

**FIFE CITY COUNCIL
REGULAR MEETING MINUTES**

**Fife City Hall
Council Chambers**

**Date: August 11, 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 RCW 42.30.140 for approximately 40 minutes.

ADJOURNMENT Mayor Johnson adjourned the executive session at 6:40 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, Assistant City Attorney Greg Amann, Finance Director Steve Marcotte, Police Chief Brad Blackburn, Parks, Recreation & Community Services Director Kurt Reuter, Acting Community Development Director Carl Durham, Public Works Director Russ Blount, Administrative Assistant Andrea Richards, Financial Analyst Dave DeGroot, Municipal Court Judge Kevin Ringus, Marketing Coordinator Laurel Potter, Police Lt. Woods, and Recording Secretary William T. Gow II.

PLEDGE OF ALLEGIANCE Councilmember Cerqui led the pledge of allegiance.

CHANGES, ADDITIONS OR DELETIONS TO AGENDA There were no changes to the agenda.

CITIZENS COMMENTS Mike Seeger, Fife Flowers, 1504 54th Avenue East, commented on the issue of citizens not receiving timely editions of *Fife Free Press*. The newspaper is supported primarily by advertising and is printed every other week on Thursday. He said he receives copies of the newspaper on the afternoon of the printing. The newspapers are also delivered to the Poodle Dog Restaurant and the drugstore as well as to City Hall. The reason many citizens are not receiving the newspaper until the following week is because the newspaper is mailed at the bulk mail rate to reduce postage costs.

Jill Russell, *Fife Free Press*, advised citizens to check the newspaper's website. The newspaper recently launched a blog. Citizens can also contact FifeFreePress.com to request a newspaper.

CONSENT AGENDA

- a. Approval of Minutes: July 21, 2009 Study Session
July 28, 2009 Council Meeting
- b. Approval of Vouchers:
 - Payroll: #45900 – 45949 \$262,450.00
 - Claim: #76820 – 76938 \$332,900.87

Motion

Councilmember Brooks moved, seconded by Councilmember Godwin, to approve the consent agenda as presented. Motion carried.

**SPECIAL
PRESENTATIONS**

**National Night Out
Recap**

Police Lt. Woods provided an overview of the National Night Out event held on August 4, 2009, at Fife High School. The event was the fourth year the City participated in the event. The event was launched in 1984 as a way to bring police and the community together. At the onset, approximately 400 communities were involved with participation by approximately two million citizens and local police departments. This year's record number of participants is anticipated to exceed 37 million people nationwide. The event is designed to heighten crime and drug prevention awareness, generate support and participation in local anti crime programs, strengthen neighborhood spirit and police community partnerships, as well as sending a message to criminals that neighborhoods are organized and are fighting back.

Over 500 Fife citizens attended the event. The event was promoted through flyers inserted in utility billings and messages on the Fife Community Center reader board. Activities included the dunk tank with participation by Judge Ringus, face painting, assorted games and contests, demonstrations, prizes, displays, and free hot dogs, chips, and beverages. Farmer's Insurance displayed its disaster relief trailer and provided information on assistance during a disaster.

Police Lt. Woods thanked local cub scout troops, Target Stores, Fife Flowers, Costco, Starbucks, Travel Lodge, Los Cabos Restaurant, Farmer's Insurance, Fife Kiwanis, and Pacific Welding for their donations and participation. He thanked City employees who volunteered their time and to citizens for their participation. He thanked the Council for their continued support and participation.

Lt. Woods provided an update on the status of the City's command mobile unit.

Fife Harvest Festival

Marketing Coordinator Potter provided an update on the status of planning activities for the Saturday, October 3, 2009, Fife Harvest Festival to be held at Dacca Park. The festival is a free event that begins with a free pancake breakfast beginning at 7:00 a.m. at Fife High School followed by the "Stuff the Bus 5k Fun Run" at 9:00 a.m. and a parade at 11:00 a.m. through the City to Dacca Park.

All day events include face painting, arts and crafts booths, U-Fish Pond, bouncy toys, Kids Korner, strolling magicians, Glitterbug & Beep Beep,

and kid's tractor pulls. Reptile Man will make an appearance and the petting zoo will be featured. Food vendors include a new feature involving hot cider and Council Corn on the Cob. J.P. Patches will attend the festival this year. The evening will end with a chili feed, entertainment, and a fireworks show.

This year's top sponsor is Boeing Employees Credit Union.

**Future Business Leaders
of America (FBLA)
Recognition**

Christiann Thomas, FBLA Advisor, Fife High School, introduced Kyle McCrossin, FBLA 2009/2010 President, who described the "Stuff the Bus 5k Fun Run" event to be held during the Fife Harvest Festival. The event supports the Fife Community Food Bank. The FBLA is still seeking sponsors for the event. The course route includes 20th to the new interurban trail and loops back to Fife High School. Runner dues will be donated to the food bank. A small food drive will be held in conjunction with the run involving the theme of "Stuff the Bus."

Mayor Johnson introduced and presented recognition plaques to the following students from Fife High School who received recognition at the FBLA Award of Excellence on June 28, 2009:

- Jessica Colburn received national recognition competing in Who's Who. The award honors FBLA members who have made outstanding contributions to the association at the local, state, and national levels.
- Tierney Kuhn received national recognition competing in Advertising and Open Event and brought home First place.
- JunHo Lee received national recognition competing in State Chapter Annual Business Report and brought home Sixth place. Mr. Lee was unable to attend the Council meeting to receive his plaque.
- Leah Powell received national recognition competing in Client Service and brought home Seventh place.

Wedge Park Mural

Director Reuter reported on the work by several students and a local artist on a mural on the retaining walls at Wedge Park. The idea was suggested by Mayor Johnson last year involving a student art project to improve the appearance of Wedge Park. Staff began working with a teacher at Fife High School, which included an art design contest for a mural with the theme centered on salmon. In November 2008, the Council recognized the top three artists whose work was chosen for placement in the park. Stephanie Wright was hired as the local mural artist to work with the students and supervise the work.

Stephanie Wright introduced student artists:

- Troy Myren

- Marifrances Medina
- Jory Feuston

Ms. Wright played a video of the artists' work in progress at Wedge Park.

Director Reuter recognized many family members for their volunteer efforts as well as other volunteers who supported the effort. Approximately 80 hours of labor was expended on the project. Another 20 to 40 hours involved family member assistance. Two other primary artists recognized included Hayley Oberling and Anna Moore. Steve Drost prepared the video.

Ms. Wright answered questions about the preparation and priming of the walls to prepare the walls for paint. A sealer was applied, which should protect the art for several years. As the art was applied to concrete, the longevity of the artwork will likely not last beyond five years without some deterioration apparent in ensuing years.

COUNCIL DELEGATE REPORT

Councilmembers reported on their attendance to the Trijurisdictional Council meeting at the City of Edgewood involving the cities of Fife, Edgewood, and Milton. The meeting was informative especially the presentation on the Regional Transportation Plan, *Vision 2040*. Drastic transportation changes are planned in the four-county area over the next 30 years. City Manager Worthington and several department directors provided presentations. There appears to be some support for after school programs.

Councilmembers reported on their attendance to *National Night Out*.

ORDINANCES AND RESOLUTIONS

ORDINANCES:

#1697; 2009 Budget Modification

Motion

Councilmember Brooks moved, seconded by Councilmember Godwin, to approve Ordinance #1697; 2009 Budget Modification.

City Clerk/Finance Director Marcotte read the title of Ordinance #1697:

An ordinance of the City Council of the City of Fife, Pierce County, Washington, amending the budget for the calendar year 2009, as adopted.

Director Marcotte reported on the necessary step following previous Council meetings on budget updates identifying a gap between projected

revenues and planned expenditures. The Council held a special meeting on June 2, 2009, to discuss proposals and options to close the gap. The proposed amendment addresses costs that will be transferred to other funds by amending the budget to increase the spending authority for those particular accounts. The ordinance authorizes the transfer of costs from the General Fund to other funds listed below:

- Transfer \$60,000 of Police and \$10,000 of Municipal Court salaries and benefits costs to the Public Safety Fund to fully charge the administrative costs of the Red Light Photo Enforcement Program
- Transfer of \$30,00 of Police salary and benefits to the D.A.R.E. fund to cover the City's cost of the School Resource Officer
- Transfer of \$100,000 of PCRS salaries and benefits to the Stadium and Convention Center Fund to cover \$86,500 in parks maintenance costs for Dacca Park sports fields and \$13,500 in pool maintenance costs to partially reflect their use by non-City residents.
- The Council agreed to allow the use of up to \$500,000 in General Fund cash reserves to address revenue shortfalls directing it to come from the Tribal 2% funds.
- The City received an unanticipated billing from the City of Tacoma for sewer treatment because the City of Tacoma was not using actual metered flow data for the billing but rather historical data, which reflected a difference owed of \$1,730,333.

Councilmember Brooks asked about the time period for the billing adjustment from the City of Tacoma for sewer treatment. Director Marcotte replied that he believes the adjustment goes back to 2006. Director Blount affirmed that's the correct adjustment period. It's based on years 2006, 2007, and 2008, during a period where the City experienced substantial growth.

Councilmember Hull asked whether the funds are within an interest-bearing account. Director Marcotte advised that all the City's fund balances are invested in the Local Government Investment Pool administered by the State Treasurer's Office. A portion is invested in federal securities. The interest earnings are allocated to all the funds based on the proportionate share of the cash balance.

Mayor Johnson said the increase in the sewer billing represents approximately 10% more than budgeted annually. Much of the use is for industrial and commercial purposes.

Motion

Motion carried unanimously.

**#1700; Parks Ordinance
Updates**

Motion

Councilmember Brooks moved, seconded by Councilmember Godwin, to approve Ordinance #1700; Parks Ordinance Updates.

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, 12.22.110, and repealing Section 12.22.020.

Director Reuter referred to the Council's last review of the proposed updates. Staff recommends striking Section 12.22.110 from the ordinance because it concerns traffic regulations, which legal counsel and the Police Department believe are covered under the Fife Municipal Code (FMC) as well as the RCW.

Motion

Councilmember Brooks moved, seconded by Councilmember Godwin, to amend the motion striking Section 12.22.100 Traffic Regulations from the ordinance. Motion carried unanimously.

Councilmember Hull referred to Section 12.22.045 regarding fire arms and fireworks and suggested adding language stipulating, "unless authorized by the Parks Director" or something similar to enable the City to conduct a fireworks display at one of the parks. Director Reuter pointed out that another section in the ordinance provides the director with the authority to alter any of the regulations through written notification. Assistant City Attorney Amann suggested the additional language would help to clarify the intent that fireworks would be allowed under certain conditions as approved by the director.

Motion

Councilmember Hull moved, seconded by Councilmember Brooks, to amend Section 12.22.045 to include a provision that fireworks would be allowed under certain conditions upon approval of the director.

Councilmember Roscoe asked whether the change would allow a model rocket show. Director Reuter said under the definition an item propelled into the air as an explosive device would fall under the proposed revision. Mayor Johnson asked whether there is an existing section addressing model rockets. Director Reuter advised that it may be included in the provisions pertaining to trials and competitions, such as remote control car races or model rocket races. Staff can research whether language is included covering model rockets. Mayor Johnson suggested researching the language before adding such a provision to Section 12.22.045.

City Manager Worthington responded to questions about the authority for fireworks and indicated staff and legal counsel have drafted the proposed amendments to coordinate with existing language within the FMC. The initial draft the Council reviewed in June was a series of concepts supported by the Parks Board. Since then, legal counsel has refined the proposed changes to coincide with the FMC.

Motion

Motion carried unanimously.

Councilmember Godwin referred to the prohibition of carrying firearms into City parks and questioned whether the provision applies to a person who has obtained a concealed weapons permit and is carrying a weapon. City Attorney Amann said the provision applies to any firearm. Another amendment would need to be considered to exempt persons who carry weapons with a concealed weapons permit. Director Reuter noted that there are no proposed changes to the existing section in the proposed amendments.

Motion

Councilmember Godwin moved, seconded by Councilmember Roscoe, to add an exemption of persons carrying weapons into City parks who possess a concealed weapons permit. Motion carried. Councilmember Brooks opposed.

Councilmember Hull referred to Section 12.22.050 regarding Peddlers and asked if the provision is covered by another reference to street vendors within the FMC. Director Reuter said it does reference Section FMC 5.01. The proposed provision adds specific language for parks. Councilmember Hull questioned whether the amendment is necessary if the provision is already covered under the FMC. City Manager Worthington advised that it should be included as there could be those circumstances where there is a licensed seller who sells a product within a park. The City may be opposed to those activities and the provision would apply in those instances.

Councilmember Roscoe inquired about the extent of any changes since the Council's last review. Assistant City Attorney Amann advised that there have been no substantive changes since the Council's last review. There were two provisions in the previous draft that incorporated by reference existing chapters of the Fife Municipal Code that were unnecessary. Other revisions involved grammatical changes. Councilmember Roscoe asked for future reviews to include redlined changes to drafts to assist the Council in tracking changes.

Councilmember Roscoe expressed concerns about the provision applicable to 10-foot dog leashes because of the enforcement aspect. Under the proposed amendment any dog lease longer than 10 feet is prohibited. She questioned the need to include a limit on the length of a dog leash.

Motion

Councilmember Roscoe moved, seconded by Councilmember Godwin, to amend the motion revising Section 12.22.025 Pet restrictions (a) to read, “Dogs and other pets and domesticated animals must be kept on a leash and under control at all times...”

Mayor Johnson expressed concerns about prohibiting domesticated animals from a picnic area. The Council agreed to consider possible amendments separately.

Discussion followed on the length of the leash and an owner’s ability to control pets with longer leashes. Councilmember Roscoe commented on the balance of setting good rules against imposing unrealistic restrictions and creating problems for the Police Department in terms of enforcement. Director Reuter advised that the proposed amendments were vetted through the Parks Board. The recommendations are from the Parks Board as well as any changes requested by the Council at its previous study session.

Councilmember Godwin agreed with the proposed amendment based on his experience in training a number of dogs. The length of the leash is not the issue. It pertains to having a dog on a leash that is under control. The length of the leash is irrelevant.

Citizen Comments

Pat Hulcey, 4703 15th Street East, agreed that the length of the leash is not the issue. It’s basically a control issue. Owners are supposed to control their pets.

Motion

Motion carried unanimously.

Director Reuter reported on dog training classes scheduled at the end of August for \$115 for an eight-week course. More information can be obtained by calling 253-922-0900 at the Fife Community Center.

Councilmember Godwin referred to the provision prohibiting the feeding of wildlife within parks and suggested signs should be posted advising against the feeding of wildlife. Director Reuter indicated that additional signs will be posted.

Councilmember Hull referred to the Mayor’s previous concerns about prohibiting pets at picnic shelters. The City’s only park shelter is located within the Radiance subdivision. There are several private parks as well as the City park within the subdivision. It might be difficult for citizens to differentiate a private park from a City park. He suggested including information on the application for rental of a picnic shelter asking the applicant about the potential of having animals present. Director Reuter advised that the language could be added to the application. Councilmember Hull said he agrees with removing the prohibition of pets at designated picnic areas.

Motion Councilmember Hull moved, seconded by Councilmember Roscoe, to amend the ordinance by striking “(b)” from Section 12.22.025 Pet Restrictions.

Motion Motion carried. Councilmembers Roscoe, Cerqui, and Brooks opposed.

Motion Motion carried unanimously on the amended motion.

**#1699; Administrative
Design Review (ADR) for
CMU**

Motion Councilmember Brooks moved, seconded by Councilmember Godwin, to approve second reading and adopt Ordinance #1699; Administrative Design Review (ADR) for CMU.

City Clerk/Finance Director Marcotte read the title of Ordinance #1699:

An ordinance of the City Council of the City of fife, Washington, establishing Development Design Standards for the Community Mixed Use Zone and amending Fife Municipal Code Sections 19.60.020 and 19.60.080 and adding a new Section 19.60.075.

Acting Director Durham reported the Planning Commission approved the proposed ordinance on May 4, 2009. The Council conducted a public hearing on July 14, 2009 and adopted first reading of the ordinance on July 28, 2009. The proposed action is to approve second reading and adopt Ordinance #1699.

Motion Motion carried unanimously.

City Manager Worthington referred to a previous request for the Council to review the CMU zone regarding auto dealerships. He asked for confirmation on whether the Council wants to pursue the request. The Council confirmed the request to revisit the issue.

RESOLUTIONS

**#1312 Support of Valley
Cities Broadband Grant
Request**

Motion Councilmember Brooks moved, seconded by Councilmember Godwin, to approve Resolution #1312; Support of Valley Cities Broadband Grant Request.

City Clerk/Finance Director Marcotte read the title of Resolution #1312:

A resolution of the City Council of the City of Fife, Pierce County, Washington, endorsing the efforts of the Valley Cities Association and authorizing an application for a federal grant to fund broadband opportunities offered through the U.S. Department of Commerce.

City Manager Worthington reported the resolution endorses a proposal by Valley Cities to apply for a grant to provide a fiber backbone for the use by emergency providers within the cities. At this time, the City of Fife is not proposed as a direct participant but there is recognition of future value and benefit of the project to the City. The resolution is a demonstration of support and does not bind the City to any financial participation.

Motion

Motion carried unanimously.

CITY MANAGER REPORT

City Manager Worthington reported on the following activities:

- The Federal Highway Administration approved NEPA and right-of-way certification for the Valley Avenue project, which moves the project beyond federal requirements. Next steps include obligation of funds and advertising of the bid for the project scheduled on August 24, 2009.
- The Department of Ecology (DOE) Director visited the City last week as well as a number of DOE staff to review the mitigation project on Valley Avenue. DOE Director Jay Manning congratulated the City and the Council on a job well done on the mitigation project. Director Manning conveyed how impressed the department is with the City's approach to the project for providing a setback area for the stream to improve habitat values.
- The community may be noticing river jacks along the City's side of the levee that are erosion control devices installed by the surface water management group. Pierce County is installing the devices to help reduce erosion along the levee.
- Restriping of roadways within the City has been completed.
- The Pierce County Council approved and placed the library annexation ballot measure on the November 3, 2009 ballot. There is an opportunity for proponents and opponents to the measure to form separate committees to develop ballot statements for and against the measure.
- Recent notification to the City sets the City's official population at 7,610 people.
- The Puyallup Indian Tribe provided the City with a check for \$850,000 for community impact funds for the City to offset impacts caused by the casino. Another check was received for \$189,000 for

dispatch services. The checks represent distributions for 2008.

- The City received an official report on the annual audit. The City received no findings.
- The City installed traffic radar signs along Radiance Boulevard. The signs were funded from the City's Public Safety Fund.

COUNCILMEMBER COMMENTS

Councilmember Roscoe referred to a letter from the Office of the County Executive concerning historic preservation. One goal is fostering partnerships with citizens, communities, and tribes. She asked whether the Fife Historical Society received a copy of the letter. City Manager Worthington advised that he'll provide a copy of the letter to the organization.

Councilmember Hull commented positively on the completion of 70th Avenue roadwork.

Mayor Johnson reported Senator Murray's office recently announced a Senate Appropriations Committee request of \$1.5 million in support of Phase 2 of the Valley Avenue roadway project. This is a continuation of funding requests. Representative Adam Smith previously applied for \$300,000 through the House, which was approved. There is much support from the City's federal congressional delegation to help move some of the City's transportation projects forward.

CITIZEN COMMENTS

Max Jaquez, 2114 63rd Avenue East, commented about a problem with the City's red light photo enforcement camera. Recently, after Sunday services, Mr. Jaquez said he was driving east on Valley Avenue and as he approached 70th Avenue he noticed a vehicle traveling south on 70th Avenue and one vehicle traveling west on Valley Avenue. As he was making a right turn after stopping at the light and insuring proper clearance, the camera took a photo of his vehicle. Several days later in the same location, the camera didn't take photos of several cars turning at the light. He questioned why his vehicle was targeted and decided to test the camera by traveling approximately 4 and 6 miles an hour through the light, which did not trigger the camera. It appears the camera is a speed light, a fact that has been confirmed by staff. Staff indicated awareness of the problem. The issue is receiving a ticket if the motorist is traveling over 10 miles and hour after stopping. The motorist should receive a ticket if they don't stop at the light regardless of the speed of the vehicle. The Council asked the City Manager to follow up on the complaint.

Pat Hulcey, 4703 15th Street East, provided an update on the old Dacca barn. Cement was poured for the south side of the barn. Framing inside the barn has been completed. Walls are under construction. Electrical work is scheduled for next week. Most of the work will be completed in time for the Fife Harvest Festival although some final finish work may still be pending.

ADJOURNMENT

With there being no further business, Mayor Johnson adjourned the meeting at 8:45 p.m.

Barry D. Johnson, Mayor

Steve Marcotte, City Clerk/Finance Director

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