

OBSERVER REPORT FORM

Puyallup City Council

Date: March 23, 2021

Name of Observer: Liz Knox

Meeting called to order at 6:30 pm

Present: Mayor Julie Door, Council Members Robin Farris, Dean Johnson, Cyndy Jacobsen, Jim Kastama, and Ned Witting

Absent: Deputy Mayor John Palmer

Others present: City Manager Steve Kirkelie, Hans Hunger, City Engineer, Mary Winter, City Clerk, Ken Davies Public Works Director, Kendall Wals and Katie Baker from the Planning Dept., Joe Beck, City Attorney, Assistant Chief Buy Overby, Sargent David Beerbower, Officer Patrick Thompson, Chief Scott Engle, Joe Bouchard, EMS Chief, Russ Karns, Central Pierce Fire and Rescue, Tyler Litzenberger and Jack McCullough from Vector Corporation, City Engineer Hans Hunger, Joseph Beck, City Attorney, Kendall Wals, Planning Department, Scott Tkach, Senior City Engineer, Tulika Makharia from the Strategic Planning Dept.

1. **APPROVAL OF AGENDA**
2. **CONSIDERATION OF MINUTES**

2.a Minutes of January 26 and February 2, 2021

3. PRESENTATIONS AND PROCLAMATIONS**3.a Recognition by Central Pierce Fire and Rescue of Puyallup Police Department's Sergeant**

- David Beerbower and Officer Patrick Thomson were recognized for their quick and effective response to an emergency situation involving a life-threatening injury.

CITIZEN COMMENTS

- Sary Lin Curtis urged the council to put the Racial Diversity Commission on the agenda today. She indicated that she felt the Council has enabled recent racist behavior by a Puyallup citizen.
- Matthew Carris expressed support for the Racial and Diversity and Equity Commission and the Two-Way Racial Healing project. He claimed that the City lied about not being able to take down a racist statue. He referenced the Japanese internment camp during WWII and the lawsuit against the Puyallup School District related to racism in the early 2000's and urged the Council to authorize a Racial Diversity Commission.
- Tyler Litzenberger from Vector Corporation challenged some of the landscaping requirements in the Freeman Road project. He asked for more reasonable plans.

- Tiffany Young spoke in favor of the Diversity and Equity Commission. She shared that information has been brought to members of the Council regarding initiating such a commission when requested, but the Council has still not contacted Davida Haygood who is heading up this effort. She referenced the recent trauma to the Asian Community and urged the Council to stand up to implement the proclamation they put in place last fall by making the Commission a reality.
- Jack McCullough from Vector Corporation echoed Tyler Litzenberger's comments regarding the landscaping setbacks in the current plan for Freeman Road.
- John Hopkins thanked the Council for the collaboration to help the downtown businesses during COVID. He expressed concerns regarding a parking lot that is being considered for development. He recommended that the City purchase the DSHS building for housing and offered that the DSHS parking garage would be a major asset. He complained about the amount of property tax he pays.
- Amanda Cuthbert expressed concern about a comment by Cyndy Jacobsen who spoke during a news segment regarding the racist statue incident and stated that it was an issue of free speech. Cuthbert shared that she had heard that the Racial Equity Commission had been voted down, but that the vote had not been made public. She wondered when and if that had taken place. She urged the Council to enact the Commission.
- Jen Rittenhouse shared a story about a racist sticker on a house in her neighborhood and the racist statue on the same house. She told a story about a man who had asked her for directions and who then had shared with her that he had been called the 'n' word when he had previously asked someone else the same question in Puyallup. She urged the Council to authorize the Commission and quoted Cyndy Jacobsen from a newspaper article regarding protection of free speech as a reason to not have the Commission. She indicated that Jacobsen's statement is not accurate and that a Commission would not be denying free speech. She advocated for the Council to work with Davida Haygood on creating the Commission.
- Jan Asbjornsen spoke for Joyce and Steve Asbjornsen and in favor of the annexation of the Freeman Road area. She expressed concern about the cost of the road improvements.
- Paul ? reminded the council that people should have the right to live without being discriminated against in Puyallup. He urged the Council to support the Racial Equity Commission. He referred to the fact that other cities have such a Commission, and that Puyallup can use those as models to build from.
- Jerome O'Leary commented in favor of the Freeman Road project as presented this evening.
- Chris Chisholm spoke regarding the news article that quoted Cyndy Jacobsen and expressed concern about her double dipping by being on the City Council and in the State Legislature. He also refuted comments that Jim Kastama had made in a previous meeting regarding the KKK being a Tacoma organization, and urged the Council to enact the Racial Equity Commission. He related a story involving a quilt made partially from KKK robes in Puyallup and indicated that he would be speaking about the history of racism in Puyallup in future Council meetings.
- Charles Amont shared regarding the Freeman Road Project. He felt that his civil rights had been taken away as a white single man. The annexation has taken away his freedom. He is tired of the Council praising the developers. He referenced the Puyallup Tribe and expressed that they should have say-so about what happens on their land. He asked for his rights back.
- Colleen ? expressed her horror about recent events directed against people of color. She referenced a recent example involving the Pierce County Sherriff and urged the Council to initiate an Equity Commission.
- Davida Haygood offered her help regarding organizing a Racial Equity Commission and referenced an upcoming petition signing event.

4. **CONSENT AGENDA** (Approved Unanimously)

1. 4.a Accept the Van Lierop Park Trail Crossing project as complete and authorize commencement of the one-year warranty period.
2. 4.b Accept a grant in the amount of \$10,110 from the Washington Association of Sheriffs and Police Chiefs to purchase traffic safety equipment
[Award letter](#)
3. 4.c Award a contract to RS Underground, Inc. in the amount of \$1,054,459 for construction of the East Main Sewer Replacement, 18th - 23rd project
4. 4.d Accept a grant in the amount of \$652,745.25 from the Department of Ecology for improvements to 9th Avenue SW between Meridian and 5th Street
5. 4.e Authorize the purchase of one replacement K9 police vehicle
6. 4.f Approve accounts payable, payroll, and electronic fund transfers of \$7,244,652.76

5. **PUBLIC HEARINGS**

5.a Public hearing to consider a request from Viking JV, LLC for a latecomers agreement

- Hans Hunger, City Engineer, presented this agreement regarding updating and providing sewer services by spreading the costs for these improvements to future building projects.

Public Comments:

- Margaret Archer from Viking Development shared concern that the City has exempted itself from the costs for these improvements. The City gave a credit to PMF (Safeway) for the improvements, and she objected to this arrangement.
- Tim Barry agreed with Margaret Archer that the City should be liable for a latecomers fee for the improvements that Viking Development will be putting in.
- Councilmember Jacobsen asked if they will be briefed in executive session.
- Mayor Door asked Joseph Beck, City Attorney, if they need to adjourn into executive session.
- Beck shared that he does not believe they need to do this. He referenced the exemption of Cascade Christian from the latecomer fee.
- Mayor Door checked with Cyndy Jacobsen who asked what decision they are being asked to make.
- Door shared that they are being asked to approve the agreement and suggests that perhaps they should go into recess to discuss.
- Robin Farris offered that she didn't feel she had adequate time to examine the proposal because the information came in late. She asked if this Lift Station costs more than usual or why this wasn't negotiated ahead of time. She referred her questions to Steve Kirkelie, City Manager.
- Kirkelie asked Hunger and Beck to clarify for the Council.
- Beck commented that the original issue was raised by Viking and the City originally required PMF to build the Lift Station and then PMF arranged for Viking to put this in for them. The City provided a credit of well of \$200,000 to PMF. The law states that at this point, PMF cannot be charged for the latecomer fee and the City has already paid its share through providing the credit to PMF. Viking hasn't yet received the funds (\$600,000) from PMF and they want the City to pay an additional amount over what has already been paid. Viking, PMF, and Cascade Christian has a side deal to exempt Cascade Christian from their portion of the cost. He

recommended the Council approves the Lift Station with the amendment related to Cascade Christian.

- Farris asked if Viking is asking the City to pay their fair share based on the Van Leirup Park use of the Lift Station. She asked what the share was for the park. Hunger offered that it was about \$190,000. Farris asked why the City gave a credit to PMF. Hunger shared that this is due to the infrastructure that PMF shared for this project. The total latecomers fee will be approximately \$2.66million. Farris expressed that she doesn't feel comfortable making this decision today until she has more time to review it. She will abstain from voting if they continue.
- The Mayor asked if they need to conclude this issue tonight.
- Attorney Beck said that it is not time sensitive for the City but it might be for the Developer.
- Kirkelie shared that it would be possible to go into executive session or move this to April 6.
- Jacobsen asked how they have taken off \$600,000.
- Hunger answered that PMF has been given that credit.
- Beck offered that giving this prevents double dipping by Viking in the future. PMF has an agreement to pay \$600,000 to Viking in the future.
- Farris and Jacobsen asked to adjourn into executive session and Mayor Door agreed.

The Council adjourned to executive session at 8:53 pm and returned at 9:10 pm

- Mayor Door asked Attorney Beck to share an amendment.
- **Cyndy Jacobsen moved approval and Dean Johnson seconded.**

The motion passed with five pro and one (Farris) abstained.

6. ORDINANCES

6.a Second reading of an ordinance amending Puyallup Municipal Code Title 20 to establish a new "Freeman Road Overlay" zone

Kendal Wals presented two options for consideration. Option 1 was the ordinance presented in the first reading. Option 2 included all of Option 1 but with two amendments: one related to striking a sentence regarding the location of frontage improvements and a second involving a clarification regarding existing single-family residential uses which would allow for additions or renovations to those structures as in single-family zoning. Staff is recommending approval of Option 2. She referred to an alternative text submitted by Vector Corp that would reduce the landscape buffer from 30 ft. to 10 ft. Wals indicated that staff does not recommend the incorporation of the request by Vector.

- **Councilmember Jacobsen moved and Johnson seconded approval of Option 2.**
- Jacobsen indicated her approval of Option 2.
- Farris spoke in favor of the homeowners and agreed with the staff recommendation about the landscape buffer. She asked if the City still has the leeway to continue to work with the developer regarding the landscape improvements
- Wals responded that the City will still be involved in these decisions.
- Farris asked about the option for single family residences and for clarification that renovations can be made and asked what if the standards change in the future.
- Wals responded that they would be responsible for standards for zoning RS6 related to setback, height of the structure etc.

- Farris asked what would happen if the zoning standards change significantly in the future and if the current residents would have those new standards waived.
- Wals answered that any permits would be subject to the adopted code at that future time.
- Ned Witting reviewed that there are two groups: those who wanted to sell and those who didn't. He expressed that the Council had previously move ahead according to those who wanted to sell and that now they need to protect those who didn't with the additional landscape buffer. He agreed with protecting the existing landowners and supported this motion.
- Jacobsen explained that the motion she made included the idea that any modification would be according to code at the time of renovation.
- Mayor Door spoke in favor of Option 2.

The motion passed unanimously 6-0.

6.b First reading of an ordinance approving a franchise agreement with Comcast Cable Communications Management, LLC

Attorney Beck presented regarding this franchise for Comcast to use the public right of way. In 1986 the City had entered into an agreement with Comcast's predecessor and the City has been working on negotiating a new contract. The ordinance has been vetted by a City team. The current agreement is for a ten-year period and the cost is the same. He recommends that the Council adopt this first reading.

- Dean Johnson asked if there are other competitors to Comcast.
- Attorney Beck responded that this is not an exclusive contract.
- Johnson asked if there was a public process for others to offer.
- Beck indicated that this was not solicited.
- Johnson recommended an RFP process for competitors to come in, too, in the interest of getting citizens the best value.
- Witting shared that he attended a lot of meetings on this and that he believes it represents the best interests of Puyallup.
- **Witting moved for adoption. Kastama seconded.**
- Jacobsen spoke in favor also. She thanked Councilmember Witting for his work on this ordinance.
- Mayor Door also thanked Witting and called for a vote.

The motion passed unanimously.

7. CONSIDERATIONS AND REQUESTS

7.a City Entrance Signage: Recommendation from Arts & Culture Commission

Scott Tkach presented regarding a City Entrance Sign and the process the Arts & Culture Commission undertook to make its recommendations. They requested several designs by artist C.J. Rench.

- Dean Johnson thanked Tkach and the Arts& Culture Commission and offered his appreciation for the artwork presented. He suggested thinking bigger for the remaining signs planned.

- Jim Kastama applauded the design. He suggested that it could be bigger.
- Ned Witting agreed that he liked the design and expressed that he hoped the design is solid and that the Washington State Fair part could be bigger.
- Cyndy Jacobsen declined to comment on the design and shared that design is not her strength. She offered a concern about possible vandalism.
- Robin Farris thanked Tkach.
- Mayor Door asked that the sign be put displayed again. She asked if there is graffiti proof paint.
- Tkach said he would get back to her on this.
- Johnson reinforced that the size of the Washington State Fair portion could be bigger. He suggested that it should have lighting and requested that Wash DOT could be asked about this.
- Door asked about the size of the Washington State Fair portion and suggested writing a letter to Wash Dot in favor of the lighting. She asked City Manager Kirkelie to draft a letter.
- Kirkelie agreed.
- Door indicated that they would need to have a specific cost to make a motion.
- Tkach indicated that he was looking for approval to move forward.
- Kirkelie shared that they could approve a suggested amount and then they could come back if that amount is exceeded.
- **Johnson moved and Witting seconded that they move forward with the design.**

The motion was approved unanimously.

8. OTHER BUSINESS

8.a City Strategic Plan Progress Report

Tulika Makharia reviewed the report focusing on the Vibrant Economy. She presented regarding several objectives related to economic development.

- Dean Johnson thanked the City staff for their work. He expressed that he hears from citizens that the Council, upper and middle management are demonstrating the culture the Council wants to see but that he wants to see this from all city employees and at times hears that this is not the case.
- Jim Kastama thanked Makharia and indicates that her presentation was one of the best he has seen. He suggested that the way to restore faith in government is one step at a time.
- Julie Door thanked Makharia and the City Manager.

8.b Frontage Improvement Code Change Recommendations

Hans Hunger introduced several recommendations regarding Frontage improvements.

- Cyndy Jacobsen thanked Hunger for his presentation. She suggested indexing the price of some of these items.
- Hunger responded that the dollars for the fee and lieu program that he had described would be indexed to inflation.
- Dean Johnson asked if some of the industry leaders have been receptive.
- Hunger replied that they were and explained that they had reviewed many of the cities' codes with business leaders.

- Johnson expressed his appreciation for the complexity and shared his concern that a church near him had been required to tear out and improve sidewalks when they had only remodeled their kitchen and another area because the dollar amount of the remodel required it.
- Mayor Door asked for any other questions and thanked Hunger for his continuing work in looking for fair solutions.

CITY MANAGER'S REPORT

Steve Kirkelie reviewed the last drive-through vaccine administration where over 3500 vaccines were administered. He explained that the city is at a very preliminary stage for the sale of a parking lot that has raised controversy.

COUNCIL REPORTS

- Ned Witting shared his praise for Mayor Ron Lewis of Steilacoom who recently passed away.
- Robin Farris thanked the officers who had been recognized. She commented that if everything that has been reported is accurate related to Sheriff Troyer that she can no longer support him and that his position is ripe for a recall. She shared that this would be a career ender if he were in the military. If the reports are true, she would ask the Council for a vote of no-confidence in the Sheriff. She shared that she has been working on diversity issues since the death of George Floyd and that she appreciated the efforts that Davida has put forth, but since she lives outside of the city limits, she cannot lead this. She expressed her frustration with Puyallup United Against Fear and didn't feel comfortable with her contacts with them and had left the organization. She would not support working with Davida. She knew that Mayor Door reached out to people in Pierce County regarding the Racial Equity Commission, but that she hasn't been apprised of what was discovered. She resented being called a liar in one citizen's comments.
- Cyndy Jacobsen denied saying they would not consider a Racial Equity Commission. She was against one that had been proposed but doesn't know what the Council will do. She believes the Council will do what is best for Puyallup as they always do. She also honored Ron Lewis and the police officers who had been recognized and thanked Talika.
- Councilmember Kastama hoped that Puyallup can come together instead of pulling apart. He referenced the King 5 story and expressed that it wasn't factual. He expressed a wish to unite people and said that he knows there are things that have happened that are not exemplary of good behavior. This community was founded by hard working farmers but they were not perfect. The voting rights act and civil rights act didn't pass until the early sixties. He was involved with the school district when the lawsuit happened and at that time, he objected to the suggestion that books be thrown into a dumpster. It reminded him of the book burnings during WWII. He and Cathy Turner had a rally at that time in Puyallup. He indicated that the people who sued the school district did not have a problem with Puyallup, but rather with the school district. He continued that he was taught by his parents to be color blind. Now he sees that the news media want to divide people and that will not work well. Those in the middle are just trying to lead good lives, not divide people. He will work with the Council to unify. You don't fight discrimination with discrimination. He looks forward to working with the Council to make Puyallup better.
- Dean Johnson thanked the Police Department and Central Pierce Fire and Rescue. He shared family stories when the police and Central Pierce helped. He thanked Mayor Door for her leadership. He spoke in favor of unity and the role the faith-based community can have in that. He shared that recently he sat down with a faith-based leader in Puyallup who offered some thoughts that normally he might discount but because he trusted the man he listened. He will be meeting with another

faith-based leader in a few days. He asked those who are in that community to reach out and pray for unity and not division. He hoped that we can be one City under God just as we have one Nation under God.

MAYOR'S REPORT

Mayor Door thanked the police. She shared her frustration with conversations she has had with the Puyallup United Against Fear group. She is meeting with many people on the issue of commissions including elected officials in other areas. The Council is taking this seriously and does hear the concern. She wants to do this correctly and after having been well-informed. Racial equity and diversity are part of the strategic plan. She had met with Davida and she appreciated that she brought something forward. Parts of the proposal have Council support, but they do need to listen to many different people. She appreciated the concern expressed by Councilmember Farris. She indicated that there is a lot of work going on regarding racial equity and is assured they will get there.

EXECUTIVE SESSION: Real Estate ADJOURNMENT at 10:25 pm