FIFE CITY COUNCIL
REGULAR MEETING MINUTES

Fife City Hall
Council Chambers

Date: September 22, 2009
Time: 7:00 p.m.

EXECUTIVE SESSION

Mayor Johnson convened an executive session at 6:00 p.m. for the purpose of Real Estate, Personnel, Litigation, and Labor Negotiations RCW 42.30.140 for approximately 40 minutes.

ADJOURNMENT

Mayor Johnson adjourned the executive session at 6:41 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: Richard Godwin, Glenn Hull, Butch Brooks, Barry Johnson, Rob Cerqui, Nancy de Booy, and Kim Roscoe.

Staff present: City Manager Steve Worthington, City Attorney Loren Combs, Finance Director Steve Marcotte, Police Chief Brad Blackburn, Parks, Recreation & Community Services Director Kurt Reuter, Acting Community Development Director Carl Durham, Municipal Court Judge Kevin Ringus, Public Works Director Russ Blount, Administrative Assistant Andrea Richards, Financial Analyst Dave DeGroot, Marketing Coordinator Laurel Potter, and Recording Secretary William Gow II,

PLEDGE OF ALLEGIANCE

Councilmember Godwin led the pledge of allegiance.

CHANGES, ADDITIONS OR DELETIONS TO AGENDA

There were no changes to the agenda.

CONSENT AGENDA

a. Approval of Minutes: September 1, 2009 Budget Retreat
September 8, 2009 Council Meeting

b. Approval of Vouchers:
Payroll: #46050 – 46015 $652,680.62
Claim: #77193 – 77347 $461,433.12

c. Set a Special Meeting for September 29, 2009 Budget Retreat City Hall 7:00 p.m.

d. Set a Special Meeting for October 6, 2009 Study Session – City Hall Budget 7:00 p.m.

Motion

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

SPECIAL PRESENTATIONS

Festival Update

Marketing Coordinator Potter updated the Council on this year's Harvest

Festival scheduled on Saturday, October 3, 2009. This year, a US Census booth will be featured with free giveaways of LED lights and shirts for the promotion of the 2010 census. Food donations will be accepted this year during the 5k run. Free pony rides are another new feature this year. The pancake breakfast will be held at the Fife Community Center this year. The History Museum is hosting a beer garden from noon to closing. This year's "Really Big Show!" will feature *Amazing Acts of Comedy – The Comedy Mayhem Tour* on Saturday, October 3, 2009, at 6:00 p.m. at Columbia Junior High. The festival's major sponsor this year is Boeing Credit Union. Fireworks are scheduled at 8:00 p.m. this year.

Fife-Milton Kiwanis

Doug Baker, Fife Milton Kiwanis, reported on the club's participation in the festival. The organization's primary focus is children. The organization sponsors service leadership programs at most levels of the school district and offers scholarships to children. The Kiwanis partners with a number of other organizations in the Fife community.

During ongoing discussions on ways to improve service to the community, the organization learned of "Watch D.O.G.S!" Watch D.O.G.S! is an organization featured recently in *The News Tribune* newspaper. The pancake and chili feed during the festival will directly benefit children within the community. He urged the community to begin their day by supporting the effort at the pancake feed as well as throughout the day on other events involving popcorn and the chili feed.

Mr. Baker introduced Richard Scott, Watch D.O.G.S!

Mr. Scott said the program in its second year, is a K-12 program involving fathers, grandfathers, uncles, and other father figures performing a variety of tasks during their volunteer day including monitoring the school entrance, assisting with unloading and loading of buses and cars, monitoring the lunch room, or helping in the classroom with a teacher's guidance by working with small groups of students on homework, flashcards, or spelling. Last year, there were 1,200 volunteer hours by fathers. This year, the target is 2,000 volunteer hours. The program was recently accepted into a third school. Principles should be recognized for enabling the program to exist.

Mr. Scott described some of the goals of the program, which was created to help prevent violence from occurring in schools. The partnership with the Kiwanis is unique. The Kiwanis has agreed to fund the program. With the partnership, there will be more fathers involved in the program to serve Fife schoolchildren. Mr. Scott invited the Council to attend the third annual kick-off event on Wednesday, September 23, 2009 at Surprise Lake Middle School from 6:00 p.m. to 7:30 p.m. Pizza dinner will be provided.

Councilmember Roscoe and Mayor Johnson commented on the benefits of

the program. The partnership is unique and will be beneficial to both organizations.

Mr. Scott reported the organization's website is located through the Fife School District's website at www.fifeschools.com/WatchDOGS. Signup packets can be downloaded.

COUNCIL DELEGATE REPORT

Councilmember Brooks reported he attended the Pierce County Regional Council meeting and is scheduled to attend this month's Mayor's Forum.

Councilmember Godwin reported on his attendance to the Puyallup River Executive Task Force meeting on the behalf of the Mayor and Mayor Pro Tem. The meeting agenda included a proposal for the US Corps of Army Engineers to study the Puyallup River watershed to include the Carbon and White Rivers over a five-year period. His only concern is that causes, such as development occurring on hills, will not be addressed and the study will take five years to complete.

ORDINANCES AND RESOLUTIONS

ORDINANCES:

#1703; Condemnation of Property From Mr. & Mrs. Jo for Valley Avenue Widening

Motion

Councilmember Cerqui moved, seconded by Councilmember de Booy, to approve first reading of Ordinance #1703; Condemnation of property from Mr. & Mrs. Jo for Valley Avenue Widening.

City Clerk/Finance Director Marcotte read the title of Ordinance #1703:

An ordinance of the City Council of the City of Fife, Pierce County, Washington, authorizing the condemnation and acquisition of real property for transportation and utility improvements to Valley Avenue East and Freeman Road; providing for payment of the cost and expense of acquiring the property; directing the initiation of appropriate condemnation proceedings in the manner provided by law.

Director Blount reported that although the property owners executed a possession and use agreement, they have not accepted the City's final offer for purchase of the necessary right-of-way and the adjoining uneconomic remnant. The agreement anticipated the City and property owners would agree on the value of the property, which may involve acquiring the entire

property because of potential damages created for parking near the store. The City had set a deadline of August 31, 2009 to resolve the agreement. The City initiated a notice process for condemnation action as required by law. Staff recommends approval of the ordinance.

Motion **Motion carried. Councilmember Cerqui abstained.**

Adopt:
#1700; Park Ordinance

Motion **Councilmember Cerqui moved, seconded by Councilmember de Booy, to adopt on second recording Ordinance #1700; Park Ordinance.**

City Clerk/Finance Director Marcotte read the title of Ordinance #1700:

An ordinance of the City Council of the City of Fife, Pierce County, Washington, regarding the regulation of City parks and amending Fife Municipal Code Section 12.22.030 and adding new Sections 12.22.005, 12.22.015, 12.22.025, 12.22.035, 12.22.045, 12.22.050, 12.22.060, 12.22.070, 12.22.080, 12.22.090, 12.22.100, and repealing Section 12.22.020.

Director Reuter commented on the work of the Council and the Park, Recreation and Community Services Citizens Advisory Board. Legal staff reviewed the proposed changes as agreed during the joint meeting on September 15, 2009. The changes include:

- Section 12.22.025 Pet Restrictions:
  - (a) Dogs and other pets and domesticated animals are not permitted in any designated play areas or in any enclosed building, as defined in FMC 19.06.120, in any park, unless specifically permitted by posting.
- Section 12.22.045 Fireworks and Explosives:
  - Removing language prohibiting firearms to be compliance with state law.
- Section 12.22.080 Closing hours – Unlawful entry:
  - It is unlawful to enter or remain in any park during hours of darkness, except for walking, jogging, or activities authorized by the parks director. "Hours of darkness" means the period that commences 30 minutes after sunset and ends 30 minutes before sunrise.

Staff recommends approval of second reading and adoption of Ordinance #1700.

City Attorney Combs advised the Council they approved first reading of the

ordinance. Adoption of the ordinance with the changes should include another motion amending the ordinance to reflect those changes.

Councilmember Roscoe referred to a letter from Carole Sue Braaten requesting some changes to the ordinance and asked for guidance on her request to prohibit the dumping of unwanted pets, adding language pertaining to graffiti, and having specific areas within parks closing at different times. City Attorney Combs advised that the first two requests are covered by other laws. The third request has been addressed within the section pertaining to closing hours.

Motion **Councilmember Cerqui moved, seconded by Councilmember de Booy, to amend the motion incorporating the changes as proposed within Ordinance #1700.**

Motion **Motion carried unanimously.**

Motion **Motion carried unanimously on the amended motion.**

Councilmember Brooks left the meeting at 7:32 p.m.

RESOLUTIONS

#1314 Award Contract for Valley Avenue Project

Director Blount referred to supplemental information to the resolution. Based on further evaluation by City staff and in consultation with Washington State Department of Transportation (WSDOT), the bid from J.R. Hayes & Sons received on September 17, 2009 was deemed irregular. Staff recommends awarding the Valley Avenue contract to Scarsella Brothers Inc.

The issue of including Kinnikinnick groundcover has not been resolved. Staff requests the Council accept the Scarsella bid to include the Kinnikinnick option at $9,941,499.94. This is the lowest responsive bid received. Of the 13 bids received, 12 met the standards. Although the bid received from J.R. Hayes & Sons was the lowest, it was deemed as nonresponsive.

Motion

Councilmember de Booy moved, seconded by Councilmember Cerqui, to approve Resolution #1314; Award Contract for Valley Avenue Project to include the provision for Kinnikinnick groundcover.

City Clerk/Finance Director Marcotte read the title of Resolution #1314:

A resolution of the City Council of the City of Fife, Pierce County,

Washington, authorizing the City Manager to execute a contract with Scarsella Brothers Inc for construction of the 70th and Valley Road Improvement Project.

Motion

Director Blount answered questions pertaining to Kinnikinnick groundcover irrigation requirements and durability.

Councilmember Hull said he prefers not using Kinnikinnick based on the performance of the groundcover in his subdivision. He expressed a preference with accepting the lowest bid with the City considering the inclusion of groundcover at a later date. Director Blount advocated for the Council retaining the option, as it will be a number of months before it's installed. If the award excludes the groundcover, the item no longer exists as a price in the contract. Including the groundcover ensures it's included within the contract.

Councilmember Godwin asked whether it's possible to negotiate with the contractor at a later date an option of using grass if Kinnikinnick is included in the contract. Director Blount said negotiation is always a possibility.

Mayor Johnson invited public comments.

PUBLIC COMMENTS

Garth Schlemlein, Schiffrin Olson Schlemlein & Hopkins, P.L.L.C. Westlake Center, Office Tower, 1601 Fifth Avenue, Suite 2500 Seattle, WA 98101, reported he represents J.R. Hayes & Sons, who was the responsible bidder and contends that the company was the responsive bidder as well. The WSDOT specifications, which are part of contract, allow for minor informalities. One of the minor informalities of the specifications that were allowed to be waived involved items the contractor did not bid on. One of those items is the removal of six boulders, which the engineers estimate was $1,500 and the high bid was $5,400 plus one-half of one percent of the overall bid amount. It is clearly immaterial and did not provide J.R. Hayes & Sons with any advantage whatsoever. He suggested the Council should reconsider the bid, which is $450,000 lower than the Scarsella Brothers bid. The Council has the ability within the specifications to waive that minor informality. He requested the award be made to J.R. Hayes & Sons, which is the responsive and responsible contractor.

Jon Cushman, Cushman Law Offices, 924 Capitol Way, Olympia, WA, said the contract proposal that was submitted by J.R. Hayes & Sons is nonresponsive and the citation given to the Council omits the information. The project was bid on standard specifications. The standard specifications were modified. He cited a handout containing the following citation:

"Failure by a bidder to submit prices on all items shall constitute an improper response and be cause for rejection of the entire proposal."

In this case, a zero was not included and the item was left blank. The blank was ambiguous and as a result of the ambiguity, Director Blount called J.R. Hayes & Sons and the company representatives said to treat the blank as a zero. Subsequently, in the publication of the bids compared the bids with the insertion of the zero. He's been in contacted with the lead Assistant Attorney General (AG) for WSDOT, who has confirmed that the bid would be considered irregular by WSDOT. The City of Fife is not a certification acceptance agency and therefore needs WSDOT Olympic Region concurrence to award the project. Currently, the City does not have WSDOT concurrence. WSDOT, according to the Assistant AG, considers the Hayes bid as nonresponsive. Funding from the State of Washington is in jeopardy if the City doesn't follow the state's advice regarding this matter. It's not a simple matter of $1,500. This shifts the authority of awarding the bid away from the City and put it in the hands of the bidder. All case law in the state regarding material irregularities provides an advantage to Hayes. It is material to the bid. Mr. Cushman urged the Council to reject the Hayes bid.

Carole Sue Braaten, 2410 Berry Lane East, Fife, spoke on the importance if Kinnikinnick as a native plant. She acknowledged it takes some time for the plant to establish. It's also evenly manageable in terms of herbicide control. She expressed opposition to any noxious weeds, such as ivy. She asked the City to consider those issues and suggested the City reconsider issuing the bids because of problems associated with the bids.

Jack Anderson, Estimator, J.R. Hayes & Sons, reported the company made a mistake and left the line item blank. He said his first job was in 1971 and the omission is the first time it's happened to him. The issue is six boulders at $450,000, with equates to $90,000 a boulder that the City and the state will pay for. The specifications indicate that if the bidder does not fulfill certain requirements, the City will find it irregular and reject the bid. However, the next section specifies certain instances where the City may find it nonresponsive. The very first item under that provision pertains to leaving an item blank. Two pages later, the same specifications specify the contracting agency has the right to waive informality. He said he cannot understand how the City cannot waive something that the specifications indicate can be waived for $450,000.

Tamarah Knapp Hancock, Scarsella Brothers Inc., said the estimates for the project are $4 million lower than the engineer's estimate. The market as it exists today brings the price significantly lower than the estimate. Secondly, although the specifications are part of the standard specifications, which have been incorporated into the City's document by reference, they have been modified by what the City of Fife decides it wants the rules to be. The issue pertains to what the special provisions stipulates vs. standard specifications. In this case, special provisions prevail and not standard specifications. Public bidding is cornerstone of the public marketplace. In

order to maintain that open process, it's not possible to give bidders two chances. It's not just a $5,400 error, it's critical to the integrity of the public bidding process to ensure rules are followed.

Councilmember Hull requested an executive session for pending litigation for five minutes with action to follow.

RECESS TO EXECUTIVE SESSION

Councilmember Hull moved, seconded by Councilmember de Booy, to recess to an executive session at 7:58 p.m. for five minutes to discuss pending litigation with action to follow. Motion carried unanimously.

RECONVENE

Mayor Johnson reconvened the meeting at 8:02 p.m.

Mayor Johnson asked legal counsel for clarification on the legality of the two bids.

City Attorney Combs referred to the resolution supported by staff. Legal counsel prepared five resolutions dependent on the Council's preference. He said he disagrees with some of the legal opinions from both attorneys representing the companies. The City requested the attorney representing J.R. Hayes & Sons to provide one case where a bidder left an item blank and the court upheld the bid. The written response is indicative of no cases cited. Secondly, with all due respect to the legal counsel for Scarsella Brothers Inc., the City can and has the legal authority to award the bid even to Hayes if the Council chooses to do so. For the purposes of WSDOT, the Council is the contracting agency for the City's road project in the City of Fife. That may mean other consequences with WSDOT, but he advised the Council not to make a decision because they believe they do not have the authority to award. The Council is the contracting agency for any project in the City. The problem with the Hayes bid is that the documents that they bid on are clear and specify any irregularity and will be rejected if a price per unit cannot be determined from the bid proposal. The price per unit could not be determined from the bid proposal. For the habitat boulders, Hayes did not include a unit price or a total price. Additionally, the total column does not match. There is nothing in the bid documents to determine the unit price because two mistakes were made, not just one. Under the contract provision, it requires the City to reject the bid. That's the argument to support the award of the bid to Scarsella Brothers Inc. Moreover, that's the reason Director Blount is recommending rejection. The primary purpose of bidding is not to protect bidders, but it's to protect the public taxpayer. In this particular case, there are two mistakes in the bid that are not in compliance with contract documents.

Motion

Motion carried unanimously.

#1315; Award Construction

Management Contract with DEA

Motion

Councilmember de Booy moved, seconded by Councilmember Cerqui, to approve Resolution #1315; Award Construction Management Contract with DEA.

City Clerk/Finance Director Marcotte read the title of Resolution #1315:

A resolution of the City Council of the City of Fife, Pierce County, Washington, authorizing additional services by David Evans and Associates for construction of the 70th and Valley Road Improvement Project.

Director Blount commented on the appropriateness to award the contract for survey, engineering, and other construction management services, as well as overseeing the work of an assigned City employee working on the project as a full-time inspector. The contract is for $1,211,000.00, which represents half the amount presented to the Council last March when it reviewed the overall project budget. The reduction is due to a number of factors.

Director Blount described the work DEA will provide for the contracted amount. Staff recommends approval of the resolution.

City Attorney Combs advised that the contract will not be executed until the contract with Scarsella Brothers Inc. is executed.

Motion

Motion carried unanimously.

#1317; Approve ILA with Drainage District #21

Motion

Councilmember de Booy moved, seconded by Councilmember Cerqui, to approve Resolution #1317; Approve ILA with Drainage District #21.

Councilmember Brooks returned to the meeting at 8:10 p.m.

City Clerk/Finance Director Marcotte read the title of Resolution #1317:

A resolution of the City Council of the City of Fife, Pierce County, Washington, authorizing the City Manager to execute an amendment to the Interlocal Agreement with Pierce County Drainage District No. 21 relating to the removal of the City from the boundaries of the district and approving such withdrawal.

Director Blount reported the resolution adjusts the City's withdrawal date of the Drainage District from the City of Fife. He displayed a map of Drainage District boundaries within the City of Fife and adjacent

communities. The district extends into the cities of Puyallup, Edgewood, Fife, and portions of incorporated Pierce County. The previous interlocal agreement stipulated the City would provide services on behalf of the district until June 2010. The proposed resolution moves that date to the end of the 2009. Drainage District #21 Commissioners recently approved the interlocal agreement amendment. Any remaining cash will be split in the proportion of collection. The district anticipates receiving approximately $30,000 to $40,000, which will be transferred to the City. Staff recommends approval of the resolution.

Director Blount affirmed that under the proposed amendment, the City would cease any drainage work outside the City limits.

City Manager Worthington reminded the Council the action culminates one of the major goals included in the Stormwater Master Plan, which called for the City's storm utility to assume drainage responsibilities within City boundaries.

Motion

Motion carried unanimously.

CITY MANAGER REPORT

City Manager Worthington reported on the following activities:

- The Fife Fall Activity Guide is available online. Recreational opportunities have been increased during the fall.
- Senator Murray attended the groundbreaking event for the bridge project, which included representatives from the City of Fife.
- City Manager Worthington mentioned the Valley Avenue project and the award of the contract bid. Additionally, the project cost is $4 million under the engineer's estimate because of the economy, which will be retained and used for other road projects. The project will also add jobs to the local community.

COUNCILMEMBER COMMENTS

Councilmember de Booy asked about the status of the hot tub and the expected date when it will be operational. Director Reuter advised the Council on new federal legislation specifying the inspection of all pools and replacement of drain cover grates. The hot tub's suction is generated by the circulation system of the pools. The motor running the jets and the circulation pumps are linked and must be separated to comply with new legislation requiring replumbing of the hot tub to separate the systems. Staff has elected to turn off the hot tub jets and using the pool as a hot tub rather than as a spa. As long as the jets are not running, the City is in compliance with federal law in terms of the intake and new drain covers. The issue is scheduled to be discussed with the Council at some point in terms of budget allocation for replumbing the hot tub to comply with new legislation. Staff is also working on the main pool, although those systems include two main drains, which doesn't present the same problems as those

existing with the hot tub.

Councilmember Godwin urged the City to take advantage of the savings achieved on the Valley Avenue project and begin considering moving forward with the 70th project because it appears the funding gap has lessened.

Councilmember Hull commented on the good example of government at its finest in terms of the Council's action to award the construction contract.

RECESS

Mayor Johnson recessed the meeting at 8:26 p.m. for a break prior to the study session.

Councilmember Roscoe left the meeting.

RECONVENE TO STUDY SESSION

Mayor Pro Tem Brooks reconvened to a study session at 8:35 p.m.

2010 Budget

Mayor Pro Tem Brooks reported the study session includes reviews on the Police Department, Community Development, and Parks and Recreation. The desired outcome is to provide staff with clear direction on whether the Council is ready to proceed with public hearings on the 2010 budget. Three budget public hearings are scheduled.

Police Chief Blackburn reviewed budgeted and actual for 2008, year-to-date budgeted and actual, and the proposed 2910 budget for several different funds and accounts:

- Operations Division – 2009 YTD actual continues to track less than the budgeted amount. Funding request for 2010 is $3,200,819, which is less than the 2008 budget.
- Communications Division – 2009 YTD reflects a reduction from 2008 because of deferral of some capital projects as well as some personnel reductions. The budget for 2010 is less than the budget of 2008 as the department continues to trim expenses. The division is anticipated to come under budget in 2009
- Detention Services – Financial Analyst DeGroot has assisted the department in tracking expenditures for the jail. Expenses continue to decrease as the department sells capacity. At one time, the jail received a subsidy of $240,000. The goal this year is to have less than $27,000 in subsidy. City Manager Worthington commented on the reduction in the subsidy by effectively managing jail beds and related costs.
- Investigations Division – the department is beginning to break down costs to track actual costs for each division. For years 2008 and 2009, wages were not included in the budget, which have also been

excluded from the 2010 request to provide an equal comparison. The division projects the 2010 budget to equal the 2009 budget.

- Emergency Management Division – the flood event in 2009 impacted the budget by approximately $60,000. In 2009, the division received an Emergency Management Performance Grant (EMPG) to help defray expenses associated with the next event. The division received FEMA reimbursement for some costs.

Police Chief Blackburn reviewed budget/actual for overtime for Patrol, Communications, and Detention. The workload for the department hasn't decreased. With the reduction in three officer positions, an 18% reduction has occurred in response by officers. In 2009, a new policy was initiated where officers only respond to priority or life-saving calls.

Police Chief Blackburn reviewed statistics in 2008 and YTD 2009 for DUIs, felony charges, vehicle stops, warrant arrests, misdemeanor charges, miles driven, arrests, calls for service, patrol checks, notices of infractions (NOIs), collision reports, criminal traffic, general reports, and field information reports (FIRs).

The department no longer responds to private property accidents unless an injury is involved.

Police Chief Blackburn reviewed Redflex violations beginning in 2008 through YTD 2009. The trend continues to increase. Month-to-date violations include approximately 80 to 100 violations, which reflect the highest month to date. The camera at 54th and 99th is not scheduled to come online until after the first of October. The first Saturday during the Puyallup Fair, there were over 700 violations at 70th and Valley.

Less than 6.75% of the violations are linked to Fife zip code. When the camera was first installed at 70th and Valley, 90% of the violations were from Radiance residents. However, the cameras have been effective in reducing violations from residents.

Police Chief Blackburn reported semi trucks are not cited when trucks run red lights because of the position of the camera, which can only capture the truck's trailer. Most oversized vehicles are not captured. Not all trailers are owned by the truck. 54th and 99th is designed differently, which enables the camera to capture the front plate of trucks. If it proves effective, the City will consider retrofitting other intersections.

Mayor Johnson acknowledged Director Durham's efforts in developing a letter and maps to grocers considering expansion to the area.

Mayor Johnson left the meeting at 9:00 a.m.

Police Chief Blackburn reviewed Redflex YRD revenue vs. expenses for 2008 and 2009.

Police Chief Blackburn responded to questions regarding the reduction in three positions.

Councilmember Cerqui expressed concerns in that there was some discussion about filling one of the positions if the economy improved in the first quarter. That didn't occur. The department did receive a grant, but staffing is still reduced by three positions. He said he's concerned with the level of activity and suggested the Council should consider the option of filling two of the positions. He offered the possibility of using Redflex funds to help fund officer positions during the downturn in the economy.

Mayor Pro Tem Brooks acknowledged the suggestion and inquired as to whether the department is accurately capturing the cost of the Redflex program. City Manager Worthington replied that he's not entirely sure but staff is capturing more of the costs than previously. Staff continues to review the increase in violations within the last 45 days. If that trend continues, not all program expenses have been captured. If violations reduce to the previous level, the City is likely capturing at least 80% of the true cost. This year, the City added the cost of pro tem judges and some court staff to cover some of the expenses, as well as increasing the number of officer hours against the Redflex program.

Police Chief Blackburn added that as new intersections are added, the first three weeks reflect increased activity as motorists become aware of the system. By mid-October, the City should have a better sense on the number of average violations.

Councilmember Godwin agreed with Councilmember Cerqui and indicated a preference of adding as many officers as the City can afford. He said he's somewhat nervous about using Redflex funds because of the pending lawsuit and the unknowns associated with the outcome. However, crime is increasing and having more officers would help reduce that trend. The Redflex program provides revenue but it's detrimental in terms of the use of officer time in terms of limiting local law enforcement coverage.

Councilmember Hull asked whether the staffing of the three officer positions would maintain the same level of service historically, and would it impact the level of crime that the City is experiencing today. Police Chief Blackburn said the level of service is not the same as the City previously provided. However, Fife officers are very productive and there's no other department that works as hard as Fife officers. Service level for the City is somewhat different. To sustain the current level, the City has four assigned teams consisting of a Lt. and three officers. However, one of the officers is always on vacation, especially during the hunting season. That reduces the

effectiveness of the teams. Adding an officer will help to fill that void.

Councilmember Hull asked about measures available to the City for improving truck weight violations on non-truck routes. Police Chief Blackburn said there are some models available but it requires resources to enforce the violations.

Councilmember de Booy pointed out that the vendor providing the Redflex program also receives a portion of the proceeds from the violations. She supported adding more officers if the City can find a source of funds to sustain the positions.

Acting Director Durham provided updated material on the duties and responsibilities of the Community Development Department. He acknowledged the misperception that the department is permit-driven. To a certain degree the department is permit-driven within the building division. However, the department is responsible for compliance with the Growth Management Act. Much of the work is difficult and time-intensive. The department conducts many annual inspections and reports. At this point, the department has expended approximately 40% of its 2009 budget. The department anticipates carrying over approximately $100,000 to next year.

Acting Director Durham referred the Council to a list of responsibilities undertaken by the department in planning, building, and code enforcement throughout the year. The Building Code is updated on a three-year cycle with 2010 requiring a new code that will cost approximately $1,500 for each inspector to receive new code books.

Acting Director Durham referred to a project status list:

Active SEPA - most likely to go through the Environmental Impact Statement (EIS) process to analyze the probable impacts of the proposals and reasonable alternatives, and may include studies, modeling, etc.

- Stowe - 34 acres - 7807 Valley Ave E (Freeman & Valley)
  - 300,000 square-foot warehouse space
- Benaroya - 46.8 acres - 20th St & Freeman Road
  - 850,000+ square-foot warehouse space

Other projects with some application process already initiated:

- Lee Commercial-10n 62nd Ave E
  - 34,000 square-foot office / warehouse
- Portside Logistics - 6406 20th St E
  - 500,000 square-foot warehouse / office / retail
- Roadway Express - 2807 70th Ave E
  - 18,000 square-foot expansion

- Sunrise at Radiance - 3500 70th Ave E
  - 43 lot SFR subdivision
- USPS Carrier Annex - 502 54th Ave E
  - 7,000+ square-foot annex building
- 4th Street Industrial- 5219 4th St E
  - 42,000 square-foot office building
- 8th Street Warehouse - 5306 7th St E
  - 10,000 square-foot warehouse
- Heritage Business Park - 4324 70th Ave E
  - 40,000 square-foot office/warehouse
- Kelsey Lane - 5017 N Levee Road
  - 49 lot SFR subdivision
- Lexus - 4707 20th St E
  - 75,428 square-foot showroom

Department staffing has been reduced by two positions. Based on hours staff is designated to provide to the City of Milton, the department anticipates billing the City of Milton approximately $70,000 at a cost to the City of $56,000.

Acting Director Durham reviewed a graph of permit revenue trends from 2006 through August 2009. The Community Development Department is responsible for collecting all building fees (impact fees, building fees, etc.). In 2006, permit revenue totaled $1.1 million with plan check fees of $642,000. In 2008, the City collected $298,000 in permit revenue. For year-to-date 2009, the department has collected $201,000. He indicated he assumed the revenue estimate was $300,000 and was not aware that a separate line item for plan review increased the budget forecast to $495,000. The department anticipates receiving revenue under the budget forecast of $495,000 but close to $300,000.

Acting Director Durham reviewed a chart of monthly comparison for 2008/2009. Total receipts for 2009 year-to-date reflect $807,851.63. Of that amount, $201,400.00 is actual planning and building permits.

The GIS position was eliminated. The assigned employee is performing 80% code enforcement tasks with 20% devoted to GIS project information required by the department.

Acting Director Durham responded to questions about GIS-related work required of the department. However, three-quarters of the employee's time has been shifted from GIS to other tasks.

Councilmember Godwin expressed some reservations about the project status list and noted the Lexus project is an example of the project that may not move forward at this point. City Manager Worthington provided

additional information on the status of the project. Acting Director Durham reported Lexus obtained a building permit in December 2007. Director Blount noted infrastructure improvements have been approved for the project. Lexus has invested $100,000 in permit fees and likely will move forward.

Mayor Pro Tem Brooks asked how the department accounts for staff time assigned to the Valley Avenue construction project when the project is shut down due to weather from November to March. City Manager Worthington said at this point, that situation hasn't been addressed.

Mayor Pro Tem Brooks conveyed Mayor Johnson's concerns that the department appears out of balance in terms of funding. City Manager Worthington responded that it's important to consider the shift in expenses and reduction in staff from the prior year. In previous years, permit revenue exceeded $1 million with expenses at $500,000.

Director Reuter distributed 2010 budget information for the department. The Council identified several program areas where more information was requested. Totals under the expenditures match the City Manager's forecast for the budget review this year. The costs are inclusive of all expenses within the department to include administration, salaries, benefits, supplies, and equipment. The information provided covers youth, seniors, and general recreation. Youth programs include the After School Program, Summer Day Camp, and other. Recreation programs and the Community Center operations have been combined into one General Recreation budget.

Director Reuter responded to questions about the costs associated with swimming pool repairs. The funds allocated in 2009 for the repairs are not included in the 2010 budget. Approximately $240,000 was allocated to the project.

Councilmember Hull asked whether it's possible to segregate salary as a total sum for full-time and part-time employees. City Manager Worthington described how the Director's time is allocated between the programs. Program costs for delivering the service would reduce significantly with the removal of staffing costs. Director Reuter said as an example, the Swim Center includes some allocation of part-time staff. Swim lessons is the largest program. He asked whether the request is for salaries and benefits associated with a single program, such as swim lessons. Councilmember Hull said for more transparency, he is looking for more information on staff costs for specific programs. Director Reuter provided an example of the Recreation Coordinator position, which is affiliated with several of the department's recreation programs, spends much time on site at the school working directly with the school on the programs. That effort is also supplemented with part-time staff as well. To give an accurate accounting of staff resources for programs, all those factors

need to be considered. It was noted that approximately 90% of the cost is attributed to salaries and benefits.

Staff was asked to include a separate columns for salaries/benefits and administrative costs attributed to the cost of each program to determine the cost of each program excluding salaries and benefits.

Councilmember Godwin said he prefers the budget information provided by the Director, as it reflects the net cost of service after expenditures and revenues. The bottom line in terms of cost to deliver the service is the most important factor. Breaking down incidental costs is unwarranted. The City's budget process includes line items and not specific employee costs.

Councilmember de Booy said she's also satisfied with the information provided by the Director and indicated the request is unwarranted for specific line item details associated with employee costs. If a Councilmember wants more detail, they should contact the Director directly for more information.

Mayor Pro Tem Brooks acknowledged Councilmember Hull's request. Staff acknowledged the information can be provided.

Mayor Pro Tem Brooks said in previous presentations, approximately 30% of the swim center is utilized by residents with approximately half of those residents residing in Puyallup. He asked about similar statistics for youth services programs. Director Reuter said it's possible to provide statistics. The department considers the service area as the Fife School District. Some youths do reside in Puyallup.

Mayor Pro Tem Brooks asked for feedback from the Council regarding the sufficiency of information received by the departments for the Council to proceed with the budget process. The Council acknowledged that the information, with the exception of the Parks/Recreation labor cost information, is sufficient to proceed. Mayor Pro Tem Brooks asked to receive an update on funds involving the Valley Avenue project and how much funds may be available through that process because of lower project bids and how it may impact the public safety fund, and an update on the three LIDs. He referred to the previous discussion for adding an officer position(s) and indicated a willingness to discuss options, as well as undertaking a discussion on business license fees, and potential fleet or maintenance costs that have been neglected because of cost-cutting measures.

The Council agreed to cancel the special meetings scheduled on September 29, 2009 and October 6, 2009.

Discussion ensued on the potential for adding officers to the budget. Mayor

Pro Tem Brooks asked staff to provide options on adding one or two officer positions.

CITIZEN COMMENTS

Donald Alveshere, candidate for Fife City Council, agreed with Councilmember Godwin's suggestion for the City to consider funding availability for the 70th road project because of the competitive bidding environment that currently exists. Additional police officers and roads are public safety issues and should be the City's priority.

ADJOURNMENT

Mayor Pro Tem Brooks adjourned the meeting at 9:55 p.m.

Barry Johnson, Mayor

Steve Marcotte, City Clerk/Finance Director

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