

**City of Puyallup
Regular City Council Meeting
August 13, 2013**

(These minutes are not verbatim. The meeting was recorded, and copies of the recording are retained for a period of six years from the date of the meeting and are available upon request.)

At 6:00 p.m. Mayor Hansen announced an executive session expected to last thirty minutes, the purpose of which was consider the selection of a site or the acquisition of real estate and to consider positions to be taken by the City Council during the course of collective bargaining. City Manager Bill McDonald, City Attorney Kevin Yamamoto, Deputy City Attorney Steve Kirkelie, Mayor Hansen and the councilmembers minus Councilmember Palmer recessed into executive session.

Also present during the executive session was Public Works Director Rob Andreotti for the real estate discussion and Human Resources Director Debi Christensen for the collective bargaining discussion.

Those attending the executive session returned to open session and the meeting reconvened at 6:30 p.m. No action was taken.

COUNCILMEMBERS PRESENT: Mayor Hansen, Deputy Mayor Knutsen, Councilmember Boyle, Councilmember Hopkins, Councilmember Palmer (arrived at 7:23 p.m.), Councilmember Swanson, Councilmember Vermillion

MOMENT OF SILENCE OR REFLECTION – Mayor Hansen called for a moment of silence or reflection for those who are suffering, and referred to the recent death of a business community member.

APPROVAL OF THE AGENDA

Council Action: A motion was made by Deputy Mayor Knutsen, second by Councilmember Hopkins, to amend the agenda by allowing for the addition of a presentation relating to the acceptance of the Budget Excellence Award and the removal of the recommended position reclassification under “Considerations and Requests.” The motion passed 6-0.

Council Action: A motion was made by Councilmember Swanson, second by Councilmember Vermillion, to approve the agenda as amended. The motion passed 6-0.

APPROVAL OF THE MINUTES

Council Action: A motion was made by Councilmember Hopkins, second by Councilmember Vermillion, to approve the minutes of July 9 and July 16, 2013. The motion passed 6-0.

PRESENTATIONS AND/OR PROCLAMATIONS**Proclamation recognizing Art Larson's contributions to the Puyallup community**

Mayor Hansen read and presented a proclamation to Mr. Art Larson recognizing his outstanding service to his country and the Puyallup community. Saying he was humbled by the recognition, Mr. Larson spoke of his family and his values, and invited the councilmembers to his upcoming 90th birthday festivities.

Budget Excellence Award

Mayor Hansen presented Finance Director Cliff Craig with the prestigious finance award bestowed upon the City by the Government Finance Officers Association in recognition of the 2013 budget presentation and budgeting practices. Mr. Craig accepted on behalf of the finance department, noted this was accomplished by a team effort, and credited City Manager Bill McDonald with setting goals and providing direction which made the achievement of the award possible.

CITIZEN COMMENTS

Mr. Keith Henson, Pierce County director of the National Organization for the Reform of Marijuana Laws, spoke regarding the proposed moratorium on marijuana businesses. He described the history and purpose of initiative I-502 and the effects it has had on the previously unregulated industry. He hoped that the intent of the moratorium was not to manipulate Puyallup's zoning and business regulations and preclude the operation of marijuana businesses.

Mr. Tim Mellama identified his business ties to the community and thanked the council and development services staff for being pro-business and pro-growth. He outlined some of the problems he experienced in the past regarding permits and voiced belief that the current council has reversed the past issue of not being pro-business. He additionally voiced appreciation for the actions being taken to lower the city's debt load.

Mr. Larry Parson identified himself as the owner of property on Shaw Road which others have cited as the location of a planned halfway house. He claimed that for seemingly ambiguous reasons, the City has denied multiple building permit applications submitted by him, and said without the necessary permits he is unable to complete improvements that would render this house rentable or salable. He believed his property rights have been denied and reaffirmed that he never intended to operate a halfway house at this location.

Mr. Eric Renz elucidated on two highly effective programs for members of the homeless community: housing with oversight case management, and educating young children at risk through preschool programs such as ECAP. He thanked the council for the opportunity to serve on the Task Force on Homelessness.

Ms. Laurie Monette spoke of her experiences as a homeless individual and how she came to be homeless, and noted how others harshly judge homeless persons. She believed that many good

homeless persons could, with some help, realize positive change. On behalf of homeless individuals, she explained that many are experiencing hard times but do not create problems for others, and not all are bad or unmotivated.

Ms. Corry Glucoft noted her business ownership of Amocat's Speed Emporium which had recently held its 27th annual open house party. She thanked the city for the street closure and the police department for monitoring the event.

An unnamed citizen identified herself as homeless and disabled and said the city has failed to meet the needs of the homeless as far as shelter and basic necessities. She claimed that police officers can be disrespectful and urged that they direct their attention to addressing the problem of gang members who make people feel unsafe.

Ms. Mina Burr announced that she would be placed in an apartment shortly through the Housing and Essential Needs program. She asked that people not lump the homeless into one category, noted that some people have no other place besides the woods to go, and asked that the council help the homeless in any way possible.

Mr. Nathan Schlomer, Freezing Nights program coordinator, thanked the Task Force for its efforts and gave an update on that program's recent reorganizational efforts. He explained that the reorganization included the creation of an administrative leadership team and an overseer group, and he described the functions assigned to each of each of the two groups.

Ms. Paula Anderson, Freezing Nights program coordinator, urged the council to consider recent changes made to the leadership structure of Freezing Nights and discussed the ways in which the leadership team has expressed support for several of the task force recommendations. She asked that council keep in mind the services offered by the Freezing Nights Program to all individuals, regardless of their situation.

Ms. Nicole Martineau believed that some councilmembers were experiencing difficulty in determining which emails are subject to public disclosure and which are protected by attorney/client privilege. In response to the accusations made by Councilmember Vermillion at the last meeting, she informed the council of her submission of a public records request for his emails, in the hope that this would precipitate a more thorough understanding of the process.

Ms. Teri Dunback thanked the Task Force for expending time and effort towards addressing the problem of homelessness and expressed hope that this work would continue.

Ms. Julie Door offered her thanks for the city's sponsorship of National Night Out Against Crime and recognized members of the city council along with representatives from the police and fire departments for their participation.

Mr. Paul Mahoney spoke regarding the proposed transportation grants and asked that the city limit any improvements to Shaw Road to three lanes with a turning lane, bike lane and sidewalk as installing five lanes would require signalization which slows traffic. If, however, another

traffic light is necessary, he suggested the intersections of Forest Green Boulevard or Manorwood Drive be considered.

Mr. Gil Hulsmann recalled five questions regarding mobile homes asked by the council during a discussion on a potential rezone nine months ago. He noted that the Meridian Mobile Park is prepared to spend \$109,000 on property upgrades and asked that council address the issue of whether mobile home parks should be exempted from system development charges. He suggested that an alternative would be to allow property owners to spread sewer fees over a five to ten year period in the interest of maintaining affordable housing.

Mr. Howard Schick recalled a transit center safety crossing concern identified several years ago which stemmed from the station being situated between two parking lots. He spoke to Sound Transit's proposal of a pedestrian overpass and said Sound Transit has the funding and is prepared to proceed with this project, but is unable to secure the city's approval.

Ms. Patty Carter voiced appreciation to the building department staff for their efforts with the educational center permit for the Fish Hatchery that was recently approved. Additionally, she reported on the success of the Clark's Creek rock removal project near the Stewart Street bridge. The removal of tons of boulders, along with the recent elodea and silt removal, has improved the flow of the river. She voiced thanks to the city, state and federal agencies for their collaborative efforts on this project.

CONSENT AGENDA

Authorize agreements with Gene's Towing Inc. and Herb's Towing, for towing and impound services

Approve accounts payable, payroll and electronic fund transfers of \$7,271,407.31; ratifying and confirming payments as previously authorized by the finance director

Acceptance of Railroad Crossing Rehabilitation projects (Meridian, bypass, 12th Street NW and 15th Street SE)

Council Action: A motion was made by Councilmember Hopkins, second by Councilmember Vermillion, to approve the consent agenda. The motion passed 6-0.

PUBLIC HEARING

To consider a resolution declaring the 2002 stormwater vector truck as surplus to the City's needs and authorizing its disposal per City policy

- a) **Public hearing**
- b) **Resolution**

At 7:19 p.m. Mayor Hansen opened the public hearing. There were no public comments and the hearing was subsequently closed.

Council Action: A motion was made by Councilmember Hopkins, second by Councilmember Boyle, to approve the resolution. The motion passed 6-0.

RESOLUTION NO. 2239

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUYALLUP declaring the City of Puyallup's Stormwater Vactor Truck #6551 to be surplus and authorizing the disposal per City policy.

ORDINANCES

Second reading of an ordinance amending the 2013 Budget

Council Action: A motion was made by Councilmember Hopkins, second by Councilmember Boyle, to approve second reading of the ordinance. With a roll call vote, the motion passed 6-0.

ORDINANCE NO. 3047

AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON, relating to municipal finance, amending the 2013 budget adopted by Ordinance No. 3021 and amended by Ordinance 3040, authorizing certain expenditures in the amounts specified in this ordinance to conform with previous direction by the City Council.

Consideration of an ordinance imposing a moratorium on marijuana producers, processors and retailers

Council inquiries touched on the intent of the ordinance and if sixty days provided enough time to study the state regulations and bring forth an ordinance identifying city regulations. Deputy City Attorney Steve Kirkelie explained that the moratorium is a temporary restriction to allow time to review the state rules and decide how those will reconcile with the city's zoning and business license regulations. He reminded council of the legal requirement to hold a public hearing within sixty days of a moratorium's enactment, and voiced belief that some regulations may be available for council's consideration. He advised that moratoriums are widespread throughout the state and said Pierce County has instituted a similar one. If staff needs additional time, council could consider extending the moratorium after the public hearing is held.

Councilmember Palmer arrived at 7:23 p.m.

Referring to negative impacts of marijuana trade and use, Councilmember Vermillion inquired as to the City's ability to ban marijuana sales within its jurisdiction. He did not support the recent legalization of marijuana and associated it with other uses such as strip clubs.

Deputy Mayor Knutsen explained that the complexity lies in the conflict between federal and state law and the fact that Washington voters legalized marijuana last year. Cities are now attempting how to incorporate the regulations that will soon be issued by the Washington State Liquor Control Board to implement the public's directive while also trying to ascertain how the federal government will respond.

Councilmember Swanson concurred with Deputy Mayor Knutsen's assessment, emphasizing that marijuana is listed as a federal Schedule 1 narcotic drug under the *Controlled Substances Act*. He believed the issue would eventually be resolved in court and noted it was not unprecedented for initiatives to be declared illegal or invalid, or otherwise nullified. He quoted from a letter written by U.S. Attorney Jenny Durkan warning that employees would not be exempt from federal prosecution if they assist in the permitting of one of these businesses. He preferred to await a definitive court ruling on this matter rather than put employees in the position of acting in violation to federal law.

Mayor Hansen agreed it would be prudent to consider what other jurisdictions are doing and to take care with the issues identified this evening in regards to federal versus state law. He believed proceeding with a moratorium to be logical and reasonable.

Council Action: A motion was made by Councilmember Boyle, second by Councilmember Hopkins, to approve first reading of the ordinance. The motion passed 7-0.

Council Action: A motion was made by Councilmember Swanson, second by Councilmember Boyle, to suspend the rules and approve second reading of the ordinance. With a roll call vote, the motion passed 7-0.

ORDINANCE NO. 3048

AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON, imposing a moratorium with respect to the acceptance or processing of applications, or issuance of permits and approvals, and uses or activities associated with the producing, processing, or retailing of marijuana and marijuana-infused products.

RESOLUTIONS

Appointments to the Lodging Tax Advisory Committee

Council requested an update from the City Attorney regarding recent changes to the law governing lodging tax funds.

Council Action: A motion was made by Councilmember Hopkins, second by Councilmember Swanson, to approve a resolution confirming appointments to the Lodging Tax Advisory Committee. The resolution passed 7-0.

RESOLUTION NO. 2240

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUYALLUP appointing members to the Lodging Tax Advisory Committee.

CONSIDERATIONS AND REQUESTS**Authorize the application for State grants for three capital improvement transportation projects**

Public Works Director Rob Andreotti explained that staff seeks a commitment of matching city funds for these projects before applying for grants as submitting an application without a commitment of funds would result in the application scoring less points. The projects are for improvements to the Shaw Road corridor, safety and capacity improvements to the 9th St. SW corridor (from 31st to 39th Avenues SW), and pedestrian improvements to Wildwood Park Drive. Mr. Andreotti noted the applications must be submitted by August 23, 2013 and the city would have one year following a grant award to commit the matching funds. He described the project scopes, estimated costs, and the amounts necessary to commit to them, and advised council of the city's ability to use Local Improvement Financing Tool (LIFT) grant funds towards the 9th Street SW project.

Councilmember Hopkins identified council's prior approval of the Milwaukee bridge matching funds by accepting the \$10 million federal grant. Mr. Andreotti confirmed this and reported that the city is applying to the Transportation Improvement Board (TIB) for that project. Councilmember Hopkins voiced apprehension regarding the city's \$2.6 million share of matching funds for the Shaw Road corridor improvements, however worthy of a project, due to the lack of an identified funding source.

In response to a question by Councilmember Vermillion, Mr. Andreotti explained that as Shaw Road was constructed as a two-lane ribbon of asphalt, it would be necessary to conduct a full dig-down to widen it to three lanes plus a bicycle lane. Additionally, the city would be required to incorporate new stormwater guidelines into the project.

Councilmember Swanson commented on his support for the projects but asked if the city stood to lose TIB points for not widening Shaw Road to five lanes instead of three. He noted that constricting the project may increase pedestrian safety and asked about plans for any new stoplights along Shaw Road. Mr. Andreotti responded that the TIB had recently changed its rules and scoring system, and safety is now one of the factors considered. Engineering design standards would determine the need for a new traffic light.

Councilmember Palmer questioned if utility funds could be used towards the \$2.6 million city match for Shaw Road and if the proposed design allowed for some flexibility. Mr. Andreotti

confirmed the city's ability to use storm, sanitary and water utility funds as part of the matching funds; however, he would have to investigate whether a separate bike trail/walkway could be incorporated.

Deputy Mayor Knutsen warned that as Shaw Road is expanded, it will attract more traffic, and he identified property on the east side of the road as having development potential. He believed that widening to three lanes was a good solution and sought assurance that the finance department has projected far enough in advance so that matching funds will in fact be available.

Councilmember Boyle suggested performing a traffic impact analysis to ensure that three lanes would be sufficient on Shaw Road even if future development brings retail uses and warehouses to the area near Pioneer, as previously discussed.

Council Action: A motion was made by Councilmember Swanson, second by Councilmember Vermillion, to approve the application for the three State grants. The motion passed 5-2 (Hopkins, Boyle).

Grant an easement to Michael and Robin King across City-owned property adjacent to the Water Pollution Control Plant for the purposes of ingress/egress, vegetation management and security

Council Action: A motion was made by Councilmember Boyle, second by Councilmember Vermillion, to authorize the City Manager to execute the easement, subject to conditions. The motion passed 7-0.

OTHER BUSINESS

Report from Task Force on Homelessness

Troy Christensen, who facilitated the Task Force on Homelessness, reported that after having met on four occasions and holding two public hearings, the task force prepared its findings and recommendations in response to Council's direction that it address specific questions, as follows:

1. What are the current impacts of chronic adult homelessness to various sectors of the community?
2. What services are currently provided for homeless adults within the city of Puyallup, and do they include resources for substance abuse, mental health, etc.?
3. In what ways could current homeless programs be changed to reduce impacts?
4. Are there untapped partnerships that could decrease negative impacts? and
5. Should the current 48-hour exemption in the encampment ordinance be revisited and/or should other code amendments be enacted?

Mr. Christensen reviewed the specific recommendations of the task force, noting that where complete consensus was not reached, the task force forwarded the recommendations which received a majority vote of its membership.

Councilmember Vermillion said even if Sound Transit assigned a security officer to its Puyallup station, any activity occurring beyond property owned by the transit authority would fall under the purview of Puyallup's police department. He agreed it was a small minority of the homeless population which causes problems and encouraged the promotion and coordination of resources, including shelter, for veterans.

Responding to Councilmember Swanson, Mr. Christensen anticipated that the suggested daytime multi-service/drop-in center would be located out of the downtown core.

Councilmember Swanson said the drop-in center could be used to not only connect resources with those who need them, but also as a drop-off and pick-up location for the Freezing Nights program. He added that Puyallup needs these service providers and supported the recommendations which came from the task force.

Councilmember Hopkins agreed and advised that the recommendations be adopted in their entirety, after which the city should evaluate and monitor how the changes are put into effect.

Deputy Mayor Knutsen appreciated that the task force followed Council's directive that it focus on the problem of chronic adult homelessness. He was concerned, however, that the report did not address the expected arrival in the late fall and early winter of homeless from out of the area and said he was not comfortable with forcing Puyallup's citizens to accept this and deal with the consequences. He encouraged additional work to pinpoint problems and resolve them.

Councilmember Palmer said although the task force has determined a common ground, it remains to be seen how services to the homeless will be supported while addressing problems that arise because these programs exist.

Mr. Christensen explained the task force's recommendation that the City expand its encampment ordinance as it currently applies only to a tent city or mobile transitional shelter. The idea was that broadening this ordinance to all forms of shelter could help carry out the recommended policies.

Councilmember Boyle noted that most problems occur during the winter months. He appreciated that new conduct-related rules will be in place and thanked the non-profit community for the services they provide, for engaging in these discussions, and for this step in the right direction.

Mayor Hansen pointed out that the central issue of homelessness is the lack of adequate housing and recalled his suggestion years ago that the north Puyallup fire station be repurposed as a day shelter. He expressed gratification for the results obtained by the process undertaken by the task force.

Council Action: A motion was made by Councilmember Swanson, second by Councilmember Hopkins, to conceptually accept the report from the Task Force on Homelessness and later review the guidelines for implementation as advised by the City Manager. The motion passed 7-0.

CITY MANAGER'S REPORT

Mr. McDonald noted that this week represented his one-year anniversary with the City of Puyallup.

COUNCIL REPORTS

Councilmember Hopkins pointed out that the pedestrian overpass was one of the recommendations identified in the *Sound Transit Access Study*, and recalled that during the joint meetings there had been no council objection to that, or to bike lanes or pedestrian facilities. He stated that an opportunity will be given during the Comprehensive Plan meetings for the public to provide input on parks and recreational programs. He recognized the finance department for the city's receipt of the prestigious budget award and appreciated the legal department's success in resolving multiple lawsuits.

Councilmember Swanson announced that Building Code Official Ray Cockerham has received many recent compliments about his work. He reported on his participation with the National Night Out Against Crime event, commented fondly on the City's 1941 Mac fire truck present at the event, and thanked those who participated. He noted his attendance at the AUSA's Great American Picnic and expressed hope that the event could be hosted in Puyallup next year.

Councilmember Palmer added his thanks to the city attorney for his legal expertise and the favorable resolution of numerous lawsuits.

Councilmember Boyle acknowledged Finance Director Cliff Craig and his staff for the city's recent receipt of a prestigious finance award. He further thanked the parks and public works departments for their efforts to maintain the parks this summer.

Regarding allegations made at a previous meeting relating to the release of an email, Councilmember Boyle stated that the city attorney has confirmed that the email was not a privileged document, thus no felony was committed. He elucidated on his 15 years of service to the community and objected to false accusations having been made. He questioned the motive behind Mr. Vermillion's actions, and referred to an email from Mr. Vermillion to a constituent which made a derogative reference to unnamed persons. He wondered about the effect this type of action has on the community and urged citizens to demand a united leadership.

Deputy Mayor Knutsen noted his attendance and participation at the senior luncheon, and stated that the City actually owns not one but two fire trucks. He voiced his understanding that the email referred to by Councilmember Boyle was not privileged information; however, this communication represents a trust between the city attorney and councilmembers and it is inferred that it should not be shared. He believed the rivalry to be politically motivated and recalled a time when Councilmember Boyle believed him to be the cause of all the problems.

Councilmember Vermillion voiced belief that his information was factual, that the e-mail was not intended to be released to the press, and that the action was wrong in that it had negatively impacted two individuals. In response to Ms. Martineau's request for his emails, he explained

that, as an elected official he communicates with many individuals; however, in the absence of a subpoena, he refused to provide his personal emails as sought in the public records request. He reported on his attendance at the National Night Out Against Crime event, the senior luncheon, and the grand opening for the new South Hill Firestone store. He spoke highly of the Concerts in the Park program, but voiced concern with the low attendance for the Bradley Lake Park events. He reported that Pierce Transit has received enough sales tax revenue to continue with current service levels through 2013 and part of 2014.

MAYOR'S REPORT

Mayor Hansen remarked that in his numerous years of public service he had never met so many mean-spirited individuals, despite there being so many nice, warm and caring individuals within the community. He expressed appreciation to Mr. McDonald for his first year of incredible service and to Mr. Andreotti for assuming responsibility in the absence of the city manager, city attorney and the mayor. He spoke positively of the National Night Out Against Crime and voiced regret at not having been able to attend this year's event.

ADJOURNMENT – 8:47 p.m.

Brenda Arline, City Clerk