

**FIFE CITY COUNCIL
MINUTES**

**Fife City Hall
Council Chambers**

**Date: December 9, 2008
Time: 7:00 p.m.**

**EXECUTIVE
SESSION**

Mayor Johnson convened an executive session at 6:30 p.m. for the purpose of Real Estate RCW 42.30.140 for approximately 20 minutes.

ADJOURNMENT

Mayor Johnson adjourned the executive session at 6:50 p.m.

**CALL TO ORDER
AND ROLL CALL**

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

Excused: Councilmember Kim Roscoe.

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

**PLEDGE OF
ALLEGIANCE**

Councilmember de Booy led the pledge of allegiance.

**CHANGES,
ADDITIONS OR
DELETIONS TO
AGENDA**

There following agenda items were pulled from the agenda:

- Resolution #1268 Authorize PSA Turnipseed
- Letter of Intent with Fire District

The following agenda items were tabled:

- Resolution #1260 American Freight Development Agreement – tabled to January 27, 2009
- Ordinance #1691 LID 08-03 Funding Freeman Road Improvements – tabled to January 27, 2009

Motion

Councilmember Godwin moved, seconded by Councilmember Cerqui, to approve the agenda as amended. Motion carried unanimously.

**CITIZEN
COMMENTS**

There were no citizen comments.

CONSENT AGENDA

- | | | |
|--------------------------|--------------|--|
| a. Approval of Minutes: | Date: | November 18, 2008 Study Session
November 25, 2008 Council Meeting |
| b. Approval of Vouchers: | | |
| Payroll: #45165-45210 | \$529,304.12 | |
| Claim: #74501-74628 | \$862,476.18 | |

- c. Set a Special Meeting for January 20, 2009 Joint Meeting with Parks Board
- d. Cancel December 23, 2008 Council Meeting.

Motion Councilmember de Booy moved, seconded by Councilmember Cerqui, to approve the consent agenda.

Friendly Amendment Councilmember Cerqui offered a friendly amendment accepted by Councilmember de Booy to amend the motion to approve for payment vouchers scheduled for the December 23, 2008 meeting subject to the review by the Voucher Review Committee and subsequently reported back to the Council at the next regularly scheduled Council meeting.

Motion Motion carried unanimously on the amended motion.

**SPECIAL
PRESENTATIONS**

Fife High School Fall Sports Recognition Mayor Johnson introduced, recognized, and presented Certificate of Achievements to the following Fife High School team coaches who also recognized several members of their respective teams:

- Football Coach Kent Nevin. Mr. Nevin introduced team captains Brian Felshaw and John Rhodes.
- Fife High School Athletic Director Amanda Fox and team member Troy Meyer.
- Cross-country Coach Howard Hosley.
- Girls Swimming Coach David Kienlen and swim team members Alicia Cleveland and Nakayla Chan.
- Volleyball Coach Jan Kirk. Ms. Kirk introduced Cami Lubereski, Jessica Baker, and Allison Beardsley.
- Girls Soccer Coach Teri Shimoda. Ms. Shimoda introduced senior captains Amanda Roselli and Jessica Colburn.

Athletic Director Amanda Fox commented on how proud she and the school are of the coaches and students for their efforts. She thanked the Council for recognizing the teams on behalf of the student body and staff of Fife High School.

Planning Commissioner Recognition Mayor Johnson recognized on behalf of the City the dedicated commitment of Grant Neilson and Gerald Albertson for their service to the City on the Planning Commission.

Mr. Albertson was presented with a plaque recognizing his service since June 2005, serving as Chair since January 2007.

Mr. Neilson was presented with a plaque recognizing his service since January of 1997, as well as serving as Chair.

Mr. Albertson and Mr. Neilson thanked the Council for the opportunity to serve the

City. Mr. Neilson recognized the assistance of staff to the Planning Commission.

**Wedge Park Mural
Design Selection**

Director Reuter reported on the first, second, and third-place winning art designs for a salmon-theme mural to be painted on the retaining wall at Wedge Park. He acknowledged the assistance of Art Teacher Kelly Loomis and School Principal Mark Knight. Nine art entries were received.

Mayor Johnson reported a subcommittee met and selected the top three entries. He awarded the students the following awards:

- 1st – Troy Myren \$150
- 2nd – Marifrances Medina \$100
- 3rd – Jory Fueston \$50

Director Reuter said the students will assist the City as art project supervisors next spring to begin painting the art project.

Fire District

City Manager Worthington introduced Tacoma Fire Department Deputy Chief Jeff Jensen. Chief Jensen introduced Budget and Finance Director Mike Fitzgerald and Assistant Chief of Emergency Services Dugan. He spoke on the impacts to the community because of the failure of the EMS levy. Assistant Chief Dugan said discussions have been ongoing with Fire District #10 about the potential implications of the failure of the EMS levy in November. One immediate impact beginning January 1, 2009 is the responsibility of residents of Fire District #10 including the City of Fife for all ALS transport fees. The Tacoma Fire Department has been providing fire and emergency medical services for Fire District #10 since 1995. The levy failure will only impact medical services provided by the department. The levy also provided for the stationing of Medic 3 staffed by two paramedics and Fire Station 12 and ALS basic life support supplies and equipment.

Assistant Chief Dugan said it appears the Fire District is considering pursuing another voter levy. If it passes, funding would not be available until January 1, 2010. A 60% approval is required to pass a levy of at least 40% of the ballots cast totaling approximately 840 yes votes.

**COUNCIL
DELEGATE REPORT**

Councilmember Hull reported he was a guest speaker at the North Pierce County Schools Coalition meeting with Police Chief Blackburn and Director Reuter. The discussion included budget implications for the next year.

Councilmember Brooks reported on his attendance to the RAMP meeting with Director Blount. Senator Kastama and Representative Flannigan provided an outlook on the 2009 legislative session. Attendees discussed potential ways to fund maintenance of city streets affected by truck traffic. He also attended a roundtable meeting in Everett hosted by Congressman Larson and Senator Murray, which focused on the economic stimulus package under discussion. The City of Fife may benefit from the package. Councilmember Brooks attended several Council subcommittee meetings interviewing lobbying organizations and Planning

Commission applicants.

Councilmember Cerqui reported on his attendance to several Council subcommittees to interview lobbying organizations and Planning Commission candidates.

Councilmember de Booy said she attended the Tacoma City Council meeting with Mayor Johnson and several staff members to request approval of the purchase of the locomotive. The Tacoma City Council approved selling the locomotive to the City of Fife. The locomotive will be placed near the Fife History Museum.

PUBLIC HEARING

Lid 08-03 Funding Freeman Road Improvements

Tabled to the meeting of January 27, 2009.

American Fast Freight Development Agreement – Continued

Director Blount reported American Fast Freight owns property at the east end of 48th Street East, east of 70th Avenue East. The company is being displaced because of expansion of Port facilities. The public hearing is for an agreement to address drainage, creation of a berm along the south property line of the Orbus site, and address development issues associated with the site. The agreement is for Orbus Investment, LLC to build a storm pond on the property with the capacity to meet stormwater retention requirements, as well as for the 20 acres of City property. The proposal includes enhanced landscaping requirements.

Mayor Johnson opened the public hearing at 7:48 p.m.

Public Testimony

Donald Marcy, Cairncross & Hempelmann, P.S. 524 Second Avenue, Suite 500, Seattle, said he legally represents Orbus Investments, LLC, and American Fast Freight. Staff provided a good review of the proposed agreement. With the new stormwater requirements, there was insufficient room on the property to build the pond required as well as facilities desired on the property. The company proposed an agreement with the City to work together to create some benefits to serve the public as well as provide American Fast Freight and Orbus with the ability to develop its property as originally planned. Company representatives have worked with staff on the agreement over the last five months. Mr. Marcy reviewed the public benefits the project will provide.

Mayor Johnson closed the public hearing at 7:52 p.m.

ORDINANCES AND RESOLUTIONS

ORDINANCES

#1691 LID 08-03

Tabled to the meeting of January 27, 2009.

**Funding Freeman
Road Improvements**

**#1685 Low Impact
Development Codes**

Motion

Councilmember Cerqui moved, seconded by Councilmember de Booy, to approve first reading of Ordinance #1685; Low Impact Development Codes.

City Clerk/Finance Director Marcotte read the title of Ordinance #1685:

An ordinance of the City Council of the City of Fife, Washington, regarding Low Impact Development Standards, amending Fife Municipal Code Sections 12.20.030, 12.20.040, 12.20.050, 12.20.060, 12.20.070, 12.20.080, 12.20.085, 13.18.030, 13.18.070, 18.18.080, 15.32.010, 15.32.020, 15.32.030, 15.32.040, 15.34.050, 17.05.085, 18.05.040, 18.07.020, 18.07.060, 18.07.070, 18.07.090, 18.09.020, 18.16.030, 18.28.020, 18.44.030, 18.48.110, 18.48.120, 19.14.050, 19.20.050, 19.24.050, 19.28.050, 19.32.050, 19.36.050, 19.40.050, 19.42.050, 19.44.050, 19.46.050, 19.48.050, 19.52.030, 19.52.040, 19.52.060, 19.52.080, 19.56.040, 19.56.080, 19.64.020, 19.64.100, 19.64.140, adding new sections 12.14.100, 12.20.025, 12.20.045, 12.20.055, 12.20.065, 12.20.075, 12.20.090, 12.22.010, 12.22.010, 12.22.050, 18.08.125, 18.08.126, 18.08.127, 19.06.453, 19.06.454, 19.06.455, 19.64.025, and a new Title 21 "Low Impact Development", and repealing Section 19.64.050.

Acting Director Durham reported the ordinance, after enactment, will be mandatory for all development in the City. The code provides some balance by allowing engineers some latitude in selecting options on individual lots based on the topography of the site.

Acting Director Durham introduced Mr. Brice Maryman, Green Legacy Coalition. Mr. Maryman updated the Council on changes impacting low impact development since the Council's last briefing in October. With the release of the Puget Sound Partnership Action Agenda, mandatory low impact development will likely become mandatory except in those cases where it's not feasible. He congratulated the Council on its progressive action. Low impact development is a holistic approach to stormwater management as well as making a better community for citizens.

Mr. Maryman said the discount for stormwater was increased to 50% if a site uses low impact development techniques and facilities to treat stormwater runoff.

Acting Director Durham advised that the State Environmental Policy Act (SEPA) process was completed. The Department of Ecology (DOE) sent a letter of response. Staff requests approval of the ordinance.

City Manager Worthington said DOE's letter highlights the Council and staff's efforts and gives credit for the City leading low impact development within the

region. Mayor Johnson read the letter from DOE.

Councilmembers commented on the efforts by staff and the consultant to pursue the goals of the City and the Council for low impact development to become a standard within the City to protect its resources.

Motion carried unanimously.

Motion

**#1692 Authorize
Condemnation of
Cerqui Properties**

Motion

Councilmember de Booy moved, seconded by Councilmember Godwin, to approve Ordinance No. 1692; Authorize Condemnation of Cerqui Properties.

Councilmember Cerqui recused himself and left the meeting.

City Clerk/Finance Director Marcotte read the title of Ordinance #1692:

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 70th Avenue East and Valley Avenue East; 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; and declaring this a public emergency ordinance and thus effective immediately.

Director Blount reported approval of the ordinance authorizes condemnation of two parcels owned by Councilmember Cerqui.

Motion

Councilmember Hull moved, seconded by Councilmember Brooks, to recess to an executive session at 8:06 p.m. for a period of 15 minutes to discuss property acquisition and potential litigation for action to be taken. Motion carried unanimously.

Director Blount said the ordinance is an emergency ordinance requiring a majority vote plus one vote to adopt. Staff recommends approval of Ordinance No. 1692.

Motion

Motion carried unanimously.

Councilmember Cerqui returned to the meeting.

ADOPT:

#1686 2009 Budget

Motion

Councilmember de Booy moved, seconded by Councilmember Cerqui, to

adopt Ordinance No. 1686; 2009 Budget.

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

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

Director Marcotte reviewed the Council's 2009 budget development process which began in January 2008 at a Council retreat. The preliminary budget was developed in September. Public hearings have been held on the budget. The action is approval of second reading and final adoption of the 2009 budget.

The total 2009 budget is \$74,915,607. The budget authorizes expenditures of \$50,043,442 for all funds, with an additional \$24,872,164 to be retained in ending fund balances. The General Fund budget is \$18,645,650 and of that amount departments are authorized to expend \$14,272,056 with the intent of having \$4,371,595 projected as ending fund balance. Director Marcotte recommended adoption of the budget.

Director Marcotte shared information the City received from the Department of Revenue on the streamlined sales tax issue. The letter shared information on the website password to access the City's information. However, information on how to access the website was not provided nor is the data available at this time. The expectation is that the City will receive another letter in the next several weeks with the necessary information to access the data. Because of sales tax streamlining legislation, Fife is a major loser of sales tax revenue. The state is mitigating the loss through reimbursement to the City.

Councilmember Hull complimented Director Marcotte and staff for developing the budget under difficult economic conditions. He urged citizens to shop locally and support Fife businesses.

Councilmember Cerqui referred to his previous comments about the possibility of replacing a retiring police officer position. He acknowledged after further discussions with the City Manager and the Police Chief and because of the unknown direction of the economy, it's prudent to delay filling a vacancy, maintain the current level of service, and then review demands for service after the first quarter of next year to ascertain whether a position should be filled.

Motion

Motion carried unanimously.

**#1681 Benthien Loop
Annexation**

Motion

Councilmember Cerqui moved, seconded by Councilmember de Booy, to approve Ordinance No. 1681; Benthien Loop Annexation.

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

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

Acting Director Dunham reported the request is to approve second reading and adopt the ordinance for annexation of Benthien Loop.

Citizen Comment

Rich Lott, 5505 4th Street East, thanked the Council and staff on behalf of the Benthien Loop residents for working on the long and tedious annexation process. He offered special thanks to Chris Larson, Chris Pasinetti, Carl Durham, and former Director Carl Smith.

Motion

Motion carried unanimously.

RESOLUTIONS

**#1258 Authorize
Radiance IV LID
Assessment
Segregation**

Motion

Councilmember Cerqui moved, seconded by Councilmember de Booy, to adopt Resolution #1258; Authorize Radiance IV LID Assessment Segregation.

City Clerk/Finance Director Marcotte read the title of Resolution #1258:

A resolution of the City Council of the City of Fife, Pierce County, Washington, to segregate an existing assessment for the final plat of Radiance Division 4 under Utility Local Improvement District No. 98-02, pursuant to Section 35.44.410 of the Revised Code of Washington.

Director Marcotte reported on December 16, 2003, the Council approved the final assessment for ULID 98-02. At that point, the parcels now known as Radiance 4 were undeveloped. Since then, the parcels have been developed into 49 building lots. The proposed resolution takes the assessments as originally applied to the two larger parcels and reallocates them among the 49 individual developed lots. The impact of the action is neutral to the bond and the City.

Director Marcotte referred the Council to three additional exhibits that were inadvertently left out of the agenda packet. Exhibit A is the application identifying the assessment amounts applicable to the 49 individual lots. Exhibit B is a listing of all the parcels and how the assessment is reallocated among the 49 lots. Exhibit C is the section of the RCW that provides for segregation of assessments.

City Attorney Amann referred to the plat map of the individual maps. The RCW allows for segregation of the assessments and gives the power to the City to order segregation. However segregation cannot occur if the Finance Director determines there would be any negative impact on the City's bond. Director Marcotte said that wouldn't be the case with respect to this segregation.

Councilmember Godwin pointed out the language within the RCW stipulates that the City **may** pursue segregation. He asked whether the City is required to pursue segregation. City Attorney Amann said the language within the statute is not mandatory. If the Council determines it should be segregated, the Council has that authority. If the Council elects not to segregate, the Council needs to articulate reasons for not doing so knowing that the Council has previously segregated similar properties in the past.

Mayor Johnson invited public comments.

Kevin Kaposi, DR Horton, 12931 NE 126th Pl, Kirkland, WA 98034, said the request is the company's sixth segregation and that the Council and staff are familiar with the process. Earlier in 2003 and 2004, DR Horton didn't necessarily disclose to the best of its ability to homeowners the segregation process. Now, homeowners have the opportunity to receive the information through the title report and the purchase and sale agreement addendum and closing statements, which constitutes a three-stage process. The City has hired public finance to administrate the collection of the bond. Segregation helps DR Horton and is passed on to homeowners, which helps them in the process of owning their own homes. DR Horton appreciates the Council's support of the request.

Councilmember Hull said he purchased a DR Horton home and said the process as stated by Mr. Kaposi could be considered "bait and switch." He described his personal circumstances involving receipt of an addendum and that DR Horton should have been more upfront with the purchase price. He disagreed that a 13-year amortization benefits the homeowner when it could be included within the cost of the home. It's a bad policy to allow for single-family residents to segregate. He said he's hopeful the Council will make a policy shift as it relates to single-family homes. The action allows any developer to benefit by coming into the market under market value when they could have made the assessment part of the sales price.

Councilmember de Booy said she doesn't recall prior segregation actions. She questioned why the City's involved in the issue. Director Marcotte said the City acts as a conduit financier between the property owner and the developer within the bond market. The City administrated the bond issue on behalf of the property owners.

Mr. Kaposi said the LID assessment is against the property, not the builder, or an owner. DR Horton would like the assessment divided and applied to each individual lot.

Councilmember Godwin recalled the last several segregations and that there were questions at that time as to whether the bank would be notified of the LID assessment. It's apparent that the notification to the financing bank did not occur. Councilmember Godwin said he can't support the proposed action.

Councilmember de Booy said she's not supportive of the proposal.

Mr. Kaposi responded to the comments and indicated the interest rate on the bond is 5.35%, which is likely less than a standard 30-year loan. Everyone is notified, as the LID is included on the title. From a business perspective, DR Horton is looking to the City to have predictable standards. This is the last phase of DR Horton's presence in Saddle Creek and Radiance. The action has been supported previously by Council and staff. If there is going to be a policy change it would be beneficial to advise staff and to hold a public hearing.

Councilmember Hull said his concern is the impact to new residents to the City of Fife. As a member of the mortgage industry, it's more beneficial to pay the assessment over 30 years.

Mr. Kaposi clarified the amount of the actual assessment and noted each division of Radiance and Saddle Creek has a different allocation. The assessment for Radiance Division 4 is \$164 annually.

Councilmember Brooks expressed conflicts about the proposal, as it doesn't represent good public policy. The issue is not about DR Horton as the company is requesting action that was previously granted. He said he's concerned with the stories that he's heard. He said he will vote against the motion and that it's not directed at DR Horton but in consideration for other properties in town that may be developed and subject to a LID in the future.

Councilmember Godwin commented that the LID has been paid against since the LID was initiated. He questioned the accuracy of the amount of the assessment dependent upon when the home was purchased. Councilmember Godwin said he was under the impression that the amount of the assessment was \$1692. Mr. Kaposi said there is an assessment each year and for the last five years, DR Horton has made payments. The purpose of an LID is to encourage business and development within the City of Fife. The original LID for Radiance was approximately \$24 million. No builder or developer can afford that cost, which is the reason for an LID because it allows the cost to spread out over time and allocated against all the property owners. If there is a going to be a policy change, it will not only affect DR Horton, it will affect future development in Fife. A policy change will have huge ramifications in the future for all LIDs and future development. He asked the Council to consider those aspects of the issue.

Councilmember Godwin said if a person sells their home that has been segregated, they must pay off the LID rather than passing it on. Councilmember Godwin was advised that it's negotiable between the buyer and the seller.

Mayor Johnson said he's received comments during the Mayor's Forum and most of the comments concerned the disclosure rather than the assessment. He said the process and notification and informing the buyer must be improved so that the buyer is aware of the assessment. He said he wouldn't support a change in policy at this point without knowing the potential impacts.

Councilmember Cerqui agreed changing the policy at this time is not the right course. He said the issue points to disclosure rather than the cost.

Councilmember Brooks recommended scheduling the topic and the process for a future study session topic.

Motion

Motion failed. Councilmembers de Booy, Hull, and Godwin voted against.

**#1260 American Fast
Freight Development
Agreement**

Motion

Councilmember de Booy moved, seconded by Councilmember Cerqui, to approve Resolution #1260; American Fast Freight Development Agreement.

City Clerk/Finance Director Marcotte read the title of Resolution #1260:

A resolution of the City Council of the City of Fife, Pierce County, Washington, approving stormwater detention agreement between Orbus Investments, LLC, and City of Fife.

Councilmember Brooks said although he supports the concept of the agreement there are some unanswered questions that cannot be answered at this time.

Motion

Councilmember Brooks moved, seconded by Councilmember Godwin, to table the motion until the January 13, 2009 Council meeting. Motion carried. Mayor Johnson opposed.

**#1261 Authorize
Purchase of Police
Command Vehicle**

Motion

Councilmember Cerqui moved, seconded by Councilmember de Booy, to approve Resolution #1261; Authorize Purchase of Police Command Vehicle.

City Clerk/Finance Director Marcotte read the title of Resolution #1261:

A resolution of the City Council of the City of Fife, Pierce County, Washington, authorizing the purchase of a Mobile Command Vehicle for an amount not to exceed the \$330,000.00 award from the State of Washington.

Police Chief Blackburn described the cooperative effort by several departments and agencies to research and develop the specifications of the vehicle. The vendor submitted a bid under the bid amount. The vendor has extensive background and has manufactured over 45 vehicles for the FBI and US Postal Service throughout the U.S.

Several Councilmembers commented positively on the purchase and how it benefits the citizens and local law enforcement agencies.

Motion

Motion carried unanimously.

**#1268 Authorize PSA
Turnipseed**

The item was tabled.

**#1269 Approving 2009
Government Affairs
Services**

Motion

Councilmember Cerqui moved, seconded by Councilmember de Booy, to approve Resolution #1269; Approving 2009 Government Affairs Services.

City Clerk/Finance Director Marcotte read the title of Resolution #1269:

A resolution of the City Council of the City of Fife, Pierce County, Washington, authorizing the City Manager to negotiate a contract for government affairs services.

Councilmember Cerqui acknowledged members of the subcommittee who interviewed the applicants. All three firms were well qualified.

Motion

Motion carried unanimously.

**#1255 Authorize
Agreement For
Prosecutor Services**

Motion

Councilmember de Booy moved, seconded by Councilmember Cerqui, to approve Resolution #1255; Authorize Agreement For Prosecutor Services.

City Clerk/Finance Director Marcotte read the title of Resolution #1255:

A resolution of the City Council of the City of Fife, Pierce County, Washington, authorizing the City Manager to execute a Professional Services Agreement between the City of Fife and John L. Rodabaugh II in the base amount of \$120,000 for prosecution services for 2009.

City Manager Worthington reported Mr. Rodabaugh has been the City's prosecutor for the last 12 years. The City released a Request for Proposal through the Pierce County Bar Association. The City received several applications. A review process was undertaken with a recommendation to continue services with Mr. Rodabaugh during 2009. Additionally, the contract rate is higher than previous contracts, but is the most competitive rate available for prosecution services. The contract amount represents approximately a 22% increase.

Motion

Motion carried unanimously.

Councilmember de Booy commented on how well Mr. Rodabaugh knows the community and what an asset he is to the community.

**#1265 Selection of
Hearing Examiner**

Councilmember Cerqui moved, seconded by Councilmember de Booy, to approve Resolution #1265; Selection of Hearing Examiner.

City Clerk/Finance Director Marcotte read the title of Resolution #1265:

A resolution of the City Council of the City of Fife, Pierce County, Washington, authorizing the City Manager to execute a Professional Services Agreement between the City of Fife and Ogden Murphy Wallace, PLLC for Hearing Examiner services for 2009, with possible extension through 2010, at a maximum compensation of \$145 per hour.

Acting Director Durham reported staff interviewed several firms and recommends the firm of Ogden, Murphy, Wallace, Attorneys at Law to provide Hearing Examiner services.

Motion

Motion carried unanimously.

**#1270 Authorize
Sterino Farms, Inc.
2009 AG Lease**

Motion

Councilmember Cerqui moved, seconded by Councilmember de Booy, to approve Resolution #1270; Authorize Sterino Farms, Inc. 2009 AG Lease.

City Clerk/Finance Director Marcotte read the title of Resolution #1270:

A resolution of the City Council of the City of Fife, Pierce County, Washington, authorizing the City Manager to execute an agricultural ground lease of certain agricultural land on tax parcel numbers 0420181035, 0420071018, 0420082001, 0420082002, 0420082004, 0420082005, 0420082019, 0420082036, 0420053005, 0420053006, 0420201117, 0420202071, 0420202072, 0420202073, 0420202074, 0420202075, 0420202700, 0420202701, 0420202702, 0420202703, 0420202704, 0420202705.

Director Reuter described the request to authorize a short-term ground lease of City-owned property to Sterino Farms, a well-known local farmer. The lease consolidates all City properties that are leased for agricultural purposes into one contractual agreement with Sterino Farms. The total amount of acreage is 85 acres at \$300 an acre for a total of \$25,500 for the lease. He noted four different areas of property will not be farmed but will be maintained as part of the lease agreement. Staff recommends approval of the lease with Sterino Farms.

Councilmember Godwin referred to the Brookville Gardens property and suggested berry plants should be removed by the farmer at the end of the lease. He asked whether any provision for removal of the plants is included in the lease. Director Reuter indicated there is no provision for the Mr. Sterino to remove the plants. Director Reuter said that during his discussion with Mr. Sterino he indicated the plants are near their natural production season next year and will begin declining. City Manager Worthington said staff can add language to the lease that with appropriate notice the farmer will remove the plants.

Motion

Motion carried unanimously as amended by the friendly amendment to include language directing the removal of berry plants and restoration of the land to its original condition with appropriate notice.

**#1271 Accept Grant
from DOE and
Authorize Waste Pad
Shed Construction
Agreement**

Motion

Councilmember de Booy moved, seconded by Councilmember Cerqui, to approve Resolution #1271; Accept Grant from DOE and Authorize Waste Pad Shed Construction Agreement.

City Clerk/Finance Director Marcotte read the title of Resolution #1271:

A resolution of the City Council of the City of Fife, Pierce County, Washington, authorizing the acceptance of a grant from the Department of Ecology; and the City Manager to authorize a contract with All Purpose Structures, Inc. of Sumner, Washington.

Director Blount described the request to accept a grant to fund the construction of a roof over an existing street sweeping/sanitary sewer dump pad located at Fife Public Works. Staff received three bids with the lowest bidder agreeing to perform the work within the grant amount.

Motion

Motion carried unanimously.

**#1272 Authorize
Agreement with**

The request to WSDOT is to use other methods to mitigate noise that is not as impactful to the business community.

Councilmember Hull acknowledged testimony from the business community at the last meeting. Councilmember Brooks said many citizens also commented on noise impacts from the freeway. The Council's action is geared to be a balanced approach to resolve the problem. Councilmember de Booy said she supports the action. She asked whether the City is sending a letter to WSDOT. City Manager Worthington said if the Council passes the resolution; it will become official policy, which will be forwarded to WSDOT.

Public Comment

Richard Garchow, 5959 Pacific Highway East, asked for the Council's unanimous support for the resolution as affected business owners are in attendance and are adamantly opposed to the sound wall and have taken an additional measure of scheduling a meeting with the regional director of WSDOT later in the week as well as with a member of the Governor's Office to discuss the issue and other means of mitigation.

Tom Huntington said he's lived at the Willow Green Village Apartments for over four years. His first apartment was closer to the freeway. He said he never experienced any problems with noise. He commented on how the sound wall will block the visual view of businesses from the freeway. The apartments have been located in the area for over 15 years and there have never been any noise issues addressed previously. Building the wall will impact his income at the auto dealership as well as at other businesses in the community. He said he opposes construction of the wall. He suggested that if people do not like living in the apartment complex, they can move to a different area.

An unidentified woman from Seattle said she is a long-time customer of a Fife business and enjoys driving south on I-5 and being able to find the business easily. The walls will not be aesthetically pleasing especially when graffiti occurs. She said she found a furniture store from the freeway and wouldn't have known it existed if there had been a wall. She questioned the number of people laid off if the wall is installed. She said she resents her tax dollars used to build a wall and as a child of the depression, she suggested the focus should be on ensuring people are working and if the government has money, it should be used to provide healthcare for people who have lost their jobs.

Darlene Durango, 440 South 190th Seattle, commented on the ability to see the Cadillac dealership from the freeway and how she and her friends have purchased cars from the dealership. She encouraged the Council to vote against the wall.

Jerry Korum, 100 River Road, Puyallup, thanked the Council and staff for their efforts in working against placement of the wall.

Councilmember Cerqui pointed out that the sound walls were not requested by the City of Fife. The walls were imposed based on federal standards for a state project.

He encouraged citizens to contact their legislators to inform them that the sound wall is not the answer to a real problem. Other solutions can be pursued to resolve the issues.

Councilmember Brooks noted WSDOT has not made a determination on the construction of the walls. WSDOT is undertaking its required process prior to commencement of the project.

Motion

Motion carried unanimously.

**#1263 Accept of
Wapato Creek
Wetland Mitigation
and Stream Relocation**

Motion

Councilmember de Booy moved, seconded by Councilmember Cerqui, to approve Resolution #1263; Accept Wapato Creek Wetland Mitigation and Stream Relocation.

City Clerk/Finance Director Marcotte read the title of Resolution #1263:

A resolution of the City Council of the City of Fife, Pierce County, Washington, accepting the contract construction phase work on Wapato Creek Wetland Mitigation and Stream Restoration Project with Glacier Construction Services, Inc. as complete.

Director Blount reported on the excellent work completed by the contractor. It was necessary to move Wapato Creek away from the roadway as the road was widened for placement of a new culvert. State and federal law required the project to a much greater extent in terms of impacts to the creek. The project is complete and the contractor is responsible for a two-year maintenance period with one-year annual reviews. The departments of Fish and Wildlife and Ecology have inspected and approved the project. Director Blount recommended adoption of the resolution to accept the project as complete.

Director Blount addressed questions on the contractor's responsibility for maintenance and the type of maintenance involved. Director Blount reported the maintenance schedule is stringent than other maintenance schedules because of the standards associated with this type of project. There will be some mortality of plant material; however, a sufficient number of plants were planted to ensure an 80% plant survival rate.

Motion

Councilmember Brooks moved, seconded by Councilmember Hull, to extend the meeting until completion of the published agenda. Motion carried unanimously.

Motion

Motion carried unanimously.

NEW BUSINESS

Planning Commissioner Appointment

Mayor Johnson reported on interviews of Planning Commission candidates earlier in the evening.

Councilmember Cerqui reported the subcommittee recommends appointing Doug Fagundes to fill Gerald Albertson's unexpired term and Donald Alveshere to fill Grant Neilson's vacant position.

Councilmember Brooks said all three applicants did a good job in the interviews and that he supports the selection of the two candidates.

Motion

Councilmember Cerqui moved, seconded by Councilmember Brooks, to appoint Doug Fagundes to fill Gerald Albertson's term and Donald Alveshere to fill Grant Neilson's vacant position. Motion carried unanimously.

Council Liaisons

City Manager Worthington referred to the list of intergovernmental committee assignments and asked the Council to review the current assignments for any possible changes during 2009.

Fountain Memorial Name Plates

City Manager Worthington referred to a list of names for possible addition to the Historical Landmark Fountain for the Council's consideration at its January 2009 meeting.

Letter of Intent with Fire District

The item was pulled from the agenda.

Joint Meeting with Parks Board January 20, 2009

City Manager Worthington reported the Council's January study session will be a joint meeting with the Parks Board. Staff is working on the agenda, which will likely include the Brookville Gardens Park and the Parks Board 2009 Work Plan.

CITY MANAGER REPORT

City Manager Worthington reported the meeting is the last Council meeting of the year. He wished the Council, staff, and citizens a good holiday and a happy new year.

COUNCILMEMBER COMMENTS

Councilmembers individually wished staff and citizens a merry Christmas and happy new year.

Mayor Johnson reported the Mayors Forum for December has been cancelled.

ADJOURNMENT

With there being no further business, Mayor Johnson adjourned the meeting at 10:15 p.m.

Barry D. Johnson, Mayor

Steve Marcotte, City Clerk/Finance Director

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