

**City of Puyallup
Regular City Council Meeting
May 20, 2014**

(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.)

COUNCILMEMBERS PRESENT: Mayor Knutsen, Deputy Mayor Hopkins, Councilmember Door, Councilmember Palmer, Councilmember Shadko, Councilmember Swanson, Councilmember Vermillion

APPROVAL OF THE AGENDA

Council Action: A motion was made by Deputy Mayor Hopkins, second by Councilmember Vermillion, to reverse the order of items listed under “Ordinances,” and approve the agenda as amended. The motion passed 7-0.

APPROVAL OF THE MINUTES

Council Action: A motion was made by Deputy Mayor Hopkins, second by Councilmember Vermillion, to approve the April 22, 2014 minutes as presented. The motion passed 7-0.

PRESENTATIONS AND/OR PROCLAMATIONS

Presentation to Chief Jeter by Code 4 Public Safety Education Association

Joe Puckett, Executive Director of Code 4 Public Safety Education Association, introduced Code 4 as a non-profit organization dedicated to providing support and training for public safety agencies in various states. He presented an outstanding service award to the administrative division of the police department, recognizing the efforts of Donna Harris, Kari Lucey, Lt. Ed Shannon, Captain Scott Engle, Deputy Chief Dave McDonald and Chief Bryan Jeter.

COMMITTEE REPORTS

Deputy Mayor Hopkins reported on the recent meeting of the Ad Hoc Appointments Committee to discuss various aspects related boards and commissions. The committee recommends: that term lengths of four years be implemented where possible; that term limits of two consecutive terms be implemented with the exception of the Design Review and Historic Preservation Board and where such term limits would not conflict with other regulations; that chairman guidelines be shared with new board members and explained by staff; and that incumbents be interviewed first to determine the need to interview all candidates. Deputy Mayor Hopkins explained that these recommendations will be brought back to Council for its consideration.

Councilmember Door noted her attendance at the recent LEOFF conference, which assisted her in better understanding the duties of the board. She advised that the Puyallup Main Street

Association has moved from the Community Resource Center building and will soon remove its sign from that location.

Councilmember Swanson added that the Ad Hoc Appointments Committee worked to ensure that the new term limits would not affect any current member's length of service.

Councilmember Vermillion shared that the Pierce Transit Board is very supportive of Puyallup's new Community Connector service. He reported that the Pierce County Regional Council discussed possible amendments to the Urban Growth Area and voted not to approve any of them; as a result, Pierce County must change its Comprehensive Plan. He announced that the Point Defiance Zoo recently acquired two black bear cubs which will shortly be available for public viewing.

CITIZEN COMMENTS

Mr. Gabe Boettger described his sharing of his opinion about Councilmember Vermillion in the Puyallup Patch online paper and considered the response received to be disgraceful and evidence of poor decision-making skills. He believed that politicians should be able to accept criticism and resist being baited into controversy.

Ms. Dixie Gatchel noted an article in the *Rails to Trails* magazine on how these programs are transforming America and invited Council to attend the upcoming JEB III Link dedication. Referring to the beauty of the Shaw/Pioneer area, she suggested that some land be preserved as agricultural, agreed that landowners deserve just compensation for their land and said developers should help mitigate impacts by paying for trails. She issued a reminder regarding the upcoming Rainier to Ruston relay.

Ms. Miranda Boettger concurred with her husband's assessment of Councilmember Vermillion's behavior, voicing concern that Councilmember Vermillion would engage a citizen with such language and wondering at the impact his actions have had on the city. She did not believe that taxpayers should have to pay for his defense and she stated her intent to request an accounting of how much the city has expended on his legal fees.

Ms. Joan Cronk urged approval of the additional design standards proposed for the Shaw/Pioneer area. She affirmed the belief by numerous residents that the area should be developed in a conscientious manner, agreed that landowners deserve to receive a fair price and pointed out that the original 2009 plan did not envision warehouses of the magnitude proposed by the developer.

Mr. Paul Mahoney reported on the recent letter carriers food drive and recognized many who helped make it successful. In regards to the Shaw/Pioneer overlay, he voiced hope for quality development that will include some buffers and screening. He felt that those who did not support the rezone should not be saddled with substantial warehouses and heavy truck traffic and was concerned that taxpayers will be burdened with the responsibility of maintaining this area's infrastructure once the project is complete.

Ms. Lora Van Lierop urged Council to follow the recommendations of the Planning Commission and not extend the Shaw/East Pioneer overlay. She believed that she and her husband deserved

the same rights as all other property owners, rebuked Councilmember Palmer and Deputy Mayor Hopkins for their actions and Councilmembers Shadko and Door for their views on this issue, and asked that Council seriously consider the ramifications this decision will have on her family.

Mr. Neil Van Lierop referred to the zoning agreement previously approved by all interested parties and believed that the city was now attempting to change the terms of that agreement by bullying the property owners. He pointed out that empty land does not generate as many taxes and revenues as property that has buildings and businesses, felt that the property owners have been treated poorly, and asked that council not extend the overlay.

Ms. Loli Mahoney stated that the government owns all property, which individuals pay taxes to rent, and thus real property is owned only in a communal sense. Saying that the government is the people which it governs, she said their wants and desires should therefore be represented. She asked that her representatives on the council vote for what is best for the community as a whole and its future rather than for what is good for one individual at the present time.

Ms. Karen LaFlamme representing the Washington State Fair, voiced appreciation to the Mayor, Council, city staff and the neighborhood for their care and concern regarding the recent fire at the Fairgrounds. She further acknowledged Central Pierce Fire and Rescue for its excellent response to the incident.

Mr. Tom Taylor appreciated the Van Lierops' contributions to Puyallup but voiced concern over what will be left behind when they leave. He pointed out that all owners have restrictions placed upon their property and did not feel that rezoning a portion of the Van Lierop property had been in the best interest of the community. He stated that the Van Lierops had many options available to them and added they had benefitted from low taxes for decades. He encouraged council to take the needs of the community as a whole into consideration when deciding this issue.

Mr. Spencer Mayes reiterated that the development application submitted by Schnitzer West is vested under state law and reaffirmed the developer's commitment to work in good faith on this project. He characterized the proposed changes as an attempt to revert the property back to its prior MP zone, pointed out that it would be the only ML-zoned property in the city with an overlay, and felt that the attempt to impose additional development standards was punitive to the Van Lierops. He questioned why a similar project on Valley Avenue, also zoned ML, was not subject to the same requirements.

Mr. Tom Maskell suspected that most citizens do not want a sea of warehouses in the Shaw/Pioneer area. He explained that by law, the city is required to provide certain properties outside of its jurisdiction with water and sewer service but has no control over what can be built. Noting that an adjacent landowner who did not annex to the city happily retained his EC zoning in the county, he said that Puyallup's treatment of those who did annex ensures that additional property owners will not. He concluded that this dynamic will render the majority council responsible for warehouses built in the county.

Mr. Howard Schick pointed out that the Van Lierop decision was made 15 years ago by a previous council and he believed it was time to move forward and allow Mr. Van Lierop what he needs, wants and is entitled to. Referring to comments made towards Councilmember

Vermillion, he voiced intolerance for criticism of military veterans from those who have no knowledge or experience of military responsibility.

Ms. Patty Carter reported on the grand opening of the Puyallup Fish Hatchery's Educational Center and noted that work was underway on a freeway sign directing visitors to the facility. She further discussed a recent ceremony where the Puyallup Historical Fish Hatchery Foundation received a 2014 "Educator of the Year" award. She recognized the many volunteers who donated time and energy towards the Education Center and spoke of efforts to create a volunteer tour guide training program and incorporate the hatchery program into local school curriculum.

Mr. Bud Metzger valued the preservation of the hatchery and thanked the Puyallup Tribe for its contributions. In regards to the Shaw/Pioneer issue, he believed it important to retain some of this area's heritage. He said the Planning Commission had recommended against the rezone because it was wrong and added that private meetings with developers are also wrong. He concluded that mistakes were made by many parties and expressed his support for the proposed overlay in the interest of ensuring compatibility.

CONSENT AGENDA

Acceptance of a Green Partnership Fund grant for the Puyallup NeighborWoods Program

Acceptance of the 4th Avenue Water Main Replacement project as complete

Award a construction management services contract to KPG in an amount not to exceed \$119,883.12 for the 39th Ave SE Overlay project

Award a contract to Tucci & Sons in an amount not to exceed \$848,735.00 for construction of the 39th Avenue SE Overlay project

Approve and award a contract to Aqua Dive Services, LLC in an amount not to exceed \$160,492.54 for the 2014 Clarks Creek Elodea Management project

Approving accounts payable, payroll and electronic fund transfers of \$4,697,850.80; ratifying and confirming payments as previously authorized by the finance director

Deputy Mayor Hopkins requested the removal of the Clarks Creek Sediment Removal demonstration project for additional discussion.

Council Action: A motion was made by Deputy Mayor Hopkins, second by Councilmember Vermillion, to approve the consent agenda with the removal of the item relating to the rejection of the Clarks Creek Sediment Removal demonstration project for additional discussion. The motion passed 7-0.

Declare the sole bid received for the Clarks Creek Sediment Removal Demonstration Project as unresponsive, and accordingly reject it

Deputy Mayor Hopkins identified this project as one of the recommendations from the Clarks Creek Elodea Task Force. He explained that over time, the project was modified to where it would address an area only 200 feet long (1/75 of the creek) and remove just two out of six and a half feet of silt/sediment; thus it would not have achieved the results envisioned and would not justify the amount of money spent. He discussed the effects of the 15th Street NW project on Clarks Creek, identified other projects expected to also have a positive effect, and suggested that the matter of sediment control should be addressed before proceeding with silt removal.

Council Action: A motion was made by Councilmember Palmer, second by Deputy Mayor Hopkins, to declare the sole bid as unresponsive and reject it as recommended by staff. The motion passed 7-0.

ORDINANCES

First reading of an ordinance regarding the abatement of trash nuisances

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

Final Participation Agreement with South Sound 911

City Manager Bill McDonald explained that if Council approves the agreement it would then be presented to the South Sound 911 board, after which the current multi-jurisdictional agreement would need to be amended. He recommended approval of the agreement as he believed it to be beneficial to Puyallup both financially and operationally, and advised it be approved before the upcoming budget cycle.

Mayor Knutsen voiced opposition as the agreement untruthfully states that the citizens of Pierce County voted for the 911 system and the joining of all cities and dispatch centers.

Councilmember Vermillion also voiced non-support due to language in Paragraph 4.11 which identifies the Puyallup dispatch facility as being available as a back-up communications center for training, special events and in the event of a natural disaster. He was not ready to relinquish control of the dispatch of Puyallup's public safety personnel to an outside agency, agreed with the mayor that voters had been misled, and did not believe that SS911 would successfully address the various public safety issues raised during its campaign.

Council Action: A motion was made by Deputy Mayor Hopkins, second by Councilmember Swanson, to approve Option One of the final participation agreement. The motion passed 5-2 (Vermillion, Knutsen).

First reading of an ordinance expanding the Shaw-East Pioneer Overlay Zone to certain Limited Manufacturing-zoned parcels on the north side of East Pioneer Way

City Attorney Kevin Yamamoto clarified that the ordinance would not apply to any of the Commercial Mixed Use (CMX) or the General Commercial (CG) zoned properties but only to the Limited Manufacturing (ML) property.

Councilmember Palmer believed the overlay was needed to ensure that industrial development is compatible with the community and other area zoning. He explained it would supplement the ML base zoning by increasing perimeter landscaping requirements, positioning truck bays away from the public view when possible, adding design features for large blank walls, limiting building sizes and setting aside 20% of the site for landscaping. He expected these changes to minimize the impacts of any industrial project and said as other cities also have provisions for industrial zones, Puyallup would not be unique. He spoke of his attempts to be fair to the Van Lierops in a way that takes the community at large into consideration, saying that the 2009 plan represented balance and compromise yet the plans to construct a 470,000 square-foot warehouse have resulted in community concern. He believed the proposed measures to help mitigate impacts to be reasonable and said they were not an attempt to take away property rights.

Councilmember Vermillion pointed out that as the Schnitzer West project is vested, the overlay would not apply to that project unless a large enough modification was made which placed it in a different design phase.

Councilmember Vermillion mused on the irony that by imposing the moratorium, the city may have forced Schnitzer West to submit a site plan in direct discordance of the community vision for the area. He pointed out the result is a large building which the city cannot modify to align with citizen input and concerns, and stressed that the better alternative would have been to work with the developer to achieve a project that would have been more amenable to everyone.

Councilmember Swanson asked that the full-color map of the current zoning for the entire area be made available to the public. He suggested adding language to the ordinance upon second reading to reference the partial annexation which was completed in 2011 based on the work done in 2008 and 2009, emphasizing that no zoning consistency could be achieved without annexing the remaining area and advising that the city revisit its vision for the entire 380-acre area.

Noting that the issue has created much distress for all involved parties for many years, Deputy Mayor Hopkins emphasized that the overlay would not be extended to the CMX or CG zones contrary to the expressed intention of a previous council. He questioned if property owners in this area consider themselves to be better off now than they were last year, prior to the rezone which was approved in December.

Mayor Knutsen believed that many residents were not concerned about this issue and said citizens have the right to do as they wish with their property. He voiced concern that District I constituents were being punished by improper Council decisions. He agreed with Councilmember Vermillion regarding the detrimental effects of Council's involvement and suggested that if the decision had been left to Development Services, the city would not have found itself in this situation. He believed the moratorium had resulted in angry property owners who will experience negative consequences.

Councilmember Door spoke to her obligation to represent her constituents and the best interest of the public. Noting that the proposed standards will apply only to future projects, she briefly reviewed new requirements contained in the overlay which she considered beneficial. She

recognized the desire voiced by citizens to preserve the area as well as possible and explained that the intent was to respond to community concerns and ensure future, quality development.

Councilmember Shadko agreed that the issue is divisive, the problem was inherited and the overlay represented an attempt to rectify the situation. Expressing the need to look at the bigger picture, she said a building of this magnitude will change the nature of the Shaw/East Pioneer area.

Mayor Knutsen, Councilmember Vermillion and Councilmember Swanson all voiced an inability to attend the proposed special meeting for May 28th.

Council Action: A motion was made by Councilmember Palmer, second by Deputy Mayor Hopkins, to approve first reading of the ordinance and to establish a special meeting for Wednesday, May 28, 2014 at 6:30 p.m., to consider second reading of the ordinance. The motion passed 4-3 (Knutsen, Vermillion, Swanson).

COUNCIL REPORTS

Councilmember Vermillion offered to talk with citizens after the meeting to discuss issues raised during citizen comments.

Councilmember Shadko spoke of the following upcoming events: the Veteran's Day event scheduled for Monday, May 26th at the Pioneer Park Pavilion and the ribbon cutting ceremony for the JEB III Link ribbon cutting ceremony on Saturday.

Councilmember Palmer recognized Kalles Jr. High for their "Logan Fest" event, a basketball tournament in support of children with cancer. He also noted the recent 5K walk at Bradley Lake Park to help raise awareness of Angelman syndrome.

Deputy Mayor Hopkins also spoke of the Memorial Day event, scheduled to begin at 1:00 p.m. at the Pavilion. He felt that the JEB III ceremony should be a good event, appreciated the work done by staff for this event and acknowledged Councilmember Palmer for his research that saved funding for the JEB III Link. He thanked Finance Director Cliff Craig and his staff for their efforts which led to the city's bond rating being upgraded.

MAYOR'S REPORT

Mayor Knutsen referred to efforts to prepare for Meeker Days. He said although he has not been criticized for the manner in which he legislates and represents his constituents, he has been criticized for how he communicates and speaks to citizens. He voiced appreciation for the compliments made to Councilmember Vermillion and himself on their representation.

ADJOURNMENT- 8:07 p.m.