

**City of Puyallup  
Regular City Council Meeting  
May 7, 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 5:45 p.m. Deputy Mayor Knutsen announced an executive session expected to last forty-five minutes, the purpose of which was to: consider the minimum price at which real estate will be offered for sale; evaluate complaints brought against a public employee; discuss potential litigation to which the City is likely to become a party; and review a collective bargaining proposal made during negotiations. City Manager Bill McDonald, City Attorney Kevin Yamamoto, Deputy City Attorney Steve Kirkelie, Public Works Director Rob Andreotti, Development Services Director Tom Utterback, City Clerk Brenda Arline, Deputy Mayor Knutsen and the councilmembers recessed into executive session. Those attending the executive session returned to open session and the meeting reconvened at 6:39 p.m. with no action taken.

**COUNCILMEMBERS PRESENT:** Deputy Mayor Knutsen, Councilmember Boyle, Councilmember Hopkins, Councilmember Palmer, Councilmember Swanson, Councilmember Vermillion

**COUNCILMEMBERS EXCUSED:** Mayor Hansen

**APPROVAL OF THE AGENDA**

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

**APPROVAL OF THE MINUTES**

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

**PRESENTATIONS AND/OR PROCLAMATIONS**

**Proclamation: National Public Works Week**

Deputy Mayor Knutsen presented a proclamation declaring the week of May 19-25, 2013, to be Public Works Week in recognition of the vital importance of public infrastructure, facilities and services to the health, safety and well-being of all. Public Works Director Rob Andreotti accepted the proclamation on behalf of the City's public works professionals.

**Proclamation: National Police Week and National Peace Officers Memorial Day**

Deputy Mayor Knutsen presented a proclamation declaring the week of May 12-18, 2013 as National Police Week, and proclaiming May 15, 2013 to be Peace Officers' Memorial Day in

honor of those law enforcement officers who have made the ultimate sacrifice in service to their community. Chief of Police Bryan Jeter accepted the proclamation on behalf of the survivors of the fallen heroes.

### **Proclamation: Mental Health Awareness Month**

Deputy Mayor Knutsen presented a proclamation declaring the month of May, 2013 as Mental Health Awareness Month and May 9, 2013 as Children's Mental Health Awareness Day in recognition of the importance of mental health to the vitality of families, businesses and communities. Angela Sage and Runa McFarland accepted the proclamation on behalf of Good Samaritan Behavioral Health/Multicare.

### **Citizen Lifesaving Recognition**

Judy Murphy, EMS Administrator for Central Pierce Fire & Rescue, presented Esabella Hinton with a citizen lifesaving recognition award for heroic efforts in an emergency situation involving a work accident suffered by her father. Chief of Police Bryan Jeter and Puyallup Officer Rob Kearney joined in presenting the award to Ms. Hinton.

### **CITIZEN COMMENTS**

Ms. Joan Cronk believed the Sounder transit station to be an amenity which has improved Puyallup, and expressed her appreciation for the actions of past Councils for their vision with respect to this facility. Noting that Sound Transit plans to spend up to \$52 million for station and parking improvements in Puyallup, she urged the reaching of an agreement as to what improvements should be made.

Ms. Heather Shadko thanked the city for supporting its parks and special events such as the recent Families in Motion event on the Riverwalk Trail.

Mr. Daniel Smith spoke to the many attributes contained in Puyallup's downtown such as Pioneer Park, the library, City Hall and the Pavilion, all of which were accomplished due to vision and planning. On the subject of Sound Transit, he said Puyallup serves as the hub for eastern Pierce County and draws people in from other communities to access or work at its medical facilities and Pierce College, among other large employers. He encouraged looking forward to the future and preparing for it as was done in the past.

Mr. Bud Metzger voiced appreciation of the city's staff and said the average amount of property taxes paid by residents is a fair sum for the amount of services received. He questioned the proposal to eliminate the usage rate surcharge for water and sewer services and encouraged that this subject be studied further so all of the relevant issues are understood before action is taken.

Mr. John Ernest Berry III noted his support for the "Jeb3Way," a trail spur between the southern Shaw Road overpass intersection with Pioneer Way East, which will connect with the East Puyallup trailhead of the Foothills Trail. He inquired when it would be completed.

Mr. Robin Ordonez spoke regarding system development charges and utility rates, and expressed his belief that these should be tied to infrastructure costs. He opposed requiring citizens to subsidize costs for non-residents, and disputed statements that there is no difference in cost to provide these services outside of Puyallup's city limits.

Ms. Karolyn Paradise, representing her son who lives in the 100 block of West Meeker, expressed her frustration with a perceived lack of enforcement of an order for protection from unlawful harassment. She recounted an incident on April 16<sup>th</sup>, which was reported to police, and explained that the city's prosecutor reviewed the case but declined to file charges. She wondered if this constituted discrimination against young adults and concluded that her son has lost confidence in his ability to be safe in the community.

Ms. Patty Carter, representing the Puyallup Fish Hatchery, reported that the hatchery had entered into a five-year Memorandum of Understanding with the State and will soon open an educational center to include hands-on displays. Visitors to the hatchery will be instructed in watershed preservation and efforts to restore Clarks Creek.

Mr. Chris Taylor said the hatchery anticipates distributing over 280,000 fish this year to lakes in Pierce County. He suggested ways to improve the meeting format for study sessions and questioned why the mayor was included in the local delegation trip to Washington, D.C. when his term will expire at the end of this year, and he is not eligible for re-election.

Mr. Merv Swanson commended a previous council for its insight in seeing the need for the Shaw Road overpass and accomplishing its construction. He reiterated his concerns regarding coal trains and oil trains which may dramatically increase in number, saying if a car derailed, it would prevent emergency access between the north and south sections of the city. He asked if the city will construct an elevated crossing in the west end to address the problem.

### **CONSENT AGENDA**

**Accept a Green Partnership Fund grant in the amount of \$10,000 for the Porous Driveway Initiative project**

**Resolution setting a public hearing on a petition to vacate a portion of 5<sup>th</sup> Street SW in the vicinity of 30<sup>th</sup> Avenue SW**

**Approving easements to Qwest and Puget Sound Energy to facilitate the undergrounding of utilities on 3<sup>rd</sup> Street SW**

**Approving agreements with PSE pertaining to the underground conversion of its facilities located in 3<sup>rd</sup> Street SW**

**Approve accounts payable, payroll and electronic fund transfers of \$5,669,333.00; ratifying and confirming payments as previously authorized by the finance director**

**Council Action:** A motion was made by Councilmember Boyle, second by Councilmember Hopkins to approve the consent agenda as amended to remove item #6 for separate consideration. The motion passed 6-0.

**RESOLUTION NO. 2231**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUYALLUP** setting a public hearing on a petition to vacate that portion of 5<sup>th</sup> Street SW that lies south of the north property line of parcel 0419041014 a distance of 376.17' to the right-of-way of 30<sup>th</sup> Avenue SW

**Approve and accept the 911 Communications Center project**

Responding to Councilmember Hopkins, Mark Palmer, City Engineer, confirmed that the replacement of furniture damaged in the move from the previous location to the current facility will be achieved via a separate contract process.

**Council Action:** A motion was made by Councilmember Hopkins, second by Councilmember Palmer to approve item #6 as presented. The motion passed 6-0.

**PUBLIC HEARINGS**

**WSU Puyallup Research & Extension Center Development Agreement**

Katie Baker, Associate Planner, explained that the proposed agreement is an interim development agreement which would authorize staff to review and issue two pending building permits at the WSU Extension Center, each valued over \$150,000, while deferring associated street frontage improvements. WSU would still be subject to a future long-term development agreement that would establish a methodology for future frontage improvements, completion of its Master Plan process, and full city review of all building permit applications to ensure adherence to applicable Code standards.

Responding to questions, Ms. Baker said under current Code, most projects such as this are required to accomplish frontage improvements for the entire property; however, the frontage area of most projects is much smaller. WSU Extension, in contrast, has an atypically large amount of frontage. Because of this, she expected that the long-term development agreement would provide for an incremental or phased accomplishment of street frontage improvements.

Deputy Mayor Knutsen questioned the requirement for frontage improvements for projects located a substantial distance from the street. Councilmember Boyle added that the expense of the frontage improvements far exceeds the value of the building permits being sought.

Deputy Mayor Knutsen opened the public hearing at 7:25 p.m.

Dr. John Stark, director of WSU Puyallup, clarified that the permits are not new construction but for the renovation of two existing buildings. He thanked the city for its cooperation in moving these projects forward.

Mr. Chris Taylor commented that street frontage improvements might not be an amenity in that particular area of the city.

Mr. Merv Swanson said the WSU property has long been an asset to Puyallup. He believed the frontage improvements were not necessary and that requiring them would take away from the principle of education and funding for higher education.

Mr. Steve Hastings appreciated the approach of incremental improvements, saying sidewalks were needed on Fruitland and will be needed on Pioneer as well. He agreed that WSU was a good partner with the city in matters of urban development and environmental science.

Seeing no one else wished to speak, Deputy Mayor Knutsen closed the public hearing at 7:28 p.m.

Councilmembers expressed interest in reviewing the applicable sections in Puyallup's Municipal Code to ensure coordination with the City's NPDES permit with respect to Low Impact Development, and to evaluate the necessity of requiring sidewalks, curb and gutter along streets which front property that is primarily agricultural in nature.

**Council Action:** A motion was made by Councilmember Hopkins, second by Councilmember Palmer to approve the proposed development agreement with the WSU Puyallup Research & Extension Center. The motion passed 6-0.

## **Orchard Hill Annexation**

### **a. Public hearing on the pre-annexation zoning**

Ms. Baker reported that subsequent to Council's having approved first reading of the annexation ordinance on February 5 of this year, the Boundary Review Board declined to invoke jurisdiction. The Planning Commission recommended establishment of RS-08 (single family residential, 8,000 square foot minimum lot size) for this area upon its annexation.

Deputy Mayor Knutsen opened the public hearing at 7:35 p.m.

Mr. Tom Weston urged approval of both the annexation and the recommended pre-annexation zoning.

Mr. Adam Hine said while he did not support the annexation, he believed the application of RS-08 zoning to be correct.

Seeing no one else wished to speak, Deputy Mayor Knutsen closed the public hearing at 7:37 p.m.

**b. Second reading of an ordinance approving the annexation and adopting zoning**

**Council Action:** A motion was made by Councilmember Vermillion, second by Councilmember Palmer to approve second reading of the ordinance approving the Orchard Hill annexation and adopting zoning. The motion passed 6-0 with a roll call vote.

**ORDINANCE NO. 3039**

**AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON,** providing for the annexation of certain real property commonly known as the Orchard Hill Annexation Area, subject to assumption of indebtedness, and adoption of preannexation zoning controls for such property as provided in PMC 20.05.050.

**ORDINANCES**

**Second reading of an ordinance amending the 2013 Budget**

Councilmember Hopkins pointed out the turnaround in the city's financial condition, noting that this was the first time in recent years that a surplus was achieved. In contrast, in 2011, reserves were drawn down by \$750,000.

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

**ORDINANCE NO. 3040**

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

**Second reading of an ordinance removing certain RS-08 zoning performance standards (West Hills)**

**Council Action:** A motion was made by Councilmember Palmer, second by Councilmember Boyle to approve second reading of the ordinance. The motion passed 5-1 with a roll call vote (Hopkins).

**ORDINANCE NO. 3041**

**AN ORDINANCE OF THE CITY OF PUYALLUP, WASHINGTON,** amending Ordinance No. 2923 to remove

requirements for “Fruitland Avenue frontage treatment” and “25% single story units”.

**Second reading of an ordinance eliminating the usage rate surcharge for water and wastewater customers who are located outside city limits**

Councilmember Palmer explained that state law allows jurisdictions to impose differential rates for the provision of utility services to properties inside and outside their boundaries. He believed that legitimate reasons existed to impose higher rates for non-residents, including the fact that development density is often less for non-city properties, which results in a higher infrastructure replacement cost for each account.

City Manager Bill McDonald reported that the projected loss of revenue if the surcharge was eliminated would be \$126,000 per year.

Councilmember Palmer believed that making this change would lead to higher rates for residents and that eliminating the surcharge altogether would be irresponsible. He suggested remanding this matter to staff for evaluation of an alternate surcharge such as 25%.

Councilmember Boyle agreed that a detailed financial analysis of this change had not yet been conducted. Noting that over ten years, the revenues lost would amount to \$1.26 million, he urged a review of actual costs and questioned assertions that it does not cost more to deliver these services outside of the city limits.

Councilmember Swanson supported the change, saying that state law does not grant a blanket right to impose a surcharge. He believed this was imposed solely for the purpose of driving annexations and pointed out that the City provides utilities to a certain service area which extends beyond its city limits. He did not believe that the surcharge had been appropriately justified and said Council should correct this error at this time.

Councilmember Hopkins believed it had been justifiable to impose the surcharge before the City adopted its cost-allocation model. Now that the model was in place, however, a 50% surcharge could no longer be justified; however, he was concerned that Puyallup residents not subsidize the cost of utilities to those located outside of the city limits, especially as this would violate state law. He hoped that staff would review this and return with a justifiable surcharge for imposition.

Mr. McDonald responded that as this matter was a policy question for Council, Council could either approve it or direct staff to return with additional financial analysis.

Councilmember Swanson emphasized that state law was clear that jurisdictions must justify surcharges by clearly tying these to actual direct costs. Councilmember Palmer disagreed, saying that a jurisdiction does not have to provide a detailed analysis, as a reasonable basis and rationale would suffice.

Deputy Mayor Knutsen noted that recipients of water and wastewater services do not have a choice to obtain these services from a different provider. He believed that once the infrastructure was in, the cost of delivery was the same for each customer.

Councilmember Vermillion reminded Council that the Public Works Director stated there is no cost differential to provide water service to properties outside the city versus inside.

Councilmember Palmer suggested that staff look at density issues and the cost of accounts over time as possible rationales for imposing a surcharge. Councilmember Boyle added that another consideration is whether having water service renders property more valuable.

**Council Action:** A motion was made by Councilmember Swanson, second by Councilmember Hopkins to continue this agenda item to the regular meeting of May 21<sup>st</sup> to allow staff to provide additional analysis on this subject. The motion passed 6-0.

### **RESOLUTIONS**

**Resolution authorizing new Pierce Transit bus stop requests at 5<sup>th</sup> Street SW, south of West Pioneer**

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

#### **RESOLUTION NO. 2232**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PUYALLUP, WASHINGTON** to allow two new Pierce Transit stops along the east and west side of 5<sup>th</sup> Street SW, south of West Pioneer

### **CONSIDERATIONS AND REQUESTS**

**Accepting the conveyance of one land parcel from Donald Pejsa and another from Pierce County for stormwater ponds in the Candlewood Glen area**

**Council Action:** A motion was made by Councilmember Boyle, second by Councilmember Swanson to accept the conveyance of land parcels. The motion passed 6-0.

### **Homeless Task Force -- Recommendations**

City Manager McDonald explained the proposal for forming the task force which will address the subject of adult homelessness in Puyallup. The proposal called for five task force members, bi-monthly meetings for public input and additional work sessions as needed. Troy Christensen, Chief of Operations and Strategy at Making a Difference in Community, volunteered his services as the facilitator of this process, which could conclude as early as July 9<sup>th</sup>. One question before

Council was whether the City Manager or the Ad Hoc Appointments Committee of the Council should select the citizen representative to the task force.

Following Council discussion, it was decided that the majority of task force members could be nominated by the organizations or communities they would represent. The recommendation of the citizen representative would go through Council's Ad Hoc Appointments Committee. It was the consensus of Council that the final report of the task force be delivered sometime in August rather than by July 9<sup>th</sup> to allow adequate time for the group to complete its work.

Councilmember Vermillion asked that the task force develop a definition of "homelessness" from which to operate. He wanted to know how many people were truly homeless in Puyallup, based on that definition, and how many homeless children are in Puyallup's city limits.

Councilmember Palmer said it will be important for the task force to focus its efforts on addressing the problem of chronic adult homelessness in the city, as previously discussed.

Councilmember Swanson suggested adding another citizen representative to the task force to represent impacted neighborhoods. Deputy Mayor Knutsen concurred with this suggestion.

Councilmember Boyle suggested involving someone from the county as well, as homelessness is a regional problem.

Mr. McDonald said staff would provide a slate of possible appointees for Council's approval via the Appointments Committee.

### **COUNCIL REPORTS**

Councilmember Vermillion announced an upcoming electronics recycling event; reported that a emergency management exercise will be held on May 15<sup>th</sup>; thanked the Police Department for its good work in breaking up a major mattress theft ring; commented that Puyallup Library Director Tim Wadham attended the opening of the Bush Library; challenged department directors to participate in the "Walk a Mile in Her Shoes" fundraiser for sexual assault prevention; and noted that a Doolittle Raider would attend the city's Memorial Day event.

Councilmember Hopkins said the Parks, Recreation and Senior Advisory Board unanimously accepted the staff recommendations regarding the operations of various recreation programs. He noted that the wading pool, concerts in the park and the program for persons who have suffered traumatic head injuries will continue in 2013.

Councilmember Palmer complimented the Police Department on its excellent work regarding an armed and dangerous person; noted a complaint regarding graffiti on trains which park on Pioneer in the area of 21<sup>st</sup> and asked if a fence or landscaping could be installed to serve as a screen; and commented on the many attendees who enjoyed the recent Families in Motion event.

Councilmember Swanson thanked those who have stepped forward to participate in the Task Force on Homelessness. He noted his attendance at the evening session of the National Day of

Prayer; pointed out that leaders of Puyallup-area churches join together to benefit community service organizations such as the food bank; and described his appreciation for the city's parks.

Councilmember Boyle said visitors from other cities are frequently impressed with the quality of Puyallup's parks. He thanked the Public Works department for the excellent job done to maintain the baseball fields. He suggested that Animal Control sponsor a booth at next year's Families in Motion day to promote the importance of licensing pets, and wanted to see animal control officers patrolling the parks, in particular at Bradley Lake as many dog owners allow their pets off-leash. He noted the upcoming USPS food drive and thanked those who were present in the audience from the Homeless Coalition and the Freezing Nights program.

Deputy Mayor Knutsen passed on a compliment regarding the person who operates the street sweeper, saying he is a valued employee. He noted his attendance at the most recent Parks Board meeting and commented on the mutual chemistry and respect between the boardmembers and Administrator Sarah Harris.

**ADJOURNMENT:** 8:37 p.m.