike the policy as it's redundant.
- **Swimming** – there are no swimming areas in parks at this time.
- **Sound amplification equipment prohibited** – prohibits operation of sound devices within a hearing range of 50 feet.
- **Trail use** – provisions includes a reasonable level of detail on how to bicyclists and pedestrians can use City's trails.
- **Trials and competitions** - Anyone who wants to hold a trial or competition for speed must obtain a permit.
- **Metal detection devices** – regulates users with metal detection devices. Discussion followed on the intent of the policy and whether it pertains to the use of a metal detector or disturbing park property. The Council agreed the language should be clarified to reflect the intent.

New Well Test Results/Water System Planning

Director Blount reported the Council authorized RH2 Engineers to provide prepare a water comprehensive plan and proceed with testing of a well that was bored to a depth of 1,005 feet on property owned by Randy Holt on Freeman Road north of Valley Avenue East. The well was tested for water quality and capacity. The well produces approximately 1,600

gallons a minute, which is the total amount of water rights the City is eligible to transfer to the well. It would be appropriate to move forward to the next steps involving preliminary engineering, cost estimating, real estate negotiations, financial analysis, rate setting, and initial contacts for transfer of water rights.

Geoffrey Dillard, RH2 Engineers, reported the Department of Health approved the City's Water System Plan. The department's approval is only for three years because the City is alluding to looking at options on how it will obtain water to meet future demand. The options include purchasing more water from another wholesale supplier or developing the City's own source of groundwater supply. Another success involves the drilling of the Holt well, which is limited by the physical capacity of the well rather than limits involving the aquifer. The well appears to be able to produce up to 1,600 gallons per minute. The City has paper water rights of 1,640 gallons a minute. The issue is moving forward and staff will work with the Department of Ecology (DOE) to transfer existing City water rights to the well. There may be additional mitigations imposed. However, the City has a well that can produce the full water right.

Water quality testing came back with high mineral content that can be treated. The next step is continuing with the property owner to obtain a sense of willingness to agree on a purchase price. Mr. Dillard recommended the City negotiate a price with Randy Holt and work with DOE to ascertain how much of the water right can be transferred to the well for the City to move forward with a purchase agreement. The goal is to have the well on line with treatment by 2012 so the City can move to the next phase with DOH to have the comp plan authorized for another three to six years.

Mayor Johnson asked about the value of the water on an annualized basis. Mr. Dillard said one way to ascertain the value is to consider system development charges. For the City of Tacoma that represents about $5.5 million to $6 million as a capital cost comparison that the City could use. From a rate standpoint, drawing from a municipality's own well is more expensive than purchasing water, but over the long-term when factoring the commodity, the City would benefit approximately 15% to 30% during a 50-year window. It's a long-term gain.

Mayor Pro Tem Brooks asked how long it will take to obtain a cost estimate on the treatment plant and related development. Mr. Dillard said the current estimate is comparable to Bonney Lake's treatment plant, which would be similar to Fife's. That facility's cost was approximately $3 million for design and construction. City Manager Worthington responded to questions on how to fund the capital expense. It likely could be funded through a combination of general facility charges (GFCs) and rates. Another element that is pending is the negotiation of the purchase

price.

The Council concurred with continuing to explore options for the purchase of the property. Mayor Johnson suggested the City also needs to consider the value of the well before negotiating with the property owner. City Manager Worthington suggested it may be best to identify realistic costs at this point in time. Another factor is the water right transfer, which will be somewhat of a complicated issue dependent upon how the Department of Health is processing transfers and the interplay of jurisdictional authorities within the area and how, for example, the Puyallup is considering water right transfers. There are many scenarios to consider.

Mayor Johnson referred to a letter from the Pierce Conservation District and references to water modeling projects undertaken by the district in the Chambers Basin area and water scarcity and abundance in the near future. He suggested the Council's discussion might play into that discussion. The district is organizing a group and requesting input from the City. City Manager Worthington replied that Acting Director Durham is aware of the issue.

Wapato Creek Phase 1 – Natural System

Acting Director Durham reported the Council authorized the first phase of the study of Wapato Creek. The results of the study are provided within the agenda packet. The first phase of the study involved a flyover view of the creek. A map was provided with a designation of 250 feet from each side of the creek from 12th Street to Freeman Road for the consultant to determine existing properties, businesses, and where sufficient or insufficient room was available for buffers. The creek is broken into 36 sections. The sections are allocated into four categories beginning with narrow buffer availability to very wide buffer availability.

The second phase of the study is a vertical undertaking to ascertain what could be accomplished in terms of width to depth ratio, flow rates, water pooling locations, and where habitat obstructions can be created. A template will be designed for the four categories that will be used as a basis when development proposals are submitted.

The second phase of the project is estimated to cost $10,700. He acknowledged the current budget situation but urged the Council to consider the investment because the creek will not improve without some plan.

Alan Johnson, Natural Systems Design, addressed questions on the templates, which will provide guidance on what could happen in each of the segments. The lower segments are very limited in terms of what can be accomplished. More can be accomplished with the larger segments to help establish a healthier creek. The larger segments provide some

direction on future options in terms of stormwater storage. The templates will provide the Council with the information to make decisions on buffer enhancements. Having the segments mapped out and knowing the location, it allows the City to make decisions as development occurs in terms of what it may be giving up. It will provide guidance in terms of what can be done and could be done, and what happens if the City reduces the buffer. The effort is looking into the future process to begin considering what types of restoration could occur.

Acting Director Durham advised that the effort doesn't halt any SEPA processes or buffer processes. The buffer decision is a different element. The work provides knowledge and understanding of what can occur in the water. It provides the City with knowledge to inform developers and planners what's required in a particular area to help improve the creek.

Mayor Johnson said given the condition of the creek at this time, it's critical to move forward with completing the study so the information is available to the City. Mr. Johnson said the study will also review what has occurred on a piecemeal basis when no guidance is available to consider the creek as a whole.

Mayor Pro Tem Brooks asked whether it's possible to use a portion of the work to assist the Brookville Park design where some of the park funds could be applied to the study. City Manager Worthington said it would be an appropriate source of some funds. Earlier, staff undertook a review of budgets and determined additional funds are not available to commit at this time. Mayor Pro Tem Brooks asked about the costs associated with only looking at the Brookville Gardens segment. Mayor Johnson suggested allocating funds from the reserve accounts because of the importance of obtaining the information so the City is prepared once the City enters a growth phase.

City Manager Worthington verified that before any changes occur to the code or regulations, the Council must review and approve those changes.

City Manager Worthington said he discussed with staff the potential of a developer of a project to assist in some of the study's costs, as the information would benefit the development. Acting Director Durham said he contacted the developer but has not received a response. The developer is aware a study is necessary for the project, which will be expensive.

Mayor Pro Tem Brooks agreed the project is important and agreed to authorize funds from the reserve fund if necessary.

ILA Drainage District #21

Director Blount reported the proposal was presented to the Drainage District Commissioners with information the City is seeking action in July. The budget for work outside the City limits is $65,000. The budget in total is approximately $105,000. There are a number of reaches located outside the City limits with much of it located in undeveloped areas of the unincorporated areas of the county. The last round of assessments totaled $19,000 outside the City limits. The City is seeking a vote for the Commission to approve a 3.5 multiplier of the assessments for the area outside the City limits.

Director Blount referred to the draft agreement and the proposed changes. The change cuts off the City limits and acknowledges the work outside of the City limits will be accomplished on a contract basis. As reflected on the spreadsheet there is four major areas of work and 52% for public works administration and overhead. Those administrative and support services are associated with operating City government and are higher than many public agencies charge each other, but they have been reviewed carefully by the Finance Department to reflect actual costs. The contract term is open-ended with a ten-year basic agreement with allowance of termination after two years.

Councilmember Cerqui said the District's budget is approximately $105,000. He questioned $65,000 for the City to work on a third of the district. Director Blount referred to the map of the district with numerous reaches draining into the main stem. Staff is working to ensure all overhead costs are captured. Most of the overhead is a fixed cost involving staff time to attend meetings, plan a work program, and other work, which wasn't eliminated when the area was reduced.

City Manager Worthington advised that staff will move forward with the agreement to negotiate with the District.

Mayor Johnson asked if the District will cease to exist on July 2010 within the City of Fife. Director Blount verified that is correct. Mayor Johnson asked whether the City will lose its ability to raise funds if the District no longer serves that area. Director Blount said staff will begin working on storm utility rates to ascertain whether the City can absorb the work. Mayor Johnson asked whether it will impact on the City's ability to perfect easement boundaries. City Attorney Combs advised against discussing the concern. Mayor Johnson said that in the last half of 2010, no funds will be available for maintenance. He suggested the City should consider a proactive approach in maintaining the system.

2010-2015 Transportation Improvement Plan

Director Blount reported the plan is an annual update required by the state. Valley Avenue has been removed from the project list because after a project is under contract, it can be removed from the list. The plan requires a public hearing. The plan was published and is recommended by the Planning Commission as presented. Any detail discussion and any subsequent changes during a study session is not appropriate as the Council will hold a public hearing on the plan.

REVIEW OF UPCOMING COUNCIL AGENDAS

City Manager Worthington reviewed the July 14, 2009, July 21, 2009, July 28, 2009 Council agendas, and the August 4, 2009 Tri-jurisdictional Council meeting agenda.

CITY MANAGER REPORT

City Manager Worthington reported the Council received a copy of the *Interchange.* An employee offered an idea on generating revenue of approximately $2,000. Employees have been encouraged to provide ideas on ways to save or improve the revenue stream. Employees are motivated in assisting the City.

A recap article on the 2009 budget process is also included in the edition of the *Interchange.* The article provides information and some certainty to employees in terms of the current state of the City in 2009.

Councilmember Hull previously asked if the Council will consider a letter of endorsement for the safe drug disposal act that is being sponsored by Congressman Inslee. The disposal act follows the same procedures of the P2D2 program. The P2D2 container was recently emptied. Approximately 22 pounds of prescription drugs have been properly disposed.

A utility billing insert is advertising the showing of Shrek 3 on July 18, 2009 in the park as well as the PSD2 program.

The letter of endorsement is due to the Congressman's office by June 18, 2009. The Council agreed with staff preparing a letter of endorsement and forwarding the letter electronically.

City Manager Worthington referred to a copy of an overview on the status of the swim center project involving the HVAC system. The original engineer's estimate was $30,000. The City undertook a bid process involving a tour of the facility. No vendors participated in the tour. The City solicited directly to vendors with two of three vendors submitting bids. The bids are within hundred of dollars of each other but are in the range of $80,000. Obviously, that has added a financial challenge to the project. The total project was estimated to cost $240,000, which now has increased to approximately $300,000. He said he has no budget solution and staff requested more information from the vendors on why the bids are so high. Director Reuter said he received an e-mail from the consultant

who followed up with the contractors submitting bids. The consultant could not define any one particular issue that would drive up the cost. There are several subcontractors involved with electrical, HVAC ductwork, and irrigation work. A variety of different disciplines is needed to complete the work. No one appears to know whey the bids came in so high. Staff is still in discussions with another contractor who may submit a bid.

Mayor Brooks suggested that in this case, the City should wait and complete the entire project. He said he has concerns with investing anther $300,000 into the pool that loses $300,000 annually regardless of the funding source.

ADJOURNMENT: **With there being no further business, Mayor Pro Tem Brooks adjourned the meeting at 9:46 p.m.**

Butch Brooks, Mayor Pro Tem

Steve Marcotte, City Clerk/Finance Director

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